

**FEDERAL FLOWDOWN SCHEDULE
TO
SERVICES AGREEMENT (SHORT FORM)**

APPLICABLE TO PURCHASES FUNDED BY FEDERAL CONTRACT OR GRANT

The term “FAR” means the Federal Acquisition Regulations. The term “DFAR” means the Department of Defense Supplement to the Federal Acquisition Regulations. Any reference to a “Disputes” clause in any of the clauses listed below shall be deemed to refer to the “Disputes” clause contained in the Prime Contract. In no event shall such reference to a “Disputes” clause be construed to allow the Provider, without the concurrence or approval of the University, to prosecute and appeal either directly or in the name of the University to the Contracting Officer for such Prime Contract or grant. The full text of the clauses may be found at <https://www.acquisition.gov/?q=browsefar>.

The following provisions of the Federal Acquisition Regulations apply regardless of the amount of the Agreement:

- FAR 52.211-15, Defense Priority and Allocation Requirements: applies in contracts that are rated orders
- FAR 52.222-10, Compliance with Copeland Act Requirements; Copeland “Anti-kickback” Act – 18 U.S.C. 874 and 40 U.S.C. 3145: applies where the order is financed in whole or in part by loans or grants from the United States, and where the contractors and subcontractors are engaged in constructing, carrying out, completing, or repairing public buildings, public works, or buildings or works
- FAR 52.222-17, Nondisplacement of Qualified Workers: applies in all service contracts that succeed contracts for performance of the same or similar work at the same location and that are not exempted by 22.1203-2 or waived in accordance with 22.1203-3
- FAR 52.223-3, Hazardous Material Identification and Material Safety Data: applies if the contract will require the delivery of hazardous materials
- FAR 52.225-13, Restrictions on Certain Foreign Purchases: for use in all contracts, unless an exception applies
- FAR 52.227-2, Notice and Assistance Regarding Patent and Copyright Infringement: applies in all solicitations and contracts that include the clause at 52.227-1, Authorization and Consent
- FAR 52.227-11, Patent Rights – Ownership by the Contractor: applies unless an alternative patent rights clause is used in accordance with section 27.303(c), (d), or (e)
- FAR 52.230-5, Cost Accounting Standards—Educational Institution: applies to negotiated contracts awarded to educational institutions, unless the contract is exempted, the contract is to be performed by an FFRDC or the provision at 48 CFR 9903.201-2(c)(6) applies
- FAR 52.244-6, Subcontracts for Commercial Items: does not apply in contracts for commercial items
- FAR 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels: applies in contracts that may involve ocean transportation of supplies subject to the Cargo Preference Act of 1954, codified at 46 U.S.C.A. § 55305
- DFAR 252.227-7013, Rights in Technical Data: applies to noncommercial technical data
- DFAR 252.244-7000, Subcontracts for Commercial Items: applies to purchases of commercial items

DFAR 252.247–7023, Transportation of supplies by Sea: applies in all contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, except those for direct purchase of ocean transportation services

DFAR 252.247-7024, Notification of Transportation of Supplies by Sea: applies in all contracts, including contracts using FAR part 12 procedures for the acquisition of commercial items, for which the offeror made a negative response to the inquiry in the provision at 252.247-7022, Representation of Extent of Transportation by Sea

31 U.S.C. 1352, “Byrd Anti-Lobbying Amendment”: applies in all federal contracts and grants, but reporting requirement does not apply where value of the contract or grant is below 100,000

Executive Order 11246, “Equal Employment Opportunity,” as amended by Executive Order 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

37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements”: applies to contracts and grants

40 CFR Parts 247-254, Resource Conservation and Recovery Act; Executive Order 13101; 42 U.S.C. 6962

The following provision of the Federal Acquisition Regulations applies if the amount of the Agreement exceeds \$2,000 and is for construction within the United States:

FAR 52.222-13, Compliance with Construction Wage Rate Requirements and Related Regulations

The following provision of the Federal Acquisition Regulations applies to service contracts if the amount of the Agreement exceeds \$2,500 and the contract is subject to the Service Contract Act, codified at 41 U.S.C. 351, et seq.:

FAR 52.222-41, Service Contract Labor Standards: applies unless either of the following are included in the solicitation – 1) FAR 52.222-48 Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements; 2) FAR 52.222-52 Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements

The following provision of the Federal Acquisition Regulations applies if the amount of the Agreement is in excess of \$10,000:

29 U.S. Code § 793, “Employment under Federal Contracts”

The following provision of the Federal Acquisition Regulations applies if, during any 12-month period, including the 12 months preceding the award of this Agreement, the Provider has been or is awarded nonexempt Federal contracts and/or subcontracts that have an aggregate value in excess of \$10,000:

FAR 52.222-26, Equal Opportunity

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.**

The following provisions of the Federal Acquisition Regulations apply if a contract is contemplated that will include the clause at 52.222-26:

FAR 52.222-21, Prohibition of Segregated Facilities

FAR 52.222-22, Previous Contracts and Compliance Reports

The following provision of the Federal Acquisition Regulations applies if the amount of the Agreement is in excess of \$15,000:

FAR 52.222.36, Affirmative Action for Workers with Disabilities: does not apply where contract is performed totally outside of the U.S., or where Director of OFCCP or agency head has waived, in accordance with 22.1403(a) or 22.1403(b) all the terms of the clause