

## **Addendum for Procurement Contracts or Purchase Orders Paid from Federal Grants or Cooperative Agreements**

- 1. Equal Employment Opportunity.** *This clause applies to all federally assisted construction contracts.* The Equal Employment Opportunity Clause required under Executive Order 11246, as amended by Executive Order 11375, and set forth at 41 CFR 60-1.4(b) regarding nondiscrimination and affirmative action on the basis of race, color, religion, sex or national origin is incorporated by reference into this contract. Contractor must include this clause in all nonexempt subcontracts.
- 2. Davis-Bacon Act.** *This clause applies to construction or repair contracts in excess of \$2,000 when required by Federal program legislation.* Contractor must comply with the Act (40 USC 3141-3144 and 3146-3148) as supplemented by the Department of Labor regulations (29 CFR Part 5). Under this Act, the contractor must 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, contractor must pay wages not less than once a week. The decision to award any subcontract must be conditioned upon the acceptance of the wage determination.
- 3. Copeland Anti-Kickback Act.** *This clause applies to construction or repair contracts in excess of \$2,000 when required by Federal program legislation.* The Contractor must comply with the Act (40 USC 3145), as supplemented by Department of Labor regulations (29 CFR Part 3). The Act requires that each contractor or subrecipient 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.
- 4. Contract Work Hours and Safety Standards Act.** *This clause applies to contracts in excess of \$100,000 that involve the employment of mechanics or laborers.* The contractor must comply with the Act (40 USC 3702 and 3704), as supplemented by Department of Labor regulations (29 CFR Part 5). The Act requires the contractor 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 apply 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.
- 5. Rights to Inventions Made Under a Contract or Agreement.** *This clause applies to contracts with a small business firm or a nonprofit organization for the performance of experimental, developmental or research work funded in whole or in part by the federal government.* The standard federal patent rights clause at 37 CFR 401.14 is incorporated into this contract by reference. To qualify for the standard clause, contractor may be required to certify that it is either a small business firm or a nonprofit organization.
- 6. Clean Air Act and the Federal Water Pollution Control Act.** *This clause applies to contracts that exceed \$150,000.* The contractor must 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).
- 7. Energy Policy and Conservation Act.** *This clause applies to all contracts.* The contractor will comply with applicable standards and policies relating to energy efficiency that are contained in the Illinois energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).
- 8. Debarment and Suspension.** *This clause applies to all contracts.* The contractor represents that it is not listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180. The Excluded Parties List System in SAM 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. The contractor shall ensure that any of its subcontractors under this contract are not listed on the Excluded Parties List System.
- 9. Byrd Anti-Lobbying Amendment.** *This clause applies to contracts of \$100,000 or more.* (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the contractor to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the contractor shall complete and submit standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (c) The contractor shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. (d) This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- 10. Audit and Records.** *This clause applies to all contracts.* The contractor must retain all financial records and supporting documents pertinent to this contract for a period of three years from the later of final payment or termination. Records that relate to audits, litigation, appeals or settlement of claims arising out of the contract shall be retained until disposition of the same. Upon reasonable advance notice, contractor shall provide to the University of Illinois, the Comptroller General of the United States, the director of the federal funding agency, or any of their authorized representatives, access to such records and supporting documents for auditing, inspection and copying.

## **Addendum for Procurement Subcontracts and Purchase Orders for Commercial Items Paid under Federal Contracts**

The following clauses apply to orders for “commercial items,” defined at FAR 52.202-1. In general, a commercial item is a product or service sold, leased or licensed to the general public or non-governmental entities for other than governmental purposes.

### **SUBCONTRACTS FOR COMMERCIAL ITEMS (DEC 2013)**

(a) *Definitions.* As used in this clause—

“Commercial item” has the meaning contained in Federal Acquisition Regulation [2.101](#), Definitions.

“Subcontract” includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or non-developmental items as components of items to be supplied under this contract.

(c)(1) The Contractor shall insert the following clauses in subcontracts for commercial items:

[52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 ([41 U.S.C. 251 note](#))), if the subcontract exceeds \$5,000,000 and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.

[52.203-15](#), Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5), if the subcontract is funded under the Recovery Act.

[52.219-8](#), Utilization of Small Business Concerns (Jul 2013) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)), if the subcontract offers further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for construction of any public facility), the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.

[52.222-26](#), Equal Opportunity (Mar 2007) (E.O. 11246).

[52.222-35](#), Equal Opportunity for Veterans (Sep 2010) ([38 U.S.C. 4212\(a\)](#)).

[52.222-36](#), Affirmative Action for Workers with Disabilities (Oct 2010) ([29 U.S.C. 793](#)).

[52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496), if flow down is required in accordance with paragraph (f) of FAR clause [52.222-40](#).

[52.222-50](#), Combating Trafficking in Persons (Feb 2009) ([22 U.S.C. 7104\(g\)](#)).

[52.225-26](#), Contractors Performing Private Security Functions Outside the United States (Jul 2013) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; [10 U.S.C. 2302 Note](#)).

[52.232-40](#), Providing Accelerated Payments to Small Business Subcontractors (Dec 2013), if flow down is required in accordance with paragraph (c) of FAR clause [52.232-40](#).

[52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) ([46 U.S.C. App. 1241](#) and [10 U.S.C. 2631](#)), if flow down is required in accordance with paragraph (d) of FAR clause [52.247-64](#).

(2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.