

# GE ENERGY MANAGEMENT STANDARD TERMS OF PURCHASE REV. H RIDER

## GOVERNMENT ACQUISITION OF COMMERCIAL ITEMS (FAR PART 12)

**Replace Paragraph 15.3 of GE Energy Terms of Purchase Rev H, with the following:** *Subcontractor Flow-downs for U.S. Government Commercial Items Contracts.* Where the goods and/or services being procured by Buyer from Seller are in support of a U.S. Government end customer or an end customer funded in whole or part by the U.S. Government, the following terms are incorporated herein by reference.

The following Federal Acquisition Regulation (FAR) clauses and those in subsequent appendices in effect on the date of any orders issued pursuant to the Agreement are hereby incorporated by reference, to the extent they apply to Buyer's Prime Contractor with a higher tier U.S. Government contractor and as appropriate for the dollar value of any order. However, in the event of a conflict between the clauses listed below and the Buyer's Prime Contract, the Buyer's Prime Contract shall prevail. Where applicable, the terms "government", "Contracting Officer", and similar terms shall mean Buyer, and the term "Contractor" and similar terms shall mean Seller. The full text of a clause may be accessed electronically at URL: <http://farsite.hill.af.mil/vffar1.htm>

<u>FAR CLAUSE</u>	<u>TITLE</u>
52.203-13	Contractor Code of Business Ethics and Conduct
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009
52.204-21	Basic Safeguarding of Covered Contractor Information Systems
52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items (only paragraphs (d) and (e)).
52.219-8	Utilization of Small Business Concerns (Applies when the Order exceeds the SAT and could lead to subcontracting opportunities)
52.222-17	Nondisplacement of Qualified Workers (Applies when the Order exceeds the SAT and is (1) a service contract, as defined in 22.001, (2) that succeeds a contract for performance of the same or similar work at the same location, and (3) is not exempted by 22.1203-2 or waived in accordance with 22.1203-3)
52.222-21	Prohibition of Segregated Facilities
52.222-26	Equal Opportunity
52.222-35	Equal Opportunity for Veterans
52.222-36	Affirmative Action for Workers with Disabilities
52.222-37	Employment Reports on Veterans
52.222-40	Notification of Employee Rights Under the National Labor Relations Act
52.222-41	Service Contract Act of 1965 (Applicable when SCA is incorporated in Prime Contract)
52.222-50	Combating Trafficking in Persons
52.222-50	Combating Trafficking in Persons Alternate I (if applicable)
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment – Requirements
52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services -- Requirements
52.222-54	Employment Eligibility Verification
52.222-55	Establishing a Minimum Wage for Contractors
52.225-26	Contractors Performing Private Security Functions Outside the United States
52.232-40	Providing Accelerated Payments to Subcontractors (Small Business Only)
52.244-6	Subcontracts for Commercial Items
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessel

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**IF THIS IS A PURCHASE UNDER A DEPARTMENT OF DEFENSE CONTRACT THE FOLLOWING DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) CLAUSES ARE ALSO APPLICABLE:**

<u>DFARS CLAUSE</u>	<u>TITLE</u>
252.203-7003	Agency Office of the Inspector General
252.204-7012	Safeguarding of Unclassified Controlled Technical Information (Applies when the Seller has unclassified controlled technical information resident on or transiting through Seller's unclassified information systems. In the case of a reportable cyber incident, the Seller shall report the information required in paragraphs (d)(1)(i-xiii) to Purchaser at <a href="mailto:gecirt@ge.com">gecirt@ge.com</a> )
252.211-7003	Item Identification and Valuation
252.223-7008	Prohibition of Hexavalent Chromium
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (Applies when the Goods contain specialty metals; Note: Use of exceptions not permitted without advance Seller notification and prior Purchaser approval. Paragraph (d) of this clause is excluded)
252.225-7028	Exclusionary Policies and Practices of Foreign Governments
252.225-7038	Restriction on Acquisition of Air Circuit Breakers
252.225-7040	Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States
252.225-7043	Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States
252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns
252.227-7013	Rights in Technical Data–Noncommercial Items (Applies when technical data is specified to be delivered under the Agreement)
252.227-7015	Technical Data–Commercial Items
252.227-7037	Validation of Restrictive Markings on Technical Data (Applies when technical data is specified to be delivered under the Agreement)
252.239-7018	Supply Chain Risk (Applies when the Order involves the development or delivery of any information technology whether acquired as a service of as a supply)
252.244-7000	Subcontracts for Commercial Items
252.246-7003	Notification of Potential Safety Issues
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System
252.247-7023	Transportation of Supplies by Sea
252.247-7024	Notification of Transportation of Supplies by Sea

### **APPLICABLE TO ALL GOVERNMENT SUBCONTRACTS:**

This contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.

### **IF THIS IS A PURCHASE ORDER IN SUPPORT OF A PROJECT INVOLVING RURAL UTILITY SERVICE ("RUS") FUNDS, THE FOLLOWING CLAUSES ARE ALSO APPLICABLE:**

(a) Article VI, Section 4 of RUS Form 198, "Compliance with Laws", specifically the certification as to Debarment and Suspension set forth in 7 CFR part 3017; and (b) Article VI, Section 5 of RUS Form 198, "Equal Opportunity Provisions", including the requirements for Seller to provide a certification that Seller has filed a current report on Standard Form 100 and a Certificate of Non-segregated Facilities.