

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM Case 2023-G508, Commercial Solutions Opening Updates

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM) implementing Congressionally mandated changes to the Commercial Solutions Opening (CSO) pilot program.
2. Background. Section 880 of the National Defense Authorization Act (NDAA) for fiscal year 2017 (Pub. L. 114-328) granted the GSA authority to establish a pilot program, the Commercial Solutions Opening (CSO), to assist the agency with acquisitions of new, innovative commercial products and services currently in the commercialization stage, as well as adaptations of existing commercial products and services.

Procurement methods under the CSO expand beyond the standard methods outlined in the Federal Acquisition Regulation (FAR), and provide a streamlined approach for conducting qualifying acquisitions. Contracts formed as part of the CSO program were capped at a maximum value of \$10,000,000, and authority to use the CSO program was set to expire on September 30, 2022.

Section 7227 of the NDAA for fiscal year 2023 amended section 880 of the FY17 NDAA by increasing the maximum contract value to \$25,000,000 and extending authority to conduct acquisitions under the program through September 30, 2027. Section 7227 also expanded the definition of where CSO procedures could be used from commercial items to commercial products and commercial services.

3. Effective date. **March 13, 2024**
4. Explanation of changes. This amendment includes non-regulatory changes. For full text changes of the amendment see Attachment A, GSAM Case 2023-G508 Text Line-In/LineOut.

This amendment revises the language in the following GSAM subparts as summarized below:

571.101 Scope

- Amended paragraph (a) to reflect that revisions were made to section 880 of the FY17 NDAA by section 7227 of the FY23 NDAA.

571.103 Definitions

- Re-formatted the definition of “innovative” for clarity and consistency in formatting; struck and removed the word “innovative” from the serialized formatting and altered the serialization of the subpoints below.

- Removed language simply referring to “commercial items” rather than commercial products and commercial services.
- Added a reference to FAR 2.101 for the definitions of “commercial product” and “commercial service”, consistent with the language of section 7227 of the FY23 NDAA.

571.202 Restrictions

- Amended paragraph (a) by striking and replacing some words for clarity.
- Amended paragraph (b) by striking \$10,000,000 and adding \$25,000,000 consistent with the changes made in section 7227 of the FY23 NDAA.
- Amended paragraph (c) by removing outdated link to the Anti Deficiency Act and inserting a reference to 31 U.S.C 1341.
- Amended paragraph (d) to reflect the correct warrant level required to award a contract of \$25,000,000.

5. Cancellations. None.

6. Point of contact. For clarification of content, contact Daniel Frias, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

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

GSAM Case 2023-G508

GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 175 effective 02/15/2024

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- 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

Part 571 - Pilot Program For Innovative Commercial Products and Commercial Services

Subpart 571.1 - General

571.101 Scope.

(a) This part establishes a pilot program to competitively procure innovative commercial products and commercial services, **[to include innovative technologies and solutions]** ~~including products, technologies, and services~~ using the commercial solutions opening (CSO) procedure authorized by section 880 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328). **[, as amended by section 7227 of the National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117-263).]**

* * *
* * * * *

571.103 Definitions.

As used in this part—

* * *

(a) “Innovative”—

~~(1) Means any item that is—~~

[“Innovative” means any item that is —]

~~(i)~~ **[(a)]** A new technology, process, or method, **[, including research and development,]** as of the date of submission of a solution brief; ~~or~~

(ii) **[(b)]** A new application or adaptation of an existing technology, process, or method as of the date of submission of a solution brief.[:;]

(2) **[(c)]** ~~Includes existing items~~ **[An existing product or service]** within the production/commercialization phase (i.e. after design or development, and before widespread government or commercial adoption); **[; or]** ~~as well as new adaptations of existing commercial products and commercial services.~~

[(d) A new adaptation of existing commercial products or commercial services. (See also the definition of “commercial product” and “commercial service” in FAR 2.101.)]

* * *

Subpart 571.2 - Pilot Program

* * * * *

571.202 Restrictions.

(a) The CSO procedure shall only be used when procuring **[commercially available]** innovative **[technologies or solutions,]** ~~commercial acquisitions, including products, technologies, and services.~~

(b) Any contract using this authority must not exceed \$10,000,000 **[\$25,000,000]**, inclusive of all options.

(c) No contracting officer or employee of the government may create or authorize an obligation in excess of the funds available, or in advance of appropriations **[31 U.S.C. 1341]** ~~(Anti-Deficiency Act,~~ <https://www.law.cornell.edu/uscode/text/31/1341>), unless otherwise authorized by law.

(d) GSA employees must be appointed as a contracting officer, consistent with GSAM 501.603, and must have a Federal Acquisition Certification in Contracting (FAC-C) **[Professional and Senior Level IV Unlimited Warrant]** ~~at Level III~~ to award a contract using the CSO procedure in accordance with this part.