



## Section 9 : GOVERNMENT CONTRACT REQUIREMENTS

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### CLAUSE 91W (4/17/02)

#### NAS10-00-001

### GOVERNMENT CONTRACT REQUIREMENTS

(a) The following contract clauses are incorporated by reference from the Federal Acquisition Regulation and apply to the extent indicated. Unless provided for otherwise elsewhere in this contract, only subparagraphs (5), (6), and (7) of this paragraph (a) shall apply to any portion of this contract that is for commercial items or commercial components, as those terms are defined at FAR 52.202-1. In all of the following clauses, "Contractor" and "Offeror" shall mean Seller.

- (1) 52.203-6 Restrictions on Subcontractor Sales to the Government (JUL 1995). This clause applies only if this contract exceeds \$100,000.
- (2) 52.219-8 Utilization of Small Business Concerns (OCT 1999)
- (3) 52.219-9 Small Business Subcontracting Plan (OCT 1999). 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.
- (4) 52.222-1 Notice to the Government of Labor Disputes (FEB 1997). "Contracting Officer" shall mean Buyer.
- (5) 52.222-26 Equal Opportunity (FEB 1999) [subparagraphs (b)(1) through (11)]
- (6) 52.222-35 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (APR 1998). This clause applies only if this contract is for \$10,000 or more.
- (7) 52.222-36 Affirmative Action for Workers With Disabilities (JUN 1998). This clause applies only if this contract exceeds \$10,000.
- (8) 52.222-37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (JAN 1999). This clause applies only if this contract is for \$10,000 or more.
- (9) 52.225-13 Restrictions on Certain Foreign Purchases (FEB 2000)
- (10) 52.227-14 Rights in Data -- General (JUN 1987) and Alternates II and III (JUN 1987) -- As modified by NASA FAR Supplement 18-52.227-14. This clause applies only if data will be produced, furnished, or acquired under this contract.

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

- (1) 18-52.219-74 Use of Rural Area Small Businesses (SEP 1990). This clause applies only if this contract offers

subcontracting possibilities.

(2) 18-52.219-75 Small Business Subcontracting Reporting (MAY 1999). This clause applies only if this contract exceeds \$500,000 and Seller is not a Small Business concern

(3) 18-52.219-76 NASA 8 Percent Goal (JUL 1997). This clause applies only if Seller is not a small business.

(4) 18-52.223-70 Safety and Health (MAR 1997). This clause applies only if this contract exceeds \$1,000,000; requires construction, repairs, or alteration in excess of \$25,000; or involves the use of hazardous materials or operations.

(5) 18-52.225-70 Export Licenses (FEB 2000), Alternate I (FEB 2000)

(6) 18-52.227-14 Rights in Data - General. This clause applies only if data will be produced, furnished, or acquired under this contract except contracts for basic or applied research with universities or colleges.

(7) 18-52.227-72 Designation of New Technology Representative and Patent Representative (JUL 1997). **Insert in paragraph (a): New Technology Representative, Dave Makufka, M/C YA-C, John F. Kennedy Space Center, NASA, Kennedy Space Center, FL 32899; Patent Representative/Chief, Diana Cox, M/C CC, John F. Kennedy Space Center, NASA Kennedy Space Center, FL 32899.**

(8) 18-52.227-71 Requests for Waiver of Rights to Inventions (APR 1984)

(9) 18.52.228-78 Cross-Waiver of Liability for NASA Expendable Launch Vehicle (ELV) Launches (SEP 1993)

(c) Compliance with laws unique to Government contracts. Seller agrees to comply with 40 U.S.C. 327, et seq., Contract Work Hours and Safety Standards Act (in accordance with FAR 12.504(b), certain requirements of this law have been eliminated for subcontracts at any tier for the acquisition of commercial items or commercial components) and 41 U.S.C. 51-58, Anti-Kickback Act of 1986.