

12.102 Applicability.

(a) This part *shall* be used for the *acquisition* of *supplies* or services that meet the definitions of “commercial product” or “commercial service” at [2.101](#).

(b) *Contracting officers shall* use the policies in this part in conjunction with the policies and procedures for *solicitation*, evaluation and award prescribed in [part 13](#), *Simplified Acquisition Procedures*; [part 14](#), *Sealed Bidding*; or [part 15](#), *Contracting by Negotiation*, as appropriate for the particular *acquisition*.

(c) Contracts for the *acquisition* of *commercial products* or *commercial services* are subject to the policies in other parts of the FAR. When a policy in another part of the FAR is inconsistent with a policy in this part, this [part 12](#) *shall* take precedence for the *acquisition* of *commercial products* or *commercial services*.

(d) The definition of *commercial product* uses the phrase “purposes other than governmental purposes”. These purposes are those that are not unique to a government.

(e) This part *shall* not apply to the *acquisition* of *commercial products* or *commercial services*—

(1) At or below the *micro-purchase threshold*;

(2) Using the [Standard Form 44](#) (see [13.306](#));

(3) Using the imprest fund (see [13.305](#));

(4) Using the Governmentwide commercial purchase card as a method of purchase rather than only as a method of payment; or

(5) Directly from another *Federal agency*.

(f)

(1) *Contracting officers may* treat any *acquisition* of *supplies* or services that, as determined by the *head of the agency*, are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack, as an *acquisition* of *commercial products* or *commercial services*.

(2) A contract in an amount greater than \$25 million that is awarded on a sole source basis for a product or service treated as a *commercial product* or *commercial service* under paragraph (f)(1) of this section but does not meet the definition of a *commercial product* or *commercial service* at [2.101](#) *shall* not be exempt from—

(i) Cost accounting standards (see [subpart 30.2](#)); or

(ii) *Certified cost or pricing data* requirements (see [15.403](#)).

Parent topic: [Subpart 12.1 - Acquisition of Commercial Products and Commercial Services](#)