

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 19-63

**Date Received:** 10/7/2019

**Title:** AMS Contract Clause Change 98

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**Initiator Name:** Michelle Brune

**Initiator Organization Name / Routing Code:** Acquisition Policy/AAP-100

**Initiator Phone:** 202-267-7328

**ASAG Member Name:** Michelle Brune

**ASAG Member Phone:** 202-267-7328

**Policy and Guidance:** (check all that apply)

- Policy
- Procurement Guidance
- Real Estate Guidance
- Other Guidance
- Non-AMS Changes

**Summary of Change:**

Revised Clauses:

1.13-5 Integrated Master Schedule (October 2014)

1.13-7 Earned Value Management System - Withholding of Payment (October 2014)

3.1.7-4 Organizational Conflict of Interest - Mitigation Plan Required (April 2012)

3.1.8-2 Price or Fee Adjustment for Illegal or Improper Activity (October 2014)

3.2.1.3-2 Right of First Refusal of Employment (September 2003)

3.2.2.3-20 Alternate I Offers (January 2018)

3.2.2.7-1 Qualification Requirements (March 2009)

3.2.2.8-1 Material Requirement (April 2009)

3.2.2.8-2 Variation in Quantity (April 1996)

3.2.2.8-4 Variation in Estimated Quantities (April 1996)

3.2.2.8-5 Liquidated Damages - Construction (April 1996)

3.2.2.8-7 Desired and Required Time of Delivery (November 1997)

3.2.2.8-7 Alternate I Desired and Required Time of Delivery (November 1997)

3.2.2.8-8 Liquidated Damages - Supplies, Services, or Research and Development (October 2014)

3.2.3-1 Cost Accounting Standards Notices and Certification (October 2018)

3.2.3-2 Cost Accounting Standards (October 2018)

- 3.2.3-3 Disclosure and Consistency of Cost Accounting Practices (October 2018)
- 3.2.3-4 Consistency in Cost Accounting Practices (April 1996)
- 3.2.3-5 Administration of Cost Accounting Standards (April 1996)
- 3.2.4-2 Fixed-Priced Contracts with Economic Price Adjustment-Standard Supplies (April 1996)
- 3.2.4-3 Fixed-Price Contracts with Economic Price Adjustment-Semi-standard Supplies (April 1996)
- 3.2.4-4 Fixed-Price Contracts with Economic Price Adjustment-Labor and Material (April 1996)
- 3.2.4-5 Allowable Cost and Payment (July 2017)
- 3.2.4-6 Fixed Fee (January 2011)
- 3.2.4-7 Fixed Fee-Construction (April 1996)
- 3.2.4-8 Incentive Fee (July 2017)
- 3.2.4-9 Cost Contract - No Fee (April 1996)
- 3.2.4-10 Cost-Sharing Contract - No Fee (April 1996)
- 3.2.4-11 Allowable Cost and Payment-Facilities (October 1996)
- 3.2.4-11 Alternate I Allowable Cost and Payment - Facilities (October 1996)
- 3.2.4-12 Allowable Cost and Payment-Facilities Use (April 1996)
- 3.2.4-13 Predetermined Indirect Cost Rates (April 1996)
- 3.2.4-14 Incentive Price Revision-Firm Target (April 1996)
- 3.2.4-14 Alternate I Incentive Price Revision-Firm Target (April 1996)
- 3.2.4-15 Incentive Price Revision-Successive Targets (October 1996)
- 3.2.4-15 Alternate I Incentive Price Revision-Successive Targets (October 1996)
- 3.2.4-16 Ordering (October 2011)
- 3.2.4-16 Alternate I Ordering (October 1996)
- 3.2.4-17 Order Limitations (October 1996)
- 3.2.4-18 Definite Quantity (April 1996)
- 3.2.4-19 Alternate I Requirements (March 2009)
- 3.2.4-19 Requirements (October 1996)
- 3.2.4-19 Alternate III Requirements (October 1996)
- 3.2.4-19 Alternate IV Requirements (October 1996)
- 3.2.4-20 Indefinite Quantity (July 1996)
- 3.2.4-21 Execution and Commencement of Work (April 1996)
- 3.2.4-22 Limitation of Government Liability (April 1996)
- 3.2.4-23 Contract Price Definitization (October 2011)
- 3.2.4-24 Payments of Allowable Costs Before Definitization (May 2001)
- 3.2.4-27 Limitation of Price and Contractor Obligations (April 1996)
- 3.2.4-28 Cancellation of Items (April 1996)
- 3.2.4-28 Alternate I Cancellation of Items (April 1996)
- 3.2.4-32 Option for Increased Quantity (April 1996)
- 3.2.4-33 Option for Increased Quantity - Separately Priced Line Item (April 1996)
- 3.2.4-34 Option to Extend Services (October 2014)
- 3.2.4-35 Option to Extend the Term of the Contract (October 2018)
- 3.2.4-36 Award Fee (January 2004)
- 3.2.5-1 Officials Not to Benefit (April 1996)
- 3.2.5-3 Gratuities or Gifts (January 1999)
- 3.2.5-5 Anti-Kickback Procedures (October 2010)

3.2.5-6 Restrictions on Subcontractor Sales to the FAA (April 1996)  
3.2.5-7 Disclosure Regarding Payments to Influence Certain Federal Transactions (October 2017)  
3.3.2-1 FAA Cost Principles (January 2016)  
3.4.1-7 Notice to Proceed (April 1996)  
3.4.1-8 Patent Infringement Bond Requirements (October 1996)  
3.4.1-10 Insurance - Work on a Government Installation (July 1996)  
3.4.1-11 Insurance - Liability to Third Persons (June 1999)  
3.4.1-11 Alternate I Insurance--Liability to Third Persons (April 1996)  
3.4.1-11 Alternate II Insurance--Liability to Third Persons (April 1996)  
3.4.1-12 Insurance (July 1996)  
3.4.1-14 Liability and Insurance - Leased Motor Vehicles (August 1997)  
3.4.2-2 Taxes - Cost-Reimbursement Contracts with Foreign Governments (April 1996)  
3.4.2-3 Taxes - Foreign Cost-Reimbursement Contracts (April 1996)  
3.4.2-4 Taxes - Fixed-Price Contracts with Foreign Governments (April 2013)  
3.4.2-5 Taxes - Foreign Fixed-Price Contracts (July 2019)  
3.4.2-7 Federal, State, and Local Taxes - Fixed-Price, Noncompetitive Contract (July 2019)  
3.4.2-10 State and Local Taxes - Indefinite Delivery Contracts for Leased Equipment (April 1996)  
3.6.1-1 Notice of Total Small Business Set-Aside (January 2010)  
3.6.1-3 Utilization of Small, Small Disadvantaged and Women-Owned, and Service-Disabled Veteran Owned Small Business Concerns (March 2009)  
3.6.1-12 Notice of Service-Disabled Veteran Owned Small Business Set-Aside (October 2011)  
3.6.1-15 Post-Award Small Business Program Re-representation (October 2016)  
3.6.2-41 Employment Eligibility Verification (April 2019)  
3.6.3-17 Efficiency in Energy-Consuming Products (October 2018)  
3.6.4-4 Buy American Act - Construction Materials Under North American Free Trade Agreement (October 2014)  
3.6.4-8 Buy American Act - NAFTA Implementation Act - Balance of Payments Program (October 2014)  
3.6.4-18 Certification Regarding Steel and Manufactured Products (April 2009)  
3.6.4-22 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2019)  
3.6.4-23 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2019)

**Reason for Change:**

1. 3.2.5-7 Disclosure Regarding Payments to Influence Certain Federal Transactions (October 2017) - Updates reference from 25 USC 450B to 25 USC 5304.
2. The following clauses were updated for NAFTA construction thresholds to match the current US Trade Representative threshold of \$10,441,216:  
  
3.6.4-4 Buy American Act - Construction Materials Under North American Free Trade Agreement (October 2014)

3.6.4-8 Buy American Act - NAFTA Implementation Act - Balance of Payments Program (October 2014)

3. 3.6.4-18 Certification Regarding Steel and Manufactured Products (April 2009) - Revised prescription to require clause to be used in SIRs when 3.6.4-5 is used.

4. The following clauses were edited to correct typographical errors:

3.2.2.3-20 Alternate I Offers (January 2018)

3.6.3-17 Efficiency in Energy-Consuming Products (October 2018)

5. 3.6.2-41 Employment Eligibility Verification (April 2019) - Edited to correct definition of "United States" as requested by AGC.

6. 3.1.7-4 Organizational Conflict of Interest - Mitigation Plan Required (April 2012) - Clarifies what contract actions (contracts, grants, cooperative agreements, or other transaction agreements) are applicable in identifying potential OCIs in response to two OIG Recommendations (OIG Report No. ZA2012082 #9 and ZA2017098 #3).

7. The following clauses are added to implement Section 889(a) of the National Defense Authorization Act (NDAA) of 2019 (P.L. 115-874):

3.6.4-22 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2019)

3.6.4-23 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2019)

8. The following clauses were edited to remove "Shall" and replace with "Will/Must" as recommended by AGC in compliance with FAA plain language policy.

1.13-5 Integrated Master Schedule (October 2014)

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**Development, Review, and Concurrence:**

AAP-110, AGC-500

**Target Audience:**

Acquisition Workforce

**Briefing Planned:**

**ASAG Responsibilities:**

**Section / Text Location:**

FAST/PRISM

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FAST Version 10/2019

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