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Title: Supplier Mandatory FAR and DFARS Flowdowns

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1.0	July 29, 2020	Greg Valentin (COO)	This document is the initial issue of Flex Force FAR and DFAR flow-down requirements

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1.0 PURPOSE

The purpose of this document is to consolidate and communicate Flex Force’s FAR and DFARS flowdown clauses. The document is available to view and download from the Flex Force supplier portal on www.flexforce.us/suppliers.

2.0 CONTENTS, SCOPE & RESPONSIBILITY

The referenced clauses are set forth or referred to in the Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) and are incorporated by reference and shall predominate in the event of conflict with any other provision of this Purchase Order unless specifically noted. In order to make the context of these clauses applicable to this Purchase Order, Government shall mean Flex Force, Contractor shall mean Seller, Contract shall mean this Purchase Order, and Contracting Officer shall mean Flex Force Purchasing Representative unless otherwise specified. The terms Government and Contracting Officer do not change (1) in the phrases Government Property, Government-Owned Property, Government Equipment, Government-Furnished Property, and Government-Owned Equipment; (2) when a right, act, authorization, or obligation can be granted or performed only by the Government or the Prime Contract Contracting Officer or his duly authorized representative; (3) when access to proprietary financial information or other proprietary data is required; (4) when title to property is to be transferred directly to the Government; (5) in patent rights clauses, if any; (6) where specifically modified as noted below; and (7) in DFARS 252.227-7013, 252.227-7015, and 252.227-7037.

The full text of FAR can be found at <http://acquisition.gov/comp/far/index.html>.

The full text of DFARS can be found at <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.

3.0 FAR Clauses

3.1 Applicable to All Purchase Orders:

- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017)
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems (JUN 2016)
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (JUL 2018)
- 52.212-4 Contract Terms and Conditions - Commercial Items (JUN 2013)
- 52.215-14 Integrity of Unit Prices (OCT 2010)
- 52.219-8 Utilization of Small Business Concerns (NOV 2016)
- 52.222-21 Prohibition of Segregated Facilities (APR 2015)
- 52.222-26 Equal Opportunity (SEP 2016)
- 52.222-41 Service Contract Labor Standards (MAY 2014)



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- 52.222-50 Combating Trafficking in Persons (FEB 2009)
- 52.222-51 Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment - Requirements (MAY 2014)
- 52.222-53 Exemption from Application of the Service Contract Act to Contracts for Certain Services - Requirements (FEB 2009)
- 52.222-54 Employment Eligibility Verification (OCT 2015)
- 52.222-55 Minimum Wages Under Executive Order 13658 (DEC 2015)
- 52.222-62 Paid Sick Leave Under Executive Order 13706 (JAN 2017)
- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging while Driving (AUG 2011)
- 52.225-13 Restrictions on Certain Foreign Purchases (JUN 2008)
- 52.228-5 Insurance- Work on a Government Installation (JAN 1997)
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors (DEC 2013)
- 52.244-6 Subcontracts for Commercial Items (JAN 2017)
- 52.246-2 Inspection of Supplies - Fixed Price (AUG 1996)
- 52.247-64 Preference for Privately-Owned U.S. Flag Commercial Vessels (FEB 2006)

3.2 Applicable to Purchase Orders over \$10,000:

- 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (OCT 2016) (Applies if this Purchase Order exceeds \$30,000.)
- 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (OCT 2015) (Applies if this Purchase Order exceeds \$35,000.)
- 52.222-36 Equal Opportunity for Workers with Disabilities (JUL 2014) (Applies if this Purchase Order exceeds \$15,000; paragraph (b)(2) is revised to delete "and provided by or through the Contracting Officer" and insert "and provided upon request by the Contracting Officer through the Buyer.")
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)

3.3 Applicable to Purchase Orders over \$150,000:

- 52.203-6 Restrictions on Subcontractor Sales to the Government, Alt. I (SEPT 2006)
- 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (APR 2014)
- 52.222-35 Equal Opportunity for Veterans (OCT 2015)



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- 52.222-37 Employment Reports on Veterans (FEB 2016)
- 52.227-1 Authorization and Consent (DEC 2007)
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (DEC 2007)

3.4 Applicable to Purchase Orders over \$500,000:

- 52.203-13 Contractor Code of Business Ethics and Conduct (OCT 2015) (Applies if this Purchase Order exceeds \$5,500,000 and the period of performance is more than 120 days.)

4.0 DFARS Clauses

4.1 Applicable to All Purchase Orders:

- 252.203-7002 Requirements to Inform Employees of Whistleblower Rights (SEP 2013)
- 252.204-7000 Disclosure of Information (DEC 1991)
- 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (Dec 2019)
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (JUN 2012)
- 252.225-7012 Preference for Certain Domestic Commodities (FEB 2013)
- 252.225-7015 Restriction on Acquisition of Hand or Measuring Tools (JUN 2005)
- 252.225-7021 Trade Agreements (OCT 2013)
- 252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States (JUN 2011)
- 252.225-7048 Export Controlled Items (JUNE 2013)
- 252.227-7013 Rights in Technical Data - Noncommercial Items (FEB 2012)
- 252.227-7015 Technical Data - Commercial Items (JUN 2013)
- 252.227-7037 Validation of Restrictive Markings on Technical Data (JUN 2013)
- 252.246-7003 Notification of Potential Safety Issues (JAN 2007) (Applies if the Purchase Order is for parts identified as critical safety items; systems and subsystems, assemblies, and subassemblies integral to a system; or repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system; "Government" does not change.)
- 252.247-7023 Transportation of Supplies by Sea (JUN 2013)
- 252.247-7024 Notification of Transportation of Supplies by Sea (MAR 2000)



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4.2 Applicable to Purchase Orders over \$10,000:

252.225-7993 Prohibition on Contracting with the Enemy (DEVIATION 2014-00020) (SEP 2014) (Applies if this Purchase Order exceeds \$50,000.)

252.225-7994 Additional Access to Contractor and Subcontractor Records in the United States Central Command Theater of Operations (DEVIATION 2014-00020) (Applies if this Purchase Order exceeds \$100,000.)

4.3 Applicable to Purchase Orders over \$500,000:

252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (SEP 2004)