

**CUSTOMER CONTRACT REQUIREMENTS
KC-10 CLS
CUSTOMER CONTRACT F34601-98-C-0125**

CUSTOMER CONTRACT REQUIREMENTS

The following customer contract requirements apply to this contract to the extent indicated below. If this contract is for the procurement of commercial items under a Government prime contract, as defined in FAR Part 2.101, see Section 3 below.

1. FAR Clauses. The following contract clauses are incorporated by reference from the Federal Acquisition Regulation and apply to the extent indicated. In all of the following clauses, "Contractor" and "Offeror" mean Seller.

52.219-8 Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (Jun 1997).

52.222-21 Prohibition of Segregated Facilities (Feb 1999).

52.222-35 Equal Opportunity for Special Disabled, Veterans of the Vietnam Era, and Other Eligible Veterans (Apr 1998). This clause applies only if this contract exceeds \$25,000.

52.222-36 Affirmative Action for Workers With Disabilities (Jun 1998). This clause applies only if this contract exceeds \$ 10,000.

52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (Jan 1988). This clause applies only if this contract is for \$10,000 or more.

52.225-10 Duty-Free Entry (Apr 1984). 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.

52.228-5 Insurance - Work on a Government Installation (Jan 1997). Seller shall provide and maintain insurance as set forth in this contract.

52.244-6 Subcontracts for Commercial Items (May 2001).

52.245-2 Government Property (Fixed Price Contracts) (Dec 1989). This clause is not applicable if this contract incorporates Form GP4. "Government" shall mean Government throughout except the first time it appears in paragraph (f) when "Government" shall mean the Government or the Buyer..

52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels (Jun 2000). In paragraph (c)(2) "20" and "30" are changed to 10 and 20 respectively.

2. DoD FAR Supplement Clauses. DoD Contracts. The following contract clauses are incorporated by reference from the Department of Defense Federal Acquisition Regulation Supplement and apply to the extent indicated. In all of the following clauses, \"Contractor\" and \"Offeror\" mean Seller except as otherwise noted.

252.225-7001 Buy American Act and Balance of Payment Program (Mar 1998).

252.225-7012 Preference for Certain Domestic Commodities (Sep 1997).

252.227-7015 Technical Data - Commercial Items (Nov 1995). This clause applies only if the delivery of data is required for commercial items under this contract.

252.227-7037 Validation of Restrictive Markings on Technical Data (Nov 1995). This clause applies only if the delivery of technical data is required under this contract and the contract is not for commercial items or commercial components.

252.247-7023 Transportation of Supplies by Sea (Nov 1995). This clause applies only if this contract exceeds \$100,000 and are a type of supplies described in paragraph (b)(2) of this clause. In paragraph (c), "45 days" is changed to "60 days". In paragraph (g) "Government" means Buyer.

252.247-7024 Notification of Transportation of Supplies by Sea (Mar 2000). Contracting Officer and, in the first sentence of paragraph (a), Contractor mean Buyer. This clause applies only if the supplies being transported are noncommercial items or commercial items that (i) Seller is reselling or distributing to the Government without adding value (generally, Seller does not add value to items that it contracts for f.o.b. destination shipment); (ii) are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations; or (iii) are commissary or exchange cargoes transported outside the Defense Transportation System in accordance with 10 U.S.C. 2643.

3. Commercial Items. If goods or services being procured under this contract are commercial items and Clause H203 is set forth in the purchase order, the foregoing Government clauses in Sections 1 and 2 above are deleted and the following FAR/DFARS clauses are inserted in lieu thereof:

52.219-8 Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (Jun 1997). Include in all subcontracts that offer further subcontracting opportunities. If a subcontract (except subcontracts to small business concerns) exceeds \$500,000 (\$1,000,000 for construction of any public facility), Seller and any lower tier subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

52.222-26 Equal Opportunity (subparagraphs (b)(1) through (b)(11)) (Feb 1999).

52.222-36 Affirmative Action for Workers With Disabilities (Jun 1998). This clause applies only if this contract exceeds \$10,000.

252.225-7014 Preference for Domestic Specialty Metals (Mar 1998), Alternate I (Mar 1998).

252.247-7024 Notification of Transportation of Supplies by Sea (Mar 2000). "Contracting Officer" and, in the first sentence of paragraph (a), "Contractor" mean Buyer. This clause applies only if the supplies being transported are noncommercial items or commercial items that (i) Seller is reselling or distributing to the Government without adding value (generally, Seller does not add value to items that it contracts for f.o.b. destination shipment); (ii) are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations; or (iii) are commissary or exchange cargoes transported outside the Defense Transportation System in accordance with 10 U.S.C. 2643.

4. The following prime contract special provisions apply to this purchase order:

A. Specialty Metals Note for KC 10

The basic KC-10 program contained a waiver for Specialty Metals - Berry Amendment. The contract extension added a modified Specialty Metals clause (See attached) which impacts only Tier 1 & Tier 2 Military Unique Remanufactured parts using the specialty metals called out in the DFARs clause. Please contact your Purchasing Agent for more information.