

# General Provisions for Subcontracts / Purchase Orders Under a U.S. Government Prime Contract

## General Notes:

- 1) If a subcontract, lower tier subcontract, or purchase order shows on its face that it is placed in support of a U.S. Government funded prime contract or subcontract, if the Buyer otherwise notifies the Seller that the order is placed under a U.S. Government prime contract or subcontract, or if the Seller otherwise has reason to know that the order is placed under a U.S. Government prime contract or subcontract, the following clauses of the Federal Acquisition Regulation (FAR) and the Department of Defense FAR Supplement (DFARS) are incorporated herein by reference, with the same force and effect as if set forth below in full text, and are applicable, including any notes following the clause citation, to this Contract.
- 2) If the date or substance of any of the clauses listed below is different from the date or substance of the clause actually incorporated in the Prime Contract referenced by number herein, the date or substance of the clause incorporated by said Prime Contract shall apply instead.
- 3) The clauses herein apply to all firm-fixed price, cost-reimbursable, and time & materials / labor hour purchase orders as applicable.
- 4) Full text version of these clauses are available from the U.S. Government-managed websites: <https://www.acquisition.gov/far/> and <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/>.
- 5) Seller agrees to flow-down the FAR and DFARS clauses included in this Contract, to its lower-tier suppliers. Seller further agrees that all notifications and other communications required by these clauses shall be made through Buyer's Purchasing Representative, unless the Order specifically provides otherwise.

## Notes Regarding Substitution of Parties in FAR and DFARS Clauses:

- 1) The following changes to the FAR and DFARS clauses are made for incorporation of these clauses into this Order, unless the content and context of the clause indicates otherwise.
  - a) "Contractor" or "prime contractor" or "offeror" shall mean "Seller"
  - b) "Government shall mean "Buyer"
  - c) "Contracting Officer" shall mean "Buyer's Purchasing Representative"
  - d) "Contract" or "Schedule" shall mean this "Order"

## Definitions

- 1) "Commercial item" means a commercial item as defined in FAR 2.101.
- 2) "Contract" means the instrument of contracting, such as "Purchase Order", "PO", "Subcontract", or other such type of designation, including these General Provisions, all referenced documents, exhibits and attachments. If these terms and conditions are incorporated into a "master" agreement that provides for releases, (in the form of a Purchase Order or other such document) the term "Contract" shall also mean the Release document for the Work to be performed.
- 3) "Seller" means the party identified on the face of the Order with whom Flextronics is contracting.
- 4) "Prime Contract" means the contract between Flextronics and the U.S. Government or between Flextronics and its higher-tier contractor who has a contract with the U.S. Government.
- 5) "Subcontract" means any contract placed by the Seller or lower-tier subcontractors under this Contract.

## SECTION I: COMMERCIAL ITEM PROCUREMENTS

In accordance with FAR 52.212-5(e)(1), Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (Jun 2016) and FAR 52.244-6 or DFARS 252.244-7000, Subcontracts for Commercial Items, the specified minimum FAR and DFARS provisions are incorporated herein by reference, as applicable and for all items being procured under this order that meet the definition of “Commercial item” in FAR 2.101. Additionally, the clauses listed below are also incorporated by reference. DFARS clauses generally apply to DOD contracts.

ALL ORDERS	
52.224-2	Privacy Act (Apr 1984)
52.225-1	Buy American Act – Supplies (May 2014)
52.225-5	Trade Agreements (Nov 2013)
52.225-8	Duty Free Entry (Oct 2010)
52.225-13	Restrictions on Certain Foreign Purchases (June 2008)
52.228-3	Workers Compensation Insurance (Defense Base Act) (Jul 2014)
52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) <sup>1</sup>
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004)
52.234-1	Industrial Resources Developed Under Defense Production Act Title III (Dec 1994)
52.242-15	Stop Work Order (Aug 1989)
52.243-1	Changes – Fixed-Price (Aug 1987)
52.245-1	Government Property (Apr 2012)
52.246-11	Higher-Level Contract Quality Requirement (Dec 2014) <sup>2</sup>
52.247-63	Preference for U.S. Flag Air Carriers (June 2003) <sup>3</sup>
52.249-2	Termination for Convenience of the Government (Fixed-Price) (Apr 2012)
52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (Sept 1996)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)
252.203-7002	Requirements to Inform Employees of Whistleblower Rights (Sept 2013)
252.204-7000	Disclosure of Information (Aug 2013)
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (Dec 2015)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Dec 2015)
252.204-7014	Limitation on the Use or Disclosure of Information by Litigation Support Contractors (May 2016)
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (May 2016)

<sup>1</sup> Required in contracts with small business concerns.

<sup>2</sup> Required for critical and complex items as described in 46.203(b) and (c) respectively.

<sup>3</sup> Required if the subcontract or purchase may involve air transportation.

ALL ORDERS (CONDITINUED)	
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991) <sup>4</sup>
252.211-7003	Item Unique Identification and Valuation (Mar 2016)
252.217-7009	Default (Dec 1991)
252.222-7000	Restrictions on Employment of Personnel (Mar 2000) <sup>5</sup>
252.223-7008	Prohibition of Hexavalent Chromium (May 2011)
252.225-7001	Buy American and Balance of Payments Program (Nov 2014)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Oct 2014)
252.225-7012	Preferences for Certain Domestic Commodities (Feb 2013)
252.225-7013	Duty-Free Entry (May 2016)
252.225-7021	Trade Agreements (Oct 2015)
252.225-7048	Export Controlled Items (June 2013)
252.227-7013	Rights in Technical Data—Noncommercial Items (Feb 2014)
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Feb 2014)
252.227-7015	Technical Data – Commercial Items (Feb 2014)
252.227-7016	Rights in Bid or Proposal Information (Jan 2011)
252.227-7018	Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program (Feb 2014)
252.227-7019	Validation of Asserted Restrictions—Computer Software (Sep 2011)
252.227-7037	Validation of Restrictive Markings on Technical Data (Jun 2013)
252.228.7001	Ground and Flight Risk (Jun 2010)
252.246-7003	Notification of Potential Safety Issues (Jun 2013)
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (May 2014)
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (Sep 2010)
252.247-7023	Transportation of Supplies by Sea—Basic (Apr 2014)
252.247-7024	Notification of Transportation of Supplies by Sea (Mar 2000)
ALL ORDERS THAT EXCEED THE MICRO-PURCHASE THRESHOLD OR \$3,500	
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
ALL ORDERS THAT EXCEED \$30,000	
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015)
ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000	
52.203-6 (Alt I)	Restrictions on Subcontractor Sales to the Government (Sept 2006)
52.203-7	Anti-Kickback Procedures (May 2014)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions

<sup>4</sup> Required in all subcontracts and purchase orders unless the Contractor knows that the item being purchased contains no precious metals.

<sup>5</sup> Applies only to construction and service contracts to be performed in whole or in part within a noncontiguous State.

**ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000 (CONTINUED)**

52.203-16	Preventing Personal Conflicts of Interest (Dec 2011) <sup>6</sup>
52.203-17	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Apr 2014)
52.215-2	Audit and Records—Negotiation (Oct 2010) <sup>7</sup>
52.215-14	Integrity of Unit Prices (Oct 2010)
52.222-17	Nondisplacement of Qualified Workers (May 2014)
52.215-23	Limitations on Pass-Through Charges (Oct 2009) <sup>8</sup>
52.227-1	Authorization and Consent (Dec 2007)
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
52.248-1	Value Engineering (Oct 2010)
252.249-7002	Notification of Anticipated Contract Termination or Reduction (Oct 2015)

**ALL ORDERS THAT EXCEED \$500,000**

52.222-56	Certification Regarding Trafficking in Person Compliance Plan (May 2015) <sup>9</sup>
252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Business Concerns (Sep 2004)

**ALL ORDERS THAT EXCEED \$700,000**

52.219-9	Small Business Subcontracting Plan (Oct 2015)
252.219-7003	Small Business Subcontracting Plan (DOD Contracts)—Basic (Mar 2016)
252.219-7004	Small Business Subcontracting Plan (Test Program) (Oct 2014)

**ALL ORDERS THAT EXCEED \$750,000**

52.214-26	Audit and Records – Sealed Bidding (Oct 2010)
52.215-18	Revision or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions (July 2005)
52.215-19	Notification of Ownership Changes (Oct 1997)

**ALL ORDERS THAT EXCEED \$1.5 MILLION**

252.211-7000	Acquisition Streamlining (Oct 2010)
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**ALL ORDERS THAT EXCEED \$5.5 MILLION**

52.203-14	Display of Hotline Poster(s) (Oct 2015)
252.203-7003	Agency Office of the Inspector General (Dec 2012) <sup>10</sup>

<sup>6</sup> Required only if subcontractor employees will perform acquisition functions closely associated with inherently governmental functions

<sup>7</sup> For contracts in excess of the simplified acquisition threshold and (1) That are cost-reimbursement, incentive, time-and-materials, labor-hour, or price-red terminable type or any combination of these; (2) For which certified cost or pricing data are required; or (3) That require the subcontractor to furnish reports as discussed in paragraph (e) of this clause.

<sup>8</sup> Required for cost-reimbursement subcontracts that exceed the simplified acquisition threshold, except if the contract is with DOD, in which case it applies to all cost-reimbursement subcontracts and fixed-price subcontracts, with limited exceptions, that exceed \$750,000.

<sup>9</sup> Required if it is possible that at least \$500,000 of the value of the contract may be performed outside the United States and the acquisition is not entirely for commercially available off the shelf items.

<sup>10</sup> Applies when FAR 52.203-13 applies.

## SECTION II: NON-COMMERCIAL ITEM PROCUREMENTS

I.

The following FAR and DFARS Provisions are incorporated herein by reference for all items being procured under this order that do **not** meet the definition of “Commercial Item” found in FAR 2.101. DFARS clauses generally apply to DOD contracts.

ALL ORDERS	
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (May 2014)
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (May 2014)
52.211-5	Material Requirements (Aug 2000)
52.211-15	Defense Priority and Allocation Requirements (Apr 2008)
52.222-3	Convict Labor (June 2003)
52.222-21	Prohibition of Segregated Facilities (Apr 2015)
52.222-26	Equal Opportunity (Apr 2015)
52.222-50	Combating Trafficking in Persons (Mar 2015)
52.223-6	Drug Free Workplace (May 2001)
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
52.225-1	Buy American Act – Supplies (May 2014)
52.225-5	Trade Agreements (Nov 2013)
52.225-8	Duty-Free Entry (Oct 2010)
52.225-13	Restrictions on Certain Foreign Purchases (June 2008)
52.227-9	Refund of Royalties (Apr 1984) <sup>11</sup>
52.227-11	Patent Rights—Ownership by the Contractor (May 2014)
52.227-13	Patent Rights—Ownership by the Government (Dec 2007)
52.227-14	Rights in Data—General (May 2014)
52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) <sup>12</sup>
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004)
52.234-1	Industrial Resources Developed Under Defense Production Act Title III (Dec 1994)
52.242-15	Stop Work Order (Aug 1989)
52.243-1	Changes – Fixed-Price (Aug 1987)
52.244-6	Subcontracts for Commercial Items (Jun 2016)
52.245-1	Government Property (Apr 2012)
52.247-63	Preference for U.S. Flag Air Carriers (June 2003) <sup>13</sup>

<sup>11</sup> Applies to any contract in which the amount of royalties, where royalties includes license fees, patent or license amortization costs, and similar costs or charges, reported during the negotiation of the subcontract exceed \$250.

<sup>12</sup> Required in contracts with small business concerns.

<sup>13</sup> Required if the subcontract or purchase may involve air transportation.

## ALL ORDERS (CONDITINUED)

	Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006)
52.249-2	Termination for Convenience of the Government (Fixed-Price) (Apr 2012)
52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (Sept 1996)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)
252.203-7002	Requirements to Inform Employees of Whistleblower Rights (Sept 2013)
252.204-7000	Disclosure of Information (Aug 2013)
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (Dec 2015)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Dec 2015)
252.204-7014	Limitation on the Use or Disclosure of Information by Litigation Support Contractors (May 2016)
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (May 2016)
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991) <sup>14</sup>
252.211-7003	Item Unique Identification and Valuation (Mar 2016)
252.215-7000	Pricing Adjustments (Dec 2012)
252.217-7009	Default (Dec 1991)
252.222-7000	Restrictions on Employment of Personnel (Mar 2000)
252.223-7008	Prohibition of Hexavalent Chromium (Jun 2013)
252.225-7001	Buy American and Balance of Payments Program (Nov 2014)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Oct 2014)
252.225-7012	Preference for Certain Domestic Commodities (Feb 2013)
252.225-7013	Duty-Free Entry (May 2016)
252.225-7021	Trade Agreements (Oct 2015)
252.225-7048	Export-Controlled Items (Jun 2013)
252.227-7013	Rights in Technical Data—Noncommercial Items (Feb 2014)
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Feb 2014)
252.227-7015	Technical Data – Commercial Items (Feb 2014)
252.227-7016	Rights in Bid or Proposal Information (Jan 2011)
252.227-7018	Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program (Feb 2014)
252.227-7019	Validation of Asserted Restrictions—Computer Software (Sep 2011)
252.227-7025	Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends (May 2013)
252.227-7037	Validation of Restrictive Markings on Technical Data (Jun 2013)
252.227-7038	Patent Rights—Ownership by the Contractor (Large Business) (Jun 2012)
252.228.7001	Ground and Flight Risk (Jun 2010)
252.235.7003	Frequency Authorization – Basic (May 2014)

<sup>14</sup> Required in all subcontracts and purchase orders unless the Contractor knows that the item being purchased contains no precious metals.

ALL ORDERS (CONDITINUED)	
252.243-7001	Pricing of Contract Modifications (Dec 1991)
252.244-7000	Subcontracts for Commercial Items (Jun 2013)
252.246-7003	Notification of Potential Safety Issues (Jun 2013)
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (May 2014)
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (Sep 2010)
252.247-7023	Transportation of Supplies by Sea—Basic (Apr 2014)
252.247-7024	Notification of Transportation of Supplies by Sea (Mar 2000)
ALL ORDERS THAT EXCEED \$2,500	
52.222-41	Service Contract Labor Standards (May 2014)
ALL ORDERS THAT EXCEED THE MICRO-PURCHASE THRESHOLD OR \$3,500	
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
52.222-54	Employment Eligibility Verification (Oct 2015)
ALL ORDERS THAT EXCEED \$10,000	
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)
ALL ORDERS THAT EXCEED \$15,000	
52.222-20	Walsh-Healey Public Contracts Act (Oct 2010)
52.222-36	Equal Opportunity for Workers with Disabilities (Jul 2014)
ALL ORDERS THAT EXCEED 35,000	
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015) <sup>15</sup>
ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000	
52.203-3	Gratuities (Apr 1984)
52.203-5	Covenant Against Contingent Fees (May 2014)
52.203-6	Restrictions on Subcontractor Sales to the Government (Sept 2006)
52.203-7	Anti-Kickback Procedures (May 2014)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (Oct 2010)
52.203-17	Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights (Apr 2014)
52.215-2	Audit and Records-Negotiations (Oct 2010)
52.215-14	Integrity of Unit Prices (Oct 2010)
52.215-23	Limitation on Pass-Through Charges (Oct 2009)
52.222-35	Equal Opportunity for Veterans (Oct 2015)
52.222-37	Employment Reports on Veterans (Feb 2016)
52.222-4	Contract Work Hours and Safety Standards—Overtime Compensation (May 2014) <sup>16</sup>
52.227-1	Authorization and Consent (Dec 2007)

<sup>15</sup> Subcontract must exceed \$35,000 in value and must not be a subcontract for commercially available off-the-shelf items.

<sup>16</sup> Provided the subcontract requires or involves the employment of laborers and mechanics.



**ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000**

52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
52.248-1	Value Engineering (Oct 2010)
252.203-7001	Prohibition on Person Convicted of Fraud or Other Defense-Contract-Related Felonies (Dec 2008)
252,249-7002	Notification of Anticipated Contract Termination or Reduction (Oct 2015)

**ALL ORDERS THAT EXCEED \$500,000**

252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Business Concerns (Sep 2004)
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**ALL ORDERS THAT EXCEED \$700,000**

52.219-8	Utilization of Small Business Concerns (Oct 2014) <sup>17</sup>
52.219-9	Small Business Subcontracting Plan (Oct 2015)
52.215-18	Revision or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions (July 2005)
52.215-19	Notification of Ownership Changes (Oct 1997)
252.219-7003	Small Business Subcontracting Plan (DoD Contracts)–Basic (Mar 2016) <sup>18</sup>
252.219-7004	Small Business Subcontracting Plan (Test Program) (Oct 2014)

**ALL ORDERS THAT EXCEED \$1 MILLION**

252.225-7033	Waiver of United Kingdom Levies (Apr 2003) <sup>19</sup>
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**ALL ORDERS THAT EXCEED \$1.5 MILLION**

252.211-7000	Acquisition Streamlining (Oct 2010)
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**ALL ORDERS THAT EXCEED \$5.5 MILLION**

	Contractor Code of Business Ethics and Conduct (Oct 2015) <sup>20</sup>
52.203-14	Display of Hotline Poster(s) (Oct 2015)
252.203-7003	Agency Office of the Inspector General (Dec 2012)
252.203-7004	Display of Hotline Posters (Oct 2015)

<sup>17</sup> For construction of any public facility the threshold for applicability is \$1.5 million.

<sup>18</sup> Applicable if FAR 52.219-9 applies.

<sup>19</sup> Required in contracts for supplies where a lower-tier subcontract exceeding \$1 million with a U.K. firm is anticipated.

<sup>20</sup> Requires a performance period of more than 120 days to be applicable.

## SECTION III A: FOREIGN SUPPLIERS

The below provisions apply to foreign suppliers providing goods or services sourced from outside the United States. If foreign suppliers subcontract with suppliers in the United States or otherwise complete work in or recruit employees from the United States, then the provisions referenced in Sections I and II apply as described above.

### *Section IIIA: Commercial Item Procurements*

In accordance with FAR 52.212-5(e)(1), Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (Jun 2016) and DFARS 252.244-7000, Subcontracts for Commercial Items, the specified minimum FAR and DFARS provisions are incorporated herein by reference, as applicable and for all items being procured under this order that meet the definition of “Commercial item” in FAR 2.101.

ALL ORDERS	
52.224-2	Privacy Act (Apr 1984)
52.225-1	Buy American Act – Supplies (May 2014)
52.225-5	Trade Agreements (Nov 2013)
52.225-8	Duty Free Entry (Oct 2010)
52.225-13	Restrictions on Certain Foreign Purchases (June 2008)
52.228-3	Workers Compensation Insurance (Defense Base Act) (Jul 2014)
52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) <sup>21</sup>
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004)
52.234-1	Industrial Resources Developed Under Defense Production Act Title III (Dec 1994)
52.242-15	Stop Work Order (Aug 1989)
52.243-1	Changes – Fixed-Price (Aug 1987)
52.245-1	Government Property (Apr 2012)
52.246-11	Higher-Level Contract Quality Requirement (Dec 2014) <sup>22</sup>
52.247-63	Preference for U.S. Flag Air Carriers (June 2003) <sup>23</sup>
52.249-2	Termination for Convenience of the Government (Fixed-Price) (Apr 2012)
52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (Sept 1996)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)
252.203-7002	Requirements to Inform Employees of Whistleblower Rights (Sept 2013)
252.204-7000	Disclosure of Information (Aug 2013)
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (Dec 2015)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Dec 2015)

<sup>21</sup> Required in contracts with small business concerns.

<sup>22</sup> Required for critical and complex items as described in 46.203(b) and (c) respectively.

<sup>23</sup> Required if the subcontract or purchase may involve air transportation.

<b>ALL ORDERS (CONDITINUED)</b>	
252.204-7014	Limitation on the Use or Disclosure of Information by Litigation Support Contractors (May 2016)
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (May 2016)
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991) <sup>24</sup>
252.211-7003	Item Unique Identification and Valuation (Mar 2016)
252.217-7009	Default (Dec 1991)
252.223-7008	Prohibition of Hexavalent Chromium (May 2011)
252.225-7001	Buy American and Balance of Payments Program (Nov 2014)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Oct 2014)
252.225-7012	Preferences for Certain Domestic Commodities (Feb 2013)
252.225-7013	Duty-Free Entry (May 2016)
252.225-7021	Trade Agreements (Oct 2015)
252.225-7048	Export Controlled Items (June 2013)
252.227-7013	Rights in Technical Data—Noncommercial Items (Feb 2014)
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Feb 2014)
252.227-7015	Technical Data – Commercial Items (Feb 2014)
252.227-7016	Rights in Bid or Proposal Information (Jan 2011)
252.227-7018	Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program (Feb 2014)
252.227-7019	Validation of Asserted Restrictions—Computer Software (Sep 2011)
252.227-7037	Validation of Restrictive Markings on Technical Data (Jun 2013)
252.228.7001	Ground and Flight Risk (Jun 2010)
252.246-7003	Notification of Potential Safety Issues (Jun 2013)
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (May 2014)
	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (Sep 2010)
252.247-7023	Transportation of Supplies by Sea—Basic (Apr 2014)
252.247-7024	Notification of Transportation of Supplies by Sea (Mar 2000)
<b>All Orders that Exceed the Micro-Purchase Threshold or \$3,500</b>	
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
<b>All Orders that Exceed \$30,000</b>	
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015)
<b>ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000</b>	
52.203-6 (Alt I)	Restrictions on Subcontractor Sales to the Government (Sept 2006)
52.203-7	Anti-Kickback Procedures (May 2014)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions

<sup>24</sup> Required in all subcontracts and purchase orders unless the Contractor knows that the item being purchased contains no precious metals.

**ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000 (CONTINUED)**

52.203-16	Preventing Personal Conflicts of Interest (Dec 2011) <sup>25</sup>
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (Sep 2010)
52.203-17	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Apr 2014)
52.215-2	Audit and Records—Negotiation (Oct 2010) <sup>26</sup>
52.215-14	Integrity of Unit Prices (Oct 2010)
52.215-23	Limitations on Pass-Through Charges (Oct 2009) <sup>27</sup>
52.227-1	Authorization and Consent (Dec 2007)
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
52.248-1	Value Engineering (Oct 2010)
252.249-7002	Notification of Anticipated Contract Termination or Reduction (Oct 2015)

**ALL ORDERS THAT EXCEED \$500,000**

52.222-56	Certification Regarding Trafficking in Person Compliance Plan (May 2015) <sup>28</sup>
252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Business Concerns (Sep 2004)

**ALL ORDERS THAT EXCEED \$750,000**

52.214-26	Audit and Records – Sealed Bidding (Oct 2010)
52.215-18	Revision or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions (July 2005)
52.215-19	Notification of Ownership Changes (Oct 1997)

**ALL ORDERS THAT EXCEED \$1.5 MILLION**

252.211-7000	Acquisition Streamlining (Oct 2010)
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**ALL ORDERS THAT EXCEED \$5.5 MILLION**

52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015) <sup>29</sup>
252.203-7003	Agency Office of the Inspector General (Dec 2012) <sup>30</sup>

<sup>25</sup> Required only if subcontractor employees will perform acquisition functions closely associated with inherently governmental functions

<sup>26</sup> For contracts in excess of the simplified acquisition threshold and (1) That are cost-reimbursement, incentive, time-and-materials, labor-hour, or price-red terminable type or any combination of these; (2) For which certified cost or pricing data are required; or (3) That require the subcontractor to furnish reports as discussed in paragraph (e) of this clause.

<sup>27</sup> Required for cost-reimbursement subcontracts that exceed the simplified acquisition threshold, except if the contract is with DOD, in which case it applies to all cost-reimbursement subcontracts and fixed-price subcontracts, with limited exceptions, that exceed \$750,000.

<sup>28</sup> Required if it is possible that at least \$500,000 of the value of the contract may be performed outside the United States and the acquisition is not entirely for commercially available off the shelf items.

<sup>29</sup> Requires a performance period of more than 120 days to be applicable.

<sup>30</sup> Applies when FAR 52.203-13 applies.

## SECTION III B: NON-COMMERCIAL ITEM PROCUREMENTS

ALL ORDERS	
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (May 2014)
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (May 2014)
52.211-5	Material Requirements (Aug 2000)
52.211-15	Defense Priority and Allocation Requirements (Apr 2008)
52.222-3	Convict Labor (June 2003)
52.222-21	Prohibition of Segregated Facilities (Apr 2015)
52.222-26	Equal Opportunity (Apr 2015)
52.222-50	Combating Trafficking in Persons (Mar 2015)
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
52.225-1	Buy American Act – Supplies (May 2014)
52.225-5	Trade Agreements (Nov 2013)
52.225-8	Duty-Free Entry (Oct 2010)
52.225-13	Restrictions on Certain Foreign Purchases (June 2008)
52.227-9	Refund of Royalties (Apr 1984) <sup>31</sup>
52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) <sup>32</sup>
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004)
52.234-1	Industrial Resources Developed Under Defense Production Act Title III (Dec 1994)
52.242-15	Stop Work Order (Aug 1989)
52.243-1	Changes – Fixed-Price (Aug 1987)
52.244-6	Subcontracts for Commercial Items (Jun 2016)
52.245-1	Government Property (Apr 2012)
52.247-63	Preference for U.S. Flag Air Carriers (June 2003) <sup>33</sup>
	Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006)
52.249-2	Termination for Convenience of the Government (Fixed-Price) (Apr 2012)
52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (Sept 1996)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)
252.203-7002	Requirements to Inform Employees of Whistleblower Rights (Sept 2013)
252.204-7000	Disclosure of Information (Aug 2013)
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (Dec 2015)

<sup>31</sup> Applies to any contract in which the amount of royalties, where royalties includes license fees, patent or license amortization costs, and similar costs or charges, reported during the negotiation of the subcontract exceed \$250.

<sup>32</sup> Required in contracts with small business concerns.

<sup>33</sup> Required if the subcontract or purchase may involve air transportation.

## ALL ORDERS (CONDITINUED)

252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Dec 2015)
252.204-7014	Limitation on the Use or Disclosure of Information by Litigation Support Contractors (May 2016)
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (May 2016)
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991) <sup>34</sup>
252.211-7003	Item Unique Identification and Valuation (Mar 2016)
252.215-7000	Pricing Adjustments (Dec 2012)
252.217-7009	Default (Dec 1991)
252.223-7008	Prohibition of Hexavalent Chromium (Jun 2013)
252.225-7001	Buy American and Balance of Payments Program (Nov 2014)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Oct 2014)
252.225-7012	Preference for Certain Domestic Commodities (Feb 2013)
252.225-7013	Duty-Free Entry (May 2016)
252.225-7021	Trade Agreements (Oct 2015)
252.225-7048	Export-Controlled Items (Jun 2013)
252.227-7013	Rights in Technical Data—Noncommercial Items (Feb 2014)
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Feb 2014)
252.227-7015	Technical Data – Commercial Items (Feb 2014)
252.227-7016	Rights in Bid or Proposal Information (Jan 2011)
252.227-7018	Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program (Feb 2014)
252.227-7019	Validation of Asserted Restrictions—Computer Software (Sep 2011)
252.227-7025	Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends (May 2013)
252.227-7037	Validation of Restrictive Markings on Technical Data (Jun 2013)
252.227-7038	Patent Rights—Ownership by the Contractor (Large Business) (Jun 2012)
252.228.7001	Ground and Flight Risk (Jun 2010)
252.235.7003	Frequency Authorization – Basic (May 2014)
252.243-7001	Pricing of Contract Modifications (Dec 1991)
252.244-7000	Subcontracts for Commercial Items (Jun 2013)
252.246-7003	Notification of Potential Safety Issues (Jun 2013)
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (May 2014)
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (Sep 2010)
252.247-7023	Transportation of Supplies by Sea—Basic (Apr 2014)
252.247-7024	Notification of Transportation of Supplies by Sea (Mar 2000)

<sup>34</sup> Required in all subcontracts and purchase orders unless the Contractor knows that the item being purchased contains no precious metals.

**ALL ORDERS THAT EXCEED \$2,500**

52.222-41 Service Contract Labor Standards (May 2014)

**ALL ORDERS THAT EXCEED THE MICRO-PURCHASE THRESHOLD OR \$3,500**

52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)

52.222-54 Employment Eligibility Verification (Oct 2015)

**ALL ORDERS THAT EXCEED \$10,000**

52.222-40 Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)

**ALL ORDERS THAT EXCEED \$15,000**

52.222-20 Walsh-Healey Public Contracts Act (Oct 2010)

52.222-36 Equal Opportunity for Workers with Disabilities (Jul 2014)

**ALL ORDERS THAT EXCEED 35,000**52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015)<sup>35</sup>**ALL ORDERS THAT EXCEED THE SIMPLIFIED ACQUISITION THRESHOLD OR \$150,000**

52.203-3 Gratuities (Apr 1984)

52.203-5 Covenant Against Contingent Fees (May 2014)

52.203-6 Restrictions on Subcontractor Sales to the Government (Sept 2006)

52.203-7 Anti-Kickback Procedures (May 2014)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Oct 2010)

52.203-17 Contractor Employee Whistleblower Rights and Requirements to Inform Employees of Whistleblower Rights (Apr 2014)

52.215-2 Audit and Records-Negotiations (Oct 2010)

52.215-14 Integrity of Unit Prices (Oct 2010)

52.215-23 Limitation on Pass-Through Charges (Oct 2009)

52.222-35 Equal Opportunity for Veterans (Oct 2015)

52.222-37 Employment Reports on Veterans (Feb 2016)

52.227-1 Authorization and Consent (Dec 2007)

52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)

52.248-1 Value Engineering (Oct 2010)

252.203-7001 Prohibition on Person Convicted of Fraud or Other Defense-Contract-Related Felonies (Dec 2008)

252.249-7002 Notification of Anticipated Contract Termination or Reduction (Oct 2015)

**ALL ORDERS THAT EXCEED \$500,000**

252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Business Concerns (Sep 2004)

**ALL ORDERS THAT EXCEED \$700,000**52.219-8 Utilization of Small Business Concerns (Oct 2014)<sup>36</sup>**ALL ORDERS THAT EXCEED \$700,000 (CONTINUED)**<sup>35</sup> Subcontract must exceed \$35,000 in value and must not be a subcontract for commercially available off-the-shelf items.<sup>36</sup> For construction of any public facility the threshold for applicability is \$1.5 million.

52.219-9	Small Business Subcontracting Plan (Oct 2015)
52.215-18	Revision or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions (July 2005)
52.215-19	Notification of Ownership Changes (Oct 1997)
<b>ALL ORDERS THAT EXCEED \$1 MILLION</b>	
252.225-7033	Waiver of United Kingdom Levies (Apr 2003) <sup>37</sup>
<b>ALL ORDERS THAT EXCEED \$1.5 MILLION</b>	
252.211-7000	Acquisition Streamlining (Oct 2010)
<b>ALL ORDERS THAT EXCEED \$5.5 MILLION</b>	
52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015) <sup>38</sup>
52.203-14	Display of Hotline Poster(s) (Oct 2015)
252.203-7003	Agency Office of the Inspector General (Dec 2012)
252.203-7004	Display of Hotline Posters (Oct 2015)

<sup>37</sup> Required in contracts for supplies where a lower-tier subcontract exceeding \$1 million with a U.K. firm is anticipated.

<sup>38</sup> Requires a performance period of more than 120 days to be applicable.