1200 New Jersey, SE
Washington, DC 20590
Maritime Administration

December 17, 2021

Mr. Eric Johnson
Executive Director
Port of Tacoma
One Sitcum Plaza
Tacoma, WA 98401

Subject: Port Readiness Plan and supporting documentation.

Dear Mr. Johnson,

You are receiving this letter and attachments because your port has been designated as a Commercial Strategic Port by the Military Surface Deployment and Distribution Command (SDDC). The Department of Transportation (DOT)/ Maritime Administration (MARAD) provides the enclosed non-binding Port Readiness Plan (PRP) No. WATAC 43 in coordination with SDDC for planning and preparedness purposes only.

The PRP identifies specific facilities that the Department of Defense (DOD) may need to support the deployment of Armed Forces of the United States or other emergency needs to promote the national defense (hereinafter collectively referred to as "national defense emergency"). The Port of Tacoma, SDDC, and MARAD have worked to identify the listed facilities to meet DOD deployment requirements. MARAD and SDDC request to be promptly notified if the Port determines that certain facilities and services will not be available or that the Port plans to substitute other facilities or services. If your port requires facility or services substitution, MARAD will cancel the PRP and seek to work with your staff and SDDC to create a new one.

In the event of a national defense emergency, and upon assignment of a Priority Rating by DOT, DOD may issue a Rated Order for the priority use of the facilities and services listed in the PRP. DOD is the anticipated User of the listed facilities. Enclosed is a DOD draft Rated Order contract template which details how DOD plans to compensate you for the use of your port's services and facilities.

The new PRP, also enclosed, reflects changes to facilities and services from those identified in the previous plan No. WATAC 42 excerpted below.

Previously, the potentially required facilities identified were:

Three (3) 1,100-linear-foot-(LF)-berthing spaces including overhang, if applicable, forty-three point nine (43.9) acres of open staging areas, two point three (2.3) acres of covered storage, and 9,300 LF of tangent rail spurs. Likely facilities as located in Enclosure 1 for potential use include, but are not limited to:

***At Terminal 7/Terminal 4/West Sitcum Terminals**:*

1. *Berths: Two (2) vessel positions totaling 2,200 LF - at Berths "B", "C" and "D" (plus 115 LF overhang);*
2. *Open Staging Area: thirty (30) acres – from the 93 acres at Berth "A" Lot (2.5 acres) and Terminal 7 Main Lot (4 acres), Terminal 4 Lot (18.3 acres), West Sitcum Lot 1 (18.3 acres) and/or West Sitcum Lot 2 (49.9 acres);*
3. *Covered Storage: two point three (2.3) acres - at Terminal 7 Warehouse.*

At East Blair Terminal:

1. *Berths: One (1) vessel position totaling 1,100 LF - at Berth "EB1";*
2. *Open Staging Area: thirteen point nine (13.9) acres - at EB Area 1 (9.6 acres) and EB Area 2 (4.3 acres).*

At North Intermodal Terminal:

1. *Rail Spurs: 9,300 LF of rail spurs - at Spur 1 (3,100 LF), Spur 2 (3,100 LF), and Spur 3 (3,100 LF*

Under the new PRP, the identified facilities are:

Three (3) 1,100-linear-foot-(LF)-berthing spaces including overhang, if applicable, twenty-four point seven (24.7) acres of open staging areas, two point three (2.3) acres of covered storage, and 9,300 LF of tangent rail spurs. DOD currently estimates that the total period of use may vary between a range of approximately fifteen (15) days to approximately one hundred fifty (150) days.

Likely facilities for potential use include, but are not limited to:

At Terminal 7/East Sitcum Terminal:

1. *Berths: Two (2) vessel positions totaling 2,200 LF - at Berths "B", "C" and "D" (plus 115 LF overhang);*
2. *Open/Covered Staging Areas: twenty-seven (27.0) acres – from the 24.7 acres at North Lot 1 (23.0), North Lot 2 (0.8), and North Lot 3 (0.9) and/or two point three (2.3) acres of covered staging - at Terminal 7 Warehouse.*

At East Blair Terminal:

1. *Berths: One (1) vessel position totaling 1,100 LF - at Berth "EB1";*
2. *Open Staging Area: thirteen point nine (13.9) acres - at EB Area 1 (9.6 acres) and EB Area 2 (4.3 acres).*

At North Intermodal Terminal:

1. *Rail Spurs: 9,300 LF of rail spurs - at Spur 1 (3,100 LF), Spur 2 (3,100 LF), and Spur 3 (3,100 LF).*

Please note that a MARAD Port Readiness Plan is not a Rated Order and serves only to state details previously addressed to assist your port and the Federal Government in the event that a Rated Order is issued by DOD. If you have any questions, please contact Matt Butram at 202-366-1976 or Davide Hatcher at 202-366-0688.

Thank you for your longstanding participation and active support of MARAD's emergency planning and preparedness procedures and the Nation's strategic ports program.

Sincerely,

Kevin M. Tokarski
Associate Administrator for Strategic Sealift

Enclosures:

1. Port Readiness Plan (PRP) No. WATAC 43
2. Enclosure 1 to PRP - Map of PRP listed port facilities
3. Enclosure 2 to PRP - SDDC Strategic Seaport Infrastructure Criteria
4. Enclosure 3 to PRP - USTC Rated Order (Port Contract) Template

FOR EMERGENCY PLANNING AND PREPAREDNESS PURPOSES ONLY

U.S. DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

Port Readiness Plan No. WATAC 43

Port: Port of Tacoma

Date: December 17, 2021

Provided to: Mr. Eric Johnson
Executive Director
Port of Tacoma
One Sitcum Plaza
Tacoma, WA 98401

The Maritime Administration (MARAD) provides this Port Readiness Plan (PRP) for the port's planning purposes only. This PRP reflects a non-binding tentative arrangement reached between the above-named port, MARAD, and the Department of Defense (DOD) should a deployment of the Armed Forces of the United States or other emergency need to promote the national defense arise (hereafter collectively referred to as a "national defense emergency"). DOD has identified the above-named port as a Commercial Strategic Seaport and may, should the need arise, seek the use of the port facilities and services listed herein to support a response to a national defense emergency.

This planning document is intended to provide you with useful advance information to ensure effective communication and to document the tentative arrangement reached with respect to the potential priority use of your facilities and services in support of a response to a national defense emergency.

Information about Transportation Priorities and Allocation System (TPAS) Ratings: This PRP is not a TPAS Priority Rating or Rated Order. DOT may provide DOD with a Rating Authorization to enable DOD to place a priority rating on an order (Rated Order), if DOD cannot obtain the use of specified port facilities and services through regular transportation procurement practices.

FOR EMERGENCY PLANNING AND PREPAREDNESS PURPOSES ONLY

Notification of Readiness Changes: MARAD and DOD request that you notify MARAD promptly whenever any change occurs in the readiness of the port to meet the needs contemplated below. At minimum, we request that you provide quarterly port status notifications during peacetime. Notifications should cover any current or anticipated circumstances which might impact the port facilities' readiness to meet any DOD-identified need(s) and timeline(s). Notifications should also identify any recommended alternatives or proposed actions to address readiness deficiencies. The following are examples of when and in what circumstances notification would be appropriate regarding the Port's ability to timely provide any PRP-contemplated DOD priority use of facilities and services including but not limited to:

- Availability of the berths listed under the Facilities and Services section in this PRP;
- Availability of the staging areas listed under the Facilities and Services section in this PRP
- Availability of the straight-line rail spurs on port property to offload DOD cargo listed in the Facilities and Services section in this PRP;
- Availability of minimum 35' water depth in access channel and alongside PRP berths;
- Land or water access is disrupted;
- Structural deficiencies are identified;
- Congestion occurs;
- Lease/contract changes occur;
- Significant commercial disruptions occur or are anticipated to occur; and
- Any other circumstance not listed above that could adversely impact DOD operations through the port

Coordination: You are encouraged to coordinate in advance with DOD and MARAD on arrangements to utilize the facilities and services set forth in this PRP as much as possible under regular operating and procurement procedures. Your advance coordination will mitigate disruption to commercial activities in the event of a national defense emergency.

Authority for Priority Use of Port Facilities and Services: By Executive Order 13603 the President delegated to the Secretary of Transportation authority under section 101 of the Defense Production Act, codified at 50 U.S.C. § 4511, to require acceptance and priority performance of contracts or orders (other than contracts of employment) to promote the national defense over performance of any other contracts or orders, and to allocate materials, services, and facilities as deemed necessary or appropriate to promote the national defense with respect to all forms of civil transportation. DOT's implementing regulations for this authority, the TPAS, are found in 49 CFR part 33.

DOD may request that DOT provide a Rating Authorization for the priority use of existing port facilities and services, not obtainable through regular transportation procurement procedures, to support a response to a national defense emergency. Through the approval of a Rating Authorization in accordance with TPAS, owners and/or operators of port facilities may be required to give certain priority usage to DOD for its use during specified periods in accordance with 49 CFR Part 33.

Upon approval of a DOT Rating Authorization, DOD can issue a Rated Order for services at your port.

> "Rated Order" means a prime contract, a subcontract, or a purchase order in support of an approved program issued in accordance with the provisions of TPAS [see 49 CFR § 33.20].

Acceptance and Rejection of a Rated Order: In the future, DOT may approve a Rating Authorization to enable DOD to issue a Rated Order to you in the event of a national defense emergency. In the event DOD issues a Rated Order to you, you are encouraged to accept or reject it as soon as possible. The Rated Order will prescribe the applicable timeframe for acceptance or rejection; a port may only reject a Rated Order in accordance with 49 CFR 33.33. DOD has advised that their timeline for your acceptance or rejection of their Rated Order may be as short as six hours or as long as 15 days after receipt of the Rated Order. A copy of your acceptance, or rejection citing the basis under 49 CFR 33.33, should also be transmitted to the MARAD Point of Contact listed below.

This Port Plan is not a "Rated Order." Upon authorization for the placement of a Priority Rating from DOT, DOD may issue a Rated Order in accordance with 49 CFR 33.32, to obtain the priority use of the port facilities and services specified below. Upon receipt of a Rated Order from DOD, you will be required to comply with the Rated Order in accordance with the provisions of TPAS.

Facilities and Services: Please be advised that when required to support a response to a national defense emergency, a Rated Order may be issued by DOD to you for the PRIORITY OF USE of the below listed facilities and services as authorized by DOT in accordance with TPAS:

> *Three (3) 1,100-linear-foot-(LF)-berthing spaces including overhang, if applicable, twenty-four point seven (24.7) acres of open staging areas, two point three (2.3) acres of covered storage, and 9,300 LF of tangent rail spurs. DOD currently estimates that the total period of use may vary between a range of approximately fifteen (15) days to approximately one hundred fifty (150) days.*

Likely facilities for potential use include, but are not limited to:

At Terminal 7/East Sitcum Terminal:

1. *Berths: Two (2) vessel positions totaling 2,200 LF - at Berths "B", "C" and "D" (plus 115 LF overhang);*
2. *Open/Covered Staging Areas: twenty-seven (27.0) acres – from the 24.7 acres at North Lot 1 (23.0), North Lot 2 (0.8), and North Lot 3 (0.9) and/or two point three (2.3) acres of covered staging - at Terminal 7 Warehouse.*

At East Blair Terminal:

1. *Berths: One (1) vessel position totaling 1,100 LF - at Berth "EB1";*
2. *Open Staging Area: thirteen point nine (13.9) acres - at EB Area 1 (9.6 acres) and EB Area 2 (4.3 acres).*

At North Intermodal Terminal:

1. *Rail Spurs: 9,300 LF of rail spurs - at Spur 1 (3,100 LF), Spur 2 (3,100 LF), and Spur 3 (3,100 LF).*

See Enclosure 1 for locations of DOD anticipated priority use facilities.

See Enclosure 2, SDDC Strategic Seaport Infrastructure Requirements, which carries no compulsory effect and are only intended to help inform port staff of the various criteria that SDDC considers important when determining adequacy of your port's subject facilities. The inclusion of this enclosure does not obligate you to provide SDDC anything other than adequate berthing facilities, staging areas, and rail spurs, as listed above, which meet the applicable criteria in Enclosure 2.

Rated Order Performance Period: Upon issuance of a Rated Order by DOD, the beneficial occupancy of the listed port facilities, including services, will be the period specified in the Rated Order unless extended by a subsequent Rated Order Modification issued by DOD to you. DOD has requested that you plan to be ready to provide the listed facilities and services within 48 hours of receipt of the rated order, unless another time is specified in the rated order.

Action Required upon receipt of a Rated Order: Please be advised that a Rated Order issued by DOD will likely seek your performance of the following:

1) Disposition of commercial cargoes and ships loading or discharging commercial cargoes as may be necessary to accommodate priority movement of the DOD User's cargoes; and

2) Receipt, in-transit handling, and out-loading of DOD's cargoes as rapidly as possible, and fully in accordance with DOD's priorities; or

3) Necessary coordination with terminal operators(s) and or stevedore(s) to accomplish the requirements listed herein under item number 2 if, as a landlord port, you do not have the capability to ensure their accomplishment.

Financial Provisions: DOD has advised MARAD that the DOD Rated Order will include financial compensation provisions under which DOD will agree to pay for the use of the required facilities and services covered by such Rated Order based on your published commercial tariffs or other specific terms you agree with DOD.

Liability for Compliance with TPAS: A person shall not be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any provision of TPAS or an official action taken under the authority of TPAS.

Points of Contact:

The DOD/SDDC point of contact for coordination of this PRP is:

Military SDDC Operations Center,
One Soldiers Way
Scott AFB, IL 62225-5006;
(618) 220-4262.

The Maritime Administration's point of contact for coordination of this PRP is:

Maritime Administration
Director, Office of Sealift Support, MAR-630
1200 New Jersey Avenue SE
Washington, DC 20950
(202) 366-0688

Date: December 17, 2021

Kevin M. Tokarski
Associate Administrator for Strategic Sealift

Enclosures:

1. Enclosure 1 to PRP - Map of PRP listed port facilities
2. Enclosure 2 to PRP - SDDC Strategic Seaport Infrastructure Criteria
3. Enclosure 3 to PRP - USTC Rated Order (Port Contract) Template

ENCLOSURE 1


Legend
Terminal Boundary
Rail Yard
Rail tracks
PRP Rail Spurs
PRP Covered Staging
PRP Open Staging
PRP Berths
Spur 1 - Spur 3
North Lot 1
North Lot 2
North Lot 3
Berth D T7
Berth C T7
Berth B T7
T7 Warehouse
EB Area 2
EB Area 1
Berth EB1
0
0.25
0.5
1
Miles
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SDDC Strategic Seaport Infrastructure/Criteria

System/ Subsystem	Requirements	Must-Have
Port Infrastructure/Criteria		
Berthing	- One (preferably three) vessel position(s) of 1,100 LF w/ minimum of 35' water depth - Minimum 45'-apron width per vessel position to accommodate a RORO ramp - Minimum, current-condition-based, apron strength of 500 pounds per square foot - Apron heights within range of 2 to 23 feet (i.e., exception for geographically-isolated areas) - Supports loading of twenty-foot-equivalent units (i.e., containers) via crane or ramp operations	Y Y Y Y Y
Open Staging	- 10-15 acres per vessel position that are a) paved, graveled, grassy, or dirt surfaces (i.e., preferred order), b) fenced, c) lighted, d) easily accessible to highways, and e) no more than five road miles from railheads capable of unloading 70-ton vehicles, and hold 50 trucks waiting to offload - One staging area should allow for or be adjacent (w/i 0.1 miles) to area allowing helicopter landings - Covered staging may substitute for open staging	Y --- ---
Covered Staging	- Generally accessible if it has door dimensions of at least 11' wide by 8' high and ramps to ground level - 5 acres that are helicopter-accessible, including doors with following dimensions Helicopter / Width (includes 1' gap each side) / Height (includes 1' gap overhead) AH-64 / 20' / 13.5' CH-47 / 14.5' / 19.5' UH-60 / 24' / 14.5' OH-58 / 10' / 14.5'	--- ---
Administrative Space	- 1,000 square foot administrative space with 1) utilities, high speed internet, telephone, water, restrooms, and parking for 25 vehicles or 2) 0.3-acre, gravel or paved area with electrical hook-ups for 1-2 trailers, 2-5 portable toilets, a 10-yard dumpster, and parking for 25 vehicles.	Y
Rail	- Rail yard or storage spurs able to handle 3-4 military trains (i.e., 1-mile-long each) per day - 4000-8,000 foot of tangent, offloading spurs (preferably between 500-1,400 LF each) - Rail tracks a) rated for at least 263,000 pounds, b) curvature < 17° and c) with clearances > 20'2" high and 13' wide (i.e., add'l horizontal clearance on curves at rate of 1.5 inches per degree of curvature) - Offloading spurs accessible by container handling equipment (i.e., top-lifts, forklifts, or cranes)	Y --- Y Y Y
Locomotives	- Two to three locomotives dedicated exclusively to support movement of at least 180 to 240 railcars/day - Two to three rail crews per shift for 24-hour operations	Y Y
Ramps	- Two portable or fixed truck ramps rated for 25-tons - Six to eleven portable or fixed rail ramps rated for 70-tons; that is, one ramp per tangent offloading spur	--- ---
Roads	- Controlled, adequate speed limits - 14-foot vertical and lateral clearances - Turning radii meeting wheel-base-67-design standard - Bridges able to support heavy-equipment transports carrying M1 Abrams Tank	Y Y Y ---
MHE & Labor	- Capability to use Stevedoring-and-Related-Terminal-Services contract with SDDC - 24-hour-and-7-days-per-week cargo-movement operations - 1 container handler or heavy forklift (i.e., supporting wet- and dry-side operations) per vessel position - 1 container-, wharf-, or mobile crane per vessel position or capability for loading TEUs with trailers - Per vessel per shift: minimum of 1 RORO gang (~ 25 personnel) currently trained on driving military wheeled and tracked vehicles, and, as applicable by vessel type, 1 crane gang (~ 21personnel) - Minimum of 1 commercial-truck-offloading gang (~ 8 personnel) per shift - Minimum of 1 commercial-rail-offloading gang (~ 16 personnel) per shift	--- --- --- Y Y Y --- ---
Gates & Security	- Use of terminals with controlled access using U.S.-government-approved ID cards - Alternate gate or designated lanes for military use–at least one inbound and one outbound lane - Secure, commercial-truck-queuing area large enough to hold 50 trucks - Local underwater inspection capabilities - Readily-accessible truck scales - Armed/unarmed guards based on cargo sensitivity, classification or security risk category - Approved U.S. Coast Guard Facility Security Plan - Security lighting in all operational/administrative areas - Closed circuit television/electronic security aids - Secure staging areas for sensitive cargo - Secure/encrypted radio communications - Emergency generator/back-up power - Mass warning and notification system - Fixed/portable barriers	Y Y --- --- --- Y Y Y --- Y --- Y --- ---
Port Terminal	- Operator has general permit from USCG to handle dangerous cargo in accordance with 33 CFR 126 - Capability (preferred) to handle 3,500 to 377,000 lbs of net explosive weight (e.g., 1-74 TEUs) of 1.1 ammunition at one staging area and one berth.	Y ---
Access Infrastructure/Criteria		
Roadways	- Less than 10 miles from seaport entrance gate to interstate highway - 14-foot vertical and lateral clearances - Turning radii meeting wheel-base-67 design standard - Bridges able to support heavy-equipment transports carrying M1 Abrams Tank	--- Y --- ---
Railways	- Commercial rail services (delivery and potential storage) of 3-4 military trains (1-mile-long each) per day - FRA-maintenance classification of 2 or higher for STRACNET and 1 or higher for STRACNET connectors - Lead tracks: - rated for at least 263,000 pounds - curvature < 17° - clearances > 20'2" high and 13' wide (i.e., additional horizontal clearance on curves at rate of 1.5 inches per degree of curvature)	Y Y Y Y

System/ Subsystem	Requirements	Must-Have
Waterways	- Minimum depths of least 35' in channels and anchorages - Anchorages for 1-3 vessels - Minimum air clearance of 135' - Two-way traffic for day- and night-time operations - Turning basins, where necessary, capable of supporting 950' vessels - 2 tugboats and 1 pilot accessible 24/7	Y --- Y --- Y Y

LETTER CONTRACT BETWEEN THE UNITED STATES TRANSPORTATION COMMAND

AND

PORT AUTHORITY OF XXXXXXXXXXXX (Contractor)

I. CONTRACT NUMBER: HTC711-19-C-XXXX (Rated Order XX-TX)

II. DEFINITIONS:

a. A letter contract is a written preliminary contractual document that authorizes the contractor to begin immediately manufacturing supplies or performing services. (FAR 16.301-1)

b. "Rated Order" means a prime contract, a subcontract or a purchase order in support of an approved program issued in accordance with the provisions of Transportation Priorities and Allocation System (TPAS) [see 49 CFR §33.20].

III. CONTRACT FOR: United States Government priority use of sea port services and facilities in XXXXX to facilitate movement of cargo and equipment to respond to a national security contingency. All pricing will be based on published commercial tariffs. The pricing of any other specific terms will be negotiated prior to contract definitization within the schedule of rates. The performance work statement will be completed prior to contract definitization. The supplies and services necessary to begin work include and are not limited to:

a) Priority access to XX acres of open staging areas for XX days, including any fair and reasonable labor and material costs required to clear commercial cargo from any requested staging area. (Not To Exceed (NTE) Amount - $XXXXXXX)

b) Priority access to XX acres of covered staging areas for XX days, including any fair and reasonable labor and material costs required to clear commercial cargo from any requested staging area. (NTE Amount = $XXXXXX)

c) Priority access to XX berths, with associated overhangs for XXX vessel positions of XXX feet each including any fair and reasonable labor and material costs required to shift ships to obtain access. Approximately XX days of service. (NTE Amount = $XXXXXXX)

d) Establish terminal capable of handling palletized, containerized, bulk liquid, and roll-on/roll-off cargo. Approximately XX days of service (NTE Amount = $XXXXX)

e) Priority access to XXXXXX linear feet of rail spurs, single-ended or double-ended spur(s), for cargo and equipment movement to ports of embarkation as well as rail car storage, including any fair and reasonable labor and material costs required to clear commercial cargo from the rail spurs. (NTE Amount = $XXXXXXX).

f) Warehousing, cargo consolidation, and trucking. Approximately XX days of service (NTE Amount - $XXXXX)

g) Laborers and material handling equipment (MHE) for cargo discharge and upload services. Approximately XX days of service (NTE Amount = $XXXXX).

h) Any additional services including, but not limited to special security services and an on-site office which may be ordered by a DoD official officially appointed by the Contracting Officer (NTE Amount = $XXXXX).

i) See attachment for any additional specific requirements

IV. RATED ORDER: This is a rated order certified for national defense use, and you are required to follow all the provisions of the Transportation Priorities and Allocations System regulation at 49 CFR Part 33.This rated order is placed for the purpose of emergency preparedness. It must be accepted or rejected within six (6) hours from receipt of the order, in accordance with §33.33(e) of the Transportation Priorities and Allocation System regulation at 49 CFR Part 33.

a.) This DO-TX rated order has equal priority with other DO-rated orders and takes precedence over unrated orders. All requested supplies and services must be delivered within 48 hours of acceptance of this DO-TX rated order.

V. ACTION REQUIRED UPON RECEIPT OF THIS CONTRACT (RATED ORDER): This Rated Order requires the Contractor to perform the following:

a.) make such dispositions of commercial cargoes and ships loading or discharging commercial cargoes as may be necessary to accommodate priority movement of DOD's cargoes; and

b.) ensure receipt, in-transit handling, and out-loading of DOD's cargoes as rapidly as possible, and fully in accordance with DOD's priorities; or

c.) provide any necessary coordination with the terminal operator(s) and or stevedore(s) to accomplish the requirements listed herein under previous item [b.] if, as a landlord port, Contractor does not have the capability to ensure their accomplishment

VI. FAR 52.216-23 EXECUTION AND COMMENCEMENT OF WORK (APR 1984)

The Contractor shall indicate acceptance of this letter contract by signing the contract and returning it to the Contracting Officer not later than _____. Upon acceptance by both parties, the Contractor shall proceed with performance of the work, including purchase of necessary materials.

VII. FAR 52.216-24 LIMITATION OF GOVERNMENT LIABILITY (APR 1984)

(a) In performing this contract, the Contractor is not authorized to make expenditures or incur obligations exceeding $XXXXX dollars.

(b) The maximum amount for which the Government shall be liable if this contract is terminated is $XXXXX dollars.

VIII. DFARS 252.201-7000 CONTRACTING OFFICER'S REPRESENTATIVE (DEC 1991)

(a) Definition. "Contracting officer's representative" means an individual designated in accordance with subsection 201.602-2 of the Defense Federal Acquisition Regulation Supplement and authorized in writing by the contracting officer to perform specific technical or administrative functions.

(b) If the Contracting Officer designates a contracting officer's representative (COR), the Contractor will receive a copy of the written designation. It will specify the extent of the COR's authority to act on behalf of the contracting officer. The COR is not authorized to make any commitments or changes that will affect price, quality, quantity, delivery, or any other term or condition of the contract.

IX. DFARS 252.217-7027 CONTRACT DEFINITIZATION (DEC 2012)

(a) A **FIRM-FIXED PRICE** definitive contract is contemplated. The Contractor agrees to begin promptly negotiating with the Contracting Officer the terms of a definitive contract that will include:

(1) all clauses required by the Federal Acquisition Regulation (FAR) on the date of execution of the letter contract action,
(2) all clauses required by law on the date of execution of the definitive contract action, and
(3) any other mutually agreeable clauses, terms, and conditions. The contractor agrees to submit a **firm-fixed price** proposal and cost or pricing data supporting its proposal.

(b) The schedule for definitizing this contract is:

Target Date for Definitization: _____ DFARS 217.7404-3

Submission of Contractor Proposal: Insert Date Here

Beginning of Negotiations: Insert Date Here

Subcontracting Plans: Insert Date Here

Certified Cost or Pricing Data: Insert Date Here

(c) If agreement on a definitive contract to supersede this undefinitized contract action is not reached by the target date in paragraph (b) of this clause, or within any extension of it guaranteed by the Contracting Officer, the Contracting Officer may, with the approval of the head of the contracting activity, determine a reasonable price or fee in accordance with Subpart 15.4 and Part 31 of the FAR, subject to Contractor appeal as provided in the Disputes clause. In any event, the Contractor shall proceed with completion of the contract, subject only to the Limitation of Government Liability clause.

(1) After the Contracting officer's determination of price or fee, the contract shall be governed by—

(i) All clauses required by the FAR on the date of execution of this undefinitized contract for either fixed-price or cost-reimbursement contracts, as determined by the Contracting Officer under this paragraph (c);

(ii) All clauses required by law as of the date of the Contracting officer's determination; and

(iii) Any other clauses, terms, and conditions mutually agreed upon.

(2) To the extent consistent with subparagraph (c)(1) of this section, all clauses, terms and conditions included in this undefinitized contract shall continue in effect, except those that by their nature apply only to a undefinitized contract action.

(d) The definitive contract resulting from this undefinitized contract action will include a negotiated firm-fixed price in no event to exceed $XXXXX.

(End of Clause)

X. ADMINISTRATION:

A. The contract administration office is:

USTRANSCOM/TCAQ-R
508 SCOTT DRIVE
SCOTT AFB, IL 62225

(1) USTRANSCOM/TCAQ-R will provide a courtesy copy of the Port Authority's acceptance or rejection of this rated order to the MARAD Point of Contact listed below:

Maritime Administration Coordination Center (MCC)
Division of Sealift Operations and Emergency Response, MAR-612
1200 New Jersey Avenue SE
Washington, DC 20950

Main Phone Number (202) 366-8211 Unsecure Fax (202) 366-8215
E-mail: opcentr1.marad@dot.gov
PLAD: MARITIME ADMIN WASHINGTON DC//MAR-610/612//
Secure Voice Number: (202 366-7802 / 7803
Secure E-mail: maradwatch@dhs.sgov.gov

B. Invoicing: Payments shall be made promptly to the Contractor when requested as work progresses, but not more often than every 30 days, in amounts approved by the Contracting Officer. The Contracting officer will not authorize payment beyond 50% of the NTE amount until the contract is definitized.

_____	_____
(Contractor's Signature)	(Contracting Officer's Signature)
_____	_____
(Name of Contractor)	(Name of Contracting Officer)
_____	_____
(Address)	(Approving officer's Signature)
_____	_____
(City, State, Zip +4)	(Approving Officer's Name/Title)
_____	_____
(Telephone Number)	(Date of Contract – Today's Date)

(AUTHORITY AS PER FAR 16.603-2, & DFAR 17.7404-1)