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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



Clause and Provision Selections for Simplified Acquisitions

Presented by Steve Prado

ERAD KC



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Clause

- Clauses are terms and conditions incorporated into the award.

***Remember - It is important to read the clause or provision and know what it says before inserting it into a Request for Quote or Award to make sure it fits the requirement.

Provision

- Provisions are instructions, conditions, and notices to bidders on the process. They are **NOT** included in the award document.





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Micro-Purchase (GPC not used)

<\$3000 for supplies;

<\$2500 for Services;

<\$2000 for Construction



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REQUIRED

- 52.252-2 Clauses Incorporated by Reference (FT)
- 52.204-7 Central Contractor Registry (BR)
- 52.222-50 Combating Trafficking in Person (BR)
- 52.232-33 Payment by Electronic Funds Transfer – CCR (BR)
- CAR 1352.201-70 Contracting Officer's Authority (BR)
- CAR 1352.209-73 Compliance with the Laws (BR)
- CAR 1352.209-74 Organizational Conflict of interest (BR)



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Insert If Applicable

- 52.247-34 Freight on Board Destination (BR)
- 52.247-20 Freight on Board Origin (BR)



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Supply – Open Market Commercial

$\geq \$3000$ to $\leq \$100,000$



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Mandatory FAR Clauses

- **52.212 -4 Contract Terms and Conditions – Commercial Items (BR)**
- **52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (FT) *fill-in***



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Mandatory CAR Clauses

- **CAR 1352.201-70 Contracting Officer's Authority (BR)**
- **CAR 1352.209-73 Compliance with the Laws (BR)**
- **CAR 1352.209-74 Organizational Conflict of Interest (BR)**



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Mandatory FAR Provisions

- **52.212-1 Instructions to Offerors – Commercial Items (BR)**
- **52.212-3 Offeror Representations and Certifications (FT)**



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Mandatory CAR Provisions

- **CAR 1352.233-70 Agency Protests (FT)**
- **CAR 1352.233-71 GAO and Court of Federal Claims Protests (BR)**



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Insert the following clauses when applicable.

- 52.211-8 Time of delivery (FT) *fill-in*
- 52.232-18 Availability of funds (BR)
- 52.247-34 F.O.B. Destination (BR)
- 52.247-39 F.O.B. Origin (BR)
- CAR 1352.246-70 Place of Acceptance (BR)

Insert the following provisions when applicable.

- 52.211-6 Brand Name or Equal (BR)
- 52.212-2 Evaluation of Offerors – Commercial Items (BR)
- CAR 1352.213-70 Evaluation Utilizing Simplified Acquisition Procedures (Used in competitive best value acquisitions)



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Service – Open Market Commercial

$\geq \$3000$ to $\leq \$100,000$



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Mandatory FAR Clauses

- **52.212 -4 Contract Terms and Conditions – Commercial Items (BR)**
- **52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (FT) *fill-in***



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Mandatory CAR Clauses

- **CAR 1352.201-70 Contracting Officer's Authority (BR)**
- **CAR 1352.209-73 Compliance with the Laws (BR)**
- **CAR 1352.209-74 Organizational Conflict of Interest (BR)**



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Mandatory FAR Provisions

- **52.212-1 Instructions to Offerors – Commercial Items (BR)**
- **52.212-3 Offeror Representations and Certifications (FT)**



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Mandatory CAR Provisions

- **CAR 1352.233-70 Agency Protests (FT)**
- **CAR 1352.233-71 GAO and Court of Federal Claims Protests (BR)**



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Insert the following clauses when applicable.

- 52.204-9 Personal Identity Verification of Contractor Personnel (BR)
- 52.217-8 Option to Extend Services (FT) *fill-in*
- 52.217-9 Option to Extend the Term of the Contract (FT) *fill-in*
- 52.232-18 Availability of Funds (BR)
- 52.237-2 Protection of Government Buildings, Equipment and Vegetation (BR)
- 52.247-34 F.O.B. Destination (BR)
- 52.247-39 F.O.B. Origin (BR)



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Insert the following clauses when applicable.

- CAR 1352.246-70 Place of Acceptance (FT)
- CAR 1352.270-70 Period of Performance (FT)
- CAR 1352.237-70 Security Processing Requirements - High or Moderate Risk Contracts) (BR)
- CAR 1352.237-71 Security Processing Requirements - Low Risk Contracts (BR)
- CAR1352.237-72 Security Processing Requirements – National Security Contracts (BR)
- CAR1352.237-73 Foreign National Visitor and Guest Access to Departmental Resources (BR)
- CAR1352.237-75 Key Personnel (FT)



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**Insert the following provisions
when applicable.**

- 52.212-2 Evaluation – Commercial Items (FT) *fill-in*
- 52.237-1 Site Visit (BR)
- CAR 1352.213-70 Evaluation Utilizing Simplified Acquisition Procedures (FT)
(Used in competitive best value acquisitions)



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Supply – Open Market Non-Commercial

\geq \$3000 to \leq \$100,000



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Mandatory FAR Clauses

- **52.204-7 Central Contractor Registration (BR)**
- **52.213-4 Terms and Conditions – Simplified Acquisitions (Other Than Commercial Items) (BR)**



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Mandatory CAR Clauses

- **CAR 1352.201-70 Contracting Officer's Authority (BR)**
- **CAR 1352.209-73 Compliance with the Laws (BR)**
- **CAR 1352.209-74 Organizational Conflict of Interest (BR)**



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Mandatory FAR & CAR Provisions

- **FAR 204-8 Annual Representations and Certifications (FT)**
- **CAR 1352.233-70 Agency Protests (FT)**
- **CAR 1352.233-71 GAO and Court of Federal Claims Protests (BR)**



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Insert the following clauses when applicable.

- 52.213-2 Invoices(BR)
- 52.211-8 Time of Delivery (FT) *fill-in*
- 52.217-7 Option for Increased Quantity (FT) *fill-in*
- 52.232-18 Availability of Funds (BR)
- 52.243-1 Changes – Fixed Price (BR)
- 52.246-17 Warranty of Supplies of a Non-Complex Nature (BR)



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Insert the following provisions when applicable.

- 52.211-6 Brand Name or Equal (BR)
- 52.214-21 Descriptive Literature (BR)
- 52.217-5 Evaluation of Options (BR)
- 52.252-1 Solicitation Provisions Incorporated by Reference (FT) *fill-in*
- CAR1352.213-70 Evaluation Utilizing Simplified Acquisition Procedures (FT)
- CAR1352.213-71 Instructions for Submitting Quotations under the Simplified Acquisition Threshold Non-Commercial (FT) *Use when CAR provisions are used.*



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FAR 52.212-5 Contract T&C Required to Implement Statutes or Executive Orders – Commercial Items

See Handout #1 and #2

Clause for actions greater than or equal to \$3,000 but less than \$25,000 #1

Clause for actions greater than or equal to \$25,000 but less than or equal to \$100,000 #2



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Service – Open Market Non-Commercial

\geq \$2500 to \leq \$100,000



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Mandatory FAR Clauses

- **52.204-7 Central Contractor Registration (BR)**
- **52.213-4 Terms and Conditions – Simplified Acquisitions (Other Than Commercial Items) (BR)**
- **52.222-41 Service Contract Act of 1965 (BR)**
- **52.222-42 Statement of Equivalent Rates for Federal Hires (FT) *fill-in***
- **52.222-50 Combating Trafficking in Persons (BR)**



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Mandatory CAR Clauses

- **CAR 1352.201-70 Contracting Officer's Authority (BR)**
- **CAR 1352.209-73 Compliance with the Laws (BR)**
- **CAR 1352.209-74 Organizational Conflict of Interest (BR)**



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Mandatory FAR & CAR Provisions

- **FAR 204-8 Annual Representations and Certifications (FT)**
- **CAR 1352.233-70 Agency Protests (FT)**
- **CAR 1352.233-71 GAO and Court of Federal Claims Protests (BR)**



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Insert the following clauses when applicable.

- 52.204-9 Personal Identity Verification of Contractor Personnel (BR)
- 52.213-2 Invoices (BR)
- 52.211-8 Time of Delivery(FT) *fill-in*
- 52.217-8 Option to Extend Services (FT) *fill-in*
- 52.217-9 Option to Extend the Term of the Contract (FT) *fill-in*
- 52.232-18 Availability of Funds (BR)
- 52.237-2 Protection of Government Buildings, Equipment and Vegetation (BR) (non-construction)



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Insert the following CAR clauses when applicable.

- CAR 1352.246-70 Place of Acceptance (FT)
- CAR 1352.270-70 Period of Performance (FT)
- CAR 1352.237-70 Security Processing Requirements - High or Moderate Risk Contracts) (BR)
- CAR 1352.237-71 Security Processing Requirements - Low Risk Contracts (BR)
- CAR1352.237-72 Security Processing Requirements – National Security Contracts (BR)
- CAR1352.237-73 Foreign National Visitor and Guest Access to Departmental Resources (BR)
- CAR1352.237-75 Key Personnel (FT)
- CAR1352.246-70 Place of Acceptance (FT)
- CAR1352.270 Period of Performance (FT)



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Insert the following provisions when applicable.

- 52.217-5 Evaluation of Options (BR) *Include when there are option clauses*
- 52.237-1 Site Visit (BR)
- 52.252-1 Solicitation Provisions Incorporated by Reference (FT) *fill-in*
- CAR1352.213-70 Evaluation Utilizing Simplified Acquisition Procedures (FT)
- CAR1352.213-71 Instructions for Submitting Quotations under the Simplified Acquisition Threshold Non-Commercial (FT) *Use when CAR provisions are used.*



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Construction

\geq \$2500 to \leq \$100,000





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Mandatory FAR Clauses

- **52.204-7 Central Contractor Registration (BR)**
- **52.213-4 Terms and Conditions – Simplified Acquisitions (Other Than Commercial Items) (BR)**
- **52.222-5 Davis Bacon – Secondary Site of Work (BR)**
- **52.222-6 Davis Bacon Act (BR)**
- **52.222-7 Withholding of Funds (BR)**
- **52.222-8 Payrolls and Basic Records (BR)**



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- **52.222-9 Apprentices and Trainees (BR)**
- **52.222-10 Compliance with Copeland Act Requirements (BR)**
- **52.222-11 Subcontracts (Labor Standards) (BR)**
- **52.222-12 Contract Termination—Debarment (BR)**
- **52.222-13 Compliance with Davis-Bacon and Related Act Regulations (BR)**



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- **52.222-14 Disputes Concerning Labor Standards (BR)**
- **52.222-15 Certification of Eligibility (BR)**
- **52.222-50 Combating Trafficking in Persons (BR)**
- **52.232-27 Prompt Payment for Construction Contracts (BR)**
- **52.236-5 Material and Workmanship (BR)**
- **52.236-7 Permits and Responsibilities (BR)**
- **52.243-5 Changes and Changed Conditions (BR)**



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Mandatory Provisions

- **52.204-8 Annual Representations and Certifications (FT)**
- **52.225-10 Notice of Buy American Act Requirement-Construction Materials (BR)**
- **CAR 1352.233-70 Agency Protests (FT)**
- **CAR 1352.233-71 GAO and Court of Federal Claims Protests (BR)**



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Include these clauses as appropriate:

- 52.204-9 Personal Identity Verification of Contractor Personnel (BR)
- 52.211-10 Commencement, Prosecution, and Completion of Work (FT) *fill-in*
- 52.219-6 Notice of Total Small Business Set-Aside (BR)
- 52.222-3 Convict Labor (BR) *Include in solicitations and contracts above the micro-purchase threshold, when the contract will be performed in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, or the U.S. Virgin Islands; unless— (a) (b) The supplies or services are to be purchased from Federal Prison Industries, Inc. (see Subpart 8.6); or (c) The acquisition involves the purchase, from any State prison, of finished supplies that may be secured in the open market or from existing stocks, as distinguished from supplies requiring special fabrication*



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- **U52.222-26 Equal Opportunity (BR)** *Use when the value of the acquisition is expected to exceed \$10,000 or an exemption applies (see 22.807)*
- **52.222-27 Affirmative Action Compliance Requirements for Construction (BR)** *Use when the value of the acquisition is expected to exceed \$10,000*
- **52.223-2 Affirmative Procurement of Bio-Based Products under Service and Construction Contracts (BR)**
- **52.228-5 Insurance – Work on a Government Installation (BR)**
- **52.232-5 Payments under Fixed-Price Construction Contracts (BR)**
- **52.232-18 Availability of Funds (BR)**
- **52.236-2 Differing Site Conditions (BR)**
- **52.236-3 Site Investigation and Conditions Affecting the Work (BR)**



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- **52.236-4 Physical Data (FT) *fill-in***
- **52.236-6 Superintendence by the Contractor (BR)**
- **52.236-8 Other Contracts (BR)**
- **52.236-9 Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements (BR)**
- **52.236-10 Operations and Storage Areas (BR)**
- **52.236-11 Use and Possession Prior to Completion (BR)**



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- **52.236-12 Cleaning Up (BR)**
- **52.236-13 Accident Prevention (BR)**
- **52.236-14 Availability and use of Utility Services (BR)**
- **52.236-17 Layout of Work (BR)**
- **52.236-21 Specifications and Drawings for Construction (BR)**
- **52.236-26 Preconstruction Conference (BR)**



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- **52.242-14 Suspension of Work (BR)**
- **52.246-12 Inspection of Construction (BR)**
- **52.246-21 Warranty of Construction (BR)** *Use when the increase in price to include a warranty is justified in writing*
- **52.249-10 Default (Fixed Price Construction) (BR)**



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- **CAR 1352.209-72 Restrictions against Disclosure**
- **CAR 1352.237-70 Security Processing Requirements - High or Moderate Risk Contracts (BR)** *Use when services are classified as high or moderate risk and are performed on a DOC facility or have access to DOC IT system*
- **CAR 1352.237-71 Security Processing Requirements - Low Risk Contracts (BR)** *Use when services are classified as low risk and are performed on a DOC facility or have access to DOC IT system*
- **CAR1352.237-72 Security Processing Requirements – National Security Contracts (BR)** *Use in service contracts that involve National Security*



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- **CAR1352.237-73 Foreign National Visitor and Guest Access to Departmental Resources (BR)**
Use in service contracts that involve Foreign Nationals
- **CAR1352.237-75 Key Personnel (FT)** *Used when contract performance requires identification of contractor personnel*
- **CAR 1352.246-70 Place of Acceptance (FT)**



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Include these provisions as appropriate:

- **52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (FT) *fill-in*** *Include when the value of the requirement is greater than \$10,000 and 52.222-26 is required*
- **52.236-27 Site Visit (BR)** *Include when clauses 52.236-2 and 52.236-3 are used*
- **52.236-28 Preparation of Proposals – Construction (BR)**
- **52.252-1 Solicitation Provisions Incorporated By Reference (FT) *fill-in*** *Use when any FAR provision is incorporated by reference*



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- **CAR 1352.213-70 Evaluation Utilizing Simplified Acquisition Procedures (FT)** *Use in competitive best value acquisitions only modified to fit the requirement. If not best value, modify eliminating reference to best value and state criteria (normally, price, delivery, and past performance)*
- **CAR 1352.213-71 Instructions for Submitting Quotations under the Simplified Acquisition Threshold Non-Commercial (FT)** *Use when CAR provisions are included*