



DoD Prime/FPP: Interim Terms and Conditions Changes (2020)

Effective December 2019

1. USGOVA (1/2020) and USGOVA-CON (1/2020) clause addition:

- 252.204-7018 PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES (DEC 2019)

Effective 1 April 2020:

1. USGOVA (1/2020) and USGOVA-CON (1/2020) **Correction:**

- 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (AUG 2019)

Effective 8 April 2020:

1. USGOVA (1/2020) **ADD:**

- 252.232-7015 PERFORMANCE-BASED PAYMENTS – REPRESENTATION (APR 2020)
- 252.232-7016 NOTICE OF PROGRESS PAYMENTS OR PERFORMANCE-BASED PAYMENTS (APR 2020)
- 252.232.7017 ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (APR 2020) (Applicable to small businesses only and only when BAE Systems is the Prime contractor)

2. USGOVA (1/2020) and USGOVA-CON (1/2020) **Date Change:**

- 252.232-7013 PERFORMANCE-BASED PAYMENTS – DELIVERABLE-ITEM BASIS (APR 2020)

Effective 5 June 2020:

1. USGOVA (1/2020) and USGOVA-CON (1/2020) **Update:**

- 252.249-7002 NOTIFICATION OF ANTICIPATED CONTRACT REDUCTION OR TERMINATION (JUN2020) – Correcting citation format, etc., within clause

2. USGOV (1/2020) and USGOVA-CON (1/2020) **Correction:**

- 252.225-7013 DUTY-FREE ENTRY (APR2020) – The update published in the Federal Register in April did not change the clause date from March to April

Effective 24 June 2020:

1. NONGOV (1/2020) **ADD** between existing paragraphs 17(i) and 17(j):

Prohibition on certain telecommunications and video surveillance:

(a) *Definitions.* As used in this provision, “covered telecommunications equipment or services” includes products/services produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary/affiliate) or a company owned or controlled by the government of The People’s Republic of China. The full definition is provided in the Federal Acquisition Regulation (FAR) clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) If the Seller is utilizing or procuring for BAE Systems telecommunications equipment or services as part of this contract, Seller shall check the name of their respective supplier(s) against the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) using the Search Records function for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(c) Representation. Seller represents that it does not provide covered telecommunications equipment or services as a part of its offered products or services to BAE Systems in the performance of this Contract.

Effective 2 July 2020

1. 52.209-5 CERTIFICATION REGARDING RESPONSIBILITY MATTERS (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Revise date of provision to AUG2020
- Removing from paragraph (h)(4) introductory text "\$3,500" and adding "the threshold at 9.104-5)(a)(2)" in its place

2. 52.214-28 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA-MODIFICATIONS-SEALED BIDDING (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription "14.201-7(c)" and add "14.201-7(c)(1)(i)" in its place
- Add Alternate I, which reads as follows:

Alternate I (AUG 20). As prescribed in 14.201-7(c)(1)(ii), substitute the following paragraph (b) in place of paragraph (b) of the basic clause: (b) Unless an exception under FAR 15.403-1(b) applies, the Contractor shall require the subcontractor to submit certified cost or pricing data (actually or by specific identification in writing), as part of the subcontractor's proposal in accordance with FAR 15.408, Table 15-2 (to include any information reasonably required to explain the subcontractor's estimating process such as the judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data, and the nature and amount of any contingencies included in the price)— (1) Before modifying any subcontract that was awarded prior to July 1, 2018, involving a pricing adjustment expected to exceed \$750,000; or (2) Before awarding any subcontract expected to exceed \$2 million on or after July 1, 2018, or modifying any subcontract that was awarded on or after July 1, 2018, involving a pricing adjustment expected to exceed \$2 million.

3. 52.215-12 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription "15.408(d)" and add "15.408(d)(1)" in its place
- Add Alternate I, which reads as follows:

Alternate I (AUG 20). As prescribed in 15.408(d)(2), substitute the following paragraph (a) in place of paragraph (a) of the basic clause: (a) Unless an exception under FAR 15.403-1 applies, the Contractor shall require the subcontractor to submit certified cost or pricing data (actually or by specific identification in writing), in accordance with FAR 15.408, Table 15-2 (to include any information reasonably required to explain the subcontractor's estimating process such as the judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data, and the nature and amount of any contingencies included in the price)— (1) Before modifying any subcontract that was awarded prior to July 1, 2018, involving a pricing adjustment expected to exceed \$750,000; or (2) Before awarding any subcontract expected to exceed \$2 million on or after July 1, 2018, or modifying any subcontract that was awarded on or after July 1, 2018, involving a pricing adjustment expected to exceed \$2 million.

4. 52.215-13 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA – MODIFICATIONS (AUG2020)

Affected documents: USGOVA, USGOVA-CON (*not* GOVB)

- Remove from the clause prescription "15.408(e)" and add "15.408(e)(1)" in its place
- Add Alternate I, which reads as follows:

Alternate I (AUG 20). As prescribed in 15.408(e)(2), substitute the following paragraphs (a), (b), and (d) for paragraphs (a), (b), and (d) of the basic clause: (a) The requirements of paragraphs (b) and (c) of this clause shall— (1) Become operative only for any modification to this contract involving aggregate increases and/or decreases in costs, plus applicable profits, expected to exceed the threshold for submission of certified cost or pricing data at FAR 15.403-4(a)(1); and (2) Be limited to such modifications. (b) Unless an exception under FAR

15.403–1 applies, the Contractor shall require the subcontractor to submit certified cost or pricing data (actually or by specific identification in writing), in accordance with FAR 15.408, Table 15–2 (to include any information reasonably required to explain the subcontractor’s estimating process such as the judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data, and the nature and amount of any contingencies included in the price)— (1) Before modifying any subcontract that was awarded prior to July 1, 2018, involving a pricing adjustment expected to exceed \$750,000; or (2) Before modifying any subcontract that was awarded on or after July 1, 2018, involving a pricing adjustment expected to exceed \$2 million. (d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract that exceeds \$2 million.

5. 52.230-2 COST ACCOUNTING STANDARDS (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription “30.201-4(c)” and add “30.201-4(c)(1)” in its place

6. 52.230-4 DISCLOSURE AND CONSISTENCY OF COST ACCOUNTING PRACTICES-FOREIGN CONCERNS (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription “30.201-4(c)” and add “30.201-4(c)(1)” in its place

7. 52.230-5 COST ACCOUNTING STANDARDS-EDUCATIONAL INSTITUTION (AUG2020)

Affected documents: USGOVA AND USGOVB (*not* USGOVA-CON)

- Remove from the clause prescription “30.201-4(e)” and add “30.201-4(e)(1)” in its place.

8. 52.204-16 COMMERCIAL AND GOVERNMENT ENTITY CODE REPORTING (AUG2020)

Affected documents: USGOVA-CON (*only*)

- Remove from the end of paragraph (a)(1) “entity; or” and add “entity by unique location; or” in its place
- Revising paragraph (b)
- In paragraph (c)(2) remove the word “offeror” and add “Offeror” in its place
- Revising paragraph (e)
- Add paragraph (g)

(b) The Offeror shall provide its CAGE code with its offer with its name and location address or otherwise include it prominently in its proposal. The CAGE code must be for that name and location address. Insert the word “CAGE” before the number. The CAGE code is required prior to award.

* * * * *

(e) When a CAGE code is required for the immediate owner and/or the highest-level owner by Federal Acquisition Regulation (FAR) 52.204–17 or 52.212–3(p), the Offeror shall obtain the respective CAGE code from that entity to supply the CAGE code to the Government.

* * * * *

(g) If the solicitation includes FAR clause 52.204–2, Security Requirements, a subcontractor requiring access to classified information under a contract shall be identified with a CAGE code on the DD Form 254. The Contractor shall require a subcontractor requiring access to classified information to provide its CAGE code with its name and location address or otherwise include it prominently in the proposal. Each location of subcontractor performance listed on the DD Form 254 is required to reflect a corresponding unique CAGE code for each listed location unless the work is being performed at a Government facility, in which case the agency location code shall be used. The CAGE code must be for that name and location address. Insert the word “CAGE” before the number. The CAGE code is required prior to award.

9. 52.209-13 VIOLATION OF ARMS CONTROL TREATIES OR AGREEMENTS-CERTIFICATION (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from paragraph (b)(1)(i) and (ii) “<https://www.state.gov/t/avc/rls/rpt/>” and add “<https://www.state.gov/bureaus-offices/undersecretary-for-arms-control-andinternational-security-affairs/bureau-ofarms-control-verification-and-compliance/>” in its place.

10. 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS-COMMERCIAL ITEMS (AUG2020)

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from paragraph (b)(14)(ii) “(MAR2020)” and add “(MAR2020) of 52.219-6” in its place
- Redesignate paragraph (b)(18) as (b)(18)(i) and add (b)(18)(ii)
- Remove from paragraph (b)(22)(i) “(MAR2020)” and add “(MAY2020)” in its place
- Remove from paragraph (b)(42) “(DEC2007)” and add “(MAY2020)” in its place

Effective 15 July 2020

1. USGOVA (1/2020), USGOVA-CON (1/2020), and USGOVB (1/2020) **UPDATE**

- 52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (UPDATE to AUG2020)
- 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (UPDATE to AUG2020)

The update published in the Federal Register on July 15 implements a requirement for offerors to represent whether or not they use covered telecommunications equipment or services.

- 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (UPDATE to AUG2020, and UPDATES dates in Alt. II)
- 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (UPDATE TO AUG2020)