

**Federal Acquisition Regulation
Subcontract Flow down
Provisions**

Clause Title	Title	Applicability
52.203-6, Alt 1	Restrictions on Subcontractor Sales to the Government (SEP 2006)	Yes (if subcontract over \$150,000)
52.203-7	Anti-Kickback Procedures (OCT 2010)	Yes (if subcontract over \$150,000)
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (SEP 2007)	Yes (if subcontract over \$150,000)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (OCT 2010)	Yes (if subcontract over \$150,000)
52.203-13	Contractor Code of Business Ethics and Conduct (APR 2010)	Yes (if subcontract exceeds \$5.0 million and has performance period of more than 120 days)
52.203-14	Display of Hotline Poster(s) (DEC 2007)	Yes (if subcontract over \$5.0 million, except when subcontract is for commercial items)
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (JUN 2010)	Yes (if subcontract will be funded in whole or in part under Recovery Act)
52.204-2	Security Requirements (AUG 1996)	Yes (if the subcontract includes access to classified information, but excluding any reference to Changes clause of the prime contract,)
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended or Proposed for Debarment (DEC 2010)	Yes (applies if subcontract exceeds \$30,000, but not if subcontract is for commercial off-the-shelf items)
52.211-15	Defense Priority and Allocation Requirements	Yes (If order is DPAS rated order, must flow down requires to subcontractors)
52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items (JAN 2014)	Yes (subparagraph (e) identifies mandatory flow down clauses in subcontracts for commercial items)
52.214-26	Audit and Records—Sealed Bidding (OCT 1997)	Yes (for all subcontracts over \$150,000 involving sealed bidding)
52.214-28	Subcontractor Cost or Pricing Data—Modifications—Sealed Bidding (OCT 1997)	Yes (for all subcontracts over \$700,000 where certified cost or pricing data is required)
52.215-2	Audit and Records—Negotiation (JUN 1999)	Yes (for all subcontracts over \$150,000)
52.215-12	Subcontractor Cost or Pricing Data (OCT 1997)	Yes (for all subcontracts over \$700,000 where certified cost or pricing data is required)
52.215-13	Subcontractor Cost or Pricing Data—Modifications (OCT 1997)	Yes (for all subcontracts over \$700,000 where certified cost or pricing data is required)
52.215-14	Integrity of Unit Prices (OCT 2010)	Yes (if applicable)
52.215-15	Pension Adjustments and Asset Reversions (OCT 2004)	Yes (if applicable)
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (JUL 2005)	Yes (if applicable)
52.215-19	Notification of Ownership Changes (OCT 1997)	Yes (if applicable)
52.215-20	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data (OCT 2010)	Note 2 applies paragraph (a)(1)
52.215-21	Requirements for Certified Cost/Pricing Data & Data Other Than Certified Cost/Pricing Data - Mods	Note 2 applies paragraphs (a)(1) and (b)

52.219-8	Utilization of Small Business Concerns (JUL 2013)	Yes (if subcontract over \$150,000)
52.219-9	Small Business Subcontracting Plan (JUL 2013)	Yes (if subcontract offers subcontracting
52.219-16	Liquidated Damages - Subcontracting Plan	Yes (included in subcontracts where 52.219- 9
52.222-3	Convict Labor (JUN 2003)	Yes (implements E.O. 11755)
52.222-4	Contract Work Hours and Safety Standards Act— Overtime Compensation (JUL 2005)	Yes (paragraphs (a) through (d))
52.222-6	Davis-Bacon Act (JUL 2005)	Yes (if construction contract involved)
52.222-17	Nondisplacement of Qualified Workers (JAN 2013)	Yes (implements E.O. 14395)
52.222-19	Child Labor - Cooperation with Authorities and	Yes
52.222-21	Prohibition of Segregated Facilities (FEB 1999)	Yes
52.222-22	Previous Contracts and Compliance Reports (FEB 1999)	Yes; if Seller represents that it has participated in a previous contract or subcontract subject to
52.222-25	Affirmative Action Compliance (APR 1984)	Yes (when FAR 52.222-26 applies)
52.222-26	Equal Opportunity (MAR 2007)	Yes (if subcontract over \$50,000 and subcontractor has 50 or more employees)
52.222-35	Equal Opportunity for Veterans (SEP 2010)	Yes (if subcontract over \$100,000)
52.222-36	Affirmative Action for Workers with Disabilities (OCT 2010)	Yes (if subcontract over \$15,000)
52.222-37	Employment Reports on Veterans (SEP 2010)	Yes (if FAR 52.222-35 applies)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)	Yes (if subcontract over \$10,000)
52.222-41	Service Contract Act of 1965 (NOV 2007)	Yes
52.222-50	Combating Trafficking in Persons (FEB 2009)	Yes
52.222-51	Exemption from Application of the Service Contract	Yes
52.222-53	Exemption from Application of the Service Contract	Yes
52.222-54	Employment Eligibility Verification (AUG 2013)	Yes (if subcontract exceeds \$3,000 except for commercial services that are part of the purchase of a COTS item, or an item that would be a COTS item but for minor
52.223-3	Hazardous Material Identification and Material Safety Data (JAN 1997)	Yes (if contract requires delivery of hazardous materials, defined in FAR 23.301)
52.223-7	Notice of Radioactive Materials (JAN 1997)	Yes
52.223-11	Ozone-Depleting Substances (MAY 2001)	Applies if the product was manufactured with or contains ozone-depleting substances
52.223-12	Refrigeration Equipment and Air Conditions (MAY	Applies if subcontract is for services
52.225-15	Energy Efficiency in Energy-Consuming Products (DEC 2007)	Applies if subcontract requires energy- consuming products listed in the ENERGY STAR® Program or Federal Energy Management Program to be delivered; acquired by subcontractor for use in performing services at Federally-controlled facility; furnished for use by the Government; or specified in the design of a building or work, or incorporated during its construction, renovation or maintenance

52.223-16	IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (DEC 2007)	Included in contracts for personal computer products, service that require furnishing personal computer products for use by the Government, or contractor operation of Government owned facilities
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (AUG 2011)	Yes (if subcontract over \$3,000)
52.224-2	Privacy Act (APR 1984)	Yes, if applicable
52.225-1	Buy American Act—Supplies (SEP 2009)	Yes
52.225-3	Buy American Act—Free Trade Agreements—Israeli Trade Act (NOV 2012)	Yes
52.225-5	Trade Agreements (NOV 2013)	Yes
52.225-6	Trade Agreements Certificate (JAN 2005)	Yes
52.225-8	Duty-Free Entry (OCT 2010)	Yes
52.225-13	Restrictions on Certain Foreign Purchases (JUN 2008)	Yes
52.225-26	Contractors Performing Private Security Functions Outside the United States (JUL 2013)	Yes (if applicable)
52.226-6	Promoting Excess Food Donation to Nonprofit Organizations (MAR 2009)	Yes (flow down required pursuant to 52.226-6(e))
52.227-1	Authorization and Consent (DEC 2007)	Yes (if subcontract over \$150,000)
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (DEC 2007)	Yes (if subcontract over \$150,000)
52.227-9	Refund of Royalties (APR 1984)	Yes (if applicable)
52.227-10	Filing of Patent Applications—Classified Subject Matter (DEC 2007)	Yes (if applicable)
52.227-11	Patent Rights—Ownership by the Contractor (DEC 2007)	Yes (if applicable)
52.227-13	Patent Rights—Ownership by the Government (DEC 2007)	Yes (if applicable)
52.227-14	Rights in Data—General (DEC 2007)	Yes
52.227-16	Additional Data Requirements (JUN 1987)	Yes
52.227-17	Rights in Data—Special Works (DEC 2007)	Yes
52.227-18	Rights in Data—Existing Works (DEC 2007)	Yes
52.227-19	Commercial Computer Software License (DEC 2007)	Yes
52.228-3	Workers' Compensation Insurance (Defense Base Act) (APR 1984)	Yes (if Defense Base Act applies)
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas (APR 1984)	Yes (when the contract will be a public-work contract performed outside the United States and the Secretary of Labor waives the applicability of the Defense Base Act)
52.228-5	Insurance—Work on a Government Installation (JAN 1997)	Yes (if applicable)

52.229-3	Federal, State, and Local Taxes (FEB 2013)	Yes (if fixed-price contract over \$150,000)
52.229-10	State of New Mexico Gross Receipts and	Yes (if applicable)
52.230-2	Cost Accounting Standards (MAY 2012)	Yes (less paragraph (b))
52.230-3	Disclosure and Consistency of Cost Accounting	Yes (less paragraph (b))
52.230-6	Administration of Cost Accounting Standards (JUL 2010)	Yes
52.232-16	Progress Payments (APR 2012)	Yes
52.232-40	Providing Accelerated Payments to Small Business	Yes (if flow down required in accordance
52.234-1	Industrial Resources Developed Under Defense Production Act Title III (DEC 1994)	Yes (if applicable)
52.236-13	Accident Prevention (NOV 1991)	Yes
52.244-6	Subcontracts for Commercial Items (DEC 2013)	Yes
52.245-1	Government Property (APR 2012)	Yes (if Government property is involved)
52.245-2	Government Property Installation Operation Services	Yes (if Government property is involved)
52.246-1	Contractor Inspection Requirements (APR 1984)	Required when contract is \$150,000 or less and clause is necessary to ensure explicit
52.246-2	Inspection of Supplies—Fixed-Price (AUG 1996)	Yes
52.246-3	Inspection of Supplies— Cost Reimbursement (MAY	Yes
52.246-4	Inspection of Services— Fixed-Price (AUG 1996)	Yes
52.246-5	Inspection of Services— Cost Reimbursement (APR	Yes
52.246-6	Inspection--Time-and-Material and Labor-Hour (MAY 2001)	Yes
52.246-16	Responsibility for Supplies (APR 1984)	Yes
52.247-63	Preference for U.S.-Flag Air Carriers (JUN 2003)	Yes (if international air transportation of
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006)	Yes
52.248-1	Value Engineering (FEB 2000)	Yes (if subcontract over \$150,000)

Department of Defense FAR Supplement (DFARS)

252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract Related Felonies (DEC 2008)	Yes (if over \$150,000)
252.203-7004	Display of Fraud Hotline Posters (DEC 2012)	Yes (if subcontract exceeds \$5.0 million, except when subcontract is for commercial items)
252.225-7013	Duty-Free Entry (OCT 2013)	Yes (DOD contracts only)
252.244-7000	Subcontracts for Commercial Items (JUN 2013)	Yes (in all subcontracts for commercial items at any tier)
252.247-7023	Transportation of Supplies by Sea (JUN 2013)	Yes
252.247-7024	Notification of Transportation of Supplies by Sea (MAR 2000)	Yes