

AD-A224 767

DTIC FILE COPY

(2)

REGULATORY RELIEF: SIMPLIFYING
AND ELIMINATING CONTRACT CLAUSES

VOLUME 2

Report PL903R1

DTIC
ELECTE
JUL 26 1990
S D CS D

November 1989

Prepared for

The Defense Management Review
Regulatory Relief Task Force

DISTRIBUTION STATEMENT A
Approved for public release
Distribution Unlimited

Prepared pursuant to Department of Defense Contract MDA903-85-C-0139.
The views expressed here are those of the Logistics Management Institute at
the time of issue but not necessarily those of the Department of Defense.
Permission to quote or reproduce any part must - except for Government
purposes - be obtained from the Logistics Management Institute.

LOGISTICS MANAGEMENT INSTITUTE
6400 Goldsboro Road
Bethesda, Maryland 20817-5886

90 07 20 028

CONTENTS

	<u>Page</u>
Chapter 4. FAR Clauses Listed by Part	1

Accession For	
NTIS GRA&I	☒
DTIC TAB	☐
Unannounced	☐
Justification	
By <i>per form 50</i>	
Distribution	
Availability Codes	
Dist	Availability
A-1	



INTRODUCTION

This report sets forth our analysis of the 1,090 solicitation provisions, contract clauses, and alternates¹ in the Federal Acquisition Regulation (FAR) and the DoD FAR Supplement (DFARS). Contract clauses and solicitation provisions – hereafter simply called “clauses” – are a principal means of implementing the policies contained in the acquisition regulations.

The report presents such information about the clauses as whether their origin is statutory or nonstatutory. “Statutory” is used here to embrace clauses based on law, Executive order, Office of Management and Budget (OMB) circular, Office of Federal Procurement Policy (OFPP) policy letter, other executive branch directive, or nonprocurement regulation published in the Code of Federal Regulations. The report also indicates whether the clause flows down to subcontractors and the tier to which flowdown occurs. Finally, Chapter 4 analyzes the clauses and provides recommendations regarding them.

In addition to furnishing these factual data, we have evaluated each clause and provided a recommendation regarding it. A clause may be a candidate for elimination or modification because of duplication, obsolescence, policy conflicts, or absence of need for it. Or it may need redrafting because it is unclear, redundant, or inconsistent. We make a recommendation for disposition of each clause, including elimination, simplification, removal of inconsistencies, or retention as is.

Our analysis covers all 639 FAR and 451 DFARS clauses and alternates through Federal Acquisition Circular (FAC) 84-51 and Defense Acquisition Circular (DAC) 88-10, regardless of origin. Some clauses proposed for modification are based on statute, and their modification may require legislative action. Nonstatutory FAR and DFARS clauses can be modified or eliminated more easily, by action of the

¹Provisions are used in solicitations and apply before contract award. Typically they are notices and instructions on preparing and submitting offers, or certifications and representations required with offer submissions. Clauses are used in contracts but appear also in the solicitation, for the purpose of informing offerors of the terms and conditions that will apply if their offer is accepted. These clauses generally specify rights and duties of the contracting parties. Alternates give language to be added to or deleted from a standard clause (or substituted for language in it) to tailor the clause for use in specific circumstances.

CHAPTER 4

FAR CLAUSES LISTED BY PART

11/02/89

PAGE NO. 1

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.202-1

DEFINITIONS

Apr-84 2.201

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Definitions clause is not needed. Definitions are included in FAR Part 2.

52.202-1

1 DEFINITIONS - ALTERNATE I

Apr-84 2.201

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See basic clause.

52.203-1

OFFICIALS NOT TO BENEFIT

Apr-84 3.102-2

SI

N -

41 USC 22, 18 USC 431, 18 USC 432

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.203-2

CERTIFICATION OF
INDEPENDENT PRICE
DETERMINATION

Apr-85 3.103-1

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

There is no single statutory basis for this provision. The antitrust laws prohibit these activities with or without the provision. A contractor that intends to collude will likely disregard this certification anyway.

FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS							
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.203-3		GRATUITIES	Apr-84	3.202	S1	10 USC 2207	N -
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				
52.203-4		CONTINGENT FEE REPRESENTATION AND AGREEMENT	Apr-84	3.404(b)	S3	10 USC 2306(b), 41 USC 254(a)	N -
CONCLUSION CODE(S): FF			RECOMMENDATION CODE(S): EC				
* RATIONALE *			* REMARKS *				
Law requires only the warranty (52.203-5), but this allows the Government to evaluate exceptions by collecting information from the offeror.			Combine with 52.203-5 and apply to both offerors and the contractor by making appropriate wording changes.				
52.203-5		COVENANT AGAINST CONTINGENT FEES	Apr-84	3.404(c)	S1	10 USC 2306(b), 41 USC 254(a)	N -
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				
			See remarks for Clause 52.203-4.				
52.203-6		RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT	Jul-85	3.503-2	S1	10 USC 2402	R - A
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.203-7		ANTI-KICKBACK PROCEDURES	Oct-88	3.502-3	S2	41 USC 51-58	R - A
----------	--	--------------------------	--------	---------	----	--------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.203-8

REQUIREMENT FOR
CERTIFICATE OF
PROCUREMENT INTEGRITY

May-89 3.104-10(a)

S1 41 USC 423 (d)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.203-9

REQUIREMENT FOR
CERTIFICATE OF
PROCUREMENT INTEGRITY -
MODIFICATION

May-89 3.104-10(b)

S1 41 USC 423(d)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.203-10

REMEDIES FOR ILLEGAL OR
IMPROPER ACTIVITY

May-89 3.104-10(c)

S1 41 USC 423(f)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 4

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.204-1		APPROVAL OF CONTRACT	Mar-89	4.103	NS		N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Local practice - used by few agencies. The situation does not warrant using a clause.

52.204-2

SECURITY REQUIREMENTS

Apr-84 4.404(a)

S2

EO 10865, 50 USC 401, M - A
DOD 5220.22-R

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.204-2

1 SECURITY REQUIREMENTS -
ALTERNATE I

Apr-84 4.404(a)

NS

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Contractor may be excused from performance when security classification increased.

52.204-2

2 SECURITY REQUIREMENTS -
ALTERNATE II

Apr-84 4.404(a)

NS

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 5

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS		DATE	DESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.204-3		TAXPAYER IDENTIFICATION	Sep-89	4.904	S2	PL 99-514, 26 USC 6050M	N -		
		CONCLUSION CODE(S): OK						RECOMMENDATION CODE(S): OK	
		* RATIONALE *						* REMARKS *	
52.204-4		CONTRACTOR ESTABLISHMENT CODE	Aug-89	4.603	S2	41 USC 405(d)(4)(A), FPDS Reporting Manual	N -		
		CONCLUSION CODE(S): FD OK						RECOMMENDATION CODE(S): OK	
		* RATIONALE *						* REMARKS *	
Is duplicated by DoD's data universal numbering system PL 93-400 requires a Federal procurement data system - the (DUNS) number reporting clause (DFARS 252.204-7004), which collection of CEC number is necessary to differentiate should be deleted. between contractors in a data system to meet executive and congressional needs.									
52.207-1		NOTICE OF COST COMPARISON (SEALED BID)	Apr-85	7.305(a)	S2	OMB Circular A-76, A-76 Supp 1 (The Cost Comparison Handbook)	N -		
		CONCLUSION CODE(S): OK						RECOMMENDATION CODE(S): OK	
		* RATIONALE *						* REMARKS *	
52.207-2		NOTICE OF COST COMPARISON (NEGOTIATED)	Apr-84	7.305(b)	S2	OMB Circular A-76, A-76 Supp 1 (Cost Comparison Handbook)	N -		
		CONCLUSION CODE(S): OK						RECOMMENDATION CODE(S): OK	
		* RATIONALE *						* REMARKS *	

FAR CLAUSES		ORIGIN, FLOW DOWN, AND RECOMMENDATIONS		PAGE NO.			
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.207-3		RIGHT OF FIRST REFUSAL OF EMPLOYMENT	Apr-84	7.305(c)	NS		N -
				CONCLUSION CODE(S): OK			
				* RATIONALE *			
				RECOMMENDATION CODE(S): OK			
				* REMARKS *			
52.207-4		ECONOMIC PURCHASE QUANTITY-SUPPLIES	Aug-87	7.203	S1	10 USC 2384a(b)	N -
				CONCLUSION CODE(S): OK			
				* RATIONALE *			
				RECOMMENDATION CODE(S): OK			
				* REMARKS *			
52.208-1		REQUIRED SOURCES FOR JEWEL BEARINGS AND RELATED ITEMS	Apr-84	8.203-1(a)	S3	PL 90-469 (William Langer Jewel Bearing Plant Special Act - not codified)	M - A
				CONCLUSION CODE(S): OK			
				* RATIONALE *			
				The law establishes the plant to produce for Government use but does not REQUIRE purchases. The agencies have decided to make this plant a required source.			
				RECOMMENDATION CODE(S): OK			
				* REMARKS *			
52.208-2		JEWEL BEARINGS AND RELATED ITEMS CERTIFICATE	Apr-84	8.203-1(c)	S3	PL 90-469	N -
				CONCLUSION CODE(S): OK			
				* RATIONALE *			
				RECOMMENDATION CODE(S): OK			
				* REMARKS *			
				This provision requires a certification by the offeror that includes estimates of amount and type of jewel bearings to be used.			

11/02/89

PAGE NO. 8

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.208-7		TAGGING OF LEASED VEHICLES	Aug-86	8.1104(d)	NS		N -
----------	--	----------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

see remarks for 52.208-4.

52.209-1		QUALIFICATION REQUIREMENTS	Oct-88	9.206-2	S3	10 USC 2319	N -
----------	--	----------------------------	--------	---------	----	-------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.209-3		FIRST ARTICLE APPROVAL - CONTRACTOR TESTING	Sep-89	9.308-1(a), 9.308-1(b)	NS		N -
----------	--	---	--------	---------------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.209-3	1	FIRST ARTICLE APPROVAL - CONTRACTOR TESTING - ALTERNATE 1	Sep-89	9.308-1(a)(2), 9.308-1(b)(2)	NS		N -
----------	---	---	--------	---------------------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 10

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS		DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.209-5		CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS	May-89	9.409(a)			S2	OFPP Policy Ltr 82-1, 24 Jun 82	N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

The Government should not rely on contractors to indicate whether or not they are debarred etc. This is a Government function. The provision represents over-implementation of the policy letter.

52.209-6

PROTECTING THE
GOVERNMENTS' INTEREST
WHEN SUBCONTRACTING WITH
CONTRACTORS DEBARRED,
SUSPENDED, OR PROPOSED FOR
DEBARMENT

May-89 9.409(b)

S2

OFPP Policy Ltr 82-1, 24
June 82

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.210-1

AVAILABILITY OF
SPECIFICATIONS LISTED IN
THE GSA INDEX OF FEDERAL
SPECIFICATIONS, STANDARDS
AND COMMERCIAL ITEM
DESCRIPTIONS

Jun-88 10.011(a)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

This clause is not applicable to DoD. Unclear as to why

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

the matrix requires this clause to be incorporated in full text instead of by reference.

52.210-2

AVAILABILITY OF
SPECIFICATIONS LISTED IN
THE DOD INDEX OF
SPECIFICATIONS AND
STANDARDS (DODISS)

Apr-84 10.011(b)

NS

N -

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): M

* RATIONALE *

This clause should not be in FAR. It applies only to DoD. Should be combined with DFARS Clause 252.210-7001.

* REMARKS *

Move clause to DFARS. The FAR matrix indicates that this clause needs to be in documents in full text, but it could appear by reference.

52.210-3

AVAILABILITY OF
SPECIFICATIONS NOT LISTED
IN THE GSA INDEX OF
FEDERAL SPECIFICATIONS,
STANDARDS, AND COMMERCIAL
ITEM DESCRIPTIONS

Jun-88 10.011(c)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Offerors need this information.

* REMARKS *

See 52.210-4.

52.210-4

AVAILABILITY FOR
EXAMINATION OF
SPECIFICATIONS NOT LISTED
IN THE GSA INDEX OF
FEDERAL SPECIFICATIONS,
STANDARDS, AND COMMERCIAL
ITEM DESCRIPTIONS

Jun-88 10.011(d)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

11/02/89

PAGE NO. 12

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

* RATIONALE *

This should be combined with 52.210-3. With appropriate rewording, one clause could address both mailing and examination of specifications.

* REMARKS *

52.210-5

NEW MATERIAL

Apr-84 10.011(e)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Protects the interests of the Government.

* REMARKS *

52.210-6

LISTING OF USED OR RECONDITIONED MATERIAL, RESIDUAL INVENTORY, AND FORMER GOVERNMENT SURPLUS PROPERTY

Apr-84 10.011(f)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

A separate provision for this subject is questionable. Could combine with 52.210-5, since that clause references this provision.

* REMARKS *

See 52.210-7.

52.210-7

USED OR RECONDITIONED MATERIAL, RESIDUAL INVENTORY, AND FORMER GOVERNMENT SURPLUS PROPERTY

Apr-84 10.011(g)

NS

N -

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

Mostly duplicates information in 52.210-6.

* REMARKS *

11/02/89

PAGE NO. 13

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.212-1		TIME OF DELIVERY	Apr-84	12.104(a)(2)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

DFARS 212.104 extends conditions for use to R&D,
facilities, time-and-materials, and labor-hour contracts.

52.212-1

1 TIME OF DELIVERY -
ALTERNATE I

Apr-84 12.104(a)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-1

2 TIME OF DELIVERY -
ALTERNATE II

Apr-84 12.104(a)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-1

3 TIME OF DELIVERY -
ALTERNATE III

Apr-84 12.104(a)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 15

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.212-3		COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK	Apr-84	12.104(b)	NS		N -
----------	--	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-3	1	COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK - ALTERNATE I	Apr-84	12.104(b)	NS		N -
----------	---	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-4		LIQUIDATED DAMAGES - SUPPLIES, SERVICES, OR RESEARCH AND DEVELOPMENT	Apr-84	12.204(a)	NS		N -
----------	--	--	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-5		LIQUIDATED DAMAGES - CONSTRUCTION	Apr-84	12.204(b), DFARS 212.204(b)	NS		N -
----------	--	-----------------------------------	--------	--------------------------------	----	--	-----

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

The use of this clause is optional in FAR and mandatory in DFARS. The mandatory use is overly restrictive.

11/02/89

PAGE NO. 17

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.212-9		VARIATION IN QUANTITY	Apr-84	12.403(a)	NS		N -
CONCLUSION CODE(S): OK							RECOMMENDATION CODE(S): OK
* RATIONALE *							* REMARKS *

52.212-10		DELIVERY OF EXCESS QUANTITIES	Sep-89	12.403(b)	NS		N -
CONCLUSION CODE(S): OK							RECOMMENDATION CODE(S): OK
* RATIONALE *							* REMARKS *

52.212-11		VARIATION IN ESTIMATED QUANTITY	Apr-84	12.403(c)	NS		N -
CONCLUSION CODE(S): OK							RECOMMENDATION CODE(S): OK
* RATIONALE *							* REMARKS *

52.212-12		SUSPENSION OF WORK	Apr-84	12.505(a)	NS		N -
CONCLUSION CODE(S): OK							RECOMMENDATION CODE(S): OK
* RATIONALE *							* REMARKS *

11/02/89

PAGE NO. 18

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.212-13 STOP-WORK ORDER Aug-89 12.505(b) NS N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-13 1 STOP-WORK ORDER - Apr-84 12.505(b) NS N -
 ALTERNATE I

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-14 STOP-WORK ORDER - Aug-89 12.505(c) NS N -
 FACILITIES

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.212-15 GOVERNMENT DELAY OF WORK Apr-84 12.505(d) NS N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.213-1 FAST PAYMENT PROCEDURE Aug-88 13.305 NS N -

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

Minor rewrite for clarity is needed.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.213-2		INVOICES	Apr-84	13.507(c)	S3	31 USC 3324(d)(2)	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.213-3

NOTICE TO SUPPLIER

Apr-84 13.507(d)

S3

10 USC 2326

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-1

SOLICITATION DEFINITIONS
- SEALED BIDDING

Jul-87 14.201-6(b)(1)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Definitions are specified in FAR Part 2. No need to repeat in every solicitation.

52.214-2

TYPE OF BUSINESS
ORGANIZATION - SEALED
BIDDING

Jul-87 14.201-6(b)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 20

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.214-3		AMENDMENTS TO INVITATIONS FOR BIDS	Nov-88	14.201-6(b)(3)	NS		N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

Can rely on regulatory coverage and SF30 blocks 11, 14, and 15B, which repeat the material in the clause. See also block 14 of SF33 regarding acknowledgement of amendments.

52.214-4

FALSE STATEMENTS IN BIDS

Apr-84 14.201-6(b)(4)

S3

18 USC 1001

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

Law is applicable to false statements in general. It can be invoked without a separate statement in every solicitation.

52.214-5

SUBMISSION OF BIDS

Apr-84 14.201-6(c)(1)

S4

10 USC

2305(a)(2)(B)(i)(II)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Clause predates law. See 52.214-13.

52.214-6

EXPLANATION TO PROSPECTIVE BIDDERS

Apr-84 14.201-6(c)(2)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

Can rely on regulatory coverage. See 14.208(c). No need to repeat in every solicitation.

11/02/89

PAGE NO. 21

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.214-7		LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF BIDS	Apr-84	14.201-6(c)(3)	NS		N -
----------	--	--	--------	----------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Can rely on regulatory coverage. See 14.304. No need to repeat in every solicitation.

* REMARKS *

If provision is eliminated, SF33 block 9 must be revised to delete reference and to add FAR cite.

52.214-8		PARENT COMPANY AND IDENTIFYING DATA	Apr-84	14.201-6(d)	NS		N -
----------	--	-------------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-9

FAILURE TO SUBMIT BID

Apr-84 14.201-6(e)(1)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Can rely on regulatory coverage. See 14.205-2(a). No need to repeat in every solicitation.

* REMARKS *

52.214-10

CONTRACT AWARD - SEALED BIDDING

Apr-85 14.201-6(e)(2)

S2

N -

10 USC
2305(a)(2)(B)(i)(I), 10
USC 2305(b)(2), 10 USC
2305(b)(3)

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Clause predates the law in some aspects. See also DFARS
Clause 252.247-7101.

11/02/89

PAGE NO. 22

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.214-12		PREPARATION OF BIDS	Apr-84	14.201-6(f)	NS		N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Can rely on regulatory coverage for those few areas in the provision that require stating. Most of the provision is overly paternalistic.

* REMARKS *

52.214-13

TELEGRAPHIC BIDS

Apr-84 14.201-6(g)(1)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Make this an alternate to 52.214-5.

* REMARKS *

52.214-13

TELEGRAPHIC BIDS -
ALTERNATE I

Nov-88 14.201-6(g)(2)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Make this an alternate to 52.214-5.

* REMARKS *

52.214-14

PLACE OF PERFORMANCE -
SEALED BIDDING

Apr-85 14.201-6(h)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

This provision is used to support several laws indirectly.
The Service Contract Act wage determinations and labor surplus area set-asides come to mind.

11/02/89

PAGE NO. 23

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.214-15		PERIOD FOR ACCEPTANCE OF BIDS	Apr-84	14.201-6(i)	NS		N -
-----------	--	-------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-16		MINIMUM BID ACCEPTANCE PERIOD	Apr-84	14.201-6(j)	NS		N -
-----------	--	-------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-17		AFFILIATED BIDDERS	Apr-84	14.201-6(k)	NS		N -
-----------	--	--------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-18		PREPARATION OF BIDS - CONSTRUCTION	Apr-84	14.201-6(l)	NS		N -
-----------	--	------------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Can rely on regulation for those few areas in the provision that require stating. Most of the provision is overly paternalistic.

11/02/89

PAGE NO. 24

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.214-19		CONTRACT AWARD - SEALED BIDDING - CONSTRUCTION	Feb-86	14.201-6(m)	S2	10 USC 2305(a)(2)(B)(i)(I), 10 USC 2305(b)(2), 10 USC 2305(b)(3)	N -
		CONCLUSION CODE(S): OK		* RATIONALE *		RECOMMENDATION CODE(S): OK	
				* REMARKS *			
52.214-20		BID SAMPLES	Apr-84	14.201-6(o)(1)	NS		N -
		CONCLUSION CODE(S): OK		* RATIONALE *		RECOMMENDATION CODE(S): OK	
				* REMARKS *			
52.214-20	1	BID SAMPLES - ALTERNATE I	Apr-84	14.201-6(o)(2)(i)	NS		N -
		CONCLUSION CODE(S): OK		* RATIONALE *		RECOMMENDATION CODE(S): OK	
				* REMARKS *			
52.214-20	2	BID SAMPLES - ALTERNATE II	Apr-84	14.201-6(o)(2)(ii)	NS		N -
		CONCLUSION CODE(S): OK		* RATIONALE *		RECOMMENDATION CODE(S): OK	
				* REMARKS *			

PAGE NO. 25

25

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.214-21		DESCRIPTIVE LITERATURE	Apr-84	14.201-6(p)(1)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.214-21	1	DESCRIPTIVE LITERATURE - ALTERNATE I	Apr-84	14.201-6(p)(2)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.214-22		EVALUATION OF BIDS FOR MULTIPLE AWARDS	Apr-88	14.201-6(q)	NS		N -
CONCLUSION CODE(S): OK O							
* RATIONALE *							
RECOMMENDATION CODE(S): OK O							
* REMARKS *							
The \$250 amount goes back at least to 1982. It should be increased to \$500. See also DFARS Clause 252.247-7100.							
52.214-23		LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF TECHNICAL PROPOSALS UNDER TWO-STEP SEALED BIDDING	Apr-85	14.201-6(r)	NS		N -
CONCLUSION CODE(S): Q							
RECOMMENDATION CODE(S): EC							
* RATIONALE *							

Can rely on regulatory coverage placed in Part 14. No need to repeat in every solicitation.

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.214-24		MULTIPLE TECHNICAL PROPOSALS	Apr-84	14.201-6(s)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.214-25

STEP TWO OF TWO-STEP
SEALED BIDDING

Apr-85 14.201-6(t)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.214-26

AUDIT - SEALED BIDDING

Apr-85 14.201-7(a)

S3

10 USC 2306(f)(5), 10 USC
2306(f)(1)(B)&(D), 10 USC
2306a(f) M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-27

PRICE REDUCTION FOR
DEFECTIVE COST OR PRICING
DATA - MODIFICATIONS -
SEALED BIDDING

Apr-88 14.201-7(b)

S2

10 USC 2306a(d), 10 USC
2306a(a) & (b) N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.214-28		SUBCONTRACTOR COST OR PRICING DATA - MODIFICATIONS - SEALED BIDDING	Apr-85	14.201-7(c)	S2	10 USC 2306a(a) & (b)	M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.214-29

ORDER OF PRECEDENCE - SEALED BIDDING

Jan-86 14.201-7(d)

NS

N -

CONCLUSION CODE(S): Q PW

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Can rely on regulatory coverage. No need to repeat in every contract. As currently written, it is both inaccurate and confusing.

52.215-1

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

Apr-84 15.106-2(b)

S2

10 USC 2313(b)

M - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-2

AUDIT - NEGOTIATION

Apr-88 15.106-2(b)

S2

10 USC 2313(a), 10 USC 2306a(f)

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 28

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.215-2	1	AUDIT - NEGOTIATION - ALTERNATE I	Apr-84	15.106-2(b)	S3	10 USC 2313(a), 10 USC 2306a(f)	M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-3

SOLICITATION FOR
INFORMATION OR PLANNING
PURPOSES

Apr-84 15.405-2

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-4

NOTICE OF POSSIBLE
STANDARDIZATION

Apr-85 15.407(b)

S3

10 USC 2304(c)(1)

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Can rely on regulatory coverage. There is no apparent reason to provide this information in a solicitation. See FAR 6.302-1(b)(4).

52.215-5

SOLICITATION DEFINITIONS

Jul-87 15.407(c)(1)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Can rely on regulatory coverage in Part 2. No need to repeat in every solicitation.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.215-6		TYPE OF BUSINESS ORGANIZATION	Jul-87	15.407(c)(2)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-7

UNNECESSARILY ELABORATE PROPOSALS OR QUOTATIONS

Apr-84 15.407(c)(3)

NS

N -

CONCLUSION CODE(S): Q O

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

This provision is 20 years old. Buying activities do not penalize offers for being unnecessarily elaborate, and offerors are not deterred by this provision from submitting such offers.

52.215-8

AMENDMENTS TO SOLICITATIONS

Nov-88 15.407(c)(4)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Can rely on regulatory coverage and SF30 blocks 11, 14, and 15B, which repeat the material in the clause. See also SF33 block 14 regarding acknowledgement of amendments.

52.215-9

SUBMISSION OF OFFERS

Apr-84 15.407(c)(5)

S4

N -

10 USC

2305(a)(2)(B)(ii)(II)

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Clause predates law. See also 52.215-17.

11/02/89

PAGE NO. 31

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.215-14		EXPLANATION TO PROSPECTIVE OFFERORS	Apr-84	15.407(d)(2)	NS		N -
-----------	--	-------------------------------------	--------	--------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

Can rely on regulatory coverage. See 15.410(c). No need to repeat in every solicitation.

52.215-15

FAILURE TO SUBMIT OFFER

Apr-84 15.407(d)(3)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Can rely on regulatory coverage. 15.403 directs COs to 14.205. No need to repeat in every solicitation.

52.215-16

CONTRACT AWARD

Apr-85 15.407(d)(4)

S2

10 USC 2305(b)(4)(A)(ii),
(b)(2), (b)(4)(D)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-17

TELEGRAPHIC PROPOSALS

Jul-87 15.407(e)(1)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Should be made an alternate to 52.215-9.

PAGE NO. 32

FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.215-17	1	TELEGRAPHIC PROPOSALS - ALTERNATE I	Nov-88	15.407(e)(2)	NS		N -

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

52.215-19	PERIOD FOR ACCEPTANCE OF OFFER	NS	N -
	Apr-84	15.407(f)	

RECOMMENDATION CODE(S): OK
* REMARKS *

52.215-20	PLACE OF PERFORMANCE	Apr-84	15.407(g)	NS	N -
-----------	----------------------	--------	-----------	----	-----

RECOMMENDATION CODE(S): OK

* RATIONALE *	* REMARKS *
	This provision is used to support several laws indirectly. The Service Contract Act wage determinations and labor surplus area set-asides come to mind.

52.215-21	CHANGES OR ADDITIONS TO MAKE-OR-BUY PROGRAM	Apr-84	15.708	NS	N -

RECOMMENDATION CODE(S): OK
* REMARKS *

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.215-21	1	CHANGES OR ADDITIONS TO MAKE-OR-BUY PROGRAM - ALTERNATE I	Apr-84	15.708	NS		N -
-----------	---	---	--------	--------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-21

2	CHANGES OR ADDITIONS TO MAKE OR BUY PROGRAM - ALTERNATE II
---	--

Apr-84 15.708

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.215-22

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA
--

Apr-88 15.804-8(a)

S2

10 USC 2306a, See also 41
USC 254

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

This clause is really covered by statute and laden with court decisions. Since industry has problems with it, industry should take it to Congress. This clause should be omitted from any serious effort to use commercial practices, however.

		FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS					
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.215-23		PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA - MODIFICATIONS	Apr-88	15.804-8(b)	S2	10 USC 2306a, See also 41 USC 254	N -
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
			Clause is not specifically mandated in law but is covered in law. Language and thresholds have been changed several times by virtue of ASBCA decisions and legislation in authorization or appropriation acts.				
52.215-24		SUBCONTRACTOR COST OR PRICING DATA	Apr-85	15.804-8(c)	S2	10 USC 2306a, See also 41 USC 254	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
			There should be an exception to using this clause if effort to use commercial practices is to succeed. Threshold is \$100,000.				
52.215-25		SUBCONTRACTOR COST OR PRICING DATA - MODIFICATIONS	Apr-85	15.804-8(a)	S2	10 USC 2306a, See also 41 USC 254	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				

11/02/89

PAGE NO. 35

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.215-26		INTEGRITY OF UNIT PRICES	Apr-87	15.812-2(a)	S3	10 USC 2304(i), PL 99-500 Sect 927, PL 98-577 Sect 501	R - 1

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

DOD should encourage GSA to seek exemption similar to that of DOD/NASA. Clause is difficult to understand as written to reflect different exemptions. Also, see no reason to apply to subcontractors.

52.215-26	1	INTEGRITY OF UNIT PRICES - ALTERNATE I	Apr-87	15.812-2(b)	S3	PL 99-500 Sect. 927, 10 USC 2304(i), PL 98-577 Sect.501	R - 1
-----------	---	---	--------	-------------	----	---	-------

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

52.215-27		TERMINATION OF DEFINED BENEFIT PENSION PLAN	Sep-89	15.804-8(e)	NS		N -
-----------	--	--	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 36

| FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.215-30		FACILITIES CAPITAL COST OF MONEY	Sep-87	15.904(a)	NS	CAS 414	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.215-31

WAIVER OF FACILITIES
CAPITAL COST OF MONEY

Sep-87 15.904(b)

NS CAS 414

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.215-32

CERTIFICATION OF
COMMERCIAL PRICING

Jun-85 15.813-5

S2 10 USC 2323, 44 USC 253e

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.215-33

ORDER OF PRECEDENCE

Jan-86 15.406-3(b)

NS

N -

CONCLUSION CODE(S): Q PW

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Can rely on regulatory coverage. No need to repeat in
every contract.

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS			SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
			DATE	PRESCRIPTION	ORIGIN CODE		
52.215-34		EVALUATION OF OFFERS FOR MULTIPLE AWARDS	May-86	15.407(h)	NS		N -
CONCLUSION CODE(S): OK O			RECOMMENDATION CODE(S): OK O				
* RATIONALE *			* REMARKS *				
			The \$250 amount should be increased to \$500.				
52.216-1		TYPE OF CONTRACT	Apr-84	16.105	NS		N -
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				
52.216-2		ECONOMIC PRICE ADJUSTMENT - STANDARD SUPPLIES	Apr-84	16.203-4 (a)	NS		N -
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				
52.216-3		ECONOMIC PRICE ADJUSTMENT - SEMISTANDARD SUPPLIES	Apr-84	16.203-4(b)	NS		N -
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				

11/02/89

PAGE NO. 38

		FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS					
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.216-4		ECONOMIC PRICE ADJUSTMENT - LABOR AND MATERIAL	Apr-84	16.203-4(c)	NS		N -
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
			See DFARS Clause 252.247-7002.				
52.216-5		PRICE REDETERMINATION - PROSPECTIVE	Apr-84	16.205-4	NS		P - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
			Flow down only for paragraphs (h) and (i), with restrictions.				
52.216-6		PRICE REDETERMINATION - RETROACTIVE	Apr-84	16.206-4	NS		P - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
			Flow down only for paragraphs (g) and (h), with restrictions.				
52.216-7		ALLOWABLE COST AND PAYMENT	Apr-84	16.307(a)	S3	10 13C 2324	N -
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
			This clause invokes the cost principles in Part 31. These are based on several laws.				

11/02/89

PAGE NO. 39

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.216-8		FIXED FEE	Apr-84	16.307(b)	NS		N -
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.216-9		FIXED FEE - CONSTRUCTION	Apr-84	16.307(c)	NS		N -
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.216-10		INCENTIVE FEE	Apr-84	16.307(d)	NS		N -
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.216-11		COST CONTRACT - NO FEE	Apr-84	16.307(e)(1)	NS		N -
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.216-11	1	COST CONTRACT - NO FEE - ALTERNATE I	Apr-84	16.307(e)(2)	NS		N -
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	

11/02/89

PAGE NO. 40

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.216-12		COST-SHARING CONTRACT - NO FEE	Apr-84	16.307(f)(1)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.216-12	1	COST-SHARING CONTRACT - NO FEE - ALTERNATE I	Apr-84	16.307(f)(2)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.216-13		ALLOWABLE COST AND PAYMENT - FACILITIES	Apr-84	16.307(g)(1)	S3	10 USC 2324	N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
This clause invokes the cost principles in Part 31. They are derived from several laws.							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.216-13	1	ALLOWABLE COST AND PAYMENT - FACILITIES - ALTERNATE I	Apr-84	16.307(g)(2)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							

11/02/89

PAGE NO. 41

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.216-14		ALLOWABLE COST AND PAYMENT - FACILITIES USE	Apr-84	16.307(h)	S3	10 USC 2324	N -
CONCLUSION CODE(S): OK							
* RATIONALE *		RECOMMENDATION CODE(S): OK					
		* REMARKS *					
		This clause invokes the cost principles in Part 31. They are derived from several laws.					
52.216-15		PREDETERMINED INDIRECT COST RATES	Apr-84	16.307(i)	S3	10 USC 2324	N -
CONCLUSION CODE(S): OK							
* RATIONALE *		RECOMMENDATION CODE(S): OK					
		* REMARKS *					
		This clause invokes the cost principles in Part 31. They are derived from several laws.					
52.216-16		INCENTIVE PRICE REVISION - FIRM TARGET	Apr-84	16.405(a)	NS		P - A
CONCLUSION CODE(S): OK							
* RATIONALE *		RECOMMENDATION CODE(S): OK					
		* REMARKS *					
		Flow down only for paragraphs (g) and (h), with restrictions.					
52.216-16	1	INCENTIVE PRICE REVISION - FIRM TARGET - ALTERNATE I	Apr-84	16.405(a)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *		RECOMMENDATION CODE(S): OK					
		* REMARKS *					

11/02/89

PAGE NO. 42

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.216-17		INCENTIVE PRICE REVISION - SUCCESSIVE TARGETS	Apr-84	16.405(b)	NS		P - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Flow down only for paragraphs (i) and (j), with
restrictions.

52.216-17	1	INCENTIVE PRICE REVISION - SUCCESSIVE TARGETS - ALTERNATE I	Apr-84	16.405(b)	NS		N -
-----------	---	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.216-18		ORDERING	Apr-84	16.505(a)	NS		N -
-----------	--	----------	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See DFARS Clauses 252.237-7105 and -7106.

52.216-19		DELIVERY-ORDER LIMITATIONS	Apr-84	16.505(b)	NS		N -
-----------	--	-------------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 43

| FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.216-20		DEFINITE QUANTITY	Apr-84	16.505(c)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.216-21

REQUIREMENTS

Apr-84 16.505(d)(1)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.216-21

1 REQUIREMENTS - ALTERNATE
I

Apr-84 16.505(d)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.216-21

2 REQUIREMENTS - ALTERNATE
II

Apr-84 16.505(d)(3)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.216-21

3 REQUIREMENTS - ALTERNATE
III

Apr-84 16.505(d)(4)

S3

N -

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

FAR Part 20 does not include coverage of partial LSA

10 USC 2301(c), 10 USC
2392

11/02/89

PAGE NO. 45

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

prescription in DFARS at 217.7504(a) relates to FAR 99-661; Apr. 21, 1987 Pub. L. 100-26.
 16.603-4(b)(2).

52.216-25 CONTRACT DEFINITIZATION Apr-84 16.603-4(b)(3), S3 10 USC 2326(b) N -
 217.7504(b)

CONCLUSION CODE(S): I
 * RATIONALE *

DoD CO's must look to FAR 16.603, DFARS 216.603, and DFARS 217.75 for use of letter contracts. The clause prescription in DFARS 217.7504(b) relates to FAR 16.603-4(b)(3).

RECOMMENDATION CODE(S): EI
 * REMARKS *

Clause predates source laws - Oct. 18, 1986 Pub. L. 99-500; Oct. 30, 1986 Pub. L. 99-591; Nov. 14, 1986 Pub. L. 99-661; Apr. 21, 1987 Pub. L. 100-26.

52.216-25 1 CONTRACT DEFINITIZATION - Apr-84 16.603-4(b)(3), NS N -
 ALTERNATE I 217.7504(b)

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI
 * REMARKS *

* RATIONALE *

See basic clause.

52.216-26 PAYMENTS OF ALLOWABLE Apr-84 16.603-4(c) S4 10 USC 2326(b) N -
 COSTS BEFORE
 DEFINITIZATION

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Clause invokes the cost principles in Part 31. These are based on several laws.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.217-1		LIMITATION OF PRICE AND CONTRACTOR OBLIGATIONS	Apr-84	17.105(a)(1)	S2	10 USC 2306(g)(h)	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.217-2

CANCELLATION OF ITEMS

Apr-84 17.105(a)(2)

S2 10 USC 2306(h)(2)(B)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.217-2

1 CANCELLATION OF ITEMS -
ALTERNATE I

Apr-84 17.105(a)(2)

S2 10 USC 2306 (h)(2)(B)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.217-3

EVALUATION EXCLUSIVE OF
OPTIONS

Apr-84 17.208(a)

S3 10 USC 2301(a)(7)

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

The conditions for use of this provision are unclear, and it is doubtful that the provision is needed.

Clause predates law. If the provision is not eliminated, examples of the circumstances under which it should be used should be included in the FAR text.

11/02/89

PAGE NO. 47

| FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.217-4		EVALUATION OF OPTIONS EXERCISED AT TIME OF CONTRACT AWARD	Jun-88	17.208(b)	S3	10 USC 2301(a)(7)	N -
----------	--	---	--------	-----------	----	-------------------	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Clause 52.217-5, read in conjunction with the clauses covering option exercise (52.217-6, -7, and -8), provides sufficient coverage.

52.217-5		EVALUATION OF OPTIONS	Jun-88	17.208(c)(1)	S3	10 USC 2301(a)(7)	N -
----------	--	-----------------------	--------	--------------	----	-------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See 52.217-4.

52.217-6		OPTION FOR INCREASED QUANTITY	Mar-89	17.208(d)	NS		N -
----------	--	----------------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK O

* RATIONALE *

* REMARKS *

Combine with 52.217-7.

52.217-7		OPTION FOR INCREASED QUANTITY - SEPARATELY PRICED LINE ITEM	Mar-89	17.208(e)	NS		N -
----------	--	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See remarks for 52.217-6.

11/02/89

PAGE NO. 50

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.219-7		NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE	Apr-84	19.508(d)	S2	15 USC 644(e),(f), and(j)	N -
----------	--	--	--------	-----------	----	---------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.219-8

UTILIZATION OF SMALL BUSINESS CONCERNS AND SMALL DISADVANTAGED BUSINESS CONCERNS

Jun-85 19.708(a)

S1 15 USC 637(d)(2)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.219-9

SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS SUBCONTRACTING PLAN

Aug-89 19.708(b)

S1 15 USC 637(d)(5) and (6)

R - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.219-9

1 SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS SUBCONTRACTING PLAN - ALTERNATE I

Aug-89 19.708(b)

S1 15 USC 637(d)(4) and (6)

R - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

11/02/89

PAGE NO. 51

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.219-10		INCENTIVE SUBCONTRACTING PROGRAM FOR SMALL AND SMALL DISADVANTAGED BUSINESS CONCERNS	Apr-84	19.708(c)(1)	S2	15 USC 637(d)(4)(E)	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.219-11

SPECIAL 8(A) CONTRACT CONDITIONS

Apr-84 19.809-2(a)

S3

15 USC 637(a)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.219-12

SPECIAL 8(A) SUBCONTRACT CONDITIONS

Apr-84 19.809-2(b)

S3

15 USC 637(a)

N -

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

The alternate is mandatory for use when a single contract document is used for both the prime contract and the subcontract with the 8(a) concern (19.809-1(c)). A single document cannot be used when SBA makes advance payments to an 8(a) firm. Because advance payments are not routine, the basic clause should be the exception, and should thus be Alternate I. The current alternate should be revised to become the basic clause.

11/02/89

PAGE NO. 52

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.219-12	1	SPECIAL 8(A) SUBCONTRACT CONDITIONS - ALTERNATE I	Sep-89	14.809-1(c), 19.809-2(b)	NS		N -
-----------	---	---	--------	-----------------------------	----	--	-----

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* REMARKS *

* RATIONALE *

See rationale for basic clause.

52.219-13

UTILIZATION OF
WOMEN-OWNED SMALL
BUSINESSES

Aug-86 19.902

S2 EO 12138 18 May 79

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.219-14

LIMITATIONS ON
SUBCONTRACTING

Oct-87 19.508(e)

S2 15 USC 637(a)(14)(A)and
(C)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.219-15

NOTICE OF PARTICIPATION
BY ORGANIZATIONS FOR THE
HANDICAPPED

Jun-89 19.508(f)

S1 PL 100-590 Sec 133, 15
USC 644(c)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 53

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS			DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.219-16		LIQUIDATED DAMAGES - SMALL BUSINESS SUBCONTRACTING PLAN				Jun-89	19.708(d)(2)	S1	PL 100-656 Sec 304, 15 USC 637(d)(4)(F)	N -
CONCLUSION CODE(S): PW										
			* RATIONALE *			RECOMMENDATION CODE(S): SL O				
Required by statute, but these are not true liquidated damages.						* REMARKS *				
						Clause should speak to penalties, not liquidated damages. Otherwise, clause may not be enforceable. See FAR 12.202. Penalty of 100 percent seems excessive.				
52.220-1		PREFERENCE FOR LABOR SURPLUS AREA CONCERNS				Apr-84	20.103(b)	S3	15 USC 644(d)	N -
CONCLUSION CODE(S): FD I										
			* RATIONALE *			RECOMMENDATION CODE(S): EI				
Internal inconsistencies could be reconciled so that one FAR clause could serve. Virtually duplicated by 252.219-7004.						* REMARKS *				
						Rewrite of FAR clause would permit elimination of DFARS clause at 252.219-7004.				
52.220-2		NOTICE OF TOTAL LABOR SURPLUS AREA SET-ASIDE				Apr-84	20.202	S3	15 USC 644(d), (e), and (f)	N -
CONCLUSION CODE(S): OK										
			* RATIONALE *			RECOMMENDATION CODE(S): OK				
						Does not apply to DoD.				
52.220-3		UTILIZATION OF LABOR SURPLUS AREA CONCERNS				Apr-84	20.302(a)	S3	15 USC 644(d), (e), and (f)	N -
CONCLUSION CODE(S): I										
			* RATIONALE *			RECOMMENDATION CODE(S): EI				
This clause should contain a flow-down provision in order to fulfill the requirements of 52.220-4, paragraph (c).						* REMARKS *				

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.220-4		LABOR SURPLUS AREA SUBCONTRACTING PROGRAM	Apr-84	20.302(b)	S3	15 USC 644(d),(e),and (f)	M - A
----------	--	--	--------	-----------	----	---------------------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

See 52.220-3.

52.222-1		NOTICE TO THE GOVERNMENT OF LABOR DISPUTES	Apr-84	22.103-5 (a)	NS		M - A
----------	--	---	--------	--------------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

The clause is used at the option of the head of the contracting activity to cover cases in which it is necessary to require contractors to notify the Government of labor disputes that may delay performance; this is an appropriate subject for a clause.

Since the clause is used only in cases designated by the HCA, it should not be particularly burdensome.

52.222-2		PAYMENT OF OVERTIME PREMIUMS	Apr-84	22.103-5(b)	NS		N -
----------	--	---------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

While no specific policy requires this clause, it follows general Government policy of obtaining supplies and services at lowest overall cost consistent with meeting delivery/performance requirements.

Covers rights and duties of the parties that need to be covered in contracts of the designated type.

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.222-3		CONVICT LABOR	Apr-84	22.202	S1	18 USC 4082(c)(2), EO 11755, PL 89-176	N -

CONCLUSION CODE(S): OK
 * RATIONALE *

EO 11755 explicitly requires contracts to contain a stipulation forbidding employment of prisoners in performing them, except as provided by the law and EO.

* REMARKS *

RECOMMENDATION CODE(S): OK

52.222-4

CONTRACT WORK HOURS AND
 SAFETY STANDARDS ACT -
 OVERTIME COMPENSATION

Mar-86 22.305

S1 PL 99-145, 40 USC 327-333

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

40 USC 328 explicitly requires the clause's to be included in the specified contracts.

* REMARKS *

52.222-6

DAVIS-BACON ACT

Feb-88 22.407(a)

S2 40 USC 276a-276a-7, 29
 CFR 1,3,5

M - A

CONCLUSION CODE(S): OK
 * RATIONALE *

RECOMMENDATION CODE(S): OK O

* REMARKS *

Although clause does not itself specify slowdown, clause 52.222-11 does. Since clauses 52.222-6 through 52.222-15 all relate to Davis-Bacon and all go into the same contracts, they could be combined into one clause instead of ten.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.222-7		WITHHOLDING OF FUNDS	Feb-88	22.407(a)	S2	40 USC 276a-276a-7, 29 CFR 1,3,5	M - A
----------	--	----------------------	--------	-----------	----	----------------------------------	-------

CONCLUSION CODE(S): Q

* RATIONALE *

41 USC 276a requires in contracts a stipulation permitting withholding. See Clause 52.222-6.

RECOMMENDATION CODE(S): EC

* REMARKS *

52.222-8		PAYROLLS AND BASIC RECORDS	Feb-88	22.407(a)	S2	40 USC 276a-276a-7, 29 CFR 1,3,5	M - A
----------	--	----------------------------	--------	-----------	----	----------------------------------	-------

CONCLUSION CODE(S): Q

* RATIONALE *

See Clause 52.222-6.

RECOMMENDATION CODE(S): EC

* REMARKS *

52.222-9		APPRENTICES AND TRAINEES	Feb-88	22.407(a)	S2	40 USC 276a-276-7, 29 CFR 5	M - A
----------	--	--------------------------	--------	-----------	----	-----------------------------	-------

CONCLUSION CODE(S): Q

* RATIONALE *

See Clause 52.222-6.

RECOMMENDATION CODE(S): EC

* REMARKS *

52.222-10		COMPLIANCE WITH COPELAND ACT REQUIREMENTS	Feb-88	22.407(a)	S3	40 USC 276c, 29 CFR 3, 18 USC 874	M - A
-----------	--	---	--------	-----------	----	-----------------------------------	-------

CONCLUSION CODE(S): Q

* RATIONALE *

See Clause 52.222-6.

RECOMMENDATION CODE(S): EC

* REMARKS *

11/02/89

PAGE NO. 57

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.222-11		SUBCONTRACTS (LABOR STANDARDS)	Feb-88	22.407(a)	S3	40 USC 276a-276a-7	M - A
-----------	--	--------------------------------	--------	-----------	----	--------------------	-------

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See Clause 52.222-6.

Also, note that this clause provides for flowing down clauses 52.222-4 (which already has its own flowdown provision) and 52.222-6 through 52.222-15 (which lack such a provision) to all levels.

52.222-12

CONTRACT TERMINATION -
DEBARMENT

Feb-88 22.407(a)

S2 40 USC 276a-276a-7, 29
CFR 5

M - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See Clause 52.222-6.

52.222-13

COMPLIANCE WITH
DAVIS-BACON ACT AND
RELATED REGULATIONS

Feb-88 22.407(a)

S3 40 USC 276a-276a-7, 29
CFR 1,3,5

M - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See Clause 52.222-6.

52.222-14

DISPUTES CONCERNING LABOR
STANDARDS

Feb-88 22.407(a)

S3 40 USC 276a-276a-7, 29
CFR 5,6,7

M - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See Clause 52.222-6.

11/02/89

PAGE NO. 58

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.222-15		CERTIFICATION OF ELIGIBILITY	Feb-88	22.407(a)	S3	40 USC 276a-276a-7, 29 CFR 5	M - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

See Clause 52.222-6.

* REMARKS *

If Clauses 52.222-6 through 52.222-15 were combined, not only would the number of clauses be reduced but redundant wording would be eliminated. See the Postal Service's Davis-Bacon clause, which has been approved by DoL.

52.222-16

APPROVAL OF WAGE RATES

Feb-88 22.407(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

The clause is useful in holding down wage rates to the Davis-Bacon level.

* REMARKS *

52.222-17

LABOR STANDARDS FOR
CONSTRUCTION WORK -
FACILITIES CONTRACTS

Feb-88 22.407(d)

NS

R - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

As an administrative convenience for incorporating the Contract Work Hours and Davis-Bacon clauses in appropriate facilities contracts, this clause is OK. But if the Davis-Bacon clauses were combined, the clause prescription for the combined clause could be worded so as to include the Davis-Bacon material in appropriate facilities contracts, and this clause could be eliminated; hence the codes Q and EC. Even if the clauses are not combined, their prescriptions could still be so reworded.

* REMARKS *

PAGE NO. 61

10

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.222-26	1	EQUAL OPPORTUNITY - ALTERNATE I	Apr-84	22.810(e)	S1	EO 11246, 41 CFR 60-1.4(a)	P - A
CONCLUSION CODE(S): OK							
* RATIONALE *							
52.222-27		AFFIRMATIVE ACTION COMPLIANCE REQUIREMENTS FOR CONSTRUCTION	Apr-84	22.810(f)	S1	EO 11246, 41 CFR 60-4.3	M - A
CONCLUSION CODE(S): OK							
* RATIONALE *							
52.222-28		EQUAL OPPORTUNITY PREAWARD CLEARANCE OF SUBCONTRACTS	Apr-84	22.810(g)	S2	EO 11246, 41 CFR 60	N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
52.222-29		NOTIFICATION OF VISA DENIAL	Apr-84	22.810(h)	S2	41 CFR 60-1.10, EO 11246	N -
CONCLUSION CODE(S): OK							
* RATIONALE *							

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.222-35		AFFIRMATIVE ACTION FOR SPECIAL DISABLED AND VIETNAM ERA VETERANS	Apr-84	22.1308(a)	S1	41 CFR 60-250.4, 38 USC 2012, EO 11701	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
		See 52.222-37.					
52.222-35	1	AFFIRMATIVE ACTION FOR SPECIAL DISABLED AND VIETNAM ERA VETERANS-ALTERNATE I	Apr-84	22.1308(a)	S1	41 CFR 60-250.4, 38 USC 2012, EO 11701	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
		See 52.222-37.					
52.222-36		AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS	Apr-84	22.1408	S1	41 CFR 60-741.4, 29 USC 793, EO 11758	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
52.222-36	1	AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS-ALTERNATE I	Apr-84	22.1408	S1	41 CFR 60-741.4, 29 USC 793, EO 11758	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				

11/02/89

PAGE NO. 63

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.222-37		EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA	Jan-88	22.1308(b)	S2	38 USC 2012 and DoL implementing regulations	M - A
-----------	--	---	--------	------------	----	--	-------

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Since this clause goes into the same contracts as the clause at 52.222-35, it should be combined with that clause.

* REMARKS *

The prescriptions (in 22.1308) of this clause and of the clause at 52.222-35 are garbled and need to be set straight (the alternate is placed with the wrong clause.)

52.222-40

SERVICE CONTRACT ACT OF 1965, AS AMENDED - CONTRACTS OF \$2,500 OR LESS

May-89

22.1005

S1

41 USC 351 et seq., 29 CFR 4.7, 29 USC 201-206

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.222-41

SERVICE CONTRACT ACT OF 1965, AS AMENDED

May-89

22.1006(a)

S1

41 USC 351 et seq., 29 CFR 4.6

M - A

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

The clause could be greatly shortened by incorporating it by reference large amounts of the language it now contains in full text.

Poorly written; should be shortened and simplified. But this will be hard to achieve. DOL prescribed the language in the CFR and generally requires it to be followed verbatim or nearly so.

11/02/89

PAGE NO. 64

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.222-42		STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES	May-89	22.1003(b)	S2	41 USC 351 et seq., 29 USC 201 et seq., 29 CFR Part 4	N -
-----------	--	--	--------	------------	----	---	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.222-43

FAIR LABOR STANDARDS ACT
AND SERVICE CONTRACT ACT
- PRICE ADJUSTMENT
(MULTIPLE YEAR AND OPTION
CONTRACTS)

May-89 22.1006(c)(1)

S2

41 USC 351 et seq., 29
USC 206, DoL implementing
regulations

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.222-44

FAIR LABOR STANDARDS ACT
AND SERVICE CONTRACT ACT
- PRICE ADJUSTMENT

May-89 22.1006(c)(2)

S2

41 USC 351 et seq., 29
USC 206, DoL implementing
regulations

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.222-45

NOTICE OF COMPENSATION
FOR PROFESSIONAL
EMPLOYEES

Apr-84 22.1103

S1

OFPP Policy Letter 78-2

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Since this notice goes into the same contracts and into the

11/02/89

PAGE NO. 65

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

same UCF section as the provision at 52.222-46, it can and should be combined with that provision.

52.222-46		EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES	Apr-84	22.1103	S1	OFPP Policy Letter 78-2	N -
-----------	--	---	--------	---------	----	-------------------------	-----

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

This provision is a pure "motherhood" provision written solely to accomodate the OFPP policy letter. If it is to be meaningful, it should be rewritten to give it some force and effect. As it now stands, it represents a considerable watering down of the policy letter language.

* REMARKS *

This provision, now designated for UCF section L, probably belongs in UCF section M. See 52.222-45.

2.222-47

SERVICE CONTRACT ACT
(SCA) MINIMUM WAGES AND
FRINGE BENEFITS

May-89 22.1006(d),
22.1012-3(d)(1)

S2 29 CFR 4.1, 41 USC 351 et
seq.

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

The FAR subsection containing the clause (incorrectly) has a different title from the clause itself. The clause is incorrectly prescribed (in two places, a violation of standard procedure). This is a solicitation provision, not a contract clause. It should be included in UCF Section L.

* REMARKS *

52.222-48

EXEMPTION FROM
APPLICATION OF SERVICE
CONTRACT ACT PROVISIONS

May-89 22.1006(e)

NS

N -

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

This clause, prescribed for solicitations and contracts,

* REMARKS *

Also, the subsection containing the clause is incorrectly

11/02/89

PAGE NO. 66

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
appears to be a provision that should be prescribed for solicitations only. It is a certification directed to offerors.							
52.222-49		SERVICE CONTRACT ACT - PLACE OF PERFORMANCE UNKNOWN	May-89	22.1006(f), 22.1009-4	NS		N -

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

The need for this clause is understood and the clause is properly worded. However, it is not a contract clause. It is a solicitation provision suitable for UCF section L. It is (improperly) prescribed in two different places.

52.223-1

CLEAN AIR AND WATER
CERTIFICATION

Apr-84 23.105(a)

S2

42 USC 7401 et seq.,
(especially 42 USC 7606),
33 USC 1251 et seq., EO
11738 (38FR25161), EPA
regs. (40CFR Part 15)

M - A

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

The requirements in this provision are covered in full by 52.232-2, which is included in solicitations and contracts over \$100,000 performed in the U.S.

Clause at 52.223-2 is sufficient except that paragraph (b) in 52.223-1 should be applicable to apparently successful offeror and incorporated in 52.223-2

52.223-2

CLEAN AIR AND WATER

Apr-84 23.105(b)

S2

42 USC 7401 et seq.,
(especially 42 USC 7606),
33 USC 1251 et seq., EO
11738, EPA reg.(40 CFR
Part 15)

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

11/02/89

PAGE NO. 67

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

* RATIONALE *

* REMARKS *

See remark at 52.223-1.

Add paragraph (b) from 52.223-1 to this clause. Executive order is silent with respect to flow down coverage, yet clause requires flow down.

52.223-3

HAZARDOUS MATERIAL
IDENTIFICATION AND
MATERIAL SAFETY DATA

Aug-87 23.300

S2 (OSHA) 29 CFR 1910.1200

M - A

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

Pursuant to July 24, 1989, Fed. Reg. Vol. 54 No. 140, DoD has granted itself a deviation from FAR 23.3, and this clause. New DoD clause is 252.223-7004, which replaces this clause. Treatment of data rights is the major difference between the clauses.

See remarks at 252.223-7004.

52.223-4

RECOVERED MATERIAL
CERTIFICATION

Apr-84 23.405

S1

42 USC 6962

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Provision requires offeror to certify by signing offer that the offeror complies with the specification's required use of recovered materials. This clause is unnecessary, since contractor must comply with the specification anyway. Law calls for certification of minimum recovered materials content but offer accomplishes this, provided specifications state requirement for recovered materials.

11/02/89

PAGE NO. 68

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.223-5		CERTIFICATION REGARDING A DRUG-FREE WORKPLACE	Mar-89	23.505	S1	41 USC 701, PL 100-690	N -

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *
 Provision essentially identical to clause at 52.223-6. Overlay certification portion of this provision on 52.223-6 and apply to both solicitations and contracts.

52.223-6

DRUG-FREE WORKPLACE

Mar-89 23.505

S1

41 USC 701, PL 100-690

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Clause explicit in law passed in 1988.

* REMARKS *

See Remarks for 52.223-5.

52.224-1

PRIVACY ACT NOTIFICATION

Apr-84 24.104

S1

5 USC 552a, PL 93-579
(Privacy Act of 1974),
OMB Circular No. 130

N -

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

Privacy Act clause at 52.224-2 covers the same material and requirements and should be used in lieu of this clause.

* REMARKS *

52.224-2

PRIVACY ACT

Apr-84 24.104

S1

5 USC 552a, PL 93-579,
OMB Circular No. 130

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Contractors should acknowledge they are aware of criminal penalties and that for purposes of this act contractor is considered an employee of the agency. Criminal penalties may be imposed on officers or employees of the agency when violations occur.

* REMARKS *

See 52.224-1.

11/02/89

PAGE NO. 69

 | FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.225-1		BUY AMERICAN CERTIFICATE	Apr-84	25.109(a)	S2	PL 428, 41 USC 10, EO 10582, PL 100-418	R - A

CONCLUSION CODE(S): FF
 * RATIONALE *

Duplicates certification under 52.225-8.

* REMARKS *

Merge into 52.225-8 to create one domestic content certification. See 52.225-6 and -8.

52.225-2

WAIVER OF BUY AMERICAN
 ACT FOR CIVIL AIRCRAFT
 AND RELATED ARTICLES

Apr-84 25.109(c)

S2

PL 96-39, 19 USC 2513 and
 2518, Agreement on Trade
 in Civil Aircraft

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.225-3

BUY AMERICAN ACT -
 SUPPLIES

Jan-89 25.109(d)

S2

EO 10582 as amended, PL
 428, 41 USC 10, PL
 100-418

R - A

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Duplicates coverage under Clause 52.225-9.

Merge into 52.225-9. See 52.225-7 and -9.

52.225-5

BUY AMERICAN ACT -
 CONSTRUCTION MATERIALS

Apr-84 25.205

S2

PL 428, 41 USC 10, EO
 10582, PL 100-418

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 70

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.225-6		BALANCE OF PAYMENTS PROGRAM CERTIFICATE	Apr-85	25.305(a)	S2	Presidential Directive Nov 16,1960, OMB Circular A-20 revised	R - A
----------	--	---	--------	-----------	----	---	-------

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

This clause almost duplicates the certifications under 52.225-1 and -8. Merge into 52.225-8 to create one domestic content certification. See 52.225-1 and -8.

52.225-7		BALANCE OF PAYMENTS PROGRAM	Apr-84	25.305(c)	S2	Presidential Directive, Nov 16,1960	R - A
----------	--	-----------------------------	--------	-----------	----	--	-------

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Duplicates coverage under Clause 52.225-9. Also, clause picks up only part of the policy at FAR 25.304. See 52.225-3 and -9. Merge into 52.225-9. See 52.225-3 and -9.

52.225-8		BUY AMERICAN ACT - TRADE AGREEMENTS ACT - BALANCE OF PAYMENTS PROGRAM CERTIFICATE	Jun-86	25.407(a)(1)	S2	EO 12260 19 USC 2511, PL 96-39 19 USC 2501-2582, PL 98-67 19 USC 2701 et seq., PL 99-47 19 USC 2112 note, PL 100-449 19 USC 2112 note, PL 428 41 USC 10, EO 10582 as amended, PL 100-418	R - A
----------	--	---	--------	--------------	----	---	-------

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

Clauses 52.225-1 and -6 should be combined under this clause to create a single domestic content certification. See 52.225-1 and -6.

FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS						
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	FLOW DOWN AND LEVEL
52.225-9		BUY AMERICAN ACT - TRADE AGREEMENTS ACT- BALANCE OF PAYMENTS PROGRAM	Aug-86	25.407(a)(2)	S2	R - A
EO 12260 19 USC 2511, PL 96-39 19 USC 2501-2582, PL 98-67 19 USC 2701 et seq., PL 99-47 19 USC 2112 note, PL 100-449 19 USC 2112 note, PL 428 41 USC 10, EO 10582 as amended, PL 100-418						
CONCLUSION CODE(S): PW			RECOMMENDATION CODE(S): SL			
* RATIONALE *			* REMARKS *			
			See 52.225-3 and -7. This clause should be used to pick up coverage on excess currencies from FAR 25.304.			
52.225-10		DUTY-FREE ENTRY	Apr-84	25.605(a)	S3	M - A
CONCLUSION CODE(S): OK			19 USC 1202, 19 USC 2701, 19 USC 1309, 19 USC 2703			
* RATIONALE *			RECOMMENDATION CODE(S): OK			
			* REMARKS *			
			See 252.225-7007, -7008, and -7014.			
52.225-11		CERTAIN COMMUNIST AREAS	Apr-84	25.704	S2	M - A
CONCLUSION CODE(S): OK			50 USC app 5, 31 CFR 500, 22 USC 2370, Presidential Proclamation 3447			
* RATIONALE *			RECOMMENDATION CODE(S): OK			
			* REMARKS *			

11/02/89

PAGE NO. 72

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.225-12		NOTICE OF RESTRICTION ON CONTRACTING WITH SANCTIONED PERSONS	May-89	25.1005(a)	S1	PL 100-418, EO 12661	R - A
-----------	--	--	--------	------------	----	----------------------	-------

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Duplicates 52.225-13.

Merge into 52.225-13 and apply to both offerors and the
contractor with appropriate rewording.

52.225-13		RESTRICTIONS ON CONTRACTING WITH SANCTIONED PERSONS	Aug-89	25.1005(b)	S1	PL 100-418, EO 12661	R - A
-----------	--	---	--------	------------	----	----------------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See 52.225-12.

52.225-14		INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT	Aug-89	25.902	NS		N -
-----------	--	---	--------	--------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.227-1		AUTHORIZATION AND CONSENT	Apr-84	27.201-2(a)	S2	28 USC 1498(a)	M - A
----------	--	---------------------------	--------	-------------	----	----------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 73

 | FAF CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.227-1	1	AUTHORIZATION AND CONSENT - ALTERNATE I	Apr-84	27.201-2(b)	S2	28 USC 1498(a)	M - A
----------	---	--	--------	-------------	----	----------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.227-1	2	AUTHORIZATION AND CONSENT - ALTERNATE II	Apr-84	27.201-2(c)	NS		M - A
----------	---	---	--------	-------------	----	--	-------

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

Do not need separate alternate for communication services.
Basic clause will suffice.

52.227-2		NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT	Apr-84	27.202-2	NS		M - A
----------	--	---	--------	----------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.227-3		PATENT INDEMNITY	Apr-84	27.203-1(b), -2(a), -4(a)(2)	NS		N -
----------	--	------------------	--------	---------------------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

See 52.227-5.

11/02/89

PAGE NO. 74

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.227-3	1	PATENT INDEMNITY - ALTERNATE I	Apr-84	27.203-2(b), 27.203-4(b)	NS		N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

Individual alternate is not necessary. Clause is too broad. No one ever uses it.

52.227-3

2 PATENT INDEMNITY -
ALTERNATE II

Apr-84

27.203-2(b),
27.203-4(b)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

Individual alternate is not necessary. It is too broad. No one ever follows it.

52.227-3

3 PATENT INDEMNITY -
ALTERNATE III

Apr-84

27.203-2(c),
27.203-4(c)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

Separate alternate for communication services is not necessary.

52.227-4

PATENT INDEMNITY -
CONSTRUCTION CONTRACTS

Apr-84

27.203-5

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

Not necessary to have separate clause for construction.

PAGE NO. 75

FAR CLAUSES

ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAU SE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL

52.227-4	1	PATENT INDEMNITY - CONSTRUCTION CONTRACTS - ALTERNATE I	Apr-84	27.203-5	NS	N -

CONCLUSION CODE(S): Q	RECOMMENDATION CODE(S): EC
-----------------------	----------------------------

* RATIONALE *	* REMARKS *

See basic clause.

52.227-5	WAIVER OF INDEMNITY	Apr-84	27.203-6	NS	N -

CONCLUSION CODE(S): Q

* RATIONALE *	* REMARKS *

waiver doesn't need to be a separate clause. It can be inserted in main patent indemnity clause at 52.227-3.

52.227-6	ROYALTY INFORMATION	Apr-84	27.204-2	NS	N -
----------	---------------------	--------	----------	----	-----

CONCLUSION CODE(S): OK

* RATIONALE *

Necessary for contracts where cost or pricing data are obtained.

1	ROYALTY INFORMATION -	APR-84	27.204-2	NS	N -
52.227-6	ALTERNATE I				

CONCLUSION CODE(S): Q I	RECOMMENDATION CODE(S): EC EI
-------------------------	-------------------------------

* RATIONALE *

* RATIONALE *

Don't need a separate alternate for construction.

Clause says construction, prescription says communication services, or facilities. (Ambiguous)

. 1/02/89

PAGE NO. 76

		-----FAR CLAUSES----- ORIGIN, FLOW DOWN, AND RECOMMENDATIONS					
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.227-7		PATENTS - NOTICE OF GOVERNMENT LICENSEE	Apr-84	27.204-3(c)	NS		N -
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
52.227-8		REPORTING OF ROYALTIES (FOREIGN)	Apr-84	27.204-4	NS		M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
52.227-9		REFUND OF ROYALTIES	Apr-84	27.206-2	NS		M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				
52.227-10		FILING OF PATENT APPLICATIONS - CLASSIFIED SUBJECT MATTER	Apr-84	27.207-2	S2	35 USC 181-188, 18 USC 792	M - A
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK				
		* RATIONALE *	* REMARKS *				

11/02/89

PAGE NO. 77

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.227-11		PATENT RIGHTS - RETENTION BY THE CONTRACTOR (SHORT FORM)	Jun-89	27.303(a)	S2	35 USC 202-206, 37 CFR 401 (Dept. of Commerce Regulation)	M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.227-11

1 PATENT RIGHTS - RETENTION BY THE CONTRACTOR (SHORT FORM) - ALTERNATE I

Apr-84 27.303(a)(3)

S2

35 USC 202(c)(4)

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See Alternate II.

52.227-11

2 PATENT RIGHTS - RETENTION BY THE CONTRACTOR - ALTERNATE II

Jan-89 27.303(a)(3)

S3

35 USC 202(c)(4)

M - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Should be merged into Alternate I.

52.227-11

3 PATENT RIGHTS - RETENTION BY THE CONTRACTOR - ALTERNATE III

Jun-89 27.303(a)(5)

S3

35 USC 202(c)(7)(C)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 78

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.227-11	4	PATENT RIGHTS - RETENTION BY THE CONTRACTOR - ALTERNATE IV	Jun-89	27.303(a)(5)	S4	35 USC 202(c)(4)	M - A
-----------	---	--	--------	--------------	----	------------------	-------

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Don't need separate alternate for Government-owned facilities contracts.

52.227-12		PATENT RIGHTS - RETENTION BY THE CONTRACTOR (LONG FORM)	Jun-89	27.303(b)	S2	Presidential Memorandum (2-18-83)	M - A
-----------	--	---	--------	-----------	----	-----------------------------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.227-12	1	PATENT RIGHTS RETENTION BY CONTRACTOR (LONG FORM) - ALTERNATE I	Jun-89	27.303(b)(2)	S2	35 USC 202(c)(4)	M - A
-----------	---	---	--------	--------------	----	------------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See Alternate II.

52.227-12	2	PATENT RIGHTS RETENTION BY CONTRACTOR - ALTERNATE II	Jun-89	27.303(b)(2)	S3	35 USC 202(c)(4)	M - A
-----------	---	--	--------	--------------	----	------------------	-------

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Should be merged into Alternate I.

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.227-13		PATENT RIGHTS - ACQUISITION BY THE GOVERNMENT	Jun-89	27.303(c)	S3	Presidential Memorandum of 2/18/83, 42 USC 2457, 42 USC 5908	M - A
-----------	--	---	--------	-----------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

NASA and DoE may use modified version if they choose.

52.227-13	1	PATENT RIGHTS - ACQUISITION BY THE GOVERNMENT - ALTERNATE I	Jun-89	27.303(c)(3)	S2	42 USC 5908(b)(3), 42 USC 2457(f)	M - A
-----------	---	---	--------	--------------	----	--------------------------------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See Alternate II.

52.227-13	2	PATENT RIGHTS - ACQUISITION BY THE GOVERNMENT - ALTERNATE II	Jun-89	27.303(c)(3)	S2	42 USC 5908(b)(3), 42 USC 2457(f)	M - A
-----------	---	--	--------	--------------	----	--------------------------------------	-------

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Should be merged into Alternate I.

52.227-14		RIGHTS IN DATA - GENERAL	Jun-87	27.409(a)	S2	41 USC 403(9), 41 USC 418(a)(d)	M - A
-----------	--	--------------------------	--------	-----------	----	------------------------------------	-------

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

DFARS & FAR cover same topic but don't duplicate. Need one uniform clause that covers everything. (e.g. FAR & DFARS computer software sections totally different; CPLR not in FAR, etc.). Clause itself is specifically required by law. However, portions of clause are administrative. See also

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

DFARS 252.227-7013.

52.227-14	1	RIGHTS IN DATA - ALTERNATE I	Jun-87	27.409(b)	S3	41 USC 418a	M - A
-----------	---	---------------------------------	--------	-----------	----	-------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Data need not pertain to items, components, or processes.

* REMARKS *

52.227-14	2	RIGHTS IN DATA - ALTERNATE II	Jun-87	27.409(c)	S3	41 USC 418a	N -
-----------	---	----------------------------------	--------	-----------	----	-------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.227-14	3	RIGHTS IN DATA - ALTERNATE III	Jun-87	27.409(d)	NS		N -
-----------	---	-----------------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Alternate permits the Government to have access to restricted computer software while providing protection for contractor. Necessarily implements basic clause.

52.227-14	4	RIGHTS IN DATA - ALTERNATE IV	Jun-87	27.409(e)	NS		N -
-----------	---	----------------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): O

RECOMMENDATION CODE(S): O

* RATIONALE *

* REMARKS *

17 USC 401 has been amended to read "may affix" instead of "shall affix." Otherwise okay.

11/02/89

PAGE NO. 82

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.227-18

RIGHTS IN DATA - EXISTING Jun-87 27.409(j),
 WORKS 27.405(b)(1)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

See DFARS 252.227-7021.

52.227-19

COMMERCIAL COMPUTER Jun-87 27.409(K),
 SOFTWARE - RESTRICTED 27.409(b)(2)
 RIGHTS

N -

CONCLUSION CODE(S): O

RECOMMENDATION CODE(S): O

* RATIONALE *

* REMARKS *

See note concerning copyright law at Clause 52.227-17.

52.227-20

RIGHTS IN DATA - SBIR Jun-87 27.409(1)
 PROGRAM

N -

15 USC 638, SBIR Reg. at
 37 CFR 401

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

Compare to DFARS 252.227-7013, Alternate II. Clause is
 inconsistent because of lack of uniform basic data clause.

52.227-21

TECHNICAL DATA Jun-87 27.409(f)
 CERTIFICATION, REVISION,
 AND WITHHOLDING OF PAYMENT
 - MAJOR SYSTEMS

N -

41 USC 418(a)(d)7, 8, 9,
 41 USC 403(a)(9)(10)

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

* REMARKS *

See remarks for 252.227-7030.

Covers only major systems. Compare with 252.227-7036.

11/02/89

PAGE NO. 83

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.227-22		MAJOR SYSTEM - MINIMUM RIGHTS	Jun-87	27.409(r)	NS		N -

CONCLUSION CODE(S): Q I

RECOMMENDATION CODE(S): EC EI
* REMARKS *

* RATIONALE *

Clause is too broad and too over-reaching. Also, the prescription says to insert 52.227-21 instead of 52.227-22.

52.227-23

RIGHTS TO PROPOSAL DATA
(TECHNICAL)

Jun-87 27.409(s), 24.407 NS

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.228-1

BID GUARANTEE

Apr-84 28.101-3

S3 40 USC 270a-f

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Clause is necessary to implement the Miller Act. It assures the that bidders will not withdraw a bid within the acceptance period and will execute written contracts and furnish required bonds.

* REMARKS *
Not specifically required by law but provides a bridge to meet other requirements of a specific statute. \$25,000 threshold.

52.228-2

ADDITIONAL BOND SECURITY

Apr-84 28.106-4

S3 40 USC 270a-f

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Clause is necessary to assure compliance with Miller Act.

* REMARKS *
Not specifically required by law but provides a bridge to insure literal compliance with Miller Act.

11/02/89

PAGE NO. 84

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS			PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
			DATE	DATE	DATE				
52.228-3		WORKERS COMPENSATION INSURANCE (DEFENSE BASE ACT)	Apr-84	28.309(a)		S1	42 USC 1651 et seq. (Defense Base Act), PL 87-195 (Foreign Assistance Act of 1961)		M - A
			CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK			
			* RATIONALE *			* REMARKS *			
			A good method of implementing the mandated statutory coverage.						
52.228-4		WORKERS COMPENSATION AND WAR HAZARD INSURANCE OVERSEAS	Apr-84	28.309(b)		S1	42 USC 1651 et seq. (Defense Base Act), 42 USC 1701 et seq. (War Hazards Compensation Act)		M - A
			CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK			
			* RATIONALE *			* REMARKS *			
			Good method of implementing the mandated statutory coverage.						
52.228-5		INSURANCE - WORK ON A GOVERNMENT INSTALLATION	Apr-84	28.310		NS			M - A
			CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK			
			* RATIONALE *			* REMARKS *			
			Good public policy to require such insurance.						
52.228-6		INSURANCE - IMMUNITY FROM TORT LIABILITY	Apr-84	28.311-1		NS			N -
			CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK			
			* RATIONALE *			* REMARKS *			
			Protects Government in those cases where certain						

11/02/89

PAGE NO. 87

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.229-2		NORTH CAROLINA STATE AND LOCAL SALES AND USE TAX	Apr-84	29.401-2	NS	US v Clayton 250 F SUPP 827 (1965)	R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Information required by the clause is necessary for the Government to obtain its refund of sales/use tax.

* REMARKS *

52.229-2

1 NORTH CAROLINA STATE AND LOCAL SALES AND USE TAX - ALTERNATE 1

Apr-84 29.401-2

NS

US v Clayton, 250 F SUPP 827 (1965)

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See basic clause.

* REMARKS *

52.229-3

FEDERAL, STATE AND LOCAL TAXES

Apr-84 29.401-3

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK 0

* RATIONALE *

This is a reasonable method to handle the risk of changes in tax liability.

* REMARKS *

Clause has a \$100 threshold for contract adjustments. This amount should be increased, even though some State/local laws use \$100 as a convenient threshold for tax exemptions. See remarks for 52.229-5.

52.229-4

FEDERAL, STATE, AND LOCAL TAXES (NONCOMPETITIVE CONTRACT)

Apr-84 29.401-4

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK 0

* RATIONALE *

See rationale for 52.229-3.

* REMARKS *

See remarks for 52.229-3 and -5.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.229-5		TAXES - CONTRACTS PERFORMED IN US POSSESSIONS OR PUERTO RICO	Apr-84	29.401-5	NS		N -
----------	--	--	--------	----------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

The definition provided by this clause can go in Clauses 52.229-3 and 52.229-4, which it supplements.

Place this definition in 52.229-3 and 52.229-4, with language making it operative when contract is to be performed in U.S. possessions or Puerto Rico.

52.229-6		TAXES - FOREIGN FIXED-PRICE CONTRACTS	Apr-84	29.402-1(a)	NS		N -
----------	--	---------------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK 0

* RATIONALE *

* REMARKS *

See remark regarding threshold at 52.229-3.

52.229-7		TAXES - FIXED-PRICE CONTRACTS WITH FOREIGN GOVERNMENTS	Apr-84	29.402-1(b)	NS		N -
----------	--	--	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK 0

* RATIONALE *

* REMARKS *

See remark in 52.229-3.

52.229-8		TAXES - FOREIGN COST-REIMBURSEMENT CONTRACTS	Apr-84	29.402-2(a)	NS		N -
----------	--	--	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

 See 52.229-9.

52.229-9		TAXES - COST REIMBURSEMENT CONTRACTS WITH FOREIGN GOVERNMENTS	Apr-84	29.402-2(b)	NS		N -
----------	--	---	--------	-------------	----	--	-----

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Merge into Clause 52.229-8; it is identical except for title and one word.

52.229-10

STATE OF NEW MEXICO GROSS
RECEIPTS AND COMPENSATING
TAX

29.401-6(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

This clause takes advantage of New Mexico Gross Receipts and Compensating Tax Act (Sec 7-9-3 NM SA -- 1978). The Act allows certain entities to enter an agreement with the State to eliminate double taxation in certain cost-reimbursement purchases/contracts.

52.230-1

COST ACCOUNTING STANDARDS
NOTICES AND
CERTIFICATIONS (NATIONAL
DEFENSE)

FAR 30.201-3(a)

S4

N -

PL 91-379, 50 USC app
2168, PL 100-679, 41 USC
405

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

Clause contains excessive and unnecessary policy material from text. There is also one unclear reference in section V of the clause.

Eliminate policy material and make this a simple certification of compliance.

		FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS				
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	FLOW DOWN AND LEVEL
52.230-2		COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATIONS (NON-DEFENSE)	Sep-87	FAR 30.201-3(b)	NS	N -
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK			
		* RATIONALE *	* REMARKS *			
			Civil agency action to pick up limited CAS coverage.			
52.230-3		COST ACCOUNTING STANDARDS	Sep-87	FAR 30.201-4(a)(1)	S2	PL 91-379, 50 USC app 2168, PL 100-679, 41 USC 405
		CONCLUSION CODE(S): FF PW	RECOMMENDATION CODE(S): ED SL			
		* RATIONALE *	* REMARKS *			
		This repeats much of 52.230-1.	This clause only needs to inform the contractor that the level of CAS certified to in 52.230-1 must be complied with. See 52.230-1.			
52.230-4		ADMINISTRATION OF COST ACCOUNTING STANDARDS	Sep-87	FAR 30.201-4(b)	NS	M - A
		CONCLUSION CODE(S): Q	RECOMMENDATION CODE(S): EC			
		* RATIONALE *	* REMARKS *			
		Merge necessary administrative material with 52.230-3.				
52.230-5		DISCLOSURE AND CONSISTENCY OF COST ACCOUNTING STANDARDS	Sep-87	FAR 30.201-4(c)	S2	50 USC app 2168, 41 USC 405
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK			
		* RATIONALE *	* REMARKS *			

11/02/89

PAGE NO. 92

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.232-4		PAYMENTS UNDER TRANSPORTATION CONTRACTS AND TRANSPORTATION-RELATED SERVICE CONTRACTS	Apr-84	32.111(a)(4)	NS		N -
----------	--	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See remarks for 52.232-1.

52.232-5		PAYMENTS UNDER FIXED-PRICE CONSTRUCTION CONTRACTS	Apr-89	32.111(a)(5)	S4	10 USC 2307, 31 USC 3905	N -
----------	--	---	--------	--------------	----	--------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.232-6		PAYMENTS UNDER COMMUNICATION SERVICE CONTRACTS WITH COMMON CARRIERS	Apr-84	32.111(a)(6)	NS		N -
----------	--	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See remarks for 52.232-1.

See also DFARS Clause 252.237-7410.

52.232-7		PAYMENTS UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS	Apr-84	32.111(b)	NS		N -
----------	--	--	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK O

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 93

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

See Alternate II.

52.232-7	1	PAYMENTS UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS - ALTERNATE I	Apr-84	32.111(b)	NS		N -
----------	---	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.232-7

2	PAYMENTS UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS - ALTERNATE II
---	--

Jan-86

32.111(b)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

The basic clause should contain wording to handle this contingency. A separate alternate is not needed.

52.232-8

DISCOUNTS FOR PROMPT PAYMENTS

Apr-89

32.111(c)(1)

S2

31 USC 3901 et seq.

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Merge into 52.232-25.

Belongs with 52.232-25, Prompt Payment.

11/02/89

PAGE NO. 94

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.232-9		LIMITATION ON WITHOLDING OF PAYMENTS	Apr-84	32.111(c)(2)	NS		N -
----------	--	---	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.232-10		PAYMENTS UNDER FIXED-PRICE ARCHITECT-ENGINEER CONTRACTS	Aug-87	32.111(d)(1)	S4	10 USC 2307	N -
-----------	--	--	--------	--------------	----	-------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.232-11		EXTRAS	Apr-84	32.111(d)(2)	NS		N -
-----------	--	--------	--------	--------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Restates the obvious.

52.232-12		ADVANCE PAYMENTS	Apr-84	32.412(a)	S4	41 USC 255, 10 USC 2307	N -
-----------	--	------------------	--------	-----------	----	-------------------------	-----

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

Long and involved -- not much used.

The underlying policy of advance payments should be assessed to determine if this is still a necessary and wise financing tool.

 | FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.232-12	1	ADVANCE PAYMENTS - ALTERNATE I	Apr-84	32.412(b)	S4	41 USC 255, 10 USC 2307	N -
-----------	---	-----------------------------------	--------	-----------	----	-------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.232-12	2	ADVANCE PAYMENTS - ALTERNATE II	Apr-84	32.412(c)	S4	41 USC 255, 10 USC 2307	N -
-----------	---	------------------------------------	--------	-----------	----	-------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

Needed for cost-reimbursement contracts.

52.232-12	3	ADVANCE PAYMENTS - ALTERNATE III	Apr-84	32.412(d)	S4	41 USC 255, 10 USC 2307	N -
-----------	---	-------------------------------------	--------	-----------	----	-------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.232-12	4	ADVANCE PAYMENTS - ALTERNATE IV	Apr-84	32.412(e)	S4	41 USC 255, 10 USC 2307	N -
-----------	---	------------------------------------	--------	-----------	----	-------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

11/02/89

PAGE NO. 96

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.232-13		NOTICE OF PROGRESS PAYMENTS	Apr-84	32.502-3(a)	NS		N -
CONCLUSION CODE(S): OK							RECOMMENDATION CODE(S): OK 0
* RATIONALE *							* REMARKS *
							Combine 52.232-13, -14, and -15 into one clause that addresses the three situations.
52.232-14		NOTICE OF AVAILABILITY OF PROGRESS PAYMENTS EXCLUSIVELY FOR SMALL BUSINESS CONCERNS	Apr-84	32.502-3(b)	S3	10 USC 2307	N -
CONCLUSION CODE(S): Q							RECOMMENDATION CODE(S): EC
* RATIONALE *							* REMARKS *
See 52.232-13.							
52.232-15		PROGRESS PAYMENTS NOT INCLUDED	Apr-84	32.502-3(c)	NS		N -
CONCLUSION CODE(S): Q							RECOMMENDATION CODE(S): EC
* RATIONALE *							* REMARKS *
See 52.232-13.							
52.232-16		PROGRESS PAYMENTS	Aug-87	32.502-4(a)	S4	41 USC 255, 10 USC 2307	O - 1
CONCLUSION CODE(S): PW							RECOMMENDATION CODE(S): SL
* RATIONALE *							* REMARKS *
Clause is excessively wordy.							Flowdown is mandatory for small business subcontractors.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.232-16	1	PROGRESS PAYMENTS - ALTERNATE I	Aug-87	32.502-4(b)	S4	41 USC 255, 10 USC 2307	0 - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See basic clause.

* REMARKS *

52.232-16

2 PROGRESS PAYMENTS -
ALTERNATE II

Aug-87 32.502-4(c)

S4

41 USC 255, 10 USC 2307

0 - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See basic clause.

* REMARKS *

52.232-17

INTEREST

Apr-84 32.617(a)

S1

31 USC 3717

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.232-18

AVAILABILITY OF FUNDS

Apr-84 32.705-1(a)

S3

31 USC 1341

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Note 7, p. 152, 31 USCS 1341 -- this may not be legal in some cases. Note 1, p. 42, 31 USCS 1341 (cum supp) multiyear contracts must have this clause.

11/02/89

PAGE NO. 98

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.232-19

AVAILABILITY OF FUNDS FOR
THE NEXT FISCAL YEAR

S3 31 USC 1341

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

This may be illegal in certain cases, note 4 -- p. 150, 31
USCS 1341.

52.232-20

LIMITATION OF COST

Apr-84 32.705-2(a)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See 52.232-21.

52.232-21

LIMITATION OF COST
(FACILITIES)

Apr-84 32.705-2(b)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Make this an alternate to 52.232-20.

This is almost identical to 52.232-20. They could be
combined with instructions to delete unnecessary sections.

52.232-22

LIMITATION OF FUNDS

Apr-84 32.705-2(c)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 99

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.232-23		ASSIGNMENT OF CLAIMS	Jan-86	32.806(a)(1)	S2	31 USC 3726, 41 USC 15	N -
-----------	--	----------------------	--------	--------------	----	------------------------	-----

CONCLUSION CODE(S): I

RECOMMENDATION CODE(S): EI

* RATIONALE *

Clause seems insufficient because "Notice of Assignment" is The clause should refer to procedure in FAR 32.805. in FAR text only and not referenced by clause.

* REMARKS *

52.232-23	1	ASSIGNMENT OF CLAIMS - ALTERNATE I	Apr-84	32.806(a)(2)	S2	31 USC 3726, 41 USC 15	N -
-----------	---	---------------------------------------	--------	--------------	----	------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See 52.232-23.

* REMARKS *

52.232-24		PROHIBITION OF ASSIGNMENT OF CLAIMS	Jan-86	32.806(b)	S2	31 USC 3726, 41 USC 15	N -
-----------	--	--	--------	-----------	----	------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

A clause is necessary to prohibit what is normally allowed.

* REMARKS *

52.232-25		PROMPT PAYMENT	Apr-89	32.908(c)	S1	31 USC 3901 et seq., OMB Circular A-125	N -
-----------	--	----------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

Repeats much of the information in FAR 32.905.

* REMARKS *

Eliminate duplicate language in clause and refer readers to FAR text. Make 52.232-26 and -27 alternates of this clause. See also 52.232-8.

11/02/89

PAGE NO. 100

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.232-26		PROMPT PAYMENT FOR FIXED-PRICE ARCHITECT-ENGINEER CONTRACTS	Apr-89	32.908(a)	S1	31 USC 3901 et seq., OMB Circular A-125	N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See 52.232-25.

52.232-27
 PROMPT PAYMENT FOR
 CONSTRUCTION CONTRACTS

Apr-89 32.908(b)

S1

31 USC 3901 et seq., OMB
Circular A-125

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

See 52.232-25.

52.232-28
 ELECTRONIC FUNDS TRANSFER
 PAYMENT METHODS

Apr-89 32.908(d)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.233-1

DISPUTES

Apr-84 33.214

S2

Contract Disputes Act of
1978 (41 USC 601-613)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.236-1		PERFORMANCE OF WORK BY THE CONTRACTOR	Apr-84	36.501(6)	NS		N -
----------	--	---------------------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.236-2		DIFFERING SITE CONDITIONS	Apr-84	36.502	NS		N -
----------	--	---------------------------	--------	--------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Commercial counterpart: AIA Document A201, Para. 4.3.6.

52.236-3		SITE INVESTIGATION AND CONDITIONS AFFECTING THE WORK	Apr-84	36.503	NS		N -
----------	--	--	--------	--------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Commercial counterpart: AIA Document A201, Paras. 1.2.2, 3.2.2.

52.236-4		PHYSICAL DATA	Apr-84	36.504	NS		N -
----------	--	---------------	--------	--------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Commercial Counterpart: AIA Document A201, Para. 2.2.2.

11/02/89

PAGE NO. 104

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS			SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
			DATE	PRESCRIPTION	ORIGIN CODE		
52.236-8		OTHER CONTRACTS	Apr-84	36.508	NS		N -
CONCLUSION CODE(S): OK			RECOMMENDATION CODE(S): OK				
* RATIONALE *			* REMARKS *				
			Commercial counterpart: AIA Document A201, Paras. 6.1, 6.2.				
52.236-9		PROTECTION OF EXISTING VEGETATION, STRUCTURES, EQUIPMENT, UTILITIES, AND IMPROVEMENTS	Apr-84	36.509	NS		N -
CONCLUSION CODE(S): I			RECOMMENDATION CODE(S): EI				
* RATIONALE *			* REMARKS *				
Although there are penalties to the contractor for damaging buildings, etc., there are none for destroying property other than improvements and utilities. There is no remedy in the clause -- restoration or recompense -- when trees and gardens are damaged, for example.			Commercial counterpart: AIA Document A201, Para. 10.2. The missing sanctions should be included in the clause. See also 52.236-7.				
52.236-10		OPERATIONS AND STORAGE AREAS	Apr-84	36.510	NS		N -
CONCLUSION CODE(S): PW			RECOMMENDATION CODE(S): SL				
* RATIONALE *			* REMARKS *				
Paragraph (b) should be more explicit. Prior approval of the CO is required.			Commercial counterpart: AIA Document A201, Paras. 6.2.1, 4.3.2, 10.2.1.2				
			Insert the word "prior" in Paragraph (b) just before the word "approval" in the first sentence.				

11/02/89

PAGE NO. 106

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.236-13	1	ACCIDENT PREVENTION - ALTERNATE I	Apr-84	36.513	S3	28 USC 1499, 40 USC 329, 40 USC Sect. 333	R - A
-----------	---	--------------------------------------	--------	--------	----	--	-------

CONCLUSION CODE(S): FD

RECOMMENDATION CODE(S): ED

* RATIONALE *

This alternate is duplicated by the alternate at DFARS 252.236-7019, with minor variation.

* REMARKS *

Commercial counterpart: AIA Document A201, Para. 10.2.4.

52.236-14

AVAILABILITY AND USE OF
UTILITY SERVICES

NS

N -

CONCLUSION CODE(S): I PW

RECOMMENDATION CODE(S): EI SL

* RATIONALE *

The clause prescription needs a minor editorial change. Also it should be clarified that the contractor's duty to conserve utilities -- third sentence of paragraph (a) -- is subject to the direction of the CO, if the CO finds inadequate contractor attention.

* REMARKS *

In the clause prescription at 52.236-14, delete the word "when" after the word "sites," and insert that in lieu thereof ", and." Add language that makes it clear the CO can direct contractor actions to conserve utilities.

52.236-15

SCHEDULES FOR
CONSTRUCTION CONTRACTS

NS

N -

CONCLUSION CODE(S): FD PW

RECOMMENDATION CODE(S): ED SL

* RATIONALE *

The DFARS clauses at 252.236-7012 and 252.236-7013 make this clause virtually redundant. They should be consolidated with this clause, perhaps as alternates. In paragraph (b), third sentence, the actions listed for the contractor to take are only examples of actions the CO might direct. This should be clarified and language added that the CO may direct other actions as appropriate.

* REMARKS *

Commercial counterpart: AIA Document A201, Para. 3.10.

11/02/89

PAGE NO. 108

 FAR CLAUSES
 ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.236-19		ORGANIZATION AND DIRECTION OF THE WORK	Apr-84	36.519	NS		N -
-----------	--	--	--------	--------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.236-20

SPECIAL REQUIREMENTS

Apr-84

36.520

NS

R - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Commercial counterpart: AIA Document A201, Paras. 3.7, 3.3, 3.4.2, 3.9, 5.2.

Only some requirements in the clause must be placed in subcontracts.

52.236-21

SPECIFICATIONS AND DRAWINGS FOR CONSTRUCTION

Apr-84

36.521

NS

M - A

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

Commercial counterpart: AIA Document A201, Paras. 3.12, 1.3, 3.11.

This clause, especially paragraph (a), should be rewritten for clarity.

52.236-21

1 SPECIFICATIONS AND DRAWINGS FOR CONSTRUCTION
 - ALTERNATE I

Apr-84

36.521

NS

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Commercial counterpart: AIA Document A201, Para. 3.12.8.

11 '02/89

PAGE NO. 109

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.236-21	2	SPECIFICATIONS AND DRAWINGS FOR CONSTRUCTION - ALTERNATE II	Apr-84	36.521	NS		M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Commercial counterpart: AIA Document A201, Para. 3.12.8
 (roughly)

52.236-22

DESIGN WITHIN FUNDING LIMITATIONS

Apr-84 36.609-1(c)

S4

Annual authorization and appropriations acts

N -

CONCLUSION CODE(S): PW

RECOMMENDATION CODE(S): SL

* RATIONALE *

* REMARKS *

The last sentence of paragraph (a) should be rewritten to make clear that "its" refers to the contractor, not the Government.

This clause can also be used when the funding limits are not based in law.

52.236-23

RESPONSIBILITY OF THE ARCHITECT-ENGINEER CONTRACTOR

Apr-84 36.609-2(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.236-24

WORK OVERSIGHT IN ARCHITECT-ENGINEER CONTRACTS

Apr-84 36.609-3

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.236-25

REQUIREMENTS FOR
REGISTRATION OF DESIGNERS

Apr-84 36.609-4

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

The clause implements State laws requiring the registration of A-E's. When a State requires a license, the Federal Government honors that requirement.

52.237-1

SITE VISIT

Apr-84 37.110(a)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See Clauses 52.247-4 and -5.

52.237-2

PROTECTION OF GOVERNMENT
BUILDINGS, EQUIPMENT, AND
VEGETATION

Apr-84 37.110(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.237-3

CONTINUITY OF SERVICES

Apr-84 37.110(c)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.237-4		PAYMENT BY GOVERNMENT TO CONTRACTOR	Apr-84	37.304(a)	S4	10 USC 2307, 31 USC 3905	N -
				CONCLUSION CODE(S): I			
				* RATIONALE *			
				RECOMMENDATION CODE(S): EI			
				* REMARKS *			
				The FAR prescribes payment clauses in Part 32, not in the part where the particular type and purpose of the contract are treated. This clause should probably be prescribed in 32.111, not 37.304.			
52.237-4	1	PAYMENT BY GOVERNMENT TO CONTRACTOR-ALTERNATE I	Apr-84	37.304(a)	S4	10 USC 2307, 31 USC 3905	N -
				CONCLUSION CODE(S): I			
				* RATIONALE *			
				RECOMMENDATION CODE(S): EI			
				* REMARKS *			
				The FAR prescribes payment clauses in Part 32, not in the part where the particular type and purpose of the contract are treated. This alternate should probably be prescribed in 32.111, not 37.304.			
52.237-5		PAYMENT BY CONTRACTOR TO GOVERNMENT	Apr-84	37.304(b)	NS		N -
				CONCLUSION CODE(S): I			
				* RATIONALE *			
				RECOMMENDATION CODE(S): EI			
				* REMARKS *			
				The FAR prescribes payment clauses in Part 32, not in the part where the particular type and purpose of the contract are treated. This clause should probably be prescribed in 32.111, not 37.304.			
52.237-6		INCREMENTAL PAYMENT BY CONTRACTOR TO GOVERNMENT	Apr-84	37.304(c)	NS		N -
				CONCLUSION CODE(S): I			
				* RATIONALE *			
				RECOMMENDATION CODE(S): EI			
				* REMARKS *			
				The FAR prescribes payment clauses in Part 32, not in the part where the particular type and purpose of the contract are treated. This clause should probably be prescribed in 32.111, not 37.304.			

11/02/89

PAGE NO. 112

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

are treated. This clause should probably be prescribed in
32.111, not 37.304.

52.237-7

INDEMNIFICATION AND
MEDICAL LIABILITY
INSURANCE

Sep-89 37.403

NS

M - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.237-8

SEVERANCE PAYMENTS TO
FOREIGN NATIONALS
EMPLOYED UNDER A SERVICE
CONTRACT PERFORMED
OUTSIDE THE UNITED STATES

Mar-89 37.110(f)

SI

Section 322 of PL
100-456, 10 USC
2324(e)(1)(M)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.237-9

PROCUREMENT INTEGRITY

Mar-89 37.208

SI

Section 27 of the OFPP
Act (41 USC 423)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 113

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.242-1		NOTICE OF INTENT TO DISALLOW COSTS	Apr-84	42.802	S3	10 USC 2324	N -
----------	--	------------------------------------	--------	--------	----	-------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

DoDD 5105.36 makes DCAA responsible for issuing DCAA Form 1 to disallow contractor costs.

52.242-2

PRODUCTION PROGRESS REPORTS

Apr-84 42.1107(a)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK 0

* RATIONALE *

* REMARKS *

\$10,000 withholding should be reviewed.

52.242-10

F.O.B. ORIGIN - GOVERNMENT BILLS OF LADING OR PREPAID POSTAGE

Apr-84 42.1404-2

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

If indicia mail is authorized, include in this clause (but see 52.242-11).

52.242-11

F.O.B. ORIGIN - GOVERNMENT BILLS OF LADING OR INDICIA MAIL

Apr-84 42.1404.2(b)

NS

N -

CONCLUSION CODE(S): 0

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Obsolete - mailing indicia no longer authorized.

The clause at 52.242-10, FOB Origin- Government Bills of Lading or Prepaid Postage, will suffice. If indicia mail is needed, include the material in 52.242-10.

11/02/89

PAGE NO. 114

**FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS**

CLAU SE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL

52.242-12	REPORT OF SHIPMENT (RESHIP)	Apr-84	42.1406-2	NS	N -
	CONCLUSION CODE(S): 0				
	* RATIONALE *				
				RECOMMENDATION CODE(S): 0	
				* REMARKS *	
					Update message transmission methods (facsimile, EDI) in clause.

52.243-1	CHANGES - FIXED-PRICE CONCLUSION CODE(S) : OK	Sep-87 43.205(a)(1)	NS	N -
	* RATIONALE *		RECOMMENDATION CODE(S) : OK	
				* REMARKS *

Clause is needed to allow orderly change of the contract (within the general scope). This has been thoroughly tested by litigation before the ASBCA.

52.243-1	1	CHANGES - FIXED-PRICE - ALTERNATE I	Apr-84	43.205(a)(2)	NS	N -
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK
						* REMARKS *

See rationale for basic clause.

52.243-1	2	CHANGES - FIXED-PRICE - ALTERNATE II	Apr-84	43.205(a)(3)	NS	N
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK
						* REMARKS *

See rationale for basic clause.

11/02/89

PAGE NO. 116

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL

52.243-2	1	CHANGES - COST-REIMBURSEMENT - ALTERNATE I	Apr-84	43.205(b)(2)	NS	N

CONCLUSION CODE(S): OK

	* RATIONALE *	* REMARKS *
	See rationale for basic clause.	

2.243-2	2	CHANGES - COST-REIMBURSEMENT - ALTERNATE II	Apr-84	43.205(b)(3)	NS	N

CONCLUSION CODE(S): OK
RECOMMENDATION CODE(S): OK

	* RATIONALE *	* REMARKS *
	See rationale for basic clause.	

52.243-2	3	CHANGES - COST-REIMBURSEMENT - ALTERNATE III	Apr-84	43.205(b)(3)	NS	N -

CONCLUSION CODE(S): OK

* RATIONALE *	* REMARKS *
See rationale for basic clause.	

52.243-2	4	CHANGES - COST-REIMBURSEMENT - ALTERNATE IV	Apr-84	43.205(b)(5)	NS	N -
----------	---	---	--------	--------------	----	-----

CONCLUSION CODE(S): OK
RECOMMENDATION CODE(S): OK

	* RATIONALE *	* REMARKS *
	See rationale for basic clause.	

PAGE NO. 117

**FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS**

CLAU	SECT	NUMB	ALT	TITLE	DATE	PRES	ORIG	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
SECT	NUMB	ALT	TITLE	DATE	PRES	ORIG	CODE		

52.243-2	5	CHANGES - COST-REIMBURSEMENT - ALTERNATE V	Apr-84	43.205(b)(6)
----------	---	--	--------	--------------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

*** RATIONALE ***
See rationale for basic clause.

* REMARKS *

52.243-3	CHANGES - TIME-AND-MATERIALS OR LABOR-HOURS	Sep-87	43.205(c)
----------	---	--------	-----------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

*** RATIONALE ***

* REMARKS *

52.243-4 CHANGES Sep-87 43.205(d)

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

*** RATIONALE ***

* REMARKS *

52.243-5	CHANGES AND CHANGED CONDITIONS	Apr-84	43.205(e)
----------	-----------------------------------	--------	-----------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

*** RATIONALE ***

REMARKS *

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.243-6		CHANGE ORDER ACCOUNTING	Apr-84	43.205(f)	NS		N -
----------	--	-------------------------	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Valuable in large weapon systems contracts.

* REMARKS *

52.243-7

NOTIFICATION OF CHANGES	Apr-84	43.106 (107 as of 7/16/89)	NS				N -
-------------------------	--------	----------------------------	----	--	--	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

Clause is of little help in reducing claims for constructive changes, etc. ASBCA construes it strictly, and we know of no situation when it prevented a contractor from filing and obtaining an equitable adjustment where otherwise meritorious.

* REMARKS *

52.244-1

SUBCONTRACTS (FIXED-PRICE CONTRACTS)	Jan-86	44.204(a)	NS				N -
--------------------------------------	--------	-----------	----	--	--	--	-----

CONCLUSION CODE(S): PW I

RECOMMENDATION CODE(S): SL EI

* RATIONALE *

Documentation requirements for notice and consent are extensive. Clause inconsistent with increasing thrust of "hands off" in competitive environment. Competitively awarded prime contracts should not require subcontract approval required of noncompetitive contracts.

* REMARKS *

Remove all notice and consent requirements if award based on adequate price competition or contractor has approved purchasing system. Eliminate separate notice requirements. Require consent for subcontracts with sole source primes or sole source modifications, if no approved purchasing system only. Remove fee limitations of FAR 15.903(d). However, include in Part 31 as an unallowable cost. Simplify language. See also 52.244-5.

		FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS					
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.244-1	1	SUBCONTRACTS(FIXED-PRICE CONTRACTS) - ALTERNATE I	Apr-84	44.204(a)	NS		N -
		CONCLUSION CODE(S): I					
		* RATIONALE *					
See basic clause.		Do not preclude use of this alternate in competitive procurements, even for major systems.					
		RECOMMENDATION CODE(S): EI					
		* REMARKS *					
52.244-2		SUBCONTRACTS UNDER COST-REIMBURSEMENT AND LETTER CONTRACTS	Jul-85	44.204(b)	S4	10 USC 2306(e), 41 USC 254(b)	N -
		CONCLUSION CODE(S): PW					
		* RATIONALE *					
Law requires only a notice for cost and CPFF contracts, yet clause requires both notice and consent under all cost-reimbursement and letter contracts.		Notice should be required in accordance with the law for all prime contracts. Consent should be required only for those contracts awarded without adequate price competition or where the contractor has no approved purchasing system. Remove fee limitations of FAR 15.903(d). However, include in Part 31 as an unallowable cost. History includes PL 80-65, CH4, 62 Stat 23 (repealed). See also 52.244-5.					
		RECOMMENDATION CODE(S): SL					
52.244-2	1	SUBCONTRACTS UNDER COST-REIMBURSEMENT AND LETTER CONTRACTS - ALTERNATE I	Apr-85	44.204(b)	S4	10 USC 2306(e), 41 USC 254(b)	N -
		CONCLUSION CODE(S): O					
		* RATIONALE *					
Alternate not needed unless small purchase limitation changes from \$25,000.							
		RECOMMENDATION CODE(S): EC					
		* REMARKS *					

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

(e)(1), (e)(2), which already exist).

52.245-2		GOVERNMENT PROPERTY (FIXED-PRICE CONTRACTS)	Apr-84	45.106(b)(1)	S4	42 USC 2000d	N -
----------	--	--	--------	--------------	----	--------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

42 USC 2000d applies when Alternate II is used. As a general comment, contractors should flow down property clauses if they transfer Government property to a subcontractor.

52.245-2	1	GOVERNMENT PROPERTY (FIXED-PRICE CONTRACTS) - ALTERNATE I	Apr-84	45.106(b)(2)	S4	42 USC 2000d	N -
----------	---	---	--------	--------------	----	--------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.245-2	2	GOVERNMENT PROPERTY (FIXED-PRICE CONTRACTS) - ALTERNATE II	Jul-85	45.106(b)(3)	S4	42 USC 2000d	N -
----------	---	--	--------	--------------	----	--------------	-----

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): ED

* RATIONALE *

* REMARKS *

Much of the language in the alternate duplicates the basic clause. Rewrite alternate to eliminate duplication.

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.245-3		IDENTIFICATION OF GOVERNMENT-FURNISHED PROPERTY	Apr-84	45.106(c)	NS		N -
----------	--	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Used with 52.245-2; should be made an alternate to it.

Used with 52.245-2; could be made an alternate to it.

52.245-4		GOVERNMENT-FURNISHED PROPERTY (SHORT FORM)	Apr-84	45.106(d)	NS		N -
----------	--	--	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.245-5		GOVERNMENT PROPERTY (COST-REIMBURSEMENT, TIME-AND-MATERIAL, OR LABOR-HOUR CONTRACTS)	Jan-86	45.106(f)(1)	NS		N -
----------	--	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.245-5	1	GOVERNMENT PROPERTY (COST-REIMBURSEMENT, TIME-AND-MATERIAL, OR LABOR-HOUR CONTRACTS) - ALTERNATE I	Jul-85	45.106(f)(2)	S4	42 USC 2000d	N -
----------	---	--	--------	--------------	----	--------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 124

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.245-10

GOVERNMENT PROPERTY
(FACILITIES ACQUISITION)

Apr-84 45.302-6(d)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

52.245-11

GOVERNMENT PROPERTY
(FACILITIES USE)

Apr-84 45.302-6(e)(1)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

52.245-11

1 GOVERNMENT PROPERTY
(FACILITIES USE) -
ALTERNATE I

Jul-85 45.302-6(e)(2)

S4

42 USC 2000d

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.245-12

CONTRACT PURPOSE
(NONPROFIT EDUCATIONAL
INSTITUTIONS)

Apr-84 45.302-7(a)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Contracting officer uses 52.245-11, Alternate I, for a facilities use contract with a nonprofit educational institution. 52.245-12 language should be added to Alternate I or the basic clause, thus eliminating this optional clause.

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

52.245-13

ACCOUNTABLE FACILITIES
(NONPROFIT EDUCATIONAL
INSTITUTIONS)

Apr-84 45.302-7(b)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Contracting officer uses 52.245-11, Alternate I, for a facilities use contract with a nonprofit educational institution. 52.245-13 language should be added to Alternate I or the basic clause, thus eliminating this optional clause.

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

52.245-14

USE OF GOVERNMENT
FACILITIES

Apr-84 45.302-7(c)

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

52.245-11(d) states that "...the contracting officer may prescribe such terms and conditions as may be deemed necessary for protecting the Government's interest in the facilities involved." Thus, 52.245-14 should be incorporated into 52.245-11 or Alternate I with the preface

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

 FAR CLAUSES
 ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

"unless the contract specifies other conditions..." (then insert the language of 52.245-14).

52.245-15		TRANSFER OF TITLE TO FACILITIES	Jul-85	45.302-7(d)	S2	PL 97-258(31 USC 6306), 42 USC 2000d	N -
-----------	--	---------------------------------	--------	-------------	----	---	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

52.245-16

FACILITIES EQUIPMENT
MODERNIZATION

Apr-85 45.302-7(e)

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

10 USC 2676 and 41 USC 12 and 14 may apply - 45.302-2(e).
 FEMA Regs may apply for rent-free use - 45.404(a)(3), (4).

52.245-17

SPECIAL TOOLING

Apr-84 45.305(a)(1)

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Contractors should flow down this clause if a subcontractor price includes the full cost of special tooling.

52.245-17

1 SPECIAL TOOLING -
ALTERNATE I

Apr-84 45.305(a)(2)

NS

R - A

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* RATIONALE *

* REMARKS *

Modify language in 45.305(a)(2) and 45.245-17, Alternate I, to include need for contracting officer to obtain an

Paragraph (k) of 52.245-17 states in part "...unless the

11/02/89

PAGE NO. 127

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

Contractor and the Contracting Officer agree that such rights are not of substantial interest to the Government. "If rights are not of interest, or if a price reduction is obtained, contracting officer's views would be known by operation of this subparagraph in the basic clause. Thus, Alternate I appears to be redundant."

appropriate price reduction.

Contractors should flow down this clause if a subcontractor price includes the full cost of special tooling.

52.245-18

SPECIAL TEST EQUIPMENT

Aug-88 45.305(b)

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.245-19

GOVERNMENT PROPERTY
FURNISHED "AS IS"

Apr-84 45.305(c)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-1

CONTRACTOR INSPECTION
REQUIREMENTS

Apr-84 46.301

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-2

INSPECTION OF SUPPLIES -
FIXED-PRICE

Jul-85 46.302

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.246-2 1 INSPECTION OF SUPPLIES -
FIXED-PRICE - ALTERNATE I

Jul-85 46.302

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-2 2 INSPECTION OF SUPPLIES -
FIXED-PRICE - ALTERNATE
II

Jul-85 46.302

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-3 INSPECTION OF SUPPLIES -
COST-REIMBURSEMENT

Apr-84 46.303

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-4 INSPECTION OF SERVICES -
FIXED-PRICE

Apr-84 46.304

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 129

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.246-5		INSPECTION OF SERVICES - COST-REIMBURSEMENT	Apr-84	46.305	NS		R - A
----------	--	--	--------	--------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.246-6		INSPECTION - TIME-AND-MATERIAL AND LABOR-HOUR	Jan-86	46.306	NS		R - A
----------	--	---	--------	--------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-6	1	INSPECTION - TIME-AND-MATERIAL AND LABOR-HOUR - ALTERNATE I	Jan-86	46.306	NS		R - A
----------	---	---	--------	--------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-7		INSPECTION OF RESEARCH AND DEVELOPMENT - FIXED-PRICE	Apr-84	46.307(a)	NS		R - A
----------	--	--	--------	-----------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 130

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.246-8		INSPECTION OF RESEARCH AND DEVELOPMENT - COST-REIMBURSEMENT	Apr-84	46.308	NS		R - A
----------	--	---	--------	--------	----	--	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-8

1 INSPECTION OF RESEARCH
AND DEVELOPMENT -
COST-REIMBURSEMENT -
ALTERNATE I

Apr-84

46.308

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-9

INSPECTION OF RESEARCH
AND DEVELOPMENT (SHORT
FORM)

Apr-84

46.309

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-10

INSPECTION OF FACILITIES

Apr-84

46.310

NS

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 131

FAR CLAUSES

ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	SOURCE DESCRIPTION	ORIGIN CODE	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	--------------------	----------------	------------------------

52.246-11	HIGHER-LEVEL CONTRACT QUALITY REQUIREMENT (GOV'T SPECIFICATION)	Apr-84	46.311	NS	N -
-----------	---	--------	--------	----	-----

CONCLUSION CODE(S): OK
RECOMMENDATION CODE(S): OK

* RATIONALE *

52.246-12	INSPECTION OF CONSTRUCTION	Jul-86	46.312	NS	N -
-----------	-------------------------------	--------	--------	----	-----

CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK	* REMARKS *

* RATIONALE *

52.246-13	INSPECTION-DISMANTLING, DEMOLITION, OR REMOVAL OF	NS	N -
	Apr-84	46.313	

CONCLUSION CODE(S): OK
RECOMMENDATION CODE(S): OK

* RATIONALE *	* REMARKS *

52.246-14	INSPECTION OF TRANSPORTATION	Apr-84	46.314	S4	49 USC 1072(b)(1)	N -
-----------	---------------------------------	--------	--------	----	-------------------	-----

CONCLUSION CODE(S) : OK	RECOMMENDATION CODE(S) : OK	* REMARKS *

*** RATIONALE ***

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.246-17	2	WARRANTY OF SUPPLIES OF A NONCOMPLEX NATURE - ALTERNATE II	Apr-84	46.710(a)(3)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-17

3 WARRANTY OF SUPPLIES OF A
NONCOMPLEX NATURE -
ALTERNATE III

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-17

4 WARRANTY OF SUPPLIES OF
NONCOMPLEX NATURE -
ALTERNATE IV

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-17

5 WARRANTY OF SUPPLIES OF A
NONCOMPLEX NATURE -
ALTERNATE V

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 134

FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS						
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION FLOW DOWN AND LEVEL
52.246-18		WARRANTY OF SUPPLIES OF A COMPLEX NATURE	Apr-84	46.710(b)(1)	NS	N -
CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
* RATIONALE *					* REMARKS *	
52.246-18	1	WARRANTY OF SUPPLIES OF A COMPLEX NATURE - ALTERNATE I	Apr-84	46.710(b)(2)	NS	N -
CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
* RATIONALE *					* REMARKS *	
52.246-18	2	WARRANTY OF SUPPLIES OF A COMPLEX NATURE - ALTERNATE II	Apr-84	46.710(b)(3)	NS	N -
CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
* RATIONALE *					* REMARKS *	
52.246-18	3	WARRANTY OF SUPPLIES OF A COMPLEX NATURE - ALTERNATE III	Apr-84	46.710(b)(4)	NS	N -
CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
* RATIONALE *					* REMARKS *	

11/02/89

PAGE NO. 135

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.246-18	4	WARRANTY OF SUPPLIES OF A COMPLEX NATURE - ALTERNATE IV	Apr-87	46.710(b)(5)	NS		N -
-----------	---	---	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-19

WARRANTY OF SYSTEMS AND
EQUIPMENT UNDER
PERFORMANCE
SPECIFICATIONS OR DESIGN
CRITERIA

NS

Apr-84 46.710(c)(1)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.246-19

1 WARRANTY OF SYSTEMS AND
EQUIPMENT UNDER
PERFORMANCE
SPECIFICATIONS OR DESIGN
CRITERIA - ALTERNATE I

NS

Apr-84 46.710(c)(2)

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 136

| FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.246-19	2	WARRANTY OF SYSTEMS AND EQUIPMENT UNDER PERFORMANCE SPECIFICATIONS OR DESIGN CRITERIA - ALTERNATE II	Apr-84	46.710(c)(3)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.246-19	3	WARRANTY OF SYSTEMS AND EQUIPMENT UNDER PERFORMANCE SPECIFICATIONS OR DESIGN CRITERIA - ALTERNATE III	Apr-84	46.710(c)(4)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.246-20		WARRANTY OF SERVICES	Apr-84	46.710(d)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.246-21		WARRANTY OF CONSTRUCTION	Apr-84	46.710(e)(1)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							

11/02/89

PAGE NO. 137

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.246-23		LIMITATION OF LIABILITY	Apr-84	46.805(a)(1)	NS		M - A
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.246-24		LIMITATION OF LIABILITY - HIGH-VALUE ITEMS	Apr-84	46.805(a)(2)	NS		M - A
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.246-24	1	LIMITATION OF LIABILITY - HIGH-VALUE ITEMS - ALTERNATE I	Apr-87	46.805(a)(3)	NS		M - A
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	
52.246-25		LIMITATION OF LIABILITY - SERVICES	Apr-84	46.805(a)(4)	NS		M - A
		CONCLUSION CODE(S): OK				RECOMMENDATION CODE(S): OK	
		* RATIONALE *				* REMARKS *	

11/02/89

PAGE NO. 138

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.247-1		COMMERCIAL BILL OF LADING NOTATIONS	Apr-84	47.104-4(a)	S3	49 USC 10701 et seq.	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

The bill of lading is a contract. The notation that Government traffic is involved guarantees contractor adherence to rates and charges applicable to the Government.

52.247-2

PERMITS, AUTHORITIES, OR
FRANCHISES

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

Certificates, permits, or licenses are required for regulated transportation. A certified carrier is bound to adhere to regulations regarding financial liabilities, rates, charges, and the bill of lading, etc.

52.247-3

CAPABILITY TO PERFORM A
CONTRACT FOR THE
RELOCATION OF A FEDERAL
OFFICE

R - A

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See 52.247-2

11/02/89

PAGE NO. 140

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-7

FREIGHT EXCLUDED

/ Apr-84 47.207-3(d)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Preserves the Government's right to exclude certain freight from the scope of the contract.

52.247-8

ESTIMATED WEIGHTS OR
QUANTITIES NOT GUARANTEED

Apr-84 47.207-3(e)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

This clause assures that there will be no misunderstandings as to the quantities and weights of the shipment.

52.247-9

AGREED WEIGHT - GENERAL
FREIGHT

Apr-84 47.207-4(a)(1)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

See 52.247-8

52.247-10

NET WEIGHT - GENERAL
FREIGHT

Apr-84 47.207-4(a)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

See 52.247-8

11/02/89

PAGE NO. 141

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-11		NET WEIGHT - HOUSEHOLD GOODS OR OFFICE FURNITURE	Apr-84	42.207-4(b)	NS		N -
-----------	--	---	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

See 52.247-8

52.247-12		SUPERVISION, LABOR, OR MATERIALS	Apr-84	47.207-5(b)	NS		N -
-----------	--	-------------------------------------	--------	-------------	----	--	-----

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

All contractors are required to perform the services contemplated by their contracts in an orderly, timely, and efficient manner. The clause adds nothing to the contractor's obligations under the contract.

52.247-13		ACCESSORIAL SERVICES - MOVING CONTRACTS	Apr-84	47.207-5(c)	NS		N -
-----------	--	--	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *
 Defines contractor obligations.

52.247-14		CONTRACTOR RESPONSIBILITY FOR RECEIPT OF SHIPMENT	Apr-84	42.207-5(d)	NS		N -
-----------	--	--	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

See 52.247-13

11/02/89

PAGE NO. 142

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-15		CONTRACTOR RESPONSIBILITY FOR LOADING AND UNLOADING	Apr-84	47.207-5(e)	NS		N -
-----------	--	---	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

See 52.247-13

52.247-16		CONTRACTOR RESPONSIBILITY FOR RETURNING UNDELIVERED FREIGHT	Apr-84	47.207-5(f)	NS		N -
-----------	--	---	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See 52.247-13

52.247-17		CHARGES	Apr-84	47.207-6(a)(2)	S2	49 USC 10701 et seq.	N -
-----------	--	---------	--------	----------------	----	----------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Provides assurance of the appropriate rates and charges by the contractor.

52.247-18		MULTIPLE SHIPMENTS	Apr-84	47.207-6(c)(5)(i)	NS		N -
-----------	--	--------------------	--------	-------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See 52.247-17

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-19		STOPPING IN TRANSIT FOR PARTIAL UNLOADING	Apr-84	47.207-6(e)(5)(ii)	NS		N -
-----------	--	---	--------	--------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

See 52.247-17

52.247-20		ESTIMATED QUANTITIES OR WEIGHTS FOR EVALUATION OF OFFERS	Apr-84	47.207-6(c)(6)	NS		N -
-----------	--	--	--------	----------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Provides evaluation information to potential contractors.

52.247-21		CONTRACTOR LIABILITY FOR PERSONAL INJURY AND/OR PROPERTY DAMAGE	Apr-84	47.207-7(c)	S3	49 USC 11707, 49 USC 10901 et seq.	N -
-----------	--	---	--------	-------------	----	------------------------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK 0

* RATIONALE *

* REMARKS *

Defines contractor liability for personal injury, loss, and/or damage to goods. Clauses 52.228-9, Cargo Insurance, and 52.228-10, Vehicular and General Public Liability Insurance, would be more easily understood if they were prescribed in connection with the liability clauses at 52.247-21, 52.247-22, and 52.247-23.

52.247-22		CONTRACTOR LIABILITY FOR LOSS OF AND/OR DAMAGE TO FREIGHT OTHER THAN HOUSEHOLD GOODS	Apr-84	47.207-7(d)	S3	49 USC 11707 et seq.	N -
-----------	--	--	--------	-------------	----	----------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

11/02/89

PAGE NO. 144

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

* RATIONALE *

* REMARKS *

See 52.247-21

See 52.247-21.

52.247-23

CONTRACTOR LIABILITY FOR
 LOSS OF AND/OR DAMAGE TO
 HOUSEHOLD GOODS

Apr-84

47.207-7(e)

S3

49 USC 11707 et seq.

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See 52.247-21

See 52.247-21.

52.247-24

ADVANCE NOTIFICATION BY
 THE GOVERNMENT

Apr-84

47.207-8(a)(1)

S4

49 USC 1801 et seq.

N -

CONCLUSION CODE(S): 0

RECOMMENDATION CODE(S): 0

* RATIONALE *

* REMARKS *

Update clause to include notification of hazardous materials.

Defines Government responsibilities that vary with regard to the kinds of freight and services. Clause and prescription should be updated to address hazardous materials.

52.247-25

GOVERNMENT-FURNISHED
 EQUIPMENT WITH OR WITHOUT
 OPERATORS

Apr-84

47.207-8(a)(2)(i)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-26		GOVERNMENT DIRECTION AND MARKING	Apr-84	47.207-8(a)(3)	NS		N -
-----------	--	----------------------------------	--------	----------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.247-27

CONTRACT NOT AFFECTED BY
ORAL AGREEMENT

NS

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC
* REMARKS *

* RATIONALE *

Not required for other types of contracts. The Changes clause specifies that changes must be in writing. No apparent reason to require a special clause for transportation.

52.247-28

CONTRACTOR'S INVOICES

Apr-84 47.207-9(c)

S3

Transportation
Documentation and Audit
41 CFR 101-41

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Provides for proper identification of invoices under term contracts.

* REMARKS *

52.247-29

F.O.B. ORIGIN

Jun-88 47.303-1(c)

S4

49 USC 10701, 41 CFR
101-41

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK O

* RATIONALE *

These are standard delivery terms, and they state the contractor's responsibilities under the various terms, including the bill of lading, loss and damage, etc.

* REMARKS *

Clauses 52.247-30 through -33 should be made into alternates of this clause. This would avoid repeating the

11/02/89

PAGE NO. 146

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

very lengthy contractor's responsibilities in paragraph (b) of the basic clause.

52.247-30

F.O.B. ORIGIN,
CONTRACTOR'S FACILITY

Apr-84 47.303-2(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

See Remarks 52.247-29.

52.247-31

F.O.B. ORIGIN, FREIGHT
ALLOWED

Jun-88 47.303-3(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

See Remarks 52.247-29.

52.247-32

F.O.B. ORIGIN, FREIGHT
PREPAID

Jun-88 47.303-4(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

See Remarks 52.247-29.

52.247-33

F.O.B. ORIGIN, WITH
DIFFERENTIALS

Jun-88 47.303-5(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): Q

RECOMMENDATION CODE(S): EC

* REMARKS *

* RATIONALE *

See Remarks 52.247-29.

PAGE NO. 147

PAGE NO. 147

ORIGIN, FLOW DOWN, AND RECOMMENDATIONS	FAR CLAUSES

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.247-34		F.O.B. DESTINATION	Apr-84	47.303-6(c)	S4	49 USC 10701 et seq.	N -

CONCLUSION CODE(S): OK

* RATIONALE *

REMARKS *

Clause 52.247-35 should be made an alternate to this clause.

RECOMMENDATION CODE(S): OK 0

52.247-35

F.O.B. DESTINATION,
WITHIN CONSIGNEE'S
PREMISES

Apr-84 47-303-7(c)

75

49 USC 10701 et seq.

1
N

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

*** RATIONALE ***

* REMARKS *

Treatment of contractor's responsibilities in paragraph (b) of this clause duplicates paragraph (b) of clause 52.247-34. Make this clause an alternate to 52.247-34, thereby eliminating the repetition.

2.247-36

F.A.S. VESSEL, PORT OF
SHIPMENT

Apr-84 47.303-8(c)

54

49 USC 10701 et seq.

1
2

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.247-37

F.O.B. VESSEL, PORT OF SHIPMENT

Apr-84 47.303-9(c)

54

40 USC 10701 et seq.

2

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

11/02/89

PAGE NO. 149

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.247-42		C.I.F. DESTINATION	Apr-84	47.303-14(c)	S4	49 USC 10921	N -

CONCLUSION CODE(S): FF

RECOMMENDATION CODE(S): EC

* RATIONALE *

Paragraph (b) of this clause duplicates contractor's responsibilities in paragraph (b) of clause 52.247-41.

Make this clause an alternate to clause 52.247-41, thereby eliminating the repetition of paragraph (b).

52.247-43

F.O.B. DESIGNATED AIR
CARRIER'S TERMINAL, POINT
OF EXPORTATION

Apr-84 47.303-15(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

52.247-44

F.O.B. DESIGNATED AIR
CARRIER'S TERMINAL, POINT
OF IMPORTATION

Apr-84 47.303-16(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

52.247-45

F.O.B. ORIGIN AND/OR
F.O.B. DESTINATION
EVALUATION

Apr-84 47.305-2(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 150

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-46		SHIPPING POINT(S) USED IN EVALUATION OF F.O.B. ORIGIN OFFERS	Apr-84	47.305-3(b)(4)(ii)	NS		N -
-----------	--	--	--------	--------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.247-47

EVALUATION - F.O.B. ORIGIN

Apr-84 47.305-3(f)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.247-48

F.O.B. DESTINATION - EVIDENCE OF SHIPMENT

Apr-84 47.305-4(c)

S4

49 USC 10701 et seq.

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Defines certain obligations of the contractor when the term is FOB destination, but the inspection and acceptance are at origin.

52.247-49

DESTINATION UNKNOWN

Apr-84 47.305-5(b)(2)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

CLAUSE NUMBER	ALT	TITLE	FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS			ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
			DATE	PRESCRIPTION				
52.247-50		NO EVALUATION OF TRANSPORTATION COSTS	Apr-84	47.305-5(c)(1)	NS			N -
		CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
		* RATIONALE *					* REMARKS *	
52.247-51		EVALUATION OF EXPORT OFFERS	Apr-84	47.305-6(e)	NS			N -
		CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
		* RATIONALE *					* REMARKS *	
52.247-51	1	EVALUATION OF EXPORT OFFERS - ALTERNATE I	Apr-84	47.305-6(e)	NS			N -
		CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
		* RATIONALE *					* REMARKS *	
52.247-51	2	EVALUATION OF EXPORT OFFERS - ALTERNATE II	Apr-84	47.305-6(e)	NS			N -
		CONCLUSION CODE(S): OK					RECOMMENDATION CODE(S): OK	
		* RATIONALE *					* REMARKS *	

11/02/89

PAGE NO. 152

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-51	3	EVALUATION OF EXPORT OFFERS - ALTERNATE III	Apr-84	47.305-6(e)	NS		N -
-----------	---	---	--------	-------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

2.247-52
 CLEARANCE AND DOCUMENTATION
 REQUIREMENTS SHIPMENTS TO
 DOD AIR OR WATER TERMINAL
 TRANSSHIPMENT POINTS

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Specific requirements for shipments to DoD air or water terminals.

* REMARKS *

52.247-53		FREIGHT CLASSIFICATION DESCRIPTION	Apr-84	47.305-9(b)(1)	S4	49 USC 10701 et seq.	N -
-----------	--	------------------------------------	--------	----------------	----	----------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

52.247-54		DIVERSION OF SHIPMENT UNDER F.O.B. DESTINATION CONTRACTS	Apr-84	47.305-11(b)(2)	S4	49 USC 10701 et seq.	N -
-----------	--	--	--------	-----------------	----	----------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

Addresses possible price adjustments.

* REMARKS *

11/02/89

PAGE NO. 153

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.247-55		F.O.B. POINT FOR DELIVERY OF GOVERNMENT-FURNISHED PROPERTY	Apr-84	47.305-12(a)(2)	S4	49 USC 10701 et seq.	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.247-56

TRANSIT ARRANGEMENTS

Apr-84 47.305-13(a)(3)(ii) S4 49 USC 10701 et seq.

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.247-57

TRANSPORTATION TRANSIT
PRIVILEGE CREDITS

Apr-84 47.305-13(b)(4) S4 49 USC 10701 et seq.

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

possible transportation cost savings to the Government.

52.247-58

LOADING, BLOCKING, AND
BRACING OF FREIGHT CAR
SHIPMENTS

Apr-84 47.305-15(a)(2) NS

Association of American
Railroads standards

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

provides for contractor liability when carload shipments
are not properly loaded.

11/02/89

PAGE NO. 154

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-59		F.O.B. ORIGIN - CARLOAD AND TRUCKLOAD SHIPMENTS	Apr-84	47.305-16(a)	S4	49 USC 10701 et seq.	N -
-----------	--	--	--------	--------------	----	----------------------	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK
* REMARKS *

* RATIONALE *

Defines contractor responsibility for obtaining savings in transportation.

52.247-60		GUARANTEED MAXIMUM SHIPPING WEIGHTS AND DIMENSIONS	Apr-84	47.305-16(b)(1)	NS		N -
-----------	--	--	--------	-----------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See 52.247-59

52.247-60	1	GUARANTEED MAXIMUM SHIPPING WEIGHTS AND DIMENSIONS - ALTERNATE I	Apr-84	47.305-16(b)(1)	NS		N -
-----------	---	--	--------	-----------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See 52.247-59

52.247-61		F.O.B. ORIGIN - MINIMUM SIZE OF SHIPMENTS	Apr-84	47.305-16(c)	NS		N -
-----------	--	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See 52.247-59

11/02/89

PAGE NO. 155

		FAR CLAUSES ORIGIN, FLOW DOWN, AND RECOMMENDATIONS				
CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION FLOW DOWN AND LEVEL
52.247-62		SPECIFIC QUANTITIES UNKNOWN	Apr-84	47.305-16(d)(2)	NS	N -
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK			
		* RATIONALE *	* REMARKS *			
52.247-63		PREFERENCE FOR U.S.-FLAG CARRIERS	Apr-84	47.405	S3	49 USC 1517 Sec 5 (Fly America Act), Compt. Gen. Case B-138942, 49 USC 1371 Federal Aviation Act of 1958
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK			
		* RATIONALE *	* REMARKS *			
52.247-64		PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS	Apr-84	47.507(a)	S3	46 USC 1241(b) Cargo Preference Act of 1954
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK			
		* RATIONALE *	* REMARKS *			
52.247-64	1	PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS - ALTERNATE I	Apr-84	47.507(b)	S3	46 USC 1241(b)
		CONCLUSION CODE(S): OK	RECOMMENDATION CODE(S): OK			
		* RATIONALE *	* REMARKS *			

11/02/89

PAGE NO. 156

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.247-64	2	PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS - ALTERNATE II	Apr-84	47.507(c)	S3	46 USC 1241(b)	R - A
-----------	---	--	--------	-----------	----	----------------	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.248-1

VALUE ENGINEERING

Mar-89 48.201

S1

10 USC 2301(b); OMB
Circular No. A-131

M - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.248-1

1 VALUE ENGINEERING -
ALTERNATE I

Apr-84 48.201

S1

10 USC 2301(b); OMB
Circular No. A-131.

M - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.248-1

2 VALUE ENGINEERING -
ALTERNATE II

Apr-84 48.201

S1

10 USC 2301(b); OMB
Circular No. A-131

M - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 157

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.248-1	3	VALUE ENGINEERING - ALTERNATE III	Apr-84	48.201	S1	10 USC 2301(b); OMB Circular No. A-131	M - 1
----------	---	--------------------------------------	--------	--------	----	---	-------

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.248-2

VALUE ENGINEERING PROGRAM
- ARCHITECT-ENGINEER

Apr-84 48.201(f)

S1

10 USC 2301(b); OMB
Circular No. A-131

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.248-3

VALUE ENGINEERING -
CONSTRUCTION

Mar-89 48.202

S1

10 USC 2301(b); OMB
Circular No. A-131

M - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Threshold for flowdown is \$50,000.

52.248-3

1 VALUE ENGINEERING -
CONSTRUCTION - ALTERNATE
I

Apr-84 48.202

S1

10 USC 2301(b); OMB
Circular No. A-131

M - 1

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.249-1		TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) (SHORT FORM)	Apr-84	49.502(a)(1)	NS		N -
----------	--	---	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-1	1	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) (SHORT FORM) - ALTERNATE I	Apr-84	49.502(a)(2)	NS		N -
----------	---	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-2		TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE)	Apr-84	49.502 (b)(1)(i)	NS		N -
----------	--	---	--------	------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-2	1	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) - ALTERNATE I	Apr-84	49.505(b)(1)(ii)	NS		N -
----------	---	--	--------	------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

11/02/89

PAGE NO. 159

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

* RATIONALE *

* REMARKS *

52.249-2	2	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) - ALTERNATE II	Apr-84	49.502(b)(1)(iii)	NS		N -
----------	---	---	--------	-------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-2	3	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) - ALTERNATE III	Apr-84	49.502(b)(1)(iii)	NS		N -
----------	---	--	--------	-------------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-3		TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (DISMANTLING, DEMOLITION, OR REMOVAL OF IMPROVEMENTS)	Apr-84	49.502(b)(2)	NS		N -
----------	--	---	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.249-3	1	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (DISMANTLING, DEMOLITION, OR REMOVAL OF IMPROVEMENTS) - ALTERNATE I	Apr-84	49.502(b)(2)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-4

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (SERVICES) (SHORT FORM)

Apr-84 49.502(c)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

See DFARS Clause 252.247-7005.

52.249-5

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (EDUCATIONAL AND OTHER NONPROFIT INSTITUTIONS)

Apr-84 49.502(d)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 161

| FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	----------------	--------------------	------------------------

52.249-6 TERMINATION
 (COST-REIMBURSEMENT)

May-86 49.503(a)(1) NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* REMARKS *

* RATIONALE *

52.249-6 1 TERMINATION
 (COST-REIMBURSEMENT) -
 ALTERNATE I

Apr-84 49.503(a)(2) NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-6 2 TERMINATION
 (COST-REIMBURSEMENT) -
 ALTERNATE II

Apr-84 49.503(a)(3) NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-6 3 TERMINATION
 (COST-REIMBURSEMENT) -
 ALTERNATE III

Apr-84 49.503(a)(3) NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 162

| FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.249-6	4	TERMINATION (COST-REIMBURSEMENT) - ALTERNATE IV	Apr-84	49.503(a)(4)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-6

5 TERMINATION
(COST-REIMBURSEMENT) -
ALTERNATE V

Apr-84 49.503(a)(4)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-7

TERMINATION (FIXED-PRICE
ARCHITECT-ENGINEER)

Apr-84 49.503(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-8

DEFAULT (FIXED-PRICE
SUPPLY AND SERVICE)

Apr-84 49.504(a)(1)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.249-8	1	DEFAULT (FIXED-PRICE SUPPLY AND SERVICE) - ALTERNATE I	Apr-84	49.504(a)(2)	NS		N -
----------	---	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-9		DEFAULT (FIXED-PRICE RESEARCH AND DEVELOPMENT)	Apr-84	49.504(b)	NS		N -
----------	--	--	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-10		DEFAULT (FIXED-PRICE CONSTRUCTION)	Apr-84	49.504(c)(1)	NS		N -
-----------	--	------------------------------------	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-10	1	DEFAULT (FIXED-PRICE CONSTRUCTION) - ALTERNATE I	Apr-84	49.504(c)(2)	NS		N -
-----------	---	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

11/02/89

PAGE NO. 164

| FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.249-10	2	DEFAULT (FIXED-PRICE CONSTRUCTION) - ALTERNATE II	Apr-84	49.504(c)(3)	NS		N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-10	3	DEFAULT (FIXED-PRICE CONSTRUCTION) - ALTERNATE III	Apr-84	49.504(c)(3)	NS		N -
-----------	---	--	--------	--------------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-11		TERMINATION OF WORK (CONSOLIDATED FACILITIES OR FACILITIES ACQUISITION)	Apr-84	49.505(a)	NS		N -
-----------	--	--	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-11	1	TERMINATION OF WORK (CONSOLIDATED FACILITIES OR FACILITIES ACQUISITION) - ALTERNATE I	Apr-84	49.505(a)	NS		N -
-----------	---	---	--------	-----------	----	--	-----

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

 | FAR CLAUSES |
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
---------------	-----	-------	------	--------------	-------------	--------------------	---------------------

52.249-12

TERMINATION (PERSONAL SERVICES)

Apr-84 49.505(b)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-13

FAILURE TO PERFORM

Apr-84 49.505(c)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.249-14

EXCUSABLE DELAYS

Apr-84 49.505(d)

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

52.250-1

INDEMNIFICATION UNDER PUBLIC LAW 85-804

Apr-84 50.403-3

S2

N -

PL 85-804, Amended, 50 USC 1430-1435, EO 10789 11/14/58

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Clause is necessary to offer protection for handling nuclear and hazardous materials in today's business environment.

The clause coverage does not overlap, but the policy guidance for submitting claims under P.L. 85-804 overlaps the Contract Disputes Act of 1978 in areas of reformation, recession, and mistakes.

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.250-1	1	INDEMNIFICATION UNDER PUBLIC LAW 85-804 - ALTERNATE I	Apr-84	50.403-3	S2	PL 85-804, Amended 50 USC 1431 - 1435, EO 10789 11/14/58	N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

See rationale for basic clause.

* REMARKS *

See remarks for basic clause.

52.251-1

GOVERNMENT SUPPLY SOURCES

Apr-84 51.107

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

GSA policy cited in DAR 5-901(b).

* REMARKS *

52.251-1

GOVERNMENT SUPPLY SOURCES
- ALTERNATE I

Apr-84 51.107

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

GSA policy cited in DAR 5-901(b).

* REMARKS *

52.251-2

INTERAGENCY FLEET
MANAGEMENT SYSTEM AND
RELATED SERVICES

Aug-89 51.205

NS

N -

CONCLUSION CODE(S): OK

RECOMMENDATION CODE(S): OK

* RATIONALE *

* REMARKS *

Subpart 101-39.6 Chapter 101 - Federal Property Management
Regulations Sep 22, 1966.

11/02/89

PAGE NO. 168

FAR CLAUSES
ORIGIN, FLOW DOWN, AND RECOMMENDATIONS

CLAUSE NUMBER	ALT	TITLE	DATE	PRESCRIPTION	ORIGIN CODE	SOURCE DESCRIPTION	FLOW DOWN AND LEVEL
52.252-3		ALTERATIONS IN SOLICITATION	Apr-84	52.107(c)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.252-4		ALTERATIONS IN CONTRACT	Apr-84	52.107(d)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.252-5		AUTHORIZED DEVIATIONS IN PROVISIONS	Apr-84	52.107(e)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							
52.252-6		AUTHORIZED DEVIATIONS IN CLAUSES	Apr-84	52.107(f)	NS		N -
CONCLUSION CODE(S): OK							
* RATIONALE *							
RECOMMENDATION CODE(S): OK							
* REMARKS *							