

**Argonne National Laboratory Prime Contract****Part II. Section I. Contract Clauses**

*Last revised: September 29, 1999*

**Clause I.99 - DEAR 970.5204-44 Flowdown of Contract Requirements to Subcontracts (Nov 1997)**

- (a) The Contractor shall include the clauses in paragraph (b) of this clause in appropriate subcontracts.
- (1) To the extent that the clause is included in this prime contract, the Contractor shall comply with that portion of the clause that directs application to subcontracts.
  - (2) To the extent that the clause is not included in this prime contract, or where it is included but there is no instruction for treatment in subcontracts, the Contractor shall include the clause in accordance with applicable regulatory guidance which would apply if the subcontract were a prime contract with the Federal government.
  - (3) In all cases, where a regulation is cited, the Contractor shall comply with the regulation in administration of the related clause.
- (b) Clauses and related regulations.
- (1) Air transportation by U.S. Flag carriers. Clause at FAR 52.247-63.
  - (2) Anti-kickback Act of 1986. Clause at FAR 52.203--7.
  - (3) Clean Air and Water. Clause at FAR 52.223-2, and follow the requirements of FAR 23.1.
  - (4) Contract Work Hours and Safety Standards Act. Clause at FAR 52.222-4, and follow the requirements of FAR 22.3.
  - (5) Cost or Pricing Data. Clauses prescribed at 48 CFR (DEAR) 970.15406-2, and appropriate contract provisions similar to those set forth at 48 CFR 52.215-10 and 48 CFR 52.215-11, that provide for the reduction of a negotiated subcontract price by any significant amount that the subcontract price was increased because of the submission of defective cost or pricing data by a subcontractor at any tier.
  - (6) Cost and Schedule Control Systems. Clause at 48 CFR (DEAR) 970.5204-50.

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- (7) Cost Accounting Standards. Clause at FAR 52.230-2, as prescribed in 48 CFR (DEAR) 970.30.
- (8) Davis-Bacon Act. Clauses as directed at FAR 22.407, and following the requirements of FAR 22.4 to the same extent that they would apply if the subcontract had been directly awarded by DOE. 48 CFR (DEAR) Subpart 922.4 and 48 CFR (DEAR) 970.2273 provide guidance to assist in determining the applicability of these regulations.
- (9) Employment of the handicapped. Clause at FAR 52.222-36, and follow the requirements of FAR 22.14.
- (10) Environmental and Occupational Safety and Health. Clauses as prescribed in 48 CFR (DEAR) 970.2303-2.
- (11) Equal Employment Opportunity. Clauses as prescribed in FAR 22.810, as applicable, and follow the requirements of FAR 22.8, 48 CFR (DEAR) 922.8, E.O. 11246 and 40 CFR Part 60.
- (12) Reserved.
- (13) Foreign travel. Clause at 48 CFR (DEAR) 970.5204-52.
- (14) Nuclear Hazards Indemnity. Clause at 48 CFR (DEAR) 970.2870.
- (15) Organizational Conflicts of Interest. Clause at 48 CFR (DEAR) 952.209-72, in accordance with 48 CFR (DEAR) 970.0905.
- (16) Patent, Data and Copyrights. Appropriate clauses as required by 48 CFR (DEAR) Parts 927 and 970.
- (17) Printing. Clause at 48 CFR (DEAR) 970.5204-19.
- (18) Privacy Act. Clauses at FAR 52.224-1 and FAR 52.224-2, and follow the requirements of FAR 24.1.
- (19) Accounts, Records and Inspection. Clause at 48 CFR (DEAR) 970.5204-9.
- (20) Safeguarding Classified Information. Appropriate clauses as prescribed at 48 CFR (DEAR) 970.0404.

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- (21) Service Contract Act. Clauses at FAR 52.222-40 and FAR 52.222-41.
  - (22) Small Business and Small Disadvantaged Business Concerns. Clause at FAR 52.219-9.
  - (23) Special Disabled and Vietnam Era Veterans. Clause at FAR 52.222-35, and follow the requirements of FAR Subpart 22.13.
  - (24) Taxes. Clause similar to 48 CFR (DEAR) 970.5204-23, Cost-reimbursement. An appropriate tax clause covering tax matters should also be included in fixed-price subcontracts.
  - (25) Termination. Appropriate clause or clauses as set forth at FAR 52.249-1 through 52.249-14.
- (c) Other. Omission from the foregoing list of contract flowdown provisions shall not be construed as waiving a requirement for the Contractor to comply with a flowdown requirements for subcontracts appearing elsewhere in this contract.