

FAR, GSAM, and DFARS Flowdown Clauses

Department of Defense (DoD) Enterprise Software Initiative (ESI)

The referenced clauses are set forth or referred to in the Federal Acquisition Regulation (FAR), the General Services Acquisition Manual (GSAM), 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 GSAM clauses can be found at <https://www.acquisition.gov/browse/index/gsam>. The full text of DFARS clauses can be found at <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.

Some of the clauses listed below include information about the circumstances under which they are applicable. If the conditions for applicability provided in parentheses after any such clauses are not met (considering the nature and amount of the Purchase Order and the status of Seller), that clause does not apply to and is not included in that Purchase Order.

FAR Clauses

52.203-6	Restrictions on Subcontractor Sales to the Government (JUN 2020) (ALTERNATIVE I – NOV 2021) (applies if the Purchase Order price exceeds \$250,000)
52.203-13	Contractor Code of Business Ethics and Conduct (NOV 2021) (applies if the Purchase Order price exceeds \$6,000,000 and the Ship By Date is more than 120 days after the date of the Purchase Order)
52.203-17	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (NOV 2023) (applies if the Purchase Order includes any items that are not commercial products or services)
52.204-2	Security Requirements (MAR 2021) (applies if the Purchase Order involves access by Seller to information classified as "Confidential", "Secret", or "Top Secret" by the Government)
52.204-9	Personal Identity Verification of Contractor Personnel (JAN 2011) (applies if the Services involve routine physical access to a Federally-controlled facility)
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (JUN 2020) (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)
52.204-18	Commercial and Government Entity Code Maintenance (AUG 2020) (applies if FAR 52.204-2 applies)
52.204-21	Basic Safeguarding of Covered Contractor Information Systems (NOV 2021) (applies if Seller has or will have Federal contract information in or transiting through its information system(s))

52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (DEC 2023)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021) (excluding paragraph 52.204-25(b)(2))
52.204-27	Prohibition on a ByteDance Covered Application (JUN 2023)
52.204-30	Federal Acquisition Supply Chain Security Act Orders - Prohibition (DEC 2023) (ALT I DEC 2023) (excluding paragraph 52.204-30(c)(1))
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (NOV 2021) (applies if the Purchase Order price exceeds \$35,000 and the Purchase Order includes any items that are not commercially-available off-the-shelf (COTS) items)
52.212-5(d)	Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (NOV 2024) (" <i>Comptroller General Examination of Record.</i> "; references to the "Government" do not change)
52.215-21 (ALT IV)	Requirements for Certified Cost or Pricing Data and Data Other than Certified Cost or Pricing Data - Modifications (NOV 2021), Alternate IV (OCT 2010) (52.215-21(b) reads: "As determined by CO or authorized representative")
52.219-8	Utilization of Small Business Concerns (FEB 2024)
52.222-21	Prohibition of Segregated Facilities (APR 2015)
52.222-26	Equal Opportunity (SEP 2016)
52.222-35	Equal Opportunity for Veterans (JUN 2020)
52.222-36	Equal Opportunity for Workers with Disabilities (JUN 2020) (applies if the 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 (JUN 2020)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)
52.222-50	Combating Trafficking in Persons (NOV 2021)
52.222-51	Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment - Requirements (MAY 2014) (applies if the Purchase Order includes maintenance, calibration or repair Services that are commercial services)
52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements (MAY 2014) (applies if the Purchase Order includes Services that are commercial services)
52.222-54	Employment Eligibility Verification (MAY 2022) (applies if the Purchase Order includes Services)
52.222-55	Minimum Wages for Contractor Workers under Executive Order 14026 (JAN 2022) (applies if the Purchase Order is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute)
52.222-62	Paid Sick Leave under Executive Order 13706 (JAN 2022) (applies if the Purchase Order is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute)
52.225-1	Buy American Supplies (OCT 2022)
52.225-5	Trade Agreements (NOV 2023)
52.225-13	Restrictions on Certain Foreign Purchases (FEB 2021)
52.225-19	Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States (MAY 2020) (applies if the Purchase Order includes Services performed outside the United States)
52.227-14	Rights in Data-General (MAY 2014)

52.228-5	Insurance—Work on a Government Installation (JAN 1997) (applies if the Services involve work on a Government installation)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (MAR 2023)
52.242-13	Bankruptcy (JUL 1995)
52.242-15	Stop-Work Order (AUG 1989)
52.245-1	Government Property (SEP 2021) (applies if the Purchase Order involves the provision of any Government-furnished property or equipment to Seller)
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessels (NOV 2021)

GSAM Clauses

552.203-71	Restriction on Advertising (SEP 1999) (references to the Government remain unchanged)
552.211-73	Marking (FEB 1996)
552.211-89	Non-Manufactured Wood Packaging Material for Export (JUL 2016)
552.212-4	Contract Terms and Conditions – Commercial Products and Commercial Services (NOV 2023) (FAR DEVIATION – JAN 2023) (ALTERNATE I – NOV 2021) (paragraph (a) only) (full text available at GSAM 552.212-4)
552.212-4	Contract Terms and Conditions – Commercial Products and Commercial Services (NOV 2023) (DEVIATION – FEB 2007) (FAR DEVIATION – JAN 2023) (paragraph (a) only) (full text available at GSAM 552.212-4)
552.223-70	Hazardous Substances (MAY 1989)
552.228-5	Government as Additional Insured (JAN 2016) (applies if the Purchase Order includes Services involving work on a Government installation; “Government” does not change)

DFARS Clauses (apply only when the ordering activity is a Department of Defense entity)

252.203-7002	Requirements to Inform Employees of Whistleblower Rights (DEC 2022)
252.203-7003	Agency Office of the Inspector General (AUG 2019)
252.203-7995	Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements (NOV 2016)
252.204-7000	Disclosure of Information (OCT 2016)
252.204-7004	Antiterrorism Awareness Training for Contractors (JAN 2023) (applies if the performance of the Purchase Order requires routine physical access to a Federally-controlled facility or military installation)
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (JAN 2023)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (JAN 2023) (applies to information provided by ADS to Seller that is identified as covered defense information)
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (JAN 2023)
252.204-7018	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (JAN 2023)
252.204-7020	Notice of NIST SP 800-171 DOD Assessment Requirements (JAN 2023) (applies if information provided by ADS to Seller is identified as covered defense information; by accepting a Purchase Order that requires access to covered defense information, Seller represents and warrants that it has completed, within the last 3 years, at least a Basic NIST SP 800-171 DoD Assessment, as described in https://www.acq.osd.mil/asda/dpc/cyber/docs/safeguarding/NIST-SP-800-171-Assessment-Methodology-Version-1.2.1-6.24.2020.pdf for all covered contractor information systems relevant to its offer that are not part of an information technology service or system operated on behalf of the Government)
252.211-7003	Item Unique Identification and Valuation (JAN 2023) (paragraph (c) is modified to state that unique item identifiers are required for all Products; paragraph (d) is modified to state that Seller must provide to ADS promptly on request the data required in subparagraphs (d)(1) through (d)(14) and retain such information for

- three (3) years following completion of Purchase Order performance)
- 252.223-7008 Prohibition of Hexavalent Chromium (JAN 2023)
 - 252.225-7001 Buy American and Balance of Payments Program—Basic (JAN 2023)
 - 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (JUN 2012) (applies if none of the exceptions in paragraph (c) apply and the Products include any of the following items or components thereof: (A) aircraft, (B) missile or space systems, (C) ships, (D) tank or automotive items, (E) weapon systems, or (F) ammunition)
 - 252.225-7012 Preference for Certain Domestic Commodities (APR 2022) (applies if the Products (or any component thereof) include any of the items listed in paragraph (b) and none of the exceptions in paragraph (c) apply)
 - 252.225-7013 Duty-Free Entry (DEVIATION 2020-00019) (NOV 2023) (full text available at <https://www.acq.osd.mil/dpap/policy/policyvault/USA001510-20-DPC.pdf>)
 - 252.225-7015 Restriction on Acquisition of Hand or Measuring Tools (JUN 2005) (applies if the Products include any hand or measuring tools)
 - 252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States (OCT 2015) (applies if Seller’s performance under the Purchase Order involves support by Seller’s personnel for 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)
 - 252.225-7048 Export Controlled Items (JUNE 2013)
 - 252.225-7052 Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (JAN 2023)
 - 252.225-7056 Prohibition Regarding Business Operations with the Maduro Regime (JAN 2023)
 - 252.225-7976 Contractor Personnel Performing in Japan (Deviation 2018-00019) (AUG 2018) (full text available at <https://www.acq.osd.mil/dpap/policy/policyvault/USA002186-18-DPC.pdf>; applies performance under the Purchase Order involves any work in Japan)
 - 252.225-7980 Contractor Personnel Performing in the United States Africa Command Area of Responsibility (DEVIATION 2016-00008) (JUN 2016) (full text available at [https://www.acq.osd.mil/dpap/policy/policyvault/ USA002245-16-DPAP.pdf](https://www.acq.osd.mil/dpap/policy/policyvault/USA002245-16-DPAP.pdf); applies if Seller’s performance under the Purchase Order involves any work in the USAFRICOM area of responsibility)
 - 252.225-7987 Requirements for Contractor Personnel Performing in the U.S. Southern Command Area of Responsibility (FEB 2021) (full text available at <https://www.acq.osd.mil/dpap/policy/policyvault/USA002821-20-DPC.pdf>; applies if Seller’s performance under the Purchase Order involves any work in the USSOUTHCOM area of responsibility)
 - 252.225-7994 Additional Access to Contractor and Subcontractor Records in the United States Central Command Theater of Operations (MAR 2015) (full text available at <https://www.acq.osd.mil/dpap/policy/policyvault/USA001825-15-DPAP.pdf>; applies if Seller’s performance under the Purchase Order involves any work to be performed in the USCENTCOM area of responsibility and the Purchase Order Price exceeds \$100,000.00)
 - 252.226-7001 Utilization of Indian Organizations, Indian Owned Economic Enterprises, and Native Hawaiian Small Business Concerns. (JAN 2023) (applies if the Purchase Order Price exceeds \$500,000)
 - 252.227-7015 Technical Data - Commercial Products and Commercial Services (MAR 2023)
 - 252.227-7016 Rights in Bid or Proposal Information (JAN 2023)
 - 252.227-7037 Validation of Restrictive Markings on Technical Data (JAN 2023)
 - 252.237-7010 Prohibition on Interrogation of Detainees by Contractor Personnel (JAN 2023) (applies if Seller’s performance under the Purchase Order involves any interaction with detainees)
 - 252.239-7010 Cloud Computer Services (JAN 2023) (applies if Seller’s performance under the Purchase Order involves or may involve cloud services)
 - 252.244-7000 Subcontracts for Commercial Products or Commercial Services (JAN 2023)

- 252.246-7003 Notification of Potential Safety Issues (JAN 2023) (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".)
- 252.246-7008 Sources of Electronic Parts (JAN 2023) (applies if Purchase Order is for commercial products, that are for electronic parts or assemblies containing electronic parts, unless Seller is the original manufacturer)
- 252.247-7023 Transportation of Supplies by Sea (JAN 2023)