

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

(a) The following laws are not applicable to Executive agency contracts for the acquisition of commercial items:

(1) [10 U.S.C. 983](#), Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see [9.110](#)).

(2) [31 U.S.C. 1354\(a\)](#), Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see [22.1302](#)).

(3) [41 U.S.C. 1708\(e\)\(3\)](#), Minimum Response Time for Offers (see [5.203](#)).

(4) [41 U.S.C. 2303\(b\)](#), Policy on Personal Conflicts of Interest by Contractor Employees (see [subpart 3.11](#)).

(5) [41 U.S.C. 3901\(b\)](#) and [10 U.S.C. 2306\(b\)](#), Contingent Fees (see [3.404](#)).

(6) [41 U.S.C. 4706\(d\)\(1\)](#) and [10 U.S.C. 2313\(c\)\(1\)](#), GAO Access to Contractor Employees, section 871 of Public Law 110-417 (see [52.214-26](#) and [52.212-2](#)).

(7) 41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$10,000 (see subpart 22.6).

(8) 41 U.S.C. chapter 81, Drug-Free Workplace (see [23.501](#)).

(9) Section 806(a)(3) of Public Law 102-190, as amended by sections 2091 and 8105 of Public Law 103-355 ([10 U.S.C. 2302 note](#)), Payment Protections for Subcontractors and Suppliers (see [28.106-6](#)).

(b) Certain requirements of the following laws are not applicable to executive agency contracts for the acquisition of commercial items:

(1) [22 U.S.C. 2593e](#), Requirement for a certification under Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the United States (see [9.109](#)).

(2) [40 U.S.C. chapter 37](#), Requirement for a certificate and clause under the Contract Work Hours and Safety Standards statute (see [22.305](#)).

(3) [41 U.S.C. 8703](#) and [8703](#), Requirement for a clause and certain other requirements related to kickbacks (see [3.502](#)).

(4) [49 U.S.C. 40118](#), Requirement for a clause under the Fly American provisions (see [47.405](#)).

(c) The applicability of the following laws have been modified in regards to Executive agency contracts for the acquisition of commercial items:

(1) [41 U.S.C. 4704](#) and [10 U.S.C. 2402](#), Prohibition on Limiting Subcontractor Direct Sales to the United States (see [3.503](#)).

(2) [41 U.S.C.chapter 35](#), Truthful Cost or Pricing Data, and [10 U.S.C.2306a](#), Truth in Negotiations Act (see [15.403](#)).

(3) [41 U.S.C.chapter 15](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).

Parent topic: [Subpart 12.5 - Applicability of Certain Laws to the Acquisition of Commercial Items and Commercially Available Off-The-Shelf Items](#)