

FAR Commercial Items Requirements

FAR 52.212-5. Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items. As required pursuant to FAR 52.212-5, Lumen is flowing down the following provisions in each subcontract for commercial items. Subcontractor agrees to comply with each of the following. References to “Contractor” in the text of each of the below references shall refer to Subcontractor for the purposes of compliance with these provisions.

(1) Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (41 U.S.C. 3509).

(ii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iii) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Section 1634 of Pub. L. 115-91).

(iv) 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Section 889(a)(1)(A) of Pub. L. 115-232)

(v) 52.219-8, Utilization of Small Business Concerns ([15 U.S.C. 637\(d\)\(2\) and \(3\)](#)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR [19.702](#)(a) on the date of subcontract award, the subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.

(vi) 52.222-21, Prohibition of Segregated Facilities.

(vii) 52.222-26, Equal Opportunity (E.O. 11246).

(viii) 52.222-35, Equal Opportunity for Veterans (38 U.S.C. 4212).

(ix) 52.222-36, Equal Opportunity for Workers with Disabilities (29 U.S.C. 793).

(x) 52.222-37, Employment Reports on Veterans ([38 U.S.C. 4212](#)).

(xi) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(xii) 52.222-41, Service Contract Labor Standards (41 U.S.C. chapter 67).

(xiii) 52.222-50, Combating Trafficking in Persons (22 U.S.C. chapter 78 and E.O 13627). Alternate I of 52.222-50 (22 U.S.C. chapter 78 and E.O 13627).

(xiv) 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (41 U.S.C. chapter 67).

(xv) 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (41 U.S.C. chapter 67).

(xvi) 52.222-54, Employment Eligibility Verification (E.O. 12989).

(xvii) 52.222-55, Minimum Wages Under Executive Order 13658.

(xviii) 52.222-62, Paid Sick Leave Under Executive Order 13706 (E.O. 13706).

(xix)(A) 52.224-3, Privacy Training (5 U.S.C. 552a).

(B) Alternate I of 52.224-3.

(xx) 52.225-26, Contractors Performing Private Security Functions Outside the United States (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

(xxi) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xxii) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the Contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.