

12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) The following laws are not applicable to subcontracts at any tier for the acquisition of commercial items or commercial components 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.2306\(b\)](#), Contingent Fees (see [subpart 3.4](#)).

(7) [41 U.S.C.4706\(d\)](#) and [10 U.S.C.2313\(c\)](#), 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 23.5](#)).

(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. 2302](#) note), 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 items or commercial components.

(c) The applicability of the following laws has been modified in regards to subcontracts at any tier for the acquisition of commercial items or commercial components:

(1) [41 U.S.C.4704](#) and [10 U.S.C.2402](#), Prohibition on Limiting Subcontractor Direct Sales to the United States (see [subpart 3.5](#)).

(2) [41 U.S.C.chapter 35](#), Truthful Cost or Pricing Data, and [10 U.S.C.2306a](#), Truth in

Negotiations (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 Items and Commercially Available Off-The-Shelf Items](#)