

Subcontracts for Commercial Items

FAR Clause - 52.244-6

- A. As defined in **FAR Part 2.101**, a commercial item is one that is customarily used for non-governmental purposes, and has been or will be sold, leased, or licensed (**or offered for sale, lease, or licensee**) to the general public. A Subcontract includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Subcontractor or subcontractor at any tier. Services such as installation, maintenance, repair, and training that are procured for support of a commercial item are also covered under this procedure.
- B. To the maximum extent practicable, the Subcontractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or non-developmental items as components of items to be supplied under this contract.
- C. Commercial Items Acquisition Contract Clauses Incorporated by Reference. The following clauses are applicable to this subcontract and should be inserted in any lower tier subcontracts as well.**

	Reference	Title	Notes
<input checked="" type="checkbox"/>	52.203-13	Contractor Code of Business Ethics and Conduct (4/10)	1
<input checked="" type="checkbox"/>	52.203-15	Whistleblower Protection Under the American Recovery and Reinvestment Act of 2009 (6/10)	2
<input checked="" type="checkbox"/>	52.219-8	Utilization of Small Business Concerns (07/13)	3
<input type="checkbox"/>	52.222-21	Prohibition of Segregated Facilities (4/15)	
<input checked="" type="checkbox"/>	52.222-26	Equal Opportunity (3/07)	
<input checked="" type="checkbox"/>	52.222-35	Equal Opportunity for Veterans (9/10)	
<input checked="" type="checkbox"/>	52.222-36	Affirmative Action for Workers with Disabilities (10/10)	
<input type="checkbox"/>	52.222-37	Employment Reports on Veterans (/14)	
<input checked="" type="checkbox"/>	52.222-40	Notification of Employee Rights Under the National Labor Relations Act (12/10)	
<input checked="" type="checkbox"/>	52.222-50	Combating Trafficking in Persons (02/09)	4
<input type="checkbox"/>	52.222-50 ALT I	Combating Trafficking in Persons (3/15) Alternate I (3/15)	4
<input type="checkbox"/>	52.222-55	Establishing a Minimum Wage for Contractors (12/14)	
<input checked="" type="checkbox"/>	52.225-26	Contractors Performing Private Security Functions Outside the United States (7/13)	
<input checked="" type="checkbox"/>	52.232-40	Providing Accelerated Payments to Small Business Subcontractors (12/13)	
<input checked="" type="checkbox"/>	52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (2/06)	

Commercial Items Acquisition Clauses



Notes

1	Applicable if procurement is in excess of \$5,000,000 and period of performance of more than 120 days
2	Applicable if funded by American Recovery and Reinvestment Act
3	Must be flowed down when any subcontract to an other than small business exceeds \$650,000
4	Services performed outside of the United States in excess of \$500,000

While not required, the Subcontractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations including Mandatory Prime Contract Flow Downs.

- D. The Subcontractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.

Other applicable terms:

Environmental Services

Work shall be in compliance with all applicable Federal, state, and local laws, permits and permit conditions, Presidential Executive Orders, NASA Policy Directives, NASA SSC/ MSFC Procedural Requirements, and S3 Procedures, plans, and work instructions.

Health and Safety Services

Work shall be in compliance with all applicable OSHA, state, local safety regulations and requirements as well as NASA SSC/MSFC Procedural Requirements and S3 plans, procedures and work instructions. The contractor will be an active participant in the sites OSHA VVP program.