

## General Services Administration

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“deliver”] as required by this clause may result in termination of this contract for default.

(End of 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).

(b) If notice of approval and release by the Government inspector or authorization to ship without Government inspection is received before \_\_\_\_\_\*\_\_\_\_\_ calendar days after receipt of the [Insert “Notice of Award” or “order”], receipt of such notice shall be deemed to be received on the \_\_\_\_\_\*\_\_\_\_\_ calendar day after receipt of [Insert “Notice of Award” or “order”]. Shipments shall not be made before the \_\_\_\_\_\*\_\_\_\_\_ calendar day after receipt of the [Insert “Notice of Award” or “order”] unless authorized in writing by the Contracting Officer.

\*Entries are normally the same number of days specified for availability.

### 552.211-84 Non-Compliance With Contract Requirements.

As prescribed in 511.404(b), insert the following clause:

#### NON-COMPLIANCE WITH CONTRACT REQUIREMENTS (FEB 1996)

In the event the Contractor, after receiving written notice from the Contracting Officer of non-compliance with any requirement of this contract, fails to initiate promptly such action as may be appropriate to comply with the specified requirement within a reasonable period of time, the Contracting Officer shall have the right to order the Contractor to stop any or all work under the contract until the Contractor has complied or has initiated such action as may be appropriate to comply within a reasonable period of time. The Contractor will not be entitled to any extension of contract time or payment for any costs incurred as a result of being ordered to stop work for such cause.

(End of clause)

### 552.212-70 Preparation of Offer (Multiple Award Schedule).

As prescribed in 512.301(a)(1), insert the following clause:

#### PREPARATION OF OFFER (MULTIPLE AWARD SCHEDULE) (AUG 1997)

(a) Definitions. *Concession*, as used in this solicitation, means a benefit, enhancement or privilege (other than a discount), which either reduces the overall cost of a customer’s acquisition or encourages a customer to consummate a purchase. Concessions include, but are not limited to freight allowance, extended warranty, extended price guarantees, free installation and bonus goods.

*Discount*, as used in this solicitation, means a reduction to catalog prices (published or unpublished). Discounts include, but are not limited to, rebates, quantity discounts, purchase option credits, and any other terms or conditions other than concessions) which reduce the amount of money a customer ultimately pays for goods or services ordered or received. Any net price lower than the list price is considered a “discount” by the percentage difference from the list price to the net price.

(b) For each Special Item Number (SIN) included in an offer, the Offeror shall provide the information outlined in paragraph (c). Offerors may provide a single response covering more than one SIN, if the information disclosed is the same for all products under each SIN. If discounts and concessions vary by model or product line, offerors shall ensure that information is clearly annotated as to item or items referenced.

(c) Provide information described below for each SIN:

(1) Two copies of the offeror’s current published (dated or otherwise identified) commercial descriptive catalogs and/or price list(s) from which discounts are offered. If special catalogs or price lists are printed for the purpose of this offer, such descriptive catalogs or price lists shall include a statement indicating the special catalog or price list represent a verbatim extract from the Offeror’s commercial catalog and/or price list and identify the descriptive catalog and/or price list from which the information has been extracted.

(2) Next to each offered item in the commercial catalog and/or price list, the Offeror shall write the special item number (SIN) under which the item is being offered. Unless a special catalog or price list is submitted, all other items shall be marked “excluded,” lined out, and initiated by the offeror.

(3) The discount(s) offered under this solicitation. The description of discounts offered shall include all discounts, such as prompt payment discounts, quantity/dollar volume discounts (indicate whether models/products can be combined within the SIN or whether SINs can be combined to earn discounts), blanket purchase agreement discounts, or purchase option credits. If the terms of sale appearing in the commercial catalogs or

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price list on which an offer is based are in conflict with the terms of this solicitation, the latter shall govern.

(4) A description of concessions offered under this solicitation which are not granted to other customers. Such concessions may include, but are not limited to, an extended warranty, a return/exchange goods policy, or enhanced or additional services.

(5) If the Offeror is a dealer/reseller or the Offeror will use dealers to perform any aspect of contract awarded under this solicitation, describe the functions, if any, that the dealer/reseller will perform.

(End of clause)

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

As prescribed in 512.301(a)(2), insert the following clause:

CONTRACT TERMS AND CONDITIONS APPLICABLE TO GSA ACQUISITION OF COMMERCIAL ITEMS (JUL 2003)

The Contractor agrees to comply with any provision or clause that is incorporated herein by reference to implement agency policy applicable to acquisition of commercial items or components. The provision or clause in effect based on the applicable regulation cited on the date the solicitation is issued applies unless otherwise stated herein. The following provisions and clauses are incorporated by reference:

[The contracting officer should either check the provisions and clauses that apply or delete the provisions and clauses that do not apply from the list. The contracting officer may add the date of the provision or clause if desired for clarity.]

(a) Provisions.

\_\_\_ 552.237-70 Qualifications of Offerors

(b) Clauses.

\_\_\_ 552.203-71 Restriction on Advertising

\_\_\_ 552.211-73 Marking

\_\_\_ 552.2215-70 Examination of Records by GSA

\_\_\_ 552.215-71 Examination of Records by GSA (Multiple Award Schedule)

\_\_\_ 552.215-72 Price Adjustment—Failure to Provide Accurate Information

\_\_\_ 552.219-70 Allocation of Orders—Partially Set-Aside Items

\_\_\_ 552.228-70 Workers' Compensation Laws

\_\_\_ 552.229-70 Federal, State, and Local Taxes

\_\_\_ 552.232-8 Discounts for Prompt Payment

\_\_\_ 552.232-23 Assignment of Claims

\_\_\_ 552.232-71 Adjusting Payments

\_\_\_ 552.232-72 Final Payment

\_\_\_ 552.232-73 Availability of Funds

\_\_\_ 552.232-78 Payment Information

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\_\_\_ 552.237-71 Qualifications of Employees

\_\_\_ 552.238-71 Submission and Distribution of Authorized FSS Schedule Price List

\_\_\_ 552.238-74 Industrial Funding Fee and Sales Reporting

\_\_\_ 552.238-75 Price Reductions

\_\_\_ 552.242-70 Status Report of Orders and Shipments

\_\_\_ 552.243-72 Modifications (Multiple Award Schedule)

\_\_\_ 552.246-73 Warranty—Multiple Award Schedule

\_\_\_ 552.246-76 Warranty of Pesticides

(End of clause)

[64 FR 37229, July 9, 1999, as amended at 65 FR 41379, July 5, 2000; 68 FR 41288, July 11, 2003]

**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), insert the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO GSA ACQUISITION OF COMMERCIAL ITEMS (SEPT 2003)

The Contractor agrees to comply with any provision or clause that is incorporated herein by reference to implement provisions of law or Executive Orders applicable to acquisition of commercial items or components. The provision or clause in effect based on the applicable regulation cited on the date the solicitation is issued applies unless otherwise stated herein. The following provisions and clauses are incorporated by reference:

[The contracting officer should either check the provisions and clauses that apply or delete the provisions and clauses that do not apply from the list. The contracting officer may add the date of the provision or clause if desired for clarity.]

(a) Provisions.

\_\_\_ 552.223-72 Hazardous Material Information

(b) Clauses.

\_\_\_ 552.223-70 Hazardous Substances

\_\_\_ 552.223-71 Nonconforming Hazardous Material

\_\_\_ 552.238-70 Identification of Electronic Office Equipment Providing Accessibility for the Handicapped

\_\_\_ 552.238-72 Identification of Products That Have Environmental Attributes