

~~3020~~ January 2009~~6~~

**FOREIGN CONTINUATION SHEET
ADDITIONAL TERMS AND CONDITIONS TO APPENDIX A, 287TH SERIES,
FOR FOREIGN SUPPLIERS GENERAL PROCUREMENT UNDER
A U.S. GOVERNMENT PRIME CONTRACT**

The terms and conditions of Appendix A, 287th Series, are hereby modified as follows:

1. Article 21, Governing Law: Add at the

items. 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., Puerto Rico, the U.S. 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., Puerto Rico, the U.S. 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.

52.222-20 **Walsh Healy Public Contracts Act (DEC 1996)** - If this P.O. exceeds \$10,000. This clause is not applicable to that portion of the work performed outside the U.S., the U.S. Virgin Islands, and Puerto Rico,. Conversely, this clause is applicable to that portion of the work performed in the U.S., the U.S. Virgin Islands, and Puerto Rico,

52.222-26 **Equal Opportunity (MAR APR 20072) --Only Subparagraphs (b)(1)-(11) apply.**—This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia, the U.S. Virgin Islands, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam and Wake Island, when performed by employees who were not recruited within the U.S.

52.222-35 **Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era and Other Eligible Veterans (SEP 2006DEC-2004).** Applies if this P.O. is equal to or exceeds \$~~100,000~~~~25,000~~. This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and Wake Island, when performed by employees who were not recruited within the U.S.

52.222-36 **Affirmative Action for Workers with Disabilities (JUNE 1998).** Applies if this P.O. **is equal to or** exceeds \$10,000. This clause is not applicable to that portion of the work performed outside the U.S., the U.S. Virgin Islands, Guam, American Samoa, Puerto Rico, the Northern Mariana Islands, and Wake Island, when performed by employees who were not recruited within the U.S., the U.S. Virgin Islands, Guam, American Samoa, Puerto Rico, the Northern Mariana Islands, and Wake Island. Conversely, this clause

is applicable to that portion of the work performed in the U.S., the U.S. Virgin Islands, Guam, American Samoa, Puerto Rico, the Northern Mariana Islands and Wake Island, and to that portion of the work performed outside the U.S., the U.S. Virgin Islands, Guam, American Samoa, Puerto Rico, the Northern Mariana Islands and Wake Islands when performed by employees who were recruited within the U.S., the U.S. Virgin Islands, Guam, American Samoa, Puerto Rico, the Northern Mariana Islands and Wake Island.

52.222-37

Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era and Other Eligible Veterans (SEP 2006DEC-2004). Applies if P.O. is for \$100~~25~~,000 or more. This clause is not applicable to that portion of the work performed outside the U.S., the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and Wake Island when performed by employees who were not recruited within the U.S. and the territories listed above. Conversely, this clause is applicable to that portion of the work performed in the U.S., the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and Wake Island, and to that portion of the work performed outside the U.S., the District of Columbia, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and Wake Island by employees who were recruited within the U.S. and the territories listed above.

(c) Add the following ~~clause to~~ DFARS **clause**:

252.219-7003

Small, Small Disadvantaged and Women-Owned Small Business. Subcontracting Plan (DoD Contracts) (APR 2007~~1996~~) --Applicable i+

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, BIS/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