



# GSA HAS ISSUED TWO FINAL GSAR RULES: COMMERCIAL SUPPLIER AGREEMENTS & ORDER-LEVEL MATERIALS

WHAT YOU NEED TO KNOW | April 2018

## COMMERCIAL SUPPLIER AGREEMENTS (CSAs)

**What Are They?** Today, when you sign up for a new service over the internet, you are often required to agree to the site's "Terms and Conditions." These commercial T&Cs are intended to create a binding legal obligation with the end user. CSAs may include terms and conditions that are acceptable to private parties, but are improper or illegal for acceptance by the federal government.

**Why Does This Matter?** The rule broadly defines unenforceable obligations and clauses, and outlines the order of precedence contracting officers and industry partners must follow. By explicitly addressing common unenforceable terms, the CSA rule mitigates government risk and streamlines negotiations, saving time and money.

**When Did This Happen?** GSA issued the final GSAR rule on February 11, 2018.

**What's Next?** Contracts will be modified to incorporate the change starting in early summer 2018. This contract modification will occur before the OLM modification. Subscribe to the MAS Interact page (<https://interact.gsa.gov/groups/multiple-award-schedules>) to learn more and receive information like frequently asked questions, a summary of changes, and webinars.

**What Does This Rule Affect?** FAS contracts exceeding the micropurchase threshold, including Schedules contracts and Indefinite Delivery Indefinite Quantity (IDIQ) contracts, like Governmentwide Acquisition Contracts (GWACs).

## ORDER LEVEL MATERIALS (OLMs)

**What Are They?** OLMs are products or services that one may need to complete a scope of work. For example, think of the IT needs associated with facilities & construction - not a major part of the need, but a need nonetheless.

**Why Does This Matter?** Prior to this rule, contracting officers would have to take on the challenging and time-consuming work of either modifying their existing task order to accommodate the unexpected ancillary needs - or worse, conduct an entire separate procurement to acquire these items. This rule saves that time! Contracting Officers now have the authority to acquire OLMs when using authorized Multiple Award Schedules.

**When Did This Happen?** GSA issued the final GSAR rule on January 24, 2018.

**What's Next?** Contracts will be modified to incorporate the change starting in early summer 2018. Acceptance of the modification will be optional. Once accepted, the OLM Special Item Number (SIN) and OLM terms & conditions will automatically be added to the existing contract. Subscribe to the MAS Interact page (<https://interact.gsa.gov/groups/multiple-award-schedules>) to learn more and receive information like frequently asked questions, a summary of changes, and webinars.

**What Does This Rule Affect?** GSA is starting with a handful of Schedules at first, and will consider expansion to additional Schedules moving forward. The preliminary Schedules are:

- 03FAC - Facilities Maintenance and Management
- 56 - Buildings and Building Materials/Industrial Services and Supplies
- 70 - General Purpose Commercial Information Technology Equipment, Software and Services
- 71 - Furniture
- 84 - Total Solutions for Law Enforcement, Security, Facilities, Fire, Rescue, Clothing, Marine Craft, and Emergency/Disaster Response
- 00CORP - The Professional Services Schedule
- 738X - Human Capital Management and Administrative Support Services