

UNIVERSITY OF WASHINGTON
Federal Flowdown Terms and Conditions for Commercial Items and Commercial Components
For Federal Contract Funded Purchases

The University Of Washington Board Of Regents has entered into an agreement with the United States of America. This order is entered into with the Vendor in furtherance of the performance of the work required in that agreement. When interpreting applicable FAR provisions, "Government" or "Government Representative" or "Contracting Officer" will refer to the University or University's Director of Purchasing and Stores. The term "Contractor" refers to the Vendor hereunder.

By accepting this order, Vendor agrees to furnish the materials, supplies, or services covered by this order, and to be bound by the terms and conditions set forth in the order, the general terms and conditions set forth on the reverse side of the order, and these special terms and conditions. The applicable FAR sections are incorporated by reference into the contract, and will have full force and effect. The complete text of each clause is available and will be provided upon request, or may be viewed at <http://www.arnet.gov/far/>. The FAR provisions in effect at the time of this order govern.

The following provisions of the Federal Acquisition Regulations (FAR) apply regardless of the amount of this order: FAR Clause 52.244-6, Subcontract for Commercial Items (February 2006)

(a) Definitions. As used in this clause—

"Commercial item" has the meaning contained in Federal Acquisition Regulation 2.101, Definitions.

"Subcontract" includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or non developmental items as components of items to be supplied under this contract.

(c)(1) The Contractor shall insert the following clauses in subcontracts for commercial items:

(i) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$500,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(ii) 52.222-26, Equal Opportunity (APR 2002)(E.O. 11246).

(iii) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (38 U.S.C. 4212(a));

(iv) 52.222-36, Affirmative Action for Workers with Disabilities (JUNE 1998) (29 U.S.C. 793).

(v) 52.222-39, Notification of Employee Rights Concerning Payment of Union Dues or Fees (DEC 2004)(E.O. 13201). Flow down as required in accordance with paragraph (g) of FAR clause 52.222-39).

(vi) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006) (46 U.S.C.App. 1241 and 10 U.S.C. 2631) (flow down required in accordance with paragraph (d) of FAR clause 52.247-64).

(2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this order exceeds \$25,000:

Termination for Convenience of Government (Education and other Nonprofit Institutions):

52.249-1

52.249-2

52.249-5

The following provision of the Federal Acquisition Regulations (FAR) apply if the amount of this order exceeds \$100,000:

"Beck Notice" - Notification of Employee Rights Concerning Payment of Union Dues or Fees (Executive Order 13201)

The following provisions of the Federal Acquisition Regulations (FAR) also apply if the amount of this order exceeds \$550,000:

Small Business and Small Disadvantaged Business Subcontracting Plan

52.219-9

The University reserves all administrative, contractual, and legal remedies against the contractor or vendor who breaches any of the contract terms.