

# CDC-NIOSH Subcontract Supplemental Terms & Conditions

(Contract Number: 200-2014-57820)



## 1. Title and Administration

Any right and/or interest which is acquired under the terms of this Agreement shall pass directly from Seller to the Government. Company shall make payments under this Agreement from funds advanced by the Government and agreed to be advanced by NIOSH, and not from its own assets. Administration of this Agreement may be transferred, in whole or in part, to NIOSH or its designee(s), and to the extent of such transfer and notice thereof to Seller, Company shall have no further responsibilities hereunder.

## 2. FAR 52.252-6 Authorized Deviations in Clauses (APR 1984)

- (a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of “(Deviation)” after the date of the clause.
- (b) The use in this solicitation or contract of any HHSAR (48 CFR Chapter 3) clause with an authorized deviation is indicated by the addition of “(Deviation)” after the name of the regulation.

## 3. Incorporation by Reference

This Agreement incorporates certain provisions by reference. These articles and clauses apply as if they were set forth in their entirety. For Federal Acquisition Regulation (FAR) provisions incorporated by reference, “Contractor” means Seller and “Contracting Officer” means Buyer/Contract Specialist. The FAR may be obtained from the Government web site at: (<http://www.acqnet.gov>). The full texts of Health and Human Services Acquisition Regulation (HHSAR) clauses are contained at 48 CFR Chapter 3. Copies are available from the Government web site at: [www.hhs.gov/oamp/policies/hssar.doc](http://www.hhs.gov/oamp/policies/hssar.doc).

### The following clauses are incorporated by reference:

- 52.202-1 Definitions (Jan 2012) (Deviation) (HHSAR 352.202-1) (Jan 2006)
- 52.203-3 Gratuities (Apr 1984)
- 52.203-5 Covenant Against Contingent Fees (Apr 1984)
- 52.203-6 Restrictions on Subcontractor Sales to the Government (Sep 2006)
- 52.203-7 Anti-Kickback Procedures (Oct 2010)
- 52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Jan 1997)
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (Jan 1997)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Oct 2010)
- 52.203-13 Contractor Code of Business Ethics and Conduct (Apr 2010)
- 52.204-2 Security Requirements (Aug 1996)
- 52.204-4 Printed or Copied Double-Sided on Recycled Paper (May 2011)
- 52.204-7 System for Award Management (Jul 2013)
- 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (Aug 2012)
- 52.204-13 System for Award Management Maintenance (Jul 2013)
- 52.209-2 Prohibition on Contracting with Inverted Domestic Corporations—Representation (May 2011)
- 52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Dec 2010)
- 52.215-2 Audit and Records – Negotiation (Oct 2010)
- 52.215-8 Order of Precedence-Uniform Contract Format (Oct 1997)
- 52.215-10 Price Reduction for Defective Cost or Pricing Data (Aug 2011)
- 52.215-11 Price Reduction for Defective Cost or Pricing Data – Modifications (Aug 2011)
- 52.215-12 Subcontractor Cost or Pricing Data (Oct 2010)
- 52.215-13 Subcontractor Cost or Pricing Data – Modifications (Oct 2010)
- 52.215-8 Order of Precedence-Uniform Contract Format (Oct 1997)
- 52.215-10 Price Reduction for Defective Cost or Pricing Data (Aug 2011)
- 52.215-11 Price Reduction for Defective Cost or Pricing Data – Modifications (Aug 2011)

## CDC-NIOSH Subcontract Supplemental Terms & Conditions

(Contract Number: 200-2014-57820)



- 52.215-12 Subcontractor Cost or Pricing Data (Oct 2010)
- 52.215-13 Subcontractor Cost or Pricing Data – Modifications (Oct 2010)
- 52.215-14 Integrity of Unit Prices (Oct 2010)
- 52.215-15 Pension Adjustments and Asset Reversions (Oct 2010)
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Jul 2005)
- 52.215-21 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data-Modifications (Oct 2010)
- 52.216-7 Allowable Cost and Payment (Jun 2011)
- 52.219-8 Utilization of Small Business Concerns (Jan 2011)
- 52.219-9 Small Business Subcontracting Plan, Alternate II (Oct 2001)
- 52.219-16 Liquidated Damages – Subcontracting Plan (Jan 1999)
- 52.219-25 Small Disadvantaged Business Participation Program – Disadvantaged Status and Reporting (Dec 2010)
- 52.222-1 Notice to Government of Labor Disputes (Feb 1997)
- 52.222-3 Convict Labor (Jun 2003)
- 52.222-21 Prohibition of Segregated Facilities (Feb 1999)
- 52.222-26 Equal Opportunity (Mar 2007)
- 52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans Vietnam of the Era, and Other Eligible Veterans (Sep 2010)
- 52.222-36 Affirmative Action For Workers with Disabilities (Oct 2010)
- 52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2010)
- 52.222-38 Compliance with Veterans’ Employment Reporting Requirements (Sep 2010)
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)
- 52.222-50 Combating Trafficking in Persons (Feb 2009)
- 52.222-54 Employment Eligibility Verification (Jul 2012)
- 52.223-6 Drug Free Workplace (May 2001)
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
- 52.224-1 Privacy Act Notification (Apr 1984)
- 52.224-2 Privacy Act (Apr 1984)
- 52.225-1 Buy American Act – Supplies (Feb 2009)
- 52.225-13 Restrictions on Certain Foreign Purchases (Jun 2008)
- 52.227-1 Authorization and Consent (Dec 2007)
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
- 52.227-3 Patent Indemnity (Apr 1984)
- 52.227-14 Rights in Data – General (Dec 2007)
- 52.227-17 Rights in Data – Special Works (Dec 2007)
- 52.228-7 Insurance—Liability to Third Persons (Mar 1996)
- 52.230-2 Cost Accounting Standards (May 2012)
- 52.230-3 Disclosure and Consistency of Cost Accounting Practices (May 2012)
- 52.230-6 Administration of Cost Accounting Standards (Jun 2010)
- 52.232-9 Limitation on Withholding of Payments (Apr 1984)
- 52.232-17 Interest (Oct 2010)
- 52.232-20 Limitation of Cost (Apr 1984)

**CDC-NIOSH Subcontract Supplemental Terms & Conditions***(Contract Number: 200-2014-57820)*

- 52.232-22 Limitation of Funds (Apr 1984)
- 52.232-23 Assignment of Claims (Jan 1986)
- 52.232-25 Prompt Payment (Oct 2008) Alternate I (Feb 2002)
- 52.232-33 Payment by Electronic Funds Transfer –System for Award Management (Jul 2013)
- 52.233-1 Disputes (Jul 2002)
- 52.233-3 Protest After Award (Aug 1996)-Alternate I (Jun 1985)
- 52.233-4 Applicable Law for Breach of Contract Claim (Oct 2004)
- 52.237-3 Continuity of Services (Jan 1991)
- 52.239-1 Privacy or Security Safeguards (Aug 1996)
- 52.242-1 Notice of Intent To Disallow Costs (Apr 1984)
- 52.242-3 Penalties for Unallowable Costs (May 2001)
- 52.242-4 Certification of Final Indirect Costs (Jan 1997)
- 52.242-13 Bankruptcy (Jul 1995)
- 52.243-2 Changes- Cost-Reimbursement (Aug 1987) – Alternate I (Apr 1984)
- 52.243-7 Notification of Changes (Apr 1984)
- 52.244-2 Subcontracts (Oct 2012) – Alternate I (Jun 2007)
- 52.244-5 Competition in Subcontracting (Dec 1996)
- 52.244-6 Subcontracts for Commercial Items (Dec 2010)
- 52.245-1 Government Property (Apr 2012)
- 52.245-9 Use and Charges (Apr 2012)
- 52.246-5 Inspection of Services – Cost Reimbursement (Apr 1984)
- 52.246-25 Limitation of Liability – Services (Feb 1997)
- 52.248-1 Value Engineering (Oct 2010)
- 52.249-6 Termination for Convenience of the Government (Cost-Reimbursement) (May 2004)
- 52.249-14 Excusable Delays (Apr 1984)
- 52.252-4 Alterations in Contract (Apr 1984)
- 52.253-1 Computer Generated Forms (Jan 1991)

<b>HHSAR Source</b>	<b>Title and Date</b>
HHSAR 352.201-70	Paperwork Reduction Act (Jan 2006)
HHSAR 352.202-1	Definitions (Jan 2006)
HHSAR 352.203-70	Anti-Lobbying (Mar 2012)
HHSAR 352.216-70	Additional Cost Principles (Jan 2006)
HHSAR 352.219-70	Mentor-Protégé Program (Jan 2010)
HHSAR 352.222-70	Contractor Cooperation in Equal Employment Opportunity Investigations (Jan 2010)
HHSAR 352.223-70	Safety and Health (Jan 2006)
HHSAR 352.224-70	Privacy Act (Jan 2006)
HHSAR 352.228-7	Insurance – Liability to Third Persons (Dec 1991)
HHSAR 352.233-71	Litigation and Claims (Jan 2006)
HHSAR 352.242-70	Key Personnel (Jan 2006)
HHSAR 352.242-71	Tobacco-free Facilities (Jan 2006)
HHSAR 352.242-73	Withholding of Contract Payments (Jan 2006)
HHSAR 353.242-74	Final Decisions on Audit Findings (Apr 1984)

**Applicable to all Agreements in excess of \$150,000**

- 52.202-1 Definitions (Jan 2012)

**CDC-NIOSH Subcontract Supplemental Terms & Conditions**

*(Contract Number: 200-2014-57820)*



- 52.203-6 Restrictions on Subcontractor Sales to the Government (Sep 2006)
- 52.203-7 Anti-Kickback Procedures (Oct 2010)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Oct 2010)
- 52.215-2 Audit and Records – Negotiation (Oct 2010)
- 52.219-8 Utilization of Small Business Concerns (Jan 2011)
- 52.227- 2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)

**Applicable to all Agreements in excess of \$650,000**

- 52.219-9 Small Business Subcontracting Plan – Alternate II (Oct 2001)

**Applicable to all Agreement in excess of \$700,000**

- 52.215-10 Price Reduction for Defective Cost or Pricing Data (Aug 2011)
- 52.215-11 Price Reduction for Defective Cost or Pricing Data—Modifications (Aug 2011)
- 52.215-12 Subcontractor Certified Cost or Pricing Data (Oct 2010)
- 52.215-13 Subcontractor Cost or Pricing Data—Modifications (Oct 2010)
- 52.215-15 Pension Adjustments and Asset Reversions (Oct 2010)
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Jul 2005)
- 52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications (Oct 2010)

**Applicable to all Agreements in excess of \$5,000,000**

- 52.203-13 Contractor Code of Business Ethics and Conduct (Apr 2010)