



Updates to RTX Flowdown of U.S. Government Contract Clauses

December 2021

The following updates shall be incorporated in, and made an integral part of, the RTX Technologies Corporation Flowdown of U.S. Government Contract Clauses Under U.S. Government Contracts.

Commercial Item Acquisitions:

A. THE FOLLOWING FAR CLAUSES ARE APPLICABLE TO ORDERS FOR COMMERCIAL ITEMS UNDER ALL GOVERNMENT CONTRACTS:

1. The following clause is **MODIFIED**:

- **52.203-13** “Contractor Code of Business Ethics and Conduct” (Applicable to Orders (i) that have a value more than \$6,000,000 or the dollar threshold in effect as of the date of the Prime Contract; 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.)

2. As a result of the FAR Class Deviation, the following clause is **MODIFIED**:

52.223-99 “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors” (Unless the Office of Management and Budget (OMB) guidance directs otherwise at <https://www.saferfederalworkforce.gov/contractors/>, applicable only to Orders over the simplified acquisition threshold (as defined at FAR 2.101 in effect as of the date of the Prime Contract) under contracts and contract-like instruments for services, including construction, performed in whole or in part within the United States or its outlying areas (i) awarded on or after October 15, 2021 pursuant to solicitations issued on or after October 15, 2021; (ii) awarded on or after November 14, 2021 pursuant to solicitations issued before October 15, 2021; (iii) modified on or after October 15, 2021; and (iv) resulting from options exercised on or after October 15, 2021. As of December 9, 2021, the OMB guidance is that the Government will take no action to enforce this clause where the place of performance is in a U.S. state

or outlying area subject to a court order prohibiting its application until further notice.)

3. The following clause is **MODIFIED**:

- **52.225-1** “Buy American-Supplies”

B. THE FOLLOWING DFARS CLAUSES ARE APPLICABLE TO ORDERS FOR COMMERCIAL ITEMS UNDER DoD CONTRACTS:

1. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:

- **252.204-7012** “Safeguarding Covered Defense Information and Cyber Incident Reporting” (FINAL RULE 10/21/2016) (Applicable to Orders under DoD contracts awarded after October 20, 2016 and before December 31, 2019 for operationally critical support, or for which Order performance will involve covered defense information.)

2. As a result of the DFARS Final Rule, the following clause is **ADDED**:

- **252.204-7012** “Safeguarding Covered Defense Information and Cyber Incident Reporting” (DEC 2019) (Applicable to Orders under DoD contracts awarded after December 30, 2019 for operationally critical support, or for which Order performance will involve covered defense information.)

3. As a result of the DFARS Class Deviation, the following clause is **MODIFIED**:

- **252.223-7999** “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Deviation 2021-O0009, Revision 2)” (Applicable only to Orders over the simplified acquisition threshold (as defined at FAR 2.101 in effect as of the date of the Prime Contract) under DoD contracts for services, including construction, performed in whole or in part within the United States or its outlying areas (i) awarded on or after October 15, 2021 pursuant to solicitations issued on or after October 15, 2021; (ii) awarded on or after November 14, 2021 pursuant to solicitations issued before October 15, 2021; (iii) modified on or after October 15, 2021; and (iv) resulting from options exercised on or after October 15, 2021.) (Effective December 9, 2021, Revision 2 (i) prohibits inclusion of the clause in new Orders and amendments to existing Orders, and (ii) suspends enforcement of the clause in existing Orders until further notice.)

4. The following clauses are **ADDED**:

- **252.225-7012** “Preference for Certain Domestic Commodities”

- **252.225-7015** “Restriction on Acquisition of Hand or Measuring Tools” (Applicable to Orders that exceed the simplified acquisition threshold that require delivery of hand or measuring tools.)

Federal Agency Acquisitions:

I. ORDERS OVER THE SIMPLIFIED ACQUISITION THRESHOLD (AS DEFINED AT FAR 2.101 IN EFFECT AS OF THE DATE OF THE PRIME CONTRACT) ALSO INCLUDE:

1. As a result of the FAR Class Deviation, the following clause is **MODIFIED**:

- **52.223-99** “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors” (Unless the Office of Management and Budget (OMB) guidance directs otherwise at <https://www.saferfederalworkforce.gov/contractors/>, applicable only to Orders under contracts and contract-like instruments for services, including construction, performed in whole or in part within the United States or its outlying areas (i) awarded on or after October 15, 2021 pursuant to solicitations issued on or after October 15, 2021; (ii) awarded on or after November 14, 2021 pursuant to solicitations issued before October 15, 2021; (iii) modified on or after October 15, 2021; and (iv) resulting from options exercised on or after October 15, 2021. As of December 9, 2021, the OMB guidance is that the Government will take no action to enforce this clause where the place of performance is in a U.S. state or outlying area subject to a court order prohibiting its application until further notice.)

J. ORDERS OVER \$750,000 (OR THE DOLLAR THRESHOLD IN EFFECT AS OF THE DATE OF THE ORDER/SUBCONTRACT AWARD) ALSO INCLUDE:

1. The following clause is **MODIFIED**:

- **52.219-9** “Small Business Subcontracting Plan” (Applicable to Orders with further subcontracting opportunities, excluding Suppliers that are not small business concerns.)

K. COST OR PRICING DATA REQUIRED UNLESS OTHERWISE EXEMPT (SEE FAR 15.408), ORDERS ALSO INCLUDE:

1. As a result of the FAR Class Deviation, the following clauses are **MODIFIED**:

- **52.214-27** “Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding” (DEVIATION 2022-O0001, Revision 1) (OCT 2021) (Applicable when incorporated into the Prime Contract”).)

- **52.214-28** “Subcontractor Cost or Pricing Data-Modifications Sealed Bidding” (DEVIATION 2022-O0001, Revision 1) (OCT 2021) (Applicable when incorporated into the Prime Contract”).)
- **52.215-11** “Price Reduction for Defective Certified Cost or Pricing Data – Modifications” (DEVIATION 2022-O0001, Revision 1) (OCT 2021) (Applicable when incorporated into the Prime Contract”).)
- **52.215-12** “Subcontractor Certified Cost or Pricing Data” (DEVIATION 2022-O0001, Revision 1) (OCT 2021) (Applicable when incorporated into the Prime Contract.)
- **52.215-13** “Subcontractor Certified Cost or Pricing Data – Modifications” (DEVIATION 2022-O0001, Revision 1) (OCT 2021) (Applicable when incorporated into the Prime Contract”).)

DoD Acquisitions:

A. APPLICABLE TO ALL ORDERS WITHOUT REGARD TO DOLLAR VALUE:

1. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:
 - **252.204-7012** “Safeguarding Covered Defense Information and Cyber Incident Reporting” (FINAL RULE 10/21/2016) (Applicable to Orders under DoD contracts awarded after October 20, 2016 and before December 31, 2019 for operationally critical support, or for which Order performance will involve covered defense information.)
2. As a result of the DFARS Final Rule, the following clause is **ADDED**:
 - **252.204-7012** “Safeguarding Covered Defense Information and Cyber Incident Reporting” (DEC 2019) (Applicable to Orders under DoD contracts awarded after December 30, 2019 for operationally critical support, or for which Order performance will involve covered defense information.)
3. The following clause is **MODIFIED**:
 - **252.225-7015** “Restriction on Acquisition of Hand or Measuring Tools” (Applicable to Orders that exceed the simplified acquisition threshold that require delivery of hand or measuring tools.)
4. The following clause is **MODIFIED**:
 - **252.227-7020** “Rights in Special Works”

B. ORDERS OVER THE SIMPLIFIED ACQUISITION THRESHOLD (AS DEFINED AT FAR 2.101 IN EFFECT AS OF THE DATE OF THE PRIME CONTRACT) ALSO INCLUDE:

1. As a result of the DFARS Class Deviation, the following clause is **MODIFIED**:
 - **252.223-7999** “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Deviation 2021-O0009, Revision 2)” (Applicable only to Orders under DoD contracts for services, including construction, performed in whole or in part within the United States or its outlying areas (i) awarded on or after October 15, 2021 pursuant to solicitations issued on or after October 15, 2021; (ii) awarded on or after November 14, 2021 pursuant to solicitations issued before October 15, 2021; (iii) modified on or after October 15, 2021; and (iv) resulting from options exercised on or after October 15, 2021.) (Effective December 9, 2021, Revision 2 (i) prohibits inclusion of the clause in new Orders and amendments to existing Orders, and (ii) suspends enforcement of the clause in existing Orders until further notice.)

NASA Acquisitions:

B. ORDERS OVER THE MICRO-PURCHASE THRESHOLD (AS DEFINED IN FAR 2.101 IN EFFECT AS OF THE DATE OF THE PRIME CONTRACT) ALSO INCLUDE:

1. As a result of the FAR Class Deviation, the following clause is **MODIFIED**:
 - **52.223-99** “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Deviation PCD 21-03B)” (Applicable only to Orders under NASA contracts performed in whole or in part within the United States or its outlying areas awarded on or after October 1, 2021.) (Effective December 9, 2021, NASA will take no action to enforce the Deviation where the place of performance is in a U.S. state or outlying area subject to a court order prohibiting its application.)

C. ORDERS OVER THE SIMPLIFIED ACQUISITION THRESHOLD (AS DEFINED AT FAR 2.101 IN EFFECT AS OF THE DATE OF THE PRIME CONTRACT) ALSO INCLUDE:

1. As a result of the FAR Class Deviation, the following clause is **MODIFIED**:
 - **52.223-99** “Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Deviation PCD 21-03B)” (Applicable only to Orders under NASA contracts performed in whole or in part within the United States or its outlying areas modified on or after October 1, 2021.) (Effective December 9, 2021, NASA will take no action to enforce the Deviation where the place of performance is in a U.S. state or outlying area subject to a court order prohibiting its application.)