

## **U.S. Government Provisions and Clauses for Orders Under U.S. Government Contracts**

- (a) In the event that pursuant to a prime contract with the US Government or a subcontract which was let under a US Government prime contract, the Buyer is flowing down Federal Acquisition Regulation (FAR) and Agency FAR Supplement provisions and clauses (e.g., DoD FAR Supplement (DFARS), NASA FAR Supplement (NFS)) (all herein "FAR Clauses") to Buyer's subcontractors, those FAR Clauses current as of the date of the prime contract that are flowed down are incorporated herein by reference, in the manner provided below. Supplier shall include in each lower-tier subcontract the appropriate flow-down clauses as required by FAR and DFARS.
  
- (b) In interpreting and applying FAR Clauses flowed down to the Supplier, and as the context requires, the terms "Contractor" and "Offeror" shall mean Supplier, the term "Contract" shall mean the Buyer's purchase order, and the term "Government", "Contracting Officer" and equivalent phrases shall mean Buyer and/or Buyer's purchasing representative. However, as an exception to the foregoing, the terms "Government" and "Contracting Officer" do not change in the following circumstances:
  - i. in the phrases "Government Property," "Government-Furnished Property," and "Government-Owned Property;"
  - ii. in the Patent Rights clauses incorporated therein, if any;
  - iii. when a right, act, authorization or obligation can be granted or performed only by the Government or a Contracting Officer or his/her duly-authorized representative;
  - iv. when title to property is to be transferred directly to the Government;
  - v. when access to proprietary financial information or other proprietary data is required, except as otherwise provided in the purchase order; and

- vi. where specifically modified in the purchase order and provided, further, that all references to the clause entitled "Disputes" or Contract Disputes Act shall be deemed deleted.
- (c) FAR Clauses flowed down by Buyer to Supplier pursuant to this provision may require submission of certificates. U.S. Government required representations and certifications made by Supplier in connection with flow down of FAR Clauses, including all such certifications submitted by Supplier with its offer, are incorporated in the Buyer's purchase order by reference. Supplier shall, with respect to FAR Clauses flowed down pursuant to this provision, furnish to Buyer (or directly to the Government upon request of Buyer) any certificate required to be furnished by any FAR Clause and any certificate required by any further US law, ordinance, or regulation with respect to Supplier's compliance with the terms and provisions of U.S. laws, ordinances, or regulations. As used in this paragraph, the word "certificate" shall include any plan or course of action or record keeping function, as, for example, a small business subcontracting plan for which flow down is required.
- (d) Supplier shall indemnify and hold Buyer harmless from and against any price reduction in Buyer's contracts with the U.S. Government, as well as Buyer's reasonable attorney fees and other direct costs to defend U.S. Government claims when said reduction is attributable to the failure of Supplier or Supplier's subcontractors to properly discharge applicable duties under the Truth in Negotiation Act and Cost Accounting Standards clauses incorporated by reference in accordance with this provision.

Additional clauses to these below are applicable if specified on the Order.

### **FAR Clauses**

NOTE: In the event this Order is identified as a "commercial item" or service within the meaning of FAR 2.101, the "Commercial Item" section below shall apply in lieu of all other FAR, DFARS and NFS Clauses.

If an Order identifies a Government prime contract number, the following FAR Clauses apply:

52.202-1	Definitions
52.203-2	Certificate of Independent Price Determination
52.203-3	Gratuities
52.203-5	Covenant Against Contingent Fees

52.203-6	Restrictions on Subcontractor Sales to the Government (orders over \$100,000 only)
52.203-7.1.1.1	Anti-Kickback Procedures (orders over \$100,000; exclude paragraph (c)(1); in paragraph (c)(4) delete “[T]he contracting officer may” and replace with “[T]o the extent the Contracting Officer has made an offset in the Prime Contract or directed the Buyer to withhold an amount, the Buyer may ...”)
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (orders over \$100,000)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (orders over \$100,000; certifications and disclosures shall be submitted to Buyer)
52.204-2	Security Requirements (if access to classified information is involved)
52.204-5	Women-Owned Business (Other Than Small Business)
52.204-6	DUNS Number
52.207-4	Economic Purchase Quantity - Supplies
52.208-8	Required Sources for Helium and Helium Usage Data (orders involving major helium requirement)
52.209-5	Certification Regarding Debarment, Suspension, proposed Debarment, and Other Responsibility Matters
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment
52.211-5	Material Requirements
52.211-14	Notice of Priority Rating for National Defense Use (does not apply to foreign entities)
52.211-15	Defense Priority and Allocation Requirements (does not apply to foreign entities)
52.214-26	Audit and Records - Sealed Bidding (orders over \$10,000)
52.214-27	Price Reduction for Defective Cost or Pricing Data - Modifications - Sealed Bidding
52.214-28	Subcontractor Cost or Pricing Data - Modifications - Sealed Bidding
52.215-2	Audit and Records - Negotiation
52.215-6	Place of Performance
52.215-9	Changes or Additions to Make-Or-Buy Program
52.215-10	Price Reduction for Defective Cost or Pricing Data
52.215-11	Price Reduction for Defective Cost or Pricing Data - Modifications
52.215-12	Subcontractor Cost or Pricing Data
52.215-13	Subcontractor Cost or Pricing Data - Modifications
52.215-14	Integrity of Unit Prices (exclude paragraph (b), but include paragraph (b) in Alternate I)
52.215-15	Pension Adjustments and Asset Reversions (in orders that meet FAR 15.408(g))

52.215-16	Facilities Capital Cost of Money
52.215-17	Waiver of Facilities Capital Cost of Money
52.215-18	Reversion or Adjustment of Plans for Postretirement benefits (PRB) Other than Pensions (in orders that meet FAR 15.408(g))
52.215-19	Notification of Ownership Changes (in orders that meet FAR 15.408(k))
52.215-20	Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data
52.215-21	Requirements for Cost or Pricing Data or Information Other than Cost or Pricing Data - Modifications
52.216-7	Allowable Cost and Payment (cost reimbursement orders)
52.216-8	Fixed Fee (cost reimbursement orders)
52.216-10	Incentive Fee (cost reimbursement orders issued on an incentive fee basis)
52.216-11	Cost Contract (cost-no fee orders)
52.216-12	Cost Sharing Contract - No Fee (cost sharing, no fee orders)
52.216-15	Predetermined Indirect Cost Rates (cost reimbursement orders)
52.219-1	Small Business Program Representations
52.219-8	Utilization of Small Business Concerns
52.219-9	Small Business Subcontracting Plan
52.219-10	Incentive Subcontracting Program
52.219-16	Liquidated Damages - Subcontracting Plan
52.219-22	Small Disadvantaged Business Status
52.219-25	Small Disadvantaged Business Participation Program - Disadvantaged Status and Reporting
52.219-26	Small Disadvantaged Business Participation program - Incentive Subcontracting
52.222-1	Notice to the Government of Labor Disputes
52.222-2	Payment for Overtime Premiums (in cost reimbursement orders)
52.222-3	Convict Labor (E.O. 11755)
52.222-4	Contract Work Hours and Safety Standards Act - Overtime Compensation (orders exceeding \$100,000)
52.222-20	Walsh-Healey Public Contracts Act
52.222-21	Prohibition of Segregated Facilities
52.222-22	Previous Contracts and Compliance Reports
52.222-24	Preaward On-Site Equal Opportunity Compliance Evaluation
52.222-25	Affirmative Action Compliance
52.222-26	Equal Opportunity
52.222-29	Notification of Visa Denial
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
52.222-36	Affirmative Action for Workers With Disabilities
52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era and Other Eligible Veterans
52.222-39	Notification of Employee Rights Concerning Payment of Union Dues or Fees

52.222-41	Service Contract Act of 1965, As Amended
52.223-3	Hazardous Material Identification and Material Safety Data
52.223-4	Recovered Material Certification
52.223-5	Pollution Prevention and Right-To-Know Information
52.223-6	Drug-Free Workplace
52.223-7	Notice of Radioactive Materials (orders involving radioactive materials)
52.223-9	Estimate of Percentage of Recovered Material Content for EPA-Designated Items
52.223-11	Ozone-Depleting Substances
52.223-13	Certification of Toxic Chemical Release Reporting
52.223-14	Toxic Chemical Release Reporting
52.224-2	Privacy Act
52.225-1	Buy American Act – Supplies
52.225-2	Buy American Act Certificate
52.225-3	Buy American Act – Free Trade Agreements – Israel Trade Act
52.225-4	Buy American Act - Free Trade Agreements – Israel Trade Act Certificate
52.225-5	Trade Agreements
52.225-6	Trade Agreements Certificate
52.225-7	Waiver of Buy American Act for Civil Aircraft and Related Articles
52.225-8	Duty-Free Entry (in paragraph (c)(1), change “20 calendar days” to “30 calendar days” and in paragraph (c)(2), change “10 calendar days” to “20 calendar days”)
52.225-13	Restrictions on Certain Foreign Purchases
52.225-15	Sanctioned European Union Country End Products
52.226-1	Utilization of Indian Organizations and Indian-Owned Economic Enterprises
52.226-2	Historically Black College or University and Minority Institution Representation
52.227-1	Authorization and Consent (orders exceeding simplified acquisition threshold; include Alternate I or II to the extent in the prime contract)
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (orders exceeding simplified acquisition threshold)
52.227-6	Royalty Information
52.227-9	Refund of Royalties
52.227-10	Filing of Patent Applications - Classified Subject Matter
52.227-11	Patent Rights - Retention by the Contractor (Short Form)
52.227-12	Patent Rights - Retention by the Contractor (Long Form)
52.227-13	Patent Rights - Acquisition by the Government
52.227-14	Rights in Data - General
52.227-15	Representation of Limited Rights Data and Restricted Rights Computer Software
52.227-16	Additional Data Requirements
52.227-17	Rights in Data - Special Works

52.227-18	Rights in Data - Existing Works
52.227-19	Commercial Computer Software - Restricted Rights
52.227-20	Rights in Data - SBIR Program
52.227-21	Technical Data Declaration, Revision, and Withholding of Payment - Major Systems
52.227-22	Major System - Minimum Rights
52.227-23	Rights to Proposal Data (Technical)
52.228-3	Worker's Compensation Insurance (Defense Base Act)
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas
52.228-5	Insurance - Work on a Government Installation
52.228-7	Insurance - Liability to Third Persons (cost reimbursement orders to the extent addressed in prime contract)
52.229-2	North Carolina State and Local Sales and Use Tax
52.229-3	Federal, State and Local Taxes
52.229-4	Federal, State and Local Taxes (State and Local Adjustments)
52.229-6	Taxes - Foreign Fixed Price Contracts
52.229-7	Taxes - Fixed Price Contracts with Foreign Governments
52.229-8	Taxes - Foreign Cost Reimbursement Contracts
52.229-10	State of New Mexico Gross Receipts and Compensating Tax
52.230-1	Cost Accounting Standards Notices and Certification
52.230-2	Cost Accounting Standards
52.230-3	Disclosure and Consistency of Cost Accounting Practices
52.230-4	Consistency in Cost Accounting Practices
52.230-6	Administration of Cost Accounting Standards
52.232-17	Interest
52.232-20	Limitation of Cost (fully funded cost reimbursement orders)
52.232-22	Limitation of Funds (incrementally funded cost reimbursement orders)
52.234-1	Industrial Resources Developed Under Defense Production Act Title III
52.237-8	Restriction on Severance Payments to Foreign Nationals
52.237-10	Identification of Uncompensated Overtime (orders for professional or technical services exceeding the simplified acquisition threshold)
52.242-2	Production Progress Reports
52.242-3	Penalties for Unallowable Costs
52.242-4	Certification of Final Indirect Costs
52.242-13	Bankruptcy
52.242-15	Stop-Work Order (in paragraph (a), change "90 days" is modified to read "180 days")
52.244-2	Subcontracts
52.244-5	Competition in Subcontracting
52.244-6	Subcontracts for Commercial Items
52.245-1	Property Records
52.245-2	Government Property (Fixed Price Contracts) (include Alternate I if in Prime Contract and, with Contracting Officer approval, limit subcontractor risk of loss)

52.245-3	Identification of Government-Furnished Property
52.245-5	Government Property (Cost-Reimbursement, Time and Material, and Labor-Hour Contracts and, with Contracting Officer approval, limit subcontractor risk of loss)
52.245-9	Use and Charges
52.245-17	Special Tooling
52.245-18	Special Test Equipment
52.245-19	Government Property Furnished "As-Is"
52.246-2	Inspection of Supplies-Fixed Price (this clause applies in lieu of the Inspection, Acceptance and Rejection clause in the body of the Terms and Conditions)
52.246-3	Inspection of Supplies-Cost-Reimbursement (this clause applies in lieu of the Inspection, Acceptance and Rejection clause in the body of the Terms and Conditions)
52.246-16	Responsibility for Supplies
52.247-63	Preference for US Flag Air Carriers
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels
52.248-1	Value Engineering
52.249-2	Termination for Convenience of the Government (Fixed-Price) (in paragraph (c), change "120 days" to "60 days"; in paragraph (e), change "1 year" to "6 months"; in paragraph I, change "90 days" to "45 days") (this clause applies in lieu of the Termination for Convenience clause in the body of the Terms and Conditions)
52.249-6	Termination (Cost-Reimbursement) (in paragraph (a)(2), change "10 days" to "7 days"; in paragraph (d), change "120 days" to "60 days"; in paragraph (f), change "1 year" to "6 months") (this clause applies in lieu of the Termination for Convenience clause in the body of the Terms and Conditions)
52.249-8	Default (Fixed-Price Supply and Service) (in paragraph (a)(2), change "10 days" to "7 days") (this clause applies in lieu of the Termination for Default clause in the body of the Terms and Conditions)

## **DFARS Clauses**

If this order identifies a Department of Defense prime contract number, in addition to, or in lieu of, the FAR Clauses, the following DFARS provisions apply to this order:

252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (in first-tier orders exceeding simplified acquisition threshold).
252.204-7000	Disclosure of Information
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material

252.209-7001	Disclosure of Ownership or Control by the Government of a Terrorist Country
252.209-7002	Disclosure of Ownership or Control by a Foreign Government
252.209-7004	Subcontracting With Firms That Are Owned or Controlled by the Government of a Terrorist Country
252.211-7000	Acquisition Streamlining (orders over \$1,000,000)
252.211-7003	Item Identification and Valuation (include if paragraph (c)(i) of this clause in Prime Contract applies)
252.215-7000	Pricing of Adjustments
252.215-7002	Cost Estimating System Requirements
252.217-7026	Identification of Sources of Supply
252.219-7003	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts)
252.219-7004	Small Business and Small Disadvantaged Business Subcontracting Plan (Test Program)
252.222-7000	Restrictions on Employment of Personnel (applies if noncontiguous state is identified in Prime Contract)
252.222-7002	Compliance With Local Labor Laws (Overseas)
252.223-7001	Hazard Warning Labels
252.223-7002	Safety Precautions for Ammunition and Explosives
252.223-7003	Change in Place of Performance - Ammunition and Explosives
252.223-7004	Drug-Free Work Force
252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials
252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives
252.225-7000	Buy American Act and Balance of Payments Program Certificate
252.225-7001	Buy American Act and Balance of Payments Program. "Government" is not changed in this clause.
252.225-7002	Qualifying Country Sources as Subcontractors
252.225-7004	Reporting of Contract Performance Outside the United States
252.225-7005	Identification of Expenditures in the United States
252.225-7006	Quarterly Reporting of Actual Contract Performance Outside the United States (include in first tier orders exceeding \$500,000)
252.225-7011	Restriction on Acquisition of Supercomputers
252.225-7012	Preference for Certain Domestic Commodities
252.225-7013	Duty-Free Entry (include information required by paragraph (j))
252.225-7014	Preference for Domestic Specialty Metals, Alternate I
252.225-7015	Preference for Domestic Hand or Measuring Tools
252.225-7016	Restriction on Acquisition of Ball or Roller Bearings
252.225-7018	Notice of Prohibition of Certain Controls with Foreign Entities for the Conduct of Ballistic Missile Defense Research, Development, Test and Evaluation
252.225-7020	Trade Agreements Certificate
252.252-7021	Trade Agreements
252.225-7022	Restrictions on Acquisition of Polyacrylonitrile Carbon Fiber

- 252.225-7024 Restriction on Acquisition of Night Vision Image Intensifier Tubes and Devices
- 252.225-7025 Restrictions on Acquisition of Forgings
- 252.225-7027 Restriction on Contingent Fees for Foreign Military Sales
- 252.225-7028 Exclusionary Policies and Practices of Foreign Governments
- 252.225-7030 Restriction of Acquisition of Carbon, Alloy, and Armor Steel Plate
- 252.225-7031 Secondary Arab Boycott of Israel
- 252.225-7032 Waiver of United Kingdom Levies – Evaluation of Offers (applicable to subcontracts with U.K. firms)
- 252.225-7033 Waiver of United Kingdom Levies (orders with UK firms exceeding \$1,000,000)
- 252.225-7035 Buy American Act Free Trade Agreements Balance of Payments Program Certificate
- 252.225-7036 Buy American Act Free Trade Agreement Balance of Payments Program
- 252.225-7038 Restriction on Acquisition of Air Circuit Breakers
- 252.225-7040 Contractor Personnel Supporting a Force Deployed Outside the United States
- 252.225-7042 Authorization to Perform
- 252.225-7043 Antiterrorism/Force Protection Policy for Defense Contractors Outside the US
- 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business concerns (orders exceeding \$500,000)
- 252.227-7013 Rights in Technical Data - Noncommercial Items (applicable when technical data from subcontractor delivered to the Government by the prime contractor; deleted from (b)(1)(iv) “[T]o the Contractor” and from (b)(1)(ix) “contract or” and “thereunder”; add “[B]uyer or” before “Government” in (c) and (i); change the second and third occurrences of “Contracting Officer” to “Government” in (e)(4); add “[A]nd the Government” after “parties” in (h)(1); change in (h)(2) “sixty (60)” to “fifty (50)” days; no substitutions for “Government” have been made.)
- 252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (applicable when software and software documentation from subcontractor delivered to the Government by the prime contractor; delete from (b)(1)(iii) “[T]o the Contractor” and from (b)(1)(vi) “contract or” and “thereunder”; add “[B]uyer or” before “Government” in (i); change the second and third occurrences of “Contracting Officer” to “Government” in (e)(4); add “[A]nd the Government” after “parties” in (h)(1); change in (h)(2) “sixty (60)” to “fifty (50)” days; no substitutions for “Government” have been made.)
- 252.227-7015 Technical Data - Commercial Items (in lieu of DFARS 252.227-7013 for Commercial Items; applicable only when commercial item (as defined in the FAR) technical data from subcontractor delivered

	to the Government by the prime contractor; no substitutions for “Contracting Officer” or “Government” have been made.)
252.227-7016	Rights in Bid or Proposal Information (applies when Clause 252.227-7013 is used; no substitutions for “Government” or “Contracting Officer” are made.)
252.227-7017	Identification and Assertion of Use, Release, or Disclosure Restrictions
252.227-7019	Validation of Asserted Restrictions -- Computer Software” (applies when clause 252.227-7014 is used; substitute “Buyer’s Purchasing Representative” for “Contracting Officer” in paragraph (b), otherwise no substitutions are made for “Contracting Officer” or “Government”; in paragraphs (f)(5) and (f)(6), substitute “the prime contract” for “this contract.”)
252.227-7020	Rights in Special Works
252.227-7021	Rights in Data - Existing Works
252.227-7022	Government Rights (Unlimited)
252.227-7023	Drawings and Other Data To Become Property of the Government
252.227-7024	Notice and Approval of Restricted Designs
252.227-7025	Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends (applies when Clause 252.227-7013 or 252.227-7014 are used; no substitution is made for “Government.”)
252.227-7026	Deferred Delivery of Technical Data or Computer Software
252.227-7027	Deferred Ordering of Technical Data or Computer Software
252.227-7028	Technical Data or Computer Software Previously Delivered to the Government
252.227-7030	Technical Data - Withholding of Payment” (applies when Clause 252.227-7013 is used; substitute “Buyer” for “Contracting Officer” in paragraph (a); add in paragraph (b), “or Buyer” after “Government.”)
252.227-7032	Rights in Technical Data and Computer Software (Foreign)
252.227-7033	Rights in Shop Drawings
252.227-7034	Patents-Subcontracts
252.227-7037	Validation of Restrictive Markings on Technical Data” (applies when Clause 252.227-7013, 252.227-7014 or 252.227-7015 are used; in paragraph (b), “Contractor’s” remains in the clause with a lower case “c”, insert in paragraphs (c) and (d)(1) “hereunder” after “subcontract”; change in paragraphs (f) and (g)(2)(i) “this contract” to “the prime contract”; change in paragraph (l) “a contract” to “the prime contract”; no substitutions for “Government” or “Contracting Officer” are made.)
252.227-7039	Patents - Reporting of Subject Inventions
252.228-7000	Reimbursement for War Hazard Losses
252.228-7003	Capture and Detention
252.228-7005	Accident Reporting and Investigation - Aircraft, Missiles, and Space Launch Vehicles

252.229-7000	Invoices Exclusive of Taxes or Duties
252.229-7001	Tax Relief
252.229-7002	Customs Exemptions (Germany)
252.229-7003	Tax Exemptions (Italy)
252.229-7004	Status of Contractor As A Direct Contractor (Spain)
252.229-7005	Tax Exemptions (Spain)
252.229-7006	Value Added Tax Exclusion (United Kingdom)
252.229-7007	Verification of US Receipt of Goods
252.229-7008	Relief from Import Duty (United Kingdom)
252.231-7000	Supplemental Cost Principles
252.235-7003	Frequency Authorization
252.242-7001	Notice of Earned Value Management System
252.242-7002	Earned Value Management System
252.242-7004	Material Management and Accounting System
252.242-7005	Cost/Schedule Status Report
252.242-7006	Cost/Schedule Status Report Plans
252.243-7001	Pricing of Contract Modifications
252.244-7000	Subcontracts For Commercial items and Commercial Components (DOD)
252.245-7001	Reports of Government Property
252.247-7007	Liability and Insurance
252.247-7022	Representation of Extent of Transportation by Sea
252.247-7023	Transportation of Supplies by Sea (change “[P]rime contractor” in paragraph (a)(5) to “Seller” and “the prime contract” to “this order”; modify paragraph (c) to read “[T]he Seller and its subcontractors may request that the Buyer obtain Government authorization for shipment . . .”; change in paragraph (d) “Contracting Officer” to “Buyer” in the second sentence; change “45” to “60” days in paragraph (c) and “30” to “25” in paragraph (d); delete in paragraph (e) “and the Maritime Administration Office of Cargo Preference, U.S. Department of Transportation, 400 Seventh Street, N.W., Washington, DC 20590”; delete in paragraph (g) “for the purposes of the Prompt Payment clause of this contract.”)
252.247-7024	Notification of Transportation of Supplies by Sea (applies to orders when the prime’s original response to the solicitation stated that no transportation by sea was contemplated; modify paragraph (a) to read “[I]f, after the award of this order, the Seller learns that supplies . . . .”)
252.249-7000	Special Termination Costs
252.249-7002	Notification of Anticipated Contract Termination or Reduction (substitute “Buyer” for “Contracting Officer” throughout; modify paragraph (d)(1) to read “[P]rovide notice of the proposed termination or reduction to each subcontractor with a subcontract of \$100,000 or more under the program . . . .”)

## **NASA FAR Supplement Clauses**

If this order identifies a NASA prime contract number, the following NASA FAR Supplement (NFS) Clauses, in addition to or in lieu of, as applicable, FAR Clauses set forth above, are hereby incorporated by reference and made a part of this order. The clauses cited below shall be the clauses in effect on the date of, and as required by, Buyer's prime contract identified on the face of this order.

1852.204-75	Security Classification Requirements
1852.204-76	Security Requirements for Unclassified Information Technology Resources
1852.208-81	Restrictions on Printing and Duplicating
1852.209-70	Product Removal from Qualified Products List
1852.209-71	Limitation of Future Contracting
1852.211-70	Packaging, Handling and Transportation
1852.215-78	Make or Buy Program Requirements
1852.215-79	Price Adjustments for "Make-or-Buy" Changes
1852.219-74	Use of Rural Area Small Businesses
1852.219-75	Small Business Subcontracting Reporting
1852.219-76	NASA 8 Percent Goal
1852.223-70	Safety and Health
1852.223-71	Frequency Authorization
1852.223-73	Safety and Health Plan
1852.223-74	Drug and Alcohol-Free Workforce
1852.225-75	Major Breach of Safety or Security
1852.225-8	Duty-Free Entry of Space Articles
1852.225-70	Export Licenses
1852.227-11	Patent Rights - Retention by the Contractor (Short Form)
1852.227-14	Rights in Data - General
1852.227-17	Rights in Data - Special Works
1852.227-19	Commercial Computer Software - Restricted Rights
1852.227-70	New Technology
1852.227-71	Requests for Waiver of Rights to Inventions
1852.227-72	Designation of New Technology Representative and Patent Representative
1852.227-84	Patent Rights Clauses
1852.227-85	Invention Reporting and Rights - Foreign
1852.227-86	Commercial Computer Software - Licensing
1852.227-87	Transfer of Technical Data Under Space Station International Agreement
1852.228-72	Cross-Waiver of Liability for Space Shuttle Services
1852.228-75	Minimum Insurance Coverage
1852.228-76	Cross-Waiver of Liability for Space Station Services
1852.228-78	Cross-Waiver of Liability for NASA Expendable Launch Vehicle (ELV) Launches
1852.231-71	Determination of Compensation Reasonableness

1852.232-82	Submission of Requests for Progress Payments
1852.235-70	Center for Aerospace Information
1852.237-71	Pension Portability
1852.242-70	Technical Direction (“COTR” shall be deemed to be Buyer’s Purchasing Representative)
1852.242-71	Travel Outside the U.S.
1852.242-73	NASA Contractor Financial Management Reporting
1852.243-70	Engineering Change Proposals (“Contracting Officer” shall mean “Buyer’s Purchasing Representative”)
1852.243-71	Shared Savings. (“Contracting Officer” shall mean “Buyer’s Purchasing Representative”)
1852.244-70	Geographic Participation in the Aerospace Program (orders of \$100,000 or more)
1852.245-70	Contractor Requests for Government-Owned Equipment
1852.245-71	Installation-Accountable Government Property
1852.245-72	Liability for Government Property Furnished for Repair or Other Services
1852.245-73	Financial Reporting of NASA Property in the Custody of Contractors (reports shall be made directly to Buyer.)
1852.245-74	Contractor Accountable On-Site Government Property
1852.245-75	Title to Equipment
1852.245-76	List of Government Furnished Property
1852.245-77	List of Installation-Accountable Property and Services
1852.245-79	Use of Government-Owned Property
1852.245-80	Use of Government Production and Research Property on a No-Charge Basis. (All requests shall be made through and approved by Buyer.)
1852.246-70	Mission Critical Space System Personnel Reliability Program
1852.246-73	Human Space Flight Item
1852.247-71	Protection of the Florida Manatee
1852.242-74	Notice of Earned Value Management System
1852.242-75	Earned Value Management System
1852.243-72	Equitable Adjustments

### **Commercial Item (FAR Part 12) Clauses**

If this order supports a commercial item, the following FAR Clauses are hereby incorporated by reference and made a part of this order. Other FAR Clauses may be identified on the order.

52.219-8	Utilization of Small Business Concerns
52.222-26	Equal Opportunity
52-222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Viet Nam Era, and Other Eligible Veterans
52.222-36	Affirmative Action for Workers with Disabilities

52.222-39	Notification of Employees Rights Concerning Payment of Union Dues or Fees
52.222-41	Service Contract Act of 1965, As Amended
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels

If this order supports a commercial item being purchased by the Department of Defense, the following DFARS Clauses are incorporated by reference and made a part of this order. Other DFARS Clauses may be identified on the order.

252.225-7014	Preference for Domestic Specialty Metals, Alternate I
252.247-7023	Transportation of Supplies by Sea
252.247-7024	Notification of Transportation of Supplies by Sea