

Supplier Requirements for U.S. Government-Related Orders

Materials or items provided by Seller may contribute to or be incorporated into Purchaser's end items provided to the U.S. Government. As a result, the following terms and conditions are incorporated in this Order. The Seller shall include in each lower-tier subcontract the appropriate flow-down clauses as required by the respective language of the relevant provisions. **Any of the terms and conditions that by its respective language is not applicable based on the circumstances of this transaction shall not be considered incorporated into this Order.**

For any clauses listed by number, the version in effect on the date of the Order is incorporated herein. However, in the event of a conflict between the numbered clauses and the Purchaser's higher tier agreement, the Purchaser's higher tier agreement shall prevail. Where applicable, the terms "government", "Contracting Officer", and similar terms shall mean Purchaser, and the term "Contractor" and similar terms shall mean Seller. The full text of a clause is publicly available and may be accessed electronically, for example, at ecfr.federalregister.gov or www.acquisition.gov.

For all Orders:

Industrial Property Rights. In addition to the Government's rights in data and inventions Seller agrees that GE HealthCare Technology & Innovation Center (HTIC) in the performance of its higher-tier contract obligation, shall have an unlimited, irrevocable, paid-up, royalty-free right to make, have made, sell, offer for sale, use, execute, reproduce, display, perform, distribute (internally or externally) copies of, and prepare derivative, and authorize others to do any, some or all of the foregoing, any and all, inventions, discoveries, improvements, mask works and patents as well as any and all data, copyrights, reports, and works of authorship, conceived, developed, generated or delivered in performance of this Order. Seller certifies the originality of all deliverable items and states that no portion is protected by any copyright or similar right vested in any third party.

Suspension/Debarment. Seller shall provide immediate notice to Purchaser in the event of being suspended, debarred, or declared ineligible by any federal agency, or upon receipt of a notice of proposed debarment during the performance of this Order.

Anti-Kickback. By acceptance of this Order, Seller certifies that it has not paid any kickbacks and is in compliance with the Anti-Kickback Act of 1986, 41 U.S.C. 51-58, and further, Seller agrees to indemnify Purchaser for any costs, liabilities or administrative offsets incurred by Purchaser as a result of violations or alleged violations of FAR 52.203-7, "Anti-Kickback Procedures", by Seller, its employees, its subcontractors or their employees.

Procurement Integrity. Seller agrees to comply with the requirements of section 27 of the "Office of Federal Procurement Policy Act" (41 U.S.C. 423), as amended by section 814 of Public Law 101-189, and with the implementing regulations contained in FAR 3.104, and agrees to indemnify Purchaser for any costs and liabilities incurred by Purchaser as a result of violations of the act or regulations by Seller, its employees, its agents, its consultants, or subcontractors, or their employees.

Small Business Concern Size Status. Seller shall notify Purchaser in writing if Seller is qualified as a small business concern, small disadvantaged business concern, or women-owned small business concern as defined in 48 CFR 52.219-8.

For Orders under a Procurement Contract – Federal Acquisition Regulation (FAR) clauses required in accordance with 52.244-6 & 52.212-5(e):

<u>52.203-6</u>	Restrictions on Subcontractor Sales to the Government
<u>52.203-12</u>	Limitation on Payments to Influence Certain Federal Transactions
<u>52.203-13</u>	Contractor Code of Business Ethics and Conduct

<u>52.203-15</u>	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Section 1553 of Pub. L. 111-5).
<u>52.203-16</u>	Preventing Personal Conflicts of Interest
<u>52.203-17</u>	Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights
<u>52.203-19</u>	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements.
<u>52.204-10</u>	Reporting Executive Compensation and First-Tier Subcontract Awards.
<u>52.204-21</u>	Basic Safeguarding of Covered Contractor Information Systems.
<u>52.204-23</u>	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities.
<u>52.204-24</u>	Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.
<u>52.204-25</u>	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment as prescribed – <ul style="list-style-type: none"> • In solicitations issued on or after August 13, 2019, and resultant contracts; and • In solicitations issued before August 13, 2019, provided award of the resulting contract(s) occurs on or after August 13, 2019.
<u>52.204-26</u>	Covered Telecommunications Equipment or Services-Representation.
<u>52.212-4</u>	Contract Terms and Conditions Commercial Items <u>52.219-8</u> Utilization of Small Business Concerns (15 U.S.C. 637(d)(2) and (3)).
<u>52.215-2</u>	Audit and Records—Negotiation
<u>52.219-8</u>	Utilization of Small Business Concerns (15 U.S.C. 637(d)(2) and (3)).
<u>52.219-9</u>	Small Business Subcontracting Plan
<u>52.222-4</u>	Contract Work Hours and Safety Standards —Overtime Compensation
<u>52.222-21</u>	Prohibition of Segregated Facilities.
<u>52.222-26</u>	Equal Opportunity (E.O. 11246).
<u>52.222-35</u>	Equal Opportunity for Veterans (38 U.S.C. 4212).
<u>52.222-36</u>	Equal Opportunity for Workers with Disabilities (29 U.S.C. 793).
<u>52.222-37</u>	Employment Reports on Veterans.
<u>52.222-40</u>	Notification of Employee Rights Under the National Labor Relations Act.
<u>52.222-50</u>	Combating Trafficking in Persons.
<u>52.222-54</u>	Employment Eligibility Verification.
<u>52.222-55</u>	Minimum Wages Under Executive Order 13658. (Applies when <u>52.222-41</u> is applicable; Seller shall indemnify Purchaser in the event Purchaser is held liable under paragraph (j)).
<u>52.222-56</u>	Certification Regarding Trafficking in Persons Compliance Plan.
<u>52.222-62</u>	Paid Sick Leave Under Executive Order 13706 (E.O. 13706)
<u>52.223-18</u>	Encouraging Contractor Policies to Ban Text Messaging While Driving
<u>52.223-99</u>	ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS (DEVIATION) (applies to subcontracts that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas)
<u>52.224-2</u>	Privacy Act
<u>52.225-8</u>	Duty-Free Entry
<u>52.225-13</u>	Restrictions on Certain Foreign Purchases
<u>52.225-26</u>	Contractors Performing Private Security Functions Outside the United States (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
<u>52.227-1</u>	Authorization and Consent
<u>52.227-14</u>	Rights in Data - General
<u>52.232-40</u>	Providing Accelerated Payments to Small Business Subcontractors.
<u>52.244-6</u>	Subcontracts for Commercial Items.
<u>52.245-1</u>	Government Property
<u>52.247-63</u>	Preference for U.S.-Flag Air Carriers
<u>52.247-64</u>	Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631).

For Orders under a DoD Procurement Contract – DoD FAR Supplement (DFARS) clauses required in accordance with 252.244-7000, in addition to (or in lieu of, where specified in the relevant clause) the above FAR clauses:

<u>252.203-7002</u>	Requirement to Inform Employees of Whistleblower Rights.
<u>252.203-7003</u>	Agency Office of the Inspector General (As referenced in FAR <u>52.203-13</u>).
<u>252.204-7012</u>	Safeguarding covered defense information and cyber incident reporting.
<u>252.204-7015</u>	Notice of Authorized Disclosure of Information by Litigation Support.
<u>252.204-7020</u>	NIST SP 800-171DoD Assessment Requirements
<u>252.211-7003</u>	Item unique identification and valuation (Applies when the Order involves Goods for which unique item identification is required in accordance with paragraph (c)(1)).
<u>252.223-7008</u>	Prohibition of Hexavalent Chromium.
<u>252.223-7999</u>	Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors (Deviation 2021-O0009) (Applies to subcontracts that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas)
<u>252.225-7007</u>	Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies.
<u>252.225-7009</u>	Restriction on Acquisition of Certain Articles Containing Specialty Metals (10 U.S.C. 2533b).
<u>252.226-7001</u>	Utilization of Indian Organizations, Indian-Owned Economic Enterprises and Native Hawaiian Small Business Concerns (Applies if order exceeds \$500,000).
<u>252.227-7013</u>	Rights in Technical Data – Noncommercial Items (Applies when technical data is specified to be delivered under the Order).
<u>252.227-7015</u>	Technical Data–Commercial Items.
<u>252.227-7037</u>	Validation of Restrictive Markings on Technical Data.
<u>252.232-7017</u>	Accelerating Payments to Small Business Subcontractors
<u>252.244-7000</u>	Subcontracts for Commercial Items.
<u>252.246-7003</u>	Notification of Potential Safety Issues.
<u>252.246-7007</u>	Contractor Counterfeit Electronic Part Detection and Avoidance System.
<u>252.246-7008</u>	Sources of Electronic Parts.
<u>252.247-7003</u>	Pass-Through of Motor Carrier Fuel Surcharge Adjustments to the Cost Bearer.
<u>252.247-7023</u>	Transportation of Supplies by Sea (10 U.S.C. 2631).

For Orders under a NASA Procurement Contract – NASA FAR Supplement (NFS) clauses required to be included in purchases of commercial items, in addition to (or in lieu of, where specified in the relevant clause) the above FAR clauses:

1852.246-74 Contractor Counterfeit Electronic Part Detection and Avoidance.

For Orders under Financial Assistance Agreements (“FAAs”) – the following clauses to comply with see [10 CFR Part 600 Appendix B to Subpart D](#) – Contract Provisions; [2 CFR Part 200.318-200.327](#) and [Appendix II](#); and [2 CFR 910](#)):

Equal Employment Opportunity – [E.O. 11246](#) (Mar 2007) as amended by [E.O. 11375](#) and as supplemented by regulations at [41 CFR Chapter 60](#) – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.

Employment Opportunity. Except as otherwise provided under [41 CFR Chapter 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

Clean Air Act (41 U.S.C. 7401 et seq.) and Federal Water Pollution control act (33 U.S.C. 1251 et seq.) as amended (Applies if order exceeds \$100,000).

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – certification required for all contractors who apply or bid for an award of \$100,000 or more.

For purchase orders in excess of the simplified acquisition threshold, in instances where contractors violate or breach contract terms, in addition to any other rights or remedies afforded HTIC, HTIC retains the right to terminate the Order and procure replacement goods or services with Seller being responsible for reasonably incurred excess costs.

For purchase orders in excess of \$10,000, in addition to any other right of termination HTIC may have under this purchase order, HTIC shall be entitled to terminate this purchase order whenever HTIC's higher tier agreement is terminated or where Seller has materially breached this purchase order. Other than where the Order has been terminated for cause, Seller will be reimbursed for all incurred costs that are allowable in accordance with HTIC's higher tier agreement.

Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

Prohibition on certain telecommunications and video surveillance services or equipment – Where the Order is funded under a grant, Seller shall not provide equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any [subsidiary](#) or affiliate of such entities). (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any [subsidiary](#) or affiliate of such entities). (ii) Telecommunications or video surveillance services provided by such entities or using such equipment. (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

2 CFR 200.322 Domestic preferences for procurements.

For Orders under DoD Financial Assistance Agreements – the following clauses to comply with 32 CFR Part 34, Appendix A, in addition to the above clauses for Orders under FAAs:

Fly America requirements. If funds provided under this Order might be used to participate in costs of international air travel or transportation for people or property, Seller must: a. Comply with the International Air Transportation Fair Competitive Practices Act of 1974 ([49 U.S.C. 40118](#), also known as the "Fly America" Act), as implemented by the General Services Administration at [41 CFR 301-10.131](#) through [301-10.143](#), which provides that U.S Government financed international air travel and transportation of personal effects or property must use a U.S. Flag air carrier or be performed under a cost sharing arrangement with a U.S. carrier, if such service is available; and b. Include the requirements of the Fly America Act in all subcontracts that might involve international air transportation.

Cargo preference for United States flag vessels. If equipment, material, or commodities may be shipped by oceangoing vessels, Seller must comply with the clause specified in Department of Transportation regulations at 46 CFR 381.7(b) requiring that at least 50 percent of equipment, materials or commodities purchased or otherwise obtained under this Order, and transported by ocean vessel, be transported on privately owned U.S. flag commercial vessels, if available.

For Orders under a procurement contract with Department of Homeland Security, the following Homeland Security Acquisition Regulation (HSAR) supplemental clauses, in addition to (or in lieu of, where specified in the relevant clause) the above FAR clauses:

3052.219-70 SMALL BUSINESS SUBCONTRACTING PROGRAM REPORTING

FAR 52.223-99 ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS (DEVIATION 22-01) (applies to subcontracts that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas)

For Orders in support of DoE-related projects:

UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS PROGRAM. DOE O 142.3A is applicable for all relevant purchases supporting a US Department of Energy project. Where HTIC determines that its higher tier agreement requires disclosure to the government of citizenship or other personal information of Supplier personnel and/or approval by the government of such Supplier personnel in order to perform work or have access to information under this Order, HTIC reserves the right at any-time over the life of the project to provide instructions to Supplier for providing the required information per the Order and otherwise complying with government requirements, and Supplier agrees compliance with all such instructions is obligatory, including any instructions that personnel who have not been disclosed to and/or approved by the government are prohibited from performing work and/or accessing information under this Order.

NOTIFICATION TO VENDORS AND SUBCONTRACTORS

As a federal contractor GE HealthCare Technology & Innovation Center (HTIC) has obligations to notify its subcontractors of our policy with respect to Affirmative Action, the nondiscrimination and affirmative action compliance requirements of Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. To that end, we wanted to let you know that HTIC is committed to maintaining a work environment that is free from any and all forms of unlawful discrimination and harassment. It is therefore the company's policy to prohibit discrimination and harassment against any applicant, employee, vendor, contractor, or customer on the basis of race, color, sex, national or ethnic origin, age, disability, pregnancy, veteran status, genetic information, sexual orientation, gender identity or expression, citizenship status, or any other basis prohibited by law. It is also the company's policy to prohibit any and all forms of retaliation against any individual who has complained of harassing or discriminatory conduct or participated in a company or agency investigation into such complaints.

It is also HTIC's policy to take affirmative action to employ, advance in employment, and otherwise treat qualified minorities, women, protected veterans, and individuals with disabilities without regard to their race/ethnicity, sex, veteran status, or physical or mental disability. Under this policy HTIC also will provide reasonable accommodations to the known physical or mental limitations of an otherwise qualified employee or applicant for employment unless the accommodation

would impose undue hardship on the operation of the company's business or cause a direct threat to the health or safety of the individual or others.

Company policy prohibits employees and applicants from being subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in (1) filing a complaint; (2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any Federal, state or local law requiring equal opportunity; (3) opposing any act or practice made unlawful by any Federal, state or local law requiring equal opportunity; or (4) exercising any other right protected by Section 503 or Section 212 or their implementing regulations.

We also wanted to remind you of your obligations to abide by the requirements of 41 CFR Part 60-1, 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a). These regulations prohibit discrimination against qualified individuals on the basis of race, gender, protected veteran status or disability, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified minorities, women, protected veterans and individuals with disabilities.

Thank you for your efforts in compliance with these requirements.