# PART  5301 -    Federal Acquisition Regulations System

### 5301.603-3 Appointment

(b) Issuing authorities identified in  5301.603-1 above may delegate the purchase authority described in FAR  1.603-3(b) and DFARS 201.603-3(b), to non-contracting DoD civilian  employees and members of the U.S. Armed Forces, such as  transportation personnel, medical supply personnel, librarians, and  chiefs of construction management, provided:

(1) The written delegation specifies a dollar limit per transaction  (e.g., per order, per call); the method(s) of award; and the  supplies, equipment and/or non-personal services, to include  construction, related to the individual s specialty that may be  procured. For example, librarians may buy books, but not  construction materials or services; and,

(2) Personnel have completed contracting training commensurate with  the type of instrument(s) authorized to process and level of  responsibility delegated.

See [AFICC PGI 5301.603-2](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0).

See [SMC PGI 5301.603](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0)-90.

**5301.9000 Scope and Definitions**

(a) This subpart establishes clearance requirements for the contract actions identified below:

(1) An action intended to result in award of any contract or modification of any contract;

(2) An action intended to result in definitization of an  undefinitized contract action (UCA), an undefinitized change order,  or an undefinitized long lead contract;

(3) An action intended to result in the pricing of:

(i) an unpriced option or an option with a not-to-exceed price;

(ii) provisioned items orders (PIO);

(iii) unpriced orders under Blanket Purchase Agreements (BPAs), and  FSS contracts, including GWACs; or

(iv) noncompetitive task or delivery orders under single or multiple  award indefinite delivery-type contracts.

(4) An action intended to result in issuance of a modification implementing a unilateral price determination;

(5) Orders issued under BOAs;

(6) An action intended to result in the exercise of an option when  the option exercise is not in accordance with the previously approved  pricing arrangement or other contract terms and conditions.

(b) Excluded from business or contract clearances are:

(1) Actions that create a UCA, undefinitized change order, undefinitized long lead contract;

(2) Modifications for the payment of incentives or award fee that are  in accordance with the terms and conditions of the incentive plan or  award fee plan;

(3) Funding modifications;

(4) Administrative modifications;

(5) Modifications solely for changes as a result of Service Contract  Labor Standards statute wage rates/fringe benefits or Fair Labor  Standards Act minimum wages; and

(6) Competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and  FSS contracts in accordance with the terms and conditions and  ordering procedures of the basic contract.

(c) Business Clearance means:

(1) For competitive acquisitions, approval to issue the solicitation.

(2) For noncompetitive contract actions, approval to begin negotiations.

(d) Begin negotiations means, for the purpose of noncompetitive contract actions, starting discussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government s negotiation objective do not constitute negotiations.

(e) Contract Clearance means:

(1) For competitive acquisitions conducted without discussions, approval by the clearance approval authority (CAA) for the Source Selection Authority (SSA) to make the decision to award.

(2) For competitive acquisitions with discussions -

(i) Approval by the CAA for the SSA to request final proposal revisions in accordance with FAR 15.307; and

(ii) Approval by the CAA for the SSA to make a source selection decision.

(3) For noncompetitive contract actions, approval by the CAA to award a contract or contract modification/contract action.

(f) Clearance Reviewer (CR) means the independent reviewer and the primary advisor to the CAA for clearance. The CR ensures the CAA has the information needed to make an informed decision. The CR identifies deficiencies, assists in resolution, and advises the CAA as appropriate. When the CR is not from the designated CR office or individual identified in the PGI and  is selected by the CAA, the CR must be an experienced contracting  professional, a Government employee, and must not review their own  contract action.

(g) Clearance Approval Authority (CAA) means the individual identified at 5301.9001(i)(1).

(h) Clearance Review means the independent review performed by the designated CR office or  individual identified in the PGI, or as otherwise selected by the  CAA.

See SMC PGI 5301.9000.

**5301.9001 Policy, Thresholds, and Approvals**

(a) The objectives of the business and  contract clearance process are to ensure that:

(1) Contract actions effectively implement approved acquisition  strategies;

(2) Negotiations and contract actions result in fair and reasonable  business arrangements;

(3) Negotiations and contract actions are consistent with laws,  regulations, and policies; and

(4) An independent review and assessment by the clearance authority  for the proposed contract action is accomplished.

(b) The CAA must ensure that the clearance  process meets the objectives in paragraph (a) above. See AF PGI  5301.9001(b) for guidance on the use of multi-functional independent  review teams (MIRTS) in conjunction with competitive acquisitions.

(c) The CAA must seek legal advice (see  5301.602-2(c)(i)) and ensure that counsel has coordinated on any  clearance briefings or presentations, and that counsel s comments  are included in the briefing or presentation.

 (d) Only one clearance  review may be performed prior to the contract action being presented  to the CAA. The CR is responsible for the clearance review.  The CAA may select an alternate CR who meets the requirements  identified in paragraph 5301.9000(f). The CAA, in conjunction with  the SCO, has the authority to waive the clearance review.

(e) At the discretion of the CAA, contract  clearance is not required when the negotiation team stays within the  pre-set negotiation range and the parameters approved at the business  clearance.

  (f)   The CAA must justify, in  writing, requiring clearance for the solicitation or award of any  competitive task or delivery order, regardless of dollar value, made  in accordance with FAR 8.4, 13, or 16.505. SCOs must submit the  justification to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqcp-workflow@mail.mil)   upon execution.

(g) The Source Selection  Authority (SSA) must not be the CAA

(h) The Milestone Decision Authority, PEO, or  lead program manager must coordinate and/or participate in business  clearance briefings.

(i) Contract actions meeting the contract  value thresholds set below must not be awarded without obtaining the  required [business  and contract clearance approval](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/request_for_clearance.pdf). Contract value is determined by  the definition in FAR 1.108(c) and AF PGI 5301.108(c).

(1) Clearance Approval:

(i) The DAS(C) or ADAS(C) are the clearance approval authorities for  all contract actions ≥$1B; and any other contract action identified  as special interest by the DAS(C) or ADAS(C) regardless of dollar  amount. The DAS(C) or ADAS(C) may delegate clearance authority on a  case-by-case basis. The procedures in [MP5301.9001(i)(1)(i)](https://www.acquisition.gov/affars/business-clearance-approval-dascadasc)  must be followed for clearance with the DAS(C) or ADAS(C).  INTERIM  CHANGE:  See [CPM  19-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf) .

(ii) The CAA is the approval authority for all contract actions as  delegated in TABLE 1 below. The Table 1 thresholds represent the  minimum delegation that must be made. SCOs may increase the specified  dollar thresholds at their discretion.

(iii) If a SCO reduces the thresholds or withholds the clearance  approval authority from the designees in TABLE 1 below, the SCO must  notify [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil).  If the SCO reduces or withholds clearance approval authority for  more than six months, the SCO must brief the DAS(C) regarding the  circumstances surrounding the decision.

| **Unit** | **Clearance  Approval Authority** | **Clearance  Approval Authority** | **Clearance  Approval Authority**   **≥**   **$1B** |
| --- | --- | --- | --- |
| Operational | COCO    ≤    $10M | SCO  > $10M to < $1B | DAS(C)  / ADAS(C) |
| Enterprise | COCO    ≤    $50M | SCO  > $50M to < $1B | DAS(C)  / ADAS(C) |
| PEO  (Systems) | COCO    ≤    $100M | SCO  > $100M to < $1B | DAS(C)  / ADAS(C) |

TABLE 1(iv). To facilitate planning for  SAF/AQC Clearance approvals, SCOs must use the [reporting  tool](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Quarterly%20Updates/Forms/AllItems.aspx) to project SAF/AQC Clearance approvals.

(2) For PEO and Enterprise contracting, business and contract  clearance are required for actions greater than or equal to $5M.

(3) For Operational contracting, business and  contract clearance are required for actions greater than or equal to  $3M. Contracting squadrons or their equivalents will assign  subordinate thresholds within their organization with approval  authority at least one level above the CO for contract actions  greater than $500K. On a case-by-case basis, the SCO may review a  specific contract action below the established threshold in order to  ensure compliance with applicable standards and practices. The SCO  may lower the threshold below $3M or rescind a previously granted  increased threshold for a subordinate contracting unit.   INTERIM  CHANGE:  See [CPM  20-C-02](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-02.pdf) .

(4) SCOs are responsible for ensuring all further delegations of  clearance approval authorities are included in the PGI.

(5) When a contracting official is the Source Selection Authority  (SSA) for a particular acquisition, the CAA must be a level above the  contracting official. If the SCO or their deputy is the SSA, the CAA  for that acquisition must be the DAS(C)/ADAS(C). [Clearance  requests](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/request_for_clearance.pdf) must be sent to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil)  for approval by the DAS(C)/ADAS(C).

See [AF PGI 5301.9001(b)](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0).

See [AFDW PGI 5301.90](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0).

See [AFICC PGI 5301.90](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0).

See [AFMC PGI 5301.90](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0).

See [SMC PGI 5301.90](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0)01.

See [USAFA PGI 5301.90](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0).

### 5301.9102 Policy

(a) MAJCOM/DRU/AFRCO/SMC/SpRCO Commanders must  appoint an experienced senior official who is independent of the  contracting officer and program manager as the ombudsman at their  organization. For AFMC Centers, an ombudsman is required at each  Center, instead of at the MAJCOM. Centers may also have an ombudsman  at each Operating Location/Geographically Separated Unit.

(b) The ombudsman will have the authority to  call upon other resources of the activity to assist in resolving  acquisition issues or concerns (e.g., administrative support,  independent review teams).

(c) Contracting officers must identify the  ombudsman in the initial announcement of the acquisition as well as  in the draft and final RFP.

(d) The ombudsman must:

(1) Support acquisition personnel in the resolution of issues or  concerns raised by interested parties;

(2) Act in a manner that does not compromise the interested party  and, if requested, maintain anonymity of the parties;

(3) Avoid any appearance of usurping normal procurement authority  (e.g., program manager, contracting officer, and source selection  authority);

(4) Ensure all affected or knowledgeable offices and officials are  consulted as part of any resolution process;

(5) Inform the Commander/Director, or PEO, as required, of issues  raised and actions taken;

(6) Review complaints relative to multiple-award task and delivery  order contracts awarded under 10 U.S.C. 2304a(d)(1)(B) or 2304b(e) to  ensure that all contractors are afforded a fair opportunity to be  considered for task and delivery orders in excess of the  micro-purchase threshold, consistent with the procedures in the  contract;

(7) Consistent with security requirements, have access to the  appropriate offices and be allowed to collect all facts relevant to  the resolution of issues raised by interested parties. Ombudsmen are  granted access to proprietary information. Source selection  information must be obtained through the source selection authority.

(e) The Ombudsman Program does not replace the  agency level protest, GAO bid protest or disputes processes.

(f) The Air Force ombudsman is the ADAS(C),  who may take action to assist in resolving issues, concerns,  disagreements, and recommendations that cannot be resolved at the  MAJCOM/DRU/SMC level, or for those having Air Force wide  implications. The ADAS(C) is the AF ombudsman for procurement  integrity issues (see [OUSD(AT&L)/DPAP  memo, 1 Oct 09](https://www.acq.osd.mil/dpap/policy/policyvault/USA004579-09-DPAP.pdf)).

(g) Government personnel may use the Ombudsman  Program as a way to express concerns about an acquisition.

See [AFICC PGI 5301.9102](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0)

 See [AFMC PGI 5301.91](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0)

 See [USAFA PGI 5301-9102(a)](https://www.acquisition.gov/affars/federal-acquisition-regulation-system-0)

### 5301.9103 Solicitation Provision and Contract Clause

Insert a clause substantially the same as the clause at [AFFARS  5352.201-9101](https://www.acquisition.gov/affars/solicitation-provisions-and-contract-clauses#p53522019101), Ombudsman, in all solicitations (including draft  solicitations) and contracts.

See SMC PGI 5301.9103.

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