

## ADDENDUM FOR FEDERALLY FUNDED CONTRACTS OR PURCHASE ORDERS

The following provisions apply to all contracts or purchase orders which are paid in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee. Accordingly, Vendor hereby agrees to incorporate this Addendum into the agreement between NSU and Vendor. Vendor hereby agrees and accepts the applicable provisions below of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200 and FAR and DFARS Flow Down Clauses. The full text of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards may be accessed at: [www.ecfr.gov](http://www.ecfr.gov). The full text of the FAR and DFARS Flow Down Clauses may be accessed at: [www.acquisition.gov](http://www.acquisition.gov).

### Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200

- A. Equal Employment Opportunity** – Vendor shall comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." Vendor agrees to abide by the provisions of the following related to equal employment opportunity, to the extent applicable, which are incorporated herein by reference: 41 C.F.R. §§ 60-1.4, 60-300.5(a), 60-741.5(a), 61-300.10, Executive Orders 11246 and 13465, and Appendix A to Subpart A of Executive Order 13496. As applicable, **Vendor shall abide by the requirements of 41 CFR § 60-741.5. This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities. Vendor shall abide by the requirements of 41 CFR § 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.**
- B. Rights to Inventions Made Under a Contract or Agreement** – If the contract or purchase order includes the performance of experimental, developmental, or research work, Vendor shall provide for the rights of the Federal Government and NSU in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and comply with the requirements of 37 CFR part 401 and any implementing regulations issued by the awarding agency.
- C. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended** – If the contract or purchase order amount exceeds \$150,000, Vendor shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- D. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)** – If the contract or purchase order amount exceeds \$100,000, Vendor (and, if required, any subcontractors) shall file the certifications required by this law and related regulations, certifying 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. Vendor (and, if required, any subcontractors) shall 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.

- E. Debarment and Suspension (E.O.s 12549 and 12689)** – Vendor represents and warrants that neither it (nor any other person or entity affiliated with Vendor and for whom the standing under these laws is imputed to Vendor) is listed on the governmentwide 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 contain the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. If the contract or purchase order amount exceeds the small purchase threshold (currently, \$100,000), Vendor shall provide NSU with the required certification regarding its exclusion status and that of its principal employees.
- F. Records Access** (Contracts in excess of \$100,000) – NSU, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Vendor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.
- G. Energy Policy and Conservation Act (42 U.S.C. 6201)** – Vendor will comply with the Energy Policy and Conservation Act (P.L. 94-163; 42 U.S.C. 6201-6422), and the provisions of the state energy conservation plan adopted pursuant thereto.
- H. Procurement of Recovered Materials** – Vendor will comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the provisions of the state Energy Conservation Plan adopted pursuant thereto.
- I. Waste Disposal Act** – Vendor shall 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 by 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.
- J. Domestic preferences for procurements** – As appropriate and to the extent consistent with law, Vendor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
- K. Prohibition on certain telecommunications and video surveillance services or equipment** – Vendor certifies, represents, and warrants that it and its employees, agents, and contractors performing any services under this Agreement comply with Section 200.216 of Subpart C of Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Prohibition on certain telecommunications and video surveillance services or equipment, which prohibits obligating or expending federal funds to (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, Section 889) as a substantial or essential component of any system, or as critical technology as part of any system.
- L. Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 3145) (Applies to contracts or purchase orders in excess of \$2000 for construction or repair)** – Vendor shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 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 Vendor is 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 that person is otherwise entitled.
- M. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148) (Applies to contracts or purchase**

**orders in excess of \$2000 and involves the employment of mechanics or laborers)** – If required by the Federal program legislation, Vendor shall comply with the Davis-Bacon Act (40 U.S.C. 3141-3148) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, Vendor is required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, Vendor is required to pay wages not less than once a week.

**N. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708) (Applies to contracts or purchase orders in excess of \$100,000 and involves the employment of mechanics or laborers)** – Vendor shall comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under 40 U.S.C. 3702, Vendor shall 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 1 ½ 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. are applicable to construction work and provides that no laborer or mechanic shall 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.

**O. Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms 92CFR 200.321)** – Vendor shall, in accordance with 2 CFR 200.321 – contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms, take affirmative steps to include minority business, women’s business enterprises, and labor surplus area firm by:

- a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women’s businesses, and women’s business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises; and
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

**P. Compliance with Federal Agency Requirements** – Vendor shall comply with the all requirements applicable to contractors providing routine goods and/or services set forth in the agency specific terms and policies available at Supplemental Regulations: Federal Agencies and their Procurement Regulation Website. Select the applicable funding source weblink for additional information.

#### **FAR and DFARS Flow Down Clauses**

<b>Number</b>	<b>Title</b>	<b>Date</b>
52.202-1	Definitions	Nov 2013
52.203-3	Gratuities	Apr 1984
52.203-6	Restrictions on Subcontractor Sales to the Government	Sep 2006
52.203-7	Anti-Kickback Procedures	May 2014
52.203-12	Limitation on Payments to Influence Certain Federal Transactions	Oct 2010
52.203-13	Contractor Code of Business Ethics and Conduct	Jun 2020

52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements	Jun 2010
52.204-21	Basic Safeguarding of Covered Contractor Information Systems (in full text below)	Jun 2016
52.204-23	Prohibition on Contracting for Hardware, Software and Services Developed or Provided by Kaspersky Lab and Other Covered Entities	Jul 2018
52.204-25	Prohibition on Contracting for Certain Telecommunications & Video Surveillance Services	Aug 2020
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment	Oct 2015
52.215-2	Audit and Records – Negotiation	Oct 2010
52.219-8	Utilization of Small Business Concerns	Oct 2018
52.222-21	Prohibition of Segregated Facilities	Apr 2015
52.222-26	Equal Opportunity	Sep 2016
52.222-35	Equal Opportunity for Veterans	Oct 2015
52.222-36	Equal Opportunity for Workers with Disabilities	Jul 2014
52.222-37	Employment Reports on Veterans	Feb 2016
52.222-40	Notification of Employee Rights Under the National Labor Relations Act	Dec 2010
52.222-50	Combating Trafficking in Persons	Mar 2015
52.222-54	Employment Eligibility Verification	Oct 2015
52.222-55	Minimum Wages under Executive Order 13658	Dec 2015
52.222-62	Paid Sick Leave Under Executive Order 13706	Jan 2017
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving	Aug 2011
52.224-3	Privacy Training	Jan 2017
52.225-13	Restrictions on Certain Foreign Purchases	Jun 2008
52.225-26	Contractors Performing Private Security Functions Outside the United States	Oct 2016
52.227-1	Authorization and Consent	Apr 1984
52.232-40	Providing Accelerated Payments to Small Business Subcontractors	Dec 2013
52.244-6	Subcontracts for Commercial Items	Oct 2018
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels	Feb 2006
<b>Number</b>	<b>Title</b>	<b>Date</b>
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense Contract-Related Felonies	Dec 2008
252.203-7002	Requirement to Inform Employees of Whistleblower Rights	Sep 2013
252.204-7000	Disclosure of Information (in full text below)	Oct 2016
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information	Oct 2016
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting	Oct 2016
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support	May 2016
252.225-7048	Export Controlled Items (in full text below)	Jun 2013
252.226-	Utilization of Indian Organizations, Indian-Owned Economic	Sep 2004

7001	Enterprises, and Native Hawaiian Small Business Concerns	
252.227-7013	Rights in Technical Data – Noncommercial Items (in full text below)	Feb 2014
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation	Feb 2014
252.227-7016	Rights in Bid or Proposal Information	Jan 2011
252.244-7000	Subcontracts for Commercial Items	Jun 2013
252.247-7023	Transportation of Supplies by Sea	Apr 2014

**IN THE EVENT OF VENDOR'S NONCOMPLIANCE WITH THE NONDISCRIMINATION CLAUSES OF THIS CONTRACT OR WITH ANY OF THE APPLICABLE CLAUSES, THE CONTRACT/PURCHASE ORDER MAY BE TERMINATED, CANCELLED, OR SUSPENDED BY NSU IN WHOLE OR IN PART.**