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## Boeing Commercial Airplanes (BCA) Terms and Conditions

Form DAC 26-875 (06-89)

### SELLER'S ASSERTIONS AND JUSTIFICATIONS FOR IDENTIFYING TECHNICAL DATA OR COMPUTER SOFTWARE WITH LIMITED OR RESTRICTED RIGHTS

(Form Instructions)

- 1.0 SELLER'S NAME: \_\_\_\_\_
- 1.1 SOLICITATION NO.: \_\_\_\_\_  
(AND RESPONSE DATE) \_\_\_\_\_
- 1.2 ENVELOPE DRAWING NO. AND TITLE: \_\_\_\_\_
- 2.0 Seller shall complete, date, and submit this form as part of its response or follow-on application engineering effort to the solicitation or upon any subsequent request for change, to the MDC Purchasing Representative.
- 3.0 Seller shall provide a listing and justification as to its own privately developed product line (which may include its subcontractor's proprietary items) that will be identified with limited or restricted rights. (NOTE: In no event shall Seller's assertions affect its or its subcontractor's obligations under the applicable DAR, FAR or DoD Far Supplement clauses if an item was previously or is currently being developed or modified with Government funds.)
- 4.0 If Seller does not concur with the standard assertions as set forth below, Seller shall delete those nonapplicable portions and also provide its own assertions therein.
- 5.0 Seller shall also include the vendor development history of its product line, citing approximate date of initial development and first commercial usage of Seller's and its subcontractor's product line.

### ASSERTIONS AND JUSTIFICATIONS

Seller asserts that none of the technical data or computer software used to define the privately developed/commercial product line herein resulted directly from the performance of experimental, developmental or research work/modifications which are specified as an element of performance in any resultant contract originating from this solicitation or any prior Government Contract or Subcontract.

Seller further asserts that the application engineering required to adapt the privately developed/commercial product line described herein meets or exceeds the applicable peculiar program requirements and was accomplished at private expense.

Seller also agrees that the form, interface fit and function data associated with its product line was developed at private expense, but agrees that these data may be furnished to the Government with Unlimited Rights in accordance with DAR 7-104.9 (a), Subparagraph (b)(1)(vi), FAR 52.227-14 (b)(1), DFARS 52.227-7013 (b)(1)(vi) or DFARS 252.227-7013 (b)(1)(iii).

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\* (Use a continuation sheet, if necessary)

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