

FAR and DFARS Flow downs – Commercial Items Under U.S. Government Contract

FEDERAL ACQUISITION REGULATION (FAR), DEPARTMENT OF DEFENSE (DoD) FAR SUPPLEMENT (DFARS)

The following clauses set forth in the FAR and DFARS as in effect on the date of this purchase order, unless otherwise noted, are incorporated herein by reference. Where necessary to make the clauses applicable to this purchase order, "Contractor" shall mean "Seller," "Contracting Officer" shall mean "Buyer," and the "Government" shall mean "Buyer" or the "Government" whenever appearing in the clauses, unless otherwise noted. Seller shall include the following clauses in its lower-tier purchase orders as required. If any of the following FAR or DFARS clauses do not apply to a particular purchase order, such clauses are considered to be self-deleting.

All Orders

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| 52.203-3 | Gratuities | 252.204-7014 | Limitations on the Use or Disclosure of Information by Litigation Support Contractors |
| 52.203-19 | Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements | 252.204-7015 | Disclosure of Information to Litigation Support Contractors |
| 52.204-21 | Basic Safeguarding of Covered Contractor Information Systems | 252.204-7008 | Compliance with Safeguarding Covered Defense Information Controls |
| 52.204-9 | Personal Identity Verification of Contractor Personnel | 252.204-7018 | Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services |
| 52.204-23 | Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities. | 252.204-7020 | NIST SP 800-171 DoD Assessment Requirements |
| 52.204-24 | Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. | 252.223-7999 | Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors |
| 52.204-25 | Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment | 252.225-7001 | Buy American Act and Balance of Payments Program. (Applies in lieu of FAR 52.225-1.) |
| 52.209-5 | Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters | 252.225-7007 | Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies |
| 52.211-15 | Defense Priority and Allocation Requirements | 252.225-7008 | Restriction on Acquisition of Specialty Metals |
| 52.222-21 | Prohibition of Segregated Facilities | 252.225-7009 | Restriction on Acquisition of Certain Articles Containing Specialty Metals (OCT 2014) |
| 52.222-26 | Equal Opportunity | 252.225-7021 | Trade Agreements |
| 52.222-41 | Service Contract Act of 1965 | 252.225-7030 | Restriction on Acquisition of Carbon Alloy and Armor Steel Plate |
| 52.222-50 | Combating Trafficking in Persons | | Anti-Terrorism/Force Protection Policy for Defense Contractors outside the United States |
| 52.223-3 | Hazardous Material Identification and Material Safety Data | 252.225-7043 | Export-Controlled Items |
| 52.223-4 | Recovered Material Certification | 252.225-7048 | Technical Data-Commercial Items (the term "Government" shall remain throughout this clause, the term "Contracting Officer" shall mean both "Contracting Officer and Buyer") |
| 52.233-99 | Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors | 252.227-7015 | Validation of Restrictive Markings on Technical Data |
| 52.225-1 | Buy American Act – Supplies | | Reporting of Foreign Taxes - US Assistance Programs |
| 52.225-2 | Buy American Act Certificate | | Requirements for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers |
| 52.225-13 | Restrictions on Certain Foreign Purchases | 252.227-7037 | Cloud Computing Services |
| 52.222-25 | Affirmative Action Compliance | | Supply Chain Risk |
| 52.232-39 | Unenforceability of Unauthorized Obligations | 252.229-7011 | Subcontracts for Commercial Items |
| 52.232-40 | Providing Accelerated Payments to Small Business Subcontractors | | Notification of Potential Safety Issues |
| 52.244-6 | Subcontracts for Commercial Items | 252.236-7013 | Contractor Counterfeit Electronic Part Detection and Avoidance System (For paragraphs (a)-(e) the term "Contractor" shall mean "Seller" and the term "Contracting Officer" shall mean both "Contracting Officer" and "Buyer") |
| 52.245-1, Alt. 1 | Government Property (except in clauses (e)(1), (e)(2)(ii), (e)(3)(i), (f)(1)(ii), the term "Government" shall remain) | 252.239-7010 | Sources of Electronic Parts |
| 52.247-63 | Preference for U.S. Flag Air Carriers | 252.239-7018 | Transportation of Supplies by Sea |
| 52.247-64 | Preference for Privately Owned U.S.-Flag Commercial Vessels | 252.244-7000 | Notification of Transportation of Supplies by Sea |
| | | 252.246-7003 | Notification of Anticipated Contract Termination or Reduction. (Delete paragraph (d)(1) and the first five words of paragraph (d)(2).) |
| | | 252.246-7007 | |
| 252.203-7002 | Requirements to Inform Employees of Whistleblower Rights | | |
| 252.204-7000 | Disclosure of Information | | |
| 252.204-7009 | Limitations on the Use and Disclosure of Third-Party Contractor Reported Cyber Incident Information | 252.246-7008 | |
| | | 252.247-7023 | |
| 252.204-7012 | Safeguarding Covered Defense Information and Cyber Incident Reporting (In subparagraph (c) (1) (ii), Seller shall rapidly Report any cyber incident to the Department of Defense (DOD) at http://dibnet.dod.mil and to Buyer's authorized Purchasing Representative within seventy two (72) hours of discovery) | 252.247-7024 | |
| | | 252.249-7002 | |

All Orders Greater than \$3,000 (Greater than \$3,500 if Prime Contract dated on or after October 1, 2015)

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| 52.222-54 | Employment Eligibility Verification | 52.223-18 | Encouraging Contractor Policies to Ban Text Messaging While Driving |
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All Orders of \$10,000 and Greater

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| 52.222-40 | Notification of Employee Rights under the National Labor Relations Act |
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All Orders Greater than \$15,000

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| 52.222-36 | Equal Opportunity for Workers with Disabilities |
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All Orders of \$100,000 and Greater

52.222-35 Equal Opportunity for Veterans

All Orders of Greater than \$150,000

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| 52.203-6, Alt. I | Restrictions on Subcontractor Sales to the Government | 52.203-17 | Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights |
| 52.203-11 | Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions | 52.219-8 52.222-37 | Utilization of Small Business Concerns Employment Reports on Veterans |
| 52.203-12 | Limitation on Payments to Influence Certain Federal Transactions | 252.225-7006 252.225-7012 | Acquisition of the American Flag Preference for Certain Domestic Commodities |
| 52.203-16 | Preventing Personal Conflicts of Interest | | |

All Orders Greater than \$500,000

252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns

All Orders of \$500,000 or Greater (\$550,000 or Greater if Prime Contract dated on or after September 28, 2006 through September 30, 2010; \$650,000 or Greater if Prime Contract dated on or after October 1, 2010 through September 30, 2015; \$700,000 or Greater if Prime Contract dated on or after October 1, 2015)

52.219-9 Small Business Subcontracting Plan 252.219-7003 Small Business Subcontracting Plan (DOD Contracts)

All Orders of \$5,000,000 and Greater and a Period of Performance of greater than 120 days (\$5.5 Million or Greater if Prime Contract dated on or after October 1, 2015)52.203-13 Contractor Code of Business Ethics and Conduct
252.203-7003 Agency Office of the Inspector General