ADDITIONAL TERMS AND CONDITIONS FOR COMMERCIAL ITEMS PURCHASED UNDER GOVERNMENT CONTRACTS

In addition to the terms and conditions of Toray Advanced Composites, “Vendor Terms and Conditions”, the following clauses in Part 52 of the Federal Acquisition Regulation (FAR), Chapter 1 of Title 48, Code of Federal Regulations, and Part 252 of the Defense Federal Acquisition Regulation Supplement (DFARS), Chapter 2 of Title 48, Code of Federal Regulations, are incorporated herein by this reference and made a part of the Order. In the clauses listed below, the term “Contractor” shall mean “Seller;” the term “Contract” shall mean “Order,” and the term “Government Contracting Officer” (or equivalent phrases) shall mean “Buyer.” It is intended that the FAR and DFARS clauses referenced below shall apply to Seller and its lower-tier subcontractors, as applicable, in such manner as necessary to reflect the position of Seller as a subcontractor to Buyer to ensure Seller’s obligations to Buyer and to the U.S. Government; and to enable Buyer to meet its obligations under its contracts funded by the U.S. Government.

The following FAR Clauses apply regardless of dollar value of the Order:
- 52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems
- 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
- 52.209-10 Prohibition on Contracting with Inverted Domestic Corporations
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Commercial Items
- 52.222-50 Combating Trafficking in Persons
- 52.222-62 Paid Sick Leave Under Executive Order 13706
- 52.225-13 Restriction on Certain Foreign Purchases
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors
- 52.244-6 Subcontracts for Commercial Items
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

The following FAR Clauses apply if the value of the Order equals or exceeds $3,500:
- 52.222-54 Employment Eligibility Verification

The following FAR Clause applies if the value of the Order equals or exceeds $10,000:
- 52.222-19 Child Labor – Cooperation with Authorities and Remedies
- 52.222-21 Prohibition of Segregated Facilities
- 52.222-26 Equal Opportunity
- 52.222-40 Notification of Employee Rights Under the National Labor Relations Act

The following FAR Clause applies if the value of the Order equals or exceeds $15,000:
- 52.222-36 Equal Opportunity for Workers with Disabilities

The following FAR Clause applies if the value of the Order equals or exceeds $30,000:
- 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards

The following FAR Clause applies if the value of the Order equals or exceeds $35,000:
- 52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment

The following FAR Clauses apply if the value of the Order equals or exceeds $150,000:
- 52.203-11 Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions of Qualified Workers
- 52.222-35 Equal Opportunity for Veterans
- 52.222-37 Employment Reports on Veterans

The following FAR clauses apply if the value of the order exceeds $250,000:
- 52.203-3 Gratuities
- 52.203-6 Restrictions on Subcontractor Sales to the Government – Alt 1
- 52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights
- 52.219-8 Utilization of Small Business Concerns
- 52.222-17 Non-displacement of Qualified Workers
The following FAR Clauses apply if the value of the Order equals or exceeds $700,000:
52.219-9  Small Business Subcontracting Plan
52.219-16  Liquidated Damages – Subcontracting Plan

The following FAR Clause applies if the value of the Order equals or exceeds $5,500,000:
52.203-13  Contractor Code of Business Ethics and Conduct

The following DFARS Clauses apply to Orders Funded by the Department of Defense (DoD):

The following DFARS Clauses apply regardless of dollar value of the Order:
252.203-7000  Requirements Relating to Compensation of Former DoD Officials
252.203-7002  Requirement to Inform Employees of Whistleblower Rights
252.204-7012  Safeguarding Covered Defense Information and Cyber Incident Reporting
252.211-7003  Item Unique Identification and Valuation
252.223-7008  Prohibition of Hexavalent Chromium
252.225-7001  Buy American Act and Balance of Payments Program
252.225-7009  Restriction on Acquisition of Certain Articles Containing Specialty Metals
252.225-7015  Restriction on Acquisition of Hand or Measuring Tools
252.225-7021  Trade Agreements
252.227-7015  Technical Data-Commercial Items
252.227-7037  Validation of Restrictive Markings on Technical Data
252.236-7013  Requirement for Competition Opportunity for American Steel Producers
252.244-7000  Subcontracts for Commercial Items and Commercial Components
252.246-7003  Notification of Potential Safety Issues
252.246-7007  Contractor Counterfeit Electronic Part Detection and Avoidance System
252.246-7008  Sources of Electronic Parts
252.247-7003  Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer
252.247-7024  Notification of Transportation of Supplies by Sea

The following DFARS Clause applies if the value of the Order equals or exceeds $25,000:
252.225-7036  Buy American Act – Free Trade Agreements

The following DFARS Clause applies if the value of the Order equals or exceeds $250,000:
252.215-7010  Requirements for Certified Cost or Pricing Data and Data Other than Certified Cost or Pricing Data
252.225-7008  Restriction on Acquisition of Specialty Metals
252.247-7023  Transportation of Supplies by Sea

The following DFARS Clause applies if the value of the Order equals or exceeds $500,000:
252.226-7001  Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns

The following DFARS Clause applies if the value of the Order equals or exceeds $750,000:
252.219-7003  Small Business Subcontracting Plan (DoD Contracts)