

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 <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 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 (*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 (*applies if existing computer software is to be delivered under the subcontract*)
- 52.228-3 Workers' Compensation Insurance (Defense Base Act) (*if Defense Base Act applies*)
- 52.228-4 Workers' Compensation and War-Hazard Insurance Overseas (*applies to public-work contracts performed outside the U.S., when the Secretary of Labor waives the applicability of the Defense Base Act*)
- 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) (*NOT applicable to suppliers*)
- 52.249-6 Termination (Cost-Reimbursement)
- 52.249-8 Default (Fixed-Price Supply and Service) (*NOT applicable to suppliers*)
- 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 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
- 252.244-7001 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

NFS:

- 1852.245-73 Financial Reporting of NASA Property in the Custody of Contractors  
*(Subcontractor reports due to the prime contractor no later than one week prior to the due date indicated in the above provision.)*

**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**

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
- 52.230-6 Administration of Cost Accounting Standards

**Applies if order is over \$850,000**

- FAR:  
52.219-9 Small Business Subcontracting Plan (DoD funds)

**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 \$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 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.