Battelle B713 - Non-Commercial Under Government Contracts

Non-Commercial Items/Services under U.S. Government Contracts

These supplementary provisions for Non-Commercial Items/Services shall be applicable to the furnishing of the goods or services covered by the attached Purchase Order.

1. **Definitions:** As used throughout this supplement, the term “Buyer” shall mean Battelle Memorial Institute, Columbus Operations and the term “Purchase Order” shall mean this Purchase Order and “Seller” shall mean the supplier whose name appears on the attached Purchase Order as well as this Supplement.

2. **Independent Contractor:** It is agreed that in the conduct of the work under this Purchase Order, the Seller is acting in the capacity of an independent contractor and not as an agent or employee of the Buyer.

3. **Private Use of Contract Information and Data:** Except as specifically authorized, information and data developed or acquired by or furnished to Seller in the performance of this Purchase Order shall be used only in connection with work under this Purchase Order.

4. **Conflict of Interest:** In addition to any specific Conflict of Interest obligation made part of this Purchase Order and/or may be pursuant to the provisions of FAR 9.5, Seller warrants that it is and shall remain free of any obligation or restriction which would interfere or be inconsistent with or present a conflict of interest concerning the work to be furnished by Seller under this Purchase Order.

   Seller’s obligations under this article are limited to the disclosure of information, and shall not be deemed to impose any conditions or restrictions on Seller’s right to enter into other contracts directly with the United States Government.

5. **Patent Indemnity:** Seller warrants that the work performed or delivered under this Purchase Order will not infringe or otherwise violate the intellectual property rights of any third party in the United States or any foreign country. Seller agrees to defend, indemnify and hold harmless Battelle and Battelle’s Client from and against any such claims.

6. **Payment – Time and Material or Labor Hour:** If this Purchase Order is a Time and Material Order as identified on the face of the Purchase Order, payment will be made in monthly installments based upon receipt of invoices in accordance with FAR 52.232-7 Payments Under Time-and-Material and Labor-Hour Contracts. Payment will be deemed to have been made when deposited in the mail. Seller shall be paid for the direct labor applied to the performance of this Purchase Order in accordance with the fixed hourly rates shown on the face of the Purchase Order.

7. **Assignment:** This Purchase Order may not be assigned, in whole or in part, nor may any assignment of any money due or to become due be made by Seller, without, in each case, the prior written consent of Buyer.
8. **Disputes:** All disputes under this Purchase Order which are not resolved by mutual agreement may be decided by recourse to an action at law or in equity. Until final resolution of any dispute hereunder, Seller shall diligently proceed with the performance of this Purchase Order as directed by Buyer. Any such dispute must be raised within one (1) year of its accrual.

9. **Federal Acquisition Regulation (FAR)/Defense Federal Acquisition Regulation Supplement (DFARS):**

The following contract clauses are incorporated by reference from Federal Acquisition Regulations (FAR) and supplemental clauses of the Defense Federal Acquisition Regulations Supplement (DFARS) and apply to the extent indicated. In addition, all clauses required by the US Government by statute, regulation or otherwise to be flowed down are hereby incorporated into this Purchase Order by this reference, whether or not they are explicitly referenced in this Article. In all of the following clauses, except 52.222-4 and 52.215-2 “Contractor” and “Offeror” mean Seller; “Government” shall mean Battelle and/or Government; and “Contracting Officer” shall mean Battelle’s Procurement Representative.
### Federal Acquisition Regulations (FAR)

#### Applicable to All Orders
- 52.204-2 (AUG 1996) Security Requirements
- 52.222-17 (JAN 2013) Non-displacement of Qualified Workers
- 52.222-20 (OCT 2010) Walsh-Healey Public Contracts Act
- 52.222-21 (FEB 1999) Prohibition of Segregated Facilities
- 52.222-26 (MAR 2007) Equal Opportunity
- 52.222-41 (NOV 2007) Service Contract Act
- 52.222-50 (FEB 2009) Combating Trafficking in Persons
- 52.223-7 (JAN 1997) Notice of Radioactive Material
- 52.224-2 (APR 1984) Privacy Act
- 52.225-8 (OCT 2010) Duty Free
- 52.225-13 (JUN 2008) Restriction on Certain Foreign Purchases
- 52.227-9 (APR 1984) Refund of Royalties
- 52.227-10 (DEC 2007) Filing of Patent applications – Classified Subject Matter
- 52.227-11 (DEC 2007) Patent Rights – Ownership by the Contractor
- 52.227-14 (DEC 2007) Rights in Data – General
- 52.229-5 (JAN 1957) Work on a Government Installation
- 52.242-15 (AUG 1989) Stop-Work Order
- 52.244-6 (JUN 2013) Subcontracts for Commercial Items
- 52.245-1 (APR 2012) Government Property
- 52.246-2 (AUG 1996) Inspection of Supplies – Fixed Price
- 52.246-3 (MAY 2001) Inspection of Supplies – Cost Reimbursement
- 52.246-4 (AUG 1996) Inspection of Services – Fixed Price
- 52.246-5 (APR 1984) Inspection of Services – Cost Reimbursement
- 52.246-6 (MAY 2001) Inspection – Time and Material and Labor Hour
- 52.246-7 (AUG 1996) Inspection – Research and Development – Fixed Price
- 52.246-8 (MAY 2001) Inspection – Research and Development – Cost Reimbursement
- 52.246-9 (APR 1984) Inspection – Research and Development (Short Form)
- 52.247-63 (JUN 2003) Preference for US Flag Air Carriers
- 52.247-64 (FEB 2006) Preference for Privately Owned U.S.-Flag Commercial Vessels

#### Additional clauses to All Orders Over $3,000
- 52.224-4 (APR 2012) Government Property
- 52.226-40 (DEC 2010) Notification of Employee Rights Under the National Labor Relations Act

#### Additional clauses to All Orders Over $10,000
- 52.222-40 (DEC 2010) Notification of Employee Rights Under the National Labor Relations Act

#### Additional clauses to All Orders Over $15,000
- 52.222-36 (OCT 2010) Affirmative Action for Workers with Disabilities

#### Additional clauses to All Orders Over $25,000
- 52.226-6 (MAR 2009) Promoting Excess Food Donation to Nonprofit Organizations

### Department of Defense FAR Supplement (DFARS)

#### Applicable to All Orders
- 252.201-7003 (SEP 2013) Requirement to Inform Employees of Whistleblower Rights
- 252.204-7000 (AUG 2013) Disclosure Information
- 252.204-7010 (JAN 2009) Requirement for Contractor to Notify DoD if the Contractor’s Activities are Subject to Reporting Under the U.S.-International Atomic Energy Agency Additional Protocols
- 252.204-7012 (NOV 2013) Safeguarding of Unclassified Controlled Technical Information
- 252.208-7000 (DEC 1991) Intent to Furnish Precious Metals as Government Furnished Material
- 252.211-7003 (DEC 2013) Item Identification and Valuation
- 252.216-7004 (OCT 2013) Award Fee Reduction Or Denial For Jeopardizing the Health Or Safety of Government Personnel
- 252.220-7006 (DEC 2010) Restrictions On the Use of Mandatory Arbitration Agreements
- 252.223-7002 (MAY 1994) Safety Precautions for Ammunition and Explosives
- 252.223-7006 (APR 2012) Prohibition on Storage and Disposal of Toxic and Hazardous Materials
- 252.223-7007 (SEP 1999) Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives
- 252.223-7008 (MAY 2011) Prohibition of Hexavalent Chromium
- 252.223-7009 (JUN 2013) Restrictions on Acquisition of Certain Articles Containing Specialty Metals
- 252.225-7013 (OCT 2013) Duty-Free Entry
- 252.225-7016 (JUN 2011) Restrictions on Acquisition of Ball and Roller Bearings
- 252.225-7019 (DEC 2009) Restrictions on Acquisition of Anchor and Mooring Chain

#### Additional clauses to All Orders Over $30,000
- 52.209-6 (AUG 2013) Protecting the Government’s Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.

#### Additional clauses to All Orders Over $100,000
- 52.222-35 (SEP 2010) Equal Opportunity for Veterans
- 52.222-37 (SEP 2010) Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
- 52.222-38 (SEP 2010) Compliance with Veterans’ Employment Reporting Requirements

#### Additional clauses to All Orders Over $150,000
- 52.203-6 (SEP 2006) Restrictions on Subcontractor Sales to the Government
- 52.203-7 (OCT 2010) Anti-Kickback Procedures
- 52.203-12 (OCT 2010) Limitation on Payments to Influence Certain Federal Transactions
- 52.215-14 (OCT 2010) Integrity of Unit Prices
- 52.215-23 (OCT 2009) Limitations on Pass-Through Charges (Non-DOD)
- 52.227-1 (DEC 2007) Authorization and Consent
- 52.227-2 (DEC 2007) Notice and Assistance Regarding Patent and Copyright Infringement

#### Additional clauses to All Orders $650,000 or More
- 52.219-8 (JUL 2013) Utilization of Small Business Concerns

#### Additional clauses to All Orders $700,000 or More
- 52.214-28 (OCT 2010) Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding
- 52.215-10 (AUG 2011) Price Reduction for Defective Cost or Pricing Data
- 52.215-11 (AUG 2011) Price Reduction for Defective Cost or Pricing Data Modifications
- 52.215-12 (OCT 2010) Subcontractor Cost or Pricing Data
- 52.215-13 (OCT 2010) Subcontractor Cost or Pricing Data Modifications
- 52.215-18 (JUL 2005) Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
- 52.219-9 (JUL 2013) Small Business Subcontracting Plan
- 52.230-2 (MAY 2012) Cost Accounting Standards
- 52.230-6 (JUN 2010) Administration of Cost Accounting Standards

#### Additional clauses to All Orders $5,000,000 or More
- 52.203-13 (APR 2010) Contractor Code of Business Ethics and Conduct
- 52.203-14 (DEC 2007) Display of Hotline Poster(s)
- 52.235-7003 (DEC 1991) Frequency Authorization
- 52.235-7004 (JUL 2009) Protection of Human Subjects
- 52.239-7016 (DEC 1991) Telecommunications SecurityEquipment, Devices, Techniques, and Services
- 52.246-7003 (JUN 2013) Notification of Potential Safety Issues
- 52.246-7007 (May 2014) Contractor Counterfeit Electronic Part Detection and Mitigation
- 52.247-7024 (MAR 2000) Notification of Transportation of Supplies by Sea

#### Additional clauses to All Orders Less than or Equal to $150,000
- 52.225-7023 (JUN 2013) Transportation of Supplies by Sea subpart (a) through (e) and (h)

#### Additional clauses to All Orders Over $150,000
- 52.235-7001 (DEC 2008) Prohibition on Persons Convicted of Fraud or other Defense-contract-related felonies
- 52.247-7023 (JUN 2013) Transportation of Supplies by Sea

#### Additional clauses to All Orders $500,000 or More
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