

### Subpart 846.3—Contract Clauses

#### 846.302 Fixed-price supply contracts.

##### 846.302–70 Guarantee clause.

(a) The contracting officer shall insert the clause at 852.246–70, Guarantee, in solicitations for the acquisition of equipment.

(b) If it is industry policy to furnish, but not install, replacement material and parts at the contractor's expense, the last sentence of the clause at 852.248–70 will be changed to indicate that cost of installation shall be borne by the Government. Where it is industry policy to guarantee components for the life of the equipment (e.g., crystals in transmitters and receivers in radio communications systems) or to require that highly technical equipment be returned to the factory (at the contractor's or the Government's expense) for replacement of defective materials or parts, then the clause will be revised to be compatible with such policy.

##### 846.302–71 Inspection.

The contracting officer shall include a "Rejected Goods" contract clause in solicitations and contracts as follows:

(a) Except as provided in paragraph (b) of this section, insert the clause at 852.246–71, Inspection, in solicitations and contracts for the acquisition of supplies or equipment.

(b) In solicitations and contracts for packing house and dairy products, bread and bakery products, and for fresh and frozen fruits and vegetables, insert the Alternate I clause at 852.246–71, Inspection.

##### 846.302–72 Frozen processed foods.

The contracting officer shall insert the clause at 852.246–72, Frozen processed foods, in solicitations and contracts for frozen processed foods.

##### 846.302–73 Noncompliance with packaging, packing and/or marking requirements.

The contracting officer shall insert the clause at 852.246–73, Noncompliance with packaging, packing, and/or marking requirements, in non-commercial item solicitations and contracts for supplies or equipment where there are special packaging, packing and/or

marking requirements. The clause may be used in commercial item acquisitions if a waiver is approved in accordance with FAR 12.302(c) and 812.302.

##### 846.312 Construction contracts.

The contracting officer shall insert the clause at 852.236–74, 852.236–74, Inspection of construction, in solicitations and contracts for construction that include the FAR clause at 52.246–12, Inspection of Construction.

### Subpart 846.4—Government Contract Quality Assurance

#### 846.408 Single-agency assignments of Government contract quality assurance.

##### 846.408–70 Inspection of subsistence.

(a) Before issuing a solicitation for subsistence, the contracting officer must determine whether:

(1) Representatives of the U.S. Department of Agriculture (USDA) or the Department of Commerce will inspect for specification compliance before shipment; or

(2) Personnel of the purchasing activity will inspect for specification compliance at the time of delivery.

(b) The contracting officer must indicate the time and place of inspection in the solicitation.

(c) Because the requirement for USDA or Department of Commerce inspections and certifications result in additional contractor costs that may be ultimately reflected in bid prices, the contracting officer, in consultation with the Chief, Nutrition and Food Service, must evaluate the need for such inspections. The evaluation must include the following:

(1) The quality assurance already provided by other mandatory inspection systems.

(2) The proposed suppliers' own quality control system.

(3) Experience with the proposed suppliers.

(4) The pre-qualifying of the suppliers' quality assurance systems and subsequently waiving inspections and certifications for future solicitations.

(5) The cost of the inspections.

(d) When the contracting officer indicates that either the USDA or the Department of Commerce will conduct the inspection, the contracting officer must also provide in the solicitation that the contractor is responsible for all of the following:

- (1) Arranging and paying for inspection services.
  - (2) Obtaining from the inspectors a certificate indicating that the product complies with specifications.
  - (3) Assuring that the certificate, or copy, accompanies the shipment or is furnished to the receiving installation before shipment, or notifying the installation when the certificate is not immediately available.
  - (4) Seeing that acceptable products are covered by an inspection agency checkloading certificate or stamped by the inspector as prescribed by the contracting officer.
  - (5) Furnishing samples for inspection at the contractor's expense.
  - (6) Indicating the address where inspection will occur.
- (e) The contracting officer must furnish a copy of the purchase document to the inspecting activity.

**846.408-71 Waiver of USDA inspection and specifications.**

(a) When the amount of an item to be purchased will not exceed 500 pounds per delivery, the contracting officer may purchase the following without reference to the specifications in Part IV of the Federal Supply Catalog, Stock List, FSC Group 89, Subsistence, Publication No. C8900-SL, and the USDA inspection requirements:

- (1) Butter.
- (2) Cheese (except cottage cheese).
- (3) Sausage.
- (4) Meat food products\*.
- (5) Bacon, smoked.
- (6) Bacon, Canadian style.

(b) When the items listed in paragraph (a) of this section are procured together with items that are not ex-

empt, the contracting officer must include the following in the solicitation:

Items \* \* \* are not required to be in accordance with the specifications contained in Part IV of the Federal Supply Catalog, Stock List, FSC Group 89, Subsistence, Publication No. C8900-SL, and the special USDA inspection is not required. VA will inspect for quality and condition upon delivery at destination. These items are, however, subject to the quality controls stated herein.

(c) As appropriate, the contracting officer must include the following statements in each invitation for bid, request for proposal, quotation, or purchase order:

- (1) Butter. This product must be graded by the USDA and labeled "Grade A" or the grade specified herein.
- (2) Sausage and meat food products.\*
  - (i) This product must be a high commercial product and must have been prepared in a federally inspected plant and bear the USDA establishment number stamp evidencing that it is sound, healthful, wholesome, and fit for human consumption; and
  - (ii) This product must bear a label complying with the Federal Food, Drug and Cosmetic Act that requires the listing of all ingredients in the order of their predominance.

(3) Bacon, smoked; and bacon, Canadian style. This product must be a high commercial product and must have been prepared in a federally inspected plant and bear the USDA establishment number stamp evidencing that it is sound, healthful, wholesome, and fit for human consumption.

(d) When using a "brand name or equal" purchase description, the contracting officer must list every brand name item that is known to be acceptable and available in the area.

**846.470 Use of commercial organizations for inspections and grading services.**

The contracting officer may use a commercial organization for inspection and grading services when the contracting officer determines that all of the following conditions exist:

- (a) The results of a technical inspection or grading are dependent upon the application of scientific principles or specialized techniques.

\*"Meat food products" means processed foods containing meat in substantial proportion and other listed ingredients including seasoning, e.g., frankfurters, coldcuts. Whole or prefabricated meats, e.g., pork chops, hamburger, are considered meats, not meat food products.