

SUPPLEMENT TO TERMS AND CONDITIONS FOR COMMERCIAL ITEMS

FEDERAL ACQUISITION REGULATION (FAR)

FAR 52.244-6 Subcontracts for Commercial Items (JUL 2013)

(a) *Definitions.* As used in this clause—

“Commercial item” has the meaning contained in Federal Acquisition Regulation 2.101, Definitions.

“Subcontract” includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or nondevelopmental items as components of items to be supplied under this contract.

(c)(1) The Contractor shall insert the following clauses in subcontracts for commercial items:

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (APR 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)), if the subcontract exceeds \$5,000,000 and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.

(ii) 52.203-15, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (JUN 2010) (Section 1553 of Pub. L. 111-5), if the subcontract is funded under the Recovery Act.

(iii) 52.219-8, Utilization of Small Business Concerns (JUL 2013) (15 U.S.C. 637(d)(2) and (3)), if the subcontract offers further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1,500,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iv) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Veterans (Sept 2010) (38 U.S.C. 4212(a));

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (OCT 2010) (29 U.S.C. 793).

(vii) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496), if flow down is required in accordance with paragraph (f) of FAR clause 52.222-40.

(viii) 52.222-50, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104(g)).

(ix) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. App. 1241 and 10 U.S.C. 2631), if flow down is required in accordance with paragraph (d) of FAR clause 52.247-64).

(2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.

FAR 52.245-1 GOVERNMENT PROPERTY (AUG 2010), INCORPORATED BY REFERENCE

(a) *Definitions.* As used in this clause—

The Contractor shall include the requirements of this clause in all subcontracts. A copy of this clause can be found at http://www.arnet.gov/far/current/html/52_245.html or will be provided on request.

Clauses for all procurements for Commercial Items – All locations

FAR 52.204-2	Security Requirements – Aug 1996
FAR 52.222-50	Combating Trafficking in Persons - Feb 2009
FAR 52.225-13	Restrictions on Certain Foreign Purchases - Jun 2008
FAR 52.224-1	Privacy Act Notification - Apr 1984
FAR 52.227-14	Rights in Data - General - DEC 2007
FAR 52.227-14, Alt II	Rights in Data - General - Alternate II - DEC 2007
FAR 52.227-14, Alt III	Rights in Data – General - Alternate III - DEC 2007
DFAR 252.223-7008	Prohibition of Hexavalent Chromium – Jun 2013

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DFAR 252.227-7015	Technical Data – Commercial Items – Jun 2013
DFAR 252.227-7037	Validation of Restrictive Markings on Technical Data- Jun 2013
DFAR 252.236-7013	Requirement for Competition Opportunity for American Steel Producers, Fabricators and Manufacturers (for Construction Subcontractors) – Jun 2013
DFAR 252.246-7003	Notification of Potential Safety Issues – Jun 2013

Clauses for all procurements for Commercial Items – when work is to be performed outside the United States or its outlying areas

FAR 52.222-50, Alt I	Combating Trafficking in Persons (Feb 2009) – Alternate I- Feb 2009
FAR 52.228-3	Workers Compensation Insurance (Defense Base Act) - Apr 1984
FAR 52.228-4	Workers Compensation and War-Hazard Insurance Overseas - Apr 1984
DoSAR 652.228-71	Worker’s Compensation Insurance (Defense Base Act), Services – JUN 2008

Clauses for all procurements for Commercial Items in excess of \$2,500 – when work is to be performed within the United States or its outlying areas:

FAR 52.222-41	Service Contract Act of 1965, As Amended - NOV 2007
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Clauses for all procurements for Commercial Items in excess of \$10,000 – when work is to be performed within the United States or its outlying areas:

FAR 52.222-21	Prohibition of Segregated Facilities - Feb 1999
FAR 52.222-36	Affirmative Action for Workers with Disabilities - OCT 2010
FAR 52.222-37	Employment Reports on Veterans - SEP 2010
FAR 52.225-8	Duty Free Entry - OCT 2010

Clauses for all procurements for Commercial Items in excess of \$25,000 – All locations

FAR 52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended or Proposed for Debarment - Aug 2013
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Clauses for all procurements for Commercial Items in excess of \$25,000 – when work is to be performed within the United States or its outlying areas:

FAR 52.222-35	Equal Opportunity for Veterans - Sep 2010
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Clauses for all procurements for Commercial Items in excess of \$100,000 – All locations

FAR 52.203-6, Alt I	Restrictions on Subcontractor Sales to the Government - Sep 2006
FAR 52.203-12	Limitations on Payments to Influence Certain Federal Transactions - OCT 2010
DFAR 252.225-7009	Restriction of Acquisition of Certain Articles Containing Specialty Metals – Jun 2013
DAFR 252.247-7023	Transportation of Supplies by Sea – Jun 2013

Clauses for all procurements for Commercial Items in excess of \$100,000 – when work is to be performed within the United States or its outlying areas:

FAR 52.219-8	Utilization of Small Business Concerns – Jul 2013
FAR 52.222-26	Equal Opportunity - MAR 2007
FAR 52.222-29	Notification of Visa Denial - Jun 2003
FAR 52.227-1	Authorization and Consent - DEC 2007
FAR 52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement - DEC 2007

Clauses for all procurements for Commercial Items in excess of \$100,000, when work is to be performed outside the United States or its outlying areas:

FAR 52.225-19	Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission outside the United States - Mar 2008
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