

laws, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120-130, and the Export Administration Regulations (EAR), 15 CFR Parts 730-799, with respect to the transfer of technical data and goods to any International Space Station program multilateral partner or contractor. When authorized, certain technical data in support of the International Space Station program may be exported to a foreign recipient specified in writing by the contracting officer. Contracting officers, or designees, will assure that any transfer of data to a foreign recipient will be in compliance with all applicable directives, including the NASA Export Control Program.

1827.670-2 Contract clause.

The contracting officer shall insert the clause at 1852.227-87, Transfer of Technical Data Under Space Station International Agreements, in all solicitations, contracts, and purchase orders in support of Space Station program activities that may involve transfer of technical data subject to the International Traffic in Arms Regulations, 22 CFR Parts 120-130, or the Export Administration Regulations (EAR), 15 CFR Parts 730-799 in accordance with the NASA Export Control Program.

PART 1828—BONDS AND INSURANCE

Subpart 1828.1—Bonds

Sec.

- 1828.101 Bid guarantees.
- 1828.101-70 NASA solicitation provision.
- 1828.103 Performance and payment bonds and alternative payment protections for other than construction contracts.
- 1828.103-70 Subcontractors performing construction work under nonconstruction contracts.
- 1828.103-71 Solicitation requirements and contract clauses.
- 1828.106 Administration.
- 1828.106-6 Furnishing information.

Subpart 1828.2—Sureties

- 1828.202 Acceptability of corporate sureties.
- 1828.203 Acceptability of individual sureties.

Subpart 1828.3—Insurance

- 1828.307 Insurance under cost-reimbursement contracts.
- 1828.307-1 Group insurance plans.
- 1828.307-2 Liability.
- 1828.307-70 Insurance of industrial facilities.
- 1828.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.
- 1828.311-1 Contract clause.
- 1828.311-2 Agency solicitation provisions and contract clauses.
- 1828.311-270 NASA solicitation provisions and contract clauses.
- 1828.370 Fixed-price contract clauses.
- 1828.371 Clauses for cross-waivers of liability for Space Shuttle services, Expendable Launch Vehicle (ELV) launches, and Space Station activities.
- 1828.372 Clause for minimum insurance coverage.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 55765, Oct. 29, 1996, unless otherwise noted.

Subpart 1828.1—Bonds

1828.101 Bid guarantees.

1828.101-70 NASA solicitation provision.

The contracting officer shall insert the provision at 1852.228-73, Bid Bond, in construction solicitations where offers are expected to exceed \$100,000 and a performance bond or a performance and payment bond is required (see FAR 28.102 and 28.103). The contracting officer may increase the amount of the bid bond to protect the Government from loss, as long as the amount does not exceed \$3 million.

1828.103 Performance and payment bonds and alternative payment protections for other than construction contracts.

1828.103-70 Subcontractors performing construction work under nonconstruction contracts.

(a) The contracting officer shall require prime contractors on non-construction contracts to obtain the following performance and/or payment protection from subcontractors performing construction work:

- (1) Performance and payment bonds when the subcontract construction

1828.103-71

work is in excess of \$1000,000 and is determined by NASA to be subject to the Miller Act.

(2) An appropriate payment protection determined according to FAR 28.102-1(b)(1) when the subcontract construction work is greater than \$25,000 but not greater than \$100,000.

(b) The contracting officer shall establish the penal amount in accordance with FAR 28.102-2 based on the subcontract value.

(c) The bonds shall be provided on SF 25, Performance Bond, and SF 25A, Payment Bond. These forms shall be modified to name the NASA prime contractor as well as the United States of America as obligees.

1828.103-71 Solicitation requirements and contract clauses.

When performance and payment bonds or alternative payment protections are required from subcontractors performing construction work under nonconstruction prime contracts, the contracting officer shall follow the procedures in FAR 28.102-3. When alternative payment protections are required, insert a clause substantially the same as FAR 52.228-13, Alternative Payment Protections, appropriately modified.

1828.106 Administration.

1828.106-6 Furnishing information. (NASA supplements paragraph (c))

(c) The contracting officer is the agency head's designee.

Subpart 1828.2—Sureties

1828.202 Acceptability of corporate sureties. (NASA supplements paragraph (d))

(d) Contracting officers may obtain access to Department of Treasury Circular 570 through the internet at <http://www.ustreas.gov/treasury/bureaus/finman/c570.html>.

1828.203 Acceptability of individual sureties. (NASA supplements paragraph (g))

(g) Notification of suspected criminal or fraudulent activities, with all supporting documentation, shall be sub-

48 CFR Ch. 18 (10-1-02 Edition)

mitted to the Headquarters Office of Procurement (Code HS).

Subpart 1828.3—Insurance

1828.307 Insurance under cost-reimbursement contracts.

1828.307-1 Group insurance plans. (NASA supplements paragraph (a))

(a) The procurement officer is the approval authority.

1828.307-2 Liability. (NASA supplements paragraph (b))

(b)(2)(A) The procurement officer may approve a requirement for property damage liability insurance when:

(a) A commingling of operations permits property damage coverage at a nominal cost to NASA under insurance carried by the contractor in the course of its commercial operations; or

(b) The contractor is engaged in the handling of high explosives or in extra hazardous research and development activities undertaken in populated areas.

(B) In all other circumstances, the Assistant Administrator for Procurement (Code HS) is the approval authority.

1828.307-70 Insurance of industrial facilities.

When industrial facilities are provided by the Government under a facilities contract or a lease, the contract or lease shall require that during the period of construction, installation, alteration, repair, or use, and at any other time as directed by the contracting officer, the contractor or lessee shall ensure or otherwise provide approved security for liabilities to third persons (including employees of the contractor or lessee) in the manner and to the same extent as required in FAR 28.307-2.

1828.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

1828.311-1 Contract clause.

The contracting officer must insert the clause at FAR 52.228-7, Insurance—Liability to Third Persons, as prescribed in FAR 28.311-1, unless—