PART 1512—ACQUISITION OF COMMERCIAL ITEMS

Authority: 5 U.S.C. 301 and 41 U.S.C. 418b.

Source: 86 FR 55713, Oct. 7, 2021, unless otherwise noted.

Subpart 1512.1—Special Requirements for the Acquisition of Commercial Items

1512.101 Unenforceability of unauthorized obligations.

1512.1070 Contract clause.

Parent topic: SUBCHAPTER B—ACQUISITION PLANNING

Subpart 1512.1—Special Requirements for the Acquisition of Commercial Items

1512.101 Unenforceability of unauthorized obligations.

EPA deviates from FAR 52.212-4 by using the term *Commercial Supplier Agreements* (defined in 1502.100) for commercial contracts instead of *supplier license agreements*. Paragraph (u) of clause 1552.332-39 (FAR DEVIATION) prevents violations of the *Anti-Deficiency Act* (31 U.S.C. 1341) for the acquisition of supplies or services subject to a Commercial Supplier Agreement.

1512.1070 Contract clause.

EPA deviates from FAR 52.212-4 by revising paragraphs (s) and (u) and adding paragraph (w). Contracting officers shall use clause 1552.332-39, *Contract Terms and Conditions-Commercial Items* (FAR DEVIATION), for acquisitions of commercial items in lieu of 52.212-4 or 52.212-4 Alternate I. The contracting officer may tailor this clause in accordance with FAR 12.302.