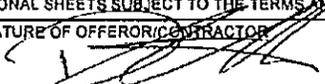
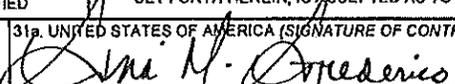


<b>SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, &amp; 30</b>				1. REQUISITION NUMBER	PAGE 1 OF <b>11</b>
2. CONTRACT NO. <b>SPM300-12-D-3611</b>	3. AWARD/EFFECTIVE DATE <b>See Block 31C</b>	4. ORDER NUMBER	5. SOLICITATION NUMBER <b>SPM300-04-R-0323</b>	6. SOLICITATION ISSUE DATE <b>09/03/2004</b>	
7. FOR SOLICITATION INFORMATION CALL: 		a. NAME	b. TELEPHONE NUMBER (No collect calls)	8. OFFER DUE DATE/ LOCAL TIME	
9. ISSUED BY <b>DLA Troop Support 700 Robbins Avenue Philadelphia, PA 19111-5092</b>		CODE <b>SPM300</b>	10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: _____ % FOR <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM NAICS: <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> EDWOSB <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS <input type="checkbox"/> 8 (A) <b>SIZE STANDARD:</b>		
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE	12. DISCOUNT TERMS		<input type="checkbox"/> 13a THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)	13b. RATING	
15. DELIVER TO <b>See Schedule</b>		CODE	14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP		
17a. CONTRACTOR/ OFFEROR <b>Bahrain Maritime and Merchantile INTL (BMMI) P.O. Box 828 812 Majalis Al Ta'awon Highway</b>		CODE <b>SG191</b>	18. ADMINISTERED BY <b>Same as Block #9</b>		CODE
17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER <input type="checkbox"/>		FACILITY CODE	18a. PAYMENT WILL BE MADE BY <b>Defense Finance and Accounting Svc (DFAS) BSM P.O. Box 369031 Columbus, OH 43236-9031</b>		
17c. TELEPHONE NO.			18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM		
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES		21. QUANTITY	22. UNIT	23. UNIT PRICE
<b>1</b>	<b>This contract is awarded to BMMI in accordance with 10 U.S.C. 2304 (c)(1), whereby award was made using other than full and open competition. All terms and conditions of solicitation SP0300-04-R-0323 and contract actions SPM300-12-D-3550 and SPM300-08-D-3131 and administrative contracts 08-D-3147, 08-D-3148, 08-D-3150, 08-D-3151, 08-D-3152, 10-D-3426, 08-D-CA11, 08-D-Q007, 11-D-3467, 12-D-3565</b> <i>(Use Reverse and/or Attach Additional Sheets as Necessary)</i>				
25. ACCOUNTING AND APPROPRIATION DATA <b>97X4930 5CBX 001 2620 S33189 - 10% Minimum - \$2,500,000</b>			26. TOTAL AWARD AMOUNT (For Govt. Use Only) <b>25,000,000</b>		
<input checked="" type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52 212-1, 52 212-4 FAR 52 212-3 AND 52 212-5 ARE ATTACHED ADDENDA <input type="checkbox"/> ARE <input checked="" type="checkbox"/> ARE NOT ATTACHED			<input type="checkbox"/> ARE <input checked="" 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 type="checkbox"/> ARE <input checked="" type="checkbox"/> ARE NOT ATTACHED					
<input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 1 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			<input type="checkbox"/> 29. AWARD OF CONTRACT: REF. <b>BMMI's</b> OFFER DATED _____, 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 		31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER) 			
30b. NAME AND TITLE OF SIGNER (Type or print) <b>ROBERT SMITH CHIEF OPERATING OFFICER</b>		30c. DATE SIGNED <b>9/13/12</b>	31b. NAME OF CONTRACTING OFFICER (Type or print) <b>TINA M. FREDERICO Contracting Officer</b>		31c. DATE SIGNED <b>9/13/12</b>

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Prescribed by GSA - FAR (48 CFR) 53 212

are incorporated herein and only supplemented by those terms and conditions included in this contract, SPM300-12-D-3611. This contract provides for prime vendor full line food distribution support to customers located in Bahrain, Qatar and Saudi Arabia for a period of November 1, 2012 through January 17, 2013.

All referenced FAR, DFARS, DLAD, and DLA Troop Support clauses/and provisions in the aforementioned solicitation/contracts are hereby updated to the current version. This contract also incorporates new mandatory clauses that may not have been in existence at the time of stated solicitation/contracts. The list of new or updated clauses/provisions includes:

FAR 52.209-10 (MAY 2012)  
FAR 52.212-3 (April 2012)  
FAR 52.212-4 (FEB 2012)  
FAR 52.244-2 Subcontracts (OCT 2010)  
DFARS 252.203-7003 (APR 2012)  
DFARS 252.209-7999 (AUG 2012)  
DFARS 252.212-7001 (JUN 2012)  
DFARS 252.225-7001 (JUN 2012); applicable to non-food items only  
DFARS 252.225-7012 (JUN 2012)  
DFARS 252.225-7021 (JUN 2012); applicable to non-food items only  
DFARS 252.232-7003 (JUN 2012)  
DFARS 252.242-7005 (FEB 2012)

**FAR 52.212-5 – CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS – COMMERCIAL ITEMS (AUG 2012)**

(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) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).  
\_\_\_\_ Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104(g)).
- (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) (Pub. L. 108-77, 108-78).

(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. 253g and 10 U.S.C. 2402).
- (2) 52.203-13, Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).
- \_\_\_\_ (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 (Aug 2012) (Pub. L. 109-282) (31 U.S.C. 6101 note).
- \_\_\_\_ (5) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).
- (6) 52.209-6, Protecting the Government' Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Dec 2010) (31 U.S.C. 6101 note).

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

- (7) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (Feb 2012) (41 U.S.C. 2313).
- (8) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (May 2012) (section 738 of Division C of Public Law 112-74, section 740 of Division C of Pub. L. 111-117, section 743 of Division D of Pub. L. 111-8, and section 745 of Division D of Pub. L. 110-161).
- (9) 52.219-3, Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) (15 U.S.C. 657a).
- (10) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer)(15 U.S.C. 657a).
- (11) [Reserved]
- (12) (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).
- (13) (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.
- (14) 52.219-8, Utilization of Small Business Concerns (Jan 2011) (15 U.S.C. 637(d)(2) and (3)).
- (15) (i) 52.219-9, Small Business Subcontracting Plan (Jan 2011) (15 U.S.C. 637(d)(4).)
- (ii) Alternate I (Oct 2001) of 52.219-9.
- (iii) Alternate II (Oct 2001) of 52.219-9.
- (iv) Alternate III (July 2010) of 52.219-9.
- (16) 52.219-13, Notice of Set-Aside of Orders (Nov 2011) (15 U.S.C. 644(r)).
- (17) 52.219-14, Limitations on Subcontracting (Nov 2011) (15 U.S.C. 637(a)(14)).
- (18) 52.219-16, Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- (19) (i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Oct 2008) (10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- (ii) Alternate I (June 2003) of 52.219-23.
- (20) 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Dec 2010) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- (21) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- (22) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011) (15 U.S.C. 657f).
- (23) 52.219-28, Post Award Small Business Program Rerepresentation (Apr 2012) (15 U.S.C. 632(a)(2)).
- (24) 52.219-29, Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Apr 2012) (15 U.S.C. 637(m)).
- (25) 52.219-30, Notice of Set-Aside for Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Apr 2012) (15 U.S.C. 637(m)).
- (26) 52.222-3, Convict Labor (June 2003) (E.O. 11755).
- (27) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Mar 2012) (E.O. 13126).
- (28) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

- \_\_\_ (29) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).
- \_\_\_ (30) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).
- \_\_\_ (31) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).
- \_\_\_ (32) 52.222-37, Employment Reports on Veterans (Sep 2010) (38 U.S.C. 4212).
- \_\_\_ (33) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
- \_\_\_ (34) 52.222-54, Employment Eligibility Verification (Jul 2012). (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) 52.223-15, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42 U.S.C. 8259b).
- \_\_\_ (37) (i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007) (E.O. 13423).
- \_\_\_ (ii) Alternate I (Dec 2007) of 52.223-16.
- \_X\_ (38) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging while Driving (Aug 2011).
- \_\_\_ (39) 52.225-1, Buy American Act--Supplies (Feb 2009) (41 U.S.C. 10a-10d).
- \_\_\_ (40) (i) 52.225-3, Buy American Act--Free Trade Agreements--Israeli Trade Act (May 2012) (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, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, and 112-42).
- \_\_\_ (ii) Alternate I (Mar 2012) of 52.225-3.
- \_\_\_ (iii) Alternate II (Mar 2012) of 52.225-3.
- \_\_\_ (iv) Alternate III (Mar 2012) of 52.225-3.
- \_\_\_ (41) 52.225-5, Trade Agreements (May 2012) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- \_X\_ (42) 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).
- \_\_\_ (43) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).
- \_\_\_ (44) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).
- \_\_\_ (45) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- \_\_\_ (46) 52.232-30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- \_X\_ (47) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (Oct. 2003) (31 U.S.C. 3332).
- \_\_\_ (48) 52.232-34, Payment by Electronic Funds Transfer—Other Than Central Contractor Registration (May 1999) (31 U.S.C. 3332).
- \_\_\_ (49) 52.232-36, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).
- \_\_\_ (50) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).
- \_\_\_ (51) (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.

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

(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 items:

\_\_\_ (1) 52.222-41, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, *et seq.*).

\_\_\_ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 1989) (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) (Sep 2009) (29 U.S.C.206 and 41 U.S.C. 351, *et seq.*).

\_\_\_ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act -- Price Adjustment (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).

\_\_\_ (5) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*).

\_\_\_ (6) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*).

\_\_\_ (7) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247).

\_\_\_ (8) 52.237-11, Accepting and Dispensing of \$1 Coin (Sep 2008) (31 U.S.C. 5112(p)(1)).

(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) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

(ii) 52.219-8, Utilization of Small Business Concerns (Dec 2010) (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) [Reserved]

(iv) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

(vii) 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.

(viii) 52.222-41, Service Contract Act of 1965, (Nov 2007), (41 U.S.C. 351, *et seq.*)

(ix) 52.222-50, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104(g)).

\_\_\_\_ Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(x) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*)

(xi) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*)

(xii) 52.222-54, Employment Eligibility Verification (Jul 2012).

(xiii) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xiv) 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.

**DFARS 252.209-7998 - Representation Regarding Conviction of a Felony Criminal Violation under any Federal or State Law.**

See Class Deviation 2012-O0007, Prohibition Against Contracting with Corporations that Have a Felony Conviction, dated March 9, 2012. Contracting officers shall include the provision at 252.209-7998 in all solicitations that will use funds made available by Division H of the Consolidated Appropriations Act, 2012, including solicitations for acquisition of commercial items under FAR part 12, and shall apply the restrictions included in the deviation. This deviation is effective beginning March 9, 2012, and remains in effect until incorporated in the FAR or DFARS or otherwise rescinded.

**DFARS 252.209-7999 - Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under any Federal Law.**

See Class Deviation 2012-O0004, Prohibition Against Contracting With Corporations That Have an Unpaid Delinquent Tax Liability or a Felony Conviction under Federal Law, dated January 23, 2012. Contracting officers shall include this provision in all solicitations that will use funds made available by Division A of the Consolidated Appropriations Act, 2012, including solicitations for acquisition of commercial items under FAR part 12, and shall apply the restrictions included in the deviation. This deviation is effective beginning January 23, 2012, and remains in effect until incorporated in the FAR or DFARS or otherwise rescinded.

**DFARS 252.212-7001 – CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (JUN 2012)**

- (a) The Contractor agrees to comply with the following Federal Acquisition Regulation (FAR) clause which, if checked, is included in this contract by reference to implement a provision of law applicable to acquisitions of commercial items or components.  
  X   52.203-3, Gratuities (APR 1984) (10 U.S.C. 2207).
- (b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses 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)   X   [252.203-7000](#), Requirements Relating to Compensation of Former DoD Officials (SEP 2011) (Section 847 of Pub. L. 110-181).
  - (2)   X   [252.203-7003](#), Agency Office of the Inspector General (APR 2012)(section 6101 of Pub. L. 110-252, 41 U.S.C. 3509).
  - (3)   X   [252.205-7000](#), Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).
  - (4)   X   [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts) (JUN 2012) (15 U.S.C. 637).
  - (5)        [252.219-7004](#), Small Business Subcontracting Plan (Test Program) (JAN 2011) (15 U.S.C. 637 note).
  - (6)(i)        [252.225-7001](#), Buy American and Balance of Payments Program (JUN 2012) (41 U.S.C. chapter 83, E.O. 10582).
  - (ii)        Alternate I (OCT 2011) of [252.225-7001](#).
  - (7)        [252.225-7008](#), Restriction on Acquisition of Specialty Metals (JUL 2009)(10 U.S.C. 2533b).
  - (8)        [252.225-7009](#), Restriction on Acquisition of Certain Articles Containing Specialty Metals (JUN 2012) (10 U.S.C. 2533b).
  - (9)   X   [252.225-7012](#), Preference for Certain Domestic Commodities (JUN 2012) (10 U.S.C. 2533a).
  - (10)        [252.225-7015](#), Restriction on Acquisition of Hand or Measuring Tools (JUN 2005) (10 U.S.C. 2533a).
  - (11)        [252.225-7016](#), Restriction on Acquisition of Ball and Roller Bearings (JUN 2011) (Section 8065 of Pub. L. 107-117 and the same restriction in subsequent DoD appropriations acts).
  - (12)        [252.225-7017](#), Photovoltaic Devices (JUN 2012) (Section 846 of Pub. L. 111-383).
  - (13)(i)   X   [252.225-7021](#), Trade Agreements (JUN 2012) (19 U.S.C. 2501-2518 and 19 U.S.C. 3301 note).
  - (ii)        Alternate I (OCT 2011) of [252.225-7021](#).
  - (iii)        Alternate II (OCT 2011) of [252.225-7021](#).
  - (14)        [252.225-7027](#), Restriction on Contingent Fees for Foreign Military Sales (APR 2003) (22 U.S.C. 2779).
  - (15)        [252.225-7028](#), Exclusionary Policies and Practices of Foreign Governments (APR 2003) (22 U.S.C. 2755).
  - (16)(i)        [252.225-7036](#), Buy American—Free Trade Agreements— Balance of Payments Program (JUN 2012) (41 U.S.C. chapter 83 and 19 U.S.C. 3301 note).
  - (ii)        Alternate I (JUN 2012) of [252.225-7036](#).
  - (iii)        Alternate II (JUN 2012) of [252.225-7036](#).
  - (iv)        Alternate III (JUN 2012) of [252.225-7036](#).
  - (v)        Alternate IV (JUN 2012) of [252.225-7036](#).

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

- (vi) \_\_\_ Alternate V (JUN 2012) of [252.225-7036](#).
  - (17) \_\_\_ [252.225-7038](#), Restriction on Acquisition of Air Circuit Breakers (JUN 2005) (10 U.S.C. 2534(a)(3)).
  - (18) \_\_\_ [252.225-7039](#), Contractors Performing Private Security Functions (JUN 2012) (Section 862 of Pub. L. 110-181, as amended by section 853 of Pub. L. 110-417 and sections 831 and 832 of Pub. L. 111-383).
  - (19) \_\_\_ [252.226-7001](#), Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (SEP 2004) (Section 8021 of Pub. L. 107-248 and similar sections in subsequent DoD appropriations acts).
  - (20) \_\_\_ [252.227-7013](#), Rights in Technical Data—Noncommercial Items (FEB 2012), if applicable (see [227.7103-6\(a\)](#)).
  - (21) \_\_\_ [252.227-7015](#), Technical Data—Commercial Items (DEC 2011) (10 U.S.C. 2320).
  - (22) \_\_\_ [252.227-7037](#), Validation of Restrictive Markings on Technical Data (JUN 2012), if applicable (see [227.7102-4\(c\)](#)).
  - (23)  [252.232-7003](#), Electronic Submission of Payment Requests and Receiving Reports (MAR 2008) (10 U.S.C. 2227).
  - (24)  [252.237-7010](#), Prohibition on Interrogation of Detainees by Contractor Personnel (NOV 2010) (Section 1038 of Pub. L. 111-84)
  - (25)  [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees (SEP 2006) (Section 1092 of Pub. L. 108-375).
  - (26)  [252.243-7002](#), Requests for Equitable Adjustment (MAR 1998) (10 U.S.C. 2410).
  - (27) \_\_\_ [252.246-7004](#), Safety of Facilities, Infrastructure, and Equipment For Military Operations (OCT 2010) (Section 807 of Pub. L. 111-84).
  - (28) \_\_\_ [252.247-7003](#), Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (SEP 2010) (Section 884 of Pub. L. 110-417).
  - (29)(i)  [252.247-7023](#), Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).
  - (ii)  Alternate I (MAR 2000) of [252.247-7023](#).
  - (iii) \_\_\_ Alternate II (MAR 2000) of [252.247-7023](#).
  - (iv) \_\_\_ Alternate III (MAY 2002) of [252.247-7023](#).
  - (30) \_\_\_ [252.247-7024](#), Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).
  - (31) \_\_\_ [252.247-7027](#), Riding Gang Member Requirements (OCT 2011) (Section 3504 of Pub. L. 110-417).
- (c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items clause of this contract (FAR 52.212-5), 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) [252.225-7039](#), Contractors Performing Private Security Functions (JUN 2012) (Section 862 of Pub. L. 110-181, as amended by section 853 of Pub. L. 110-417 and sections 831 and 832 of Pub. L. 111-383).
  - (2) [252.227-7013](#), Rights in Technical Data—Noncommercial Items (FEB 2012), if applicable (see [227.7103-6\(a\)](#)).
  - (3) [252.227-7015](#), Technical Data—Commercial Items (DEC 2011), if applicable (see [227.7102-4\(a\)](#)).
  - (4) [252.227-7037](#), Validation of Restrictive Markings on Technical Data (JUN 2012), if applicable (see [227.7102-4\(c\)](#)).
  - (5) [252.237-7010](#), Prohibition on Interrogation of Detainees by Contractor Personnel (NOV 2010) (Section 1038 of Pub. L. 111-84).

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

- (6) [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees (SEP 2006) (Section 1092 of Pub. L. 108-375).  
 (7) [252.247-7003](#), Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (SEP 2010) (Section 884 of Pub. L. 110-417).  
 (8) [252.247-7023](#), Transportation of Supplies by Sea (MAY 2002) (10 U.S.C 2631).  
 (9) [252.247-7024](#), Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

All of BMMI's Distribution Fees remain unchanged from those agreed upon in contract SPM300-12-D-3550 and are listed below:

<b>Cat No</b>	<b>Category Description</b>	<b>Unit</b>	<b>Dist Fee</b>	
1	Beef pre-cut steaks (raw), Raw veal & Lamb, Fajitas, Prime Rib	LB		
2	Cooked and processed: meats, poultry, pork and lamb i.e , Roast Beef, Salami, Pastrami, Beef tenderloin (raw)	LB		
3	Cooked Ham and Turkey breast, Breaded formed and pre portioned steaks, cooked chicken wings, cooked patties and burgers, Canadian Bacon, Diced Chicken and Turkey, Pre cooked sausages and Pre cooked Bacon	LB		
4	Ham (raw), Diced Pork, Raw un-breaded chopped and formed beef and veal steak, Pork Chops, Beef Short Ribs (raw), Turkey bacon, Meat Loaf (pre cooked), Sausage links, Duck, Cornish Hen, Raw breaded chicken, Chicken Breast	LB		
5	Raw chicken (whole and 8pc RTC), Chicken ¼'s, Ground: Beef, Chicken and Turkey, Beef Patties, Whole Turkey, Hot Dogs, Luncheon meats, Pork Spare Ribs (raw)	LB		
6	Lobster whole and tails, Scallops, Oysters, Alaskan King Crab legs, Cooked Fish & Seafood	LB		
7	Premium Fish raw (whole & portioned) i.e. Cod, Haddock, Sole, Catfish, Trout, Salmon, Halibut, Breaded Fish and Seafood, Crab meat imitation, Shrimps Raw	LB		
8	Standard Fish raw (whole & portioned) i.e. Pollock, Whiting	LB		
9	French Fries (standard), Frozen Vegetables (standard), Hash Browns	LB		
10	Frozen Fruits, Onion Rings, premium potato and vegetable products	LB		
11	Canned Fruits & Vegetables, Tomato paste, Catsup, Diced Tomato #10 Can	CS		
12	Canned Fruits & Vegetables, Tomato paste, Catsup, barbecue sauce, Diced Tomato other than #10 Can	EA		
13	Cold Cereals (individual pack), pop tarts	CS		
14	Prepared Meals and Entrees, Frozen Appetizers, Multi serve meals	CS		
15	Pasta, Rice	LB		
16	Premium snack foods (individual serve) i.e. granola bars, cookies, candies, pastries, beef jerky, trail mix,	EA		

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

<b>Cat No</b>	<b>Category Description</b>	<b>Unit</b>	<b>Dist Fee</b>	
	banana chips, cereal bars, energy bars			
17	Potato Chips (1.5 oz), Cookies Individual Serve	EA		
18	Soups, Bouillons, Gravy base and mixes (Dry only)	EA		
19	American Cheese Slices	LB		
20	Bulk Cheese, Cheese shredded & diced, Dairy other than cheese	LB		
21	Bakery products chilled and frozen, Cookie Dough	CS		
22	Pie fillings #10 Can. Bulk Dressings, Sauces, Toppings, Syrup, Jams & Jellies	EA		
23	Bulk Sugar, Flour	LB		
24	Spices & Food colorings	EA		
25	Dressings, Sauces, Toppings, Syrup, Jams & Jellies – Table Top	CS		
26	Shortenings & Oils (i.e. cooking oil, salad oil, olive oil etc)	GAL		
27	Shortenings & Oils i.e. semi-solid cooking oil, margarine, Butter	LB		
28	Beverages individual serve	EA		
29	Beverage Bases & Concentrates (liquid) to include bag in box and dispenser products	GAL		
30	Beverage Bases & Concentrates (dry) packages	EA		
31	Coffee products	CS		
		EA		
		GAL		
32	Eggs - fresh (Local Market Ready Product Only)	DZ		
33	Eggs - frozen	LB		
34	Individual Serve Condiments I.e. salad dressing, catsup, creamer, butter cups, cream cheese cups, coffee creamer etc.	CS		
35	Ice cream individual serve	EA		
36	Ice cream tubs (multi serve)	GAL		
37	Other Refrigerated food products not covered above	LB		
38	Other Non-refrigerated food products not covered above	CS		
39	Non Food Q-Cog	CS		
40	Other non food products excluding FSOS	CS		
41	FSOS (Chemicals, disposables & paper products) – Issued by CS	CS		
42	FSOS – Issued by each	EA		
43	Prime Vendor Catalogued items which are Not In stock (NIS) which are furnished to Prime Vendors as GFM Material for distribution	CS		
44	GFM – UGR- H&S Group Rations	CS		

SPM300-12-D-3611  
Bahrain Maritime and Merchantile INTL  
SF 1449 Continuation Sheet Block #20

<b>Cat No</b>	<b>Category Description</b>	<b>Unit</b>	<b>Dist Fee</b>	
45	GFM – UGR –A Semi-perishable Group Rations (number of cases per unit of issue = 2)	CS		
46	GFM – UGR –A Perishable Group Rations	CS		
47	GFM – Individual Feeding Rations	CS		
48	Prime Vendor FF&V	LB		
49	Dairy - Chilled (Local Market Ready Product Only)	CS		
50	Prime Vendor Fresh Bakery	LB		
51	Transfer of Frozen goods from Bahrain to Qatar	45' Trailer		
52	Transfer of Ambient Goods from Bahrain to Qatar	45' Trailer		
53	Dry Per Case Storage Fee / Per Day Storage Fee	CS		
54	Chill/Freeze Per Case Storage / Per Day Storage Fee	CS		
55	Frozen Breads, Buns, Loafs, Prepared Sandwiches & Wraps, Enchiladas and Burritos	CS		
			<b>Bahrain Dist Fee</b>	<b>Qatar Dist Fee</b>
56	Dry Pallet Tri-Walls	EA		
57	Chilled Pallet Tri-Walls (Includes 200 lbs of wet ice)	EA		
58	Frozen Pallet Tri-Walls (includes 132 lbs of wet ice)	EA		
59	Dry Ice Per Pound	LB		

All other terms and conditions from that contract, its underlying solicitation, and follow-on bridge contracts as provided above remain the same and are only changed when conflicting to the terms and conditions contained within this document. The maximum dollar value is \$25,000,000.00.