Compliance with Laws, Codes & Regulations

Introduction
The University’s procurement policy is intended to be consistent with the Generally Accepted Accounting Practices (GAAP), Uniform Administrative Requirements, Cost Principals and Audit Requirements for Federal Awards Found at 2 CFR 200, and the Federal Acquisition Regulation (FAR) and other regulations governing the use of federal funds.

Policy Statement
Brown University will comply with all standards/regulations associated with the use of Federal funds; including, but not limited to those guidelines set forth in the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principals and Audit Requirements for Federal Awards Found at 2 CFR 200, and Executive Orders 12549 and 12689 covering Debarment and Suspension of vendors.

All suppliers shall be contractually required to be in compliance with all applicable federal, state, and local laws/regulations. Such laws and regulations will include, but not be limited to:

- Fair Labor Standards Act 1938 as amended,
- Equal Pay Act 1963, OSHA of 1970 as amended, non-discrimination clause Section 202,
- Executive Order 11246, as amended by Executive Order 11375 relative to equal employment opportunity,
- Rehabilitation Act of 1973,
- Vietnam Era Veterans Re-adjustment Act 1974,
- Title 48 CFR—Utilization of small business concerns,
- Flammable Fabrics Act (15 USC, 1911:67 Stat.111) section 2 as amended,
- Anti-Kickback Enforcement Act 1986, PL99-634, Education Rights and Privacy Act 1974, and
- Gramm-Leach-Bliley Act pertaining to safeguards for non-disclosure of confidential (non-public) personal information.

Suppliers to Brown University are responsible to comply with all applicable Federal, state, and local laws/regulations in the production of goods or performance of services. Such laws include, but are not limited to:

- Fair Labor Standards Act 1938 as amended,
- Occupational Safety and Health Act of 1970 as amended, non-discrimination clause contained in Section 202,
- Executive Order 11246, as amended by Executive Order 11375 relative to equal employment opportunity,
- Rehabilitation Act of 1973,
- Vietnam Era Veterans Readjustment Act 1974,
- Title 48 CFR--Utilization of small business concerns and small disadvantaged business concerns,
- Flammable Fabrics Act (15 USC,1911:67 Stat.111) section 2 as amended,
- Anti-Kickback Enforcement Act 1986, PL 99-634,
- Education Rights and Privacy Act 1974. GRAMM-LEACH-BLILEY Act pertaining to safeguards for non-disclosure of confidential (non-public) personal information, and
- FAR including GSA suspensions, debarment, or ineligible status pursuant to Executive Order 12549.

Further, Suppliers are responsible to assure that they have in place administrative, technical, and physical safeguards capable of maintaining the security of the following:

Non-public financial information,
- Student education records,  
- Personnel information, and  
- Other “Brown Confidential Information” (BCI) to which Supplier may be provided access to or gathering/storing on behalf of Brown.

- BCI shall be held in the strictest confidence and may only be used by Supplier only as necessary to perform its obligations under this agreement.
- Supplier will protect BCI in accordance with generally accepted commercial standards and no less rigorously that it protects its own confidential information.
- Supplier shall not release BCI in its possession to any other party unless authorized in writing by the appropriate data owner at Brown.

- Supplier laptops and/or PDA’s used to transmit or store BCI, with written permission, must be patched and protected with up-to-date anti-virus and anti-spyware software.
- Remote access to BCI must be protected with a Brown approved encryption mechanism (e.g. VPN, SSH).

**Responsibilities**

**University Departments.** University Departments will ensure that each transaction is classified or defined as an allowable expenditure using the appropriate spend category in the Workday Financials system. For sponsored programs, certain purchases may be unallowable.

**Suppliers.** Suppliers are responsible to comply with all laws, codes and regulations that govern and regulate their business with the University and are also responsible for taking the actions listed, or providing the notifications listed below:

- Upon termination of a supplier agreement, the supplier will return to Brown all BCI in its possession and the supplier shall not maintain any originals or copies of BCI, in any format or on any media.
- Any breach by Contractor of these responsibilities shall be cause for immediate termination of an Agreement.
- Suppliers shall immediately notify Brown of any breach of its obligations of confidentiality.
- Any breach of supplier confidentiality obligations that cause immediate and irreparable injury and Brown shall be entitled to obtain injunctive relief in addition to any other remedies at law.

Related Policies: Uniform Guidance 2 CFR 200
Policy Owner: Approved by Director, Insurance & Purchasing Services

**Contact(s)**
Jeanne Hebert  
Director, Insurance & Purchasing Services  
Jeanne_Hebert@brown.edu  
401-863-3366

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