

**DFARS CLAUSES:** When the materials or products furnished are for use in connection with a U.S. Government Department of Defense prime contract or subcontract, in addition to TC-001, General Terms and Conditions of Purchase, and TC-002, Government Contract Provisions from the Federal Acquisition Regulation (FAR), the following provisions shall apply, as required by the terms of the prime contract or by operation of law or regulation. The effective version of each DFARS provision shall be the same version as that which appears in Buyer's prime contract or higher-tier subcontract under which this Purchase Order is a subcontract. In the event of a conflict between these DFARS provisions and the General Purchase Order Provisions or the Government Contract Provisions from the FAR, the DFARS provisions shall control.

The following clauses set forth in the DFARS in effect as of the date of the prime contract are incorporated herein by reference. In all clauses listed herein, the terms "Government," "Contracting Officer," and "Contractor" shall be revised to suitably identify the contracting parties under this Purchase Order and effect the proper intent of the provision except where further clarified or modified below. "Subcontractor," however, shall mean "Seller's Subcontractor" under this Purchase Order. The Seller, by signing its offer, hereby certifies compliance with the following clauses and is, therefore, eligible for award.

Except as noted, the following DFARS clauses are applicable to all solicitations and contracts:

- 252.204-7000 Disclosure Of Information
- 252.204-7003 Control Of Government Personnel Work Product
- 252.204-7005 Oral Attestation Of Security Responsibilities
- 252.223-7006 Prohibition On Storage And Disposal Of Toxic And Hazardous Materials
- 252.225-7001 Buy American Act And Balance Of Payments Program
- 252.225-7002 Qualifying Country Sources As Subcontractors
- 252.225-7013 Duty Free Entry
- 252.225-7031 Secondary Arab Boycott Of Israel
- 252.225-7043 Antiterrorism/Force Protection Policy For Defense Contractors Outside The United States (applies to contracts that require performance or travel outside the United States; does not apply to contracts with foreign governments, representatives of foreign governments, or foreign corporations wholly owned by foreign governments)
- 252.227-7013 Rights In Technical Data - Noncommercial Items
- 252.227-7014 Rights In Noncommercial Computer Software And Noncommercial Computer Software Documentation
- 252.227-7016 Rights In Bid Or Proposal Information
- 252.227-7019 Validation Of Asserted Restrictions - Computer Software
- 252.227-7025 Limitations On The Use Or Disclosure Of Government-Furnished Information Marked With Restrictive Legends
- 252.227-7026 Deferred Delivery Of Technical Data Or Computer Software
- 252.227-7030 Technical Data - Withholding Of Payment
- 252.227-7037 Validation Of Restrictive Markings On Technical Data
- 252.227-7039 Patents - Reporting Of Subject Inventions
- 252.231-7000 Supplemental Cost Principles
- 252.235-7010 Acknowledgment Of Support And Disclaimer (applies to solicitations and contracts for research and development)
- 252.235-7011 Final Scientific Or Technical Report (applies to solicitations and contracts for research and development)
- 252.244-7000 Subcontracts For Commercial Items And Commercial Components (DOD Contracts) (not applicable to solicitations and contracts for commercial items)
- 252.245-7001 Reports Of Government Property (applies to solicitations and contracts containing FAR clause 52.245-5)
- 252.246-7001 Warranty Of Data
- 252.247-7023 Transportation Of Supplies By Sea
- 252.247-7024 Notification Of Transportation Of Supplies By Sea

Unless otherwise exempt, the following DFARS clauses are applicable to all solicitations and contracts:

- 252.215-7000 Pricing Adjustments

Except as noted, the following DFARS clauses are applicable to all solicitations and contracts exceeding the simplified acquisition threshold:<sup>1</sup>

- 252.203-7001 Prohibition On Persons Convicted Of Fraud Or Other Defense Contract Related Felonies
- 252.209-7004 Subcontracting With Firms That Are Owned Or Controlled By The Government Of A Terrorist Country
- 252.223-7004 Drug-Free Work Force (not applicable for commercial items or any part of a contract performed outside of the United States)
- 252.225-7012 Preference For Certain Domestic Commodities
- 252.242-7004 Material Management And Accounting System (not applicable to solicitations and contracts for commercial items or solicitations and contracts awarded to small businesses, educational institutions, or nonprofit organizations; applicable to cost-reimbursement contracts and fixed-price contracts with progress payments)
- 252.243-7002 Requests For Equitable Adjustment

Except as noted, the following DFARS clauses are applicable to all solicitations and contracts exceeding \$650,000:

- 252.226-7001 Utilization Of Indian Organizations, Indian-Owned Economic Enterprises, And Native Hawaiian Small Business Concerns (applies to solicitations and contracts for supplies or services)

Except as noted, the following DFARS clauses are applicable to all solicitations and contracts exceeding \$650,000:

- 252.219-7003 Small Business And Small Disadvantaged Business Subcontracting Plan (DoD Contracts)
- 252.219-7004 Small, Small Disadvantaged And Women-Owned Small Business Subcontracting Plan (Test Program) (applicable if the contract has an approved, comprehensive subcontracting plan)
- 252.225-7026 Reporting Of Contract Performance Outside The United States (does not apply to contracts for commercial items, construction, ores, natural gas, utilities, petroleum products and crudes, timber (logs), or subsistence) (COMMENT: This clause is now titled "Acquisition Restricted to Products or Services from Iraq or Afghanistan" - DELETE FROM THIS FORM?)

The following DFARS clause is applicable to solicitations and contracts exceeding \$1 million:

- 252.205-7000 Provision Of Information To Cooperative Agreement Holders (DEC 1991)

Except as noted, the following DFARS clause is applicable to all solicitations and contracts exceeding \$5 million:

- 252.203-7002 Display Of DoD Hotline Poster (not applicable when performance will take place in a foreign country)

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<sup>1</sup> "Simplified acquisition threshold" means \$150,000, except for acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack (41 U.S.C. 428a), the term means (1) \$300,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and (2) \$1 million for any contract to be awarded and performed, or purchase to be made, outside the United States.