

## L-3 Communications

### General Terms and Conditions for Supply and Service Subcontracts

Supplement 2 – U.S. Government Contract Provisions from the Department of Defense Federal Acquisition Regulation Supplement (DFARS)

1. When the materials or products furnished are for use in connection with a U. S. Government Department of Defense contract or subcontract, in addition to the L-3 General Terms and Conditions for Supply and Services Subcontracts (Corp Form CC008) and Supplement 1- the U.S. Government Contract Provisions from the FAR (Corp Form CC009), the following Supplement 2 - the U.S. Government Contract Provisions from the Department of Defense Acquisition Regulation Supplement (DFARS) shall apply, as required by the terms of the prime contract, or by operation of law or regulation. In the event of a conflict between these DFARS provisions and the L-3 General Terms and Conditions for Supply and Services Subcontracts (Corp Form CC008), the DFARS provisions shall control.
2. The following clauses set forth in the DFARS in effect as of the date of the prime contract are incorporated herein by reference with the same force and effect as if they were given in full text. In all clauses listed herein, the terms "Government", "Contracting Officer" and "Contractor" shall be revised to suitably identify the contracting parties under this purchase order and effect the proper intent of the provision except where further clarified or modified below. "Subcontractor", however, shall mean "Seller's Subcontractor" under this purchase order. The Seller, by signing its offer, hereby certifies compliance with the following clauses and is, therefore, eligible for award.
3. Clauses in this document may not be applicable to specific orders due to the type of subcontract/purchase order to be issued, dollar thresholds under requirements of the FAR, DFARS or Public Law or Mandatory Flow Down requirements of a particular prime contract. Clauses not applicable for these reasons shall not be removed from this document and will be considered by all parties to be without force and effect.

Title of Clause	DFARS
<b>A. <u>APPLICABLE TO ALL ORDERS:</u></b>	
1. Requirement to Inform Employees of Whistleblower Rights	252.203-7002
2. Disclosure of Information	252.204-7000
3. Alternate A, Central Contractor Registration	252.204-7004
4. Alternate A, Annual Representations and Certifications	252.204-7007
5. Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information	252.204-7009
6. Safeguarding Covered Defense Information and Cyber Incident Reporting (for Operationally Critical Support or where performance involves a covered contractor information system)	252.204-7012
7. Reserved	
8. Limitations on the Use or Disclosure of Information by Litigation Support Contractors	252.204-7014
9. Disclosure of Information by Litigation Support Contractors	252.204-7015
10. Intent to Furnish Precious Metals as Government-Furnished Material	252.208-7000
11. Disclosure of ownership of control by a foreign government	252.209-7002
12. Limitations on Contractors Acting as Lead System Integrators	252.209-7006
13. Prohibited Financial Interests for Lead System Integrators	252.209-7007
14. Item Unique Identification and Valuation	252.211-7003
15. Radio Frequency Identification	252.211-7006
16. Reporting of Government Furnished Equipment in DoD Item Unique Identification (IUID) Registry	252.211-7007
17. Removed and Reserved	252.212-7001
18. Pricing Adjustments	252.215-7000
19. Cost Estimating System Requirements	252.215-7002
20. Award Fee Reduction or Denial for Jeopardizing the Health or Safety of Government Personnel (applicable to Award Fee Orders only)	252.216-7004
21. Restrictions on Employment of Personnel	252.222-7000
22. Hazard Warning Labels (fill in State where this purchase order will be performed)	252.223-7001
23. Safety Precautions for Ammunition and Explosives	252.223-7002
24. Change in Place of Performance - Ammunition and Explosives	252.223-7003
25. Drug-Free Work Force	252.223-7004
26. Prohibition on Storage and Disposal of Toxic and Hazardous Materials	252.223-7006

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27. Safeguarding Sensitive Conventional Arms, Ammunition and Explosives	252.223-7007
28. Prohibition of Hexavalent Chromium	252.223-7008
29. Buy American Act – Balance of Payments Program Certificate	252.225-7000
30. Buy American Act and Balance of Payments Program	252.225-7001
31. Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies	252.225-7007
32. Restriction on Acquisition of Specialty Metals (prime contracts at \$150K or more requiring delivery of specialty metals as end items)	252.225-7008
33. Restriction on Acquisition of Certain Articles Containing Specialty Metals (prime contracts at \$150K or more; excludes and reserves para (d) and (e)(1))	252.225-7009
34. Commercial Derivative Military Article – Specialty Metals Compliance Certificate (prime contracts at \$150K or more, see clause for exceptions)	252.225-7010
35. Preference for Certain Domestic Commodities (prime contracts at \$150K or more for the acquisition of food, clothing, or cloth materials)	252.225-7012
36. Duty Free Entry	252.225-7013
37. Restriction on Acquisition of Hand or Measuring Tools (prime contracts at \$150K or more and both the prime contract and subcontract are for the acquisition of hand or measuring tools either commercial or non-commercial as prime end items)	252.225-7015
38. Restriction on Acquisition of Ball and Roller Bearings	252.225-7016
39. Restriction on Acquisition of Foreign Anchor and Mooring Chain	252.225-7019
40. Trade Agreements Certificate	252.225-7020
41. Trade Agreements	252.225-7021
42. Trade Agreements Certificate – Inclusion of Iraqi End Products	252.225-7022
43. Restriction on the Acquisition of Forgings	252.225-7025
44. Restriction on Contingent Fees for Foreign Military Sales (blank is filled in “zero”)	252.225-7027
45. Exclusionary Policies and Procedures of Foreign Governments	252.225-7028
46. Restriction on Acquisition of Carbon Alloy and Armor Steel Plate	252.225-7030
47. Secondary Arab Boycott of Israel	252.225-7031
48. Buy American Act – Free Trade Agreements – Balance of Payments Program Certificate	252.225-7035
49. Buy American Act – Free Trade Agreements – Balance of Payments Program	252.225-7036
50. Defense Contractors Performing Private Security Functions Outside of the United States	252.225-7039
51. Contractor personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States	252.225-7040
52. Antiterrorism / force Protection Policy for Defense Contractors Outside the United States	252.225-7043
53. Balance of Payments Program – Construction Material	252-225-7044
54. Balance of Payments Program – Construction Material Under Trade Agreements	252-225-7045
55. Exports By Approved Community Members in Response to the Solicitation	252.225-7046
56. Export by Approved Community Members in Performance of the Contract	252.225-7047
57. Export Controlled Items	252.225-7048
58. Additional Access to Contractor and Subcontractor Records (Deviation 2015-O0016)	252.225-7981
59. Prohibition on Providing Funds to the Enemy (Deviation 2015-O0016)	252.225-7993
60. Rights in Technical Data - Noncommercial Items	252.227-7013
61. Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation	252.227-7014
62. Technical Data - Commercial Items	252.227-7015
63. Rights in Bid or Proposal Information	252.227-7016
64. Identification and Assertion of Use, Release, or Disclosure Restrictions	252.227-7017
65. Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program	252.227-7018
66. Validation of Asserted Restrictions - Computer Software	252.227-7019
67. Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends	252.227-7025
68. Delivery of Technical Data or Computer Software	252.227-7026
69. Deferred Ordering of Technical Data or Computer Software	252.227-7027
70. Technical Data or Computer Software Previously Delivered to the Government	252.227-7028
71. Technical Data--Withholding of Payment	252.227-7030
72. Rights in Shop Drawings	252.227-7033
73. Validation of Restrictive Markings on Technical Data	252.227-7037
74. Patent Rights – Ownership by the Contractor	252.227-7038
75. Patents – Reporting of Subject Inventions	252.227-7039
76. Ground and Flight Risk	252.228-7001

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77. Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles	252.228-7005
78. Reporting of Foreign Taxes – U.S. Assistance Programs	252.229-7011
79. Taxes – Foreign Contracts in Afghanistan	252.229-7014
80. Supplemental Cost Principles (first tier subcontractors only)	252.231-7000
81. Frequency Authorization	252.235-7003
82. Protection of Human Subjects	252.235-7004
83. Requirement for Competition Opportunity for American Steel Producers, Fabricators And Manufacturers (For Construction Subcontracts)	252.236-7013
84. Training for Contract Personnel Interacting with Detainees	252.237-7019
85. Continuation of Essential Contractor Services	252.237-7023
86. Notice of Continuation of Essential Contractor Services	252.237-7024
87. Protection Against Compromising Emanations	252.239-7000
88. Information Assurance Contractor Training and Certification	252.239-7001
89. Cloud Computing Services	252.239-7010
90. Telecommunications Security Equipment, Devices, Techniques, and Services	252.239-7016
91. Supply Chain Risk	252.239-7018
92. Pricing of Contract Modifications	252.243-7001
93. Subcontracts for Commercial Items and Commercial Components (DoD contracts)	252.244-7000
94. Tagging, Labeling, and Marking Government Furnished Property	252.245-7001
95. Reporting Loss of Government Property	252.245-7002
96. Material Inspection and Receiving Report	252.246-7000
97. Notification of Potential Safety Issues	252.246-7003
98. Safety of Facilities, Infrastructure, and Equipment for Military Operations	252.246-7004
99. Counterfeit Electronic Part Detection and Avoidance System	252.246-7007
100. Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer	252.247-7003

#### **B. ORDERS OVER THE SIMPLIFIED ACQUISITION THRESHOLD ALSO INCLUDE THE FOLLOWING:**

1. Prohibition on persons convicted of Fraud or other Defense – Contract-related felonies	252.203-7001
2. Disclosure of ownership or control by the government of a Terrorist Country	252.209-7001
3. Subcontracting with Firms that are Owned or Controlled by the Government of a Terrorist Country	252.209-7004
4. Additional Access to Contractor and Subcontractor Records in the United States Central Command Theater of Operations	252.225-7994
5. Requests for Equitable Adjustment	252.243-7002
6. Contractor Purchasing System Administration (BASIC - if 52.244-2 applies or ALT I if 252.246-7007 applies)	252.244-7001
7. Representation of Extent of Transportation by Sea	252.247-7022
8. Transportation of Supplies by Sea	252.247-7023
9. Notification of Transportation of Supplies by Sea	252.247-7024

#### **C. ORDERS OVER \$ 500,000 ALSO INCLUDE THE FOLLOWING:**

1. Small Business Subcontracting Plan (DoD Contracts)	252.219-7003
2. Report of Intended Performance Outside the United States and Canada – Submission with Offer )	252.225-7003
3. Report of Intended Performance Outside the United States & Canada – Submission After Award	252.225-7004
4. Removed and Reserved	252.225-7006
5. Utilization of Indian Organizations, Indian- Owned Economic Enterprises, and Native Hawaiian Small Business Concerns)	252.226-7001
6. Notification of Anticipated Contract Termination or Reduction	252.249-7002

#### **D. ORDERS OVER \$1,000,000 OR AS SPECIFIED ALSO INCLUDE THE FOLLOWING:**

1. Agency Office of the Inspector General	252.203-7003
2. Display of Fraud Hotline Posters	252.203-7004
3. Acquisition Streamlining	252.211-7000
4. Restrictions on the Use of Mandatory Arbitration Agreements	252.222-7006
5. Waiver of United Kingdom Levies – Evaluation of Offers	252.225-7032
6. Waiver of United Kingdom Levies	252.225-7033

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**E. ORDERS FOR MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDE THE FOLLOWING:**

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| 1. Notice of Prohibition Relating to Organizational Conflict of Interest – Major Defense Acquisition Program | 252.209-7008 |
| 2. Organizational Conflict of Interest – Major Defense Acquisition Program                                   | 252-209-7009 |
| 3. Notice of Cost and Software Data Reporting System   | 252.234-7003 |
| 4. Cost and Software Data Reporting System   | 252.234-7004 |

**4. CERTIFICATIONS**

*The offeror, by signing its offer, hereby certifies compliance with the following clauses and is, therefore eligible for award.*

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| A. Representation Regarding Combating Trafficking in Persons | 252.222-7007 |
| B. Representation of Use of Cloud Computing                  | 252.239-7009 |