# **Subpart 44.4 - Subcontracts for Commercial Products and Commercial Services**

Parent topic: Part 44 - Subcontracting Policies and Procedures

#### 44.400 Scope of subpart.

This subpart prescribes the policies limiting the *contract clauses* a contractor *may* be required to apply to any subcontractors that are furnishing *commercial products*, including *commercial components*, or *commercial services* in accordance with 41 U.S.C. 3307.

### 44.401 Applicability.

This subpart applies to all contracts and subcontracts. For the purpose of this subpart, the term "subcontract" has the same meaning as defined in <u>part 12</u>.

## 44.402 Policy requirements.

- (a) Contractors and subcontractors at all tiers shall, to the maximum extent practicable:
- (1) Be required to incorporate *commercial products, commercial services*, 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 products* or *commercial services* any clause, except those-
- (i) Required to implement provisions of law or Executive orders applicable to subcontractors furnishing *commercial products* or *commercial services*; or
- (ii) Determined to be consistent with customary commercial practice for the item being acquired.
- (b) The clause at <u>52.244-6</u>, Subcontracts for *Commercial Products* and *Commercial Services*, 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 <u>52.244-6</u> are required to be in subcontracts for *commercial products* or *commercial services*.
- (c) Agencies *may* supplement the clause at <u>52.244-6</u> only as necessary to reflect agency unique statutes applicable to the *acquisition* of *commercial products* and *commercial services*.

### 44.403 Contract clause.

The *contracting officer shall* insert the clause at <u>52.244-6</u>, Subcontracts for *Commercial Products* and *Commercial Services*, in *solicitations* and contracts other than those for *commercial products* or

commercial services.