

# Contract Compliance and the Federal Acquisition Regulation (FAR)

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ORA CERTIFICATE PROGRAM

(MODULE 11)

20 APRIL 2016

# Learning Objectives

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- ⇒ Participants will learn about the history of the Federal Acquisition Regulation (FAR)
- ⇒ Participants will understand the differences between a contract and a grant
- ⇒ Participants will learn about contract types and understand key FAR clauses
- ⇒ Participants will learn about compliance requirements for federal contracts
- ⇒ Participants will learn about important University policies

# What is a Contract?

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A legally binding agreement involving two or more people or businesses (called parties) that sets forth what the parties will or will not do.

*Definition from NOLO's Plain-English Law Dictionary*

# What is a Contract

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## Basic Elements of a Contract

- ⇒ Mutual Assent (e.g., an offer to do X in exchange for Y, followed by an acceptance of that offer)
- ⇒ Consideration (e.g., a promise to fix a leaky roof in return for a payment of \$1,000 -- or a promise not to do something, such as not disclose another's confidential or proprietary information)
- ⇒ Capacity (e.g., rules often require a person to have reached a minimum age and to have soundness of mind)
- ⇒ Legality (quality or state of being in accordance with the law)

# Contract vs. Grant

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## Contract

- ⇒ Procurement: funds appropriated by Congress for agencies to conduct business; used by the government to procure goods and services for its use
- ⇒ Request for Proposals (RFP) or Request for Quote (RFQ)  
Sponsor determines SOW/ Proposals are used to evaluate Prospective Offers

## Grant

- ⇒ Financial Assistance: funds appropriated by Congress to support a public purpose; advancements in Arts or Science, Social Welfare Programs, etc.
- ⇒ Standard Sponsor Guidelines/Funding Opportunity Announcement  
Project idea conceived by Principal Investigator

# Contract vs. Grant

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## Contract

- ⇒ Federal Acquisition Regulation (FAR)
- ⇒ OMB Circulars: A-21 (FAR Subpart 31.3) & A-133 (FAR 52.215-2 Alt. II)
  - Note: Uniform Guidance
- ⇒ Restrictive Terms & Conditions

## Grant

- ⇒ Uniform Guidance
- ⇒ Expanded Authority
- ⇒ Flexible Terms & Conditions

# Contract vs. Grant (Uniform Guidance)

Type of Entity	Type of Award	Cost Principles	Administrative Requirements	Audit Requirements
Educational	Grant	Subpart E	Subpart D	Subpart F
	Contract	Subpart E	FAR	Subpart F
Non-Profit	Grant	Subpart E	Subpart D	Subpart F
	Contract	Subpart E	FAR	Subpart F
Hospital	Grant	Subpart E	Subpart D	Subpart F
	Contract	Subpart E	FAR	Subpart F
State & Local	Grant	Subpart E	Subpart D	Subpart F
	Contract	Subpart E	FAR	Subpart F
For-Profit	Procurement	FAR	FAR	FAR

Modified slide based on table developed by David Mayo, California Institution of Technology. Used with permission.

# Key Events in the Federal Acquisition Process

1779

## Constitution of the United States

The seven of the Federal Government to make provisions to a specific power granted by Article I, Section 9 of the Constitution, which gives Congress the power to "pay the Debt and provide for the common Defense and general Welfare of the United States", with the authority to establish post-offices, raise and maintain a troop, army, and other services to carry out this purpose.

Article I, Section 9 establishes the power of the purse, requiring appropriations to be passed by Congress and signed by the president before operations can proceed.

1809

## Misappropriations Act

Congress enacted the statute in 1809 as part of a reorganization of the War, Navy, and Treasury Departments to limit the Department of War in spending appropriations. The statute version of the law as enacted in 1818 C. 5000 is still in force. Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

Reference to Research Administration: Contracting Officers must use specific funds for intended purposes, and run off of other funds is prohibited by violating this law.

1870

## Anti-deficiency Act

The first version of this Act can be traced to 1870 and is now codified in 41 U.S.C. 5-304. It holds that Federal employees may not render the government in any obligation to pay money before funds have been appropriated for that purpose, with few exceptions.

Reference to Research Administration: The Government Acquisition in 2012 is a prime example of how a lack of federal appropriations can impact business as usual at the University.

1947

## Armed Services Procurement Act of 1947

This act governs acquisition by defense agencies, creating the first consolidated rule book.

Reference to Research Administration: This act established competitive acquisition as a method of Government Contracting and laid the foundation for the FAR.

## Bona Fide Needs Rule

The Bona Fide Needs Rule originates from the first general appropriations act in 1790, which held that appropriations were for services "in the present year", meaning that such needs could not be carried over into the next fiscal year. The Bona Fide Needs rule is a cornerstone of appropriations law and is codified in 41 U.S.C. 50200(a).

Reference to Research Administration: The government's fiscal year ends on September 30 or end of the business cycle in federal government, and often requires the University to start to award contracts quickly to avoid losing fiscal year funds.

1789

## Civil Sundry Appropriations Act of 1861

The Civil War caused procurement needs for the federal government that were more effectively controlled through advertised solicitations for sealed bids, as established by this act.

Reference to Research Administration: This act created the basis for the modern day federal solicitations. Sealed bids are still prevalent in Government Contracting. Sealed bids are still used for contracting by negotiation.

1861

## Science The Endless Frontier published

Thomas D. Bacon, Director of the Office of Scientific Research and Development, published a report for President Truman detailing the case to invest government resources in developing and building agencies for research and development, under the argument that investment in scientific development would bring significant and permanent benefits to the American people.

Reference to Research Administration: This report worked as leading organizations including NSF, ONR, and NIH.

1945

## Federal Procurement Policy Act of 1974

Statistical Policy Acquisition, Regulations for the collection and publication of contract performance and procedures for acquisition by all executive agencies.

Reference to Research Administration: Most of the University of Maryland research and development contracts are governed by the FAR.

1974



# 1779

## ***Constitution of the United States***

The power of the Federal Government to make purchases is an implicit power granted in Article I, Section 8 of the Constitution, which gives Congress the power to "to pay the Debts and provide for the common Defense and general Welfare of the United States", with the authority to establish post offices, raise and maintain armies, a navy, and other services to carry out this purpose.

Article I, Section 9 establishes the 'power of the purse', requiring appropriations to be passed by Congress and signed by the president before agencies can expend money.

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## ***Bona Fide Needs Rule***

The *Bona Fide* Needs Rule originates from the first general appropriation act in 1789, which held that appropriations were for services “in the present year”, meaning that such funds could not be carried over into the next fiscal year. The *Bona Fide* Needs rule is a cornerstone of appropriations law and is codified in 31 U.S.C. 1502(a).

Relevance to Research Administration: The government's fiscal year end on September 30 is one of the busiest cycles in federal procurement, and often requires the University to turn around contracts quickly to avoid losing fiscal year funds.

1789

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# 1809

## ***Misappropriations Act***

Congress enacted this statutory control in 1809 as part of a reorganization of the War, Navy, and Treasury Departments to limit the Executive Branch in spending appropriations. The current version of the law as stated in 31 U.S.C. § 1301(a) holds that “Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

Relevance to Research Administration: Contracting Officers must use specific funds for intended purposes, and can suffer criminal penalties by violating this law.

## ***Civil Sundry Appropriations Act of 1861***

The Civil War created procurement needs for the federal government that were more effectively carried out through advertised solicitations for sealed bids, as established by this act.

Relevance to Research Administration: This act created the basis for the modern day federal solicitation. Sealed bids are still practiced in Government Contracting. Sealed bids do not allow for contracting by negotiation.

1861

# 1870

## ***Anti-deficiency Act***

The first version of this Act can be traced to 1870 and is now codified in 31 U.S.C. § 1341. It holds that Federal employees may not involve the government in any obligation to pay money before funds have been appropriated for that purpose, with few exceptions.

Relevance to Research Administration: The Government shutdown in 2013 is a prime example of how a lack of federal appropriations can impact business as usual at the University.

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## ***Science The Endless Frontier published***

Vannevar Bush, Director of the Office of Scientific Research and Development, published a report for President Truman making the case to invest government resources in creating grant making agencies for research and development, with the argument that investment in scientific development would wage against disease and protect the national security of the American people.

Relevance to Research Administration: This report is credited in leading to legislation establishing NSF, ONR, and NIH.

1945

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# 1947

## ***Armed Services Procurement Act of 1947***

This act governed acquisition by defense agencies, creating the first consolidated rule book.

Relevance to Research Administration: This act established competitive negotiation as a method of Government Contracting and laid the foundation for the FAR.

## ***Federal Procurement Policy Act of 1974***

Established Federal Acquisition Regulation, for the codification and publication of uniform policies and procedures for acquisition by all executive agencies.

Relevance to Research Administration: Most of the University of Maryland's research and development contracts are government by the FAR.

1974



# Federal Acquisition Regulations System

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- ⇒ Codified at Title 48 of the Code of Federal Regulations (CFR)
- ⇒ A system of uniform policies and procedures governing acquisitions by all federal executive agencies
- ⇒ Consists of the **Federal Acquisition Regulation (FAR)** which is the primary document; there are agency specific acquisition regulations that implement or supplement the FAR.
- ⇒ FAR Part 52 contains solicitation provisions and contract clauses

# Government Contracting Parties

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## **Contracting Officer**

- ⇒ Solicits and acquires goods/services, negotiates, and reviews Contractor requests for approval; only person authorized to approve changes to any of the terms and conditions of the contract, including cost/price adjustments

## **Contract Specialist**

- ⇒ Solicits and acquires goods/services under direction of CO and engage in negotiations, also assists with contract administration

## **Contracting Officer Representative / Contracting Officer Technical Representative**

- ⇒ Responsible for the administration of technical details within the scope of work and inspection, acceptance of deliverables and reports (not authorized to obligate government funding, change SOW, or to make any other changes to the contract)

# Contracting by Negotiation

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- ⇒ Negotiations are not entertained in Sealed Bidding, in which proposals are evaluated without discussions with Contractor (FAR Part 14)
- ⇒ Contracting by Negotiation rules are in FAR Part 15
- ⇒ Government engages in discussions with prospective Contractor and allows opportunities to:
  - Revise Cost Proposal
  - Revise Technical Requirements
  - Type of Contract (Cost Reimbursable/Firm Fixed Price)
  - Contract Terms

# Contract Types

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Contract type is a major factor in the contract clauses prescribed under the Federal Acquisition Regulations (FAR)

# Cost-Reimbursement Contracts

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- ⇒ Provides for payment of allowable **incurred** costs
- ⇒ Obligated vs. Anticipated
- ⇒ Incremental Funding
- ⇒ Contractor may not incur expenditures beyond funding obligation without the approval of the Contracting Officer (except at own risk)
- ⇒ Defined in FAR 16.301

# Types of Cost-Reimbursable Contracts

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- ⇒ Other types of Cost-Reimbursable Contracts used by the Government include Cost Plus Incentive Fee, Cost Plus Award Fee, and Cost Plus Fixed Fee
- ⇒ The University operates under “Cost Contracts” (no fee)
- ⇒ While the University does not propose fee contracts, it may need to issue them to commercial subcontractors working under Government Prime Awards on a fee (for profit) basis

# Contracts for Research and Development

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“Because the absence of precise specifications and difficulties in estimating costs with accuracy (resulting in a lack of confidence in cost estimates) normally precludes using fixed-price contracting for R&D, the use of cost-reimbursement contracts is usually appropriate.”

- FAR 35.006(c)

# Audit Requirements

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- ⇒ **FAR 52.215-2 Audit and Records—Negotiation**  
(Oct 2010) Alternate II (Apr 1998)
- ⇒ Government has the right to examine and audit all records and other evidence sufficient to determine costs anticipated or incurred were done properly
- ⇒ Alt. II incorporates OMB Circular A-133
  - Ensures contracts will be audited in accordance with standards appropriate for educational institution



# Allowable Costs

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## 52.216-7 Allowable Cost and Payment (Jun 2013)

### Alternate II (Aug 2012)

- ⇒ Costs must actually be “incurred” before they are paid by the Government
- ⇒ Incorporates OMB Circular A-21
- ⇒ Prescribes method of payment and invoicing procedures
- ⇒ Gives the Government the right to adjust previous payments in the event of an audit or if a cost is otherwise found to be unallowable by the Contracting Officer

# Limitation of Funds

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## 52.232-22 Limitation of Funds (Apr 1984)

- ⇒ Requires the Contractor to notify the Contracting Officer in writing 60 days in advance when it anticipates it will have incurred 75 percent of the total amount obligated on Contract
- ⇒ As prescribed in 32.705-2(b), clause inserted in solicitations and contracts if an incrementally funded cost-reimbursement contract is contemplated
- ⇒ Pls and Departments must forecast spending needs on a regular basis (at least monthly)
- ⇒ Pls and Departments must alert ORA to notify the Contracting Officer under this clause

# Limitation of Costs

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## 52.232-20 Limitation of Cost (Apr 1984)

- ⇒ Notification requirements are similar to Limitation of Funds Clause (send 60 days in advance of exceeding 75% of funding)
- ⇒ Notification utilized when Contractor has reason to believe that total costs will be greater or substantially less than had been previously estimated
- ⇒ Government may negotiate increase in contract price or terminate the agreement
- ⇒ Only the Contracting can authorize work to exceed the authorized cost ceiling in writing (not the COR or COTR)

# Firm-Fixed Price Contracts

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“A firm-fixed price contract provides for a price that is not subject to any adjustment on the basis of the contractor’s cost experience in performing the contract. This contract type places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss. It provides maximum incentive for the contractor to control costs and perform effectively and imposes a minimum administrative burden upon the contracting parties.”

-FAR 16.202-1

# Firm Fixed Price Contracts

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- ⇒ As with Cost-Reimbursable contracts, the University expends funds on Firm-Fixed-Price Contracts under a no fee basis
- ⇒ University does not submit detailed invoices, but cost proposals are still auditable

# Payments

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## 52.232-2 Payments under Fixed-Price Research and Development Contracts (Apr 1984)

- ⇒ Invoices are based on milestones or deliverables (not incurred costs)
- ⇒ Government may reject invoices if milestones or deliverables are not met

# What happens if we have money left?

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The University has established an administrative procedure in place for this scenario:

“Sponsored Program Procedure for Balances on Fixed Price Contracts: Administrative Procedure A10.3”

# Indefinite-Delivery Contracts

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- ⇒ Can be either Cost-Reimbursable or Fixed-Price
- ⇒ Provides for Delivery Orders or Task Orders to be issued under a base contract with general terms and conditions
- ⇒ May cover multiple projects involving different PIs for certain tasks



# Other Contract Types

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- ⇒ Time and Materials Contracts are used when it's not possible to estimate the duration of the work or costs with confidence; fixed hourly rates are required
- ⇒ Labor Hour Contracts are a variation of time and Materials Contract, where materials are not being delivered; fixed hourly rates are required
- ⇒ Letter Contracts are contractual instruments that authorize the contractor to begin work while a definitive contract is negotiated

# Compliance

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OTHER CONTRACT NOTIFICATIONS  
AND PRIOR APPROVAL REQUIREMENTS

# E-Verify

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## **FAR 52.222-54 Employment Eligibility Verification (Oct 2015)**

- ⇒ Purpose is to stop unauthorized employment of individuals who are not legally allowed to work in the United States
- ⇒ E-Verify is an Internet-based system that compares information from an employee's Form I-9 to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility
- ⇒ Department is responsible for initiating the process for employees assigned to the contract with E-Verify clause incorporated
- ⇒ Employees hired prior to 11/6/86 are not subject to the E-Verify process

University of Maryland  
Uniform Contract: HSHQDC-13-C-B0047

52.219-8	Utilization of Small Business Concerns	Jan 2011
52.222-2	Payment for Overtime Premium (Note: The dollar amount in paragraph (a) of this clause is \$0 unless otherwise specified in the contract.)	Jul 1990
52.222-3	Convict Labor	Jun 2003
52.222-21	Prohibition of Segregated Facilities	Feb 1999
52.222-26	Equal Opportunity	Mar 2007
52.222-35	Equal Opportunity for Veterans	Sep 2010
52.222-36	Affirmative Action for Workers with Disabilities	Oct 2010
52.222-37	Employment Reports on Veterans	Sep 2010

52.222-54	Employment Eligibility Verification	Jul 2012
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52.225-10	Encouraging Contractor Policies to Ban Text Messaging while Driving	Aug 2011
52.225-13	Restrictions on Certain Foreign Purchases	Jun 2008
52.227-1 and Alt I	Authorization and Consent and Alternate I	Dec 2007, Apr 1984
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement	Dec 2007
52.227-11	Patent Rights - Ownership by the Contractor (Note: In accordance with FAR 27.303(b)(2), paragraph (e) is modified to include the requirements in FAR 27.303(b)(2)(i) through (iv). The frequency of reporting in (i) is annual.)	Dec 2007
52.227-14 and Alt IV	Rights in Data – General Alternate IV	Dec 2007
52.227-16	Additional Data Requirements	Jun 1987
52.227-23	Rights to Proposal Data (Technical)	Jun 1987
52.228-7	Insurance – Liability to Third Persons Note: DHS recognizes that the University of Maryland maintains its own self insurance program and documentation is available upon request.	Mar 1996
52.230-2	Cost Accounting Standards	May 2012
52.230-3	Disclosure and Consistency of Cost Accounting Standards	May 2012
52.230-6	Administration of Cost Accounting Standards	Jun 2010
52.232-9	Limitation on Withholding of Payments	Apr 1984
52.232-20	Limitation of Cost	Apr 1984
52.232-23	Assignment of Claims	Jan 1986
52.232-25 and Alt I	Prompt Payment and Alternate I	Oct 2008, Feb 2002
52.232-33	Payment by Electronic Funds Transfer--Central Contractor	Oct 2003

# Travel

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- ⇒ Travel under a contract requires prior approval by either Contracting Officer, Contract Specialist or COR/COTR even if included in approved budget
- ⇒ Sponsor requires specific details, such as name of travelers, purpose of trip, destination, number of travel days, and estimated costs (foreign travel may require additional information or requirements before approval)
- ⇒ Travel done in accordance with FAR Subpart 31.3 not Federal Travel Regulations or other regulation

### **G.6. Travel Costs**

Travel and subsistence are authorized for work performed under this task order. The Contractor will be reimbursed for allocable, allowable and reasonable travel expenses only at the per diem rates specified in applicable Federal Travel Regulations and in accordance with FAR PART 31. Travel expenses shall not be burdened with profit or fee. The Contractor shall use the most economical method of travel available. Local travel within the Washington, DC area (which includes Prince George's County, MD) will not be reimbursed. Prior to the start of travel, the Contractor shall:

- (1) Conduct a cost analysis prior to the start of travel to determine the most cost effective means of travel. Alternate airports must be used where available and within a reasonable commuting distance, if it will result in lower costs.
- (2) Submit to the COR a list of those personnel requesting travel, including the location personnel are travelling from, and an estimate for the anticipated travel cost, based on the cost analysis conducted, for approval in advance of each travel event.

G.7.3. Upon completion of this task order, if the Government provided or the Contractor acquired Government property, the Contractor shall coordinate with the Contracting Officer and COR for final disposition. Refer to section D.1 for packaging and shipping instructions.

### **G.8. Final Payment**

Final payment under this contract requires (1) receipt and acceptance by the Government of all required services and/or supplies; (2) final accounting for and disposition of Government property; (3) the assignment to the Government of any refunds and the release discharging the Government from liabilities per the terms and conditions of the award; and (4) final audit by the cognizant audit agency, if necessary.

# Subcontracting Plans

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## **FAR 52.219-9, Small Business Subcontracting Plan** (Oct 2015)

- ⇒ Required for contracts expected to exceed \$700,000
- ⇒ PI and Department must work with procurement to complete Subcontracting Plan required by RFP
- ⇒ Incorporated into Contract
- ⇒ Applies to all non-salary and benefits costs
- ⇒ University has Master Subcontracting Plan



Task Order Request for Proposal for BOA HSHQDC-10-A-BOA36 (University of Maryland)  
HSHQDC-12-R-00043  
Comprehensive Testing of Imminent Messages for Mobile Devices Project

**L.6. Submission Requirements for Technical Proposal and Subcontracting Plan**

L.6.1. For Factor 1, Technical Approach (see Section M.1.1 for evaluation criteria for this factor), the technical proposal shall include:

- (a) Detail regarding the Offeror's plan for completing each of the tasks outlined in the Statement Of Work (SOW) (Section J, Attachment J.1.) such that the documentation clearly and concisely demonstrates an understanding of the Government's requirement.
- (b) A brief summary of the experience of all personnel who will be performing the services listed in the SOW, including any work to be performed by any subcontractors.
- (c) A description of the anticipated efforts for each of the proposed personnel.
- (d) If subcontracting any of the effort, a description of how the subcontractors will be managed.

(a) A completed small business subcontracting plan (a template is provided as a separate attachment to this solicitation for the Offeror to complete). Other formats of a small business subcontracting plan may be acceptable, however, it must include the essential information required by FAR 52.219-9 Small Business Subcontracting Plan.

Type of Business	Goals FY2012 and FY2013 (2 Year Goals)
SB Sub	45%
SDB Sub	5%
HUBZone SB Sub	3%
SDVOSB Sub	3%
WOSB Sub	5%

(b) If subcontracting opportunities exist, but none can be provided to small businesses, then the Offeror must provide a statement/rationale to justify why any proposed non-small business subcontractor(s) would be essential for the performance of the SOW (e.g., an explanation of the impact to the technical capability of adequately completing the SOW task/deliverables without the proposed non-small business subcontractor(s)).



# Subcontracts

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## 52.244-2 Subcontracts (Oct 2010) ALT 1 (Jun 2007)

- ⇒ Contractor must receive written permission from Contracting Officer before issuing new Subcontracts
- ⇒ Subcontracts are requested by the PI and Department using the Subaward Request Form – they are not automatically issued
- ⇒ Subcontracts can take time to negotiate

# Equipment

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## 52.245-1 Government Property (Apr 2012) ALT II (Apr 2012)

- ⇒ Government retains ownership of equipment purchased with contract funds
- ⇒ Status of equipment must be reported annually
- ⇒ Non-profits must ask permission at the end of the contract to retain equipment (disposition)
- ⇒ Non-profits are allowed to retain ownership of equipment under 5k with permission of CO

Task Order Request for Proposal for BOA HSHQDC-10-A-BOA36 (University of Maryland)  
HSHQDC-12-R-00043  
Comprehensive Testing of Imminent Messages for Mobile Devices Project

property of DHS. The Contractor shall maintain any such items according to currently existing property accountability procedures. The Contracting Officer and COR will determine the final disposition of any such items.

**G.6. Travel Costs**

Travel and subsistence are authorized for work performed under this task order. The Contractor will be reimbursed for allocable, allowable and reasonable travel expenses only at the per diem rates specified in applicable Federal Travel Regulations and in accordance with FAR PART 31. Travel expenses shall not be burdened with profit or fee. The Contractor shall use the most economical method of travel available. Local travel within the Washington, DC area (which includes Prince George's County, MD) will not be reimbursed. Prior to the start of travel, the Contractor shall:

- (1) Conduct a cost analysis prior to the start of travel to determine the most cost

**G.7. Government Property**

G.7.1. The Government may provide property or equipment for use in performance of this task order. This property or equipment shall be used only for the work required under this task order in accordance with FAR 52.245-1 Government Property (AUG 2010).

G.7.2. The Contractor shall control, protect, preserve, use, maintain, and repair any Government property or equipment provided for, or purchased for, performance under this contract in accordance with sound industrial and business practices and the requirements of this contract.

G.7.3. Upon completion of this task order, if the Government provided or the Contractor acquired Government property, the Contractor shall coordinate with the Contracting Officer and COR for final disposition. Refer to section D.1 for packaging and shipping instructions.

Government from liabilities per the terms and conditions of the award; and (4) final audit by the cognizant audit agency, if necessary.

# Reporting Inventions

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## 52.227-11 Patent Rights – Ownership by the Contractor (May 2014)

- ⇒ Implements Bayh-Dole
- ⇒ University must report subject inventions
- ⇒ PI submits disclosure to the Office of Technology and Commercialization (OTC)
- ⇒ OTC Submits reports on behalf of University
- ⇒ Failure to report can result in assignment of patent rights to Government

Task Order Request for Proposal for BOA HSHQDC-10-A-BOA36 (University of Maryland)  
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 Comprehensive Testing of Imminent Messages for Mobile Devices Project

	Modifications (OCT 1997) (Alternate III)
52.215-22	Limitations on Pass-Through Charges—Identification of Subcontract Effort (OCT 2009)
52.215-23	Limitations on Pass-Through Charges (OCT 2009)
52.216-7	Allowable Cost and Payment (JUN 2011) (FAR Subpart 31.3)
52.216-11	Cost Contract – No Fee (Apr 1984)
52.219-8	Utilization of Small Business Concerns (Jan 2011)
52.219-9	Small Business Subcontracting Plan (Jan 2011) Alternate II (OCT 2001)
52.222-2	Payment for Overtime Premiums (JUL 1990)
52.222-3	Convict Labor (JUN 2003)
52.222-21	Prohibition on Segregated Facilities (FEB 1999)
52.222-26	Equal Opportunity (MAR 2007)
52.222-35	Equal Opportunity for Veterans (SEP 2010)
52.222-36	Affirmative Action for Workers With Disabilities (OCT 2010)
52.222-37	Employment Reports on Veterans (SEP 2010)
52.222-38	Compliance with Veteran’s Employment Reporting Requirements (SEP 2010)
52.222-50	Combating Trafficking in Persons (FEB 2009)
52.222-54	Employment Eligibility Verification (JAN 2009)
52.223-6	Drug-Free Workplace (MAY 2001)
52.223-18	Contractor Policy to Ban Text Messaging While Driving (AUG 2011)
52.224-1	Privacy Act Notification (APR 1984)
52.224-2	Privacy Act (APR 1984)
52.225-13	Restriction on Certain Foreign Purchases (JUN 2008)

<b>52.227-11</b>	<b>Patent Rights—Ownership by the Contractor (DEC 2007)</b>
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52.227-16	Additional Data Requirements (JUN 1987)
52.228-7	Insurance – Liability to Third Persons (MAR 1996) Note: DHS recognizes that the University of Maryland maintains its own self insurance program and documentation is available at the task order level
52.229-3	Federal, State, and Local Taxes (APR 2003)
52.230-2	Cost Accounting Standards (OCT 2010)
52.230-3	Disclosure and Consistency of Cost Accounting Practices (OCT 2008)
52.230-5	Cost Accounting Standards – Educational Institution (OCT 2010)
52.230-6	Administration of Cost Accounting Standards (JUN 2010)
52.232-9	Limitation on Withholding of Payments (APR 1984)
52.232-17	Interest (OCT 2010)
52.232-20	Limitation of Cost (APR 1984)
52.232-22	Limitation of Funds (APR 1984)
52.232-23	Assignment of Claims (JAN 1986)
52.232-25	Prompt Payment (OCT 2008) Alternate 1 (FEB 2002)
52.232-33	Payment by Electronic Funds Transfer—Central Contractor Registration (OCT 2003)
52.233-1	Disputes (JUL 2002)
52.233-3	Protest After Award (AUG 1996) Alternate 1 (JUN 1985)

# USM Board of Regents & University Policies

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## IV-2.00 Policy on Solicitation and Acceptance of Sponsored Projects

- ⇒ Applications may be submitted and awards accepted directly by the designated officer on each campus (Office of Research Administration)

## IV-2.20 Policy on Classified and Proprietary Work

- ⇒ University does not conduct federal classified work nor permits the use of University facilities or resources for classified work on campus
- ⇒ University will not enter into an agreement that bars investigator(s) from publishing or otherwise disclosing the findings publicly

# Federal Acquisition Regulation

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[www.acquisition.gov](http://www.acquisition.gov)

# Contact Information

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## **Takeia Bradley**

Contract Manager, ORA  
301-405-8061 / tbradle3@umd.edu

## **Marcine Snyder**

Contract Manager, ORA  
301-405-6177 / msnyder2@umd.edu