

Subpart 512.3 - Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services

Parent topic: [Part 512 - Acquisition of Commercial Products and Commercial Services](#)

512.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services (FAR DEVIATION).

(a) *Contract clauses.* Insert the following clauses in solicitations and contracts for the acquisition of commercial products and commercial services:

(1) The clause at [552.212-71](#), Contract Terms and Conditions Applicable to GSA Acquisitions of Commercial Products and commercial services. This clause incorporates by reference only those clauses required to implement GSA requirements applicable to the acquisition of commercial products and commercial services. This clause may be tailored in accordance with FAR [12.302](#) and GSAM [512.302](#).

(2) The clause at [552.212-72](#), Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisitions of Commercial Products and commercial services, when any listed clauses therein apply. This clause incorporates by reference only those clauses required to implement provisions of law or Executive orders that apply to commercial products and commercial services acquisitions.

(b) *FAR deviation.* GSA has a deviation from FAR [52.212-4](#) that allows use of the clause at [552.212-4](#) in lieu of the FAR clause at [52.212-4](#). Insert the clause at [552.212-4](#), Contract Terms and Conditions- Commercial Products and commercial services, in lieu of the FAR clause at [52.212-4](#). This clause may be tailored in accordance with FAR [12.302](#) and GSAM [512.302](#).

(c) *Discretionary use of GSAR provisions and clauses.* Consistent with the limitations contained in FAR [12.302](#) and [512.302](#), the contracting officer may include in solicitations and contracts by addendum other GSAR provisions and clauses.

(d) *Use of additional provisions and clauses .* The Senior Procurement Executive shall approve the use of a provision or clause that is either not:

(1) Prescribed in the FAR or GSAR for use in acquisitions for commercial products and commercial services.

(2) Consistent with customary commercial practice.

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

(a) FAR 12.302(c) severely limits tailoring of clauses or otherwise including additional terms or conditions in commercial products and commercial services solicitations or contracts in a manner that is inconsistent with customary commercial practice. Such tailoring requires a waiver approved as follows:

(1) *Individual contract*. The contracting officer's supervisor approves the request.

(2) *Class of contracts*. The contracting director approves the request.

(b) Paragraph (w) of [552.212-4](#), Contract Terms and Conditions - Commercial Products and Commercial Services (FAR DEVIATION), implements statutory requirements, clarifies the application of statutory requirements to common terms and conditions in commercial supplier agreements, sets forth a list of such terms and conditions that do not meet the Government's needs, and shall not be tailored.