



**GOVERNMENT SUPPLEMENTAL TERMS AND CONDITIONS (ALL PROGRAMS)  
For AW-139, Government Supplemental terms and conditions (All Programs), plus the (MH-139 Program Only) will apply.**

**Supplement – Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) and Government Contract Provisions.**

1. In addition to the agreed upon General Terms and Conditions, the following provisions shall apply, as required by the terms of the prime contract under which AWPC is making this purchase or by operation of law or regulation. The effective version of each Federal Acquisition Regulation (hereinafter "FAR") clause designated below shall be the version applicable at the time the purchase order issues. For the acquisition of commercial items under Orders placed in support of, and charged to, a U. S. Government prime contract or subcontract, the FAR clauses that are required by FAR 52.244-6 are those annotated with an asterisk (\*) after the FAR clause number. For the definition of a commercial item see paragraph 5 of this document as defined in FAR 2.101.
2. In the event of a conflict between these FAR provisions and the General Terms and Conditions of Purchase, the FAR provisions shall control. In the event of a conflict between these DFARS provisions, or the Supplement FAR provisions, and the General Terms and Conditions of Purchase, the DFAR provisions shall control.
3. Seller shall insert these provisions in selected lower tier subcontracts, either verbatim or in substance, and by incorporation-by-reference or otherwise as appropriate.
4. If any FAR/DFAR clauses do not apply to a specific Order, such clauses are considered to be self-deleting. It is Seller's sole responsibility to make these determinations of applicability.
5. A commercially available off-the-shelf (COTS) item as defined by FAR Part 2.101—
  - a. Means any item of supply that is—
    - i. A commercial item (as defined in paragraph (1) of the definition at 2.101);
    - ii. Sold in substantial quantities in the commercial marketplace; and
    - iii. Offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace; and
  - b. Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products. Per 46 CFR 525.1 (c)(2), "bulk cargo" means cargo that is loaded and carried in bulk onboard ship without mark or count, in a loose unpackaged form, having homogenous characteristics.
  - c. Bulk cargo loaded into intermodal equipment, except LASH or Seabee barges, is subject to mark and count and, therefore, ceases to be bulk cargo.
6. Should the supplier be entering or performing work at premises owned or controlled by another party for work related to this contract, the accessing party shall comply with: (i) all the rules and regulations established by the other locations requirements for access to and activities in and around premises; and (ii) any requests for information and documentation to validate citizenship or immigration status of accessing party's personnel or subcontractor personnel.
7. Supplier/Subcontractor/Vendor shall review all FAR, DFAR and AFFAR Regulations referenced within this website and/or hard instruments be by in their entirety as cited from the primary source only.



## **A. Federal Acquisition Regulation (FAR)**

**52.203-3 Gratuities (APR 1984)**

**52.203-6 Restrictions on Subcontractor Sales to the Government with Alternate 1 (OCT 1995)**

**52.203-7 Anti-Kickback Procedures Anti-Kickback Procedures (MAY 2014)**

**52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (SEPT 2007)**

**52.203-12 Limitation on Payments to Influence Certain Federal Transactions Limitation on Payments to Influence Certain Federal Transactions (OCT 2010)**

**52.203-13 \* Contractor Code of Business Ethics and Conduct (OCT 2015)**

**52.203-15 \* Whistleblower Protection Under the American Recovery and Reinvestment (JUN 2010)**

**52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (APR 2014)**

**52.203-19 \* Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017)**

**52.204-2 Security Requirements (AUG 1996)**

**52.204-9 Personal Identity Verification of Contractor Personnel (Jan 2011)**

**52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (OCT 2018)**

**52.204-13 System for Award Management Maintenance (OCT 2018)**

**52.204-18 Commercial and Government Entity Code Maintenance (JUL 2016)**

**52.204-21 \* Basic Safeguarding of Covered Information Systems (JUN 2016)**

**52.204-23 \* Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (JUL 2018)**

**52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2019)**

**52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2019)**

**52.209-6 Protecting the Government's Interests When Subcontracting With Contractors Debarred, Suspended or Proposed for Debarment (OCT 2015)**

**52.209-10 Prohibition on Contracting with Inverted Domestic corporations (NOV 2015)**

- 52.212-4 Contract Terms and Conditions-Commercial Items (OCT 2018)
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (AUG 2019)
- 52.219-8 \* Utilization of Small Business Concerns (NOV 2016)
- 52.219-9 Small Business Subcontracting Plan (JUN 2020)
- 52.219-9 Small Business Subcontracting Plan Alternate II ((NOV 2016)
- 52.219-16 Liquidated Damages-Subcontracting Plan (JAN 1999)
- 52.222-3 Convict Labor (JUNE 2003)
- 52.222-17 Nondisplacement of Qualified Workers (MAY 2014)
- 52.222-21 \* Prohibition of Segregated Facilities (APR 2015).
- 52.222-26 \* Equal Opportunity (SEP 2016).
- 52.222-35 \* Equal Opportunity for Veterans (OCT 2015)
- 52.222-36 \* Equal Opportunity for Workers with Disabilities (JUL 2014)
- 52.222-37 \* Employment Reports on Veterans (FEB 2016)
- 52.222-40 \* Notification of Employee Rights under the National Labor Relations Act. (DEC 2010)
- 52.222-50 / 52.222-50 Alternate I \* Combating Trafficking in Persons (MAR 2015)
- 52.222-54 Employment Eligibility Verification (OCT 2015)
- 52.222-55 \* Minimum Wages under Executive Order 13658 (DEC 2015)
- 52.222-62 \* Paid Sick Leave under Executive Order 13706 (JAN 2017)
- 52.224-3 Privacy Training (JAN 2017)
- 52.225-13 Restrictions on certain foreign purchases (JUN 2008)
- 52.225-26 \* Contractors Performing Private Security Functions Outside the United States (OCT 2016).
- 52.226-6 Promoting Excess Food Donation to Nonprofit Organizations (MAY 2014)
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors (DEC 2013)



52.233-3 Protest after Award (AUG 1996)

52.233-4 Applicable Law for Breach of Contract Claim (OCT 2004)

52.244-6 Subcontracts for Commercial Items (JAN 2019)

52.245-1 / 52.245-1 Alternate I Government Property (APR 2012)

52.246-2 Inspection of Supplies Fixed Price (AUG 1996)

52.246-11 Higher-Level Contract Quality Requirement. Higher-Level Contract Quality Requirement (Dec 2014)

52.247-64 \* Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006)

## **B. Department of Defense FAR Supplement (DFARS)**

252.203-7002 Requirement to Inform Employees of Whistleblower (SEP 2013).

252.203-7003 Agency Office of the Inspector General (DEC 2012)

252.204-7002 Payment for Subline Items Not Separately Priced (DEC 1991)

252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting (OCT 2016)

252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support (MAY 2016)

252.211-7003 Item Unique Identification and Valuation (MAR 2016)

252.219-7003 Small Business Subcontracting Plan (DOD Contracts)—Basic (DEC 2018)

252.225-7000 Buy American Act--Balance of Payments Program Certificate (JAN 2009)

252.225-7001 Buy American and Balance of Payments Program (DEC 2017)

252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (OCT 2014)

252.225-7012 Preference for Certain Domestic Commodities (DEC 2017)

252.225-7013 Duty Free Entry (MAY 2016)

252.226-7001 Utilization of Indian Organizations and Indian-Owned Economic Enterprises--DoD Contracts and Native Hawaiian Small Business Concerns (SEP 2004)

252.227-7015 Technical Data -- Commercial Items (FEB 2014)

252.227-7027 Deferred Ordering of Technical Data or Computer Software (JUN 1995)

252.227-7037 Validation of Restrictive Markings on Technical Data (SEP 2016).



**252.243-7001 Pricing of Contract Modifications (DEC 1991)**

**252.243-7002 Requests for Equitable Adjustment (DEC 2012)**

**252.244-7000 Subcontracts for Commercial Items (JUN 2013)**

**252.246-7008 Sources of Electronic Parts (MAY 2018)**

**252.247-7023 Transportation of Supplies by Sea-Basic (APR 2014)**