

12.504 Applicability of certain laws to subcontracts for the acquisition of commercial products and commercial services.

(a) The following laws are not applicable to *subcontracts* at any tier for the *acquisition* of *commercial products* or *commercial services* at any tier:

(1) [10 U.S.C. 2631](#), Transportation of *Supplies* by Sea (except for the types of *subcontracts* listed at [47.504\(d\)](#)).

(2) [15 U.S.C. 644\(d\)](#), Requirements relative to *labor surplus areas* under the Small Business Act (see [subpart 19.2](#)).

(3) [Reserved]

(4) [41 U.S.C. chapter 65](#), Contracts for Materials, *Supplies*, Articles, and Equipment Exceeding \$10,000 (see [subpart 22.6](#)).

(5) [41 U.S.C. 4703](#), Validation of Proprietary Data restrictions (see [subpart 27.4](#)).

(6) [41 U.S.C. 3901\(b\)](#) and [10 U.S.C. 3321\(b\)](#), Contingent Fees (see [subpart 3.4](#)).

(7) [41 U.S.C. 4706\(d\)](#) and [10 U.S.C. 3841\(d\)](#), Examination of Records of Contractor, when a subcontractor is not required to provide *certified cost or pricing data* (see [15.209\(b\)](#)), unless using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5).

(8) [41 U.S.C. 1708\(e\)\(3\)](#), Minimum Response Time for *Offers* (see [subpart 5.2](#)).

(9) [41 U.S.C. 2302](#), Rights in *Technical Data* (see [subpart 27.4](#)).

(10) [41 U.S.C. chapter 81](#), *Drug-Free Workplace Act* (see [subpart 26.5](#)).

(11) 46 U.S.C.App.1241(b), Transportation in American Vessels of Government Personnel and Certain Cargo (see [subpart 47.5](#)) (except for the types of *subcontracts* listed at [47.504\(d\)](#)).

(12) [49 U.S.C. 40118](#), Fly American provisions (see [subpart 47.4](#)).

(13) Section 806(a)(3) of Pub. L. 102-190, as amended by Sections 2091 and 8105 of Pub. L. 103-355 ([10 U.S.C. 4601 note prec.](#)), Payment Protections for Subcontractors and Suppliers (see [28.106-6](#)).

(b) The requirements for a certificate and clause under the Contract Work Hours and Safety Standards statute, [40 U.S.C. 37](#), (see [subpart 22.3](#)) are not applicable to *subcontracts* at any tier for the *acquisition* of *commercial products* or *commercial services* or *commercial components*.

(c) The applicability of the following laws has been modified in regard to *subcontracts* at any tier for the *acquisition* of *commercial products* or *commercial services*:

(1) [41 U.S.C. 4704](#) and [10 U.S.C. 4655](#), Prohibition on Limiting Subcontractor Direct Sales to the *United States* (see [subpart 3.5](#)).

(2) [41 U.S.C. chapter 35](#), and [10 U.S.C. chapter 271](#), *Truthful Cost or Pricing Data* (see [subpart 15.4](#)).

(3) [41 U.S.C. chapter 15](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).

Parent topic: [Subpart 12.5 - Applicability of Certain Laws to the Acquisition of Commercial Products, Commercial Services and Commercially Available Off-the-Shelf Items](#)