

**Oak Ridge Associated Universities**  
**Subcontract Terms & Conditions – Supplement-04 CDC-NIOSH**

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**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. 200-2009-29263**

**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 FAR 52.252-6 Authorized Deviations in Clauses (Apr 1984)**

(a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of “(Deviation)” after the date of the clause.

(b) The use in this solicitation or contract of any HHSAR (48 CFR Chapter 3) clause with an authorized deviation is indicated by the addition of “(Deviation)” after the name of the regulation.

**5.A.3 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: [www.hhs.gov/oamp/policies/hssar.doc](http://www.hhs.gov/oamp/policies/hssar.doc)

**The following clauses are incorporated by reference:**

52.202-1	Definitions (Jul 2004)
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)
52.204-7	Central Contractor Registration (Apr 2008)
52.204-9	Personal Identity Verification of Contractor Personnel (Sept 2007)
52.209-6	Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Sep 2006)
52.215-8	Order of Precedence-Uniform Contract Format (Oct 1997)
52.216-7	Allowable Cost and Payment (Dec 2002)
52.219-16	Liquidated Damages – Subcontracting Plan (Jan 1999)
52.222-1	Notice to Government of Labor Disputes (Feb 1997)
52.222-3	Convict Labor (Jun 2003)
52.222-4	Contract Work Hours and Safety Standards Act – Overtime Compensation (Jul 2005)
52.222-21	Prohibition of Segregated Facilities (Feb 1999)
52.222-26	Equal Opportunity (Mar 2007)
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans Vietnam of the Era, and Other Eligible Veterans (Sep 2006)
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 (Sep 2006)

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52.222-50	Combating Trafficking in Persons (Feb 2009)
52.223-5	Pollution Prevention and Right-to-Know Information (Aug 2003)
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 (Jun 2008)
52.227-1	Authorization and Consent (Dec 2007)
52.227-3	Patent Indemnity (Apr 1984)
52.227-14	Rights in Data – General (Dec 2007) Alternate V (Dec 2007)
52.227-17	Rights in Data – Special Works (Dec 2007)
52.230-2	Cost Accounting Standards (Oct 2008)
52.230-3	Disclosure and Consistency of Cost Accounting Practices (Oct 2008)
52.230-6	Administration of Cost Accounting Standards (Mar 2008)
52.232-9	Limitation on Withholding of Payments (Apr 1984)
52.232-17	Interest (Oct 2008)
52.232-22	Limitation of Funds (Apr 1984)
52.232-23	Assignment of Claims (Jan 1986)
52.232-25	Prompt Payment (Oct 2008) Alternate I (Feb 2002)
52.232-33	Payment by Electronic Funds Transfer –Central Contractor Registration (Oct 2003)
52.233-1	Disputes (Jul 2002)
52.233-3	Protest After Award (Aug 1996) Alternate I (Jun 1985)
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004)
52.237-3	Continuity of Services (Jan 1991)
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 (Aug 1987) Alternate I (Apr 1984)
52.243-7	Notification of Changes (Apr 1984)
52.244-5	Competition in Subcontracting (Dec 1996)
52.244-6	Subcontracts for Commercial Items (Mar 2009)
52.245-1	Government Property (June 2007)
52.245-9	Use and Charges (June 2007)
52.246-25	Limitation of Liability – Services (Feb 1997)
52.248-1	Value Engineering (Feb 2000)
52.249-6	Termination (Cost-Reimbursement) (May 2004)
52.249-14	Excusable Delays (Apr 1984)
52.253-1	Computer Generated Forms (Jan 1991)

**HHSAR SOURCE    TITLE and DATE**

HHSAR 352.216-72	Additional Cost Principles (Jan 2006)
HHSAR 352.228-7	Insurance – Liability to Third Persons (Dec 1991)
HHSAR 352.232-9	Withholding of Contract Payments (Jan 2006)
HHSAR 352.233-70	Litigation and Claims (Jan 2006)
HHSAR 352.242-71	Final Decisions on Audit Findings (Apr 1984)
HHSAR 352.270-6	Publications and Publicity (Jan 2006)
HHSAR 352.270-7	Paperwork Reduction Act (Jan 2006)
HHSAR 352.270-10	Anti-Lobbying (Jan 2006)
HHSAR 352.270-11	Privacy Act (Jan 2006)
HHSAR 352.270-19	(b)Electronic and Information Technology Accessibility (Jan 2006)
HHSAR 352.224-70	Confidentiality of Information (Jan 2006)
HHSAR 352.249-14	Excusable Delays (Jan 2006)

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**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.3.

**The following clauses are incorporated by reference:**

- 52.202-1 Definitions (Jul 2004)
- 52.203-6 Restrictions on Subcontractor Sales to the Government (Sep 2006)
- 52.203-7 Anti-Kickback Procedures (Jul 1995)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Sep 2007)
- 52.215-2 Audit and Records – Negotiation (Mar 2009)
- 52.219-8 Utilization of Small Business Concerns (May 2004)
- 52.223-14 Toxic Chemical Release Reporting (Aug 2003)
- 52.227- 2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)

**PART 5.C APPLICABLE TO ALL AGREEMENTS IN EXCESS OF \$550,000**

**5.C.1 INCORPORATION BY REFERENCE**

For information on clauses incorporated by reference, see Part 5.A.3.

**The following clauses are incorporated by reference:**

- 52.219-9 Small Business Subcontracting Plan (Apr 2008)
- 52.219-9 Small Business Subcontracting Plan – Alternate II (Oct 2001)

**PART 5.D APPLICABLE TO ALL AGREEMENTS IN EXCESS OF \$650,000**

**5.D.1 INCORPORATION BY REFERENCE**

For information on clauses incorporated by reference, see Part 5.A.3.

**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 (Oct 2004)
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Jul 2005)
- 52.215-21 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data – Modifications (Oct 1997)

**PART 5.E APPLICABLE TO ALL AGREEMENTS IN EXCESS OF \$5,000,000**

**5.F.1 INCORPORATION BY REFERENCE**

For information on clauses incorporated by reference, see Part 5.A.3.

**The following clauses are incorporated by reference:**

- 52.203-13 Contractor Code of Business Ethics and Conduct (Dec 2008)