

FAR FLOWDOWN PROVISIONS – Commercial items and Commercial Components

INCORPORATION OF FAR CLAUSES

The Federal Acquisition Regulation (FAR) clauses referenced below are incorporated herein by reference, with the same force and effect as if they were given in full text, and are applicable, including any note following the clause citation, to this Contract. If the date or substance of any of the clauses listed below is different than the date of substance of this clause actually incorporated in the Prime Contract reference by number herein, the date or substance of the clause incorporated by said Prime Contract shall apply instead.

Government Subcontract

This contract is entered into by the Parties in support of a U.S. Government contract.

As used in the clauses referenced below and otherwise in this contract:

1. “Commercial item” means a commercial item as defined in FAR 2.101.
2. “Contract” means this contract.
3. “Contractor means the SELLER as defined in the SEAKR general terms and conditions, acting as the immediate (first tier) subcontractor to SEAKR.
4. “Prime Contract” means the contract between SEAKR and the U.S. Government or between SEAKR and its higher-tier contractor who has a contract with the U.S. Government.
5. “Subcontract” means any contract placed by the CONTRACTOR or lower-tier subcontractors under this contract.

Amendments Required by Prime Contract

CONTRACTOR agrees that upon the request of SEAKR it will negotiate in good faith with SEAKR relative to amendments to this Contract to incorporate additional provision herein or to change provisions hereof. As SEAKR may reasonably deem necessary in order to comply with the provisions of amendment sot such Prime contract. If any such amendment to this contract causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of this work under this Contract, an equitable adjustment shall be made pursuant to the “Changes” clause of this Contract.

Preservation of Government Rights

If SEAKR furnished designs, drawings, special tooling, equipment, engineering data or other technical or proprietary information (Furnished Items) to which the U. S. Government owns or has the right to authorize the sue of , nothing herein shall be construed to mean that SEAKR, acting on its own behalf, may modify or limit any right s the Government may have to authorize the CONTRACTOR’s use of such Furnished Items in support of other U. S. Government prime contracts.

PROVISIONS OF THE FEDERAL ACQUISITION REGULATION INCORPORATED BY REFERENCE

The following FAR clauses apply to this Order:

- FAR 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS (MAY 2004)
- FAR 52.219-28 POST AWARD SMALL BUSINSESS REPRESENTATION (JUN 2007)
- FAR 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)
- FAR 52.222-26 EQUAL OPPORTUNITY (MAR 2007)
- FAR 52.222-50 COMBATING TRAFFICKING IN PERSONS (AUG 2007)
- FAR 52.225-13 RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008)
- FAR 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (DEC 2008)
- FAR 52.247-64 PREFERENCE FOR PRIVATELY OWNED U.S. FLAG COMMERCIAL VESSELS (FEB 2006)

The following FAR clause applies to this Order if the value of this Order equals or exceeds \$10,000:

- FAR 52.222-36 AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (JUN 1998)

The following FAR clauses apply to this Order if the value of this Order equals or exceeds \$100,000:

- FAR 52.203-12 LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEP 2007)

- FAR 52.222-35 EQUAL OPPORTUNITY FOR SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (SEP 2006)
- FAR 52.222-39 NOTIFICATION OF EMPLOYEE RIGHTS CONCERNING PAYMENT OF UNION DUES OR FEES (DEC 2004)

The following FAR clauses apply to this Order as indicated:

- FAR 52.223-11 OZONE-DEPLETING SUBSTANCES (MAY 2001) (Applicable if the Work was manufactured with or contains ozone-depleting substances.)
- FAR 52.225-1 BUY AMERICAN ACT -- SUPPLIES (JUN 2003) (Applicable; if the Work contains other than domestic components.)
- FAR 52.245-1 GOVERNMENT PROPERTY (JUN 2007) (Applicable if U.S. Government property is furnished to SELLER by SEAKR.)