

FA8213-19-D0001\_MODP00003\_ACES II Flowdowns\_01-25-2024

**U.S. GOVERNMENT CLAUSES**

**Prime Contract Number: FA8213-19-D0001**  
**Modification/Rev. Number: P00003**  
**Date of Creation: 01-25-2024**

***The following customer contract requirements apply to any Purchase Order referencing the above U.S. Government prime contract number and are hereby incorporated into the Purchase Order by full text or by reference with the same force and effect as if they were given in full text. The terms and conditions of the versions of the “Flowdown of U.S. Government Contract Clauses Under U.S. Government Contracts” and “Flowdown Updates” documents in effect on the date of the particular Order shall also apply. These documents are made available at the RTX Supplier Site. The full text of FAR/DFARS clauses may be accessed at <https://www.acquisition.gov/>.***

In all provisions and clauses listed herein, terms shall be revised to suitably identify the party to establish Supplier's obligations to Buyer and to the Government, and to enable Buyer to meet its obligations under the prime contract. Without limiting the generality of the foregoing, and except where further clarified or modified below, the term “Government” and equivalent phrases shall mean “Buyer”, the term “Contracting Officer” shall mean “Buyer's Purchasing Representative”, the term “Contractor” or “Offeror” shall mean “Supplier”, “Subcontractor” shall mean “Supplier's Subcontractor” under this Purchase Order, and the term “Contract” shall mean this “Purchase Order”. For the avoidance of doubt, the words “Government” and “Contracting Officer” do not change: (1) when a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or duly authorized representative, such as in FAR 52.227-1 and FAR 52.227-2 or (2) when title to property is to be transferred directly to the Government. Supplier shall incorporate into each lower tier contract issued in support of this Purchase Order all applicable FAR and DFARS provisions and clauses in accordance with the flow down requirements specified in such clauses. Nothing in this Purchase Order grants Supplier a direct right of action against the Government. If any of the following FAR or DFARS clauses do not apply to this Purchase Order, such clauses are considered to be self-deleting.

Buyer or Buyer Affiliates reserve the right to add or update any FAR or DFAR clause or special contract provision based on customer contract directives

Capitalized words used herein and not otherwise defined shall have the meanings ascribed to them in the Terms and Conditions.

The requirements below are in accordance with the U.S. Government prime contract and are not modified by Buyer for each individual Supplier. Supplier will remain at all times responsible for providing to any government agency, Buyer, or Buyer's customer, evidence of compliance with the requirements herein or that such requirements are not applicable to the extent satisfactory to the requesting party.

## **CLAUSES INCORPORATED BY REFERENCE:**

### **FAR CLAUSES**

<b>Clause</b>	<b>Date</b>	<b>Reference</b>
52.202-1	NOV 2013	Definitions.
52.203-3	APR 1984	Gratuities.
52.203-5	MAY 2014	Covenant Against Contingent Fees.
52.203-6	SEP 2006	Restrictions on Subcontractor Sales to the Government.
52.203-7	MAY 2014	Anti-Kickback Procedures.
52.203-8	MAY 2014	Cancellation Rescission and Recovery of Funds for Illegal or Improper Activity.
52.203-10	MAY 2014	Price or Fee Adjustment for Illegal or Improper Activity
52.203-12	OCT 2010	Limitation on Payments to Influence Certain Federal Transactions.
52.203-13	OCT 2015	Contractor Code of Business Ethics and Conduct.
52.203-19	JAN 2017	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements.
52.204-4	MAY 2011	Printed or Copied Double-Sided on Postconsumer Fiber Content Paper.
52.204-10	OCT 2018	Reporting Executive Compensation and First-Tier Subcontract Awards.
52.204-13	OCT 2016	System for Award Management Maintenance.
52.204-18	JUL 2016	Commercial and Government Entity Code Maintenance.
52.204-19	DEC 2014	Incorporation by Reference of Representations and Certifications.
52.204-21	JUN 2016	Basic Safeguarding of Covered Contractor Information Systems.
52.204-23	JUL 2018	Prohibition on Contracting for Hardware Software and Services Developed or Provided by Kaspersky Lab Covered Entities.
52.209-6	OCT 2015	Protecting the Government's Interest When Subcontracting with Contractors Debarred Suspended or Proposed for Debarment.
52.209-9	JUL 2013	Updates of Publicly Available Information Regarding Responsibility Matters.
52.209-10	NOV 2015	Prohibition on Contracting with Inverted Domestic Corporations.
52.210-1	APR 2011	Market Research.
52.211-5	AUG 2000	Material Requirements.
52.211-15	APR 2008	Defense Priority and Allocation Requirements.
52.211-17	SEP 1989	Delivery of Excess Quantities.
52.215-2	OCT 2010	Audit and Records-Negotiation.
52.215-10	AUG 2011	Price Reduction for Defective Certified Cost or Pricing Data.
52.215-11	AUG 2011	Price Reduction for Defective Certified Cost or Pricing Data-Modifications.
52.215-12	OCT 2010	Subcontractor Certified Cost or Pricing Data.
52.215-13	OCT 2010	Subcontractor Certified Cost or Pricing Data-Modifications.
52.215-14	OCT 2010	Integrity of Unit Prices.
52.215-14 Alt I	OCT 1997	Integrity of Unit Prices.
52.215-15	OCT 2010	Pension Adjustments and Asset Reversions.
52.215-18	JUL 2005	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions.
52.215-19	OCT 1997	Notification of Ownership Changes.
52.215-21	OCT 2010	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data-Modifications.
52.215-23	OCT 2009	Limitations on Pass-Through Charges.
52.216-4	JAN 2017	Economic Price Adjustment-Labor and Material.
52.216-19	OCT 1995	Order Limitations.
52.216-22	OCT 1995	Indefinite Quantity.
52.219-8	NOV 2016	Utilization of Small Business Concerns.
52.219-9	AUG 2018	Small Business Subcontracting Plan.(Deviation 2018-O0018)
52.219-16	JAN 1999	Liquidated Damages-Subcontracting Plan.

Clause	Date	Reference
52.219-28	JUL 2013	Post-Award Small Business Program Re-representation.
52.222-19	OCT 2016	Child Labor-Cooperation with Authorities and Remedies.
52.222-20	MAY 2014	Contracts for Materials Supplies Articles and Equipment.
52.222-21	APR 2015	Prohibition of Segregated Facilities.
52.222-26	SEP 2016	Equal Opportunity.
52.222-29	APR 2015	Notification of Visa Denial.
52.222-37	FEB 2016	Employment Reports on Veterans.
52.222-40	DEC 2010	Notification of Employee Rights Under the National Labor Relations Act.
52.222-50	MAR 2015	Combating Trafficking in Persons.
52.223-6	MAY 2001	Drug-Free Workplace.
52.223-18	AUG 2011	Encouraging Contractor Policies to Ban Text Messaging While Driving.
52.224-3	JAN 2017	Privacy Training.
52.225-13	JUN 2008	Restrictions on Certain Foreign Purchases.
52.227-1	DEC 2007	Authorization and Consent.
52.227-2	DEC 2007	Notice and Assistance Regarding Patent and Copyright Infringement.
52.229-4	FEB 2013	Federal State and Local Taxes (State and Local Adjustments).
52.230-2	OCT 2015	Cost Accounting Standards.
52.230-6	JUN 2010	Administration of Cost Accounting Standards.
52.232-1	APR 1984	Payments.
52.232-8	FEB 2002	Discounts for Prompt Payment.
52.232-11	APR 1984	Extras.
52.232-17	MAY 2014	Interest.
52.232-23	MAY 2014	Assignment of Claims.
52.232-25	JAN 2017	Prompt Payment.
52.232-33	JUL 2013	Payment by Electronic Funds Transfer-System for Award Management.
52.232-39	JUN 2013	Unenforceability of Unauthorized Obligations.
52.232-40	DEC 2013	Providing Accelerated Payments to Small Business Subcontractors.
52.233-1	MAY 2014	Disputes.
52.233-3	AUG 1996	Protest after Award.
52.233-4	OCT 2004	Applicable Law for Breach of Contract Claim.
52.242-4	JAN 1997	Certification of Final Indirect Costs.
52.242-5	JAN 2017	Payments to Small Business Subcontractors.
52.242-13	JUL 1995	Bankruptcy.
52.242-15	AUG 1989	Stop-Work Order.
52.242-17	APR 1984	Government Delay of Work.
52.243-1	AUG 1987	Changes-Fixed-Price.
52.244-2	OCT 2010	Subcontracts.
52.244-5	DEC 1996	Competition in Subcontracting.
52.244-6	NOV 2017	Subcontracts for Commercial Items.
52.246-2	AUG 1996	Inspection of Supplies-Fixed-Price.
52.246-11	DEC 2014	Higher-Level Contract Quality Requirement.
52.246-16	APR 1984	Responsibility for Supplies.
52.246-23	FEB 1997	Limitation of Liability.
52.247-68	FEB 2006	Report of Shipment (REPSHIP).
52.248-1	OCT 2010	Value Engineering.
52.249-2	APR 2012	Termination for Convenience of the Government (Fixed-Price).
52.249-8	APR 1984	Default (Fixed-Price Supply and Service).
52.252-2	FEB 1998	Clauses Incorporated by Reference.
52.252-6	APR 1984	Authorized Deviations in Clauses.
52.253-1	JAN 1991	Computer Generated Forms.

## **DFARS CLAUSES**

<b>Clause</b>	<b>Date</b>	<b>Reference</b>
252.203-7000	SEP 2011	Requirements Relating to Compensation of Former DoD Officials.
252.203-7001	DEC 2008	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies.
252.203-7002	SEP 2013	Requirement to Inform Employees of Whistleblower Rights.
252.203-7003	DEC 2012	Agency Office of the Inspector General.
252.203-7004	OCT 2016	Display of Hotline Posters.
252.204-7003	APR 1992	Control of Government Personnel Work Product.
252.204-7012	OCT 2016	Safeguarding Covered Defense Information and Cyber Incident Reporting.
252.204-7015	MAY 2016	Notice of Authorized Disclosure of Information for Litigation Support.
252.205-7000	DEC 1991	Provision of Information to Cooperative Agreement Holders.
252.209-7004	OCT 2015	Subcontracting with Firms that are Owned or Controlled by the Government of a Country that is a State Sponsor of Terrorism.
252.209-7010	AUG 2011	Critical Safety Items.
252.211-7003	MAR 2016	Item Unique Identification and Valuation.
252.215-7002	DEC 2012	Cost Estimating System Requirements.
252.216-7006	MAY 2011	Ordering.
252.219-7003	AUG 2016	Small Business Subcontracting Plan (DoD Contracts)—Basic (DEVIATION 2016-O0009).
252.219-7004	OCT 2014	Small Business Subcontracting Plan (Test Program).
252.222-7006	DEC 2010	Restrictions on the use of Mandatory Arbitration Agreements.
252.223-7002	MAY 1994	Safety Precautions for Ammunition and Explosives.
252.223-7003	DEC 1991	Change in Place of Performance--Ammunition and Explosives.
252.223-7008	JUN 2013	Prohibition of Hexavalent Chromium.
252.225-7001	DEC 2016	Buy American and Balance of Payments Program--Basic.
252.225-7002	DEC 2016	Qualifying Country Sources as Subcontractors.
252.225-7004	OCT 2015	Report of Intended Performance Outside the United States and Canada -- Submission after Award.
252.225-7012	DEC 2016	Preference for Certain Domestic Commodities.
252.225-7027	APR 2003	Restriction on Contingent Fees for Foreign Military Sales.
252.225-7028	APR 2003	Exclusionary Policies and Practices of Foreign Governments.
252.225-7048	JUN 2013	Export-Controlled Items.
252.225-7978	JAN 2019	Restriction on Acquisition of Certain Magnets and Tungsten (Deviation 2019-O0006).
252.226-7001	SEP 2004	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns.
252.227-7013	FEB 2014	Rights in Technical Data--Noncommercial Items.
252.227-7015	FEB 2014	Technical Data--Commercial Items.
252.227-7016	JAN 2011	Rights in Bid or Proposal Information.
252.227-7030	MAR 2000	Technical Data--Withholding of Payment.
252.227-7037	SEP 2016	Validation of Restrictive Markings on Technical Data.
252.231-7000	DEC 1991	Supplemental Cost Principles.
252.232-7003	JUN 2012	Electronic Submission of Payment Requests and Receiving Reports.
252.232-7009	DEC 2006	Mandatory Payment by Government-wide Commercial Purchase Card.
252.232-7010	DEC 2006	Levies on Contract Payments.
252.243-7001	DEC 1991	Pricing of Contract Modifications.
252.243-7002	DEC 2012	Requests for Equitable Adjustment.
252.244-7000	JUN 2013	Subcontracts for Commercial Items.
252.244-7001	MAY 2014	Contractor Purchasing System Administration—Basic.
252.246-7007	AUG 2016	Contractor Counterfeit Electronic Part Detection and Avoidance System.
252.247-7023	APR 2014	Transportation of Supplies By Sea—Basic.

Clause	Date	Reference
252.247-7028	JUN 2012	Application for U.S. Government Shipping Documentation/Instructions.

## **CLAUSES INCORPORATED IN FULL TEXT:**

### **52.222-35 EQUAL OPPORTUNITY FOR VETERANS (OCT 2015)**

(a) Definitions. As used in this clause--

“Active duty wartime or campaign badge veteran,” “Armed Forces service medal veteran,” “disabled veteran,” “protected veteran,” “qualified disabled veteran,” and “recently separated veteran” have the meanings given at FAR 22.1301.

(b) Equal opportunity clause. The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-300.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified protected veterans, and requires affirmative action by the Contractor to employ and advance in employment qualified protected veterans.

(c) Subcontracts. The Contractor shall insert the terms of this clause in subcontracts of \$150,000 or more unless exempted by rules, regulations, or orders of the Secretary of Labor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate of identify properly the parties and their undertakings.

(Applicable when the expected value is \$150,000 or more except when work is performed outside the United States by employees recruited outside the United States or the Director, Office of Federal Contract Compliance Programs, has waived, in accordance with 22.1305(b), all of the terms of the clause)

(End of Clause)

### **52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUL 2014)**

(a) Equal opportunity clause. The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60.741.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by the Contractor to employ and advance in employment qualified individuals with disabilities.

(b) Subcontracts. The Contractor shall include the terms of this clause in every subcontract or purchase order in excess of \$15,000 unless exempted by rules, regulations, or orders of the Secretary, so that such provisions will be binding upon each subcontractor or vendor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs of the U.S. Department of Labor, to enforce the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

(Applicable over \$15,000 except when performance of work and recruitment of workers will occur outside the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island, or the agency head has waived, in accordance with 22.1403 (a) or 22.1403 (b) all the terms of the clause)

(End of Clause)