

335

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

ARTICLE I.2. AUTHORIZED SUBSTITUTIONS OF CLAUSES

336

Any authorized substitutions and/or modifications other than the General Clauses which will be based on the type of contract/Contractor will be determined during negotiations.

It is expected that the following substitution(s) will be made part of the resultant contract:

337

****(USE BELOW WHEN THE CONTRACTOR IS NOT REQUIRED TO REGISTER IN THE SAM BASED ON ONE OF THE EXCEPTIONS LISTED AT FAR 4.1102(a). **Note:** *This item consists of two substitutions .*)****

- a. FAR Clause **52.204-13, System for Award Management Maintenance** (Oct 2018) is deleted in its entirety and FAR Clause **52.204-12, Unique Entity Identifier Maintenance** (Oct 2018) is substituted therefor.

FAR Clause **52.232-33, Payment By Electronic Funds Transfer--System for Award Management** (Jul 2013) is deleted in its entirety and FAR Clause **52.232-34, Payment by Electronic Funds Transfer--Other Than System for Award Management** (Jul 2013) is substituted therefor.

338

****(USE BELOW WHEN CONTRACTING BY SEALED BIDDING, IN ALL SOLICITATIONS AND CONTRACTS, IF THE ACQUISITION WILL USE RECOVERY ACT FUNDS.)****

- b. **Alternate I** (Mar 2009) of FAR Clause **52.214-26, Audit and Records--Sealed Bidding** (Oct 2010) is added.

339

****(USE BELOW WHEN CONTRACTING BY NEGOTIATION, IN ALL SOLICITATIONS AND CONTRACTS, IF THE ACQUISITION WILL USE RECOVERY ACT FUNDS.)****

- c. **Alternate I** (Mar 2009) of FAR Clause **52.215-2, Audit and Records--Negotiation** (Jun 2020) is added.

340

****(USE BELOW FOR COST REIMBURSEMENT CONTRACTS OVER THE SIMPLIFIED ACQUISITION THRESHOLD WHEN THE CONTRACT IS WITH A STATE AND LOCAL GOVERNMENT, EDUCATIONAL INSTITUTIONS AND OTHER NONPROFIT ORGANIZATIONS.)****

- d. **Alternate II** (Aug2016) of FAR Clause **52.215-2, Audit and Records--Negotiation** (Jun 2020) is added.

341

****(USE BELOW WHEN THE CONTRACT IS OVER THE SIMPLIFIED ACQUISITION THRESHOLD **AND** IS BEING AWARDED WITHOUT ADEQUATE PRICE COMPETITION **UNLESS** 52.215-14 IS NOT APPLICABLE IN ACCORDANCE WITH FAR 15.408(f).)****

- e. **Alternate I** (Oct1997) of FAR Clause **52.215-14, Integrity of Unit Prices** (Nov 2021) is added.

342

****(USE BELOW IN NEGOTIATED SOLICITATIONS AND CONTRACTS WHERE CERTIFIED COST OR PRICING DATA WILL **NOT** BE REQUIRED, **AND** FOR WHICH ANY PREAWARD OR POSTAWARD COST DETERMINATION WILL **NOT** BE SUBJECT TO FAR SUBPART 31.)****

- f. FAR Clauses **52.215-15, Pension Adjustments and Asset Reversions** (Oct 2010); **52.215-18, Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) Other Than Pensions** (Jul 2005); and, **52.215-19, Notification of Ownership Changes** (Oct 1997), are deleted in their entirety.

343

****(USE BELOW IN COST-REIMBURSEMENT CONTRACTS VALUED OVER THE SIMPLIFIED ACQUISITION THRESHOLD.

Note : *May be used when the contracting officer determines that inclusion of the clause is appropriate. For further information, see FAR 15.408(n).* ****

- g. FAR Clause **52.215-23, Limitations on Pass-Through Charges** (Jun 2020), is added.

344

****(USE BELOW WHEN CERTIFIED COST OR PRICING DATA ARE NOT EXPECTED TO BE REQUIRED BECAUSE AN EXCEPTION MAY APPLY, BUT THE CONTRACTING OFFICER DETERMINES THAT DATA OTHER THAN CERTIFIED COST OR PRICING DATA WILL BE REQUIRED AS DESCRIBED IN FAR 15.403-3.)****

- h. **Alternate IV** (Oct 2010) of FAR Clause **52.215-21, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data--Modifications** (Nov 2021) is added.

345

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

- i. FAR Clause **52.216-8, Fixed Fee** (Jun 2011) is deleted in its entirety and FAR Clause **52.216-10, Incentive Fee** (Jun 2011) is substituted therefor.

346

****(USE BELOW WHEN THE ACQUISITION:

1. Has been Set-Aside for Small Business (except for contracts awarded under the SBIR Program); OR,
2. Is an 8(a) Acquisition; OR,
3. Is LESS THAN \$700,000 [\$1.5 million FOR CONSTRUCTION OF PUBLIC FACILITY]; OR,
4. When FAR 19.705-2 Applies.)****

- j. FAR Clauses **52.219-9, Small Business Subcontracting Plan** (Nov 2021), and **52.219-16, Liquidated Damages--Subcontracting Plan** (Jan 1999) are deleted in their entirety.

347

****(USE BELOW IN SOLICITATIONS THAT REQUIRE SUBMISSION OF THE SUBCONTRACTING PLAN WITH THE INITIAL PROPOSAL IN ACCORDANCE WITH FAR 19.705-2(d). **Note:** *Include this item if using the basic FAR Clause 52.215-1, i.e. award without discussions .*)****

- k. **Alternate II** (Nov 2016) of FAR Clause **52.219-9, Small Business Subcontracting Plan** (Nov 2021) is added.

348

****(USE BELOW WHEN THE CONTRACT ACTION WILL NOT BE REPORTED IN THE FEDERAL PROCUREMENT DATA SYSTEM (FPDS) PURSUANT TO FAR SUBPART 4.606(c)(5), e.g., reporting of the information would compromise national security.)****

- l. **Alternate III** (Jun 2020) of FAR Clause **52.219-9, Small Business Subcontracting Plan** (Nov 2021) is added.

349

****(USE BELOW IN SOLICITATIONS AND CONTRACTS UNDER THE SIMPLIFIED ACQUISITION THRESHOLD; WHEN CONTRACT WORK WILL BE PERFORMED EXCLUSIVELY OUTSIDE OF THE UNITED STATES; OR WHEN THE ACQUISITION WILL BE COVERED (IN ITS ENTIRETY) BY AN EXEMPTION GRANTED BY THE SECRETARY. See FAR 22.1603(b) for more information.)****

- m. FAR Clause **52.222-40, Notification of Employee Rights Under the National Labor Relations Act** (Dec 2010) is deleted in its entirety.

350

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR:

- Awards NOT expected to exceed the simplified acquisition threshold; **or**
- Work performed outside the United States; **or**
- A Period of Performance of less than 120 days; **or**
- Commercially available off-the-shelf (COTS) items; items that would be COTS items, but for minor modifications; or items that would be COTS items if they were not bulk cargo; **or**
- Commercial Services that are: Part of the purchase of a COTS item; performed by the COTS provider; and are normally provided for that COTS item.

For additional information about this item see FAR 22.1803.)****

- n. FAR Clause **52.222-54, Employment Eligibility Verification** (Nov 2021) is deleted in its entirety.

351

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR SUPPLIES OR SERVICES INVOLVING THE FURNISHING OF SUPPLIES WITH A COST EXCEEDING \$25,000 BUT LESS THAN \$202,000, **EXCEPT** , FOR SMALL BUSINESSES. **Note** : See FAR 25.401 for a complete list of exemptions .

ADDITIONAL INFORMATION ABOUT THIS ITEM:

1. If the contract value is \$25,000 or more but less than \$50,000 you MUST include this clause WITH its Alternate I.
2. If the contract is \$50,000 or more but less than \$77,494 you MUST include this clause WITH its Alternate II.
3. If the contract value is \$77,494 or more but is less than \$100,000 use this clause WITH its Alternate III.)****

- o. FAR Clause **52.225-1, Buy American--Supplies** (Nov 2021) is deleted in its entirety and FAR Clause **52.225-3, Buy American--Free Trade Agreements--Israeli Trade Act** (Nov 2021) is substituted therefor.

Alternate I (Jan 2021) [is/is not] applicable to this contract.

Alternate II (Jan 2021) [is/is not] applicable to this contract.

Alternate III (Jan 2021) [is/is not] applicable to this contract.

352

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR SUPPLIES OR SERVICES INVOLVING THE FURNISHING OF SUPPLIES WITH A COST VALUED AT \$202,000 OR MORE, **IF** , THE TRADE AGREEMENTS ACT APPLIES. **Note:** See FAR 25.401 and 25.403 for exception and applicability criteria .)****

- p. FAR Clause **52.225-1, Buy American--Supplies** (Nov 2021) is deleted in its entirety and FAR Clause **52.225-5, Trade Agreements** (Oct 2019) is substituted therefor.

353

****(USE BELOW IN **NON-R&D** CONTRACTS WITH EDUCATIONAL INSTITUTIONS AND/OR NONPROFIT ORGANIZATIONS. **Note:** *Selection of this item deletes three Alternates and one clause since FAR prescribes their use for R&D requirements*.)****

- q. **Alternate I** (April 1984), of FAR Clause **52.227-1, Authorization and Consent** (Jun 2020) is deleted in its entirety.

FAR Clause **52.227-11, Patent Rights--Ownership by the Contractor** (May 2014) is deleted in its entirety.

Alternate IV (Dec 2007), of FAR Clause **52.227-14, Rights in Data--General** (May 2014) is deleted in its entirety.

Alternate II (Apr 2012), of FAR Clause **52.245-1, Government Property** (Jan 2017) is deleted in its entirety.

354

****(USE BELOW WHEN BOTH COMPLETE CONTRACT PERFORMANCE AND DELIVERY ARE OUTSIDE OF THE UNITED STATES.)****

- r. FAR Clause **52.227-1, Authorization and Consent** (Jun 2020), and

FAR Clause **52.227-2, Notice and Assistance Regarding Patent and Copyright Infringement** (Jun 2020) are deleted in their entirety.

355

****(USE BELOW WHEN THE CLAUSE AT 52.227-14 Rights in Data - General is included in the applicable General Clause Listing AND the contract is:

- For the acquisition of existing data, commercial, computer software, or other existing data as described in 27.405-2 through 27.405-4, (also see 27.409(f) & (g)); or
- To be performed outside the United States; or
- For the management, operation, design, or construction of a Government-owned facility to perform research, development, or production work (also see 27.409 (i)(3));
- Involving cosponsored research and development in which a clause providing for less than unlimited rights has been authorized (See 27.408); or
- For A & E services or Construction work.)****

- s. FAR Clause **52.227-14, Rights in Data-General** (May 2014) is deleted in its entirety.

****(USE BELOW IN ALL SBIR PHASE I CONTRACTS OVER THE SIMPLIFIED ACQUISITION THRESHOLD.)****

t. The following clause(s) are added to this contract:

- FAR Clause **52.203-3, Gratuities** (Apr 1984)
- FAR Clause **52.203-5, Covenant Against Contingent Fees** (May 2014)
- FAR Clause **52.203-6, Restrictions on Subcontractor Sales to the Government** (Jun 2020)
- FAR Clause **52.203-7, Anti-Kickback Procedures** (Jun 2020)
- FAR Clause **52.203-8, Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity** (May 2014)
- FAR Clause **52.203-10, Price or Fee Adjustment for Illegal or Improper Activity** (May 2014)
- FAR Clause **52.204-4, Printed or copied Double-Sided on Postconsumer Fiber Content Paper** (May 2011)
- FAR Clause **52.215-2, Audit and Records Negotiation** (Jun 2020)
- FAR Clause **52.215-14, Integrity of Unit Prices** (Nov 2021)
- FAR Clause **52.219-8, Utilization of Small Business Concerns** (Oct 2018)
- FAR Clause **52.219-14, Limitations on Subcontracting** (Mar 2020)
- FAR Clause **52.222-40, Notification of Employee Rights Under the National Labor Relations Act** (Dec 2010)
- FAR Clause **52.229-3, Federal, State and Local Taxes** (Feb 2013)
- FAR Clause **52.232-2, Payments under Fixed-Price Research and Development Contracts** (Apr 1984)
- FAR Clause **52.232-17, Interest** (May 2014)
- FAR Clause **52.242-13, Bankruptcy** (Jul 1995)
- FAR Clause **52.244-5, Competition in Subcontracting** (Dec 1996)

The following clause(s) is substituted as follows:

- FAR Clause **52.249-1, Termination for the Convenience of the Government (Fixed-Price)(Short Form)** (Apr 1984) is deleted in its entirety and FAR Clause **52.249-2, Termination for the Convenience of the Government (Fixed Price)** (Apr 2012) is substituted therefor.

357

****(USE BELOW FOR NONCOMPETITIVE FIXED-PRICE SBIR PHASE II SOLICITATIONS AND CONTRACTS, OVER THE SIMPLIFIED ACQUISITION THRESHOLD, TO BE PERFORMED WHOLLY OR PARTLY WITHIN THE UNITED STATES, ITS POSSESSIONS OR PUERTO RICO, IF THE PRICE WOULD OTHERWISE INCLUDE AN INAPPROPRIATE CONTINGENCY FOR POTENTIAL POST-AWARD CHANGES IN STATE OR LOCAL TAXES)****

- u. FAR Clause **52.229-4, Federal, State and Local Taxes (State and Local Adjustments)** (Feb 2013) is added in its entirety.

358

****(USE BELOW FOR NONCOMPETITIVE FIXED-PRICE SOLICITATIONS AND CONTRACTS, OVER THE SIMPLIFIED ACQUISITION THRESHOLD, TO BE PERFORMED WHOLLY OR PARTLY WITHIN THE UNITED STATES, ITS POSSESSIONS OR PUERTO RICO, IF THE PRICE WOULD OTHERWISE INCLUDE AN INAPPROPRIATE CONTINGENCY FOR POTENTIAL POST-AWARD CHANGES IN STATE OR LOCAL TAXES.)****

- v. FAR Clause **52.229-3, Federal, State and Local Taxes** (Feb 2013) is deleted in its entirety, and FAR Clause **52.229-4, Federal, State and Local Taxes (State and Local Adjustments)** (Feb 2013) is substituted therefor.

359

****(USE BELOW IN FIXED PRICE SOLICITATIONS AND CONTRACTS WHEN THE CONTRACT IS TO BE PERFORMED WHOLLY OR PARTLY IN A FOREIGN COUNTRY, UNLESS THE CONTRACT WILL BE WITH A FOREIGN GOVERNMENT.)****

- w. FAR Clause **52.229-3, Federal, State and Local Taxes** (Feb 2013), is deleted in its entirety, and FAR Clause **52.229-6, Taxes--Foreign Fixed-Price Contracts** (Feb 2013) is substituted therefor.

360

****(USE BELOW IN FIXED PRICE SOLICITATIONS AND CONTRACTS WITH FOREIGN GOVERNMENTS.)****

- x. FAR Clause **52.229-3, Federal, State and Local Taxes** (Feb 2013) is deleted in its entirety, and FAR Clause **52.229-7, Taxes--Fixed-Price Contracts with Foreign Governments** (Feb 2013) is substituted therefor.

361

****(USE BELOW AT THE DESCRETION OF THE CONTRACTING OFFICER, IN SOLICITATIONS AND CONTRACTS that are:

1. AT OR BELOW THE SIMPLIFIED ACQUISTION THRESHOLD; AND/OR,
2. WITHOUT ANY PROVISION FOR PROFIT OR FEE WITH A NONPROFIT ORGANIZATION.

See FAR Parts 32.608 and 32.611 for additional information.)****

- y. FAR Clause **52.232-17, Interest** (May 2014) is applicable to this contract.

362

****(USE BELOW FOR SOLICITATIONS AND CONTRACTS WITH STATE OR LOCAL GOVERNMENTS, FOREIGN GOVERNMENTS, CONTRACTS FOR PAID ADVERTISING, OR CONTRACTS WITHOUT ANY PROVISION FOR FEE OR PROFIT AT THE DISCRETION OF THE CONTRACTING OFFICER.)****

- z. FAR Clause **52.232-17, Interest** (May 2014) is deleted.

363

****(USE BELOW IN ALL COST REIMBURSEMENT INCREMENTALLY FUNDED SOLICITATIONS AND CONTRACTS)****

- aa. FAR Clause **52.232-20, Limitation of Cost** (Apr 1984), is deleted in its entirety and FAR Clause **52.232-22, Limitation of Funds** (April 1984) is substituted therefor. [NOTE: When this contract is fully funded, FAR Clause **52.232-22, LIMITATION OF FUNDS** will no longer apply and FAR Clause **52.232-20, LIMITATION OF COST** will become applicable.]

364

****(USE BELOW IN ALL SOLICITATIONS AND CONTRACTS OTHER THAN COST-REIMBURSEMENT SERVICES.)****

- bb. **Alternate I** (Feb 2002), of FAR Clause **52.232-25, Prompt Payment** (Jan 2017)

365

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

- cc. FAR Clause **52.232-33, Payment by Electronic Funds Transfer--System for Award Management** (Oct 2018), is deleted in its entirety and FAR Clause **52.232-36, Payment by Third Party** (May 2014) is substituted therefor.

366

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN THE CO DETERMINES THAT THE GOVERNMENT'S INTEREST WOULD BE BETTER SERVED BY USE OF PARAGRAPH (i) IN ALTERNATE I AND HAS RECEIVED WRITTEN APPROVAL FOR ITS USE BY THE CHIEF OF THE CONTRACTING OFFICE. See HHSAR 333.213 for additional information.)****

- dd. **Alternate I**, (Dec 1991), of FAR Clause **52.233-1, Disputes** (May 2014) is added.

367

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR FIXED PRICE CONSTRUCTION, OR DISMANTLING, DEMOLITION, OR REMOVAL OF IMPROVEMENTS WHEN THE CONTRACT WILL INVOLVE WORK OF A LONG DURATION OR HAZARDOUS NATURE.)****

ee. **Alternate I** (Nov 1991) of FAR Clause **52.236-13, Accident Prevention** (Nov 1991), is added.

368

****(FOR BELOW, USE ANY OF THE FOLLOWING CLAUSES IN CONSTRUCTION CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD AT THE DISCRETION OF THE CONTRACTING OFFICER.

ADDITIONAL INFORMATION TO COMPLETE THIS ITEM:

- **FAR Clause 52.236-21, Specifications** . Use the dropdown boxes below to identify the applicability of Alternates as follows:
 - **Use with Alternate I:** if reproducible shop drawings are needed;
 - **Use with Alternate II:** if reproducible shop drawings are NOT needed.)****

ff. FAR Clause **52.236-2, Differing Site Conditions** (April 1984) is applicable to this contract.

FAR Clause **52.236-3, Site Investigations and Conditions Affecting the Work** (Apr 1984) is applicable to this contract.

FAR Clause **52.236-6, Superintendence by the Contractor** (Apr 1984) is applicable to this contract.

FAR Clause **52.236-8, Other Contracts** (Apr 1984) is applicable to this contract.

FAR Clause **52.236-9, Protection of Existing Vegetation, Structures, Equipment, Utilities and Improvements** (Apr 1984) is applicable to this contract.

FAR Clause **52.236-10, Operations and Storage Areas** (Apr 1984) is applicable to this contract.

FAR Clause **52.236.11, Use and Possession Prior to Completion** (Apr 1984) is applicable to this contract.

FAR Clause **52.236-12, Cleaning Up** (Apr 1984) is applicable to this contract.

FAR Clause **52.236-13, Accident Prevention** (Nov 1991) is applicable to this contract.

FAR Clause **52.236-21, Specifications** (Feb 1997)

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

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

369

****(USE BELOW IN SOLICITATIONS AND CONTRACTS FOR FIXED-PRICE REQUIREMENTS WHEN SERVICES **AND** SUPPLIES ARE TO BE FURNISHED.)****

- gg. **Alternate I** (Apr 1984) of FAR Clause **52.243-1, Changes, Fixed Price** (Aug 1987), is hereby deleted in its entirety and **Alternate II** (Apr 1984) of FAR Clause **52.243-1, Changes, Fixed Price** (Aug 1987), is substituted therefor.

370

****(USE BELOW AT THE DISCRETION OF THE CONTRACTING OFFICER, IN CONSTRUCTION SOLICITATIONS AND CONTRACTS WHEN THE CONTRACT AMOUNT IS ESTIMATED AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD.)****

- hh. FAR Clause **52.248-3, Value Engineering--Construction** (Oct 2020) is applicable to this contract.

371

****(USE BELOW FOR A FIXED-PRICE SOLICITATION OR CONTRACT WITH AN AGENCY OF THE U.S. GOV'T, OR WITH STATE, LOCAL, OR FOREIGN GOV'Ts OR THEIR AGENCIES **AND** THE CO DETERMINES THAT THE REQUIREMENT TO PAY INTEREST ON EXCESS PARTIAL PAYMENTS IS INAPPROPRIATE.)****

- ii. **Alternate II**, (Sep 1996), of FAR Clause **52.249-2, Termination for Convenience of the Government (Fixed-Price)** (Apr 2012) is added.

372

****(USE BELOW IF THE SOLICITATION OR CONTRACT IS FOR CONSTRUCTION **AND** WITH AN AGENCY OF THE U.S. GOV'T OR WITH STATE, LOCAL, OR FOREIGN GOVERNMENTS OR THEIR AGENCIES.)****

- jj. **Alternate III**, (Sep 1996), of FAR Clause **52.249-2, Termination for Convenience of the Government (Fixed-Price)** (Apr 2012) is added.

373

****(USE BELOW IF THE SOLICITATION OR CONTRACT IS FOR CONSTRUCTION **AND** WITH AN AGENCY OF THE U.S. GOV'T OR WITH STATE, LOCAL, OR FOREIGN GOVERNMENTS OR THEIR AGENCIES **AND** THE CO DETERMINES THAT THE REQUIREMENT TO PAY INTEREST ON EXCESS PARTIAL PAYMENTS IS INAPPROPRIATE.)****

- kk. **Alternate II**, (Sep 1996) and **Alternate III**, (Sep 1996), of FAR Clause **52.249-2, Termination for Convenience of the Government (Fixed-Price)** (Apr 2012) are added.

374

****(USE BELOW IN FIXED-PRICE CONSTRUCTION SOLICITATIONS AND CONTRACTS THAT DO NOT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD.)****

- ll. FAR Clause **52.249-2, Termination for Convenience of the Government (Fixed-Price)** (Apr 2012), **Alternate I** (Sep 1996), is deleted in its entirety and FAR Clause **52.249-1, Termination for Convenience of the Government (Fixed-Price) (Short Form)** (Apr 1984) is substituted therefor.

375

****(USE BELOW IN FIXED-PRICE SUPPLY SOLICITATIONS AND CONTRACTS THAT DO NOT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD.)****

- mm. FAR Clause **52.249-2, Termination for Convenience of the Government (Fixed-Price)** (Apr 2012), is deleted in its entirety and FAR Clause **52.249-1, Termination for Convenience of the Government (Fixed-Price) (Short Form)** (Apr 1984) is substituted therefor.

376

****(USE BELOW FOR FIXED-PRICE SERVICE SOLICITATIONS AND CONTRACTS, IF IN ACCORDANCE WITH FAR 49.502(b)(1) AND (c), IT IS DEEMED MORE APPROPRIATE THAN THE CLAUSE AT FAR 52.249-4.)****

- nn. FAR Clause **52.249-4, Termination for Convenience of the Government (Services) (Short Form)** (Apr 1984), is deleted in its entirety and FAR Clause **52.249-2, Termination for Convenience of the Government (Fixed Price)** (Apr 2012) is substituted therefor.

377

****(USE BELOW FOR A COST-REIMBURSEMENT CONTRACT WITH AN AGENCY OF THE U.S. GOV'T, OR WITH STATE, LOCAL, OR FOREIGN GOV'Ts OR THEIR AGENCIES **AND** THE CO DETERMINES THAT THE REQUIREMENT TO PAY INTEREST ON EXCESS PARTIAL PAYMENTS IS INAPPROPRIATE.)****

- oo. **Alternate II**, (Sep 1996), of FAR Clause **52.249-6, Termination (Cost-Reimbursement)** (May 2004) is added.

378

****(USE BELOW, FOR A TIME & MATERIAL, LABOR HOUR CONTRACT WITH AN AGENCY OF THE U.S. GOV'T OR WITH STATE, LOCAL, OR FOREIGN GOVERNMENTS OR THEIR AGENCIES.)****

- pp. **Alternate V**, (Sep 1996), of FAR Clause **52.249-6, Termination (Cost-Reimbursement)** (May 2004) is added.

379

****(USE BELOW, FOR A TIME & MATERIAL, LABOR HOUR CONTRACT WITH AN AGENCY OF THE U.S. GOV'T OR WITH STATE, LOCAL, OR FOREIGN GOVERNMENTS OR THEIR AGENCIES **AND** THE CO DETERMINES THAT THE REQUIREMENT TO PAY INTEREST ON EXCESS PARTIAL PAYMENTS IS INAPPROPRIATE.)****

- qq. **Alternate II** , (Sep 1996) and **Alternate V** , (Sep 1996), of FAR Clause **52.249-6, Termination (Cost-Reimbursement)** (Sep 1996) are added.

380

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN A COST-REIMBURSEMENT, R&D CONTRACT IS CONTEMPLATED WITH EDUCATIONAL OR NONPROFIT INSTITUTIONS ON A **NO-FEE** BASIS. **Note:** *The majority of cost-reimbursement, R&D contracts with educational or nonprofit institutions will fall into this category.*)****

- rr. FAR Clauses **52.249-6, Termination (Cost-Reimbursement)** (May 2004) and **52.249-14, Excusable Delays** (Apr 1984), are deleted in their entirety and FAR Clause **52.249-5, Termination for Convenience of the Government (Educational and Other Nonprofit Institutions)** (Aug 2016), is substituted therefore.

381

****(USE BELOW IN FIXED PRICE SOLICITATIONS AND CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD, AT THE DISCRETION OF THE CO.)****

- ss. FAR Clause **52.249-8, Default (Fixed-Price Supply and Service)** (Apr 1984) is applicable to this contract.

382

****(USE BELOW IN SOLICITATIONS AND CONTRACTS WHEN A FIXED-PRICE, R&D CONTRACT IS CONTEMPLATED WITH EDUCATIONAL OR NONPROFIT INSTITUTIONS ON A **NO-PROFIT** BASIS. **Note:** *The majority of fixed-price, R&D contracts with educational or nonprofit institutions will fall into this category.*) ****

- tt. FAR Clause **52.249-9, Default (Fixed-Price Research and Development)** (Apr 1984) is deleted in its entirety and FAR Clause **52.249-5, Termination for Convenience of the Government (Educational and Other Nonprofit Institutions)** (Aug 2016), is substituted therefore.

383

****(USE BELOW IN FIXED-PRICE R&D SOLICITATIONS AND CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD, AT THE DISCRETION OF THE CO. *See FAR 49-504.b .*)****

- uu. FAR Clause **52.249-9, Default (Fixed-Price Research and Development)** (Apr 1984) is applicable to this contract.

384

****(USE BELOW IN FIXED-PRICE CONSTRUCTION SOLICITATIONS AND CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD, AT THE DISCRETION OF THE CONTRACTING OFFICER.)****

vv. FAR Clause **52.249-10, Default (Fixed-Price Construction)** (Apr 1984) is applicable to this contract.

385

****(USE BELOW FOR A COST-REIMBURSEMENT CONTRACT, WHEN A NON-PROFIT (OTHER THAN EDUCATIONAL) WILL BE RECEIVING A FEE/CPFF CONTRACT. **Note:** *These are modifications to the General Clauses for Nonprofit (Other Than Educational Institutions), therefore, DO NOT USE THE CR-R&D General Clauses FOR A NON-PROFIT INSTITUTION RECEIVING A FEE.* Also note that there are 3 clauses modified below.)****

ww. FAR Clause **52.216-11, Cost Contract--No Fee** (Apr 1984) is deleted in its entirety and FAR Clause **52.216-8 Fixed Fee** (Jun 2011) is substituted therefor.

FAR Clause **52.232-17, Interest** (May 2014) is added.

FAR Clause **52.249-5, Termination for Convenience of the Government (Educational and Other Non-Profit Institutions)** (Aug 2016) is deleted in its entirety and FAR Clause **52.249-6, Termination (Cost-Reimbursement)** (May 2004) is substituted therefor.

386

****(USE BELOW IF NONE OF THE ABOVE CLAUSES ARE APPLICABLE.)****

THERE ARE NO APPLICABLE CLAUSES IN THIS SECTION.