



## Section 9 : GOVERNMENT CONTRACT REQUIREMENTS

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CLAUSE 939 (10/01/96)

F34601-93-C-0465

KDC-10 TANKER/TRANSPORT PROGRAM

GOVERNMENT CONTRACT REQUIREMENTS

(a) 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" shall mean Seller.

(1) 52.203-6 Restrictions on Subcontractor Sales to the Government (JUL 1985)

(2) 52.203-7 Anti-Kickback Procedures (OCT 1988) [excluding subparagraph (c)(1)]. 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.

(3) 52.203-10 Price or Fee Adjustment for Illegal or Improper Activity (SEP 1990). This clause applies only if this contract exceeds the FAR small purchase limitation. 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 or recover from Seller the amount of the reduction.

(4) 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (APR 1991). This clause applies only if this contract exceeds \$100,000.

(5) 52.203-12 Limitation on Payments to Influence Certain Federal Transactions (JAN 1990). This clause applies only if this contract exceeds \$100,000. Paragraph (c) (4) is modified to read as follows: "(c) (4) Seller will promptly submit any disclosure required (with written notice to Buyer) directly to the PCO for the prime contract. Buyer will identify the cognizant Government PCO at Seller's request. Each subcontractor certification will be retained in the subcontract file of the awarding contractor."

(6) 52.215-1 Examination of Records by Comptroller General (FEB 1993). This clause applies only if this contract exceeds the FAR small purchase limitation.

(7) 52.215-2 Audit -- Negotiation (FEB 1993). This clause applies only if this contract exceeds the FAR small purchase limitation.

(8) 52.215-26 Integrity of Unit Prices (APR 1991) [excluding paragraph (c)]

(9) 52.215-27 Termination of Defined Benefit Pension Plans (SEP 1989). This clause applies only if under this contract certified cost or pricing data is required and preaward or postaward cost determinations are subject to FAR subpart 31.2. Buyer may withhold or recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because

of liabilities of Seller or its subcontractors under this clause. "Contracting Officer" shall mean Buyer.

(10) 52.215-39 Reversion or Adjustment of Plans for Postretirement Benefits other than Pensions (PRB)(JUL 1991). This clause applies only if under this contract certified cost or pricing data is required or preaward or postaward cost determinations are subject to FAR subpart 31.2. Buyer may withhold or recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors under this clause. "Contracting Officer" shall mean Buyer.

(11) 52.219-8 Utilization of Small Business Concerns and Small Disadvantaged Business Concerns (FEB 1990)

(12) 52.219-9 Small Business and Small Disadvantaged Business Subcontracting Plan (JAN 1991). This clause applies only if this contract exceeds \$500,000 and Seller is not a small business concern. In paragraph (c), "Contracting Officer" shall mean Buyer.

(13) 52.219-13 Utilization of Women-Owned Small Businesses (AUG 1986)

(14) 52.220-3 Utilization of Labor Surplus Area Concerns (APR 1984)

(15) 52.220-4 Labor Surplus Area Subcontracting Program (APR 1984). This clause applies only if this contract exceeds \$500,000.

(16) 52.222-1 Notice to the Government of Labor Disputes (APR 1984). "Contracting Officer" shall mean Buyer.

(17) 52.222-20 Walsh-Healey Public Contracts Act (APR 1984). This clause applies only if this contract exceeds \$10,000.

(18) 52.222-26 Equal Opportunity (APR 1984) [subparagraphs (b)(1) through (11)]

(19) 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 1984). This clause applies only if this contract is for \$10,000 or more.

(20) 52.222-36 Affirmative Action for Handicapped Workers (APR 1984). This clause applies only if this contract exceeds \$2,500.

(21) 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.

(22) 52.223-2 Clean Air and Water (APR 1984). This clause applies only if this contract exceeds \$100,000.

(23) 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. For the purposes of this clause the blank(s) are completed as follows: (f)(3) 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 and 7501-A and any required duty-free entry certificates."

(24) 52.225-11 Restrictions on Certain Foreign Purchases (MAY 1992)

(25) 52.227-1 Authorization and Consent (APR 1984)

(26) 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (APR 1984). This clause applies only if this contract exceeds the FAR small purchase limitation. A copy of each notice sent to the Government will be sent to Buyer.

(27) 52.244-5 Competition in Subcontracting (APR 1984)

(28) 52.245-17 Special Tooling (APR 1984)

(29) 52.245-18 Special Test Equipment (FEB 1993)

(30) 52.246-23 Limitation of Liability (APR 1984)

(31) 52.251-1 Government Supply Sources (APR 1984)

(b) 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" shall mean Seller.

(1) 252.203-7001 Special Prohibition on Employment (APR 1993) [Excluding paragraph (g)]. This clause applies only if this contract exceeds \$25,000.

(2) 252.204-7003 Control of Government Personnel Work Product (APR 1992)

(3) 252.205-7000 Provision of Information to Cooperative Agreement Holders (DEC 1991)

(4) 252.209-7000 Acquisition From Subcontractors Subject to On-Site Inspection Under the Intermediate-Range Nuclear Forces (INF) Treaty (DEC 1991). This clause applies only if this contract exceeds the FAR small purchase limitation and is not for commercial or commercial-type products (see FAR 11.001).

(5) 252.215-7000 Pricing Adjustments (DEC 1991)

(6) 252.225-7001 Buy American Act and Balance of Payments Program (DEC 1991)

(7) 252.225-7002 Qualifying Country Sources as Subcontractors (DEC 1991)

(8) 252.225-7009 Duty-Free Entry -- Qualifying Country End Products and Supplies (DEC 1991)

(9) 252.225-7010 Duty-Free Entry -- Additional Provisions (DEC 1991). This clause applies if FAR 52.225-10 applies. Additional information referenced in this clause is available on request.

(10) 252.225-7014 Preference for Domestic Specialty Metals (DEC 1991), Alternate I (DEC 1991)

(11) 252.225-7025 Foreign Source Restrictions (APR 1993)

(12) 252.225-7026 Reporting of Contract Performance Outside the United States (APR 1993). This clause applies only if this contract exceeds \$100,000 and is not for commercial items as defined in DFARS 211.7001.

(13) 252.225-7027 Limitation on Sales Commissions and Fees (DEC 1991). This clause applies only if this contract is for

**Foreign Military Sales.** The blanks are the country to which the goods or services will ultimately be delivered.

(14) 252.225-7028 Exclusionary Policies and Practices of Foreign Governments (DEC 1991). This clause applies only if this contract is for Foreign Military Sales.

(15) 252.227-7013 Rights in Technical Data and Computer Software (OCT 1988). This clause applies only if the delivery of data is required or where computer software may be originated, developed or delivered under this contract.

(16) 252.228-7005 Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (DEC 1991)

(17) 252.231-7000 Supplemental Cost Principles (DEC 1991)

(18) 252.249-7001 Notification of Substantial Impact on Employment (DEC 1991). This clause applies only if this contract is \$500,000 or more.

(19) 252.251-7000 Ordering From Government Supply Sources (DEC 1991)