

## Interim Terms and Conditions Changes (2020)

### Effective December 2019

1. USGOVA (1/2020) and USGOVA-CON (1/2020) clause addition:
  - 252.204-7018 PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES (DEC 2019)

### Effective 1 April 2020:

1. USGOVA (1/2020) and USGOVA-CON (1/2020) **Correction:**
  - 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (AUG 2019)

### Effective 8 April 2020:

1. USGOVA (1/2020) **ADD:**
  - 252.232-7015 PERFORMANCE-BASED PAYMENTS – REPRESENTATION (APR 2020)
  - 252.232-7016 NOTICE OF PROGRESS PAYMENTS OR PERFORMANCE-BASED PAYMENTS (APR 2020)
  - 252.232.7017 ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (APR 2020) (Applicable to small businesses only and only when BAE Systems is the Prime contractor)
2. USGOVA (1/2020) and USGOVA-CON (1/2020) **Date Change:**
  - 252.232-7013 PERFORMANCE-BASED PAYMENTS – DELIVERABLE-ITEM BASIS (APR 2020)

### Effective 5 June 2020:

1. USGOVA (1/2020) and USGOVA-CON (1/2020) **Update:**
  - 252.249-7002 NOTIFICATION OF ANTICIPATED CONTRACT REDUCTION OR TERMINATION (JUN2020) – Correcting citation format, etc., within clause
2. USGOV (1/2020) and USGOVA-CON (1/2020) **Correction:**
  - 252.225-7013 DUTY-FREE ENTRY (APR2020) – The update published in the Federal Register in April did not change the clause date from March to April

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**Effective 24 June 2020:**

1. NONGOV (1/2020) **ADD** between existing paragraphs 17(i) and 17(j):

**Prohibition on certain telecommunications and video surveillance:**

(a) *Definitions.* As used in this provision, “covered telecommunications equipment or services” includes products/services produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary/affiliate) or a company owned or controlled by the government of The People’s Republic of China. The full definition is provided in the Federal Acquisition Regulation (FAR) clause ~~52.204-25~~, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) If the Seller is utilizing or procuring for BAE Systems telecommunications equipment or services as part of this contract, Seller shall check the name of their respective supplier(s) against the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) using the Search Records function for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(c) Representation. Seller represents that it does not provide covered telecommunications equipment or services as a part of its offered products or services to BAE Systems in the performance of this Contract.

**Effective 2 July 2020**

**1. 52.209-5 CERTIFICATION REGARDING RESPONSIBILITY MATTERS (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Revise date of provision to AUG2020
- Removing from paragraph (h)(4) introductory text “\$3,500” and adding “the threshold at 9.104-5)(a)(2)” in its place

**2. 52.214-28 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA-MODIFICATIONS-SEALED BIDDING (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription “14.201-7(c)” and add “14.201-7(c)(1)(i)” in its place
- Add Alternate I, which reads as follows:  
*Alternate I* (AUG 20). As prescribed in 14.201-7(c)(1)(ii), substitute the following paragraph (b) in place of paragraph (b) of the basic clause: (b) Unless an exception under FAR 15.403-1(b) applies, the Contractor shall require the subcontractor to submit certified cost or pricing data (actually or by specific identification in writing), as part of the subcontractor’s proposal in accordance with FAR 15.408, Table 15-2 (to include any information reasonably required to explain the subcontractor’s estimating process such as the judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data, and the nature and amount of any contingencies included in the price)— (1) Before modifying any subcontract that was awarded prior to July 1, 2018, involving a pricing adjustment

expected to exceed \$750,000; or (2) Before awarding any subcontract expected to exceed \$2 million on or after July 1, 2018, or modifying any subcontract that was awarded on or after July 1, 2018, involving a pricing adjustment expected to exceed \$2 million.

**3. 52.215-12 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription “15.408(d)” and add “15.408(d)(1)” in its place
- Add Alternate I, which reads as follows:  
*Alternate I* (AUG 20). As prescribed in 15.408(d)(2), substitute the following paragraph (a) in place of paragraph (a) of the basic clause: (a) Unless an exception under FAR 15.403–1 applies, the Contractor shall require the subcontractor to submit certified cost or pricing data (actually or by specific identification in writing), in accordance with FAR 15.408, Table 15–2 (to include any information reasonably required to explain the subcontractor’s estimating process such as the judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data, and the nature and amount of any contingencies included in the price)— (1) Before modifying any subcontract that was awarded prior to July 1, 2018, involving a pricing adjustment expected to exceed \$750,000; or (2) Before awarding any subcontract expected to exceed \$2 million on or after July 1, 2018, or modifying any subcontract that was awarded on or after July 1, 2018, involving a pricing adjustment expected to exceed \$2 million.

**4. 52.215-13 SUBCONTRACTOR CERTIFIED COST OR PRICING DATA – MODIFICATIONS (AUG2020)**

Affected documents: USGOVA, USGOVA-CON (*not* GOVB)

- Remove from the clause prescription “15.408(e)” and add “15.408(e)(1)” in its place
- Add Alternate I, which reads as follows:  
*Alternate I* (AUG 20). As prescribed in 15.408(e)(2), substitute the following paragraphs (a), (b), and (d) for paragraphs (a), (b), and (d) of the basic clause: (a) The requirements of paragraphs (b) and (c) of this clause shall— (1) Become operative only for any modification to this contract involving aggregate increases and/or decreases in costs, plus applicable profits, expected to exceed the threshold for submission of certified cost or pricing data at FAR 15.403–4(a)(1); and (2) Be limited to such modifications. (b) Unless an exception under FAR 15.403–1 applies, the Contractor shall require the subcontractor to submit certified cost or pricing data (actually or by specific identification in writing), in accordance with FAR 15.408, Table 15–2 (to include any information reasonably required to explain the subcontractor’s estimating process such as the judgmental factors applied and the mathematical or other methods used in the estimate, including those used in projecting from known data, and the nature and amount of any contingencies included in the price)— (1) Before modifying any subcontract that was awarded prior to July 1, 2018, involving a pricing adjustment expected to exceed \$750,000; or (2) Before modifying any subcontract that was awarded on or after July 1, 2018, involving a pricing adjustment expected to exceed \$2 million. (d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract that exceeds \$2 million.

**5. 52.230-2 COST ACCOUNTING STANDARDS (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription “30.201-4(c)” and add “30.201-4(c)(1)” in its place

**6. 52.230-4 DISCLOSURE AND CONSISTENCY OF COST ACCOUNTING PRACTICES-FOREIGN CONCERNS (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from the clause prescription “30.201-4(c)” and add “30.201-4(c)(1)” in its place

**7. 52.230-5 COST ACCOUNTING STANDARDS-EDUCATIONAL INSTITUTION (AUG2020)**

Affected documents: USGOVA AND USGOVB (*not* USGOVA-CON)

- Remove from the clause prescription “30.201-4(e)” and add “30.201-4(e)(1)” in its place.

**8. 52.204-16 COMMERCIAL AND GOVERNMENT ENTITY CODE REPORTING (AUG2020)**

Affected documents: USGOVA-CON (*only*)

- Remove from the end of paragraph (a)(1) “entity; or” and add “entity by unique location; or” in its place
- Revising paragraph (b)
- In paragraph (c)(2) remove the word “offeror” and add “Offeror” in its place
- Revising paragraph (e)
- Add paragraph (g)
  - (b) The Offeror shall provide its CAGE code with its offer with its name and location address or otherwise include it prominently in its proposal. The CAGE code must be for that name and location address. Insert the word “CAGE” before the number. The CAGE code is required prior to award.  
\* \* \* \* \*
  - (e) When a CAGE code is required for the immediate owner and/or the highest-level owner by Federal Acquisition Regulation (FAR) 52.204–17 or 52.212–3(p), the Offeror shall obtain the respective CAGE code from that entity to supply the CAGE code to the Government.  
\* \* \* \* \*
  - (g) If the solicitation includes FAR clause 52.204–2, Security Requirements, a subcontractor requiring access to classified information under a contract shall be identified with a CAGE code on the DD Form254. The Contractor shall require a subcontractor requiring access to classified

information to provide its CAGE code with its name and location address or otherwise include it prominently in the proposal. Each location of subcontractor performance listed on the DD Form 254 is required to reflect a corresponding unique CAGE code for each listed location unless the work is being performed at a Government facility, in which case the agency location code shall be used. The CAGE code must be for that name and location address. Insert the word “CAGE” before the number. The CAGE code is required prior to award.

**9. 52.209-13 VIOLATION OF ARMS CONTROL TREATIES OR AGREEMENTS-CERTIFICATION (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from paragraph (b)(1)(i) and (ii) “<https://www.state.gov/t/avc/rls/rpt/>” and add “<https://www.state.gov/bureaus-offices/undersecretary-for-arms-control-andinternational-security-affairs/bureau-ofarms-control-verification-and-compliance/>” in its place.

**10. 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS-COMMERCIAL ITEMS (AUG2020)**

Affected documents: USGOVA, USGOVA-CON, AND USGOVB

- Remove from paragraph (b)(14)(ii) “(MAR2020)” and add “(MAR2020) of 52.219-6” in its place
- Redesignate paragraph (b)(18) as (b)(18)(i) and add (b)(18)(ii)
- Remove from paragraph (b)(22)(i) “(MAR2020)” and add “(MAY2020)” in its place
- Remove from paragraph (b)(42) “(DEC2007)” and add “(MAY2020)” in its place

**Effective 15 July 2020**

1. USGOVA (1/2020), USGOVA-CON (1/2020), and USGOVB (1/2020) **UPDATE**
  - 52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (UPDATE to AUG2020)
  - 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (UPDATE to AUG2020)

The update published in the Federal Register on July 15 implements a requirement for offerors to represent whether or not they use covered telecommunications equipment or services.

- 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (UPDATE to AUG2020, and UPDATES dates in Alt. II)

- 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (UPDATE TO AUG2020)

### **Effective 11 August 2020**

The following text will **replace paragraph 17(i)** in USGOVFFP/COST (01/2020) and will be **added as paragraph 17 (j)** in NONGOV (01/2020). This is done to incorporate paragraph B of Section 889 of the NDAA for fiscal year 2019, as shown by the updates to FAR 52.204-24 and 52.204-25 above (item 1 under 15JULY2020).

#### **Prohibition on certain telecommunications and video surveillance:**

Seller represents that it does not provide covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any systems, products or services it supplies to BAE Systems in the performance of any contract, subcontract or other contractual instrument. “Covered telecommunications equipment or services” includes equipment, products, or services produced by Huawei Technologies Company, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, ZTE Corporation (or any subsidiary/affiliate of the aforementioned entities), or a company owned or controlled by The People’s Republic of China (as further defined in the Federal Acquisition Regulation (FAR) [52.204-25](#), and listed as an excluded party in the System for Award Management (SAM) (<https://www.sam.gov>).

Seller further represents that it does not use any such covered telecommunications equipment or services, or use any equipment, system or service that uses covered telecommunications equipment or services in supplying any systems, products, or services to BAE Systems.

If Seller is unable to make and comply with the above representations, Seller shall notify BAE Systems prior to executing this Contract and Seller shall undergo a BAE Systems’ cyber-security review to determine whether BAE Systems can enter into this Agreement and still be in compliance with U.S. government requirements.

### **Effective 29 September, 2020**

**Note: These three new clauses will apply when so designated in a Prime contract. Please contact the Procurement Representative for questions or clarifications.**

#### **1. USGOVA (1/2020), USGOVA-CON (1/2020) ADD**

- 252.204-7019 NOTICE OF NIST SP 800-171 DOD ASSESSMENT REQUIREMENTS (NOV 2020)
  - Offerors shall have a current assessment (3 years or less (less time can be specified in the solicitation)
  - Offerors shall verify score in DoD SPRS Supplier Performance Risk System for basic, medium and high assessments
  - If no assessment score, then an offeror can email a self-assessed basic assessment to navy.mil email address
- 252.204-7020 NIST SP 800-171DOD ASSESSMENT REQUIREMENTS (NOV 2020)

- Clause applicable to covered contractor information systems that are required to comply with the 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting & NIST 800-171, of this contract.
- The Contractor shall provide access to its facilities, systems, and personnel necessary for the Government to conduct a Medium or High NIST SP 800-171 DoD Assessment
- 252.204-7021 CONTRACTOR COMPLIANCE WITH THE CYBERSECURITY MATURITY MODEL CERTIFICATION LEVEL REQUIREMENT (NOV 2020)
  - Contractor ensures that the subcontractor has a current (i.e., not older than 3 years) CMMC certificate at the CMMC level that is appropriate for the information that is being flowed down to the subcontractor

This interim rule issues a new assessment framework (NIST SP 800-171), which is effective immediately, and the CMMC process, which will be rolled out and fully implemented by Oct. 1, 2025.

## 2.USGOVA (1/2020), USGOVA-CON (1/2020) **UPDATE**

- 252.244-7000 SUBCONTRACTS FOR COMMERCIAL ITEMS (SEP 2020)

### **Effective 2 October, 2020:**

1. USGOVA (1/2020), USGOVA-CON (1/2020), USGOVB (1/2020) **UPDATE**
  - 52.209-12 CERTIFICATION REGARDING TAX MATTERS (OCT 2020)
    - In paragraph (b), replace \$5,000,000 with \$5.5 Million
  - 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS-COMMERCIAL ITEMS (OCT 2020)
    - Update Alt II to OCT 2020
  - 52.222-50 COMBATING TRAFFICKING IN PERSONS (OCT 2020)
    - In paragraph (h)(1)(ii), replace \$500,000 with \$550,000. Do the same in (i)(1)(A). Paragraphs also renumbered.
  - 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (OCT 2020)
    - Update to OCT 2020 within paragraph (c)(1)(xiv)(A).
2. USGOVA-CON (1/2020) **UPDATE**
  - 52.222-56 CERTIFICATION REGARDING TRAFFICKING IN PERSONS COMPLIANCE PLAN (OCT 2020)
    - In paragraph (b)(2), replace \$500,000 with \$550,000.
  - 52.248-3 VALUE ENGINEERING-CONSTRUCTION (OCT 2020)
    - In paragraph (h), replace \$70,000 with \$75,000.

**Effective 30 November, 2020:**

The CMMC requirements in the Interim Rule published 29 September go into effect on 30 November (DFARS 252.204-7019, -7020, and -7021). The text of paragraph 6(e) in USGOVFFP/COST and NONGOV is changed as follows:

As BAE SYSTEMS and other Defense Prime Contractors have enhanced their cyber security defenses, attackers have expanded their targets to include the supply base, searching for weaknesses that they can exploit. SELLER will employ appropriate tools and practices to protect BAE SYSTEMS' provided data and advise BAE SYSTEMS within 2 days if a cyber-attack has been detected which may have compromised BAE SYSTEMS' data. Where DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting applies, SELLER shall additionally rapidly report cyber incidents directly to DoD at <http://dibnet.dod.mil> and BAE SYSTEMS; this includes providing the incident report number, automatically assigned by DoD, to BAE SYSTEMS as soon as practicable. Seller represents and warrants that it has and will maintain a current (within the past three (3) years) cybersecurity assessment that is compliant with DFARS 252.204-7012, 7019 and 7020 (or 7021 if applicable to the Contract) for any information system that stores, processes, and/or transmits covered defense information. If Seller is unable to make and comply with the above representations, Seller shall not store, process, and/or transmit any covered defense information, and shall notify BAE Systems immediately.

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**INTERIM CHANGES FOR JANUARY 2021 INCLUDED PENDING PUBLICATION OF 2021 TERMS AND CONDITIONS DOCUMENTS**

**Effective 14 January, 2021:**

1. USGOVA, USGOVA-CON, and USGOVB **UPDATE**
  - 52.209-13, VIOLATION OF ARMS CONTROL TREATIES OR AGREEMENTS – CERTIFICATION (FEB 2021)
  - 52.212-5, CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS – COMMERCIAL ITEMS (FEB 2021)
  - 52.223-3, HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (FEB 2021)
  - 52.225-13, RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (FEB 2021)
2. USGOVA-CON (only) **UPDATE**
  - 52.225-9, BUY AMERICAN ACT – CONSTRUCTION MATERIALS (FEB 2021)

**Effective 15 January, 2021:**

1. USGOVA, USGOVA-CON **UPDATE (Interim Rule now Final Rule)**
  - 252.244-7000, SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (DoD CONTRACTS (JAN 2021)



**Effective 19 January, 2021:**

1. USGOVA, USGOVB **UPDATE**
  - 52.225-1, BUY AMERICAN ACT – SUPPLIES (JAN 2021)
2. USGOVA-CON **UPDATE**
  - 52.225-11, BUY AMERICAN CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (JAN 2021)
  - 52.225-22, NOTICE OF REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS – BUY AMERICAN ACT – CONSTRUCTION MATERIALS (JAN 2021)

These updates increase the domestic content requirements and price preference for domestic products in the affected clauses.