

SUBPART 246.3--CONTRACT CLAUSES
(Revised January 22, 2007)

* * * * *

246.371 Notification of potential safety issues.

(a) Use the clause at [252.246-7003](#), Notification of Potential Safety Issues, in solicitations and contracts for the acquisition of—

(1) Repairable or consumable parts identified as critical safety items;

(2) Systems and subsystems, assemblies, and subassemblies integral to a system; or

(3) Repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system.

(b) Follow the procedures at [PGI 246.371 \(DFARS/PGI view\)](#) for the handling of notifications received under the clause at [252.246-7003](#).

* * * * *

252.246-7003 Notification of Potential Safety Issues.

As prescribed in [246.371\(a\)](#), use the following clause:

NOTIFICATION OF POTENTIAL SAFETY ISSUES (JAN 2007)

(a) *Definitions.* As used in this clause—

“Credible information” means information that, considering its source and the surrounding circumstances, supports a reasonable belief that an event has occurred or will occur.

“Critical safety item” means a part, subassembly, assembly, subsystem, installation equipment, or support equipment for a system that contains a characteristic, any failure, malfunction, or absence of which could have a safety impact.

“Safety impact” means the occurrence of death, permanent total disability, permanent partial disability, or injury or occupational illness requiring hospitalization; loss of a weapon system; or property damage exceeding \$1,000,000.

“Subcontractor” means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for the Contractor or another subcontractor under this contract.

(b) The Contractor shall provide notification, in accordance with paragraph (c) of this clause, of—

Information Collection Renewal 0704-0441
Quality Assurance and Safety
Relevant DFARS

(1) All nonconformances for parts identified as critical safety items acquired by the Government under this contract; and

(2) All nonconformances or deficiencies that may result in a safety impact for systems, or subsystems, assemblies, subassemblies, or parts integral to a system, acquired by or serviced for the Government under this contract.

(c) The Contractor—

(1) Shall notify the Administrative Contracting Officer (ACO) and the Procuring Contracting Officer (PCO) as soon as practicable, but not later than 72 hours, after discovering or acquiring credible information concerning nonconformances and deficiencies described in paragraph (b) of this clause; and

(2) Shall provide a written notification to the ACO and the PCO within 5 working days that includes—

(i) A summary of the defect or nonconformance;

(ii) A chronology of pertinent events;

(iii) The identification of potentially affected items to the extent known at the time of notification;

(iv) A point of contact to coordinate problem analysis and resolution; and

(v) Any other relevant information.

(d) The Contractor—

(1) Is responsible for the notification of potential safety issues occurring with regard to an item furnished by any subcontractor; and

(2) Shall facilitate direct communication between the Government and the subcontractor as necessary.

(e) Notification of safety issues under this clause shall be considered neither an admission of responsibility nor a release of liability for the defect or its consequences. This clause does not affect any right of the Government or the Contractor established elsewhere in this contract.

(f)(1) The Contractor shall include the substance of this clause, including this paragraph (f), in subcontracts for—

(i) Parts identified as critical safety items;

(ii) Systems and subsystems, assemblies, and subassemblies integral to a system; or

(iii) Repair, maintenance, logistics support, or overhaul services for

systems and subsystems, assemblies, subassemblies, and parts integral to a system.

(2) For those subcontracts described in paragraph (f)(1) of this clause, the Contractor shall require the subcontractor to provide the notification required by paragraph (c) of this clause to—

(i) The Contractor or higher-tier subcontractor; and

(ii) The ACO and the PCO, if the subcontractor is aware of the ACO and the PCO for the contract.

(End of clause)

* * * * *

SUBPART 244.4--SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS

(Revised June 29, 2012)

* * * * *

244.403 Contract clause.

Use the clause at [252.244-7000](#), Subcontracts for Commercial Items and Commercial Components (DoD Contracts), in solicitations and contracts for supplies or services other than commercial items that contain any of the clauses listed in the clause at [252.244-7000](#).

* * * * *

252.244-7000 Subcontracts for Commercial Items and Commercial Components (DoD Contracts).

As prescribed in [244.403](#), use the following clause:

SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS
(DOD CONTRACTS) (JUN 2012)

In addition to the clauses listed in paragraph (c) of the Subcontracts for Commercial Items clause of this contract (Federal Acquisition Regulation 52.244-6), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

(a) [252.223-7008](#), Prohibition of Hexavalent Chromium (MAY 2011), if the subcontract is for supplies, maintenance and repair services, or construction materials.

(b) [252.225-7009](#), Restriction on Acquisition of Certain Articles Containing Specialty Metals (JUN 2012) (10 U.S.C. 2533b), if flow down is required in accordance with paragraph (e) of DFARS clause [252.225-7009](#).

Information Collection Renewal 0704-0441
Quality Assurance and Safety
Relevant DFARS

(c) [252.225-7039](#), Contractors Performing Private Security Functions (JUN 2012) (Section 862 of Pub. L. 110-181, as amended by section 853 of Pub. L. 110-417 and sections 831 and 832 of Pub. L. 111-383), if the subcontract will be performed in areas of contingency operations, complex contingency operations, or other military operations or exercises designated by the Combatant Commander.

(d) [252.227-7015](#), Technical Data—Commercial Items (SEP 2011), if applicable (see [227.7102-4\(a\)](#)), if flow down is required in accordance with paragraph (e) of DFARS clause [252.227-7015](#).

(e) [252.227-7037](#), Validation of Restrictive Markings on Technical Data (JUN 2012), if applicable (see [227.7102-4\(c\)](#)), if the subcontract or supplier at any tier requires the delivery of technical data.

(f) [252.236-7013](#), Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers (JAN 2009) (Pub. L. 110-329, Division E, Section 108).

(g) [252.237-7010](#), Prohibition on Interrogation of Detainees by Contractor Personnel (NOV 2010) (Section 1038 of Pub. L. 111-84), if the subcontract may require subcontractor personnel to interact with detainees in the course of their duties.

(h) [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees (SEP 2006) (Section 1092 of Pub. L. 108-375), if the subcontract may require subcontractor personnel to interact with detainees in the course of their duties.

(i) [252.246-7003](#), Notification of Potential Safety Issues (IAN 2007), if flow down is required in accordance with paragraph (f) of DFARS clause [252.246-7003](#).

(j) [252.247-7023](#), Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631), if flow down is required in accordance with paragraph (h) of DFARS clause [252.247-7023](#).

(k) [252.247-7024](#), Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631), if flow down is required in accordance with paragraph (b) of DFARS clause [252.247-7024](#).

(End of clause)

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) The following additional provisions and clauses apply to DoD solicitations and contracts for the acquisition of commercial items. If the offeror has completed the provisions listed in paragraph (f)(i) or (ii) of this section electronically as part of its annual representations and certifications at <https://www.acquisition.gov>, the contracting officer may consider this

Information Collection Renewal 0704-0441
Quality Assurance and Safety
Relevant DFARS

information instead of requiring the offeror to complete these provisions for a particular solicitation.

(i) Use one of the following provisions as prescribed in part 225:

(A) [252.225-7000](#), Buy American–Balance of Payments Program Certificate.

(B) [252.225-7020](#), Trade Agreements Certificate.

(C) [252.225-7035](#), Buy American–Free Trade Agreements–Balance of Payments Program Certificate.

(ii) Use the provision at [252.212-7000](#), Offeror Representations and Certifications--Commercial Items, in all solicitations for commercial items exceeding the simplified acquisition threshold. If an exception to 10 U.S.C. 2410i applies to a solicitation exceeding the simplified acquisition threshold (see [225.7603](#)), indicate on an addendum that “The certification in paragraph (b) of the provision at [252.212-7000](#) does not apply to this solicitation.”

(iii) Use the clause at [252.212-7001](#), Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items, in all solicitations and contracts for commercial items, completing paragraphs (a) and (b), as appropriate.

See DoD Class Deviation [2009-O0005](#), Commercial Item Omnibus Clauses for Acquisitions Using the Standard Procurement System, issued on May 1, 2009. This deviation expires on April 30, 2014.

(iv) Use the provisions and clauses as follows, which are prescribed elsewhere in DFARS:

(A) Use the provision at [252.203-7005](#), Representation Relating to Compensation of Former DoD Officials, as prescribed in [203-171-4\(b\)](#).

(B) Use the provision at [252.204-7011](#), Alternative Line Item Structure, as prescribed in [204.7109\(b\)](#).

(C) Use the provision at [252.209-7001](#), Disclosure of Ownership or Control by the Government of a Terrorist Country, as prescribed in [209.104-70\(a\)](#).

(D) Use the clause at [252.211-7003](#), Item Identification and Valuation, as prescribed in [211.274-4](#).

(E) Use the clause at [252.211-7006](#), Passive Radio Frequency Identification, as prescribed in [211.275-3](#).

(F) Use the clause at [252.211-7007](#), Reporting of Government-Furnished Property, as prescribed in [211.274-6](#).

(G) Use the provisions at [252.215-7007](#), Notice of Intent to Resolicit, and [252.215-7008](#), Only One Offer, as prescribed at [215.408](#)(3) and (4), respectively.

(H) Use the clause at [252.223-7008](#), Prohibition of Hexavalent Chromium, as prescribed at [223.7306](#).

(I) Use the provision at [252.225-7010](#), Commercial Derivative Military Article—Specialty Metals Compliance Certificate, as prescribed in [225.7003-5](#)(b).

(J) Use the provision at [252.225-7018](#), Photovoltaic Devices—Certificate, as prescribed in [225.7017-4](#)(b).

(K) Use the clause at [252.225-7040](#), Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States, as prescribed in [225.7402-4](#).

(L) Use the clause at [252.225-7043](#), Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States, in solicitations and contracts that include the clause at [252.225-7040](#).

(M) Use the clause at [252.232-7009](#), Mandatory Payment by Governmentwide Commercial Purchase Card, as prescribed in [232.1110](#).

(N) Use the clause at [252.232-7010](#), Levies on Contract Payments, as prescribed in [232.7102](#).

(O) Use the clause at [252.232-7011](#), Payments in Support of Emergencies and Contingency Operations, as prescribed in [232.908](#).

(P) Use the clause at [252.246-7003](#), Notification of Potential Safety Issues, as prescribed in [246.371](#).

(Q) Use the provision at [252.247-7026](#), Evaluation Preference for Use of Domestic Shipyards - Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade, as prescribed in [247.574](#)(e).

(R) Use the clause at [252.247-7028](#), Application for U.S Government Shipping Documentation/Instructions, as prescribed in [247.207](#).

212.302 Tailoring of provisions and clauses for the acquisition of commercial items.

Information Collection Renewal 0704-0441
Quality Assurance and Safety
Relevant DFARS

(c) *Tailoring inconsistent with customary commercial practice.* The head of the contracting activity is the approval authority within the DoD for waivers under FAR 12.302(c).