



TC2A

**DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) FLOWDOWN PROVISIONS
FOR SUBCONTRACTS/PURCHASE ORDERS FOR COMMERCIAL ITEMS UNDER
A U.S. GOVERNMENT PRIME CONTRACT**

A. INCORPORATION OF DFARS CLAUSES

The Defense Federal Acquisition Regulation Supplement (DFARS) clauses referenced below are incorporated herein by reference, with the same force and effect as if they were given in full text, and are applicable during the performance of this Contract. When a DFARS clause uses a word or term that is defined in the DFARS, the word or term shall have the same meaning as in the definition in DFARS 202.101 in effect on the date of this Contract unless (i) a different definition is expressly set forth in this Contract; or (ii) the part, subpart, or section of the DFARS where the clause is prescribed provides a different meaning; or (iii) the word or term is defined in FAR Part 31, for use in the cost principles and procedures. If the date or substance of any of the clauses listed below is different than the date or substance of the clause actually incorporated in the Prime Contract referenced by number herein, the date or substance of the clause incorporated by said Prime Contract shall apply instead. As applicable to this Contract, "Contractor" means "SELLER", "Contracting Officer" and "Government" means "SRC". The Contracts Disputes Act of 1978, as amended, shall have no application to this Contract, and nothing in these General Provisions, except as may be expressly set forth by the Government Contracting Officer's express consent, grants Seller any direct right of action against the United States Government under the prime contract. Any reference to "Disputes" clause shall mean the "Disputes/Jury Waiver" clause contained in SRC's TC2. SELLER shall include in each lower subcontract the appropriate flow-down clauses as required by the FAR and DFARS. If a clause is not applicable to this Contract, such clause is self-deleting.

B. GOVERNMENT SUBCONTRACT

This Contract is entered into by SRC and SELLER in support of a U.S. Government contract.

As used in the clauses referenced below and otherwise in this Contract:

1. "Commercial Item" means a commercial product or service as defined in FAR 2.101.
2. "Prime Contract" means the contract between SRC and the U.S. Government or between SRC and its higher-tier customer in support of a contract with the U.S. Government.

C. AMENDMENTS REQUIRED BY PRIME CONTRACT

SELLER shall, at the request of SRC, accept amendments to this Contract to incorporate additional provisions herein or to change provisions hereof, as SRC may reasonably deem necessary in order to comply with the provisions of the applicable Prime Contract or with the provisions of amendments to such Prime Contract. If any such amendment to this Contract causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the Work under this Contract, an equitable adjustment shall be made pursuant to the "Changes" clause of this contract.

D. PRESERVATION OF THE GOVERNMENT'S RIGHTS

If SRC furnishes designs, drawings, special tooling, equipment, engineering data or other technical or proprietary information (Furnished Items) to which the U.S. Government owns or has the right to authorize the use of, nothing herein shall be construed to mean that SRC, acting on its own behalf, may modify or limit any rights the Government may have to authorize SELLER's use of such Furnished Items in support of other U.S. Government prime contracts.

E. DoD FAR SUPPLEMENT (DFARS) FLOWDOWN CLAUSES

1. The following DFARS clauses apply to this:

- (a) 252.203-7002 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (DEC 2022)
- (b) 252.204-7000 DISCLOSURE OF INFORMATION (OCT 2016) (Applicable when SELLER will have access to or generate unclassified information that may be sensitive and inappropriate for release to the public.)
- (c) 252.204-7004 ANTITERRORISM AWARENESS TRAINING FOR CONTRACTORS (JAN 2023)
- (d) 252.204-7009 LIMITATIONS ON THE USE OR DISCLOSURE OF THIRD-PARTY CONTRACTOR REPORTED CYBER INCIDENT INFORMATION (JAN 2023) (Applicable in solicitations and contracts that include support for the Government's activities related to safeguarding covered defense information and cyber incident reporting)
- (e) 252.204-7012 SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING (MAY 2024) (Applicable if SRC requires SELLER to receive Covered Defense Information, defined as information provided by or on behalf of DoD in connection with the performance of the contract, or developed, received, transmitted, used, or stored in support of the performance of the contract; and which falls in any of the following categories: (a) Controlled technical information. Critical information (operations security). (b) Specific facts identified through the Operations Security process about friendly intentions, capabilities, and activities vitally needed by adversaries for them to plan and act effectively so as to guarantee failure or unacceptable consequences for friendly mission accomplishment (part of Operations Security process), (c) Export control. Unclassified information concerning certain items, commodities, technology, software, or other information whose export could reasonably be expected to adversely affect the United States national security and nonproliferation objectives. To include dual use items; items identified in export administration regulations, international traffic in arms regulations and munitions list; license applications; and sensitive nuclear technology information, or (d) Any other information, marked or otherwise identified in the contract, that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies (e.g., privacy, proprietary business information).)
- (f) 252.204-7018 PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE

	TELECOMMUNICATIONS EQUIPMENT OR SERVICES (JAN 2023)	(w) 252.246-7003	NOTIFICATION OF POTENTIAL SAFETY ISSUES (JAN 2023) (Applicable in subcontracts for—(i) Parts identified as critical safety items.; (ii) Systems and subsystems, assemblies, and subassemblies integral to a system; or (iii) Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system.)
(g)	252.204-7020 NIST SP 800-171 DOD ASSESSMENT REQUIREMENTS (NOV 2023)		
(h)	252.204-7021 CYBERSECURITY MATURITY MODEL CERTIFICATION REQUIREMENTS (JAN 2023)		
(i)	252.211-7003 ITEM IDENTIFICATION AND VALUATION (JAN 2023) (Applicable if Prime Contract requires UID.)	(x)	252.246-7007 CONTRACTOR COUNTERFEIT ELECTRONIC PART DETECTION AND AVOIDANCE SYSTEM (JAN 2023) (Applicable in all subcontracts, including subcontracts for commercial items that are for electronic parts or assemblies containing electronic parts.)
(j)	252.223-7001 HAZARD WARNING LABELS (DEC 1991) (Applicable if Contract requires the delivery of hazardous materials as defined in the clause.)		
(k)	252.223-7008 PROHIBITION OF HEXAVALENT CHROMIUM (JAN 2023) (Applicable in all subcontracts, including subcontracts for commercial items, that are for supplies, maintenance and repair services, or construction materials.)	(y)	252.246-7008 SOURCES OF ELECTRONIC PARTS (JAN 2023) (Applicable in all subcontracts, including subcontracts for commercial items that are for electronic parts or assemblies containing electronic parts, unless the SELLER is the original manufacturer.)
(l)	252.225-7009 RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY METALS (JAN 2023) (Exclude and reserve paragraph (d) and paragraph (e)(1).)	(z)	252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA (JAN 2023) (Applicable to all solicitations and resultant contracts, except those for direct purchase of ocean transportation services. In the first sentence of paragraph (g), insert a period after “Contractor” and delete the balance of the sentence. Use the clause with its Alternate I in other than construction contracts, 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. Paragraph (i) is applicable only if this Contract exceeds the simplified acquisition threshold.)
(m)	252.225-7052 RESTRICTION ON THE ACQUISITION OF CERTAIN MAGNETS, TANTALUM, AND TUNGSTEN (MAY 2024)		
(n)	252.225-7056 PROHIBITION REGARDING BUSINESS OPERATIONS WITH THE MADURO REGIME (JAN 2023)		
(o)	252.225-7060 PROHIBITION ON CERTAIN PROCUREMENTS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION (JUN 2023)		
(p)	252.227-7013 RIGHTS IN TECHNICAL DATA—OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAR 2023)	2.	The following FAR clauses apply to this Contract if the value of this Contract equals or exceeds \$150,000:
(q)	252.227-7015 TECHNICAL DATA - COMMERCIAL ITEMS (MAR 2023) (Applicable only if technical data is to be delivered under this Contract.)	(a)	252.249-7002 NOTIFICATION OF ANTICIPATED CONTRACT TERMINATION OR REDUCTION (DEC 2022) (Delete subparagraph (d) (1) and the first five words of subparagraph (d) (2).)
(r)	252.227-7037 VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (JAN 2023)	3.	The following FAR clauses apply to this Contract if the value of this Contract equals or exceeds \$500,000:
(s)	252.229-7011 REPORTING OF FOREIGN TAXES – U.S. ASSISTANCE PROGRAMS (SEP 2005) (Applicable if contract performance overseas is funded by U.S. Assistance appropriations.)	(a)	252.226-7002 UTILIZATION OF INDIAN ORGANIZATIONS, INDIAN-OWNED ECONOMIC ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (JAN 2023)
(t)	252.237-7019 TRAINING FOR CONTRACTOR PERSONNEL INTERACTING WITH DETAINEES (JAN 2023) (Applicable if this Contract requires SELLER personnel to interact with detainees in the course of their duties.)	4.	The following FAR clauses apply to this Contract if the value of this Contract equals or exceeds \$750,000:
(u)	252.239-7010 CLOUD COMPUTING SERVICES (JAN 2023)	(a)	252.219-7003 SMALL BUSINESS SUBCONTRACTING PLAN (DoD CONTRACTS) (DEC 2019) (Applicable if FAR 52.219-9 applies. Paragraph (g) is deleted. If participating in the DoD test program, DFARS 252.219-7004 SMALL BUSINESS SUBCONTRACTING PLAN (Test Program) (DEC 2022) replaces this clause.)
(v)	252.244-7000 SUBCONTRACTS FOR COMMERCIAL ITEMS (NOV 2023)	(b)	252.225-7004 REPORT OF INTENDED PERFORMANCE OUTSIDE THE UNITED STATES AND CANADA—SUBMISSION AFTER AWARD (OCT 2020) (Applicable if SELLER will

perform any part of this contract outside the United States and Canada that could be performed inside the United States or Canada, when SRC is contracting directly with the US Government. Delete subparagraph d.)