

## **FAR and DFARS Flowdown Clauses**

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 the purchase order or agreement in which they are referenced (the "Purchase Order") unless specifically noted. In order to make these clauses applicable to this Purchase Order unless otherwise specified herein, "Government" shall mean Atlantic Diving Supply, Inc. ("ADS"), "Contractor" shall mean the entity from which ADS is purchasing products and/or services (the "Seller"), "Contract" shall mean the Purchase Order, and "Contracting Officer" shall mean the ADS Purchasing Representative. 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 the contracting officer's 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 Clauses 252.204-7000(c), 252.227-7013, 252.227-7015, and 252.227-7037. The full text of FAR clauses can be found at <http://acquisition.gov/comp/far/index.html>. The full text of DFARS clauses can be found at <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.

### **FAR Clauses**

52.203-6	Restrictions on Subcontractor Sales to the Government (SEPT 2006)
52.203-7	Anti-Kickback Procedures (MAY 2014)
52.203-12	Limitation On Payments To Influence Certain Federal Transactions (OCT 2010)
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.)
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (JUN 2010)
52.203-17	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (APR 2014)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017)
52.204-9	Personal Identity Verification of Contractor Personnel (JAN 2011) (applies if the Purchase Order includes Services requiring routine physical access to a Federally-controlled facility)
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (OCT 2015) (Applies only to the extent that ADS is required to provide information on Seller's executive compensation under 52.204-10(d)(3), and requires only that Seller provide such information to ADS promptly on request)
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)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (AUG 2020)
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 and is not for commercial items.)
52.215-14	Integrity of Unit Prices (JUN 2020) (Applies to Purchase Orders for \$250,000 or more that are not for commercial items)

52.215-21	Requirements for Certified Cost or Pricing Data and Data Other than Certified Cost or Pricing Data - Modifications (OCT 2010)
52.219-8	Utilization of Small Business Concerns (OCT 2014)
52.222-21	Prohibition of Segregated Facilities (APR 2015)
52.222-26	Equal Opportunity (APR 2015)
52.222-35	Equal Opportunity for Veterans (OCT 2015)
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.")
52.222-37	Employment Reports on Veterans (OCT 2015)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)
52.222-41	Service Contract Labor Standards (MAY 2014) (applies if this Purchase Order includes Services)
52.222-43	Fair Labor Standards Act And Service Contract Labor Standards - Price Adjustment (Multiple Year And Option Contracts) (MAY 2014)
52.222-50	Combating Trafficking in Persons (MAR 2015)
52.222-50 Alt I	Combating Trafficking in Persons (MAR 2015) Alternate I (MAR 2015)
52.222-51	Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment - Requirements (MAY 2014)
52.222-54	Employment Eligibility Verification (OCT 2015) (applies if this Purchase Order includes Services)
52.222-55	Minimum Wages under Executive Order 13658 (Dec 2015) (applies if the Purchase Order includes Services)
52.222-62	Paid Sick Leave Under Executive Order 13706 (JAN 2017) (applies if the Purchase Order includes Services)
52.223-15	Energy Efficiency in Energy-Consuming Products (DEC 2007)
52.223-16	Acquisition of EPEAT® -Registered Personal Computer Products (OCT 2015) (applies if the Purchase Order includes "personal computer products" as defined at FAR 52.223-16(a)).
52.225-13	Restrictions on Certain Foreign Purchases (JUN 2008)
52.228-3	Worker's Compensation Insurance (Defense Base Act) (JUL 2014) (applies if the Purchase Order includes Services performed outside the continental United States)
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas (APR 1984) (applies if the Purchase Order includes Services performed outside the continental United States)
52.228-5	Insurance - Work On A Government Installation (JAN 1997) (applies if the Purchase Order includes Services performed on U.S. Government property)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (DEC 2013) (applies if Seller is a small business concern for the NAICS code associated with its performance of the Purchase Order)
52.242-13	Bankruptcy (JUL 1995)
52.244-6	Subcontracts for Commercial Items (JAN 2017)
52.242-15	Stop-Work Order (AUG 1989)
52.247-63	Preference For U.S. Flag Air Carriers (JUN 2003)
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessels (FEB 2006), with Alternate I (APR 2003) and Alternate II ((FEB 2006)

## DFARS Clauses

252.203-7001	Prohibition On Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (DEC 2008) (applies if the Purchase Order price is \$250,000 or more and the Purchase Order includes non-commercial items)
252.203-7002	Requirements to Inform Employees of Whistleblower Rights (SEP 2013)

252.203-7003 Agency Office of the Inspector General (DEC 2012)

252.203-7995 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements (NOV 2016)

252.204-7000 Disclosure of Information (AUG 2013)

252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (DEC 2015) (applies to information provided by ADS to Seller that is identified as covered defense information)

252.204-7015 Disclosure of Information to Litigation Support Contractors (FEB 2014)

252.223-7008 Prohibition of Hexavalent Chromium (JUN 2013)

252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (OCT 2014)

252.225-7012 Preference for Certain Domestic Commodities (DEC 2016)

252.225-7013 Duty-Free Entry (DEVIATION 2020-O0019) (JUL 2020)

252.225-7015 Restriction on Acquisition of Hand or Measuring Tools (JUN 2005)

252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States (OCT 2015) (applies if the Purchase Order includes Services supporting U.S. Armed Forces deployed outside the United States in contingency operations; peace operations consistent with Joint Publication 3-07.3; or other military operations or military exercises, when designated by the Combatant Commander or as directed by the Secretary of Defense)

252.225-7043 Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States (JUN 2015) (applies if the Purchase Order includes Services performed or travel outside the United States)

252.225-7048 Export Controlled Items (JUNE 2013)

252.225-7972 Prohibition on the Procurement of Foreign-Made Unmanned Aircraft Systems. (DEVIATION 2020-O0015) (MAY 2020) (Applies if any of the Products are unmanned aircraft systems)

252.225-7980 Contractor Personnel Performing in the United States Africa Command Area of Responsibility (DEVIATION 2016-O0008) (JUN 2016) (applies if the Purchase Order includes Services performed in the USAFRICOM area of responsibility)

252.225-7981 Additional Access to Contractor and Subcontractor Records (other than USCENCOM) (DEVIATION 2015-O0016) (SEP 2015) (applies if the Purchase Order includes Services performed outside the United States and not in USCENCOM area of responsibility)

252.225-7986 (Dev) Medical Care and Evacuation of Contractor Personnel in the Designated Operational Area for Operation United Assistance (NOV 2014) (DEVIATION 2015-O0002) (applies if the Purchase Order includes Services performed in Operation United Assistance Operational Area)

252.225-7987 Requirements for Contractor Personnel Performing in USSOUTHCOM Area of Responsibility (DEVIATION 2014-O0016) (Oct 2014) (applies if the Purchase Order includes Services performed in the USSOUTHCOM area of responsibility)

252.225-7993 Prohibition on Providing funds to the enemy (DEVIATION 2020-O0022) (AUG 2020) (applies if the Purchase Order includes Services performed outside the United States and the Purchase Order price is more than \$50,000)

252.225-7994 (Dev) Additional Access to Contractor and Subcontractor Records in the United States Central Command Theater of Operations (Deviation) (MAR 2015) (applies if the Purchase Order includes Services performed in the USCENCOM area of responsibility)

252.225-7995 (Dev) Contractor Personnel Performing in the United States Central Command Area of Responsibility (DEV 2017-O0004) (JAN 2015) (applies if the Purchase Order includes Services performed in the USCENCOM area of responsibility)

252.244-7000 Subcontracts for Commercial Items and Commercial Components (JUN 2013)

252.246-7003 Notification of Potential Safety Issues (JUN 2013) (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; change "5 working days" at 252.246-7003(c)(2) to read "3 working days".)