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Office of the Purchasing Agent

August 13, 1996

To: David Buck, Dan Anthony, Janet Williams
Buyers, Purchasing

From: Christopher Johnson Director of Purchasing Services

RE: Federal Purchase Orders/Contracts

The attached "Additional Terms and Conditions" must be attached to and referenced in the body of any purchase order which involves Federal funds from grants and contracts. These funds can be recognized through account numbers, which end in a 59, i.e. XXX XXX 59. This policy is in immediate effect, subject to modifications as recommended by our legal advisors.

cc: Dr. Edwin House, Research
Financial Services

ISU Is An Equal Opportunity Employer

ADDITIONAL TERMS AND CONDITIONS
(THESE FUNDS INVOLVE FEDERAL DOLLARS)

This contract shall be governed and construed in all respects by federal contract law as enunciated and applied by federal statutes and regulations and by federal judicial bodies, boards of contract appeals, and other judicial and quasi-judicial agencies of the Federal Government. In the event that these laws and decisions do not apply to a given issue or dispute, the State of Idaho law will apply.

1. Idaho State University, 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 contractor, which are directly pertinent to a specific program for the purposes of making audits, examinations, excerpts, and transcripts.
2. Equal Employment Opportunity; compliance 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" is incorporated by reference. Particular attention is called to FAR 52.222-26 and is incorporated by reference.
3. Rights to invention; rights of the Federal Government and the vendor/service provider are determined by 37 CFR part 401 with regards to any inventions which may result for the performance of experimental, developmental, or research work. By reference 37 CFR part 401 shall be incorporated in this agreement.
4. Clean air act; on any and all contracts in excess of \$100,000 compliance with 42 U.S.C. 7401 et seq. "Clean Air Act" and 33 U. S.C. 1251 "Federal Water Pollution Control Act" are incorporated in their totality by reference. Particular attention is called to FAR52.223-2 and is incorporated by reference.
5. The vendor certifies that it 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 in connection with obtaining any Federal contract, grant or any other awarded covered by 31U.S.C.1352. In addition, on contracts in excess of \$100,000 the vendor must disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.
6. No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689,"Debarment and Suspension".

- 7.** Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c) - All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), 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 each contractor or subrecipient shall be 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 he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.
- 8.** Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) - When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) 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, contractors shall be 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, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.
- 9.** Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) - Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek 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. Section 107 of the Act is 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.

