

**GOVERNMENT CLAUSES SUPPLEMENT
GCS-001 (Rev. NC)**

(A) The FAR and DFARS clauses cited in paragraph D below, where applicable by their terms, are incorporated herein by reference, as if set out in full text. The effective version of each FAR or DFARS clause shall be the same version as that which appears in Buyer's Prime Contract or higher-tier subcontract under which this Purchase Order is a subcontract. If the effective version of FAR or DFARS clauses are not called out in Buyer's Prime Contract or higher-tier subcontract, the version of FAR or DFARS clauses in effect at the time of Purchase Order award will be effective. If any of the terms are not applicable, they shall be self-deleting. Whenever said clauses include a requirement for the resolution of disputes, the dispute shall be disposed of in accordance with the clause entitled "Disputes" in Brek Manufacturing General Terms and Conditions GTC-001, which is also incorporated into this Purchase Order by reference.

(B) Except for references made to the Government's Disputes clause, any conflict or inconsistency between the provisions listed in the FAR/DFARS clause citations below and the clauses set forth elsewhere in Brek Manufacturing General Terms and Conditions GTC-001 shall be resolved in favor of the former.

(C) Where necessary to derive proper meaning from these clauses, "Contractor" means "Seller," "Contract" means this Purchase Order, "Subcontracts" means this purchase order issued by BMC and subsequent purchase orders issued by Seller, and "Government" means "Buyer or the Government." However, the words "Government" and "Contracting Officer" do not change: (1) when a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or duly authorized representative (2) when title to property is transferred directly to the Government, and (3) in FAR 52.227-1, 52.227-2, and DFARS 252.227-7013 and 252.227-7014.

(D) FAR and DFARS clauses:

(1) Definitions. FAR 52.202-1

(2) Gratuities: 52.203-3

Note: As used in this clause, "Government" means "Buyer" (except "Government means "Buyer or Government" in the phrase "to any officer or employee of the Government"), "hearing" means opportunity to be heard, and "in any competent court" means pursuant to the Disputes clause contained in Brek Manufacturing General Terms and Conditions GTC-001.

(3) Covenant against Contingent Fees 52.203-5

(4) Restrictions on Subcontractor Sales 52.203-6

(5) Anti-Kickback Procedures 52.203-7

Note: the substance of this clause shall be incorporated in all subcontracts issued hereunder. Seller shall immediately notify Buyer of any alleged violations involving any of Buyer or Seller's employees.

(6) Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity 52.203-8
(Not required for "commercial" items)

(7) Price of Fee Adjustment for Illegal or Improper Activity 52.203-10

(8) Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions 52.203-11
(Applies in Accordance with FAR 3.808 and Order exceeds \$100,000)

(9) Limitation on Payments to Influence Certain Federal Transactions 52.203-12
(Applies only of Order exceeds \$100,000)

(10) Security Requirements 52.204-2
Note: Delete paragraph (c).

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- (11) Printing/Copying Double Sided or Recycled Paper 52.204-4
(Required on all contracts over simplified acquisition threshold)
- (12) Data Universal Numbering System (DUNS) Number 52.204-6
- (13) Economic Purchase Quantity – Supplies 52.207-4
- (14) Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters 52.209-5
- (15) Protecting the Government’s Interest when Subcontracting with Contractors Debarred, Suspended, or proposed for Debarment 52.209-6
(Applies only if Order exceeds \$25,000)
- (16) Material Requirements 52.211-5
- (17) Defense Priority and Allocation Requirements 52.211-15
- (18) Offeror Representations and Certifications – Commercial Items 52.212-3
- (19) Contract Terms and Conditions – Commercial Items 52.212-4
(Applicable if this Order states that this procurement is subject to the Federal Acquisition Streamlining Act excluding sub para.(b) Assignment)
- (20) Audit & Records – Negotiation 52.215-2
- (21) Annual Representations and Certification – Negotiation 52.215-7
(Insert “Buyer” for “Contracting Officer”)
- (22) Price Reduction for Defective Cost or Pricing Data 52.215-10
Note: In addition, Seller shall indemnify and hold Buyer harmless from and against any loss, cost or damage incurred by Buyer under Buyer’s contract with its Customer(s) as a result of Seller or Seller’s Subcontractors providing certificates based on defective cost or pricing data in connection to this provision. (Applicable to any negotiated order valued at \$500,000 or more, when cost or pricing data are required.)
- (23) Price Reduction for Defective Cost or Pricing Data – Modifications 52.215-11
Note: Applicable if FAR 52.215-10 is not applicable to this Order
- (24) Subcontractor Cost or Pricing Data 52.215-12
Note: In addition, Seller shall indemnify and hold Buyer harmless from and against any loss, cost or damage incurred by Buyer under Buyer’s contract with its Customer(s) as a result of Seller or Seller’s Subcontractors providing certificates based on defective cost or pricing data in connection to this provision. (Applicable to any negotiated order valued at \$500,000 or more, when cost or pricing data are required.)
- (25) Subcontractor Cost or Pricing Data – Modifications 52.215-13
(Applicable if FAR 52.215-12 is not applicable to this Purchase Order.)
- (26) Integrity of Unit Prices & Alternate I 52.215-14
Note: Delete paragraph (b)
- (27) Pension Adjustments and Asset Reversions 52.215-15
(Applicable to negotiated subcontracts of \$500,000 or more, when cost or pricing data are required for which any pre-award or post-award cost determinations will be subject to FAR Subpart 31.2)

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- (28) Facilities Capital Cost of Money 52.215-16
- (29) Waiver of Facilities Capital Cost of Money 52.215-17
- (30) Reversion or Adjustment of Plans for Post Retirement Benefits Other than Pensions 52.215-18
(Applicable to subcontracts of \$500,000)
- (31) Notification of Ownership Changes 52.215-19
- (32) Requirements for Cost or Pricing Data or Information other than Cost or Pricing Data 52.215-20
(Contracting Officer shall mean Buyer or Purchasing Representative)
- (33) Requirements for Cost or Pricing Data or Information Other than Cost or Pricing Data – Modifications 52.215-21
- (34) Utilization of Small Business Concerns 52.219-8
- (35) Small Business Subcontracting Plan 52.219-9
(Applicable to subcontracts of \$500,000 or more)
- (36) Limitations on Subcontracting 52.219-14
(Applies only to small business set asides expected to exceed \$100,000)
- (37) Liquidated Damages – Subcontracting Plan 52.219-16
(Applicable to orders, which, at the time of definitization, exceed \$500,000 and which also contain clause 52.219-9)
- (38) Notice to the Government of Labor Disputes 52.222-1
- (39) Convict Labor 52.222-3
(Applicable unless excluded by FAR 52.223-3 (a), (b) or (c))
- (40) Contract Work Hours and Safety Standards Act – Overtime Compensation 52.222-4
(Applicable to subcontracts of \$100,000 or more)
- (41) Child Labor-Cooperation with Authorities and Remedies 52.222-19
- (42) Walsh-Healey Public Contracts Act 52.222-20
- (43) Prohibition of Segregated Facilities 52.222-21
- (44) Previous Contracts and Compliance Report 52.222-22
(Applies if FAR 52.222-26 is applicable)
- (45) Pre-award On-Site Equal Opportunity Compliance Evaluation 52.222-24
- (46) Affirmative Action Compliance 52.222-25
(Applies if FAR 52.222-26 is applicable)
- (47) Equal Opportunity 52.222-26
- (48) Equal Opportunity for Disabled Veterans and Veterans of the Vietnam Era 52.222-35
(Applies only if Order exceeds \$25,000)

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- (49) Affirmative Action for Workers with Disabilities 52.222-36
(Applicable to subcontracts of \$10,000 or more)
- (50) Employment Reports on Disabled Veterans and Veterans of the Vietnam Era 52.222-37
(Applicable to subcontracts of \$10,000 or more)
- (51) Service Contract Act 52.222-41
(Applies only if Order exceeds \$2,500)
- (52) Hazardous Material Identification and Material Safety Data 52.223-3
- (53) Drug Free Workplace 52.223-6
(U.S. Only)
- (54) Ozone Depleting Substances 52.223-11
- (55) Certification of Toxic Chemical Release Reporting 52.223-13
- (56) Toxic Chemical Release Reporting 52.223-14
- (57) Privacy Act 52.224-2
- (58) **BUY AMERICAN ACT – BALANCE OF PAYMENT PROGRAM – SUPPLIES 52.225-1**
- (59) Buy American Act – North American Free Trade Agreement – Israeli Trade Act – Balance of Payments Program 52.225-3
- (60) Trade Agreements 52.225-5
- (61) Duty Free Entry 52.225-8
- (62) Restrictions on Certain Foreign Purchases 52.225-13
- (63) Utilization of Indian Organizations and Indian-Owned Economic Enterprises 52.226-1
- (64) Authorization and Consent 52.227-1
- (65) Notice and Assistance Regarding Patent and Copyright Infringements 52.227-2
(Applicable to subcontracts of \$100,000 or more except when both complete performance and delivery are outside the USA, its possessions, and Puerto Rico, unless supplies are ultimately to be shipped into one of those areas.)
- (66) Refund of Royalties 52.227-9
- (67) Filing of Patent Applications – Classified Subject Matter 52.227-10
- (68) Patent Rights – Retention by the Contractor (short form) 52.227-11
(Applicable to Small Business firms or nonprofit organizations)
- (69) Patent Rights – Retention by the Contractor (Long Form) 52.227-12
(Applicable to other than Small Business firms or nonprofit organizations)
- (70) Rights in Data – General 52.227-14
- (71) Insurance – Work on a Government Installation 52.228-5

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(72) Insurance – Liability to Third Persons 52.228-7

(73) Federal, State and Local Taxes 52.229-3
(Applies in accordance with FAR 29.401-3)

(74) Federal, State, and Local Taxes (Noncompetitive Contract) 52.229-4

(75) Taxes – Contracts Performed In U.S. Possessions or Puerto Rico 52.229-5

(76) Taxes – Foreign Fixed-Price Contracts 52.229-6

(77) Interest 52.232-17

(78) Industrial Resources Developed Under Defense Production Act 52.234-1

(79) Accident Prevention 52.236-13

(80) Protection of Government Buildings, Equipment, and Vegetation 52.237-2

(81) Notice of Intent to Disallow Costs 52.242-1

(82) Certification of Final Indirect Costs 52.242-4

(83) Bankruptcy 52.242-13

(84) Stop Work Order 52.242-15

NOTE: The 90 day period in the first and fourth sentences of paragraph (a) is changed to 120 days.

(85) Competition on Subcontracting 52.244-5
(Applicable to subcontracts of \$100,000 or more, which are non-competitive)

(86) Subcontracts for Commercial Items and Commercial Components 52.244-6

(87) Government Property (Fixed-Price Contracts) 52.245-2

(88) Government-Furnished Property (Short Form) 52.245-4
(Applicable to subcontracts specifying Government-Furnished Property with a value of \$100,000 or less only when specified in the subcontract)

(89) Special Tooling 52.245-17

(90) Special Test Equipment 52.245-18
NOTE: The phrase “30 days” in paragraphs (b) and (c) shall be changed to “45 days”.

(91) Contractor Inspection Requirements 52.246-1
(Applies only if this Order is Valued at \$100,000 or less)

(92) Inspection of Supplies – Fixed Price 52.246-2
(Applies only if Order exceeds \$100,000)

(93) Responsibility for Supplies 52.246-16

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- (94) Limitation of Liability 52.246-23
(Applicable to subcontracts of \$100,000 or more)
- (95) Limitation of Liability – High Value Items 52.246-24
(Applicable to subcontracts where unit price is \$100,000 or more except for items priced on catalog or market prices)
- (96) Limitation of Liability – Services 52.246-25
(Applicable to subcontracts \$100,000 or more when the performance of services is required in addition to delivery of hardware)
- (97) Commercial Bill of Lading Notations 52.247-1
(Applies in Accordance with FAR 47.104(a))
- (98) Preference for U.S. Flag Air Carriers 52.247-63
- (99) Preference for Privately Owned U.S.-Flag Commercial Vessels 52.247-64
- (100) Value Engineering 52.248-1
(Applicable to subcontracts of \$100,000 or more except as specified in FAR 48.201(a))
- (101) Termination for Convenience of the Government (Fixed-Price) (Short Form) 52.249-1
(Applicable to Orders of \$100,000 or less. In paragraph (a) of FAR 49.206-1 change (Fixed-Price) “year” to “60 days”)
- (102) Termination for Convenience of the Government (Fixed-Price) 52.249-2
(Applicable to Orders over \$100,000. In paragraph (d) change “1 year” to read “60 days” and in paragraph (k) change “90 days” to read “30 days”)
- (103) Default (Fixed Price, Supply & Service) 52.249-8
(Reference to the disputes clause is deleted)
- (104) Prohibition on Persons Convicted of Fraud or Other Defense Contract Related Felonies: DFARS 252.203-7001
(Applicable to subcontracts of \$100,000 or more)
- (105) Intent to Furnish Precious Metals as Government-Furnished Material 252.208-7000
- (106) Acquisition Under INF Treaty 252.209-7000
(Applicable to subcontracts of \$100,000 or more)
- (107) Acquisition Streamlining 252.211-7000
(Applicable to subcontracts of \$1,000,000 or more)
- (108) Pricing Adjustments 252.215-7000
(Applicable when it is contemplated that cost or pricing data will be required)
- (109) Cost Estimating System Requirements 252.215-7002
- (110) Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan 252.219-7003
(Applicable to any subcontract anticipated to be valued at \$500,000 or more)
- (111) Hazard Warning Labels 252.223-7001
- (112) Safety Precautions for Ammunition and Explosives 252.223-7002
- (113) Change in Place of Performance Ammunition and Explosives 252.223-7003

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- (114) Hazardous Waste Liability 252.223-7005
- (115) Prohibition on Storage and Disposal of Toxic and Hazardous Materials 252.223-7006
- (116) Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives 252.223-7007
- (117) **BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM 252.225-7001**
- (118) Qualifying Country Sources – Subcontractors 252.225-7002
- (119) Identification of Expenditures in the United States 252.225-7005
- (120) Buy American Act/Trade Agreements/Balance of Payment 252.225-7007
- (121) Supplies to be Accorded Duty-Free Entry 252.225-7008
- (122) Duty Free Entry – Qualifying Country End Products and Supplies 252.225-7009
- (123) Duty-Free Entry – Additional Provisions 252.225-7010
- (124) Preference for Certain Domestic Commodities 252.225-7012
(Applicable to Orders valued at \$100,000 or more)
- (125) **PREFERENCE FOR DOMESTIC SPECIALTY METALS 252.225-7014**
- (126) Preference for Domestic Hand or Measuring Tools 252.225-7015
- (127) Restriction on Acquisition of Ball and Roller Bearings 252.225-7016
- (128) Restriction on Acquisition of Polyacrylonitrile (PAN) 252.225-7022
- (129) Restriction on Acquisition of Forgings 252.225-7025
- (130) Reporting of Contract Performance Outside of the United States 252.225-7026
- (131) Restriction on Acquisition of Carbon, Alloy, and Carbon Steel Plate 252.225-7030
- (132) Duty-Free Entry-Eligible End Products 252.225-7037
- (133) Rights in Technical Data – Noncommercial Items 252.227-7013
- (134) Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation 252.227-7014
- (135) Technical Data – Commercial Items 252.227-7015
- (136) Rights in Bid or Proposal Information 252.227-7016
- (137) Validation of Asserted Restriction – Computer Software 252.227-7019
- (138) Rights in Special Works 252.227-7020

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(139) Limitation on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends 252.227-7025

(140) Deferred Delivery of Technical Data or Computer Software 252.227-7026

(141) Deferred Ordering of Technical Data or Computer Software 252.227-7027

(142) Technical Data – Withholding of Payment 252.227-7030

(143) Declaration of Technical Data Conformity 252.227-7036

(144) Validation of Restrictive Markings on Technical Data 252.227-7037

(145) Patents – Reporting of Subject Inventions 252.227-7039

(146) Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles 252.228-7005

(147) Supplemental Cost Principles 252.231-7000

(148) Frequency Authorization & Alternate I 252.235-7003

(149) Protection Against Compromising Emanations 252.239-7000

(150) Telecommunication Security Equipment, Devices, Techniques and Services 252.239-7016

(151) Material Management and Accounting System 252.239-7004

(152) Pricing of Contract Modifications 252.243-7001

(153) Reports of Government Property 252.245-7001

(154) Warranty of Data 252.246-7001

(155) Price Adjustment 252.247-7001

(156) Transportation of Supplies by Sea 252.247-7023

NOTE: This clause is applicable to Orders in excess of \$100,000. Paragraph (c), first sentence has been modified as to read “The Seller and its subcontractors may request that the Buyer obtain Government authorization for shipment...” “45” is changed to “60” days in paragraph (d) and “30” to “25” in paragraph (e). in paragraph (e) “and the division of National Cargo, Office of Market Development of Transportation, Washington, DC 20590,” is deleted. In paragraph (g) “for the purposes of the Prompt Payment clause of this contract” is deleted.

(157) Notification of Transportation of Supplies by Sea 252.247-7024

(158) Notification of Anticipated Contract Termination or Reduction 252.249-7002

