

CONTRACT CLAUSES

52.212-5

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (AUG 2011)

(IAW FAR 12.301(b)(4))

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

- (1) **52.222-50**, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104(g)).
Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).
- (2) **52.233-3**, Protest After Award (Aug 1996) (31 U.S.C. 3553).
- (3) **52.233-4**, Applicable Law for Breach of Contract Claim (Oct 2004) (Pub. L. 108-77, 108-78).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

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|-------------------------------------|------|--|
| <input checked="" type="checkbox"/> | (1) | 52.203-6 , Restrictions on Subcontractor Sales to the Government (Sep 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402). |
| <input type="checkbox"/> | (2) | 52.203-13 , Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)). |
| <input type="checkbox"/> | (3) | 52.203-15 , Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.) |
| <input checked="" type="checkbox"/> | (4) | 52.204-10 , Reporting Executive Compensation and First-Tier Subcontract Awards (Jul 2010) (Pub. L. 109-282) (31 U.S.C. 6101 note). |
| <input type="checkbox"/> | (5) | 52.204-11 , American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-15). |
| <input checked="" type="checkbox"/> | (6) | 52.209-6 , Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Dec 2010) (31 U.S.C. 6101 note). |
| 52.212-5 | (7) | 52.209-10 , Prohibition on Contracting with Inverted Domestic Corporations (section 740 of Division C of Public Law 111-117, section 743 of Division D of Public Law 111-8, and section 745 of Division D of Public Law 110-161). |
| <input checked="" type="checkbox"/> | (8) | 52.219-3 , Notice of Total HUBZone Set-Aside or Sole-Source Award (Jan 2011) (15 U.S.C. 657a). |
| <input type="checkbox"/> | (9) | 52.219-4 , Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a). |
| <input type="checkbox"/> | (10) | [Reserved] |
| <input type="checkbox"/> | (11) | (i) 52.219-6 , Notice of Total Small Business Set-Aside (June 2003) (15 U.S.C. 644). |
| <input type="checkbox"/> | (11) | (ii) Alternate I (Oct 1995) of 52.219-6. |
| <input type="checkbox"/> | (11) | (iii) Alternate II (Mar 2004) of 52.219-6. |
| <input type="checkbox"/> | (12) | (i) 52.219-7 , Notice of Partial Small Business Set-Aside (June 2003) (15 U.S.C. 644). |
| <input type="checkbox"/> | (12) | (ii) Alternate I (Oct 1995) of 52.219-7. |
| <input type="checkbox"/> | (12) | (iii) Alternate II (Mar 2004) of 52.219-7. |
| <input checked="" type="checkbox"/> | (13) | 52.219-8 , Utilization of Small Business Concerns (Jan 2011) (15 U.S.C. 637(d)(2) and (3)). |
| <input type="checkbox"/> | (14) | (i) 52.219-9 , Small Business Subcontracting Plan (Jan 2011) (15 U.S.C. 637(d)(4)). |
| <input type="checkbox"/> | (14) | (ii) Alternate I (Oct 2001) of 52.219-9. |

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- _____ (14) (iii) **Alternate II** (Oct 2001) of 52.219-9.
- _____ (14) (iv) **Alternate III** (Jul 2010) of 52.219-9.
- _____ (15) **52.219-14**, Limitations on Subcontracting (Dec 1996)(15 U.S.C. 637(a)(14)).
- _____ (16) **52.219-16**, Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- _____ (17) (i) **52.219-23**, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Oct 2008)(10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer). (In accordance with DDP Memo dated 11 Feb 2009, DAR Tracking Number 2009-O0003, Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses, this clause is suspended in DoD. Applies to all solicitations issued from 13 March 2009 to 13 March 2010.)
- _____ (17) (ii) **Alternate I** (June 2003) of 52.219-23. (In accordance with DDP Memo dated 11 Feb 2009, DAR Tracking Number 2009-O0003, Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses, this clause is suspended in DoD. Applies to all solicitations issued from 13 March 2009 to 12 March 2010.)
- _____ (18) **52.219-25**, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Dec 2010)(Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- _____ (19) **52.219-26**, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- _____ (20) **52.219-27**, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004)(15 U.S.C. 657 f).
- X (21) **52.219-28**, Post Award Small Business Program Rerepresentation (Apr 2009) (15 U.S.C. 632(a)(2)).
- _____ (22) **52.219-29**, Notice of Total Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns (Apr 2011).
- _____ (23) **52.219-30**, Notice of Total Set-Aside of Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program (Apr 2011).
- X (24) **52.222-3**, Convict Labor (June 2003)(E.O. 11755).
- X (25) **52.222-19**, Child Labor—Cooperation with Authorities and Remedies (Jul 2010)(E.O. 13126).
- X (26) **52.222-21**, Prohibition of Segregated Facilities (Feb 1999).
- X (27) **52.222-26**, Equal Opportunity (Mar 2007)(E.O. 11246).
- X (28) **52.222-35**, Equal Opportunity for Veterans (Sep 2010)(38 U.S.C. 4212).
- X (29) **52.222-36**, Affirmative Action For Workers with Disabilities (Oct 2010)(29 U.S.C. 793).
- X (30) **52.222-37**, Employment Reports on Veterans (Sep 2010)(38 U.S.C. 4212).
- X (31) **52.222-40**, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
- _____ (32) **52.222-54**, Employment Eligibility Verification (Jan 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)
- _____ (33) (i) **52.223-9**, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008)(42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- _____ (33) (ii) **Alternate I** (May 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- _____ (34) **52.223-15**, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42 U.S.C. 8259b).

- _____ (35) (i) **52.223-16**, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007) (E.O. 13423).
- _____ (35) (ii) **Alternate I**, (Dec 2007) of 52.223-16.
- X (36) **52.223-18**, Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011).
- _____ (37) **52.225-1**, Buy American Act—Supplies (Feb 2009)(41 U.S.C. 10a-10d).
- _____ (38) (i) **52.225-3**, Buy American Act—Free Trade Agreement—Israeli Trade Act (Jun 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, and 110-138).
- _____ (38) (ii) **Alternate I** (Jan 2004) of 52.225-3.
- _____ (38) (iii) **Alternate II** (Jan 2004) of 52.225-3.
- _____ (39) **52.225-5**, Trade Agreements (Aug 2009) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- X (40) **52.225-13**, Restriction on Certain Foreign Purchases (Jun 2008)(E.O.s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of Treasury).
- _____ (41) **52.226-4**, Notice of Disaster or Emergency Area Set-Aside (Nov 2007)(42 U.S.C. 5150).
- _____ (42) **52.226-5**, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007)(42 U.S.C. 5150).
- _____ (43) **52.232-29**, Terms for financing of Purchases of Commercial Items (Feb 2002)(41 U.S.C. 522(f), 10 U.S.C. 2307(f)).
- _____ (44) **52.232-30**, Installment Payments for Commercial Items (Oct 1995)(41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- X (45) **52.232-33**, Payment by Electronic Funds Transfer—Central Contractor Registration (Oct 2003)(31 U.S.C. 3332).
- _____ (46) **52.232-34**, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (May 1999)(31 U.S.C. 3332).
- _____ (47) **52.232-36**, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).
- _____ (48) **52.239-1**, Privacy or Security Safeguards (Aug 1996)(5 U.S.C. 552a).
- X (49) (i) **52.247-64**, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631).
- _____ (49) (ii) **Alternate I** (Apr 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

- _____ (1) **52.222-41**, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, *et seq.*).
- _____ (2) **52.222-42**, Statement of Equivalent Rates for Federal Hires (May 1989) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- _____ (3) **52.222-43**, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (Sep 2009)(29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- _____ (4) **52.222-44**, Fair Labor Standards Act and Service Contract Act - Price Adjustment (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- _____ (5) **52.222-51**, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) (41 U.S.C. 351 *et seq.*).
- _____ (6) **52.222-53**, Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009)(41 U.S.C. 351 *et seq.*).
- _____ (7) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247).
- X (8) **52.237-11**, Accepting and Dispensing of \$1 Coin (Sep 2008) (31 U.S.C. 5112(p)(1)).

(d) *Comptroller General Examination of Record.* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records—Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in paragraphs (e)(1) of this paragraph in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) **52.203-13**, Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

(ii) **52.219-8**, Utilization of Small Business Concerns (Dec 2010) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) [Reserved]

(iv) **52.222-26**, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) **52.222-35**, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(vi) **52.222-36**, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

(vii) **52.222-40**, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(viii) **52.222-41**, Service Contract Act of 1965 (Nov 2007), (41 U.S.C. 351, *et seq.*).

(ix) **52.222-50**, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104 (g)).

Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(x) **52.222-51**, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*).

(xi) **52.222-53**, Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*).

(xii) **52.222-54**, Employment eligibility Verification (Jan 2009).

(xiii) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraphs (e) of FAR clause 52.226-6.

(xiv) **52.247-64**, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

252.212-7001

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (AUG 2011)
(IAW DFARS 212.301(f)(iii))

(a) The Contractor agrees to comply with the following Federal Acquisition Regulation (FAR) clause which, if checked, is included in this contract by reference to implement provision of law applicable to acquisitions of commercial items or components.

 X **52.203-3** Gratuities (APR 1984) (10 U.S.C. 2207)

(b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

<u> X </u>	(1)	252.203-7000	Requirements Relating to Compensation of Former DoD Officials (JAN 2009) (Section 847 of Pub. L. 110-181).
<u> </u>	(2)	252.203-7003	Agency Office of the Inspector General (SEP 2010) (Section 8101 of Pub. L. 110-252, 41 U.S.C. 3509 note).
<u> </u>	(3)	252.205-7000	Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).
<u> </u>	(4)	252.219-7003	Small Business Subcontracting Plan (DoD Contracts) (OCT 2010) (15 U.S.C. 637).
<u> </u>	(5)	252.219-7004	Small Business Subcontracting Plan (Test Program) (JAN 2011) (15 U.S.C. 637 note).
<u> X </u>	(6)(i)	252.225-7001	Buy American Act and Balance of Payment Program (JAN 2009) (41 U.S.C. 10a-10d, E.O. 10582).
<u> </u>	(6)(ii)	252.225-7001	Alternate I (DEC 2010) of 252.225-7001.
<u> </u>	(7)	252.225-7008	Restriction on Acquisition of Specialty Metals (JUL 2009) (10 U.S.C. 2533b).
<u> </u>	(8)	252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (JAN 2011) (10 U.S.C. 2533b).
<u> X </u>	(9)	252.225-7012	Preference for Certain Domestic Commodities (JUN 2010) (10 U.S.C. 2533a).
<u> </u>	(10)	252.225-7015	Restriction on Acquisition of Hand or Measuring Tools (JUN 2005) (10 U.S.C. 2533a).
<u> </u>	(11)	252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (JUN 2011) (Section 8065 of Public Law 107-117 and the same restriction in subsequent DoD appropriations acts).
<u> </u>	(12)(i)	252.225-7021	Trade Agreements (JUN 2011) (19 U.S.C. 2501-2518 and 19 U.S.C. 3301 note).
<u> </u>	(12)(ii)	252.225-7021	Alternate I (SEP 2008).
<u> </u>	(12)(iii)	252.225-7021	Alternate II (DEC 2010) of 252.225-7021.
<u> X </u>	(13)	252.225-7027	Restriction on Contingent Fees for Foreign Military Sales (APR 2003) (22 U.S.C. 2779).
<u> X </u>	(14)	252.225-7028	Exclusionary Policies and Practices of Foreign Governments (APR 2003) (22 U.S.C. 2755).
<u> </u>	(15)(i)	252.225-7036	Buy American Act—Free Trade Agreements—Balance of Payments Program (DEC 2010) (41 U.S.C. 10a – 10d and 19 U.S.C. 3301 note).
<u> </u>	(15)(ii)	252.225-7036	Alternate I (JUL 2009) of 252.225-7036.
<u> </u>	(15)(iii)	252.225-7036	Alternate II (DEC 2010) of 252.225-7036.
<u> </u>	(15)(iv)	252.225-7036	Alternate III (DEC 2010) of 252.225-7036.
<u> </u>	(16)	252.225-7039	Contractors Performing Private Security Functions (AUG 2011) (Section 862 of Pub. L. 110-181, as amended by section 853 of Pub. L. 110-417 and sections 831 and 832 of Pub. L. 111-383).
<u> </u>	(17)	252.225-7038	Restriction on Acquisition of Air Circuit Breakers (JUN 2005) (10 U.S.C. 2534(a)(3)).
<u> X </u>	(18)	252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (SEP 2004) (Section 8021 of Public Law 107-248 and similar sections in subsequent DoD appropriations acts).
<u> X </u>	(19)	252.227-7015	Technical Data—Commercial Items (MAR 2011) (10 U.S.C. 2320).

<u>X</u>	(20)	252.227-7037	Validation of Restrictive Markings on Technical Data (SEP 1999) (10 U.S.C. 2321).
<u>X</u>	(21)	252.232-7003	Electronic Submission of Payment Requests and Receiving Reports (MAR 2008) (10 U.S.C. 2227).
—	(22)	252.237-7010	Prohibition on Interrogation of Detainees by Contractor Personnel (NOV 2010) (Section 1038 of Pub. L. 111-84).
—	(23)	252.237-7019	Training for Contractor Personnel Interacting With Detainees (SEP 2006) (Section 1092 of Pub. L. 108-375).
<u>X</u>	(24)	252.243-7002	Requests For Equitable Adjustment (MAR 1998) (10 U.S.C. 2410).
—	(25)	252.246-7004	Safety of Facilities, Infrastructure, and Equipment For Military Operations (OCT 2010) (Section 807 of Public Law 111-84).
—	(26)	252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (SEP 2010) (Section 884 of Public Law 110-417).
<u>X</u>	(27)(i)	252.247-7023	Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).
—	(27)(ii)	252.247-7023	Alternate I (MAR 2000) of 252.247-7023.
—	(27)(iii)	252.247-7023	Alternate II (MAR 2000) of 252.247-7023.
—	(27)(iv)	252.247-7023	Alternate III (MAY 2002) of 252.247-7023.
—	(28)	252.247-7024	Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

(c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items clause of this contract (FAR 52.212-5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

- (1) **252.225-7039**, Contractors Performing Private Security Functions (AUG 2011) (Section 862 of Pub. L. 110-181, as amended by section 853 of Pub. L. 110-417 and sections 831 and 832 of Pub. L. 111-383).
- (2) **252.237-7010**, Prohibition on Interrogation of Detainees by Contractor Personnel (NOV 2010) (Section 1038 of Pub. L. 111-84).
- X (3) **252.237-7019**, Training for Contractor Personnel Interacting with Detainees (SEP 2006) (Section 1092 of Public Law 108-375).
- X (4) **252.247-7003**, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the cost Bearer (SEP 2010) (Section 884 of Public Law 110-417).
- (5) **252.247-7023**, Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).
- (6) **252.247-7024**, Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

252.225-7039
252.237-7010
252.237-7019
252.243-7002
252.246-7004
252.247-7003
252.247-7023
252.247-7024

ADDENDUM TO CLAUSE 52.212-4

5352.201-9101 OMBUDSMAN (APR 2010)
(IAW AFFARS 5301.9103)

(c) If resolution cannot be made by the contracting officer, concerned parties may contact the Center/MAJCOM or AFISRA ombudsmen, **Kim McDonald** at **478 222-1088**, FAX **478 222-1855**, email **Kim.McDonald@robins.af.mil**. Concerns, issues, disagreements, and recommendations that cannot be resolved at the MAJCOM/DRU or ARISRA level, may be brought by the concerned party for further consideration to the Air Force ombudsman, Associate Deputy Assistant Secretary (ADAS) (Contracting), SAF/AQC, 1060 Air Force Pentagon, Washington DC 20330-1060, phone number (703) 588-7004, facsimile number (703) 588-1067.

252.203-7002 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS
(JAN 2009)
(IAW DFARS 203.970)

252.204-7008 EXPORT-CONTROLLED ITEMS (APR 2010)
(IAW DFARS 204.7304)

52.209-9 UPDATES OF PUBLICLY AVAILABLE INFORMATION REGARDING RESPONSIBILITY MATTERS (JAN 2011)
(IAW FAR 9.104-7(c))

252.211-7003 ITEM IDENTIFICATION AND VALUATION (JUN 2011)
(IAW DFARS 211.274-6(a), DFARS 212.301(f)(vi))

(a) *Definitions.* As used in this clause—

"DoD recognized unique identification equivalent" means a unique identification method that is in commercial use and has been recognized by DoD. All DoD recognized unique identification equivalents are listed at <http://www.acq.osd.mil/dpap/pdi/uid/uid/equivalents.html>.

"Unique item identifier type" means a designator to indicate which method of uniquely identifying a part has been used. The current list of accepted unique item identifier types is maintained at http://www.acq.osd.mil/dpap/pdi/uid/uii_types.html.

(c) *Unique item identifier.*

(1) The Contractor shall provide a unique item identifier for the following:

- (i) All delivered items for which the Government's unit acquisition cost is \$5,000 or more.
- (ii) The following items for which the Government's unit acquisition cost is less than \$5,000:

Contract Line, Subline, or Exhibit Line Item Number	Item Description
*Items less than \$5000, which require UID, will be specifically identified in the schedule.	See Schedule as Applicable

(iii) Subassemblies, components, and parts embedded within delivered items as specified in Attachment Number (See Schedule as Applicable).

(f) The Contractor shall submit the information required by paragraphs (d) and (e) of this clause in accordance with the data submission procedures at http://www.acq.osd.mil/dpap/pdi/uid/data_submission_information.html.

THE CURRENT VERSION OF MIL-STD-130, DATED 17 DECEMBER 2007, IS "N".
(JUL 2008)

THE CURRENT VERSION OF MIL-STD-130, DATED 17 DECEMBER 2007, IS "N".

52.217-7 OPTION FOR INCREASED QUANTITY--SEPARATELY PRICED LINE ITEM
(MAR 1989)
(IAW FAR 17.208(e))

The Contracting Officer may exercise the option by written notice to the Contractor within See item schedule.

THE FOLLOWING IS FILL-IN DATA FOR CLAUSE 52.212-5 PARA (b)(19):

52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (APR 2009)

(g) If the Contractor does not have representations and certifications in ORCA, or does not have a representation in ORCA for the NAICS code applicable to this contract, the Contractor is required to complete the following rerepresentation and submit it to the contracting office, along with the contract number and the date on which the rerepresentation was completed:

The Contractor represents that it [] is, [] is not a small business concern under NAICS Code _____ assigned to contract number _____.

[Contractor to sign and date and insert authorized signer's name and title].

52.222-29 NOTIFICATION OF VISA DENIAL (JUN 2003)
(IAW FAR 22.810(g))

52.223-11 OZONE-DEPLETING SUBSTANCES (MAY 2001)
(IAW FAR 23.804(a))

(b) The Contractor shall label products which contain or are manufactured with ozone-depleting substances in the manner and to the extent required by 42 U.S.C. 7671j(b), (c), and (d) and 40 CFR Part 82, Subpart E, as follows:

WARNING

Contains (or manufactured with, if applicable) _____, a substance(s) which harm(s) public health and environment by destroying ozone in the upper atmosphere.

*The Contractor shall insert the name of the substance(s).

252.223-7008 PROHIBITION OF HEXAVALENT CHROMIUM (MAY 2011)
(IAW DFARS 223.7306)

5352.223-9000 ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODSs)
(APR 2003)
(IAW AFFARS 5323.804(c))

(c) The requiring activity has obtained SAO approval to permit the contractor to use the following Class I ODS(s).

[List each Class I ODS, its applications or use and the approved quantities for use throughout the length of the contract. If "None," so state.]

Item No	Class I ODS	Application or Use	Quantity (lbs) per contract period performance
SEE LINE ITEM SCHEDULE			

252.225-7002 QUALIFYING COUNTRY SOURCES AS SUBCONTRACTORS (APR 2003)
(IAW DFARS 225.1101(3))

252.225-7013 DUTY-FREE ENTRY (DEC 2009)
(IAW DFARS 225.1101(4))

THE FOLLOWING IS FILL-IN DATA FOR CLAUSE 252.212-7001 PARA (b):

252.225-7027 RESTRICTION ON CONTINGENT FEES FOR FOREIGN MILITARY SALES (APR 2003)

(b) (1) For sales to the Government(s) of Australia, Taiwan, Egypt, Greece, Israel, Japan, Jordan, Republic of Korea, Kuwait, Pakistan, Philippines, Saudi Arabia, Turkey, Thailand, or Venezuela (Air Force), contingent fees in any amount.

EVIDENCE OF SHIPMENT ON FOREIGN MILITARY SALES (FMS) CONTRACTS
(DEC 2003)

The contractor shall provide to the payment office evidence of shipment that will consist of both a DD Form 250, Material Inspection and Receiving Report, and the carrier's receipt (e.g., the Commercial Bill of Lading, the Government Bill of Lading, the United States Postal Parcel Service receipt, the United Parcel Service pick-up record, or other carrier pick-up document). The contractor need not submit a DD Form 250, if one is not otherwise required under the contract.

52.229-4 FEDERAL, STATE, AND LOCAL TAXES (STATE AND LOCAL ADJUSTMENTS)
(APR 2003)
(IAW FAR 29.401-3(b))

252.232-7010 LEVIES ON CONTRACT PAYMENTS (DEC 2006)
(IAW DFARS 232.7102)

ACCOUNTING AND APPROPRIATION DATA (AUG 1998)

ACRN	Accounting and Appropriation Chargeable Funds Citation	Amount Chargeable
AA 57 13840 . 58 1 41 65 4F2KAT 010000 63800 52844F 503000 F03000 PSR: 240538 FSR: 003399 DSR: 225514 REFERENCE: SDN: F3QCDJ0343B003		\$75,349.00
AB 9711X8242 .0002 4F X 47 E8 CQND8R 000000 00000 002000 503000 F03000 PSR: 550051 FSR: 048100 DSR: 247055 REFERENCE: SDN: F3QCDJ0343B003		\$75,349.00
AC 57 13840 . 58 1 41 65 4F2KAT 010000 638NR 52844F 503000 F03000 PSR: 240556 FSR: 003399 DSR: 157399 REFERENCE: SDN: F3QCDJ0343B003		\$22,842.00
NA ACRN(S) WILL BE ESTABLISHED AT TIME OPTION IS EXERCISED.		\$0.00
ACRN TOTAL		\$ 173,540.00

Wide Area Work Flow (WAWF) Instructions to Vendors with Contracts that contain MILITARY STANDARD REQUISITIONING AND ISSUE PROCEDURES (MILSTRIP) Data. FEB 08.

MILSTRIP data contains information that is vital to the expeditious delivery of material. When a MILSTRIP is used in a requisition it is entered into the schedule for each item purchased. Typically the MILSTRIP data is at the end of the schedule and is listed as REQ NO.

In the example below the MILSTRIP number is FE480060730146. The quantity is 1 each.

Required Delivery	Type / Ship To	Quantity (U/I)	On or Before	Req No / Pri
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A FE4800

1 EA

28 FEB 2007

FE480060730146 / PRI:
03

In WAWF, when creating the Line Item you must also complete the MILSTRIP information in its own sub-tab. In the MILSTRIP sub-tab use the actions button to open the fill-in. In the fill-in enter the MILSTRIP number from the schedule and the quantity shipped. Save the Milstrip and continue with the Line Item information applicable to the shipment.

Inclusion of this MILSTRIP data is vital to the expeditious delivery of this material.

52.246-16 **RESPONSIBILITY FOR SUPPLIES** (APR 1984)
(IAW FAR 46.316)

252.246-7000 **MATERIAL INSPECTION AND RECEIVING REPORT** (MAR 2008)
(IAW DFARS 246.370)

INSPECTION AND ACCEPTANCE (SEP 1999)
(IAW FAR 46.401(b), FAR 46.503)

Preliminary inspection and acceptance will be at:
Item No(s): See schedule for items that specify preliminary inspection.
Inspection Code and Address: 81982 HYDRO-AIRE, INC. 3000 WINONA AVE BURBANK, CA 91504-2540

Government Contract Quality Assurance Inspection and Acceptance will be at (Final):
Item No(s): See schedule for items with the following code(s) listed below :
Inspection Code and Address: 9A289 DOUBLE J PACKAGING CO INC 9834 GLENOAKS BLVD SUN VALLEY, CA 91352-1046

Government Contract Quality Assurance Inspection and Acceptance will be at destination(s) specified herein (Final):
Item No(s): 0002AA, 0002AB

52.247-1 **COMMERCIAL BILL OF LADING NOTATIONS** (FEB 2006)
(IAW FAR 47.104-4(a), FAR 47.104-4(b))

52.247-29 **F.O.B. ORIGIN** (FEB 2006)
(IAW FAR 47.303-1(c))

52.247-34 **F.O.B. DESTINATION** (NOV 1991)
(IAW FAR 47.303-8(c))

52.247-65 **F.O.B. ORIGIN, PREPAID FREIGHT--SMALL PACKAGE SHIPMENTS** (JAN 1991)
(IAW FAR 47.303-17(f))

F.O.B. ORIGIN (OCT 1993)
(IAW FAR 47.305(b))

Any supply item applicable to this document shall be delivered F.O.B. at:

F.O.B. Address
9A289 DOUBLE J PACKAGING CO INC 9834 GLENOAKS BLVD SUN VALLEY, CA 91352-1046

NOTE TO CONTRACTOR: FOREIGN MILITARY SALES: (APR 2003)

10-15 DAYS PRIOR TO SHIPMENT, CONTACT THE DCM/ACO TRANSPORTATION OFFICE FOR SHIPPING ADDRESS / INSTRUCTIONS.

52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES (APR 1984)
(IAW FAR 52.107(f))

FAR 52.212-4(c), Changes

Changes in the terms and conditions of this contract may be made only by written agreement of the parties, except that Unilateral Amended Shipping Instructions (ASIs), F.O.B. Origin, and other administrative changes, incorporated into this contract apply.

F.O.B. ORIGIN, FIRST DESTINATION TRANSPORTATION (FDT)

The Long Line of Accounting (LOA) listed below shall be used to pay for FDT to their point of usage, storage, or embarkation on the CLINs/SubCLINs listed below. The Miscellaneous Obligation Reimbursement Document (MORD) Number associated with this LOA shall be entered into Power Track to fund the FDT charges needed to transport the item.

<u>CLIN/SubCLIN</u>	<u>Long Line of Accounting (LOA)</u>	<u>MORD Number</u>
0001AA	5713840 581 4165 4F2KT2 010000 63800 52844F 50300 F03000	F3QCDJ0299NP02

LIST OF DOCUMENTS, EXHIBITS OR ATTACHMENTS

Form Number	Description/File Name	Date	Number of Pages
DD1423	DD1423_ELIN_A001	02NOV2010	3
	TM86-01-N	01NOV2010	11
DD1423	DD1423_ELIN_A002	03DEC2010	3
	TM86-01-M	09NOV2010	8
DD 1423	DD1423_ELIN_A003	03DEC2010	3
AFMC 158	Packaging Requirements	08NOV2010	2