



DEC 30 2003

GSA Office of Governmentwide Policy

MEMORANDUM FOR RONALD POUSSARD  
DIRECTOR  
DEFENSE ACQUISITION REGULATIONS COUNCIL

FROM: RODNEY P. LANTIER, DIRECTOR *Rodney P. Lantier*  
REGULATORY AND FEDERAL ASSISTANCE  
PUBLICATIONS DIVISION

SUBJECT: FAR Case 2002-021, Subcontracts for Commercial Items and  
Commercial Components

Attached is a comment received on the subject FAR case published at 68 FR 61302;  
October 27, 2003. The comment closing date was December 29, 2003.

<u>Response Number</u>	<u>Date Received</u>	<u>Comment Date</u>	<u>Commenter</u>
2002-021-1	12/23/03	12/23/03	Environmental Chemical Corporation (Glenn Sweatt)

Attachments

2002-021-1

ENVIRONMENTAL CHEMICAL  
C O R P O R A T I O N

23 December 2003

Ref:03CON063

Attn: Laurie Duarte  
General Services Administration  
FAR Secretariat (MVA)  
1800 F Street NW Room 4035  
Washington DC 20405

by e-mail: [farcase.2002-021@gsa.gov](mailto:farcase.2002-021@gsa.gov)

Re: FAR Case 2002-021: Subcontracts for Commercial Items and Commercial Components;  
Proposed Rule

We strongly support the inclusion of clause 52.244-6, Subcontracts For Commercial Items and Commercial Components, in solicitations and contracts other than those for commercial items. The use of commercial items in an otherwise non-commercial procurement is consistent with the intent and streamlining guidelines that originally accompanied the commercial procurement rules.

As a construction contractor we have been placed in an awkward position on several awards where auditors have taken the position that commercial items could not be employed on a solicitation that included some non-commercial items. The policy experts and those knowledgeable in government and industry have indicated this was never the intent of the commercial item clauses. It is a form over substance approach that forces agencies to either split buys or to forego the advantages of the streamlined guidelines for commercial item acquisition. This proposed rule change will clarify this issue going forward and provide further evidence of the government's support of the acquisition of commercial items for government contracts.

We appreciate the opportunity to provide comment on the proposed rule. If you have any questions you may contact me at 650-347-1555 ext 318.

Sincerely,



Glenn Sweatt  
General Counsel