



Additional Terms and Conditions for the Acquisition of Commercial Items Funded Under U.S. Government Department of Energy Contracts

In addition to the terms and conditions of GA 1603, “Terms and Conditions for Commercial Orders (Supplies and Services),” the following clauses in Part 52 of the Federal Acquisition Regulation (FAR), and Part 952 of the Department of Energy Acquisition Regulations (DEAR), in effect on the date of the Order, are incorporated by this reference and made a part of the Order when the condition(s) for applicability is/are met. In all such clauses listed below, the term “Contractor” shall mean “Seller,” the term “Contract” shall mean “Order,” and the term “Government Contracting Officer” (or equivalent phrases) shall mean “Buyer,” except that in those clauses conferring patent and data rights to the Government, the term “Government” or “Contracting Officer” retains its literal meaning and is not to be construed as “Buyer.”

The FAR and DEAR clauses referenced below shall apply to Seller and its lower-tier subcontractors in such manner necessary to reflect the position of Seller as a subcontractor to Buyer to ensure Seller’s obligations to Buyer and to the U.S. Government, and to enable Buyer to meet its obligations under its contracts funded by the U.S. Government. Clauses incorporated by reference have the same force and effect as if they were given in full text. The full text of a clause may be accessed electronically at the following address: www.acquisition.gov.

The following FAR Clauses apply regardless of the dollar value of the Order:

- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
- 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
- 52.204-27 Prohibition on a ByteDance Covered Application
- 52.204-30 Federal Acquisition Supply Chain Security Act Orders - Prohibition
- 52.219-8 Utilization of Small Business Concerns (*applies to Orders that offer further subcontracting opportunities*)
- 52.222-50 Combating Trafficking in Persons (*except that section (h) only applies to Orders exceeding \$550,000 for supplies acquired, or services performed, outside the U.S.*)
- 52.222-62 Paid Sick Leave Under Executive Order 13706
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors
- 52.244-6 Subcontracts for Commercial Products and Commercial Services
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

The following FAR clause applies if the value of the Order exceeds \$3,500:

- 52.222-54 Employment Eligibility Verification

The following FAR clauses applies if the value of the Order exceeds \$10,000:

- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act

The following FAR clause applies if the value of the Order exceeds \$15,000:

- 52.222-36 Equal Opportunity for Workers with Disabilities

The following FAR clauses apply, as indicated below, if the value of the Order exceeds \$150,000:

- 52.222-35 Equal Opportunity for Veterans
- 52.222-37 Employment Reports on Veterans

The following FAR clauses apply, as indicated below, if the value of the Order exceeds \$250,000:

- 52.203-17 Contractor Employee Whistleblower Rights

The following FAR clause applies if the value of the Order exceeds \$6,000,000:

- 52.203-13 Contractor Code of Business Ethics and Conduct

The following DEAR Clauses apply regardless of dollar value of the Order:

- 952.203-70 Whistleblower Protection for Contractor Employees
- 952.204-77 Computer Security
- 952.208-70 Printing
- 952.225-71 Compliance with Export Control Laws and Regulations
- 952.235-71 Research Misconduct