

# HB2544 HD2

Measure Title: RELATING TO CONSTRUCTION CONTRACTS.

Report Title: Procurement Code; Construction; Federal Requirements; Analysis

Description: Requires the State Procurement Office, in conjunction with the Department of Accounting and General Services, to conduct an analysis and review of the Hawaii Public Procurement Code, specifically with regard to the awarding of construction contracts. Appropriates an unspecified amount of funds for the analysis and review. (HB2544 HD2)

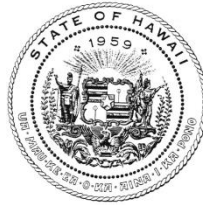
Companion: [SB2499](#)

Package: None

Current Referral: GVO, WAM

Introducer(s): YAMASHITA, CHOY, CULLEN, HAR, HASHEM, ICHIYAMA, ITO, KAWAKAMI, KEOHOKALOLE, C. LEE, LUKE, NAKASHIMA, NISHIMOTO, ONISHI, OSHIRO, TAKAYAMA, TOKIOKA, TSUJI, WOODSON, YAMANE, Brower, DeCoite, Jordan, Kobayashi, McKelvey, San Buenaventura

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TESTIMONY  
OF  
SARAH ALLEN, ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE  
ON  
GOVERNMENT OPERATIONS

March 17, 2016, 1:15 PM

House Bill No. 2544 HD2  
RELATING TO CONSTRUCTION CONTRACTS

Chair Kim, Vice-Chair Ihara, and members of the committee, thank you for the opportunity to submit testimony on HB 2544 HD2. The State Procurement Office (SPO) does not oppose a comprehensive analysis and review of the Hawaii public procurement code (the Code) and federal procurement laws (particularly the Federal Acquisition Regulation (the FAR)), however, the SPO would require a minimum of \$450,000 to procure for outsourcing services to achieve this analysis and would submit the following comments:

This measure will require a detailed examination and meticulous side-by-side comparison of the Hawaii procurement environment, procurement related statutes and rules with the federal code, and the challenges thereto will need to be resolved. Attached for your consideration herein is FAR Part 52.301, a matrix of all FAR solicitation and contract clauses, including their alternatives and their associated instances for mandatory inclusion in solicitation and contracts. Furthermore, any resulting recommendations to amend the Code to align with the FAR, will affect not only State agencies, but all CPO jurisdictions, who will need to do their own assessments of the logistical requirements and anticipated costs (monetarily and culturally, taking into account governance and infrastructure) of amending the Code to align with the FAR.

As important and valuable as this measure is, it must provide the resources necessary for an analysis and review of this scope and magnitude. In fact, the mere exercise in cross-walking State terminology to equivalent federal terminology will be a herculean task that will be an extensive undertaking, requiring expertise, staffing, and funding resources in order to develop any new processes, procedures, templates, contract terms and conditions, and reporting requirements compliant with the Hawaii Code and the FAR, which will require resources that the SPO does not have.

Therefore, upon receipt of the appropriated and allocated funding for the report, the SPO will first procure for the respective consulting services so that the SPO and the Department of Accounting and General Services (DAGS) will be able to initiate and complete the study by the specified timeframe.

The SPO is committed to working with State Legislature and Agencies to develop the best policy and procedures for procurement that allow for streamlining, efficiencies, innovation, cost control, and fair and equal contracting opportunities across the State of Hawaii. The SPO recognizes the benefits of certain federal procurement laws with much of the current Hawaii Code already aligned with the Federal Code. Further, the SPO intends to continue research to determine what Code (whether it be state specific or federally aligned) would best benefit our State as a whole.

The cost of analyzing and reviewing the differences and similarities between the Hawaii Code and FAR in order to submit a report to Legislature during regular session 2018 is estimated to start at a minimum of \$450,000 for fiscal year 2016-2017.

Thank you.

52.301 Solicitation provisions and contract clauses (Matrix).

<b>Key:</b>					
<b>Type of Contract:</b>					
P or C	=	Provision or Clause	DDR	=	Dismantling, Demolition, or Removal of Improvements
IBR	=	Is Incorporation by Reference Authorized? (See FAR 52.102)	A&E	=	Architect-Engineering
UCF	=	Uniform Contract Format Section, when Applicable	FAC	=	Facilities
FP SUP	=	Fixed-Price Supply	IND DEL	=	Indefinite Delivery
CR SUP	=	Cost-Reimbursement Supply	TRN	=	Transportation
FP R&D	=	Fixed-Price Research & Development	SAP	=	Simplified Acquisition Procedures (excluding micro-purchase)
CR R&D	=	Cost Reimbursement Research & Development	UTL SVC	=	Utility Services
FP SVC	=	Fixed-Price Service	CI	=	Commercial Items
CR SVC	=	Cost Reimbursement Service			
FP CON	=	Fixed-Price Construction	<b>Contract Purpose:</b>		
CR CON	=	Cost Reimbursement Construction	R	=	Required
T&M LH	=	Time & Material/Labor Hours	A	=	Required when Applicable
LMV	=	Leasing of Motor Vehicles	O	=	Optional
COM SVC	=	Communication Services	✓	=	Revision

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																				
			IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
<a href="#">52.202-1</a> Definitions.	<a href="#">2.201</a>	C	Yes	I	R	R	A	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<a href="#">52.203-2</a> Certificate of Independent Price Determination.	<a href="#">3.103-1</a>	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-3</a> Gratuities.	<a href="#">3.202</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-5</a> Covenant Against Contingent Fees.	<a href="#">3.404</a>	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<a href="#">52.203-6</a> Restrictions on Subcontractor Sales to the Government.	<a href="#">3.503-2</a>	C	Yes	I	R	R			R	R								R				R	
Alternate I	<a href="#">3.503-2</a>	C	Yes																				R
<a href="#">52.203-7</a> Anti-Kickback Procedures.	<a href="#">3.502-3</a>	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<a href="#">52.203-8</a> Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.	<a href="#">3.104-9(a)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-10</a> Price or Fee Adjustment for Illegal or Improper Activity.	<a href="#">3.104-9(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-11</a> Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.	<a href="#">3.808(a)</a>	P	Yes	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-12</a> Limitation on Payments to Influence Certain Federal Transactions.	<a href="#">3.808(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-13</a> Contractor Code of Business Ethics and Conduct.	<a href="#">3.1004(a)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-14</a> Display of Hotline Poster(s).	<a href="#">3.1004(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-15</a> Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009.	<a href="#">3.907-7</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-16</a> Preventing Personal Conflicts of Interest.	<a href="#">3.1106</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.203-17</a> Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights.	<a href="#">3.908-9</a>	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<a href="#">52.204-1</a> Approval of Contract.	<a href="#">4.103</a>	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-2</a> Security Requirements.	<a href="#">4.404(a)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	<a href="#">4.404(b)</a>	C	Yes	I					A														
Alternate II	<a href="#">4.404(c)</a>	C	Yes	I						A	A												
<a href="#">52.204-3</a> Taxpayer Identification.	<a href="#">4.905</a>	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-4</a> Printed or Copied Double-Sided on Postconsumer Fiber Content Paper.	<a href="#">4.303</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-5</a> Women-Owned Business (Other Than Small Business)	<a href="#">4.607(b)</a>	P	Yes	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-6</a> Data Universal Numbering System Number.	<a href="#">4.607(b)</a>	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-7</a> System for Award Management.	<a href="#">4.1105(a)(1)</a>	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	<a href="#">4.1105(a)(2)</a>	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-8</a> Annual Representations and Certifications	<a href="#">4.1202</a>	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-9</a> Personal Identity Verification of Contractor Personnel.	<a href="#">4.1303</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-10</a> Reporting Executive Compensation and First-Tier Subcontract Awards.	<a href="#">4.1403(a)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-11</a> [Reserved]																							
<a href="#">52.204-12</a> Data Universal Numbering System Number Maintenance.	<a href="#">4.607(c)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-13</a> System for Award Management Maintenance.	<a href="#">4.1105(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-14</a> Service Contract Reporting Requirements.	<a href="#">4.1705(a)</a>	C	Yes						A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-15</a> Service Contract Reporting Requirements for Indefinite-Delivery Contracts.	<a href="#">4.1705(b)</a>	C	Yes						A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-16</a> Commercial and Government Entity Code Reporting.	<a href="#">4.1804(a)</a>	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-17</a> Ownership or Control of Offeror.	<a href="#">4.1804(b)</a>	P	Yes	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.204-18</a> Commercial and Government Entity Code Maintenance.	<a href="#">4.1804(c)</a>	C	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

52.204-19 Incorporation by Reference of Representations and Certifications.	4.1202(b)	C	Yes	K	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
52.207-1 Notice of Standard Competition.	7.305(a)	P	Yes	L	A		A		A		A		A		A		A		A					
52.207-2 Notice of Streamlined Competition.	7.305(b)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.207-3 Right of First Refusal of Employment.	7.305(c)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.207-4 Economic Purchase Quantity—Supplies.	7.203	P	No	K	A	A														A		A		
52.207-5 Option to Purchase Equipment.	7.404	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.208-4 Vehicle Lease Payments.	8.1104(a)	C	Yes	I											A							A		
52.208-5 Condition of Leased Vehicles.	8.1104(b)	C	Yes	I											A							A		
52.208-6 Marking of Leased Vehicles.	8.1104(c)	C	Yes	I											A							A		
52.208-7 Tagging of Leased Vehicles.	8.1104(d)	C	Yes	I											A							A		
52.208-8 Required Sources for Helium and Helium Usage Data.	8.505	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.208-9 Contractor Use of Mandatory Sources of Supply or Services.	8.005	C	Yes	I	A	A														A		A		
52.209-1 Qualification Requirements.	9.206-2	C	No	I	A	A			A	A					A					A		A		
52.209-2 Prohibition on Contracting with Inverted Domestic Corporations—Representation.	9.108-5(a)	P	Yes	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.209-3 First Article Approval—Contractor Testing.	9.308-1(a)(1) and (b)(1)	C	Yes	I	A	O									A					A		A		
Alternate I	9.308-1(a)(2) and (b)(2)	C	Yes	I	A	O									A					A		A		
Alternate II	9.308-2(a)(3) and (b)(3)	C	Yes	I	A	O									A					A		A		
52.209-4 First Article Approval—Government Testing.	9.308-2(a)(1) and (b)(1)	C	Yes	I	A	O									A					A		A		
Alternate I	9.308-2(a)(1) and (b)(2)	C	Yes	I	A	O									A					A		A		
Alternate II	9.308-2(a)(1) and (b)(3)	C	Yes	I	A	O									A					A		A		
52.209-5 Certification Regarding Responsibility Matters.	9.104-7(a)	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.	9.409	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.209-7 Information Regarding Responsibility Matters.	9.104-7(b)	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters.	9.104-7(c)(1)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.209-10 Prohibition on Contracting with Inverted Domestic Corporations.	9.108-5(b)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.210-1 Market Research.	10.003	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.	11.204(a)	P	No	L	A	A	A	A	A	A	A				A	A				A	A	A		
52.211-2 Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).	11.204(b)	P	No	L	A	A	A	A	A	A	A				A	A				A	A	A		
52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.	11.204(c)	P	No	L	A	A	A	A	A	A	A				A	A				A	A	A		
52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.	11.204(d)	P	No	L	A	A	A	A	A	A	A				A	A				A	A	A		
52.211-5 Material Requirements.	11.304	C	Yes	I	R	R																A		
52.211-6 Brand Name or Equal.	11.107(a)	P	Yes	L	A	A									A							A		
52.211-7 Alternatives to Government-Unique Standards.	11.107(b)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.211-8 Time of Delivery.	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate I	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate II	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate III	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
52.211-9 Desired and Required Time of Delivery.	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate I	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate II	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate III	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
52.211-10 Commencement, Prosecution, and Completion of Work.	11.404(b)	C	Yes								R													
Alternate I	11.404(b)	C	Yes								R													
52.211-11 Liquidated Damages—Supplies, Services, or Research and Development.	11.503(a)	C	Yes	I	O		O		O					O								O	O	
52.211-12 Liquidated Damages—Construction.	11.503(b)	C	Yes								O	O										O		
52.211-13 Time Extensions.	11.503(c)	C	Yes								A	A										A		
52.211-14 Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use.	11.604(a)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.211-15 Defense Priority and Allocation Requirements.	11.604(b)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
52.211-16 Variation in Quantity.	11.703(a)	C	Yes	F	A				A						A							A		
52.211-17 Delivery of Excess Quantities.	11.703(b)	C	Yes	F	O										O							O		
52.211-18 Variation in Estimated Quantity.	11.703(c)	C	Yes								A											A		

52.212-1 Instructions to Offerors—Commercial Items.	12.301(b)(1)	P	Yes	NA	A		A		A		A		A	A	A	A	A	A	A	R	
52.212-2 Evaluation—Commercial Items.	12.301(c)(1)	P	No	NA	O		O		O		O		O	O	O	O	O	O	O	O	O
52.212-3 Offeror Representations and Certifications—Commercial Items.	12.301(b)(2)	P	No	NA	A		A		A		A		A	A	A	A	A	A	A	A	R
Alternate I	12.301(b)(2)	P	No	NA	A		A		A		A		A	A	A	A	A	A	A	A	A
Alternate II	12.301(b)(2)	P	No	NA	A		A		A		A		A	A	A	A	A	A	A	A	A
52.212-4 Contract Terms and Conditions—Commercial Items.	12.301(b)(3)	C	Yes	NA	A		A		A		A		A	A	A	A	A	A	A	A	R
Alternate I	12.301(b)(3)	C	Yes	NA							A										A
52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders— Commercial Items	12.301(b)(4)	C	No	NA	A		A		A		A		A	A	A	A	A	A	A	A	R
Alternate I	12.301(b)(4)(i)	C	No	NA	A		A		A		A		A	A	A	A	A	A	A	A	R
Alternate II	12.301(b)(4)(ii)	C	No	NA	A		A		A		A		A	A	A	A	A	A	A	A	R
52.213-1 Fast Payment Procedure.	13.404	C	Yes		A								A						A		
52.213-2 Invoices.	13.302-5(b)	C	Yes																	A	
52.213-3 Notice to Supplier.	13.302-5(c)	C	Yes																	A	
52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).	13.302-5(d)	C	Yes																	A	
52.214-3 Amendments to Invitations for Bids.	14.201-6(b)(1)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.214-4 False Statements in Bids.	14.201-6(b)(2)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.214-5 Submission of Bids.	14.201-6(c)(1)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.214-6 Explanation to Prospective Bidders.	14.201-6(c)(2)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.214-7 Late Submissions, Modifications, and Withdrawals of Bids.	14.201-6(c)(3)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.214-10 Contract Award—Sealed Bidding.	14.201-6(e)	P	Yes	L	A				A					A	A	A			A	A	A
52.214-12 Preparation of Bids.	14.201-6(f)	P	Yes	L	A				A					A	A	A			A	A	A
52.214-13 Telegraphic Bids.	14.201-6(g)(1)	P	Yes	L	A				A					A	A	A			A	A	A
Alternate I	14.201-6(g)(2)	P	Yes	L	A				A												
52.214-14 Place of Performance—Sealed Bidding.	14.201-6(h)	P	No	K	A				A					A	A	A			A	A	A
52.214-15 Period for Acceptance of Bids.	14.201-6(i)	P	Yes	L	A				A					A	A	A			A	A	A
52.214-16 Minimum Bid Acceptance Period.	14.201-6(j)	P	No	K	A				A					A	A	A			A	A	A
52.214-18 Preparation of Bids—Construction.	14.201-6(l)	P	Yes								A										
52.214-19 Contract Award—Sealed Bidding—Construction.	14.201-6(m)	P	Yes								A					A					
52.214-20 Bid Samples.	14.201-6(o)(1)	P	Yes	L	A				A					A						A	
Alternate I	14.201-6(o)(2)(i)	P	Yes	L	A				A					A						A	
Alternate II	14.201-6(o)(2)(ii)	P	Yes	L	A				A					A						A	
52.214-21 Descriptive Literature.	14.201-6(p)(1)	P	Yes	L	A				A					A						A	
Alternate I	14.201-6(p)(2)	P	No	L	A				A					A						A	
52.214-22 Evaluation of Bids for Multiple Awards.	14.201-6(q)	P	Yes	M	A				A		A			A	A	A			A	A	
52.214-23 Late Submissions, Modifications, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding.	14.201-6(r)	P	Yes	L	A				A		A			A	A	A			A		
52.214-24 Multiple Technical Proposals.	14.201-6(s)	P	Yes	M	A				A		A			A					A		
52.214-25 Step Two of Two-Step Sealed Bidding.	14.201-6(t)	P	Yes	L	A				A		A			A	A	A					
52.214-26 Audit and Records—Sealed Bidding.	14.201-7(a)(1)	C	Yes	I	A				A		A			A	A	A			A	A	
Alternate I	14.201-7(a)(2)	C	Yes	I	A				A		A			A	A	A			A	A	
52.214-27 Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding.	14.201-7(b)(1)	C	Yes	I	A				A		A			A	A	A			A	A	
52.214-28 Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding.	14.201-7(c)(1)	C	Yes	I	A				A		A			A	A	A			A	A	
52.214-29 Order of Precedence—Sealed Bidding.	14.201-7(d)	C	Yes	I	A				A		A			A	A	A			A	A	
52.214-31 Facsimile Bids.	14.201-6(v)	P	Yes	L	A				A					A	A	A			A	A	A
52.214-34 Submission of Offers in the English Language.	14.201-6(w)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.214-35 Submission of Offers in U.S. Currency.	14.201-6(x)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.215-1 Instructions to Offerors—Competitive.	15.209(a)	P	Yes	L	A				A		A			A	A	A			A	A	A
Alternate I	15.209(a)(1)	P	Yes	L	A				A		A			A	A	A			A	A	A
Alternate II	15.209(a)(2)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.215-2 Audit and Records—Negotiation.	15.209(b)(1)	C	Yes	I	A				A		A			A	A	A			A	A	A
Alternate I	15.209(b)(2)	C	Yes	I	A				A		A			A	A	A			A	A	A
Alternate II	15.209(b)(3)	C	Yes	I					A		A										
Alternate III	15.209(b)(4)	C	Yes	I	A				A		A			A	A	A			A	A	A
52.215-3 Request for Information or Solicitation for Planning Purposes.	15.209(c)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.215-5 Facsimile Proposals.	15.209(e)	P	Yes	L	A				A		A			A	A	A			A	A	A
52.215-6 Place of Performance.	15.209(f)	P	No	K	A				A		A			A	A	A			A	A	A
52.215-8 Order of Precedence—Uniform Contract Format.	15.209(h)	C	Yes	I	A				A		A			A	A	A			A	A	A
52.215-9 Changes or Additions to Make-or-Buy Program.	15.408(a)	C	Yes	I	A				A		A			A	A	A			A	A	A
Alternate I	15.408(a)(1)	C	Yes	I	A				A		A										









<a href="#">52.223-5</a> Pollution Prevention and Right-to-Know Information.	<a href="#">23.1005</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Alternate I	<a href="#">23.1005(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Alternate II	<a href="#">23.1005(c)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	a	A	A	A	A	A	A	
<a href="#">52.223-6</a> Drug-Free Workplace.	<a href="#">23.505</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
<a href="#">52.223-7</a> Notice of Radioactive Materials.	<a href="#">23.602</a>	C	No	I	A	A	A	A	A	A	A	A	A			A		A	A			
<a href="#">52.223-9</a> Estimate of Percentage of Recovered Material Content for EPA- Designated Products.	<a href="#">23.406(d)</a>	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Alternate I	<a href="#">23.406(d)</a>	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
<a href="#">52.223-10</a> Waste Reduction Program.	<a href="#">23.705(a)</a>	C	Yes	I					A	A						A						
<a href="#">52.223-11</a> Ozone-Depleting Substances.	<a href="#">23.804(a)</a>	C	No	I	A	A												A		A		
<a href="#">52.223-12</a> Refrigeration Equipment and Air Conditioners.	<a href="#">23.804(b)</a>	C	Yes	I					A	A			A			A			A			
<a href="#">52.223-13</a> Acquisition of EPEAT®-Registered Imaging Equipment.	<a href="#">23.705(c)(1)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
Alternate I	<a href="#">23.705(c)(2)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
<a href="#">52.223-14</a> Acquisition of EPEAT®-Registered Televisions.	<a href="#">23.705(d)(1)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
Alternate I	<a href="#">23.705(d)(2)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
<a href="#">52.223-15</a> Energy Efficiency in Energy-Consuming Products.	<a href="#">23.206</a>	C	Yes	I	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A	
<a href="#">52.223-16</a> Acquisition of EPEAT®-Registered Personal Computer Products.	<a href="#">23.705(b)(1)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
Alternate I	<a href="#">23.705(b)(2)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
<a href="#">52.223-17</a> Affirmative Procurement of EPA-designated Items in Service and Construction Contracts.	<a href="#">23.406(e)</a>	C	Yes	I					A	A	A	A	A	A	A	A	A	A	A	A		
<a href="#">52.223-18</a> Encouraging Contractor Policies to Ban Text Messaging While Driving	<a href="#">23.1105</a>	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<a href="#">52.223-19</a> Compliance with Environmental Management Systems.	<a href="#">23.903</a>	C	Yes	I				A	A	A	A	A	A	A	A	A		A	A	A	A	
<a href="#">52.224-1</a> Privacy Act Notification.	<a href="#">24.104(a)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
<a href="#">52.224-2</a> Privacy Act.	<a href="#">24.104(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
<a href="#">52.225-1</a> Buy American—Supplies.	<a href="#">25.1101(a)(1)</a>	C	Yes	I	A	A	A	A	A	A			A	A	A				A		A	
<a href="#">52.225-2</a> Buy American Certificate.	<a href="#">25.1101(a)(2)</a>	P	No	K	A	A	A	A	A	A			A	A	A				A		A	
<a href="#">52.225-3</a> Buy American—Free Trade Agreements-Israeli Trade Act.	<a href="#">25.1101(b)(1)(i)</a>	C	Yes	I	A	A							A	A					A		A	
Alternate I	<a href="#">25.1101(b)(1)(ii)</a>	C	Yes	I	A	A							A	A					A		A	
Alternate II	<a href="#">25.1101(b)(1)(iii)</a>	C	Yes	I	A	A							A	A					A		A	
Alternate III	<a href="#">25.1101(b)(1)(iv)</a>	C	Yes	I	A	A							A	A					A		A	
<a href="#">52.225-4</a> Buy American—Free Trade Agreements-Israeli Trade Act Certificate.	<a href="#">25.1101(b)(2)(i)</a>	P	No	K	A	A							A	A					A		A	
Alternate I	<a href="#">25.1101(b)(2)(ii)</a>	P	No	K	A	A							A	A					A		A	
Alternate II	<a href="#">25.1101(b)(2)(iii)</a>	P	No	K	A	A							A	A					A		A	
Alternate III	<a href="#">25.1101(b)(2)(iv)</a>	P	No	K	A	A							A	A					A		A	
<a href="#">52.225-5</a> Trade Agreements.	<a href="#">25.1101(c)(1)</a>	C	Yes	I	A	A													A		A	
<a href="#">52.225-6</a> Trade Agreements Certificate.	<a href="#">25.1101(c)(2)</a>	P	No	K	A	A													A		A	
<a href="#">52.225-7</a> Waiver of Buy American Statute for Civil Aircraft and Related Articles.	<a href="#">25.1101(d)</a>	P	Yes	L	A	A	A	A											A		A	
<a href="#">52.225-8</a> Duty-Free Entry.	<a href="#">25.1101(e)</a>	C	Yes	I	A	A	A	A					A	A	A				A		A	
<a href="#">52.225-9</a> Buy American—Construction Materials.	<a href="#">25.1102(a)</a>	C	No								A	A										
<a href="#">52.225-10</a> Notice of Buy American Requirement—Construction Materials.	<a href="#">25.1102(b)(1)</a>	P	No								A	A										
Alternate I	<a href="#">25.1102(b)(2)</a>	P	No								A	A										
<a href="#">52.225-11</a> Buy American—Construction Materials under Trade Agreements.	<a href="#">25.1102(c)</a>	C	No								A	A										
Alternate I	<a href="#">25.1102(c)(3)</a>	C	No								A	A										
<a href="#">52.225-12</a> Notice of Buy American Requirement—Construction Materials Under Trade Agreements.	<a href="#">25.1102(d)(1)</a>	P	No								A	A										
Alternate I	<a href="#">25.1102(d)(2)</a>	P	No								A	A										
Alternate II	<a href="#">25.1102(d)(3)</a>	P	No								A	A										
<a href="#">52.225-13</a> Restrictions on Certain Foreign Purchases.	<a href="#">25.1103(a)</a>	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<a href="#">52.225-14</a> Inconsistency Between English Version and Translation of Contract.	<a href="#">25.1103(b)</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.225-17</a> Evaluation of Foreign Currency Offers.	<a href="#">25.1103(c)</a>	P	Yes	M	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.225-18</a> Place of Manufacture.	<a href="#">25.1101(f)</a>	P	No	K	R	R							A						A		A	
<a href="#">52.225-19</a> Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States.	<a href="#">25.301-4</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.225-20</a> Prohibition on Conducting Restricted Business Operations in Sudan—Certification.	<a href="#">25.1103(d)</a>	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<a href="#">52.225-21</a> Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.	<a href="#">25.1102(e)(1)</a>	C	No								A	A										
<a href="#">52.225-22</a> Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.	<a href="#">25.1102(e)(1)</a>	P	No								A	A										
Alternate I	<a href="#">25.1102(e)(1)</a>	P	No								A	A										
<a href="#">52.225-23</a> Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials under Trade Agreements.	<a href="#">25.1102(e)(1)</a>	C	No								A	A										
Alternate I	<a href="#">25.1102(e)(1)</a>	C	No								A	A										











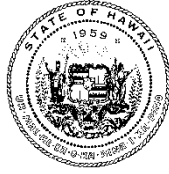
52.247-8 Estimated Weights or Quantities Not Guaranteed.	47.207-3(e)(2)	C	Yes	I														A	A			
52.247-9 Agreed Weight—General Freight.	47.207-4(a)(1)	C	Yes	I															A	A		
52.247-10 Net Weight—General Freight.	47.207-4(a)(2)	C	Yes	I															A	A		
52.247-11 Net Weight—Household Goods or Office Furniture.	47.207-4(b)	C	Yes	I															A	A		
52.247-12 Supervision, Labor, or Materials.	47.207-5(b)	C	Yes	I															A	A		
52.247-13 Accessorial Services—Moving Contracts.	47.207-5(c)	C	Yes	I															A	A		
52.247-14 Contractor Responsibility for Receipt of Shipment.	47.207-5(d)	C	Yes	I															A	A		
52.247-15 Contractor Responsibility for Loading and Unloading.	47.207-5(e)	C	Yes	I															A	A		
52.247-16 Contractor Responsibility for Returning Undelivered Freight.	47.207-5(f)	C	Yes	I															A	A		
52.247-17 Charges.	47.207-6(a)(2)	C	Yes	I															A	A		
52.247-18 Multiple Shipments.	47.207-6(c)(5)(i)	C	Yes	I															A	A		
52.247-19 Stopping in Transit for Partial Uploading.	47.207-6(c)(5)(ii)	C	No	I															A	A		
52.247-20 Estimated Quantities or Weights for Evaluation of Offers.	47.207-6(c)(6)	P	Yes	M															A	A		
52.247-21 Contractor Liability for Personal Injury and/or Property Damage.	47.207-7(c)	C	Yes	I															A	A		
52.247-22 Contractor Liability for Loss of and/or Damage to Freight Other Than Household Goods.	47.207-7(d)	C	Yes	I															A	A		
52.247-23 Contractor Liability for Loss of and/or Damage to Household Goods.	47.207-7(e)	C	Yes	I															A	A		
52.247-24 Advance Notification by the Government.	47.207-8(a)(1)	C	Yes	I															A	A		
52.247-25 Government-Furnished Equipment With or Without Operators.	47.207-8(a)(2)(i)	C	Yes	I															A	A		
52.247-26 Government Direction and Marking.	47.207-8(a)(3)	C	Yes	I															A	A		
52.247-27 Contract Not Affected by Oral Agreement.	47.207-8(b)	C	Yes	I															A	A		
52.247-28 Contractor's Invoices.	47.207-9(c)	C	Yes	I															A	A		
52.247-29 F.o.b. Origin.	47.303-1(c)	C	Yes	F	A												A		A	A		
52.247-30 F.o.b. Origin, Contractor's Facility.	47.303-2(c)	C	Yes	F	A												A		A	A		
52.247-31 F.o.b. Origin, Freight Allowed.	47.303-3(c)	C	Yes	F	A												A		A	A		
52.247-32 F.o.b. Origin, Freight Prepaid.	47.303-4(c)	C	Yes	F	A												A		A	A		
52.247-33 F.o.b. Origin, with Differentials.	47.303-5(c)	C	No	F	A					A							A		A	A		
52.247-34 F.o.b. Destination.	47.303-6(c)	C	Yes	F	A												A		A	A		
52.247-35 F.o.b. Destination, within Consignee's Premises.	47.303-7(c)	C	Yes	F	A												A		A	A		
52.247-36 F.a.s. Vessel, Port of Shipment.	47.303-8(c)	C	Yes	F	A												A		A	A		
52.247-37 F.o.b. Vessel, Port of Shipment.	47.303-9(c)	C	Yes	F	A												A		A	A		
52.247-38 F.o.b. Inland Carrier, Point of Exportation.	47.303-10(c)	C	Yes	F	A												A		A	A		
52.247-39 F.o.b. Inland Point, Country of Importation.	47.303-11(c)	C	Yes	F	A												A		A	A		
52.247-40 Ex Dock, Pier, or Warehouse, Port of Importation.	47.303-12(c)	C	Yes	F	A												A		A	A		
52.247-41 C.&f. Destination.	47.303-13(c)	C	Yes	F	A												A		A	A		
52.247-42 C.i.f. Destination.	47.303-14(c)	C	Yes	F	A												A		A	A		
52.247-43 F.o.b. Designated Air Carrier's Terminal, Point of Exportation.	47.303-15(c)	C	Yes	F	A												A		A	A		
52.247-44 F.o.b. Designated Air Carrier's Terminal, Point of Importation.	47.303-16(c)	C	Yes	F	A												A		A	A		
52.247-45 F.o.b. Origin and/or F.o.b. Destination Evaluation.	47.305-2(b)	P	Yes	L	A												A		A	A		
52.247-46 Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers.	47.305-3(b)(4)(ii)	P	Yes	L	A												A		A	A		
52.247-47 Evaluation—F.o.b. Origin.	47.305-3(f)(2)	P	Yes	M	A												A		A	A		
52.247-48 F.o.b. Destination—Evidence of Shipment.	47.305-4(c)	C	Yes	F	A												A		A	A		
52.247-49 Destination Unknown.	47.305-5(b)(2)	P	Yes	M	A												A		A	A		
52.247-50 No Evaluation of Transportation Costs.	47.305-5(c)(1)	P	Yes	M	A												A		A	A		
52.247-51 Evaluation of Export Offers.	47.305-6(e)	P	No	M	A												A		A	A		
Alternate I	47.305-6(e)(1)	P	No	M	A												A		A	A		
Alternate II	47.305-6(e)(2)	P	No	M	A												A		A	A		
Alternate III	47.305-6(e)(3)	P	No	M	A												A		A	A		
52.247-52 Clearance and Documentation Requirements—Shipments to DOD Air or Water Terminal Transshipment Points.	47.305-6(f)(2)	C	Yes	F	A					A							A		A	A		
52.247-53 Freight Classification Description.	47.305-9(b)(1)	P	No	K	A												A		A	A		
52.247-55 F.o.b. Point for Delivery of Government-Furnished Property.	47.305-12(a)(2)	C	Yes	F	A												A		A	A		
52.247-56 Transit Arrangements.	47.305-13(a)(3)(ii)	P	No	M	A												A		A	A		
52.247-57 Transportation Transit Privilege Credits.	47.305-13(b)(4)	C	No	F	A												A		A	A		
52.247-58 Loading, Blocking, and Bracing of Freight Car Shipments.	47.305-15(a)(2)	C	Yes	F	A												A		A	A		
52.247-59 F.o.b. Origin—Carload and Truckload Shipments.	47.305-16(a)	C	Yes	F	A												A		A	A		
52.247-60 Guaranteed Shipping Characteristics.	47.305-16(b)(1)	C	No	F	A												A		A	A		
52.247-61 F.o.b. Origin—Minimum Size of Shipments.	47.305-16(c)	C	Yes	F	A												A		A	A		
52.247-62 Specific Quantities Unknown.	47.305-16(d)(2)	C	No	F	A												A		A	A		
52.247-63 Preference for U.S.-Flag Air Carriers.	47.405	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A



52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels.	47.507(a)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Alternate I	47.507(a)(2)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Alternate II	47.507(a)(3)	C		I						A	A										
52.247-65 F.o.b. Origin, Prepaid Freight—Small Package Shipments.	47.303-17(f)	C	Yes	F	A								A					A	A		
52.247-66 Returnable Cylinders.	47.305-17	C	No	I	A				A		A				A			A			
52.247-67 Submission of Transportation Documents for Audit.	47.103-2	C	No	I			A		A	A	A		A	A				A	A	A	
52.247-68 Report of Shipment (REPSHIP).	47.208-2	C	Yes	I	A	A	A	A	A	A	A		A	A	A			A	A	A	
52.248-1 Value Engineering.	48.201	C	Yes	I	A	A	A	A	A	A			A	A	A			A	A	A	
Alternate I	48.201(c)	C	Yes	I	A	A	A	A	A	A			A	A	A			A	A	A	
Alternate II	48.201(d)	C	Yes	I	A	A	A	A	A	A			A	A	A			A	A	A	
Alternate III	48.201(e)(1)	C	Yes	I	A	A	A	A	A	A			A	A	A			A	A	A	
52.248-2 Value Engineering Program—Architect-Engineer.	48.201(f)	C	Yes															A			
52.248-3 Value Engineering—Construction.	48.202	C	Yes							A	A										
Alternate I	48.202	C	Yes							A	A										
52.249-1 Termination for Convenience of the Government (Fixed-Price) (Short Form).	49.502(a)(1)	C	Yes	I	A		A		A				A	A				A	A	A	
Alternate I	49.502(a)(2)	C	Yes	I														A			
52.249-2 Termination for Convenience of the Government (Fixed-Price).	49.502(b)(1)(i)	C	Yes	I	A		A		A				A	A					A	A	
Alternate I	49.502(b)(1)(ii)	C	Yes	I									A								
Alternate II	49.502(b)(1)(iii)	C	Yes	I	A		A		A				A	A					A	A	
Alternate III	49.502(b)(1)(iii)	C	Yes	I									A								
52.249-3 Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements).	49.502(b)(2)	C	Yes	I														A			
Alternate I	49.502(b)(2)	C	Yes	I														A			
52.249-4 Termination for Convenience of the Government (Services) (Short Form).	49.502(c)	C	Yes	I					A											A	
52.249-5 Termination for Convenience of the Government (Educational and Other Nonprofit Institutions).	49.502(d)	C	Yes	I			A	A												A	
52.249-6 Termination (Cost-Reimbursement).	49.503(a)(1)	C	Yes	I		A		A		A				A	A			A	A	A	
Alternate I	49.503(a)(2)	C	Yes											A							
Alternate II	49.503(a)(3)	C	Yes	I		A		A		A				A	A			A	A	A	
Alternate III	49.503(a)(3)	C	Yes											A							
Alternate IV	49.503(a)(4)	C	Yes	I										A							
Alternate V	49.503(a)(4)	C	Yes	I										A							
52.249-7 Termination (Fixed-Price Architect-Engineer).	49.503(b)	C	Yes															A		A	
52.249-8 Default (Fixed-Price Supply and Service).	49.504(a)(1)	C	Yes	I	A				A					A						A	
Alternate I	49.504(a)(2)	C	Yes	I																A	
52.249-9 Default (Fixed-Price Research and Development).	49.504(b)	C	Yes	I			A													O	
52.249-10 Default (Fixed-Price Construction).	49.504(c)(1)	C	Yes											A						O	
Alternate I	49.504(c)(2)	C	Yes																	O	
Alternate II	49.504(c)(3)	C	Yes											O						O	
Alternate III	49.504(c)(3)	C	Yes																	O	
52.249-12 Termination (Personal Services).	49.505(a)	C	Yes	I					A	A										A	
52.249-14 Excusable Delays.	49.505(b)	C	Yes	I		A		A		A				A						A	
52.250-1 Indemnification under Public Law 85-804.	50.104-4	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.250-2 SAFETY Act Coverage Not Applicable.	50.206(a)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.250-3 SAFETY Act Block Designation/Certification.	50.206(b)(1)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	50.206(b)(2)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate II	50.206(b)(3)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.250-4 SAFETY Act Pre-qualification Designation Notice.	50.206(c)(1)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	50.206(c)(2)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate II	50.206(c)(3)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.250-5 SAFETY Act-Equitable Adjustment.	50.206(d)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.251-1 Government Supply Sources.	51.107	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.251-2 Interagency Fleet Management System Vehicles and Related Services.	51.205	C	Yes	I		A		A		A				A							
52.252-1 Solicitation Provisions Incorporated by Reference.	52.107(a)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.252-2 Clauses Incorporated by Reference.	52.107(b)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.252-3 Alterations in Solicitation.	52.107(c)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.252-4 Alterations in Contract.	52.107(d)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.252-5 Authorized Deviations in Provisions.	52.107(e)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.252-6 Authorized Deviations in Clauses.	52.107(f)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.253-1 Computer Generated Forms.	53.111	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

<b>Note 1:</b> The following clauses are prescribed for use in letter contracts:	
<a href="#">52.216-23, Execution and Commencement of Work.</a>	<a href="#">52.216-26, Payments of Allowable Costs Before Definitization.</a>
<a href="#">52.216-24, Limitation of Government Liability.</a>	<a href="#">52.232-16, Progress Payments, Alternate II.</a>
<a href="#">52.216-25, Contract Definitization.</a>	<a href="#">52.244-2, Subcontracts.</a>
<a href="#">52.216-25, Contract Definitization, Alternate I.</a>	
Further instructions concerning provisions and clauses for letter contracts are set forth in 16.603-4(a).	
<b>Note 2:</b> The following clauses are prescribed for use in Small Business Administration 8(a) contracts:	
<a href="#">52.219-11, Special 8(a) Contract Conditions.</a>	<a href="#">52.219-18, Notification of Competition Limited to Eligible 8(a) Concerns.</a>
<a href="#">52.219-12, Special 8(a) Subcontract Conditions.</a>	<a href="#">52.219-18, Alternate I</a>
<a href="#">52.219-14, Limitations on Subcontracting.</a>	<a href="#">52.219-18, Alternate II</a>
<a href="#">52.219-17, Section 8(a) Award.</a>	
<b>Note 3:</b> FAR provisions and clauses not identified on the matrix may be used in contracts for commercial items consistent with the procedures and limitations in FAR <a href="#">12.302</a>	
<b>Note 4:</b> The following clause is prescribed for use in Information Technology Management Reform Act (ITMRA) contracts: <a href="#">52.239-1, Privacy or Security Safeguards. "A".</a>	

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**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
DOUGLAS MURDOCK, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEE  
ON  
GOVERNMENT OPERATIONS  
ON  
MARCH 17, 2016

H.B. 2544, H.D. 2

RELATING TO CONSTRUCTION CONTRACTS.

Chair Mercado Kim and members of the Committee, thank you for the opportunity to submit written testimony on H.B. 2544, H.D. 2.

The Department of Accounting and General Services (DAGS) supports this resolution and offers the following comments for your consideration.

DAGS supports a review of federal procurement laws, particularly Federal Acquisition Regulation (FAR) Chapter 36 and comparing it to State Procurement Code to determine best practices and make recommendations for adoption. It is important to note that the FAR is a complex system that requires extensive investment in training and resources to operate.

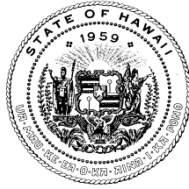
DAGS recommends that the comparison also include review of the American Bar Association (ABA) 2000 State Model Procurement Code and Model Procurement Regulations, which are updates to the version currently used by the state. The 2000 Model Procurement Code (MPC) addresses the full range of issues arising in the procurement of supplies, services, and construction, including emerging models for long term procurement of so-called "Public Private Partnerships".

To specifically address the procurement and policy issues that arise when design, construction, operations, maintenance, and/or finance are merged into single procurements for public infrastructure, the ABA sections sponsoring the MPC project approved the 2007 Model Code for Public Infrastructure Procurement (MC PIP), which is a condensation of the 2000 Model Procurement Code.

While it may be necessary for the state to hire expert consultants to assist with the project, DAGS believes it is critical to fund more education and training of State employees in the FAR and MPC as part of this analysis.

Finally, we recommend that any review of procurement also consider changes to project management needed to improve or implement procurement changes.

Thank you for the opportunity to submit written testimony on this matter.



**Testimony by:**  
FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 17, 2016  
1:15 P.M.  
State Capitol, Room 308

**H.B. 2544, H.D. 2**  
**RELATING TO PROCUREMENT**

Senate Committee on Government Operations

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The DOT **supports** bill H.B. 2544, H.D. 2 that proposes to require the State Procurement Office, and the Department of Accounting and General Services, to conduct a comprehensive analysis and review of the Hawaii Public Procurement Code, particularly with regard to the awarding of construction contracts.

An analysis of construction procurement within the existing Procurement Code is consistent with the interests underlying the Procurement Code. The interests underlying the Procurement Code can be found at HRS § 103D-101(a). The DOT is to, “[a]ct only in the public interest<sup>1</sup>... [i]dentify and maximize efficiencies in the public procurement process<sup>2</sup> ...[e]ncourage economic competition by (A) Ensuring that all persons are afforded an equal opportunity to compete in a fair and open environment; and (B) Researching innovative goods and services to meet the public’s needs...”<sup>3</sup>

The current Procurement Code provides the foundational framework for construction contracting. A paradigm for which both contractors and the procuring agency can rely on to be consistent in its application. However, providing a comprehensive assessment on its efficiency and whether it still hits the mark with the legislative purpose as our purchasing needs have evolved is important to ensure that the construction playing field is in fact a level playing field.

Thank you for the opportunity to provide testimony.

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<sup>1</sup> HRS § 103D-101(a)(3).

<sup>2</sup> HRS § 103D-101(a)(5).

<sup>3</sup> HRS § 103D-101(a)(6).



**Testimony to the Senate Committee on Government Operations  
Thursday, March 17, 2016 at 1:15 P.M.  
Conference Room 414, State Capitol**

**RE: HOUSE BILL 2544 HD 2 RELATING TO CONSTRUCTION CONTRACTS**

Chair Kim, Vice Chair Ihara, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** H.B. 2544 HD 2, which would require the State Procurement Office, in conjunction with the Department of Accounting and General Services, to conduct an analysis and review of the Hawaii Public Procurement Code, specifically with regard to the awarding of construction contracts.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The procurement process is in need of improvement. Business and the public want an open, competitive and transparent procurement process. The procurement process must also be timely in the selection and payment for goods and services. In addition, the State is looking for the best value, not necessarily the lowest price.

We know of many small businesses in Hawaii that do not pursue work from the State of Hawaii because of the uncertainty and delays caused by the current procurement process.

We respectfully suggest that the proposed amendment include not only construction contracts but also contracts for planning and design services be issued pursuant to federal procurement laws. We support the proposed bill with our proposed amendments to include planning and design services with construction contracts.

We appreciate the opportunity to express our support for H.B. 2544 HD 2.

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**GCA of Hawaii**  
GENERAL CONTRACTORS ASSOCIATION OF HAWAII  
Quality People. Quality Projects.

Uploaded via Capitol Website

March 17, 2016

TO: HONORABLE DONNA MERCADO KIM, CHAIR, HONORABLE LES IHARA,  
VICE CHAIR, SENATE COMMITTEE ON GOVERNMENT OPERATIONS

SUBJECT: **SUPPORT OF H.B. 2544, HD2, RELATING TO CONSTRUCTION CONTRACTS.**

Requires the State Procurement Office, in conjunction with the Department of Accounting and General Services, to conduct an analysis and review of the Hawaii Public Procurement Code, specifically with regard to the awarding of construction contracts. Appropriates an unspecified amount of funds for the analysis and review. (HB2544 HD2)

HEARING

DATE: Thursday, March 17, 2016  
TIME: 1:15 p.m.  
PLACE: Conference Room 414

Dear Chair Mercado Kim and Vice Chair Ihara and Members,

The General Contractors Association of Hawaii (GCA) is an organization comprised of over five hundred seventy general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

GCA **supports** H.B. 2544, HD2, Relating to Construction Contracts, which would require the State Procurement Office in conjunction with the Department of Accounting and General Services to conduct a comprehensive analysis and review of the Hawaii Public Procurement Code and its similarities to the federal procurement laws and regulations with regard to construction contracts. GCA has been actively working with agencies that administer public works contracts to improve the efficiency and delivery of public works along with safeguarding the funds of taxpayers. GCA believes the additional time to study this matter by the SPO and DAGS would allow a sufficient analysis to be conducted.

**Recent Procurement Related Legislative Initiatives**

In 2013 this body initiated a Procurement Task Force pursuant to [Senate Concurrent Resolution 92 \(2013\)](#) which was tasked to study the State Procurement Code and identify amendments that would increase economy, efficiency, effectiveness and impartiality in the procurement of public works construction. The Department of Accounting and General Services recently issued the Task Force's Report on which identified four areas of concern that was addressed by participants including: Preferences, Protests, Subcontractor Listing and Identifying and Addressing Bad Contractors. In 2015 pursuant to [Act 182 \(2015\)](#) this body extended the 2013 Procurement Task Force to specifically identify and propose amendments, if any, to the procurement code affecting public works construction projects, specifically regarding statewide past performance standards and procedures. However, the Act 182 (2015) Task Force did not meet during the interim to address these issues and instead has just initiated meetings last month.

This bill's proposal to further study Hawaii's Procurement Code and conduct a comprehensive analysis and review of the Code and its correlation to the federal procurement laws and regulations will be a good continuation of the work already done. GCA supports the State Procurement Office's study and is willing to assist, if necessary. It will be important for the State Procurement Office to gather input directly from the departments and agencies administering public works construction to identify areas of improvement and concern.

**We respectfully request the Committee pass this measure. Thank you for the opportunity to share our support of H.B. 2544, HD2.**