

Common Terms and Conditions Guide
Section 5 – Government Contract Requirements

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DTFA03-01-C-00014

- (a) The following contract clauses are incorporated by reference from the Federal Aviation Agency's Management System (FAAMS) and apply to the extent indicated. The FAAMS clauses are accessible at <http://fast.faa.gov/>. (Click on "Toolsets" and then click on "Procurement Toolbox.") In all of the following clauses, "Contractor" and "Offeror" shall mean Seller.
- (1) 3.2.2.3-8 Audit and Records - Negotiation (APR 1996). This clause applies only if this contract exceeds \$1,000,000 and (i) is cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable type or any combination of these types; (ii) Seller was required to provide cost or pricing data, or (iii) Seller is required to furnish reports as discussed in paragraph (e) of the referenced clause.
 - (2) 3.2.2.3-25 Price Reduction For Defective Cost or Pricing Data (APR 1996). This clause applies only if this contract exceeds \$1,000,000. In subparagraph (3) of paragraph (a), insert "of this contract" after "price or cost." In Paragraph (c), "Contracting Officer" shall mean "Contracting Officer or Buyer." In Paragraphs (c)(1), (c)(1)(ii), and (c)(2)(i), "Contracting Officer" shall mean "Contracting Officer or Buyer." In Subparagraph (c)(2)(i)(A), delete "to the Contracting Officer." In Subparagraph (c)(2)(ii)(B), "Government" shall mean "Government or Buyer." In Paragraph (d), "United States" shall mean "United States or Buyer."
 - (3) 3.2.2.3-27 Subcontractor Cost or Pricing Data (APR 1996). This clause applies only if this contract exceeds \$1,000,000. The certificate required by paragraph (b) of the referenced clause shall be modified as follows: delete "to the Contracting Officer or the Contracting Officer's representative" and substitute in lieu thereof "The Boeing Company or any of its wholly owned subsidiaries."
 - (4) 3.2.2.3-30 Termination of Defined Benefit Pension Plans (APR 1996). This clause applies only if this contract exceeds \$1,000,000 and cost or pricing data was required.
 - (5) 3.2.2.3-36 Reversion or Adjustment of Plans for Post-Retirement Benefits Other Than Pensions (APR 1996). This clause only applies if this contract exceeds \$1,000,000 and cost or pricing data was required.
 - (6) 3.2.2.3-37 Notification of Ownership Changes (APR 1996). This clause only applies if this contract exceeds \$1,000,000 and cost or pricing data was required.
 - (7) 3.2.3-5 Administration of Cost Accounting Standards (APR 1996). This clause applies only if clause 3050 or 3051 is incorporated in this contract. Add "Buyer and the" before "Contracting Officer" in paragraph (f).

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- (8) 3.2.5-5 Anti-Kickback Procedures (OCT 1996)
 - (9) 3.3.2-1 FAA Cost Principles (OCT 1996)
 - (10) 3.5-1 Authorization and Consent (APR 1996), Alternate I (APR 1996)
 - (11) 3.5.2 Notice and Assistance Regarding Patent and Copyright Infringement ((APR 1996)
 - (12) 3.5-10 Patent Rights – Retention by the Contractor (Short Form) (OCT 1996). This clause applies only if this contract is for experimental, developmental, or research work and Seller is a small business or nonprofit organization.
 - (13) 3.5-11 Patent Rights – Retention by the Contractor (Long Form) (OCT 1996). This clause applies only if this contract is for experimental, developmental, or research work and Seller is not a small business or nonprofit organization.
 - (14) 3.5.13 Rights In Data - General (OCT 1996), Alternate II (OCT 1996)
 - (15) 3.6.1-3 Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns (APR 1996)
 - (16) 3.6.2-9 Equal Opportunity (AUG 1998)
 - (17) 3.6.2-12 Affirmative Action for Special Disabled and Vietnam Era Veterans (JAN 1998). This clause applies only if this contract is for \$10,000 or more.
 - (18) 3.6.1-13 Affirmative Action for Workers With Disabilities (APR 2000). This clause applies only if this contract exceeds \$10,000.
 - (19) 3.6.2-14 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 1998). This clause applies only if this contract is for \$10,000 or more.
 - (20) 3.6.3-2 Clean Air and Water (APR 1996). This clause applies only if this order exceeds \$100,000.
 - (21) 3.6.4-10 Restrictions on Certain Foreign Purchases (APR 1996)
- (b) Special Agreement with Respect to Rights

Eclipse International has invested its discretionary resources in the development of software and related technologies, which form the foundation for this program. The hardware delivered under the contract to the FAA will be the property of the FAA and may be used by the FAA without restriction; however, the hardware and

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software may not be duplicated or disclosed to any other party without written consent of Eclipse.

(c) Cost Accounting Standards

- (1) If clause 3050 is incorporated in this contract, "FAR 52.230-2, Cost Accounting Standards," is changed to "FAAMS 3.2.3-2, Cost Accounting Standards (APR 1996)."
- (2) If clause 3051 is incorporated in this contract, "FAR 52.230-3, Disclosure and Consistency of Cost Accounting Practices," is changed to "FAAMS 3.2.3-3, Disclosure and Consistency of Cost Accounting Practices (APR 1996)."