

**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**

52.203-3	Gratuities		within seventy two (72) hours of discovery)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements	252.204-7014	Limitations on the Use or Disclosure of Information by Litigation Support Contractors
52.204-21	Basic Safeguarding of Covered Contractor Information Systems	252.204-7015	Disclosure of Information to Litigation Support Contractors
52.204-9	Personal Identity Verification of Contractor Personnel	252.204-7008	Compliance with Safeguarding Covered Defense Information Controls
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities.	252.204-7018	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services
52.204-24	Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.	252.204-7020	NIST SP 800-171 DoD Assessment Requirements
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment	252.223-7999	Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors
52.204-27	Prohibition on a ByteDance Covered Application	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	252.227-7037	Requirements for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers
52.225-13	Restrictions on Certain Foreign Purchases		Cloud Computing Services
52.222-25	Affirmative Action Compliance	252.229-7011	Supply Chain Risk
52.232-39	Unenforceability of Unauthorized Obligations		Subcontracts for Commercial Items
52.232-40	Providing Accelerated Payments to Small Business Subcontractors	252.236-7013	Notification of Potential Safety Issues
52.244-6	Subcontracts for Commercial Items		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	252.246-7008	
252.204-7009	Limitations on the Use and Disclosure of Third-Party Contractor Reported Cyber Incident Information	252.247-7023	
		252.247-7024	
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 <a href="http://dibnet.dod.mil">http://dibnet.dod.mil</a> and to Buyer's authorized Purchasing Representative	252.249-7002	

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

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**

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

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**

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	Utilization of Small Business Concerns
52.203-12	Limitation on Payments to Influence Certain Federal Transactions	52.222-37	Employment Reports on Veterans
52.203-16	Preventing Personal Conflicts of Interest	252.225-7006	Acquisition of the American Flag
		252.225-7012	Preference for Certain Domestic Commodities

**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)
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**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