



FEDERAL AND DEFENSE ACQUISITION REGULATION SUPPLEMENTAL TERMS AND CONDITIONS

In the event the Order is issued for material and/or work required by Buyer for the performance of a contract with a department or agency of the United States government including, without limitation, the Department of Defense (DoD) or a subcontract of any tier under such United States government (including any DoD) contract as noted on the face of this Order, the following supplemental terms and conditions shall be applicable. These Supplemental Terms and Conditions are in addition to and not in derogation of the Terms and Conditions of Purchase, and any "other" terms and conditions of the Order; however, in the event that any Supplemental Term or Condition is determined to be inconsistent with any printed Term or Condition of Purchase, the Supplemental Term or Condition shall govern.

1. APPROVAL OF SUBCONTRACTS. Unless Buyer otherwise advises Seller in writing, all subcontracts for completed or substantially completed articles, spare parts, tools or work covered by the Order must have prior approval by the Buyer and also, if required by the U. S. Government, by the Government Contracting Officer.

2. SUBCONTRACT SURVEILLANCE. Subject to all applicable military security regulations, authorized representatives of Buyer and/or its customer (with the concurrence of Buyer), shall have access to the Subcontractor's facilities in order to review progress, discuss problems/failures and witness testing pertaining to the requirements of the Order. The subcontractor shall provide adequate information on subcontract performance in response to reasonable requests by Buyer and/or its customer.

3. GOVERNMENT VISITS. The U. S. Government and/or its designated representative(s) shall be permitted to visit Seller with respect to the Order only after arrangements have been made with the Buyer's Subcontract Administrator or Buyer.

4. DISPUTES. If a decision on a question of fact is issued by the Contracting Officer under the Prime Contract "Disputes" clause and the decision relates to this Order, said decision, if binding upon the Buyer under the Prime Contract, shall be binding upon Buyer and Seller with respect to this Order.

5. INDEMNIFICATION FOR DEFECTIVE COST OR PRICING DATA. Seller agrees to indemnify and hold Buyer harmless from any amount Buyer may be obliged to reimburse the United States Government or other customer and from any other liability, loss or cost, including without limitation, attorneys' fees, incurred by Buyer by reason of Seller's or Seller's subcontractors' failure to comply with any provision incorporated into the Order relating to providing Buyer or the United States Government cost or pricing data. Seller further agrees to indemnify Buyer for any loss or cost, including, without limitation, attorney's fees, incurred by Buyer in attempting to justify Seller's or its subcontractor's data. Notwithstanding the foregoing, Buyer shall have no obligation to justify the data submitted by Seller provided it gives Seller an opportunity to justify such data directly with Buyer's customer.

6. OFFSET CREDITS FOR FOREIGN PROCUREMENTS. Buyer represents that its business base consists, in part, of international orders, and that it may, from time to time, enter into international offset agreements to secure such orders. To the extent that the goods ordered hereunder are components of Buyer's products/systems sold to a foreign nation or concern or are non-recurring activities, tooling, equipment, engineering, etc. associated with Buyer's products/systems sold to a foreign nation or concern, and in recognition that such sale results directly or indirectly in business opportunities, sales or revenue for the Seller, the Seller agrees to cooperate with Buyer in the fulfillment of any offsets program obligations that Buyer may be required to accept as a condition of such foreign sale.

7. FAR/DFARS CLAUSES. The following Federal Acquisition Regulation ("FAR") clauses and Defense Federal Acquisition Regulation Supplement ("DFARS") clauses as amended by applicable Federal and Defense Acquisition Circulars in effect as of the date of the Prime Contract are incorporated herein by reference, with the same force and effect as if they were given in full text. Whenever necessary to make such clauses applicable, the term "Contractor" shall mean "Seller", the term "Contract" shall mean "Order", the term "Government" and equivalent shall include the words "Buyer/Supplier Manager" and the term "Contracting Officer" and equivalent shall include the words "Buyer/Supplier Manager". All terms and conditions are subject to FAR 52.202-1, Definitions. In the event that the applicable Prime Contract requires an older version of the applicable FAR or DFARS clause to apply, such older version shall apply to the applicable Order.

THE FOLLOWING FAR CLAUSES APPLY TO THIS ORDER

52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements. (Jan 2017)
52.204-21	Basic Safeguarding of Covered Contractor Information System (Jun 2016)
52.204-2	Security Requirements Material Requirements (Aug 1996)
52.211-5	Material Requirements (Aug 2000)
52.211-15	Defense Priority and Allocation Requirements (Apr 2008)
52.215-22	Limitations on Pass-Through Charges – Identification of Subcontract Effort (Oct 2009)
52.222-1	Notice to the Government of Labor Disputes (Feb 1997)
52.222-21	Prohibition of Segregated Facilities (Apr 2015)
52.222-26	Equal Opportunity (Sep 2016)
52.222-41	Service Contract Act of 1965 (May 2014)
52.222-50	Combating Trafficking in Persons (Mar 2015)
52.222-51	Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Requirements (May 2014)
52.222-53	Exemption from Application of the Service Contract Act to Contracts for Certain Services (May 2014)
52.222-54	Employment Eligibility Verification (Oct 2015)
52.223-3	Hazardous Material Identification and Material Safety Data (Jan 1997)
52.223-7	Notice of Radioactive Materials (Jan 1997)
52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)
52.225-1	Buy American Act (May 2014)
52.225-2	Buy American Certificate (May 2014)
52.225-5	Trade Agreements (Oct 2016)
52.225-13	Restrictions on Certain Foreign Purchases (Jun 2008)
52.227-10	Filing of Patent Applications (Dec 2007)
52.227-11	Patent Rights-Ownership by Contractor (May 2014)
52.227-13	Patent Rights-Ownership by the Government (Dec 2007)
52.227-14	Rights in Data-General (May 2014)
52.234-1	Industrial Resources Developed under Title III, Defense Production Act. (Sep 2016)
52.244-6	Subcontracts for Commercial Items (Jan 2017)
52.245-1	Government Property (Alternates 1 and 2, as applicable) (Jan 2017)
52.245-9	Use and Charges (Apr 2012)

52.246-16 Responsibility for Supplies (Apr 1984)
52.247-63 Preference for U.S. Flag Air Carriers (Jun 2003)52.247-64 Preference for Privately Owned U.S. Flag Commercial Vessels (Feb 2006)

B. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$10,000

52.222-40 Notification of Employee Rights under the National Labor Relations Act (Dec 2010)

C. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$15,000

52.222-20 Contracts for Materials, Supplies, Articles and Equipment Exceeding \$15,000 (May 2014)
52.222-36 Affirmative Action for Workers with Disabilities (Jul 2014)
52.225-8 Duty-Free Entry (Oct 2010)

D. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$25,000

52.225-3 Buy American Act – Free Trade Agreements – Israeli Trade Act (May 2014)

E. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$30,000

52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2016)

F. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$35,000

52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015)

G. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$150,000

52.203-3 Gratuities (Apr 1984)
52.203-6 Restrictions on Subcontractor Sales to the Government (Sep 2006)
52.203-7 Anti-Kickback Procedures (May 2014)
52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Oct 2010)
52.209-5 Certification Regarding Responsibility Matters (Oct 2015)
52.215-2 Audit and Records – Negotiation (Oct 2010)
52.215-14 Integrity of Unit Prices (Oct 2010)
52.215-22 Limitations on Pass-Through Charges – Identification of Subcontract Effort (Oct 2009) (Required for solicitations when 52.215-23 applies)
52.215-23 Limitations on Pass-Through Charges (Oct 2009) (Government NON-DoD Programs) (Required at this threshold for solicitations and awards for all cost reimbursable type contracts)
52.222-4 Contract Work Hours and Safety Standards Act – Overtime Compensation (May 2014)
52.222-35 Equal Opportunity for Veterans (Oct 2015)
52.222-37 Employment Reports on Veterans (Feb 2016)
52.227-1 Authorization and Consent (Dec 2007)
52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
52.229-3 Federal, State, and Local Taxes (Feb 2013)
52.246-2 Inspection of Supplies – Fixed Price (Aug 1996)
52.248-1 Value Engineering (Oct 2010)
52.249-2 Termination for Convenience of the Government (Fixed-Price) (Apr 2012)
52.249-8 Default (Fixed-Price Supply and Service) (Apr 1984)

H. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$550,000

52.209-7 Information Regarding Responsibility Matters (Jul 2013)
52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters (Jul 2013) (Required when supplier answers "YES" to Question in 52.209-7)

I. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$700,000

52.219-8 Utilization of Small Business Concerns (Nov 2016)
52.219-9 Small Business Subcontracting Plan (Jan 2017)
52.232-40 Providing Accelerated Payments to Small Business Subcontractors (Dec. 2013)

J. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$750,000

52.214-26 Audit and Records – Sealed Bidding (Oct 2010)
52.214-27 Price Reduction for Defective Truthful Cost or Pricing Data Modifications – Sealed Bidding (Aug 2011)
52.214-28 Subcontractor Truthful Cost or Pricing Data-Modifications-Sealed Bidding (Oct 2010)
52.215-10 Price Reduction for Defective Truthful Cost or Pricing Data (Aug 2011)
52.215-11 Price Reduction for Defective Truthful Cost or Pricing Data Modifications (Aug 2011)
52.215-12 Subcontractor Cost or Pricing Data (Oct 2010)
52.215-13 Subcontractor Truthful Cost or Pricing Data Modifications (Oct 2010)
52.215-15 Pension Adjustments and Asset Reversions (Oct 2010)
52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) other than Pensions (Jul 2005)
52.215-19 Notification of Ownership Changes (Oct 1997)
52.215-20 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data (Oct 2010)
52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications (Oct 2010)
52.215-22 Limitations on Pass-Through Charges – Identification of Subcontract Effort (Oct 2009) (Required for solicitations when 52.215-23 applies)



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52.215-23	Limitations on Pass-Through Charges (Oct 2009) (DoD Programs) (Required at this threshold for solicitations and awards for: 1. All cost reimbursable type contracts 2. Fixed price single/sole source contracts for non-commercial items or services)	252.227-7027 252.227-7030 252.227-7037 252.227-7038	Deferred ordering of Technical Data or Computer Software (Apr 1988) Technical Data - Withholding of Payment (Mar 2000) Validation of Restrictive Markings on Technical Data (Sep 2016) Patent Rights - Ownership by the Contractor (Large Business) (Jun 2012)
52.230-2	Cost Accounting Standards (Oct 2015)	252.228-7001	Ground and Flight Risk (Jun 2010)
52.230-3	Disclosure and Consistency of Cost Accounting Practices (Oct 2015)	252.228-7005	Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles (Dec 1991)
52.230-4	Disclosure and Consistency of Cost Accounting Practices - Foreign Concerns (Oct 2015)	252.231-7000	Supplemental cost principles (Dec 1991)
52.230-5	Cost Accounting Standards - Educational Institution (Aug 2016)	252.235-7003	Frequency Authorization (MAR 2014)
52.230-6	Administration of Cost Accounting Standards (Jun. 2016)	252.239-7016	Telecommunications Security Equipment, Devices, Techniques and Services (Dec 1991)
K. THE FOLLOWING FAR CLAUSES APPLY TO ALL ORDERS OVER \$5,000,000		252.243-7001	Pricing of Contract Modifications (Dec 1991)
52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015)	252.246-7001	Warranty of Data (Alternates I and II, Dec 91 as applicable) (Mar 2014)
52.203-14	Display of Hotline Posters (Oct 2015)	252.246-7003	Notification of Potential Safety Issues (Jun 2013)
		252.246-7007	Contractor Counterfeit Electronic Detection and avoidance System (Aug 2016)
L. THE FOLLOWING FAR CLAUSES APPLY TO ALL COMMERCIAL ITEM ORDERS		252.247-7023	Transportation of Supplies by Sea Alt I (Mar 2000 as applicable) (Apr 2014)
In the event it is determined that the material and/or work is a Commercial Item as defined at FAR 2.101, then this clause L shall be applicable to this Contract, in lieu of clauses A-L.		252.247-7024	Notification of Transportation of Supplies by Sea (Mar 2000)
		252.249-7002	Notification of Anticipated Contract Termination or Reduction (Oct 2015)
52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015)		
52.219-8	Utilization of Small Business Concerns (Nov 2016)		
52.222-26	Equal Opportunity (Sep 2016)		
52.222-35	Equal Opportunity for Veterans (Oct 2015)		
52.222-36	Affirmative Action for Workers with Disabilities (JUL 2014)		
52.222-40	Notification of Employee Rights under the National Labor Relations Act (Dec 2010)		
52.222-41	Service Contract Act of 1965 (May 2014)		
52.222-50	Combating Trafficking in Persons (Mar 2015)		
52.222-51	Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Requirements (MAY 2014)		
52.222-53	Exemption from Application of the Service Contract Act to Contracts for Certain Services (MAY 2014)		
52.222-54	Employment Eligibility Verification (Oct 2015)		
52.247-64	Preference for Privately Owned U.S. Flag Commercial Vessels (Feb 2006)		
52.232-40	Providing Accelerated payments To Small Business Subcontractors (Dec 2013)		
M. THE FOLLOWING DFARS CLAUSES APPLY TO THIS ORDER			
252.204-7000	Disclosure of Information (Oct 2016)		
252.204-7012	Safeguarding Covered Defense information and Cyber Incident Reporting (Supplier/Seller shall furnish Precision Aerospace Corp. with copies of notices provided to the Contracting Officer, simultaneously at the time of such notification, and within seventy two (72) hours of any cyber incident) (Oct. 2016)		
252.208-7000	Intent to Furnish Precious Metals as Government-Furnished Material (Dec 1991)		
252.209-7004	Disclosure of Ownership or Control by Foreign Government (Jun 10)		
	Subcontracting with Firms Owned or Controlled by Government of a Terrorist Country (Oct 2015)		
252.215-7000	Pricing Adjustments (Dec 2012)		
252.215-7004	Requirement for Submission of Data Other Than Certified Cost or Pricing Data - Modifications - Canadian Commercial Corporation (Oct 2013)		
252.223-7001	Hazard Warning Labels (Dec 1991)		
252.223-7002	Safety Precautions for Ammunition and Explosives (May 1994)		
252.223-7003	Change in Place of Performance - Ammunition and Explosives (Dec 1991)		
252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials. (Alternate I, as applicable). (Sep 2014)		
252.223-7007	Safeguarding sensitive conventional arms, ammunition, and explosives (Sep 1999)		
252.223-7008	Prohibition of Hexavalent Chromium (Jun 2013)		
252.225-7001	Buy American and Balance of Payments Program (Dec 2017)		
252.225-7007	Prohibition of Acquisition of US Munitions List Items from Communist Chinese Military Companies (Sep 2006)		
252.225-7008	Restriction on Acquisition of Specialty Metals (Mar 2013)		
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Oct 2014)		
252.225-7010	Commercial Derivative Military Article- Specialty Metals Compliance Certificate (Jul 2009)		
252.225-7013	Duty-Free Entry (May 2016)		
252.225-7016	Restrictions on Acquisition of Ball and Roller Bearings (Jun 2011)		
252.225-7021	Trade Agreements-Basic (Dec 2017)		
252.225-7025	Restriction on Acquisition of Forgings (Dec 2009)		
252.225-7028	Exclusionary Policies and Practices of Foreign Governments (Apr 2003)		
252.225-7030	Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate (Dec 2006)		
252.225-7036	Buy American - Free Trade Agreements - Balance of Payments (Dec 2017)		
252.225-7048	Export-Controlled Items. (June 2013)		
252.227-7013	Rights in Technical Data - Non-commercial Items (Feb 2014)		
252.227-7014	Rights in Non-commercial Computer Software and Non-commercial Computer Software Documentation (Feb 2014)		
252.227-7015	Technical Data - Commercial Items (Feb 2014)		
252.227-7016	Rights in Bid or Proposal Information (Jan 2011)		
252.227-7018	Rights in Non-commercial Technical Data and Computer Software - Small Business Innovation Research (SBIR) Program (Feb 2014)		
252.227-7019	Validation of Asserted Restrictions - Computer Software (Sep 2016)		
252.227-7025	Limitations on the Use or Disclosures of Government-Furnished Information Marked with Restrictive Legends (May 2013)		
252.227-7026	Deferred Delivery of Technical Data or Computer Software (Apr 1988)		
N. THE FOLLOWING DFARS CLAUSES APPLY TO ALL ORDERS OVER \$150,000			
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense- Contract Related Felonies (Dec 2008)		
O. THE FOLLOWING DFARS CLAUSES APPLY TO ALL ORDERS OVER \$700,000			
252.219-7003	Small Business Subcontracting Plan (DOD Contracts) - Basic (Mar 2016)		
252.225-7006	Quarterly Reporting of Actual Contract Performance Outside the United States (Acquisition of the American Flag) (Aug 2015)		
P. THE FOLLOWING DFARS CLAUSES APPLY TO ALL ORDERS OVER \$1,000,000			
252.225-7032	Waiver of United Kingdom Levies - Evaluation of Offers (Apr 2003)		
252.225-7033	Waiver of United Kingdom Levies (Apr 2003)		
Q. THE FOLLOWING DFARS CLAUSES APPLY TO ALL ORDERS OVER \$1,500,000			
252.211-7000	Acquisition Streamlining (Oct 2010)		
252.225-7032	Waiver of United Kingdom Levies - Evaluation of Offers (Apr 2003)		
R. CERTIFICATIONS AND REPRESENTATIONS			
Seller acknowledges that Buyer will rely upon Seller certifications and representations contained in this section, and these are material representations of fact upon which Buyer will rely in making awards to Seller.			
By submitting any written or verbal offer, proposal, quote or company profile submission, Seller certifies to the representations and certifications as set forth below in this section P.			
These certifications and representations shall apply whenever these terms and conditions are incorporated by reference in any Order, agreement, other contractual document or request for quotation/proposal (oral or written).			
Seller shall immediately notify Buyer of any change of status with regard to any certification and representation.			
52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Sep 2007)			
(a) Definitions. As used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12).			
(b) Prohibition. The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.			
(c) Certification. The Seller, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of this contract.			
(d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the Seller with respect to this contract, the Seller shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The Seller need not report regularly employed officers or employees of the Seller to whom payments of reasonable compensation were made.			
(e) Penalty. Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.			



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52.222-22 Previous Contracts and Compliance Reports. (Feb 1999)

PREVIOUS CONTRACTS AND COMPLIANCE REPORTS The Seller represents that—

- (a) It has participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;
- (b) It has filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

52.222-25 Affirmative Action Compliance. (Dec 1998) (Apr 1984)

AFFIRMATIVE ACTION COMPLIANCE The Seller represents that—

- (a) It has developed and has on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2); or
- (b) In the event such a program does not presently exist, Seller will develop and place in operation such a written Affirmative Action Compliance Program within 120 days from the award of this Contract.

52.222-38 Compliance with Veterans' Employment Reporting Requirements. (Feb 2016)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (*i.e.*, if it has any contract containing Federal Acquisition Regulation clause 52.222-37, Employment Reports on Veterans), it has submitted the most recent VETS-100A Report required by that clause.

52.222-48 Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment -- Certification. As prescribed in 22.1006(e)(1), insert the following provision: Exemption From Application Of The Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment -- Certification (May 2014)

- (a) The offeror shall check the following certification: CERTIFICATION
The offeror [] does [] does not certify that—
 - (1) The items of equipment to be serviced under this contract are used regularly for other than Government purposes, and are sold or traded by the offeror (or subcontractor in the case of an exempt subcontractor) in substantial quantities to the general public in the course of normal business operations;
 - (2) The services will be furnished at prices which are, or are based on, established catalog or market prices for the maintenance, calibration, or repair of equipment.
 - (i) An "established catalog price" is a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or the offeror, is either published or otherwise available for inspection by customers, and states prices at which sales currently, or were last, made to a significant number of buyers constituting the general public.
 - (ii) An "established market price" is a current price, established in the usual course of trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or offeror; and
 - (3) The compensation (wage and fringe benefits) plan for all service employees performing work under the contract are the same as that used for these employees and equivalent employees servicing the same equipment of commercial customers.
- (b) Certification by the offeror as to its compliance with respect to the contract also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services. If the offeror certifies to the conditions in paragraph (a) of this provision, and the Contracting Officer determines in accordance with FAR 22.1003-4(c)(3) that the Service Contract Labor Standards statute—
 - (1) Will not apply to this offeror, then the Service Contract Labor Standards clause in this solicitation will not be included in any resultant contract to this offeror; or
 - (2) Will apply to this offeror, then the clause at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-- Requirements, in this solicitation will not be included in any resultant contract awarded to this offeror, and the offeror may be provided an opportunity to submit a new offer on that basis.
- (c) If the offeror does not certify to the conditions in paragraph (a) of this provision—
 - (1) The clause in this solicitation at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements, will not be included in any resultant contract awarded to this offeror; and
 - (2) The offeror shall notify the Contracting Officer as soon as possible, if the Contracting Officer did not attach a Service Contract Labor Standards wage determination to the solicitation.
- (d) The Contracting Officer may not make an award to the offeror, if the offeror fails to execute the certification in paragraph (a) of this provision or to contact the Contracting Officer as required in paragraph (c) of this provision.

52.222-52 -- Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Certification. As prescribed in 22.1006(e)(3), insert the following provision: Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Certification (May 2014)

- (a) The offeror shall check the following certification: CERTIFICATION
The offeror [] does [] does not certify that—
 - (1) The services under the contract are offered and sold regularly to non-Governmental customers, and are provided by the offeror (or subcontractor in the case of an exempt subcontractor) to the general public in substantial quantities in the course of normal business operations;
 - (2) The contract services are furnished at prices that are, or are based on, established catalog or market prices. An "established catalog price" is a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or the offeror, is either published or otherwise available for inspection by customers, and states prices at which sales currently, or were last, made to a significant number of buyers constituting the general public. An "established market price" is a current price, established in the usual course of ordinary and usual trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or offeror;

- (3) Each service employee who will perform the services under the contract will spend only a small portion of his or her time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month) servicing the Government contract; and
- (4) The offeror uses the same compensation (wage and fringe benefits) plan for all service employees performing work under the contract as the offeror uses for these employees and for equivalent employees servicing commercial customers.

- (b) Certification by the offeror as to its compliance with respect to the contract also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services. If the offeror certifies to the conditions in paragraph (a) of this provision, and the Contracting Officer determines in accordance with FAR 22.1003-4(d)(3) that the Service Contract Act
 - (1) Will not apply to this offeror, then the Service Contract Labor Standards clause in this solicitation will not be included in any resultant contract to this offeror; or
 - (2) Will apply to this offeror, then the clause at FAR 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements, in this solicitation will not be included in any resultant contract awarded to this offer, and the offeror may be provided an opportunity to submit a new offer on that basis.
- (c) If the offeror does not certify to the conditions in paragraph (a) of this provision—
 - (1) The clause of this solicitation at 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements, will not be included in any resultant contract to this offeror; and
 - (2) The offeror shall notify the Contracting Officer as soon as possible if the Contracting Officer did not attach a Service Contract Labor Standards wage determination to the solicitation.
- (d) The Contracting Officer may not make an award to the offeror, if the offeror fails to execute the certification in paragraph (a) of this provision or to contact the Contracting Officer as required in paragraph (c) of this provision.

"All In" with Executive Order 11246, IWDs, Veterans

To the extent not exempt, this contractor and subcontractor shall abide by the requirements of 14 CFR sections 60-1.4(a), 60-300.5(a) and 60-741(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.