

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE Y	PAGE OF PAGES 1   21
2. AMENDMENT/MODIFICATION NO. 0003	3. EFFECTIVE DATE 18-Mar-2010	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)	
6. ISSUED BY US ARMY MEDICAL RESEARCH ACQUISITION ACT DIRECTOR 820 CHANDLER STREET FORT DETRICK MD 21702-5014	CODE W81XWH	7. ADMINISTERED BY (If other than item 6) <b>See Item 6</b>		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X	9A. AMENDMENT OF SOLICITATION NO. W81XWH-10-R-0018
				X	9B. DATED (SEE ITEM 11) 05-Mar-2010
					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. 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: (a) By completing Items 8 and 15, and returning _____ 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.					
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.)  The purpose of this modification is to respond to questions submitted as of 17 March 2010.  The following sections of the PWS have been amended. The amended sections now read:  Section 3.4.3.5 Maintain a helpdesk appropriately staffed to accommodate the anticipated number of pre-applications and full applications based on program milestones. This helpdesk support shall also include customer support regarding all questions relating to Program Announcements released by the CDMRP.  Section 3.7 The Government shall furnish equipment for processing DTS travel. Please see the attached Summary of Changes.  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  _____ (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA  BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED  19-Mar-2010	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

## SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been modified:

PERFORMANCE WORK STATEMENT

**PERFORMANCE WORK STATEMENT**

**Administrative, Technical and Logistical Peer Review Services**

### SECTION 1: PURPOSE

To award a contract for the performance of scientific and technical peer review services on research applications received in response to each Fiscal Year's Program Announcements for all CDMRP-sponsored programs.

To support the tasks identified below requires an experienced and cohesive team of scientific, technical and administrative professionals who can demonstrate a comprehensive understanding of the requirements to conduct peer review and produce acceptable deliverables within the required timelines while meeting cost, schedule and performance requirements.

### SECTION 2: BACKGROUND

The United States Congress directed the Department of Defense (DOD) to manage appropriations totaling over \$5.4 Billion (B), since fiscal year 1992 (FY92), for intramural and extramural programs directed toward targeted medical research initiatives. The US Army Medical Research and Materiel Command (USAMRMC) is responsible for administering these targeted research program appropriations, and manages them through its office of the Congressionally Directed Medical Research Programs (CDMRP). The CDMRP's vision is to find and fund the best research to eradicate diseases and support the war fighter for the benefit of the American public.

The DOD Breast Cancer Research Program was established in FY92 by Appropriations Conference Committee Report No 102-328, which provided \$25 Million (M) for research on breast cancer screening and diagnosis for military women and their family members. In 1993 grassroots efforts by the breast cancer survivors and advocacy communities led to a FY93 congressional appropriation of \$210M for peer reviewed breast cancer research.

The CDMRP sought the advice of the National Academy of Sciences Institute of Medicine (IOM) on how to best invest the \$210M congressional appropriation. While the IOM made several important recommendations, a pivotal one outlining a two-tier review process for evaluating and selecting research applications has become a cornerstone within CDMRP. This novel two-tiered process involves reviewing every research application for scientific merit as well as programmatic relevance.

The first tier of the two-tier review process is peer review. Peer review is a criteria-based process where applications are evaluated based on their scientific and technical merit. Applications are evaluated by

scientific discipline, specialty area, or award mechanism by scientific, technical and consumer peer reviewers.

The second tier of review is programmatic review. Applications are programmatically reviewed by members of the programs' Integration Panel. Programmatic review is a comparison-based process in which applications from multiple research areas compete in a common pool. Programmatic review balances the potential outcomes and risks of scientifically meritorious applications.

In FY 08, 53 program announcements were released, approximately 9,500 pre-applications were received and over 7,600 full applications were received. In FY 09, 82 program announcements were released and it is anticipated that more than 14,000 pre-applications and 7,000 full applications will be received.

Proposal submission is a two-step process consisting of (1) a pre-application submission through the CDMRP-provided electronic receipt system, and (2) an application submission through Grants.gov (<http://www.grants.gov/>).

This support is currently performed by an external scientific peer review contractor because the CDMRP office does not have the capability or the expertise to perform these duties in-house.

For more information on the office of the CDMRP, go to <http://cdmrp.army.mil> and review materials provided on the website.

The Government reserves the right to include scientific peer review of proposals for other federal agencies. These efforts may be in conjunction with this command's program announcement or a separate task. The Contractor shall provide all necessary qualified personnel to provide scientific peer review for each of the selected scientific programs.

### **SECTION 3: PERFORMANCE**

Contractor personnel shall provide all administrative, technical and logistical support for all aspects of scientific and technical peer review of research applications submitted to CDMRP. A list of anticipated programs and an estimate of annual pre and full applications for each program is located in Attachment A.

#### **3.1 Administrative Requirements**

##### **3.1.1 General Program Assistance**

3.1.1.1 Attend and participate in each program Integrated Program Team (IPT) meetings and activities each fiscal year and assist with setting program milestones, preparation of fiscal year PAs (one PA per award mechanism) and other pertinent business.

3.1.1.2 Participate in milestone planning meetings and the development of a milestone schedule for all CDMRP research programs at the beginning of each fiscal year.

3.1.1.3 Provide scientific and technical peer review advice, plans, recommendations and innovative approaches when defining business process improvements.

##### **3.1.2 Administrative Actions/Compliance Review**

3.1.2.1 In accordance with the CDMRP Compliance Standard Operating Procedure, the CDMRP Application Instructions (AI) and Program Announcements (PA) shall be used as the authoritative document for conducting Administrative Action/Compliance Review of pre-applications, letters of intent (LOI) and full applications submitted to CDMRP.

3.1.2.2 Original .pdf files submitted via Government electronic processes (Grants.gov or CDMRP-provided electronic receipt system) shall be administratively reviewed for inclusion of appropriate components as identified in each respective PA or AI document.

3.1.2.3 Provide a compliance checklist in accordance with each respective PA within 10 business days after PA release.

3.1.2.4 Contact the Principal Investigators (PI) and Contracting Representative (CR)/Authorized Organization Representative to request missing documents other than those that result in immediate rejection of the application as specified in the compliance checklist (for full applications only). Additional documentation received from the PI and/or CR/AOR shall be added electronically to the appropriate application file(s). A list of modified applications shall be submitted with the list as noted in Section 3.1.2.5 below.

3.1.2.5 Provide a report by research program of pre-applications with their administrative compliance issues based on compliance guidance with each respective PA no later than four (4) business days after receipt through the CDMRP-provided electronic receipt system. Provide a report by research program of applications with their administrative compliance issues no later than 10 business days after receipt through Grants.gov. Provide all appropriate documents necessary for the CDMRP compliance review. Provide a separate report of all administrative modifications no later than four (4) business days through the CDMRP-provided electronic receipt system and no later than 10 business days after receipt through Grants.gov.

3.1.2.6 Review applications to identify those that contain names of Integration Panel members (in sections other than "Reference Cites") and generate an IP screening report, to be delivered simultaneously with the administrative modifications report within 10 business days after receipt through Grants.gov and no later than four (4) business days through the CDMRP-provided electronic receipt system.

3.1.2.7 Identify applications where requested direct costs or total costs exceed the maximum allowed by the award mechanism. If direct or total cost amounts are missing, identify this information in the report as noted in 3.1.2.4 above.

3.1.2.8 Provide a report of all PIs by their respective CDMRP application log numbers, including application title, for PIs that have submitted multiple applications to the same program and have submitted applications to multiple programs within the same fiscal year (that have had receipt). This report shall be provided concurrently with delivery of the peer reviewed application files (as established in the deliverables/receivables tracking sheet (D/RTS)).

3.1.2.9 Prepare all letters to PIs and CR/AORs informing them of their applications non-compliance status and the reasons for its non-compliance.

3.1.2.9.1 Prepare a draft of the annual template letter, in accordance with Army Regulations, for non-compliant notification and deliver to the COR within 20 business days following release of the first fiscal year PA. Within five (5) business days after receipt of COR input, edit and forward letter to the COR.

3.1.2.9.2 Deliver application specific edited draft letters following receipt of decisions from each compliance review. Upon approval, forward the final non-compliant letters for signature.

3.1.2.9.3 Post the non-compliant letters to the CDMRP-provided electronic receipt system upon receipt of the signed letters.

3.1.2.9.4 Notify via e-mail the appropriate PIs and CR/AORs within one (1) business day after posting of non-compliant letters.

### 3.1.3 Training and Orientation

3.1.3.1 Furnish a coordinated training and orientation plan for all reviewer participants at the beginning of each fiscal year. The training and orientation plan shall incorporate separate sub-plans for training and orienting new SROs, scientist and technical reviewers, ad-hoc reviewers and consumers within a master timeline for accomplishing the proposed training. Each sub-plan shall identify learning objectives outlined in measurable, behavioral terms, including process or intermediate demonstrations of terminal objective achievement and outcome performance evaluation tools/audits that correspond to the learning objectives. Each plan shall furnish proposed timelines for each audience, including educational materials, using portable, alternative and web-based media to the extent possible, and incorporating targeted levels of learning appropriate to each audience. The training and orientation programs shall be approved by the COR.

3.1.3.2 Schedule, coordinate and provide an appropriate number of orientations for 1) Scientific Research Officers (SRO) and Peer Review Panel (PRP) chairpersons; 2) all reviewers; and 3) Government Liaisons (GL) (for all types of review processes). Orientations shall be developed in consultation with appropriate CDMRP personnel. Review orientation materials with appropriate CDMRP personnel no later than 10 business days prior to the peer review meeting.

3.1.3.3 Program specific orientation(s), separate from any Contractor general orientation or training, shall be held via teleconference prior to distribution of review materials and shall be scheduled accordingly. The goal of the orientation teleconference is to inform the Chairpersons, SROs, and peer review support personnel of each peer review session with program specific guidance relevant to peer review with the intent to disseminate PRP specific guidance to peer reviewers. Additional teleconferences after distribution of review materials may be held as appropriate.

3.1.3.4 Design and implement consumer orientation sessions and provide support to consumer reviewers pre-meeting, on-site and post meeting (as appropriate). Provide a draft of the Consumer Orientation briefing 10 business days before each peer review meeting for approval. Attend and participate in a dry run meeting as requested.

### 3.1.4 Prepare PRP Participants Letters

Prepare and send a draft thank you letter template for approval and signature prior to the first peer review meeting each fiscal year. Upon completion of each peer review meeting, send thank you letters to each peer review participant (scientist/technical reviewers and consumer reviewers) within 10 business days of the meeting completion.

### 3.1.5 Attendance at Conferences/Meetings

3.1.5.1 Attend each CDMRP program's fiscal year vision setting, pre-application review and programmatic review meetings and stakeholders meetings as requested by the COR.

3.1.5.2 Provide a list of the conferences and meetings the Contractor staff desires to attend, other than the customary CDMRP business meetings. This request shall include a justification for attendance at each meeting/conference per attendee. This list shall be delivered at the beginning of each calendar year for approval. Any changes to the list shall be approved by the COR (e.g., additions at a later date).

3.1.5.3 Conferences and meeting attendance shall be for recruitment purposes only. Provide a summary of the recruitment results, to include number of contacts made and number of reviewers added to the recruitment list, within 20 business days of the conference or meeting conclusion.

### 3.1.6 Consumer Working Group (CWG) Participation

3.1.6.1 Participate in the CWG by attending CWG meetings. At least one (1) representative shall attend each meeting.

3.1.6.2 Participate in CWG sub-committees and task forces for special projects as requested by the CWG Chair. Some efforts required for these sub-committees shall be negotiated as a separate task order.

3.1.6.3 Survey the advocacy field to identify new consumer representatives as appropriate to serve on the CWG. Maintain two (2) consumer representatives on the CWG.

3.1.6.4 Attend new Stakeholder's meetings to begin to identify potential consumer advocacy support organizations upon approval.

### 3.1.7 Participate in Program Evaluation

3.1.7.1 Participate in program evaluation activities and sub-committee activities as requested. Some large efforts required for these sub-committee activities shall be negotiated as a separate task order.

3.1.7.2 Provide science management advice on program evaluation issues as requested (such as product identification, evaluation projects and portfolio analysis).

### 3.1.8 Reporting Requirements

3.1.8.1 Provide the CDMRP Administrative Officer with a monthly report which includes employee name, position title, start date, termination date, e-mail address and whether or not the employees listed will require a Fort Detrick identification badge, Fort Detrick vehicle decal and a Common Access Card. This report shall be due to the CDMRP Administrative Officer five (5) business days after each month end.

3.1.8.2 Provide ad hoc reports documenting peer review data as requested.

3.1.8.3 Perform data analyses and ad hoc reporting to support the CDMRP's management activities such as the Inquiry Review Process, CWG and the Electronic Grants System.

3.1.8.4 Prepare briefing materials and reports on peer review processes, procedures and outcomes as required by the COR.

### 3.1.9 Government Mandated Training

Complete all government mandated training as required.

## **3.2 Technical Requirements**

### **3.2.1 Recruit Peer Review Panel Members**

3.2.1.1 Recruit scientific review officers (SRO) to serve as coordinators for the peer review panels (PRP). SROs shall have appropriate experience in health science or biological science research administration to lead scientific peer review, preferably with experience in coordinating a scientific review in the subject area to be reviewed. Provide the list of assigned SROs (by program and PRP) for information and comment at least 40 business days before application receipt.

3.2.1.2 Recruit a chairperson for each PRP. Chairpersons shall have appropriate experience with peer review and specific discipline related to the PRP topic. Chairpersons are expected to work closely with the SROs to assist with the recruitment of other PRP members. Provide the list of recruited chairpersons (by program and PRP) for information and comment 10 business days prior to receipt of applications. Provide biosketches or CVs of the Chairpersons as requested.

3.2.1.3 Conduct recruitment initiatives of scientist/technical reviewers for each research program. Scientist/technical reviewers shall possess appropriate education, training and experience relevant to applications assigned for review. The majority of scientist and technical reviewers shall have recent experience as a Principal Investigator (PI), Co-PI or manager of an extramurally funded research program. Provide the list of recruited scientist or technical reviewers by PRP 10 business days after receipt of applications.

### **3.2.2 Recruit Consumer Reviewers**

3.2.2.1 Develop and/or update a Consumer Outreach plan for each program. Provide the plan no later than 20 business days following Vision Setting for each respective program. Provide a copy of the plan to the Consumer Working Group (CWG) Chair. Maintain a list of active consumer advocacy/support organizations. Prepare and distribute information to recruit consumer reviewers.

3.2.2.2 Provide updates during the consumer recruitment period on consumer recruitment accomplishments, barriers to recruitment, etc. on a monthly basis or as needed.

3.2.2.3 Devise and implement strategies for ongoing integration with the minority consumer community to promote the CDMRP and to identify and recruit minority consumers to serve on PRP's. Coordinate minority recruitment targets with the CWG Chair.

3.2.2.4 Solicit nominations from consumer/advocacy support groups for upcoming peer reviews, evaluate nominations and select consumer reviewers according to CDMRP guidance. Provide list of recruited consumer reviewers by PRP 10 business days before the peer review meeting.

### **3.2.3 Compose In-Person Peer Review Panels**

It is anticipated that PRP meetings shall be held after receipt of applications from CDMRP and in accordance with COR-approved timelines as agreed upon in the deliverables/receivables tracking sheet (D/RTS). Variance from this timeframe shall be agreed to by the COR and Contractor.

3.2.3.1 Compose each PRP which shall consist of one (1) SRO, at least one (1) PRP chairperson, and the appropriate number of scientist/technical and consumer reviewers in order to complete the entire peer review process as deemed necessary by the specific program and/or mechanism. In general, no more than

60 applications shall be reviewed by any PRP without prior approval of the COR; however, any deviations from the standard will be specified in each program task order SOW. The minimum number of applications per PRP shall be coordinated with the appropriate PM. Each scientist/technical PRP member shall be responsible for reviewing six (6) to eight (8) applications (with a per-PRP member average of seven (7) or greater); any exceptions must have prior approval of the COR. Each consumer reviewer shall be responsible for no more than 20 applications; any exceptions must have prior approval of the COR.

3.2.3.2 Ensure each PRP maintains a quorum. A quorum shall consist of at least 80% of all PRP members (including conflicts of interest (COI) but exclusive of SROs and other administrative staff) for each PRP in order for discussions to proceed without prior approval. For example, if the PRP consists of 10 members, no more than two (2) members may be out for any reason, including COIs, travel reasons, or other brief absences from the PRP without approval of the COR or respective PM. Teleconference and ad hoc reviewers are considered PRP members only for the applications for which they are participating.

3.2.3.3 Reserve hotel rooms, provide on-site logistical support and provide a brief orientation for the Government Liaisons (A GL recruited by CDMRP will also attend each in-person PRP session but shall not participate in reviewing applications). Collect, consolidate and deliver the GL scoring sheets as specified in the appropriate programs D/RTS.

3.2.3.4 Furnish one (1) copy of information summarizing PRP member degrees, expertise, Department/Institution, and PRP assignment at the peer review meeting. Once the number of PRPs has been determined, final approval must be given by the COR.

3.2.3.5 Provide PRP member demographics reports by program, delineating gender, ethnic diversity, academic rank, military rank, active duty status, education/degrees, and institutional association in aggregate and by PRP in Excel format within the program D/RTS.

3.2.3.6 Provide a peer review debriefing report peer review cycle as specified in the D/RTS. The report shall consist of a summary of all comments made by reviewers during peer review debriefings.

### 3.2.4 Virtual PRPs

3.2.4.1 Coordinate electronic peer review when requested or approved by the COR. It is anticipated that there shall be two (2) to three (3) scientist/technical reviewers and one (1) consumer reviewer per application (any deviation must be discussed with the appropriate PM prior to final assignments). Following electronic review, a discussion between peer reviewers and the Chairperson may be conducted to clarify score disparities and to provide a second iteration. Deliverable timelines shall be included in the D/RTS and shall be negotiated before the review commences.

3.2.4.2 Coordinate telephonic peer review when requested or approved by the COR. It is anticipated that there shall be two (2) to three (3) scientist/technical reviewers and one (1) consumer reviewer per application. Deliverable timeline shall be included in the D/RTS and shall be negotiated before the review commences.

### 3.2.5 Evaluation of Scientific Research Applications

3.2.5.1 Provide critique and summary statement specification sheets according to each PA for review prior to application receipt. A critique is the scientific or consumer review and a summary statement is a combination of the scientific and consumer reviews plus panel and chair reviews.

3.2.5.2 Evaluate all applications utilizing the scoring process (e.g., overall and individual criteria scores) established for each award mechanism according to the appropriate PA. Standard deviations shall be required on each applications overall score. Percentiles shall be provided as requested.

3.2.5.3 Provide preliminary scoring reports (in a consistent format for all programs) at the completion of all on-site peer review meetings and within one (1) business day of all electronic and telephonic peer review meetings.

3.2.5.4 Provide finalized scoring reports within two (2) business days of the peer review meeting completion.

### 3.2.6 Complete/ Deliver Summary Statements

3.2.6.1 Provide a summary statement for each peer reviewed research application to document the peer review findings. Provide identifying information for the application, all scoring data and statistics, budget data, any peer review recommendations, and a written critique (summarizing strengths and weaknesses as established by the PRP) and additional files as requested (e.g., abstracts, statements) for each application summary.

3.2.6.2 Furnish the draft summary statements as they become available in the appropriate part in the summary statement preparation process. The COR reserves the right to request rewrites based on this review. Percentage of summary statements requested will depend on the program, funding mechanism, scoring distribution, and number of applications.

3.2.6.3 Deliver summary statements in batches per each fiscal year's D/RTS. Deliver the first batch of summary statement (as identified by the respective PM) no later than 15 business days and deliver the second batch of summary statements (as identified by the respective PM) no later than five (5) business days prior to the appropriate programmatic review meeting.

3.2.6.4 Conduct rewrites of summary statements within one (1) year of receipt of reviews as requested. Complete rewrites within five (5) business days of the request, unless an expanded timeline is specified.

### 3.2.7 Application Re-Review

3.2.7.1 Re-review applications as requested. Each application shall be reviewed by a PRP of scientist/technical and consumer reviewers, with appropriate administrative support, in face-to-face or teleconference meetings within 30 business days for face-to-face meetings and 20 business days for a teleconference (unless a different timeline is approved) of the application re-review decision. The decision regarding whether the re-review is face-to-face or held via teleconference shall be determined by the PM.

3.2.7.2 When re-reviewing, a D/RTS specific to the re-review shall be developed before the re-review commences. Re-review deliverables shall include a draft summary statement, final summary statement, final scoring report, and entry of new scores into the CDMRP EGS. Format of the re-review deliverables shall be consistent with established D/RTS formats.

### 3.2.8 Peer Review Data Deliverables

Enter all data associated with the peer review applications electronically and transfer to CDMRP electronic business management systems as defined by CDMRP administration and at times described and agreed to in the D/RTS.

### **3.3 Logistical Requirements**

#### **3.3.1 Hotel Arrangements**

Secure hotel arrangements and reservations that satisfy the requirements of the PRP. Consult with the respective PM when making the meeting arrangements.

3.3.1.1 Reserve appropriate number of meeting rooms in support of the meeting and supply any necessary audio/visual/IT support and equipment needed to conduct the meeting.

#### **3.3.2 Travel Arrangements**

Arrange for all travel reservations for all peer review participants. For DOD peer reviewers, arrange travel through the Defense Travel System (DTS) [<https://dtsproweb.defensetravel.osd.mil/wl/site/index.jsp>]. The government shall provide equipment and network access for all contractor personnel scheduling travel via DTS.

#### **3.3.3 Meals**

Coordinate meals for all attendees to include lunch and morning/afternoon refreshments for all peer review attendees including Government representatives. Peer review meeting attendees shall pay for all meals provided in accordance with the Joint Travel Regulations.

#### **3.3.4 Logistical and Administrative Support**

Provide all on-site logistical, administrative and information technology support during peer review meetings (e.g., Contractor representatives to aid with copying, faxing, travel requirements, etc.).

#### **3.3.5 USAMRMC Meeting Approval Requirements**

3.3.5.1 Provide three (3) cost estimates comparing costs of hotels to the CDMRP Administrative Officer no later than 90 calendar days before each PRP (for each in-person peer review meeting). Hotels in the Lodging Success Program (LSP) shall be considered. If none of the hotels in the LSP can accommodate the meeting, then it is appropriate to use hotels outside of the LSP.

3.3.5.2 Provide the CDMRP Administrative Officer with the peer review meeting title, purpose, justification/benefit, proposed location (hotel name, address, point of contact and phone number), total number of attendees (broken down by military, civilian/IPA, contractors, subcontractors, Army, Navy, etc.), names of high profile attendees (list name, rank and branch), number of attendees traveling by air, estimated cost of individual airfare, meals available for individual purchase, tentative agenda and site comparison sheet (requested in Section 3.2.5.1 above) 90 calendar days before each PRP meeting. Required information may change based on requests from Army, MEDCOM or USAMRMC.

#### **3.3.6 USAMRMC After Action Report Requirements**

Provide the CDMRP Administrative Officer with the information needed to complete the After Action Report for each peer review meeting (not broken down by session but instead, the overall meeting). This report shall include the total number of attendees (broken down by categories as originally requested in Section 3.3.5.2 above), as well as the total costs of the meeting broken down by travel, per diem (meals and hotel costs), conference facility, A/V, moving, supplies, shuttle service and security costs. This report shall be due to the CDMRP Administrative Officer within 90 business days of meeting conclusion.

### **3.4 CDMRP-Provided Electronic Receipt System- OPTION**

### 3.4.1 Receipt of Pre-Applications and Posting Information

Receive all scientific research pre-applications in response to each fiscal year research program announcement via the CDMRP-provided electronic receipt system (approximately 9,500 to 15,000 pre-applications are received each fiscal year).

3.4.1.1 Post each fiscal year research program announcement(s) and associated applications plus forms for each funding opportunity on the CDMRP-provided electronic receipt system. Modify PAs as requested by task manager. It is estimated that there will be approximately 85 program announcements and associated documents and approximately 20 forms and URLs posted each fiscal year.

3.4.1.2 Provide updated links to Grants.gov posting for each funding opportunity.

3.4.1.3 Provide updated links to USAMRMC Office of Research Protections and other regulatory sites.

3.4.1.4 Modify the pre-application process to accommodate and match specific requirements of each program announcement.

3.4.1.5 Provide help desk support during the pre-application and application receipt periods for each program announcement. It is anticipated that the help desk shall have normal working hours until approximately one (1) week before the receipt deadline. Expanded working hours shall be implemented during the last week of pre-application receipt. It is anticipated that the help desk support shall increase or decrease staff as required for each receipt deadline.

#### 3.4.1.6 Letter of Invitation for Full Application

3.4.1.6.1 For each award mechanism for each research program, post a list of invitation and non-invitation. Notify the PI and CR/AORs via e-mail of this notification within one (1) business day after the lists are received by the Contractor.

3.4.1.6.2 Post each pre-application letter of invitation or non-invitation and notify the PI and CR/AORs via e-mail of this notification within two (2) business days after the letters are received by the Contractor for each award mechanism for each research program.

3.4.1.6.3 Update status of pre-application (invite or not invite).

3.4.1.7 Transfer all application data to CDMRP no later than the compliance review using CDMRP's electronic business practices. Actual deliverables to be determined and scheduled prior to each receipt cycle and incorporated into the D/RTS.

3.4.1.8 Update status of applications (fund, not fund, alternate), post each applications letter of notification and peer review critique, and post each research programs' information paper and other associated documents onto the CDMRP-provided electronic receipt system. Notify via e-mail the PIs and CR/AORs of funding notification letters within one (1) business day after the letters are received by the Contractor.

3.4.1.9 Maintain the CDMRP-provided electronic receipt system to receive supplemental but required information and documents related to award negotiations and regulatory requirements after both tiers of review are complete. Forward all documents via CDMRP electronic business practices. Automated transfer processes of these documents shall be maintained and changes coordinated with CDMRP technical personnel. Modifications to the software may be needed as CDMRP processes change over time.

### 3.4.2 Retrieval of Full Scientific Research Applications

Retrieve all full scientific research applications from Grants.gov in response to each fiscal year research program announcements (approximately 7,500 to 9,000 full applications are received each fiscal year).

3.4.2.1 Initiate retrieving applications no later than 20 business days before the application deadline. Based on historical data/experience, it is anticipated that most applications shall be received within 24 hours post application deadline, although Grants.gov may require up to 72 hours for processing.

### 3.4.3 Develop, Enhance, and Maintain the CDMRP-Provided Electronic Receipt System

3.4.3.1 CDMRP shall provide necessary hardware and software as permitted by MEDCOM (customized application developed for CDMRP); however, the Contractor shall be responsible for providing all software updates and support necessary to accommodate changes to match requirements that are program specific, award mechanism specific, CDMRP business specific and/or other government initiatives.

3.4.3.2 Provide software systems not supplied by CDMRP and bandwidth needed in order to electronically receive all scientific research pre-applications and full applications via Government electronic processes (CDMRP provided electronic receipt system and Grants.gov).

3.4.3.4 Receive as few as 200 pre-applications and a maximum of 3,000 pre-applications at one time during peak hours (usually one to two days before the receipt deadlines) using the CDMRP-provided electronic receipt system.

3.4.3.5 Maintain a helpdesk appropriately staffed to accommodate the anticipated number of pre-applications and full applications based on the program milestones. This helpdesk support shall also include customer support regarding all questions relating to Program Announcements released by CDMRP.

3.4.3.6 Maintain the appropriate software and bandwidth needed to interact with the Grants.gov system.

3.4.3.7 Maintain, update and enhance the grant application processor (which is part of the CDMRP-provided electronic receipt system) to process the application components retrieved from Grants.gov.

3.4.3.8 Maintain the existing electronic receipt system. Complete modifications and enhancements as necessary.

3.4.3.9 Maintain a disaster recovery site for the system in accordance with Army regulations.

3.4.3.10 Archive all data in accordance with methods and timelines specified by the CDMRP.

### 3.5 Meetings

3.5.1 The contractor shall contact the CDMRP Contract Manager to set up quarterly evaluation meetings to discuss the status of the contract, deliverables, contract performance and results of the Quality Assurance Surveillance Plan evaluation. Prior to meeting, the CDMRP Contract Manager will coordinate schedules for government staff (Contract Officer, Contract Specialist, COR and CDMRP personnel) to receive input for the evaluation of the performance of the contractor.

### 3.5.2 Contract Kick-Off Meeting

The contractor shall contact the CDMRP Contract Manager to set up a contract award kick-off meeting within the first 30 calendar days of the contract award date.

### 3.6 Security Requirements

3.6.1 Prior to commencement of services under this contract, all contractor personnel shall possess an approved National Agency Check and be a United States citizen. Additional security requirements shall be added to the contract as required.

#### 3.6.2 Information Security

Establish appropriate administrative, technical, and physical safeguards to protect any and all Government data. Ensure the confidentiality, integrity, and availability of Government data in compliance with all applicable laws and regulations, including data breach reporting and response requirements, in accordance with DFAR Subpart 224.1 (Protection of Individual Privacy), which incorporates by reference DoDD 5400.11, "DoD Privacy Program," May 8, 2007, and DoD 5400.11-R, "DoD Privacy Program," May 14, 2007. The contractor shall also comply with federal laws relating to freedom of information and records management.

##### 3.6.2.1 Health Insurance Portability and Accountability Act (HIPAA)

Comply with all requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191), as implemented by the HIPAA Privacy and Security Rules codified at 45 C.F.R. Parts 160 and 164, and as further implemented within the Military Health System (MHS) by DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003, and DoD 8580.02-R, "DoD Health Information Security Regulation, July 12, 2007. Comply with all applicable HIPAA-related rules and regulations as they are published and as further defined by later-occurring Government requirements and DoD guidance, including current and forthcoming DoD guidance implementing applicable HIPAA amendments under the American Recovery and Reinvestment Act of 2009 (ARRA). Any rules and regulations that are published, and/or requirements that are defined after the award date of this contract, and that require expenditure of additional Contractor resources for compliance, may be considered "changes" and will be subject to the "changes" clause under the contract.

##### 3.6.2.2 Breach Response

DoD 5400.11-R, "DoD Privacy Program," May 14, 2007, defines a breach as the "actual or possible loss of control, unauthorized disclosure, or unauthorized access of personal information where persons other than authorized users gain access or potential access to such information for other than authorized purposes where one or more individuals will be adversely affected." Within one hour of discovery, the breach must be reported to the US Computer Emergency Readiness Team (US CERT) at <https://forms.us-cert.gov/report/> and to the TMA Privacy Office at [PrivacyOfficerMail@tma.osd.mil](mailto:PrivacyOfficerMail@tma.osd.mil) as well as the USAMRMC IA and CDMRP IA.

Adhere to the reporting and response requirements set forth in the Office of the Secretary of Defense (OSD) Memorandum 1504-07, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," June 5, 2009; DoD 5400.11-R, and applicable TMA Privacy Office guidance, including current and forthcoming DoD guidance on ARRA breach notification requirements, available at: <http://www.tricare.mil/tmaprivacy/breach.cfm>.

##### 3.6.2.3 Privacy Impact Assessment (PIA)

Provide for the completion of a Privacy Impact Assessment (PIA) for any applicable systems that collect, maintain, use or disseminate personally identifiable information (PII) or protected health information (PHI) about members of the public, federal personnel, contractors, or in some cases foreign nationals.

To begin the PIA process, Contractors are responsible for the completion of the PIA Determination Checklist. This Checklist provides basic system information to the TMA Privacy Office and ensures that the appropriate decision concerning PIA requirements is made. The Checklist can be downloaded from <http://www.tricare.mil/tmaprivacy/downloads/PIADC.121008.pdf>.

Contractors are responsible for the employment of practices that satisfy the requirements and regulations of: Section 208 of E-Government (E-Gov) Act of 2002, (Pub. L. 107-347); DoDI 5400.16, "DoD Privacy Impact Assessment (PIA) Guidance," February 12, 2009; and, Office of Management and Budget (OMB) Memorandum 03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002," September 26, 2003. When completing a PIA, the Contractor is responsible for using the DoD-approved PIA Template, DD Form 2930, available at <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2930.pdf>.

Completed PIA Determination Checklists and DD Form 2930s will be sent to the TMA Privacy Office at [piamail@tma.osd.mil](mailto:piamail@tma.osd.mil).

#### 3.6.2.5 Privacy Act and HIPAA Training

Ensure that all staff including subcontractors and consultants comply with the training requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191). The training requirements are mandated by OSD Memorandum 15041-07, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information;" DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003; and the TMA Workforce Training Policy Memorandum, dated May 28, 2008, on the subject, "Workforce Training Policy Pursuant to the Department of Defense Privacy Act Regulations and the Department of Defense Health Insurance Portability and Accountability Act Privacy and Security Regulations."

Ensure that the annual Privacy Act and HIPAA training is completed by all staff assigned to or performing on this task order contract, including subcontractors and consultants. All required Privacy Act and HIPAA training will be conducted online through Military Health System Learn (MHS Learn) at <https://mhslearn.csd.disa.mil> to meet the above requirements. Ensure all employees and subcontractors supply a certificate of Privacy Act and HIPAA training completion to the Contracting Officer Representative (COR) within 30 days of being assigned to task order contract and on an annual basis based on the trainee's birth month thereafter.

#### 3.6.2.6 Records Management

When creating and maintaining official government records, comply with all federal requirements established by 44 United States Code (USC), 41 USC, 36 Code of Federal Regulations (CFR), Department of Defense (DOD) Administrative Instruction No. 15 (DOD AI-15), "Records Management, Administrative Procedures and Records Disposition Schedules," and Chapter 2 of the TRICARE Operations Manual.

#### 3.6.2.7 Freedom of Information Act (FOIA) Office

TRICARE Freedom of Information Act Service Center procedures require a written request under FOIA to be addressed to the Freedom of Information Officer, USAMRAA. The request shall describe the desired record as completely as possible to facilitate its retrieval from files and to reduce search fees which may be borne by the requestor. No more than ten working days shall elapse after a request has been received by the Freedom of Information Officer before notification is sent that the request has been granted or denied. The administrative time limit for responding to FOIA requests does not begin until the request is received by USAMRAA.

In response to requests received by contractors for the release of information, unclassified information, documents and forms which were previously provided to the public as part of routine services shall continue to be made available in accordance with previously established criteria. All other requests from the public for release of USAMRMC records and, specifically, all requests that reference the Freedom of Information Act shall be immediately forwarded to USAMRAA, ATTENTION: Freedom of Information Officer, for appropriate action. The contractor shall process requests by individuals for access to records about themselves under the Privacy Act procedures when those procedures are more advantageous to the requestor.

### 3.7 Government Furnished Equipment

The government shall furnish equipment for processing DTS travel.

### 3.8 Quality Assurance Surveillance Plan

Every DoD contract awarded for services in excess of \$2,500.00 must contain a Quality Assurance Surveillance Plan (QASP) as discussed in the Federal Acquisition Regulation at Subpart 46.4. A QASP is a plan specifying the particular services the Contracting Officer's Representative (COR) will inspect and the method(s) used to complete that surveillance. Each offeror shall digest the Performance Work Statement in this RFP and offer a QASP associated therewith. The QASP shall be submitted as part of the offeror's technical proposal. It will not be subjectively evaluated and rated. However, it may be discussed during the pre-award period for finalization prior to its inclusion in the awarded contract.

## SECTION SF 1449 - CONTINUATION SHEET

The following have been modified:

### 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (FEB 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: (Contracting Officer check as appropriate.)

  X   (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (SEP 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 (DEC 2008)(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 (MAR 2009) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

(4) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (MAR 2009) (Pub. L. 111-5).

(5) 52.219-3, Notice of Total HUBZone Set-Aside (Jan 1999) (15 U.S.C. 657a).

(6) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (JUL 2005) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).

(7) [Reserved].

(8)(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.

(9)(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.

(10) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637 (d)(2) and (3)).

(11)(i) 52.219-9, Small Business Subcontracting Plan (APR 2008) (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.

(12) 52.219-14, Limitations on Subcontracting (DEC 1996) (15 U.S.C. 637(a)(14)).

(13) 52.219-16, Liquidated Damages--Subcontracting Plan (JAN 1999) (15 U.S.C. 637(d)(4)(F)(i)).

\_\_\_ (14)(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.

\_\_\_ (15) 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).

\_\_\_ (16) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (OCT 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

\_\_\_ (17) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (MAY 2004) (U.S.C. 657 f).

\_\_\_ (18) 52.219-28, Post Award Small Business Program Rerepresentation (APR 2009) (15 U.S.C. 632(a)(2)).

(19) 52.222-3, Convict Labor (JUNE 2003) (E.O. 11755).

(20) 52.222-19, Child Labor--Cooperation with Authorities and Remedies (AUG 2009) (E.O. 13126).

(21) 52.222-21, Prohibition of Segregated Facilities (FEB 1999).

(22) 52.222-26, Equal Opportunity (MAR 2007) (E.O. 11246).

(23) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEP 2006) (38 U.S.C. 4212).

(24) 52.222-36, Affirmative Action for Workers with Disabilities (JUN 1998) (29 U.S.C. 793).

(25) 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEP 2006) (38 U.S.C. 4212).

\_\_\_ (26) 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.)

\_\_\_ (27) (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.)

\_\_\_ (28) 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007) (42 U.S.C. 8259b)

\_\_\_ (29)(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. .

X (30) 52.225-1, Buy American Act--Supplies (JUNE 2003) (41 U.S.C. 10a-10d).

X (31)(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, 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.

X (32) 52.225-5, Trade Agreements (AUG 2009) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

X (33) 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).

\_\_\_ (34) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (35) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (36) 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))

X (37) 52.232-30, Installment Payments for Commercial Items (OCT 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

X (38) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (OCT 2003) (31 U.S.C. 3332).

\_\_\_ (39) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (MAY 1999) (31 U.S.C. 3332)

\_\_\_ (40) 52.232-36, Payment by Third Party (FEB 2010) (31 U.S.C. 3332).

\_\_\_ (41) 52.239-1, Privacy or Security Safeguards (AUG 1996) (5 U.S.C. 552a).

\_\_\_ (42)(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: (Contracting Officer check as appropriate.)

\_\_\_ (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.).

\_\_\_ (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.).

X (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 (DEC 2008) (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 (SEP 2006) (38 U.S.C. 4212).

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

(vii) 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, Employment 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.

(End of clause)

The following have been deleted:

52.219-9	Small Business Subcontracting Plan	APR 2008
52.222-43	Fair Labor Standards Act And Service Contract Act - Price Adjustment (Multiple Year And Option)	SEP 2009

(End of Summary of Changes)