

FEDERAL PROVISIONS (JULY 2006)

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 University of Hawaii, the Federal Acquisition Regulation (FAR) 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 of these clauses and provisions is available on the Internet at <http://farsite.hill.af.mil/vffar1.htm> and <http://farsite.hill.af.mil/VDFDAR1.HTM> or from the University of Hawaii Office of Procurement and Real Property Management. 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 this subcontract. In the event of 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/subrecipient," "Government," and "Contracting Officer," as used in the clauses incorporated by this reference, shall be deemed to refer to the "Seller," "Buyer," and the "University of Hawaii" (UH), respectively.

THE FOLLOWING PROVISIONS APPLY:

Applies to all orders

FAR:

52.202-1	Definitions
52.208-8	Required Sources for Helium and Helium Usage Data
52.211-15	Defense Priority and Allocation Requirements [Applies to rated orders certified national for national defense use. In such event, Seller is required to follow all the provisions of the Defense Priorities and Allocations system regulation (15CFR700)]
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
52.216-7	Allowable Cost & Payment 31.3 (A-21) Applicable for Educational Institutions 31.4 (a122) Applicable for Nonprofits
52.216-8	Fixed Fee
52.216-11	Cost Contract No Fee
52.222-6	Davis-Bacon Act
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 Davis-Bacon and Related Act Regulations
52.222-14	Disputes Concerning Labor Standards
52.222-15	Certification of Eligibility
52.222-22	Previous Contracts and Compliance Reports
52.222-41	Service Contract Act of 1965, as Amended
52.223-7	Notice of Radioactive Materials
52.227-9	Refund of Royalties
52.227-10	Filing of Patent Applications--Classified Subject Matter

52.227-11	Patent Rights--Retention by the Contractor (Short Form) Applicable if: (i) The contractor is a small business concern or non-profit organization as defined in FAR 27.301 (ii) No alternative patents rights clause is used in accordance with paragraph (c) or (d) of FAR 27.303
52.227-12	Patent Rights--Retention by the Contractor (Long Form) Applicable if: (i) The contractor is other than a small business firm or nonprofit organization (ii) No alternative clause is used in accordance with paragraph (c) or (d) of FAR 27.303 (iii) The contracting agency is one of those excepted under subdivision (a) (1) (i) of FAR 27.303
52.227-13	Patent Rights--Acquisition by the Government Applicable if: (i) No alternative clause is used in accordance with paragraphs (c) (2) and (4) or paragraph (d) of FAR 27.303 (ii) The work is to be performed outside the United States, its possessions, and Puerto Rico by contractors that are not small business firms, nonprofit organizations as defined in FAR 27.301, or domestic firms.
52.228-5	Insurance--Work on a Government Installation
52.232-7	Payments for Time & Material/Labor Hour Contracts
52.232-20	Limitation of Cost
52.232-21	Limitation of Cost (Facilities)
52.232-27	Prompt Payment for Construction Contracts
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
52.245-5	Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts)
52.245-8	Liability for the Facilities
52.245-17	Special Tooling
52.245-18	Special Test Equipment
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-Hours
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)
52.246-10	Inspection of Facilities
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)

52.249-5 Termination for Convenience of the Government (Educational and other Nonprofit Institutions)
 52.249-6 Termination (Cost-Reimbursement)
 52.249-7 Termination (Fixed-Price Architect-Engineer)
 52.249-11 Termination of Work (Consolidated Facilities or Facilities Acquisition)

DFAR:

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 and Disposal of Toxic and Hazardous Materials
 252.225-7009 Duty-Free Entry-Qualifying Country Supplies (End Products and Components)
 252.225-7010 Duty-Free Entry-Additional Provisions
 252.225-7014 Preference for Domestic Specialty Metals
 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
 252.225-7037 Duty-Free Entry--Eligible End Products
 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
 252.227-7034 Patents--Subcontracts
 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 and Commercial Components
 252.247-7024 Notification of Transportation of Supplies by Sea

Applies if order is over \$2,500

FAR:

52.225-13 Restrictions on Certain Foreign Purchases

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
 52.222-36 Affirmative Action for Workers with Disabilities
 52.225-8 Duty-Free Entry

Applies if order is over \$25,000

FAR:

- 52.209-6 Protecting the Governments Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment
- 52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
- 52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

Applies if order is over \$50,000

FAR:

- 52.248-3 Value Engineering—Construction

Applies if order is over \$100,000

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
- 52.223-14 Toxic Chemical Release Reporting
- 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)
- 52.249-8 Default (Fixed-Price Supply and Service)
- 52.249-9 Default (Fixed-Price Research and Development)
- 52.249-10 Default (Fixed-Price Construction)
- 52.249-12 Termination (Personal Services)
- 52.249-13 Failure to Perform
- 52.249-14 Excusable Delays

DFAR:

- 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies
- 252.209-7000 Acquisition from Subcontractors Subject to On-Site Inspection Under the Intermediate-Range Nuclear Forces (INF) Treaty
- 252.247-7023 Transportation of Supplies by Sea
- 252.249-7002 Notification of Anticipated Contract Termination or Reduction

Applies if order is over \$500,000

FAR

52.219-9	Small Business Subcontracting Plan
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

DFAR

252.225-7026	Reporting of Contract Performance Outside the United States
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Applies if order is over \$550,000

FAR:

52.214-26	Audit and Records—Sealed Bidding
52.214-28	Subcontractor Cost or Pricing Data—Modifications—Sealed Bidding
52.215-12	Subcontractor Cost or Pricing Data
52.215-13	Subcontractor Cost or Pricing Data—Modifications

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

DFAR:

252.211-7000	Acquisition Streamlining
252.225-7032	Waiver of United Kingdom Levies

COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS APPLICABLE TO SUBCONTRACTOR AGREEMENTS NOT COVERED BY FAR:

Subcontractor shall comply with cost principles of OMB Circular A-21, "Cost Principles for Educational Institutions," OMB Circular A-87, "Cost Principles for State and Local Governments," or OMB Circular A-122, "Cost Principles for Non-Profit Organizations."

AUDIT REPORT AND OTHER CLAUSES FOR SUBCONTRACTOR AGREEMENTS:

AUDIT REPORTS

Subcontractor shall comply with the requirements of OMB Circular A-133. Subcontractor further agrees to provide 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 OMB Circular A-133 shall be available for inspection by representatives of 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 OMB Circular A-133 for assuring compliance under this subaward.

DISALLOWANCES

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