

Purchase Order General Terms & Conditions

All items ordered on this purchase order will be new, unused and of the manufacturer’s current product unless otherwise stated; and agreed upon prior to this contract, any item received contrary to this statement will be shipped back to the vendor at the vendor’s expense.

Any item that is received defective, through no fault of the carrier, will be shipped back to the vendor at the vendor’s expense.

Any item that becomes defective while under warranty, that is required to be returned to the vendor or manufacturer, will be shipped to the required location at the vendor’s expense.

Additional Terms & Conditions (Flowdowns) for Federal Contracts

The following Government Contract Articles are hereby incorporated into this transaction by reference as applicable. Clauses and References are to the Federal Acquisition Regulation available at <http://www.arnet.gov/far>. The clauses that govern a particular federal contract are those in effect at the time the federal contract is awarded to the University.

For purposes of this Purchase Order in the following clauses, the term "contract" shall mean this Purchase Order; the term "Contractor" shall mean Seller; and the terms "Government" and "Contracting Officer" may mean the University or the United States Government depending on the context in which such term is used.

Clause	Title	Reference	Applicability/Remarks
<u>Clauses Which Apply Regardless of Dollar Amount of Subcontract:</u>			
52.247-63	Preference for U.S. – Flag Carriers	47.405	If subcontract may involve foreign travel.
<u>Additional Clauses Required in Subcontracts/Purchase Orders Exceeding \$2,500:</u>			
52.225-13	Restrictions on Certain Foreign Purchases	25.1103(a)	
<u>Additional Clauses Required in Subcontracts/Purchase Orders Exceeding \$10,000:</u>			
52.219-8	Utilization of Small Business Concerns and Small Disadvantaged Business Concerns	19.708(a)	Clause is required if prime contains SB Plan requirement and subk offers further subcontracting opportunities.
52.222-21	Certification of Nonsegregated Facilities	22.810(a)(1)	
52.222-35	Affirmative Action for Special Disabled and Vietnam Era Veterans	22.1308	
52.222-36	Affirmative Action for Handicapped Workers	22.1408	
52.222-37	Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era	22.1308(b)	
52.222-26	Equal Employment Opportunity	22.810(e)	
<u>Additional Clauses Required in Subcontracts/Purchase Orders Exceeding \$25,000:</u>			
52.227-1	Authorization and Consent	27.201-2(a)	
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement	27.202-2	
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels	47.507(a)	If ocean shipping is anticipated.
<u>Additional Clauses Required in Subcontracts/Purchase Orders Exceeding \$100,000:</u>			
52.223-2	Clean Air and Water	23.105(b)	
52.203-6	Restrictions on Subcontract Sales to the Government	3.503-2	
52.203-7	Anti-Kickback Procedures	3.502-3	Less subparagraph (c) (1). Applies only if prime contract is over \$100,000. Text of cert must then be in all subcontracts, but subk certification required only if subk is > \$100,000.
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions	3.808	Same comments as for clause above.
52.222-4	Contract Work Hours and Safety	22.305	All subks which involve laborers or mechanic.
52.203-12	Limitation on Payments to Influence Certain Federal Transactions	3.808	
52.215-2	Audit – Negotiation	15.106-2(b)	
<u>Additional Clauses Required in Subcontracts/Purchase Orders Exceeding \$500,000:</u>			
52.219-9	Small Business and Small Disadvantaged Business Subcontracting Plan	19.708(b)	If clause is in prime.

Additional Clauses Required in Subcontracts/Purchase Orders Exceeding \$550,000:

52.215-12	Subcontractor Cost or Pricing Data (Oct 1997)
52.215-13	Subcontractor Cost or Pricing Data – Modification (Oct 1997)

Clauses Which Apply Under Other Specific Conditions:

52.204-2	Security Requirements	4.404(a)	If subk involves access to classified information.
52.222-1	Notice to the Government of Labor Disputes	22.103-5(a)	If clause is in prime and sub may involve dispute.
52.222-41	Service Contract Act of 1965, as Amended	22.1006(a)	If prime and sub are subject to the act.
52.222-3	Convict Labor	23.303	
52.227-10	Filing of Patent Applications-Classified Subject Matter	27.207-2	If the subcontract will involve classified matters.
52.227-11	Patent Rights – Retention by the Contractor (Short Form)	27.303(a)	[If the subcontract/purchase order involves experimental and r&d work.
	<ul style="list-style-type: none"> • 252.227-7039 Patents-Reporting of Subject Inventions (Apr 1990) • 252.227-7034 Patents-Subcontracts (Apr 1984) 		
	<u>or</u>		
52.227-13	Patent Rights – Acquisition by the Government	27.303(c)	Unless noted in the schedule, short-form applies to non-profit, educational and small bus. concerns. Long-form applies to other concerns.]

Additional Federal Acquisition Regulation Clauses Which Apply to Construction Subcontracts When Prime Contract Involves Substantive Construction Work \$2,000 and over:

52.222-6	David Bacon Act Standards – Overtime Compensation	22.407(a)	[Prime contractor must also include a clause requiring subs to include all clauses on this page into lower tier subcontracts.]
52.222-7	Withholding of Funds	22.407(a)	
52.222-8	Payrolls and Basic Records	22.407(a)	
52.222-9	Apprentices and Trainees	22.407(a)	
52.222-10	Compliance with Copeland Act Requirements	22.407(a)	
52.222-11	Compliance with Copeland Act Requirements	22.407(a)	
52.222-12	Contract Termination debarment	22.407(a)	
52.222-13	Compliance with Davis-Bacon and Related Act Regulations	22.407(a)	
52.222-14	Disputes Concerning Labor Standards	22.407(a)	
52.222-15	Certification of Eligibility	22.407(a)	

CLAUSES INCORPORATED FROM THE DEPARTMENT OF DEFENSE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION

The following apply to subcontracts/purchase orders issued under Department of Defense prime contracts for the conditions noted:

Clause	Title	Reference	
252.203-7001	Special Prohibition on Employment	3.571-5	If the subcontract amount exceeds \$25,000.
252.204-7005	Overseas Distribution of Defense Subcontracts	4.670-4	If prime is over \$500,000 and sub is over \$100,000.
52.227-7013	Rights in Technical Data and Computer Software	27.482(a)(1)	If subcontract includes technical data or software acquisition.
252.227-7018	Restrictive Marking on Technical Data	27.482(d)	If subcontractor will deliver tech data/software.
252.227-7037	Validation of Restrictive Markings on Technical Data	27.482(v)	If subcontractor will deliver tech data.
252-225-7009	Duty Free Entry – Qualifying Country End Products and Components		
252-225-7026	Reporting of Contract Performance Outside the United States (Applicable only to first tier subcontractors and only if exceeds \$500,000)		