

252.225-7012 Preference for certain domestic commodities.

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(b) * * *

(4) To commercial items or components purchased from subcontractors or suppliers.

138. Section 252.225-7014 is amended by revising the clause date to read "(NOV 1995)"; by revising in paragraph (c)(2) the acronym "FAR" to read "Federal Acquisition Regulation"; by removing the word "or" at the end of paragraph (c)(2); by removing the period at the end of paragraph (c)(3) and adding a semicolon and the word "or" in its place; and by adding a new paragraph (c)(4) to read as follows:

252.225-7014 Preference for domestic specialty metals.

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(c) * * *

(4) The specialty metal is contained in a commercial item or component purchased from subcontractors or suppliers.

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139. Section 252.225-7016 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (b) to read as follows:

252.225-7016 Restriction on acquisition of antifriction bearings.

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(b) The restriction in paragraph (a) does not apply to the extent that the end items or components containing antifriction bearings are commercial items. The commercial item exception does not include items designed or developed under a Government contract or contracts where the end item is bearings and bearing components.

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140. Section 252.225-7026 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (c)(1) to read as follows:

252.225-7026 Reporting of contract performance outside the United States.

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(c) * * *

(1) The Contractor shall include a clause substantially the same as this one in all first-tier subcontracts exceeding \$100,000, except subcontracts for commercial items, construction, ores, natural gases, utilities, petroleum products and crudes, timber (logs), or subsistence.

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252.225-7040 [Amended]

141. Section 252.225-7040 is amended by revising in the introductory text the reference "225.7004-5(c)" to read "225.7004-6(c)."

142. Section 252.227-7013 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (k)(2) to read as follows:

252.227-7013 Rights in technical data—Noncommercial items.

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(k) * * *

(1) * * *

(2) Whenever any technical data for noncommercial items is to be obtained from a subcontractor or supplier for delivery to the Government under this contract, the Contractor shall use this same clause in the subcontract or other contractual instrument, and require its subcontractors or suppliers to do so, without alteration, except to identify the parties. No other clause shall be used to enlarge or diminish the Government's, the Contractor's, or a higher-tier subcontractor's or supplier's rights in a subcontractor's or supplier's technical data.

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143. Section 252.227-7015 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (a) to read as follows:

252.227-7015 Technical data—Commercial items.

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(a) *Definitions.*

As used in this clause:

(1) *Commercial item* does not include commercial computer software.

(2) *Form, fit, and function data* means technical data that describes the required overall physical, functional, and performance characteristics (along with the qualification requirements, if applicable) of an item, component, or process to the extent necessary to permit identification of physically and functionally interchangeable items.

(3) The term *item* includes components or processes.

(4) *Technical data* means recorded information, regardless of the form or method of recording, of a scientific or technical nature (including computer software documentation). The term does not include computer software or data incidental to contract administration, such as financial and/or management information.

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252.227-7018 [Amended]

144. Section 252.227-7018 is amended in the title by revising the word "Innovative" to read "Innovation"; and by revising in the clause title the word "Innovative" to read "Innovation."

145. Section 252.227-7037 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (l) to read as follows:

252.227-7037 Validation of restrictive markings on technical data.

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(l) *Flowdown.*

The Contractor or subcontractor agrees to insert this clause in contractual instruments with its subcontractors or suppliers at any tier requiring the delivery of technical data, except contractual instruments for

commercial items or commercial components.

252.231-7001 [Removed]

146. Section 252.231-7001 is removed.

252.237-7020 [Removed and Reserved]

147. Section 252.237-7020 is removed and reserved.

252.237-7021 [Removed and Reserved]

148. Section 252.237-7021 is removed and reserved.

149. Section 252.239-7010 is amended by revising the clause date to read "(NOV 1995)"; by revising paragraph (a) introductory text; and by revising paragraph (b) to read as follows:

252.239-7010 Audit and records—Common carriers.

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(a) For the purpose of verifying the accuracy of the cost or pricing data submitted under the Submission of Cost or Pricing Data—Common Carriers clause of this agreement/contract, the Contracting Officer or authorized representative shall have the right to examine the Contractor's records, the computations and projections used, and other supporting data, as defined in 4.703(a) of the Federal Acquisition Regulation, which will permit adequate evaluation of the cost or pricing data. This right applies to cost and pricing data which were available to the Contractor as of the date of the certification and shall last—

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(b) The Contractor shall maintain records and other evidence, and accounting procedures and practices, sufficient to show the direct and indirect costs which were the basis for pricing the communication service authorization.

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252.242-7001 [Removed and Reserved]

150. Section 252.242-7001 is removed and reserved.

151. Section 252.247-7023 is amended by revising the clause date to read "(NOV 1995)" by revising paragraph (a)(5); and by revising paragraph (g) to read as follows:

252.247-7023 Transportation of supplies by sea.

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(a) * * *

(5) *Subcontractor* means a supplier, materialman, distributor, or vendor at any level below the prime contractor whose contractual obligation to perform results from, or is conditioned upon, award of the prime contract and who is performing any part of the work or other requirement of the prime contract. However, effective May 1, 1996, the term does not include a supplier, materialman, distributor, or vendor of commercial items or commercial components.

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