

CONTRACT CLAUSES

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

(a) An ombudsman has been appointed to hear and facilitate the resolution of concerns from offerors, potential offerors, and others for this acquisition. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The existence of the ombudsman does not affect the authority of the program manager, contracting officer, or source selection official. Further, the ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of protests or formal contract disputes. The ombudsman may refer the party to another official who can resolve the concern.

(b) Before consulting with an ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations to the contracting officer for resolution. Consulting an ombudsman does not alter or postpone the timelines for any other processes (e.g., agency level bid protests, GAO bid protests, requests for debriefings, employee-employer actions, contests of OMB Circular A-76 competition performance decisions).

(c) The Competition Advocate (CA) at each contracting activity/office (as defined in DLAD 2.101) shall act as the ombudsman and attempt to resolve contractor complaints. DSCR-ZBB's CA/ombudsman can be reached at (405) 734-8240, facsimile (405) 734-8129. Complaints which cannot be so resolved shall be forwarded to the HQ through J-72 for resolution by the DLA competition advocate. Each activity is responsible for developing procedures for executing the duties and responsibilities of its local ombudsman.

(d) The ombudsman has no authority to render a decision that binds the agency.

(e) Do not contact the ombudsman to request copies of the solicitation, verify offer due date, or clarify technical requirements. Such inquiries shall be directed to the Contracting Officer.

(The above Clause/Provision has been modified.)

252.203-7000 REQUIREMENTS RELATING TO COMPENSATION OF FORMER DOD OFFICIALS
(JAN 2009)
(IAW DFARS 203.171-4)

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

52.204-7 CENTRAL CONTRACTOR REGISTRATION (APR 2008)
(IAW FAR 4.1105)

52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (JUL 2010)
(IAW FAR 4.1403(a))

252.204-7003 CONTROL OF GOVERNMENT PERSONNEL WORK PRODUCT (APR 1992)
(IAW DFARS 204.404-70(b))

252.204-7004 ALTERNATE A, CENTRAL CONTRACTOR REGISTRATION (SEP 2007)
(IAW DFARS 204.1104)

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

52.211-5 MATERIAL REQUIREMENTS (AUG 2000)
(IAW FAR 11.304)

52.211-15 DEFENSE PRIORITY AND ALLOCATION REQUIREMENTS (APR 2008)
(IAW FAR 11.604(b))

This is a rated order certified for national defense, emergency preparedness, and energy program use, and the Contractor shall follow all the requirements of the Defense Priorities and Allocations System regulation (15 CFR 700).

252.211-7003 ITEM IDENTIFICATION AND VALUATION (AUG 2008)
(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 .

52.213-4 TERMS AND CONDITIONS--SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (JAN 2011)
(IAW FAR 13.302-5(d))

The full text of a clause may be accessed electronically at this/these address(es): Regulations URLs: (Click on the appropriate regulation.)

- <http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/far1toc.htm>
- <http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/dfars/dfar1toc.htm>
- http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/af_afmc/affars/affar1toc.htm

NOTE: After selecting the appropriate regulation above, at the "Table of Contents" page conduct a search for the desired regulation reference, using your browser’s **FIND** function. When located, click on the **regulation reference** (hyperlink).

(Paragraph (b)(1)(ix), FAR 52.225-1. Buy American Act--Supplies (Feb 2009), is not applicable to DoD)

52.215-8 ORDER OF PRECEDENCE--UNIFORM CONTRACT FORMAT (OCT 1997)
(IAW FAR 15.209(h), AFFARS 53.15.209(h))

52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (APR 2009)
(IAW FAR 19.309(d))

(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].

52.222-21 PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)
(IAW FAR 22.810(a)(1))

(Applicable when exceeding \$10,000, except those exempted by FAR 22.807 (b) which includes those for work to be performed outside the U.S. by employees who were not recruited within the U.S.)

52.222-26 EQUAL OPPORTUNITY (MAR 2007)
(IAW FAR 22.810(e))

(Applicable to all orders issued hereunder)

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

(a) *Definition.* "Ozone-depleting substance," as used in this clause, means any substance the Environmental Protection Agency designates in 40 CFR part 82 as--

- (1) Class I, including, but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; or
- (2) Class II, including, but not limited to, hydrochlorofluorocarbons.

(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).

52.223-18 CONTRACTOR POLICY TO BAN TEXT MESSAGING WHILE DRIVING (SEP 2010)
(IAW FAR 23.1105)

(Applicable to all solicitations and contracts)

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))

- (a) Unless the requiring activity has obtained prior Senior Acquisition Official (SAO) approval, contractors may not:
- (1) Provide any service or product with any specification, standard, drawing, or other document that requires the use of a Class I ODS in the test, operation, or maintenance of any system, subsystem, item, component, or process; or
 - (2) Provide any specification, standard, drawing, or other document that establishes a test, operation, or maintenance requirement that can only be met by use of a Class I ODS.

[NOTE: This prohibition does not apply to manufacturing.]

(b) For the purposes of Air Force policy, the following products that are pure (i.e., they meet the relevant product specification identified in AFI 32-7086) are Class I ODSs:

- (1) Halons: 1011, 1202, 1211, 1301, and 2402;
- (2) Chlorofluorocarbons (CFCs): CFC-11, CFC-12, CFC-13, CFC-111, CFC-112, CFC-113, CFC-114, CFC-115, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, and CFC-217, and the blends R-500, R-501, R-502, and R-503; and
- (3) Carbon Tetrachloride, Methyl Chloroform, and Methyl Bromide.

[NOTE: Material that use one or more of these Class I ODSs as minor constituents do not meet the Air Force definition of a Class I ODS.]

(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			

(d) The offeror/contractor is required to notify the contracting officer if any Class I ODS that is not specifically listed above is required in the test, operation, or maintenance of any system, subsystem, item, component, or process.

- 252.225-7001 BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (JAN 2009)**
(IAW DFARS 225.1101(2)(i))
- 252.225-7002 QUALIFYING COUNTRY SOURCES AS SUBCONTRACTORS (APR 2003)**
(IAW DFARS 225.1101(3))
- 52.227-1 AUTHORIZATION AND CONSENT (DEC 2007)**
(IAW FAR 27.201-2(a)(1))
- 52.227-2 NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (DEC 2007)**
(IAW FAR 27.201-2(b))
- 52.232-23 ASSIGNMENT OF CLAIMS (JAN 1986)**
(IAW FAR 32.806(a)(1))
- 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	97 X4930 .FC04 64 1 47 GT 15411Z 01N000 00000 GGGTTT 503000 F03000 PSR: J93431 FSR: 013352 DSR: 319090	\$58,225.00
ACRN TOTAL		\$ 58,225.00

- 52.242-15 STOP-WORK ORDER (AUG 1989)**
(IAW FAR 42.1305(b)(1))
- 52.242-17 GOVERNMENT DELAY OF WORK (APR 1984)**
(IAW FAR 42.1305(c))
- 252.242-7003 APPLICATION FOR U.S. GOVERNMENT SHIPPING DOCUMENTATION/INSTRUCTIONS (DEC 1991)**
(IAW DFARS 242.1404-2-70)
- 52.243-1 CHANGES--FIXED-PRICE (AUG 1987)**
(IAW FAR 43.205(a)(1))

- 252.243-7001 PRICING OF CONTRACT MODIFICATIONS (DEC 1991)**
(IAW DFARS 243.205-70)
- 252.244-7000 SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (DoD CONTRACTS) (NOV 2010)**
(IAW DFARS 244.403)
- 52.246-2 INSPECTION OF SUPPLIES--FIXED-PRICE (AUG 1996)**
(IAW FAR 46.302)
- 52.246-11 HIGHER-LEVEL CONTRACT QUALITY REQUIREMENT (FEB 1999)**
(IAW FAR 46.311, DFARS 246.202-4(1))

The Contractor shall comply with the higher-level quality standard selected below. [If more than one standard is listed, the offeror shall indicate its selection by checking the appropriate block.]*

Title	Number	Date	Tailoring
*See Individual Line Item Schedule			

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

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

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:
08748
ELDEC CORPORATION
16700 13TH AVE W
LYNNWOOD, WA 98037-8503

- 52.247-1 COMMERCIAL BILL OF LADING NOTATIONS (FEB 2006)**
(IAW FAR 47.104-4(a), FAR 47.104-4(b))
- 52.247-65 F.O.B. ORIGIN, PREPAID FREIGHT--SMALL PACKAGE SHIPMENTS (JAN 1991)**
(IAW FAR 47.303-17(f))
- 252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA (MAY 2002)**
(IAW DFARS 247.574(b)(1))
- 252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA -- ALTERNATE III (MAY 2002)**
(IAW DFARS 247.574(b)(4))
- 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:

**08748
ELDEC CORPORATION
16700 13TH AVE W
LYNNWOOD, WA 98037-8503**

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

(a) The use in this contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the clause.

(b) The use in this contract of any **Defense Federal Acquisition Regulation Supplement** (48 CFR Chapter 2).clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

**Part 1 – THE SCHEDULE
SECTION D
PACKAGING AND MARKING**

SHIPPING CONTAINER MARKING

All shipping containers shall be marked meeting the following criteria:

MIL-STD-129 **P**. Standard Practice for Military Marking.

Bar code format shall conform to bar code symbology Format 3 of 9, Code 39 as specified in MIL-STD-129 **P**.

Additional marking and/or bar coding requirements exceeding those of MIL-STD-129 **P**, e.g., unit serial numbers, original equipment manufacturer's (OEM) name, or OEM model number, as specified on the AFMC Form 158

PACRN	Additional Bar Coding or Marking Requirements (if applicable)
PAA	Not Applicable

MILITARY PACKAGING AND MARKING

Items shall be packaged in accordance with MIL-STD-2073-1 **D**, Standard Practice for Military Packaging. Shipping and storage markings shall be in accordance with MIL-STD-129 **P**, Standard Practice for Military Marking.

PACRN	QUP	ICQ	PS MT	CD	PS ML	WP ML	CU DU	CT	UC	IC	UCL	SM
PAA	001	000	51	1	00	XX	XX	X	NV	00	B	03
WGT	LGTH	WDTH	DPTH	CUBE	OPI							
14.10	21.0	15.0	7.3	1.330	M							
PACRN	PAC LVL	PRES LVL	SUPPLEMENTAL PACKAGING									
PAA	B	MIL										

COMMERCIAL BILL OF LADING SHIPMENTS – CARRIER'S RATES

The Contractor shall ensure that proposed carrier's rates are equal to or better than rates available to the Government. Contact the transportation officer for this contract, as identified by the Administrative Contracting Officer, for confirmation that the proposed carrier's rates are no higher than those otherwise available to the Government. List the shipping costs on the invoice to the Government and attach a copy of the carrier's billing. Failure to properly annotate the invoice and provide a copy of the carrier's billing may result in those costs not being reimbursed or only partially reimbursed.

PART 1 – THE SCHEDULE

SECTION G
CONTRACT ADMINISTRATION DATA

TRANSPORTATION APPROPRIATION CHARGEABLE

The Transportation Allotment Identification (TAI) relates directly to the above ACRN(s). For example the TAI "TAA" is the same line item(s) as ACRN AA.

FMS TRANSPORTATION ALLOTMENT SHALL BE USED ONLY WHEN SHIPMENT ON GOVERNMENT BILL OF LADING IS AUTHORIZED

Insert 3 if movement via surface mode or 2 if movement via airlift in place of any "#" shown. Insert last digit of current fiscal year in place of any asterisk "*" shown when material is shipped.

TAI	ATAC	FMS ALLOTMENT / NOTE
TAA	FRS2	