**Exhibit**

**Federal Terms and Conditions**

The following terms apply to the Contract because federal funds under [insert federal funding source] will be used to pay for at least part of the project. If any term in this Exhibit       conflicts with any term in the body of the Contract, this Exhibit       will control.

1. **Remedies.** In addition to the remedies explicitly set forth in the body of the Contract, District may exercise all rights or remedies available at law, in equity, or otherwise in the event of any breach by Contractor.
2. **Termination.** District may terminate the Contract for cause or for convenience as set forth in the body of the Contract.
3. **Nondiscrimination; Equal Employment Opportunity.** If the Contract involves “construction work” as defined in 41 CFR Part 60-1.3, then Contractor must:
   1. Not discriminate against any [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=14&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=13&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The [contractor](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b96bf2d28212a796b7f1f2480508d42&term_occur=21&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) must take affirmative action to ensure that [applicants](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=14&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) are employed and that [employees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=15&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. This action includes but is not limited to the following:
4. Employment, upgrading, demotion, or transfer;
5. Recruitment or recruitment advertising;
6. Layoff or termination;
7. Rates of [pay](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=d7bff8a94a2c96bcc7caee85e9ed480c&term_occur=2&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or other forms of [compensation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1f285b58d2a67bcca1febc6dae05ffde&term_occur=4&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4); and
8. Selection for training, including apprenticeship.

Contractor must post in conspicuous places that are accessible by [employees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=16&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) and [applicants](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=15&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) for employment notices setting forth the provisions of this nondiscrimination clause;

* 1. State in all solicitations or advertisements for [employees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=17&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) placed by or on behalf of Contractor that all qualified [applicants](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=16&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin;
  2. Not discharge or in any other manner discriminate against any [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=18&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=17&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) for employment because the [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=19&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=18&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) has inquired about, discussed, or disclosed the [compensation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1f285b58d2a67bcca1febc6dae05ffde&term_occur=5&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of the [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=20&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=19&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or another [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=21&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicant](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=20&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4). This provision, however, does not apply to instances in which an [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=22&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) who has access to the [compensation information](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e06e0c8f64e2468c13e0c2673c448502&term_occur=2&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of other [employees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=24&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicants](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=21&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) as part of the [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=23&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4)’s [essential job functions](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ed485322f3807bf75222e81b9a024a8a&term_occur=2&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) discloses the [compensation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1f285b58d2a67bcca1febc6dae05ffde&term_occur=6&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of other [employees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=25&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or [applicants](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=22&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) to individuals who do not otherwise have access to the information, unless the disclosure is in response to a formal complaint or charge and in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the [employer](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ea13a40cac92453bd38db888e739eb48&term_occur=2&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4), or is consistent with Contractor’s legal duty to furnish this information;
  3. Send to each labor union or representative of workers with which it has a collective bargaining agreement or other [contract](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=af5a536fa6859c5df4775a27506f84b3&term_occur=10&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or understanding a notice advising the labor union or workers’ representatives of Contractor’s commitments under this Section 3.d. Contractor must post copies of the notice in conspicuous places that are accessible by [employees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6b2f0ff77e0e4c42c57db352b3fac4da&term_occur=26&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) and [applicants](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=52d7ec308d42ec758489d8d7160e6904&term_occur=23&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) for employment;
  4. Comply with all provisions [of Executive Order 11246](https://www.law.cornell.edu/cfr/text/41/60-1.4) of September 24, 1965, and of the rules, regulations, or relevant orders of the [Secretary](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ce1c35ff48c17ac2cafd62d789ead6bf&term_occur=8&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of Labor, and furnish all information or reports required by or pursuant to them. Contractor must also permit access to its books, records, or accounts by the [administering agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1e1827f693d35e8bbac85ac5645e9bde&term_occur=2&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) and the [Secretary](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ce1c35ff48c17ac2cafd62d789ead6bf&term_occur=10&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of Labor for purposes of ascertaining compliance with these rules, regulations, or orders; and
  5. Include the requirements of this Section 3 in every [subcontract](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=25f3fba02cf994652e59fa4ddcbb6f1c&term_occur=3&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or purchase order unless exempted by rules, regulations, or orders of the [Secretary](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ce1c35ff48c17ac2cafd62d789ead6bf&term_occur=12&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of Labor issued pursuant to Section 204 [of Executive Order 11246](https://www.law.cornell.edu/cfr/text/41/60-1.4) of September 24, 1965, so that these requirements will be binding on each [subcontractor](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e128d839d896aa68e1b8a5191e3086e2&term_occur=3&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or vendor. Contractor must take any action with respect to any [subcontract](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=25f3fba02cf994652e59fa4ddcbb6f1c&term_occur=4&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or purchase order as the [administering agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1e1827f693d35e8bbac85ac5645e9bde&term_occur=3&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) may direct as a means of enforcing these requirements, including sanctions for noncompliance. If Contractor becomes involved in or is threatened with litigation with a [subcontractor](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e128d839d896aa68e1b8a5191e3086e2&term_occur=4&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or vendor as a result of direction by the [administering agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=1e1827f693d35e8bbac85ac5645e9bde&term_occur=4&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4), then Contractor may request that the [United States](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=8610af0a0c40548a235bdf6819274ffe&term_occur=3&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) enter into the litigation to protect the interests of the [United States](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=8610af0a0c40548a235bdf6819274ffe&term_occur=4&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4).

In the event that Contractor does not comply with any nondiscrimination clause under this Exhibit       or the Contract, District may cancel, terminate, or suspend the Contract in whole or in part and Contractor may be declared ineligible for further [government contracts](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ccd2907eea50a246e7dd89f568c8a042&term_occur=3&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) or federally assisted [construction](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=3bf14512389a389c432a14db89798c18&term_occur=2&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) [contracts](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=af5a536fa6859c5df4775a27506f84b3&term_occur=13&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) in accordance with procedures authorized in [Executive Order 11246](https://www.law.cornell.edu/cfr/text/41/60-1.4) of September 24, 1965. Additional sanctions may be imposed and remedies invoked as provided in that executive order; by rule, regulation, or order of the [Secretary](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ce1c35ff48c17ac2cafd62d789ead6bf&term_occur=11&term_src=Title:41:Subtitle:B:Chapter:60:Part:60:Subpart:A:60-1.4) of Labor; or as otherwise provided by law.

1. **Prevailing Wages.** [CHECK THE BOX ONLY IF THE FEDERAL PROGRAM LEGISLATION REQUIRES COMPLIANCE WITH THE DAVIS-BACON ACT] If the Contract is for a prime construction contract for more than $2,000, then Contractor must comply with the Davis-Bacon Act (40 USC §§ 3141 to 3148), as supplemented by 29 CFR Part 5. These requirements include but are not limited to:
   1. Paying prevailing wages to laborers and mechanics in accordance with wage determinations made by the Secretary of Labor;
   2. Paying wages at least once every week; and
   3. Complying with the Copeland “Anti-Kickback” Act (40 USC § 3145), as supplemented by the regulations set forth in 29 CFR Part 3, which prohibits Contractor from inducing any person employed on the construction work to give up any compensation to which that employee is entitled.
   4. [CHECK THE BOX ONLY IF THE CONTRACT IS ALSO SUBJECT TO OREGON PREVAILING WAGES] Payment of State of Oregon prevailing wages under ORS 279C.800 to .870 is also required under this Contract. Contractor shall pay the higher of the applicable state or federal prevailing rate of wage as provided in the body of the Contract.
2. **Overtime Pay; Safety.** If the Contract involves employment of mechanics or laborers and is for more than $100,000, then Contractor must comply with 40 USC §§ 3702 and 3704, as supplemented by 29 CFR Part 5. These requirements include but are not limited to:
   1. Paying each laborer or mechanic one and a half times the basic rate of pay for all hours that the laborer or mechanic works in excess of 40 hours in any one week; and
   2. Not requiring any mechanic or laborer to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety.
3. **Rights to Inventions.** If the Contract is a “funding agreement” as defined under 37 CFR § 401.2 and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment, or performance of experimental, developmental, or research work under the funding agreement, then the funding recipient or subrecipient must comply with the requirements of 37 CFR Part 401 and any additional implementing regulations.
4. **Environmental Compliance.** If the Contract is for more than $150,000, than the parties must comply with the Clean Air Act (42 USC §§ 7401 to 7671q) and the Federal Water Pollution Control Act (33 USC §§ 1251 to 1387), including all applicable standards, orders, or regulations issued under these Acts.
5. **Prohibited Contract Awards.** In accordance with 2 CFR Part 180, no contract relating to the Contract may be made with any party included on the list of government-wide exclusions in the System for Award Management.
6. **Anti-Lobbying**. If the Contract is for more than $100,000, any contractor that applies or bids for an award relating to the Contract must file the certification required by 31 USC § 1352, certifying that the contractor has not and will not appropriate federal funds to pay any person or organization influencing or attempting to influence an officer or employees of the federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining a contract, grant, or other award covered by 31 USC § 1352 involving federal funds. The contractor must also disclose any lobbying with nonfederal funds that takes place in connection with obtaining an award of federal funds.
7. **Procurement of Recovered Materials.** The parties must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include but are not limited to:
   1. If the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000, procuring only items designated in 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition;
   2. Procuring solid waste management services in a manner that maximizes energy and resource recovery; and
   3. Establishing an affirmative procurement program for procurement of recovered materials identified in Environmental Protection Agency guidelines.