

<b>SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, &amp; 30</b>				1. REQUISITION NUMBER 1000078145		<b>PAGE 1 OF 9</b>	
2. CONTRACT NO. SPE300-22-D-3341		3. AWARD/EFFECTIVE DATE 2022 JAN 24		4. ORDER NUMBER		5. SOLICITATION NUMBER SPE300-19-R-0063	
7. FOR SOLICITATION INFORMATION CALL:		a. NAME				b. TELEPHONE NUMBER (No collect calls)	
						8. OFFER DUE DATE/ LOCAL TIME 2019 DEC 09	
9. ISSUED BY  DLA TROOP SUPPORT DIRECTORATE OF SUBSISTENCE 700 ROBBINS AVENUE PHILADELPHIA PA 19111-5096 USA Local Admin: John Procopio DJP0010 Tel: 215-737-2995 Email: John.Procopio@dla.mil				CODE SPE300			
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED  <input type="checkbox"/> SEE SCHEDULE				12. DISCOUNT TERMS  Net 10 days		10. THIS ACQUISITION IS	
						<input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: _____ % FOR: <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> EDWOSB NAICS: 311812 <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS <input type="checkbox"/> 8 (A) SIZE STANDARD:	
				13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		13b. RATING	
						14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP	
15. DELIVER TO  SEE SCHEDULE				CODE		16. ADMINISTERED BY  SEE BLOCK 9 Criticality: PAS : None	
17a. CONTRACTOR/ OFFEROR  US FOODS, INC. DBA STOCKYARDS 4650 W BUCKEYE RD PHOENIX AZ 85043-4907 USA  TELEPHONE NO. 2023027119				CODE 4KXD6		FACILITY CODE	
				18a. PAYMENT WILL BE MADE BY  DEF FIN AND ACCOUNTING SVC BSM P O BOX 182317 COLUMBUS OH 43218-2317 USA		CODE SL4701	
<input type="checkbox"/> 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. <input type="checkbox"/> SEE ADDENDUM			
19. ITEM NO.		20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE
		See Schedule					
25. ACCOUNTING AND APPROPRIATION DATA						26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$75,250,000.00	
<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA						<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.	
<input checked="" type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA						<input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.	
<input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 1 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					<input checked="" type="checkbox"/> 29. AWARD OF CONTRACT: REF. <u>US Foods Phoenix</u> OFFER DATED <u>2021-Jun-10</u> . 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 STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)  <i>Patricia Griffith</i>			
30b. NAME AND TITLE OF SIGNER (Type or Print)			30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (Type or Print)  Patricia Griffith PATRICIA.GRIFFITH@DLA.MIL		31c. DATE SIGNED  2022 JAN 25

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: \_\_\_\_\_

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32c. DATE

32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

33. SHIP NUMBER

34. VOUCHER NUMBER

35. AMOUNT VERIFIED  
CORRECT FOR

36. PAYMENT

37. CHECK NUMBER

☐ PARTIAL ☐ FINAL

☐ COMPLETE ☐ PARTIAL ☐ FINAL

38. S/R ACCOUNT NO.

39. S/R VOUCHER NUMBER

40. PAID BY

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT

42a. RECEIVED BY (*Print*)

41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER

41c. DATE

42b. RECEIVED AT (*Location*)

42c. DATE REC'D (*YY/MM/DD*)

42d. TOTAL CONTAINERS

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<p>Prime Vendor Support in the Phoenix, AZ Region</p> <p>The following solicitation and associated amendments are hereby incorporated into subject contract: SPE300-19-R-0063 and Amendment 0001.</p> <p>The estimated dollar value of the contract including the thirty-six (36) month tier, and a second twenty-four (24) month tier period is \$43,000,000.00.</p> <p>The maximum dollar value of the Contract term, inclusive of both tiers and a surge of 175%, is \$75,250,000.00.</p> <p>The Guaranteed minimum dollar value is 10% of the estimated dollar value, or \$4,300,000.00.</p> <p>Effective date of this award: 24 January 2022</p> <p>Tier 1 Period 1 is 24 January 2022 through 25 January 2025 Tier 2 Period 2 is 26 January 2025 through 23 January 2027</p> <p>CONTRACT TYPE: Indefinite Delivery, Indefinite Quantity Contract - Fixed price with Economic Price Adjustment (EPA).</p> <p>Implementation Period: Award date to February 26, 2022</p> <p>Catalog GO LIVE/Effective date: February 27, 2022</p> <p>*US Foods Phoenix. must ensure all catalog items are in accordance with the most up to date Buyer's Guide.*</p> <p>Detailed guidance and specifications are provided for most standard meat, seafood and poultry items required in the recipes and menus. Processed fruits and vegetables and other miscellaneous food service items are also covered. See the Army Buyers Guide referenced below. Please note that the Air Force and Marine Corps follow this guide as well. Navy customers use the Master Load List:</p> <p><a href="https://quartermaster.army.mil/jccoe/Operations_Directorate/CSPD/Buyers_Guide/Army-Buyers-Guide-Version-XIII-Jan-2020.PDF">https://quartermaster.army.mil/jccoe/Operations_Directorate/CSPD/Buyers_Guide/Army-Buyers-Guide-Version-XIII-Jan-2020.PDF</a></p> <p>SECTION A - SOLICITATION/CONTRACT FORM</p> <p>The following amendments issued under Solicitation SPE300-19-R-0063 are hereby incorporated as part of this contract: Amendment 0001.</p> <p>The following documents from the vendor's offer are hereby incorporated into this contract: The Non-Price Proposal and price Proposal which took no exception to the terms and conditions of Solicitation SPE300-19-R-0063. All elements of the Non-Price and Price Proposals which met the government's requirements are hereby incorporated into this contract, including Final Proposal Revisions dated 10 June 2021.</p> <p>SECTION B - SUPPLIES/SERVICE AND PRICE</p> <p>ITEMS: This contract is for total food and beverage support for Phoenix, AZ and surrounding area. The successful Contractor shall provide full-line food service items, such as but not limited to, canned items, fresh milk, dry items, chill items, UHT dairy items, frozen bakery products, frozen meats, frozen seafood and poultry, ice cream, eggs and other dairy products, fresh fruits and vegetables and nonfood Food Service Operating Supplies. Currently, fresh bread/bakery items do not have stated requirement within this contract, but they are in the scope of this procurement and the Contractor may be required to provide them during the course of contract performance.</p> <p>FOB TERMS: FOB Destination for all items, unless otherwise specifically stated.</p> <p>FILL RATE: The required overall contract purchase order fill rate is 98.5% for non-catch-weight and catch-weight items.</p> <p>CONTRACT TERM: The total duration of this contract must not exceed five (5) years. 24 January 2022 through 23 January 2027 Implementation Period: Award date to 26 February 2022 PRICING: Fixed price with Economic Price Adjustment (EPA) ECONOMIC PRICE ADJUSTMENT (EPA) - ACTUAL MATERIAL COSTS FOR SUBSISTENCE DELIVERED PRICE BUSINESS MODEL - DLA TROOP SUPPORT SUBSISTENCE PRIME VENDOR (SPV) CONTIGUOUS UNITED STATES (CONUS), ALASKA, AND HAWAII.</p> <p>SECTION C - DESCRIPTIONS/SPECIFICATIONS</p> <p>Under this contract, all customers are required to electronically submit every order through the Government's Subsistence Total Order and Receipt Electronic System (STORES). Orders shall be submitted by the customer by 2:00 PM for skip-day deliveries. See Statement of Work (SOW) Section V. Ordering and Deliveries &amp; Performance</p> <p>SECTION D - PACKAGING AND MARKING</p> <p>All packaging and packing shall be in accordance with good commercial practice. Labeling shall be in accordance with commercial labeling complying with the Federal Food, Drug, and Cosmetic Act and regulations promulgated there under. Shipping containers shall be in compliance with the National Motor Freight Classification and Uniform Freight Classification Code. The contractor shall be responsible for abiding to any applicable packaging, packing and marking regulations of the various countries in/through which product will be stored/transported. See additional instructions regarding pallet height in the Statement of Work (SOW) Section II. Packaging and Labeling/Marking under paragraph M.</p> <p>SECTION E - INSPECTION AND ACCEPTANCE</p> <p>Inspection and acceptance of products will be performed at destination. The inspection is normally limited to identify, count and condition; however, this may be expanded if deemed necessary by either the military Veterinary Inspector, Dining Facility Manager, Food Service Advisor/Officer, or the Contracting Officer. See addendum 52.212-4 paragraph a. included in the solicitation. Also see SOW Section III Inspection and Acceptance and IV. Quality and Assurance.</p>		
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SECTION F - PLACE OF PERFORMANCE

The following is designated as the planned location for the performance of this contract for all contract line items:  
US Foods - Phoenix Division  
4650 W. Buckeye Road  
Phoenix, AZ 85043  
USA

  

SECTION H - CONTRACT ADMINISTRATION DATA

Administration of the contract will be performed by the Defense Logistics Agency (DLA) Troop Support. See SOW Section VII. Contract Administration Data

  

SECTION I - INVOICING

Invoices must be submitted electronically, See addendum 52.212-4 paragraph g. included in the solicitation. Also see SOW Section V. Ordering and Deliveries & Performance

  

52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (JAN 2022)

(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:

☒ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (JUNE 2020), with Alternate I (OCT 1995) (41 U.S.C. 4704 and 10 U.S.C. 2402).

☒ (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) (i) 52.219-3, Notice of HUBZone Set-Aside or Sole-Source Award (Sep 2021) (15 U.S.C. 657a).

☒ (ii) Alternate I (MAR 2020) of 52.219-3.

☒ (12) (i) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Sep 2021) (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 2018) (15 U.S.C. 637(d)(2) and (3)).

☒ (17) (i) 52.219-9, Small Business Subcontracting Plan (Nov 2021) (15 U.S.C. 637(d)(4)).

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

☒ (iii) Alternate II (NOV 2016) of 52.219-9.

☒ (iv) Alternate III (JUN 2020) of 52.219-9.

☒ (v) Alternate IV (JUN 2020) 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 (Sep 2021) (15 U.S.C. 637s).

☒ (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 (Sep 2021) (15 U.S.C. 657f).

☒ (22)

☒ (i) 52.219-28, Post Award Small Business Program Representation (SEP 2021) (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 (Sep 2021) (15 U.S.C. 637(m)).

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<p>Eligible Under</p> <p>— (24) 52.219-30, Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns the Women-Owned Small Business Program (Sep 2021) (15 U.S.C. 637(m)).</p> <p>— (25) 52.219-32, Orders Issued Directly Under Small Business Reserves (MAR 2020) (15 U.S.C. 644(r)).</p> <p>— (26) 52.219-33, Nonmanufacturer Rule (Sep 2021) (15U.S.C. 637(a)(17)).</p> <p>— (27) 52.222-3, Convict Labor (JUN 2003) (E.O.11755).</p> <p>— (28) 52.222-19, Child Labor-Cooperation with Authorities and Remedies (Jan 2022) (E.O.13126).</p> <p>_X_ (29) 52.222-21, Prohibition of Segregated Facilities (APR 2015).</p> <p>_X_ (30) (i) 52.222-26, Equal Opportunity (SEP 2016) (E.O.11246).</p> <p>— (ii) Alternate I (FEB 1999) of 52.222-26.</p> <p>— (31) (i) 52.222-35, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C. 4212).</p> <p>— (ii) Alternate I (JUL 2014) of 52.222-35.</p> <p>_X_ (32) (i) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) (29 U.S.C. 793).</p> <p>— (ii) Alternate I (JUL 2014) of 52.222-36.</p> <p>— (33) 52.222-37, Employment Reports on Veterans (JUN 2020) (38 U.S.C. 4212).</p> <p>_X_ (34) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496).</p> <p>_X_ (35) (i) 52.222-50, Combating Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627).</p> <p>— (ii) Alternate I (MAR 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).</p> <p>_X_ (36) 52.222-54, Employment Eligibility Verification (Nov 2021) . (Executive Order 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.)</p> <p>— (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.)</p> <p>— (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.)</p> <p>— (38) 52.223-11, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016) (E.O. 13693).</p> <p>— (39) 52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (JUN 2016) (E.O. 13693).</p> <p>— (40) (i) 52.223-13, Acquisition of EPEAT®-Registered Imaging Equipment (JUN 2014) (E.O.s 13423 and 13514).</p> <p>— (ii) Alternate I (OCT 2015) of 52.223-13.</p> <p>— (41) (i) 52.223-14, Acquisition of EPEAT®-Registered Televisions (JUN 2014) (E.O.s 13423 and 13514).</p> <p>— (ii) Alternate I (Jun2014) of 52.223-14.</p> <p>— (42) 52.223-15, Energy Efficiency in Energy-Consuming Products (MAY 2020) (42 U.S.C. 8259b).</p> <p>and 13514). — (43) (i) 52.223-16, Acquisition of EPEAT®-Registered Personal Computer Products (OCT 2015) (E.O.s 13423 and 13514).</p> <p>— (ii) Alternate I (JUN 2014) of 52.223-16.</p> <p>_X_ (44) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving (JUN 2020) (E.O. 13513).</p> <p>— (45) 52.223-20, Aerosols (JUN 2016) (E.O. 13693).</p> <p>— (46) 52.223-21, Foams (Jun2016) (E.O. 13693).</p> <p>(47)</p> <p>(i) 52.224-3 Privacy Training (JAN 2017) (5 U.S.C. 552 a).</p> <p>— (ii) Alternate I (JAN 2017) of 52.224-3.</p> <p>_X_ (48) 52.225-1, Buy American-Supplies (JAN2021) (41 U.S.C. chapter 83).</p> <p>_X_ (49) (i) 52.225-3, Buy American-Free Trade Agreements-Israeli Trade Act (JAN 2021)(41 U.S.C.chapter83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, Pub. L. 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.</p> <p>— (ii) Alternate I (JAN 2021) of 52.225-3.</p> <p>— (iii) Alternate II (JAN 2021) of 52.225-3.</p> <p>— (iv) Alternate III (JAN 2021) of 52.225-3.</p> <p>_X_ (50) 52.225-5, Trade Agreements (OCT 2019) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).</p> <p>— (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).</p> <p>— (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. 2302Note).</p> <p>— (53) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov2007) (42 U.S.C. 5150).</p> <p>5150). — (54) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov2007) (42 U.S.C. 5150).</p> <p>— (55) 52.229-12, Tax on Certain Foreign Procurements (FEB 2021).</p> <p>S.C. 2307(f)). — (56) 52.232-29, Terms for Financing of Purchases of Commercial Items (FEB 2002) (41 U.S.C. 4505, 10 U. S.C. 2307(f)).</p> <p>(f)). — (57) 52.232-30, Installment Payments for Commercial Items (Jan 2017) (41 U.S.C. 4505, 10 U.S.C. 2307 (f)).</p> <p>_X_ (58) 52.232-33, Payment by Electronic Funds Transfer-System for Award Management (OCT2018) (31 U.S.C. 3332).</p> <p>— (59) 52.232-34, Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) (31 U.S.C. 3332).</p> <p>— (60) 52.232-36, Payment by Third Party (MAY 2014) (31 U.S.C. 3332).</p> <p>_X_ (61) 52.239-1, Privacy or Security Safeguards (AUG 1996) (5 U.S.C. 552a).</p> <p>_X_ (62) 52.242-5, Payments to Small Business Subcontractors (JAN 2017) (15 U.S.C. 637(d)(13)).</p> <p>— (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).</p> <p>— (ii) Alternate I (APR 2003) of 52.247-64.</p> <p>— (iii) Alternate II (Nov 2021) of 52.247-64.</p> <p>(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 items:</p>		
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<p>[Contracting Officer check as appropriate.]</p> <p>— (1) 52.222-41, Service Contract Labor Standards (AUG 2018) (41 U.S.C. chapter 67).</p> <p>— (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).</p> <p>— (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).</p> <p>— (4) 52.222-44, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (May 2014) ( 29U.S.C.206 and 41 U.S.C. chapter 67).</p> <p>— (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).</p> <p>— (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).</p> <p>— (7) 52.222-55, Minimum Wages Under Executive Order 13658 (NOV 2020).</p> <p>— (8) 52.222-62, Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).</p> <p><u>X</u> (9) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792).</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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 items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-</p> <p>(i) 52.203-13, Contractor Code of Business Ethics and Conduct (JUN 2020) (41 U.S.C. 3509).</p> <p>(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)).</p> <p>(iii) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (JUL 2018) (Section 1634 of Pub. L. 115-91).</p> <p>(iv) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (AUG 2020) (Section 889(a)(1)(A) of Pub. L. 115-232).</p> <p>(v) 52.219-8, Utilization of Small Business Concerns (OCT 2018) (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.</p> <p>(vi) 52.222-21, Prohibition of Segregated Facilities (APR 2015).</p> <p>(vii) 52.222-26, Equal Opportunity (SEP 2015) (E.O.11246).</p> <p>(viii) 52.222-35, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C. 4212).</p> <p>(ix) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) (29 U.S.C. 793).</p> <p>(x) 52.222-37, Employment Reports on Veterans (JUN 2020) (38 U.S.C. 4212).</p> <p>(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.</p> <p>(xii) 52.222-41, Service Contract Labor Standards (AUG 2018) (41 U.S.C. chapter 67).</p> <p>(xiii) (A) 52.222-50, Combating Trafficking in Persons (OCT 2020) (22 U.S.C. chapter 78 and E.O. 13627).</p> <p>(B) Alternate I (MAR 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).</p> <p>(xiv) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May2014) (41 U.S.C. chapter 67).</p> <p>(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).</p> <p>(xvi) 52.222-54, Employment Eligibility Verification (OCT 2015) (E.O. 12989).</p> <p>(xvii) 52.222-55, Minimum Wages Under Executive Order 13658 (NOV 2020).</p> <p>(xviii) 52.222-62, Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).</p> <p>(xix) (A) 52.224-3, Privacy Training (Jan 2017) (5 U.S.C. 552a).</p> <p>(B) Alternate I (JAN 2017) of 52.224-3.</p> <p>(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. 2302 Note).</p> <p>(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.</p> <p>(xxii) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.</p> <p>(2) While not required, the Contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.</p> <p>52.252-6 Authorized Deviations in Clauses (NOV 2020)</p> <p>(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.</p>		
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<p>(b) The use in this solicitation or contract of any _____ [insert regulation name] (48 CFR _____) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.</p> <p>52.244-6 Subcontracts for Commercial Items (JUL 2021)</p> <p>(a) Definitions. As used in this clause— Commercial item and commercially available off-the-shelf item have the meanings contained in Federal Acquisition Regulation (FAR) 2.101.</p> <p>Subcontract includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.</p> <p>(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or non-developmental items as components of items to be supplied under this contract.</p> <p>(c) (1) The Contractor shall insert the following clauses in subcontracts for commercial items:</p> <p>(i) 52.203-13, Contractor Code of Business Ethics and Conduct (JUN 2020) (41 U.S.C. 3509), if the subcontract exceeds the threshold specified in FAR 3.1004(a) on the date of subcontract award, and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.</p> <p>(ii) 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (JUN 2010) (Section 1553 of Pub. L. 111-5), if the subcontract is funded under the Recovery Act.</p> <p>(iii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017).</p> <p>(iv) 52.204-21, Basic Safeguarding of Covered Contractor Information Systems (JUN 2016), other than subcontracts for commercially available off-the-shelf items, if flow down is required in accordance with paragraph (c) of FAR clause 52.204-21.</p> <p>(v) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (JUL 2018) (Section 1634 of Pub. L. 115-91).</p> <p>(vi) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (AUG 2020) (Section 889(a)(1)(A) of Pub. L. 115-232).</p> <p>(vii) 52.219-8, Utilization of Small Business Concerns (OCT 2018) (15 U.S.C.637(d)(2) and (3)), if the subcontract offers 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.</p> <p>(viii) 52.222-21, Prohibition of Segregated Facilities (APR 2015).</p> <p>(ix) 52.222-26, Equal Opportunity (Sept 2015) (E.O.11246).</p> <p>(x) 52.222-35, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C.4212(a));</p> <p>(xi) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) (29 U.S.C.793).</p> <p>(xii) 52.222-37, Employment Reports on Veterans (JUN 2020) (38 U.S.C.4212).</p> <p>(xiii) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496), if flow down is required in accordance with paragraph (f) of FAR clause 52.222-40.</p> <p>(xiv)</p> <p>(A) 52.222-50, Combating Trafficking in Persons (OCT 2020) (22 U.S.C. chapter 78 and E.O. 13627).</p> <p>(B) Alternate I (MAR 2015) of 52.222-50(22 U.S.C. chapter 78 and E.O. 13627).</p> <p>(xv) 52.222-55, Minimum Wages under Executive Order 13658 (NOV 2020), if flow down is required in accordance with paragraph (k) of FAR clause 52.222-55.</p> <p>(xvi) 52.222-62, Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706), if flow down is required in accordance with paragraph (m) of FAR clause 52.222-62.</p> <p>(xvii) (A) 52.224-3, Privacy Training (JAN 2017) (5 U.S.C. 552a) if flow down is required in accordance with 52.224-3(f).</p> <p>(B) Alternate I (JAN 2017) of 52.224-3, if flow down is required in accordance with 52.224-3(f) and the agency specifies that only its agency-provided training is acceptable).</p> <p>(xviii) 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. 2302 Note).</p> <p>(xix) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (DEC 2013), if flow down is required in accordance with paragraph (c) of FAR clause 52.232-40.</p> <p>(xx) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006) (46 U.S.C. App.1241 and 10 U.S.C.2631), if flow down is required in accordance with paragraph (d) of FAR clause 52.247-64).</p> <p>(2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.</p> <p>(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.</p> <p>H14 - CONTRACTOR PERSONNEL SECURITY REQUIREMENTS (NOV 2020) DLAD</p> <p>NOTE: 1. Contractors requiring intermittent access for a period of less than six months shall obtain approval from the installation security office through the contracting officer.</p> <p>2. When the contractor employee(s) is/are required to obtain a Common Access Card (CAC) and DLA will serve as the Trusted Agent, follow the procedures in DLA SOP J72.001, Contractor Common Access Card (CAC) Issuance and Accountability Process for DLA Contracts (<a href="https://dlamil.dps.mil/sites/Acquisition/Shared%20Documents/CONTRACTOR%20CAC%20SOP%20J72.001.pdf">https://dlamil.dps.mil/sites/Acquisition/Shared%20Documents/CONTRACTOR%20CAC%20SOP%20J72.001.pdf</a>).</p> <p>3. For all contracts where contractor CACs and/or Installation Access Badges will be issued, contracting officers shall ensure that responsibilities for oversight and retrieval of contractor CACs and Installation Access Badges are addressed in the COR designation letter. If a COR is not designated, the contracting officer is responsible for oversight and retrieval of contractor CACs and Installation Access Badges issued under the contract.</p> <p>4. If contract performance is to occur at a non-DLA site and the site has physical site and/or information technology security requirements, in addition to the DLA CAC requirements, the contracting officer shall identify those requirements and include them in the solicitation and subsequent contract.</p> <p>52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)</p> <p>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):</p> <ul style="list-style-type: none"> <li>FAR: <a href="https://www.acquisition.gov/far/index.html">https://www.acquisition.gov/far/index.html</a>;</li> </ul>		
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<p>• DFARS: <a href="https://www.ecfr.gov/cgi-bin/ECFR?SID=efef3c52b917f6248e7b50687672ed94&amp;mc=true&amp;page=browse">https://www.ecfr.gov/cgi-bin/ECFR?SID=efef3c52b917f6248e7b50687672ed94&amp;mc=true&amp;page=browse</a>.</p> <p>• DLAD: <a href="http://www.dla.mil/HQ/Acquisition/Offers/DLAD.aspx">http://www.dla.mil/HQ/Acquisition/Offers/DLAD.aspx</a></p> <p>The following clauses are incorporated by REFERENCE:</p> <p>L04 - Electronic Order Transmission (Sep 2016) DLAD</p> <p>52.203-14 Display of Hotline Poster(s) (Oct 2015) FAR</p> <p>52.203-18 Prohibition On Contracting With Entities That Require Certain Internal Confidentiality Agreements Or Statements-Representation (Jan 2017) FAR</p> <p>252.203-7000 Requirements Relating To Compensation Of Former DoD Officials (SEP 2011) DFARS</p> <p>52.204-4 Printed or Copied Double-Sided on Postconsumer Fiber Content Paper (May 2011) FAR</p> <p>52.204-7 System for Award Management (Oct 2018) FAR</p> <p>52.204-9 Personal Identity Verification of Contractor Personnel (Jan 2011) FAR</p> <p>52.204-13 System for Award Management Maintenance (Oct 2018) FAR</p> <p>52.204-18 Commercial and Government Entity Code Maintenance (Aug 2020) FAR</p> <p>52.204-19 Incorporation by Reference of Representations and Certifications (Dec 2014) FAR</p> <p>52.204-20 Predecessor of offeror (Aug 2020) FAR</p> <p>52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Oct 2020) FAR</p> <p>252.204-7009 Limitations on the Use and Disclosure of Third-Party Contractor Reported Cyber Incident Information (OCT 2016) DFARS</p> <p>252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (DEC 2019) DFARS</p> <p>252.204-7018 Prohibition of the Acquisition of Covered Defense Telecommunications Equipment or Services (Jan 2021) DFARS</p> <p>252.204-7020 NIST SP 800-171 DOD Assessment Requirements (Nov 2020) DFARS</p> <p>252.205-7000 Provision Of Information To Cooperative Agreement Holders (DEC 1991) DFARS</p> <p>52.208-9 Contractor Use of Mandatory Sources of Supply or Services (May 2014) FAR</p> <p>252.209-7004 Subcontracting with Firms that are Owned or Controlled by the Government of a Country That is a State Sponsor of Terrorism (May 2019) DFARS</p> <p>252.225-7001 Buy American and Balance of Payments Program - Basic (Dec 2017) DFARS</p> <p>252.225-7002 Qualifying Country Sources as Subcontractors (DEC 2017) DFARS</p> <p>252.225-7012 Preference For Certain Domestic Commodities (DEC 2019) DFARS</p> <p>252.225-7020 Trade Agreements Certificate - Basic (Nov 2014) DFARS</p> <p>52.227-1 Authorization and Consent (JUN 2020) FAR</p> <p>52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (JUN 2020) FAR</p> <p>52.232-17 Interest (May 2014) FAR</p> <p>52.232-11 Extras (APR 1984) FAR</p> <p>52.232-39 Unenforceability Of Unauthorized Obligations (JUN 2013) FAR</p> <p>252.232-7011 Payments in Support of Emergencies and Contingency Operations (May 2013) DFARS</p> <p>52.242-13 Bankruptcy (Jul 1995) FAR</p> <p>52.242-15 Stop-Work Order (Aug 1989) FAR</p> <p>52.242-17 Government Delay of Work (Apr 1984) FAR</p> <p>52.246-2 Inspection of Supplies - Fixed-Price (Aug 1996) FAR</p> <p>252.243-7001 Pricing of Contract Modifications (Dec 1991) DFARS</p> <p>252.243-7002 Requests for Equitable Adjustment (DEC 2012) DFARS</p> <p>52.247-34 F.O.B. Destination (Jan 1991) FAR</p> <p>52.249-8 Default (Fixed-Price Supply &amp; Service) (Apr 1984) FAR</p> <p>52.253-1 - Computer Generated Forms (Jan 1991) FAR</p>		
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**Attachments**

**List of Attachments**

Description	File Name
ATTACH_Phoenix_SF1449_KO_PV_Signed	Phoenix SF-1449 (KO & PV signed).pdf
ATTACH_Award_SOW	US Foods Phoenix AWARD SOW SPE30022D3341_Redacted.pdf