

Government Clauses– Fixed Price Orders for Non-Commercial Supplies and Services (Under Simplified Acquisition Threshold)

PURCH-2002

<p>These terms are incorporated in ARETÉ ASSOCIATES (Buyer’s) Order for items or services that do not meet the definition of Commercial as found in FAR 2.101 and FAR Part 12, when purchased under a government contract. The FAR and DFARS clauses cited below are incorporated herein by reference at the effective version found in Buyer’s Contract. The listed FAR and DFARS clauses are incorporated herein as if set forth in full text. FAR and DFARS clauses shall be interpreted to reflect the relationship between the Buyer and Seller. Whenever said clauses include a requirement for the resolution of disputes between the parties in accordance with the “Disputes” clause herein, the dispute shall be disposed of in accordance with the clause entitled “Disputes” in this Order.</p> <p>Where necessary to derive proper meaning in a subcontract situation from these clauses, “Contractor” means “Seller,” “Contracting Officer” means “Buyer,” “Contract” means this Order and “Government” means “Buyer or the Government.” However, 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, (2) when title to property is to be transferred directly to the Government, and (3) in FAR 52.227-1, 52.227-2, and DFARS 252.227-7013 and 252.227-7014.</p> <p><u>FAR Clauses Applicable to Orders at Any Dollar Value</u></p> <p>52.203-1 Definitions 52.203-3 Gratuities 52.204-2 Security Requirements (applicable if the Order involves access to classified information) 52.204-9 Personal Identity Verification of Contractor Personnel (applicable only if performance of this Order requires Subcontractor to have routine (as opposed to intermittent) physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system. 52.204-21 Basic Safeguarding of Covered Contractor Information System 52.211-5 Material Requirements 52.211-15 Defense Priority and Allocation Requirements 52.222-1 Notice to the Government of Labor Disputes 52.222-3 Convict Labor (Applicable to orders over \$3,000) 52.222-50 Combating Trafficking in Persons 52.223-3 Hazardous Material Identification and Material Safety Data (Alternate I applies only to Non-DoD Contracts) 52.223-18 Contractor Policy to Ban Text Messaging while Driving (applies to orders over \$3,000) 52.222-26 Equal Opportunity 52.222-21 Prohibition of Segregated Facilities (applies when 52.222-26 applies) 52.222-36 Affirmative Action for Workers with Disabilities (applies for orders over \$15,000 when 52.222-26 applies)</p>	<p>52.222-41 Service Contract Act (applicable only T&M or FP/LOE subcontracts for services) 52.222-51 Exemption from Application of Service Contract Act for Maintenance, Calibration, or Repair or Certain Equipment – Requirements 52.222-53 Exemption from Application of Service Contract Act for Certain Services – Requirements 52.222-54 Employment Eligibility Verification (Applies to Orders over \$3,000) 52.223-7 Notice of Radioactive Materials (In paragraph (a), insert "thirty (30)" in the blank.) 52.223-11 Ozone-Depleting Substances 52.225-1 Buy American Act – Supplies 52.225-13 Restrictions on Certain Foreign Purchases 52.226-1 Utilization of Indian Organizations and Indian–Owed Economic Enterprises. 52.227-9 Refund of Royalties (Applicable only if price includes payment of royalties that exceed \$250 during term of order) 52.228-5 Insurance-Work on a Government Installation (Applicable only if Order requires work on a government installation) 52.232-16 Progress Payments (includes Alternate I or Alternate II, as appropriate) 52.233-3 Protest After Award 52.233-4 Applicable Law for Breach of Contract Claim 52.244-6 Subcontracts for Commercial Items 52.245-1 Government Property (Applicable to any Order where Government Property is provided to Seller. In the phrases “Government Property”, “Government furnished Property”, and in the references to title to property, “Government” shall not mean “Buyer”. The following is added to paragraph (n): "Seller shall provide to Areté immediate notice if the Government or other customers (i) revokes its assumption of loss under any direct contracts with Seller, or (ii) makes a determination that Seller's property management practices are inadequate, and/or present an undue risk, or that Seller has failed to take corrective action when required." 52.252-2 Clauses Incorporated by Reference</p> <p><u>FAR Clauses Applicable If This Order Exceeds \$10,000.</u></p> <p>52.204-25 Prohibition on Contracting for Certain Telecommunication and Video Surveillance Services or Equipment 52.222-20 Walsh-Healey Public Contracts Act 52.222-40 Notification of Employee Rights Under the National Labor Relations Act</p>	<p><u>FAR Clauses Applicable If This Order Exceeds \$25,000.</u></p> <p>52.204-11 American Recovery and Reinvestment Act – Reporting Requirements (applicable only if ARRA funding is indicated on the face of the Order) 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or provided by Kaspersky Lab and Other Covered Entities 52.209-6 Protecting Government Interests When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Applies to Orders over \$30,000) 52.225-3 Buy America Act – Free Trade Agreement- Israeli Trade Act 52.222-19 Child Labor – Cooperation with Authorities and Remedies 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Award (ONLY above threshold in FAR 4.1403(a))</p> <p><u>FAR Clauses Applicable If This Order Exceeds \$100,000</u></p> <p>52.203-19 Terms and Conditions – Simplified Acquisition (Other Than Commercial Items) 52.222-35 Equal Opportunity for Veterans (per threshold on FAR 22.1303 (a)) 52.222-37 Employment Reports on Veterans (Per threshold on FAR 22.1303 (a)) 52.223-14 Toxic Chemical Release Reporting 52.232-40 Providing Accelerated Payments to Small Business Subcontractors</p> <p><u>DFARS Clauses Applicable to Orders at Any Dollar Value (applicable only if this order is placed under a DOD contract)</u></p> <p>252.204-7000 Disclosure of Information ((In paragraph (b), change "45" days to "60"days.)) 252.204-7008 Compliance with Safeguarding Covered Defense Information 252.204-7009 Limitation on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information 252.204-7020 NIST SP 800-171 Assessment Requirement 252.204-7021 Contractor Compliance with the Cybersecurity Maturity Model Certification Level Requirement 252.211-7003 Item Identification and Valuation 252.215-7004 Excessive Pass-Through Charges 252.223-7001 Hazard Warning Labels (applicable when Order requires delivery of hazardous materials) 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials 252.225-7009 Restrictions on Acquisition of Certain Articles Containing Specialty Metals (excluding paragraph (d) and including paragraph (e); Seller must notify Buyer of the applicability of this clause to facilitate completion of (c)(6)) 252.225-7002 Qualifying Country Sources as Subcontractors</p>
--	--	--

Government Clauses– Fixed Price Orders for Non-Commercial Supplies and Services (Under Simplified Acquisition Threshold)
PURCH-2002

- 252.225-7016 Restrictions on Acquisition of Ball and Roller Bearings (applicable if product contains ball or roller bearings)
- 252.225-7021 Trade Agreements
- 252.225-7025 Restrictions on Acquisitions of Forgings (Applicable if this Order is for forging items or for other items that contain forging items)
- 252.228-7028 Exclusionary Policies and Practices of Foreign Governments (Applicable only if this Order is designated for FMS or military education or training)
- 252.225-7036 Buy American Act - Free Trade Agreement - Balance of Payments Program
- 252.227-7025 Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends
- 252.231-7000 Supplemental Cost Principles
- 252.232-7003 Electronic Submission of Payment Requests
- 252.235-7003 Frequency Authorization and Alternate 1 (Applicable when this Order requires the development, production, construction, testing, or operation of a device for which a radio frequency authorization is required.)
- 252.239-7000 Protection Against Compromising Emanations (Applicable when Order involves information technology requiring protection of compromising emanations)
- 252.239-7016 Telecommunications Security Equipment, Devices, Techniques, and Services (Applicable when performance requires secure telecommunications)
- 252.243-7001 Pricing of Contract Modifications
- 252.246-7003 Notification of Potential Safety Issues
- DFARS Clauses Applicable If This Order Exceeds \$30,000.**
- 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 \$100,000.**
- 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies
- 252.225-7012 Preference for Certain Domestic Commodities
- 252.225-7015 Restrictions on Acquisition of Hand or Measuring Tools (only applicable if hand or measuring tools are delivered under this Order)
- 252.247-7023 Transportation of Supplies by Sea (Applies only where Seller, or its lower-tier suppliers, will ship supplies by sea. Seller agrees to indemnify and hold the Buyer harmless against any loss, damage or expense suffered by the Buyer as a result of Seller's failure to comply with the requirements of this clause.)
- 252.247-7024 Notification of Transportation of Supplies by Sea