



DOC#AFC002C/1/06-DFARS

Aerofab Corporation

**STANDARD TERMS AND CONDITIONS OF PURCHASE
under Government Contracts for
Purchases of Goods and Services
DFARS**

DoD FAR SUPPLEMENT DFARS FLOWDOWN CLAUSES
REFERENCE TITLE

R1 DATED 12/12/05 BRINGS SPECIAL ATTENTION TO DFARS CLAUSE 252.225.7014 Alternate I: Full compliance is a necessity with the specialty metals requirements associated with DoD subcontracts. These mandatory requirements have their origin in federal law (10 USC 2533a, the "Berry Amendment"), and are implemented by Department of Defense Federal Acquisition Regulation Supplement (DFARS) clause 252.225-7014, its Alternate I, and by Aerofab, Corporation's contractual terms and conditions. DFARS clause's Alternate I requires the flow-down of this requirement to all subordinate contractors/suppliers delivering any component that contains specialty metals. Also, there is no minimum quantity or dollar threshold exemption - any amount of specialty metal, from any tier supply chain, must be compliant with the DFARS clause.

Pursuant to DFARS 252.225-7014, specialty metals incorporated in articles delivered to AEROFAB, CORP must be: (1) melted in the United States, its possessions or Puerto Rico; (2) melted in a "qualifying country" as defined in DFARS 225.872-1; or, (3) incorporated in an article manufactured in a "qualifying country." The United States is not listed as a qualifying country in DFARS 225.872-1.

1. The following DFARS clauses apply to this contract:

- (a) 252.208-7000 INTENT TO FURNISH PRECIOUS METALS AS GOVERNMENT-FURNISHED MATERIAL (DEC 1991)
- (b) 252.217-7003 CHANGES (DEC 1991)
- (c) 252.222-7005 PROHIBITION OF USING NONIMMIGRANT ALIENS - GUAM (SEP 1999)
- (d) 252.225-7013 DUTY FREE ENTRY (JUN 2005)
- (e) 252.225-7014 PREFERENCE FOR DOMESTIC SPECIALTY METALS (MAR 1998) **AND ALT 1**
(Applicable if the Work to be furnished contains specialty metals)
- (e1) 252.225-7014 ALT 1 Preference for Domestic Specialty Metals (MAR 1998). INCLUDE 252.225-7014 WHEN ALTERNATE 1 IS INCLUDED IN THE PRIME CONTRACT. THIS CLAUSE APPLIES ONLY IF THE PRODUCT CONTAINS SPECIALTY METAL(S) (AND DFARS 252-225-7014 is used.)**
- (f) 252.225-7019 RESTRICTION ON ACQUISITION OF ANCHOR AND MOORING CHAIN (JUN 2005)
- (g) 252.225-7020 TRADE AGREEMENTS CERTIFICATE (JAN 2005)
- (h) 252.225-7022 RESTRICTION ON ACQUISITION OF POLYACRYLONITRILE (PAN) CARBON FIBER (JUN 2005)
- (i) 252.225-7028 EXCLUSIONARY POLICIES AND PRACTICES OF FOREIGN GOVERNMENTS

- (APR 2003)
- (j) 252.225-7030 RESTRICTION ON ACQUISITION OF CARBON, ALLOY, AND ARMOR STEEL PLATE (APR 2003)
 - (k) 252.225-7032 WAIVER OF UNITED KINGDOM LEVIES – EVALUATION OF OFFERS (APR 2003)
 - (l) 252.225-7035 BUY AMERICAN ACT--FREE TRADE AGREEMENTS--BALANCE OF PAYMENTS PROGRAM CERTIFICATE (JAN 2005)
 - (m) 252.225-7036 BUY AMERICAN ACT--FREE TRADE AGREEMENTS--BALANCE OF PAYMENTS PROGRAM (JUN 2005)
 - (n) 252.225-7037 EVALUATION OF OFFERS FOR AIR CIRCUIT BREAKERS (JUN 2005)
 - (o) 252.225-7038 RESTRICTION ON ACQUISITION OF AIR CIRCUIT BREAKERS (JUN 2005)
 - (p) 252.227-7013 RIGHTS IN TECHNICAL DATA – NON-COMMERCIAL ITEMS (NOV 1995) (Applicable in lieu of FAR52.227-14.)
 - (q) 252.227-7014 RIGHTS IN NON-COMMERCIAL COMPUTER SOFTWARE AND NON-COMMERCIAL COMPUTER SOFTWARE DOCUMENTATION (JUNE 1995) (Applicable in lieu of (FAR 52.227-14)
 - (r) 252.227-7015 TECHNICAL DATA--COMMERCIAL ITEMS (NOV 1995)
 - (s) 252.227-7016 RIGHTS IN BID OR PROPOSAL INFORMATION (JUN 1995)
 - (t) 252.227-7017 IDENTIFICATION AND ASSERTION OF USE, RELEASE, OR DISCLOSURE RESTRICTIONS (JUN 1995)
 - (u) 252.227-7018 RIGHTS IN NONCOMMERCIAL DATA AND COMPUTER SOFTWARE-SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM (JUN 1995)
 - (v) 252.227-7019 VALIDATION OF ASSERTED RESTRICTIONS- COMPUTER SOFTWARE (JUN 1995)
 - (w) 252.227-7020 RIGHTS IN SPECILA WORKS (JUN 1995)
 - (x) 252.227-7021 RIGHTS IN DATA-EXISTING WORKS (MAR 1979)
 - (y) 252.227-7022 GOVERNMENT RIGHTS (UNLIMITED) (MAR 1979)
 - (z) 252.227-7023 DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF GOVERNMENT (MAR 1979)

DoD FAR SUPPLEMENT CLAUSES, CONTINUED

- (a) 252.227-7025 LIMITATIONS ON THE USE OR DISCLOSURE OF GOVERNMENT-FURNISHED INFORMATION MARKED WITH RESTRICTIVE LEGENDS (JUN 1995) (For paragraph c (1) Note 3 applies.)
- (b) 252.227-7026 DEFERRED DELIVERY OF TEHCNICAL OR COMPUTER SOFTWARE (APR 1988) (NOTE 1 applies.)
- (c) 252.227-7027 DEFERRED ORDERING OF TECHNICAL DATA OR COMPUTER SOFTWARE (APR 1988) (Note 1 applies)
- (d) 252.227-7028 TECHNICAL DATA OR COMPUTER SOFTWARE PREVIOUSLY DELIVERED TO THE GOVERNMENT (JUN 1995) (The definitions for "contract" and "subcontract" shall not Apply herein, except for the first reference to contract. Note 4 applies.)
- (e) 252.227-7030 TECHNICAL DATA- WITHHOLDING OF PAYMENT (MAR 2000) (Notes 1 and 2 apply to (a); Note 4 applies to (b).)
- (f) 252.227-7032 RIGHTS IN TECHNICAL DATA AND COMPUTER SOFTWARE (FOREIGN) (JUN 1975)
- (g) 252.227-7033 RIGHTS IN SHOP DRAWINGS (APR 1966)
- (h) 252.227-7034 PATENTS – SUBCONTRACTS (APR 1984)

- (l) 252.227-7037 VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATE (SEP 1999)
- (j) 252.228-7005 ACCIDENT REPORTING AND INVESTIGATION INVOLVING AIRCRAFT, MISSILES, AND SPACE LAUNCH VEHICLES (DEC 1991) (In paragraph (a) note 5 applies. In paragraph (b) Note 3 applies.)
- (k) 252.229-7004 STATUS OF CONTRACTOR AS A DIRECT CONTRACTOR (SPAIN) (JUN 1997)
- (l) 252-231-7000 SUPPLEMENTAL COST PRINCIPLES (DEC 1991)
- (m) 252.235-7002 ANIMAL WELFARE (DEC 1991)
- (n) 252.235-7003 FREQUENCY AUTORIZATION (DEC 1991)
- (o) 252.336-7000 MODIFICATION PROPOSALS –PRICE BREAKDOWN (DEC 1991)
- (p) 252.239-7000 PROTECTION AGAINST COMPROMISING EMANATIONS (JUN 2004)
- (q) 252.239-7016 TELECOMMUNICATIONS SECURITY EQUIPMENT, DEVICES, TECHNIQUES, AND SERVICES as prescribed in 252.7411 (d) (DEC 1991)
- (r) 252.242-7005 COST/SCHEDULE STATUS REPORT as prescribed in 242.1107-70 (b) (MAR 2005)
- (t) 252.243-7001 PRICING OF CONTRACT MODIFICATIONS (DEC 1991)
- (u) 252.243-7002 REQUEST FOR EQUITABLE ADJUSTMENT as prescribed in 242.205-71 (MAR 1998)
- (v) 252.244-7000 SUBCONTRACTS COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (DoD) CONTRACTS) as prescribed in 244.403 (NOV 2005)
- (w) 252.245-7001 REPORTS OF GOVERNMENT PROPERTY as prescribed in 245.505-14(a) (MAY 1994) (Applicable if Government Property is provided or acquired under this Contract. Contractor shall submit the required Reports to AEROFAB, CORP. In paragraph (a)(3), change October 31 to October 10.)
- (x) 252.246-7001 WARRANTY OF DATA as prescribed in 246.710(1) (DEC 1991)
- (x) 252.247-7024 NOTIFICATION OF TRANSPORTATION OF SUPPLIES BY SEA (MAR 2000) (Applicable if this Contract meets the criteria set forth in paragraph (b) (2) (ii) of the clause. Notes 1 and 2 apply.)

2. The following DFARS clauses apply to this Contract if the value of this Contract equals or exceeds \$100,000:

- (a) 252.203-7001 PROHIBITION ON PERSONS CONVICTED OF FRAUD OR OTHER DEFENSE CONTRACT RELATED FELONIES (MAR 1999) (In this clause, the terms “contract”, “contractor” and “subcontract” shall not change in meaning in paragraphs (a) thru (d). Delete paragraph (g). Note 5 applies.)
- (b) 252.247-7022 REPRESENTATION OF EXTENT OF TRANSPORTATION BY SEA (AUG 1992)
- (c) 252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA (MAY 2002) (Applicable in lieu of FAR 52.247-64 in all Contracts for ocean transportation of supplies. In the first sentence of paragraph (g), insert a period after “Contractor” and delete the balance of the sentence. Paragraph (f) and (g) shall not apply if this Contract is at or below \$100,000. Notes 1 and 2 apply to paragraph (g).)

3. The following DFARS clauses apply to this Contract if the value of this Contract equals or exceeds \$500,000.00:

- (a) 252.225-004 REPORTING OF CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES (APR 2003) (Delete paragraph (d) (1) and the first five words of para. (d) (2).)
- (b) 252.249-7002 NOTIFICATION OF ANTICIPATED CONTRACT TERMINATION OR REDUCTION (DEC 1996) (Note 2 applies). Delete paragraph (d) (1) and the first five words of para. (d) (2).)

4. The following DFARS clauses apply to this Contract if the value of this Contract equals or exceeds \$1,000,000

- (a) 252.211-7000 ACQUISITION STREAMLINING (DEC 1991) (Note 1 applies.)

5. The following DFARS clauses apply to this contract as indicated:

- (a) 252.215-7000 PRICING ADJUSTMENTS (DEC 1991) (Applicable if FAR 52.215-13 applies to this Contract.)
- (b) 252.219-7003 SMALL, SMALL DISADVANTAGED AND WOMEN-OWNED SMALL BUSINESS (APR 1996) (Applicable if FAR 52.219-9 applies to this Contract. Delete para (g).)
- (c) 252.223-7001 HAZARD WARNING LABELS (DEC 1991) (Applicable if this Contract requires the delivery of hazardous materials.)
- (d) 252.223-7002 SAFETY PRECAUTIONS FOR AMMUNITION AND EXPLOSIVES (MAY 1994) (Applicable only if the articles furnished under this Contract contain ammunition or explosives, including liquid and solid propellants. Notes 2, 3 and 5 apply to para.'s g(1)(I) and e(1)(ii). Note 3 applies. Delete "prime" in g(1) (ii) and add "and AEROFAB Procurement Representative". Delete in g(1)(ii) "substituting its name for references to The Government".)
- (e) 252.223-7003 CHANGE IN PLACE OF PERFORMANCE- AMMUNITION AND EXPLOVISES (DEC 91) (Applicable if DFARA 252.223-7002 applies to this Contract. Notes 2 and 4 apply).
- (f) 252.223-7007 SAFEGUARDING SENSITIVE CONVENTIONAL ARMS, AMMUNITION, AND EXPLOSIVES (SEP 1999) (Applicable if this Contract is for the development, production, manufacture, or purchase of arms, ammunition, and explosives will be provided to Contractor as Government Furnished Property.)
- (g) 252.225-7001 BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (APR 2003) (Applicable if the Work contains other than domestic components. Applicable in lieu of FAR 52.225-1 and FAR 52.225-5.)
- (h) 252.225-7016 RESTRICTION ON ACQUISITION OF BALL AND ROLLER BEARINGS (MAY 2004) (Applicable if Work supplied under this Contract contains ball or roller bearings. Note 2 applies.)
- (i) 252.225-7021 TRADE AGREEMENTS (DEC 2005) (Applicable if the Work contains other than domestic components. Applicable in lieu of FAR 52.225-1 and FAR 52.225-5.)
- (j) 252.225.7033 WAIVER OF UNITED KINGDOM LEVIES (APR 2003) (Applicable if this Contract is with a United Kingdom firm. Note 3 applies. Note 3 applies to (c)(3).)
- (k) 252.225-7043 ANTI-TERRORISM/FORCE PROTECTION POLICY FOR DEFENSE CONTRACTORS OUTSIDE THE UNITED STATES (JUN 1998) (Applies where Contractor will be performing or traveling outside the U.S. under this Contract. Paragraph (c), see applicable information cited in DFARS 225.7401.
- (l) 252.226-7001 UTILIZATION OF INDIAN ORGANIZATIONS, AND INDIAN OWNED ECONOMIC ENTERPRISES AND HAWAIIAN SMALL BUSINESS CONCERNS (SEP 2004) (This Clause is applicable only when included in AEROFAB's Prime Contract and if this contract is more than \$500,000. In f(1) "Contractor" shall mean "AEROFAB, CORP". Note 2 applies (c) the first time "Contracting Officer" appears.)
- (m) 252.235-7003 FREQUENCY AUTHORIZATION (DEC 1991) (Applicable if this Contract requires developing, producing, constructing, testing, or operating a device requiring a frequency authorization. Note 2 applies.)
- (n) 252.245-7001 REPORTS OF GOVERNMENT

*****DFARS ARE ALSO LISTED ON AFCTPC002B-1-06-GOVERNMENT SUPPLEMENT*****