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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 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: <http://www.acquisition.gov/far/> . HHSAR Clauses at: <http://www.hhs.gov/policies/hhsar/subpart352.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 | Nov 2021 | 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 | Jun 2020 | Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights (Over the Simplified Acquisition Threshold) |
| 52.203-19 | Jan 2017 | Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements |
| 52.204-4 | May 2011 | Printed or Copied Double-Sided on Postconsumer Fiber Content Paper(Over the Simplified Acquisition Threshold) |
| 52.204-10 | Jun 2020 | Reporting Executive Compensation and First-Tier Subcontract Awards |

| <u>FAR</u> | <u>DATE</u> | <u>TITLE</u> |
|-------------------|-------------|--|
| <u>CLAUSE NO.</u> | | |
| 52.204-13 | Oct 2018 | System for Award Management Maintenance |
| 52.204-25 | Aug 2020 | 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 |
| 52.215-2 | Jun 2020 | Audit and Records - Negotiation |
| 52.215-8 | Oct 1997 | Order of Precedence - Uniform Contract Format |
| 52.215-10 | Aug 2011 | Price Reduction for Defective Certified Cost or Pricing Data (Over \$750,000) |
| 52.215-12 | Aug 2020 | Subcontractor Certified Cost or Pricing Data |
| 52.215-15 | Oct 2010 | Pension Adjustments and Asset Reversions (Over \$750,000) |
| 52.215-18 | Jul 2005 | Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) other than Pensions |
| 52.215-19 | Oct 1997 | Notification of Ownership Changes |
| 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 | Jun 2013 | Allowable Cost and Payment, Alternate I (Feb 1997) |
| 52.219-8 | Oct 2022 | Utilization of Small Business Concerns (Over the Simplified Acquisition Threshold) |
| 52.219-9 | Oct 2022 | Small Business Subcontracting Plan (Over \$750,000, \$1.5 million for Construction) |
| 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 | Aug 2018 | 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 |

| <u>FAR</u> | <u>DATE</u> | <u>TITLE</u> |
|-------------------|-------------|---|
| <u>CLAUSE NO.</u> | | |
| 52.222-27 | Apr 2015 | <i>Affirmative Action Compliance Requirements for Construction</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> |
| 52.222-62 | Jan 2022 | <i>Paid Sick Leave Under Executive Order 13706</i> |
| 52.223-5 | May 2011 | <i>Pollution Prevention and Right-to-Know Information</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> |
| 52.225-13 | Feb 2021 | <i>Restrictions on Certain Foreign Purchases</i> |
| 52.227-1 | Jun 2020 | <i>Authorization and Consent</i> |
| 52.227-2 | Jun 2020 | <i>Notice and Assistance Regarding Patent and Copyright Infringement</i> |
| 52.227-4 | Dec 2007 | <i>Patent Indemnity - Construction Contracts</i> |
| 52.228-1 | Sep 1996 | <i>Bid Guarantee - The amount of the bid guarantee shall be ____ percent of the bid price or \$_____ whichever is less.</i> |
| 52.228-2 | Oct 1997 | <i>Additional Bond Security</i> |
| 52.228-5 | Jan 1997 | <i>Insurance - Work on a Government Installation (Over the Simplified Acquisition Threshold)</i> |
| 52.228-11 | Feb 2021 | <i>Individual Surety - Pledge of Assets</i> |
| 52.228-14 | Nov 2014 | <i>Irrevocable Letter of Credit</i> |
| 52.228-15 | Jun 2020 | <i>Performance and Payment Bonds - Construction (Over \$150,000)</i> |
| 52.229-3 | Feb 2013 | <i>Federal, State and Local Taxes (Over the Simplified Acquisition Threshold)</i> |
| 52.229-4 | Feb 2013 | <i>Federal, State, and Local Taxes (State and Local Adjustments) (Over the Simplified Acquisition Threshold)</i> |
| 52.232-5 | May 2014 | <i>Payments Under Fixed-Price Construction Contracts</i> |
| 52.232-17 | May 2014 | <i>Interest (Over the Simplified Acquisition Threshold)</i> |
| 52.232-23 | May 2014 | <i>Assignment of Claims</i> |
| 52.232-27 | Jan 2017 | <i>Prompt Payment for Construction Contracts</i> |
| 52.232-33 | Oct 2018 | <i>Payment by Electronic Funds Transfer--System for Award Management</i> |
| 52.232-39 | Jun 2013 | <i>Unenforceability of Unauthorized Obligations</i> |
| 52.233-1 | May 2014 | <i>Disputes</i> |
| 52.233-3 | Aug 1996 | <i>Protest After Award</i> |
| 52.233-4 | Oct 2004 | <i>Applicable Law for Breach of Contract Claim</i> |

| <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 2022 | <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 FIXED-PRICE CONSTRUCTION CONTRACT- Rev. 10/2022].