



## **Additional Terms and Conditions for the Acquisition of Commercial Items Funded Under U.S. Government National Aeronautics and Space Administration 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 1852 of the National Aeronautics and Space Administration (NASA) Federal Acquisition Regulation Supplement (NFS), set forth below, and 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, 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 NFS clauses referenced below shall apply to Seller and its lower-tier subcontractors in such a 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.

### **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
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items
- 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 Items
- 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 and Requirement to Inform Employees of Whistleblower Rights
- 52.219-8 Utilization of Small Business Concerns
- 52.222-17 Non-displacement of Qualified Workers

**The following FAR clauses apply if the value of the Order exceeds \$500,000:**

- 52.222-50 Combating Trafficking in Persons

**The following FAR clauses apply if the value of the Order exceeds \$700,000:**

- 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 \$5,500,000:**

- 52.203-13 Contractor Code of Business Ethics and Conduct

**The following NFS clauses apply regardless of the dollar value of the Order:**

- 1852.203-71 Requirement to Inform Employees of Whistleblower Rights
- 1852.204-76 Security Requirements for Unclassified Information Technology Resources
- 1852.208-81 Restrictions on Printing and Duplicating
- 1852.211-70 Packaging, Handling, and Transportation
- 1852.223-71 Authorization for Radio Frequency Use
- 1852.225-70 Export Licenses
- 1852.227-14 Rights in Data – General
- 1852.227-19 Commercial Computer Software – Restricted Rights
- 1852.227-85 Invention Reporting and Rights – Foreign
- 1852.227-86 Commercial Computer Software - License
- 1852.227-88 Government-Furnished Computer Software and Related Technical Data
- 1852.237-72 Access to Sensitive Information
- 1852.237-73 Release of Sensitive Information
- 1852.245-74 Identification and Marking of Government Equipment
- 1852.246-73 Human Space Flight Item
- 1852.247-71 Protection of the Florida Manatee



**The following NFS clause applies if the value of the Order exceeds \$100,000:**

1852.244-70 Geographic Participation in the Aerospace Program

**The following NFS clauses applies if the value of the Order exceeds \$250,000:**

1852.223-70 Safety and Health Measures and Mishap Reporting

1852.223-72 Safety and Health (Short Form)

1852.228-76 Cross-Waiver of Liability for International Space Station Activities

1852.228-78 Cross-Waiver of Liability for Science or Space Exploration Activities Unrelated to the International Space Station

**The following NFS clause applies if the value of the Order exceeds \$700,000:**

1852.219-73 Small Business Subcontracting Plan