

ERC
Prime Flow Down Clauses
80KSC022CAD010
Laboratory Support Services and Operations II (LASSO II)

The following Federal Acquisition Regulation (FAR) and NASA Federal Acquisition Regulation Supplement (NFS) clauses are prime contract "flow-down" clauses to any subcontract or purchase order. Lower-tier subcontracting is not allowed without prior ERC written approval. If ERC provides written approval, the Seller shall flow down the appropriate FAR and NFS clauses in each lower-tier subcontract. At the Seller's written request, ERC, will make available these clauses in full text. These clauses, incorporated herein by reference, are made part of any order with the same force and effect as if set forth in full text.

In the application of these clauses to the Seller, the term "Contracting Officer" shall be interpreted to mean the "ERC Subcontracts Administrator/Buyer" and/or the "ERC Contracting Official" signing the subcontract. The term "contract" shall be interpreted to mean "Purchase Order" or "Subcontract Agreement". The term "contractor" shall be interpreted to mean "Seller" or "Subcontractor". Exceptions to these definitions are where the specific application has clear legal reference to the "US Government" or to the government agency's "Contracting Officer." Any questions concerning interpretation should be referred to ERC.

For those clauses that require access to Subcontractor's proprietary data, the references to "Contracting Officer", "Contractor" and "Subcontractor" shall retain their original meanings.

The full text of a provision/clause may be accessed electronically at <https://www.acquisition.gov/content/regulations> .

FAR PROVISION / CLAUSE	DATE	TITLE
52.202-1	JUN 2020	DEFINITIONS
52.203-3	APR 1984	GRATUITIES
52.203-5	MAY 2014	COVENANT AGAINST CONTINGENT FEES
52.203-6	JUN 2020	RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT

52.203-7	JUN 2020	ANTI-KICKBACK PROCEDURES
52.203-8	MAY 2014	CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY
52.203-10	MAY 2014	PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY
52.203-12	JUN 2020	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS
52.203-13	JUN 2020	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT
52.203-14	JUN 2020	DISPLAY OF HOTLINE POSTER(S) NASA Office of Inspection General https://oig.nasa.gov/hotline.html
52.203-16	JUN 2020	PREVENTING PERSONAL CONFLICTS OF INTEREST
52.203-17	JUN 2020	CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS
52.204-2	MAR 2021	SECURITY REQUIREMENTS
52.204-4	MAY 2011	PRINTED OR COPIED DOUBLE-SIDED ON POSTCONSUMER FIBER CONTENT PAPER
52.204-9	JAN 2011	PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL <i>See the KSC Protective Services Office (PSO) website (https://pso.ksc.nasa.gov/), NASA Procedural Requirements (NPR) 1600.3, Personnel Security, and NPR 1600.4A, Identity and Credential Management, regarding the process contractor personnel must follow to obtain access to NASA KSC facilities, property, personnel, and information technology resources.</i>
52.204-10	JUN 2020	REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS
52.204-13	OCT 2018	SYSTEM FOR AWARD MANAGEMENT MAINTENANCE
52.204-14	OCT 2016	SERVICE CONTRACT REPORTING REQUIREMENTS
52.204-21	JUN 2016	BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS
52.204-23	JUL 2018	PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES
52.204-24	OCT 2020	REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
52.204-25	AUG 2020	PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
52.208-9	MAY 2014	CONTRACTOR USE OF MANDATORY SOURCES OF SUPPLY OR SERVICES

52.209-6	JUN 2020	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT
52.209-9	OCT 2018	UPDATES OF PUBLICLY AVAILABLE INFORMATION REGARDING RESPONSIBILITY MATTERS
52.209-10	NOV 2015	PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS
52.210-1	JUN 2020	MARKET RESEARCH
52.211-5	AUG 2000	MATERIAL REQUIREMENTS
52.215-2	JUN 2020	AUDIT AND RECORDS - NEGOTIATION
52.215-8	OCT 1997	ORDER OF PRECEDENCE - UNIFORM CONTRACT FORMAT
52.215-10	AUG 2011	PRICE REDUCTION FOR DEFECTIVE CERTIFIED COST OR PRICING DATA
52.215-11	JUN 2020	PRICE REDUCTION FOR DEFECTIVE CERTIFIED COST OR PRICING DATA - MODIFICATIONS
52.215-12	JUN 2020	SUBCONTRACTOR CERTIFIED COST OR PRICING DATA
52.215-13	JUN 2020	SUBCONTRACTOR CERTIFIED COST OR PRICING DATA - MODIFICATIONS
52.215-14	JUN 2020	INTEGRITY OF UNIT PRICES
52.215-17	OCT 1997	WAIVER OF FACILITIES CAPITAL COST OF MONEY
52.215-21	JUN 2020	REQUIREMENTS FOR CERTIFIED COST OR PRICING DATA AND DATA OTHER THAN CERTIFIED COST OR PRICING DATA - MODIFICATIONS
52.217-2	OCT 1997	CANCELLATION UNDER MULTI-YEAR CONTRACTS
52.219-4	SEP 2021	NOTICE OF PRICE EVALUATION PREFERENCE FOR HUBZONE SMALL BUSINESS CONCERNS [] Offeror elects to waive the evaluation preference.
52.219-8	OCT 2016	UTILIZATION OF SMALL BUSINESS CONCERNS
52.219-9	SEP 2021	SMALL BUSINESS SUBCONTRACTING PLAN - ALTERNATE II (NOV 2016)
52.219-16	SEP 2021	LIQUIDATED DAMAGES - SUBCONTRACTING PLAN
52.219-28	SEP 2021	POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION
52.222-1	FEB 1997	NOTICE TO THE GOVERNMENT OF LABOR DISPUTES
52.222-3	JUN 2003	CONVICT LABOR
52.222-4	MAR 2018	CONTRACT WORK HOURS AND SAFETY STANDARDS - OVERTIME COMPENSATION
52.222-19	JAN 2020	CHILD LABOR - COOPERATION WITH AUTHORITIES AND REMEDIES

52.222-20	JUN 2020	CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES, AND EQUIPMENT
52.222-21	APR 2015	PROHIBITION OF SEGREGATED FACILITIES
52.222-26	SEP 2016	EQUAL OPPORTUNITY
52.222-37	JUN 2020	EMPLOYMENT REPORTS ON VETERANS
52.222-40	DEC 2010	NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT
52.222-41	AUG 2018	SERVICE CONTRACT LABOR STANDARDS
52.222-43	AUG 2018	FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT LABOR STANDARDS-PRICE ADJUSTMENT (MULTIPLE YEAR AND OPTION CONTRACTS)
52.222-50	OCT 2020	COMBATING TRAFFICKING IN PERSONS
52.222-54	OCT 2015	EMPLOYMENT ELIGIBILITY VERIFICATION
52.222-55	NOV 2020	MINIMUM WAGES UNDER EXECUTIVE ORDER 13658
52.222-62	JAN 2017	PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706
52.223-3	FEB 2021	HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA. - ALTERNATE I (JUL 1995)
52.223-5	MAY 2011	POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION
52.223-6	MAY 2001	DRUG-FREE WORKPLACE
52.223-10	MAY 2011	WASTE REDUCTION PROGRAM
52.223-12	JUN 2016	MAINTENANCE, SERVICE, REPAIR, OR DISPOSAL OF REFRIGERATION EQUIPMENT AND AIR CONDITIONERS
52.223-13	JUN 2014	ACQUISITION OF EPEAT(R)-REGISTERED IMAGING EQUIPMENT
52.223-14	JUN 2014	ACQUISITION OF EPEAT(R)-REGISTERED TELEVISIONS
52.223-15	MAY 2020	ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS
52.223-16	OCT 2015	ACQUISITION OF EPEAT(R)-REGISTERED PERSONAL COMPUTER PRODUCTS
52.223-17	AUG 2018	AFFIRMATIVE PROCUREMENT OF EPA-DESIGNATED ITEMS IN SERVICE AND CONSTRUCTION CONTRACTS

52.223-18	JUN 2020	ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING
52.223-19	MAY 2011	COMPLIANCE WITH ENVIRONMENTAL MANAGEMENT SYSTEMS
52.224-1	APR 1984	PRIVACY ACT NOTIFICATION
52.224-2	APR 1984	PRIVACY ACT
52.225-1	JAN 2021	BUY AMERICAN - SUPPLIES
52.225-3	JAN 2021	BUY AMERICAN - FREE TRADE AGREEMENTS - ISRAELI TRADE ACT
52.225-5	OCT 2019	TRADE AGREEMENTS
52.225-8	OCT 2010	DUTY-FREE ENTRY (4) Notation "UNITED STATES GOVERNMENT, National Aeronautics and Space Administration (NASA), Duty-free entry to be claimed pursuant to Item No(s) [from <i>Tariff Schedules</i>], Harmonized Tariff Schedules of the United States. Upon arrival of shipment at port of entry, District Director of Customs, please release shipment under 19 CFR part 142 and notify Kennedy Space Center Office of Procurement, OP-OS for execution of Customs Forms 7501 and 7501-A and any required duty-free entry certificates.";
52.225-13	FEB 2021	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES
52.227-1	JUN 2020	AUTHORIZATION AND CONSENT
52.227-2	JUN 2020	NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT
52.227-14	MAY 2014	RIGHTS IN DATA-GENERAL. - ALTERNATE II (DEC 2007) LIMITED RIGHTS NOTICE (DEC 2007) (a) shall read as stated below and ALTERNATE III (DEC 2007) a. These data are submitted with limited rights under Government Contract No. 80KSC022CA010, (and subcontract TBD, if appropriate). These data may be reproduced and used by the Government with the express limitation that they will not, without written permission of the Contractor, be used for purposes of manufacture nor disclosed outside the Government; except that the Government may disclose these data outside the Government for the following purposes, if any; provided that the Government makes such disclosure subject to prohibition against further use and disclosure: i. Use (except for manufacture) by support service contractors. ii. Evaluation by nongovernment evaluators. iii. Use (except for manufacture) by other contractors participating in the Government's program of which the specific contract is a part. iv. Emergency repair or overhaul work.

		v.Release to a foreign government, or its instrumentalities, if required to serve the interests of the U.S. Government, for information or evaluation, or for emergency repair or overhaul work by the foreign government. vi.Government and Contractor interns and Co-ops.
52.227-16	JUN 1987	ADDITIONAL DATA REQUIREMENTS
52.228-5	JAN 1997	INSURANCE - WORK ON A GOVERNMENT INSTALLATION
52.229-3	FEB 2013	FEDERAL, STATE, AND LOCAL TAXES
52.232-1	APR 1984	PAYMENTS
52.232-8	FEB 2002	DISCOUNTS FOR PROMPT PAYMENT
52.232-11	APR 1984	EXTRAS
52.232-39	JUN 2013	UNENFORCEABILITY OF UNAUTHORIZED OBLIGATIONS
52.233-1	MAY 2014	DISPUTES – ALTERNATE I (DEC 1991)
52.233-3	AUG 1996	PROTEST AFTER AWARD
52.233-4	OCT 2004	APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM
52.237-2	APR 1984	PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION
52.237-3	JAN 1991	CONTINUITY OF SERVICES
52.239-1	AUG 1996	PRIVACY OR SECURITY SAFEGUARDS
52.242-5	JAN 2017	PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS
52.242-13	JUL 1995	BANKRUPTCY
52.242-15	AUG 1989	STOP-WORK ORDER
52.242-17	APR 1984	GOVERNMENT DELAY OF WORK
52.243-1	AUG 1987	CHANGES - FIXED-PRICE. - ALTERNATE II (APR 1984)
52.244-6	JUL 2021	SUBCONTRACTS FOR COMMERCIAL ITEMS
52.246-2	AUG 1996	INSPECTION OF SUPPLIES - FIXED-PRICE
52.246-4	AUG 1996	INSPECTION OF SERVICES - FIXED-PRICE
52.246-16	APR 1984	RESPONSIBILITY FOR SUPPLIES
52.246-25	FEB 1997	LIMITATION OF LIABILITY - SERVICES
52.248-1	JUN 2020	VALUE ENGINEERING
52.249-1	APR 1984	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE) (SHORT FORM)

52.249-2	APR 2012	TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (FIXED-PRICE)
52.249-8	APR 1984	DEFAULT (FIXED-PRICE SUPPLY AND SERVICE)
52.251-1	APR 2012	GOVERNMENT SUPPLY SOURCES
52.253-1	JAN 1991	COMPUTER GENERATED FORMS

NFS PROVISION / CLAUSE	DATE	TITLE
1852.203-70	JUN 2001	DISPLAY OF INSPECTOR GENERAL HOTLINE POSTERS
1852.203-71	AUG 2014	REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS
1852.208-81	NOV 2004	RESTRICTIONS ON PRINTING AND DUPLICATING
1852.215-84	NOV 2011	OMBUDSMAN
1852.219-75	APR 2015	INDIVIDUAL SUBCONTRACTING REPORTS
1852.219-77	APR 2015	NASA MENTOR-PROTEGE PROGRAM
1852.211-70	SEP 2005	PACKAGING, HANDLING, AND TRANSPORTATION
1852.223-70	DEC 2015	SAFETY AND HEALTH MEASURES AND MISHAP REPORTING
1852.223-71	APR 2015	AUTHORIZATION FOR RADIO FREQUENCY USE
1852.223-74	NOV 2015	DRUG-AND ALCOHOL-FREE WORKFORCE
1852.223-75	FEB 2002	MAJOR BREACH OF SAFETY OR SECURITY
1852.227-70	APR 2015	NEW TECHNOLOGY – OTHER THAN A SMALL BUSINESS FIRM OR NONPROFIT ORGANIZATION
1852.227-72	APR 2015	DESIGNATION OF NEW TECHNOLOGY REPRESENTATIVE AND PATENT REPRESENTATIVE.
1852.227-86	APR 2015	COMMERICAL COMPUTER SOFTWARE LICENSING
1852.237-70	DEC 1988	EMERGENCY EVACUATION PROCEDURES
1852.237-72	JUN 2005	ACCESS TO SENSITIVE INFORMATION
1852.237-73	JUN 2005	RELEASE OF SENSITIVE INFORMATION
1852.242-72	OCT 2015	DENIED ACCESS TO NASA FACILITIES
1852.242-78	APR 2001	EMERGENCY MEDICAL SERVICES AND EVACUATION
1852.245-75	JAN 2011	PROPERTY MANAGEMENT CHANGES
1852.245-78	AUG 2015	PHYSICAL INVENTORY OF CAPITAL PERSONAL PROPERTY

1852.247-71	JUNE 2018	PROTECTION OF THE FLORIDA MANATEE
1852.246-73	MAR 1997	HUMAN SPACE FLIGHT ITEM

52.222-35 EQUAL OPPORTUNITY FOR VETERANS (JUNE 2020)

a. Definitions. As used in this clause-

"Active duty wartime or campaign badge veteran," "Armed Forces service medal veteran," "disabled veteran," "protected veteran," "qualified disabled veteran," and "recently separated veteran" have the meanings given at Federal Acquisition Regulation (FAR)22.1301.

b. Equal opportunity clause. The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-300.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified protected veterans, and requires affirmative action by the Contractor to employ and advance in employment qualified protected veterans.

c. Subcontracts. The Contractor shall insert the terms of this clause in subcontracts valued at or above the threshold specified in FAR 22.1303(a) on the date of subcontract award, unless exempted by rules, regulations, or orders of the Secretary of Labor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

(End of clause)

I.3 52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUNE 2020)

a. Equal opportunity clause. The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-741.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by the Contractor to employ and advance in employment qualified individuals with disabilities.

b. Subcontracts. The Contractor shall include the terms of this clause in every subcontract or purchase order in excess of the threshold specified in Federal Acquisition Regulation (FAR) 22.1408(a) on the date of subcontract award, unless exempted by rules, regulations, or orders of the Secretary, so that such provisions will be binding upon each subcontractor or vendor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs of the U.S. Department of

Labor, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

(End of clause)

52.223-99 ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS (DEVIATION 21-03B)

NASA will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, “Excluded State or Outlying Area”). In all other circumstances, NASA will enforce the clause, except for contractor employees who perform substantial work on or in connection with a covered contract in an Excluded State or Outlying Area, or in a covered contractor workplace located in an Excluded State or Outlying Area. A current list of such Excluded States and Outlying Areas is maintained at <https://www.saferfederalworkforce.gov/contractors/>.

a. Definition. As used in this clause -
United States or its outlying areas means—

- (1) The fifty States;
- (2) The District of Columbia;
- (3) The commonwealths of Puerto Rico and the Northern Mariana Islands;
- (4) The territories of American Samoa, Guam, and the United States Virgin Islands; and
- (5) The minor outlying islands of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Atoll.

b. Authority. This clause implements Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors, dated September 9, 2021 (published in the Federal Register on September 14, 2021, 86 FR 50985).

c. Compliance. The Contractor shall comply with all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of this contract, for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force (Task Force Guidance) at <https://www.saferfederalworkforce.gov/contractors/>.

d. Subcontracts. The Contractor shall include the substance of this clause, including this paragraph (d), in subcontracts at any tier that exceed the micro-purchase threshold, as defined in Federal Acquisition Regulation 2.101, performed in whole or in part within the United States or its outlying areas.

(End of clause)

52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at <https://www.acquisition.gov/content/regulations>.

(End of clause)

1852.225-71 RESTRICTION ON FUNDING ACTIVITY WITH CHINA (FEB 2012)

- a. Definition - "China" or "Chinese-owned company" means the People's Republic of China, any company owned by the People's Republic of China or any company incorporated under the laws of the People's Republic of China.
 - b. Public Laws 112-10, Section 1340(a) and 112-55, Section 539, restrict NASA from contracting to participate, collaborate, coordinate bilaterally in any way with China or a Chinese-owned company using funds appropriated on or after April 25, 2011. Contracts for commercial and non developmental items are exempted from the prohibition because they constitute purchase of goods or services that would not involve participation, collaboration, or coordination between the parties.
 - c. This contract may use restricted funding that was appropriated on or after April 25, 2011. The Contractor shall not contract with China or Chinese-owned companies for any effort related to this contract except for acquisition of commercial and non-developmental items. If the Contractor anticipates making an award to China or Chinese-owned companies, the Contractor must contact the contracting officer to determine if funding on this contract can be used for that purpose.
 - d. Subcontracts - The Contractor shall include the substance of this clause in all subcontracts made hereunder.
- (End of clause)