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**PRIME CONTRACT REQUIREMENTS**

The following clauses of the Federal Acquisition Regulation (FAR), National Aeronautics and Space Administration Federal Acquisition Regulation Supplement (NFS) and Marshall Space Flight Center (MSFC) are incorporated herein by reference, with the same force and effect as if they were given in full text, and are applicable during the performance of this Contract. The full text of a clause may be accessed electronically at the following address: <http://www.acquisition.gov/far> . With regard to any clauses contained in this document which are incorporated by reference into any other exhibit to this Contract, the version of the clause contained in this document, inclusive of any notes attached thereto, shall take precedence.

**FAR FLOWDOWN CLAUSES**

**Clause Number Title/Applicability**

- 52.203-6 RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (JUN 2020) (ALTERNATE I) (NOV 2021) (Applies if Contract exceeds the simplified acquisition threshold.)
- 52.203-13 CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (JUNE 2020) (Applies in lieu of any other version of 52.203-13 incorporated in other exhibits of this Contract.) (Applies if the Contract equals or exceeds \$5 million and if the period of performance is 120 days or over. Paragraph (c) does not apply to small businesses. Disclosures made under this clause shall be made directly to the Government entities identified in the clause, with a copy to ULA.)
- 52.203-17 CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (JUN 2020) (Applies in lieu of any other version of 52.203-17 incorporated in other exhibits of this Contract.) (Applies if this Contract exceeds the simplified acquisition threshold.)
- 52.204-4 PRINTED OR COPIED DOUBLE-SIDED ON POSTCONSUMER FIBER CONTENT PAPER (MAY 2011)
- 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2020) (Applies in lieu of any other version of 52.204-25 incorporated in other exhibits of this Contract.) (Note 2 applies).
- 52.209-06 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (JUN 2020) (Note 2 applies.) (Applies in lieu of any other version of 52.209-06 incorporated in other exhibits of this Contract.) (Applies if this Contract exceeds \$30,000 except for the procurement of commercially available off-the-shelf items.)
- 52.209-09 UPDATES OF PUBLICLY AVAILABLE INFORMATION REGARDING RESPONSIBILITY MATTERS (OCT 2018) (Applies if Contract exceeds \$600,000.)
- 52.210-1 MARKET RESEARCH (JUN 2020) (Applies if Contract exceeds \$6 million for the procurement of items other than commercial items).
- 52.219-09 SMALL BUSINESS SUBCONTRACTING PLAN (SEP 2021) (Applies if Contract exceeds \$750,000 (\$1.5 million for construction of any public facility) and CONTRACTOR is not a small business.)
- 52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REPRESENTATION (MAY 2020)
- 52.223-18 ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING (JUNE 2020) (Applies to Contracts that exceed the micro-purchase threshold).
- 52.225-13 RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUNE 2008)
- 52.222-26 EQUAL OPPORTUNITY (SEP 2015) (Applies in lieu of any other version of 52.222-26 incorporated in other exhibits of this Contract.) (Applies to Contracts not exempt by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended. Paragraph (d) does not apply.)

- 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (JUNE 2020) (Applies in lieu of any other version of 52.222-35 incorporated in other exhibits of this Contract.) (Applies if this Contract equals or exceeds \$100,000 and is not exempt by the rules, regulations, or orders of the Secretary of Labor.)
- 52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (JUNE 2020) (Applies in lieu of any other version of 52.222-36 incorporated in other exhibits of this Contract.) (Applies if this Contract exceeds \$15,000 and is not exempt by the rules, regulations, or orders of the Secretary of Labor.)
- 52.222-37 EMPLOYMENT REPORTS ON VETERANS (JUNE 2020) (Applies in lieu of any other version of 52.222-37 incorporated in other exhibits of this Contract.) (Applies if this Contract equals or exceeds \$100,000 and is not exempt by the rules, regulations, or orders of the Secretary of Labor.)
- 52.222-50 COMBATING TRAFFICKING IN PERSONS (OCT 2020) (Applies in lieu of any other version of 52.222-50 incorporated in other exhibits of this Contract.) (The requirements in paragraph (h) of this clause apply only to any portion of the Contract that is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and exceeds \$500,000.) (In paragraph (e) insert "and ULA" after "Government". Note 5 applies.)
- 52.227-01 AUTHORIZATION AND CONSENT (DEC 2007) (ALTERNATE I) (APR 1984) (Applies if the Contract exceeds the simplified acquisition threshold).
- 52.227-16 ADDITIONAL DATA REQUIREMENTS (JUNE 1987)
- 52.232-40 PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (NOV 2021)
- 52.242-05 PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (JAN 2017)
- 52.243-07 NOTIFICATION OF CHANGES (JAN 2017)
- 52.244-06 SUBCONTRACTS FOR COMMERCIAL ITEMS (NOV 2020) (Applies in lieu of any other version of 52.244-06 incorporated in other exhibits of this Contract.)
- 52.245-09 USE AND CHARGES (APR 2012) (Applies in lieu of any other version of 52.245-09 incorporated in other exhibits of this Contract.)
- 52.246-09 INSPECTION OF RESEARCH AND DEVELOPMENT (SHORT FORM) (APR 1984)
- 52.246-16 RESPONSIBILITY FOR SUPPLIES (APR 1984)
- 52.246-23 LIMITATION OF LIABILITY (FEB 1997) (Applies if the Contract exceeds the simplified acquisition threshold.)
- 52.246-24 LIMITATION OF LIABILITY-HIGH-VALUE ITEMS (FEB 1997) (Applies if the Contract exceeds the simplified acquisition threshold.)
- 52.246-25 LIMITATION OF LIABILITY-SERVICES (FEB 1997) (Applies if the Contract exceeds the simplified acquisition threshold.)
- 52.253-1 COMPUTER GENERATED FORMS (JAN 1991)

**NFS FLOWDOWN CLAUSES**

<u>Clause Number</u>	<u>Title/Applicability</u>
1852.203-70	DISPLAY OF INSPECTOR GENERAL HOTLINE POSTERS (JUN 2001) (Applies if Contract exceeds \$5 million and are performed at CONTRACTOR facilities in the United States)
1852.203-71	REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (AUG 2014)
1852.204-76	SECURITY REQUIREMENTS FOR UNCLASSIFIED INFORMATION TECHNOLOGY RESOURCES (Deviation 21-01)
1852.208-81	RESTRICTIONS ON PRINTING AND DUPLICATING (NOV 2004)
1852.219-75	INDIVIDUAL SUBCONTRACTING REPORTING (APR 2015) (Applicable if FAR 52.219-09 applies to this Contract.)
1852.223-75	MAJOR BREACH OF SAFETY OR SECURITY (FEB 2002)
1852.225-70	EXPORT LICENSES (FEB 2000)

1852.225-71	RESTRICTION ON FUNDING ACTIVITY WITH CHINA (FEB 2012) (DEVIATION)(Contracts for commercial and non-developmental items are exempt.)
1852.227-14	RIGHTS IN DATA - GENERAL (APR 2015)
1852.227-70	NEW TECHNOLOGY – OTHER THAN SMALL BUSINESS FIRM OR NONPROFIT ORGANIZATION (APR 2015)
1852.227-72	DESIGNATION OF NEW TECHNOLOGY REPRESENTATIVE AND PATENT REPRESENTATIVE (APR 2015) (Note 2 applies.)
1852.237-72	ACCESS TO SENSITIVE INFORMATION (JUN 2005)
1852.237-73	RELEASE OF SENSITIVE INFORMATION (JUN 2005)
1852.244-70	GEOGRAPHIC PARTICIPATION IN THE AEROSPACE PROGRAM (APR 1985) (Applies if Contract exceeds \$100,000.)
1852.245-71	INSTALLATION-ACCOUNTABLE GOVERNMENT PROPERTY (JUN 2018) (CONTRACTOR is prohibited from bringing property owned or leased by the CONTRACTOR onto any NASA owned facility without approval.)(Note 5 applies.)
1852.245-74	IDENTIFICATION AND MARKING OF GOVERNMENT EQUIPMENT (JAN 2011)
1852.246-74	CONTRACTOR COUNTERFEIT ELECTRONIC PART DETECTION AND AVOIDANCE (SEP 2020)

### **MSFC FLOWDOWN CLAUSES**

<u>Clause Number</u>	<u>Title/Applicability</u>
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52.227-91	DATA REQUIREMENTS (JUNE 2017) (Note 4 applies.)
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### **SPECIAL CONTRACT REQUIREMENTS FLOWDOWN CLAUSES**

#### ADDITIONAL PURPOSES FOR LIMITED RIGHTS NOTICES (52.227-14, ALTERNATE II)

a) The following are additional purposes for technical data related to items, components, or processes developed at private expense (with only minor modifications under the contract):

- a) Use (except for manufacture) by NASA support service contractors.
- b) Evaluation by NASA nongovernment evaluators.
- c) Use (except for manufacture) by other NASA contractors participating in the Government's program of which the specific contract is a part provided such use does not directly compete with work under this contract.

b) The following are additional purposes for technical data related to items, components, or processes developed under the contract if such items, components, or processes are segregable from the Government's contribution (i.e., the contractor essentially performed all of the development work and the cost of such work is covered by the ULA's funding contribution):

- a) Use (except for manufacture) by NASA support service contractors.
- b) Evaluation by NASA nongovernment evaluators.
- c) Use (except for manufacture) by other NASA contractors participating in the Government's program of which the specific contract is a part provided such use does not directly compete with work under this contract.

c) The following are additional purposes for technical data related to items, components, or processes developed under the contract if such items, components, or processes are not segregable from the Government's contribution (i.e., both the Government and ULA contributed to the performance of the development work):

- a) Use, modify, reproduce, release, perform, display, or disclose technical data within the Government without restriction; and

b) Release or disclose technical data outside the Government and authorize persons to whom release or disclosure has been made to use, modify, reproduce, release, perform, display, or disclose that data for United States Government purposes (i.e., any activity in which the United States Government is a party, including cooperative agreements with international or multi-national defense organizations, or sales or transfers by the United States Government to foreign governments or international organizations). Government purposes include competitive procurement, but do not include the rights to use, modify, reproduce, release, perform, display, or disclose technical data for commercial purposes or authorize others to do so.

d) Technical data related to items, components, or processes developed under the contract will have unlimited rights if such items, components, or processes are segregable from the ULA's contribution (i.e., the Government essentially performed all of the development work).

(End of Clause)

#### **NOTES**

1. Substitute "ULA" for "Government" throughout this clause.
2. Substitute "Procurement Representative" for "Contracting Officer", "Administrative Contracting Officer", and "ACO" throughout this clause.
3. Insert "and ULA" after "Government" throughout this clause.
4. Insert "or ULA" after "Government" throughout this clause.
5. Communication/notification required under this clause from/to the Contractor to/from the Contracting Officer shall be through ULA.
6. Insert "and the Procurement Representative" after "Contracting Officer" throughout the clause.
7. Insert "or the Procurement Representative" after "Contracting Officer" throughout the clause.