

## FAR, GSAM, and DFARS Flowdown Clauses

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>.

### FAR Clauses

52.203-6	Restrictions on Subcontractor Sales to the Government (JUN 2020)
52.203-13	Contractor Code of Business Ethics and Conduct (JUN 2020) (Applies if this Purchase Order exceeds \$5,500,000 and the period of performance is more than 120 days.)
52.203-17	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (JUN 2020)
52.204-2	Security Requirements (AUG 1996) (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 (JUN 2016) (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 (JUL 2018)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2020) (excluding paragraph 52.204-25(b)(2))
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (JUN 2020) (applies if this Purchase Order exceeds \$35,000 and is not for commercial items.)
52.212-5(d)	Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (AUG 2020) (" <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 (OCT 2010), Alternate IV (OCT 2010) (52.215-21(b) reads: "As determined by CO or authorized representative")
52.219-8	Utilization of Small Business Concerns (OCT 2018)
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 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 (JUN 2020)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)
52.222-50	Combating Trafficking in Persons (JAN 2019)
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 (OCT 2015) (applies if the Purchase Order includes Services)
52.223-18	Encouraging Contractor Policies to Ban Text Messaging while Driving (AUG 2011)
52.225-1	Buy American Supplies (MAY 2014)
52.225-5	Trade Agreements (AUG 2018)
52.225-13	Restrictions on Certain Foreign Purchases (JUN 2008)
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 (DEC 2013)
52.242-13	Bankruptcy (JUL 1995)
52.242-15	Stop-Work Order (AUG 1989)
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessels (FEB 2006)

## GSAM Clauses

552.203-71	Restriction on Advertising (SEP 1999) (references to the Government remain unchanged)
552.204-70	Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019) (by accepting the Purchase Order, Seller represents that it will not provide covered telecommunications equipment or services to ADS under the Purchase Order)
552.211-73	Marking (FEB 1996)
552.211-89	Non-Manufactured Wood Packaging Material for Export (JUL 2016)
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 (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 (DEC 1991)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016) (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 (MAY 2016)
252.223-7008	Prohibition of Hexavalent Chromium (JUN 2013)
252.225-7001	Buy American and Balance of Payments Program—Basic (DEC 2017)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (JUN 2012)
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)
252.225-7048	Export Controlled Items (JUNE 2013)
252.227-7015	Technical Data - Commercial Items (FEB 2014)
252.227-7037	Validation of Restrictive Markings on Technical Data (JUN 2013)
252.244-7000	Subcontracts for Commercial Items and Commercial Components (DOD Contracts) (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”.)
252.247-7023	Transportation of Supplies by Sea (FEB 2019)