**AFARS – PART 5112**

**Acquisition of Commercial Items**

*(Revised 28 September 2023)*

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### Subpart 5112.1 – Acquisition of Commercial Items – General

#### 5112.102 Applicability.

(a)(i)(B)(*3*) Section 1244 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

In accordance with section (C)(4) [of Defense Pricing and Contracting Class Deviation 2023-O0003 REV 2—Temporary Authorizations for Covered Contracts Related to Ukraine](https://www.acq.osd.mil/dpap/policy/policyvault/USA002011-23-DPC.pdf) contracting officers carrying out a procurement of a product or service for a covered contract may treat the product or service as a commercial product or a commercial service for the purpose of carrying out the procurement. See AFARS 5153.206-93 for instructions for reporting covered contracts applicable under this subpart to congressional defense committees.

(a)(ii)(B) The head of the contracting activity shall perform the duties under DFARS 212.102(a)(ii)(B). See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.

(f) The head of the contracting activity has the authority to make the determination as described in FAR 12.102(f). See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.

### Subpart 5112.2 – Special Requirements for the Acquisition of Commercial Items

#### 5112.207 Contract type.

(b)(iii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has the authority to make the determination as described in DFARS 212.207(b)(iii). See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.

#### 5112.272 Preference for certain commercial products and services.

(b)(2)(i) The head of the contracting activity has the authority to make the determination as described in DFARS 212.272(b)(2)(i). See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.

### Subpart 5112.3 – Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

#### 5112.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(b)(4)(i) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall perform the function as described in FAR 12.301(b)(4)(i). See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.

#### 5112.302 Tailoring of provisions and clauses for the acquisition of commercial items.

(c) The head of the contracting activity is the approval authority. See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.

### Subpart 5112.70 – Limitation on Conversion of Procurement from Commercial Acquisition Procedures

#### 5112.7001 Procedures.

(a)(1) The head of the contracting activity has the authority to make the determination under DFARS 212.7001(a)(1). See [Appendix GG](https://spcs3.kc.army.mil/asaalt/procurement/AFARS/AFARS_AppGG.aspx) for further delegation.