

Purchase Order Terms and Conditions

For Supplies and Services

(Excluding Construction and Architect/Engineer Orders; Excluding Moving Services Orders)

52.252-2 Clauses incorporated by reference (JUN 88), Alternate 1 (JUN 88). This contract incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available.

Federal Acquisition Regulation (48 CFR Chapter 1) Clauses:

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| 52.203-1 | Officials Not to Benefit (APR 84) | 52.223-3 | Hazardous Material Identification and Material Safety Data (DEC 89) (applicable to orders involving hazardous materials) |
| 52.203-3 | Gratuities (APR 84) | 52.223-6 | Drug-Free Workplace (JUL 90) (applicable to orders with individuals -- certification established by order acceptance) |
| 52.203-5 | Covenant Against Contingent Fees (APR 84) | 52.225-3 | Buy American Act -- Supplies (JAN 89) |
| 52.203-6 | Restrictions on Subcontractor Sales to the Government (JUL 85) | 52.225-12 | Notice of Restrictions on Contracting with Sanctioned Persons (May 89) |
| 52.203-7 | Anti-Kickback Procedures (OCT 88) | 52.225-13 | Restrictions on Contracting with Sanctioned Persons (MAY 89) |
| 52.210-5 | New Material (APR 84) | 52.227-14 | Rights in Data -- General (JUN 87) |
| 52.212-9 | Variation in Quantity (APR 84) (The permissible variations for all items are "0" unless otherwise stated in the schedule.) | 52.227-19 | Commercial Computer Software -- Restricted Rights (JUN 87) (applicable to orders for existing computer software, excluding GSA multiple award schedule contracts) |
| 52.212-10 | Delivery of Excess Quantities (SEP 89) | 52.232-1 | Payments (APR 84) |
| 52.213-2 | Invoices (APR 84) (applicable to orders for subscriptions and similar requirements where advance payment is authorized) | 52.232-8 | Discounts for Prompt Payment (APR 89) |
| 52.213-3 | Notice to Supplier (APR 84) (applicable to orders with a "not to exceed" price) | 52.232-23 | Assignment of Claims (JAN 86) |
| 52.219-4 | Notice of Small Business -- Small Purchase Set Aside (AUG 88) unless an exception in FAR 13.105 applies | 52.232-25 | Prompt Payment (APR 89) |
| 52.222-3 | Convict Labor (APR 84) | 52.233-1 | Disputes (APR 84) |
| 52.222-4 | Contract Work Hours and Safety Standards Act -- Overtime Compensation -- (MAR 86) (in excess of \$2,500; applicable when laborers or mechanics are employed) | 52.233-3 | Protest After Award (AUG 89) |
| 52.222-20 | Walsh Healy Public Contracts Act (APR 84) (in excess of \$10,000 for contracts covered by the Act) | 52.237-2 | Protection of Government Buildings, Equipment, and Vegetation (APR 84) (applicable to work performed on a Government site) |
| 52.222-21 | Certification of Nonsegregated Facilities (APR 84) (in excess of \$10,000) | 52.237-7 | Indemnification and Medical Liability Insurance (SEP 89) (for professional service contracts for medical services) |
| 52.222-26 | Equal Opportunity (APR 84) | 52.243-1 | Changes -- Fixed Price (AUG 87) (for supplies); Alternate I (APR 84) (for services other than architect-engineer or other professional services); Alternate II (APR 84) (for services with supplies); Alternate III (APR 84) (for professional services); Alternate IV (APR 84) (for transportation services) |
| 52.222-35 | Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84) (in excess of \$10,000) | 52.246-2 | Inspection of Supplies -- Fixed Price (JUL 85) |
| 52.222-36 | Affirmative Action for Handicapped Workers (APR 84) (in excess of \$2,500) | 52.246-4 | Inspection of Services -- Fixed Price (APR 84) (for services) |
| 52.222-37 | Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88) (in excess of \$10,000) | 52.246-16 | Responsibility for Supplies (APR 84) |
| 52.222-40 | Service Contract Act of 1965, As Amended -- Contracts of \$2,500 or less (MAY 89) (for services within the definition of the Service Contract Act) | 52.249-1 | Termination for the Convenience of the Government -- Fixed Price (Short Form) (APR 84) (except for services) |
| 52.222-41 | Service Contract Act of 1965, As Amended (MAY 89) -- (in excess of \$2,500 or for indefinite dollar amount, for services within the definition of the Service Contract Act) | 52.249-4 | Termination for the Convenience of the Government (Services) (Short Form) (APR 84) (for services) |
| 52.222-42 | Statement of Equivalent Rates for Federal Hires (MAY 89) (in excess of \$2,500 and the Service Contract Act is applicable) | 52.249-8 | Default (Fixed Price Supply and Service) (APR 84) |

PHSAR 352.280-2 Care of Live Vertebrate Animals (OCT 86) (Applicable to services involving live vertebrate animals.)

Invoice and Payment Provisions

The following clause is applicable to all purchase orders: *Prompt Payment (Apr 1989) FAR 52.232-25*. Highlights of this clause and NIH implementation requirements follow:

I. Invoice Requirements

An invoice is the Contractor's bill or written request for payment under the contract for supplies delivered or services performed. A proper invoice is an "Original" which must include the items listed in subdivisions (i) through (viii) below. If the invoice does not comply with these requirements, the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office (see exceptions under II. below). Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor.

- (i) Name, address, and EIN of the Contractor.
- (ii) Invoice date.
- (iii) Purchase Order Number.
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms).
- (vi) Name and complete mailing address where payment is to be sent.
- (vii) Name (where practicable), title, phone number and mailing address of person to be notified in event of a defective invoice.
- (viii) Any other information or documentation required by the purchase order (such as evidence of shipment).

Shipping costs will be reimbursed only if authorized by the Purchase Order; if authorized, shipping costs must be itemized. Where shipping costs exceed \$100 the invoice must be supported by a bill of lading or a paid carrier's receipt.

Mail an original and one copy of the itemized invoice to:

National Institutes of Health
Accounts Payable Section, DFM
Building 31, Room B1B39
Bethesda, Maryland 20892

For inquiries regarding payment call:
Accounts Payable Section, DFM
(301) 496-6088

For inquiries regarding receiving, inspection and acceptance, rejections, or technical issues, call the phone number in Block 4 of Form NIH 2555.

II. Invoice Payment

- A. Except as indicated in paragraph B below, the due date for making invoice payments by the designated payment office shall be the later of the following two events:
 - (i) The 30th day after the designated billing office has received a proper invoice.
 - (ii) The 30th day after Government acceptance of supplies delivered or services performed.
- B. The due date for making invoice payments for meat and meat food products, perishable agricultural commodities, dairy products, and edible fats or oils, shall be in accordance with the Prompt Payment Act, as amended.

III. Interest Penalties

- A. An interest penalty shall be paid automatically, if payment is not made by the due date and the conditions listed below are met, if applicable.
 - (i) A proper invoice was received by the designated billing office.
 - (ii) A receiving report or other Government documentation authorizing payment was processed and there was no disagreement over quantity, quality, or contractor compliance with any term or condition.
 - (iii) In the case of a final invoice for any balance of funds due the Contractor for supplies delivered or services performed, the amount was not subject to further settlement actions between the Government and the Contractor.
- B. Determination of interest and penalties due will be made in accordance with the provisions of the Prompt Payment Act, as amended, the Contract Disputes Act, and regulations issued by the Office of Management and Budget.