



DEFENSE LOGISTICS AGENCY
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NOV 07 2000

IN REPLY
 REFER TO **DESC-CPA**

CONTRACTING INSTRUCTION (CI): 99-13b
MEMORANDUM FOR CI Distribution

SUBJECT: Incorporating Provisions and Clauses by Reference in DESC Solicitations and Contracts, Amended, Plus Incorporating the Offeror Submission Package as an Official Part of the Solicitation/Contract

This CI amendment further clarifies the procedure of incorporating contract clauses, solicitation provisions, and Offeror Submission Packages by reference into solicitations and Offeror Submission Packages (OSPs).

a. The term "contract clause" applies to information in Sections B through I of solicitations and contracts. The term "solicitation provision" applies to information in Sections K through M of solicitations.

b. 1. Since local (DESC) clauses/provisions are not available on the Web, they must be included in full text in either the solicitation or the OSP (see 3. below for new instructions on officially incorporating the OSP into the solicitation).

2. All regulatory (FAR/DFARS/DLAD) clauses/provisions may be incorporated by reference ("IBR'd") in the solicitation as follows:

(a) **Commercial** item solicitations: IBR both clauses and provisions using commercial clauses I1.04 (FAR) and I1.05 (DFARS), and clause I1.20-1 for those clauses and provisions not listed in I1.04 or I1.05.

(b) **Noncommercial** item solicitations: IBR clauses using I1.20; IBR provisions using L2.28.

3. The Offeror Submission Package shall be incorporated as an official part of the solicitation by listing it as a **Contract Document**, per FAR 12.303(d) (this also slightly amends CI 96-5, Commercial Item Solicitation Format). This means that all fill-in clauses/provisions included in the OSP are to be in full text and need not be otherwise referenced in the solicitation.

Addendum #1....

List of Attachments:

- DD 1707
- SF 1449
- Item List by State
- Price Data Sheets.....

Contract Document:

Offeror Submission Package

Addendum #2....



c. In extenuating circumstances (e.g., with foreign offerors with no access to the Internet), clauses/provisions normally IBR'd in the solicitation but **not** included in the OSP may be incorporated into the solicitation in full text at the contracting officer's discretion; however, the contracting officer should consider that offerors may request and receive a printed packet of all IBR'd clauses/provisions prior to the solicitation opening/closing date.

If further clarification is needed, please contact Cheri Bohman at 767-7626. This instruction expires upon dissemination.

A handwritten signature in black ink, appearing to read "Sharon L. Murphy". The signature is fluid and cursive, with a large initial "S" and "M".

SHARON L. MURPHY
Center Senior Procurement Official