



Updates to RTX Flowdown of U.S. Government Provisions

December 2020

The following updates shall be incorporated in, and made an integral part of, the RTX Technologies Corporation Flowdown of U.S. Government Provisions and Clauses Under U.S. Government Contracts.

The following new section 8 is **ADDED**:

8. Executive Orders incorporated by reference into U.S. Government Contracts

- 8.1. Executive Order 13950 “Combatting Race and Sex Stereotyping (Applicable to all Orders under U.S. Government Contracts entered into by Buyer after November 21, 2020, except for Orders under DoD contracts and Orders under NASA contracts issued after November 21, 2020):

“During the performance of this contract, the Supplier agrees as follows:

1. The Supplier shall not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual’s moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term “race or sex stereotyping” means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex, and the term “race or sex

scapegoating” means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.

2. The Supplier will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers’ representative of the Supplier’s commitments under the Executive Order of September 22, 2020, entitled Combating Race and Sex Stereotyping, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
3. In the event of the Supplier’s noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the Executive Order of September 22, 2020, this contract may be canceled, terminated, or suspended in whole or in part and the Supplier may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to Executive Order 11246, including subpart D of that order.
4. The Supplier will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each Supplier’s subcontractor or vendor. The Supplier will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Supplier becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Supplier may request the United States to enter into such litigation to protect the interests of the United States.”

DoD Commercial Item Acquisitions:

A. THE FOLLOWING FAR CLAUSES ARE APPLICABLE TO ORDERS FOR COMMERCIAL ITEMS UNDER ALL GOVERNMENT CONTRACTS:

1. As a result of the FAR Final Rule, the following clauses are **MODIFIED**:
 - **52.222-50** “Combating Trafficking in Persons” (Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, except that the requirements in paragraph (h) of the clause apply only to (i) supplies that are other than commercially available off-the-shelf items that are acquired outside

the United States, or for services to be performed outside the United States, and (ii) that exceed \$550,000 in value.)

- **52.244-6** “Subcontracts for Commercial Items” (Applicable to all Orders, including for Commercial Items pursuant to 52.244-6.)

B. THE FOLLOWING DFARS CLAUSES ARE APPLICABLE TO ORDERS FOR COMMERCIAL ITEMS UNDER DoD CONTRACTS:

1. As a result of the DFARS Final Rule, the following clause is **ADDED**:

- **252.204-7020** “NIST SP 800-171 DoD Assessment Requirements” (Applicable to all Orders, including those using FAR part 12 procedures for the acquisition of commercial items, except for those that are solely for the acquisition of COTS items.) (Effective beginning November 30, 2020)

2. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:

- **252.225-7052** “Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten”. (Applicable to Orders and other contractual instruments that are for items containing a covered material, including subcontracts and other contractual instruments for commercial items, unless an exception in paragraph (c) of this clause applies).

3. As a result of the DFARS Final Rule, the following clause is **ADDED**:

- **252.232-7017** “Accelerating Payments to Small Business Subcontractors - Prohibition on Fees and Consideration” (Applicable to Purchase Orders with small business concerns when Buyer receives Accelerated Payments under its prime contract.)

4. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:

- **252.244-7000** “Subcontracts for Commercial Items” (Applicable to all Orders.)

Federal Agency Acquisitions:

A. APPLICABLE TO ORDERS WITHOUT REGARD TO DOLLAR VALUE:

1. As a result of the FAR Final Rule, the following clauses are **MODIFIED**:

- **52.204-25** “Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment” (Applicable to all Orders, including for Commercial Items pursuant to 52.244-6.)

- **52.222-50** “Combating Trafficking in Persons” (Applicable to all Orders, including for Commercial Items pursuant to 52.244-6, except that the requirements in paragraph (h) of the clause apply only to (i) supplies that are other than commercially available off-the-shelf items that are acquired outside the United States, or for services to be performed outside the United States, and (ii) that exceed \$550,000 in value.)
- **52.244-6** “Subcontracts for Commercial Items” (Applicable to all Orders, including for Commercial Items pursuant to 52.244-6.)
- **52.246-2** “Inspection of Supplies - Fixed Price” (Applicable to all fixed-price Orders for supplies, or services that involve the furnishing of supplies.)

K. COST OR PRICING DATA REQUIRED UNLESS OTHERWISE EXEMPT (SEE FAR 15.408), ORDERS ALSO INCLUDE:

1. As a result of the FAR Final Rule, the following clause is **MODIFIED**:
 - **52.215-12** “Subcontractor Certified Cost or Pricing Data” (Applicable if the Order is in excess of \$2 Million. This clause does not apply to Orders for commercial items or if the Supplier qualifies for any of the other exemptions in FAR 15.403-1.)

Additional Clauses:

A. OTHER CLAUSES AS APPLICABLE:

1. As a result of the FAR Final Rule, the following clause is **ADDED**:
 - **52.204-18** “Commercial and Government Entity Code Maintenance” (Applicable to all Orders that include clause 52.204-2, Security Requirements.)
2. As a result of the FAR Final Rule, the following clause is **MODIFIED**:
 - **52.246-26** “Reporting Nonconforming Items” Applicable to Orders for (i) items subject to higher-level quality standards in accordance with the clause at FAR 52.246–11, Higher-Level Contract Quality Requirement; (ii) items that the Buyer determines to be critical items for which use of the clause is appropriate; (iii) electronic parts or end items, components, parts, or materials containing electronic parts if the Order is valued at more than the SAT, and if this is an acquisition by, or for, the Department of Defense as provided in paragraph (c)(4) of section 818 of the NDAA for Fiscal Year 2012 (Pub. L. 112–81)); or (iv) the acquisition of services, if the Supplier will furnish, as part of the service, any items that meet the above specified criteria. This does not apply to Orders for commercial items or Medical devices that are subject to the Food and Drug Administration reporting requirements at 21 CFR 802.

3. As a result of the FAR Final Rule, the following clause is **ADDED**:

- **52.248-3** “Value Engineering-Construction” (Applicable to all Purchase Orders \$75,000 or more.)

DoD Acquisitions:

A. APPLICABLE TO ALL ORDERS WITHOUT REGARD TO DOLLAR VALUE:

1. As a result of the DFARS Final Rule, the following clause is **ADDED**:

- **252.204-7020** “NIST SP 800-171 DoD Assessment Requirements” (Applicable to all Orders, including those using FAR part 12 procedures for the acquisition of commercial items, except for those that are solely for the acquisition of COTS items.) (Effective beginning November 30, 2020)

2. As a result of the DoD Class Deviation, the following clause is **ADDED**:

- **252.222-7999** “Combating Race and Sex Stereotyping (DEVIATION 2021-O0001)”

3. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:

- **252.225-7052** “Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten”. (Applicable to Orders and other contractual instruments that are for items containing a covered material, including subcontracts and other contractual instruments for commercial items, unless an exception in paragraph (c) of the clause applies).

4. As a result of the DFARS Final Rule, the following clause is **ADDED**:

- **252.232-7017** “Accelerating Payments to Small Business Subcontractors - Prohibition on Fees and Consideration” (Applicable to Purchase Orders with small business concerns when Buyer receives Accelerated Payments under its prime contract.)

5. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:

- **252.244-7000** “Subcontracts for Commercial Items” (Applicable to all Orders.)

F. OTHER CLAUSES AS APPLICABLE:

1. As a result of the DFARS Final Rule, the following clause is **ADDED**:

- **252.225-7004** “Report of Intended Performance Outside the United States and Canada—Submission after Award” (Applicable to all Orders having a value of greater than \$750,000 and the work in could be performed inside the United States or Canada. Supplier agrees to immediately inform Buyer if there are any changes to the information submitted with its offer.)

2. As a result of the DFARS Final Rule, the following clause is **MODIFIED**:

- **252.249-7002** “Notification of Anticipated Contract Termination or Reduction”. (Applicable to all Orders of \$700,000 or more. Supplier shall (i) Provide notice to each of its subcontractors with a subcontract of \$150,000 or more; and (ii) Impose a similar notice and flowdown requirement to subcontractors with subcontracts of \$150,000 or more.)

NASA Acquisitions:

1. As a result of the NASA Class Deviation, the following clause is **ADDED**:

- **52.222-99** “Combating Race and Sex Stereotyping (DEVIATION 20-09)”