

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS
OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30

1. REQUISITION NUMBER: N/A
 PAGE 1 OF 12
 2. CONTRACT NO.: SPE2D2-15-D-0025
 3. AWARD EFFECTIVE DATE: 8/20/15
 4. ORDER NUMBER:
 5. SOLICITATION NUMBER: SPE2D2-15-R-0009
 6. SOLICITATION ISSUE DATE:

7. FOR SOLICITATION INFORMATION CALL: **Danielle Delaney**
 a. NAME:
 b. TELEPHONE NUMBER (No collect calls): 215-737-2998
 8. OFFER DUE DATE/ LOCAL TIME:

9. ISSUED BY: Defense Logistics Agency, DLA Troop Support, 700 Robbins Avenue, Philadelphia, PA. 19111
 CODE: SPE2D2
 10. THIS ACQUISITION IS: UNRESTRICTED OR SET ASIDE: _____ % FOR:
 SMALL BUSINESS WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM NAICS: 325412
 HUBZONE SMALL BUSINESS EDWOSB SIZE STANDARD: 750 Employees
 SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS 8 (A)

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED: SEE SCHEDULE
 12. DISCOUNT TERMS:
 13b. RATING: To be cited on each delivery order
 14. METHOD OF SOLICITATION: RFQ IFB RFP

15. DELIVER TO: DLA Pharmaceutical Prime Vendors, See Appendix A
 CODE:
 16. ADMINISTERED BY: Same as Block 9
 CODE: SPE2D2

17a. CONTRACTOR/OFFEROR: Golden State Medical Supply, Inc., 5187 Camino Ruiz, Camarillo, CA 93012
 CODE: 1HT23
 FACILITY CODE:
 18a. PAYMENT WILL BE MADE BY: DLA Pharmaceutical Prime Vendors
 CODE:

TELEPHONE NO. (805)477-9866
 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER:
 18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED: SEE ADDENDUM

| 19. ITEM NO. | 20. SCHEDULE OF SUPPLIES/SERVICES | 21. QUANTITY | 22. UNIT | 23. UNIT PRICE | 24. AMOUNT |
|--------------|---|--------------|----------|----------------|------------|
| | See Attached Schedule of Supplies on Page 2 | | | | |

(Use Reverse and/or Attach Additional Sheets as Necessary)

25. ACCOUNTING AND APPROPRIATION DATA
 26. TOTAL AWARD AMOUNT (For Govt. Use Only): 20,976,403.45 Estimate

27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. AGENDA: ARE ARE NOT ATTACHED
 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4 FAR 52.212-5 IS ATTACHED. AGENDA: ARE ARE NOT ATTACHED

28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED
 29. AWARD OF CONTRACT: REF. Golden State OFFER DATED 06/23/2015. YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:

30a. SIGNATURE OF OFFEROR/CONTRACTOR: *[Signature]*
 30b. NAME AND TITLE OF SIGNER (Type or print): Sonia De La Rosa, Director, Business Development
 30c. DATE SIGNED: 08/20/15
 31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER): *[Signature]*
 31b. NAME OF CONTRACTING OFFICER (Type or print): DENISE TAUBMAN, CONTRACTING OFFICER
 31c. DATE SIGNED: 8-20-15

CONTINUED FROM PAGE 1 BLOCK 29

The following are hereby incorporated by reference into the contract award:

Reverse Auction dated August 7, 2015

| 19. ITEM NO. | 20. SCHEDULE OF SUPPLIES/SERVICES | 21. QUANTITY | 22. UNIT | 23. UNIT PRICE | 24. AMOUNT |
|-----------------|---|-----------------|-------------|----------------------|----------------|
| | | Estimated | | | |
| 0001 | Bupropion XL 150MG – 30 Count* National Drug Code (NDC) 60429-0357-30 | | | | |
| 0001AA | Base Year | 155,409 | BT | \$7.20 | \$1,118,944.80 |
| 0001AB | Option Year 1 | 155,409 | BT | \$7.20 | \$1,118,944.80 |
| 0001AC | Option Year 2 | 155,409 | BT | \$7.20 | \$1,118,944.80 |
| 0001AD | Option Year 3 | 155,409 | BT | \$7.20 | \$1,118,944.80 |
| 0001AE | Option Year 4 | 155,409 | BT | \$7.20 | \$1,118,944.80 |
| 0002 | Bupropion XL 150MG – 90 Count* National Drug Code (NDC) 60429-0357-90 | | | | |
| 0002AA | Base Year | 24,130 | BT | \$20.10 | \$485,013.00 |
| 0002AB | Option Year 1 | 24,130 | BT | \$20.10 | \$485,013.00 |
| 0002AC | Option Year 2 | 24,130 | BT | \$20.10 | \$485,013.00 |
| 0002AD | Option Year 3 | 24,130 | BT | \$20.10 | \$485,013.00 |
| 0002AE | Option Year 4 | 24,130 | BT | \$20.10 | \$485,013.00 |
| 0003 | Bupropion XL 150MG – 500 Count National Drug Code (NDC) 60429-0357-05 | | | | |
| 0003AA | Base Year | 1,768 | BT | \$107.88 | \$190,731.84 |
| 0003AB | Option Year 1 | 1,768 | BT | \$107.88 | \$190,731.84 |
| 0003AC | Option Year 2 | 1,768 | BT | \$107.88 | \$190,731.84 |
| 0003AD | Option Year 3 | 1,768 | BT | \$107.88 | \$190,731.84 |
| 0003AE | Option Year 4 | 1,768 | BT | \$107.88 | \$190,731.84 |
| 0004 | Bupropion XL 300MG – 30 Count* National Drug Code (NDC) 60429-0357-30 | | | | |
| 0004AA | Base Year | 35,017 | BT | \$7.49 | \$262,277.33 |
| 0004AB | Option Year 1 | 35,017 | BT | \$7.49 | \$262,277.33 |
| 0004AC | Option Year 2 | 35,017 | BT | \$7.49 | \$262,277.33 |
| 0004AD | Option Year 3 | 35,017 | BT | \$7.49 | \$262,277.33 |
| 0004AE | Option Year 4 | 35,017 | BT | \$7.49 | \$262,277.33 |
| 0005 | Bupropion XL 300MG – 90 Count* National Drug Code (NDC) 60429-0358-90 | | | | |
| 0005AA | Base Year | 53,236 | BT | \$21.27 | \$1,132,329.72 |
| 0005AB | Option Year 1 | 53,236 | BT | \$21.27 | \$1,132,329.72 |
| 0005AC | Option Year 2 | 53,236 | BT | \$21.27 | \$1,132,329.72 |
| 0005AD | Option Year 3 | 53,236 | BT | \$21.27 | \$1,132,329.72 |
| 0005AE | Option Year 4 | 53,236 | BT | \$21.27 | \$1,132,329.72 |
| 0006 | Bupropion XL 300MG – 500 Count National Drug Code (NDC) 60429-0358-05 | | | | |
| 0006AA | Base Year | 8,982 | BT | \$112.00 | \$1,005,984.00 |
| 0006AB | Option Year 1 | 8,982 | BT | \$112.00 | \$1,005,984.00 |
| 0006AC | Option Year 2 | 8,982 | BT | \$112.00 | \$1,005,984.00 |
| 0006AD | Option Year 3 | 8,982 | BT | \$112.00 | \$1,005,984.00 |
| 0006AE | Option Year 4 | 8,982 | BT | \$112.00 | \$1,005,984.00 |
| | BT = One Bottle *Package size is unit of use and is subject to Statement of Work – “Preparation for Delivery” requirement **The quantities specified in the Schedule are estimates only. Reference FAR 52.216-21 Requirements for additional details. | | | | |

Continuation of SF 1449...

1. This contract is estimated at \$20,976,403.45 (5 years) or \$4,195,280.69 (per year) based on the projected demand.
2. Pursuant to FAR 52.215-6, the Place of Manufacture/Performance is as follows:
 - OFFEROR IS THE MANUFACTURER (AT THE FOLLOWING LOCATIONS) OF THE PRODUCTS OFFERED ON THIS SOLICITATION.
 - OFFEROR IS A DISTRIBUTOR OF THE PRODUCTS OFFERED ON THIS SOLICITATION. THE PRODUCTS WILL BE MANUFACTURED BY THE FOLLOWING COMPANY AT THE FOLLOWING LOCATIONS:

CMIC CMO USA CORP (Contract Manufactured for Actavis)

 (Name of Manufacturing Company)

3 Cedarbrook Drive Cranbury, New Jersey 08512-3614 USA

 (Street Address) (Post Office Address Not Acceptable)

Mark E. Blitman, mark.blitman@actavis.com , (813)792-9830

 (U.S.A. Point of Contact, e-Mail Address and U.S.A Telephone Number)

TABLETS, CAPSULES AND PILLS

| Item | Complete Address of Facility Where Ingredients are Measured, Weighed, Mixed and Compounded | Point of Contact Including Phone Number |
|---|---|---|
| 0001 – Bupropion XL 150MG 30 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0002 – Bupropion XL 150MG 90 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0003 – Bupropion XL 150MG 500 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0004 – Bupropion XL 300MG 30 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |

| | | |
|---|--|--------------------------------|
| 0005 – Bupropion XL 300MG 90 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0006 – Bupropion XL 300MG 500 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |

PACKAGING

| Item | Complete Address of Facilities Where Intermediate Containers will be Filled and Labeled | Point of Contact Including Phone Number |
|---|--|---|
| 0001 – Bupropion XL 150MG 30 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0002 – Bupropion XL 150MG 90 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0003 – Bupropion XL 150MG 500 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0004 – Bupropion XL 300MG 30 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0005 – Bupropion XL 300MG 90 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0006 – Bupropion XL 300MG 500 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |

PACKING

| Item | Complete Address of Facilities Where Products will be Packed and Prepared for Shipment | Point of Contact Including Phone Number |
|---|--|---|
| 0001 – Bupropion XL 150MG 30 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0002 – Bupropion XL 150MG 90 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0003 – Bupropion XL 150MG 500 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0004 – Bupropion XL 300MG 30 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0005 – Bupropion XL 300MG 90 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |
| 0006 – Bupropion XL 300MG 500 Count Bottle | CMIC CMO USA CORP (Contract Manufactured for Actavis) 3 Cedarbrook Drive Cranbury, NJ 08512-3614 USA | Mark Blitman (813) 792-9830 |

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CONTRACT CLAUSES**FAR 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (MAY 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 (Dec 2014)
- (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, 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.]

- (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 (Apr 2010) (41 U.S.C. 3509).
- (3) **52.203-15**, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub L. 111-5) (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009).
- (4) **52.204-10**, Reporting Executive compensation and First-Tier Subcontract Awards (Jul 2013) (Pub. L. 109-282) (31 U.S.C. 6101 note).
- (5) [Reserved]
- (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).
- (8) **52.209-6**, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Aug 2013) (31 U.S.C. 6101 note).
- (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.
- (12) (i) **52.219-4**, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Oct 2011) (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 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)).
- X (17) (i) **52.219-9**, Small Business Subcontracting Plan (Oct 2014) (15 U.S.C. 637 (d)(4)).
- ___ (ii) Alternate I (Oct 2001) of 52.219-9.
- X (iii) Alternate II (Oct 2001) of 52.219-9.
- ___ (iv) Alternate III (Oct 2014) 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)).
- X (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. 657f).
- X (22) **52.219-28**, Post Award Small Business Program Rerepresentation (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 (Feb 1999).
- X (28) **52.222-26**, Equal Opportunity (Mar 2007) (E.O. 11246).
- X (29) **52.222-35**, Equal Opportunity for Veterans (Jul 2014) (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 (Jul 2014) (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 (Aug 2013). (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 (Jun 2014) of 52.223-13.
- ___ (37) (i) **52.223-14**, Acquisition of EPEAT® -Registered Television (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 (Jun 2014) (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).
- X (44) **52.225-13**, Restrictions on Certain Foreign Purchases (Jun 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) Deleted – applicable to service contracts only
- (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 (Apr 2010) (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 \$650,000 (\$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 (1) 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 (Jul 2014) (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 (Jul 2014) (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) X (A) **52.222-50**, Combating Trafficking in Persons (MAR 2015) (22 U.S.C. chapter 78 and E.O. 13637).
____ (B) Alternate I (MAR 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13637).
 - (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 (Aug 2013).
 - (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.

Contract Clauses Included by Reference

52.203-3 Gratuities (APR 1984) (10 U.S.C. 2207)

252.203-7000, Requirements Relating to Compensation of Former DoD Officials (SEP 2011) (Section 847 of Pub. L. 110-181).

252.203-7003, Agency Office of the Inspector General (DEC 2012)(Section 6101 of Pub. L. 110-252, 41 U.S.C. 3509 note).

252.205-7000, Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).

252.225-7012, Preference for Certain Domestic Commodities (FEB 2013) (10 U.S.C. 2533a).

252.225-7021, Trade Agreements (OCT 2013) (19 U.S.C. 2501-2518 and 19 U.S.C. 3301 note).

252.226-7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (SEP 2004) (Section 8021 of Public Law 107-248 and similar sections in subsequent DoD appropriations acts).

252.232-7003, Electronic Submission of Payment Requests and Receiving Reports (JUN 2012) (10 U.S.C. 2227).

252.243-7002, Requests for Equitable Adjustment (DEC 2012) (10 U.S.C. 2410).

252.247-7023 Transportation of Supplies by Sea (APR 2014) (10 U.S.C. 2631).
Alternate I (APR 2014) of 252.247-7023.

252.247-7024, Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

Appendix A: Pharmaceutical Prime Vendors

The following list represents the current DoD PPVs as of the date of this solicitation. The Contractor will be given notice via e-mail within 10 business days when a change occurs to the following list:

Amerisource Bergen Drug Co.
9900 J.E.B. Stuart Parkway
Glen Allen, VA 23060
POC: Mr. Larry E. Stepp, V.P. National Accounts
Phone: 804-253-6655
Fax: 804-533-1040
lstepp@amerisourcebergen.com

Cardinal Health
7000 Cardinal Place
Dublin, OH 43017
POC: Jessica Thornton
Government Contract Manager
Cardinal Health
Direct: 847.887.2604
Fax: 614.553.6448
jessica.thornton@cardinalhealth.com

Dakota Drug, Inc.
28 N. Main Street, Box 5009
Minot, ND 58702
POC: Ms. Cindy Edwards
Phone: 736-432-4333 Ext. 6238
Fax: 763-421-0661
cedwards@dakdrug.com

DMS Pharmaceutical Group Inc.
810 Busse Highway
Park Ridge, IL 60068
POC: Ms. Jean Hawkins, V.P. Contracts
Phone: 847-518-1100 x226
Fax: 847-518-1105
jh@dmspharma.com

McKesson Corp.
1220 Senlac Drive
Carrollton, TX 75006
POC: Mr. Paul Flach, V.P. National Accounts
Phone: 972-446-4947
Fax: 972-446-4477
paul.flach@mckesson.com