

## GSA ORDER

Subject: Amendment 2009-05, GSAR Case 2008-G515, Rewrite of GSAR Part 549, Termination of Contracts (Change 31)

1. Purpose. This order transmits a revision to the General Services Administration (GSAM).

2. Background. The General Services Administration amends the GSA Acquisition Manual (GSAM) to revise coverage in GSAM Part 549, Termination of Contracts. This guidance supplements the Federal Acquisition Regulation (FAR) coverage provided in FAR Part 49 and in the FAR clauses found at FAR 52.249.

GSA published GSAR Case 2008-G515, Change 31, final rule, in the *Federal Register* at 74 FR 21272, May 7, 2009.

3. Effective date. June 8, 2009.

4. Explanation of changes. The GSAM revisions include the following – deletion of two outdated clauses and the prescription for those two clauses, GSAR 552.249-70 and 552.249-71.

5. Filing instructions. Insert the following pages to the GSAM:

### Remove Pages

General Structure  
pp. vii and viii

501-1 and 501-2

Part 549 TOC  
pp. 549-i and 549-ii  
549-1 and 549-2

### Insert Pages

General Structure  
pp. vii and viii

501-1 and 501-2

Part 549 TOC  
pp. 549-i and 549-ii  
549-1 and 549-2

Part 552 TOC  
pp. 552-i and 552-ii  
552-51 and 552-52

Matrix  
552-69 and 552-70

Part 552 TOC  
pp. 552-i and 552-ii  
552-51 and 552-52

Matrix  
552-69 and 552-70



DAVID A. DRABKIN  
Senior Procurement Executive  
Office of Acquisition Policy  
U.S. General Services Administration

**PART 532—CONTRACT FINANCING**

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- 532.2 Commercial Item Purchase Financing
- 532.4 Advance Payments for Non-Commercial Items
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**PART 550—EXTRAORDINARY CONTRACTUAL ACTIONS**

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# AMENDMENT 2009–05 JUNE 8, 2009

## PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

### Subpart 501.1—Purpose, Authority, Issuance

**501.101 Purpose.**

(a) The General Services Acquisition Regulation (GSAR) contains agency acquisition policies and practices, contract clauses, solicitation provisions, and forms that control the relationship between GSA and contractors and prospective contractors.

(b) The GSAR addresses rules directly to you, the contracting officer, unless otherwise indicated.

**501.103 Authority.**

GSA’s Senior Procurement Executive issues the GSAR under the authority of the Federal Property and Administrative Services Act of 1949, as amended.

**501.104 Applicability.**

(a) *General.* The GSAR applies to contracts for supplies or services, including construction.

(b) *Acquisition of leasehold interests in real property.* [Part 570](#) establishes rules for the acquisition of leasehold interests in real property. Other provisions of 48 CFR Chapter 5 (GSAR) do not apply to leases of real property unless specifically cross-referenced in [Part 570](#).

(c) *Relationship to statute.* Some GSAR rules implement and interpret laws and other authorities affecting procurement. A GSAR rule specifically directed by statute has the force and effect of law.

(d) *GSAR/FAR Relationship.* The GSAR may deviate from the Federal Acquisition Regulation (FAR) if authorized. If the GSAR does not implement the FAR, the FAR alone governs.

**501.105 Issuance.**

**501.105-1 Publication and code arrangement.**

The GSAR is published in the following sources:

- (a) Daily issue of the Federal Register.
- (b) Annual Code of Federal Regulations (CFR), as Chapter 5 of Title 48.
- (c) GSA Acquisition Manual distributed within GSA.
- (d) GSA Home Page at <http://www.gsa.gov>. Click on either “Government Agencies” or on “Business and Industry,” then click on “Acquisition.”

**501.105-2 Arrangement of regulations.**

(a) The GSAR numbers and captions policies and procedures to correspond to how they appear in the FAR, e.g., 1.104 in the FAR is 501.104 in the GSAR.

(b) GSAR rules not implementing the FAR have numbers beginning with 70, e.g., part 570, subsection 515.209-70.

(c) The GSAR may have gaps in its numbering scheme because a FAR rule may not require GSAR implementation.

**501.105-3 Copies.**

The GSAR in CFR form may be purchased from: Superintendent of Documents, Government Printing Office, Washington, DC 20402.

**501.106 OMB Approval under the Paperwork Reduction Act.**

GSAR Reference	OMB Control No.	GSAR Reference	OMB Control No.
<a href="#">509.105-1(a)</a>	3090-0007	<a href="#">552.211-78</a>	3090-0204
<a href="#">511.104-70</a>	3090-0203	<a href="#">552.211-82</a>	3090-0204
<a href="#">511.204(d)</a>	3090-0246	<a href="#">552.214-71</a>	3090-0200
<a href="#">511.404(a)(1)</a>	3090-0204	<a href="#">552.216-70</a>	3090-0243
<a href="#">511.404(a)(2)</a>	3090-0204	<a href="#">552.216-72</a>	3090-0248
<a href="#">511.404(a)(5)</a>	3090-0204	<a href="#">552.216-73</a>	3090-0248
<a href="#">514.201-7(a)</a>	3090-0200	<a href="#">552.219-72</a>	3090-0252
<a href="#">516.203-4(a)(1)</a>	3090-0243	<a href="#">552.232-72</a>	3090-0205
<a href="#">516.506</a>	3090-0248	<a href="#">552.232-72</a>	3090-0080
<a href="#">519.708(b)</a>	3090-0252	<a href="#">552.237-70</a>	3090-0197
<a href="#">522.406-6</a>	1215-0149	<a href="#">552.237-71</a>	3090-0006
<a href="#">523.370</a>	3090-0205	<a href="#">552.238-70</a>	3090-0250
<a href="#">532.111(c)</a>	3090-0080	<a href="#">552.238-72</a>	3090-0262
<a href="#">532.905-70</a>	9000-0102	<a href="#">552.238-74</a>	3090-0121 3090-0250
<a href="#">532.905-71</a>	3090-0080	<a href="#">552.242-70</a>	3090-0027
<a href="#">537.110(a)</a>	3090-0197	<a href="#">552.246-70</a>	3090-0027
<a href="#">537.110(b)</a>	3090-0006	<a href="#">552.246-71</a>	3090-0027
<a href="#">538.273(a)(1)</a>	3090-0250		
<a href="#">538.273(a)(3)</a>	3090-0262	GSA-72-A	3090-0121
<a href="#">538.273(b)(1)</a>	3090-0121	GSA-527	3090-0007
<a href="#">542.1107</a>	3090-0027	GSA-618D	1215-0149
<a href="#">546.302-70</a>	3090-0027	GSA-1142	3090-0080
<a href="#">546.302-71</a>	3090-0027	GSA-1364	3090-0086
		GSA-1678	3090-0027
<a href="#">552.211-8</a>	3090-0204	GSA-2419	9000-0102
<a href="#">552.211-77</a>	3090-0246	<a href="#">570.702(c)</a>	3090-0086

**501.170 General Services Administration Acquisition Management System.**

(a) *Description.* The General Services Administration Acquisition Management System consists of the General Services Administration Acquisition Regulation (GSAR) and agency and Service non-regulatory acquisition guidance documents.

(b) *Format.* For users' convenience, the General Services Administration Acquisition Manual (GSAM) contains the GSAR and nonregulatory agency acquisition guidance. The GSAM adheres to GSAR numbering and drafting conventions. GSAR material is shaded. Non-shaded material is non-regulatory. The shading distinguishes regulatory material from material that applies internally to GSA.

(c) *Agency policy.* Although GSAM requirements are not all regulatory, occasionally the requirements are mandatory for GSA personnel. The mandatory requirements reflect agency policy which must be followed to ensure uniformity or for other reasons.

(d) *Applicability.* The GSAM applies to contracts for supplies or services, including construction.

(e) *Acquisition of leasehold interests in real property.* [Part 570](#) establishes requirements for the acquisition of leasehold interests in real property. Other provisions of the GSAM do not apply to leases of real property unless specifically cross-referenced in [Part 570](#).

(f) *Availability.* The GSAM is available on the GSA Home Page at <http://www.gsa.gov>. Click on either "Government Agencies" or on "Business and Industry," then click on "Acquisition." You may also link to the GSAM on Insite at <http://insite.gsa.private>. Click on "Business Hot Links," then on "Acquisition."

**501.171 Other GSA publications.****501.171-1 GSA orders and handbooks.**

(a) Heads of contracting activities (HCA's) may issue internal agency guidance, as described in FAR 1.301(a)(2), in the form of a GSA order or handbook.

(b) GSA orders and handbooks must not unnecessarily repeat, paraphrase, or otherwise restate the FAR, GSAR, or GSAM.

(c) The handbook, Writing GSA Internal Directives (OAD P 1832.3B), prescribes policies and procedures for issuing GSA orders and handbooks.

**501.171-2 Acquisition letters.**

(a) Acquisition letters provide interim policies and procedures pending incorporation in GSA orders or handbooks.

(b) Acquisition letters expire one year after issuance, unless the letter indicates an earlier expiration date.

(c) The Senior Procurement Executive and HCAs, or designees, may issue acquisition letters.

(d) The issuing official must coordinate each acquisition letter with appropriate offices including Acquisition Policy, Counsel, and the Inspector General. Any proposed policy or procedure that affects the operation of the small business program, must be coordinated with the Office of Small Business Utilization (E).

(e) The issuing activity must identify each acquisition letter with an assigned number. The number should begin with the issuing office correspondence symbol, followed by the last two digits of the calendar year when issued, then numbered consecutively beginning with 1. For example, FC-97-5 would be the fifth acquisition letter issued by FSS in fiscal year 1997).

(f) The body of an acquisition letter should contain the following paragraphs, as appropriate:

- (1) Purpose.
- (2) Background.
- (3) Effective date.
- (4) Termination date.
- (5) Cancellation.
- (6) Applicability (offices to which the acquisition letter applies)
- (7) Reference to regulations (FAR or GSAR), handbooks, or orders.
- (8) Instructions/procedures.

(g) The issuing office is responsible for distributing its acquisition letters to affected contracting activities and the Office of Acquisition Policy. In addition copies should be distributed to:

- (1) For acquisition letters issued by the Office of Acquisition Policy or a Central Office Service:
  - (i) Associate General Counsel.
  - (ii) The Administrative Policy and Information Management Division (CAI).
- (2) For acquisition letters issued by a Region:
  - (i) Regional Counsel.
  - (ii) The regional clearance office as defined in the handbook, Writing GSA Internal Directives (OAD P 1832.3B).
  - (iii) Central office contracting activities, if appropriate.

(h) If an acquisition letter is distributed only electronically, then the issuing office may issue a notice to affected contracting activities, the Office of Acquisition Policy, and Associate General Counsel or Region Counsel in lieu of distributing paper copies. The notice must identify the subject, number, and location of the letter.

(i) Each issuing office must report on acquisition letters issued and canceled on a quarterly basis to the Office of Acquisition Policy. The Office of Acquisition Policy will issue a consolidated index of all acquisition letters issued or cancelled.

**AMENDMENT 2009–05 JUNE 8, 2009**

**PART 549—TERMINATION OF CONTRACTS**

*Sec.*

	<b>Subpart 549.1—General Principles</b>		<b>Subpart 549.4—Termination for Default</b>	
549.111	Review of proposed settlements.	549.402	Termination of fixed-price contracts for default.	
		549.402-6	Repurchase against contractor's account.	
		549.402-7	Other damages.	
			<b>Subpart 549.5—[Reserved]</b>	

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**PART 549—TERMINATION OF CONTRACTS****Subpart 549.1—General Principles****549.111 Review of proposed settlements.**

The HCA may establish procedures for the review and approval of settlement agreements at a level above the contracting officer.

**Subpart 549.4—Termination for Default****549.402 Termination of fixed-price contracts for default.****549.402-6 Repurchase against contractor's account.**

The contracting officer shall—

(a) Place a brief explanation for the repurchase in the contract file.

(b) If practical, use the original contract terms, conditions, and specification for the repurchase. Whether or not the original terms are used, obtain the advice of assigned legal counsel before issuing a solicitation for similar supplies or work (services and construction).

(c) If the repurchase is delayed, protect the Government's rights to recover repurchase costs by documenting the file to explain the circumstances of the delay.

**549.402-7 Other damages.**

(a) Even if the repurchase price does not exceed the price of the terminated supplies or work (services and construction), the contracting officer shall include administrative costs incurred for the repurchase when determining the final purchase price. The contracting officer shall include all repurchase costs in a single demand letter (see FAR 49.402-6(c)). The contracting officer shall include detailed

documentation in the contract file to support the Government's position that the additional administrative costs were a direct result of the default. The contracting officer shall provide a summary of the additional administrative costs in the demand letter.

(b) Administrative costs include, but are not limited to, the following:

(1) Salaries and fringe benefits paid to Government employees who perform work as a result of the default.

(2) Preaward survey expenses incurred by qualifying repurchase contractors.

(3) Printing and distribution costs of the repurchase solicitation and repurchase contract.

(4) Travel and per diem.

(c) For administrative labor costs, record each of the following:

(1) Name, position, and organization of each employee performing work activities as a consequence of the default.

(2) Date(s) of work and time(s) spent by each employee on the repurchase.

(3) Description of specific tasks performed (for example, solicitation preparation or clerical).

(4) Hourly rate of pay (straight time or overtime).

(5) Applicable fringe benefits.

(6) Explanation of how the time spent by the employees during the repurchase would have been used on other projects but for the default.

(d) For other incurred administrative costs, the contracting officer shall include travel vouchers, invoices, printing requisitions, and other appropriate evidence of expenditures.

**Subpart 549.5—[Reserved]**

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# AMENDMENT 2009–02 MAY 14, 2009

## PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

*Sec.*

552.000	Scope of part.	552.212-73	Evaluation—Commercial Items (Multiple Award Schedule).
	<b>Subpart 552.1—Instructions for Using Provisions and Clauses</b>	552.214-70	“All or None” Offers.
		552.214-71	Progressive Awards and Monthly Quantity Allocations.
552.101-70	Using Part 552.	552.214-72	Bid Sample Requirements.
552.102	Incorporating provisions and clauses.	552.215-70	Examination of Records by GSA.
552.103	Identification of provisions and clauses.	552.215-71	Examination of Records by GSA (Multiple Award Schedule).
552.104	Procedures for modifying and completing provisions and clauses.	552.215-72	Price Adjustment—Failure to Provide Accurate Information.
552.105	Procedures for using alternates.	552.216-70	Economic Price Adjustment—FSS Multiple Award Schedule Contracts.
552.107-70	Provisions and clauses prescribed in Subpart 552.1.	552.216-71	Economic Price Adjustment—Stock and Special Order Program Contracts.
	<b>Subpart 552.2—Text of Provisions and Clauses</b>	552.216-72	Placement of Orders.
552.200	Scope of subpart.	552.216-73	Ordering Information.
552.203-5	Covenant Against Contingent Fees.	552.217-70	Evaluation of Options.
552.203-70	Price Adjustment for Illegal or Improper Activity.	552.217-71	Notice Regarding Option(s).
552.203-71	Restriction on Advertising.	552.219-70	Allocation of Orders—Partially Set-aside Items.
552.211-8	Time of Delivery.	552.219-71	Notice to Offerors of Subcontracting Plan Requirements.
552.211-15	Defense Priorities and Allocations System Requirements.	552.219-72	Preparation, Submission, and Negotiation of Subcontracting Plans.
552.211-70	[Reserved]	552.219-73	Goals for Subcontracting Plan.
552.211-71	Standard References.	552.219-74	Section 8(a) Direct Award.
552.211-72	Reference to Specifications in Drawings.	552.223-70	Hazardous Substances.
552.211-73	Marking.	552.223-71	Nonconforming Hazardous Materials.
552.211-74	Charges for Marking.	552.223-72	Hazardous Material Information.
552.211-75	Preservation, Packaging and Packing.	552.225-70	Notice of Procurement Restriction—Hand or Measuring Tools or Stainless Steel Flatware.
552.211-76	Charges for Packaging and Packing.	552.227-70	Government Rights (Unlimited).
552.211-77	Packing List.	552.227-71	Drawings and Other Data to Become Property of Government.
552.211-78	Commercial Delivery Schedule (Multiple Award Schedule).	552.228-5	Government as Additional Insured.
552.211-79	Acceptable Age of Supplies.	552.229-70	Federal, State, and Local Taxes.
552.211-80	Age on Delivery.	552.229-71	Federal Excise Tax—DC Government.
552.211-81	Time of Shipment.	552.232-1	Payments.
552.211-82	Notice of Shipment.	552.232-8	Discounts for Prompt Payment.
552.211-83	Availability for Inspection, Testing, and Shipment/Delivery.	552.232-23	Assignment of Claims.
552.211-84	Non-Compliance with Contract Requirements.	552.232-25	Prompt Payment.
552.212-70	Preparation of Offer (Multiple Award Schedule).	552.232-70	Invoice Requirements.
552.212-71	Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items.	552.232-71	Adjusting Payments.
552.212-72	Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items.	552.232-72	Final Payment.
		552.232-73	Availability of Funds.
		552.232-74	Invoice Payments.
		552.232-75	Prompt Payment.

# AMENDMENT 2009–05 JUNE 8, 2009

## GENERAL SERVICES ADMINISTRATION ACQUISITION MANUAL

552.232-76	Electronic Funds Transfer Payment.		by Certain Entities—Cooperative Purchasing.
552.232-77	Payment By Governmentwide Commercial Purchase Card.	552.238-80	Use of Federal Supply Schedule Contracts by Certain Entities—Recovery Purchasing.
552.232-78	Payment Information.	552.242-70	Status Report of Orders and Shipments.
552.232-79	Payment by Credit Card.	552.243-71	Equitable Adjustments.
552.232-81	Payments by Non-Federal Ordering Activities.	552.246-70	Source Inspection by Quality Approved Manufacturer.
552.232-82	Contractor’s Remittance (Payment) Address.	552.246-71	Source Inspection by Government.
552.232-83	Contractor’s Billing Responsibilities.	552.246-72	Final Inspection and Tests.
552.236-70	Definitions.	552.246-77	Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature.
552.236-71	Authorities and Limitations.	552.246-78	Inspection at Destination.
552.236-72	Specialist.	552.247-70	Placarding Railcar Shipments.
552.236-73	Basis of Award—Construction Contract.	552.247-71	Diversion of Shipment Under f.o.b. Destination Contracts.
552.236-74	Working hours.		
552.236-75	Use of Premises.	552.252-5	Authorized Deviations in Provisions.
552.236-76	Measurements.	552.252-6	Authorized Deviations in Clauses.
552.236-77	Specifications and Drawings.	552.270-1	Instructions to Offerors—Acquisition of Leasehold Interests in Real Property.
552.236-78	Shop Drawings, Coordination Drawings, and Schedules.	552.270-2	Historic Preference.
552.236-79	Samples.	552.270-3	Parties to Execute Lease.
552.236-80	Heat.	552.270-4	Definitions.
552.236-81	Use of Equipment by the Government.	552.270-5	Subletting and Assignment.
552.236-82	Subcontracts.	552.270-6	Maintenance of Building and Premises—Right of Entry.
552.236-83	Requirement for a Project Labor Agreement.	552.270-7	Fire and Casualty Damage.
552.237-70	Qualifications of Offerors.	552.270-8	Compliance with Applicable Law.
552.237-71	Qualifications of Employees.	552.270-9	Inspection—Right of Entry.
552.237-72	Prohibition Regarding “Quasi-Military Armed Forces.”	552.270-10	Failure in Performance.
552.237-73	Restriction on Disclosure of Information.	552.270-11	Successors Bound.
552.238-70	Identification of Electronic Office Equipment Providing Accessibility for the Handicapped.	552.270-12	Alterations.
552.238-71	Submission and Distribution of Authorized FSS Schedule Pricelists.	552.270-13	Proposals for Adjustment.
552.238-72	Identification of Products that have Environmental Attributes.	552.270-14	Changes.
552.238-73	Cancellation	552.270-15	Liquidated Damages.
552.238-74	Industrial Funding Fee and Sales Reporting.	552.270-16	Adjustment for Vacant Premises.
552.238-75	Price Reductions.	552.270-17	Delivery and Condition.
552.238-76	Definition (Federal Supply Schedules)—Recovery Purchasing.	552.270-18	Default in Delivery—Time Extensions.
552.238-77	Definition (Federal Supply Schedules).	552.270-19	Progressive Occupancy.
552.238-78	Scope of Contract (Eligible Ordering Activities).	552.270-20	Payment.
552.238-79	Use of Federal Supply Schedule Contracts	552.270-21	Effect of Acceptance and Occupancy.
		552.270-22	Default by Lessor During the Term.
		552.270-23	Subordination, Nondisturbance and Attornment.
		552.270-24	Statement of Lease.
		552.270-25	Substitution of Tenant Agency.
		552.270-26	No Waiver.

# AMENDMENT 2009–08 JUNE 1, 2009

(f) *Responsibility for rejected supplies.* When the Contractor fails to remove or provide instructions for the removal of rejected supplies under FAR 52.246-2(h) pursuant to the Contracting Officer's instructions, the Contractor shall be liable for all costs incurred by the Government in taking such measures as are expedient to avoid unnecessary loss to the Contractor. In addition to the remedies provided in FAR 52.246-2, supplies may be—

- (1) Stored for the Contractor's account;
- (2) Reshipped to the Contractor at its expense (any additional expense incurred by the Government or the freight carrier caused by the refusal of the Contractor to accept their return also shall be for the Contractor's account); or
- (3) Sold to the highest bidder on the open market and the proceeds applied against the accumulated storage and other costs, including the cost of the sale.

(End of clause)

*\*The rates to be inserted are established by the Commissioner of the Federal Acquisition Service or a designee.*

## 552.246-72 Final Inspection and Tests.

As prescribed in [546.312](#), insert the following clause:

FINAL INSPECTION AND TESTS (SEP 1999)

The Contractor shall give written notice to the Contracting Officer at least 10 calendar days before the date the work will be completed and ready for final inspection and tests. Final inspection and tests will begin within 10 calendar days after the date specified in the Contractor's notice unless the Contracting Officer determines that the work is not ready for final inspection and so informs the Contractor.

(End of clause)

## 552.246-77 Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature.

As prescribed in [546.710](#), insert the following clause in solicitations and contracts that include FAR 52.246-17, Warranty of Supplies of a Noncomplex Nature.

ADDITIONAL CONTRACT WARRANTY PROVISIONS FOR SUPPLIES OF A NONCOMPLEX NATURE (JUNE 2009)

(a) *Definitions.* *Correction*, as used in this clause, means the elimination of a defect.

(b) *Contractor's obligations.* When return, correction, or replacement is required, the Contractor shall be responsible for all costs attendant to the return, correction, or replacement of the nonconforming supplies. Any removal in connection with the above shall be done by the Contractor at its expense.

(c) *Remedies available to the Government.* When the nature of the defect in the nonconforming item is such that the defect affects an entire batch or lot of material, then the equitable price adjustment shall apply to the entire batch or lot of material from which the nonconforming item was taken.

(End of clause)

## 552.246-78 Inspection at Destination.

As prescribed in [546.302-72](#) insert the following clause:

INSPECTION AT DESTINATION (JUNE 2009)

Inspection of all purchases under this contract will be made at destination by an authorized Government representative.

(End of clause)

## 552.247-70 Placarding Railcar Shipments.

As prescribed in [547.305\(a\)](#), insert the following clause:

PLACARDING RAILCAR SHIPMENTS (MAY 1989)

When a railcar is loaded in such a manner that it can be or should be unloaded from only one side, the Contractor shall place on the appropriate railcar door a placard reading "UNLOAD FROM THIS SIDE" and on the opposite door a placard reading "UNLOAD FROM OTHER SIDE."

(End of clause)

## 552.247-71 Diversion of Shipment Under f.o.b.

### Destination Contracts.

As prescribed in [547.305\(b\)](#), insert the following clause:

DIVERSION OF SHIPMENT UNDER F.O.B. DESTINATION CONTRACTS (MAR 2000)

(a) Notwithstanding paragraph (c) of the clause in this contract titled 52.212-4, Contract Terms and Conditions—Commercial Items, the Government has the unilateral right to make changes at any time within the general scope of this contract in either the:

- (1) Method of shipment or packing.
- (2) Place of delivery.

## AMENDMENT 2009-05 JUNE 8, 2009

552.247-71

GENERAL SERVICES ADMINISTRATION ACQUISITION MANUAL

(b) If any such change causes an increase or decrease in the cost of this contract, the Contracting Officer shall make an equitable adjustment in the contract price, the delivery schedule, or both. The Contractor must assert its right to an adjustment under this clause within 30 days from the date of receipt of a delivery order.

(c) The Government shall make no adjustment when supplies are identically priced for delivery regionally or nationally and the place of delivery is changed within the area to which the identical price applies. In all other cases, adjustments for changes in transportation costs under this clause shall be determined as follows:

(1) If the contractor ships by contract or common carrier, price adjustments shall be determined by comparing the cost of shipments to the new destination(s), as evidenced by copy of paid freight bills supplied by the Contractor with the invoice, to one of the following:

(i) The cost of shipments to the standard contract destination, as evidenced by copy of appropriate paid freight bills supplied by the Contractor.

(ii) If no shipments have been made to the standard contract destination, the cost as evidenced by the applicable rates of a common or contract carrier. If carrier rates are not publicly filed with a regulatory body (e.g., interstate shipments moving by rail piggyback service), the Contractor shall provide a copy of the contract, letter agreement, or other writ-

ten communication from the carrier(s) quoting the rates/charges that would have applied for shipments to the standard contract destination.

(2) If (i) shipments to the new destination are made by the Contractor's owned or leased trucks or (ii) shipments to the original destination were or would have been made by the Contractor's owned or leased trucks, the Government shall determine the adjustment by substituting a rate equal to 70 percent of the lowest applicable rate published in common carrier rates as of the date of shipment for the Contractor's actual rate or contemplated transportation costs.

(d) If the copies of paid freight bills for a diverted shipment do not show, or make readily available, each of the following items, the Contractor shall supply a written statement showing the item(s):

(1) Full name of each carrier in the routing.

(2) Number of containers.

(3) Gross shipping weight.

(4) Actual date of shipping.

(5) Freight description for the supplies as indicated in the "National Motor Freight Classification" or the "Uniform Freight Classification" (Rail).

(End of clause)

# AMENDMENT 2009-05 JUNE 8, 2009

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.300

P/C	Number	Reference.	Title	Sup	Serv	Const	A-E	SAT	Util	Leas
C	<a href="#">552.236-80</a>	<a href="#">536.570-11</a>	Heat			R		WR		
C	<a href="#">552.236-81</a>	<a href="#">536.570-12</a>	Use of Equipment by the Government			WR		WR		
C	<a href="#">552.236-82</a>	<a href="#">536.570-13</a>	Subcontracts			R				
C	<a href="#">552.236-83</a>	<a href="#">536.570-14</a>	Requirement for a Project Labor Agreement			WR				
P	<a href="#">552.237-70</a>	<a href="#">537.110(a)</a>	Qualifications of Offerors		WR					
C	<a href="#">552.237-71</a>	<a href="#">537.110(a)</a>	Qualifications of Employees		WR					
C	<a href="#">552.237-72</a>	<a href="#">537.110(b)</a>	Prohibition Regarding "Quasi-Military Armed Forces"		WR			WR		
C	<a href="#">552.237-73</a>	<a href="#">537.270</a>	Restriction on Disclosure of Information		WR			WR		
C	<a href="#">552.238-70</a>	<a href="#">538.273(a)(1)</a>	Identification of Electronic Office Equipment Providing Accessibility for the Handicapped	WR						
C	<a href="#">552.238-71</a>	<a href="#">538.273(a)(2)</a>	Submission and Distribution of Authorized FSS Schedule Pricelists	WR	WR					
C	<a href="#">552.238-72</a>	<a href="#">538.273(a)(3)</a>	Identification of Products That Have Environmental Attributes	WR	WR					
C	<a href="#">552.238-73</a>	<a href="#">538.273(a)(4)</a>	Cancellation	WR	WR					
C	<a href="#">552.238-74</a>	<a href="#">538.273(b)(1)</a>	Industrial Funding Fee and Sales Reporting	WR	WR					
C	<a href="#">552.238-75</a>	<a href="#">538.273(b)(2)</a>	Price Reductions	WR	WR					
C	<a href="#">552.238-76</a>	<a href="#">538.7104(a)</a>	Definition (Federal Supply Schedules)—Recovery Purchasing	WR	WR					
C	<a href="#">552.238-77</a>	<a href="#">538.7004(a)</a>	Definition (Federal Supply Schedules)	WR	WR					
C	<a href="#">552.238-78</a>	<a href="#">538.7004</a>	Scope of Contract (Eligible Ordering Activities)	WR	WR					
C	<a href="#">552.238-79</a>	<a href="#">538.7004(c)</a>	Use of Federal Supply Schedule Contracts by Certain Entities—Cooperative Purchasing	WR	WR					
C	<a href="#">552.238-80</a>	<a href="#">538.7104(c)</a>	Use of Federal Supply Schedule Contracts by Certain Entities—Recovery Purchasing	WR	WR					
C	<a href="#">552.242-70</a>	<a href="#">542.1107</a>	Status Report of Orders and Shipments	WR				WR		
C	<a href="#">552.243-71</a>	<a href="#">543.205</a>	Equitable Adjustments			WR				
C	<a href="#">552.246-70</a>	<a href="#">546.302-70</a>	Source Inspection by Quality Approved Manufacturer	WR				WR		
C	<a href="#">552.246-71</a>	<a href="#">546.302-71</a>	Source Inspection by Government	WR				WR		
C	<a href="#">552.246-72</a>	<a href="#">546.312</a>	Final Inspection and Tests			WR		O		
C	<a href="#">552.246-77</a>	<a href="#">546.710</a>	Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature	WR						
C	<a href="#">552.246-78</a>	<a href="#">546.302-72</a>	Inspection at Destination	WR						
C	<a href="#">552.247-70</a>	<a href="#">547.305(a)</a>	Placarding Railcar Shipments	WR				WR		
C	<a href="#">552.247-71</a>	<a href="#">547.305(b)</a>	Diversion of Shipment Under f.o.b. Destination Contracts	WR				WR		
P	<a href="#">552.252-5</a>	<a href="#">552.107-70(a)</a>	Authorized Deviations in Provisions	WR	WR	WR	WR	WR	WR	
C	<a href="#">552.252-6</a>	<a href="#">552.107-70(b)</a>	Authorized Deviations in Clauses	WR	WR	WR	WR	WR	WR	
P	<a href="#">552.270-1</a>	<a href="#">570.602</a>	Instructions to Offerors—Acquisition of Leasehold Interests in Real Property							R
P	<a href="#">552.270-2</a>	<a href="#">570.602</a>	Historic Preference							R
P	<a href="#">552.270-3</a>	<a href="#">570.602</a>	Parties to Execute Lease							R
C	<a href="#">552.270-4</a>	<a href="#">570.603</a>	Definitions							R*
C	<a href="#">552.270-5</a>	<a href="#">570.603</a>	Subletting and Assignment							R
C	<a href="#">552.270-6</a>	<a href="#">570.603</a>	Maintenance of Building and Premises— Right of Entry							R

P/C	Number	Reference.	Title	Sup	Serv	Const	A-E	SAT	Util	Leas
C	<a href="#">552.270-7</a>	<a href="#">570.603</a>	Fire and Casualty Damage							R
C	<a href="#">552.270-8</a>	<a href="#">570.603</a>	Compliance with Applicable Law							R
C	<a href="#">552.270-9</a>	<a href="#">570.603</a>	Inspection—Right of Entry							R
C	<a href="#">552.270-10</a>	<a href="#">570.603</a>	Failure in Performance							R
C	<a href="#">552.270-11</a>	<a href="#">570.603</a>	Successors Bound							R
C	<a href="#">552.270-12</a>	<a href="#">570.603</a>	Alterations							R
C	<a href="#">552.270-13</a>	<a href="#">570.603</a>	Proposals for Adjustment							R
C	<a href="#">552.270-14</a>	<a href="#">570.603</a>	Changes							R
C	<a href="#">552.270-15</a>	<a href="#">570.603</a>	Liquidated Damages							R
C	<a href="#">552.270-16</a>	<a href="#">570.603</a>	Adjustment for Vacant Premises							R
C	<a href="#">552.270-17</a>	<a href="#">570.603</a>	Delivery and Condition							R
C	<a href="#">552.270-18</a>	<a href="#">570.603</a>	Default in Delivery—Time Extensions							R
C	<a href="#">552.270-19</a>	<a href="#">570.603</a>	Progressive Occupancy							R
C	<a href="#">552.270-20</a>	<a href="#">570.603</a>	Payment							R
C	<a href="#">552.270-21</a>	<a href="#">570.603</a>	Effect of Acceptance and Occupancy							R
C	<a href="#">552.270-22</a>	<a href="#">570.603</a>	Default by Lessor During the Term							R
C	<a href="#">552.270-23</a>	<a href="#">570.603</a>	Subordination, Nondisturbance and Attornment							R
C	<a href="#">552.270-24</a>	<a href="#">570.603</a>	Statement of Lease							R
C	<a href="#">552.270-25</a>	<a href="#">570.603</a>	Substitution of Tenant Agency							R
C	<a href="#">552.270-26</a>	<a href="#">570.603</a>	No Waiver							R
C	<a href="#">552.270-27</a>	<a href="#">570.603</a>	Integrated Agreement							R
C	<a href="#">552.270-28</a>	<a href="#">570.603</a>	Mutuality of Obligation							R
C	<a href="#">552.270-29</a>	<a href="#">570.603</a>	Acceptance of Space							R
P	52.203-2	<a href="#">570.601(e)</a>	Certificate of Independent Price Determination							WR
C	52.203-7	<a href="#">570.601(e)</a>	Anti-Kickback Procedures							WR
P	52.203-11	<a href="#">570.601(d)</a>	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions							WR
P	52.204-3	<a href="#">570.601(a)</a>	Taxpayer Identification							WR
P	52.209-5	<a href="#">570.601(e)</a>	Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters							WR
C	52.209-6	<a href="#">570.601(c)</a>	Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment							WR
C	52.215-2	<a href="#">570.601(e)</a>	Audit and Records—Negotiation							WR
P	52.215-5	<a href="#">570.601(j)</a>	Facsimile Proposals							WR
C	52.215-10	<a href="#">570.601(i)</a>	Price Reduction for Defective Cost or Pricing Data							WR
C	52.215-12	<a href="#">570.601(i)</a>	Subcontractor Cost or Pricing Data							WR
P	52.219-1	<a href="#">570.601(a)</a>	Small Business Program Representations							WR
C	52.219-8	<a href="#">570.601(e)</a>	Utilization of Small Business Concerns							WR
C	52.219-9	<a href="#">570.601(f)</a>	Small Business Subcontracting Plan,							WR
C	52.219-16	<a href="#">570.601(f)</a>	Liquidated Damages—Subcontracting Plan							WR
P	52.219-24	<a href="#">570.601(g)</a>	Small Disadvantaged Business Participation Program—Targets							WR
C	52.219-25	<a href="#">570.601(g)</a>	Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting							WR
C	52.219-26	<a href="#">570.601(k)</a>	Small Disadvantaged Business Participation Program—Incentive Subcontracting							WR
P	52.222-21	<a href="#">570.601(b)</a>	Prohibition of Segregated Facilities							WR
P	52.222-22	<a href="#">570.601(b)</a>	Previous Contracts and Compliance Reports							WR