



SUPPLEMENT 1: COMMERCIAL ITEM PROCUREMENTS

U.S. GOVERNMENT CONTRACT PROVISIONS FOR COMMERCIAL ITEMS

The following Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) clauses (if the Order is funded by Department of Defense) are each incorporated in and made a part of the Order. In the below listed 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.” It is intended that these clauses shall apply to Seller in such manner as is necessary to reflect the position of Seller as a subcontractor to Buyer, to ensure Seller’s obligations to Buyer and to the United States Government, and to enable Buyer to meet its obligations under its prime contract.

The following FAR Clauses apply to the Order:

- 52.202-1 Definitions
- 52.203-3 Gratuities 52.203-15 Whistleblower Protections under the American Recovery and Reimbursement Act of 2009
- 52.204-27 Prohibition on a ByteDance Covered Application (JUN 2023)
- 52.211-14 Notice of Priority Rating for National Defense Use, Emergency Preparedness, and Energy Use Programs (APR 2008)
- 52.211-15 Defense Priority and Allocation Requirements (APR 2008)
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity
- 52.222-50 Combating Trafficking in Persons
- 52.223-3 Hazardous Material Identification and Material Safety Data (JAN 1997)
- 52.225-13 Restriction on Certain Foreign Purchases
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors (DEC 2013) 52.244-6 Subcontracts for Commercial Items
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

The following FAR Clauses apply to the Order if the value of the Order equals or exceeds \$10,000:

- 52.222-40 Employee Rights under the National Labor Relations Act

The following FAR Clauses apply to the Order if the value of the Order equals or exceeds \$15,000:

- 52.222-36 Equal Opportunity for Workers with Disabilities

The following FAR Clauses apply to the Order if the value of the Order equals or exceeds \$100,000:

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

The following FAR Clauses apply to the Order if the value of the Order equals or exceeds \$150,000:

- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions
- 52.219-8 Utilization of Small Business Concerns

The following FAR Clauses apply to the Order if the value of the Order equals or exceeds \$5,000,000:

- 52.203-13 Contractor Code of Business Ethics and Conduct



The following DFARS Clauses apply if the Order is a Department of Defense Funded Order:

The following DFARS Clauses apply to the Order:

- 252.203-7000 Requirements Relating to Compensation of Former DOD Officials
- 252.225-7008 Restriction on Acquisition of Specialty Metals
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals
- 252.227-7015 Technical Data-Commercial Items
- 252.227-7037 Validation of Restrictive Markings on Technical Data
- 252.244-7000 Subcontracts for Commercial Items and Commercial Components
- 252.246-7003 Notification of Potential Safety Issues
- 252.247-7003 Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer
- 252.247-7024 Notification of Transportation of Supplies by Sea

The following DFARS Clauses apply to the Order if the value of the Order equals or exceeds \$25,000:

- 252.225-7036 Buy American Act – Free Trade Agreements

The following DFARS Clauses apply to the Order if the value of the Order equals or exceeds \$150,000:

- 252.247-7023 Transportation of Supplies by Sea

The following DFARS Clause applies to the Order if the value of the Order equals or exceeds \$500,000:

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