

# 52.246-16 Responsibility for Supplies.

As prescribed in [46.316](#) , insert the following clause:

Responsibility for *Supplies* (Apr 1984)

(a) Title to *supplies* furnished under this contract *shall* pass to the Government upon formal acceptance, regardless of when or where the Government takes physical possession, unless the contract specifically provides for earlier passage of title.

(b) Unless the contract specifically provides otherwise, risk of loss of or damage to *supplies shall* remain with the Contractor until, and *shall* pass to the Government upon-

(1) Delivery of the *supplies* to a carrier, if transportation is f.o.b. origin; or

(2) Acceptance by the Government or delivery of the *supplies* to the Government at the destination specified in the contract, whichever is later, if transportation is f.o.b. destination.

(c) Paragraph (b) of this clause *shall* not apply to *supplies* that so fail to conform to contract requirements as to give a right of rejection. The risk of loss of or damage to such nonconforming *supplies* remains with the Contractor until cure or acceptance. After cure or acceptance, paragraph (b) of this clause *shall* apply.

(d) Under paragraph (b) of this clause, the Contractor *shall* not be liable for loss of or damage to *supplies* caused by the negligence of officers, agents, or employees of the Government acting within the scope of their employment.

(End of clause)

**Parent topic:** [52.246](#) [Reserved]