

SIEMENS STANDARD TERMS AND CONDITIONS

United States Federal Government Addendum

The terms and conditions of this Addendum are applicable only when the end customer is an agency of the United States Federal Government or where Federal funds are included in the funds paying for the work/services, and supplements and modifies the Standard Terms and Conditions with the following additional Articles:

Fed 1. Commercial Items. Siemens represents that it is providing “commercial items” and services for sale within the definition of FAR 2.101. In keeping with its commercial market participation, Siemens is categorically exempt from any Cost & Pricing Data requirements. Siemens utilizes a commercial accounting system under International Financial Reporting Standards (IFRS); and is technically unable to comply with Federal Cost Accounting Standards & Certification and any FAR 31 requirements.

Fed 2. FOCI. Siemens Industry, Inc. is a Foreign Owned, Controlled, or Influenced (“FOCI”) firm, under the definition contained in the National Industrial Security Program Operational Manual (“NISPOM”) and cannot obtain a security clearance, or perform work requiring its compliance with the FAR 52.204-2 “Security Requirements.”

Fed 3. Buy America(n). Siemens shall not be held responsible for determining, or providing, its compliance with any federal requirements including, but not limited to any Buy America/Buy American requirements, unless the contractor/customer has provided the SPECIFIC federal flow-down provisions to Siemens, and received Siemens affirmation of compliance with the same prior to issuance of any Purchase Order or Contract.”

Fed 4. Covered Defense Information. Siemens does not anticipate receiving or having any access to any USG Controlled Unclassified Information (CUI) or Covered Defense Information (CDI) in the performance of this contract. However, in the event that any CUI/CDI will be required by Siemens in the performance of this contract, contractor/customer agrees to formally notify Siemens of its intent to transmit or provide CUI/CDI prior to the transmittal of any such information. In that event, Siemens will provide a plan in order to compliantly address the requirements of FAR 52.204-21, DFARS 252.204-7008, 252.204-009 and/or 252.204-7012.