Clauses Incorporated by Reference

HHSAR Clauses
HHSAR 352.222-70 Contractor Cooperation in Equal Employment Opportunity Investigations (DEC 2015)
HHSAR 352.223-70 Safety and Health (DEC 2015)
HHSAR 352.227-70 Publications and Publicity (DEC 2015)
HHSAR 352.233-70 Choice of Law (Overseas) (DEC 2015)
HHSAR 352.239-73 Electronic Information and Technology Accessibility Notice (DEC 2015)
HHSAR 352.239-74 Electronic and Information Technology Accessibility (DEC 2015)

FAR Clauses
FAR 52.212-4 Contract Terms and Conditions -- Commercial Items

FAR 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items (Jul 2021)
(a) The Contractor shall comply with the following Federal acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

1. 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).
2. 52.204-23, Prohibition on contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (JUL 2018) (Section 1634 of Pub. L. 115-91).
3. 52.204-25, Prohibition on contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (AUG 2020) (Section 889(a)(1)(A) of Pub. L. 115-232).
4. 52.209-10, Prohibition on contracting with Inverted Domestic Corporations (NOV 2015).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

**Contracting Officer check as appropriate.**

5. [Reserved].

(10) [Reserved].


(ii) Alternate I (MAR 2020) of 52.219-3.

(12) (i) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (MAR 2020) (if the Offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).

(ii) Alternate I (MAR 2020) of 52.219-4.

(13) [Reserved]


(ii) Alternate I (MAR 2020) of 52.219-6.


(ii) Alternate I (MAR 2020) of 52.219-7.

(16) 52.219-8, Utilization of Small Business Concerns (OCT 2018) (15 U.S.C. 637(d)(2) and(3)).

(ii) Alternate I (NOV 2016) of 52.219-9.

(iii) Alternate II (NOV 2016) of 52.219-9.

(iv) Alternate III (JUN 2020) of 52.219-9.

(v) Alternate IV (JUN 2020) of 52.219-9.

(17) (i) 52.219-9, Small Business Subcontracting Plan (JUN 2020) (15 U.S.C. 637(d)(4)).

(ii) Alternate I (JUN 2020) of 52.219-9.

(iii) Alternate II (JUN 2020) of 52.219-9.

(iv) Alternate III (JUN 2020) of 52.219-9.

(18) (i) 52.219-13, Notice of Set-Aside of Orders (MAR 2020) (15 U.S.C. 644(r)).

(ii) Alternate I (MAR 2020) of 52.219-13.

(19) 52.219-14, Limitations on Subcontracting (MAR 2020) (15 U.S.C. 637(a)(14)).


(22) (i) 52.219-28, Post Award Small Business Program Rerepresentation (NOV 2020) (15 U.S.C. 632(a)(2)).

(ii) Alternate I (MAR 2020) of 52.219-28.

(23) 52.219-29, Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (MAR 2020) (15 U.S.C. 637(m)).

(24) 52.219-30, Notice of Set-Aside for, or Sole Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Mar2020) (15 U.S.C. 637(m)).


(26) 52.219-33, Nonmanufacturer Rule (MAR 2020) (15 U.S.C. 637(a)(17)).


(28) 52.222-19, Child Labor-Cooperation with Authorities and Remedies (JAN2020) (E.O.13126).

(29) 52.222-21, Prohibition of Segregated Facilities (APR 2015).

(30) (i) 52.222-26, Equal Opportunity (SEP 2016) (E.O.11246).


(ii) Alternate I (JUL 2014) of 52.222-35.


(ii) Alternate I (JUL 2014) of 52.222-36.

(34) **52.222-40**, Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (E.O. 13496).


(36) **52.222-54**, Employment Eligibility Verification (OCT 2015). (Executive Order 12989).

   (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in **22.1803**.)

(37) (i) **52.223-9**, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (may 2008) (42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

   (ii) Alternate I (MAY 2008) of **52.223-9** (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

(38) **52.223-11**, Ozone-Depleting Substances and High global warming potential hydrofluorocarbons (Jun 2016) (E.O. 13693).

(39) **52.223-12**, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (JUN 2016) (E.O. 13693).

(40) (i) **52.223-13**, acquisition of EPEAT®-Registered Imaging Equipment (JUN 2014) (E.O.s 13423 and 13514).

   (ii) Alternate I (OCT 2015) of **52.223-13**.

(41) (i) **52.223-14**, acquisition of EPEAT®-Registered Televisions (JUN 2014) (E.O.s 13423 and 13514).

   (ii) Alternate I (Jun 2014) of **52.223-14**.


(43) (i) **52.223-16**, acquisition of EPEAT®-Registered Personal Computer products (OCT 2015) (E.O.s 13423 and 13514).

   (ii) Alternate I (JUN 2014) of **52.223-16**.

(44) **52.223-18**, Encouraging Contractor Policies to Ban Text Messaging While Driving (JUN 2020) (E.O. 13513).

(45) **52.223-20**, Aerosols (JUN 2016) (E.O. 13693).

(46) **52.223-21**, Foams (Jun 2016) (E.O. 13693).


   (ii) Alternate I (JAN 2017) of **52.224-3**.


   (ii) Alternate I (JAN 2021) of **52.225-3**.

   (iii) Alternate II (JAN 2021) of **52.225-3**.

   (iv) Alternate III (JAN 2021) of **52.225-3**.


(51) **52.225-13**, Restrictions on Certain Foreign Purchases (FEB 2021) (E.O.’s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

(53) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).
(54) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).
(55) 52.229-12, Tax on Certain Foreign Procurements (FEB 2021).
(59) 52.232-34, Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) (31 U.S.C. 3332).
  (ii) Alternate I (APR 2003) of 52.247-64.
  (iii) Alternate II (FEB 2006) of 52.247-64.