FEDERAL PROVISIONS

GOVERNMENT SUBCONTRACT PROVISIONS INCORPORATED IN ALL SUBCONTRACTS/PURCHASE ORDERS
(UNDER FEDERAL PRIME CONTRACTS)

Since this is a subcontract under a U.S. Government Prime Contract awarded to the Research Corporation of the University of Hawaii (RCUH), the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulations Supplement (DFARS), and other clauses and provisions listed below, if applicable, are hereby incorporated in this subcontract by reference with the same force and effect as if set forth in full text. The complete text for all clauses and provisions is available online at http://farsite.hill.af.mil/vffar1.htm and http://farsite.hill.af.mil/VFDFAR1.HTM or from the RCUH. The Contractor hereby acknowledges possession of the FAR and is otherwise familiar with all of the clauses and provisions incorporated herein by reference, and agrees to perform the applicable requirements under this subcontract. In the event of a conflict between the terms and conditions of this section and any other provisions of this subcontract, the terms and conditions of this section shall prevail. The terms “contractor/subcontractor,” “Government,” and “Contracting Officer,” as used in the clauses incorporated by this reference, shall be deemed to refer to the “Seller,” “Buyer,” and the “Research Corporation of the University of Hawaii”, respectively.

THE FOLLOWING PROVISIONS APPLY:

**Applies to orders of any amount**

FAR:
- 52.202-1 Definitions
- 52.204-2 Security Requirements (applies if there is access to classified information)
- 52.208-8 Required Sources for Helium and Helium Usage Data
- 52.211-15 Defense Priority and Allocation Requirements (Applies to rated orders certified for national defense, emergency preparedness, and energy program use. In such event, Seller is required to follow all the provisions of the Defense Priorities and Allocations System regulation (15 CFR 700))
- 52.215-15 Pension Adjustments and Asset Reversions
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
- 52.215-19 Notification of Ownership Changes
- 52.215-20 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data
- 52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications
- 52.216-7 Allowable Cost and Payment
- 52.216-8 Fixed Fee
- 52.216-11 Cost Contract—No Fee
- 52.222-6 Construction Wage Rate Requirements
- 52.222-7 Withholding of Funds
- 52.222-8 Payrolls and Basic Records
- 52.222-9 Apprentices and Trainees
- 52.222-10 Compliance with Copeland Act Requirements
- 52.222-11 Subcontracts (Labor Standards)
- 52.222-12 Contract Termination—Debarment
- 52.222-13 Compliance with Construction Wage Rate Requirements and Related Regulations
- 52.222-14 Disputes Concerning Labor Standards
- 52.222-15 Certification of Eligibility
- 52.222-22 Previous Contracts and Compliance Reports
- 52.222-25 Affirmative Action Compliance
- 52.222-41 Service Contract Labor Standards
- 52.222-50 Combating Trafficking in Persons
- 52.222-51 Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment
- 52.223-7 Notice of Radioactive Materials
- 52.223-11 Ozone-Depleting Substances (applies if the work was manufactured with or contains ozone-depleting substances)
- 52.224-2 Privacy Act
- 52.225-1 Buy American—Supplies
- 52.225-2 Buy American Certificate
- 52.225-5 Trade Agreements
- 52.225-6 Trade Agreements Certificate
- 52.225-13 Restrictions on Certain Foreign Purchases
- 52.227-9 Refund of Royalties
- 52.227-10 Filing of Patent Applications—Classified Subject Matter
- 52.227-11 Patent Rights—Ownership by the Contractor
- 52.227-13 Patent Rights—Ownership by the Government
- 52.227-14 Rights in Data—General
- 52.227-16 Additional Data Requirements
52.227-17 Rights in Data—Special Works
52.227-18 Rights in Data—Existing Works
52.227-19 Commercial Computer Software License (applies if existing computer software is to be delivered under the subcontract)
52.228-3 Workers’ Compensation Insurance (Defense Base Act) (if Defense Base Act applies)
52.228-4 Workers’ Compensation and War-Hazard Insurance Overseas (applies to public-work contracts performed outside the U.S., when the Secretary of Labor waives the applicability of the Defense Base Act)
52.228-5 Insurance—Work on a Government Installation
52.229-10 State of New Mexico Gross Receipts and Compensating Tax
52.232-16 Progress Payments
52.232-20 Limitation of Cost
52.232-27 Prompt Payment for Construction Contracts
52.232-40 Providing Accelerated Payment to Small Business Subcontractors
52.234-1 Industrial Resources Developed Under Defense Production Act Title III
52.236-13 Accident Prevention
52.237-7 Indemnification and Medical Liability Insurance
52.243-1 Changes—Fixed-Price
52.243-2 Changes—Cost-Reimbursement
52.243-3 Changes—Time-and-Materials or Labor-Hours
52.243-4 Changes
52.243-5 Changes and Changed Conditions
52.243-6 Change Order Accounting
52.243-7 Notification of Changes
52.244-6 Subcontracts for Commercial Items
52.245-1 Government Property
52.245-2 Government Property Installation Operation Services
52.246-1 Contractor Inspection Requirements
52.246-3 Inspection of Supplies – Cost-Reimbursement
52.246-5 Inspection of Services – Cost-Reimbursement
52.246-6 Inspection – Time-and-Material and Labor-Hour
52.246-7 Inspection of Research and Development – Fixed-Price
52.246-8 Inspection of Research and Development – Cost-Reimbursement
52.246-9 Inspection of Research and Development (Short Form)
52.246-13 Inspection – Dismantling, Demolition, or Removal of Improvements
52.246-16 Responsibility for Supplies
52.247-63 Preference for U.S.-Flag Air Carriers
52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels
52.249-1 Termination for Convenience of the Government (Fixed-Price) (Short Form)
52.249-4 Termination for Convenience of the Government (Services) (Short Form) (NOT applicable to suppliers)
52.249-5 Termination for Convenience of the Government (Educational and other Nonprofit Institutions)
52.249-6 Termination (Cost-Reimbursement)
52.249-8 Default (Fixed-Price Supply and Service) (NOT applicable to suppliers)
52.249-12 Termination (Personal Services)
52.249-14 Excusable Delays

DFARS:
252.204-7000 Disclosure of Information
252.208-7000 Intent to Furnish Precious Metals as Government-Furnished Material
252.217-7012 Liability and Insurance
252.222-7000 Restrictions on Employment of Personnel
252.223-7006 Prohibition on Storage, Treatment, and Disposal of Toxic and Hazardous Materials
252.225-7012 Preference for Certain Domestic Commodities
252.225-7013 Duty-Free Entry
252.225-7016 Restriction on Acquisition of Ball and Roller Bearings
252.225-7019 Restriction on Acquisition of Anchor and Mooring Chain
252.225-7025 Restriction on Acquisition of Forgings
252.227-7013 Rights in Technical Data-Noncommercial Items
252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation
252.227-7016 Rights in Bid or Proposal Information
252.227-7018 Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program
252.227-7019 Validation of Asserted Restrictions—Computer Software
252.227-7033 Rights in Shop Drawings
252.227-7037 Validation of Restrictive Markings on Technical Data
252.227-7039 Patents-Reporting of Subject Inventions
252.235-7000 Indemnification under 10 U.S.C. 2354—Fixed Price
252.235-7001 Indemnification under 10 U.S.C. 2354—Cost Reimbursement
252.235-7002 Animal Welfare
252.235-7003 Frequency Authorization
252.239-7016 Telecommunications Security Equipment, Devices, Techniques and Services
252.244-7000 Subcontracts for Commercial Items
252.247-7023 Transportation of Supplies by Sea
252.247-7024 Notification of Transportation of Supplies by Sea

**Applies if order is over $3,500**

FAR:
52.222-54 Employment Eligibility Verification *(applicable to contract containing the FAR E-Verify clause)*
52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving

**Applies if order is over $10,000**

FAR:
52.222-21 Prohibition of Segregated Facilities
52.222-26 Equal Opportunity
52.222-27 Affirmative Action Compliance Requirements for Construction
52.222-40 Notification of Employee Rights Under the National Labor Relations Act

**Applies if order is over $15,000**

FAR:
52.222-36 Equal Opportunity for Workers with Disabilities
52.225-8 Duty-Free Entry

**Applies if order is over $30,000**

FAR:
52.204-10 Reporting Executive Compensation and First-Tier Subcontract Award

**Applies if order is over $35,000**

FAR:
52.209-5 Certification Regarding Responsibility Matters
52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment

**Applies if order is over $70,000**

FAR:
52.248-3 Value Engineering—Construction

**Applies if order is over $150,000**

FAR:
52.203-3 Gratuities
52.203-6 Restrictions on Subcontractor Sales to the Government
52.203-7 Anti-Kickback Procedures
52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
52.203-12 Limitation on Payments to Influence Certain Federal Transactions
52.215-2 Audit and Records—Negotiation
52.215-14 Integrity of Unit Prices
52.219-8 Utilization of Small Business Concerns
52.222-4 Contract Work Hours and Safety Standards Act—Overtime Compensation
52.222-35 Equal Opportunity for Veterans
52.222-37 Employment Reports on Veterans
52.227-1 Authorization and Consent
52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement
52.246-2 Inspection of Supplies – Fixed-Price
52.246-4 Inspection of Services – Fixed-Price
52.246-12 Inspection of Construction
52.248-1 Value Engineering
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.249-2</td>
<td>Termination for Convenience of the Government (Fixed-Price)</td>
</tr>
<tr>
<td>52.249-3</td>
<td>Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements)</td>
</tr>
<tr>
<td>52.249-9</td>
<td>Default (Fixed-Price Research and Development) <em>(NOT applicable to suppliers)</em></td>
</tr>
<tr>
<td>52.249-10</td>
<td>Default (Fixed-Price Construction)</td>
</tr>
</tbody>
</table>

**DFARS:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>252.203-7001</td>
<td>Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies</td>
</tr>
<tr>
<td>252.249-7002</td>
<td>Notification of Anticipated Contract Termination or Reduction</td>
</tr>
</tbody>
</table>

**Applies if order is over $700,000**

**FAR:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.219-9</td>
<td>Small Business Subcontracting Plan</td>
</tr>
</tbody>
</table>

**DFARS:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>252.225-7003</td>
<td>Report of Intended Performance Outside the United States and Canada—Submission with Offer</td>
</tr>
<tr>
<td>252.22-7004</td>
<td>Report of Intended Performance Outside the United States and Canada—Submission after Award</td>
</tr>
</tbody>
</table>

**Applies if order is over $750,000**

**FAR:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.403-4</td>
<td>Requiring Certified Cost or Pricing Data</td>
</tr>
<tr>
<td>52.214-26</td>
<td>Audit and Records—Sealed Bidding</td>
</tr>
<tr>
<td>52.214-28</td>
<td>Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding</td>
</tr>
<tr>
<td>52.215-10</td>
<td>Price Reduction for Defective Certified Cost or Pricing Data</td>
</tr>
<tr>
<td>52.215-11</td>
<td>Price Reduction for Defective Certified Cost or Pricing Data—Modifications</td>
</tr>
<tr>
<td>52.215-12</td>
<td>Subcontractor Certified Cost or Pricing Data</td>
</tr>
<tr>
<td>52.215-13</td>
<td>Subcontractor Certified Cost or Pricing Data—Modifications</td>
</tr>
<tr>
<td>52.230-2</td>
<td>Cost Accounting Standards</td>
</tr>
<tr>
<td>52.230-3</td>
<td>Disclosure and Consistency of Cost Accounting Practices</td>
</tr>
<tr>
<td>52.230-5</td>
<td>Cost Accounting Standards—Educational Institution</td>
</tr>
<tr>
<td>52.230-6</td>
<td>Administration of Cost Accounting Standards</td>
</tr>
</tbody>
</table>

**Applies if order is over $1,000,000**

**DFARS:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>252.225-7033</td>
<td>Waiver of United Kingdom Levies</td>
</tr>
</tbody>
</table>

**Applies if order is over $1,500,000**

**DFARS:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>252.211-7000</td>
<td>Acquisition Streamlining</td>
</tr>
</tbody>
</table>

**Applies if order is over $5,500,000**

**FAR:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.203-13</td>
<td>Contractor Code of Business Ethics and Conduct</td>
</tr>
</tbody>
</table>

**COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS APPLICABLE TO SUBCONTRACTOR AGREEMENTS NOT COVERED BY THE FAR:**

Subcontractor shall comply with the cost principles of the OMB, in 2 CFR Part 200, Subpart E.

**AUDIT REPORT AND OTHER CLAUSES FOR SUBCONTRACTOR AGREEMENTS:**

**AUDIT REPORTS**

Subcontractor shall comply with the requirements of 2 CFR Part 200, Compliance Supplement Appendix XI. Subcontractor further agrees to provide the awarding institution with copies of any of the independent auditors’ reports which present instances of non-compliance with federal laws and regulations which bear directly on the performance or administration of this Agreement. In cases of such non-compliance, Subcontractor will provide copies of responses to...
auditors’ reports and a plan for corrective action. All records and reports prepared in accord with the requirements of 2 CFR Part 200, Compliance Supplement Appendix XI, shall be available for inspection by representatives of the awarding institutions or the government during normal business hours.

AUDIT COSTS
Subcontractor agrees that it shall be solely responsible for all costs to conduct any independent audit as required by 2 CFR Part 200, Compliance Supplement Appendix XI, for assuring compliance under this subaward.

DISALLOWANCES
Subcontractor agrees that it shall be solely responsible for reimbursing the RCUH for all costs which may be disallowed as a result of non-compliance with any applicable laws, rules, or regulations.