

05 February 2016

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

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Subj: RFP N32205-16-R-3358

Ref: (a) SF1449  
(b) MSC DRYTIME 2013 Rev 1 (10-13)

This acquisition is being conducted under FAR 13.5 Test Program for Certain Commercial Items.

MSC Strategic Sealift Program Support Office, Code N103B, requests proposals for one vessel capable of meeting the transportation requirements described below. The paragraph numbers below apply to the box layout of references (a) and (b), which are incorporated herein by reference (available MSC web site at <http://www.msc.navy.mil>, under "Contracts," then "Proforma" or upon request), and shall be the charter form of any contract resulting from this solicitation. By submission of a proposal, the offeror confirms agreement with all terms and conditions of this solicitation and the charter form, unless otherwise identified therein.

STANDARD FORM 1449 BOXES:

I. Standard Form 1449 Boxes

2. Contract No.: Will be provided upon award
5. Solicitation No.: **N32205-16-R-3358**
6. Solicitation Issue Date: 05 February 2016
7. For Solicitation Information: Robbin Jefferson, 757-443-5886, robbin.jefferson@navy.mil
8. **Offer Due Date: 12 February 2016 at 0800 hours, Eastern Time**
9. Issued By: Military Sealift Command Norfolk, 471 East C Street, Bldg. SP 64, Naval Station Norfolk, VA 23511-2419 (Code: N32205)
10. This Acquisition is: UNRESTRICTED/NAICS Code: 483111
14. Method of Solicitation: **RFP**
- 18a. Payment will be made by: SEE PART VIII (4), WAWF Submit electronic invoices IAW WAWF contract clause, MSC Worldwide DC ANY (MAY 2013).
- 18b. Submit Invoices to: SEE PART VIII (5) MSC WIDE AREA WORKFLOW (WAWF) INSTRUCTIONS (AUGUST 2012).
- 27a. Solicitation incorporates by reference FAR 52.212-1 and 52.212-4; 52.212-3 and 52.212-5 are incorporated by full text.

B. I. DRYTIME BOXES:

1. **VESSEL REQUIRED:**

One U.S. or foreign flag (Super Cargo required if foreign flag), self-sustaining vessel capable of carrying 177 TEUs with a net explosive weight of 356,885 pounds while satisfying segregation requirements. Vessel must be capable of a minimum of 13 knots when laden.

**Hazardous Material:**

Hazard classes/divisions 1.1 – 1.4 including some inert.

**Cargo Dimensions:**

20 Foot Equivalent Units (TEUs). Average container weight of 25,000 lbs. Max container weight 51,000 lbs.

**Packing List:**

Available upon request.

2. **PLACE / RANGE OF DELIVERY:**

Burgas, Bulgaria

3. **PLACE / RANGE OF REDELIVERY:**

Aqaba, Jordan

4. **Charter Period:**

About 15 days

5. **LAYDAYS:**

Commencing and Cancelling: 22 March 2016

6. **TERMS/CONDITIONS/ATTACHMENTS ADDED, DELETED OR MODIFIED:**

Special requirements:

- Vessel must be fully outfitted with container deck fittings, semi-automatic twist locks, stackers, rods, and turnbuckles sufficient in quantity to safely stow and secure a full load of containers.
- Vessel must also be equipped with a certified 20 foot spreader bar capable of lifting up to 50,000 pounds.
- Selected carrier will provide detailed diagrams of vessel decks to prepare stow plans.
- PART (V) CALL-OUT: Add para (I) CONTRACTOR SECURITY (CS) – DEC 2012
- Amend PART (V)(1)(1.) to read: The contractor will furnish an armed Contractor Security (CS) team consisting of a minimum of four (4) persons. The CS team shall be onboard the vessel 12NM prior to the vessel entering the north end of the Suez Canal and shall remain onboard the vessel throughout the remainder of the voyage under this contract. The contractor shall provide the composition of the CS team for approval by the government prior to award. Contractor will provide government-approved firearms and ammunition for the CS team as described below (as well as any body armor, tactical communications systems, or protective equipment for their use), and is responsible for delivery to and retrieval from the vessel of these items. The contractor is responsible for all logistics associated with the weapons during the time the CS team is onboard. Contractor will provide berthing and victuals for the CS team in accordance with the terms of this contract.

ADD to III(c)(vi): Reports shall be sent to the following email addresses:

[MSCHQ-CARGO@navy.mil](mailto:MSCHQ-CARGO@navy.mil)

[MSCHQ.BWC.fct@navy.mil](mailto:MSCHQ.BWC.fct@navy.mil)

[M-NA-MSCEURAF-CARGO-DISTRO-GS@eu.navy.mil](mailto:M-NA-MSCEURAF-CARGO-DISTRO-GS@eu.navy.mil)

[Lawrence.Dowsing@me.navy.mil](mailto:Lawrence.Dowsing@me.navy.mil)

[curtis.mcclure@me.navy.mil](mailto:curtis.mcclure@me.navy.mil)

[bruce.martin@eu.navy.mil](mailto:bruce.martin@eu.navy.mil)

[slecargo@eu.navy.mil](mailto:slecargo@eu.navy.mil)

[jim.seymour@navy.mil](mailto:jim.seymour@navy.mil) (safety related reports and notifications only)

AMEND: Part I, Boxes 13-15 – revised in their entirety to read as follows:

	FOS
Base Period: 15 days	\$

DELETE: Part I, Box 17 - delete in its entirety

<http://www.acquisition.gov/far/index.html>

ADD: PART II (V) 52.204-19 Incorporation by Reference of Representations and Certifications (NOV 2015)

ADD: PART II (W) 52.212-4 Contract Terms and Conditions – Commercial Items (May 2015)

AMEND PART IV(g) (4) – Add the following to the end of the paragraph: “All policies shall contain an endorsement stating that any cancellation or material change in the coverage adversely affecting the Government's interest shall not be effective unless the Owner provides written notice of the same to the Contracting Officer.”

AMEND PART IV(h)(1), the last and penultimate sentences to read as follows:

"In the event of the existence of said risks, the Charterer shall, to the extent provided in this paragraph (h), assume provable additional costs of wages (including all additional bonuses and payments required) and insurance and all taxes associated therewith properly incurred by the Owner as a consequence of service under this Charter Party, except that no additional costs for wages or insurance shall be payable by Charterer if such additional costs were known or should have been known by Owner at the time that Final Proposal Revisions were due. In such a case, paragraphs (2), (3) and (4) of this Article (i) shall not be applicable."

DELETE PART VI in its entirety and REPLACE with FAR 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (Nov 2015)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

(1) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015)

(2) 52.233-3, Protest After Award (Aug 1996) (31 U.S.C. 3553).

(3) 52.233-4, Applicable Law for Breach of Contract Claim (Oct 2004)(Public Laws 108-77 and 108-78 (19 U.S.C. 3805 note)).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

X (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 4704 and 10 U.S.C. 2402).

\_\_ (2) 52.203-13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509)).

\_\_ (3) 52.203-15, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

X (4) 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015) (Pub. L. 109-282) (31 U.S.C. 6101 note).

\_\_ (5) [Reserved].

X (6) 52.204-14, Service Contract Reporting Requirements (Jan 2014) (Pub. L. 111-117, section 743 of Div. C).

\_\_ (7) 52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Jan 2014) (Pub. L. 111-117, section 743 of Div. C).

X (8) 52.209-6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Oct 2015) (31 U.S.C. 6101 note).

X (9) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (Jul 2013) (41 U.S.C. 2313).

\_\_ (10) [Reserved].

\_\_ (11)(i) 52.219-3, Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) (15 U.S.C. 657a).

\_\_ (ii) Alternate I (Nov 2011) of 52.219-3.

X (12)(i) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Oct 2014) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).

\_\_ (ii) Alternate I (Jan 2011) of 52.219-4.

\_\_ (13) [Reserved]

\_\_ (14)(i) 52.219-6, Notice of Total Small Business Set-Aside (Nov 2011) (15 U.S.C. 644).

\_\_ (ii) Alternate I (Nov 2011).

\_\_ (iii) Alternate II (Nov 2011).

\_\_ (15)(i) 52.219-7, Notice of Partial Small Business Set-Aside (June 2003) (15 U.S.C. 644).

\_\_ (ii) Alternate I (Oct 1995) of 52.219-7.

\_\_ (iii) Alternate II (Mar 2004) of 52.219-7.

X (16) 52.219-8, Utilization of Small Business Concerns (Oct 2014) (15 U.S.C. 637(d)(2) and (3)).

\_\_ (17)(i) 52.219-9, Small Business Subcontracting Plan (Oct 2015) (15 U.S.C. 637(d)(4)).

- \_\_ (ii) Alternate I (Oct 2001) of 52.219-9.
- \_\_ (iii) Alternate II (Oct 2001) of 52.219-9.
- \_\_ (iv) Alternate III (Oct 2015) of 52.219-9.
- \_\_ (18) 52.219-13, Notice of Set-Aside of Orders (Nov 2011) (15 U.S.C. 644(r)).
- \_\_ (19) 52.219-14, Limitations on Subcontracting (Nov 2011) (15 U.S.C. 637(a)(14)).
- \_\_ (20) 52.219-16, Liquidated Damages-Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- \_\_ (21) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011) (15 U.S.C. 657 f).
- \_\_ (22) 52.219-28, Post Award Small Business Program Representation (Jul 2013) (15 U.S.C. 632(a)(2)).
- \_\_ (23) 52.219-29, Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Jul 2013) (15 U.S.C. 637(m)).
- \_\_ (24) 52.219-30, Notice of Set-Aside for Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Jul 2013) (15 U.S.C. 637(m)).
- X (25) 52.222-3, Convict Labor (June 2003) (E.O. 11755).
- X (26) 52.222-19, Child Labor-Cooperation with Authorities and Remedies (Jan 2014) (E.O. 13126).
- X (27) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).
- X (28) 52.222-26, Equal Opportunity (Apr 2015) (E.O. 11246).
- X (29) 52.222-35, Equal Opportunity for Veterans (Oct 2015)(38 U.S.C. 4212).
- X (30) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793).
- X (31) 52.222-37, Employment Reports on Veterans (Oct 2015) (38 U.S.C. 4212).
- X (32) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
- X (33)(i) 52.222-50, Combating Trafficking in Persons (Mar 2015) (22 U.S.C. chapter 78 and E.O. 13627).
- \_\_ (ii) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).

\_\_ (34) 52.222-54, Employment Eligibility Verification (Oct 2015). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

\_\_ (35)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008) (42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

\_\_ (ii) Alternate I (May 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

\_\_ (36)(i) 52.223-13, Acquisition of EPEAT®-Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514).

\_\_ (ii) Alternate I (Oct 2015) of 52.223-13.

\_\_ (37)(i) 52.223-14, Acquisition of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).

\_\_ (ii) Alternate I (Jun 2014) of 52.223-14.

\_\_ (38) 52.223-15, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42 U.S.C. 8259b).

\_\_ (39)(i) 52.223-16, Acquisition of EPEAT®-Registered Personal Computer Products (Oct 2015) (E.O.s 13423 and 13514).

\_\_ (ii) Alternate I (Jun 2014) of 52.223-16.

X (40) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011) (E.O. 13513).

\_\_ (41) 52.225-1, Buy American-Supplies (May 2014) (41 U.S.C. chapter 83).

\_\_ (42)(i) 52.225-3, Buy American-Free Trade Agreements-Israeli Trade Act (May 2014) (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).

\_\_ (ii) Alternate I (May 2014) of 52.225-3.

\_\_ (iii) Alternate II (May 2014) of 52.225-3.

\_\_ (iv) Alternate III (May 2014) of 52.225-3.

\_\_ (43) 52.225-5, Trade Agreements (Nov 2013) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

\_\_ (44) 52.225-13, Restrictions on Certain Foreign Purchases (June 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

\_\_\_ (45) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Jul 2013) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

\_\_\_ (46) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (47) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (48) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 4505, 10 U.S.C. 2307(f)).

\_\_\_ (49) 52.232-30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 4505, 10 U.S.C. 2307(f)).

X (50) 52.232-33, Payment by Electronic Funds Transfer-System for Award Management (Jul 2013) (31 U.S.C. 3332).

\_\_\_ (51) 52.232-34, Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) (31 U.S.C. 3332).

\_\_\_ (52) 52.232-36, Payment by Third Party (May 2014) (31 U.S.C. 3332).

\_\_\_ (53) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

\_\_\_ (54)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631).

\_\_\_ (ii) Alternate I (Apr 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

X (1) 52.222-17, Nondisplacement of Qualified Workers (May 2014)(E.O. 13495).

X (2) 52.222-41, Service Contract Labor Standards (May 2014) (41 U.S.C. chapter 67).

\_\_\_ (3) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

\_\_\_ (4) 52.222-43, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).



X (5) 52.222-44, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

\_\_ (6) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67).

\_\_ (7) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67).

\_\_ (8) 52.222-55, Minimum Wages Under Executive Order 13658 (Dec 2014)(E.O. 13658).

\_\_ (9) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (42 U.S.C. 1792).

\_\_ (10) 52.237-11, Accepting and Dispensing of \$1 Coin (Sept 2008) (31 U.S.C. 5112(p)(1)).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records-Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509).

(ii) 52.219-8, Utilization of Small Business Concerns (Oct 2014) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$700,000 (\$1.5 million for construction of any

public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) 52.222-17, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495). Flow down required in accordance with paragraph (l) of FAR clause 52.222-17.

(iv) 52.222-21, Prohibition of Segregated Facilities (Apr 2015)

(v) 52.222-26, Equal Opportunity (Apr 2015) (E.O. 11246).

(vi) 52.222-35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).

(vii) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793).

(viii) 52.222-37, Employment Reports on Veterans (Oct 2015) (38 U.S.C. 4212)

(ix) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(x) 52.222-41, Service Contract Labor Standards (May 2014) (41 U.S.C. chapter 67).

(xi)

\_\_ (A) 52.222-50, Combating Trafficking in Persons (Mar 2015) (22 U.S.C. chapter 78 and E.O 13627).

\_\_ (B) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O 13627).

(xii) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67).

(xiii) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67).

(xiv) 52.222-54, Employment Eligibility Verification (Oct 2015) (E.O. 12989).

(xv) 52.222-55, Minimum Wages Under Executive Order 13658 (Dec 2014) (Executive Order 13658).

(xvi) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Jul 2013) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

(xvii) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xviii) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

[http://www.acquisition.gov/far/current/html/52\\_212\\_213.html](http://www.acquisition.gov/far/current/html/52_212_213.html)

ADD PART VIII(b): FAR 52.217-9 Option to extend the term of the contract (SEP 2005)  
Alternate I (SEP 2005) – CHECKED

ADD PART VIII(b): FAR 52.228-3 Worker’s Compensation Insurance (Defense Base Act) (JUL 2014) – CHECKED

AMEND PART VIII(b)(2): FAR 52.232-18 Availability of Funds (Apr 1984) – CHECKED

ADD PART VIII(b): FAR 52.232-40 Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) – CHECKED

AMEND PART VIII (b)(12): TO READ: DFARS 252.215-7008 Only One Offer (OCT 2013) – CHECKED

AMEND PART VIII (b)(13): TO READ: DFARS 252.223-7002 Safety Precautions for Ammunition and Explosives (MAY 1994) – CHECKED

ADD PART VIII(b) DFARS 252.203-7996 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements-Representation (Deviation 2016-O0003) (OCT 2015) – CHECKED

ADD PART VII(b) DFARS 252.203-7997 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements (Deviation 2016-O0003) (OCT 2015) – CHECKED

ADD PART VIII(b): 252.204-7008 Compliance with Safeguarding Covered Defense Information Controls (DEVIATION 2016-O0001) (OCT 2015) – CHECKED

ADD PART VII (b) 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (DEVIATION 2016-O0001) (OCT 2015) – CHECKED

ADD PART XIII(b): DFARS 252.209-7991 Representation by Corporations Regarding an Unpaid Delinquency Tax Liability or a Felony Conviction Under any Federal Law-Fiscal Year 2016 Appropriations (OCT 2015)

ADD PART VIII(b): DFARS 252.222-7007, REPRESENTATION REGARDING COMBATING TRAFFICKING IN PERSONS (JAN 2015) – CHECKED

ADD PART VIII(b): DFARS 252.223-7003 CHANGE IN PLACE OF PERFORMANCE – AMMUNITION AND EXPLOSIVES (DEC 1991) – CHECKED

ADD PART VIII(b): DFARS 252.225-7993 DFARS Prohibition on Providing Funds to the Enemy (Deviation 2015-O0016) (SEP 2015) – CHECKED

ADD PART VIII(b): DFARS 252.225-7981 Additional Access to Contractor and Subcontractor Records (Other than USCENTCOM) (Deviation 2015-O0016) (SEP 2015) – CHECKED

ADD PART VIII(b): 252.211-7007 Reporting of Government-Furnished Property (AUG 2012); CHECKED.

AMEND PART X (b)(10): Delete (10) in its entirety and replace it with the following: Past performance information shall include recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information).

AMEND X(c): AMEND TO READ: “Unless offeror proposes a shorter period, by submission of an offer, offeror agrees that its offer, including any timely revisions thereto, shall remain valid until the Government makes award under this solicitation. The forgoing does not preclude an offeror from withdrawing its offer prior to award.”

AMEND PART XI (d)(a): Delete (a) in its entirety and replace it with the following: Past Performance. Offerors will be evaluated on their performance under existing and prior contracts for similar services and as otherwise detailed in the solicitation. Information obtained from references listed in proposals, other customers known to the Government, and other sources of useful and relevant information will be considered.

(A) At a minimum, award will not be made to an offeror who is or within the past three years has been seriously deficient in contract performance, unless the Contracting Officer determines that the circumstances were properly beyond the offeror’s control or that the offeror took appropriate corrective action.

(B) If discussions are held, offerors will be given the opportunity to address unfavorable reports of past performance.

(C) Offerors without a past performance history relating to this solicitation shall not be evaluated favorably or unfavorably on past performance.

AMEND: XI(e) with the following:

- (A) 07
- (B) 00
- (C) 08

(1) MGO/MDO	per metric ton	\$854.45
(2) IFO-180	per metric ton	\$537.22
(3) IFO-380	per metric ton	\$537.22

PART XII (d)(2): AMEND TO READ: FAR 52.212-3 Offeror Representations and Certifications – Commercial Items, (MAR 2015) Alternate 1 (OCT 2014)

PART XIII: ADD: DFARS 252.209-7992 Representation by Corporations Regarding an Unpaid Delinquency Tax Liability or a Felony Conviction Under any Federal Law-Fiscal Year 2015 Appropriations (DEC 2014)

(a) In accordance with sections 744 and 745 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), none of the funds made available by this or any other Act may be used to enter into a contract with any corporation that—

(1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; or

(2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this action is not necessary to protect the interests of the Government.

(b) The Offeror represents that—

(1) It is  is not  a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability,

(2) It is  is not  a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

(End of provision)

### C. INSTRUCTIONS TO OFFERORS

Offerors shall use the guidelines set forth in Part X for submission of offer; however, at a minimum, offers must contain the following:

Information pursuant to Ref (b), MSC DRYTIME 2013 Rev 1 (10-13) DRYTIME BOXES pages I-1 through I-12, as applicable and at a minimum:

- Owners acknowledgement of all terms and conditions of the RFP and MSC DRYTIME PROFORMA 2013 Rev 1 (10-13)
- INMARSAT #
- Call Sign
- IMO#
- Vessel year
- Vessel Flag
- Proposed laydays
- Charter Hire rate and fuel consumption in (metric tons)
- Signature of offeror or authorized agent

- Owner's full style email address, and point of contact to be used in conjunction with the Government's web-based post-contract performance information system, Contractor Performance Assessment Reporting System (CPARS), which stands for Contractor Performance Assessment Reporting System. Instructions to be provided post-award.
- Completed Offeror Representations and Certifications – Commercial Items FAR 52.212-3 (NOV 2015) (Parts XII and XIII, Ref (b)).
- Completed (Jul 2013) FAR 52.209-7 – Information Regarding Responsibility Matters
- Completed copy of DFARS 252.209-7991 Representation by Corporations Regarding an unpaid delinquent Tax Liability or a Felony Conviction under any Federal Law-Fiscal Year 2016 Appropriations. (Oct 2015)(Class Deviation 2016-O0002) [REPLACES 252.209-7992]
- Information pursuant to Part I boxes and Parts XII and XIII Representations and Certifications
- Evidence of International Safety Management (ISM) and International Shipboard Port Security (ISPS) compliance

Note: failure to submit all required information as requested could result in your offer not being considered for award.

SIGNED: LORRIE LEEDY, CONTRACTING OFFICER, MSC, N103B