

Subcontract FAR Flowdown Clauses

Commercial Products and Commercial Services

A. FAR CLAUSES INCORPORATED BY REFERENCE

This Order incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request Two Six Technologies will make their full text available. Also, the full text of the clauses may be accessed electronically at: <https://www.acquisition.gov/content/regulations>

When the materials or services furnished are for use in connection with a U.S. Government prime contract in addition to the Two Six Technologies Subcontracts Terms and Conditions, the following provisions shall apply. The effective version of each Federal Acquisition Regulation (hereinafter "FAR") provision shall be the same version as that which appears in Buyer's prime contract or higher tier subcontract under which this Subcontract is a subcontract. In the event of a conflict between these FAR provisions and the Subcontract Terms and Conditions of Purchase, the FAR provisions shall control.

The following clauses set forth in the FAR in effect as the date of Two Six Technologies prime contract or higher tier subcontract are incorporated herein by reference. In all clauses listed herein, the terms "Government", "Contracting Officer" and "Contractor" shall be deemed revised to suitably identify the contracting parties herein and effect the proper intent of the provision except where further clarified or modified below. "Subcontractor", however, shall mean "Seller's Subcontractor" under this Order.

CLAUSE NO.	NAME	DATE	52.212-5 (MAY 2024)	52.244-6	52.244-6 (MAR 2025)(DEVIATION 2025-00003) DoD prime contracts only
52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (IF THE SUBCONTRACT EXCEEDS \$6M ON THE DATE OF AWARD AND HAS A PERIOD OF PERFORMANCE GREATER THAN 120 DAYS)	NOV 2021	✓	✓	✓
52.203-15	WHISTLEBLOWER PROTECTIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (IF THE SUBCONTRACT IS FUNDED UNDER THE RECOVERY ACT)	JUN 2010	N/A	✓	✓
52.203-17	CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS (DOES NOT APPLY TO DOD, NASA, COAST GUARD, OR APPLICABLE ELEMENTS OF THE INTELLIGENCE COMMUNITY)	NOV 2023	✓	✓	✓
52.203-19	PROHIBITION ON REQUIRING CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS (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))	JAN 2017	✓	✓	✓
52.204-7	SYSTEM FOR AWARD MANAGEMENT	OCT 2018	✓	N/A	N/A

CLAUSE NO.	NAME	DATE	52.212-5 (MAY 2024)	52.244-6	52.244-6 (MAR 2025)(DEVIATION 2025-00003) DoD prime contracts only
52.204-13	SYSTEM FOR AWARD MANAGEMENT	OCT 2018	✓	N/A	N/A
52.204-16	COMMERCIAL AND GOVERNMENT ENTITIY CODE REPORTING	AUG 2020	✓	N/A	N/A
52.204-18	COMMERCIAL AND GOVERNMENT ENTITY CODE MAINTENANCE	AUG 2020	✓	N/A	N/A
52.204-21	BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (DOES NOT APPLY TO SUBCONTRACTS FOR COTS)	NOV 2021	✓	✓	✓
52.204-23	PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB COVERED ENTITIES		✓ DEC 2023	✓ NOV 2021	✓
52.204-25	PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT	NOV 2021	✓	✓	✓
52.204-27	PROHIBITION ON A BYTEDANCE COVERED APPLICATION	JUN 2023	✓	✓	✓
52.204-30	FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT ORDERS - PROHIBITION	Dec 2023	✓	✓	✓
52.204-30	ALTERNATE I	DEC 2023	✓	✓	✓
52.209-7	INFORMATION REGARDING RESPONSIBILITY MATTERS	OCT 2018	✓	N/A	N/A
52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS (IF SUBCONTRACTOR OFFERS FURTHER SUBCONTRACTING OPPORTUNITIES. IF THE SUBCONTRACT (EXCEPT TO SMALL BUSINESS CONCERNS) EXCEEDS \$750K ON THE DATE OF SUBCONTRACT AWARD, THE SUBCONTRACTOR MUST INCLUDE 52.219-8 IN LOWER TIER SUBCONTRACTS THAT OFFER SUBCONTRACTING OPPORTUNITIES	SEP 2023	✓	✓	✓
52.222-21	PROHIBITION OF SEGREGATED FACILITIES (N/A for any subcontract award under a DoD prime contract)	APR 2015	✓	✓	N/A
52.222-26	EQUAL OPPORTUNITY (N/A for any subcontract award under a DoD prime contract)	SEP 2016	✓	✓	N/A
52.222-35	EQUAL OPPORTUNITY FOR VETERANS	JUN 2020	✓	✓	✓

CLAUSE NO.	NAME	DATE	52.212-5 (MAY 2024)	52.244-6	52.244-6 (MAR 2025)(DEVIATION 2025-00003) DoD prime contracts only
52.222-36	EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES	JUN 2020	✓	✓	✓
52.222-37	EMPLOYMENT REPORTS ON VETERANS	JUN 2020	N/A	✓	✓
52.222-40	NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (REQUIRED IF SUBCONTRACT EXCEEDS \$10K AND WILL BE PERFORMED WHOLLY OR PARTIALLY IN THE UNITED STATES, UNLESS EXEMPTED BY THE RULES, REGAULATION OR ORDERS OF THE SECRETARY OF LABOR ISSUED PURSUANT TO SECTION 3 OF EXECUTIVE ORDER 13496 OF JANUARY 30.2009, SO THAT SUCH PROVISIONS WILL BE BINDING UPON EACH SUBCONTRACTOR	DEC 2010	✓	✓	✓
52.222-41	SERVICE CONTRACT LABOR STANDARDS	AUG 2018	✓	N/A	N/A
52.222-50	COMBATTING TRAFFICKING IN PERSONS	NOV 2021	✓	✓	✓
52.222-50	ALTERNATE I	MAR 2015	✓	✓	✓
52.222-51	EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR MAINTENANCE, CALIBRATION, OR REPAIR OF CERTAIN EQUIPMENT – REQUIREMENTS	MAY 2014	✓	N/A	N/A
52.222-53	EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR CERTAIN SERVICES – REQUIREMENTS	MAY 2014	✓	N/A	N/A
52.222-54	EMPLOYMENT ELIGIBILITY VERIFICATION	MAY 2022	✓	N/A	N/A
52.222-55	MINIMUM WAGES FOR CONTRACTOR WORKERS UNDER EXECUTIVE ORDER 14026 (FLOW DOWN IF SUBCONTRACT IS SUBJECT TO THE SERVICE CONTRACT LABOR STANDARDS STATUTE OR THE WAGE RATE REQUIREMENTS (CONSTRUCTION) STATUTE, AND ARE TO BE PERFORMED IN WHOLE OR IN PART IN THE UNITED STATES)	JAN 2022	✓	✓	✓
52.222-62	PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706 (REQUIRED IF SUBJECT TO THE SERVICE CONTRACT LABOR STANDARDS STATUE OR THE WAGE RATE REQUIREMENTS (CONSTRUCTION)	JAN 2022	✓	✓	✓

CLAUSE NO.	NAME	DATE	52.212-5 (MAY 2024)	52.244-6	52.244-6 (MAR 2025)(DEVIATION 2025-O0003) DoD prime contracts only
	STATUTE, AND ARE TO BE PERFORMED IN WHOLE OR IN PART IN THE UNITED STATES)				
52.224-3	PRIVACY TRAINING (REQUIRED WHEN SUBCONTRACTOR EMPLOYEES WILL HAVE ACCESS TO A SYSTEM OF RECORDS, CREATE, COLLECT, USE, PROCESS, STORE, MAINTAIN, DISSEMINATE, DISCLOSE, DISPOSE, OR OTHERWISE HANDLE PERSONALLY IDENTIFIABLE INFORMATION OR DESIGN, DEVELOP, MAINTAIN OR OPERATE A SYSTEM OF RECORDS)	JAN 2017	✓	✓	✓
52.224-3	ALTERNATE I (IF THE AGENCY SPECIFIES THAT ONLY ITS AGENCY-PROVIDED TRAINING IS ACCEPTABLE)	JAN 2017	✓	✓	✓
52.225-26	CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS OUTSIDE THE UNITED STATES	OCT 2016	✓	✓	✓
52.226-6	PROMOTING EXCESS FOOD DONATION TO NONPROFIT ORGANIZATIONS	JUN 2020	✓	N/A	N/A
52.232-40	PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS	MAR 2023	✓	✓	✓
52.240-1	PROHIBITION ON UNMANNED AIRCRAFT SYSTEMS MANUFACTURED OR ASSEMBLED BY AMERICAN SECURITY DRONE ACT-COVERED FOREIGN ENTITIES	NOV 2024	✓	✓	✓
52.240-1	ALTERNATE II	NOV 2024	✓	✓	✓
52.245-1	GOVERNMENT PROPERTY	SEPT 2021	✓	✓	✓
52.247-64	PREFERENCE FOR PRIVATELY OWNED US-FLAG COMMERCIAL VESSELS (EXCEPT CONTRACT OR AGREEMENT FOR OCEAN TRANSPORTATION OR CONSTRUCTION CONTRACT OR THE SUPPLIES BEING TRANSPORTED ARE FOR RESALE OR DISTRIBUTING TO THE GOVERNMENT WITHOUT ADDING VALUE OR SHIPPED IN DIRECT SUPPORT OF US MILITARY CONTINGENCY OPERATIONS, EXERCISES OR FORCES DEPLOYED IN CONNECTION WITH UNITED NATIONS OR NORTH ATLANTIC TREATY ORGANIZATION HUMANITARIAN OR PEACEKEEPING OPERATIONS	NOV 2021	✓	✓	✓