**GOVERNMENT FLOW-DOWN PROVISIONS**

The resulting order is subcontracted under a U.S. Government Prime Contract, the applicable clauses listed below are incorporated into, and form a part, of the terms and conditions of the resulting order. In the event of any conflict between previously referenced terms and conditions and the Government Flow-Down Provisions, the Government Flow-Down Provisions take precedence. The clauses contained in the following paragraphs of the Federal Acquisition Regulations (FAR) are incorporated herein by reference. For purposes of this Purchase Order, in the following clauses, the term “contract” shall mean “this order”, the term “contractor” shall mean “Seller” and the term “Government” and “Contracting Officer” shall mean “New Mexico Institute of Mining and Technology (NMIMT) and the “Chief Procurement Officer” respectively. The following provisions of the FAR apply at the specified order dollar amounts:

**Title Applicability FAR Reference**

Equal Employment Opportunity All Orders 52.222-26 (Sept 2016)

Debarment and Suspension All Orders 52.209-6 (Jun 2020)

Rights in Data Alt IV All R&D Orders 52.227-14 (May 2014)

Anti-Kickback Act Construction Over $2K 52.203-7 (Jun 2020)

Limitations on Payments to Influence Orders exceeding $150K 52.203-12 (Jun 2020)

Certain Federal Transactions

Audit & Negotiations All Orders Over $100K 52-215-2 (Jun 2020)

Alt II

Davis Bacon Act Construction Over $2K 52.222-6 (Aug 2018)

Contract Work Hours & Construction and Labor 52.222-4 (Mar 2018)

Safety Standards Hour Contracts Over $2.5K

E-Verification All Orders 52.222-54 (Oct 2015)

Certification and Disclosure All Orders Over $150K 52.203-11 (Sept 2007)

Regarding Payments to Influence

Certain Transactions  
 Patent Rights All Orders   
 Ownership by the Contractor 52.227-11 (May2014)  
 Ownership by the Government 52.227-13 (Dec 2007)  
 Buy American Act All Orders over $3K 52.225-2 (May 2014)

Contract Terms & Conditions, Commercial Items All Orders over $10K 52.212-4 (Oct 2018)Energy Efficiency in All Orders and Services with 52.223-15 (May 2020)

Energy-Consuming Products Energy Consuming Products

Contract Provisions for Non-Federal All Orders over $150K CFR200.236

Entity Contracts Under Federal Awards

Small Business Subcontracting Plan All Orders over $700K 52.219-9 (June 2020)

Subcontractor Certified Cost or Pricing All Orders over $750K 52.215-12 (June 2020)

Requiring Certified Cost or Pricing Data All Orders over $750K 15.403-4

Data

Disclosure and Consistency of Cost Acctg All Orders over $750K 52.230-3 (June 2020)

Recovered Material Biobased products that use 52.223-1 (May 2012)

USDA designated items

Recovered Material Biobased products that do 52.223-2 (Sept 2013)

not use USDA designated items

Recovered Material EPA Designated items 52.223-4 (May 2008)

except off the shelf

Items less than $150K

Recovered Material EPA Designated items 52.223-9 (May 2008)

except off the shelf

Items greater than $150K

Recovered Material EPA-designated items 52.223-17 (Aug 2018)

Service and Construction