

A. INCORPORATION OF FAR AND DFARS CLAUSES

The FAR and DFARS clauses referenced below are incorporated herein by reference, with the same force and effect as if they were given in full text, and are applicable, including any notes following the clause citation, to this Contract. If the date or substance of any of the clauses listed below is different from the date or substance of the clause actually incorporated in the Prime Contract referenced by number herein, the date or substance of the clause incorporated by said Prime Contract shall apply instead. The Contracts Disputes Act shall have no application to this Contract, and nothing in this Contract grants SELLER a direct claim or cause of action against the U.S. Government. Any reference to a "Disputes" clause shall mean the "Disputes" clause of this Contract. SELLER shall include in each lower-tier subcontract the appropriate flow down clauses as required by the FAR and FAR Supplement clauses included in this Contract.

B. GOVERNMENT SUBCONTRACT

- (a) This Contract is entered into by the parties in support of a U.S. Government contract.
- (b) As used in the FAR and DFARS clauses referenced below and otherwise in this Contract:
1. "Commercial Item" means a commercial item as defined in FAR 2.101.
 2. "Commercially available off-the-shelf (COTS) item" means a COTS item as defined in FAR 2.101
 3. "Contract" means this contract.
 4. "Contracting Officer" shall mean the U.S. Government Contracting Officer for LOCKHEED MARTIN's government prime contract under which this Contract is entered.
 5. "Contractor" and "Offeror" means the SELLER, which is the party identified on the face of the Contract with whom Lockheed Martin is contracting, acting as the immediate subcontractor to LOCKHEED MARTIN.
 6. "Prime Contract" means the contract between LOCKHEED MARTIN and the U.S. Government or between LOCKHEED MARTIN and its higher-tier contractor who has a contract with the U.S. Government.
 7. "Subcontract" means any contract placed by SELLER or lower-tier subcontractors under this Contract.

Supplemental Term(s) Added:

Clause No.	Title	Date	Modifications
5352.223-9000	Elimination of Use of Class I Ozone Depleting Substances (ODS)	11/1/2012	
252.204-7015	Notice of Authorized Disclosure of Information for Litigation Support.	5/1/2016	
252.219-7004	Small Business Subcontracting Plan (Test Program).	4/1/2018	
252.225-7036	Buy American-Free Trade Agreements--Balance of Payments Program.	12/1/2017	
252.225-7048	Export-Controlled Items.	6/1/2013	
252.244-7000	Subcontracts for Commercial Items.	6/1/2013	

B-1B ALQ-161 PROTOTYPE TESTING SUPPORT, Rev 1

D9338-S1

8/6/2024

52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements.	1/1/2017	
52.215-2 ALT II	Alternate II - Audit and Records-Negotiation.	8/1/2016	
52.222-21	Prohibition of segregated facilities.	4/1/2015	
52.222-26	Equal Opportunity.	9/1/2016	
52.227-1	Authorization and Consent.	12/1/2007	
52.232-39	Unenforceability of Unauthorized Obligations.	6/1/2013	
52.244-6	Subcontracts for Commercial Items.	1/1/2019	
52.245-1 Alt II	Government Property	4/1/2012	