



ATTACHMENT C: NON-COMMERCIAL ITEM PROCUREMENTS
U.S. GOVERNMENT CONTRACT PROVISIONS FOR NON-COMMERCIAL ITEMS

The clauses in Section 52 of the FAR and the DFARS herein below set forth and in effect on the date of this Order are each incorporated herein by this reference and made a part of this Order. In all such clauses, the term “Contractor” shall mean “Seller,” the term “Contract” shall mean this “Order,” and the term “Government Contracting Officer” or equivalent phrases, shall mean “Buyer” as applicable; except that in those clauses conferring patent and data rights to the Government, the term “Government” or “Contracting Officer” retains its literal meaning and is not to be construed as “Buyer.” It is intended that the FAR and DFARS clauses as listed herein shall apply to Seller in such manner as is necessary to reflect the position of Seller as a subcontractor to Buyer, to ensure Seller’s obligations to Buyer and to the Government, and to enable Buyer to meet its obligations under its Prime Contract or subcontract.

Clauses	Title	Applicability
52.203-3	Gratuities	All Orders
52.203-5	Covenant Against Contingent Fees (Commercial Items Excluded)	Orders equal to or greater than \$150,000
52.203-6	Restrictions on Subcontracts Sales to the Government	Orders equal to or greater than \$150,000
52.203-7	Anti-Kickback Procedures – <i>Except that subparagraph (c)(1) does not apply.</i>	Orders equal to or greater than \$150,000
52.203-8	Cancellation, Rescission and Recovery of Funds for Illegal or Improper Activity	Orders equal to or greater than \$150,000
52.203-10	Price or Fee Adjustment for illegal or improper Activity	Orders equal to or greater than \$150,000
52.203-11	Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions	Orders equal to or greater than \$150,000
52.203-12	Limitation on Payments to Influence Certain Federal Transactions	Orders equal to or greater than \$150,000
52.203-13	Contractor Code of Business Ethics and Conduct	Orders equal to or greater than \$5,000,000 and with a period of performance greater than 90 days
52.203-14	Display of Hotline Posters	Orders equal to or greater than \$5,000,000
52.204-2	Security Requirements	All Orders that may require access to classified information
52.204-9	Personal Identify Verification of Contractor Personnel	All Orders
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards – <i>Except that subparagraphs (c)(1) and (c)(3) do not apply.</i>	Orders equal to or greater than \$25,000
52.209-6	Protecting the Government’s Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment	Orders equal to or greater than \$30,000
52.211-5	Material Requirements	All Orders
52.211-15	Defense Priority and Allocation Requirements	All Orders
52.215-2	Audit and Records – Negotiation	Orders equal to or greater than \$150,000
52.215-10	Price Reduction for Defective Cost or Pricing Data – <i>In paragraph (c)(1) the term “Contracting Officer” does not change.</i>	Orders equal to or greater than \$700,000
52.215-11	Price Reduction for Defective Cost or Pricing Data – Modifications	Orders equal to or greater than \$700,000
52.215-12	Subcontractor Cost or Pricing Data	Orders equal to or greater than \$700,000
52.215-13	Subcontractor Cost or Pricing Data – Modifications	Orders equal to or greater than \$700,000
52.215-14	Integrity of Unit Prices	Orders equal to or greater than \$150,000
52.215-15	Pension Adjustments and Asset Reversions	Orders equal to or greater than \$700,000
52.215-16	Facilities Capital Cost of Money	Orders equal to or greater than \$700,000

Clauses	Title	Applicability
52.215-17	Waiver of Facilities Capital Cost of Money	Orders equal to or greater than \$700,000
52.215-18	Reversion or Adjustment of Plans for Post Retirement Benefits Other than Pensions (PRB)	Orders equal to or greater than \$700,000
52.215-19	Notification of Ownership Changes	Orders equal to or greater than \$700,000
52.215-23	Limitations on Pass-Through Charges	Civilian agency cost reimbursement Orders equal to or greater than \$150,000 and Defense Agency Orders equal to or greater than \$700,000
52.216-7	Allowable Cost and Payment – <i>In paragraph (a)(1) delete “Government” and add “Buyer” in its place and delete “Contractor” and add “Seller” in its place. If the Seller is an educational institution, modify the clause by deleting from paragraph (a) the words “Subpart 31.2” and substituting them with “Subpart 31.3.” If the Order is with State or local government, modify the clause by deleting from paragraph (a) the words “Subpart 31.2” and substituting for them “Subpart 31.6.” If the Order is with a nonprofit organization other than an educational institution, a State or local government, or a nonprofit organization exempted under OMB Circular No. A-122, modify the clause by deleting from paragraph (a) the words “subpart 31.2” and substituting for them “Subpart 31.7.”</i>	Cost-reimbursement Orders and time-and material orders (other than for a commercial item)
52.216-8	Fixed Fee	Cost-Plus-Fixed-Fee Orders
52.216-10	Incentive Fee	Cost-Plus-Incentive-Fee Orders
52.219-8	Utilization of Small Business Concerns	Orders equal to or greater than \$150,000
52.219-9	Small Business Subcontracting Plan	Orders equal to or greater than \$650,000 – Not applicable to small businesses
52.219-16	Liquidated Damages – Subcontracting Plan	Orders equal to or greater than \$650,000 – Not applicable to small businesses
52.222-1	Notice to the Government of Labor Disputes	All Orders
52.222-2	Payment for Overtime Premiums – <i>The authorized overtime premium is \$0 unless otherwise stated in the text of the Order.</i>	Cost Reimbursement Orders equal to or greater than \$150,000
52.222-4	Contract Work Hours and Safety Standards Act – Overtime Compensation	Orders equal to or greater than \$150,000
52.222-19	Child Labor – Cooperation with Authorities and Remedies	Orders equal to or greater than \$3,000
52.222-21	Prohibition of Segregated Facilities	All Orders
52.222-24	Pre-Award On-Site Equal Opportunity Compliance Evaluation	Orders equal to or greater than \$10,000,000
52.222-26	Equal Opportunity	All Orders
52.222-35	Equal Opportunity for Veterans	Orders equal to or greater than \$100,000
52.222-36	Equal Opportunity for Workers with Disabilities	Orders equal to or greater than \$15,000
52.222-37	Employment Reports on Veterans	Orders equal to or greater than \$100,000
52.222-40	Notification of Employee Rights Under the National Labor Relations Act	Orders equal to or greater than \$10,000
52.222-50	Combating Trafficking in Persons	All Orders
52.222-54	Employment Eligibility Verification	All Orders
52.223-3	Hazardous Material Identification and Material Data Safety	All Orders if delivery of hazardous material is required
52.223-6	Drug-Free Workplace	All Orders
52.223-7	Notice of Radioactive Materials	All Orders for supplies which contain radioactive materials
52.223-11	Ozone – Depleting Substances	All Orders for supplies which contain ozone depleting substances

Clauses	Title	Applicability
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving	All Orders
52.225-8	Duty Free Entry	All Orders for foreign supplies greater than \$15,000
52.225-13	Restrictions on Certain Foreign Purchases	All Orders
52.227-1	Authorization and Consent	All Orders. Alternate I is applicable to Orders for research and development.
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement	Orders equal to or greater than \$150,000
52.227-9	Refund of Royalties	All Fixed Price Orders
52.227-10	Filing Patent Applications – Classified Subject Matter	All Orders that may cover classified subject matter
52.227-11	Patent Rights	All Orders for experimental, developmental, or research work or construction that includes experimental, development or research work except for those performed by a large business for a Defense agency
52.228-5	Insurance – Work on a Government Installation	Fixed Price Orders equal to or greater than \$150,000
52.229-3	Federal State and Local Taxes	Fixed Price Orders equal to or greater than \$150,000
52.229-10	State of New Mexico Gross Receipts and Compensating Tax	Cost Reimbursement Orders to be performed in whole or in part within the state of New Mexico
52.230-2	Cost Accounting Standards – <i>Except paragraph (b)</i>	Orders equal to or greater than \$700,000 (unless an exemption applies)
52.230-3	Disclosure and Consistency of Cost Accounting Practices– <i>Except paragraph (b)</i>	Orders equal to or greater than \$700,000 (unless an exemption applies)
52.230-4	Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns – <i>Except paragraph (b)</i>	Orders equal to or greater than \$700,000 (unless an exemption applies)
52.230-5	Cost Accounting Standards—Educational Institution – <i>Except paragraph (b)</i>	Orders equal to or greater than \$700,000 (unless an exemption applies)
52.230-6	Administration of Cost Accounting Standards	Orders equal to or greater than \$700,000
52.232-7	Payments under Time-and-Materials and Labor-Hour Contracts	Time-and materials and Labor-Hour Orders
52.232-20	Limitation of Cost	Cost Reimbursement Orders
52.232-22	Limitation of Funds	Cost Reimbursement Orders
52.232-40	Providing Accelerated Payments to Small Business Subcontractors	All Orders to small businesses
52.234-1	Industrial Resources Developed Under Defense Production Act Title III	All Orders
52.242-1	Notice of Intent to Disallow Costs – <i>Except in subparagraph (a)(2), replace the first reference to 60 days with 30 days</i>	Cost Reimbursement and Fixed Price Incentive Orders
52.242-13	Bankruptcy – <i>Except replace “a listing of Government contract numbers and contracting offices for all Government contracts” with “a listing of all Buyer Orders”</i>	Orders equal to or greater than \$150,000
52.242-15	Stop Work Order – <i>Except in subparagraph (b)(2), replace the reference to 30 days with 15 days</i>	All Orders
52.243-1	Changes – Fixed Price – <i>Except in subparagraph (c), replace the reference to 30 days with 15 days</i>	Fixed Price Orders

Clauses	Title	Applicability
52.243-2	Changes – Cost Reimbursement – <i>Except in subparagraph (c), replace the reference to 30 days with 15 days</i>	Cost Reimbursement Orders
52.243-3	Changes – Time-and-Materials or Labor-Hours – <i>Except in subparagraph (c), replace the reference to 30 days with 15 days</i>	Time-and-Materials and Labor-Hour Orders
52.243-6	Change Order Accounting	All Orders
52.244-6	Subcontracts for Commercial Items	All Orders
52.245-1	Government Property – <i>In which “Government” means Buyer except: (1) in the terms “Government furnished property” and “Government property,” and (2) in subparagraph (d)(3)(i)(B), paragraph (e), subparagraph (f)(i)(ii), and subparagraph (j)(i) “Government” means Government and/or Buyer. In Paragraph (g), and subparagraphs (h)(3), (h) (4), and (i).</i>	All Orders
52.246-1	Contractor Inspection Requirements	Orders equal to or less than \$150,000
52.246-2	Inspection of Supplies – Fixed Price	Fixed Price Orders
52.246-3	Inspection of Supplies – Cost-Reimbursement	Cost Reimbursement Orders
52.246-4	Inspection of Services – Fixed Price	Fixed Price Orders
52.246-5	Inspection of Services – Cost-Reimbursement	Cost Reimbursement Orders
52.246-6	Inspection – Time-and-Materials or Labor-Hours	Time-and-Materials and Labor-Hour Orders
52.246-11	Higher-Level Contract Quality Requirement	Fixed Price Orders for Production
52.246-16	Responsibility for Supplies	Fixed Price Orders
52.246-17	Warranty of Supplies of a Noncomplex Nature – <i>In the blanks at (b)(l) and (c)(l), insert “one year after acceptance.”</i>	Fixed Price Orders
52.246-18	Warranty of Supplies of a Complex Nature – <i>In paragraph (b)(l) insert the words “one year after acceptance.”</i>	Fixed Price Orders
52.246-20	Warranty of Services	Fixed Price Orders for service
52.247-63	Preference for U.S. Flag Air Carriers	All Orders
52.247-64	Preference for Privately Owned U.S.-Flagged Commercial Vessels	All Orders
52.248-1	Value Engineering	Orders equal to or greater than \$150,000
52.249-1	Termination for Convenience of the Government (Fixed Price) (Short Form)	Fixed Price Orders less than \$150,000
52.249-2	Termination for Convenience of the Government (Fixed Price) – <i>In paragraph (c), termination inventory schedule shall be submitted no later than “60 days from the effective date of termination”, paragraph (d) is deleted, in paragraph (e) “the Seller shall submit the termination settlement proposal within 6 months”, and in paragraph (l), “a request for an equitable adjustment shall be requested within 45 days”.</i>	Fixed Price Orders equal to or greater than \$150,000
52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) – <i>In paragraph (c), termination inventory schedule shall be submitted no later than “60 days from the effective date of termination”, in paragraph (d) “the Seller shall submit the termination settlement proposal within 6 months”, and paragraph (b) is deleted.</i>	Orders with an educational or nonprofit institution for R&D work on a non-profit or no-fee basis
52.249-6	Termination (Cost-Reimbursement) – <i>In paragraph (d), termination inventory schedule shall be submitted no later than “60 days from the effective date of termination”, paragraph (e) is deleted, in paragraph (f) “the Seller shall submit the termination settlement proposal within 6 months”, and paragraph (j) is deleted.</i>	Cost Reimbursement Orders. Alternate I applies if the Order is for construction. Alternate IV applies if the Order is a Time-and-Materials or Labor-Hour Order



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Clauses	Title	Applicability
52.249-8	Default (Fixed-Price Supply and Service)	Fixed Price Orders equal to or greater than \$150,000
52.249-9	Default (Fixed-Price Research and Development)	Fixed Price Orders equal to or greater than \$150,000 for research and development
52.249-10	Default (Fixed-Price Construction)	Fixed Price Orders equal to or greater than \$150,000 for construction
52.249-14	Excusable Days	Cost Reimbursement, Time-and-Materials and Labor Hour Orders
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies – <i>Except that paragraph (g) does not apply</i>	Orders equal to or greater than \$150,000
252.203-7002	Requirement to Inform Employees of Whistleblower Rights	All Orders
252.203-7003	Agency Office of the Inspector General	Orders equal to or greater than \$5,000,000
252.203-7004	Display of Fraud Hotline Poster(s)	Orders equal to or greater than \$5,000,000
252.204-7000	Disclosure of Information	All Orders
252.204-7012	Safeguarding of Unclassified Controlled Technical Information	All Orders
252.208-7000	Intent to Furnish Precious Metal as Government-Furnished Material	Orders equal to or greater than \$150,000
252.209-7004	Subcontracting with Firms That Are Owned or Controlled by the Government of a Terrorist Country	Orders equal to or greater than \$30,000
252.209-7009	Organizational Conflict of Interest-Major Defense Acquisition Program	Orders equal to or greater than (a) \$700,000 and greater than 10% of the value of the prime contract or (b) \$50 million
252.211-7000	Acquisition Streamlining	Orders equal to or greater than \$1,500,000
252.211-7003	Item Identification and Valuation	All Orders
252.211-7007	Reporting of Government-Furnished Equipment in the DoD Item Unique Identification (IUID) Registry	All Orders
252.215-7000	Price Adjustment	Orders equal to or greater than \$700,000
252.215-7002	Cost Estimating Systems Requirements	Orders equal to or greater than \$700,000
252.219-7003	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan	Orders equal to or greater than \$650,000
252.222-7006	Restrictions on the Use of Mandatory Arbitration Agreements	Orders equal to or greater than \$1,000,000
252.223-7001	Hazard Warning Labels (Applicable if this Order requires the delivery of hazardous materials)	All Orders
252.223-7002	Safety Precautions for Ammunition and Explosives	All Orders that involve ammunition or explosives
252.223-7003	Change in Place of Performance – Ammunition and Explosives	All Orders that involve ammunition or explosives
252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials	All Orders
252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives	All Orders that involve ammunition or explosives
252.223-7008	Prohibition of Hexavalent Chromium	All Orders
252.225-7001	Buy American Act and Balance of Payments Program – <i>“Government” is not changed in this clause</i>	All Orders
252.225-7002	Qualifying Country Sources as Subcontractors	All Orders
252.225-7004	Report of Intended Performance Outside the United States and Canada – Submission after Award	Orders equal to or greater than \$650,000

Clauses	Title	Applicability
252.225-7006	Quarterly Reporting of Actual Contract Performance Outside the United States – <i>Except that Seller shall submit quarterly reports for second tier subcontractors as directed by paragraphs (b) through (e) of this clause</i>	Orders equal to or greater than \$650,000
252.225-7007	Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies	All Orders
252.225-7008	Restriction on Acquisition of Specialty Metals	All Orders
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals	All Orders
252.225-7013	Duty-Free Entry	All Orders
252.225-7015	Restriction on Acquisition of Hand or Measuring Tools	All Orders
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings	All Orders
252.225-7021	Trade Agreements	All Orders
252.225-7025	Restriction on Acquisition of Forgings	All Orders
252.225-7027	Restriction on Contingent Fees for Foreign Military Sales	All Orders
252.225-7028	Exclusionary Policies and Practices of Foreign Governments	All Orders
252.225-7030	Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate	All Orders
252.225-7033	Waiver of United Kingdom Levies	Orders equal to or greater than \$1,000,000
252.225-7040	Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States	All Orders
252.225-7043	Anti-Terrorism/Force Protection Policy for Defense Contractors Outside the United States	All Orders
252.225-7048	Export Controlled Items	All Orders
252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Concerns	Orders equal to or greater than \$500,000
252.227-7013	Rights in Technical Data – Noncommercial Items – <i>Except delete “[T]o the Contractor” from (b)(l)(vi); delete “contract or” and “thereunder” from (b)(l)(ix); add “Buyer or” before “Government” in (c) and (i); change second and third occurrences of “Contracting Officer” to “Government” in (e)(4); add “And the Government” after “parties” in (b)(l); and change In (b)(2) “sixty (60)” to “fifty (50)” days. No substitutions for “Government” shall be made.</i>	All Orders
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation – <i>Except add “Buyer or” before “Government” in (b)(l)(i); delete “[T]o the Contractor” from (b)(l)(iii); delete “contract or” and “thereunder” from (b)(l)(vi); change the second and third occurrences of “Contracting Officer” to “Government” in (e)(4); add “And the Government” after “parties” in (b)(l); and change In (b)(2) “sixty (60)” to “fifty (50)” days. No substitutions for “Government” shall be made.</i>	All Orders
252.227-7016	Rights in Bid or Proposal Information	All Orders
252.227-7017	Identification and Assertion of Use, Release or Disclosure Restrictions	All Orders
252.227-7019	Validation of Asserted Restrictions – Computer Software	All Orders

Clauses	Title	Applicability
252.227-7025	Limitations on the Use or Disclosure of Government-Furnished Information Marked With Restrictive Legends	All Orders
252-227-7026	Deferred Delivery of Technical Data or Computer Software	All Orders
252.227-7027	Deferred Ordering of Technical Data or Computer Software	All Orders
252.227-7028	Technical Data or Computer Software Previously Delivered to the Government	All Orders
252.227-7030	Technical Data – Withholding of Payment	All Orders
252.227-7032	Rights in Technical Data and Computer Software (Foreign)	All Orders with foreign contractors to be performed overseas except Canada
252.227-7037	Validation of Restrictive Markings on Technical Data	All Orders
252.227-7038	Patent Rights – Ownership by the Contractor	All Orders for experimental, developmental, or research work or construction that includes experimental, development or research work to be performed by a large business for a Defense agency
252.227-7039	Patents – Reporting of Subject Inventions	All Orders for experimental, developmental, or research work or construction that includes experimental, development or research work
252.228-7001	Ground and Flight Risk	All Orders
252.228-7005	Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles	All Orders
252.229-7011	Reporting of Foreign Taxes – U.S. Assistance Programs	All Orders for commodities that exceed \$500
252.231-7000	Supplemental Costs Principles	Orders equal to or greater than \$700,000
252.234-7002	Earned Value Management System	Orders equal to or greater than \$50,000,000
252.234-7003	Notice of Cost and Software Data Reporting System	Orders equal to or greater than \$50,000,000
252.234-7004	Cost and Software Data Reporting System	Orders equal to or greater than \$50,000,000
252.235-7003	Frequency Authorization	All Orders
252.239-7016	Telecommunications Security Equipment, Devices, Techniques, and Services	All Orders
252.242-7004	Material Management and Accounting System	Orders equal to or greater than \$150,000
252.243-7001	Pricing of Contract Modifications	Fixed Price Orders
252.243-7002	Requests for Equitable Adjustment	Orders equal to or greater than \$150,000
252.244-7000	Subcontracts for Commercial Items and Commercial Components (DoD Contracts)	All Orders
252.245-7001	Tagging, Labeling, and Marking of Government Furnished Property	All Orders
252.245-7002	Reporting Loss of Government Property	All Orders
252.246-7001	Warranty of Data	All Orders
252.246-7003	Notification of Potential Safety Issues	All Orders
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System	All Orders
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer	All Orders
252.247-7023	Transportation of Supplies by Sea	Orders equal to or greater than \$150,000
252.247-7024	Notification of Transportation of Supplies by Sea – <i>Except Paragraph (a) the second sentence is modified to read “If, after award of the Order, the Seller learns that supplies...”</i>	All Orders



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Clauses	Title	Applicability
252.249-7002	Notification of Anticipated Contract Termination or Reduction	Orders equal to or greater than \$650,000