



**E104 PART E, Alternate I, Flowdown Document  
ESAero**

**If E104 PART E, Alternate I, Flowdown Document is specified in this Purchase Order, the following terms apply to this order:**

**Flowdown Document  
N00024-24-C-6104**

**Prime Contract Number: N00024-24-C-6104**

**DPAS Rating:**

**Date of Creation:** Jan 03, 2024

*The following customer contract requirements apply to this Purchase Order to the extent indicated below 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. Upon Seller's request, Buyer's Purchasing Representative will make their full text available. Also, the full text of a FAR or DFARS provision or clause may be accessed electronically at these addresses: <http://farsite.hill.af.mil/> or <https://www.acquisition.gov/far/>:*

In all provisions and clauses listed herein, terms shall be revised to suitably identify the party to establish Seller's obligations to Buyer and to the Government, and to enable Buyer to meet its obligations under the Buyer's higher-tier subcontract under which this Purchase Order is a subcontract (the "Government 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 "Seller", "Subcontractor" shall mean "Seller'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 Government 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. Seller 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 Seller 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.

**CLAUSES INCORPORATED BY REFERENCE:**

Clause Number	Title	Applicability (Reference to "Purchase Orders" includes underlying Solicitations)
FAR 52.203-5	Covenant Against Contingent Fees (May 2014)	Applicable to Orders over the Simplified Acquisition Threshold.
FAR 52.203-6	Restrictions on Subcontractor Sales to the Government (Jun 2020) – Alternate I (Nov 2021)	Applicable to all Orders over the Simplified Acquisition Threshold, for the acquisition of commercial products or commercial services.
FAR 52.203-7	Anti-Kickback Procedures (June 2020)	Applicable to all Orders that exceed \$150,000, excepting paragraph (c)(1).
FAR 52.203-12	Limitation on Payments to Influence Certain Federal Transactions (Jun 2020)	Applicable to all Orders exceeding \$150,000.

FAR 52.203-13	Contractor Code of Business Ethics and Conduct (Nov 2021)	Applicable to all Orders, including for commercial products or commercial services pursuant to 52.244-6, (i) that have a value more than \$6 million; and (ii) that have a performance period of more than 120 days. (In Paragraph (b)(3)(i), the meaning of “agency office of the Inspector General” and “Contracting Officer” does not change, in Paragraph (b)(3)(ii) the meaning of “Government” does not change, and in Paragraphs (b)(3)(iii) and (c)(2)(ii)(F), the meaning of “OIG of the ordering agency”, “IG of the agency” “agency OIG” and “Contracting Officer” do not change.
FAR 52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6.
FAR 52.204-2	Security Requirements (Mar 2021)	Applicable to all Orders that involve access to classified information. Any reference to the Changes clause is excluded.
FAR 52.204-2	Security Requirements – Alternate I (Apr 1984)	Applicable to all cost Orders for research and development with an educational institution that involve access to classified information. Any reference to the Changes clause is excluded.
FAR 52.204-9	Personal Identity Verification of Contractor Personnel (Jan 2021)	Applicable to all Orders when Seller’s employees are required to have routine physical access to a Federally-controlled facility and / or routine access to a Federally-controlled information system.
FAR 52.204-10	Reporting Executive Compensation and First- Tier Subcontract Awards (Jun 2020)	Applicable to all Orders when the Buyer is the Prime Contractor and the Order exceeds \$30,000. Substitution of the parties is not applicable to this clause. Seller shall report to Buyer the information required under the clause.
FAR 52.204-21	Basic Safeguarding of Covered Contractor Information Systems (Nov 2021)	Applicable to all Orders, including for commercial products or commercial services pursuant to 52.244-6, except commercially available off-the-shelf items, in which the Seller may have Federal contract information residing in or transiting through its information system.
FAR 52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Nov 2021)	Applicable to all Orders, including for commercial products or commercial services.
FAR 52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021)	Applicable to all Orders, including subcontracts for the acquisition of commercial products or commercial services.
FAR 52.204-25	Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021)	Applicable to all Orders, including subcontracts for the acquisition of commercial products or commercial services.
FAR 52.204-27	Prohibition on a ByteDance Covered Application (Jun 2023)	



FAR 52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Nov 2021)	Applicable to Orders exceeding \$35,000 or the dollar threshold in effect as of the date of the prime contract, except for Orders for commercially available off-the-shelf items.
FAR 52.211-5	Material Requirements (Aug 2000)	Applicable to Orders for supplies that are not Commercial Items.
FAR 52.215-2	Audit and Records - Negotiation (Jun 2020) – Alternate III (Jun 1999)	Applicable to the following Orders that exceed the Simplified Acquisition Threshold: (i) that are cost-reimbursement, incentive, time-and- materials, labor-hour, or price- redeterminable type or any combination of these, (ii) for which certified cost or pricing data are required; or (iii) that require Seller to furnish reports as discussed in paragraph (e) of the clause. Alt III applies when the head of the agency has waived the examination of records by the Comptroller General in accordance with 25.1001.
FAR 52.215-11	(Dev) Price Reduction for Defective Certified Cost or Pricing Data – Modifications (DEVIATION 2022- O0001) (Oct 2021)	Applicable to all Orders when it is contemplated that certified cost or pricing data will be required for the pricing of contract modifications expected to exceed \$2 million on the date of execution of the modification, except that this clause does not apply to any modification if an exception under FAR 15.403-1(b) applies.
FAR 52.215-12	Subcontractor Certified Cost or Pricing Data (Jun 2020)	Applicable to Orders in excess of \$2 Million. This clause does not apply to Orders for commercial items or if the Seller qualifies for any of the other exemptions in FAR 15.403-1.
FAR 52.215-13	(Dev) Subcontractor Certified Cost or Pricing Data – Modifications (Deviation 2022-O0001) (Oct 2021)	Applicable to Orders that exceed \$2 million on the date of agreement on price or the date of award, whichever is later. This clause does not apply to Orders for commercial items or if the Seller qualifies for any of the other exemptions in FAR 15.403-1(b), and only applies if FAR 52.215-11 is included.
FAR 52.215-14	Integrity of Unit Prices (Nov 2021)	Applicable to Orders exceeding the Simplified Acquisition Threshold less paragraph (b) in the clause, except for construction or architect-engineer services under FAR Part 36; utility services under FAR Part 41; services where supplies are not required; commercial products and commercial services; and petroleum products.
FAR 52.215-15	Pension Adjustments and Asset Reversions (Oct 2010)	Applicable to Orders for which it is anticipated that certified cost or pricing data will be required or for which any preaward or postaward cost determinations will be subject to Part 31.
FAR 52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions (Jul 2005)	Applicable to Orders that require certified cost or pricing data. This clause does not apply to Orders for commercial items or if the Seller qualifies for any of the other exemptions in FAR 15.403-1.
FAR 52.215-19	Notification of Ownership Changes (Oct 1997)	Applicable to Orders that require certified cost or pricing data. This clause does not apply to Orders for commercial items or if the Seller qualifies for any of the other exemptions in FAR 15.403-1.

FAR 52.215-21	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications (Nov 2021)	Applicable to all Orders when certified cost or pricing data, or data other than certified cost or pricing data, will be required for modifications.
FAR 52.215-23	Limitations on Pass – Through Charges (Jun 2020)	Applicable to all cost-reimbursement Orders that exceed the Simplified Acquisition Threshold; except if the Government Contract is with the DoD, then applicable to all cost- reimbursement Orders and all fixed- price Orders, except those identified in 15.408(n)(2)(i)(B)(2), that exceed the threshold for obtaining cost or pricing data in accordance with FAR 15.403-4.
FAR 52.216-7	Allowable Cost and Payment (Aug 2018)	Applicable to Cost Reimbursement or Time & Material Orders. Seller must execute assignment documents in accordance with requirements in the clause.
FAR 52.216-8	Fixed Fee (Jun 2011)	Applicable to cost plus fixed fee Orders.
FAR 52.216-11	Cost Contract – No Fee (Apr 1984)	Applicable to cost no fee Orders.
FAR 52.219-8	Utilization of Small Business Concerns (Sep 2023)	
FAR 52.222-9	Apprentices and Trainees (Jul 2005)	Applicable to all Orders in excess of \$2,000 for construction within the United States (see FAR 52.222-11).
FAR 52.222-19	Child Labor – Cooperation with Authorities and Remedies (Dec 2022)	
FAR 52.222-20	Contracts for Materials, Supplies, Articles, and Equipment (Jun 2020)	Applicable to Orders over \$15,000 for the manufacture or furnishing of materials, supplies, articles or equipment.
FAR 52.222-21	Prohibition of Segregated Facilities (Apr 2015)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6. Foreign Sellers: Applicable to Orders except to the extent that work under the Order will be performed outside the United States or by employees that are not recruited within the United States to work on the Order. “United States”, as used in this parenthetical, means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.
FAR 52.222-26	Equal Opportunity (Sep 2016)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, that are not exempted by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended. Foreign Sellers: Applicable to Orders except to the extent that work under the Order will be performed outside the United States or by employees that are not recruited within the United States to work on the Order. “United States”, as used in this parenthetical, means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.
FAR 52.222-29	Notification Of Visa Denial (Apr 2015)	

FAR 52.222-35	Equal Opportunity for Veterans (Jun 2020)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, of \$150,000 or more. Foreign Sellers: Applicable to Orders except when work is performed outside the United States by employees recruited outside the United States.
FAR 52.222-36	Equal Opportunity for Workers with Disabilities (Jun 2020)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, exceeding \$15,000. Foreign Sellers: Applicable to Orders to the extent that (i) work under the Order will be performed in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, or Wake Island or (ii) Seller is recruiting employees in the United States, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, or Wake Island to work on the Order.
FAR 52.222-37	Employment Reports on Veterans (Jun 2020)	Applicable to all Orders over \$150,000 or more unless exempted by rules, regulations, or orders of the Secretary.
FAR 52.222-4	Contract Work Hours and Safety Standards – Overtime Compensation (May 2018)	Applicable to Orders that may require or involve the employment of laborers and mechanics. Applicable to foreign Sellers when any work under the Order will be performed in the United States, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, Johnston Island, Wake Island, and Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C.1331) (29 CFR 5.15).
FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, that exceed \$10,000 will be performed wholly or partially in the United States.
FAR 52.222-50	Combating Trafficking in Persons (Nov 2021)	Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, except that the requirements in paragraph (h) of the clause apply only to (i) supplies that are other than commercially available off-the-shelf items that are acquired outside the United States, or for services to be performed outside the United States, and (ii) that exceed \$550,000 in value.
FAR 52.222-54	Employment Eligibility Verification (May 2022)	Applicable to all Orders (i) for construction or commercial or noncommercial services (except commercial services that are part of a purchase of a COTS item, or an item that would be a COTS item, but for minor modifications, performed by the COTS provider, and that are normally provided for that COTS item); (ii) has a value more than \$3,500; and (iii) includes work performed in the United States. Foreign Sellers: “United States” means the 50 States, the District of Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.
FAR 52.223-3	Hazardous Material Identification and Material Safety Data (Feb 2021)	
FAR 52.223-5	Pollution Prevention and Right-to-Know Information (May 2021)	Applicable to all Orders that provide for performance on a Federal facility per the terms of the clause.

FAR 52.223-6	Drug-Free Workplace (May 2001)	Applicable to Orders except when (i) the value of the acquisition is at or below the Simplified Acquisition Threshold, however, the requirements shall apply to contracts of any value awarded to an individual; (ii) the Order is for the acquisition of commercial items; or (iii) performance or partial performance will be outside the United States and its outlying areas.
FAR 52.223-11	Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons. (Jun 2016)	Applicable to all Orders except for supplies that will be delivered outside the United States and its outlying areas, or for services that will be performed outside the United States and its outlying areas. Seller shall label products which contain or are manufactured with ozone-depleting substances as described in the clause.
FAR 52.223-15	Energy Efficiency in Energy – Consuming Products (May 2020)	Applicable to all Orders for energy consuming products unless the product is not listed in the ENERGY STAR Program or EFMP when the product will be: (a) delivered; (b) acquired by the supplier for use in performing services at a federally-controlled facility; (c) furnished by the supplier for use by the Government; or (d) specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.
FAR 52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020)	Applicable to all Orders over the Micro-Purchase Threshold.
FAR 52.223-20	Aerosols (Jun 2016)	Applicable to Orders (i) for products that may contain high global warming potential hydrofluorocarbons as a propellant, or as a solvent; or (ii) that involve maintenance or repair of electronic or mechanical devices, except for Orders for supplies that will be delivered outside the United States and its outlying areas, or for services that will be performed outside the United States and its outlying areas.
FAR 52.223-21	Foams (Jun 2016)	Applicable to Orders for (i) products that may contain high global warming potential hydrofluorocarbons or refrigerant blends containing hydrofluorocarbons as a foam blowing agent, such as building foam insulation or appliance foam insulation; or (ii) construction of buildings or facilities, except for Orders for supplies that will be delivered outside the United States and its outlying areas, or for services that will be performed outside the United States and its outlying areas.
FAR 52.225-13	Restrictions on Certain Foreign Purchases (Feb 2021)	Applicable to all Orders.
FAR 52.227-1	Authorization and Consent (Jun 2020) – Alternate I (Apr 1984)	Applicable to all Orders over the Simplified Acquisition Threshold when the primary purpose of Seller's work is research and development, excluding construction or architect-engineer work.
FAR 52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (Jun 2020)	Applicable to all Orders over the Simplified Acquisition Threshold.
FAR 52.227-10	Filing of Patent Applications – Classified Subject Matter (Dec 2007)	Applicable to all Orders that cover or likely to cover classified subject matter.



FAR 52.228-5	Insurance – Work on a Government Installation (Jan 1997)	Applicable to all Orders that require work on a Government installation.
FAR 52.230-2	Cost Accounting Standards (Jun 2020)	Applicable when stated in the Order.
FAR 52.230-6	Administration of Cost Accounting Standards (Jun 2010)	Applicable when stated in the Order.
FAR 52.232-39	Unenforceability of Unauthorized Obligations (Jun 2013)	Applicable to all Orders involving EULA, TOS, or similar software agreement.
FAR 52.234-1	Industrial Resources Developed Under Title III, Defense Production Act (Sep 2016)	Applicable to all Orders.
FAR 52.237-2	Protection Of Government Buildings, Equipment, And Vegetation (Apr 1984)	Applicable to all Orders for services to be performed on Government installations.
FAR 52.243-6	Change Order Accounting (Apr 1984)	Applicable to Orders for supply and research and development contracts of significant technical complexity.
FAR 52.244-2	Subcontracts (Jun 2020)	Paragraphs (g) and (h) of the clause are applicable to all Orders.
FAR 52.244-5	Competition in Subcontracting (Dec 1996)	Applicable to all Orders.
FAR 52.244-6	Subcontracts for Commercial Products and Commercial Services (Sep 2023)	
FAR 52.245-1	Government Property (Sep 2021)	Applicable to all Orders when Government property is acquired or furnished (see PT- 001).
FAR 52.245-2	Government Property Installation Operation Services (Apr 2012)	Applicable to fixed-price service Orders to be performed on a Government installation when Government-furnished property will be provided for initial provisioning only and the Government is not responsible for repair or replacement (see PT-001).
FAR 52.245-9	Use and Charges (Apr 2012)	Applicable to all Orders when Government property is acquired or furnished (see PT- 001).
FAR 52.246-2	Inspection Of Supplies – Fixed Price (Aug 1986)	Applicable to all fixed-price Orders for supplies, or services that involve the furnishing of supplies.
FAR 52.247-63	Preference For U.S. Flag Air Carriers (Jun 2003)	Applicable to all Orders that involve international air transportation.
FAR 52.249-2	Termination For Convenience of the Government (Fixed- Price) (Apr 2012)	Applicable to all Orders. The usual substitution of the parties in which “Government” means “Buyer”, “Contracting Officer” means “Buyer’s Purchasing Representative”, and “Contractor” means “Seller” is applicable to this clause except that any express obligation to transfer or assign title to property shall be modified such that “Government” means “Government or Buyer”. (In paragraph (d) the term “45 days” is changed to “90 days.” The term “one-year” in paragraph (e) is changed to “six months.” The term “90 days” in paragraph (l) is changed to “forty-five days.”
DFARS 252.203-7000	Requirements Relating to Compensation of Former DoD Officials (Sep 2011)	Applicable to all Orders.



DFARS 252.203- 7001	Prohibition on Persons Convicted of Fraud or Other Defense Contract-Related Felonies (Jan 2023)	
DFARS 252.203- 7002	Requirement to Inform Employees of Whistleblower Rights (Dec 2022)	
DFARS 252.203- 7004	Display of Hotline Posters (Jan 2023)	
DFARS 252.204-7000	Disclosure of Information (Jan 2023)	Applicable to all Orders when Seller will have access to or generate unclassified information that may be sensitive and inappropriate for release to the public.
DFARS 252.204-7009	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information (Jan 2023)	
DFARS 252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Jan 2023)	
DFARS 252.204-7018	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services (Jan 2023)	
DFARS 252.204-7020	NIST SP 800-171 DoD Assessment Requirements (Jan 2023)	
DFARS 252.209-7004	Subcontracting with Firms that are Owned or Controlled by the Government of a Country that is a State Sponsor of Terrorism (May 2019)	Applicable to Orders over \$35,000.
DFARS 252.219-7003	Small Business Subcontracting Plan (DOD Contracts) (Dec 2019)	Applicable to all Orders to Sellers that participate in the Test Program described in DFARS 219.702-70, if the subcontract offers further subcontracting opportunities and is expected to exceed the applicable threshold specified in FAR 19.702(a) on the date of subcontract/Order award.
DFARS 252.222-7006	Restrictions on the Use of Mandatory Arbitration Agreements (Jan 2023)	
DFARS 252.223-7002	Safety Precautions for Ammunition and Explosives (May 1994)	Applicable to all Orders that involve ammunition or explosives.
DFARS 252.223-7003	Change in Place of Performance – Ammunition and Explosives (Dec 1991)	Applicable to all Orders that involve ammunition or explosives.
DFARS 252.223-7004	Drug-Free Work Force (Sep 1988)	Applicable to Orders except when (i) performance or partial performance will be outside the United States and its outlying areas. (ii) the value of the acquisition is at or below the Simplified Acquisition Threshold, or (iii) the Order is for Commercial Items.



DFARS 252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials (Sep 2014)	Applicable to all Orders that require, may require, or permit a Seller or its lower tier subcontractors access to a DoD installation.
DFARS 252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives (Sep 1999)	Applicable to all Orders for (i) the development, production, manufacture, or purchase of arms, ammunition, and explosives (AA&E), or (ii) when AA&E will be provided to the Seller as Government-furnished property.
DFARS 252.225-7001	Buy American and Balance of Payments Program—Basic (Jan 2023)	
DFARS 252.225-7002	Qualifying Country Sources as Subcontractors (Mar 2022)	
DFARS 252.225-7004	Report of Intended Performance Outside the United States and Canada—Submission after Award (Oct 2020)	Applicable to all Orders having a value of greater than \$750,000 and the work could be performed inside the United States or Canada. Seller agrees to immediately inform Buyer if there are any changes to the information submitted with its offer.
DFARS 252.225-7007	Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies (Dec 2019)	Applicable to all Orders for the acquisition of items covered by the United States Munitions List of the International Traffic in Arms Regulation or the 600 series of the Commerce Control List.
DFARS 252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Jan 2023)	
DFARS 252.225-7012	Preference for Certain Domestic Commodities (Apr 2022)	
DFARS 252.225-7015	Restriction on Acquisition of Hand or Measuring Tools (Jun 2005)	Applicable to all Orders for Hand or measuring tools.
DFARS 252.225-7025	Restriction on Acquisition of Forgings (Dec 2009)	Applicable to all Orders for forging items or for other items that contain forging items.
DFARS 252.225-7028	Exclusionary Policies and Practices of Foreign Government (Apr 2003)	Applicable to all Orders for supplies and services.
DFARS 252.225-7030	Restriction On Acquisition of Carbon, Alloy, And Armor Steel Plate (Dec 2006)	Applicable to all Orders for Carbon, Alloy, and Armor Steel Plate.
DFARS 252.225-7048	Export-Controlled Items (Jun 2013)	Applicable to all Orders.
DFARS 252.227-7013	Rights in Technical Data—Other Than Commercial Products and Commercial Services (Mar 2023)	
DFARS 252.227-7014	Rights in Other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation (Mar 2023)	
DFARS 252.227-7015	Technical Data—Commercial Products and Commercial Services (Mar 2023)	
DFARS 252.227-7019	Validation of Asserted Restrictions-Computer Software (Jan 2023)	

DFARS 252.227-7020	Rights In Special Works (Jun 1995)	Applicable to Orders where the Government has a specific need to control the distribution of modified existing works or works first produced, created, or generated in the performance of a contract and required to be delivered under that contract, including controlling distribution by obtaining an assignment of copyright, or a specific need to obtain indemnity for liabilities that may arise out of the creation, delivery, use, modification, reproduction, release, performance, display, or disclosure of such works.
DFARS 252.227-7025	Limitations on the Use or Disclosure of Government—Furnished Information Marked with Restrictive Legends (Jan 2023)	
DFARS 252.227-7026	Deferred Delivery of Technical Data or Computer Software (Apr 1988)	Applicable to all Orders.
DFARS 252.227-7027	Deferred Ordering of Technical Data or Computer Software (Apr 1988)	Applicable to all Orders.
DFARS 252.227-7037	Validation of Restrictive Markings on Technical Data (Jan 2023)	
DFARS 252.227-7038	Patent Rights—Ownership by the Contractor (Large Business) (Jun 2012)	Applicable to all Orders for experimental, developmental, or research work if the Seller is not a small business or nonprofit organization, unless a different patent rights clause is required by FAR 27.303.
DFARS 252.231-7000	Supplemental Cost Principles (Dec 1991)	Applicable to Orders that are subject to the principles and procedures described in FAR subparts 31.1, 31.2, 31.6, or 31.7.
DFARS 252.239-7000	Protection Against Compromising Emanations (Oct 2019)	Applicable to all Orders involving information technology that requires protection against compromising emanations.
DFARS 252.239-7001	Information Assurance Contractor Training and Certification (Jan 2008)	Applicable to all Orders involving Seller performance of information assurance functions as described in DoD 8570.01-M.
DFARS 252.245- 7000	Government-Furnished Mapping, Charting, and Geodesy Property (Apr 2012)	
DFARS 252.245- 7002	Reporting Loss of Government Property (Jan 2021)	
DFARS 252.246-7001	Warranty Of Data (Mar 2014)	Applicable Orders when Buyer will be required to deliver to the Government Seller's technical data pertaining to noncommercial items, or pertaining to commercial items for which the Government will have paid for any portion of the development costs.
DFARS 252.246-7003	Notification of Potential Safety Issues (Jan 2023)	
DFARS 252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (Jan 2023)	
DFARS 252.246-7008	Sources of Electronic Parts (Jan 2023)	



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

### **D-223 W001 EXPLOSIVE OR HAZARDOUS MATERIALS--PACKAGING & LABELING (NAVSEA) OCT 2018**

(a) Packaging, Packing, Marking and Labeling of Explosive materials to be shipped by any mode or combination of transportation modes shall be prepared (properly classed, described, packaged, marked, labeled, placarded, etc.) for shipment in accordance with all applicable Department of Transportation/Department of Defense regulations in effect at time of shipment. (b) In the event of a conflict between specific requirements in the contract or order and existing applicable regulations, the regulations take precedence. Under no circumstance shall the contractor knowingly use materials, markings or procedures that are not in accordance with law and regulations applicable to the mode of transportation employed. Mode of Transportation/Applicable Regulation 1. Domestic Highway/A 2. Domestic Commercial Air/A, B 3. Export Surface/A, C, E N0002424C6104 4. Export Commercial Air/A, B, E 5. Export Military Air/D, E List of Regulations A. Code of Federal Regulations Title 49 B. International Air Transport Association (IATA) Dangerous Goods Regulation C. International Maritime Organization (IMO) Dangerous Goods Regulation D. Air Force Joint Manual (AFJAM) Preparation of Hazardous Materials for Military Air Shipment E. Export shipments are also subject to the domestic regulations indicated to transport the material to the port of embarkation (POE). (c) Markings listed below are a minimum for acceptance of the material: 1. Proper Shipping Name 2. UN Number 3. Name and Address of Shipper and Consignee (d) Additional Required Markings for EXPLOSIVE Material: 1. National Stock Number \_\_\_\_\_ or Local Stock Number \_\_\_\_\_ 2. Material Item Nomenclature 3. Lot # / Quantity contained in this package 4. Net Explosive Weight / Gross Weight of Package (e) A packing list must be placed on the outside of the package with the shipping papers (i.e. DD 250, DD 1149, etc.) enclosed. The shipping papers must include the technical point of contact at Destination for Delivery. All other documentation should be placed in a separate packing list. (End of text)

### **D-246-H003 WARRANTY NOTIFICATION FOR ITEM(S) TBD—ALTERNATE I (NAVSEA) MAY 2019**

The Contractor shall apply a permanent warranty notification stamping or marking on each warranted deliverable end item and its container in accordance with MIL-STD-129R with Change 1 dated 24 May 2018 and MIL-STD-130N(1) dated 16 November 2012. The notification shall be placed in close proximity to other required stamping or markings so as to be easily readable by personnel. The warranty notification shall read: THIS ITEM WARRANTED UNDER CONTRACT N00024-23-C-6104 TO CONFORM TO DESIGN, MANUFACTURING, AND PERFORMANCE REQUIREMENTS AND BE FREE FROM DEFECTS IN MATERIAL AND WORKMANSHIP FOR \_\_\_\_\_ FROM DATE OF ACCEPTANCE. IF ITEM IS DEFECTIVE NOTIFY THE COR, ACOR, AND PCO. (End of Text)

### **E-246-H020 QUALITY MANAGEMENT SYSTEM REQUIREMENTS (NAVSEA) OCT 2018**

The Contractor shall provide and maintain a quality management system that, as a minimum, adheres to the requirements of ASQ/ANSI/ISO 9001:2015 "Quality Management Systems – Requirements" and supplemental requirements imposed by this contract. The quality management system procedures, planning, and all other documentation and data that comprise the quality management system shall be made available to the Government for review. Existing quality documents that meet the requirements of this contract may continue to be used. The Government may perform any necessary inspections, verifications, and evaluations to ascertain conformance to requirements and the adequacy of the implementing procedures. The Contractor shall flow down such standards, as applicable, to lower-tier subcontractors under instances covered in FAR 52.246-11(b) or at the direction of the Contracting Officer. The Government reserves the right to disapprove the quality management system or portions thereof when it fails to meet the contractual requirements. (End of text)

### **E-246-H021 COST DATA FOR QUALITY MANAGEMENT SYSTEM (NAVSEA) JAN 2019**

The contractor shall maintain and use cost data as a management element of the Quality Management System. The specific cost data to be maintained and used will be determined by the contractor. The data shall, on request, be identified and made available for on-site review by the Contracting Officer or designated Government representative. (End of text)

### **H-223-N001 INFORMATION ON EXPOSURE TO HAZARDOUS MATERIAL (NAVSEA) JAN 2019**

Per 29 CFR 1910.1200, Hazard Communication, you, as a contractor employer with employees working at a Government facility,



are hereby informed of the hazardous materials used at the Government facility which your employees may be exposed to while working here and also to suggest appropriate protective measures. Your own responsibilities as an employer, if any, are given in 29 CFR 1910.1200. 1. Hazardous materials your employees may be exposed to. Hazardous materials are materials which are cancer causing agents, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, liver toxins, kidney toxins, agents which act on the blood forming system, and agents which damage the lungs, skins, eyes or mucous membranes. There are many potentially hazardous chemicals present at the Government facility which, unless controlled properly, could present a safety and health problem. The presence of many potentially hazardous materials may be apparent from the manufacturer's warning label on the hazardous material containers. The presence of many potentially hazardous materials may also be apparent due to their physical characteristics, such as the visual appearance of abrasive blasting dust or the distinctive smell of many solvents. These hazardous materials range in type and quantity. Typical hazardous materials include, but are not limited to: a. Metals, e.g., mercury, lead, chromium b. Paints and adhesives, e.g., varnishes and related products, sealing compounds, asphalt, deck and floor coverings, deck compounds c. Corrosives, e.g., acids, alkalis d. Compressed and liquefied gas, e.g., nitrogen, argon, oxygen, acetylene e. Lubricants and oils, e.g., greases, cutting oils, hydraulic oils, miscellaneous waxes and fats f. Fuels, e.g., liquid propellants, fuel oils, oxidizers, solid fuels g. Particulates, e.g., asbestos fiberglass, dust, fumes, mist Depending on the material involved, materials such as these can present physical hazards and or health hazards. 2. Labeling of Hazardous Material. Containers of potentially hazardous chemicals bear manufacturer's labeling, which identifies the chemical and its manufacturer, and provides appropriate hazard warnings. In addition, some materials may be labeled with the National Protection Association (NFPA) 704 label. This label uses a system of color coded symbols and numbers to convey the potential hazard of the material. The contractor should obtain information from NFPA concerning the interpretation of the 704 label. 3. Material Safety Data Sheets (MSDS). The Safety Office maintains copies of manufacturers' MSDS for potentially hazardous chemicals/materials that are known to be present in the Government facility. The contractor may, upon request to the Safety Office, review MSDS for any specific materials to which contractor employees may be exposed while performing work in the Government facility. This information may be reviewed in the Safety Office. 4. Appropriate Protective Measures. Exposure to potentially hazardous material may occur from inhalation, ingestion or skin contact with the material; therefore, the following precautions should be taken: a. Obey signs, directions and warning labels; b. Do not use unknown or labeled materials; c. Only operate equipment that you are authorized to operate, familiar with, and qualified to operate; d. If any health effects (skin rash, trouble breathing, etc.) occur, which you feel are caused by exposure to hazardous material, contact the Safety Office. 5. The Safety Office points of contact are as follows: (insert applicable name and code). (End of text) N0002424C6104

## **252.211-7003 ITEM UNIQUE IDENTIFICATION AND VALUATION JAN 2023**

(a) Definitions. As used in this clause- Automatic identification device means a device, such as a reader or interrogator, used to retrieve data encoded on machine-readable media. Concatenated unique item identifier means-- (1) For items that are serialized within the enterprise identifier, the linking together of the unique identifier data elements in order of the issuing agency code, enterprise identifier, and unique serial number within the enterprise identifier; or (2) For items that are serialized within the original part, lot, or batch number, the linking together of the unique identifier data elements in order of the issuing agency code; enterprise identifier; original part, lot, or batch number; and serial number within the original part, lot, or batch number. Data Matrix means a two-dimensional matrix symbology, which is made up of square or, in some cases, round modules arranged within a perimeter finder pattern and uses the Error Checking and Correction 200 (ECC200) specification found within International Standards Organization (ISO)/International Electrotechnical Commission (IEC) 16022. Data qualifier means a specified character (or string of characters) that immediately precedes a data field that defines the general category or intended use of the data that follows. DoD recognized unique identification equivalent means a unique identification method that is in commercial use and has been recognized by DoD. All DoD recognized unique identification equivalents are listed at <https://www.acq.osd.mil/asda/dpc/ce/ds/unique-id.html>. N0002424C6104 DoD item unique identification means a system of marking items delivered to DoD with unique item identifiers that have machine-readable data elements to distinguish an item from all other like and unlike items. For items that are serialized within the enterprise identifier, the unique item identifier shall include the data elements of the enterprise identifier and a unique serial number. For items that are serialized within the part, lot, or batch number within the enterprise identifier, the unique item identifier shall include the data elements of the enterprise identifier; the original part, lot, or batch number; and the serial number. Enterprise means the entity (e.g., a manufacturer or vendor) responsible for assigning unique item identifiers to items. Enterprise identifier means a code that is uniquely assigned to an enterprise by an issuing agency. Government's unit acquisition cost means-- (1) For fixed-price type line, subtitle, or exhibit line items, the unit price identified in the contract at the time of delivery; (2) For cost-type or undefinitized line, subtitle, or exhibit line items, the Contractor's estimated fully burdened unit cost to the Government at the time of delivery; and (3) For items produced under a time-and-materials contract, the Contractor's estimated fully burdened unit cost to the Government at the time of delivery. Issuing agency means an organization responsible



for assigning a globally unique identifier to an enterprise, as indicated in the Register of Issuing Agency Codes for ISO/IEC 15459, located at [http://www.aimglobal.org/?Reg\\_Authority15459](http://www.aimglobal.org/?Reg_Authority15459). Issuing agency code means a code that designates the registration (or controlling) authority for the enterprise identifier. Item means a single hardware article or a single unit formed by a grouping of subassemblies, components, or constituent parts. Lot or batch number means an identifying number assigned by the enterprise to a designated group of items, usually referred to as either a lot or a batch, all of which were manufactured under identical conditions. Machine-readable means an automatic identification technology media, such as bar codes, contact memory buttons, radio frequency identification, or optical memory cards. Original part number means a combination of numbers or letters assigned by the enterprise at item creation to a class of items with the same form, fit, function, and interface. Parent item means the item assembly, intermediate component, or subassembly that has an embedded item with a unique item identifier or DoD recognized unique identification equivalent. Serial number within the enterprise identifier means a combination of numbers, letters, or symbols assigned by the enterprise to an item that provides for the differentiation of that item from any other like and unlike item and is never used again within the enterprise. Serial number within the part, lot, or batch number means a combination of numbers or letters assigned by the enterprise to an item that provides for the differentiation of that item from any other like item within a part, lot, or batch number assignment. N0002424C6104 Serialization within the enterprise identifier means each item produced is assigned a serial number that is unique among all the tangible items produced by the enterprise and is never used again. The enterprise is responsible for ensuring unique serialization within the enterprise identifier. Serialization within the part, lot, or batch number means each item of a particular part, lot, or batch number is assigned a unique serial number within that part, lot, or batch number assignment. The enterprise is responsible for ensuring unique serialization within the part, lot, or batch number within the enterprise identifier. Type designation means a combination of letters and numerals assigned by the Government to a major end item, assembly or subassembly, as appropriate, to provide a convenient means of differentiating between items having the same basic name and to indicate modifications and changes thereto. Unique item identifier means a set of data elements marked on items that is globally unique and unambiguous. The term includes a concatenated unique item identifier or a DoD recognized unique identification equivalent. Unique item identifier type means a designator to indicate which method of uniquely identifying a part has been used. The current list of accepted unique item identifier types is maintained at <https://www.acq.osd.mil/asda/dpc/ce/ds/unique-id.html>. (b) The Contractor shall deliver all items under a contract line, subline, or exhibit line item. (c) Unique item identifier. (1) The Contractor shall provide a unique item identifier for the following: (i) Delivered items for which the Government's unit acquisition cost is \$5,000 or more, except for the following line items: -----  
----- Contract line, subline, or exhibit line item No. Item description -----  
----- 0001AA LLTM (ii) Items for which the Government's unit acquisition cost is less than \$5,000 that are identified in the Schedule or the following table Contract line, subline, or exhibit line item No.  
Item description -----  
----- (If items are identified in the Schedule, insert "See Schedule" in this table.) (iii) Subassemblies, components, and parts embedded within delivered items, items with warranty requirements, DoD serially managed repairables and DoD serially managed nonrepairables as specified in Attachment Number ----. (iv) Any item of special tooling or special test equipment as defined in FAR 2.101 that have been designated for preservation and storage for a Major Defense Acquisition Program as specified in Attachment Number ----. (v) Any item not included in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this clause for which the contractor creates and marks a unique item identifier for traceability. N0002424C6104 (2) The unique item identifier assignment and its component data element combination shall not be duplicated on any other item marked or registered in the DoD Item Unique Identification Registry by the contractor. (3) The unique item identifier component data elements shall be marked on an item using two-dimensional data matrix symbology that complies with ISO/IEC International Standard 16022, Information technology--International symbology specification Data matrix; ECC200 data matrix specification. (4) Data syntax and semantics of unique item identifiers. The Contractor shall ensure that-- (i) The data elements (except issuing agency code) of the unique item identifier are encoded within the data matrix symbol that is marked on the item using one of the following three types of data qualifiers, as determined by the Contractor: (A) Application Identifiers (AIs) (Format Indicator 05 of ISO/IEC International Standard 15434), in accordance with ISO/IEC International Standard 15418, Information Technology--EAN/UCC Application Identifiers and Fact Data Identifiers and Maintenance and ANSI MH 10.8.2 Data Identifier and Application Identifier Standard. (B) Data Identifiers (DIs) (Format Indicator 06 of ISO/IEC International Standard 15434), in accordance with ISO/IEC International Standard 15418, Information Technology--EAN/UCC Application Identifiers and Fact Data Identifiers and Maintenance and ANSI MH 10.8.2 Data Identifier and Application Identifier Standard. (C) Text Element Identifiers (TEIs) (Format Indicator 12 of ISO/IEC International Standard 15434), in accordance with the Air Transport Association Common Support Data Dictionary; and (ii) The encoded data elements of the unique item identifier conform to the transfer structure, syntax, and coding of messages and data formats specified for Format Indicators 05, 06, and 12 in ISO/IEC International Standard 15434, Information Technology-Transfer Syntax for High Capacity Automatic Data Capture Media. (5) Unique item identifier. (i) The Contractor shall-- (A) Determine whether to-- (1) Serialize within the enterprise identifier; (2) Serialize within the part, lot, or batch number;





or (3) Use a DoD recognized unique identification equivalent (e.g. Vehicle Identification Number); and (B) Place the data elements of the unique item identifier (enterprise identifier; serial number; DoD recognized unique identification equivalent; and for serialization within the part, lot, or batch number only: Original part, lot, or batch number) on items requiring marking by paragraph (c)(1) of this clause, based on the criteria provided in MIL-STD-130, Identification Marking of U.S. Military Property, latest version; (C) Label shipments, storage containers and packages that contain uniquely identified items in accordance with the requirements of MIL-STD-129, Military Marking for Shipment and Storage, latest version; and (D) Verify that the marks on items and labels on shipments, storage containers, and packages are machine readable and conform to the applicable standards. The contractor shall use an automatic identification technology device for this verification that has been programmed to the requirements of Appendix A, MIL-STD-130, latest version. (ii) The issuing agency code-- N0002424C6104 (A) Shall not be placed on the item; and (B) Shall be derived from the data qualifier for the enterprise identifier. (d) For each item that requires item unique identification under paragraph (c)(1)(i), (ii), or (iv) of this clause or when item unique identification is provided under paragraph (c)(1)(v), in addition to the information provided as part of the Material Inspection and Receiving Report specified elsewhere in this contract, the Contractor shall report at the time of delivery, as part of the Material Inspection and Receiving Report, the following information: (1) Unique item identifier. (2) Unique item identifier type. (3) Issuing agency code (if concatenated unique item identifier is used). (4) Enterprise identifier (if concatenated unique item identifier is used). (5) Original part number (if there is serialization within the original part number). (6) Lot or batch number (if there is serialization within the lot or batch number). (7) Current part number (optional and only if not the same as the original part number). (8) Current part number effective date (optional and only if current part number is used). (9) Serial number (if concatenated unique item identifier is used). (10) Government's unit acquisition cost. (11) Unit of measure. (12) Type designation of the item as specified in the contract schedule, if any. (13) Whether the item is an item of Special Tooling or Special Test Equipment. (14) Whether the item is covered by a warranty. (e) For embedded subassemblies, components, and parts that require DoD unique item identification under paragraph (c)(1)(iii) of this clause, the Contractor shall report as part of, or associated with, the Material Inspection and Receiving Report specified elsewhere in this contract, the following information: (1) Unique item identifier of the parent item under paragraph (c)(1) of this clause that contains the embedded subassembly, component, or part. (2) Unique item identifier of the embedded subassembly, component, or part. (3) Unique item identifier type.\*\* (4) Issuing agency code (if concatenated unique item identifier is used).\*\* (5) Enterprise identifier (if concatenated unique item identifier is used).\*\* (6) Original part number (if there is serialization within the original part number).\*\* (7) Lot or batch number (if there is serialization within the lot or batch number).\*\* N0002424C6104 (8) Current part number (optional and only if not the same as the original part number).\*\* (9) Current part number effective date (optional and only if current part number is used).\*\* (10) Serial number (if concatenated unique item identifier is used).\*\* (11) Description. \*\* Once per item. (f) The Contractor shall submit the information required by paragraphs (d) and (e) of this clause as follows: (1) End items shall be reported using the receiving report capability in Wide Area WorkFlow (WAWF) in accordance with the clause at 252.232-7003. If WAWF is not required by this contract, and the contractor is not using WAWF, follow the procedures at <http://dodprocurementtoolbox.com/site/uidregistry/>. (2) Embedded items shall be reported by one of the following methods-- (i) Use of the embedded items capability in WAWF; (ii) Direct data submission to the IUID Registry following the procedures and formats at <http://dodprocurementtoolbox.com/site/uidregistry/>; or (iii) Via WAWF as a deliverable attachment for exhibit line item number (fill in)-----, Unique Item Identifier Report for Embedded Items, Contract Data Requirements List, DD Form 1423. (g) Subcontracts. If the Contractor acquires by subcontract any item(s) for which item unique identification is required in accordance with paragraph (c)(1) of this clause, the Contractor shall include this clause, including this paragraph (g), in the applicable subcontract(s), including subcontracts for commercial products or commercial services. (End of clause)