Part 5112 - Acquisition of Commercial Items

The official AFARS regulation resides on the Army's Knowledge Management Portal PAM. If you do not have CAC access to PAM, please visit the Army Contracting Enterprise's public facing website "Army Connect" at https://www.army.mil/armycontracting#org-afars. The AFARS will return to Acquisition.gov upon completion of the RFO.

(Revised 01 October 2024)

Subpart 5112.1 - Acquisition of Commercial Items - General

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Subpart 5112.1 - Acquisition of Commercial Items - General

5112.102 Applicability.

(a)(i)(B)(*3*) Section 1244 of the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 as amended by section 1242 of the NDAA for FY 2024. In accordance with section (C)(4) of DPCAP Class Deviation 2024-O0005 Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel Contracting officers carrying out a procurement of a product or service for a covered contract may treat the product or service as a commercial product or a commercial service, similar to allowances for commercial solutions openings, for the purpose of carrying out the procurement. See AFARS 5153.206-93 Instructions for Congressional Notification Requirement When Utilizing the Authorities Conferred by paragraphs (B) – (G) of DPCAP Class Deviation 2024- O0005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel; Workload Forecasting Instructions for instructions for reporting covered contracts applicable under this subpart to congressional defense committees.

(a)(ii)(B) The HCA shall perform the duties under DFARS 212.102(a)(ii)(B). See Appendix GG for further delegation.

(f) The HCA has the authority to make the determination as described in FAR 12.102(f). See Appendix GG for further delegation.

Subpart 5112.2 - Special Requirements for the Acquisition of Commercial Items

5112.207 Contract type.

(b)(iii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has the authority to make the determination as described in DFARS 212.207(b)(iii). See Appendix GG for further delegation.

5112.272 Preference for certain commercial products and services.

(b)(2)(i) The HCA has the authority to make the determination as described in DFARS 212.272(b)(2)(i). See Appendix GG for further delegation.

Subpart 5112.3 - Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

5112.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(b)(4)(i) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall perform the function as described in FAR 12.301(b)(4)(i). See Appendix GG .

5112.302 Tailoring of provisions and clauses for the acquisition of commercial items.

(c) The HCA is the approval authority. See Appendix GG for further delegation.