



Additional Terms and Conditions for the Acquisition of Commercial Items Funded Under U.S. Government Department of Defense Contracts

In addition to the terms and conditions of GA 1603, “Terms and Conditions for Commercial Orders (Supplies and Services),” the following clauses in Part 52 of the Federal Acquisition Regulation (FAR), and Part 252 of the Defense Federal Acquisition Regulation Supplement (DFARS), in effect on the date of the Order, are incorporated by reference and made a part of the Order when the condition(s) for applicability is/are met. In all such clauses, the term “Contractor” shall mean “Seller;” the term “Contract” shall mean “Order,” and the term “Government Contracting Officer” (or equivalent phrases) shall mean “Buyer,” except that in those clauses conferring patent and data rights to the Government, the term “Government” or “Contracting Officer” retains its literal meaning and is not to be construed as “Buyer.”

The FAR and DFARS clauses referenced below shall apply to Seller and its lower-tier subcontractors in such a manner necessary to reflect the position of Seller as a subcontractor to Buyer to ensure Seller’s obligations to Buyer and to the U.S. Government, and to enable Buyer to meet its obligations under its contracts funded by the U.S. Government. Clauses incorporated by reference have the same force and effect as if they were given in full text. The full text of a clause may be accessed electronically at the following address: www.acquisition.gov.

The following FAR Clauses apply regardless of the dollar value of the Order:

- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
- 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
- 52.204-27 Prohibition on a ByteDance Covered Application
- 52.219-8 Utilization of Small Business Concerns (*applies to Orders that offer further subcontracting opportunities*)
- 52.222-50 Combating Trafficking in Persons (*except that section (h) only applies to Orders exceeding \$550,000 for supplies acquired, or services performed, outside the U.S.*)
- 52.222-62 Paid Sick Leave Under Executive Order 13706
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors
- 52.244-6 Subcontracts for Commercial Products and Commercial Services
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

The following FAR clause applies if the value of the Order exceeds \$3,500:

- 52.222-54 Employment Eligibility Verification

The following FAR clauses apply if the value of the Order exceeds \$10,000:

- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act

The following FAR clause applies if the value of the Order exceeds \$15,000:

- 52.222-36 Equal Opportunity for Workers with Disabilities

The following FAR clauses apply, as indicated below, if the value of the Order exceeds \$150,000:

- 52.222-35 Equal Opportunity for Veterans
- 52.222-37 Employment Reports on Veterans



The following FAR clause applies if the value of the Order exceeds \$6,000,000:

52.203-13 Contractor Code of Business Ethics and Conduct

The following DFARS clauses apply regardless of dollar value of the Order:

- 252.203-7002 Requirement to Inform Employees of Whistleblower Rights
- 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting
- 252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support
- 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services
- 252.211-7003 Item Unique Identification and Valuation
- 252.223-7008 Prohibition of Hexavalent Chromium
- 252.225-7001 Buy American and Balance of Payments Program
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals
- 252.225-7021 Trade Agreements
- 252.225-7052 Restriction on the Acquisition of Certain Magnets, Tantalum and Tungsten
- 252.225-7056 Prohibition Regarding Business Operations with the Maduro Regime
- 252.225-7060 Prohibition on Certain Procurements from the Xin-jiang Uyghur Autonomous Region
- 252.227-7013 Rights in Technical Data – Other than Commercial Products and Commercial Services
- 252.227-7015 Technical Data – Commercial Products and Commercial Services
- 252.227-7037 Validation of Restrictive Markings on Technical Data
- 252.244-7000 Subcontracts for Commercial Products or Commercial Services
- 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 the Cost Bearer

The following DFARS clause applies if the value of the Order exceeds \$10,000:

252.204-7020 NIST SP 800-171 DoD Assessment Requirements

The following DFARS clauses if the value of the Order exceeds \$250,000:

- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals
- 252.247-7023 Transportation of Supplies by Sea

The following DFARS clause applies if the value of the Order exceeds \$500,000:

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