

SECTION 7: ACQUISITION PROCEDURES

SUBJECT: GOVERNMENT SPECIAL TERMS AND CONDITIONS PROCEDURE 7.1.3

POLICY:

It is the policy of University of Washington Procurement Services that all formal solicitations and written purchase orders/contracts over the Direct Buy Limit (see [Procedure 2.1-- Direct Buy Limit for Goods and Purchased Services \(RCW 28B.10.029\)](#)) made on federal contract and grant budgets must include the appropriate Special Terms and Conditions (flowdown clauses) required by the federal government, as per Federal Acquisition Regulations (FAR) and Circular A-110. There are two separate sets of federal flowdown clauses¹:

1. One for federal contract funded purchases (Attachment 7.1.3a).
2. One for federal grant funded purchases (Attachment 7.1.3b). Note: For special Flowdown clauses required for Hospital contracts, please see Procedure 8.14.

Procurements made on federal contract and grant budgets above certain dollar thresholds must also include the appropriate Certifications and Representations form to comply with federal anti-lobbying and debarment certification requirements. There are two separate Certifications and Representations forms

1. One for federal contract funded purchases (Certifications and Representations—Contracts)
2. One for federal grant funded purchases (Certifications and Representations—Grants)

PROCEDURES:

1. Buyer must determine which set of federal flowdown clauses to use, based on whether the purchase is made against a federal contract or grant².

A. FEDERAL CONTRACT FUNDED PURCHASES:

- 1) For federal contract funded commercial items, goods and services, use the form “Federal Flowdown Terms and Conditions

¹Federal flowdown clauses are updated quarterly for accuracy and compliance with federal procurement laws and regulations. Ensure that you are using the most recent version of all flowdown clauses.

²The budget source is identified programmatically on the Purchase Requisition (PR). For more information on budget types, see [Procedure 7.1.1](#). A Buyer issuing solicitations (RFQ, RFP, ITB, etc.) against a federal contract/grant must include the appropriate flowdown clauses in the solicitation document.

for Commercial items and Commercial Components for Federal Contract Funded Purchases” (Attachment 7.1.3a). Refer to the [FAR Subpart 2.1](#) definition of “Commercial Item” in order to determine if the purchased item(s) is commercial or not.

2) For federal contract funded non-commercial items, Buyer must determine the additional FAR flowdown clauses that are appropriate for the contract funding the purchase. Buyer is to notify their supervisor as soon as he/she has received a request for non-commercial/customized good or services, in order to allow sufficient time to identify the required flowdown clauses.

3) Debarment Certification: For purchases of \$30,000 or more with federal contract funds: Buyer must ensure that the supplier is not excluded or about to be excluded from doing business with the government by requiring the supplier to sign the appropriate Certifications and Representations form for contracts or checking the System for Award Management (SAM) to ensure the supplier is not ineligible to do business under Federal Contracts.

4) Anti-Lobbying Certification: For purchases of \$150,000 or more with federal contract funds: Buyer must ensure that the supplier is in compliance with 31 U.S.C. 1352, the Byrd Anti-Lobbying Amendment. This is achieved by requiring the supplier to sign Section 1 of the University of Washington Certifications and Representations for Federal Contract or Federal Grant Funded Purchases, which requires that the supplier certify compliance with the Byrd Amendment.

5) Small Business Subcontracting Plan: Purchases with federal contract funding greater than \$650,000 (FAR [19.702](#), [19.704](#)) require a Small Business Subcontracting Plan.

B. FEDERAL GRANT FUNDED PURCHASES:

1) For federal grant funded purchases of goods and services, use

the form “Contract Terms and Conditions for Federal Grant Funded Purchases” (Attachment 7.1.3b).

2) Debarment Certification: For purchases of \$25,000 or more with federal grant funds: Buyer must ensure that the supplier is not excluded or about to be excluded from doing business with the government in accordance with the requirements of 2 CFR Part 180 by including the University’s General Terms and Conditions which includes a clause regarding debarment. If the supplier specifically rejects the debarment clause, the buyer may check the System for Award Management (SAM) to ensure the supplier is not ineligible to do business under Federal Grants. After checking the SAM, print out the SAM search page indicating that the supplier is not debarred.

3) Anti-Lobbying Certification: For purchases of \$100,000 or more with federal grant funds: Buyer must ensure that the supplier is in compliance with 31 U.S.C. 1352, the Byrd Anti-Lobbying Amendment. This is achieved by requiring the supplier to sign Section 1 of the University of Washington Certifications and Representations for Federal Contract or Federal Grant Funded Purchases, which requires that the supplier certify compliance with the Byrd Amendment.

4) The requirements of 2 CFR 215.40-48 apply to purchases by the University using federal grant funds. The University complies with these requirements through policies and procedures defining compliant procurement practices and the inclusion of terms and conditions addressing remediation, termination and access to records in the University’s General Terms and Conditions.