4.2 Utility Clause Matrix Revised 4/2013

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Legend:

Mandatory (M) – When applicable these clauses shall be included in leases/agreements without any changes unless other party is prohibited legally from executing the document with the provision as written. These clauses are either: 1.) mandated by law; 2.) set by legal precedent; 3.) and/or established by FAA policy.

Recommended (R) – In general these clauses provide useful protection to the government. These clauses, or a modified version, should be used in all applicable circumstances. The RECO may tailor the clause to meet a specific situation. Changes that have legal impact require region/center legal approval.

Optional (O) – The RECO decides whether or not these clauses or a modified version should be included in the lease. Deviations from the suggested wording must have the region/center legal approval, if there is a legal impact.

Note - All space leases may be augmented with additional clauses or special provisions with region/center legal approval.

CLAUSE TITLE	DATE OF CLAUSE	STATUS	PRESCRIPTION
Advance Payment	10/96	M	Insert in all utility contracts.
Anti-Kickback	10/96	M	Insert in all utility contracts IAW 41 U.S.C. 51-58
Billing Information	10/96	R	
Certification of Registration in System For Award Management (SAM)	1/13	M	Mandatory unless granted an exception to use of SAM by CO. If exception granted, delete this clause, and use clause "Contractor Payment Information - Non SAM".
Contract Disputes	11/03	M	Insert in all utility contracts asrequired by FAA policy on contract and protest dispute resolution system from the Office of Dispute Resolution for Acquisition (ODRA) and shall be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17. Add language specifically addressing utility rate commission.
Covenant Against Contingent Fees	10/96	M	Insert in all utility contracts in accordance with 41 USC 254.
Contractor Identification Number - Data Universal Numbering System (DUNS) Number - Real Property	10/06	M	Mandatory unless granted an exception to use of SAM by CO. If exception granted, delete this clause, and use clause "Contractor Payment Information - Non SAM".
Contractor Payment Information - Non	1/13	M	Mandatory on new awards when vendor is exempted from SAM. If this clause is used,

SAM			you must delete all three SAM clauses, System for Award Management - Real Property; Contractor Identification Number - Data Universal Numbering System (DUNS) Number - Real Property; and Certification of Registration in System For Award Management (SAM).
Facilities Charges	10/96	R	
Interest For Late Payments	10/96	O	
Nonrecurring Charge	10/96	O	
Officials Not to Benefit	10/96	M	Insert in all utility contracts in accordance with public contract law, 41 U.S.C. 22.
Payment by Electronic Funds Transfer - Real Property	1/13	M	Mandatory unless a waiver request is submitted and approved by AMZ Payment office.
Protest	11/03	M	Insert in all utility contracts as required by FAA policy on contract and protest dispute resolution system from the Office of Dispute Resolution for Acquisition (ODRA) and shall be governed by the procedures set forth in 14 C.F.R. Parts 14 and 17. Longer version may be substituted for shorter version. Find version under Procurement Writing Tool 3.9.1-3
Protest After Award	8/97	O	Longer version may be substituted for shorter version. Find version under Procurement Writing Tool 3.9.1 -2
System for Award Management – Real Property	1/13	M	Mandatory unless granted an exception to use of SAM by CO. If exception granted, delete this clause, and use clause "Contractor Payment Information - Non SAM".
Tariffs and Rates	10/96	R	