

Purchase Order Terms and Conditions, Government Provisions Supplement

This supplement is applicable to all purchase orders identified as such by the incorporation of this supplement on the face of the purchase order. When goods are to be furnished in connection with a Government contract, whether direct or indirect, the following provisions shall apply as required flowdowns from such Government contract. Whereas this purchase order is issued as a subcontract to a Government contract, the following Federal Acquisition Regulations (FAR) and Defense Federal Acquisition Regulations (DFAR) shall apply. In the event of a conflict between the FAR/DFAR clause and the general terms and conditions, the FAR/DFAR provisions shall prevail.

Seller agrees to flowdown all applicable FAR/DFAR clauses to its subcontractors and suppliers. All notifications and communications required by these regulations shall be as directed by the Buyer, unless this purchase order states otherwise. All goods provided for use in the performance of a US Government contract may be inspected and tested at all reasonable times and places at any time during the performance of this purchase order by the Buyer or by the authorized Government agency, at Buyer's discretion. Seller and/or its subcontractors or suppliers shall furnish without additional charge, all reasonable facilities and assistance for the safe and convenient inspection and tests required by the inspectors in the performance of their duties.

The following regulations set forth in the FAR/DFAR in effect as of the date of the Prime Government Contract are incorporated herein by reference. In all regulation clauses listed below, the terms "Government" and "Contracting Officer" shall mean "Buyer," "Contractor" shall mean Seller, and "Contract" or "Schedule" shall mean this "Purchase Order".

The FAR/DFAR clauses referenced below are incorporated herein by reference with the same force and effect as if they were given in full text to this purchase order. Full text versions of these clauses will be provided to the Seller upon request to the Buyer, or can be accessed directly at the following Government websites:

Federal Acquisition Regulation (FAR)

www.arnet.gov/far or <http://farsite.hill.af.mil/>

Defense Federal Acquisition Regulations (DFAR)

<http://www.acq.osd.mil/dpap/dars/dfars/index.htm> or <http://farsite.hill.af.mil/VFDFARA.HTM>

If so identified, this purchase order is a "rated order" certified for national defense use and Seller shall follow all the requirements of the Defense Priorities and Allocation System Regulation (15 CFR Part 700). Full text of this clause, or any listed below are available either through the Buyer or on the World Wide Web at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/15cfr700_05.html

In the event that Government inspection is required by this purchase order, the following requirement shall apply:

1. Government inspection is required prior to shipment from your facility. Upon receipt of this order, Seller shall promptly notify the cognizant Government representative of the requirement for planning purposes.
 2. Upon receipt of this purchase order, immediately furnish a copy to the cognizant Government representative assigned to your facility. Notify Buyer immediately for assistance if one cannot be located.
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Federal Acquisition Regulations (FAR)

The following FAR clauses apply to this purchase order:

52.202-1	Definitions
52.203-3	Gratuities
52.203-5	Covenant Against Contingent Fees
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity <i>Applies to orders in excess of the simplified acquisition threshold as listed in FAR Part 13</i>
52.204-4	Printed or Copied Double-Sided on Recycled Paper <i>Applies to orders in excess of the simplified acquisition threshold as listed in FAR Part 13</i>
52.209-5	Certification Regarding Debarment, Suspension, Proposed Debarment and Other Responsibility Matters <i>Applies to orders in excess of the simplified acquisition threshold as listed in FAR Part 13</i>
52.211-5	Material Requirements
52.215-20	Requirements for Cost or Pricing Data or Information Other Than Cost Or Pricing Data
52.215-21	Requirements for Cost or Pricing Data or Information Other Than Cost Or Pricing Data - Modifications
52.219-8	Utilization of Small Business Concerns
52.222-21	Prohibition of Segregated Facilities
52.222-26	Equal Opportunity
52.225-13	Restrictions on Certain Foreign Purchases
52.227-14	Rights In Data-General
52.229-3	Federal, State, and Local Taxes <i>Applies to orders in excess of the simplified acquisition threshold as listed in FAR Part 13</i>
52.234-1	Industrial Resources Developed under Defense Production Act Title III
52.242-13	Bankruptcy <i>Applies to orders in excess of the simplified acquisition threshold as listed in FAR Part 13</i>
52.242-15	Stop-Work Order
52.242-17	Government Delay of Work
52.243-1	Changes – Fixed Price
52.244-5	Competition in Subcontracting <i>Applies to orders in excess of the simplified acquisition threshold as listed in FAR Part 13</i>
52.244-6	Subcontracts for Commercial Items
52.246-2	Inspection of Supplies – Fixed Price
52.246-4	Inspection of Services – Fixed Price
52.247-64	Preference For Privately Owned U.S. Flag Commercial Vessels
52.249-2	Termination for Convenience of the Government
52.249-8	Default (Fixed-Price Supply and Service)

The following FAR clauses apply to purchase orders of \$10,000 or more:

52.222-20	Walsh-Healey Public Contracts Act
52.222-21	Prohibition of Segregated Facilities
52.222-36	Affirmative Action for Workers With Disabilities

The following FAR clauses apply to purchase orders of \$25,000 or more:

52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

The following FAR clauses apply to purchase orders of \$100,000 or more:

52.203-6	Restrictions on Subcontractor Sales to the Government
52.203-7	Anti-Kickback Procedures
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
52.203-12	Limitation on Payments to Influence Certain Federal Transactions
52.215-2	Audit and Records-Negotiation
52.215-14	Integrity of Unit Prices
52.222-4	Contract Work Hours and Safety Standards Act – Overtime Compensation
52.223-14	Toxic Chemical Release Reporting
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement
52.248-1	Value Engineering

The following FAR clauses apply to purchase orders of \$500,000 or more:

52.219-9	Small Business Subcontracting Plan
52.219-16	Liquidated Damages – Subcontracting Plan <i>Not applicable to Small Business concerns.</i>

The following FAR clauses apply to purchase orders of \$550,000 or more:

52.214-26	Audit and Records – Sealed Bidding
52.215-12	Subcontractor Cost or Pricing Data
52.215-13	Subcontractor Cost or Pricing Data - Modifications

The following FAR clauses apply to this purchase order as indicated:

52.204-2	Security Requirements
52.211-15	Defense Priority and Allocation Requirements
52.214-27	Price Reduction for Defective Cost or Pricing Data – Modifications – Sealed Bidding <i>This clause applies if the prime contract was awarded by sealed bidding.</i>
52.214-28	Subcontract Cost or Pricing Data – Modifications – Sealed Bidding <i>This clause applies if the prime contract was awarded by sealed bidding.</i>
52.215-10	Price Reduction for Defective Cost or Pricing Data
52.215-11	Price Reduction for Defective Cost or Pricing Data - Modifications
52.215-15	Pension Adjustments and Asset Reversions
52.215-16	Facilities Capital Cost of Money

52.215-17	Waiver of Facilities Capital Cost of Money
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
52.215-19	Notification of Ownership Changes
52.216-7	Allowable Cost and Payment
52.216-8	Fixed Fee
52.216-24	Limitation of Government Liability
52.216-25	Contract Definitization (Including Alternate I)
52.216-26	Payments of Allowable Costs Before Definitization
52.222-1	Notice to Government of Labor Disputes
52.223-3	Hazardous Material Identification and Material Safety Data
52.223-7	Notice of Radioactive Materials
52.223-11	Ozone-Depleting Substances
52.225-1	Buy American Act - Supplies
52.225-3	Buy American Act – Free Trade Agreements – Israeli Trade Act
52.225-5	Trade Agreements
52.225-7	Waiver of Buy American Act for Civil Aircraft and Related Articles
52.225-8	Duty-Free Entry
52.225-15	Sanctioned European Union Country End Products
52.227-1	Authorization and Consent
52.227-9	Refund of Royalties
52.227-10	Filing of Patent Applications-Classified Subject Matter
52.227-11	Patent Rights-Retention by the Contractor (Short Form)
52.227-12	Patent Rights-Retention by the Contractor (Long Form)
52.228-5	Insurance – Work on a Government Installation
52.230-2	Cost Accounting Standards
52.230-3	Disclosure and Consistency of Cost Accounting Practices
52.230-6	Administration of Cost Accounting Standards
52.232-17	Interest
52.233-3	Protest after Award
52.237-2	Protection of Government Buildings, Equipment, and Vegetation
52.242-1	Notice of Intent to Disallow Costs
52.243-2	Changes – Cost Reimbursement
52.243-3	Changes – Time-and-Materials or Labor-Hours
52.243-6	Change Order Accounting
52.244-2	Subcontracts
52.245-2	Government Property (Fixed-Price Contracts)
52.245-17	Special Tooling
52.245-18	Special Test Equipment
52.246-16	Responsibility for Supplies
52.247-63	Preference for U.S.-Flag Air Carriers
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels



CIRCOR AEROSPACE, INC.

2301 Wardlow Circle, Corona, CA 92880
 +1 (951) 270-6200 • +1 (951) 270-6201 Fax

In the event of a conflict between the Defense Federal Acquisition Regulation (herein referred to as DFAR) clauses and the general terms and conditions or the FAR clauses, the DFAR clauses shall control. The following DFAR 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 purchase order, and in effect as of the date of the prime contract.

By accepting this purchase order, the Seller represents, certifies and warrants that it is in compliance with the following clauses.

The following DFAR clauses apply to this purchase order:

252.225-7014	Preference for Domestic Specialty Metals and Alt I <i>Applicable if the goods to be furnished contain specialty metals.</i>
252.227-7013	Rights in Technical Data – Noncommercial Items
252.227-7014	Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation
252.227-7016	Rights in Bid or Proposal Information
252.227-7019	Validation of Asserted Restrictions – Computer Software
252.227-7025	Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends
252.227-7026	Deferred Delivery of Technical Data or Computer Software
252.227-7027	Deferred Ordering of Technical Data or Computer Software
252.227-7028	Technical Data or Computer Software Previously Delivered to the Government
252.227-7030	Technical Data – Withholding of Payment
252.227-7037	Validation of Restrictive Markings on Technical Data
252.228-7005	Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles
252.231-7000	Supplemental Cost Principles
252.243-7001	Pricing of Contract Modifications
252.247-7024	Notification of Transportation of Supplies by Sea

The following DFAR clauses apply to purchase orders of \$100,000 or more:

252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense-Contract-Related Felonies
252.247-7023	Transportation of Supplies by Sea

The following DFAR clauses apply to purchase orders of \$500,000 or more:

252.225-7004	Report of Intended Performance Outside the United States and Canada – Submission after Award
252.249-7002	Notification of Anticipated Contract Termination or Reduction

The following DFAR clauses apply to purchase orders of \$1,000,000 or more:

252.211-7000	Acquisition Streamlining
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The following DFAR clauses apply to this purchase order as indicated:

252.204-7000	Disclosure of Information
252.208-7000	Intent to Furnish Precious Metals as Government Furnished Material

252.215-7000	Pricing Adjustments
252.215-7002	Cost Estimating System Requirements
252.219-7003	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan
252.222-7000	Restrictions on Employment of Personnel
252.223-7001	Hazard Warning Labels
252.223-7002	Safety Precautions for Ammunition and Explosives
252.223-7003	Change in Place of Performance – Ammunition and Explosives
252.223-7004	Drug-Free Work Force
252.223-7006	Prohibition on Storage and Disposal of Toxic and Hazardous Materials
252.223-7007	Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives
252.225-7001	Buy American Act and Balance of Payments Program
252.225-7012	Preference for Certain Domestic Commodities
252.225-7013	Duty-Free Entry
252.225-7016	Restriction of Acquisition of Ball and Roller Bearings
252.225-7019	Restriction on Acquisition of Anchor and Mooring Chain
252.225-7021	Trade Agreements
252.225-7025	Restriction on Acquisition of Forgings
252.225-7031	Secondary Arab Boycott of Israel
252.225-7033	Waiver of United Kingdom Levies
252.225-7036	Buy American Act - Free Trade Agreements – Balance of Payments Program
252.225-7043	Antiterrorism/Force Protection for Defense Contractors Outside the United States
252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns
252.227-7015	Technical Data – Commercial Items
252.227-7017	Identification and Assertion of Use, Release, or Disclosure Restrictions
252.227-7018	Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program
252.227-7033	Rights in Shop Drawings
252.229-7004	Status of Contractor as a Direct Contractor (Spain)
252.235-7002	Animal Welfare
252.235-7003	Frequency Authorization
252.239-7016	Telecommunications Security Equipment, Devices, Techniques, and Services
252.243-7002	Requests for Equitable Adjustment
252.244-7000	Subcontracts for Commercial Items and Commercial Components
252.245-7001	Reports of Government Property
252.246-7001	Warranty of Data
