

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 (Corp Form CC008) and the FAR provisions (Corp Form CC009), the following DFARS provisions shall apply, as required by the terms of the prime contract, or by operation of law or regulation. Otherwise, the General Terms and Conditions for Supply and Services as provided for in this Subcontract shall govern in the event of a conflict between the FAR or these DFARS provisions and the General Provisions.
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
<u>A. APPLICABLE TO ALL ORDERS:</u>	
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. Reserved	252.204-7008
6. Safeguarding Unclassified Uncontrolled Technical Information	252.204-7012
7. Intent to Furnish Precious Metals as Government-Furnished Material	252.208-7000
8. Disclosure of ownership of control by a foreign government	252.209-7002
9. Limitations on Contractors Acting as Lead System Integrators	252.209-7006
10. Prohibited Financial Interests for Lead System Integrators	252.209-7007
11. Item Unique Identification and Valuation	252.211-7003
12. Radio Frequency Identification	252.211-7006
13. Reporting of Government Furnished Equipment in DoD Item Unique Identification (IUID) Registry	252.211-7007
14. Contract Terms and Conditions required to implement statutes or Executive Orders applicable to Defense acquisitions of commercial items (Class Deviation 2009-O0005 expires on April 30, 2014).	252.212-7001
15. Pricing Adjustments	252.215-7000
16. Cost Estimating System Requirements	252.215-7002
17. Award Fee Reduction or Denial for Jeopardizing the Health or Safety of Government Personnel (applicable to Award Fee Orders only)	252.216-7004
18. Restrictions on Employment of Personnel	252.222-7000
19. Hazard Warning Labels (fill in State where this purchase order will be performed)	252.223-7001
20. Safety Precautions for Ammunition and Explosives	252.223-7002
21. Change in Place of Performance - Ammunition and Explosives	252.223-7003
22. Drug-Free Work Force	252.223-7004
23. Prohibition on Storage and Disposal of Toxic and Hazardous Materials	252.223-7006
24. Safeguarding Sensitive Conventional Arms, Ammunition and Explosives	252.223-7007
25. Prohibition of Hexavalent Chromium	252.223-7008
26. Buy American Act – Balance of Payments Program Certificate	252.225-7000
27. Buy American Act and Balance of Payments Program	252.225-7001
28. Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies	252.225-7007

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29	Restriction on Acquisition of Specialty Metals (prime contracts at \$150K or more requiring delivery of specialty metals as end items)	252.225-7008
30.	Restriction on Acquisition of Certain Articles Containing Specialty Metals (prime contracts at \$150K or more; excludes para (d); see other exceptions; and compliance to 10USC2533b)	252.225-7009
31.	Commercial Derivative Military Article – Specialty Metals Compliance Certificate (prime contracts at \$150K or more, see clause for exceptions)	252.225-7010
32.	Duty Free Entry	252.225-7013
33.	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
34.	Restriction on Acquisition of Ball and Roller Bearings	252.225-7016
35.	Restriction on Acquisition of Foreign Anchor and Mooring Chain	252.225-7019
36.	Trade Agreements Certificate	252.225-7020
37.	Trade Agreements	252.225-7021
38.	Trade Agreements Certificate – Inclusion of Iraqi End Products	252.225-7022
39.	Restriction on the Acquisition of Forgings	252.225-7025
40.	Restriction on Contingent Fees for Foreign Military Sales (blank is filled in “zero”)	252.225-7027
41.	Exclusionary Policies and Procedures of Foreign Governments	252.225-7028
42.	Restriction on Acquisition of Carbon Alloy and Armor Steel Plate	252.225-7030
43.	Secondary Arab Boycott of Israel	252.225-7031
44.	Buy American Act – Free Trade Agreements – Balance of Payments Program Certificate	252.225-7035
45.	Buy American Act – Free Trade Agreements – Balance of Payments Program	252.225-7036
46.	Contractor personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States	252.225-7040
47.	Antiterrorism / force Protection Policy for Defense Contractors Outside the United States	252.225-7043
48.	Balance of Payments Program – Construction Material	252-225-7044
49.	Balance of Payments Program – Construction Material Under Trade Agreements	252-225-7045
50.	Exports By Approved Community Members in Response to the Solicitation	252.225-7046
51.	Export by Approved Community Members in Performance of the Contract	252.225-7047
52.	Export Controlled Items	252.225-7048
53.	Preference for Certain Domestic Commodities (prime contracts at \$150K or more for the acquisition of food, clothing, or cloth materials)	252.225-7012
54.	Rights in Technical Data - Noncommercial Items	252.227-7013
55.	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation	252.227-7014
56.	Technical Data - Commercial Items	252.227-7015
57.	Rights in Bid or Proposal Information	252.227-7016
58.	Identification and Assertion of Use, Release, or Disclosure Restrictions	252.227-7017
59.	Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program	252.227-7018
60.	Validation of Asserted Restrictions - Computer Software	252.227-7019
61.	Limitations on the Use or Disclosure of Government Furnished Information Marked with Restrictive Legends	252.227-7025
62.	Delivery of Technical Data or Computer Software	252.227-7026
63.	Deferred Ordering of Technical Data or Computer Software	252.227-7027
64.	Technical Data or Computer Software Previously Delivered to the Government	252.227-7028
65.	Technical Data--Withholding of Payment	252.227-7030
66.	Rights in Shop Drawings	252.227-7033
67.	Validation of Restrictive Markings on Technical Data	252.227-7037
68.	Patent Rights – Ownership by the Contractor	252.227-7038
69.	Patents – Reporting of Subject Inventions	252.227-7039
70.	Ground and Flight Risk	252.228-7001
71.	Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles	252.228-7005
72.	Reporting of Foreign Taxes – U.S. Assistance Programs	252.229-7011
73.	Supplemental Cost Principles (first tier subcontractors only)	252.231-7000
74.	Frequency Authorization	252.235-7003
75.	Frequency Authorization (ALT I)	252.235-7003
76.	Protection of Human Subjects	252.235-7004
77.	Requirement for Competition Opportunity for American Steel Producers, Fabricators And Manufacturers (For Construction Subcontracts)	252.236-7013
78.	Training for Contract personnel Interacting with Detainees	252.237-7019

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79. Continuation of Essential Contractor Services	252.237-7023
80. Notice of Continuation of Essential Contractor Services	252.237-7024
81. Protection Against Compromising Emanations	252.239-7000
82. Information Assurance Contractor Training and Certification	252.239-7001
83. Telecommunications Security Equipment, Devices, Techniques, and Services	252.239-7016
84. Supply Chain Risk	252.239-7018
85. Pricing of Contract Modifications	252.243-7001
86. Subcontracts for Commercial Items and Commercial Components (DoD contracts)	252.244-7000
87. Tagging, Labeling, and Marking Government Furnished Property	252.245-7001
88. Reporting Loss of Government Property	252.245-7002
89. Material Inspection and Receiving Report	252.246-7000
90. Notification of Potential Safety Issues	252.246-7003
91. Safety of Facilities, Infrastructure, and Equipment for Military Operations	252.246-7004
92. 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. Requests for Equitable Adjustment	252.243-7002
5. Contractor Purchasing System Administration	252.244-7001
6. Representation of Extent of Transportation by Sea	252.247-7022
7. Transportation of Supplies by Sea	252.247-7023
8. Notification of Transportation of Supplies by Sea	252.247-7024
9. Notification of Anticipated Contract Termination or Reduction	252.249-7002

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

1. Small Business Subcontracting Plan (DoD Contracts) – Over \$650K	252.219-7003
2. Report of Intended Performance Outside the United States and Canada – Submission with Offer (over \$650K)	252.225-7003
3. Report of Intended Performance Outside the United States & Canada – Submission After Award (\$650K)	252.225-7004
4. Quarterly Reporting of Actual Contract Performance Outside the United States (over \$650K)	252.225-7006
5. Utilization of Indian Organizations, Indian- Owned Economic Enterprises, and Native Hawaiian Small Business Concerns)	252.226-7001

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

1. Agency Office of the Inspector General (\$5M)	252.203-7003
2. Display of Fraud Hotline Posters (over \$5M)	252.203-7004
3. Acquisition Streamlining (\$1.5M)	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

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

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. Earned Value Management System (Orders over \$50M)	252.234-7002
4. Notice of Cost and Software Data Reporting System	252.234-7003
5. Cost and Software Data Reporting System	252.234-7004