

379

****(USE BELOW IN ALL SOLICITATIONS.)****

ARTICLE I.3. ADDITIONAL CONTRACT CLAUSES

Additional clauses other than those listed below which are based on the type of contract/Contractor shall be determined during negotiations. Any contract awarded from this solicitation will contain the following:

This contract incorporates the following clauses by reference, (unless otherwise noted), 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.

380

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS.)****

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

381

****(USE BELOW IN SOLICITATIONS AND CONTRACTS EXPECTED TO EXCEED \$5,500,000 AND THE PERFORMANCE PERIOD IS 120 DAYS OR MORE.)****

1. FAR Clause **52.203-13, Contractor Code of Business Ethics and Conduct** (Nov 2021).

382

****(USE BELOW FOR ALL SOLICITATIONS AND CONTRACTS EXPECTED TO EXCEED \$6,000,000 UNLESS THE CONTRACT IS FOR THE ACQUISITION OF A COMMERCIAL PRODUCT UNDER FAR PART 12 OR WILL BE PERFORMED ENTIRELY OUTSIDE THE UNITED STATES.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- If the contract is funded with disaster assistance funds, the Contracting Officer must also identify the Department of Homeland Security poster and the website where it can be posted. For more information See FAR 3.1003(c)(2).

2. FAR Clause **52.203-14, Display of Hotline Poster(s)** (Nov 2021).

".....(3) Any required posters may be obtained as follows:

Poster(s)	Obtain From:
HHS Contractor Code of Ethics and Business Conduct Poster	https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/576385/OIG_Hotline_Poster_1_.pdf

383

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS FUNDED IN WHOLE OR IN PART WITH RECOVERY ACT FUNDS.)****

3. FAR Clause **52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009**(Jun 2010).

384

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD AND INCLUDE A REQUIREMENT FOR SERVICES BY CONTRACTOR EMPLOYEE(S) THAT INVOLVE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS, FOR, OR ON BEHALF OF, A FEDERAL AGENCY OR DEPARTMENT.)****

Note: *This clause is NOT to be included in solicitations or contracts with a self-employed individual if the acquisition functions closely associated with inherently governmental functions are to be performed entirely by the self-employed individual, rather than an employee of the Contractor .*

4. FAR Clause **52.203-16, Preventing Personal Conflicts of Interest** (Jun 2020).

385

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT REQUIRE ACCESS TO CLASSIFIED INFORMATION UNDER NATIONAL SECURITY DESIGNATIONS LEVEL 2 (CONFIDENTIAL OR SECRET), LEVEL 3 (TOP SECRET), OR LEVEL 4 (SPECIAL ACCESS.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. **Alternate I:** should be included in R&D contracts with Educational Institutions.
2. **Alternate II:** should be included in Construction or A&E Contracts which require Employee Identification for security reasons.

5. FAR Clause **52.204-2, Security Requirements** (Mar 2021).

Alternate I (Apr 1984) [is/is not] applicable to this contract.

Alternate II (Apr 1984) [is/is not] applicable to this contract.

386

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN CONTRACT PERFORMANCE WILL REQUIRE THE CONTRACTOR TO HAVE ROUTINE PHYSICAL ACCESS TO A FEDERALLY CONTROLLED FACILITY AND/OR ROUTINE ACCESS TO A FEDERALLY CONTROLLED INFORMATION SYSTEM.)****

Note: *This clause should not be used when Contractors require only intermittent access to Federally controlled facilities.*

6. FAR Clause **52.204-9, Personal Identity Verification of Contractor Personnel** (Jan 2011).

387

****(USE IN ALL SOLICITATIONS AND CONTRACTS FOR SERVICES (INCLUDING CONSTRUCTION) THAT MEET OR EXCEED THE THRESHOLDS AT FAR 4.1703, EXCEPT INDEFINITE-DELIVERY CONTRACTS. THIS CLAUSE IS NOT REQUIRED FOR ACTIONS ENTIRELY FUNDED BY DOD, CONTRACTS AWARDED WITH A GENERIC ENTITY IDENTIFIER, OR IN CLASSIFIED SOLICITATIONS, CONTRACTS OR ORDERS.)****

7. FAR Clause **52.204-14 , Service Contract Reporting Requirements** (Oct 2016).

388

****(USE BELOW IN SOLICITATIONS AND INDEFINITE-DELIVERY CONTRACTS FOR SERVICES (INCLUDING CONSTRUCTION) WHERE ONE OR MORE ORDERS ISSUED THEREUNDER ARE EXPECTED TO EACH MEET OR EXCEED THE THRESHOLDS AT FAR 4.1703. THIS CLAUSE IS NOT REQUIRED FOR ACTIONS ENTIRELY FUNDED BY DOD, CONTRACTS AWARDED WITH A GENERIC ENTITY IDENTIFIER, OR IN CLASSIFIED SOLICITATIONS, CONTRACTS OR ORDERS.)****

8. FAR Clause **52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts** (Oct 2016).

389

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS WHEN THE SOLICITATION CONTAINS FAR PROVISION 52.204-16 COMMERCIAL AND GOVERNMENT ENTITY CODE REPORTING.)****

9. FAR Clause **52.204-18, Commercial and Government Entity Code Maintenance** (Aug 2020).

390

****(USE BELOW (or a clause substantially the same) IN SOLICITATIONS AND CONTRACTS THAT INVOLVE A LEASE WITH OPTION TO PURCHASE.)****

10. FAR Clause **52.207-5, Option to Purchase Equipment** (Feb 1995).

391

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT INVOLVE A MAJOR HELIUM REQUIREMENT DURING PERFORMANCE.)****

11. FAR Clause **52.208-8, Required Sources for Helium and Helium Usage Data** (Aug 2018).

392

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHICH REQUIRE A CONTRACTOR TO PROVIDE SUPPLIES OR SERVICES FOR GOVERNMENT USE THAT ARE ON THE PROCUREMENT LIST MAINTAINED BY THE COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.)****

12. FAR Clause **52.208-9, Contractor Use of Mandatory Sources of Supply or Services** (May 2014).

393

****(USE BELOW IN A FIXED-PRICE CONTRACT WHEN IT IS INTENDED THAT THE CONTRACT REQUIRE FIRST ARTICLE APPROVAL THE CONTRACTOR WILL BE REQUIRED TO CONDUCT THE FIRST ARTICLE TESTING.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. **Use with Alternate I:** If it is intended that the Contractor be required to produce the first article and the production quantity at the same facility.
2. **Use with Alternate II:** If it is necessary to authorize the Contractor to purchase material or to commence production before first article approval.

13. FAR Clause **52.209-3, First Article Approval - Contractor Testing** (Sep 1989).

Alternate I (Jan 1997) [is/is not] applicable to this contract.

Alternate II (Sep 1989) [is/is not] applicable to this contract.

394

****(USE BELOW IN A FIXED-PRICE CONTRACT WHEN IT IS INTENDED THAT THE CONTRACT REQUIRE FIRST ARTICLE APPROVAL AND THE GOVERNMENT WILL BE RESPONSIBLE FOR CONDUCTING FIRST ARTICLE TESTING.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. **Use with Alternate I:** If it is intended that the Contractor be required to produce the first article and the production quantity at the same facility.
2. **Use with Alternate II:** If it is necessary to authorize the Contractor to purchase material or to commence production before first article approval.

14. FAR Clause **52.209-4, First Article Approval - Government Testing** (Sep 1989).

Alternate I (Jan 1997) [is/is not] applicable to this contract.

Alternate II (Sep 1989) [is/is not] applicable to this contract.

395

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS FOR THE ACQUISITION OF PRODUCTS AND SERVICES (INCLUDING CONSTRUCTION).)

15. FAR Clause **52.209-10, Prohibition on Contracting with Inverted Domestic Corporations** (Nov 2015).

396

****(USE BELOW IN SOLICITATIONS AND CONTRACTS OVER \$5 MILLION FOR THE PROCUREMENT OF ITEMS OTHER THAN COMMERCIAL PRODUCTS.)****

16. FAR Clause **52.210-1, Market Research** (Nov 2021).

397

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR CONSTRUCTION OTHER THAN COST-PLUS-FIXED-FEE, WHEN THE CO DETERMINES THAT LIQUIDATED DAMAGES ARE APPROPRIATE.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- If the contract specifies more than one completion date for parts or stages of the work, REVISE PARAGRAPH (a) of the clause to state the amount of liquidated damages for delay of each separate part or stage of the work.

17. FAR Clause **52.211-12, Liquidated Damages - Construction** (Sep 2000).

"(a) If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the Government in the amount of \$ _____ for each calendar day of delay until the work is completed or accepted."

398

****(USE BELOW IN FIXED-PRICE CONTRACTS FOR CONSTRUCTION WHICH INCLUDE THE CLAUSE AT FAR 52.211-12, ONLY IF, FAR 52.211-12 HAS BEEN MODIFIED TO PROVIDE FOR LIQUIDATED DAMAGES FOR DELAY OF SEPARATE PARTS OR STAGES OF THE WORK.)****

See FAR 11.503(c) to assure proper use of this clause .

18. FAR Clause **52.211-13, Time Extensions** (Sep 2000).

399

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR A NEGOTIATED FIXED PRICE CONTRACT WITH ECONOMIC PRICE ADJUSTMENT WHEN THE CONDITIONS SPECIFIED IN 16.203-4(c)(1)(i) THROUGH (iv) APPLY [BUT SEE 16.203-4(c)(2)]. THIS CLAUSE MAY BE MODIFIED BY INCREASING THE 10% LIMIT ON AGGREGATE INCREASES SPECIFIED IN SUBPARAGRAPH (c)(4), UPON APPROVAL OF THE CHIEF OF THE CONTRACTING OFFICE)****

19. FAR Clause **52.216-4, Economic Price Adjustment - Labor and Material** (Nov 2021).

400

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN A COST-PLUS-FIXED-FEE CONSTRUCTION CONTRACT IS CONTEMPLATED.)****

20. FAR Clause **52.216-9, Fixed Fee--Construction** (Jun 2011).

401

****(USE BELOW IN COST SHARING RFPs AND CONTRACTS (OTHER THAN FACILITIES CONTRACTS.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- **Use with Alternate I** in R&D Cost Sharing Contracts with Educational Institutions or Non-Profit Organizations, when the CO determines that withholding a portion of allowable costs is not required.

21. FAR Clause **52.216-12, Cost-Sharing Contract--No Fee** (Apr 1984).

Alternate I (Apr 1984) [is/is not] applicable to this contract.

402

****(USE BELOW, FOR R&D CONTRACTS WITH EDUCATIONAL INSTITUTIONS IF PREDETERMINED INDIRECT COST RATES WILL BE USED.)****

Note: In accordance with FAR 42.705-3(b), IF an Educational Institution has established predetermined Indirect Cost Rates, the use of these rates MUST be extended to all Government contracts awarded to the institution.

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- For a Facilities contract: Modify paragraph (c) by deleting the words "Subpart 31.1" and substituting for them "section 31.106."

22. FAR Clause **52.216-15, Predetermined Indirect Cost Rates** (Apr 1998).

403

****(USE BELOW IN INDEFINITE DELIVERY, DEFINITE-QUANTITY SOLICITATIONS AND CONTRACTS.)****

23. FAR Clause **52.216-20, Definite Quantity** (Oct 1995).

"(d) ...the Contractor shall not be required to make any deliveries under this contract after _____ [insert date]..."

404

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN A MULTIYEAR CONTRACT IS CONTEMPLATED.)****

Note: See FAR 17.1 for more information about this Special Contracting Method .

24. FAR Clause **52.217-2, Cancellation Under Multiyear Contracts** (Oct 1997).

405

****(USE BELOW FOR SOLICITATIONS AND CONTRACTS OTHER THAN SERVICES, WHERE INCLUSION OF AN OPTION IS APPROPRIATE, AND THE OPTION QUANTITY IS EXPRESSED AS A PERCENTAGE OF THE BASIC CONTRACT QUANTITY OR AS AN ADDITIONAL QUANTITY OF A SPECIFIC LINE ITEM.)****

25. FAR Clause **52.217-6, Option for Increased Quantity** (Mar 1989).

"...The Contracting Officer may exercise the option by written notice to the Contractor within _____ [INSERT THE PERIOD OF TIME IN WHICH THE CONTRACTING OFFICER HAS TO EXERCISE THE OPTION]"

406

****(USE BELOW FOR SOLICITATIONS AND CONTRACTS OTHER THAN SERVICES, WHERE INCLUSION OF AN OPTION IS APPROPRIATE, AND THE OPTION QUANTITY IS IDENTIFIED AS A SEPARATELY PRICED LINE ITEM HAVING THE SAME NOMENCLATURE AS A CORRESPONDING BASIC CONTRACT LINE ITEM.)****

26. FAR Clause **52.217-7, Option for Increased Quantity - Separately Priced Line Item** (Mar 1989).

"...The Contracting Officer may exercise the option by written notice to the Contractor within _____ [INSERT THE PERIOD OF TIME IN WHICH THE CONTRACTING OFFICER HAS TO EXERCISE THE OPTION]"

407

****(USE BELOW (OR THE CONTRACTING OFFICER MAY SUBSTITUTE SIMILAR LANGUAGE) IN SOLICITATIONS AND CONTRACTS FOR SERVICES WHEN THE INCLUSION OF AN OPTION IS APPROPRIATE)****

27. FAR Clause **52.217-8, Option to Extend Services** (Nov 1999).

"..The Contracting Officer may exercise the option by written notice to the Contractor within _____ [INSERT THE PERIOD OF TIME WITHIN WHICH THE CONTRACTING OFFICER MAY EXERCISE THE OPTION].

408

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT ARE SET ASIDE, OR RESERVED FOR, OR AWARDED ON A SOLE SOURCE BASIS TO, HUBZONE SMALL BUSINESS CONCERNS UNDER FAR 19.1305 OR 19.1306. THIS INCLUDES MULTIPLE-AWARD CONTRACTS WHEN ORDERS MAY BE SET ASIDE FOR HUBZone SMALL BUSINESS CONCERNS AS DESCRIBED IN FAR 8.405-5 AND 16.505(b)(2)(i)(F).)****

28. FAR Clause **52.219-3, Notice of HUBZone Set-Aside or Sole Source Award** (Oct 2022).

409

****(USE BELOW TO WAIVE THE 50 PERCENT REQUIREMENT, IF AT LEAST TWO HUBZone SMALL BUSINESS CONCERNS CANNOT MEET THE CONDITIONS AT FAR 19.308(a) (....spend at least 50 percent of the cost of contract performance to be incurred for personnel on their own employees or subcontract employees of other HUBZone small business concerns.) BUT CAN STILL MEET THE FOLLOWING:

- For general construction, at least 15 percent of the cost of the contract performance to be incurred for personnel using the concern's employees; or
- For construction by special trade contractors, at least 25 percent of the cost of contract performance to be incurred for personnel using the concern's employees.)****

Note: *If a waiver is granted, the HUBZone small business prime contractor must still meet the performance of work requirements set for in 13 CFR 125.6(c).*

29. **Alternate I** (Mar 2020), FAR Clause **52.219-3, Notice of HUBZone Set-Aside or Sole Source Award** (Oct 2022).

410

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS USING FULL AND OPEN COMPETITION.)****

Note: *FAR 19.1307 provides additional information on this Price Evaluation Preference .*

30. FAR Clause **52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns** (Oct 2022).

"(c) Waiver of evaluation preference.....

[] Offeror elects to waive the evaluation preference."

411

****(USE BELOW TO WAIVE THE 50 PERCENT REQUIREMENT, IF AT LEAST TWO HUBZone SMALL BUSINESS CONCERNS CANNOT MEET THE CONDITIONS AT FAR 19.308(a) (....spend at least 50 percent of the cost of contract performance to be incurred for personnel on their own employees or subcontract employees of other HUBZone small business concerns.) BUT CAN STILL MEET THE FOLLOWING:

- For general construction, at least 15 percent of the cost of the contract performance to be incurred for personnel using the concern's employees; or
- For construction by special trade contractors, at least 25 percent of the cost of contract performance to be incurred for personnel using the concern's employees.)****

Note: *If a waiver is granted, the HUBZone small business prime Contractor must still meet the performance of work requirements set for in 13 CFR 125.6(c) .*

31. **Alternate I** (Jan 2011), FAR Clause **52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns** (Oct 2022).

412

****(USE BELOW IN SOLICITATIONS AND CONTRACTS INVOLVING TOTAL SMALL BUSINESS SET-ASIDES OR RESERVES. THIS INCLUDES MULTIPLE-AWARD CONTRACTS WHEN ORDERS MAY BE SET ASIDE FOR ANY OF THE SMALL BUSINESS CONCERNS IDENTIFIED IN FAR 19.000(a)(3), AS DESCRIBED IN FAR 8.405-5 AND 16.505(b)(2)(i)(F).)****

Note: *This clause should not be used with SBIR contracts. See Section H, Limitations on Subcontracting-SBIR.*

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. **Use with Alternate I:** IF this acquisition is for a product in a class for which the Small Business Administration has waived the nonmanufacturer rule (See 19.102(f)(4)&(5) select "is" from the drop-down box.

32. FAR Clause **52.219-6, Notice of Total Small Business Set-Aside** (Nov 2020).

Alternate I (Mar 2020) [is/is not] applicable to this contract.

413

****(USE BELOW IN SOLICITATIONS AND CONTRACTS INVOLVING PARTIAL SMALL BUSINESS SET-ASIDES. THIS INCLUDES PART OR PARTS OF MULTIPLE-AWARD CONTRACTS, INCLUDING THOSE DESCRIBED IN FAR 38.101.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. **Use with Alternate I:** IF this acquisition is for a product in a class for which the Small Business Administration has waived the nonmanufacturer rule (See 19.102(f)(4)&(5) select "is" from the drop-down box.
2. **Use with Alternate II:** IF this is a competitive acquisition for supplies and Federal Prison Industries, Inc. (FPI) will be included in the competition in accordance with FAR 19.504 select "is" from the drop-down box.

33. FAR Clause **52.219-7, Notice of Partial Small Business Set-Aside** (Nov 2020).

Alternate I (Mar 2020) [is/is not] applicable to this contract.

414

****(USE BELOW IN SOLICITATIONS AND CONTRACTS TO NOTIFY OFFERORS IF AN ORDER OR ORDERS ARE TO BE SET ASIDE FOR ANY OF THE SMALL BUSINESS CONCERNS IDENTIFIED IN FAR 19.000(A)(3).)****

34. FAR Clause **52.219-13, Notice of Set-Aside of Orders** (Mar 2020).

415

****(USE BELOW WHEN IN SOLICITATIONS AND CONTRACTS FOR SUPPLIES, SERVICES, AND CONSTRUCTIONS, IF ANY PORTION OF THE REQUIREMENT IS TO BE SET ASIDE OR RESERVED FOR SMALL BUSINESS AND THE CONTRACT AMOUNT IS EXPECTED TO EXCEED \$150,000. THIS INCLUDES MULTIPLE-AWARD CONTRACTS WHEN ORDERS MAY BE SET ASIDE FOR SMALL BUSINESS CONCERNS, AS DESCRIBED IN FAR 8.405-5 AND 16.505(b)(2)(i)(F).)****

Note: *This clause should not be used with SBIR contracts. See Section H, Limitations on Subcontracting-SBIR.*

35. FAR Clause **52.219-14, Limitations on Subcontracting** (Oct 2022).

416

****(USE BELOW IN SOLICITATIONS AND CONTRACTS SET-ASIDE OR RESERVED FOR, OR AWARDED ON A SOLE SOURCE BASIS TO, SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS UNDER FAR 19.1405 AND 19.1406. THIS INCLUDES MULTIPLE-AWARD CONTRACTS WHEN ORDERS MAY BE SET ASIDE FOR SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS AS DESCRIBED IN FAR 8.405-5 AND 16.505(b)(2)(i)(F).)****

36. FAR Clause **52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside** (Oct 2022).

417

****(USE BELOW FOR ALL SOLICITATIONS AND CONTRACTS WHEN THE CONTRACT WILL BE PERFORMED IN THE UNITED STATES OR ITS OUTLYING AREAS.)****

37. FAR Clause **52.219-28, Post-Award Small Business Program Rerepresentation** (Oct 2022).

418

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR ACQUISITIONS THAT ARE SET ASIDE OR RESERVED FOR ECONOMICALLY DISADVANTAGED WOMEN-OWNED SMALL BUSINESS CONCERNS (EDWOSB) UNDER FAR 19.1505(b). THIS INCLUDES MULTIPLE-AWARD CONTRACTS WHEN ORDERS MAY BE SET ASIDE FOR EDWOSB CONCERNS AS DESCRIBED IN 8.405-5 AND 16.505(b)(2)(i)(F).)****

See FAR 19.1505 for additional information about this program.

38. FAR Clause **52.219-29, Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns** (Oct 2022).

419

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR ACQUISITIONS THAT ARE SET ASIDE OR RESERVED FOR WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS UNDER FAR 19.1505(c). THIS INCLUDES MULTIPLE-AWARD CONTRACTS WHEN ORDERS MAY BE SET ASIDE FOR WOSB CONCERNS ELIGIBLE UNDER THE WOSB PROGRAM AS DESCRIBED IN 8.405-5 AND 16.505(b)(2)(i)(F).)****

See FAR 19.1505 for additional information about this program.

39. FAR Clause **52.219-30 , Notice of Set-Aside for, or Sole Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program** (Oct 2022).

420

****(USE BELOW IN RFPs AND CONTRACTS OVER \$150,000 WHICH MAY REQUIRE OR INVOLVE THE EMPLOYMENT OF LABORERS OR MECHANICS, EXCEPT:

- THOSE CONTRACTS FOR SUPPLIES, MATERIALS OR ARTICLES ORDINARILY AVAILABLE IN THE OPEN MARKET; OR
- THOSE CONTRACTS TO BE PERFORMED SOLELY WITHIN A FOREIGN COUNTRY.

CONTRACTS REQUIRING WORK TO BE DONE SOLELY IN ACCORDANCE WITH THE WALSH-HEALEY PUBLIC CONTRACTS ACT ARE EXEMPT.

CONTRACTS FOR SUPPLIES IN CONNECTION WITH WHICH ANY REQUIRED SERVICES ARE MERELY INCIDENTAL AND DO NOT REQUIRE SUBSTANTIAL EMPLOYMENT OF LABORERS OR MECHANICS ARE EXEMPT.)****

Note: *This clause is not applicable for commercial products.*

40. FAR Clause **52.222-4, Contract Work Hours and Safety Standards - Overtime Compensation - General** (Mar 2018).

4021

****(USE BELOW IN SOLICITATIONS FOR CONSTRUCTION WITHIN THE U.S. IN EXCESS OF \$2,000.)****

41. FAR Clause **52.222-5, Construction Wage Rate Requirements--Secondary Site of the Work** (May 2014).

422

****(USE BELOW IN SOLICITATIONS AND CONTRACTS UNLESS EXEMPT FROM THE REQUIREMENTS OF EXECUTIVE ORDER 11246 (SEE FAR 52.807(a)). IF THE CONTRACT IS EXEMPT FROM ONE OR MORE, BUT NOT ALL, OF THE REQUIREMENTS OF EXECUTIVE ORDER 11216, USE THIS CLAUSE WITH ITS ALTERNATE I.)****

42. FAR Clause 52.222-26, **Equal Opportunity** (Sep 2016).

423

****(USE BELOW IF THE CONTRACTOR WILL BE REQUIRED TO PERFORM IN OR ON BEHALF OF A FOREIGN COUNTRY AND THE CONTRACT ALSO INCLUDES THE CLAUSE AT 52.222-26, Equal Opportunity.)****

43. FAR Clause **52.222-29, Notification of Visa Denial** (Apr 2015).

424

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS ASSOCIATED WITH LARGE SCALE (OVER \$25 MILLION) CONSTRUCTION PROJECTS, WHEN IT IS DETERMINED THAT A PROJECT LABOR AGREEMENT WILL BE REQUIRED.)****

See FAR Subpart 22.5.

ADDITIONAL INSTRUCTIONS TO COMPLETE THIS ITEM:

- **Alternate I:** Include when the submission of the project labor agreement will be allowed after contract award.

44. FAR Clause **52.222-34, Project Labor Agreement** (May 2010).

Alternate I (May 2010) [is/is not] applicable to this contract.

425

****(USE IN SOLICITATIONS:

- WHEN THE PROVISION AT 52.222-48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Certification statute IS APPLICABLE TO THE REQUIREMENT. See FAR 22.1003-4(c).

USE IN CONTRACTS:

- WHEN THE CONTRACTING OFFICER HAS DETERMINED, IN ACCORDANCE WITH FAR 22.1003-4(c)(3), THAT THE SERVICE CONTRACT LABOR STANDARDS DOES NOT APPLY.)****

45. FAR Clause **52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements** (May 2014).

426

****(USE IN SOLICITATIONS:

- WHEN THE PROVISION AT 52.222-52, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Certification statute IS APPLICABLE TO THE REQUIREMENT. See FAR 22.1003-4(d).

USE IN CONTRACTS:

- WHEN THE CONTRACTING OFFICER HAS DETERMINED, IN ACCORDANCE WITH FAR 22.1003-4(d)(3), THAT THE SERVICE CONTRACT LABOR STANDARDS DOES NOT APPLY.)****

46. FAR Clause **52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements** (May 2014).

427

****(USE BELOW IN SOLICITATIONS with an estimated value of \$50 million or more, issued from October 25, 2016 through April 24, 2017, and resultant contracts; and (2) In solicitations that are estimated to exceed \$500,000 issued after April 24, 2017 and resultant contracts.)****

428

****(USE BELOW IN SERVICE OR CONSTRUCTION SOLICITATIONS AND CONTRACTS, UNLESS THE CONTRACT WILL NOT INVOLVE THE USE OF USDA-DESIGNATED ITEMS AT <https://www.biopreferred.gov/BioPreferred/> or 7 CFR Part 2902.)****

47. FAR Clause **52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts** (Sep 2013).

429

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN THE CONTRACT WILL REQUIRE THE DELIVERY OF HAZARDOUS MATERIALS AS DEFINED IN APPENDIX A OF FEDERAL STANDARD 313B, OR ON THE ADVICE OF THE GOVERNMENT'S TECHNICAL REPRESENTATIVE THAT THE CONTRACT WILL INVOLVE EXPOSURE TO HAZARDOUS MATERIALS.)****

48. FAR Clause **52.223-3, Hazardous Material Identification and Material Safety Data** (Feb 2021), with **Alternate I** (Jul 1995).

430

****(USE BELOW IN ALL CONTRACTS THAT PROVIDE FOR PERFORMANCE IN WHOLE, OR IN PART, ON A FEDERAL FACILITY.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. **Use with Alternate I:** When the Contractor operates or maintains a Federal facility or performs on a Federal facility on a Gov't owned Federal facility that has implemented or plans to implement an Environmental Management System (EMS).
2. **Use with Alternate II:** When the Contractor will perform on a federal facility and its activities will be included within the Facility Compliance Audit (FCA) or within an EMS audit.

49. FAR Clause **52.223-5, Pollution Prevention and Right-to-Know Information** (May 2011).

Alternate I (May 2011) [is not/is] applicable to this contract.

Alternate II (May 2011) [is not/is] applicable to this contract.

431

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR CONTRACTOR OPERATION OF GOVERNMENT OWNED OR LEASED FACILITIES AND FOR SUPPORT SERVICES AT SUCH FACILITIES.)****

50. FAR Clause **52.223-10, Waste Reduction Program** (May 2011).

432

****(USE BELOW EXCEPT FOR CONTRACTS FOR SUPPLIES THAT WILL BE DELIVERED OUTSIDE OF THE UNITED STATES AND ITS OUTLYING AREAS, OR CONTRACTS FOR SERVICES THAT WILL BE PERFORMED OUTSIDE OF THE UNITED STATES AND ITS OUTLYING AREAS WHEN THE SOLICITATION AND CONTRACT INCLUDE MAINTENANCE, REPAIR, OR DISPOSAL OF ANY EQUIPMENT OR APPLIANCE USING OZONE-DEPLETING SUBSTANCES AS A REFRIGERANT, SUCH AS AIR CONDITIONERS, INCLUDING MOTOR VEHICLES, REFRIGERATORS, CHILLERS OR FREEZERS.)****

51. FAR Clause **52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners** (Jun 2016).

433

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS WHEN IMAGING EQUIPMENT (COPIERS, DIGITAL DUPLICATORS, FACSIMILE MACHINES, MAILING MACHINES, MULTIFUNCTION DEVICES, PRINTERS, AND SCANNERS) WILL BE:

- DELIVERED;
- ACQUIRED BY THE CONTRACTOR FOR USE IN PERFORMING SERVICES AT A FEDERALLY CONTROLLED FACILITY; OR
- FURNISHED BY THE CONTRACTOR FOR USE BY THE GOVERNMENT ADDITIONAL INFORMATION ABOUT THIS ITEM.)****

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

1. **Use with Alternate I:** When there are sufficient EPEAT® silver- or gold-registered products available to meet agency needs.

Note: See FAR 23.704(a) for additional information regarding exceptions to this requirement .

52. FAR Clause **52.223-13 Acquisition of EPEAT®-Registered Imaging Equipment** (Jun 2014)

Alternate I (Oct 2015) [is not/is] applicable to this contract.

434

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS WHEN TELEVISIONS WILL BE:

- DELIVERED;
- ACQUIRED BY THE CONTRACTOR FOR USE IN PERFORMING SERVICES AT A FEDERALLY CONTROLLED FACILITY; OR
- FURNISHED BY THE CONTRACTOR FOR USE BY THE GOVERNMENT.)****

Note: See FAR 23.704(a) for additional information regarding exceptions to this requirement.

53. FAR Clause **52.223-14 Acquisition of EPEAT®-Registered Televisions** (Jun 2014)

Alternate I (Jun 2014) [is not/is] applicable to this contract.

435

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN ENERGY-CONSUMING PRODUCTS LISTED IN THE ENERGY STAR PROGRAM OR FEDERAL ENERGY MANAGEMENT PROGRAM (FEMP) WILL BE:

- DELIVERED;
- ACQUIRED BY THE CONTRACTOR FOR USE IN PERFORMING SERVICES AT A FEDERALLY-CONTROLLED FACILITY;
- FURNISHED BY THE CONTRACTOR FOR USE BY THE GOVERNMENT; OR
- SPECIFIED IN THE DESIGN OF A BUILDING OR WORK, OR INCORPORATED DURING ITS CONSTRUCTION, RENOVATION, OR MAINTENANCE.)****

54. FAR Clause **52.223-15, Energy Efficiency in Energy-Consuming Products** (May 2020).

436

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS WHEN PERSONAL COMPUTER PRODUCTS WILL BE:

- DELIVERED;
- ACQUIRED BY THE CONTRACTOR FOR USE IN PERFORMING SERVICES AT A FEDERALLY-CONTROLLED FACILITY; OR
- FURNISHED BY THE CONTRACTOR FOR USE BY THE GOVERNMENT.)****

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

1. **Use with Alternate I :** When there are sufficient EPEAT® silver- or gold-registered products available to meet agency needs.

Note: See FAR 23.704(a), for additional information in case an exception to the requirement is necessary .

55. FAR Clause **52.223-16, Acquisition of EPEAT®-Registered Personal Computer Products** (Oct 2015).

Alternate I (Jun 2014) [is not/is] applicable to this contract.

437

****(USE BELOW IN ALL SERVICE AND CONSTRUCTION SOLICITATIONS AND CONTRACTS **UNLESS** THE CONTRACT WILL NOT INVOLVE THE USE OF EPA-DESIGNATED ITEMS.)****

56. FAR Clause **52.223-17, Affirmative Procurement of EPA-designated Items in Service and Construction Contracts** (Aug 2018).

438

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS FOR CONTRACTOR OPERATION OF GOVERNMENT-OWNED OR -LEASED FACILITIES OR VEHICLES, LOCATED IN THE UNITED STATES.)****

Note: *For facilities located outside the U.S., the agency head may determine that the use of the clause is in the best interest of the Government.*

57. FAR Clause **52.223-19, Compliance with Environmental Management Systems** (May 2011).

439

****(USE BELOW WHICH CONSISTS OF THE FOLLOWING TWO CLAUSES, WHEN THE DESIGN, DEVELOPMENT OR OPERATION OF A SYSTEM OF RECORDS ON INDIVIDUALS IS REQUIRED TO ACCOMPLISH AN AGENCY FUNCTION.)****

58. FAR Clause **52.224-1, Privacy Act Notification** (Apr 1984).

440

59. FAR Clause **52.224-2, Privacy Act** (Apr 1984).

441

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD, THAT PROVIDE FOR SUPPLIES TO BE IMPORTED INTO THE CUSTOMS TERRITORY OF THE U.S.)****

60. FAR Clause **52.225-8, Duty-Free Entry** (Oct 2010).

442

*** (USE BELOW IN SOLICITATIONS AND CONTRACTS FOR PERFORMANCE OF SERVICES AND/OR DELIVERY OF SUPPLIES IN:

- An area of combat operations, as designated by the Secretary of Defense; or
- An area of other significant military operations, as designated by the Secretary of Defense and only upon agreement of the Secretary of Defense and the Secretary of State.)****

Note : See FAR 25.302-6 (b) for details of applicability of this clause.

61. FAR Clause **52.225-26, Contractors Performing Private Security Functions Outside the United States** (Oct 2016).

443

**** (USE BELOW IN SOLICITATIONS AND CONTRACTS THAT CONTAIN THE CLAUSE AT 52.219-9, SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS SUBCONTRACTING PLAN, IF, IN THE OPINION OF THE CONTRACTING OFFICER, SUBCONTRACTING POSSIBILITIES EXIST FOR INDIAN ORGANIZATIONS OR INDIAN-OWNED ECONOMIC ENTERPRISES AND FUNDS ARE AVAILABLE FOR ANY INCREASED COSTS.)****

Note: See paragraph (c)(2) of the clause .

62. FAR Clause **52.226-1, Utilization of Indian organizations and Indian-owned Economic Enterprises** (Jun 2000).

444

**** (USE BELOW IN ALL SOLICITATIONS AND CONTRACTS INVOLVING LOCAL AREA SET-ASIDES. See FAR Subpart 26.2.)****

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

- **Paragraph (a):** Specify the geographic area for the local area set aside in the text box.

63. FAR Clause **52.226-4, Notice of Disaster or Emergency Area Set-Aside** (Nov 2007).

"(a) *Set Aside Area.* Offers are solicited only from businesses residing or primarily doing business in _____ [Contracting Officer to fill in with definite geographic boundaries.]....."

445

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT INVOLVE LOCAL AREA SET-ASIDES.)****

See FAR Part 26.2.

64. FAR Clause **52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area** (Nov 2007).

446

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR COMMUNICATION SERVICES WITH A COMMON CARRIER AND THE SERVICES ARE UNREGULATED AND NOT PRICED BY A TARIFF SCHEDULE SET BY A REGULATORY BODY.)****

65. **Alternate II** (Apr 1984), FAR Clause **52.227-1, Authorization and Consent** (Jun 2020).

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT MAY RESULT IN THE DELIVERY OF COMMERCIAL PRODUCTS, UNLESS THE FOLLOWING EXCEPTIONS APPLY:

- PART 12 PROCEDURES ARE USED;
- SIMPLIFIED ACQUISITION PROCEDURES OF PART 13 ARE USED;
- BOTH COMPLETE PERFORMANCE AND DELIVERY ARE OUTSIDE THE UNITED STATES; OR
- THE CO DETERMINES AFTER LEGAL COUNSEL THAT OMISSION OF THE CLAUSE WOULD BE CONSISTENT WITH COMMERCIAL PRACTICE.)****

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

Note: In addition to the information below, see FAR Subpart 27.2 for additional information regarding the use of Alternates I - III.

1. **Alternate I:** Use to **exclude** specific items, If the contract also requires delivery of items that are not commercial products, or after consultation with legal counsel, the CO determines that limitation of applicability of the clause would be consistent with commercial practice. If applicable, specify appropriate items in the text box.
2. **Alternate II:** Use to **include** specific items, If the contract also requires delivery of items that are not commercial products, or after consultation with legal counsel, the CO determines that limitation of applicability of the clause would be consistent with commercial practice. If applicable, specify appropriate items in the text box.
3. **Alternate III:** Use if the RFP or Contract is for communication services and facilities where performance is by a common carrier, and the services are not priced by a tariff schedule set by a regulatory body.

66. FAR Clause **52.227-3, Patent Indemnity** (Apr 1984).

Alternate I (Apr 1984) [is not/is] applicable to this contract.

(c) This patent indemnification shall not apply to the following items:
N/A

Alternate II (Apr 1984) [is not/is] applicable to the contract.

(c) This patent indemnification shall cover the following items:
N/A

Alternate III [is not/is] applicable to the contract.

448

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK IF:

1. THE CONTRACTOR IS NOT LOCATED IN THE UNITED STATES OR DOES NOT HAVE A PLACE OF BUSINESS LOCATED IN THE US OR IS SUBJECT TO THE CONTROL OF A FOREIGN GOVERNMENT;
2. THERE ARE EXCEPTIONAL CIRCUMSTANCES IDENTIFIED IN 27.303(e)(1)(ii) OR (iii).)****

Note: *It is recommended that you review section 27.3 and consult with your Office of Technology Transfer to assist in determining use this Clause and any of its Alternates in your contract .*

67. FAR Clause **52.227-13, Patent Rights--Ownership by the Government** (Dec 2007).

449

****(USE BELOW IN SOLICITATIONS AND CONTRACTS IF IT IS CONTEMPLATED THAT DATA WILL BE PRODUCED, FURNISHED, OR ACQUIRED UNDER THE CONTRACT, EXCEPT AS SET FORTH IN FAR 27.409(b)(1).)****

Note: *If this clause is already contained in the applicable General Clause Listing, it is not necessary to include it here .*

68. FAR Clause **52.227-14, Rights in Data - General** (May 2014).

450

****(USE BELOW WHEN THE ALTERNATE DEFINITION OF LIMITED RIGHTS DATA IS APPROPRIATE.)****

See FAR 27.404-2(b).

69. **Alternate I** (Dec 2007), FAR Clause **52.227-14, Rights in Data--General** (May 2014).

451

****(USE BELOW WHEN THE CONTRACTING OFFICER DETERMINES IN ACCORDANCE WITH 27.404-2(c) THAT IT IS NECESSARY TO OBTAIN LIMITED RIGHTS DATA.)****

Note: *FAR 27/402(c)(i)-(v) offers examples of specific purposes that may be included in this Alternate .)*

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

- The Contracting Officer shall include the purpose, if any, for which limited rights data are to be disclosed outside the Government. If there are no additional purposes, state that there are none.

70. **Alternate II** (Dec 2007), FAR Clause **52.227-14, Rights in Data--General** (May 2014).

Additional purposes for which the limited rights data may be used are:

452

****(USE BELOW WHEN THE CONTRACTING OFFICER DETERMINES, IN ACCORDANCE WITH 27.404-2(d), IT IS NECESSARY TO OBTAIN RESTRICTED COMPUTER SOFTWARE. ANY GREATER OR LESSER RIGHTS REGARDING THE USE, REPRODUCTION, OR DISCLOSURE OF RESTRICTED COMPUTER SOFTWARE THAN THOSE SET FORTH IN THE RESTRICTED RIGHTS NOTICE OF SUBPARAGRAPH (g)(4) OF THE CLAUSE SHALL BE SPECIFIED BELOW AND THE NOTICE MODIFIED ACCORDINGLY. STATE NONE, IF APPLICABLE.)****

71. **Alternate III** (Dec 2007), FAR Clause **52.227-14, Rights in Data--General** (May 2014).

Additions to, or limitations on, the restricted rights set forth in the Restricted Rights Notice of subparagraph (g)(4) of the clause are expressly stated as follows:

453

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS FOR BASIC OR APPLIED RESEARCH TO BE PERFORMED SOLELY BY COLLEGES AND UNIVERSITIES, OTHER THAN THOSE FOR THE MANAGEMENT OR OPERATION OF GOVERNMENT FACILITIES.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- When this Alternate is used, the clause may be modified to exclude rights to certain data. See FAR 27.409(b)(5) and 27.404-4 for additional information.

72. **Alternate IV** (Dec 2007), FAR Clause **52.227-14, Rights in Data - General** (May 2014).

454

****(USE BELOW IN ACCORDANCE WITH FAR 27.404-6, IF THE GOVERNMENT NEEDS THE RIGHT TO INSPECT CERTAIN DATA AT A CONTRACTOR'S FACILITY.)****

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

- The Contracting Officer shall specify in the text box below, data items that are not subject to inspection under paragraph (j), or state that there are none.

73. **Alternate V** (Dec 2007), FAR Clause **52.227-14, Rights in Data--General** (May 2014).

Specific data items that are not subject to paragraph (j) include:

455

****(USE BELOW FOR EXPERIMENTAL, DEVELOPMENTAL, RESEARCH, OR DEMONSTRATION WORK, EXCEPT:

- Contracts for Basic or Applied Research Performed Solely by a University or College where the contract amount will be \$500,000, or less.
- When all the requirements are believed to be known at the time of award and are specified in the contract.)****

Note: For additional information about this item see FAR 27.409(d).

74. FAR Clause **52.227-16, Additional Data Requirements** (Jun 1987).

456

****(USE BELOW IN ACCORDANCE WITH 27.405-1 IN SOLICITATIONS AND CONTRACTS PRIMARILY FOR THE PRODUCTION OR COMPILATION OF DATA (other than limited rights data or restricted computer software) FOR THE GOVERNMENT'S INTERNAL USE, OR WHEN THERE IS A SPECIFIC NEED TO LIMIT DISTRIBUTION AND USE OF THE DATA OR TO OBTAIN INDEMNITY FOR LIABILITIES THAT MAY ARISE OUT OF THE CONTENT, PERFORMANCE, OR DISCLOSURE OF THE DATA.)****

Note: Examples of such contracts are set forth in FAR Subpart 27.405-1 .)

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. The contract may specify the purpose and condition under which the data is used.
Note: This may be done by the insertion of specific information in the text box below, or specified elsewhere in the contract. If you include this information elsewhere, it is recommended that you use the text box below to specify where, in the contract, this information is located.
2. FAR Subpart 27.409(e)(1)-(4) prescribes additional situations for use of this Clause.
3. In accordance with 27.409(i)(2), this clause may be appropriate for some A&E and Construction contracts.
4. Refer to FAR 27.405-1 for further guidance on Special Works. It may also be helpful to consult the NIH Technology Transfer Office for guidance in determining special copyright needs.

75. FAR Clause **52.227-17, Rights in Data--Special Works** (Dec 2007).

457

****(USE BELOW IN SOLICITATIONS AND CONTRACTS THAT ARE EXCLUSIVELY FOR THE ACQUISITION (WITHOUT MODIFICATION) OF EXISTING WORKS AS SET FORTH IN 27.405-2. USE OF THIS CLAUSE WOULD BE LIMITED.)****

76. FAR Clause **52.227-18, Rights in Data--Existing Works** (Dec 2007).

458

****(WHEN USING BELOW, SEE FAR 27.405-3. YOU MAY USE THIS CLAUSE OR DEVELOP OTHER, APPROPRIATE LANGUAGE WHEN ACQUIRING EXISTING COMPUTER SOFTWARE FROM OTHER THAN GSA'S MULTIPLE AWARD SCHEDULE CONTRACTS.)****

77. FAR Clause **52.227-19, Commercial Computer Software License** (Dec 2007).

459

****(USE BELOW IN CONTRACTS FOR MAJOR SYSTEMS ACQUISITIONS OR FOR SUPPORT OF MAJOR SYSTEMS ACQUISITIONS, INCLUDING:

- Contracts for detailed design, development or production of a major system; or
- Contracts for any individual part, component, subassembly, assembly, or subsystem integral to the major system, and other property that may be replaced during the service life of the system, including spare parts.)****

Note: FAR 2.101 defines a major system as a combination of elements, such as equipment, hardware, software, construction, etc., that exceeds \$1.8 million (civilian agencies).

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

- This clause requires that the technical data to which it applies be specified in the contract. Use the text box below to specify this information or to identify where, in the contract, this information is located.

78. FAR Clause **52.227-21, Technical Data Declaration, Revision, and Withholding of Payment--Major Systems** (May 2014).

The following technical information is applicable to this clause:

460

****(USE BELOW WHEN A BID GUARANTEE IS REQUIRED - LANGUAGE MAY BE MODIFIED FOR NEGOTIATED CONTRACTS. See FAR 28.101-2 for additional prescriptive information.)****

79. FAR Clause **52.228-1, Bid Guarantee** (Sep 1996).

"The amount of the bid guarantee shall be % of the bid price or \$ whichever is less."

461

****(USE BELOW WHEN BONDS ARE REQUIRED.)****

80. FAR Clause **52.228-2, Additional Bond Security** (Oct 1997).

462

**** (USE BELOW IN FIXED PRICE SOLICITATIONS AND CONTRACTS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD, WHERE WORK IS REQUIRED TO BE PERFORMED ON A GOVERNMENT INSTALLATION.) ****

81. FAR Clause **52.228-5, Insurance - Work on a Government Installation** (Jan 1997).

463

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHICH REQUIRE THE SUBMISSION OF BID GUARANTEES, PERFORMANCE OR PAYMENT BONDS.)****

82. FAR Clause **52.228-11, Individual Surety - Pledges of Assets** (Feb 2021).

464

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN A PAYMENT BOND WILL BE FURNISHED PURSUANT TO THE MILLER ACT.)****

Note: *This clause is NOT applicable for Commercial Products.*

83. FAR Clause **52.228-12, Prospective Subcontractor Requests for Bonds** (Dec 2022).

465

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR SERVICES, SUPPLIES OR CONSTRUCTION, WHEN A BID GUARANTEE, OR PERFORMANCE AND PAYMENT BONDS ARE REQUIRED.)****

84. FAR Clause **52.228-14, Irrevocable Letter of Credit** (Nov 2014).

466

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR A COST-REIMBURSEMENT CONTRACT TO BE PERFORMED WHOLLY OR PARTLY IN A FOREIGN COUNTRY, UNLESS IT IS CONTEMPLATED THAT THE CONTRACT WILL BE WITH A FOREIGN GOVERNMENT.)****

85. FAR Clause **52.229-8, Taxes-Foreign Cost-Reimbursement Contracts** (Mar 1990).

467

****(USE BELOW IN SOLICITATIONS AND CONTRACTS TO BE AWARDED ON A COST-REIMBURSEMENT BASIS WITH A FOREIGN GOVERNMENT.)****

86. FAR Clause **52.229-9, Taxes-Cost-Reimbursement Contracts with Foreign Governments** (Mar 1990).

468

****(USE BELOW ALL SOLICITATIONS AND CONTRACTS BY THE DEPARTMENT OF HEALTH HUMAN SERVICES WHEN THE FOLLOWING CONDITIONS EXISTS:

1. The Contractor will be performing a cost-reimbursement contract.
2. The contract directs or authorizes the contractor to acquire tangible personal property as a direct cost under a contract and title to such property passes directly to and vests in the United States upon delivery of the property by the vendor.
3. The contract will be for services to be performed in whole or in part within the State of New Mexico.)****

Note: See FAR 29.401-4(c) for a list of the participating agencies that have entered into an agreement with the State of New Mexico to eliminate double taxation of Government cost-reimbursement contracts.

87. FAR Clause **52.229-10, State of New Mexico Gross Receipts and Compensating Tax** (Apr 2003)

469

****(USE BELOW IN NEGOTIATED CONTRACTS OVER \$750,000 - FOR FULL CAS COVERAGE EXCEPT Small Businesses, Educational Institutions and Foreign Contractors.)****

Note: See exceptions at 48 CFR Chapter 99 (Appendix B, FAR looseleaf Edition), Subpart 9903.201-1 .

88. FAR Clause **52.230-2, Cost Accounting Standards** (Jun 2020).

470

****(USE BELOW IN NEGOTIATED CONTRACTS OVER \$750,000 BUT LESS THAN \$50 MILLION, AND THE OFFEROR CERTIFIES THAT IT IS ELIGIBLE FOR AND ELECTS TO USE MODIFIED CAS COVERAGE, EXCEPT Small Businesses, Educational Institutions, and Foreign Contractors.)****

Note: See exceptions at 48 CFR Chapter 99 (Appendix B, FAR looseleaf Edition), Subpart 9903.201-1 .

89. FAR Clause **52.230-3, Disclosure and Consistency of Cost Accounting Practices** (Jun 2020).

471

****(USE BELOW IN NEGOTIATED CONTRACTS OVER \$750,000 WITH FOREIGN CONCERNS, UNLESS THE CONTRACT IS OTHERWISE EXEMPT FROM CAS REQUIREMENTS. SEE 48 CFR CHAPTER 99 (APPENDIX B, FAR LOOSELEAF EDITION), SUBPART 9903.201-1(b).)****

Note: Foreign concerns do not include foreign government's or their agents or instrumentalities .

90. FAR Clause **52.230-4, Disclosure and Consistency of Cost Accounting Practices- Foreign Concerns** (Jun 2020).

472

****(USE BELOW IN NEGOTIATED CONTRACTS AND SUBCONTRACTS AWARDED TO EDUCATIONAL INSTITUTIONS, WHEN THE CONTRACT OR SUBCONTRACT PRICE EXCEEDS \$750,000, UNLESS THE CONTRACT IS EXEMPTED (SEE 48 CFR CHAPTER 99, 9903-201-1), THIS CONTRACT IS TO BE PERFORMED BY AN FFRDC (SEE 9903.201-2(c)(5), OR THE PROVISION AT 9903-201-2(c)(6)(FAR APPENDIX B) APPLIES.)****

91. FAR Clause **52.230-5, Cost Accounting Standards - Educational Institution** (Jun 2020).

473

****(USE BELOW IN NEGOTIATED CONTRACTS THAT CONTAIN EITHER FAR CLAUSES 52.230-2, 52.230-3, or 52.230-5.)****

92. FAR Clause **52.230-6, Administration of Cost Accounting Standards** (Jun 2010).

474

****(USE BELOW IN SOLICITATIONS AND CONTRACTS IF THE CONTRACT IS TO BE CHARGEABLE TO FUNDS OF THE NEW FISCAL YEAR AND THE CONTRACT ACTION IS TO BE INITIATED BEFORE FUNDS ARE AVAILABLE.)****

93. FAR Clause **52.232-18, Availability of Funds** (Apr 1984).

475

****(USE BELOW WHEN PAYMENT UNDER CONTRACT WILL BE MADE EXCLUSIVELY THROUGH USE OF THE GOVERNMENTWIDE COMMERCIAL PURCHASE CARD OR OTHER THIRD PARTY PAYMENT ARRANGEMENT.)****

Note: *Payment by a purchase card may also be made under a contract that does not contain the clause below to the extent the Contractor agrees to accept that method of payment.*

See FAR 32.1108 and 32.1110(d) for further information.

94. FAR Clause **52.232-36, Payment by Third Party** (May 2014).

476

****(USE BELOW IN DELIVERY ORDER CONTRACTS ONLY WHEN THE ORDERING OFFICE WILL DESIGNATE THE METHOD OF PAYMENT FOR INDIVIDUAL ORDERS.)****

Note: *In addition to the inserting the clause below into the solicitation or contract, the CO must indicate to what extent any other EFT payment clauses are applicable; i.e. 52.232-34 and 52.232-36.*

See FAR 32.1110(e) and (f) for further information.

95. FAR Clause **52.232-37, Multiple Payment Arrangements** (May 1999).

477

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR SERVICES TO BE PERFORMED AT GOVERNMENT FACILITIES AND TECHNICAL REPRESENTATIVES ADVISE THAT SPECIAL PRECAUTIONS ARE APPROPRIATE.)****

96. FAR Clause **52.236-13, Accident Prevention** (Nov 1991), with **Alternate I** (Nov 1991).

478

****(USE BELOW IN FIXED-PRICE CONSTRUCTION SOLICITATIONS AND CONTRACTS PROVIDING FOR UNIT PRICING OF ITEMS AND FOR PAYMENT BASED ON QUANTITY SURVEYS.)****

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- **Use with Alternate I:** If it is determined at a level above the Contracting Officer that it is impracticable for Government personnel to perform the original and final surveys and the Government wishes the Contractor to perform these surveys.

Use the dropdown box below to identify applicability.

97. FAR Clause **52.236-16, Quantity Surveys** (Apr 1984).

Alternate I (Apr 1984) [is not/is] applicable to this contract.

479

****(USE BELOW IN ALL ARCHITECT-ENGINEER SOLICITATIONS AND CONTRACTS EXCEPT AS STATED IN FAR 36.609-1(c).)****

98. FAR Clause **52.236-22, Design Within Funding Limitations** (April 1984).

"(c) The estimated construction contract price for the project described in this contract is \$ _____."

480

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR SERVICES TO BE PERFORMED ON A GOVERNMENT INSTALLATION. NOT APPLICABLE TO CONSTRUCTION CONTRACTS.)****

99. FAR Clause **52.237-2, Protection of Government Buildings, Equipment and Vegetation** (Apr 1984).

481

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR SERVICES, AT CONTRACTING OFFICER'S DISCRETION, WHEN-

1. THE SERVICES UNDER THE CONTRACT ARE CONSIDERED TO BE VITAL TO THE GOVERNMENT AND MUST BE CONTINUED WITHOUT INTERRUPTION; AND
2. THE GOVERNMENT ANTICIPATES DIFFICULTIES DURING THE TRANSITION FROM ONE CONTRACTOR TO ANOTHER OR TO THE GOVERNMENT.)****

100. FAR Clause **52.237-3, Continuity of Services** (Jan 1991).

482

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR NONPERSONAL HEALTH CARE SERVICES.)****

Note: See FAR 37.4 for more information about Nonpersonal Health Care Service Contracts .

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

- The FAR sets forth the following instruction for completing the information required for this clause:

* "Contracting Officer insert the dollar value(s) of standard coverage(s) prevailing within the local community as to the specific medical specialty, or specialties, concerned, or such higher amount as the Contracting Officer deems necessary to protect the Government's interests."

101. FAR Clause **52.237-7, Indemnification and Medical Liability Insurance** (Jan 1997).

"(a) ...The Contractor shall maintain during the term of this contract liability insurance issued by a responsible insurance carrier of not less than the following amount(s) per specialty per occurrence: *

Amount of Liability Insurance	Medical Specialty

483

****(USE BELOW SOLICITATIONS AND CONTRACTS FOR INFORMATION TECHNOLOGY (IT) WHICH REQUIRE SECURITY OF IT AND/OR ARE FOR THE DESIGN, DEVELOPMENT OR OPERATION OF A SYSTEM OF RECORDS USING COMMERCIAL IT SERVICES OR SUPPORT SERVICES.)****

102. FAR Clause **52.239-1, Privacy or Security Safeguards** (Aug 1996).

484

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS OVER \$800,000 EXCEPT FIXED-PRICE CONTRACTS WITHOUT COST INCENTIVES OR ANY FIRM-FIXED-PRICE CONTRACT FOR COMMERCIAL PRODUCTS OR COMMERCIAL SERVICES.)****

103. FAR Clause **52.242-3, Penalties for Unallowable Costs** (Dec 2022).

485

****(USE BELOW IN FIXED-PRICE SOLICITATIONS AND CONTRACTS THAT PROVIDE FOR THE ESTABLISHMENT OF FINAL INDIRECT COST RATES.)****

104. FAR Clause **52.242-4, Certification of Final Indirect Costs** (Jan 1997).

486

****(THE BELOW SHOULD BE ADDED TO COST-REIMBURSEMENT CONTRACTS WITH EDUCATIONAL INSTITUTIONS WHENEVER POSSIBLE AND/OR APPROPRIATE.)****

105. FAR Clause **52.243-2, Changes--Cost Reimbursement** (Aug 1987),
Alternate V (Apr 1984).

487

****(USE BELOW IN SOLICITATIONS AND CONTRACTS IN THE FOLLOWING SITUATIONS: 1) A LETTER CONTRACT OVER THE SIMPLIFIED ACQUISITION THRESHOLD; OR 2) A FIXED-PRICE CONTRACT OVER THE SIMPLIFIED ACQUISITION THRESHOLD, UNDER WHICH UNPRICED CONTRACT ACTIONS ARE ANTICIPATED.)****
***Note:** This includes unpriced modifications and/or delivery orders .*

106. FAR Clause **52.244-2, Subcontracts** (Jun 2020).

488

****(USE BELOW WHEN A NEGOTIATED FIRM-FIXED PRICE CONTRACT, OVER THE SIMPLIFIED ACQUISITION THRESHOLD, WILL BE AWARDED USING OTHER THAN FULL AND OPEN COMPETITION OR WHERE THE PRICES ARE NOT SET BY LAW OR REGULATION. THIS CLAUSE IS NOT TO BE USED FOR TIME & MATERIALS, LABOR HOUR, OR A&E CONTRACTS.)****

107. FAR Clause **52.244-5, Competition in Subcontracting** (Dec 1996).

489

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN A FIXED-PRICE CONTRACT WILL BE AWARDED ON THE BASIS OF SUBMISSION OF COST OR PRICING DATA AND THE GOVERNMENT WILL PROVIDE GOVERNMENT PROPERTY.)****

108. FAR Clause **52.245-1, Government Property** (Sept 2021).

490

****(USE BELOW IN FIXED-PRICE SOLICITATIONS AND CONTRACTS WHEN THE GOVERNMENT WILL PROVIDE GOVERNMENT PROPERTY AND AWARD WILL NOT BE MADE ON THE BASIS OF SUBMISSION OF COST OR PRICING DATA.)****

109. **Alternate I** (Apr 2012), FAR Clause **52.245-1, Government Property** (Sept 2021).

491

****(USE BELOW IN FIXED-PRICE SOLICITATIONS AND CONTRACTS WITH EDUCATIONAL OR NONPROFIT INSTITUTIONS WHEN THE GOVERNMENT WILL PROVIDE GOVERNMENT PROPERTY.)****

110. **Alternate II** (Apr 2012), FAR Clause **52.245-1, Government Property** (Sept 2021).

492

****(USE BELOW IN SERVICE CONTRACTS TO BE PERFORMED ON A GOVERNMENT INSTALLATION WHEN GOVERNMENT-FURNISHED PROPERTY WILL BE PROVIDED FOR INITIAL PROVISIONING ONLY AND THE GOVERNMENT IS NOT RESPONSIBLE FOR REPAIR OR REPLACEMENT.)****

111. FAR Clause **52.245-2, Government Property Installation Operation Services** (Apr 2012).

493

****(USE IN ALL FIXED PRICE SOLICITATIONS AND CONTRACTS THAT WILL INCLUDE THE CLAUSE AT 52.245-1, Government Property.)****

112. FAR Clause **52.245-9, Use and Charges** (Apr 2012).

494

****(USE BELOW IN FIXED-PRICE CONSTRUCTION SOLICITATIONS AND CONTRACTS, IF THE CONTRACTING OFFICER CONSIDERS A WARRANTY CLAUSE TO BE NECESSARY. USE ONLY WHERE COST-EFFECTIVE.)****

113. FAR Clause **52.246-21, Warranty of Construction** (Mar 1994).

495

****(USE BELOW IN SOLICITATIONS AND CONTRACTS, OVER THE SIMPLIFIED ACQUISITION THRESHOLD (Other than ADP, A&E Services, Telecommunications, Construction or Maintenance and Rehabilitation of Real Property), SUBJECT TO THE REQUIREMENTS OF FAR 46.801, WHEN THE CONTRACT REQUIRES DELIVERY OF END ITEMS THAT ARE NOT "HIGH-VALUE" ITEMS (Defined in FAR 46.802).)****

Note: *This clause is not applicable to Commercial Products.*

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- This clause is included in some General Clause Listings. Before adding this clause to your contract here, check to see if it is already in the applicable General Clause Listing.

114. FAR Clause **52.246-23, Limitation of Liability** (Feb 1997).

496

****(USE BELOW IN SOLICITATIONS AND CONTRACTS, OVER THE SIMPLIFIED ACQUISITION THRESHOLD (Other than ADP, A&E Services, Telecommunications, Construction or Maintenance and Rehabilitation of Real Property), SUBJECT TO THE REQUIREMENTS OF FAR 46.801, WHEN THE CONTRACT REQUIRES DELIVERY OF END ITEMS THAT ARE CONSIDERED TO BE "HIGH-VALUE" ITEMS AS DEFINED IN FAR 46.802 OR DESIGNATED AS "HIGH-VALUE" BY THE CONTRACTING OFFICER.)****

Note: *this clause is not applicable to Commercial Products.*

ADDITIONAL INFORMATION ABOUT THIS ITEM:

- When the contract requires the delivery of both High-value and Other end items:
 - Make sure to also include the FAR Clause at 42.245-23, above;
 - Use with Alternate I; and
 - Make sure that the contract schedule clearly identifies the end products that have been designated as "high-value" items.

115. FAR Clause **52.246-24, Limitation of Liability - High-Value Items** (Feb 1997).

Alternate I (Apr 1984) [is/is not] applicable to this contract

497

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR THE PERFORMANCE OF SERVICES, OVER THE SIMPLIFIED ACQUISITION THRESHOLD (Other than Information Technology including Telecommunications, A&E Services, Construction or Maintenance and Rehabilitation of Real Property).)****

Note : *This clause is not applicable to commercial products.*

ADDITIONAL INFORMATION ABOUT THIS ITEM :

- This clause is included in some General Clause Listings. Before adding this clause to your contract here, check to see if it is already in the applicable General Clause Listing.

116. FAR Clause **52.246-25 Limitation of Liability-Services** (Feb 1997).

498

**** (USE BELOW IN SOLICITATIONS AND CONTRACTS, WHEN U.S. GOVERNMENT-FINANCED INTERNATIONAL AIR TRANSPORTATION OF PERSONNEL AND/OR PROPERTY WILL OCCUR IN PERFORMANCE OF THE CONTRACT.)****

Note: *This is not applicable for commercial products.*

117. FAR Clause **52.247-63, Preference for U.S. Flag Air Carriers** (Jun 2003).

499

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN OCEAN TRANSPORTATION OF SUPPLIES IS ANTICIPATED.)****

118. FAR Clause **52.247-64, Preference for Privately Owned U.S. Flag Commercial Vessels** (Nov 2021).

500

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN ADVANCE NOTICE OF SHIPMENT IS REQUIRED FOR SAFETY OR SECURITY REASONS. CO MAY ALSO REQUIRE, AS DEEMED NECESSARY WHEN CAR LOAD OR TRUCK LOAD SHIPMENTS WILL BE MADE AND ADVANCE NOTICE IS CONSIDERED NECESSARY.)****

Note: *Generally, this notification is required for classified material, sensitive, controlled, and certain other protected material and some other hazardous materials .*

See FAR 47.208-2 for more information.

119. FAR Clause **52.247-68, Report of Shipment (REPSHIP)** (Feb 2006).

501

****(USE BELOW IN SOLICITATIONS AND CONTRACTS, OVER THE SIMPLIFIED ACQUISITION THRESHOLD, EXCEPT AS SPECIFIED IN SUBPARAGRAPHS (a) 1-5 AND PARAGRAPH f. OF FAR 48.201. THE CONTRACTING OFFICER SHOULD REVIEW AND USE ALTERNATES I, II, OR III AS APPROPRIATE.)****

120. FAR Clause **52.248-1, Value Engineering** (Jun 2020).

502

****(USE BELOW WHEN THE GOVERNMENT REQUIRES AND PAYS FOR A SPECIFIC VALUE ENGINEERING EFFORT IN ARCHITECT-ENGINEER CONTRACTS.)****

121. FAR Clause **52.248-2, Value Engineering Program - Architect-Engineer** (Mar 1990).

503

****(USE BELOW WHEN THE CONTRACTING OFFICER MAY AUTHORIZE THE CONTRACTOR TO ACQUIRE SUPPLIES AND SERVICES FROM A GOVERNMENT SUPPLY SOURCE.)****

122. FAR Clause **52.251-1, Government Supply Sources** (Apr 2012).

504

****(USE BELOW WHEN NONE OF THE ABOVE CLAUSES ARE APPLICABLE TO THE CONTRACT.)****

123. **THERE ARE NO APPLICABLE CLAUSES IN THIS SECTION.**

505

****(USE IN ALL SOLICITATIONS AND CONTRACTS)****

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

506

****(USE BELOW IN SOLICITATIONS, CONTRACTS AND ORDERS OVER THE SIMPLIFIED ACQUISITION THRESHOLD UNLESS PRINTING OR INCREASED DUPLICATION IS AUTHORIZED BY STATUTE.)****

Note: See Manual Chapter 6308: "ACQUISITION OF PRINTING REQUIREMENTS AT THE NIH" <https://oma1.od.nih.gov/manualchapters/contracts/6308/index.html> for more information regarding exceptions to this policy.

1. HHSAR Clause **352.208-70, Printing and Duplication** (December 2015).

507

****(USE BELOW IN SOLICITATIONS, CONTRACTS AND ORDERS PROVIDING FUNDING WHICH PARTIALLY OR FULLY SUPPORTS A CONFERENCE.)****

2. HHSAR Clause **352.211-2, Conference Sponsorship Request and Conference Materials Disclaimer** (December 2015).

508

****(USE BELOW IN SOLICITATIONS AND CONTRACTS SUBJECT TO THE PAPERWORK REDUCTION ACT REQUIREMENTS REGARDING THE COLLECTION AND RECORDING OF INFORMATION FROM 10 OR MORE PERSONS OTHER THAN FEDERAL EMPLOYEES.)****

3. HHSAR Clause **352.211-3, Paperwork Reduction Act** (December 2015).

509

****USE BELOW IN SOLICITATIONS AND CONTRACTS WITH HOSPITALS (PROFIT OR NON-PROFIT) WHEN COST-REIMBURSEMENT IS CONTEMPLATED.)****

4. HHSAR Clause **352.216-70, Additional Cost Principles for Hospitals (Profit or Non-Profit)** (December 2015).

510

****(USE BELOW WHEN THE CONTRACT WILL REQUIRE FAR Clause 52.219-9, Small Business Subcontracting Plan AND THE CONTRACTOR HAS AN HHS OSDDBU-APPROVED MENTOR-PROTEGE AGREEMENT.)****

5. HHSAR Clause **352.219-71, Mentor-Protégé Program Reporting Requirements** (January 2010).

511

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS THAT INVOLVE HAZARDOUS MATERIALS OR HAZARDOUS OPERATIONS FOR THE FOLLOWING TYPES OF REQUIREMENTS: (A) Services OR Products (B) Research, Development OR Test Projects (C) Transportation of Hazardous Materials (D) Construction, Including Construction of Facilities on the Contractor's Premises.)****

6. HHSAR Clause **352.223-70, Safety and Health** (December 2015).

512

****(USE BELOW IN SOLICITATIONS AND CONTRACTS, WHEN A COST-REIMBURSEMENT, FIXED-PRICE LEVEL-OF-EFFORT, TIME-AND-MATERIALS, OR LABOR-HOUR CONTRACT IS CONTEMPLATED.)****

7. HHSAR Clause **352.231-70, Salary Rate Limitation** (December 2015).

Note : *The Salary Rate Limitation is at the Executive Level II Rate.*

See the following website for Executive Schedule rates of pay:

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/> .

(For current year rates, click on Salaries and Wages/Executive Schedule/Rates of Pay for the Executive Schedule. For prior year rates, click on Salaries and Wages/select Another Year at the top of the page/Executive Schedule/Rates of Pay for the Executive Schedule. Rates are effective January 1 of each calendar year unless otherwise noted .)

512

****(USE BELOW WHEN CONTRACT PERFORMANCE WILL BE OUTSIDE THE UNITED STATES, ITS POSSESSIONS, AND PUERTO RICO, EXCEPT AS OTHERWISE PROVIDED FOR IN A GOVERNMENT-to-GOVERNMENT AGREEMENT.)****

8. HHSAR Clause **352.233-70, Choice of Law (Overseas)** (December 2015)

514

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR DESIGN-BUILD REQUIREMENTS.)****

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM :

- **Alternate I:** In all solicitations and contracts for construction when Fast-Track procedures are being used.

9. HHSAR Clause **352.236-70 Design-Build Contracts** (December 2015).

515

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS FOR: (1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES; OR (2) HEALTH OR DAY CARED SERVICES THAT ARE PROVIDED TO CHILDREN UNDER THE AGE OF 18 ON A ROUTINE OR REGULAR BASIS PURSUANT TO THE PRO-CHILDREN ACT OF 1994.)****

10. HHSAR Clause **352.237-70, Pro-Children Act of 1994** (December 2015)

516

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS WHEN PERFORMANCE WILL TAKE PLACE ON FEDERAL LAND OR IN A FEDERALLY-OPERATED (OR CONTRACTED) FACILITY AND THAT INVOLVE THE PROFESSIONS/ACTIVITIES PERFORMED BY PERSONS SPECIFIED IN THE CRIME CONTROL ACT OF 1990 (42 U.S.C. 13031), INCLUDING, BUT NOT LIMITED TO, TEACHERS, SOCIAL WORKERS, PHYSICIANS, NURSES, DENTISTS, HEALTH CARE PRACTITIONERS, OPTOMETRISTS, PSYCHOLOGISTS, EMERGENCY MEDICAL TECHNICIANS, ALCOHOL OR DRUG TREATMENT PERSONNEL, CHILD CARE WORKERS AND ADMINISTRATORS, EMERGENCY MEDICAL TECHNICIANS AND AMBULANCE DRIVERS.)****

11. HHSAR Clause **352.237-71, Crime Control Act of 1990--Reporting of Child Abuse** (December 2015).

517

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS FOR ALL CHILD CARE SERVICES TO CHILDREN UNDER THE AGE OF 18, INCLUDING SOCIAL SERVICES, HEALTH AND MENTAL HEALTH CARE, CHILD (DAY) CARE, EDUCATION (WHETHER OR NOT DIRECTLY INVOLVED IN TEACHING), AND REHABILITATIVE PROGRAMS COVERED UNDER THE CRIME CONTROL ACT OF 1990.)****

12. HHSAR Clause **352.237-72, Crime Control Act--Requirement for Background Checks** (December 2015).

518

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS.)****

- c. NATIONAL INSTITUTES OF HEALTH (NIH) RESEARCH CONTRACTING (RC) CLAUSES:

The following clauses are attached and made a part of this contract:

519

****(USE BELOW IN SOLICITATIONS AND CONTRACTS INVOLVING PATIENT CARE.)****

1. **NIH(RC)-11, Research Patient Care Costs** (4/1/84).