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- (h) 52.215–6, Place of Performance.
- (i) 52.219–1, Small Business Program Representations (Basic & Alternate I).
- (j) 52.219–2, Equal Low Bids.
- (k) 52.219–22, Small Disadvantaged Business Status (Basic & Alternate I).
- (l) 52.222–18, Certification Regarding Knowledge of Child Labor for Listed End Products.
- (m) 52.222–22, Previous Contracts and Compliance Reports.
- (n) 52.222–25, Affirmative Action Compliance.
- (o) 52.222–38, Compliance with Veterans’ Employment Reporting Requirements.
- (p) 52.222–48, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.
- (q) 52.222–52, Exemption from Application of the Service Contract Act to Contracts for Certain Services—Certification.
- (r) 52.223–1, Biobased Product Certification.
- (s) 52.223–4, Recovered Material Certification.
- (t) 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (Alternate I only).
- (u) 52.225–2, Buy American Act Certificate.
- (v) 52.225–4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate (Basic, Alternate I & II).
- (w) 52.225–6, Trade Agreements Certificate.
- (x) 52.225–20, Prohibition on Conducting Restricted Business Operations in Sudan—Certification.
- (y) 52.225–25, Prohibition on Engaging in Sanctioned Activities Relating to Iran—Certification.
- (z) 52.226–2, Historically Black College or University and Minority Institution Representation.
- (aa) 52.227–6, Royalty Information (Basic & Alternate I).
- (bb) 52.227–15, Representation of Limited Rights Data and Restricted Computer Software.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 36931, June 28, 2006; 72 FR 63078, Nov. 3, 2007; 72 FR 63043, Nov. 7, 2007; 73 FR 21789, 21798, Apr. 22, 2008; 73 FR 33638, June 12, 2008; 74 FR 2729, Jan. 15, 2009; 74 FR 31563, July 1, 2009; 75 FR 60256, Sept. 29, 2010; 75 FR 82567, Dec. 30, 2010; 76 FR 31397, 31413, May 31, 2011]

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### Subpart 4.13—Personal Identity Verification

SOURCE: 72 FR 46335, Aug. 17, 2007, unless otherwise noted.

#### 4.1300 Scope of subpart.

This subpart provides policy and procedures associated with Personal Identity Verification as required by—

- (a) Federal Information Processing Standards Publication (FIPS PUB) Number 201, “Personal Identity Verification of Federal Employees and Contractors”; and
- (b) Office of Management and Budget (OMB) Guidance M–05–24, dated August 5, 2005, “Implementation of Homeland Security Presidential Directive (HSPD) 12—Policy for a Common Identification Standard for Federal Employees and Contractors.”

#### 4.1301 Policy.

- (a) Agencies must follow FIPS PUB Number 201 and the associated OMB implementation guidance for personal identity verification for all affected contractor and subcontractor personnel when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.
- (b) Agencies must include their implementation of FIPS PUB 201 and OMB Guidance M–05–24 in solicitations and contracts that require the contractor to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.
- (c) Agencies must designate an official responsible for verifying contractor employee personal identity.
- (d)(1) Agency procedures for the return of Personal Identity Verification (PIV) products shall ensure that Government contractors account for all forms of Government-provided identification issued to Government contractor employees under a contract, *i.e.*, the PIV cards or other similar badges, and shall ensure that contractors return such identification to the issuing agency as soon as any of the following occurs, unless otherwise determined by the agency:

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(i) When no longer needed for contract performance.

(ii) Upon completion of a contractor employee's employment.

(iii) Upon contract completion or termination.

(2) The contracting officer may delay final payment under a contract if the contractor fails to comply with these requirements.

[72 FR 46335, Aug. 17, 2007, as amended at 75 FR 82576, Dec. 30, 2010]

### **4.1302 Acquisition of approved products and services for personal identity verification.**

(a) In order to comply with FIPS PUB 201, agencies must purchase only approved personal identity verification products and services.

(b) Agencies may acquire the approved products and services from the GSA, Federal Supply Schedule 70, Special Item Number (SIN) 132-62, HSPD-12 Product and Service Components, in accordance with ordering procedures outlined in FAR Subpart 8.4.

(c) When acquiring personal identity verification products and services not using the process in paragraph (b) of this section, agencies must ensure that the applicable products and services are approved as compliant with FIPS PUB 201 including—

(1) Certifying the products and services procured meet all applicable Federal standards and requirements;

(2) Ensuring interoperability and conformance to applicable Federal standards for the lifecycle of the components; and

(3) Maintaining a written plan for ensuring ongoing conformance to applicable Federal standards for the lifecycle of the components.

(d) For more information on personal identity verification products and services see <http://www.idmanagement.gov>.

### **4.1303 Contract clause.**

The contracting officer shall insert the clause at 52.204-9, Personal Identity Verification of Contractor Personnel, in solicitations and contracts when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system. The clause

shall not be used when contractors require only intermittent access to Federally-controlled facilities.

## **Subpart 4.14—Reporting Executive Compensation and First-Tier Subcontract Awards**

SOURCE: 75 FR 39419, July 8, 2010, unless otherwise noted.

### **4.1400 Scope of subpart.**

This subpart implements section 2 of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110-252), which requires contractors to report subcontract award data and the total compensation of the five most highly compensated executives of the contractor and subcontractor. The public may view first-tier subcontract award data at <http://usaspending.gov>.

### **4.1401 Applicability.**

(a) This subpart applies to all contracts with a value of \$25,000 or more, except classified contracts and contracts with individuals.

(b) The reporting requirements will be phased-in according to the schedule in 52.204-10(e).

(c) For all phases, reporting of subcontract information will be limited to the first-tier subcontractor.

### **4.1402 Procedures.**

(a) Agencies shall ensure that contractors comply with the reporting requirements of 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards. Agencies shall review contractor reports on a quarterly basis to ensure the information is consistent with contract information. The agency is not required to address data for which the agency would not normally have supporting information, such as the compensation information required of contractors and first-tier subcontractors. However, the agency shall inform the contractor of any inconsistencies with the contract information and require that the contractor correct the report, or provide a reasonable explanation as to why it believes