

GCC

(Government Contract Clauses)

Published on: 20 Jan 2003
By: St. Louis SM&P Legal
Do not modify this document without permission from Boeing-St. Louis SM&P Legal.
The following contract clauses are incorporated by reference from the Federal Acquisition Regulation (FAR) and the Department of Defense Federal Acquisition Regulation Supplement (DFARS) and apply to the extent indicated. Unless otherwise noted, in the following clauses, "Contractor" and "Offeror" mean Seller. Clauses in this GCC may not be the most recent versions. The clauses and dates in this GCC are those in the prime contract.

REVISION 2

Contract Number: **N00019-97-G-0167** (Through P00007 dated 4 Jun 02)

Effective Date of Contract: **12 March 1998** (Basic)

Program: **F/A-18** (all series)
Basic Ordering Agreement – Supplies and/or Services

SECTION I

(Purchase of Commercial Items)

If the Purchase Contract is for the purchase of Commercial Items, then the following paragraph as well as the clauses identified in Section I are incorporated into the purchase contract. If the General Terms and Conditions of the purchase contract contain a list of FAR or DFARS clauses, the following Section I clauses are in lieu of that list.

Seller has asserted, and MDC relies on the assertion, that the items or services sold under this contract are commercial items or services. This assertion is incorporated herein by reference.

FAR/DFARS CLAUSE	CLAUSE DESCRIPTION
52.219-8	Utilization of Small Business Concerns (OCT 00). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold.
52.222-26	Equal Opportunity (Feb 99) [subparagraphs (b)(1) through (11)].
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans. (DEC 01). This clause applies only if this contract is for \$10,000 or more.
52.222-36	Affirmative Action for Workers with Disabilities. (JUN 98). This clause applies only if this contract exceeds \$10,000.
52.244-6	Subcontracts for Commercial Items and Commercial Components (DEC 01). <i>As reflected in FAR 52.244-6 (DEC 01) for commercial items (defined in 52-202-1): flow down 52.219-8 dated (OCT 00), 52.222-26 dated (FEB 99), 52.222-35 dated (DEC 01), 52.222-36 dated (JUN 98) and 52.247-64 dated (JUN 00).</i>
52.247-64	Preference for Privately Owned U.S. Flag Commercial Vessels (JUN 00). This clause applies if this contract exceeds the FAR Simplified Acquisition Threshold. In subparagraph (c)(2), "20" and "30" are changed to "10" and "20" respectively.
252.225-7014	Preference for Domestic Specialty Metals (MAR 98). This clause applies only if the goods contain specialty metal(s).
252.225-7014	ALT I - Preference for Domestic Specialty Metals (MAR 98).
252.247-7023	Transportation of Supplies by Sea (MAR 00). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In the first sentence of paragraph (d), "45 days" is changed to "60 days." In paragraph (e), "30 days" is changed to "20 days."
252.247-7024	Notification of Transportation of Supplies by Sea (MAR 00). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" shall mean Buyer.

SECTION II

(Purchase of Non-commercial Items)

If the Purchase Contract is **NOT** for the purchase of Commercial Items, then the clauses identified in Section II are incorporated into the purchase contract. If the General Terms and Conditions of the purchase contract contain a list of FAR and DFARS clauses, the clauses in Section II are in lieu of that list.

FAR/DFARS CLAUSE	CLAUSE DESCRIPTION
52.203-6	Restrictions on Subcontractor Sales to the Government (JUL 95). This clause applies only if this contract exceeds \$100,000.
52.203-7	Anti-Kickback Procedures (JUL 95) [excluding subparagraph (c)(1)]. This clause applies only if this contract exceeds \$100,000. 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.

52.203-8	Cancellation, Rescission and Recovery of Funds for Illegal or Improper Activity (JAN 97). This clause applies to this contract if Seller, its employees, officers, directors or agents participated personally and substantially in any part of the preparation of a proposal for this contract. Seller shall indemnify Buyer for any and all losses suffered by Buyer due to violations of the Act (as set forth in this clause) by Seller or its subcontractors at any tier.
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (JAN 97). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. 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 from sums owed Seller the amount of the reduction.
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (APR 91). This clause applies only if this contract exceeds \$100,000. Seller's signing of its offer, proposal or quotation shall constitute the certification required by this clause.
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (JUN 97). This clause applies only if this contract exceeds \$100,000. In subparagraph (c)(4), "prime Contractor" shall mean Buyer.
52.204-2	Security Requirements (AUG 96). This clause applies only if this contract requires access to classified information. "Changes clause" shall mean the changes clause of this contract. "Government" shall mean Buyer or the Government.
52.211-5	Material Requirements (AUG 00). "Contracting Officer" shall mean Buyer. Any notice will be given to Buyer rather than the Contracting Officer.
52.211-15	Defense Priority and Allocation Requirements (SEP 90).
52.215-2	Audit and Records-Negotiation (JUN 99). This clause applies only if this contract exceeds the FAR simplified acquisition threshold and (i) is cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable type or any combination of these types; (ii) Seller was required to provide cost or pricing data; or (iii) Seller is required to furnish reports as discussed in paragraph (e) of the referenced clause.
52.215-14	Integrity of Unit Prices (OCT 97) (excluding paragraph (b)). This clause applies only if this contract exceeds the FAR simplified acquisition threshold or is not for construction or architect-engineer services under FAR Part 36, utility services under FAR Part 41, services where supplies are not required, commercial items, and petroleum products.
52.215-14	ALT I Integrity of Unit Prices (OCT 97).
52.219-8	Utilization of Small Business Concerns (OCT 00). This clause is applicable if this contract exceeds the FAR simplified acquisition threshold.
52.222-1	Notice to the Government of Labor Disputes (FEB 97). "Contracting Officer" shall mean Buyer.
52.222-20	Walsh-Healey Public Contracts Act (DEC 96). This clause applies only if this contract exceeds \$10,000.
52.222-26	Equal Opportunity (FEB 99) [subparagraphs (b)(1) through (11)].
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans. (DEC 01). This clause applies only if this contract is for \$10,000 or more.
52.222-36	Affirmative Action for Workers with Disabilities. (JUN 98). This clause applies only if this contract exceeds \$10,000.
52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 01). This clause applies only if this contract exceeds \$10,000.
52.223-2	Clean Air and Water (APR 84). This clause applies only if this contract exceeds \$100,000.
52.223-11	Ozone-Depleting Substances (MAY 01).
52.225-8	Duty-Free entry (FEB 00). 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. For the purposes of this clause, the blank(s) are completed as follows: (g)(4) The notation "UNITED STATES GOVERNMENT, DEPARTMENT OF DEFENSE, Duty-free entry to be claimed pursuant to Schedule 8, Part 3, Item No. 832.00 Tariff Schedules of the United States (19 U.S.C.1202). Upon arrival of shipment at port of entry, District Director of Customs, please release shipment under 19 CFR 142 and notify the appropriate contract administration office for execution of Customs Forms 7501-A and any required duty-free entry certificates."
52.225-11	Restrictions on Certain Foreign Purchases (AUG 98). "Contracting Officer" shall mean Buyer.
52.225-13	Restrictions on Certain Foreign Purchases (JUL 00).
52.227-1	Authorization and Consent (APR 84).
52.227-1	ALT I - Authorization and Consent (APR 84).
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (AUG 96). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. A copy of each notice sent to the Government will be sent to Buyer. "Contracting Officer" shall mean Buyer.
52.242-15	Stop Work Order (AUG 89). Change "90 days" and "30 days" to "100 days" and "20 days" respectively. The "Termination for Convenience" clause shall refer to the Termination for Convenience clause of this contract. "Contracting Officer" and "Government" shall mean Buyer.
52.244-5	Competition in Subcontracting (DEC 96).
52.244-6	Subcontracts for Commercial Items and Commercial Components (DEC 01). <i>As reflected in FAR 52.244-6 (DEC 01) for commercial items (defined in 52-202-1): flow down 52.219-8 dated (OCT 00), 52.222-26 dated (FEB 99), 52.222-35 dated (DEC 01) 52.222-36 dated (JUN 98) and 52.247-64 dated (JUN 00).</i>
52.245-2	Government Property (Fixed Price Contracts) (DEC 89). "Government" shall mean Government or Buyer throughout except the first time it appears in paragraph (f).
52.246-23	Limitation of Liability (FEB 97).
52.246-24	Limitation of Liability--High Value Items (FEB 97). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In paragraph (e), "Government's" shall mean Government's or Buyer's.
52.246-24	ALT I - Limitation of Liability (APR 84)
52.246-25	Limitation of Liability – Services (FEB 97).
52.247-63	Preference for U.S.-Flag Air Carriers (JAN 97). This clause applies only if this contract may involve international air transportation.

52.247-64	Preference for Privately Owned U.S. Flag Commercial Vessels (JUN 00). This clause applies if this contract exceeds the FAR Simplified Acquisition Threshold. In subparagraph (c)(2), "20" and "30" are changed to "10" and "20" respectively.
52.248-1	Value Engineering (FEB 00) [excluding paragraph (f)]. This clause applies if this contract is for \$100,000 or more. Share percentages are stated elsewhere in this order. "Contracting Officer" shall mean Buyer. If a Value Engineering Change Proposal is accepted by the Government, Seller's share will be 50% of the instant concurrent and future contract net acquisition savings and collateral savings that Buyer receives from the Government. Seller's negotiated share of net acquisition savings or collateral savings shall not reduce the Government's share of concurrent or future savings or collateral savings. Buyer's payments to Seller under this clause are conditioned upon Buyer's receipt of authorization for such payments from the Government.
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies (MAR 99) [excluding paragraph (g)]. This clause applies only if this contract exceeds the FAR simplified acquisition threshold. "Contractor" is not changed in paragraphs (a) and (b). In paragraph (e), "Government" shall mean Government or Buyer. In paragraph (f), "through the Buyer" is inserted after "Contracting Officer."
252.204-7000	Disclosure of Information (DEC 91). Seller will submit requests for authorization to re-release through Buyer.
252.209-7000	Acquisition from Subcontractors Subject to On-Site Inspection Under the Intermediate – Range Nuclear Forces (INF) Treaty (NOV 95). This clause applies only if this contract exceeds the FAR simplified acquisition threshold.
252.211-7000	Acquisition Streamlining (DEC 91). This clause applies only if this contract is for \$1 million or more.
252.223-7002	Safety Precautions for Ammunition and Explosives (MAY 94). This clause applies only if this contract involves ammunition or explosives. "Government" means Government or Buyer in paragraph (b)(2), each time it appears in (e), (f)(1), (f)(2), the first time it appears in (g)(1)(i), and in (g)(3). "Government" means Buyer in paragraphs (c)(3), (c)(4), (c)(5), and the second time it appears in (g)(1)(i). "Contracting Officer" means Contracting Officer and Buyer in paragraph (g)(4). "Contracting Officer" means Buyer in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and each time it appears in (d).
252.223-7003	Change in Place of Performance–Ammunition and Explosives (DEC 91). This clause applies only if DFARS 252.223-7002 applies.
252.225-7001	Buy American Act And Balance Of Payments Program (MAR 98).
252.225-7010	Duty -Free Entry–Additional Provisions (MAR 98). This clause applies only if FAR 52.225-10 is applicable. Seller shall request needed information from Buyer.
252.225-7014	Preference for Domestic Specialty Metals (MAR 98). This clause applies only if the goods contain specialty metal(s).
252.225-7014	ALT I - Preference for Domestic Specialty Metals (MAR 98).
252.225-7016	Restriction on Acquisition of Ball and Roller Bearings (DEC 00). This clause applies only if an item contains a ball or roller bearing.
252.225-7026	Reporting of Contract Performance Outside the United States (JUN 00). This clause applies only if the contract exceeds \$500,000 and is not for commercial items, construction, ores, natural gases, utilities, petroleum products and crudes, timber (logs), or subsistence.
252.227-7013	Rights in Technical Data-Noncommercial Items (NOV 95). This clause applies only if the delivery of data is required for non-commercial items under this contract.
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (JUN 95). This clause applies only if non-commercial computer software or non-commercial computer documentation may be originated, developed, or delivered under this contract.
252.227-7016	Rights in Bid or Proposal Information (JUN 95). This clause applies only if DFARS 252.227-7013, Rights in Technical Data-Noncommercial Items, or DFARS 252.227-7014, Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation, applies.
252.227-7030	Technical Data – Withholding of Payment (MAR 00). This clause applies only if the delivery of data is required by this contract. "Contracting Officer" and "Government" shall mean Buyer.
252.227-7036	Declaration of Technical Data Conformity (JAN 97). This clause applies only if the delivery of data is required by this contract.
252.227-7037	Validation of Restrictive Markings on Technical Data (SEP 99). This clause applies only if DFARS 252.227-7013, Rights in Technical data-Noncommercial Items, applies.
252.228-7005	Accident Reporting and Investigation Involving Aircraft, Missiles and Space Launch Vehicles (DEC 91).
252.235-7003	Frequency Authorization (DEC 91). This clause applies only if this contract involves developing, producing, testing, or operating a device requiring radio frequency authorization.
252.247-7023	Transportation of Supplies by Sea (MAR 00). This clause applies only if this contract exceeds the FAR simplified acquisition threshold. In the first sentence of paragraph (d), "45 days" is changed to "60 days." In paragraph (e), "30 days" is changed to "20 days."
252.247-7024	Notification of Transportation of Supplies by Sea (MAR 00). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" shall mean Buyer.
252.249-7002	Notification of Anticipated Contract Termination or Reduction (DEC 96). This clause applies only if this contract exceeds \$500,000. In paragraph (c), "two weeks" is changed to "10 days."

REVISION TABLE

Revision Number	Original Issue Date	Revision Date	Remarks
	12 Sep 2001		Basic through P00006 dated 16 Aug 2001
1		2 August 2002	Through P00007 and incorporated 6-27-02 changes.
2		20 Jan 2003	Revised flowdown – Modifications' statements interpreted.