

Oak Ridge Associated Universities
Subcontract Terms & Conditions – Supplement-03 CDC-NIOSH

PART 5. THIS SECTION IS APPLICABLE TO ALL SUBCONTRACTS AWARDED UNDER CENTERS FOR DISEASE CONTROL (CDC)/NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH) PRIME CONTRACT NO. 200-2002-00593

PART 5.A APPLICABLE TO ALL TRANSACTIONS

5.A.1 TITLE AND ADMINISTRATION

Any right and/or interest which is acquired under the terms of this Agreement shall pass directly from Seller to the Government. Company shall make payments under this Agreement from funds advanced by the Government and agreed to be advanced by NIOSH, and not from its own assets. Administration of this Agreement may be transferred, in whole or in part, to NIOSH or its designee(s), and to the extent of such transfer and notice thereof to Seller, Company shall have no further responsibilities hereunder.

5.A.2 INCORPORATION BY REFERENCE

This Agreement incorporates certain provisions by reference. These articles and clauses apply as if they were set forth in their entirety. For Federal Acquisition Regulation (FAR) provisions incorporated by reference, “Contractor” means Seller and “Contracting Officer” means Buyer/Contract Specialist. The FAR may be obtained from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, D.C. 20402 or from Government web site at: (<http://www.arnet.gov/far/>). The full text of Health and Human Services Acquisition Regulation (HHSAR) clauses are contained at 48 CFR Chapter 3. Copies are available from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, D.C. 20402 or from Government web site at: (<http://www.os.dhhs.gov/ogam/oam/procurement/hhsar.html>).

The following clauses are incorporated by reference:

- 52.203-3 Gratuities (Apr 1984)
- 52.203-5 Covenant Against Contingent Fees (Apr 1984)
- 52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Jan 1997)
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (Jan 1997)
- 52.204-4 Printed or Copied Double-Sided on Recycled Paper (Aug 2000)
- 52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Jul 1995)
- 52.215-8 Order of Precedence-Uniform Contract Format (Oct 1997)
- 52.216-7 Allowable Cost and Payment (Feb 2002)
- 52.219-16 Liquidated Damages – Subcontracting Plan (Jan 1999)
- 52.222-3 Convict Labor (Aug 1996)
- 52.222-4 Contract Work Hours and Safety Standards Act – Overtime Compensation (Sep 2000)
- 52.222-21 Prohibition of Segregated Facilities (Feb 1999)
- 52.222-22 Previous Contracts and Compliance Reports (Feb 1999)
- 52.222-26 Equal Opportunity (Apr 2002)
- 52.222-35 Affirmative Action For Disabled Veterans and Veterans Vietnam of the Era (Apr 1998)
- 52.222-36 Affirmative Action For Workers with Disabilities (Jun 1998)
- 52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Dec 2001)
- 52.223-5 Pollution Prevention and Right-to-Know Information (Apr 1998)
- 52.223-6 Drug Free Workplace (May 2001)
- 52.224-1 Privacy Act Notification (Apr 1984)
- 52.224-2 Privacy Act (Apr 1984)
- 52.225-13 Restrictions on Certain Foreign Purchases (Jul 2000)
- 52.227-1 Authorization and Consent (Jul 1995)
- 52.227-3 Patent Indemnity (Apr 1984)
- 52.227-14 Rights in Data – General (Jun 1987)
- 52.230-2 Cost Accounting Standards (Apr 1998)
- 52.230-6 Administration of Cost Accounting Standards (Nov 1999)
- 52.232-9 Limitation on Withholding of Payments (Apr 1984)

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52.232-17	Interest (Jun 1996)
52.232-22	Limitation of Funds (Apr 1984)
52.232-23	Assignment of Claims (Jan 1986)
52.232-25	Prompt Payment (Feb 2002)
52.232-34	Payment by Electronic Funds Transfer – Other Than Central Contractor Registration (May 1999)
52.233-1	Disputes (Jul 2002)
52.233-3	Protest After Award (Alternate I) (Jun 1985)
52.239-1	Privacy or Security Safeguards (Aug 1996)
52.242-1	Notice of Intent To Disallow Costs (Apr 1984)
52.242-3	Penalties for Unallowable Costs (May 2001)
52.242-13	Bankruptcy (Jul 1995)
52.243-2	Changes – Cost Reimbursement (Alternate I) (Apr 1984)
52.243-7	Notification of Changes (Apr 1984)
52.244-2	Subcontracts (Aug 1998)
52.244-5	Competition in Subcontracting (Dec 1996)
52.244-6	Subcontracts for Commercial Items (May 2002)
52.245-1	Property Records (Apr 1984)
52.245-5	Government Property (Cost-Reimbursement, Time and Material, or Labor-Hour Contracts) (Jan 1986)
52.246-25	Limitation of Liability – Services (Feb 1997)
52.249-6	Termination (Cost-Reimbursement) (Sep 1996)
52.249-14	Excusable Delays (Apr 1984)
52.253-1	Computer Generated Forms (Jan 1991)

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HHSAR 352.223-70	Safety and Health (Jan 2001)
HHSAR 352.224-70	Confidentiality of Information (Apr 1984)
HHSAR 352.228-7	Insurance – Liability to Third Persons (Dec 1991)
HHSAR 352.232-9	Withholding of Contract Payments (Apr 1984)
HHSAR 352.242-71	Final Decisions on Audit Findings (Apr 1984)
HHSAR 352.270-1	Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities (Jan 2001)
HHSAR 352.270-6	Publication And Publicity (Jul 1991)
HHSAR 352.270-7	Paperwork Reduction Act (Jan 2001)

PART 5.B APPLICABLE TO ALL AGREEMENTS IN EXCESS OF \$100,000

5.B.1 INCORPORATION BY REFERENCE

For information on clauses incorporated by reference, see Part 5.A.2.

The following clauses are incorporated by reference:

52.202-1	Definitions (Oct 1995) (Deviations) HHSAR 352.202-1 (Jan 2001)
52.203-6	Restrictions on Subcontractor Sales to the Government (Jul 1995)
52.203-7	Anti-Kickback Procedures (Jul 1995)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (Jun 1997)
52.215-2	Audit and Records – Negotiation (Jun 1999)
52.219-8	Utilization of Small Business Concerns (Oct 2000)
52.223-14	Toxic Chemical Release Reporting (Oct 2000)
52.227- 2	Notice and Assistance Regarding Patent and Copyright Infringement (Aug 1996)

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PART 5.C APPLICABLE TO ALL AGREEMENTS IN EXCESS OF \$500,000

5.C.1 INCORPORATION BY REFERENCE

For information on clauses incorporated by reference, see Part 5.A.2.

The following clauses are incorporated by reference:

- 52.215-10 Price Reduction for Defective Cost or Pricing Data (Oct 1997)
- 52.215-11 Price Reduction for Defective Cost or Pricing Data—Modifications (Oct 1997)
- 52.215-12 Subcontractor Cost or Pricing Data (Oct 1997)
- 52.215-13 Subcontractor Cost or Pricing Data—Modifications (Oct 1997)
- 52.215-15 Pension Adjustments and Asset Reversions (Dec 1998)
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Oct 1997)
- 52.215-19 Notification of Ownership Changes (Oct 1997)
- 52.215-21 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data –
Modifications (Oct 1997)
- 52.219-9 Small Business Subcontracting Plan (Oct 2000)