

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30				1. REQUISITION NUMBER 1000185520		PAGE 1 OF 18		
2. CONTRACT NO. SPE2D2-25-D-0003		3. AWARD/EFFECTIVE DATE 12/10/2024		4. ORDER NUMBER		5. SOLICITATION NUMBER SPE2D2-24-R-0014		
7. FOR SOLICITATION INFORMATION CALL:		a. NAME Courtney Hunter-Stangler			b. TELEPHONE NUMBER (No collect calls) 215-737-6845		6. SOLICITATION ISSUE DATE 06/18/2024	
9. ISSUED BY DEFENSE LOGISTICS AGENCY DLA TROOP SUPPORT 700 ROBBINS AVENUE PHILADELPHIA, PA 19111				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: 1300 ☐ SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS ☐ 8 (A)				
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED ☐ SEE SCHEDULE		12. DISCOUNT TERMS		13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) ☐		13b. RATING		
15. DELIVER TO DLA AND VA PHARMACEUTICAL PRIME VENDORS SEE APPENDIX A				16. ADMINISTERED BY SAME AS BLOCK 9				
17a. CONTRACTOR/ OFFEROR SpecGx LLC 385 Marshall Avenue Webster Groves, MO 63119		18a. PAYMENT WILL BE MADE BY DLA PHARMACEUTICAL PRIME VENDORS VA PHARMACEUTICAL PRIME VENDORS		14. METHOD OF SOLICITATION ☐ RFQ ☐ IFB ☒ RFP				
TELEPHONE NO. (314)-654-2000		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 5							
<i>(Use Reverse and/or Attach Additional Sheets as Necessary)</i>								
25. ACCOUNTING AND APPROPRIATION DATA					26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$4,154,058.30			
☐ 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA ☒ 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA					☐ ARE ☐ ARE NOT ATTACHED ☒ 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. SpecGx OFFER DATED 11/20/2024 . YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS: ALL			
30a. SIGNATURE OF OFFEROR/CONTRACTOR Thomas, Angie F. Digitally signed by Thomas, Angie F. Date: 2024.12.10 15:07:15 -06'00'				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER) 				
30b. NAME AND TITLE OF SIGNER (Type or print) Angie Thomas Director Gross to Net & Government Reporting		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (Type or print) Jason Wray		31c. DATE SIGNED 12-10-2024		

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STANDARD FORM 1449 (REV. 2/2012)
Prescribed by GSA - FAR (48 CFR) 53.212

CONTINUED FROM PAGE 1 BLOCK 29

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

Solicitation SPE2D2-24-R-0014

Amendment 0001 was issued 6/26/2024 to update incorrect information on the solicitation.

Amendment 0002 was issued 7/17/2024 to extend the closing date to 8/1/2024.

SpecGx LLC offer dated 7/31/2024.

Final Proposal Revisions were re-opened on 11/15/2024, and SpecGx offered a final proposal revision on 11/20/2024, which is being accepted by the Government to form this contract.

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. ESTIMATED QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
0001	Methylphenidate HCL ER 10MG Tablets– 100 Count National Drug Code (NDC) 00406-1445-01				
0001AA	Base Year	7,091	*BTL	\$47.91	\$339,729.81
0001AB	Option Year 1	7,091	BTL	\$47.91	\$339,729.81
0001AC	Option Year 2	7,091	BTL	\$47.91	\$339,729.81
0001AD	Option Year 3	7,091	BTL	\$47.91	\$339,729.81
0001AE	Option Year 4	7,091	BTL	\$47.91	\$339,729.81
0002	Methylphenidate HCL ER 20MG Tablets– 100 Count National Drug Code (NDC) 00406-1473-01				
0002AA	Base Year	9,951	BTL	\$49.35	\$491,081.85
0002AB	Option Year 1	9,951	BTL	\$49.35	\$491,081.85
0002AC	Option Year 2	9,951	BTL	\$49.35	\$491,081.85
0002AD	Option Year 3	9,951	BTL	\$49.35	\$491,081.85
0002AE	Option Year 4	9,951	BTL	\$49.35	\$491,081.85
	*BTL = One Bottle				
	- The quantities specified in the Schedule are estimates only. Reference FAR 52.216-21 Requirements for details.				

Continuation of SF 1449...

- This contract is estimated at \$4,154,058.30 (5-years).
- 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:

SpecGX Hobart Plant

(Name of Manufacturing Company)

172 Railroad Avenue, Hobart NY 13788

(Street Address) (Post Office Address Not Acceptable)

Mike Stover, Mike.Stover@mnk.com, 607.538.9124

(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– Methylphenidate HCL ER 10MG Tablets – 100 Count Bottle	SpecGx LLC Hobart Plant 172 Railroad Avenue Hobart, NY 13788	Mike Stover Phone: 607.538.9124 Email: Mike.Stover@mnk.com
0002 – Methylphenidate HCL ER 20MG Tablets – 100 Count Bottle	SpecGx LLC Hobart Plant 172 Railroad Avenue Hobart, NY 13788	Mike Stover Phone: 607.538.9124 Email: Mike.Stover@mnk.com

PACKAGING

Item	Complete Address of Facility Where Ingredients are Measured, Weighed, Mixed and Compounded	Point of Contact Including Phone Number
0001– Methylphenidate HCL ER 10MG Tablets – 100 Count Bottle	SpecGx LLC Hobart Plant 172 Railroad Avenue Hobart, NY 13788	Mike Stover Phone: 607.538.9124 Email: Mike.Stover@mnk.com
0002 – Methylphenidate HCL ER 20MG Tablets – 100 Count Bottle	SpecGx LLC Hobart Plant 172 Railroad Avenue Hobart, NY 13788	Mike Stover Phone: 607.538.9124 Email: Mike.Stover@mnk.com

PACKING

Item	Complete Address of Facility Where Ingredients are Measured, Weighed, Mixed and Compounded	Point of Contact Including Phone Number
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CONTRACT CLAUSES

FAR 52.212-4, Contract Terms and Conditions — Commercial Products and Commercial Services (NOV 2023) is incorporated in this solicitation by reference. Its full text may be accessed electronically at <https://www.ecfr.gov/cgi-bin/ECFR?SID=efef3c52b917f6248e7b50687672ed94&mc=true&page=browse>. Text is available for viewing in Subpart 52.2 Text of Provisions and Clauses, through either the HTML or PDF Format links.

FAR 52.212-5 -- Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services (MAY 2024)

(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 products and commercial services:

- (1) **52.203-19**, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).
- (2) **52.204-23**, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (DEC 2023) (Section 1634 of Pub. L. 115-91).
- (3) **52.204-25**, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (NOV 2021)
- (4) **52.209-10**, Prohibition on Contracting with Inverted Domestic Corporations (NOV 2015).
- (5) **52.232-40**, Providing Accelerated Payments to Small Business Subcontractors (MAR 2023) (31 U.S.C.3903 and 10 U.S.C. 3801)
- (6) **52.233-3**, Protest After Award (AUG 1996) (31 U.S.C. 3553).
- (7) **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 products and commercial services: [Contracting Officer check as appropriate.]

 X (1) **52.203-6**, Restrictions on Subcontractor Sales to the Government (JUN 2020), with Alternate I (NOV 2021) (41 U.S.C. 4704 and 10 U.S.C. 2402).

 X (2) **52.203-13**, Contractor Code of Business Ethics and Conduct (NOV 2021) (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) **52.203-17**, Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712); this clause does not apply to contracts of DoD, NASA, the Coast Guard, or applicable elements of the intelligence community—see FAR 3.900(a).
- X_____ (5) **52.204-10**, Reporting Executive Compensation and First-Tier Subcontract Awards (JUN 2020) (Pub. L. 109-282) (31 U.S.C. 6101 note).
- _____ (6) [Reserved]
- _____ (7) **52.204-14**, Service Contract Reporting Requirements (OCT 2016) (Pub. L. 111-117, section 743 of Div. C).
- _____ (8) **52.204-15**, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (OCT 2016) (Pub. L. 111-117, section 743 of Div. C).
- X_____ (9) **52.204-27**, Prohibition on a ByteDance Covered Application (JUN 2023) (Section 102 of Division R of Pub. L. 117-238).
- _____ (10) **52.204-28**, Federal Acquisition Supply Chain Security Act Orders—Federal Supply Schedules, Governmentwide Acquisition Contracts, and Multi-Agency Contracts. (DEC 2023) (Pub. L. 115–390, title II).
- _____ (11)(i) **52.204-30**, Federal Acquisition Supply Chain Security Act Orders—Prohibition. (DEC 2023) (Pub. L. 115–390, title II).
- _____ (ii) **Alternate I** (DEC 2023) of 52.204–30.
- X_____ (12) **52.209-6**, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (NOV 2021) (31 U.S.C. 6101 note).
- _____ (13) **52.209-9**, Updates of Publicly Available Information Regarding Responsibility Matters (OCT 2018) (41 U.S.C. 2313).
- _____ (14) [Reserved]
- _____ (15) **52.219-3**, Notice of HUBZone Set-Aside or Sole Source Award (OCT 2022) (15 U.S.C. 657a).
- X_____ (16) **52.219-4**, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (OCT 2022) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).
- _____ (17) [Reserved]
- _____ (18)(i) **52.219-6**, Notice of Total Small Business Set-Aside (NOV 2020) (15 U.S.C. 644).

- _____ (ii) **Alternate I** (MAR 2020) of 52.219-6
- _____ (19)(i) **52.219-7**, Notice of Partial Small Business Set-Aside (NOV 2020) (15 U.S.C. 644).
- _____ (ii) **Alternate I** (MAR 2020) of 52.219-7.
- X (20) **52.219-8**, Utilization of Small Business Concerns (FEB 2024) (15 U.S.C. 637 (d)(2) and (3)).
- X (21)(i) **52.219-9**, Small Business Subcontracting Plan (SEP 2023) (15 U.S.C. 637(d)(4)).
- _____ (ii) **Alternate I** (NOV 2016) of 52.219-9.
- X (iii) **Alternate II** (NOV 2016) of 52.219-9.
- _____ (iv) **Alternate III** (JUN 2020) of 52.219-9.
- _____ (v) **Alternate IV** (Class Deviation 2019-O0005) (JAN 2019) of 52.219-9.
- _____ (22)(i) **52.219-13**, Notice of Set-Aside of Orders (MAR 2020) (15 U.S.C. 644(r)).
- _____ (ii) **Alternate I** (MAR 2020) of 52.219-13.
- _____ (23) **52.219-14**, Limitations on Subcontracting (Class Deviation 2021-O0008) (FEB 2023) (15 U.S.C. 637(a)(14)).
- X (24) **52.219-16**, Liquidated Damages—Subcontracting Plan (SEP 2021) (15 U.S.C. 637(d)(4)(F)(i))002E.
- _____ (25) **52.219-27**, Notice of Set-Aside for, or Sole Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Under the SDVOSB Program (FEB 2024) (15 U.S.C. 657f).
- X (26)(i) **52.219-28**, Post-Award Small Business Program Representation (FEB 2024) (15 U.S.C. 632(a)(2)).
- _____ (ii) **Alternate I** (MAR 2020) of 52.219-28.
- _____ (27) **52.219-29**, Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (OCT 2022) (15 U.S.C. 637(m)).
- _____ (28) **52.219-30**, Notice of Set-Aside for, or Sole Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (OCT 2022) (15 U.S.C. 637(m)).
- _____ (29) **52.219-32**, Orders Issued Directly Under Small Business Reserves (MAR 2020) (15 U.S.C. 644(r)).
- _____ (30) **52.219-33**, Nonmanufacturer Rule (SEP 2021) (15 U.S.C. 637(a)(17)).

- ☒ (31) **52.222-3**, Convict Labor (JUN 2003) (E.O. 11755).
- ☐ (32) **52.222-19**, Child Labor—Cooperation with Authorities and Remedies (FEB 2024) (E.O. 13126).
- ☐ (33) **52.222-21**, Prohibition of Segregated Facilities (APR 2015).
- ☒ (34)(i) **52.222-26**, Equal Opportunity (SEP 2016) (E.O. 11246).
- ☒ (35)(i) **52.222-35**, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C. 4212).
- ☐ (ii) **Alternate I** (July 2014) of 52.222-35.
- ☒ (36)(i) **52.222-36**, Equal Opportunity for Workers with Disabilities (JUN 2020) (29 U.S.C. 793).
- ☐ (ii) **Alternate I** (July 2014) of 52.222-36.
- ☒ (37) **52.222-37**, Employment Reports on Veterans (JUN 2020) (38 U.S.C. 4212).
- ☒ (38) **52.222-40**, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496).
- ☒ (39)(i) **52.222-50**, Combating Trafficking in Persons (NOV 2021) (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).
- ☐ (40) **52.222-54**, Employment Eligibility Verification (MAY 2022) (E. O. 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial products or commercial services as prescribed in 22.1803.)
- ☐ (41)(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.)
- ☐ (42) **52.223-11**, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (May 2024) (42 U.S.C. 7671).
- ☐ (43) **52.223-12**, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (May 2024) (42 U.S.C. 7671).
- ☐ (44) **52.223-20**, Aerosols (May 2024) (42 U.S.C. 7671).
- ☐ (45) **52.223-21**, Foams (May 2024) (42 U.S.C. 7671).

- ____ (46) **52.223-23**, Sustainable Products and Services (May 2024) (E.O. 14057, 7 U.S.C. 8102, 42 U.S.C. 6962, 42 U.S.C. 8259b, and 42 U.S.C. 76711).
- ____ (47)(i) **52.224-3**, Privacy Training (JAN 2017) (5 U.S.C. 552a).
- ____ (ii) **Alternate I** (JAN 2017) of 52.224-3.
- ____ (48) **52.225-1**, Buy American—Supplies (OCT 2022) (41 U.S.C. chapter 83).
- ____ (49)(i) **52.225-3**, Buy American—Free Trade Agreements—Israeli Trade Act (NOV 2023) (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** [Reserved].
- ____ (iii) **Alternate II** (DEC 2022) of 52.225-3.
- ____ (iv) **Alternate III** (NOV 2023) of 52.225-3.
- ____ (v) **Alternate IV** (OCT 2022) of 52.225-3.
- ____ (50) **52.225-5**, Trade Agreements (NOV 2023) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).
- X (51) **52.225-13**, Restrictions on Certain Foreign Purchases (FEB 2021) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- ____ (52) **52.225-26**, Contractors Performing Private Security Functions Outside the United States (OCT 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
- ____ (53) **52.226-4**, Notice of Disaster or Emergency Area Set-Aside (NOV 2007) (42 U.S.C. 5150).
- ____ (54) **52.226-5**, Restrictions on Subcontracting Outside Disaster or Emergency Area (NOV 2007) (42 U.S.C. 5150).
- X (55) **52.229-12**, Tax on Certain Foreign Procurements (FEB 2021)
- ____ (56) **52.232-29**, Terms for Financing of Purchases of Commercial Products and Commercial Services (NOV 2021) (41 U.S.C.4505, 10 U.S.C. 2307(f)).
- ____ (57) **52.232-30**, Installment Payments for Commercial Products and Commercial Services (NOV 2021) (41 U.S.C. 4505, 10 U.S.C. 2307(f)).
- ____ (58) **52.232-33**, Payment by Electronic Funds Transfer—System for Award Management (OCT 2018) (31 U.S.C. 3332).

_____ (59) **52.232-34**, Payment by Electronic Funds Transfer—Other than System for Award Management (JUL 2013) (31 U.S.C. 3332).

 X (60) **52.232-36**, Payment by Third Party (MAY 2014) (31 U.S.C. 3332).

_____ (61) **52.239-1**, Privacy or Security Safeguards (AUG 1996) (5 U.S.C. 552a).

 X (62) **52.242-5**, Payments to Small Business Subcontractors (JAN 2017) (15 U.S.C. 637(d)(13)).

 X (63)(i) **52.247-64**, Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) ((46 U.S.C. 55305 and 10 U.S.C. 2631).

_____ (ii) **Alternate I** (APR 2003) of 52.247-64.

_____ (iii) **Alternate II** (NOV 2021) 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 products and commercial services: [Contracting Officer check as appropriate.]

_____ (1) **52.222-41**, Service Contract Labor Standards (AUG 2018) (41 U.S.C. chapter 67).

_____ (2) **52.222-42**, Statement of Equivalent Rates for Federal Hires (MAY 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

_____ (3) **52.222-43**, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (AUG 2018) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

_____ (4) **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).

_____ (5) **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).

_____ (6) **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).

_____ (7) **52.222-55**, Minimum Wages Under Executive Order 13658 (JAN 2022).

_____ (8) **52.222-62**, Paid Sick Leave Under Executive Order 13706 (JAN 2022) (E.O. 13706).

_____ (9) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations (JUN 2020) (42 U.S.C. 1792).

(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, as defined in FAR 2.101, on the date of award of this contract, 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) of this paragraph in a subcontract for commercial products or commercial services. 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 (NOV 2021) (41 U.S.C. 3509).

(ii) 52.203-17, Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712).

(iii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iv) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (DEC 2023) (Section 1634 of Pub. L. 115-91).

(v) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (NOV 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).

(vi) 52.204-27, Prohibition on a ByteDance Covered Application (JUN 2023) (Section 102 of Division R of Pub. L. 117-328).

(vii) (A) 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition. (DEC 2023) ([Pub. L. 115-390](#), title II).

(B) Alternate I (DEC 2023) of 52.204-30.

(viii) 52.219-8, Utilization of Small Business Concerns (FEB 2024) (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 the applicable threshold specified in FAR 19.702(a) on the date of subcontract award, the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(ix) 52.222-21, Prohibition of Segregated Facilities (APR 2015).

(x) 52.222-26, Equal Opportunity (SEP 2016) (E.O. 11246).

(xi) 52.222-35, Equal Opportunity for Veterans (JUN 2020) (38 U.S.C. 4212).

(xii) 52.222-36, Equal Opportunity for Workers with Disabilities (JUN 2020) (29 U.S.C. 793).

(xiii) 52.222-37, Employment Reports on Veterans (JUN 2020) (38 U.S.C. 4212).

(xiv) 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.

(xv) 52.222-41, Service Contract Labor Standards (AUG 2018) (41 U.S.C. chapter 67).

(xvi) (A) 52.222-50, Combating Trafficking in Persons (NOV 2021) (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).

(xvii) 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).

(xviii) 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).

(xix) 52.222-54, Employment Eligibility Verification (MAY 2022) (E. O. 12989).

(xx) 52.222-55, Minimum Wages Under Executive Order 13658 (JAN 2022).

(xxi) 52.222-62 Paid Sick Leave Under Executive Order 13706 (JAN 2022) (E.O. 13706).

(xxii)(A) 52.224-3, Privacy Training (JAN 2017) (5 U.S.C. 552a).

(B) Alternate I (JAN 2017) of 52.224-3.

(xxiii) 52.225-26, Contractors Performing Private Security Functions Outside the United States (OCT 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

(xxiv) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (JUN 2020) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xxv) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801). Flow down required in accordance with paragraph (c) of 52.232-40.

(xxvi) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) (46 U.S.C. 55305) 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 products and commercial services a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

The Contractor shall comply with any clause or provision that is checked on the following list which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

1. ☒ FAR 52.203-3, Gratuities (APR 1984)
2. ☐ FAR 52.204-7 System for Award Management (OCT 2018)
3. ☐ FAR 52.223-22 Public Disclosure of Greenhouse Gas Emissions and Reduction Goals Representation (DEC 2016)
4. ☐ FAR 52.229-11 Tax on Certain Foreign Procurements (JUN 2020)
5. ☐ FAR 52.229-12 Tax on Certain Foreign Procurements – Notice and Representation (FEB 2021)
6. ☒ DFARS 252.203-7000, Requirements Relating to Compensation of Former DoD Officials (SEP 2011)
7. ☒ DFARS 252.203-7003, Agency Office of the Inspector General (AUG 2019)
8. ☐ DFARS 252.203-7005, Representation Relating to Compensation of Former DoD Officials (SEP 2022)
9. ☐ DFARS 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (Class Deviation 2024-O0013 REVISION 1) (MAY 2024)
10. ☐ DFARS 252.204-7013, Reserved
11. ☐ DFARS 252.204-7014, Limitations on the Use or Disclosure of Information by Litigation Support Contractors (JAN 2023)
12. ☒ DFARS 252.204-7015, Notice of Authorized Disclosure of Information for Litigation Support (JAN 2023)
13. ☐ DFARS 252.204-7019, Notice of NIST SP 800-171 DOD Assessment Requirements (NOV 2023)
14. ☐ DFARS 252.204-7020, NIST SP 800-171 DOD Assessment Requirements (NOV 2023)
15. ☒ DFARS 252.205-7000, Provision of Information to Cooperative Agreement Holders (JUN 2023)
16. ☐ DFARS 252.211-7003, Item Unique Identification and Valuation (JAN 2023)
17. ☐ DFARS 252.215-7003, Requirements for Submission of Data Other Than Certified Cost or Pricing Data—Canadian Commercial Corporation (JUL 2012)
18. ☐ DFARS 252.215-7004, Requirement for Submission of Data other Than Certified Cost or Pricing Data—Modifications—Canadian Commercial Corporation (OCT 2013)
19. ☐ DFARS 252.215-7007, Notice of Intent to Resolicit (JUN 2012)
20. ☐ DFARS 252.215-7008, Only One Offer (DEC 2022)

21. _____ DFARS 252.215-7013, Supplies and Services Provided by Nontraditional Defense Contractors (JAN 2023)
22. _____ DFARS 252.215-7016, Notification to Offerors – Postaward Debriefings (DEC 2022)
23. _____ DFARS 252.216-7010, Postaward Debriefings for Task Orders and Delivery Orders (DEC 2022)
24. X DFARS 252.219-7003, Small Business Subcontracting Plan (DoD Contracts) – Basic (DEC 2019)
 - a. _____ Alternate I (DEC 2019) of 252.219-7003
 - b. _____ Alternate II (Dec 2019) of 252.219-7003
25. _____ DFARS 252.219-7004, Small Business Subcontracting Plan (Test Program) (DEC 2022)
26. _____ DFARS 252.223-7008, Prohibition of Hexavalent Chromium (JAN 2023)
27. _____ DFARS 252.225-7000, Buy American—Balance of Payments Program Certificate (FEB 2024)
 - a. _____ Alternate I (FEB 2024) of 52.225-7000
28. _____ DFARS 252.225-7001, Buy American and Balance of Payments Program - Basic (FEB 2024)
 - a. _____ Alternate I (FEB 2024) of 252.225-7001
29. _____ DFARS 252.225-7008, Restriction on Acquisition of Specialty Metals (DEC 2014)
30. _____ DFARS 252.225-7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals (JAN 2023)
31. _____ DFARS 252.225-7010, Commercial Derivative Military Article—Specialty Metals Compliance Certificate (JUL 2009)
32. X DFARS 252.225-7012, Preference for Certain Domestic Commodities (APR 2022)
33. _____ DFARS 252.225-7015, Restriction on Acquisition of Hand or Measuring Tools (JUN 2005)
34. _____ DFARS 252.225-7016, Restriction on Acquisition of Ball and Roller Bearings (JAN 2023)
35. _____ DFARS 252.225-7017, Photovoltaic Devices (Deviation 2024-O0004)(JAN 2024)
36. _____ DFARS 252.225-7018, Photovoltaic Devices—Certificate (MAR 2024)
37. X DFARS 252.225-7020, Trade Agreements Certificate (NOV 2014)
 - a. _____ Alternate I (NOV 2014) of 252.225-7020
38. X DFARS 252.225-7021, Trade Agreements (FEB 2024)
 - a. _____ Alternate II (FEB 2024) of 252.225-7021
39. _____ DFARS 252.225-7023, Preference for Products or Services from Afghanistan (SEP 2013)
40. _____ DFARS 252.225-7024, Requirement for Products or Services from Afghanistan (SEP 2013)
41. _____ DFARS 252.225-7026, Acquisition Restricted to Products or Services from Afghanistan (SEP 2013)
42. _____ DFARS 252.225-7027, Restriction on Contingent Fees for Foreign Military Sales (APR 2003)
43. _____ DFARS 252.225-7028, Exclusionary Policies and Practices of Foreign Governments (APR 2003)
44. _____ DFARS 252.225-7029, Acquisition of Uniform Components for Afghan Military or Afghan National Police (SEP 2013)
45. _____ DFARS 252.225-7031, Secondary Arab Boycott of Israel (JUN 2005)
46. _____ DFARS 252.225-7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate (FEB 2024)
 - a. _____ Alternate II (FEB 2024) of 252.225-7035
 - b. _____ Alternate IV (FEB 2024) of 252.225-7035
 - c. _____ Alternate V (FEB 2024) of 252.225-7035
47. _____ DFARS 252.225-7036, Buy American --Free Trade Agreements--Balance of Payment Program - Basic (FEB 2024)
 - a. _____ Alternate I (FEB 2024) of 252.225-7036
 - b. _____ Alternate II (FEB 2024) of 252.225-7036
 - c. _____ Alternate III (FEB 2024) of 252.225-7036
 - d. _____ Alternate IV (FEB 2024) of 252.225-7036

- e. _____ Alternate V (FEB 2024) of 252.225-7036
48. _____ DFARS 252.225-7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States (OCT 2023)
49. _____ DFARS 252.225-7043, Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States (JUN 2015)
50. _____ DFARS 252.225-7050, Disclosure of Ownership or Control by the Government of a Country That is a State Sponsor of Terrorism (DEC 2022)
51. X DFARS 252.225-7052, Restrictions on the Acquisition of Certain Magnets, Tantalum, and Tungsten (MAY 2024)
52. _____ DFARS 252.225-7053, Representation Regarding Prohibition of Use of Certain Energy Sourced Inside the Russian Federation (AUG 2021)
53. _____ DFARS 252.225-7054, Prohibition of Use of Certain Energy Sourced Inside the Russian Federation (JAN 2023)
54. _____ DFARS 252.225-7055, Representation Regarding Business Operations with the Maduro Regime (MAY 2022)
55. X DFARS 252.225-7056, Prohibition Regarding Business Operations with the Maduro Regime (JAN 2023)
56. _____ DFARS 252.225-7057, Preaward Disclosure of Employment of Individuals Who Work in the People's republic of China (AUG 2022)
57. X DFARS 252.225-7058, Postaward Disclosure of Employment of Individuals Who Work in the People's Republic of China (JAN 2023)
58. _____ DFARS 252.225-7061, Restriction on Acquisition of Personal Protective Equipment and Certain Other Items From Non-Allied Foreign Nations (JAN 2023)
59. X DFARS 252.225-7967, Prohibition Regarding Russian Fossil Fuel Business Operations (Deviation 2024-O0006, Revision 1)(MAR 2024)
60. _____ DFARS 252.225-7975, Additional Access to Contractor and Subcontractor Records (Class Deviation 2024-O0003) (DEC 2023)
61. _____ DFARS 252.225-7993, Prohibition on Providing Funds to the Enemy (Class Deviation 2024-O0003) (JAN 2024)
62. X DFARS 252.226-7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (JAN 2023)
63. _____ DFARS 252.227-7013, Rights in Technical Data – Other than Commercial Products and Commercial Services (MAR 2023)
64. _____ DFARS 252.227-7015, Technical Data – Commercial Products and Commercial Services (MAR 2023)
65. _____ DFARS 252.227-7037, Validation of Restrictive Markings on Technical Data (JAN 2023)
66. _____ DFARS 252.229-7014, Full Exemption From Two-Percent Tax on Certain Foreign Procurements (OCT 2022)
67. _____ DFARS 252.232-7003, Electronic Submission of Payment Requests and Receiving Reports (DEC 2018)
68. _____ DFARS 252.232-7009, Mandatory Payment by Governmentwide Commercial Purchase Card (MAY 2018)
69. X DFARS 252.232-7010, Levies on Contract Payments (DEC 2006)
70. _____ DFARS 252.232-7011, Payments in Support of Emergencies and Contingency Operations (MAY 2013)
71. _____ DFARS 252.237-7010, Prohibition on Interrogation of Detainees by Contractor Personnel (JAN 2023)
72. _____ DFARS 252.237-7019, Training for Contractor Personnel Interacting with Detainees (JAN 2023)
73. _____ DFARS 252.239-7017, Notice of Supply Chain Risk (DEC 2022)

- 74. _____ DFARS 252.239-7018, Supply Chain Risk (DEC 2022)
- 75. X DFARS 252.243-7002, Requests for Equitable Adjustment (DEC 2022)
- 76. X DFARS 252.244-7000, Subcontracts for Commercial Items (NOV 2023)
- 77. _____ DFARS 252.245-7005, Management and Reporting of Government Property (JAN 2024)
- 78. _____ DFARS 252.246-7003, Notification of Potential Safety Issues (JAN 2023)
- 79. _____ DFARS 252.246-7004, Safety of Facilities, Infrastructure, and Equipment for Military Operations (OCT 2010)
- 80. _____ DFARS 252.247-7003, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JAN 2023)
- 81. _____ DFARS 252.247-7022, Representation of Extent of Transportation by Sea (JUN 2019)
- 82. X DFARS 252.247-7023, Transportation of Supplies by Sea (JAN 2023).
 - a. X Alternate I (JAN 2023) of 252.247-7023.
 - b. _____ Alternate II (JAN 2023) of 252.247-7023
- 83. _____ DFARS 252.247-7025, Reflagging or Repair Work (JUN 2005)
- 84. _____ DFARS 252.247-7026, Evaluation Preference for Use of Domestic Shipyards – Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade (NOV 2008)
- 85. _____ DFARS 252.247-7027, Riding Gang Member Requirements (MAY 2018)
- 86. _____ DFARS 252.247-7028, Application for U.S Government Shipping Documentation/Instructions (JUN 2012)

In addition to the clauses listed in paragraph (e) of FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items, the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

- 1. DFARS 252.227-7013, Rights in Technical Data – Other than Commercial Products and Commercial Services (MAR 2023)
- 2. DFARS 252.227-7015, Technical Data – Commercial Products and Commercial Services (MAR 2023)
- 3. DFARS 252.227-7037, Validation of Restrictive Markings on Technical Data (JAN 2023)
- 4. DFARS 252.237-7010, Prohibition on Interrogation of Detainees by Contractor Personnel (JAN 2023)
- 5. DFARS 252.237-7019, Training for Contractor Personnel Interacting with Detainees (JAN 2023)
- 6. DFARS 252.247-7003, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JAN 2023)
- 7. DFARS 252.247-7023, Transportation of Supplies by Sea (JAN 2023)

FAR 52.226-8 Encouraging Contractor Policies to Ban Text Messaging While Driving (MAY 2024)

(a) Definitions. As used in this clause-

"Driving"–

(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Text messaging means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

(b) This clause implements Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, dated October 1, 2009.

(c) The Contractor is encouraged to-

(1) Adopt and enforce policies that ban text messaging while driving-

(i) Company-owned or rented vehicles or Government-owned vehicles; or

(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct initiatives in a manner commensurate with the size of the business, such as-

(i) Establishment of new rules and programs or reevaluation of existing programs to prohibit text messaging while driving; and

(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(d) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (d), in all subcontracts that exceed the micro-purchase threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award.

Appendix A: Pharmaceutical Prime Vendors

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

Amerisource Bergen Drug Co.
1 W 1st Ave Suite 100
Conshohocken, PA 19428
POC: Alex Merritt
Director of Government Accounts
Phone: 312-533-8015
amerritt@amerisourcebergen.com

Cardinal Health
7000 Cardinal Place
Dublin, Ohio 43017
POC: Christopher Duncan

Manager, Government Contract Administration
Phone: 847-887-1378
Christopher.Duncan@cardinalhealth.com

Dakota Drug, Inc.
1101 Lund Blvd
Anoka, MN 55303-1091
POC: James Edwards
Phone: 701-852-2141 Ext: 1142
Fax: 763-421-0661
jedwards@dakdrug.com

DMS Pharmaceutical Group Inc.
810 Busse Hwy
Park Ridge, IL 60068-2302
POC: Kelly Darrow
Phone: 847-518-1100 Ext: 230
Fax: 847-518-1105
kdarrow@dmspharma.com

McKesson Corp.
6555 State Highway 161
Irving, Texas 75039-2402
POC: Melinda Bell, V.P. Government
Phone: 972-446-4109
melinda.bell@mckesson.com