

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. Full text of the referenced clauses may be accessed electronically by copying and pasting the appropriate URL address in your web browser:
- FAR clauses: <https://www.acquisition.gov/content/part-52-solicitation-provisions-and-contract-clauses>
- DEAR 952 clauses: https://www.ecfr.gov/cgi-bin/text-idx?SID=838834e575ead9ec27ea415e492b42ee&mc=true&tpl=/ecfrbrowse/Title48/48cfr952_main_02.tpl
- DEAR 970 clauses: https://www.ecfr.gov/cgi-bin/text-idx?SID=838834e575ead9ec27ea415e492b42ee&mc=true&tpl=/ecfrbrowse/Title48/48cfr970_main_02.tpl
- (b) 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 Agreement.
- (1) The term "Contractor" shall mean "CONSULTANT."
 - (2) The term "Contract" shall mean this Agreement.
 - (3) The term "DOE", "Government," "Contracting Officer" and equivalent phrases shall mean Triad and/or Triad'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; or
 - (iv) Where specifically modified herein.
 - (4) For authorized audit rights, the term "Contracting Officer or an authorized representative of the Contracting Officer" shall also include "Triad or an authorized representative of Triad."
- (c) Each of the individual FAR/DEAR clauses listed below is incorporated by reference into this Agreement when the condition(s) for applicability is/are met.

THE FOLLOWING CLAUSES APPLY REGARDLESS OF THE AGREEMENT PRICE		
Clause Number	Title and Date	Additional Conditions of Applicability
FAR 52.204-23	Prohibition On Contracting For Hardware, Software, And Services Developed Or Provided By Kaspersky Lab An Other Covered Entities (Jul 2018)	Applies in all subcontracts, including subcontracts for the acquisition of commercial items.
FAR 52.222-50	Combating Trafficking In Persons (Mar 2015)	Applies in all subcontracts and in all contracts with agents (as defined in FAR 52.222-50). The requirements in paragraph (h) of this clause apply only to any portion of a subcontract that— (A) Is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and (B) Has an estimated value that exceeds \$500,000.
FAR 52.244-6	Subcontracts for Commercial Items (Aug 2018)	

THE FOLLOWING CLAUSES APPLY REGARDLESS OF THE AGREEMENT PRICE		
Clause Number	Title and Date	Additional Conditions of Applicability
FAR 52.245-1	Government Property (Jan 2017)	Applies when Triad will provide Government property.
FAR 52.249-2	Termination For Convenience Of The Government (Fixed Price) (Apr 2012)	Paragraph (d) is deleted; the period for submitting the CONSULTANT'S termination settlement proposal in paragraph (e) is reduced to 6 months; and the period for submitting the CONSULTANT'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 952.203-70	Whistleblower Protection For Contractor Employees (Dec 2000)	
DEAR 952.204-71	Sensitive Foreign Nations Controls (Mar 2011)	Applies in any subcontract which may involve making unclassified information about nuclear technology available to sensitive foreign nations. When applicable, contact CONTRACTOR to get a list of Sensitive Foreign Nations.
DEAR 970.5225-1	Compliance with Export Control Laws and Regulations (Nov 2015)	
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.

THE FOLLOWING CLAUSES APPLY AS STATED IN THE CONDITIONS OF APPLICABILITY:		
Clause Number	Title and Date	Conditions of Applicability
FAR 52.203-3	Gratuities (Apr 1984)	Applies if Agreement price exceeds \$250,000.
FAR 52.203-5	Covenant Against Contingent Fees (May 2014)	Applies if Agreement price exceeds \$250,000.
FAR 52.203-7	Anti-Kickback Procedures (May 2014)	Applies if Agreement price exceeds \$150,000. When applicable, paragraph (c) (1) is deleted.
FAR 52.203-8	Cancellation, Rescission, And Recovery Of Funds For Illegal Or Improper Activity (May 2014)	Applies if Agreement price exceeds \$250,000.
FAR 52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity (May 2014)	Applies if Agreement price exceeds \$250,000. If applicable, in paragraph (d) only of this clause, the term "Government" means "Government or Triad."
FAR 52.203-12	Limitation On Payments To Influence Certain Federal Transactions (Oct 2010)	Applies if Agreement price exceeds \$100,000.
FAR 52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015)	Applies only in subcontracts that have a value in excess of \$5.5 million and a performance period of more than 120 days.
FAR 52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015)	Applies in solicitations and subcontracts, other than a subcontract for commercially available off-the-shelf (COTS) items, where the subcontract value exceeds \$35,000.
FAR 52.215-2	Audit and Records –Negotiation (Oct 2010)	Applies if Agreement price exceeds \$250,000.
FAR 52.222-26	Equal Opportunity (Sep 2016)	Applies if Agreement price exceeds \$10,000, unless one of the exemptions listed in FAR Subpart 22.807(b) is applicable.
FAR 52.222-35	Equal Opportunity for Veterans (Oct 2015)	Applies if the Agreement price is \$150,000 or more, unless exempted by the rules, regulations, or orders of the Secretary of Labor.
FAR 52.222-36	Equal Opportunity for Workers with Disabilities (Jul 2014)	Applies if the Agreement price is greater than \$15,000, unless exempted by the rules, regulations, or orders of the Secretary of Labor.

THE FOLLOWING CLAUSES APPLY AS STATED IN THE CONDITIONS OF APPLICABILITY:		
Clause Number	Title and Date	Conditions of Applicability
FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)	Applies in subcontracts that exceed \$10,000 and that will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13496 of January 30, 2009.
FAR 52.222-54	Employment Eligibility Verification (Oct 2015)	Applies in each subcontract that— (1) Is for— (i) Commercial or noncommercial services (except for commercial services that are part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications), performed by the COTS provider, and are normally provided for that COTS item); or (ii) Construction; (2) Has a value of more than \$3,500; and (3) Includes work performed in the United States.
FAR 52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving.(Aug 2011)	Applies if Agreement price exceeds \$250,000.
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 expected to be produced or delivered.
FAR 52.228-5	Insurance—Work on a Government Installation (Jan 1997)	Applies in subcontracts that require work on a Government installation.
DEAR 952.209-72	Organizational Conflicts of Interest (Aug 2009) with Alternate I	Applies if Agreement price exceeds \$250,000, and is for advisory and assistance services, as defined in FAR Subpart 2.101. The activities and programs listed in FAR Subpart 37.202 are excluded or exempted from the definition of advisory or assistance services.
DEAR 952.247-70	Foreign Travel (Jun 2010)	Applies if official foreign travel is required.
DEAR 970.5223-3	Agreement Regarding Workplace Substance Abuse Programs At DOE Sites (Dec 2010)	Solicitation provision that applies if Agreement price is \$25,000 or more, and performance of subcontract involves: (i) access to or handling of classified information or special nuclear materials; (ii) high risk of danger to life, the environment, public health and safety, or national security; or (iii) transportation of hazardous materials to or from a DOE site.
DEAR 970.5223-4	Workplace Substance Abuse Programs at DOE Sites (Dec 2010)	Applies if Agreement price is \$25,000 or more, and performance of Agreement involves: (i) access to or handling of classified information or special nuclear materials; (ii) high risk of danger to life, the environment, public health and safety, or national security; or (iii) transportation of hazardous materials to or from a DOE site.