

**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		Information Controls
52.204-9	Personal Identity Verification of Contractor Personnel	252.225-7001	Buy American Act and Balance of Payments Program. (Applies in lieu of FAR 52.225-1.)
52.211-15	Defense Priority and Allocation Requirements	252.225-7007	Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies
52.222-21	Prohibition of Segregated Facilities		Restriction on Acquisition of Specialty Metals
52.222-26	Equal Opportunity		Restriction on Acquisition of Certain Articles Containing Specialty Metals (OCT 2014)
52.222-41	Service Contract Act of 1965	252.225-7008	Trade Agreements
52.222-50	Combating Trafficking in Persons	252.225-7009	Restriction on Acquisition of Carbon Alloy and Armor Steel Plate
52.223-3	Hazardous Material Identification and Material Safety Data	252.225-7021	Anti-Terrorism/Force Protection Policy for Defense Contractors outside the United States
52.223-4	Recovered Material Certification	252.225-7030	Technical Data-Commercial Items (the term "Government" shall remain throughout this clause, the term "Contracting Officer" shall mean both "Contracting Officer and Buyer")
52.225-1	Buy American Act – Supplies		Validation of Restrictive Markings on Technical Data
52.225-2	Buy American Act Certificate	252.225-7043	Reporting of Foreign Taxes - US Assistance Programs
52.225-13	Restrictions on Certain Foreign Purchases		Requirements for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers
52.232-39	Unenforceability of Unauthorized Obligations	252.227-7015	Cloud Computing Services
52.232-40	Providing Accelerated Payments to Small Business Subcontractors		Supply Chain Risk
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)	252.227-7037	Subcontracts for Commercial Items
52.247-63	Preference for U.S. Flag Air Carriers	252.229-7011	Notification of Potential Safety Issues
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels	252.236-7013	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")
252.203-7002	Requirements to Inform Employees of Whistleblower Rights		Transportation of Supplies by Sea
252.204-7000	Disclosure of Information	252.239-7010	Notification of Transportation of Supplies by Sea
252.204-7009	Limitations on the Use and Disclosure of Third-Party Contractor Reported Cyber Incident Information	252.239-7018 252.244-7000 252.246-7003	Notification of Anticipated Contract Termination or Reduction. (Delete paragraph (d) (1) and the first five words of paragraph (d) (2).)
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 within seventy two (72) hours of discovery)	252.246-7007	
252.204-7014	Limitations on the Use or Disclosure of Information by Litigation Support Contractors	252.247-7023 252.247-7024	
252.204-7015	Disclosure of Information to Litigation Support Contractors	252.249-7002	
252.204-7008	Compliance with Safeguarding Covered Defense		

**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		
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**All Orders of Greater than \$150,000**

52.203-6, Alt. 1	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	52.219-8 252.225-7006	Utilization of Small Business Concerns
52.203-12	Limitation on Payments to Influence Certain Federal Transactions	252.225-7012	Acquisition of the American Flag
52.203-16	Preventing Personal Conflicts of Interest		Preference for Certain Domestic Commodities

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FEDERAL ACQUISITION REGULATION (FAR), DEPARTMENT OF DEFENSE (DoD) FAR SUPPLEMENT (DFARS)

**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)

**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