



**RHODE ISLAND AIR NATIONAL GUARD  
143d MISSION SUPPORT CONTRACTING  
1 HERCULES DRIVE  
NORTH KINGSTOWN, RI 02852-7502**

**Combined Synopsis/Solicitation  
143 LRS/UTV  
Solicitation W50S94-23-Q-0017**

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY AS IT CONSTITUTES THE ONLY NOTICE THAT WILL BE ISSUED.**

**This notice is issued under the Short of Award Authority - FAR 52.232-18 Availability of Funds**

The Government requires a Utility Task Vehicle (UTV) in accordance with attached Salient Characteristics (Attachment 1) with a standard warranty.

This is a combined synopsis/solicitation for a commercial item prepared in accordance with the format in Subpart 12.6, as supplemented with additional information included in this notice. This announcement constitutes the only solicitation; quotes are being requested and a written solicitation will not be issued.

This combined synopsis/solicitation document and incorporated provisions and clauses are those in effect through Federal Acquisition Circular [2023-05] and through Department of Defense Acquisition Regulation Change Notice [8/17/2023]. It is the contractor's responsibility to be familiar with applicable clauses and provisions. Clauses and provisions can be found at: <https://www.acquisition.gov/browse/index/far>

- Solicitation: W50S94-23-Q-0017
- This Acquisition is Set-Aside for: 100% Small Business
- NAICS: 336110. The Small Business Size Standard is 1,500 employees.
- PSC: 2310
- Submit your quote by email to [jeffrey.m.corey4.mil@army.mil](mailto:jeffrey.m.corey4.mil@army.mil) and [kaitlin.l.simoese.civ@army.mil](mailto:kaitlin.l.simoese.civ@army.mil)
- Quotes are required to be received no later than 3:00pm EST, 21 September 2023.
- All vendors responding MUST be registered with the "System for Award Management" (SAM) <https://www.sam.gov>.

***Quotes received later than the due date/time noted above will be considered unresponsive and rejected.***

Complete the following information:

- Contractor/Offeror's name: \_\_\_\_\_
  - CAGE Code: \_\_\_\_\_
  - UEID #: \_\_\_\_\_
  - TAX ID: \_\_\_\_\_

- Discount Terms: \_\_\_\_\_
- Name and Title of individual submitting form: \_\_\_\_\_
- Date form completed: \_\_\_\_\_

**The Government reserves the right to award on a “multiple award” or “all or none” basis.**

#### **DESCRIPTION OF REQUIREMENT:**

The Rhode Island Air National Guard (RIANG) intends to award a firm fixed price delivery order for a UTV in accordance with (IAW) the attached Salient Characteristics (Attachment #1), as outlined in the table below:

Item	Description	Country of Origin/ Place of Manufacturing	Delivery By:	Qty	Unit	Unit Price	Extended Amount
0001	UTV IAW Attachment #1 and a standard warranty	USA	Jan 1, 2024	1	Each	<b>TO BE FILLED IN BY OFFEROR</b>	<b>TO BE FILLED IN BY OFFEROR</b>

New, original equipment manufacturer (OEM) items ONLY; NO refurbished, remanufactured, or “gray market” items allowed.

Quote shall include all applicable costs, including any delivery charges. This agency is exempt from Federal, State and Local City taxes. Do not add tax to your quote. If a tax-exempt certificate is required to fill this quote, it will be provided upon request.

FOB-Destination for delivery to:  
F8U3LS - 143 LRS  
5 AIRLIFT LANE  
NORTH KINGSTOWN RI 02852

Delivery will be on or before 1 January 2024. ***Provide a lead time in your quote.***

Payment will be made by Wide Area Work Flow (WAWF).

Basis of award for the required item will be price alone. Award will be made to the eligible, responsible offeror whose offer represents the lowest priced quote and meets the requirements of this RFQ.

The Government intends to evaluate offers and award a contract without discussions with offerors. Therefore, the offeror’s initial offer should contain the offeror’s best terms from a price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the Contracting Officer to be necessary. The Government may reject any or all offers if such action is in the public interest; accept other than the lowest offer; and waive informalities and minor irregularities in offers received.

Submit technical questions to the Contract Specialist in writing via email to Jeff Corey, at jeffrey.m.corey4.mil@army.mil on or before Noon EST 19 September 2023. Telephonic (verbal) questions will not be addressed. All responses to questions, which may affect offers, will be incorporated into a written amendment to the Request for Quote.

**THE FOLLOWING PROVISIONS (P) AND CLAUSES (C) APPLY TO THIS ACQUISITION:**

**FAR:**

52.204-7 System for Award Management (P)  
52.204-13 System for Award Management Maintenance (C)  
52.204-16 Commercial and Government Entity Code Reporting (P)  
52.204-18 Commercial and Government Entity Code Maintenance (C)  
52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (P)  
52.212-1 Instructions to Offerors—Commercial Products and Commercial Services (P)  
52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services CD 2023-O0002, Revision 1 (P)  
52.212-4 Contract Terms and Conditions—Commercial Products and Commercial Services (C)  
52.219-1 Small Business Program Representations (DEVIATION 2023-O0002) (P)  
52.223-15 Energy Efficiency in Energy-Consuming Products (C)  
52.232-18 Availability of Funds (C)  
52.232-39 Unenforceability of Unauthorized Obligations (C)  
52.252-2 Clauses Incorporated by Reference (C)  
52.252-5 Authorized Deviations in Provisions (P)  
52.252-6 Authorized Deviations in Clauses (C)

**DFARS:**

252.203-7000 Requirements Relating to Compensation of Former DoD Officials (C)  
252.203-7002 Requirement to Inform Employees of Whistleblower Rights (C)  
252.203-7005 Representation Relating to Compensation of Former DoD Officials (P)  
252.204-7003 Control of Government Personnel Work Product (C)  
252.204-7008 Compliance with Safeguarding Covered Defense Information Controls (P)  
252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (C)  
252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support (C)  
252.204-7016 Covered Defense Telecommunications Equipment or Services--Representation (P)  
252.204-7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services--Representation (P)  
252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (C)  
252.204-7019 Notice of NIST SP 800-171 DoD Assessment Requirements. (P)  
252.204-7020 NIST SP 800-171 DoD Assessment Requirements. (C)  
252.204-7022 Expediting Contract Closeout (C)  
252.204-7024 Notice on the use of the Supplier Performance Risk System (P)  
252.211-7003 Item Unique Identification and Valuation (C)  
252.225-7001 Buy American and Balance of Payments Program--Basic (C)  
252.225-7036 Buy American—Free Trade Agreements--Balance of Payments Program--Basic (C)  
252.225-7055 Representation Regarding Business Operations with the Maduro Regime (P)  
252.225-7056 Prohibition Regarding Business Operations with the Maduro Regime (C)  
252.225-7059, Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region—Representation (P)  
252.225-7060 Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region (C)  
252.225-7972 Prohibition on the Procurement of Foreign-Made Unmanned Aircraft Systems. (DEVIATION 2020-O0015) (C)

252.225-7973 Prohibition on the Procurement of Foreign-Made Unmanned Aircraft Systems—Representation. (DEVIATION 2020-O0015) (P)  
252.232-7003 Electronic Submission of Payment Requests and Receiving Reports (C)  
252.232-7010 Levies on Contract Payments (C)  
252.239-7098 Prohibition on Contracting to Maintain or Establish a Computer Network Unless Such Network is Designed to Block Access to Certain Websites—Representation (DEVIATION 2021-O0003) (P)  
252.244-7000 Subcontracts for Commercial Products and Commercial Services (C)  
252.246-7008 Sources of Electronic Parts (C)  
252.247-7023 Transportation of Supplies by Sea--Basic (C)

**The following Clauses & Provisions are provided by Full Text:**

***FAR 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (C):***

(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) 52.232-40, Providing Accelerated Payments to *Small Business Subcontractors* (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801).

(6) 52.233-3, Protest After Award (Aug 1996) (31 U.S.C. 3553).

(7) 52.233-4, Applicable Law for Breach of Contract *Claim* (Oct 2004) (Public Laws 108-77 and 108-78 ( 19 U.S.C. 3805 note)).

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

[*Contracting Officer check as appropriate.*]

\_\_\_ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Jun 2020), with *Alternate I* (Nov 2021) (41 U.S.C. 4704 and 10 U.S.C. 4655).

\_\_\_ (2) 52.203-13, Contractor Code of Business Ethics and Conduct (Nov 2021) (41 U.S.C. 3509)).

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

**X** (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).

**X** (8) 52.204-27, Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).

**X** (9) 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).

\_\_ (10) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (Oct 2018) (41 U.S.C. 2313).

\_\_ (11) [Reserved].

\_\_ (12) 52.219-3, Notice of *HUBZone* Set-Aside or Sole-Source Award (Oct 2022) (15 U.S.C. 657a).

\_\_ (13) 52.219-4, Notice of Price Evaluation Preference for *HUBZone* Small Business Concerns (Oct 2022) (if the *offeror* elects to waive the preference, it *shall* so indicate in its *offer*) (15 U.S.C. 657a).

\_\_ (14) [Reserved]

**X** (15)(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.

\_\_ (16)(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.

\_\_ (17) 52.219-8, Utilization of Small Business Concerns (Oct 2022) (15 U.S.C. 637(d)(2) and (3)).

\_\_ (18)(i) 52.219-9, Small Business Subcontracting Plan (Oct 2022) (15 U.S.C. 637(d)(4)).

\_\_ (ii) *Alternate I* (Nov 2016) of 52.219-9.

\_\_ (iii) *Alternate II* (Nov 2016) of 52.219-9.

\_\_ (iv) *Alternate III* (Jun 2020) of 52.219-9.

\_\_ (v) *Alternate IV* (Sep 2021) of 52.219-9.

\_\_ (19)(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.

\_\_ (20) 52.219-14, Limitations on Subcontracting (Oct 2022) (15 U.S.C. 637s).

\_\_ (21) 52.219-16, Liquidated Damages—Subcontracting Plan (Sep 2021) (15 U.S.C. 637(d)(4)(F)(i)).

\_\_ (22) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Oct 2022) (15 U.S.C. 657f).

**X** (23)(i) 52.219-28, Post Award Small Business Program Rerepresentation (Mar 2023)(15 U.S.C. 632(a)(2)).

\_\_ (ii) *Alternate I* (Mar 2020) of 52.219-28.

\_\_ (24) 52.219-29, Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged

*Women-Owned Small Business Concerns* (Oct 2022) (15 U.S.C. 637(m)).

\_\_\_ (25) 52.219-30, Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Oct 2022) (15 U.S.C. 637(m)).

\_\_\_ (26) 52.219-32, Orders Issued Directly Under Small Business Reserves (Mar 2020) (15 U.S.C. 644(r)).

\_\_\_ (27) 52.219-33, Nonmanufacturer Rule (Sep 2021) (15U.S.C. 637(a)(17)).

**X** (28) 52.222-3, Convict Labor (Jun 2003) (E.O.11755).

**X** (29) 52.222-19, Child Labor-Cooperation with Authorities and Remedies (Dec 2022) (E.O.13126).

**X** (30) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).

**X** (31)(i) 52.222-26, Equal Opportunity (Sep 2016) (E.O.11246).

\_\_\_ (ii) *Alternate I* (Feb 1999) of 52.222-26.

\_\_\_ (32)(i) 52.222-35, Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212).

\_\_\_ (ii) *Alternate I* (Jul 2014) of 52.222-35.

**X** (33)(i) 52.222-36, Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793).

\_\_\_ (ii) *Alternate I* (Jul 2014) of 52.222-36.

\_\_\_ (34) 52.222-37, Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212).

\_\_\_ (35) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).

**X** (36)(i) 52.222-50, Combating Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627).

\_\_\_ (ii) *Alternate I* (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).

\_\_\_ (37) 52.222-54, Employment Eligibility Verification (*May 2022*) (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.)

\_\_\_ (38)(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.)

\_\_\_ (39) 52.223-11, *Ozone-Depleting Substances* and *High Global Warming Potential Hydrofluorocarbons* (Jun 2016) (E.O. 13693).

\_\_\_ (40) 52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) (E.O. 13693).

\_\_\_ (41)(i) 52.223-13, *Acquisition* of EPEAT®-Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514).

\_\_\_ (ii) *Alternate I* (Oct 2015) of 52.223-13.

\_\_\_ (42)(i) 52.223-14, *Acquisition* of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).

\_\_\_ (ii) *Alternate I* (Jun2014) of 52.223-14.

- \_\_ (43) 52.223-15, Energy Efficiency in Energy-Consuming *Products* (May 2020) (42 U.S.C. 8259b).
- \_\_ (44)(i) 52.223-16, *Acquisition* of EPEAT®-Registered Personal Computer *Products* (Oct 2015) (E.O.s 13423 and 13514).
- \_\_ (ii) *Alternate I* (Jun 2014) of 52.223-16.
- X (45) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020) (E.O. 13513).
- \_\_ (46) 52.223-20, Aerosols (Jun 2016) (E.O. 13693).
- \_\_ (47) 52.223-21, Foams (Jun2016) (E.O. 13693).
- \_\_ (48)(i) 52.224-3 Privacy Training (Jan 2017) (5 U.S.C. 552 a).
- \_\_ (ii) *Alternate I* (Jan 2017) of 52.224-3.
- \_\_ (49)(i) 52.225-1, Buy American-*Supplies* (Oct 2022) (41 U.S.C. chapter 83).
- \_\_ (ii) *Alternate I* (Oct 2022) of 52.225-1.
- \_\_ (50)(i) 52.225-3, Buy American-Free Trade Agreements-Israeli Trade Act (Dec 2022) (19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, 19 U.S.C. chapter 29 (sections 4501-4732), Public Law 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).
- \_\_ (ii) *Alternate I* [Reserved].
- \_\_ (iii) *Alternate II* (Dec 2022) of 52.225-3.
- \_\_ (iv) *Alternate III* (Jan 2021) of 52.225-3.
- \_\_ (v) *Alternate IV* (Oct 2022) of 52.225-3.
- \_\_ (51) 52.225-5, Trade Agreements (Dec 2022) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- X (52) 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).
- \_\_ (53) 52.225-26, Contractors Performing Private Security Functions Outside the *United States* (Oct 2016) (Section 862, as amended, of the *National Defense Authorization Act* for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note).
- \_\_ (54) 52.226-4, Notice of Disaster or *Emergency* Area Set-Aside (Nov 2007) (42 U.S.C. 5150).
- \_\_ (55) 52.226-5, Restrictions on Subcontracting Outside Disaster or *Emergency* Area (Nov2007) (42 U.S.C. 5150).
- \_\_ (56) 52.229-12, Tax on Certain Foreign *Procurements* (Feb 2021).
- \_\_ (57) 52.232-29, Terms for Financing of Purchases of *Commercial Products* and *Commercial Services* (Nov 2021) (41 U.S.C. 4505, 10 U.S.C. 3805).
- \_\_ (58) 52.232-30, Installment Payments for *Commercial Products* and *Commercial Services* (Nov 2021) (41 U.S.C. 4505, 10 U.S.C. 3805).
- X (59) 52.232-33, Payment by *Electronic Funds Transfer-System for Award Management* (Oct2018) (31 U.S.C. 3332).
- \_\_ (60) 52.232-34, Payment by *Electronic Funds Transfer-Other than System for Award Management* (Jul 2013) (31 U.S.C. 3332).

\_\_ (61) 52.232-36, Payment by Third Party (*May* 2014) (31 U.S.C. 3332).

\_\_ (62) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

\_\_ (63) 52.242-5, Payments to *Small Business Subcontractors* (Jan 2017) (15 U.S.C. 637(d)(13)).

\_\_ (64)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631).

\_\_ (ii) *Alternate I* (Apr 2003) of 52.247-64.

\_\_ (iii) *Alternate II* (Nov 2021) of 52.247-64.

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

[*Contracting Officer check as appropriate.*]

\_\_ (1) 52.222-41, Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67).

\_\_ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (*May* 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

\_\_ (3) 52.222-43, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and *Option* Contracts) (Aug 2018) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

\_\_ (4) 52.222-44, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (*May* 2014) ( 29U.S.C.206 and 41 U.S.C. chapter 67).

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

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

\_\_ (7) 52.222-55, Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022).

\_\_ (8) 52.222-62, Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706).

\_\_ (9) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792).

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

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

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



appeals, litigation, or *claims* are finally resolved.

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

(e)

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

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

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

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

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

(v) 52.204-27, Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).

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

(vii) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).

(viii) 52.222-26, Equal Opportunity (Sep 2015) (E.O.11246).

(ix) 52.222-35, Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212).

(x) 52.222-36, Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793).

(xi) 52.222-37, Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212).

(xii) 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.

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

(xiv)

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

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

(xv) 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).

(xvi) 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).

(xvii) 52.222-54, Employment Eligibility Verification (*May* 2022) (E.O. 12989).

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

(xix) 52.222-62, Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706).

(xx)

(A) 52.224-3, Privacy Training (Jan 2017) (5 U.S.C. 552a).

(B) *Alternate I* (Jan 2017) of 52.224-3.

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

(xxii) 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.

(xxiii) 52.232-40, Providing Accelerated Payments to *Small Business Subcontractors* (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801). Flow down required in accordance with paragraph (c) of 52.232-40.

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

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

**(End of clause)**

**DFARS 252.232-7006 Wide Area WorkFlow Payment Instructions (C):**

(a) *Definitions.* As used in this clause—

“Department of Defense Activity Address Code (DoDAAC)” is a six position code that uniquely identifies a unit, activity, or organization.

“Document type” means the type of payment request or receiving report available for creation in Wide Area WorkFlow (WAWF).

“Local processing office (LPO)” is the office responsible for payment certification when payment certification is done external to the entitlement system.

“Payment request” and “receiving report” are defined in the clause at 252.232-7003 , Electronic Submission of Payment Requests and Receiving Reports.

(b) *Electronic invoicing.* The WAWF system provides the method to electronically process vendor payment requests and receiving reports, as authorized by Defense Federal Acquisition Regulation Supplement (DFARS) 252.232-7003 , Electronic Submission of Payment Requests and Receiving Reports.

(c) *WAWF access.* To access WAWF, the Contractor shall—

(1) Have a designated electronic business point of contact in the System for Award Management at <https://www.sam.gov>; and

(2) Be registered to use WAWF at <https://wawf.eb.mil/> following the step-by-step procedures for self-registration available at this web site.

(d) *WAWF training*. The Contractor should follow the training instructions of the WAWF Web-Based Training Course and use the Practice Training Site before submitting payment requests through WAWF. Both can be accessed by selecting the “Web Based Training” link on the WAWF home page at <https://wawf.eb.mil/>

(e) *WAWF methods of document submission*. Document submissions may be via web entry, Electronic Data Interchange, or File Transfer Protocol.

(f) *WAWF payment instructions*. The Contractor shall use the following information when submitting payment requests and receiving reports in WAWF for this contract or task or delivery order:

(1) *Document type*. The Contractor shall submit payment requests using the following document type(s):

(i) For cost-type line items, including labor-hour or time-and-materials, submit a cost voucher.

(ii) For fixed price line items—

(A) That require shipment of a deliverable, submit the invoice and receiving report specified by the Contracting Officer.

#### **To Be Filled in at Award**

(B) For services that do not require shipment of a deliverable, submit either the Invoice 2in1, which meets the requirements for the invoice and receiving report, or the applicable invoice and receiving report, as specified by the Contracting Officer.

#### **To Be Filled in at Award**

(iii) For customary progress payments based on costs incurred, submit a progress payment request.

(iv) For performance based payments, submit a performance based payment request.

(v) For commercial financing, submit a commercial financing request.

(2) Fast Pay requests are only permitted when Federal Acquisition Regulation (FAR) 52.213-1 is included in the contract.

(3) *Document routing*. The Contractor shall use the information in the Routing Data Table below only to fill in applicable fields in WAWF when creating payment requests and receiving reports in the system.

#### **Routing Data Table**

Field Name in WAWF	Data to be entered in WAWF
Pay Official DoDAAC	<b>To Be Filled in at Award</b>
Issue By DoDAAC	<b>To Be Filled in at Award</b>
Admin DoDAAC	<b>To Be Filled in at Award</b>
Inspect By DoDAAC	<b>To Be Filled in at Award</b>
Ship To Code	<b>To Be Filled in at Award</b>
Ship From Code	<b>To Be Filled in at Award</b>
Mark For Code	<b>To Be Filled in at Award</b>
Service Approver (DoDAAC)	<b>To Be Filled in at Award</b>
Service Acceptor (DoDAAC)	<b>To Be Filled in at Award</b>
Accept at Other DoDAAC	<b>To Be Filled in at Award</b>
LPO DoDAAC	<b>To Be Filled in at Award</b>
DCAA Auditor DoDAAC	<b>To Be Filled in at Award</b>
Other DoDAAC(s)	<b>To Be Filled in at Award</b>

(4) *Payment request.* The Contractor shall ensure a payment request includes documentation appropriate to the type of payment request in accordance with the payment clause, contract financing clause, or Federal Acquisition Regulation 52.216-7, Allowable Cost and Payment, as applicable.

(5) *Receiving report.* The Contractor shall ensure a receiving report meets the requirements of DFARS Appendix F.

(g) *WAWF point of contact.*

(1) The Contractor may obtain clarification regarding invoicing in WAWF from the following contracting activity's WAWF point of contact.

#### **To Be Filled in at Award**

(2) Contact the WAWF helpdesk at 866-618-5988, if assistance is needed.

**(End of clause)**

#### ***National Guard Protest Procedures (P):***

NG Agency Protest Program is intended to encourage interested parties to seek resolution of their concerns with the National Guard (NG) as an Alternative Dispute Resolution forum, rather than filing a protest with the Government Accountability Office (GAO) or other external forum. Contract award or performance is suspended during the protest to the same extent, and within the same time periods as if filed at the GAO. The NG protest decision goal is to resolve protests within 35 calendar days from filing. An agency protest may be filed with either the Contracting Officer or the NG Agency's Protest Decision Authority, but not both, in accordance with NG protest procedures.

To be timely, the protests must be filed with the periods specified in FAR 33.103. To file a protest under the NG Agency Protest Program, the protest must request resolution under that program and be sent to the address below:

National Guard Bureau  
Office of the Director of Acquisitions/ Head of Contracting Activity

ATTN: NGB-AQ-O  
111 S. George Mason Dr.  
Arlington, VA 22204

Email: [ng.ncr.ngb-arng.mbx.ngb-task-order-ombudsman@mail.mil](mailto:ng.ncr.ngb-arng.mbx.ngb-task-order-ombudsman@mail.mil)

All other agency-level protests should be sent to the Contracting Officer for resolution at the address in the solicitation. See FAR clause 52.233-2.

NG Public-facing, general Protest information is found at:  
<https://www.nationalguard.mil/Leadership/Joint-Staff/Special-Staff/Director-of-Acquisitions/>

Directorate of Acquisitions information for the contracting enterprise is found at  
<https://gko.portal.ng.mil/ngb/STAFF/D01/D01/OI/Protests%20and%20Complaints/Forms/AllItems.aspx>

(End of Provision)