

Common Terms and Conditions Guide
Section 5 – Government Contract Requirements

Clause Number: 5009
Effective: 03/24/2003
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MDA-SS-97-949C
LOT 1 - DELTA IV PROGRAM

- (a) This contract is in support of the Delta IV Program - Lot 1. Portions of this contract are under MDC prime contracts MDA-SS-97-949C and F04701-98-D-0002. The specific amount allocable to each prime contract is set forth in paragraph (c). Both parties hereby agree that, except for DPAS regulations, all provisions in this contract apply to the entire contract.
- (b) (This paragraph applies only if the rated portion of this contract exceeds \$50,000.) A portion of this contract (see paragraph (c)) is certified for national defense use, and you are required to follow all the provisions of the Defense Priorities and Allocations System regulation (15 CFR 700) only as it pertains to the rated portion. If this is a unilateral rated order, you are required to acknowledge this order in writing or electronically within 15 working days of receipt of a DO-rated order and within 10 working days of receipt of a DX-rated order. If you reject the order, you must give reasons in writing (not electronically) for the rejection.
- (c) The rated and unrated portions of this contract are as follows:
- | | | | |
|------------------|------------|---------|-----|
| F04701-98-D-0002 | USAF | DO-A2 | 22% |
| MDA-SS-97-949C | Commercial | Unrated | 78% |
- (d) MDC anticipates that some or all of the goods and/or services required by this contract will be required for future U.S. Government launches; therefore, MDC may have a need to modify this contract to revise the percentage of this contract allocable to rated orders, i.e., to F04701-98-D-0002, and possibly to additional rated orders. Such a modification will not be grounds for an equitable adjustment to this order.
- (e) If the DPAS language in this clause conflicts with any other DPAS language in this contract, the language in this clause shall take precedence.
- (f) Clause 3046 is incorporated by reference; it applies to that portion of this contract that has been identified above as commercial.
- (g) Clause 3047 is incorporated by reference.
- (h) If Clause Q049 or Q050 is incorporated in this contract, then Clause 2010 is incorporated by reference.
- (i) Clause 5028 (F04701-98-D-0002) is incorporated by reference.