

## **Appendix SFA-1 FAR & DEAR Clauses Incorporated By Reference**

- (a) The Federal Acquisition Regulation (FAR) and the Department of Energy Acquisition Regulation (DEAR) clauses which are incorporated by reference herein shall have the same force and effect as if printed in full text.
- (b) Full text of the referenced clauses may be accessed electronically by copying and pasting the appropriate URL address in your web browser:
- |                   |   |
|-------------------|---|
| FAR clauses:      | <a href="https://www.acquisition.gov/browse/far/52">https://www.acquisition.gov/browse/far/52</a>   |
| DEAR 952 clauses: | <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=838834e575ead9ec27ea415e492b42ee&amp;mc=true&amp;tpl=/ecfrbrowse/Title48/48cfr952_main_02.tpl">https://www.ecfr.gov/cgi-bin/text-idx?SID=838834e575ead9ec27ea415e492b42ee&amp;mc=true&amp;tpl=/ecfrbrowse/Title48/48cfr952_main_02.tpl</a> |
| DEAR 970 clauses: | <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=838834e575ead9ec27ea415e492b42ee&amp;mc=true&amp;tpl=/ecfrbrowse/Title48/48cfr970_main_02.tpl">https://www.ecfr.gov/cgi-bin/text-idx?SID=838834e575ead9ec27ea415e492b42ee&amp;mc=true&amp;tpl=/ecfrbrowse/Title48/48cfr970_main_02.tpl</a> |
- (c) The following alterations shall apply to FAR and DEAR clauses wherever necessary to make the context of the unmodified FAR and DEAR clauses applicable to this subcontract.
- (1) The term "Contractor" shall mean "SUBCONTRACTOR;"
  - (2) The term "Contract" shall mean this subcontract; and
  - (3) The term "DOE", "Government," "Contracting Officer" and equivalent phrases shall mean CONTRACTOR and/or CONTRACTOR'S representative, except the terms "Government" and "Contracting Officer" do not change:
    - (i) In the phrases "Government Property," "Government-Furnished Property," and "Government-Owned Property;"
    - (ii) In any patent clauses incorporated herein;
    - (iii) When a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or his duly authorized representative;
    - (iv) When title to property is to be transferred directly to the Government;
    - (v) When access to proprietary financial information or other proprietary data is required except for authorized audit rights; and
    - (vi) Where specifically modified herein.
  - (4) For authorized audit rights, the term "Contracting Officer or an authorized representative of the Contracting Officer" shall also include "CONTRACTOR, or an authorized representative of CONTRACTOR."
- (d) Each of the individual FAR/DEAR clauses listed below is incorporated by reference into this subcontract when the condition(s) for applicability is/are met.

<b>THE FOLLOWING CLAUSES APPLY TO THIS SUBCONTRACT REGARDLESS OF THE AMOUNT OF THE SUBCONTRACT PRICE, UNLESS OTHERWISE NOTED:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.203-18	Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements - Representation - (Jan 2017)	<b>Solicitation Provision</b> that applies in all solicitations, except in solicitations for a personal services subcontract with an individual if the services are to be performed entirely by the individual.
FAR 52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017)	Applies in all solicitations and resultant subcontracts, other than personal services subcontracts with individuals.
FAR 52.215-22	Limitations on Pass-Through Charges -- Identification of Subcontract Effort (Oct 2009)	Applies if subcontractor intends to subcontract to a lower-tier subcontractor more than 70 percent of the total cost of work to be performed under its subcontract.
FAR 52.216-8	Fixed Fee (Jun 2011)	
FAR 52.222-4	Contract Work Hours and Safety Standards Act - Overtime Compensation (May 2014)	Applies to subcontracts that may require or involve the employment of laborers and mechanics. When applicable, only paragraphs (a) through (d) apply to subcontracts. Furthermore, if applicable, SUBCONTRACTOR shall flow down paragraphs (a) through (d) to all its lower-tier subcontracts that may require or involve the employment of laborers and mechanics.
FAR 52.222-50	Combating Trafficking In Persons (Mar 2015)	Applies in all subcontracts and in all contracts with agents (as defined in FAR 52.222-50). The requirements in paragraph (h) of this clause apply only to any portion of a subcontract that— (A) Is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and (B) Has an estimated value that exceeds \$500,000.
FAR 52.223-3	Hazardous Material Identification and Material Safety Data (Jan 1997) Alternate I (Jul 1995)	Applies only if subcontract involves delivery of hazardous materials as defined in FAR subpart 23.301. If applicable, the term "Government" as used in this clause means "CONTRACTOR and the Government.
FAR 52.223-5	Pollution Prevention And Right-To-Know Information (May 2011) Alternate I (May 2011)	Applies in solicitations and subcontracts that provide for performance, in whole or in part, at LANL.
FAR 52.223-10	Waste Reduction Program (May 2011)	Applies only when work will be performed on site at LANL.
FAR 52.223-12	Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016)	Applies in solicitations and subcontracts for services when the subcontract includes the maintenance, service, repair, or disposal of: (i) Refrigeration equipment, such as refrigerators, chillers, or freezers; or (ii) Air conditioners, including air conditioning systems in motor vehicles.
FAR 52.225-13	Restrictions on Certain Foreign Purchases (Jun 2008)	
FAR 52.227-23	Rights to Proposal Data (Technical) (Jun 1987)	Applies if subcontract is based on consideration of a technical proposal.
FAR 52.228-5	Insurance—Work on a Government Installation (Jan 1997)	Applies in subcontracts that require work on a Government installation.
FAR 52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)	
FAR 52.242-1	Notice of Intent to Disallow Costs (Apr 1984)	
FAR 52.244-6	Subcontracts for Commercial Items (Jan 2017)	
FAR 52.245-1	Government Property (Jan 2017)	
FAR 52.245-9	Use and Charges (Apr 2012)	Applies when FAR 52.245-1 is applicable.
FAR 52.247-63	Preference for U.S.-Flag Air Carriers (Jun 2003)	Applies if performance of subcontract may involve international air transportation.
FAR 52.247-64	Preference for Privately Owned U.S.-	Applies unless exempted by paragraph (e)(4) of FAR 52.247-

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	Flag Commercial Vessels (Feb 2006)	64.
FAR 52.249-6	Termination (Cost-Reimbursement) (May 2004)	Paragraphs (e), (j) and (n) are deleted, and the period for submitting the subcontractor's termination settlement proposal in paragraph (f) is reduced to 6 months.
FAR 52.249-14	Excusable Delays (Apr 1984)	
DEAR 952.203-70	Whistleblower Protection For Contractor Employees (Dec 2000)	Applies to subcontracts involving work performed on behalf of DOE directly related to activities at DOE-owned or leased sites.
DEAR 952.204-71	Sensitive Foreign Nations Controls (Apr 1994)	Applies if SUBCONTRACTOR may make unclassified information about nuclear technology available to certain sensitive foreign nations. When applicable, contact CONTRACTOR to get a list of Sensitive Foreign Nations.
DEAR 952.208-70	Printing (Apr 1984)	
DEAR 952.250-70	Nuclear Hazards Indemnity Agreement (Aug 2016)	Applies only if performance of subcontract may involve the risk of public liability, as that term is defined in the Atomic Energy Act of 1954, as amended, with the additional conditions described in DEAR 952.250-70 (d)(2).
DEAR 970.5223-1	Integration Of Environment, Safety, And Health Into Work Planning And Execution (Dec 2000)	Applies to subcontracts involving complex or hazardous work at LANL.
DEAR 970.5225-1	Compliance with Export Control Laws and Regulations (Nov 2015)	
DEAR 970.5229-1	State and Local Taxes (Dec 2000)	Paragraph (b) is deleted.
DEAR 970.5245-1	Property (Dec 2000)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$2,500:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-41	Service Contract Labor Standards (May 2014)	Unless exempted, applies if the principal purpose of the subcontract is to furnish services in the United States through the use of service employees. See FAR subparts 22.1003-3 and 22.1003-4 for exemptions to SCA.
FAR 52.222-42	Statement of Equivalent Rates for Federal Hires (May 2014)	Applies if FAR 52.222-41 is applicable.
FAR 52.222-43	Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (Multiple Year and Option Contracts) (Aug 2018)	Applies if FAR 52.222-41 is applicable, and subcontract is a multiple year or has options to renew.
FAR 52.222-44	Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (May 2014)	Applies if FAR 52.222-41 is applicable, and subcontract is not a multiple year or does not have options to renew.
FAR 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)	Applies if SUBCONTRACTOR has made the certification specified in FAR 52.222-48(a).
FAR 52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (May 2014)	Applies if SUBCONTRACTOR has made the certification specified in FAR 52.222-52(a).
FAR 52.222-55	Minimum Wages Under Executive Order 13658 (Dec 2015)	Applies in all subcontracts, regardless of dollar value, that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and are to be performed in whole or in part in the United States.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$3,500:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-54	Employment Eligibility Verification (Oct 2015)	Applies in each subcontract that— (1) Is for— (i) Commercial or noncommercial services (except for commercial services that are part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications), performed by the COTS provider, and are normally provided for that COTS item); or (ii) Construction; (2) Has a value of more than \$3,500; and (3) Includes work performed in the United States.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$10,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-3	Convict Labor (Jun 2003)	Applies if subcontract will be performed in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, or the U.S. Virgin Islands.
FAR 52.222-21	Prohibition of Segregated Facilities (Apr 2015)	Applies if FAR 52.222-26 Equal Opportunity is applicable.
FAR 52.222-26	Equal Opportunity (Sep 2016)	Applies unless subcontract is exempt from one or more of the requirements of E.O. 11246; see FAR Subpart 22.807(b) for a list of exemptions.
FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)	Applies in subcontracts that will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13496 of January 30, 2009.
FAR 52.225-1	Buy American Act – Supplies (May 2014)	Applies if the acquisition is for supplies for use within the United States; and none of the exceptions to the Buy American Act apply (e.g., nonavailability, public interest, or information technology that is a commercial item).
FAR 52.232-23	Assignment of Claims (May 2014) Alternate I (Apr 1984)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$15,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-36	Equal Opportunity for Workers with Disabilities (Jul 2014)	Applies unless exempted by the rules, regulations, or orders of the Secretary of Labor.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE IS \$25,000 OR MORE:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
DEAR 970.5223-3	Agreement Regarding Workplace Substance Abuse Programs At DOE Sites (Dec 2010)	Solicitation provision applicable if performance of subcontract involves: (i) access to or handling of classified information or special nuclear materials; (ii) high risk of danger to life, the environment, public health and safety, or national security; or (iii) transportation of hazardous materials to or from a DOE site.
DEAR 970.5223-4	Workplace Substance Abuse Programs at DOE Sites (Dec 2010)	Applies if performance of subcontract involves: (i) access to or handling of classified information or special nuclear materials; (ii) high risk of danger to life, the environment, public health and safety, or national security; or (iii) transportation of hazardous materials to or from a DOE site.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$100,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
DEAR 970.5227-4	Authorization And Consent (Aug 2002),	Applies if subcontract is for research and development

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$100,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
	paragraph (a) only	activities.
DEAR 970.5227-5	Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2000)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE IS \$150,000 OR MORE:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-35	Equal Opportunity for Veterans (Oct 2015)	Applies unless exempted by the rules, regulations, or orders of the Secretary of Labor.
FAR 52.222-37	Employment Reports on Veterans (Feb 2016)	Applies unless exempted by the rules, regulations, or orders of the Secretary of Labor.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$150,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.203-7	Anti-Kickback Procedures (May 2014)	Paragraph (c) (1) is deleted.
FAR 52.203-12	Limitation On Payments To Influence Certain Federal Transactions (Oct 2010)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$250,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.203-3	Gratuities (Apr 1984)	
FAR 52.203-5	Covenant Against Contingent Fees (Apr 1984)	Applies only if subcontract is for non-commercial items.
FAR 52.203-6	Restrictions on Subcontractor Sales to the Government (Sep 2006)	Alternate I (Oct 1995) is also applicable if subcontract is for commercial items.
FAR 52.203-8	Cancellation, Rescission, And Recovery Of Funds For Illegal Or Improper Activity (May 2014)	Applies only if subcontract is for non-commercial items.
FAR 52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity (May 2014)	Applies only if subcontract is for non-commercial items. If applicable, in paragraph (d) the term "Government" means "Government or CONTRACTOR."
FAR 52.203-17	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Apr 2014)	
FAR 52.215-2	Audit and Records - Negotiation (Oct 2010)	
FAR 52.215-23	Limitations on Pass-Through Charges (Oct 2009)	
FAR 52.219-8	Utilization of Small Business Concerns (Nov 2016)	Applies if subcontract offers further subcontracting opportunities and is to be performed within the United States and its outlying areas. If applicable and the subcontract exceeds \$700,000 (\$1,500,000 for construction of any public facility), SUBCONTRACTOR shall include FAR 52.219-8 in its lower tier subcontracts (except subcontracts to small business concerns) that offer further subcontracting possibilities.
FAR 52.222-17	Nondisplacement of Qualified Workers (May 2014)	Applies in in solicitations and subcontracts for (1) service contracts, as defined at FAR 22.001, (2) that succeed subcontracts for performance of the same or similar work at the same location and (3) that are not exempted by FAR 22.1203-2 or waived in accordance with FAR 22.1203-3.
FAR 52.227-1	Authorization and Consent (Dec 2007) Alternate I (Apr 1984)	
FAR 52.232-17	Interest (May 2014)	Applies unless one of the exemptions listed in FAR Subpart 32.611(a) is applicable.

FAR 52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving.(Aug 2011)	
DEAR 952.209-72	Organizational Conflicts of Interest (Aug 2009) with Alternate I	Applies if subcontract is for advisory and assistance services, as defined in FAR Subpart 2.101. The activities and programs listed in FAR Subpart 37.202 are excluded or exempted from the definition of advisory or assistance services.
DEAR 970.5223-7	Sustainable acquisition program. (Oct 2010)	Applies only to first tier subcontracts exceeding the simplified acquisition threshold that support operation of the DOE facility and offer significant subcontracting opportunities for energy efficient or environmentally sustainable products or services.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$500,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
DEAR 952.226-74	Displaced Employee Hiring Preference (Jun 1997)	Applies if subcontract is not for commercial items, as that term is defined in 48 CFR Subpart 2.1.
DEAR 970.5226-2	Workforce Restructuring Under Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Dec 2000)	Applies if subcontract is not for commercial items, as that term is defined in 48 CFR Subpart 2.1.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$700,000, THE SUBCONTRACTOR IS A LARGE BUSINESS, AND FAR 52.219-8 IS APPLICABLE:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.219-9	Small Business Subcontracting Plan (Jan 2017), Alternate II (Nov 2016)	

<b>THE FOLLOWING CLAUSES APPLY ONLY TO A NEGOTIATED SUBCONTRACT IF THE SUBCONTRACT PRICE EXCEEDS \$2,000,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.230-2	Cost Accounting Standards (Oct 2015), excluding paragraph (b)	Applies unless the subcontract is: (1) exempted from CAS (see 48 CFR 9903.201-1 (FAR Appendix)), or (2) subject to modified CAS coverage (see 48 CFR 9903.201-2 (FAR Appendix)) or (3) awarded to a foreign concern. When applicable, paragraph (b) is deleted and SUBCONTRACTOR shall include the substance of this clause, without paragraph (b), in all other subcontracts of any tier.
FAR 52.230-3	Disclosure And Consistency Of Cost Accounting Practices (Oct 2015), excluding paragraph (b)	Applies only to a negotiated subcontract that exceeds \$2,000,000 but less than \$50 million, and the offeror certifies it is eligible for and elects to use modified CAS coverage. When applicable, paragraph (b) is excluded, and SUBCONTRACTOR shall include this clause in all other subcontracts of any tier, except those exempted by FAR 52.230-3 (d).
FAR 52.230-4	Disclosure and Consistency of Cost Accounting Practices - Foreign Concerns (Oct 2015)	Applies only to a negotiated subcontract with a foreign concern, unless the subcontract is otherwise exempt from CAS (see 48 CFR 9903.201-1 (FAR Appendix)). Foreign concerns do not include foreign governments or their agents or instrumentalities.
FAR 52.230-6	Administration of Cost Accounting Standards (Jun 2010)	Applies when FAR 52.230-2, 52.230-3, 52.230-4 or 52.230-5 is applicable.
DEAR 970.5232-5	Liability With Respect To Cost Accounting Standards (Dec 2000)	Applies if any Cost Accounting Standards clauses are included (i.e., FAR 52.230-2, 52.230-3 and 52.230-6).

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$2,000,000 AND THE SUBCONTRACTOR IS REQUIRED TO SUBMIT COST OR PRICING DATA, OR WHERE PREAWARD OR POSTAWARD COST DETERMINATIONS WILL BE SUBJECT TO FAR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.215-10	Price Reduction for Defective Certified Cost or Pricing Data (Aug 2011)	Applies unless one of the exceptions in FAR 15.403-1(b) is applicable.
FAR 52.215-11	Price Reduction for Defective Certified Cost or Pricing Data – Modifications (Aug 2011)	Applies if modification price exceeds \$2,000,000, none of the exceptions in FAR 15.403-1(b) are applicable to modification, and FAR 52.215-10 was not applicable to subcontract.
FAR 52.215-12	Subcontractor Certified Cost or Pricing Data (Oct 2010)	Applies unless one of the exceptions in FAR 15.403-1(b) is applicable.
FAR 52.215-13	Subcontractor Certified Cost or Pricing Data – Modifications (Oct 2010)	Applies unless one of the exceptions in FAR 15.403-1(b) is applicable.
FAR 52.215-15	Pension Adjustments and Asset Reversions (Oct 2010)	
FAR 52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (July 2005)	Applies in solicitations and subcontracts for which it is anticipated that certified cost or pricing data will be required <u>or</u> for which any preaward or postaward cost determinations will be subject to FAR part 31.
FAR 52.215-19	Notification of Ownership Changes (Oct 1997)	Applies in solicitations and subcontracts for which it is contemplated that certified cost or pricing data will be required <u>or</u> for which any preaward or postaward cost determinations will be subject to FAR part 31.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SCOPE OF WORK REQUIRES THE DESIGN, DEVELOPMENT, OR OPERATION OF A SYSTEM OF RECORDS ON INDIVIDUALS THAT IS SUBJECT TO THE PRIVACY ACT OF 1974:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.224-1	Privacy Act Notification (Apr 1984)	
FAR 52.224-2	Privacy Act (Apr 1984)	

<b>THE FOLLOWING CLAUSES APPLY AS STATED IN THE CONDITIONS OF APPLICABILITY:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Conditions of Applicability</b>
FAR 52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015)	Applies only in subcontracts that have a value in excess of \$5.5 million and a performance period of more than 120 days.
FAR 52.203-14	Display of Hotline Poster(s) (Oct 2015)	Applies in all subcontracts that exceed \$5.5 million, except when subcontract (1) is for the acquisition of a commercial item; or (2) is performed entirely outside the United States.
FAR 52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010)	Applies only in subcontracts for commercial items as defined in FAR subpart 2.101 that are funded under the Act.
FAR 52.203-16	Preventing Personal Conflicts of Interest (Dec 2011)	Applies in all subcontracts that exceed \$5.5 million, except when subcontract (1) is for the acquisition of a commercial item; or (2) is performed entirely outside the United States.
FAR 52.208-8	Required Sources For Helium And Helium Usage Data (Apr 2014)	Applies where performance of subcontract involves a major helium requirement. See FAR 52.208-8 for definition of major helium requirement.
FAR 52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015)	Applies in solicitations and subcontracts, other than a subcontract for commercially available off-the-shelf (COTS) items, where the subcontract value exceeds \$35,000.
FAR 52.211-15	Defense Priority And Allocation Requirements (Apr 2008)	Applies in subcontracts in support of an approved program issued in accordance with the provisions of the Defense Priorities and Allocations System (DPAS) regulation (15 CFR part 700).
FAR 52.222-1	Notice To The Government Of Labor Disputes (Feb 1997)	Applies if a potential labor dispute may delay the timely performance of the CONTRACTOR'S Prime Contract with DOE/NNSA.

<b>THE FOLLOWING CLAUSES APPLY AS STATED IN THE CONDITIONS OF APPLICABILITY:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Conditions of Applicability</b>
FAR 52.222-24	Preaward On-Site Equal Opportunity Compliance Evaluation (Feb 1999)	<b>Solicitation provision</b> that applies in solicitations, other than those for construction, when a subcontract is contemplated that will include the clause at 52.222-26, Equal Opportunity, and the amount of the subcontract is expected to be \$10 million or more.
FAR 52.223-11	Ozone-Depleting Substances (May 2001)	Applies in solicitations and subcontracts for ozone-depleting substances or for supplies that may contain or be manufactured with ozone-depleting substances that will be performed within the United States and its outlying areas.
FAR 52.224-3	Privacy Training.(JAN 2017)	Applies when subcontractor employees will– (1) Have access to a system of records; (2) Create, collect, use, process, store, maintain, disseminate, disclose, dispose, or otherwise handle personally identifiable information; or (3) Design, develop, maintain, or operate a system of records.
FAR 52.225-8	Duty-Free Entry.(Oct 2010)	Applies if foreign supplies in excess of \$15,000 may be imported into the customs territory of the United States.
FAR 52.227-14	Rights in Data - General (May 2014) as modified by DEAR 927.409(a)), including Alternate V (Dec 2007)	Applies if technical data or computer software expected to be produced or delivered.
FAR 52.227-16	Additional Data Requirements (Jun 1987)	Applies if subcontract involves experimental, developmental, research or demonstration work.
FAR 52.229-10	State of New Mexico Gross Receipts and Compensating Tax (Apr 2003)	Applies if: (1) The subcontractor will be performing a cost-reimbursement contract; (2) The subcontract directs or authorizes the subcontractor to acquire tangible personal property as a direct cost under a contract and title to such property passes directly to and vests in the United States upon delivery of the property by the vendor; and (3) The subcontract will be for services to be performed in whole or in part within the State of New Mexico.
FAR 52.232-20	Limitation of Cost (Apr 1984)	Applies if subcontract is fully funded at time of award.
FAR 52.232-40	Providing Accelerated Payments to Small Business Subcontractors. (DEC 2013)	Applies only to subcontracts with Small Business Concerns.
DEAR 952.211-71	Priorities And Allocations (Atomic Energy) (Apr 2008)	Applies in subcontracts issued in accordance with the provisions of the Defense Priorities and Allocations System (DPAS) regulation (15 CFR part 700) that are placed in support of authorized DOE atomic energy programs.
DEAR 952.227-11	Patent Rights – Retention by the Contractor (Short Form) (Mar 1995)	Applies if subcontract is for experimental, developmental, demonstration or research work to be performed by a small business firm or domestic nonprofit organization as defined at FAR Subpart 27.301. Subcontracts which are subject to exceptional circumstances in accordance with 35 U.S.C. 202 and subparagraph (b)(5) of DEAR 970.5227-12 are exempt from the requirements of this clause.
DEAR 952.227-13	Patent Rights – Acquisition by the Government (Sept 1997)	Applies if subcontract is for experimental, developmental, demonstration or research work, and subcontractor is <u>not</u> a small business firm <u>or</u> domestic nonprofit organization as defined at FAR Subpart 27.301.
DEAR 970.5204-3	Access To And Ownership Of Records (Oct 2014)	Applies in all subcontracts that contain DEAR 970.5223-1, Integration of Environment, Safety, and Health Into Work Planning and Execution.
DEAR 970.5208-1	Printing (Dec 2000)	Applies when printing is required, as “printing” is defined in Title I, Definitions, of the U.S. Government Printing and Binding Regulations ( <a href="http://jcp.senate.gov/jcpregs.pdf">http://jcp.senate.gov/jcpregs.pdf</a> )
DEAR 970.5222-1	Collective Bargaining Agreements - Management and Operating Contracts (Dec 2000)	Applies to subcontracts for protective services and other services performed at LANL which affect the continuity of operation of LANL.



<b>THE FOLLOWING CLAUSES APPLY AS STATED IN THE CONDITIONS OF APPLICABILITY:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Conditions of Applicability</b>
DEAR 970.5227-1	Rights in Data-Facilities (Dec 2000)	Applies if subcontract involves the design or operation of any LANL plants or facilities or specially designed equipment for such LANL plants or facilities, or related support services for those plants or facilities.
DEAR 970.5227-7	Royalty Information (Dec 2000)	Solicitation provision which applies if the amount of royalties reported during negotiation is >\$250.
DEAR 970.5227-8	Refund Of Royalties (Aug 2002)	Applies if the amount of royalties reported during negotiation of the subcontract exceeds \$250. If applicable, SUBCONTRACTOR shall insert the substance of this clause in all lower tier subcontracts under this subcontract in which the amount of royalties reported during negotiation of the subcontract exceeds \$250.
DEAR 970.5227-12	Patent Rights Management and Operating Contracts, For-Profit Contractor, Advance Class Waiver (Dec 2000)	Applies if subcontract covers or is likely to cover subject matter that is classified for reasons of security.
DEAR 970.5232-3	Accounts, Records, and Inspection (Dec 2010)	Applies to subcontracts of any tier where costs incurred are a factor in determining the amount payable to the subcontractor. When the condition precedent is met, only paragraphs (a) through (h) of the clause shall apply.