

GOVERNMENT ACQUISITION OF COMMERCIAL ITEMS (FAR PART 12)

**THIS IS A PURCHASE UNDER FEDERAL ACQUISITION REGULATION (FAR) PART 12. TERMS AND CONDITIONS OF PURCHASE, AS REFERENCED IN THE ORDER, APPLY EXCEPT THE LIST OF FAR AND FAR SUPPLEMENT CLAUSES IN APPENDIX I OF REMARK C64 IS LIMITED TO THE FOLLOWING CLAUSES:**

- 52.203-13 CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (Applies when the Order exceeds \$5,000,000 and the period of performance exceeds 120 days)
- 52.212-4 CONTRACT TERMS AND CONDITIONS – COMMERCIAL ITEMS (Applies when Purchaser has notified Seller in writing that the Goods or Services are a commercial item as defined in 2.101; Note: only paragraph (l) applies)
- 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS (Applies when the Order exceeds the SAT)
- 52.222-17 NONDISPLACEMENT OF QUALIFIED WORKERS (Applies when the Order exceeds the SAT and is (1) a service contract, as defined in 22.001, (2) that succeeds a contract for performance of the same or similar work at the same location, and (3) is not exempted by 22.1203-2 or waived in accordance with 22.1203-3)
- 52.222-26 EQUAL OPPORTUNITY (Applies when the Order exceeds \$15,000 unless an exemption applies)
- 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (Applies when the Order exceeds \$100,000)
- 52.222-36 AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (Applies when the Order exceeds \$15,000)
- 52.222-37 EMPLOYMENT REPORTS ON VETERANS (Applies when the Order exceeds \$100,000)
- 52.222-40 NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (Applies when the Order exceeds \$10,000)
- 52.222-41 SERVICE CONTRACT LABOR STANDARDS (For each Order subject to the SCLS, Purchaser shall include a remark signifying SCLS applicability. Seller shall submit any required wage classifications to the Purchaser for submission to the Contracting Officer and shall not commence performance until receipt of the final wage determination from Purchaser)
- 52.222-50 COMBATTING TRAFFICKING IN PERSONS (Paragraph (h) *Compliance Plan*, applies to any portion of the contract that: (i) is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and (ii) has an estimated value that exceeds \$500,000))
- 52.222-54 EMPLOYMENT ELIGIBILITY VERIFICATION (Applies when the Order is for Services)
- 52.222-55 MINIMUM WAGES UNDER EXECUTIVE ORDER 13658 (Applies when 52.222-41 is applicable; Seller shall indemnify Purchaser in the event Purchaser is held liable under paragraph (j))
- 52.222-56 CERTIFICATION REGARDING TRAFFICKING IN PERSONS COMPLIANCE PLAN (Applies if it is possible that at least \$500,000 of the value of the contract may be performed outside the United States and the acquisition is not entirely for commercially available off-the-shelf items)
- 52.232-40 PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (Applies when Seller subcontracts with small business subcontractors and Seller receives accelerated payments from Purchaser)
- 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS
- 52.247-64 PREFERENCE FOR PRIVATELY OWNED U.S. FLAG COMMERCIAL VESSELS (Applies when Goods are to be shipped by ocean vessel unless exempted under paragraph (e)(4))

**IF THIS IS A PURCHASER UNDER A DEPARTMENT OF DEFENSE CONTRACT THE FOLLOWING CLAUSES ARE ALSO APPLICABLE:**

- 252.203-7003 AGENCY OFFICE OF THE INSPECTOR GENERAL (As referenced in FAR 52.203-13)
- 252.204-7015 DISCLOSURE OF INFORMATION TO LITIGATION SUPPORT CONTRACTORS
- 252.211-7003 ITEM IDENTIFICATION AND VALUATION (Applies when the Order involves Goods for which unique item identification is required in accordance with paragraph (c)(1))
- 252.222-7007 REPRESENTATION REGARDING COMBATTING TRAFFICKING IN PERSONS
- 252.223-7008 PROHIBITION OF HEXAVALENT CHROMIUM (Applies when the Order is for supplies, maintenance or repair services)
- 252.225-7009 RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY METALS (Applies when the Goods contain specialty metals; Note: Use of exceptions not permitted without advance Seller notification and prior Purchaser approval. Paragraph (d) of this clause is excluded)
- 252.225-7016 RESTRICTION ON ACQUISITION OF BALL AND ROLLER BEARINGS (Applies when the Order requires

Seller to provide a ball and roller bearing that that is not incorporated into a higher level assembly)  
252.225-7028 EXCLUSIONARY POLICIES AND PRACTICES OF FOREIGN GOVERNMENTS  
252.225-7038 RESTRICTION ON ACQUISITION OF AIR CIRCUIT BREAKERS  
252.226-7001 UTILIZATION OF INDIAN ORGANIZATIONS, INDIAN-OWNED ECONOMIC ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (Applies if the order exceeds \$500,000.)  
252.227-7013 RIGHTS IN TECHNICAL DATA – NONCOMMERCIAL ITEMS (Applies when technical data is specified to be delivered under the Order)  
252.227-7015 TECHNICAL DATA – COMMERCIAL ITEMS  
252.227-7037 VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (Applies when technical data is specified to be delivered under the Agreement)  
252.239-7018 SUPPLY CHAIN RISK  
252.244-7000 SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (DOD CONTRACTS)  
252.246-7003 NOTIFICATION OF POTENTIAL SAFETY ISSUES  
252.246-7007 CONTRACTOR COUNTERFEIT ELECTRONIC PART DETECTION AND AVOIDANCE SYSTEM  
252.247-7003 PASS THROUGH OF MOTOR CARRIER FUEL SURCHARGE ADJUSTMENT TO COST BEARER  
252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA  
252.247-7024 NOTIFICATION OF TRANSPORTATION OF SUPPLIES BY SEA