

FEDERAL PROVISIONS

GOVERNMENT SUBCONTRACT PROVISIONS INCORPORATED IN ALL SUBCONTRACTS/PURCHASE ORDERS  
(UNDER FEDERAL PRIME 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 <https://www.acquisition.gov/browse/index/far> and <https://www.acquisition.gov/dfars> or from the RCUH. The Contractor hereby acknowledges possession of the FAR 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 (*applies if there is access to classified information*)
- 52.208-8 Required Sources for Helium and Helium Usage Data
- 52.211-15 Defense Priority and Allocation Requirements (*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)*)
- 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 (*applies if the work was manufactured with or contains ozone-depleting substances*)
- 52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Oct 2021) (Deviation)
- 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
52.249-1	Termination for Convenience of the Government (Fixed-Price) (Short Form)
52.249-4	Termination for Convenience of the Government (Services) (Short Form) ( <i>NOT applicable to suppliers</i> )
52.249-5	Termination for Convenience of the Government (Educational and other Nonprofit Institutions)
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
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting
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
252.223-7999	Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Deviation 2021-O0009) (Oct 2021)
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 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

**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  
52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights  
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
52.249-2	Termination for Convenience of the Government (Fixed-Price)
52.249-3	Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements)
52.249-9	Default (Fixed-Price Research and Development) ( <i>NOT applicable to suppliers</i> )
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

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
52.230-5	Cost Accounting Standards--Educational Institution
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

**Applies if order is over \$1,500,000**

DFARS:	
252.211-7000	Acquisition Streamlining

**Applies if order is over \$5,500,000**

FAR:	
52.203-13	Contractor Code of Business Ethics and Conduct

**COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS APPLICABLE TO SUBCONTRACTOR AGREEMENTS NOT COVERED BY THE 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.