

**SUBCHAPTER B—ACQUISITION PLANNING**

**PART 812—ACQUISITION OF COMMERCIAL PRODUCTS AND  
COMMERCIAL SERVICES**

*(Revised 2/24/2023)*

**Subpart 812.1—Acquisition of Commercial Products and  
Commercial Services—General**

**Sec.**

- 812.102            Applicability.  
812.102-70        Applicability of Veterans preferences.

**Subpart 812.3—Solicitation Provisions and Contract Clauses for the  
Acquisition of Commercial Products and Commercial Services**

- 812.301            Solicitation provisions and contract clauses for the acquisition of  
commercial products and commercial services.

Authority: 38 U.S.C. 8127-8128; 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

This page intentionally left blank.

**Subpart 812.1—Acquisition of Commercial Items – General****812.102 Applicability.****812.102-70 Applicability of Veterans preferences.**

Based on the authority under 38 U.S.C. 8127 and 8128, the Veterans First Contracting Program in subpart [819.70](#) applies to VA contracts under this part. The provisions and clauses prescribed reflect agency unique statutes applicable to the acquisition of commercial items.

**Subpart 812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items****812.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.**

(f)(1) Contracting officers shall insert the clause [852.212-71](#), Gray Market and Counterfeit Items, in solicitations and contracts for new medical supplies, new medical equipment, new information technology equipment, and maintenance of medical or information technology equipment that includes replacement parts if used, refurbished, or remanufactured parts are unacceptable, when the associated solicitation includes FAR provisions [52.212-1](#) Instruction to Offerors-Commercial Products and Commercial Services, and [52.212-2](#), Evaluation-Commercial Products and Commercial Services.

(2) Contracting officers shall insert the clause [852.212-72](#), Gray Market and Counterfeit Items – Information Technology (IT) Maintenance Allowing Other-than-New Parts, in solicitations and contracts for the maintenance of information technology equipment that includes replacement parts, if used, refurbished, or remanufactured parts are acceptable, when the associated solicitation includes FAR provisions [52.212-1](#), Instruction to Offerors-Commercial Products and Commercial Services, and [52.212-2](#), Evaluation-Commercial Products and Commercial Services.

This page intentionally left blank.