

ATTACHMENT 1
SUPPLEMENTAL FLOW DOWN PROVISIONS
REV: August 2018

The text identified in FAR and DFARS Clauses are incorporated by this reference and are subject to the following modifications as indicated unless excluded by specific language in the clause or modified by language shown following the Clause title. All Clauses incorporated by this reference are those in effect on the date of the award of the prime contract.

"Contractor" means Seller.

"Subcontractor" means Seller's subcontractors.

"Contract" means this Agreement or any Order placed in conjunction with this Agreement.

"Government" or "Contracting Officer" means Buyer

The following Clauses are incorporated by reference with the same force and effect as if they were printed in full text.

Federal Acquisition Regulations (FAR) Clauses

- 52.203-3 Gratuities (Apr 84)
- 52.203-5 Covenant Against Contingent Fees (Apr 84)
- 52.203-6 Restrictions On Subcontractor Sales To The Government (Sept 06)
- 52.203-7 Anti-Kickback Procedures (excluding para (c)(1) (Oct 2010)
- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (Jan 97)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Oct 2010)
- 52.203-13 Contractor Code of Business Ethics and Conduct (Dec 2008)
- 52.204-2 Security Requirements (Aug 96)
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab (Jul 2018)
- 52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended or Proposed for Debarment (Aug 2013)
- 52.211-5 New Material (Aug 2000)
- 52.211-14 Notice of Priority Rating for National Defense Use (Apr 2008)
- 52.215-2 Audit and Records – Negotiation (Oct 2010)
- 52.219-8 Utilization of Small Business Concerns (July 2013)
- 52.219-9 Small Business Subcontracting Plan (July 2013)
- 52.219-16 Liquidated Damages - Subcontracting Plan (Nov 2011)
- 52.222-1 Notice to Government of Labor Disputes (Feb 97)
- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation (July 2005)
- 52.222-20 Walsh-Healey Public Contracts Act (Oct 2010)
- 52.222-21 Prohibition of Segregated Facilities (Feb 99)
- 52.222-26 Equal Opportunity (Mar 2007)
- 52.222-35 Equal Opportunity for Veterans (Sept 2010)
- 52.222-36 Affirmative Action For Workers with Disabilities (Oct 2010)
- 52.222-37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (Sept 2010)
- 52.223-6 Drug-Free Workplace (May 01)
- 52.223-11 Ozone Depleting Substances (May 2001)
- 52.225-8 Duty-Free Entry (if noted on Purchase Order) (Oct 2010)
- 52.225-13 Restrictions on Certain Foreign Purchases (June 2008)
- 52.227-1 Authorization and Consent (Dec 2007)
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
- 52.227-3 Patent Indemnity (Apr 1984)
- 52.227-10 Filing of Patent Applications - Classified Subject Matter (Dec 2007)
- 52.227-14 Rights in Data – General (Dec 2007)
- 52.229-3 Federal, State and Local Taxes (Feb 2013)
- 52.230-2 Cost Accounting Standards (May 2012)
- 52.230-3 Disclosure and Consistency of Cost Accounting Standards (May 2012)
- 52.232-11 Extras (Apr 84)
- 52.242-13 Bankruptcy (Jul 95)
- 52.242-15 Stop-Work Order (Aug 1989)
- 52.243-1 Changes - Fixed Price (Aug 87)
- 52.243-7 Notification of Changes (In paragraph (b) and (d), insert "...within 15 calendar days...") (Apr 84)
- 52.244-2 Subcontracts (Oct 2010)
- 52.244-5 Competition In Subcontracting (Dec 96)
- 52.244-6 Subcontracts for Commercial Items (Dec 2013)
- 52.245-1 Government Property (Apr 2012)
- 52.246-2 Inspection of Supplies - Fixed Price (Apr 2012)
- 52.246-4 Inspection of Services - Fixed Price (Aug 96)
- 52.246-16 Responsibility for Supplies (Apr 84)
- 52.247-34 F.O.B. Destination (when shown on PO or in Subcontract Agreement) (Nov 91)
- 52.247-63 Preference For U.S. Flag Air Carriers (June 2003)
- 52.249-2 Termination For Convenience of the Government (Fixed Price) (May 2004)
- 52.249-8 Default (Fixed Price Supply and Service) (Apr 84)

Defense Federal Acquisition Regulation Supplement (DFARS) Clauses

If this order is issued pursuant to a Department of Defense Prime Contract, the following clauses also are incorporated by reference:

252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (Dec 2008)
252.203-7002 Requirements to inform employees of whistleblower Rights (Jan 2009)
252.204-7000 Disclosure of Information (Aug 2013)
252.204-7012 Safeguarding of Unclassified Controlled Technical Information (Nov 2013)
252.209-7001 Disclosure of Ownership or Control by the Government of a Terrorist Country (Jan 2009)
252.209-7004 Subcontracting with Firms that are Owned or Controlled by the Government of a Terrorist Country (Mar 2014)
252.215-7000 Pricing of Adjustments (Dec 2012)
252.219-7003 Small Business Subcontracting Plan (DOD Contracts) (Aug 2012)
252.223-7004 Drug-Free Work Force (Sep 88)
252.225-7001 Buy American Act and Balance of Payments Program (Dec 2012)
252.225-7002 Qualifying Country Sources as Subcontractors (Dec 2012)
252.225-7012 Preference for Certain Domestic Commodities (Feb 2013)
2014.247-7023 Transportation of Supplies by Sea (Apr 2014)
252.247-7024 Notification of Transportation of Supplies by Sea (Mar 2000)

General

Mercury Free: The material supplied under this contract/purchase order shall contain no metallic mercury and shall be free from mercury contamination. Mercury contamination of the material will be cause for rejection.

Disputes: Any dispute which is not disposed of by agreement of the parties shall be decided by a court of competent jurisdiction under the laws of the State of Maryland. Venue for any suit arising from this Order shall be in the State of Maryland. Seller shall proceed diligently with performance of this Subcontract during the pendency of any dispute.