



FAR AND DFARS FLOW DOWNS SNA, LLC

1. GENERAL PROVISIONS

The Federal Acquisition Regulations (FAR) and Defense Federal Acquisition Regulations Supplement (DFARS) clauses incorporated by reference into Buyer's Terms and Conditions of Purchase, with the same force and effect as if they were given in full text, and are applicable, including any notes following the clause citation, during the performance of the contract between Buyer and Seller (the "Contract") unless made inapplicable by their respective notes, if any.

If the goods or services being purchased meets the FAR Part 2 definition of Commercial item or service, then only part 3 will apply and if the goods are a Commercial Off the Shelf (COTS) item, then only part 4 will apply.

Where necessary to make the context of these clauses applicable to this purchase contract, the term "Contractor" shall mean "Seller", the term "Contract" shall mean this "Purchase Contract", and the terms "Government", "Contracting Officer", and equivalent phrases shall include "Buyer".

All referenced FAR and DFARS paragraph numbers refer to current paragraphs and revisions in effect as of the date of the Government prime contract referenced in this Purchase Contract, or are revised versions published by the U.S. Government. Copies of FAR and DFARS may be obtained on the internet at <https://www.acquisition.gov/>.

2. FAR REQUIREMENTS

- 52.202-1 Definitions
- 52.203-3 Gratuities.
- 52.203-6 Restrictions on Subcontractor Sales to the Government (over the Simplified Acquisition Threshold).
- 52.203-7 Anti-Kickback Procedures (over \$150,000).
- 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (over \$150,000).
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (over \$150,000).
- 52.203-13 Contractor Code of Business Ethics and Conduct (over \$6,000,000).
- 52.203-14 Display of Hotline Poster(s) (over \$6,000,000).
- 52.203-15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (if the Contract is funded in whole or in part with Recovery Act Funds).
- 52.203-16 Preventing Personal Conflicts of Interest (over the Simplified Acquisition Threshold).



- 52.203-17 Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights (over the Simplified Acquisition Threshold).
- 52.204-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements.
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems (applicable only if DFARS 252.204-2012 is not applicable).
- 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.
- 52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (over \$35,000).
- 52.211-5 Material Requirements
- 52.211-15 Defense Priority and Allocation Requirements (applicable if a rated order).
- 52.219-8 Utilization of Small Business Concerns (over Simplified Acquisition Threshold)
- 52.219-9 Small Business Subcontracting Plan (over \$750,000, unless a small business).
- 52.222-20 Contracts for Materials, Supplies, Articles, and Equipment (over \$15,000).
- 52.222-21 Prohibition of Segregated Facilities.
- 52.222-26 Equal Opportunity.
- 52.222-35 Equal Opportunity for Veterans (over \$150,000).
- 52.222-36 Equal Opportunity for Workers with Disabilities (over \$15,000).
- 52.222-37 Employment Reports on Veterans (over \$150,000).
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (over \$10,000).
- 52.222-50 Combating Trafficking in Persons.
- 52.222-54 Employment Eligibility Verification (over \$3,500).
- 52.223-11 Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (over micro threshold).
- 52.223-6 Drug-Free Workplace.
- 52.225-1 Buy American-Supplies
- 52.225-5 Trade Agreements
- 52.225-8 Duty Free Entry
- 52.225-13 Restrictions on Certain Foreign Purchases.
- 52.227-14 Rights in Data-General (unless the DFARS clause is included).
- 52.214-15 Stop Work Order
- 52.243-6 Change Order Accounting
- 52.244-6 Subcontracts for Commercial Products and Commercial Services.
- 52.245-1 Government Property



- 52.246-2 Inspection Of Supplies – Fixed Price (over Simplified Acquisition Threshold).
- 52.246-11 Higher-level Contract Quality Requirement
- 52.246-16 Responsibility For Supplies (over Simplified Acquisition Threshold).
- 52.247-64 Preference for Privately Owned U.S. Flag Commercial Vessels
- 52.249-2 Termination for Convenience of the Government (Fixed-Price) (

2. DFARS REQUIREMENTS

- 252.203-7000 Requirements Relating to Compensation of Former DoD Officials
- 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense Contract-Related Felonies (over the Simplified Acquisition Threshold).
- 252.203-7002 Requirement to Inform Employees of Whistleblower Rights.
- 252.203-7003 Agency Office of the Inspector General (if FAR 52.203-13 is applicable).
- 252.203-7004 Display of Hotline Posters (over \$6,000,000).
- 252.204-7000 Disclosure of Information
- 252.204.7012 Safeguarding Covered Defense Information and Cyber Incident Reporting
- 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services.
- 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.
- 252.209-7004 Subcontracting with Firms that are Owned or Controlled by the Government of a Country that is a State Sponsor of Terrorism (over \$150,000)
- 252.211-7003 Item Unique Identification and Valuation
- 252.211-7007 Reporting of Government-Furnished Property
- 252.211-7008 Use of Government-Assigned Serial Numbers
- 252.219-7003 Small Business Subcontracting Plan (DoD Contracts)
- 252.223-7008 Prohibition of Hexavalent Chromium.
- 252.225-7001 Buy American Act and Balance of Payments Program
- 252.225-7002 Qualifying Country Sources
- 252.225-7007 Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies
- 252.225-7008 Restriction on Acquisition of Specialty Metals (over the Simplified Acquisition Threshold).
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (as modified in para. (e)).
- 252.225-7012 Preference for Certain Domestic Commodities.
- 252.225.7013 Duty Free Entry
- 252.225-7016 Restriction on Acquisition of Ball and Roller Bearings.
- 252.225-7021 Trade Agreements.
- 252.225-7025 Restriction on Acquisition of Forgings.



- 252.225-7036 Buy American - Free Trade Agreements - Balance of Payments Program
- 252.225-7048 Export-Controlled Items.
- 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (over \$500,000)
- 252.227-7013 Rights in Technical Data-Noncommercial Items
- 252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation.
- 252.227-7015 Technical Data-Commercial Items.
- 252.227-7019 Validation of Asserted Restrictions—Computer Software.
- 252.227-7030 Technical Data—Withholding of Payment
- 252.227-7037 Validation of Restrictive Markings on Technical Data.
- 252.243-7001 Pricing of Contract Modifications.
- 252.244-7000 Subcontracts for Commercial Items
- 252.246–7007 Contractor Counterfeit Electronic Part Detection and Avoidance System.
- 252.246-7008 Sources of Electronic Parts.
- 252.249-7002 DISPLAY OF FRAUD HOTLINE POSTER(S) (OCT 2015) (Applies in lieu of FAR 52.203-14) (over \$150,000).

3. CLAUSES APPLICABLE TO COMMERCIAL PURCHASES

A. FAR Requirements

- 52.203-3 Gratuities.
- 52.203-13 Contractor Code of Business Ethics and Conduct (over \$6,000,000).
- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 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.
- 52.219-8 Utilization of Small Business Concerns (over Simplified Acquisition Threshold)
- 52.222-21 Prohibition of Segregated Facilities.
- 52.222-26 Equal Opportunity.
- 52.222-35 Equal Opportunity for Veterans (over \$150,000).
- 52.222-36 Equal Opportunity for Workers with Disabilities (over \$15,000).
- 52.222-37 Employment Reports on Veterans (over \$150,000).
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (over \$10,000).
- 52.222-50 Combating Trafficking in Persons.
- 52.222-54 Employment Eligibility Verification (over \$3,500).
- 52.244-6 Subcontracts for Commercial Products and Commercial Services.

- 52.245-1 Government Property
- 52.247-64 Preference for Privately Owned U.S. Flag Commercial Vessels

B. DFARS Requirements

- 252.203-7000 Requirements Relating to Compensation of Former DoD Officials
- 252.203-7002 Requirement to Inform Employees of Whistleblower Rights.
- 252.204.7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (only if the Seller will have access to CUI).
- 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services.
- 252.204-7020 NIST SP 800-171DoD Assessment Requirements.
- 252.204-7021 Cybersecurity Maturity Model Certification Requirements.
- 252.211-7003 Item Unique Identification and Valuation.
- 252.211-7007 Reporting of Government-Furnished Property (applicable only if the Seller is provided Government Furnished Property).
- 252.211-7008 Use of Government-Assigned Serial Numbers (applicable only if the Seller is provided Government Furnished Property).
- 252.219-7003 Small Business Subcontracting Plan (DoD Contracts).
- 252.225-7001 Buy American Act and Balance of Payments Program.
- 252.225-7002 Qualifying Country Sources
- 252.225-7007 Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies (applicable if the item is on the U.S. Munitions List or the 600 series of the Commerce Control List).
- 252.225-7008 Restriction on Acquisition of Specialty Metals.
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (as modified in para. (e)).
- 252.225-7012 Preference for Certain Domestic Commodities.
- 252.225-7036 Buy American - Free Trade Agreements - Balance of Payments Program.
- 252.225-7048 Export-Controlled Items.
- 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (over \$500,000).
- 252.227-7013 Rights in Technical Data-Noncommercial Items.
- 252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation.
- 252.227-7015 Technical Data-Commercial Items.
- 252.227-7030 Technical Data-Withholding of Payment.
- 252.227-7037 Validation of Restrictive Markings on Technical Data.
- 252.244-7000 Subcontracts for Commercial Items.
- 252.246-7007 Contractor Counterfeit Electronic Part Detection and Avoidance System.
- 252.246-7008 Sources of Electronic Parts.



4. CLAUSES APPLICABLE TO COMMERCIAL OFF THE SHELF (COTS)

A. FAR Requirements

- 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.
- 52.222-21 Prohibition of Segregated Facilities.
- 52.222-26 Equal Opportunity.
- 52.222-35 Equal Opportunity for Veterans (over \$150,000).
- 52.222-36 Equal Opportunity for Workers with Disabilities (over \$15,000).
- 52.222-37 Employment Reports on Veterans (over \$150,000).
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (over \$10,000).
- 52.222-50 Combating Trafficking in Persons.

B. DFARS Requirements

- 252.203-7002 Requirement to Inform Employees of Whistleblower Rights.
- 252.204.7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (only if the Seller will have access to CUI).
- 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services.
- 252.225-7007 Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies (applicable if the item is on the U.S. Munitions List or the 600 series of the Commerce Control List.
- 252.225-7008 Restriction on Acquisition of Specialty Metals (as modified in para. (e)).
- 252.225-7048 Export-Controlled Items.