

**UNIVERSITY OF CALIFORNIA SUPPLEMENT 5.1**

**SPECIAL TERMS AND CONDITIONS FOR PURCHASE OF COMMERCIAL ITEMS**

The clauses contained in the following paragraphs of the Federal Acquisition Regulations (FAR) are incorporated herein by reference. The date of the prime award determines the date of the FAR clauses that are applicable. For purposes of this Purchase Order in the following clauses, the term "contract" shall mean "this order"; the term "Contractor" shall mean "Seller"; and the terms "Government" and "Contracting Officer" shall mean "University." "Commercial Item" shall be as defined in FAR 2.101  
[http://www.arnet.gov/far/current/html/Subpart%202\\_1.html#wp1145507](http://www.arnet.gov/far/current/html/Subpart%202_1.html#wp1145507) .

THE FOLLOWING PROVISIONS OF THE FAR APPLY REGARDLESS OF THE AMOUNT OF THIS ORDER:

<u>Clause</u>	<u>Date of Last FAR Revision</u>	<u>Title</u>
52.222-26	Mar 2007	Equal Opportunity
52.222-41	Nov 2007	Service Contract Act of 1965
52.222-50	Feb 2009	Combating Trafficking in Persons
52.247-64	Feb 2006	Preference for Privately Owned U.S.-Flag Commercial Vessels
52.203-15	Mar 2009	Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (if funded by the Recovery Act)

THE FOLLOWING PROVISION OF THE FAR APPLIES FOR ALL CONTRACTS FUNDED IN WHOLE OR IN PART BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

52.204-11	Mar 2009	American Recovery and Reinvestment Act – Reporting Requirements
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THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IN SUBCONTRACTS FOR EXEMPT SERVICES UNDER THIS CONTRACT:

52.222-51	Nov 2007	Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements
52.222-53	Feb 2009	Exemption from Application of the Service Contract Act to Contracts for Certain Services-Requirements

( ) IF THIS BOX IS CHECKED INDICATING A REQUIREMENT OF THE PRIME AWARD, THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF

- The award occurs after September 8, 2009;
- The amount of this order exceeds \$3,000;
- This order includes work performed in the United States, for:
  - Construction, or
  - Commercial or non-commercial services (except for commercial services that are part of the purchase of a Commercial Off-The-Shelf item (COTS):

52.222-54	Jan 2009	Employment Eligibility Verification
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THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE

AMOUNT OF THIS ORDER EXCEEDS \$10,000:

52.222-36      June 1998      Affirmative Action for Workers with Disabilities

THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$25,000 AND IS FOR THE PROVISION, SERVICE, OR SALE OF FOOD IN THE UNITED STATES:

52.226-6      Mar 2009      Promoting Excess Food Donation to Nonprofit Organizations

THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS THE SIMPLIFIED ACQUISITION THRESHOLD OF \$100,000:

52.219-8      May 2004      Utilization of Small Business Concerns  
52.222-35      Sept 2006      Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans  
52.222-39      Dec 2004      Notification of Employee Rights Concerning Payment of Union Dues or Fees

THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$5 MILLION AND THE PERFORMANCE PERIOD IS MORE THAN 120 DAYS:

52.203-13      Dec 2008      Contractor Code of Business Ethics and Conduct