

## PART II - CONTRACT CLAUSES

### SECTION I

#### CONTRACT CLAUSES

**I.1 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)**

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. **Also, the full text of a clause may be accessed electronically at this/these address(es):**

Regulations URLs: (Click on the appropriate regulation.)

<http://www.acquisition.gov/far>

<http://energy.gov/management/downloads/searchable-electronic-department-energy-acquisition-regulation>

Clause No.	Title	Fill-In Information See FAR 52.104(d)
<b>I.2</b> 52.202-1	DEFINITIONS (NOV 2013)	
<b>I.3</b> 52.203-3	GRATUITIES (APR 1984)	
<b>I.4</b> 52.203-5	COVENANT AGAINST CONTINGENT FEES (MAY 2014)	
<b>I.5</b> 52.203-6	RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (SEP 2006)	
<b>I.6</b> 52.203-7	ANTI-KICKBACK PROCEDURES (MAY 2014)	
<b>I.7</b> 52.203-8	CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY (MAY 2014)	
<b>I.8</b> 52.203-10	PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (MAY 2014)	
<b>I.9</b> 52.203-12	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (OCT 2010)	
<b>I.10</b> 52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (OCT 2015)	
<b>I.11</b> 52.203-14	DISPLAY OF HOTLINE POSTER(S) (OCT 2015)	(b)(3) DOE IG Hotline Poster: <a href="http://energy.gov/sites/prod/files/igprod/documents/Hotline_poster.pdf">http://energy.gov/sites/prod/files/igprod/documents/Hotline_poster.pdf</a>
<b>I.12</b> 52.203-16	PREVENTING PERSONAL CONFLICTS OF INTEREST (DEC 2011)	
<b>I.13</b> 52.203-17	CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES	

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		OF WHISTLEBLOWER RIGHTS (APR 2014)	
<b>I.14</b>	52.204-4	PRINTED OR COPIED DOUBLE-SIDED ON RECYCLED PAPER (MAY 2011)	
<b>I.15</b>	52.204-9	PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (JAN 2011)	
<b>I.16</b>	52.204-10	REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (OCT 2015)	
<b>I.17</b>	52.204-16	COMMERCIAL AND GOVERNMENT ENTITY CODE REPORTING (NOV 2014)	
<b>I.18</b>	52.204-18	COMMERCIAL AND GOVERNMENT ENTITY CODE MAINTENANCE (JUL 2015)	
<b>I.19</b>	52.204-19	INCORPORATION BY REFERENCE OF REPRESENTATIONS AND CERTIFICATIONS (DEC 2014)	
<b>I.20</b>	52.209-6	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (AUG 2013)	
<b>I.21</b>	52.209-9	UPDATES OF PUBLICLY AVAILABLE INFORMATION REGARDING RESPONSIBILITY MATTERS (JUL 2013)	
<b>I.22</b>	52.209-10	PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS (NOV 2015)	
<b>I.23</b>	52.215-2	AUDIT AND RECORDS--NEGOTIATION (OCT 2010)	
<b>I.24</b>	52.215-8	ORDER OF PRECEDENCE - UNIFORM CONTRACT FORMAT (OCT 1997)	
<b>I.25</b>	52.215-11	PRICE REDUCTION FOR DEFECTIVE CERTIFIED COST OR PRICING DATA--MODIFICATIONS (AUG 2011)	
<b>I.26</b>	52.215-13	SUBCONTRACTOR CERTIFIED COST OR PRICING DATA--MODIFICATIONS (OCT 2010)	
<b>I.27</b>	52.215-17	WAIVER OF FACILITIES CAPITAL COST OF MONEY (OCT 1997)	[Note: The government will include FAR 52.215-17 in the final contract if the winning proposal does not include FCCOM.]
<b>I.28</b>	52.215-19	NOTIFICATION OF OWNERSHIP CHANGES (OCT 1997)	
<b>I.29</b>	52.215-21	REQUIREMENTS FOR CERTIFIED COST OR PRICING DATA AND DATA OTHER THAN CERTIFIED COST OR PRICING DATA--MODIFICATIONS (OCT 2010)	
<b>I.30</b>	52.216-7	ALLOWABLE COST AND PAYMENT (JUN 2013)	(a) <i>Invoicing.</i> (3) The designated payment office will make interim payments for contract financing on the <u>30th</u> day after the designated billing office receives a proper payment request.
<b>I.31</b>	52.217-8	OPTION TO EXTEND SERVICES (NOV 1999)	The Contracting Officer may exercise the option by written notice to the

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			Contractor within <u>30 calendar days of the contract expiration date.</u>
<b>I.32</b>	52.219-6	NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE (NOV 2011)	
<b>I.33</b>	52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2014)	
<b>I.34</b>	52.219-14	LIMITATIONS ON SUBCONTRACTING (NOV 2011)	
<b>I.35</b>	52.219-28	POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (JUL 2013)	(g) If the Contractor does not have representations and certifications in SAM, or does not have a representation in SAM for the NAICS code applicable to this contract, the Contractor is required to complete the following rerepresentation and submit it to the contracting office, along with the contract number and the date on which the rerepresentation was completed: The Contractor represents that it [OFFEROR Fill-In] is, [OFFEROR Fill-In] is not a small business concern under NAICS Code 541620 assigned to contract number TBD. [Contractor to sign and date and insert authorized signer's name and title].
<b>I.36</b>	52.222-3	CONVICT LABOR (JUN 2003)	
<b>I.37</b>	52.222-21	PROHIBITION OF SEGREGATED FACILITIES (APR 2015)	
<b>I.38</b>	52.222-26	EQUAL OPPORTUNITY (APR 2015)	
<b>I.39</b>	52.222-37	EMPLOYMENT REPORTS ON VETERANS (FEB 2016)	
<b>I.40</b>	52.222-40	NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (DEC 2010)	
<b>I.41</b>	52.222-50	COMBATING TRAFFICKING IN PERSONS (MAR 2015)	
<b>I.42</b>	52.222-54	EMPLOYMENT ELIGIBILITY VERIFICATION (OCT 2015)	
<b>I.43</b>	52.223-5	POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION (MAY 2011)	
<b>I.44</b>	52.223-6	DRUG-FREE WORKPLACE (MAY 2001)	
<b>I.45</b>	52.223-15	ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007)	
<b>I.46</b>	52.223-18	ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING (AUG 2011)	
<b>I.47</b>	52.225-1	BUY AMERICAN – SUPPLIES (MAY 2014)	
<b>I.48</b>	52.225-13	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008)	
<b>I.49</b>	52.227-14	RIGHTS IN DATA-GENERAL (MAY 2014)	
<b>I.50</b>	52.227-17	RIGHTS IN DATA--SPECIAL WORKS (DEC 2007)	
<b>I.51</b>	52.227-23	RIGHTS TO PROPOSAL DATA (TECHNICAL) (Jun 1987)	Except for data contained on pages [OFFEROR Fill-In], it is agreed that as

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			a condition of award of this contract, and notwithstanding the conditions of any notice appearing thereon, the Government shall have unlimited rights (as defined in the "Rights in Data -- General" clause contained in this contract) in and to the technical data contained in the proposal dated [OFFEROR Fill-In], upon which this contract is based.
<b>I.52</b>	52.228-7	INSURANCE--LIABILITY TO THIRD PERSONS (MAR 1996)	
<b>I.53</b>	52.232-7	PAYMENTS UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS (AUG 2012)	(h) <i>Interim payments.</i> (2) The designated payment office will make interim payments for contract financing on the <u>30th</u> day after the designated billing office receives a proper payment request. In the event that the Government requires an audit or other review of a specific payment request to ensure compliance with the terms and conditions of the contract, the designated payment office is not compelled to make payment by the specified due date.
<b>I.54</b>	52.232-9	LIMITATION ON WITHHOLDING OF PAYMENTS (APR 1984)	
<b>I.55</b>	52.232-17	INTEREST (MAY 2014)	
<b>I.56</b>	52.232-23	ASSIGNMENT OF CLAIMS (MAY 2014)	
<b>I.57</b>	52.232-25	PROMPT PAYMENT (JUL 2013)	
<b>I.58</b>	52.232-33	PAYMENT BY ELECTRONIC FUNDS TRANSFER--SYSTEM FOR AWARD MANAGEMENT (JUL 2013)	
<b>I.59</b>	52.232-39	UNENFORCEABILITY OF UNAUTHORIZED OBLIGATIONS (JUN 2013)	
<b>I.60</b>	52.232-40	PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (DEC 2013)	
<b>I.61</b>	52.233-1	DISPUTES (MAY 2014)	
<b>I.62</b>	52.233-3	PROTEST AFTER AWARD (AUG 1996)	
<b>I.63</b>	52.233-3	PROTEST AFTER AWARD (AUG 1996)	
<b>I.64</b>	52.233-4	APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM (OCT 2004)	
<b>I.65</b>	52.237-2	PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION (APR 1984)	
<b>I.66</b>	52.237-3	CONTINUITY OF SERVICES (JAN 1991)	
<b>I.67</b>	52.242-1	NOTICE OF INTENT TO DISALLOW COSTS (APR 1984)	
<b>I.68</b>	52.242-3	PENALTIES FOR UNALLOWABLE COSTS (MAY 2014)	
<b>I.69</b>	52.242-4	CERTIFICATION OF FINAL INDIRECT COSTS (JAN 1997)	

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<b>I.70</b>	52.242-13	BANKRUPTCY (JUL 1995)	
<b>I.71</b>	52.243-3	CHANGES--TIME-AND-MATERIALS OR LABOR-HOURS (SEP 2000)	
<b>I.72</b>	52.244-2	SUBCONTRACTS (OCT 2010)	(d)Any subcontract to replace any of the subcontracts noted in Paragraph (j) of this clause as well as any subcontract equal to or greater than \$750,000 (j) any and all subcontractors evaluated prior to contract award and all subcontractors evaluated prior to the award of contract modifications
<b>I.73</b>	52.244-6	SUBCONTRACTS FOR COMMERCIAL ITEMS (FEB 2016)	
<b>I.74</b>	52.245-1	GOVERNMENT PROPERTY (APR 2012)	
<b>I.75</b>	52.245-9	USE AND CHARGES (APR 2012)	
<b>I.76</b>	52.246-25	LIMITATION OF LIABILITY--SERVICES (FEB 1997)	
<b>I.77</b>	52.248-1	VALUE ENGINEERING (OCT 2010)	(m) Contracting Officer fill-in at award
<b>I.78</b>	52.249-6	TERMINATION (COST-REIMBURSEMENT) (MAY 2004) – ALTERNATE IV (SEP 1996)	
<b>I.79</b>	52.249-14	EXCUSABLE DELAYS (APR 1984)	
<b>I.80</b>	52.253-1	COMPUTER GENERATED FORMS (JAN 1991)	
<b>I.81</b>	952.202-1	DEFINITIONS (FEB 2011)	
<b>I.82</b>	952.203-70	WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES (DEC 2000)	
<b>I.83</b>	952.204-75	PUBLIC AFFAIRS (DEC 2000)	
<b>I.84</b>	952.204-77	COMPUTER SECURITY (AUG 2006)	
<b>I.85</b>	952.208-70	PRINTING (APR 1984)	
<b>I.86</b>	952.209-72	ORGANIZATIONAL CONFLICTS OF INTEREST (AUG 2009)	(b)(1)(i) zero (0)
<b>I.87</b>	952.215-70	KEY PERSONNEL (DEC 2000)	(a) See Section H Key Personnel
<b>I.88</b>	952.216-7	ALLOWABLE COST AND PAYMENT (FEB 2011)	
<b>I.89</b>	952.226-74	DISPLACED EMPLOYEE HIRING PREFERENCE (JUN 1997)	
<b>I.90</b>	952.242-70	TECHNICAL DIRECTION (DEC 2000)	
<b>I.91</b>	952.251-70	CONTRACTOR EMPLOYEE TRAVEL DISCOUNTS (AUG 2009)	
<b>I.92</b>	970.5204-2	LAWS, REGULATIONS AND DOE DIRECTIVES (DEC 2000)	
<b>I.93</b>	970.5204-3	ACCESS TO AND OWNERSHIP OF RECORDS (OCT 2014)	

**I.94 52.217-9 OPTION TO EXTEND THE TERM OF THE CONTRACT (MAR 2000)**

(a) The Government may extend the term of this contract by written notice to the Contractor anytime prior to the expiration of the contract; provided that the Government gives the Contractor a preliminary written notice of its intent to extend at least 30 days before the contract expires. The preliminary notice does not commit the Government to an extension.

(b) If the Government exercises this option, the extended contract shall be considered to include this option clause.

(c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed 5 years.

**I.95 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (OCT 2015)**

(a) *Definitions.* As used in this clause-- “Active duty wartime or campaign badge veteran,” “Armed Forces service medal veteran,” “disabled veteran,” “protected veteran,” “qualified disabled veteran,” and “recently separated veteran” have the meanings given at FAR 22.1301.

(b) *Equal opportunity clause.* The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-300.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified protected veterans, and requires affirmative action by the Contractor to employ and advance in employment qualified protected veterans.

(c) *Subcontracts.* The Contractor shall insert the terms of this clause in subcontracts of \$150,000 or more unless exempted by rules, regulations, or orders of the Secretary of Labor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate of identify properly the parties and their undertakings.

**I.96 52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUL 2014)**

(a) *Equal opportunity clause.* The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60.741.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by the Contractor to employ and advance in employment qualified individuals with disabilities.

(b) *Subcontracts.* The Contractor shall include the terms of this clause in every subcontract or purchase order in excess of \$15,000 unless exempted by rules, regulations, or orders of the Secretary, so that such provisions will be binding upon each subcontractor or vendor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs of the U.S. Department of Labor, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

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