
ABB U.S. Government Flowdown Addendum - FAR

Clauses Incorporated by Reference

In addition to the ABB GTC, when Commercial Goods and/or Services are furnished by Supplier to Customer for use in support of a U.S. Government contract or subcontract, the following mandatory flowdown clauses shall apply, as required by the terms of the prime contract, or by operation of law or regulation. In case of conflict between the ABB GTC and this ABB U.S. Government Flowdown Addendum, the ABB U.S. Government Flowdown Addendum shall prevail.

Clauses listed below may not be applicable to specific orders due to the type of Contract issued, dollar thresholds under requirements of the Federal Acquisition Regulatory System, public law, or mandatory flow down requirements. The information provided within the italicized parentheses of the incorporated by reference clauses is provided for information only and does not relieve the Supplier from its contractual obligations when the clause applies pursuant to the requirements.

In this Addendum, the term "Orders", includes subcontracts and any mutually binding legal relationship obligating the Supplier to furnish the supplies or services and the Customer to pay for them.

The listed regulatory clauses cited below by reference, where applicable by their terms, are incorporated herein by reference and made part of this Contract with the same force and effect as though set forth in full text. The full text version of all incorporated by reference clauses are available electronically at the following web links:

Federal Acquisition Regulation (FAR): <http://www.acquisition.gov/comp/far/index.html>

Code of Federal Regulations (CFR): <https://www.ecfr.gov/>

ABB reserves the right to include additional regulatory clauses, as required by the express terms of ABB's contract. In certain circumstances, applicable law, statute, or regulation may require Supplier submission of a signed certification of compliance to Customer, including but not limited to country of origin of Goods. By Supplier acceptance of the Order from Customer, Supplier expressly agrees to provide Customer the required certification within seven (7) calendar days of Customer's written request.

Defense Priority Allocation System (DPAS)

If identified by Customer on the Order or Contract, as required by the U.S. Government, the following applies: *"This is a rated order certified for national defense, emergency preparedness, and energy program use, the Supplier shall follow all the requirements of the Defense Priorities and Allocation System (DPAS) regulation (15 CFR 700)".*

Relationship of the Parties Where necessary to make the context of the FAR clauses set forth herein applicable to this Order or Contract, the term "Contractor" and similar terms shall mean "Supplier"; the term "Contract" shall mean "Contract" or "Order"; the term "Government", shall mean "Customer" or "Customer's Buyer"; and the term "Contracting Officer", and similar terms, shall mean "Customer's Supplier Representative" or "Representative." 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 Contracting Officer or duly authorized representative.

Supplier's Compliance

Supplier shall include these terms in all purchase orders or subcontracts it awards and shall further require its suppliers and subcontractors to include these terms at any subcontracted tier.

STATUS	SECURITY LEVEL	DOCUMENT ID.	REV.	LANG.	PAGE
Published	External	9AKK108469A1094	E		1/4

Federal Acquisition Regulations for Commercial Products and Commercial Services		
FAR CLAUSE	CLAUSE TITLE	DATE
52.202-1	Definitions <i>(Applicable to all Orders)</i>	Jun 2020
52.203-13	Contractor Code of Business Ethics and Conduct <i>(Applicable to Orders where the value is expected to exceed \$7.5 million, and the performance period is 120 days or more)</i>	Nov 2021
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 <i>(Applicable to Orders when funded in whole or in part with Recovery Act funds)</i>	Jun 2010
52.203-17	Contractor Employee Whistleblower Rights <i>(Applicable to all Orders)</i>	Nov 2023
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements <i>(Applicable to all Orders, except for a personal services contract with an individual if the services are to be performed entirely by the individual, rather than by an employee of the contractor or a subcontractor)</i>	Jan 2017
52.204-21	Basic Safeguarding of Covered Contractor Information Systems <i>(Applicable to all Orders, except commercially available off-the-shelf items, where the subcontractor may have Federal contract information residing in or transiting through its information system)</i>	Nov 2021
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities <i>(Applicable to all Orders, including Orders for commercial products or commercial services)</i>	Dec 2023
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment <i>(Applicable to all Orders, including Orders for commercial products or commercial services. Excludes paragraph (b)(2))</i>	Nov 2021
52.204-27	Prohibition on a ByteDance Covered Application <i>(Applicable to all Orders, including Orders for commercial products or commercial services)</i>	Jun 2023
52.204-30	Federal Acquisition Supply Chain Security Act Orders – Prohibition <i>(Applicable to all Orders, including Orders for commercial products or commercial services)</i>	Dec 2023
52.204-30 Alt I	Federal Acquisition Supply Chain Security Act Orders – Prohibition – Alternate I <i>(Applicable to all Federal Supply Schedule, Governmentwide acquisition and multi-agency Orders applied at the contract level, including Orders for commercial products or commercial services)</i>	Dec 2023
52.219-8	Utilization of Small Business Concerns <i>(Applicable to Orders exceeding \$350,000 that offer further subcontracting opportunities. Not applicable to work performed entirely outside the United States and its outlying areas or to a personal services contract)</i>	Jan 2025
52.222-35	Equal Opportunity for Veterans <i>(Applicable to Orders exceeding \$200,000, unless exempted by rules, regulations, or orders of the Secretary of Labor)</i>	Jun 2020
52.222-36	Equal Opportunity for Worker with Disabilities <i>(Applicable to Orders exceeding \$20,000, unless exempted by rules, regulations, or orders of the Secretary of Labor. Not applicable if both the performance of the work and the recruitment of workers will occur outside the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island, or as waived by the Director of OFCCP or agency head)</i>	Jun 2020

STATUS	SECURITY LEVEL	DOCUMENT ID.	REV.	LANG.	PAGE
Published	External	9AKK108469A1094	E		2/4

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52.222-37	Employment Reports on Veterans <i>(Applicable to Orders exceeding \$200,000, unless exempted by rules, regulations, or orders of the Secretary of Labor)</i>	Jun 2020
52.222-40	Notification of Employee Rights Under the National Labor Relations Act <i>(Applicable to all Orders exceeding \$10,000 and will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13496 of January 30, 2009)</i>	Dec 2010
52.222-41	Service Contract Labor Standards <i>(Applicable to Orders exceeding \$2,500 for services performed in the United States where the principal purpose is to provide services performed by service employees)</i>	Aug 2018
52.222-50	Combating Trafficking in Persons <i>(Applicable to all Orders)</i>	Oct 2025
52.222-50 Alt I	Combating Trafficking in Persons - Alternate I <i>(Applicable to all Orders when the contract will be performed outside the United States)</i>	Mar 2015
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements <i>(Applicable to Orders where services exempt from 52.222-41 are applicable)</i>	May 2014
52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements <i>(Applicable to Orders where services exempt from 52.222-41 are applicable)</i>	May 2014
52.222-54	Employment Eligibility Verification <i>(Applicable to Orders for: (1) Services (except for commercial services that are part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications), performed by the COTS provider, and are normally provided for that COTS item); or (2) Construction, and has a value of more than \$3,500 and is work performed in the United States)</i>	Jan 2025
52.222-55	Minimum Wages for Contractor Workers Under Executive Order 14026 <i>(Applicable to Orders that are subject to 52.222-6 or 52.222-41, and are to be performed in whole or in part in the United States)</i>	Jan 2022
52.222-62	Paid Sick Leave Under Executive Order 13706 <i>(Applicable to Orders where FAR 52.222-6 or 52.222-41 are applicable, and where work is to be performed, in whole or in part, in the United States)</i>	Jan 2022
52.224-3	Privacy Training <i>(Applicable to Orders when subcontractor employees will: (1) have access to a system of records; (2) create, collect, use, process, store, maintain, disseminate, disclose, dispose, or otherwise handle personally identifiable information; or (3) design, develop, maintain, or operate a system of records)</i>	Jan 2017
52.224-3 Alt I	Privacy Training – Alternate I <i>(Applicable to Orders if the agency specifies that only its agency-provided training is acceptable)</i>	Jan 2017
52.225-26	Contractors Performing Private Security Functions Outside the United States <i>(Applicable to Orders that will be performed outside the United States in areas of (1) Combat operations, as designated by the Secretary of Defense; or (2) Other significant military operations, upon agreement of the Secretaries of Defense and State that the clause applies in that area)</i>	Oct 2016

STATUS	SECURITY LEVEL	DOCUMENT ID.	REV.	LANG.	PAGE
Published	External	9AKK108469A1094	E		3/4

Federal Acquisition Regulations for Commercial Products and Commercial Services		
FAR CLAUSE	CLAUSE TITLE	DATE
52.232-40	Providing Accelerated Payments to Small Business Subcontractors <i>(Applicable to all Orders, including subcontracts with small business concerns for the acquisition of commercial products and services)</i>	Mar 2023
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels <i>(Applicable to all Orders, except as indicated in paragraph (e)(4))</i>	Nov 2021

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