

GSA ORDER

Subject: GSAR Amendment 2010-01, GSAR Case 2008-G504, Acquisition of Commercial Items (Change 43)

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM).
2. Background. The General Services Administration (GSA) has issued a final rule to amend the General Services Administration Acquisition Regulation (GSAR) as part of the GSAM Rewrite Project. There are a number of changes to the policies, forms, and clauses in GSAR Part 512, as well as general editing throughout the part.

GSA published GSAR Case 2008-G504, Change 43, final rule, in the Federal Register at 75 FR 5241, February 2, 2010.

3. Effective date. March 4, 2010.
4. Explanation of changes. To amend the GSAM by revising and updating references and titles and deleting redundant supplementary material. In accordance with FAR 1.302, FAR (Government-wide) forms and clauses were given preference over GSA-unique forms and clauses wherever possible.

The rule revises GSAR Part 512 to address the text at GSAR 512.301, Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items. GSAR clauses 552.212-70, Preparation of Offer (Multiple Award Schedule), and 552.212-73, Evaluation—Commercial Items (Multiple Award Schedule), are deleted from GSAR Part 512 and proposed to be moved to GSAR Part 538, Federal Supply Schedule Contracting, as these GSAR clauses are a better fit in GSAR Part 538. GSAR clauses 552.212-71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items and 552.212-72, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items, are retained with no changes.

5. Cancellations and Rescissions. GSAR clauses 552.212-70, Preparation of Offer (Multiple Award Schedule) and 552.212-73, Evaluation – Commercial Items (Multiple Award Schedule) are both proposed for deletion from GSAR Part 512 and proposed for relocation to GSAR Part 538, Federal Supply Schedule Contracting.

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

Remove Pages

512-1 and 512-2

Part 552 TOC
pp. 552-i and 552-ii
552-5 thru 552-10

Matrix
552-67 thru 552-72

Insert Pages

512-1 and 512-2

Part 552 TOC
pp. 552-i and 552-ii
552-5 thru 552-10

Matrix
552-67 thru 552-72



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Acting Senior Procurement Executive &
Acting Deputy Associate Administrator
Office of Acquisition Policy
U.S. General Services Administration

PART 512—ACQUISITION OF COMMERCIAL ITEMS

Subpart 512.2—Special Requirements for the Acquisition of Commercial Items**512.203 Procedures for solicitation, evaluation, and award.**

(a) *Federal Supply Schedule contracts.* For Federal Supply Schedule contracts, the contracting officer shall use the policies in FAR Part 12 and this [Part 512](#) in conjunction with the policies and procedures in FAR Part 38 and [Part 538](#). See [Subpart 515.70](#), Use of Bid Samples, if applicable.

(b) *Deregulated/Competitive Acquisitions for Natural Gas and Electricity.* For deregulated/competitive acquisitions, the contracting officer shall use policies and procedures in FAR Part 12 and this [Part 512](#) in conjunction with the policies and procedures in FAR 41.202 (a) and (b), the review requirements of FAR Part 41, and GSAM [Part 541](#), as applicable.

(c) *Construction as a commercial item.* The provisions and clauses in FAR Part 36 and GSAM [Part 536](#) address the fundamental aspects of construction contracting. FAR Part 36 and GSAM [Part 536](#) apply well-established commercial principles that are designed to result in an equitable distribution of risk between the Government and its contractors. The contracting officer should consider the following when contemplating a construction acquisition as a commercial item—

(1) FAR Part 12, as currently promulgated, should rarely be used for new construction acquisitions or non-routine alteration and repair services.

(2) FAR Part 12 and GSAM [Part 512](#) may be used in limited circumstances involving construction contracting, primarily for routine alteration and repair services as well as for the acquisition of commercial construction materials and associated ancillary services. It may be appropriate to use FAR Part 12 and GSAM [Part 512](#) for routine projects such as painting or carpeting, simple hanging of drywall, everyday electrical or plumbing work, and similar noncomplex services, as well as for purchases of commercial construction material and associated ancillary services.

(3) Whether a construction acquisition is conducted under FAR Part 36 or FAR Part 12, the contracting officer must adhere to the policies of FAR Subpart 22.4. This subpart addresses labor standards for contracts involving construction. Prior to making the determination that a construction acquisition can be conducted as a commercial item, the contracting officer should conduct appropriate market research in accordance with FAR Part 10 and GSAM [Part 510](#).

(4) Construction contracts in excess of \$2,000 must include an applicable Davis-Bacon wage determination found at <http://www.access.gpo.gov/davisbacon/>. If the construction contract is greater than \$30,000, then the SF 1442 should be used in lieu of the SF 1449 and the bonds or alternate pay-

ment protection provisions of FAR 28.102-1, 28.102-2 and 28.102-3 apply.

(5) Construction contracts awarded as commercial item acquisitions should not exceed the prospectus threshold. The prospectus threshold as referenced in section 102-73.35 of the Federal Management Regulation (FMR) is posted at <http://www.gsa.gov/annualprospectusthreshold>.

Subpart 512.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items**512.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**

(a) *Solicitation provisions and clauses.* Insert these provisions or clauses in solicitations or solicitations and contracts, respectively, in accordance with the instructions provided:

(1) [552.212-71](#), Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items, when listed clauses apply. The clause provides for incorporation by reference of terms and conditions which are, to the maximum extent practicable, consistent with customary commercial practice. If necessary, tailor this clause.

(2) [552.212-72](#), Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisitions of Commercial Items, when listed clauses apply. The clause provides for the incorporation by reference of terms and conditions required to implement provisions of law or executive orders that apply to commercial item acquisitions.

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

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

(1) Prescribed in the FAR or GSAR for use in contracts for commercial items.

(2) Consistent with customary commercial practice.

(d) In solicitations issued in conjunction with the policy and procedures in FAR Part 14, Sealed Bidding; or FAR Part 15, Contracting by Negotiation, include the two notices in paragraphs (d)(1) and (d)(2) of this section, except that acquisitions of leasehold interests in real property, must include only the notice in paragraph (d)(1) of this section.

(1) The information collection requirements contained in this solicitation/contract are either required by regulation or approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned OMB Control No. 3090-0163.

(2) The General Services Administration's hours of operation are 8 a.m. to 4:30 p.m. Requests for preaward debriefings postmarked or otherwise submitted after 4:30 p.m. will be considered submitted the following business day. Requests for postaward debriefings delivered after 4:30 p.m. will be considered received and filed the following business day.

512.302 Tailoring of provisions and clauses for the acquisition of commercial items.

FAR 12.302(c) severely limits tailoring of clauses or otherwise including additional terms or conditions in commercial item contracts in a manner that is inconsistent with customary commercial practice. Such tailoring requires a waiver approved as follows:

(a) *Individual contract.* The contracting officer's supervisor approves the request.

(b) *Class of contracts.* The contracting director approves the request.

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PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Sec.

552.000	Scope of part.	552.211-92	Radio Frequency Identification (RFID) Using Passive Tags.
Subpart 552.1—Instructions for Using Provisions and Clauses		552.211-93	Unique Item Identification (UID).
552.101-70	Using Part 552.	552.211-94	Time of Delivery.
552.102	Incorporating provisions and clauses.	552.212-4	Contract Terms and Conditions—Commercial Items.
552.103	Identification of provisions and clauses.	552.212-70	[Reserved]
552.104	Procedures for modifying and completing provisions and clauses.	552.212-71	Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items.
552.105	Procedures for using alternates.	552.212-72	Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items.
552.107-70	Provisions and clauses prescribed in Subpart 552.1.	552.212-73	[Reserved]
Subpart 552.2—Text of Provisions and Clauses		552.214-70	“All or None” Bids.
552.200	Scope of subpart.	552.214-71	Progressive Awards and Monthly Quantity Allocations.
552.203-5	[Reserved]	552.214-72	Bid Sample Requirements.
552.203-70	[Reserved]	552.215-70	Examination of Records by GSA.
552.203-71	Restriction on Advertising.	552.215-71	Examination of Records by GSA (Multiple Award Schedule).
552.211-8	[Reserved]	552.215-72	Price Adjustment—Failure to Provide Accurate Information.
552.211-70	[Reserved]	552.216-70	Economic Price Adjustment—FSS Multiple Award Schedule Contracts.
552.211-71	[Reserved]	552.216-71	Economic Price Adjustment—Stock and Special Order Program Contracts.
552.211-72	Reference to Specifications in Drawings.	552.216-72	Placement of Orders.
552.211-73	Marking.	552.216-73	Ordering Information.
552.211-74	[Reserved]	552.217-70	Evaluation of Options.
552.211-75	Preservation, Packaging and Packing.	552.217-71	Notice Regarding Option(s).
552.211-76	Charges for Packaging , Packing, and Marking.	552.219-70	Allocation of Orders—Partially Set-aside Items.
552.211-77	Packing List.	552.219-71	Notice to Offerors of Subcontracting Plan Requirements.
552.211-78	[Reserved]	552.219-72	Preparation, Submission, and Negotiation of Subcontracting Plans.
552.211-79	Acceptable Age of Supplies.	552.219-73	Goals for Subcontracting Plan.
552.211-80	Age on Delivery.	552.219-74	Section 8(a) Direct Award.
552.211-81	Time of Shipment.	552.219-75	GSA Mentor-Protégé Program.
552.211-82	[Reserved]	552.219-76	Mentor Requirements and Evaluation.
552.211-83	Availability for Inspection, Testing, and Shipment/Delivery.	552.223-70	Hazardous Substances.
552.211-84	[Reserved]	552.223-71	Nonconforming Hazardous Materials.
552.211-85	Consistent Pack and Package Requirements.	552.223-72	Hazardous Material Information.
552.211-86	Maximum Weight per Shipping Container.	552.227-70	Government Rights (Unlimited).
552.211-87	Export Packing.	552.227-71	Drawings and Other Data to Become Property of Government.
552.211-88	Vehicle Export Preparation.		
552.211-89	Non-Manufactured Wood Packaging Material for Export.		
552.211-90	Small Parts.		
552.211-91	Vehicle Decals, Stickers, and Data Plates.		

GENERAL SERVICES ADMINISTRATION ACQUISITION MANUAL

<p>552.228-5 Government as Additional Insured. 552.229-70 Federal, State, and Local Taxes. 552.229-71 Federal Excise Tax—DC Government. 552.232-1 Payments. 552.232-23 Assignment of Claims. 552.232-25 Prompt Payment. 552.232-70 [Reserved] 552.232-71 [Reserved] 552.232-72 Final Payment Under Building Services Contracts. 552.232-73 [Reserved] 552.232-74 [Reserved] 552.232-75 [Reserved] 552.232-76 [Reserved] 552.232-77 Payment By Government Charge Card. 552.236-70 Definitions. 552.236-71 Authorities and Limitations. 552.236-72 Specialist. 552.236-73 Basis of Award—Construction Contract. 552.236-74 Working hours. 552.236-75 Use of Premises. 552.236-76 Measurements. 552.236-77 Specifications and Drawings. 552.236-78 Shop Drawings, Coordination Drawings, and Schedules. 552.236-79 Samples. 552.236-80 Heat. 552.236-81 Use of Equipment by the Government. 552.236-82 Subcontracts. 552.236-83 Requirement for a Project Labor Agreement. 552.237-70 Qualifications of Offerors. 552.237-71 Qualifications of Employees. 552.237-72 Prohibition Regarding “Quasi-Military Armed Forces.” 552.237-73 Restriction on Disclosure of Information. 552.238-70 Identification of Electronic Office Equipment Providing Accessibility for the Handicapped. 552.238-71 Submission and Distribution of Authorized FSS Schedule Pricelists. 552.238-72 Identification of Products that have Environmental Attributes. 552.238-73 Cancellation. 552.238-74 Industrial Funding Fee and Sales Reporting. 552.238-75 Price Reductions. 552.238-76 Definition (Federal Supply Schedules)—Recovery Purchasing. 552.238-77 Definition (Federal Supply Schedules).</p>	<p>552.238-78 552.238-79 552.238-80 552.242-70 552.243-71 552.246-70 552.246-71 552.246-72 552.246-77 552.246-78 552.252-5 552.252-6 552.270-1 552.270-2 552.270-3 552.270-4 552.270-5 552.270-6 552.270-7 552.270-8 552.270-9 552.270-10 552.270-11 552.270-12 552.270-13 552.270-14 552.270-15 552.270-16 552.270-17 552.270-18 552.270-19 552.270-20 552.270-21 552.270-22 552.270-23 552.270-24 552.270-25 552.270-26 552.270-27 552.270-28</p>	<p>Scope of Contract (Eligible Ordering Activities). Use of Federal Supply Schedule Contracts by Certain Entities—Cooperative Purchasing. Use of Federal Supply Schedule Contracts by Certain Entities—Recovery Purchasing. Status Report of Orders and Shipments. Equitable Adjustments. Source Inspection by Quality Approved Manufacturer. Source Inspection by Government. Final Inspection and Tests. Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature. Inspection at Destination. Authorized Deviations in Provisions. Authorized Deviations in Clauses. Instructions to Offerors—Acquisition of Leasehold Interests in Real Property. Historic Preference. Parties to Execute Lease. Definitions. Subletting and Assignment. Maintenance of Building and Premises—Right of Entry. Fire and Casualty Damage. Compliance with Applicable Law. Inspection—Right of Entry. Failure in Performance. Successors Bound. Alterations. Proposals for Adjustment. Changes. Liquidated Damages. Adjustment for Vacant Premises. Delivery and Condition. Default in Delivery—Time Extensions. Progressive Occupancy. Payment. Effect of Acceptance and Occupancy. Default by Lessor During the Term. Subordination, Nondisturbance and Attornment. Statement of Lease. Substitution of Tenant Agency. No Waiver. Integrated Agreement. Mutuality of Obligation.</p>
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detailed specifications describing the packing to be furnished at the price quoted.

(b) Ordering activities will not be obligated to utilize the Contractor's services for export packing accepted under this solicitation, and they may obtain such services elsewhere if desired. However, the Contractor shall furnish items export packed when such packing is specified on the purchase order.

(End of clause)

552.211-88 Vehicle Export Preparation.

As prescribed in [511.204\(b\)\(8\)](#), insert the following clause:

VEHICLE EXPORT PREPARATION (JAN 2010)

Vehicles shall be prepared for export on wheels, unboxed, unless otherwise specified in the Schedule of Items. All parts and equipment easily removable (subject to pilferage) shall be enclosed in a box substantially secured to the vehicle (inside body if feasible) in such a manner as to minimize the possibility of loss or damage while in transit to ultimate destination.

(End of clause)

552.211-89 Non-Manufactured Wood Packaging Material for Export.

As prescribed in [511.204\(b\)\(4\)](#), insert the following clause:

NON-MANUFACTURED WOOD PACKAGING MATERIAL FOR EXPORT (JAN 2010)

(a) Definitions:

IPPC Country: Countries of the European Union (EU) or any other country endorsing the International Plant Protection Convention (IPPC) "Guidelines for Regulating Wood Packaging Material in International Trade," approved March 15, 2002. A listing of countries participating in the IPPC is found at http://www.aphis.usda.gov/import_export/plants/plant_exports/wpm/country/index.shtml.

Non-manufactured wood, is also called solid wood and defined as wood packing other than that comprised wholly of wood-based products such as plywood, particle board, oriented strand board, veneer, wood wool, and similar materials, which has been created using glue, heat and pressure or a combination thereof.

Packaged material, and solid wood packing material (SWPM), for purposes of this clause, is defined as each separate and distinct material that by itself or in combination with other materials forms the container providing a means of protecting and handling a product. This includes, but is not limited to, pallets, dunnage, crating, packing blocks, drums, load boards, pallet collars, and skids.

(b) Non-manufactured wood pallets and other non-manufactured wood packaging material used to pack items for delivery to or through IPPC countries must be marked and properly treated in accordance with IPPC guidelines.

(c) This requirement applies whether the shipment is direct to the end user or through a Government designated consolidation point. Packaging that does not conform to IPPC guidelines will be refused entry, destroyed or treated prior to entry.

(d) For Department of Defense distribution facilities or freight consolidation points, all non-manufactured wood pallets or packaging material with a probability of entering countries endorsing the IPPC Guidelines must be treated and marked in accordance with DLAD 47.305-1 (available at <http://www.dla.mil/j-3/j-3311/DLAD/rev5.htm>), and MIL-STD-2073-1, Standard Practice for Military Packaging (and any future revision).

(e) Pallets and packing material shipped to FAS distribution facilities designated for possible delivery to the countries endorsing the IPPC Guidelines will comply with DLAD 47.305-1, and MIL-STD-2073-1.

(f) Delays in delivery caused by non-complying pallets or wood package material will not be considered as beyond the control of the Contractor. Any applicable Government expense incurred as a result of the Contractor's failure to provide appropriate pallets or package material shall be reimbursed by the Contractor. Expenses may include the applicable cost for repackaging, handling and return shipping, or the destruction of solid wood packaging material.

(End of clause)

552.211-90 Small Parts.

As prescribed in [511.204\(b\)\(9\)](#), insert the following clause:

SMALL PARTS (JAN 2010)

All small parts required to be furnished with machines covered by contracts resulting from this solicitation shall be packed in envelopes, sealed, identified with part numbers and quantity on outside of envelopes. Larger parts must be individually tagged and identified with part number on face of tag.

(End of clause)

552.211-91 Vehicle Decals, Stickers, and Data Plates.

As prescribed in [511.204\(b\)\(10\)](#), insert the following clause:

VEHICLE DECALS, STICKERS, AND DATA PLATES (JAN 2010)

Unless otherwise specified, caution plates/decals shall be conspicuously installed for all equipment requiring such notices. Vehicles for civil agencies shall be provided with the

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manufacturer's current warranty legend imprinted on decal-comania, and applied in a visible area of the engine compartment. In addition, a decal or sticker shall provide at least the following information: contract number; purchase order number; date of delivery, month and year; and the warranty time, in month and miles.

(End of clause)

552.211-92 Radio Frequency Identification (RFID) Using Passive Tags.

As prescribed in [511.204\(b\)\(11\)](#), insert the following clause:

RADIO FREQUENCY IDENTIFICATION (RFID) USING PASSIVE TAGS (JAN 2010)

Radio Frequency Identification shall be required on all non-bulk shipments to the Defense Logistics Agency (DLA) or Department of Defense (DoD) destinations. Shipments shall be tagged in accordance with 48 CFR clause 252.211-7006. Shipments to GSA Distribution Centers with final destinations to DLA and DoD shall be in compliance to 48 CFR 252.211-7006. Copies may be obtained from <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.

(End of clause)

552.211-93 Unique Item Identification (UID).

As prescribed in [511.204\(b\)\(12\)](#), insert the following clause:

UNIQUE ITEM IDENTIFICATION (UID) (JAN 2010)

Unique Item Identification shall be required on tangible personal property in accordance with DFARS 211.274-4 as requested by the Defense Logistics Agency (DLA) or Department of Defense (DOD). Item Property that falls within this criterion shall be valued and identified in accordance with DFARS 252.211-7003. Details shall be found in DFARS 252.211-7007. Copies can be obtained from <http://www.access.gpo.gov> the 48 Code of Federal Regulations.

(End of clause)

552.211-94 Time of Delivery.

As prescribed at [511.404\(d\)](#), insert the following clause:

TIME OF DELIVERY (JAN 2010)

An "X" mark in the left hand block shall be considered a mandatory requirement to be fulfilled by the contractor.

	The Contractor will ship contract item(s) to the Federal Acquisition Service (FAS) stocking points identified in the delivery order at its discretion in order to maintain the required stock levels within the minimum and maximum requirements provided in the weekly status report.
	Delivery is required to be made at destination within * _____ * calendar days after receipt of order for deliveries to a GSA facility.
	Orders under this contract may require direct delivery to other agencies. Orders for direct delivery must be shipped and delivered within the time specified in blocks below.
	Shipment must be made with * _____ * days after receipt of order.
	In addition to block above the Contractor must also ensure that delivery will be made within * _____ * days after receipt of order.

(End of clause)

552.212-4 Contract Terms and Conditions—Commercial Items.

Alternate II (FAR Deviation) (Nov 2009). When a commercial item contract is contemplated and the contract will include the clause at FAR 52.212-4, insert this Alternate II instead of subparagraph (g)(2) of the FAR clause.

(g)(2) The due date for making invoice payments by the designated payment office is the later of the following two events:

(i) The 10th day after the designated billing office receives a proper invoice from the Contractor. If the designated billing office fails to annotate the invoice with the date of receipt at the time of receipt, the invoice payment due date shall be the 10th day after the date of the Contractor's invoice; provided the Contractor submitted a proper invoice and no disagreement exists over quantity, quality, or Contractor compliance with contract requirements.

(ii) The 10th day after Government acceptance of supplies delivered or services performed by the Contractor.

552.212-70 [Reserved]

552.212-71 Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items.

As prescribed in [512.301\(a\)\(2\)](#), insert the following clause:

CONTRACT TERMS AND CONDITIONS APPLICABLE TO GSA ACQUISITION OF COMMERCIAL ITEMS (JUL 2003)

The Contractor agrees to comply with any provision or clause that is incorporated herein by reference to implement agency policy applicable to acquisition of commercial items

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or components. The provision or clause in effect based on the applicable regulation cited on the date the solicitation is issued applies unless otherwise stated herein. The following provisions and clauses are incorporated by reference:

[The contracting officer should either check the provisions and clauses that apply or delete the provisions and clauses that do not apply from the list. The contracting officer may add the date of the provision or clause if desired for clarity.]

(a) Provisions.

- ___ [552.237-70](#) Qualifications of Offerors
- ___ [552.203-71](#) Restriction on Advertising
- ___ [552.211-73](#) Marking
- ___ [552.215-70](#) Examination of Records by GSA
- ___ [552.215-71](#) Examination of Records by GSA (Multiple Award Schedule)
- ___ [552.215-72](#) Price Adjustment—Failure to Provide Accurate Information
- ___ [552.219-70](#) Allocation of Orders—Partially Set-Aside Items
- ___ [552.228-70](#) Workers' Compensation Laws
- ___ [552.229-70](#) Federal, State, and Local Taxes
- ___ [552.232-8](#) Discounts for Prompt Payment
- ___ [552.232-23](#) Assignment of Claims
- ___ [552.232-71](#) Adjusting Payments
- ___ [552.232-72](#) Final Payment
- ___ [552.232-73](#) Availability of Funds
- ___ [552.232-78](#) Payment Information
- ___ [552.237-71](#) Qualifications of Employees
- ___ [552.238-71](#) Submission and Distribution of Authorized FSS Schedule Price List
- ___ [552.238-74](#) Industrial Funding Fee and Sales Reporting
- ___ [552.238-75](#) Price Reductions
- ___ [552.242-70](#) Status Report of Orders and Shipments
- ___ [552.243-72](#) Modifications (Multiple Award Schedule)
- ___ [552.246-73](#) Warranty—Multiple Award Schedule
- ___ [552.246-76](#) Warranty of Pesticides

(End of clause)

552.212-72 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items.

As prescribed in [512.301\(a\)\(3\)](#), insert the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO GSA ACQUISITION OF COMMERCIAL ITEMS (SEP 2003)

The Contractor agrees to comply with any provision or clause that is incorporated herein by reference to implement provisions of law or Executive Orders applicable to acquisition of commercial items or components. The provision or clause in effect based on the applicable regulation cited on the date the solicitation is issued applies unless otherwise stated herein. The following provisions and clauses are incorporated by reference:

[The contracting officer should either check the provisions and clauses that apply or delete the provisions and clauses that do not apply from the list. The contracting officer may add the date of the provision or clause if desired for clarity.]

(a) Provisions.

- ___ [552.223-72](#) Hazardous Material Information

(b) Clauses.

- ___ [552.223-70](#) Hazardous Substances
- ___ [552.223-71](#) Nonconforming Hazardous Material
- ___ [552.238-70](#) Identification of Electronic Office Equipment Providing Accessibility for the Handicapped
- ___ [552.238-72](#) Identification of Products that have Environmental Attributes

(End of clause)

552.212-73 [Reserved]

552.214-70 “All or None” Bids.

As prescribed in [514.201-6](#), insert the following provision:

“ALL OR NONE” BIDS (OCT 2009)

(a) The Government reserves the right to evaluate bids and make awards on an “all or none” basis as provided below.

(b) A bid submitted on an “all or none” or similar basis will be evaluated as follows: The lowest acceptable bid exclusive of the “all or none” bid will be selected with respect to each item (or group of items when the solicitation provides for aggregate awards) and the total cost of all items thus determined shall be compared with the total of the lowest accept-

able “all or none” bid. Award will be made to result in the lowest total cost to the Government.

(End of provision)

552.214-71 Progressive Awards and Monthly Quantity Allocations.

As prescribed in [514.201-7\(a\)](#), insert the following clause:

PROGRESSIVE AWARDS AND MONTHLY QUANTITY ALLOCATIONS (OCT 2009)

(a) *Monthly quantity allocation.* (1) Set forth below are the Government’s estimated annual and monthly requirements for each stock item covered by this solicitation. Bids shall indicate, in the spaces provided, the monthly quantity which the bidder is willing to furnish of any item or group of items involving the use of the same production facilities. In making monthly allocations, bidders are urged to group as many items as possible. Such groupings will make it possible for the Government to make fullest use of the production capabilities of each bidder.

(2) Bidders need not limit their monthly allocations to the Government’s estimated monthly requirements, since additional unanticipated needs may occur during the period of the contract. If a bid does not include monthly allocation quantities, it will be deemed to offer to furnish all of the Gov-

ernment’s requirements, even though they may exceed the stated estimated requirements.

National Stock Number	Estimated Annual Requirements	Estimated Annual Requirements

Bidders Monthly Quantity Allocations

Items or Groups of Items	Monthly Allocation Quantity

(b) *Progressive awards.* If the low responsive bid’s monthly quantity allocation is less than the Government’s estimated requirements, the Government may make progressive awards beginning with the low responsive bid and including each next low responsive bid to the extent necessary to meet the estimated requirements.

(c) *Ordering procedures.* If progressive awards are made, orders will be placed first with the Contractor offering the lowest price on each item normally up to that Contractor’s maximum quantity allocation and then, in the same manner, successively to other Contractors. When cumulative orders during any month, placed with a lower priced Contractor, equal or exceed 95 percent of its monthly quantity allocation, to avoid the placement of unduly small orders or the splitting of a subsequent order, the Government reserves the right to award the full quantity of the subsequent order to the next

P/C	Number	Reference.	Title	Sup	Serv	Const	A-E	SAT	Util	Leas
C	552.216-70	516.203-4(a)	Economic Price Adjustment—FSS Multiple Award Schedule Contracts	WR	WR					
C	552.216-71	516.203-4(b)	Economic Price Adjustment—Stock and Special Order Program Contracts	WR				WR		
C	552.216-72	516.506(a)	Placement of Orders	WR				WR		
P	552.216-73	516.506(e)	Ordering Information	WR	WR			WR		
P	552.217-70	517.208(a)	Evaluation of Options	WR				WR		
P	552.217-71	517.208(b)	Notice Regarding Option(s)	WR	WR	WR	WR	WR		
C	552.219-70	519.508	Allocation of Orders—Partially Set-aside Items	WR						
P	552.219-71	519.708-70(a)	Notice to Offerors of Subcontracting Plan Requirements	WR	WR	WR	WR			WR
P	552.219-72	519.708-70(b)	Preparation, Submission, and Negotiation of Subcontracting Plans	WR	WR	WR	WR			WR
P	552.219-73	519.708-70(c)	Goals for Subcontracting Plan	WR	WR	WR	WR			WR
C	552.219-74	519.870-8(a)	Section 8(a) Direct Award	WR	WR	WR	WR	WR		WR
C	552.219-75	519.7017(a)	GSA Mentor-Protégé Program	R	R	R	R		R	R
C	552.219-76	519.7017(b)	Mentor Requirements and Evaluation	WR	WR	WR	WR		WR	WR
C	552.223-70	523.303(a)	Hazardous Substances	WR				WR		
C	552.223-71	523.303(b)	Nonconforming Hazardous Materials	WR				WR		
P	552.223-72	523.370	Hazardous Material Information	WR				WR		
C	552.227-70	527.409(a)	Government Rights (Unlimited)				WR			
C	552.227-71	527.409(b)	Drawings and Other Data to Become Property of Government				WR			
C	552.228-5	528.310	Government as Additional Insured	WR	R	WR	WR			WR
C	552.229-70	529.401-70	Federal, State, and Local Taxes		WR	WR	WR	R		
C	552.229-71	529.401-71	Federal Excise Tax—DC Government	WR	WR			WR		
C	552.232-1	532.7103(a)	Payments		WR					
C	552.232-23	532.806	Assignment of Claims	WR	WR					
C	552.232-25	532.908(c)(2)	Prompt Payment	WR	WR			WR		
C	552.232-72	532.904(c)	Final Payment Under Building Services Contracts		WR					
C	552.232-77	532.7003	Payment By Government Charge Card	WR	WR			WR		
C	552.236-70	536.570-1	Definitions			WR	WR	WR		
C	552.236-71	536.570-2	Authorities and Limitations			WR	WR			
C	552.236-72	536.570-3	Specialist			WR		WR		
P	552.236-73	536.570-4	Basis of Award—Construction Contract			WR				
C	552.236-74	536.570-5	Working Hours			R				
C	552.236-75	536.570-6	Use of Premises			R		WR		
C	552.236-76	536.570-7	Measurements			R		WR		
C	552.236-77	536.570-8	Specifications and Drawings			R				
C	552.236-78	536.570-9	Shop Drawings, Coordination Drawings, and Schedules			R				
C	552.236-79	536.570-10	Samples			WR		WR		
C	552.236-80	536.570-11	Heat			R		WR		
C	552.236-81	536.570-12	Use of Equipment by the Government			WR		WR		
C	552.236-82	536.570-13	Subcontracts			R				
C	552.236-83	536.570-14	Requirement for a Project Labor Agreement			WR				
P	552.237-70	537.110(a)	Qualifications of Offerors		WR					

P/C	Number	Reference.	Title	Sup	Serv	Const	A-E	SAT	Util	Leas
C	552.237-71	537.110(a)	Qualifications of Employees		WR					
C	552.237-72	537.110(b)	Prohibition Regarding "Quasi-Military Armed Forces"		WR			WR		
C	552.237-73	537.270	Restriction on Disclosure of Information		WR			WR		
C	552.238-70	538.273(a)(1)	Identification of Electronic Office Equipment Providing Accessibility for the Handicapped	WR						
C	552.238-71	538.273(a)(2)	Submission and Distribution of Authorized FSS Schedule Pricelists	WR	WR					
C	552.238-72	538.273(a)(3)	Identification of Products That Have Environmental Attributes	WR	WR					
C	552.238-73	538.273(a)(4)	Cancellation	WR	WR					
C	552.238-74	538.273(b)(1)	Industrial Funding Fee and Sales Reporting	WR	WR					
C	552.238-75	538.273(b)(2)	Price Reductions	WR	WR					
C	552.238-76	538.7104(a)	Definition (Federal Supply Schedules)—Recovery Purchasing	WR	WR					
C	552.238-77	538.7004(a)	Definition (Federal Supply Schedules)	WR	WR					
C	552.238-78	538.7004	Scope of Contract (Eligible Ordering Activities)	WR	WR					
C	552.238-79	538.7004(c)	Use of Federal Supply Schedule Contracts by Certain Entities—Cooperative Purchasing	WR	WR					
C	552.238-80	538.7104(c)	Use of Federal Supply Schedule Contracts by Certain Entities—Recovery Purchasing	WR	WR					
C	552.242-70	542.1107	Status Report of Orders and Shipments	WR				WR		
C	552.243-71	543.205	Equitable Adjustments			WR				
C	552.246-70	546.302-70	Source Inspection by Quality Approved Manufacturer	WR				WR		
C	552.246-71	546.302-71	Source Inspection by Government	WR				WR		
C	552.246-72	546.312	Final Inspection and Tests			WR		O		
C	552.246-77	546.710	Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature	WR						
C	552.246-78	546.302-72	Inspection at Destination	WR						
P	552.252-5	552.107-70(a)	Authorized Deviations in Provisions	WR	WR	WR	WR	WR	WR	
C	552.252-6	552.107-70(b)	Authorized Deviations in Clauses	WR	WR	WR	WR	WR	WR	
P	552.270-1	570.602	Instructions to Offerors—Acquisition of Leasehold Interests in Real Property							R
P	552.270-2	570.602	Historic Preference							R
P	552.270-3	570.602	Parties to Execute Lease							R
C	552.270-4	570.603	Definitions							R*
C	552.270-5	570.603	Subletting and Assignment							R
C	552.270-6	570.603	Maintenance of Building and Premises— Right of Entry							R
C	552.270-7	570.603	Fire and Casualty Damage							R
C	552.270-8	570.603	Compliance with Applicable Law							R
C	552.270-9	570.603	Inspection—Right of Entry							R
C	552.270-10	570.603	Failure in Performance							R
C	552.270-11	570.603	Successors Bound							R
C	552.270-12	570.603	Alterations							R

P/C	Number	Reference.	Title	Sup	Serv	Const	A-E	SAT	Util	Leas
C	552.270-13	570.603	Proposals for Adjustment							R
C	552.270-14	570.603	Changes							R
C	552.270-15	570.603	Liquidated Damages							R
C	552.270-16	570.603	Adjustment for Vacant Premises							R
C	552.270-17	570.603	Delivery and Condition							R
C	552.270-18	570.603	Default in Delivery—Time Extensions							R
C	552.270-19	570.603	Progressive Occupancy							R
C	552.270-20	570.603	Payment							R
C	552.270-21	570.603	Effect of Acceptance and Occupancy							R
C	552.270-22	570.603	Default by Lessor During the Term							R
C	552.270-23	570.603	Subordination, Nondisturbance and Attornment							R
C	552.270-24	570.603	Statement of Lease							R
C	552.270-25	570.603	Substitution of Tenant Agency							R
C	552.270-26	570.603	No Waiver							R
C	552.270-27	570.603	Integrated Agreement							R
C	552.270-28	570.603	Mutuality of Obligation							R
C	552.270-29	570.603	Acceptance of Space							R
P	52.203-2	570.601(e)	Certificate of Independent Price Determination							WR
C	52.203-7	570.601(e)	Anti-Kickback Procedures							WR
P	52.203-11	570.601(d)	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions							WR
P	52.204-3	570.601(a)	Taxpayer Identification							WR
P	52.209-5	570.601(e)	Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters							WR
C	52.209-6	570.601(c)	Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment							WR
C	52.215-2	570.601(e)	Audit and Records—Negotiation							WR
P	52.215-5	570.601(j)	Facsimile Proposals							WR
C	52.215-10	570.601(i)	Price Reduction for Defective Cost or Pricing Data							WR
C	52.215-12	570.601(i)	Subcontractor Cost or Pricing Data							WR
P	52.219-1	570.601(a)	Small Business Program Representations							WR
C	52.219-8	570.601(e)	Utilization of Small Business Concerns							WR
C	52.219-9	570.601(f)	Small Business Subcontracting Plan,							WR
C	52.219-16	570.601(f)	Liquidated Damages—Subcontracting Plan							WR
P	52.219-24	570.601(g)	Small Disadvantaged Business Participation Program—Targets							WR
C	52.219-25	570.601(g)	Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting							WR
C	52.219-26	570.601(k)	Small Disadvantaged Business Participation Program—Incentive Subcontracting							WR
P	52.222-21	570.601(b)	Prohibition of Segregated Facilities							WR
P	52.222-22	570.601(b)	Previous Contracts and Compliance Reports							WR
P	52.222-24	570.601(h)	Preaward On-site Equal Opportunity Compliance Review							WR
P	52.222-25	570.601(b)	Affirmative Action Compliance							WR
C	52.222-26	570.601(b)	Equal Opportunity							WR
C	52.222-35	570.601(b)	Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era							WR
C	52.222-36	570.601(a)	Affirmative Action for Workers with Disabilities							WR

P/C	Number	Reference.	Title	Sup	Serv	Const	A-E	SAT	Util	Leas
C	52.222-37	570.601(b)	Employment Reports on Disabled Veterans and Veterans of the Vietnam Era							WR
C	52.223-6	570.601(e)	Drug-Free Workplace							WR
C	52.232-23	570.601(a)	Assignment of Claims							WR
C	52.233-1	570.601(a)	Disputes							WR
P	52.233-2	570.601(e)	Service of Protest							WR

* Clauses prescribed in GSAR [570.603](#) are optional for acquisitions that do not exceed the simplified lease acquisition threshold.

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