



Additional Terms and Conditions for the Acquisition of Commercial Items Funded Under U.S. Government Department of Energy Contracts

In addition to the terms and conditions of GA 1603, “Terms and Conditions for Commercial Orders (Supplies and Services),” the following clauses in Part 52 of the Federal Acquisition Regulation (FAR), and Part 952 of the Department of Energy Acquisition Regulations (DEAR), in effect on the date of the Order, are incorporated by this reference and made a part of the Order when the condition(s) for applicability is/are met. In all such clauses listed below, the term “Contractor” shall mean “Seller,” the term “Contract” shall mean “Order,” and the term “Government Contracting Officer” (or equivalent phrases) shall mean “Buyer,” 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.”

The FAR and DEAR clauses referenced below shall apply to Seller and its lower-tier subcontractors in such manner necessary to reflect the position of Seller as a subcontractor to Buyer to ensure Seller’s obligations to Buyer and to the U.S. Government, and to enable Buyer to meet its obligations under its contracts funded by the U.S. Government. Clauses incorporated by reference have the same force and effect as if they were given in full text. The full text of a clause may be accessed electronically at the following address: www.acquisition.gov.

The following FAR Clauses apply regardless of the dollar value of the Order:

- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
- 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
- 52.204-27 Prohibition on a ByteDance Covered Application
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Products and Commercial Services
- 52.219-8 Utilization of Small Business Concerns (*applies to Orders that offer further subcontracting opportunities*)
- 52.222-50 Combating Trafficking in Persons (*except that section (h) only applies to Orders exceeding \$550,000 for supplies acquired, or services performed, outside the U.S.*)
- 52.222-62 Paid Sick Leave Under Executive Order 13706
- 52.225-13 Restriction on Certain Foreign Purchases
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors
- 52.244-6 Subcontracts for Commercial Products and Commercial Services
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

The following FAR clause applies if the value of the Order exceeds \$3,500:

- 52.222-54 Employment Eligibility Verification

The following FAR clauses applies if the value of the Order exceeds \$10,000:

- 52.222-19 Child Labor – Cooperation with Authorities and Remedies
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act



The following FAR clause applies if the value of the Order exceeds \$15,000:

52.222-36 Equal Opportunity for Workers with Disabilities

The following FAR clause applies if the value of the Order is \$30,000 or more:

52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards

The following FAR clause applies if the value of the Order exceeds \$35,000:

52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment

The following FAR clauses apply, as indicated below, if the value of the Order exceeds \$150,000:

52.203-11 Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions

52.203-12 Limitation on Payments to Influence Certain Federal Transactions

52.222-35 Equal Opportunity for Veterans

52.222-37 Employment Reports on Veterans

The following FAR clauses apply, as indicated below, if the value of the Order exceeds \$250,000:

52.203-3 Gratuities

52.203-6 Restrictions on Subcontractor Sales to the Government – Alt 1

52.203-17 Contractor Employee Whistleblower Rights

The following FAR clauses apply if the value of the Order exceeds \$750,000:

52.219-9 Small Business Subcontracting Plan

52.219-16 Liquidated Damages – Subcontracting Plan

The following FAR clause applies if the value of the Order exceeds \$6,000,000:

52.203-13 Contractor Code of Business Ethics and Conduct

The following DEAR Clauses apply regardless of dollar value of the Order:

952.203-70 Whistleblower Protection for Contractor Employees

952.204-77 Computer Security

952.208-70 Printing

952.225-71 Compliance with Export Control Laws and Regulations

952.235-71 Research Misconduct