

GCC

(Government Contract Clauses)

Published on: 5 Nov 2002
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The following contract clauses are incorporated by reference from the Federal Acquisition Regulation (FAR) and the Department of Defense Federal Acquisition Regulation Supplement (DFARS) and apply to the extent indicated. Unless otherwise noted, in the following clauses, "Contractor" and "Offeror" mean Seller. Clauses in this GCC may not be the most recent versions. The clauses and dates in this GCC are those in the prime contract.

Effective Date of Contract: **1 Aug 02** (PO Change Order date)

Sub-Contract Number: **285911D** (Basic Purchase Order)

Subcontractor: **Boeing**

Prime Contract Number: **F33615-01-C-1847**

Prime Contractor: **Lockheed Martin Tactical Systems**

Program: **National Experimental Platform for Hybrid & Embedded Systems (NEPHEST)**

SECTION I

(Purchase of Commercial Items)

If the Purchase Contract is for the purchase of Commercial Items, then the following paragraph as well as the clauses identified in Section I are incorporated into the purchase contract. If the General Terms and Conditions of the purchase contract contain a list of FAR or DFARS clauses, the following Section I clauses are in lieu of that list.

Seller has asserted, and MDC relies on the assertion, that the items or services sold under this contract are commercial items or services. This assertion is incorporated herein by reference.

FAR/DFARS CLAUSE	CLAUSE DESCRIPTION
52.219-8	Utilization of Small Business Concerns (OCT 00). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold.
52.222-26	Equal Opportunity (FEB 99) "Only subparagraphs (b)(1)-(11) applies." [subparagraphs (b)(1) through (11)].
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans. (DEC 01). This clause applies only if this contract is for \$10,000 or more.
52.222-36	Affirmative Action for Workers with Disabilities. (JUN 98). This clause applies only if this contract exceeds \$10,000.
52.244-6	Subcontracts for Commercial Items and Commercial Components (DEC 01).
252.225-7014	Preference for Domestic Specialty Metals (MAR 98). This clause applies only if the goods contain specialty metal(s).
252.225-7014	ALT I - Preference for Domestic Specialty Metals (MAR 98).
252.247-7023	Transportation of Supplies by Sea (MAR 00). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In the first sentence of paragraph (d), "45 days" is changed to "60 days." In paragraph (e), "30 days" is changed to "20 days."
252.247-7024	Notification of Transportation of Supplies by Sea (MAR 00). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" shall mean Buyer.

SECTION II

(Purchase of Non-commercial Items)

If the Purchase Contract is **NOT** for the purchase of Commercial Items, then the clauses identified in Section II are incorporated into the purchase contract. If the General Terms and Conditions of the purchase contract contain a list of FAR and DFARS clauses, the clauses in Section II are in lieu of that list.

FAR/DFARS CLAUSE	CLAUSE DESCRIPTION
52.203-6	Restrictions on Subcontractor Sales to the Government (JUL 95). This clause applies only if this contract exceeds \$100,000.
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (APR 91). This clause applies only if this contract exceeds \$100,000. Seller's signing of its offer, proposal or quotation shall constitute the certification required by this clause.

52.203-12	Limitation on Payments to Influence Certain Federal Transactions (JUN 97). This clause applies only if this contract exceeds \$100,000. In subparagraph (c)(4), "prime Contractor" shall mean Buyer.
52.204-2	Security Requirements (AUG 96). This clause applies only if this contract requires access to classified information. "Changes clause" shall mean the changes clause of this contract. "Government" shall mean Buyer or the Government.
52.211-5	Material Requirements (AUG 00). "Contracting Officer" shall mean Buyer. Any notice will be given to Buyer rather than the Contracting Officer.
52.215-2	Audit and Records-Negotiation (JUN 99). This clause applies only if this contract exceeds the FAR simplified acquisition threshold and (i) is cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable type or any combination of these types; (ii) Seller was required to provide cost or pricing data; or (iii) Seller is required to furnish reports as discussed in paragraph (e) of the referenced clause.
52.215-14	Integrity of Unit Prices (OCT 97) (excluding paragraph (b)). This clause applies only if this contract exceeds the FAR simplified acquisition threshold or is not for construction or architect-engineer services under FAR Part 36, utility services under FAR Part 41, services where supplies are not required, commercial items, and petroleum products.
52.219-8	Utilization of Small Business Concerns (OCT 00). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold.
52.222-4	Contract Work Hours and Safety Standards Act – Overtime Compensation (SEP 00). This clause applies only if this contract exceeds \$100,000. Buyer may withhold or recover from Seller the amount of any sums the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors at any tier under this clause.
52.222-26	Equal Opportunity (FEB 99) [subparagraphs (b)(1) through (11)]. "Only subparagraphs (b)(1)-(11) applies."
52.222-35	Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era. (APR 84). This clause applies only if this contract is for \$10,000 or more.
52.222-36	Affirmative Action for Workers with Disabilities. (JUN 98). This clause applies only if this contract exceeds \$10,000.
52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 01). This clause applies only if this contract exceeds \$25,000.00
52.223-3	Hazardous Material Identification and Material Safety Data (Jan 97). PO reflects invalid date of (MAR 01). This clause applies only if hazardous material will be delivered.
52.223-7	Notice of Radioactive Materials (JAN 97). In paragraph (a), insert "sixty (60)" before "days."
52.223-11	Ozone-Depleting Substances (MAY 01). PO reflects invalid date of (MAR 01)
52.223-13	Certification of Toxic Chemical Release Reporting (OCT 00). This clause applies only if this contract is expected to exceed \$100,000 in value and is being competitively awarded. Clause date is not reflected in the PO.
52.223-14	Toxic Chemical Release Reporting (OCT 00) [excluding paragraph (e)]. This clause applies only if this contract was competitively awarded, exceeds \$100,000 (including all options), and Seller has a SIC designation of major groups 20 through 39 as set forth in FAR 19.102.
52.225-1	Buy American Act-Balance of Payments-Supplies (FEB 00). This clause does not apply if this contract is placed under a Department of Defense (DoD) contract.
52.225-8	Duty-Free entry (FEB 00). This clause applies only if supplies are to be afforded duty-free entry or foreign supplies in excess of \$10,000 may be imported into the customs territory of the United States. For the purposes of this clause, the blank(s) are completed as follows: (g)(4) The notation "UNITED STATES GOVERNMENT, DEPARTMENT OF DEFENSE, Duty-free entry to be claimed pursuant to Schedule 8, Part 3, Item No. 832.00 Tariff Schedules of the United States (19 U.S.C.1202). Upon arrival of shipment at port of entry, District Director of Customs, please release shipment under 19 CFR 142 and notify the appropriate contract administration office for execution of Customs Forms 7501-A and any required duty-free entry certificates."
52.225-13	Restrictions on Certain Foreign Purchases (FEB 00).
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (AUG 96). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. A copy of each notice sent to the Government will be sent to Buyer. "Contracting Officer" shall mean Buyer.
52.227-9	Refund of Royalties (APR 84). This clause applies only if the amount of royalties reported during negotiation of the contract exceeds \$250.
52.227-10	Filing of Patent Applications – Classified Subject Matter (APR 84). This clause applies only if this contract will involve access to classified information.
52.228-5	Insurance--Work on Government Installation (JAN 97). This clause applies only if this contract exceeds the FAR simplified acquisition threshold and applies only if work is to be done on a Government installation.
52.242-15	Stop Work Order (AUG 89). Change "90 days" and "30 days" to "100 days" and "20 days" respectively. The "Termination for Convenience" clause shall refer to the Termination for Convenience clause of this contract. "Contracting Officer" and "Government" shall mean Buyer.
52.244-6	Subcontracts for Commercial Items and Commercial Components (DEC 01).
52.245-2	Government Property (Fixed Price Contracts) (DEC 89). "Government" shall mean Government or Buyer throughout except the first time it appears in paragraph (f).
52.247-63	Preference for U.S.-Flag Air Carriers (JAN 97). This clause applies only if this contract may involve international air transportation.
52.247-64	Preference for Privately Owned U.S. Flag Commercial Vessels (JUN 00). This clause applies if this contract exceeds the FAR Simplified Acquisition Threshold. In subparagraph (c)(2), "20" and "30" are changed to "10" and "20" respectively.

52.248-1	Value Engineering (FEB 00) [excluding paragraph (f)]. This clause applies if this contract is for \$100,000 or more. Share percentages are stated elsewhere in this order. "Contracting Officer" shall mean Buyer. If a Value Engineering Change Proposal is accepted by the Government, Seller's share will be 50% of the instant concurrent and future contract net acquisition savings and collateral savings that Buyer receives from the Government. Seller's negotiated share of net acquisition savings or collateral savings shall not reduce the Government's share of concurrent or future savings or collateral savings. Buyer's payments to Seller under this clause are conditioned upon Buyer's receipt of authorization for such payments from the Government.
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (MAR 99) [excluding paragraph (g)]. This clause applies only if this contract equals or exceeds \$100,00.00. "Contractor" is not changed in paragraphs (a) and (b). In paragraph (e), "Government" shall mean Government or Buyer. In paragraph (f), "through the Buyer" is inserted after "Contracting Officer." Paragraph (g) is deleted.
252.209-7000	Acquisition from Subcontractors Subject to On-Site Inspection Under the Intermediate – Range Nuclear Forces (INF) Treaty (NOV 95). This clause applies only if this contract exceeds the FAR simplified acquisition threshold.
252.211-7000	Acquisition Streamlining (DEC 91). This clause applies only if this contract is for \$1 million or more.
252.223-7001	Hazard Warning Labels (DEC 91). This clause applies only if Seller delivers hazardous material under this contract.
252.223-7002	Safety Precautions for Ammunition and Explosives (MAY 94). This clause applies only if this contract involves ammunition or explosives. "Government" means Government or Buyer in paragraph (e), the first time it appears in (g)(1)(i), and in (g)(3). "Government" means Government or Buyer in paragraphs (c)(3), (c)(4), (c)(5), (e)(1)(ii), (f)(1), (f)(2), and the second time it appears in (g)(1)(i). "Contracting Officer" shall mean Contracting Officer and Buyer in paragraphs (d)(1), (d)(3), and (g)(4). "Contracting Officer" shall mean Contracting Officer or Buyer in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and (d)(2).
252.223-7003	Change in Place of Performance–Ammunition and Explosives (DEC 91). This clause applies only if DFARS 252.223-7002 applies.
252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives (SEP 99). This clause applies only to contracts involving Arms, Ammunition, and Explosives.
252.225-7010	Duty -Free Entry–Additional Provisions (AUG 00). This clause applies only if FAR 52.225-10 is applicable. Seller shall request needed information from Buyer.
252.225-7014	Preference for Domestic Specialty Metals (MAR 98). This clause applies only if the goods contain specialty metal(s).
252.225-7014	ALT I - Preference for Domestic Specialty Metals (MAR 98).
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (Dec 00). This clause applies only if an item contains a ball or roller bearing.
252.225-7026	Reporting of Contract Performance Outside the United States (JUN 00). This clause applies only if the contract exceeds \$500,000 and is not for commercial items, construction, ores, natural gases, utilities, petroleum products and crudes, timber (logs), or subsistence.
252.225-7032	Waiver of United Kingdom Levies (OCT 92). This clause applies only if this contract is for \$1 million or more and is with a United Kingdom firm, or if a lower tier subcontract over \$1 million with a United Kingdom firm is anticipated.
252.225-7043	Anti-terrorism/Force Protection Policy for Defense Contractors Outside United States (JUN 98).
252.227-7013	Rights in Technical Data-Noncommercial Items (NOV 95). This clause applies only if the delivery of data is required for non-commercial items under this contract.
252.227-7016	Rights in Bid or Proposal Information (JUN 95). This clause applies only if DFARS 252.227-7013, Rights in Technical Data-Noncommercial Items, or DFARS 252.227-7014, Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation, applies.
252.227-7019	Validation of Asserted Restrictions – Computer Software (JUN 95). This clause applies only if DFARS 252.227-7014, Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation, applies.
252.227-7026	Deferred Delivery of Technical Data or Computer Software (APR 88). This clause applies only if the delivery of data is required or if computer software may be originated, developed, or delivered under this contract.
252.227-7030	Technical Data – Withholding of Payment (MAR 00). This clause applies only if the delivery of data is required by this contract. "Contracting Officer" and "Government" shall mean Buyer.
252.227-7036	Declaration of Technical Data Conformity (JAN 97). This clause applies only if the delivery of data is required by this contract.
252.227-7037	Validation of Restrictive Markings on Technical Data (SEP 99). This clause applies only if DFARS 252.227-7013, Rights in Technical data-Noncommercial Items, applies.
252.247-7023	Transportation of Supplies by Sea (MAR 00). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In the first sentence of paragraph (d), "45 days" is changed to "60 days." In paragraph (e), "30 days" is changed to "20 days."
252.247-7024	Notification of Transportation of Supplies by Sea (MAR 00). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" shall mean Buyer.
252.249-7002	Notification of Anticipated Contract Termination or Reduction (DEC 96). This clause applies only if this contract exceeds \$500,000. In paragraph (c), "two weeks" is changed to "10 days."

REVISION TABLE

Revision Number	Original Issue Date	Revision Date	Remarks
	5 Nov 2002		Original Purchase Order and Change Order dated 1 Aug 02