

ATTACHMENT B

U.S. FEDERAL CONTRACT PROVISIONS

(Applicable to all subcontracts funded in whole or in part under federal awards, as noted)

Pilot Program for Enhancement of Grantee Employee Whistleblower Protections: The Contractor must inform its employees working under this Contract in the predominant native language of the workforce that they are afforded the employee whistleblower rights and protections provided under 41 U.S.C. § 4712. 41 U.S.C. § 4712 states that an employee of a Grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for "whistleblowing." In addition, whistleblower protections cannot be waived by any agreement, policy, form, or condition of employment.

US Vendors only:

Equal Employment Opportunity: Contractor is in compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

U.S. Construction Vendors only:

Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c): Contractor is in compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations 29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States." This Act provides that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. HKI will report all suspected or reported violations to the federal awarding agency.

U.S. Construction Vendors only:

Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) [Where applicable]: Contractor is in compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction") for all **construction contracts** of more than \$2,000. Under this Act, contractors are required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. HKI will place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. HKI shall also obtain reports from contractors on a weekly basis in order to monitor compliance with the Davis-Bacon Act. HKI shall report all suspected or reported violations to the federal awarding agency.

U.S. Vendors only:

Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) [Where applicable]: All contracts awarded by HKI in excess of \$2,000 for **construction contracts and in excess of \$2,500 for other contracts that involve the employment of mechanics or laborers** shall include a provision for compliance with Sections 102 and 107 of the Contract Works Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor is required to compute wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Over US\$100,000 only:

Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended: Contractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Over \$100,000 only:

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352): Contractor certifies that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. 1352.

Debarment and Suspension (E.O.s 12549 and 12689): Contractor is not listed on the General Services List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.'s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549.

Research contracts only:

Rights to Inventions Made Under a Contract or Contract [37 CFR par 401] : In the event this contract is **for the performance of experimental, developmental, or research work**, it shall be subject to the rights of the Federal Government and HKI in any resulting invention in accordance with 37 CFR, part 401, "Rights of Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts and Cooperative Contracts," and any implementing regulations issued by the Federal awarding agency.