GE ENERGY CONNECTIONS GOVERNMENT ACQUISITION OF COMMERCIAL ITEMS APPENDIX

The FAR clauses set forth below are hereby incorporated into the Order by reference if: (i) Buyer's prime contract with the U.S. Government (the "**Prime Contract**") includes FAR 52.212-5 or 52.244-6 or (ii) Buyer's subcontract with a higher tier U.S. Government contractor (the "**Subcontract**") includes FAR 52.212-5(e) as part of a FAR Part 12 procurement or FAR 52.244-6 as part of a FAR Part 15 procurement and the Supplier is providing commercial items, and as appropriate for the dollar value of any order. The version of the clauses below shall be the version in effect on the date of Supplier's acceptance of this Order, unless the Buyer's Prime Contract or Subcontract references different versions. In the event of a conflict between the clauses listed below and the Buyer's Prime Contract or Subcontract, the terms of Buyer's Prime Contract or Subcontract shall prevail. Where applicable, the terms "government", "Contracting Officer", and similar terms in clauses below shall mean Buyer, and the term "Contractor" and similar terms shall mean Supplier. The full text of a clause may be accessed electronically at URL: http://farsite.hill.af.mil/vmfara.htm

FAR CLAUSE TITLE

52.212-5(e) Contract Terms and Conditions Required to Implement Statutes or Executive Orders -- Commercial Items (Jan 2020)

[Applies when 52.212-5 is included in Buyer's Prime Contract or 52.212-5(e) is included in the Buyer's Subcontract.]

(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause.

52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions))
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Jul 2018) (Section 1634 of Pub. L. 115-91)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2019) (Section 889(a)(1)(A) of Pub. L. 115-232).
52.219-8	Utilization of Small Business Concerns (Oct 2018) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds $700,000 ($1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities
52.222-17	Non-displacement of Qualified Workers (May 2014) (E.O. 13495). Flow down required in accordance with paragraph (1) of FAR clause 52.222-17
52.222-21	Prohibition of Segregated Facilities (Apr 2015)
52.222-26	Equal Opportunity (Sep 2016) (E.O. 11246)
52.222-35	Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212)
52.222-36	Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793)
52.222-37	Employment Reports on Veterans (Feb 2016) (38 U.S.C. 4212)

52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40
52.222-41	Service Contract Labor Standards (Aug 2018), (41 U.S.C. chapter 67)
52.222-50	Combating Trafficking in Persons (Jan 2019) (22 U.S.C. chapter 78 and E.O. 13627)
	Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 E.O. 13627)
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (May 2014) (41 U.S.C. chapter 67.)
52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services--Requirements (May 2014) (41 U.S.C. chapter 67)
52.222-54	Employment Eligibility Verification (Oct 2015) (E. O. 12989)
52.222-55	Minimum Wages Under Executive Order 13658 (Dec 2015)
52.222-62	Paid sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706)
52.224-3	Privacy Training (Jan 2017) (5 U.S.C. 552a)
52.224-3	Alternate I (Jan 2017) of 52.224-3
52.225-26	Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
52.226-6	Promoting Excess Food Donation to Nonprofit Organizations. (May 2014) (42 U.S.C. 1792). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) (Flow down required in accordance with paragraph (c) of FAR clause 52.232-40.)
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the Contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

FAR 52.244-6 Subcontracts for Commercial Items (Aug 2019)

[Applies when 52.244-6 is included in Buyer's Prime Contract or Subcontract.]

FAR 52.244-6(c)(1) states the Contractor shall insert the following clauses in subcontracts for commercial items:

52.203-13	Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509), if the subcontract exceeds $5.5 million and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5) (Applies if the Order is funded under the Recovery Act)

52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017)
52.204-21	Basic Safeguarding of Covered Contractor Information Systems (Jun 2016) (Applies when the Order is for commercial items, other than commercially available off-the-shelf items, if flowdown is required in accordance with paragraph (c) of FAR 52.204-21.
52.204-23	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Jul 2018) (Section 1634 of Pub. L. 115- 91).
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Aug 2019) (Section 889(a)(1)(A) of Pub. L. 115-232).
52.219-8	Utilization of Small Business Concerns (Oct 2018) (15 U.S.C. 637(d) (2) and (3)) in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds $700,000 ($1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.
52.222-21	Prohibition of Segregated Facilities (Apr 2015)
52.222-26	Equal Opportunity (Sep 2016) (E.O. 11246)
52.222-35	Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212(a))
52.222-36	Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793)
52.222-37	Employment Reports on Veterans (Feb 2016) (38 U.S.C. 4212)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). (If flow down is required in accordance with paragraph (f) of FAR clause 52.222-40.)
52.222-41	Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67).
52.222-50	Combating Trafficking in Persons (Jan 2019) (22 U.S.C. chapter 78 and E.O. 13627).
52.222-50	Combating Trafficking in Persons, Alternate I (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627). (if applicable)
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment – Requirements (May 2014) (41 U.S.C. chapter 67)
52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services -- Requirements (May 2014) (41 U.S.C. chapter 67)
52.222-54	Employment Eligibility Verification (Oct 2015) (E.O. 12989)
52.222-55	Minimum Wages under Executive Order 13658 (Dec 2015)
52.222-62	Paid Sick Leave Under Executive Order 13706 (Jan 2017) (E.O. 13706)
52.224-3	Privacy Training (JAN 2017) (5 U.S.C. 552a)
52.224-3	Privacy Training Alternate I (JAN 2017) of 52.224-3.

52.225-26	Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
52.226-6	Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (42 U.S.C. 1792). (Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Dec 2013) (Flow down required in accordance with paragraph (c) of FAR clause 52.232-40.)
52.247-64	Preference for Privately-Owned U.S. Flag Commercial Vessel (Feb 2006 (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631) (Flow Down required in accordance with paragraph (d) of FAR clause 52.247-64.)

According to paragraph 52.244-6(c)(2), Buyer may include in its Order a minimal number of additional clauses necessary to satisfy its contractual obligations in either its Prime Contract or Subcontract.

IF THIS ORDER IS IN SUPPORT OF A DEPARTMENT OF DEFENSE CONTRACT, THE FOLLOWING DEFENSE FEDERAL ACQUISITION REGULATION ("DFAR") CLAUSES ARE OR MAY BE APPLICABLE:

DFARS CLAUSE	**TITLE**
252.203-7003	Agency Office of the Inspector General (AUG 2019)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident (DEC 2019) (Flow down, when applicable, in accordance with paragraph (m) of DFAR clause 252.204-7012) (Applies when the Seller provides operationally critical support services or for which subcontract performance will involve covered defense information, including subcontracts for commercial items, without alteration, except to identify the parties. In the case of a reportable cyber incident, the Seller shall report the information required in paragraph (m)(2) to Purchaser at gecirt@ge.com)
252.211-7003	Item Identification and Valuation (MAR 2016) (Flow down, when applicable, in accordance with paragraph (g) of DFAR clause 252.211-7003.) (Applies if the Contractor acquires by subcontract, any item(s) for which item unique identification is required in accordance with paragraph (c)(1) of this clause.)
252.223-7008	Prohibition of Hexavalent Chromium (JUN 2013) (Flow down required in accordance with paragraph (d) of DFAR clause 252.223-7008)
252.225-7009	Restriction on Acquisition of Certain Articles Containing Specialty Metals (DEC 2019) (Flow down, when applicable, in accordance with paragraph (e)(2) of DFAR clause 252.225-7009) Paragraphs (d) and (e)(1) of this clause are excluded and reserved. (Applies when the Goods contain specialty metals as defined in this clause.) Note: Use of exceptions not permitted without advance Seller notification and prior Buyer approval.
252.225-7028	Exclusionary Policies and Practices of Foreign Governments (APR 2003)
252.225-7038	Restriction on Acquisition of Air Circuit Breakers (DEC 2018)

252.225-7040	Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States (OCT 2015) (Flow down required in accordance with paragraph (q) of DFAR clause 252.223-7040) (Applies when subcontractor personnel are supporting U.S. Armed Forces deployed outside the United States in (1) Contingency operations; (2) Peace operations consistent with Joint Publication 3-07.3; or (3) Other military operations or military exercises, when designated by the Combatant Commander or as directed by the Secretary of Defense.)
252.225-7043	Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States (JUN 2015) (Flow down, when applicable, in accordance with paragraph (b) of DFAR clause 252.223-7043) (Applies if performing or traveling outside the United States under this contract.)
252.226-7001	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (APR 2019) (Flow down, when applicable, in accordance with paragraph (g) of DFAR clause 252.226-7001) (Applies to all subcontracts exceeding $500,000.)
252.227-7015	Technical Data–Commercial Items (FEB 2014) (Flow down, when applicable, in accordance with paragraph (e) of DFAR clause 252.227-7015) (Applies whenever any technical data related to commercial items developed in any part at private expense will be obtained from a subcontractor or supplier for delivery to the Government.)
252.227-7037	Validation of Restrictive Markings on Technical Data (SEP 2016) (Flow down, when applicable, in accordance with paragraph (l) of DFAR clause 252.227-7037) (Applies when technical data is specified to be delivered under the Agreement)
252.239-7018	Supply Chain Risk (FEB 2019) (Applies when the Order involves the development or delivery of any information technology, whether acquired as a service or as a supply, that is a covered system, is a part of a covered system, or is in support of a covered system, as defined at 239.7301.)
252.244-7000	Subcontracts for Commercial Items (JUN 2013) (According to DFAR 252.244-7000(b), Buyer may include in its Order a minimal number of additional clauses necessary to satisfy its contractual obligations in either its Prime Contract or Subcontract.)
252.246-7003	Notification of Potential Safety Issues (JUN 2013) (Flow down required in accordance with paragraph (f) of DFAR clause 252.223-7040)
252.246-7007	Contractor Counterfeit Electronic Part Detection and Avoidance System (AUG 2016) (Flow down, when applicable, in accordance with paragraph (e) of DFAR clause 252.246-7007) (Applies to subcontracts, including subcontracts for commercial items, for electronic parts or assemblies containing electronic parts.)
252.247-7003	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JUN 2013) (Flow down, when applicable, in accordance with paragraph (e) of DFAR clause 252.247-7003) (Applies to subcontracts, including subcontracts for commercial items, with motor carriers, brokers, or freight forwarders.)
252.247-7023	Transportation of Supplies by Sea (FEB 2019) (Flow down required in accordance with paragraph (i) of DFAR clause 252.247-7023)

IF THIS ORDER IS IN SUPPORT OF A PROJECT INVOLVING RURAL UTILITY SERVICE ("RUS") FUNDS, THE FOLLOWING CLAUSES ARE ALSO APPLICABLE: (a) Article VI, Section 4 of RUS Form 198, "Compliance with Laws", specifically the certification as to Debarment and Suspension set forth in 7 CFR part 3017; and (b) Article VI, Section 5 of RUS Form 198, "Equal Opportunity Provisions", including the requirements for Seller to provide a certification that Seller has filed a current report on Standard Form 100 and a Certificate of Non-segregated Facilities.

THE FOLLOWING CLAUSES ARE APPLICABLE TO ALL GOVERNMENT SUBCONTRACTS: The subcontractor shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.