

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES	
				J	1	15
2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 22-Feb-2023	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)		
6. ISSUED BY NAVFACSYSCOM MID-ATLANTIC CONTRACTING CORE 9324 VIRGINIA AVENUE NORFOLK VA 23511-3095		CODE N40085	7. ADMINISTERED BY (If other than item 6)		CODE	
			See Item 6			
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X	9A. AMENDMENT OF SOLICITATION NO. N4008523R2527	
				X	9B. DATED (SEE ITEM 11) 24-Jan-2023	
					10A. MOD. OF CONTRACT/ORDER NO.	
					10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE				
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS						
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended.						
<p>Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods:</p> <p>(a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.</p>						
12. ACCOUNTING AND APPROPRIATION DATA (If required)						
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.						
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.						
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).						
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:						
D. OTHER (Specify type of modification and authority)						
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.						
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)						
N4008523R2527-NOAA SHIP & SUPPORT FACILITY RELOCATION AT NAVAL STATION NEWPORT, RI						
Contact POC: Amanda Bricker, Email: amanda.l.bricker.civ@us.navy.mil						
See continuation pages						
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.						
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
				TEL: _____ EMAIL: _____		
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
_____ (Signature of person authorized to sign)			BY _____ (Signature of Contracting Officer)		22-Feb-2023	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE (SF 30)

The following have been added by full text:

AMENDMENT 0001

This amendment is issued to incorporate the following:

1. Updated Instructions to Offerors (changes denoted in red below)
 2. Continuation sheet to update specifications, plans, and price proposal form
 3. Provide responses to Pre-proposal Inquiries
 4. Revised specifications “NOAA OMAO Amendment 0001_Specifications” (attached separately)
 5. Revised drawings – “NOAA OMAO Amendment 0001_Drawings” (attached separately)
 6. Updated Price Proposal Form – “Attachment H – Price Proposal Form R1” (attached separately)
 7. Provide Site Visit Log (attached separately)
 8. Pre-scope Presentation “NOAA OMAO Pre-Scope Presentation” (attached separately)
-

1. INSTRUCTIONS TO OFFERORS**3. EVALUATION FACTORS FOR AWARD**

(1) Factor 1 - Corporate Experience:

From:

Solicitation Submittal Requirements:

Waterfront Size/Scope/Complexity:

At least two projects must demonstrate experience with new construction of Concrete Structural Pier and Wharf/Bulkhead with structural support for pier to include at least one of the following: Steel Pipe Piles, Steel Sheet Pile Combi-walls, Prestressed Square, or cylinder piles (note: construction of micropiles does not satisfy this requirement). At least one such project must have utilized open-water construction methods, including installation via equipment mounted on barges. Projects must have construction cost of \$50,000,000.00 or greater.

Additional Requirements:

At least one waterfront project (pier, wharf/bulkhead) must have included site utilities serving a pier or wharf/bulkhead.

To:

Solicitation Submittal Requirements:

Waterfront Size/Scope/Complexity:

At least two projects must demonstrate experience with new construction of Concrete Structural Pier/Wharf/Bulkhead/or other In-Water Structure, with structural support to include at least one of the following: Steel Pipe Piles, Steel Sheet Pile Combi-walls, Prestressed Square, or cylinder piles (note: construction of micropiles does not satisfy this requirement). At least one such project must have utilized open-water

construction methods, including installation via equipment mounted on barges. Projects must have construction cost of \$50,000,000.00 or greater.

Additional Requirements:

At least one waterfront project (**Pier/Wharf/Bulkhead/or other In-Water Structure**) must have included site utilities serving a **Pier/Wharf/Bulkhead/or other In-Water Structure**.

1. GENERAL

1.1 GENERAL OVERVIEW OF PROCUREMENT PROCESS

From:

1.1.2 The NAICS code for this procurement is 236220 and the size standard is \$45,000,000.

To:

1.1.2 The NAICS code for this procurement is 237990 and the size standard is \$45,000,000.

2. CONTINUATION SHEET

ATTACHMENT H – PRICE PROPOSAL FORM

OPTIONS ITEMS

After Line Item 0013, add the following:

Line Item	Description	Quantity	Unit	Unit Price	Sub-Total	Total Price
0014	Option Item 13: Additional costs for disposal of a soil stockpile that contains asbestos in accordance with the specifications, but excluding work provided in another Line Item. Unit price for costs of disposal of soil at a licensed facility that accepts asbestos containing materials as identified in the Contract Documents.	350	CY	\$ _____		\$ _____

1.1 GENERAL BID NOTES

Subparagraph “a.” first sentence, delete text “0001-0013” and replace with “0001-0014”

1.1 GENERAL BID NOTES

Delete subparagraph “b.” and replace with the following:

“b. The Government reserves the unilateral right to award CLINs 0002-0009, (Option Items 1-8) to the Contractor at the proposed price within 365 calendar days after the contract award. The Government reserves the unilateral right to award CLINs 0010 – 0014 (Option Items 9-13) to the Contractor at the proposed price in accordance with 1.2 bid notes below. A firm fixed proposed price is required for CLIN 0001-CLIN 0014. No provision is made for economic price adjustment. If Options are exercised, the contract completion date remains 730 calendar days after award of the contract.”

DOCUMENT 00 01 15 LIST OF DRAWINGS

1.2 CONTRACT DRAWINGS

NAVFAC Dwg. Nos. 12874054, 12874160, 12874162, 12874190, 12874225, 12874272, 12874276, 12874298,

12874299, 12874303, 12874304, and 12874308 are revised as of February 09, 2023. These revised drawings accompany this amendment as separate attachments.

On NAVFAC Dwg No.12873930 (C-101)

Sheet Key Notes. Delete Note 41 in its entirety and replace with the following:

“41. PROVIDE "IN CASE OF FIRE OR EMERGENCY, PLEASE CALL THE FIRE DEPARTMENT AT 911 OR 401-841-3333" SIGN AT PERSONNEL GATE SECURED TO FENCE. "OR 401-841-3333" TO BE MOUNTED ON A CHANGEABLE PLACARD.”

On NAVFAC Dwg No.12873948 (CU106)

Sanitary Sewer Manhole annotation at STA. 0+25. Delete the annotation, “SSMH 3-122” and replace with, “SSMH 3-131C”.

On NAVFAC Dwg No.12873954 (CU205)

Sanitary Sewer Manhole profile annotation at STA. 0+25. Delete the annotation, “4’Ø SMH 3-122” and replace with, “4’Ø SMH 3-131C”.

On NAVFAC Dwg No.12873966 (CE101)

Erosion Control Notes. Delete Note 5 in its entirety and replace with the following:

“5. STOCKPILED SOIL SHALL BE SURROUNDED WITH SILTATION FENCES TO PREVENT AND CONTROL SILTATION AND EROSION. STOCKPILES THAT WILL REMAIN EXPOSED FOR MORE THAN 14 DAYS, SHALL BE STABILIZED WITH MULCH OR SEEDED FOR TEMPORARY VEGETATIVE COVER. SOIL SHOULD BE PLACED ON AND COVERED WITH 6 MIL POLY. SOIL SHALL BE SURROUNDED BY SILTATION FENCE.”

SECTION 01 30 00 ADMINISTRATIVE REQUIREMENTS

1.6.1 Superintendent Qualifications

After this paragraph, add the following:

“1.6.2 Construction Quality Management Training

In addition to the above experience and education requirements, the Project Manager and on-site Project Superintendent must have completed the course entitled "Construction Quality Management (CQM) for Contractors." If the Project Manager and on-site Project Superintendent do not have a current certification, they must obtain the CQM for Contractors course certification within 90 days of award. This course is periodically offered by the Naval Facilities Engineering Systems Command and the Army Corps of Engineers. Contact the Contracting Officer for information on the next scheduled class.”

1.6.2 Minimum Communication Requirements

Delete title and replace with “1.6.3 Minimum Communication Requirements“

1.6.3 Duties

Delete title and replace with “1.6.4 Duties”

1.6.4 Non-Compliance Actions

Delete title and replace with “1.6.5 Non-Compliance Actions”

1.9.1 Facilitated (Formal) Partnering

After this paragraph, add the following:

“1.10 REQUESTS FOR INFORMATION (RFI):

1.10.1 RFI Process:

Contractor must utilize the RFI process to request interpretation or clarify intent of the Contract Documents, or to request information not specified in the Contract Documents. The RFI process is not intended to be used to request approval for deviations to requirements.

1.10.1.1 RFIs must originate with the Contractor or their Subcontractors. RFIs submitted by entities other than the

Contractor, or their Subcontractors will be returned with no response. All RFIs from the Contractor's Subcontractors must be approved by the Contractor before issuing them to the Contracting Officer for response and submitted on the Contractor's RFI cover form and consecutively numbered.

1.10.1.2 Coordinate and submit RFIs in a prompt manner to avoid delays.

1.10.2 Content of the RFI:

Include a detailed, legible description of item needing interpretation and the following:

- a. Project name.
- b. Date.
- c. Name of Contractor (and Subcontractor if applicable).
- d. Contract number and title.
- e. RFI number, numbered sequentially.
- f. Specification Section number and title and related paragraphs, as appropriate.
- g. Drawing number and detail references, as appropriate.
- h. Field dimensions and conditions, as appropriate.
- i. Contractor or Subcontractor's suggested solution(s). If solution(s) impact the Contract time or the cost, Contractor must state impact in the RFI.
- j. Contractor's signature.
- k. Attachments: Include drawings, descriptions, measurements, photos, product data, Shop Drawings, and other information necessary to fully describe items needing interpretation.
- l. Software-Generated RFIs: Software-generated form with substantially the same content as indicated above. Attachments shall be electronic files in Adobe Acrobat PDF format.

1.10.3 Contracting Officer's Action:

The Contracting Officer will review each RFI, determine action required, and return it. Allow five working days for Contracting Officer's response for each RFI. RFIs received after 1:00 p.m. local time will be considered as received the following working day.

The following RFIs will be returned without action:

- a. Requests for approval of Submittals.
- b. Requests for approval of substitutions.
- c. Requests for coordination information already indicated in the Contract Documents.
- d. Requests for adjustments in the contract time or the amount.
- e. Requests for interpretation of Contracting Officer's actions on Submittals.
- f. Incomplete RFIs or RFIs with numerous errors.

1.10.3.1 Contracting Officer's action may include a request for additional information, in which case Contracting Officer's time for response will start again upon Contractor's response and resubmittal.

1.10.3.2 If Contractor believes the RFI response warrants change in the contract time or amount, notify the Contracting Officer in writing within 10 days of receipt of the RFI. Do not proceed with work that changes the contract time or amount without approval of the Contracting Officer.

1.10.3.3 On receipt of Contracting Officer's action, update the RFI log and promptly distribute the RFI response to affected parties. Review response and notify Contracting Officer within 7 days if Contractor disagrees with the response.

1.10.3.4 RFI Log: Prepare, maintain, and submit a tabular log of RFIs organized by the RFI number. Submit log weekly. Electronic log with not less than the following:

- a. Project name.

- b. Name and address of Subcontractor.
- c. Contract number and title.
- d. Name and address of Contractor.
- e. RFI number including RFIs that were dropped and not submitted.
- f. RFI description.
- g. Date the RFI was submitted.
- h. Date Contractor's response was received.
- i. Identification of Change Order Request or Change Order Notice, as appropriate.”

SECTION 01 33 29 SUSTAINABILITY REQUIREMENTS AND REPORTING

Attachment - NAVFAC HIGH PERFORMANCE AND SUSTAINABLE BUILDING CHECKLIST – GOALS

Delete this attachment in its entirety and replace it with the revised attachment that accompanies this Amendment.

Attachment - LEED v4 for BD+C: New Construction and Major Renovation

Delete this attachment in its entirety and replace it with the revised attachment that accompanies this Amendment.

SECTION 01 45 35 SPECIAL INSPECTIONS

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 01 57 24 TURBIDITY CONTROL AND MONITORING

1.5 PERMIT

Delete the second sentence “The permits are included in Appendix C - Environmental Concurrence and Permit Documents of these specifications.” and replace with “The permits are included in Attachment G - Permits of these specifications.”

SECTION 01 74 19 CONSTRUCTION WASTE MANAGEMENT AND DISPOSAL

1.3 CONSTRUCTION WASTE (INCLUDES DEMOLITION DEBRIS/WASTE

After the text “weight of the project”, add “non-contaminated, non-hazardous”

SECTION 05 05 20.00 27 POST-INSTALLED CONCRETE AND MASONRY ANCHORS

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 05 21 00 STEEL JOIST FRAMING

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 05 40 00 COLD-FORMED METAL FRAMING

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 06 10 00 ROUGH CARPENTRY

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 07 13 53 ELASTOMERIC SHEET WATERPROOFING

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 07 21 13 BOARD AND BLOCK INSULATION

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 07 52 00 MODIFIED BITUMINOUS MEMBRANE ROOFING

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 07 84 00 FIRESTOPPING

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 09 84 20 ACOUSTICAL WALL PANELS

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 13 21 26 COLD-STORAGE ROOMS (PREFABRICATED PANEL TYPE)

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 13 48 73 SEISMIC CONTROL FOR MECHANICAL EQUIPMENT

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 14 24 23 HYDRAULIC PASSENGER ELEVATORS

1.1 REFERENCES

Delete text “(2021) Safety Code for Elevators and Escalators” and replace with “(2019) Safety Code for Elevators and Escalators”

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

Delete text “(2022) National Fire Alarm and Signaling Code” and replace with “(2019; TIA 19-1; ERTA 1 2019) National Fire Alarm and Signaling Code”

2.4.1.2 Hydraulic Tank Heater

Delete text “250 W” and replace with “minimum 275 W”.

2.4.1.3 Hydraulic Cooler

Delete this paragraph in its entirety and replace with the following:

“2.4.1.3 Hydraulic Oil Cooler

Provide direct or remote mount oil cooler that can provide a minimum of 17,500 BTU/hr cooling capacity at 40-degrees Fahrenheit temperature delta. Provide with adjustable thermostat, 10 micron oil filter, 8 GPM, 75 PSI pump, and all fittings and hardware. Provide a minimum ¾ HP, 120 VAC, single phase, 7.2 FLA pump motor. Provide the cooling fan with a minimum single phase ¼ HP, 120 VAC, 3.6 FLA 1900 CFM electric motor. Unit must not exceed 80 decibels at 3 feet from unit.”

SECTION 26 32 15.00 ENGINE-GENERATOR SET STATIONARY 15-2500 KW, WITH AUXILIARIES

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SECTION 27 32 50.00 22

1.1 REFERENCES

Delete text “(2021) International Building Code” and replace with “(2018) International Building Code”

SPECIFICATION ATTACHMENTS

CONTENTS

Delete page in its entirety and replace with the revised CONTENTS page that accompanies this Amendment.

SPECIFICATION ATTACHMENTS

After ATTACHMENT F – BULKHEAD INSPECTION REPORT, insert ATTACHMENT G - PERMITS that accompanies this Amendment.

3. PRE-PROPOSAL INQUIRIES

PPI #	Sec.	Para.	Draw #	Question	Reponses
1	13 of 88	00 21 16	6	Item 2 of "Additional Information to be Submitted with Price Proposal Package" requires the offeror(s) to provide financial statements, at a minimum with the submitted hard copies. Our teams joint venture partners are private closely held companies that consider this information to be highly confidential. To maintain confidentiality we request the option to include financial statements with the hard copies in a sealed envelope. Please confirm if this is acceptable.	Yes, an "original" hard copy delivery method for <u>financial statements</u> is acceptable in lieu of the electronic delivery method via PIII, with the following requirement: "original" financial statements in a sealed envelope must be delivered by the proposal submission date for electronic copies outlined in the solicitation and marked "original".
2	15 of 88	00 21 16	6	In regard to "Factor 1 – Corporate Experience" – We are requesting the minimum construction value of \$50,000,000 or greater be reduced to \$20,000,000 or greater for the Waterfront Size/Scope/Complexity requirement.	Bid per RFP

SECTION 00 45 00 - REPRESENTATIONS AND CERTIFICATIONS

The following have been modified:

52.204-8 ANNUAL REPRESENTATIONS AND CERTIFICATIONS (MAY 2022)

- (a)(1) The North American Industry Classification System (NAICS) code for this acquisition is **237990**.
- (2) The small business size standard is \$45,000,000.
- (3) The small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce is 500 employees if the acquisition--
- (i) Is set aside for small business and has a value above the simplified acquisition threshold;
 - (ii) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or
 - (iii) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(b)(1) If the provision at 52.204-7, System for Award Management, is included in this solicitation, paragraph (d) of this provision applies.

(2) If the provision at 52.204-7, System for Award Management, is not included in this solicitation, and the Offeror has an active registration in the System for Award Management (SAM), the Offeror may choose to use paragraph (d) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The Offeror shall indicate which option applies by checking one of the following boxes:

() Paragraph (d) applies.

() Paragraph (d) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

(c) (1) The following representations or certifications in SAM are applicable to this solicitation as indicated:

(i) 52.203-2, Certificate of Independent Price Determination. This provision applies to solicitations when a firm-fixed-price contract or fixed-price contract with economic price adjustment is contemplated, unless—

(A) The acquisition is to be made under the simplified acquisition procedures in Part 13;

(B) The solicitation is a request for technical proposals under two-step sealed bidding procedures; or

(C) The solicitation is for utility services for which rates are set by law or regulation.

(ii) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. This provision applies to solicitations expected to exceed \$150,000.

(iii) 52.203-18, Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements--Representation. This provision applies to all solicitations.

(iv) 52.204-3, Taxpayer Identification. This provision applies to solicitations that do not include the provision at 52.204-7, System for Award Management.

(v) 52.204-5, Women-Owned Business (Other Than Small Business). This provision applies to solicitations that—

(A) Are not set aside for small business concerns;

(B) Exceed the simplified acquisition threshold; and

(C) Are for contracts that will be performed in the United States or its outlying areas.

(vi) 52.204-26, Covered Telecommunications Equipment or Services--Representation. This provision applies to all solicitations.

(vii) 52.209-2, Prohibition on Contracting with Inverted Domestic Corporations--Representation.

(viii) 52.209-5, Certification Regarding Responsibility Matters. This provision applies to solicitations where the contract value is expected to exceed the simplified acquisition threshold.

(ix) 52.209-11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law. This provision applies to all solicitations.

(x) 52.214-14, Place of Performance--Sealed Bidding. This provision applies to invitations for bids except those in which the place of performance is specified by the Government.

(xi) 52.215-6, Place of Performance. This provision applies to solicitations unless the place of performance is specified by the Government.

(xii) 52.219-1, Small Business Program Representations (Basic, Alternates I, and II). This provision applies to solicitations when the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied part 19 in accordance with 19.000(b)(1)(ii).

(A) The basic provision applies when the solicitations are issued by other than DoD, NASA, and the Coast Guard.

(B) The provision with its Alternate I applies to solicitations issued by DoD, NASA, or the Coast Guard.

(C) The provision with its Alternate II applies to solicitations that will result in a multiple-award contract with more than one NAICS code assigned.

(xiii) 52.219-2, Equal Low Bids. This provision applies to solicitations when contracting by sealed bidding and the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied part 19 in accordance with 19.000(b)(1)(ii).

(xiv) 52.222-22, Previous Contracts and Compliance Reports. This provision applies to solicitations that include the clause at 52.222-26, Equal Opportunity.

(xv) 52.222-25, Affirmative Action Compliance. This provision applies to solicitations, other than those for construction, when the solicitation includes the clause at 52.222-26, Equal Opportunity.

(xvi) 52.222-38, Compliance with Veterans' Employment Reporting Requirements. This provision applies to solicitations when it is anticipated the contract award will exceed the simplified acquisition threshold and the contract is not for acquisition of commercial products or commercial services.

(xvii) 52.223-1, Biobased Product Certification. This provision applies to solicitations that require the delivery or specify the use of USDA-designated items; or include the clause at 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

(xviii) 52.223-4, Recovered Material Certification. This provision applies to solicitations that are for, or specify the use of, EPA- designated items.

(xix) 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals--Representation. This provision applies to solicitations that include the clause at 52.204-7.)

(xx) 52.225-2, Buy American Certificate. This provision applies to solicitations containing the clause at 52.225-1.

(xxi) 52.225-4, Buy American--Free Trade Agreements--Israeli Trade Act Certificate. (Basic, Alternates I, II, and III.) This provision applies to solicitations containing the clause at 52.225- 3.

(A) If the acquisition value is less than \$25,000, the basic provision applies.

(B) If the acquisition value is \$25,000 or more but is less than \$50,000, the provision with its Alternate I applies.

(C) If the acquisition value is \$50,000 or more but is less than \$92,319, the provision with its Alternate II applies.

(D) If the acquisition value is \$92,319 or more but is less than \$100,000, the provision with its Alternate III applies.

(xxii) 52.225-6, Trade Agreements Certificate. This provision applies to solicitations containing the clause at 52.225-5.

(xxiii) 52.225-20, Prohibition on Conducting Restricted Business Operations in Sudan--Certification. This provision applies to all solicitations.

(xxiv) 52.225-25, Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certification. This provision applies to all solicitations.

(xxv) 52.226-2, Historically Black College or University and Minority Institution Representation. This provision applies to solicitations for research, studies, supplies, or services of the type normally acquired from higher educational institutions.

(2) The following representations or certifications are applicable as indicated by the Contracting Officer:

[Contracting Officer check as appropriate.]

(i) 52.204-17, Ownership or Control of Offeror.

(ii) 52.204-20, Predecessor of Offeror.

(iii) 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.

(iv) 52.222-48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Certification.

(v) 52.222-52 Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Certification.

(vi) 52.223-9, with its Alternate I, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (Alternate I only).

(vii) 52.227-6, Royalty Information.

(A) Basic.

(B) Alternate I.

(viii) 52.227-15, Representation of Limited Rights Data and Restricted Computer Software.

(d) The Offeror has completed the annual representations and certifications electronically in SAM accessed through <https://www.sam.gov>. After reviewing the SAM information, the Offeror verifies by submission of the offer that the representations and certifications currently posted electronically that apply to this solicitation as indicated in paragraph (c) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code

referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below [offeror to insert changes, identifying change by clause number, title, date]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

FAR Clause	Title	Date	Change
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Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on SAM.

(End of provision)

52.219-1 SMALL BUSINESS PROGRAM REPRESENTATIONS (DEVIATION 2023-O0002) (DEC 2022)
ALTERNATE I (SEP 2015)

(a) Definitions. As used in this provision-

Economically disadvantaged women-owned small business (EDWOSB) concern means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with 13 CFR part 127, and the concern is certified by SBA or an approved third-party certifier in accordance with 13 CFR 127.300. It automatically qualifies as a women-owned small business concern eligible under the WOSB Program.

Service-disabled veteran-owned small business concern-

(1) Means a small business concern-

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) "Service-disabled veteran" means a veteran, as defined in 38 U.S.C.101(2), with a disability that is service-connected, as defined in 38 U.S.C.101(16).

Small business concern—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in its field of operation, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (b) of this provision.

(2) Affiliates, as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership,

common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

Small disadvantaged business concern, consistent with 13 CFR 124.1002, means a small business concern under the size standard applicable to the acquisition, that-

(1) Is at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by-

(i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States, and

(ii) Each individual claiming economic disadvantage has a net worth not exceeding \$850,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(2) The management and daily business operations of which are controlled (as defined at 13 CFR 124.106) by individuals who meet the criteria in paragraphs (1)(i) and (ii) of this definition.

Veteran-owned small business concern means a small business concern-

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C.101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

Women-owned small business concern means a small business concern-

(1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

Women-owned small business (WOSB) concern eligible under the WOSB Program (in accordance with 13 CFR part 127) means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States, and the concern is certified by SBA or an approved third-party certifier in accordance with 13 CFR 127.300.

(b)(1) The North American Industry Classification System (NAICS) code for this acquisition is **237990**.

(2) The small business size standard is 45,000,000.

(3) The small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce (i.e., nonmanufacturer), is 500 employees if the acquisition—

(i) Is set aside for small business and has a value above the simplified acquisition threshold;

(ii) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or

(iii) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(c) Representations.

(1) The offeror represents as part of its offer that—

(i) It [___] is, [___] is not a small business concern; or

(ii) It [___] is, [___] is not a small business joint venture that complies with the requirements of 13 CFR 121.103(h) and 13 CFR 125.8(a) and (b). [The offeror shall enter the name and unique entity identifier of each party to the joint venture: ___ .]

(2) [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it [___] is, [___] is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents as part of its offer that it [___] is, [___] is not a women-owned small business concern.

(4) Women-owned small business (WOSB) joint venture eligible under the WOSB Program. The offeror represents as part of its offer that it [___] is, [___] is not a joint venture that complies with the requirements of 13 CFR 127.506(a) through (c). [The offeror shall enter the name and unique entity identifier of each party to the joint venture: ___ .]

(5) Economically disadvantaged women-owned small business (EDWOSB) joint venture. The offeror represents as part of its offer that it [___] is, [___] is not a joint venture that complies with the requirements of 13 CFR 127.506(a) through (c). [The offeror shall enter the name and unique entity identifier of each party to the joint venture: ___ .]

(6) [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents as part of its offer that it [___] is, [___] is not a veteran-owned small business concern.

(7) [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(6) of this provision.] The offeror represents as part of its offer that

(i) It [___] is, [___] is not a service-disabled veteran-owned small business concern; or

(ii) It [___] is, [___] is not a service-disabled veteran-owned joint venture that complies with the requirements of 13 CFR 125.18(b)(1) and (2). [The offeror shall enter the name and unique entity identifier of each party to the joint venture: ___ .] Each service-disabled veteran-owned small business concern participating in the joint venture shall provide representation of its service-disabled veteran-owned small business concern status.

(8) [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents, as part of its offer, that-

(i) It [___] is, [___] is not a HUBZone small business concern listed, on the date of this representation, as having been certified by SBA as a HUBZone small business concern in the Dynamic Small Business Search and SAM, and will attempt to maintain an employment rate of HUBZone residents of 35 percent of its employees during performance of a HUBZone contract (see 13 CFR 126.200(e)(1)); and

(ii) It [___] is, [___] is not a HUBZone joint venture that complies with the requirements of 13 CFR 126.616(a) through (c). [The offeror shall enter the name and unique entity identifier of each party to the joint venture: ___ .] Each HUBZone small business concern participating in the HUBZone joint venture shall provide representation of its HUBZone status.

(9) [Complete if offeror represented itself as disadvantaged in paragraph (c)(2) of this provision.] The offeror shall check the category in which its ownership falls:

___ Black American.

___ Hispanic American.

___ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

___ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, Republic of Palau, Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

___ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

___ Individual/concern, other than one of the preceding.

(d) Notice. Under 15 U.S.C.645(d), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women-owned small, or women-owned small eligible under the WOSB Program in order to obtain a contract to be awarded under the preference programs established pursuant to section 8, 9, 15, 31, and 36 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall-

- (1) Be punished by imposition of fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Act.

(End of provision)

(End of Summary of Changes)