

## **12.301 Solicitation provisions and contract clauses for acquisition(s) of commercial products and commercial services .**

(e) *Discretionary use of FAR provisions and clauses.* Pursuant to FAR 12.301 and 12.302, contracting officers must use their authority to tailor the standard FAR Part 12 terms and conditions as necessary to meet the Government's needs. (See [12.208 Contract quality assurance](#), concerning how to tailor FAR 52.212-4(a), Inspection/ Acceptance.) Subject to the procedures in FAR and DLAD 12.302, the contracting officer may include other DLAD provisions, clauses and procurement notes; and if necessary, make accompanying changes to the provision FAR 52.212-1 and clause FAR 52.212-4.

(f) The DLA SPE has approved supplementation of the provisions and clauses in FAR Part 12 to require use of the following provisions, clauses, and procurement notes, when applicable:

(S-90) Reserved.

(S-91) Procurement notes C01, Superseded Part Numbered Items, as prescribed in [11.391 Part numbered items](#).(a); L04, Offers for Part Numbered Items, as prescribed in [11.391 Part numbered items](#).(b); and M06, Evaluation of Offers of Alternate Product for Part Numbered Items, as prescribed in [11.391 Part numbered items](#).(b).

(S-92) Provisions and clauses below, as prescribed in FAR 16.203-4(a), 16.506(a)-(f), and 17.208(c):

(i) FAR 52.216-2, Economic Price Adjustment – Standard Supplies;

(ii) FAR 52.216-18, Ordering;

(iii) FAR 52.216-19, Order Limitations;

(iv) FAR 52.216-20, Definite Quantity;

(v) FAR 52.216-21, Requirements;

(vi) FAR 52.216-22, Indefinite Quantity;

(vii) FAR 52.216-27, Single or Multiple Awards; and

(viii) FAR 52.217-5, Evaluation of Options.

(S-93) Provision FAR 52.215-20, Requirements for Certified Cost or Pricing Data and Data Other Than Cost or Pricing Data, as prescribed in FAR 15.408(l); and clause 52.215-21, Requirements for Certified Cost or Pricing Data and Data Other Than Cost or Pricing Data – Modifications, as prescribed in FAR 15.408(m).

(S-94) Procurement note C02, Manufacturing Phase Out or Discontinuation of Production, Diminishing Sources, and Obsolete Materials or Components, as prescribed in [11.9001 Notification](#)

of product phase-out.(a).

(S-95) Procurement note C03, Contractor Retention of Supply Chain Traceability Documentation, as prescribed in 4.703 Policy.(a).

(S-96) Provision DFARS 252.209-7002, Disclosure of Ownership or Control by a Foreign Government, as prescribed in DFARS 209.104-70.

(S-97) Procurement note H04, Sourcing for Critical Safety Items as prescribed in 9.270-3 Policy.(a).

(S-98) Procurement note E05, Product Verification Testing, as prescribed in 46.292.

(S-99) Procurement note E06, Inspection and Acceptance at Source, as prescribed in 46.402.

(S-100) Clause FAR 52.211-5, Material Requirements, as prescribed in FAR 11.304; procurement note C04, Unused Former Government Surplus Property, as prescribed in 11.390 Unused former Government surplus property.(a); and procurement note M05, Evaluation Factor for Unused Former Government Surplus Property, as prescribed in 11.390 Unused former Government surplus property.(b)(1).

(S-101) Procurement notes H01, Qualified Products List (QPL) for Federal Supply Class (FSC) 5935 Connector Assemblies and Contacts, as prescribed in 9.202 Policy.(a)(2)(i); H02, Component Qualified Products List (QPL)/Qualified Manufacturers List (QML), as prescribed in 9.202 Policy.(a)(2)(v); M01, Qualified Suppliers for Federal Supply Class (FSC) 5961 Semiconductors and Hardware Devices and FSC 5962 Electronic Microcircuits, as prescribed in 9.202 Policy.(a)(2)(ii); and M03, Qualified Suppliers List for Manufacturers (QSLM)/Qualified Suppliers List for Distributors (QSLD) for Troop Support, as prescribed in 9.202 Policy.(a)(2)(iv).

(S-102) Procurement notes L01, Electronic Award Transmission; and L02, Electronic Order Transmission, as prescribed in 4.502 Policy.(b).

(S-103) Procurement note C05, Changes to Key Personnel, as prescribed in 37.103 Contracting officer responsibility.(S-90).

(S-104) Reserved.

(S-105) Clause FAR 52.232-17, Interest, as prescribed in FAR 32.611.

(S-106) Clause FAR 52.242-13, Bankruptcy, as prescribed in FAR 42.903.

(S-107) Clause FAR 52.242-15, Stop Work Order, as prescribed in FAR 42.1305(b)(1).

(S-108) Provision 52.233-9001, Disputes – Agreement to Use Alternative Dispute Resolution (ADR), as prescribed in 33.214 Alternative dispute resolution (ADR).; and procurement note L06, Agency Protests, as prescribed in 33.103 Protests to the agency.(d)(4).

(S-109) Procurement note L07, Site Visit Instructions, as prescribed in 37.110 Solicitation provisions and contract clauses.(a).

(S-110) Procurement notes E01, Supplemental First Article Exhibit Disposition – Contractor Maintained, and E02, Supplemental First Article Exhibit Disposition – Government Maintained, as prescribed in 9.306 Solicitation requirements.(h); procurement note E08, First Article Testing Requirements H03, Supplemental First Article Testing Requirements, as prescribed in 9.306

Solicitation requirements.(S-90); and procurement note M04, Evaluation Factor for Government Testing of First Articles, as prescribed in 9.306 Solicitation requirements.(i).

(S-111) Procurement note L08, Use of Supplier Performance Risk System (SPRS) in Past Performance Evaluations, as prescribed in 15.303 Responsibilities.(c)(3)(i).

(S-112) Procurement notes L09, Reverse Auction, as prescribed in 15.407-90 Reverse Auction.(c); and L10, Competing Individual Delivery Orders Through Reverse Auctions, as prescribed in 15.407-90 Reverse Auction.(d).

(S-113) Clauses FAR 52.246-11, Higher-Level Contract Quality Requirement, as prescribed in 46.311; and 52.246-2, Inspection of Supplies - Fixed Price, as prescribed in 46.302.

(S-114) Procurement notes E03, Production Lot Testing - Contractor, as prescribed in 46.291(a); and E04, Production Lot Testing - Government, as prescribed in 46.291(b).

**Parent topic:** SUBPART 12.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES