



Flow Down of U.S. Government Contract Clauses Under U.S. Government Contracts

The services to be supplied by Iron Mountain are “commercial services” as defined in Federal Acquisition Regulation (FAR) 2.101. Pursuant to FAR 44.402 (b) only the clauses identified in FAR 52.244-6 are required to be included in a subcontract for commercial services, **“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.”** (Emphasis added.) In accordance with FAR 44.402 (c) agencies may supplement the mandatory flowdown provisions of FAR 52.244-6 “only as necessary to reflect agency unique statutes applicable to the acquisition of commercial services.”

Based on the limitation of flowdown provisions for subcontracts for commercial services, Iron Mountain will accept the following clauses, listed in FAR 52.244-6, Subcontracts for Commercial Products and Services (JAN 2022).

- (a) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Nov 2021) ([41 U.S.C. 3509](#)), if the agreement exceeds \$5.5 million and has a performance period of more than 120 days;
- (b) [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) ;
- (c) [52.204-21](#), Basic Safeguarding of Covered Contractor Information Systems , other than subcontracts for commercially available off-the-shelf items, if the Vendor may have Federal contract information residing in or transiting through its information systems (Nov 2021);
- (d) [52.204-23](#), Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (NOV 2021) (Section 1634 of Pub. L. 115-91);
- (e) [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021)(Section 889(a)(1)(A) of Pub. L. 115-232);
- (f) [52.219-8](#), Utilization of Small Business Concerns (Oct 2022) ([15 U.S.C.637](#)(d)(2) and (3)), if the agreement offers further subcontracting opportunities. Unless Vendor is a small business concern, if the agreement exceeds \$700,000 (\$1.5 million for construction of any public facility), the Vendor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities;
- (g) [52.222-21](#), Prohibition of Segregated Facilities (Apr 2015) ;
- (h) [52.222-26](#), Equal Opportunity (E.O.11246) (Sept 2016);
- (i) [52.222-35](#), Equal Opportunity for Veterans (June 2020) ([38 U.S.C.4212\(a\)](#));
- (j) [52.222-36](#), Equal Opportunity for Workers with Disabilities (Jun 2020) ([29 U.S.C.793](#));
- (k) [52.222-37](#), Employment Reports on Veterans (Jun 2020) ([38 U.S.C.4212](#));



- (l) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496), if flow down is required in accordance with paragraph (f) of FAR clause 52.222-40;
- (m) (A) [52.222-50](#), Combating Trafficking in Persons (NOV 2021) ([22 U.S.C. chapter 78](#) and E.O. 13627). (B) Alternate I (Jan 2017) of [52.222-50](#) ([22 U.S.C. chapter 78](#) and E.O. 13627);
- (n) [52.222-55](#), Minimum Wages Contractor Workers under Executive Order 14026 (Jan 2022) , if Iron Mountain has been informed that the agreement is subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute;
- (o) [52.222-62](#), Paid Sick Leave Under Executive Order 13706 (E.O. 13706) (Jan 2022), if Iron Mountain is informed that the agreement is subject to Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute;
- (p) (A) [52.224-3](#), Privacy Training (Jan 2017) ([5 U.S.C. 552a](#)) if flow down is required in accordance with [52.224-3\(f\)](#). (B) Alternate I of [52.224-3](#), if flow down is required in accordance with [52.224-3\(f\)](#) and the agency specifies that only its agency-provided training is acceptable); and
- (q) [52.232-40](#), Providing Accelerated Payments to Small Business Subcontractors (Nov 2021), if Vendor is a small business concern.