# Part 511 - Describing Agency Needs

511.002 Policy.

Subpart 511.1 - Selecting and Developing Requirements Documents

511.104 Use of brand name or equal purchase descriptions.

511.170 Information Technology Coordination and Standards.

511.171 Requirements for GSA Information Systems.

Subpart 511.2 - Using and Maintaining Requirements Documents

511.204 Contract clauses.

Subpart 511.4 - Delivery or Performance Schedules

511.401 General.

511.404 Contract clauses.

Subpart 511.5 - Liquidated Damages

511.503 Contract clauses.

Subpart 511.6 - Priorities and Allocations

511.600 Scope of subpart.

511.601 [Reserved]

511.602 General.

511.603 Procedures.

**Parent topic:** General Services Administration Acquisition Manual

## 511.002 Policy.

(b) FAR 11.002(b) and GSA Order ADM 8000.1, GSA Metric Program, establish policy for using the metric system in procurements. The GSA Construction Metrication Ombudsman, located in the PBS Office of Acquisition Management, can be found at http://www.gsa.gov/ombudsman.

## Subpart 511.1 - Selecting and Developing Requirements Documents

## 511.104 Use of brand name or equal purchase descriptions.

(a) A brand name or equal purchase description must avoid specifying characteristics that do not materially affect the intended end use and which unnecessarily restrict competition.

(b) When the contracting officer uses a brand name or equal purchase description, best practice is to cite the known acceptable brand name products in current manufacture, rather than only a single brand name product. For example, cite the acceptable brand name products identified during market research.

(c) The contracting officer may require samples for “or equal” offers, but not for “brand name” offers.

(d) The contracting officer shall provide for full consideration and evaluation of “or equal” offers against the salient characteristics specified in the purchase description and shall not reject offers for minor differences in design, construction, or features that do not affect the suitability of the product for its intended use.

## 511.170 Information Technology Coordination and Standards.

(a) Information Systems Requirements. See 511.171 for guidance for any procurements that may involve GSA Information Systems.

(b) Standard Configurations. The contracting officer shall use standard configurations for GSA information technology procurements when feasible. A list of standard configurations for applicable information technology procurements can be found on the Acquisition Gateway Information Technology Hallway (login required) at https://hallways.cap.gsa.gov/app/#/gateway/information-technology.

(c) CIO Coordination. Requirements for GSA information technology must be coordinated with the GSA Chief Information Officer (CIO) in accordance with the Federal Information and Technology Acquisition Reform Act (FITARA) (Pub L. No. 113-291). Guidance for identifying the applicable GSA CIO point of contact can be found on GSA's Acquisition Portal at https://insite.gsa.gov/acquisitionportal. For interagency acquisitions involving information technology, see subpart 517.5.

(d) GSA IT Standards Profile. GSA information technology must also be approved for use pursuant to the GSA Order CIO 2160.1 GSA Information Technology (IT) Standards Profile. More details about the formal GSA IT Standards Profile approval process can be found on the GSA IT Standards webpage at the following link: https://insite.gsa.gov/portal/content/500499.

(e) Internet Protocol Version 6 (IPv6).

(1) *Developing Requirements*.

(i) In accordance with FAR 11.002(g), contracting officers must include IPv6 requirements in all contracts and orders for information technology (IT) that will have the capability to access the Internet or any network utilizing Internet Protocol (IPv4 or IPv6).

(ii) Sample statement of work language to require IPv6 compliance can be found on GSA's

Acquisition Portal at https://insite.gsa.gov/acquisitionportal.

(iii) See 539.101 for guidance on verifying contractor compliance with IPv6 requirements.

(2) *Waivers*

(i) The GSA Chief Information Officer (CIO) must approve any waiver from IPv6 requirements.

(ii) The waiver request must provide the following information–

(A) The product or service description;

(B) The purpose of the procurement;

(C) The requested duration of waiver; and

(D) Sufficient justification for why IPv6 should be waived.

(iii) A sample waiver request can be found on GSA's Acquisition Portal at https://insite.gsa.gov/acquisitionportal.

(iv) Waivers must be documented in the contract file.

(f) Software Code Development. An alternatives analysis must be completed to leverage existing Federal or commercial software prior to buying custom-developed software code. To comply with this process, software requirements must be developed using the following order of preference—

(1) Software that the Government already owns. For software that will be used by GSA, this requires review of the GSA IT Standards List within the GSA Enterprise Architecture Analytics & Reporting Database that can be found on GSA's Acquisition Portal at https://insite.gsa.gov/acquisitionportal. The GSA IT Standards List shows software that has been approved for use within GSA by the Chief Technology Officer.

(2) Existing commercially-available software.

(3) Custom-developed software code in conjunction with existing Government or commercial software. See 511.170 for requirements with procuring custom-developed code.

(4) Custom-developed software code only. See 511.170 for requirements with procuring custom-developed code.

(g) Custom-Developed Software Code.

(1) Developing Requirements. Requirements for custom development of software code must include the establishment of enforceable rights sufficient to enable GSA to directly publish and publicly host all custom-developed code in accordance with GSA CIO IL-16-03, GSA Open Source Software Policy. To acquire open source software, the contracting officer must include the following–

(i) Any applicable FAR data rights clause; and

(ii) Sufficient data rights language in the statement of work. GSA Standard Open Source Code Statement of Work language can be found on GSA's Acquisition Portal at https://insite.gsa.gov/acquisitionportal.

(2) *Waivers.*

(i) The GSA Chief Information Officer (CIO) must approve any waiver from the open source code requirements mandated in 511.170. If a waiver is approved, GSA must still acquire and enforce rights sufficient to enable GSA or Government-wide reuse of custom-developed code. FAR clause 52.227-17 - Rights in Data - Special Works may be used to acquire Government-wide reuse of custom-developed code.

(ii) The waiver request must provide the following information–

(A) The product or service description;

(B) The purpose of the procurement; and

(C) Sufficient justification for why open source code requirements should be waived.

(iii) A sample waiver form can be found on GSA's Acquisition Portal at https://insite.gsa.gov/acquisitionportal.

(iv) Waivers must be documented in the contract file.

(h) *Unmanned Aircraft Systems (UAS) Services.* The contracting officer must coordinate pre-award solicitations with IS-Contracts-Review@gsa.gov for GSA IT review and approval of the applicable sections, requirements, and best practices for any procurement with ancillary UAS services (commonly referred to as “drones”). See Subpart 537.70 for additional guidance related to UAS services.

## 511.171 Requirements for GSA Information Systems.

(a) CIO Coordination. The contracting officer shall ensure the requirements office has coordinated and identified possible CIO policy inclusions with the GSA IT prior to publication of a Statement of Work, or equivalent as well as the Security Considerations section of the acquisition plan to determine if the CIO policies apply. The CIO policies and GSA IT points of contact are available on the Acquisition Portal at https://insite.gsa.gov/itprocurement.

(b)GSA Requirements. For GSA procurements (contracts, actions, or orders) that may involve GSA Information Systems, excluding GSA’s government-wide contracts e.g. Federal Supply Schedules and Governmentwide Acquisition Contracts, the contracting officer shall incorporate the coordinated Statement of Work or equivalent including the applicable sections of the following policies into solicitations and contracts:

(1)CIO 09-48, IT Security Procedural Guide: Security and Privacy IT Acquisition Requirements; and

(2)CIO 12-2018, IT Policy Requirements Guide.

(c)Waivers.

(1)In cases where it is not effective in terms of cost or time or where it is unreasonably burdensome to include CIO 09-48, IT Security Procedural Guide: Security and Privacy IT Acquisition Requirements or CIO 12-2018, IT Policy Requirements Guide in a contract or order, a waiver may be granted by the Acquisition Approving Official in accordance with the thresholds listed at 507.103(b), the Information System Authorizing Official, and the GSA IT Approving Official.

(2)The waiver request must provide the following information-

(A)The description of the procurement and GSA Information Systems;

(B)Identification of requirement requested for waiver;

(C)Sufficient justification for why the requirements should be waived; and

(D)Any residual risks that will be encountered by waiving the requirements.

(3)Waivers must be documented in the contract file.

(d)Classified Information. For any procurements that may involve access to classified information or a classified information system, see subpart 504.4 for additional requirements.

# Subpart 511.2 - Using and Maintaining Requirements Documents

## 511.204 Contract clauses.

(a) *Specifications and drawings*. Insert the clause at 552.211-72, Reference to Specifications in Drawings, in solicitations and contracts that contain military or other drawings.

(b) *Clauses for supply contracts that exceed the simplified acquisition threshold*. When the contract amount is expected to exceed the simplified acquisition threshold, insert—

(1) The clause at 552.211-73, Marking, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(2) The clause at 552.211-75, Preservation, Packaging, and Packing, in solicitations and contracts for supplies. The contracting officer may also include the clause in contracts estimated to be at or below the simplified acquisition threshold when appropriate. Use the clause with its Alternate I in solicitations and contracts for all Federal Supply Schedule contracts.

(3) A clause substantially the same as the clause at 552.211-76, Charges for Packaging, Packing, and Marking, in solicitations and contracts for supplies to be delivered to GSA distribution centers.

(4) The clause at 552.211-85, Consistent Pack and Package Requirements, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(5) The clause at 552.211-86, Maximum Weight Per Shipping Container, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(6) The clause at 552.211-87, Export Packing, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(7) The clause at 552.211-88, Vehicle Export Preparation, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(8) The clause at 552.211-89, Non-Manufactured Wood Packaging Material for Export, in

solicitations and contracts for supplies when deliveries may be made to both civilian and military activities overseas.

(9) The clause at 552.211-90, Small Parts, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(10) The clause at 552.211-91, Vehicle Decals, Stickers, and Data Plates, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

(11) The clause at 552.211-92, Radio Frequency Identification (RFID) using Passive Tags, in solicitations and contracts for supplies when deliveries may be made to military activities.

(c) Supply contracts. Insert the clause at 552.211-77, Packing List, in solicitations and contracts for supplies, including purchases over the micro-purchase threshold. Use the clause with its Alternate I in solicitations and contracts for all Federal Supply Schedule contracts.

# Subpart 511.4 - Delivery or Performance Schedules

## 511.401 General.

(a) *Other than multiple award schedules*. Preferred practice is to state time of delivery in solicitations and contracts as "required" time of delivery or shipment, expressed in specific periods from receipt by the contractor of a notice of award or an order.

(b) *Multiple award schedules*.

(1) In multiple award schedule solicitations, preferred practice is to state delivery times as "desired." Require offerors to indicate a definite number of days for delivery.

(2) In negotiations, the contracting officer should secure the best possible delivery time regardless of the "desired" delivery time(s) in the solicitation. For example, some offers comply with the Government's desired delivery time, but others cite substantially shorter delivery times. In such cases, the contracting officer should negotiate with the former offerors to bring their offers in line with the latter. Contracting officers should negotiate variable delivery time offers (e.g., 30-90 days) to keep the timespan to a minimum. If the span applies to several items or several quantity breaks for one item, the contracting officer may segregate the items or item quantity breaks into smaller groups and assign more specific delivery times.

(c) *Unusually short delivery times*. A requisitioning office that requests an unusually short delivery time must provide satisfactory written justification. A sound justification is particularly important where the time specified is so short that it may limit competition and possibly result in higher prices. Examples of justifications include:

(1) Furniture is required to outfit quarters scheduled for occupancy on a specific date.

(2) Construction material is required to meet job progress schedules.

(3) Supplies are required at a port to meet scheduled ship departures.

(d) *Early delivery*. When the requisitioning office needs a portion of the total delivery early, the contracting officer should consider whether to—

(1) Require that portion by the early date and the balance later;

(2) Include the portion required early and the balance as separate items in the same solicitation; or

(3) Procure the two portions separately.

(e) *Multiple delivery time requirements*. If a solicitation contains a mix of items that require different delivery times, the contracting officer must specify the delivery periods separately. When practical, the contracting officer can group items with similar delivery time requirements according to delivery times in the solicitation.

## 511.404 Contract clauses.

(a) *Supplies or services.*

(1) *Shelf-life items*. Insert the following clauses in solicitations and contracts that require delivery of shelf-life items within a specified timeframe from the date of manufacture or production:

(i) The clause at 552.211-79, Acceptable Age of Supplies, if the required shelf-life period is 12 months or less, and lengthy acceptance testing may be involved. For items having a limited shelf-life and when required by the program director, use the clause with its Alternate I.

(ii) The clause at 552.211-80, Age on Delivery, if the required shelf-life period is more than 12 months, or when source inspection can be performed within a short time period.

(2) *Stock replenishment contracts*. Insert the clause at 552.211-81, Time of Shipment, in solicitations and contracts when a stock replenishment contract is contemplated that does not include the clause at 552.211-83 and requires shipment within 45 calendar days after receipt of the order. Use the clause with its Alternate I if shipment is required after 45 days of receipt of the order.

(3) *Indeterminate testing time*. Insert the clause at 552.211-83, Availability for Inspection, Testing, and Shipment/Delivery, in solicitations and contracts that provide for source inspection by Government personnel and that require lengthy testing for which time frames cannot be determined in advance. Use the clause with its Alternate I if the contract is for stock items.

(4) *Stock program time of delivery*. Insert the clause at 552.211-94, Time of Delivery, in solicitations and contracts for supplies for the Stock Program when neither the FAR clause at 52.211-8, or the FAR clause at 52.211-9 is suitable.

(b) *Construction*. Insert the following clauses in solicitations and contracts when a fixed-price construction contract is contemplated:

(1) The clause at 552.211-10, Commencement, Prosecution, and Completion of Work.

(2) The clause at 552.211-70, Substantial Completion.

# Subpart 511.5 - Liquidated Damages

### 511.503 Contract clauses.

(a)Insert the clause at 552.211-12, Liquidated Damages-Construction, in solicitations and contracts for construction, other than cost-plus-fixed-fee, when the contracting officer determines that liquidated damages are appropriate (see FAR 11.501(a)).

(b)Insert the clause at 552.211-13, Time Extensions, in solicitations and contracts for construction that includes the clause at 552.211-12.

# Subpart 511.6 - Priorities and Allocations

### 511.600 Scope of subpart.

Pursuant to the Defense Priorities and Allocations System (DPAS) Delegation 3, the Department of Commerce (DOC) has delegated to GSA the authority to use the DPAS under certain conditions. DPAS Delegation 3 restricts use of DPAS authority to GSA supply system procurement in support of the Department of Defense (DoD), Department of Energy (DoE), and Federal Emergency Management Agency (FEMA) approved programs.

### 511.601 [Reserved]

### 511.602 General.

(a)  The purpose of the DPAS is to assure the timely availability of industrial resources to meet current national defense, energy, and civil emergency preparedness program requirements and to provide an operating system to support rapid industrial response in a national emergency. The primary statutory authority for the DPAS is Title I of the Defense Production Act of 1950, as amended, with additional authority from the Selective Service Act of 1948 and the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Executive Orders 12919 and 12742 delegate to the DOC authority to administer the DPAS. Within the DOC, the Office of Strategic Industries and Economic Security (SIES) is assigned responsibility for DPAS implementation, administration, and compliance.

(b) The DPAS is published in the Code of Federal Regulations at 15 CFR 700. This regulation provides an overview, a detailed explanation of operations and procedures, and other implementing guidance, including information on special priorities assistance and compliance.

(c)  Orders placed under DPAS are “rated orders.” Rated orders must receive preferential treatment only as necessary to meet delivery requirements. Rated orders are identified by a rating symbol of either “DX” or “DO” followed by a program identification symbol. All “DO” rated orders have equal priority with each other and take preference over unrated orders. All “DX” rated orders have equal priority with each other and take preference over “DO” rated orders and unrated orders. A program identification symbol indicates which approved program is supported by the rated order.

(d) The authority delegated to GSA shall not be used to support the procurement of any product or service that—

(1) Are commonly available in commercial markets for general consumption;

(2) Do not require major modification when purchased for approved program use;

(3) Are readily available in sufficient quantity so as to cause no delay in meeting approved program requirements; or

(4) Are to be used primarily for administrative purposes (including Federal Supply Classification (FSC) classes, groups, or items), such as for personnel or financial management. The Commissioner, FAS, shall issue additional guidance, as may be necessary, to ensure effective implementation of its delegated DPAS authority.

## 511.603 Procedures.

(a) A DPAS rating may be placed against an entire contract at time of award or an individual order issued under an existing, otherwise unrated, contract. FAR 11.604 requires contracting officers to insert the provision at 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use, in solicitations when the contract or order to be awarded will be a rated order and to insert the clause at 52.211-15, Defense Priority and Allocation Requirements, in contracts that are rated orders.

(b) In addition to the FAR provision and clause referenced in paragraph (a) of this section, the contract or order must include the following (see 15 CFR 700.12):

(1) The appropriate priority rating symbol (i.e., either “DO” or “DX”) along with the program identification symbol. When GSA contracting officers place DO rated orders, they must use program identification symbol “K1”. When placing a DX-rated order for other agencies, GSA contracting officers must use the requesting agency program identification symbol from the DoD Master Urgency List and may only do so when GSA is acting as the procuring agent for DoD or DoE and has received a “DX” rated contract or order from either department.

(2) A required delivery date. The words “as soon as possible” or “immediately” do not constitute a required delivery date. Use of either a specific date or a specified number of days ARO (after receipt of order) is acceptable.

(3) The written signature on a manually placed order, or the digital signature or name on an electronically placed order of an individual authorized to place rated orders.

(4) A statement that reads substantially as follows: “This is a rated order certified for national defense use, and you are required to follow all the provisions of the Defense Priorities and Allocations System regulation (15 CFR 700)”.

(c) Multiple and Single Award Schedule contracts are not rated at time of award.