

FEDERAL ACQUISITION REGULATION (FAR) CLAUSES

The following Federal Acquisition Regulation (“FAR”) clauses are incorporated by reference to the extent indicated below. The effective version of each clause shall be the version that applies to ASRC Federal, an ASRC Federal subsidiary, or Prime (ASRC Federal) under its prime contract or higher-tier subcontract. In all cases, the clauses shall be interpreted to apply to Seller as necessary to reflect the position of Seller as a subcontractor to ASRC Federal, to ensure Seller’s obligations to ASRC Federal, and to enable ASRC Federal to meet its obligations to its customer. For purposes of this introductory paragraph and the headings below, the term Subcontract shall include any agreement between ASRC Federal and Seller, to include Subcontracts, Task Orders, Purchase Orders, Basic Ordering Agreements and Orders. Without limiting the foregoing: (1) unless the context of the clause or applicable law requires otherwise, the term “Contractor” shall mean Seller, the term “Contract” shall mean the Subcontract as that term is defined above, the term “Subcontractor” shall mean Seller’s subcontractor, and the terms “Government,” “Contracting Officer” and equivalent phrases shall mean ASRC Federal and ASRC Federal’s Contractual Representative, respectively; (2) the words “Government” and “Contracting Officer” do not change when a right, act, authorization or obligation can be granted or performed only by the Government or when title to property is to be transferred directly to the Government; and (3) where a clause specifies the number of days in which Seller must act, that number shall be reduced by half.

Applicable to All Subcontracts

- 52.203-3 Gratuities
- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 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
- 52.211-5 Material Requirements
- 52.219-8 Utilization of Small Business Concerns
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity
- 52.222-50 Combating Trafficking in Persons
- 52.225-13 Restrictions on Certain Foreign Purchases
- 52.227-14 Rights in Data – General with Alternates II, III, and V (unless another data rights clause is identified as replacing this clause)
- 52.227-16 Additional Data Requirements
- 52.227-23 Rights to Proposal Data (Technical)
- 52.243-6 Change Order Accounting
- 52.244-6 Subcontracts for Commercial Items
- 52.247-64 Preference for Privately Owned U.S. Flag Commercial Vessels

Applicable to Subcontracts Over \$3,500

- 52.222-54 Employment Eligibility Verification

Applicable to Subcontracts Over the Micro-Purchase Threshold

- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving

Applicable to Subcontracts Over \$10,000

- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act

Applicable to Subcontracts Over \$15,000

- 52.222-20 Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000 (if Subcontract is for manufacture or furnishing of materials, supplies, articles or equipment)

- 52.222-36 Equal Employment for Workers with Disabilities

Applicable to Subcontracts Over \$35,000

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

Applicable to Subcontracts Over \$150,000

- 52.203-7 Anti-Kickback Procedures (excluding (c)(1))
- 52.203-11 Certification and Disclosure Regarding Payments 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

Applicable to Subcontracts Over the Simplified Acquisition Threshold

- 52.203-6 Restrictions on Subcontractor Sales to the Government
- 52.203-16 Preventing Personal Conflicts of Interest (if Subcontract includes acquisition functions closely associated with inherently governmental functions)
- 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights
- 52.215-2 Audit and Records – Negotiation (Alternate I applies if Subcontract is funded in whole or in part with Recovery Act funds)
- 52.215-14 Integrity of Unit Prices
- 52.222-17 Nondisplacement of Qualified Workers (if Subcontract meets requirements of FAR 22.1207)
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement

Applicable to Subcontracts Over \$700,000

- 52.219-9 Small Business Subcontracting Plan (unless Seller is a small business)

Applicable to Subcontracts Over the Threshold at FAR 15.403-4

- 52.215-12 Subcontractor Cost or Pricing Data (if Buyer is required to submit Certified Cost or Pricing Data and Seller is not exempt under FAR 15.403)
- 52.215-13 Subcontractor Cost or Pricing Data – Modifications (if Buyer is required to submit Certified Cost or Pricing Data and Seller is not exempt under FAR 15.403)
- 52.230-2 Cost Accounting Standards (if Seller is required to complete Buyer’s CAS certificate prior to award and the Subcontract is not exempt pursuant to 48 C.F.R. 9903.201-1, subject to modified CAS coverage pursuant to 48 C.F.R. 9903.201-2, or Seller is an educational institution (other than an FFRDC) or foreign concern; delete paragraph (b))
- 52.230-3 Disclosure and Consistency of Cost Accounting Practices (if Seller is required to complete Buyer’s CAS certificate prior to award and the Subcontract is not exempt pursuant to 48 C.F.R. 9903.201-1, subject to full CAS coverage pursuant to 48 C.F.R. 9903.201-1, or Seller is an educational institution (other than an FFRDC) or foreign concern; delete paragraph (b))
- 52.230-4 Disclosure and Consistency of Cost Accounting Practices – Foreign Concerns (if Seller is required to complete Buyer’s CAS certificate prior to award and Seller is a foreign concern and Subcontract is not exempt pursuant to 48 C.F.R. 9903.201-1; delete paragraph (b))

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| <p>52.230-5 Cost Accounting Standards – Educational Institutions (if Seller is required to complete Buyer’s CAS certificate prior to award and Seller is an educational institution (other than an FFRDC) and Subcontract is not exempt pursuant to 9903.201-1 delete paragraph (b))</p> <p>52.230-6 Administration of Cost Accounting Standards (if 52.230-2, 52.230-3, 52.230-4, or 52.230-5 applies)</p> | <p>52.223-3 Hazardous Material Identification and Material Safety Data (if Subcontract involves hazardous material; Alternate I applies if Subcontract supports a non-DoD entity)</p> <p>52.223-5 Pollution Prevention and Right-to-Know Information with Alternate I (if Subcontract involves work at a Government facility; Alternate II also applies if contractor activities are required to be included within a facility compliance audit or environmental management system audit)</p> <p>52.223-7 Notice of Radioactive Materials (if Subcontract involves radioactive material 45 days advance written notice shall be required)</p> |
| <p>Applicable to Subcontracts Over \$5,500,000</p> | |
| <p>52.203-13 Contractor Code of Business Ethics and Conduct</p> <p>52.203-14 Display of Hotline Posters</p> | <p>52.223-11 Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (if Subcontract is for products or services specified in FAR 23.804(a))</p> <p>52.223-12 Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (if work includes maintenance, repair, or disposal of refrigeration equipment or air conditioners)</p> <p>52.223-20 Aerosols (if Subcontract is for products that contain a propellant or solvent or involves maintenance or repair of electronic or mechanical devices)</p> <p>52.223-21 Foams (if Subcontract is for products that contain a foam blowing agent)</p> <p>52.224-2 Privacy Act (if Subcontract involves system of records on individuals subject to the Privacy Act)</p> <p>52.225-8 Duty Free Entry (if supplies will be imported into the customs territory of the United States)</p> <p>52.225-19 Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States (if Subcontract meets criteria in 52.225-19(q))</p> <p>52.225-26 Contractors Performing Private Security Functions Outside the United States (if Subcontract meets the requirements in paragraph (f) of the clause)</p> <p>52.226-6 Promoting Excess Food Donation (if Subcontract exceeds \$25,000 and involves provision, service, or sale of food)</p> <p>52.227-9 Refund of Royalties (if royalty exceeds \$250)</p> <p>52.227-10 Filing of Patent Applications – Classified Subject Matter (if work or patent application may cover classified matters)</p> <p>52.227-11 Patent Rights – Ownership by the Contractor (if Subcontract includes experimental, developmental, or research work and no other Patent Rights flow-down clause is specified)</p> <p>52.228-3 Worker’s Compensation Insurance (Defense Base Act) (if Defense Base Act applies)</p> <p>52.228-4 Workers’ Compensation and War-Hazard Insurance Overseas (if Defense Base Act has been waived)</p> <p>52.228-5 Insurance – Work on a Government Installation (if Subcontract involves work on a Government installation; insurance shall per FAR 28.307-2 unless otherwise stated)</p> <p>52.232-40 Providing Accelerated Payments to Small Business Concerns (if Seller is a small business and ASRC Federal receives accelerated payments under its contract)</p> <p>52.233-3 Protest After Award (if Subcontract is not cost reimbursement)</p> <p>52.237-2 Protection of Government Buildings, Equipment and Vegetation (if work is performed at a Government facility)</p> <p>52.237-3 Continuity of Services (if Subcontract includes services)</p> <p>52.237-7 Indemnification and Medical Liability Insurance (if Subcontract includes health care services)</p> <p>52.239-1 Privacy or Security Safeguards (if Subcontract involves design, development, or operation of a system of records)</p> <p>52.242-15 Stop Work Order (if Subcontract is not cost reimbursement)</p> <p>52.245-1 Government Property with Alternate I (if Subcontract is not cost reimbursement and involves access to Government property)</p> |
| <p>Applicable Only to the Extent Indicated</p> | |
| <p>52.203-15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (if Subcontract is funded in whole or in part with Recovery Act funds)</p> <p>52.204-2 Security Requirements (if Subcontract involves access to classified information)</p> <p>52.204-9 Personal Identity Verification of Contractor Personnel (if Seller has access to Government facilities or systems)</p> <p>52.204-21 Basic Safeguarding of Covered Contractor Information System (if Seller may have Federal contract information, as defined in the clause, residing in or transiting through its information system)</p> <p>52.207-3 Right of First Refusal of Employment (if Subcontract includes work currently performed by Government employees)</p> <p>52.208-8 Requires Sources for Helium and Helium Usage Data (if Subcontract includes major helium requirement)</p> <p>52.211-15 Defense Priority and Allocation Requirements (applies if the Subcontract is a rated order under subject to 15 C.F.R. 700)</p> <p>52.215-15 Pension Adjustment and Asset Reversions (if Subcontract meets requirements of FAR 15.408(g))</p> <p>52.215-16 Facilities Capital Cost of Money (if Subcontract is subject to FAR 31.2 and Seller proposed facilities capital cost of money)</p> <p>52.215-17 Waiver of Facilities Capital Cost of Money (if Subcontract is subject to FAR 31.2 and Seller did not propose facilities capital cost of money)</p> <p>52.215-18 Reversion or Adjustment of Plans for Post-Retirement Benefits (if Subcontract meets requirements of FAR 15.408(j))</p> <p>52.215-19 Notification of Ownership Changes (if Subcontract meets requirements of FAR 15.408(k))</p> <p>52.215-23 Limitation on Pass-Through Charges (if Subcontract meets requirements of paragraph (f))</p> <p>52.222-4 Contract Work Hours and Safety Standards – Overtime Compensation (if Subcontract requires or involves the employment of laborers and mechanics)</p> <p>52.222-19 Child Labor – Cooperation with Authorities and Remedies</p> <p>52.222-41 Service Contract Labor Standards (if Subcontract is subject to the Service Contract Labor Standards statute)</p> <p>52.222-51 Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment – Requirements (if services meet all requirements for exemption)</p> <p>52.222-53 Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services – Requirements (if services meet all requirements for exemption)</p> <p>52.222-55 Minimum Wages Under Executive Order 13658 (if Subcontract is subject to Service Contract Labor Standards statute)</p> <p>52.222-62 Paid Sick Leave Under Executive Order 13706 (if Subcontract is subject to the Service Contract Act, Davis-Bacon Act, or the Fair Labor Standards Act, but only to the extent work is performed in the United States)</p> | |

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52.245-9 Use and Charges (if Subcontract is not cost reimbursement and involves access to Government property)

52.247-63 Preference for U.S. Flag Air Carriers (if Subcontract involves international air transportation)

Applicable to Fixed-Price Subcontracts

52.246-2 Inspection of Supplies – Fixed-Price (Alternate I applies to fixed-price incentive Subcontracts and Alternate II applies to fixed-ceiling-price contracts with retroactive price redetermination)

52.246-4 Inspection of Services – Fixed-Price

52.246-7 Inspection of Research and Development – Fixed-Price (applicable to research and development)

Applicable to Time & Material and Labor Hour Subcontracts

52.216-7 Allowable Cost and Payment (applies only to the material portion of time and materials contracts; does not apply to labor hour contracts)

52.232-7 Payments Under Time-and-Materials and Labor-Hour Contracts

52.246-6 Inspection of Time and Material and Labor Hour (Alternate I applies if inspection and acceptance are performed at Subcontractor's plant)

Applicable to Cost Reimbursement Subcontracts

52.216-7 Allowable Cost and Payment

52.216-8 Fixed Fee (if Subcontract includes a fixed fee)

52.216-10 Incentive Fee (if Subcontract includes an incentive fee; amount of fee shall be as set forth in Subcontract)

52.222-2 Payment for Overtime Premiums (in paragraph (a) add "0")

52.232-20 Limitation of Cost (if Subcontract is fully funded)

52.232-22 Limitation of Funds (if Subcontract is incrementally funded)

52.233-3 Protest After Award with Alternate I

52.242-15 Stop Work Order with Alternate I

52.245-1 Government Property (if Subcontract involves access to Government property)

52.246-3 Inspection of Supplies – Cost Reimbursement

52.246-5 Inspection of Services – Cost Reimbursement

52.246-8 Inspection of Research and Development – Cost Reimbursement (applicable to research and development)

Applicable if Checked

52.223-13 Acquisition of EPEAT-Registered Imaging Equipment
 Alternate I

52.223-14 Acquisition of EPEAT-Registered Televisions
 Alternate I

52.223-15 Energy Efficiency in Energy-Consuming Products

52.223-16 Acquisition of EPEAT-Registered Personal Computer Products
 Alternate I

52.223-17 Affirmative Procurement of EPA-Designated Items in Service and Construction Contracts

52.224-3 Privacy Training

52.225-1 Buy American Act – Supplies

52.225-3 Buy American–Free Trade Agreements–Israel Trade Act
 Alternate I Alternate II
 Alternate III

52.225-5 Trade Agreements

52.227-1 Authorization and Consent
 Alternate I

52.227-11 Patent Rights – Ownership by the Contractor
 Alternate I Alternate II
 Alternate III Alternate IV
 Alternate V

52.227-13 Patent Rights – Ownership by the Government
 Alternate I Alternate II

52.227-14 Rights in Data – General with Alternate I (applies in addition to basic clause and Alternates identified above)

52.227-17 Rights in Data – Special Works (replaces 52.227-14 and -19 if checked, unless otherwise noted)

52.227-18 Rights in Data – Existing Works (replaces 52.227-14 and -19 if checked, unless otherwise noted)

52.227-19 Commercial Computer Software License (applies to commercial computer software developed exclusively at private expense)

52.227-21 Technical Data Declaration, Revision, and Withholding of Payment – Major Systems

52.227-22 Major Systems – Minimum Rights

52.234-1 Industrial Resources Developed Under Defense Production Act Title III

52.234-4 Earned Value Management System

52.242-17 Government Delay of Work

52.245-2 Government Property (Installation Operation Services)

In accordance with (e) of the clause, Government property provided under this clause includes: insert property

52.246-26 Reporting Nonconforming Items

52.248-1 Value Engineering
 Alternate I Alternate II
 Alternate III