

## Appendix SFA-1 FAR & DEAR Clauses Incorporated By Reference

- (a) The Federal Acquisition Regulation (FAR) and the Department of Energy Acquisition Regulation (DEAR) clauses which are incorporated by reference herein shall have the same force and effect as if printed in full text.
- (b) Full text of the referenced clauses may be accessed electronically at the following website addresses:
  - FAR: <http://farsite.hill.af.mil/vffara.htm> and
  - DEAR: <http://farsite.hill.af.mil/vfdoea.htm>
- (c) The following alterations shall apply to FAR and DEAR clauses wherever necessary to make the context of the unmodified FAR and DEAR clauses applicable to this subcontract.
  - (1) The term "Contractor" shall mean "SUBCONTRACTOR;"
  - (2) The term "Contract" shall mean this subcontract; and
  - (3) The term "DOE", "Government," "Contracting Officer" and equivalent phrases shall mean CONTRACTOR and/or CONTRACTOR'S representative, except the terms "Government" and "Contracting Officer" do not change:
    - (i) In the phrases "Government Property," "Government-Furnished Property," and "Government-Owned Property;"
    - (ii) In any patent clauses incorporated herein;
    - (iii) When a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or his duly authorized representative;
    - (iv) When title to property is to be transferred directly to the Government;
    - (v) When access to proprietary financial information or other proprietary data is required except for authorized audit rights; and
    - (vi) Where specifically modified herein.
  - (4) For authorized audit rights, the term "Contracting Officer or an authorized representative of the Contracting Officer" shall also include "CONTRACTOR, or an authorized representative of CONTRACTOR."
- (d) Each of the individual FAR/DEAR clauses listed below is incorporated by reference into this subcontract when the condition(s) for applicability is/are met.

<b>THE FOLLOWING CLAUSES APPLY TO THIS SUBCONTRACT REGARDLESS OF THE AMOUNT OF THE SUBCONTRACT PRICE, UNLESS OTHERWISE NOTED:</b>		
Clause Number	Title and Date	Additional Conditions of Applicability
FAR 52.202-1	Definitions (Jul 2004)	'Agency head' or 'head of agency' means the Secretary, Deputy Secretary, or the Under Secretary and Administrator for National Nuclear Security Administration of the Department of Energy. 'Senior Procurement Executive' means, the individuals who are responsible for management direction of the acquisition system of NNSA, including implementation of the unique acquisition policies, regulations, and standards of NNSA. For NNSA, it is the Administrator for Nuclear Security

<b>THE FOLLOWING CLAUSES APPLY TO THIS SUBCONTRACT REGARDLESS OF THE AMOUNT OF THE SUBCONTRACT PRICE, UNLESS OTHERWISE NOTED:</b>		
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		and the Director, Acquisition and Supply Management.
FAR 52.222-4	Contract Work Hours and Safety Standards Act - Overtime Compensation (Jul 2005)	Applies to subcontracts that may require or involve the employment of laborers and mechanics. If applicable, only paragraphs (a) through (d) apply. Furthermore, if applicable, Subcontractor shall flow down the provisions of paragraphs (a) through (d) to all its lower-tier subcontracts that may require or involve the employment of laborers and mechanics.
FAR 52.223-3	Hazardous Material Identification and Material Safety Data (Jan 1997) Alternate I (Jul 1995)	Applies if subcontract involves delivery of hazardous materials as defined in FAR subpart 23.301. If applicable, the term "Government" as used in this clause means "CONTRACTOR and the Government.
FAR 52.225-13	Restrictions on Certain Foreign Purchases (Jun 2008)	
FAR 52.227-23	Rights to Proposal Data (Technical) (Jun 1987)	Applies if the subcontract is based on consideration of a technical proposal.
FAR 52.244-6	Subcontracts for Commercial Items (Dec 2010)	
FAR 52.245-1	Government Property (Apr 2012)	Applies to fixed-price subcontracts when CONTRACTOR will provide Government property.
FAR 52.245-9	Use and Charges (Apr 2012)	Applies only if FAR 52.245-1 is applicable.
FAR 52.247-63	Preference for U.S.-Flag Air Carriers (Jun 2003)	Applies if performance of subcontract may involve international air transportation.
FAR 52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006)	Applies unless exempted by paragraph (e)(4) of FAR 52.247-64.
FAR 52.249-2	Termination for Convenience of the Government (Fixed-Price) (Apr 2012)	Paragraph (d) is deleted; the period for submitting the subcontractor's termination settlement proposal in paragraph (e) is reduced to 6 months; and the period for submitting the subcontractor's request for equitable price adjustment in paragraph (l) is reduced to 45 days.
FAR 52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)	
DEAR 952-204-71	Sensitive Foreign Nations Controls (Apr 1994)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$3,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-3	Convict Labor (Jun 2003)	
FAR 52.222-54	Employment Eligibility Verification (Jan 2009)	Applies if (1) subcontract is for noncommercial services; and (2) subcontract includes work performed in the United States.
FAR 52.225-1	Buy American Act - Supplies (May 2014)	Applies if the acquisition is for supplies for use within the United States; and none of the exceptions to the Buy American Act apply (e.g., nonavailability, public interest, or information technology that is a commercial item).
FAR 52.232-23	Assignment of Claims (May 2014) Alternate I (Apr 1984)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$10,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-21	Prohibition of Segregated Facilities (Feb 1999)	Applies if FAR 52.222-26, Equal Opportunity, is applicable.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$10,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-26	Equal Opportunity (Mar 2007)	Applies unless one of the exemptions listed in FAR Subpart 22.807(b) is applicable.
FAR 52.222-36	Affirmative Action for Workers with Disabilities (Oct 2010)	Applies unless exempted by the rules, regulations, or orders of the Secretary of Labor.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE IS \$100,000 OR MORE:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2010)	Applies unless exempted by the rules, regulations, or orders of the Secretary of Labor.
FAR 52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2006)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$100,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.203-5	Covenant Against Contingent Fees (Apr 1984)	
FAR 52.203-7	Anti-Kickback Procedures (Jul 1995)	Paragraph (c) (1) is deleted.
FAR 52.203-8	Cancellation, Rescission, And Recovery Of Funds For Illegal Or Improper Activity (May 2014)	
FAR 52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (May 2014)	Applies only if subcontract is for non-commercial items. If applicable, in paragraph (d) the term "Government" means "Government or CONTRACTOR."
FAR 52.203-12	Limitation On Payments To Influence Certain Federal Transactions (Sep 2007)	
FAR 52.223-14	Toxic Chemical Release Reporting (Aug 2003)	If applicable, paragraph (e) is deleted.
FAR 52.227-1	Authorization and Consent (Dec 2007)	
DEAR 970.5227-5	Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2000)	

<b>THE FOLLOWING CLAUSE APPLIES ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$150,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.203-6	Restrictions on Subcontractor Sales to the Government (Sep 2006) Alternate I (Oct 1995)	Alternate I applies only if subcontract is for commercial items.
FAR 52.219-8	Utilization of Small Business Concerns (Jan 2011)	Applies if subcontract offers further subcontracting opportunities (except subcontracts to small business concerns). If applicable and subcontract exceeds \$650,000, SUBCONTRACTOR shall include FAR 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.
FAR 52-222-39	Notification of Employee Rights Concerning Payment of Union Dues or Fees (Dec 2004)	Applies unless exempted by the Department of Labor Deputy Assistant Secretary for Labor-Management Programs.

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$500,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
DEAR 952.226-74	Displaced Employee Hiring Preference (Jun 1997)	Applies if subcontract price is > \$500,000 and the subcontract is not for commercial items, as that term is defined in 48 CFR Subpart 2.1.
DEAR 970.5226-2	Workforce Restructuring Under Section 3161 of the National Defense Authorization Act for Fiscal	Applies if subcontract price is > \$500,000 and the subcontract is not for commercial items, as that

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$500,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
	Year 1993 (Dec 2000)	term is defined in 48 CFR Subpart 2.1.

<b>THE FOLLOWING CLAUSE APPLIES ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$650,000, THE SUBCONTRACTOR IS A LARGE BUSINESS, AND FAR 52.219-8 IS APPLICABLE:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.219-9	Small Business Subcontracting Plan (Jan 2011), Alternate II (Oct 2001)	

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$700,000:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.215-10	Price Reduction for Defective Cost or Pricing Data (Aug 2011)	Applies if subcontract price is \$700,000 or more, and none of the exceptions in FAR 15.403-1(b) are applicable.
FAR 52.215-11	Price Reduction for Defective Cost or Pricing Data – Modifications (Aug 2011)	Applies if modification price is \$700,000 or more, none of the exceptions in FAR 15.403-1(b) are applicable to modification, and FAR 52.215-10 was not applicable to subcontract.
FAR 52.215-12	Subcontractor Cost or Pricing Data (Oct 1997)	Applies if FAR 52.215-10 is applicable.
FAR 52.215-13	Subcontractor Cost or Pricing Data – Modifications (Oct 1997)	Applies if FAR 52.215-11 is applicable.
FAR 52.230-2	Cost Accounting Standards (May 2012)	Applies in all negotiated subcontracts greater than \$700,000, unless the subcontract is: (1) exempted from CAS (see 48 CFR 9903.201-1 (FAR Appendix)), or (2) subject to modified CAS coverage (see 48 CFR 9903.201-2 (FAR Appendix)) or (3) awarded to a foreign concern. When applicable, paragraph (b) is deleted and SUBCONTRACTOR shall include the substance of this clause, without paragraph (b), in all other subcontracts of any tier.
FAR 52.230-3	Disclosure and Consistency of Cost Accounting Practices (May 2014)	Applies only to a negotiated subcontract that exceeds \$700,000 but less than \$50 million, and the offeror certifies it is eligible for and elects to use modified CAS coverage. When applicable, paragraph (b) is excluded, and SUBCONTRACTOR shall include this clause in all other subcontracts of any tier, except those exempted by FAR 52.230-3 (d)).
FAR 52.230-4	Disclosure and Consistency of Cost Accounting Practices - Foreign Concerns (May 2014)	Applies only to a negotiated subcontract with a foreign concern, unless the subcontract is otherwise exempt from CAS (see 48 CFR 9903.201-1 (FAR Appendix)).
FAR 52.230-6	Administration of Cost Accounting Standards (Mar 2008)	Applies if FAR 52.230-2, 52.230-3 or 52.230-4 is applicable.
DEAR 970.5232-5	Liability With Respect to Cost Accounting Standards (Dec 2000)	Applies if any Cost Accounting Standards clauses are included (i.e., FAR 52.230-2, 52.230-3, 52.230-4, 52.230-6).

<b>THE FOLLOWING CLAUSES APPLY ONLY IF THE SUBCONTRACT PRICE EXCEEDS \$700,000 AND THE SUBCONTRACTOR IS REQUIRED TO SUBMIT COST OR PRICING DATA, OR WHERE PREAWARD OR POSTAWARD COST DETERMINATIONS WILL BE SUBJECT TO FAR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.215-15	Pension Adjustments and Asset Reversions (Oct 2004)	Applies in solicitations and subcontracts for which it is anticipated that certified cost or pricing data will be required or for which any preaward or postaward cost determinations will be subject to FAR part 31.

<b>THE FOLLOWING CLAUSES APPLY AS STATED IN THE ADDITIONAL CONDITIONS OF APPLICABILITY:</b>		
<b>Clause Number</b>	<b>Title and Date</b>	<b>Additional Conditions of Applicability</b>
FAR 52.208-8	Required Sources For Helium And Helium Usage Data (Apr 2014)	Applies where performance of subcontract involves a major helium requirement. See FAR 52.208-8 for definition of major helium requirement.
FAR 52.211-15	Defense Priority And Allocation Requirements (Apr 2008)	Applies in subcontracts in support of an approved program issued in accordance with the provisions of the Defense Priorities and Allocations System (DPAS) regulation (15 CFR part 700).
FAR 52.222-1	Notice To The Government of Labor Disputes (Feb 1997)	Applies if a potential labor dispute may delay the timely performance of CONTRACTOR'S Prime Contract with DOE/NNSA.
FAR 52.222-20	Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000 (May 2014)	Applies if subcontract is for the manufacture or furnishing of materials, supplies, articles or equipment in an amount that exceeds or may exceed \$15,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45).
FAR 52.223-7	Notice of Radioactive Materials (Jan 1997)	Applies if items containing either (1) radioactive material (requiring specific licensing under the regulations issued pursuant to the Atomic Energy Act of 1954, as amended) or (2) other radioactive material (not requiring specific licensing in which the specific activity is greater than 0.002 microcuries per gram or the activity per item equals or exceeds 0.01 microcuries) are to be delivered or serviced under this subcontract. If applicable, SUBCONTRACTOR shall notify CONTRACTOR, in writing, 30 days prior to delivery of, or prior to completion of any servicing required by this subcontract.
FAR 52.227-14	Rights in Data - General (May 2014) as modified by DEAR 927.409(a), including Alternate V (Dec 2007)	Applies if technical data or computer software is expected to be produced or delivered.
DEAR 970.5227-7	Royalty Information (Dec 2000)	<b>Solicitation provision</b> which applies if the amount of royalties reported during negotiation is >\$250.
DEAR 970.5227-8	Refund Of Royalties (Aug 2002)	Applies if the amount of royalties reported during negotiation of the subcontract exceeds \$250. If applicable, SUBCONTRACTOR shall insert the substance of this clause in all lower tier subcontracts under this subcontract in which the amount of royalties reported during negotiation of the subcontract exceeds \$250.
DEAR 970.5232-3	Accounts, Records, and Inspection (Dec 2010)	Applies to subcontracts of any tier where costs incurred are a factor in determining the amount payable to the subcontractor. When the condition precedent is met, only paragraphs (a) through (h) of the clause shall apply.