

General Services Administration  
Washington, DC 20405

ADM 2800.12B, Change 140  
November 5, 2021

## **GSA ORDER**

Subject: General Services Administration Acquisition Manual; GSAR Case 2017-G506, Clause and Provision Designation Corrections

1. Purpose. This Order transmits a revision to the General Services Administration Acquisition Regulation (GSAR) to make corrections to a number of GSAR clauses and provisions prescription requirements.
2. Background. As part of GSA's regulatory reform efforts, GSA has been performing a comprehensive review of the requirements in the GSAR. As a result of this review, GSA identified numerous instances of GSAR clause and provision prescription errors (e.g., numbering, title, and lack of conformance to the GSAR prescription requirement itself) as well as other technical edits needed to support these necessary corrections. To support standardization of clause and provision prescription, GSAR subpart 552.1 has been revised as well.
3. Effective date. November 5, 2021.
4. Explanation of changes. This amendment includes both regulatory and non-regulatory changes to the GSAM. For full text changes of the regulatory amendments see Attachment A, GSAR Text Line-In/Line-Out. For full text changes of the non-regulatory amendments see Attachment AA, GSAR Text Line-In/Line-Out.
  - a. This amendment revises the below sections in order to correct GSAR clause and provision prescription related issues (e.g., numbering, title, and conformance to the prescription standard).
    - 503.1004 Contract clauses
    - 511.204 Solicitation provisions and contract clauses
    - 511.404 Contract clauses
    - 511.504 Contract clauses (revised and renumbered as 511.503)
    - 512.301 Solicitation provisions and contract clauses for the acquisition of commercial items
    - 513.202 Unenforceability of unauthorized obligations in micro-purchases

- 513.302-5 Clauses
- 514.201-6 Solicitation provisions
- 514.202-4(a)(3) Bid samples
- 515.209-70 Examination of records by GSA clause
- 517.109 Contract clauses
- 517.203 [Reserved]
- 517.208 Solicitation provisions and contract clauses.
- 519.508 Solicitation provisions and contract clauses<sup>1</sup>
- 519.708-70 Solicitation provisions<sup>2</sup>
- 519.870-8 Contract clauses (revised and renumbered as 519.870-2)
- 522.103-5 Contract clauses
- 523.303 Contract clauses
- 523.370 Solicitation provision
- 527.409 Solicitation provisions and contract clauses
- 528.310 Contract clause for work on a Government installation
- 529.401 Domestic contracts (revised and renumbered as 529.470)
- 532.111 Contract clauses for non-commercial purchases
- 532.706-3 Clause for unenforceability of unauthorized obligations
- 532.904 Determining payment due dates
- 532.908 Contract clauses
- 536.515 Schedules for construction contracts
- 536.7107 Contract clauses
- 537.110 Solicitation provisions and contract clauses
- 538.273 FSS solicitation provisions and contract clauses
- 538.7204 Contract clauses
- 539.7002 Solicitation provisions and contract clauses
- 541.501 Solicitation provisions and contract clauses
- 542.1107 Contract clause
- 543.205 Contract clauses
- 546.302-70 Source Inspection by Quality Approved Manufacturer for fixed-price supply contracts
- 546.302-71 Source inspection
- 546.302-72 Destination inspection
- 546.312 Construction contracts
- 546.710 Contract clause
- 552.101-70 Using part 552
- 552.102 Incorporating provisions and clauses
- 552.103 Identification of provisions and clauses

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<sup>1</sup>Revised and renumbered as 519.507

<sup>2</sup>GSAR Case 2017-G502 (see [84 FR 1410](#)) removed section 519.708. However, for some reason it was not removed from the eCFR. As a result, this case is formally resolving this oversight.

- 552.107-70 Provisions and clauses prescribed in Subpart 552.1
  - 570.701 FAR provisions and clauses
  - 570.702 GSAR solicitation provisions
  - 570.703 GSAR contract clauses
- b. This amendment revises the regulatory language of GSAR subpart 552.1 in order to update the requirements for incorporating and identifying GSAR provisions and clauses.
- c. This amendment moves the following regulatory language from the GSAR to the non-regulatory portion of the GSAM. The rationale is due to the lack of any underlying regulatory text to support the need to maintain the language within the GSAR.
- Subpart 519.7 is being made non-regulatory to support existing non-regulatory requirements.
  - Part 549 is being made non-regulatory to support existing non-regulatory requirements.
- d. This amendment removes subpart 549.5 in its entirety as it's currently shown as being Reserved; thereby there is no need for it to remain in the GSAR. If a requirement arises in the future, then a case can be developed at that time to establish the requirement within the GSAR at that time.
- e. This amendment corrects prescription citations for the following GSAR provisions and clauses to align to the changes noted in paragraph 4.a above and to make other necessary technical edits (e.g., the prescription states it is a provision when it is a clause, the clause/provision introductory text uses the wrong GSAR prescription citation, or the clause/provision title within subpart 552.2 of the eCFR is incorrect<sup>3</sup>).
- 552.211-10 Commencement, Prosecution, and Completion of Work
  - 552.211-12 Liquidated Damages-Construction
  - 552.211-13 Time Extensions
  - 552.211-70 Substantial Completion
  - 552.211-75 Preservation, Packaging, and Packing
  - 552.211-76 Charges for Packaging, Packing, and Marking
  - 552.211-77 Packing List
  - 552.211-79 Acceptable Age of Supplies

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<sup>3</sup>In some cases, a clause/provision title listed may be correct in the Acq.gov version of the GSAM baseline, but not correct in the eCFR. Altogether, this case is correcting the regulatory version of the clause/provision title maintained in the eCFR.

- 552.211-80 Age on Delivery
- 552.211-81 Time of Shipment
- 552.211-83 Availability for Inspection, Testing, and Shipment/Delivery
- 552.211-85 Consistent Pack and Package Requirements
- 552.211-86 Maximum Weight Per Shipping Container
- 552.211-87 Export Packing
- 552.211-88 Vehicle Export Preparation
- 552.211-89 Non-manufactured Wood Packaging Material for Export
- 552.211-90 Small Parts
- 552.211-91 Vehicle Decals, Stickers, and Data Plates
- 552.211-92 Radio Frequency Identification (RFID) Using Passive Tags
- 552.211-94 Time of Delivery
- 552.212-71 Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items
- 552.212-72 Contract Terms and Conditions Required To Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items
- 552.215-73 Notice<sup>4</sup>
- 552.216-73 Ordering Information
- 552.216-75 Transactional Data Reporting
- 552.219-70 Allocation of Orders—Partially Set-Aside Items
- 552.219-74 Section 8(a) Direct Award
- 552.227-70 Government Rights (Unlimited)
- 552.227-71 Drawings and Other Data to Become Property of Government.
- 552.229-70 Federal, State, and Local Taxes
- 552.229-71 Federal Excise Tax-DC Government
- 552.232-1 Payments
- 552.232-5 Payments under Fixed-Price Construction
- 552.232-25 Prompt Payment
- 552.232-39 Unenforceability of Unauthorized Obligations
- 552.232-72 Final Payment Under Building Services Contracts
- 552.232-78 Commercial Supplier Agreements—Unenforceable Clauses
- 552.236-71 Contractor Responsibilities
- 552.236-74 Evaluation of Options
- 552.236-75 Evaluation Exclusive of Options
- 552.236-76 Basis of Award-Sealed Bidding Construction
- 552.236-77 Government's Right to Exercise Option
- 552.236-79 Construction-Manager-As-Constructor
- 552.236-80 Accounting Records and Progress Payments

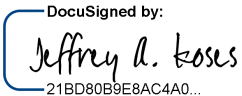
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<sup>4</sup>This is an example of footnote 3. In this case the title in the Acq.gov GSAM baseline is correct (i.e., it shows the title as 552.215-73 Notice), but it is not correct in the eCFR. The eCFR shows the title as "552.217-73 Notice Regarding Information Collection Requirements". Altogether, this case is correcting this inconsistency.

- 552.238-77 Submission and Distribution of Authorized Federal Supply Schedule Price List
- 552.238-81 Price Reductions
- 552.238-82 Modifications (Federal Supply Schedules)
- 552.241-70 Availability of Funds for the Next Fiscal Year or Quarter
- 552.241-71 Disputes (Utility Contracts)
- 552.242-70 Status Report of Orders and Shipments
- 552.246-70 Source Inspection by Quality Approved Manufacturer
- 552.246-71 Source Inspection by Government
- 552.246-77 Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature
- 552.246-78 Inspection at Destination
- 552.252-5 Authorized Deviations in Provisions
- 552.252-6 Authorized Deviations in Clauses
- 552.270-1 Instructions to Offerors-Acquisition of Leasehold Interests in Real Property
- 552.270-31 Prompt Payment

5. Cancellations. Not applicable.

6. Point of contact. For clarification of content, contact Mr. Thomas O'Linn in the GSA Acquisition Policy Division at [GSARPolicy@gsa.gov](mailto:GSARPolicy@gsa.gov).

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Jeffrey A. Koses  
Senior Procurement Executive  
Office of Acquisition Policy  
Office of Government-wide Policy

## Attachment A: GSAR Text, Line-In/Line-Out

GSAM Baseline: Change 139 effective 10/29/2021

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by strikethroughs
- Five asterisks (\*\*\*\*\* ) indicate that there are no revisions between the preceding and following sections or parts
- Three asterisks (\*\*\*) indicate that there are no revisions between the material shown within a subsection or section

### PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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#### Subpart 503.10—Contractor Code of Business Ethics and Conduct

##### 503.1004 Contract clauses.

~~(a) GSA has exercised the authority provided at FAR 3.1004(b)(1)(i) to establish a lower threshold for inclusion of clause 52.203-14, Display of Hotline Poster(s). When the contract or order is funded with disaster assistance funds, the threshold is \$1,000,000.~~

~~(b) The information required to be inserted in the clause at FAR 52.203-14, Display of Hotline Poster(s), is as follows:~~

- ~~(i) Poster: GSA Office of Inspector General “FRAUDNET HOTLINE”; and~~
- ~~(ii) Obtain from: Contracting Officer.~~

**[(a) In accordance with FAR 3.1004(b)(1)(i), GSA has established a lower threshold for the inclusion of FAR clause at 52.203-14. Insert the clause in solicitations and contracts funded with disaster assistance funds expected to be at or above \$1,000,000.**

**(b) The information required by FAR 3.1004(b)(2) is as follows:**

**(1) *Poster.* GSA Office of Inspector General “FRAUDNET HOTLINE”.**

**(2) *Contact information.* The Contractor can obtain the poster from the Contracting Officer.]**

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### PART 511—DESCRIBING AGENCY NEEDS

#### Subpart 511.2—Using and Maintaining Requirements Documents

##### 511.204 Solicitation provisions and contract clauses.

~~(a) *Federal specifications.* The contracting officer shall insert the clause at 552.211-72, Reference to Specifications in Drawings, in solicitations and contracts citing Federal or agency specifications that contain drawings.~~

~~(b) Supply contracts that exceed the simplified acquisition threshold. (1) The contracting officer shall include the clause at 552.211-73, Marking, in solicitations and~~

~~contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(2) The contracting officer shall include the clause at 552.211-75, Preservation, Packaging, and Packing, in solicitations and contracts for supplies expected to exceed the simplified acquisition threshold. The contracting officer may also include the clause in contracts estimated to be at or below the simplified acquisition threshold when appropriate. The contracting officer shall use Alternate I in solicitations and contracts for all Federal Supply Schedule Contracts.~~

~~(3) The contracting officer shall insert a clause substantially the same as the clause at 552.211-76, Charges for Packaging, Packing, and Marking, in solicitations and contracts for supplies to be delivered to GSA distribution centers.~~

~~(4) The contracting officer shall include the clause 552.211-85, Consistent Pack and Package Requirements, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(5) The contracting officer shall include the clause 552.211-86, Maximum Weight Per Shipping Container, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(6) The contracting officer shall include the clause 552.211-87, Export Packing, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(7) The contracting officer shall include the clause 552.211-88, Vehicle Export Preparation, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(8) The contracting officer shall include the clause at 552.211-89, Non-Manufactured Wood Packaging Material for Export, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities overseas and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(9) The contracting officer shall include the clause 552.211-90, Small Parts, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(10) The contracting officer shall include the clause 552.211-91, Vehicle Decals, Stickers, and Data Plates, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(11) The contracting officer shall include the clause 552.211-92, Radio Frequency Identification (RFID) using Passive Tags, in solicitations and contracts for supplies when deliveries may be made to military activities and the contract amount is expected to exceed the simplified acquisition threshold.~~

~~(c) Supply contracts. The contracting officer shall include the clause at 552.211-77, Packing List, in solicitations and contracts for supplies, including purchases over the~~

~~micropurchase threshold. Use Alternate I in solicitations and contracts for all Federal Supply Schedule Contracts.~~

**[511.204 Contract clauses.**

**(a) *Specifications and drawings.*** Insert the clause at 552.211-72, Reference to Specifications in Drawings, in solicitations and contracts that contain military or other drawings.

**(b) *Clauses for supply contracts that exceed the simplified acquisition threshold.*** When the contract amount is expected to exceed the simplified acquisition threshold, insert—

**(1)** The clause at 552.211-73, Marking, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(2)** The clause at 552.211-75, Preservation, Packaging, and Packing, in solicitations and contracts for supplies. The contracting officer may also include the clause in contracts estimated to be at or below the simplified acquisition threshold when appropriate. Use the clause with its Alternate I in solicitations and contracts for all Federal Supply Schedule contracts.

**(3)** A clause substantially the same as the clause at 552.211-76, Charges for Packaging, Packing, and Marking, in solicitations and contracts for supplies to be delivered to GSA distribution centers.

**(4)** The clause at 552.211-85, Consistent Pack and Package Requirements, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(5)** The clause at 552.211-86, Maximum Weight Per Shipping Container, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(6)** The clause at 552.211-87, Export Packing, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(7)** The clause at 552.211-88, Vehicle Export Preparation, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(8)** The clause at 552.211-89, Non-Manufactured Wood Packaging Material for Export, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities overseas.

**(9)** The clause at 552.211-90, Small Parts, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(10)** The clause at 552.211-91, Vehicle Decals, Stickers, and Data Plates, in solicitations and contracts for supplies when deliveries may be made to both civilian and military activities.

**(11)** The clause at 552.211-92, Radio Frequency Identification (RFID) using Passive Tags, in solicitations and contracts for supplies when deliveries may be made to military activities.

**(c) *Supply contracts.*** Insert the clause at 552.211-77, Packing List, in solicitations and contracts for supplies, including purchases over the micropurchase threshold. Use the clause with its Alternate I in solicitations and contracts for all Federal Supply Schedule contracts.]



## Subpart 511.4—Delivery or Performance Schedules

### 511.404 Contract clauses.

~~(a) Supplies or services—(1) *Shelf-life items*. The contracting officer shall use the following clauses in solicitations and contracts that require delivery of shelf-life items within a specified number of months from the date of manufacture or production:~~

~~(i) The contracting officer shall insert 552.211-79, Acceptable Age of Supplies, if the required shelf-life period is 12 months or less, and lengthy acceptance testing may be involved. For items having a limited shelf-life, substitute Alternate I when required by the program director.~~

~~(ii) The contracting officer shall insert 552.211-80, Age on Delivery, if the required shelf-life period is more than 12 months, or when source inspection can be performed within a short time period.~~

~~(2) *Stock replenishment contracts*. The contracting officer shall insert 552.211-81, Time of Shipment, in solicitations and stock replenishment contracts that do not include the Availability for Inspection, Testing, and Shipment/Delivery clause at 552.211-83 and require shipment within 45 calendar days after receipt of the order. If shipment is required in more than 45 days, the contracting officer shall use Alternate I of 552.211-81.~~

~~(3) *Indeterminate testing time*. The contracting officer shall insert 552.211-83, Availability for Inspection, Testing, and Shipment/Delivery, in solicitations and contracts that provide for source inspection by Government personnel and that require lengthy testing for which time frames cannot be determined in advance. If the contract is for stock items, the contracting officer shall use Alternate I of 552.211-83.~~

~~(4) *Stock program supply delivery time*. The contracting officer shall insert the clause at 552.211-94, Time of Delivery, in solicitations and contracts for supplies for the Stock Program when neither of the FAR delivery clauses (FAR 52.211-8 or 52.211-9) is suitable.~~

~~(b) *Construction*. (1) The contracting officer shall insert the clause at 552.211-10, Commencement, Prosecution, and Completion of Work, in solicitations and contracts when a fixed-price construction contract is contemplated.~~

~~(2) The contracting officer shall insert the clause at 552.211-70, Substantial Completion in solicitations and contracts when a fixed-price construction contract is contemplated.~~

**[(a) *Supplies or services*. (1) *Shelf-life items*. Insert the following clauses in solicitations and contracts that require delivery of shelf-life items within a specified timeframe from the date of manufacture or production:**

**(i) The clause at 552.211-79, Acceptable Age of Supplies, if the required shelf-life period is 12 months or less, and lengthy acceptance testing may be involved. For items having a limited shelf-life and when required by the program director, use the clause with its Alternate I.**

**(ii) The clause at 552.211-80, Age on Delivery, if the required shelf-life period is more than 12 months, or when source inspection can be performed within a short time period.**

**(2) *Stock replenishment contracts*. Insert the clause at 552.211-81, Time of Shipment, in solicitations and contracts when a stock replenishment contract is**

contemplated that does not include the clause at 552.211-83 and requires shipment within 45 calendar days after receipt of the order. Use the clause with its Alternate I if shipment is required after 45 days of receipt of order.

(3) *Indeterminate testing time.* Insert the clause at 552.211-83, Availability for Inspection, Testing, and Shipment/Delivery, in solicitations and contracts that provide for source inspection by Government personnel and that require lengthy testing for which time frames cannot be determined in advance. Use the clause with its Alternate I if the contract is for stock items.

(4) *Stock program time of delivery.* Insert the clause at 552.211-94, Time of Delivery, in solicitations and contracts for supplies for the Stock Program when neither the FAR clause at 52.211-8, or the FAR clause at 52.211-9 is suitable.

(b) *Construction.* Insert the following clauses in solicitations and contracts when a fixed-price construction contract is contemplated:

(1) The clause at 552.211-10, Commencement, Prosecution, and Completion of Work.

(2) The clause at 552.211-70, Substantial Completion.]

#### Subpart 511.5—Liquidated Damages

##### ~~511.504 Contract clauses.~~

~~(a) The contracting officer shall insert the clause at 552.211-12, Liquidated Damages-Construction, in solicitations and contracts for construction, other than cost-plus-fixed-fee, when the contracting officer determines that liquidated damages are appropriate (see FAR 11.501(a)).~~

~~(b) The contracting officer shall insert the clause at 552.211-13, Time Extensions, in solicitations and contracts for construction that use the clause at 552.211-12, Liquidated Damages-Construction.~~

##### **[511.503 Contract clauses.**

**(a) Insert the clause at 552.211-12, Liquidated Damages-Construction, in solicitations and contracts for construction, other than cost-plus-fixed-fee, when the contracting officer determines that liquidated damages are appropriate (see FAR 11.501(a)).**

**(b) Insert the clause at 552.211-13, Time Extensions, in solicitations and contracts for construction that includes the clause at 552.211-12.]**

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#### PART 512—ACQUISITION OF COMMERCIAL ITEMS

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#### Subpart 512.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

512.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

~~(a) Solicitation provisions and clauses. Insert these provisions or clauses in solicitations or solicitations and contracts, respectively, in accordance with the instructions provided:~~

~~(1) 552.212-71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items, when listed clauses apply. The clause provides for incorporate[s]ion by reference of terms and conditions which are, to the maximum extent practicable, consistent with customary commercial practice. If necessary, tailor this clause.~~

~~(2) 552.212-72, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisitions of Commercial Items, when listed clauses apply. The clause provides for the incorporation by reference of terms and conditions required to implement provisions of law or executive orders that apply to commercial item acquisitions.~~

~~(b) Discretionary use of GSAR provisions and clauses. Consistent with the limitations contained in FAR 12.302(c), include in solicitations and contracts by addendum other GSAR provisions and clauses.~~

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

~~(1) Prescribed in the FAR or GSAR for use in contracts for commercial items.~~

~~(2) Consistent with customary commercial practice.~~

~~(d) In solicitations issued in conjunction with the policy and procedures in FAR 14, Sealed Bidding; or FAR 15, Contracting by Negotiation, include the two notices in paragraphs (d)(1) and (d)(2) of this section, except that acquisitions of leasehold interests in real property, must include only the notice in paragraph (d)(1) of this section.~~

~~(1) The information collection requirements contained in this solicitation/contract are either required by regulation or approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned OMB Control No. 3090-0163.~~

~~(2) The General Services Administration's hours of operation are 8 a.m. to 4:30 p.m. Requests for preaward debriefings postmarked or otherwise submitted after 4:30 p.m. will be considered submitted the following business day. Requests for postaward debriefings delivered after 4:30 p.m. will be considered received and filed the following business day.~~

~~(e) GSA has a deviation to revise certain paragraphs of FAR clause 52.212-4. Use clause 552.212-4 Contract Terms and Conditions - Commercial Items (FAR DEVIATION), for acquisitions of commercial items in lieu of FAR 52.212-4 or 52.212-4 Alternate I. The contracting officer may tailor this clause in accordance with FAR 12.302 and GSAM 512.302.~~

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

**(1) The clause at 552.212-71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items. This clause incorporates by reference only those clauses required to implement GSA requirements applicable to the acquisition of commercial items. 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 Items, 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 item acquisitions.**

**(b) FAR deviation. GSA has a FAR deviation 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 Items, in lieu of the FAR clause at 52.212-4. Use the clause with its Alternate I in lieu of the FAR clause at 52.212-4 and its Alternate I. 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 items.**

**(2) Consistent with customary commercial practice.]**

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## **PART 513—SIMPLIFIED ACQUISITION PROCEDURES**

### **Subpart 513.2—Actions at or Below the Micro-Purchase Threshold**

**513.202 Unenforceability of unauthorized obligations in micro-purchases.**

~~Clause 552.232-39, Unenforceability of Unauthorized Obligations (FAR DEVIATION), will automatically apply to any micro-purchase in lieu of FAR 52.232-39 for supplies and services acquired subject to a commercial supplier agreement (as defined in 502.101).~~

**[Many supplies or services are acquired subject to commercial supplier agreements, as defined in 502.101. The clause at 552.232-39, Unenforceability of Unauthorized Obligations, automatically applies to any micro-purchase, including those made with the Governmentwide purchase card in lieu of the FAR clause at 52.232-39.]**

### **Subpart 513.3—Simplified Acquisition Methods**

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**513.302-5 Clauses.**

~~Where the supplies or services are offered under a commercial supplier agreement (as defined in 502.101), the purchase order or modification shall incorporate clause 552.232-39, Unenforceability of Unauthorized Obligations (FAR DEVIATION), in lieu of~~

~~FAR 52.232-39, and clause 552.232-78, Commercial Supplier Agreements- Unenforceable Clauses.~~ **[Where the supplies or services are offered under a commercial supplier agreement, as defined in 502.101, see 532.706-3 for applicable clauses.]**

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## PART 514—SEALED BIDDING

### Subpart 514.2—Solicitation of Bids

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#### 514.201-6 Solicitation provisions.

~~When considering all or none bids, insert the provision at 552.214-70, “All or None” Bids, in the solicitation.~~ **[Insert the provision at 552.214-70, “All or None” Bids, in invitations for bids when reserving the right to evaluate and make an award on an all or none basis.]**

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#### 514.202-4 Bid samples.

(a) *Requirements for samples in invitations for bids.*

\* \* \*

~~(3) A provision appears at 552.214-72, Bid Sample Requirements. This provision may be modified to fit the circumstances of a procurement.~~ **[Insert the provision at 552.214-72, Bid Sample Requirements, in invitations for bids if bid samples are required. This provision may be modified to fit the circumstances of a procurement.]**

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## PART 515—CONTRACTING BY NEGOTIATION

### Subpart 515.2—Solicitation and Receipt of Proposals and Information

\* \* \*

~~515.209-70 Examination of records by GSA clause  
Clause for other than multiple award schedules~~

~~(a) Examination of records by GSA clause for other than multiple award schedule (MAS) contracts. Insert the clause at 552.215-70, Examination of Records by GSA, in all solicitations and contracts above the simplified acquisition threshold, including acquisitions of leasehold interests in real property, that meet any of the conditions listed below:~~

~~(2) Provide for advance payments, progress payments based on cost, or guaranteed loan.~~

~~(3) Contain a price warranty or price reduction clause.~~

~~(4) Involve income to the Government where income is based on operations under the control of the contractor.~~

~~(5) Include an economic price adjustment clause where the adjustment is not based solely on an established, third party index.~~

~~(6) Are requirements, indefinite quantity, or letter type contracts as defined in FAR part 6.~~

~~(7) Are subject to adjustment based on a negotiated cost escalation base.~~

~~(8) Contain the provision of FAR 52.223-4, Recovered Material Certification.~~

~~(9) The contracting officer may modify the clause at 552.215-70 to define the specific area of audit (e.g., the use or disposition of Government furnished property). Office of General Counsel or the Office of Regional Counsel and the Assistant Inspector General for Auditing or Regional Inspector General for Auditing, as appropriate, must concur in any modifications to the clause.~~

~~(b) Insert the clause at 552.215-73, Notice, in all solicitations for negotiated procurements above the simplified acquisition threshold in accordance with FAR part 15.~~

**[515.209-70 Contract clauses.**

**(a) Insert the clause at 552.215-70, Examination of Records by GSA, in solicitations and contracts exceeding the simplified acquisition threshold that meet any of the following conditions:**

**(1) Involve the use or disposition of Government-furnished property.**

**(2) Provide for advance payments, progress payments based on cost, or guaranteed loan.**

**(3) Contain a price warranty or price reduction clause.**

**(4) Involve income to the Government where income is based on operations under the control of the contractor.**

**(5) Include an economic price adjustment clause where the adjustment is not based solely on an established, third party index.**

**(6) Are requirements, indefinite-quantity, or letter type contracts as defined in FAR part 16.**

**(7) Are subject to adjustment based on a negotiated cost escalation base.**

**(8) Contain the FAR provision at 52.223-4.**

**(b) The clause in paragraph (a) of this subsection may be modified to define the specific area of audit (e.g., the use or disposition of Government-furnished property). Legal (i.e., the Office of General Counsel or the Office of Regional Counsel, as appropriate), and Inspector General (i.e., the Assistant Inspector**

**General for Auditing or the Regional Inspector General for Auditing, as appropriate) must concur with any modification to the clause.**

**(c) Insert the clause at 552.215-73, Notice, in all solicitations and contracts for negotiated procurements above the simplified acquisition threshold in accordance with FAR part 15.]**

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\* \* \* \* \*

## PART 517—SPECIAL CONTRACTING METHODS

### Subpart 517.1—Multi-year Contracting

\* \* \*

#### ~~517.109—Contract clauses.~~

~~Use of FAR 52.217-2, Cancellation Under Multi-year Contracts, is optional in multi-year contracts authorized by 40 U.S.C. 581(c)(6) for maintenance and repair of fixed equipment in federally-owned buildings and services and 40 U.S.C. 501(b)(1)(B) for public utility services.~~

#### **[517.109 Contract clause.**

**Use of the FAR clause at 52.217-2 is optional in multi-year contracts authorized by—**

**(a) 40 U.S.C. 581(c)(6) for the inspection, maintenance, and repair of fixed equipment in a federally-owned building; and**

**(b) 40 U.S.C. 501(b)(1)(B) for public utility services.]**

\* \* \*

### Subpart 517.2—Options

\* \* \*

#### ~~517.203 [Reserved]~~

\* \* \*

#### ~~517.208—Solicitation provisions and contract clauses.~~

~~(a) For solicitations under Federal Acquisition Service's Special Order Program, insert a provision substantially the same as the provision at 552.217-70, Evaluation of Options, if both of the following conditions apply:~~

~~(1) The solicitation contains an option to extend the term of the contract.~~

~~(2) The contract will be fixed price and contain an economic price adjustment clause.~~

~~(b) Insert the provision at 552.217-71, Notice Regarding Option(s), or a similar provision, in solicitations that include an option for increased quantities of supplies or services or an option to extend.~~

**[517.208 Solicitation provisions.**

**(a) Insert a provision substantially the same as the provision at 552.217-70, Evaluation of Options, in solicitations for the Special Order Program when the following conditions apply:**

**(1) The solicitation contains an option clause to extend the term of the contract; and**

**(2) The contract will be fixed price and contain an economic price adjustment clause.**

**(b) Insert a provision substantially the same as the provision at 552.217-71, Notice Regarding Option(s), in solicitations that include an option clause for increased quantities of supplies or services, or an option clause to extend the term of the contract.]**

\* \* \* \* \*

**PART 519—SMALL BUSINESS PROGRAMS**

**Subpart 519.5—Set-asides for Small Business**

\* \* \*

~~519.508—Solicitation provisions and contract clauses.~~

~~Insert 552.219-70, Allocation of Orders—Partially Set-Aside Items, in solicitations and requirements type supply contracts that are partially set aside for small business.~~

**[519.507 Contract clause.**

**Insert the clause at 552.219-70, Allocation of Orders—Partially Set-Aside Items, in solicitations and contracts when a requirements contract for supplies is contemplated that will involve partially setting aside orders for small business.]**

\* \* \*

~~Subpart 519.7—The Small Business Subcontracting Program~~

~~519.708-70—Solicitation provisions.~~

~~Insert the following provisions as directed:~~

~~(a) 552.219-71, Notice to Offerors of Subcontracting Plan Requirements, on the cover page of solicitations containing the clause at FAR 52.219-9, Small Business Subcontracting Plan.~~

~~(b) 552.219-72, Preparation, Submission, and Negotiations of Subcontracting Plans, in solicitations requiring submission of the subcontracting plan with initial offers.~~

~~(c) 552.219-73, Goals for Subcontracting Plan as follows:~~

~~(1) Use the basic provision in sealed bid solicitations containing FAR 52.219-9 if you are able to establish realistic target goals.~~



~~(2) Use Alternate I in:~~

- ~~(i) sealed bid solicitations if you cannot establish target goals.~~
- ~~(ii) Negotiated solicitations that include FAR 52.219-9, but do not include 552.219-72.~~

Subpart 519.8—Contracting With the Small Business Administration (The 8(a)Program)

519.870 Direct 8(a) contracting.

~~519.870-8 Contract clauses.~~

~~(a) Insert the following clauses in solicitations, contracts, and orders issued under the MOU:~~

- ~~(1) Insert the clause at 552.219-74, Section 8(a) Direct Award.~~
- ~~(2) Insert the clause at FAR 52.219-14, Limitation on Subcontracting.~~
- ~~(3) Insert the clause at FAR 52.219-18, Notification of Competition Limited to Eligible 8(a) Concerns. Substitute the paragraph below for paragraph (c) of the clause. Add the word “Deviation” at the end of the clause title.~~
- ~~(4) “(c) Any award resulting from this solicitation will be made directly by the Contracting Officer to the successful 8(a) offeror selected through the evaluation criteria set forth in this solicitation.”~~

~~(b) Do not use the clauses at FAR 52.219-11, Special 8(a) Contract Conditions, FAR 52.219-12, Special 8(a) Subcontract Conditions, or FAR 52.219-17, Section 8(a) Award.~~

**[519.870-2 Contract clauses.**

**(a) Insert the following clauses in solicitations, contracts, and orders issued under GSA’s Partnership Agreement:**

- (1) 552.219-74, Section 8(a) Direct Award;**
- (2) 52.219-14, Limitations on Subcontracting; and**
- (3) 52.219-18, Notification of Competition Limited to Eligible 8(a)**

**Participants, with—**

**(i) Paragraph (c) of the clause substituted with the following text “(c) Any award resulting from this solicitation will be made directly by the Contracting Officer to the successful 8(a) offeror selected through the evaluation criteria set forth in this solicitation” and**

**(ii) The text “(DEVIATION)” added after the date of the clause.]**

**(b) Do not insert the following FAR clauses—**

- (1) 52.219-11, Special 8(a) Contract Conditions;**
- (2) 52.219-12, Special 8(a) Subcontract Conditions; and**
- (3) 52.219-17, Section 8(a) Award.]**

\* \* \*

\* \* \* \* \*

PART 522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 522.1—Basic Labor Policies

\* \* \*

522.103-5 Contract clauses.

~~Insert FAR 52.222-1, Notice to the Government of Labor Disputes, in solicitations and contracts for DX-rated orders under the Defense Priorities and Allocations System (DPAS). Information on the DPAS can be found at FAR Subpart 11.6, Priorities and Allocations.~~ **[Insert the FAR clause at 52.222-1 in solicitations and contracts for DX rated orders under the Defense Priorities and Allocations System (see FAR subpart 11.6).]**

\* \* \*

\* \* \* \* \*

PART 523—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 523.3—Hazardous Material Identification and Material Safety Data

523.303 Contract clauses.

(a) Insert **[the clause at]** 552.223-70, Hazardous Substances, in solicitations and contracts for packaged items subject to the Federal Hazardous Substances Act and the Hazardous Materials Transportation Act.

(b) Insert **[the clause at]** 552.223-71, Nonconforming Hazardous Materials, in solicitations and contracts for supplies that contain hazardous materials.

(c) Insert **[the clause at]** 552.223-73, Preservation, Packaging, Packing, Marking, and Labeling of Hazardous Materials (HAZMAT) for Shipments, in solicitations and contracts for packaged items containing hazardous materials.

\* \* \*

523.370 Solicitation provision.

~~Insert 552.223-72, Hazardous Material Information, in any solicitation that provides for delivery of hazardous materials on an f.o.b. origin basis.~~

**[Insert the provision at 552.223-72, Hazardous Material Information, in solicitations that provide for the delivery of hazardous materials on an f.o.b. origin basis.]**

\* \* \* \* \*

PART 527—PATENTS, DATA, AND COPYRIGHT

Subpart 527.4—Rights in Data and Copyrights

~~527.409—Solicitation provisions and contract clauses.~~

~~Architect-engineer services and construction contracts involving architect-engineer services.~~

~~Insert the following in solicitations and contracts for architect-engineer services and construction contracts involving architect-engineer services:~~

~~(a) Insert 552.227-70, Government Rights (Unlimited), instead of FAR 52.227-17, Rights in Data-Special Works, in contracts, except if 552.227-71 is prescribed.~~

~~(b) If the Government requires sole property rights and exclusive control over the design and data, insert 552.227-71, Drawings and Other Data to Become Property of Government, instead of FAR 52.227-17.~~

**[527.409 Contract clauses.**

**GSA has a FAR deviation that allows use of the clauses in paragraphs (a) and (b) of this section in lieu of the FAR clause at 52.227-17.**

**(a) Except as provided in paragraph (b) of this section, insert the clause at 552.227-70, Government Rights (Unlimited), in lieu of the FAR clause at 52.227-17, in solicitations and contracts for—**

**(1) Architect-engineer services.**

**(2) Construction contracts involving architect-engineer services.**

**(b) If the Government requires sole property rights and exclusive control over the design and data, insert the clause at 552.227-71, Drawings and Other Data to Become Property of Government, in lieu the clause at FAR 52.227-17, in solicitations and contracts for—**

**(1) Architect-engineer services.**

**(2) Construction contracts involving architect-engineer services.]**

\* \* \* \* \*

**PART 528—BONDS AND INSURANCE**

\* \* \*

**Subpart 528.3—Insurance**

**528.310 Contract clause for work on a Government installation.**

~~Insert the clause at 552.228-5, Government as Additional Insured, in each solicitation and contract that meets all the following conditions:~~

~~(a) The contract amount is expected to exceed the simplified acquisition threshold; and~~

~~(b) The contract will require work to be performed on Government property.~~

**[Insert the clause at 552.228-5, Government as Additional Insured, in solicitations and contracts that are expected to exceed the simplified acquisition threshold and require work on a Government installation.]**

\* \* \*

\* \* \* \* \*

PART 529—TAXES

Subpart 529.4—Contract Clauses

~~529.401 Domestic contracts.~~

~~529.401-70 Purchases at or under the simplified acquisition threshold.~~

~~Insert 552.229-70, Federal, State, and Local Taxes, in purchases and contracts estimated to exceed the micropurchase threshold, but not the simplified acquisition threshold.~~

~~529.401-71 Contracts for supplies and services usable by the DC Government.~~

~~Insert 552.229-71, Federal Excise Tax—DC Government, in solicitations and contracts that permit the District of Columbia Government to place orders.~~

**[529.470 Domestic contract clauses.**

**(a) Insert the clause at 552.229-70, Federal, State, and Local Taxes, in solicitations and contracts estimated to exceed the micro-purchase threshold, but not the simplified acquisition threshold.**

**(b) Insert the clause at 552.229-71, Federal Excise Tax—DC Government, in solicitations and contracts that allow the District of Columbia Government to place orders under the contract.]**

\* \* \* \* \*

PART 532—CONTRACT FINANCING

Subpart 532.1—Non-Commercial Item Purchase Financing

532.111 Contract clauses for non-commercial purchases.

**[(a) FAR deviation. GSA has a FAR deviation that allows use of the clause at 552.232-1 in lieu of the FAR clause at 52.232-1. Insert the clause at 552.232-1, Payments, in solicitations and contracts when a fixed-price supply contract, a fixed-price service contract, or a contract for nonregulated communication services is contemplated, in lieu of the FAR clause at 52.232-1.]**

**(b) Construction contracts.]** Insert the clause at 552.232-5, Payments under Fixed-Price Construction Contracts, in solicitations and contracts when a fixed-price construction contract is contemplated.

Subpart 532.7—Contract Funding

\* \* \*

~~532.706-3 Clause for unenforceability of unauthorized obligations.~~

~~(a) The contracting officer shall utilize the clause at 552.232-39, Unenforceability of Unauthorized Obligations (FAR DEVIATION) in all solicitations and contracts in lieu of FAR 52.232-39.~~

~~(b) The contracting officer shall utilize the clause at 552.232-78, Commercial Supplier Agreements Unenforceable Clauses, in all solicitations and contracts (including orders) when not using FAR part 12.~~

**[532.706-3 Contract clauses for unenforceability of unauthorized obligations.**

**GSA has a FAR deviation that allows use of the clause in paragraph (a) of this subsection in lieu of the FAR clause at 52.232-39.**

**(a) Insert the clause at 552.232-39, Unenforceability of Unauthorized Obligations in all solicitations and contracts in lieu of the FAR clause at 52.232-39.**

**(b) Insert the clause at 552.232-78, Commercial Supplier Agreements- Unenforceable Clauses, in all solicitations and contracts (including orders) when not using FAR part 12.]**

\* \* \*

Subpart 532.9—Prompt Payment

532.904 Determining payment due dates

\* \* \*

~~(b) When the contract is for the performance of building services, the contracting officer shall include the clause at 552.232-72, Final Payment Under Building Services Contracts.~~ **[(b) An official one level above the contracting officer shall approve justifications exercising the authority prescribed by FAR 32.904(d)(1)(i)(B). The time needed should be determined on a case-by-case basis, but the specified constructive acceptance period shall not exceed 30 days.]**

\* \* \*

532.908 Contract clauses.

~~(a) GSA has a FAR deviation that allows this agency to use the clause at 552.232-1, Payments, in lieu of the clause at FAR 52.232-1, Payments.~~

~~(b) *General.* Before exercising the authority to modify the date for constructive acceptance or constructive approval of progress payments in paragraph (a)(5)(i) of the clause at FAR 52.232-25, Prompt Payment, the contracting officer must prepare a written justification explaining why a longer period is necessary. An official one level above the contracting officer must approve the justification. The time needed should be determined on a case-by-case basis, but the specified constructive acceptance period shall not exceed 30 days.~~

~~(c) Stock, Special Order, and Schedules Programs. (1) GSA has obtained a FAR Deviation to authorize payment within 10 days of receipt of a proper invoice. The authority applies only to:~~

~~(i) Orders placed by GSA under the referenced programs;~~

~~(ii) That include FAR 52.232-33, Mandatory Information for Electronic Funds Transfer Payment; and~~

~~(iii) For which the order is placed, and the contractor submits invoices, using EDI in accordance with the Trading Partner Agreement.~~

~~(2) If the contract is for commercial items and will include FAR 52.212-4, use the clause with its Alternate II. If the contract is not for commercial items, use the clause at 552.232-25, Prompt Payment, instead of FAR 52.232-25.~~

**[(a) *Building services contracts.* Insert the clause at 552.232-72, Final Payment Under Building Services Contracts, in solicitations and contracts for building services.**

**(b) *Stock, Special Order, and Schedules programs.* (1) GSA has a FAR deviation to authorize payment within 10 days of receipt of a proper invoice. The deviation applies only to:**

**(i) Orders placed by GSA under Stock, Special Order, and Schedules programs;**

**(ii) That include FAR clause at 52.232-33; and**

**(iii) For which the order is placed, and the contractor submits invoices using EDI in accordance with the Trading Partner Agreement.**

**(2) If the contract is not for commercial items, use the clause at 552.232-25, Prompt Payment, in lieu of the FAR clause at 52.232-25.]**

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\* \* \* \* \*

## PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

\* \* \*

### Subpart 536.5—Contract Clauses

\* \* \*

#### 536.515 Schedules for construction contracts.

Insert the clause at 552.236-15, Schedules for Construction Contracts, in solicitations and contracts if construction, dismantling, demolition, or removal of improvements is contemplated. Use the clause:

(a) With its Alternate I when the contract amount is expected to ~~be above~~**[exceed]** the simplified acquisition threshold and a design-bid-build project delivery method will be followed.

(b) With its Alternate II when the contract amount is expected to ~~be above~~**[exceed]** the simplified acquisition threshold and a design-build project delivery method will be followed.

(c) With its Alternate III when the contract amount is expected to ~~be above~~**[exceed]** the simplified acquisition threshold and a construction-manager-as-constructor project delivery method will be followed.

\* \* \*

## Subpart 536.71—Construction-Manager-as-Constructor Contracting

\* \* \*

### 536.7107 Contract clauses.

~~(a) Insert a clause substantially the same as the clause at 552.236-79, Construction-Manager-As-Constructor, in solicitations and contracts if construction, dismantling, or removal of improvements is contemplated when a CMc project delivery method will be followed. This clause is in lieu of the clause at FAR 52.216-17 Incentive Price Revision—Successive Targets.~~ **[(a) FAR deviation. GSA has a FAR deviation that allows use of the clause at 552.236-79 in lieu of the FAR clause at 52.216-17. Insert a clause substantially the same as the clause at 552.236-79, Construction-Manager-As-Constructor, in solicitations and contracts if construction, dismantling, or removal of improvements is contemplated when a CMc project delivery method will be followed in lieu of the FAR clause at 52.216-17.]**

\* \* \* \* \*

## PART 537—SERVICE CONTRACTING

### Subpart 537.1—Service Contracts-General

#### ~~537.110 Solicitation provisions and contract clauses.~~

##### ~~Contracts for Building Services~~

~~The following provision and clauses apply to contracts for building services:~~

~~(a) If the contract is expected to exceed the simplified acquisition threshold and it is not initiated with AbilityOne under the Javits-Wagner-O'Day Act insert 552.237-71, Qualifications of Employees, in the solicitation and contract. If needed, use supplemental provisions or clauses to describe specific requirements for employees performing work on the contract.]~~

~~(b) Insert 552.237-72, Prohibition Regarding “Quasi-Military Armed Forces,” in solicitations and contracts for guard service.~~

#### **[537.110 Contract clauses.**

**(a) *Contracts for building services.* Except for solicitations and contracts for building services placed under FAR subpart 8.7, insert the clause at 552.237-71, Qualifications of Employees, in solicitations and contracts for building services that are anticipated to exceed the simplified acquisition threshold.**

**(b) *Contracts for guard services.* Insert the clause at 552.237-72, Prohibition Regarding “Quasi-Military Armed Forces,” in solicitations and contracts for guard services.]**

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\* \* \* \* \*

PART 538—FEDERAL SUPPLY SCHEDULE CONTRACTING

Subpart 538.2—Establishing and Administering Federal Supply Schedules

\* \* \*

538.273 FSS solicitation provisions and contract clauses.

\* \* \*

(d) As prescribed in this paragraph, insert the following clauses as an addendum to Clause 52.212-4, Contract Terms and Conditions-Commercial Items:

(1) 552.238-77, Submission and Distribution of Authorized FSS **[Federal Supply Schedule]** Price Lists. Use in all FSS solicitations and contracts.

\* \* \*

Subpart 538.72—Order-level Materials

\* \* \*

538.7204 Contract clauses.

\* \* \*

~~(b) Use 552.238-82, Special Ordering Procedures for the Acquisition of Order-Level Materials, in all Federal Supply Schedules authorized for the acquisition of order-level materials (see 538.7201).~~

**[(b) Insert the clause at 552.238-115, Special Ordering Procedures for the Acquisition of Order-Level Materials, in FSS solicitations and contracts authorized to allow for order-level materials.]**

\* \* \* \* \*

PART 539—ACQUISITION OF INFORMATION TECHNOLOGY

Subpart 539.70—Additional Requirements for Purchases Not in Support of National Security Systems

\* \* \*

~~539.7002 Solicitation provisions and contract clauses.~~

~~(a) The contracting officer shall insert the provision at 552.239-70, Information Technology Security Plan and Security Authorization, in solicitations that include information technology supplies, services or systems in which the contractor will have~~



~~physical or electronic access to government information that directly supports the mission of GSA.~~

~~(b) The contracting officer shall insert the clause at 552.239-71, Security Requirements for Unclassified Information Technology Resources, in solicitations and contracts containing the provision at 552.239-70. The provision and clause shall not be inserted in solicitations and contracts for personal services with individuals.~~

**[539.7002 Solicitation provision and contract clause.**

**Except for solicitations and contracts for personal services with individuals—**

**(a) Insert the provision at 552.239-70, Information Technology Security Plan and Security Authorization, in solicitations that include information technology supplies, services or systems in which the contractor will have physical or electronic access to government information that directly supports the mission of GSA.**

**(b) Insert the clause at 552.239-71, Security Requirements for Unclassified Information Technology Resources, in solicitations and contracts containing the provision in paragraph (a) of this section.]**

\* \* \* \* \*

**PART 541—ACQUISITION OF UTILITY SERVICES**

**Subpart 541.5—Solicitation Provisions and Contract Clauses**

~~541.501 Solicitation provision and contract clauses.~~

~~In addition to the solicitation terms, provisions and contract clauses at FAR 41.501(c), the contracting officer shall include the following clauses~~

~~(a) 552.241-70, Availability of Funds for the Next Fiscal Year or Quarter. As prescribed in 541.501, insert the clause 552.241-70, Availability of Funds for the Next Fiscal Year or Quarter, instead of FAR 52.232-19, in all utility acquisitions; and~~

~~(b) 552.241-71, Disputes (Utility Contracts). As prescribed in 541.501, insert clause 552.241-71, Disputes (Utility Contracts), in solicitations and contracts for utility services subject to the jurisdiction and regulation of a utility rate commission.~~

**[541.501 Contract clauses.**

**(a) FAR deviation. GSA has a FAR deviation that allows use of the clause at 552.241-70 in lieu of the FAR clause at 52.232-19. Insert the clause at 552.241-70, Availability of Funds for the Next Fiscal Year or Quarter, in lieu of the FAR clause at 52.232-19, in all utility acquisitions.**

**(b) Utility services. Insert the clause at 552.241-71, Disputes (Utility Contracts), in solicitations and contracts for utility services subject to the jurisdiction and regulation of a utility rate commission.]**

\* \* \* \* \*

**PART 542—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

**Subpart 542.11—Production Surveillance and Reporting**

542.1107 Contract clause.

~~The contracting officer shall insert 552.242-70, Status Report of Orders and Shipments, in solicitations and indefinite quantity and requirements contracts for Stock or Special Order Program items. The clause may be used in indefinite-delivery definite-quantity contracts for Stock or Special Order Program items when close monitoring is necessary because numerous shipments are involved.~~ **[Insert the clause at 552.242-70, Status Report of Orders and Shipments, in solicitations and contracts when a requirements or indefinite-quantity contract for Stock or Special Order Program items is contemplated. The clause may be used in indefinite-delivery definite-quantity contracts for Stock or Special Order Program items when close monitoring is necessary because numerous shipments are involved.]**

\* \* \* \* \*

PART 543—CONTRACT MODIFICATIONS

Subpart 543.2—Change Orders

~~543.205 Contract clauses.~~

~~The contracting officer shall insert 552.243-71, Equitable Adjustments, in solicitations and contracts containing FAR 52.243-4, Changes, FAR 52.243-5, Changes and Changed Conditions, or FAR 52.236-2, Differing Site Conditions.~~

**[543.205 Contract clause.**

**Insert the clause at 552.243-71, Equitable Adjustments, in solicitations and contracts that include any of the following FAR clauses: 52.243-4, 52.243-5, or 52.236-2.]**

\* \* \* \* \*

PART 546—QUALITY ASSURANCE

Subpart 546.3—Contract Clauses

546.302 Fixed-price supply contracts.

546.302-70 Source inspection by Quality Approved Manufacturer for fixed-price supply contracts.

~~(a) For solicitations issued and contracts awarded by FAS that will exceed the simplified acquisition threshold and include the clause at 52.246-2, Inspection of Supplies—Fixed-Price:~~

~~(1) The contracting officer shall insert the clause at 552.246-70, Source Inspection by Quality Approved Manufacturer, in solicitations and contracts that provide for source inspection for the Stock and Special Order Programs.~~

~~(2) The contracting officer may authorize inspection and testing at manufacturing plants or other facilities located outside the United States, Puerto Rico, or the U.S.~~

~~Virgin Islands, under paragraph (a)(1) of the clause at 552.246-70 under any of the circumstances listed below after coordinating the authorization with QVOC and documenting the authorization in the file.~~

~~(i) Inspection services are available from another Federal agency with primary inspection responsibility in the geographic area.~~

~~(ii) An inspection interchange agreement exists with another agency for inspection at a contractor's plant.~~

~~(iii) Other considerations will ensure more economical and effective inspection consistent with the Government's interest.~~

~~(b) When the estimated value of the acquisition is below the simplified acquisition threshold and will include the clause at 52.246-2, Inspection of Supplies—Fixed-Price, insert the clause at 552.246-70, Source Inspection by Quality Approved Manufacturer only:~~

~~(1) In solicitations and contracts that support the Wildfire program.~~

~~(2) In contracts when a pattern of acquisitions demonstrates an ongoing relationship with the contractor.~~

**[(a) Insert the clause at 552.246-70, Source Inspection by Quality Approved Manufacturer:**

**(1) In solicitations and contracts awarded by FAS that—**

**(i) Will exceed the simplified acquisition threshold;**

**(ii) Include the FAR clause at 52.246-2; and**

**(iii) Provide for source inspection for the Stock and Special Order**

**Programs.**

**(2) In solicitations and contracts that—**

**(i) Are below the simplified acquisition threshold;**

**(ii) Include the FAR clause at 52.246-2; and**

**(iii) Support the Wildfire program; or**

**(iv) When a pattern of acquisitions demonstrates an ongoing relationship with the contractor.**

**(b) The contracting officer may authorize inspection and testing at manufacturing plants or other facilities located outside the United States, Puerto Rico, or the U.S. Virgin Islands according to paragraph (a)(1) of the clause at 552.246-70 when any of the following conditions apply and after coordinating the authorization with QVOC and documenting the authorization in the file:**

**(1) Inspection services are available from another Federal agency with primary inspection responsibility in the geographic area.**

**(2) An inspection interchange agreement exists with another agency for inspection at a contractor's plant.**

**(3) Other considerations will ensure more economical and effective inspection consistent with the Government's interest.]**

546.302-71 Source inspection.

~~For solicitations and contracts issued by FAS, if Government personnel at the source will perform inspection, insert 552.246-71, Source Inspection by~~

~~Government. [Insert the clause at 552.246-71, Source Inspection by Government, in~~

**FAS solicitations and contracts where Government personnel at the source will perform inspection.]**

546.302-72 Destination Inspection.

~~The contracting officer shall include the clause at 552.246-78, Inspection at Destination (JULY 2009) in supply contracts that require inspection at destination.~~ **[Insert the clause at 552.246-78, Inspection at Destination, in solicitations and contracts for supplies that require inspection at destination.]**

546.312 Construction contracts.

~~Insert the clause at 552.246-72, Final Inspection and Tests, in solicitations and contracts for construction that include FAR 52.246-12, Inspection of Construction.~~ **[Insert the clause at 552.246-72, Final Inspection and Tests, in solicitations and contracts for construction that include the FAR clause at 52.246-12.]**

Subpart 546.7—Warranties

\* \* \*

546.710 Contract clause.

~~The Contracting officer shall insert the clause at 552.246-77, Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature, when using the clause at 52.246-17 in solicitations and contracts.~~ **[Insert the clause at 552.246-77, Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature, in solicitations and contracts that include the FAR clause at 52.246-17.]**

\* \* \* \* \*

~~PART 549—TERMINATION OF CONTRACTS~~

~~Subpart 549.5 [Reserved]~~

\* \* \* \* \*

~~PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES~~

\* \* \*

~~Subpart 552.1—Instructions for Using Provisions and Clauses~~

~~552.101-70 Using part 552.~~

~~(a) *Definition.* “Clause,” as used in this subpart, means provision or clause as defined in FAR 52.101(a).~~

~~(b) *Numbering.* (1) Clauses which are “substantially” the same as FAR clauses and clauses to be used instead of FAR clauses are identified as follows:~~

~~(i) The clause has the same title as a clause in the FAR.  
(ii) The number 5 precedes the clause.  
(iii) The clause appears under the same subsection number and caption as in the FAR.~~

~~(2) Supplemental clauses are numbered in the same manner as the FAR, except:  
(i) The chapter number precedes the clause.  
(ii) The subsection numbers begin with 70.  
(iii) The clauses are sequentially numbered, e.g., 552.232-70, 552.232-71,  
etc.~~

**[(a) *Numbering.* (1) GSAR provisions or clauses which are “substantially” the same as a FAR provision or clause (e.g., 552.232-1, Payments) are identified as follows:**

**(i) The provision or clause has the same title as the FAR provision or clause.**

**(ii) The provision or clause has the same number as the FAR provision or clause, except the number is preceded by the number “5”.**

**(2) GSA prescribed provisions and clauses (e.g., 552.232-72, Final Payment Under Building Services Contracts) are numbered in the same manner as the FAR, except that—**

**(i) The number is preceded by the number “5”, and**

**(ii) The sequential number at the end of the number of the provision or clause is “70” or a higher number.**

**(b) *Prescriptions.* Each provision or clause in subpart 552.2 is prescribed at the place in the GSAR where the subject matter of the provision or clause receives its primary treatment. The prescription includes all conditions, requirements, and instructions for using the provision or clause and its alternates, if any. The provision or clause may be referred to in other GSAM locations.**

**(c) *Introductory text.* Within subpart 552.2, the introductory text of each provision or clause includes a cross-reference to the location in the GSAR that prescribes its use.**

**(d) *Dates.* Since they are subject to revision from time to time, all GSAR provisions, clauses, and alternates are dated; e.g., (DEC 1983). To avoid questions concerning which version of any provision, clause, or alternate is operative in any given solicitation or contract, its date shall be included whether it is incorporated by reference or in full text.]**

552.102 Incorporating provisions and clauses.

~~You may incorporate clauses prescribed in the GSAR for solicitations and contracts by reference.~~**[(a) Except for paragraph (b) of this section, GSAR provisions and clauses should be incorporated by reference to the maximum practical extent, rather than being incorporated in full text. Upon request, the contracting officer shall provide the full text of any GSAR provision or clause incorporated by reference.**

**(b) A GSAR provision or clause should not be incorporated in full text if—**

- (1) It requires modification or completion by the Government (e.g., completion of blanks in provisions or clauses)(see FAR 52.104 and 552.104);
- (2) It requires completion by the offeror or contractor;
- (3) It is identified as a deviation (see 552.103); or
- (4) It is used with one or more alternates.]

552.103 Identification of provisions and clauses.

*Deviations.* If the GSAR prescribes a class deviation from a FAR clause, identify the clause by the GSAR citation (e.g., 552.232-8 PROMPT PAYMENT DISCOUNT (NOV 1987) (DEVIATION FAR 552.232-8)).

**[(a) General.** When a GSAR provision or clause is used without deviation in a solicitation or contract, it shall be identified by number, title, and date (e.g., 552.211-77, Packing List (FEB 1996)).

**(b) Deviations.** (1) *Federal Acquisition Regulation deviations.* When a GSAR provision or clause is used with an authorized deviation in lieu of a FAR provision or clause in a solicitation or contract, it shall be identified by number, title, date, and the deviation label (e.g., 552.232-1, Payments (NOV 2009) (DEVIATION FAR 52.232-1)). The deviation label consists of the text “DEVIATION FAR” and the applicable FAR provision or clause number enclosed in parentheses (e.g., (DEVIATION FAR 52.232-1)).

**(2) General Services Administration Acquisition Regulation deviations.** When a GSAR provision or clause is used with an authorized deviation in a solicitation or contract, it shall be identified by number, title, date, and the text “(DEVIATION)” inserted after the date (e.g., 552.232-1, Payments (NOV 2009) (DEVIATION)).

**(c) Alternates.** When a GSAR provision or clause is used with an alternate in a solicitation or contract, it shall be identified by the basic provision or clause citation and the alternate label (e.g., 552.211-77, Packing List (FEB 1996) Alternate I (MAY 2003)). The alternate label consists of the word “Alternate”, the alternate number, and date (e.g., Alternate I (MAY 2003)).]

\* \* \*

~~552.107-70 Provisions and clauses prescribed in Subpart 552.1.~~

~~(a) Insert the provision at 552.252-5, Authorized Deviations in Provisions, in solicitations that include any FAR or GSAR clause with an authorized deviation. You must use this provision in lieu of the FAR provision at 52.252-5.~~

~~(b) Insert the clause at 552.252-6, Authorized Deviations in Clauses, in solicitations and contracts that include any FAR or GSAR clause with an authorized deviation. You must use this clause in lieu of the FAR clause at 52.252-6.~~

**[552.107-70 Solicitation provision and contract clause.**

**GSA has a FAR deviation that allows use of the following provision and clause in lieu of the FAR provision at 52.252-5 and the FAR clause at 52.252-6:**

**(a) Insert the provision at 552.252-5, Authorized Deviations in Provisions, in solicitations that include any FAR or GSAR provision with an authorized deviation in lieu of the FAR provision at 52.252-5.**

**(b) Insert the clause at 552.252-6, Authorized Deviations in Clauses, in solicitations and contracts that include any FAR or GSAR clause with an authorized deviation in lieu of the FAR clause at 52.252-6.]**

\* \* \* \* \*

Subpart 552.2—Text of Provisions and Clauses

\* \* \*

552.211-10 Commencement, Prosecution, and Completion of Work.  
As prescribed in 511.404[**511.404(b)**], insert the following clause:

\* \* \*

552.211-12 Liquidated Damages-Construction.  
As prescribed in 511.504[**511.503(a)**], insert the following clause:

~~Liquidated Damages (Mar 2019)~~[**Liquidated Damages-Construction (MAR 2019)**]

\* \* \*

552.211-13 Time Extensions.  
As prescribed in 511.504[**511.503(b)**], insert the following clause:

\* \* \*

552.211-70 Substantial Completion.  
As prescribed in 511.404[**511.404(b)**], insert the following clause:

\* \* \*

552.211-75 Preservation, Packaging[, ] and Packing.

\* \* \*

~~*Alternate I (May 2003).* As prescribed at 511.204(b)(2), insert the following sentence in place of the last sentence of the clause:~~**[Alternate I (MAY 2003). As prescribed at 511.204(b)(2), substitute the following sentence for the last sentence of the basic clause:]**

\* \* \*

552.211-76 Charges for [**P**]packaging, [**P**]packing, and [**M**]marking.

\* \* \*

552.211-77 Packing List.

\* \* \*

~~Alternate I (May 2003). As prescribed at 511.204(d), substitute the following paragraphs (a)(3) and (b) for (a)(3) and (b) of the basic clause:~~**[Alternate I (MAY 2003). As prescribed in 511.204(c), substitute the following paragraphs (a)(3) and (b) for paragraphs (a)(3) and (b) of the basic clause:]**

\* \* \*

552.211-79 Acceptable Age of Supplies.

\* \* \*

~~Alternate I (Feb 1996). For items having a limited shelf life, the sentence below should be substituted for the first sentence of the basic clause when authorized:~~**[Alternate I (FEB 1996). As prescribed in 511.404(a)(1)(i), substitute the following sentence for the first sentence of the basic clause:]**

\* \* \*

552.211-80 Age on Delivery.

As prescribed in 511.404(a)(2)~~[511.404(a)(1),]~~ insert the following clause:

\* \* \*

552.211-81 Time of Shipment.

As prescribed in 511.404(b)~~[511.404(a)(2)],~~ insert the following clause:

\* \* \*

~~Alternate I (Feb 1996). If the contract will require shipment more than 45 calendar days after receipt of the order, the following paragraph should be added to the basic clause:~~**[Alternate I (FEB 1996). As prescribed in 511.404(a)(2), add the following paragraph to the basic clause:]**

\* \* \*

552.211-83 Availability for Inspection, Testing, and Shipment/Delivery.

As prescribed in 511.404(c)~~[511.404(a)(3)],~~ insert the following clause:

\* \* \*



~~Alternate I (Feb 1996). If the contract is for stock items, the Contracting Officer shall insert "shipped" or "ship" in the basic clause, add the following paragraph (b) and redesignate paragraph (b) of the basic clause as paragraph (c).~~ **[Alternate I (FEB 1996). As prescribed in 511.404(a)(3), add the following paragraph (b) to the basic clause and redesignate paragraph (b) of the basic clause accordingly.]**

\* \* \*

~~552.211-85 Consistent pack and package requirements.~~ **[Consistent Pack and Package Requirements.]**

\* \* \*

~~552.211-86 Maximum weight per shipping container.~~ **[Maximum Weight Per Shipping Container.]**

\* \* \*

552.211-87 Export **[P]**packing.

\* \* \*

~~552.211-88 Vehicle export preparation.~~ **[Vehicle Export Preparation.]**

\* \* \*

~~552.211-89 Non-manufactured wood packaging material for export.~~ **[Non-manufactured Wood Packaging Material for Export.]**

\* \* \*

552.211-90 Small parts **[Parts]**.

\* \* \*

~~552.211-91 Vehicle decals, stickers, and data plates.~~ **[Vehicle Decals, Stickers, and Data Plates.]**

\* \* \*

~~552.211-92 Radio Frequency Identification (RFID) using passive tags.~~ **[Radio Frequency Identification (RFID) Using Passive Tags.]**

\* \* \*

552.211-94 Time of Delivery.

As prescribed at ~~511.404(d)~~**[511.404(a)(4)]**, insert the following clause:

\* \* \*

552.212-71 Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items.

As prescribed in ~~512.301(a)(2)~~**[512.301(a)(1)]**, insert the following clause:

\* \* \*

552.212-72 Contract Terms and Conditions Required To Implement Statutes or Executive Orders Applicable to GSA Acquisition of Commercial Items.

As prescribed in ~~512.301(a)(3)~~**[512.301(a)(2)]**, insert the following clause:

\* \* \*

552.216-73 Ordering Information.

\* \* \*

*Alternate I* (SEP 1999). As prescribed in 516.506(b), delete paragraph (d) of the basic provision **[and redesignate paragraph (e) accordingly]**.

\* \* \*

552.216-75 Transactional Data Reporting.

As prescribed in 516.506(e), insert the following **[clause]**~~provision~~:

\* \* \*

(End of **[clause]**~~Provision~~)

\* \* \*

~~552.217-73 Notice Regarding Information Collection Requirements.~~**[552.215-73 Notice.]**

As prescribed in ~~515.209-70(b)~~**[515.209-70(c)]**, insert the following clause:

\* \* \*

552.219-70 Allocation of Orders—Partially Set-Aside Items.

As prescribed in ~~519.508~~**[519.507]**, insert the following clause:

\* \* \*

552.219-74 Section 8(a) Direct Award.

As prescribed in ~~519.870-8~~**[519.870-2(a)]**, insert the following clause:

\* \* \*

552.227-70 Government Rights (Unlimited).

As prescribed in 527.409[(a)], insert the following clause:

Government Rights (Unlimited) (MAY 1989) [(DEVIATION FAR 52.227-17)]

\* \* \*

552.227-71 Drawings and Other Data to Become Property of Government.

As prescribed in 527.409(b), substitute the following clause: [As prescribed in 527.409(b), insert the following clause:]

Drawings and Other Data To Become Property of Government (MAY 1989)  
[(DEVIATION FAR 52.227-17)]

\* \* \*

552.229-70 Federal, State, and Local Taxes.

As prescribed in ~~529.401-70~~[529.470(a)], insert the following clause:

\* \* \*

552.229-71 Federal Excise Tax—DC Government.

As prescribed in ~~529.401-71~~[529.470(b)], insert the following clause:

\* \* \*

552.232-1 Payments.

As prescribed in ~~532.908(a)~~[532.111(a)], insert the following clause:

\* \* \*

552.232-5 Payments under Fixed-Price Construction

As prescribed in ~~532.111~~[532.111(b)], insert the following clause:

\* \* \*

552.232-25 Prompt Payment.

As prescribed in ~~532.908(c)(2)~~[532.908(b)(2)], insert the following clause:

\* \* \*

552.232-39 Unenforceability of Unauthorized Obligations (~~FAR DEVIATION~~).

~~As prescribed in 513.302-5 and 532.706-3, insert the following clause:~~**[As prescribed in 532.706-3, insert the following clause:]**

~~Unenforceability of Unauthorized Obligations. (FAR DEVIATION) (FEB. 2018)~~  
**[(DEVIATION FAR 52.232-39)]**

\* \* \*

552.232-72 Final Payment Under Building Services Contracts.  
As prescribed in ~~532.904(b)~~**[532.908(a)]**, insert the following clause:

\* \* \*

552.232-78 Commercial Supplier Agreements—Unenforceable Clauses.  
~~As prescribed in 513.302-5 and 532.706-3 insert the following clause:~~**[As prescribed in 532.706-3(b), insert the following clause:]**

~~Commercial Supplier Agreements-Unenforceable Clauses (FEB. 2018)~~**[(FEB 2018)]**

\* \* \*

552.236-71 Contractor Responsibilities.

\* \* \*

*Alternate I* (Mar 2019). ~~As prescribed in 536.571, delete paragraphs (d), (e), (f), and (g) of the basic clause, and insert paragraphs (d), (e), (f), and (g) as follows:~~**[As prescribed in 536.571, substitute the following paragraphs (d), (e), (f), and (g) for paragraphs (d), (e), (f), and (g) of the basic clause:]**

\* \* \*

552.236-74 Evaluation of Options.  
As prescribed in 536.270-5(a), insert **[a provision substantially the same as]** the following provision:

\* \* \*

552.236-75 Evaluation Exclusive of Options.  
As prescribed in 536.270-5(b), insert **[a provision substantially the same as]** the following provision:

\* \* \*

552.236-76 Basis of Award—Sealed Bidding Construction[.]

As prescribed in 536.270-5(c), insert **[a provision substantially the same as]** the following provision:

\* \* \*

*Alternate I* (MAR 2019). As prescribed in 536.270-5(c), designate~~redesignate~~ the basic provision as paragraph (a) and add the following paragraph **[(b)]** to the basic provision:

\* \* \*

552.236-77 Government's Right to Exercise Options.

As prescribed in 536.270-5(d), insert **[a clause substantially the same as]** the following-clause:

\* \* \*

552.236-79 Construction-Manager-As-Constructor.

As prescribed in 536.7107(a), insert **[a clause substantially the same as]** the following clause:

Construction-Manager-As-Constructor (JAN 2020) **[(DEVIATION FAR 52.216-17)]**

\* \* \*

552.236-80 Accounting Records and Progress Payments.

As prescribed in 536.7107(b), insert **[a clause substantially the same as]** the following clause:

\* \* \*

552.238-77 Submission and Distribution of Authorized Federal Supply Schedule Price Lists.

As prescribed in 538.273(d)(1), insert the following clause:

Submission and Distribution of Authorized Federal Supply Schedule Price Lists (~~FEB 2020~~)**[(MAR 2020)]**

\* \* \*

~~End of Clause~~**[(End of clause)]**

\* \* \*

552.238-81 Price Reductions.

\* \* \*

Alternate I (MAY 2019). As prescribed in 538.273(b)(5), substitute the following paragraph[s] (a) and (b) for paragraphs (a), (b), (c), (d), (e), (f) and (g) of the basic clause:

\* \* \*

552.238-82 Modifications (Federal Supply Schedules).

As prescribed in 538.273(d)(6), insert the following clause:

Modifications (Federal Supply Schedules) ~~(MAY 2019)~~**[(MAR 2020)]**

\* \* \*

~~(e) Amendments to paper Federal Supply Schedule Price Lists. (1) The Contractor must provide supplements to its paper price lists, reflecting the most current changes. The Contractor may either:~~

~~(i) Distribute a supplemental paper Federal Supply Schedule Price List within 15 workdays after the effective date of each modification.~~

~~(ii) Distribute quarterly cumulative supplements. The period covered by a cumulative supplement is at the discretion of the Contractor, but may not exceed three calendar months from the effective date of the earliest modification. For example, if the first modification occurs in February, the quarterly supplement must cover February-April, and every three month period after. The Contractor must distribute each quarterly cumulative supplement within 15 workdays from the last day of the calendar quarter.~~

~~(2) At a minimum, the Contractor shall distribute each supplement to those ordering activities that previously received the basic document. In addition, the Contractor shall submit two copies of each supplement to the Contracting Officer and one copy to the FSS Schedule Information Center.~~

(End of clause)

\* \* \*

Alternate I ~~(MAY 2019)~~**[(MAR 2020)]**. As prescribed in 538.273(d)(6)(i), add the following paragraph (e) to the basic clause:

\* \* \*

552.241-70 Availability of Funds for the Next Fiscal Year or Quarter.

~~As prescribed in 541.501, insert the clause 552.241-70, Availability of Funds for the Next Fiscal Year or Quarter, instead of FAR 52.232-19, in all utility acquisitions.~~**[As prescribed in 541.501(a), insert the following:]**

Availability of Funds for the Next Fiscal Year or Quarter (AUG 2010) **[(DEVIATION FAR 52.232-19)]**

\* \* \*

552.241-71 Disputes (Utility Contracts).

~~As prescribed in 541.501, insert clause 552.241-71, Disputes (Utility Contracts), in solicitations and contracts for utility services subject to the jurisdiction and regulation of a utility rate commission.~~ **[As prescribed in 541.501(b), insert the following clause:]**

\* \* \*

552.242-70 Status Report of Orders and Shipments.

As prescribed in 542.1107, insert the following clause:

Status Report of Orders and Shipments (~~FEB 9, 2009~~)**[(FEB 2009)]**

\* \* \*

552.246-70 Source Inspection by Quality Approved Manufacturer.

As prescribed in 546.302-70, insert the following clause:

Source Inspection by Quality Approved Manufacturer (~~JUL 09~~)**[(JUL 2009)]**

\* \* \*

552.246-71 Source Inspection by Government.

As prescribed in 546.302-71, insert the following clause:

Source Inspection by Government (~~JUNE 1, 2009~~)**[(JUN 2009)]**

\* \* \*

552.246-77 Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature.

~~As prescribed in 546.710(a), insert the following clause in solicitations and contracts that include FAR 52.246-17, Warranty of Supplies of a Noncomplex Nature.~~ **[As prescribed in 546.710, insert the following clause:]**

Additional Contract Warranty Provisions for Supplies of a Noncomplex Nature (~~JUL 09~~)**[(JUL 2009)]**

\* \* \*

552.246-78 Inspection at Destination.

As prescribed in 546.302-72 insert the following clause:

Inspection at Destination (~~JUL 09~~)**[(JUL 2009)]**

\* \* \*

552.252-5 Authorized Deviations in Provisions.

As prescribed in 552.107-70(a), insert the following provision:

Authorized Deviations in Provisions **[(Nov 2021) (DEVIATION FAR 52.252-5)]**~~(Deviation FAR 52.252-5) (SEP 1999)~~

~~(a) *Deviations to FAR provisions.* (1) This solicitation indicates any authorized deviation to a Federal Acquisition Regulation (48 CFR chapter 1) provision by the addition of “(DEVIATION)” after the date of the provision, if the provision is not published in the General Services Administration Acquisition Regulation (48 CFR chapter 5).~~

~~(2) This solicitation indicates any authorized deviation to a Federal Acquisition Regulation (FAR) provision that is published in the General Services Administration Acquisition Regulation by the addition of “(DEVIATION (FAR provision no.))” after the date of the provision.~~

~~(b) *Deviations to GSAR provisions.* This solicitation indicates any authorized deviation to a General Services Administration Acquisition Regulation provision by the addition of “(DEVIATION)” after the date of the provision.~~

~~(c) *“Substantially the same as” provisions.* Changes in wording of provisions prescribed for use on a “substantially the same as” basis are not considered deviations.~~

~~(End of provision)~~

**[(a) *Deviations to FAR provisions.* This solicitation identifies any authorized deviation to a Federal Acquisition Regulation (FAR) (48 CFR chapter 1) provision by the addition of “(DEVIATION FAR (provision number))” after the date of the provision.**

**(b) *Deviations to GSAR provisions.* This solicitation identifies any authorized deviation to a General Services Administration Acquisition Regulation (GSAR) (48 CFR chapter 5) provision by the addition of “(DEVIATION)” after the date of the provision.**

**(c) *“Substantially the same as” provisions.* Changes in wording of provisions prescribed for use on a “substantially the same as” basis are not considered deviations.**

**(End of provision)]**

\* \* \*

552.252-6 Authorized Deviations in Clauses.

As prescribed in 552.107-70(b), insert the following clause:

Authorized Deviations in Clauses **[(Nov 2021) (DEVIATION FAR 52.252-6)]**~~(Deviation FAR 52.252-6) (SEP 1999)~~

~~(a) *Deviations to FAR clauses.* (1) This solicitation or contract indicates any authorized deviation to a Federal Acquisition Regulation (48 CFR chapter 1) clause by the addition~~



of “(DEVIATION)” after the date of the clause, if the clause is not published in the General Services Administration Acquisition Regulation (48 CFR chapter 5).

~~(2) This solicitation indicates any authorized deviation to a Federal Acquisition Regulation (FAR) clause that is published in the General Services Administration Acquisition Regulation by the addition of “(DEVIATION (FAR clause no.))” after the date of the clause.~~

~~(b) Deviations to GSAR clauses: This solicitation indicates any authorized deviation to a General Services Administration Acquisition Regulation clause by the addition of “(DEVIATION)” after the date of the clause.~~

~~(c) “Substantially the same as” clauses. Changes in wording of clauses prescribed for use on a “substantially the same as” basis are not considered deviations.~~

(End of clause)

**[(a) Deviations to FAR clauses. This solicitation or contract identifies any authorized deviation to a Federal Acquisition Regulation (FAR) (48 CFR chapter 1) clause by the addition of “(DEVIATION FAR (clause number))” after the date of the clause.**

**(b) Deviations to GSAR clauses. This solicitation or contract identifies any authorized deviation to a General Services Administration Acquisition Regulation (GSAR) (48 CFR chapter 5) clause by the addition of “(DEVIATION)” after the date of the clause.**

**(c) “Substantially the same as” clauses. Changes in wording of clauses prescribed for use on a “substantially the same as” basis are not considered deviations.**

(End of clause)]

\* \* \*

552.270-1 Instructions to Offerors—Acquisition of Leasehold Interests in Real Property.

\* \* \*

Alternate I (MAR 1998). As prescribed in 570.702, substitute the following paragraph **[(c)(2)(i)]** for paragraph (c)(2)(i) of the basic provision:

(i) Any offer received at the office designated in the solicitation after the exact time specified for receipt of final proposal revisions will not be considered unless it is received before award is made and it meets one of the following conditions—

Alternate II (MAR 1998). As prescribed in 570.702, substitute the following paragraph **[(e)(4)]** for paragraph (e)(4) of the basic provision:

\* \* \*

552.270-31 Prompt Payment.

\* \* \*

*Alternate I (SEP 1999).* ~~If Alternate I is used, subparagraph (a)(1) of the basic clause should be designated as paragraph (a) and subparagraph (a)(2) and paragraph (b) should be deleted. Paragraph (c) of the basic clause should be redesignated as (b).~~ **[As prescribed in 570.703, delete paragraphs (a)(2) and (b) of the basic clause, and redesignate the remaining paragraphs accordingly.]**

\* \* \*

\* \* \* \* \*

## PART 570—ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

\* \* \* \* \*

### Subpart 570.7—Solicitation Provisions and Contract Clauses

#### 570.701 FAR provisions and clauses.

~~Include~~ **[Insert]** provisions or clauses substantially the same as the FAR provisions and clauses listed below.

\* \* \*

#### 570.702 GSAR solicitation provisions.

Each SFO must include provisions substantially the same as the following, unless the contracting officer determines that the provision is not appropriate. ~~However, document the file with the basis for deleting or substantially changing a clause.~~ **[The contracting officer shall document the file with the basis for omitting or substantially changing a provision.]**

552.270-1 Instructions to Offerors—Acquisition of Leasehold Interests in Real Property. ~~Use Alternate I if you decide that it is advantageous to the Government to allow offers to be submitted up to the exact time specified for award. Use Alternate II if the Government intends to award without discussions. These two alternates are not exclusive.~~ **[Use the provision with its Alternate I if it is advantageous to the Government to allow offers to be submitted up to the exact time specified for award. Use the provision with its Alternate II if the Government intends to award without discussions.]**

552.270-2 Historic Preference.

552.270-3 Parties to Execute Lease.

570.703 GSAR contract clauses.

(a) Insert clauses substantially the same as the following in solicitations and contracts for leasehold interests in real property that exceed the simplified lease acquisition threshold, unless the contracting officer determines that a clause is not appropriate. ~~However,~~ **[The contracting officer shall]** document the file with the basis for **[omitting]** ~~deleting~~ or substantially changing a clause. A deviation is not required under section 570.704 to determine that a clause in this section is not appropriate. ~~Use the clauses at your discretion in actions at or below the simplified lease acquisition threshold.~~ **[The following clauses may be inserted in solicitations and contracts for leasehold interests in real property at or below the simplified lease acquisition threshold.]**

552.215-70 Examination of Records by GSA

552.270-4 Definitions. ~~You must use this clause if you use 552.270-28~~ **[Insert this clause if including the clause at 552.270-28.]**

\* \* \*

~~(b) Include the following provisions and clauses in leasehold interests in real property.~~

~~552.270-30 Price Adjustment for Illegal Improper Activity.~~

~~552.270-31 Prompt Payment.~~

~~552.270-32 Covenant Against Contingent Fees.~~

**[(b) Insert the following clauses in solicitations and contracts for leasehold interests in real property:**

**552.270-30 Price Adjustment for Illegal or Improper Activity.**

**552.270-31 Prompt Payment.**

**552.270-32 Covenant Against Contingent Fees.]**

\* \* \*

## Attachment AA: GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 139 effective 10/29/2021

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by strikethroughs
- Five asterisks (\* \* \* \* \*) indicate that there are no revisions between the preceding and following sections or parts
- Three asterisks (\* \* \*) indicate that there are no revisions between the material shown within a subsection or section

\* \* \* \* \*

~~Subpart 519.7—The Small Business Subcontracting Program~~

**[Subpart 519.7—The Small Business Subcontracting Program]**

\* \* \* \* \*

~~PART 549—TERMINATION OF CONTRACTS~~

**[PART 549—TERMINATION OF CONTRACTS]**

\* \* \* \* \*