

## **Terms and Conditions**

1. Equal Employment Opportunity – Supplier shall comply 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.”
2. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c) – Where this Purchase Order is in excess of \$2,000 for construction or repair, Supplier shall comply 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”). The Act provides that each contractor or subrecipient 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 is otherwise entitled. The supplier shall report all suspected or reported violations to Mississippi State University.
3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) – Where this Purchase Order is in excess of \$2,000 for construction and as required by Federal program legislation supplier shall comply with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). Under this act, supplier shall be 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, supplier shall be required to pay wages not less than once a week. Mississippi State University shall place a copy of the current prevailing wages 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. The supplier shall report all suspected or reported violations to Mississippi State University.
4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) – Where this Purchase Order is in excess of \$2,000 for construction; or over \$2,500 for other purchases that involve the employment of mechanics or laborers, supplier shall comply with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, supplier shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1.5 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. 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 condition which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or purchase orders for transportation or transmission of intelligence.
5. Rights to Intellectual Property – Any and all rights and title to intellectual property conceived and first reduced to practice under this purchase order shall vest in Mississippi State University. Where this purchase order represents federal funding, the government reserves the rights articulated in 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
6. 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 – Where this purchase order is in excess of \$100,000, supplier 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 Mississippi State University and the Regional Office of the Environmental Protection Agency (EPA).
7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) Where this purchase order is in excess \$100,000, supplier 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 federal 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. Supplier shall also disclose to Mississippi State University any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award related to this purchase order.
8. Debarment and Suspension (E.O.s 12549 and 12689) – Supplier certifies that neither it nor any of its principal employees are presently debarred or suspended from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, “Debarment and Suspension.” Where this purchase order exceeds the small purchase threshold, supplier shall provide the required certification regarding its exclusion status and that of its principal employees.