

## **Federal Provisions Applicable When Subcontractor (Commercial Entity) is in Possession of Government Property Government Subcontract Provisions Incorporated in All Subcontracts/Purchase Orders (Under Cost-Type Prime Cost Reimbursable Contracts)**

Since this is a subcontract under a U.S. Government Prime Contract awarded to the Research Corporation of the University of Hawaii (RCUH), the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulations Supplement (DFARS), and other clauses and provisions listed below, if applicable, are hereby incorporated in this subcontract by reference with the same force and effect as if set forth in full text. The complete text for all clauses and provisions is available online at <http://farsite.hill.af.mil/vffar1.htm> and <http://farsite.hill.af.mil/VFDFAR1.HTM> or from the RCUH. The Contractor hereby acknowledges possession of the FAR and DFARS or is otherwise familiar with all of the clauses and provisions incorporated herein by reference, and agrees to perform the applicable requirements under this subcontract. In the event of a conflict between the terms and conditions of this section and any other provisions of this subcontract, the terms and conditions of this section shall prevail. The terms "contractor/subcontractor," "Government," and "Contracting Officer," as used in the clauses incorporated by this reference, shall be deemed to refer to the "Seller," "Buyer," and the "Research Corporation of the University of Hawaii", respectively.

### THE FOLLOWING PROVISIONS APPLY:

#### **Applies to orders of any amount**

FAR:

52.202-1	Definitions
52.204-2	Security Requirements ( <i>applies if there is access to classified information</i> )
52.208-8	Required Sources for Helium and Helium Usage Data
52.211-15	Defense Priority and Allocation Requirements ( <i>Applies to rated orders certified for national defense, emergency preparedness, and energy program use. In such event, Seller is required to follow all the provisions of the Defense Priorities and Allocations System regulation (15 CFR 700)</i> )
52.215-15	Pension Adjustments and Asset Reversions
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
52.215-19	Notification of Ownership Changes
52.215-20	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data
52.215-21	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications
52.216-7	Allowable Cost and Payment
52.216-8	Fixed Fee
52.216-11	Cost Contract No Fee
52.222-6	Construction Wage Rate Requirements
52.222-7	Withholding of Funds
52.222-8	Payrolls and Basic Records
52.222-9	Apprentices and Trainees
52.222-10	Compliance with Copeland Act Requirements
52.222-11	Subcontracts (Labor Standards)
52.222-12	Contract Termination--Debarment
52.222-13	Compliance with Construction Wage Rate Requirements and Related Regulations
52.222-14	Disputes Concerning Labor Standards
52.222-15	Certification of Eligibility
52.222-22	Previous Contracts and Compliance Reports
52.222-25	Affirmative Action Compliance
52.222-41	Service Contract Labor Standards
52.222-50	Combating Trafficking in Persons
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment
52.223-7	Notice of Radioactive Materials
52.223-11	Ozone-Depleting Substances ( <i>applies if the work was manufactured with or contains ozone-depleting substances</i> )
52.224-2	Privacy Act
52.225-1	Buy American—Supplies
52.225-2	Buy American Certificate
52.225-5	Trade Agreements
52.225-6	Trade Agreements Certificate
52.225-13	Restrictions on Certain Foreign Purchases
52.227-9	Refund of Royalties
52.227-10	Filing of Patent Applications--Classified Subject Matter
52.227-11	Patent Rights--Ownership by the Contractor
52.227-13	Patent Rights--Ownership by the Government
52.227-14	Rights in Data—General

52.227-16	Additional Data Requirements
52.227-17	Rights in Data—Special Works
52.227-18	Rights in Data—Existing Works
52.227-19	Commercial Computer Software License ( <i>applies if existing computer software is to be delivered under the subcontract</i> )
52.228-3	Workers' Compensation Insurance (Defense Base Act) ( <i>if Defense Base Act applies</i> )
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas ( <i>applies to public-work contracts performed outside the U.S., when the Secretary of Labor waives the applicability of the Defense Base Act</i> )
52.228-5	Insurance--Work on a Government Installation
52.229-10	State of New Mexico Gross Receipts and Compensating Tax
52.232-7	Payments under Time-and-Materials and Labor-Hour Contracts
52.232-16	Progress Payments
52.232-20	Limitation of Cost
52.232-27	Prompt Payment for Construction Contracts
52.232-40	Providing Accelerated Payment to Small Business Subcontractors
52.234-1	Industrial Resources Developed Under Defense Production Act Title III
52.236-13	Accident Prevention
52.237-7	Indemnification and Medical Liability Insurance
52.243-1	Changes – Fixed-Price
52.243-2	Changes – Cost-Reimbursement
52.243-3	Changes – Time-and-Materials or Labor-Hours
52.243-4	Changes
52.243-5	Changes and Changed Conditions
52.243-6	Change Order Accounting
52.243-7	Notification of Changes
52.244-6	Subcontracts for Commercial Items
52.245-1	Government Property
52.245-2	Government Property Installation Operation Services
52.246-1	Contractor Inspection Requirements
52.246-3	Inspection of Supplies – Cost-Reimbursement
52.246-5	Inspection of Services – Cost-Reimbursement
52.246-6	Inspection – Time-and-Material and Labor-Hour
52.246-7	Inspection of Research and Development – Fixed-Price
52.246-8	Inspection of Research and Development – Cost Reimbursement
52.246-9	Inspection of Research and Development (Short Form)
52.246-13	Inspection – Dismantling, Demolition, or Removal of Improvements
52.246-16	Responsibility for Supplies
52.247-63	Preference for U.S.-Flag Air Carriers
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels
52.249-4	Termination for Convenience of the Government (Services) (Short Form) ( <i>NOT applicable to suppliers</i> )
52.249-6	Termination (Cost-Reimbursement)
52.249-8	Default (Fixed-Price Supply and Service) ( <i>NOT applicable to suppliers</i> )
52.249-12	Termination (Personal Services)
52.249-14	Excusable Delays

**DFARS:**

252.204-7000	Disclosure of Information
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material
252.217-7012	Liability and Insurance
252.222-7000	Restrictions on Employment of Personnel
252.223-7006	Prohibition on Storage, Treatment, and Disposal of Toxic and Hazardous Materials
252.225-7012	Preference for Certain Domestic Commodities
252.225-7013	Duty-Free Entry
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings
252.225-7019	Restriction on Acquisition of Foreign Anchor and Mooring Chain
252.225-7025	Restriction on Acquisition of Forgings
252.227-7013	Rights in Technical Data-Noncommercial Items
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation
252.227-7016	Rights in Bid or Proposal Information
252.227-7018	Rights in Noncommercial Technical Data and Computer Software--Small Business Innovation Research (SBIR) Program
252.227-7019	Validation of Asserted Restrictions--Computer Software
252.227-7033	Rights in Shop Drawings
252.227-7037	Validation of Restrictive Markings on Technical Data
252.227.7039	Patents-Reporting of Subject Inventions
252.235-7000	Indemnification under 10 U.S.C. 2354--Fixed Price
252.235-7001	Indemnification under 10 U.S.C. 2354--Cost Reimbursement
252.235-7002	Animal Welfare

252.235-7003	Frequency Authorization
252.239-7016	Telecommunications Security Equipment, Devices, Techniques and Services
252.244-7000	Subcontracts for Commercial Items
252.247-7023	Transportation of Supplies by Sea
252.247-7024	Notification of Transportation of Supplies by Sea
NFS:	
1852.245-73	Financial Reporting of NASA Property in the Custody of Contractors <i>(Subcontractor reports due to the prime contractor no later than one week prior to the due date indicated in the above provision.)</i>

#### Applies if order is over \$3,500

FAR:	
52.222-54	Employment Eligibility Verification (applicable to contract containing the FAR E-Verify clause)
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving

#### Applies if order is over \$10,000

FAR:	
52.222-21	Prohibition of Segregated Facilities
52.222-26	Equal Opportunity
52.222-27	Affirmative Action Compliance Requirements for Construction
52.222-40	Notification of Employee Rights Under the National Labor Relations Act

#### Applies if order is over \$15,000

FAR:	
52.222-36	Equal Opportunity for Workers with Disabilities
52.225-8	Duty-Free Entry

#### Applies if order is over \$30,000

FAR:	
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards

#### Applies if order is over \$35,000

FAR:	
52.209-5	Certification Regarding Responsibility Matters
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment

#### Applies if order is over \$70,000

FAR:	
52.248-3	Value Engineering—Construction

#### Applies if order is over \$150,000

FAR:	
52.203-3	Gratuities
52.203-6	Restrictions on Subcontractor Sales to the Government
52.203-7	Anti-Kickback Procedures
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
52.203-12	Limitation on Payments to Influence Certain Federal Transactions
52.215-2	Audit and Records—Negotiation
52.215-14	Integrity of Unit Prices
52.219-8	Utilization of Small Business Concerns
52.222-4	Contract Work Hours and Safety Standards Act—Overtime Compensation
52.222-35	Equal Opportunity for Veterans
52.222-37	Employment Reports on Veterans
52.227-1	Authorization and Consent
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement

52.246-2	Inspection of Supplies – Fixed-Price
52.246-4	Inspection of Services – Fixed-Price
52.246-12	Inspection of Construction
52.248-1	Value Engineering
52.249-3	Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements)
52.249-10	Default (Fixed-Price Construction)

DFARS:

252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense Contract-Related Felonies
252.249-7002	Notification of Anticipated Contract Termination or Reduction

**Applies if order is over \$700,000**

FAR:

52.219-9	Small Business Subcontracting Plan
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DFARS:

252.225-7003	Report of Intended Performance Outside the United States and Canada—Submission with Offer
252.22-7004	Report of Intended Performance Outside the United States and Canada—Submission after Award

**Applies if order is over \$750,000**

FAR:

15.403-4	Requiring Certified Cost or Pricing Data
52.214-26	Audit and Records—Sealed Bidding
52.214-28	Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding
52.215-10	Price Reduction for Defective Certified Cost or Pricing Data
52.215-11	Price Reduction for Defective Certified Cost or Pricing Data—Modifications
52.215-12	Subcontractor Certified Cost or Pricing Data
52.215-13	Subcontractor Certified Cost or Pricing Data—Modifications
52.230-2	Cost Accounting Standards
52.230-3	Disclosure and Consistency of Cost Accounting Practices
52.230-6	Administration of Cost Accounting Standards

**Applies if order is over \$1,000,000**

DFARS:

252.225-7033	Waiver of United Kingdom Levies
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**Applies if order is over \$1,500,000**

DFARS:

252.211-7000	Acquisition Streamlining
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**Applies if order is over \$5,500,000**

FAR:

52.203-13	Contractor Code of Business Ethics and Conduct
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**COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS APPLICABLE TO SUBCONTRACTOR AGREEMENTS NOT COVERED BY FAR:**

Subcontractor shall comply with the cost principles of the OMB, in 2 CFR Part 200, Subpart E.

**AUDIT REPORT AND OTHER CLAUSES FOR SUBCONTRACTOR AGREEMENTS:**

**AUDIT REPORTS**

Subcontractor shall comply with the requirements of 2 CFR Part 200, Compliance Supplement Appendix XI. Subcontractor further agrees to provide the awarding institution with copies of any of the independent auditors' reports

which present instances of non-compliance with federal laws and regulations which bear directly on the performance or administration of this Agreement. In cases of such non-compliance, subcontractor will provide copies of responses to auditors' reports and a plan for corrective action. All records and reports prepared in accord with the requirements of 2 CFR Part 200, Compliance Supplement Appendix XI, shall be available for inspection by representatives of the awarding institutions or the government during normal business hours.

#### AUDIT COSTS

Subcontractor agrees that it shall be solely responsible for all costs to conduct any independent audit as required by 2 CFR Part 200, Compliance Supplement Appendix XI, for assuring compliance under this subaward.

#### DISALLOWANCES

Subcontractor agrees that it shall be solely responsible for reimbursing the RCUH for all costs which may be disallowed as a result of non-compliance with any applicable laws, rules, or regulations.