

# UNITED STATES GOVERNMENT FLOW DOWN REQUIREMENTS



BECHTEL NATIONAL INC.

## PUEBLO CHEMICAL AGENT DESTRUCTION PILOT PLANT PROJECT

### APPENDIX FOA-1

#### PRIME CONTRACT DAAAA09-03-D-0025 GOVERNMENT CLAUSES INCORPORATED BY REFERENCE

- (a) The Federal Acquisition Regulation (FAR) clauses and the Department of Defense (DFAR) clauses, which are incorporated by reference herein shall have the same force and effect as if printed in full text.
- (b) Full text of the reference clauses may be accessed electronically:
  - (1) For FAR clauses, at website address <http://www.arnet.gov/far/>
  - (2) For DFAR clauses, at website address: <http://farsite.hill.af.mil/VFDFAR1.HTM>
- (c) Wherever necessary to make the context of the unmodified FAR and DFAR applicable to this PURCHASE ORDER:
  - (1) The term "Contractor" shall mean "SELLER;"
  - (2) The term "Contract" shall mean this PURCHASE ORDER; and
  - (3) The term "Government" "Contracting Officer" and equivalent phrases shall mean BUYER and/or CONTRACTOR'S representative, except the terms "Government" and "Contracting Officer" do not change:
    - (i) In the phrases "Government Property," "Government-Furnished Property," and "Government-Owned Property;"
    - (ii) In any patent clauses incorporated herein;
    - (iii) When a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or his duly authorized representative;
    - (iv) When title to property is to be transferred directly to the Government;
    - (v) When access to proprietary financial information or other proprietary data is required except for authorized audit rights; and
    - (vi) Where specifically modified herein.



APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS			
FAR / DFAR Clause No.	Description	Date	Instructions
52.202-1	Definitions	DEC 2001	None.
52.203-3	Gratuities	APR 1984	None.
52.203-5	Covenant Against Contingent Fees	APR 1984	None.
52.203-6	Restrictions on Subcontractor Sales to the Government, Alternate I (OCT 1995)	JUL 1995	None.
52.203-7	Anti-Kickback Procedures	JUL 1995	None
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity	JAN 1997	None.
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity	JAN 1997	None.
52.204-4	Printed or Copied Double Sided on Recycled Paper	AUG 2000	None.
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment	JUL 1995	None
52.211-15	Defense Priority and Allocation Requirements	SEP 1990	None
52.222-1	Notice to the Government of Labor Disputes	FEB 1997	None
52.222-3	Convict Labor	AUG 1996	None
52.222-4	Contract Work Hours and Safety Standard Act-Overtime Compensation	SEP 2000	None
52.222-6	Davis-Bacon Act	FEB 1995	None
52.222-7	Withholding of Funds	FEB 1988	None
52.222-8	Payrolls and Basis Records	FEB 1988	None
52.222-9	Apprentices and Trainees	FEB 1988	None
52.222-10	Compliance with Copeland Act Requirements	FEB 1988	None
52.222-11	Subcontracts (Labor Standards)	FEB 1988	None
52.222-21	Prohibition of Segregated Facilities	FEB 1999	None
52.223-3	Hazardous Material Identification and Material Safety Data	JAN 1997	None
52.223-5	Pollution Prevention and Right-to-Know Information	APR 1998	None
52.225-9	Buy American Act – Balance of Payments	MAY 2002	None
52.225-10	Buy American Act Requirement – Construction Material	MAY 2002	None
52.225-11	Buy American Act Requirement – Construction Material Under Trade Agreement	MAY 2002	None
52.225-13	Restrictions on Certain Foreign Purchases	JAN 2004	None.
52.225-14	Inconsistency Between English Version and Translation of Contract	FEB 2000	None.
52.227-1	Authorization and Consent	JUL 1995	None
52.229-6	Taxes – Foreign Fixed-Price Contracts	JUN 2003	None.
52.245-2	Government Property	MAY 2004	None
52.249-2	Termination for Convenience (Modified)	SEP 1996	None
52.249-8	Default	APR 1984	None
252.209-7001	Disclosure of Ownership or Control by the Government of a Terrorist Country	MAR 1998	None.
252.222-7002	Compliance with Local Labor Laws (Overseas)	JUN 1997	None.
252.223-7001	Hazard Warning Labels	DEC 1991	None.
252.225-7001	Buy American Act and Balance of Payments Program	MAR 1998	None.
252.225-7002	Qualifying Country Sources as Subcontractors	DEC 1991	None.
252.225-7009	Duty-Free Entry--Additional Country Supplies (End Products and Components)	AUG 2000	None.
252.225-7031	Secondary Arab Boycott of Israel	APR 2003	None.
252.227-7013	Rights in Technical Data-Non Commercial Item	NOV 1995	None
252.227-7036	Declaration of Technical Data Conformity	JAN 1997	None
252.227-7037	Validation of Restrictive Markings on Technical Data	SEP 1999	None
252.243-7001	Pricing of Contract Modifications	DEC 1991	None
252.245-7001	Reports of Government Property	MAY 1994	None
252.227-7013	Rights in Technical Data Non Commercial Item	NOV 1995	None
252.227-7025	Limitations on the Use or Disclosure of Government	JUN 1995	None

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	Furnished Information Marked with Restrictive Language		
252.227-7037	Declaration of Technical Data Conformity	SEP 1999	None
<b>APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS IN EXCESS OF \$10,000</b>			
52.222-20	Walsh-Healey Public Contracts Act	DEC 1996	None.
52.222-21	Prohibition of Segregated Facilities	FEB 1999	None.
52.222-26	Equal Opportunity	APR 2002	This clause applies if workers were recruited or hired in the U.S.
52.222-36	Affirmative Action for Workers with Disabilities	JUN 1998	This clause applies if workers were recruited or hired in the U.S.
<b>APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS IN EXCESS OF \$25,000</b>			
52.222-35	Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era	DEC 2001	This clause applies if workers were recruited or hired in the U.S.
52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans	DEC 2001	This clause applies if workers were recruited or hired in the U.S.
<b>APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS IN EXCESS OF \$100,000</b>			
52.215-2	Audit and Records—Negotiation	JUN 1999	None
52.219-8	Utilization of Small Business Concerns	OCT 2000	Does not apply if this Purchase Order, and all lower-tier subcontracts and purchase orders, is to be performed entirely outside of any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.
52.225-8	Duty-Free Entry	FEB 2000	None
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement	AUG 1996	None
52.242-13	Bankruptcy	JUL 1995	None
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense Contract Related Felonies	MAR 1999	None
252.209-7004	Subcontracting with Firms that are Owned or Controlled by the Government of a Terrorist Country	MAR 1998	None
252.225-7008	Supplies to be Accorded Duty-Free Entry	MAR 1998	None
252.225-7010	Duty-Free Entry--Additional Provisions	AUG 2000	None
252.225-7012	Preference for Certain Domestic Commodities	APR 2002	None
252.225-7014	Preference for Domestic Specialty Metals, Alt. I	MAR 1998	None
252.243-7002	Requests for Equitable Adjustments	MAR 1998	None
<b>APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS IN EXCESS OF \$500,000</b>			
52.219-9	Small Business Subcontracting Plan	OCT 2000	Does not apply if this Purchase Order, and all lower-tier subcontracts and purchase orders, is to be performed entirely outside of any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico or to a Small Business Concern
252.219-7003	Small Business and Small Disadvantaged Business Subcontracting Plan	APR 1996	None
52.230-2	Cost Accounting Standards	APR 1998	None
52.230-6	Administration of Cost Accounting Standards	APR 1998	None
<b>APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS IN EXCESS OF \$550,000</b>			
52.215-10	Price Reduction for Defective Cost or Pricing Data	OCT 1997	None
52.215-11	Price Reduction for Defective Cost or Pricing Data - Modifications	OCT 1997	None
52.215-12	Subcontractor Cost or Pricing Data	OCT 1997	None

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52.215-13	Subcontractor Cost or Pricing Data-Modifications	OCT 1997	None
52.215-15	Pension Adjustments and Asset Reversions	DEC 1998	None
52.215-18	Reversion or Adjustment of Plans for Post Retirement Benefits (PRB) Other than Pensions	OCT 1997	None
52.215-19	Notification of Ownership Change	OCT 1997	None
52.215-21	Requirements for Cost or Pricing Data or Information Other than Cost or Pricing Data-Modifications	OCT 1997	None
252.215-7000	Pricing Adjustments	DEC 1991	None
252.215-7002	Cost Estimating System Requirements	OCT 1998	None
<b>APPLIES TO ALL NON COMMERCIAL ITEM PURCHASE ORDERS IN EXCESS OF \$5,000,000</b>			
252.203-7002	Display of DOD Hotline Poster	DEC 1991	None