Part 512 - Acquisition of Commercial Products and Commercial Services

Subpart 512.2 - Special Requirements for the Acquisition of Commercial Products and Commercial Services

512.216 Unenforceability of unauthorized obligations (FAR DEVIATION).

Subpart 512.3 - Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services

512.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services (FAR DEVIATION).

Parent topic: General Services Administration Acquisition Manual

Subpart 512.2 - Special Requirements for the Acquisition of Commercial Products and Commercial Services

512.216 Unenforceability of unauthorized obligations (FAR DEVIATION).

GSA has a deviation to FAR 12.216 for this section. For commercial contracts, supplier license agreements are referred to as commercial supplier agreements (defined in 502.101). Paragraph (u) of clause 552.212-4 prevents violations of the Anti-Deficiency Act (31 U.S.C. 1341) for supplies or services acquired subject to a commercial supplier agreement.

Subpart 512.3 - Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services

512.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services (FAR DEVIATION).

(a) *Contract clauses*. Insert the following clauses in solicitations and contracts for the acquisition of commercial products and commercial services:

(1) The clause at 552.212-71, Contract Terms and Conditions Applicable to GSA Acquisitions of Commercial Products and commercial services. This clause incorporates by reference only those clauses required to implement GSA requirements applicable to the acquisition of commercial products and commercial services. This clause may be tailored in accordance with FAR 12.302 and GSAM 512.302.

(2) The clause at 552.212-72, Contract Terms and Conditions Required to Implement Statutes or

Executive Orders Applicable to GSA Acquisitions of Commercial Products and commercial services, when any listed clauses therein apply. This clause incorporates by reference only those clauses required to implement provisions of law or Executive orders that apply to commercial products and commercial services acquisitions.

(b) *FAR deviation*. GSA has a deviation from FAR 52.212-4 that allows use of the clause at 552.212-4 in lieu of the FAR clause at 52.212-4. Insert the clause at 552.212-4, Contract Terms and Conditions-Commercial Products and commercial services, in lieu of the FAR clause at 52.212-4. This clause may be tailored in accordance with FAR 12.302 and GSAM 512.302.

(c) *Discretionary use of GSAR provisions and clauses*. Consistent with the limitations contained in FAR 12.302 and 512.302, the contracting officer may include in solicitations and contracts by addendum other GSAR provisions and clauses.

(d) *Use of additional provisions and clauses* . The Senior Procurement Executive shall approve the use of a provision or clause that is either not:

(1) Prescribed in the FAR or GSAR for use in acquisitions for commercial products and commercial services.

(2) Consistent with customary commercial practice.