

**52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (Feb 2024)**

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

(1) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(2) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (Dec 2023) (Section 1634 of Pub. L. 115-91).

(3) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).

(4) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).

(5) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801).

(6) 52.233-3, Protest After Award (Aug 1996) (31 U.S.C. 3553).

(7) 52.233-4, Applicable Law for Breach of Contract Claim (Oct 2004) (Public Laws 108-77 and 108-78 ( 19 U.S.C. 3805 note)).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting officer check as appropriate.]

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|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | (1) 52.203-6   | Restrictions on Subcontractor Sales to the Government (June 2020), with Alternate I (Nov 2021) (41 U.S.C. 4704 and 10 U.S.C. 4655).  |
| <input type="checkbox"/>            | (2) 52.203-13  | Contractor Code of Business Ethics and Conduct (Nov 2021) (41 U.S.C. 3509)).   |
| <input type="checkbox"/>            | (3) 52.203-15  | Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.) |
| <input checked="" type="checkbox"/> | (4) 52.203-17  | Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712); this clause does not apply to contracts of DoD, NASA, the Coast Guard, or applicable elements of the intelligence community—see FAR 3.900(a).  |
| <input checked="" type="checkbox"/> | (5) 52.204-10  | Reporting Executive Compensation and First-Tier Subcontract Awards (Jun 2020) (Pub. L. 109-282) (31 U.S.C. 6101 note).   |
|                                     | (6)            | [Reserved].  |
| <input checked="" type="checkbox"/> | (7) 52.204-14  | Service Contract Reporting Requirements (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).   |
| <input type="checkbox"/>            | (8) 52.204-15  | Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).   |
| <input checked="" type="checkbox"/> | (9) 52.204-27  | Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).  |
| <input type="checkbox"/>            | (10) 52.204-28 | Federal Acquisition Supply Chain Security Act Orders—Federal Supply Schedules, Governmentwide Acquisition Contracts, and Multi-Agency Contracts. (Dec 2023) (Pub. L. 115–390, title II).                             |
| <input checked="" type="checkbox"/> | (11) 52.204-30 | (i) Federal Acquisition Supply Chain Security Act Orders—Prohibition. (Dec 2023) (Pub. L. 115–390, title II).  |
| <input type="checkbox"/>            |                | (ii) Alternate I (Dec 2023) of 52.204–30.  |

<input checked="" type="checkbox"/>	(12)	<a href="#">52.209-6</a>	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.
<input type="checkbox"/>	(13)	<a href="#">52.209-9</a>	Updates of Publicly Available Information Regarding Responsibility Matters (Oct 2018) (41 U.S.C. 2313).
	(14)		[Reserved].
<input type="checkbox"/>	(15)	<a href="#">52.219-3</a>	Notice of HUBZone Set-Aside or Sole-Source Award (Oct 2022) (15 U.S.C.657a).
<input checked="" type="checkbox"/>	(16)	<a href="#">52.219-4</a>	(i) Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Oct 2022) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).
	(17)		[Reserved].
<input type="checkbox"/>	(18)	<a href="#">52.219-6</a>	(i) Notice of Total Small Business Set-Aside (Nov 2020) of 52.219-6 (15 U.S.C. 644).
<input type="checkbox"/>			(ii) Alternate I (Mar 2020) of 52.219-6.
<input type="checkbox"/>	(19)	<a href="#">52.219-7</a>	(i) 52.219-7, Notice of Partial Small Business Set-Aside (Nov 2020) (15 U.S.C. 644).
<input type="checkbox"/>			(ii) Alternate I (Mar 2020) of 52.219-7.
<input type="checkbox"/>	(20)	<a href="#">52.219-8</a>	Utilization of Small Business Concerns (Feb 2024) (15 U.S.C. 637(d)(2) and (3)).
<input type="checkbox"/>	(21)	<a href="#">52.219-9</a>	(i) Small Business Subcontracting Plan (Sep 2023) (15 U.S.C. 637(d)(4)).
<input type="checkbox"/>			(ii) Alternate I (Nov 2016) of 52.219-9.
<input type="checkbox"/>			(iii) Alternate II (Nov 2016) of 52.219-9.
<input type="checkbox"/>			(iv) Alternate III (Jun 2020) of 52.219-9.
<input type="checkbox"/>			(v) Alternate IV (Sep 2023) of 52.219-9.
<input type="checkbox"/>	(22)	<a href="#">52.219-13</a>	(i) Notice of Set-Aside of Orders (Mar 2020) (15 U.S.C. 644(r)).
<input type="checkbox"/>			(ii) Alternate I (Mar 2020) of 52.219-13.
<input type="checkbox"/>	(23)	<a href="#">52.219-14</a>	Limitations on Subcontracting (Oct 2022) (15 U.S.C. 637(a)(14)).
<input type="checkbox"/>	(24)	<a href="#">52.219-16</a>	Liquidated Damages—Subcontracting Plan (Sep 2021) (15 U.S.C. 637(d)(4)(F)(i)).
<input type="checkbox"/>	(25)	<a href="#">52.219-27</a>	Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Feb 2024) (15 U.S.C. 657 f).
<input checked="" type="checkbox"/>	(26)	<a href="#">52.219-28</a>	Post Award Small Business Program Rerepresentation (Feb 2024) (15 U.S.C. 632(a)(2)). May require contractor completion.
<input type="checkbox"/>			(ii) Alternate I (Mar 2020) of 52.219-28.
<input type="checkbox"/>	(27)	<a href="#">52.219-29</a>	Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (Oct 2022) (15 U.S.C. 637(m)).
<input type="checkbox"/>	(28)	<a href="#">52.219-30</a>	Notice of Set-Aside for, or Sole Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Oct 2022) (15 U.S.C. 637(m)).
<input type="checkbox"/>	(29)	<a href="#">52.219-32</a>	Orders Issued Directly Under Small Business Reserves (Mar 2020) (15 U.S.C. 644(r)).
<input type="checkbox"/>	(30)	<a href="#">52.219-33</a>	Nonmanufacturer Rule (Sep 2021)(15 U.S.C. 637(a)(17)).

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|-------------------------------------|------|---------------------------|---|
| <input checked="" type="checkbox"/> | (31) | <a href="#">52.222-3</a>  | Convict Labor (June 2003) (E.O. 11755).   |
| <input checked="" type="checkbox"/> | (32) | <a href="#">52.222-19</a> | Child Labor-Cooperation with Authorities and Remedies (Feb 2024).   |
| <input checked="" type="checkbox"/> | (33) | <a href="#">52.222-21</a> | Prohibition of Segregated Facilities (Apr 2015).  |
| <input checked="" type="checkbox"/> | (34) | <a href="#">52.222-26</a> | (i) Equal Opportunity (Sept 2016) (E.O. 11246).   |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (Feb 1999) of 52.222-26. If this is checked, some terms have been waived.  |
| <input checked="" type="checkbox"/> | (35) | <a href="#">52.222-35</a> | (i) Equal Opportunity for Veterans (Jun 2020)(38 U.S.C. 4212).  |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (July 2014) of 52.222-35. If this box is checked, some terms have been waived.   |
| <input checked="" type="checkbox"/> | (36) | <a href="#">52.222-36</a> | (i) Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793).   |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (July 2014) of 52.222-36. If this box is checked, some terms have been waived.   |
| <input type="checkbox"/>            | (37) | <a href="#">52.222-37</a> | Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212).   |
| <input type="checkbox"/>            | (38) | <a href="#">52.222-40</a> | Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).   |
| <input checked="" type="checkbox"/> | (39) | <a href="#">52.222-50</a> | (i) Combating Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627).  |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627). Alt I requires CO completion.   |
| <input type="checkbox"/>            | (40) | <a href="#">52.222-54</a> | Employment Eligibility Verification (May 2022). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial products or commercial services as prescribed in FAR 22.1803.) |
| <input type="checkbox"/>            | (41) | <a href="#">52.223-9</a>  | (i) Estimate of Percentage of Recovered Material Content for EPA–Designated Items (May 2008) (42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.) Requires CO completion.                        |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (May 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.) Alt I requires contractor certification.  |
| <input type="checkbox"/>            | (42) | <a href="#">52.223-11</a> | Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (JUN 2016) (E.O. 13693). Requires contractor completion.  |
| <input type="checkbox"/>            | (43) | <a href="#">52.223-12</a> | Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (JUN 2016) (E.O. 13693).  |
| <input type="checkbox"/>            | (44) | <a href="#">52.223-13</a> | (i) Acquisition of EPEAT®-Registered Imaging Equipment (JUN 2014) (E.O.s 13423 and 13514).  |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (Oct 2015) of 52.223-13.   |
| <input type="checkbox"/>            | (45) | <a href="#">52.223-14</a> | (i) Acquisition of EPEAT®-Registered Televisions (JUN 2014) (E.O.s 13423 and 13514).  |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (Jun 2014) of 52.223-14.   |
| <input type="checkbox"/>            | (46) | <a href="#">52.223-15</a> | Energy Efficiency in Energy-Consuming Products (MAY 2020) (42 U.S.C. 8259b).  |
| <input type="checkbox"/>            | (47) | <a href="#">52.223-16</a> | (i) Acquisition of EPEAT®-Registered Personal Computer Products (OCT 2015) (E.O.s 13423 and 13514).   |
| <input type="checkbox"/>            |      |                           | (ii) Alternate I (Jun 2014) of 52.223-16.   |
| <input checked="" type="checkbox"/> | (48) | <a href="#">52.223-18</a> | Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020) (E.O. 13513).  |
| <input type="checkbox"/>            | (49) | <a href="#">52.223-20</a> | Aerosols (JUN 2016) (E.O. 13693).   |

<input type="checkbox"/>	(50)	<a href="#">52.223-21</a>	Foams (JUN 2016) (E.O. 13693).
<input type="checkbox"/>	(51)	<a href="#">52.224-3</a>	(i) Privacy Training (JAN 2017) (5 U.S.C. 552a).
<input type="checkbox"/>			(ii) Alternate I (JAN 2017) of 52.224-3.
<input type="checkbox"/>	(52)	<a href="#">52.225-1</a>	(i) 52.225-1, Buy American-Supplies (Oct 2022) ( 41 U.S.C. chapter 83).
<input type="checkbox"/>			(ii) Alternate I (Oct 2022) of 52.225-1.
<input type="checkbox"/>	(53)	<a href="#">52.225-3</a>	(i) 52.225-3, Buy American-Free Trade Agreements-Israeli Trade Act (NOV 2023) (19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, 19 U.S.C. chapter 29 (sections 4501-4732), Public Law 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).
<input type="checkbox"/>			(ii) Alternate I [Reserved]
<input type="checkbox"/>			(iii) Alternate II (Dec 2022) of 52.225-3.
<input type="checkbox"/>			(iv) Alternate III (Nov 2023) of 52.225-3.
<input type="checkbox"/>			(v) Alternate IV (Oct 2022) of 52.225-3.
<input type="checkbox"/>	(54)	<a href="#">52.225-5</a>	Trade Agreements (NOV 2023) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).
<input checked="" type="checkbox"/>	(55)	<a href="#">52.225-13</a>	Restrictions on Certain Foreign Purchases (Feb 2021) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
<input type="checkbox"/>	(56)	<a href="#">52.225-26</a>	Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
<input type="checkbox"/>	(57)	<a href="#">52.226-4</a>	Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150). Requires CO completion.
<input type="checkbox"/>	(58)	<a href="#">52.226-5</a>	Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).
<input type="checkbox"/>	(59)	<a href="#">52.229-12</a>	Tax on Certain Foreign Procurements—Notice and Representation (Feb 2021)
<input type="checkbox"/>	(60)	<a href="#">52.232-29</a>	Terms for Financing of Purchases of Commercial Products and Commercial Services (Nov 2021) ( 41 U.S.C. 4505, 10 U.S.C. 3805).
<input type="checkbox"/>	(61)	<a href="#">52.232-30</a>	Installment Payments for Commercial Products and Commercial Services (Nov 2021) ( 41 U.S.C. 4505, 10 U.S.C. 3805).
<input checked="" type="checkbox"/>	(62)	<a href="#">52.232-33</a>	Payment by Electronic Funds Transfer—System for Award Management (Oct 2018) (31 U.S.C. 3332).
<input type="checkbox"/>	(63)	<a href="#">52.232-34</a>	Payment by Electronic Funds Transfer—Other than System for Award Management (Jul 2013) (31 U.S.C. 3332). Requires CO completion.
<input type="checkbox"/>	(64)	<a href="#">52.232-36</a>	Payment by Third Party (May 2014) (31 U.S.C. 3332).
<input type="checkbox"/>	(65)	<a href="#">52.239-1</a>	Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).
<input type="checkbox"/>	(66)	<a href="#">52.242-5</a>	Payments to Small Business Subcontractors (JAN 2017)(15 U.S.C. 637(d)(13)).
<input type="checkbox"/>	(67)	<a href="#">52.247-64</a>	(i) Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631).

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(ii) Alternate I (Apr 2003) of 52.247-64.

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(iii) Alternate II (Nov 2021) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services

[Contracting Officer check as appropriate.]

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(1) [52.222-41](#)

Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67).

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(2) [52.222-42](#)

Statement of Equivalent Rates for Federal Hires (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67). Requires CO completion.

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(3) [52.222-43](#)

Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (Aug 2018) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

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(4) [52.222-44](#)

Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).

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(5) [52.222-51](#)

Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (May 2014) (41 U.S.C. chapter 67).

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(6) [52.222-53](#)

Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (May 2014) (41 U.S.C. chapter 67).

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(7) [52.222-55](#)

Minimum Wages Under Executive Order 13658 (Jan 2022).

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(8) [52.222-62](#)

Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).

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(9) [52.226-6](#)

Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, as defined in FAR 2.101, on the date of award of this contract, and does not contain the clause at 52.215-2, Audit and Records-Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)

(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1), in a subcontract for commercial products or commercial services. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (Nov 2021) (41 U.S.C. 3509).

(ii) 52.203-17, Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712).

(iii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iv) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (Dec 2023) (Section 1634 of Pub. L. 115-91).

(v) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).

(vi) 52.204-27, Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).

(vii)

(A) 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition. (Dec 2023) (Pub. L. 115-390, title II).

(B) Alternate I (Dec 2023) of 52.204-30

(viii) 52.219-8, Utilization of Small Business Concerns (Feb 2024) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR 19.702(a) on the date of subcontract award, the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(ix) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).

(x) 52.222-26, Equal Opportunity (Sep 2015) (E.O. 11246).

(xi) 52.222-35, Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212).

(xii) 52.222-36, Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793).

(xiii) 52.222-37, Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212).

(xiv) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(xv) 52.222-41, Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67).

(xvi)

(A) 52.222-50, Combating Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627).

(B) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).

(xvii) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67).

(xviii) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67).

(xix) 52.222-54, Employment Eligibility Verification (May 2022) (E.O. 12989).

(xx) 52.222-55, Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022).

(xxi) 52.222-62, Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706).

(xxii)

(A) 52.224-3, Privacy Training (Jan 2017) (5 U.S.C. 552a).

(B) Alternate I (Jan 2017) of 52.224-3.

(xxiii) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note).

(xxiv) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xxv) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801). Flow down required in accordance with paragraph (c) of 52.232-40.

(xxvi) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the Contractor may include in its subcontracts for commercial products and commercial services a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

Alternate I (Feb 2000). As prescribed in 12.301 (b)(4)(i), delete paragraph (d) from the basic clause, redesignate paragraph (e) as paragraph (d), and revise the reference to "paragraphs (a), (b), (c), or (d) of this clause" in the redesignated paragraph (d) to read "paragraphs (a), (b), and (c) of this clause".



Alternate II (Feb 2024) . As prescribed in 12.301 (b)(4)(ii), substitute the following paragraphs (d)(1) and (e)(1) for paragraphs (d)(1) and (e)(1) of the basic clause as follows:

(d)(1) The Comptroller General of the United States, an appropriate Inspector General appointed under section 3 or 8 G of the Inspector General Act of 1978 (5 U.S.C. App.), or an authorized representative of either of the foregoing officials shall have access to and right to—

(i) Examine any of the Contractor's or any subcontractors' records that pertain to, and involve transactions relating to, this contract; and

(ii) Interview any officer or employee regarding such transactions.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), and (c), of this clause, the Contractor is not required to flow down any FAR clause in a subcontract for commercial products or commercial services, other than—

(i) Paragraph (d) of this clause. This paragraph flows down to all subcontracts, except the authority of the Inspector General under paragraph (d)(1)(ii) does not flow down; and

(ii) Those clauses listed in this paragraph (e)(1). Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-

(A) 52.203-13, Contractor Code of Business Ethics and Conduct (Nov 2021) (41 U.S.C. 3509).

(B) 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5).

(C) 52.203-17, Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712).

(D) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (Dec 2023) (Section 1634 of Pub. L. 115-91).

(E) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).

(F) 52.204-27, Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).

(G)

\_\_\_ (1) 52.204-30, Federal Acquisition Supply Chain Security Act Orders— Prohibition. (Dec 2023) (Pub. L. 115-390, title II).

\_\_\_ (2) Alternate I (Dec 2023) 52.204-30.

(H) 52.219-8, Utilization of Small Business Concerns (Feb 2024) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR 19.702(a) on the date of subcontract award, the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(I) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).

(J) 52.222-26, Equal Opportunity (Sep 2016) (E.O. 11246).

(K) 52.222-35, Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212).

(L) 52.222-36, Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793).

(M) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(N) 52.222-41, Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67).

(O)

\_\_\_ (1) 52.222-50, Combating Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O 13627).

\_\_\_ (2) Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).

(P) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67).

(Q) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67).

(R) 52.222-54, Employment Eligibility Verification (May 2022) (Executive Order 12989).

(S) 52.222-55, Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022).

(T) 52.222-62, Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706).

(U)

\_\_\_ (1) 52.224-3, Privacy Training (Jan 2017) (5 U.S.C. 552a).

\_\_\_ (2) Alternate I (Jan 2017) of 52.224-3.

(V) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note).

(W) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Jun 2020)

(42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(X) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (MAR 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801). Flow down required in accordance with paragraph (e) of 52.232-40.

(Y) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

