

# PHASEFOUR

## Phase Four Compliance and Regulatory Clauses

### Clauses

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### References

- i) Phase Four Procurement Policy
- ii) Supplier Code of Conduct
- iii) Phase Four Quality Clauses
- iv) Phase Four Terms and Conditions
- v) Agreement in which referenced

# PHASE FOUR

## Compliance and Regulatory Clauses

<b>C.01</b>	Export and Arms Regulations (EAR)	"Export-controlled items," as used in this clause, means items subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) "Items," defined in the EAR as "commodities", "software", and "technology," terms that are also defined in the EAR, 15 CFR 772.1 The Supplier's responsibility to comply with all applicable laws and regulations regarding export-controlled items exists independent of, and is not established or limited by, the information provided by this clause. The supplier shall consult with Department of Commerce regarding any questions relating to compliance with the EAR. This requirement shall be flowed down to any sub tier suppliers
<b>C.02</b>	Counterfeit Parts	Counterfeit parts means suspect parts that are a copy or substitute without legal right or authority to do so, or whose performance or characteristics are knowingly misrepresented. Supplier agrees and shall ensure that Counterfeit Parts are not contained in delivered products through the implementation of policies that included prevention, detection and risk mitigation methods to protect against their use. In the event Supplier suspects that it has furnished Counterfeit Parts, it shall immediately notify Phase Four and report in writing whether such parts should be replaced with genuine parts, When request by Phase Four, Supplier shall provide (if available) Authorized Supplier documentation that authenticates traceability of the parts. Supplier shall include this clause or reasonably equivalent provisions in all subcontracts for delivery of items that will furnished to or included in products furnished to Phase Four. If the Supplier fails to comply with the requirements of this clause, such failure shall constitute a material breach and Phase Four shall have the right to all available remedies in law and in equality.
<b>C.03</b>	GIDEP Alerts	GIDEP stands for Government Industry Data Exchange Program. This is a network of U.S. Government and industrial organizations that cooperate in identifying and preventing unsuitable or questionable materials from being used. Problems with parts, materials, or equipment that are of mutual concern to NASA and associated suppliers are reported via the GIDEP Alert system. An Alert is a warning that faulty or counterfeit parts or raw materials are in circulation. Alerts are issued by a member of GIDEP. The supplier shall establish a systematic approach to evaluate and respond to GIDEP Alerts forwarded by Phase Four and to investigate, resolve, and document parts and materials problems.
<b>C.04</b>	Specialty Metals	Each shipment shall be accompanied by one legible copy of an approved Certificate of Conformance that certifies the origin of material melt of specialty metals by a qualifying country. Suppliers must use specialty metals melted in United States or its outlying areas. Specialty metals (Steel & metal Alloys*) produced outside of the United States or its outlying areas will not be used or provided unless the country of origin of melting (Qualifying Country) is listed in DFARS 225.872. This requirement shall be flowed down to any sub tier suppliers
<b>C.05</b>	New Materials Only	"New" means composed of previously unused components, whether manufactured from virgin material, recovered material in the form of raw material, or materials and by-products generated from, and reused within, an original manufacturing process; provided that the supplies meet contract requirements, including but not limited to, performance, reliability, and life expectancy. Refurbished or Used Parts are not authorized. FAR 52.211-5.