

# GCC

## (Government Contract Clauses)

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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.

### REVISION 2

Contract Number: **F08635-99-C-0118** thru **P00045** (dated 25 Sep 02)

Effective Date of Contract: **16 Aug 99** (Basic)

Program: **Joint Direct Attack Munition (JDAM)**

## 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. <i>Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.</i>
52.219-8	Utilization of Small Business Concerns (MAR 99). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold. <i>Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.</i>
52.222-26	Equal Opportunity (APR 02) [subparagraphs (b)(1) through (11)]. <i>Per P00017, this clause is applicable to all CLINS.</i>
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. <i>Per P00017, this clause is applicable to all CLINS.</i>
52.222-36	Affirmative Action for Workers with Disabilities. (JUN 98). This clause applies only if this contract exceeds \$10,000. <i>Per P00017, this clause is applicable to all CLINS.</i>
52.244-6	Subcontracts for Commercial Items and Commercial Components (OCT 98). <i>Per P00017, this clause is applicable to all CLINS.</i>
252.225-7014	Preference for Domestic Specialty Metals (MAR 98). This clause applies only if the goods contain specialty metal(s). <i>Per P00017, this clause is applicable to all CLINS.</i>
252.225-7014	ALT I - Preference for Domestic Specialty Metals (MAR 98). <i>Per P00017, this clause is applicable to all CLINS.</i>
252.247-7023	Transportation of Supplies by Sea (NOV 95). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In the first sentence of paragraph (c), "45 days" is changed to "60 days." <i>Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.</i>
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. <i>Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond</i>
252.247-7024	Notification of Transportation of Supplies by Sea (NOV 95). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" shall mean Buyer. <i>Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.</i>

## 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. <i>Per P00017, this clause is applicable to all CLINS.</i>

52.203-8	Cancellation, Rescission and Recovery of Funds for Illegal or Improper Activity (JAN 97). This clause applies to this contract if Seller, its employees, officers, directors or agents participated personally and substantially in any part of the preparation of a proposal for this contract. Seller shall indemnify Buyer for any and all losses suffered by Buyer due to violations of the Act (as set forth in this clause) by Seller or its subcontractors at any tier. Per P00017, this clause is applicable to all CLINS.
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (JAN 97). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. If the Government reduces Buyer's price or fee for violations of the Act by Seller or its subcontractors at any tier, Buyer may withhold from sums owed Seller the amount of the reduction. Per P00017, this clause is applicable to all CLINS
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. Per P00017, this clause is applicable to all CLINS.
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. Per P00017, this clause is applicable to all CLINS
52.211-5	Material Requirements (AUG 00). "Contracting Officer" shall mean Buyer. Any notice will be given to Buyer rather than the Contracting Officer. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
52.211-5	Material Requirements (OCT 97). "Contracting Officer" shall mean Buyer. Any notice will be given to Buyer rather than the Contracting Officer. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
52.211-15	Defense Priority and Allocation Requirements (SEP 90). Per P00017, this clause is applicable to all CLINS
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
52.215-2	Audit and Records-Negotiation (AUG 96). 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. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
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. Per P00017, this clause is applicable to all CLINS.
52.215-14	ALT I Integrity of Unit Prices (OCT 97). Per P00017, this clause is applicable to all CLINS.
52.219-8	Utilization of Small Business Concerns (OCT 00). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond
52.219-8	Utilization of Small Business Concerns (MAR 99). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
52.222-20	Walsh-Healey Public Contracts Act (DEC 96). This clause applies only if this contract exceeds \$10,000. Per P00017, this clause is applicable to all CLINS.
52.222-26	Equal Opportunity (FEB 99) [subparagraphs (b)(1) through (11)]. Per P00017, this clause is applicable to all CLINS.
52.222-35	Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era. (APR 98). This clause applies only if this contract is for \$10,000 or more. Per P00017, this clause is applicable to all CLINS.
52.222-36	Affirmative Action for Workers with Disabilities. (JUN 98). This clause applies only if this contract exceeds \$10,000. Per P00017, this clause is applicable to all CLINS.
52.222-37	Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (JAN 99). This clause applies only if this contract exceeds \$10,000. Per P00017, this clause is applicable to all CLINS.
52.223-3	Hazardous Material Identification and Material Safety Data (JAN 97). This clause applies only if hazardous material will be delivered. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
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." Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
52.225-10	Duty-Free Entry (APR 84). 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: (f)(3) 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." Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.

52.225-11	Restrictions on Certain Foreign Purchases (AUG 98). "Contracting Officer" shall mean Buyer. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
52.225-13	Restrictions on Certain Foreign Purchases (JUL 00). Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
52.227-1	Authorization and Consent (JUL 95). Per P00017, this clause is applicable to all CLINS.
52.227-1	ALT I - Authorization and Consent (APR 84). Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
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. Per P00017, this clause is applicable to all CLINS.
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
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. Per P00017, this clause is applicable to all CLINS.
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. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
52.244-5	Competition in Subcontracting (DEC 96). Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
52.244-6	Subcontracts for Commercial Items and Commercial Components (OCT 98). Per P00017, this clause is applicable to all CLINS.
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). Per P00017, this clause is applicable to all CLINS.
52.246-23	Limitation of Liability (FEB 97). Per P00017, this clause is applicable to all CLINS.
52.246-24	Limitation of Liability--High Value Items (FEB 97). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In paragraph (e), "Government's" shall mean Government's or Buyer's. Per P00017, this clause is applicable to all CLINS.
52.246-25	Limitation of Liability – Services (FEB 97). Per P00017, this clause is applicable to all CLINS.
252.204-7000	Disclosure of Information (DEC 91). Seller will submit requests for authorization to re-release through Buyer. Per P00017, this clause is applicable to all CLINS.
252.223-7001	Hazard Warning Labels (DEC 91). This clause applies only if Seller delivers hazardous material under this contract. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.225-7001	Buy American Act And Balance Of Payments Program (MAR 98). Per P00017, this clause is applicable to all CLINS.
252.225-7002	Qualifying Country Sources as Subcontractors (DEC 91). This clause applies only if DFARS 252.225-7001 is applicable. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.225-7010	Duty -Free Entry--Additional Provisions (MAR 98). This clause applies only if FAR 52.225-10 is applicable. Seller shall request needed information from Buyer. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.225-7012	Preference for Certain Domestic Commodities (JAN 99). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.225-7014	Preference for Domestic Specialty Metals (MAR 98). This clause applies only if the goods contain specialty metal(s). Per P00017, this clause is applicable to all CLINS.
252.225-7014	ALT I - Preference for Domestic Specialty Metals (MAR 98). Per P00017, this clause is applicable to all CLINS.
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (AUG 98). This clause applies only if an item contains a ball or roller bearing. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.225-7022	Restriction on Acquisition of Polyacrylonitrile (PAN) Based Carbon Fiber (JUN 97). "Contracting Officer" shall mean Buyer. This clause applies only if the product furnished under this contract contains Polyacrylonitrile carbon fibers (alternatively referred to as PAN-based carbon fibers or PAN-based graphite fibers). Per P00017, this clause is applicable to all CLINS. Contract reflects: "Notice: This clause does not apply to MK-84 and BLU-109 variant hardware, or components thereof."
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
252.225-7026	Reporting of Contract Performance Outside the United States (MAR 98). 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. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
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. Per P00017, this clause is applicable to all CLINS.
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (JUN 95). This clause applies only if non-commercial computer software or non-commercial computer documentation may be originated, developed, or delivered under this contract. Per P00017, this clause is applicable to all CLINS. Contract reflects: "Para (e)(3). Insert Reference to Proposal or Attachment. See Section H, Clause H3 entitled 'Rights in Technical Data and Computer Software (MAY 99).'"
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. Per P00017, this clause is applicable to all CLINS.

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. Per P00017, this clause is applicable to all CLINS.
252.227-7027	Deferred Ordering of Technical Data or Computer Software (APR 88). This clause applies only if technical data or computer software may be generated as part of the performance of this contract. Per P00017, this clause is applicable to all CLINS.
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
252.227-7030	Technical Data – Withholding of Payment (OCT 88). This clause applies only if the delivery of data is required by this contract. "Contracting Officer" and "Government" shall mean Buyer. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.227-7036	Declaration of Technical Data Conformity (JAN 97). This clause applies only if the delivery of data is required by this contract. Per P00017, this clause is applicable to all CLINS.
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
252.227-7037	Validation of Restrictive Markings on Technical Data (NOV 95). This clause applies only if DFARS 252.227-7013, Rights in Technical data-Noncommercial Items, applies. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.235-7003	Frequency Authorization (DEC 91). This clause applies only if this contract involves developing, producing, testing, or operating a device requiring radio frequency authorization. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.235-7003	ALT I - Frequency Authorization (DEC 91). Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
252.244-7000	Subcontracts for Commercial Items and Commercial Components (DoD Contracts) (MAR 00). Per P00017, this clause is applicable to all CLINS.
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." Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
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. Per P00017, this clause is applicable to CLINs 1 thru 18, 20 thru 24, 26 thru 31, 34 thru 36, 38, and beyond.
252.247-7024	Notification of Transportation of Supplies by Sea (NOV 95). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" shall mean Buyer. Per P00017, this clause is applicable to CLINs 0019, 0025, 0032, 0033, and 0037.
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." Per P00017, this clause is applicable to all CLINS.

REVISION TABLE

Revision Number	Original Issue Date	Revision Date	Remarks
	16 Nov 1999		Basic contract
1		9 May 2002	A GCC Rev 1 was published. (A PCS Rev 1 was NOT published).
2		22 Nov 2002	A PCS and GCC were published through Mod P00045 dated 25 2002