

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*)
- 52.204-27 Prohibition on a ByteDance Covered Application
- 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
252.211-7003	Item Unique Identification and Valuation
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
252.244-7001	Contractor Purchasing System Administration
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System
252.246-7008	Sources of Electronic Parts
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 (<i>applicable to contract containing the FAR E-Verify clause</i>)
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

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 (federal prime contracts awarded before July 1, 2018)
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
52.219-9	Small Business Subcontracting Plan (non-DoD funds)
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 \$850,000

FAR:

52.219-9	Small Business Subcontracting Plan (DoD funds)
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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 \$2,000,000

FAR:
15.403-4

Requiring Certified Cost or Pricing Data (federal prime contracts awarded on or after July 1, 2018)

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.