

## SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

### PART 327—PATENTS, DATA, AND COPYRIGHTS

#### Subpart 327.4—Rights in Data and Copyrights

Sec.

327.404-70 Solicitation provision and contract clause.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

#### Subpart 327.4—Rights in Data and Copyrights

##### 327.404-70 Solicitation provision and contract clause.

The Contracting Officer shall insert the clause in 352.227-70, Publications and Publicity, in solicitations, contracts, and orders that involve requirements which could lead to the contractor's publishing the results of the award.

### PART 328—BONDS AND INSURANCE

#### Subpart 328.3—Insurance

Sec.

328.301 Policy.

328.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

328.311-2 Agency solicitation provisions and contract clauses.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

#### Subpart 328.3—Insurance

##### 328.301 Policy.

It is HHS policy to limit the Government's reimbursement, of its contractors' liability to third persons for claims not covered by insurance in cost-reimbursement contracts, to the Limitation of Funds or Limitation of Cost clause of the contract. In addition, the amount of the Government's reimbursement cannot exceed the final

judgments or settlements approved in writing by the Government.

##### 328.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

##### 328.311-2 Agency solicitation provisions and contract clauses.

The Contracting Officer shall insert the clause in 352.228-7, Insurance—Liability to Third Persons, in lieu of the clause in FAR 52.228-7, Insurance—Liability to Third Persons, in solicitations and contracts when a cost-reimbursement contract is contemplated. The Contracting Officer shall insert Alternate I or II based on the conditions specified therein. This is an authorized FAR deviation.

### PART 330—COST ACCOUNTING STANDARDS

#### Subpart 330.2—CAS Program Requirements

Sec.

330.201 Contract requirements.

330.201-5 Waiver.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

#### Subpart 330.2—CAS Program Requirements

##### 330.201 Contract requirements.

##### 330.201-5 Waiver.

(a) OPDIVs shall forward waiver requests through appropriate acquisition channels, including the HCA, to the Associate DAS for Acquisition (non-delegable) for review. Associate DAS for Acquisition shall exercise the waiver authority under FAR 30.201-5(a)(2).

### PART 331—CONTRACT COST PRINCIPLES AND PROCEDURES

#### Subpart 331.1—Applicability

Sec.

331.101-70 Salary rate limitation.

331.102-70 Pricing of adjustments.