

CIO-SP3 Small Business Government-Wide Acquisition Contract

General Clauses for a Negotiated Fixed-Price Service Contracts

This contract incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request, the PCO will make their full text available. Also, the full text of a clause may be accessed electronically as follows: FAR Clauses at: <https://www.acquisition.gov/far/>. HHSAR Clauses at: <http://www.hhs.gov/policies/hhsar/subpart352.html>.

a. FEDERAL ACQUISITION REGULATION (FAR) (48 CFR CHAPTER 1) CLAUSES:

FAR CLAUSE NO.	DATE	TITLE
52.202-1	Nov 2013	Definitions (Over the Simplified Acquisition Threshold)
52.203-3	Apr 1984	Gratuities (Over the Simplified Acquisition Threshold)
52.203-5	Apr 1984	Covenant Against Contingent Fees (Over the Simplified Acquisition Threshold)
52.203-6	Sep 2006	Restrictions on Subcontractor Sales to the Government (Over the Simplified Acquisition Threshold)
52.203-7	Oct 2010	Anti-Kickback Procedures (Over the Simplified Acquisition Threshold)
52.203-8	Jan 1997	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Over the Simplified Acquisition Threshold)
52.203-10	Jan 1997	Price or Fee Adjustment for Illegal or Improper Activity (Over the Simplified Acquisition Threshold)
52.203-12	Oct 2010	Limitation on Payments to Influence Certain Federal Transactions (Over \$150,000)
52.203-17	Sep 2013	Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights (Over the Simplified Acquisition Threshold)
52.204-4	May 2011	Printed or Copied Double-Sided on Postconsumer Fiber Content Paper(Over the Simplified Acquisition Threshold)
52.204-10	Jul 2013	Reporting Executive Compensation and First-Tier Subcontract Awards (\$25,000 or more)
52.204-13	Jul 2013	System for Award Management Maintenance
52.209-6	Aug 2013	Protecting the Government's Interests When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (Over \$30,000)
52.215-2	Oct 2010	Audit and Records - Negotiation [Note: Applies to ALL contracts funded in whole or in part with Recovery Act funds, regardless of dollar value, AND contracts over the Simplified Acquisition Threshold funded exclusively with non-Recovery Act funds.]
52.215-8	Oct 1997	Order of Precedence - Uniform Contract Format
52.215-10	Aug 2011	Price Reduction for Defective Certified Cost or Pricing Data (Over \$700,000)

<u>FAR</u> <u>CLAUSE NO.</u>	DATE	TITLE
52.215-12	Oct 2010	Subcontractor Cost or Pricing Data (Over \$700,000)
52.215-15	Oct 2010	Pension Adjustments and Asset Reversions (Over \$700,000)
52.215-18	Jul 2005	Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) other than Pensions
52.215-19	Oct 1997	Notification of Ownership Changes
52.215-21	Oct 2010	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications
52.219-8	Jul 2013	Utilization of Small Business Concerns (Over the Simplified Acquisition Threshold)
52.222-3	Jun 2003	Convict Labor
52.222-21	Feb 1999	Prohibition of Segregated Facilities
52.222-26	Mar 2007	Equal Opportunity
52.222-35	Sep 2010	Equal Opportunity for Veterans (\$100,000 or more)
52.222-36	Oct 2010	Affirmative Action for Workers with Disabilities
52.222-37	Sep 2010	Employment Reports on Veterans (\$100,000 or more)
52.222-40	Dec 2010	Notification of Employee Rights Under the National Labor Relations Act (Over the Simplified Acquisition Threshold)
52.222-50	Feb 2009	Combating Trafficking in Persons
52.222-54	Aug 2013	Employment Eligibility Verification (Over the Simplified Acquisition Threshold)
52.223-6	May 2001	Drug-Free Workplace
52.223-18	Aug 2011	Encouraging Contractor Policies to Ban Text Messaging While Driving
52.225-1	Feb 2009	Buy American Act – Supplies
52.225-13	Jun 2008	Restrictions on Certain Foreign Purchases
52.227-1	Dec 2007	Authorization and Consent
52.227-2	Dec 2007	Notice and Assistance Regarding Patent and Copyright Infringement
52.229-3	Feb 2013	Federal, State and Local Taxes (Over the Simplified Acquisition Threshold)
52.232-1	Apr 1984	Payments
52.232-8	Feb 2002	Discounts for Prompt Payment
52.232-9	Apr 1984	Limitation on Withholding of Payments
52.232-11	Apr 1984	Extras

<u>FAR</u> <u>CLAUSE NO.</u>	DATE	TITLE
52.232-17	Oct 2010	Interest (Over the Simplified Acquisition Threshold)
52.232-23	Jan 1986	Assignment of Claims
52.232-25	Jul 2013	Prompt Payment
52.232-33	Jul 2013	Payment by Electronic Funds Transfer--System for Award Management
52.232-39	Jun 2013	Unenforceability of Unauthorized Obligations
52.233-1	Jul 2002	Disputes
52.233-3	Aug 1996	Protest After Award
52.233-4	Oct 2004	Applicable Law for Breach of Contract Claim
52.242-13	Jul 1995	Bankruptcy (Over the Simplified Acquisition Threshold)
52.243-1	Aug 1987	Changes - Fixed-Price, Alternate I (Apr 1984)
52.244-6	Dec 2013	Subcontracts for Commercial Items
52.246-25	Feb 1997	Limitation of Liability - Services (Over the Simplified Acquisition Threshold)
52.249-4	Apr 1984	Termination for Convenience of the Government (Services) (Short Form)
52.249-8	Apr 1984	Default (Fixed-Price Supply and Service)(Over the Simplified Acquisition Threshold)
52.253-1	Jan 1991	Computer Generated Forms

b. DEPARTMENT OF HEALTH AND HUMAN SERVICES ACQUISITION REGULATION (HHSAR) (48 CFR CHAPTER 3) CLAUSES:

<u>HHSAR</u> <u>CLAUSE NO.</u>	DATE	TITLE
352.202-1	Jan 2006	Definitions
352.203-70	Mar 2012	Anti-Lobbying
352.222-70	Jan 2010	Contractor Cooperation in Equal Employment Opportunity Investigations
352.227-70	Jan 2006	Publications and Publicity
352.231-71	Jan 2001	Pricing of Adjustments
352.242-70	Jan 2006	Key Personnel
352.242-73	Jan 2006	Withholding of Contract Payments

Additional Contract Clauses

- a) FAR Clause 52.203-13, Contractor Code of Business Ethics and Conduct (April 2010).
- b) FAR Clause 52.203-14, Display of Hotline Poster(s) (December 2007).
- c) (The following clause will be used in Task Orders when contract performance will require the contractor to have routine physical access to a federally controlled facility and/or routine access to a federally controlled information system.) FAR Clause 52.204-9, Personal Identity Verification of Contractor Personnel (January 2011).
- d) (The following clause only applies to task orders that are for the acquisition of supplies or services that meet the definition of commercial items at FAR 2.101. They will be incorporated in full text into individual orders, as applicable.) FAR Clause 52.212-4, Contract Terms and Conditions – Commercial Items (December 2014), and Alternative I (May 2014) if applicable.
- e) FAR Clause 52.243-1, Changes-Fixed Price (August 1987)

Behavioral Health Information Technologies and Standards (BHITS) Task Order No. HHSN316201200139W/HHSS270201400001W

Provisions Applicable to Direct Cost

- a) Unless authorized in writing by the Contracting Officer, the costs of the following items or activities shall be unallowable as direct costs:
 - 1 Acquisition, by purchase or lease, of any interest in real property;
 - 2 Special rearrangement or alteration of facilities;
 - 3 Accountable Government property (defined as both real and personal property with an acquisition cost of \$1,000 or more, with a life expectancy of more than two years) and "sensitive items" (defined and listed in the Contractor's Guide for Control of Government Property) regardless of acquisition value;
 - 4 Purchase or lease of any personal computer, related item of hardware, or software, regardless of dollar value;
 - 5 Travel to attend general professional meetings;
 - 6 Foreign Travel - See paragraph b.2 below;
 - 7 Any costs incurred prior to the contract's effective date;
 - 8 Rental of meeting space not otherwise expressly authorized by the contract;
 - 9 Any formal subcontract arrangements above the simplified acquisition threshold (\$150,000), any cost-reimbursement subcontract regardless of cost, or not otherwise expressly provided for in the contract;
 - 10 Consultant fees in excess of \$500/day;
 - 11 Cost of delivery of any vouchers under the contract using other than the USPS Standard mail service;
 - 12 Airfare in excess of \$1,000; and
 - 13 Any costs for meetings, workshops, or conferences which did not have prior Contracting Officer Approval, as detailed below.
 - a. Prior approval to planning, arranging or holding meetings, workshops or conferences under this project – A COA will be issued with the approved amount for the activity. If during the planning of the activity the cost estimate amount increases, then the COR must be notified immediately and provided a revised cost estimate, documentation and justification for the change. This new cost estimate will need to be reviewed and approved prior to the contractor proceeding and incurring costs over the original approved amount. An amended COA will be provided once the increase is approved. The contractor should

track the actual costs of the activity and maintain this information in an event log to report the actual costs incurred. The Government may request this information at any time. Once the event is approved (or amended), under no circumstances shall the costs of a given event exceed the amount approved.

- b. Cost of food and/or light refreshments for meetings, conferences, workshops, etc. is always unallowable.

b) Travel Costs

1 Domestic Travel

- a. Total expenditures for domestic travel (transportation, lodging, subsistence, and incidental expenses) incurred in direct performance of this contract shall not exceed the rates set forth in the Federal Travel Regulations (FTR) (http://www.policyworks.gov/org/main/mt/homepage/mtt/per_diem/travel.shtml), without the prior written approval of the Contracting Officer.
- b. Contractor costs for travel, including lodging, subsistence, and incidental expenses, shall be allowable only to the extent that they do not exceed the amount allowed for under the contractor's travel policies.
- c. The cost of travel by privately-owned automobile shall be reimbursed at the Government mileage rate allowed Federal employees and in effect at the time incurred in lieu of actual costs. However, reimbursement for transportation by this means shall not exceed the otherwise allowable comparative costs of travel by common carrier.
- d. No funds provided under this contract shall be used for reimbursement of travel expenses incurred by Government employees.
- e. All travel arrangements shall be made by the Contractor utilizing Government rates when that rate is the lowest available. Should the Government's rate not be the best price, in such cases as discount and/or super saver airfare, then the lowest price will dictate. Any refunds, rebates, or other benefits provided by airlines, hotels, etc., as a result of travel arrangement made under this contract shall be applied to the contract and shall not revert to the Contractor or the Contractor's affiliates. The Contractor shall cite in any claim for reimbursement of travel costs, the source of the rate used.
- f. This contract is subject to the provisions of Public Law 99-234 which amends the Office of Federal Procurement Policy Act to provide that Contractor costs for travel, including lodging, other subsistence, and incidental expenses, shall be allowable only to the extent that they do not exceed the amount allowed for Federal employees. The Contractor, therefore, shall invoice and be reimbursed for all travel costs in accordance with FAR 31.205-46.
- g. Any cost incurred prior to the effective date of this contract shall be considered unallowable and not reimbursable under this contract, unless elsewhere authorized.

2 Foreign Travel - Requests for foreign travel must be submitted to the SAMHSA Contracts Office at least six (6) weeks in advance, and shall contain the following:

- a. meeting(s) and place(s) to be visited, with costs and dates;
- b. names and titles of persons to travel and their functions in the contract project;
- c. contract purposes to be served by the travel;
- d. how travel of these personnel will benefit and contribute to accomplishing the contract project, or will otherwise justify the expenditure of SAMHSA contract funds;
- e. how such advantages justify the costs for travel; and
- f. what additional functions may be performed by the travelers to accomplish other purposes of the contract and thus further benefit the project.