

27 October 2023

This is the Military Sealift Command Norfolk, Strategic Sealift Program Support Office

**SOURCES SOUGHT NOTICES, RFP'S, AMENDMENTS AND CONTRACT AWARDS
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PROFORMA DOCUMENTS WILL BE MADE AVAILABLE UPON REQUEST

Subj: RFP N3220524R4010

Ref: (a) SF 1449
(b) MSC DRYTIME 2022 (09-22)

This procurement is a FAR Part 12 acquisition being conducted under FAR 15 Contracting by Negotiation. Per FAR 52.216-1, the Government contemplates award of a firm-fixed-price contract resulting from solicitation.

MSC Strategic Sealift Program Support Office, N103A, requests proposals for vessel(s) capable of meeting the transportation requirements described below. The paragraph numbers below apply to the box layout of references (a) and (b), which are incorporated herein by reference (available on the MSC web site at <https://www.msc.usff.navy.mil>, under "Business "Opportunities", select "Contracts", then "Proforma", or upon request), and shall be the charter form of any contract resulting from this solicitation. By submission of a proposal, the owner/offeree confirms agreement with all terms and conditions of this solicitation and the charter form, unless otherwise identified therein.

NOTE:

1. DUE TO INCREASED E-MAIL SECURITY, IT MAY TAKE LONGER FOR E-MAILS TO BE RECEIVED IN THE APPROPRIATE IN-BOX, ESPECIALLY WHEN AN E-MAIL IS HOSTED IN A FOREIGN COUNTRY; SOME E-MAILS ARE DELAYED IN EXCESS OF HOURS. OFFERORS ARE ENCOURAGED TO SUBMIT OFFERS AS SOON AS POSSIBLE. NO JPEG FILES.

A. STANDARD FORM 1449 BOXES

I. Standard Form 1449 Boxes

- 2. Contract No.: Will be provided upon award
- 5. Solicitation No.: N3220524R4010
- 6. Solicitation Issue Date: 27 October 2023
- 7. For Solicitation Information: Email Nic Hatcher at eric.n.hatcher2.civ@us.navy.mil; 757-341-5471
- 8. Offer Due Date: ***Thursday, 02 November 2023, at 1100 Eastern Time***
- 9. Issued By: Military Sealift Command Norfolk, 471 East C Street, Bldg. SP-64, Naval Station Norfolk, Norfolk, VA 23511-2419 (Code: N32205)
- 10. This Acquisition is: Unrestricted; NAICS Code: 483111
- 14. Method of Solicitation: RFP
- 18a. Payment will be made by: ERP DFAS-CL (Pay DoDAAC N50082) or DFAS-One Pay (Pay DoDAAC N68732). Submit electronic invoices IAW Part VIII(6) DFARS 252.232-7006 Wide Area Work Flow Payment Instructions
- 18b. Submit invoices to: See Part VIII(C)(7) MSC Wide Area Work Flow (WAWF) Instructions
- 27a. Solicitation incorporates by full text FAR 52.212-1, 52.212-3 Alt I, 52.212-4 and 52.212-5, tailored as indicated and appropriate.

PART I-DRYTIME BOXES:

1. Vessel Required:

One, U.S. or foreign flag, self-sustaining Lift-On/Lift-Off (LO/LO), breakbulk vessel capable of carrying a minimum of 750 TEUs, to support resupply operations for McMurdo Station, Antarctica/Operation Deep Freeze 2024.

- A.** Minimum capacity of 750 TEUs with average container weight of 30,000 lbs and a minimum of 50 Reefer Plugs (230V/60HZ/3 PHASE).
- B.** A minimum of two cranes with 100 MT (per crane) lifting capacity.
- C.** A maximum overall length of less than or equal to 180 meters (590 feet) and a laden draft of less than or equal to 9.7 meters (32 feet).
- D.** The capability to maintain a minimum of 15 knots when laden.
- E.** A minimum range of 10,000 nautical miles unrefueled.
- F.** Ability to meet IMO Polar Code Classification B regulations with a minimum Ice Class GL-E2, ABS-B0, F-S-1B, or equivalent.
- G.** Ability to meet all MARPOL regulations.
- H.** Vessel must arrive with all required certifications current for duration of charter period to include cranes and spreader bars.
- I.** Holds with a minimum tween deck height of 9 feet and a minimum tank top deck height of 12 feet.

J. As part of the fixed price, inspection of all cargo by a national cargo representative at Port Hueneme, CA must be completed prior to loading cargo onto the vessel.

K. Berthing for Supercargo, NZ National Refrigeration Technician, Embarking and Disembarking at Port Hueneme, CA. Crane Technician and Ice Pilot embarkation/debarkation will be arranged by the ship and require berthing space.

2. Place / Range of Delivery:

Port Hueneme, CA, USA

3. Place / Range of Redelivery:

Port Hueneme, CA, USA

4. Charter Period:

85 days

5. Laydays:

Commencing: 13 December 2023

Cancelling: 14 December 2023

Owner/Offeree to indicate estimated time of arrival.

6. Terms/Conditions/Attachments added, deleted or modified:

Special Requirements:

A. Health and Safety Requirements:

1. Owner/Offeree shall provide the MSC Area Commander with any report required under U.S. Coast Guard Marine Safety Information Bulletin 02-20 (Change 7) (requiring hazardous conditions be reported), prior to entering the port.
2. Owner/Offeree shall provide in its proposal its company's health and safety plans for its crew, related to the novel coronavirus for this mission. The plan will become part of the contract.
3. Owner/Offeree is advised that due to the time-sensitive and critical nature of the mission, including environmental factors, the Excusable Delay provision shall not apply if delay was caused by a breach of Owner's Health and safety Plan cited above, or was otherwise reasonably preventable by following U.S. Coast Guard or Center for Disease Control COVID-19 guidelines in publication at the time of breach.
4. Owner/Offeree agrees that crew and other embarked personnel may be ordered by the charterer to stay aboard the vessel during port visits under this charter as deemed necessary by the charterer or local government authorities. Further, the Owner/Offeree agrees that the charterer may limit access to the vessel by any shore-side personnel upon the vessel's port calls during this charter.

B. Documentation: Upon award, Owner/Offeree will provide open and/or overdue conditions of class, statutory conditions, any short term certificates vice full certificates with reasoning, current deficiencies per category and corrections are planned, any USCG 835s that are outstanding, and

any ABS open ISM findings and/or observations. *This is to assist Military Sealift Command in determining the scope of On-hire inspection.*

C. CALL OUT and AMEND PART V (g): Communications to read:

Vessel shall provide a minimum Committed Information Rate (CIR), for satellite communications capability, of 1024/1024 Kbps to support connection of Department of Defense embarked unclassified and classified voice and data communications capabilities.

D. Supercargo: Pursuant to PART IV (k), a minimum of three supercargo is required for the vessel, which includes one customer National Science Foundation (NSF) provided New Zealand Refrigeration Technician, Crane Technician, and Ice Pilot.

E. CALL OUT PART V (i): Lashing Gear

F. CALL OUT PART V (j): Spreader Bar

G. CALL OUT PART V (l): Self-Sustaining

H. CALL OUT PART V (m): 1-4, 7: Certificates

I. CALL OUT PART V (n): Stow Plan

J. CALL OUT PART V (o): Fully Bunkered.

K. Classified Requirement:

1. There is a classified requirement in this solicitation. Owner/Offeror or their representative, with appropriate security clearances in place, must submit to the Contracting Officer a request to review the classified requirement within one business day of the issuance of this solicitation and then must make the necessary arrangements at their expense to view the classified requirement at appointed place and time provided, which must be prior to the solicitation response date and time. The opportunity to review the classified requirement will be lost if the Contracting Officer does not receive a request on time or if the Owner/Offeror misses the appointment. There is no requirement to review the classified requirement prior to submitting an offer. Not reviewing the requirement prior to submitting an offer will not in and of itself render an offer ineligible for award.
2. Offers will be considered against this requirement before any other evaluation. An offer found not acceptable with this requirement will not be further evaluated. Owner/Offeror will be notified if their offers were excluded because of this requirement.

L. Ice Pilot: As part of the fixed price, Ice Pilots are required to be onboard, at a minimum, embarking and disembarking in Port Lyttleton, New Zealand.

M. Crane technician: As part of the fixed price, at least one Crane Technician is required to be onboard, at a minimum during the McMurdo Station Port Call.

N. AMEND PART III(c)vi POSITION REPORTS to add the following:

MSC_N321A_DryCargo@us.navy.mil
MSC_BWC@us.navy.mil
Richard.l.preston4.civ@mail.mil
Curtis.l.mcclure.civ@mail.mil
slecargo@eu.navy.mil
MSClant_N32@navy.mil

O. AMEND PART III(d)(2) to read: Qualifications. The Master, Officers, and crew shall be U.S. citizens, conversant with English, and in possession of valid and current certificates, licenses, and documents.

P. Attachment (E): RFP N3220524R4010 Evaluation Sheet (See Part IX Attachments below). Owner/Offeror shall complete Attachment (E) in its entirety and submit the completed attachment with their offer.

Full text of clauses may be accessed electronically through this/these address(es):

<http://www.acquisition.gov/far/index.html>
<http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>

REPLACE IN ITS ENTIRETY PART II WITH THE FOLLOWING:

FAR 52.212-4 Contract Terms and Conditions – Commercial Products and Commercial Services (DEC 2022) (tailored pursuant to FAR 12.302(a)) (See PART IX. ATTACHMENTS, Attachment (I))

REPLACE PART VI WITH THE FOLLOWING:

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (SEP 2023)

(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.]

XX (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.)

XX (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].

XX (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).

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

XX (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).

XX (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).

XX (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]

__ (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.

XX (17) 52.219-8, Utilization of Small Business Concerns (Sep 2023) (15 U.S.C. 637(d)(2) and (3)).

XX (18) (i) 52.219-9, Small Business Subcontracting Plan (Sep 2023) (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 2023) 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).

XX (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).

XX (23) (i) 52.219-28, Post Award Small Business Program Rerepresentation (Sep 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)).

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

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

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

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

___ (ii) Alternate I (Feb 1999) of 52.222-26.

XX (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.

XX (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.

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

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

XX (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.
- XX** (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).

XX (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).

XX (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).

XX (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)).

XX (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).

XX (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.]

XX (1) 52.222-41, Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter67).

XX (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).

XX (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).

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

XX (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 (Sep 2023) (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)

http://www.acquisition.gov/far/current/html/52_212_213.html

PART VIII ADDITIONAL FAR AND DFARS CLAUSES; amend the following:

VIII(c)(6) DFARS 252.232-7006 Wide Area Work Flow Payment Instructions (JAN 2023)

(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.

Not Applicable

(Contracting Officer: Insert applicable invoice and receiving report document type(s) for fixed price line items that require shipment of a deliverable.)

(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.

2-in-1 Invoice

(Contracting Officer: Insert either “Invoice 2in1” or the applicable invoice and receiving report document type(s) for fixed price line items for services.)

(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.

[Note: The Contractor may use a WAWF “combo” document type to create some combinations of invoice and receiving report in one step.]

(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.

A. Routing Data Table for U.S. Banks / U.S. Currency:

<i>Field Name in WAWF</i>	<i>Data to be entered in WAWF</i>
Pay Official DoDAAC	N50082
Issue By DoDAAC	Leave Blank
Admin DoDAAC	N62387
Inspect By DoDAAC	N62387
Ship To Code	N62387
Ship From Code	Leave Blank
Mark For Code	Leave Blank
Service Approver (DoDAAC)	N62387
Service Acceptor (DoDAAC)	N62387
Accept at Other DoDAAC	Leave Blank
LPO DoDAAC	N62387
DCAA Auditor DoDAAC	Leave Blank
Other DoDAAC(s)	Leave Blank

B. Routing Data Table for Foreign Banks / Foreign Currency:

<i>Field Name in WAWF</i>	<i>Data to be entered in WAWF</i>
Pay Official DoDAAC	N68732

Issue By DoDAAC	Leave Blank
Admin DoDAAC	N62387
Inspect By DoDAAC	N62387
Ship To Code	N62387
Ship From Code	Leave Blank
Mark For Code	Leave Blank
Service Approver (DoDAAC)	N62387
Service Acceptor (DoDAAC)	N62387
Accept at Other DoDAAC	Leave Blank
LPO DoDAAC	N62387
DCAA Auditor DoDAAC	Leave Blank
Other DoDAAC(s)	Leave Blank

PART IX. ATTACHMENTS – DRY CARGO TIME CHARTER; add the following:

- (B) U.S. Department of Labor Wage Determination 2019-0288, Rev. 17
- (C) DRYTIME Fuel Consumption Template
- (E) RFP N3220524R4010 Evaluation Sheet
- (F) DRYTIME Part X(a)(1) FAR 52.212-1 Instructions to Offerors — Commercial Products and Commercial Services (SEP 2023) (tailored pursuant to FAR 12.302(a))
- (G) FAR 52.212-3 Offeror Representations and Certifications – Commercial Products and Commercial Services (SEP 2023)
- (H) FAR 52.209-5 Certification Regarding Responsibility Matters (AUG 2020)
- (I) FAR 52.212-4 Contract Terms and Conditions – Commercial Products and Commercial Services (DEC 2022) (tailored pursuant to FAR 12.302(a))

Offerors shall comply with all parts of the solicitation and shall use the guidelines set forth in Part X for submission of offers.

PART X. INSTRUCTIONS TO OFFERORS; amend the following:

REPLACE IN ITS ENTIRETY PART X(a)(1) WITH THE FOLLOWING:

FAR 52.212-1 Instructions to Offerors — Commercial Products and Commercial Services (SEP 2023) (tailored pursuant to FAR 12.302(a)) (See PART IX. ATTACHMENTS, Attachment (F))

AMEND Attachment (F) PART X(a)(1)(h) Multiple Awards to read: “Reserved.”

AMEND Attachment (F) PART X(a)(1)(n) FAR 13.5 Acquisition, to read “Reserved.”

ADD PART X (a)(1)(o) FAR 15 Acquisition. This procurement is a FAR Part 12 acquisition being conducted under FAR 15 Contracting by Negotiation. Accordingly, the policies and procedures for solicitation, evaluation, and award authorized by FAR Part 15, “Contracting by Negotiation” procedures apply. The Government intends to award without discussions. Pursuant to FAR 52.212-1(g), however, the Government reserves the right to conduct discussions if it later determines them to be necessary.

AMEND PART XI title to read as follows: FAR 52.212-2 EVALUATION -- COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (NOV 2021) (tailored pursuant to FAR 12.302(a)) – SPOT CHARTER

PART XI(b); Add the following as the final sentence:

“Offers will be forwarded by the technical team to COMSC Intelligence (N2) to determine if the vessel complies with the classified requirement.”

PART XI(e) PRICE; amend to read as follows:

XI(e)(a) The offeror’s price proposal will be evaluated based on the value of the charter hire rate(s) offered for the entire charter period of (a) 85 days, price for fuel, and any other pricing elements set forth in the offer. For evaluation purposes, the period of performance will consist of (b) 85 days. Fuel calculations will be based upon (c) 50 days underway laden at the speed specified in the individual solicitation, using fuel consumptions provided in DRYTIME Boxes 68 and 70; (d) 00 days underway ballast at the speed specified in the individual solicitation, using fuel consumptions provided in DRYTIME Boxes 69 and 70; and (e) 35 days in port idle, using the fuel consumption provided in DRYTIME Box 71. This will represent the overall cost to the Government. The proposed price(s) must be determined to be fair and reasonable.

XI(e)(b) Add the following to the body of the already-existing paragraph:

(1) MGO/MDO: \$1,141.39 per metric ton.

XII. OFFEROR REPRESENTATIONS AND CERTIFICATIONS REQUIRED BY FAR

REPLACE PART XII(c)(3) WITH THE FOLLOWING:

FAR 52.212-3 Offeror Representations and Certifications – Commercial Products and Commercial Services (SEP 2023) (See PART IX. ATTACHMENTS, Attachment (G))

ADD: PART XII(c)(9) FAR 52.209-5 Certification Regarding Responsibility Matters (AUG 2020) – **CHECKED** (See PART IX. ATTACHMENTS, Attachment (H))

THIS CONCLUDES THE CHANGES TO PART I, DRYTIME BOX 6 (TERMS/CONDITIONS/ ATTACHMENTS ADDED, DELETED OR MODIFIED).

SIGNED: ROBBIN JEFFERSON, CONTRACTING OFFICER, MSC, N103A