

Date: May 20, 2005

EXHIBIT A

**GOVERNMENT PROVISIONS
APPLICABLE TO DoD Grant and Agreement Regulations
PRIME CONTRACT HR0011-05-2-0001**

This purchase contract will be administered in accordance with, and the Seller will comply with the applicable requirements of DoD 3210.6-R, the DoD Grant and Agreement Regulations (DoDGARs) (13 Apr 98).

The clauses contained in the following Government regulations are incorporated by reference. Where necessary or appropriate to derive proper meaning in a subcontract situation, "Seller" shall mean Seller. Government clauses cited elsewhere in the contract shall be those in effect on May 9, 2005.

DoDGARs *

<u>Reference</u>	<u>Title</u>
Appendix B to Part 25	Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions
Appendix C to Part 25	Certification Regarding Drug-Free Workplace Requirements
Appendix A to Part 28	Certification Regarding Lobbying
34.17	Allowable Costs
34.21	Real Property and Equipment
34.22	Federally Owned Property
34.23	Property Management System
34.24	Supplies
34.25	Intellectual property developed or produced under awards
34.31	Requirements
34.42	Retention and Access Requirements for Records
Appendix A to Part 34	Contract Provisions
	* 32 CFR Parts 21-34

SPECIAL CONTRACT REQUIREMENTS:

The following additional provisions apply:

Subawards and Contracts/Subcontracts:

The Seller shall comply with the administrative requirements of the DoDGARs applicable to the particular type of organization receiving this subaward, contract or subcontract. In addition to OMB circular A-21, the other applicable cost principles are:

- (a) OMB Circular A-122, applicable to other nonprofit organizations, except those specifically exempted by the circular.
- (b) Subpart 31.2 of the Federal Acquisition Regulation (48 CFR 31.2), applicable to commercial firms and those nonprofit organizations specifically exempted from the provisions of OMB Circular A-122.
- (c) OMB Circular A-87 (34 CFR 255), for state, local and Indian Tribal governments.
- (d) 45 CFR 74, Appendix E, for hospitals.

Nondiscrimination:

By signing or accepting funds under this Agreement, the Seller assures that it will comply with applicable provisions of the following national policies prohibiting discrimination:

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- (a) Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000d, et seq.) as implemented by DoD regulations at 32 CFR part 195. Said Act, as amended, and regulations are incorporated in this Agreement by reference;
- (b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) (Universities only). Said Amendments are incorporated in this Agreement by reference;
- (c) Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR Part 90. Said Act and amendments are incorporated in this Agreement by reference;
- (d) Rehabilitation Act of 1973 (29 U.S.C. 794) as implemented by Department of Justice regulations at 28 CFR part 41 and DoD regulations at 32 CFR part 56.

Live Organisms:

- (a) Human Subjects. Agreement funds may NOT be used for research that uses uninformed or nonvoluntary humans as experimental subjects. The Seller is responsible for the protection of the rights and welfare of any human subjects involved in research, development, and related activities supported by this Agreement. The Seller agrees to comply with the Common Federal Policy for the Protection of Human Subjects, codified by the Department of Health and Human Services at 45 CFR part 46 implemented by the Department of Defense at 32 CFR part 219.
- (b) Animal Welfare. Any Seller performing research, experimentation, or testing involving the use of animals shall comply with the rules on animal acquisition, transport, care, handling, and use in : (i) 9 CFR parts 1-4, Department of Agriculture rules that implement the Laboratory Animal Welfare Act of 1966, as amended, (7 U.S.C. 2131-2156); and (ii) the guidelines described in National Institutes of Health Publication No. 86-23, "Guide for the Care and Use of Laboratory Animals".

Clean Air and Water:

If the amount of the Agreement exceeds \$100,000, the Seller assures that it will comply with the applicable provisions of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended and the Clean Water Act (33 U.S.C. 1251 et seq.), as implemented by Executive Order No. 11738 (3 CFR, 1971-1975 Comp. P. 799), and the related regulations of the Environmental Protection Agency (EPA) (40 CFR part 15). Said regulations, Executive Order, and Acts are incorporated in this Agreement by reference. The Seller further agrees that it will not use any facility on the EPA's List of Violating Facilities in performing any award that is nonexempt under 40 CFR 15.5, as long as the facility remains on the list. If, in performing this award, the Seller intends to use a facility that is on the List of Violating Facilities or that the Seller knows has been recommended to be placed on the List of Violating Facilities, the Seller shall notify the Buyer.

Transportation Preferences:

- (a) U.S. Flag Carriers. Travel supported by U.S. Government funds under this Agreement shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 amendment to Comptroller General's Decision B-138942. Such Act and guidelines are incorporated in this Agreement by reference.
- (b) Cargo Preference. The Recipient agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulations at 46 CFR 381.7 which require that at least 50 percent of equipment, materials, or commodities procure or otherwise obtained with U.S. Government funds under this Agreement, and which may be transported by ocean vessel, shall be transported on privately owned U.S.-flag commercial vessels, if available.

A = ADDED
D = DELETED
R = REVISED