

44.402 Policy requirements.

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

(1) Be required to incorporate commercial items 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 items or commercial components any clause, except those-

(i) Required to implement provisions of law or executive orders applicable to subcontractors furnishing commercial items or commercial components; 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 Items, 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 items or commercial components.

(c) Agencies may supplement the clause at [52.244-6](#) only as necessary to reflect agency unique statutes applicable to the acquisition of commercial items.

Parent topic: [Subpart 44.4 - Subcontracts for Commercial Items and Commercial Components](#)