

SUBCHAPTER H—CLAUSES AND FORMS

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 252.1—Instructions for Using Provisions and Clauses

Sec.

252.101 Using part 252.

Subpart 252.2—Text of Provisions and Clauses

- 252.201-7000 Contracting officer's representative.
- 252.203-7000 [Reserved]
- 252.203-7001 Prohibition on persons convicted of fraud or other defense-contract-related felonies.
- 252.203-7002 Display of DoD hotline poster.
- 252.204-7000 Disclosure of Information.
- 252.204-7001 Commercial and Government Entity (CAGE) code reporting.
- 252.204-7002 Payment for subline items not separately priced.
- 252.204-7003 Control of government personnel work product.
- 252.204-7004 Alternate A.
- 252.204-7005 Oral attestation of security responsibilities.
- 252.204-7006 Billing instructions.
- 252.205-7000 Provision of information to cooperative agreement holders.
- 252.206-7000 Domestic source restriction.
- 252.208-7000 Intent to furnish precious metals as Government-furnished material.
- 252.209-7000 [Reserved]
- 252.209-7001 Disclosure of ownership or control by the government of a terrorist country.
- 252.209-7002 Disclosure of ownership or control by a foreign government.
- 252.209-7003 [Reserved]
- 252.209-7004 Subcontracting with firms that are owned or controlled by the government of a terrorist country.
- 252.209-7005 Reserve Officer Training Corps and military recruiting on campus.
- 252.211-7000 Acquisition streamlining.
- 252.211-7001 Availability of Specifications, Standards, and Data Item Descriptions Not Listed in the Acquisition Streamlining and Standardization Information System (ASSIST), and Plans, Drawings, and Other Pertinent Documents.
- 252.211-7002 Availability for examination of specifications, standards, plans, drawings, data item descriptions, and other pertinent documents.
- 252.211-7003 Item identification and valuation.
- 252.211-7004 Alternate preservation, packaging, and packing.
- 252.211-7005 Substitutions for military or Federal specifications and standards.
- 252.211-7006 Radio Frequency Identification.
- 252.212-7000 Offeror representations and certifications—Commercial items.
- 252.212-7001 Contract terms and conditions required to implement statutes or Executive Orders applicable to Defense acquisitions of commercial items.
- 252.215-7000 Pricing adjustments.
- 252.215-7001 [Reserved]
- 252.215-7002 Cost estimating system requirements.
- 252.216-7000 Economic price adjustment—basic steel, aluminum, brass, bronze, or copper mill products.
- 252.216-7001 Economic price adjustment—nonstandard steel items.
- 252.216-7002 [Reserved]
- 252.216-7003 Economic price adjustment—wage rates or material prices controlled by a foreign government.
- 252.217-7000 Exercise of option to fulfill foreign military sales commitments.
- 252.217-7001 Surge option.
- 252.217-7002 Offering property for exchange.
- 252.217-7003 Changes.
- 252.217-7004 Job orders and compensation.
- 252.217-7005 Inspection and manner of doing work.
- 252.217-7006 Title.
- 252.217-7007 Payments.
- 252.217-7008 Bonds.
- 252.217-7009 Default.
- 252.217-7010 Performance.
- 252.217-7011 Access to vessel.
- 252.217-7012 Liability and insurance.
- 252.217-7013 Guarantees.
- 252.217-7014 Discharge of liens.
- 252.217-7015 Safety and health.
- 252.217-7016 Plant protection.
- 252.217-7017—252.217-7025 [Reserved]
- 252.217-7026 Identification of sources of supply.
- 252.217-7027 Contract definitization.
- 252.217-7028 Over and above work.
- 252.219-7000—252.219-7002 [Reserved]
- 252.219-7003 Small, small disadvantaged and women-owned small business subcontracting plan (DoD contracts).
- 252.219-7004 Small, small disadvantaged and women-owned small business subcontracting plan (test program).
- 252.219-7005—252.219-7008 [Reserved]
- 252.219-7009 Section 8(a) direct award.
- 252.219-7010 Alternate A.
- 252.219-7011 Notification to delay performance.
- 252.222-7000 Restrictions on employment of personnel.

- 252.222-7001 Right of first refusal of employment—Closure of military installations.
- 252.222-7002 Compliance with local labor laws (overseas).
- 252.222-7003 Permit from Italian Inspectorate of Labor.
- 252.222-7004 Compliance with Spanish social security laws and regulations.
- 252.222-7005 Prohibition on use of non-immigrant aliens—Guam.
- 252.223-7000 [Reserved]
- 252.223-7001 Hazard warning labels.
- 252.223-7002 Safety precautions for ammunition and explosives.
- 252.223-7003 Change in place of performance—ammunition and explosives.
- 252.223-7004 Drug-free work force.
- 252.223-7005 [Reserved]
- 252.223-7006 Prohibition on storage and disposal of toxic and hazardous materials.
- 252.223-7007 Safeguarding sensitive conventional arms, ammunition, and explosives.
- 252.225-7000 Buy American Act—Balance of Payments Program Certificate.
- 252.225-7001 Buy American Act and Balance of Payments Program.
- 252.225-7002 Qualifying country sources as subcontractors.
- 252.225-7003 Report of intended performance outside the United States and Canada—Submission with offer.
- 252.225-7004 Reporting of intended performance outside the United States and Canada—Submission after award.
- 252.225-7005 Identification of expenditures in the United States.
- 252.225-7006 Quarterly reporting of actual contract performance outside the United States.
- 252.225-7007 Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies.
- 252.225-7008—252.225-7010 [Reserved]
- 252.225-7011 Restriction on acquisition of supercomputers.
- 252.225-7012 Preference for certain domestic commodities.
- 252.225-7013 Duty-free entry.
- 252.225-7014 Preference for domestic specialty metals.
- 252.225-7015 Restriction on acquisition of hand or measuring tools.
- 252.225-7016 Restriction on acquisition of ball and roller bearings.
- 252.225-7017 [Reserved]
- 252.225-7018 Notice of prohibition of certain contracts with foreign entities for the conduct of Ballistic Missile Defense Research, Development, Test, and Evaluation.
- 252.225-7019 Restriction on acquisition of anchor and mooring chain.
- 252.225-7020 Trade agreements certificate.
- 252.225-7021 Trade agreements.
- 252.225-7022 Restriction on acquisition of polyacrylonitrile (PAN) carbon fiber.
- 252.225-7023 Restriction on acquisition of vessel propellers.
- 252.225-7024 [Reserved]
- 252.225-7025 Restriction on acquisition of forgings.
- 252.225-7026 [Reserved]
- 252.225-7027 Restriction on contingent fees for foreign military sales.
- 252.225-7028 Exclusionary policies and practices of foreign governments.
- 252.225-7029 [Reserved]
- 252.225-7030 Restriction on acquisition of carbon, alloy, and armor steel plate.
- 252.225-7031 Secondary Arab boycott of Israel.
- 252.225-7032 Waiver of United Kingdom levies—Evaluation of offers.
- 252.225-7033 Waiver of United Kingdom Levies.
- 252.225-7034 [Reserved]
- 252.225-7035 Buy American Act—Free Trade Agreements—Balance of Payments Program Certificate.
- 252.225-7036 Buy American Act—Free Trade Agreements—Balance of Payments Program.
- 252.225-7037 Evaluation of offers for air circuit breakers.
- 252.225-7038 Restriction on acquisition of air circuit breakers.
- 252.225-7039 [Reserved]
- 252.225-7040 Contractor personnel authorized to accompany U.S. Armed Forces deployed outside the United States.
- 252.225-7041 Correspondence in English.
- 252.225-7042 Authorization to perform.
- 252.225-7043 Antiterrorism/force protection policy for defense contractors outside the United States.
- 252.225-7044 Balance of Payments Program—Construction Material.
- 252.225-7045 Balance of Payments Program—Construction Material Under Trade Agreements.
- 252.226-7000 Notice of historically black college or university and minority institution set-aside.
- 252.226-7001 Utilization of Indian organizations, Indian-owned economic enterprises, and native Hawaiian small business concerns.
- 252.227-7000 Non-estoppel.
- 252.227-7001 Release of past infringement.
- 252.227-7002 Readjustment of payments.
- 252.227-7003 Termination.
- 252.227-7004 License grant.
- 252.227-7005 License term.
- 252.227-7006 License grant—running royalty.
- 252.227-7007 License term—running royalty.
- 252.227-7008 Computation of royalties.
- 252.227-7009 Reporting and payment of royalties.
- 252.227-7010 License to other Government agencies.
- 252.227-7011 Assignments.
- 252.227-7012 Patent license and release contract.

- 252.227-7013 Rights in technical data—Non-commercial items.
- 252.227-7014 Rights in noncommercial computer software and noncommercial computer software documentation.
- 252.227-7015 Technical data—Commercial items.
- 252.227-7016 Rights in bid or proposal information.
- 252.227-7017 Identification and assertion of use, release, or disclosure restrictions.
- 252.227-7018 Rights in noncommercial technical data and computer software—Small Business Innovation Research (SBIR) Program.
- 252.227-7019 Validation of asserted restrictions—Computer software.
- 252.227-7020 Rights in special works.
- 252.227-7021 Rights in data—existing works.
- 252.227-7022 Government rights (unlimited).
- 252.227-7023 Drawings and other data to become property of Government.
- 252.227-7024 Notice and approval of restricted designs.
- 252.227-7025 Limitations on the use or disclosure of government-furnished information marked with restrictive legends.
- 252.227-7026 Deferred delivery of technical data or computer software.
- 252.227-7027 Deferred ordering of technical data or computer software.
- 252.227-7028 Technical data or computer software previously delivered to the government.
- 252.227-7029 [Reserved]
- 252.227-7030 Technical data—withholding of payment.
- 252.227-7031 [Reserved]
- 252.227-7032 Rights in technical data and computer software (foreign).
- 252.227-7033 Rights in shop drawings.
- 252.227-7034 Patents—subcontracts.
- 252.227-7035 [Reserved]
- 252.227-7036 [Reserved]
- 252.227-7037 Validation of restrictive markings on technical data.
- 252.227-7038 [Reserved]
- 252.227-7039 Patents—reporting of subject inventions.
- 252.228-7000 Reimbursement for war-hazard losses.
- 252.228-7001 Ground and flight risk.
- 252.228-7002 Aircraft flight risk.
- 252.228-7003 Capture and detention.
- 252.228-7004 Bonds or other security.
- 252.228-7005 Accident reporting and investigation involving aircraft, missiles, and space launch vehicles.
- 252.228-7006 Compliance with Spanish laws and insurance.
- 252.229-7000 Invoices exclusive of taxes or duties.
- 252.229-7001 Tax relief.
- 252.229-7002 Customs exemptions (Germany).
- 252.229-7003 Tax exemptions (Italy).
- 252.229-7004 Status of contractors as a direct contractor (Spain).
- 252.229-7005 Tax exemptions (Spain).
- 252.229-7006 Value added tax exclusion (United Kingdom).
- 252.229-7007 Verification of United States receipt of goods.
- 252.229-7008 Relief from import duty (United Kingdom).
- 252.229-7009 Relief from customs duty and value added tax on fuel (passenger vehicles) (United Kingdom).
- 252.229-7010 Relief from customs duty on fuel (United Kingdom).
- 252.229-7011 Reporting of Foreign Taxes—U.S. Assistance Programs.
- 252.231-7000 Supplemental cost principles.
- 252.232-7000 Advance payment pool.
- 252.232-7001 Disposition of payments.
- 252.232-7002 Progress payments for foreign military sales acquisitions.
- 252.232-7003 Electronic submission of payment requests.
- 252.232-7004 DoD progress payment rates.
- 252.232-7005 Reimbursement of subcontractor advance payments—DoD pilot mentor-protégé program.
- 252.232-7006 Alternate A.
- 252.232-7007 Limitation of Government's obligation.
- 252.232-7008 Assignment of claims (overseas).
- 252.232-7009 Mandatory payment by Governmentwide commercial purchase card.
- 252.232-7010 Levies on contract payments.
- 252.233-7000 [Reserved]
- 252.233-7001 Choice of law (overseas).
- 252.235-7000 Indemnification under 10 U.S.C. 2354—fixed price.
- 252.235-7001 Indemnification under 10 U.S.C. 2354—cost reimbursement.
- 252.235-7002 Animal welfare.
- 252.235-7003 Frequency authorization.
- 252.235-7004—252.235-7009 [Reserved]
- 252.235-7010 Acknowledgement of support and disclaimer.
- 252.235-7011 Final scientific or technical report.
- 252.236-7000 Modification proposals—price breakdown.
- 252.236-7001 Contract drawings and specifications.
- 252.236-7002 Obstruction of navigable waterways.
- 252.236-7003 Payment for mobilization and preparatory work.
- 252.236-7004 Payment for mobilization and demobilization.
- 252.236-7005 Airfield safety precautions.
- 252.236-7006 Cost limitation.
- 252.236-7007 Additive or deductive items.
- 252.236-7008 Contract prices—bidding schedules.
- 252.236-7009 Option for supervision and inspection services.
- 252.236-7010 Overseas military construction—Preference for United States firms.

Pt. 252**48 CFR Ch. 2 (10-1-06 Edition)**

- 252.236-7011 Overseas architect-engineer services—Restriction to United States firms.
- 252.236-7012 Military construction on Kwajalein Atoll—evaluation preference.
- 252.237-7000 Notice of special standards of responsibility.
- 252.237-7001 Compliance with audit standards.
- 252.237-7002 Award to single offeror.
- 252.237-7003 Requirements.
- 252.237-7004 Area of performance.
- 252.237-7005 Performance and delivery.
- 252.237-7006 Subcontracting.
- 252.237-7007 Termination for default.
- 252.237-7008 Group interment.
- 252.237-7009 Permits.
- 252.237-7010 [Reserved]
- 252.237-7011 Preparation history.
- 252.237-7012 Instruction to offerors (count-of-articles).
- 252.237-7013 Instruction to offerors (bulk weight).
- 252.237-7014 Loss or damage (count-of-articles).
- 252.237-7015 Loss or damage (weight of articles).
- 252.237-7016 Delivery tickets.
- 252.237-7017 Individual laundry.
- 252.237-7018 Special definitions of Government property.
- 252.237-7019 Training for contractor personnel interacting with detainees.
- 252.237-7020—252.237-7021 [Reserved]
- 252.237-7022 Services at installations being closed.
- 252.239-7000 Protection against compromising emanations.
- 252.239-7001 [Reserved]
- 252.239-7002 Access.
- 252.239-7003 [Reserved]
- 252.239-7004 Orders for facilities and services.
- 252.239-7005 Rates, charges, and services.
- 252.239-7006 Tariff information.
- 252.239-7007 Cancellation or termination of orders.
- 252.239-7008 Reuse arrangements.
- 252.239-7009—252.239-7010 [Reserved]
- 252.239-7011 Special construction and equipment charges.
- 252.239-7012 Title to telecommunication facilities and equipment.
- 252.239-7013 Obligation of the Government.
- 252.239-7014 Term of agreement.
- 252.239-7015 Continuation of communication service authorizations.
- 252.239-7016 Telecommunications security equipment, devices, techniques, and services.
- 252.241-7000 Superseding contract.
- 252.241-7001 Government access.
- 252.242-7000 [Reserved]
- 252.242-7001 Notice of Earned Value Management System.
- 252.242-7002 Earned Value Management System.
- 252.242-7003 Application for U.S. Government shipping documentation/instructions.
- 252.242-7004 Material management and accounting system.
- 252.242-7005 Cost/Schedule Status Report.
- 252.242-7006 Cost/Schedule Status Report Plans.
- 252.243-7000 [Reserved]
- 252.243-7001 Pricing of contract modifications.
- 252.243-7002 Requests for equitable adjustment.
- 252.244-7000 Subcontracts for commercial items and commercial components (DoD contracts).
- 252.245-7000 Government-furnished mapping, charting, and geodesy property.
- 252.245-7001 Reports of Government property.
- 252.246-7000 Material inspection and receiving report.
- 252.246-7001 Warranty of data.
- 252.246-7002 Warranty of construction (Germany).
- 252.247-7000 Hardship conditions.
- 252.247-7001 Price adjustment.
- 252.247-7002 Revision of prices.
- 252.247-7003 [Reserved]
- 252.247-7004 Indefinite quantities—fixed charges.
- 252.247-7005 Indefinite quantities—no fixed charges.
- 252.247-7006 Removal of contractor's employees.
- 252.247-7007 Liability and insurance.
- 252.247-7008 Evaluation of bids.
- 252.247-7009 Award.
- 252.247-7010 Scope of contract.
- 252.247-7011 Period of contract.
- 252.247-7012 Ordering limitation.
- 252.247-7013 Contract areas of performance.
- 252.247-7014 Demurrage.
- 252.247-7015 Requirements.
- 252.247-7016 Contractor liability for loss or damage.
- 252.247-7017 Erroneous shipments.
- 252.247-7018 Subcontracting.
- 252.247-7019 Drayage.
- 252.247-7020 Additional services.
- 252.247-7021 Returnable containers other than cylinders.
- 252.247-7022 Representation of extent of transportation by sea.
- 252.247-7023 Transportation of supplies by sea.
- 252.247-7024 Notification of transportation of supplies by sea.
- 252.247-7025 Reflagging or repair work.
- 252.249-7000 Special termination costs.
- 252.249-7001 [Reserved]
- 252.249-7002 Notification of anticipated contract termination or reduction.
- 252.251-7000 Ordering from Government supply sources.

252.251-7001 Use of Interagency Fleet Management System (IFMS) vehicles and related services.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36479, July 31, 1991, unless otherwise noted.

Subpart 252.1—Instructions for Using Provisions and Clauses

252.101 Using part 252.

(b) *Numbering.*

(2) *Provisions or clauses that supplement the FAR.*

(ii)(B) DFARS provisions or clauses use a four digit sequential number in the 7000 series, e.g., -7000, -7001, -7002. Department or agency supplemental provisions or clauses use four digit sequential numbers in the 9000 series.

Subpart 252.2—Text of Provisions And Clauses

252.201-7000 Contracting officer's representative.

As prescribed in 201.602-70, use the following clause:

CONTRACTING OFFICER'S REPRESENTATIVE
(DEC 1991)

(a) *Definition. Contracting officer's representative* means an individual designated in accordance with subsection 201.602-2 of the Defense Federal Acquisition Regulation Supplement and authorized in writing by the contracting officer to perform specific technical or administrative functions.

(b) If the Contracting Officer designates a contracting officer's representative (COR), the Contractor will receive a copy of the written designation. It will specify the extent of the COR's authority to act on behalf of the contracting officer. The COR is not authorized to make any commitments or changes that will affect price, quality, quantity, delivery, or any other term or condition of the contract.

(End of clause)

[56 FR 36479, July 31, 1991, as amended at 57 FR 42633, Sept. 15, 1992]

252.203-7000 [Reserved]

252.203-7001 Prohibition on persons convicted of fraud or other defense-contract-related felonies.

As prescribed in 203.570-3, use the following clause:

PROHIBITION ON PERSONS CONVICTED OF FRAUD OR OTHER DEFENSE-CONTRACT-RELATED FELONIES (DEC 2004)

(a) *Definitions.* As used in this clause—

(1) *Arising out of a contract with the DoD* means any act in connection with—

(i) Attempting to obtain;

(ii) Obtaining; or

(iii) Performing a contract or first-tier subcontract of any agency, department, or component of the Department of Defense (DoD).

(2) *Conviction of fraud or any other felony* means any conviction for fraud or a felony in violation of state or Federal criminal statutes, whether entered on a verdict or plea, including a plea of *nolo contendere*, for which sentence has been imposed.

(3) *Date of conviction* means the date judgment was entered against the individual.

(b) Any individual who is convicted after September 29, 1988, of fraud or any other felony arising out of a contract with the DoD is prohibited from serving—

(1) In a management or supervisory capacity on this contract;

(2) On the board of directors of the Contractor;

(3) As a consultant, agent, or representative for the Contractor; or

(4) In any other capacity with the authority to influence, advise, or control the decisions of the Contractor with regard to this contract.

(c) Unless waived, the prohibition in paragraph (b) of this clause applies for not less than 5 years from the date of conviction.

(d) 10 U.S.C. 2408 provides that the Contractor shall be subject to a criminal penalty of not more than \$500,000 if convicted of knowingly—

(1) Employing a person under a prohibition specified in paragraph (b) of this clause; or

(2) Allowing such a person to serve on the board of directors of the contractor or first-tier subcontractor.

(e) In addition to the criminal penalties contained in 10 U.S.C. 2408, the Government may consider other available remedies, such as—

(1) Suspension or debarment;

(2) Cancellation of the contract at no cost to the Government; or

(3) Termination of the contract for default.

(f) The Contractor may submit written requests for waiver of the prohibition in paragraph (b) of this clause to the Contracting Officer. Requests shall clearly identify—