

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30				1. REQUISITION NO. 33-11-194	PAGE 1 OF 11
2. CONTRACT NO.		3. AWARD/EFFECTIVE DATE 07-30-2010		4. ORDER NO. NRC-09-13-10-194	
7. FOR SOLICITATION INFORMATION CALL:		8. NAME		9. TELEPHONE NO. (No Colored Call)	
9. ISSUED BY U.S. Nuclear Regulatory Commission Div. of Contracts Attn: Dominique C. Malone Mail Stop: TWS-01-B10M Washington, DC 20555		10. THIS ACQUISITION IS <input type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> HUBBONE SMALL BUSINESS <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS		11. OFFER DUE DATE, LOCAL TIME	
12. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE		13. DISCOUNT TERMS		14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> PB <input type="checkbox"/> RFP	
15. DELIVER TO U.S. Nuclear Regulatory Commission NRC Warehouse - Attn: Paul Banas 5000 Bolling Brook Parkway Rockville MD 20855-0701		16. ADMINISTERED BY U.S. Nuclear Regulatory Commission Div. of Contracts Mail Stop: TWS-01-B10M Washington, DC 20555		17. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER	
17a. CONTRACTOR/OFFEROR CODE 89261 FACILITY CODE 89261		17b. PAYMENT WILL BE MADE BY Department of Interior / NEC NRCPayments@nrc.gov Attn: Fiscal Services Branch - D2770 1301 W. Mansfield Avenue Denver CO 80202-2230		18. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 17b 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
	This is a firm fixed price purchase order for monitoring tools (hardware and software) for NRC Data Centers. The pricing schedule attached contains part numbers and quantities of all items.				\$163,065.41
(Use Reverse and/or Attach Additional Sheets as Necessary)					
25. ACCOUNTING AND APPROPRIATION DATA BIC Number: 010-15-REI-138, Job Code: D1407, SOC: 3130 Appropriation Number: 31X0200.010, Obligate: \$163,065.41 BUNIS: 107939397 FNS: 10070796				26. TOTAL AWARD AMOUNT (For Govt Use Only) \$163,065.41	
27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA				28. AWARD OF CONTRACT: REF. OFFER DATED: YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN IS ACCEPTED AS TO ITS TERMS.	
27b. CONTRACT PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4, FAR 52.212-5 ARE ATTACHED. ADDENDA				29. 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.	
30a. SIGNATURE OF OFFEROR/CONTRACTOR		30b. DATE SIGNED		31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)	
30c. NAME AND TITLE OF SIGNER (TYPE OR PRINT)		30d. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT)	
30e. AUTHORIZED FOR LOCAL REPRODUCTION PREVIOUS EDITION IS NOT USABLE		30f. DATE SIGNED		31c. DATE SIGNED	

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

OCT 04 2010

ADM002

## A.1 Pricing Schedule

The total firm fixed price of all products in the schedule is \$163,065.41. The list of quantities and products are as follows:

CLIN	Quantity	Part No.	Description	Item Price	Extended Total
Parts					
0001		AP9470	InfraStruXure Central Standard		
0002		AP95100	InfraStruXure Central, 100 Node License Only		
0003		AP9710	InfraStruXure Change 10 rack license		
0004		AP9110	InfraStruXure Capacity 10 Rack License		
0005		AP90010	InfraStruXure Operations 10 Rack License		
0006		AP9135	InfraStruXure Energy Cost License		
0007		-	-	-	-
0008		WMS1YRHW-ST D	1 Year Extended Hardware Warranty for InfraStruXure Central Standard		
0009		AR8429	Horizontal Cable Organizer 1U w/brush strip		
0010		NBPD0160	NetBotz Camera Pod 160		
0011		47136WH	APC CAT 5 INLINE COUPLER, RJ45 FEMALE TO FEMALE, STRAIGHT THROUGH, WHITE		
0012		WMS3YRSTD	3 Year InfraStruXure Central Standard Software Support Contract		
0013		WCAM3YR10	InfraStruXure Capacity, 3 Year Software Maintenance Contract, 10 Racks		
0014		WCONFIG2NB-N B-10	Netbotz Configuration Service in ISX Designer 2		
0015		WOPS3YR10	InfraStruXure Operations, 3 Year Software Maintenance Contract, 10 Racks		
0016		3827GY-5	APC CATEGORY 5 UTP 568B PATCH CABLE, GREY, RJ45M/RJ45M		
0017		AP9520T	APC Temperature Sensor with Display		
0018		AR3100	NetShelter SX 42U 600mm Wide x 1070mm Deep Enclosure		
0019		AP9224110	APC 24 Port 10/100 Ethernet Switch		
0020		WCHM3YR10	InfraStruXure Change, 3 Year Software Maintenance Contract, 10 Racks		
0021		AP9335T	APC Temperature Sensor		
0022		NBWN0004	Extension - 1 Year Software Support Contract & 1 Year Hardware Warranty (NBRK0450/NBRK0550)		
0023		AP7941	Rack PDU, Switched, Zero U, 30A, 200/208V, (21)C13 & (3)C19		
0024		WASSEM5X8-3R- PX-10	5X8 Scheduled Assembly Service for 1-3 Racks		
0025		NBWN0002	Base - 2 Year Software Support Contract (NBRK0450/NBRK0550)		
0026		3827GY-10	NetBotz Rack Monitor 550 (with 120/240V Power Supply)		

0027		NBRK0551	NetBotz Rack Monitor 550 (with 120/240V Power Supply)		
0028		NBSV1005	NetBotz Surveillance Add On Pack - 5 Nodes		
0029		NBPD0150	NetBotz Rack Sensor Pod 150		
0030		WMS3YR100N	3 Year 100 Node InfraStruXure Central Software Support Contract		
0031		WASSEMNB-NB-10	NetBotz Assembly Services		
Service					
0032		WNPR071001	ISX Installation Management Service		
0033		WNPR071011	- Installation Management Base Service		
0034		WNPR071012	-- Base Installation Management Item		
0035		WNPR071020	- Installation Management Unit		
0036			sub total:		
0037					
0038		WNSC01	InfraStruXure Management Software Configuration Suite	0.00	0.00
0039		WNSC0101	- InfraStruXure Central Software Configuration	0.00	0.00
0040		WNSC010102	-- InfraStruXure Central Basic Administration		
0041		WNSC010103	-- InfraStruXure Central Advanced Administration		
0042		WNSC010104	-- InfraStruXure Central Alarm Threshold Configuration		
0043		WNSC010105	-- InfraStruXure Central Alarm Action Configuration		
0044		WNSC010106	-- InfraStruXure Central Alarm Profile Configuration		
0045		WNSC010108	-- InfraStruXure Central Network Management Configuration		
0046		WNSC010110	-- InfraStruXure Central Surveillance Configuration		
0047		WNSC0102	- InfraStruXure Operations Software Configuration	0.00	0.00
0048		WNSC010201	-- InfraStruXure Operations Floor Catalog Creation		
0049		WNSC010202	-- InfraStruXure Operations RackMount Catalog Creation		
0050		WNSC010203	-- InfraStruXure Operations Floor Layout Creation		
0051		WNSC010204	-- InfraStruXure Operations Floor Equipment Identification		
0052		WNSC010205	-- InfraStruXure Operations Rack PDU Assessment		
0053		WNSC010207	-- InfraStruXure Operations IT Device Assessment		
0054		WNSC010208	-- InfraStruXure Operations Device Assignment		
0055		WNSC010210	-- InfraStruXure Operations Labeling Service		

0056		WNSC0103	- InfraStruXure Capacity Software Configuration	0.00	0.00
0057		WNSC010301	-- InfraStruXure Capacity Policy Configuration		
0058		WNSC010302	-- InfraStruXure Capacity Advanced Power Configuration		
0059		WNSC010206	-- InfraStruXure Operations Power Dependency Configuration		
0060		WNSC0104	- InfraStruXure Post Configuration Insight	0.00	0.00
0061		WNSC010401	-- InfraStruXure Central Post Configuration Insight		
0062		WNSC010402	-- InfraStruXure Capacity Post Configuration Insight		
0063		WNSC010403	-- InfraStruXure Operations Post Configuration Insight		
0064		WNSC010404	-- InfraStruXure Change Post Configuration Insight		
0065		WNSC010101	- InfraStruXure Management Software Configuration Base Service		
0066		WNSC0105	- InfraStruXure Follow On Preparation Service		
<b>Total Firm Fixed Price</b>					\$163,065.41

### Optional Line Items Schedule

Under the authority of FAR 52.517-7, the government may order additional quantities of the following line items:

CLIN	Part No.	Description	Item Price
1001	AP9470	InfraStruXure Central Standard	
1002	AP95100	InfraStruXure Central, 100 Node License Only	
1003	AP9710	InfraStruXure Change 10 rack license	
1004	AP9110	InfraStruXure Capacity 10 Rack License	
1005	AP90010	InfraStruXure Operations 10 Rack License	
1006	AP9135	InfraStruXure Energy Cost License	
1007			
1008	WMS1YRHW-ST	1 Year Extended Hardware Warranty for InfraStruXure Central Standard	
1009	AR8429	Horizontal Cable Organizer 1U w/brush strip	
1010	NBPD0160	NetBotz Camera Pod 160	
1011	47136WH	APC CAT 5, INLINE COUPLER, RJ45 FEMALE TO FEMALE, STRAIGHT THROUGH, WHITE	
1012	WMS3YRSTD	3 Year InfraStruXure Central Standard Software Support Contract	
1013	WCAM3YR10	InfraStruXure Capacity, 3 Year Software Maintenance Contract, 10 Racks	

1014	WCONFIG2NB-NB-10	Netbotz Configuration Service in ISX Designer 2	
1015	WOPS3YR10	InfraStruXure Operations, 3 Year Software Maintenance Contract, 10 Racks	
1016	3827GY-5	APC CATEGORY 5 UTP 568B PATCH CABLE, GREY, RJ45M/RJ45M	
0017	AP9520T	APC Temperature Sensor with Display	
1018	AR3100	NetShelter SX 42U 600mm Wide x 1070mm Deep Enclosure	
1019	AP9224110	APC 24 Port 10/100 Ethernet Switch	
1020	WCHM3YR10	InfraStruXure Change, 3 Year Software Maintenance Contract, 10 Racks	
1021	AP9335T	APC Temperature Sensor	
1022	NBWN0004	Extension - 1 Year Software Support Contract & 1 Year Hardware Warranty (NBRK0450/NBRK0550)	
1023	AP7941	Rack PDU, Switched, Zero U, 30A, 200/208V, (21)C13 & (3)C19	
1024	WASSEM5X8-3R-PX-10	5X8 Scheduled Assembly Service for 1-3 Racks	
1025	NBWN0002	Base - 2 Year Software Support Contract (NBRK0450/NBRK0550)	
1026	3827GY-10	NetBotz Rack Monitor 550 (with 120/240V Power Supply)	
1027	NBRK0551	NetBotz Rack Monitor 550 (with 120/240V Power Supply)	
1028	NBSV1005	NetBotz Surveillance Add On Pack - 5 Nodes	
1029	NBPD0150	NetBotz Rack Sensor Pod 150	
1030	WMS3YR100N	3 Year 100 Node InfraStruXure Central Software Support Contract	
1031	WASSEMNB-NB-10	NetBotz Assembly Services	
1032	WNPR071001	ISX Installation Management Service	0.00
1033	WNPR071011	- Installation Management Base Service	
1034	WNPR071012	- - Base Installation Management Item	
1035	WNPR071020	- Installation Management Unit	
1036	-	-	-
1037	-	-	-
1038	WNSC01	InfraStruXure Management Software Configuration Suite	0.00
1039	WNSC0101	- InfraStruXure Central Software Configuration	0.00
1040	WNSC010102	- - InfraStruXure Central Basic Administration	
1041	WNSC010103	- - InfraStruXure Central Advanced Administration	
1042	WNSC010104	- - InfraStruXure Central Alarm Threshold Configuration	

1043	WNSC010105	-- InfraStruXure Central Alarm Action Configuration	
1044	WNSC010106	-- InfraStruXure Central Alarm Profile Configuration	
1045	WNSC010108	-- InfraStruXure Central Network Management Configuration	
1046	WNSC010110	-- InfraStruXure Central Surveillance Configuration	
1047	WNSC0102	- InfraStruXure Operations Software Configuration	0.00
1048	WNSC010201	-- InfraStruXure Operations Floor Catalog Creation	
1049	WNSC010202	-- InfraStruXure Operations RackMount Catalog Creation	
1050	WNSC010203	-- InfraStruXure Operations Floor Layout Creation	
1051	WNSC010204	-- InfraStruXure Operations Floor Equipment Identification	
1052	WNSC010205	-- InfraStruXure Operations Rack PDU Assessment	
1053	WNSC010207	-- InfraStruXure Operations IT Device Assessment	
1054	WNSC010208	-- InfraStruXure Operations Device Assignment	
1055	WNSC010210	-- InfraStruXure Operations Labeling Service	
1056	WNSC0103	- InfraStruXure Capacity Software Configuration	0.00
1057	WNSC010301	-- InfraStruXure Capacity Policy Configuration	
1058	WNSC010302	-- InfraStruXure Capacity Advanced Power Configuration	
1059	WNSC010206	-- InfraStruXure Operations Power Dependency Configuration	
1060	WNSC0104	- InfraStruXure Post Configuration Insight	0.00
1061	WNSC010401	-- InfraStruXure Central Post Configuration Insight	
1062	WNSC010402	-- InfraStruXure Capacity Post Configuration Insight	
1063	WNSC010403	-- InfraStruXure Operations Post Configuration Insight	
1064	WNSC010404	-- InfraStruXure Change Post Configuration Insight	
1065	WNSC010101	- InfraStruXure Management Software Configuration Base Service	
1066	WNSC0105	- InfraStruXure Follow On Preparation Service	

## **Delivery Location**

All items shall be shipped to the following:

NRC Warehouse – Attn: Paul Banas  
5008 Boiling Brook Parkway  
Rockville MD 20555-0001

## **A.2 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (JUL 2010)**

(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 items:

(1) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).

Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104 (g)).

(2) 52.233-3, Protest After Award (Aug 1996) (31 U.S.C. 3553).

(3) 52.233-4, Applicable Law for Breach of Contract Claim (Oct 2004) (Pub. L. 108-77, 108-78)

(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 items:

☐ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

☐ (2) 52.203-13, Contractor Code of Business Ethics and Conduct (APR 2010)(Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

☐ (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 (JUL 2010) (Pub. L. 109-282) (31 U.S.C. 6101 note).

☐ (5) 52.204-11, American Recovery and Reinvestment Act-Reporting Requirements (JUL 2010) (Pub. L. 111-5).

☐ (6) 52.219-3, Notice of Total HUBZone Set-Aside (Jan 1999) (15 U.S.C. 657a).

☐ (7) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (July 2005) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).

☐ (8) [Reserved]

☐ (9)(i) 52.219-6, Notice of Total Small Business Set-Aside (June 2003) (15 U.S.C. 644).

- ☐ (ii) Alternate I (Oct 1995) of 52.219-6.
- ☐ (iii) Alternate II (Mar 2004) of 52.219-6.
- ☐ (10)(i) 52.219-7, Notice of Partial Small Business Set-Aside (June 2003) (15 U.S.C. 644).
- ☐ (ii) Alternate I (Oct 1995) of 52.219-7.
- ☐ (iii) Alternate II (Mar 2004) of 52.219-7.
- ☒ (11) 52.219-8, Utilization of Small Business Concerns (May 2004) (15 U.S.C. 637(d)(2) and (3)).
- ☐ (12)(i) 52.219-9, Small Business Subcontracting Plan (JUL 2010) (15 U.S.C. 637(d)(4)).
- ☐ (ii) Alternate I (Oct 2001) of 52.219-9.
- ☐ (iii) Alternate II (Oct 2001) of 52.219-9.
- ☐ (iv) Alternate III (JUL 2010) of 52.219-9.
- ☐ (13) 52.219-14, Limitations on Subcontracting (Dec 1996) (15 U.S.C. 637(a)(14)).
- ☐ (14) 52.219-16, Liquidated Damages--Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- ☐ (15)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (OCT 2008) (10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer.)
- ☐ (ii) Alternate I (June 2003) of 52.219-23.
- ☐ (16) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (APR 2008) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- ☐ (17) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- ☐ (18) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004) (15 U.S.C. 657 f).
- ☒ (19) 52.219-28, Post Award Small Business Program Rerepresentation (APR 2009) (15 U.S.C. 632(a)(2)).
- ☒ (20) 52.222-3, Convict Labor (June 2003) (E.O. 11755).
- ☐ (21) 52.222-19, Child Labor--Cooperation with Authorities and Remedies (JUL 2010) (E.O. 13126).
- ☐ (22) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).
- ☐ (23) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).
- ☐ (24) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sept 2006) (38 U.S.C. 4212).
- ☐ (25) 52.222-36, Affirmative Action for Workers with Disabilities (Jun 1998) (29 U.S.C. 793).



- ☐ (26) 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sept 2006) (38 U.S.C. 4212).
- ☐ (27) 52.222-54, Employment Eligibility Verification (Jan 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)
- ☐ (28)(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.)
- ☐ (29) 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007)(42 U.S.C. 8259b).
- ☐ (30)(i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (DEC 2007) (E.O. 13423).
- ☐ (ii) Alternate I (DEC 2007) of 52.223-16.
- ☐ (31) 52.225-1, Buy American Act--Supplies (FEB 2009) (41 U.S.C. 10a-10d).
- ☐ (32)(i) 52.225-3, Buy American Act--Free Trade Agreements-- Israeli Trade Act (JUN 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C 3805 note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53 and 109-169, 109-283, and 110-138).
- ☐ (ii) Alternate I (Jan 2004) of 52.225-3.
- ☐ (iii) Alternate II (Jan 2004) of 52.225-3.
- ☐ (33) 52.225-5, Trade Agreements (AUG 2009) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).
- ☒ (34) 52.225-13, Restrictions on Certain Foreign Purchases (JUN 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- ☐ (35) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).
- ☐ (36) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).
- ☐ (37) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- ☐ (38) 52.232-30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- ☒ (39) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (Oct 2003) (31 U.S.C. 3332).
- ☐ (40) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (May 1999) (31 U.S.C. 3332).
- ☐ (41) 52.232-36, Payment by Third Party (FEB 2010) (31 U.S.C. 3332).
- ☐ (42) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

[] (43)(i) 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).

[] (ii) Alternate I (Apr 2003) 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 items:

[] (1) 52.222-41, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, et seq.).

[] (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

Employee Class

Monetary Wage-Fringe Benefits

[] (3) 52.222-43, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

[] (4) 52.222-44, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

[] (5) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, et seq.).

[] (6) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (FEB 2009) (41 U.S.C. 351, et seq.).

[] (7) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (MAR 2009)(Pub. L. 110-247)

[] (8) 52.237-11, Accepting and Dispensing of \$1 Coin (SEP 2008) (31 U.S.C. 5112(p)(1)).

(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, 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.

(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 items. 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 (APR 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

(ii) 52.219-8, Utilization of Small Business Concerns (May 2004) (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 \$550,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) [Reserved]

(iv) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sept 2006) (38 U.S.C. 4212).

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (June 1998) (29 U.S.C. 793).

(vii) [Removed and reserved]

(viii) 52.222-41, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, et seq.).

(ix) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).

Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(x) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements "(Nov 2007)" (41 U.S.C. 351, et seq.).

(xi) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services-Requirements (FEB 2009)(41 U.S.C. 351, et seq.).

(xii) 52.222-54, Employee Eligibility Verification (JAN 2009)

(xiii) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (MAR 2009)(Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xiv) 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.

(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.

### **A.3 NOTICE LISTING CLAUSES INCORPORATED BY REFERENCE**

The following clauses are hereby incorporated by reference (by Citation Number, Title, and Date) in accordance with the clause at FAR "52.252-2 CLAUSES INCORPORATED BY REFERENCE" contained in this document. FAR 52.252-2 contains the internet address for electronic access to the full text of a clause.

NUMBER	TITLE	DATE
52.213-3	FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1)	
52.225-13	NOTICE TO SUPPLIER	APR 1984
	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES	JUN 2008
52.233-1	DISPUTES	JUL 2002
52.233-4	APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM	OCT 2004

#### **A.4 Other Applicable FAR Clauses in Full Text**

##### **52.517-7 Option for Increased Quantity—Separately Priced Line Item (Mar 1989)**

The Government may require the delivery of the numbered line item, identified in the Optional Line Items Schedule as an option item, in the quantity and at the price stated in the Schedule. The Contracting Officer may exercise the option by written notice to the Contractor within 6 months. Delivery of added items shall continue at the same rate that like items are called for under the contract, unless the parties otherwise agree.

(End of clause)

#### **A.5 NRC Acquisition Clauses - (NRCAR) 48 CFR Ch. 20**

##### **SEAT BELTS**

Contractors, subcontractors, and grantees, are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

##### **WHISTLEBLOWER PROTECTION FOR NRC CONTRACTOR AND SUBCONTRACTOR EMPLOYEES (JULY 2006)**

(a) The U.S. Nuclear Regulatory Commission (NRC) contractor and its subcontractor are subject to the Whistleblower Employee Protection public law provisions as codified at 42 U.S.C. 5851. NRC contractor(s) and subcontractor(s) shall comply with the requirements of this Whistleblower Employee Protection law, and the implementing regulations of the NRC and the Department of Labor (DOL). See, for example, DOL Procedures on Handling Complaints at 29 C.F.R. Part 24 concerning the employer obligations, prohibited acts, DOL procedures and the requirement for prominent posting of notice of Employee Rights at Appendix A to Part 24.

(b) Under this Whistleblower Employee Protection law, as implemented by regulations, NRC contractor and subcontractor employees are protected from discharge, reprisal, threats, intimidation, coercion, blacklisting or other employment discrimination practices with respect to compensation, terms, conditions or privileges of their employment because the contractor or subcontractor employee(s) has provided notice to the employer, refused to engage in unlawful practices, assisted in proceedings or testified on activities concerning alleged violations of the Atomic Energy Act of 1954 (as amended) and the Energy Reorganization Act of 1974 (as amended).

(c) The contractor shall insert this or the substance of this clause in any subcontracts involving work performed under this contract.

## **PROHIBITION OF FUNDING TO ACORN (NOV 2009)**

In accordance with section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law No. 111-68 (CR), until further notice, no federal funds may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations. Additional information can be found at: [http://www.whitehouse.gov/omb/assets/memoranda\\_2010/m10-02.pdf](http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf)

## **REDUCING TEXT MESSAGING WHILE DRIVING (OCT 2009)**

(a) In accordance with Section 4 of Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," (October 1, 2009), the Contractor or Recipient is encouraged to:

(1) Adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles or Government-owned vehicles, or while driving privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government; and

(2) Consider new rules and programs to further the policies described in (a)(1), reevaluate existing programs to prohibit text messaging while driving, and conduct education, awareness, and other outreach programs for employees about the safety risks associated with text messaging while driving. These initiatives should encourage voluntary compliance with the text messaging policy while off duty.

(b) For purposes of complying with the Executive Order:

(1) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(2) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

(c) The Contractor or Recipient shall encourage its subcontractor(s) or sub-recipient(s) to adopt and enforce the policies and initiatives described in this clause.

## **SECTION 508 COMPLIANCE**

All electronic and information technology (EIT) procured through this contract must meet the applicable accessibility standards at 36 CFR 1194, unless an agency exception to this requirement exists. (36 CFR 1194 implements Section 508 of the Rehabilitation Act of 1973, as amended, and is viewable at: <http://www.access-board.gov/sec508/standards.htm>)

The following standards have been determined to be applicable to this contract: 1194.21

The standards do not require the installation of specific accessibility-related software or the attachment of an assistive technology device, but merely require that the EIT be compatible with such software and devices so that it can be made accessible, without significant alteration, if so required by the NRC in the future.

Within five (5) days of product delivery, the Contractor shall denote, in a comprehensive specific list, all offered EIT products (supplies and services) that fully comply with Section 508, with full details and evidence or verification of compliance. The Contractor shall ensure that all EIT products that are less than fully compliant are offered pursuant to extensive market research, which ensures that they are the most compliant products and services available to satisfy this contract's requirements.

If the NRC determines any furnished product or service is not in compliance with the contract, the Contracting Officer (CO) will promptly inform the Contractor in writing. The Contractor shall, without charge to the NRC, repair or replace the non-compliant products or services within the period of time specified in writing by the CO. If such repair or replacement is not completed within the time specified, the NRC shall have the following recourses:

Cancellation of the contract, delivery or task order, purchase of line item without termination liabilities; or

In the case of custom EIT being developed for the NRC, the NRC shall have the right to have any necessary changes made or repairs performed, by the NRC or by another firm, and the Contractor shall reimburse the NRC for any expenses thereby incurred.