



## Section 9 : GOVERNMENT CONTRACT REQUIREMENTS

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CLAUSE 963 (11/7/96)

HUGHES SUBCONTRACT 8K-836132-7I6

(DASG60-90-C-0166)

GBI/EKV PROGRAM

### GOVERNMENT CONTRACT REQUIREMENTS

(a) The following contract clauses are incorporated by reference from the Federal Acquisition Regulation and apply to the extent indicated. In all of the following clauses, "Contractor" and "Offeror" shall mean Seller.

(1) 52.203-6 Restrictions on Subcontractor Sales to the Government (JUL 1985)

(2) 52.203-7 Anti-Kickback Procedures (OCT 1988) [excluding subparagraph (c)(1)]. Buyer may withhold from sums owed Seller the amount of any kickback paid by Seller or its subcontractors at any tier if (a) the Contracting Officer so directs, or (b) the Contracting Officer has offset the amount of such kickback against money owed Buyer under the prime contract.

(3) 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (APR 1991). This clause applies only if this contract exceeds \$100,000.

(4) 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (JAN 1990). This clause applies only if this contract exceeds \$100,000. Paragraph (c) (4) is modified to read as follows: "(c) (4) Seller will promptly submit any disclosure required (with written notice to Buyer) directly to the PCO for the prime contract. Buyer will identify the cognizant Government PCO at Seller's request. Each subcontractor certification will be retained in the subcontract file of the awarding contractor."

(5) 52.204-2 Security Requirements (APR 1984) (excluding any reference to the Changes clause of this contract). This clause applies only if access to classified material is required.

(6) 52.208-1 Required Sources for Jewel Bearings and Related Items (APR 1984)

(7) 52.210-5 New Material (APR 1984). "Contracting Officer" shall mean Buyer.

(8) 52.210-7 Used or Reconditioned Material, Residual Inventory and Former Government Surplus Property (APR 1984). "Contracting Officer" shall mean Buyer.

(9) 52.211-15 Defense Priority and Allocation Requirements (SEP 1990)

(10) 52.215-1 Examination of Records by Comptroller General (APR 1984). This clause applies only if this contract exceeds

\$25,000.

(11) 52.215-2 Audit -- Negotiation (DEC 1989). This clause applies only if this contract exceeds \$25,000.

(12) 52.215-26 Integrity of Unit Prices (OCT 1991) [excluding paragraph (c)]

(13) 52.215-27 Termination of Defined Benefit Pension Plans (SEP 1989). This clause applies only if under this contract certified cost or pricing data is required and preaward or postaward cost determinations are subject to FAR subpart 31.2. Buyer may withhold or recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors under this clause. "Contracting Officer" shall mean Buyer.

(14) 52.215-39 Reversion or Adjustment of Plans for Postretirement Benefits Other Than Pensions (PRB) (JUL 1991). This clause applies only if under this contract certified cost or pricing data is required or preaward or postaward cost determinations are subject to FAR subpart 31.2. Buyer may withhold or recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors under this clause. "Contracting Officer" shall mean Buyer.

(15) 52.219-8 Utilization of Small Business Concerns and Small Disadvantaged Business Concerns (FEB 1990)

(16) 52.219-9 Small Business and Small Disadvantaged Business Subcontracting Plan (JAN 1991). This clause applies only if this contract exceeds \$500,000 and Seller is not a small business concern. In paragraph (c), "Contracting Officer" shall mean Buyer.

(17) 52.220-3 Utilization of Labor Surplus Area Concerns (APR 1984)

(18) 52.220-4 Labor Surplus Area Subcontracting Program (APR 1984). This clause applies only if this contract exceeds \$500,000.

(19) 52.222-1 Notice to the Government of Labor Disputes (APR 1984). "Contracting Officer" shall mean Buyer.

(20) 52.222-4 Contract Work Hours and Safety Standards Act -- Overtime Compensation (MAR 1986). Buyer may withhold or recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors under this clause.

(21) 52.222-20 Walsh-Healey Public Contracts Act (APR 1984). This clause applies only if this contract exceeds \$10,000.

(22) 52.222-26 Equal Opportunity (APR 1984) [subparagraphs (b)(1) through (11)]

(23) 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 1984). This clause applies only if this contract is for \$10,000 or more.

(24) 52.222-36 Affirmative Action for Handicapped Workers (APR 1984). This clause applies only if this contract exceeds \$2,500.

(25) 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 1988). This clause applies only if this contract is for \$10,000 or more.

(26) 52.223-2 Clean Air and Water (APR 1984). This clause applies only if this contract exceeds \$100,000.

- (27) 52.225-10 Duty-Free Entry (APR 1984). 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
- (28) 52.225-11 Restrictions on Certain Foreign Purchases (APR 1991)
- (29) 52.227-1 Authorization and Consent (APR 1984), Alternate I (APR 1984)
- (30) 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (APR 1984). This clause applies only if this contract exceeds \$100,000. A copy of each notice sent to the Government will be sent to Buyer.
- (31) 52.227-10 Filing of Patent Applications -- Classified Subject Matter (APR 1984)
- (32) 52.244-5 Competition in Subcontracting (APR 1984)
- (33) 52.245-2 Government Property (DEC 1989)
- (34) 52.247-63 Preference for U.S. - Flag Air Carriers (APR 1984)
- (35) 52.247-64 Preference for Privately Owned U.S. - Flag Commercial Vessels (APR 1984), Alternate I (APR 1984). This clause applies only if this contract exceeds \$25,000.
- (36) 52.248-1 Value Engineering (MAR 1989) [excluding subparagraph (f)]. This clause applies only if this contract is for \$100,000 or more. "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.
- (b) The following contract clauses are incorporated by reference from the Department of Defense Federal Acquisition Regulation Supplement and apply to the extent indicated. In all of the following clauses, "Contractor" and "Offeror" shall mean Seller.
- (1) 252.203-7001 Special Prohibition on Employment (MAR 1989) [excluding paragraph (g)]. This clause applies only if this contract exceeds \$25,000.
- (2) 252.209-7000 Acquisition From Subcontractors Subject to On-Site Inspection Under the Intermediate-Range Nuclear Forces (INF) Treaty (DEC 1991). This clause applies only if this contract exceeds \$100,000 and is not for commercial or commercial-type products (see FAR 11.001).
- (3) 252.225-7009 Duty-Free Entry -- Qualifying Country End Products and Supplies (DEC 1991)
- (4) 252.225-7025 Foreign Source Restrictions (APR 1993)
- (5) 252.225-7026 Reporting of Overseas Subcontracts (DEC 1991). This clause applies only if this contract exceeds \$100,000.
- (6) 252.227-7013 Rights in Technical Data and Computer Software (OCT 1988). This clause applies only if the delivery of technical data is required or where computer software may be originated, developed or delivered under this contract.

- (7) 252.227-7018 Restrictive Markings on Technical Data (OCT 1988). This clause applies only if the delivery of technical data is required by this contract.
- (8) 252.227-7027 Deferred Ordering of Technical Data or Computer Software (APR 1988). This clause applies only if technical data or computer software may be generated as part of the performance of this contract.
- (9) 252.227-7037 Validation of Restrictive Markings on Technical Data (APR 1988). This clause applies only if the delivery of technical data is required under this contract.
- (10) 252.228-7005 Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (DEC 1991)
- (11) 252.235-7003 Frequency Authorization (DEC 1991)
- (12) 252.247-7023 Transportation of Supplies by Sea (DEC 1991). This clause applies only if this contract exceeds \$100,000.
- (13) 252.247-7024 Notification of Transportation of Supplies by Sea (DEC 1991). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" mean Buyer.

## [Section 9](#)

### [Terms and Conditions Guide](#)