

## Iowa State University- Federal Contract Terms and Conditions

University has entered into a contract with the federal government or with another entity that has entered into a contract with the federal government. University is using funds from that federal contract to procure the goods or services in this Contract. The federal contract requires University to include in the Contract clauses mandated by the Federal Acquisition Regulations (FAR) and Department of Defense Supplement to the Federal Acquisition Regulations (DFAR). University cannot deviate from or alter these provisions.

Contractor shall review these clauses, comply with applicable clauses, and include them in its subcontracts if required by clause. The full text of these provisions are electronically available at <https://www.acquisition.gov>. Clauses in this document may not be applicable to this Contract due to the type of goods or services to be provided, dollar thresholds, type of funding or other reasons. Clauses that are not applicable are deemed self-deleting, shall not be removed from this document, and will be considered by all parties to be without force and effect. If the regulations provide for alternate versions of a clause, the version in University's contract with the federal government or with the entity that has the contract with the federal government governs. Contractor may contact University for a copy of University's contract. It is Contractor's obligation to contact University regarding any confusion, ambiguity, or questions Contractor may have regarding applicability of the clauses.

When interpreting the clauses, "Government" or "Contracting Officer" shall mean University or University's Contract Administrator. "Contractor" shall mean Contractor.

Title of Provision	FAR Clause
Definitions	52.202-1
Restrictions on Subcontractor Sales to the Government (\$150,000)	52.203-6
Anti-Kickback Procedures (\$150,000)	52.203-7
Limitation on Payments to Influence Certain Federal Transactions (\$150,000)	52.203-12
Code of Business Ethics and Conduct (\$5.5 million)	52.203-13
Display of Hotline Poster (\$5.5 million)	52.203-14
Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009	52.203-15
Preventing Personal Conflicts of Interest (\$150,000)	52.203-16
Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights (\$150,000)	52.203-17
Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements	52.203-19
Security Requirements	52.204-2
Personal Identity Verification of Contractor Personnel	52.204-9
Basic Safeguarding of Covered Contractor Information Systems	52.204-21
Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab or Other Covered Entities	52.204-23
Required Sources for Helium and Helium Usage	52.208-8
Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (\$35,000)	52.209-6
Subcontractor Certified Cost or Pricing Data – Modifications – Sealed Bidding (\$750,000)	52.214-28
Title of Provision	FAR Clause
Audit and Records – Negotiation (\$150,000)	52.215-2
Subcontractor Certified Cost or Pricing Data (\$750,000)	52.215-12

Subcontractor Certified Cost of Pricing Data – Modifications (\$750,000)	52.215-13
Integrity of Units Prices (\$150,000)	52.215-14
Pension Adjustment and Asset Reversions (\$750,000)	52.215-15
Reversion or Adjustment of Plans for Postretirement Benefits (PRB) other than Pensions (\$750,000)	52.215-18
Notification of Ownership Changes (\$750,000)	52.215-19
Limitation on Pass-Through Charges (\$150,000)	52.215-23
Allowable Cost and Payment	52.216-7
Utilization of Small Business Concerns	52.219-8
Contract Work Hours and Safety Standards – Overtime Compensation	52.222-4
Subcontracts (Labor Standards)	52.222-11
Child Labor – Cooperation with Authorities and Remedies	52.222-19
Nondisplacement of Qualified Workers	52.222-17
Prohibition of Segregated Facilities	52.222-21
Equal Opportunity	52.222-26
Affirmative Action Compliance Requirements for Construction (\$10,000)	52.222-27
Project Labor Agreement	52.222-34
Equal Opportunity for Veterans (\$150,000)	52.222-35
Equal Opportunity for Workers with Disabilities (\$15,000)	52.222-36
Employment Reports on Veterans (\$150,000)	52.222-37
Notification of Employee Rights Under the National Labor Relations Act (\$10,000)	52.222-40
Service Contract Labor Standards	52.222-41
Combating Trafficking in Persons	52.222-50
Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment - Requirements	52.222-51
Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services - Requirements	52.222-53
Employment Eligibility Verification (\$3,500)	52.222-54
Minimum Wages Under Executive Order 13658	52.222-55
Paid Sick Leave Under Executive Order 13706	52.222-62
Notice of Radioactive Materials	52.223-7
Energy Efficiency in Energy-Consuming Products	52.223-15
Encouraging Contractor Policies to Ban Text Messaging While Driving	52.223-18
Privacy Act	52.224-2
Privacy Training	52.224-3
Duty-Free Entry	52.225-8
Restrictions on Certain Foreign Purchases	52.225-13
Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States	52.225-19
Contractors Performing Private Security Functions Outside the United States	52.225-26
Promoting Excess Food Donation to Nonprofit Organizations	52.226-6
Authorization and Consent (\$150,000)	52.227-1
<b>Title of Provision</b>	<b>FAR Clause</b>
Notice and Assistance Regarding Patent and Copyright Infringement (\$150,000)	52.227-2
Additional Data Requirements	52.227-16

Refund of Royalties	52.227-9
Filing of Patent Applications – Classified Subject Matter	52.227-10
Patent Rights – Ownership by the Contractor	52.227-11
Patent Rights-Ownership by the Government	52.227-13
Rights in Data – General	52.227-14
Rights in Data - Special Works	52.227-17
Rights in Data - Existing Works	52.227-18
Commercial Computer Software License	52.227-19
Rights in Data – SBIR Program	52.227-20
Workers Compensation Insurance (Defense Base Act)	52.228-3
Workers Compensation and War-Hazard Insurance Overseas	52.228-4
Insurance – Work on a Government Installation	52.228-5
Cost Accounting Standards (\$750,000)	52.230-2
Disclosure and Consistency of Cost Accounting Practices (\$750,000)	52.230-3
Disclosure and Consistency of Cost Accounting Practices – Foreign Concerns (\$750,000)	52.230-4
Cost Accounting Standards – Educational Institution (\$750,000)	52.230-5
Administration of Cost Accounting Standards (\$750,000)	52.230-6
Providing Accelerated Payments to Small Business Subcontractors	52.232-40
Industrial Resources Developed Under Title III, Defense Production Act	52.234-1
Indemnification and Medical Liability Insurance	52.237-7
Accident Prevention	52.236-13
Subcontracts for Commercial Items	52.244-6
Government Property	52.245-1
Inspection of Supplies - Fixed Price Contracts	52.246-2
Inspection of Supplies - Cost Reimbursement	52.246-3
Inspection of Services - Fixed Price Contracts	52.246-4
Inspection of Services - Cost Reimbursement	52.246-5
Inspection – Time-and-Material and Labor-Hour	52.246-6
Inspection of Research and Development – Fixed-Price	52.246-7
Inspection of Research and Development – Cost Reimbursement	52.246-8
Inspection of Research and Development (Short Form)	52.246-9
Preference for U.S. – Flag Air Carriers	52.247-63
Preference for Privately Owned U.S. – Flag Commercial Vessels	52.247-64
Value Engineering	52.248-1
Value Engineering – Construction (\$70,000)	52.248-3

The following DFAR clauses apply to the Contract if the end customer is an agency within the United States Department of Defense:

<b>Title of Provision</b>	<b>DFAR Clause</b>
Prohibition on Persons Convicted of Fraud or other Defense – Contract Related Felonies (\$150,000)	252.203-7001
Duty Free Entry	252.225-7013
Rights in Technical Data – Noncommercial Items	252.227-7013
Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation	252.227-7014
Subcontracts for Commercial Items	252.244-7000
Transportation of Supplies by Sea	252.247-7023
Notification of Transportation of Supplies by Sea	252.247-7024

## Iowa State University- Federal Grant Terms

University has received a federal grant or has entered into an agreement with another entity that is the recipient of a federal grant. University is using funds from that grant to procure the goods or services in this Contract. The grant requires University to include provisions covering the following in all contracts using the grant funds. University cannot deviate from or alter these provisions. Clauses in this document may not be applicable to this Contract due to the type of goods or services to be provided, dollar thresholds, type of funding or other reasons. Clauses that are not applicable are deemed self-deleting, shall not be removed from this document, and will be considered by all parties to be without force and effect. Contractor shall comply with these provisions, as applicable, and shall include them in its subcontracts. These provisions are also electronically available in [Appendix II to 2 CFR Part 200](#). Where necessary to make the context of these provisions applicable to this Contract, the terms “non-Federal entity” and “recipient” shall mean “Contractor”.

- (a) *Equal Employment Opportunity* - Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- (b) *Davis-Bacon Act, as amended (40 U.S.C. 3141-3148)* - When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- (c) *Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708)* - Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission

of intelligence.

- (d) *Rights to Inventions Made Under a Contract or Agreement* - If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- (e) *Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended* - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- (f) *Debarment and Suspension (Executive Orders 12549 and 12689)* - A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (g) *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)* - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- (h) *Procurement of recovered materials (2 CFR §200.322)* - A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.