

12.402 Acceptance.

(a) The acceptance paragraph in [52.212-4](#) is based upon the assumption that the Government will rely on the contractor's assurances that the *commercial product* or *commercial service* tendered for acceptance conforms to the contract requirements. The Government *inspection* of *commercial products* or *commercial services* will not prejudice its other rights under the acceptance paragraph. Additionally, although the paragraph does not address the issue of rejection, the Government always has the right to refuse acceptance of nonconforming items. This paragraph is generally appropriate when the Government is acquiring noncomplex *commercial products* and *commercial services*.

(b) Other acceptance procedures *may* be more appropriate for the *acquisition* of complex *commercial products* or *commercial services*, or *commercial products* or *commercial services* used in critical applications. In such cases, the *contracting officer shall* include alternative *inspection* procedure(s) in an addendum and ensure these procedures and the postaward remedies adequately protect the interests of the Government. The *contracting officer must* carefully examine the terms and conditions of any express *warranty* with regard to the effect it *may* have on the Government's available postaward remedies (see [12.404](#)).

(c) The *acquisition* of *commercial products* or *commercial services* under other circumstances such as on an "as is" basis *may* also require acceptance procedures different from those contained in [52.212-4](#). The *contracting officer should* consider the effect the specific circumstances will have on the acceptance paragraph as well as other paragraphs of the clause.

Parent topic: [Subpart 12.4 - Unique Requirements Regarding Terms and Conditions for Commercial Products and Commercial Services](#)