

|  |  |  |  |  |  |   |  |
|--|--|--|--|--|--|---|--|
| <b>SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS</b>  |  |  |  | <b>1. Requisition Number</b><br>SEE SCHEDULE   |  | <b>Page</b> 1 <b>Of</b> 10  |  |
| <b>Offeror To Complete Block 12, 17, 23, 24, &amp; 30</b>  |  |  |  |  |  |   |  |
| <b>2. Contract No.</b><br>DAAE20-02-P-0022   |  | <b>3. Award/Effective Date</b><br>2001OCT23  |  | <b>4. Order Number</b>   |  | <b>5. Solicitation Number</b>   |  |
| <b>7. For Solicitation Information Call:</b>   |  | <b>A. Name</b><br>SETA HERNANDEZ   |  | <b>B. Telephone Number (No Collect Calls)</b><br>(309)782-4737   |  | <b>6. Solicitation Issue Date</b>   |  |
| <b>9. Issued By</b><br>TACOM-ROCK ISLAND<br>AMSTA-AQ-ARCS<br>ROCK ISLAND IL 61299-7630   |  | <b>Code</b> W52H09   |  | <b>10. This Acquisition Is</b>   |  | <b>11. Delivery For FOB Destination Unless Block Is Marked</b>                                  |  |
| <b>e-mail:</b> HERNANDEZS@RIA.ARMY.MIL   |  |  |  | <input type="checkbox"/> Unrestricted  |  | <input type="checkbox"/> See Schedule   |  |
|  |  |  |  | <input checked="" type="checkbox"/> Set Aside: % For   |  | <input checked="" type="checkbox"/> 13a. This Contract Is A Rated Order Under DPAS (18 CFR 700) |  |
|  |  |  |  | <input checked="" type="checkbox"/> Small Business   |  | <b>13b. Rating</b> DXA7   |  |
|  |  |  |  | <input type="checkbox"/> Small Disadv Business   |  | <b>14. Method Of Solicitation</b>   |  |
|  |  |  |  | <input type="checkbox"/> 8(A)  |  | <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP          |  |
|  |  |  |  | <b>SIC:</b>  |  |   |  |
|  |  |  |  | <b>Size Standard:</b>  |  |   |  |
| <b>15. Deliver To</b><br>SEE SCHEDULE  |  | <b>Code</b>  |  | <b>16. Administered By</b><br>PR ACALA<br>ATTN FIN AND ACCT OFC<br>ROCK ISLAND IL 61299-6000   |  | <b>Code</b> W52H09  |  |
| <b>Telephone No.</b>   |  |  |  |  |  |   |  |
| <b>17. Contractor/Offeror</b><br>MYKOTRONX INC<br>9861 BROKEN LAND PKY SUITE 258<br>COLUMBIA MD 21046  |  | <b>Code</b> 05DY2 <b>Facility</b>  |  | <b>18a. Payment Will Be Made By</b><br>DFAS ST LOUIS<br>ATT DFAS-SL-FPV<br>4300 GOODFELLOW BLVD BLDG 110<br>PO BOX 200009<br>ST LOUIS MO 63120-0009  |  | <b>Code</b> HQ0304  |  |
| <b>Telephone No.</b>   |  |  |  |  |  |   |  |
| <input type="checkbox"/> 17b. Check If Remittance Is Different And Put Such Address In Offer   |  | <b>18b. Submit Invoices To Address Shown In Block 18a Unless Block Below Is Checked</b><br><input type="checkbox"/> See Addendum |  |  |  |   |  |
| <b>19. Item No.</b>  |  | <b>20. Schedule Of Supplies/Services</b>   |  | <b>21. Quantity</b>  |  | <b>22. Unit</b>   |  |
|  |  | SEE SCHEDULE   |  |  |  |   |  |
|  |  | (Attach Additional Sheets As Necessary)  |  |  |  |   |  |
|  |  |  |  |  |  | <b>23. Unit Price</b>   |  |
|  |  |  |  |  |  | <b>24. Amount</b>   |  |
|  |  |  |  |  |  |   |  |
| <b>25. Accounting And Appropriation Data</b><br>SEE ADDENDUM   |  |  |  | <b>26. Total Award Amount (For Govt. Use Only)</b><br>\$11,780.00  |  |   |  |
| <input type="checkbox"/> 27a. Solicitation Incorporates By Reference FAR 52.212-1, 52.212-4. FAR 52.212-3 And 52.212-5 Are Attached.   |  |  |  | <input type="checkbox"/> Are <input type="checkbox"/> Are Not Attached.  |  |   |  |
| <input checked="" type="checkbox"/> 27b. Contract/Purchase Order Incorporates By Reference FAR 52.212-4. FAR 52.212-5 Is Attached. Addenda   |  |  |  | <input checked="" type="checkbox"/> Are <input type="checkbox"/> Are Not Attached.   |  |   |  |
| <b>28. Contractor Is Required To Sign This Document And Return _____ Copies</b><br><input type="checkbox"/> 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 Herein. |  |  |  | <b>29. Award Of Contract: Reference _____ Offer</b><br><input type="checkbox"/> Dated _____. Your Offer On Solicitation (Block 5) Including Any Additions Or Changes Which Are Set Forth Herein Is Accepted As To Items: |  |   |  |
| <b>30a. Signature Of Offeror/Contractor</b>  |  |  |  | <b>31a. United States Of America (Signature Of Contracting Officer)</b>  |  |   |  |
| <b>30b. Name And Title Of Signer (Type Or Print)</b>   |  | <b>30c. Date Signed</b>  |  | <b>31b. Name Of Contracting Officer (Type Or Print)</b><br>PATRICIA J HARMON /SIGNED/<br>HARMONP@RIA.ARMY.MIL (309)782-5717  |  | <b>31c. Date Signed</b>   |  |
| <b>32a. Quantity In Column 21 Has Been</b><br><input type="checkbox"/> Received <input type="checkbox"/> Inspected <input type="checkbox"/> Accepted And Conforms To The Contract Except As Noted  |  |  |  | <b>33. Ship Number</b>   |  | <b>34. Voucher Number</b>   |  |
|  |  |  |  | <input type="checkbox"/> Partial <input type="checkbox"/> Final  |  | <b>35. Amount Verified Correct For</b>  |  |
| <b>32b. Signature Of Authorized Government Representative</b>  |  | <b>32c. Date</b>   |  | <b>36. Payment</b><br><input type="checkbox"/> Complete <input type="checkbox"/> Partial <input type="checkbox"/> Final  |  | <b>37. Check Number</b>   |  |
|  |  |  |  | <b>38. S/R Account Number</b>  |  | <b>39. S/R Voucher Number</b>   |  |
|  |  |  |  | <b>40. Paid By</b>   |  |   |  |
| <b>41a. I Certify This Account Is Correct And Proper For Payment</b>   |  |  |  | <b>42a. Received By (Print)</b>  |  |   |  |
| <b>41b. Signature And Title Of Certifying Officer</b>  |  | <b>41c. Date</b>   |  | <b>42b. Received At (Location)</b>   |  |   |  |
|  |  |  |  | <b>42c. Date Recd (YYMMDD)</b>   |  | <b>42d. Total Containers</b>  |  |

**CONTINUATION SHEET****Reference No. of Document Being Continued****Page 2 of 10****PIIN/SIIN** DAAE20-02-P-0022**MOD/AMD****Name of Offeror or Contractor:** MYKOTRONX INC

## SUPPLEMENTAL INFORMATION

1. TAX ID # 33-0229757

2. DUNS #: 956718837

3. THIS EQUIPMENT WILL BE DELIVERED TO:

DEPT OF THE ARMY/TACOM-RI  
ATTN; AMSTA-LC-BAA (BILL BLINK)  
BLDG 108, 1ST FLR, N.  
ROCK ISLAND IL 61299-7630

4. ALL HARDWARE AND SOFTWARE MUST BE YEAR 2000 COMPLIANT, INCLUDING BUT NOT LIMITED TO, CALCULATING, COMPARING AND SEQUENCING FROM, INTO AND BETWEEN THE 20TH AND THE 21ST CENTURIES AND THE LEAP YEAR CALCULATIONS. ALL HARDWARE AND SOFTWARE MUST MEET OR EXCEED DOD LEGAL ISSUES FOR FEDERAL ACQUISITION REGULATIONS, SECTION 508 COMPLIANCY.

5. THIS REQUIREMENT IS FOR THE FOLLOWING:

EIA DCE CABLE, PART NUMBER: 4074250-0501, UNIT PRICE \$90.00, QTY: 2EA, TOTAL \$, \$180.00

KIV-7HSB, PART NUMBER: 4070500-501, UNIT PRICE \$5,800.00 QTY: 2EA, TOTAL \$11,600.00

6. TOTAL AWARD AMOUNT: \$11,780.00

7. DUE TO THE HIGH DX GOVERNMENT RATING FOR THIS REQUIREMENT, EXPEDITED DELIVERY IS REQUIRED.

\*\*\* END OF NARRATIVE A 001 \*\*\*

CONTINUATION SHEET

Reference No. of Document Being Continued  
 PIIN/SIIN DAAE20-02-P-0022 MOD/AMD

Name of Offeror or Contractor: MYKOTRONX INC

| ITEM NO           | SUPPLIES/SERVICES  | QUANTITY        | UNIT            | UNIT PRICE      | AMOUNT        |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|-------------------|--|-----------------|-----------------|-----------------|---------------|-----------------|--------------|-----|----------------|--------|---|--------|---|-------------------|-----------------|-----------------|-----|---|-------------|--|--|--|--|
|                   | SUPPLIES OR SERVICES AND PRICES/COSTS  |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| 0001              | <u>Supplies or Services and Prices/Costs</u>   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| 0001AA            | <u>PRODUCTION QUANTITY WITHOUT FIRST ARTICLE/OV</u>  | 1               | EA              | \$ 5,800.00000  | \$ 5,800.00   |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | NSN: 0000-00-000-0000<br>NOUN: KIV-7HSB<br>SECURITY CLASS: Unclassified<br>PRON: M126C003M1 PRON AMD: 01 ACRN: AA<br>AMS CD: 423612000004236   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>Packaging and Marking</u>   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>Inspection and Acceptance</u><br>INSPECTION: Destination ACCEPTANCE: Destination  |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>Deliveries or Performance</u><br>DOC SUPPL<br><table border="0"> <tr> <td><u>REL CD</u></td> <td><u>MILSTRIP</u></td> <td><u>ADDR</u></td> <td><u>SIG CD</u></td> <td><u>MARK FOR</u></td> <td><u>TP CD</u></td> </tr> <tr> <td>001</td> <td>W52H091289BA02</td> <td>Y00000</td> <td>M</td> <td>WBLINK</td> <td>1</td> </tr> </table> <table border="0"> <tr> <td><u>DEL REL CD</u></td> <td><u>QUANTITY</u></td> <td><u>DEL DATE</u></td> </tr> <tr> <td>001</td> <td>1</td> <td>01-NOV-2001</td> </tr> </table> | <u>REL CD</u>   | <u>MILSTRIP</u> | <u>ADDR</u>     | <u>SIG CD</u> | <u>MARK FOR</u> | <u>TP CD</u> | 001 | W52H091289BA02 | Y00000 | M | WBLINK | 1 | <u>DEL REL CD</u> | <u>QUANTITY</u> | <u>DEL DATE</u> | 001 | 1 | 01-NOV-2001 |  |  |  |  |
| <u>REL CD</u>     | <u>MILSTRIP</u>  | <u>ADDR</u>     | <u>SIG CD</u>   | <u>MARK FOR</u> | <u>TP CD</u>  |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| 001               | W52H091289BA02   | Y00000          | M               | WBLINK          | 1             |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| <u>DEL REL CD</u> | <u>QUANTITY</u>  | <u>DEL DATE</u> |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| 001               | 1  | 01-NOV-2001     |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | FOB POINT: Destination   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | SHIP TO: <u>PARCEL POST ADDRESS</u><br>(Y00000) SHIPPING INSTRUCTIONS FOR CONSIGNEE<br>(SHIP TO) WILL BE FURNISHED PRIOR<br>TO SCHEDULED DELIVERY DATE FOR ITEM<br>REQUIRED UNDER THIS REQUISITION.  |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | MARK FOR: TACCOM-ACALA<br>AMSTA-AC-MBA<br>ATTN BILL BLINK<br>BUILDING 108 1ST FLOOR FRONT<br>ROCK ISLAND IL 61299-7630   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>CONTRACT/DELIVERY ORDER NUMBER</u><br>DAAE20-02-P-0022/0000   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| 0001AB            | <u>PRODUCTION QUANTITY WITHOUT FIRST ARTICLE/OV</u>  | 1               | EA              | \$ 90.00000     | \$ 90.00      |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | NSN: 0000-00-000-0000<br>NOUN: EIA DCE CABLE<br>SECURITY CLASS: Unclassified<br>PRON: M126C003M1 PRON AMD: 01 ACRN: AA<br>AMS CD: 423612000004236  |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>Packaging and Marking</u>   |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>Inspection and Acceptance</u><br>INSPECTION: Destination ACCEPTANCE: Destination  |                 |                 |                 |               |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
|                   | <u>Deliveries or Performance</u><br>DOC SUPPL<br><table border="0"> <tr> <td><u>REL CD</u></td> <td><u>MILSTRIP</u></td> <td><u>ADDR</u></td> <td><u>SIG CD</u></td> <td><u>MARK FOR</u></td> <td><u>TP CD</u></td> </tr> <tr> <td>002</td> <td>W52H091289BA05</td> <td>Y00000</td> <td>M</td> <td>WBLINK</td> <td>1</td> </tr> </table>   | <u>REL CD</u>   | <u>MILSTRIP</u> | <u>ADDR</u>     | <u>SIG CD</u> | <u>MARK FOR</u> | <u>TP CD</u> | 002 | W52H091289BA05 | Y00000 | M | WBLINK | 1 |                   |                 |                 |     |   |             |  |  |  |  |
| <u>REL CD</u>     | <u>MILSTRIP</u>  | <u>ADDR</u>     | <u>SIG CD</u>   | <u>MARK FOR</u> | <u>TP CD</u>  |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |
| 002               | W52H091289BA05   | Y00000          | M               | WBLINK          | 1             |                 |              |     |                |        |   |        |   |                   |                 |                 |     |   |             |  |  |  |  |

CONTINUATION SHEET

Reference No. of Document Being Continued  
 PIIN/SIIN DAAE20-02-P-0022 MOD/AMD

Name of Offeror or Contractor: MYKOTRONX INC

| ITEM NO | SUPPLIES/SERVICES   | QUANTITY | UNIT | UNIT PRICE     | AMOUNT      |
|---------|---|----------|------|----------------|-------------|
|         | <p><u>DEL REL CD</u>      <u>QUANTITY</u>      <u>DEL DATE</u><br/>                     001                      1                      01-NOV-2001</p> <p>FOB POINT: Destination</p> <p>SHIP TO: <u>PARCEL POST ADDRESS</u><br/>                     (Y00000) SHIPPING INSTRUCTIONS FOR CONSIGNEE<br/>                     (SHIP TO) WILL BE FURNISHED PRIOR<br/>                     TO SCHEDULED DELIVERY DATE FOR ITEM<br/>                     REQUIRED UNDER THIS REQUISITION.</p> <p>MARK FOR: TACCOM-ACALA<br/>                     AMSTA-AC-MBA<br/>                     ATTN BILL BLINK<br/>                     BUILDING 108 1ST FLOOR FRONT<br/>                     ROCK ISLAND IL 61299-7630</p> <p><u>CONTRACT/DELIVERY ORDER NUMBER</u><br/>                     DAAE20-02-P-0022/0000</p>  |          |      |                |             |
| 0002    | <u>Supplies or Services and Prices/Costs</u>  |          |      |                |             |
| 0002AA  | <p><u>PRODUCTION QUANTITY WITHOUT FIRST ARTICLE/OV</u></p> <p>NSN: 0000-00-000-0000<br/>                     NOUN: KIV-7HSB<br/>                     SECURITY CLASS: Unclassified<br/>                     PRON: M126C004M1 PRON AMD: 01 ACRN: AB<br/>                     AMS CD: SM2D1000000SM2D</p> <p><u>Packaging and Marking</u></p> <p><u>Inspection and Acceptance</u><br/>                     INSPECTION: Destination ACCEPTANCE: Destination</p> <p><u>Deliveries or Performance</u><br/>                     DOC SUPPL<br/> <u>REL CD MILSTRIP ADDR SIG CD MARK FOR TP CD</u><br/>                     001 W52H091289BA08 Y00000 M WBLINK 1<br/> <u>DEL REL CD QUANTITY DEL DATE</u><br/>                     001 1 01-NOV-2001</p> <p>FOB POINT: Destination</p> <p>SHIP TO: <u>PARCEL POST ADDRESS</u><br/>                     (Y00000) SHIPPING INSTRUCTIONS FOR CONSIGNEE<br/>                     (SHIP TO) WILL BE FURNISHED PRIOR<br/>                     TO SCHEDULED DELIVERY DATE FOR ITEM<br/>                     REQUIRED UNDER THIS REQUISITION.</p> <p>MARK FOR: TACCOM-ACALA<br/>                     AMSTA-AC-MBA<br/>                     ATTN BILL BLINK<br/>                     BUILDING 108 1ST FLOOR FRONT<br/>                     ROCK ISLAND IL 61299-7630</p> <p><u>CONTRACT/DELIVERY ORDER NUMBER</u></p> | 1        | EA   | \$ 5,800.00000 | \$ 5,800.00 |

CONTINUATION SHEET

Reference No. of Document Being Continued  
 PIIN/SIIN DAAE20-02-P-0022 MOD/AMD

Name of Offeror or Contractor: MYKOTRONX INC

| ITEM NO | SUPPLIES/SERVICES  | QUANTITY | UNIT | UNIT PRICE  | AMOUNT   |
|---------|--|----------|------|-------------|----------|
| 0002AB  | <p style="text-align: center;">DAAE20-02-P-0022/0000</p> <p><u>PRODUCTION QUANTITY WITHOUT FIRST ARTICLE/OV</u></p> <p>NSN: 0000-00-000-0000<br/>                     NOUN: EIA DCE CABLE<br/>                     SECURITY CLASS: Unclassified<br/>                     PRON: M126C004M1 PRON AMD: 01 ACRN: AB<br/>                     AMS CD: SM2D1000000SM2D</p> <p><u>Packaging and Marking</u></p> <p><u>Inspection and Acceptance</u><br/>                     INSPECTION: Destination ACCEPTANCE: Destination</p> <p><u>Deliveries or Performance</u><br/>                     DOC SUPPL<br/> <u>REL CD MILSTRIP ADDR SIG CD MARK FOR TP CD</u><br/>                     002 W52H091289BA09 Y00000 M WBLINK 1<br/> <u>DEL REL CD QUANTITY DEL DATE</u><br/>                     001 1 01-NOV-2001</p> <p>FOB POINT: Destination</p> <p>SHIP TO: <u>PARCEL POST ADDRESS</u><br/>                     (Y00000) SHIPPING INSTRUCTIONS FOR CONSIGNEE<br/>                     (SHIP TO) WILL BE FURNISHED PRIOR<br/>                     TO SCHEDULED DELIVERY DATE FOR ITEM<br/>                     REQUIRED UNDER THIS REQUISITION.</p> <p>MARK FOR: TACCOM-ACALA<br/>                     AMSTA-AC-MBA<br/>                     ATTN BILL BLINK<br/>                     BUILDING 108 1ST FLOOR FRONT<br/>                     ROCK ISLAND IL 61299-7630</p> <p><u>CONTRACT/DELIVERY ORDER NUMBER</u><br/>                     DAAE20-02-P-0022/0000</p> | 1        | EA   | \$ 90.00000 | \$ 90.00 |

**CONTINUATION SHEET**

**Reference No. of Document Being Continued**

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**PIIN/SIIN** DAAE20-02-P-0022

**MOD/AMD**

**Name of Offeror or Contractor:** MYKOTRONX INC

CONTRACT ADMINISTRATION DATA

| LINE            | PRON/         | OBLG                    | JOB                         | ACCOUNTING     | OBLIGATED                 |
|-----------------|---------------|-------------------------|-----------------------------|----------------|---------------------------|
| <u>ITEM</u>     | <u>AMS CD</u> | <u>ACRN</u> <u>STAT</u> | <u>ORDER</u>                | <u>STATION</u> | <u>AMOUNT</u>             |
| 0001AA          | M126C003M1    | AA 2 21                 | 22020000026D6D02P42361231ED | S11116         | 2ABFDG W52H09 \$ 5,800.00 |
| 423612000004236 |               |                         |                             |                |                           |
| 0001AB          | M126C003M1    | AA 2 21                 | 22020000026D6D02P42361231ED | S11116         | 2ABFDG W52H09 \$ 90.00    |
| 423612000004236 |               |                         |                             |                |                           |
| 0002AA          | M126C004M1    | AB 2 97                 | X4930AC5GX6D6D02PSM2D1031ED | S11116         | 2ABFAG W52H09 \$ 5,800.00 |
| SM2D1000000SM2D |               |                         |                             |                |                           |
| 0002AB          | M126C004M1    | AB 2 97                 | X4930AC5GX6D6D02PSM2D1031ED | S11116         | 2ABFAG W52H09 \$ 90.00    |
| SM2D1000000SM2D |               |                         |                             |                |                           |
| TOTAL           |               |                         |                             |                | \$ 11,780.00              |

| SERVICE     | ACCOUNTING     | OBLIGATED     |
|-------------|----------------|---------------|
| <u>NAME</u> | <u>STATION</u> | <u>AMOUNT</u> |
| Army        | W52H09         | \$ 5,890.00   |
| Army        | W52H09         | \$ 5,890.00   |
| TOTAL       |                | \$ 11,780.00  |

**CONTINUATION SHEET****Reference No. of Document Being Continued**

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PIIN/SIIN DAAE20-02-P-0022

MOD/AMD

**Name of Offeror or Contractor:** MYKOTRONX INC

## CONTRACT CLAUSES

|   | <u>Regulatory Cite</u> | <u>Title</u>  | <u>Date</u> |
|---|------------------------|---|-------------|
| 1 | 52.212-4               | CONTRACT TERMS AND CONDITIONS- COMMERCIAL ITEMS   | MAY/2001    |
| 2 | 52.212-5               | CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS - COMMERCIAL ITEMS | MAY/2001    |

(a) The Contractor shall comply with the following 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) 52.222-3, Convict Labor (E.O. 11755); and
- (2) 52.233-3, Protest after Award (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) which 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 or components:

- \_\_\_\_(1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).
- \_\_\_\_(2) 52.219-3, Notice of HUBZone Small Business Set-Aside (Jan 1999).
- \_\_\_\_(3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999)(if the offeror elects to waive the preference, it shall so indicate in its offer).
- \_\_\_\_(4)(i.) 52.219-5, Very Small Business Set-Aside (pub.L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).
- \_\_\_\_(ii.) Alternate I to 52.219-5.
- \_\_\_\_(iii.) Alternate II to 52.219-5.
- (5) 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637(d)(2) and (3));
- \_\_\_\_(6) 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637(d)(4));
- \_\_\_\_(7) 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a)(14)).
- \_\_\_\_(8)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub.L. 103-355, section 7102, and 10 U.S.C. 2323)(if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- \_\_\_\_(ii) Alternate I of 52.219-23
- \_\_\_\_(9) 52.219-25, Small Disadvantaged Business Participation Program - Disadvantaged Status and Reporting (Pub. L. 103-355,section 7102, and 10 U.S.C.2323).
- \_\_\_\_(10) 52,219-26, Small Disadvantaged Business Participation Program - Incentive Subcontracting (Pub.L.103-355, section 7102, and 10 U.S.C.2323).
- \_\_\_\_(11) 52.222-21, Prohibition of Segregated Facilities (Feb 99).
- (12) 52.222-26, Equal Opportunity (E.O. 11246).
- (13) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).
- (14) 52.222-36, Affirmative Action for Handicapped Workers (29 U.S.C. 793).
- (15) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (38.U.S.C. 4212).
- \_\_\_\_(16) 52.222-19, Child Labor - Cooperation with Authorities and Remedies (E.O. 13126).
- \_\_\_\_(17)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (42 U.S.C. 6962(c)(3)(A)(ii)).

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\_\_\_\_ (ii) Alternate I of 52.223-9 (42 U.S.C. 6962(i)(2)(C)).

\_\_\_\_(18) 52.225-1, Buy American Act - Balance of Payments Program - Supplies (41 U.S.C. 10a-10d).

\_\_\_\_(19)(i) 52.225-3, Buy American Act - North American Free Trade Agreement - Israeli Trade Act - Balance of Payments Program (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note 19 U.S.C.2112 note).

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

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

\_\_\_\_(20) 52.225-5, Trade Agreements (19 U.S.C. 2501. et seq., 19 U.S.C. 3301 note.)

\_\_\_\_(21) 52.225-13, Restriction on Certain Foreign Purchases (E.O. 12722, 13059, 13067, 13121, and 13129).

\_\_\_\_(22) 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).

\_\_\_\_(23) 52.225-16, Sanctioned European Union Country Services (E.O. 12849).

X\_\_\_\_(24) 52.232-33, Payment by Electronic Funds Transfer - Central Contractor Registration (31 U.S.C. 3332).

\_\_\_\_(25) 52.232-34, Payment by Electronic Funds - Other than Central Contractor Registration (31 U.S.C. 3332).

\_\_\_\_(26) 52.232-36, Payment by Third Party (31 U.S.C.3332).

\_\_\_\_(27) 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a)

\_\_\_\_(28)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241).

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

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

\_\_\_\_(1) 52.222-41, Service Contract Act of 1965, As amended (41 U.S.C. 351, et seq.). Subcontracts for certain commercial services may be exempt from coverage if they meet the criteria in FAR 22.1003-4(c) or (d) (see DoD class deviation number 2000-o0006).

\_\_\_\_(2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

\_\_\_\_(3) 52.222-43, Fair Labor Standards Act and Service Contract Act - Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

\_\_\_\_(4) 52.222-44, Fair Labor Standards and Service Contract Act - Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

\_\_\_\_(5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351, et seq.).

(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.

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(e) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), or (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by an addenda to this paragraph to establish the reasonableness of prices under Part 15), in a subcontract for commercial items or commercial components-

(1) 52.222-26, Equal Opportunity (E.O. 11246);

(2) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era Veterans (38 U.S.C. 2012(a));

(3) 52.222-36, Affirmative Action for Handicapped Workers (29 U.S.C. 793);

(4) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241) (flow down not required for subcontracts awarded beginning May 1, 1996); and

(5) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, et seq.).

(End of clause)

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| <u>List of</u><br><u>Addenda</u> | <u>Title</u> | <u>Date</u> | <u>Number</u><br><u>of Pages</u> | <u>Transmitted By</u> |
|----------------------------------|--------------|-------------|----------------------------------|-----------------------|
| Attachment 001                   | MYKOTRONX    | 27-SEP-2001 | 001                              |                       |