GENERAL

(APPLICABLE TO ALL ORDERS/LINE ITEMS)

- 1. COMPLIANCE WITH ASTM D 3951-98 (RE-APPROVED 2004) WITH THE EXCEPTIONS AS STATED HEREIN.
- 2. The Coast Guard Aviation Logistics Center is a supply depot; therefore material will be stored and transshipped to various users. The container shall be packed and labeled suitable for shipment via land, air or sea.
- 3. Packaging material shall NOT consist of the following material; popcorn, shredded paper, Styrofoam of any type or peanut packaging.
- 4. If traceability to OEM (Original Equipment Manufacturer) is required, documentation of such proof to traceability must be included with the item in its shipment container.

(Tł	ne following are applicable as annotated)Check if HAZARDOUS MATERIAL	
ST	ANDARD PACKING INSTRUCTIONS: Standard Packaging is applicable for	
Th	e Entire Order X Line Item(s)	
1.	Each part/component (each individual item, not line item) shall be individually packed in a separate envelope, box, carton or crate.	
2.	Each individual container shall be labeled on the outside and each individual part/component shall be labeled on the inside with *National Stock Number, *Part Number, *Serial Number, Quantity, Nomenclature (name of item), Line Item Number, and Purchase Order Number. The Material Inspection and Receiving Report (i.e. Commercial Packing Slip, DD250, etc.) and Certificates of Conformance shall be placed on the outside on individual containers.	
3.	The internal packaging material shall be sufficient to prevent damage during shipment, handling and storage. Preservation and protection shall be provided to prevent corrosion, deterioration or decay during warehouse storage for a period of one year.	
	and/or	
BULK PACKING INSTRUCTIONS: Bulk Packaging is applicable for		
The	Entire OrderLine Item(s)	
1.	Uniform Bulk Packaging of material, no larger than 100 each per package, is acceptable. The packaging shall be sufficient to prevent damage during shipment, handling and storage. Each package shall be labeled individually. Preservation and protection shall be provided to prevent corresion, deterioration or decay during warehouse storage for a period of one year	

- 2. Each individual container shall be labeled on the outside and each individual package of parts/components on the inside shall be labeled with *National Stock Number, *Part Number, *Serial Number, Quantity, Nomenclature (name of item), Line Item Number, and Purchase Order Number. The Material Inspection and Receiving Report (i.e. Commercial Packing Slip, DD250, etc.) and Certificates of Conformance shall be placed on the outside on individual containers.
 - * This requirement is not applicable if none assigned.

AIRWORTHINESS CERTIFICATION REQUIREMENTS

- 1. All aircraft parts ordered, serviced, modified, repaired, and/or overhauled under provision of this agreement/order/contract **MUST** be airworthy and suitable for installation on a U.S. Coast Guard aircraft.
- 2. The contractor shall furnish **Certificate of Airworthiness** in accordance with FAA procedures (FAA Form 8130-3 or 8130-4), *or* a **Certificate of Conformance** in accordance with FAR 52.24615, for each component shipped in response to this order. If a Certificate of Conformance is used it **MUST** be submitted in the format provided below.
- 3. This certificate shall be attached on the OUTSIDE of the shipping container and a copy shall be included with the invoice. Failure to submit the appropriate certificate shall constitute an improper invoice and will result in nonpayment.
- 4. IF THE CONTRACTOR CANNOT CERTIFY AS REQUIRED ABOVE, HE SHALL IMMEDIATELY AND PRIOR TO ANY WORK BEING INITIATED, NOTIFY THE APPROPRIATE GOVERNMENT CONTRACTING OFFICER.

CERTIFICATE OF CONFORMANCE IN ACCORDANCE WITH FAR 52.246-15 (APR 1984)

" I certify that on	(Date), the ished supplies or services called	
(Contractor's Name) furn	ished supplies or services called	for by Contract Number
	via	(Carrier)
on	(Bill of Lading/Shipping	Document) in accordance
with all applicable requirer the quality specified and including specifications, di	nents. I further certify that the su conform in all respects with th rawings, preservation, packaging ation (Part Number), are in the qu	ipplies and services are of e contract requirements, g, marking requirements,
Date of Execution:		
Signature:		
Title:		

52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (APR 2012)

(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.]
 ☐ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402). ☐ (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)). ☐ (3) 52.203-15, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.) ☐ (4) 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (Feb 2012) (Pub. L. 109-282) (31 U.S.C. 6101 note). ☐ (5) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).
(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). (Applies to contracts over \$30,000). (Not applicable to subcontracts for the acquisition of commercially available off-the-shelf items). (7) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matter (FEB 2012)(41 U.S.C. 2313).
 ☐ (8) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (section 740 of Division C of Pub. L. 111-117, section 743 of Division D of Pub. L. 111-8, and section 745 of Division D of Pub. L. 110-161). ☐ (9) 52.219-3, Notice of Total HUBZone Set-Aside or Sole-Source Award (Nov 2011)
(15 U.S.C. 657a). (10) 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).

\square (11) [Reserved]
(12)(i) 52.219-6, Notice of Total Small Business Set-Aside (Nov 2011)
(15 U.S.C. 644).
(ii) Alternate I (Nov 2011) of 52.219-6.
(iii) Alternate II (Nov 2011) of 52.219-6.
(13)(i) 52.219-7, Notice of Partial Small Business Set-Aside (June 2003)
(15 U.S.C. 644).
(ii) Alternate I (Oct 1995) of 52.219-7.
(iii) Alternate II (Mar 2004) of 52.219-7.
(14) 52.219-8, Utilization of Small Business Concerns (Jan 2011)
(15 U.S.C. 637(d)(2) and (3)).
(15)(i) 52.219-9, Small Business Subcontracting Plan (Jan 2011)
(15 U.S.C. 637(d)(4)).
(ii) Alternate I (Oct 2001) of 52.219-9.
(iii) Alternate II (Oct 2001) of 52.219-9.
(iv) Alternate III (Jul 2010) of 52.219-9.
\boxtimes (16) 52.219-13, Notice of Set-Aside of Orders (Nov 2011) (15 U.S.C. 644(r)).
(17) 52.219-14, Limitations on Subcontracting (Nov 2011) (15 U.S.C. 637(a)(14)).
(18) 52.219-16, Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C.
637(d)(4)(F)(i)).
(19)(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).
(ii) Alternate I (June 2003) of 52.219-23.
(20) 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).
(21) 52.219-26, Small Disadvantaged Business Participation Program—
Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and
10 U.S.C. 2323).
(22) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set
Aside (Nov 2011) (15 U.S.C. 657 f).
(23) 52.219-28, Post Award Small Business Program Rerepresentation (Apr 2012)
$\overline{(15 \text{ U.S.C.} 632(a)(2))}$.
(24) 52.219-29 Notice of Set-Aside for Economically Disadvantaged Women-Owned
Small Business (EDWOSB) Concerns (Apr 2012) (15 U.S.C. 637(m)).
(25) 52.219-30 Notice of Set-Aside for Women-Owned Small Business (WOSB)
Concerns Eligible Under the WOSB Program (APR 2012) (15 U.S.C. 637(m)).
(27) 52.222-19, Child Labor—Cooperation with Authorities and Remedies
(Mar 2012) (E.O. 13126).
(28) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).
(29) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).
(30) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).
(31) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010)
(29 U.S.C. 793).

(32) 52.222-37, Employment Reports on Veterans (SEP 2010) (38 U.S.C. 4212).
(33) 52.222-40, Notification of Employee Rights Under the National Labor Relations
Act (Dec 2010) (E.O. 13496).
(34) 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.)
(35)(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.)
(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.)
(36) 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007) (42
<u>U.S.C. 8259b</u>).
(37)(i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of
Personal Computer Products (DEC 2007) (E.O. 13423).
(ii) Alternate I (DEC 2007) of 52.223-16.
∑ (38) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While
Driving (Aug 2011) (E.O. 13513).
(39) 52.225-1, Buy American Act—Supplies (Feb 2009) (41 U.S.C. 10a-10d).
(40)(i) 52.225-3, Buy American Act—Free Trade Agreements—Israeli Trade Act
(Mar 2012) (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C.
3805 note, 19 U.S.C. 4001 note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302,
109-53, 109-169, 109-283, and 110-138, and Pub. L. 112-41).
(ii) Alternate I (Mar 2012) of 52.225-3.
(iii) Alternate II (Mar 2012) of 52.225-3.
(iv) Alternate III (Mar 2012) of 52.225-3
(41) 52.225-5, Trade Agreements (Mar 2012) (19 U.S.C. 2501, et seq.,
19 U.S.C. 3301 note).
(42) 52.225-13, Restrictions on Certain Foreign Purchases (June 2008) (E.O.'s,
proclamations, and statutes administered by the Office of Foreign Assets Control of the
Department of the Treasury).
(43) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007)
(42 U.S.C. 5150).
(44) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area
(Nov 2007) (42 U.S.C. 5150).
(45) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002)
(41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
(46) 52.232-30, Installment Payments for Commercial Items (Oct 1995)
(41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
(47) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor
Registration (Oct 2003) (31 U.S.C. 3332).
(48) 52.232-34, Payment by Electronic Funds Transfer—Other than Central
Contractor Registration (May 1999) (31 U.S.C. 3332).
(49) 52.232-36, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).
(50) 52.239-1, Privacy or Security Safeguards (Aug 1996) (<u>5 U.S.C. 552a</u>).

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 this paragraph (e)(1) 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 paragraph (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.

(End of clause)

HSAR 3052.209-70 - PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES (JUN 2006)

(a) Prohibitions.

Section 835 of the Homeland Security Act, 6 U.S.C. 395, prohibits the Department of Homeland Security from entering into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation as defined in this clause, or with any subsidiary of such an entity. The Secretary shall waive the prohibition with respect to any specific contract if the Secretary determines that the waiver is required in the interest of national security.

(b) Definitions. As used in this clause:

Expanded Affiliated Group means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504 of such Code shall be applied by substituting `more than 50 percent' for `at least 80 percent' each place it appears.

Foreign Incorporated Entity means any entity which is, or but for subsection (b) of section 835 of the Homeland Security Act, 6 U.S.C. 395, would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

Inverted Domestic Corporation. A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

- (1) The entity completes the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership;
- (2) After the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—
- (i) In the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or
- (ii) In the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; and
- (3) The expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

Person, domestic, and foreign have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

- (c) Special rules. The following definitions and special rules shall apply when determining whether a foreign incorporated entity should be treated as an inverted domestic corporation.
- (1) Certain stock disregarded. For the purpose of treating a foreign incorporated entity as an inverted domestic corporation these shall not be taken into account in determining ownership:
- (i) Stock held by members of the expanded affiliated group which includes the foreign incorporated entity; or
- (ii) Stock of such entity which is sold in a public offering related to an acquisition described in section 835(b)(1) of the Homeland Security Act, 6 U.S.C. 395(b)(1).
- (2) Plan deemed in certain cases. If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.
- (3) Certain transfers disregarded. The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.
- (d) Special rule for related partnerships. For purposes of applying section 835(b) of the Homeland Security Act, 6 U.S.C. 395(b) to the acquisition of a domestic partnership, except as provided in regulations, all domestic partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as a partnership.
- (e) Treatment of Certain Rights.
- (1) Certain rights shall be treated as stocks to the extent necessary to reflect the present value of all equitable interests incident to the transaction, as follows:
- (i) warrants;
- (ii) options;
- (iii) contracts to acquire stock;
- (iv) convertible debt instruments; and
- (v) others similar interests.

- (2) Rights labeled as stocks shall not be treated as stocks whenever it is deemed appropriate to do so to reflect the present value of the transaction or to disregard transactions whose recognition would defeat the purpose of Section 835.
- (f) Disclosure. The offeror under this solicitation represents that [Check one]:
- __ it is not a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.108-7001 through 3009.108-7003;
- __ it is a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.108-7001 through 3009.108-7003, but it has submitted a request for waiver pursuant to 3009.108-7004, which has not been denied; or
- __ it is a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.108-7001 through 3009.108-7003, but it plans to submit a request for waiver pursuant to 3009.108-7004.
- (g) A copy of the approved waiver, if a waiver has already been granted, or the waiver request, if a waiver has been applied for, shall be attached to the bid or proposal.

(End of provision)