

## Exhibit C, Supplement 5, Special Terms and Conditions for Federal Government Contracts

## University of California

**Special Terms and Conditions For Federal Government Contracts**

The clauses contained in the following paragraphs of the Federal Acquisition Regulations (FAR) are incorporated herein by reference. The date of this order determines the date of the FAR clause that is 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" (except with respect to clauses 52.215-2, 52.227-2, 52.227-11, 52.227-12, 52.227-14, 252.227-7013, 252.227-7037, 18-52.227-14, and 18-52.227-70 in which cases "Government" means "United States Government").

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

- FAR 52.204-2 Security Requirements (Applies only if this order involves access to classified information)
- FAR 52.208-1 Required Sources for Jewel Bearings (Applicable only if this order requires the use of jewel bearings)
- FAR 52.219-1(c) Small Business Concern Representation (Applies only if business status is misrepresented for the purpose of obtaining a subcontract that is to be included as a part or all of a goal contained in a subcontracting plan)
- FAR 52.223-3 Hazardous Material Identification and Material Safety Data (Applicable only if this order involves hazardous material)
- FAR 52.227-10 Filing of Patent Applications - Classified Subject Matter (Applies only if this order involves access to classified information)
- FAR 52.227-11 Patent Rights - Retention by the Contractor (Short Form - For Sellers who are classified as a small business or a nonprofit organization)
- FAR 52.227-12 Patent Rights - Retention by the Contractor (Long Form - For all other Sellers)
- FAR 52.227-14 Rights in Data-General (With Alternate 4 if Seller is an educational institution)
- FAR 52.247-63 Preference for U.S. -- Flag Carriers (Applies only if this order involves international air transportation)

THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$10,000:

- FAR 52.222-35 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era
- FAR 52.222-36 Affirmative Action for Workers with Disabilities
- FAR 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era

THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$25,000

- FAR 52.225-13 Restrictions on Certain Foreign Purchases

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

- FAR 52.203-6 Restrictions on Subcontractor Sales to the Government
- FAR 52.203-7 Anti-Kickback Procedures (Excluding subparagraph (c) (1) of the clause)
- FAR 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
- FAR 52.203-12 Limitation on Payments to Influence Certain Federal Transactions
- FAR 52.215-2 Audit and Records --Negotiation (Applies only if this order was entered into by negotiation)
- FAR 52.219-8 Utilization of Small Business Concerns (Does not apply to small business concerns)
- FAR 52.223-14 Toxic Chemical Reporting (Applies only to noncommercial, first tier subcontracts and only if the subcontractor is in SIC Classification 20-39)
- FAR 52.227-1 Authorization & Consent
- FAR 52.227-2 Notice of Assistance Regarding Patent & Copyright Infringement

THE FOLLOWING PROVISIONS OF THE FAR ALSO APPLY IF THE AMOUNT OF THIS ORDER EXCEEDS \$500,000:

- FAR 52.219-9 Small Business Subcontracting Plan (Does not apply to small business concerns)

THE FOLLOWING PROVISIONS OF THE DEFENSE FEDERAL ACQUISITION REGULATIONS (DFARS) APPLY ONLY TO ORDERS FUNDED BY THE DEPARTMENT OF DEFENSE (DOD):

- DFARS 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (Applicable only if the amount of this order exceeds \$100,000)
- DFARS 252.225-7001 Buy American Act and Balance of Payments Program (Applies if contract includes deliverable supplies)
- DFARS 252.225-7009 Duty Free Entry - Qualifying Country End Products and Components (Applicable only if contract includes deliverable supplies)
- DFARS 252.225-7026 Reporting of Contract Performance Outside the United States (Applicable only to first tier subcontractors and only if this order exceeds \$500,000)
- DFARS 252.227-7013 Rights in Technical Data Noncommercial Items (Applicable only if the prime DOD contract contains this clause and only if noncommercial technical data or computer software are to be obtained under this order; the same alternates or additions/deletions, if any, that are in the prime DOD contract clause also apply, suitably modified, to this order)

DFARS 252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Applicable only if this order requires delivery of noncommercial software)	NFAR 18-52.244-70	Geographic Participation in the Aerospace Program (Applicable only if the prime NASA contract is \$500,000 or more and the amount of this order is \$100,000 or more)
DFARS 252.227-7015 Technical Data--Commercial Items (Applicable only if this order requires delivery of technical data pertaining to commercial items)	NFAR 18-52.245-73	Financial Reporting of NASA Property in the Custody of Contractors (Applies only if this order involves the acquisition or furnishing of property)
DFARS 252.227-7016 Rights in Bid or Proposal Information		
DFARS 252.227-7019 Validation of Asserted Restrictions--Computer Software (Applicable only if this order involves delivery of computer software)		
DFARS 252.227-7037 Validation of Restrictive Markings on Technical Data (Applicable only if DFARS 252.227-7013 applies)		
DFARS 252.245-7001 Reports of Government Property (Applicable only if this order involves acquisition of Government property)		
DFARS 252.247-7023 Transportation of Supplies by Sea (Applicable only if this order involves acquisition of noncommercial items and the amount of this order exceeds \$25,000)		
DFARS 252.249-7002 Notification of Proposed Contract Termination or Reduction (Applicable only if this order exceeds \$500,000)		

THE FOLLOWING PROVISIONS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) FEDERAL ACQUISITION REGULATIONS (NFAR) APPLY ONLY TO ORDERS FUNDED BY NASA:

NFAR 18-52.219-75	Small Business Subcontracting Reporting (Applicable only if this order includes FAR 52.219-9)
NFAR 18-52.227-14	Rights in Data-General (Applies only if the prime NASA contract contains this clause and Seller is not an educational institution performing research under this order)
NFAR 18-52.227-70	New Technology (Applicable only to for profit firms)
NFAR 18-52.227-72	Designation of New Technology Representative and Patent Representative (Applicable only if 18-52.227-70 applies)
NFAR 1852.228-72	Cross-Waiver of Liability for Space Shuttle Services (Applicable only if this order involves Space Shuttle services)
NFAR 1852.228-76	Cross-Waiver of Liability for Space Station Activities (Applicable only if this order involves Space Station activities)
NFAR 1852.228-78	Cross-Waiver of Liability for NASA Expendable Launch Vehicle Launches (Applicable only if this order involves NASA ELV launches)
NFAR 1852.242-73	NASA Contractor Financial Management Reporting (Applicable only if the amount of this order exceeds \$500,000)