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. "Commercial product", "commercial service", and "commercially available off-the-shelf (COTS) item" all are defined at FAR 2.101. "Purchase Order Price" price means the total price for all line items on the Purchase Order.

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) (applies if the Purchase Order price exceeds $350,000)
52.203-13	Contractor Code of Business Ethics and Conduct (JUN 2020) (applies if the Purchase Order price exceeds $7,500,000 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)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017)
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)
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (SEP 2019)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2020)

52.204-27	Prohibition on a ByteDance Covered Application (JUN 2023)
52.204-30	Federal Acquisition Supply Chain Security Act Orders—Prohibition (DEC 2023)
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (JUN 2020) (applies if the Purchase Order price is more than $45,000 and the Purchase Order includes any items that are not COTS items)
52.211-15	Defense Priority and Allocation Requirement (APR 2008) (applies if the Purchase Order is identified as a DPAS rated order)
52.215-14	Integrity of Unit Prices (NOV 2021) (applies if the Purchase Order price is more than $350,000 and the Purchase Order includes items that are not commercial products or services)
52.215-21	Requirements for Certified Cost or Pricing Data and Data Other than Certified Cost or Pricing Data - Modifications (OCT 2020) (Note: this clause applies even when certified cost or pricing data is not required, including to Purchase Orders for solely commercial products and services)
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) (applies if the Purchase Order price is $200,000 or more)
552.222-36	Equal Opportunity for Workers with Disabilities (JUL 2014) (applies if this Purchase Order exceeds $20,000; 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) (applies if the Purchase Order price is $200,000 or more)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)
52.222-50	Combating Trafficking in Persons (AUG 2020)
52.223-13	Acquisition of EPEAT® -Registered Imaging Equipment (Jun 2014) (applies if the Purchase Order includes “imaging equipment” as defined at FAR 52.223-13(a)).
52.223-14	Acquisition of EPEAT® -Registered Television (Jun 2014) (applies if the Purchase Order includes “televisions” as defined at FAR 52.223-14(a)).
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)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (DEC 2013)
52.242-13	Bankruptcy (JUL 1995)
52.244-6	Subcontracts for Commercial Items (OCT 2025)
52.242-15	Stop-Work Order (AUG 1989)
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessels (FEB 2006)

DFARS Clauses

252.203-7002	Requirements to Inform Employees of Whistleblower Rights (SEP 2013)

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)

252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (DEC 2019) (applies if information provided by ADS to Seller is identified as covered defense information)

252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support (MAY 2016)

252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (DEC 2019)

252.204-7020 Notice of NIST SP 800-171 DOD Assessment Requirements (NOV 2020) (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/dpap/pdi/cyber/strategically_assessing_contractor_implementation_of_NIST_SP_800-171.html, 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 Identification and Valuation (MAR 2016) (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 (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) (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 (DEC 2017) (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-O0019) (JUL 2020) (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)

252.225-7043 Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States (JUN 2015) (applies if Seller's performance under the Purchase Order involves any work or travel outside the United States)

252.225-7048 Export Controlled Items (JUNE 2013)

252.225-7968 Restriction on Acquisition of Personal Protective Equipment and Certain Other Items from Non-Allied Foreign Nations. (DEVIATION 2022-O0008) (full text available at https://www.acq.osd.mil/dpap/policy/ policyvault/USA000433-22-DPC.pdf) (applies if the Products are or include personal protective equipment for use in preventing spread of disease, such as by exposure to infected individuals or contamination or infection by infectious material for delivery to Customer in the United States)

252.225-7973 Prohibition on the Procurement of Foreign-Made Unmanned Aircraft Systems—Representation (DEVIATION 2020-O0015) (full text available at https://www.acq.osd.mil/dpap/policy/policyvault/USA000827-20-DPC.pdf; applies if the Purchase Order includes any unmanned aircraft systems or system or system for the detection or identification of an unmanned aircraft system, or any equipment or services related to either of the foregoing)

252.225-7975 Additional Access to Contractor and Subcontractor Records (DEVIATION 2020-O0022) (AUG 2020) (full text available at https://www.acq.osd.mil/dpap/policy/policyvault/USA001616-20-DPC.pdf; applies if Seller's performance under the Purchase Order involves any work outside the United States in support of contingency operations in which members of the Armed Forces are actively engaged in hostilities and the Purchase Order price is more than $50,000)

252.225-7980 Contractor Personnel Performing in the United States Africa Command Area of Responsibility (DEVIATION 2016-O0008) (JUN 2016) (full text available at 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 USSOUTHCOM Area of Responsibility (DEVIATION 2014-O0016) (Oct 2014) (full text available at https://www.acq.osd.mil/dpap/policy/policyvault/USA004118-14-DPAP.pdf; applies if Seller's performance under the Purchase Order involves any work in the USSOUTHCOM area of responsibility)

252.225-7993 Prohibition on Providing funds to the enemy (DEVIATION 2020-O0022) (AUG 2020) (full text available at https://www.acq.osd.mil/dpap/policy/policyvault/USA001616-20-DPC.pdf; applies if Seller's performance under the Purchase Order involves any work outside the United States in support of contingency operations in which members of the Armed Forces are actively engaged in hostilities and the Purchase Order price is more than $50,000)

252.225-7995 Contractor Personnel Performing in the United States Central Command Area of Responsibility (DEV 2017-O0004) (SEPT 2017) (full text available at https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2017-O0004.pdf; applies if Seller's performance under the Purchase Order involves any work in the USCENTCOM area of responsibility)

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 (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)