



Section 9 : GOVERNMENT CONTRACT REQUIREMENTS

CLAUSE 90L (3/28/00)

GS-35F-0109K

GENERAL PURPOSE COMMERCIAL INFORMATION **TECHNOLOGY EQUIPMENT, SOFTWARE, AND SERVICES** **GOVERNMENT CONTRACT REQUIREMENTS**

(a) The following contract clauses are incorporated by reference from the Federal Acquisition Regulation and apply to the extent indicated. Unless provided for elsewhere in this contract, only subparagraphs (7), (8), and (9) of this paragraph (a) shall apply to any portion of this contract that is for commercial items or commercial components, as those terms are defined at FAR 52.202-1. In all of the following clauses, "Contractor" and "Offeror" shall mean Seller.

(1) 52.203-6 Restrictions on Subcontractor Sales to the Government (JUL 1995). This clause applies only if this contract exceeds \$100,000.

(2) 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (JAN 1997). This clause applies only if this contract exceeds \$100,000. If the Government reduces Buyer's price or fee for violations of the Act by Seller or its subcontractors at any tier, Buyer may withhold or recover from Seller the amount of the reduction.

(3) 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (APR 1991)

(4) 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (JUN 1997). This clause applies only if this contract exceeds \$100,000. Paragraph (c) (4) is modified to read as follows: "(c) (4) Seller will promptly submit any disclosure required (with written notice to MDC) directly to the PCO for the prime contract. MDC will identify the cognizant Government PCO at Seller's request. Each subcontractor certification will be retained in the subcontract file of the awarding contractor."

(5) 52.219-8 Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (JUN 1997)

(6) 52.219-9 Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (AUG 1996). This clause applies only if this contract exceeds \$500,000 and Seller is not a small business concern. In paragraph (c), "Contracting Officer" shall mean Buyer.

(7) 52.222-26 Equal Opportunity (FEB 1999) [subparagraphs (b)(1) through (11)]

(8) 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 1998). This clause applies only if this contract is for \$10,000 or more.

(9) 52.222-36 Affirmative Action for Handicapped Workers (JUN 1998). This clause applies only if this contract exceeds \$10,000.

(10) 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 1999). This clause applies only if this contract is for \$10,000 or more.

(11) 52.224-1 Privacy Act Notification (APR 1984). This clause applies only if this contract requires the design, development, or operation of a system of records on individuals to accomplish an agency function subject to the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations.

(12) 52.224-2 Privacy Act (APR 1984). This clause applies only if this contract requires the design, development, or operation of a system of records on individuals to accomplish an agency function subject to the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations.

(13) 52.225-11 Restrictions on Certain Foreign Purchases (OCT 1996)

(14) 52.237-2 Protection of Government Buildings, Equipment, and Vegetation (APR 1984). This clause applies only if this contract requires work on a Government installation.

(15) 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (JUN 1997). This clause applies only if this contract exceeds \$100,000.

(b) Compliance with laws unique to Government contracts. Seller agrees to comply with 40 U.S.C. 327, et seq., Contract Work Hours and Safety Standards Act (in accordance with FAR 12.504(b), certain requirements of this law have been eliminated for subcontracts at any tier for the acquisition of commercial items or commercial components) and 41 U.S.C. 51-58, Anti-Kickback Act of 1986.