

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAR Case 2023-G504,
Federal Supply Schedule (FSS) Clause Corrections

1. Purpose. This Order transmits a revision to the General Services Administration Acquisition Regulation (GSAR) to make corrections and editorial changes to remove outdated Federal Supply Schedule (FSS) terminology.
2. Background. As part of routine regulatory review, GSA identified incorrect references to GSAR subsections within a few GSAR clauses. Additionally, GSA identified several outdated Special Item Number (SIN) and FSS references which resulted from the consolidation of the Multiple Award Schedule (MAS). This resulted in a need for editorial changes within five clauses and three sections.
3. Effective date. May 5, 2023
4. Explanation of changes. This technical amendment includes regulatory and non-regulatory changes. There are no significant content changes resulting from this technical amendment. For full text changes of the amendment see Attachment A, GSAR Text Line-In/Line-Out.

This amendment revises the language of the following GSAR subsections, changes summarized below:

- Subpart 538.2 - Establishing and Administering Federal Supply Schedules
 - 538.273 FSS solicitation provisions and contract clauses
 - Revised clause title for 552.238-74
 - Revised clause prescription for 552.238-109 to reflect updates as a result of the consolidation of the MAS
- Subpart 538.70 - Purchasing by Non-Federal Entities
 - 538.7000 Scope of part
 - Revised to remove references to Federal Supply Schedules 70 and 84
 - 538.7001 Definitions
 - Revised to remove references to Federal Supply Schedules 70 and 84
- Subpart 552.2 - Text of Provisions and Clauses
 - Revised the following clauses to make corrections and technical edits:
 - 552.216-75 Transactional Data Reporting
 - 552.238-74 Introduction of New Supplies and Services Special Item Number (SIN)
 - 552.238-80 Industrial Funding Fee and Sales Reporting, Alternate I
 - 552.238-110 Commercial Satellite Communication (COMSATCOM) Services
 - 552.238-113 Scope of Contract (Eligible Ordering Activities)

This amendment revises the language of the following non-regulatory GSAM subparts, changes summarized below:

- Subpart 552.3 - Provision and Clause Matrixes
 - Revised the clause matrix to reflect title change of 552.238-74 Introduction of New Supplies and Services Special Item Number (SIN)
5. Point of contact. For clarification of content, contact Daria Giannotti, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

Jeffrey Koses
Senior Procurement Executive
Office of Acquisition Policy
Office of Government-wide Policy
General Services Administration

Attachment A - GSAR Case 2023-G504

GSAR Text, Line-In/Line-Out

GSAM Baseline: Change 165 effective 04/26/2023

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by ~~striketroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding and following sections
- Three asterisks (* * *) indicate that there are no revisions between the material shown within a subsection
- Regulatory GSAR language is indicated by shaded text
- Non-regulatory GSAM language is indicated by unshaded text

Part 538 - Federal Supply Schedule Contracting

* * * * *

Subpart 538.2 - Establishing and Administering Federal Supply Schedules

* * * * *

538.273 FSS solicitation provisions and contract clauses.

* * *

(b) * * *

(2) 552.238-74, Introduction of New Supplies/~~and~~ **[and]**Services ~~(INSS)~~**[Special Item Number (SIN)]**. Use only in FSS solicitations allowing the introduction of new supplies/services. Note: GSA Form 1649, Notification of Federal Supply Schedule Improvement, may be required if revising a Special Item Number (SIN).

* * *

(d) * * *

(33) 552.238-109, Authentication Supplies and Services. Use in Federal Supply Schedule ~~70~~ solicitations **[that contain information technology Special Item Numbers (SINs)]** only, and only contracts awarded ~~Special Item Numbers (SINs)~~ associated with the Homeland Security Presidential Directive 12 (HSPD-12).

538.7000 Scope of subpart.

This subpart prescribes policies and procedures that implement statutory provisions authorizing non-federal organizations to use-

~~—(a) Federal Supply Schedule 70;~~

~~—(b) [(a)]~~ The Consolidated Schedule contracts containing information technology **[or security and protection]** Special Item Numbers (SINs); **[and]**

~~————(c) Federal Supply Schedule 84; and~~

~~—(d) [(b)]~~ —Other Federal Supply Schedules as authorized in this subpart.

* * *

538.7001 Definitions

* * *

~~“Schedule 70,” as used in this subpart, means Schedule 70 information technology contracts, and Consolidated Products and Services Schedule contracts containing information technology SINs. The Consolidated Products and Services Schedule is a compilation of multiple individual Federal Supply Schedules; therefore, only the SINs that fall under Schedule 70 of the Consolidated Products and Services Schedule will apply to Cooperative Purchasing. No other Schedules, or SINs, containing information technology outside of Schedule 70 SINs, and~~

~~Consolidated Products and Services Schedule contracts containing Schedule 70 SINS, will apply.~~

~~"Schedule 84" means the Federal Supply Schedule for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal Supply Classification Code Group 84 or any amended or subsequent version of that Federal supply classification group).~~

* * * * *

Part 552 - Solicitation Provisions and Contract Clauses

* * * * *

Subpart 552.2 - Text of Provisions and Clauses

* * * * *

552.216-75 Transactional Data Reporting.

As prescribed in 516.506(c), insert the following clause:

Transactional Data Reporting [**(DATE)**] ~~(Jun 2016)~~

(a) * * *

(b) * * *

(1) * * *

(2) * * *

Note to paragraph (b) (2): The Contracting Officer may add data elements to the standard elements listed in paragraph (b) (2) of this section with the approvals listed in GSAM ~~507.105(e) (3)~~ [507.103 (b) (3)].

* * *

* * * * *

552.238-74 Introduction of New Supplies/~~[and]~~Services ~~(INSS)~~**[Special Item Number (SIN)]**.

As prescribed in 538.273(b) (2), insert the following provision:

Introduction of New Supplies/~~[and]~~Services ~~(INSS)~~ **[Special Item Number (SIN)] [(DATE)]** ~~(Nov 2020)~~

(a) *Definition.*

"Introduction of New Supplies/~~[and]~~Services Special Item Number ~~(INSS-SIN)~~" means a new or improved supply or service - within the scope of the Federal Supply Schedule (FSS), but not currently available under any Federal Supply Schedule contract - that provides a new service, function, task, or attribute that may provide a more economical or efficient means for ordering activities to accomplish their missions. It may significantly improve an existing supply or service. It may be a supply or service existing in the commercial market, but not yet introduced to the Federal Government.

(b) Offerors are encouraged to introduce new or improved supplies or services via ~~INSS~~ **[the "Introduction of New Supplies and Services] SIN["]** at any time by clearly identifying ~~the INSS~~**[this] SIN** item in the offer.

(c) The Contracting Officer has the sole discretion to determine whether a supply or service will be accepted as an ~~INSS~~ **"Introduction of New Supplies and Services] SIN["** item. The Contracting Officer will evaluate and process the offer and may perform a technical review. ~~The INSS~~ **[This]SIN** provides temporary placement until the Contracting Officer formally categorizes the new supply or service.

(d) If the Contractor has an existing schedule contract, ~~the Government~~**[GSA]** may, at the sole discretion of the Contracting Officer, modify the existing contract to include the ~~INSS~~ **"Introduction of New Supplies and Services] SIN["** item in accordance with 552.238-82, Modifications (Federal Supply Schedules).

(End of provision)

* * *

* * * * *

552.238-80 Industrial Funding Fee and Sales Reporting.

* * *

Alternate I [(DATE)] ~~(May 2019)~~. As prescribed in 538.273(d) (4), substitute the following paragraphs (a), (b), (c), and (d) for paragraphs (a), (b), (c), and (d) of the basic clause:

(a) * * *

(b) * * *

(1) * * *

(2) * * *

Note to paragraph (b) (2): The Contracting Officer may add data elements to the standard elements listed in paragraph (b) (2) of this section with the approvals listed in GSAM ~~507.105(e)(3)~~ **[507.103 (b) (3)]** .

* * *

(c) * * *

(1) This contract includes an IFF charged on orders placed against this contract. The IFF is paid by the authorized ordering activity but remitted to GSA by the Contractor. The IFF reimburses GSA for the costs of operating the Federal Supply Schedule program, as set forth in 40 U.S.C. 321: Acquisition Services Fund. Net operating revenues generated by the IFF are also applied to fund initiatives ~~benefitting~~ **[benefiting]** other authorized GSA programs, in accordance with 40 U.S.C. 321.

* * *

* * * * *

552.238-110 Commercial Satellite Communication (COMSATCOM) Services.

As prescribed in 538.273(d) (34) insert the following clause:

Commercial Satellite Communication (COMSATCOM) Services [(DATE)] ~~(May 2019)~~

(a) General background. **[A]** Special Item Numbers ~~(SINs)~~ **[has]** ~~have~~ been established for Commercial Satellite Communications (COMSATCOM) services, focused on transponded capacity ~~(SIN 132-54)~~ and

fixed and mobile subscription services—(~~SIN 132-55~~), to make available common COMSATCOM services to all Ordering Activities.

* * *

* * * * *

552.238-113 Scope of Contract (Eligible Ordering Activities).

As prescribed in 538.7004(b) insert the following clause:

Scope of Contract (Eligible Ordering Activities) [**(DATE)**] (~~May 2019~~)

(a) This solicitation is issued to establish contracts which may be used on a nonmandatory basis by the agencies and activities named below, as a source of supply for the supplies or services described herein, for domestic and/or overseas delivery. For **[the Wireless Mobility Services Special Item Number]** ~~Special Item Number 132-53, Wireless Services~~ ONLY, limited geographic coverage (consistent with the Offeror's commercial practice) may be proposed. *

(b) * * *

(c) * * *

(d) The following activities may place orders against Schedule contracts:

(1) State and local government may place orders against ~~Schedule 70 contracts, and Consolidated Schedule~~ contracts containing information technology **[or security and protection]** Special Item Numbers, ~~and Schedule 84 contracts,~~ on an optional basis; ~~PROVIDED~~ **[provided]**, the Contractor accepts order(s) from such activities;

(2) The American National Red Cross may place orders against Federal Supply Schedules for products and services in furtherance of the purposes set forth in its Federal charter (36 U.S.C. 300102); ~~PROVIDED~~ **[provided]**, the Contractor accepts order(s) from the American National Red Cross; and

(3) Other qualified organizations, as defined in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152), may place orders against Federal Supply Schedules for products and services determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in

guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency; ~~PROVIDED~~ **[provided]**, the Contractor accepts order(s) from such activities.

(4) State and local governments may place orders against Federal Supply Schedules for good or services determined by the Secretary of Homeland Security to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, et seq.) to facilitate disaster preparedness or response, or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack; ~~PROVIDED~~ **[provided]**, the Contractor accepts order(s) from such activities.

* * *

* * * * *

Subpart 552.3 - Provision and Clause Matrixes

552.300 Scope of subpart.

* * *

	Format	Type of Contract																														
Number	Title	Prescription	P	O	I	U	S	S	R	R	P	R	P	R	C	C	M	L	S	D	A	F	D	T	S	S	V	C	S	K	*	*
* * *																																
552.238-74	Introduction of New Supplies/[and]Services (INSS) [Special Item Number (SIN)]	538.273 (b)	C	Y	L																											