

## Federal Property Management Regulations

## § 101-26.100-2

### § 101-26.100-1 Procurement of lowest cost items.

GSA provides lines of similar items to meet particular end-use requirements under the GSA stock program, special order program (SOP) established source, and the Federal Supply Schedule program. Although these similar items may differ in terms of price, quality, and essential characteristics, they often can serve the same functional end-use procurement needs of the various ordering agencies. Therefore, in submitting requisitions or placing delivery orders for similar items obtainable from GSA sources, agencies shall utilize the source from which the lowest cost item can be obtained which will adequately serve the functional end-use purpose.

[56 FR 12455, Mar. 26, 1991]

### § 101-26.100-2 Request for waivers.

Waiver requests, when required by § 101-26.102-1 (special order program established source items), § 101-26.301 (GSA stock items) or § 101-26.401-3(b) (Federal Supply Schedule items), shall be submitted to the Commissioner, Federal Supply Service (F), General Services Administration, Washington, DC 20406. Waiver requests will be approved if considered justified. Approval of a waiver request does not constitute authority for a sole source procurement. Depending on the basis for the waiver request, each request shall contain the following information:

(a) Waiver requests based on determination that the GSA item is not of the requisite quality or will not serve the required functional end-use purpose of the agency requesting the waiver shall include the following information with each request:

(1) A complete description of the type of item needed to satisfy the requirement. Descriptive literature such as cuts, illustrations, drawings, and brochures which show the characteristics or construction of the type of item or an explanation of the operation should be furnished whenever possible.

(2) The item description and the stock number (NSN if possible) of the GSA item being compared. Inadequacies of the GSA items in performing the required functions.

(3) The quantity required. (If demand is recurrent, nonrecurrent, or unpredictable, so state.)

(4) The name and telephone number of the person to be contacted when questions arise concerning the request.

(5) Other pertinent data, when applicable.

(b) Waiver request based on determination that the GSA item can be purchased locally at a lower price shall include the following information with each request. However, the price alone of an item without other substantive consideration will not be considered sufficient justification to approve a waiver request.

(1) A complete description of the type of item needed to satisfy the requirement.

(2) The quantity required. (If demand is recurrent, nonrecurrent, or unpredictable, so state.)

(3) The destination of item to be delivered.

(4) The name and address of source.

(5) A price comparison with the GSA item, including the NSN of the GSA item. Cost comparisons shall include the agency administrative cost to effect the local purchase.

(6) The name and telephone number of the person to be contacted when questions arise concerning the request.

(7) Other pertinent data, when applicable.

(c) When the item is a Standard or optional form available from GSA stock, the provisions of § 101-26.302 apply.

(d) Agencies shall not initiate action to procure similar items from non-GSA sources until a request for a waiver has been requested from and approved by GSA. The fact that action to procure a similar item has been initiated will not influence GSA action on a request for waiver.

(e) Waivers are not required for items or services procured in accordance with the policy set forth in § 101-26.100-1 relating to the acquisition of the lowest cost item from GSA sources, § 101-26.401-4(f) relating to the purchase of products that are available at prices lower than the prices of identical products provided by multiple award Federal Supply Schedule contracts, or when an urgent requirement exists in

### § 101-26.100-3

accordance with FAR 6.302-2 (48 CFR 6.302-2).

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#### § 101-26.100-3 Warranties.

Through its procurement sources and programs GSA provides for certain types of items and services which are covered by warranties. Such warranties allow ordering activities additional time after acceptance within which to assert a right to correct certain deficiencies in supplies or services furnished. The additional time period and the specific corrective actions for which the contractor is responsible are usually stated in the warranty. Items and services subject to warranties are normally identified by a warranty marking or notice. Such marking or notice will state that a warranty exists, its extent of coverage, its duration, and whom to notify concerning defects. Using activities shall take the following actions when items or services (except for automotive vehicles and components which are subject to the provisions of § 101-26.501-6) covered by warranty provisions are found to be defective during the warranty period.

(a) Activities shall attempt to resolve all complaints where a warranty is involved. If the contractor replaces the item or corrects the deficiency, a Standard Form (SF) 368, Product Quality Deficiency Report, in duplicate, shall be sent to the GSA Discrepancy Reports Center (6FR), 1500 East Bannister Road, Kansas City, MO 64131-3088. The resolution of the case should be clearly stated in the text of the SF 368. This information will be maintained as a quality history file for use in future procurements.

(b) If the contractor refuses to correct, or fails to replace, a defective item or an aspect of service under the warranty, an SF 368, in duplicate, along with copies of all pertinent correspondence, shall be submitted to the contracting officer in the appropriate GSA commodity center for necessary action. The address of the contracting officer is contained in the contract/purchase order, except for schedule items where the address is shown in the Federal Supply Schedule.

[56 FR 12456, Mar. 26, 1991]

### 41 CFR Ch. 101 (7-1-05 Edition)

#### § 101-26.101 Utilization of long supply and excess personal property.

To the fullest extent practicable, agencies shall utilize inventories in long supply, as prescribed in subpart 101-27.3, and excess personal property, as prescribed in part 101-43, as a first source of supply in fulfilling their requirements.

[34 FR 200, Jan. 7, 1969]

#### § 101-26.102 Special buying services.

##### § 101-26.102-1 General.

The special buying services of GSA are performed through the GSA special order program (SOP). The SOP allows an agency to obtain items not included in either the GSA stock or Federal Supply Schedule program. All executive agencies within the United States (including Hawaii and Alaska), in order to maximize the use of the Government's centralized supply system, shall request SOP items by submitting requisitions for GSA centrally managed items to GSA. GSA will process all requisitions for SOP items, regardless of total line item value, from activities electing to purchase from GSA. If an agency determines that alternative sources are more favorable, procurement from other sources is authorized: Provided, that the dollar thresholds and criteria outlined in § 101-26.301(b)(1) through (3) are followed.

[56 FR 12456, Mar. 26, 1991]

##### § 101-26.102-2 Utilization by military agencies.

Military activities shall utilize the buying services of GSA when:

(a) GSA has agreed with the Secretary of Defense, or with the Secretary of a military department in connection with the requirements of that department, to perform such buying services; and

(b) The items involved are not properly obtainable from GSA stock or Federal Supply Schedules.

[29 FR 15610, Nov. 20, 1964, as amended at 36 FR 17423, Aug. 31, 1971]

##### § 101-26.102-3 Procurement leadtime.

When GSA performs the purchasing services for other agencies or activities as contemplated by this § 101-26.102-3,