

SUBCHAPTER B—ACQUISITION PLANNING

PART M812—ACQUISITION OF COMMERCIAL ITEMS

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M812.001 Definitions.

**Subpart M812.3—Solicitation Provisions and Contract Clauses
for the Acquisition of Commercial Items**

M812.302 Tailoring of provisions and clauses for the acquisition of commercial items.

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PART M812—ACQUISITION OF COMMERCIAL ITEMS

M812.001 Definitions.

Gray market items are original equipment manufacturer goods intentionally or unintentionally sold outside an authorized sales territory or sold by non-authorized dealers in an authorized sales territory.

**Subpart M812.3—Solicitation Provisions and Contract Clauses
for the Acquisition of Commercial Items**

M812.302 Tailoring of provisions and clauses for the acquisition of commercial items.

(c) Contracting officers may tailor clauses to be inconsistent with customary commercial practice if they prepare and obtain approval of a waiver in accordance with [FAR 12.302\(c\)](#). Prior to issuing the solicitation, the contracting officer shall request approval of waivers from—

- (1) The head of the contracting activity for individual contracts; or
- (2) The Senior Procurement Executive for a class of contracts.

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