

Architect/Engineer Statement of Work

636-18-306
Construct Omaha Elevators 11 & 12



PROJECT SCOPE:

- 1.1. Project Description: The Purpose of this project is to develop construction plans that will be used to construct elevator 11 & 12 in the VA-Nebraska Western Iowa Health Care System- Omaha main hospital building in an existing elevator shaft.
 - 1.1.1. This project will include identifying all building systems in the existing shaft, developing construction plans to remove decking and office space currently in the shaft. Developing construction plans to install two elevator cars and systems, development of specifications, and cost estimate for construction.
 - 1.1.2. Major elements of work include: site survey, construction documents, and utility coordination.
 - 1.1.3. The A/E will systematically look in all areas, including above ceiling spaces, and other inaccessible areas using various means. The A/E will repair all disturbed areas to the original condition
 - 1.1.4. The A/E shall coordinate site surveys with the Contracting Officer Representative (COR).
 - 1.1.5. It is anticipated that most or all investigative work will be conducted during normal business hours (8:00 AM to 4:30 PM). Work outside of normal business hours may be required.
- 1.2. Location of Project: Omaha VAMC
- 1.3. SIZE SQ FT OF NEW/RENO: N/A
- 1.4. Estimated magnitude of construction is between two and five million
- 1.5. A/E shall complete A/E Design Services (BASE BID) NLT 180 days after award

2. REQUIRED DESIGN AND CONSTRUCTION PERIOD SERVICES:

- 2.1. Provide A/E Design Services (BASE BID) for the preparation of Design Documents, Cost Estimates, and Construction Documents.
 - 2.1.1. KICK-OFF MEETING: The A/E will schedule a kick-off meeting within 10 working days from notice of award. The A/E will review this statement of work with the COR to validate the Project scope detailed in this document, including the ECCA.
 - 2.1.2. SCHEMATIC DESIGN: The Schematic Design Phase is the stage in which the general scope, conceptual design, and the scale and relationship of components of the Project are established. The design is considered to be 20% complete at this stage.
 - 2.1.3. DESIGN DEVELOPMENT: The Design Development Phase is the stage in which the size and character of the Project are further refined and described, including architectural, interior design, structural, mechanical, electrical and plumbing systems, materials, and such other elements as may be appropriate. The design is considered to be 35% complete at this stage.
 - 2.1.4. CONSTRUCTION DOCUMENTS: The Contract Documents Phase is the stage in which the requirements for the Work are set forth in detail and complete Contract Documents are produced. Reviews are conducted at 60%, 95% and 100% complete at this stage.
- 2.2. Provide Construction Period Services (OPTION 1)

- 2.2.1. BIDDING/NEGOTIATIONS PHASE: The Bidding or Negotiation Phase is the stage in which bids or negotiated proposals are solicited and obtained and in which contracts are awarded.
- A/E to answer technical questions concerning interpretation of construction drawings.
 - A/E will provide additional clarification or corrections, during the bidding and construction phases, when contract documents do not adequately or correctly specify construction contractor requirements.
- 2.2.2. CONSTRUCTION PERIOD SERVICES: The A/E will provide additional clarification or correction when contract documents do not adequately or incorrectly specify construction contractor requirements. All specified construction submittals will be reviewed and approved by the A/E.
- Processing of submittals, including receipt, review of, and appropriate action on Shop Drawings, Product Data, Samples, and other submittals required by the Contract Documents.
 - Distribution of submittals to Government, Contractor and/or Architect's field representative as required.
 - Maintenance of master file of submittals.
 - Related communications.
- 2.2.3. QUOTATION REQUESTS/CHANGE ORDERS when resulting from unforeseen site conditions; design omissions or design errors. Change order support resulting from VA requested changes will be negotiated on a per change basis. Service consisting of:
- Preparation, reproduction, and distribution of Drawings and Specifications to describe Work to be added, deleted, or modified.
 - Review of proposals from Contractor(s) for reasonableness of quantities and costs of labor and materials. Provide, if necessary, an independent breakdown of costs in detail with quantities and unit prices and shall cover both additions and deductions of labor, materials, and equipment.
 - Review and recommendations relative to changes in time for Substantial Completion.
 - Coordination of communications, approvals, notifications, and record keeping relative to changes in the Work.
- 2.2.4. SITE VISITS AND INSPECTIONS: Provide Structural, Mechanical, and Electrical inspections by qualified engineers familiar with the project.
- At the completion of the demolition phase of the project the A/E and all project consultants will meet on site with the General Contractor and all subcontractors to review exposed structure and systems and how existing site conditions conform to the contract documents.
 - Mechanical Engineers to inspect all HVAC upon completion.
 - Electrical Engineers to inspect all electrical distribution equipment including main and emergency panels upon completion.

- Structural Engineers to inspect all footings, reinforcing steel and all modified building structure upon completion.
- Architect to inspect project at 50% overall completion and to assist VA COR in preliminary punch list.
- Provide two (2) additional site visits for architectural, structural, mechanical, and electrical engineers to be scheduled by the COR as required.

2.2.5. POST CONTRACT SERVICES:

- Making arrangements for obtaining from Contractor information in the form of marked up prints, drawings, and other data certified by them on changes made during performance of the Work.
- Review of general accuracy of information submitted and certified by the Contractor.
- Preparation of record drawings based on certified information furnished by the Contractor.
- Transmittal of record drawings and general data, appropriately identified, to the Government.
- Incorporate the project record drawing into the most current AutoCAD Architecture based floor plan maintained by the VA. Transfer all new construction layers into the VA's existing drawing layers structure. Drawings shall have all components needed to open as a standalone drawing without referenced files. Upon completion, provide the updated drawing to the VA's project manager in the same file type and version used within the VA. (currently AutoCAD Architect 2010)

2.3. SUPPLEMENTAL SERVICES

2.3.1. Independent Fire Protection Review The A/E shall solicit the services of a /independent third party/ qualified fire protection engineering consultant during design in order to ensure the project as designed by the A/E complies with the National Fire Codes (NFC) published by the National Fire Protection Association (NFPA).

3. REQUIRED GENERAL TECHNICAL SERVICES:

- 3.1. Applicable Standards, Manuals, and Directives: Design shall be in accordance with the most current VA Design Manuals and Master Construction Specifications located in the Technical Information Library (TIL) on the Office of Construction & Facilities Management (CFM) website, www.cfm.va.gov/TIL. Additionally, the A/E shall comply with all applicable VA or VHA directives, manuals, handbooks and alerts and ensure design submissions follow applicable requirements of VA Program Guide PG-18-15, Volume C, A/E Submission Instructions for Minor and NRM Construction.
- 3.2. Public Laws and Executive Orders: The A/E will also follow all applicable Federal, State and Local codes including but not limited to:

- Energy Policy Act 2005
 - Energy Independence and Security Act 2007
 - Executive Orders 13514 and 13423
 - All State and Local Jurisdictions enforcing Federal Law
- 3.3. Project Meeting Management: The A/E shall take minutes of all design meetings. The format must be acceptable to the Contracting Officer (KO). Minutes must include the meeting date and time; agenda; meeting location; list of participants with their affiliations, and telephone numbers; be fully descriptive of issues, problems and decisions made; and action items with names of responsible parties and deadlines. In addition, the minutes must include, as attachments, all exhibits and references distributed as handout materials, unless the materials are part of a formal submission. The A/E shall provide, via email transmission, complete copies of all minutes to KO and all attendees within 48 hours of the next meeting. All challenges to the minutes will be reflected in a revised version prepared by the A/E. Copies of updated minutes shall be distributed to the KO and all attendees within 24 hours after change notice.
- 3.4. Site investigation: The Engineer shall perform all field work necessary to determine the existing conditions at the site of the work. The Engineer shall be responsible for verifying the accuracy of drawings furnished by the Government. The A/E shall not use as-built information as the sole method for design calculations without verifying actual capacities through recent HVAC balancing reports, hydronic reports, etc. In the absence of such reports the A/E will perform those tests to determine actual capacities. The A/E will also engage Engineering Maintenance and Operation Staff in predesign and design activities. The A/E will promptly report any discrepancies to the COR for clarification.
- 3.5. Design Analysis: The analysis shall address the presence or absence of asbestos or lead based paint. The reasons for selection or non-selection of the type of building systems equipment should be included. Capacity and condition of existing HVAC, electrical, hydronic, and plumbing systems must be addressed. The design analysis will also include an assessment of the energy efficiency of the existing and/or new utility systems. Design analysis shall be submitted with all preliminary and final phases of design. The design analysis shall support the design recommendations pertaining to the selection or non-selection of major technical sections of the work such as structural, architectural, heating, plumbing, electrical and mechanical systems which requires the calculation of size and strength, or the rendering of engineering decisions. This analysis will be on 8 ½ x 11-inch paper capable of reproduction and will have a standard heading to indicate the project, the type of type of computation, the name and date of the designer and the checker. A one-inch binding margin is to be provided on the left side of the page. The analysis will be cumulative and include, but not be limited to, the following:
- Short descriptions of the work involved.
 - The designer's assumptions for the design.
 - The standard works or references used on computations as they occur.
 - The equations, tables or curves used or developed, with references cited where they are taken from non-standard sources.
 - The actual computations in all the detail necessary to establish the design.

- Suitable free-hand sketches to illustrate the designer's intent such as steel sizing arrangement, pipe arrangement, beam layout, etc.
 - Size selection of equipment where computations are not involved; this may consist, for example, of a single statement to use a 60 HP Westinghouse piston compressor model XYZ. Where necessary, a few statements to show the basis for the selection are to be included. All calculations and sources of information shall be shown in an orderly and logical manner to permit review and final checking.
 - Provide edited catalog cuts for the equipment specified.
 - The following statement will be in each design analysis: "This design has been reviewed from a value engineering standpoint and has been planned to achieve the required function at the lowest overall cost, not merely the lowest initial cost."
 - Economic Analysis: The A/E will make a comparative cost analysis of all considered sources of utilities, major items of equipment, building components, materials, and methods of construction siting. The analysis will include cost of operation and maintenance over the expected life of the facility.
- 3.6. Drawings, Specifications and Reports:
- See PG 18-15 for drawing level detail requirements.
 - All drawings will have Title Blocks with Project Title, Sheet Name, Current Date, and Submittal Name or Percent (%) Progress Set.
 - All drawings, specification and reports will be bound. All specifications and reports will be double sided.
 - Drawings shall be provided in AutoCAD Format, PDF format and hard copy. All AutoCAD drawings will be complete files without use of x-references.
 - Specifications will be provided in MS Word, PDF and hard copy format. All individual specification divisions shall be compiled into a single MS Word file.
 - All drawings and reports will be marked "Handled as Sensitive Information".
 - Specifications will not include any references to FAR clauses in the final copy.
- 3.7. Marked-Up Comments: The Engineer shall provide a copy of the marked-up comments with each subsequent submittal. The Engineer shall insure that the copy of marked-up comments reflects changes that were ACTUALLY MADE. The A/E will provide a tabular report that summarizes the changes made and is organized by drawings, specification or cost estimate. Annotations shall include specific references where applicable.
- 3.8. Project Budget Management: The A/E shall make every effort to design the project within the budget established. The A/E shall immediately inform the KO if the project is expected to exceed the proposed ECCA. If the estimated costs exceed the approved ECCA, the A/E shall determine sufficient alternatives to the construction costs to reduce the costs below the ECCA or the ECCA must be validated and any changes to it approved by the Contracting Officer no later than the 35% Design Development Submittal.
- 3.9. Cost Estimates: The Engineer's cost estimates shall be based on labor and material prices prevailing in the project's locality. Cost estimate shall be descriptive, detailed, and include all operations of work required including quantities and unit costs. Additionally, the construction

cost estimate shall include Government Furnished Equipment (GFE) and contractor furnished equipment when applicable. The Engineer cost estimate shall summarize all cost by material, labor, other direct costs, overhead, profit, and bonding costs.

- All cost estimates will be marked "For Official Use Only"
- Cost estimates shall be prepared using CSI Master Format. Summary Estimates will also be provided using Attachment One.
- The A/E shall provide a recommended construction performance period as part of this estimate. Overhead and other direct costs will be clearly linked to the recommended performance period.

- 3.10. Energy Analysis: In order to meet the objectives of the 1999 Presidential Executive Order 13123, Greening the Government Through Efficient Energy Management, and as amended by the Energy Policy Act of 2005, the A/E shall maximize the efficiency of HVAC and other energy consumption systems and equipment by accomplishing a life-cycle analysis of each such applicable system. The life-cycle analysis leading to major design decisions shall be documented as part of the Design Analysis submittal.
- 3.11. Structural Interior Design (SID): Required whenever interior finishes are involved. SID must be submitted to include interior and exterior finish color binders with actual samples of proposed finishes required in the design of the project. Color boards are required at various submittal phases as noted in the submittal section of this document. Final SID must be submitted on standard 8 1/2;" X 11", 3 ring binders. Include the color schedule or the Room Finish Schedule and Finish Schedule from the drawings. Coordinate the SID binder with the VA Interior Designers.
- 3.12. Comprehensive Interior Design (CID): The CID submittal is used for procurement of furnishings for new or renovated facilities. The design submittal requirement will include, but not limited to the following: Narrative of Interior Design Objectives, Points of Contact List, Itemized Furnishings Cost Estimate, Best Value Determination, Item Code Legend, Item Installation List, Furnishings Order Forms, Furnishings Illustration Materials List, and Furniture Plans.
- 3.13. Picture taking (if req'd): If the A/E desires to take photographs of existing facilities, written requests must be submitted to the Contracting Officer Representative for approval no later than seven days before the requested date to take the pictures. No use without VA approval is permitted.
- 3.14. Phasing: Construction work will be in occupied Medical Centers and every effort will be made to interface construction with Medical Center operations. To minimize impact this means the preparation of detailed phasing plans including associated moves. Phasing plans will show exact areas of work along with specific outage times, Infection Control Risk Assessment (ICRA) mitigation measures (including dust, noise, and debris control), Interim Life Safety Measures (ILSM) which provide for specific measures to mitigate any reduction in fire protection features (i.e. exits out of service, fire sprinkler removal, etc.). Utility outages will be carefully planned and included in the contract in order to allow all OSHA required safety measures to be maintained while continuing Medical Center operations (i.e. outages must provide means to shut off and lock out/tag out equipment while still allowing for Medical Center to continue

operations). Project must meet all legal requirements and executive orders including EPAC 2005, EISA 2007, EO 13514, and EO13423 all dealing with environmental, energy, and water as specifically applied to Federal Buildings. This requires up front analysis and planning.

- 3.15. Liquidated Damages will be discussed with the COR and Project Design Team and, if validated and approved, included in the contract documents.
- 3.16. Pre-Construction Risk Assessment (PRCA) Requirements. A PRCA meeting will be held after the Design Development Submittal and all measures will be included in the Contract Documents. Dust partition walls will be shown on drawings.
- 3.17. Contractor work hours will be discussed with the COR and Project Design Team to determine operational limitations placed on the project. Contract documents, cost estimates and projects schedules will reflect limitations placed on contractor work hours.
- 3.18. Sustainable Principles. The Engineer shall incorporate green building and sustainable design practices and elements into project designs to the greatest extent practicable. Project designs shall meet the guiding principles and all energy/water/environmental requirements established by EPACT 2005, EISA 2007, EO 13514, and EO 13423.
- 3.19. Environmental Permitting. The Engineer is required to evaluate the need and identify all environmental permits for construction. The following are examples of environmental permits; the requirement is not limited to these: If work is within 50 ft of the tributary boundary that runs along the installation boundary, a GP-3 permit must be obtained. If any new air emissions source, the requirement for an air permit must be evaluated and obtained when necessary. For any "like-like replacement" project with an existing emissions source (e.g., boilers, chiller units, etc.) the VISN 19 state-specific requirement (i.e., Colorado, Wyoming, Montana and Utah) for a Clean Air Act construction permit must be evaluated and obtained (if needed), as well.
- 3.20. Electronic Submittal Program. The A/E will provide and utilize an electronic submittal program for all required submittals. The A/E will work with the electronic submittal exchange system to handle both design and construction submittal reviews.
- 3.21. Large File Transfers. The A/E will utilize the A/E provided electronic submittal program for the transmittal of all non-formal submittal files too big to be sent via email.
- 3.22. Badging. Key project personnel should be badged at the appropriate level for the work they are performing. A/E personnel needing extended periods of site investigation or after-hours work will require Non-PIV badges with physical access.

4. **REQUIRED DESIGN DELIVERABLES:** At each submission, the A/E shall date all material and present the designs on VA standard size drawings that are appropriately labeled, "SCHEMATIC SUBMISSION", "DESIGN DEVELOPMENT SUBMISSION", OR "CONSTRUCTION DOCUMENT SUBMISSION", in large block letters above or beside the VA standard drawing title block. In each submission, the A/E shall incorporate the corrections, adjustments, and changes made by VA at the previous review.

4.1. SCHEMATIC DESIGN [SD-1] SUBMITTAL

- Drawings: Provide and present three (3) concept floor plan layouts or variations on a common plan to the VA COR and project users. VA will provide written comments on

which concept or hybrid of concepts to proceed developing. Clearly delineate each Bid Item's scope and area of involvement.

- Design Analysis: As defined in this document.
- Economic Analysis: As defined in this document.
- Project Budget: Validate Estimated Construction Cost at Award (ECCA).
- Cost Estimate: Provide cost estimate for each concept proposal.
- Distribution: Provide electronic copy of all submittal items.

4.2. DESIGN DEVELOPMENT [DD-1] SUBMITTAL

- Mark-Ups: Report of disposition of marked-up comments or drawings showing corrective action from prior submittal responding to comments.
- Drawings
- Phasing Plan
- Temporary User and Equipment Relocations
- Design Analysis: As defined in this document.
- Specifications: Outline Specifications showing what divisions the project will utilize and the OCFM Technical Information Library (TIL) date of each specification division. Include the version date of all divisions.
- Cost Estimate: Cost Estimate must be within the ECCA validated in the SD-1 submission. Estimate shall be broken down by all elements of work in RS Means format. Estimate shall closely correlate with Specifications and must include all identified bid items.
- Color Boards: Provide 1 proposed finishes schemes for review and selection by COR.
- Provide preliminary Energy Analysis.
- List of potential liquated damages.

4.3. CONSTRUCTION DOCUMENTS [CD-1] SUBMITTAL: This submittal is meant to be an informal review to ensure project is on budget and within scope.

- Mark-Ups: Report of disposition of marked-up comments or drawings showing corrective action from prior submittal responding to comments.
- Drawings
- Include all Pre-Construction Risks Assessment requirements.
- Phasing Plan
- Design Analysis: As defined in this document.
- Specifications: Full Specifications showing all edits.
- Cost Estimate: Provide Unit Price/Quantity Take-Off estimate.
- Include all identified bid options.
- Include any identified alternate deducts.
- List of potential liquidated damages.
- Submit project for Fire Protection Engineer review.

4.4. CONSTRUCTION DOCUMENTS [CD-2] PRE-FINAL SUBMITTAL: This submittal should represent the A/E's completed project contract documents. With the exception of VA comments this submittal should adequately represent the entire scope of the project.

- Mark-Ups: Report of disposition of marked-up comments or drawings showing corrective action from prior submittal responding to comments.
 - Drawings
 - Design Analysis: As defined in this document.
 - Specifications: Full Specifications showing final without markups.
 - Cost Estimate: Provide Unit Price/Quantity Take-Off estimate.
 - Submittal Log Requirements: List of required submittals based on the Specifications.
- 4.5. CONSTRUCTION DOCUMENTS [CD-3] FINAL SUBMITTAL: This submittal will be used for bidding purposes and no additional comments will be made by the VA. If discrepancies arise before bidding the A/E will correct and resubmit new bid documents.
- Mark-Ups: Report of disposition of marked-up comments or drawings showing corrective action from prior submittal responding to comments.
 - Drawings
 - Specifications: Full Specifications showing final without markups.
 - Cost Estimate: Provide Unit Price/Quantity Take-Off estimate.
 - Submittal Log Requirements: List of required submittals based on the specifications.
- 4.6. POST-CONSTRUCTION SUBMITTAL: The Post Contract Phase is the stage in which assistance in the Government's use and occupancy of the Project is provided. The A/E will provide Record Drawings consisting of the following:
- 4.6.1. Record Drawings
- Making arrangements for obtaining from the Contractor information in the form of marked-up prints, drawings, and other data certified by them on changes made during the performance of the work.
 - Review of general accuracy of information submitted and certified by the Contractor.
 - Preparation of record drawings based on certified information furnished by the Contractor.
 - Transmittal of record drawings and general data appropriately identified to the VA.
- 4.6.2. As-Built Drawings/Master Drawings
- Incorporate the project record drawings into the most current AutoCAD Architecture-based floor plan maintained by the VA. Transfer all new construction layers into the VA's existing drawing layers structure. Drawings shall have all components needed to open as a standalone drawing without referenced files. Upon completion provide the updated drawing to the VA's project manager in the same file type and version used within the VA.
- 4.7. REQUIRED COPIES OF MATERIAL: Submittal requirements* are summarized in the following chart:

	SD-1	DD-1	CD-1	CD-2	CD-3
Design Analysis		2 Sets	2 Sets	2 Sets	1 Set

Drawings (half size)	1	1	1	1	1
Specifications	1	1	1	1	1
Cost Estimate	1	1	1	1	1
CID		1		1	
Color Boards		1		1	
Marked-Up Comments	1	1	1	1	1

*All submittals will be provided in electronic version submitted on CD, and Electronic Submittal Exchange program.

5. DESIGN SCHEDULE: The A/E will take responsibility for meeting all design milestones. The A/E will determine dates of all necessary working/progress meetings in order to meet submittals dates and overall project schedule. If the project falls 10% or more behind the awarded milestones, the A/E will provide a corrective action plan to get back on schedule or request a contract modification requesting additional days to the award.

DESIGN MILESTONE	CONTRACT REQUIREMENT	ACTUAL DATE FROM AWARD*
Design Awarded	D Day	
Kick-Off Meeting	D+10	
Schematic Design (SD-1) Submittal	D+40	
Schematic Design (SD-1) Approval	D+50	
Design Development (DD-1) Submittal	D+70	
Design Development (DD-1) Review	D+80	
Contract Document 1 (CD-1) Submittal	D+100	
Contract Document 1 (CD-1) Approval	D+110	
Contract Document 2 (CD-2) Submittal	D+130	
Contract Document 2 (CD-2) Approval	D+140	
Contract Document 3 (CD-3) Submittal	D+170	
Contract Document 3 (CD-3) Approval	D+180	

*Actual dates will be filled out at kick-off meeting and become part of the delivery order

6. GOVERNMENT DESIGN CRITERIA: Design will conform to VA Design Guides and other VA design guidance provided by the COR. VA Design guides can be found at <http://www.cfm.va.gov/til/index.asp>. GOVERNMENT PROVIDED MATERIALS
 - 6.1. Division 01 00 00 General Condition and 01 35 26 Construction Safety Requirements will be provided by the government prior to CD-II. A/E will incorporate these divisions into the CD-II Pre-Final Submittal.
 - 6.2. Asbestos Report
 - 6.3. VA or VHA Directives, Manuals or Handbooks

The C&A requirements do not apply and a Security Accreditation Package is not required.

ATTACHMENT ONE

IGE Breakdown Sheet		
Project Title:		
Project #:		
Division #	Division	Price
0	General Conditions	
1	General Requirements	
2	Existing Conditions/Site Work	
3	Concrete	
4	Masonry	
5	Metals	
6	Wood, Plastics & Composites	
7	Thermal and Moisture Protection/Roofing	
8	Openings	
9	Finishes	
10	Specialties	
11	Equipment	
12	Furnishings	
13	Special Construction	
14	Conveying Equipment	
21	Fire Suppression	
22	Plumbing	
23	Heating, Ventilating, & Air Conditioning	
26	Electrical	
27	Communications	
28	Electronic Safety & Security	
31	Earthwork	
32	Exterior Improvements	
	Misc	
Divisions Subtotal		
Profit and OH		
Total		

Records Management Language for Contracts Required

The following standard items relate to records generated in executing the contract and should be included in a typical Electronic Information Systems (EIS) procurement contract:

1. Citations to pertinent laws, codes and regulations such as 44 U.S.C chapters 21, 29, 31 and 33; Freedom of Information Act (5 U.S.C. 552); Privacy Act (5 U.S.C. 552a); 36 CFR Part 1222 and Part 1228.
2. Contractor shall treat all deliverables under the contract as the property of the U.S. Government for which the Government Agency shall have unlimited rights to use, dispose of, or disclose such data contained therein as it determines to be in the public interest.
3. Contractor shall not create or maintain any records that are not specifically tied to or authorized by the contract using Government IT equipment and/or Government records.
4. Contractor shall not retain, use, sell, or disseminate copies of any deliverable that contains information covered by the Privacy Act of 1974 or that which is generally protected by the Freedom of Information Act.
5. Contractor shall not create or maintain any records containing any Government Agency records that are not specifically tied to or authorized by the contract.
6. The Government Agency owns the rights to all data/records produced as part of this contract.
7. The Government Agency owns the rights to all electronic information (electronic data, electronic information systems, electronic databases, etc.) and all supporting documentation created as part of this contract. Contractor must deliver sufficient technical documentation with all data deliverables to permit the agency to use the data.
8. Contractor agrees to comply with Federal and Agency records management policies, including those policies associated with the safeguarding of records covered by the Privacy Act of 1974. These policies include the preservation of all records created or received regardless of format [paper, electronic, etc.] or mode of transmission [e-mail, fax, etc.] or state of completion [draft, final, etc.].
9. No disposition of documents will be allowed without the prior written consent of the Contracting Officer. The Agency and its contractors are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Willful and unlawful destruction, damage or alienation of Federal records is subject to the fines and penalties imposed by 18 U.S.C. 2701. Records may not be removed from the legal

custody of the Agency or destroyed without regard to the provisions of the agency records schedules.

10. Contractor is required to obtain the Contracting Officer's approval prior to engaging in any contractual relationship (sub-contractor) in support of this contract requiring the disclosure of information, documentary material and/or records generated under, or relating to, this contract. The Contractor (and any sub-contractor) is required to abide by Government and Agency guidance for protecting sensitive and proprietary information.