

# Supplemental Terms and Conditions



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

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

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

## A. Federal Acquisition Regulation and DFARS Clauses

### 1. All Orders

52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act (Jun 2010)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017)
52.204-2	Security Requirements (Mar 2021)
52.204-9	Personal Identity Verification of Contractor Personnel (Jan 2011)
52.204-18	Commercial and Government Entity Code Maintenance (Aug 2020)
52.204-21	Basic Safeguarding of Covered Contractor Information Systems (Nov 2021)
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Dec 2023)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021)
52.204-27	Prohibition on a ByteDance Covered Application (Jun 2023)
52.204-30	Federal Acquisition Supply Chain Security Act Order – Prohibition (Dec 2023)
52.211-5	Material Requirements (Aug 2000)
52.211-15	Defense Priority and Allocation Requirements (Apr 2008)
52.215-15	Pension Adjustment and Asset Reversions (Oct 2010)
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Jul 2005)
52.215-19	Notification of Ownership Changes (Oct 1997)
52.219-8	Utilization of Small Business Concerns (Feb 2024)
52.219-28	Post-Award Small Business Program Representation (Feb 2024)
52.222-4	Contract Work Hours and Safety Standards – Overtime Compensation (Mar 2018)
52.222-21	Prohibition of Segregated Facilities (Apr 2015)
52.222-26	Equal Opportunity (Sep 2016)
52.222-41	Service Contract Labor Standards (Aug 2018)
52.222-50	Combating Trafficking in Persons (Nov 2021)
52.223-3	Hazardous Material Identification and Material Safety Data (Alt I applies if this order is for other than DoD) (Feb 2021)
52.223-5	Pollution Prevention and Right-to-Know Information (May 2011)
52.223-7	Notice of Radioactive Materials (Jan 1997)
52.223-11	Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016)
52.224-1	Privacy Act Notification (Apr 1984)
52.224-2	Privacy Act (Apr 1984)
52.225-1	Buy American Act – Supplies (Oct 2022)

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52.225-2	Buy American Act Certificate (Oct 2022)
52.225-3	Buy American Act – Free Trade Agreements – Israel Trade Act (Nov 2023)
52.225-5	Trade Agreements (Nov 2023)
52.225-8	Duty-free Entry (Oct 2010)
52.225-13	Restrictions on Certain Foreign Purchases (Feb 2021)
52.227-9	Refund of Royalties (Apr 1984)
52.227-10	Filing of Patent Applications - Classified Subject Matter (Dec 2007)
52.227-11	Patent Rights – Ownership by the Contractor (references to “Government”, “Contracting Officer” and “Contractor” as contained in this clause remain unchanged) (May 2014)
52.227-13	Patent Rights-Ownership by the Government (Dec 2007)
52.227-14	Rights in Data – General (May 2014)
52.229-3	Federal, State, and Local Taxes (Feb 2013)
52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Mar 2023)
52.233-1	Disputes (May 2014)
52.233-3	Protest After Award (Aug 1996)
52.234-1	Industrial Resources Developed Under Title III, Defense Production Act (Sep 2016)
52.236-13	Accident Prevention (Nov 1991)
52.244-6	Subcontracts for Commercial Products and Commercial Services (Feb 2024)
52.245-1, Alt 1	Government Property (Sep 2021), Alternate I (Apr 2012) (except in clauses (e)(1), (e)(2)(ii), (e)(3)(i), (f)(1)(ii), the term “Government” shall remain)
52.245-9	Use and Charges (Apr 2012)
52.246-2	Inspection of Supplies – Fixed Price (Aug 1996)
52.246-4	Inspection of Services – Fixed Price (Aug 1996)
52.246-16	Responsibility for Supplies (Apr 1984)
52.246-26	Reporting Nonconforming Items (Nov 2021)
52.247-63	Preference for U.S. Flag Air Carriers (June 2003)
52.247-64	Preference for Privately Owned U.S. Flag Commercial Vessels (Nov 2021)
52.249-2	Termination for Convenience of the Government (Fixed-Price) (Apr 2012)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)
252.203-7002	Requirement to Inform Employees of Whistleblower Rights (Dec 2022)
252.204-7000	Disclosure of Information (Oct 2016)
252.204-7008	Compliance with Safeguarding Covered Defense Information Controls (Oct 2016)
252.204-7009	Limitations on the Use and Disclosure of Third-Party Contractor Reported Cyber Incident Information (Jan 2023)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident (Jan 2023)
252.204-7014	Limitations on the Use of Disclosure of Information by Litigation Support Contractors (Jan 2023)
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (Jan 2023)
252.204-7018	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (Jan 2023)
252.204-7019	Notice of NIST SP 800-171 DoD Assessment Requirements (Nov 2023)
252.204-7020	NIST SP 800-171 DoD Assessment Requirements (Nov 2023)
252.204-7021	Contractor Compliance with the Cybersecurity Maturity Model Certification Level Requirement (Jan 2023)
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991)
252.211-7003	Item Unique Identification and Valuation (Jan 2023)
252.222-7000	Restrictions on Employment of Personnel (Mar 2000)
252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials (Sep 2014)
252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives (Nov 2023)
252.223-7008	Prohibition of Hexavalent Chromium (Jan 2023)

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252.225-7000	Buy American Act-Balance of Payments Program Certificate (Feb 2024)
252.225-7001	Buy American Act and Balance of Payments Program (Feb 2024)
252.225-7006	Acquisition of the American Flag (Dec 2022)
252.225-7007	Prohibition on Acquisition of United States Items From Communist Chinese Military Companies (Dec 2018)
252.225-7008	Restriction on Acquisition of Specialty Metals (Mar 2013)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Jan 2023) (excluding paragraph (d) and (e)(1))
252.225-7012	Preference for Certain Domestic Commodities (Apr 2022)
252.225-7013	Duty-Free Entry (Nov 2023)
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (Jan 2023)
252.225-7021	Trade Agreements (Feb 2024)
252.225-7025	Restrictions on Acquisition of Forgings (Dec 2009)
252.225-7028	Exclusionary Policies and Practices of Foreign Governments (Apr 2003)
252.225-7030	Restriction on Acquisition of Carbon Alloy and Armor Steel Plate (Dec 2006)
252.225-7036	Buy American Act – Free Trade Agreements – Balance of Payments Program (Feb 2024)
252.225-7043	Anti-Terrorism/Force Protection Policy for Defense Contractors Outside the United States (Jun 2015)
252.225-7048	Export-Controlled Items (Jun 2013)
252.225-7052	Restriction on the Acquisition of Certain Magnets and Tungsten (Jan 2023)
252.225-7056	Prohibition Regarding Business Operations with the Maduro Regime (Jan 2023)
252.225-7058	Postaward Disclosure of Employment of Individuals Who Work in the People's Republic of China (Jan 2023)
252.225-7060	Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region (Jun 2023)
252.227-7013	Rights in Technical Data – Other Than Commercial Products and Commercial Services (the term “Government” shall remain throughout this clause, the term “Contracting Officer” shall mean both “Contracting Officer and Buyer”) (Mar 2023)
252.227-7014	Rights in Other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation (the term “Government” shall remain throughout this clause, the term “Contracting Officer” shall mean both “Contracting Officer and Buyer”) (Mar 2023)
252.227-7015	Technical Data - Commercial Products and Commercial Services (Mar 2023)
252.227-7016	Rights in Bid or Proposal Information (Jan 2023)
252.227-7019	Validation of Asserted Restrictions - Computer Software (Jan 2023)
252.227-7025	Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends (Jan 2023)
252.227-7030	Technical Data - Withholding of Payment (Mar 2000)
252.227-7037	Validation of Restrictive Markings of Technical Data (the terms throughout this clause shall remain unchanged) (Jan 2023)
252.228-7001	Ground and Flight Risk (Mar 2023)
252.228-7005	Mishap Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (Nov 2019)
252.229-7011	Reporting of Foreign Taxes – US Assistance Programs (Sep 2005)
252.235-7003	Frequency Authorization (Mar 2014)
252.235-7004	Protection of Human Subjects (Jul 2009)
252.239-7018	Supply Chain Risk (Dec 2022)
252.243-7001	Pricing of Contract Modifications (Dec 1991)
252.244-7000	Subcontracts for Commercial Products or Commercial Services (Nov 2023)
252.246-7001	Warranty of Data (Alt 1) (Mar 2014)
252.246-7003	Notification of Potential Safety Issues (Jan 2023)
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (for paragraphs (a)-(e) the term “Contractor” shall mean “Seller” and the term “Contracting Officer” shall mean both “Contracting Officer” and “Buyer”) (Jan 2023)

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- 252.246-7008 Sources of Electronic Parts (Jan 2023)
- 252.247-7023 Transportation of Supplies by Sea (paragraphs (a) through (e) apply to all orders; all paragraphs apply to transactions greater than \$250,000) (Jan 2023)
- 252.249-7002 Notification of Anticipated Contract Termination or Reduction (Dec 2022)

## **2. Orders over \$3,500**

- 52.222-54 Employment Eligibility Verification (May 2022)

## **3. Orders over \$10,000**

- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020)

## **4. Orders over \$15,000**

- 52.222-20 Contracts for Materials, Supplies, Articles and Equipment Exceeding \$15,000 (Jun 2020)
- 52.222-36 Equal Opportunity for Workers with Disabilities (Jun 2020)

## **5. Orders over \$30,000**

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

## **6. Orders over \$35,000**

- 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Nov 2021)

## **7. Orders over \$150,000**

- 52.203-7 Anti-Kickback Procedures (Jun 2020)
- 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Sep 2007)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Jun 2020)
- 52.222-35 Equal Opportunity for Veterans (Jun 2020)
- 52.222-37 Employment Reports on Special Veterans (Jun 2020)

## **8. Orders over \$250,000**

- 52.203-3 Gratuities (Apr 1984)
- 52.203-5 Covenant Against Contingent Fees (May 2014)
- 52.203-6 Restrictions on Subcontractor Sales to the Government (Jun 2020)
- 52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (May 2014)
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (May 2014)
- 52.203-16 Preventing Conflicts of Interest (Jun 2020)
- 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Nov 2023)
- 52.215-2 Audit and Records – Negotiation (Jun 2020)
- 52.215-14 Integrity of Unit Prices (except for paragraph (b) of this clause) (Nov 2021)
- 52.215-22 Limitations on Pass-Through Charges – Identification of Subcontract Effort (DoD Only) (Oct 2009)
- 52.215-23 Limitations on Pass-Through Charges (Jun 2020)
- 52.227-1 Authorization and Consent (Jun 2020)
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Jun 2020)
- 52.248-1 Value Engineering (Jun 2020)
- 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (Jan 2023)

## **9. Orders over \$500,000**

- 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (Jan 2023)

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## 10. Orders over \$550,000

52.209-7 Information Regarding Responsibility Matters (Oct 2018)

## 11. Orders over \$750,000

52.219-9 Small Business Subcontracting Plan (Sep 2023)

252.219-7003 Small Business Subcontracting Plan (DoD Contracts) (Dec 2019)

## 12. Orders over \$1,000,000

252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements (Jan 2023)

252.225-7033 Waiver of United Kingdom Levies (Apr 2003)

## 13. Orders over \$2,000,000

52.214-26 Audit and Records – Sealed Bidding (Jun 2020)

52.214-27 Price Reduction for Defective Cost or Pricing Data – Modifications – Sealed Bidding (Jun 2020)

52.214-28 Subcontractor Cost or Pricing Data – Modifications – Sealed Bidding (Jun 2020)

52.215-10 Price Reduction for Defective Certified Cost or Pricing Data (Aug 2011)

52.215-11 Price Reduction for Defective Certified Cost or Pricing Data – Modifications (Jun 2020)

52.215-12 Subcontractor Certified Cost or Pricing Data (Jun 2020)

52.215-13 Subcontractor Certified Cost or Pricing Data – Modifications (Jun 2020)

52.215-20 Requirements for Certified Cost or Pricing Data and Data Other Than Cost or Pricing Data (Nov 2021)

52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Cost or Pricing Data – Modifications (Nov 2021)

52.230-2 Cost Accounting Standards (Jun 2020)

52.230-3 Disclosure and Consistency of Cost Accounting Practices (Jun 2020)

52.230-4 Disclosure and Consistency of Cost Accounting Practices – Foreign Concerns (Jun 2020)

52.230-5 Cost Accounting Standards – Educational Institution (Jun 2020)

52.230-6 Administration of Cost Accounting Standards (Jun 2010)

## 14. Orders over \$6,000,000

52.203-13 Contractor Code of Business Ethics and Conduct (Nov 2021)

Notwithstanding any alterations to this clause to reflect the relationship between Buyer and Seller, all disclosures of violation of the civil False Claims Act or of federal criminal law shall be directed to the Office of the Inspector General of the agency issuing the prime contract, with a copy to the Contracting Officer of the prime contract.

52.203-14 Display of Hotline Poster(s) (Nov 2021)

252.203-7004 Display of Hotline Posters (Jan 2023)

## B. NASA FAR Supplemental Clauses

### 1. All Orders

1852.203-71 Requirement to Inform Employees of Whistleblower Rights (Jul 2023)

1852.204-76 Security Requirements for Unclassified Information Technology Resources (Jan 2011)

1852.208-81 Restrictions on Printing and Duplicating (Nov 2004)

1852.211-70 Packaging, Handling, and Transportation (Sep 2005)

1852.219-75 Individual Subcontracting Reports (Apr 2015)

1852.223-71 Authorization for Radio Frequency Use (Apr 2015)

1852.223-74 Drug- and Alcohol-Free Workforce (Nov 2015)

1852.223-75 Major Breach of Safety or Security (Feb 2002)

1852.225-70 Export Licenses (Feb 2000)

1852.227-11 Patent Rights--Retention by the Contractor (Apr 2015)

1852.227-14 Rights in Data—General (Apr 2015)

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- 1852.227-19 Commercial Computer Software--Restricted Rights (Jul 1997)
- 1852.227-70 New Technology (Apr 2015)
- 1852.227-71 Requests for Waiver of Rights to Inventions (Apr 2015)
- 1852.227-72 Designation of New Technology Representative and Patent Representative (Apr 2015)
- 1852.227-85 Invention Reporting and Rights—Foreign (Apr 2015)
- 1852.228-76 Cross-Waiver of Liability for International Space Station Activities (Oct 2012)
- 1852.228-78 Cross-Waiver of Liability for Science and Space Exploration Activities Unrelated to the International Space Station (Oct 2012)
- 1852.237-71 Pension Portability (Jan 1997)
- 1852.237-72 Access to Sensitive Information (Jun 2005)
- 1852.237-73 Release of Sensitive Information (Jun 2005)
- 1852.242-72 Denied Access to NASA Facilities (Oct 2015)
- 1852.245-72 Liability for Government Property Furnished for Repair or Other Services (Jan 2011)
- 1852.245-73 Financial Reporting of NASA Property in the Custody of Contractors (Jan 2017)
- 1852.245-74 Identification and Marking of Government Equipment (Jan 2011)
- 1852.245-78 Physical Inventory of Capital Personal Property (Aug 2015)
- 1852.246-73 Human Space Flight Item (Mar 1997)  
The Contractor shall include the following statement in all subcontracts and purchase orders placed by it in support of this contract, without exception as to amount or subcontract level:  
"FOR USE IN HUMAN SPACE FLIGHT; MATERIALS, MANUFACTURING, AND WORKMANSHIP OF HIGHEST QUALITY STANDARDS ARE ESSENTIAL TO ASTRONAUT SAFETY.  
IF YOU ARE ABLE TO SUPPLY THE DESIRED ITEM WITH A HIGHER QUALITY THAN THAT OF THE ITEMS SPECIFIED OR PROPOSED, YOU ARE REQUESTED TO BRING THIS FACT TO THE IMMEDIATE ATTENTION OF THE PURCHASER."

## **2. Orders over \$100,000**

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

## **3. Orders over \$250,000**

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

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Revision	Description
19 March 2024	Added 52.204-30 to "All Orders". Changed 52.248-1 from \$150,000 to \$250,000. Updated dates for select clauses.
2 October 2023	Deleted 52.223-99 and 252.223-7999. Updated dates for select clauses.
15 June 2023	Added 52.204-27 to "All Orders". Deleted 52.208-8. Updated dates for select clauses.
30 March 2023	Changed the heading for "Orders over \$5,500,000" to "Orders over \$6,000,000". Added 52.204-18, 252.204-7018, 252.211-7003, 252.225-7048, 252.225-7056, 252.225-7058, 252.225-7060 to "All Orders". Added 52.230-4 to "Orders over \$2,000,000". Added 252.203-7004 to "Orders over \$6,000,000". Added 1852.203-71, and 1852.245-74 to "All Orders" (NASA). Deleted 52.222-22, 52.223-4, 52.223-15, 252.232-7017, and 1852.231-71. Updated dates for select clauses.
1 April 2022	Added 252.232-7017 to "All Orders". Changed "Orders over \$700,000" to "Orders over \$750,000". Updated dates for select clauses.
11 November 2021	Added FAR 52.223-99 variant to "Orders over \$10,000" (NASA).
29 October 2021	Added FAR 52.223-99 and DFARS 252.223-7999 to "Orders over \$250,000". Updated dates for select clauses.
12 April 2021	Added provisions in the preamble. Updated 252.225-7009 to exclude paragraph (d) and (e)(1). Updated dates for select clauses.
29 January 2021	Added 52.246-26 to "All Orders".
13 January 2021	Added 252.204-7019, -7020, -7021, and 252.223-7007 to "All Orders". Updated dates for select clauses
3 October 2019	Added 52.204-25 and 252.225-7052 to "All Orders". Updated dates for select clauses.
June 2019	Added red font to illustrate changes from previous revision. Added headings clause. Replaced FAR, DFARS, and NASA FAR Supplement website links. Added Section – "Orders over \$35,000", "Orders over \$250,000", "Orders over \$2,000,000", "Orders over \$100,000" (NASA), and "Orders over \$250,000" (NASA). Deleted Section – "Orders over \$750,000" and "Order over \$1,500,000". Changed 52.222-4 and 252.225-7006 to "All Orders". Changed 52.223-18 to "Orders over \$10,000". Changed 252.225-7036 to "Orders over \$25,000". Changed 52.209-6 to "Order over \$35,000". Changed 52.203-3, 52.203-5, 52.203-6, 52.203-8, 52.203-10, 52.203-16, 52.203-17, 52.215-2, 52.215-14, 52.215-22, 52.215-23, 52.227-1, 52.227-2, 252.203-7001 to "Orders over \$250,000". Changed 52.214-26, 52.214-27, 52.214-28, 52.215-10, 52.215-11, 52.215-12, 52.215-13, 52.215-20, 52.215-21, 52.230-2, 52.230-3, 52.230-5, and 52.230-6 to "Orders over \$2,000,000". Changed 1852.228-76, 1852.228-78, and 1852.231-71 to "All Orders" (NASA). Changed 1852.244-70 to "Orders over \$100,000" (NASA). Changed 1852.223-70, 1852.223-72, and 1852.223-73 to "Orders over \$250,000" (NASA). Changed 252.247-7023 explanatory text to \$250,000. Added 52.203-19, 52.204-23, and 52.233-1 to "All Orders". Deleted 252.211-7000 and 252.247-7024.
August 2018	Added Revision Log. Added 252.246-7008. Changed 52.219-8 from \$150,000 to "All Orders".
October 2017	-