

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS
OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30

1. REQUISITION NUMBER
PAGE 1 OF
10

2. CONTRACT NO. **SPE300-23-D-4113**
 3. AWARD/EFFECTIVE DATE **2/20/2023**
 4. ORDER NUMBER
 5. SOLICITATION NUMBER
 6. SOLICITATION ISSUE DATE

7. FOR SOLICITATION INFORMATION CALL: 
 a. NAME
 b. TELEPHONE NUMBER (No collect calls)
 8. OFFER DUE DATE/ LOCAL TIME

9. ISSUED BY **SPE300**
 DLA Troop Support
 Directorate of Subsistence, FTAD
 700 Robbins Avenue
 Phila, PA 19111-5092
 POC: Tina Frederico Phone: 215-737-4545
 10. THIS ACQUISITION IS UNRESTRICTED OR SET ASIDE: _____ % FOR:
 SMALL BUSINESS WOMEN-OWNED SMALL BUSINESS _____
 HUBZONE SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM NAICS: **311999**
 SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS EDWOSB **500**
 8 (A) SIZE STANDARD: **500**

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED
 SEE SCHEDULE
 12. DISCOUNT TERMS
 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)
 13b. RATING
 14. METHOD OF SOLICITATION
 RFQ IFB RFP

15. DELIVER TO **SEE SCHEDULE**
 CODE
 16. ADMINISTERED BY **See Block #9**
 CODE **SPE300**

17a. CONTRACTOR/ OFFEROR CODE  FACILITY CODE
 18a. PAYMENT WILL BE MADE BY **SL4701**
 Defense Finance and Accounting Svc (DFAS)
 BSM
 P.O. 369031
 Columbus, OH 43236-9031
 TELEPHONE NO. 

17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER
 18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	SEE SCHEDULE				
<i>(Use Reverse and/or Attach Additional Sheets as Necessary)</i>					

25. ACCOUNTING AND APPROPRIATION DATA **97X4930 5CBX 001 2620 S33189**
 26. TOTAL AWARD AMOUNT (For Govt. Use Only) **\$20,000,000.00**

27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52 212-1, 52 212-4. FAR 52.212-3 AND 52 212-5 ARE ATTACHED. ADDENDA ARE ARE NOT ATTACHED
 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52 212-4. FAR 52.212-5 IS ATTACHED. ADDENDA ARE ARE NOT ATTACHED

28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED
 29. AWARD OF CONTRACT: REF. **VALIANT** OFFER  YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:

30a. SIGNATURE OF OFFEROR/CONTRACTOR 
 31a. UNITED 
 30b. NAME AND TITLE OF SIGNER (Type or print) 
 30c. DATE SIGNED
 31b. NAME OF CONTRACTING OFFICER (Type or print) **TINA FREDERICO**
 31c. DATE SIGNED

Valiant Integrated Services LLC (Valiant)

1. This bridge contract is awarded to Valiant Integrated Services LLC (Valiant) in accordance with 10 USC 3204(a)(1), whereby the award is made using other than full and open competition.

This bridge contract provides for Full Line Food Distribution support to the customers located in the United Arab Emirates (UAE), Oman, Djibouti (DJB) and Kenya for the period of February 20, 2023 through June 13, 2023. Valiant will be responsible for delivering all orders placed in STORES on or before June 13, 2023 regardless of the customer required delivery date (RDD).

Estimated Dollar Value: \$20,000,000.00
 Guaranteed Minimum: \$2,000,000.00
 Contract Maximum: \$40,000,000.00

The administrative catalogs are changed as follows:

Previous Catalog Number	New Catalog Number

2. The Distribution Price Categories for Standard Catalog Items are as follows:

Category Number	Category Description	UOM	Dist. Price	National Price Dist. Price
1	Steak Cuts, Raw, Tenderloins, Strip Loin, Rib Eye, Short Loin	LB		
2	Primal Roast Cuts (Includes Tenders, Strip Loin, Ribeye, Short Loin)	LB		
3	Beef, Raw, Roasts (Includes Steamship, Knuckles, Chuck), Stew Meat, Breaded Beef Items, Braising Steak, Raw Fajita Meat and Other Related Raw Beef Products)	LB		
4	Beef, Patties, Ground, Bulk, Raw	LB		
5	Beef, Precooked Products (Includes Precooked Ground Beef, Air Dried Beef, Beef Patties and Other Related Precooked Beef Products)	LB		
6	Poultry, Raw, Minimally Processed Bone-In (Includes Cut Quarters, 8 Piece Cut, Halves, Whole and Other Related Raw Poultry Products)	LB		
7	Poultry, Raw, Boneless and Raw, Breaded or Unbreaded	LB		
8	Poultry, Precooked Products	LB		
9	Pork, Raw, Whole Loins, Chops, Steaks	LB		
10	Pork, Raw, Roasts (excluding loins), Ribs, Breaded and Unbreaded fabricated items (i.e., breaded pork steak, pork stew meat and Other Related Raw Pork Products)	LB		
11	Precooked Products (Includes Sausage, Scrapple, Bacon, Pork Roll, Breakfast Ham and Other Related Precooked Pork Products)	LB		
12	Raw Sausage, Scrapple, Bacon, Pork Roll, Breakfast Ham, Bratwurst and Knockwurst	LB		
13	Luncheon Meats, Franks, Corn Dogs, Pizza Toppings (Includes Toppings with Meat and Other Related Products)	CS		
14	Lamb, Veal and Game, Raw, Breaded or Unbreaded	LB		
15	Lamb, Veal and Game, Breaded, Precooked Products	LB		
16	Shellfish, Whole Lobster, Lobster Tails, Crab Legs	LB		
17	Shellfish (Includes Shrimp, Oysters, Clams, Scallops, Crab Cakes, Unbreaded and Other Related Unbreaded Shellfish Products)	LB		
18	Shellfish (Includes Shrimp, Oysters, Clams, Scallops, Crab Cakes, Breaded and Other Related Breaded Shellfish Products)	LB		
19	Fish, Fillets, Whole, Portioned, Unbreaded	LB		

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Category Number	Category Description	UOM	Dist. Price	National Price Dist. Price
20	Fish, Fillets, Formed, Portioned, Solid Muscle, Breaded	LB		
21	Fish, Imitation Crab, Lobster, Precooked, Refrigerated	LB		
22	Fish and Meats, Canned or Pouch, Non-Refrigerated	CS		
23	Entrees, Frozen, Precooked (Includes Cordon Blue, Chicken Kiev, Stuffed Chicken Breasts, Stuffed Pork Chops and Other Related Products)	CS		
24	Miscellaneous Frozen (Includes Appetizers, Breakfast Pizza, Pizza Crust, Burritos, Pancakes, French Toast and Other Related Products)	CS		
25	Desserts and Breads, Frozen (Includes Prepared Doughnuts, Danish, Pastries, Muffins, Bagels, Biscuits, Cookie Dough, Pie Shells, Bread Dough, Turnovers, Cheesecakes, Cobblers, Specialty Cakes, Cakes, Pies and Other Related Products)	CS		
26	Snack Foods (i.e. Cookies, Crackers, Granola Bars, Toaster Pastries, Snack Cakes and other related products)	CS		
27	Dry Pasta, Rice, Dried Beans, Bread Crumbs, Croutons, and Ice Cream Cones, Cereal, Taco Shells and other related products	CS		
28	Baking Mixes (i.e. Brownie Mix, Roll Mix, Bread Mix, Pancake Mix, Cake Mix and other related products) Less than or Equal to 24 lbs.	CS		
29	Baking Mixes (i.e. Brownie Mix, Roll Mix, Bread Mix, Pancake Mix, Cake Mix and other related products) Greater than 24 lbs.	CS		
30	Icings and Pie Fillings and other related products	CS		
31	Sugar or Flour Bulk	CS		
32	Bouillons, Dry Soups, Soup and Gravy Bases, Gravy, Cooking Wine, Sauces	CS		
33	Shortenings, Food Oils, Butter, Margarine	CS		
34	Sandwich/Meal Kits	CS		
35	All No. 10 Size Cans	CS		
36	Fruits, Vegetables, Dehydrated Dairy, Baby Food, Nutritional Supplements, Dietetic Products, Semi-Perishable, Other than No. 10 Size Can	CS		
37	Fruits and Vegetables, Frozen	CS		
38	Table Top Size, Refrigerated or Non-Refrigerated Jams, Jellies, Peanut Butter, Preserves, Honey, Syrups, Toppings, Dressings, Olives, Pickles, Relish, Mayonnaise, Mustard, Ketchup, Sauces, Dessert Related Products, Hot Sauce and Other Condiment Related Products	CS		
39	Bulk Size, Refrigerated or Non-Refrigerated Jams, Jellies, Peanut Butter, Preserves, Honey, Syrups, Toppings, Dressings, Olives, Pickles, Relish, Mayonnaise, Mustard, Ketchup, Sauces, Dessert Related Products, Hot Sauce and Other Condiment Related Products	CS		
40	Individual Portion, Refrigerated or Non-Refrigerated Up to 500 Count Case Jams, Jellies, Peanut Butter, Preserves, Honey, Syrups, Toppings, Dressings, Relish, Mayonnaise, Mustard, Ketchup, Sauces, Dessert Related Products, Hot Sauce, Gelatins, Puddings, and Other Condiment Related Products	CS		
41	Individual Portion, Refrigerated or Non-Refrigerated 501 to 999 Count Case Jams, Jellies, Peanut Butter, Preserves, Honey, Syrups, Toppings, Dressings, Relish, Mayonnaise, Mustard, Ketchup, Sauces, Dessert Related Products, Hot Sauce, Gelatins, Puddings, and Other Condiment Related Products	CS		
42	Individual Portion, Refrigerated or Non-Refrigerated 1000 to 3000 Count Case Jams, Jellies, Peanut Butter, Preserves, Honey, Syrups, Toppings, Dressings, Relish, Mayonnaise, Mustard, Ketchup, Sauces, Dessert Related Products, Hot Sauce, Gelatins, Puddings, and Other Condiment Related Products	CS		

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Category Number	Category Description	UOM	Dist. Price	National Price Dist. Price
43	Individual Portion, Refrigerated or Non-Refrigerated > 3000 Count Case Jams, Jellies, Peanut Butter, Preserves, Honey, Syrups, Toppings, Dressings, Relish, Mayonnaise, Mustard, Ketchup, Sauces, Dessert Related Products, Hot Sauce, Gelatins, Puddings, and Other Condiment Related Products	CS		
44	Salads, Prepared, Chilled Fresh	LB		
45	Soups, Frozen	CS		
46	Spices, Herbs, Flavorings or Food Coloring	CS		
47	Individual - Spices, Herbs, Flavorings or Food Coloring	CO		
48	Confectionary, Candy, Nuts, Sugars other than bulk, Dried Fruit and Baking Chips	CS		
49	Cocoa, Hot Chocolate, Coffee, Tea and Beverage Based Powder	CS		
50	Beverages, Semi-Perishable, Chilled or Frozen, Dispenser Required (Includes Soda, Sports Drinks, Juice, Coffee, Hot Chocolate, Water ((any type)) and Other Drink Related Products)	CS		
51	Beverages, Semi-Perishable, No Dispenser Required (Includes Soda, Sports Drinks, Juice, Coffee, Hot Chocolate, Water ((any type)) and Other Drink Related Products)	CS		
52	Mixes, Soft Serve Ice Cream, Milk Shake, Yogurt	CS		
53	Ice Cream Bulk or Novelties, Ice/Fruit Bars	CS		
54	Eggs, Fresh	CS		
55	Egg Product, Liquid, Shelf Stable, Frozen or Chilled	CS		
56	Cheese	LB		
57	Dairy Products other than Cheese and Ice Cream, Fresh (Includes Yogurt, Sour Cream, Milk and Other Fresh Dairy Related Products)	CS		
58	Bakery Products, Fresh	LB		
59	Fresh Fruits and Vegetables (FF&V)	LB		
60	Food Service Operating Supplies (FSOS) Chemical (Dry or Liquid)	CS		
61	Food Service Operating Supplies (FSOS) Chemical (Dry or Liquid)	EA		
62	Food Service Operating Supplies (FSOS) Kitchen and Dining Supplies	EA		
63	Food Service Operating Supplies (FSOS) Kitchen and Dining Supplies	CS		
64	Food Service Operating Supplies (FSOS) Kitchen and Dining Supplies (Flatware)	CS		
65	Food Service Operating Supplies (FSOS) Plastic and Paper Products	CS		
66	Food Service Operating Supplies (FSOS) Pots and Pans	EA		
67	Food Service Operating Supplies (FSOS) Kitchen Utensils	EA		
68	Toiletries and health/comfort items	CS		
69	Film	CS		
70	Ice (Cubed, Crushed)	LB		

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Distribution Prices for Government Furnished Material (GFM):				
<i>Category Number</i>	<i>Category Description</i>	<i>UOM</i>	<i>Dist. Price</i>	<i>National Price Dist. Price</i>
71	Government Furnished Material (GFM) for Prime Vendor Dist. Meals Ready To Eat (MREs, Halals and Kosher)	EA		
72	Government Furnished Material (GFM) for Prime Vendor Dist. Unitized Group Ration Heat and Serve (UGR-H&S), 3 CS per EA (EA=Module and there is 3 cases per module)	EA		
73	UGR-A Semi Perishable, 2 CS Per EA, (EA=Module and there is 2 cases per module)	EA		
74	Government Furnished Material (GFM) for Prime Vendor Dist. (Includes Product Procured to fill NIS Situations. Approved at the Contracting Officer's discretion)	EA		
75	Government Furnished Material (GFM) for Prime Vendor Dist. UGR-A Perishable A Group Rations	EA		
76	Government Furnished Material (GFM) Unitized Group Ration Express (UGR-E)	EA		
77	GFM - Health and Comfort Packs	CS		
78	GFM - OTHER	CS		

Storage Charges for Government Furnished Material (GFM):				
<i>Category Number</i>	<i>Category Description</i>	<i>UOM</i>	<i>Dist. Price</i>	<i>National Price Dist. Price</i>
79	Government Furnished Material (GFM) for Prime Vendor Dist. Meals Ready To Eat (MREs, Halalas and Kosher)	Pallet Space		
80	Government Furnished Material (GFM) for Prime Vendor Dist. Unitized Group Ration Heat and Serve (UGR-H&S)	Pallet Space		
81	UGR-A Semi Perishable, 2 CS Per EA, (EA=Module and there is 2 cases per module)	Pallet Space		
82	Government Furnished Material (GFM) for Prime Vendor Dist. (Includes Product Procured to fill NIS Situations. Approved at the Contracting Officer's discretion)	Pallet Space		
83	Government Furnished Material (GFM) for Prime Vendor Dist. UGR-A Perishable A Group Rations	Pallet Space		
84	Government Furnished Material (GFM) Unitized Group Ration Express (UGR-E)	Pallet Space		
85	GFM - Health and Comfort Packs	Pallet Space		
86	GFM - OTHER	CS		

Rework Charges for Government Furnished Material (GFM):				
<i>Category Number</i>	<i>Category Description</i>	<i>UOM</i>	<i>Dist. Price</i>	<i>National Price Dist. Price</i>
87	Open Case Inspection	CS		
88	Open Case Rework	CS		
89	Labeling/Relabeling	CS		
90	Dead Stock Disposal Cost (Includes Transportation; Approved at the Contracting Officer's discretion)	LB		
91	Restocking Fee (Approved at the Contracting Officer's discretion)	CS		

Pallet and Ice for Airlifts:				
<i>Category Number</i>	<i>Category Description</i>	<i>UOM</i>	<i>Dist. Price</i>	<i>National Price Dist. Price</i>
92	Dry Pallet Non-Tri-Wall	EA		
93	Dry Pallet Tri-Wall	EA		
94	Chilled Pallet Tri-Wall	EA		
95	Frozen Pallet Tri-Wall	EA		
96	Wet Ice for Airlifts	LB		
97	Dry Ice	LB		

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Pallet and Ice for Airlifts:				
<i>Category Number</i>	<i>Category Description</i>	<i>UOM</i>	<i>Dist. Price</i>	<i>National Price Dist. Price</i>
98*	Airlift Cost Per Product Weight (includes all tri-walling and wet/dry ice charges) *Note: No additional normal distribution fee will be applied to items in this category	LB		

3. The following clause is updated:

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (DEC 2022)
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(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

(1) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(2) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (NOV 2021) (Section 1634 of [Pub. L. 115-91](#)).

(3) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (NOV 2021) (Section 889(a)(1)(A) of [Pub. L. 115-232](#)).

(4) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (NOV 2015).

(5) 52.233-3, Protest After Award (AUG 1996) ([31 U.S.C. 3553](#)).

(6) 52.233-4, Applicable Law for Breach of Contract Claim (OCT 2004) (Public Laws 108-77 and 108-78 ([19 U.S.C. 3805 note](#))).

(b) The Contractor shall comply with the FAR clauses in this [paragraph \(b\)](#) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services: [*Contracting Officer check as appropriate.*]

(1) 52.203-6, Restrictions on Subcontractor Sales to the Government (JUN 2020), with *Alternate I* (NOV 2021) ([41 U.S.C. 4704](#) and [10 U.S.C. 4655](#)).

(2) 52.203-13, Contractor Code of Business Ethics and Conduct (NOV 2021) ([41 U.S.C. 3509](#)).

(3) 52.203-15, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (JUN 2010) (Section 1553 of [Pub. L. 111-5](#)). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

(4) 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (JUN 2020) ([Pub. L. 109-282](#)) ([31 U.S.C. 6101 note](#)).

(5) [Reserved]

(6) 52.204-14, Service Contract Reporting Requirements (OCT 2016) ([Pub. L. 111-117](#), section 743 of Div. C).

(7) 52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (OCT 2016) ([Pub. L. 111-117](#), section 743 of Div. C).

(8) 52.209-6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (NOV 2021) ([31 U.S.C. 6101 note](#)).

(9) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (OCT 2018) ([41 U.S.C. 2313](#)).

(10) [Reserved]

(11) 52.219-3, Notice of HUBZone Set-Aside or Sole-Source Award (OCT 2022) ([15 U.S.C. 657a](#)).

(12) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (OCT 2022) (if the offeror elects to waive the preference, it shall so indicate in its offer) ([15 U.S.C. 657a](#)).

(13) [Reserved]

(14)(i) 52.219-6, Notice of Total Small Business Set-Aside (NOV 2020) ([15 U.S.C. 644](#)).

(ii) Alternate I (MAR 2020) of 52.219-6.

(15)(i) 52.219-7, Notice of Partial Small Business Set-Aside (NOV 2020) ([15 U.S.C. 644](#)).

(ii) Alternate I (MAR 2020) of 52.219-7.

(16) 52.219-8, Utilization of Small Business Concerns (OCT 2022) ([15 U.S.C. 637\(d\)\(2\)](#) and [\(3\)](#)).

(17)(i) 52.219-9, Small Business Subcontracting Plan (OCT 2022) ([15 U.S.C. 637\(d\)\(4\)](#)).

(ii) Alternate I (NOV 2016) of 52.219-9.

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- (iii) Alternate II (NOV 2016) of 52.219-9.
- (iv) Alternate III (JUN 2020) of 52.219-9.
- (v) Alternate IV (SEP 2021) of 52.219-9.
- (18)(i) 52.219-13, Notice of Set-Aside of Orders (MAR 2020) ([15 U.S.C. 644\(r\)](#)).
- (ii) Alternate I (MAR 2020) of 52.219-13.
- (19) 52.219-14, Limitations on Subcontracting (OCT 2022) ([15 U.S.C. 657s](#)).
- (20) 52.219-16, Liquidated Damages - Subcontracting Plan (SEP 2021) ([15 U.S.C. 637\(d\)\(4\)\(F\)\(i\)](#)).
- (21) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (OCT 2022) ([15 U.S.C. 657f](#)).
- (22)(i) 52.219-28, Post-Award Small Business Program Rerepresentation (OCT 2022) ([15 U.S.C. 632\(a\)\(2\)](#)).
- (ii) Alternate I (MAR 2020) of 52.219-28.
- (23) 52.219-29, Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (OCT 2022) ([15 U.S.C. 637\(m\)](#)).
- (24) 52.219-30, Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (OCT 2022) ([15 U.S.C. 637\(m\)](#)).
- (25) 52.219-32, Orders Issued Directly Under Small Business Reserves (MAR 2020) ([15 U.S.C. 644\(r\)](#)).
- (26) 52.219-33, Nonmanufacturer Rule (SEP 2021) ([15 U.S.C. 657s](#)).
- (27) 52.222-3, Convict Labor (JUN 2003) (E.O. 11755).
- (28) 52.222-19, Child Labor - Cooperation with Authorities and Remedies (DEC 2022) (E.O. 13126).
- (29) 52.222-21, Prohibition of Segregated Facilities (APR 2015).
- (30)(i) 52.222-26, Equal Opportunity (SEPT 2016) (E.O. 11246).
- (ii) Alternate I (Feb 1999) of 52.222-26.
- (31)(i) 52.222-35, Equal Opportunity for Veterans (JUN 2020) ([38 U.S.C. 4212](#)).
- (ii) Alternate I (July 2014) of 52.222-35.
- (32)(i) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) ([29 U.S.C. 793](#)).
- (ii) Alternate I (July 2014) of 52.222-36.
- (33) 52.222-37, Employment Reports on Veterans (JUN 2020) ([38 U.S.C. 4212](#)).
- (34) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496).
- (35)(i) 52.222-50, Combating Trafficking in Persons (NOV 2021) (22 U.S.C. chapter 78 and E.O. 13627).
- (ii) *Alternate I* (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).
- (36) 52.222-54, Employment Eligibility Verification (MAY 2022). (E. O. 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial products or commercial services as prescribed in FAR 22.1803.)
- (37)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (MAY 2008) ([42 U.S.C. 6962\(c\)\(3\)\(A\)\(ii\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- (ii) Alternate I (MAY 2008) of 52.223-9 ([42 U.S.C. 6962\(i\)\(2\)\(C\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- (38) 52.223-11, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (JUN 2016) (E.O. 13693).
- (39) 52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (JUN 2016) (E.O. 13693).
- (40)(i) 52.223-13, Acquisition of EPEAT®-Registered Imaging Equipment (JUN 2014) (E.O.s 13423 and 13514).
- (ii) Alternate I (OCT 2015) of 52.223-13.
- (41)(i) 52.223-14, Acquisition of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).
- (ii) Alternate I (Jun 2014) of 52.223-14.
- (42) 52.223-15, Energy Efficiency in Energy-Consuming Products (MAY 2020) ([42 U.S.C. 8259b](#)).
- (43)(i) 52.223-16, Acquisition of EPEAT®-Registered Personal Computer Products (OCT 2015) (E.O.s 13423 and 13514).
- (ii) Alternate I (Jun 2014) of 52.223-16.
- (44) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving (JUN 2020) (E.O. 13513).
- (45) 52.223-20, Aerosols (JUN 2016) (E.O. 13693).
- (46) 52.223-21, Foams (JUN 2016) (E.O. 13693).
- (47)(i) 52.224-3, Privacy Training (JAN 2017) ([5 U.S.C. 552a](#)).
- (ii) Alternate I (JAN 2017) of 52.224-3.
- (48)(i) 52.225-1, Buy American - Supplies (OCT 2022) (41 U.S.C. chapter 83).
- (ii) Alternate I (OCT 2022) of 52.225-1.

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___ (49)(i) 52.225-3, Buy American - Free Trade Agreements - Israeli Trade Act (DEC 2022) ([19 U.S.C. 3301 note](#), [19 U.S.C. 2112 note](#), [19 U.S.C. 3805 note](#), [19 U.S.C. 4001 note](#), 19 U.S.C. chapter 29 (sections 4501-4732), Public Law 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).

___ (ii) Alternate I [Reserved].

___ (iii) Alternate II (DEC 2022) of 52.225-3.

___ (iv) Alternate III (JAN 2021) of 52.225-3.

___ (v) Alternate IV (OCT 2022) of 52.225-3.

___ (50) 52.225-5, Trade Agreements (DEC 2022) ([19 U.S.C. 2501](#), *et seq.*, [19 U.S.C. 3301 note](#)).

(51) 52.225-13, Restrictions on Certain Foreign Purchases (FEB 2021) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

(52) 52.225-26, Contractors Performing Private Security Functions Outside the United States (OCT 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note).

(53) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (NOV 2007) ([42 U.S.C. 5150](#)).

___ (54) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (NOV 2007) ([42 U.S.C. 5150](#)).

(55) 52.229-12, Tax on Certain Foreign Procurements (FEB 2021).

___ (56) 52.232-29, Terms for Financing of Purchases of Commercial Products and Commercial Services (NOV 2021) ([41 U.S.C. 4505](#), [10 U.S.C. 3805](#)).

___ (57) 52.232-30, Installment Payments for Commercial Products and Commercial Services (NOV 2021) ([41 U.S.C. 4505](#), [10 U.S.C. 3805](#)).

(58) 52.232-33, Payment by Electronic Funds Transfer - System for Award Management (OCT 2018) ([31 U.S.C. 3332](#)).

___ (59) 52.232-34, Payment by Electronic Funds Transfer - Other than System for Award Management (JUL 2013) ([31 U.S.C. 3332](#)).

___ (60) 52.232-36, Payment by Third Party (MAY 2014) ([31 U.S.C. 3332](#)).

___ (61) 52.239-1, Privacy or Security Safeguards (AUG 1996) ([5 U.S.C. 552a](#)).

___ (62) 52.242-5, Payments to Small Business Subcontractors (JAN 2017) ([15 U.S.C. 637\(d\)\(13\)](#)).

___ (63)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) ([46 U.S.C. 55305](#) and [10 U.S.C. 2631](#)).

___ (ii) Alternate I (Apr 2003) of 52.247-64.

___ (iii) Alternate II (NOV 2021) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this [paragraph \(c\)](#), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services: [*Contracting Officer check as appropriate.*]

___ (1) 52.222-41, Service Contract Labor Standards (AUG 2018) (41 U.S.C. chapter 67).

___ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (MAY 2014) ([29 U.S.C. 206](#) and 41 U.S.C. chapter 67).

___ (3) 52.222-43, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (AUG 2018) ([29 U.S.C. 206](#) and 41 U.S.C. chapter 67).

___ (4) 52.222-44, Fair Labor Standards Act and Service Contract Labor Standards - Price Adjustment (MAY 2014) ([29 U.S.C. 206](#) and 41 U.S.C. chapter 67).

___ (5) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment - Requirements (MAY 2014) (41 U.S.C. chapter 67).

___ (6) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services - Requirements (MAY 2014) (41 U.S.C. chapter 67).

___ (7) 52.222-55, Minimum Wages for Contractor Workers Under Executive Order 14026 (JAN 2022).

___ (8) 52.222-62, Paid Sick Leave Under Executive Order 13706 (JAN 2022) (E.O. 13706).

___ (9) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (JUN 2020) ([42 U.S.C. 1792](#)).

(d) *Comptroller General Examination of Record.* The Contractor shall comply with the provisions of this [paragraph \(d\)](#) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, as defined in FAR 2.101, on the date of award of this contract, and does not contain the clause at 52.215-2, Audit and Records - Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

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(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this [paragraph \(e\)\(1\)](#), in a subcontract for commercial products or commercial services. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause -

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (NOV 2021) ([41 U.S.C. 3509](#)).

(ii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 ([Pub. L. 113-235](#)) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iii) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (NOV 2021) (Section 1634 of [Pub. L. 115-91](#)).

(iv) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (NOV 2021) (Section 889(a)(1)(A) of [Pub. L. 115-232](#)).

(v) 52.219-8, Utilization of Small Business Concerns (OCT 2022) ([15 U.S.C. 637\(d\)\(2\)](#) and [\(3\)](#)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR 19.702(a) on the date of subcontract award, the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(vi) 52.222-21, Prohibition of Segregated Facilities (APR 2015).

(vii) 52.222-26, Equal Opportunity (SEP 2016) (E.O. 11246).

(viii) 52.222-35, Equal Opportunity for Veterans (JUN 2020) ([38 U.S.C. 4212](#)).

(ix) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) ([29 U.S.C. 793](#)).

(x) 52.222-37, Employment Reports on Veterans (JUN 2020) ([38 U.S.C. 4212](#)).

(xi) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(xii) 52.222-41, Service Contract Labor Standards (AUG 2018)(41 U.S.C. chapter 67).

(xiii) ___ (A) 52.222-50, Combating Trafficking in Persons (NOV 2021) (22 U.S.C. chapter 78 and E.O. 13627).

___ (B) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).

(xiv) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment - Requirements (MAY 2014) (41 U.S.C. chapter 67).

(xv) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services - Requirements (MAY 2014) (41 U.S.C. chapter 67).

(xvi) 52.222-54, Employment Eligibility Verification (MAY 2022) (E. O. 12989).

(xvii) 52.222-55, Minimum Wages for Contractor Workers Under Executive Order 14026 (JAN 2022).

(xviii) 52.222-62 Paid Sick Leave Under Executive Order 13706 (JAN 2022) (E.O. 13706).

(xix)(A) 52.224-3, Privacy Training (JAN 2017) ([5 U.S.C. 552a](#)).

(B) Alternate I (JAN 2017) of 52.224-3.

(xx) 52.225-26, Contractors Performing Private Security Functions Outside the United States (OCT 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note).

(xxi) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (JUN 2020) ([42 U.S.C. 1792](#)). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xxii) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) ([46 U.S.C. 55305](#) and [10 U.S.C. 2631](#)). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the Contractor may include in its subcontracts for commercial products and commercial services a minimal number of additional clauses necessary to satisfy its contractual obligations.

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4. The list of attachments below are applicable to this contract:
- a. Conformed Solicitation SPM300-11-R-0005 including Amendment 0001 through 0022
 - b. Contract Number SPM300-12-D-3595 including Modifications P00201 through P00205
 - c. Contract Number SPE300-17-D-4027 including Modifications P00001 and P00002
 - d. Contract Number SPE300-18-D-4042
 - e. Contract Number SPE300-19-D-4048 including Modifications P00001 through P00003
 - f. Contract Number SPE300-20-D-4057 including Modifications P00001 through P00004
 - g. Contract Number SPE300-20-D-4061 including Modification P00001
 - h. Contract Number SPE300-21-D-4075
 - i. Contract Number SPE300-22-D-4092 including Modifications P00001 through P00005