

Appendix A
Supplemental Commercial Terms and Conditions

The following clauses from the Federal Acquisition Regulation (“FAR”) and Department of Defense FAR Supplement (“DFARS”) are incorporated by reference into the Terms and Conditions of this Order. The version of each such clause shall be the version applicable to the Government Prime Contract(s) (as amended) under which this Order is issued. The FAR and Supplements thereto are obtainable from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Portions of the FAR are also accessible at <http://www.acquisition.gov/far>.

Any reference in the following clauses to “Disputes” shall mean the Article entitled “Disputes” of this Order.

Contractor shall insert the following provisions in lower tier subcontracts to the extent required for each lower tier subcontract by the FAR, DFARS or other applicable law, either verbatim or in substance, and by incorporation-by-reference or otherwise as appropriate.

Wherever used, the terms “Contract” and “Contractor” shall mean this Order and Contractor under this Order (including Contractor as Bidder or Offeror), respectively. The terms “Government,” “Contracting Officer,” and equivalent phrases shall mean AMG except where it is clear that the terms “Government” or “Contracting Officer” in the clause refer to specific Government interests the clauses will be identified by “*” and shall have their original meaning as written in the FAR or DFARS, and when identified by “**” shall not only have their original meaning as written in the FAR or DFARS, but also shall mean AMG. “Subcontractor,” however, shall mean “Contractor’s Subcontractor.”

FAR

<u>Reference</u>	<u>FAR Clause Title</u>
52.203-6	Restrictions on Subcontractor Sales to the Government* (Sep 2006) Alternate I (Oct 1995) (Applicable if this Order exceeds the simplified acquisition threshold.)
52.203-7	Anti Kickback Procedures (Oct 2010) (Applicable to subcontracts exceeding \$150,000; includes subparagraph (c)(5) but excepts subparagraph (c)(1).
52.203-12	Limitation on Payments to Influence Certain Federal Transactions* (Oct 2010) (Applicable to subcontracts exceeding \$150,000)
52.203-13	Contractor Code of Business Ethics and Conduct (Apr 2010)* (Applicable to all subcontracts that have a value in excess of \$5,000,000 and a performance period of more than 120 days.)
521.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009* (June 2010) [Applicable if the subcontract is funded under the Recovery Act.]

- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (Jan 2013) (AMG incorporates herein by reference all clauses in paragraphs (b) and (c) that are included in the Government Prime Contract(s) under which this Order is issued.
- 52.219-8 Utilization of Small Business Concerns (Jan 2011) (Applicable if subcontract exceeds the simplified acquisition threshold unless a personal services contract is contemplated or the contract, together with all subcontracts, will be performed entirely outside of the U.S. and outlying areas.)
- 52.222-17 Nondisplacement of Qualified Workers (Jan 2013) (Applicable if subcontract exceeds the simplified acquisition threshold.)
- 52.222-21 Prohibition of Segregated Facilities (Feb 1999)
- 52.222-26 Equal Opportunity (Mar 2007)
- 52.222-35 Equal Opportunity for Veterans (Sep 2010) (Applicable if subcontract equals or exceeds \$100,000 unless exempt.)
- 52.222-36 Affirmative Action for Workers With Disabilities (Oct 2010) (Applicable if subcontract exceeds \$15,000 unless exempt.)
- 52.222-37 Employment Reports on Veterans (Sep 2010) (Applicable if 52.222-35 is applicable.)
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)
- 52.222-41 Service Contract Act of 1965 (Nov 2007)
- 52.222-50 Combating Trafficking in Persons (Feb 2009) (Use Alternate I when contract is performed outside of the U.S. and special directives or notices apply.)
- 52.222-51 Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007)
- 52.222-53 Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009)
- 52.222-54 Employment Eligibility Verification (Jul 2012) (Applicable unless work to be performed entirely outside of U.S., or if period of performance is less than 120 days.)
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)

- 52.225-13 Restriction on Certain Foreign Purchases (Jun 2008)
- 52.226-6 Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009)
- 52.233-3 Protest After Award (Aug 1996)
- 52.244-6 Subcontracts for Commercial Items (Dec 2010)
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006)

DFARS

Reference **DFARS Clause Title**

- 252.223-7008 Prohibition of Hexavalent Chromium (May 2011)
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (Jun 2012)
- 252.225-7039 Contractors Performing Private Security Functions (Jun 2012)
- 252.227-7015 Technical Data—Commercial Items* (Dec 2011)
- 252.227-7037 Validation of Restrictive Markings on Technical Data* (Jun 2012)
- 252.236-7013 Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers (Jan 2009) [Applicable if the subcontract involves the acquisition of steel as a construction material.]
- 252.237-7010 Prohibition on Interrogation of Detainees by Contractor Personnel (Nov 2010) [Applicable if the subcontract may require subcontractor personnel to interact with detainees in the course of their duties.]
- 252.237-7019 Training for Contractor Personnel Interacting with Detainees (Sep 2006) [Applicable if the subcontract may require subcontractor personnel to interact with detainees in the course of their duties.]
- 252.244-7000 Subcontracts for Commercial Items and Commercial Components (DoD Contracts) (Jun 2012)
- 252.246-7003 Notification of Potential Safety Issues (Jan 2007)
- 252.247-7023 Transportation of Supplies by Sea (May 2002)
- 252.247-7024 Notification of Transportation of Supplies by Sea (Mar 2000)