

12 January 2009

**PRIME CONTRACT FA8615-07-C-6031
F-16 Peace Drive (Pakistan)
Aircraft Program
Supplement to Appendix A – 28th Series**

For all subcontracts issued under the subject Prime Contract, incorporate the following terms and conditions, applicable as noted, in addition to those other terms and conditions (the 28th Series, etc.) to be used for subcontracts issued under such Prime Contract. The language of the incorporated clause(s) should be modified so that "Government" and "Contracting Officer" mean Buyer, "Contractor" means Seller, "Contract" means Purchase Order, and "Subcontractor" means Seller's Subcontractors.

Add the following clauses:

1. With reference to Paragraph 12, Appendix A, 28th Series, the following FAR and DFARS clauses related to patents, rights in data, and computer software are incorporated in the Prime Contract:

FAR 52.227-1, "AUTHORIZATION AND CONSENT" (DEC 2007)

FAR 52.227-2, "Notice and Assistance Regarding Patent and Copyright Infringement" (DEC 2007)

FAR 52.227-21, "TECHNICAL DATA DECLARATION, REVISION AND WITHHOLDING OF PAYMENT – MAJOR SYSTEMS" (DEC 2007). Contracting Officer" means "Lockheed Martin." "Government" means "Lockheed Martin" in paragraph (b)(2) and "Lockheed Martin or Government" in paragraph (d).

252.227-7013, "Rights in Technical Data – Noncommercial Items" (NOV 1995);

252.227-7014, "RIGHTS IN NONCOMMERCIAL COMPUTER SOFTWARE AND NONCOMMERCIAL COMPUTER SOFTWARE DOCUMENTATION" (JUN 1995);

252.227-7016, "Rights in Bid or Proposal Information" (JUN 1995);

252.227-7027, "DEFERRED ORDERING OF TECHNICAL DATA AND COMPUTER SOFTWARE" (APR 1988);

252.227-7030, "Technical Data – Withholding of Payment" (MAR 2000); and

252.227-7037***, "VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA" (SEP 1999).

2. Add the following DFARS clauses:

DFARS 252.225-7027, "RESTRICTION ON CONTINGENT FEES FOR FOREIGN MILITARY SALES" (APR 2003). For purposes of subparagraph (b)(1), Countries listed in the Prime Contract are the following: Pakistan.

DFARS 252.225-7043, "ANTITERRORISM/FORCE PROTECTION FOR DEFENSE CONTRACTORS OUTSIDE THE UNITED STATES" (March 2006). Paragraph (d): information and guidance pertaining to DoD antiterrorism/force protection can be obtained from HQ AFSFC/CFPT: telephone DSN 473-0927/0928 or commercial (214) 671-0927/0928.

DFARS 252.246-7000, "MATERIAL INSPECTION AND RECEIVING REPORT" (MAR 2003).

3. Add the following AFMC and AFFARS clauses:

AFMC 5352.227-9000 "EXPORT-CONTROLLED DATA RESTRICTIONS (AFMC)" (JUL 1997):

"CO" means "Buyer"

(a) For purposes of this clause,

- (1) Foreign person is any person who is not a citizen or national of the U.S. or lawfully admitted to the U.S. for permanent residence under the Immigration and Nationality Act, and includes foreign corporations, international organizations, and foreign governments;
- (2) Foreign representative is anyone, regardless of nationality or citizenship, acting as an agent, representative, official, or employee of a foreign government, a foreign-owned or influenced firm, corporation or person;
- (3) Foreign sources are those sources (vendors, subcontracts, and suppliers) owned and controlled by a foreign person.

(b) The Contractor shall place a clause in subcontracts containing appropriate export control restrictions, set forth in this clause.

(c) Nothing in this clause waives any requirement imposed by any other U.S. Government agency with respect to employment of foreign nationals or export controlled data and information.

(d) Equipment and technical data generated or delivered under this contract are controlled by the International Traffic and Arms Regulation (ITAR), 22 CFR Sections 121 through 128. An export license is required before assigning any foreign source to perform work under this contract or before granting access to foreign persons to any equipment and technical data generated or

delivered during performance (See 22 CFR Section 125). The Contractor shall notify the Contracting Officer and obtain written approval of the Contracting Officer prior to assigning or granting access to any work, equipment, or technical data generated or delivered under this Contract to foreign persons or their representatives. The notification shall include the name and country or origin of the foreign person or representative, the specific work, equipment, or data to which the person will have access, and whether the foreign person is cleared to have access to technical data (DoD 5220.22-M, National Industrial Security Program Operating Manual (NISPOM)).

AFFARS 5352.223-9000, "ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODS)," (APR 2003)

AFFARS 5352.227-9002, "VISIT REQUESTS BY FOREIGN-OWNED OR CONTROLLED FIRMS (AFMC)" (JUL 1997).

*** Provision does not apply to commercial items.