



CREATION TECHNOLOGIES – Standard Procedure

Appendix A to Creation Technologies’ Standard Purchase Order Terms and Conditions – Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) Flow Down Clauses For Commercial Products and Services

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1. Incorporation by Reference. The clauses identified below are incorporated herein by reference and shall have the same force and effect as if set forth in full text. The identified DFARS clauses do not apply if the prime contract is with a civilian agency. Buyer will make the full text of the clauses available to the Seller upon request. The full text of the clauses may also be accessible at the following website: <https://www.acquisition.gov/>.

2. Term Substitution. In the clauses below, unless the context of the clause requires otherwise:

- Substitute “Buyer” for “Government”
- Substitute “Order” for “Contract”
- Substitute “Seller” for “Contractor”
- Substitute “Buyer’s Purchasing Representative” for “Contracting Officer”
- Any reference to the "Disputes" clause shall mean the "Disputes" clause of this Order.

Notwithstanding the foregoing, these substitutions will not apply where implementing them would result in the violation of terms contained elsewhere in the Order or violation of Seller’s “independent contractor” status.

3. Other Rules of Construction.

- (a) It is intended that the referenced clauses shall apply to Seller in such manner as is necessary to reflect the position of Seller as a subcontractor to Buyer, to ensure Seller's obligations to Buyer and to the United States government, and to enable Buyer to meet its obligations under its Prime Contract or higher-tier Subcontract.
- (b) If the date or substance of any of the clauses listed below is different from the date or substance of the clause actually incorporated in the prime contract or higher-tier subcontract referenced by number herein, the date or substance of the clause incorporated by said prime contract or higher-tier subcontract shall apply instead.

4. Modifications Required by Prime Contract or Higher-Tier Subcontract. If the prime contract or higher-tier subcontract is modified to change clauses herein or to incorporate additional clauses, Seller will negotiate in good faith with Buyer to make corresponding changes to this order, if the Buyer deems such changes necessary to comply with the prime contract or higher-tier subcontract. If any such change to this order causes an increase or decrease in the cost of performance or the time required for performance, an equitable adjustment will be made pursuant to the “Changes” clause of this Order.

5. FAR Clauses. The following FAR clauses are applicable to this Order:

Clause Number	Title, Date, Applicability Criteria (if any)
FAR 52.202-1	Definitions (Jun 2020)
FAR 52.203-13	Contractor Code of Business Ethics and Conduct (NOV 2021) (Applies if the Order exceeds the greater of \$6 million or the threshold specified in FAR 3.1004(a) on the date of Order award and has a performance period of more than 120 days)
FAR 52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (JUN 2010)



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	(Applies if the Order is funded under the Recovery Act)
FAR 52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (JAN 2017)
FAR 52.204-21	Basic Safeguarding of Covered Contractor Information Systems (NOV 2021) (Other than subcontracts for commercially available off-the-shelf items, applies if Seller may have Federal contract information residing in or transiting through its information system)
FAR 52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (NOV 2021)
FAR 52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021) (Paragraph (b)(2) does not apply to Seller)
FAR 52.219-8	Utilization of Small Business Concerns (OCT 2018) (Applies if the subcontract offers further subcontracting opportunities)
FAR 52.222-21	Prohibition of Segregated Facilities (APR 2015)
FAR 52.222-26	Equal Opportunity (Sept 2016)
FAR 52.222-35	Equal Opportunity for Veterans (JUN 2020)
FAR 52.222-36	Equal Opportunity for Workers with Disabilities (JUN 2020)
FAR 52.222-37	Employment Reports on Veterans (JUN 2020)
FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010) (Applies if Order exceeds \$10,000 and will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor)
FAR 52.222-50	Combating Trafficking in Persons (NOV 2021)
FAR 52.222-50	Combating Trafficking in Persons, Alternate I (MAR 2015) (Applies if Order will be performed outside the United States (as defined at FAR 22.1702) and the contracting officer has been notified of specific U.S. directives or notices regarding combating trafficking in persons (such as general orders or military listings of "off-limits" local establishments) that apply to contractor employees at the contract place of performance)



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FAR 52.222-55	Minimum Wages for Contractor Workers under Executive Order 14026 (JAN 2022) (Applies if Order is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and is to be performed in whole or in part in the United States)
FAR 52.222-62	Paid Sick Leave Under Executive Order 13706 (JAN 2022) (Applies if Order is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and is to be performed in whole or in part in the United States)
FAR 52.224-3	Privacy Training (JAN 2017)
FAR 52.224-3	Privacy Training, Alternate I (JAN 2017) (Applies if the agency specifies that only its agency-provided training is acceptable)
FAR 52.225-26	Contractors Performing Private Security Functions Outside the United States (OCT 2016)
FAR 52.227-11	52.227-11 Patent Rights-Ownership by the Contractor (MAY 2014) (Applies to Orders for experimental, developmental, or research work to be performed by a small business concern or nonprofit organization)
FAR 52.232-40	Providing Accelerated Payments to Small Business Subcontractors (NOV 2021) (Applies if Seller is a small business concern)
FAR 52.244-6	Subcontracts for Commercial Products and Commercial Services (JAN 2022)
FAR 52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (NOV 2021) (Applies unless Order is exempt under paragraph (e) of the clause)

6. DFARS Clauses. The following DFARS clauses are applicable to this Order:

Clause Number	Title, Date, Applicability Criteria (if any)
DFARS 252.203-7002	Requirement to Inform Employees of Whistleblower Rights (SEP 2013)
DFARS 252.204-7000	Disclosure of Information (OCT 2016)
DFARS 252.204-7004	Antiterrorism Awareness Training for Contractors (FEB 2019)



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DFARS 252.204-7009	<p>Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (OCT 2016)</p> <p>(Applies if Order includes services supporting the Government's activities related to safeguarding covered defense information and cyber incident reporting)</p>
DFARS 252.204-7010	<p>Requirement for Contractor to Notify DoD if the Contractor's Activities are Subject to Reporting Under the U.S.-International Atomic Energy Agency Additional Protocol (JAN 2009)</p> <p>(Applies if Order is subject to the provisions of the U.S.-IAEA AP)</p>
DFARS 252.204-7012	<p>Safeguarding Covered Defense Information and Cyber Incident Reporting (DEC 2019)</p> <p>(Applies if Order is for operationally critical support or will involve covered defense information)</p>
DFARS 252.204-7014	<p>Limitations on the Use or Disclosure of Information by Litigation Support Contractors (MAY 2016)</p>
DFARS 252.204-7015	<p>Notice of Authorized Disclosure of Information for Litigation Support (MAY 2016)</p>
DFARS 252.204-7018	<p>Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (JAN 2021)</p>
DFARS 252.204-7020	<p>NIST SP 800-171 DoD Assessment Requirements (MAR 2022)</p> <p>(Applies unless Order is for commercially available off-the-shelf items)</p>
DFARS 252.208-7000	<p>Intent to Furnish Precious Metals as Government-Furnished Material (DEC 1991)</p>
DFARS 252.211-7003	<p>Item Unique Identification and Valuation (MAR 2022)</p>
DFARS 252.215-7008	<p>Only One Offer (JUL 2019)</p> <p>(Applies if Order exceeds the simplified acquisition threshold)</p>
DFARS 252.215-7010	<p>Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data (JUL 2019)</p> <p>(Applies if Order exceeds the simplified acquisition threshold and DFARS 252.215-7010 is included in the prime contract)</p>
DFARS 252.219-7003	<p>Small Business Subcontracting Plan (DoD Contracts) (DEC 2019)</p> <p>(Applies if Order exceeds the greater of \$750,000 (\$1.5 million for construction) or the applicable threshold specified in FAR 19.702(a) on the</p>



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	date of award and offers subcontracting opportunities, unless Seller is participating in the Test Program described in DFARS 219.702-70).
DFARS 252.219-7004	Small Business Subcontracting Plan (Test Program) (MAY 2019) (Applies if Order exceeds the greater of \$750,000 (\$1.5 million for construction) or the applicable threshold specified in FAR 19.702(a) on the date of award and the Order offers subcontracting opportunities, where the Seller is participating in the Test Program described in DFARS 219.702-70).
DFARS 252.222-7000	Restrictions on Employment of Personnel (MAR 2000)
DFARS 252.223-7006	Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials (SEP 2014)
DFARS 252.223-7006	Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials—Alternate I (SEP 2014) (Applies if the Secretary of the military department issues a determination under the exception at 223.7104 (a)(10))
DFARS 252.223-7008	Prohibition of Hexavalent Chromium (JUN 2013) (Applies to all Orders for supplies, maintenance and repair services, or construction materials)
DFARS 252.225-7007	Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies (DEC 2018) (Applies to all Order for items covered by the United States Munitions List or the 600 series of the Commerce Control List)
DFARS 252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (DEC 2019) (Paragraphs (a) through (c)(5) and (e)(2) apply to Orders for items containing specialty metals)
DFARS 252.225-7013	Duty-Free Entry (MAR 2022) (Applies to all qualifying country components and nonqualifying country components for which duty will exceed \$200 per unit)
DFARS 252.225-7033	Waiver of United Kingdom Levies (APR 2003) (Applies to Orders for supplies where a lower-tier subcontract with a U.K. firm is anticipated with a value greater than \$1 million)
DFARS 252.225-7048	Export-Controlled Items (JUN 2013)
DFARS 252.225-7052	Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (OCT 2020)



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	(Applies to Orders for items containing a covered material)
DFARS 252.225-7054	Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation (AUG 2021) (Applies to Orders for furnished energy at a covered military installation)
DFARS 252.225-7056	Prohibition Regarding Business Operations With the Maduro Regime (MAY 2022)
DFARS 252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (APR 2019) (Applies to all Orders exceeding \$500,000)
DFARS 252.227-7016	Rights in Bid or Proposal Information (JAN 2011)
DFARS 252.227-7019	Validation of Asserted Restrictions—Computer Software (SEP 2016) (Applies to all Orders that involve Seller furnishing computer software to the Government in the performance of the Order)
DFARS 252.227-7037	Validation of Restrictive Markings on Technical Data (APR 2022) (Applies to Orders requiring delivery of technical data)
DFARS 252.227-7038	Patent Rights—Ownership by the Contractor (Large Business) (JUN 2012) (Applies to Orders for experimental, developmental, or research work unless the Seller is a small business or unless a different patent rights clause is required by FAR 27.303)
DFARS 252.228-7001	Ground and Flight Risk (JUN 2010) (Applies to Orders under Prime Contracts for acquisition, development, production, modification, maintenance, repair, flight, or overhaul of aircraft)
DFARS 252.228-7005	Mishap Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (NOV 2019) (Applies to Orders under Prime Contracts involving the manufacture, modification, overhaul, or repair of aircraft, missiles, and space launch vehicles)
DFARS 252.229-7011	Reporting of Foreign Taxes – U.S. Assistance Programs (SEP 2005) (Applies to Orders for commodities that exceed \$500)
DFARS 252.232-7017	Accelerating Payments to Small Business Subcontractors—Prohibition on Fees and Consideration (APR 2020) (Applies to Orders with small business concerns, if the clause is in the Prime Contract or higher-tier Subcontract)



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DFARS 252.235-7003	Frequency Authorization (MAR 2014) (Applies to Orders requiring the development, production, construction, testing, or operation of a device for which a radio frequency authorization is required)
DFARS 252.237-7023	Continuation of Essential Contractor Services (OCT 2010) (Applies to Orders for essential services)
DFARS 252.239-7010	Cloud Computing Services (OCT 2016) (Applies to Orders that involve or may involve cloud services)
DFARS 252.239-7016	Telecommunications Security Equipment, Devices, Techniques, and Services (DEC 1991) (Applies to Orders requiring securing telecommunications)
DFARS 252.246-7003	Notification of Potential Safety Issues (JUN 2013) (Applies to Orders for— (i) Parts identified as critical safety items; (ii) Systems and subsystems, assemblies, and subassemblies integral to a system; or (iii) Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system)
DFARS 252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (AUG 2016) (Applies to Orders for electronic parts or assemblies containing electronic parts)
DFARS 252.246-7008	Sources of Electronic Parts (MAY 2018) (Applies to Orders for electronic parts or assemblies containing electronic parts, unless the Seller is the original manufacturer)
DFARS 252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JUN 2013) (Applies to Orders with motor carriers, brokers, or freight forwarders)
DFARS 252.247-7023	Transportation of Supplies by Sea (FEB 2019)
DFARS 252.249-7002	Notification of Anticipated Contract Termination or Reduction (JUN 2020) (Applies to Orders under major defense programs, with values in excess of the greater of \$150,000 or the threshold specified in DFARS 249.7003(c)(1))

7. Other Clauses. If the prime contract or higher-tier subcontract includes other clauses, which must be flowed down for the Buyer to comply with the terms of the prime contract or higher-tier subcontract,

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including but not limited to other agency supplement clauses or contract-specific clauses, any such clauses are also hereby incorporated and made a part of this Order.