



# County of Fairfax, Virginia

## AMENDMENT

Date: February 23, 2024

### AMENDMENT NO. 5

CONTRACT TITLE: IT Staff Augmentation

CONTRACTOR:

Ashburn Consulting, LLC  
42813 Forest Spring Drive  
Leesburg, VA 20176

SUPPLIER CODE

1000023539

CONTRACT NO.

4400005606

By mutual agreement, Contract 4400005606 is amended effective immediately to add the attached 2021 Department of Homeland Security (DHS) Special Terms and conditions.

All other terms and conditions remain the same.

ACCEPTANCE:

BY: Ben Eiserike  
(Signature)

Ben Eiserike

(Printed)

Director, Proposals & Contracts

(Title)

2/22/2024

(Date)

DocuSigned by:

Steve Pierson

9DE821303D0640D...

FOR Lee Ann Pender  
Director/County Purchasing Agent

DISTRIBUTION:

Dept. of Finance – Accounts Payable/e

DIT – Tanesha Sherrod/e

DIT – Michele Breckenridge/e

FCPS – [jrwelsch@fcps.edu](mailto:jrwelsch@fcps.edu)

Contractor – [beiserike@ashburnconsulting.com](mailto:beiserike@ashburnconsulting.com)

[jburris@ashburnconsulting.com](mailto:jburris@ashburnconsulting.com)

[jbritt@ashburnconsulting.com](mailto:jbritt@ashburnconsulting.com)>

Contract Specialist III – Yong Kim

ACS, Team 1 – Roxanna Vazquez

**Department of Procurement & Material Management**

12000 Government Center Parkway, Suite 427

Fairfax, VA 22035-0013

**Website:** [www.fairfaxcounty.gov/procurement/](http://www.fairfaxcounty.gov/procurement/)

**Phone** 703-324-3201, **TTY:** 711, **Fax:** 703-324-3228

## **2021 Department of Homeland Security (DHS) Special Terms and Conditions**

As federal funding will be expended under this contract, the Contractor recognizes that this agreement is subject to Title 2 U.S. Code of Federal Regulations (CFR) Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (the "Uniform Guidance") and the following Department of Homeland Security (DHS) Special Terms and Conditions:

The Contractor must also comply with the following special conditions specific to these Federal funds:

1. All contractors, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
  - A. The Contractor must cooperate with any compliance reviews or compliance investigations conducted by DHS.
  - B. The Contractor must give the County and DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
  - C. The Contractor must submit timely, complete, and accurate reports to the appropriate to the County or DHS officials and maintain appropriate backup documentation to support the reports.
2. Activities Conducted Abroad: The Contractor must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
3. Age Discrimination Act of 1975: The Contractor must comply with the requirements of the Age Discrimination Act of 1975, Pub.L No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
4. Americans with Disabilities Act of 1990: The Contractor must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits contractors from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
5. Best Practices for Collection and Use of Personally Identifiable Information: The Contractor who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. contractors may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
6. Civil Rights Act of 1964- Title VI: The Contractor must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
7. Civil Rights Act of 1968: The Contractor must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits contractors from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The

## **2021 Department of Homeland Security (DHS) Special Terms and Conditions**

prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

8. Drug-Free Workplace Regulations: The Contractor must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the contractor is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
9. False Claims Act and Program Fraud Civil Remedies: The Contractor must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729-3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
10. Federal Debt Status: All contractors are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
11. Federal Leadership on Reducing Text Messaging while Driving: The Contractor is encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
12. Fly America Act of 1974: The Contractor must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
13. Hotel and Motel Fire Safety Act of 1990: In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, the Contractor must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. § 2225.)
14. Limited English Proficiency (Civil Rights Act of 1964, Title VI): The Contractor must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that contractors of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.
15. Lobbying Prohibitions: The Contractor must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the contractor to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
16. National Environmental Policy Act: The Contractor must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions

## 2021 Department of Homeland Security (DHS) Special Terms and Conditions

of NEPA, which require contractors to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

17. Procurement of Recovered Materials: States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
18. Rehabilitation Act of 1973: Contractor must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
19. Proceedings about Which Contractors Must Report: Contractors must report if any of the following events occur:
  - A. A criminal proceeding that resulted in a conviction, as defined in paragraph 19.E. of this award term and condition;
  - B. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
  - C. An administrative proceeding, as defined in paragraph 19.E., that resulted in a finding of fault and liability and the contractor's payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
  - D. Any other criminal, civil, or administrative proceeding if:
    - I. It could have led to an outcome described in this award term and condition;
    - II. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the contractor's part; and
    - III. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.
  - E. Definitions: For the purpose of this award term and condition:
    - I. *Administrative proceeding*: means a non-judicial process that is adjudicatory in nature to decide fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the federal and state level but only in connection with performance of a federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
    - II. *Conviction*: means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
20. Terrorist Financing: The Contractor affirms that to the best of its knowledge none of the funds provided to it will be used to provide resources or support to individuals and organizations associated with terrorism.
21. Whistleblower Protection Act: The Contractor must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.