

AGP-5. TERMINATION OF DEFINED BENEFIT PENSION PLANS

- (a) This Article is applicable if certified cost or pricing data is required and if any preaward or post-award cost determinations will be subject to FAR subpart 31.2 cost principles for commercial organizations.
- (b) The Contractor shall promptly notify the JPL Negotiator in writing when it determines that it will terminate a defined benefit pension plan or otherwise recapture such pension fund assets. If pension fund assets revert to the Contractor or are constructively received by it under a termination or otherwise, the Contractor shall make a refund or give a credit to the Government for its equitable share as required by FAR 31.205-6(j)(4). The Contractor shall include the substance of this Article in all subcontracts under this Contract for which it is anticipated that certified cost or pricing data will be required and for which any preaward or post-award cost determinations will be subject to FAR subpart 31.2, cost principles for commercial organizations (i.e., which meet the applicability requirement of FAR 15.804-8(e)).