

**ATTACHMENT 1  
COMMERCIAL (FAR PART 12) ITEMS**

The following Federal Acquisition Regulation Supplement (“FAR”) clauses incorporated by reference shall be the most recent clause in effect during subcontract performance and shall have the same force and effect as if they are given in full text as modified by any notes following the clause citation below.

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

The terms “Government,” “Contracting Officer,” and equivalent phrases shall mean Buyer except that in the clauses identified below by “\*” the clause shall have its original meaning as written in the DFARS:

- 52.203-6 Restrictions on Subcontractor Sales to the Government\* Alternate I (Applicable if this Order exceeds the FAR 2.101 simplified acquisition threshold.)
- 52.203-7 Anti-Kickback Procedures (Applicable if this Order exceeds \$150,000; includes subparagraph (c) (5) but excepts subparagraph (c) (1))
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions\* (Applicable if this Order exceeds the Simplified Acquisition Threshold defined in FAR 2.101.)
- 52.203-13 Contractor Code of Business Ethics and Conduct\*, (Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C. 251 note)) (Applicable if this Order exceeds \$5,500,000 and has a performance period of more than 120 days.)
- 52.203–15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009\* (Section 1553 of Pub. L. 111–5) (Applicable if this Order is funded under the Recovery Act.)
- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (Applicable if this Order has a value of \$30,000 or more.)
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems (Applicable if the Order is for other than commercially available off the shelf items.)
- 52.219-8 Utilization of Small Business Concerns (15 U.S.C. 637(d) (2) and (3)) (Applicable if this Order offers further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$700,000 (\$1.5 million for construction of any public facility), the subcontractor must include 52.219–8 in lower tier subcontracts that offer subcontracting opportunities.
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity (E.O. 11246)
- 52.222-35 Equal Opportunity for Veterans (38 U.S.C. 4212(a)) (Applicable if this Order is for \$150,000 or more.)

- 52.222-36 Affirmative Action for Workers with Disabilities (29 U.S.C. 793) (Applicable if this Order is expected to exceed \$15,000 unless performance and recruitment of workers will occur outside of the United States.)
- 52.222-37 Employment Reports on Veterans (Applicable if FAR 52.222-35 is applicable.)
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act. (Applicable if this Order exceeds the simplified acquisition threshold in FAR 2.101, and contract effort is performed within the United States.)
- 52.222-50 Combating Trafficking in Persons (22 U.S.C. 7104(g))
- 52.222-54 Employment Eligibility Verification (Applicable unless work to be performed entirely outside of U.S., or if period of performance is less than 120 days.)
- 52.222-55 Minimum Wages Under Executive Order 13658 (Applicable for any Order s that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute and are to be performed in whole or in part in the United States.
- 52.223-11 Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Applicable if this Order is for goods that may contain or be manufactured with ozone-depleting substances.)
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving
- 52.225-13 Restriction on Certain Foreign Purchases
- 52.227-19 Commercial Computer Software License -
- 52.232-40 Providing Accelerated Payment to Small Business Subcontractors. (Applicable if this Order is placed with Small Business concerns.)
- 52.233-3 Protest After Award
- 52.244-6 Subcontracts for Commercial Items
- 52.246-2 Inspection of Supplies - - Fixed-Price
- 52.247-63 Preference for U.S.- Flag Air Carriers

The following Defense Federal Acquisition Regulation Supplement (“DFARS”) clauses incorporated by reference shall be the most recent clause in effect during subcontract performance and shall have the same force and effect as if they are given in full text as modified by any notes following the clause citation below.

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

The terms “Government,” “Contracting Officer,” and equivalent phrases shall mean Buyer except that in the clauses identified below by “\*” the clause shall have its original meaning as written in the DFARS:

- 252.203-7002 Requirement to Inform Employees of Whistleblower Rights
- 252.204-7009 Limitations on the Use or Disclosure of Third Party Contractor Reported Cyber Incident Information

- 252.204-7012 Safeguarding of Unclassified Controlled Technical Information.
- 252.204-7015 Disclosure of Information to Litigation Support Contractors
- 252.222-7007 Representation Regarding Combating Trafficking in Persons (Applicable in all solicitations and contracts if Order exceeds the simplified acquisition threshold in FAR 2.101.)
- 252.223-7008 Prohibition of Hexavalent Chromium (Applicable if this Order is for goods, maintenance and repair services, or construction materials.)
- 252.223-7006 Prohibition on Storage, Treatment and Disposal of Toxic or Hazardous Materials- Basic (Applicable in all subcontracts that require, may require or permit a subcontractor access to a DoD installation, at any tier.
- 252.225-7001 Buy American and Balance of Payments Program (Applies if the goods furnished under this Order contain other than domestic components. Applies in lieu of FAR 52.225-1.)
- 252.225-7009 Restrictions on Acquisition of Certain Articles Containing Specialty Metals (Includes paragraphs (a) through (c), and excludes and reserves Paragraphs (d) and (e) (1))
- 252.225-7021 Trade Agreements (Applies if the effort performed under this Order contains other than U.S.-made, qualifying country, or designated country end products. Applies in lieu of FAR 52.225-5.)
- 252.225-7028 Exclusionary Policies and Practices of Foreign Governments
- 252.225-7048 Export Controlled Items (Includes paragraph (e).)
- 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (Applies if this Order exceeds \$500,000.)
- 252.227-7015 Technical Data--Commercial Items\*
- 252.227-7037 Validation of Restrictive Markings on Technical Data\*
- 252.229-7011 Reporting of Foreign Taxes – U.S. Assistance Programs
- 252.234-7004 Cost and Software Data Reporting System (Applicable for any subcontract (at any tier) that exceeds \$50 million.)
- 252.236-7013 Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers [Applicable if this Order involves the acquisition of steel as a construction material.]
- 252.237-7010 Prohibition on Interrogation of Detainees by Contractor Personnel (Applicable if subcontractor personnel may be required to interact with detainees in the course of their duties.
- 252.239-7018 Supply Chain Risk (Applicable to subcontracts for the development and delivery of any information technology, whether acquired as a service or as a supply. Includes paragraph (3).)
- 252.244-7000 Subcontracts for Commercial Items
- 252.246-7003 Notification of Potential Safety Issues

- 252.246-7007 Contractor Counterfeit Electronic Part Detection and Avoidance System\* (Applicable if this Order is for the supply of electronic parts; end items, components, parts or assemblies containing electronic parts; or services where the supplier will supply electronic parts as part of the service. Paragraphs (a) through (e) apply. Paragraph (b) is rewritten to exclude “disapproval of the purchasing system by the Contracting Officer and/or”. Paragraph (d) is rewritten as follows: Government review and evaluation of the Prime Contractor’s policies and procedures will be accomplished as part of the evaluation of the Prime Contractor’s purchasing system in accordance with DFARS 252.244-7001, Contractor Purchasing System Administration- Basic, or Contractor’s Purchasing System Administration- Alternate 1. The supplier for any Order to which this clause applies is required to provide support and documentation during the conduct of any such Prime Contract evaluation.
- 252.247-7023 Transportation of Supplies by Sea- Basic
- 252.247-7024 Notification of Transportation of Supplies by Sea