

SECTION II

Government Subcontract Provisions

Terms and Conditions of Orders

If this order is a subcontract under a U.S. Government Prime Contract, the applicable clauses listed below are incorporated into, and form a part of, the terms and conditions of this order. In the event of any conflict between the terms and conditions of this Section and any other provision of this order, the terms and conditions of this Section shall prevail. The term "FAR" means the [Federal Acquisition Regulations](#), including revision in effect on the date of this order. The term "DFAR" means the [Department of Defense Supplement to the Federal Acquisition Regulations](#), including revision in effect on the date of this order. The terms "Contractor," "Government," and "Contracting Officer" as used in these clauses incorporated by this reference shall be deemed to refer to the "Seller," "Buyer," and "The University of Texas at San Antonio" (UTSA), respectively. 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 Seller, without the concurrence or approval of UT San Antonio, to prosecute and appeal either directly or in the name of UT San Antonio to the Contracting Officer for such Prime Contract.

The following provisions apply regardless of the amount of this order:

1. Restrictions on Certain Foreign Purchases
[FAR 52.225-13](#)
2. Rights in Technical Data – Noncommercial Items (when applicable) [DFAR 52.227-7013](#)
3. Combating Trafficking in Persons
[FAR 52.222-50](#)
4. Disputes (May 2014) and Alternate I
[FAR 52.233-1](#) and Alt I
5. Protest After Award and Alt. I
[FAR 52.233-3](#) and Alt I
6. Applicable Law for Breach of Contract Claim
[FAR 52.233-4](#)
7. Disclosure of Information to Litigation Support Contractors
[DFAR 252.204-7015](#)
8. Export-Controlled Items (Jun 2013)
[DFAR 252.225-7048](#)
9. Rights in Bid or Proposal Information (Jan 2011)
[DFAR 252.227-7016](#)

The following provisions apply regardless of the amount of the order when applicable:

1. Basic Safeguarding of Covered Contractor Information Systems (Jun 2016)
[FAR 52.204-21](#)
2. Contract Work Hours and Safety Standards Act-Overtime Compensation
[FAR 52.222-4](#)
3. Hazardous Material Identification and Material; Safety Data
[FAR 52.223-3](#)
4. Duty-Free Entry
[FAR 52.225-8](#)
5. Patents Rights-Ownership by the Contractor
[FAR 52.227-11](#)
6. Providing Accelerated Payments to Small Business Subcontractors
[FAR 52.232-40](#)
7. Prohibition on Persons Convicted of Fraud or Other Defense-Contract Related Felonies
[DFAR 252.203-7001](#)
8. Disclosure of Information
[DFAR 252.204-7000](#)
9. Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies
[DFAR 252.225-7007](#)
10. Rights in Technical Data—Noncommercial Items
[DFAR 252.227-7013](#)
11. Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation
[DFAR 252.227-7014](#)
12. Patent Rights—Ownership by the Contractor (Large Business)
[DFAR 252.227-7038](#)
13. Subcontracts for Commercial Items
[DFAR 252.244-7000](#)

The following provisions apply if the amount of this order exceeds \$3,500:

1. Encouraging Contractor Policies to Ban Text Messaging While Driving [FAR 52.223-18](#)

The following provisions apply if the amount of this order exceeds \$10,000.00:

1. Prohibition of Segregated Facilities
[FAR 52.222-21](#)
2. Previous Contracts & Compliance Reports [FAR 52.222-22](#)
3. Equal Opportunity
4. [FAR 52.222-26](#)

The following provisions apply if the amount of this order exceeds \$15,000.00:

1. Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000.
[FAR 52.222-20](#)
2. Affirmative Action for Workers with Disabilities
[FAR 52.222-36](#)

The following provisions apply if the amount of this order exceeds \$30,000.00:

1. Reporting Executive Compensation and First-Tier Subcontracting Awards
[FAR 52.204-10](#)

The following provisions apply if the amount of this order exceeds \$35,000.00:

1. Annual Representations and Certifications
[FAR 52.204-8](#)
2. Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment
[FAR 52.209-6](#)

By accepting this Purchase Order, Vendor certifies that, to the best of its knowledge, Vendor and/or any of its Principals are not suspended or debarred per FAR provisions.

The following provisions apply if the amount of this order exceeds \$150,000.00:

1. Anti-Kickback Procedures
[FAR 52.203-7](#)
2. Limitation on Payments to Influence certain Federal Transactions
[FAR 52.203-12](#)
3. Certification Regarding Responsibility Matters (obtained prior to award)
[FAR 52.209-5](#)
4. Audit and Records – Negotiation (if order was entered into by negotiation)
[FAR 52.215-2](#)
5. Utilization of Small Business Concerns [FAR](#)
[52.219-8](#)
6. Equal Opportunity for Veterans
[FAR 52.222-35](#)
7. Employment Reports Veterans
[FAR 52.222-37](#)
8. Drug-Free Workplace
[FAR 52.223-6](#)

9. Authorization and Consent
[FAR 52.227-1](#)
10. Responsibility for Supplies Notice and Assistance Regarding Patent and Copyright Infringement
[FAR 52.227-2](#)
[FAR 52.246-16](#)
11. Affirmative Procurement of Biobased Products Under Service and Construction Contracts
(when applicable)
[FAR 52.223-2](#)
12. Restrictions on Subcontractor Sales to the Government
[FAR 52.203-6](#)
13. Limitation on Payments to Influence Certain Federal Transactions
[FAR 52.203-12](#) (Anti-Lobbying)

The following provisions apply if the amount of this order exceeds \$700,000.00:

Small Business Subcontracting Plan (does not apply to small business concerns) [FAR 52.219-9](#)

The following provisions apply if the amount of this order exceeds \$750,000.00:

1. Price Reduction for Defective Certified Cost or Pricing Data (if order was entered into by negotiation, when applicable) [FAR 52.215-10](#) , [FAR 52.215-11](#)
2. Subcontractor Certified Cost or Pricing Data
[FAR 52.215-12](#) , [FAR 52.215-13](#)
3. Cost Accounting Standards
[FAR 52.230-2](#)

The following provisions apply when the amount of the order exceeds \$1,500,000:

Acquisition Streamlining (Oct 2010)
[DFAR 252.211-7000](#)

The following provisions apply regardless of the amount of the order exceeds \$5,500,000:

Contractor Code of Business Ethics and Conduct (Oct 2015)
[FAR 52.203-13](#)

THIS ORDER IS ISSUED UNDER AND GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

Revised: July 2018