

**TERMS AND CONDITIONS
APPLICABLE TO SUBCONTRACTS
(UNDER FEDERAL GRANTS)
(SEPTEMBER 2009)**

1. ANTI-KICKBACK ACT. For construction or repair projects of more than \$2,000, the vendor shall comply with the Copeland Anti-Kickback Act of 1986 (18 U.S.C.874 and 40 U.S.C.276c) as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States).
2. DAVIS-BACON ACT. For construction projects of more than \$2,000, the vendor shall comply with the Davis-Bacon Act (40 U.S.C.176a to a-7) and as supplemented by Department of labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction").
3. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT. For construction projects of more than \$2,000 or other projects of more than \$2,500 that involve the employment of mechanics or laborers, the vendor shall comply with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.327-333), as supplemented by Department of Labor regulations (29 CFR part 5).
4. RIGHTS TO INVENTIONS. For the performance of experimental, developmental, or research work, the Federal government and the UH shall retain rights to any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements".
5. ANTI-LOBBYING. If this purchase is more than \$100,000, the vendor shall certify that it will not or has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee or any agency, a member of Congress, officer or employee or Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by the Byrd Anti-Lobbying Amendment (31 U.S.C.1352). The vendor shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.
6. DEBARMENT AND SUSPENSION. In accordance with E.O.s 12549 and 12649, "Debarment and Suspension," no purchase of more than \$30,000 shall be made with a vendor that is debarred, suspended, or proposed for debarment. For purchases of more than \$30,000, either the vendor shall certify that it is or is not debarred, suspended or proposed for debarment by the Federal Government or the UH shall check the government Excluded Parties List at <http://epls.arnet.gov>, to ensure that the vendor is not included on the list. Recipients shall fully comply with the requirements stipulated in Subpart C of 45 CFR §620, entitled "Responsibilities of Participants Regarding Transactions". The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 45 CFR §620, entitled "Covered Transactions", includes a term or condition requiring compliance with Subpart C. The recipient also is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transaction. The recipient acknowledges that failing to disclose the information required under 45 CFR §620.335 may result in the termination of the award, or pursuance of other available remedies, including suspension and debarment. Recipients may access the Excluded Parties List System at <http://epls.arnet.gov>.

7. RIGHT TO AUDIT. For all negotiated purchases of more than \$100,000, the vendor agrees that the UH, the Federal awarding agency, the Comptroller General of the United States, or any of their duty authorized representatives, shall have access to and the right to examine any pertinent books, documents, papers and records of such vendor involving transactions related to this purchase.

8. EQUAL EMPLOYMENT OPPORTUNITY – The vendor shall comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity Department of Labor."

9. CLEAN AIR ACT (42 U.S.C. 7401 et. seq.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251 et. seq.), AS AMENDED For Contracts and subgrants of amounts in excess of \$100,000, the vendor shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et. seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et. seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).