

**FOREIGN CONTINUATION SHEET
ADDITIONAL TERMS AND CONDITIONS TO
APPENDIX "A," 26TH SERIES, FOR FOREIGN
SUPPLIERS GENERAL PROCUREMENT UNDER
A U.S. GOVERNMENT PRIME CONTRACT**

The terms and conditions of Appendix A,"26th Series, are hereby modified as follows:

1. Article 21, Governing Law: Add at the beginning of the clause, "The United Nations Convention on Contracts for the International Sale of Goods shall not apply to this Purchase Order, and"

2. Article 36, Compliance with Regulations:

(a) Delete the following clauses from FAR I and FAR II:

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| 52.208-1 | Required Sources for Jewel Bearings and Related Items |
| 52.211-15 | Defense Priority and Allocation Requirements |
| 52.212-8 | Defense Priority and Allocation Requirements |
| 52.219-8 | Utilization of Small Business Concerns and Small Disadvantaged Business Concerns |
| 52.219-8 | Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns |
| 52.219-9 | Small Business and Small Disadvantaged Business Subcontracting Plan |
| 52.219-13 | Utilization of Women-Owned Small Businesses |
| 52.220-3 | Utilization of Labor Surplus Area Concerns |
| 52.220-4 | Labor Surplus Area Subcontracting Program |
| 52.222-4 | Contract Work Hours and Safety Standards Act - Overtime Compensation |
| 52.222-20 | Walsh Healy Public Contracts Act |
| 52.222-26 | Equal Opportunity |
| 52.222-35 | Affirmative Action for Special Disabled and Vietnam Era Veterans |
| 52.222-36 | Affirmative Action for Handicapped Workers |
| 52.222-37 | Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era |
| 52.223-2 | Clean Air and Water |
| 52.229-3 | Federal, State and Local Taxes |

(b) Delete the following clause from DFARS I and DFARS II:

252.219-7003 Small Business and Small Disadvantaged Business
Subcontracting Plan.

(c) Add the following clauses to FAR I:

52.208-1 **Required Sources for Jewel Bearings and Related Items (APR 1984)** - Contracting Officer"and "contract administration office" mean Buyer in paragraph (d). This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by

the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the commonwealth of Puerto Rico by U.S. subcontractors.

52.219-13

Utilization of Women-Owned Small Businesses (AUG 1986) - If this P.O. exceeds \$2,500, except subcontracts to be performed entirely outside the U.S. and its territories and possessions, and subcontracts for personal services. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.220-3

Utilization of Labor Surplus Area Concerns (APR 1984) - If this P.O. exceeds \$2,500, except subcontracts with foreign contractors that are to be performed entirely outside the U.S. and its territories and possessions, subcontracts for personal services, and subcontracts with the petroleum and petroleum products industry. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.220-4

Labor Surplus Area Subcontracting Program (APR 1984) - If this P.O. exceeds \$500,000. "Contracting Officer" means Buyer. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or

territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.222-4

Contract Work Hours and Safety Standards Act - Overtime Compensation (JUL 1995) - Add the following: (f) Buyer shall have the right at its election either to withhold or to recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors under this clause.” This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island. Conversely, this clause is applicable to that portion of the work performed in the U.S., the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island or outside the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands, American Samoa, Guam, Wake Island and Johnston Island by U.S. subcontractors.

52.222-20

Walsh Healy Public Contracts Act (APR 1984) - If this P.O. exceeds \$10,000. This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia, the Virgin Island, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.222-26

Equal Opportunity (APR 1984) - This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by employees of consortium or third country subcontractors who were not recruited within the U.S., its possessions or territories, the District of

Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico by U.S. subcontractors or by employees of consortium or third country subcontractors who were recruited within the U.S., its possession or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico.

52.222-35

Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 1984) - If this P.O. exceeds \$10,000. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by employees of consortium or third-country subcontractors who were not recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico by U.S. subcontractors or by employees or consortium or third country subcontractors who were recruited within the U.S., its possessions or

territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico by U.S. subcontractors or by employees or consortium or third country subcontractors who were recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico.

52.222-37

Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 1988) - If this P.O. is for \$10,000 or more. This clause is not applicable to that

such work is for the U.S., the consortium or third countries. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico whether such work is for the U.S., the consortium or third countries.

(d) Add the following clauses to FAR II, Part A:

- 52.208-1 **Required Sources for Jewel Bearings and Related Items - Contracting Officer**” and “contract administration office” mean Buyer in paragraph (d). This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the commonwealth of Puerto Rico by U.S. subcontractors.
- 52.222-4 **Contract Work Hours and Safety Standards Act - Overtime compensation -** If this P.O. exceeds \$100,000. Add the following: (f) Buyer shall have the right at its election either to withhold or to recover from Seller such sums as the Contracting Officer withholds or recovers from Buyer because of liabilities of Seller or its subcontractors under this clause.” This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island. Conversely, this clause is applicable to that portion of the work performed in the U.S., the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island or outside the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands, American Samoa, Guam, Wake Island and Johnston Island by U.S. subcontractors.
- 52.222-20 **Walsh Healy Public Contracts Act -** If this P.O. exceeds \$10,000. This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia,

the Virgin Island, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.222-37

Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era - If this P.O. is for \$10,000 or more. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by employees of consortium or third country subcontractors who were not recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico by U.S. subcontractors or by employees or consortium or third country subcontractors who were recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico.

52.223-2

Clean Air and Water - This clause is not applicable to that portion of the work performed in facilities located outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico whether such work is for the U.S., the consortium or third countries.

(e) Add the following clauses to FAR II, Part B:

52.219-8 **Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns** - If this P.O. offers further subcontracting opportunities, or exceeds \$500,000. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third-country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.219-9 **Small Business and Small Disadvantaged Business Subcontracting Plan** - If this P.O. contains the clause at FAR 52.219-8. Contracting Officer”means Buyer in the first sentence of paragraph (c). This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

52.222-26 **Equal Opportunity** - This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by employees of consortium or third country subcontractors who were not recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, and

the Commonwealth or Puerto Rico by U.S. subcontractors or by employees of consortium or third country subcontractors who were recruited within the U.S., its possession or territories, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico.

52.222-35

Affirmative Action for Special Disabled and Vietnam Era Veterans - If this P.O. exceeds \$10,000. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by employees of consortium or third country subcontractors who were not recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto

territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico by U.S. subcontractors or by employees or consortium or third country subcontractors who were recruited within the U.S., its possessions or territories, the District of Columbia, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico.

- (f) Add the following clause to DFARS I:

252.219-7003 **Small Business and Small Disadvantaged Business Subcontracting Plan (DoD Contracts) (MAY 1994)** - If this P.O. contains the clause at FAR 52.219-8. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third-country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

- (g) Add the following clause to DFARS II, Part B:

252.219-7003 **Small Business and Small Disadvantaged Business Subcontracting Plan (DoD Contracts)** - If this P.O. contains the clause at FAR 52.219-8. This clause is not applicable to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, whether such work is for the U.S., the consortium or third countries, when performed by consortium or third-country subcontractors. Conversely, this clause is applicable to that portion of the work performed in the U.S., its possessions or territories, and the Commonwealth of Puerto Rico, and to that portion of the work performed outside the U.S., its possessions or territories, and the Commonwealth of Puerto Rico by U.S. subcontractors.

3. Add the following new Article 37: **DEFENSE PRIORITIES AND ALLOCATIONS REQUIREMENTS:** This Purchase Order is issued under various prime contracts, some or all of which are rated orders certified for National Defense Use and subject to the provisions of the Defense Priorities and Allocations System (DPAS)

regulation (15 CFR 700). Notwithstanding any indications or notations that might be shown on release purchase order forms or priced exhibit forms incorporated hereunder, this Purchase Order shall not be treated as a rated order because priority ratings have no legal authority outside of the United States under the above-referenced regulation. Should the Seller subcontract any work under this Purchase Order to a United States source, the Seller's subcontractor may request priority assistance by contacting the DPAS Program Manager, SIES, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 482-3634.

4. Add the following new Article 38: ENGLISH LANGUAGE: Except as the parties may otherwise agree, this Purchase Order, data, notices, correspondence, and other writings shall be written in the English language. In the event of any inconsistency between any terms of this Purchase Order and any translation thereof into another language, the English language meaning shall control.
5. Add the following new Article 39: INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR):
 - a. This Purchase Order is issued to the Seller with the provision that :
 1. The manufacture in _____ of the articles required by this Purchase Order is solely for Buyer.
 2. The technical data and the articles produced therefrom, as identified by this Purchase Order, cannot be transferred to any other person or party without the prior approval of the Office of the Defense Trade Controls of the United States Department of State.
 3. No manufacturing rights are transferred to or created with the Seller.
 4. No production is authorized other than that specified by this Purchase Order.
 - b. The Office of Defense Trade Controls (ODTC) case number of the license authorizing the export of the technical data and the manufacture of the defense articles is _____.