

46.101 Definitions.

As used in this part-

Acceptance means the act of an authorized representative of the Government by which the Government, for itself or as agent of another, assumes ownership of existing identified *supplies* tendered or approves specific services rendered as partial or complete performance of the contract.

Conditional acceptance means *acceptance* of *supplies* or services that do not conform to *contract quality requirements*, or are otherwise incomplete, that the contractor is required to correct or otherwise complete by a specified date.

Contract quality requirements means the technical requirements in the contract relating to the quality of the product or service and those *contract clauses* prescribing *inspection*, and other quality controls incumbent on the contractor, to assure that the product or service conforms to the contractual requirements.

"Counterfeit item" means an unlawful or unauthorized reproduction, substitution, or alteration that has been knowingly mismarked, misidentified, or otherwise misrepresented to be an authentic, unmodified item from the original manufacturer, or a source with the express written authority of the original manufacturer or current *design activity*, including an authorized aftermarket manufacturer. Unlawful or unauthorized substitution includes used items represented as new, or the false identification of grade, serial number, lot number, date code, or performance characteristics.

Critical item means an item, the failure of which is likely to result in hazardous or unsafe conditions for individuals using, maintaining, or depending upon the item; or is likely to prevent performance of a vital agency mission.

Critical nonconformance means a nonconformance that is likely to result in hazardous or unsafe conditions for individuals using, maintaining, or depending upon the *supplies* or services; or is likely to prevent performance of a vital agency mission.

Design activity means an organization, Government or contractor, that has responsibility for the design and configuration of an item, including the preparation or maintenance of design documents. *Design activity* could be the original organization, or an organization to which design responsibility has been transferred.

Government contract quality assurance means the various functions, including *inspection*, performed by the Government to determine whether a contractor has fulfilled the contract obligations pertaining to quality and quantity.

Major nonconformance means a nonconformance, other than critical, that is likely to result in failure of the *supplies* or services, or to materially reduce the usability of the *supplies* or services for their intended purpose.

Minor nonconformance means a nonconformance that is not likely to materially reduce the usability of the *supplies* or services for their intended purpose, or is a departure from established standards having little bearing on the effective use or operation of the *supplies* or services.

Off-the-shelf item means an item produced and placed in stock by a contractor, or stocked by a distributor, before receiving orders or contracts for its sale. The item *may* be commercial or produced to military or Federal specifications or description.

Patent defect means any defect which exists at the time of *acceptance* and is not a *latent defect*.

Subcontractor (see [44.101](#)).

Suspect counterfeit item means an item for which credible evidence (including but not limited to, visual *inspection* or *testing*) provides reasonable doubt that the item is authentic.

Testing means that element of *inspection* that determines the properties or elements, including functional operation of *supplies* or their *components*, by the application of established scientific principles and procedures.

Parent topic: [Subpart 46.1 - General](#)