

Federal Acquisition Regulation

12.101

Subpart 12.1—Acquisition of Commercial Items—General

- 12.101 Policy.
- 12.102 Applicability.
- 12.103 Commercially available off-the-shelf (COTS) items.

Subpart 12.2—Special Requirements for the Acquisition of Commercial Items

- 12.201 General.
- 12.202 Market research and description of agency need.
- 12.203 Procedures for solicitation, evaluation, and award.
- 12.204 Solicitation/contract form.
- 12.205 Offers.
- 12.206 Use of past performance.
- 12.207 Contract type.
- 12.208 Contract quality assurance.
- 12.209 Determination of price reasonableness.
- 12.210 Contract financing.
- 12.211 Technical data.
- 12.212 Computer software.
- 12.213 Other commercial practices.
- 12.214 Cost Accounting Standards.
- 12.215 Notification of overpayment.
- 12.216 Unenforceability of unauthorized obligations.

Subpart 12.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

- 12.300 Scope of subpart.
- 12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.
- 12.302 Tailoring of provisions and clauses for the acquisition of commercial items.
- 12.303 Contract format.

Subpart 12.4—Unique Requirements Regarding Terms and Conditions for Commercial Items

- 12.401 General.
- 12.402 Acceptance.
- 12.403 Termination.
- 12.404 Warranties.

Subpart 12.5—Applicability of Certain Laws to the Acquisition of Commercial Items and Commercially Available Off-The-Shelf Items

- 12.500 Scope of subpart.
- 12.501 Applicability.
- 12.502 Procedures.
- 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.
- 12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

- 12.505 Applicability of certain laws to contracts for the acquisition of COTS items.

Subpart 12.6—Streamlined Procedures for Evaluation and Solicitation for Commercial Items

- 12.601 General.
- 12.602 Streamlined evaluation of offers.
- 12.603 Streamlined solicitation for commercial items.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

SOURCE: 60 FR 48241, Sept. 18, 1995, unless otherwise noted.

12.000 Scope of part.

This part prescribes policies and procedures unique to the acquisition of commercial items. It implements the Federal Government's preference for the acquisition of commercial items contained in 41 U.S.C. 1906, 1907, and 3307 and 10 U.S.C. 2375-2377 by establishing acquisition policies more closely resembling those of the commercial marketplace and encouraging the acquisition of commercial items and components.

[60 FR 48241, Sept. 18, 1995, as amended at 79 FR 24199, Apr. 29, 2014]

12.001 Definition.

Subcontract, as used in this part, includes, but is not limited to, a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

Subpart 12.1—Acquisition of Commercial Items—General

12.101 Policy.

Agencies shall—

(a) Conduct market research to determine whether commercial items or nondevelopmental items are available that could meet the agency's requirements;

(b) Acquire commercial items or nondevelopmental items when they are available to meet the needs of the agency; and

(c) Require prime contractors and subcontractors at all tiers to incorporate, to the maximum extent practicable, commercial items or nondevelopmental items as components of items supplied to the agency.