

Federal Government, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

(3) an item of supply described in paragraph (1) or (2) that requires only minor modification or modification of the type customarily available in the commercial marketplace to meet the requirements of the procuring department or agency; or

(4) an item of supply currently being produced that does not meet the requirements of paragraph (1), (2), or (3) solely because the item is not yet in use.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3680; Pub. L. 115-232, div. A, title VIII, §836(a)(2)(C), Aug. 13, 2018, 132 Stat. 1860.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
110	41:259(c)(12).	June 30, 1949, ch. 288, title III, §309(c)(12), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:264a (“non-developmental item”).	June 30, 1949, ch. 288, title III, §314A (“nondevelopmental item”), as added Pub. L. 103-355, title VIII, §8202, Oct. 13, 1994, 108 Stat. 3394.
	41:403(13).	Pub. L. 93-400, §4(13), as added Pub. L. 103-355, title VIII, §8001(a), Oct. 13, 1994, 108 Stat. 3385.

AMENDMENTS

2018—Par. (1). Pub. L. 115-232 substituted “commercial product” for “commercial item”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

§ 111. Procurement

In this subtitle, the term “procurement” includes all stages of the process of acquiring property or services, beginning with the process for determining a need for property or services and ending with contract completion and close-out.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
111	41:259(c)(1).	June 30, 1949, ch. 288, title III, §309(c)(1), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3298.
	41:403(2).	Pub. L. 93-400, §4(2), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, §3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, §4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

§ 112. Procurement system

In this subtitle, the term “procurement system” means the integration of the procurement process, the professional development of procurement personnel, and the management structure for carrying out the procurement function.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
112	41:259(c)(2).	June 30, 1949, ch. 288, title III, §309(c)(2), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:403(3).	Pub. L. 93-400, §4(3), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, §3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, §4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

§ 113. Responsible source

In this subtitle, the term “responsible source” means a prospective contractor that—

(1) has adequate financial resources to perform the contract or the ability to obtain those resources;

(2) is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and Government business commitments;

(3) has a satisfactory performance record;

(4) has a satisfactory record of integrity and business ethics;

(5) has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain the organization, experience, controls, and skills;

(6) has the necessary production, construction, and technical equipment and facilities, or the ability to obtain the equipment and facilities; and

(7) is otherwise qualified and eligible to receive an award under applicable laws and regulations.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
113	41:259(c)(5).	June 30, 1949, ch. 288, title III, §309(c)(5), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:403(7).	Pub. L. 93-400, §4(7), formerly §4(8), as added Pub. L. 98-369, title VII, §2731(3), July 18, 1984, 98 Stat. 1195; Pub. L. 98-577, title I, §102(2), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(7), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

§ 114. Standards

In this subtitle, the term “standards” means the criteria for determining the effectiveness of the procurement system by measuring the performance of the various elements of the system.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
114	41:259(c)(3). 41:403(4).	June 30, 1949, ch. 288, title III, §309(c)(3), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, §4(4), formerly §4(5), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, §3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, §4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 98-369, title VII, §2731(2), July 18, 1984, 98 Stat. 1195; redesignated as §4(4), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1), (2), (4), Oct. 13, 1994, 108 Stat. 3386.

§ 115. Supplies

In this subtitle, the term “supplies” has the same meaning as the terms “item” and “item of supply”.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
115	41:259(c)(10). 41:403(10) (“supplies”).	June 30, 1949, ch. 288, title III, §309(c)(10) (“supplies”), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, §4(10) (“supplies”), formerly §4(11), as added Pub. L. 98-577, title I, §102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(10), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1), (2), (4), Oct. 13, 1994, 108 Stat. 3386.

§ 116. Technical data

In this subtitle, the term “technical data”—

(1) means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer software documentation) relating to supplies procured by an agency; but

(2) does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
116	41:259(c)(6). 41:403(8).	June 30, 1949, ch. 288, title III, §309(c)(6), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, §4(8), formerly §4(9), as added Pub. L. 98-577, title I, §102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(8), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

SUBCHAPTER II—DIVISION B DEFINITIONS

§ 131. Acquisition

In division B, the term “acquisition”—

(1) means the process of acquiring, with appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of an executive agency, from the point at which the requirements of the executive agency are established in consultation with the chief acquisition officer of the executive agency; and

(2) includes—

(A) the process of acquiring property or services that are already in existence, or that must be created, developed, demonstrated, and evaluated;

(B) the description of requirements to satisfy agency needs;

(C) solicitation and selection of sources;

(D) award of contracts;

(E) contract performance;

(F) contract financing;

(G) management and measurement of contract performance through final delivery and payment; and

(H) technical and management functions directly related to the process of fulfilling agency requirements by contract.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
131	41:403(16).	Pub. L. 93-400, §4(16), as added Pub. L. 108-136, title XIV, §1411, Nov. 24, 2003, 117 Stat. 1663.

§ 132. Competitive procedures

In division B, the term “competitive procedures” means procedures under which an agency enters into a contract pursuant to full and open competition.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)