

**CUSTOMER CONTRACT REQUIREMENTS**  
**High-Efficiency Solar Cells**  
**CUSTOMER CONTRACT 67N-1086581**

**CUSTOMER CONTRACT REQUIREMENTS**

The following customer contract requirements apply to this contract to the extent indicated below. If this contract is for the procurement of commercial items under a Government prime contract, as defined in FAR Part 2.101, see Section 3 below.

**1. Prime Contract Special Provisions** The following prime contract special provisions apply to this purchase order

**NEW MATERIAL**

Unless this Contract specifies otherwise, the Supplier represents that the supplies, are new and are not of such age or so deteriorated as to impair their usefulness or safety. If the Supplier believes that furnishing other than new material will be in the Institute's interest, the Supplier shall so notify the Purchasing Agent in writing and request authority to use such material.

**EQUAL EMPLOYMENT OPPORTUNITY**

This Contract is subject to the requirements of Executive Orders 11246 and 11375 and the rules and regulations of the Secretary of Labor (41 CFR Chapter 60) in promoting Equal Employment Opportunities.

**AFFIRMATIVE ACTION FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM WAR**

This Contract is subject to the requirements of Public Laws 92-540 and 93-508, Executive Order 11701, and the regulations of the Secretary of Labor (41 CFR Part 60-250) in promoting employment opportunities for disabled and Vietnam veterans.

**AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS**

This Contract is subject to the requirements of Section 503 of the Rehabilitation Act of 1973, Public Laws 93-112 and 93-516, Executive Order 11758 and the regulations of the Secretary of Labor (41 CFR Part 60-471) in promoting affirmative action in employment of the handicapped.

**CONTRACT WORK HOURS AND SAFETY STANDARDS ACT – OVERTIME COMPENSATION**

This Contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 USC 327-333), is subject to the provisions of the Act, including overtime requirements and penalties for violation thereof.

**ANTI-KICKBACK ENFORCEMENT ACT OF 1986**

This Contract is subject to the provisions of the Anti-

Kickback Enforcement Act of 1986, Public Law 99-634 (41 U.S.C. 51-58). By accepting this order, Supplier certifies that it has not paid kickbacks directly or indirectly to any Institute employee for the purpose of obtaining this or any other Institute purchase order or to obtain favorable treatment in an Institute matter.

A. If this Order is issued under a U.S. Government Grant, the Terms and Conditions below, as contained in O.M.B. Circular A-110, form a part of the terms and conditions of this Order. In the event of any conflict between the Terms and Conditions of this Section 2 and any other provisions of this Order, the Terms and Conditions of this Section 2 shall prevail.

1. Equal Employment Opportunity (E.O. 11246 as amended by E.O. 11375 and supplemented by 41 CFR part 60).
2. Copeland "Anti-Kickback" Act (18 U.S.C. 874 as supplemented by 29 CFR part 3).
3. For construction contracts, Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7 as supplemented by 29 CFR part 5).
4. Where applicable, Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333 as supplemented by 29 CFR part 5).
5. For non-profit organizations and small business firms, patent rights shall be governed by 37 CFR part 401, titled "Rights to Inventions Made by Non-Profit Organizations and Small Business Firms under Government Grants, Contracts and Cooperative Agreements".
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.
7. BYRD Anti-Lobbying Amendment (31 U. S. C. 1352) - Contractors who apply or bid (any Federal award) for an award of \$100,000.00 or more shall file the required certification.
8. When applicable, this contract is subject to Debarment and Suspension (E.O.s 12549 and 12689).

B. All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have the right to conduct Assisted Audits which shall be performed by the DCAA to review any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.