

## **Additional Terms and Conditions for Federal Contract Funded Purchases**

Washington State University has entered into an agreement with the United States of America. This contract or order is entered into with the Contractor in furtherance of the performance of the work required in that agreement. When interpreting applicable FAR provisions, "Government" or "Government Representative" or "Contracting Officer" will refer to WSU or WSU's Director of Purchasing. The term "Contractor" refers to the subcontractor or vendor with whom WSU is placing a purchase hereunder.

By accepting this contract or order, Contractor agrees to furnish the materials, supplies, or services covered by this contract or order, and to be bound by all terms and conditions included by WSU, including the terms and conditions specified below. The applicable FAR sections are incorporated by reference into the contract or order and will have full force and effect. The complete text of each clause is available and will be provided upon request, or may be viewed at <http://www.acquisition.gov/far/>. The FAR provisions in effect at the time of this order govern. All applicable clauses of the Federal Acquisition Regulations (FAR), with the exception of cost accounting standard clauses are effective as of the date of the contract. Cost accounting standard clauses are effective as of the date of the purchase order.

The following provisions of the Federal Acquisition Regulations (FAR) apply regardless of the amount of this order:

FAR 52.203-19 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (June 2010)

FAR 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (January 2017)

FAR 52.204-21 Basic Safeguarding of Covered Contractor Information Systems (November 2021), other than subcontracts for commercially available off-the-shelf items, if the subcontractor may have Federal contract information residing in or transiting through its information systems.

FAR 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (November 2021)

FAR 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (October 2020)

FAR 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (October 2020)

FAR 52.244-6 Subcontract for Commercial Items (October 2020)

FAR 52.222-21 Prohibition of Segregated Facilities (April 2015)

FAR 52.222-26 Equal Opportunity (September 2016)

FAR 52.222-35 Equal Opportunity for Veterans (June 2020)

FAR 52.222-36 Equal Opportunity for Workers with Disabilities (June 2020)

FAR 52.222-41 Service Contract Labor Standards (August 2018) if the contract is subject to the Service Contract Act (41 U.S.C. 351, *et seq.*); OR

FAR 52.222-51 Exemption from Application of the Service Contract Act to Contracts for  
v. December 16, 2022

Maintenance, Calibration, or Repair of Certain Equipment—Requirements (May 2014); AND

FAR 52.222-53 Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (May 2014) if the contract is exempt from the Service Contract Act (41 U.S.C. 351, *et seq.*)

FAR 52.222-50 Combating Trafficking in Persons (March 2020)

FAR 52.222-55 Minimum Wages for Contractor Workers under Executive Order 13706 (January 2022), if subcontract is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and is to be performed in whole or in part in the United States.

FAR 52.222-62 Paid Sick Leave Under Executive Order 13706 (January 2022), if subcontract is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and is to be performed in whole or in part in the United States.

FAR 52.224-3 Privacy Training (January 2017), if subcontractor will have access to a system of records, create, collect, use, process, store, maintain, disseminate, disclose, or otherwise handle personally identifiable information; or design, develop, maintain, or operate a system of records.

FAR 52.225-13 Restrictions on Certain Foreign Purchases (February 2021)

FAR 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (February 2006)

DFARS 252.211-7003 Item Unique Identification and Valuation (March 2016)

DFARS 252.244-7000 Subcontracts for Commercial Items (October 2020)

DFARS 252.244.7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (December 2019)

DFARS 252.246-7007 (CAS) Contractor Counterfeit Electronic Part Detection and Avoidance (August 2016)

DFARS 252.246-7008 (non-CAS) Sources of Electronic Parts (May 2018)

The following provisions of the Federal Acquisition Regulations (FAR) apply if the contract or order may involve international air transportation:

FAR 52.247-63 Preference for U.S.-Flag Air Carriers (June 2003)

The following provisions of the Federal Acquisition Regulations (FAR) apply to small business concerns, including contracts or orders with small business concerns for the acquisition of commercial products or services:

FAR 52.232-40 Providing Accelerated Payments to Small Business Subcontractors (November 2021)

The following provisions of the Federal Acquisition Regulations (FAR) apply to qualifying country components and nonqualifying country components with estimated duties over \$200 per unit, regardless of the amount of this contract or order:

DFARS 252.225-7013 Duty-Free Entry (April 2020)

The following provisions of the Federal Acquisition Regulations (FAR) apply to contracts or orders for construction, noncommercial items, and/or commercial items for resale to the Federal Government without adding value, shipped in direct support of US military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations or are commissary or exchange cargoes transported outside of the Defense Transportation system in accordance with 10 USC 2643, regardless of the amount of this order:

DFARS 252.247-7024 Notification of Transportation of Supplies by Sea (March 2000)

The following provisions of the Federal Acquisition Regulations (FAR) apply if the funding source is a Department of Defense Contract and will be performed in areas of: contingency operations, combat operations, as designated by the Secretary of Defense, or other significant military operations, as designated by the Secretary of Defense upon agreement of the Secretary of State; or, if the funding source is not the Department of Defense, and the contract will be performed in areas of: Combat operations, as designated by the Secretary of Defense, or other significant military operations, upon agreement of the Secretaries of Defense and State that the clause applies in that area:

FAR 52.225-26 Contractors Performing Private Security Functions Outside the United States (October 2016)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if this contract or order exceeds \$3,000:

FAR 52.223-18 (June 2020) Encouraging Contractor Policies to Ban Text Messaging While Driving

FAR 52.225-1 Buy American-Supplies (November 2021)

The following provisions of the Code of Federal Regulations (CFR) also apply if this contract or order is for commercial or noncommercial services (unless part of a purchase of a COTS item or an item that would be a COTS item but for minor modifications), the amount of this contract or order exceeds \$3,000 and includes work performed in the United States:

FAR 52.222-54 Employment Eligibility Verification (October 2015)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of the contract or order exceeds \$10,000:

FAR 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (December 2010)

The following provisions of the Code of Federal Regulations (CFR) also apply if the amount of this contract or order exceeds \$10,000:

41 CFR § 60-741.5(a) Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities: **This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a). 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.**

41 CFR § 60-741.44(f)(1)(ii) WSU complies with federal affirmative action requirements and requires that suppliers comply with applicable federal affirmative action requirements. The

WSU affirmative action policy for protected veterans and individuals with disability is available at: <https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep12-equal-employment-opportunity-affirmative-action-policy/>.

The following provisions of the Federal Acquisition Regulations (FAR) also apply if foreign supplies in excess of \$15,000 will be imported into the customs territory of the United States or supplies identified in the Harmonized Tariff Schedule of the United States to be accorded duty-free entry will be imported into the customs territory of the United States regardless of the amount of this contract or order:

FAR 52.225-8 Duty Free Entry (October 2010)

The following provisions of the Federal Acquisition Regulations (FAR) also apply to contract or orders for the provision, service or sale of food within the United States if the amount of this order exceeds \$25,000:

FAR 52.226-6 Promoting Excess Food Donation to Nonprofit Organizations (June 2020)

The following provisions of the Federal Acquisition Regulations (FAR) apply if the amount of this contract or order exceeds \$30,000:

FAR 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (October 2015)

The following provisions apply if the amount of this contract or order exceeds \$35,000 and is not for commercial items:

By accepting this contract, Contractor hereby discloses to the University, in writing, within the meaning of 48 CFR 52.209-6(c), that at the time of contracting, Contractor and its principals are not debarred, suspended, or proposed for debarment by the Federal Government. The University shall be entitled to rely on this disclosure.

FAR 52.209-6 Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (June 2020)

The following provisions of the Code of Federal Regulations (CFR) also apply if the amount of this contract or order is equal to or exceeds \$100,000:

41 CFR § 60-300.5(a) Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Other Protected Veterans and Armed Forces Service Medal Veterans: **This contractor and subcontractor 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.**

FAR 52.222-37 Employment Reports on Veterans (June 2020)

41 CFR § 60-300.44(f)(1)(ii) WSU complies with federal affirmative action requirements and requires that suppliers comply with applicable federal affirmative action requirements. The WSU affirmative action policy for protected veterans and individuals with disability is available at: <https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep12-equal-employment-opportunity-affirmative-action-policy/>.

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this contract or order exceeds \$150,000:

FAR 52.203-7 Anti-Kickback Procedures (June 2020)

FAR 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (June 2020)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this contract

or order does not exceed the simplified acquisition threshold \$250,000:

FAR 52.203-6 Restrictions on Subcontractor Sales to the Government (June 2020)

FAR 52.249-1 Termination for Convenience of the Government (Fixed-Price) (Short Form) (April 1984); OR FAR 52.249-5 Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) for contracts with an Educational or Nonprofit Institution (August 2016)

DFARS 252.247-7023(a)-(e) & (h) Transportation of Supplies by Sea (April 2014)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this contract or order exceeds \$250,000:

FAR 52.203-6 Restrictions on Subcontractor Sales to the Government (June 2020)

FAR 52.203-16 Preventing Personal Conflict of Interest (June 2020)

FAR 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (June 2020)

FAR 52.215-2 Audit and Records-Negotiation (June 2020)

FAR 52.219-8 Utilization of Small Business Concerns (October 2018)

FAR 52.249-2 Termination for Convenience of the Government (Fixed Price) (April 2012) OR FAR 52.249-5 Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) for contracts with an Educational or Nonprofit Institution (August 2016)

DFARS 252.247-7023 Transportation of Supplies by Sea (April 2014)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if this contract or order is for supplies, other than commercially available off-the-shelf items, to be acquired outside the United States, or services to be performed outside the United States; and the estimated value exceeds \$550,000:

FAR 52.222-56 Certification Regarding Trafficking in Persons Compliance Plan (October 2020)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this order exceeds \$750,000:

FAR 52.219-9 Small Business and Small Disadvantaged Business Subcontracting Plan (June 2020)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if this order is negotiated and the amount of this order exceeds \$750,000:

FAR 52.230-5 Cost Accounting Standards—Educational Institution (June 2020)

FAR 52.215-12 Subcontractor Certified Cost or Pricing Data (June 2020)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this order exceeds \$6,000,000 and the Period of Performance is more than 120 days:

FAR 52.203-13 Contractor Code of Business Ethics and Conduct (June 2020)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this order exceeds \$6,000,000 and the contract is for a non-commercial item or is performed entirely outside the United States:

FAR 52.203-14 Display of Hotline Posters (June 2020)

WSU reserves all administrative, contractual, and legal remedies against the contractor or vendor who breaches any of the contract terms.