44.402 Policy requirements.

(a) Contractors and subcontractors at all tiers *shall*, to the maximum extent practicable:

(1) Be required to incorporate *commercial products*, *commercial services*, or *nondevelopmental items* as *components* of items delivered to the Government; and

(2) Not be required to apply to any of its divisions, subsidiaries, *affiliates*, subcontractors or suppliers that are furnishing *commercial products* or *commercial services* any clause, except those-

(i) Required to implement provisions of law or Executive orders applicable to subcontractors furnishing *commercial products* or *commercial services*; or

(ii) Determined to be consistent with customary commercial practice for the item being acquired.

(b) The clause at 52.244-6, Subcontracts for *Commercial Products* and *Commercial Services*, implements the policy in paragraph (a) of this section. Notwithstanding any other clause in the prime contract, only those clauses identified in the clause at 52.244-6 are required to be in subcontracts for *commercial products* or *commercial services*.

(c) Agencies *may* supplement the clause at 52.244-6 only as necessary to reflect agency unique statutes applicable to the *acquisition* of *commercial products* and *commercial services*.

Parent topic: Subpart 44.4 - Subcontracts for Commercial Products and Commercial Services