

Supplier/Subcontractor Commercial Items Flowdown of USG Requirements for DFAR, FAR Part 12 & FAR Part 15 Contracts, and Financial Assistance Grants and Cooperative Agreements

U.S. GOVERNMENT REQUIREMENTS

Materials or items provided by Seller may contribute to or be incorporated into Purchaser's end items provided to the U.S. Government. As a result, the following terms and conditions are incorporated in this purchase order.

Suspension/Debarment. Seller shall provide immediate notice to Purchaser in the event of being suspended, debarred or declared ineligible by any federal agency, or upon receipt of a notice of proposed debarment during the performance of this order.

Anti-Kickback. By acceptance of this purchase order, Seller certifies that it has not paid any kickbacks and is in compliance with the Anti-Kickback Act of 1986, 41 U.S.C. 51-58, and further, Seller agrees to indemnify Purchaser for any costs, liabilities or administrative offsets incurred by Purchaser as a result of violations or alleged violations of FAR 52.203-7, "Anti-Kickback Procedures", by Seller, its employees, its subcontractors or their employees.

Procurement Integrity. Seller agrees to comply with the requirements of section 27 of the "Office of Federal Procurement Policy Act" (41 U.S.C. 423), as amended by section 814 of Public Law 101-189, and with the implementing regulations contained in FAR 3.104, and agrees to indemnify Purchaser for any costs and liabilities incurred by Purchaser as a result of violations of the act or regulations by Seller, its employees, its agents, its consultants, or subcontractors, or their employees.

Business Ethics and Conduct. Seller is put on notice that FAR 52.203-13 incorporated in this contract requires Seller to have a code of business ethics and conduct, if the contract meets the criteria for applicability. If Seller is unable to establish such a code or requires assistance in doing so, Seller shall contact Purchaser for assistance. It is the responsibility of Seller to ensure that this clause is properly flowed down in subcontracts that meet the clause criteria.

Small Business Concern Size Status. Seller shall notify Purchaser in writing if Seller is qualified as a small business concern, small disadvantaged business concern, or women-owned small business concern as defined in 48 CFR 52.219-8.

Federal Acquisition Regulation (FAR) Clauses. The following clauses in effect on the date of the order are hereby incorporated by reference, to the extent they apply to Purchaser's contract with the Government. However, in the event of a conflict between the clauses listed below and the Purchaser's Prime Contract, the Purchaser's Prime Contract shall prevail. Where applicable, the terms "government", "Contracting Officer", and similar terms shall mean Purchaser, and the term "Contractor" and similar terms shall mean Seller. The full text of a clause may be accessed electronically at <http://farsite.hill.af.mil/vffar1.htm>.

FAR Clauses Required in Accordance with 52.212-5(e):

52.203-13	Contractor Code of Business Ethics and Conduct
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards
52.212-4	Contract Terms and Conditions Commercial Items 52.219-8 Utilization of Small Business Concerns (15 U.S.C. 637(d)(2) and (3))
52.222-21	Prohibition of Segregated Facilities
52.222-26	Equal Opportunity (E.O. 11246)
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (38 U.S.C. 4212)
52.222-36	Affirmative Action for Workers with Disabilities (29 U.S.C. 793)
52.222-37	Employment Reports on Veterans
52.222-40	Notification of Employee Rights Under the National Labor Relations Act
52.222-50	Combating Trafficking in Persons
52.222-54	Employment Eligibility Verification

- 52.222-55 Minimum Wages under Executive Order 13658 (Applies when 52.222-41 is applicable; Seller shall indemnify Purchaser in the event Purchaser is held liable under paragraph (j))
- 52.222-56 Certification Regarding Trafficking in Persons Compliance Plan (Applies if it is possible that at least \$500,000 of the value of the contract may be performed outside the United States and acquisition is not entirely for commercially available off-the-shelf items)
- 52.232-40 Providing Accelerated Payments to Small Business Subcontractors
- 52.247-64 Preference for Privately-Owned U.S. Flag Commercial Vessels (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631)

DoD FAR Supplement (DFARS) Clauses Required in Accordance with 252.244-7000:

- 252.203-7003 Agency Office of the Inspector General (As referenced in FAR 52.203-13)
- 252.204-7015 Disclosure of Information to Litigation Support Contractors
- 252.211-7003 Item Identification and Valuation (Applies when the Order involves Goods for which unique item identification is required in accordance with paragraph (c)(1))
- 252.222-7007 Representation Regarding Combatting Trafficking in Persons
- 252.223-7008 Prohibition of Hexavalent Chromium
- 252.225-7009 Restriction on Acquisition of Certain Articles Containing Specialty Metals (10 U.S.C. 2533b)
- 252.226-7001 Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Business Concerns (Applies if order exceeds \$500,000)
- 252.227-7013 Rights in Technical Data – Noncommercial Items (Applies when technical data is specified to be delivered under the Order)
- 252.227-7015 Technical Data-Commercial Items
- 252.227-7037 Validation of Restrictive Markings on Technical Data Fabricators, and Manufacturers (Pub. L. 110-329, Division E, Section 108)
- 252.244-7000 Subcontracts for Commercial Items and Commercial Components (DoD Contracts)
- 252.246-7003 Notification of Potential Safety Issues)
- 252.246-7007 Contractor Counterfeit Electronic Part Detection and Avoidance System
- 252.247-7003 Pass-through of Motor Carrier Fuel Surcharge Adjustments to the Cost Bearer

- 252.247-7023 Transportation of Supplies by Sea (10 U.S.C. 2631)
- 252.247-7024 Notification of Transportation of Supplies by Sea (10 U.S.C. 2631)

10CFR Part 600 – Appendix B to Subpart D – Contract Provisions

Financial Assistance Grants and Cooperative Agreements Required by Office of Management and Budget (OMB Circulars)

- Equal Employment Opportunity* –E.O. 11246 (Mar 2007) as amended by E.O. 11375 and as supplemented by regulations at 41CFR chapter 60 “Office of Federal Contract Compliance Programs, EEO, Department of Labor.”
- Clean Air Act (41 U.S.C. 7401 et seq.) and Federal Water Pollution control act (33 U.S.C. 1251 et seq.) as amended* – required in all contracts and subawards in excess of \$100,000.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)* – certification required for all contractors who apply or bid for an award of \$100,000 or more.

Notification to vendors and sub-contractors

As a federal contractor GE has obligations to notify its subcontractors of our policy with respect to Affirmative Action, the nondiscrimination and affirmative action compliance requirements of Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended. To that end, we wanted to let you know that GE is committed to maintaining a work environment that is free from any and all forms of unlawful discrimination and harassment. It is therefore the company’s policy to prohibit discrimination and harassment against any applicant, employee, vendor, contractor or customer on the basis of race, color, sex, national or ethnic origin, age, disability, pregnancy, veteran status, genetic information, sexual orientation, gender identity or expression, citizenship status, or any other basis prohibited by law. It is also the company’s policy to prohibit

any and all forms of retaliation against any individual who has complained of harassing or discriminatory conduct, or participated in a company or agency investigation into such complaints.

It is also GE's policy to take affirmative action to employ, advance in employment, and otherwise treat qualified minorities, women, protected veterans, and individuals with disabilities without regard to their race/ethnicity, sex, veteran status, or physical or mental disability. Under this policy GE also will provide reasonable accommodations to the known physical or mental limitations of an otherwise qualified employee or applicant for employment, unless the accommodation would impose undue hardship on the operation of the company's business or cause a direct threat to the health or safety of the individual or others.

Company policy prohibits employees and applicants from being subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in (1) filing a complaint; (2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any Federal, state or local law requiring equal opportunity; (3) opposing any act or practice made unlawful by any Federal, state or local law requiring equal opportunity; or (4) exercising any other right protected by Section 503 or Section 212 or their implementing regulations.

We also wanted to remind you of your obligations to abide by the requirements of 41 CFR §§ 60 - 1, 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals on the basis of race, gender, protected veteran status or disability, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified minorities, women, protected veterans and individuals with disabilities.

Thank you for your efforts in compliance with these requirements.