

PART II – CONTRACT CLAUSES

SECTION I

CONTRACT CLAUSES

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I.1 FAR 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 these addresses:

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

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

I.2 FAR 52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES (APR 1984)

- (a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of “(DEVIATION)” after the date of the clause.
- (b) The use in this solicitation or contract of any Department of Energy Acquisition Regulation (48 CFR Chapter 9) clause with an authorized deviation is indicated by the addition of “(DEVIATION)” after the name of the regulation.

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.3	FAR 52.202-1	Definitions (JUN 2020)	
I.4	FAR 52.203-3	Gratuities (APR 1984)	
I.5	FAR 52.203-5	Covenant Against Contingent Fees (MAY 2014)	
I.6	FAR 52.203-6	Restrictions on Subcontractor Sales to the Government (JUN 2020)	
I.7	FAR 52.203-7	Anti-Kickback Procedures (JUN 2020)	
I.8	FAR 52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (MAY 2014)	
I.9	FAR 52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (MAY 2014)	
I.10	FAR 52.203-12	Limitation on Payments to Influence Certain Federal Transactions (OCT 2010)	
I.11	FAR 52.203-13	Contractor Code of Business Ethics and Conduct (JUN 2020)	
I.12	FAR 52.203-14	Display of Hotline Poster(s) (JUN 2020)	(b)(3) DOE IG Hotline Poster: http://energy.gov/sites/prod/files/igprod/documents/Hotline_poster.pdf
I.13	FAR 52.203-16	Preventing Personal Conflicts of Interest (JUN 2020)	

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.14	FAR 52.203-17	Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights (JUN 2020)	
I.15	FAR 52.204-4	Printed or Copied Double-Sided on Postconsumer Fiber Content Paper (MAY 2011)	
I.16	FAR 52.204-9	Personal Identity Verification of Contractor Personnel (JAN 2011)	
I.17	FAR 52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (JUN 2020)	
I.18	FAR 52.204-13	System for Award Management Maintenance (OCT 2018)	
I.19	FAR 52.204-15	Service Contract Reporting Requirements for Indefinite Delivery Contracts (OCT 2016)	
I.20	FAR 52.204-18	Commercial and Government Entity Code Maintenance (AUG 2020)	
I.21	FAR 52.204-19	Incorporation by Reference of Representations and Certifications (DEC 2014)	
I.22	FAR 52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (JUN 2020)	
I.23	FAR 52.209-9	Updates of Publicly Available Information Regarding Responsibility Matters (JUL 2013)	
I.24	FAR 52.209-10	Prohibition on Contracting With Inverted Domestic Corporations (NOV 2015)	
I.25	FAR 52.210-1	Market Research (JUN 2020)	
I.26	FAR 52.215-2	Audit and Records – Negotiation (JUN 2020)	
I.27	FAR 52.215-8	Order of Precedence - Uniform Contract Format (OCT 1997)	
I.28	FAR 52.215-11	Price Reduction for Defective Certified Cost or Pricing Data -- Modifications (JUN 2020)	
I.29	FAR 52.215-13	Subcontractor Certified Cost or Pricing Data – Modifications (JUN 2020)	
I.30	FAR 52.215-17	Waiver of Facilities Capital Cost of Money (OCT 1997) [NOTE: This clause will not be included in the contract if awardee proposes Facilities Capital Cost of Money in its proposal.]	
I.31	FAR 52.215-19	Notification of Ownership Changes (OCT 1997)	
I.32	FAR 52.215-21	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data - Modifications (OCT 2010) - Alternate III (OCT 1997)	(c) CD-ROM, and as requested by the Contracting Officer.
I.33	FAR 52.215-23	Limitations on Pass-Through Charges (JUN 2020)	

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.34	FAR 52.216-7	Allowable Cost and Payment (JUN 2013), as modified by DEAR 952.216-7 (Applicable only to the portion of T&M task orders that provides for reimbursement of non-labor costs)	(a)(3) 30 th
I.35	FAR 52.217-8	Option to Extend Services (NOV 1999)	any time prior to the expiration of the contract
I.36	FAR 52.219-6	Notice of Total Small Business Set-Aside (MAR 2020)	
I.37	FAR 52.219-8	Utilization of Small Business Concerns (NOV 2016)	
I.38	FAR 52.219-14	Limitations on Subcontracting (MAR 2020)	
I.39	FAR 52.219-28	Post-Award Small Business Program Re-representation (MAY 2020)	(g) Offeror fill-in after award, if applicable: The Contractor represents that it _____ is, _____ is not a small business concern under NAICS Code 562910 assigned to contract number TBD. (Contractor to sign and date and insert authorized signer's name and title).
I.40	FAR 52.222-3	Convict Labor (JUN 2003)	
I.41	FAR 52.222-17	Nondisplacement of Qualified Workers (MAY 2014)	
I.42	FAR 52.222-21	Prohibition of Segregated Facilities (APR 2015)	
I.43	FAR 52.222-26	Equal Opportunity (SEP 2016)	
I.44	FAR 52.222-24	Preaward On-Site Equal Opportunity Compliance Evaluation (FEB 1999)	
I.45	FAR 52.222-35	Equal Opportunity for Veterans (JUN 2020)	
I.46	FAR 52.222-37	Employment Reports on Veterans (JUN 2020)	
I.47	FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)	
I.48	FAR 52.222-41	Service Contract Labor Standards (AUG 2018)	
I.49	FAR 52.222-43	Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (AUG 2018)	
I.50	FAR 52.222-44	Fair Labor Standards Act and Service Contract Labor Standards - Price Adjustment (MAY 2014)	
I.51	FAR 52.222-50	Combating Trafficking in Persons (JAN 2019)	
I.52	FAR 52.222-54	Employment Eligibility Verification (OCT 2015)	
I.53	FAR 52.222-55	Minimum Wages Under Executive Order 13658 (DEC 2015)	

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.54	FAR 52.222-62	Paid Sick Leave Under Executive Order 13706 (JAN 2017)	
I.55	FAR 52.223-2	Affirmative Procurement of Biobased Products Under Service and Construction Contracts (SEP 2013)	
I.56	FAR 52.223-5	Pollution Prevention and Right-to-Know Information (May 2011)	
I.57	FAR 52.223-6	Drug-Free Workplace (MAY 2001)	
I.58	FAR 52.223-10	Waste Reduction Program (May 2011)	
I.59	FAR 52.223-17	Affirmative Procurement of EPA-Designated Items in Service and Construction Contracts (AUG 2018)	
I.60	FAR 52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (JUN 2020)	
I.61	FAR 52.224-1	Privacy Act Notification (APR 1984)	
I.62	FAR 52.224-2	Privacy Act (APR 1984)	
I.63	FAR 52.225-1	Buy American – Supplies (MAY 2014)	
I.64	FAR 52.225-13	Restriction on Certain Foreign Purchases (JUN 2008)	
I.65	FAR 52.227-1	Authorization and Consent (JUN 2020)	
I.66	FAR 52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (JUN 2020)	
I.67	FAR 52.227-3	Patent Indemnity (APR 1984)	
I.68	FAR 52.227-14	Rights In Data-General. (MAY 2014) – As Modified by DEAR 927.409, Alternate II (DEC 2007), Alternate III (DEC 2007), and Alternate V (DEC 2007)	DEAR 927.409, Alt II fill-in: (g)(3) Purposes as set forth in 27.404-2(c)(1), and for Government business purposes (except for manufacture).
I.69	FAR 52.227-17	Rights in Data – Special Works (Dec 2007)	
I.70	FAR 52.227-23	Rights to Proposal Data (Technical) (JUN 1987)	[Offeror Fill-In]
I.71	FAR 52.228-5	Insurance - Work on a Government Installation (JAN 1997) (Applies only to FFP task orders requiring more than a small amount of work on a Government installation)	
I.72	FAR 52.229-3	Federal, State, and Local Taxes (FEB 2013) (Applies to FFP task orders only)	
I.73	FAR 52.229-10	State of New Mexico Gross Receipts and Compensation Tax (APR 2003) (Applies to T&M task orders only)	
I.74	FAR 52.232-1	Payments (APR 1984) (Applies to FFP task orders only)	
I.75	FAR 52.232-7	Payments under Time-and-Materials and Labor-Hour Contracts (AUG 2012) (Applies to T&M task orders only)	

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.76	FAR 52.232-8	Discounts for Prompt Payment (FEB 2002) (Applies to FFP task orders only)	
I.77	FAR 52.232-9	Limitation on Withholding of Payments (APR 1984)	
I.78	FAR 52.232-11	Extras (APR 1984) (Applies to FFP task orders only)	
I.79	FAR 52.232-17	Interest (MAY 2014)	
I.80	FAR 52.232-22	Limitation of Funds (APR 1984)	
I.81	FAR 52.232-23	Assignment of Claims (MAY 2014)	
I.82	FAR 52.232-25	Prompt payment (JAN 2017)	
I.83	FAR 52.232-33	Payment by Electronic Funds Transfer - System for Award Management (JUL 2013)	
I.84	FAR 52.232-39	Unenforceability of Unauthorized Obligations (JUN 2013)	
I.85	FAR 52.232-40	Providing Accelerated Payments to Small Business Subcontractors (DEC 2013)	
I.86	FAR 52.233-1	Disputes (MAY 2014) - Alternate I (DEC 1991)	
I.87	FAR 52.233-3	Protest after Award (AUG 1996)	
I.88	FAR 52.233-4	Applicable Law for Breach of Contract Claim (OCT 2004)	
I.89	FAR 52.237-2	Protection of Government Buildings, Equipment, and Vegetation (APR 1984)	
I.90	FAR 52.237-3	Continuity of Services (JAN 1991)	
I.91	FAR 52.239-1	Privacy or Security Safeguards (AUG 1996)	
I.92	FAR 52.242-1	Notice of Intent to Disallow Costs (APR 1984)	
I.93	FAR 52.242-3	Penalties for Unallowable Costs (MAY 2014)	
I.94	FAR 52.242-4	Certification of Final Indirect Costs (JAN 1997)	
I.95	FAR 52.242-13	Bankruptcy (JUL 1995)	
I.96	FAR 52.243-1	Changes - Fixed-Price (AUG 1987) - Alternate I (APR 1984) (Applies to FFP task orders only)	
I.97	FAR 52.243-3	Changes – Time-and-Materials or Labor-Hours (SEP 2000) (Applies to T&M task orders only)	
I.98	FAR 52.243-7	Notification of Changes (JAN 2017)	

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.99	FAR 52.244-2	Subcontracts (JUN 2020)	(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 \$[Contracting Officer (CO)] fill in after award). (j) CO fill-in: any and all subcontractors evaluated prior to contract award (as listed in Section H, DOE-H-2058) and all subcontractors evaluated prior to the award of contract modifications and task orders issued against the contact.
I.100	FAR 52.244-6	Subcontracts for Commercial Items (JUN 2020)	
I.101	FAR 52.245-1	Government Property (JAN 2017)	
I.102	FAR 52.245-9	Use and Charges (APR 2012)	
I.103	FAR 52.246-25	Limitation of Liability – Services (FEB 1997)	
I.104	FAR 52.248-1	Value Engineering (JUN 2020)	(m) Contracting Officer fill-in at award
I.105	FAR 52.249-2	Termination for Convenience of the Government (Fixed-Price) (APR 2012) (Applies to FFP task orders only)	
I.106	FAR 52.249-6	Termination (Cost Reimbursement) (MAY 2004) – Alternate IV (SEP 1996) (Applies to T&M task orders only)	
I.107	FAR 52.249-8	Default (Fixed-Price Supply and Service) (APR 1984) (Applies to FFP task orders only)	
I.108	FAR 52.249-14	Excusable Delays (APR 1984) (Applies to T&M task orders only)	
I.109	FAR 52.251-1	Government Supply Sources (APR 2012)	
I.110	FAR 52.253-1	Computer Generated Forms (JAN 1991)	
I.111	DEAR 952.202-1	Definitions (FEB 2011)	
I.112	DEAR 952.203-70	Whistleblower Protection for Contractor Employees (DEC 2000)	
I.113	DEAR 952.204-2	Security Requirements (AUG 2016)	

Clause No.	Reference	Title	Fill-In Information; See FAR 52.104(d)
I.114	DEAR 952.204-70	Classification/Declassification (SEP 1997)	
I.115	DEAR 952.204-75	Public Affairs (DEC 2000)	
I.116	DEAR 952.204-76	Conditional Payment of Fee or Profit – Safeguarding Restricted Data and Other Classified Information (JAN 2004)	
I.117	DEAR 952.204-77	Computer Security (AUG 2006)	
I.118	DEAR 952.208-70	Printing (APR 1984)	
I.119	DEAR 952.209-72	Organizational Conflicts of Interest (AUG 2009) – Alternate I (FEB 2011)	(b)(1)(i) the specific period for the fill-in is two (2)
I.120	DEAR 952.215-70	Key Personnel (DEC 2020)	
I.121	DEAR 952.216-7	Allowable Cost and Payment (FEB 2011)	
I.122	DEAR 952.225-71	Compliance with Export Control Laws and Regulations (Export Clause) (NOV 2015)	
I.123	DEAR 952.226-74	Displaced Employee Hiring Preference (JUN 1997)	
I.124	DEAR 952.227-82	Rights to Proposal Data (APR 1994)	
I.125	DEAR 952.242-70	Technical Direction (DEC 2000)	
I.126	DEAR 952.245-5	Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts) (DEC 2012)	
I.127	DEAR 952.251-70	Contractor Employee Travel Discounts (AUG 2009)	

FULL TEXT CLAUSES

I.128 FAR 52.204-21 BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (JUN 2016)

- (a) Definitions. As used in this clause--
- (1) “Covered contractor information system” means an information system that is owned or operated by a contractor that processes, stores, or transmits Federal contract information.
 - (2) “Federal contract information” means information, not intended for public release, that is provided by or generated for the Government under a contract to develop or deliver a product or service to the Government, but not including information provided by the Government to the public (such as on public Web sites) or simple transactional information, such as necessary to process payments.
 - (3) “Information” means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual (Committee on National Security Systems Instruction (CNSSI) 4009).

- (4) “Information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information (44 U.S.C. 3502).
 - (5) “Safeguarding” means measures or controls that are prescribed to protect information systems.
- (b) Safeguarding requirements and procedures.
- (1) The Contractor shall apply the following basic safeguarding requirements and procedures to protect covered contractor information systems. Requirements and procedures for basic safeguarding of covered contractor information systems shall include, at a minimum, the following security controls:
 - (i) Limit information system access to authorized users, processes acting on behalf of authorized users, or devices (including other information systems).
 - (ii) Limit information system access to the types of transactions and functions that authorized users are permitted to execute.
 - (iii) Verify and control/limit connections to and use of external information systems.
 - (iv) Control information posted or processed on publicly accessible information systems.
 - (v) Identify information system users, processes acting on behalf of users, or devices.
 - (vi) Authenticate (or verify) the identities of those users, processes, or devices, as a prerequisite to allowing access to organizational information systems.
 - (vii) Sanitize or destroy information system media containing Federal Contract Information before disposal or release for reuse.
 - (viii) Limit physical access to organizational information systems, equipment, and the respective operating environments to authorized individuals.
 - (ix) Escort visitors and monitor visitor activity; maintain audit logs of physical access; and control and manage physical access devices.
 - (x) Monitor, control, and protect organizational communications (i.e., information transmitted or received by organizational information systems) at the external boundaries and key internal boundaries of the information systems.
 - (xi) Implement subnetworks for publicly accessible system components that are physically or logically separated from internal networks.
 - (xii) Identify, report, and correct information and information system flaws in a timely manner.
 - (xiii) Provide protection from malicious code at appropriate locations within organizational information systems.

- (xiv) Update malicious code protection mechanisms when new releases are available.
- (xv) Perform periodic scans of the information system and real-time scans of files from external sources as files are downloaded, opened, or executed.
- (2) *Other requirements.* This clause does not relieve the Contractor of any other specific safeguarding requirements specified by Federal agencies and departments relating to covered contractor information systems generally or other Federal safeguarding requirements for controlled unclassified information (CUI) as established by Executive Order 13556.
- (c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in subcontracts under this contract (including subcontracts for the acquisition of commercial items, other than commercially available off-the-shelf items), in which the subcontractor may have Federal contract information residing in or transiting through its information system.

I.129 FAR 52.216-18 ORDERING (OCT 1995)

- (a) Any supplies and services to be furnished under this contract shall be ordered by issuance of delivery orders or task orders by the individuals or activities designated in the Schedule. Such orders may be issued [from effective date of contract award through five years thereafter].
- (b) All delivery orders or task orders are subject to the terms and conditions of this contract. In the event of conflict between a delivery order or task order and this contract, the contract shall control.
- (c) If mailed, a delivery order or task order is considered issued when the Government deposits the order in the mail. Orders may be issued orally, by facsimile, or by electronic commerce methods only if authorized in the Schedule.

I.130 FAR 52.216-19 ORDER LIMITATIONS (OCT 1995)

- (a) *Minimum order.* When the Government requires supplies or services covered by this contract in an amount of less than [\$1,000.00], the Government is not obligated to purchase, nor is the Contractor obligated to furnish, those supplies or services under the contract.
- (b) *Maximum order.* The Contractor is not obligated to honor -
 - (1) Any order for a single item in excess of \$100,000,000.00.
 - (2) Any order for a combination of items in excess of \$100,000,000.00; or
 - (3) A series of orders from the same ordering office within [365 days] that together call for quantities exceeding the limitation in subparagraph (b)(1) or (2) of this section.
- (c) If this is a requirements contract (i.e., includes the Requirements clause at subsection 52.216-21 of the Federal Acquisition Regulation (FAR)), the Government is not

- required to order a part of any one requirement from the Contractor if that requirement exceeds the maximum-order limitations in paragraph (b) of this section.
- (d) Notwithstanding paragraphs (b) and (c) of this section, the Contractor shall honor any order exceeding the maximum order limitations in paragraph (b), unless that order (or orders) is returned to the ordering office within [5 days] after issuance, with written notice stating the Contractor's intent not to ship the item (or items) called for and the reasons. Upon receiving this notice, the Government may acquire the supplies or services from another source.

I.131 FAR 52.216-22 INDEFINITE QUANTITY (OCT 1995)

- (a) This is an indefinite-quantity contract for the supplies or services specified, and effective for the period stated, in the Schedule. The quantities of supplies and services specified in the Schedule are estimates only and are not purchased by this contract.
- (b) Delivery or performance shall be made only as authorized by orders issued in accordance with the Ordering clause. The Contractor shall furnish to the Government, when and if ordered, the supplies or services specified in the Schedule up to and including the quantity designated in the Schedule as the "maximum." The Government shall order at least the quantity of supplies or services designated in the Schedule as the "minimum."
- (c) Except for any limitations on quantities in the Order Limitations clause or in the Schedule, there is no limit on the number of orders that may be issued. The Government may issue orders requiring delivery to multiple destinations or performance at multiple locations.
- (d) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor's and Government's rights and obligations with respect to that order to the same extent as if the order were completed during the contract's effective period; provided, that the Contractor shall not be required to make any deliveries under this contract after three (3) years beyond the end of the contract ordering period.

I.132 FAR 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.133 FAR 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.

**I.134 FAR 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES
(MAY 2014)**

- (a) In compliance with the Service Contract Labor Standards statute and the regulations of the Secretary of Labor (29 CFR part 4), this clause identifies the classes of service employees expected to be employed under the contract and states the wages and fringe benefits payable to each if they were employed by the contracting agency subject to the provisions of 5 U.S.C. 5341 or 5332.

This Statement is for Information Only: It is not a Wage Determination

[to be determined and included on an individual task order basis]