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Terms and Conditions of Purchase

FAR and DFAR Requirements for Suppliers

Rev. -

(3/26/2021)

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

The following clauses set forth in the FAR and DFARS are incorporated herein by reference. The listed FAR and DFARS clauses are incorporated with the same force and effect as if they were given in full text. Where necessary to make the clauses applicable to this purchase order, the term "Contractor" shall mean SUPPLIER, the term "Contract" or "Subcontract" shall mean PURCHASE ORDER, the term "Government" shall mean BUYER and the term "Contracting Officer" shall mean BUYER'S PURCHASING AGENT. Supplier shall include the following clauses in its lower-tier purchase orders as required.

All Orders:

- 52.203-3 Gratuities
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity
- 52.203-15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009
- 52.203-16 Preventing Personal Conflicts of Interest
- 52.203-18 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements - Representation
- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-2 Security Requirements
- 52.204-9 Personal Identity Verification of Contractor Personnel
- 52.204-14 Service Contract Reporting Requirements
- 52.204-15 Service Contract Reporting Requirements for Indefinite-Delivery Contracts
- 52.204-19 Incorporation by Reference of Representations and Certifications
- 52.204-21 Basic Safeguarding of Covered Contractor Information System
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
- 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment
- 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
- 52.207-4 Economic Purchase Quantity –Supplies
- 52.207-5 Option to Purchase Equipment
- 52.208-8 Required Sources for Helium and Helium Usage Data
- 52.209-5 Certification Regarding Responsibility Matters
- 52.211-5 Material Requirements
- 52.211-15 Defense Priority and Allocation Requirements
- 52.215-10 Price Reduction for Defective Certified Cost or Pricing Data
- 52.215-11 Price Reduction for Defective Certified Cost or Pricing Data –Modifications
- 52.215-15 Pension Adjustment and Asset Reversions
- 52.215-16 Facilities Capital Cost of Money
- 52.215-17 Waiver of Facilities Capital Cost of Money
- 52.215-18 Reversions or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
- 52.215-19 Notification of Ownership Changes
- 52.215-20 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data

52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data - Modifications

52.222-1 Notice to the Government of Labor Disputes

52.222-4 Contract Work Hours and Safety Standards Act—Overtime Compensation

52.222-21 Prohibition of Segregated Facilities

52.222-26 Equal Opportunity

52.222-41 Service Contract Labor Standards

52.222-50 Combating Trafficking in Persons

52.222-55 Minimum Wages under Executive Order 13658

52.222-62 Paid Sick Leave Under Executive Order 13706

52.223-3 Hazardous Material Identification and Material Safety Data (Alt I applies if this order is for other than DoD)

52.223-5 Pollution Prevention and Right-to-Know Information

52.223-6 Drug-Free Workplace

52.223-7 Notice of Radioactive Materials (subsection (a) shall read "15 days")

52.223-11 Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons

52.224-2 Privacy Act

52.224-3 Privacy Training

52.225-1 Buy American Act - Supplies

52.225-3 Buy American Act - Free Trade Agreements - Israeli Trade Act

52.225-4 Buy American Act North American Free Trade Agreement –Israeli Trade Act Certificate

52.225-5 Trade Agreements

52.225-6 Trade Agreements –Certificate

52.225-8 Duty-Free Entry

52.225-13 Restrictions on Certain Foreign Purchases

52.225-26 Contractors Performing Private Security Functions Outside the United States

52.227-9 Refund of Royalties

52.227-10 Filing of Patent Applications - Classified Subject Matter

52.227-11 Patent Rights - Ownership by the Contractor (references to "Government", "Contracting Officer" and "Contractor" as contained in this clause remain unchanged)

52.227-13 Patent Rights—Ownership by the Government

52.227-14 Rights in Data - General

52.227-16 Additional Data Requirements

52.227-19 Commercial Computer Software License

52.228-3 Workers' Compensation Insurance

52.228-5 Insurance –Work on a Government Installation

52.229-3 Federal, State, and Local Taxes

52.232-40 Providing Accelerated Payments to Small Business Subcontractors

52.233-3 Protest After Award

52.234-1 Industrial Resources Developed Under Defense Production Act Title III

52.236-13 Accident Prevention

52.237-2 Protection of Government Buildings, Equipment, and Vegetation

52.239-1 Privacy or Security Safeguards

52.242-13 Bankruptcy

52.242-15 Stop-Work Order

52.243-6 Change Order Accounting

52.244-2 Subcontracts

52.244-6 Subcontracts for Commercial Items

52.245-1, Alt. I Government Property (except in clauses (e)(1), (e)(2)(ii), (e)(3)(i), (f)(1)(ii), the term "Government" shall remain)

52.245-9 Use and Charges

52.246-2 Inspection of Supplies-Fixed-Price

52.246-4 Inspection of Services –Fixed-Price

52.246-16 Responsibility for Supplies

52.247-63 Preference for U.S. Flag Air Carriers

52.247-64 Preference for Privately Owned U.S. Flag Commercial Vessels

252.203-7000 Requirements Relating To Compensation Of Former DOD Officials

252.203-7002 Requirements to Inform Employees of Whistleblower Rights

252.204-7000 Disclosure of Information

252.204-7003 Control of Government Personnel Work Product

252.204-7008 Compliance with Safeguarding Covered Defense Information Controls

252.204-7009 Limitations on the Use Or Disclosure of Third-Party Contractor Reported Cyber Incident Information

252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting

252.204-7014 Limitations on the Use or Disclosure of Information by Litigation Support Contractors

252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support

252.204-7019 Notice of NIST SP 800-171 DoD Assessment Requirements

252.204-7020 NIST SP 800-171 DoD Assessment Requirements

252.204-7021 Cybersecurity Maturity Model Certification Requirements

252.208-7000 Intent to Furnish Precious Metals as Government-Furnished Material

252.209-7009 Organizational Conflict of Interest-Major Defense Acquisition Program

252.211-7003 Item Identification and Valuation

252.211-7006 Passive Radio Frequency Identification

252.211-7007 Reporting of Government-Furnished Equipment in the DoD Item Unique Identification

252.215-7010 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data.

252.219-7004 Small Business Subcontracting Plan (Test Program)

252.222-7000 Restrictions on Employment of Personnel

252.222-7002 Compliance With Local Labor Laws (Overseas)

252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements

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

252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials

252.223-7007 Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives

252.223-7008 Prohibition of Hexavalent Chromium

252.225-7001 Buy American Act and Balance of Payments Program

252.225-7002 Qualifying Country Sources as Subcontractors

252.225-7007 Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies

252.225-7008 Restriction on Acquisition of Specialty Metals

252.225-7009 Preference for Domestic Specialty Metals

252.225-7012 Preference for certain domestic commodities

252.225-7013 Duty-Free Entry

252.225-7015 Restriction on Acquisition of Hand or Measuring Tools

252.225-7016 Restriction on Acquisition of Ball and Roller Bearings

252.225-7021 Trade Agreements

252.225-7025 Restrictions on Acquisition of Forgings

252.225-7028 Exclusionary Policies and Practices of Foreign Governments

252.225-7030 Restriction on Acquisition of Carbon Alloy and Armor Steel Plate

252.225-7033 Waiver Of United Kingdom Levies

252.225-7036 Buy American Act- Free Trade Agreements - Balance of Payments Program

252.225-7039 Defense Contractors Performing Private Security Functions Outside the United States

252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States

252.225-7043 Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States

252.225-7048 Export-Controlled Items

252.225-7047 Exports By Approved Community Members in Performance of the Contract

252.225-7051 Prohibition on Acquisition of Certain Foreign Commercial Satellite Services

252.225-7052 Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten

252.227-7013 Rights in Technical Data - Noncommercial Items (the term "Government" shall remain through this clause, the term "Contracting Officer" shall mean both "Contracting Officer and Buyer")

252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (the term "Government" shall remain throughout this clause, the term "Contracting Officer" shall mean both "Contracting Officer and Buyer")

252.227-7015 Technical Data—Commercial Items

252.227-7016 Rights in Bid or Proposal Information

252.227-7017 Identification and Assertion of Use, Release, or Disclosure Restrictions

252.227-7018 Rights in Noncommercial Technical Data and Computer Software –Small Business Innovation Research (SBIR) Program

252.227-7019 Validation of Asserted Restrictions - Computer Software

252.227-7025 Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends

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

252.227-7037 Validation of Restrictive Markings of Technical Data (the terms throughout this clause shall remain unchanged)

252.227-7038 Patent Rights –Ownership by the Contractor

252.227-7039 Patents –Reporting of Subject Inventions

252.228-7001 Ground and Flight Risk

252.228-7005 Accident Reporting and Investigation Involving Aircraft, Missiles and Space Launch Vehicles (the term "Government" shall mean "Government and Buyer")

252.229-7014 Taxes—Foreign Contracts in Afghanistan

252.231-7000 Supplemental Cost Principles

252.234-7002 Earned Value Management System

252.234-7004 Cost and Software Data Reporting System

252.235-7003 Frequency Authorization

252.237-7023 Continuation of Essential Contractor Services

252.239-7010 Cloud Computing Services

252.239-7016 Telecommunications Security Equipment, Devices, Techniques and Services

252.239-7018 Supply Chain Risk

252.243-7001 Pricing of Contract Modifications

252.244-7000 Subcontracts for Commercial Items

252.244-7001 Contractor Purchasing System Administration-Basic

252.246-7001 Warranty of Data

Alt I

252.246-7003 Notification of Potential Safety Issues

252.246-7007 Contractor Counterfeit Electronic Part Detection and Avoidance System

252.246-7008 Sources of Electronic Parts

252.247-7023 Transportation of Supplies by Sea

252.247-7024 Notification of Transportation of Supplies by Sea

**All Orders
Greater than
\$3,500:**

- 52.222-54 Employment Eligibility Verification
- 52.223-18 Contractor Policy to Ban Text Messaging While Driving

**All Orders
Greater than
\$10,000:**

- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act

**All Orders
Greater than
\$15,000:**

- 52.222-20 Walsh-Healey Public Contracts Act
- 52.222-36 Equal Opportunity for Workers With Disabilities

**All Orders
Greater than
\$30,000:**

- 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards
- 52.209-6 Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment

**All Orders over
simplified
acquisition
threshold:**

- 52.203-5 Covenant Against Contingent Fees
- 52.203-6 Restrictions on Subcontractor Sales to the Government
- 52.203-7 Anti-Kickback Procedures
- 52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity
- 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions
- FAR 52.203-17 Contractor Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights
- 52.215-2 Audit and Records - Negotiation
- 52.215-14 Integrity of Unit Prices (except for paragraph (b) of this clause)
- 52.219-8 Utilization of Small Business Concerns
- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation
- 52.222-17 Nondisplacement of Qualified Workers
- 52.222-35 Equal Opportunity for Veterans
- 52.222-37 Employment Reports on Veterans
- 52.222-38 Compliance with Veterans' Employment Reporting Requirements
- 52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Items
- 52.223-14 Toxic Chemical Release Reporting (except its subparagraph (e))
- 52.227-1 Authorization and Consent
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement
- 52.244-2 Subcontracts
- 52.244-5 Competition in Subcontracting
- 52.248-1 Value Engineering
- 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies
- 252.209-7004 Subcontracting With Firms That Are Owned or Controlled by the Government of a Terrorist Country
- 252.225-7006 Quarterly Reporting of Actual Contract Performance Outside the United States
- 252.225-7012 Preference for Certain Domestic Commodities
- 252.249-7002 Notification of Anticipated Contract Termination or Reduction

**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
Greater than
\$550,000:**

52.209-7 Information Regarding Responsibility Matters

**All Orders
Greater than
\$700,000:**

52.219-9 Small Business Subcontracting Plan
52.219-16 Liquidated Damages –Subcontracting Plan
252.219-7003 Small Business Subcontracting Plan (DoD Contracts)

**All Orders
Greater than
\$2,000,000:**

252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements

**All Orders
Greater than
\$2,000,000:**

52.214-26 Audit and Records - Sealed Bidding
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
52.215-10 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
52.215-22 Limitations on Pass-Through Charges - Identification of Subcontract Effort (DoD Only)
52.215-23 Limitations on Pass-Through Charges
52.230-2 Cost Accounting Standards
52.230-3 Disclosure and Consistency of Cost Accounting Practices
52.230-4 Disclosure and Consistency of Cost Accounting Practices - Foreign Concerns
52.230-5 Cost Accounting Standards - Educational Institution
52.230-6 Administration of Cost Accounting Standards
52.242-3 Penalties for Unallowable Costs

**All Orders
Greater than
\$5,500,000:**

52.203-13 Contractor Code of Business Ethics and Conduct
52.203-14 Display of Hotline Poster(s)
252.203-7003 Agency Office of the Inspector General
252.203-7004 Display of Fraud Hotline Poster(s)