**DISA ACQUISITION REGULATION SUPPLEMENT (DARS)**



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**DEFENSE INFORMATION SYSTEMS AGENCY**

## PART 1--FEDERAL ACQUISITION REGULATIONS SYSTEM

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# PART 1--FEDERAL ACQUISITION REGULATIONS SYSTEM

### SUBPART 1.1 -- PURPOSE, AUTHORITY, ISSUANCE

### 1.101 Purpose.

The Defense Information Systems Agency (DISA) Acquisition Regulation Supplement (DARS) establishes uniform DISA policies implementing and supplementing the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), Title 10 of the United States Code (U.S.C.) and other statutory authority, and applicable Department of Defense (DoD) directives and instructions. The DARS is not a “stand alone” document and must be read in conjunction with the preceding guidance.

### 201.104 Applicability.

The DARS applies to all acquisitions processed or managed by DISA, except where expressly excluded. Policies/procedures of non-DISA mission partners are acceptable as long as they comply with applicable laws and regulations. For example: Requirements office generated documents (acquisition plans, justifications and approvals, etc.) need not be in the DISA format, contain DISA supplemental information, etc.

DARS policies requiring DISA requirements offices to report to the Director would not be enforced on external mission partners.

### 201.105-3 Copies.

Copies of the DARS and associated acquisition policies and procedures are available electronically via the DISA Acquisition Policy and Guidance web site: [http://www.ditco.disa.mil/hq/aqinfo.asp.](http://www.ditco.disa.mil/hq/aqinfo.asp)

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### 201.170 Peer Reviews / Independent Management Reviews.

1. *DoD peer reviews.*

(1)(i) *Competitive acquisitions valued at $1 billion or more*. Per Class Deviation 2019-O0010, peer reviews for competitive procurements above $1 billion, as required by DFARS 201.170(a)(1)(i), are no longer required except for procurements of major defense acquisition programs for which the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) is the milestone decision authority and USD(A&S) special interest programs. See <http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html>for additional information on the OSD/DPC (Defense Pricing and Contracting) Peer Review program. Peer reviews and team members will be appointed by DPC. All peer review documentation prepared for DPC-level reviews shall be coordinated with the cognizant Head of the Contracting Office (HCO) and Chief of the Contracting Office (CoCO), and forwarded to PL22 for transmission to DPC.

(ii) *Noncompetitive acquisitions valued at $500 million or more.* Peer Review of DISA noncompetitive procurements valued at $500 million or more shall be conducted in accordance with DFARS 201.170(a).

\* Note: If a procurement is solicited as competitive and only one proposal is received, for peer reviews, the procurement moves to a single source environment.

1. *Component (DISA) peer reviews.*

(i) *Competitive acquisitions valued at $500 million or more*. The DISA Contracting Peer Review Program/Independent Management Review for Acquisition of Services establishes policy and procedures for conducting Peer Reviews of all solicitations, and contracts with a total estimated contract value (including options) of $500 million or more, for competitive acquisitions of Acquisition of Services only. Communication Service Authorizations (CSAs) issued using the DISA streamlined Inquiry/Quote/ Order (IQO) process or issued against an indefinite delivery type contract are excluded.

(ii) *Acquisitions valued below $500 million.* CoCOs are encouraged to request inter-DITCO and intra-DITCO pre-solicitation peer reviews below $500M. Inter-DITCO peer reviews will be managed by PL2. Intra-DITCO peer reviews will be managed by the respective CoCO and results will be provided to PL2 (for tracking the conduct of the review and trends).

(S-90) *Peer Review Timelines/Procurement Action Lead Times (PALTs)*. During the development of an acquisition plan and/or acquisition strategy, contracting officers (KOs) shall take into account the requirement for scheduling and conducting a Peer Review in accordance with this section. DISA level peer reviews will be accomplished in four (4) business days. The time required for each DISA Peer Review is reflected in the approved PALT times for each contract vehicle and evaluation type (https://[www.ditco.disa.mil/contracts/IT\_instruct.asp).](http://www.ditco.disa.mil/contracts/IT_instruct.asp)) DISA level peer reviews shall be conducted in conjunction with compliance and legal reviews IAW DARS 1.9000.

(S-91) *Objective.* The objective of the DISA Contracting Peer Review/Independent Management Review Program is to (1) ensure that contracting officer across the Procurement Services Directorate (PSD) are implementing law, policy and regulations in a consistent and accurate manner; (2) improve the quality of acquisition and contracting processes across DISA; and (3) share best practices and lessons learned. The findings and recommendations of the peer reviews/independent management reviews are advisory in nature, providing supplemental information to the contracting officer regarding acquisition strategy, contract structure, format, content and compliance. DISA Contracting Peer Review/Independent Management Review Program procedures are established in accordance with OSD Memorandum, Peer Reviews of Contracts for Supplies and Services, dated September 29, 2008, at <http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html>.

(1) **Pre-award Peer Reviews** of solicitations shall be conducted for competitive services ($250M or above, but less than $1B) prior to issuance of the solicitation (pre-solicitation).

(2) **Independent Management Reviews** of contracts for services shall be conducted at the following decision points:

1. Mid-point of the initial (base) performance period if in excess of three years; and
2. Prior to exercising the first option period of performance and every other option period.

All peer review/independent management review documentation shall be marked as “Source Selection Information – see FAR 2.101 and 3.104”.

(S-92) *Procedures*. The DISA Peer Review/Independent Management Review procedures are located at <https://www.ditco.disa.mil/hq/peerreview.asp>.

(S-93) *Waivers.* If critical mission performance circumstances necessitate the request of a waiver, a “Request for Peer Review/Independent Management Review Waiver” (<https://www.ditco.disa.mil/hq/peerreview.asp>) memorandum shall be prepared by the cognizant contracting officer, coordinated through the CoCO and HCO, and submitted to the PL22 Peer Review/Independent Management Review Program Coordinator. The Peer Review/Independent Management Review Coordinator will coordinate with the PL22 Branch Chief and the appropriate waiver approval authority. Waivers shall be in the same format as the Request for Peer Review/Independent Management Review, with subject line modified to read, “Request for Waiver of Peer Review/Independent Management Review for (name of program/project/service)”, and shall include a brief explanation as to why a waiver is necessary. Waiver requests shall be approved prior to proceeding with a procurement action without a peer review/independent management review, and may only be approved by the HCA for competitive procurements. For noncompetitive procurements valued over $500 million, waivers must be coordinated through the HCA, and forwarded to OSD/DPC for approval.

### SUBPART 1.2 — ADMINISTRATION

### 1.201-1 The two councils.

(S-90) All FAR, DFARS, and DARS policy and procedures change requests to include template, checklist, and corporate library shall be requested through the PL21 Policy and Procedures Mailbox, [disa.meade.PLD.mbx.pl21-policy-branch@mail.mil.](mailto:disa.meade.PLD.mbx.pl21-policy-branch@mail.mil) The subject of the email shall provide the FAR, DFARS, or DARS section, Template Name, Checklist Name, or Corporate Library and identify if the change is Critical or Administrative.

### 201.201-70 Maintenance of Procedures, Guidance, and Information.

(S-90) The DISA Procurement Services Directorate, PL21 Policy and Procedures Branch, is responsible for maintenance of the DISA Acquisition Regulation Supplement (DARS), [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx), Deskbooks, Guides, and Templates.

### SUBPART 1.3 — AGENCY ACQUISITION REGULATIONS

### 201.301 Policy.

The DARS will be numbered in accordance with the method prescribed in DFARS Subpart 201.3-Agency Acquisition Regulations.

### 201.303 Publication and codification.

(a)(ii) To the extent practical all DARS text (whether implemental or supplemental) will be numbered as if it were implemented in accordance with DFARS Subpart 201.303-Publication and Codification. Supplemental numbering will only be used when the text cannot be integrated intelligibly with its FAR or DFARS counterpart. DARS supplements shall parallel the FAR and DFARS, with the exception that supplemental sections are numbered using 90 or (S-90). Parts, subparts, sections, or subsections are supplemented by the addition of a number of 90 and up. Lower divisions are supplemented by the addition of a number of (S-90) and up. DARS provisions or clauses use a four digit sequential number in the 9000 series, e.g., -9000, -9001, - 9002.

1. The table shown in DFARS Subpart 201.303(D), DFARS Numbering provides an example

of the numbering system. Sample Table with DARS Numbering below

Table 1-1 DARS NUMBERING

|  |  |  |  |
| --- | --- | --- | --- |
| FAR | DFARS Implements  FAR As | DFARS Supplements  FAR As | DARS Supplements  DFARS As |
| 19 | 219 | 219.70 | 219.70-90 |
| 19.5 | 219.5 | 219.570 | 219.570-90 |
| 19.501 | 219.501 | 219.501-70 | 219.501-70-90 |
| 19.501-1 | 219.501-1 | 219.501-1-70 | 219.501-1-70-90 |
| 19.501-1(a) | 219.501-1(a) | 219.501-1(a)(S-70) | 219.501-19(a)(S-70)(S-90) |
| 19.501-1(a)(1) | 219.501-1(a)(1) | 219.501-1(a)(1)(S-70) | 219.501-1(a)(1)(S-70)(S-90) |

(S-90) Sections under subparts will be enumerated using FAR or DFAR numbering conventions, depending on whether the FAR or DFAR is being implemented or supplemented.

### 201.304 Agency control and compliance procedures.

(S-90) DISA PL21 shall review all DISA acquisition-related procedures (both mandatory/non- mandatory) that impact the Agency prior to implementation. The procedures are generally implemented as DISA Acquisition Templates, Samples, Guides, and Deskbooks and referenced in the appropriate part in the DARS. Appendix A contains a listing of all current templates, samples, guides, and deskbooks. DISA PL21 facilitates implementation of all DISA Acquisition Documents. DISA procurement -- acquisition policy and guidance can be found at [http://www.ditco.disa.mil/hq/aqinfo.asp.](http://www.ditco.disa.mil/hq/aqinfo.asp)

### SUBPART 1.4 -- DEVIATIONS FROM THE FAR

### 201.403 Individual Deviations.

(S-90) Appendix B contains the approved DISA Clause Control Plan and shall be followed for approval of deviations and clauses other than those prescribed in the FAR and DFARS.

### SUBPART 1.5 — AGENCY AND PUBLIC PARTICIPATION

### 1.501-2 Opportunity for public comments.

(S-90) Comments on proposed or interim rules published for public comment in the Federal Register shall be submitted through DISA [PL21](mailto:disa.meade.PLD.mbx.pl21-policy-branch@mail.mil) (PL2) to the HCA.

### SUBPART 1.6 — CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

### 201.602-2 Responsibilities.

(S-90) *Policy.* The contracting officer shall designate, and manage CORs in accordance with the DoD and DISA COR Handbooks located at <https://www.ditco.disa.mil/hq/deskbooks.asp>. The authority to designate CORs shall not be further delegated.

(S-91) The contracting officer must designate the COR in the Joint Appointment Module (JAM) as part of the award process inserting DISA specific instructions as applicable. The JAM module is located at <https://wawf.eb.mil/>. As part of the initial requirement package within the Joint Appointment Module (JAM), CORs can self-nominate themselves or the contracting officer can appoint a COR.

(S-92) The HCA has determined in accordance with DFARS PGI 201.602-2(d)(v)(A) that a COR appointment is not necessary or required for noncomplex contracts awarded using simplified acquisition procedures as certified by the mission partner via the IT requirements checklist. Contracting officers will document their review of the IT requirements checklist on the appropriate contract file checklist. Contracting officers are relieved of the requirement to document each individual file for these types of requirements.

(S-93) *Contracting Officer* responsibilities:

1. EDMS Tab 52 shall contain a copy of the approved designation letter from the JAM module.
2. A *Technical Representative* (TR) is distinctly different from a COR. A TR is not authorized to perform contract administration functions and is generally located at a contractor’s facility to provide program technical oversight. The program manager (see DARS Part 7 for definition) appoints the TR. See DFARS 242.74 for TR procedures.

### 1.602-3 Ratification of unauthorized commitments.

(a) Definitions.

“Ratifying Official,” as used here means the Senior Procurement Executive, (SPE) or the Head of the Contracting Activity (HCA), as specified in (b)(2) below.

(b)(2) The ratifying official for all DISA unauthorized commitments of any dollar value and non-DISA unauthorized commitments valued at or above $1M is the SPE. The ratifying official for all non-DISA unauthorized commitments valued below $1M is the HCA. Coordination of the ratification request shall flow from the individual that made the unauthorized commitment as follows: 1) Cognizant contracting officer to prepare the Determination and Findings portion of the Ratification Approval Form, 2) General Counsel for a legal opinion, and 3) DITCO HCO, prior to submitting to PL22 for review and processing. PL22 will log the request, assign a tracking number, review the complete package and coordinate for ratifying official approval.

(S-90) The individual that made the unauthorized commitment prepares the ratification request package using the standardized “Ratification Approval Form”, includes the documents specified in the form, and prepares a DISA Form 9 in accordance with the Ratification Instructions contained in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 1.602-3. If the unauthorized commitment was made by a non-DISA employee, then the Form 9 will be prepared by the contract specialist or contracting officer.

The Ratification Approval Form, Ratification Instructions, and DISA Form 9 are located in the [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx).

(S-91) Ratification packages will be submitted within 15 business days after initial notification to the contracting officer of the unauthorized commitment. The contracting officer should complete the processing of the ratification determination and findings within 14 business days after the receipt of an accurate and complete package in accordance with the “Ratification Form of Required Documents” referenced above.

(S-92) The ratifying official reviews the ratification request package and approves or disapproves the ratification request. Final approval of the ratification action resides with the appropriate ratifying official.

(S-93) After submission of a ratification request, the individual responsible for the unauthorized commitment and an appropriate management official from the individual’s organization may be required to brief the ratifying official on the circumstances and corrective actions taken to prevent recurrence of unauthorized commitments. The ratifying official will determine if a briefing is required and the method of the briefing (i.e., in person, by telephone, or by video-teleconference).

(S-94) The Quality Assurance and Compliance Branch, PL22 will maintain a log of all unauthorized commitments and ratification requests. The log, at a minimum, shall include the following information:

(S-95) The Quality Assurance and Compliance Branch, PL22 will maintain a database of all unauthorized commitments and ratification requests. The database, at a minimum, shall include the following information:

(1) Ratification Control Number– A unique control number assigned for each ratification request package assigned by PL22 upon receipt of a complete ratification package. The first two numbers correspond to the last two numbers of the fiscal year in which the ratification request is received, followed by a dash and two numbers corresponding to the sequence in which the ratification request is received (e.g., 19-01, 19-02, 19-03…).

(2) Contract Number and/or Order Number– The contract/order number against which the individual made an unauthorized commitment. If no contract existed at the time that an unauthorized commitment was made, indicate “None”.

(3) Contracting Officer – Enter the name of Contracting Officer assigned to work the ratification.

(4) Contracting Officer/Organization Code – Enter organization code of the contracting officer assigned to work the ratification.

(5) Date Received – This is the date on which the ratification request package was received in PL22.

(6) Customer DISA or Non-DISA – Indicate whether the customer is from DISA or a non-DISA source.

(7) Contractor – Identify the contractor’s name and location (city and state).

(8) Organization/Office Code – This information identifies the organization and office code to which the individual that made the unauthorized commitment belongs.

(9) Date of Unauthorized Commitment – The actual date on which the unauthorized commitment was made.

(10) Dollar Value – The dollar value of the unauthorized commitment.

(11) Describe the Unauthorized Commitment/Reason(s) for Ratification – Provide brief description of purchase resulting in the unauthorized commitment.

(12) Ratification Approval Level (HCA or SPE) - Identify the appropriate approval level for the submitted ratification request.

(13) Date Ratification Approved

(14) Reason Ratification not Approved (if applicable)

(15) Corrective Action Taken – Describe the actions taken regarding the individual that made the unauthorized commitment to prevent recurring unauthorized commitments. Indicate what action was taken to prevent this situation from occurring in the future.

### 1.603 Selection, appointment, and termination of appointment for contracting officers. 1.603-1 General.

Authority for selection, appointment, and terminate an appointment for contracting officers is

delegated to the DISA Head of the Contracting Activity (HCA).

(S-90) The types of contracting officer appointments is described in Table 1-2:

**Table 1-2 Contracting Officer Appointments and Requirements**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of Appointment** | **Amount** | **Training Qualifications** | **Assessment Requirements** | **SF 1402 Statement** |
| Communications Management & Control Activity (CMCA) | $25K | CON 237 | None | Contract authority is limited to  $25,000 for any contract action for information technology services and equipment in support of the US Secret Service, the Office of the Secretary of Defense, and Office of Special Events.  Termination authority is limited to the amount of contract authority. |
| Networx/EIS | SAT | DAWIA Level I - Purchasing or Contracting | None | Contract authority is limited to placing orders for pre-priced items under the Networx, EIS and various BPA's associated with the NS2020 Program for contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority. |
| White House Communications Agency (WHCA) | Varies up to  $5M | DAWIA Level II Contracting | Passing of 30 question “Contracting Officer Appointment Test” | Contract authority is limited to  $xxx,xxx for any contract action; except, contract authority is $xxx,xxx for orders issued against existing Government contracts or contracts established under FAR Part 8 procedures. No authority to contract for telecommunications services that are usage based, including monthly recurring charges, or are subject to regulatory tariffs is included.  Termination authority is limited to the amount of contract authority. |
| Limited | SAT,  $1M, $5M,  $10M,  $50M, | DAWIA Level II - Contracting | Passing of 30 question “Contracting Officer Appointment Test” | Contract authority is limited contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority.  Or  Contract authority is limited to  $xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority. |
| Limited | $100M,  $250M or  $500M | DAWIA Level II - Contracting | Passing of 50 question “Contracting Officer Appointment Test” **and** Oral Presentation “Delivery of a Procurement Topic to HCA” | Contract authority is limited to  $xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority. |
| Unlimited | Unlimited | DAWIA Level III  - Contracting | Passing a “Contracting Officer Appointment Review Board” and have already passed a “Contracting Officer Appointment Test” (either 30, 40 or 50 questions; if the applicant has never taken the Contracting Officer Appointment Test, the applicant must pass a 50-question test ) | No limitations. |
| Tariff Changes | Limited | DAWIA Level III  - Contracting | None (no test requirement) | Authority is limited to authorizing automatic contract file conversions to revise tariff rates. Termination authority is limited to the amount of contract authority. |

(S-91) *Waivers.* The HCA may waive warrant requirements on a case-by-case basis.

(S-92) *Type of Assessments.* The types of assessments are described in Table 1-3 and below. It is the responsibility of a candidate’s immediate supervisor and HCO to prepare a candidate for each of the three types of test requirements.

**Table 1-3 Contracting Officer Assessment Requirements**

|  |  |
| --- | --- |
| **Type of Assessment** | **Required For:** |
| 1. Contracting Officer Appointment Test | Almost all warrants, see Table 1-1 for  number of questions and exceptions |
| 2. Oral Presentation/Delivery of a Procurement Topic to HCA/Team | Limited warrants for $100M, $250M or $500M |
| 3. Contracting Officer Appointment Review Board | Unlimited warrants |

(S-93) *Contracting Officer Appointment Procedures*. The procedures for this section can be found at [https://www.ditco.disa.mil/DITCOContractingTemplates/.](https://www.ditco.disa.mil/DITCOContractingTemplates/)

### 1.603-1-90 Ordering Officers.

1. Authority for appointment and termination of appointment for DISA ordering officers is the responsible HCO whose CoCOs provide contracting support to a DISA mission partner.
2. Ordering officer appointments are limited to DISA personnel;
3. Ordering officer authority is limited to $25,000 for orders against existing GSA schedules, Government contracts, or contract vehicles established under FAR Part 8 or FAR Part 16 procedures as long as contract terms permit and orders are within monetary limitations specified in the contract. Open market purchases are limited to micro-purchases in accordance with FAR 13.201;
4. Ordering officer authority shall not be further delegated;
5. Orders placed by ordering officers shall use the Government-wide commercial purchase card for method of payment; and
6. Ordering officers must complete all ordering officer and commercial purchase card training as required in the [DISA Commercial Purchase Card Program Deskbook](https://www.ditco.disa.mil/hq/deskbooks.asp); submit a completed application; and submit a line of accounting to fund purchases made against their commercial purchase card.
7. The appointing authority will instruct ordering officers in writing –
   1. What procedures to use to place orders;
   2. The standards of conduct for DISA personnel prescribed in the Joint Ethics Regulation (DoD 5500.7-R) and the procurement integrity provisions at FAR 3.104;
   3. The preparation and submission of information for contract action reporting purposes; and
   4. The requirement for an annual submission of the OGE 450.
8. *Surveillance.*
9. Ordering officers will be subject to procurement management reviews (PMRs) as specified in DARS 1.9001, as well as reviews conducted by the DISA purchase card Agency/Organization Program Coordinator (A/OPC);
10. Ordering officers will retain copies of inspection and review findings in the ordering officer files; and,
11. If the appointing authority finds that an ordering officer is not properly performing assigned duties or promptly correcting the deficiencies noted in inspections or reviews, the appointing authority will terminate the ordering officer’s appointment.
12. *Termination.* An ordering officer appointment will remain in effect until the ordering officer leaves his position via reassignment or termination or the appointing authority revokes the appointment in writing.
13. *Ordering officer appointments.*
    1. The appointing authority will:
14. Review recommendations by the DISA purchase card A/OPC for ordering officer appointments; and
15. Require individuals appointed as ordering officers to acknowledge receipt of their letters of appointment and termination in writing.
    1. The DISA purchase card Agency/Organization Program Coordinator (A/OPC) will:
16. Review ordering officer applications and training certificates and make a recommendation to the appointing authority regarding the ordering officer appointment authority (see the DISA Commercial Purchase Card Program Deskbook for a sample appointment letter);
17. Maintain the file of appointments and justification for the appointments; and,
18. Distribute appointment letters to ordering officers.

### 1.604 Contracting Officer’s Representative (COR).

(S-90) COR is the only approved functional title for individuals performing the designated duties and responsibilities under this subpart in support of DISA contract management.

Regardless of previous titles used, if an individual is performing the functions of a COR in support of a DISA or non-DISA contract, their appropriate functional title is DISA COR (primary or alternate). Contracting officers shall only use the title COR in their designation letters.

(S-91) All COR questions, issues, and concerns should be sent to the COR email address [DISA](mailto:disa.meade.ditco.mbx.cortm@mail.mil) [FtMeade DITCO Mailbox CORTM](mailto:disa.meade.ditco.mbx.cortm@mail.mil).

(S-92) CORT Tool and DISA and DoD Handbook

1. The DISA Requirements Office shall use the DoD CORT Tool to COR nomination.
2. All candidates and active CORs shall use the approved Department of Defense (DoD) Contracting Officer Representative Tracking Tool (CORT Tool) available at [https://wawf.eb.mil](https://wawf.eb.mil/).
3. DISA COR Handbook is located at <https://www.ditco.disa.mil/hq/deskbooks.asp>or [https://wawf.eb.mil](https://wawf.eb.mil/).
4. DoD COR Handbook is currently located at [https://wawf.eb.mil.](https://wawf.eb.mil/)

### SUBPART 1.90 — PROCUREMENT OVERSIGHT

### 1.9000 Review and approval of contract actions.

* 1. *Definitions.*

Contract Decision Authority (CDA) means the individuals delegated the authority to review and approve contract actions and contract approvals (reference 1.9000(c)(2)).

“Begin negotiations” means 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.

“Contract Approval” means for competitive acquisitions conducted with or without discussions, approval by the Contract Decision Authority to authorize the contracting officer to award a contract or order. For non-competitive contract actions approval by the Contract Decision Authority is required to award a contract, order or contract modification.

* 1. *Exclusions.*
     1. An extension modification or contract award as a result of a protest.
     2. An order issued against an existing contract, BOA or BPA if:
        1. Prices have been established in the basic indefinite delivery contract, BOA or BPA;
        2. All other terms and conditions have been established in the basic indefinite delivery contract, BOA or BPA;
        3. The basic contract, BOA or BPA was reviewed and considered legally sufficient by the supporting legal office; and
        4. There are no negotiations (i.e., no proposal, formal or informal, is necessary for the order to be issued) involved in the award of the proposed order under the indefinite delivery contract, BOA or BPA.
     3. Inquiries issued in accordance with the [Inquiry/Quote/Order (IQO) Acquisition Deskbook](https://www.ditco.disa.mil/hq/deskbooks.asp). However, Orders issued in accordance with the IQO process are not excluded from the contract review and approval;
     4. Contract actions that solely provide incremental funding, incentive fee funding, award fee funding, or other administrative contract modifications.
     5. Priced options that were previously established in the basic contract/order and that are exercised in accordance with the established prices and terms and conditions of the contract/order.
  2. *Policy, thresholds, and approvals.*

Procurement actions are subject to various review levels and thresholds as set forth below.

HCOs and CoCOs are accountable for procurement quality. HCOs and CoCOs will establish an internal review system to review contract files not less than annually to ensure quality standards are maintained for all procurement actions within their respective offices, including simplified acquisitions. The HCO and/or CoCO is responsible for identifying the quality control measures that are put in place within the DITCO in the Manager's Internal Control Program. The results of the quality inspections will be provided to PL2 for trend analysis, training purposes, and future PMRs.

* + 1. The objectives of the review and approval 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 for the proposed contract action is accomplished.
    2. Contract actions meeting the contract value thresholds set in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 1.9000(c)(2) shall not be awarded without obtaining the required review approvals.
  1. General Counsel (GC)/Legal and Policy Compliance Reviews.

1. Legal (GC) and Policy Compliance (PL22) reviews shall be obtained prior to submission to the CDA/SSA.
   1. Legal and Policy Compliance review thresholds. PL83/PL84: $10M for task orders, $10M for supplies / hardware, and $6.5M for all other procurement actions; PLA, PL5, PL6, PL7 and PL82: $6.5M for all procurement actions. All broad agency announcements (BAA) require legal review.
   2. Legal and Policy reviews of contracts and task orders using the trade-off evaluation method, regardless of dollar value, are highly encouraged.
   3. Legal and Policy reviews can be requested by a contracting officer, CoCO, HCO, or HCA at lower dollar thresholds or for special interest procurements.
2. At a minimum, the contracting officer must review the contract file/documentation prior to requesting a legal and policy compliance review. Also, the contract file must be reviewed at least one level above the contracting officer prior to requesting a Legal and Policy compliance review for contract actions greater than or equal to $50M. The contracting officer may submit the request for Legal and Policy compliance review only after all reviewer comments, if any, are resolved.
3. Legal and Policy compliance reviews may be requested concurrently. Legal and Policy reviews will be accomplished in four (4) business days. Additional business days may be required to review substantial/numerous documents.
   1. When Legal or Policy reviews indicate non-compliance with laws, regulations or policies (e.g. a policy critical finding or a GC legally insufficient finding), the contracting officer will revise the procurement documents in collaboration with the assigned attorney-advisor and/or procurement analyst. Legal will copy the CoCO on e-mails which notify a contracting officer of legally insufficient findings, and Policy will copy CoCOs on e-mails which notify a contracting officer of critical findings. A procurement document shall not be released until legally insufficient or critical findings are adjudicated.
   2. While changes are expected to be professionally resolved at the lowest possible level, disagreements may be elevated above the contracting officer, through Section and Branch Chiefs to the CoCO, the HCO, and ultimately to the HCA. Legal issues may be elevated to the General Counsel.
4. Policy compliance (PL22) reviews ---
5. Requests for Policy compliance review shall be sent via email to the “DISA Ft Meade PLD Mailbox PL22 Policy Compliance Review” group mailbox. The following standard subject line format shall be used: “[insert Office Code (i.e., PLX)], [insert “Pre-Solicitation”, “Pre-Award” or “Post-Award,” as appropriate] Policy Compliance Review Request, [insert solicitation, contract/modification, or order/modification number] and [\*insert EDMS folder ID number].” Urgent requests for review must also include “Expedite” in the subject line and shall be forwarded to the PL22 group mailbox by the CoCO. Pertinent information needed to assist the PL22 policy compliance reviewers should be included in the body of the e-mail. For example,

provide the EDMS folder ID number, document identifier/description, indicate if a policy compliance review was accomplished at a previous stage of the procurement (and if so, the solicitation number), provide the estimated dollar value of the procurement, etc. See Table 1-3 for a list of required documents**.** Documents may be submitted as attachments to the email if not available in EDMS.

\*Note: Regardless of the type of review, the EDMS folder identifier used in EDMS at the time of the review request must be included to allow for the automatic storing of the review results.

1. In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining PL22 policy compliance review as required by the DARS, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the official contract file. Policy will review solicitations after-the-fact (i.e., after the solicitation has been issued).
2. Each Policy review comment will be listed under one of the following categories: Administrative, Critical or Recommendation. Below is the definition of each category:
3. Administrative is grammar, punctuation, style, etc.
4. Critical is when the procurement is non-compliant with the FAR, DFARS, DARS, or DISA prescribed policy or procedure. The reference will be cited and the comment shall be resolved prior to release of a procurement document. The critical comment(s) and disposition are to be filed as part of the contract file.
5. Recommendation is proposed by the procurement analyst based upon document content.
6. Legal (GC) reviews ---
   1. Definitions.

Legally Sufficient: Complies with the applicable laws, regulations and policy.

Legally Insufficient: Does not comply with the applicable laws, regulations and policy. Generally, these will be accompanied by specific findings and potential alternatives to correct legal deficiencies.

In addition, Legal may also express its business opinion/advice in support of its reviews beyond the base legal sufficiency determinations above, to include advice on legal and business risks relative to the best interests of the Agency. These opinions constitute advice for consideration of the DISA acquisition team in which the GC is a partner.

* 1. Legal review comments or a statement that the procurement document has been reviewed and found to be legally sufficient must be placed in the contract file. The contracting officer is responsible for assuring that all legal comments are adjudicated.
  2. In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining a required legal review, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the official contract file. The CoCO shall request an emergency/or quick turn-around legal review prior to approving the waiver. Legal will not review solicitations and contract award actions that have been waived (i.e., after-the-fact reviews).
  3. DITCO-Pacific (PL7), DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott IT Contracting Division (PL83), and DITCO-Scott Emerging Technology, Special Interest Contracts, and Pricing (PL84) shall obtain legal reviews from legal counsel located at DITCO-Scott. DITCO-National Capital Region (PL6), DITCO-Europe (PL5), Special Access Programs, and WHCA shall obtain legal reviews from legal counsel located at NCR.
  4. Requests for legal review from legal counsel located at DITCO-Scott shall be sent via email to the “DISA Scott AFB DITCO Mailbox Legal Office” group mailbox. Requests for legal reviews from legal counsel located at DITCO-NCR shall be sent via email to the “DISA Ft Meade GC Mailbox Acquisition Law Team” group mailbox. The following standard subject line format shall be used: “[insert Office Code (i.e., PLX)], [insert “Pre-Solicitation”, “Pre-Award Contract Approval” or “Contract Approval” as appropriate] Legal Review Request, [insert solicitation, contract/modification, or order/modification number].” The contracting officer or specialist shall provide legal counsel with the documents necessary to complete the review.

**Table 1-4 Minimum Documentation to Attach to Review Requests (*The minimum documentation required for reviews)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of Review** | **Decision Point** | **Non-Competitive** | **Competitive FAR Parts 12 and 15** | **Competitive FAR Subparts 8.4 and**  **16.5** |
|  |  |  |  |  |
| Pre-Solicitation | Prior to Release of Solicitation | All Pre-Solicitation Documents including the  Solicitation | All Pre-Solicitation Documents including the  Solicitation | All Pre-Solicitation Documents including the  Solicitation |
|  | Pre-Negotiation | Pre-PNMs and Sole  Source PNMs | Not Applicable | Not Applicable |
| Contract Approval | Prior to Award | Contract, Order and | All Pre-Award | All Pre-Award |
|  |  | Post-PNM | Documentation | Documentation |
|  |  | RFP and Evaluation | including Contract, | including Order, |
|  |  | Documents (Legal | Source Selection | Post-PNM, Best |
|  |  | Only) | Decision Document, | Value Trade-off or |
|  |  |  | Best Value Trade- | LPTA Evaluation |
|  |  |  | off or LPTA | Summary(e.g., |
|  |  |  | Evaluation | Selection |
|  |  |  | Summary(e.g., | Recommendation |
|  |  |  | Selection | Document), RFQ |
|  |  |  | Recommendation | and Draft |
|  |  |  | Document), RFP | Notification to |
|  |  |  | and Draft | Unsuccessful |
|  |  |  | Notification to | Offerors |
|  |  |  | Unsuccessful |  |
|  |  |  | Offerors |  |

### 1.9001 Procurement management reviews (PMRs) and special interest reviews.

1. Chief, Quality Assurance Branch (PL22) will establish and maintain DISA’s Procurement Management Review (PMR) program, conduct Special Interest Reviews, and assist the Agency with other reviews as appropriate. PMRs assist the Head of the Contracting Activity (HCA) and the DISA Senior Procurement Executive, in evaluating DISA’s procurement processes including DISA’s Purchase Card Program. PMRs also assist the CoCO and the HCO to improve the operational efficiency and effectiveness of their contracting organizations. This is accomplished through the assessment of internal management controls and acquisition policies and procedures. Additionally, the results of the PMRs are used to assess the Agency’s ability to sustain external scrutiny such as DoD Inspector General (DoDIG) Audits, General Accountability Office (GAO) Audits, external PMRs, and other independent reviews.
2. PMRs are conducted at the HCA’s four Defense Information Technology Contracting Organizations (DITCO) and three external organizations:
3. DITCO-National Capital Region (NCR)
4. DITCO-Europe
5. DITCO-Pacific
6. DITCO-Scott
7. WHCA (White House Communications Agency)
8. CMCA (Communications Management and Control Activity)
9. JSP (Joint Service Provider)
10. PMRs assess the following, which include GAOs High Risk Areas and OMB Circular A-123:
11. Sound contracting business decisions;
12. Effective competition, small business, and other procurement initiatives;
13. Types of Contracts;
14. Market Research;
15. Customer satisfaction;
16. Designation and oversight of Contracting Officer’s Representatives (COR);
17. Performance-Based Acquisition (PBA) – Quality Assurance Surveillance Plans (QASPs);
18. Contract Award and Incentive Fee Process
19. Contract Close-out;
20. Purchase Card Program;
21. Overall internal management controls;
22. Proper separation of functions and duties;
23. Proper Government oversight; and
24. Adequate checks and balances.
25. Special Interest Reviews are conducted at the request of the HCA or the SPE. These reviews assess specific aspects of the procurement process and/or operations, as requested.
26. The Head of the Contracting Activity will be the final decision authority for unresolved PMR

issues.

1. Chief, Quality Assurance Branch (PL22) will:
   1. Conduct PMRs on contracting offices at least once every 12-18 months;
   2. Conduct special interest reviews at the request of the HCA or SPE;
   3. Assist with Agency reviews when requested;
   4. Conduct follow-up reviews to validate corrective action taken from previous identified findings and recommendations, as necessary;
   5. Identify systemic issues;
   6. Establish and lead the PMR team;
   7. Issue a draft report allowing sufficient time for comments;
   8. Consider comments received prior to release of the final report;
   9. Require the appropriate organization to provide a Corrective Plan of Action and milestones to address all findings and recommendations; and
   10. Release the final report to the organization after approval by the HCA.

### 1.9002 Classified procurement oversight.

Classified procurements are not exempt from compliance reviews. The Chief, Quality Assurance Branch (PL22) shall be contacted to coordinate all compliance reviews for classified procurements. The contracting officer shall ensure contract documents are redacted to remove any reference to the awardee, program, etc.

### 1.9003 Contract document approval signature routing procedures.

Routing for coordination and signature procedures are located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 1.9003.

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# PART 2 -- DEFINITIONS OF WORDS AND TERMS

### SUBPART 2.1 — DEFINITIONS

**2.000 Scope of part.**

This part defines words and terms used throughout the DARS. Some definitions are located in the affected DARS. For example, see DARS Part 7 for acquisition terms used concerning acquisition planning.

### 2.101 Definitions.

**Acquisition.** Acquisition used in this supplement has the same meaning as stated in FAR 2.101. Acquisition begins at the point when agency needs are established and ends with contract closeout.

**Agency.** This term means DISA.

**Agency Head.** Agency Head means, when designated by the DISA Director, the DISA Vice Director, or DISA Executive Deputy Director, except where law or regulations specify the Director, Defense Pricing and Contracting (DPC).

**Chief of the Contracting Office (CoCO).** CoCO means the individual(s) responsible for managing the contracting branch(es) within a DITCO or DITCO Component. The CoCO serves as a business advisor to the HCA and HCO, and provides oversight, guidance and management of the entire contracting process to all branches within a DITCO or DITCO Component.

**Contracting Activity.** This term refers to DISA’s contracting organization, the Defense Information Technology Contracting Organization (DITCO).

**Contracting Office.** This term refers to contracting offices within DITCO (i.e., DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott Information Technology Contracting Division (PL83), DITCO-Scott Emerging Technology, Special Interest Contracts and Pricing (PL84), DITCO-Pacific (PAC), Special Access programs (SAP), DITCO-Europe (EUR), and the DITCO- National Capital Region (NCR). Go to <http://www.ditco.disa.mil/hq/default.asp>descriptions of DISA's contracting offices.

**Contract value.** For indefinite term telecommunications services contracts (i.e., month-to- month) contract value is the total non-recurring charge (NRC), plus the monthly recurring charge (MRC) times the estimated service life (in months). For definite term contracts, contract value is the total estimated or actual value of the contract. Options shall be included in calculating total contract value. DISA fee is not included in the contract value calculation.

**Head of the Contracting Activity (HCA).** Procurement Services Executive/Director, Defense Information Technology Contracting Organization (PSD/DITCO).

NOTE: In the HCA’s absence or upon the vacancy of the HCA position, the Vice Procurement Services Executive (PSE) will perform the functions of the HCA, DISA. In the absence or vacancy of the Vice PSE position, the PSD Deputy Director will perform the functions of the HCA, DISA. Further, the Chief, Defense Information Technology Contracting Organization (DITCO)-Scott will perform the functions of the HCA, DISA, if such functions cannot be performed by the PSE, or other potential delegates, due to a Continuity of Operations (COOP) emergency event. The PSE will resume the role of HCA as expeditiously as possible. All delegates are authorized to perform only those HCA functions that they are eligible to perform by law or regulation.

**Head of the Contracting Office (HCO).** The PSD Deputy Director is the HCO for the contracting field offices at DITCO-Europe (PL5), DITCO-PLA (DCCO), DITCO-NCR (PL6), and DITCO-Pacific (PL7) and the Chief of the DITCO-Scott Field Site is the HCO for the DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott Information Technology Contracting Division (PL83), and DITCO-Scott Emerging Technology, Special Interest Contracts and Pricing (PL84). The HCO has direct managerial responsibility for the assigned CoCOs. The HCO will typically approve actions that exceed the CoCO’s authority and will review contractual actions to ensure statutory, regulatory, and procedural compliance. The HCO additional key responsibilities include:

* Tying effects of the contracts to the mission
* Engaging and educating mission partners
* Setting priorities for requirements (per internal and external mission partners)
* Providing overall leadership and guidance
* Principal Advisor to HCA

**Ordering Officer.** A DISA employee with the authority to enter into and administer contract orders not to exceed $25,000.00 for orders against existing GSA schedules, Government contracts, or contract vehicles established under FAR Part 8 or FAR Part 16 procedures as long as contract terms permit and orders are within monetary limitations specified in the contract.

The DISA ordering officer appointing authority is the responsible HCO whose CoCOs provide contracting support to a DISA mission partner.

**Purchase Request (PR).** The authority to obtain supplies/services on behalf of the requirements office.

**Requirements Office.** This term is synonymous with DISA requirements codes.

**Senior Procurement Executive (SPE).** The DISA Senior Procurement Executive (SPE) is the O6 Director, DISA; or in the absence of a Vice Director, the Executive Deputy Director, DISA**.**

PART 3 -- IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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# PART 3 -- IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

### SUBPART 3.1 — SAFEGUARDS

**3.101 Standards of conduct.**

**3.101-3 Agency regulations.**

The DoD Directive 5500.7, Standards of Conduct, DoD 5500.7-R, Joint Ethics Regulation, DISA Instruction 100-50-6, Standards of Ethical Conduct, and DISA Employees’ Guide to the Standards of Conduct, provide extensive agency guidance governing this topic.

Contact the Regulatory/GC’s office concerning questions on this issue.

### 203.104 Procurement integrity.

(S-90) All Agency personnel are required to sign a one-time non-disclosure agreement (NDA) which lasts for the duration of DISA employment. In addition, Contracting Officers will require a separate signed source selection specific NDA.

### 3.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

(a) The HCA is delegated the authority to authorize access to sensitive procurement information (e.g., proprietary or source selection information) when necessary for the conduct of the procurement.

(S-90) All DISA personnel who have access to sensitive acquisition information must ensure proper handling of such information in order to maintain the integrity of the acquisition process. Unclassified sensitive acquisition information shall only be distributed on a “need to know” basis.

(S-91) Communications networks such as DISANet and Internet may be vulnerable to unauthorized access. Accordingly, whenever practicable, avoid the electronic transmission of unclassified sensitive acquisition information via e-mail, LAN, etc., in favor of more secure alternatives.

(S-92) All emails containing source selection sensitive info shall be sent encrypted and/or password protected. Include the following text in the subject line:

“SOURCE SELECTION INFORMATION – SEE FAR 2.101 & 3.104”.

### 3.104-6 Ethics advisory opinions regarding prohibitions on a former officials acceptance of compensation from a contractor.

(a) Written request for an ethic advisory opinion shall be submitted to the [DISA Designated Agency Ethics Official (DAEO).](mailto:disa.meade.gc.mbx.disa-gen-counsel-ethics@mail.mil) Per DISAI 100-50-6, the DAEO is the General Counsel.

### 3.104-7 Violations or possible violations.

(a)(1) The PSD Technical Director is the designee.

(2) The contracting officer’s conclusion shall be reviewed by the Technical Director who will in-turn forward the conclusion to the HCA.

(S-90) The contracting officer’s conclusion shall be submitted with the appropriate coversheet marked as follows:

**PROCUREMENT SENSITIVE REQUIRES SPECIAL HANDLING DO NOT LEAVE UNATTENDED SECURE WHEN NOT IN USE**

(S-91) Contractor personnel suspecting a violation of the Procurement Integrity Act are encouraged to contact the contracting officer or the DISA Inspector General with a written allegation containing the elements specified in FAR 3.904, Procedures for filing complaints.

### SUBPART 3.2 — CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

**3.203 Reporting suspected violations of the gratuities clause.**

(S-90) Report suspected violations through the local counsel and HCO to the DISA GC and the HCA. The designee is the DISA GC.

### SUBPART 3.3 — REPORTS OF SUSPECTED ANTITRUST VIOLATIONS

**3.301 General.**

(b)(2) The DISA General Counsel is the designee.

### SUBPART 3.5 — OTHER IMPROPER BUSINESS PRACTICES

**203.570-2 Prohibition period.**

The waiver and determination shall be reviewed by PL2.

### SUBPART 3.6 — CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

**3.602 Exceptions.**

The HCA is the designee who may authorize an exception to the policy in FAR 3.601.

### SUBPART 3.7 — VOIDING AND RESCINDING CONTRACTS

**3.705 Procedures.**

1. Reporting. The designee is the HCA.
2. Decision. The designee is the HCA.

### SUBPART 3.8 — LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

**203.806 Processing suspected violations.**

(S-90) Forward suspected violations to PL2 for submittal to DPC CPIC.

### SUBPART 3.9 — WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

**3.905 Procedures for Investigating Complaints.**

(b) The designee is the HCA.

### 3.906 Remedies.

(a) The designee is the HCA.

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# PART 4 -- ADMINISTRATIVE MATTERS

## **SUBPART 4.1 -- CONTRACT EXECUTION**

### 4.101 Contracting officer's signature.

(S-90) Original signatures or electronic signatures which utilize PKI certificates are considered binding and legal.

(S-91) Automatic telecommunications contract/order modifications that account for usage charges marked with IDEAS Generated Auto-Modification signature blocks are considered binding and legal.

### 4.102 Contractor’s signature.

(S-90) All negotiated contract awards, both sole source and competitive, shall include the contractor’s signature on the award form.

## **SUBPART 4.4 — SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY**

### 4.403 Responsibilities of contracting officers.

(c)(1) Instructions for filling out DD Forms 254 are provided in the DISA Acquisition Deskbook entitled “[Industrial Security Program & DD Form 254, Contract Security Classification](https://www.ditco.disa.mil/hq/deskbooks.asp) [Specification, Implementation Guide](https://www.ditco.disa.mil/hq/deskbooks.asp).”

(S-90) RFPs/RFQs shall not be released without an approved/signed DD Form 254 from MPS6. The HCO can waive this requirement.

(S-91) After the source selection recommendation has been made and the contracting officer intends to move forward with processing the award documentation, the contracting officer shall provide the PMO with the successful offeror’s DD Form 254, which includes the contract/order number. The DD254 and PWS/SOO/SOW will be reviewed by the mission partner Security Manager and sent to MP6 Industrial Security for review/approval. The mission partner Security Manager will forward the approved DDS254 to PSD. MPS6 requires 5 business days to review

a DD Form 254.

## **SUBPART 4.5 — ELECTRONIC COMMERCE IN CONTRACTING**

### 4.502 Policy.

(d) Electronic signatures are created using an individual's PKI certificate or signed scanned documents. If the document that needs signing is not PKI enabled, then it is recommended to utilize software such as AdobePro to sign the document. If a document is signed by hand, recommend using blue ink. The documents should be scanned into .pdf format to file in EDMS.

## **SUBPART 4.6 – CONTRACT REPORTING**

### 204.604 Responsibilities.

(S-90) The Contract Action Report (CAR) will be completed and executed at time of award or modification issuance unless FPDS system issues prevent execution. At no time, should the inability to execute a CAR prevent a timely award or modification issuance. In these events, the CAR should be executed as soon as possible within three business days.

(S-91) For telecommunication contracts/orders an automatic CAR may be used for recurring price changes associated with usage for contracts/orders in the Integrated Defense Enterprise Acquisition System (IDEAS). IDEAS will create an automatic CAR to report the obligation in the FPDS-NG reporting system after the automatic modification is awarded. Monthly CARs based on each modification will be reported to FPDS-NG automatically against the individual contracts/orders. Each automatic CAR will increase the obligation and the lifecycle cost of the contract/order each month that usage is recorded.

## **SUBPART 4.8 –CONTRACT FILES**

### 204.802 Contract files.

(S-90) The contracting officer shall use the contract file checklist applicable to their procurement and file the completed contract file checklist and any required supporting documents in the Electronic Document Management System (EDMS) contract file. Contract Specialists using the Procurement Administrative Leadtime (PALT) Tracking Application (PTA) shall export the contract checklists out of the PTA and file the checklist into EDMS in accordance with the Standard Operating Procedure for the PTA. The required checklists for procurements accomplished in accordance with FAR Part 8.4/Federal Supply Schedules and FAR Part 16.5/Indefinite Delivery Contracts, FAR Part 12/Acquisition of Commercial Items, FAR Part 13/Simplified Acquisition Procedures, FAR Part 15/Contracting by Negotiation, IDIQ CSA Orders, and Inquiry/Quote/Order (IQO) Contracts are incorporated into the PTA. If the Contracting Officer is not using the PTA checklist, the contract file checklists for the procurement types previously mentioned and modifications located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 204.802(S-90) shall be used. A new contract file checklist is required for the start of each new procurement action.

(S-91) When using the Integrated Defense Enterprise Acquisition System (IDEAS), the system is the checklist and leads the user through the process by issuing various tasks when required. Therefore, (S-90) is not applicable when using IDEAS.

### 204.804 Closeout of contract files.

(S-90) Responsibilities

1. Contract Closeout Team is responsible for the financial portion of the closeout process, (e.g final payment, modification deobligations, reporting to RMC).
2. Procuring/Administrative contracting officer is responsible for all other contract administration issues (e.g. property, CORs, terminations, data rights).

(S-91) The contract closeout process shall beginning upon contract expiration date.

## **SUBPART 204.71 — UNIFORM CONTRACT LINE ITEM NUMBERING SYSTEM**

### 204.7103-2 Numbering procedures.

(S-90) Contract line items for the base period are to be numbered 000x.

(S-91) Contract line items for the option periods are to be numbered sequentially: 100x for the first option year line items, 200x for the second option year line items, 300x for the third option year line items, 400x for the fourth option year line items, etc.

(S-92) Line Item structure shall be accomplished in accordance with this DFARS subpart. As stated in the DPAP memo, Line Item Structure dated Nov 14, 2014, “line item quantity and unit of measure must match the actual deliveries that are required of the contractor”. 1 LOT or 1 EA shall not be used if there are multiple items/systems required to be delivered by the contractor.

Each item/system shall be identified individually on a separate Contract Line Item with the appropriate quantity and unit of measure for the item/system. For further guidance, see DFARS PGI 204.7103 and 7105.

### 204.7105 Contract exhibits and attachments.

The contracting officer shall use separate CLINs for hardware requirements of less than 10 line items. The contracting officer may use an exhibit (the CLIN must reference the exhibit) when hardware requirements exceed 10 line items (generally, listed on an electronic products list). During the fourth quarter of the fiscal year, the HCO may determine to reduce the 10-CLIN threshold to a number that is reasonably needed for efficiency. The contracting officer must also adhere to DFARS PGI 204-7105 policy on the use of exhibits.

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# PART 5 -- PUBLICIZING CONTRACT ACTIONS

### SUBPART 5.3 -- SYNOPSIS OF CONTRACT AWARDS

**205.303 Announcement of contract awards.**

(S-90) For contract actions awarded by a DISA contracting officer, regardless of the mission partner, the contracting officer shall prepare a Public Announcement when the face value of a contractual action exceeds $7M.

(S-91) For contract actions awarded by another agency but managed/funded by DISA, the *Program Manager (PM)* shall prepare a Public Announcement when the face value of a contractual action exceeds $7M.

(S-92) Required format for a “Public Announcement”.

(1)

**SOURCE SELECTION INFORMATION – See FAR 2.101 and 3.104**

**PUBLIC ANNOUNCEMENT (DD-LA-(AR) 1279)**

*(Insert name of the contractor and address (city, state))* was awarded a *(insert competitive or non-competitive contract type(s) – e.g., single award indefinite delivery/indefinite quantity, multiple award indefinite delivery/indefinite quantity, letter, firm fixed price, cost plus award fee, not-to-exceed, etc., if new award) (insert type of contract action i.e., contract or contract modification, etc.)* for *(insert description of the acquisition or modification). (If appropriate, insert indication if any of the buy was for foreign military sales (FMS) and identify the FMS customer)*. The face value of this action is *(insert $ amount)* funded by *(insert FY of funds and type of appropriation). (If appropriate, indicate if the contract is multiyear (see FAR 17.1)).*

The total cumulative face value of the contract is *(insert $ amount).* Performance will be at *(identify place(s) of performance)*. Proposals were solicited via the *(indicate where the solicitation was posted)*, and *(indicate number of proposals received)* proposals were received from *(indicate number of proposals solicited)* proposals solicited. The period of performance is *(insert performance period and identify base period and number of options and option periods if options apply)*. The Defense Information Technology Contracting Organization, *(insert field office location – e.g., Scott AFB, Illinois, National Capital Region, etc.)* is the contracting activity. *(If appropriate, insert if the Contracting Office Point of Contact has any known congressional interest).* The Contracting Point of Contact is *(insert name and commercial telephone number). (In parentheses, insert contract number and contract modification number, if applicable)*.

**SOURCE SELECTION INFORMATION – See FAR 2.101 and 3.104**

(2) When an updated public announcement is required (e.g. due to the change in the period of performance), include the pertinent information that changed from the original announcement to the updated announcement. Explicitly describe the contract action / modification and state what information was revised (e.g. ‘The revised period of performance is...’). When an update is required, the original announcement and the update should be sent to DISA Public Affairs in accordance with 205.303(S-94)(1).

(S-93) PMs shall use the same format as above for “Public Announcement”. The contracting activity name should be changed to properly reflect the non-DISA contracting activity and the contracting point of contact should be changed to reflect the DISA PM point of contact information.

(S-94) Procedures.

1. The contracting officer must prepare and submit the Announcement via email to the respective CoCO. The CoCO must review and approve all Announcements prior to email submission to the DISA Public Affairs, DISA General Counsel (GC), and the HCA. The CoCO will submit the Announcement (in accordance with the format at DARS 5.303(S-92)) via email concurrently to the DISA Public Affairs (Outlook email address: [DISA Ft Meade BD Mailbox Public Affairs](mailto:disa.meade.bd.mbx.public-affairs@mail.mil))

and DISA GC (Outlook email address: [DISA Scott AFB DITCO Mailbox Legal Office](mailto:disa.scott.ditco.mbx.legal-office@mail.mil) or [DISA](mailto:disa.meade.gc.mbx.acquisition-law-team@mail.mil) [Ft Meade GC Mailbox Acquisition Law Team](mailto:disa.meade.gc.mbx.acquisition-law-team@mail.mil)). The CoCO will also provide a courtesy copy to the HCO and HCA via email. Submissions must be made in sufficient time so that the DISA Public Affairs, DISA GC, and HCA receive it at least three business days before the award date provided in the Announcement.

1. For actions funded by DISA but awarded by another agency, the PM must prepare and submit the Public Announcement via email to the external contracting officer (for the contract file) and to the DISA PAO (for their coordination with the appropriate external agency's contracting organization's PAO to OSD PA for DoD announcement). The PM shall also forward the PM Announcement to the DISA Director (D) or Vice Director (DV) via email. The D or DV may elect to notify the Department of Defense Chief Information Officer.
2. To preclude the inadvertent release of the Announcement prior to the actual award date and to ensure Agency compliance with the FAR 5.303(a) requirement to make the public announcement by 5:00 p.m. Washington, DC time on the day of award, contracting officers must execute contract award on the date provided in the Announcement.
3. The DISA PAO shall notify the Office of the Assistant Secretary of Defense (Public Affairs) and DISA GC shall notify Congress. The DISA GC shall coordinate announcements of contractual actions with DISA Congressional Affairs before release to Congress to the extent possible.

### SUBPART 5.4 -- RELEASE OF INFORMATION

**5.401 General.**

(S-90) Communication of Acquisition Strategy Information to Industry.

1. For acquisitions with an estimated total lifecycle exceeding $50M, when a Sources Sought (SS) Announcement or Request for Information (RFI) has posted to FedBizOpps (FBO), the contracting officer shall update the FBO announcement to identify the acquisition strategy once market research has been completed and the strategy has been approved. Similar notifications are encouraged, but not required, for acquisitions with an estimated total lifecycle below $50M.
2. At a minimum, the update should include the following information:
3. Contract vehicle (e.g., Federal Supply Schedule, Government-wide Acquisition Contract, Multiple-Award Contract, or Blanket Purchase Agreement) that will be leveraged to solicit the acquisition, if applicable. If utilizing Federal Supply Schedules, include the specific Schedule number and Special Item Number(s) under which the requirement will be announced.
4. North American Industry Classification System (NAICS) code selected for the acquisition.
5. Identification of small business set-aside to include the specific socio-economic category, if applicable.
6. Projected time frame for Request for Proposal (RFP)/ Request for Quotation (RFQ) posting. (S-91) Proactive Updates to Interested Parties after Receipt of Proposals / Quotations.
   1. For acquisitions with an estimated total lifecycle value exceeding $50M, the contracting officer shall notify interested parties of the projected award date approximately 30 calendar days prior to the anticipated date of award. Source selection information shall not be provided with this notification. Similar notifications are encouraged, but not required, for acquisitions with an estimated total lifecycle below $50M.
   2. In instances where the projected award date will be after the period of performance start date specified in the solicitation, the contracting officer shall provide notification to interested parties. The notification shall include a new projected award date, via amended solicitation and/or update to the announcement, at the point at which it is apparent that award will not be made by the date(s) specified in the solicitation. Contracting officers may provide additional status updates as appropriate for their acquisition.
   3. Notifications to interested parties shall clearly articulate that the purpose of the notification is solely to provide interested parties with status information for the subject procurement and the Government is not soliciting feedback or proposals/quotations as a result of the notification. Notifications shall be reviewed by the assigned legal counsel prior to release. Notification requirements may be waived in writing by the Source Selection Authority (SSA) (or Contract Decision Authority (CDA)). In instances where the contracting officer is the SSA (or CDA), approval to waive the notification requirement resides with the Chief of the Contracting Office (CoCO).

### 5.403 Request from Members of Congress.

(S-90) Upon Receipt of a congressional request, the contracting officer shall report the request to their CoCO and HCO immediately, if the request was not received from the HCO. The HCO will notify the PSD Front Office for further guidance.

(S-91) Once guidance is received, the contracting officer shall prepare the congressional response in accordance with the Congressional Template located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 5.403. Submit the congressional response to the [PSD Front Office mailbox](mailto:disa.meade.PLD.mbx.psd-front-office-contract-documents@mail.mil) with the SUBJECT: Congressional Inquiry. The PSD Front Office will further coordinate the response with those outside of PSD and obtain the appropriate approval.

### 5.404 Release of long-range acquisition estimates.

**5.404-1 Release procedures.**

(a) The Agency Competition Advocate is authorized to release long-range acquisition estimates (LRAEs).

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# PART 6 -- COMPETITION REQUIREMENTS

### SUBPART 6.2 — FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

**6.202 Establishing or maintaining alternative sources.**

(b)(1) Approval authority for determinations and findings (D&Fs) under this subpart follows: Estimated Value of Justification Approving Official of D&F

$700K and below Contracting Officer

Over $700K to $13.5M COCO

Over $13.5M to $93M HCA

Over $93M SPE

See DFARS 206.2 for D&F format. Legal Counsel and Procuring Activity Competition Advocate (PACA) or Agency Competition Advocate (ACA) coordination is required before approval. Provide the PACA with a copy of the approved D&F.

### SUBPART 6.3 — OTHER THAN FULL AND OPEN COMPETITION

**206.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.**

(d) Limitations.

(S-90) The HCA has waived the requirement to issue a Request for Information (RFI) or Sources Sought (SS) notice as a market research method (see DARS 210.001 (S-90)) for procurement actions to increase the ceiling amount of a contract, bridge actions, or procurement actions as a result of a protest.

(S-91) Use of a SS notice meets the requirement at FAR 5.201 for making notices of proposed contract actions, when the SS notice also includes the information required at FAR 5.207(c)(15) and (16) and FAR 6.302-1(d)(2). Use of an RFI does not meet the requirements at FAR 5.207(c)(15), (16) and FAR 6.302-1(d)(2), a separate notice of proposed contract action is required if a sole source procurement will result from the requirement described in an RFI.

### 206.302-4 International agreement.

(c) Limitations. The waiver of the justifications and approvals made effective by the HCA document described in DFARS 206.302-4(c) shall only suffice in cases when the host country requests and documents in the agreement the specific company and supplies/services to be procured. If a proposed acquisition is to support NATO, then the agreement must state the specific company and supplies/services being procured.

### 206.302-7 Public interest.

(c)(1) Follow the format under FAR 1.7 for the written determination. Approval authority for D&F follows:

1. Secretary of Defense (see DFARS Subpart 206.302-7)
2. Required coordination: Legal counsel, PL2, PACA/ACA, HCA, and SPE
3. Provide the PACA with a copy of the approved D&F.

(3) If a justification is required to support the determination, follow DARS Part 6.

### 6.303-1 Requirements.

1. The Technical and Requirement certification may be accomplished by the same certifying official on the OTFAOC Justification.

(S-90) The requirements office, in close coordination with the contracting officer, shall develop the Justification for OTFAOC using the required format located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 6.303-1(S-90). Templates are updated periodically, therefore a new template must be used for each new J&A.

(S-91) The approval level shall be determined by the estimated total value of the class. For each acquisition covered by a class justification, the contract file must include a copy of the class Justification and signature page, or a statement referring to its location. Only one statutory and associate regulatory authority is permissible to support a class justification.

(S-92) Legal Counsel review/coordination is required on all Justifications for OTFAOC over

$700K prior to approval by the approving official. The contracting officer can request legal review for justifications at $700K or below. Procedures for signatures and approvals are located at [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 1.9003](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D).

Legal reviews will be conducted within four (4) business days NTE. The PACA/ACA reviews will be conducted within three (3) business days NTE.

(S-93) An amendment to an approved J&A is required if, prior to award of the contract, the approved J&A contents change in any of the following areas:

* 1. If the dollar value of an approved J&A changes (increases) prior to award but remains within the original approving official approval level.
  2. An increase in the dollar value of the prospective contract that results in a change of the applicable approving official;
  3. A change in the competitive strategy; or

(4) A change in requirements that affects the basis for the justification.

If paragraph (1) applies, then a new signature page will be routed only to the initial approving official as well as the applicable approving official. If paragraphs (2), (3) or (4) apply, then a new signature page will be routed in accordance with (S-92).

(S-94) A modification to an approved J&A is required if, within six (6) months after award of the contract, there is an increase in the dollar value of the contract that results in a change of the applicable approving official.

A modification to an approved J&A shall be based on the value of the modification alone, except the estimated amount shall be cumulative if processed within six (6) months of an awarded contract action.

If the cumulative amount requires a higher approving official’s signature, a new signature page will be routed only to the initial approving official as well as the applicable approving official.

(S-95) Determining contract value.

Proposed out-of-scope contract modifications and new task orders or delivery orders for new requirements require new OTFAOC Justifications. The estimated value of the proposed out-of- scope contract modification or new task/delivery order J&A shall be based on the value of the modification or new task/delivery order requirement, not cumulative contract value, except if justifications were processed within six months of contract award.

### 6.303-90 Amendment/Modification Justification format.

1. The J&A shall clearly reflect the amendment/modification/changes in bold and separate from the original approved J&A.
2. The title of the Justification should read: If prior to award “Amendment Justification”; if after award “Modification Justification” and reference the original Justification’s number.
3. The Justification posting requirements remain unchanged from the original Justification posting requirements.
4. Electronic submission is encouraged. The required format is set forth in the DITCO Contracting Templates website at [https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=j\_a\_templates.](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=j_a_templates)

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# PART 7 -- ACQUISITION PLANNING

### SUBPART 7.1 -- ACQUISITION PLANS

**7.101 Definitions.**

Component Acquisition Executive (CAE). The CAE has oversight and review authority for all acquisition matters and reports to the Director, DISA. The CAE has the authority and is accountable for all acquisition functions and activities in the Agency. (Source: DISAI 610-225- 2\*)

Procurement Services Executive (PSE). Serves as the HCA for Agency procurements. DISA Mission Partner. Internal DISA program office (i.e., requirements office).

DISA Program/Project. A DISA funded logical grouping of requirements designed to provide a new, improved, or continuing capability in response to a validated operational capability.

DISA Program Plan. A budgetary plan of requirements supporting a specific DISA Program for any given fiscal year (FY). The Annual Program Plan Review is the forum for obtaining program plan approval.

High-Risk Contracts/CLINs. High-risk contracts include non-competitive or limited competition contracts and cost reimbursement and time-and-materials/labor-hour contracts. High-Risk CLINs are cost reimbursement and time-and-materials/labor-hour types. When a combination of types is used (sometimes referred to as a “hybrid”), the contract is considered high-risk if the high-risk CLINs constitute 50% or more of the total estimated cost. The definition of high-risk does not include directed 8(a) contracts.

Integrated Product Team (IPT). A cross-functional team formed for the specific purpose of delivering a capability for an external or internal mission partner.

Independent Government Cost Estimate (IGCE). The IGCE is a required evaluation tool in DISA source selections. As such its integrity is critical, and the PMO shall be responsible for ensuring that appropriate technical and cost and price analysts are involved in its development.

Non-DISA Mission Partner. An external program office (i.e., requirements office), such as other DoD Components and other Federal Agencies.

Program Executive Officer (PEO). A PEO is appointed by the CAE to manage portfolios of programs, projects, initiatives, and services. (Source: DISAI 610-225-2\*)

Program Manager (PM) or Program Management Office (PMO). The designated person (i.e.,

requirements official) or office who is responsible for developing and maintaining a written plan, or for the planning function in those acquisitions not requiring a written plan.

Decision Authority (DA). A DA is an official designated by the CAE to manage portfolios of programs, projects, and services.

### 7.103 Agency-head responsibilities.

(S-90) A written plan (combined AS/AP, standard, or streamlined) shall also be prepared for: (See Table 7-1 for thresholds and approval authority)

(1) Cost Reimbursement, Time-and-Materials, and Labor Hour Contracts, regardless of the total estimated cost.

(2) Combination of Contract Types, also known as a hybrid contract that include Cost Reimbursement, Time-and-Materials, and Labor Hour Contract Line Items that constitute 50% or more of the estimated value.

**Table 7-1 Acquisition Plan Thresholds and Approvals**

|  |  |  |  |
| --- | --- | --- | --- |
| **Contract Type** | **Dollar Threshold** | **Acquisition Plan Type** | **Approver** |
| CR/High Risk (Order/Contract/IDIQ/BPA) | <$50M | Streamlined | CoCO |
| All Orders/ Contracts/IDIQs/BPAs for any FY | ≥$25M | Streamlined | CoCO |
| All Orders (all years) | ≥$50M to $100M | Streamlined | CoCO |
| Contract/IDIQ/BPA (all years) | ≥$50M to $100M | Standard or Combined\* | CoCO |
| Contract/IDIQ/BPA (all years) | >$100M | Standard or Combined\* | SPE |
| All Orders (all years) | >$100M | Streamlined | SPE |

\*Note: See (S-91) for Exceptions

(S-91) *Exceptions.*

1. The contracting officer is not required to prepare a written acquisition plan as required by

7.103 when --

1. Orders are placed against a single award ID/IQ or a single award BPA;
2. Directed 8(a) Procurements.
3. There is a waiver from the HCA.
4. When an acquisition strategy is required, the use of a combined AS/AP is prohibited when --
   1. The mission partner is Non-DISA; or
   2. An acquisition strategy covers multiple requirements.

(3) Contract actions which serve to provide a “bridge” of an incumbent contractor’s performance between an expiring contract/order and a follow-on competitive or non-competitive contract/order, which have a period of performance of 12 months or less, do not require a new written AP. However, the approved AP shall be revised as appropriate. Revisions required as a result of a bridge action shall use the bridge value as the approval threshold (vs. cumulative value of AP). If the bridge value is under $100M, COCO shall be the approval authority. AP revisions should follow format as described in DARS 7.104(S-93)(1).

(S-92) *Limitation on single award contracts*.

In accordance with DARS 16.504(c)(1)(ii)(D)(*1*), the approval authority is the HCA for single

award indefinite delivery/indefinite quantity (ID/IQ) contracts above $112 million. The Determination and Findings (D&F) (required by FAR 16.504(c)(1)(ii)(D)), and the AP will be routed to the SPE through the PSD Front Office. The HCO shall forward the AP, the adjudication of critical comments email, and the D&F to the PSD Front Office staff for routing.

### 7.104 General procedures

(S-90) PSD prescribes policies and procedures for acquisition planning in accordance with FAR

7.103 and DFARS 207.103 that are consistent with the guidelines provided therein. All Acquisition Plan templates, procedures, supporting documentation and Concurrent Coordination email templates are located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 7.104(S-90).

(S-91) In routing of the combined AS/AP or standard AP, the PMO shall include a draft statement of objectives/performance work statement/statement of work, an Independent Government Cost Estimate (IGCE) or cost estimate and the Market Research Report. The DISA IGCE Handbook can be found at [https://www.ditco.disa.mil/hq/deskbooks/DISA%20IGCE%20Deskbook.doc.](https://www.ditco.disa.mil/hq/deskbooks/DISA%20IGCE%20Deskbook.doc) The Market Research Report template can be found in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 7.104(S-91) (See PGI 10).

(S-92) The contracting officer and the contract specialist shall review the Acquisition Strategy and Service Requirements Approval Document (SRAD) over $10M prior to completing and finalizing any acquisition plans and file the Acquisition Strategy within the official contract file. If the contracting officer or contract specialist identifies any areas where the procurement must

deviate from the approved acquisition strategy, the contracting officer or contract specialist shall notify the program office immediately so the program manager can take the necessary corrective action(s).

(S-93) *AP revisions*. Follow guidance at [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 7.104(S-93) for pre-award AP revisions or post-award AP revisions (limited to substantive changes or bridge actions).

(S-94) *AP files*.

* + 1. The PMO shall maintain a copy with signatures of the combined AS/AP or standard AP and any subsequent revisions.
    2. The contracting officer shall ensure the original approved combined AS/AP or standard AP and all subsequent revisions become part of the official contract file.

### 7.105 Contents of written acquisition plans.

(b)(6) *Acquisition considerations.* The AP should address the minimum guarantee (dollars to be obligated at contract award for the base period) and the maximum dollar amount to be ordered. (See FAR 16.504(a)(2) and DARS 16.504(S-90)).

### 7.107 Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling.

**7.107-2 Consolidation.**

1. The HCA is the approval authority for consolidation determination and findings (D&F). The DISA Office of Small Business Programs (OSBP) shall review the D&F prior to being routed to the HCA for signature.

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**PART 8 -- REQUIRED SOURCES OF SUPPLIES AND SERVICES**

### SUBPART 8.4 – FEDERAL SUPPLY SCHEDULES

**8.405 Ordering procedures for Federal Supply Schedules.**

**8.405-5 Small business.**

(S-90) The agency’s small business socioeconomic goals should be considered when ordering against the federal supply schedules, E-Buy or GSA government wide acquisition contracts.

(S-91) For orders against the federal supply schedule exceeding the simplified acquisition threshold, small business set-asides are the preferred method when market research has indicated that there is at least two or more small business schedule contractors that offer services which will meet the agency’s needs.

### 8.405-6 Limiting sources.

(S-90) If SPE approval is required, then the AP and J&A shall be routed concurrently to the SPE for approval.

(S-91) Refer to [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 8.405-6(S-91) for the J&A template for FAR/DFARS/PGI Parts 8 acquisitions.

(S-92) See DARS 6.303-90 for requirements for modified justifications.

### SUBPART 208.70 -- COORDINATED ACQUISITIONS

**208.7005 Military interdepartmental purchase requests (MIPRs)**

(S-90) MIPRs (DD Form 448/448-2) coded "MC" are used to transfer funds within DITCO- NCR. MIPRs coded “MZ” are used to transfer funds within DITCO-Scott. MIPRs coded “MR” are for outgoing transfer of funds between Federal Agencies (e.g., Air Force, Army, Navy, Marine Corp).

DARS Part 17.5 (Interagency Acquisitions Under the Economy Act) does not apply to MIPRs coded “MC” or "MZ."

(S-91) MIPRs (DD Form 448/488-2) used in accordance with DFARS Subpart 208.7004/7005 are coded "MR."

The Economy Act may apply to MIPRs coded "MR" and Reimbursable Agreement/Order for Services between Federal Agencies (ROs) (DISA Form 125). For determining Economy Act Applicability, go to the Interagency Acquisition Guide located at [https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=interagency\_acquisition\_gu](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=interagency_acquisition_guide) [ide.](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=interagency_acquisition_guide)

(S-92) The DD Form 448 and DD Form 448-2 are located at <https://www.ditco.disa.mil/contracts/SampleDocTemplates.asp>

(S-93) The requirements office is responsible for originating MIPRs/ROs and ensuring all required documents are completed and approved (e.g., D&F for Economy Act orders, support agreement, etc.) before submission to resource managers for funding cites. Attach all required documents to MIPRs/ROs (unless previously provided) and include mailing/handling instructions for the office of execution (e.g., indicate which documents need to be mailed with the MIPR/RO).

(S-94) The requirements office shall process all MIPRs/ROs.

(S-95) When support agreements are required, include the DISA support agreement number on the MIPR/RO.

(S-96) Resource managers must ensure support agreement numbers are cited (when applicable) before sending to the office of execution for certification.

### (S-97) The office of execution shall not execute MIPRs/ROs without copies of all required documents/approvals. When D&Fs/support agreements are required, a copy shall be sent to the servicing agency as an attachment to the MIPR/RO in accordance with DARS 17.5 and the Interagency Acquisition Guide unless the servicing agency previously received copies.

### SUBPART 208.74 – ENTERPRISE SOFTWARE AGREEMENTS

**208.7402 General.**

(S-90) All DoD Joint Enterprise License Agreements and DISA ELAs (J/ELA) executed through the DISA J/ELA Program Management Office (PMO) are mandatory if the requirement is within scope of the J/ELAs. This mandatory requirement includes purchases paid with a Government Purchase Card. All requirements packages are required to be staffed through the J/ELA PMO, prior to submission to PSD for processing. The Development and Business Center is responsible for the oversight of the J/ELA PMO.

(S-91) Requirements for commercial software and related services, such as software maintenance, in accordance with the DoD Enterprise Software Initiative (ESI) shall not require a signed DD Form 2579 by the Office of Small Business Programs providing the contracting officer or ordering officer completes/signs a new DD Form 2579 for the contract file with the following justifying statement in Block 14:

“Purchase of commercial software and related services, such as software maintenance, in accordance with the DoD ESI shall not require a signed DD Form 2579 by the Office of Small Business Programs based on DFARS 208.7402.”

(S-92) To assist with the JELA scope determination, requirements officials may view the description for each JELA located at [https://www.ditco.disa.mil/contracts/ under ‘Premier Contracts’.](https://www.ditco.disa.mil/contracts/)

### 208.7403 Acquisition procedures.

(S-90) In accordance with DFARS PGI 208.7403(5)(iii), the designated management official is the DISA CIO.

(S-91) If requiring officials determine that the JELA supports their requirement, but there is an unusual or compelling circumstance to use another source, the waiver must be completed and submitted with the acquisition package. The waiver is located at [https://www.ditco.disa.mil/contracts/IT\_instruct.asp.](https://www.ditco.disa.mil/contracts/IT_instruct.asp)

## PART 9 -- CONTRACTOR QUALIFICATIONS

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# PART 9 -- CONTRACTOR QUALIFICATIONS

### SUBPART 209.1--RESPONSIBLE PROSPECTIVE CONTRACTORS

**209.104-1 General standards.**

(g)(i) *Ownership or control by the government of a country that is a state sponsor of terrorism.* Submit the request for advice to PSD/ PL2. PL2 will serve as the liaison between DISA and Deputy Director, DPC/ Contract Policy and International Contracting (CPIC).

(ii) *Ownership or control by a foreign government when access to proscribed information is required.*

(C) Submit waiver request to PSD/PL2. PL2 serves as the liaison between DISA and DPC.

### SUBPART 9.2 — QUALIFICATIONS REQUIREMENTS

**9.202 Policy.**

(a)(1) The "designee" is the HCA.

1. The "other official" is the HCA.

(e) The "designee" is the HCA.

### 9.206 Acquisitions subject to qualification requirements.

**9.206-1 General.**

(b) The designee is the HCA.

(e)(3) Whenever a decision is made not to enforce a qualification requirement, the contracting officer shall request concurrence from the activity that established the requirement.

### SUBPART 9.4 -- DEBARMENT, SUSPENSION, AND INELIGIBILITY

**209.405 Effect of listing.**

(a) The contracting officer shall provide a written determination explaining the compelling reason to continue to do business with contractors who are suspended or debarred to the [PL21 Policy Branch](mailto:disa.meade.PLD.mbx.pl21-policy-branch@mail.mil) for review and coordination with the HCA for approval before submitting it to GSA’s Office of Acquisition Policy.

(b)(ii) The contracting officer shall provide a written determination for a Code “H” exemption to the [PL21 Policy Branch](mailto:disa.meade.PLD.mbx.pl21-policy-branch@mail.mil) for review and coordination with the HCA for approval before notifying the Environmental Protection Agency.

### 9.406-3 Procedures.

(a) *Investigation and referral.* Refer any matter that may be a cause for debarment to the HCA. The HCA will submit all required information to the DISA GC.

### SUBPART 9.5 -- ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

**9.502 Applicability.**

(a) This subpart applies to all DISA’s contracting organizations, prime contractors, and subcontractors.

### 9.503 Waiver.

The designee is the HCA. The Procurement Integrity Act (PIA) Ombudsman shall review prior to HCA approval.

### 9.504 Contracting officer responsibilities.

(a)(2) Review the contractor’s Organizational and Consultant Conflicts of Interest Plan (OCCIP) to determine if a potential or actual conflict exists.

(d) Use the remediation procedures in FAR Subpart 9.506, if appropriate, to identify and evaluate potential conflict(s) of interest and/or to develop recommended actions. If a prime or subcontractor breaches any of the OCCI restrictions, does not disclose, and/or misrepresents any relevant facts required to be disclosed concerning the contract, the contracting officer may terminate the contract, disqualify the contractor from subsequent related contractual efforts, and pursue any remedies as may be permitted by the contract or law.

### 9.508 Examples.

(S-90) Contractor participation in more than one of the following areas may give rise to an unfair competitive advantage resulting from access to advance acquisition planning, source selection sensitive or proprietary information. Furthermore, contractor participation in more than one area may give rise to a real or apparent loss of contractor impartiality and objectivity where its advisory or planning assistance in one area potentially affects its present or future participation in another area. The following is not an inclusive list, but represents some potential circumstances where OCCIs may occur:

1. *Providing systems engineering, technical direction, or product support*. Services or end items required to meet the mission requirements of DISA’s activities and programs. This includes, for example: concept exploration and development; system design/engineering; system development and integration; COTS procurement and integration; internal development testing; deployment; installation; operations; and maintenance. When a contractor provides such services but does not have contractual responsibility for related development, integration, assembly or production for that system, that contractor is prohibited from competing either as a prime or subcontractor for a contract to supply that system.
2. *Preparing specifications and work statements*. With certain exceptions, a contractor who assists with, prepares, and/or furnishes contract specifications for a government requirement may not compete for the subsequent award because this may give that contractor an unfair competitive advantage. This includes, for example: requirements analysis, acquisition support, budget planning and management, business process reengineering, program planning and execution support, and independent technical management support.
3. *Providing evaluation services*. Contractors cannot evaluate their own proposals, products and services, or those of their market competitors whose development or marketing contractor is or has been substantially involved because the contractor is placed in a position whereby their judgment may be biased. For example, it would be inappropriate for a contractor to assist in the evaluation of proposals if it will financially benefit from the selection of one company over another. Further, increased attention should be given to situations where a contractor is in a position to assess or evaluate a competitor where detrimental findings could serve, directly or indirectly, the interest of the advising contractor. Therefore, all parties involved must ensure proper safeguards are taken and integrity of the process to protect the Government's best interest.
4. *Obtaining access to proprietary information*. When a contractor requires proprietary information from others to perform on a Government contract and can use the leverage of the contract to obtain it, the contractor may gain an unfair competitive advantage unless restrictions are imposed. These restrictions protect the information and require companies to provide it

when appropriate and necessary for contract performance. For example, services which, by their very nature, give the contractor or subcontractor access to extensive data about the contracts of other DISA contractors. Such an advantage could be perceived as being unfair by a competing contractor who is not given similar access to the same relevant information.

(S-91) A sample OCCI memorandum for record template can be found in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 9.508(S-91).

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### PART 10 – MARKET RESEARCH

**10.001 Policy.**

(b) All Sources Sought Announcements and Requests for Information (RFI) for acquisitions with an estimated value exceeding $5M, with the exception of the Sole Source Notice of Intent, shall be forwarded to [the DISA Office of Small Business Programs (OSBP)](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil) for review to ensure potential sources are not requested to submit more than the minimum information necessary. OSBP has 5 business days to complete the review.

### 210.001 Policy.

(a)(ii) The program office or the requiring activity must address whether the acquisition can or cannot be set-aside for small businesses in the market research report.

(S-90) The contracting officer will document and attach the results of a query of the SBA Dynamic Small Business Search tool at <http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm> to the Market Research Report and forward with the DD Form 2579 to OSBP for review (See DARS 19.201 (S-92) (c)).

(S-91) The contracting officer shall conduct their own independent market research and document the findings within the market research report.

1. The contracting officer will certify by signature on the market research report whether or not the results support setting aside the acquisition. If the resulting acquisition strategy does not include a small business set-aside, market research documentation should explicitly explain why a set-aside is not appropriate. The contracting officer will fully document and detail market research with respect to small business participation. Market research must document to what extent the small business community, as a whole, has or does not have the ability to support the requirement.
2. When market research indicates that the small business community, as a whole, does not possess the required capability or capacity to perform as a prime contractor, consideration should be given to small business subcontracting. The market research report should address subcontracting opportunities for small businesses.

(S-92) Methods of market research include, but are not limited to, the use of a Sources Sought Announcement or a Request for Information (RFI). (See DARS 19.202 (S-93)(2)(3)).

Assistance is available from the OSBP when seeking potential sources.

1. A Request for Information (RFI) is used to develop requirements and make decisions regarding acquisition strategies when limited or no acquisition history is available and when industry input is required. When an RFI is planned, allow for the following:
   1. RFI’s should remain posted on FedBizOpps for at least 21 business days to ensure maximum participation by small business concerns.
   2. Use the approved DISA RFI template in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 210.001.
2. A Sources Sought Announcement is used when there is a known requirement with a previous procurement history, or a well-defined new requirement. When a Sources Sought Announcement is planned, allow for the following:
3. Posting on FedBizOpps for a minimum of 14 calendar days ensures maximum feedback.
4. Use the approved DISA Sources Sought template in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 210.001.
5. When a Sources Sought Announcement or RFI is posted to FedBizOpps, the contracting officer should update the FedBizOpps announcement to identify the acquisition strategy once market research has been completed and the strategy has been approved. At a minimum, the update should include the following information:
   1. Contract vehicle (e.g., Federal Supply Schedule, Government-wide Acquisition Contract, Multiple-Award Contract, or Blanket Purchase Agreement) that will be leveraged to solicit the acquisition, if applicable. If utilizing Federal Supply Schedules, include the specific Schedule number and Special Item Number(s) under which the requirement will be announced.
   2. North American Industry Classification System (NAICS) code selected for the acquisition.
   3. Identification of small business set-aside to include the specific socio-economic category, if applicable.
   4. Projected time frame for Request for Proposal / Request for Quotation posting.

(S-93) The contracting officer shall notify the Office of Small Business Programs of all industry days, including date, time and location of event using the following title “Industry Day Notification” and send a notification to the following email account: [disa.meade.osbp.mbx.ditco-](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil) [small-business-office@mail.mil.](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil)

### 10.002 Procedures.

(S-90) Except for the issuance of a Sources Sought Announcement or RFI, market research is primarily the responsibility of the program office or the requiring activity. Requirement statements must reflect any available commercial solutions. Market research documentation must be complete, unbiased, and supported by facts, not more than 12 months old (for award of contracts other than task or delivery orders) and provided as part of the requirements package.

Contract files shall include documentation that market research was conducted. (S-91) *Exceptions.*

1. Undefintized Contract Actions (UCAs)
2. Bridge Contract Actions

(3) 52.217-8 Options

(S-92) Market Research Report (MRR) templates are located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 10.002(S-92).

**Table 10-1 MRR Template Type**

|  |  |  |
| --- | --- | --- |
| **Dollar Threshold** | **Procurement Action** | **Template Type** |
| **>SAT** | **All Service Procurements** | **Market Research Report Template**  **(Ordering Instructions Enclosure 14a)** |
| **<SAT** | **Simplified Acquisition Procedures (SAP)** | **SAP Market Research Report Template (Ordering Instructions Enclosure 14d)** |
| **SAT<$7M or**  **All Eqpt** | **SAP (commercial item services) or All Equipment Purchases** | **SAP or Equipment Purchases Market Research Report/Commerciality Determination**  **(Ordering Instructions Enclosure 14b)** |
| **Exercising an Option** | **Prior to Exercising ALL Options.** | **Market Research Report for Option Exercise (Ordering Instructions Enclosure 14c)** |
| **Any Amount** | **Sole Source** | **Market Research Report (Sole Source) Template**  **(Ordering Instructions Enclosure 14e)** |
| **Any Amount** | **Sole Source Direct 8(a)** | **Market Research Report (Sole Source 8(a)) Template**  **(Ordering Instructions Enclosure 14f)** |

**Market Research Tips**

(S-93) For DISA-only requirements, the contracting officer shall email the final, signed, redacted, and dated Market Research Report to the Market Research Repository mailbox at [DISA Ft Meade BD Mailbox MRR](mailto:disa.meade.bd.mbx.mrr@mail.mil).

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# PART 11 -- DESCRIBING AGENCY NEEDS

### SUBPART 11.1 – SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS

**11.101 Order of precedence for requirements documents.**

(S-90) Submission of Information Technology and Telecommunications Requirements.

1. Requirements for individual telecommunication circuits (including integrated equipment, installation, and maintenance), long haul telecommunications services satisfied via the Public Switched Telephone Network (PSTN), commercial internet services, wireless telecommunication services (e.g., cell phones, pagers, Blackberries, etc.) and pre-priced telecommunication services/equipment requirements available under existing Indefinite Delivery (ID) contracts (e.g., DATS, Networx, EMSS, Inmarsat, etc.) shall be submitted to DITCO via the DISA Storefront (DSF) application at [https://disa-storefront.disa.mil/dsf/sfoverview.](https://disa-storefront.disa.mil/dsf/sfoverview) Telecommunication Service Requests/Telecommunications Service Orders (TSR/TSOs) with valid Product Description Codes (PDCs) are the only authorized customer requirements and funding documents for the aforementioned telecommunications requirements.
2. Requirements for hardware, software, services, networks and systems (including telecommunications) that require an acquisition package (e.g., SOW/SOO/PWS, equipment/material list, QASP, evaluation plan, section 508 determinations, IGCE, etc.) shall be submitted in accordance with the DITCO Information Technology & Telecommunications Acquisition Package Submission & Ordering Guide website at [https://www.ditco.disa.mil/contracts/IT\_instruct.asp.](https://www.ditco.disa.mil/contracts/IT_instruct.asp) The only authorized customer funding documents to accompany an acquisition package are a MIPR for DoD customers, or an Interagency Agreement for non-DoD customers. TSRs/TSOs and PDCs are not authorized acquisition or funding documents for procurement actions requiring acquisition packages.

## **SUBPART 211.2--USING AND MAINTAINING REQUIREMENTS DOCUMENTS**

### 211.274 Item identification and valuation requirements.

### 211.274-6 Contract clauses.

(a)(1) DISA/PSD contracting officers shall not enter text in paragraph (c) of the clause at DFARS 252.211-7003, Item Unique Identification and Valuation, as there are no HCA exemptions and many firms tag items regardless of dollar value. Leaving the paragraph (c) blank (e.g., do not insert "See Schedule") accepts industries' independent IUID and tagging initiatives and supports the logistics supply chain and serially management of equipment irrespective of dollar value.

### 

### SUBPART 11.6 — PRIORITIES AND ALLOCATIONS

**11.603 Procedures.**

(S-90) The HCOs shall perform the functions of the procuring activity DPAS officers as prescribed in DoD 4400.1M, e.g., handle requests for special priorities assistance.

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# PART 12 -- ACQUISITION OF COMMERCIAL ITEMS

### SUBPART 12.4 – UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS

**12.403 Termination.**

(b) *Policy.* Only contracting officers may terminate a contract for convenience or for cause. Prior to release of the modification to terminate, contracting officers must coordinate termination notices with local legal counsel and, if the contractor is a small business concern, with the Office of Small Business Programs (OSBP) Specialist. Additionally, an e-mail notification must be provided to the HCO at least two business days prior to release of the modification to terminate the contract.

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# PART 13 -- SIMPLIFIED ACQUISITION PROCEDURES

### SUBPART 13.1 – PROCEDURES

**13.106-3 Award and documentation.**

(S-90) *Documenting the Basis for Award - Inquiry/Quote/Order (I/Q/O) Process*. An I/Q/O Price Negotiation Memorandum (PNM) for Communication Service Authorizations (CSAs) shall be prepared for all I/Q/O contracting actions and included in the official contract file. This I/Q/O PNM is applicable for use on telecommunication services and equipment accomplished using the I/Q/O process or the North Atlantic Treaty Organization (NATO) Allied Long Lines Agency (ALLA)/National Allied Long Lines Agency (NALLA) circuit demand process under the threshold for the test program for certain commercial items of $7M. The I/Q/O PNM fulfills

the documentation requirements in FAR 13.106-3 and provides the determination of fair and reasonable pricing.

\*\*The I/Q/O PNM for Communication Service Authorizations (CSAs) template is located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 13.106-3.

### SUBPART 13.2 – ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD

**213.270 Use of the Governmentwide commercial purchase card.**

(b)(2) The HCOs are delegated the authority to make the written determination required by DFARS 213.270(b)(1).

### SUBPART 13.3 -- SIMPLIFIED ACQUISITION METHODS

**13.301 Government-wide commercial purchase card.**

(S-90) References: [Government-wide Commercial Purchase Card Policy and Procedures](https://www.ditco.disa.mil/hq/deskbooks.asp).

(S-91) Using the Government-wide commercial purchase card to acquire and pay for supplies and services does not "exempt" DISA from the Economy Act. See FAR/DARS Subpart 17.5 for Economy Act applicability.

### SUBPART 13.5 -- SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

**13.501 Special documentation requirements.**

(a)(1)(ii) If a justification and approval is required, follow DARS Part 6 and the J&A Template at <https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=j_a_templates>.

# PART 14 -- SEALED BIDDING

**NO DARS TEXT**

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# PART 15 -- CONTRACTING BY NEGOTIATION

### SUBPART 15.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

**15.201 Exchanges with industry before receipt of proposals.**

(S-90) Draft RFP may be released prior to final approval of the acquisition strategy and acquisition plan.

### 15.204 Contract format.

(e) The designee is the HCA.

### SUBPART 15.3 — SOURCE SELECTION

**15.300 Scope of subpart.**

Procedures, guidance, and templates for this section are located [at the DISA Procurement -](https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp) [Contracting Procedures, Guides and Templates](https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp) webpage.

Past performance guidance can be found in the [OSD Guide to Collection and Use of Past](https://www.acq.osd.mil/dpap/Docs/PPI_Guide_2003_final.pdf) [Performance Information](https://www.acq.osd.mil/dpap/Docs/PPI_Guide_2003_final.pdf).

Source selection guidance can be found in the [DoD Source Selection procedures](https://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf) and [DISA](https://www.ditco.disa.mil/DITCOContractingTemplates/) [Source Selection Procedures](https://www.ditco.disa.mil/DITCOContractingTemplates/)

### 215.304 Evaluation factors and significant sub factors.

(S-90) Small Business Participation Evaluation

A small business participation commitment document shall be submitted to address the extent of small business participation in performance of a contract, and shall be separate from the submission of a Small Business Subcontracting Plan.

The contracting officer shall coordinate with the Office of Small Business Programs before issuing a solicitation when the evaluation assesses the extent of small business participation. The DoD Source Selection Procedures provides additional information regarding the evaluation of small business participation and it may be accessed at: <https://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf>

Postaward Responsibilities of the Contracting Officer – Small Business Participation

The small business participation plan shall be incorporated into the final contract award as an attachment. Twice a year (every six months) the contractor shall report to the contracting officer

representative and the Office of Small Business Programs information concerning their performance under its small business participation commitment document. This reporting requirement is separate from the eSRS reporting submission requirements. The contracting officer will determine reporting period dates that are consistent with the contract award date.

### 15.307 Proposal revisions.

(S-90) Contracting officers may establish a page limit for final proposal revisions.

(S-91) Final proposal revision letters shall be reviewed by Legal for competitive actions in accordance with the threshold set at DARS 1.9000.

### 15.308 Source selection decision.

(S-90) *Use of Automated Source Selection Evaluation Tool and Source Selection training*. PSD has contracted for, and has budgeted to pay for, an automated source selection evaluation tool and source selection training for SSEBs. An automated source selection evaluation tool and formal source selection training will be used for competitive source selections in excess of

$50M. The HCO may waive (in writing; e-mail is acceptable) use of a source selection tool or the requirement for formal source selection training.

(S-91) *Source Selection Evaluation Rooms Reservations.*

PL6 branches will have their own dedicated rooms (A1A58, A1B58 and A1C58), managed by the cognizant Branch Chief. Two additional rooms (M3A21 and M3A31) will be assigned to other DITCOs upon request. DITCO-NCR personnel should contact their respective Branch Chief regarding the availability and scheduling for their Branch's assigned room. Requests for Source Selection Rooms from DITCOs aside from the NCR should be sent in accordance with the [Source Selection Room Rules](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FStandard%20Operating%20Procedures%2FSource%20Selection%20Room%20Rules&FolderCTID=0x012000403F1B6558B19B45B6061D4B0866B59A&View=%7B74D62731%2D8EE9%2D43F6%2DBAA8%2D831EA79C1547%7D) in the [Corporate Library](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx).

### 215.371 Only one offer.

**215.371-5 Waiver.**

1. For I/Q/O telecommunication actions, the HCA delegates the waiver authority to the appropriate DITCO Chief of the Contracting Office (CoCO). For all other actions, the HCA delegates the waiver authority to the HCO.

(S-90) Prior to awarding to the only offeror received when utilizing the competitive procedures, the contracting officer shall determine if resoliciting the procurement for an additional 30 days is in the best interest of the Government. A sample determination and findings/waiver request can be found in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 215.371-5(S-90).

### SUBPART 15.4 -– CONTRACT PRICING

**15.404-1 Proposal analysis techniques.**

(S-90) *Policy.*

* 1. IGCEs are part of the required documentation for a complete requirements package. The DISA IGCE Deskbook located at <https://www.ditco.disa.mil/hq/deskbooks.asp>contains procedures/guidance for developing IGCEs.
  2. IGCEs must contain details to demonstrate how the estimates were developed. Assistance with developing IGCEs including incorporation of current cost and pricing information should be requested, as needed, from PL842.
  3. The use of “fully burdened” labor (hour) rates is recommended. Rates must be recent, and relevant to the labor categories contemplated. PL842 can provide advice regarding sources of fully loaded labor rates as well as their applicability and limitations for use in developing the IGCE.
  4. Resource Managers shall coordinate on IGCEs, prior to HCA review or submission of the complete requirements package to PSD.
  5. Contracting officers shall fully document in the PNM variances in the total evaluated cost/price and the IGCE. Significant deviations may be cause for formal discussions or RFP/RFQ amendment or cancellation. Total evaluated cost/price exceeding the IGCE should be discussed with the PMO to determine if additional funds may be secured.

(S-91) *Cost and Price Analysis*. DITCO contracting officers shall initiate action to obtain cost and price analyses in accordance with the following procedures.

1. The contracting officer, exercising sole responsibility for the final pricing decision shall, in accordance with FAR 15.404-1, coordinate with, request, and evaluate the advice of the Contract Price/Cost (C/P) Analyst in PL842 and Tariff Specialists in PL82. Contracting officers shall obtain cost and pricing assistance for contract awards, orders or modifications of $10 million or more. Contracting officers may request cost and pricing assistance, including a cost/price analysis and review of all Solicitation documents including the Performance Work Statement (PWS), Request for Proposal (RFP), etc. before solicitation of actions, order or modification with a contract value in excess of the threshold for obtaining certified cost or pricing data (FAR 15.403-4(a)(1)), if required by the contracting officer in order to determine price reasonableness. A list of services offered by the Contract Price/Cost Analyst can be found in the “[Cost and Pricing Branch Request Form](https://www.ditco.disa.mil/DITCOContractingTemplates/)” located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 15.404-1(S-91)(1).

The following exceptions apply:

1. Orders priced in accordance with prices/rates established in base contracts/agreements.
2. Modifications priced in accordance with prices/rates established within the base contract/order/agreement.
3. Modifications for funding actions.
4. Modifications to exercise priced options; or
5. Any other contract award, modification, or order meeting the thresholds above where the Cost and Pricing Branch Chief and at least one level above the contracting officer waive in advance the requirement to obtain cost or pricing assistance. This agreement must be documented in writing and maintained in the official contract file.
6. PL82 Tariff Specialist assistance related to tariff interpretation, tariff rate establishment/update and other tariff issues shall be requested as required.
7. PL842 or PL82 Tariff Specialist, with the concurrence of the contracting officer, shall be responsible for:
   1. Obtaining cost or pricing data or information other than cost or pricing data and auditing contractor's records.
   2. Performing contract audit follow-up reporting tasks in accordance with and DARS 42.1-90.
   3. Conducting cost or price analyses and tariff reviews in accordance with FAR 15.404-1, as appropriate. Cost analyses shall incorporate audit findings, technical analysis and tariff review results, and all relevant cost driver information.
   4. Consolidating cost or pricing data, information other than cost or pricing data, audit results, tariff reviews and other pertinent information; and developing pre-negotiation objectives.
   5. Participating in negotiations with contractors which require the use of information, computations, or data developed during the cost or price analysis.
   6. Reviewing all solicitations for actions which require PL842 or PL82 Tariff Specialists in accordance with (S-92)(1) prior to their issuance to industry for competitive and noncompetitive services, supplies, and equipment to ensure adequate cost or pricing data and tariff provisions are included and that detailed evaluation criteria are developed and tailored for each acquisition.
   7. Assisting contracting officers in documenting the contract files by providing detailed cost/price analysis memoranda, supporting schedules, automated spreadsheets, discussion items, pre- and post-negotiation memorandums input, DD Forms 1547, Tariff Change Notices, Tariff Contract File Conflict Notices, and other items as required.
   8. Participating in conferences, briefings, debriefings, and other meetings where pricing and/or tariff support is required.

(S-92) *Request Cost and Price Analysis Support*. To initiate a request for cost/price analysis support, the contracting officer shall submit a completed “[Cost and Pricing Branch Request](https://www.ditco.disa.mil/DITCOContractingTemplates/) [Form](https://www.ditco.disa.mil/DITCOContractingTemplates/)” to the Cost and Pricing Branch Chief via the [DITCO-Scott Cost and Pricing Branch](mailto:disa.scott.ditco.mbx.cost-and-pricing-branch-pl42@mail.mil)

[Mailbox](mailto:disa.scott.ditco.mbx.cost-and-pricing-branch-pl42@mail.mil), containing details related to the type of support requested. The Cost and Pricing Branch Request Form is located at [https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp.](https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp) RFP reviews must be requested early in the acquisition stage so that a detailed review may be accomplished prior to submitting the RFP to industry. Acquisition plans and timelines must recognize the need for effective pricing/tariff reviews and analysis and must contain reasonable periods for conducting these tasks. C/P analyst pre-solicitation reviews shall be requested concurrent with PL22 and legal reviews.

### 15.406 Documentation.

**15.406-3 Documenting the negotiation.**

(S-90) *Price Negotiation Memorandum*. A Price Negotiation Memorandum (PNM) shall be prepared for contracting actions as described below and included in the official contract file.

A PNM is not required for orders for pre-priced supplies or services placed against established single award indefinite delivery contracts and actions at or below the micro-purchase threshold. The PNM fulfills the documentation requirements in FAR 15.406-3 and provides the determination of fair and reasonable pricing. The PNM templates are located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 15.406-3(S-90).See DARS 13.106-3 (S-90) for PNM requirements for the I/Q/O process or the North Atlantic Treaty Organization (NATO) Allied Long Lines Agency (ALLA)/National Allied Long Lines Agency (NALLA) circuit demand process under the threshold for certain commercial items of

$7M.

(S-91) *DITCO Cost/Price Analyst Involvement*

1. Pre-PNMs, Post-PNMs, and IDIQ Order PNMs valued over $10M shall be routed electronically to the Cost and Pricing Branch for review/coordination prior to approval (See [Contract Document Approval Signature Routing Procedures](https://www.ditco.disa.mil/DITCOContractingTemplates/)). Routing to the Cost and Pricing Branch, or assigned Contract Price/Cost Analyst is not required when pricing is based on prices/rates are established in base contracts/agreements, when prices are set by law or regulation, or a fair and reasonable price determination can be made by the contracting officer by comparing prices or rates against an existing or previous Government contract where prices are recent and based on an adequately supported fair and reasonable determination.
2. Pre-PNMs valued over $10M, shall be prepared in conjunction with the DITCO Cost/Price Analyst. The Cost/Price Analyst shall assist the contracting officer in evaluation of the pricing proposal and aid in the development of the pre-negotiation objective and Pre-PNM; The Contract Price/Cost Analyst shall also support negotiations and review the Post-PNM, prior to approval, as requested by the contracting officer.
3. In all instances where the Cost and Pricing Branch has provided assistance to the contracting officer in the development of the PNM—including but not limited to, the evaluation of cost proposals, calculation of the Government negotiation position and input to the relevant PNM

documents—a copy of the signed and approved Post-PNM shall be routed to the Cost and Pricing Branch Chief via the [DITCO Scott - Cost and Pricing Branch Mailbox](mailto:disa.scott.ditco.mbx.cost-and-pricing-branch-pl42@mail.mil). In situations where the recommendations provided by the C/P Branch and the negotiation objectives are not achieved during negotiations, the contracting officer shall include justification within the Post- PNM. The justification shall contain a detailed explanation on recommended items not achieved and the alternative rationale utilized in the contractor officer’s determination of fair and reasonable pricing.

(S-92) *PNM Approval Authority*. The approval authority for Pre/Post PNMs negotiation objectives and modification PNMs negotiation objectives is the contracting officer.

**Table 15-2 Competitive Acquisitions PNM Format**

|  |  |
| --- | --- |
| **ACQUISITION TYPE** | **FORMAT** |
| Open Market (when the Contracting  Officer is the SSA) | Competitive PNM |
| GSA Schedule orders | Competitive PNM |
| 8(a) | Competitive PNM |
| IDIQ orders with Pre-established labor rates | IDIQ PNM |
| Open Market (when the SSA is not the Contracting Officer) | Source Selection Decision Document (SSDD) |
| Competitive, but only 1 offer received | Sole Source PNM |

**Table 15-3 Sole Source Acquisitions PNM Format**

|  |  |
| --- | --- |
| **ACQUISITION TYPE** | **FORMAT** |
| Open Market or 8(a) at or below SAT | Sole Source PNM |
| GSA Schedule orders | Sole Source PNM |
| IDIQ orders | Sole Source PNM |
| Open Market or 8(a) above SAT | Pre-PNM and Post-PNM |

**Table 15-4 Modifications PNM Format**

|  |  |
| --- | --- |
| **MODIFICATION TYPE** | **FORMAT** |
| Pricing Modifications against previously competed actions and have  Pre-established rates (e.g., labor rates) | Modifications PNM |
| Pricing Modifications using Pre-  established rates (e.g., labor rates) – sole source | Modifications PNM |
| Other Pricing Modifications (e.g.,  cost type modifications) | Pre-PNM and Post-PNM |

**215.406-3 Documenting the negotiation.**

The Contract Business Analysis Repository (CBAR) User's Manual and the CBAR PCO list (includes specific contacts for each section/org) are located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 215.406-3.

### SUBPART 15.5 -- PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS, AND MISTAKES

**15.502 Applicability.**

The DoD Source Selection Procedures and the Outline for Debriefings are located at the [DISA](https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp) [Procurement - Contracting Procedures, Guides and Templates](https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp) website.

### SUBPART 15.6 — UNSOLICITED PROPOSALS

**15.606 Agency procedures.**

1. Unless the contractor specifies within the proposal; no reproduction of material is allowed beyond the initial copy per branch/division required for the appropriate PL22, legal, or technical reviews. Upon notification by PL22 that reviews are complete, all copies shall be properly disposed via shredding and any softcopies received by email shall be permanently deleted.
2. PL22 is the agency point of contact to coordinate the receipt and handling of unsolicited proposals.

### 15.606-1 Receipt and initial review.

(S-90) PL22 will perform the receipt and initial review process in consultation with the HCO or HCO designee and Legal within 15 business days of receipt of the unsolicited proposal. (The HCO’s designee must be a contracting officer who can contractually obligate or bind the Government to consult on the initial review.) Before initiating a comprehensive evaluation, PL22 shall make the determination the unsolicited proposals meets the criteria defined in FAR 15.606-1(a) (1) through (7). If the proposal meets these requirements, the PL22 shall promptly acknowledge receipt and process the proposal for further evaluation. If the proposal does not meet the requirements of FAR 15.606-1(a) and is rejected, the PL22 shall inform the offeror the reasons for rejection. PL22 shall maintain an unsolicited proposal log which includes, at a minimum, the company name, proposal title, DITCO Contracting Office, Technical POC, date unsolicited proposal was received, final disposition of the unsolicited proposal.

### 15.606-2 Evaluation.

1. PL22 will coordinate comprehensive evaluations and will attach or imprint on each

unsolicited proposal, circulated for evaluation, the legend required by FAR 15.609(d) within 30 business days after receipt of the unsolicited proposal.

1. If the unsolicited proposal meets the criteria in FAR 15.605 and 15.606-1, PL22 will forward the unsolicited proposal to the appropriate technical representative, as designated by the HCO or HCO’s designee, for a comprehensive technical review. The technical review shall include a recommendation for acceptance or rejection of the proposal after considering the factors outlined in FAR 15.603. The technical evaluator or evaluators recommended acceptance or rejection of the unsolicited proposal shall be documented with supporting rationale.
2. The evaluators shall notify PL22 of their recommendations when the evaluation is completed.

(S-90) PL22 will review the entire package including the unsolicited proposals and the technical evaluation and forward the package to legal for review. Legal will provide comments concurring or nonconcurring with the evaluation decision.

### 15.607 Criteria for acceptance and negotiation of an unsolicited proposal.

(S-90) All unsolicited proposals will be reviewed and accepted or rejected by the PSE.

(S-91) The PSE will provide a letter indicating rejection of an unsolicited proposal to the offeror citing the reasons for the rejection using supporting statements from the comprehensive evaluation.

(S-92) The PSE will provide a letter indicating acceptance of an unsolicited proposal only after the criteria in FAR 15.606-2 are met.

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# PART 16 -- TYPES OF CONTRACTS

### SUBPART 16.5 -- INDEFINITE-DELIVERY CONTRACTS

**16.504 Indefinite-quantity contracts.**

(c)(1)(ii)(D)(*1*) No task or delivery order contract in an amount estimated to exceed $112 million (including all options) may be awarded to a single source unless approved by the HCA.

(S-90) Funding for the minimum guarantee shall be obligated at the time of contract award via the first order. (See DARS 7.105(b)(6))

### 16.505 Ordering.

(b)(6) *Postaward Notices and Debriefing of Awardees for Orders Exceeding $5.5 million*. The Initial Letter to Unsuccessful Offerors and Debriefing Letter to Unsuccessful Offerors, located in the [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx), shall be used to notify unsuccessful awardees when the total price of a task or delivery order exceeds $5.5 million.

(b)(8) *Task-order and delivery-order ombudsman*. The PSD Technical Director is designated as the Agency Ombudsman for task and delivery orders issued against multiple award contracts.

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# PART 17 -- SPECIAL CONTRACTING METHODS

### 17.000 Definitions.

*Bridge Contract* is a short-term sole-source contract awarded generally to the incumbent contractor to continue critical services when a follow-on competitive contract action could not be completed in a timely manner. It provides needed services until the program and contracting offices can establish a new competitive contract. The SPE Bridge Decision Briefing, located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 17.000, is not required for non-DISA contract actions nor is it required for bridge contracts made necessary by GAO or Agency-level protests. Although a bridge may not require a decision brief, it still must be added onto the Bridge Chart at: <https://disa.deps.mil/org/PL2/Lists/BridgeChart/AllItems.aspx>.

### SUBPART 17.1 -- MULTI-YEAR CONTRACTS

**17.104 General.**

(b) For multi-year contracts, the HCA may authorize modification of the requirements of this subpart and the clause at FAR 52.217-2, Cancellation Under Multi-year Contracts.

### 17.106 Procedures.

**17.106-3 Special procedures applicable to DoD, NASA, and the Coast Guard.**

(e) The authority to authorize recurring costs in cancellation ceilings for multi-year contracts is delegated to the HCA.

### SUBPART 17.2 — OPTIONS

**17.202 Use of options.**

**17.202-90 Use of surge options.**

1. Definition. Optional CLIN that can be exercised unilaterally for an increase in quantity of support for the task areas previously defined in the PWS/SOO/SOW.
2. General.
3. When the surge option amount is equal to or greater than 50% of the total value of the non- surge CLINs, the contracting officer shall prepare a determination for the surge amount prior to

releasing the RFP or RFQ. The determination can be added to the Determination for Use of Options template.

1. Approval up to 50% is the contracting officer.
2. Approval over 50% is the CoCO.
3. The surge CLIN shall be numbered as 9999 with a contract type of cost reimbursement not- to-exceed. The following language may be used as the description for CLIN 9999:

“Optional surge support in accordance with DITCO Special Contract Requirement H6 – OPTION TO EXERCISE SURGE SUPPORT.”

1. The surge option should be exercised unilaterally to the maximum extent possible; however, can be exercised bilaterally if negotiations are required.
2. The amount of any new CLIN or amount added to an existing CLIN that implements surge will be equal to the decrement of the not-to-exceed amount of CLIN 9999. Description for the surge CLIN should state “Surge of Task Area # with a period of performance from

to .

### 17.206 Evaluation.

(S-90) The price for exercising 52.217-8 will be evaluated as part of the total price of a proposal. Each solicitation will include the following paragraph in Section M, RFP/RFQ Letter, or 52.212- 2(b) Evaluation – Commercial Items: The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. To account for the option period(s) possible under 52.217-8 (maximum of six months), Option to Extend Services, the Government will evaluate the option to extend services (FAR Clause 52.217-8) by requiring the offeror to price an additional 6 months of the offeror's final option period price to the offeror's total price. This amount will be the total evaluated price. The Government may choose to exercise the Option to Extend Services at the end of any performance period (base or option periods). However, the end of the Option to Extend Services period represents the end of contract performance, and the Government shall not exercise any other option periods after the

Option to Extend Services has been exercised. The price for exercising 52.217-8 shall not be included in the Independent Government Cost Estimate.

### 17.207 Exercise of options.

(S-90) The request to exercise an option shall be marked and submitted as follows:

1. Required markings on all pages, centered, top/bottom: "SOURCE SELECTION INFORMATION See FAR 2.101 and 3.104"
2. Electronic submission is required using digitally signed/encrypted e-mail. See [DISAI 630- 230-30](https://disa.deps.mil/ext/resource/disa_publications_issuances/DISA_Publications/Forms/AllItems.aspx?RootFolder=%2Fext%2Fresource%2Fdisa%5Fpublications%5Fissuances%2FDISA%5FPublications%2F600%20%2D%20Financial%20Management%2F630%20Management%20Services%2FIssuances&amp;InitialTabId=Ribbon%2ELibrary&amp;VisibilityContext=WSSTabPersistence) for e-mail security practices for the transmission of sensitive but unclassified information.

(S-91) For current contracts that include FAR Clause 52.217-8, Option to Extend Services, and the option was evaluated prior to award, the contracting officer shall prepare a determination and findings document in accordance with FAR Subpart 17.207 Exercise of options prior to exercising the option.

(S-92) The HCA shall approve 52.217-8, Option to Extend Services, requests for DISA mission partners. The HCO shall approve for non-DISA mission partners.

### SUBPART 17.5 — INTERAGENCY ACQUISITIONS

**17.500 Scope of subpart.**

(a) This subpart prescribes policies and procedures applicable to all interagency acquisitions under any authority, except as provided for in paragraph (c) of this section. Another agency is defined as a non-DoD Federal Agency.

(c) This subpart does not apply to:

1. Assisted acquisitions at or less than the micro-purchase threshold (IAW the definition of “micro-purchase threshold” at FAR 2.101).
2. Support agreements executed under DoD Instruction 4000.19, Interservice and Intragovernmental Support (April 25, 2013), and any successor instruction, which are governed by other applicable DISA regulations.
3. When the Defense Information Technology Contracting Organization (DITCO) is acting as the servicing agency in support of a DoD Component; unless DISA/DITCO becomes a requesting agency to meet the component’s needs.

### 17.501 General.

(S-90) DITCO is the organic contracting activity of DISA. DISA activities shall only use the contracting services of DITCO to acquire all required supplies and services, unless the use of another agency’s contracting services (an interagency assisted acquisition) has been determined to be in the best interest of the government. Only DITCO is authorized to approve interagency acquisitions on behalf of DISA, except as noted in 17.503(e).

(S-91) Further guidance on how to conduct interagency acquisitions can be found in the DISA Interagency Acquisition Guide located at https://www.ditco.disa.mil/download.asp?/DITCOContractingTemplates/docs/interagency\_acqui sition\_guide.docx.

### 17.502 Procedures.

**17.502-1 General.**

(a) Written agreement on responsibility for management and administration.

* 1. Assisted acquisitions.

(i) Interagency Agreements for Assisted Acquisitions in which DITCO is the requesting agency, shall be prepared in accordance with the [DISA Interagency Acquisition Guide](https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp). Interagency Agreements for Assisted Acquisitions shall be approved in accordance with Table 17-1 below.

(b) The business-case analysis required by FAR 17.502-1(b) shall be signed by the mission partner prior to routing the document for coordination and approval. The business-case analysis shall be coordinated with OSBP and the DISA CIO then approved by the SPE. The approved business-case shall be kept by the agency as part of the acquisition file. Follow the Contract Document Approval Signature Routing Procedures located in the [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) or your DITCO routing procedures to attain the SPE signature. After the SPE has approved the business case, the business case shall be posted on MAX.gov.

### 17.503 Ordering Procedures.

(d) In addition to any other applicable requesting agency-specific clauses, all contracts awarded and orders issued by the servicing agency for property that must be accounted for in accordance with [DISAI 270-165-8](https://disa.deps.mil/ext/resource/disa_publications_issuances/DISA_Publications/Forms/AllItems.aspx?RootFolder=%2Fext%2Fresource%2Fdisa%5Fpublications%5Fissuances%2FDISA%5FPublications%2F200%20%2D%20Administration%2F270%20Logistics%20Management%2FIssuances&amp;InitialTabId=Ribbon%2EDocument&amp;VisibilityContext=WSSTabPersistence) shall include the clauses at DFARS 252.211-7003 and DARS 52.211- 9000, which sets forth the instructions for the contractor to deliver, and for the DISA receiving activity to approve, an Electronic Product List.

(e) Determinations that the requested work falls within the purpose, mission, general scope of effort, or special competency of the Federally Funded Research & Development Center (FFRDC), and will not place the FFRDC in direct competition with domestic private industry, shall be prepared in writing by the Commander, Principal Director, or Deputy Principal Director of the requiring activity. No DISA official shall cause DISA to enter into a contract directly with any FFRDC (i.e., not an interagency acquisition through the sponsoring agency) unless such contract is executed in accordance with all applicable provisions of the law, including, without limitation, all relevant Federal procurement statutes, the FAR, the DFARS, and the DARS, that would apply to a contract with any other private entity. DISA officials may, however, execute interagency acquisitions with or through an FFRDC sponsoring agency to obtain the services of an FFRDC in accordance with this subpart.

**Table 17-1 DISA Coordination and Approval Authority for Determination and Findings (D&F) for Assisted Acquisitions, Interagency Agreements, Direct Acquisitions**

|  |  |  |  |
| --- | --- | --- | --- |
| **Regulatory Authority:** | **Dollar Threshold:** | **Concurrence:** | **Approval:** |
| FAR & DFARS | Exceeding the micro-purchase threshold to  $50M | Requirements Official | Chief of Contracting Office (CoCO) |
| FAR & DFARS | Exceeding $50M | 1. Deputy Principal Director of the Requirements Office 2. CoCO | Head of Contracting Office  (HCO) |
| Non-FAR | Exceeding the micro-purchase threshold | 1. Deputy Principal Director of the Requirements Office 2. CoCO 3. HCO | Head of Contracting Activity (HCA) |
| Direct Acquisitions | All Dollars | Requirements Official | Contracting Officer |

**SUBPART 217.7 — INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE**

**217.770 Procedures.**

(S-90) The requirements of DFARS 217.770 shall be addressed in the Determination and Findings (D&F) for an Assisted Acquisition required by FAR 17.502-1. See the DISA Interagency Acquisition Guide at [https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=interagency\_acquisition\_gu](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=interagency_acquisition_guide) [ide.](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=interagency_acquisition_guide)

### SUBPART 217.74--UNDEFINITIZED CONTRACT ACTIONS

**217.7402 Exceptions.**

(a) The following undefinitized contract actions (UCAs) are not subject to this subpart.

1. PL82 contract actions at or below the simplified acquisition threshold for:
   1. Temporary circuits associated with presidential travel ordered via the Basic Agreements
   2. CLINs associated with travel on the WHCA Travel Contract

### 217.7404 Limitations.

**217.7404-1 Authorization.**

(S-90) The Request for HCA approval of an Undefinitized Contract Action (UCA) is located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 217.7404-1(S-90) and must be maintained in the contract file.

### 217.7405 Plans and reports.

(S-90) *Reports.* Contracting Officers shall report all Undefinitized Contract Actions (UCAs) greater than $5M to [PL21](mailto:PL21policybra@disa.mil) within 10 days of creating the UCA (see [DFARS 217.7405](http://www.acq.osd.mil/dpap/dars/dfars/html/current/217_74.htm) & [PGI](http://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405) [217.7405](http://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405)). Contract data shall be provided in the format required by the spreadsheet referenced in DFARS PGI 217.7405(2)(ii).

(S-91) *Review.* The contracting officer shall obtain a compliance review of the final negotiated agreement, to include profit/fee, from the [PL22, Quality Assurance Branch](mailto:disa.meade.PLD.mbx.pl22-policy-compliance-review@mail.mil) prior to definitization.

(S-92) *Management Plan (D&F)*. All UCAs are required to adhere to the ‘Consolidated Undefinitized Contract Action (UCA) Management Plan’ required by DFARS PGI 217.7405 (2)(i). Before entering into any UCA, Contracting Officers shall obtain HCA approval of an UCA (See DARS 217.7404-1). Prior to definitization of any UCA, Contracting Officer shall satisfy the requirements of the UCA Management Plan by executing a UCA Determinations and

Findings (D&F) for HCA approval. The UCA D&F contains elements of the Consolidated UCA Management Plan ([DFARS PGI 217.7405(2)(i](http://www.acq.osd.mil/dpap/dars/pgi/frameset.htm?dfarsno=217_2&amp;amp%3Bpgino=PGI217_74&amp;amp%3Bpgianchor=217.7405&amp;amp%3Bdfarsanchor=217.7405))) and shall be maintained in the contract file. The UCA D&F template is located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 217.7405(S-91). PL2 will track approval of the UCA by the HCA, and upon approval (signature) retain a copy of the approved UCA Requests for Approval and the UCA D&Fs to complete the bi-annual UCA Report.

### SUBPART 17.91 — PRODUCT LOAN AGREEMENTS

**17.9100 General.**

Product Loan Agreement is a convenient vehicle for the Government to test and evaluate commercial and developmental items for a specified period of time. The Agreement allows the Government to use the product(s) on a no-cost basis for demonstration, testing, and assessing various product(s) in the marketplace.

### 17.9101 Policy.

(a) The cognizant requirements office develops and initiates the Product Loan Agreement (PLA) using the instructions and automated application available at: <https://cmis.disa.mil/facilities/vendorloan/vendorloan.cfm>.

(b) The contracting officer is the only individual authorized to enter into, administer, and terminate Product Loan Agreements on behalf of the Government. Unauthorized signatures on Product Loan Agreements may result in Anti-Deficiency Act violations.

# PART 18 – EMERGENCY ACQUISITIONS

**NO DARS TEXT**

PART 19 — SMALL BUSINESS PROGRAMS

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# PART 19 — SMALL BUSINESS PROGRAMS

### SUBPART 19.2 – POLICIES

**219.201 General policy.**

(c)(10) The Office of Small Business Programs (OSBP) is required to:

1. Conduct the review of the DD Form 2579 prior to any public announcement or release of information regarding the acquisition strategy, issuance of the solicitation or contract modification, specific communications with contractors, or communicating with the SBA 8(a) Program regarding a requirement;
2. Review all written acquisition plans/acquisition strategies;
3. Assist in market research efforts and provide small business sources; (S-90) The [disa.meade.osbp.mbx.ditco-small-business-office@mail.mil](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil)

email address shall be used by DISA personnel to communicate with the DISA Office of Small Business Programs.

### 19.202 Specific policies.

(S-90) Contracting officers and ordering officers shall comply with the following:

1. Complete and submit a DD Form 2579 for all acquisitions over $10,000 (See 19.202(S-92) for exceptions);
2. OSBP and SBA PCR (when applicable) concurrence on the DD Form 2579/AP shall be obtained prior to making a public release, including communication with the SBA, indicating the government’s decision on the method of acquisition, e.g., Full and Open, Small Business Set- Aside, 8(a) Program or Sole Source;
3. Set-asides to Small Business, HUBZone Small Business, Service-Disabled Veteran-Owned Small Business, 8(a) Program participants and Women-Owned/Economically Disadvantaged Women-Owned Small Business shall be considered first, prior to consideration of full and open competition, to facilitate meeting the DISA and Department of Defense (DoD) Small Business goals;
4. Where practicable, divide quantities of supplies or services into small lots to permit offers on quantities less than the total requirement to encourage small business participation;
5. Establish realistic delivery schedules, start dates and transition periods that will encourage small business participation;
6. Ensure that the requiring activity and contracting officer demonstrate and document market research (FAR Part 10, DFARS Part 210, and DARS Part 10) of small businesses for every acquisition. If a small business set-aside is not recommended, documentation as to why a small business set-aside should not be considered shall be substantiated in the Market Research Report (MRR). (Reference DARS Part 10 (S-91)).
7. Coordinate all Sources Sought and Request for information (RFI) announcements over

$5 million for OSBP’s review prior to posting to ensure potential sources are not requested to submit more than the minimum information necessary.

(S-91) DD Form 2579

1. All submissions of the DD Form 2579 require the following documentation (if applicable):
2. Signed MRR applicable to the requirement. The MRR templates are located at<https://www.ditco.disa.mil/DITCOContractingTemplates>; a signed MRR is not required for bridge contract actions.
3. Signed Justification and Approval (J&A);
4. Signed D&F for consolidation, bundling, or no subcontracting opportunities (see DARS 19.705-2);
5. Acquisition Plan/Acquisition Strategy.
6. The OSBP may require additional documentation outlined below:
7. Performance Work Statement (PWS), Statement of Objectives (SOO), Statement of Work (SOW), or other work descriptions;
8. Sources Sought/RFI responses, and analysis documentation;
9. Independent Government Cost Estimate documentation.
10. Place approved DD Form 2579, signed MRR, and sources sought documentation into the contract file. If the acquisition, the initial requirements package, is canceled or work on the acquisition is suspended for 12 months or more, the DD Form 2579 and accompanying MRR is no longer valid and must be updated.
11. Review and Approval Period:
12. The OSBP has five (5) business days to render a final decision (not including date of submission) on a fully complete DD Form 2579 and to provide comments or concurrence on Sources Sought or RFI announcements.
13. Requests for expedited approval of the DD Form 2579 shall be submitted directly to the personal email account of the Director, OSBP via a Division Chief. Insert “Expedite” in the subject line of the email and provide an explanation of the urgency in the body of the email.
14. In accordance with the DISA and SBA Plans of Operations, all requirements over $5 million not set aside for small business shall be forwarded by the OSBP to the SBA PCR for review. The OSBP has five (5) business days from submission of a complete, correct DD Form 2579 to review and forward the DD Form 2579 to the appropriate SBA PCR. The SBA PCR has five (5) business days for DITCO Scott-Area 4 (Midwest) and DITCO PAC-Area VI (Hawaii), and seven (7) business days for DITCO NCR-Area 2 (East Coast), to review the DD Form 2579 and accompanying documentation and render a final decision. Allow for a total of twelve business days for a final decision.
15. Additionally, all requirements in DITCO Scott-Area 4 for Women-Owned Small Business/Economically-Disadvantaged Women Owned Small Business set-asides shall be forwarded by the OSBP to the DITCO Scott-Area 4 SBA PCR for review. The approved list of Women-Owned Small Business/Economically-Disadvantaged Women Owned Small Business set-aside North American Industry Classification System (NAICS) codes can be found at the SBA Federal Contracting Website [http://www.sba.gov/sites/default/files/files/2012\_WOSB\_EDWOSB\_NAICS\_Codes.pdf.](http://www.sba.gov/sites/default/files/files/2012_WOSB_EDWOSB_NAICS_Codes.pdf)

(S-92) DD Form 2579 Exceptions:

* 1. The following actions may be taken without an Office of Small Business Programs signed DD Form 2579:
     1. Publishing synopses, Sources Sought, RFI’s and white papers for conducting market research, provided the posting does not indicate the government’s decision regarding method of acquisition;
     2. Funding modifications or modifications that do not increase the scope of the contract (including exercising a contract option, which is within the scope of the existing contract provided the basic contract has an approved DD Form 2579);
     3. Solicitations and contracts when contract performance is outside of the United States or its outlying areas; or
     4. Solicitations and contracts under the Small Business Innovation Research (SBIR) Program since the SBIR is limited to qualified small business concerns.
  2. The following actions may be taken without an OSBP signed DD Form 2579 providing the contracting officer or ordering officer completes/signs a new DD Form 2579 for the contract file with the following justifying statement in Block 11a:
     1. Orders against a DISA-awarded single award (not multiple awards) ID/IQ (provided the work is new, unencumbered work or specifically designated in the Acquisition Strategy/Acquisition Plan. If the work is currently being performed, this exception does not apply and a MRR and DD Form 2579 must be submitted to the OSBP):

“Orders placed against a DISA-awarded single award ID/IQ contract shall not require a signed DD Form 2579 by the OSBP based on the approval of the DD Form 2579 for the overarching contract with the Control Number # \_.”; or

* + 1. Orders against a DISA-awarded BPA/BOA/SEWP Catalog:

“Orders placed against a DISA-awarded BPA/BOA/SEWP Catalog shall not require a signed DD Form 2579 by the OSBP based on the approval of the DD Form 2579 for the overarching vehicle with the Control Number # .”; or

* + 1. Total small business set-asides under the SAT:

“IAW DFARS 219.201(c)(10)(A), actions under the simplified acquisition threshold that are totally set aside for small business do not require a signed DD Form 2579 by the OSBP (set- asides for a socioeconomic category shall be considered prior to using a total small business set- aside).”; or

* + 1. Orders placed against the DoD ESI BPA’s:

“Purchase of commercial software and related services, such as software maintenance, in accordance with the DoD ESI shall not require a signed DD Form 2579 by the OSBP based on the mandatory source requirements at DFARS 208.7402.”; or

* + 1. Orders placed against a mandatory-use JELA:

“Purchase of requirements against a JELA shall not require a signed DD Form 2579 by the OSBP based on PSD mandatory use policy.”; or

* + 1. Orders placed for urgent WHCA temporary service:

“Orders for urgent WHCA temporary communications for “switched voice services” that can only be provided by the Local Exchange Carrier do not require a signed DD Form 2579 by the OSBP due to the urgent nature of the requirement.”

* + 1. I/Q/O Orders under $700K: (NOTE: changes to the original acquisition strategy will require a new DD Form 2579).

“I/Q/O orders will be competed in accordance with the Strategic Market Research Report and do not require a signed DD Form 2579 by the OSBP due to the volume and repetitive nature of these requirements.”

* 1. Blanket DD Form 2579 approval.

On a case by case basis, a blanket DD Form 2579 may be approved on contracts for circuits that exceed 500 procurements per year (eg: DTTS III, NETWORX, EIS). Blanket DD Form 2579’s

will be updated yearly when the option is exercised and inserted in every order file. The OSBP shall be contacted for coordination.

(S-93) Procedures

1. DD Form 2579
2. Electronic form located at [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 19.202(S-93)(1)
3. Complete the DD Form 2579 in accordance with the procedures located at:<https://www.ditco.disa.mil/DITCOContractingTemplates/>
4. Save the DD Form 2579 with the MIPR number in the title of the document.
5. Insert the MIPR number and procurement name, if applicable, in the subject line of the email.
6. Submit one DD Form 2579 per email.
7. Attach all applicable documentation pertinent to the review.
8. Submit to: [disa.meade.osbp.mbx.ditco-small-business-office@mail.mil](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil)
9. Sources Sought announcements:
10. Complete the Sources Sought announcement template located at [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 19.202(S-93)(2) and (3)
11. Insert the title of the Sources Sought announcement in the subject line of the email.
12. State the estimated cost in the body of the email.(iv) Submit to: [disa.meade.osbp.mbx.ditco-small-business-office@mail.mil](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil)
13. Request For Information (RFI):
14. Complete the RFI template located at [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 19.202(S-93)(2) and (3)
15. Insert the title of the RFI in the subject line of the email.
16. State the estimated cost in the body of the email
17. Submit to: [disa.meade.osbp.mbx.ditco-small-business-office@mail.mil](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil)

### 19.202-1 Encouraging small business participation in acquisitions.

(S-90) Contact the OSBP within 60 days of notification of potential requirements valued over $5 million, particularly for all consolidated/bundled or full and open competitions.

### 19.203 Relationship among small business programs.

(d)(2) The OSBP will recommend targeted contract actions for socioeconomic groups in support of DISA’s small business program goals.

### SUBPART 19.3 – DETERMINATION OF SMALL BUSINESS STATUS FOR SMALL BUSINESS PROGRAMS

**19.302 Protesting a small business representation**

(c)(1) SBA requires the contracting officer to forward hard copies of the documents listed in this associated FAR section. The contracting officer shall notify the OSBP of any protests concerning small businesses prior to forwarding the required documentation to the SBA.

### SUBPART 19.5 -- SET -ASIDES FOR SMALL BUSINESS

**19.502-2 Total small business set-asides.**

1. When determining a “reasonable expectation”, a lack of responses to a Sources Sought announcement and/or RFI is not adequate justification to rule out a small business set-aside. Additional market research is required prior to making that determination.

### SUBPART 19.7 — THE SMALL BUSINESS SUBCONTRACTING PROGRAM

**19.705 Responsibilities of the contracting officer under the subcontracting assistance program.**

**19.705-2 Determining the need for a subcontracting plan**

1. The OSBP shall review and coordinate in writing on any determination made by the contracting officer that no subcontracting possibilities exist. A Determination and Findings (D&F) shall be prepared in accordance with the format entitled “Non-inclusion of SB Subcontracting Plan” located at [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 19.705-2(c). The determination must be approved at a level above the contracting officer and placed in the contract file.
2. In acquisitions that require the use of FAR Clause 52.219-9, Small Business Subcontracting Plan, other those based on the lowest price technically acceptable source selection process, the extent of participation of small business, including those in a socioeconomic categories shall be addressed through the submission of a small business participation plan. The contracting officer shall coordinate with the Office of Small Business Programs before issuing a solicitation when the evaluation assesses the extent of small business participation.

### 19.705-4 Reviewing the subcontracting plan.

(d)(7) The contracting officer must obtain the written coordination of the OSBP and the SBA PCR, as applicable, prior to contractually incorporating a subcontracting plan. NOTE EXCEPTION: Approved commercial and comprehensive subcontracting plans need not be

submitted to the OSBP nor the SBA for coordination as they have already been approved by an authorized government contracting officer.

(S-90) Procedures for Submission of a Subcontracting Plan for Review:

* 1. The contracting officer will submit the apparent awardee’s subcontracting plan, along with the, RFP and/or RFQ and a completed copy of the DISA OSBP Subcontract Review Checklist to include the contracting officer’s recommendation of acceptable or unacceptable, for review to: [disa.meade.osbp.mbx.ditco-small-business-office@mail.mil.](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil) The DISA Office of Small Business Programs Subcontracting Plan Review Checklist can be located on the DITCO Procurement Template webpage under Small Business Guides and Templates.
  2. OSBP will complete review within five (5) business days, and forward subcontracting plan and completed checklist to the appropriate Area SBA PCR along with Office of Small Business Programs’ recommendation/comments. A copy of the DISA OSBP Subcontracting Plan flow chart can be located on the DITCO Procurement Template webpage under Small Business Guides and Templates
  3. SBA PCR has five (5) business days for Area 4 (Midwest) and Area VI (Hawaii), and seven

(7) business days for Area 2 (East Coast), to complete their review of the subcontracting plan and return to Office of Small Business Programs, who will forward all recommendations/comments to the contracting officer.

1. If the contracting officer disagrees with OSBP and/or the SBA PCR recommendations, a memo for the file shall be drafted and a copy shall be provided to OSBP.

### 19.705-6 Postaward responsibilities of the contracting officer

* 1. Email a signed copy of the subcontracting plan to the relevant Area SBA PCR, and the SBA Area Director, Office of Government Contracting where the contract will be performed, with a copy to: [disa.meade.osbp.mbx.ditco-small-business-office@mail.mil](mailto:disa.meade.osbp.mbx.ditco-small-business-office@mail.mil).

(f) Monitor goal achievements in the Electronic Subcontracting Reporting System (eSRS) and review, accept and/or reject individual subcontract reports (ISR) and summary subcontract reports (SSR) within 60 days after report ending date in accordance with FAR 19.705-6.

### SUBPART 19.8 – CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)

**19.804-2 Agency offering.**

(a) Sample offering letter is located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx)](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D) 19.804-2(a).

(S-90) Prior to requesting release of a requirement form the 8(a) program, coordinate with OSBP. Sample 8(a) release letter and package requirements are located in [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 19.804-2(S-90).

### 19.804-3 SBA acceptance.

(c) When selecting an 8(a) firm for a sole source award, the contracting officer shall first attempt to locate a firm with multiple socioeconomic categories prior to selecting a firm who qualifies under 8(a) only.

### 19.805-1 General.

(S-90) When a requirement value falls between $4 million and $22 million, the contracting officer shall first attempt to garner competition between 8(a) small business concerns prior to offering the requirement to the SBA as a sole source effort.

### 19.808 Contract negotiation.

**19.808-1 Sole source.**

(S-90) Refer to [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 6.303-1(S-90) [C:\Users\nehemiah.jackson\AppData\Local\Microsoft\Windows\INetCache\IE\DV0UB0JE\](file:///C:\Users\nehemiah.jackson\AppData\Local\Microsoft\Windows\INetCache\IE\DV0UB0JE\)for J&A template for sole source 8(a) awards over $22M.

# PART 20 -- RESERVED

**RESERVED**

**PART 21 -- RESERVED**

**RESERVED**

PART 22 -- APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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# PART 22 -- APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

### 22.001 Definitions.

(S-90) Unless there is an associated service being offered with the telecommunications and that associated service is billed separately, the leasing of the telecommunications circuit (commoditized bandwidth) is not a “service contract.” Per FAR 22.001, a “service contract means any Government contract, or subcontract thereunder, the principal purpose of which is to furnish services in the United States through the use of service employees…”

### SUBPART 22.1 -- BASIC LABOR POLICIES

**22.101 Labor relations.**

**22.101-3 Reporting labor disputes.**

(S-90) After becoming aware of labor disputes (actual or potential) involving a contractor, the contracting officer shall take prompt action consistent with the following instructions.

1. Notify local legal counsel and the HCO by the most expeditious means. (When possible, the HCO should be given an in-depth briefing regarding the actual or potential labor disputes by the contracting officer).
2. Notify the affected customers by message or letter of the actual or potential labor disputes that could delay, or threaten to delay the timely contract performance.

(S-91) Local legal counsel will furnish all pertinent information relating to actual or potential labor disputes promptly to the HCA and the DISA Labor Advisor. The Labor Advisor for DISA is the Associate General Counsel, Personnel and Employment Law.

# PART 23 -- ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

**NO DARS TEXT**

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# PART 24 -- PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

### SUBPART 24.2 — FREEDOM OF INFORMATION ACT

**224.203 Policy.**

(S-90) Upon receipt of a request under this subpart, the DISA employee shall inform the requester that they must file a Freedom of Information Act request to the address below. Requests can be sent via USPS, fax or electronic mail. Advise requester(s) that the FOIA Office is the focal point of all such information and that official information may only be released through the FOIA Office or their authorized designee.

Defense Information Systems Agency

ATTN: Headquarters FOIA Requester Service Center

P.O. Box 549

Ft Meade, MD 20755-0549 FAX: (301) 225-5010

[disa.meade.gc.mbx.disa-gen-counsel@mail.mil](mailto:disa.meade.gc.mbx.disa-gen-counsel@mail.mil)

(S-91) This policy does not apply to those infrequent situations in which a DISA employee may be under court order, subpoena, or otherwise directed to provide such information in a matter under litigation. All such situations should be directed to the DISA Office of General Counsel, before the release of any information occurs or before any appearance, testimony, or other statement before any tribunal.

PART 25 -- FOREIGN ACQUISITIONS

**NO DARS TEXT**

**PART 26 -- OTHER SOCIOECONOMIC PROGRAMS**

**NO DARS TEXT**

PART 27 -- PATENTS, DATA, AND COPYRIGHTS

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# PART 27 -- PATENTS, DATA, AND COPYRIGHTS

### SUBPART 27.90 – TRADEMARK RIGHTS UNDER GOVERNMENT CONTRACTS

**27.9000 Definitions.**

“Trademark” is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.

“Service Mark” is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of a service of one party from that of other parties.

### 27.9001 Trademark Rights Under Government Contracts.

The Federal Acquisition Regulation (FAR) and Defense Acquisition Regulation Supplement (DFARS) do not address trademark or service mark rights, nor is there an official DoD policy on ownership of trademarks or service marks first used in performance of a government contract in connection with goods or services delivered to the Government. Under federal trademark law, trademark rights generally reside with the entity that controls the nature and quality of the goods or services that are identified by the trademark.

However, in certain cases, it may be in the Government’s best interest for DISA to own a trademark or service mark first created under an acquisition contract. For example, Government ownership may be desired for a mark that is to be used exclusively in connection with a government- controlled service that the contractor manages for DISA. DISA’s Office of the General Counsel should be consulted to determine if there is a need to negotiate trademark ownership rights with the contractor and seek federal trademark protection on DISA’s behalf by filing an application to register the trademark or service mark with the U.S. Patent and Trademark Office.

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# PART 28 -- BONDS AND INSURANCE

### SUBPART 28.1 — BONDS

**28.106 Administration.**

**28.106-6 Furnishing information.**

(c) The CoCO is delegated the authority to provide a certified copy of the performance bond to an interested party and determine the costs for preparing the certified copy of the bond.

### SUBPART 28.2 – SURETIES AND OTHER SECURITY FOR BONDS

**28.203-7 Exclusion of individual sureties.**

(a) The designee is the HCA.

# PART 29 --TAXES

**NO DARS TEXT**

**PART 30 -- COST ACCOUNTING STANDARDS ADMINISTRATION**

**NO DARS TEXT**

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# PART 32 -- CONTRACT FINANCING

### SUBPART 32.4 -- ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

**32.402 General.**

(c)(1)(iii) The HCA is the “designee”.

### 32.407 Interest.

(d) The HCA is the “designee”.

### SUBPART 32.7 – CONTRACT FUNDING

**32.703-90 Solicitations issued without funding.**

1. A Request for Proposal (RFP) or Request for Quote (RFQ) may be released, for DISA internal mission partners only, conditioned on the availability of funds, only when paragraphs (1) or (2) below apply.
   1. When the resulting contract is to be funded by Procurement or Research, Development, Test, and Evaluation Appropriations, and the program/requirement has been included in the President’s budget as submitted to Congress. In these instances, the program manager shall provide the contracting officer a written statement (coordinated with RM) that these funds will be used for the proposed acquisition and although not presently available, a reasonable expectation exists that funding will be authorized and available upon enactment of the Authorization and Appropriations Acts.
   2. DISA Directorates shall submit a commitment letter within their requirements package when the intention is to release a solicitation prior to the funds being available. The commitment letter shall state the following and be signed by the Center/Directorate Resource Manager at the O6/GS-15 level:

The goods and/or services are legitimate and represent a bona fide need for FY *(insert fiscal year and color of money(appropriated type of funds or DWCF*)*)*. Funds have been programmed or committed but are not yet currently available for $*(insert amount)* of the commitment amount.

The funds are expected to be released on or about *(insert availability date)*.

*\*\*(Program Management Representative name and signature block)*

*(Financial RMO Chief name and signature block)*

\*\*NOTE: If there are issues with the Program Management Representative signing, notify the chain of command.

1. Solicitations for such contracts may be issued so long as potential offerors are appraised of the current lack of funding to award the contract and you have written assurance from PM representative at the O6/GS15 level that this is a legitimate requirement that will be funded.
2. The Contracting Officer shall include FAR 52.232-18, Subject to the Availability of Funds, in all solicitations issued without funding under the authority of DARS 32.703-90.

### SUBPART 32.9 -- PROMPT PAYMENT

**32.901 Applicability.**

(S-90) When an order is placed or a contract is awarded against an existing telecommunications tariff, the terms of the tariff prevail regarding prompt payment. Normally the tariff addresses the late payment period and the calculation of the interest charge. Where the tariff is silent, the Prompt Payment Act terms and conditions apply. Contracts containing tariffed rates specially filed for the Government shall be subject to the Prompt Payment Act.

### SUBPART 32.11—ELECTRONIC FUNDS TRANSFER

**32.1106 EFT mechanisms.**

(S-90) *Delivery Ticket Invoicing (DTI).* The Delivery Ticket Invoice (DTI) contract payment method may be applied against firm fixed price contracts or Communication Service Authorization (CSA) orders for telecommunications services in which the receiving document, when combined with the contract/order, contains sufficient information to determine a contractor's payment entitlement, without requiring the contractor to submit an invoice. A Contracting Officer who determines to implement the DTI contract payment method in a contract or order shall follow the DTI procedures located at [https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=delivery\_ticket\_invoicing\_](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=delivery_ticket_invoicing_dti_procedures) [dti\_procedures .](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=delivery_ticket_invoicing_dti_procedures)

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# PART 33 -- PROTESTS, DISPUTES, AND APPEALS

### SUBPART 33.1 -- PROTESTS

**33.103 Protests to the agency.**

(d)(4) A level above the contracting officer is the CoCO and/or the HCO.

(f)(1) The approving official for the justification/determination is the HCA. Approval requests shall be forwarded to the HCA electronically and be coordinated through the HCO, local legal counsel, and the OSBP if the protester is a small business. See [Contract Document Approval](https://www.ditco.disa.mil/DITCOContractingTemplates/) [Signature Routing Procedures.](https://www.ditco.disa.mil/DITCOContractingTemplates/)

1. The approving official for the justification/determination is the HCA. Approval requests shall be forwarded to the HCA electronically and be coordinated through the HCO, local legal counsel, and the OSBP if the protester is a small business. See [Contract Document Approval Signature Routing Procedures.](https://www.ditco.disa.mil/DITCOContractingTemplates/)

(S-90) Upon receipt of a protest, the contracting officer shall immediately advise the HCO, local legal counsel, and the Agency Competition Advocate (ACA). The contracting officer shall make a best effort to provide a written decision to the protester within 35 calendar days after receipt of the protest. The written decision shall be sent to the protester by certified mail. The decision, with all supporting documentation, shall be coordinated with local legal counsel. If the protest involves competition, coordination shall also be obtained from the ACA. Supporting documentation should, as a minimum, include a copy of the following:

1. The protest;
2. The offer submitted by the protesting offeror;
3. The offer which is being considered for award or which is being protested;
4. The solicitation, including the specifications or portions relevant to the protest;
5. The price/cost analysis or abstract of offers;
6. Any other documents relevant to the protest;
7. A statement signed by the contracting officer setting forth findings, actions, and recommendations; and
8. Any additional evidence or information deemed necessary in determining the validity of the protest.

### 33.104 Protest to GAO.

1. Protests before award.
2. The contracting officer must prepare a determination and findings (D&F) in accordance with FAR 33.104(b) to be signed by the HCA. However, no award can be made or selection announced prior to approval by the HCA. The contracting officer must also prepare a request for

approval that identifies all protest issues and addresses the merits and expected resolution of the protest. Include details of any congressional interest in the protest.

1. Protests after award
2. The contracting officer must prepare a D&F in accordance with FAR 33.104(c) to be signed by the HCA

(S-90) HCA Notification.

1. Upon receipt of a protest, the contracting officer shall immediately advise the HCO, local legal counsel, and the ACA.
2. The HCO shall notify the HCA about the receipt of protest within 1 business day. The notification shall include the protestor’s name, allegations, the responsible contracting officer, legal attorney, and if a notification of stop work order will be issued.
3. The HCO shall provide recommended resolution to the HCA within 2 business days of receipt of protest that includes the position of whether to defend or not, the recommended corrective action, and the request for potential override by HCA.

(S-91) HCA Override.

The HCO shall notify the HCA of the intent to pursue an override within 1 business day after protest notification. The HCO shall coordinate the D&F with legal counsel and once legal counsel coordination is returned to the HCO, the D&F will be forwarded to the HCA for approval. The maximum business days from protest notification to presentation of the D&F to the HCA for approval shall not exceed 5 business days. The HCA will make a decision to authorize award or continued performance within 3 business days of receipt of the override D&F. The contracting officer shall immediately suspend performance while requesting an override.

### SUBPART 33.2 -- DISPUTES AND APPEALS

**33.204 Policy.**

Upon receipt of a claim, the contracting officer shall immediately advise the CoCO, HCO, and legal counsel.

### 33.211 Contracting officer’s decision.

(a) The contracting officer must coordinate with legal counsel and the HCO prior to issuing a final decision.

(S-90) *Settlements.* The contracting officer must coordinate with legal counsel, a DITCO Cost/Price Analyst, the CoCO, and the HCO on proposed settlement agreements.

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# PART 34 -- MAJOR SYSTEM ACQUISITION

### SUBPART 34.0 -- GENERAL

**34.003 Responsibilities.**

(a) The DISA Component Acquisition Executive (CAE) is the “designee”.

# PART 35 -- RESEARCH AND DEVELOPMENT CONTRACTING

**NO DARS TEXT**

**PART 36 – CONSTRUCTION AAAND ARCHITTECT-ENGINEER CONTRACTS**

**NO DARS TEXT**

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# PART 37 -- SERVICE CONTRACTING

### SUBPART 37.1 -- SERVICE CONTRACTS--GENERAL

**237.104 Personal services contracts.**

(b)(i) The approval authority for the determination and findings (D&F) for personal service contracts for expert and consultant services is the HCA. Review and opinion of legal counsel, Chief of the Contracting Office (CoCO), and Head of the Contracting Office (HCO) are all required prior to HCA review and approval.

### 237.170 Approval of Contracts and Task Orders for Services.

**237.170-2 Approval requirements**

1. *Acquisition of services through a contract or task order that is not performance based.*
   1. For acquisitions at or below $50 million, obtain the review and approval of the CoCO.
   2. For acquisitions over $50 million up to $93 million, obtain the review and approval of the HCO.
   3. For acquisitions exceeding $93 million, obtain the review and approval of the Senior Procurement Executive (SPE).

(S-90) For each acquisition that is non-performance based, the contracting officer shall prepare a D&F for approval in accordance with paragraph 237.170-2 (a). The D&F must be approved prior to release of a solicitation for a service acquisition that is not performance based.

(S-91) The review and approval thresholds are based upon the total estimated cost of the acquisition.

(S-92) Technical and requirements personnel are responsible for providing accurate and complete data to the contracting officer to support their recommendation for other than a performance based acquisition.

# PART 38 -- FEDERAL SUPPLY SCHEDULE CONTRACTING

**NO DARS TEXT**

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# PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

### SUBPART 39.2—ELECTRONIC AND INFORMATION TECHNOLOGY

**39.201 Scope of subpart.**

(S-90) *Section 508 Compliance.* The DoD Section 508 policies are located at <http://dodcio.defense.gov/DoDSection508.aspx>.

### SUBPART 239.74—TELECOMMUNICATIONS SERVICES

**239.7401 Definitions.**

(S-90) DITCO has made the determination that leasing/provisioning of telecommunications circuits (commoditized bandwidth) is covered under paragraph (1) of the FAR definition of commercial item in that it is a utility customarily used by the general public or by non- governmental entities for purposes other than governmental purposes, and has been sold, leased, or licensed to the general public; or, has been offered for sale, lease, or license to the general public. Thus, the FAR definition of a commercially available off-the-shelf (COTS) item would also cover leasing telecommunications circuits (commoditized bandwidth).

### 239.7407 Type of contract.

(S-90) When acquiring telecommunications services using the Inquiry/Quote/Order (IQO) process or communication service authorizations (CSAs), refer to the IQO Acquisition Deskbook located at <https://www.ditco.disa.mil/hq/deskbooks.asp>.

(S-91) A CSA change order or discontinue modification may be issued unilaterally if an equitable adjustment in contract/order price or delivery terms has been agreed upon and documented in advance (i.e. completion notice/report, bilateral modification to IDIQ contract). If an equitable adjustment in contract/order price or delivery terms has been agreed upon and documented in advance, only the unilateral CSA change order or discontinue modification is required. The contractor shall acknowledge the change order or discontinue modification as required by the contract.

# PART 40 -- RESERVED

**RESERVED**

**PART 41 — ACQUISITION OF UTILITY SERVICES**

**NO DARS TEXT**

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# PART 42 -- CONTRACT ADMINISTRATION AND AUDIT SERVICES

### SUBPART 42.15 — CONTRACTOR PERFORMANCE INFORMATION

**42.1502 Policy.**

(a) CPARS Guidance and User Manual are available at [https://www.cpars.gov/refmatl.htm.](https://www.cpars.gov/refmatl.htm) DISA CPARS Procedures is available at<https://www.ditco.disa.mil/hq/deskbooks.asp>.

### 42.1503 Procedures.

(a)(1)(i) Past performance assessments are a combined responsibility of the Assessing Official (AO) Assessing Official Representative (AOR), Reviewing Official (RO), and Contractor Representative (CR).

(a)(1)(ii) The contracting officer shall be assigned as the AO. The RO is at least a level above the AO. The contracting officer and Focal Point (PSD Contract Specialist) appoint AORs (Contracting Officer’s Representative (COR) or Program Office Representatives) to assist the AO with writing the evaluation. If the AOR is the COR, then the AOR designation shall be included in the COR appointment letter.

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# PART 43 – CONTRACT MODIFICATIONS

### SUBPART 43.1 — GENERAL

**[43.102 Policy.](#_bookmark276)**

(S-90) Telecommunications contracts/orders that are issued in Integrated Defense Enterprise Acquisition System (IDEAS) with CLINs that are intended to track usage shall report usage expended monthly through automatic modifications. IDEAS will automatically generate the modifications that account for usage by using the monthly usage expenditures received by the DISA Financial Management System. The usage amounts will also be reported via a contract action report in FPDS-NG and auto-filed in IDEAS. A CLIN will be used for usage charges in telecommunications contracts/orders. SLINs will be added under the usage CLIN via the automatic modifications each month to report obligation amounts. Automatic modifications shall include an IDEAS Generated Auto-Modification signature block.

### SUBPART 243.2 — CHANGE ORDERS

**243.204-70 Definitization of change orders.**

**243.204–70–7 Plans and reports.**

(S-90) *Reports.* Contracting officers shall report all Unpriced Change Orders (UCOs) greater than $5M to [PL21](mailto:disa.meade.PLD.mbx.pl21-policy-branch@mail.mil) within 10 days of creating the UCO (see [DFARS 243.204–70–7](http://www.acq.osd.mil/dpap/dars/dfars/html/current/243_2.htm) & [PGI](http://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405) [217.7405](http://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405)). Contract data shall be provided in the format required by the spreadsheet referenced in [DFARS PGI 217.7405(2)(ii).](https://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405)

(S-91) *Authorization*. The contracting officer shall obtain approval from the head of the contracting activity (HCA) before entering into a UCO, or modifying the scope of a UCO when performance has already begun. The Request for HCA approval of a UCO is located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 243.204-70-7](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D), and must be maintained in the contract file. PL2 will track approval of the UCO by the HCA, and upon approval (signature) retain a copy of the approved UCO Requests for Approval and the UCO D&Fs to complete the bi-annual UCA Report.

(S-92) *Review.* The contracting officer shall obtain a compliance review of the final negotiated agreement, to include profit/fee, from the [PL22, Quality Assurance Branch](mailto:disa.meade.PLD.mbx.pl22-policy-compliance-review@mail.mil) prior to definitization.

(S-93) *Management Plan (D&F)*. All UCOs are required to adhere to the Consolidated Undefinitized Contract Action (UCA) Management Plan required by [DFARS PGI 217.7405](https://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405) [(2)(i).](https://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI217_74.htm#217.7405) Prior to definitization of any UCO, contracting officers shall satisfy the requirements of the UCA Management Plan by executing a Determinations and Findings (D&F) for HCA approval. The UCA/UCO D&F contains elements of the Consolidated UCA Management Plan ([DFARS PGI 217.7405(2)(i](http://www.acq.osd.mil/dpap/dars/pgi/frameset.htm?dfarsno=217_2&amp;amp%3Bpgino=PGI217_74&amp;amp%3Bpgianchor=217.7405&amp;amp%3Bdfarsanchor=217.7405))) and shall be maintained in the contract file. The UCA/UCO D&F template is located in [[DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 243.204-70-7](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D). PL2 will track approval of the UCO by the HCA, and upon approval (signature) retain a copy of the approved UCO Requests for Approval and the UCO D&Fs to complete the bi-annual UCA Report.

### SUBPART 43.9000 – SCOPE DETERMINATION

**43.9000 Policy.**

(S-90) When issuing a modification to an existing contract, order or task order made under FAR Parts 8, 14, 15, or 16, that requires a change to the scope of work to be performed, the contracting officer shall determine if the change falls within scope of the contract, order or task order. The contracting officer shall consider the following in making this determination:

1. Nature of work to be performed under the modification compared to the nature of the work performed under existing contract or task order;
2. Amount of effort required to perform the work required by the modification compared to the amount of effort required to perform the existing contract or task order;
3. Changes in quantity or quality of deliverables which exceed what offerors who proposed on the existing contract or task order should have reasonably contemplated;
4. Scope of the original competition and whether offerors who proposed on the existing contract or task order should have reasonably contemplated the proposed modification;
5. Cumulative impact of multiple changes/previous modifications;
6. Changes in time of performance.

For further guidance on determining when a modification is within scope of an existing contract, see DISA’s supplementary guidance at [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx) 43.9000(S-90).

(S-91) Scope determinations are not required for administrative changes issued as modifications that do not impact the substantive rights of the parties (e.g. a change in the paying office or the appropriation data) (FAR 43.101) or unilateral modifications that are authorized by clauses other than the changes clause (e.g. Property clause, Options clause, or Suspension of Work Clause (FAR 43.103(b)(3)).

(S-92) The contracting officer’s scope determination shall be documented as a memorandum for the record (MFR) which cites this DARS subpart. The MFR should confirm the factors in 43.9000 S-90 were taken into consideration in making the determination, whether counsel was consulted, and state the final “determination” of the contracting officer.

(S-93) General Counsel shall be consulted in cases where the contracting officer cannot make a clear determination whether the proposed modification is within scope of the existing contract or

task order.

(S-94) In-scope changes to an existing contract shall be issued in accordance with FAR 43.2. When a proposed change requires a modification outside of the general scope of a contract, the contracting officer must either

1. competitively solicit the requirement; or,
2. issue the modification in accordance with the non-competitive procedures at FAR, 6.303, 8.405-6, or 16.505(b)(2).

# PART 44 -- SUBCONTRACTING POLICIES AND PROCEDURES

**NO DARS TEXT**

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**NO DARS TEXT**

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# PART 48 – VALUE ENGINEERING

**SUBPART 48.1 – POLICIES AND PROCEDURES**

### 48.101 General.

(S-90) When a contracting officer receives a Value Engineering Change Proposal (VECP) from the contractor, the contracting officer shall do the following:

1. Provide courtesy copies to the PMO Program Manager (PM) and the DISA VE Office.
2. The Contracting Officer acknowledges receipt within 5 business days and contacts PMO and DISA VE Office to begin evaluation.
3. PM and VE Senior Management Official (SMO) shall convene within 15 business days to evaluate the VECP.
4. PM and VE SMO approve (or reject) VECP and notify KO within 3 business days of decision action.
5. If approved, the Contracting Officer notifies Contractor and issues a contract modification.
6. Contractor begins contract execution in accordance with accepted VECP.
7. If VECP is not approved, the Contracting Officer notifies the Contractor in writing with an explanation of why the VECP was not considered to be viable VECP.

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# PART 49 -- TERMINATION OF CONTRACTS

### SUBPART 49.1 — GENERAL PRINCIPLES

**49.101 Authorities and responsibilities.**

(a) A DITCO contracting officer may terminate contracts for convenience or default to the extent of the authority provided on the Contracting Officer’s Certificate of Appointment (SF 1402). All proposed terminations shall be coordinated through legal counsel and the HCO. Coordinate through the CoCO and OSBP if the contractor is a small business.

### 49.102 Notice of termination.

(d) A DITCO contracting officer may reinstate a contract only after a Determination and Findings (D&F) recommending such has been approved by the cognizant HCO. The D&F must set forth the reasons why the contract was terminated and why it should now be reinstated. The D&F must be coordinated with legal counsel.

### Audit of prime contract settlement proposals and subcontract settlements.

(a) The termination contracting officer (TCO) shall ensure that each prime contract settlement proposal is reviewed by a DITCO Cost/Price Analyst for the purpose of evaluating the reasonableness prior to negotiating the final settlement. A DITCO Cost/Price Analyst shall assist the TCO in the development of a settlement negotiation position, if required. The TCO may request assistance from a DITCO Cost/Price Analyst with respect to prime contract settlement proposals below $100,000, if the TCO believes circumstances warrants.

(c) Requests to the audit agency to perform the accounting review shall be prepared by a DITCO Cost/Price Analyst, for signature by the TCO.

### Settlement of subcontract settlement proposals.

**49.108-8 Assignment of rights under subcontracts.**

1. The TCO shall submit a D&F recommending the assignment to the HCO for approval. The D&F shall be coordinated with a DITCO Cost/Price Analyst and legal counsel.
2. The TCO shall not finalize any settlement proposal arising out of the termination of subcontracts until the D&F is approved by the HCO. The D&F shall be coordinated with a DITCO Cost/Price Analyst and legal counsel.

### Settlement agreements.

**49.109-1 General.**

(S-90) The settlement agreement and SF30 shall be coordinated with a DITCO Cost/Price Analyst, legal counsel, and the HCO, if the amount of the settlement is above $100,000.

### SUBPART 49.2 — ADDITIONAL PRINCIPLES FOR FIXED-PRICE CONTRACTS TERMINATED FOR CONVENIENCE

**49.202 Profit.**

(a) The TCO shall coordinate the Government's proposed profit position with a DITCO Cost/Price Analyst to ensure that it is fair and reasonable.

### 49.206 Settlement proposals.

**49.206-1 Submission of settlement proposals.**

(c) The TCO shall provide the contractor instructions regarding how to submit a settlement proposal, including which forms are to be used as related to FAR 49.206-2. The TCO shall coordinate these instructions with a DITCO Cost/Price Analyst before forwarding them to the contractor.

### SUBPART 49.3 — ADDITIONAL PRINCIPLES FOR COST-REIMBURSEMENT CONTRACTS TERMINATED FOR CONVENIENCE

**49.303 Procedure after discontinuing vouchers.**

**49.303-4 Adjustment of indirect costs.**

(a) The TCO shall coordinate with a DITCO Cost/Price Analyst and the audit agency before determining whether or not to negotiate indirect costs into the settlement.

### 49.303-5 Final settlement.

(a) The settlement agreement shall be approved by the cognizant HCO. It shall be coordinated with a DITCO Cost/Price Analyst and legal counsel.

### 49.305 Adjustment of fee.

**49.305-1 General.**

(a) The TCO shall coordinate adjustments in fee with a DITCO Cost/Price Analyst.

### SUBPART 49.4 — TERMINATION FOR DEFAULT

**49.402 Termination of Fixed-Price Contracts for Default.**

**49.402-3 Procedure for default.**

(d) Cure notices shall be coordinated with legal counsel, the CoCO, and HCO. Cure notices involving a small business shall also be coordinated with OSBP.

(e)(1) Show cause notices shall be coordinated with legal counsel, the CoCO, and HCO. Show cause notices involving a small business shall also be coordinated with OSBP.

### SUBPART 249.70 — SPECIAL TERMINATION REQUIREMENTS

**249.7001 Congressional notification on significant contract terminations.**

The contracting officer shall obtain coordination from the CoCO, HCO, local legal counsel, and the OSBP, and approval from the HCA prior to the release of any termination notice under this section.

PART 50 -- EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

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# PART 50 -- EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

### SUBPART 50.1 EXTRAORDINARY CONTRACTUAL ACTIONS

**50.102 Delegation of and limitations on exercise of authority.**

**50.102-2 Contract adjustment boards.**

The DISA Contract Adjustment Board shall be composed of the following members: SPE Chairperson

HCA Vice Chairperson and Member

General Counsel Member

The Board considers and evaluates requests for contract adjustments and recommends appropriate action to the Director. The findings of the Board shall be of an advisory nature. The HCA shall assume staff and administrative cognizance of contract adjustment matters and supply secretarial and recorder services for the operation of the Board.

# PART 51 -- USE OF GOVERNMENT SOURCES BY CONTRACTORS

**NO DARS TEXT**

PART 52 -- SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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**NO DARS TEXT**

**PART 53 - FORMS**

**NO DARS TEXT**

**APPENDIX A -- LIST OF DISA ACQUISITION DESKBOOKS, TEMPLATES, SAMPLES, AND GUIDES**

*The list of DISA Acquisition Deskbooks, DISA Contracting and Acquisition Templates, Samples, and Guides can be found at* <http://www.ditco.disa.mil/hq/aqinfo.asp> and in the [DARS PGI](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx).

• [**DISA Acquisition Deskbooks**](http://www.ditco.disa.mil/hq/deskbooks.asp)**:** [**https://www.ditco.disa.mil/hq/deskbooks.asp**](https://www.ditco.disa.mil/hq/deskbooks.asp)

1. Contracting Officer’s Representative (COR)

2. Contractor Performance Assessment Reporting System (CPARS)

3. Commercial Purchase Card Program

4. Independent Government Cost Estimate (IGCE)

5. Promoting Small Business Guide

6. DISA Industrial Security Program Contract Security Classification DD Form 254 Instruction Guide

7. IQO Acquisition Deskbook

8. PS/RM Standard Operating Procedure (SOP): Return of Incorrectly Routed Military Interdepartmental Purchase Requests (MIPR) Processed through Knowledge Tree

9. Controlled Unclassified Information Security Protection – Cyber and Cloud

• **DISA Contracting and Acquisition Templates, Samples, and Guides:** [**https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=contracting\_templates**](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=contracting_templates)

1. Contracting Officer Appointment Procedures, Application and Study Guides

2. Contracting Officer Surveillance of COR/COR File Inspection Checklist

3. Delivery Ticket Invoicing (DTI) Procedures

4. DITCO Corporate Library (incl. Standard Publications/Standard Operating Procedures, CSS/TSI/EDMS Guides/Closeout Procedures, DARS PGI etc.)

5. Government Property – Electronic Products List (EPL)(Template Required) (this one is on the IT requirements page)

6. Interagency Acquisition Guide

7. Non-Disclosure Agreements (NDA) for Contractor

8. Ordering Procedures for External Agencies Paragraph (g)

9. Ratification Templates

10. Review and Approval Thresholds Matrix

11. UCA/UCO Templates

* **DARS Procedures, Guidance, and Information (PGI) on the DITCO Reference Corporate Library page:**

[**https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D**](https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx?RootFolder=%2Forg%2FPL2%2FOther%2FPROCEDURES%20GUIDES%20AND%20INSTRUCTIONS%20%28PGI%29&FolderCTID=0x012000175D246D4A108E42B091C3F17BE4BDFE&View=%7B998EB6D7%2DDD02%2D4224%2D9626%2D13F9934F7F4C%7D)

1. Acquisition Plan (AP) Procedures and Templates
2. Approval Authority (AA) Review and Approval Template
3. Approval Authority Appointment
4. [Competitive Range Memos and Memo to Narrow Number of Quotes Being Considered Templates](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=competitive_range_mfr-far_part_16_and_memo_to_narrow_number_of_quotes_being_considered-far_part_8_templates)
5. Contract Business Analysis Repository (CBAR)
6. Contract File Checklists
7. Determination and Findings (D&F) (and Other Determinations) Templates
8. J&A Templates
9. KO Organizational Conflict of Interest (OCI) Memo for Record (MFR) Template
10. Market Research Report, Sources Sought Announcement and Request for Information

(Template Required for Market Research Reports)

1. Peer Review Memorandums Templates
2. Price Negotiation Memorandum (PNM) Templates
3. Product Loan Agreement

14. Scope Determination Guide

15. Small Business Guides and Templates

16. SPE Bridge Briefing Template

* [**DISA Source Selection Procedures, Guides, Templates, Samples and TrainingMaterials**](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=disa_source_selection_procedures_guides_templates_samples_and_training_materials)**:** [**https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=disa\_source\_select ion\_procedures\_guides\_templates\_samples\_and\_training\_materials**](https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=disa_source_selection_procedures_guides_templates_samples_and_training_materials)

**APPENDIX B -- DISA PLAN FOR CONTROL OF CLAUSES**

Defense Information Systems Agency

Procurement Services Directorate (PSD)/Defense Information Technology Contracting Organization

(DITCO)

Clause Control Plan

1. Purpose

Revised August 2018

This plan establishes procedures and a system of controls for:

* 1. Review requirements and approval authorities for one-time and class deviations;
  2. Use of unique or special clauses;
  3. Review and identification of component level clauses for inclusion in the DISA Acquisition Regulation Supplement (DARS); and
  4. Identifying all clauses included in solicitations, whether included in the DARS or not, as required by FAR 52.101, 52.103, and DFARS 252.101.

1. Definitions

For the purpose of this Plan, the terms “regulation” and “clause” have the following meanings.

* 1. Regulation. Any contracting supplement, policy letter, clause book, automated system, or similar regulatory instrument.
  2. Clause. Includes provisions and means a term or condition of the type set forth in FAR Part 52/DFARS Part 252.
  3. Other Key Terms. The following matrix reflects additional key terms along with related FAR and DFARS references.

|  |  |
| --- | --- |
| Deviation | FAR Subpart 1.4; DFARS Subpart 201.4 |
| Substantially-as-follows, or  Substantially-the-same-as | FAR 2.101 |
| Modification | FAR 52.101 and 52.104 |
| Alternate | FAR 52.105 |
| Solicitation | FAR 2.101 |

1. Table of Approval Authorities

|  |  |  |
| --- | --- | --- |
| Type | Reference | Approval Authority |
| Any new requirement for a  certification by a contractor or offeror unless imposed by statute. | DFARS 201.304(2) | Secretary of Defense (without delegation) |
| Any policy letter, clause book, policy, procedure, clause, or form that has a significant effect beyond internal operating procedures or poses a  significant cost or administrative impact on contractors or offerors. | DFARS 201.304(1)(i)(A) & (B) | OUSD(A&S)DPC |
| Clause Control Plan | DFARS 201.304(4) | OUSD(A&S)DPC |
| Individual or class deviations from FAR/DFARS cited in 201.402(1):  (1) FAR 3.104/DFARS 203.104,  Procurement Integrity;  (2) FAR Subpart 27.4/DFARS Subpart 227.4, Rights in Data and  Copyrights;  FAR Part 30/DFARS Part 230, CAS  Administration;   1. FAR Subpart 31.1/DFARS Subpart 231.1, Applicability (contract cost Principles); 2. FAR Subpart 31.2/DFARS Part 231, Contracts with Commercial Organizations; or 3. FAR Part 32/DFARS 232, Contract Financing (with two exceptions). | FAR Subpart 1.4  DFARS 201.402(1) | OUSD(A&S)DPC |
| Individual deviations from FAR/DFARS other than those cited in 201.402(1). | FAR 1.403  DFARS 201.403(1) | Head of the Contracting Activity |

|  |  |  |
| --- | --- | --- |
| Class deviations other than those described in 201.402(1) that do not –   1. Have a significant effect beyond the internal operating procedures of the department or agency; 2. Have a significant cost or administrative impact on contractors or offerors; 3. Diminish any preference given small business concerns by the FAR or DFARS; or 4. Extend to requirements imposed by statute or by regulations of other agencies such as the Small Business Administration and the Department of Labor. | FAR 1.404 DFARS 201.404(b)(ii) | OUSD(A&S)DPC approves all class deviations |
| Provisions and clauses developed to fulfill a specific and unique requirement of the acquisition, or are a result of negotiations. They do not constitute a deviation from FAR or DFARS or require OUSD(A&S)DPC approval. | DFARS 201.304 | Head of the Contracting Activity  Policy, Quality Assurance & Procedures Division (PL2) |
| Proposed new repetitive use or "substantially the same as" local clauses. They do not constitute a deviation from FAR or DFARS or require OUSD(A&S)DPC approval. | FAR 1.401  DFARS 201.304 | Head of the Contracting Activity  OUSD(A&S)DPC  (for rule-making process) |
| Proposed use of modifications, alternates, and authorized deviations. | FAR 1.401 | Contracting Officer |
| Proposed tailoring by the contracting officer of the commercial item provision at FAR 52.212-1, Instructions to Offerors - Commercial Items and the clause at FAR 52.212-4  Contract Terms and Conditions- Commercial Items (with certain limitations) consistent with commercial practice. | FAR 12.302 | Contracting Officer |
| Proposed tailoring (inconsistent with customary practice) by the contracting officer of the commercial item provision at FAR 52.212-1, Instructions to  Offerors - Commercial | DFARS 212.302 | Head of the Contracting Activity |

1. Deviation Review Procedures
   1. Written justification for a new certification by a contractor or offeror that requires approval by the Secretary of Defense shall be processed by routing (See [Contract Document Approval Signature Routing Procedures.](https://www.ditco.disa.mil/DITCOContractingTemplates/)) from the Contracting Officer through the cognizant HCO, PL21 Policy Branch, the Office of General Counsel, and HCA prior to approval by the SPE and submission to the DAR Council Director for processing to USD (A&S) via OUSD (A&S) DPC.
   2. Proposed deviations from FAR or DFARS that require approval by OUSD (A&S) DPC shall be processed by routing (See [Contract Document Approval Signature Routing Procedures.](https://www.ditco.disa.mil/DITCOContractingTemplates/)) from the contracting officer through the cognizant HCO, PL21 Policy Branch, the Office of General Counsel, and HCA prior to approval by the SPE and submission to the DAR Council Director for processing. The PL21 Policy Branch will coordinate with the DAR Council representative on required approvals as necessary.
   3. Proposed individual deviations from FAR, DFARS, or DARS that do not require OUSD (A&S) DPC approval, shall be processed by routing with DISA Form 320 from the contracting officer through the cognizant HCO, PL21 Policy Branch, and Office of General Counsel for approval by the Head of the Contracting Activity.

e. All deviation requests for approval shall include, at a minimum, the information required by DFARS 201.402(2).

1. Unique or Special Requirements Review Procedures
   1. Proposed supplemental clauses which fulfill a specific and unique requirement of the acquisition and are not for repetitive use, or are the result of negotiations, do not constitute a deviation from the FAR or DFARS, and which do not require the approval of OUSD (A&S) DPC will be submitted for review by the PL21 Policy Branch and the Office of General Counsel for approval by the [Policy, Quality Assurance & Procedures Division Chief (PL2),](http://www.disa.mil/about/offices/ditco/pl2.html) Defense Information Technology Contracting Organization. These requirements are not required to be included in agency or suborganization acquisition regulations:

G1. Points of Contact

G2. Contract/Order Closeout-Fixed-Price, Time-and-Materials, or Labor-Hour G3. Ordering Procedures for External Agencies/Organizations

G20. Electronic Invoicing for Telecommunications Services G21. Contract Payments - Delivery Ticket Invoice (DTI) G22. Delivery Ticket Invoice (DTI) - Payments

G23. Outage Credits

G24. Contract Billing Dates for Services

H1. Organizational and Consultant Conflicts of Interest (OCCI) H2. Requirement to Submit an Electronic Product List

H3. Key Personnel

H4. Enterprise-Wide Contractor Manpower Reporting Application (eCMRA) Reporting

* 1. Proposed new repetitive use of substantially-the-same-as clauses that do not constitute a deviation from the FAR or DFARS, but requires the approval of OUSD (A&S) DPC through the rule-making process will be submitted for review by the PL21 Policy Branch and Office of General Counsel for approval by the Head of the Contracting Activity/Chief, Defense Information Technology Contracting Organization. The reviews are to ensure the clauses do not contain material differences from those already authorized for use and that circumstances for use of the provisions and clauses are appropriate. These provisions and clauses will be included in DISA Acquisition Regulation Supplement (DARS).
  2. Proposed tailoring of clauses, use of alternates, and authorized deviations will be reviewed on a case-by-case basis by the Contracting Officer, PL21, and the DISA Office of General Counsel to ensure proper use and that the alternate language is authorized prior to being included in solicitations and contracts.
  3. Proposed tailoring by the contracting officer of the commercial item provision at FAR 52.212-1, Instructions to Offerors - Commercial Items and the clause at FAR 52.212-4 Contract Terms and Conditions-Commercial Items (with certain limitations) to adapt to market conditions after conducting market research will be reviewed by the Office of General Counsel for actions that exceed the Simplified Acquisition Threshold. Tailoring inconsistent with customary practice must be approved by waiver approved by the Head of the Contracting Activity.
  4. Contracting officers outside the United States may deviate from prescribed non statutory FAR and DFARS clauses when contracting with governments of NATO countries, with United Nations or NATO organizations and such governments or organizations will not agree to the standard clauses. The Head of the Contracting Office (HCO) shall maintain a record of all such deviations.

1. Clause Numbering
   1. All clauses included in solicitations and contracts must adhere to the numbering and identification requirements of FAR Subpart 52.1, as supplemented by DFARS Subpart 252.1.
   2. Solicitation clauses authorized for one-time use do not have to be numbered, but must be identified in accordance with FAR 52.103 by the title, date, and name of the contracting office that developed the provision or clause.
2. Controls
   1. This plan shall be reviewed annually and updated as required to reflect changes in policy or procedures. When updated, a copy will be provided to the DAR Council Director for review and processing to OUSD (A&S) DPC for approval.
   2. Copies of all agency supplemental clauses will be provided to the PL21 Policy Branch for review and consideration for inclusion in agency-level acquisition regulations for use on an agency-wide basis.
3. Focal Point

The HCA is the focal point for resolution of internal or public inquiries on authority for use of deviations, unique or special requirements, and clauses.