

**Common Terms and Conditions Guide**  
**Section 5 – Government Contract Requirements**

**Clause Number: 5041**  
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**NAS8-01140**

**Application** The following Federal Acquisition Regulations (FAR) and Supplement clauses are incorporated herein by reference. In such clauses, unless otherwise specifically stated, the term "Contractor" means Seller except in the term "prime contractor", "subcontractor" means Seller's subcontractor, "Contract" means this contract, except in the term "prime contract" and both "Contracting Officer" and "Government" mean Buyer except in the terms "Government Property", "Government-Furnished Information", "Government-Owned Property", and "Former Government Surplus Property", or as otherwise indicated.

**FAR**

- 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (JAN 97)
- 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Apr 1991)
- 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (JUN 97).
- 52.203-6 Restrictions on Subcontractor Sales to the Government (JUL 95)
- 52.203-7 Anti-Kickback Procedures (JUL 95)
- 52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (JAN 97).
- 52.211-15 Defense Priority and Allocation Requirements (SEP 90). The DPAS rating is DOA2.
- 52.211-5 Material Requirements (AUG 2000).
- 52.215-10 Price Reduction For Defective Cost Or Pricing Data (OCT 97). Applies when Seller is required to submit cost or pricing data. FAR 52.215-11 applies to changes to this purchase contract when Seller is required to submit cost or pricing data.
- 52.215-12 Subcontractor Cost Or Pricing Data (OCT 97). This only applies to non-competed orders for other than catalog items exceeding \$550,000 in value.
- 52.215-13 Cost or Pricing Data-Modifications (OCT97) this only applies to orders for non-catalog items over \$550,000.
- 52.215-14 Integrity of Unit Prices (OCT 97) (excluding subparagraph (b).Alt. I (Oct 97)
- 52.215-15 Pension Adjustment and Asset Revision (Dec 98).
- 52.215-18 Reversion Or Adjustment Of Plans For Postretirement Benefits (PRB) Other Than Pensions (OCT 97).
- 52.215-19 Notification of Ownership Changes (OCT 97)
- 52.215-2 Audit and Records-Negotiation (JUN 99).
- 52.216-7 Allowable Cost and Payment (FEB 2002). Applies only to cost type purchase contracts.
- 52.219-8 Utilization of Small Business Concerns (OCT 2000)
- 52.219-9 Small Business Subcontracting Plan (JAN 2002) -- Alternate II (OCT 2001)
- 52.222-1 Notice to the Government of Labor Disputes (FEB 97).
- 52.222-2 Payments for Overtime Premiums (JUL 90). Insert Zero (0) in the blank in paragraph (a) within this clause.

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- 52.222-20 Walsh-Healy Public Contracts Act (Dec 96).
- 52.222-21 Prohibition of Segregated Facilities (FEB 99)
- 52.222-26 Equal Opportunity (FEB 99) [subparagraphs (b)(1) through (11)]
- 52.222-35 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era. (DEC 2001).
- 52.222-36 Affirmative Action for Workers with Disabilities (JUN 98).
- 52.222-37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (DEC 2001). This clause applies only if this contract is for \$10,000 or more.
- 52.223-14 Toxic Chemical Release Reporting (OCT 2000) [excluding paragraph (e)]. This clause applies only if this contract was competitively awarded, exceeds \$100,000 (including all options), is not for commercial items as defined in FAR Part 12 and Seller has an SIC code.
- 52.223-3 Hazardous Material Identification and Material Safety Data (JAN 97) – Alternate I (JUL 95).
- 52.224-2 Privacy Act (APR 84).
- 52.227-1 Authorization and Consent (JUL 95) -- Alternate I (APR 84)
- 52.227-14 Rights in Data – General (JUN 87) as modified by NFS 1852.227-14 (OCT 95) Alt II (JUN 87) Alt III (Jun 87) Alt V (Jun 87)
- 52.227-16 Additional Data Requirements (JUN 87).
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (AUG 96).
- 52.232-22 Limitation of Funds (APR 84) - Applies only to cost type purchase contracts.
- 52.234-1 Industrial Resources Developed Under Defense Production Act Title III (DEC 94)
- 52.242-15 Stop-Work Order (APR 89) Alt I (AUG 89)
- 52.244-5 Competition in Subcontracting (DEC 96)
- 52.244-6 Subcontracts for Commercial Items and Commercial Components (OCT 98)
- 52.245-18 Special Test Equipment (FEB 93).
- 52.245-5 Government Property (Cost Reimbursement, Time-and Material, or Labor Hour Contracts) (JAN 86). Applies if this purchase contract is cost reimbursement, time-and-material, or labor hour. FAR 52.245-2 applies if this purchase contract is fixed price.
- 52.248-1 Value Engineering (FEB 2000) [excluding paragraph (f)]. This clause applies only if this contract is for \$100,000 or more. "Contracting Officer" shall mean Buyer.

**NASA FAR Supplement Clauses**

- 18-52.204-76 Security Requirements for Unclassified Information Technology Resources (JUL 2000).
- 18-52.208-81 Restrictions on Printing and Duplicating (OCT 2001)
- 18-52.211-70 Packaging, Handling, and Transportation (Jun 2000)
- 18-52.219-74 Use of Rural Area Small Businesses (SEP 90)
- 18-52.219-75 Small Business Subcontracting Reporting (MAY 99).
- 18-52.219-76 NASA 8 Percent Goal (JUL 97).

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- 18-52.223-70 Safety and Health (MAY 2001).
- 18-52.223-74 Drug- and Alcohol-Free Workforce (MAR 96).
- 18-52.223-75 Major Breach of Safety and Security (FEB 2002)
- 18-52.227-70 New Technology (NOV 98)
- 18-52.227-72 Designation of New Technology Representative and Patent Representative (JUL 97)
- 18-52.228-72 Cross-Waiver of Liability for Space Shuttle Services (SEP 93)
- 18-52.242-72 Observance of Legal Holidays, Alternate I (AUG 92). Alt II (OCT 2001)
- 18-52.242-73 NASA Contractor Financial Management Reporting (JUL 2000). This clause applies only if this contract is a cost-type, price redetermination or FPI contract. "Contracting Officer" shall mean Buyer's Purchasing Representative
- 18-52.243-70 Engineering Change Proposal (FEB 98)
- 18-52.243-71 Shared Savings (MAR 97)
- 18-52.244-70 Geographic Participation in the Aerospace Program (APR 85).
- 18-52.245-73 Financial Reporting of NASA Property in the Custody of Contractors (AUG 2001)
- 18-52.246-73 Human Space Flight Item (Mar 97)
- 18-52.247-71 Protection of the Florida Manatee (MAR 89)

**Other Contract Clauses**

**H-13 Asbestos Material**

During performance of this contract, Contractor personnel performing work in MSFC buildings may come in contact with materials containing asbestos. MSFC Buildings 4200, 4201, 4202 and 4666 are of special concern since they are known to contain a sprayed on fire insulation on or above the ceiling, usually located on the metal or concrete structure of the buildings. These buildings and all other MSFC buildings may contain asbestos in floor tile, pipe and lagging insulation, exterior siding, roofing felt, and many other building materials. Prior to disturbing suspected asbestos material in any manner, Contractor shall notify representatives of the Environmental Health Office, an office within the MSFC Medical Center, for guidance. Contractor shall be responsible for ensuring that all Contractor personnel working onsite are made aware of and comply with this clause.

**H-17 Hazardous Material Reporting**

- (a) If during performance of this contract, Contractor brings any hazardous materials (hazardous defined under the latest version of Federal Standard No. 313, including revisions adopted during the term of this contract), on-site to the Marshall Space Flight Center, a completed MSFC Form 4099 (MSFC Hazardous Material Input Sheet) shall be immediately forwarded to the address on the form.. The Contractor shall be responsible for ensuring that all its personnel and all its subcontractor personnel are made aware of and comply with this clause.
- (b) Noting contained in this clause, shall relieve Contractor from complying with

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applicable Federal, State and local laws, codes, ordinances, and regulations (including the obtaining of licenses and permits) in connection with hazardous material; or with other clauses regarding hazardous materials which may be contained in the contract of which the contractor has or reasonably should have notice.

**H-18 Hazardous Material Elimination**

- (a) The Contractor shall perform environmental compliance activities in accordance with applicable Federal, State, and local environmental laws and regulations in response to the February 1992 mandate by President Bush (Executive Order for the Elimination of Freon, Trichloroethane, and Halons) on the Reduction of ozone depleting materials.
- (b) The purpose of the Hazardous Materials Elimination Program is to resolve the use of hazardous materials in the manufacture of the Space Shuttle Main Engine (SSME). This effort is characterized by the elimination or reduction of freon, trichloroethane, perchloroethylene, chromium, and volatile organic compounds. Replacement alternatives were researched, developed, and implemented through pilot demonstrations under contract NAS8-40000. These demonstrations provided the data to support document changes, which include revisions, updates, and new document creation.
- (c) The Contractor shall continue to use replacement alternatives for freon, trichloroethane, perchloroethylene, chromium, and volatile organic compounds as developed under contract NAS8-40000. Should additional effort be mandated to ensure compliance with applicable Federal, State or local environmental laws and regulations, the effort shall be evaluated on a case by case basis and the Contractor may be entitled to equitable adjustment.