



**ADDITIONAL TERMS AND CONDITIONS  
(U.S. GOVERNMENT CONTRACTS  
PROGRAMS)**

**PRIME CONTRACT FLOWDOWN CLAUSES FOR PURCHASE  
ORDERS ISSUED UNDER FEDERAL CONTRACTS**

If the Purchase Order is placed under a Government Prime Contract or a federally-funded subcontract, the following clauses set forth in the Federal Acquisition Regulations (FAR) and the Department of Defenses Federal Acquisition Regulations Supplement (DFAR), in effect on the dated of the Prime Contract, where applicable, are incorporated herein by reference with the same force and effect as if given in full text. The exception is all the CAS-related clauses which are effective the date of the Purchase Order. Where necessary to make the context of these clauses applicable to the Purchase Order, unless otherwise indicated, the term "Contractor" shall mean "Seller", the term "contract" shall mean "the Purchase Order", and the terms "Government", "Contract Officer", and equivalent phrases shall mean "Buyer". Seller hereby agrees to flow down the following FAR/DFAR clauses, where applicable, to its lower-tier subcontractors.

**IT IS THE SOLE RESPONSIBILITY OF SELLER TO COMPLY WITH THE FAR/DFAR CLAUSES APPLICABLE TO SELLER, THE SUBJECT MATTER OF THE PURCHASE ORDER, AND THE PRIME CONTRACT. THE FAR/DFAR CLAUSES SET FORTH HEREIN ARE INCLUDED AS AN EASE OF REFERENCE FOR THE SUBCONTRACTOR ONLY AND ARE NOT INTENDED TO SET FORTH A COMPLETE AND ACCURATE ITEMIZATION OF THE FAR/DFAR CLUASES APPLICABLE TO SUBCONTRACTOR, THE SUBJECT MATTER OF THE PURCHASE ORDER, OR THE PRIME CONTACT.**

The full text of these clauses can be obtained from the Internet at:

<http://www.arnet.gov/far>

<http://www.farsite.hill.af.mil>

<http://www.acq.osd.mil/dp/dars/dfars.html>

**I. PURCHASE ORDERS FOR COMMERCIAL ITEMS**

"Commercial Item" is defined by FAR 2.101, which includes certain services.

**A. Federal Acquisition Regulations (48 CFR Chapter 1)  
Clauses:**

- 52.219-8 Utilization of Small Business Concerns (15 U.S.C. 637(d)(2)(3))
- 52.222-26 Equal Opportunity (E.O. 11246)
- 52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (38 U.S.C. 4212(a))
- 52.222-36 Affirmative Action for Workers with Disabilities (29 U.S.C. 793)
- 52.222-41 Service Contract Act of 1965, as Amended (41 U.S.C. 351, et seq.)
- 52.244-6 Subcontracts for Commercial Items and Commercial Components
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. Appx 1241 and 10 U.S.C. 2631)

**B. Defense Federal Acquisition Regulation Supplement (48  
CFR Chapter 2) Clauses:**

- 252.225-7014 Preference for Domestic Specialty Metals, Alternate I (10 U.S.C. 2241note)
- 252-247-7023 Transportation of Supplies by Sea (10 U.S.C. 2631)
- 252-247-7024 Notification of Transportation of Supplies by Sea (10 U.S.C. 2631)



**II. PURCHASE ORDERS FOR NON-COMMERCIAL ITEMS AND SERVICES**

\* With these clauses "Government" and "Contracting Officer" ARE NOT interpreted to mean "Buyer"

**A. Federal Acquisition Regulation (48 CFR Chapter 1) Clauses:**

APPLICABLE TO SERVICE PURCHASE ORDERS OVER \$2,500

**APPLICABLE TO ALL PURCHASE ORDERS**

52.222-41 Service Contract Act of 19565, as Amended

APPLICABLE TO PURCHASE ORDERS OVER \$10,000

52.202-1	Definitions		
52.203-3	Gratuities		
52.204-2	Security Requirements	52.222-20	Walsh-Healey Public Contracts Act*
52.208-8	Required Sources or Helium and Helium Usage Data	52.222-21	Prohibition of Segregated Facilities
52.211-15	Defense Priority and Allocation Requirements	52.222-26	Equal Opportunity **
52.223-7	Notice of Radioactive Materials	52.222-35	Affirmative Action for Workers with Disabilities
52.223-11	Ozone Depleting Substances	52.225-8	Duty Free Entry
52.223-12	Refrigeration Equipment and Air Conditioners		
52.224-2	Privacy Act		*Not applicable for procurements for Services or Construction
52.225-3	Buy American Act – Supplies		
52.225-13	Restrictions on Certain Foreign Purchases		**Applicable if the aggregate value of Seller awards is in excess of \$10,000 during any 12-month period
52.227-1	Authorization and Consent*		
52.227-6	Royalty Information		
52.227-9	Refund of Royalties		<u>APPLICABLE TO PURCHASE ORDERS OVER \$25,000</u>
52.227-14	Rights in Data – General*		
52-234-1	Industrial Resources Developed Under Defense Product Act Title III	52.209-6	Protecting the Governments Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment
52.237-2	Protection of Government Buildings, Equipment and Vegetation	52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
52.244-6	Subcontracts for Commercial Items and Commercial Components	52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans



\*\* Applicable if the procurement exceeds \$50,000

APPLICABLE TO PURCHASE ORDERS OVER \$100,000

- 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
- 52.203-10 Price or Fee Adjustment for illegal or Improper Activity
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions
- 52.215-2 Audit and Records – Negotiations
- 52.215-14 Integrity of Unit Prices
- 52.219-8 Utilization of Small Business Concerns
- 52.222-4 Contract Work Hours and Safety Standards Act- Overtime Compensation
- 52.222-2 Clean Air and Water\*
- 52.223-14 Toxic Chemical Release Reporting
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement
- 52.228-5 Insurance- Work on a Government Installation
- 52.229-3 Federal, State, and Local Taxes
- 52.236-13 Accident Prevention
- 52.247-63 Preference for US Flag Air Carriers
- 52.247-64 Preference for Privately Owned US Flag Commercial Vessels
- 52.248-1 Value Engineering
- 52.248-3 Value Engineering – Construction\*\*

APPLICABLE TO PURCHASE ORDERS OVER \$500,000

- 52.219-9 Small Business Subcontracting Plan\* \*\*
- 52.219-16 Liquidated Damages – Subcontracting Plan\*\*
- 52.230-2 Cost Accounting Standards\*\*
- 52.230-3 Disclosure and Consistency of Cost Accounting Practices\*\*
- 52.230-6 Administration of Cost Accounting Standards\*\*

\*Applicable to contracts over \$1,000,000 for construction of any public facility

\*\*Not applicable to small business concerns

APPLICABLE TO PURCHASE ORDERS OVER \$550,000

- 52.214-26 Audit and Records – Sealed Bidding\*
- 52.214-27 Price Reduction for Defective Cost or Pricing Data – Modification – 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\*
- 52.215-15 Pension Adjustments and Asset Revisions

\*Applicable if the procurement is \$100,000 or more or is expected to exceed \$100,000 in any 12 month period



52.215-18	Revisions or Adjustments of Plans for Post-Retirement Benefits (PRB) Other than Pensions	252.225-7036	Buy American Act – Trade Agreements – Balance of Payments Program
52.215-19	Notification of Ownership Changes	252.225-7038	Restriction on Acquisition of Air Circuit Breakers
		252.227-7016	Rights in Bid or Proposal Information*
*Only applicable if the submission of certified cost and pricing data is required		252.227-7019	Validation of Asserted Restrictions – Computer Software*
		252.227-7030	Technical Data – Withholding of Payment
<b><u>B. Defense Federal Acquisition Regulation Supplement (48 CFR Chapter 2) Clauses:</u></b>		252.227-7033	Rights in Shop Drawings*
		252.227-7037	Validation of Restrictive Markings on Technical Data*
<b><u>APPLICABLE TO ALL PURCHASE ORDERS</u></b>		252.244-7000	Subcontractors for Commercial Items and Commercial Components (DoD Contracts)
252-207-7000	Disclosure of Information	252.246-7001	Warranty of Data
252.208-7000	Intent to Furnish Precious Metals as Government Furnished Material	252.247-7023	Transportation of Supplies by Sea
252.222-7000	Restrictions on Employment of Personnel	252.247-7024	Notification of Transportation of Supplies by Sea
252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials		
252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives		
252.225-7001	Buy American Act and Balance of Payments Program		
252.227-7013	Rights in Technical Data-Noncommercial items*		
252-227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software and Documentation*		
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings		
252.225-7019	Restriction on Acquisition of Foreign Anchor and Mooring Chain		
252.225-7025	Restriction on Acquisition of Forgings		
252.225-7030	Restriction on Acquisition of Carbon, Alloy and Armor Steel Plate		
			<b><u>APPLICABLE TO PURCHASE ORDERS OVER \$100,000</u></b>
		252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies.
		252.209-7000	Acquisition from Sub-Contractors Subject to On-Site Inspection Under the INF Treaty
		252.225-7012	Preference for Certain domestic Commodities
		252.225-7013	Duty-Free Entry
		252.225-7014	Preference for Domestic Specialty Metals
		252.225-7044	Balance of Payments Program – Construction Material



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APPLICABLE TO PURCHASE ORDERS OVER \$1,000,000

252.211-7000 Acquisition Streamlining