

The following Exhibit is included for example purposes only. VENDOR is bound by the hyperlink incorporated by reference in the Contracts section of their contract.
07/2024

FEDERAL CONTRACT CLAUSES RIDER-Non DoD

This is a Subcontract issued under a Federal Government contract. The Subcontractor agrees to register with the System for Award Management (“SAM”) and to maintain an active SAM registration at all times during its performance. Subcontractor will ensure its registration is accessible on-line on the SAM website in order for Express Scripts, Inc. (ESI) to verify the registration. The following contract clauses prescribed by the Federal Acquisition Regulation (the “FAR”), the Federal Employee Health Benefits Acquisition Regulation (“FEHBAR”) and the Human and Health Services Acquisition regulation (“HHSAR”) are incorporated into this Subcontract by reference. The Subcontractor agrees to be bound by the obligations of the “Contractor” under all such clauses. To the extent that the term “government” or the phrases “United States” or “Contracting Officer” as used in any of these clauses denotes a contracting party, the same shall also mean ESI.

The Subcontractor shall perform its obligations under the Subcontract in compliance with the clauses incorporated herein by reference, unless specifically exempted by applicable law or regulation. The Subcontractor shall cooperate with Express Scripts, Inc. in evaluating the Subcontractor’s compliance with these clauses. The Subcontractor will allow Express Scripts, Inc. access to the Subcontractor’s facilities, records, and personnel to the extent that Express Scripts, Inc., in its sole discretion, deems necessary to evaluate the Subcontractor’s performance under the subcontract or its compliance with the clauses herein incorporated by reference.

The clauses incorporated herein by reference carry the same force and effect as if they were set forth in full text. The full text of these clauses is available at <http://www.acquisition.gov/far> or <http://farsite.hill.af.mil>.

A. CLAUSES APPLICABLE TO ALL SUBCONTRACTS

- 52.203-19 PROHIBITION ON REQUIRING CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS (JAN 2017)
- 1652.203-70 MISLEADING, DECEPTIVE, OR UNFAIR ADVERTISING (JAN 1991)
- 52.204-9 PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (JAN 2011)
- 52.204-21 BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (NOV 2021)
- 52.204-23 PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES (NOV 2021)
- 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (NOV 2021)
- 1652.204-70 CONTRACTOR RECORDS RETENTION (JUL 2005)
- 1652.204-74 LARGE PROVIDER AGREEMENTS (OCT 2005) (Applicable only to Large Provider Agreements)
- 52.209-6 PROTECTING THE GOVERNMENT’S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (NOV 2021) (Not applicable to Commercial Item subcontracts)
- 52.215-15 PENSION ADJUSTMENT AND ASSET REVERSIONS (OCT 2010)
- 52.215-18 REVERSION OR ADJUSTMENTS OF PLANS FOR POSTRETIREMENT BENEFITS (PRB) OTHER THAN PENSIONS (JUL 2005)
- 52.219-8 UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2018)
- 52.222-1 NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (FEB 1997)
- 52.222-4 CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION (MAY 2018)
- 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (APR 2015)
- 52.222-26 EQUAL OPPORTUNITY (SEP 2016)
- 52.222-40 NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (DEC 2010)
- 52.222-50 COMBATING TRAFFICKING IN PERSONS (NOV 2021)
- 52.222-54 EMPLOYMENT ELIGIBILITY VERIFICATION (NOV 2021) (Not applicable to Commercial Item subcontracts)

- 52.223-18 ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING (JUN 2020)
- 52.224-1 PRIVACY ACT NOTIFICATION (APR 1984)
- 52.224-2 PRIVACY ACT (APR 1984)
- 1652.224-70 CONFIDENTIALITY OF RECORDS (JAN 1991)
- 52.225-13 RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (FEB 2021)
- 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (SEP 2023)
- 1652.246-70 FEHB INSPECTION (JUL 2005)
- 52.247-64 PREFERENCE FOR PRIVATELY OWNED U.S. FLAG COMMERCIAL VESSELS (NOV 2021)

B. CLAUSES APPLICABLE TO SUBCONTRACTS OF \$100,000 OR MORE

- 52.203-6 RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (JUN 2020)
- 52.203-7 ANTI-KICKBACK PROCEDURES (JUN 2020)
- 52.203-12 LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (JUN 2020)
- 52.203-17 CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (JUN 2020)
- 52.215-2 AUDIT AND RECORDS—NEGOTIATION (JUN 2020)
- 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (JUN 2020)
- 52.222-37 EMPLOYMENT REPORTS ON VETERANS (JUN 2020)
- 1652.222-70 NOTICE OF SIGNIFICANT EVENTS (JUL 2005)
- 52.227-1 AUTHORIZATION AND CONSENT (JUN 2020)
- 52.227-2 NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (JUN 2020)
- 52.232-17 INTEREST (MAY 2014)

C. CLAUSES APPLICABLE TO SUBCONTRACTS OF \$650,000 OR MORE

- 52.215-10 PRICE REDUCTION FOR DEFECTIVE CERTIFIED COST OR PRICING DATA (AUG 2011) (Not applicable to Commercial Item subcontracts)
- 52.215-13 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA MODIFICATIONS (JUN 2020) (Not applicable to Commercial Item Subcontracts)
- 52.219-9 SMALL BUSINESS SUBCONTRACTING PLAN (SEP 2023)
- 52.230-2 COST ACCOUNTING STANDARDS (JUN 2020)
- 52.230-3 DISCLOSURE AND CONSISTENCY OF COST ACCOUNTING PRACTICES (JUN 2020)
- 52.230-6 ADMINISTRATION OF COST ACCOUNTING STANDARDS (JUN 2010)

D. CLAUSES APPLICABLE TO SUBCONTRACTS OF \$5,000,000 OR MORE

- 52.203-13 CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (NOV 2021)
- 52.203-14 DISPLAY OF HOTLINE POSTER(S) (NOV 2021) (Not applicable to Commercial Item subcontracts)

E. SUBCONTRACTOR INFORMATION SYSTEMS AND NETWORK SECURITY REQUIREMENTS

E.1. If supporting a contract subject to National Institute of Standards and Technology (NIST) requirement, the subcontractor shall implement and maintain information security in its information systems that are used to perform this subcontract. The subcontractor shall, at a minimum, comply with the specified NIST Special Publication (SP) 800-171 security controls. The current version (as of August 2018) of the NIST SP 800-171 applies. If a control is not implemented, the subcontractor shall prepare a written determination that explains how either the required security control is not applicable; or how an alternative control or protective measure is used to achieve equivalent protection. If at any point the subcontractor cannot comply with the above NIST requirements, the subcontractor must remove, and certify to the removal, of all Federal data from the subcontractor’s information systems in a secure manner. The requirements described above will flow to any lower tier subcontractor.