

## ACQUISITION OF COMMERCIAL ITEMS (FAR PART 12)

**THIS IS A PURCHASE UNDER FEDERAL ACQUISITION REGULATION (FAR) PART 12, ACQUISITION OF COMMERCIAL ITEMS AND/OR COMMERCIAL OFF-THE-SHELF (COTS) ITEMS. TERMS AND CONDITIONS OF PURCHASE, AS REFERENCED IN THE ORDER, APPLY EXCEPT THE LIST OF FAR AND FAR SUPPLEMENT CLAUSES IN APPENDIX I OF REMARK C64 IS LIMITED TO THE CLAUSES LISTED BELOW. PLEASE NOTE:**

- **COTS ITEMS ARE A SUBSET OF COMMERCIAL ITEMS AND NOT ALL OF THE CLAUSES LISTED BELOW NECESSARILY APPLY. PLEASE CONSULT FAR 12.505.**
- **CLASS DEVIATIONS MAY APPLY. THESE DEVIATIONS CAN BE FOUND AT [HTTPS://WWW.ACQ.OSD.MIL/DPAP/DARS/CLASS\\_DEVIATIONS.HTML](https://www.acq.osd.mil/dpap/dars/class_deviations.html) AND, IF APPLICABLE, SHALL TAKE PRECEDENCE OVER THE RELEVANT FLOW DOWN.**

52.203-3	GRATUITIES (Applies when the Order exceeds the Simplified Acquisition Threshold (“SAT”))
52.203-12	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (Applies when the Order exceeds \$150,000)
52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (Applies when the Order exceeds \$5,500,000 and the period of performance exceeds 120 days)
52.203-17	CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS
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 (Applies when the Order involves access to classified information)
52.204-9	PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (Applies when Seller’s employees are required to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system)
52.204-10	REPORTING EXECUTIVE COMPENSATION AND FIRST TIER SUBCONTRACT AWARDS (Note: Seller agrees to timely provide information requested by Purchaser pursuant to this clause, and acknowledges that such information will be made publicly available)
52.204-21	BASIC SAFEGUARDING OF CONTRACTOR INFORMATION SYSTEMS
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 (Seller shall also send to Purchaser all required notifications to the U.S. Government)
52.204-26	COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES-REPRESENTATION
52.211-15	DEFENSE PRIORITY AND ALLOCATION REQUIREMENTS (Applies when the Order is rated, see Remark 218)
52.212-4	CONTRACT TERMS AND CONDITIONS – COMMERCIAL ITEMS (Note: only paragraph (l) applies)
52.212-5	CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (Note: only paragraph (e) applies).
52.219-8 <sup>2</sup>	UTILIZATION OF SMALL BUSINESS CONCERNS (Applies when the Order exceeds the SAT)
52.222-21 <sup>2</sup>	PROHIBITION OF SEGREGATED FACILITIES (Applies when 52.222-26 is applicable)
52.222-26 <sup>2</sup>	EQUAL OPPORTUNITY (Applies when the Order exceeds \$10,000 unless an exemption applies)
52.222-35 <sup>2</sup>	EQUAL OPPORTUNITY FOR VETERANS (Applies when the Order exceeds \$150,000 unless an exemption applies)
52.222-36 <sup>2</sup>	AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (Applies when the Order exceeds \$15,000 unless an exemption applies)
52.222-37 <sup>2</sup>	EMPLOYMENT REPORTS ON VETERANS (Applies when the Order exceeds \$150,000 unless an exemption applies)
52.222-40 <sup>2</sup>	NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (Applies when the Order exceeds \$10,000)

A superscript “2” indicates the clause does not apply to international suppliers when work is performed outside the United States and its possessions.

52.222-41 <sup>2</sup>	SERVICE CONTRACT LABOR STANDARDS (For each Order subject to the SCLS, Purchaser shall include a remark signifying SCLS applicability. Seller shall submit any required wage classifications to the Purchaser for submission to the Contracting Officer and shall not commence performance until receipt of the final wage determination from Purchaser)
52.222-50	COMBATTING TRAFFICKING IN PERSONS (Paragraph (h) Compliance Plan, applies to any portion of the contract that: (i) is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and (ii) has an estimated value that exceeds \$500,000. The Seller shall also report the information required in paragraph (d)(1-2) to Purchaser.)
52.222-51 <sup>2</sup>	EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR MAINTENANCE, CALIBRATION, OR REPAIR OF CERTAIN EQUIPMENT—
52.222-53 <sup>2</sup>	REQUIREMENTS (Applies to Orders for exempt services)
52.222-54 <sup>2</sup>	EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR CERTAIN SERVICES—REQUIREMENTS (Applies to Orders for exempt services)
52.222-55 <sup>2</sup>	EMPLOYMENT ELIGIBILITY VERIFICATION (Applies when the Order is for Services)
52.222-56	MINIMUM WAGES UNDER EXECUTIVE ORDER 13658 (Applies when 52.222-41 is applicable; Seller shall indemnify Purchaser in the event Purchaser is held liable under paragraph (j))
52.222-62 <sup>2</sup>	CERTIFICATION REGARDING TRAFFICKING IN PERSONS COMPLIANCE PLAN (Applies 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)
52.223-3	PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706 (Applies when SCLS or Wage Rate Requirements are applicable, and the Order is to be performed in whole or in part in the United States)
52.223-7	HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (Applies when Seller is delivering hazardous materials)
52.223-18 <sup>2</sup>	NOTICE OF RADIOACTIVE MATERIALS (Applies when the Order is for radioactive materials)
52.224-3	ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING
52.225-1 <sup>2</sup>	PRIVACY TRAINING
52.225-2	BUY-AMERICAN ACT-SUPPLIES
52.225-5	BUY AMERICAN ACT CERTIFICATE (Applies when 52.225-1 applies)
52.225-8	TRADE AGREEMENTS
52.225-13	DUTY-FREE ENTRY (Applies when Goods will be imported into the Customs Territory of the United States)
52.227-1 <sup>2</sup>	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES
52.227-2	AUTHORIZATION AND CONSENT (Applies when the Order exceeds the SAT)
52.232-40	NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (Applies when the Order exceeds the SAT and 52.227-1 is included)
52.244-6	PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (Applies when Seller subcontracts with small business subcontractors and Seller receives accelerated payments from Purchaser)
52.245-1	SUBCONTRACTS FOR COMMERCIAL ITEMS
52.245-9	GOVERNMENT PROPERTY (Note: Purchaser's Remark E21, included herein, provides terms which implement or supplement the requirements of 52.245-1 in accordance with the requirements of Purchaser's Government Property Management System)
52.247-64	USE AND CHARGES (Note: Seller shall request authorization to use Government Property in support of efforts under a contract number other than the contract number to which it is assigned, by submitting such request in the form prescribed by Purchaser which is available at <a href="http://www.geaviation.com/aboutgeae/doingbusinesswith/geae_po_requirements.html">http://www.geaviation.com/aboutgeae/doingbusinesswith/geae_po_requirements.html</a> )
	PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS (Applies when Goods are to be shipped by ocean vessel unless exempted under paragraph (e)(4))

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**IF AN ORDER IS PLACED UNDER A DEPARTMENT OF DEFENSE (DOD) CONTRACT, THE FOLLOWING DOD FAR SUPPLEMENT CLAUSES APPLY IN ADDITION TO (OR IN LIEU OF WHERE NOTED) THE FAR CLAUSES ABOVE:**

- 252.203-7002 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS
- 252.203-7003 AGENCY OFFICE OF THE INSPECTOR GENERAL (As referenced in FAR 52.203-13)
- 252.204-7004 ANTITERRORISM AWARENESS TRAINING FOR CONTRACTORS (Applies when subcontractor requires routine physical access to a Federally-controlled facility or military installation)
- 252.204-7008 COMPLIANCE WITH SAFEGUARDING COVERED DEFENSE INFORMATION CONTROLS (IAW DFARS 204.7304(a))
- 252.204-7009 LIMITATIONS ON THE USE OR DISCLOSURE OF THIRD-PARTY CONTRACTOR REPORTED CYBER INCIDENT INFORMATION (Applies when the Order involves services that include support for the Government's activities related to safeguarding covered defense information and cyber incident reporting)
- 252.204-7012 SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING (Applies when the Seller has Covered Defense Information resident on or transiting through Seller's unclassified information systems. Seller shall also send to Purchaser all required notifications to the U.S. Government)
- 252.204-7014 LIMITATION ON THE USE OR DISCLOSURE OF INFORMATION BY LITIGATION SUPPORT CONTRACTORS
- 252.204-7015 DISCLOSURE OF INFORMATION TO LITIGATION SUPPORT CONTRACTORS
- 252.204-7016 COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES—REPRESENTATION
- 252.204-7017 PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES—REPRESENTATION
- 252.204-7018 PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICE
- 252.211-7003 ITEM IDENTIFICATION AND VALUATION (Applies when the Order involves Goods for which unique item identification is required in accordance with paragraph (c)(1))
- 252.211-7007 REPORTING OF GOVERNMENT-FURNISHED PROPERTY (IAW DFARS 211.274-6(b), DFARS 212.301(f)(iv))
- 252.215-7008 ONLY ONE OFFER (Applies when the Order exceeds the SAT and the Seller is not the Canadian Commercial Corporation)
- 252.215-7010 REQUIREMENTS FOR CERTIFIED COST OR PRICING DATA AND DATA OTHER THAN CERTIFIED COST OR PRICING DATA (Applies when the Order will exceed the SAT and in lieu of FAR 52.215-20)
- 252.219-7003<sup>2</sup> SMALL BUSINESS SUBCONTRACTING PLAN (DOD CONTRACTS) (Applies when FAR 52.219-9 applies)
- 252.219-7004 SMALL BUSINESS SUBCONTRACTING PLAN (TEST PROGRAM).
- 252.223-7006 PROHIBITION ON STORAGE, TREATMENT, AND DISPOSAL OF TOXIC OR HAZARDOUS MATERIALS
- 252.223-7008 PROHIBITION OF HEXAVALENT CHROMIUM (Applies when the Order is for supplies, maintenance or repair services)
- 252.225-7000 BUY AMERICAN – BALANCE OF PAYMENTS PROGRAM CERTIFICATE (Applies in lieu of FAR 52.225-2)
- 252.225-7001 BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (Applies in lieu of FAR 52.225-1)
- 252.225-7007 PROHIBITION ON ACQUISITION OF UNITED STATES MUNITIONS LIST ITEMS FROM COMMUNIST CHINESE MILITARY COMPANIES (Applies when the Order involves Goods covered by the U.S. Munitions List or the 600 series of the Commerce Control List)
- 252.225-7009 RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY METALS (Applies when the Goods contain specialty metals; Note: Use of exceptions not permitted without advance Seller notification and prior Purchaser approval. Paragraph (d) of this clause is excluded)
- 252.225-7012 PREFERENCE FOR CERTAIN DOMESTIC COMMODITIES
- 252.225-7013 DUTY-FREE ENTRY (Applies in lieu of 52.225-8)
- 252.225-7016 RESTRICTION ON ACQUISITION OF BALL AND ROLLER BEARINGS (Applies when the Order requires Seller to provide a ball and roller bearing that that is not incorporated into a higher level assembly)
- 252.225-7020 TRADE AGREEMENTS CERTIFICATE (Applies when DFARS 252.225-7021 applies)
- 252.225-7021 TRADE AGREEMENTS (Applies in lieu of FAR 52.225-5)
- 252.225-7028 EXCLUSIONARY POLICIES AND PRACTICES OF FOREIGN GOVERNMENTS
- 252.225-7038 RESTRICTION ON ACQUISITION OF AIR CIRCUIT BREAKERS
- 252.225-7048 EXPORT-CONTROLLED ITEMS
- 252.225-7052 RESTRICTION ON ACQUISITION OF CERTAIN MAGNETS, TANTALUM, AND TUNGSTEN
- 252.226-7001 UTILIZATION OF INDIAN ORGANIZATIONS, INDIAN-OWNED ECONOMIC ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (Applies if the Order exceeds \$500,000.)
- 252.227-7013 RIGHTS IN TECHNICAL DATA – NONCOMMERCIAL ITEMS (Applies when technical data is specified to be delivered under the Order)

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252.227-7014	RIGHTS IN NONCOMMERCIAL COMPUTER SOFTWARE AND NONCOMMERCIAL COMPUTER SOFTWARE DOCUMENTATION (IAW DFARS 227.7203-6(a)(1))
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 (IAW DFARS 227.7103-3(b), DFARS 227.7104(e)(2), DFARS 227.7203-3(a))
252.227-7019	VALIDATION OF ASSERTED RESTRICTIONS – COMPUTER SOFTWARE
252.227-7026	DEFERRED DELIVERY OF TECHNICAL DATA OR COMPUTER SOFTWARE
252.227-7027	DEFERRED ORDERING OF TECHNICAL DATA OR COMPUTER SOFTWARE
252.227-7030	TECHNICAL DATA-WITHHOLDING OF PAYMENT (IAW DFARS 227.7103-6(e)(2), DFARS 227.7104(e)(4))
252.227-7037	VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (Applies when technical data is specified to be delivered under the Agreement)
252.232-7017	ACCELERATING PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS—PROHIBITION ON FEES AND CONSIDERATION (Applies in all Orders with small business concerns).
252.235-7003	FREQUENCY AUTHORIZATION (Applies if the Order requires the development, production, construction, testing, or operation of a device for which a radio frequency authorization is required)
252.239-7010	CLOUD COMPUTING SERVICES
252.239-7018	SUPPLY CHAIN RISK
252.243-7002	REQUESTS FOR EQUITABLE ADJUSTMENT
252.244-7000	SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (DOD CONTRACTS)
252.245-7001	TAGGING, LABELING, AND MARKING OF GOVERNMENT-FURNISHED PROPERTY (IAW DFARS 245.107(2))
252.245-7002	REPORTING LOSS OF GOVERNMENT PROPERTY (Note: Purchaser's Remark E21, included herein, provides terms which implement or supplement the requirements of 52.245-1 in accordance with the requirements of Purchaser's Government Property Management System)
252.245-7003	CONTRACTOR PROPERTY MANAGEMENT SYSTEM ADMINISTRATION (IAW DFARS 245.107(4))
252.246-7001	WARRANTY OF DATA (Applies when technical data is specified to be delivered under the Order)
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
252.247-7003	PASS THROUGH OF MOTOR CARRIER FUEL SURCHARGE ADJUSTMENT TO COST BEARER
252.247-7023	TRANSPORTATION OF SUPPLIES BY SEA
252.249-7002	NOTIFICATION OF ANTICIPATED CONTRACT TERMINATION OR REDUCTION

**IF AN ORDER IS PLACED UNDER A NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) PRIME CONTRACT, THE FOLLOWING NASA FAR SUPPLEMENT CLAUSES APPLY IN ADDITION TO THE FAR CLAUSES:**

1852.203-71	REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS
1852.204-76	SECURITY REQUIREMENTS FOR UNCLASSIFIED INFORMATION TECHNOLOGY RESOURCES
1852.208-81	RESTRICTIONS ON PRINTING AND DUPLICATING
1852.223-72	SAFETY AND HEALTH (SHORT FORM)
1852.245-73	FINANCIAL REPORTING OF NASA PROPERTY IN THE CUSTODY OF CONTRACTORS
1852.246-74	CONTRACTOR COUNTERFEIT ELECTRONIC PART DETECTION AND AVOIDANCE

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