

**F-16 SPARES CONTRACTS:  
PRIME CONTRACT FA8212-06-C-0009  
PRIME CONTRACT FA8212-06-C-0010  
PRIME CONTRACT FA8212-06-C-0011  
PRIME CONTRACT FA8212-06-C-0012**

**Supplement to Appendix A – 27<sup>th</sup> Series**

For all subcontracts issued under the subject Prime Contracts, incorporate the following terms and conditions, applicable as noted, in addition to those other terms and conditions (the 27th Series, etc.) to be used for subcontracts issued under such Prime Contracts. The language of the incorporated clause(s) should be modified so that "Government" and "Contracting Officer" mean Buyer, "Contractor" means Seller, "Contract" means Purchase Order, and "Subcontractor" means Seller's Subcontractors.

**Delete the following FAR or DFARS clauses:**

1. 52.215-11, "Price Reduction for Defective Cost or Pricing Data – Modifications."
2. 52.215-13, "Subcontractor Cost or Pricing Data – Modifications."
3. 52.215-20, "Requirements for Cost or Pricing Data or Information Other than Cost or Pricing Data."
4. 52.215-21, "Requirements for Cost or Pricing Data or Information Other than Cost or Pricing Data – Modifications."
5. 52.222-4, "Contract Work Hours and Safety Standards Act – Overtime Compensation."
6. 52.223-13, "Certification of Toxic Chemical Release Reporting."
7. 52.228-3, "Workers Compensation Insurance (Defense Base Act)."
8. 52.229-3, "Federal, State and Local Taxes."
9. 52.225-7013, "Duty Free Entry."
10. 52.225-7021, "Trade Agreements."
11. 52.225-7033, "Waiver of UK Levies."
12. 252.246-7001, "Warranty of Data."
13. 252.249-7002, "Notification of Proposed Program Termination or Reduction."

**Add or modify the following FAR clauses:**

1. Add the following after FAR 52.215-10:

"If Buyer is subject to any liability or expense, including without limitation Government withholding of payments, as the result of: 1) Seller's or its lower tier subcontractors' submission and/or certification of alleged or actual defective cost

or pricing data, as set forth in this clause or 2) their furnishing, as prospective subcontractors, alleged or actual defective cost or pricing data, which data was certified or required to be certified by Buyer to be accurate, complete and current as of the date specified by Buyer in its Certificate of Current Cost or Pricing Data, and which data Seller was given timely notice by Buyer to furnish and/or update prior to such date specified in such certificate; or 3) the Government Contracting Officer's rejection of Seller's or Seller's lower-tier subcontractor's claim for exception from submission of certified cost or pricing data on the basis that the price offered by the Seller or lower-tier subcontractor is based on an established catalog or market price of a commercial item sold in substantial quantities to the general public, is a price set by law or regulation, is a commercial item; or, on any other basis set forth in FAR 15.804-1 (or FAR 15.403-1, as applicable) or other pertinent law or regulation; or 4) their furnishing data of any description that is allegedly or actually inaccurate as set forth in this clause (or 52.215-11, as applicable), **then Seller agrees to indemnify and hold Buyer harmless to the full extent of any damage or expense resulting from such action.**

2. FAR 52.222-39, "NOTIFICATION OF EMPLOYEE RIGHTS CONCERNING PAYMENT OF UNION DUES OR FEES" (DEC 2004).
3. With reference to Paragraph 12, Appendix A, 27<sup>th</sup> Series, the following FAR clauses related to patents, rights in data, and computer software are incorporated in the Prime Contract:

FAR 52.227-1, "AUTHORIZATION AND CONSENT" (JUL 1995)

FAR 52.227-2, "NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT" (AUG 1996)

**Add or modify the following DFARS and AFMC clauses:**

1. DFARS 252.211-7003, "ITEM IDENTIFICATION AND VALUATION" (APR 2005). Paragraph (c)(1)(iii) – "TBD". **Suppliers shall be specifically notified that this provision is applicable to the Purchase Order.**
2. DFARS 252.225-7001, "RESTRICTION ON ACQUISITION OF SUPERCOMPUTERS" (JUN 2005).
3. DFARS 252.225-7006\*\*\*, "QUARTERLY REPORTING OF ACTUAL PERFORMANCE OUTSIDE THE UNITED STATES" (JUN 2005). Applies to subcontract > \$500,000. Delete paragraph (c).
4. DFARS 252.225-7019, "RESTRICTION ON ACQUISITION OF ANCHOR AND MOORING CHAIN" (JUN 2005).

5. DFARS 252.225-7022, "RESTRICTION ON ACQUISITION OF POLYACRYLONITRILE (PAN) BASED CARBON FIBER" (JUN 2005).
6. DFARS 252.225-7023, "RESTRICTION ON ACQUISITION OF VESSEL PROPELLERS" (JUN 2005).
7. DFARS 252.225-7025, "RESTRICTION ON ACQUISITION OF FORGINGS" (JUN 2005).
8. DFARS 252.225-7027, "RESTRICTION ON CONTINGENT FEES FOR FOREIGN MILITARY SALES" (APR 2003). For purposes of subparagraph (b)(1), Countries listed in the Prime Contract are the following: Australia, Taiwan, Egypt, Greece, Israel, Japan, Jordan, Republic of Korea, Kuwait, Pakistan, Philippines, Poland, Saudi Arabia, Turkey, Thailand, or Venezuela (Air Force).
9. DFARS 252.225-7038, "RESTRICTION ON ACQUISITION OF AIR CIRCUIT BREAKERS" (JUN 2005).
10. DFARS 252.243-7002, "REQUESTS FOR EQUITABLE ADJUSTMENT" (MAR 1998). Applies to subcontracts > \$100,000. "Government" means "Buyer."
11. AFFARS 5352.223-9000 "ELIMINATION OF CLASS I OZONE DEPLETING SUBSTANCES (ODS)" (APR 2003). For paragraph (b): None. For paragraph (d), "CO" means "Buyer."

\*\*\* Provision does not apply to commercial items.