

Federal Acquisition Regulation (FAR) Clauses Commercial Items

This Purchase Order/Consultant Contract/Subcontract involves funds from a Federal government contract, or funds from a subcontract relating to a Federal government contract, and relevant clauses from the Federal Acquisition Regulation (FAR) are hereby incorporated into this Purchase Order/Consultant Contract/Subcontract by reference with the same force and effect as if they were given in full text, and are applicable to this Purchase Order/Consultant Contract/Subcontract. The full text of the FAR clauses referenced below may be found at <https://www.acquisition.gov/Far/>. Vendor/Consultant/Subcontractor agrees to flow down all applicable FAR and supplementary clauses to any lower-tier subcontractors working pursuant this Purchase Order/Consultant Contract/Subcontract.

Where necessary to make the language of the FAR clauses applicable to this Purchase Order/Consultant Contract/Subcontract, the term "Contractor" shall mean "Vendor," "Consultant" or "Subcontractor" as appropriate, the term "Contract" shall mean the "Purchase Order," "Consultant Contract" or "Subcontract" as appropriate, the terms "Government," "Covered Entity," "Contracting Officer," and equivalent terms and phrases shall mean "Research Triangle Institute."

No provision contained in a FAR clause shall be taken to imply any direct access on the part of the Vendor/Consultant/Subcontractor to the Disputes process as defined in the terms of RTI's Prime Contract, but rather shall be governed by the "Disputes" provision included in this Purchase Order/Consultant Contract/Subcontract.

The following instances are exceptions to the general rules as provided above:

1. Where it is clear, by the context of the provision itself or the conditions under which it is being applied, that the reference is intended to refer to the Government, its officers or agents, or the prime contractor specifically;
2. Where an explicit provision of the Purchase Order/Consultant Contract/Subcontract states a contrary intent;
3. Where access to proprietary financial information or other proprietary data is required; or
4. Where interpretation in accordance with the rules stated above would place the prime contractor in a position of violating the equivalent or related provisions of the Prime Contract whereas construction of the terms without modification would not.

Clause Number	Title	Date
52.202-1	Definitions (if contract is \$150,000 or more)	Nov 2013
52.203-7	Anti-Kickback Procedures (if contract is \$150,000 or more)	Oct 2010
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (if contract is \$150,000 or more)	Sep 2007
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (if contract is \$150,000 or more)	Oct 2010
52.203-13	Contractor Code of Business Ethics and Conduct (if contract is \$5,000,000 or more)	Apr 2010
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (applicable if contract is American Recovery and Reinvestment Act of 2009 funded)	Jun 2010
52.219-8	Utilization of Small Business Concerns (if contract is \$650,000 or more)	Jul 2013
52.222-26	Equal Opportunity (subparagraphs (b)(1) through (b)(11) only)	Mar 2007
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (if contract is \$100,000 or more)	Sep 2010

52.222-36	Affirmative Action for Workers with Disabilities (if contract is \$15,000 or more)	Oct 2010
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (if contract is \$10,000 or more)	Dec 2010
52.222-50	Combating Trafficking in Persons	Feb 2009
52.225-26	Contractors Performing Private Security Functions Outside the United States (applicable for DoD and military-related procurements)	Jul 2013
52.232-40	Providing Accelerated Payments to Small Business Subcontractors	Dec 2013
52.244-6	Subcontracts for Commercial Items (applies when the contract involves the acquisition of "commercial items" as defined in FAR 52.202-1)	Dec 2013
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels	Feb 2006