

BONNEVILLE PURCHASING INSTRUCTIONS TRANSMITTAL SHEET AND INSTRUCTIONS

TRANSMITTAL 24-1

Date: April 26, 2024

Issued by Purchasing/Property Governance – CP-7

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Head of the Contracting Activity

SUBJECT: Bonneville Purchasing Instruction (BPI) 24-1

Policy content has been added, modified, or deleted and administrative corrections made. In addition, interim policies 22-2, 22-3, 23-1 and 23-2 are fully incorporated. The substantive changes are identified in the table below.

All changes in this update are effective April 30, 2024, unless identified otherwise.

An online copy of the Bonneville Purchasing Instructions (BPI) is available at [Bonneville Purchasing Instructions - Bonneville Power Administration \(bpa.gov\)](https://www.bpa.gov). The online BPI is a conformed copy with all changes included as of the current date and is effective until superseded.

SUMMARY OF CHANGES:

Title	Reference	Change	Clauses/Provisions
CO Responsibility	1.8.2	Modified language, reaffirming the CO is responsible for signing official contract documentation.	<u>Modified:</u> Clause 1–1 Applicable Regulations
Definitions	2	Added and modified definitions.	NA
Contract Files	4.4.1 (d)	Added requirement, contract files shall adhere to BPA agency policy 236-1.	<u>Added:</u> Clause 4-7, Records Management Obligations
Contract Closeouts	4.4.4 (b)	Added requirement, contract closeouts procedures differentiate from IAAs.	Clause 4-5, Prohibition on a ByteDance Covered Application
Records Management	4.4.6	Added requirement, when a contractor and/or its employees create, work with, or otherwise handle federal records.	

Prohibition -TikTok	4.12	Added requirement, Prohibition on a ByteDance Covered Application (TikTok) No TikTok on Government Devices” including certain equipment used by Federal contractors.	<u>Added:</u> Clause 4-6, Prohibition in solicitations and contracts, when the use of UAS services is contemplated.
Prohibition – Unmanned Aircraft Systems (UAS)	4.13	Added requirement, Prohibition of UAS on prevent the use of federal dollars to procure UAS that present unacceptable risks and are manufactured by, or contain software or critical electronic components from, foreign adversaries.	
Attestations	6.3.2	Removed requirement for option year attestation.	NA
Contract Type – GMP	7.4	Added procurement contract type, Guaranteed Maximum Price (GMP).	NA
Ordering	7.7.5	Added requirement, Protests are not authorized in connection with the issuance or proposed issuance of an order under a task-order contract or delivery-order contract, except under certain circumstances.	
Contract Type – Time and Materials (T&M)	7.8.2 (c) (4)	Added requirement, COs to make a determination for selecting T&M contract type.	
Subcontracting Plan	8.3	Modified requirement, subcontracting plan threshold increased to \$750,000.	
Buy American	9	Incorporated interim policies. Modified requirement, Trade Agreement Thresholds and WTO Thresholds.	<u>Modified:</u> 9-1 Buy American Certificate – Supplies and Services 9-2 Waiver of Buy American Act for Civil Aircraft and Related Articles 9-3 Buy American Act – Supplies 9-4 Foreign Offers 9-5 Buy American Act – Construction Materials

			<p><u>Modified:</u></p> <p>9-8 Restriction on Certain Foreign Purchases</p> <p>Clause 9-48 Required Use of American Iron, Steel, and Other Manufactured Goods – Buy American Act – Construction Materials Under Trade Agreements</p>
Labor Laws	10.1.4.2	<p>Modified requirement threshold, COs shall submit to OFCCP, electronically, notice of an award of a construction contract or subcontract in excess of \$10,000 at https://ncap.dol.gov/</p>	<p><u>Modified:</u></p> <p>Provision 10-15 Pre-Award On-Site Equal Opportunity Compliance Review</p> <p>Clause 10-17 Equal Opportunity Pre-Award Clearance of Subcontracts</p> <p>Clause 10-24 Child Labor – Cooperation with Authorities and Remedies</p> <p>Clause 10-28 Minimum Wage for Federal Contracts</p>
Leasing of Motor Vehicles and/or Equipment	11.3	Incorporated interim policies	<p><u>Modified:</u></p> <p>Provision 11-2.2 Instructions to Offerors and Evaluation Factors – Tradeoff</p> <p>Provision 11-3.1 Reverse Auction</p> <p><u>Added:</u></p> <p>11-16, Policy Authorization to Utilize GSA Vehicles</p>
Protecting Agency Controlled Unclassified Information	11.6	<p>Modified requirement to align with agency policy 433-1-2. Adds (f) and (g).</p>	
Selecting Firms to Solicit	11.10 (c) and (d)	<p>Added requirement, prospective firms should be registered in SAMS prior to issuance of award, except in certain circumstances.</p> <p>Modified requirement, verify SAMS no more than 10 days prior to issuance of award.</p>	

			<u>Added:</u> 11-17, Authorization to Utilize GSA Vehicles Clause 11-18 System for Award Management
Requirements for Documenting the COs Decision	12.8.1.1	Modified language, reaffirming the signature of the CO documents the determination that prices are reasonable, and the award decision is the best value for Bonneville.	NA
Disposal of Proposals	12.8.5	Modified requirement, unsuccessful proposals shall be retained in official contract file.	
Contract Audit Services	13.4.1	Modified requirement, contract auditing services may be acquired through private sector auditing firms.	NA
Contract Administration	14.16.3	Modified requirement, increased threshold from \$100. to \$1000.	<u>Modified:</u> Clause 14-15 Delivery of Excess Quantities
Recovered Materials and Bio-Based Products	15.5.4.1	Modified requirement, E.O. Order 14057, and DOE Order 436.1A. Added requirement, contractors are required to report to SAMS, http://www.sam.gov , with a copy of the report to the CO, on the product types and dollar value of any USDA-designated biobased products purchased by the contractor.	<u>Modified:</u> Clause 15-11, Bio-Based Products Clause 15-12 Contractor Safety and Health Clause 15-13 Contractor Safety and Health Requirements
Safety, Health, and Protection of Property	15.6	Modified requirement, program office, project manager, contract requestioner, and the CO shall consult with the Bonneville Safety Office regarding the appropriate safety and health requirements to include in solicitations and contracts.	Clause 15-18 Homeland Security <u>Deleted:</u> Clause 15-19 Contractor Supply Chain Security Controls
Homeland Security, Export Control and, Restrictions on Foreign Entity and Service Location	15.10, 15.11 and 15.12	Added requirement, to comply with Export Control Office policy 430-3, procedure 430-3-1. Incorporates new orders and policies related to Foreign	

		Nation cyber, data and information risk management.	<u>Added:</u>
Definitions	15.10.1	Modified. Added.	Provision 15-20 Export Control
Designation and Policy	15.10.2	Modified requirements.	Provision 15-21 Re- Export Control
	15.10.3	Modified requirement for when clause 15-18, shall be used.	
Export Control	15.11	Added and modified, Export Control (replaces 17.6.1.2), to manage cyber, data and information export risk.	Clause 15-22 Export Control
	15.11.1 through 15.11.4	Added and modified, Export Control Office policy and procedures (replaces 17.6.1.2.1 and 17.6.1.2.2) and Export and Re-Export Control provisions and clauses.	Clause 15-23 Re- Export Control
Restrictions on Foreign Entity and Service Location.	15.12	Added 'Restrictions on Foreign Entity and Service Location' (replaces 17.6.1.3) to address cyber, data and information risk when work is performed by Foreign Nation/Locations.	
	15.12.1 through 15.12.4	Modified policy and procedures (replaces 17.6.1.3.1 and 17.6.1.3.2). Adds clause (replaces 17.6.1.3.3)	
Performance and Payment Bonds	16	Deleted requirement, contractors are no longer required to provide hard copy bonds nor the official seal. Added requirement, an electronic version of the bond is required.	<u>Modified:</u> Clause 16-1 Performance and Payment Bonds Clause 16-2 Performance and Payment Bonds – Other Than Construction
Information Technology and Operational Technology (IT/OT)	17	Added and modified requirements. Title changed to 'Information and Operational Technology' from 'Patent Copyright and Data.' All IT/OT specific requirements moved to one section. Modified structure/revised table of contents. Subjects should flow logically start to finish. All IT/OT definitions moved to Part 2.2 and listed alphabetically.	<u>Modified:</u> Clause 17-8 Source Code Escrow – Third Party Agent <u>Added:</u> Provision 17-16 Royalty Payment or Fees Clause 17-17 Royalty Payment or Fees

		<p>Added definitions added including; Royalties, Open Architecture, Total Cost of Ownership, Lifecycle Costing and Analysis</p> <p>Consolidated language referring to Contractor verses Bonneville contracts/software licenses.</p> <p>Added 'Order of Precedence for IT/OT Contracts' provision and clause. Addresses specific IT/OT document conflict risk.</p> <p>Modified Royalties, Rights in Data.</p> <p>Added Lifecycle Costing Analysis (LCA) Requirements to ensure multiyear licenses, types, structures, and maintenance agreements are fully evaluated for correct award determination.</p> <p>Added sub section to address Open Architecture.</p> <p>Added Operational Technology to IT reference through-out.</p> <p>Added Communications Technology – as a subset of Operational Technology.</p>	
Contract Terminations	20 20.1.4 20.4.2.1 20.4.6	<p>Added and modified requirements.</p> <p>Modified requirements to legal review process.</p> <p>Added requirements, FFP contracts and calculation of profit - COs required to document settlements/determinations.</p>	<p><u>Deleted:</u></p> <p>Clause 20-1 Termination for Convivence by Either Party.</p>
Taxes	22.1 22.5	<p>Modified requirement to reference Appendix 13 in relations to Part 13 for allowable costs.</p> <p>Added requirement, Oregon Corporate Activity Tax (CAT) and associated policy and procedures.</p>	<p><u>Modified:</u></p> <p>Clause 22-4 Basis of Payment – Time-and-Materials/Labor-Hour Contracts</p> <p>Clause 22-18 State of Idaho Use Tax</p>

			<u>Added:</u> Clause 22-19 Oregon Corporate Activity Tax
Service Contracts	23.1.10	Added and modified definitions of Temporary Labor and Supplemental Labor.	NA
Construction Contracts	24.5 24.7	Added requirement, Site Investigations in relation to PDB. Added requirement, policy, and procedures for Progressive Design Build (PDB) contracts.	<u>Modified:</u> Clause 24-3 Site Investigation and Conditions Affecting the Work Clause 24-7 Differing Site Conditions Clause 24-27 Equipment Cost Allowances <u>Added:</u> Clause 24-43 Progressive Design Build Clause 24-44 GMP Cost Principles for PDB
Interagency Acquisitions (IAAs)	25.2.3.(e) 25.2.4 (d) 25.3	Modified requirement, to the inclusion of non-profit organizations in certain circumstances for IAAs. Modified requirement, IAAs do not require closeout procedures, as there are internal to the procedures of the Treasury Dept. Modified requirement, IGC contracts introduce new flexibilities with closeout procedures.	<u>Modified:</u> Clause 25-1 IGC Closeout
Micro Purchase Program (MPP)	26.2	Modified requirement, define micro purchase threshold, distinct from competition threshold allowing more flexibility. Competition Threshold increased specifically construction and services for 25k and supplies for 50k.	NA

Emergency Purchases	27.7.3 (a)	Modified requirement, documentation shall be completed per subsection 4.4 and shall be filed in the official file no later than 45 calendar days.	NA
Acquisitions of Commercial Items and Services	28.2.10	Modified language, reaffirming the CS may prepare the price reasonableness documentation; however, the CO is ultimately responsible for the price reasonableness determination.	<u>Added Alternate:</u> Clause 28-21 Order of Precedence Alternate I for IT/OT Contracts.
Various	ALL	Added, modified, and deleted technical amendments, organizational names, references to Bonneville policies have been modified throughout the document. These changes have no significant effect to policy.	NA
Appendices		<p>Modified Appendix 2A, Contracting Certification Program, to include transition from FAC-C Level I, II and III to FAC-C Professional. Transition from 80 CLPs to 100 CLPs in the Common Period. Added requirements for professional certification exam and training.</p> <p>Modified Appendix 2B Contracting Officer Appointment Instruction, to include warrant restructure amounts and additional guidance on interim warrants.</p> <p>Modified Appendix 13 Cost Principles for Commercial Organizations.</p> <p>Modified Appendix 14 Contracting Officer's Representative Requirements for Contract Administration.</p> <p>Added Appendix 15. Export Control 15-1. Export Control Requirements and Procedures. 15-2. Export Control Export Control and Homeland Security Links</p>	NA

Instructions of use:

Applicability and effective dates. Contracting Officers are required to include the applicable provisions and clauses in solicitations and contracts as follows;

New solicitations issued on or after June 15, 2024; and

New contracts awarded on or after June 15, 2024; and

New Task/Delivery Orders awarded on or after June 15, 2024.

[End of Transmittal]