

**SUBPART 212.5—APPLICABILITY OF CERTAIN LAWS TO THE
ACQUISITION OF COMMERCIAL ITEMS**

(Revised May 19, 2010)

212.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

(a) The following laws are not applicable to contracts for the acquisition of commercial items:

- (i) 10 U.S.C. 2306(b), Prohibition on Contingent Fees.
 - (ii) 10 U.S.C. 2324, Allowable Costs Under Defense Contracts.
 - (iii) 10 U.S.C. 2384(b), Requirement to Identify Suppliers.
 - (iv) 10 U.S.C. 2397(a)(1), Reports by Employees or Former Employees of Defense Contractors.
 - (v) 10 U.S.C. 2397b(f), Limits on Employment for Former DoD Officials.
 - (vi) 10 U.S.C. 2397c, Defense Contractor Requirements Concerning Former DoD Officials.
 - (vii) 10 U.S.C. 2408(a), Prohibition on Persons Convicted of Defense Related Felonies.
 - (viii) 10 U.S.C. 2410b, Contractor Inventory Accounting System Standards (see 252.242-7004).
 - (ix) 107 Stat 1720 (Section 843(a), Pub. L. 103-160), Reporting Requirement Regarding Dealings with Terrorist Countries.
 - (x) Domestic Content Restrictions in the National Defense Appropriations Acts for Fiscal Years 1996 and Subsequent Years, unless the restriction specifically applies to commercial items. For the restriction that specifically applies to commercial ball or roller bearings as end items, see 225.7019-2(b) (Section 8064 of Pub. L. 106-259).
 - (xi) Section 8116 of the Defense Appropriations Act for Fiscal Year 2010 (Pub. L. 111-118).
- (c) The applicability of the following laws has been modified in regard to contracts for the acquisition of commercial items:
- (i) 10 U.S.C. 2402, Prohibition on Limiting Subcontractor Direct Sales to the United States (see FAR 3.503 and 52.203-6).
 - (ii) 10 U.S.C. 2306a, Truth in Negotiations Act (see FAR 15.403-1(b)(3)).

212.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) The following laws are not applicable to subcontracts at any tier for the acquisition of commercial items or commercial components:

- (i) 10 U.S.C. 2306(b), Prohibition on Contingent Fees.
- (ii) 10 U.S.C. 2313(c), Examination of Records of a Contractor.
- (iii) 10 U.S.C. 2320, Rights in Technical Data.
- (iv) 10 U.S.C. 2321, Validation of Proprietary Data Restrictions.
- (v) 10 U.S.C. 2324, Allowable Costs Under Defense Contracts.
- (vi) 10 U.S.C. 2327, Reporting Requirement Regarding Dealings with Terrorist Countries.
- (vii) 10 U.S.C. 2384(b), Requirement to Identify Suppliers.
- (viii) 10 U.S.C. 2391 note, Notification of Substantial Impact on Employment.
- (ix) 10 U.S.C. 2393, Prohibition Against Doing Business with Certain Offerors or Contractors.
- (x) 10 U.S.C. 2397(a)(1), Reports by Employees or Former Employees of Defense Contractors.
- (xi) 10 U.S.C. 2397b(f), Limits on Employment for Former DoD Officials.
- (xii) 10 U.S.C. 2397c, Defense Contractor Requirements Concerning Former DoD Officials.
- (xiii) 10 U.S.C. 2408(a), Prohibition on Persons Convicted of Defense Related Felonies.
- (xiv) 10 U.S.C. 2410b, Contractor Inventory Accounting System Standards.
- (xv) 10 U.S.C. 2501 note, Notification of Proposed Program Termination.
- (xvi) 10 U.S.C. 2534, Miscellaneous Limitations on the Procurement of Goods Other Than United States Goods.
- (xvii) 10 U.S.C. 2631, Transportation of Supplies by Sea (except as provided in the clause at 252.247-7023, Transportation of Supplies by Sea).
- (xviii) Domestic Content Restrictions in the National Defense Appropriations Acts for Fiscal Years 1996 and Subsequent Years, unless the restriction specifically applies to commercial items. For the restriction that specifically applies to commercial ball or roller bearings as end items, see 225.7009-2(b) (Section 8064 of Pub. L. 106-259).

Defense Federal Acquisition Regulation Supplement

Part 212—Acquisition of Commercial Items

(xix) Section 8116 of the Defense Appropriations Act for Fiscal Year 2010 (Pub. L. 111-118).

(b) Certain requirements of the following laws have been eliminated for subcontracts at any tier for the acquisition of commercial items or commercial components:

(i) 10 U.S.C. 2393(d), Subcontractor Reports Under Prohibition Against Doing Business with Certain Offerors (see FAR 52.209-6).

(ii) 10 U.S.C. 2402, Prohibition on Limiting Subcontractor Direct Sales to the United States (see FAR 3.503 and 52.203-6).

212.570 Applicability of certain laws to contracts and subcontracts for the acquisition of commercially available off-the-shelf items.

Paragraph (a)(1) of 10 U.S.C. 2533b, Requirement to buy strategic materials critical to national security from American sources, is not applicable to contracts and subcontracts for the acquisition of commercially available off-the-shelf items, except as provided at 225.7003-3(b)(2)(i).

Defense Federal Acquisition Regulation Supplement

Part 222--Application of Labor Laws to Government Acquisitions

TABLE OF CONTENTS (Revised May 19, 2010)

222.001 Definitions.

SUBPART 222.1--BASIC LABOR POLICIES

222.101 Labor relations.
222.101-1 General.
222.101-3 Reporting labor disputes.
222.101-3-70 Impact of labor disputes on defense programs.
222.101-4 Removal of items from contractors' facilities affected by work stoppages.
222.101-70 Acquisition of stevedoring services during labor disputes.
222.102 Federal and State labor requirements.
222.102-1 Policy.
222.103 Overtime.
222.103-4 Approvals.

SUBPART 222.3--CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

222.302 Liquidated damages and overtime pay.

SUBPART 222.4--LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

222.402 Applicability.
222.402-70 Installation support contracts.
222.403 Statutory and regulatory requirements.
222.403-4 Department of Labor regulations.
222.404 Davis-Bacon Act wage determinations.
222.404-2 General requirements.
222.406 Administration and enforcement.
222.406-1 Policy.
222.406-6 Payrolls and statements.
222.406-8 Investigations.
222.406-9 Withholding from or suspension of contract payments.
222.406-10 Disposition of disputes concerning construction contract labor standards enforcement.
222.406-13 Semiannual enforcement reports.

SUBPART 222.6--WALSH-HEALEY PUBLIC CONTRACTS ACT

222.604 Exemptions.
222.604-2 Regulatory exemptions.

SUBPART 222.8--EQUAL EMPLOYMENT OPPORTUNITY

222.806 Inquiries.
222.807 Exemptions.

SUBPART 222.10--SERVICE CONTRACT ACT OF 1965, AS AMENDED

222.1003 Applicability.
222.1003-1 General.
222.1008 Procedures for obtaining wage determinations.
222.1008-1 Obtaining wage determinations.

Defense Federal Acquisition Regulation Supplement

Part 222--Application of Labor Laws to Government Acquisitions

SUBPART 222.13--SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS

- 222.1305 Waivers.
- 222.1308 Complaint procedures.
- 222.1310 Solicitation provision and contract clauses.

SUBPART 222.14--EMPLOYMENT OF THE HANDICAPPED

- 222.1403 Waivers.
- 222.1406 Complaint procedures.

SUBPART 222.17--COMBATING TRAFFICKING IN PERSONS

- 222.1703 Policy.
- 222.1704 Violations and remedies.

SUBPART 222.70--RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL FOR WORK ON CONSTRUCTION AND SERVICE CONTRACTS IN NONCONTIGUOUS STATES

- 222.7000 Scope of subpart.
- 222.7001 Definition.
- 222.7002 General.
- 222.7003 Waivers.
- 222.7004 Contract clause.

SUBPART 222.71--RIGHT OF FIRST REFUSAL OF EMPLOYMENT

- 222.7101 Policy.
- 222.7102 Contract clause.

SUBPART 222.72--COMPLIANCE WITH LABOR LAWS OF FOREIGN GOVERNMENTS

- 222.7201 Contract clauses.

SUBPART 222.73--LIMITATIONS APPLICABLE TO CONTRACTS PERFORMED ON GUAM

- 222.7300 Scope of subpart.
- 222.7301 Prohibition on use of nonimmigrant aliens.
- 222.7302 Contract clause.

SUBPART 222.74--RESTRICTIONS ON THE USE OF MANDATORY ARBITRATION AGREEMENTS

- 222.7400 Scope of subpart.
- 222.7401 Policy.
- 222.7402 Applicability.
- 222.7403 Waiver.
- 222.7404 Contract clause.

**SUBPART 222.74—RESTRICTIONS ON THE USE OF MANDATORY
ARBITRATION AGREEMENTS**

(Added May 19, 2010)

**SUBPART 222.74—RESTRICTIONS ON THE USE OF MANDATORY
ARBITRATION AGREEMENTS**

222.7400 Scope of subpart.

This subpart implements section 8116 of the Defense Appropriations Act for Fiscal Year 2010 (Pub. L. 111-118).

222.7401 Policy.

(a) Departments and agencies are prohibited from using funds appropriated or otherwise made available by the Fiscal Year 2010 Defense Appropriations Act (Pub. L. 111-118) for any contract (including task or delivery orders and bilateral modifications adding new work) in excess of \$1 million, unless the contractor agrees not to—

(1) Enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration—

(i) Any claim under title VII of the Civil Rights Act of 1964; or

(ii) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) Take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration—

(i) Any claim under title VII of the Civil Rights Act of 1964; or

(ii) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) After June 17, 2010, no funds appropriated or otherwise made available by the Fiscal Year 2010 Defense Appropriations Act (Pub. L. 111-118) may be expended unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce, any provision of any agreement, as described in paragraph (a) of this section, with respect to any employee or independent contractor performing work related to such subcontract.

222.7402 Applicability.

This requirement does not apply to the acquisition of commercial items.

222.7403 Waiver.

The Secretary of Defense may waive the applicability of paragraphs (a) or (b) of 222.7401, in accordance with PGI 222.7403, to a particular contract or subcontract,

Defense Federal Acquisition Regulation Supplement

Part 222—Application of Labor Laws to Government Acquisitions

if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The Secretary of Defense shall transmit the determination to Congress and simultaneously publish it in the Federal Register, not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

222.7404 Contract clause.

Use the clause at 252.222-7006, Restrictions on the Use of Mandatory Arbitration Agreements, in all solicitations and contracts valued in excess of \$1 million utilizing funds appropriated or otherwise made available by the Fiscal Year 2010 Defense Appropriations Act (Pub. L. 111-118), except in contracts for the acquisition of commercial items, including commercially available off-the-shelf items.

TABLE OF CONTENTS

(Revised May 19, 2010)

SUBPART 252.1—INSTRUCTIONS FOR USING PROVISIONS AND CLAUSES

252.101 Using Part 252.

SUBPART 252.2—TEXT OF PROVISIONS AND CLAUSES

252.201-7000	Contracting Officer's Representative.
252.203-7000	Requirements Relating to Compensation of Former DoD Officials.
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies.
252.203-7002	Requirement to Inform Employees of Whistleblower Rights.
252.204-7000	Disclosure of Information.
252.204-7001	Commercial and Government Entity (CAGE) Code Reporting.
252.204-7002	Payment for Subline Items Not Separately Priced.
252.204-7003	Control of Government Personnel Work Product.
252.204-7004	Alternate A.
252.204-7005	Oral Attestation of Security Responsibilities.
252.204-7006	Billing Instructions.
252.204-7007	Alternate A, Annual Representations and Certifications.
252.204-7008	Export-Controlled Items.
252.204-7009	Reserved.
252.204-7010	Requirement for Contractor to Notify DoD if the Contractor's Activities are Subject to Reporting Under the U.S.-International Atomic Energy Agency Additional Protocol.
252.205-7000	Provision of Information to Cooperative Agreement Holders.
252.206-7000	Domestic Source Restriction.
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material.
252.209-7000	Reserved.
252.209-7001	Disclosure of Ownership or Control by the Government of a Terrorist Country.
252.209-7002	Disclosure of Ownership or Control by a Foreign Government.
252.209-7003	Reserved.
252.209-7004	Subcontracting with Firms That Are Owned or Controlled by the Government of a Terrorist Country.
252.209-7005	Reserve Officer Training Corps and Military Recruiting on Campus.
252.209-7006	Limitations on Contractors Acting as Lead System Integrators.
252.209-7007	Prohibited Financial Interests for Lead System Integrators.
252.211-7000	Acquisition Streamlining.
252.211-7001	Availability of Specifications, Standards, and Data Item Descriptions Not Listed in the Acquisition Streamlining and Standardization Information System (ASSIST), and Plans, Drawings, and Other Pertinent Documents.
252.211-7002	Availability for Examination of Specifications, Standards, Plans, Drawings, Data Item Descriptions, and Other Pertinent Documents.
252.211-7003	Item Identification and Valuation.
252.211-7004	Alternate Preservation, Packaging, and Packing.
252.211-7005	Substitutions for Military or Federal Specifications and Standards.
252.211-7006	Radio Frequency Identification.
252.211-7007	Reporting of Government-Furnished Equipment in the DoD Item

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

	Unique Identification (IUID) Registry.
252.212-7000	Offeror Representations and Certifications--Commercial Items.
252.212-7001	Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items.
252.215-7000	Pricing Adjustments.
252.215-7001	Reserved.
252.215-7002	Cost Estimating System Requirements.
252.215-7003	Excessive Pass-Through Charges – Identification of Subcontract Effort.
252.215-7004	Excessive Pass-Through Charges.
252.215-7005	Evaluation Factor for Employing or Subcontracting with Members of the Selected Reserve.
252.215-7006	Use of Employees or Individual Subcontractors Who are Members of the Selected Reserve.
252.216-7000	Economic Price Adjustment--Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products.
252.216-7001	Economic Price Adjustment--Nonstandard Steel Items.
252.216-7002	Alternate A, Time-and-Materials/Labor-Hour Proposal Requirements – Non-Commercial Item Acquisition with Adequate Price Competition.
252.216-7003	Economic Price Adjustment--Wage Rates or Material Prices Controlled by a Foreign Government.
252.217-7000	Exercise of Option to Fulfill Foreign Military Sales Commitments.
252.217-7001	Surge Option.
252.217-7002	Offering Property for Exchange.
252.217-7003	Changes.
252.217-7004	Job Orders and Compensation.
252.217-7005	Inspection and Manner of Doing Work.
252.217-7006	Title.
252.217-7007	Payments.
252.217-7008	Bonds.
252.217-7009	Default.
252.217-7010	Performance.
252.217-7011	Access to Vessel.
252.217-7012	Liability and Insurance.
252.217-7013	Guarantees.
252.217-7014	Discharge of Liens.
252.217-7015	Safety and Health.
252.217-7016	Plant Protection.
252.217-7017	Reserved.
252.217-7018	Reserved.
252.217-7019	Reserved.
252.217-7020	Reserved.
252.217-7021	Reserved.
252.217-7022	Reserved.
252.217-7023	Reserved.
252.217-7024	Reserved.
252.217-7025	Reserved.
252.217-7026	Identification of Sources of Supply.
252.217-7027	Contract Definitization.
252.217-7028	Over and Above Work.
252.219-7000	Reserved.
252.219-7001	Reserved.

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

- 252.219-7002 Reserved.
- 252.219-7003 Small Business Subcontracting Plan (DoD Contracts).
- 252.219-7004 Small Business Subcontracting Plan (Test Program).
- 252.219-7005 Reserved.
- 252.219-7006 Reserved.
- 252.219-7007 Reserved.
- 252.219-7008 Reserved.
- 252.219-7009 Section 8(a) Direct Award.
- 252.219-7010 Alternate A.
- 252.219-7011 Notification to Delay Performance.
- 252.222-7000 Restrictions on Employment of Personnel.
- 252.222-7001 Right of First Refusal of Employment--Closure of Military Installations.
- 252.222-7002 Compliance with Local Labor Laws (Overseas).
- 252.222-7003 Permit from Italian Inspectorate of Labor.
- 252.222-7004 Compliance with Spanish Social Security Laws and Regulations.
- 252.222-7005 Prohibition on Use of Nonimmigrant Aliens--Guam.
- 252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements
- 252.223-7000 Reserved.
- 252.223-7001 Hazard Warning Labels.
- 252.223-7002 Safety Precautions for Ammunition and Explosives.
- 252.223-7003 Change in Place of Performance--Ammunition and Explosives.
- 252.223-7004 Drug-Free Work Force.
- 252.223-7005 Reserved.
- 252.223-7006 Prohibition on Storage and Disposal of Toxic and Hazardous Materials.
- 252.223-7007 Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives.
- 252.225-7000 Buy American Act--Balance of Payments Program Certificate.
- 252.225-7001 Buy American Act and Balance of Payments Program.
- 252.225-7002 Qualifying Country Sources as Subcontractors.
- 252.225-7003 Report of Intended Performance Outside the United States and Canada--Submission with Offer.
- 252.225-7004 Report of Intended Performance Outside the United States and Canada--Submission after Award.
- 252.225-7005 Identification of Expenditures in the United States.
- 252.225-7006 Quarterly Reporting of Actual Contract Performance Outside the United States.
- 252.225-7007 Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies.
- 252.225-7008 Restriction on Acquisition of Specialty Metals.
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals.
- 252.225-7010 Commercial Derivative Military Article—Specialty Metals Compliance Certificate.
- 252.225-7011 Restriction on Acquisition of Supercomputers.
- 252.225-7012 Preference for Certain Domestic Commodities.
- 252.225-7013 Duty-Free Entry.
- 252.225-7014 Reserved.
- 252.225-7015 Restriction on Acquisition of Hand or Measuring Tools.
- 252.225-7016 Restriction on Acquisition of Ball and Roller Bearings.
- 252.225-7017 Reserved.

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

- 252.225-7018 Notice of Prohibition of Certain Contracts with Foreign Entities for the Conduct of Ballistic Missile Defense Research, Development, Test, and Evaluation.
- 252.225-7019 Restriction on Acquisition of Anchor and Mooring Chain.
- 252.225-7020 Trade Agreements Certificate.
- 252.225-7021 Trade Agreements.
- 252.225-7022 Trade Agreements Certificate - Inclusion of Iraqi End Products.
- 252.225-7023 Preference for Products or Services from Iraq or Afghanistan.
- 252.225-7024 Requirement for Products or Services from Iraq or Afghanistan.
- 252.225-7025 Restriction on Acquisition of Forgings.
- 252.225-7026 Acquisition Restricted to Products or Services from Iraq or Afghanistan.
- 252.225-7027 Restriction on Contingent Fees for Foreign Military Sales.
- 252.225-7028 Exclusionary Policies and Practices of Foreign Governments.
- 252.225-7029 Reporting of Commercially Available Off-the-Shelf Items that Contain Specialty Metals and are Incorporated into Noncommercial End Items.
- 252.225-7030 Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate.
- 252.225-7031 Secondary Arab Boycott of Israel.
- 252.225-7032 Waiver of United Kingdom Levies—Evaluation of Offers.
- 252.225-7033 Waiver of United Kingdom Levies.
- 252.225-7034 Reserved.
- 252.225-7035 Buy American Act--Free Trade Agreements--Balance of Payments Program Certificate.
- 252.225-7036 Buy American Act--Free Trade Agreements--Balance of Payments Program.
- 252.225-7037 Evaluation of Offers for Air Circuit Breakers.
- 252.225-7038 Restriction on Acquisition of Air Circuit Breakers.
- 252.225-7039 Reserved.
- 252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States.
- 252.225-7041 Correspondence in English.
- 252.225-7042 Authorization to Perform.
- 252.225-7043 Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States.
- 252.225-7044 Balance of Payments Program--Construction Material.
- 252.225-7045 Balance of Payments Program--Construction Material Under Trade Agreements.
- 252.226-7000 Notice of Historically Black College or University and Minority Institution Set-Aside.
- 252.226-7001 Utilization of Indian Organizations and Indian-Owned Economic Enterprises—DoD Contracts
- 252.227-7000 Non-Estoppel.
- 252.227-7001 Release of Past Infringement.
- 252.227-7002 Readjustment of Payments.
- 252.227-7003 Termination.
- 252.227-7004 License Grant.
- 252.227-7005 License Term.
- 252.227-7006 License Grant--Running Royalty.
- 252.227-7007 License Term--Running Royalty.
- 252.227-7008 Computation of Royalties.
- 252.227-7009 Reporting and Payment of Royalties.
- 252.227-7010 License to Other Government Agencies.
- 252.227-7011 Assignments.

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

- 252.227-7012 Patent License and Release Contract.
- 252.227-7013 Rights in Technical Data--Noncommercial Items.
- 252.227-7014 Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation.
- 252.227-7015 Technical Data--Commercial Items.
- 252.227-7016 Rights in Bid or Proposal Information.
- 252.227-7017 Identification and Assertion of Use, Release, or Disclosure Restrictions.
- 252.227-7018 Rights in Noncommercial Technical Data and Computer Software--Small Business Innovation Research (SBIR) Program.
- 252.227-7019 Validation of Asserted Restrictions--Computer Software.
- 252.227-7020 Rights in Special Works.
- 252.227-7021 Rights in Data--Existing Works.
- 252.227-7022 Government Rights (Unlimited).
- 252.227-7023 Drawings and Other Data to Become Property of Government.
- 252.227-7024 Notice and Approval of Restricted Designs.
- 252.227-7025 Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends.
- 252.227-7026 Deferred Delivery of Technical Data or Computer Software.
- 252.227-7027 Deferred Ordering of Technical Data or Computer Software.
- 252.227-7028 Technical Data or Computer Software Previously Delivered to the Government.
- 252.227-7029 Reserved.
- 252.227-7030 Technical Data--Withholding of Payment.
- 252.227-7031 Reserved.
- 252.227-7032 Rights in Technical Data and Computer Software (Foreign).
- 252.227-7033 Rights in Shop Drawings.
- 252.227-7034 Reserved.
- 252.227-7035 Reserved.
- 252.227-7036 Reserved.
- 252.227-7037 Validation of Restrictive Markings on Technical Data.
- 252.227-7038 Patent Rights--Ownership by the Contractor (Large Business).
- 252.227-7039 Patents--Reporting of Subject Inventions.
- 252.228-7000 Reimbursement for War-Hazard Losses.
- 252.228-7001 Ground and Flight Risk.
- 252.228-7002 Aircraft Flight Risk.
- 252.228-7003 Capture and Detention.
- 252.228-7004 Bonds or Other Security.
- 252.228-7005 Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles.
- 252.228-7006 Compliance with Spanish Laws and Insurance.
- 252.229-7000 Invoices Exclusive of Taxes or Duties.
- 252.229-7001 Tax Relief.
- 252.229-7002 Customs Exemptions (Germany).
- 252.229-7003 Tax Exemptions (Italy).
- 252.229-7004 Status of Contractor as a Direct Contractor (Spain).
- 252.229-7005 Tax Exemptions (Spain).
- 252.229-7006 Value Added Tax Exclusion (United Kingdom).
- 252.229-7007 Verification of United States Receipt of Goods.
- 252.229-7008 Relief from Import Duty (United Kingdom).
- 252.229-7009 Relief From Customs Duty and Value Added Tax on Fuel (Passenger Vehicles) (United Kingdom).

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

- 252.229-7010 Relief from Customs Duty on Fuel (United Kingdom).
- 252.229-7011 Reporting of Foreign Taxes – U.S. Assistance Programs.
- 252.231-7000 Supplemental Cost Principles.
- 252.232-7000 Advance Payment Pool.
- 252.232-7001 Disposition of Payments.
- 252.232-7002 Progress Payments for Foreign Military Sales Acquisitions.
- 252.232-7003 Electronic Submission of Payment Requests and Receiving Reports.
- 252.232-7004 DoD Progress Payment Rates.
- 252.232-7005 Reimbursement of Subcontractor Advance Payments--DoD Pilot Mentor-Protége Program.
- 252.232-7006 Reserved.
- 252.232-7007 Limitation of Government's Obligation.
- 252.232-7008 Assignment of Claims (Overseas).
- 252.232-7009 Mandatory Payment by Governmentwide Commercial Purchase Card.
- 252.232-7010 Levies on Contract Payments.
- 252.233-7000 Reserved.
- 252.233-7001 Choice of Law (Overseas).
- 252.234-7001 Notice of Earned Value Management System.
- 252.234-7002 Earned Value Management System.
- 252.235-7000 Indemnification Under 10 U.S.C. 2354--Fixed Price.
- 252.235-7001 Indemnification Under 10 U.S.C. 2354--Cost Reimbursement.
- 252.235-7002 Animal Welfare.
- 252.235-7003 Frequency Authorization.
- 252.235-7004 Protection of Human Subjects.
- 252.235-7005 Reserved.
- 252.235-7006 Reserved.
- 252.235-7007 Reserved.
- 252.235-7008 Reserved.
- 252.235-7009 Reserved.
- 252.235-7010 Acknowledgement of Support and Disclaimer.
- 252.235-7011 Final Scientific or Technical Report.
- 252.236-7000 Modification Proposals--Price Breakdown.
- 252.236-7001 Contract Drawings and Specifications.
- 252.236-7002 Obstruction of Navigable Waterways.
- 252.236-7003 Payment for Mobilization and Preparatory Work.
- 252.236-7004 Payment for Mobilization and Demobilization.
- 252.236-7005 Airfield Safety Precautions.
- 252.236-7006 Cost Limitation.
- 252.236-7007 Additive or Deductive Items.
- 252.236-7008 Contract Prices--Bidding Schedules.
- 252.236-7009 Option for Supervision and Inspection Services.
- 252.236-7010 Overseas Military Construction--Preference for United States Firms.
- 252.236-7011 Overseas Architect-Engineer Services--Restriction to United States Firms.
- 252.236-7012 Military Construction on Kwajalein Atoll--Evaluation Preference.
- 252.236-7013 Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers.
- 252.237-7000 Notice of Special Standards of Responsibility.
- 252.237-7001 Compliance with Audit Standards.
- 252.237-7002 Award to Single Offeror.
- 252.237-7003 Requirements.

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

- 252.237-7004 Area of Performance.
- 252.237-7005 Performance and Delivery.
- 252.237-7006 Subcontracting.
- 252.237-7007 Termination for Default.
- 252.237-7008 Group Interment.
- 252.237-7009 Permits.
- 252.237-7010 Reserved.
- 252.237-7011 Preparation History.
- 252.237-7012 Instruction to Offerors (Count-of-Articles).
- 252.237-7013 Instruction to Offerors (Bulk Weight).
- 252.237-7014 Loss or Damage (Count-of-Articles).
- 252.237-7015 Loss or Damage (Weight of Articles).
- 252.237-7016 Delivery Tickets.
- 252.237-7017 Individual Laundry.
- 252.237-7018 Special Definitions of Government Property.
- 252.237-7019 Training for Contractor Personnel Interacting with Detainees.
- 252.237-7020 Reserved.
- 252.237-7021 Reserved.
- 252.237-7022 Services at Installations Being Closed.
- 252.237-7023 Continuation of Mission Essential Functions.
- 252.239-7000 Protection Against Compromising Emanations.
- 252.239-7001 Information Assurance Contractor Training and Certification.
- 252.239-7002 Access.
- 252.239-7003 Reserved.
- 252.239-7004 Orders for Facilities and Services.
- 252.239-7005 Rates, Charges, and Services.
- 252.239-7006 Tariff Information.
- 252.239-7007 Cancellation or Termination of Orders.
- 252.239-7008 Reuse Arrangements.
- 252.239-7009 Reserved.
- 252.239-7010 Reserved.
- 252.239-7011 Special Construction and Equipment Charges.
- 252.239-7012 Title to Telecommunication Facilities and Equipment.
- 252.239-7013 Obligation of the Government.
- 252.239-7014 Term of Agreement.
- 252.239-7015 Continuation of Communication Service Authorizations.
- 252.239-7016 Telecommunications Security Equipment, Devices, Techniques, and Services.
- 252.241-7000 Superseding Contract.
- 252.241-7001 Government Access.
- 252.242-7000 Reserved.
- 252.242-7001 Reserved.
- 252.242-7002 Reserved.
- 252.242-7003 Application for U.S. Government Shipping Documentation/Instructions.
- 252.242-7004 Material Management and Accounting System.
- 252.243-7000 Reserved.
- 252.243-7001 Pricing of Contract Modifications.
- 252.243-7002 Requests for Equitable Adjustment.
- 252.244-7000 Subcontracts for Commercial Items and Commercial Components (DoD Contracts).
- 252.245-7000 Government-Furnished Mapping, Charting, and Geodesy Property.

Defense Federal Acquisition Regulation Supplement

Part 252—Solicitation Provisions and Contract Clauses

- 252.246-7000 Material Inspection and Receiving Report.
- 252.246-7001 Warranty of Data.
- 252.246-7002 Warranty of Construction (Germany).
- 252.246-7003 Notification of Potential Safety Issues.
- 252.247-7000 Hardship Conditions.
- 252.247-7001 Price Adjustment.
- 252.247-7002 Revision of Prices.
- 252.247-7003 Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer.
- 252.247-7004 Indefinite Quantities--Fixed Charges.
- 252.247-7005 Indefinite Quantities--No Fixed Charges.
- 252.247-7006 Removal of Contractor's Employees.
- 252.247-7007 Liability and Insurance.
- 252.247-7008 Evaluation of Bids.
- 252.247-7009 Award.
- 252.247-7010 Scope of Contract.
- 252.247-7011 Period of Contract.
- 252.247-7012 Ordering Limitation.
- 252.247-7013 Contract Areas of Performance.
- 252.247-7014 Demurrage.
- 252.247-7015 Requirements.
- 252.247-7016 Contractor Liability for Loss or Damage.
- 252.247-7017 Erroneous Shipments.
- 252.247-7018 Subcontracting.
- 252.247-7019 Drayage.
- 252.247-7020 Additional Services.
- 252.247-7021 Returnable Containers Other Than Cylinders.
- 252.247-7022 Representation of Extent of Transportation by Sea.
- 252.247-7023 Transportation of Supplies by Sea.
- 252.247-7024 Notification of Transportation of Supplies by Sea.
- 252.247-7025 Reflagging or Repair Work.
- 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.
- 252.249-7000 Special Termination Costs.
- 252.249-7001 Reserved.
- 252.249-7002 Notification of Anticipated Contract Termination or Reduction.
- 252.251-7000 Ordering From Government Supply Sources.
- 252.251-7001 Use of Interagency Fleet Management System (IFMS) Vehicles and Related Services.

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

(Revised May 19, 2010)

252.222-7000 Restrictions on Employment of Personnel.

As prescribed in 222.7004, use the following clause:

RESTRICTIONS ON EMPLOYMENT OF PERSONNEL (MAR 2000)

(a) The Contractor shall employ, for the purpose of performing that portion of the contract work in _____, individuals who are residents thereof and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills to perform the contract.

(b) The Contractor shall insert the substance of this clause, including this paragraph (b), in each subcontract awarded under this contract.

(End of clause)

252.222-7001 Right of First Refusal of Employment--Closure of Military Installations.

As prescribed in 222.7102, use the following clause:

RIGHT OF FIRST REFUSAL OF EMPLOYMENT--CLOSURE OF MILITARY INSTALLATIONS (APR 1993)

(a) The Contractor shall give Government employees, who have been or will be adversely affected by closure of the military installation where this contract will be performed, the right of first refusal for employment openings under the contract. This right applies to positions for which the employee is qualified, if consistent with post-Government employment conflict of interest standards.

(b) Government personnel seeking preference under this clause shall provide the Contractor with evidence of eligibility from the Government personnel office.

(End of clause)

252.222-7002 Compliance with Local Labor Laws (Overseas).

As prescribed in 222.7201(a), use the following clause:

COMPLIANCE WITH LOCAL LABOR LAWS (OVERSEAS) (JUN 1997)

(a) The Contractor shall comply with all—

(1) Local laws, regulations, and labor union agreements governing work hours;
and

(2) Labor regulations including collective bargaining agreements, workers' compensation, working conditions, fringe benefits, and labor standards or labor contract matters.

(b) The Contractor indemnifies and holds harmless the United States Government from all claims arising out of the requirements of this clause. This indemnity includes

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

the Contractor's obligation to handle and settle, without cost to the United States Government, any claims or litigation concerning allegations that the Contractor or the United States Government, or both, have not fully complied with local labor laws or regulations relating to the performance of work required by this contract.

(c) Notwithstanding paragraph (b) of this clause, consistent with paragraphs 31.205-15(a) and 31.205-47(d) of the Federal Acquisition Regulation, the Contractor will be reimbursed for the costs of all fines, penalties, and reasonable litigation expenses incurred as a result of compliance with specific contract terms and conditions or written instructions from the Contracting Officer.

(End of clause)

252.222-7003 Permit from Italian Inspectorate of Labor.

As prescribed in 222.7201(b), use the following clause:

PERMIT FROM ITALIAN INSPECTORATE OF LABOR (JUN 1997)

Prior to the date set for commencement of work and services under this contract, the Contractor shall obtain the prescribed permit from the Inspectorate of Labor having jurisdiction over the work site, in accordance with Article 5g of Italian Law Number 1369, dated October 23, 1960. The Contractor shall ensure that a copy of the permit is available at all reasonable times for inspection by the Contracting Officer or an authorized representative. Failure to obtain such permit may result in termination of the contract for the convenience of the United States Government, at no cost to the United States Government.

(End of clause)

252.222-7004 Compliance with Spanish Social Security Laws and Regulations.

As prescribed in 222.7201(c), use the following clause:

COMPLIANCE WITH SPANISH SOCIAL SECURITY LAWS AND REGULATIONS (JUN 1997)

(a) The Contractor shall comply with all Spanish Government social security laws and regulations. Within 30 calendar days after the start of contract performance, the Contractor shall ensure that copies of the documents identified in paragraph (a)(1) through (a)(5) of this clause are available at all reasonable times for inspection by the Contracting Officer or an authorized representative. The Contractor shall retain the records in accordance with the Audit and Records clause of this contract.

- (1) TC1--Certificate of Social Security Payments;
- (2) TC2--List of Employees;
- (3) TC2/1--Certificate of Social Security Payments for Trainees;

and
(4) Nominal (pay statements) signed by both the employee and the Contractor;

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

(5) Informa de Situacion de Empresa (Report of the Condition of the Enterprise) from the Ministerio de Trabajo y S.S., Tesoreria General de la Seguridad Social (annotated with the pertinent contract number(s) next to the employee's name).

(b) All TC1's, TC2's, and TC2/1's shall contain a representation that they have been paid by either the Social Security Administration Office or the Contractor's bank or savings institution. Failure by the Contractor to comply with the requirements of this clause may result in termination of the contract under the clause of the contract entitled "Default."

(End of clause)

252.222-7005 Prohibition on Use of Nonimmigrant Aliens--Guam.

As prescribed in 222.7302, use the following clause:

PROHIBITION ON USE OF NONIMMIGRANT ALIENS--GUAM (SEP 1999)

The work required by this contract shall not be performed by any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)). This prohibition does not apply to the performance of work by lawfully admitted citizens of the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

(End of clause)

252.222-7006 Restrictions on the Use of Mandatory Arbitration Agreements

As prescribed in 222.7404, use the following clause:

RESTRICTIONS ON THE USE OF MANDATORY ARBITRATION AGREEMENTS (MAY 2010)

(a) *Definitions.* As used in this clause--

"Covered subcontractor" means any entity that has a subcontract valued in excess of \$1 million, except a subcontract for the acquisition of commercial items, including commercially available off-the-shelf items.

"Subcontract" means any contract, as defined in Federal Acquisition Regulation subpart 2.1, to furnish supplies or services for performance of this contract or a higher-tier subcontract thereunder.

(b) The Contractor--

(1) Agrees not to--

(i) Enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration--

(A) Any claim under title VII of the Civil Rights Act of 1964; or

Defense Federal Acquisition Regulation Supplement

Part 252--Solicitation Provisions and Contract Clauses

(B) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(ii) Take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration—

(A) Any claim under title VII of the Civil Rights Act of 1964; or

(B) Any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; and

(2) Certifies, by signature of the contract, for contracts awarded after June 17, 2010, that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce, any provision of any agreements, as described in paragraph (b)(1) of this clause, with respect to any employee or independent contractor performing work related to such subcontract.

(c) The prohibitions of this clause do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the applicability of the restrictions of paragraph (b) of this clause in accordance with Defense Federal Acquisition Regulation Supplement 222.7403.

(End of clause)