

Oak Ridge Associated Universities
Subcontract Terms & Conditions – Supplement-02 NIOSH

PART 5. THIS SECTION IS APPLICABLE TO ALL SUBCONTRACTS AWARDED UNDER NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH PRIME CONTRACT NO. 20019998009

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 (10-1-96 Edition). 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:

- 52.203-03 Gratuities (Apr-84)
- 52.203-05 Covenant Against Contingent Fees (Apr- 84)
- 52.203-08 Cancellation, Rescission, And Recovery of Funds For Illegal Or Improper Activity (Jan -97)
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (Jan-97)
- 52.204-01 Approval of Contract (Dec-89)
- 52.204-04 Printing/Copying Double Sided on Recycled Paper (May-95)
- 52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Jul-95)
- 52.214-34 Submission of Offers in the English Language (Apr -91)
- 52.214-35 Submission of Offers in U.S. Currency (Apr -91)
- 52.215-8 Order of Precedence-Uniform Contract Format (Oct-97)
- 52.215-9 Changes or Additions to Make or Buy Program (Oct-97)
- 52.215-9 Alternate (Oct-97)
- HHSAR 352.215-12 Restriction on Disclosure and use of Data (Apr-84)
- 52.215-14 Integrity of Unit Prices (Oct-97)
- 52.215-14 Alternate (Oct-97)
- 52.215.20 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data (Oct-97)
- 52.216-07 Allowable Cost and Payment (Apr- 98)
- 52.216-08 Fixed Fee (Mar-97)
- 52.219-10 Incentive Subcontracting Program (Jan-99)
- 52.219-16 Liquidated Damages – Subcontracting Plan (Jan-99)
- 52.222-03 Convict Labor (Apr-84)
- 52.222-04 Contract Work Hours and Safety Standards Act – Overtime Compensation (Jul-95)
- 52.222-26 Equal Opportunity (Feb-99) The required poster is available at:
<http://www.dol.gov/esa/regs/compliance/posters/eo.htm>
- 52.222.28 Equal Opportunity Preaward Clearance of Subcontracts (Apr-84)
- 52.222-29 Notification of Visa Denial (Feb-99)
- 52.222-35 Affirmative Action for Disabled Veterans and Veterans Vietnam of the Era (Apr-98)
- 52.222-36 Affirmative Action for Workers with Disabilities (Aug-98)
- 52.222-37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (Jan-99)
- 52.223-02 Clean Air and Water (Apr-84)

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- 52.223-06 Drug Free Workplace (Jan-97)
- 52.224-01 Privacy Act Notification (Apr-84)
- 52.224-02 Privacy Act (Apr 84)
- HHSAR 352.224-70 Confidentiality Of Information
- 52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises (Jan-99)
- 52.227- 01 Authorization And Consent - Alternate I (Jul-95)
- 52.227-16 Additional Data Requirements (Jun-87)
- 52.227-17 Rights in Data-Special Works (Jun -87)
- HHSAR 352.228-7 Insurance Liability to Third Persons (Dec- 91)
- 52.230-05 Cost Accounting Standards – Educational Institution (Apr- 96)
- 52.230-06 Administration of Cost Accounting Standards (Apr- 96)
- 52.232.09 Limitation on Withholding of Payments (Apr-84)
- HHSAR 352.232-9 Withholding of Contract Payments (Apr-84)
- 52.232-12 Advance Payments (Apr-84)
- 52.232-17 Interest (Apr-96)
- 52.232-18 Availability of Funds (Apr-84)
- 52.232-20 Limitation of Cost (Apr-84)
- 52.232-22 Limitation of Funds (Apr-84)
- 52.232-23 Assignment of Claims (Jan-86)
- 52.232.25 Prompt Payment (May-97)
- 52.232.28 Electronic Funds Transfer Payment Methods (Apr- 89)
- 52.232-33 Mandatory Information for Electronic Funds Transfer Payment (Aug- 96)
- 52.233-01 Disputes-Alternate I (Dec-98)
- 52.233-03 Protest After Award – Alternate I (Aug-96)
- 52.239-1 Privacy or Security Safeguards (Aug-96)
- 52.242-01 Notice of Intent to Disallow Costs (Dec-89)
- 52.242-02 Production Progress Reports (Apr-91)
- 52.242-03 Penalties for Unallowable Costs (Oct-95)
- 52.242-13 Bankruptcy (Jul-95)
- HHSAR 352.242-71 Final Decisions on Audit Findings (Apr-84)
- 52.243-2 Changes – Cost Reimbursement – Alt. V (Aug-87)
- 52.243-07 Notification of Changes (Apr-84)
- 52.244-05 Competition in Subcontracting (Aug-98)
- 52.245-05 Government Property (Cost-Reimbursement, Time and Material, or Labor-Hour Contracts) (Jan-96)
- 52.245-05 Alternate I (Jul-85)
- 52.245-18 Special Test Equipment (Feb-93)
- 52.245-19 Government Property Furnished “As Is” (Dec-89)
- 52.246-23 Limitation of Liability (Apr-84)
- 52.246-25 Limitation of Liability – Services (Apr-84)
- 52.247-34 F.O.B. Destination (Jan-91)
- 52.247-48 F.O.B. Destination—Evidence of Shipment (Feb-99)
- 52.247-63 Preference for U.S. Flag Air Carriers (Jan-97)
- 52.249-05 Termination for the Convenience of the Government (Educational and Other Nonprofit Institutions) (Sep-96)
- 52.249-06 Termination (Cost-Reimbursement) (Sep-96)
- 52.249-14 Excusable Delays (Apr-84)
- 52.251-01 Government Supply Sources (Apr-84)
- 52.253-1 Computer Generated Forms (Jan-91)
- HHSAR 352.270-6 Publication and Publicity (Jul-91)
- HHSAR 352.270-7 Paperwork Reduction Act (Apr-84)

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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.2.

The following clauses are incorporated by reference:

- 52.203-7 Anti-Kickback Procedures (Jul-95)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Jun-97)
- 52.215-2 Audit and Records – Negotiation (Aug-96)
- 52.219-08 Utilization of Small Business Concerns and Small Disadvantaged Business Concerns (Oct 95)
- 52.223-14 Toxic Chemical Release Reporting (Oct-96)
- 52.227- 02 Notice and Assistance Regarding Patent and Copyright Infringement (Aug-96)

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-97)
- 52.215-11 Price Reduction for Defective Cost or Pricing Data—Modifications (Oct-97)
- 52.215-13 Subcontractor Cost or Pricing Data—Modifications (Oct-97)
- 52.215-19 Notification of Ownership Changes (Oct-97)
- 52.219-09 Small Business Subcontracting Plan (Jan -99)