

**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:

- 52.203-3 Gratuities* (The term “agency head” means Buyer.) (Applicable if this Order exceeds the simplified acquisition threshold in FAR 2.101.)
- 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).)
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (Applicable if this Order exceeds the simplified acquisition threshold in FAR 2.101.)
- 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.)
- 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Applicable if this Order exceeds the simplified acquisition threshold in FAR 2.101.)
- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-9 Personal Identity Verification of Contractor Personnel (Applicable to all subcontractor employees if this order requires routine physical access to a federally controlled facility and/or routine access to a federally controlled information system.)
- 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.)

- 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended or Proposed for Debarment (Applicable if this Order exceeds \$35,000 and is not a subcontract for Commercial Off the Shelf Items.)
- 52.211-5 Material Requirements
- 52.211-15 Defense Priority and Allocation Requirements If this Order is a "rated order" as indicated by a DPAS rating elsewhere in this Order, Seller will follow all the provisions of the Defense Priorities and Allocation System Regulations (15 CFR 700). 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.)
- 52.219-8 Utilization of Small Business Concerns (Applicable if this order offers further subcontracting opportunities.)
- 52.222-1 Notice to the Government of Labor Disputes 52.222-4 Contract Work Hours and Safety Standards Act- Overtime Compensation (Applicable if this Order exceeds \$150,000 and requires employment of laborers or mechanics. In addition, Buyer may withhold or recover from Seller any sums the Contracting Officer withholds or recovers from Buyer because of a violation of a provision of this clause by the Seller or Seller's subcontractor.)
- 52.222-17 Nondisplacement of Qualified Workers (Applicable if this Order exceeds the FAR 2.101 simplified acquisition threshold.)
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity (E.O. 11246)
- 52.222-29 Notification of Visa Denial (Applicable if the contractor is required to perform in or on behalf of a foreign country.)
- 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.)
- 52.222-41 Service Contract Labor Standards
- 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
 - 52.225-8 Duty Free Entry (Applicable to Subcontracts involving the importation of duty-free items, or other foreign supplies in excess of \$15,000.)
 - 52.225-13 Restriction on Certain Foreign Purchases
 - 52.227-1 Authorization and Consent (Applicable if this Order exceeds the FAR 2.101 simplified acquisition threshold.)
 - 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Applicable if this Order exceeds the FAR 2.101 simplified acquisition threshold.)
 - 52.227-3 Patent Indemnity
 - 52.227-9 Refund of Royalties (Applicable if the amount of royalties reported during negotiation of the contract exceeds \$250.)
 - 52.227-10 Filing of Patent Applications- Classified Subject Matter (Applicable to subcontracts that cover or are likely to cover classified subject matter.)
 - 52.227-11 Patent Rights- Ownership by the Contractor (Applicable to subcontracts for experimental, developmental or research work by small business firms or nonprofit organizations. Includes paragraph (k).)
 - 52.227-13 Patent Rights- Ownership by the Government (Applicable to subcontracts for experimental, developmental or research work. References to the Government are not changed and the subcontractor has all rights and obligations of the Contractor in the clause.)
 - 52.227-14 Rights in Data- General The term "Government" does not change in sections (b); (c)(1), lines 12,16,19,20 and 24; and (c)(2). Alternates will be used if/as required by the Prime Contract.
 - 52.227-19 Commercial Computer Software License
 - 52.228-5 Insurance- Work on a Government Installation (Applicable if this Order exceeds the FAR 2.101 simplified acquisition threshold and requires work on a Government installation.)
 - 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
 - 52.236-13 Accident Prevention (Includes paragraph (e).
 - 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
 - 52.248-1 Value Engineering (Applicable if this Order exceeds \$150,000.)

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
- 252.204-7000 Disclosure of Information (Includes paragraph (c).)
- 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
- 252.208-7000 Intent to Furnish Precious Metals as Government Furnished Material (Includes paragraph (d).)
- 252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements (Applicable if this Order exceeds \$1.0 million.
- 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.)
- 252.223-7006 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.
- 252.223-7008 Prohibition of Hexavalent Chromium (Applicable if this Order is for goods, maintenance and repair services, or construction materials.)
- 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
- 252.225-7033 Waiver of United Kingdom Levies (Applicable if this Order is placed with a U.K. firm and exceeds \$1 million. Includes paragraph (d).)

- 252.225-7043 Antiterrorism/Force Protection for Defense Contractors Outside of the United States
- 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 (Sep 2018) (Deviation 2018-O0020) (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.
- 252.246-7008 Sources of Electronic Parts (Applicable if this Order is for electronic parts or assemblies containing electronic parts, unless the subcontractor is the original manufacturer. Includes paragraph (e).)
- 252.247-7023 Transportation of Supplies by Sea- Basic
- 252.247-7024 Notification of Transportation of Supplies by Sea