

Government Contracts Addendum

Items purchased by Thermo Fisher Scientific Inc. or its subsidiaries (“THERMO”) may be used in performance of U.S. Government contracts or subcontracts. For contracts or orders for such items, the following clauses set forth in the Federal Acquisition Regulation (“FAR”) or applicable FAR supplement are incorporated by reference as if set forth in full text unless made inapplicable by its corresponding note, if any.

In all clauses listed herein terms shall be revised to suitably identify the party to establish Seller’s obligations THERMO and to the U.S. Government; and to enable THERMO to meet its obligations under its prime contracts or higher-tier subcontract. Without limiting the generality of the foregoing, and except where further clarified or modified below, the term “Government” and equivalent phrases shall mean “THERMO”, the term “Contracting Officer” shall mean “THERMO’s purchasing representative”, the term “Contractor” or “Offeror” shall mean “Seller”, “Subcontractor” shall mean “Seller’s Subcontractor” under this purchase order, and the term “Contract” shall mean a “contract” or a “purchase order”. For the avoidance of doubt, the words “Government” and “Contracting Officer” do not change: (1) when a right, act, authorization or obligation can be granted or performed only by the Government or the prime contract Contracting Officer or duly authorized representative, and (2) when title to property is to be transferred directly to the Government. If any of the following FAR or FAR supplement clauses do not apply to this a contract or a purchase order, such clauses are considered to be self-deleting. Seller shall incorporate into each lower tier contract issued in support of contract or a purchase order all applicable FAR and FAR supplement clauses in accordance with the flow down requirements specified in such clauses.

Seller shall notify THERMO in writing whether Seller, or any of its principals, is or is not debarred, suspended, or proposed for debarment by the Federal Government.

- FAR 52.203-13 **CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (Oct 2015)**
(Applicable to Contracts (i) that have a value more than \$5,500,000 or the dollar threshold in effect as of the date of the prime contract; and (ii) that have a performance period of more than 120 days.) (In Paragraph (b)(3)(i), the meaning of “agency office of the Inspector General” and “Contracting Officer” does not change, in Paragraph (b)(3)(ii) the meaning of “Government” does not change, and in Paragraphs (b)(3)(iii) and (c)(2)(ii)(F), the meaning of “OIG of the ordering agency”, “IG of the agency” “agency OIG” and “Contracting Officer” do not change.)
- FAR 52.203-15 **WHISTLEBLOWER PROTECTIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT of 2009 (June 2010)**
- FAR 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)).
- FAR 52.204-21 **BASIC SAFEGUARDING OF COVERED CONTRACTOR INFORMATION SYSTEMS (Jun 2016)** (Applicable to Contracts other than Contracts for commercially available off-the-shelf items, if flow down is required in accordance with paragraph (c) of FAR clause 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)**
- FAR 52.219-8 **UTILIZATION OF SMALL BUSINESS CONCERNS (Nov 2016)** (Applicable to Contracts that offer further subcontracting opportunities).

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- FAR 52.222-17 NONDISPLACEMENT OF QUALIFIED WORKERS (May 2014) (Applicable to Contracts over the simplified acquisition threshold when services are to be performed by Seller (1) under service contracts, as defined at 48 CFR 22.001, (2) that succeed Contracts for performance of the same or similar work at the same location and (3) that are not exempted by 48 CFR 22.1203-2 or waived in accordance with 48 CFR 22.1203-3. Seller to furnish information needed by Buyer to comply with paragraphs d and e of this clause.)
- FAR 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (Apr 2015) (Applicable to Contracts with FAR 52.222-26.)
- FAR 52.222-26 EQUAL OPPORTUNITY (Sept 2016) (Applicable to Contracts exceeding \$10,000 or the dollar threshold in effect as of the date of the prime contract unless exempted by rules, regulations, or orders of the Secretary of Labor.)
- FAR 52.222-35 EQUAL OPPORTUNITY FOR VETERANS (Oct 2015) (Applicable to Contracts of or exceeding \$150,000 or the dollar threshold in effect as of the date of the prime contract, unless exempted by rules, regulations, or orders of the Secretary of Labor.)
- FAR 52.222-36 AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (Jul 2014) (Applicable to Contracts exceeding \$15,000 or the dollar threshold in effect as of the date of the prime contract unless exempted by rules, regulations, or orders of the Secretary of Labor.)
- FAR 52.222-37 EMPLOYMENT REPORTS ON VETERANS (Feb 2016) (Applicable to Contracts of or exceeding \$150,000 or the dollar threshold in effect as of the date of the prime contract, unless exempted by rules, regulations, or orders of the Secretary of Labor.)
- FAR 52.222-40 NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT (Dec 2010) (Applicable to Contracts that exceed \$10,000 or the dollar threshold in effect as of the date of the prime contract and will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor.)
- FAR 52.222-41 SERVICE CONTRACT LABOR STANDARDS (May 2014)
- FAR 52.222-50 & Alt I COMBATING TRAFFICKING IN PERSONS (Mar 2015) (Alternate I is applicable to Contracts if it is included in the prime contract.)
- FAR 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)
- FAR 52.222-53 EXEMPTION FROM APPLICATION OF SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR SERVICE SERVICES – REQUIREMENTS (May 2014)
- FAR 52.222-54 EMPLOYMENT ELIGIBILITY VERIFICATION (Oct 2015) (Applicable to Contracts (i) for construction or commercial or noncommercial services (except commercial services that are part of a purchase of a COTS item, or an item that would be a COTS item, but for minor modifications, performed by the COTS provider, and that are normally provided for that COTS item); (ii) has a value more than \$3,500 or the dollar threshold in effect as of the date of the prime contract; and (iii) includes work performed in the United States.)
- FAR 52.222-55 MINIMUM WAGES UNDER EXECUTIVE ORDER 13658 (Dec 2015) (Applicable to Contracts regardless of dollar value, that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and are to be performed in whole or in part in the United States.)

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- FAR 52.222-62 PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706 (Jan 2017)
- FAR 52.224-3 & Alt I PRIVACY TRAINING (Jan 2017)
- FAR 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)
- FAR 52.226-6 PROMOTING EXCESS FOOD DONATION TO NONPROFIT ORGANIZATIONS (May 2014) (Applicable to Contracts in excess of \$25,000 or the dollar threshold in effect as of the date of the prime contract that involve the provision, service, or sale of food in the United States).
- FAR 52.232-40 PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (Dec 2013) (Applicable to Contracts THERMO places with small business concerns)
- FAR 52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS (Applicable when prime contract is for non-commercial items)
- FAR 52.247-64 PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS (Feb 2006)

The following FAR supplement clauses are incorporated into Contracts under Department of Defense prime contracts and apply as indicated below or in the clause:

- DFARS 252.204-7009 LIMITATIONS ON THE USE OR DISCLOSURE OF THIRD-PARTY CONTRACTOR REPORTED CYBER INCIDENT INFORMATION (Oct 2016) (Applicable to Contracts for services that include support for the Government's activities related to safeguarding covered defense information and cyber incident reporting.)
- DFARS 252.204-7012 SAFEGUARDING OF UNCLASSIFIED CONTROLLED TECHNICAL INFORMATION (Oct 2016) (Applicable to Contracts for operationally critical support, or for which subcontract performance will involve covered defense information.)
- DFARS 252.204-7014 LIMITATIONS ON THE USE OR DISCLOSURE OF INFORMATION BY LITIGATION SUPPORT CONTRACTORS (May 2016)
- DFARS 252.204-7015 NOTICE OF AUTHORIZED DISCLOSURE OF INFORMATION FOR LITIGATION SUPPORT (May 2016)
- DFARS 252.211-7003 ITEM IDENTIFICATION AND VALUATION (Mar 2016) (Seller's obligations under this clause are limited to cooperating with Buyer's efforts to comply with this clause, including granting Buyer access to Seller's deliverables at its facilities and to appropriate property records.)
- DFARS 252.223-7008 PROHIBITION OF HEXAVALENT CHROMIUM (Jun 2013) (Applicable to all Contracts for supplies, maintenance and repair services, or construction materials.)
- DFARS 252.225-7008 RESTRICTION ON ACQUISITION OF SPECIALTY METALS (Mar 2013) (Applicable to Contracts for the delivery of specialty metals as end items to Buyer or Seller to the extent necessary to ensure compliance of the end products that Buyer will deliver to the Government when DFARS clause 252.225-7009 is in the prime contract.)
- DFARS 252.225-7009 RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY METALS (Oct 2014) (excluding paragraph (d) and paragraph (e)(1) which

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are deleted from this clause). (Applicable to Contracts for items containing specialty metals to ensure compliance of the end products that Buyer will deliver to the Government.)

- DFARS 252.225-7010 COMMERCIAL DERIVATIVE MILITARY ARTICLE – SPECIALTY METALS COMPLIANCE CERTIFICATE (Jul 2009) (Applicable to solicitations for Contracts that will incorporate DFARS clause 252.225-7009.)
- DFARS 252.225-7048 EXPORT-CONTROLLED ITEMS (Jun 2013)
- DFARS 252.227-7013 RIGHTS IN TECHNICAL DATA NONCOMMERCIAL ITEMS (Feb 2014) (Applicable whenever any technical data for commercial items developed in part at Government expense will be provided for delivery to the Government under this Purchase Order.)
- DFARS 252.227-7015 TECHNICAL DATA – COMMERCIAL ITEMS (Feb 2014) (Applicable whenever any technical data related to commercial items developed in any part at private expense will be provided under this Purchase Order for delivery to the Government.)
- DFARS 252.227-7037 VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (Sept 2016) (Applicable to Contracts requiring the delivery of technical data.)
- DFARS 252.239-7010 CLOUD COMPUTING SERVICES (Oct 2016) (Applicable to Contracts that involve or may involve cloud services)
- DFARS 252.244-7000 SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS (Jun 2013)
- DFARS 252.246-7003 NOTIFICATION OF POTENTIAL SAFETY ISSUES (Jun 2013) (Applicable to Contracts for (i) parts defined as critical safety items in accordance with this clause; (ii) systems and subsystems, assemblies, and subassemblies integral to a system; and (iii) repair, maintenance, logistics support, or overhaul services for systems and subsystems, assemblies, subassemblies, and parts integral to a system.)
- DFARS 252.246–7007 CONTRACTOR COUNTERFEIT ELECTRONIC PART DETECTION AND AVOIDANCE SYSTEM (Aug 2016) (Applicable to Contracts when the goods or services include electronic parts or assemblies containing electronic parts. This clause applies to all Sellers, at all tiers, without regard to whether the Seller itself is subject to CAS.)
- DFARS 252.246-7008 SOURCES OF ELECTRONIC PARTS (Oct 2016) (Applicable to Contracts for electronic parts or assemblies containing electronic parts, unless the subcontractor is the original manufacturer.)
- DFARS 252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA (Apr 2014)
- DFARS 252.247-7024 NOTIFICATION OF TRANSPORTATION OF SUPPLIES BY SEA (Mar 2000)

The following FAR supplement clauses are incorporated into Contracts under the Department of Health and Human Services or its components (*e.g.*, the National Institutes of Health) prime contracts and apply as indicated in the clause:

- HHSAR 352.204-70 PREVENTION AND PUBLIC HEALTH FUND-REPORTING REQUIREMENTS (Dec 2015) (Applicable to all Contracts funded with PPHF funds)
- HHSAR 352.222-70 CONTRACTOR COOPERATION IN EQUAL EMPLOYMENT OPPORTUNITY INVESTIGATIONS (Dec 2015)
- HHSAR 352.223-70 SAFETY AND HEALTH (Dec 2015) (Applicable to all Contracts involving toxic substances, hazardous materials, or hazardous operations)

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- HHSAR 252.224-70 PRIVACY ACT (Dec 2015) (Applicable to all Contracts which require the design, development or operation of a designated system of records)
- HHSAR 352.226-1 & -2 INDIAN PREFERENCE PROGRAM (Dec 2015) (Applicable when included in prime contract)
- HHSAR 352.227-11 PATENT RIGHTS – EXCEPTIONAL CIRCUMSTANCES (Sept 2014) (Applicable to all Contracts for experimental, developmental, or research work)
- HHSAR 352.227-70 PUBLICATIONS AND PUBLICITY (Jan 2006) (Applicable to Contracts where Supplier may propose publishing the results of its work under the purchase order)
- HHSAR 352.237-70 PRO-CHILDREN ACT (Dec 2015)
- HHSAR 352.237-71 CRIME CONTROL ACT-REPORTING OF CHILD ABUSE (Dec 2015)
- HHSAR 352.237-72 CRIME CONTROL ACT-REQUIREMENT FOR BACKGROUND CHECKS (Dec 2015) (Applies to Contracts involving the provision of child care services to children under the age of 18)
- HHSAR 352.237-74 NON-DISCRIMINATION IN SERVICE DELIVERY (Dec 2015)
- HHSAR 352.270-4B PROTECTION OF HUMAN SUBJECTS (Dec 2015)
- HHSAR 352.250-5B CARE OF LIVE VERTEBRATE ANIMALS (Dec 2015)
- HHSAR 352.270-6 RESTRICTION ON USE OF HUMAN SUBJECTS (Dec 2015)