

Terms and Conditions of Purchase

Supplement 5 – Acquisition of Commercial Items and Services

(Updated through FAC 97-19 and DCN 2000731)

(08/00)

1. The items or services to be furnished pursuant to this subcontract are for use in connection with an acquisition by the government of the United States of America. In the event of a conflict between these FAR clauses and the General Provisions of this subcontract, the FAR clauses shall control.
2. The acquisition to which this subcontract relates is subject to the provisions of the Federal Acquisition Regulations (“FAR”), Part 12, *Acquisition of Commercial Items*. Seller represents the items or services to be furnished pursuant to this subcontract meet the definition of commercial items or services set forth in FAR 2.101 and FAR 52.202-1. In the event the items or services to be supplied by this subcontract are later determined to not meet this definition, Seller agrees that such other additional FAR clauses as may be required by law or regulation shall be amended into this subcontract without further consideration from Buyer.
3. The following clauses set forth in the FAR, as in effect on the date of the prime contract to which this subcontract relates are hereby incorporated into this subcontract by this reference. In all such clauses, the terms “Government” and “Contractor” shall be deemed revised to identify Buyer and Seller, respectively. Seller shall include the following clauses in subcontracts with lower tier suppliers as may be required by the FAR.

TITLE	FAR
Equal Opportunity.....	52.222-26
Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.....	52.222-35
Affirmative Action for Workers with Disabilities.....	52.222-36
Subcontracts for Commercial Items and Commercial Components.....	52.244-6

4. If the items or services to be furnished pursuant to this subcontract are for use in connection with a Department of Defense acquisition, the following clause from the Department of Defense FAR Supplement (“DFARS”) is also incorporated herein and shall be included in subcontracts with lower tier suppliers as may be required by the DFARS:

TITLE	DFAR
Subcontracts for Commercial Items and Commercial Components (DoD Contracts).....	252.244-7000
Preference for Domestic Specialty Metals, Alt. 1.....	252.225-7014
Transportation of Supplies by Sea.....	252.247-7023
Notification of Transportation of Supplies by Sea.....	252.247-7024