

The following US Government FARs and DFARs are applicable
to all purchase orders referencing
Prime Contract N00024-20-C-2120.

Please visit

<https://www.acquisition.gov/browse/index/far>

for full text of Part 52

<https://www.acquisition.gov/dfars>

for full text of Part 252

FAR/DFARS CLAUSES/PROVISIONS INCORPORATED BY REFERENCE

11. INCORPORATION OF APPLICABLE CLAUSES, PROVISIONS, AND OTHER REQUIREMENTS

- a. The Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) clauses cited below are incorporated by reference as if set forth in full text, and are applicable, including any notes or other language following the clause citation, to this subcontract. The full text of all clauses incorporated by reference is available at <http://www.acquisition.gov/>. If so identified, this Order is a "rated order" certified for national defense use and SELLER shall follow all the requirements of the Defense Priorities and Allocation System (DPAS) Regulation (15 C.F.R. Part 700).
- b. Unless the text in these clauses clearly reserves rights in the Government only or as otherwise noted, the terms:

- i. "Purchase Order" shall be substituted for "Contract";
 - ii. "Purchaser" or "BUYER" for "Government" or "Contracting Officer" or equivalent phrases;
 - iii. "SELLER" for "Contractor"; and
 - iv. "SELLER's lower-tier subcontractor" for "Subcontractor" when it can so reasonably be interpreted, and it is not obvious that the words refer to BUYER's prime contract, the Government or Contracting Officer, the BUYER, or the SELLER itself.
- c. **Flow Down Requirement** - SELLER agrees to flow down the FAR and DFARS clauses as well as those clauses and provisions contained in this document to its lower-tier subcontractors and to also require further flow down, where applicable.
- d. **EB Identification of applicable clause thresholds and further flow down requirements is informational only and is not to be construed as determinative. SELLER remains responsible for determining and complying with all clause flow down requirements.**
- e. When the materials or products furnished are for use in connection with a U.S. Government contract or subcontract, in addition to Electric Boat's (EB) General Terms & Conditions and Special Provisions, the following clauses shall apply, as required by the terms of the prime contract, or by operation of law or regulation. Otherwise, EB's General Terms and Conditions shall govern in the event of a conflict between these FAR and DFARS clauses and EB's clauses.
- f. The following clauses set forth in the FAR and 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 in full text.
- g. 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 that are not applicable are deemed self-deleting, shall not be removed from this document, and will be considered by all parties to be without force and effect. It is the SELLER's obligation to contact EB regarding any confusion, ambiguity, or questions the SELLER may have regarding applicability of the following clauses.

The Following Clauses Are Applicable To All Orders		
52.203-5	Covenant Against Contingent Fees	May-14
52.203-6	Restrictions On Subcontractor Sales To The Government	Sep-06
52.203-7	Anti-Kickback Procedures	May-14
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity	May-14
52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity	May-14
52.203-12	Limitation On Payments To Influence Certain Federal	Oct-10

	Transactions	
52.203-13	Contractor Code of Business Ethics and Conduct	Oct-15
52.203-17	Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights	Apr-14
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements	Jan-17
52.204-2	Security Requirements	Aug-96
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards Applicable to subcontracts greater than \$30,0000	Oct-18
52.204-21	Basic Safeguarding of Covered Contractor Information Systems	Jun-16
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities.	Jul-18
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment	Aug-19
52.204-27	Prohibition on a Bytedance covered application	Jun-23
52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment Applicable to subcontracts greater than \$35,000	Oct-15
52.211-5	Material Requirements	Aug-00
52.211-15	Defense Priority And Allocation Requirements DPAS Rating: DO-A3	Apr-08
52.215-2	Audit and Records--Negotiation	Oct-10

52.215-10	Price Reduction for Defective Certified Cost or Pricing Data	Aug-11
52.215-12 (Dev)	Subcontractor Certified Cost or Pricing Data (Deviation 2018-00015)	Jul-18
52.215-14	Integrity of Unit Prices	Oct-10
52.215-14 Alt I	Integrity of Unit Prices (Oct 2010) - Alternate I	Oct-97
52.215-15	Pension Adjustments and Asset Reversions	Oct-10
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions	Jul-05
52.215-19	Notification of Ownership Changes	Oct-97
52.215-21	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data -- Modifications	Oct-10
52.215-21 Alt II	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data -- Modifications (Oct 2010) - Alternate II	Oct-97
52.215-21 Alt III	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data -- Modifications (Oct 2010) - Alternate III	Oct-97
52.215-23	Limitations on Pass-Through Charges	Oct-09
52.219-8	Utilization of Small Business Concerns	Oct-18
52.219-9 (Dev)	Small Business Subcontracting Plan (Deviation 2018-00018)	Aug-18
52.219-9 Alt II (Dev)	Small Business Subcontracting Plan (Deviation 2018-00018) - Alternate II	Aug-18
52.222-4	Contract Work Hours and Safety Standards - Overtime Compensation	May-18
52.222-20	Contracts for Materials, Supplies, Articles, and Equipment	May-14

	Exceeding \$15,000	
52.222-21	Prohibition Of Segregated Facilities	Apr-15
52.222-26	Equal Opportunity	Sep-16
52.222-35	Equal Opportunity for Veterans	Oct-15
52.222-36	Equal Opportunity for Workers with Disabilities	Jul-14
52.222-37	Employment Reports on Veterans	Feb-16
52.222-40	Notification of Employee Rights Under the National Labor Relations Act	Dec-10
52.222-50	Combating Trafficking in Persons	Jan-19
52.222-54	Employment Eligibility Verification	Oct-15
52.223-18	Encouraging Contractor Policies To Ban Text Messaging While Driving	Aug-11
52.225-13	Restrictions on Certain Foreign Purchases	Jun-08
52.227-1	Authorization and Consent	Dec-07
52.227-2	Notice And Assistance Regarding Patent And Copyright Infringement	Dec-07
52.227-10	Filing Of Patent Applications-- Classified Subject Matter	Dec-07
52.230-2 (Dev)	Cost Accounting Standards (DEVIATION 2018-O0015)	Jul-18
52.230-6	Administration of Cost Accounting Standards	Jun-10
52.232-40	Providing Accelerated Payments to Small Business Subcontractors	Dec-13
52.237-3	Continuity Of Services	Jan-91
52.242-5	Payments to Small Business Subcontractors	Jan-17
52.243-7	Notification of Changes	Jan-17
52.244-6	Subcontracts for Commercial Items	Jan-19
52.245-1	Government Property	Jan-17
52.245-9	Use And Charges	Apr-12
52.246-16	Responsibility for Supplies	Apr-84

52.247-1	Commercial Bill Of Lading Notations	Feb-06
52.247-63	Preference For U.S. Flag Air Carriers	Jun-03
52.247-68	Report of Shipment (REPSHIP)	Feb-06
52.248-1	Value Engineering	Oct-10
52.251-1	Government Supply Sources	Apr-12
252.203-7000	Requirements Relating to Compensation of Former DoD Officials	Sep-11
252.203-7001	Prohibition On Persons Convicted of Fraud or Other Defense-Contract-Related Felonies	Dec-08
252.203-7002	Requirement to Inform Employees of Whistleblower Rights	Sep-13
252.203-7003	Agency Office of the Inspector General	Dec-12
252.203-7004	Display of Hotline Posters	Oct-16
252.204-7000	Disclosure Of Information	Oct-16
252.204-7005	Oral Attestation of Security Responsibilities	Nov-01
252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information	Oct-16
252.204-7010	Requirement for Contractor to Notify DoD if the Contractor's Activities are Subject to Reporting Under the U.S.- International Atomic Energy Agency Additional Protocol	Jan-09
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting <i>Herein invoke NIST SP 800-171 Revision 1 (December 2016), for references to National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, "Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations.</i>	Oct-16

252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support	May-16
252.204-7020	NIST SP 800-171 DoD Assessment Requirements	Nov-20
252.211-7003	Item Unique Identification and Valuation	Mar-16
252.209-7004	Subcontracting With Firms That Are Owned or Controlled By The Government of a Country that is a State Sponsor of Terrorism	Oct-15
252.211-7005	Substitutions for Military or Federal Specifications and Standards	Nov-05
252.211-7007	Reporting of Government-Furnished Property	Aug-12
252.219-7003	Small Business Subcontracting Plan (DOD Contracts)	Dec-18
252.225-7007	Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies	Dec-18
252.225-7008	Restriction on Acquisition of Specialty Metals	Mar-13
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals	Oct-14
252.225-7012	Preference For Certain Domestic Commodities	Dec-17
252.225-7013	Duty-Free Entry--Basic	May-16
252.225-7016	Restriction On Acquisition Of Ball and Roller Bearings	Jun-11
252.225-7019	Restriction on Acquisition of Anchor and Mooring Chain	Dec-09
252.225-7025	Restriction on Acquisition of Forgings	Dec-09
252.225-7033	Waiver of United Kingdom Levies	Apr-03
252.225-7036	Buy American--Free Trade Agreements--Balance of Payments Program--Basic	Dec-17
252.225-7038	Restriction on Acquisition of Air Circuit Breakers	Dec-18
252.225-7048	Export-Controlled Items	Jun-13

252.225-7978 (Dev)	Restriction on Acquisition of Certain Magnets and Tungsten. (DEVIATION 2019-O0006)	Jan-19
252.226-7001	Utilization of Indian Organizations and Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns	Sep-04
252.227-7013	Rights in Technical Data--Noncommercial Items	Feb-14
252.227-7013 Alt II	Rights in Technical Data--Noncommercial Items (FEB 2014) Alternate II	Mar-11
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation	Feb-14
252.227-7015	Technical Data--Commercial Items	Feb-14
252.227-7015 Alt I	Technical Data--Commercial Items (FEB 2014) Alternate I	Dec-11
252.227-7016	Rights in Bid or Proposal Information	Jan-11
252.227-7019	Validation of Asserted Restrictions--Computer Software	Sep-16
252.227-7025	Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends	May-13
252.227-7027	Deferred Ordering Of Technical Data Or Computer Software	Apr-88
252.227-7030	Technical Data--Withholding Of Payment <i>The maximum withholding is established at two percent (2%) vice ten percent (10%).</i>	Mar-00
252.227-7037	Validation of Restrictive Markings on Technical Data	Sep-16
252.227-7038	Patent Rights--Ownership by the Contractor (Large Business)	Jun-12
252.234-7004	Cost and Software Data Reporting System--Basic	Nov-14
252.235-7003	Frequency Authorization	Mar-14
252.244-7000	Subcontracts for Commercial	Jun-13

	Items	
252.245-7001	Tagging, Labeling, and Marking of Government-Furnished Property	Apr-12
252.245-7002	Reporting Loss of Government Property	Dec-17
252.245-7004	Reporting, Reutilization, and Disposal	Dec-17
252.246-7003	Notification of Potential Safety Issues	Jun-13
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System	Aug-16
252.246-7008	Sources of Electronic Parts	May-18
252.247-7023	Transportation of Supplies by Sea	Feb-19
252.247-7028	Application for U.S. Government Shipping Documentation/Instructions	Jun-12
252.249-7002	Notification of Anticipated Contract Termination or Reduction	Oct-15
252.251-7000	Ordering From Government Supply Sources	Aug-12

The Following Clauses Are Applicable To All Fixed-Price Type Orders

52.229-4	<p>Federal, State, And Local Taxes (State and Local Adjustments)</p> <p><i>Shall be deemed to include any Federally mandated Value Added, Ad Valorem, or similar tax implemented during the period of performance of this contract. Therefore, the SELLER shall be entitled to an equitable adjustment in accordance with the provisions of this clause for any such implementation of a Federally mandated Value Added, Ad Valorem, or similar tax during the period of performance of this Contract which results in an increase or decrease in the SELLER's cost of performing the work under this contract.</i></p>	Feb-13
52.233-3	Protest After Award	Aug-96
52.243-1	Changes--Fixed Price	Aug-87

	<i>Insert "45 Days" wherever "30 Days" appears</i>	
52.249-2	Termination For Convenience Of The Government (Fixed-Price)	Apr-12
52.250-1	Indemnification Under Public Law 85-804 <i>SELLER may request Indemnification under Public Law-804 for Nuclear or Unusually Hazardous Risks in accordance with FAR 52.250-1. Any such properly asserted request by the SELLER shall be transmitted to the customer by the BUYER for disposition. Submission of such request does not constitute approval, as the U.S. Government maintains the sole authority to approve or deny such requests. See *NOTE</i>	Apr-84
252.235-7000	Indemnification Under 10 U. S. C. 2354 Fixed Price	Dec-91
252.243-7001	Pricing Of Contract Modifications	Dec-91
The Following Clauses Are Applicable to Cost Reimbursement Type Orders		
52.216-7	Allowable Cost And Payment	Aug-18
52.216-8	Fixed Fee	Jun-11
52.232-20	Limitation Of Cost	Apr-84
52.232-22	Limitation Of Funds	Apr-84
52.233-3 Alt I	Protest After Award (Aug 1996) - Alternate I	Jun-85
52.243-2	Changes--Cost-Reimbursement <i>Insert "45 Days" wherever "30 Days" appears</i>	Aug-87
52.243-2 Alt II	Changes--Cost Reimbursement (Aug 1987) - Alternate II	Apr-84
52.249-6	Termination (Cost Reimbursement)	May-04
52.250-1 Alt I	Indemnification Under Public Law 85-804 (Apr 1984) - Alternate I (cost Reimbursement) <i>SELLER may request Indemnification under Public Law-804 for Nuclear or Unusually Hazardous Risks in accordance with</i>	Apr-84

*FAR 52.250-1. Any such properly asserted request by the SELLER shall be transmitted to the customer by the BUYER for disposition. Submission of such request does not constitute approval, as the U.S. Government maintains the sole authority to approve or deny such requests. See *NOTE*

252.235-7001

**Indemnification Under U. S. C.
2354--Cost Reimbursement**

Dec-91

FAR/DFARS CLAUSES MODIFIED TO READ AS SHOWN AND INCORPORATED IN FULL TEXT

12. FAR 52.234-1, INDUSTRIAL RESOURCES DEVELOPED UNDER TITLE III, DEFENSE PRODUCTION ACT (SEPT 2016)

- a. Definitions.
 - i. Title III industrial resource means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) established or maintained under the authority of Title III, Defense Production Act (50 U.S.C. App. 2091-2093).
 - ii. Title III project contractor means a contractor that has received assistance for the development or manufacture of an industrial resource under Title III of Defense Production Act (50 U.S.C. App. 2091-2093).
- b. The Contractor shall refer any request from a Title III project contractor for testing and qualification of a Title III industrial resource to the Contracting Officer.
- c. Upon the direction of the Contracting Officer, the Contractor shall test Title III industrial resources for qualification. The Contractor shall provide the test results to the Defense Production Act Office, Title III Program, located at Wright Patterson Air Force Base, Ohio 45433-7739.
- d. When the Contracting Officer modifies the contract to direct testing pursuant to this clause, the Government will provide the Title III industrial resource to be tested and will make an equitable adjustment in the contract for the costs of testing and qualification of the Title III industrial resource.
- e. The Contractor agrees to insert the substance of this clause, including paragraph (e), in every subcontract issued in performance of this contract.

***NOTE:** FAR 52.250-1 entitled "INDEMNIFICATION UNDER PUBLIC LAW 85-804" and the clause with its "ALTERNATE I", the following definitions, from the Secretary of the Navy's MEMORANDUM OF DECISION UNDER PUBLIC LAW 85-804 dated 30 September 2019, are added to the clauses as paragraph (i) and (j), respectively, as follows:

"(i) or (j) For purposes of this clause:

(i) "Nuclear risks" are those risks attributable to the radioactive, toxic, explosive, or other hazardous properties of "special nuclear material," "by-product material" or "source material," as such materials are defined in the Atomic Energy Act of 1954, as amended.

(ii) "Unusually hazardous risks" are the risks of explosion, detonation, burning or propulsion attributable to the utilization of high energy propellants in (i) POLARIS, POSEIDON, or TRIDENT, or of any component thereof, or (ii) propellant-powered POLARIS, POSEIDON, or TRIDENT or of any component thereof, or (iii) any other component or subcomponent of the POLARIS, POSEIDON, or TRIDENT weapon systems which uses high energy propellants."