**APPLICABLE PROVISIONS AND CLAUSES**All provisions and clauses are those in accordance with  
 FAC 2024-04 dated May 1, 2024

**PROVISIONS  
  
FAR 52.252-1 Solicitation Provisions Incorporated by Reference.**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):   
  
[www.acquisition.gov/far](http://www.acquisition.gov/far) (Federal Acquisition Regulation (FAR)) and  
<https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title48/48cfrv5_02.tpl> (Commerce Acquisition Regulation - (CAR))  
  
*Provisions incorporated by Reference*

**FAR 52.203-18 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation.**

**FAR 52.204-7 System for Award Management**

**FAR 52.204-16 Commercial and Government Entity Code Reporting**

**FAR 52.204-17 Ownership or Control of Offeror**

**FAR 52.209-2 Prohibition on Contracting with Inverted Domestic Corporations – Representation**

**FAR 52.212-1 Instructions to Offerors—Commercial Items**

**FAR 52.212-3 Offeror’s Representations and Certifications-Commercial Items, Except Paragraph (s)  
FAR 52.225-25 Prohibition on Contracting with Entities Engaging in Sanctioned Activities Relating to Iran**

In accordance with FAR 52.212-3 Offeror Representations and Certifications – Commercial Items, the offeror must complete annual representations and certifications **on-line** at www.SAM.Gov.

*Provisions incorporated in Full Text***FAR 52.204-20 Predecessor of Offeror (AUG 2020)**

a) Definitions. As used in this provision–

Commercial and Government Entity (CAGE) code means–

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity by unique location; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

Predecessor means an entity that is replaced by a successor and includes any predecessors of the predecessor.

Successor means an entity that has replaced a predecessor by acquiring the assets and carrying out the affairs of the predecessor under a new name (often through acquisition or merger). The term "successor" does not include new offices/divisions of the same company or a company that only changes its name. The extent of the responsibility of the successor for the liabilities of the predecessor may vary, depending on State law and specific circumstances.

(b) The Offeror represents that it □ is or □ is not a successor to a predecessor that held a Federal contract or grant within the last three years.

(c) If the Offeror has indicated "is" in paragraph (b) of this provision, enter the following information for all predecessors that held a Federal contract or grant within the last three years (if more than one predecessor, list in reverse chronological order):

Predecessor CAGE code:\_\_\_\_\_\_\_\_\_\_\_\_ (or mark "Unknown").

Predecessor legal name: \_\_\_\_\_\_\_\_\_\_\_\_.

**FAR 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021)**

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it "does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument" in paragraph (c)(1) in the provision at 52.204-26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(i) of the provision at 52.212-3, Offeror Representations and Certifications-Commercial Products or Commercial Services. The Offeror shall not complete the representation in paragraph (d)(2) of this provision if the Offeror has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services" in paragraph (c)(2) of the provision at 52.204-26, or in paragraph (v)(2)(ii) of the provision at 52.212-3.

(a) Definitions. As used in this provision—

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition.

(1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) ( https://www.sam.gov) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".

(d) Representation. The Offeror represents that—

(1) It □ will, □ will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It □ does, □ does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.

(e) Disclosures.

(1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded "will" in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded "does" in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.  
 **FAR 52.204-26 Covered Telecommunications Equipment or Services-Representation (OCT 2020)** (a) Definitions. As used in this provision, "covered telecommunications equipment or services" and "reasonable inquiry" have the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (https://www.sam.gov) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".

(c) (1) Representation. The Offeror represents that it □ does, □ does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

(2) After conducting a reasonable inquiry for purposes of this representation, the offeror represents that it □ does, □ does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

**FAR 52.209-5 Certification Regarding Responsibility Matters (AUG 2020)**

a)

(1) The Offeror certifies, to the best of its knowledge and belief, that—

(i) The Offeror and/or any of its Principals–

(A) Are □ are not □ presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have □ have not □, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property (if offeror checks "have", the offeror shall also see 52.209-7, if included in this solicitation);

(C) Are □ are not □ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision;

(D) Have □, have not □, within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds the threshold at 9.104-5(a)(2) for which the liability remains unsatisfied.

(1) Federal taxes are considered delinquent if both of the following criteria apply:

(i) The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(ii) The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(2) Examples.

(i) The taxpayer has received a statutory notice of deficiency, under I.R.C. § 6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(ii) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. § 6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. § 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(iv) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (the Bankruptcy Code).

(ii) The Offeror has □ has not □, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principal," for the purposes of this certification, means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a division or business segment; and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror’s responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

**FAR 52.209-11 Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law. (FEB 2016)**

(a) As required by sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), and similar provisions, if contained in subsequent appropriations acts, the Government will not enter into a contract with any corporation that–

(1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or

(2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and made a determination that this action is not necessary to protect the interests of the Government.

(b) The Offeror represents that–

(1) It is □ is not □ a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

(2) It is □ is not □ a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

**FAR 52.212-2 Evaluation - Commercial Items (Nov 2021)**(a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

Factor A (Technical Factor): Key Personnel

Factor B (Technical Factor): Technical Approach

Factor C (Technical Factor): Past Performance

Technical / non-price factors are listed in descending order of importance. Technical / non-price factors, when combined, are more important than price. However, price will become more important as the degree of equality among technical non-price evaluations increases. Please see the solicitation for details on the evaluation factors.

(b) Options. The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(c) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer’s specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

**CAR 1352.233-70 Agency Protests**

(a) An agency protest may be filed with either: (1) the contracting officer, or (2) at a level above the contracting officer, with the appropriate agency Protest Decision Authority. See 64 Fed. Reg. 16,651 (April 6, 1999)

(b) Agency protests filed with the Contracting Officer shall be sent to the following address:   
NIST/ACQUISITION MANAGEMENT DIVISION

ATTN: LAUREN ROLLER, CONTRACTING OFFICER

100 Bureau Drive, MS 1640

Gaithersburg, MD 20899

(c) ) Agency protests filed with the agency Protest Decision Authority shall be sent to the following address:  
NIST/ACQUISITION MANAGEMENT DIVISION

ATTN: HEAD OF THE CONTRACTING OFFICE (HCO)

100 Bureau Drive, MS 1640

Gaithersburg, MD 20899

(d) A complete copy of all agency protests, including all attachments, shall be served upon the Contract Law Division of the Office of the General Counsel within one day of filing a protest with either the Contracting Officer or the Protest Decision Authority.

(e) ) Service upon the Contract Law Division shall be made as follows:

U.S. Department of Commerce Office of the General Counsel Chief, Contract Law Division Room 5893, Herbert C. Hoover Building

14th Street and Constitution Avenue, N.W. Washington, D.C. 20230.

FAX: (202) 482-5858

**CAR 1352.233-71 GAO and Court of Federal Claims Protests**(a) A protest may be filed with either the Government Accountability Office (GAO) or the Court of Federal Claims unless an agency protest has been filed.

(b) A complete copy of all GAO or Court of Federal Claims protests, including all attachments, shall be served upon (i) the Contracting Officer, and (ii) the Contract Law Division of the Office of the General Counsel, within one day of filing a protest with either GAO or the Court of Federal Claims.

(c) Service upon the Contract Law Division shall be made as follows:

U.S. Department of Commerce

Office of the General Counsel

Chief, Contract Law Division

Room 5893

Herbert C. Hoover Building

14th Street and Constitution Avenue, N.W.

Washington, D.C. 20230.

FAX: (202) 482-5858

**CLAUSES**

*Clauses incorporated by Reference***FAR 52.252-2 Clauses Incorporated by Reference.**

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

**Federal Acquisition Regulation (FAR):** [**www.acquisition.gov/far/**](http://www.acquisition.gov/far/)

**Commerce Acquisition Regulation (CAR):** [**http://www.ecfr.gov/cgi-bin/text-idx?SID=8b5f22b07c12a52e8b29841ad60f1fd9&mc=true&tpl=/ecfrbrowse/Title48/48chapter13.tpl**](http://www.ecfr.gov/cgi-bin/text-idx?SID=8b5f22b07c12a52e8b29841ad60f1fd9&mc=true&tpl=/ecfrbrowse/Title48/48chapter13.tpl)

**FAR 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements**

**FAR 52.204-13 System for Award Management Maintenance**

**FAR 52.204-18 Commercial and Government Entity Code Maintenance**

**FAR 52.204-19 Incorporation by Reference of Representations and Certifications   
FAR 52.204-21 Basic Safeguarding of Covered Contractor Information Systems**

**FAR 52.212-4 Contract Terms and Conditions—Commercial Items  
FAR 52.227-17 Rights in Data – Special Works**

**FAR 52.232-39 Unenforceability of Unauthorized Obligations   
FAR52.232-40 Providing Accelerated Payments to Small Business Subcontractors [April 2020 Deviation]**

**CAR 1352.201-70 Contracting Officer’s Authority  
CAR 1352.201-72 Contracting Officer's Representative (COR)  
CAR 1352.209-73 Compliance with the Laws**   
**CAR 1352.209-74 Organizational Conflict of Interest   
CAR 1352.237-71 Security Processing Requirements – Low Risk Contracts  
CAR 1352.237-75 Key Personnel  
CAR 1352.239-72 Security Requirements for Information Technology Resources**

*Clauses incorporated in Full Text*

**FAR 52.212-5 -- Contract Terms and Conditions Required to Implement Statutes or Executive Orders -- Commercial Items (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](https://www.acquisition.gov/far/52.203-19#FAR_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](https://www.acquisition.gov/far/52.204-23#FAR_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](https://www.acquisition.gov/far/52.204-25#FAR_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](https://www.acquisition.gov/far/52.209-10#FAR_52_209_10), Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).

(5) [52.232-40](https://www.acquisition.gov/far/52.232-40#FAR_52_232_40), Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) ( [31 U.S.C. 3903](https://www.govinfo.gov/link/uscode/31/3903) and [10 U.S.C. 3801](https://www.govinfo.gov/link/uscode/10/3801)).

(6)   [52.233-3](https://www.acquisition.gov/far/52.233-3#FAR_52_233_3), Protest After Award (Aug 1996) ( [31 U.S.C. 3553](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(7)   [52.233-4](https://www.acquisition.gov/far/52.233-4#FAR_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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3))).

(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 products and commercial services:

[Contracting Officer check as appropriate.]

\_\_ (1) [52.203-6](https://www.acquisition.gov/far/52.203-6#FAR_52_203_6), Restrictions on Subcontractor Sales to the Government (Jun 2020), with Alternate I (Nov 2021) ( [41 U.S.C. 4704](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and [10 U.S.C. 4655](https://www.govinfo.gov/link/uscode/10/4655)).

\_\_ (2) [52.203-13](https://www.acquisition.gov/far/52.203-13#FAR_52_203_13), Contractor Code of Business Ethics and Conduct (Nov 2021) ( [41 U.S.C. 3509](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3))).

\_\_ (3) [52.203-15](https://www.acquisition.gov/far/52.203-15#FAR_52_203_15), Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

\_\_ (4) [52.203-17](https://www.acquisition.gov/far/52.203-17#FAR_52_203_17), Contractor Employee Whistleblower Rights (Nov 2023) ( [41 U.S.C. 4712](https://www.govinfo.gov/link/uscode/41/4712)); this clause does not apply to contracts of DoD, NASA, the Coast Guard, or applicable elements of the intelligence community—see FAR [3.900](https://www.acquisition.gov/far/3.900#FAR_3_900)(a).

**🗹** (5) [52.204-10](https://www.acquisition.gov/far/52.204-10#FAR_52_204_10), Reporting Executive Compensation and First-Tier Subcontract Awards (Jun 2020) (Pub. L. 109-282) ( [31 U.S.C. 6101 note](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title31-section6101&num=0&edition=prelim)).

\_\_ (6) [Reserved].

\_\_ (7) [52.204-14](https://www.acquisition.gov/far/52.204-14#FAR_52_204_14), Service Contract Reporting Requirements (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).

\_\_ (8) [52.204-15](https://www.acquisition.gov/far/52.204-15#FAR_52_204_15), Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).

**🗹** (9) [52.204-27](https://www.acquisition.gov/far/52.204-27#FAR_52_204_27), Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328).

\_\_ (10) [52.204-28](https://www.acquisition.gov/far/52.204-28#FAR_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](https://www.govinfo.gov/link/plaw/115/public/390), title II).

\_\_ (11)

(i) [52.204-30](https://www.acquisition.gov/far/52.204-30#FAR_52_204_30), Federal Acquisition Supply Chain Security Act Orders—Prohibition. (Dec 2023) ( [Pub. L. 115–390](https://www.govinfo.gov/link/plaw/115/public/390), title II).

\_\_ (ii) Alternate I (Dec 2023) of 52.204–30.

**🗹** (12) [52.209-6](https://www.acquisition.gov/far/52.209-6#FAR_52_209_6), Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Nov 2021) ( [31 U.S.C. 6101 note](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title31-section6101&num=0&edition=prelim)).

\_\_ (13) [52.209-9](https://www.acquisition.gov/far/52.209-9#FAR_52_209_9), Updates of Publicly Available Information Regarding Responsibility Matters (Oct 2018) ( [41 U.S.C. 2313](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title41-section2313&num=0&edition=prelim)).

\_\_ (14) [Reserved].

\_\_ (15) [52.219-3](https://www.acquisition.gov/far/52.219-3#FAR_52_219_3), Notice of HUBZone Set-Aside or Sole-Source Award (Oct 2022) ( [15 U.S.C. 657a](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title15-section637a&num=0&edition=prelim)).

\_\_ (16) [52.219-4](https://www.acquisition.gov/far/52.219-4#FAR_52_219_4), 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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (17) [Reserved]

\_\_ (18)

**🗹** (i) [52.219-6](https://www.acquisition.gov/far/52.219-6#FAR_52_219_6), Notice of Total Small Business Set-Aside (Nov 2020) ( [15 U.S.C. 644](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Mar 2020) of [52.219-6](https://www.acquisition.gov/far/52.219-6#FAR_52_219_6).

\_\_ (19)

(i) [52.219-7](https://www.acquisition.gov/far/52.219-7#FAR_52_219_7), Notice of Partial Small Business Set-Aside (Nov 2020) ( [15 U.S.C. 644](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Mar 2020) of [52.219-7](https://www.acquisition.gov/far/52.219-7#FAR_52_219_7).

\_\_ (20) [52.219-8](https://www.acquisition.gov/far/52.219-8#FAR_52_219_8), Utilization of Small Business Concerns (Feb 2024) ( [15 U.S.C. 637(d)(2)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and (3)).

\_\_ (21)

(i) [52.219-9](https://www.acquisition.gov/far/52.219-9#FAR_52_219_9), Small Business Subcontracting Plan (Sep 2023) ( [15 U.S.C. 637(d)(4)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Nov 2016) of [52.219-9](https://www.acquisition.gov/far/52.219-9#FAR_52_219_9).

\_\_ (iii) Alternate II (Nov 2016) of [52.219-9](https://www.acquisition.gov/far/52.219-9#FAR_52_219_9).

\_\_ (iv) Alternate III (Jun 2020) of [52.219-9](https://www.acquisition.gov/far/52.219-9#FAR_52_219_9).

\_\_ (v) Alternate IV (Sep 2023) of [52.219-9](https://www.acquisition.gov/far/52.219-9#FAR_52_219_9).

\_\_ (22)

(i) [52.219-13](https://www.acquisition.gov/far/52.219-13#FAR_52_219_13), Notice of Set-Aside of Orders (Mar 2020) ( [15 U.S.C. 644(r)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Mar 2020) of [52.219-13](https://www.acquisition.gov/far/52.219-13#FAR_52_219_13).

\_\_ (23) [52.219-14](https://www.acquisition.gov/far/52.219-14#FAR_52_219_14), Limitations on Subcontracting (Oct 2022) ( [15 U.S.C. 637s](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (24) [52.219-16](https://www.acquisition.gov/far/52.219-16#FAR_52_219_16), Liquidated Damages—Subcontracting Plan (Sep 2021) ( [15 U.S.C. 637(d)(4)(F)(i)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (25) [52.219-27](https://www.acquisition.gov/far/52.219-27#FAR_52_219_27), Notice of Set-Aside for, or Sole-Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program (Feb 2024) ( [15 U.S.C. 657f](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

**🗹** (26) (i) [52.219-28](https://www.acquisition.gov/far/52.219-28#FAR_52_219_28), Post Award Small Business Program Rerepresentation (Feb 2024) ( [15 U.S.C. 632(a)(2)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Mar 2020) of [52.219-28](https://www.acquisition.gov/far/52.219-28#FAR_52_219_28).

\_\_ (27) [52.219-29](https://www.acquisition.gov/far/52.219-29#FAR_52_219_29), 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)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (28) [52.219-30](https://www.acquisition.gov/far/52.219-30#FAR_52_219_30), 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)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (29) [52.219-32](https://www.acquisition.gov/far/52.219-32#FAR_52_219_32), Orders Issued Directly Under Small Business Reserves (Mar 2020) ( [15 U.S.C. 644](https://www.govinfo.gov/content/pkg/USCODE-2018-title15/html/USCODE-2018-title15-chap14A-sec644.htm)(r)).

\_\_ (30) [52.219-33](https://www.acquisition.gov/far/52.219-33#FAR_52_219_33), Nonmanufacturer Rule (Sep 2021) ( [15U.S.C. 637](https://www.govinfo.gov/content/pkg/USCODE-2018-title15/html/USCODE-2018-title15-chap14A-sec637.htm)(a)(17)).

**🗹** (31) [52.222-3](https://www.acquisition.gov/far/52.222-3#FAR_52_222_3), Convict Labor (Jun 2003) (E.O.11755).

**🗹** (32) [52.222-19](https://www.acquisition.gov/far/52.222-19#FAR_52_222_19), Child Labor-Cooperation with Authorities and Remedies (Feb 2024).

**🗹** (33) [52.222-21](https://www.acquisition.gov/far/52.222-21#FAR_52_222_21), Prohibition of Segregated Facilities (Apr 2015).

**🗹** (34) (i) [52.222-26](https://www.acquisition.gov/far/52.222-26#FAR_52_222_26), Equal Opportunity (Sep 2016) (E.O.11246).

\_\_ (ii) Alternate I (Feb 1999) of [52.222-26](https://www.acquisition.gov/far/52.222-26#FAR_52_222_26).

\_\_ (35) (i) [52.222-35](https://www.acquisition.gov/far/52.222-35#FAR_52_222_35), Equal Opportunity for Veterans (Jun 2020) ( [38 U.S.C. 4212](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section4212&num=0&edition=prelim)).

\_\_ (ii) Alternate I (Jul 2014) of [52.222-35](https://www.acquisition.gov/far/52.222-35#FAR_52_222_35).

**🗹** (36) (i) [52.222-36](https://www.acquisition.gov/far/52.222-36#FAR_52_222_36), Equal Opportunity for Workers with Disabilities (Jun 2020) ( [29 U.S.C. 793](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title29-section793&num=0&edition=prelim)).

\_\_ (ii) Alternate I (Jul 2014) of [52.222-36](https://www.acquisition.gov/far/52.222-36#FAR_52_222_36).

\_\_ (37) [52.222-37](https://www.acquisition.gov/far/52.222-37#FAR_52_222_37), Employment Reports on Veterans (Jun 2020) ( [38 U.S.C. 4212](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section4212&num=0&edition=prelim)).

\_\_ (38) [52.222-40](https://www.acquisition.gov/far/52.222-40#FAR_52_222_40), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).

**🗹** (39) (i) [52.222-50](https://www.acquisition.gov/far/52.222-50#FAR_52_222_50), Combating Trafficking in Persons (Nov 2021) ( [22 U.S.C. chapter 78](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and E.O. 13627).

\_\_ (ii) Alternate I (Mar 2015) of [52.222-50](https://www.acquisition.gov/far/52.222-50#FAR_52_222_50) ( [22 U.S.C. chapter 78](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and E.O. 13627).

\_\_ (40) [52.222-54](https://www.acquisition.gov/far/52.222-54#FAR_52_222_54), 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](https://www.acquisition.gov/far/22.1803#FAR_22_1803).)

\_\_ (41)

(i) [52.223-9](https://www.acquisition.gov/far/52.223-9#FAR_52_223_9), Estimate of Percentage of Recovered Material Content for EPA–Designated Items (May 2008) ( [42 U.S.C. 6962(c)(3)(A)(ii)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

\_\_ (ii) Alternate I (May 2008) of [52.223-9](https://www.acquisition.gov/far/52.223-9#FAR_52_223_9) ( [42 U.S.C. 6962(i)(2)(C)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

\_\_ (42) [52.223-11](https://www.acquisition.gov/far/52.223-11#FAR_52_223_11), Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016) (E.O. 13693).

\_\_ (43) [52.223-12](https://www.acquisition.gov/far/52.223-12#FAR_52_223_12), Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) (E.O. 13693).

\_\_ (44)

(i) [52.223-13](https://www.acquisition.gov/far/52.223-13#FAR_52_223_13), Acquisition of EPEAT®-Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514).

\_\_ (ii) Alternate I (Oct 2015) of [52.223-13](https://www.acquisition.gov/far/52.223-13#FAR_52_223_13).

\_\_ (45)

(i) [52.223-14](https://www.acquisition.gov/far/52.223-14#FAR_52_223_14), Acquisition of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).

\_\_ (ii) Alternate I (Jun2014) of [52.223-14](https://www.acquisition.gov/far/52.223-14#FAR_52_223_14).

\_\_ (46) [52.223-15](https://www.acquisition.gov/far/52.223-15#FAR_52_223_15), Energy Efficiency in Energy-Consuming Products (May 2020) ( [42 U.S.C. 8259b](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (47)

(i) [52.223-16](https://www.acquisition.gov/far/52.223-16#FAR_52_223_16), Acquisition of EPEAT®-Registered Personal Computer Products (Oct 2015) (E.O.s 13423 and 13514).

\_\_ (ii) Alternate I (Jun 2014) of [52.223-16](https://www.acquisition.gov/far/52.223-16#FAR_52_223_16).

**🗹** (48) [52.223-18](https://www.acquisition.gov/far/52.223-18#FAR_52_223_18), Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020) (E.O. 13513).

\_\_ (49) [52.223-20](https://www.acquisition.gov/far/52.223-20#FAR_52_223_20), Aerosols (Jun 2016) (E.O. 13693).

\_\_ (50) [52.223-21](https://www.acquisition.gov/far/52.223-21#FAR_52_223_21), Foams (Jun2016) (E.O. 13693).

\_\_ (51)

(i) [52.224-3](https://www.acquisition.gov/far/52.224-3#FAR_52_224_3) Privacy Training (Jan 2017) (5 U.S.C. 552 a).

\_\_ (ii) Alternate I (Jan 2017) of [52.224-3](https://www.acquisition.gov/far/52.224-3#FAR_52_224_3).

\_\_ (52)

(i) [52.225-1](https://www.acquisition.gov/far/52.225-1#FAR_52_225_1), Buy American-Supplies (Oct 2022) ( [41 U.S.C. chapter 83](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Oct 2022) of [52.225-1](https://www.acquisition.gov/far/52.225-1#FAR_52_225_1).

\_\_ (53)

(i) [52.225-3](https://www.acquisition.gov/far/52.225-3#FAR_52_225_3), Buy American-Free Trade Agreements-Israeli Trade Act (NOV 2023) ( [19 U.S.C. 3301 note](https://www.govinfo.gov/link/uscode/19/3301), [19 U.S.C. 2112 note](https://www.govinfo.gov/link/uscode/19/2112), [19 U.S.C. 3805 note](https://www.govinfo.gov/link/uscode/19/3805), [19 U.S.C. 4001 note](https://www.govinfo.gov/link/uscode/19/4001), 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.

\_\_ (ii) Alternate I [Reserved].

\_\_ (iii) Alternate II (Dec 2022) of [52.225-3](https://www.acquisition.gov/far/52.225-3#FAR_52_225_3).

\_\_ (iv) Alternate III (Feb 2024) of [52.225-3](https://www.acquisition.gov/far/52.225-3#FAR_52_225_3).

\_\_ (v) Alternate IV (Oct 2022) of [52.225-3](https://www.acquisition.gov/far/52.225-3#FAR_52_225_3).

\_\_ (54) [52.225-5](https://www.acquisition.gov/far/52.225-5#FAR_52_225_5), Trade Agreements (NOV 2023) ( [19 U.S.C. 2501](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title19-section2501&num=0&edition=prelim), et seq., [19 U.S.C. 3301](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title19-section3301&num=0&edition=prelim) note).

**🗹** (55) [52.225-13](https://www.acquisition.gov/far/52.225-13#FAR_52_225_13), 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).

\_\_ (56) [52.225-26](https://www.acquisition.gov/far/52.225-26#FAR_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).

\_\_ (57) [52.226-4](https://www.acquisition.gov/far/52.226-4#FAR_52_226_4), Notice of Disaster or Emergency Area Set-Aside (Nov 2007) ( [42 U.S.C. 5150](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (58) [52.226-5](https://www.acquisition.gov/far/52.226-5#FAR_52_226_5), Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov2007) ( [42 U.S.C. 5150](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (59) [52.229-12](https://www.acquisition.gov/far/52.229-12#FAR_52_229_12), Tax on Certain Foreign Procurements (Feb 2021).

\_\_ (60) [52.232-29](https://www.acquisition.gov/far/52.232-29#FAR_52_232_29), Terms for Financing of Purchases of Commercial Products and Commercial Services (Nov 2021) ( [41 U.S.C. 4505](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3), [10 U.S.C. 3805](https://www.govinfo.gov/link/uscode/10/3805)).

\_\_ (61) [52.232-30](https://www.acquisition.gov/far/52.232-30#FAR_52_232_30), Installment Payments for Commercial Products and Commercial Services (Nov 2021) ( [41 U.S.C. 4505](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3), [10 U.S.C. 3805](https://www.govinfo.gov/link/uscode/10/3805)).

**🗹** (62) [52.232-33](https://www.acquisition.gov/far/52.232-33#FAR_52_232_33), Payment by Electronic Funds Transfer-System for Award Management (Oct2018) ( [31 U.S.C. 3332](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title31-section3332&num=0&edition=prelim)).

\_\_ (63) [52.232-34](https://www.acquisition.gov/far/52.232-34#FAR_52_232_34), Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) ( [31 U.S.C. 3332](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (64) [52.232-36](https://www.acquisition.gov/far/52.232-36#FAR_52_232_36), Payment by Third Party (May 2014) ( [31 U.S.C. 3332](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (65) [52.239-1](https://www.acquisition.gov/far/52.239-1#FAR_52_239_1), Privacy or Security Safeguards (Aug 1996) ( [5 U.S.C. 552a](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section552a&num=0&edition=prelim)).

\_\_ (66) [52.242-5](https://www.acquisition.gov/far/52.242-5#FAR_52_242_5), Payments to Small Business Subcontractors (Jan 2017) ( [15 U.S.C. 637(d)(13)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (67)

(i) [52.247-64](https://www.acquisition.gov/far/52.247-64#FAR_52_247_64), Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) ( [46 U.S.C. 55305](https://www.govinfo.gov/content/pkg/USCODE-2019-title46/html/USCODE-2019-title46-subtitleV-partD-chap553-subchapI-sec55305.htm) and [10 U.S.C. 2631](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (ii) Alternate I (Apr 2003) of [52.247-64](https://www.acquisition.gov/far/52.247-64#FAR_52_247_64).

\_\_ (iii) Alternate II (Nov 2021) of [52.247-64](https://www.acquisition.gov/far/52.247-64#FAR_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.]

\_\_ (1) [52.222-41](https://www.acquisition.gov/far/52.222-41#FAR_52_222_41), Service Contract Labor Standards (Aug 2018) ( [41 U.S.C. chapter67](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (2) [52.222-42](https://www.acquisition.gov/far/52.222-42#FAR_52_222_42), Statement of Equivalent Rates for Federal Hires (May 2014) ( [29 U.S.C. 206](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and [41 U.S.C. chapter 67](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (3) [52.222-43](https://www.acquisition.gov/far/52.222-43#FAR_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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and [41 U.S.C. chapter 67](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (4) [52.222-44](https://www.acquisition.gov/far/52.222-44#FAR_52_222_44), Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (May 2014) ( [29U.S.C.206](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and [41 U.S.C. chapter 67](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (5) [52.222-51](https://www.acquisition.gov/far/52.222-51#FAR_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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (6) [52.222-53](https://www.acquisition.gov/far/52.222-53#FAR_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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

\_\_ (7) [52.222-55](https://www.acquisition.gov/far/52.222-55#FAR_52_222_55), Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022).

\_\_ (8) [52.222-62](https://www.acquisition.gov/far/52.222-62#FAR_52_222_62), Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706).

\_\_ (9) [52.226-6](https://www.acquisition.gov/far/52.226-6#FAR_52_226_6), Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) ( [42 U.S.C. 1792](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(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](https://www.acquisition.gov/far/2.101#FAR_2_101), on the date of award of this contract, and does not contain the clause at [52.215-2](https://www.acquisition.gov/far/52.215-2#FAR_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](https://www.acquisition.gov/far/subpart-4.7#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](https://www.acquisition.gov/far/52.203-13#FAR_52_203_13), Contractor Code of Business Ethics and Conduct (Nov 2021) ( [41 U.S.C. 3509](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(ii) [52.203-17](https://www.acquisition.gov/far/52.203-17#FAR_52_203_17), Contractor Employee Whistleblower Rights (Nov 2023) ( [41 U.S.C. 4712](https://www.govinfo.gov/link/uscode/41/4712)).

(iii) [52.203-19](https://www.acquisition.gov/far/52.203-19#FAR_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](https://www.acquisition.gov/far/52.204-23#FAR_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](https://www.acquisition.gov/far/52.204-25#FAR_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](https://www.acquisition.gov/far/52.204-27#FAR_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](https://www.govinfo.gov/link/plaw/115/public/390), title II).

(B) Alternate I (Dec 2023) of 52.204–30.

(viii) [52.219-8](https://www.acquisition.gov/far/52.219-8#FAR_52_219_8), Utilization of Small Business Concerns (Feb 2024) ( [15 U.S.C. 637(d)(2)](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title15-section637&num=0&edition=prelim) 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](https://www.acquisition.gov/far/19.702#FAR_19_702)(a) on the date of subcontract award, the subcontractor must include [52.219-8](https://www.acquisition.gov/far/52.219-8#FAR_52_219_8) in lower tier subcontracts that offer subcontracting opportunities.

(ix) [52.222-21](https://www.acquisition.gov/far/52.222-21#FAR_52_222_21), Prohibition of Segregated Facilities (Apr 2015).

(x) [52.222-26](https://www.acquisition.gov/far/52.222-26#FAR_52_222_26), Equal Opportunity (Sep 2015) (E.O.11246).

(xi) [52.222-35](https://www.acquisition.gov/far/52.222-35#FAR_52_222_35), Equal Opportunity for Veterans (Jun 2020) ( [38 U.S.C. 4212](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(xii) [52.222-36](https://www.acquisition.gov/far/52.222-36#FAR_52_222_36), Equal Opportunity for Workers with Disabilities (Jun 2020) ( [29 U.S.C. 793](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(xiii) [52.222-37](https://www.acquisition.gov/far/52.222-37#FAR_52_222_37), Employment Reports on Veterans (Jun 2020) ( [38 U.S.C. 4212](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(xiv) [52.222-40](https://www.acquisition.gov/far/52.222-40#FAR_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](https://www.acquisition.gov/far/52.222-40#FAR_52_222_40).

(xv) [52.222-41](https://www.acquisition.gov/far/52.222-41#FAR_52_222_41), Service Contract Labor Standards (Aug 2018) ( [41 U.S.C. chapter 67](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title41-chapter67-front&num=0&edition=prelim)).

(xvi)

(A) [52.222-50](https://www.acquisition.gov/far/52.222-50#FAR_52_222_50), Combating Trafficking in Persons (Nov 2021) ( [22 U.S.C. chapter 78](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3) and E.O 13627).

(B) Alternate I (Mar 2015) of [52.222-50](https://www.acquisition.gov/far/52.222-50#FAR_52_222_50) ( [22 U.S.C. chapter 78 and E.O. 13627](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(xvii) [52.222-51](https://www.acquisition.gov/far/52.222-51#FAR_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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(xviii) [52.222-53](https://www.acquisition.gov/far/52.222-53#FAR_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](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(xix) [52.222-54](https://www.acquisition.gov/far/52.222-54#FAR_52_222_54), Employment Eligibility Verification (May 2022) (E.O. 12989).

(xx) [52.222-55](https://www.acquisition.gov/far/52.222-55#FAR_52_222_55), Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022).

(xxi) [52.222-62](https://www.acquisition.gov/far/52.222-62#FAR_52_222_62), Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706).

(xxii)

(A) [52.224-3](https://www.acquisition.gov/far/52.224-3#FAR_52_224_3), Privacy Training (Jan 2017) ( [5 U.S.C. 552a](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)).

(B) Alternate I (Jan 2017) of [52.224-3](https://www.acquisition.gov/far/52.224-3#FAR_52_224_3).

(xxiii) [52.225-26](https://www.acquisition.gov/far/52.225-26#FAR_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](https://www.acquisition.gov/far/52.226-6#FAR_52_226_6), Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) ( [42 U.S.C. 1792](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)). Flow down required in accordance with paragraph (e) of FAR clause [52.226-6](https://www.acquisition.gov/far/52.226-6#FAR_52_226_6).

(xxv) [52.232-40](https://www.acquisition.gov/far/52.232-40#FAR_52_232_40), Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) ( [31 U.S.C. 3903](https://www.govinfo.gov/link/uscode/31/3903) and [10 U.S.C. 3801](https://www.govinfo.gov/link/uscode/10/3801)). Flow down required in accordance with paragraph (c) of [52.232-40](https://www.acquisition.gov/far/52.232-40#FAR_52_232_40).

(xxvi)   [52.247-64](https://www.acquisition.gov/far/52.247-64#FAR_52_247_64), Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) ( [46 U.S.C. 55305](https://www.govinfo.gov/content/pkg/USCODE-2019-title46/html/USCODE-2019-title46-subtitleV-partD-chap553-subchapI-sec55305.htm) and [10 U.S.C. 2631](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3)). Flow down required in accordance with paragraph (d) of FAR clause [52.247-64](https://www.acquisition.gov/far/52.247-64#FAR_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.  
  
 **NIST LOCAL-53 Contract Performance During Changes in NIST Operating Status**  
All contractors performing work on active contracts at the U.S. Department of Commerce(DOC), National Institute of Standards and Technology (NIST) campuses and/or working in NIST workspaces should go to the www.nist.gov website and under the "About NIST" tab click on "Visit". This site includes information about campus access and security information; identification requirements; parking information and more.

Contractor personnel are required to check the appropriate campus operating status and personnel requirements at https://www.nist.gov/campus-status daily prior to arriving on site. All personnel must adhere to the requirements set forth in the operating status.

Unless otherwise stated in the contract terms and conditions, normal days of business operation are Monday through Friday, excluding Federal Holidays. However, throughout the contract period of performance, there may be circumstances beyond the control of NIST that will impact normal days of business operation such as inclement weather, power outages, etc. In circumstances such as these, the Contractor must call the appropriate NIST campus status line to verify the operating status:

Gaithersburg Campus Operating Status Line:

(301) 975-8000

(800) 437-4385 x8000 (toll free)

Boulder Campus Operating Status Line:

(303) 497-4000

(303) 497-3000 option 2

In the event of a lapse in appropriation, access to Government facilities and resources, including equipment and systems will be limited to excepted personnel for both Federal employees and contractor personnel. If performance of the contract is onsite and/or requires Government interaction, unless the contractor has been, or is notified that it is required to work under an excepted status, the contractor must stop work. The work stoppage shall remain in effect until the lapse is resolved and notification is provided via the NIST website at www.nist.gov (banner on front page) and/or the NIST operating status line(s). Additionally, contractors are encouraged to monitor public broadcasts or the Office of Personnel Management's website at www.opm.gov for the Federal Government operating status.

NIST will provide notification to all contractors that are determined to have excepted status. All excepted contractors are required to continue performance and communicate with the appointed Contracting Officer's Representative (COR) for further guidance, or NIST Contracting Officer if a COR is not appointed.

Contractors with active supply or service contracts that are fully funded at the time of contract award and do not require access to Government facilities, resources, or active administration by Government personnel in a manner that would not cause the Government to incur additional obligations during the lapse in appropriation may continue performance.

Please note that in all circumstances that impact operations on the NIST campuses, contractors are expected to follow all direction and guidance provided by NIST authorities.

**NIST LOCAL-54 ELECTRONIC BILLING INSTRUCTIONS**

NIST requires that Invoice/Voucher submissions are sent electronically via email to [INVOICE@NIST.GOV](mailto:INVOICE@NIST.GOV).

Each Invoice or Voucher submitted shall include the following:

(1) Contract number;

(2) Contractor name and address;

(3) Unique entity identifier (see [www.sam.gov](http://www.sam.gov/) for the designated entity for establishing unique entity identifiers);

(4) Date of invoice;

(5) Invoice number;

(6) Amount of invoice and cumulative amount invoiced to-date;

(7) Contract Line Item Number (CLIN);

(8) Description, quantity, unit of measure, unit price, and extended price of supplies/services delivered;

(9) Prompt payment discount terms, if offered; and

(10) Any other information or documentation required by the contract.

**NIST LOCAL 56 - INVOICING PROCESSING PLATFORM-ALTERNATE I (DEC 2022)**

Upon written notice from the contracting officer the following supersedes all other instructions for the submission of payment requests. Accordingly, following written notice payment requests must be submitted electronically through the U.S. Department of the Treasury's Invoice Processing Platform System (IPP).

"Payment request" means any request for contract financing payment or invoice payment by the Contractor. To constitute a proper invoice, the payment request must comply with the requirements identified in the applicable payment request or invoicing instructions, Prompt Payment clause included in the contract, or the clause 52.212-4 Contract Terms and Conditions - Commercial Items included in commercial item contracts. The IPP website address is https://www.ipp.gov.

Under this contract, the following documents are required to be submitted as an attachment to the IPP invoice:

The Contractor must use the IPP website to register, access, and use IPP for submitting payment requests. If not already enrolled, the Contractor Government Business Point of Contact (as listed in SAM) will receive enrollment instructions via email within three to five business days of the addition of the contract award to IPP. Contractor assistance with enrollment can be obtained by contacting the IPP Production Helpdesk via email: IPPCustomerSupport@fiscal.treasury.gov or phone (866) 973-3131.

If the Contractor is unable to comply with the requirement to use IPP for submitting payment requests, the Contractor must submit a waiver request in writing to the Contracting Officer with its proposal or quotation. Contact the contracting officer for more information on submitting a waiver request.