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

PART II - CONTRACT CLAUSES

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

SECTION I - CONTRACT CLAUSES

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ARTICLE I.1. GENERAL CLAUSES FOR A FIXED-PRICE RESEARCH AND DEVELOPMENT SBIR PHASE II 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	Definitions (Over the Simplified Acquisition Threshold)
52.203-3	Apr 1984	Gratuities (Over the Simplified Acquisition Threshold)
52.203-5	May 2014	Covenant Against Contingent Fees (Over the Simplified Acquisition Threshold)
52.203-6	Jun 2020	Restrictions on Subcontractor Sales to the Government (Over the Simplified Acquisition Threshold)
52.203-7	Jun 2020	Anti-Kickback Procedures (Over \$150,000)
52.203-8	May 2014	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Over the Simplified Acquisition Threshold)
52.203-10	May 2014	Price or Fee Adjustment for Illegal or Improper Activity (Over the Simplified Acquisition Threshold)
52.203-12	Jun 2020	Limitation on Payments to Influence Certain Federal Transactions (Over \$150,000)
52.203-17	Nov 2023	Contractor Employee Whistleblower Rights (All Contracts Including at or below the Simplified Acquisition Threshold including Commercially Available Off-the-Shelf Items)
52.203-19	Jan 2017	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.204-4	May 2011	<i>Printed or Copied Double-Sided on Postconsumer Fiber Content Paper(Over the Simplified Acquisition Threshold)</i>
52.204-10	Jun 2020	<i>Reporting Executive Compensation and First-Tier Subcontract Awards</i>
52.204-13	Oct 2018	<i>System for Award Management Maintenance</i>
52.204-25	Nov 2021	<i>Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment</i>
52.209-6	Nov 2021	<i>Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment</i>
52.215-2	Jun 2020	<i>Audit and Records - Negotiation</i>
52.215-8	Oct 1997	<i>Order of Precedence - Uniform Contract Format</i>
52.215-10	Aug 2011	<i>Price Reduction for Defective Certified Cost or Pricing Data (Over \$750,000)</i>
52.215-12	Jun 2020	<i>Subcontractor Certified Cost or Pricing Data</i>
52.215-14	Nov 2021	<i>Integrity of Unit Prices (Over the Simplified Acquisition Threshold)</i>
52.215-15	Oct 2010	<i>Pension Adjustments and Asset Reversions (Over \$750,000)</i>
52.215-18	Jul 2005	<i>Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) other than Pensions</i>
52.215-19	Oct 1997	<i>Notification of Ownership Changes</i>
52.215-21	Nov 2021	<i>Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data - Modifications</i>
52.219-6	Nov 2020	<i>Notice of Total Small Business Set-Aside</i>
52.219-8	Sep 2023	<i>Utilization of Small Business Concerns (Over the Simplified Acquisition Threshold)</i>
52.219-14	Oct 2022	<i>Limitations on Subcontracting</i>
52.222-3	Jun 2003	<i>Convict Labor</i>
52.222-21	Apr 2015	<i>Prohibition of Segregated Facilities</i>
52.222-26	Sep 2016	<i>Equal Opportunity</i>
52.222-35	Jun 2020	<i>Equal Opportunity for Veterans (\$150,000 or more)</i>
52.222-36	Jun 2020	<i>Equal Opportunity for Workers with Disabilities</i>
52.222-37	Jun 2020	<i>Employment Reports on Veterans (\$150,000 or more)</i>
52.222-40	Dec 2010	<i>Notification of Employee Rights Under the National Labor Relations Act (Over the Simplified Acquisition Threshold)</i>
52.222-50	Nov 2021	<i>Combating Trafficking in Persons</i>
52.222-54	May 2022	<i>Employment Eligibility Verification (Over \$150,000)</i>
52.223-6	May 2001	<i>Drug-Free Workplace</i>
52.223-18	Jun 2020	<i>Encouraging Contractor Policies to Ban Text Messaging While Driving</i>
52.225-1	Oct 2022	<i>Buy American - Supplies</i>

<u>FAR</u>	<u>DATE</u>	<u>TITLE</u>
<u>CLAUSE NO.</u>		
52.225-13	Feb 2021	Restrictions on Certain Foreign Purchases
52.227-1	Jun 2020	Authorization and Consent, Alternate I (Apr 1984)
52.227-2	Jun 2020	Notice and Assistance Regarding Patent and Copyright Infringement
52.227-11	May 2014	Patent Rights - Ownership by the Contractor (Note: In accordance with FAR 27.303(b)(2), paragraph (e) is modified to include the requirements in FAR 27.303(b)(2)(i) through (iv). The frequency of reporting in (i) is annual.
52.227-20	May 2014	Rights in Data - SBIR Program
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)
52.232-2	Apr 1984	Payments under Fixed-Price Research and Development Contracts
52.232-9	Apr 1984	Limitation on Withholding of Payments
52.232-17	May 2014	Interest (Over the Simplified Acquisition Threshold)
52.232-23	May 2014	Assignment of Claims
52.232-25	Jan 2017	Prompt Payment
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
52.242-13	Jul 1995	Bankruptcy (Over the Simplified Acquisition Threshold)
52.243-1	Aug 1987	Changes - Fixed Price, Alternate V (Apr 1984)
52.244-5	Dec 1996	Competition in Subcontracting (Over the Simplified Acquisition Threshold)
52.244-6	Dec 2023	Subcontracts for Commercial Products and Commercial Services
52.246-25	Feb 1997	Limitation of Liability - Services (Over the Simplified Acquisition Threshold)
52.249-2	Apr 2012	Termination for the Convenience of the Government (Fixed-Price)
52.249-9	Apr 1984	Default (Fixed-Price Research and Development)(Over the Simplified Acquisition Threshold)
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	<i>Anti-Lobbying</i>
352.222-70	Dec 2015	<i>Contractor Cooperation in Equal Employment Opportunity Investigations</i>
352.227-70	Dec 2015	<i>Publications and Publicity</i>
352.237-75	Dec 2015	<i>Key Personnel</i>

[End of GENERAL CLAUSES FOR A FIXED-PRICE RESEARCH AND DEVELOPMENT SBIR PHASE II CONTRACT- Rev. 11/2023].