

Subpart 1812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items. (NASA supplements paragraph (f))

(f)(i) The following clauses are authorized for use in acquisitions of commercial items when required by the clause prescription:

(A) 1852.204-74, Central Contractor Registration.

(B) 1852.214-71, Grouping for Aggregate Award.

(C) 1852.214-72, Full Quantities.

(D) 1852.215-84, Ombudsman.

(E) 1852.219-75, Small Business Subcontracting Reporting.

(F) 1852.219-76, NASA 8 Percent Goal.

(G) 1852.223-70, Safety and Health.

(H) 1852.223-71, Frequency Authorization.

(I) 1852.223-72, Safety and Health (Short Form).

(J) 1852.223-73, Safety and Health Plan.

(K) 1852.223-75, Major Breach of Safety and Security.

(L) 1852.228-72, Cross-Waiver of Liability for Space Shuttle Services.

(M) 1852.228-76, Cross-Waiver of Liability for Space Station Activities.

(N) 1852.228-78, Cross-Waiver of Liability for NASA Expendable Launch Vehicles.

(O) 1852.246-72, Material Inspection and Receiving Report.

[64 FR 19926, Apr. 23, 1999, as amended at 64 FR 51078, Sept. 21, 1999; 65 FR 37058, June 13, 2000; 65 FR 50153, Aug. 17, 2000; 66 FR 18052, Apr. 5, 2001]

1812.302 Tailoring of provisions and clauses for the acquisition of commercial items. (NASA supplements paragraph (c))

(c) The Assistant Administrator for Procurement (Code HS) is the approval authority for waivers. Requests shall be prepared and submitted in accordance with 1801.471.

Subpart 1812.4—Unique Requirements Regarding Terms and Conditions for Commercial Items

1812.404 Warranties.

(b) In acquisitions under the Simplified Acquisition Threshold specified in FAR part 13, no express warranty should be required other than the offeror's commercial warranty.

Subpart 1812.70—Commercial Space Hardware or Services

1812.7000 Prohibition on guaranteed customer bases for new commercial space hardware or services.

Public Law 102-139, title III, Section 2459d, prohibits NASA from awarding a contract with an expected duration of more than one year if the primary effect of the contract is to provide a guaranteed customer base for, or establish an anchor tenancy in, new commercial space hardware or services. Exception to this prohibition may be authorized only by an appropriations Act specifically providing otherwise.

[63 FR 40189, July 28, 1998]