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## *GSA Schedule and Commercial Item Contracting*

### Government Contracts

Clients with primarily non-governmental customers can count on WilmerHale for advice on selling commercial items and services to the federal government. Federal agency acquisitions of commercial items are eligible for streamlined contracting practices under Federal Acquisition Regulation (FAR) Part 12 and significant exemptions from many government contracting requirements, such as requirements for certified cost or pricing data. Commercial items are eligible for special acquisition programs, such as the General Services Administration (GSA) Federal Supply Schedule contracts. As counsel to leading technology companies that have substantially non-government sales, WilmerHale routinely advises clients on commercial item acquisitions by federal agencies and contractors. Federal government customers present unique contractual and regulatory considerations even in acquisitions of commercial and commercial off-the-shelf items.

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### *Experience*

Evaluating the commerciality of supplies and services offered to government customers or higher-tier contractors and advocating for commercial status.

Applying commercial-type end-user license agreements for commercial computer software and commercial computer software documentation and negotiating necessary modifications to reflect requirements and limitations that are unique to federal customers.

Advising clients on the application of FAR, the Defense Federal Acquisition Regulation Supplement and other agency FAR supplement clauses to contracts and subcontracts for commercial supplies and services.

Counseling on exemptions for commercial item contracts from federal Cost Accounting Standards and requirements for cost or pricing data.

Negotiating GSA schedule contracts, including the establishment of a basis-of-award customer for purposes of applying the GSA's most-favored pricing, or Price Reduction clause.

Counseling on the “Section 508” accessibility standards for facilitating access to electronic information technology items by disabled persons.

Applying the exemption for commercial-item subcontractors from requirements for Small Business Subcontracting Plans.