

TERMS AND CONDITIONS OF ORDERS

Section II: Government Subcontract Provisions

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 Austin" (UT Austin), 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 Austin, to prosecute and appeal either directly or in the name of UT Austin to the Contracting Officer for such Prime Contract.

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

1. Equal Opportunity
FAR 52.222-26
2. Hazardous Material Identification and Material Safety Data (when applicable)
FAR 52.223-3
3. Restrictions on Certain Foreign Purchases
FAR 52.225-13
4. Patents (when applicable)
FAR 52.227-11
5. Rights in Technical Data – Non Commercial Items (when applicable)
DFAR 252.227-7013
6. Disputes
FAR 52.233-1

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

1. Walsh-Healey Public Contracts Act
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 \$100,000.00:

1. Restrictions on Subcontractor Sales to Government
FAR 52.203-6
2. Anti-Kickback Procedures
FAR 52.203-7
3. Limitations on Payments to Influence Certain Federal Transactions
FAR 52.203-12
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. Affirmative Action for Special Disabled and Vietnam Era Veterans
FAR 52.222-35
7. Employment Reports on Disabled Veterans and Veterans of the Vietnam Era
FAR 52.222-37
8. Drug-Free Workplace
FAR 52.223-6
9. Authorization and Consent
FAR 52.227-1

10. Notice and Assistance Regarding Patent and Copyright Infringement

FAR 52.227-2

11. Responsibility for Supplies

FAR 52.246-16

The following provision applies if the amount of this order exceeds \$550,000.00:

1. Small Business Subcontracting Plan (does not apply to small business concerns)

FAR 52.219-9

The following provision applies if the amount of this order exceeds \$650,000.00:

1. Price Reduction for Defective Cost or Pricing Data (if order was entered into by negotiation, when applicable)

FAR 52.215-10

FAR 52.215-11

FAR 52.215-12

FAR 52.215-13

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

REVISED 07/03