

**SOLICITATION PREPARATION GUIDE FOR  
THE ACQUISITION OF COMMERCIAL ITEMS BY DoD**

**Current through 7 May 2015  
FAC 2005-82  
DPN 20150420  
CD 2015-O0014**

## **Purpose**

The purpose of this guide is to 1) assist DoD contract specialists responsible for preparing competitive solicitations for the acquisition of commercial items using FAR Part 12 procedures, 2) assist DoD contracting officers or other DoD contracting personnel responsible for ensuring the quality of these solicitations prior to their release, and 3) assist administrators of automated procurement systems used by DoD (i.e., PD<sup>2</sup>, ConWrite, etc.) who are responsible for ensuring that competitive solicitations produced with the aid of these automated procurement systems are of good quality. This guide does not specifically address the preparation of combined synopsis/solicitation procedure described in FAR 12.603. However, the information in this guide may be useful in preparing a combined synopsis/solicitation as it relates to the type of information that should be in an addendum, the clauses to be incorporated by reference in FAR 52.212-5, etc.

## **Solicitation format.**

Pursuant to FAR 12.303, solicitations for the acquisition of commercial items prepared using FAR Part 12 shall be assembled, to the maximum extent practicable, using the following format:

- (a) Standard Form (SF) 1449;
- (b) Continuation of any block from the SF 1449;
- (c) Contract clauses;
- (d) Any solicitation documents, exhibits or attachments; and
- (e) Solicitation provisions

For ease of use, the organization of this guide resembles the preferred organization of a solicitation for the acquisition of commercial items using FAR Part 12 ((a) through (e) above).

## **Advice and Recommendations**

Users of this guide are advised against printing it out and using it as a desk reference, as it will be continuously updated in response to changes to the FAR or DFARS that affect the acquisition of commercial items and as a result of user feedback. Instead, it should be accessed online at the Defense Acquisition University Acquisition Community Connection Web site (<https://acc.dau.mil>) under the Contracting Community of Practice. All suggestions and recommendations to improve the content and format of this guide are welcome and should be sent to [donald.mansfield@dau.mil](mailto:donald.mansfield@dau.mil).

## **Part (a): Standard Form 1449**

The SF 1449, Solicitation/Contract/Order for Commercial Items, shall be used, to the maximum extent practicable, as the cover page of a solicitation for commercial items. The official form is available in the GSA Forms Library. The FAR Home page ([www.acquisition.gov/far](http://www.acquisition.gov/far)) contains a hyperlink to the GSA Forms Library.

When using the SF 1449 as the cover page to a solicitation, the following blocks must be completed:

Block 1: Requisition number (if known).

Block 5: Solicitation number (see DFARS 204.70 for solicitation numbering procedures).

Block 6: Solicitation issue date.

Block 7a&b: Insert name and phone number of the point of contact for the solicitation.

Block 8: Insert the date and local time that quotations (if the solicitation is an RFQ) or offers (if the solicitation is an IFB or an RFP) are due.

Block 9: Insert the address of the contracting office. Insert the Department of Defense Activity Address Code (DoDAAC) of the contracting office in the “Code” box.

Block 10: Check either the “Unrestricted” or the “Set-Aside” boxes, depending on the extent of competition that you are seeking. You must also insert the applicable North American Industry Classification System (NAICS) code for the item you intend to procure and the accompanying size standard for the applicable NAICS code. NAICS codes are available at [www.census.gov/naics](http://www.census.gov/naics). If you check the “Set-Aside” box, you must also check the box indicating the type of set-aside (small business, HUBZone small business, or service-disabled veteran-owned small business). If you indicate that the procurement will be set-aside for small business, you must indicate the percentage of the procurement that is being set aside for small business. If the procurement is being conducted using competitive procedures under the Small Business Administration 8(a) business development program, you must check the “8(A)” box to indicate this.

Block 11: If delivery terms are other than FOB destination, check the “See Schedule” box and specify the delivery terms on an SF 1449 continuation sheet.

Block 13a&b: If the procurement is a rated order under the Defense Priorities and Allocations System (DPAS), check the box in block 13a and specify the rating in block 13b. See FAR Subpart 11.6 and 15 CFR 700 for information on DPAS ratings.

Block 14: Check the box indicating the type of solicitation being issued; Request for Quotations (RFQ), Invitation for Bids (IFB), or Request for Proposals (RFP).

Block 15: Insert place of delivery and, in the “Code” box, the DoDAAC for the receiving activity.

Blocks 19-22: For each contract line item established and numbered in accordance with the criteria in DFARS 204.7103, insert the line item number, description of supply and/or service sought, quantity, and unit of issue.

Block 27a: Check block 27a and indicate whether or not you are attaching addenda to FAR 52.212-1 or FAR 52.212-4.

Block 28: Check block 28 if you are issuing an IFB or an RFP. Specify the number of copies that offerors are required to submit.

## **Part (b): Continuation of any block from the SF 1449**

For information that does not completely fit into the blocks of the SF 1449 (e.g., Block 11 if specifying other than FOB destination delivery terms or blocks 19-22 for contract line item numbers, schedule of supplies/services, quantity, and unit of issue), you should use an SF 1449 continuation sheet. If you are going to use an SF 1449 continuation sheet, be sure to indicate in the block on the SF 1449 that the information is contained on the continuation sheet. The SF 1449 continuation sheet should be labeled as such and should, for all information provided, clearly indicate the corresponding block(s) on the SF 1449.

## **Part (c): Contract Clauses**

(1) FAR 52.212-4, Contract Terms and Conditions—Commercial Items (May 2015).

*Insert this clause in solicitations and contracts for the acquisition of commercial items. This clause includes terms and conditions which are, to the maximum extent practicable, consistent with customary commercial practices and is incorporated in the solicitation and contract by reference (see Block 27, SF 1449). The contracting officer may tailor this clause in accordance with FAR 12.302. Use this clause with its Alternate I when a time-and-materials or labor-hour contract will be awarded.*

(2) Addendum to FAR 52.212-4. Any addendum to FAR 52.212-4 should be clearly labeled as such and shall include the following information, as appropriate:

(i) If the contracting officer tailors FAR 52.212-4 in accordance with FAR 12.302, the tailored parts of the clause shall be stated in the addendum.

(ii) If the contracting officer specifies commercial contract financing terms, the information required by FAR 32.206(b)(1) shall be included in the addendum.

(iii) When cost information will be obtained pursuant to FAR part 15 to establish the reasonableness of prices for commercial items, the contracting officer shall insert the clauses prescribed for this purpose in the addendum.

(iv) The contracting officer may include in solicitations and contracts by addendum to FAR 52.212-4 other FAR clauses when their use is consistent with the limitations contained in FAR 12.302. For example:

(A) The contracting officer may include appropriate clauses when an indefinite-delivery type of contract will be used. The clauses prescribed at FAR 16.506 may be used for this purpose.

(B) The contracting officer may include appropriate clauses when the use of options is in the Government's interest. The clauses prescribed in FAR 17.208 may be used for this purpose.

(C) The contracting officer may use the provisions and clauses contained in FAR Part 23 regarding the use of products containing recovered materials and biobased products when appropriate for the item being acquired.

(v) The contracting officer shall insert the clause at 52.245-1, Government Property (Apr 2012), in contracts or modifications awarded under FAR Part 12 procedures where Government property that exceeds the simplified acquisition threshold, as defined in FAR 2.101, is furnished or where the contractor is directed to acquire

property for use under the contract that is titled in the Government. The contracting officer shall use the clause with its Alternate I in contracts other than time-and-materials labor-hour, and negotiated fixed-price contracts. Purchase orders for property repair need not include a Government property clause when the acquisition cost of Government property to be repaired does not exceed the simplified acquisition threshold, unless other Government property (not for repair) is provided.

(vi) The contracting officer shall insert the clause at 52.245-9, Use and Charges, in solicitations and contracts when the clause at 52.245-1 is included.

(3) FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes and Executive Orders (May 2015). This clause incorporates by reference only those clauses required to implement provisions of law or Executive orders applicable to the acquisition of commercial items. The contracting officer shall attach this clause to the solicitation and contract and, using the appropriate clause prescriptions, indicate which, if any, of the additional clauses cited in 52.212-5(b) or (c) are applicable to the specific acquisition. Some of the clauses require fill-in; the fill-in language should be inserted as directed by FAR 52.104(d). When cost information is obtained pursuant to FAR part 15 to establish the reasonableness of prices for commercial items, the contracting officer shall insert the clauses prescribed for this purpose in an addendum to the solicitation and contract. This clause may not be tailored or incorporated by reference. Use the clause with its Alternate I when the head of the agency has waived the examination of records by the Comptroller General in accordance with FAR [25.1001](#). If the acquisition will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5), the contracting officer shall use the clause with its Alternate II. In the case of a bilateral contract modification that will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the contracting officer shall specify applicability of Alternate II to that modification. In the case of a task- or delivery-order contract in which not all orders will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the contracting officer shall specify the task or delivery orders to which Alternate II applies. The contracting officer may not use Alternate I when Alternate II applies. The FAR clauses contained in FAR 52.212-5(b) and (c) are shown with their prescriptions (shown in *italics*) below:

Paragraph (b) clauses

(b)(1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sep 2006), with Alternate I (Oct 1995). *The contracting officer shall insert this clause in solicitations and contracts exceeding the simplified acquisition threshold.*

(2) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Apr 2010). *Insert this clause in solicitations and contracts if the value of the contract is expected to exceed \$5,000,000 and the performance period is 120 days or more.*

(3) 52.203-15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010). *Use this clause in all solicitations and contracts funded in whole or in part with Recovery Act funds.*

(4) 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (Jul 2013). *The contracting officer shall insert this clause in all solicitations and contracts of \$25,000 or more. The clause is not required in classified solicitations and contracts or solicitations and contracts with individuals.*

(5) Reserved.

(6) 52.204-14, Service Contract Reporting Requirements (JAN 2014). *The contracting officer shall insert this clause in solicitations and contracts for services (including construction) that meet or exceed the thresholds at 4.1703, except for indefinite-delivery contracts. This clause is not required for actions entirely funded by DoD, contracts awarded with a generic DUNS number, or in classified solicitations, contracts, or orders.*

(7) 52.204-15, Service Contract Reporting Requirements for Indefinite Delivery Contracts (JAN 2014). *The contracting officer shall insert this clause in solicitations and indefinite-delivery contracts for services (including construction) where one or more orders issued thereunder are expected to each meet or exceed the thresholds at 4.1703. This clause is not required for actions entirely funded by DoD, contracts awarded with a generic DUNS number, or in classified solicitations, contracts, or orders.*

(8) [52.209-6](#), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Aug 2013) ([31 U.S.C. 6101](#) note). *The contracting officer shall insert this clause in solicitations and contracts where the contract value exceeds \$30,000.*

(9) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (Jul 2013). *The contracting officer shall insert this clause (1) in solicitations where the resultant contract value is expected to exceed \$500,000; and (2) in contracts in which the offeror checked "has" in paragraph (b) of the provision at [52.209-7](#).*

(10) Reserved.

(11) 52.219-3, Notice of HUBZone Set-Aside or Sole Source Award (Nov 2011). *The contracting officer shall insert this clause in solicitations and contracts for acquisitions that are set aside, or reserved for, or awarded on a sole source basis to, HUBZone small business concerns under 19.1305 or 19.1306. This includes multiple-award contracts when orders may be set aside for HUBZone small business concerns as described in 8.405-5 and 16.505(b)(2)(i)(F). The contracting officer shall use the clause with its Alternate I to waive the 50 percent requirement if the conditions at 19.1308(b) apply. If a waiver is granted, the HUBZone small business prime contractor must still meet the performance of work requirements set forth in 13 CFR 125.6(c).*

(12) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Oct 2014). *The contracting officer shall insert this clause in*

*solicitations and contracts for acquisitions conducted using full and open competition. The contracting officer shall use the clause with its Alternate I to waive the 50 percent requirement if the conditions at [19.1308\(b\)](#) apply. If a waiver is granted, the HUBZone small business prime contractor must still meet the performance of work requirements set forth in 13 CFR 125.6(c).*

(13) Reserved.

(14) 52.219-6, Notice of Total Small Business Set-Aside (Nov 2011). *The contracting officer shall insert this clause in solicitations and contracts involving total small business set-asides or reserves. This includes multiple-award contracts when orders may be set aside for any of the small business concerns identified in 19.000(a)(3), as described in 8.405-5 and 16.505(b)(2)(i)(F). The clause at 52.219-6 with its Alternate I will be used when the acquisition is for a product in a class for which the Small Business Administration has waived the nonmanufacturer rule (see 19.102(f)(4) and (5)). Use the clause at 52.219-6 with its Alternate II when including FPI in the competition in accordance with 19.504*

(15) 52.219-7, Notice of Partial Small Business Set-Aside (June 2003). *The contracting officer shall insert this clause in solicitations and contracts involving partial small business set-asides. This includes part or parts of multiple-award contracts, including those described in 38.101. The clause at 52.219-7 with its Alternate I will be used when the acquisition is for a product in a class for which the Small Business Administration has waived the nonmanufacturer rule (see 19.102(f)(4) and (5)). Use the clause at 52.219-7 with its Alternate II when including FPI in the competition in accordance with 19.504*

(16) 52.219-8, Utilization of Small Business Concerns (Oct 2014). *Insert this clause in solicitations and contracts when the contract amount is expected to exceed the simplified acquisition threshold unless-*

*(i) A personal services contract is contemplated (see 37.104); or*  
*(ii) The contract, together with all of its subcontracts, will be performed entirely outside of the United States and its outlying areas.*

(17) 52.219-9, Small Business Subcontracting Plan (Oct 2014). *Not for DoD use. See Class Deviations section below.*

(18) 52.219-13, Notice of Set-Aside of Orders (Nov 2011). *The contracting officer shall insert this clause in solicitations and contracts to notify offerors if an order or orders are to be set aside for any of the small business concerns identified in 19.000(a)(3).*

(19) 52.219-14, Limitations on Subcontracting (Nov 2011). *The contracting officer shall insert this clause in solicitations and contracts for supplies, services, and construction, if any portion of the requirement is to be set aside or reserved for small business and the contract amount is expected to exceed \$150,000. This includes multiple-*



*award contracts when orders may be set aside for small business concerns, as described in 8.405-5 and 16.505(b)(2)(i)(F). The contracting officer shall also insert this clause in any solicitation and contract resulting from FAR Subpart 19.8. This includes multiple-award contracts when orders may be set aside for 8(a) concerns as described in 8.405-5 and 16.505(b)(2)(i)(F).*

(20) 52.219-16, Liquidated Damages—Subcontracting Plan (JAN 1999). *Insert this clause in all solicitations and contracts containing the clause at 52.219-9, Small Business Subcontracting Plan, or the clause with its Alternate I or II. In contracts with contractors that have comprehensive subcontracting plans approved under the test program described in DFARS [219.702\(a\)](#), do not use this clause.*

(21) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011). *The contracting officer shall insert this clause in solicitations and contracts for acquisitions that are set aside or reserved for, or awarded on a sole source basis to, service-disabled veteran-owned small business concerns under 19.1405 and 19.1406. This includes multiple-award contracts when orders may be set aside for service-disabled veteran-owned small business concerns as described in 8.405-5 and 16.505(b)(2)(i)(F).*

(22) 52.219-28, Post Award Small Business Program Rerepresentation (Jul 2013). *Insert this clause in solicitations and contracts exceeding the micro-purchase threshold when the contract will be performed in the United States or its outlying areas.*

(23) 52.219-29, Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Jul 2013). *The contracting officer shall insert this clause in solicitations and contracts for acquisitions that are set aside or reserved for economically disadvantaged women-owned small business (EDWOSB) concerns under 19.1505(b). This includes multiple-award contracts when orders may be set aside for EDWOSB concerns as described in 8.405-5 and 16.505(b)(2)(i)(F).*

(24) 52.219-30, Notice of Set-Aside for Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Jul 2013). *The contracting officer shall insert this clause in solicitations and contracts for acquisitions that are set aside or reserved for women-owned small business (WOSB) concerns under 19.1505(c). This includes multiple-award contracts when orders may be set aside for WOSB concerns eligible under the WOSB program as described in 8.405-5 and 16.505(b)(2)(i)(F).*

(25) 52.222-3, Convict Labor (June 2003). *Insert this clause in solicitations and contracts above the micro-purchase threshold, when the contract will be performed in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, or the U.S. Virgin Islands; unless-*

*(i) The supplies or services are to be purchased from Federal Prison Industries, Inc. (see FAR Subpart 8.6); or*



(ii) *The acquisition involves the purchase, from any State prison, of finished supplies that may be secured in the open market or from existing stocks, as distinguished from supplies requiring special fabrication.*

(26) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Jan 2014). *Insert this clause in all solicitations and contracts for the acquisition of supplies that are expected to exceed the micro-purchase threshold.*

(27) 52.222-21, Prohibition of Segregated Facilities (Apr 2015). *The contracting officer shall insert this clause in the solicitations and contracts that will include the clause at FAR 52.222-26, Equal Opportunity.*

(28) 52.222-26, Equal Opportunity (Apr 2015). *The contracting officer shall insert this clause in solicitations and contracts (see [22.802](#)) unless the contract is exempt from all of the requirements of E.O. 11246 (see [22.807\(a\)](#)). If the contract is exempt from one or more, but not all, of the requirements of E.O. 11246, the contracting officer shall use the clause with its Alternate I.*

(29) 52.222-35, Equal Opportunity for Veterans (Jul 2014). *Insert this clause in solicitations and contracts if the expected value is \$100,000 or more, except when--*

(i) *Work is performed outside the United States by employees recruited outside the United States; or*

(ii) *The Director, Office of Federal Contract Compliance Programs of the U.S. Department of Labor, has waived, in accordance with 22.1305(a) or the head of the agency has waived, in accordance with 22.1305(b) all of the terms of the clause.*

*If the Director, Office of Federal Contract Compliance Programs, or the head of the agency waives one or more (but not all) of the terms of the clause, use the basic clause with its Alternate I.*

(30) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014). *Insert this clause in solicitations and contracts that exceed or are expected to exceed \$15,000, except when--*

(i) *Both the performance of the work and the recruitment of workers will occur outside the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island; or*

(ii) *The Director of OFCCP or agency head has waived, in accordance with FAR 22.1403(a) or FAR 22.1403(b) all the terms of the clause. If the Director of OFCCP or agency head waives one or more (but not all) of the terms of the clause, use the basic clause with its Alternate I.*

(31) 52.222-37, Employment Reports on Veterans (Jul 2014). *Insert this clause in solicitations and contracts containing the clause at FAR 52.222-35, Equal Opportunity for Veterans.*

(32) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010). *Insert this clause in all solicitations and contracts, including*

*acquisitions for commercial items and commercially available off-the-shelf items, except acquisitions—*

- (1) Under the simplified acquisition threshold. For indefinite-quantity contracts, include the clause only if the value of orders in any calendar year of the contract is expected to exceed the simplified acquisition threshold;*
- (2) For work performed exclusively outside the United States; or*
- (3) Covered (in their entirety) by an exemption granted by the Secretary.*

*(33) 52.222-50, Combating Trafficking in Persons (Mar 2015). Insert this clause in all solicitations and contracts. Use the clause with its Alternate I when the contract will be performed outside the United States (as defined at [22.1702](#)) and the contracting officer has been notified of specific U.S. directives or notices regarding combating trafficking in persons (such as general orders or military listings of “off-limits” local establishments) that apply to contractor employees at the contract place of performance.*

*(34) 52.222-54, Employment Eligibility Verification (Aug 2013). Insert this clause in all solicitations and contracts that exceed the simplified acquisition threshold, except those that--*

- (a) Are only for work that will be performed outside the United States;*
- (b) Are for a period of performance of less than 120 days; or*
- (c) Are only for--*

*(1) Commercially available off-the-shelf items;*  
*(2) Items that would be COTS items, but for minor modifications (as defined at paragraph (3)(ii) of the definition of “commercial item” at 2.101);*

*(3) Items that would be COTS items if they were not bulk cargo; or*

- (4) Commercial services that are--*
  - (i) Part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications);*
  - (ii) Performed by the COTS provider; and*
  - (iii) Are normally provided for that COTS item.*

*(35) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008). Insert this clause in solicitations and contracts exceeding \$150,000 that are for, or specify the use of, EPA-designated items containing recovered materials. If technical personnel advise that estimates can be verified, use the clause with its Alternate I. The clause is not applicable to the acquisition of commercially available off-the-shelf items.*

*(36) 52.223-13, Acquisition of EPEAT®-Registered Imaging Equipment (Jun 2014). Unless an exception applies in accordance with FAR [23.704\(a\)](#), insert this clause in all solicitations and contracts when imaging equipment (copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) will be—*

- (i) Delivered;*

(ii) *Acquired by the contractor for use in performing services at a Federally controlled facility; or*

(iii) *Furnished by the contractor for use by the Government.*

*Agencies may use the clause with its Alternate I when there are sufficient EPEAT® silver– or gold-registered products available to meet agency needs.*

(37) 52.223-14, Acquisition of EPEAT®-Registered Televisions (Jun 2014). *Unless an exception applies in accordance with FAR [23.704\(a\)](#), insert this clause in all solicitations and contracts when televisions will be—*

(i) *Delivered;*

(ii) *Acquired by the contractor for use in performing services at a Federally controlled facility; or*

(iii) *Furnished by the contractor for use by the Government.*

*Agencies may use the clause with its Alternate I when there are sufficient EPEAT® silver– or gold-registered products available to meet agency needs.*

(38) 52.223-15, Energy Efficiency in Energy-Consuming Products (Dec 2007). *Unless exempt pursuant to FAR 23.204, insert this clause in solicitations and contracts when energy-consuming products listed in the ENERGY STAR[reg] Program or FEMP will be--*

(a) *Delivered;*

(b) *Acquired by the contractor for use in performing services at a Federally-controlled facility;*

(c) *Furnished by the contractor for use by the Government; or*

(d) *Specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.*

(39) 52.223-16, Acquisition of EPEAT®-Registered Personal Computer Products (June 2014). *Unless an exception applies in accordance with [23.704\(a\)](#), insert this clause in all solicitations and contracts when personal computer products will be—*

(i) *Delivered;*

(ii) *Acquired by the contractor for use in performing services at a Federally controlled facility; or*

(iii) *Furnished by the contractor for use by the Government.*

*Agencies may use the clause with its Alternate I when there are sufficient EPEAT® silver- or gold-registered products available to meet agency needs.*

(40) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011). *The contracting officer shall insert this clause in all solicitations and contracts.*

(41) 52.225-1, Buy American—Supplies (May 2014). *This clause is not for DoD use.*

(42) 52.225-3, Buy American—Free Trade Agreements—Israeli Trade Act (May 2014). *This clause is not for DoD use.*

(43) 52.225-5, Trade Agreements (NOV 2013). *This clause is not for DoD use.*

(44) 52.225-13, Restrictions on Certain Foreign Purchases (Jun 2008). *Insert this clause in solicitations and contracts, unless an exception applies.*

(45) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Jul 2013). *Use this clause in the following solicitations and contracts:*

*(1) A DoD contract for performance in an area of—*

*(i) Contingency operations outside the United States;*

*(ii) Combat operations, as designated by the Secretary of Defense;*

*or*

*(iii) Other significant military operations, as designated by the Secretary of Defense only upon agreement of the Secretary of Defense and the Secretary of State.*

*(2) A contract of a non-DoD agency for performance in an area of—*

*(i) Combat operations, as designated by the Secretary of Defense;*

*or*

*(ii) Other significant military operations, as designated by the Secretary of Defense and only upon agreement of the Secretary of Defense and the Secretary of State.*

*The clause is not required to be used for—*

*(1) Contracts entered into by elements of the intelligence community in support of intelligence activities; or*

*(2) Temporary arrangements entered into by non-DoD contractors for the performance of private security functions by individual indigenous personnel not affiliated with a local or expatriate security company.*

(46) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150). *The contracting officer shall insert the provision at FAR 52.226-4, Notice of Disaster or Emergency Area Set-aside in solicitations and contracts for acquisitions that are set-aside for a Disaster or Emergency Area under FAR 26.203(a).*

(47) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150). *The contracting officer shall insert clause at FAR*

52.226-5, *Restrictions on Subcontracting Outside Disaster or Emergency Area, in all solicitations and contracts that contain the provision at FAR 52.226-3.*

(48) 52.232-29, *Terms for Financing of Purchases of Commercial Items (Feb 2002). Insert this clause in solicitations and contracts for the acquisition of commercial items when the contracting officer specifies the terms of commercial contract financing. Insert this clause in contracts for the acquisition of commercial items when the solicitation invited offerors to propose financing terms and the successful offeror proposed financing terms.*

(49) 52.232-30, *Installment Payments for Commercial Items (Oct 1995). Contracting officers may insert this clause in solicitations and contracts in lieu of constructing a specific clause in accordance with FAR 32.206(b) through (e), if the contract action qualifies under the criteria at FAR 32.202-1(b) and installment payments for the item are either customary or are authorized in accordance with agency procedures.*

(50) 52.232-33, *Payment by Electronic Funds Transfer—System for Award Management (Jul 2013). The contracting officer shall insert this clause in solicitations and contracts that include the provision at FAR 52.204-7 or an agency clause that requires a contractor to be registered in the CCR database and maintain registration until final payment, unless—*

*(i) Payment will be made through a third party arrangement (see FAR 13.301 and FAR 32.1110(d)); or*

*(ii) An exception listed in FAR 32.1103(a) through (i) applies.*

(51) 52.232-34, *Payment by Electronic Funds Transfer—Other than System for Award Management (Jul 2013). The contracting officer shall insert this clause in solicitations and contracts that require EFT as the method for payment but do not include the provision at FAR 52.204-7, System for Award Management, or a similar agency clause that requires the contractor to be registered in the SAM database.*

(52) 52.232-36, *Payment by Third Party (May 2014). If payment under a written contract will be made by a charge to a Government account with a third party such as a Governmentwide commercial purchase card, then the contracting officer shall insert this clause in solicitations and contracts. When the clause at 52.232-36 is included in a solicitation or contract, the contracting officer shall also insert the clause at 52.232-33, Payment by Electronic Funds Transfer—System for Award Management, or 52.232-34, Payment by Electronic Funds Transfer--Other Than System for Award Management, as appropriate.*

(53) 52.239-1, *Privacy or Security Safeguards (Aug 1996). The contracting officer shall insert a clause substantially the same as this clause in solicitations and contracts for information technology which require security of information technology, and/or are for the design, development, or operation of a system of records using commercial information technology services or support services. The contracting officer*

may incorporate by reference the unaltered text of the clause by checking the corresponding line in the body of the clause at FAR 52.212-5. However, if the contracting officer alters the text of the clause, this clause shall not be incorporated by reference and the full text of the altered clause shall be included in the addendum to FAR 52.212-4.

(54) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006). *Not applicable to DoD.*

Paragraph (c) clauses

(c)(1) 52.222-17, Nondisplacement of Qualified Workers (May 2014). *The contracting officer shall insert this clause in solicitations and contracts for (1) service contracts, as defined at 22.001, (2) that succeed contracts for performance of the same or similar work at the same location and (3) that are not exempted by 22.1203-2 or waived in accordance with 22.1203-3.*

(2) 52.222-41, Service Contract Labor Standards (May 2014). *The contracting officer shall insert this clause in solicitations and contracts if the contract is subject to the Service Contract Labor Standards statute and is—*

*(i) For over \$2,500; or*

*(ii) For an indefinite dollar amount and the contracting officer does not know in advance that the contract amount will be \$2,500 or less.*

*The contracting officer shall not insert this clause (or any of the associated Service Contract Labor Standards statute clauses prescribed in FAR 22.1006 for possible use when 52.222-41 applies) in the resultant contract if--*

*(i) The solicitation includes the provision at--*

*(A) 52.222-48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Certification;*

*(B) 52.222-52, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Certification; or*

*(C) Either of the comparable certifications is checked as applicable in the provision at 52.204-8(c)(2)(v) or (vi) or 52.212-3(k); and*

*(ii) The contracting officer has made the determination, in accordance with paragraphs (c)(3) or (d)(3) of subsection 22.1003-4, that the Service Contract Labor Standards statute does not apply to the contract. (In such case, insert the clause at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements, or 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements, in the contract, in accordance with the prescription at paragraph (e)(2)(ii) or (e)(4)(ii) of FAR 22.1006).*

(3) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 2014). *The contracting officer shall insert this clause in solicitations and contracts if the contract*

*amount is expected to be over \$2,500 and the Service Contract Labor Standards is applicable.*

(4) 52.222-43, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (May 2014). *The contracting officer shall insert this clause or another clause which accomplishes the same purpose, in solicitations and contracts if the contract is expected to be a fixed-price service contract containing the clause at FAR 52.222-41, Service Contract Labor Standards, and is a multiple year contract or is a contract with options to renew which exceeds the simplified acquisition threshold. The clause may be used in contracts that do not exceed the simplified acquisition threshold. The contracting officer may incorporate by reference the unaltered text of the clause by checking the corresponding line in the body of the clause at FAR 52.212-5. However, if the contracting officer alters the text of the clause, this clause shall not be incorporated by reference and the full text of the altered clause shall be included in the addendum to FAR 52.212-4.*

(5) 52.222-44, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (May 2014). *The contracting officer shall insert this clause in solicitations and contracts if the contract is expected to be a fixed-price service contract containing the clause at FAR 52.222-41, Service Contract Labor Standards, exceeds the simplified acquisition threshold, and is not a multiple year contract or is not a contract with options to renew. The clause may be used in contracts that do not exceed the simplified acquisition threshold.*

(6) [52.222-51](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (May 2014). *The contracting officer shall insert this clause--*

*(i) In solicitations that include the provision at 52.222-48, or the comparable provision is checked as applicable in the clause at 52.204-8(c)(2)(v) or 52.212-3(k)(1); and*

*(ii) In resulting contracts in which the contracting officer has determined, in accordance with 22.1003-4(c)(3), that the Service Contract Labor Standards statute does not apply.*

(7) [52.222-53](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (May 2014). *The contracting officer shall insert this clause—*

*(i) In solicitations that include the provision at [52.222-52](#), or the comparable provision is checked as applicable in [52.204-8\(c\)\(2\)\(vi\)](#) or [52.212-3\(k\)\(2\)](#); and*

*(ii) In resulting contracts in which the contracting officer has determined, in accordance with [22.1003-4\(d\)\(3\)](#), that the Service Contract Labor Standards statute does not apply.*

(8) 52.222-55, Minimum Wages Under Executive Order 13658 (Dec 2014). *Insert this clause in solicitations and contracts that include the clause at [52.222-6](#), Construction Wage Rate Requirements, or [52.222-41](#), Service Contract Labor Standards,*



*where work is to be performed, in whole or in part, in the United States (the 50 States and the District of Columbia).*

(9) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (May 2014). *Insert this clause in solicitations and contracts greater than \$25,000 for the provision, service, or sale of food in the United States.*

(10) 52.237-11, Accepting and Dispensing of \$1 Coin (SEP 2008). *Insert this clause in solicitations and contracts for the provision of services that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States.*

-----*(END OF FAR 52.212-5)*-----

(4) FAR 52.203-3, Gratuities (Apr 1984). *The contracting officer shall insert this clause in solicitations and contracts with a value exceeding the simplified acquisition threshold, except those for personal services and those between military departments or defense agencies and foreign governments that do not obligate any funds appropriated to the Department of Defense.*

(5) FAR 52.204-18, Commercial and Government Entity Code Maintenance (Nov 2014). *Insert this clause in all solicitations and contracts when the solicitation contains the provision at FAR [52.204-16](#), Commercial and Government Entity Code Reporting.*

(6) FAR 52.225-19, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States (Mar 2008). *Insert this clause in solicitations and contracts that will require contractor personnel to perform outside the United States--*

*(a) In a designated operational area during--*

*(1) Contingency operations;*

*(2) Humanitarian or peacekeeping operations; or*

*(3) Other military operations or military exercises, when designated by the combatant commander; or*

*(b) When supporting a diplomatic or consular mission--*

*(1) That has been designated by the Department of State as a danger pay post (see [http://aoprals.state.gov/Web920/danger\\_pay\\_all.asp](http://aoprals.state.gov/Web920/danger_pay_all.asp)); or*

*(2) That the contracting officer determines is a post at which application of the clause FAR 52.225-19, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission outside the United States, is appropriate.*

(7) [52.232-40](#), Providing Accelerated Payments to Small Business Subcontractors (Dec 2013). *Insert this clause in all solicitations and contracts.*

(8) DFARS Clauses. The contracting officer shall include the following DFARS clauses in solicitations and contracts for the acquisition of commercial items as prescribed below:

- (i) [252.203-7000](#), Requirements Relating to Compensation of Former DoD Officials (SEP 2011). *Use this clause in all solicitations and contracts.*
- (ii) [252.203-7003](#), Agency Office of the Inspector General (APR 2012). *Use this clause in solicitations and contracts that include the FAR clause 52.203-13, Contractor Code of Business Ethics and Conduct.*
- (iii) [252.204-7012](#), Safeguarding of Unclassified Controlled Technical Information (NOV 2013). *Use this clause in all solicitations and contracts.*
- (iv) 252.204-7014, Limitations on the Use or Disclosure of Information by Litigation Support Contractors (FEB 2014). *Use this clause in all solicitations and contracts that involve litigation support services.*
- (v) 252.204-7015 Disclosure of Information to Litigation Support Contractors (FEB 2014). *Use this clause in all solicitations and contracts.*
- (vi) [252.205-7000](#), Provision of Information to Cooperative Agreement Holders (Dec 1991). *Use this clause in solicitations and contracts that are expected to exceed \$1,000,000.*
- (vii) [252.211-7003](#), Item Unique Identification and Valuation (DEC 2013). *Use this clause in solicitations and contracts that require item identification or valuation, or both, in accordance with [211.274-2](#) and [211.274-3](#). Identify in paragraph (c)(1)(ii) of the clause the contract line, subline, or exhibit line item number and description of any item(s) below \$5,000 in unit acquisition cost for which DoD item unique identification or a DoD recognized unique identification equivalent is required in accordance with [211.274-2\(a\)\(2\)](#). Identify in paragraph (c)(1)(iii) of the clause the applicable attachment number, when DoD item unique identification or a DoD recognized unique identification equivalent is required in accordance with [211.274-2\(a\)\(3\)\(i\) through \(v\)](#).*
- (viii) [252.211-7006](#), Passive Radio Frequency Identification (Sep 2011). *Use this clause in solicitations and contracts that will require shipment of items meeting the criteria at DFARS 211.275-2, and complete paragraph (b)(1)(ii) of the clause at DFARS 252.211-7006 as appropriate.*
- (ix) 252.211-7007, Reporting of Government-Furnished Property (AUG 2012). *Use this clause in solicitations and contracts that contain the clause at FAR 52.245-1, Government Property.*
- (x) 252.211-7008, Use of Government-Assigned Serial Numbers (SEP 2010). *Use this clause in solicitations and contracts that—(1) Contain the clause at [252.211-7003](#), Item Unique Identification and Valuation; and (2) Require the contractor to mark major end items under the terms and conditions of the contract.*

(xi) [252.215-7004](#), Requirement for Submission of Data Other Than Certified Cost or Pricing Data—Modifications—Canadian Commercial Corporation (OCT 2013). *Use this clause—*

(1) *In a solicitation for a sole source acquisition from the Canadian Commercial Corporation and resultant contract that is fixed-price if the contract value is expected to exceed \$500 million;*

(2) *In a solicitation for a sole source acquisition from the Canadian Commercial Corporation and resultant contract that is fixed-price and does not exceed \$500 million, if approval is obtained as required at DFARS [225.870-4\(c\)\(2\)\(ii\)](#); or*

(3)(i) *In a solicitation for a competitive acquisition that includes FAR 52.215-21, Requirement for Data Other Than Certified Cost or Pricing Data—Modifications, or that is fixed-price if the contract value is expected to exceed \$500 million.*

(ii) *The contracting officer shall then select the appropriate clause to include in the contract (52.215-21 only if award is not to the Canadian Commercial Corporation; or [252.215-7004](#) if award is to the Canadian Commercial Corporation and necessary approval is obtained in accordance with [225.870-4\(c\)\(2\)\(ii\)](#)).*

(xii) [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts) (Oct 2014). *Do not use. See Class Deviations section below.*

(xiii) [252.219-7004](#), Small Business Subcontracting Plan (Test Program) (Oct 2014). *In prime contracts with contractors that have comprehensive subcontracting plans approved under the test program described in DFARS 219.702, use this clause instead of the clauses at [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts), and FAR 52.219-9, Small Business Subcontracting Plan. However, also include in the prime contract, solely for the purpose of flowing the clauses down to subcontractors—*

(i) *FAR clause 52.219-9, Small Business Subcontracting Plan, and [252.219-7003](#); or*

(ii) *When the contract will not be reported in FPDS (see FAR 4.606 (c)(5)), FAR clause 52.219-9, Small Business Subcontracting Plan with its Alternate III and [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts), with its Alternate I.*

(xiv) [252.223-7008](#) Prohibition of Hexavalent Chromium (JUN 2013). *Unless an exception in [223.7304](#) applies, or use has been authorized in accordance with [223.7305](#), use this clause in solicitations and contracts for supplies, maintenance and repair services, or construction.*

(xv) [252.225-7001](#), Buy American and Balance of Payments Program (NOV 2014). *Use the basic or the alternate of this clause instead of the clause at FAR 52.225-1, Buy American--Supplies, in solicitations and contracts unless--*

- *All line items will be acquired from a particular source or sources under the authority of FAR 6.302-3;*
- *All line items require domestic or qualifying country end products in accordance with DFARS subpart 225.70, but note that this exception does not apply if DFARS subpart 225.70 only requires manufacture of the end product in the United States or in the United States or Canada, without a corresponding requirement for use of domestic components;*
- *An exception to the Buy American statute or Balance of Payments Program applies (see FAR 25.103, DFARS 225.103, and DFARS 225.7501);*
- *One or more of the basic or the alternates of the following clauses will apply to all line items in the contract:*
  - *DFARS 252.225-7021, Trade Agreements.*
  - *DFARS 252.225-7036, Buy American--Free Trade Agreements—Balance of Payments Program; or*
- *All line items will be acquired using a procedure specified in DFARS 225.7703-1(a).*

(A) *Use the basic clause if the acquisition is not of end products listed in DFARS [225.401-70](#) in support of operations in Afghanistan.*

(B) *Use the alternate I clause when the acquisition is of end products listed in DFARS 225.401-70 in support of operations in Afghanistan.*

(xvi) 252.225-7008, Restriction on Acquisition of Specialty Metals (MAR 2013). *Unless the acquisition is wholly exempt from the specialty metals restrictions at [225.7003-2](#) because the acquisition is covered by an exception in [225.7003-3\(a\)](#) or (d) (but see 225.7003-5(d)), use this clause in solicitations and contracts that—*

(i) *Exceed the simplified acquisition threshold; and*

(ii) *Require the delivery of specialty metals as end items.*

(xvii) 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (Oct 2014). *Unless the acquisition is wholly exempt from the specialty metals restrictions at [225.7003-2](#) because the acquisition is covered by an exception in [225.7003-3\(a\)](#) or (d) (but see 225.7003-5(d)), use this clause in solicitations and contracts that—*

(i) *Exceed the simplified acquisition threshold; and*

(ii) *Require delivery of any of the following items, or components of the following items, if such items or components contain specialty metal:*

(A) *Aircraft.*

- (B) *Missile or space systems.*
- (C) *Ships.*
- (D) *Tank or automotive items.*
- (E) *Weapon systems.*
- (F) *Ammunition.*

(xviii) [252.225-7012](#), Preference for Certain Domestic Commodities (FEB 2013). *Unless an exception at DFARS 225.7002-2 applies, use this clause in solicitations and contracts that exceed the simplified acquisition threshold.*

(xix) [252.225-7015](#), Restriction on Acquisition of Hand or Measuring Tools (Jun 2005). *Unless an exception at DFARS 225.7002-2 applies, use this clause in solicitations and contracts that exceed the simplified acquisition threshold that require delivery of hand or measuring tools.*

(xx) [252.225-7016](#), Restriction on Acquisition of Ball and Roller Bearings (Jun 2011). *Use this clause in solicitations and contracts, unless—*

- (1) *The items being acquired are commercial items other than ball or roller bearings acquired as end items;*
- (2) *The items being acquired do not contain ball and roller bearings; or*
- (3) *A waiver has been granted in accordance with DFARS [225.7009-4](#).*

(xxi) [252.225-7017](#), Photovoltaic Devices (JAN 2013). *Use this clause in solicitations for a contract that (i) is expected to exceed the simplified acquisition threshold and (ii) may be a covered contract, i.e., an energy savings performance contract, a utility service contract, or a private housing contract awarded by DoD, if such contract results in DoD ownership of photovoltaic devices, by means other than DoD purchase as end products. Use the clause in the resultant contract if it is a covered contract (i.e., will result in DoD ownership of photovoltaic devices, by means other than DoD purchase as end products).*

(xxii) [252.225-7021](#), Trade Agreements (NOV 2014). *Use the basic or an alternate of this clause instead of the clause at FAR 52.225-5, Trade Agreements, in solicitations and contracts if the World Trade Organization Government Procurement Agreement applies, i.e., the acquisition is of end products listed at 225.401-70, the value of the acquisition equals or exceeds \$204,000, and none of the exceptions at FAR 25.401(a) applies.*

- (A) *Use the basic clause in solicitations and contracts that are not of end products in support of operations in Afghanistan, or that include the clause at 252.225-7024, Requirement for Products or Services from Afghanistan.*
- (B) *Use the alternate II clause in solicitations and contracts that do not include the clause at 252.225-7024, Requirement for Products or Services from Afghanistan, when the acquisition is of end products in support of operations in Afghanistan.*
- (C) *Do not use the basic or an alternate of the clause if—*

- Purchase from foreign sources is restricted, unless the contracting officer anticipates a waiver of the restriction; or
- The clause at [252.225-7026](#), Acquisition Restricted to Products or Services from Afghanistan, is included in the solicitation and contract.

(D) *The acquisition of eligible and noneligible products under the same contract may result in the application of trade agreements to only some of the items acquired. In such case, indicate in the Schedule those items covered by the Trade Agreements clause.*

(xxiii) [252.225-7024](#), Requirement for Products or Services from Afghanistan (Sep 2013). *Do not use. See [Class Deviation 2014-00014](#).*

(xxiv) [252.225-7026](#), Acquisition Restricted to Products or Services from Afghanistan (Sep 2013). *Do not use. See [Class Deviation 2014-00014](#).*

(xxv) [252.225-7027](#), Restriction on Contingent Fees for Foreign Military Sales (Apr 2003). *Use this clause in solicitations and contracts that are for foreign military sales (FMS). Insert in paragraph (b)(1) of the clause the name(s) of any foreign country customer(s) listed in DFARS [225.7303-4\(b\)](#).*

(xxvi) [252.225-7028](#), Exclusionary Policies and Practices of Foreign Governments (Apr 2003). *Use this clause in solicitations and contracts that are for the purchase of supplies and services for international military education training and FMS.*

(xxvii) [252.225-7029](#), Acquisition of Uniform Components for Afghan Military or Afghan National Police (Sep 2013). *Use this clause in solicitations and contracts for the acquisition of any textile components that DoD intends to supply to the Afghan National Army or the Afghan National Police for purposes of production of uniforms.*

(xxviii) [252.225-7036](#), Buy American--Free Trade Agreements-- Balance of Payments Program (NOV 2014). *Use the basic or an alternate of this clause instead of the clause at FAR 52.225-3, Buy American--Free Trade Agreements--Israeli Trade Act, in solicitations and contracts for the items listed at 225.401-70, when the estimated value equals or exceeds \$25,000, but is less than \$204,000, unless an exception at FAR 25.401 applies.*

(A) *Use the basic clause in solicitations and contracts when the estimated value equals or exceeds \$100,000, except if the acquisition is of end products in support of operations in Afghanistan.*

(B) *Use the alternate I clause in solicitations and contracts when the estimated value is less than \$79,507, except if the acquisition is of end products in support of operations in Afghanistan.*



- (C) *Use the alternate II clause in solicitations and contracts when the estimated value equals or exceeds \$100,000 and the acquisition is of end products in support of operations in Afghanistan.*
- (D) *Use the alternate III clause in solicitations and contracts when the estimated value is less than \$79,507 and the acquisition is of end products in support of operations in Afghanistan.*
- (E) *Use the alternate IV clause in solicitations and contracts when the estimated value equals or exceeds \$79,507 but is less than \$100,000 and the acquisition is of end products in support of operations in Afghanistan.*
- (F) *Use the alternate V clause in solicitations and contracts when the estimated value equals or exceeds \$79,507 but is less than \$100,000 and the acquisition is of end products in support of operations in Afghanistan.*

**NOTE:** *Do not use the basic or an alternate of the clause if—*

- *Purchase from foreign sources is restricted (see 225.401(a)(2)), unless the contracting officer anticipates a waiver of the restriction;*
- *Acquiring information technology that is a commercial item, using fiscal year 2004 or subsequent funds (Section 535 of Division F of the Consolidated Appropriations Act, 2004 (Pub. L. 108-199), and the same provision in subsequent appropriations acts); or*
- *Using a procedure specified in 225.7703-1(a).*

*The acquisition of eligible and noneligible products under the same contract may result in the application of a Free Trade Agreement to only some of the items acquired. In such case, indicate in the Schedule those items covered by the Buy American--Free Trade Agreements--Balance of Payments Program clause.*

(xxix) [252.225-7038](#), Restriction on Acquisition of Air Circuit Breakers (Jun 2005). *Use this clause in solicitations and contracts that require air circuit breakers for naval vessels unless the acquisition is—*

- (1) For an amount at or below the simplified acquisition threshold;*
- (2) For spare or repair parts needed to support air circuit breakers manufactured outside the United States. Support includes the purchase of spare air circuit breakers when those from alternate sources are not interchangeable; or*
- (3) A waiver has been granted, other than the waiver for the United Kingdom, which has been incorporated into the clause.*



(xxx) 252.225-7039, Defense Contractors Performing Private Security Functions Outside the United States (JAN 2015). *Use this clause in solicitations and contracts when private security functions are to be performed outside the United States in—*

- (1) Contingency operations;*
- (2) Combat operations, as designated by the Secretary of Defense;*
- (3) Other significant military operations (as defined in 32 CFR part 159), designated by the Secretary of Defense, and only upon agreement of the Secretary of Defense and the Secretary of State;*
- (4) Peace operations, consistent with Joint Publication 3-07.3; or*
- (5) Other military operations or military exercises, when designated by the Combatant Commander.*

(xxxi) [252.225-7040](#), Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States (JAN 2015). *Use this clause instead of the clause at FAR 52.225-19, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States, in solicitations and contracts for performance in a designated operational area that authorize contractor personnel (including both contractors authorized to accompany the Force (CAAF) and non-CAAF) to support U.S. Armed Forces deployed outside the United States in—*

- (1) Contingency operations;*
- (2) Humanitarian assistance operations;*
- (3) Peace operations consistent with Joint Publication 3-07.3; or*
- (4) Other military operations or military exercises, when designated by the combatant commander or as directed by the Secretary of Defense.*

*Do not use this clause in solicitations and contracts that require performance in the United States Central Command Area of Responsibility.*

NOTE: When using the clause at DFARS [252.225-7040](#), Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States, consider the applicability of the following clauses:

- (i) The clause at DFARS [252.225-7043](#), Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States, as prescribed at DFARS [225.7403-2](#).

(ii) Either the clause at FAR 52.228-3, Workers' Compensation Insurance (Defense Base Act), or the clause at FAR 52.228-4, Workers' Compensation and War-Hazard Insurance Overseas, as prescribed at FAR 28.309(a) and (b).

(iii) The clause at FAR 52.228-7, Insurance—Liability to Third Persons, in cost-reimbursement contracts as prescribed at DFARS [228.311-1](#).

(iv) The clause at DFARS [252.228-7003](#), Capture and Detention, as prescribed at DFARS [228.370](#)(d).

(v) The clause at DFARS [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees, as prescribed at DFARS [237.171-4](#).

(vi) The clause at FAR 52.249-14, Excusable Delays, as prescribed at FAR 49.505(b).

(vii) The clauses at FAR 52.251-1, Government Supply Sources, as prescribed at FAR 51.107, and DFARS [252.251-7000](#), Ordering from Government Supply Sources, as prescribed at DFARS [251.107](#).

-END OF NOTE-

(xxxii) [252.225-7043](#), Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States (Mar 2006). *Use this clause in solicitations and contracts that require performance or travel outside the United States, except for contracts with—*

(1) *Foreign governments;*

(2) *Representatives of foreign governments; or*

(3) *Foreign corporations wholly owned by foreign governments.*

(xxxiii) [252.226-7001](#), Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (Sep 2004). *Use this clause in solicitations and contracts that are for supplies or services exceeding \$500,000 in value.*

(xxxiv) [252.227-7013](#), Rights in Technical Data—Noncommercial Items (APR 2014). *Use this clause in solicitations and contracts when the successful offeror(s) will be required to deliver to the Government technical data pertaining to noncommercial items, or pertaining to commercial items for which the Government will have paid for any portion of the development costs (in which case the clause at DFARS [252.227-7013](#) will govern the technical data pertaining to any portion of a commercial item that was developed in any part at Government expense, and the clause at DFARS [252.227-7015](#) will govern the technical data pertaining to any portion of a commercial item that was developed exclusively at private expense). Do not use the clause when the only deliverable items are computer software or computer software documentation (see DFARS Subpart [227.72](#)), commercial items developed exclusively at private expense (see DFARS [227.7102-4](#)), existing works (see DFARS [227.7105](#)), special works (see DFARS [227.7106](#)), or when contracting under the Small Business Innovation Research Program (see DFARS [227.7104](#)). Except as provided in DFARS [227.7107-2](#), do not use the clause in architect-engineer and construction contracts. Use this clause with its*

*Alternate I in research solicitations and contracts when the contracting officer determines, in consultation with counsel, that public dissemination by the contractor would be—(i) In the interest of the Government; and (ii) Facilitated by the Government relinquishing its right to publish the work for sale, or to have others publish the work for sale on behalf of the Government. Use this clause with its Alternate II in solicitations and contracts that are for the development or delivery of a vessel design or any useful article embodying a vessel design.*

(xxxv) [252.227-7015](#), Technical Data--Commercial Items (FEB 2014). *(a) Except as provided in paragraph (b) below, use this clause in solicitations and contracts when the Contractor will be required to deliver technical data pertaining to commercial items, components, or processes. Use the clause with its Alternate I in solicitations and contracts for the development or delivery of a vessel design or any useful article embodying a vessel design.*

*(b) In accordance with the clause prescription at DFARS 227.7103-6(a), use the clause at DFARS 252.227-7013, Rights in Technical Data-Noncommercial Items, in addition to the clause at DFARS 252.227-7015, if the Government will have paid for any portion of the development costs of a commercial item. The clause at DFARS 252.227-7013 will govern the technical data pertaining to any portion of a commercial item that was developed in any part at Government expense, and the clause at DFARS 252.227-7015 will govern the technical data pertaining to any portion of a commercial item that was developed exclusively at private expense.*

(xxxvi) [252.227-7037](#), Validation of Restrictive Markings on Technical Data (JUN 2013). *Use this clause in solicitations and contracts that include the clause at [252.227-7015](#) or the clause at [252.227-7013](#).*

(xxxvii) [252.232-7003](#), Electronic Submission of Payment Requests and Receiving Reports (Mar 2008). *Except as provided in DFARS 232.7002(a), use this clause in solicitations and contracts.*

(xxxviii) [252.232-7006](#), Wide Area WorkFlow Payment Instructions (May 2013). *Use this clause in solicitations and contracts when [252.232-7003](#) is used and neither [232.7003\(b\)](#) nor (c) apply. See [PGI 232.7004 \(DFARS/PGI view\)](#) for instructions on completing the clause.*

(xxxix) [252.232-7009](#), Mandatory Payment by Governmentwide Commercial Purchase Card (Dec 2006). *Use this clause in solicitations, contracts, and agreements when--*  
*(1) Placement of orders or calls valued at or below the micro-purchase threshold is anticipated; and*  
*(2) Payment by Governmentwide commercial purchase card is required for orders or calls valued at or below the micro-purchase threshold under the contract or agreement.*

(xl) [252.232-7010](#), Levies on Contract Payments (Dec 2006). *Use this clause in all solicitations and contracts.*

(xli) [252.232-7011](#), Payments in Support of Emergencies and Contingency Operations (May 2013). *Use this clause in solicitations and contracts in acquisitions that meet the applicability criteria at DFARS [232.901\(1\)](#).*

(xlii) [252.237-7010](#), Prohibition on Interrogation of Detainees by Contractor Personnel (JUN 2013). *Insert this clause in solicitations and contracts for the provision of services.*

(xliii) [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees (JUN 2013). *Use this clause in solicitations and contracts that are for the acquisition of services if—*

(1) *The clause at DFARS [252.225-7040](#), Contractor Personnel Supporting a Force Deployed Outside the United States, is included in the solicitation or contract; or*  
(2) *The services will be performed at a facility holding detainees, and contractor personnel in the course of their duties may be expected to interact with the detainees.*

(xliv) [252.239-7018](#) Supply Chain Risk (NOV 2013). *Insert this clause in all solicitations and contracts that involve the development or delivery of any information technology whether acquired as a service or as a supply.*

(xlv) [252.243-7002](#), Requests for Equitable Adjustment (Mar 1998). *Use this clause in solicitations and contracts estimated to exceed the simplified acquisition threshold.*

(xlvi) [252.244-7000](#), Subcontracts for Commercial Items (Jun 2013). *Use this clause in solicitations and contracts.*

(xlvii) [252.246-7003](#), Notification of Potential Safety Issues (JUN 2013). *Use this clause in solicitations and contracts for the acquisition of—*

(1) *Repairable or consumable parts identified as critical safety items;*  
(2) *Systems and subsystems, assemblies, and subassemblies integral to a system; or*  
(3) *Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system.*

(xlviii) [252.246-7004](#), Safety of Facilities, Infrastructure, and Equipment For Military Operations (Oct 2010). *Use this clause in solicitations and contracts for the construction, installation, repair, maintenance, or operation of facilities, infrastructure, or for equipment configured for occupancy, planned for use by DoD military or civilian personnel during military operations.*

(xlix) [252.247-7003](#), Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JUN 2013). *Use this clause in solicitations and contracts that are for carriage in which a motor carrier, broker, or freight forwarder will provide or arrange truck transportation services that provide for a fuel-related adjustment.*

(l) [252.247-7023](#), Transportation of Supplies by Sea (APR 2014). *Use the basic or one of the alternates of this clause in all solicitations and contracts, except those for direct purchase of ocean transportation services. Use the basic clause unless any of the supplies to be transported are commercial items that are (i) Shipped in direct support of U.S. military*

*contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations when the contract is not a construction contract; or (ii) Commissary or exchange cargoes transported outside of the Defense Transportation System when the contract is not a construction contract. Use the Alternate I clause if any of the supplies to be transported are commercial items that are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations when the contract is not a construction contract. Use the Alternate II clause if any of the supplies to be transported are commercial items that are commissary or exchange cargoes transported outside of the Defense Transportation System (10 U.S.C. 2643), when the contract is not a construction contract.*

(li) [252.247-7024](#), Notification of Transportation of Supplies by Sea (Mar 2000). *Use this clause in all contracts for which the offeror made a negative response to the inquiry in the provision at DFARS [252.247-7022](#), Representation of Extent of Transportation by Sea. Do not include this clause in solicitations.*

(lii) [252.247-7025](#), Reflagging or Repair Work (Jun 2005). *Use this clause in all time charter solicitations and contracts that are for the use of a vessel for the transportation of supplies, unless a waiver has been granted in accordance with DFARS [247.572\(c\)\(2\)](#).*

(liii) [252.247-7027](#), Riding Gang Member Requirements (OCT 2011). *Use this clause in solicitations and contracts that are for the charter of, or contract for carriage of cargo by, a U.S.-flag vessel documented under chapter 121 of title 46 U.S.C.*

(liv) [252.247-7028](#) Application for U.S. Government Shipping Documentation/ Instructions (Jun 2012). *Use this clause in solicitations and contracts when shipping under Bills of Lading and Domestic Route Order under FOB origin contracts, Export Traffic Release regardless of FOB terms, or foreign military sales shipments.*

(9) Class Deviations.

- (i) FAR 52.219-9, Small Business Subcontracting Plan (Aug 2013) (DEVIATION 2013-O0014). *Insert this clause in solicitations and contracts that offer subcontracting possibilities, are expected to exceed \$650,000 (\$1,500,000 for construction of any public facility), and are required to include the clause at FAR 52.219-8, Utilization of Small Business Concerns, unless the acquisition is set aside or is to be accomplished under the 8(a) program. When contracting by sealed bidding rather than by negotiation, the contracting officer shall use the clause with its Alternate I. When contracting by negotiation, and subcontracting plans are required with initial proposals as provided for in FAR 19.705-2(d), the contracting officer shall use the clause with its Alternate II. When the contract action will not be reported in the Federal Procurement Data System pursuant to [4.606\(c\)\(5\)](#), the contracting officer shall use the clause with its Alternate III.*

- (ii) 252.203-7998 Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements (DEVIATION 2015-O0010) (FEB 2015). *Insert this clause in all solicitations and contracts that will use funds made available by the Financial Services and General Government Appropriations Act, 2015 (Division E of the Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. 113-235), or any other Act or when obligating FY 2015 funds on existing contracts.*
- (iii) 252.219-7003, Small Business Subcontracting Plan (DoD Contracts) (Aug 2013) (DEVIATION 2013-O0014). *Except in prime contracts with contractors that have comprehensive subcontracting plans approved under the test program described at DFARS 219.702, use this clause—*
  - (1) *In solicitations and contracts that contain the clause at FAR 52.219-9, Small Business Subcontracting Plan (DEVIATION 2013-O0014).*
  - (2) *With its Alternate I in solicitations and contracts that use Alternate III of 52.219-9, Small Business Subcontracting Plan (DEVIATION 2013-O0014).*
- (iv) 252.225-7983, Requirement for Products or Services of Djibouti (Feb 2015) (DEVIATION 2015-O0012). *Use this clause in solicitations and contracts that provide a preference for products or services of Djibouti in accordance with 225.7798-3(a)(1).*<sup>1</sup>

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<sup>1</sup> (1) Do not use any of the following provisions or clauses in solicitations or contracts that include the provision at 252.225-7982 (DEVIATION 2015-O0012) or the clauses at 252.225-7983 or 252.225-7984 (DEVIATION 2015-O0012):

- (i) 252.225-7000, Buy American—Balance of Payments Program Certificate.
- (ii) 252.225-7001, Buy American and Balance of Payments Program.
- (iii) 252.225-7002, Qualifying Country Sources as Subcontractors.
- (iv) 252.225-7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate.
- (v) 252.225-7036, Buy American—Free Trade Agreements—Balance of Payments Program.

(2) Do not use any of the following provisions or clauses in solicitations or contracts for the acquisition of supplies that include the clause at 252.225-7984 (DEVIATION 2015-O0012):

- (i) 252.225-7020, Trade Agreement Certificate.
- (ii) 252.225-7021, Trade Agreements.

- (v) 252.225-7984, Acquisition Restricted to Products or Services of Djibouti (Feb 2015) (DEVIATION 2015-O0012). *Use this clause in solicitations and contracts that limit competition to products or services of Djibouti in accordance with 225.7798-3(a)(2).*<sup>2</sup>
- (vi) 252.225-7985, Contractor Personnel Performing in Support of Operation United Assistance (OUA) in the United States Africa Command (USAFRICOM) Theater of Operations (Dec 2014) (DEVIATION 2015-O0003). *Use this clause in solicitations and contracts that will require contractor personnel to perform construction or services, or to deliver supplies, in support of OUA in the USAFRICOM theater of operations. This clause does not replace the use of clause DFARS 252.225-7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, as prescribed in DFARS 225.7402-5(a), but supplements paragraphs (c) and (g) of that clause.*
- (vii) 252.225-7987, Requirements for Contractor Personnel Performing in the U.S. Southern Command Area of Responsibility (OCT 2014) (DEVIATION 2014-O0016). *Insert this clause in solicitations and contracts for performance in the USSOUTHCOM area of responsibility, unless the clause at DFARS 252.225-7040 applies.*
- (viii) 252.225-7988, Acquisition of the American Flag (FEB 2014) (DEVIATION 2014-O0010). *When using funds appropriated by the Department of Defense Appropriations Act, 2014 (Pub. L. 113-76, Division C) use this clause in solicitations and contracts that are for the acquisition of the American flag, with an estimated value that exceeds the simplified acquisition threshold, unless the flags are for commissary resale.*
- (ix) 252.225-7988, Acquisition of the American Flag (DEVIATION 2015-O0007) (DEC 2014). *When using funds appropriated under the Department of Defense Appropriations Act, 2015 (Division C of Pub. L. 113-235) use this clause in solicitations and contracts that are for the acquisition of the American flag, with an estimated value that exceeds the simplified acquisition threshold, unless the flags are for commissary resale.*
- (x) 252.225-7989, Requirements for Contracting Personnel Performing in Djibouti (JANUARY 2014) (DEVIATION 2014-O0005). *Insert this clause in solicitations and contracts for performance in Djibouti.*
- (xi) 252.225-7991, Requirement for Products or Services from a Central Asian State or Afghanistan (Apr 2014) (DEVIATION 2014-O0014). *Use this*

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<sup>2</sup> See footnote 1.



*clause in solicitations and contracts that provide a preference for products or services from a Central Asian State or Afghanistan in accordance with [225.7799-1\(a\)\(1\)\(i\)](#).*<sup>3</sup>

- (xii) 252.225-7992, Acquisition Restricted to Products or Services from a Central Asian State or Afghanistan (Apr 2014) (DEVIATION 2014-O0014). *Use this clause in solicitations and contracts that limit competition to products or services from a Central Asian State or Afghanistan in accordance with [225.7799-1\(a\)\(1\)\(ii\)](#).*<sup>1</sup>
- (xiii) DFARS 252.225-7993, Prohibition on Contracting with the Enemy (SEP 2014) (DEVIATION 2014-O0020). *Incorporate this clause in solicitations and contracts awarded on or before December 31, 2018, with an estimated value in excess of \$50,000 that are being, or will be performed, in the U.S. Central Command (USCENTCOM), United States European Command (USEUCOM), United States Africa Command (USAFRICOM), United States Southern Command (USSOUTHCOM), or United States Pacific Command (USPACOM) theaters of operations.*
- (xiv) DFARS 252.225-7994, Additional Access to Contractor and Subcontractor Records in the United States Central Command Theater of Operations (MAR 2015) (DEVIATION 2015-O0013). *Include this clause in all solicitations and contracts awarded prior to December 19, 2017, valued at more than \$100,000 that are to be performed in USCENTCOM.*

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<sup>3</sup> (1) Do not use any of the following provisions or clauses in solicitations or contracts that include the provision at 252.225-7992 or 252.225-7998 (DEVIATION 2014-O0014) or the clauses at 252.225-7990, 252.225-7991, 252.225-7996, or 252.225-7999 (DEVIATION 2014-O0014):

- (i) 252.225-7000, Buy American—Balance of Payments Program Certificate.
- (ii) 252.225-7001, Buy American and Balance of Payments Program.
- (iii) 252.225-7002, Qualifying Country Sources as Subcontractors.
- (iv) 252.225-7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate.
- (v) 252.225-7036, Buy American—Free Trade Agreements—Balance of Payments Program.

(2) Do not use any of the following provisions or clauses in solicitations or contracts for the acquisition of supplies that include the clause at 252.225-7992 or 252.225-7996 (DEVIATION 2014-O0014):

- (i) 252.225-7020, Trade Agreement Certificate.
- (ii) 252.225-7021, Trade Agreements.

- (xv) 252.225-7995, Contractor Personnel Performing in the United States Central Command Area of Responsibility (JAN 2015) (DEVIATION 2015-O0009). *Use this clause in lieu of DFARS 252.225-7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, in solicitations and contracts that will require contractor personnel to perform in the United States Central Command (USCENTCOM) Area of Responsibility (AOR).*
- (xvi) 252.225-7996, Acquisition Restricted to Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (Apr 2014) (DEVIATION 2014-O0014). *Use this clause in solicitations and contracts that limit competition to products or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan in accordance with 225.7799-1(a)(2)(ii).*<sup>4</sup>
- (xvii) 252.225-7998, Contractor Demobilization (Aug 2013) (DEVIATION 2013-O0017). *Insert this clause in all solicitations and contracts with performance in Afghanistan, except solicitations and contracts for commodities.*
- (xviii) 252.225-7999, Requirement for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (Apr 2014) (DEVIATION 2014-O0014). *Use this clause in solicitations and contracts that provide a preference for products or services from Central Asia, Pakistan, the South Caucasus, or Afghanistan in accordance with [225.7799-1\(a\)\(2\)\(i\)](#).*<sup>2</sup>
- (xix) 252.229-7998, Taxes—Foreign Contracts in Afghanistan (Military Technical Agreement) (Jul 2013) (DEVIATION 2013-O0016). *After obtaining approval from the Director, Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense for Acquisitions, Technology, and Logistics, prior to each use, insert this clause in all solicitations and resulting contracts with performance in Afghanistan awarded on behalf of NATO, which are governed by the Military Technical Agreement.*
- (xx) 252.229-7999, Taxes—Foreign Contracts in Afghanistan (Jul 2013) (DEVIATION 2013-O0016). *Insert this clause in all solicitations and resulting contracts with performance in Afghanistan unless the clause at 252.229-7998 is used.*
- (xxi) 252.239-7999, Cloud Computing Services (JAN 2015) (DEVIATION 2015-O0011). *Use this clause in solicitations and contracts for, or that may involve, cloud computing services.*

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<sup>4</sup> See footnote 3.

**Part (d): Any solicitation documents, exhibits, or attachments.** Self-explanatory.

**Part (e): Solicitation Provisions**

(1) FAR 52.212-1, Instructions to Offerors—Commercial Items (Apr 2014). *Insert this provision in solicitations for the acquisition of commercial items. This provision provides a single, streamlined set of instructions to be used when soliciting offers for commercial items and is incorporated in the solicitation by reference (see Block 27a, SF 1449). The contracting officer may tailor these instructions or provide additional instructions tailored to the specific acquisition in accordance with FAR 12.302.*

(2) Addendum to FAR 52.212-1. Any addendum to FAR 52.212-1 shall be clearly labeled as such and shall contain the following information, as appropriate:

(i) If the contracting officer tailors FAR 52.212-1, the tailored parts of the provision shall be stated in the addendum. If included in a request for proposals, the contracting officer must tailor the provision to:

(A) Authorize offerors to provide information on problems encountered on the contracts identified in their past performance submissions and the offerors' corrective actions, when past performance will be evaluated (FAR 15.305);

(B) Notify offerors that the competitive range can be limited for purposes of efficiency, if the contracting officer intends to limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals (FAR 15.306(c)(2)).

(ii) The location where quotations are to be submitted shall be stated on the addendum, if not elsewhere specified.

(iii) If quotations or offers will be accepted on other than the SF 1449 or letterhead stationary, other acceptable forms of submission shall be stated on the addendum, if not elsewhere specified.

(iv) If quoters or offerors will be required to submit product samples with their quotations or offers, the contracting officer shall so specify in the addendum, if not elsewhere specified.

(v) If the prospective awardee will be exempt from the requirement to register in the System for Award Management, the contracting officer shall so specify in the addendum.

(vi) The contracting officer may include in solicitations by addendum other FAR provisions when their use is consistent with the limitations contained in FAR 12.302. For example:

(A) The contracting officer may include appropriate provisions when the use of options is in the Government's interest. The provisions prescribed in FAR 17.208 may be used for this purpose.

(B) The contracting officer may use the provisions contained in FAR Part 23 regarding the use of recovered material when appropriate for the item being acquired.

(vii) In competitive procurements, the contracting officer shall include a provision containing all evaluation factors required by FAR 13.106, FAR Subpart 14.2 or FAR Subpart 15.3, in the addendum (see FAR 12.302(d)), if the provision at FAR 52.212-2 is

not used. If this is a request for proposals, the contracting officer shall describe the approach to evaluating past performance (if applicable), including evaluating offerors with no relevant performance history.

(3) FAR 52.212-2, Evaluation—Commercial Items (Oct 2014). *In competitive procurements, the contracting officer shall insert this provision in solicitations for commercial items (see FAR 12.602), if the solicitation does not elsewhere include a provision containing all evaluation factors required by FAR 13.106, FAR Subpart 14.2, or FAR Subpart 15.3. If this is a request for proposals, the contracting officer shall describe the approach to evaluating past performance (if applicable), including evaluating offerors with no relevant performance history. This provision may not be incorporated by reference.*

(4) FAR 52.212-3, Offeror Representations and Certifications—Commercial Items (Mar 2015). *Insert this provision in solicitations for the acquisition of commercial items. This provision provides a single, consolidated list of certifications and representations for the acquisition of commercial items and is attached to the solicitation for quoters or offerors to complete. This provision may not be tailored except in accordance with Subpart 1.4. This provision may not be incorporated by reference. Use the provision with its Alternate I in solicitations issued by DoD, NASA, or the Coast Guard. Use the provision with its Alternate II in solicitations for acquisitions for which small disadvantaged business procurement mechanisms are authorized on a regional basis.*

(5) FAR 52.204-16, Commercial and Government Entity Code Reporting (Nov 2014). *Insert this provision in all solicitations that include--*

(1) 52.204-6, Data Universal Numbering System Number; or

(2) 52.204-7, System for Award Management.

(6) FAR 52.209-7, Information Regarding Responsibility Matters (Apr 2010). *The contracting officer shall insert this provision in solicitations where the resultant contract value is expected to exceed \$500,000.*

(6) FAR 52.222-56, Certification Regarding Trafficking in Persons Compliance Plan (Mar 2015). *Insert this provision in solicitations if (1) it is possible that at least \$500,000 of the value of the contract may be performed outside the United States; and (2) the acquisition is not entirely for commercially available off-the-shelf items.*

(7) FAR 52.226-3, Disaster or Emergency Area Representation (Nov 2007). *Insert this provision in acquisitions that are set-aside for a Disaster or Emergency Area under FAR 26.203(a).*

(8) FAR 52.216-31, Time-and-Materials/Labor-Hour Proposal Requirements—Commercial Item Acquisitions (Feb 2007). *Insert this provision in solicitations contemplating use of a Commercial Time-and-Materials or Labor-Hour contract.*

(9) DFARS Provisions. The contracting officer shall include the following DFARS provisions in solicitations for the acquisition of commercial items as prescribed below (prescriptions in *italics*):

(i) 252.203-7005, Representation Relating to Compensation of Former DoD Officials (Nov 2011). *Use this provision in all solicitations, including solicitations for task and delivery orders.*

(ii) 252.204-7011, Alternative Line Item Structure (Sep 2011). *Use this provision in solicitations.*

(iii) 252.204-7013 Limitations on the Use or Disclosure of Information by Litigation Support Solicitation Offerors (FEB 2014). *Use this provision in all solicitations that involve litigation support services.*

(iv) 252.215-7003, Requirements for the Submission of Data Other Than Certified Cost or Pricing Data—Canadian Commercial Corporation (JUL 2012). *Use this provision—*

(A) *In lieu of FAR 52.215-20, Requirement for Data Other Than Certified Cost or Pricing Data, in a solicitation for a sole source acquisition from the Canadian Commercial Corporation that is fixed-price, if the contract value is expected to exceed \$500 million; or*

(B) *In lieu of FAR 52.215-20, in a solicitation for a sole source acquisition from the Canadian Commercial Corporation that does not \$500 million, if approval is obtained as required at DFARS [225.870-4\(c\)\(2\)\(ii\)](#); and*

(C) *Do not use [252.225-7003](#) in lieu of FAR 52.215-20 in competitive acquisitions. The contracting officer may use FAR 52.215-20 with its Alternate IV, as prescribed at 15.408(l)(3), even if offers from the Canadian Commercial Corporation are anticipated.*

(v) 252.215-7007 Notice of Intent to Resolicit (Jun 2012). *Use this provision in competitive solicitations that will be solicited for fewer than 30 days, unless an exception at [215.371-4](#) applies or the requirement is waived in accordance with [215.371-5](#).*

(vi) 252.215-7008 Only One Offer (Jun 2012). *Use this provision in competitive solicitations, unless an exception at [215.371-4\(a\)\(1\)](#) applies. In solicitations that include this provision, also include the provision at FAR 52.215-20, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data, with any appropriate alternate as prescribed at FAR 15.408-1, if the contracting officer is requesting submission of data other than certified cost or pricing data with the offer.*

(vii) 252.222-7007, Representation Regarding Combating Trafficking in Persons (JAN 2015). *Use this provision in all solicitations and contracts that exceed the simplified acquisition threshold.*

(viii) [252.225-7000](#), Buy American—Balance of Payments Program Certificate (NOV 2014). *Use the basic or the alternate of this provision instead of the provision at FAR 52.225-2, Buy American Certificate, in any solicitation that includes the basic or the alternate of the clause at 252.225-7001, Buy American and Balance of Payments Program.*

(A) *Use the basic provision when the solicitation includes the basic clause at [252.225-7001](#).*

(B) *Use the alternate I provision when the solicitation includes alternate I of the clause at [252.225-7001](#).*

(ix) 252.225-7010 Commercial Derivative Military Article—Specialty Metals Compliance Certificate (Jul 2009). *Use this provision in solicitations—*

(1) *That contain the clause at [252.225-7009](#); and*

(2) *For which the contracting officer anticipates that one or more offers of commercial derivative military articles may be received.*

(x) 252.225-7018, Photovoltaic Devices—Certificate (JAN 2013). *Use this provision in solicitations that contain the clause at [252.225-7017](#).*

(xi) [252.225-7020](#), Trade Agreements Certificate (NOV 2014). *Use the basic or the alternate of this provision instead of the provision at FAR 52.225-6, Trade Agreements Certificate, in solicitations that include the basic or alternate II of the clause at 252.225-7021, Trade Agreements.*

(A) *Use the basic provision if the solicitation includes the basic clause at 252.225-7021.*

(B) *Use the alternate I provision if the solicitation includes alternate II of the clause at 252.225-7021.*

(xii) [252.225-7023](#), Preference for Products or Services from Afghanistan (SEP 2013). *Do not use. See [Class Deviation 2014-O0014](#).*

(xiii) [252.225-7031](#), Secondary Arab Boycott of Israel (JUN 2005). *Unless an exception at [225.7603](#) applies or a waiver has been granted in accordance with [225.7604](#), use this provision in all solicitations.*

(xiv) [252.225-7035](#), Buy American--Free Trade Agreements--Balance of Payments Program Certificate (NOV 2014). *Use the basic or an alternate of this provision instead of the provision at FAR 52.225-4, Buy American—Free Trade Agreements—Israeli Trade Act*

*Certificate, in solicitations that include the basic or an alternate of the clause at [252.225-7036](#), Buy American--Free Trade Agreements--Balance of Payments Program.*

- (A) *Use the basic provision in solicitations when the basic of the clause at [252.225-7036](#) is used.*
- (B) *Use the alternate I provision when the solicitation includes alternate I of the clause at [252.225-7036](#).*
- (C) *Use the alternate II provision when the solicitation includes alternate II of the clause at [252.225-7036](#).*
- (D) *Use the alternate III provision when the solicitation includes alternate III of the clause at [252.225-7036](#).*
- (E) *Use the alternate IV provision when the solicitation includes alternate IV of the clause at [252.225-7036](#).*
- (F) *Use the alternate V provision when the solicitation includes alternate V of the clause at [252.225-7036](#).*

(xv) [252.225-7037](#), Evaluation of Offers for Air Circuit Breakers (JUN 2005). *Use this provision in solicitations that require air circuit breakers for naval vessels unless--(1) an exception applies; or (2) a waiver has been granted, other than the waiver for the United Kingdom, which has been incorporated into the provision.*

(xvi) 252.225-7049, Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities—Representations (DEC 2014). *Use this provision in solicitations for the acquisition of commercial satellite services.*

(xvii) 252.225-7050, Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism (Dec 2014). *Use this provision in solicitations that are expected to result in contracts of \$150,000 or more.*

(xviii) 252.232-7014, Notification of Payment in Local Currency (Afghanistan) (Sep 2014). *Use this provision in all solicitations for performance in Afghanistan.*

(xix) [252.239-7017](#), Notice of Supply Chain Risk (NOV 2013). *Insert this provision in all solicitations that involve the development or delivery of any information technology whether acquired as a service or as a supply.*

(xx) [252.247-7022](#), Representation of Extent of Transportation by Sea (AUG 1992). *Use this provision in all solicitations except--(i) Those for direct purchase of ocean transportation services; or (ii) Those with an anticipated value at or below the simplified acquisition threshold.*

(xxi) 252.247-7026, Evaluation Preference for Use of Domestic Shipyards--Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade (Nov 2008). *Use this provision in solicitations that require a*



covered vessel for carriage of cargo for DoD. See DFARS [247.573-3](#) for reporting of the information received from offerors in response to the provision. See DFARS [247.573-2\(c\)\(3\)](#) for the required evaluation criterion.

(9) Class Deviations.

- (i) 252.203-7998, Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreement—Representation (FEB 2015) (DEVIATION 2015-O0010). *Insert this provision in all solicitations that will use funds made available by the Financial Services and General Government Appropriations Act, 2015 (Division E of the Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. 113-235), or any other Act.*
- (ii) 252.209-7992, Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Under Any Federal Law—Fiscal Year 2015 Appropriations (DEC 2014) (DEVIATION 2015-O0005). *Include this provision in all solicitations that will use funds made available by the Consolidated and Continuing Appropriations Act, 2015 (Pub. L. 113-235).*
- (iii) 252.209-7993, Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Under Any Federal Law—Fiscal Year 2014 Appropriations (FEB 2014) (DEVIATION 2014-O0009). *Include this provision in all solicitations that will use funds appropriated by the Department of Defense Appropriations Act, 2014, and by the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2014 (Pub. L. 113-76, Divisions C and J).*
- (iv) 252.209-7994, Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under any Federal Law—Fiscal Year 2014 Appropriations (OCT 2013) (DEVIATION 2014-O0004). *Include this provision in all solicitations that will use funds made available by the Continuing Appropriations Act, 2014 (Pub. L. 113-46).*
- (v) 252.209-7995, Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under any Federal Law—Fiscal Year 2013 Appropriations (APR 2013) (DEVIATION 2013-O0010). *Contracting officers shall include this provision in all solicitations that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6).*
- (vi) 252.209-7997, Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under any Federal Law—DoD Appropriations (JAN 2013) (DEVIATION 2013-O0006). *Contracting officers shall include this provision in all solicitations that*

*will use funds made available by the Continuing Appropriations Resolution, 2013 (Pub. L. 112-175).*

- (vii) 252.209-7998, Representation Regarding Conviction of a Felony Criminal Violation Under any Federal or State Law (MAR 2012) (DEVIATION 2012-O0007). *Insert this provision in all solicitations that will use funds made available by Division H of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74).*
- (viii) 252.209-7999, Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under any Federal Law (JAN 2012) (DEVIATION 2012-O0004). *Contracting officers shall include this provision in all solicitations that will use funds made available by Division A of the Consolidated Appropriations Act, 2012, (Pub. L. 112-74).*
- (ix) 252.225-7982, Preference for Products or Services of Djibouti (Feb 2015) (DEVIATION 2015-O0012). *Use this provision in solicitations that include the clause at 252.225-7983, Requirement for Products or Services of Djibouti (DEVIATION 2015-O0012).*<sup>5</sup>
- (x) 252.225-7990, Preference for Products or Services from a Central Asian State or Afghanistan (Apr 2014) (DEVIATION 2014-O0014). *Use this provision in solicitations that include the clause at 252.225-7991, Requirement for Products or Services from a Central Asian State or Afghanistan (DEVIATION 2014-O0014).*<sup>6</sup>
- (xi) 252.225-7998, Preference for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (Apr 2014) (DEVIATION 2014-O0014). *Use this provision in solicitations that include the clause at 252.225-7999, Requirement for Products or Services from Central Asia, Pakistan, the South Caucasus, or Afghanistan (DEVIATION 2014-O0014).*<sup>7</sup>

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<sup>5</sup> See footnote 1.

<sup>6</sup> See footnote 3.

<sup>7</sup> See footnote 3.