

Federal Clauses

FEDERALLY FUNDED PURCHASE ORDERS

In cases where a purchase is funded wholly or partially with federal funds, the Contractor will comply with all applicable provisions of federal law. Refer to the following links for federal guidelines:

https://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=e2fb8faf658f113bf606a3e6d7808e16&mc=true&tpl=/ecfrbrowse/Title02/2tab_02.tpl
<https://www.acquisition.gov/?q=browsefar>

The Contractor shall comply with all federal regulations relating to the performance of Work funded in whole, or in part, with federal funds. In addition, Contractor agrees to flow-down all applicable clauses to lower-tier subcontractors including, but not limited to the following:

FEDERAL REQUIREMENTS ON ALL PURCHASES

- 1.1. Security Requirements (applicable if access to classified material is involved) FAR 52.204-2
 - 1.2. Equal Employment Opportunity - Executive Order 11246 as amended by Executive Order 11375 and supplemented by 41CFR part 60
 - 1.3. Copeland Anti-kickback Act (for construction and repair) 18 USC 874 as supplemented by Department of Labor regulations 29 CFR part 3
 - 1.4. Davis-Bacon Act, as amended 40 USC 276a to a-7 and supplemented by Department of Labor regulations 29 CFR part 5
 - 1.5. Contract Work Hours and Safety Standards Act 40 USC 327-333 and supplemented by Department of Labor regulations 29 CFR part 5.
 - 1.6. Rights to Inventions Made under a Contract or Agreement - 37 CFR part 401
 - 1.7. Preference for Privately Owned U.S.-Flag Commercial Vessels - FAR 52.247-64
 - 1.8. Hazardous Material Identification and Material Safety Data policy (when applicable) FAR 52.223-3 17.9 Filing of Patent Applications – Classified Subject Matter FAR 52.227-10
 - 1.9. Patents Rights – Ownership by Contractor and Government FAR 52.227-11 and 52.227.13
 - 1.10. Rights in Data – General FAR 52.227-14
 - 1.11. Authorization and Consent Patents and Copyrights 52.227-1
 - 1.12. Notice and Assistance Regarding Patent and Copyright Infringements FAR 52.227.2
 - 1.13. Buy American Act – Supplies FAR 52.225-3
 - 1.14. Government Property FAR 52.245-5
 - 1.15. Notice of Radioactive Materials FAR 52.223-7
 - 1.16. Privacy Act FAR 52.224-2
2. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$2,500
 - 2.1. Restrictions on Certain Foreign Purchases FAR 52.225-13
 - 2.2. McNamara –O'Hara Service Contracts Act 41 U.S.C. 351 et seq.
3. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$10,000
 - 3.1. Prohibition of Segregated Facilities FAR 52.222-21
 - 3.2. Equal Opportunity FAR 52.222-26
 - 3.3. Affirmative Action for Workers with Disabilities FAR 52.222-36
 - 3.4. Walsh-Healy Public Contracts Act FAR 52.222.20
4. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$25,000
 - 4.1. Affirmative Action for Disabled Veterans and Vietnam of the Vietnam Era FAR 52.222-35
 - 4.2. Employment Reports on Special Disabled Veterans and Vietnam of the Vietnam Era FAR 52.222-37
 - 4.3. Debarment and Suspension FAR 52.209-6
5. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$100,000
 - 5.1. Anti-kickback procedures FAR 52.203-7
 - 5.2. Restrictions on Subcontractor Sales to the Government FAR 52-203.6
 - 5.3. Audit and Records Negotiation (if document was entered by negotiation) FAR52.215.2

Federal Clauses

- 5.4. Integrity of Unit Prices FAR 52.215-14
- 5.5. Contract Work Hours and Safety Standards Act FAR 52.222-4
- 5.6. Clean Air and Water FAR 52.223-2
- 5.7. Clean Air Act (42 U.S.C. 7401 et seq.)
- 5.8. Federal Water Pollution Control Act 33 U.S.C. 1251, et seq.
- 5.9. Drug-Free Workplace FAR 52.223-6
- 5.10. Byrd Anti-Lobbying Amendment 31 U.S.C. 1352
- 5.11. Utilization of Small Business Concerns FAR 52.219-8
- 5.12. Preference for US Flag Carriers FAR 52.247-63
- 5.13. Toxic Chemical Release Reporting 52.223-14

6. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$500,000

- 6.1. Cost Accounting Standards – Educational Institutions FAR 52.230-5
- 6.2. Administration of Cost Accounting Standards FAR 52.230-6

7. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$550,000

- 7.1. Price Reduction for Defective Cost or Pricing Data FAR 52.215-10
- 7.2. Subcontractor Cost or Pricing Data FAR 52.215-12
- 7.3. Subcontractor Cost or Pricing Data – Modifications FAR 52.215-13

8. FEDERAL REQUIREMENTS ON PURCHASES GREATER THAN \$650,000

- 8.1. Small Business and Small Disadvantaged Business Subcontracting Plans FAR 52.219-9
- 8.2. Liquidated Damages – Subcontracting Plan FAR 52.219-16

9. AFFIRMATIVE ACTION

The Contractor shall not maintain or provide racially segregated facilities for employees at any establishment under his control. Contractor agrees to adhere to the principles set forth in Executive Orders 13672 and 11375, Section 503 of the Rehabilitation Act of 1973, and USC 2012 (Disabled Veterans and Veterans of the Vietnam Era), and to undertake specifically: to maintain employment policies and practices that affirmatively promote equality of opportunity for minority group persons and women; to take affirmative steps to hire and promote women and minority group persons at all job levels and in all aspects of employment; to communicate this policy in both English and Spanish to all persons concerned within his company, and to discuss with TTUS the policies and practices relating to the Contractor's Affirmative Action program.

10. FEDERAL EQUAL OPPORTUNITY

The Contractor and any Subcontractors shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability and requires affirmative action by covered prime Contractors and Subcontractors to employ and advance in employment qualified individuals with disabilities.