Federal Acquisition Regulation

52.244–6 Subcontracts for Commercial Items.

As prescribed in 44.403(a), insert the following clause:

SUBCONTRACTS FOR COMMERCIAL ITEMS (OCT 2010)

(a) Definitions. As used in this clause—
Commercial item has the meaning contained in Federal Acquisition Regulation 2.101, Definitions.
Subcontract includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or nondevelopmental items as components of items to be supplied under this contract.

(c)(1) The Contractor shall insert the following clauses in subcontracts for commercial items:
   (i) 52.203–13, Contractor Code of Business Ethics and Conduct (APR 2010) (Pub. L. 110–252, Title VI, Chapter 1 (41 U.S.C. 251 note)), if the subcontract exceeds $5,000,000 and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.
   (iii) 52.219–8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds $650,000 ($1.5 million for construction of any public facility), the subcontractor must include 52.219–8 in lower tier subcontracts that offer subcontracting opportunities.
   (iv) 52.222–26, Equal Opportunity (MAR 2007) (E.O. 11246).
   (v) 52.222–35, Equal Opportunity for Veterans (SEP 2010) (38 U.S.C. 4212(a));
   (vii) [Reserved]
   (viii) 52.222–50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g));
   (ix) 52.247–44, Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006) (46 U.S.C. App. 1241 and 10 U.S.C. 2631), if flow down is required in accordance with paragraph (d) of FAR clause 52.247–44.