

Attachment A

"FLOW-DOWN" CLAUSES APPLICABLE TO PURCHASE ORDERS OR AGREEMENTS FOR COMMERCIAL PRODUCTS AND SERVICES INVOLVING FUNDS FROM A FEDERAL GOVERNMENT CONTRACT

If the Order involves funds from a Federal government contract — or funds from a subcontract at any tier relating to a Federal government contract — the following clauses from the Federal Acquisition Regulation ("FAR") and the Defense Federal Acquisition Regulation Supplement ("DFARS") are incorporated into the Order by reference where applicable and form a part of the terms and conditions of the Order. The full text of the FAR clauses may be found at <https://acquisition.gov/far/>. The full text of the DFARS clauses may be found at <http://farsite.hill.af.mil/vfdfara.htm>. Seller agrees to flow down all applicable FAR and DFARS clauses to lower-tier subcontractors.

Where necessary to make the language of the FAR and DFARS clauses applicable to the Order, the term "contractor" shall mean "Seller," the term "contract" or "subcontract" shall mean "the Order," and the terms "government," "contracting officer," and equivalent terms and phrases shall mean "Harvard." However, the words "Government" and "Contracting Officer" do not change when a right, act, authorization, or obligation can be granted or performed only by the Government or the Prime Contract Contracting Officer.

CLAUSES APPLICABLE TO PURCHASES OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

The following clauses apply to Orders involving "commercial products" and "commercial services," terms defined at FAR 52.202-1. In general, a "commercial product or service" is something that is sold to the general public and used for purposes other than exclusively governmental purposes. Only the following clauses are required for purchases of commercial products or services; however, for civilian agency purchases, Harvard may choose to flow down a minimum number of additional clauses when necessary to satisfy the University's contractual obligations.

FAR 52.202-1	Definitions (Jun 2020)
FAR 52.203-13	Contractor Code of Business Ethics and Conduct (Nov 2021)
FAR 52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (June 2010)
FAR 52.203-17	Contractor Employee Whistleblower Rights (Nov 2023)
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)
FAR 52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities (Dec 2023)
FAR 52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021)
FAR 52.204-27	Prohibition on a ByteDance Covered Application (Jun 2023)
FAR 52.204-30	Federal Acquisition Supply Chain Security Act Orders—Prohibition. (Dec 2023)
FAR 52.219-8	Utilization of Small Business Concerns (Feb 2024)
FAR 52.222-35	Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212)
FAR 52.222-36	Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793)
FAR 52.222-37	Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212)
FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)

FAR 52.222-41	Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67)
FAR 52.222-50	Combating Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627)
FAR 52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67)
FAR 52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67)
FAR 52.222-54	Employment Eligibility Verification (May 2022) (E.O. 12989)
FAR 52.222-62	Paid Sick Leave Under Executive Order 13706 (Jan 2022) (E.O. 13706)
FAR 52.224-3	Privacy Training (Jan 2017) (5 U.S.C. 552a)
FAR 52.225-26	Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. Subtitle A, Part V, Subpart G Note)
FAR 52.226-6	Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792)
FAR 52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801)
FAR 52.240-1	Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act—Covered Foreign Entities (Nov 2024)
FAR 52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631)
DFARS 252.203-7002	Requirement to Inform Employees of Whistleblower Rights (Dec 2022)
DFARS 252.203-7003	Agency Office of the Inspector General (Aug 2019)
DFARS 252.204-7000	Disclosure of Information (Oct. 2016)
DFARS 252.204-7014	Limitations on the Use or Disclosure of Information by Litigation Support Contractors (Jan 2023)
DFARS 252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (Jan 2023)
DFARS 252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Jan 2023)
DFARS 252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support (Jan 2023)
DFARS 252.204-7018	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (Jan 2023)
DFARS 252.204-7020	NIST SP 800-171 DoD Assessment Requirements (Nov 2023)
DFARS 252.211-7003	Item Unique Identification and Valuation (Jan 2023)
DFARS 252.219-7004	Small Business Subcontracting Plan (Test Program) (Dec 2022)
DFARS 252.223-7008	Prohibition on Hexavalent Chromium (Jan 2023)
DFARS 252.225-7007	Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies (Dec 2018)
DFARS 252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Jan 2023) Only Paragraphs (a) through (c) and (e)(2) apply)
DFARS 252.225-7048	Export-controlled items (June 2013)
DFARS 252.225-7052	Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (Jan 2023)
DFARS 252.225-7056	Prohibition Regarding Business Operations with the Maduro Regime (Jan 2023)

DFARS 252.225-7060	Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous region (Jun 2023)
DFARS 252.227-7013	Rights in Technical Data – Other Than Commercial Products and Commercial Services (Mar 2023)
DFARS 252.227-7015	Technical Data — Commercial Products and Commercial Services (Mar 2023)
DFARS 252.227-7037	Validation of Restrictive Markings on Technical Data (Jan 2023)
DFARS 252.227-7019	Validation of Asserted restrictions – Computer Software (Jan 2023)
DFARS 252.229-7011	Reporting of Foreign Taxes — U.S. Assistance Programs (Sep 2005)
DFARS 252.235-7002	Animal Welfare (Dec 2014)
DFARS 252.235-7004	Protection of Human Subjects (Jul 2009)
DFARS 252.236-7013	Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers (Jan 2023)
DFARS 239-7010	Cloud Computing Services (Jan 2023)
DFARS 252.244-7000	Subcontracts for Commercial Products or Commercial Services (Nov 2023)
DFARS 252.246-7003	Notification of Potential Safety Issues (Jan 2023)
DFARS 252.245-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (Jan 2023)
DFARS 252.246-7008	Sources of Electronic Parts (Jan 2023)
DFARS 252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (Jan 2023)
DFARS 252.247-7023	Transportation of Supplies by Sea - Basic (Jan 2023)