

The following updates reflect changes to various provisions and clauses of U.S. Government acquisition regulations, including the Federal Acquisition Regulations (FAR) and the Department of Defense FAR Supplement (DFARS). By this reference, said updates are incorporated in and made an integral part of the General Terms and Conditions (TC) documents identified below.

A. Update to TC-001 (04/11), GENERAL TERMS AND CONDITIONS OF PURCHASE

1. The following clause is ADDED to Paragraph 19(e) as Subparagraph 11:

11. 52.222-41 "Service Contract Act of 1965" (Applicable when the clause is in the prime contract and the Purchase Order is subject to the Service Contract Act of 1965.)

As a result, Subparagraphs 11 through 14 under Paragraph 19(e) are REPLACED with the following to correct numbering:

11. 52.222-41 "Service Contract Act of 1965" (Applicable when the clause is in the prime contract and the Purchase Order is subject to the Service Contract Act of 1965.)
12. 52.222-50 & Alt 1 "Combating Trafficking in Persons" (Include Alternate 1 if it is in the prime contract.)
13. 52.222-54 "Employment Eligibility Verification" (This clause is applicable to Purchase 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 \$3,000; and (iii) includes work performed in the United States.
14. 52.244-6 "Subcontracts for Commercial Items"

2. The following clauses are ADDED to Paragraph 19 (e) as Subparagraphs 28 – 30.

28. 252.227-7013 "Rights in Technical Data Noncommercial Items" (Applicable whenever any technical data for commercial items developed in part at Government expense will be provided for delivery to the Government under this Purchase Order.)
29. 252.227-7015 "Technical Data – Commercial Items" (Applicable whenever any technical data related to commercial items developed in any part at private expense will be provided under this Purchase Order for delivery to the U.S. Government.)
30. 252.227-7037 "Validation of Restrictive Markings on Technical Data" (Applicable whenever technical data is to be delivered under this Purchase Order.)

As a result, the subparagraphs numbered starting with 28 in the original are renumbered as 31 through 34, and the number "31" in the last sentence of Paragraph 19(e) is changed to "34" so that the last sentence of Paragraph 19(e) now reads, "The DFARS clauses set forth in Paragraph 19(e) (16) through Paragraph 19(e) (34) below are applicable only to Purchase Orders issued under DoD contracts."

B. Update to TC-002 (04/11), GENERAL TERMS AND CONDITIONS OF PURCHASE – Supplement 1, Government Contract Provisions from the Federal Acquisition Regulation

1. The titles of the clauses listed in Subparagraphs 1, 2, 3, 4, 8, and 9 under Paragraph 2.K changed in the FAR, as a result the following Subparagraphs REPLACE the existing Subparagraphs under Paragraph 2.K:

1. 52.215-10 "Price Reduction for Defective Certified Cost or Pricing Data"
2. 52.215-11 "Price Reduction for Defective Certified Cost or Pricing Data – Modifications"
3. 52.215-12 "Subcontractor Certified Cost or Pricing Data"
4. 52.215-13 "Subcontractor Certified Cost or Pricing Data – Modifications"
8. 52.215-20 "Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data"
9. 52.215-21 "Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications"

2. The following clause is REMOVED from Section 2.G and the word RESERVED is inserted in place of the clause:

1. 52.223-14 "Toxic Chemical Release Reporting" (less paragraph (e))

3. The following clause is REMOVED from Section 3 and the word RESERVED is inserted in place of the clause:

- D. 52.223-13 "Certification of Toxic Chemical Release Reporting" (over \$100,000)

4. Section 2.B is REMOVED in its entirety and REPLACED by the following to correct the clause title and applicability:
- B. ORDERS OVER THE MICRO-PURCHASE THRESHOLD (AS DEFINED AT FAR 2.101) ALSO INCLUDE THE FOLLOWING**
1. 52.223-18 "Encouraging Contractor Policies to Ban Text Messaging while Driving"
5. The following clause is ADDED to Section 2.I:
10. 52.203-16 "Preventing Personal Conflicts of Interest" (Applicable to Purchase Orders that include a requirement for services that involve performance of acquisition functions closely associated with inherently governmental functions for, or on behalf of, a Federal agency or department.)
- C. Update to TC-003 (04/11), GENERAL TERMS AND CONDITIONS OF PURCHASE – Supplement 2, Government Contract Provisions from the Department of Defense FAR Supplement
1. The following clause is ADDED and shall apply to ALL ORDERS regardless of dollar value:
 63. 252.223-7008 "Prohibition of Hexavalent Chromium"
 2. The following heading and clause are ADDED:

ALSO INCLUDE THE FOLLOWING IN ORDERS OVER \$5,000,000:

 1. 252.203-7004 "Display of Fraud Hotline Poster(s)" (Applicable to all Purchase Orders except Purchase Orders that are for acquisition of a commercial item, or that will be performed entirely outside the United States, in lieu of FAR 52.203-14 Display of Hotline Poster(s).)
- D. Update to TC-004 (04/11), INTERNATIONAL GENERAL TERMS AND CONDITIONS OF PURCHASE
1. The following clauses are ADDED to Part II A as Subparagraphs 14 through 17.
 14. 252.227-7013 "Rights in Technical Data Noncommercial Items" (Applicable whenever any technical data for commercial items developed in part at Government expense will be provided for delivery to the Government under this Purchase Order.)
 15. 252.227-7015 "Technical Data – Commercial Items" (Applicable whenever any technical data related to commercial items developed in any part at private expense will be provided under this Purchase Order for delivery to the U.S. Government.)
 16. 252.227-7037 "Validation of Restrictive Markings on Technical Data" (Applicable whenever technical data is to be delivered under this Purchase Order.)
 17. 252.244-7000 "Subcontracts for Commercial Items and Commercial Components (DoD Contracts)"
 2. The following clause is ADDED to Part III A:
 38. 252.223-7008 "Prohibition of Hexavalent Chromium"
 3. The titles of the clauses listed in Subparagraphs 1 through 6 under Part III P changed in the FAR, as a result the following Subparagraphs REPLACE the existing Subparagraphs under Part III P:
 1. 52.215-10 "Price Reduction for Defective Certified Cost or Pricing Data"
 2. 52.215-11 "Price Reduction for Defective Certified Cost or Pricing Data – Modifications"
 3. 52.215-12 "Subcontractor Certified Cost or Pricing Data"
 4. 52.215-13 "Subcontractor Certified Cost or Pricing Data – Modifications"
 5. 52.215-20 "Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data"
 6. 52.215-21 "Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data – Modifications"
 4. The following clause is REMOVED from Part III.F and the word RESERVED is inserted in place of the clause:
 1. 52.223-14 "Toxic Chemical Release Reporting"
 5. Paragraph 6 in Part II A is REPLACED by the following to correct the clause title:
 6. 252.204-7008 "Export-Controlled Items"

6. The following clauses are ADDED to Part II A as Subparagraphs 18 through 20:
 18. 252.246-7003 "Notification of Potential Safety Issues"
 19. 252.247-7023 "Transportation of Supplies by Sea" (paragraphs f and g of the clause are applicable only when the purchase order price exceeds the simplified acquisition threshold in Part 2 of the Federal Acquisition Regulation).
 20. 252.247-7024 "Notification of Transportation of Supplies by Sea"
7. Paragraph 13 in Part III A is REPLACED by the following to correct the clause title and applicability:
 13. 52.223-18 ""Encouraging Contractor Policies to Ban Text Messaging while Driving" (Applicable to all Purchase Orders that exceed the Micro-Purchase Threshold as defined at FAR 2.101)"
8. Paragraph 14 in Part III A is REPLACED by the following to correct the clause title:
 14. 252.204-7008 "Export-Controlled Items"
9. The following clauses are ADDED to Part III A as Subparagraphs 38 through 51:
 38. 52.222-50 & Alt 1 "Combating Trafficking in Persons and Alternate 1" (Include Alternate 1 if it is included in the prime contract)
 39. 52.225-8 "Duty-Free Entry"
 40. 52.225-13 "Restrictions on Certain Foreign Purchases"
 41. 52.244-6 "Subcontracts for Commercial Items"
 42. 52.247-64 "Preference for Privately Owned U.S.-Flag Commercial Vessels"
 43. 252.204-7000 "Disclosure of Information"
 44. 252.209-7004 "Subcontracting with Firms That Are Owned or Controlled by the Government of a Terrorist Country"
 45. 252.211-7003 "Item Identification and Valuation" (Applicable to Purchase Orders for acquisition of an item for which unique identification is required in accordance with paragraph (c) (1) of this clause. In addition, Seller's obligations under this clause shall include cooperating with Buyer's efforts to comply with this clause, including granting Buyer access to Seller's deliverables at its facilities and to appropriate property records.)
 46. 252.225-7007 "Prohibition on Acquisition of United States Munitions list Items from Communist Chinese Military Companies" (Applicable to Purchase Orders for the acquisition of items covered by the United States Munitions List of the International Traffic in Arms Regulation)
 47. 252.225-7027 "Restriction on Contingent Fees for Foreign Military Sales"
 48. 252.225-7028 "Exclusionary Policies and Practices of Foreign Governments"
 49. 252.244-7000 "Subcontracts for Commercial Items and Commercial Components"
 50. 252.246-7003 "Notification of Potential Safety Issues"
 51. 252.247-7024 "Notification of Transportation of Supplies by Sea"
10. The following clauses is ADDED to Part III I
 4. 252.203-7001 "Prohibition on Persons Convicted of Fraud or Other Defense Contract Related Felonies"