

APPLICABLE **NON-COMMERCIAL PROVISIONS** WHEN SOLICITATION OR PURCHASE ORDER IS IN SUPPORT OF A GOVERNMENT CONTRACT:

General Provisions and Certifications for Government Contracts:

The following clauses are applicable on solicitations and awards in support of Government Contracts and are hereby incorporated by reference into solicitations and any purchase orders with the same force and effect as if set forth in full text. To the extent that an earlier version of any such clause is included in the prime contract or subcontract under which solicitation or purchase order is issued, the date of the clause as it appears in such prime contract or subcontract shall be controlling and said version is incorporated herein. Where necessary to make the context of the Federal Acquisition Regulations (FAR) and Department of Defense Federal Acquisition Regulation Supplement (DFARS) clauses set forth in these General Provisions applicable to this solicitation or subcontract, the term "Contractor" shall mean "Subcontractor", "Seller" or "Supplier", the term "Contract" or "Subcontract" shall mean "Purchase Order", the term "Government" shall mean "Buyer" or "Institute" and the term "Contracting Officer" shall mean "Buyer's Purchasing Representative". It is intended that the referenced clauses shall apply to Seller, the legal entity which contracts with the Institute under any solicitation or purchase order, in such manner as is necessary to reflect the position of Seller as a Supplier to the Institute, Buyer and legal entity issuing a solicitation or purchase order; to insure Seller's obligations to the Institute and the United States Government; and to enable the Institute to meet its obligations under its prime contract or subcontract.

All of the clauses hereby incorporated by reference may be found in the Federal Acquisition Regulations (FAR) and the DOD Federal Acquisition Regulation Supplement (DFARS). Copies of the Federal Acquisition Regulation and the DOD Federal Acquisition Regulation Supplement may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FAR/DFARS CLAUSES: Applicable for all Orders and Solicitations

52.202-1	Definitions (Dec 2001)
52.204-2	Security Requirements (Aug 1996) (Alt. I)
52.215-16	Facilities Capital Cost of Money (Oct 1997)
52.215-17	Waiver of Facilities Capital Cost of Money (Oct 1997) (when cost of money is not proposed)
52.227-10	Filing of Patent Applications – Classified Subject Matter (Apr 84)
52.227-12	Patent Rights-Retention by the Contractor(long form)
52.232-8	Discount for Prompt Payment (May 1997)
52.232-25	Prompt Payment (Feb 2002)
52.233-3	Protest After Award (Aug 96) (Alt. I)
52.243-1	Changes – Fixed Price – Alt. II (Apr 84)
52.244-5	Competition in Subcontracting
52.244-6	Subcontracts for Commercial Items
52.245-2	Government Property (Fixed Price Contracts) (Dec 89)
52.245-18	Special Test Equipment (Feb 93)
52.249-1	Termination for Convenience of the Government (Fixed Price) (Short Form) (Apr 84)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 84)
52.249-9	Default(Fixed-Price Research and Development) (Apr 84)
52.251-1	Government Supply Sources (Apr 94)
52.253-1	Computer Generated Forms (Jan 91) March 27, 1997
252.225-7001	Buy American Act and Balance of Payments Program (Mar 1998)
252.225-7002	Qualifying Country Sources as Subcontractors (Dec 91)
252.225-7007	Trade Agreements Act (Sep 2001)
252.225-7009	Duty-Free Entry-Qualifying Country End Products and Supplies (Aug 2000)
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (Dec 2000)
252.227-7013	Rights in Technical Data and Computer Software (Nov 1995)
252.227-7026	Deferred Delivery of Technical Data or Computer Software (Apr 88)
252.227-7027	Deferred Ordering of Technical Data or Computer Software (Apr 88)
252.227-7030	Technical Data - Withholding of Payment (Mar 2000)
252.227-7037	Validation of Restrictive Markings on Technical Data (Sep 1999)
252.227-7039	Patents-Reporting of Subject Inventions (Apr 90)
252.251-7000	Ordering from Government Supply Sources (May 1995)

Applicable when fixed price is greater than \$2,500:

- 52.222-3 Convict Labor (Aug 1996)
- 52.222-19 Child Labor – Cooperation with Authorities and Remedies (Dec 2001)
- 52.225-13 Restrictions on Certain Foreign Purchases (Jul 2000)
- 52.232-23 Assignment of Claims (Jan 86)

Applicable when fixed price is greater than \$10,000:

- 52.222-20 Walsh-Healy Public Contracts Act (Dec 96)
- 52.222-21 Prohibition of Segregated Facilities (Feb 1999)
- 52.222-22 Previous Contracts & Compliance Reports (Feb 1999)
- 52.222-26 Equal Opportunity (Apr 2002)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (Dec 2001)
- 52.222-36 Affirmative Action for Workers with Disabilities (Jun 1998)

Applicable when fixed price is greater than \$25,000:

By submitting a signed proposal or quotation in response to the Institute's solicitation, the supplier is providing a negative assurance in accordance with [FAR 52.209-5 Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters](#). Certification in paragraph (a) of this clause is material representation of fact upon which reliance is placed when making any resulting award.

- 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Jul 95)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (Dec 2001)
- 252.227-7036 Certification of Technical Data Conformity (May 87)
- 252.231-7000 Supplemental Cost Principles (Dec 91)
- 252.246-7000 Material Inspection and Receiving Report (Dec 91)
(Note: Not required for subcontracts for which the deliverable is a scientific or technical report.)

Applicable when price is greater than \$100,000:

By submitting a signed proposal or quotation in response to the Institute's solicitation, the supplier is providing positive assurance in accordance with [FAR 52-203.11 Certification Regarding Lobbying](#) to the best of his or her knowledge and belief that on or after December 23, 1989:

1) No federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, loan, or cooperative agreement;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered federal transaction) have been paid, or will be paid, to any person for influencing or attempting 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 on his or her behalf in connection with the awarding of any resulting purchase order; and

(3) He or she will include the language in this assurance in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and provide disclosure accordingly.

Assurance and disclosure by submission of your signed proposal is a prerequisite for making or entering into any resulting purchase order imposed by section 1352, title 31, United States Code. Any person who makes expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000, for each such failure.

52.203-3	Gratuities (Apr 84)
52.203-5	Covenant Against Contingent Fees (Apr 84)
52.203-6	Restrictions on Sub-Contractor Sales to the Government (Jul 95)
52.203-7	Anti-Kickback Procedures (Jul 95)
52.203-9	Procurement Integrity-Service Contracting (Sep 90)
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (Jan 1997)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (Jun 1997)
52.215-2	Audit and Records- Negotiation (Jun 1999) (Alt. II)
52.219-8	Utilization of Small Business Concerns (Oct 2000)
52.219-9	Small Business Subcontracting Plan
52.222-4	Contract Work Hours and Safety Standards Act - Overtime Compensation (Sep 2000)
52.223-2	Clean Air and Water (Apr 84)
52.223-6	Drug-Free Workplace (Mar 2001)

52.227-1 Authorization and Consent (Jul 95)
52.227-2 Notice and Assistance Regarding Patent and Copyright
Infringement (Aug 96)
52.242-13 Bankruptcy (Jul 1995)
52.244-5 Competition in Subcontracting (Dec 96)
52.246-2 Inspection of Supplies - Fixed Price (Aug 96)
52.246-4 Inspection of Services - Fixed Price (Aug 96)
52.246-24 Limitation of Liability-High Value Items (Feb 97)
52.249-2 Termination for Convenience of the Government (Fixed Price)
(Sep 96)
252.203-7000 Statutory Prohibitions on Compensation to Former Department of
Defense Employees (Dec 91)
252.203-7001 Prohibition on Persons Convicted on Fraud or Other Defense
Contract Related Felonies (Mar 99)
252.209-7000 Acquisitions from Subcontractors Subject to On-Site Inspection
Under the Intermediate-Range Nuclear Forces (INF) Treaty (Nov
95)
252.233-7000 Certification of Claims and Requests for Adjustment or Relief
(May 94)
252.242-7004 Material Management and Accounting System (Dec 2000)
252.247-7023 Transportation of Supplies by Sea (May 2002)

Applicable when fixed price is greater than \$500,000:

- 52.219-9 Small Business Subcontracting Plan (Jan 2002)
- 52.219-16 Liquidated Damages- Subcontracting Plan (Jan 1999)
- 52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises (Jun 2000)
- 52.230-2 Cost Accounting Standards (Apr 1998)
- 52.230-3 Disclosure and Consistency of Cost Accounting Practices (Apr 1998)
- 52.230-5 Cost Accounting Standards - Educational Institutions (Apr 1998)
- 52.230-6 Administration of Cost Accounting Standards (Nov 1999)
- 52.244-1 Subcontracts - Fixed Price Contracts (Feb 95)
- 252.205-7000 Provision of Information to Cooperative Agreement Holders (Dec 91)
- 252.219-7003 Small Business and Small Disadvantaged Business Subcontracting Plan (DOD Contracts) (Apr 96)
- 252.219-7005 Incentive for Subcontracting with Small Businesses, Small Disadvantaged Businesses, Historically Black Colleges and Universities, and Minority Institutions (Nov 95)
- 252-249-7001 Notification of Substantial Impact on Employment (Dec 91)

Applicable when fixed price is greater than \$550,000:

- 52.215-10 Price Reduction for Defective Cost or Pricing Data (Oct 97)
- 52.215-12 Subcontractor Cost or Pricing Data (Oct 97)
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits other than Pensions (PRB) (Oct 1997)
- 252.215-7000 Pricing Adjustment (Dec 91)

Applicable when fixed price is greater than \$1,000,000:

- 52.222-26 Equal Opportunity Preaward Clearance (Apr 2002)
- 52.243-7 Notification of Changes (Apr 84) (Note: Paragraph (b) - 30 days; paragraph (d) -60 days)

Applicable when fixed price is greater than \$5,000,000:

- 252.203-7002 Display of DOD Hotline Poster (Dec 91)