

12.102 Applicability.

(a) This part shall be used for the acquisition of supplies or services that meet the definitions of “commercial product” or “commercial service” at [2.101](#).

(b) Contracting officers shall use the policies in this part in conjunction with the policies and procedures for solicitation, evaluation and award prescribed in [part 13](#), Simplified Acquisition Procedures; [part 14](#), Sealed Bidding; or [part 15](#), Contracting by Negotiation, as appropriate for the particular acquisition.

(c) Contracts for the acquisition of commercial products or commercial services are subject to the policies in other parts of the FAR. When a policy in another part of the FAR is inconsistent with a policy in this part, this [part 12](#) shall take precedence for the acquisition of commercial products or commercial services.

(d) The definition of commercial product uses the phrase “purposes other than governmental purposes”. These purposes are those that are not unique to a government.

(e) This part shall not apply to the acquisition of commercial products or commercial services—

(1) At or below the micro-purchase threshold;

(2) Using the [Standard Form 44](#) (see [13.306](#));

(3) Using the imprest fund (see [13.305](#));

(4) Using the Governmentwide commercial purchase card as a method of purchase rather than only as a method of payment; or

(5) Directly from another Federal agency.

(f)

(1) Contracting officers may treat any acquisition of supplies or services that, as determined by the head of the agency, are to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack, as an acquisition of commercial products or commercial services.

(2) A contract in an amount greater than \$20 million that is awarded on a sole source basis for a product or service treated as a commercial product or commercial service under paragraph (f)(1) of this section but does not meet the definition of a commercial product or commercial service as defined at FAR [2.101](#) shall not be exempt from—

(i) Cost accounting standards (see [subpart 30.2](#)); or

(ii) Certified cost or pricing data requirements (see [15.403](#)).

Parent topic: [Subpart 12.1 - Acquisition of Commercial Products and Commercial Services](#)