

# Supplemental Terms and Conditions



FEDERAL ACQUISITION REGULATIONS (FAR), DEPARTMENT OF DEFENSE FAR SUPPLEMENT (DFARS), NATIONAL AERONAUTICS and SPACE ADMINISTRATION (NASA) FAR SUPPLEMENT. The following clauses set forth in the FAR and DFARS as in effect on the date of this purchase order are incorporated herein by reference. Where necessary to make the clauses applicable to this purchase order, "Contractor" shall mean "Seller," "Contracting Officer" shall mean "Buyer," and the "Government" shall mean "Buyer" or the "Government" whenever appearing in the clauses. Seller shall include the following clauses in its lower-tier purchase orders as required. **Except as may be expressly set forth in these Terms and Conditions and with the U.S. Government Contracting Officer's express consent, the Seller shall not acquire any direct claim of direct course of action against the U.S. Government. Any disputes involving the Federal Government shall be governed solely by federal law. Nothing in these Terms and Conditions shall be construed or interpreted to limit or in any way restrict the rights of the Government in regard to data, tooling, and other information it owns or has a right to use, including the right to authorize the Seller's use of such data, tooling, or other information in direct contacts between the Seller's use of such data, tooling, or other information in direct contracts between the Seller and the Government.** If any of the following FAR or DFARS clauses do not apply to a particular purchase order, such clauses are self-deleting. Section headings for the monetary thresholds are for convenience of reference and do not limit any of the terms of the clauses referenced.

FAR Clauses at <https://www.acquisition.gov/browse/index/far>

DFARS and NASA FAR Supplement Clauses at <https://www.acquisition.gov/content/supplemental-regulations>

## A. Federal Acquisition Regulation and DFARS Clauses

### 1. All Orders

Except as may be expressly set forth in this document with the government contracting officer's express consent, the seller shall not acquire any direct claim or direct course of action against the US Government.

|           |  |
|-----------|--|
| 52.203-15 | Whistleblower Protections Under the American Recovery and Reinvestment Act (Jun 2010)  |
| 52.203-19 | Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017)  |
| 52.204-2  | Security Requirements (Mar 2021)   |
| 52.204-9  | Personal Identity Verification of Contractor Personnel (Jan 2011)  |
| 52.204-21 | Basic Safeguarding of Covered Contractor Information Systems (Jun 2016)  |
| 52.204-23 | Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Jul 2018) |
| 52.204-25 | Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2020)                            |
| 52.208-8  | Required Sources for Helium and Helium Usage Data (Aug 2018)   |
| 52.211-5  | Material Requirements (Aug 2000)   |
| 52.211-15 | Defense Priority and Allocation Requirements (Apr 2008)  |
| 52.215-15 | Pension Adjustment and Asset Reversions (Oct 2010)   |
| 52.215-18 | Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Jul 2005)  |
| 52.215-19 | Notification of Ownership Changes (Oct 1997)   |
| 52.219-8  | Utilization of Small Business Concerns (Oct 2018)  |
| 52.219-28 | Post-Award Small Business Program Representation (Nov 2020)  |
| 52.222-4  | Contract Work Hours and Safety Standards Act – Overtime Compensation (Mar 2018)  |
| 52.222-21 | Prohibition of Segregated Facilities (Apr 2015)  |
| 52.222-22 | Previous Contracts and Compliance Reports (Feb 1999)   |
| 52.222-26 | Equal Opportunity (Sep 2016)   |
| 52.222-41 | Service Contract Labor Standards (Aug 2018)  |
| 52.222-50 | Combating Trafficking in Persons (Oct 2020)  |
| 52.223-3  | Hazardous Material Identification and Material Safety Data (Alt I applies if this order is for other than DoD) (Feb 2021)                    |
| 52.223-4  | Recovered Material Certification (May 2008)  |
| 52.223-5  | Pollution Prevention and Right-to-Know Information (May 2011)  |
| 52.223-7  | Notice of Radioactive Materials (Jan 1997)   |

# Supplemental Terms and Conditions



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|-----------------|--|
| 52.223-11       | Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016)   |
| 52.223-15       | Energy Efficiency in Energy-Consuming Products (May 2020)  |
| 52.224-1        | Privacy Act Notification (Apr 1984)  |
| 52.224-2        | Privacy Act (Apr 1984)   |
| 52.225-1        | Buy American Act – Supplies (Jan 2021)   |
| 52.225-2        | Buy American Act Certificate (Feb 2021)  |
| 52.225-3        | Buy American Act – Free Trade Agreements – Israel Trade Act (Jan 2021)   |
| 52.225-5        | Trade Agreements (Oct 2019)  |
| 52.225-8        | Duty-free Entry (Oct 2010)   |
| 52.225-13       | Restrictions on Certain Foreign Purchases (Feb 2021)   |
| 52.227-9        | Refund of Royalties (Apr 1984)   |
| 52.227-10       | Filing of Patent Applications - Classified Subject Matter (Dec 2007)   |
| 52.227-11       | Patent Rights – Ownership by the Contractor (references to “Government”, “Contracting Officer” and “Contractor” as contained in this clause remain unchanged) (May 2014) |
| 52.227-13       | Patent Rights-Ownership by the Government (Dec 2007)   |
| 52.227-14       | Rights in Data – General (May 2014)  |
| 52.229-3        | Federal, State, and Local Taxes (Feb 2013)   |
| 52.232-39       | Unenforceability of Unauthorized Obligations (Jun 2013)  |
| 52.232-40       | Providing Accelerated Payments to Small Business Subcontractors (Dec 2013)   |
| 52.233-1        | Disputes (May 2014)  |
| 52.233-3        | Protest After Award (Aug 1996)   |
| 52.234-1        | Industrial Resources Developed Under Title III, Defense Production Act (Sep 2016)  |
| 52.236-13       | Accident Prevention (Nov 1991)   |
| 52.244-6        | Subcontracts for Commercial Items (Aug 2019)   |
| 52.245-1, Alt 1 | Government Property (Jan 2017), Alternate I (Apr 2012) (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 (Apr 2012)   |
| 52.246-2        | Inspection of Supplies – Fixed Price (Aug 1996)  |
| 52.246-4        | Inspection of Services – Fixed Price (Aug 1996)  |
| 52.246-16       | Responsibility for Supplies (Apr 1984)   |
| 52.246-26       | Reporting Nonconforming Items (June 2020)  |
| 52.247-63       | Preference for U.S. Flag Air Carriers (June 2003)  |
| 52.247-64       | Preference for Privately Owned U.S. Flag Commercial Vessels (Feb 2006)   |
| 52.249-2        | Termination for Convenience of the Government (Fixed-Price) (Apr 2012)   |
| 52.249-8        | Default (Fixed-Price Supply and Service) (Apr 1984)  |
| 252.203-7002    | Requirement to Inform Employees of Whistleblower Rights (Sep 2013)   |
| 252.204-7000    | Disclosure of Information (Oct 2016)   |
| 252.204-7008    | Compliance with Safeguarding Covered Defense Information Controls (Oct 2016)   |
| 252.204-7009    | Limitations on the Use and Disclosure of Third-Party Contractor Reported Cyber Incident Information (Oct 2016)   |
| 252.204-7012    | Safeguarding Covered Defense Information and Cyber Incident (Dec 2019)   |
| 252.204-7014    | Limitations on the Use of Disclosure of Information by Litigation Support Contractors (May 2016)   |
| 252.204-7015    | Notice of Authorized Disclosure of Information for Litigation Support (May 2016)   |
| 252.204-7019    | Notice of NIST SP 800-171 DoD Assessment Requirements (Nov 2020)   |
| 252.204-7020    | NIST SP 800-171 DoD Assessment Requirements (Nov 2020)   |
| 252.204-7021    | Contractor Compliance with the Cybersecurity Maturity Model Certification Level Requirement (Nov 2020)   |
| 252.208-7000    | Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991)  |
| 252.222-7000    | Restrictions on Employment of Personnel (Mar 2000)   |

# Supplemental Terms and Conditions



- 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials (Sep 2014)
- 252.223-7007 Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives (Sep 1999)
- 252.223-7008 Prohibition of Hexavalent Chromium (Jun 2013)
- 252.225-7000 Buy American Act-Balance of Payments Program Certificate (Nov 2014)
- 252.225-7001 Buy American Act and Balance of Payments Program (Dec 2017)
- 252.225-7006 Acquisition of the American Flag (Aug 2015)
- 252.225-7007 Prohibition on Acquisition of United States Items From Communist Chinese Military Companies (Dec 2018)
- 252.225-7008 Restriction on Acquisition of Specialty Metals (Mar 2013)
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (Dec 2019)  
(excluding paragraph (d) and (e)(1))
- 252.225-7012 Preference for Certain Domestic Commodities (Dec 2017)
- 252.225-7013 Duty-Free Entry (Apr 2020)
- 252.225-7016 Restriction on Acquisition of Ball and Roller Bearings (Jun 2011)
- 252.225-7021 Trade Agreements (Sep 2019)
- 252.225-7025 Restrictions on Acquisition of Forgings (Dec 2009)
- 252.225-7028 Exclusionary Policies and Practices of Foreign Governments (Apr 2003)
- 252.225-7030 Restriction on Acquisition of Carbon Alloy and Armor Steel Plate (Dec 2006)
- 252.225-7036 Buy American Act – Free Trade Agreements – Balance of Payments Program (Dec 2017)
- 252.225-7043 Anti-Terrorism/Force Protection Policy for Defense Contractors Outside the United States (Jun 2015)
- 252.225-7052 Restriction on the Acquisition of Certain Magnets and Tungsten (Oct 2020)
- 252.227-7013 Rights in Technical Data - Noncommercial Items (the term “Government” shall remain throughout this clause, the term “Contracting Officer” shall mean both “Contracting Officer and Buyer”) (Feb 2014)
- 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”) (Feb 2014)
- 252.227-7015 Technical Data - Commercial Items (Feb 2014)
- 252.227-7016 Rights in Bid or Proposal Information (Jan 2011)
- 252.227-7019 Validation of Asserted Restrictions - Computer Software (Sep 2016)
- 252.227-7025 Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends (May 2013)
- 252.227-7030 Technical Data - Withholding of Payment (Mar 2000)
- 252.227-7037 Validation of Restrictive Markings of Technical Data (the terms throughout this clause shall remain unchanged) (Sep 2016)
- 252.228-7001 Ground and Flight Risk (Jun 2010)
- 252.228-7005 Mishap Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (Nov 2019)
- 252.229-7011 Reporting of Foreign Taxes – US Assistance Programs (Sep 2005)
- 252.235-7003 Frequency Authorization (Mar 2014)
- 252.235-7004 Protection of Human Subjects (Jul 2009)
- 252.239-7018 Supply Chain Risk (Feb 2019)
- 252.243-7001 Pricing of Contract Modifications (Dec 1991)
- 252.244-7000 Subcontracts for Commercial Items (Jan 2021)
- 252.246-7001 Warranty of Data (Alt 1) (Mar 2014)
- 252.246-7003 Notification of Potential Safety Issues (Jun 2013)
- 252.246-7007 Contractor Counterfeit Electronic Part Detection and Avoidance System (for paragraphs (a)-(e) the term “Contractor” shall mean “Seller” and the term “Contracting Officer” shall mean both “Contracting Officer” and “Buyer”) (Aug 2016)
- 252.246-7008 Sources of Electronic Parts (May 2018)
- 252.247-7023 Transportation of Supplies by Sea (paragraphs (a) through (e) apply to all orders; all paragraphs apply to transactions greater than \$250,000) (Feb 2019)

# Supplemental Terms and Conditions



252.249-7002 Notification of Anticipated Contract Termination or Reduction (Jun 2020)

## 2. Orders over \$3,500

52.222-54 Employment Eligibility Verification (Oct 2015)

## 3. Orders over \$10,000

52.222-40 Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)

52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020)

## 4. Orders over \$15,000

52.222-20 Contracts for Materials, Supplies, Articles and Equipment Exceeding \$15,000 (Jun 2020)

52.222-36 Equal Opportunity for Workers with Disabilities (Jun 2020)

## 5. Orders over \$30,000

52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (Jun 2020)

## 6. Orders over \$35,000

52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Jun 2020)

## 7. Orders over \$150,000

52.203-7 Anti-Kickback Procedures (Jun 2020)

52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Sep 2007)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Jun 2020)

52.222-35 Equal Opportunity for Veterans (Jun 2020)

52.222-37 Employment Reports on Special Veterans (Jun 2020)

52.248-1 Value Engineering (Jun 2020)

## 8. Orders over \$250,000

52.203-3 Gratuities (Apr 1984)

52.203-5 Covenant Against Contingent Fees (May 2014)

52.203-6 Restrictions on Subcontractor Sales to the Government (Jun 2020)

52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (May 2014)

52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (May 2014)

52.203-16 Preventing Conflicts of Interest (Jun 2020)

52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Jun 2020)

52.215-2 Audit and Records – Negotiation (Jun 2020)

52.215-14 Integrity of Unit Prices (except for paragraph (b) of this clause) (Jun 2020)

52.215-22 Limitations on Pass-Through Charges – Identification of Subcontract Effort (DoD Only) (Oct 2009)

52.215-23 Limitations on Pass-Through Charges (Jun 2020)

52.227-1 Authorization and Consent (Jun 2020)

52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Jun 2020)

252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (Dec 2008)

## 9. Orders over \$500,000

252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (Apr 2019)

# Supplemental Terms and Conditions



10. **Orders over \$550,000**
  - 52.209-7 Information Regarding Responsibility Matters (Oct 2018)
11. **Orders over \$700,000**
  - 52.219-9 Small Business Subcontracting Plan (Jun 2020)
  - 252.219-7003 Small Business Subcontracting Plan (DoD Contracts) (Dec 2019)
12. **Orders over \$1,000,000**
  - 252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements (Dec 2010)
  - 252.225-7033 Waiver of United Kingdom Levies (Apr 2003)
13. **Orders over \$2,000,000**
  - 52.214-26 Audit and Records – Sealed Bidding (Jun 2020)
  - 52.214-27 Price Reduction for Defective Cost or Pricing Data – Modifications – Sealed Bidding (Jun 2020)
  - 52.214-28 Subcontractor Cost or Pricing Data – Modifications – Sealed Bidding (Jun 2020)
  - 52.215-10 Price Reduction for Defective Certified Cost or Pricing Data (Aug 2011)
  - 52.215-11 Price Reduction for Defective Certified Cost or Pricing Data – Modifications (Jun 2020)
  - 52.215-12 Subcontractor Certified Cost or Pricing Data (Jun 2020)
  - 52.215-13 Subcontractor Certified Cost or Pricing Data – Modifications (Jun 2020)
  - 52.215-20 Requirements for Certified Cost or Pricing Data Other Than Cost or Pricing Data (Oct 2010)
  - 52.215-21 Requirements for Certified Cost or Pricing Data Other Than Cost or Pricing Data – Modifications (Jun 2020)
  - 52.230-2 Cost Accounting Standards (Jun 2020)
  - 52.230-3 Disclosure and Consistency of Cost Accounting Practices (Jun 2020)
  - 52.230-5 Cost Accounting Standards – Educational Institution (Jun 2020)
  - 52.230-6 Administration of Cost Accounting Standards (Jun 2010)
14. **Orders over \$5,500,000**
  - 52.203-13 Contractor Code of Business Ethics and Conduct (Jun 2020)  
Notwithstanding any alterations to this clause to reflect the relationship between Buyer and Seller, all disclosures of violation of the civil False Claims Act or of federal criminal law shall be directed to the Office of the Inspector General of the agency issuing the prime contract, with a copy to the Contracting Officer of the prime contract.
  - 52.203-14 Display of Hotline Poster(s) (Jun 2020)

## **B. NASA FAR Supplemental Clauses**

1. **All Orders**
  - 1852.204-76 Security Requirements for Unclassified Information Technology Resources (Jan 2011)
  - 1852.208-81 Restrictions on Printing and Duplicating (Nov 2004)
  - 1852.211-70 Packaging, Handling, and Transportation (Sep 2005)
  - 1852.219-75 Individual Subcontracting Reports (Apr 2015)
  - 1852.223-71 Authorization for Radio Frequency Use (Apr 2015)
  - 1852.223-74 Drug- and Alcohol-Free Workforce (Nov 2015)
  - 1852.223-75 Major Breach of Safety or Security (Feb 2002)
  - 1852.225-70 Export Licenses (Feb 2000)
  - 1852.227-11 Patent Rights--Retention by the Contractor (Apr 2015)
  - 1852.227-14 Rights in Data—General (Apr 2015)
  - 1852.227-19 Commercial Computer Software--Restricted Rights (Jul 1997)
  - 1852.227-70 New Technology (Apr 2015)
  - 1852.227-71 Requests for Waiver of Rights to Inventions (Apr 2015)

# Supplemental Terms and Conditions



- 1852.227-72 Designation of New Technology Representative and Patent Representative (Apr 2015)
- 1852.227-85 Invention Reporting and Rights—Foreign (Apr 2015)
- 1852.228-76 Cross-Waiver of Liability for International Space Station Activities (Oct 2012)
- 1852.228-78 Cross-Waiver of Liability for Science and Space Exploration Activities Unrelated to the International Space Station (Oct 2012)
- 1852.231-71 Determination of Compensation Reasonableness (Apr 2015)
- 1852.237-71 Pension Portability (Jan 1997)
- 1852.237-72 Access to Sensitive Information (Jun 2005)
- 1852.237-73 Release of Sensitive Information (Jun 2005)
- 1852.242-72 Denied Access to NASA Facilities (Oct 2015)
- 1852.245-72 Liability for Government Property Furnished for Repair or Other Services (Jan 2011)
- 1852.245-73 Financial Reporting of NASA Property in the Custody of Contractors (Jan 2017)
- 1852.245-78 Physical Inventory of Capital Personal Property (Aug 2015)
- 1852.246-73 Human Space Flight Item (Mar 1997)

The Contractor shall include the following statement in all subcontracts and purchase orders placed by it in support of this contract, without exception as to amount or subcontract level:  
"FOR USE IN HUMAN SPACE FLIGHT; MATERIALS, MANUFACTURING, AND WORKMANSHIP OF HIGHEST QUALITY STANDARDS ARE ESSENTIAL TO ASTRONAUT SAFETY.  
IF YOU ARE ABLE TO SUPPLY THE DESIRED ITEM WITH A HIGHER QUALITY THAN THAT OF THE ITEMS SPECIFIED OR PROPOSED, YOU ARE REQUESTED TO BRING THIS FACT TO THE IMMEDIATE ATTENTION OF THE PURCHASER."

## 2. Orders over \$100,000

- 1852.244-70 Geographic Participation in the Aerospace Program (Apr 1985)

## 3. Orders over \$250,000

- 1852.223-70 Safety and Health Measures and Mishap Reporting (Dec 2015)
- 1852.223-72 Safety and Health (Short Form) (Jul 2015)
- 1852.223-73 Safety and Health Plan (Jul 2015)

# Supplemental Terms and Conditions



| Revision         | Description  |
|------------------|--|
| April 12, 2021   | Added provisions in the preamble.<br>Updated 252.225-7009 to exclude paragraph (d) and (e)(1).<br>Updated dates for some clauses.  |
| January 29, 2021 | Added 52.246-26 to All Orders.   |
| January 13, 2021 | Added 252.204-7019, -7020, -7021, and 252.223-7007 to All Orders.<br>Updated dates for some clauses  |
| October 3, 2019  | Added 52.204-25 and 252.225-7052 to All Orders.<br>Updated dates for some clauses.   |
| June 2019        | Added red font to illustrate changes from previous revision.<br>Added headings clause.<br>Replaced FAR, DFARS, and NASA FAR Supplement website links.<br>Added Section - Orders over \$35,000, Orders over \$250,000, Orders over \$2,000,000, Orders over \$100,000 (NASA), and Orders over \$250,000 (NASA).<br>Deleted Section – Orders over \$750,000 and Order over \$1,500,000.<br>Changed 52.222-4 and 252.225-7006 to All Orders.<br>Changed 52.223-18 to Orders over \$10,000.<br>Changed 252.225-7036 to Orders over \$25,000.<br>Changed 52.209-6 to Order over \$35,000.<br>Changed 52.203-3, 52.203-5, 52.203-6, 52.203-8, 52.203-10, 52.203-16, 52.203-17, 52.215-2, 52.215-14, 52.215-22, 52.215-23, 52.227-1, 52.227-2, 252.203-7001 to Orders over \$250,000.<br>Changed 52.214-26, 52.214-27, 52.214-28, 52.215-10, 52.215-11, 52.215-12, 52.215-13, 52.215-20, 52.215-21, 52.230-2, 52.230-3, 52.230-5, and 52.230-6 to Orders over \$2,000,000.<br>Changed 1852.228-76, 1852.228-78, and 1852.231-71 to All Orders (NASA).<br>Changed 1852.244-70 to Orders over \$100,000 (NASA).<br>Changed 1852.223-70, 1852.223-72, and 1852.223-73 to Orders over \$250,000 (NASA).<br>Changed 252.247-7023 explanatory text to \$250,000.<br>Added 52.203-19, 52.204-23, and 52.233-1 to All Orders.<br>Deleted 252.211-7000 and 252.247-7024. |
| August 2018      | Added Revision Log.<br>Added 252.246-7008.<br>Changed 52.219-8 from \$150,000 to All Orders.   |
| October 2017     | -  |