

Battelle Purchase Order Supplement B713 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. None of the provisions shall be construed in a manner that would adversely affect the interests of the United States Government, and in no event shall the provisions of this Purchase Order give the Subcontractor the ability to directly pursue a claim or course of action against the United States Government.

- 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 Regulation (FAR)

Applicable to All Orders

52.203-15	(JUN 2010)	Whistleblower Protection Under the American Recovery and Reinvestment Act of 2009
52.204-2	(AUG 1996)	Security Requirements
52.215-2Alt I	(MAR 2009)	Audit and Records – Negotiation
52.222-4	(May 2014)	Contract Work Hours and Safety Standards Act – Overtime Compensation
52.222-17	(MAY 2014)	Nondisplacement of Qualified Workers
52.222-20	(MAY 2014)	Walsh-Healey Public Contracts Act
52.222-21	(APR 2015)	Prohibition of Segregated Facilities
52.222-26	(SEP 2016)	Equal Opportunity
52.222-41	(MAY 2014)	Service Contract Act
52.222-50	(MAR 2015)	Combating Trafficking in Persons
52.222-56	(MAR 2015)	Certification Regarding Trafficking in Persons Compliance Plan
52.223-7	(JAN 1997)	Notice of Radioactive Material
52.224-2	(APR 1984)	Privacy Act
52.244-3	(JAN 2017)	Privacy Training
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	(MAY 2014)	Patent Rights – Ownership by the Contractor
52.227-14	(MAY 2014)	Rights in Data – General
52.228-5	(JAN 1997)	Work on a Government Installation
52.242-15	(AUG 1989)	Stop-Work Order
52.244-6	(JAN 2017)	Subcontracts for Commercial Items
52.245-1	(JAN 2017)	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

52.222-54	(OCT 2015)	Employment Eligibility Verification
52.223-18	(AUG 2011)	Encouraging Contractor Policies to Ban Text Messaging While Driving

Additional clauses to All Orders Over \$10,000

52.222-40	(DEC 2010)	Notification of Employee Rights Under the National Labor Relations Act
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Additional clauses to All Orders Over \$15,000

52.222-36	(JUL 2014)	Affirmative Action for Workers with Disabilities
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Department of Defense FAR Supplement (DFARS)

Applicable to All Orders

252.203-7002	(SEP 2013)	Requirement to Inform Employees of Whistleblower Rights
252.204-7000	(OCT 2016)	Disclosure of Information
252.204-7009	(OCT 2016)	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident 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	(OCT 2016)	Safeguarding of Unclassified Controlled Technical Information
252.208-7000	(DEC 1991)	Intent to Furnish Precious Metals As Government-Furnished Material
252.211-7003	(MAR 2016)	Item Identification and Valuation
252.216-7004	(OCT 2013)	Award Fee Reduction Or Denial For Jeopardizing the Health Or Safety of Government Personnel
252.222-7006	(DEC 2010)	Restrictions On the Use of Mandatory Arbitration Agreements
252.223-7002	(MAY 1994)	Safety Precautions for Ammunition and Explosives
252.223-7006	(SEP 2014)	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	(JUN 2013)	Prohibition of Hexavalent Chromium
252.225-7009	(OCT 2014)	Restriction on Acquisition of Certain Articles Containing Specialty Metals
252.225-7013	(MAY 2016)	Duty-Free Entry
252.225-7016	(JUN 2011)	Restriction on Acquisition of Ball and Roller Bearings
252.225-7019	(DEC 2009)	Restriction on Acquisition of Anchor and Mooring Chain
252.225-7025	(DEC 2009)	Restriction on Acquisition of Forgings
252.225-7048	(JUN 2013)	Export Controlled Items
252.227-7013	(FEB 2014)	Rights in Technical Data – Noncommercial Item
252.227-7014	(FEB 2014)	Rights in Noncommercial Computer Software and Noncommercial Software Documentation
252.227-7016	(JAN 2011)	Rights in Bid or Proposal Information
252.227-7017	(JAN 2011)	Identification and Assertion of Use, Release, or Disclosure Restrictions
252.227-7018	(FEB 2014)	Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program
252.227-7019	(SEP 2016)	Validation of Asserted Restrictions – Computer Software
252.227-7030	(MAR 2000)	Technical Data – Withholding of Payment
252.227-7037	(SEP 2016)	Validation of Restrictive Markings on Technical Data
252.227-7038	(JUN 2012)	Patent Rights – Ownership by the Contractor (Large Business)
252.235-7002	(DEC 2014)	Animal Welfare
252.235-7003	(MAR 2014)	Frequency Authorization
252.235-7004	(JUL 2009)	Protection of Human Subjects
252.239-7016	(DEC 1991)	Telecommunications Security Equipment, Devices, Techniques, and Services
252.246-7003	(JUN 2013)	Notification of Potential Safety Issues
252.246-7007	(AUG 2016)	Contractor Counterfeit Electronic Part Detection and Avoidance System
252.246-7008	(OCT 2016)	Sources of Electronic Parts
252.247-7024	(MAR 2000)	Notification of Transportation of Supplies by Sea

Additional clauses to All Orders Over \$25,000

52.226-6	(MAY 2014)	Promoting Excess Food Donation to Nonprofit Organizations
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Additional clauses to All Orders Over \$35,000

52.209-6	(OCT 2015)	Protecting the Government’s Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.
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Additional clauses to All Orders Over \$100,000

52.222-35	(OCT 2015)	Equal Opportunity for Veterans
52.222-37	(FEB 2016)	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans.
52.222-38	(FEB 2016)	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	(MAY 2014)	Anti-Kickback Procedures
52.203-12	(OCT 2010)	Limitation on Payments to Influence Certain Federal Transactions
52.215-2	(OCT 2010)	Audits and Records – Negotiation
52.215-14	(OCT 2010)	Integrity of Unit Prices
52.215-23	(OCT 2009)	Limitations on Pass-Through Charges (Non-DOD)
52.219-26	(NOV 2016)	Utilization of Small Business Concerns
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	(NOV 2016)	Utilization of Small Business Concerns
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Additional clauses to All Orders \$700,000 or More

52.219-9	(JAN 2017)	Small Business Subcontracting Plan
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Additional clauses to All Orders \$750,000 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
52.215-15	(OCT 2010)	Pension Adjustments and Asset Reversions
52.215-18	(JUL 2005)	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
52.215-19	(OCT 1997)	Notification of Ownership Change
52.215-23	(OCT 2009)	Limitations on Pass-Through Charges (DOD)
52.219-9	(JAN 2017)	Small Business Subcontracting Plan

Additional clauses to All Orders \$5,000,000 or More

52.203-13	(OCT 2015)	Contractor Code of Business Ethics and Conduct
52.203-14	(OCT 2015)	Display of Hotline Poster(s)

Additional clauses to All Orders Less than or Equal to \$150,000

252.247-7023 (APR 2014) Transportation of Supplies by Sea subpar (a) through (e) and (h)

Additional clauses to All Orders Over \$150,000

252.203-7001 (DEC 2008) Prohibition on Persons Convicted of Fraud or other
Defense-contract-related felonies

252.247-7023 (APR 2014) Transportation of Supplies by Sea

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

252.226-7001 (SEP 2004) Utilization of Indian Orgs, Indian-Owned Economic Enterprises, and
Native Hawaiian Small Business Concerns

Additional clauses to All Orders Over \$5,000,000

252.203-7004 (OCT 2016) Display of Fraud Hotline Poster(s)