



## University of California

### **Supplement 5.0 (without e-verify) Special Terms and Conditions for Subcontracts under Federal Government Contracts**

As applicable, this paragraph and the clauses identified below from the Federal Acquisition Regulations (FAR), DFARS (for DoD) and NFAR (for NASA) are incorporated herein by reference to the subcontract to which this Supplement is attached. The date of the prime award determines the date of the clauses that are applicable. For purposes of this Subcontract in the following clauses, the term "contract" shall mean "this *Subcontract*"; the term "Contractor" shall mean Subcontractor/"Seller"; and the terms "Government" and "Contracting Officer" shall mean "University" (except with respect to clauses 52.215-2, 52.227-2, 52.227-11, 52.227-12, 52.227-14, 252.227-7013, 252.227-7037, 18-52.227-14, and 18-52.227-70 in which cases "Government" means "United States Government").

#### **THE FOLLOWING PROVISIONS OF THE FAR APPLY REGARDLESS OF THE AMOUNT OF THIS ORDER:**

FAR 52.204-2 Security Requirements (Applies only if this order involves access to classified information).

FAR 52.215-15 Pension Adjustments and Asset Reversions.

FAR 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits Other Than Pensions (PRB).

FAR 52.219-1(c) Small Business Concern Representation (Applies only if business status is misrepresented for the purpose of obtaining a subcontract that is to be included as a part or all of a goal contained in a subcontracting plan).

FAR 52.222-21 Prohibition of Segregated Facilities.

FAR 52.222-22 Previous Contracts and Compliance Reports.

FAR 52.222-26 Equal Opportunity.

FAR 52.222-50 Combating Trafficking in Persons.

FAR 52.223-3 Hazardous Material Identification and Material Safety Data (Applicable only if this order involves hazardous material).

FAR 52.223-07 Notice of Radioactive Materials (for supplies which are or contain radioactive material).

FAR 52.225-13 Restrictions on Certain Foreign Purchases.

FAR 52.227-09 Refund of Royalties.

FAR 52.227-11 Patent Rights - Retention by the Contractor (Short Form - For Sellers who are classified as a small business or a nonprofit organization).

FAR 52.227-13 Patent Rights - Ownership by the Government (If Subcontractor/Seller is not located in US or agency head makes "exceptional circumstances" determination).

FAR 52.227-14 Rights in Data-General (With Alternate 4 if Subcontractor/Seller is an educational institution).

FAR 52.233-4 Applicable Law for Breach of Contract Claim.

FAR 52.242-15 Stop Work Order (Generally not applicable to research).

FAR 52.244-6 Subcontracts for Commercial Items (For commercial items or commercial components).

FAR 52.245-01 Government Property.

FAR 52.246-09 Inspection of Research and Development (Short Form).

FAR 52.247-63 Preference for U.S. -- Flag Carriers (Applies only if this order involves international air transportation).

FAR 52.247-64 Preference For Privately Owned U.S.-Flag Commercial Vessels.

**THE FOLLOWING PROVISION OF THE FAR APPLIES FOR ALL CONTRACTS FUNDED IN WHOLE OR IN PART BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

52.203-15 Whistleblower Protections under the American Recovery and Reinvestment Act of 2009  
52.204-11 American Recovery and Reinvestment Act – Reporting Requirements.

**( ) IF THIS BOX IS CHECKED INDICATING A REQUIREMENT OF THE PRIME AWARD, THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF the award occurs after September 8, 2009; the amount of this order exceeds \$3,000; this order includes work performed in the United States, for construction, or commercial or non-commercial services (except for commercial services that are part of the purchase of a Commercial Off-The-Shelf item (COTS):**

52.222-54 Employment Eligibility Verification.

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$10,000:**

FAR 52.222-36 Affirmative Action for Workers with Disabilities.

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$25,000 AND IS FOR THE PROVISION, SERVICE, OR SALE OF FOOD IN THE UNITED STATES:**

52.226-6 Promoting Excess Food Donation to Nonprofit Organizations.

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$30,000:**

FAR 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$100,000:**

FAR 52.203-6 Restrictions on Subcontractor Sales to the Government.

FAR 52.203-7 Anti-Kickback Procedures (Excluding subparagraph (c) (1) of the clause).

FAR 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

FAR 52.203-12 Limitation on Payments to Influence Certain Federal Transactions.

FAR 52.215-14 Integrity of Unit Prices.

FAR 52.215-2 Audit and Records --Negotiation (Applies only if this Subcontract/Purchase Order was entered into by negotiation).

FAR 52.219-8 Utilization of Small Business Concerns (Does not apply to small business concerns).

FAR 52.222-04 Contract Work Hours and Safety Standards Act - Overtime Compensation (Generally not applicable to research.) (*Not applicable for commercial items*).

FAR 52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans.

FAR 52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans.

FAR 52.223-14 Toxic Chemical Reporting (Applies only to noncommercial, first tier subcontracts and only if the subcontractor is in SIC Classification 20-39).

FAR 52.227-1 Authorization & Consent.

FAR 52.227-2 Notice of Assistance Regarding Patent & Copyright Infringement.

FAR 52.227-03 Patent Indemnity (For delivery of commercial items).

FAR 52.246-16 Responsibility for Supplies (For supplies, services and research fixed-price).

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$500,000:**

FAR 52.230-3 Disclosure and Consistency of Cost Accounting Standards (Subcontracts using modified CAS unless exempt).

FAR 52.230-5 Cost Accounting Standards-- Educational Institution (Subcontracts with educational institutions).

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$650,000:**

FAR 52.219-9 Small Business Subcontracting Plan (Does not apply to small business concerns).

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$700,000:**

FAR 52.215-10 Price Reduction for Defective Cost or Pricing Data (Not required in DOD subcontracts).

FAR 52.215-11 Price Reduction for Defective Cost or Pricing Data – Modifications (Not used when subcontract already contains 52.215-10).

FAR 52.215-12 Subcontractor Cost or Pricing Data

FAR 52.215-13 Subcontractor Cost or Pricing Data – Modifications.

FAR 52.215-19 Notification of Ownership Changes (For contracts that require cost and pricing data subject to 31.2).l

**THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$5,000,000:**

FAR 52.203-13 Contractor Code of Business Ethics and Conduct.

FAR 52.203-14 Display of Hotline Poster(s).

**THE FOLLOWING PROVISIONS OF THE DEFENSE FEDERAL ACQUISITION REGULATIONS (DFARS) APPLY ONLY TO ORDERS FUNDED BY THE DEPARTMENT OF DEFENSE (DOD):**

DFARS 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (Applicable only if the amount of this order exceeds \$100,000).

DFARS 252.204-7008 Export-Controlled Items.

DFARS 252.222-7006 Combating Trafficking in Persons (performed outside the U.S. Do not use with FAR 52.222-50).

DFARS 252.225-7001 Buy American Act and Balance of Payments Program (Applies if contract includes deliverable supplies).

DFARS 252.225-7009 Duty Free Entry - Qualifying Country End Products and Components (Applicable only if contract includes deliverable supplies).

DFARS 252.225-7026 Reporting of Contract Performance Outside the United States (Applicable only to first tier subcontractors and only if this order exceeds \$500,000).

DFARS 252.225-7043 Antiterrorism/Force Protection for Defense Contractors Outside the U.S. (That require performance or travel outside the U.S.).

DFARS 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (For services or supplies exceed \$500,000).

DFARS 252.227-7013 Rights in Technical Data Noncommercial Items (Applicable only if the prime DOD contract contains this clause and only if noncommercial technical data or computer software are to be obtained under this Subcontract/Purchase Order; the same alternates or additions/deletions, if any, that are in the prime DOD contract clause also apply, suitably modified, to this Subcontract/

Purchase Order).

DFARS 252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Applicable only if this order requires delivery of noncommercial software).

DFARS 252.227-7015 Technical Data--Commercial Items (Applicable only if this order requires delivery of technical data pertaining to commercial items).

DFARS 252.227-7016 Rights in Bid or Proposal Information.

DFARS 252.227-7019 Validation of Asserted Restrictions—Computer Software (Applicable only if this order involves delivery of computer software).

DFARS 252.227-7025 Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends.

DFARS 252.227-7026 Deferred Delivery of Technical Data or Computer Software.

DFARS 252.227-7027 Deferred Ordering of Technical Data or Computer Software.

DFARS 252.227-7037 Validation of Restrictive Markings on Technical Data (Applicable only if DFARS 252.227-7013 applies).

DFARS 252.235-7002 Animal Welfare (For research on live vertebrate animals).

DFARS 252.247-7023 Transportation of Supplies by Sea (Applicable only if this order involves acquisition of noncommercial items and the amount of this order exceeds \$25,000).

DFARS 252.249-7002 Notification of Proposed Contract Termination or Reduction (Applicable only if this order exceeds \$100,000).

**THE FOLLOWING PROVISIONS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) FEDERAL ACQUISITION REGULATIONS (NFAR) APPLY ONLY TO ORDERS FUNDED BY NASA:**

NFAR 1852.204-76 Security Requirements for Unclassified Information Technology Resources.

NFAR 1852.206-881 Restrictions on Printing and Duplicating.

NFAR 1852.219-74 Use of Rural Area Small Businesses (if over \$500,000).

NFAR 18-52.219-75 Small Business Subcontracting Reporting (Applicable only if this order includes FAR 52.219-9).

NFAR 1852.223-70 Safety and Health (If greater than \$100,000).

NFAR 1852.223-72 Safety and Health (Short Form) (if exceeds micro-purchase threshold and does not contain 1852.223-72).

NFAR 1852.223-73 Safety and Health Plan (If contains 1852.223-70).

NFAR 1852.225-70 Export Licenses.

NFAR 1852.227-11 Patent Rights - Retention by the Contractor (Short Form) (For commercial subcontractors).

NFAR 18-52.227-14 Rights in Data-General (Applies only if the prime NASA contract contains this clause and Seller is not an educational institution performing research under this order).

NFAR 18-52.227-70 New Technology (Applicable only to for profit firms).

NFAR 18-52.227-72 Designation of New Technology Representative and Patent Representative (Applicable only if 18-52.227-70 applies).

NFAR 1852.228-72 Cross-Waiver of Liability for Space Shuttle Services (Applicable only if this order involves Space Shuttle services).

NFAR 1852.228-76 Cross-Waiver of Liability for Space Station Activities (Applicable only if this order involves Space Station activities).

NFAR 1852.228-78 Cross-Waiver of Liability for NASA Expendable Launch Vehicle Launches (Applicable only if this order involves NASA ELV launches).

NFAR 1852.231-71 Determination of Compensation Reasonableness (For service subcontracts, not research, over \$500,000 and to service subcontractors whose aggregate subcontracts are more than 10% of prime contract).

NFAR 1852.237-72 Access to Sensitive Information.

NFAR 1852.237-73 Release of Sensitive Information.

NFAR 1852.242-73 NASA Contractor Financial Management Reporting (Applicable only if the amount of this order exceeds \$500,000).

NFAR 18-52.244-70 Geographic Participation in the Aerospace Program (Applicable only if the prime NASA contract is \$500,000 or more and the amount of this order is \$100,000 or more).

NFAR 18-52.245-73 Financial Reporting of NASA Property in the Custody of Contractors (Applies only if this order involves the acquisition or furnishing of property).

NFAR 1852.246-70 Mission Critical Space System Personnel Reliability Program.