

Government Clauses – Fixed Priced, Labor Hour and Time and Material Orders for Commercial or COTS Supplies and Services

PURCH-2001

These terms apply to orders for items or services that have been confirmed by Buyer to meet the definition presented in FAR 2.101 of "Commercial" or "COTS". The listed FAR and DFARS clauses are incorporated herein as if set forth in full text. Clauses shall be interpreted to reflect the relationship between the Buyer and Seller. Where necessary to derive proper meaning from these clauses, "Contractor" means "Seller," "Contracting Officer" means "Buyer," "Contract" means this Order and "Government" means "Buyer or the Government." The words "Government" and "Contracting Officer" do not change: (1) when a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or duly authorized representative, and (2) when title to property is to be transferred directly to the government.

Seller agrees that upon the request of Buyer it will negotiate in good faith with Buyer relative to amendments to this Order to incorporate additional provisions herein or to change provisions hereof, as Buyer may reasonably deem necessary in order to comply with the provisions of the applicable Prime Contractor with the provisions of amendments to such Prime Contract. If any such amendment to this Order causes an increase or decrease in the cost of, or the time required for, performance of any part of the Work under this Order, an equitable adjustment shall be made pursuant to the "Changes" clause of this Contract.

FAR Clauses Applicable to All Orders				FAR Clauses Applicable If This Order Exceeds \$150,000	
52.203-3	Gratuities	52.222-62	Paid Sick Leave (Executive Order 13706)	52.203-6	Restrictions on Subcontractor Sales to the Government, with Alternate 1
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (applicable if Order indicates funding in whole or in part with Recovery Act funds)	52.223-4	Applicable Law for Breach of Contract Claim	52.203-7	Anti-Kickback Procedures (Seller shall immediately notify Buyer of any alleged violations involving any of Buyer's or Seller's employees)
52.203-18	Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements—Representation	52.223-7	Notice of Radioactive Materials (In paragraph (a), insert "thirty (30)" in the blank.)	52.203-12	Limitation on Payments to Influence Certain Federal Transactions
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements	52.223-18	Contractor Policy to Ban Text Messaging while	52.203-16	Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions
52.204-19	Incorporation by Reference of Representations and Certifications	52.223-11	Ozone-depleting Substances (Applies if Work was manufactured or contains ozone-depleting substances)	52.219-8	Utilization of Small Business Concerns
52.204-21	Basic Safeguarding of Covered Contractor Information Systems	52.225-1	Buy American Act – Supplies (Applies if Work contains other than domestic components)	52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
52.211-15	Defense Priority and Allocation Requirements Driving (applies to orders over \$3,000)	52.225-5	Trade Agreements (Applies in the Work contains other than U.S. made or designated country end products as specified in the clause)	52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (the mandatory clauses of paragraph (e)(1) are incorporated by reference in this term sheet, as well as those clauses necessary for the Buyer to fulfil its prime contract obligations)	52.225-13	Restrictions on Certain Foreign Purchases	52.244-5	Competition in Subcontracting
52.212-3 Alt 1	Offeror Representations and Certifications – Commercial Items (By accepting Order, Seller certifies that it has completed the annual representations and certifications electronically at the ORCA website or SAM.gov and shall comply with the notification requirements in 52.212-3(b))	52.225-26	Contractors Performing Private Security Functions Outside the United States	FAR Clauses Applicable If This Order Exceeds \$500,000	
52.222-17	Nondisplacement of Qualified Workers (applicable when required in accordance with paragraph (I))	52.227-9	Refund of Royalties (Applicable only if price includes payment of royalties)	52.222-59	Compliance with Labor Laws (Executive Order 13673)
52.222-26	Equal Opportunity	52.227-19	Commercial Computer Software-Restricted Rights (applies only if existing software is to be delivered)	52.222-60	Paycheck Transparency (Executive Order 13673)
52.222-41	Service Contract Act (applicable only T&M or FP/LOE subcontracts for services)	52.232-40	Providing Accelerated Payments to Small Business Subcontractors	FAR Clauses Applicable If This Order Exceeds \$750,000	
52.222-50	Combating Trafficking in Persons	52.236-13	Accident Prevention	52.215-23	Limitation on Pass-Through Charges (Applies if the prime contract to which this Order relates is with the Department of Defense. Does not apply to those Orders that meet the criteria of 15.408(n)(2)(i)(B)(2).)
52.222-51	Exemption from Application of Service Contract Act for Maintenance, Calibration, or Repair or Certain Equipment – Requirements	52.244-6	Subcontracts for Commercial Items	FAR Clauses Applicable If This Order Exceeds \$5,500,000, and a term of 120 days or more	
52.222-53	Exemption from Application of Service Contract Act for Certain Services – Requirements	52.245-1	Government Property, Alt 1.	52.203-13	Contractor Code of Business Ethics and Conduct
52.222-55	Minimum Wages Under Executive order 13658 (applies when this Order is subject to 52.222-41)	52.247-64	Preference for Privately-owned US Flag Comm. Vessels	DFARS Clauses (applicable if issued under a DoD Prime Contract)	
		FAR Clauses Applicable If This Order Exceeds \$10,000.		DFARS Clauses Applicable all Orders	
		52.222-21	Prohibition of Segregated Facilities	252.203-7003	Agency Office of the Inspector General (Applies when FAR 52.203-13 applies to this Order)
		52.222-36	Affirmative Action for Workers with Disabilities (Applies to orders over \$15,000)	252.204-7008	Export Controlled Items
		52.222-40	Notification of Employee Rights under the National Labor Relations Act	252.204-7012	Safeguarding of Unclassified Controlled Technical Info. (Applicable if order is under Prime Contract issued after 18 November, 2013)
		FAR Clauses Applicable If This Order Exceeds \$25,000.		252.211-7003	Item Identification and Valuation
		52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards	252.211-7007	Reporting of Government-Furnished Equipment in the DoD Item Unique Identification Registry
		52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Applies to orders over \$35,000 except for COTS items)		

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- 252.223-7001 Hazard Warning Labels
- 252.225-7001 Buy American Act and Balance of Payments Program
- 252.225-7007 Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies
- 252.225-7009 Restrictions on Acquisition of Certain Articles Containing Specialty Metals (excludes paragraph (d) and includes paragraph (e); Seller must notify Buyer of applicability of this clause to facilitate completion of (c)(6))
- 252.225-7021 Trade Agreements (Applies in lieu of 52.225-5)
- 252.227-7015 Technical Data – Commercial Items
- 252.227-7019 Validation of Asserted Restrictions – Comp. Software
- 252.227-7019 Validation of Restrictive Markings on Technical Data
- 252.246-7003 Notification of Potential Safety Issues
- 252.247-7023 Transportation of Supplies by Sea
- 252.247-7024 Notification of Transportation of Supplies by Sea
- DFARS Clauses Applicable If This Order Exceeds \$35,000.**
- 252.209-7004 Subcontracting with Firms that are Owned or Controlled by the Government of a Terrorist Country
- DFARS Clauses Applicable If This Order Exceeds \$500,000.**
- 252.226-7001 Utilization of Indian Organizations and Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns
- DFARS Clauses Applicable If This Order Exceeds \$700,000.**
- 252.225-7004 Reporting of Intended Performance Outside the United States and Canada – Submission after Award) (applicable only if work performed in countries other than the U.S. or Canada)
- 252.249-7002 Notification of Anticipated Contract Termination or Reduction (Delete paragraph (d)(1) and the first five words of paragraph (d)(2).)