

## 14.201-7 Contract clauses.

(a) When *contracting* by sealed bidding, the *contracting officer shall* insert the clause at [52.214-26](#), Audit and Records-Sealed Bidding, in *solicitations* and contracts as follows:

(1) Use the basic clause if-

(i) The *acquisition* will not use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5); and

(ii) The contract amount is expected to exceed the threshold at [15.403-4\(a\)\(1\)](#) for submission of *certified cost or pricing data*.

(2)

(i) If the *acquisition* will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, use the clause with its *Alternate I* in all *solicitations* and contracts.

(ii)

(A) In the case of a bilateral *contract modification* that will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the *contracting officer shall* specify applicability of *Alternate I* to that modification.

(B) In the case of a task- or delivery-order contract in which not all orders will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the *contracting officer shall* specify the task or *delivery orders* to which *Alternate I* applies.

(b)

(1) When *contracting* by sealed bidding, the *contracting officer shall* insert the clause at [52.214-27](#), Price Reduction for Defective *Certified Cost or Pricing Data*-Modifications-Sealed Bidding, in *solicitations* and contracts if the contract amount is expected to exceed the threshold for submission of *certified cost or pricing data* at [15.403-4\(a\)\(1\)](#).

(2) In exceptional cases, the *head of the contracting activity may* waive the requirement for inclusion of the clause in a contract with a foreign government or agency of that government. The authorizations for the waiver and the reasons for granting it *shall be in writing*.

(c)

(1) When *contracting* by sealed bidding, the *contracting officer shall*—

(i) Insert the clause at [52.214-28](#), Subcontractor *Certified Cost or Pricing Data*—Modifications—Sealed Bidding, in *solicitations* and contracts if the contract amount is expected to exceed the threshold for submission of *certified cost or pricing data* at [15.403-4\(a\)\(1\)](#); or

(ii) Upon request of a contractor in connection with a prime contract entered into before July 1, 2018, the *contracting officer shall* modify the contract without requiring consideration to replace clause 52.214-28, Subcontractor *Certified Cost or Pricing Data—Modifications—Sealed Bidding*, with its *Alternate I*.

(2) In exceptional cases, the *head of the contracting activity may* waive the requirement for inclusion of the clause in a contract with a foreign government or agency of that government. The authorizations for the waiver and the reasons for granting it *shall be in writing*.

(d) When *contracting* by sealed bidding the *contracting officer shall* insert the clause at 52.214-29, Order of Precedence-Sealed Bidding, in *solicitations* and contracts to which the uniform contract format applies.

**Parent topic:** 14.201 Preparation of invitations for bids.