

373

**** (USE THE FOLLOWING IN ALL RFP's AND CONTRACTS.) ****

PART II - CONTRACT CLAUSES

374

**** (USE THE FOLLOWING IN ALL RFP's AND CONTRACTS.) ****

SECTION I - CONTRACT CLAUSES

388

ARTICLE I.1. GENERAL CLAUSES FOR A SEALED BID CONSTRUCTION CONTRACT

This contract incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically as follows: FAR Clauses at: <https://www.acquisition.gov/browse/index/far>. HHSAR Clauses at: <https://www.hhs.gov/grants-contracts/contracts/contract-policies-regulations/hhsar/part-352-solicitation-provisions-contract-clauses/index.html>.

a. FEDERAL ACQUISITION REGULATION (FAR) (48 CFR CHAPTER 1) CLAUSES:

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.202-1	Jun 2020	<i>Definitions (Over the Simplified Acquisition Threshold)</i>
52.203-3	Apr 1984	<i>Gratuities (Over the Simplified Acquisition Threshold)</i>
52.203-5	May 2014	<i>Covenant Against Contingent Fees (Over the Simplified Acquisition Threshold)</i>
52.203-6	Jun 2020	<i>Restrictions on Subcontractor Sales to the Government (Over the Simplified Acquisition Threshold)</i>
52.203-7	Jun 2020	<i>Anti-Kickback Procedures (Over \$150,000)</i>
52.203-8	May 2014	<i>Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Over the Simplified Acquisition Threshold)</i>
52.203-10	May 2014	<i>Price or Fee Adjustment for Illegal or Improper Activity (Over the Simplified Acquisition Threshold)</i>
52.203-12	Jun 2020	<i>Limitation on Payments to Influence Certain Federal Transactions (Over \$150,000)</i>
52.203-17	Nov 2023	<i>Contractor Employee Whistleblower Rights (All Contracts Including at or below the Simplified Acquisition Threshold including Commercially Available Off-the-Shelf Items)</i>
52.203-19	Jan 2017	<i>Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements</i>
52.204-4	May 2011	<i>Printed or Copied Double-Sided on Postconsumer Fiber Content Paper(Over the Simplified Acquisition Threshold)</i>

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.204-10	Jun 2020	Reporting Executive Compensation and First-Tier Subcontract Awards
52.204-13	Oct 2018	System for Award Management Maintenance
52.204-25	Nov 2021	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
52.209-6	Nov 2021	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment
52.214-26	Jun 2020	Audit and Records - Sealed Bidding
52.214-27	Jun 2020	Price Reduction for Defective Certified Cost or Pricing Data - Modifications - Sealed Bidding (Over \$750,000)
52.214-28	Jun 2020	Subcontractor Cost or Pricing Data - Modifications - Sealed Bidding (Over \$750,000)
52.214-29	Jan 1986	Order of Precedence - Sealed Bidding
52.215-21	Nov 2021	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data - Modifications
52.216-7	Aug 2018	Allowable Cost and Payment, Alternate I (Feb 1997)
52.219-8	Sep 2023	Utilization of Small Business Concerns (Over the Simplified Acquisition Threshold)
52.219-9	Sep 2023	Small Business Subcontracting Plan (Over \$750,000, \$1.5 million for Construction), Alternate I (Nov 2016)
52.219-14	Oct 2022	Limitations on Subcontracting
52.219-16	Sep 2021	Liquidated Damages - Subcontracting Plan (Over \$750,000, \$1.5 million for Construction)
52.222-3	Jun 2003	Convict Labor
52.222-4	May 2018	Contract Work Hours and Safety Standards - Overtime Compensation (Over \$150,000)
52.222-6	Aug 2018	Construction Wage Rate Requirements
52.222-7	May 2014	Withholding of Funds
52.222-8	Jul 2021	Payrolls and Basic Records
52.222-9	Jul 2005	Apprentices and Trainees
52.222-10	Feb 1988	Compliance with Copeland Act Requirements
52.222-11	May 2014	Subcontracts (Labor Standards)
52.222-12	May 2014	Contract Termination - Debarment
52.222-13	May 2014	Compliance with Construction Wage Rate Requirements and Related Regulations
52.222-14	Feb 1988	Disputes Concerning Labor Standards
52.222-15	May 2014	Certification of Eligibility
52.222-21	Apr 2015	Prohibition of Segregated Facilities
52.222-26	Sep 2016	Equal Opportunity
52.222-27	Apr 2015	Affirmative Action Compliance Requirements for Construction

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.222-35	Jun 2020	Equal Opportunity for Veterans (\$150,000 or more)
52.222-36	Jun 2020	Equal Opportunity for Workers with Disabilities
52.222-37	Jun 2020	Employment Reports on Veterans (\$150,000 or more)
52.222-40	Dec 2010	Notification of Employee Rights Under the National Labor Relations Act (Over the Simplified Acquisition Threshold)
52.222-50	Nov 2021	Combating Trafficking in Persons
52.222-54	May 2022	Employment Eligibility Verification (Over \$150,000)
52.222-62	Jan 2022	Paid Sick Leave Under Executive Order 13706
52.223-5	May 2011	Pollution Prevention and Right-to-Know Information
52.223-6	May 2001	Drug-Free Workplace
52.223-18	Jun 2020	Encouraging Contractor Policies to Ban Text Messaging While Driving
52.225-13	Feb 2021	Restrictions on Certain Foreign Purchases
52.227-1	Jun 2020	Authorization and Consent
52.227-2	Jun 2020	Notice and Assistance Regarding Patent and Copyright Infringement
52.227-4	Dec 2007	Patent Indemnity - Construction Contracts
52.228-1	Sep 1996	Bid Guarantee - The amount of the bid guarantee shall be ___ percent of the bid price or \$_____ whichever is less.
52.228-2	Oct 1997	Additional Bond Security
52.228-5	Jan 1997	Insurance - Work on a Government Installation (Over the Simplified Acquisition Threshold)
52.228-11	Feb 2021	Individual Surety - Pledge of Assets
52.228-14	Nov 2014	Irrevocable Letter of Credit
52.228-15	Jun 2020	Performance and Payment Bonds - Construction (Over \$150,000)
52.229-3	Feb 2013	Federal, State and Local Taxes (Over the Simplified Acquisition Threshold)
52.229-4	Feb 2013	Federal, State, and Local Taxes (State and Local Adjustments) (Over the Simplified Acquisition Threshold)
52.232-5	May 2014	Payments Under Fixed-Price Construction Contracts
52.232-17	May 2014	Interest (Over the Simplified Acquisition Threshold)
52.232-23	May 2014	Assignment of Claims
52.232-27	Jan 2017	Prompt Payment for Construction Contracts
52.232-33	Oct 2018	Payment by Electronic Funds Transfer--System for Award Management
52.232-39	Jun 2013	Unenforceability of Unauthorized Obligations
52.233-1	May 2014	Disputes
52.233-3	Aug 1996	Protest After Award
52.233-4	Oct 2004	Applicable Law for Breach of Contract Claim

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.236-1	Apr 1984	<i>Performance of Work by the Contractor (Over \$1,500,000) The Contractor shall perform on the site, and with its own organization, work equivalent to at least ___% of the total amount of work to be performed under the contract.</i>
52.236-2	Apr 1984	<i>Differing Site Conditions (Over the Simplified Acquisition Threshold)</i>
52.236-3	Apr 1984	<i>Site Investigations and Conditions Affecting the Work (Over the Simplified Acquisition Threshold)</i>
52.236-5	Apr 1984	<i>Material and Workmanship</i>
52.236-6	Apr 1984	<i>Superintendence by the Contractor (Over the Simplified Acquisition Threshold)</i>
52.236-7	Nov 1991	<i>Permits and Responsibilities</i>
52.236-8	Apr 1984	<i>Other Contracts (Over the Simplified Acquisition Threshold)</i>
52.236-9	Apr 1984	<i>Protection of Existing Vegetation, Structures, Equipment, Utilities and Improvements (Over the Simplified Acquisition Threshold)</i>
52.236-10	Apr 1984	<i>Operations and Storage Areas (Over the Simplified Acquisition Threshold)</i>
52.236-11	Apr 1984	<i>Use and Possession Prior to Completion (Over the Simplified Acquisition Threshold)</i>
52.236-12	Apr 1984	<i>Cleaning Up (Over the Simplified Acquisition Threshold)</i>
52.236-13	Nov 1991	<i>Accident Prevention (Over the Simplified Acquisition Threshold)</i>
52.236-14	Apr 1984	<i>Availability and Use of Utility Services</i>
52.236-15	Apr 1984	<i>Schedules for Construction Contracts (Over the Simplified Acquisition Threshold)</i>
52.236-17	Apr 1984	<i>Layout of Work</i>
52.236-21	Feb 1997	<i>Specifications and Drawings for Construction (Over the Simplified Acquisition Threshold)</i>
52.236-26	Feb 1995	<i>Preconstruction Conference</i>
52.242-13	Jul 1995	<i>Bankruptcy (Over the Simplified Acquisition Threshold)</i>
52.242-14	Apr 1984	<i>Suspension of Work</i>
52.243-4	Jun 2007	<i>Changes (Over the Simplified Acquisition Threshold)</i>
52.243-5	Apr 1984	<i>Changes and Changed Conditions (Not to exceed the Simplified Acquisition Threshold)</i>
52.244-6	Dec 2023	<i>Subcontracts for Commercial Products and Commercial Services</i>
52.246-12	Aug 1996	<i>Inspection of Construction (Over the Simplified Acquisition Threshold)</i>
52.248-3	Oct 2020	<i>Value Engineering - Construction (Over the Simplified Acquisition Threshold)</i>
52.249-2	Apr 2012	<i>Termination for Convenience of the Government (Fixed-Price), Alternate I (Sep 1996)</i>

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.249-10	Apr 1984	Default (Fixed-Price Construction)
52.253-1	Jan 1991	Computer Generated Forms

b. DEPARTMENT OF HEALTH AND HUMAN SERVICES ACQUISITION REGULATION (HHSAR) (48 CFR CHAPTER 3) CLAUSES:

<u>HHSAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
352.203-70	Dec 2015	Anti-Lobbying
352.222-70	Dec 2015	Contractor Cooperation in Equal Employment Opportunity Investigations
352.227-70	Dec 2015	Publications and Publicity
352.237-75	Dec 2015	Key Personnel

[End of GENERAL CLAUSES FOR A SEALED BID CONSTRUCTION CONTRACT- Rev. 11/2023].