



Section 9 : GOVERNMENT CONTRACT REQUIREMENTS

CLAUSE 965 (11/20/96)

F33657-95-D-2026

C-17 PEPI 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) 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (SEP 1990). This clause applies only if this contract exceeds \$100,000. 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 or recover from Seller the amount of the reduction.

(4) 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.

(5) 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."

(6) 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.

(7) 52.211-15 Defense Priority and Allocation Requirements (SEP 1990)

(8) 52.215-1 Examination of Records by Comptroller General (FEB 1993). This clause applies only if this contract exceeds \$25,000.

(9) 52.215-2 Audit -- Negotiation (FEB 1993). This clause applies only if this contract exceeds \$25,000.

(10) 52.215-26 Integrity of Unit Prices (APR 1991) [excluding paragraph (c)]

- (11) 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.
- (12) 52.215-30 Facilities Capital Cost of Money (SEP 1987). This clause applies only if Seller includes facilities capital cost of money as a proposed cost of this contract.
- (13) 52.215-31 Waiver of Facilities Capital Cost of Money (SEP 1987). This clause applies only if Seller did not include facilities capital cost of money as a proposed cost of this contract.
- (14) 52.215-39 Reversion or Adjustment of Plans for Postretirement Benefits Other Than Pensions (PRB) (FEB 1995). 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 (FEB 1995). 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) 52.219-13 Utilization of Women-Owned Small Businesses (AUG 1986)
- (18) 52.220-3 Utilization of Labor Surplus Area Concerns (APR 1984)
- (19) 52.220-4 Labor Surplus Area Subcontracting Program (APR 1984). This clause applies only if this contract exceeds \$500,000.
- (20) 52.222-1 Notice to the Government of Labor Disputes (APR 1984). "Contracting Officer" shall mean Buyer.
- (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 (MAY 1992)

(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 \$25,000. 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) 52.237-2 Protection of Government Buildings, Equipment, and Vegetation (APR 1984). This clause applies only if this contract requires work on a Government installation.

(33) 52.244-5 Competition in Subcontracting (APR 1984)

(34) 52.245-2 Government Property (DEC 1989)

(35) 52.245-18 Special Test Equipment (FEB 1993)

(36) 52.246-23 Limitation of Liability (APR 1984)

(37) 52.253-1 Computer Generated Forms (JAN 1991)

(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 (APR 1993) [excluding paragraph (g)]. This clause applies only if this contract exceeds \$25,000.

(2) 252.204-7000 Disclosure of Information (DEC 1991). Seller will submit requests for authorization to release through Buyer.

(3) 252.204-7003 Control of Government Personnel Work Product (APR 1992)

(4) 252.205-7000 Provision of Information to Cooperative Agreement Holders (DEC 1991)

(5) 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).

(6) 252.211-7000 Acquisition Streamlining (DEC 1991). This clause applies only if this contract exceeds \$1,000,000.

(7) 252.215-7000 Pricing Adjustments (DEC 1991)

(8) 252.219-7003 Small Business and Small Disadvantaged Business Subcontracting Plan (DoD Contracts) (MAY 1994)

- (9) 252.225-7010 Duty-Free Entry -- Additional Provisions (DEC 1991). This clause applies if FAR 52.225-10 applies. Additional information referenced in this clause is available on request.
- (10) 252.225-7014 Preference for Domestic Specialty Metals (DEC 1991), Alternate I (DEC 1991)
- (11) 252.225-7015 Preference for Domestic Hand or Measuring Tools (DEC 1991)
- (12) 252.225-7017 Preference for United States and Canadian Valves and Machine Tools (APR 1992)
- (13) 252.225-7026 Reporting of Contract Performance Outside the United States (APR 1993). This clause applies only if this contract exceeds \$100,000 and is not for commercial items as defined in DFARS 211.7001.
- (14) 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.
- (15) 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.
- (16) 252.227-7029 Identification of Technical Data (APR 1988). This clause applies only if the delivery of technical data is required under this contract.
- (17) 252.227-7030 Technical Data - Withholding of Payment (OCT 1988). In this clause, "Government" and "Contracting Officer" shall mean Buyer. This clause applies only if the delivery of technical data is required under this contract.
- (18) 252.227-7031 Data Requirements (OCT 1988). Modified to delete "DD Form 1423 (Contract Requirements List)" and to substitute "Data Requirements List" in lieu thereof.
- (19) 252.227-7036 Certification of Technical Data Conformity (MAY 1987). This clause applies only if the delivery of technical data is required under this contract.
- (20) 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.
- (21) 252.228-7005 Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (DEC 1991)
- (22) 252.231-7000 Supplemental Cost Principles (DEC 1991)
- (23) 252.235-7003 Frequency Authorization (DEC 1991)
- (24) 252.243-7001 Pricing of Contract Modifications (DEC 1991)
- (25) 252.247-7023 Transportation of Supplies by Sea (DEC 1991). This clause applies only if this contract exceeds \$100,000.
- (26) 252.249-7001 Notification of Substantial Impact on Employment (DEC 1991). This clause applies only if this contract is \$500,000 or more.
- (27) 252.249-7002 Notification of Proposed Program Termination or Reduction (MAY 1994). This clause applies only if

this contact is \$500,000 or more. Seller will comply with the notice and flowdown requirements of paragraph (d)(2) of the referenced clause.

(28) 252.251-7000 Ordering From Government Supply Sources (DEC 1991)

(c) Cost Accounting Standards

If clause 383 or 384 is incorporated in this contract, the date of the "Administration of Cost Accounting Standards" clause (FAR 52.230-5) is hereby changed from AUG 1992 to FEB 1995.

(d) Rights in Data

All technical data pertaining to items, components, processes, or computer software developed exclusively or in part at private expense (except for the categories of data in DFARS 252.227-7013(b)(1)) and which is deliverable or accessible to the Government under this contract shall be delivered with Government Purpose License Rights (GPLR) as defined in DFARS 252.227-7013. Notwithstanding the above, the Government will not have the right to use any such data for competitive purposes. (DFARS 252.227-7013 referenced in this clause is the version dated OCT 1988.)