

NSHE Purchase Order Provisions for Federally Funded Projects

Section I:

All purchase orders made under Federal Grants and Cooperative Agreements awarded by The Board of Regents, Nevada System of Higher Education, on behalf of the University of Nevada, Las Vegas (NSHE), including small purchases, shall contain the following provisions as applicable:

1. **Equal Employment Opportunity**

All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.E. 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."

2. **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.

3. **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.

4. **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 work week 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 1.5 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 purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. **Rights to Inventions Made Under a Contract or Agreement**

Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. **Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended**

Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)**

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and 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, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. **Debarment and Suspension (E.O.s 12549 and 12689)**

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." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

9. **Access to Records**

See 2 CFR Chapter II, Part 200.336.

Section II:

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 Board of Regents, Nevada System of Higher Education, on behalf of the University of Nevada, Las Vegas" (NSHE), 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 NSHE, to prosecute and appeal either directly or in the name of NSHE to the Contracting Officer for such Prime Contract.

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

1. Prohibition of Segregated Facilities
FAR 52.222-21
2. Previous Contracts & Compliance Reports
FAR 52.222-22
3. Hazardous Material Identification and Material Safety Data (when applicable)
FAR 52.223-3
4. Restrictions on Certain Foreign Purchases
FAR 52.225-13
5. Restrictive Markings on Technical Data (when applicable)
DFAR 52.227-7013

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. Equal Opportunity
FAR 52.222-26
3. Affirmative Action for Workers with Disabilities
FAR 52.222-36

The following provisions apply if the amount of this order exceeds \$25,000.00:

1. Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (obtained prior to award)
FAR 52.209-5
2. Affirmative Action for Special Disabled and Vietnam Era Veterans
FAR 52.222-35
3. Employment Reports on Disabled Veterans and Veterans of the Vietnam Era
FAR 52.222-37
4. Clean Air and Water
FAR 52.223-2

The following provisions apply if the amount of this order exceeds \$100,000.00:

1. Anti-Kickback Procedures
FAR 52.203-7
2. Limitations on Payments to Influence Certain Federal Transactions
FAR 52.203-12
3. Audit and Records - Negotiation (if order was entered into by negotiation)
FAR 52.215-2

4. Utilization of Small Business Concerns
FAR 52.219-8
5. Drug-Free Workplace
FAR 52.223-6
6. Toxic Chemical Release Reporting
FAR 52.223-14
7. Authorization and Consent
FAR 52.227-1
8. Notice and Assistance Regarding Patent and Copyright Infringement
FAR 52.227-2
9. Responsibility for Supplies
FAR 52.246-16

The following provision applies if the amount of this order exceeds \$500,000.00:

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 \$550,000.00:

1. Price Reduction for Defective Cost or Pricing Data (if order was entered into by negotiation, when applicable)
FAR 52.215-12, FAR 52.215-13