12.000

12.103 Commercially available off-the-shelf (COTS) items.

Subpart 12.2—Special Requirements for the Acquisition of Commercial Products and Commercial Services

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 Products and Commercial Services

12.300 Scope of subpart.

12.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.

12.302 Tailoring of provisions and clauses for the acquisition of commercial products and commercial services.

12.303 Contract format.

Subpart 12.4—Unique Requirements Regarding Terms and Conditions for Commercial Products and Commercial Services

12.401 General.

12.402 Acceptance.

12.403 Termination.

12.404 Warranties.

Subpart 12.5—Applicability of Certain Laws to the Acquisition of Commercial Products, Commercial Services 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 products and commercial services.

12.504 Applicability of certain laws to subcontracts for the acquisition of commercial products and commercial services. 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 Products and Commercial Services

12.601 General.

12.602 Streamlined evaluation of offers.

12.603 Streamlined solicitation for commercial products or commercial services.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); 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 products, including commercial components, and commercial services. It implements the Federal Government's preference for the acquisition of commercial products contained in 41 U.S.C. 1906, 1907, and 3307 and 10 U.S.C. 3451–3453 by establishing acquisition policies more closely resembling those of the commercial marketplace and encouraging the acquisition of commercial products and commercial services.

[60 FR 48241, Sept. 18, 1995, as amended at 79 FR 24199, Apr. 29, 2014; 86 FR 61021, Nov. 4, 2021; 87 FR 73897, Dec. 1, 2022]

12.001 Definition.

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

[60 FR 48241, Sept. 18, 1995, as amended at 86 FR 61021, Nov. 4, 2021]

Subpart 12.1—Acquisition of Commercial Products and Commercial Services

12.101 Policy.

The head of the agency shall—

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