

FLOWDOWN PROVISIONS FOR THE PURCHASE OF OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

UNDER A U.S. GOVERNMENT CONTRACT

The following Federal Acquisition Regulation (“FAR”) and Department of Defense FAR Supplement (“DFARS”) clauses (collectively, “USG Clauses”) are incorporated by reference in the Subcontract as required by the terms of Quantum Computing, Inc.’s or its subsidiaries and affiliates EM4, LLC, Freedom Photonics, LLC, NuCrypt LLC, Nhanced Semiconductors, Inc., and OptoGration Inc. (“Buyer”) Government prime contract or subcontract under a government prime contract (“Government Contract”), by operation of law or regulation, or by the terms of the specific clause. The effective version of the USG Clauses shall be the version set forth in Buyer’s Government Contract, including any applicable agency class deviation, or, if no version is specified therein, the version in effect as of the date the Subcontract is issued. For purposes herein, “Subcontract” shall include any contract, task order, purchase order, indefinite delivery indefinite quantity agreement, or basic ordering agreement. Seller shall flow down to its lower-tier subcontractors all applicable USG Clauses and any other requirements of the Subcontract so to enable and ensure that Buyer and Seller comply with all applicable requirements of Buyer’s Government Contract. In interpreting and applying USG Clauses flowed down to Seller, and as context requires, the terms “Contractor” and “Offeror” shall mean Seller, the term “Contract” shall mean the Subcontract, and the term “Government”, “Contracting Officer” and equivalent phrases shall mean Buyer and/or the Buyer’s Procurement Representative. However, as an exception to the foregoing, the terms “Government” and “Contracting Officer” do not change in the following circumstances:

- (a) in the phrases “Government Property,” “Government-Furnished Property,” and “Government-Owned Property;”
- (b) in the Patent Rights clauses incorporated therein, if any;
- (c) when a right, act, authorization or obligation can be granted or performed only by the Government or a Contracting Officer or his/her duly-authorized representative;
- (d) when title to property is to be transferred directly to the Government;
- (e) when access to proprietary financial information or other proprietary data is required, except as otherwise provided in the Subcontract; and
- (f) where specifically modified in the Subcontract.

FAR CLAUSES FOR OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

The following FAR Clauses are hereby incorporated by reference, as applicable, and made a part of the Subcontract:

Applicable to all Subcontracts:

- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-19 Incorporation by Reference of Representations and Certifications
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
- 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment
- 52.204-25 Prohibitions on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
- 52.204-26 Covered Telecommunications Equipment or Services – Representations
- 52.204-27 Prohibition on a ByteDance Covered Application
- 52.204-30 Federal Acquisition Supply Chain Security Act Orders—Prohibition (Alt I applies if included in Buyer’s Government Contract)
- 52.211-5 Material Requirements
- 52.222-50 Combating Trafficking in Persons
- 52.223-6 Drug-Free Workplace
- 52.225-1 Buy American—Supplies
- 52.225-5 Trade Agreements
- 52.225-13 Restrictions on Certain Foreign Purchases
- 52.240-1 Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act—Covered Foreign Entities
- 52.244-6 Subcontracts for Commercial Products and Commercial Services

Applicable to Subcontracts over \$3,500:

- 52.222-54 Employment Eligibility Verification (applies to Subcontracts for commercial or non-commercial services, except for commercial services that are part of the purchase of a COTS item, performed by the COTS provider, and are normally provided for that COTS item)

Applicable to Subcontracts over the micro-purchase threshold:

- 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving

Applicable to Subcontracts over \$10,000:

- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act (applies to Subcontracts that will be performed wholly or partially in the United States, unless exempt by E.O. 13496)

Applicable to Subcontracts over \$15,000:

- 52.222-36 Equal Opportunity for Workers with Disabilities

Applicable to Subcontracts over \$35,000:

52.209-6 Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed For Debarment (applies unless the Subcontract is for COTS items) [Seller shall furnish to Buyer the information required by paragraph (d)]

Applicable to Subcontracts over \$150,000:

52.203-12 Limitation on Payments to Influence Certain Federal Transactions

52.222-35 Equal Opportunity for Veterans (applies to Subcontracts unless exempted by rules, regulations, or Subcontracts of the Secretary of Labor)

52.222-37 Employment Reports on Veterans (applies to Subcontracts that contain the clause FAR 52.222-35)

52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Items (applies to Subcontracts that are for the use of EPA-designated items containing recovered materials)

Applicable to Subcontracts over the simplified acquisition threshold:

52.202-1 Definitions

52.203-3 Gratuities

52.203-5 Covenant Against Contingent Fees

52.203-6 Restrictions on Subcontractor Sales to the Government

52.203-7 Anti-Kickback Procedures

52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity

52.203-10 Price or Fee Adjustment for Illegal or Improper Activity

52.203-16 Preventing Personal Conflicts of Interest

52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights

52.209-5 Certifications Regarding Responsibility Matters

52.215-2 Audit and Records (Alt I and/or Alt III apply if included in Buyer's Government Contract)

52.215-14 Integrity of Unit Prices (delete paragraph (b))

52.222-38 Compliance with Veterans' Employment Reporting Requirements

52.227-1 Authorization and Consent (applies only if in Buyer's Government Contract) [no substitution of parties for "Government" and "Contracting Officer" apply]

52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement

52.246-2 Inspection of Supplies – Fixed Price (applies to fixed price Subcontracts that involve the furnishing of supplies)

52.248-1 Value Engineering

Applicable to Subcontracts over \$750,000:

52.219-9 Small Business Subcontracting Plan (does not apply to small business concerns; Alt II and III apply if included in Buyer's Government Contract)

52.219-16 Liquidated Damages – Subcontracting Plan

Applicable to Subcontracts over \$800,000:

52.242-3 Penalties for Unallowable Costs (does not apply to Subcontracts that are fixed priced contracts without cost incentives)

Applicable to Subcontracts over \$2,000,000:

52.214-26 Audit and Records – Sealed Bidding

52.215-10 Price Reduction for Defective Certified Cost or Pricing Data

52.215-11 Price Reductions for Defective Certified Cost of Pricing Data - Modifications

52.215-12 Subcontractor Certified Cost or Pricing Data

52.215-13 Subcontractor Certified Cost or Pricing Data - Modifications

Applicable to Subcontracts over \$6,000,000:

52.203-13 Contractor Code of Business Ethics and Conduct (applies to Subcontracts where the performance period is more than 120 days) ["Government" and "Contracting Officer" do not change; Disclosures made under this clause shall be made directly to the Government entities identified in the clause]

52.203-14 Display of Hotline Poster(s)

Applicable to the extent indicated:

52.203-15 Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (applies if the Subcontract is funded in whole or in part with Recovery Act funds)

52.204-2	Security Requirements (applies if the Subcontract involves access to classified information; Alt I and II apply if in Buyer's Government Contract)
52.204-9	Personal Identity Verification of Contractor Personnel (applies if Subcontract requires Seller's employees to have routine access to a Federally-controlled facility and/or to a Federally-controlled information system)
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (applies if Subcontractor is a first-tier subcontractor and qualifies under (3)(i))
52.204-14	Service Contract Reporting Requirements (applies to Subcontracts that exceed the thresholds at FAR 4.1703)
52.204-15	Service Contract Reporting Requirements for Indefinite-Delivery Contracts (applies to Subcontracts that exceed the thresholds at FAR 4.1703)
52.204-21	Basic Safeguarding of Covered Contractor Information Systems (applies if the Subcontract may result in federal contract information residing in or transiting through Seller's information system, unless Seller is furnishing commercially available off-the-shelf (COTS) items)
52.207-4	Economic Purchase Quantity – Supplies (applies to fixed price Subcontracts for supplies)
52.211-15	Defense Priority and Allocation Requirements (applies to Subcontracts that contain a DPAS rating)
52.215-15	Pension Adjustments and Assets Reversions (applies if Subcontract requires delivery of certified cost or pricing data or if any pre-award or post-award cost determinations will be subject to FAR Part 31)
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (applies if Subcontract requires delivery of certified cost or pricing data or if any pre-award or post-award cost determinations will be subject to FAR Part 31)
52.215-19	Notification of Ownership Changes (applies if Subcontract requires delivery of certified cost or pricing data or if any pre-award or post-award cost determinations will be subject to FAR Part 31)
52.215-20	Requirements for Certified Cost of Pricing Data and Data Other Than Certified Cost or Pricing Data (applies to solicitation if the submission of certified cost or pricing data or data other than certified cost or pricing data is required; Alt I, II, III, and/or IV apply if included in Buyer's Government Contract)
52.215-21	Requirements for Certified Cost of Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications (applies to solicitation if the submission of certified cost or pricing data or data other than certified cost or pricing data is required; Alt I, II, III, and/or IV apply if included in Buyer's Government Contract)
52.215-22	Limitation on Pass-Through Charges—Identification of Subcontract Effort (applies to solicitation containing FAR 52.215-23)
52.215-23	Limitation on Pass-Through Charges (applies to cost-reimbursement Subcontracts exceeding the simplified acquisition threshold, or if Buyer's contract is with the DoD then cost-reimbursement and FFP Subcontracts that exceed \$2M unless exemption applied; Alt I applies if in Buyer's Government Contract)
52.216-5	Price Redetermination – Prospective (applies to fixed price Subcontracts when conditions specified in FAR 16.205-2 and 16.205-3(a) through (d) have been met)
52.216-6	Price Redetermination – Retroactive (applies to fixed price Subcontracts when conditions specified in FAR 16.206-2 and 16.206-3(a) through (d) have been met)
52.216-7	Allowable Cost and Payment (applies if Subcontract is a cost-reimbursement or time and materials contract) ("Buyer" replaces "Government" or "United States", except in paragraphs (a)(3) and (b)(1)(ii)(F) where "and Buyer" is inserted after "Government"; substitute "Buyer's Representative" for "Contracting Officer," "Administrative Contracting Officer," and "ACO," except in paragraph (g) where "or Buyer's Representative" is inserted after "Contracting Officer"; delete paragraphs (b)(4) and (f))
52.216-8	Fixed Fee (applies if the Subcontract is for a cost-plus-fixed fee contract) (the last two sentences of the clause do not apply)
52.216-10	Incentive Fee (applies if the Subcontract includes a cost-plus-incentive fee)
52.216-11	Cost Contract-No Fee (applies if the Subcontract is placed on a cost reimbursement – no fee basis and is not a cost-sharing contract)
52.216-16	Incentive Price Revision – Firm Target (applies when a fixed-price incentive (firm target) Subcontract is contemplated)
52.216-17	Incentive Price Revision – Successive Targets (applies when a fixed-price incentive (successive targets) Subcontract is contemplated)
52.216-25	Contract Definition (applies if the Subcontract is for an undefinitized letter contract or "not-to-exceed" or unpriced action, when time is of the essence, and the normal procurement process will not support customer requirements)
52.219-8	Utilization of Small Business Concerns (applies to Subcontracts with further subcontracting opportunities and Seller must include this clause in all lower tier subcontracts that offer subcontracting opportunities)
52.222-1	Notice to Government of Labor Disputes (applies if Buyer's Government Contract involves programs or requirements that have been designated under 48 C.F.R. § 22.1101-1(e))
52.222-4	Contractor Work Hours and Safety Standards Act – Overtime Compensation (applies if the Subcontract requires or involves the employment of laborers or mechanics)
52.222-41	Service Contract Labor Standards (applies if the Subcontract is for services, exceeds \$2,500, and is subject to the Service Contract Labor Standards statute)
52.222-43	Fair Labor Standards Act and Service Contract Labor Standards – Price Adjustment (multiple year and option contracts) (applies to fixed price, time and material, or labor hour service contracts containing FAR 52.222-41 and is multiple year contract or contract with options to renew)
52.222-44	Fair Labor Standards Act and Service Contract Labor Standards – Price Adjustment (applies to fixed price, time and material, or labor hour service contracts containing FAR 52.222-41 and is not a multiple year contract or contract with options to renew)
52.222-62	Paid Sick Leave Under Executive Order 13706 (applies if the Subcontract 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)
52.222-90	Addressing DEI Discrimination by Federal Contractors (DEVIATION APR 2026) (applies if included in Buyer's Government Contract)

52.223-3	Hazardous Material Identification and Material Safety Data (applies if the Subcontract will require the delivery of hazardous materials)
52.223-7	Notice of Radioactive Materials (applies if the Subcontract is for supplies that are, or contain radioactive materials)
52.223-11	Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (applies to Subcontracts that involve manufactured end products that may contain or be manufacture with ozone-depleting substances)
52.224-2	Privacy Act (applies if the Subcontract involves the design, development, or operation of a system of records on individuals)
52.224-3	Privacy Training (applies to the Subcontract if Seller employees will have access to a system of records, handle personally identifiable information, or design, develop, maintain or operate a system of records; Alt I applies if the agency specifies that only its agency-provided training is acceptable)
52.225-8	Duty Free Entry (applies if the Subcontract is for supplies that may be imported into the United States for which duty free entry may be obtained)
52.225-16	Contractors Performing Private Security Functions Outside the United States (applies to Subcontracts that will be performed outside the United States in areas of combat operations or other significant military operations)
52.227-9	Refund of Royalties (applies if the amount of royalties reported during negotiation of the subcontract exceeds \$250)
52.227-10	Filing of Patent Applications – Classified Subject Matter (applies to Subcontracts that cover or are likely to cover classified subject matter)
52.227-11	Patent Rights – Ownership by the Contractor (applies to Subcontracts for experimental, developmental, or research work to be performed by a small business concern or nonprofit organization)
52.227-13	Patent Rights – Ownership by the Government (applies to Subcontracts for experimental, developmental, or research work)
52.227-14	Rights in Data – General (applies to the Subcontract if data will be produced, furnished, or acquired)
52.227-16	Additional Data Requirements (applies of the Subcontract involves experimental, developmental, research, or demonstration work)
52.228-3	Workers’ Compensation Insurance (Defense Base Act) (applies if the Subcontract is subject to the Defense Base Act)
52.228-5	Insurance – Work on a Government Installation (applies if the Subcontract involves work on a Government installation)
52.230-2	Cost Accounting Standards (applies if Subcontract is a negotiated subcontract, unless the Subcontract is exempt from the requirements as specified in 48 CFR 9903.201-1, or is subject to modified coverage as specified in 48 CFR 9903-201-2.
52.230-3	Disclosure and Consistency of Cost Accounting Practices (applies if the Subcontract is a negotiated subcontract between \$2M and \$50M and modified CAS is used)
52.230-4	Disclosure and Consistency of Cost Accounting Practices – Foreign Concerns (applies if this Subcontract is with a foreign concern, unless otherwise exempt from CAS)
52.230-5	Cost Accounting Standards – Educational Institutions (applies if the Subcontract is a negotiated subcontract awarded to an educational institution, unless otherwise exempt)
52.230-6	Administration of Cost Accounting Standards (applies if 52.230-2, 52.230-3, 52.230-4, or 52.230-5 apply to the Subcontract)
52.232-10	Limitation of Costs (applies to Subcontracts that are fully funded cost-reimbursement contracts)
52.232-22	Limitation of Funds (applies to Subcontracts that are incrementally funded cost-reimbursement contracts)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (applies if Subcontractor is a small business concern)
52.234-1	Industrial Resources Developed under Title III, Defense Production Act (applies to Subcontracts for major systems and items of supply)
52.234-4	Earned Value Management System (applies to Subcontracts that require the use of a EVMS)
52.237-2	Protection of Government Buildings, Equipment, and Vegetation (applies if the Subcontract will be performed on a Government installation)
52.242-15	Stop-Work Order (applies if in Buyer’s Government contract)
52.245-1	Government Property (applies if Government property is furnished in the performance of the Subcontract; Alt I and II apply if included Buyer’s Government Contract)
52.245-2	Government Property Installation Operation Services (applies to Subcontracts that are fixed price service contracts performed on a Government installation when Government-furnished property will be provided for initial provisioning only and the Government is not responsible for repair or replacement)
52.245-9	Use and Charges (applies if the Subcontract includes FAR 52.245-1)
52.246-3	Inspection of Supplies – Cost Reimbursement (applies to cost-reimbursement Subcontracts that involve the furnishing of supplies)
52.246-4	Inspection of Services – Fixed Price (applies to fixed price Subcontracts for services)
52.246-5	Inspection of Services – Cost Reimbursement (applies to cost-reimbursement Subcontracts that involve the furnishing of services)
52.246-6	Inspection of Time and Material and Labor Hour (applies to cost-reimbursement Subcontracts)
52.247-63	Preference for U.S.-Flag Air Carriers (applies to Subcontracts involving international air transportation)
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (Alt I applies if in Buyer’s Government Contract) [in paragraph (c)(2)(i), change “20” to “10” and in paragraph (c)(2)(ii), change “30” to “20”]
52.249-2	Termination for Convenience (Fixed Price) (applies to fixed price Subcontracts) (In accordance with 49.502(e): “Contracting Officer” means “Buyer or Contracting Officer”; in paragraph (c) change “120 days” to “60 days” in paragraph (d) change “15 days” to “30 days” and “45 days” to “60 days” in

paragraph (e) change “one year” to “60 days” in paragraph (l) change “90 days” to “45 days”)

52.249-6 Termination (Cost Reimbursement) (applies to cost-reimbursement Subcontracts) (In accordance with 49.503(c): in paragraph (d) change “120 days” to “60 days”; in paragraph (f) change “1 year” to “60 days” delete paragraphs (e), (j) and (n))

52.249-8 Default (Fixed-Price Supply and Service) (applies to fixed price Subcontracts)

DFARS CLAUSES FOR OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

In addition to or in lieu of the FAR clauses set forth above, the following DFARS are hereby incorporated by reference, as applicable, and made a part of the Subcontract, if Buyer’s Government Contract is either a prime contract with the DoD or a subcontract with the DoD as the ultimate customer:

Applicable to all Subcontracts:

- 252.203-7002 Requirements to Inform Employees of Whistleblower Rights
- 252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support
- 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services
- 252.204-7020 NIST SP 800–171 DoD Assessment Requirements (applies to all Subcontracts except Subcontracts for COTS items)
- 252.225-7012 Preference for Certain Domestic Commodities
- 252.225-7048 Export-Controlled Items
- 252.225-7056 Prohibition Regarding Business Operations with the Maduro Regime
- 252.225-7060 Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region
- 252.244-7000 Subcontracts for Commercial Products and Commercial Services

Applicable to Subcontracts over \$150,000:

- 252.209-7004 Subcontracting With Firms That Are Owned or Controlled by the Government of a Country that is a State Sponsor of Terrorism
- 252.249-7002 Notification of Anticipated Contract Termination or Reduction (applies if the Subcontract is under a major defense program) [Delete paragraph (d)(1) and the first five words of para. (d)(2)]

Applicable to Subcontracts over \$500,000:

- 252.226-7001 Utilization Of Indian Organizations, Indian-Owned Economic Enterprises And Native Hawaiian Small Business Concerns

Applicable to Subcontracts over the simplified acquisition threshold:

- 252.203-7001 Prohibition on Persons Convicted of Fraud or Other Defense Contract-Related Felonies
- 252.215-7008 Only One Offer

Applicable to Subcontracts over \$1,000,000:

- 252.222-7006 Restrictions on the Use Mandatory Arbitration Agreements
- 252.225-7033 Waiver of United Kingdom Levies

Applicable to Subcontracts over \$6,000,000:

- 252.203-7003 Agency Office of the Inspector General (applies to Subcontracts that include FAR 52.203-13)
- 252.203-7004 Display of Hotline Posters

Applicable to the extent indicated:

- 252.204-7000 Disclosure of Information (applies to Subcontract under which Seller may have access to unclassified information that may be sensitive and inappropriate for release to the public)
- 252.204-7004 Antiterrorism Awareness Training for Contractors (applies when Subcontract performance requires routine physical access to a Federally-controlled facility or military installation)
- 252.204-7008 Compliance with Safeguarding Covered Defense Information Controls (applies in all contracts, including those using FAR part 12 procedures for the acquisition of commercial items, except for solicitations solely for the acquisition of commercially available off-the-shelf (“COTS”) items)
- 252.204-7009 Limitations On The Use And Disclosure Of Third Party Contractor Reported Cyber Incident Information (applies to Subcontracts for services that include support for the Government’s activities related to safeguarding covered defense information and cyber incident reporting)
- 252.204-7012 Safeguarding Covered Defense Information And Cyber Incident Reporting (applies to Subcontracts for operationally critical support or for which performance will involve covered defense information)
- 252.204-7014 Limitations on the Use or Disclosure of Information by Litigation Support Contractors (applies if the Subcontract involves litigation support services)
- 252.204-7019 Notice of NIST SP800-171 DoD Assessment Requirements (Not applicable to Subcontracts for COTS items)
- 252.204-7021 Cybersecurity Maturity Model Certification Requirements (NOV 2025; applies if Seller will process, store, or transmit Federal Contract Information or Controlled Unclassified Information in performance of the Subcontract, at the CMMC level specified by Buyer, consistent with 32 CFR 170.23 and the phased implementation schedule. Not applicable to Subcontracts for COTS items)

- 252.208-7000 Intent to Furnish Precious Metals as Government-Furnished Materials (applies if the Subcontract involves the procurement of precious metals)
- 252.209-7009 Organizational Conflict of Interest – Major Defense Acquisition Program (applies to Subcontracts for systems engineering and technical assistance for major defense acquisitions programs or pre-major defense acquisition programs)
- 252.211-7003 Item Unique Identification and Valuation (applies to Subcontracts that require Items to contain unique item identification)
- 252.211-7007 Reporting of Government-Furnished Equipment in the DoD Item Unique Identification (applies if Subcontract included FAR 52.245-1)(“Government” does not change)
- 252.219-7003 Small Business Subcontracting Plan (DoD Contracts) (applies if 52.219-9 is applicable to the Subcontract)
- 252.219-7004 Small Business Subcontracting Plan (Test Program) (applies to the Subcontract if Test Program described in 219.702-70 is applicable to Buyer’s contract)
- 252.222-7000 Restrictions of Employment of Personnel (applicable to construction and service contracts to be performed in a noncontiguous state when unless in such state is in excess of the national average)
- 252.223-7001 Hazardous Warning Labels (applies if the Subcontract involves the submission of hazardous material data sheets)
- 252.223-7002 Safety Precautions for Ammunition and Explosives (applies if Subcontract involves furnishing of ammunition or explosives, including liquid and solid propellants)
- 252.223-7003 Change in Place of Performance –Ammunition and Explosives (applies if the Subcontract is subject to mandatory safety requirements regarding arms, ammunition, and explosives)
- 252.223-7006 Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials (applies to Subcontracts which may require Seller access to a DoD installation)
- 252.223-7008 Prohibition of Hexavalent Chromium (applies to Subcontracts for supplies, maintenance or repair services, or construction materials)
- 252.225-7001 Buy American and Balance of Payments Program (applies to the Subcontract in lieu of FAR 52.225-1 if work contains other than domestic components) [“Government” is not changed in this clause]
- 252.225-7002 Qualifying Country Sources as Subcontractors (applies to the Subcontract if 252.225-7001, 252.225-7021, or 252.225-7036 apply)
- 252.225-7007 Prohibition on Acquisition of United States Munitions List Items From Communist Chinese Military Companies (applies to Subcontracts for Items covered by the United States Munitions List)
- 252.225-7008 Restriction on Acquisition of Specialty Metals (applies if the Subcontract exceeds the simplified acquisition threshold and requires delivery of specialty metals as end items to the Government)
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (applies if Subcontract exceeds the simplified acquisition threshold for delivery of aircraft, missile or space systems, ships, tank or automotive items, weapon systems, or ammunition and such Items or components contain specialty metals) [Exclude paragraphs (d) and (e)(1)]
- 252.225-7010 Commercial Derivative Military Article–Specialty Metals Compliance Certificate (applies to solicitations expected to exceed the simplified acquisition threshold that include DFARS 252.225-7009)
- 252.225-7013 Duty-Free Entry (applies to Subcontracts in lieu of 52.225-8 if clause is included in Buyer’s Government contract)
- 252.225-7016 Restrictions of Acquisition of Ball and Roller Bearings (applies if this Subcontract is for items containing ball or roller bearings)
- 252.225-7020 Trade Agreements Certificate (applies to Subcontracts in lieu of 52.225-6 if Buyer’s Government Contract includes 252.225-7021)
- 252.225-7021 Trade Agreements (applies in lieu of FAR 52.225-5 to Subcontracts for end products under Buyer’s Government Contract)
- 252.225-7025 Restrictions on Acquisitions of Forgings (applies to Subcontracts for items that contain forging items)
- 252.225-7033 Waiver of United Kingdom Levies (applies to Subcontracts for supplies expected to exceed \$1M and Seller is a United Kingdom entity)
- 252.225-7036 Buy American – Free Trade Agreements – Balance of Payment Program (applies to Subcontracts in lieu of 52.225-3)
- 252.225-7047 Exports by Approved Community Members in Performance of the Contract (applies if Subcontract involves Defense Articles)
- 252.225-7052 Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (applies if Subcontract is for items containing a covered material)
- 252.225-7057 Preaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China (applies if 252.225-7058 is applicable to the Subcontract)
- 252.225-7058 Postaward Disclosure of Employment by Individuals Who Work in the People’s Republic of China (applies to Subcontracts in excess of \$5M)
- 252.227-7013 Rights In Technical Data—Noncommercial Items (applies to Subcontracts in lieu of FAR 52.227-14 when technical data from Seller is delivered to the Buyer; Alt I and/or II apply if included in Buyer’s Government Contract) [Delete from paragraph (b)(1)(vi) “to the Contractor” and from paragraph (b)(1)(ix) “contract or” and “thereunder”; add “Buyer or” before “Government” in paragraphs (c) and (i); change the second and third occurrences of “Contracting Officer” to “Government” in paragraph (e)(4); add “and the Government” after “parties” in paragraph (h)(1); change in paragraph (h)(2) “sixty (60)” to “fifty (50)” days; no substitutions for “Government” are made]
- 252.227-7014 Rights in other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation (applies if Seller is required to deliver computer software or computer software documentation)
- 252.227-7015 Technical Data—Commercial Products and Commercial Services (applies if Buyer will obtain technical data related to commercial items developed in any part at private expense from Seller for delivery to the Buyer’s customer)
- 252.227-7016 Rights in Bid or Proposal Information (applies if 252.227-7013 is applicable)

- 252.227-7017 Identification of Assertion of Use, Release, or Disclosure Restrictions (applies to Subcontracts that contain 252.227-7014)
- 252.227-7018 Rights in Other Than Commercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program (applies if technical data or computer software will be generated during the performance of a Subcontract under the SBIR program)
- 252.227-7019 Validation of Asserted Restrictions – Computer Software (applies if 252.227-7014 or 252.227-7018 are applicable)
- 252.227-7025 Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends (applies to the Subcontract if the Seller may be provided technical data marked with restrictive legends)
- 252.227-7026 Deferred Delivery of Technical Data or Computer Software (applies to the Subcontract if Buyer’s Government Contract identifies data to be delivered as “deferred delivery” data)
- 252.227-7027 Deferred Ordering of Technical Data or Computer Software (applies to the Subcontract if Buyer’s Government Contract identifies data to be delivered as “deferred delivery” data)
- 252.227-7028 Technical Data or Computer Software Previously Delivered to the Government (applies to the Subcontract if Seller will deliver computer software or technical data)
- 252.227-7030 Technical Data – Withholding of Payment (applies if 252.227-7013 is applicable to the Subcontract)
- 252.227-7037 Validation of Restrictive Markings on Technical Data (applies if the Subcontract includes DFARS 252.227-7013, 252.227-7014 or 252.227-7015 when the Seller will be required to deliver technical data) [In paragraph (b), “Contractor’s” remains in the clause with a lower case “c”, insert in paragraphs (c) and (d)(1) “hereunder” after “subcontract”; change in paragraphs (f) and (g) (2)(i) “this contract” to “the Government contract”; change in paragraph (i) “a contract” to “Buyer’s Government Contract”; no substitutions for “Government” or “Contracting Officer” are made]
- 252.227-7038 Patent Rights – Ownership by the Contractor (Large Business) (applies if the Subcontract is for experiment, developmental, or research work, unless Seller is a small business concern or nonprofit, or if a different patent right clause is required by FAR 27.303)
- 252.227-7039 Patents – Reporting of Subject Inventions (applies if the Subcontract contains 52.227-11)
- 252.231-7000 Supplemental Cost Principles (applies to Subcontracts if the allowability of costs is determined in accordance with FAR Part 31)
- 252.232-7017 Accelerating Payments to Small Business Subcontractors- Prohibition on Fees and Consideration (applies if the Subcontract includes FAR 52.232-40)
- 252.235-7003 Frequency Authorization (applies if the Subcontract requires the development, production, construction, testing, or operation of a device for which a radio frequency authorization is required)
- 252.237-7032 Continuation of Essential Contractor Services (applies to Subcontracts for “essential contractor services”)
- 252.239-7010 Cloud Computing Services (applies if the Subcontract involves or may involve using cloud computing to provide information technology services)
- 252.239-7016 Telecommunications Security Equipment, Devices, Techniques, and Services (applies to Subcontracts which require securing telecommunications)
- 252.239-7018 Supply Chain Risk (applies if the Subcontract involves the development or delivery of any information technology that is a covered system, is a part of a covered system, or is in support of a covered system, as defined at DFARS 239.7301)
- 252.245-7001 Tagging, Labeling, and Marking of Government-Furnished Property (applies if the Subcontract includes FAR 52.245-1)
- 252.245-7002 Reporting Loss of Government Property (applies if the Subcontract includes FAR 52.245-1)
- 252.245-7003 Contractor Property Management System Administration (applies if the Subcontract includes FAR 52.245-1)
- 252.246-7001 Warranty of Data (applies if Subcontract requires delivery of data)(delete paragraph (d)(3))
- 252.246-7003 Notification of Potential Safety Issues (applies if the Subcontract is for parts identified as critical safety items; systems and subsystems, assemblies, and subassemblies integral to a system; or repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system) [“Government” does not change]
- 252.246-7007 Contractor Counterfeit Electronic Part Detection and Avoidance System (applies if the Subcontract is for electronic parts or assemblies containing electronic parts)
- 252.246-7008 Sources of Electronic Parts (applies to Subcontracts for electronic parts or assemblies containing electronic parts, unless Seller is the Original Manufacturer)
- 252.247-7023 Transportation of Supplies by Sea (applies in lieu of FAR 52.247-64 to a Subcontract requiring the ocean transportation of supplies) [In paragraph (a)(5), change “prime contractor” to “Seller” and “the prime contract” to “the Subcontract”; modify paragraph (c) to read “Seller and its subcontractors may request that Buyer obtain Government authorization for shipment . . .”; in paragraph (d), change “Contracting Officer” to “Buyer” in the second sentence; in paragraph (d), change “45” to “60” days; in paragraph (e), change “30” to “25”; in para. (e), delete “and the Maritime Administration Office of Cargo Preference, U.S. Department of Transportation, 400 Seventh Street, N.W., Washington, DC 20590”; paragraphs (f) thru (h) only apply if the Subcontract exceeds the simplified acquisition threshold; in paragraphs (g), delete “for the purposes of the Prompt Payment clause of this contract”]

NASA FAR SUPPLEMENT CLAUSES FOR OTHER THAN COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

In addition to or in lieu of the FAR clauses set forth above, the following NASA FAR Supplement Clauses are hereby incorporated by reference, as applicable, and made a part of the Subcontract, if Buyer’s Government Contract is either a prime contract with NASA or a subcontract with NASA as the ultimate customer:

Applicable to all Subcontracts:

- 1852.203-71 Requirement to Inform Employees of Whistleblower Rights
- 1852.225-71 Restriction on Funding Activity with China

- 1852.225-72 Restriction on Funding Activity with China – Representation
- 1852.227-19 Commercial Computer Software – Restricted Rights
- 1852.228-75 Minimum Insurance Coverage

Applicable to the extent indicated:

- 1852.203-70 Display of Inspector General Hotline Posters (applies to Subcontracts over \$5M)
- 1852.204-75 Security Classification Requirements (applies if work to be performed under the Subcontract requires a security clearance)
- 1852.204-76 Security Requirements for Unclassified Information Technology Resources (applies if the Subcontract requires contractors to have physical or electronic access to NASA’s computer systems, networks, IT infrastructure or use information systems to generate store, process, or exchange data with NASA)
- 1852.208-81 Restrictions on Printing and Duplicating (applies if the Subcontract requires printing or copying in excess of 5,000 production units)
- 1852.211-70 Packaging, Handling and Transportation (applies if the Subcontract is for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring))
- 1852.213-70 Offeror Representations and Certifications–Other Than Commercial Items (applies if the Subcontract exceeds the micro- purchase threshold for other than commercial items)
- 1852.216-74 Estimated Cost and Fixed Fee (applies to cost-plus-fixed-fee Subcontracts)
- 1852.216-75 Payment of Fixed Fee (applies to cost-plus-fixed-fee Subcontracts)
- 1852.216-76 Award Fee for Service Contracts (applies to an award-fee Subcontract when the contract deliverable is the performance of a service)
- 1852.215-77 Award Fee for End Item Contracts (applies to an award-fee Subcontract where the contract deliverables are hardware or other end items for which total contractor performance cannot be measured until the end of the contract)
- 1852.216-80 Task Ordering Procedure (applies to an indefinite-delivery task order Subcontract; Alt 1 applies if the Subcontract does not require 533M reporting)
- 1852.216-81 Estimated Cost (applies to a cost-no-fee Subcontract that is not a cost sharing or facilities contract)
- 1852.216-84 Estimated Cost and Incentive Fee (applies to a cost-plus- incentive-fee Subcontract)
- 1852.216-85 Estimated Cost and Award Fee (applies to an award-fee Subcontract; Alt I applies if the Subcontract includes performance incentives)
- 1852.216-88 Performance Incentive (applies if the Subcontract’s primary deliverable is hardware and the total estimated cost and fee is greater than \$25 million)
- 1852.216-89 Assignment and Release Forms (applies if the Subcontract contains FAR 52.216-7)
- 1852.223-70 Safety and Health Measures and Mishap Reporting (applies if the Subcontract exceeds the simplified acquisition threshold and work will be conducted completely or partly on federally controlled facilities)
- 1852.223-71 Authorization for Radio Frequency Use (applies when radio frequency equipment authorization is required for a device involved in contract performance)
- 1852.223-72 Safety and Health (Short Form) (applies if the Subcontract exceeds the simplified acquisition threshold and work will be conducted completely or partly on a federally controlled facility)
- 1852.223-73 Safety and Health Plan (applies if the Subcontract exceeds the simplified acquisition threshold, the work will be conducted completely or partly on a federally-controlled facility, and the safety and health plan will be evaluated in source selection as approved by the source selection authority)
- 1852.223-74 Drug and Alcohol-Free Workforce (applies if the Subcontract requires an employee in a sensitive position to perform work, except Subcontracts for commercial items)
- 1852.223-75 Major Breach of Safety or Security (applies to Subcontracts over \$500,000)
- 1852.223-76 Federal Automotive Statistical Tool Reporting (applies if the Subcontract is required to operate government-owned or government-leased motor vehicles)
- 1852.225-70 Export Licenses (not applicable to Subcontracts with foreign entities)
- 1852.227-11 Patent Rights–Ownership by the Contractor (applies to Subcontracts containing FAR 52.227-11 and modified as set forth in this clause)
- 1852.227-14 Rights in Data–General (applies to Subcontracts containing FAR 52.227-14 and modified as set forth in this clause)
- 1852.227-70 New Technology–Other than a Small Business Firm or Nonprofit Organization (applies to Subcontracts for other than a small business or nonprofit organization for the performance of experimental, developmental, research, design, or engineering work)
- 1852.227-71 Requests for Waiver of Rights to Inventions (applies to Subcontracts containing NFS 1852.227-70)
- 1852.227-72 Designation of New Technology Representative and Patent Representative (applies to Subcontracts containing FAR 52.227-11 or NFS 1852.227-70)
- 1852.227-84 Patent Rights Clauses (applies to Subcontracts for experimental, developmental, or research work to be performed in the United States when the eventual awardee may be a small business or a nonprofit organization)
- 1852.227-85 Invention Reporting and Rights–Foreign (applies if the Subcontract is for performance of research, experimental design, engineering, or developmental work outside the United States)
- 1852.227-86 Commercial Computer Software–License (applies if the Subcontract is for the acquisition of existing computer software)

1852.227-88	Government-Furnished Computer Software and Related Technical Data (applies if the Subcontract involves use of government-furnished computer software and/or related technical data in any way and the clause is included in Buyer's Government Contract)
1852.228-71	Aircraft Flight Risks (applies in a cost-reimbursement Subcontract for the development, production, modification, maintenance, or overhaul of aircraft or furnishing of aircraft)
1852.228-76	Cross-Waiver of International Space Station Activities (applies if the Subcontract involves Protected Space Operations relating to the International Space Station and the value is above the simplified acquisition threshold)
1852.228-78	Cross-Waiver of Liability for Science or Space Exploration Activities Unrelated to International Space Station (applies if the Subcontract involves launches for science or space exploration activities unrelated to the International Space Station and the value is above the simplified acquisition threshold)
1852.231-71	Determination of Compensation Reasonableness (applies if the Subcontract is over \$750,000 for a non-competitive fixed-price type contract for services)
1852.232-81	Contract Funding (applies if the Order contains FAR 52.232- 22)
1852.234-1	Notice of Earned Value Management System (applies if the Subcontract involves development or production and institutional projects with a value exceeding \$20,000,000 and other major acquisitions as designated by a project manager under OMB Circular A-11)
1852.234-2	Earned Value Management System (applies to Subcontracts over \$50M; Alt I applies if the value of the subcontract is less than \$50M)
1852.235-70	Center for Aerospace Information (applies if the Subcontract involves research and development work)
1852.235-71	Key Personnel and Facilities (applies to the Subcontract predicated upon possession of special capabilities)
1852.235-73	Final Scientific and Technical Reports (applies to research and development Subcontracts and cost-reimbursement supply subcontracts involving research and development work)
1852.235-74	Additional Reports of Work—Research and Development (applies to a research and development Subcontract and cost- reimbursement supply subcontract involving research and development work when periodic reports are required for monitoring subcontract performance)
1852.236-73	Hurricane Plan (applies to a construction Subcontract at sites that experience hurricanes)
1852.237-70	Emergency Evacuation Procedures (applies if the Subcontract is for on-site support services where emergency evacuations of the NASA installation may occur, e.g., snow, hurricanes, tornadoes, earthquakes or other emergencies)
1852.237-71	Pension Portability (applies to a service Subcontract if the prime contract requires pension portability)
1852.237-72	Access to Sensitive Information (applies if the Subcontract involves access to sensitive information)
1852.237-73	Release of Sensitive Information (applies to Subcontract that may involve access to sensitive information)
1852.239-74	Information Technology System Supply Chain Risk Assessment (applies to Subcontracts that involve delivery of an IT system, or components thereof)
1852.242-71	Travel Outside of the United States (applies to a cost- reimbursement Subcontract where a contractor may travel outside of the United States and it is appropriate to require government approval) [In para. (b), substitute "45 days" for "30 days"]
1852.242-72	Denied Access to NASA Facilities (applies if the Subcontract involves work onsite at a NASA facility)
1852.242-73	NASA Contractor Financial Management Reporting (applies if the Subcontract requires any of the NASA Form 533 series of reports)
1852.242-78	Emergency Medical Services and Evacuation (applies if the Subcontract requires travel outside the United States or to remote locations in the United States)
1852.244-70	Geographic Participation in the Aerospace Program (applies to Subcontracts over \$500,000 for research and development performed in the United States)
1852.245-70	Contractor Requests for Government Furnished Property (applies to cost reimbursement Subcontracts)
1852.245-71	Installation-Accountable Government Property (applies if the Subcontract involves government property for work on a NASA installation and the government maintains accountability for the property)
1852.245-72	Liability for Government Property Furnished for Repair or Other Services (applies if the Subcontract involves repair, modification, rehabilitation, or other servicing of government property)
1852.245-73	Financial Reporting of NASA Property in the Custody of Contractors (applies to cost reimbursement Subcontracts and in all Subcontract in which the contractor has custody of NASA owned-property with a value of \$10 million or more, unless all property to be provided is subject to the clause at NFS 1852.245-71)
1852.245-74	Identification and Marking of Government Equipment (applies if the Subcontract contains FAR 52.245-1 or requires the delivery of supplies)
1852.245-75	Property Management Changes (applies if the Subcontract provides for progress payments or contains FAR Part 45 property clauses)
1852.245-76	List of Government Property Furnished Pursuant to FAR 52.245-1 (applies if the Subcontract has a contractor accountable for government property)
1852.245-77	List of Government Property Furnished Pursuant to FAR 52.245-2 (applies if the Subcontract contains FAR 52.245-2)
1852.245-78	Physical Inventory of Capital Personal Property (applies if the Subcontract involves government property)
1852.245-79	Records and Disposition Reports for Government Property with Potential Historic or Significant Real Value (applies to the Subcontract when, after consultation with the center Historic Preservation Officer, it is determined that the items acquired for or produced by the Subcontract are likely to have historic significance or increased value due to their use in support of NASA projects and program)

1852.245-80	Government Property Management Information (applies to the Subcontract when it is known or there is a reasonable chance that Government property will be provided to the subcontractor for contract performance)
1852.245-81	List of Available Government Property (applies to the Subcontract when government property is made available for contract performance)
1852.245-82	Occupancy Management Requirements (applies if the Subcontract requires performance on or in any NASA center, installation, facility, or other NASA-owned property)
1852.245-83	Real Property Management Requirements (applies if the Subcontract involves the acquisition, construction, modification, demolition, or management of real property)
1852.246-72	Material Inspection and Receiving Report (applies if the Subcontract provides for separate and distinct deliverables, even if the deliverables are not separately priced)
1852.246-73	Human Space Flight Item (applies if the Subcontract is for deliverable items, including human space flight hardware or software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring))
1852.246-74	Contractor Counterfeit Electronic Part Detection and Avoidance (applies to Subcontracts for electronic parts, end items, components, parts, or assemblies containing electronic parts, or services, if Seller will supply electronic parts or components, parts, or assemblies containing electronic parts as part of the Service).
1852.247-71	Protection of the Florida Manatee (applies if the Subcontract involves deliveries or vessel operations, dockside work, or disassembly functions that involve the use of waterways inhabited by manatees)