

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 [part 12](#).

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 [52.244-6](#), 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 [52.244-6](#) are required to be in subcontracts for *commercial products* or *commercial services*.

(c) Agencies *may* supplement the clause at [52.244-6](#) 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 [52.244-6](#), Subcontracts for *Commercial Products* and *Commercial Services*, in *solicitations* and contracts other than those for *commercial products* or

commercial services.