

52.246-20 Warranty of Services.

As prescribed in 46.710(d), insert a clause *substantially as follows*:

Warranty of Services (May 2001)

(a) *Definition.* "Acceptance," as used in this clause, means the act of an authorized representative of the Government by which the Government assumes for itself, or as an agent of another, ownership of existing and identified *supplies*, or approves specific services, as partial or complete performance of the contract.

(b) Notwithstanding *inspection* and acceptance by the Government or any provision concerning the conclusiveness thereof, the Contractor warrants that all services performed under this contract will, at the time of acceptance, be free from defects in workmanship and conform to the requirements of this contract. The *Contracting Officer* shall give written notice of any defect or nonconformance to the Contractor _____ [*Contracting Officer shall insert the specific period of time in which notice shall be given to the Contractor; e.g., "within 30 days from the date of acceptance by the Government,"; within 1000 hours of use by the Government;" or other specified event whose occurrence will terminate the period of notice, or combination of any applicable events or period of time*]. This notice shall state either-

(1) That the Contractor *shall* correct or reperform any defective or nonconforming services; or

(2) That the Government does not require correction or reperformance.

(c) If the Contractor is required to correct or reperform, it *shall* be at no cost to the Government, and any services corrected or reperformed by the Contractor *shall* be subject to this clause to the same extent as work initially performed. If the Contractor fails or refuses to correct or reperform, the *Contracting Officer* may, by contract or otherwise, correct or replace with similar services and charge to the Contractor the cost occasioned to the Government thereby, or make an equitable adjustment in the contract price.

(d) If the Government does not require correction or reperformance, the *Contracting Officer* shall make an equitable adjustment in the contract price.

(End of clause)

Parent topic: 52.246 [Reserved]