

**Texas Tech University System
Required Federal Funds Contract Terms**

When incorporated by reference into an agreement between the Texas Tech University System (“TTUS”), a Texas public system of higher education, and/or any one or more of its component institutions, each a Texas public institution of higher education, the following terms (“Federal Funds Terms”) form a material and binding part of the agreement between the parties (the “Contract”). As used herein, “University” means the TTUS party or parties to the agreement, and “Contractor” means the non-TTUS party or parties to the agreement, whether or not the relationship of Contractor is that of an independent contractor.

1. **Applicability.** If the Contract involves the use of United States federal funds, including from a government grant or funds from a subcontract at any tier relating to a federal government grant, these Federal Funds Terms apply to the Contract. In addition, Contractor agrees to flow-down all applicable Federal Funds Terms to lower-tier subcontractors. Notwithstanding any express provision herein, Contractor agrees to comply with all applicable federal law, as amended.
2. **Federal Requirements on All Purchases.** Contractor agrees to comply with the following provisions of federal law relating to all purchases:
 - a. Security Requirements (applicable if access to classified material is involved) FAR 52.204-2
 - b. Copeland Anti-Kickback Act (for construction and repair) 18 U.S.C. § 874 as supplemented by Department of Labor regulations 29 CFR part 3
 - c. Davis-Bacon Act, as amended 40 U.S.C. §§ 3141-3148 and supplemented by Department of Labor regulations 29 CFR part 5
 - d. Contract Work Hours and Safety Standards Act 40 U.S.C. §§ 3701-3708 and supplemented by Department of Labor regulations 29 CFR part 5
 - e. Rights to Inventions Made under a Contract or Agreement - 37 CFR part 401
 - f. Preference for Privately Owned U.S.-Flag Commercial Vessels - FAR 52.247-64
 - g. Hazardous Material Identification and Material Safety Data policy (when applicable) FAR 52.223-3
 - h. Filing of Patent Applications – Classified Subject Matter FAR 52.227-10
 - i. Patents Rights – Ownership by Contractor and Government FAR 52.227-11 and 52.227.13
 - j. Rights in Data – General FAR 52.227-14
 - k. Authorization and Consent Patents and Copyrights FAR 52.227-1
 - l. Notice and Assistance Regarding Patent and Copyright Infringements FAR 52.227-2
 - m. Buy American Act – Supplies FAR 52.225-3
 - n. Government Property FAR 52.245-1
 - o. Notice of Radioactive Materials FAR 52.223-7
 - p. Privacy Act FAR 52.224-2
 - q. Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment FAR 52.204-25
3. **Federal Requirements on All Purchases Greater than \$2,500.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$2,500:
 - a. Restrictions on Certain Foreign Purchases FAR 52.225-13
 - b. McNamara –O’Hara Service Contract Act 41 U.S.C. § 351 *et seq.*
4. **Federal Requirements on All Purchases Greater than \$10,000.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$10,000:
 - a. Equal Opportunity for Workers with Disabilities FAR 52.222-36
 - b. Walsh-Healey Public Contracts Act FAR 52.222.20
5. **Federal Requirements on All Purchases Greater than \$25,000.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$25,000:
 - a. Equal Opportunity for Veterans FAR 52.222-35
 - b. Employment Reports on Veterans FAR 52.222-37
 - c. Debarment and Suspension FAR 52.209-6

6. **Federal Requirements on All Purchases Greater than \$100,000.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$100,000:
 - a. Anti-Kickback procedures FAR 52.203-7
 - b. Restrictions on Subcontractor Sales to the Government FAR 52-203.6
 - c. Audit and Records-Negotiation (if document was entered by negotiation) FAR 52.215.2
 - d. Integrity of Unit Prices FAR 52.215-14
 - e. Contract Work Hours and Safety Standards Act FAR 52.222-4
 - f. Clean Air and Water FAR 52.223
 - g. Clean Air Act 42 U.S.C. § 7401, *et seq.*
 - h. Federal Water Pollution Control Act 33 U.S.C. § 1251, *et seq.*
 - i. Drug-Free Workplace FAR 52.223-6
 - j. Byrd Anti-Lobbying Amendment 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995)
 - k. Utilization of Small Business Concerns FAR 52.219-8
 - l. Preference for US Flag Air Carriers FAR 52.247-63
 - m. Toxic Chemical Release Reporting FAR 52.223-14
7. **Federal Requirements on All Purchases Greater than \$500,000.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$500,000:
 - a. Cost Accounting Standards – Educational Institutions FAR 52.230-5
 - b. Administration of Cost Accounting Standards FAR 52.230-6
8. **Federal Requirements on All Purchases Greater than \$550,000.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$550,000:
 - a. Price Reduction for Defective Cost or Pricing Data FAR 52.215-10
 - b. Subcontractor Certified Cost or Pricing Data FAR 52.215-12
 - c. Subcontractor Certified Cost or Pricing Data-Modifications FAR 52.215-13
9. **Federal Requirements on All Purchases Greater than \$650,000.** If applicable, Contractor agrees to comply with the following provisions of federal law for all purchases greater than \$650,000:
 - a. Small Business Subcontracting Plans FAR 52.219-9
 - b. Liquidated Damages-Subcontracting Plan FAR 52.219-16
10. **Federal Requirement.** The Contractor shall not maintain or provide racially segregated facilities for employees at any establishment under his control as prohibited by federal law. Contractor agrees to adhere to the principles set forth in Executive Order 11375, Section 503 of the Rehabilitation Act of 1973, and U.S.C. 2012 (Disabled Veterans and Veterans of the Vietnam Era). The Contractor certifies that it does not operate any program which violate any applicable federal anti-discrimination laws
11. **Federal Equal Opportunity.** The Contractor and any Subcontractors 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.

End of Federal Funds Contract Terms.