

**Volume I - Parts 5301 to 5352**

**AIR  
FORCE  
FEDERAL  
ACQUISITION  
REGULATION  
SUPPLEMENT**

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**TITLE 48 - AIR FORCE FEDERAL  
ACQUISITION REGULATIONS SUPPLEMENT**

**Chapter 53**

**AIR FORCE FEDERAL ACQUISITION REGULATION**





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## SUBPART 5301.1 – PURPOSE, AUTHORITY, AND ISSUANCE

### 5301.101 Purpose

The Air Force Federal Acquisition Regulation Supplement (AFFARS) establishes uniform policies and procedures for the Air Force implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR Supplement (DFARS), and other Department of Defense publications concerning contracting. AFFARS Mandatory Procedures (MP) and Procedures, Guidance, and Information (PGI) are companion resources arranged by parts, which correspond to the relevant FAR parts. Supplements to the AFFARS, MPs, and PGI are prohibited.

See [AFICC PGI 5301.1](#).

### 5301.105-1 Publication and Code Arrangement

(a)(S-90) The AFFARS is published on [www.Acquisition.gov](http://www.Acquisition.gov).

See [AF PGI 5301.108](#).

### 5301.170 Peer Reviews

(a) DoD Peer Reviews.

(1) See [AF PGI 5301.170-2](#) for Pre-award procedures for Peer Reviews

(i) See [DFARS Class Deviation 2019-O0010](#), Peer Reviews of Competitive Contracts for Supplies and Services (OUSD(A&S)/DPC Memo, 20 Aug 19)

(ii) Preaward peer reviews for noncompetitive procurements will be conducted in two phases for new contract actions valued at \$1 billion or more.

(2) To facilitate planning for DoD Peer Reviews and clearances by the DAS(C)/ADAS(C) (see [5301.9001\(i\)\(1\)\(iv\)](#)), the SCO must ensure the rolling forecast data is current in the [reporting tool](#) as of the 15th of March, June, September, and December each year. SAF/AQC will submit the consolidated Peer Review forecast to OUSD(A&S)/DPC at the end of each quarter.

(b) Component Peer Reviews

(1) Pre-award Peer Reviews of solicitations for competitive procurements valued at less than \$1B must be accomplished by complying with the clearance requirements in [5301.90](#).

(2) Pre-award Peer Reviews for non-competitive procurements valued at less than \$500M must be accomplished by complying with the clearance requirements in [5301.90](#)

(3) Post-award Peer Reviews of contracts for services with a dollar value > than the SAT must be accomplished by complying with the applicable reviews in [AFI 63-138](#), *Acquisition of Services*.

See [AF PGI 5301.170-2](#).

See [AF PGI 5301.170-3](#).

See [AF PGI 5301.170-4](#).

See [AFICC PGI 5301.170](#).

See [SMC PGI 5301.170](#).

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## SUBPART 5301.2 – ADMINISTRATION

### 5301.201-1 The Two Councils

(d)(i) Proposed revisions to the FAR or the DFARS must be submitted through the SCO to [SAF/AQCP](#) in accordance with DFARS 201.201-1(d)(i).

### 5301.201-90 Maintenance of the AFFARS

The AFFARS is prepared and maintained by the Chief, Contract Policy & Field Support Division, Deputy Assistant Secretary (Contracting) (SAF/AQCP).

See [AFMC PGI 5301.290](#).

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## SUBPART 5301.3 – AGENCY ACQUISITION REGULATIONS

### 5301.301 Policy

(a)(1)(S-90) The AFFARS is issued by the DAS(C) on behalf of the Senior Procurement Executive (SPE).

### 5301.304 Agency Control and Compliance Procedures

(a) SCOs submit PGI revisions, deletions, and additions via the [Proposed PGI Changes](#) page.

(c)(4) MAJCOMs, DRUs, AFRCO, SpRCO and SMC must follow the approved [AF Clause Control Plan](#). The use of nonstandard clauses requires an approved D&F addressing the criteria outlined in DFARS PGI 201.301(b)(iii). Contracting officers may utilize the [Air Force Non-Standard Clause Control Template](#) to obtain approval of the clause. The approval authority for clauses used in accordance with 4.b., 4.c., and 4.d. of the AF Clause Control Plan has been delegated to one level above the contracting officer. Prior to using a reopener clause, the contracting officer must document the D&F that its use is the most appropriate means of overcoming a contingency that could affect contract price and obtain approval from the SCO. The SCO must submit a copy of the approval to [SAF/AQCP](#) and provide a copy to all SCOs. See paragraph 4 of the AF Clause Control Plan for clauses requiring OUSD(A&S)/DPC approval.

See [SMC PGI 5301.304](#).

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## SUBPART 5301.4 – DEVIATIONS FROM THE FAR

### 5301.402 Policy

(2) Submit requests for deviations requiring USD(A&S)/DPC approval through the SCO to [SAF/AQC](#) for processing. See the tailorable [Deviation Request](#) template.

### 5301.403 Individual Deviations

(1)(i) SCOs are authorized to approve individual deviations except as described in (ii) below or as described in DFARS 201.402(1) and DFARS 201.403(2).

(ii) SAF/AQC is the approval authority for individual deviations from FAR 15.3, AFFARS 5315.3, and MP5315.3. Contracting officers may use the [Deviation Request](#) template. Deviation requests must be submitted through the SCO to [SAF/AQC](#) for approval. This approval authority must not be further delegated. When a proposed deviation, as described herein, also requires a waiver from DFARS 215.3, DoD Source Selection Procedures, the waiver process in MP5315.3, para 1.2.4., must also be followed.

### 5301.404 Class Deviations

(b)(i) USD(A&S)/DPC is the approval authority for any class deviation described in DFARS 201.402(1), class deviations from DFARS 215.3, and class deviations that meet the criteria in DFARS 201.404(b)(II)(A-D). Submit requests through the SCO to [SAF/AQC](#) for processing to USD(A&S)/DPC for approval.

(ii) The DAS(C)/ADAS(C) is the approval authority for class deviations from FAR 15.3, AFFARS 5315.3, and MP5315.3. Contracting officers may use the [Deviation Request](#) template. Requests must be submitted through the SCO to [SAF/AQC](#) for approval.

(iii) SCOs are authorized to approve class deviations except as restricted by paragraphs (i) and (ii) above. Class deviation approval authority is not delegable.

See [AFICC PGI 5301.404-92](#).

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## SUBPART 5301.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

### 5301.601 General

(a)(i) Heads of Contracting Activities (HCAs) Responsibilities.

(A) The DAS(C) and Associate Deputy Assistant Secretary (Contracting) (ADAS)(C)) are the HCA for the Air Force and are designated the authority to enter into, approve, terminate, and take all other appropriate actions with respect to contracts and agreements (grants, cooperative agreements, and Other Transactions). All nondelegable HCA responsibilities may be exercised only by the DAS(C) and ADAS(C). The DAS(C) makes the delegations for all delegable HCA responsibilities, including the authority to enter into, approve, modify, and terminate contracts, in MP5301.601(a)(i). MP5301.601(a)(i) also establishes the authority to further redelegate.

See [AFMC PGI 5301.601\(a\)\(i\)\(A\)](#) and [\(S-91\)](#).

See [SMC PGI 5301.601\(a\)\(i\)\(A\)](#).

See [USAFA PGI 5301.601\(a\)\(i\)\(A\)](#).

### 5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), and Service Acquisition Executive (SAE) Responsibilities

See [MP5301.601-90](#).

### 5301.601-91 Air Force Contracting Self-Inspection Program

(a) The Air Force Self-Inspection program assesses compliance with federal laws, regulatory policies, DoD and AF directives, and instructions across the enterprise. It is also used to verify adequacy of contract preparation.

(b) SCOs will manage a self-inspection program, which includes both the assessment of individual contract files and the assessment of contracting management programs contained in the Contracting Self-Assessment Communicator (SAC) as required by [AFI 90-201](#), *The Air Force Inspection System*. As a minimum, contracting offices must perform self-inspections of individual contract files on an annual basis.

(c) For self-inspection of individual contract files reviewed after award, SCOs may use the [Air Force Contracting Self-Inspection Checklist](#); a comparable organizational checklist for post award reviews; or any combination thereof.

(d) SCOs will ensure corrective actions are implemented as a result of any self-inspection. Contracting offices must have a documented program for self-inspection, to include a process for closing resolved findings in a timely manner, ensuring an effective level of review necessary to close a finding, and integrating findings and resolutions into unit training.

See [AFICC PGI 5301.601-91](#).

See [AFMC PGI 5301.601-91](#).

### 5301.602-1 Authority

(a) Contracting officers are authorized to enter into and execute contracts funded either partially or completely with non-appropriated funds.

### 5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable [Legal Review](#) template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations, regardless of dollar amount:

- (1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;
- (2) When using or applying unique or unusual contract provisions;
- (3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;
- (4) When a protest or claim is likely;
- (5) When contemplating the use of alternative dispute resolution;
- (6) Use of liquidated damages provisions in contracts for other than construction;
- (7) (deleted);

(8) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of MP5315.3;

- (9) Issues dealing with licensing, technical data rights and patents;

- (10) Mistakes in bid (See FAR 14.407);
- (11) Protests before and after award;
- (12) Ratifications;
- (13) Disputes;
- (14) Contractor claims;
- (15) Termination for default/cause;
- (16) Terminations for convenience, except cancellations or terminations of purchase orders;
- (17) Debarment or suspension actions;
- (18) Individual or class deviations; and,
- (19) Any other legal issue at the discretion of the contracting officer or supporting legal office.

(B) All Justifications and Approvals (J&A) requests for actions expected to exceed \$750,000

(C) In addition to the general conditions identified in 5301.602-2(c)(i)(A) above, contracting officers must obtain legal review of Operational contract actions expected to exceed \$500,000 and AFDW, AFMC and SMC Non-Operational contract actions expected to exceed \$1,000,000, as follows:

- (1) Solicitations and amendments, except administrative amendments;
- (2) Proposed contracts and modifications;
- (3) Orders for supplies or services issued under indefinite delivery type contracts (FAR 16.5), including GWACs, and Federal Supply Schedules (FSS), that require negotiation at the order level; and
- (4) Orders under Blanket Purchase Agreements (BPA) established under FSS.

(D) Legal review is not normally required for:

- (1) Funding actions without any other changes;
- (2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract;

or

(3) Except as indicated at 5301.602-2(c)(i)(C)(3), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.

See [AFMC PGI 5301.602-2\(c\)\(i\)\(A\)](#) and [\(C\)](#).

See [SMC PGI 5301.602-2](#).

(d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see MP5301.602-2(d).

### 5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy.*

(2) Ratification approval authority is delegated as follows (see MP5301.601(a)(i)):

(A) The SCO for actions equal to or greater than \$30,000.

(B) The COCO for actions less than \$30,000 (not redelegable).

See [AF PGI 5301.602-3-90](#).

### 5301.603-1 General

The HCA designees delegated contracting authority in accordance with MP5301.601(a)(i) must select and appoint contracting officers and terminate their appointments in accordance with this section and MP5301.603-90.

(a) The SCO may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations, but in no event will the designee be lower than a GS-15 (or equivalent) or 0-6. AFICC/CC SCCO may delegate authority to select and appoint contracting officers (and terminate their appointments in accordance with AFFARS 5301.603-1 and MP5301.603) to the AFICA/KO (OL-SOC) Director of Contracting.

(b) Authority to issue limited contracting officer warrants of less than \$5M and authority to terminate appointments of less than \$5M may be delegated, but in no event will the designee be lower than the COCO.

See [USAFA PGI 5301.603-1](#).

### 5301.603-2-90 Selection

Warrants are issued strictly in accordance with FAR 1.603, DFARS 201.603, this section, and MP5301.603-90.

(a) Warranting. An individual selected for contracting officer appointment must be a military member in Air Force Specialty Code (AFSC) 64PX or 6C0X1 or a civilian in the GS-1102 occupational series who occupies a manned authorization listed under these specialty codes/series, and complies with the requirements at DFARS 201.603-2, in this



section and in MP5301.603-90, and who possesses at a minimum, a Level II Acquisition Professional Development Program (APDP) certification in contracting.

(b) Limited Warrants. Military personnel in AFSC 64PX, 6C0X1 and civilians in the GS-1102 occupational series who occupy a manning authorization listed under these specialty codes/series and who comply with the requirements at DFARS 201.603-2, in this section, and in MP5301.603-90 with at least 2 years of experience in a contracting position, and Level I APDP certification in contracting may only be selected for limited warrants for amounts less than \$5M. Those contracting personnel who do not possess a Level I APDP certification in contracting (including Purchasing Agents in the GS-1105 series) may, with at least one year of contracting experience, be selected for limited warrants for amounts less than or equal to the SAT.

(c) Local National (LN) Warrants. LNs in an equivalent occupational series to GS-1102 may be selected for a contracting officer appointment in accordance with this section and MP5301.603-90 however, possession of an APDP certificate is not required:

(1) A LN candidate for warrant above the SAT must meet the following minimum functional training and work experience:

(i) Complete all contracting courses as required for a member of the Defense Acquisition Workforce for APDP certification in contracting required for the warrant amount;

(ii) Have at least two years of contracting experience; and,

(iii) Possess a baccalaureate degree (or the equivalent):

(2) Warrants for less than or equal to the SAT require a minimum of one year of contracting experience.

(3) Warrants equal to \$5M but not greater than \$25M require a vetting process in accordance with MP5301.603-90.

(4) Warrants greater than \$25M require a warrant board in accordance with MP5301.603-90.

(d) Limited Home Station Warrants. A member of the contingency contracting force in AFSC 6C0X1 who does not possess a baccalaureate degree from an accredited institution of higher education may be nominated, evaluated, and selected for a limited home station warrant not to exceed \$10M in accordance with this section, AFFARS 5318, and MP5301.603-90:

(1) Warrants for less than or equal to the SAT require a minimum of one year of contracting experience.

(2) Warrants above the SAT to less than \$5M require a minimum of two years of contracting experience and a Level I or higher APDP certification in contracting.

(3) Warrants equal to or greater than \$5M, not to exceed \$10M, require a minimum of two years of contracting experience, at least a Level II APDP certification in contracting, and a vetting process in accordance with MP5301.603-90.

(e) Contingency Contracting Officer (CCO) Warrants.

(1) Warrants for less than or equal to the SAT require a minimum of one year of contracting experience. (2) Warrants above the SAT to less than \$5M require a minimum of two years of contracting experience and at least a Level I APDP certification in contracting.

(3) Warrants equal to \$5M but not greater than \$25M require a minimum of two years of contracting experience, at least a Level II APDP certification in contracting, and a vetting process in accordance with MP5301.603-90.

(4) Warrants greater than \$25M require a minimum of two years of contracting experience, at least a Level II APDP certification in contracting, and a warrant board in accordance with MP5301.603-90.

(5) CCO Appointments. SCOs must select and appoint CCOs and terminate their appointments in accordance with this section.

(i) The nominating supervisor must complete the [CCO Appointment/Termination Request](#) , which will be reviewed by a warrant process focal point (FP) in accordance with MP5301.603-90.

(ii) SCOs may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations, but in no event will the designee be lower than a GS-15 (or equivalent) or O-6.

(iii) SCOs may delegate authority to issue CCO warrants of less than \$5M and terminate appointments of less than \$5M, but in no event will the designee be lower than the COCO.

(iv) AFICA/KC is the warranting authority for AFCENT CCOs.

(6) The warrant process FP must review CCO warrants annually to ensure CCO training currency and evaluate limitations set forth on the SF1402. The FP must maintain a record (hard copy or electronic) of these warrant validation results.

(7) Termination of CCO/home station warrants must be accomplished when the CCO permanently changes duty station and must be permanently terminated once the CCO ceases to fill a contingency/deployable position.

**5301.603-3 Appointment**

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

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

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

See [AFICC PGI 5301.603-2](#).

See [AFMC PGI 5301.603-90](#).

See [SMC PGI 5301.603-90](#).

**5301.670 Appointment of Property Administrators and Plant Clearance Officers**

(a) When the Air Force retains contract administration, the PCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers. One level above the PCO shall approve any of these appointments.

## SUBPART 5301.7 – DETERMINATIONS AND FINDINGS

### 5301.707 Signatory Authority

(a) Determinations and Findings (D&F) for actions requiring Senior Procurement Executive (SPE) or SAF/AQ approval must be coordinated with the DAS(C) or the ADAS(C). The contracting officer must submit determinations for approval simultaneously to [SAF/AQ](#) and to [SAF/AQC](#) after coordination by the SCO. Allow 18 days for staffing and approval after receipt by SAF/AQ. Include the approved acquisition strategy (or a draft acquisition strategy if the strategy document has not been approved) with the D&F package.

(b) The contracting officer must submit D&Fs for actions requiring DAS(C)/ADAS(C) approval to [SAF/AQC](#) after coordination by the SCO. Allow 7 days for staffing and approval after receipt by SAF/AQC unless otherwise specified.

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## SUBPART 5301.90 – CLEARANCE

### 5301.9000 Scope and Definitions

- (a) This subpart establishes clearance requirements for the contract actions identified below:
- (1) An action intended to result in award of any contract or modification of any contract;
  - (2) An action intended to result in definitization of an undefinitized contract action (UCA), an undefinitized change order, or an undefinitized long lead contract;
  - (3) An action intended to result in the pricing of:
    - (i) an unpriced option or an option with a not-to-exceed price;
    - (ii) provisioned items orders (PIO);
    - (iii) unpriced orders under Blanket Purchase Agreements (BPAs), and FSS contracts, including GWACs; or
    - (iv) noncompetitive task or delivery orders under single or multiple award indefinite delivery-type contracts.
  - (4) An action intended to result in issuance of a modification implementing a unilateral price determination;
  - (5) Orders issued under BOAs;
  - (6) An action intended to result in the exercise of an option when the option exercise is not in accordance with the previously approved pricing arrangement or other contract terms and conditions; and
  - (7) Competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWAC, or FSS contracts that require either one or both of the following:
    - i. Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;
    - ii. Addition of any terms or conditions that are not included in the basic ID/IQ contract, and/or changes to the existing terms or conditions of the basic ID/IQ contract.
- (b) Excluded from business or contract clearances are:
- (1) Actions that create a UCA, undefinitized change order, undefinitized long lead contract;
  - (2) Modifications for the payment of incentives or award fee that are in accordance with the terms and conditions of the incentive plan or award fee plan;
  - (3) Funding modifications;
  - (4) Administrative modifications;
  - (5) Modifications solely for changes as a result of Service Contract Labor Standards statute wage rates/fringe benefits or Fair Labor Standards Act minimum wages; and
  - (6) Competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and FSS contracts if they do not require either one or both of the following:
    - i. Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;
    - ii. Addition of any terms or conditions that are not included in the basic ID/IQ contract, and/or changes to the existing terms or conditions of the basic ID/IQ contract.
- (c) “Business Clearance” means:
- (1) For competitive acquisitions, approval to issue the solicitation.
  - (2) For noncompetitive contract actions, approval to begin negotiations.
- (d) “Begin negotiations” means, for the purpose of noncompetitive contract actions, starting discussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government’s negotiation objective do not constitute negotiations.
- (e) “Contract Clearance” means:
- (1) For competitive acquisitions conducted without discussions, approval by the clearance approval authority (CAA) for the Source Selection Authority (SSA) to make the decision to award.
  - (2) For competitive acquisitions with discussions –
    - (i) Approval by the CAA for the SSA to request final proposal revisions in accordance with FAR 15.307; and
    - (ii) Approval by the CAA for the SSA to make a source selection decision.
  - (3) For noncompetitive contract actions, approval by the CAA to award a contract or contract modification/contract action.
- (f) “Clearance Reviewer (CR)” means the independent reviewer and the primary advisor to the CAA for clearance. The CR ensures the CAA has the information needed to make an informed decision. The CR identifies deficiencies, assists in resolution, and advises the CAA as appropriate. When the CR is not from the designated CR office or individual identified in the PGI and is selected by the CAA, the CR must be an experienced contracting professional, a Government employee, and must not review their own contract action.

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

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

See [SMC PGI 5301.9000](#).

### 5301.9001 Policy, Thresholds, and Approvals

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

- (1) Contract actions effectively implement approved acquisition strategies;
- (2) Negotiations and contract actions result in fair and reasonable business arrangements;
- (3) Negotiations and contract actions are consistent with laws, regulations, and policies; and
- (4) An independent review and assessment by the clearance authority for the proposed contract action is accomplished.

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

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

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

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

(f) If a CAA requires clearance for competitive order solicitations or orders when excluded in accordance with 5301.9000(b)(6), the SCO must submit a written justification to [SAF/AQC](#) upon execution.

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

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

(i) Contract actions meeting the contract value thresholds set below must not be awarded without obtaining the required [business and contract clearance approval](#). Contract value is determined by the definition in FAR 1.108(c) and AF PGI 5301.108(c).

(1) Clearance Approval:

(i) The DAS(C) or ADAS(C) is the business clearance approval authority for all contract actions  $\geq \$1B$ ; and any other contract action identified as special interest by the DAS(C) or ADAS(C) regardless of dollar amount. The DAS(C) or ADAS(C) may delegate clearance authority on a case-by-case basis. The procedures in MP5301.9001(i)(1)(i) must be followed for clearance with the DAS(C) or ADAS(C). SCOs retain contract clearance approval authority.

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

(iii) If a SCO reduces the thresholds or withholds the clearance approval authority from the designees in TABLE 1 below, the SCO must notify [SAF/AQC](#). If the SCO reduces or withholds clearance approval authority for more than six months, the SCO must brief the DAS(C) regarding the circumstances surrounding the decision.

Unit	Clearance Approval Authority	Clearance Approval Authority	Clearance Approval Authority $\geq \$1B$
Operational	$COCO \leq \$10M$	$SCO > \$10M \text{ to } < \$1B$	DAS(C) / ADAS(C)
Enterprise	$COCO \leq \$50M$	$SCO > \$50M \text{ to } < \$1B$	DAS(C) / ADAS(C)
PEO (Systems)	$COCO \leq \$100M$	$SCO > \$100M \text{ to } < \$1B$	DAS(C) / ADAS(C)

TABLE 1(iv). To facilitate planning for SAF/AQC Clearance approvals, SCOs must use the [reporting tool](#) to project SAF/AQC Clearance approvals.

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

(3) For Operational contracting, business and contract clearance are required for actions greater than or equal to \$3M.

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

(5) When a contracting official is the Source Selection Authority (SSA) for a particular acquisition, the CAA must be a level above the contracting official. If the SCO or their deputy is the SSA, the CAA for that acquisition must be the DAS(C)/ADAS(C). [Clearance requests](#) must be sent to [SAF/AQC](#) for approval by the DAS(C)/ADAS(C).

See [AF PGI 5301.9001\(b\)](#).

See [AFDW PGI 5301.90](#).

See [AFICC PGI 5301.90](#).

See [AFMC PGI 5301.90](#).

See [SMC PGI 5301.9001](#).

See [USAFA PGI 5301.90](#).

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## SUBPART 5301.91 – OMBUDSMAN PROGRAM

### 5301.9101 Purpose

The purpose of the Air Force ombudsman program is to foster communication between Government and industry. The primary function of the ombudsman is to hear concerns about specific issues in acquisitions, to communicate these concerns to senior management personnel responsible for oversight and to assist in the resolution of the concerns. In accordance with [5301.9102\(f\)](#) below, employees, managers and customers may use the Air Force component ombudsman when seeking assistance in resolving procurement integrity issues.

### 5301.9102 Policy

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

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

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

(d) The ombudsman must:

- (1) Support acquisition personnel in the resolution of issues or concerns raised by interested parties;
- (2) Act in a manner that does not compromise the interested party and, if requested, maintain anonymity of the parties;
- (3) Avoid any appearance of usurping normal procurement authority (e.g., program manager, contracting officer, and source selection authority);
- (4) Ensure all affected or knowledgeable offices and officials are consulted as part of any resolution process;
- (5) Inform the Commander/Director, or PEO, as required, of issues raised and actions taken;
- (6) Review complaints relative to multiple-award task and delivery order contracts awarded under 10 U.S.C. 2304a(d)(1)(B) or 2304b(e) to ensure that all contractors are afforded a fair opportunity to be considered for task and delivery orders in excess of the micro-purchase threshold, consistent with the procedures in the contract;
- (7) Consistent with security requirements, have access to the appropriate offices and be allowed to collect all facts relevant to the resolution of issues raised by interested parties. Ombudsmen are granted access to proprietary information. Source selection information must be obtained through the source selection authority.

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

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

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

See [AFICC PGI 5301.9102](#)

See [AFMC PGI 5301.91](#)

See [USAFA PGI 5301-9102 \(a\)](#)

### 5301.9103 Solicitation Provision and Contract Clause

Insert a clause substantially the same as the clause at [AFFARS 5352.201-9101](#), Ombudsman, in all solicitations (including draft solicitations) and contracts.

See [SMC PGI 5301.9103](#)

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**PART 5302 - DEFINITIONS OF WORDS AND TERMS**

*Sec.*

SUBPART 5302.1 — DEFINITIONS

5302.101

Definitions

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## SUBPART 5302.1 — DEFINITIONS

### 5302.101 Definitions

**"Acquisition Category (ACAT)"** means the category of a Defense acquisition program. See [DoDI 5000.02, Enclosure 1](#).

**"AFICC "** means the Air Force Installation Contracting Center which is a Primary Subordinate Unit aligned to the Air Force Installation and Mission Support Center (AFIMSC).

**"Air Force Program Executive Office for Combat and Mission Support (AFPEO/CM) Contracts"** includes services acquisitions subject to [AFI 63-138](#).

**"AFRCO"** means the Air Force Rapid Capabilities Office.

**"Agency Head"** (see "Head of the Agency")

**"ASAF(A)"** means the Assistant Secretary of the Air Force for Acquisition.

**"Bridge Action"** means a non-competitive action requiring a justification to include, but not limited to, a formal justification and approval (FAR 6.3 or 13.5), limited sources justification (FAR 8.4), and exception to fair opportunity (FAR 16.5), to retain the current or similar product or services as a result of delay in the negotiation and award of a follow-on contract. Extension of services executed in accordance with FAR 52.217-8, Option to Extend Services, is not considered a bridge action, regardless of whether or not it was negotiated and included in the original contract, unless or until the total six (6) month extension allowed is exceeded.

**"Chief of the Contracting Office (COCO) "** means the contracting official one level below the Senior Contracting Official or their deputies, unless specifically prohibited, or as designated by the SCO.

**"DAS(C)"** means the Deputy Assistant Secretary (Contracting). The authority granted to DAS(C) may also be exercised by the Associate Deputy Assistant Secretary (Contracting) (ADAS(C)).

**"Direct Reporting Unit (DRU)"** means a subdivision of the Air Force, directly subordinate to the Chief of Staff, US Air Force. A DRU performs a mission that does not fit into any of the MAJCOMs (see [AFI 38-101](#)).

**"Enterprise"** includes enterprise sourcing and services, research and development (R&D), and AFSC Supply Chain Requirements.

**"Field Operating Agency (FOA)"** means a subdivision of the Air Force, directly subordinate to a HQ USAF functional manager. A FOA performs field activities beyond the scope of any of the major commands (see [AFI 38-101](#)).

**"Head of the Agency"** means, pursuant to [HAF MD 1-10](#), the Assistant Secretary of the Air Force (Acquisition) (ASAF(A)), unless the terms of a statute or delegation indicate that an action must be done by the Secretary of the Air Force (SecAF) or the Under Secretary of the Air Force (USecAF).

**"Head of the Contracting Activity (HCA) "** means the DAS(C) and (ADAS)(C) for the Air Force. See delegations in [MP5301.601\(a\)\(i\)](#).

**"Installation Commander"** means an individual who functions in a command position and is responsible for a base or other Air Force installation having a base contracting office.

**"Major Command (MAJCOM)"** means a major subdivision of the Air Force that is assigned a major part of the Air Force mission. A MAJCOM is directly subordinate to Headquarters US Air Force. (See [AFI 38-101](#)).

**"Operational"** means those contracting actions taken to meet the needs of installation commanders, DRUs, deployed commanders, and resident, tenant, and supported units. Operational contracting may be accomplished by contracting squadrons, operational contracting offices, contracting divisions, or another organization entity designed to meet local needs.

**"Procedures, Guidance, and Information (PGI)"** means a companion resource to the AFFARS that —

- (1) Contains non-mandatory internal procedures and guidance, and supplemental information to be used at the discretion of the contracting officer;
- (2) Contains mandatory delegations;
- (3) Is numbered similarly to the AFFARS, except that each PGI numerical designation is preceded by the letters "PGI"; and
- (4) Is available electronically as part of the AFFARS document set on [Acquisition.gov](#).

**"Program Executive Officer (PEO)"** includes acquisitions within a Systems PEO's portfolio. See [AFI 63-101/20-101](#) and [DoDI 5000.02](#).

**"Quality Assurance Program Coordinator (QAPC)"** means the individual selected in accordance with local procedures to coordinate and manage the Quality Assurance Program.

**"Quality Assurance Surveillance Plan (QASP)"** means the document government personnel use to assess contractor performance (see FAR 46.401, DFARS 246.401, and DFARS 237.172).

“**Services Designated Official (SDO)**” means the individual designated to exercise responsibility for the management and oversight of the acquisition of contract services (see [AFI 63-138](#), *Acquisition of Services*).

“**Senior Contracting Official (SCO)**” means the contracting official with overall functional responsibility for contracting for their organization and physically located at the following locations:

	Position**	Location
1	AFMC/PK	Wright Patterson AFB, OH
2	AFLCMC/PK	Wright Patterson AFB, OH
3	AFICC/CC	Wright Patterson AFB, OH
4	SMC/PK	Los Angeles AFB, CA
5	AFSC/PK	Tinker AFB, OK
6	AFRCO/PK	Joint Base Anacostia - Bolling, Washington, DC
7	AFDW/PK	Joint Base Andrews, MD
8	AFLCMC/PK Eglin OL	Eglin AFB, FL
9	AFLCMC/PK Hanscom OL	Hanscom AFB, MA
10	AFNWC/PK	Kirtland AFB, NM
11	AFRC/PK	Robins AFB, GA
12	AFRL/PK	Wright Patterson AFB, OH
13	AFSC/PK Hill OL	Hill AFB, UT
14	AFSC/PK Robins OL	Robins AFB, GA
15	AFTC/PK*	Edwards AFB, CA
16	SpRCO/PK	Kirtland AFB, NM
17	USAFA/PK	U.S. Air Force Academy, CO
18	AFICC/KC	Joint Base Langley-Eustis, VA
19	AFICC/KG	Barksdale AFB, LA
20	AFICC/KM	Scott AFB, IL
21	AFICC/KO	Hurlburt AFB, FL
22	AFICC/KS	Peterson AFB, CO
23	AFICC/KH	Hickam AFB, HI
24	AFICC/KT	Randolph AFB, TX
25	AFICC/KU	Ramstein AB, Germany

\* SCO for AFOTEC at Kirtland, AFB, NM

\*\* SCOs hold equivalent regulatory authority; this does not diminish or remove positional authority within the organization.

The deputy or technical director to a SCO may exercise any SCO authority unless restricted in the FAR, as supplemented (e.g., individual authorized to execute a specific authority must be of a certain minimum grade/rank), or as specifically limited by the SCO. See [AFI 64-105](#) Contingency Contracting Support, to identify SCOs for contingency operations.

“**Space Program Solicitation or Contract**” means an SMC space procurement solicitation or contract or an SMC research, development, test, and evaluation space program solicitation or contract. It does not include operation and

maintenance solicitations and contracts, professional services solicitations and contracts for Government support (e.g., Federally Funded Research and Development Centers, Advisory and Assistance Services), or Other Transactions (see [SMCI 64-101](#), paragraph 1.3. Applicability).

**“SpRCO”** means the Space Rapid Capabilities Office.

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## PART 5303 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

*Sec.*

	SUBPART 5303.1 — SAFEGUARDS	5303.602	Exceptions
5303.104-3	Statutory and Related Prohibitions, Restrictions, and Requirements		SUBPART 5303.7 — VOIDING AND RESCINDING
5303.104-4	(a) Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information	5303.704	CONTRACTS
			Policy
5303.104-5	Disqualification	5303.705	Procedures
5303.104-9	Contract Clauses		SUBPART 5303.9 — WHISTLEBLOWER PROTECTIONS FOR
	SUBPART 5303.2 — CONTRACTOR GRATUITIES TO		CONTRACTOR EMPLOYEES
	GOVERNMENT PERSONNEL	5303.906	Remedies
5303.202	Contract Clause		SUBPART 5303.10 – CONTRACTOR CODE OF BUSINESS
5303.204	Treatment of Violations		ETHICS AND CONDUCT
	SUBPART 5303.5 — OTHER IMPROPER BUSINESS	5303.1003	Requirements
	PRACTICES		SUBPART 5303.11 – PREVENTING PERSONAL CONFLICTS
5303.570-2	Prohibition Period		OF INTEREST FOR CONTRACTOR EMPLOYEES
	SUBPART 5303.6 — CONTRACTS WITH GOVERNMENT		PERFORMING ACQUISITION FUNCTIONS
	EMPLOYEES OR ORGANIZATIONS OWNED OR	5303.1104	Mitigation or Waiver
	CONTROLLED BY THEM		

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## SUBPART 5303.1 — SAFEGUARDS

### 5303.104-3 Statutory and Related Prohibitions, Restrictions, and Requirements

(c)(1)(ii) See [MP5301.601\(a\)\(i\)](#) for individuals authorized to approve resumption of participation in a procurement.

### 5303.104-4 (a) Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information

Any individuals requiring access to Source Selection Information (SSI) as a result of participating on a source selection or in the performance of their duties must sign a [Source Selection Non-Disclosure Agreement](#). The Source Selection Non-Disclosure Agreement may be used on an annual basis for individuals who must have access to SSI in the performance of their official duties throughout the year, whether or not they participate as part of the actual source selection team.

### 5303.104-5 Disqualification

Follow [MP5303.104-5](#) for requesting disqualification from participation in an acquisition.

(b) In addition to the parties identified at FAR 3.104-5(b), if the source selection authority is the MAJCOM/FOA/DRU/CC or CD, the disqualification notice must be coordinated through the MAJCOM/FOA/DRU JA and the SCO. The notice must include the items at FAR 3.104-5(b) and the following:

- (1) Name of requestor
- (2) Current position/job title
- (3) Projected retirement date
- (4) Impact on program/unit mission if disqualification is granted
- (5) Proposed replacement individual for official acquisition duties
- (6) Commander/Director recommendation

(c) Resumption of participation in a procurement

The contracting officer, after consultation with the parties identified in paragraph (b) of this MP, will notify the individual if he or she is disqualified. The individual will remain disqualified unless resumption of participation in the procurement is granted in accordance with paragraph (c) of FAR 3.104-5.

(2) See [MP5301.601\(a\)\(i\)](#). In cases where the SCO is the individual disqualified from participation in a procurement, the DAS(C) must authorize the individual to resume participation in the procurement. The ASAF(A) and their civilian or military deputy have the authority to permit the DAS(C) or ADAS(C) to resume participation in a procurement following contact with an offeror regarding non-Federal employment. 5303.104-7 Violations or Possible Violations

(a) The contracting officer must provide a copy of the information and documentation generated under FAR 3.104-7 to their cognizant legal counsel and to [SAF/GCR](#).

(1) The contracting officer must forward the information and determination required by FAR 3.104-7(a)(1) to the clearance approval authority ( [5301.9001\(i\)](#) ) of the affected procurement for review.

(f) See [MP5301.601\(a\)\(i\)](#) for individuals who may authorize award.

### 5303.104-9 Contract Clauses

(b) If information received under FAR 52.203-10, *Price or Fee Adjustment for Illegal or Improper Activity*, indicates that a price or fee adjustment may be appropriate, the contracting officer must submit notification to the SCO and to [SAF/GCR](#).

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**SUBPART 5303.2 — CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL****5303.202 Contract Clause**

See MP5301.601-90. HCA serves as the designee identified in FAR Clause 52.203-3.

**5303.204 Treatment of Violations**

(a) SAF/GCR is authorized to conduct hearings and make findings of fact in accordance with FAR 3.204(a). If a hearing is held, SAF/GCR will provide recommendations to ASAF(A) or the Principal Civilian or Military Deputy.

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## SUBPART 5303.5 — OTHER IMPROPER BUSINESS PRACTICES

### 5303.570-2 Prohibition Period

- (a) See MP5301.601-90. Submit requests for waivers through the SCO to [SAF/AQC](#) for approval.
- (b) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

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## **SUBPART 5303.6 — CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM**

### **5303.602 Exceptions**

Submit requests through the SCO to [SAF/AQC](#) for approval (see [MP5301.601\(a\)\(i\)](#) ). The SCO should review each contract action to ensure no viable alternatives exist and that every effort is made to avoid any conflict of interest between the employees' interests and their government duties. Requests must address the following:

- (1) Description of requirement;
- (2) Amount of the proposed contract and period of performance or delivery date;
- (3) Contracting officer's basis for determining the price fair and reasonable;
- (4) Apparent contract awardee -- Government employee's name, grade/rank, duty/position title, and organization;
- (5) Determination that there is no conflict of interest;
- (6) Explanation of the compelling reason why the Government's needs cannot otherwise reasonably be met (include description of efforts to obtain services from non-government personnel); and
- (7) For recurring requirements, describe the steps that will be taken to avoid future awards to a Government employee.

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## SUBPART 5303.7 — VOIDING AND RESCINDING CONTRACTS

### 5303.704 Policy

(c) See [MP5301.601\(a\)\(i\)](#).

### 5303.705 Procedures

(a) The contracting officer must forward the facts concerning a final conviction, to include a copy of the conviction, to [SAF/GCR](#) within 30 days after learning of the conviction. The contracting officer must forward the report to the SCO within 10 calendar days after the contracting activity learns of the conviction. See the tailorable [Notice of Proposed Contract Rescission Action\(s\)](#) template.

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## **SUBPART 5303.9 — WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES**

### **5303.906 Remedies**

(c)(1) See MP5301.601-90.

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## **SUBPART 5303.10 – CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT**

### **5303.1003 Requirements**

(b)(2)(i) Upon receipt of the required disclosure or any notification, contracting officers, working with legal counsel, must ensure that appropriate steps are taken to preserve remedies available to the government. Contracting officers also must consider how the disclosed information may impact pending contract actions in terms of the contractor's present responsibility and/or the contractor's past performance. The contracting officer must promptly provide a copy of any disclosure or notification received to the SCO and to [SAF/GCR](#) using the procedures at [5309.406-3](#).

(b)(2)(ii) The Government must safeguard and treat the information obtained pursuant to a contractor's disclosure or notification as confidential where the information has been marked as "confidential" or "proprietary" by the company. Even if the information is not marked, the contracting officer should not publicly disclose the information without prior notification to the contractor.

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## **SUBPART 5303.11 – PREVENTING PERSONAL CONFLICTS OF INTEREST FOR CONTRACTOR EMPLOYEES PERFORMING ACQUISITION FUNCTIONS**

### **5303.1104 Mitigation or Waiver**

(b) SCOs must submit determinations to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#) ).

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## PART 5304 - ADMINISTRATIVE MATTERS

*Sec.*

	SUBPART 5304.1 — CONTRACT EXECUTION	5304.604	(2) Responsibilities
5304.101	Contracting Officer's Signature		SUBPART 5304.8 – GOVERNMENT CONTRACT FILES
	SUBPART 5304.4 — SAFEGUARDING CLASSIFIED	5304.803	Contents of Contract Files
	INFORMATION WITHIN INDUSTRY		SUBPART 5304.10 – UNIFORM USE OF LINE ITEMS
5304.402-90	General	5304.1001	Policy
5304.403	Responsibilities of Contracting Officers		SUBPART 5304.70 – UNIFORM PROCUREMENT
5304.404-90	Additional Contract Clauses		INSTRUMENT IDENTIFICATION NUMBERS
	SUBPART 5304.6 — CONTRACT REPORTING	5304.7003-90	Maintaining DoD Activity Address Codes (DoDAAC)
	COVID -19 and CARES Act Related Actions		

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## SUBPART 5304.1 — CONTRACT EXECUTION

### 5304.101 Contracting Officer's Signature

Contracting officers are required to sign all contract actions (either via wet signature, signature as produced by CON-IT, or digital signature produced with a DoD Public Key Infrastructure certificate using a Common Access Card), ensure contractor signatures are obtained, and maintain signed contractual documents within the official contract file.

See [AFMC PGI 5304.100-90](#).

See [SMC PGI 5304.101](#).

See [SMC PGI 5304.102](#).

See AFMC PGI 5304.190.

See [SMC PGI 5304.201](#).

See [SMC PGI 5304.270-2](#).

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## SUBPART 5304.4 — SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

### 5304.402-90 General

(a) [AFMAN 16-1406V2](#), *National Industrial Security Program: Industrial Security Procedures for Government Activities*, provides guidance for implementing the Air Force's National Industrial Security Program.

(b) [AFH 16-1406](#), *National Interest Determination Handbook*. This instruction clarifies responsibilities and procedures for processing National Interest Determinations (NID).

(c) [AFI 16-701](#), *Management, Administration and Oversight of Special Access Programs*, establishes responsibilities for the management, administration and oversight of Special Access Programs. This instruction provides additional guidance for processing AF Special Access Program NIDs.

See [SMC PGI 5304.402](#).

### 5304.403 Responsibilities of Contracting Officers

(a) Upon receiving adequate written justification from the requesting program office or activity, the contracting officer reviews, validates, and processes the NID and associated written approvals, in accordance with [AFH 16-1406](#), *National Interest Determination Handbook*.

(b) The contracting officer shall maintain a copy of the approved program, project, or contract specific NID package in the contract file.

See [SMC PGI 5304.403](#).

### 5304.404-90 Additional Contract Clauses

The contracting officer must insert the clause at [AFFARS 5352.204-9000](#), *Notification of Government Security Activities*, in solicitations and contracts which require a [DD Form 254](#) for performance on U.S. Government installations and overseas. The contracting officer may change the number of days specified in [AFFARS 5352.204-9000\(a\)](#). If less than thirty days is used, coordinate with the servicing information protection office.

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## SUBPART 5304.6 — CONTRACT REPORTING

### COVID -19 and CARES Act Related Actions

See Contracting Policy Memos [20-C-03](#) and [20-C-05](#).

### 5304.604 (2) Responsibilities

Immediately subsequent to each contract action, the contracting officer must place approved Contract Action Report (CAR) in the official contract file. The approved CAR provides evidence that the contracting officer has reviewed and validated the accuracy of the data reflected in the CAR when a contract action is accomplished.

See AFMC PGI 5304.605-90.

See [AFMC PGI 5304.606](#).

See [SMC PGI 5304.606](#).

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## SUBPART 5304.10 – UNIFORM USE OF LINE ITEMS

### 5304.1001 Policy

(c) The contracting officer should refer to the Standard Operating Procedure (SOP) for Internal Use Software (IUS) Accountability found in [AFMAN 17-1203](#) when an IUS is identified by the requiring activity.

See [SMC PGI 5304.1601](#).

See [AFMC PGI 5304.1602](#).

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**PART 5305 - PUBLICIZING CONTRACT ACTIONS**

<i>Sec.</i>			
	SUBPART 5305.1 — DISSEMINATION OF INFORMATION	5305.204	Presolicitation Notices
5305.102	Availability of Solicitations.	5305.207	Preparation and Transmittal of Synopses
	SUBPART 5305.2 — SYNOPSES OF PROPOSED CONTRACT ACTIONS		SUBPART 5305.3 — SYNOPSES OF CONTRACT AWARDS
5305.201	General	5305.303	Announcement of Contract Awards
5305.202	Exceptions	5305.502	SUBPART 5305.5 — PAID ADVERTISEMENTS
			Authority

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## SUBPART 5305.1 — DISSEMINATION OF INFORMATION

### **5305.102 Availability of Solicitations.**

(a)(5)(iii) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

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## SUBPART 5305.2 — SYNOPSIS OF PROPOSED CONTRACT ACTIONS

### 5305.201 General

See [AF PGI 5305.201](#).

### 5305.202 Exceptions

(b) See MP5301.601-90. The request must state why the notice is not appropriate or reasonable and identify alternative actions to optimize opportunities for small business participation.

### 5305.204 Presolicitation Notices

In accordance with [AFI 16-201](#), the contracting officer must identify if there are any restrictions on foreign participation.

### 5305.207 Preparation and Transmittal of Synopses

See [SMC PGI 5305.207-90](#).

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## SUBPART 5305.3 — SYNOPSIS OF CONTRACT AWARDS

### 5305.303 Announcement of Contract Awards

(a) *Public Announcement.* Information on awards must not be released and awards shall not be made until after the agency announces the award on <https://www.defense.gov/News/Contracts/>. Contract announcements are posted at 1700 EST daily.

(ii) The contracting officer must submit all 1279 reports to [SAF/LLP](#) by close of business three workdays before the date of the proposed contract award. SAF/LLP may shorten the three-day advance notification requirement if requested by the contracting officer. For actions valued at \$50M and above, email a courtesy copy of the 1279 report to the cognizant SCO and to [SAF/AQC](#). Follow [MP5305.303](#) to prepare 1279 reports.

See [SMC PGI 5305.303](#).

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## SUBPART 5305.5 — PAID ADVERTISEMENTS

### 5305.502 Authority

(a) *Newspapers*. The authority to approve the publication of paid advertisements in newspapers is delegated to one level above the contracting officer (see [MP5301.601\(a\)\(i\)](#)).

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PART 5306 - COMPETITION REQUIREMENTS

Sec.	SUBPART 5306.2 — FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES	5306.302-4	International Agreement
5306.202	Establishing or Maintaining Alternative Sources	5306.303-1	Requirements
	SUBPART 5306.3 — OTHER THAN FULL AND OPEN COMPETITION	5306.303-1-90	Bridge Actions for Service Contracts Only (See DoDI 5000.74)
5306.302-1	Only One Responsible Source and No Other Supplies or Services	5306.303-2	Content
	Will Satisfy Agency Requirements	5306.304	Approval of the Justification
5306.302-2	Unusual and Compelling Urgency		SUBPART 5306.5 — COMPETITION ADVOCATES
		5306.501	Requirement
		5306.502	Duties and Responsibilities

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## **SUBPART 5306.2 — FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES**

### **5306.202 Establishing or Maintaining Alternative Sources**

(b)(1) The Life Cycle Sustainment Plan (LCSP)/Acquisition Strategy approval authority is authorized to sign and approve the Determination and Findings (D&F) required by [FAR 6.202\(b\)\(1\)](#).

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## SUBPART 5306.3 — OTHER THAN FULL AND OPEN COMPETITION

See SMC PGI 5306.301

### 5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

(a)(2)(i)(I) See [MP5301.601\(a\)\(i\)](#).

(d) See [MP5301.601\(a\)\(i\)](#).

### 5306.302-2 Unusual and Compelling Urgency

(c)(1) Contracting officers must notify [SAF/AQC](#) and their SCO as soon as practicable when contemplating the use of this authority for a J&A requiring Senior Procurement Executive (SPE) approval.

(d)(1)(ii) The authority to make this determination for the Air Force is the SCO or the J&A approval authority, whichever is higher. This authority may not be further delegated.

See [SMC PGI 5306.302-2](#).

### 5306.302-4 International Agreement

(c) *Limitations.* The document referred to in DFARS 206.302-4(c) must be titled, “*International Agreement Competitive Restrictions (IACR)*.” The authority to prepare an IACR is delegated from the HCA to the contracting officer (see [MP5301.601\(a\)\(i\)](#)). The contracting officer must include the IACR and a copy of the associated *Letter of Offer and Acceptance*, once completed, in the contract file.

See [AF PGI 5306.302-4](#).

### 5306.303-1 Requirements

(a) Solicitations for other than full and open competition may be released prior to justification approval, except see [FAR 6.305\(c\)](#) and the asterisked paragraph below the table at [5306.304\(a\)](#).

### 5306.303-1-90 Bridge Actions for Service Contracts Only (See DoDI 5000.74)

(a) All service contract actions that meet the definition of a bridge action at [AFFARS 5302.101](#) require a written, approved J&A document in accordance with [5306.304\(a\)](#). All bridge action J&As shall be identified as a “bridge action J&A” as indicated in the [J&A Template](#). A modification for the extension of services, executed in accordance with FAR clause 52.217-8, Option to Extend Services, is not considered a bridge action unless or until the total six month extension period allowed by the clause is exceeded.

(b) Upon the first use of a bridge contract to provide for continuation of a service to be performed through a services contract, due to inadequate planning as determined by the S-CAT decision authority, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, will: (1) For a services contract in an amount less than \$10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the requiring activity’s PEO, Flag Officer, or civilian equivalent, as applicable; or

(2) For a services contract in an amount equal to or greater than \$10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the Senior Procurement Executive.

Contracting officers shall forward a copy of the signed J&A and transmittal document or email to the competition advocate.

(c) Upon the second use of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than \$10 million, due to inadequate planning as determined by the S-CAT decision authority, the commander or senior civilian official referred to in Paragraph (b)(1) will provide notification of such use to the Vice Chief of Staff of the Air Force and the SPE.

### 5306.303-2 Content

(a) Contracting officers may use the [Justification and Approval](#) template.

### 5306.304 Approval of the Justification

(a)

Justification Value	Approval Authority	Delegability
≤ \$750K	Chief of the Contracting Office	Delegable to contracting officer, consistent with warrant level
> \$750K ≤ \$15M	<u>Procuring Activity</u> Competition Advocate	Not further delegable
> \$15M ≤ \$100M	PEO / Head of Procuring Activity * / Designated Alternate if they meet the criteria in <a href="#">FAR 6.304(a)(3)</a> . If they do not meet the criteria in <a href="#">FAR 6.304(a)(3)</a> = Senior Procurement Executive	Delegable to Flag/General Officer or civilian SES
> \$100M**	Senior Procurement Executive	Not further delegable

\* For the Air Force, in accordance with FAR 2.101, procuring activity is synonymous with contracting activity.

\*\*J&As for actions exceeding \$100M must be coordinated with the DAS(C) or the ADAS(C) and approved by the SPE. The contracting officer must submit justifications requiring approval by the SPE simultaneously to [SAF/AQ](#) and to [SAF/AQC](#) after coordination by the SCO. Allow 18 days for staffing and SPE approval after receipt by [SAF/AQ](#). J&A packages submitted to SAF/AQ shall include an electronic Staff Summary Sheet ( [eSSS](#) ) in the body of the email or as an attachment (Word document only). Include the approved acquisition strategy (or a draft acquisition strategy if the strategy document has not been approved) with the J&A package, and list each attachment under “Tabs” on the [eSSS](#) using the exact electronic file name (e.g., ACE Acquisition Strategy) of the corresponding attachment. The SCO may authorize solicitation release after the justification is reviewed for adequacy and forwarded to [SAF/AQ](#) and [SAF/AQC](#). Submit questions or concerns regarding processing a J&A for SPE approval to [SAF/AQC](#).

(4) Changes recommended during the staffing process must be adjudicated by the contracting officer in coordination with SAF/AQC prior to submitting the J&A to the SPE for approval.

(e) Prior to contract award: After a J&A has been approved, but prior to contract award, if the dollar value of the contract is expected to exceed the original J&A approval authority, the contracting officer must submit an amended J&A to the appropriate approving authority for approval. The amended J&A shall identify the dollar increase from the initial, approved J&A.

(f) After contract award: When a proposed modification is for new work outside the scope of the original contract, the contracting officer must submit a new J&A as a stand-alone document to the appropriate approving authority based on the dollar value of the contract action for the new work. New work should not commence until the new J&A is approved unless authorized in accordance with FAR 6.302-2, Unusual and Compelling Urgency. See [5343.102-90](#) regarding contract scope considerations.

(g) A new J&A is not required for:

- (1) a modification to decrease the dollar value or scope of the effort; or
- (2) a modification to increase the estimated dollar value of in-scope work.

See [AFMC PGI 5306.304](#).

See [SMC PGI 5306.304](#).

## SUBPART 5306.5 — COMPETITION ADVOCATES

### 5306.501 Requirement

(a) The DAS(C) is the designated Air Force Competition Advocate General. AFTC is the competition advocate for AFOTEC. The following organizations are designated as Air Force procuring activities:

- Air Combat Command (ACC)
- Air Education and Training Command (AETC)
- Air Force Global Strike Command (AFGSC)
- Air Mobility Command (AMC)
- Air Force Materiel Command (AFMC)
- United States Space Force (USSF)
- Pacific Air Forces (PACAF)
- United States Air Forces in Europe (USAFE)
- Air Force District of Washington (AFDW)
- Air Force Reserve Command (AFRC)
- Air Force Special Operations Command (AFSOC)
- USAF Academy (USAFA)
- Air Force Operational Test and Evaluation Center (AFOTEC)
- Space and Missile Systems Center (SMC)
- Air Force Rapid Capabilities Office (AFRCO)
- Space Rapid Capabilities Officer (SpRCO)
- Systems Operations Command (SpOC)
- Space Systems Command (SSC)
- Space Training and Readiness Command (STARCOM)

(b) These organizations are authorized to further designate subordinate organizations as procuring activities subject to the requirements of [FAR 6.501](#) and [MP5306.502](#), *Air Force Competition and Commercial Advocacy Program*.

See [AFMC PGI 5306.501](#).

### 5306.502 Duties and Responsibilities

See [MP5306.502](#), *Air Force Competition and Commercial Advocacy Program*.

See [SMC PGI 5306.502](#).

See [USAFA PGI 5306.502](#).

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## PART 5307 - ACQUISITION PLANNING

*Sec.*

	SUBPART 5307.1 — ACQUISITION PLANS	5307.105	Contents of Written Acquisition Plans
5307.104	General Procedures	5307.107-2	Consolidation
5307.104-90	Solicitation Release		SUBPART 5307.4 —EQUIPMENT LEASE OR PURCHASE
5307.104-91	Changes	5307.470	Statutory Requirements
5307.104-92	Acquisition Strategy Panels (ASP) and AP Approval Authority		

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## SUBPART 5307.1 — ACQUISITION PLANS

### 5307.104 General Procedures

(a) In order to help develop a sound acquisition strategy, the acquisition team must provide appropriate opportunities for the early involvement of industry in all acquisitions and the Defense Contract Management Agency and Defense Contract Audit Agency in non-competitive acquisitions.

See [AFICC PGI 5307.104](#).

See [AFMC PGI 5307.104](#).

See [SMC PGI 5307.104](#).

See USAFA PGI 5307.104.

### 5307.104-90 Solicitation Release

(a) For ACAT programs, see [AFI 63-101/20-101](#) (paragraph 4.3.1) and [DoDI 5000.02](#).

(b) For all other acquisitions, the contracting officer must not release the solicitation until the approval official has approved the Acquisition Plan (AP) unless the acquisition is being conducted pursuant to the authority of FAR 6.302-2, unusual and compelling urgency.

(c) For acquisitions utilizing policies and procedures in accordance with FAR 15.3, see FAR 15.303 and the [DoD Source Selection Procedures](#).

### 5307.104-91 Changes

If a change occurs to the program/acquisition that significantly affects the acquisition, the program manager with the assistance of the contracting officer must prepare a revised AP and a statement that summarizes the changes and obtain the approval from the appropriate approval authority.

### 5307.104-92 Acquisition Strategy Panels (ASP) and AP Approval Authority

(a) ASPs:

(1) ASP are integral to a deliberative process that support the acquisition strategy approving authority in making informed decisions in performing their acquisition execution responsibilities. An ASP includes the Chair, panel members, and a briefing supporting the proposed strategy.

(2) The program manager, or the contracting officer if a program manager is not assigned, must ensure an ASP is conducted for all acquisitions that require a written AP in accordance with DFARS 207.103. (See 5307.104-92(b)(2) for approval authorities).

(3) The AP approval authority will be the ASP Chair. The ASP Chair will determine the ASP membership and the required briefing content based upon the unique requirements of each acquisition.

(4) At the conclusion of the ASP briefing, the program manager (or equivalent) must prepare ASP minutes and obtain approval from the AP approval authority.

(b) AP:

(1) Written APs for actions less than the thresholds prescribed at DFARS 207.103 may be prepared at the discretion of the CO or, if applicable, the PEO-designated approval authority (also see 5307.105).

(2) AP Approval Authority shall be:

AP Approval	
Category	AP Approval Authority
PEO (Systems)	See <a href="#">AFI 63-101</a> /20-101 (See Note below)
AFPEO/CM – Services	See <a href="#">AFI 63-138</a> (See Note below)
Operational & Enterprise (not covered above)	SCO**
Note: COs should determine their PEOs procedures for compliance with FAR 7.103, DFARS 207.103, and AFI 63-101 or AFI 63-138. See DFARS 207.103 for AP content requirements* ** Delegable to requiring organization or contracting organization no lower than the CO.	

- (3) Actions that do not require an AP:
- (a) Task/delivery orders issued in accordance with the terms of the basic contract except non-DoD orders;
  - (b) Modifications within the scope of the contract;
  - (c) Replenishment parts except for those replenishment buys that require design; development, verification testing, and approval before start of production and
  - (d) Basic research under funding category 6.1
- See [AFICC PGI 5307.104](#).
- See [AFMC PGI 5307.104](#).
- See [SMC PGI 5307.104](#).
- See [AF PGI 5307.104-92](#).
- See [AFICC PGI 5307.104-92](#).
- See [AFMC PGI 5307.104-92](#).
- See [SMC PGI 5307.104-92](#).
- See [USAFA PGI 5307.104-92](#).

#### **5307.105 Contents of Written Acquisition Plans**

See the [Acquisition Plan](#) template. Note: A Streamlined Acquisition Strategy Summary (SASS) [see AF PGI 5307.105] document may be used for actions less than \$10M if directed by the applicable AP Approval Authority.

See [AF PGI 5307.105](#).

See [AFMC PGI 5307.105](#).

#### **5307.107-2 Consolidation**

(a) The SCO is the authority to make the consolidation determination for actions exceeding \$2 million. This authority may not be re-delegated. Consolidation determinations are only required for contracts awarded and performed in the United States and Outlying Territories.

(b) See MP5301.601-90.

(e) See MP5301.601-90.

The determination must include the acquisition strategy information required in FAR 7.107-2. The determination may be included in an AP (or equivalent) when coordination of the consolidation determination approving official is accomplished as part of the

AP approval process. When preparing these documents clearly identify the consolidation determination.

See [AFMC PGI 5307.107-2](#).

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## SUBPART 5307.4 —EQUIPMENT LEASE OR PURCHASE

### 5307.470 Statutory Requirements

(b) See [MP5301.601\(a\)\(i\)](#).

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**PART 5308 - REQUIRED SOURCES OF SUPPLIES AND SERVICES**

<i>Sec.</i>			
	SUBPART 5308.4 — FEDERAL SUPPLY SCHEDULES		SUBPART 5308.7 — ACQUISITION FROM NONPROFIT
5308.404	Use of Federal Supply Schedules		AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR
5308.405-3	Blanket Purchase Agreements (BPA)		SEVERELY DISABLED
5308.405-6	Limited Sources	5308.705	Procedures

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## SUBPART 5308.4 — FEDERAL SUPPLY SCHEDULES

### 5308.404 Use of Federal Supply Schedules

(h)(3)(ii)(C) See [MP5301.601\(a\)\(i\)](#).

See [AF PGI 5308.404-90](#).

### 5308.405-3 Blanket Purchase Agreements (BPA)

(a)(3)(ii) See MP5301.601-90.

### 5308.405-6 Limited Sources

(b)(3)(ii)(C) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

(d) Justification Approvals

See [AFFARS 5306.304 \(a\)](#) for the approving officials for proposed orders or BPAs using the limited or sole source justification at FAR 8.405-6(a)-(c). See the tailorable [Limited Sources Justification and Approval \(J&A\)](#) template. See [AFFARS 5306.303-1-90](#) for “Bridge Actions.”

See [SMC PGI 5308.405-6](#).

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## **SUBPART 5308.7 — ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

### **5308.705 Procedures**

Refer to the [Ability One Procurement Guide](#) for acquiring products and services under 41 U.S.C., chapter 85 from nonprofit agencies employing people who are blind or severely disabled.

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## PART 5309 CONTRACTOR QUALIFICATIONS

*Sec.*

	SUBPART 5309.1 — RESPONSIBLE PROSPECTIVE CONTRACTORS	5309.405	Effect of Listing
5309.103	Policy	5309.405-1	Continuation of Current Contracts
5309.104-1	General Standards	5309.405-2	Restrictions on Subcontracting
5309.105-1	Obtaining Information	5309.406-3	Procedures
5309.105-2	Determination and Documentation	5309.407-3	Procedures
	SUBPART 5309.2 — QUALIFICATION REQUIREMENTS		SUBPART 5309.5—ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST
5309.202	Policy	5309.503	Waiver
5309.206-1	General	5309.504	Contracting Officer Responsibilities
5309.270-3	Policy	5309.507-2	Solicitation Provisions and Contract Clause
	SUBPART 5309.4 — DEBARMENT, SUSPENSION, AND INELIGIBILITY	5309.571-7	Systems Engineering and Technical Assistance Contracts

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## SUBPART 5309.1 — RESPONSIBLE PROSPECTIVE CONTRACTORS

### 5309.103 Policy

(b)(i) Section 1612 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (P.L. 115-91) requires SMC to establish and maintain a Contractor Responsibility Watch List (CRWL). [SMC Instruction \(SMCI\) 64-101](#), *Air Force Space Contractor Responsibility Watch List (CRWL)*, establishes the CRWL and its applicability to “space program solicitations or contracts” (See [AFFARS 5302](#)).

(ii) Contractors may be placed on the CRWL when their ability to successfully perform space program contracts is uncertain due to any of the following:

- (A) Poor performance or award fee scores below 50%.
- (B) Financial concerns.
- (C) Felony convictions or civil judgements.
- (D) Security or foreign ownership and control issues.

(iii) For any of the following actions on space program solicitations or contracts (See [AFFARS 5302](#)) follow the procedures at [MP5309.190](#):

- (A) Soliciting a sole source proposal.
- (B) Entering into discussions (FAR 15.306(d)) (or equivalent activity) or awarding a competitive contract or awarding a sole source contract.
- (C) Providing consent to subcontract when the subcontract is valued in excess of \$3M or 5% of the prime contract value, whichever is lesser.
- (D) Exercising a contract option.
- (E) Executing a contract modification resulting from an engineering change proposal.

### 5309.104-1 General Standards

See the tailorable [Determination and Findings -- Contractor Responsibility](#) template.

### 5309.105-1 Obtaining Information

(a)(i) For SMC, prior to performing any of the actions listed in 5309.103(b)(iii), the contracting officer shall determine whether or not the solicitation or contract is a space program solicitation or contract (See [AFFARS 5302](#)) and verify whether or not the contractor(s), in whole or in part, is listed on the [CRWL](#). The CRWL includes documentation in support of decision(s) to place the contractor(s) on the CRWL.

See [SMC PGI 5309.105-1](#).

### 5309.105-2 Determination and Documentation

(a)(1) For SMC space program solicitations and contracts (see [AFFARS 5302](#)), the contracting officer shall document the determination of responsibility or non-responsibility using the AFFARS Determination and Findings – Contractor Responsibility template, as [tailored for SMC](#).

See [SMC PGI 5309.105-2](#).

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## SUBPART 5309.2 — QUALIFICATION REQUIREMENTS

### 5309.202 Policy

(a)(1) For the designee referenced in FAR 9.202(a), see [MP5301.601\(a\)\(i\)](#).

See [AFMC PGI 5309.202](#) .

### 5309.206-1 General

(b) For the designee referenced in FAR 9.206-1(b), see [MP5301.601\(a\)\(i\)](#).

(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.

### 5309.270-3 Policy

(a) See [MP5301.601\(a\)\(i\)](#).

See [AFMC PGI 5309.303-90](#).

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## SUBPART 5309.4 — DEBARMENT, SUSPENSION, AND INELIGIBILITY

### 5309.405 Effect of Listing

(a) See MP5301.601-90. Provide a copy of request to SAF/GCR. The request must include a description of efforts taken to establish alternate sources and the impact if the exception is not granted. SAF/AQC will forward the approved exceptions to GSA.

(b)(ii)(A) See MP5301.601-90. Submit requests through the SCO to [SAF/AQC](#) for approval.

(e)(2) - (3) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

See [AFMC PGI 5309.405](#).

### 5309.405-1 Continuation of Current Contracts

(a) See MP5301.601-90.

(b) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

### 5309.405-2 Restrictions on Subcontracting

(a) See MP5301.601-90.

### 5309.406-3 Procedures

(a) *Investigation and referral.*

(i) The contracting officer or the referring person must promptly notify [SAF/GCR](#), their SCO, and their designated legal counsel with all known information relating to the following:

(1) Any non-responsibility determination.

(2) Any indictment, conviction, or civil judgment (including those listed on required certifications, or those disclosed in accordance with FAR 3.1003 or FAR 52.203-13 relating to an offeror's or contractor's lack of integrity or business honesty, regardless of whether the indictment, conviction, or civil judgment related to a government contract.

(3) Any recommended or final termination for default or for cause.

(4) Any recommendation for debarment or suspension.

(5) Any debarred or suspended contractor who bids on a Government contract (including those who indicate debarment or suspension on required certifications).

(ii) The contracting officer must provide additional information as requested by SAF/GCR.

(b) *Decision-making process.*

(2) If SAF/GCR determines that a hearing is required, the contracting activity must provide witnesses and other support as requested.

### 5309.407-3 Procedures

The contracting officer must follow the debarment procedures at [5309.406-3](#) above for suspensions.

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## SUBPART 5309.5 —ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

See [SMC PGI 5309.5](#).

### 5309.503 Waiver

Forward requests to waive FAR 9.5 requirements through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#)).

See [SMC PGI 5309.503](#).

### 5309.504 Contracting Officer Responsibilities

(c) Forward the approved recommended course of action to the HCA through the SCO to [SAF/AQC](#) for review. Recommendations must include all documentation required by FAR 9.506(b) as an attachment. See [MP5301.601\(a\)\(i\)](#).

See [SMC PGI 5309.504](#).

See [SMC PGI 5309.506](#).

### 5309.507-2 Solicitation Provisions and Contract Clause

(a) In accordance with FAR 9.507-2, insert the clause at [AFFARS 5352.209-9000](#), *Organizational Conflict of Interest*, substantially as written, in Section I when the contractor's eligibility for future prime contract or subcontract awards shall be restricted because of services being provided as stated in FAR 9.505-1 through -4.

(1) Insert the basic clause when the contractor will be providing systems engineering and/or technical direction. (See FAR 9.505-1.)

(2) Insert the clause with its Alternate I when the contractor will be preparing specifications or work statements. (See FAR 9.505-2.)

(3) Insert the clause with its Alternate II when the contractor will be providing technical evaluation or advisory and assistance services. (See FAR 9.505-3.)

(4) Insert the clause with its Alternate III when the contractor will be obtaining access to proprietary information. (See FAR 9.505-4.)

(5) Insert the clause with its Alternate IV when the contract is a task ordering contract and when more than one system is supported. The contracting officer may modify Alternate IV to include a list of systems for which task orders may be issued and indicate which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(6) Insert the clause with its *Alternate V* when the contract provides for delivery orders. The contracting officer shall indicate in each delivery order which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(7) Insert *Alternate VI* when it is necessary to have the restrictions of this clause included in all or some subcontracts, teaming arrangements, and other agencies calling for performance of work related to the contract.

(b) As prescribed in FAR 9.507-1, insert in Section L the provision at [AFFARS 5352.209-9001](#), *Potential Organizational Conflict of Interest*, substantially as written.

### 5309.571-7 Systems Engineering and Technical Assistance Contracts

(c)(1) See [MP5301.601\(a\)\(i\)](#).

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**PART 5310 - MARKET RESEARCH**

<i>Sec.</i>	
5310.002	Procedures

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**5310.002 Procedures**

See the tailorable [Product/Service Market Research Report](#) template.

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## PART 5311 - DESCRIBING AGENCY NEEDS

*Sec.*

	SUBPART 5311.1 — SELECTING AND DEVELOPING REQUIREMENT DOCUMENTS	5311.274-2	Policy for unique item identification
5311.103	Market Acceptance	5311.501	SUBPART 5311.5 — LIQUIDATED DAMAGES Policy
	SUBPART 5311.2 —USING AND MAINTAINING REQUIREMENTS DOCUMENTS	5311.603	SUBPART 5311.6 — PRIORITIES AND ALLOCATIONS Procedures
5311.273-3	Procedures		

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## **SUBPART 5311.1 — SELECTING AND DEVELOPING REQUIREMENT DOCUMENTS**

### **5311.103 Market Acceptance**

- (a) The contracting officer is delegated this authority.

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## SUBPART 5311.2 —USING AND MAINTAINING REQUIREMENTS DOCUMENTS

### 5311.273-3 Procedures

- (3) Submit determinations through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#) ).

### 5311.274-2 Policy for unique item identification

- (b)(1) See [MP5301.601\(a\)\(i\)](#).  
(b)(2)(i)(A) See MP5301.601-90. For ACAT I programs, submit determinations through the PEO for approval.  
(b)(2)(i)(B) See [MP5301.601\(a\)\(i\)](#).  
See [AFMC PGI 5311.304-90](#)

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## SUBPART 5311.5 — LIQUIDATED DAMAGES

### 5311.501 Policy

(d) See MP5301.601-90. Submit requests through the SCO to [SAF/AQC](#) for approval.

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## SUBPART 5311.6 — PRIORITIES AND ALLOCATIONS

### 5311.603 Procedures

Air Force procedures associated with the Defense Priorities and Allocations System (DPAS) are established in [AFI 63-101/20-101](#), *Integrated Life Cycle Management*.

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PART 5312 - ACQUISITION OF COMMERCIAL ITEMS

Sec.			
	SUBPART 5312.1 — ACQUISITION OF COMMERCIAL	5312.302	Tailoring of Provisions and Clauses for the Acquisition of
	ITEMS - GENERAL		Commercial Items
5312.102	Applicability		SUBPART 5312.4 – UNIQUE REQUIREMENTS REGARDING
	SUBPART 5312.2 — SPECIAL REQUIREMENTS FOR THE		TERMS AND CONDITIONS FOR COMMERCIAL ITEMS
	ACQUISITION OF COMMERCIAL ITEMS	5312.403	Termination
5312.207	Contract Type		SUBPART 5312.70 – LIMITATION ON CONVERSION OF
5312.272	Preference for Certain Commercial Products and Services		PROCUREMENT FROM COMMERCIAL ACQUISITION
	SUBPART 5312.3 – SOLICITATION PROVISIONS AND		PROCEDURES
	CONTRACT CLAUSES FOR THE ACQUISITION OF	5312.7001	Procedures
	COMMERCIAL ITEMS		SUBPART 5312.90 – PILOT PROGRAM FOR DEFENSE
			COMMERCIAL SOLUTIONS OPENING

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## SUBPART 5312.1 — ACQUISITION OF COMMERCIAL ITEMS - GENERAL

### 5312.102 Applicability

(a)(ii)(B) See [MP5301.601\(a\)\(i\)](#).

(f)(1) See [MP5301.601\(a\)\(i\)](#).

See AFMC PGI 5312.102-90.

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## **SUBPART 5312.2 — SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS**

### **5312.207 Contract Type**

(b)(iii) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval. See AFFARS 5316.601(d)(i)(A)(1) for approvals when base period plus any option periods is three years or less.

### **5312.272 Preference for Certain Commercial Products and Services**

(b)(2)(i) See [MP5301.601\(a\)\(i\)](#).

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## **SUBPART 5312.3 – SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS**

### **5312.302 Tailoring of Provisions and Clauses for the Acquisition of Commercial Items**

(c) See [MP5301.601\(a\)\(i\)](#).

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## **SUBPART 5312.4 – UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS**

### **5312.403 Termination**

(b) See [AFFARS 5349.101](#) for termination approval requirements.

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## **SUBPART 5312.70 – LIMITATION ON CONVERSION OF PROCUREMENT FROM COMMERCIAL ACQUISITION PROCEDURES**

### **5312.7001 Procedures**

- (a)(1) See [MP5301.601\(a\)\(i\)](#).
- (2) Provide a copy of the approved determination to OUSD(A&S)/DPC. Maintain proof of submission to OUSD(A&S)/DPC in the contract file.

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**SUBPART 5312.90 – PILOT PROGRAM FOR DEFENSE COMMERCIAL SOLUTIONS OPENING**

INTERIM CHANGE: See Policy Memo [18-C-03](#) .

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PART 5313 - SIMPLIFIED ACQUISITION PROCEDURES

Sec.			
	SUBPART 5313.1 — PROCEDURES	5313.301	Governmentwide Commercial Purchase Card
5313.106-1	Soliciting from a Single Source	5313.303-5	Purchases Under BPAs
5313.106-3	Award and Documentation		SUBPART 5313.5 – SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS
	SUBPART 5313.2 – ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD	5313.500	General
5313.201	General	5313.501	Special Documentation Requirements
	SUBPART 5313.3 – SIMPLIFIED ACQUISITION METHODS		

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## SUBPART 5313.1 — PROCEDURES

### 5313.106-1 Soliciting from a Single Source

(b) For acquisitions that exceed the micro-purchase threshold, but do not exceed the Simplified Acquisition Threshold, the tailorable [Single Source Justification](#) template may be used.

### 5313.106-3 Award and Documentation

(a) See the tailorable [Determination of Fair & Reasonable Price](#) template when using Simplified Acquisition Procedures under FAR Subpart 13.1.

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## **SUBPART 5313.2 – ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD**

### **5313.201 General**

(g)(1) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5313.3 – SIMPLIFIED ACQUISITION METHODS

### 5313.301 Governmentwide Commercial Purchase Card

See [AFI 64-117](#), *Air Force Governmentwide Purchase Card (GPC) Program* and *The GPC Expanded Use Guidebook*, dated March 2019.

### 5313.303-5 Purchases Under BPAs

(b)(1) Individual purchases under BPAs established in accordance with FAR 13.303-2(c)(3) may be made up to the purchase limitation identified in the BPA.

(2) Individual purchases of commercial items, other than BPAs established in accordance with FAR 13.303-2(c)(3), may be made up to the dollar limitation specified in FAR 13.500.

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## **SUBPART 5313.5 – SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS**

### **5313.500 General**

(c)(1) See [MP5301.601\(a\)\(i\)](#).

See [AFICC PGI 5313.500](#) .

### **5313.501 Special Documentation Requirements**

(a)(1)(ii) See the tailorable [Sole Source \(Including Brand Name\) Justification - Simplified Procedures for Certain Commercial Items](#) template.

(a)(2) See [5306.304\(a\)](#) for the approving officials for acquisitions using the limited or sole source justification at FAR 13.501(a)(2).

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**PART 5314 - SEALED BIDDING**

<i>Sec.</i>	SUBPART 5314.2 — SOLICITATION OF BIDS	SUBPART 5314.4 — OPENING OF BIDS AND AWARD OF
5314.201-7	Contract Clauses	CONTRACT
		Other Mistakes Disclosed Before Award
	5314.407-3	

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## SUBPART 5314.2 — SOLICITATION OF BIDS

### 5314.201-7 Contract Clauses

(b)(2) See [MP5301.601\(a\)\(i\)](#).

(c)(2) See [MP5301.601\(a\)\(i\)](#).

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## PART 5315 - CONTRACTING BY NEGOTIATION

*Sec.*

	SUBPART 5315.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION	5315.404-1-90	Pricing Assistance or Pricing Assistance Waiver
	SUBPART 5315.3 — SOURCE SELECTION	5315.404-2	Data to Support Proposal Analysis
5315.300	Scope of Subpart	5315.404-4	Profit
5315.371-4	Exceptions	5315.404-70-90	DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751
5315.371-5	Waiver	5315.406-1	Prenegotiation Objectives
	SUBPART 5315.4 — CONTRACT PRICING (S-90)	5315.406-3	Documenting the Negotiation
5315.400	Prohibition on Obtaining Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )	5315.407-3	Forward Pricing Rate Agreements
5315.403-1	Requiring Data Other Than Certified Cost or Pricing Data	5315.407-4	Should-cost Review
5315.403-3	Requiring Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )	5315.407-90	Contract Audit Follow-Up (CAFU)
5315.403-4		5315.408	Solicitation Provisions and Contract Clauses
			SUBPART 5315.6 — UNSOLICITED PROPOSALS
		5315.606	Agency Procedures

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## SUBPART 5315.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

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See [SMC PGI 5315.203](#).

See [AFMC PGI 5315.207](#).

See [AF PGI 5315.209-90](#).

## SUBPART 5315.3 — SOURCE SELECTION

### 5315.300 Scope of Subpart

See [MP5315.3](#) for required Air Force Source Selection responsibilities and procedures.

See [AFMC PGI 5315.3](#).

See [SMC PGI 5315.3](#).

See [USAFA PGI 5315.3](#).

### 5315.371-4 Exceptions

(a)(2) See [MP5301.601\(a\)\(i\)](#).

### 5315.371-5 Waiver

See [MP5301.601\(a\)\(i\)](#).

See [AF PGI 5315.371-5](#).

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## SUBPART 5315.4 — CONTRACT PRICING

### 5315.400 (S-90)

See [MP5315.4](#) for required Air Force contract pricing procedures. See the [DoD Sole Source Streamlining Tool Box](#) for techniques to increase efficiency throughout the acquisition process.

See [AF PGI 5315.402-90](#).

See [AFMC PGI 5315.402-90](#).

### 5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )

(b) See [MP5301.601\(a\)\(i\)](#).

(c) *Standards for exceptions from certified cost or pricing data requirements.*

(4) *Waivers.*

(A) *Exceptional case TINA waiver:* Submit the request for an exceptional case TINA waiver through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#) ). When the waiver is for a subcontractor who has refused to provide cost or pricing data to a prime contractor, the information required must cover both the prime contract and the subcontract. Contracting officers must submit a copy of all signed TINA waivers to HQ AFMC/PKF within 30 days of signature by the HCA. Submit the request for OUSD(A&S)/DPC approval to use the exceptional circumstances waiver pursuant to Class Deviation 2019-O0008, Section 890 Pilot Program to Accelerate Contracting and Pricing Processes, to SAF/AQC with the Subject: “AFFARS 5315.403-1(c)(4)(A) – Section 890 Pilot Program to Accelerate Contracting and Pricing Processes.”

(B) The SCO must consolidate and submit the information as outlined in [DFARS PGI 215.403-1\(c\)\(4\)\(B\)](#), or submit a negative report for their organization, to [SAF/AQCP](#) no later than 15 October each year. AFMC SCOs must submit their reports directly to HQ AFMC/PK no later than 15 October each year. HQ AFMC/PK must consolidate all of the SCO reports for AFMC and submit a final report to [SAF/AQCP](#) no later than 8 November each year. SAF/AQCP will submit the annual report, Waiver of TINA Requirements, to OUSD(A&S)/DPC. AFRCO will provide the information directly to the DAS(C)/ADAS(C), as appropriate.

See [AFICC PGI 5315.403-1](#).

See [AFMC PGI 5315.403-1](#).

### 5315.403-3 Requiring Data Other Than Certified Cost or Pricing Data

(a)(4) See [MP5301.601\(a\)\(i\)](#).

(a)(6)(ii) See [MP5301.601\(a\)\(i\)](#). SCOs must ensure the required information has been uploaded into the [Contractor Denials of Data Requests](#) information within 25 days following the end of the quarter. Negative reports are required.

### 5315.403-4 Requiring Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )

(a)(2) The contracting officer must submit the Determination and Findings through their SCO to [SAF/AQC](#) for HCA signature (see [MP5301.601\(a\)\(i\)](#) ).

### 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver

(a) Required thresholds for requesting pricing assistance:

Sole Source		Competitive
PEO (Systems)	All Other	All
\$25M or more	\$10M or more	\$100M or more

(b) See [MP5315.404-1-90\(b\)](#) for procedures for requesting pricing assistance.

(c) See [MP5315.404-1-90\(c\)](#) for procedures for requesting a pricing assistance waiver for actions that meet or exceed the required thresholds identified in 5315.404-1-90(a).

See [AFICC PGI 5315.404-1-90](#).

See [AFMC PGI 5315.404-1-90](#).

See [SMC PGI 5315.404-1-90](#).

**5315.404-2 Data to Support Proposal Analysis**

See [MP5301.601\(a\)\(i\)](#).  
See [AFMC PGI 5315.404-2-90](#).  
See [AF PGI 5315.404-3-90](#).  
See [AFMC PGI 5315.404-3-90](#).

**5315.404-4 Profit**

(c)(2)(C)(2) See [MP5301.601\(a\)\(i\)](#).

**5315.404-70-90 DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751**

HQ AFMC/PKF is the designated Air Force focal point for weighted guidelines reporting. DD Form 1547s shall be prepared and reported using the web-based [Weighted Guidelines \(WGL\) Application](#) (must use Internet Explorer). The SCO shall appoint a WGL Administrator at each geographic location. The responsibilities of the WGL Administrator are outlined in the WGL Administrator's Guide. Refer to the web-enabled version of the [Profit WGL Application and User Application Guides](#) (Users and Administrators).

See [AF PGI 5315.404-70-90](#).

**5315.406-1 Prenegotiation Objectives**

(b)(ii) *Adjudication Procedures*. The contracting officer must forward DCAA requests for Air Force management review through their management chain, and provide the SCO name and contact information to the cognizant DCAA representative. If disagreements remain, the SCO must elevate the issue to [SAF/AQC](#) to support any request from DCAA for further elevation of the issue(s).

(b)(90) A Preliminary Price Negotiation Memorandum (PPNM) is required for all actions of \$10M or more. The [AF PPNM template](#) may be tailored for use.

See [AFMC PGI 5315.406-1](#).

**5315.406-3 Documenting the Negotiation**

(a) See the [Price Negotiation Memorandum \(PNM\) Checklist](#) that may be used to ensure PNMs contain all required information. The final PNM template and streamlined PNM templates for [supplies](#) or [services](#) may be tailored for use.

See [AFMC PGI 5315.406-3](#).  
See [SMC PGI 5315.406-3](#).  
See [AFMC PGI 5315.406-3-90](#).  
See [AFMC PGI 5315.407-1-90](#).  
See [AFMC PGI 5315.407-2](#).

**5315.407-3 Forward Pricing Rate Agreements**

(b)(i) See [MP5301.601\(a\)\(i\)](#).

**5315.407-4 Should-cost Review**

(b) *Program should-cost review*.

(4) The contracting office organizes and manages the program should-cost review. The team chief is responsible for the completion of the should-cost review team report.

(c)(2)(B) See [MP5301.601\(a\)\(i\)](#).

**5315.407-90 Contract Audit Follow-Up (CAFU)**

Follow [MP5315.407-90](#) for conducting CAFU activities.

See [AFICC PGI 5315.407-90](#).

See [AF PGI 5315.407-91](#).

**5315.408 Solicitation Provisions and Contract Clauses**

(2)(i)(A)(2) See [MP5301.601\(a\)\(i\)](#).

(ii)(A)(2) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5315.6 — UNSOLICITED PROPOSALS

### 5315.606 Agency Procedures

See [MP5315.606-90](#) for points of contact and procedures for controlling the receipt, handling, evaluation, and timely disposition of unsolicited proposals.

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## PART 5316 - TYPES OF CONTRACTS

*Sec.*

	SUBPART 5316.1 — SELECTING CONTRACT TYPES	5316.401	General
5316.102	Policies	5316.404	Fixed-Price Contracts with Award Fees
5316.103	Negotiating Contract Type	5316.405-2	Cost-Plus-Award-Fee Contracts
5316.104	Factors in Selecting Contract Types		SUBPART 5316.5 — INDEFINITE-DELIVERY CONTRACTS
	SUBPART 5316.203 — FIXED-PRICE CONTRACTS WITH ECONOMIC PRICE ADJUSTMENT	5316.503	Requirements Contracts
		5316.504	Indefinite-Quantity Contracts
5316.203-4	Contract Clauses	5316.505	Ordering
	SUBPART 5316.206 — FIXED-CEILING-PRICE CONTRACTS WITH RETROACTIVE PRICE REDETERMINATION	5316.505-90	Decentralized Ordering
5316.206-3	Limitations		SUBPART 5316.6 — TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS
	SUBPART 5316.3 — COST-REIMBURSEMENT CONTRACTS	5316.601	(d) Limitations
5316.301-3	Limitations	5316.603-2	Application
	SUBPART 5316.4 — INCENTIVE CONTRACTS	5316.603-3	Limitations

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## SUBPART 5316.1 — SELECTING CONTRACT TYPES

See [AF PGI 5316.101](#).

### 5316.102 Policies

### 5316.103 Negotiating Contract Type

(d) See the tailorable [Determination and Findings](#) template.

### 5316.104 Factors in Selecting Contract Types

See [AF PGI 5316.104](#).

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## **SUBPART 5316.203 — FIXED-PRICE CONTRACTS WITH ECONOMIC PRICE ADJUSTMENT**

### **5316.203-4 Contract Clauses**

See [AF PGI 5316.203-4](#) .

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## **SUBPART 5316.206 — FIXED-CEILING-PRICE CONTRACTS WITH RETROACTIVE PRICE REDETERMINATION**

### **5316.206-3 Limitations**

- (d) Submit requests through the SCO to [SAF/AQC](#) for HCA approval (See [MP5301.601\(a\)\(i\)](#)).

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## SUBPART 5316.3 — COST-REIMBURSEMENT CONTRACTS

### 5316.301-3 Limitations

(2) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5316.4 — INCENTIVE CONTRACTS

### 5316.401 General

(d)(i) See [MP5301.601\(a\)\(i\)](#) Forward a copy of the award fee D&F to SAF/AQC when the conditions at DFARS PGI 216.401(e)(iii) apply.

(d)(ii) See [MP5301.601\(a\)\(i\)](#) Forward a copy of the cost-reimbursement award fee D&F to SAF/AQC when the conditions at DFARS PGI 216.401(e)(iii) apply.

(e)(3)(i) See [MP5301.601\(a\)\(i\)](#).

See [AF PGI 5316.401-90](#).

See [SMC PGI 5316.401-90](#).

### 5316.404 Fixed-Price Contracts with Award Fees

See [5316.401\(e\)\(3\)\(i\)](#) above.

### 5316.405-2 Cost-Plus-Award-Fee Contracts

(1) *Award-fee pool*. Submit requests through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#) ).

See [SMC PGI 5316.405-2-90](#).

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## SUBPART 5316.5 — INDEFINITE-DELIVERY CONTRACTS

### 5316.503 Requirements Contracts

(b)(2) Determinations for requirements contracts in an amount estimated to exceed \$112M (including all options) must be approved in accordance with [5316.504\(c\)\(1\)\(ii\)\(D\)](#).

### 5316.504 Indefinite-Quantity Contracts

(a) Description.

(2) Upon execution of the contract, an obligation shall be recorded based upon the issuance of a delivery or task order for the cost/price of the minimum quantity specified. The Government's actual obligation must be recorded at the time of contract award. (See [DoD 7000.14-R](#), Volume 3, Chapter 8, paragraph 080604)

(c)(1)(ii)(D) *Limitation on single award contracts.*

(1) The SCO has the authority to make the written determination required by FAR 16.504(c)(1)(ii)(D)(1). Provide a copy of the written determination to [SAF/AQCP](#).

(c)(2)(i)(A) See MP5301.601-90.

(c)(2)(i)(B) See MP5301.601-90.

(c)(2)(ii) See MP5301.601-90.

### 5316.505 Ordering

(b) *Orders under multiple award contracts.*

(1) *Fair opportunity.*

(ii) The contracting officer must use streamlined ordering procedures. SCOs must justify the use of FAR Subpart 15.3 Source Selection Procedures for any contract or task/delivery order, regardless of dollar value made in accordance with FAR 16.505. The SCO must submit justifications to [SAF/AQC](#) before proceeding with the source selection and/or Clearance session.

(2) *Exceptions to the fair opportunity process.* See [5306.304\(a\)](#) for the approving officials for a proposed task or delivery order using the fair opportunity exceptions at FAR 16.505(b)(2). See the tailorable [Justification for an Exception to Fair Opportunity](#) template. For exceptions to fair opportunity that are intended for purposes of awarding a "Bridge Action" see 5306.303-90.

See [AF PGI 5316.505](#).

See [SMC PGI 5316.505](#).

(8) *Task-order and delivery-order ombudsman.* See 5301.91.

### 5316.505-90 Decentralized Ordering

For contracts that authorize decentralized ordering (i.e., ordering by a contracting office at any other location), the contracting officer with overall responsibility for the contract must:

(a) Ensure that adequate control procedures are in place before any orders are authorized; and

(b) Exercise oversight of decentralized ordering throughout the period of performance under the contract to ensure that the procedures are followed.

See [SMC PGI 5316.505-90](#).

See [AF PGI 5316.506](#).

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## **SUBPART 5316.6 — TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS**

### **5316.601 (d) Limitations**

(i)(A)(1) (i) For contracts (including indefinite-delivery contracts) and orders in which the portion of the requirement performed on a time-and-materials or labor-hour basis exceeds \$10 million, the approval authority for the determination and findings shall be the senior contracting official within the contracting activity. This authority may not be delegated.

(ii) For contracts (including indefinite-delivery contracts) and orders in which the portion of the requirement performed on a time-and-materials or labor-hour basis is less than or equal to \$10 million, the determination and findings shall be approved one level above the contracting officer.

(i)(A)(2) The SCO approved D&F and a copy of this class deviation shall be included in the contract file. Submit the D&F required pursuant to DFARS 216.601(d)(i)(A)(2) through the SCO to [SAF/AQC](#) for approval. See [MP5301.601\(a\)\(i\)](#).

(3) See [MP5301.601\(a\)\(i\)](#).

### **5316.603-2 Application**

(c)(3) See [MP5301.601\(a\)\(i\)](#).

### **5316.603-3 Limitations**

See [MP5301.601\(a\)\(i\)](#).

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## PART 5317 - SPECIAL CONTRACTING METHODS

*Sec.*

	SUBPART 5317.1 — MULTIYEAR CONTRACTING	5317.770	Procedures
5317.105-1	Uses		SUBPART 5317.74 — UNDEFINITIZED CONTRACT
5317.106	Procedures		ACTIONS
5317.106-3	Special Procedures Applicable to DoD, NASA, and the Coast	5317.7402	Exceptions
	Guard	5317.7404	Limitations
5317.170	General	5317.7404-1	Authorization
5317.171	Multiyear Contracts for Services	5317.7404-3	Definitization Schedule
5317.172	Multiyear Contracts for Supplies	5317.7404-5	Exceptions
5317.173	Multiyear Contracts for Military Family Housing	5317.7405	Plans and Reports
	SUBPART 5317.2 — OPTIONS	5317.7406	Contract Clauses
5317.204	Contracts		SUBPART 5317.75 — ACQUISITION OF REPLENISHMENT
5317.205	Documentation		PARTS
5317.207	Exercise of Options	5317.7502	General
	SUBPART 5317.5 — INTERAGENCY ACQUISITIONS	5317.7504	Acquisition of Parts When Data is Not Available
5317.500	Scope of Subpart	5317.7505	Limitations on Price Increases
	SUBPART 5317.7 — INTERAGENCY ACQUISITIONS:		SUBPART 5317.90 — ASSOCIATE CONTRACTOR
	ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF		AGREEMENTS
	OF THE DEPARTMENT OF DEFENSE	5317.9000	Associate Contractor Agreements
5317.703	Policy		

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## SUBPART 5317.1 — MULTIYEAR CONTRACTING

### 5317.105-1 Uses

(b) See MP5301.601-90. Before entering into any multiyear contract, the contracting officer must review current statute and other Congressional language for potential restrictions. For ACAT I programs, submit requests through the PEO for approval. For non-PEO designated programs, submit requests through the SCO to [SAF/AQC](#) for approval.

### 5317.106 Procedures

See the [Multiyear Contracting Guide](#) for general guidance on how to use multi-year contracting to acquire supplies and services.

### 5317.106-3 Special Procedures Applicable to DoD, NASA, and the Coast Guard

(f) *Annual and multiyear proposals.* See [MP5301.601\(a\)\(i\)](#).

(g) *Level unit prices.* See [MP5301.601\(a\)\(i\)](#).

### 5317.170 General

(a) See MP5301.601-90. For non-PEO designated programs, submit requests through the SCO to [SAF/AQC](#) for approval.

(b) See MP5301.601-90. For non-PEO designated programs, submit requests through the SCO to [SAF/AQC](#) for approval.

(d)(4) The contracting officer must provide the congressional notification described in DFARS 217.170(d)(1), using the 1279 format in [MP5305.303](#), to [SAF/AQC](#) 40 days before the planned contract award date, with an information copy to [SAF/FMBL](#), [SAF/LLP](#), and the SCO. SAF/AQC will notify the DoD offices listed in DFARS 217.170(d)(4). This congressional notification does not fulfill the requirement to announce contract awards in accordance with FAR 5.3, as supplemented.

### 5317.171 Multiyear Contracts for Services

(c) See MP5301.601-90. For ACAT I programs, submit determinations through the PEO for approval. For non-PEO designated programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

### 5317.172 Multiyear Contracts for Supplies

(f)(2) See [MP5301.601\(a\)\(i\)](#).

(g) The contracting officer must provide the information supporting all requirements described in DFARS 217.172(g)(2) through the SCO to [SAF/AQC](#) for approval processing.

(h) See MP5301.601-90.

### 5317.173 Multiyear Contracts for Military Family Housing

See MP5301.601-90.5317.174 Multiyear Contracts for Electricity from Renewable Energy Sources

(b) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5317.2 — OPTIONS

### 5317.204 Contracts

(e)(i)(A)-(B) The Life Cycle Sustainment Plan (LCSP), written Acquisition Plan (AP), or Acquisition Strategy Panel (ASP) approval authority has the authority to approve contract periods in excess of five years, unless otherwise restricted by statute. If a LCSP/AP/ASP is not required, the contracting officer has the authority to approve contract periods in excess of five years, unless otherwise restricted by statute.

(e)(i)(C) See MP5301.601-90. For PEO designated programs, submit determinations through the PEO for approval. For non-PEO designated programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(e)(iii) See MP5301.601-90. For PEO designated programs, submit requests through the PEO for approval. For non-PEO designated programs, submit requests through the SCO to [SAF/AQC](#) for approval.

See [AFICC PGI 5317.204-90](#).

See [AFMC PGI 5317.204-90](#).

### 5317.205 Documentation

See the tailorable [Determination and Findings -- Options and Quantities](#) template.

### 5317.207 Exercise of Options

(c) See the tailorable [Determination and Findings -- Exercising an Option](#) template.

(8) For SMC, if the contract is a space program contract (See [AFFARS 5302](#)), verify the contractor is not listed on the Contractor Responsibility Watch List ([CRWL](#)). If the contractor is listed on the CRWL, the contracting officer shall not exercise the option without obtaining approval (See [AFFARS MP5309.190](#)).

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## SUBPART 5317.5 — INTERAGENCY ACQUISITIONS

### 5317.500 Scope of Subpart

See [AFI 65-118](#) for processing interagency acquisitions, to include acquisitions authorized under The Economy Act.

See [AFICC PGI 5317.501](#).

See [SMC PGI 5317.502-2](#).

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## **SUBPART 5317.7 — INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE**

### **5317.703 Policy**

(e) Interim Change: See Policy Memo [19-C-08](#) for waiver approval authority and sample waiver request.

### **5317.770 Procedures**

See [AFI 65-118](#) for procedures on reviewing and approving orders placed for supplies and services under non-DoD contracts, either through direct or assisted acquisition.

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## SUBPART 5317.74 — UNDEFINITIZED CONTRACT ACTIONS

### 5317.7402 Exceptions

(a)(4) See [AF PGI 5317.7402](#) when contracting for long-lead items initiated with advance procurement funds. Follow DFARS 217.74 when contracting for long-lead items procured with other than advance procurement funds. When procurement funds must be added to an undefinitized long-lead procurement contract issued with advance procurement funds prior to definitization, follow the procedures at DFARS 217.74.

(b) When complying with the requirements described in DFARS 217.7402(b), SCOs must provide a courtesy copy to [SAF/AQC](#). Maintain proof of submission in the contract file.

See [AF PGI 5317.7402-90](#).

### 5317.7404 Limitations

(a)(1)(ii) See 5317.7404-1 for approval authority to enter into a UCA for a foreign military sale.

(b)(2) See [MP5301.601\(a\)\(i\)](#).

### 5317.7404-1 Authorization

See [MP5301.601\(a\)\(i\)](#). See the tailorable [Request for Authority to Issue a UCA](#) template.

See [SMC PGI 5317.7404-1](#).

### 5317.7404-3 Definitization Schedule

(a)(1) See [MP5301.601\(a\)\(i\)](#).

See [AFMC PGI 5317.7404-3-90](#).

### 5317.7404-5 Exceptions

(b) See MP5301.601-90. Submit requests for waivers through the SCO to [SAF/AQC](#) for approval.

### 5317.7405 Plans and Reports

To comply with the Consolidated UCA Management Plan and Semi-annual Consolidated UCA Management Report requirements described in DFARS 217.7405, SCOs are required to ensure UCAs with a value equal to or exceeding \$5 million are input/updated in the [UCA Reporting Tool](#) on a semi-annual basis no later than April 10th and October 10th of each year. For any reportable UCA that falls 30 days behind its schedule, update status in the reporting tool to identify actions taken to get back on schedule. In addition, the SCO shall ensure a copy of the record of weighted guidelines, or alternative documentation, for each definitized UCA with a value equal to or exceeding \$100 million, as described in DFARS PGI 217.7405(1), is included with the semi-annual reporting. Special access program offices will provide the information directly to the DAS(C)/ADAS(C), as appropriate.

### 5317.7406 Contract Clauses

Contracting officers must insert the clause at [AFFARS 5352.217-9000](#), *Long Lead Limitation of Government Liability*, in all long-lead procurement solicitations and contracts initiated with advance procurement funds.

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## SUBPART 5317.75 — ACQUISITION OF REPLENISHMENT PARTS

### 5317.7502 General

See [AFMC PGI 5317.7502-90](#).

### 5317.7504 Acquisition of Parts When Data is Not Available

(4)(ii) See [MP5301.601\(a\)\(i\)](#).

### 5317.7505 Limitations on Price Increases

(b) See [MP5301.601\(a\)\(i\)](#).

See [AFMC PGI 5317.7506-90](#).

See [AFMC PGI 5317.7601-90](#).

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## **SUBPART 5317.90 — ASSOCIATE CONTRACTOR AGREEMENTS**

### **5317.9000 Associate Contractor Agreements**

See [AF PGI 5317.9000](#).

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## PART 5318 - EMERGENCY ACQUISITIONS

*Sec.*

5318.001	SUBPART 5318.000 – SCOPE OF PART	5318.201	Contingency Operation
5318.125	Definition	5318.202	Defense or Recovery from Certain Attacks
	Protest to GAO	5318.270	Head of Contracting Activity Determinations
	SUBPART 5318.2 — EMERGENCY ACQUISITION		
	FLEXIBILITIES		

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## SUBPART 5318.000 – SCOPE OF PART

### 5318.001 Definition

A *Contingency Contracting Officer (CCO)* is a person with contracting authority to enter into, administer, and terminate contracts on behalf of the Government in support of a local contingency, steady-state deployments, or other contingency operations. The CCO also acts as the primary business advisor to the deployed/incident commander or the Emergency Operations Center (EOC) director.

### 5318.125 Protest to GAO

See [MP5301.601\(a\)\(i\)](#) and [5333.104](#) .

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## SUBPART 5318.2 — EMERGENCY ACQUISITION FLEXIBILITIES

### 5318.201 Contingency Operation

(b) *Micro-purchase threshold*. For delegation of HCA responsibility regarding micro-purchases of supplies or services to be used in support of a contingency operation, see [MP5301.601\(a\)\(i\)](#).

(c) *Simplified acquisition threshold*. For delegation of HCA responsibility regarding an increase in simplified acquisition threshold, see [MP5301.601\(a\)\(i\)](#).

(1) *Selection, appointment, and termination of appointment*. Requirements for the selection, appointment and termination of CCOs are described in [5301.603-2-90\(e\)](#).

(S-90) For Air Force Contingency readiness policies, responsibilities, and implementing procedures, see [AFI 64-105](#) and *Contingency Contracting Support*.

(S-91) Assign and maintain DoD Activity Address Codes (DoDAAC) for deployed forces within the area of responsibility, as required. See AFFARS 5304.7003-90.

(2) See [MP5301.601\(a\)\(i\)](#).

### 5318.202 Defense or Recovery from Certain Attacks

See [MP5301.601\(a\)\(i\)](#).

### 5318.270 Head of Contracting Activity Determinations

See [MP5301.601\(a\)\(i\)](#).

(S-90) HQ AFICC is the HCA designee for all delegable HCA responsibilities during contingency operations for all USAF component commands (see [MP5301.601\(a\)\(i\)](#)).

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## PART 5319 - SMALL BUSINESS PROGRAMS

*Sec.*

	SUBPART 5319.2 — POLICIES	5319.810-90	SBA Appeals
5319.201	General Policy		SUBPART 5319.13 – HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZONE) PROGRAM
	SUBPART 5319.5 — SMALL BUSINESS TOTAL SET-ASIDES, PARTIAL SET-ASIDES, AND RESERVES	5319.1305	HUBZone Set-Aside Procedures
5319.502-3	Partial Set-Asides		SUBPART 5319.14 – SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS PROCUREMENT PROGRAM
5319.502-8	Rejecting Small Business Administration Recommendations		
	SUBPART 5319.7 — THE SMALL BUSINESS SUBCONTRACTING PROGRAM	5319.1405	Service-disabled Veteran-owned Small Business Set-aside Procedures
5319.705-4	Reviewing the Subcontracting Plan		SUBPART 5319.15 – WOMEN-OWNED SMALL BUSINESS PROGRAM
	SUBPART 5319.8 — CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)	5319.1505	Set-aside Procedures

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## SUBPART 5319.2 — POLICIES

### 5319.201 General Policy

(b) See [MP5301.601\(a\)\(i\)](#).

(c)(8) See [MP5301.601\(a\)\(i\)](#).

(c)(10)(A) SB specialists/PCRs must be included early in the acquisition planning process. SB specialists review all acquisitions IAW DFARS 219.201(c)(10)(A) (excluding awards under the Small Business Innovation Research/Small Business Technology Transfer Programs). The SCO and the MAJCOM/DRU/AFRCO/SMC Director of Small Business may jointly agree, in writing, to lower the threshold to \$10,000 (regardless of proposed set-aside strategy) for the purpose of achieving small business goals.

(B) Document review on the [DD Form 2579](#), *Small Business Coordination Record*. Except for AFMC and SMC, forward a copy of all completed DD Forms 2579 in excess of \$1,000,000 to the applicable MAJCOM/DRU Director of Small Business prior to convening an Acquisition Strategy Panel or prior to finalizing the Acquisition Strategy if an ASP is not convened. In those instances where the SB specialist and the SBA/PCR are precluded from the review process due to security classification, the contracting officer must complete a [DD Form 2579](#), and the COCO must review and coordinate on the form.

(d) Refer to [AFI 90-1801](#), *Small Business Programs*, for Air Force Small Business Program requirements.

See [AF PGI 5319.201](#).

See [SMC PGI 5319.201-90](#).

See [AF PGI 5319.303](#).

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## **SUBPART 5319.5 — SMALL BUSINESS TOTAL SET-ASIDES, PARTIAL SET-ASIDES, AND RESERVES**

### **5319.502-3 Partial Set-Asides**

(a)(5) See [MP5301.601\(a\)\(i\)](#).

### **5319.502-8 Rejecting Small Business Administration Recommendations**

(b) See [MP5301.601\(a\)\(i\)](#).

(d) When notified by the SBA that it has filed an appeal with the Agency Head, follow 5319.810-90(b) to prepare an appeal file. Forward the appeal file through the SCO to [SAF/SB](#) (with a courtesy copy to the MAJCOM Small Business office) to arrive in SAF/SB within ten workdays after receipt of the formal appeal.

See [AFMC PGI 5319.505](#).

See [AFMC PGI 5319.602-3](#).

See [AF PGI 5319.705-2](#).

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**SUBPART 5319.7 — THE SMALL BUSINESS SUBCONTRACTING PROGRAM****5319.705-4 Reviewing the Subcontracting Plan**

(d)(7) The contracting officer must obtain the written coordination of the small business specialist prior to contractually incorporating a subcontracting plan.

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## **SUBPART 5319.8 — CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)**

### **5319.810-90 SBA Appeals**

(a) When notified by the SBA that it has filed an appeal with the Agency Head, the contracting officer should notify the local Small Business Office and follow the paragraph below to prepare an appeal file. Forward the appeal file through the SCO to [SAF/SB](#) to arrive in SAF/SB within ten workdays after receipt of the formal appeal with a courtesy copy to the MAJCOM Small Business Office.

(b) When notified by the SBA that it has filed an appeal with the Agency Head, either for a small business set-aside or the 8(a) program, the contracting officer must prepare an appeal file. The file must contain a statement by the contracting officer, which sets forth the decision rationale and addresses the appeal issues on a point-by-point basis. The appeal file must include the following: (1) The contracting officer's rationale for not considering known small business sources, small businesses identified through synopsis, and sources recommended by the Small Business Specialist and SBA; (2) Discuss results of market research or attach a market research report; (3) Include comments and/or concurrence from the Small Business Specialist; (4) The completed [DD Form 2579](#) and SBA Form 70 and any related correspondence; (5) The procurement history; and (6) A copy of the solicitation's evaluation and award factors.

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## **SUBPART 5319.13 – HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZONE) PROGRAM**

### **5319.1305 HUBZone Set-Aside Procedures**

(d) See [MP5301.601\(a\)\(i\)](#).

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**SUBPART 5319.14 – SERVICE-DISABLED VETERAN-  
OWNED SMALL BUSINESS PROCUREMENT PROGRAM**

**5319.1405 Service-disabled Veteran-owned Small Business Set-aside Procedures**

(d) See [MP5301.601\(a\)\(i\)](#).

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## **SUBPART 5319.15 – WOMEN-OWNED SMALL BUSINESS PROGRAM**

### **5319.1505 Set-aside Procedures**

(g)(3) See MP5301.601-90.

(g)(5) See MP5301.601-90.

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## **PART 5320 – RESERVED**

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## **PART 5321 – RESERVED**

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# **PART 5322 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

*Sec.*

	SUBPART 5322.1 — BASIC LABOR POLICIES		SUBPART 5322.8 — EQUAL EMPLOYMENT OPPORTUNITY
5322.101-1	General	5322.805	Procedures
5322.101-3-70	Impact of Labor Disputes on Defense Programs		SUBPART 5322.18 — EMPLOYMENT ELIGIBILITY
5322.103-4	Approvals		VERIFICATION
	SUBPART 5322.3 — CONTRACT WORK HOURS AND	5322.1802	Policy
	SAFETY STANDARDS STATUTE		SUBPART 5322.70 — RESTRICTIONS ON THE
5322.302	Liquidated Damages and Overtime Pay		EMPLOYMENT OF PERSONNEL FOR WORK ON
	SUBPART 5322.4 — LABOR STANDARDS FOR CONTRACTS		CONSTRUCTION AND SERVICE CONTRACTS IN
	INVOLVING CONSTRUCTION		NONCONTIGUOUS STATES
5322.406-13	Semi-annual Enforcement Reports	5322.7003	Waivers

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## SUBPART 5322.1 — BASIC LABOR POLICIES

### 5322.101-1 General

Contracting officers must involve the Regional Labor Advisors in all labor relation actions outlined in FAR Part 22, as required. [AFI 64-106](#), *Air Force Industrial Labor Relations Activities*, identifies the Regional Labor Advisors and their assigned geographical areas.

(e) See [MP5301.601\(a\)\(i\)](#) regarding authority to designate contracts requiring contractors to report actual or potential labor disputes to the contracting activity in addition to the following:

- (i) Construction contracts in excess of the simplified acquisition threshold (SAT);
- (ii) Service contracts in excess of the SAT; and,
- (iii) Any contract that contains the clause at FAR 52.222-1, *Notice to the Government of Labor Disputes*, (e.g., mission critical services).

See [SMC PGI 5322.101-1-90](#).

### 5322.101-3-70 Impact of Labor Disputes on Defense Programs

(b)(ii) See [MP5301.601\(a\)\(i\)](#).

### 5322.103-4 Approvals

(a) The contracting officer is designated the agency approving official.

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**SUBPART 5322.3 — CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE****5322.302 Liquidated Damages and Overtime Pay**

(c) The Regional Labor Advisors are the agency officials responsible for acting on appeals in accordance with DFARS 222.302(2). The Chief Air Force Labor Advisor ([SAF/AQCA](#)) and the Regional Labor Advisors are authorized to take the actions in accordance with FAR 22.302(c).

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## **SUBPART 5322.4 — LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION**

### **5322.406-13 Semi-annual Enforcement Reports**

See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5322.8 — EQUAL EMPLOYMENT OPPORTUNITY

### 5322.805 Procedures

(a)(8) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5322.18 — EMPLOYMENT ELIGIBILITY VERIFICATION

### 5322.1802 Policy

(d) See [MP5301.601\(a\)\(i\)](#).

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**SUBPART 5322.70 — RESTRICTIONS ON THE EMPLOYMENT  
OF PERSONNEL FOR WORK ON CONSTRUCTION AND  
SERVICE CONTRACTS IN NONCONTIGUOUS STATES**

**5322.7003 Waivers**

See MP5301.601-90. Submit requests for waivers through the SCO to [SAF/AQC](#) for approval.

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# **PART 5323 - ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

*Sec.*

	SUBPART 5323.3 — HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA	5323.803	SUBPART 5323.8 — OZONE-DEPLETING SUBSTANCES Policy
5323.370-4	Procedures	5323.804-90	Contract Clauses
	SUBPART 5323.7 — CONTRACTING FOR ENVIRONMENTALLY PREFERABLE AND ENERGY- EFFICIENT PRODUCTS AND SERVICES	5323.9001	SUBPART 5323.90 — HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS Contract Clause
5323.703	Policy		

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## **SUBPART 5323.3 — HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA**

### **5323.370-4 Procedures**

(1) *Preaward phase* .

(i)(A)(2) See [MP5301.601\(a\)\(i\)](#).

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## **SUBPART 5323.7 — CONTRACTING FOR ENVIRONMENTALLY PREFERABLE AND ENERGY-EFFICIENT PRODUCTS AND SERVICES**

### **5323.703 Policy**

See [AF PGI 5323.703](#).

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## SUBPART 5323.8 — OZONE-DEPLETING SUBSTANCES

### 5323.803 Policy

(a) Requiring activities must obtain approval in accordance with [AFI 32-7086](#), *Hazardous Materials Management*, Chapter 3, before a specification or standard that requires the use of a class I ozone-depleting substance (ODS), or that can be met only through the use of an ODS, is authorized in any solicitation or contract/order.

### 5323.804-90 Contract Clauses

Include AFFARS clause [5352.223-9000](#) in all solicitations and contracts/orders unless the requiring activity obtains the approval IAW paragraph 5323.803(a). If approval is obtained, the contracting officer must instead use FAR clause 52.223-11.

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## **SUBPART 5323.90 — HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS**

### **5323.9001 Contract Clause**

The contracting officer may insert AFFARS clause [5352.223-9001](#) in solicitations and contracts, other than for construction, which require performance on a Government installation if needed. The contracting officer should coordinate these requirements with the Chief Engineer and include this clause only for efforts where these requirements are not already spelled out in the technical requirements documents which will also be included in the resultant contract.

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## **PART 5324 - PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

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## PART 5325 - FOREIGN ACQUISITION

*Sec.*

5325.103	SUBPART 5325.1 — BUY AMERICAN - SUPPLIES Exceptions	5325.1001	Waiver of Right to Examination of Records
5325.202	SUBPART 5325.2 — BUY AMERICAN – CONSTRUCTION MATERIALS	5325.7002-2	SUBPART 5325.70 — AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION
5325.204	Exceptions	5325.7003-3	Exceptions
5325.403	Evaluation Offers of Foreign Construction Material	5325.7008	Exceptions
	SUBPART 5325.4 — TRADE AGREEMENTS		Waiver of Restrictions of 10 U.S.C. 2534
	World Trade Organization Government Procurement Agreement and Free Trade Agreements		SUBPART 5325.73 — ACQUISITIONS FOR FOREIGN MILITARY SALES
	SUBPART 5325.6 — AMERICAN RECOVERY AND REINVESTMENT ACT - BUY AMERICAN STATUTE - CONSTRUCTION MATERIALS	5325.7301-2	Solicitation Approval for Sole Source Contracts
5325.603	Exceptions	5325.7501	SUBPART 5325.75 — BALANCE OF PAYMENTS PROGRAM
	SUBPART 5325.10 — ADDITIONAL FOREIGN ACQUISITION REGULATIONS		Policy
		5325.7703-2	SUBPART 5325.77 — ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN
			Determination requirements.

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## SUBPART 5325.1 — BUY AMERICAN - SUPPLIES

### 5325.103 Exceptions

(a)(ii)(B)(3) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(b) Follow [MP5325](#) when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5325.2 — BUY AMERICAN – CONSTRUCTION MATERIALS

### 5325.202 Exceptions

(a)(1) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For non-ACAT I programs, submit determination through the SCO to [SAF/AQC](#) for approval.

(a)(2) *Nonavailability*. See [MP5301.601\(a\)\(i\)](#).

### 5325.204 Evaluation Offers of Foreign Construction Material

(b) See MP5301.601-90.

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**SUBPART 5325.4 — TRADE AGREEMENTS****5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements**

(c)(ii)(A) See [MP5301.601\(a\)\(i\)](#).

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## **SUBPART 5325.6 — AMERICAN RECOVERY AND REINVESTMENT ACT - BUY AMERICAN STATUTE - CONSTRUCTION MATERIALS**

### **5325.603 Exceptions**

(a)(1)(i) *Nonavailability*. See [MP5301.601\(a\)\(i\)](#).

(a)(1)(iii) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(a)(2) See MP5301.601-90. For ACAT I Programs, submit determinations through the SCO to [SAF/AQC](#) for SAF/AQ approval. For approval for non-ACAT I programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(b)(2) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

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**SUBPART 5325.10 — ADDITIONAL FOREIGN ACQUISITION REGULATIONS****5325.1001 Waiver of Right to Examination of Records**

(a)(2)(iii) See MP5301.601-90. Submit D&Fs following the format at FAR 25.1001(b), through the SCO to [SAF/AQC](#) for approval.

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## **SUBPART 5325.70 — AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

### **5325.7002-2 Exceptions**

(b)(1)(iv) When the contracting officer determines through market research, that an article or suitable substitute is not available from a domestic source, the contracting officer must submit a [Domestic Non-availability Determination \(DNAD\)](#). The DNAD must be submitted through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable). See [MP5325.7002-2](#).

### **5325.7003-3 Exceptions**

(b) When the contracting officer determines, through market research, that a specialty metal melted or produced in the United States or its possessions cannot be procured in satisfactory quality and sufficient quantity, and in the required form, as and when needed, submit a [DNAD](#). The DNAD must be submitted through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable).

(c) When a contractor or offeror submits a “Commercial Derivative Military Article-Specialty Metals Compliance Certificate” (DFARS 252.225-7010) for streamlined compliance for Commercial Derivative Military Articles (CDMA), the Secretary of the Air Force must determine that the item is a CDMA as defined at DFARS 252.225-7009 before using the rules for streamlined compliance for CDMA. The contracting officer must follow the procedures in DFARS 225.7003-3 and submit the [CDMA D&F](#) through the SCO to [SAF/AQC](#) for approval by the Secretary of the Air Force (nondelegable). See [MP5325.7003-3](#).

### **5325.7008 Waiver of Restrictions of 10 U.S.C. 2534**

- (a)(2) See [MP5301.601\(a\)\(i\)](#).
  - (b)(2)(i) See [MP5301.601\(a\)\(i\)](#).
- See [AFMC PGI 5325.7901-3-90](#).

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**SUBPART 5325.73 — ACQUISITIONS FOR FOREIGN MILITARY SALES****5325.7301-2 Solicitation Approval for Sole Source Contracts**

Submit the solicitation to [SAF/AQC](#). SAF/AQC will coordinate with the Principal Director, Defense Pricing and Contracting.

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## **SUBPART 5325.75 — BALANCE OF PAYMENTS PROGRAM**

### **5325.7501 Policy**

(c) See MP5301.601-90.

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## **SUBPART 5325.77 — ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN**

### **5325.7703-2 Determination requirements.**

(b)(2)(i) See [MP5301.601\(a\)\(i\)](#)

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## PART 5326 - OTHER SOCIOECONOMIC PROGRAMS

*Sec.*

SUBPART 5326.2 — MAJOR DISASTER OF EMERGENCY  
ASSISTANCE ACTIVITIES

5326.203

TRANSITION OF WORK

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**SUBPART 5326.2 — MAJOR DISASTER OF EMERGENCY ASSISTANCE ACTIVITIES****5326.203 TRANSITION OF WORK**

(b) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

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## PART 5327 - PATENTS, DATA, AND COPYRIGHTS

*Sec.*

5327.201-2 SUBPART 5327.2 — PATENTS AND COPYRIGHTS  
Contract Clauses  
5327.303 Contract Clauses

5327.90 – FOREIGN DISCLOSURE  
5327.9000 Foreign Disclosure Policy

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## SUBPART 5327.2 — PATENTS AND COPYRIGHTS

### 5327.201-2 Contract Clauses

(e) The DAS(C) is authorized to exempt U.S. patents from the patent indemnity clause.

### 5327.303 Contract Clauses

(b)(1) When using clause 52.227-11, insert instructions substantially the same as the following in the fill-in of section (j):

(1) “Interim or final Invention Reports shall be sent to both the Administrative Contracting Officer, *(insert “at the address located on the face of the contract” or name and address for the ACO)* and to *(insert contact information, name/or position title, email, and phone number for person(s) at the procuring contract office who will perform patent administration for this contract)* within the timeframes specified in the Patent Rights clause of this contract.

(2) The [DD Form 882](#), *Report of Inventions and Subcontracts*, may be used to submit these reports. The DD Form 882 may be also be used for the notification of an award of any subcontract(s) for experimental, developmental or research work which contain a Patent Rights clause.

(3) All other notifications required pursuant to this clause shall be sent to the addresses in paragraph 1 and to *(insert contact information for person(s) at the procuring contract office who will handle patent administration, e.g., name and/or position, email, phone numbers )*

See [SMC PGI 5327.304-90](#).

See [AFMC PGI 5327.7102-2](#).

## 5327.90 – FOREIGN DISCLOSURE

### 5327.9000 Foreign Disclosure Policy

For Foreign Disclosure issues, Government personnel should refer to National Disclosure Policy (NDP-1), [AFI 16-201](#), and [AFPD 16-2](#), Disclosure of Military Information to Foreign Governments and International Organizations and follow all procedures including foreign disclosure reviews.

See [AFMC PGI 5327.9001](#).

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## PART 5328 - BONDS AND INSURANCE

*Sec.*

	SUBPART 5328.1 — BONDS	5328.305	Overseas Workers Compensation and War Hazard Insurance
5328.1	Bonds	5328.310	Insurance -- Work on a Government Installation
5328.105	Other Types of Bonds	5328.310-90	Additional Contract Clause
5328.106-2	Substitution of Surety Bonds	5328.311-1	Contract Clause
5328.106-6	Furnishing Information	5328.370	Additional Clauses
	SUBPART 5328.3 —INSURANCE		

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## SUBPART 5328.1 — BONDS

### 5328.1 Bonds

See the tailorable [Contract Bonds Checklist](#) template.

### 5328.105 Other Types of Bonds

See [MP5301.601\(a\)\(i\)](#).

### 5328.106-2 Substitution of Surety Bonds

(a) See [MP5301.601\(a\)\(i\)](#).

### 5328.106-6 Furnishing Information

(c) The contracting officer is authorized to provide certified copies of payment bonds and contracts in accordance with FAR 28.106-6(c).

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## SUBPART 5328.3 —INSURANCE

### 5328.305 Overseas Workers Compensation and War Hazard Insurance

- (d) Submit waiver requests to the [SAF/AQC Labor Advisor](#) ,with an information copy to the SCO.

### 5328.310 Insurance -- Work on a Government Installation

#### (a)(S-90) Proof of Insurance

When FAR 52.228-5, *Insurance-Work on a Government Installation*, is included in a contract, contracting officers must request and receive proof of insurance from prime contractors before the contractor begins work on the installation. Retain proof of insurance in the contract file. Alternatively, the contracting officer may use the [Notification of Compliance with Contract Insurance Requirements](#) template to request and receive the contractor's notification of insurance coverage in lieu of proof of insurance.

### 5328.310-90 Additional Contract Clause

Contracts performed in Spain. The contracting officer must insert AFFARS clause [5352.228-9101](#) , *Insurance Certificate Requirement in Spain (USAFE)*, in all solicitations and contracts for services to be performed in Spain by other than U.S. or Spanish contractors (i.e., a Third Country National (TCN) contractor).

### 5328.311-1 Contract Clause

See [MP5301.601\(a\)\(i\)](#)

### 5328.370 Additional Clauses

- (a)(2) See [MP5301.601\(a\)\(i\)](#)

(b)(3) Reference [AFI 10-220](#) , Attachment 6.1, para 6.1.3, to determine the Approving authority for designating/appointing primary and alternate Government Flight Representatives (GFR).

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## **PART 5329 – TAXES**

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## **PART 5330 - COST ACCOUNTING STANDARDS ADMINISTRATION**

*Sec.*

5330.201-5

Waivers

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**5330.201-5 Waivers**

(a)(2) The DAS(C)/ADAS(C) is the CAS waiver authority. Submit CAS waiver requests through the SCO to [SAF/AQC](#) for OUSD(A&S)/DPC review and SAF/AQC approval, no later than 45 days before the anticipated contract award. Waiver requests must include all items listed in FAR 30.201-5(c) and for exceptional case CAS waivers, also address the items at DFARS PGI 230.201-5(e), and include the determination required by DFARS 230.201-5(a)(1)(A)(2).

(e) SCOs must submit a consolidated annual report of exceptional case CAS waivers in the format required by DFARS PGI 230.201-5(e), or a negative report, to HQ AFMC/PKF no later than 15 October each year. HQ AFMC/PKF must consolidate all reports and submit a final report to [SAF/AQCP](#) no later than 8 November each year. SAF/AQC will submit the annual Air Force report to OUSD(A&S)/DPC. AFRCO will provide the information directly to the DAS(C)/ADAS(C), as appropriate.

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## **PART 5331 - CONTRACT COST PRINCIPLES AND PROCEDURES**

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## PART 5332 - CONTRACT FINANCING

*Sec.*

	SUBPART 5332.1 — NON-COMMERCIAL ITEM PURCHASE FINANCING	5332.501-3	Contract Price
5332.104	Providing Contract Financing	5332.604	SUBPART 5332.6 — CONTRACT DEBTS
	SUBPART 5332.2 — COMMERCIAL ITEM PURCHASE FINANCING	5332.607	Demand for Payment
5332.202-1	Policy		Installment Payments and Deferment of Collection
	SUBPART 5332.4 — ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS	5332.703-2	SUBPART 5332.7 — CONTRACT FUNDING
5332.402	General	5332.901	Contracts Conditioned Upon Availability of Funds
	SUBPART 5332.5 — PROGRESS PAYMENTS BASED ON COSTS	5332.906	SUBPART 5332.9 — PROMPT PAYMENT
5332.501-2	Unusual Progress Payments	5332.1106	Applicability
			Making Payments
			SUBPART 5332.11 — ELECTRONIC FUNDS TRANSFER
			EFT Mechanisms

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## SUBPART 5332.1 — NON-COMMERCIAL ITEM PURCHASE FINANCING

### 5332.104 Providing Contract Financing

(a)(5) Report known adverse developments affecting a contractor or subcontractor to the contract administration office, other interested Government parties, and the SCO. If there is an adverse development affecting a contractor receiving a bank loan guaranteed by the Air Force, progress payments, or advance payments, the contracting office must report the adverse development, its expected impact upon continued satisfactory performance under the contract, remedial actions taken to date (if any), and any recommendations for further action through the SCO to [SAF/AQC](#).

(c)(2) The contracting officer must submit any unusual financing requests by a contractor to the SCO contracting staff for consultation. If the SCO determines unusual financing is required, the SCO must submit a memorandum outlining the pertinent facts together with a recommendation on the action to be taken through [SAF/AQC](#) to [SAF/FMF](#) no later than 30 days before the needed effective date of the proposed financing arrangement.

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## SUBPART 5332.2 – COMMERCIAL ITEM PURCHASE FINANCING

### 5332.202-1 Policy

(b) *Authorization.* For commercial item purchase financing authorized by FAR 32.202-1(b) that does not require OUSD(A&S)/DPC approval of an individual or class deviation from FAR Part 32 requirements, the contracting officer shall submit all commercial interim payment requests and commercial advance payment requests through the SCO to local FM for review and approval. Prior to submitting to the local FM for approval, the SCO must determine the package is adequate, complete, and justified. The request must include the following: a determination that the applicable circumstances outlined in FAR 32.202-1(b) have been met to include the contracting officer's determination in accordance with FAR 32.202-1(b)(3) and preliminary payment office concurrence with liquidation provisions per 32.202-1(b)(8) when required by FAR 32.206(e), legal review, J&A (if applicable), background paper such as a Milestone Payment Plan that outlines the reason(s) for the request, and the proposed payment schedule. Submit a copy of the approved package to SAF/AQC.

(d) *Unusual contract financing.* See [MP5301.601\(a\)\(i\)](#).

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**SUBPART 5332.4 — ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS****5332.402 General**

(c)(1)(iii) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

(e)(2) The contracting officer must submit each advance payment request through the SCO to [SAF/AQC](#) for submission to [SAF/FME](#) for review and approval. See [MP5332.470](#) for processing advance payment requests.

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## **SUBPART 5332.5 — PROGRESS PAYMENTS BASED ON COSTS**

### **5332.501-2 Unusual Progress Payments**

(a)(3) The contracting officer must submit contractor requests for unusual progress payments through the SCO to [SAF/AQC](#) with a recommendation to approve or disapprove the request. SAF/AQC will forward all requests for unusual progress payments, whether recommended for approval or disapproval, to [SAF/FMF](#) with all pertinent data supporting the recommended action for approval and submission to [OUSD\(A&S\)/DPC](#).

### **5332.501-3 Contract Price**

(a) When the estimated contract costs increase such that the estimate of the unusual progress payments increase \$20 million or more over the approved unusual progress payment estimate, the contracting officer must notify [SAF/FMF](#) through their SCO, with a courtesy copy to [SAF/AQC](#).

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## SUBPART 5332.6 — CONTRACT DEBTS

### 5332.604 Demand for Payment

(b) Payment information for the demand for payment letter can be found at:

<https://www.dfas.mil/contractorsvendors/governmentremittance/returnfunds.html>

(e) Contracting officers must retain a copy of all contract debt documentation in the contract file and must keep the contract file open until the debt is collected and/or written-off.

### 5332.607 Installment Payments and Deferment of Collection

(a) When a request for deferment of a contract debt is received from a contractor, the contracting officer must forward the request for deferment to the SCO. The SCO must submit, on a priority basis, an evaluation of the contractor's request with the necessary reporting information and recommendation through [SAF/AQC](#) to [SAF/FMF](#).

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## SUBPART 5332.7 — CONTRACT FUNDING

### 5332.703-2 Contracts Conditioned Upon Availability of Funds

(a) *Fiscal year contracts.* See [MP5332.7](#) on contract funding. See DFARS 204.7103 for guidance on considering severability when forming contracts and determining contract funding.

See [AFMC PGI 5332.703](#).

See [SMC PGI 5332.703](#).

See [SMC PGI 5332.703-2-90](#).

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**SUBPART 5332.9 —PROMPT PAYMENT****5332.901 Applicability**

(1)(i)(C)(ii) See [MP5301.601\(a\)\(i\)](#).

**5332.906 Making Payments**

(a) See MP5301.601-90. Submit determinations through the SCO to [SAF/AQC](#) for approval.

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## **SUBPART 5332.11 —ELECTRONIC FUNDS TRANSFER**

### **5332.1106 EFT Mechanisms**

(b) See [MP5301.601-90](#).

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## PART 5333 - PROTESTS, DISPUTES, AND APPEALS

*Sec.*

	SUBPART 5333.1 — PROTESTS	5333.211	Contracting Officers Decision
5333.102	General	5333.214	Alternate Dispute Resolution (ADR)
5333.103	Protests to the Agency	5333.215	Contract Clause
5333.104	Protests to GAO	5333.290	Claims and Terminations for Default
5333.105	Protests to the United States Court of Federal Claims (COFC)	5333.291	Appeals to the Armed Services Board of Contract Appeals (ASBCA)
5333.170	Briefing Requirement for Protested Acquisitions Valued at \$1B or More	5333.292	Appeals to the United States Court of Federal Claims (COFC)
	SUBPART 5333.2 — DISPUTES AND APPEALS		

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## SUBPART 5333.1 — PROTESTS

### 5333.102 General

(a) The contracting officer must inform the SSA prior to rendering a decision to take corrective action or to settle a protest in any other manner before submitting its recommendation to the GAO, courts, or the arbitrator.

(b)(3)(ii) See [MP5301.601\(a\)\(i\)](#).

See [AFMC PGI 5333.102-90](#).

See [AFICC PGI 5333.102-90](#).

### 5333.103 Protests to the Agency

(d)(4) When an agency protest is denied, an offeror may request an independent review by the SCO.

(h) The contracting officer must prepare the protest file following an agency protest (including a protest of a non-appropriated funds procurement) regardless of the level at which the protest is filed. The contracting officer must request guidance from [SAF/AQC](#) for any protest likely to generate significant Congressional interest. The decision to deny a protest must be made at a level no lower than that at which the protest was filed. Protests may be sustained at any level in the review process, with the concurrence of the cognizant legal office.

See [AFMC PGI 5333.103](#).

See [AFICC PGI 5333.103](#).

### 5333.104 Protests to GAO

(a) The Air Force Commercial Litigation Field Support Center ([AF/JACQ](#)) serves as agency counsel before the GAO and defends Air Force interests (see [MP5333.104](#) ).

(b) *Protests before award*

(1) Forward the determination and finding through the SCO to [AF/JACQ](#) and, for approval, to [SAF/AQC](#) within seven days of the protest notification to SAF/AQC (see [MP5301.601\(a\)\(i\)](#)).

(c) *Protests after award*

(2) Forward the determination and finding through the SCO to [AF/JACQ](#) and, for approval, to [SAF/AQC](#) within seven days of the protest notification to SAF/AQC (see [MP5301.601\(a\)\(i\)](#) ).

(g) *Notice to GAO*

Forward the report through the SCO to [AF/JACQ](#) and to [SAF/AQC](#) for signature and submission to GAO within fifty-five days of date of receipt of the GAO recommendations (see [MP5301.601\(a\)\(i\)](#) ).

### 5333.105 Protests to the United States Court of Federal Claims (COFC)

The Air Force Commercial Litigation Field Support Center (AF/JACQ) serves as the Air Force agency counsel to the Department of Justice (DoJ) for protests at the COFC and assists the assigned DoJ attorney in defending Air Force interests. The contracting officer must inform [AF/JACQ](#) of any notice of protest at the COFC and provide support as requested by AF/JACQ. The contracting officer must also notify the SCO and its supporting legal office/local attorney who provides contract law advice.

### 5333.170 Briefing Requirement for Protested Acquisitions Valued at \$1B or More

Within seven (7) days of the filing of the protest, forward the briefing slide deck through the SCO to [AF/JACQ](#) and to [SAF/AQC](#) for review and processing to OUSD(A&S)/DPC.

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## SUBPART 5333.2 — DISPUTES AND APPEALS

### 5333.211 Contracting Officers Decision

See the tailorable [Contracting Officers Final Decision](#) template.

### 5333.214 Alternate Dispute Resolution (ADR)

(a) For ACAT I and II programs, the contracting officer must establish an agreement between the Government and the contractor, such as a memorandum of understanding, that outlines the intent of the parties with respect to the use of ADR. Contracting officers must consider establishing ADR agreements for other programs and acquisitions.

(c) The acquisition team must use ADR to the maximum extent practicable (see [AFPD 51-12](#), *Alternate Disputes Resolution*). ADR must also be used to resolve protests to the maximum extent practicable. The acquisition team must attempt to use ADR prior to the commencement of litigation once unassisted negotiations have reached an impasse. Further, ADR must be offered in litigation, unless one of the exceptions in [5 U.S.C. 572\(b\)](#) applies or the policy set forth by Deputy General Counsel (Contractor Responsibility & Conflict Resolution ([SAF/GCR](#))) indicates that ADR is not appropriate.

### 5333.215 Contract Clause

(3) See [MP5301.601\(a\)\(i\)](#).

### 5333.290 Claims and Terminations for Default

(a) If a contractor submits an uncertified claim exceeding \$100,000, the contracting officer must notify the contractor, in writing, of its failure to certify as required by the Contract Disputes statute ([41 U.S.C. §§ 7101-7109](#)). The notice must state that a final decision will not be issued until the claim is certified.

(b) Prior to making a final decision on a claim or termination for default (including a termination for cause under FAR Part 12), the contracting officer must refer the proposed final decision to the cognizant legal office for legal advice, ADR suitability, and appropriate dispute resolution strategies. The contracting officer, with the assistance of the cognizant legal office, must seek review by [AF/JACQ](#) of all proposed final decisions. At the same time, the contracting officer must provide [SAF/GCR](#) with any proposed final decision on a claim involving PEO programs and any proposed final decision on a claim greater than \$500,000. The contracting officer or the referring person must promptly notify [SAF/GCR](#) and their SCO with all known information relating to any recommended termination for default.

(c) The contracting officer must use ADR to the maximum extent practicable to resolve an Air Force affirmative contract claim (such as defective pricing, liquidated damages, etc.) when unassisted negotiations reach an impasse as determined by the SCO. The contracting officer must provide to [AF/JACQ](#), with a copy to [SAF/GCR](#), any audit or other findings indicating Air Force entitlement to recovery greater than \$500,000 where unassisted negotiations have reached an impasse, in order to develop a dispute resolution strategy. Government claims must be formally asserted [issuance of a Contracting Officer's Final Decision (FAR 33.206)] within 6 years after the accrual of the claim.

### 5333.291 Appeals to the Armed Services Board of Contract Appeals (ASBCA)

(a) AF/JACQ represents the Air Force in appeals to the ASBCA.

(b) If the contractor files an appeal with the ASBCA, the contracting officer must notify the SCO and forward to [AF/JACQ](#) and the cognizant legal office a copy of any notice of appeal to the ASBCA, along with the envelope in which the notice was received. If the contractor files an appeal with the contracting officer instead of the ASBCA, the contracting officer must immediately notify [AF/JACQ](#) of the date the appeal was received and forward to [AF/JACQ](#) and the cognizant legal office a copy of the appeal and a copy of the envelope in which the appeal was received. The contracting officer must forward the original appeal and envelope to [AF/JACQ](#), which will then forward the appeal and envelope to the ASBCA, as necessary.

(c) The contracting officer must prepare a "Rule 4 file" for any appeal to the ASBCA in accordance with Rule 4 of the ASBCA rules (see DFARS Appendix A, Part 2). The contracting officer must consult with [AF/JACQ](#) before including in the Rule 4 file any legal opinions or intra-governmental or inter-governmental documents as described in [DoD Directive 5400.07](#), *DoD Freedom of Information Act Program*, and FAR 24.2.

(d) While an appeal is pending, the contracting officer along with the program manager/user/functional Commander and SJA will support the assigned trial attorney as required including; identifying and locating government witnesses, gathering contractual documents and other physical evidence for conferences and hearings necessary to defend or otherwise dispose of an appeal.

(e) Once the Rule 4 file is complete, [AF/JACQ](#) will file it with the ASBCA on behalf of the contracting officer.

**5333.292 Appeals to the United States Court of Federal Claims (COFC)**

(a) The Department of Justice represents the Air Force in appeals brought before the COFC. The Air Force Commercial Litigation Field Support Center ([AF/JACQ](#)) serves as the Air Force counsel with the Department of Justice in such appeals.

(b) The contracting officer must notify the cognizant legal office and the SCO of any notice of appeal to the COFC. The cognizant legal office must forward a copy of the notice to [SAF/GCR](#) and [AF/JACQ](#).

(c) The contracting officer must assist the cognizant legal office in preparing the litigation report. The contracting officer must obtain approval from the [AF/JACQ](#) trial attorney prior to releasing the litigation report outside government.

See [AFICC PGI 5333.9000](#).

## PART 5334 - MAJOR SYSTEM ACQUISITION

*Sec.*

	SUBPART 5334.2 — EARNED VALUE MANAGEMENT SYSTEM		SUBPART 5334.70 — ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS
5334.203	INTERIM CHANGE: See Air Force Class Deviation 2018-U0001 ( Policy Memo 18-C-07 ).	5334.7002	Policy

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## SUBPART 5334.2 — EARNED VALUE MANAGEMENT SYSTEM

**5334.203 INTERIM CHANGE:** See Air Force Class Deviation 2018-U0001 ( Policy Memo 18-C-07 ).

See [SMC PGI 5334.203](#).

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## **SUBPART 5334.70 — ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS**

### **5334.7002 Policy**

(d)(4) See [MP5301.601\(a\)\(i\)](#).

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## PART 5335 - RESEARCH AND DEVELOPMENT CONTRACTING

*Sec.*

5335.015-70

Special Use Allowances for Research Facilities Acquired by  
Educational Institutions

5335.070-1

Indemnification Under Research and Development Contracts

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**5335.015-70 Special Use Allowances for Research Facilities Acquired by Educational Institutions**

(c) See [MP5301.601\(a\)\(i\)](#).

(d)(3)(ii) See [MP5301.601\(a\)\(i\)](#).

See [AFICC PGI 5335.015-70](#).

See [SMC PGI 5335.017-3](#).

See [SMC PGI 5335.017-90](#).

**5335.070-1 Indemnification Under Research and Development Contracts**

(a) The authority to approve requests for indemnification for unusually hazardous risks under [10 U.S.C. 2354](#) is delegated to the following officials, without power to relegate: AFMC/PK SCO, AFLCMC/PK SCO and SMC/PK SCO.

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## PART 5336 - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

*Sec.*

	SUBPART 5336.2 — SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION	5336.303-1	Phase One
			SUBPART 5336.5 — CONTRACT CLAUSES
5336.208	Concurrent Performance of Firm-Fixed-Price and Other Types of Construction Contracts	5336.507	Permits and Responsibilities
5336.209	Construction Contracts with Architect-Engineer Firms	5336.570	Additional Provisions and Clauses
5336.213-2	Presolicitation Notices		SUBPART 5336.6 — ARCHITECT-ENGINEER SERVICES
5336.272	Prequalification of Sources	5336.602-3	Evaluation Board Functions
	SUBPART 5336.3 — TWO-PHASE DESIGN-BUILD SELECTION PROCEDURES	5336.609-1	Design Within Funding Limitations
			SUBPART 5336.90 — CONSTRUCTION PROGRAM ADMINISTRATION
5336.301	Use of Two-Phase Design-Build Selection Procedures		

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## **SUBPART 5336.2 — SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION**

### **5336.208 Concurrent Performance of Firm-Fixed-Price and Other Types of Construction Contracts**

See [MP5301.601\(a\)\(i\)](#).

### **5336.209 Construction Contracts with Architect-Engineer Firms**

Submit requests through the SCO to [SAF/AQC](#) for approval.

### **5336.213-2 Presolicitation Notices**

(a) See [MP5301.601\(a\)\(i\)](#).

### **5336.272 Prequalification of Sources**

(b) See [MP5301.601\(a\)\(i\)](#).

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## **SUBPART 5336.3 — TWO-PHASE DESIGN-BUILD SELECTION PROCEDURES**

### **5336.301 Use of Two-Phase Design-Build Selection Procedures**

(b)(3)(vi) See [MP5301.601\(a\)\(i\)](#).

### **5336.303-1 Phase One**

(a)(4)(i)(B) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5336.5 — CONTRACT CLAUSES

### 5336.507 Permits and Responsibilities

When the clause at FAR 52.236-7, Permits and Responsibilities, is used in solicitations and contracts OCONUS, the clause must be modified to reflect “host government and political subdivisions” in lieu of “Federal, State, and Municipal.”

### 5336.570 Additional Provisions and Clauses

(b)(2) See [MP5301.601\(a\)\(i\)](#).

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## SUBPART 5336.6 —ARCHITECT-ENGINEER SERVICES

### 5336.602-3 Evaluation Board Functions

See [MP5301.601\(a\)\(i\)](#).

### 5336.609-1 Design Within Funding Limitations

(c)(1) See [MP5301.601\(a\)\(i\)](#).

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PART 5337 - SERVICE CONTRACTING

Sec.			
	SUBPART 5337.1 — SERVICE CONTRACTS (GENERAL)	5337.204	Guidelines for Determining Availability of Personnel
5337.104	Personal Services Contracts		SUBPART 5337.5 — MANAGEMENT AND OVERSIGHT OF
5337.106	Funding and Term of Service Contracts		SERVICE CONTRACTS
5337.113-1	Waiver of Cost Allowability Limitations	5337.503	Agency-head Responsibilities
5337.170-2	Approval Requirements		SUBPART 5337.74 — SERVICES AT INSTALLATIONS BEING
	SUBPART 5337.2 — ADVISORY AND ASSISTANCE		CLOSED
	SERVICES	5337.7401	Policy

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## SUBPART 5337.1 — SERVICE CONTRACTS (GENERAL)

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See [AFMC PGI 5337.102-90](#).

See [AFMC PGI 5337.102-91](#).

### 5337.104 Personal Services Contracts

(b) See the tailorable [Determination and Findings](#) template.

(i) For “Operational and Enterprise Contracting,” the installation commander is authorized to approve the D&F at DFARS 237.104(b)(i). For PEO programs and acquisitions, the PEO is authorized to approve this D&F.

(iii)(A)(2) See [MP5301.601\(a\)\(i\)](#).

### 5337.106 Funding and Term of Service Contracts

See DFARS 204.7103-1 for guidance on considering severability when forming Service contracts.

See [AFMC PGI 5337.110-90](#).

### 5337.113-1 Waiver of Cost Allowability Limitations

(a) See MP5301.601-90. Submit requests for waivers through the SCO to [SAF/AQC](#) for approval.

### 5337.170-2 Approval Requirements

(a)(1) The Services Designated Official (SDO) (see [AFI 63-138](#), *Acquisition of Services*) will approve acquisitions of services to be purchased through a contract or task order above the SAT that is not performance based.

(i) If more than 50 percent of the requirement (contract or task order), measured in dollars, is performance-based, the requirement can be considered a performance-based service acquisition.

(ii) Purchase requests for services acquisitions that are not performance based will include the following statement:

“IAW [10 USC 2330](#), the Services Designated Official (SDO) has approved the attached Performance Work Statement and Quality Assurance Surveillance Plan ensuring requirements are performance based to the maximum extent practicable.”

## SUBPART 5337.2 — ADVISORY AND ASSISTANCE SERVICES

### 5337.204 Guidelines for Determining Availability of Personnel

This approval has been delegated to MAJCOM/DRU/AFRCO Commanders and, within AFMC and SMC, to the Center Commanders.

See [AFMC PGI 5337.204](#).

See [SMC PGI 5337.204](#).

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## SUBPART 5337.5 — MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS

### 5337.503 Agency-head Responsibilities

See [AFI 63-138](#), *Acquisition of Services*.

See [AFMC PGI 5337.503-90](#).

See [AFICC PGI 5337.503-90](#).

See [USAFA PGI 5337.503-90](#).

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## **SUBPART 5337.74 — SERVICES AT INSTALLATIONS BEING CLOSED**

### **5337.7401 Policy**

(c) See [MP5301.601\(a\)\(i\)](#).

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## **PART 5338 - FEDERAL SUPPLY SCHEDULE CONTRACTING**

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**PART 5339 - ACQUISITION OF INFORMATION TECHNOLOGY**

<i>Sec.</i>			
5339.101	Policy	5339.7201-90	Data Servers/Centers Approval Process

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**5339.101 Policy**

(1) See [MP5301.601\(a\)\(i\)](#).  
See [AFMC PGI 5339.101-90](#).

**5339.7201-90 Data Servers/Centers Approval Process**

Purchase Request packages for data servers/centers must include SAF/CIO A6 approval to be accepted as valid for procurement action by a contracting officer. See [AFGM 2018-17-02](#), *Air Force Enterprise Information Technology Management*, Section 4, paragraph 4.3.

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## **PART 5340 – RESERVED**

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## PART 5341 - ACQUISITION OF UTILITY SERVICES

*Sec.*

5341.102

SUBPART 5341. 1 - GENERAL

Applicability

SUBPART 5341.2 – ACQUIRING UTILITY SERVICES

5341.202

5341.204

Procedures

GSA Area-wide Contracts

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**SUBPART 5341. 1 - GENERAL****5341.102 Applicability**

(b)(3) When contracting for CATV services, ensure compliance with 47 U.S.C. 521-573, Cable Communications.

See [AF PGI 5341.102](#) .

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## SUBPART 5341.2 – ACQUIRING UTILITY SERVICES

### 5341.202 Procedures

(c)(2) See [MP5301.601\(a\)\(i\)](#) .

### 5341.204 GSA Area-wide Contracts

(c)(1)(ii) See [MP5301.601\(a\)\(i\)](#).

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## PART 5342 - CONTRACT ADMINISTRATION AND AUDIT SERVICES

*Sec.*

	SUBPART 5342.2 — CONTRACT ADMINISTRATION SERVICES	5342.902	Bankruptcy Procedures
5342.202	Assignment of Contract Administration		SUBPART 5342.15 — CONTRACTOR PERFORMANCE INFORMATION
	SUBPART 5342.4 — CORRESPONDENCE AND VISITS	5342.1503	Procedures
5342.490-1	Contract clause		SUBPART 5342.71 — VOLUNTARY REFUNDS
5342.490-2	Contract clause	5342.7100	General
	SUBPART 5342.9 — BANKRUPTCY		

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## SUBPART 5342.2 — CONTRACT ADMINISTRATION SERVICES

### 5342.202 Assignment of Contract Administration

(c) *Delegating additional functions* .

(2) See [MP5301.601\(a\)\(i\)](#).

See [AF PGI 5342.202](#) .

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## SUBPART 5342.4 — CORRESPONDENCE AND VISITS

### 5342.490-1 Contract clause

The contracting officer shall insert the clause substantially the same as the clause at [AFFARS 5352.242-9000](#) in solicitations and contracts that require contractor personnel to make frequent visits to or perform work on Air Force installation(s).

### 5342.490-2 Contract clause

The contracting officer shall insert the clause substantially the same as the clause at [AFFARS 5352.242-9001](#) in solicitations and contracts that require contractor personnel to meet one or both of the following criteria:

- (a) Require logical access to Department of Defense computer networks and systems in either the unclassified environment or the classified environment where authorized by governing security directives; and/or
- (b) Perform work which requires the use of a CAC for installation entry control or physical access to facilities and buildings.

See [SMC PGI 5342.503-1](#).

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## SUBPART 5342.9 — BANKRUPTCY

### 5342.902 Bankruptcy Procedures

- (a) Follow [MP5342.902](#) when notified of bankruptcy proceedings that affect the Air Force.

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## SUBPART 5342.15 — CONTRACTOR PERFORMANCE INFORMATION

### 5342.1503 Procedures

(a) The acquisition team must use the Contractor Performance Assessment Reporting System (CPARS) to record evaluations of contractor performance. Guidance on systematically assessing contractor performance and using past performance information is available in the [Guidance for the Contractor Performance Assessment Reporting System \(CPARS\)](#).

(1) Individuals appointed to CPARS roles (Focal Point, Alternate Focal Point, Agency Point of Contact (APOC), Assessing Official, Assessing Official Representative, or Reviewing Official) must complete online instructor-led, automated online, or onsite CPARS program office instructor-led training specific to their CPARS role(s) within 30 days of appointment. Class registration is available at <https://cpars.gov/lc.htm> and a list of classes by role is available at [https://www.cpars.gov/lc\\_role.htm](https://www.cpars.gov/lc_role.htm). Copies of each organization's CPARS training certificates must be maintained by APOCs or Quality Assurance Program Coordinators (QAPC).

(ii) Individuals assigned CPARS roles and responsibilities (Focal Point, Alternate Focal Point, Agency Point of Contact, Assessing Official, Assessing Official Representative, or Reviewing Official) must be removed from those roles and responsibilities and formally replaced prior to their departure (PCS, retirement, resignation, or rotation) from the office or position.

(h)(3) APOCs for CPARS and their subordinate focal points are designated as Federal Awardee Performance and Integrity Information System (FAPIIS) Focal Points to register users and ensure timely and accurate reporting of required contract performance information into the FAPIIS module of CPARS. Guidance on FAPIIS data reporting is available in the [CPARS User Manual](#).

See [AFMC PGI 5342.1503-90](#).

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## SUBPART 5342.71 — VOLUNTARY REFUNDS

### 5342.7100 General

(4) See [MP5301.601\(a\)\(i\)](#).

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## PART 5343 - CONTRACT MODIFICATIONS

*Sec.*

5343.102	SUBPART 5343.1 — GENERAL	5343.204-70-1	Scope
5343.102-90	Policy	5343.204-70-3	Definitization Schedule
	Contract Scope Considerations	5343.204-70-5	Exceptions
	SUBPART 5343.2 — CHANGE ORDERS	5343.204-70-7	Plans and Reports

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## SUBPART 5343.1 — GENERAL

### 5343.102 Policy

(a) For SMC, when the contract is a space program contract (see [AFFARS 5302](#) ), contracting officers shall not execute contract modifications resulting from an engineering change proposal with a contractor listed on the [Contractor Responsibility Watch List \(CRWL\)](#) without obtaining approval (see [AFFARS MP5309.190](#) ).

### 5343.102-90 Contract Scope Considerations

Contracting officers shall assess scope when modifying contracts. Proposed modifications generally constitute new work when, a) an individual modification or the cumulative effect from previous modifications result in changes that were not fairly and reasonably within the contemplation of the parties when the contract was awarded; or b) when proposed changes are not within the terms of the original contract award. New work requires competition unless one of the seven exceptions to competition found in FAR 6.302 applies.

See [SMC PGI 5343.102-90](#).

See [AF PGI 5343.103-90](#).

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## SUBPART 5343.2 — CHANGE ORDERS

### 5343.204-70-1 Scope

(b) When complying with the requirements described in DFARS 243.204-70-1, SCOs must provide a courtesy copy to [SAF/AQC](#). Maintain proof of submission in the contract file.

### 5343.204-70-3 Definitization Schedule

(a) Contracting officers must document the contract file with the justification for the delay and revised definitization milestone schedule.

### 5343.204-70-5 Exceptions

(c) See MP5301.601-90. Submit requests for waivers through the SCO to [SAF/AQC](#) for approval.

### 5343.204-70-7 Plans and Reports

To comply with the Consolidated UCA Management Plan and Semi-annual Consolidated UCA Management Report requirements described in DFARS 243.204-70-7, SCOs are required to ensure unpriced change orders with an estimated value exceeding \$5 million are input/updated in the [UCA Reporting tool](#) on a semi-annual basis no later than April 10th and October 10th of each year. Special access program offices will provide the information directly to the DAS(C)/ADAS(C), as appropriate.

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**PART 5344 - SUBCONTRACTING POLICIES AND PROCEDURES**

<i>Sec.</i>			
	SUBPART 5344.2 — CONSENT TO SUBCONTRACT		SUBPART 5344.3 — CONTRACTOR PURCHASING SYSTEM
5344.201-1	Consent requirements		REVIEWS
5344.202-1	Responsibilities	5344.302	Requirements
5344.202-2	Considerations		

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## SUBPART 5344.2 — CONSENT TO SUBCONTRACT

### 5344.201-1 Consent requirements

(a) For SMC, when the contract is a space program contract (See [AFFARS 5302](#) ), contracting officers shall, pursuant to [MP5309.190](#) and [SMC Class Deviation of FAR clause 52.244-2](#), Subcontracts, include the [Attachment 1](#) clause of the class deviation in full text.

### 5344.202-1 Responsibilities

(a) For SMC, the contracting officer shall withhold subcontract consent responsibility from the administering contracting officer for all space program contracts (See [AFFARS 5302](#) ), and shall review and disposition consent requests, including those submitted pursuant to [SMC Class Deviation of FAR clause 52.244-2](#), Subcontracts, paragraph (k).

### 5344.202-2 Considerations

(a) For SMC, when the contract is a space program contract (See [AFFARS 5302](#) ), and the contractor has submitted a written request for consent to subcontract with a contractor on the CRWL, follow the procedures at [MP5309.190](#) .

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## **SUBPART 5344.3 — CONTRACTOR PURCHASING SYSTEM REVIEWS**

### **5344.302 Requirements**

(a) See MP5301.601-90.

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PART 5345 - GOVERNMENT PROPERTY

Sec.

	SUBPART 5345.1 — GENERAL		SUBPART 5345.3 — PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS
5345.102	Policy		
5345.103	General	5345.301	Use and Rental
5345.103-72	Government Furnished Property Attachments to Solicitations and Awards	5345.302	Contracts with Foreign Governments or International Organizations

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**SUBPART 5345.1 — GENERAL****5345.102 Policy**

- (e) See [MP5301.601\(a\)\(i\)](#).
- (4)(ii)(B) See MP5301.601-90. Submit requests through the SCO to [SAF/AQC](#) for approval.
- (4)(ii)(C)(I)(i) See MP5301.601-90. For PEO designated programs, submit determinations through PEO for approval.
- (ii) See [MP5301.601\(a\)\(i\)](#).

**5345.103 General**

See [AF PGI 5345.103-70-90](#) .

**5345.103-72 Government Furnished Property Attachments to Solicitations and Awards**

See [AFI 23-119](#) , *Exchange, Sale, or Temporary Custody of Nonexcess Personal Property*.  
See [AFMC PGI 5345.103-72](#) .  
See [AFMC PGI 5345.103-90](#) .  
See [SMC PGI 5345.103-90](#) .

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**SUBPART 5345.3 — PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS****5345.301 Use and Rental**

(f) See [MP5301.601\(a\)\(i\)](#).

**5345.302 Contracts with Foreign Governments or International Organizations**

See [AFI 63-101/20-101](#) , *Integrated Life Cycle Management*.

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**PART 5346 QUALITY ASSURANCE**

*Sec.*

SUBPART 5346.1 – GENERAL

5346.103

Contracting Office Responsibilities

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## SUBPART 5346.1 – GENERAL

### 5346.103 Contracting Office Responsibilities

See [MP5346.103](#) for Air Force requirements regarding contracting office responsibilities for the Quality Assurance Program.

See [AF PGI 5346.202-4](#).

See [AF PGI 5346.401](#) .

See [AF PGI 5346.702](#).

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## **PART 5347 - TRANSPORTATION**

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## PART 5348 - VALUE ENGINEERING

*Sec.*

SUBPART 5348.1 — POLICIES AND PROCEDURES

5348.104-3

Sharing Collateral Savings

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## SUBPART 5348.1 — POLICIES AND PROCEDURES

### 5348.104-3 Sharing Collateral Savings

(a) See [MP5301.601\(a\)\(i\)](#).

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## PART 5349 - TERMINATION OF CONTRACTS

*Sec.*

	SUBPART 5349.1 — GENERAL PRINCIPLES		SUBPART 5349.5 — CONTRACT TERMINATION CLAUSES
5349.101	Authorities and Responsibilities	5349.501-70	Special Termination Costs
5349.102	Notification of Termination		SUBPART 5349.70 — SPECIAL TERMINATION
	SUBPART 5349.4 — TERMINATION FOR DEFAULT		REQUIREMENTS
5349.402-3	Procedure for Default	5349.7001	Congressional Notification on Significant Contract Terminations
5349.402-6	Repurchase Against Contractor's Account	5349.7003	Notification of Anticipated Terminations or Reductions

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## SUBPART 5349.1 — GENERAL PRINCIPLES

### 5349.101 Authorities and Responsibilities

(b) The SCO or command-appointed termination contracting officer (TCO) must approve a termination for default or cause prior to a contracting officer taking the action. When requesting approval, the contracting officer must provide all relevant documents to include a chronology of key events, cure/show cause notices and responses thereto.

See [AF PGI 5349.101](#).

See [SMC PGI 5349.101](#).

See [USAFA PGI 5349.101](#) .

### 5349.102 Notification of Termination

See the tailorable [Termination Authority](#) template.

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## SUBPART 5349.4 — TERMINATION FOR DEFAULT

### 5349.402-3 Procedure for Default

(f) Prior to making a final decision concerning termination for default, the contracting officer must forward the termination notice and the complete contract file to [AF/JACQ](#) with a copy of the termination notice to [SAF/GCR](#) and follow the procedures in [AFFARS 5333.291\(b\)](#).

### 5349.402-6 Repurchase Against Contractor's Account

(c) The contracting officer must provide copies of assessments of excess reprocurement costs through the SCO to [AF/JACQ](#).

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## SUBPART 5349.5 — CONTRACT TERMINATION CLAUSES

### 5349.501-70 Special Termination Costs

- (a) See MP5301.601-90. Submit requests through the SCO to [SAF/AQC](#) for approval.
- (c) The contracting officer must forward a request for SAF/FM approval through their SCO and [SAF/AQC](#) prior to authorizing any increase in the Government's maximum liability under the clause. [SAF/AQC](#) will forward the request to [SAF/FM](#).

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## **SUBPART 5349.70 — SPECIAL TERMINATION REQUIREMENTS**

### **5349.7001 Congressional Notification on Significant Contract Terminations**

The contracting officer must submit the proposed Congressional notification through the SCO to [SAF/AQC](#) at least five workdays before the proposed termination date. The SAF/AQC action officer will forward the information to SAF/LLP. The contracting officer must not release the termination notice until Congress has been notified (see [MP5349](#) ).

### **5349.7003 Notification of Anticipated Terminations or Reductions**

(b)(2)(i) The contracting officer must submit the draft notification through the SCO to [SAF/AQC](#) as soon as the proposed termination/reduction is known. SAF/AQC will forward the notification to SAF/AQ for signature (see [MP5349](#) ).

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## **PART 5350 - EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT**

*Sec.*

	SUBPART 5350.1 — GENERAL	5350.102-2	Contract Adjustment Boards
5350.101-1	Authority		SUBPART 5350.103 — CONTRACT ADJUSTMENTS
	SUBPART 5350.102 — DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY	5350.103-5	Processing Cases
			SUBPART 5350.104 — RESIDUAL POWERS
5350.102-1-70	Delegations	5350.104-3	(b)(1) Action on Indemnification Requests

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## SUBPART 5350.1 — GENERAL

### 5350.101-1 Authority

(b) The authorities, policies, and procedures established in this part are based on the authority of [HAF MD 1-10](#) ,  
*Assistant Secretary of the Air Force (Acquisition)* .

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## **SUBPART 5350.102 — DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY**

### **5350.102-1-70 Delegations**

(a) The DAS(C) is authorized to deny any request for contract adjustment under FAR 50 and take any action pursuant to FAR 50.103-2(b) or FAR 50.103-2(c), including the authority to modify or release unaccrued obligations of any sort and to extend delivery and performance dates for amounts not exceeding \$75,000. .

### **5350.102-2 Contract Adjustment Boards**

The Air Force Contract Adjustment Board is authorized to approve any request for contract adjustment that obligates more than \$75,000.

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**SUBPART 5350.103 — CONTRACT ADJUSTMENTS****5350.103-5 Processing Cases**

(a) All requests for relief and all related documents, certifications, correspondence, reports, files, and a proposed memorandum of decision must be forwarded through the SCO to the approving official.

(b) Air Force Contract Adjustment Board serves as the exclusive point of contact with other military departments, or other departments or agencies of the Government, relative to the exercise of authority under Public Law 85-804.

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## SUBPART 5350.104 — RESIDUAL POWERS

### 5350.104-3 (b)(1) Action on Indemnification Requests

See the [Air Force Indemnification Guide for Unusually Hazardous or Nuclear Risks](#) for additional information. Upon completion of all buying activity coordination, the contracting officer must forward the indemnification request through the SCO to [SAF/AQC](#) for staffing to the SECAF.

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## **PART 5351 - USE OF GOVERNMENT SOURCES BY CONTRACTORS**

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**PART 5352 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

*Sec.*

	SUBPART 5352.2 — TEXT OF PROVISIONS AND CLAUSES		
5352.201-9101	Ombudsman	5352.223-9000	Elimination of Use of Class I Ozone Depleting Substances (ODS)
5352.204-9000	Notification of Government Security Activities	5352.223-9001	Health and Safety on Government Installations
5352.209-9000	Organizational Conflict of Interest	5352.228-9101	Insurance Certificate Requirement in Spain (USAFE)
5352.209-9001	Potential Organizational Conflict of Interest	5352.242-9000	Contractor Access to Air Force Installations
5352.217-9000	Long Lead Limitation of Government Liability	5352.242-9001	Common Access Cards (CAC) for Contractor Personnel

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## SUBPART 5352.2 — TEXT OF PROVISIONS AND CLAUSES

### 5352.201-9101 Ombudsman

As prescribed in [5301.9103](#), insert the following clause:

#### **OMBUDSMAN ( OCT 2019 )**

(a) An ombudsman has been appointed to hear and facilitate the resolution of concerns from offerors, potential offerors, and others for this acquisition. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The existence of the ombudsman does not affect the authority of the program manager, contracting officer, or source selection official. Further, the ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of protests or formal contract disputes. The ombudsman may refer the interested party to another official who can resolve the concern.

(b) Before consulting with an ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations to the contracting officer for resolution. Consulting an ombudsman does not alter or postpone the timelines for any other processes (e.g., agency level bid protests, GAO bid protests, requests for debriefings, employee-employer actions, contests of OMB Circular A-76 competition performance decisions).

(c) If resolution cannot be made by the contracting officer, the interested party may contact the ombudsman, [Insert names, addresses, telephone numbers, facsimile numbers, and e-mail addresses of Center/MAJCOM/DRU/AFRCO/SMC ombudsman/ombudsmen]. Concerns, issues, disagreements, and recommendations that cannot be resolved at the Center/MAJCOM/DRU/SMC ombudsman level, may be brought by the interested party for further consideration to the Air Force ombudsman, Associate Deputy Assistant Secretary (ADAS) (Contracting), SAF/AQC, 1060 Air Force Pentagon, Washington DC 20330-1060, phone number (571) 256-2395, facsimile number (571) 256-2431.

(d) The ombudsman has no authority to render a decision that binds the agency.

(e) Do not contact the ombudsman to request copies of the solicitation, verify offer due date, or clarify technical requirements. Such inquiries shall be directed to the contracting officer.

(End of clause)

### 5352.204-9000 Notification of Government Security Activities

As prescribed in [5304.404-90](#), insert the following clause in solicitations and contracts:

#### **NOTIFICATION OF GOVERNMENT SECURITY ACTIVITIES ( MAY 2021 )**

This contract contains a [DD Form 254](#), DOD Contract Security Classification Specification, and requires performance at a government location in the U.S. or overseas. Prior to beginning operations involving classified information on an installation identified on the [DD Form 254](#), the contractor shall take the following actions:

(a) At least thirty days prior to beginning operations, notify the Information Protection Office shown in the distribution block of the [DD Form 254](#) as to:

(1) The name, address, and telephone number of this contract company's representative and designated alternate in the U.S. or overseas area, as appropriate;

(2) The contract number and military contracting command;

(3) The highest classification category of defense information to which contractor employees will have access;

(4) The Air Force installations in the U.S. (in overseas areas, identify only the APO number(s)) where the contract work will be performed;

(5) The date contractor operations will begin on base in the U.S. or in the overseas area;

(6) The estimated completion date of operations on base in the U.S. or in the overseas area; and,

(7) Any changes to information previously provided under this clause.

(End of clause)

### 5352.209-9000 Organizational Conflict of Interest

As prescribed in [AFFARS 5309.507-2\(a\)](#), insert the following clause, substantially as written, in Section I:

#### **ORGANIZATIONAL CONFLICT OF INTEREST (OCT 2019)**

(a) The following restrictions and definitions apply to prevent conflicting roles which may bias the Contractor's judgment or objectivity, or to preclude the Contractor from obtaining an unfair competitive advantage in concurrent or future acquisitions.

(1) Descriptions or definitions:

"Contractor" means the business entity receiving the award of this contract, its parents, affiliates, divisions and subsidiaries. "Development" means all efforts towards solution of broadly-defined problems. This may encompass research, evaluating technical feasibility, proof of design and test, or engineering of programs not yet approved for acquisition or operation. "Proprietary Information" means all information designated as proprietary in accordance with law and regulation, and held in confidence or disclosed under restriction to prevent uncontrolled distribution. Examples include limited or restricted data, trade secrets, sensitive financial information, and computer software; and may appear in cost and pricing data or involve classified information. "System" means the system that is the subject of this contract. "System Life" means all phases of the system's development, production, or support. "Systems Engineering" means preparing specifications, identifying and resolving interface problems, developing test requirements, evaluating test data, and supervising design. "Technical Direction" means developing work statements, determining parameters, directing other Contractors' operations, or resolving technical controversies.

(2) Restrictions: The Contractor shall perform systems engineering and/or technical direction, but will not have overall contractual responsibility for the system's development, integration, assembly and checkout, or production. The parties recognize that the Contractor shall occupy a highly influential and responsible position in determining the system's basic concepts and supervising their execution by other Contractors. The Contractor's judgment and recommendations must be objective, impartial, and independent. To avoid the prospect of the Contractor's judgment or recommendations being influenced by its own products or capabilities, it is agreed that the Contractor is precluded for the life of the system from award of a DoD contract to supply the system or any of its major components, and from acting as a subcontractor or consultant to a DoD supplier for the system or any of its major components.

(End of clause)

**ALTERNATE I (OCT 2019).** As prescribed in [AFFARS 5309.507-2\(a\)\(2\)](#), either substitute paragraph (a)(2) of the basic clause with one or both of the following paragraphs, or use one or both in addition to the basic paragraph (a)(2). Use these paragraphs substantially as written.

(a)(2)(i) The Contractor shall prepare and submit complete specifications for non-developmental items to be used in a competitive acquisition. The Contractor shall not furnish these items to the DoD, either as a prime or subcontractor, for the duration of the initial production contract plus (insert a specific period of time or an expiration date).

(a)(2)(ii) The Contractor shall either prepare or assist in preparing a work statement for use in competitively acquiring the (identify the system or services), or provide material leading directly, predictably, and without delay to such a work statement. The Contractor may not supply (identify the services, the system, or the major components of the system) for a period (state the duration of the constraint, however, the duration of the initial production contract shall be the minimum), as either the prime or subcontractor unless it becomes the sole source, has participated in the design or development work, or more than one Contractor has participated in preparing the work statement.

**ALTERNATE II (OCT 2019).** As prescribed in [AFFARS 5309.507-2\(a\)\(3\)](#), either substitute paragraph (a)(2) of the basic clause with the following paragraph, or add the following in addition to the basic restriction. Renumber the paragraphs as needed if more than one restriction applies. Use this paragraph, substantially as written.

(a)(2) The Contractor shall participate in the technical evaluation of other Contractors' proposals or products. To ensure objectivity, the Contractor is precluded from award of any supply or service contract or subcontract for the system or its major components. This restriction shall be effective for (insert a definite period of time). This does not apply to other technical evaluations concerning the system.

**ALTERNATE III (OCT 2019).** As prescribed in [AFFARS 5309.507-2\(a\)\(4\)](#), add the following paragraph (b) to the basic clause substantially as written: (b) The Contractor may gain access to proprietary information of other companies during contract performance. The Contractor agrees to enter into company-to-company agreements to: (1) protect another company's information from unauthorized use or disclosure for as long as it is considered proprietary by the other company; and, (2) to refrain from using the information for any purpose other than that for which it was furnished. For information purposes, the Contractor shall furnish copies of these agreements to the contracting officer. These agreements are not intended to protect information which is available to the Government or to the Contractor from other sources and furnished voluntarily without restriction.

**ALTERNATE IV (OCT 2019).** As prescribed in [AFFARS 5309.507-2\(a\)\(5\)](#), add the following paragraph (b) to the basic clause. If Alternate III is also used, renumber this to paragraph (c).

(b) The Contractor agrees to accept and to complete all issued task orders, and not to contract with Government prime Contractors or first-tier subcontractors in such a way as to create an organizational conflict of interest.

**ALTERNATE V (OCT 2019).** As prescribed in [AFFARS 5309.507-2\(a\)\(6\)](#), add the following paragraph (b) to the basic clause substantially as written. If more than one Alternate is used, renumber this paragraph accordingly.

(b) The Contractor agrees to accept and to complete issued delivery orders, provided that no new organizational conflicts of interest are created by the acceptance of that order. The contracting officer shall identify the organizational conflict of interest in each order. The Contractor shall not contract with Government prime Contractors or first-tier subcontractors in such a way as to create an organizational conflict of interest.

**ALTERNATE VI (OCT 2019).** As prescribed in [AFFARS 5309.507-2\(a\)\(7\)](#), add the following paragraph (b) to the basic clause substantially as written. If either Alternate III or IV or both are used, renumber this paragraph accordingly.

(b) The above restrictions shall be included in all subcontracts, teaming arrangements, and other agreements calling for performance of work which is subject to the organizational conflict of interest restrictions identified in this clause, unless excused in writing by the contracting officer.

#### **5352.209-9001 Potential Organizational Conflict of Interest**

As prescribed in [AFFARS 5309.507-2\(b\)](#), insert the following provision, substantially as written in Section L:

##### **POTENTIAL ORGANIZATIONAL CONFLICT OF INTEREST (OCT 2019)**

(a) There is potential organizational conflict of interest (see FAR Subpart 9.5, Organizational and Consultant Conflicts of Interest) due to (state the nature of the proposed conflict). Accordingly:

(1) Restrictions are needed to ensure that (state the nature of the proposed restraint and the applicable time period).

(2) As a part of the proposal, the offeror shall provide the contracting officer with complete information of previous or ongoing work that is in any way associated with the contemplated acquisition.

(b) If award is made to the offeror, the resulting contract may include an organizational conflict of interest limitation applicable to subsequent Government work, at either a prime contract level, at any subcontract tier, or both. During evaluation of proposals, the Government may, after discussions with the offeror and consideration of ways to avoid the conflict of interest, insert a special provision in the resulting contract which shall disqualify the offeror from further consideration for award of future contracts. (c) The organizational conflict of interest clause included in this solicitation may be modified or deleted during negotiations.

(End of provision)

**ALTERNATE I (OCT 2019).** At the discretion of the contracting officer, substitute the following paragraph (b) for paragraphs (b) and (c) in the basic provision:

(b) The organizational conflict of interest clause in this solicitation may not be modified or deleted.

#### **5352.217-9000 Long Lead Limitation of Government Liability**

As prescribed in [AFFARS 5317.7406](#), insert the following clause in solicitations and contracts:

##### **LONG LEAD LIMITATION OF GOVERNMENT LIABILITY (OCT 2019)**

(a) In performing this contract, the contractor is not authorized to make expenditures or incur obligations exceeding \$[ *insert dollar amount* ].

(b) The maximum amount for which the Government shall be liable if this contract is terminated (i.e., costs already incurred and those associated with termination) is \$[ *insert dollar amount* ].

(c) The contractor shall notify the contracting officer in writing whenever there is reason to believe that, within the next 60 days, the costs expected to be incurred under this contract, when added to all costs previously incurred, will exceed 75 percent of the total amount allotted to the contract by the Government. The notice shall state the estimated amount of additional funds required to continue performance for the specified schedule period, limited by the not-to-exceed contract value.

(d) Sixty days before the end of the specified schedule period, the contractor shall give notice to the contracting officer of the estimated amount of additional funds required to continue long lead contract performance, when the funds will be needed, and any agreed to extension period specified in the Schedule.

(End of clause)

#### **5352.223-9000 Elimination of Use of Class I Ozone Depleting Substances (ODS)**

As prescribed in [AFFARS 5323.804-90](#), insert the following clause in solicitations and contracts:

##### **ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODS) (OCT 2019)**

(a) Contractors shall not:

(1) Provide any service or product with any specification, standard, drawing, or other document that requires the use of a Class I ODS in the test, operation, or maintenance of any system, subsystem, item, component, or process; or

(2) Provide any specification, standard, drawing, or other document that establishes a test, operation, or maintenance requirement that can only be met by use of a Class I ODS as part of this contract/order.

[Note: This prohibition does not apply to manufacturing.]

(b) For the purposes of Air Force policy, the following products that are pure (i.e., they meet the relevant product specification identified in [AFI 32-7086](#)) are Class I ODSs:

(1) Halons: 1011, 1202, 1211, 1301, and 2402;

(2) Chlorofluorocarbons (CFCs): CFC-11, CFC-12, CFC-13, CFC-111, CFC-112, CFC-113, CFC-114, CFC-115, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, and CFC-217, and the blends R-500, R-501, R-502, and R-503; and

(3) Carbon Tetrachloride, Methyl Chloroform, and Methyl Bromide.

[NOTE: Material that uses one or more of these Class I ODSs as minor constituents do not meet the Air Force definition of a Class I ODS.]

(End of clause)

#### **5352.223-9001 Health and Safety on Government Installations**

As prescribed in [AFFARS 5323.9001](#), insert the following clause in solicitations and contracts:

##### **HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS (OCT 2019)**

(a) In performing work under this contract on a Government installation, the contractor shall:

(1) Take all reasonable steps and precautions to prevent accidents and preserve the health and safety of contractor and Government personnel performing or in any way coming in contact with the performance of this contract; and

(2) Take such additional immediate precautions as the contracting officer may reasonably require for health and safety purposes.

(b) The contracting officer may, by written order, direct Air Force Occupational Safety and Health (AFOSH) Standards and/or health/safety standards as may be required in the performance of this contract and any adjustments resulting from such direction will be in accordance with the Changes clause of this contract.

(c) Any violation of these health and safety rules and requirements, unless promptly corrected as directed by the contracting officer, shall be grounds for termination of this contract in accordance with the Default clause of this contract.

(End of clause)

#### **5352.228-9101 Insurance Certificate Requirement in Spain (USAFE)**

As prescribed at [AFFARS 5328.310-90](#), insert the following clause in solicitations and contracts:

##### **INSURANCE CERTIFICATE REQUIREMENT IN SPAIN (USAFE) (OCT 2019)**

(a) Below follows the Insurance Certificate required for any Third Country National (TCN) contractor, other than U.S. or Spanish, required for use under this contract. The certificate is provided to standardize base access procedures. It must be completed and signed by the policyholder and the insurer.

(b) The amount of coverage minimum is 90,151.82 Euros per insured party (personal injury), 60,101.21 Euros per accident (property damage), and 6,010.12 Euros security deposit for legal fees. In all cases the amount of coverage, if different from the above amounts, will be determined by the insurer, except in situations where the minimum coverage applies. (c) The request for base access and the insurance certificate should be processed in accordance with [DoD Foreign Clearance Guide](#) instructions for Spain.

(d) Complete the following certification:

##### **Certificate of Insurance**

##### **CERTIFICATE OF INSURANCE COVERAGE OF THE CIVIL LIABILITY REFERRED TO UNDER ARTICLE 5 OF ANNEX 6 TO THE AGREEMENT BETWEEN THE KINGDOM OF SPAIN AND THE UNITED STATES OF AMERICA ON COOPERATION FOR THE DEFENSE.**

The insurance Company \_\_\_\_\_ with legal domicile in \_\_\_\_\_ of \_\_\_\_\_  
Spanish/US nationality, registered in the Mercantile Registry of \_\_\_\_\_  
Date: \_\_\_\_\_, Number \_\_\_\_\_, Book: \_\_\_\_\_, Section \_\_\_\_\_, Volume \_\_\_\_\_, Page \_\_\_\_\_.

##### **CERTIFIES**

That (insert contractor or company name) of \_\_\_\_\_ nationality has contracted with this company Policy Number \_\_\_\_\_ of civil liability against damages to persons or property which could arise from actions or omissions committed by any of their employees in the performance of their official functions/professional activities in Spain

because of the contracts signed with U.S. Forces, and during the visit which, in respect of such contract, they may make to Spain, according to the general conditions in force for this type of insurance and also to the special conditions created for this purpose in the Spanish-U.S. Permanent Committee; that said company has paid the premium according to the agreed conditions; and that such Policy is in force.

The Policy establishes as coverage of the mentioned risks the following amounts:

**INDEMNITY LIMITS :**

- For casualty: -----601,012.10 Euros

With the following sub-limits for each injured person:

- For personal liability: -----90,151.82 Euros

- For property damage: ----- 60,101.21 Euros

- For Judiciary Bond: ----- 6,010.12 Euros

The granted coverage is effective from \_\_\_\_\_ through \_\_\_\_\_, and does not include any type of franchise, or similar limitation, to be deducted from the mentioned guarantees or any clause which requires the submission to any type of arbitration. The underwriting insurance company considers that the established amounts adequately cover the insured risks.

The policy sets forth the following clauses:

1. "The insurance company waives any right of subrogation against the United States of America which may arise by reason of any payment under this Policy."

2. "The parties hereto explicitly agree to submit to the jurisdiction of the Spanish Courts of Law and to the Spanish Laws to settle any matter related to the construction or enforcement of the clauses and conditions of this Policy."

IN WITNESS HEREOF, the present document is signed in \_\_\_\_\_, on the \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
For the Insured Company (*signature*)

\_\_\_\_\_  
For the Insurance (*signature*)

**(Courtesy Translation)**

**Certificado de Cobertura de Seguro**

**CERTIFICADO DE COBERTURA DE SEGURO DE LA RESPONSABILIDAD CIVIL A QUE SE REFIERE EL ARTICULO 5 DEL ANEXO 6 AL CONVENIO ENTRE EL REINO DE ESPAÑA Y LOS ESTADOS UNIDOS DE AMERICA SOBRE COOPERACION PARA LA DEFENSA.**

La Compañía de Seguros \_\_\_\_\_ con domicilio social en la Calle/Avda./Pla. \_\_\_\_\_, Tlfo.: \_\_\_\_\_, de nacionalidad española/norteamericana, inscrita en el Registro Mercantil de \_\_\_\_\_, fecha \_\_\_\_\_, Número \_\_\_\_\_, Libro \_\_\_\_\_, Sección \_\_\_\_\_, Tomo \_\_\_\_\_, Folio \_\_\_\_\_.

**CERTIFICA:**

Que \_\_\_\_ (nombre del individuo o la empresa) \_\_\_\_\_, de nacionalidad \_\_\_\_\_, tiene suscrita con esta Compañía la Póliza número \_\_\_\_\_, de responsabilidad civil contra daños a personas y cosas que pudieran derivarse de acciones u omisiones realizadas por sus empleados en el desempeño de sus funciones oficiales/actividades profesionales en España con ocasión de su contrato con las Fuerzas de los EE.UU. y con la visita que en relación con dicho contrato realicen sus empleados a España, según las condiciones generales vigentes para este tipo de seguros y además las condiciones especiales elaboradas a este fin en el Comité Permanente Hispano-Norteamericano; habiéndose satisfecho la prima según las condiciones pactadas, y encontrándose dicha Póliza en vigor.

La Póliza establece como cobertura de los riesgos mencionados las siguientes cuantías:

**LIMITES DE INDEMNIZACION:**

- Por siniestro: ----- 601.012,10 Euros

Con los siguientes sublímites por perjudicado:

- Por daños personales: ----- 90.151,82 Euros

- Por daños materiales: ----- 60.101,21 Euros

- Por fianzas judiciales: ----- 6.010,12 Euros

Las coberturas otorgadas son efectivas desde el \_\_\_\_\_, hasta el \_\_\_\_\_, no incluyéndose en las mismas ningún tipo de franquicia o limitación similar a deducir de las garantías indicadas ni ninguna

disposición que requiera la sumisión a cualquier tipo de arbitraje. La Compañía aseguradora que suscribe considera que las cuantías establecidas cubren adecuadamente los riesgos asegurados.

La Póliza establece las siguientes cláusulas:

1. “La Compañía Aseguradora renuncia a cualquier derecho de subrogación contra los Estados Unidos de América que pueda provenir por razones diferentes a pago, bajo la Póliza epígrafiada.”

2. “Las partes se someten expresamente a la jurisdicción de los tribunales españoles y al derecho español para resolver cualquier cuestión relativa a la interpretación o aplicación de las cláusulas y condiciones de la Póliza.”

Y para que conste a los efectos oportunos, se firma el presente en \_\_\_\_\_ a \_\_\_\_\_ de \_\_\_\_\_ 20\_\_\_\_.

Tomador:

Asegurador:

(END OF CERTIFICATE)

(End of Clause)

#### 5352.242-9000 Contractor Access to Air Force Installations

As prescribed in [AFFARS 5342.490-1](#) , insert a clause substantially the same as the following clause in solicitations and contracts:

##### **CONTRACTOR ACCESS TO AIR FORCE INSTALLATIONS ( OCT 2019 )**

(a) The contractor shall obtain base identification and vehicle passes, if required, for all contractor personnel who make frequent visits to or perform work on the Air Force installation(s) cited in the contract. Contractor personnel are required to wear or prominently display installation identification badges or contractor-furnished, contractor identification badges while visiting or performing work on the installation.

(b) The contractor shall submit a written request on company letterhead to the contracting officer listing the following: contract number, location of work site, start and stop dates, and names of employees and subcontractor employees needing access to the base. The letter will also specify the individual(s) authorized to sign for a request for base identification credentials or vehicle passes. The contracting officer will endorse the request and forward it to the issuing base pass and registration office or Security Forces for processing. When reporting to the registration office, the authorized contractor individual(s) should provide a valid driver's license, current vehicle registration, valid vehicle insurance certificate, and [ *insert any additional requirements to comply with local security procedures* ] to obtain a vehicle pass.

(c) During performance of the contract, the contractor shall be responsible for obtaining required identification for newly assigned personnel and for prompt return of credentials and vehicle passes for any employee who no longer requires access to the work site.

(d) When work under this contract requires unescorted entry to controlled or restricted areas, the contractor shall comply with [ *insert any additional requirements to comply with* - [AFI 31-101](#) , *Integrated Defense, and* [DODMAN5200.02 AFMAN 16-1405](#) , *Air Force Personnel Security Program* ] citing the appropriate paragraphs as applicable.

(e) Upon completion or termination of the contract or expiration of the identification passes, the prime contractor shall ensure that all base identification passes issued to employees and subcontractor employees are returned to the issuing office.

(f) Failure to comply with these requirements may result in withholding of final payment.

(End of clause)

#### 5352.242-9001 Common Access Cards (CAC) for Contractor Personnel

As prescribed in [AFFARS 5342.490-2](#) , insert a clause substantially the same as the following clause in solicitations and contracts:

##### **COMMON ACCESS CARDS (CAC) FOR CONTRACTOR PERSONNEL ( OCT 2019 )**

(a) For installation(s)/location(s) cited in the contract, contractors shall ensure Common Access Cards (CACs) are obtained by all contract or subcontract personnel who meet one or both of the following criteria:

(1) Require logical access to Department of Defense computer networks and systems in either:

(i) the unclassified environment; or

(ii) the classified environment where authorized by governing security directives.

(2) Perform work, which requires the use of a CAC for installation entry control or physical access to facilities and buildings.

(b) Contractors and their personnel shall use the following procedures to obtain CACs:

(1) Contractors shall provide a listing of personnel who require a CAC to the contracting officer. The government will provide the contractor instruction on how to complete the Contractor Verification System (CVS) application and then notify the contractor when approved.

(2) Contractor personnel shall obtain a CAC from the nearest Real Time Automated Personnel Identification Documentation System (RAPIDS) Issuing Facility (typically the local Military Personnel Flight (MPF)).

(c) While visiting or performing work on installation(s)/location(s), contractor personnel shall wear or prominently display the CAC as required by the governing local policy.

(d) During the performance period of the contract, the contractor shall:

(1) Within 7 working days of any changes to the listing of the contract personnel authorized a CAC, provide an updated listing to the contracting officer who will provide the updated listing to the authorizing government official;

(2) Return CACs in accordance with local policy/directives within 7 working days of a change in status for contractor personnel who no longer require logical or physical access;

(3) Return CACs in accordance with local policy/directives within 7 working days following a CACs expiration date; and

(4) Report lost or stolen CACs in accordance with local policy/directives.

(e) Within 7 working days following completion/termination of the contract, the contractor shall return all CACs issued to their personnel to the issuing office or the location specified by local policy/directives.

(f) Failure to comply with these requirements may result in withholding of final payment.

(End of clause)

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## **PART 5353 – FORMS**

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**Volume II - PGI Parts 5301 to 5352**

**AIR  
FORCE  
FEDERAL  
ACQUISITION  
REGULATION  
SUPPLEMENT  
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PGI**



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# AFFARS PGI 5301 FEDERAL ACQUISITION REGULATIONS SYSTEM

*Sec.*

AF PGI 5301 Federal Acquisition Regulations System		AFMC PGI 5301.601-91 Air Force Contracting Compliance Inspection Program
AF PGI 5301.108 FAR Conventions		AFMC PGI 5301.602-2 Responsibilities
AF PGI 5301.170-2 Pre-award Peer Reviews		AFMC PGI 5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers
AF PGI 5301.170-3 Post-award Peer Reviews of Service Contracts		AFMC PGI 5301.90 Clearance
AF PGI 5301.170-4 Administration of Peer Reviews		AFMC PGI 5301.9001 Clearance Delegations
AF PGI 5301.602-3-90 Procedure for Processing Ratifications of Unauthorized Commitments		AFMC PGI 5301.9001 Policy, Thresholds, and Approvals
AF PGI 5301.9001 (b) Clearance: Multi-Functional Independent Review Teams		AFMC PGI 5301.9001-92 Clearance Request
AF PGI 5301.91 Ombudsman Program		AFMC PGI 5301.9001-93 Clearance Documentation
AFDW PGI 5301 Federal Acquisition Regulations System		AFMC PGI 5301.91 Ombudsman Program
AFDW PGI 5301.603-1 General	5301.9102	Policy
AFDW PGI 5301.90 Clearance		AFRC PGI 5301 Federal Acquisition Regulations System
AFICC PGI 5301 Federal Acquisition Regulations System		AFRC PGI 5301.601-91 Air Force Contracting Self-Inspection Program
AFICC PGI 5301.1 Applicability		SMC PGI 5301 Federal Acquisition Regulations System
AFICC PGI 5301.170 Peer Reviews		SMC PGI 5301.170 Peer Reviews
AFICC PGI 5301.404-92 Class Deviations		SMC PGI 5301.304 Agency Control and Compliance Procedures
AFICC PGI 5301.601-91 Air Force Contracting Self-Inspection System		SMC PGI 5301.601 (a)(i)(A) HCA Matrix.
AFICC PGI 5301.603-2 Selection		SMC PGI 5301.602-2 Responsibilities
AFICC PGI 5301.90 Clearance		SMC PGI 5301.603-90 Selection, Appointment, and Termination of Appointment for Contracting Officers
AFICC PGI 5301.9001 Air Force Installation Contracting Center Clearance Delegations		SMC PGI 5301.9000 Scope and Definitions
AFICC PGI 5301.9102 Ombudsman		SMC PGI 5301.9001 Policy, Thresholds, and Approvals
AFMC PGI 5301 Federal Acquisition Regulations System		SMC PGI 5301.91 Ombudsman Program
AFMC PGI 5301.290 Designation of Subject Matter Experts (SME)		SMC PGI 5301.9103 Solicitation Provision and Contract Clauses
AFMC PGI 5301.601 (a)(i) HCA Responsibilities		USAFA PGI 5301 Federal Acquisition Regulations System
AFMC PGI 5301.601 (a)(i)(A)		USAFA PGI 5301.601 (a)(i)(A) HCA Responsibilities
AFMC PGI 5301.601 (a)(i)(A)(S-91)		USAFA PGI 5301.603-1 General
AFMC PGI 5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), and Service Acquisition Executive (SAE) Responsibilities		USAFA PGI 5301.90 Clearance
		USAFA PGI 5301.9102 (a) Ombudsman Program

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## **AF PGI 5301 Federal Acquisition Regulations System**

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### **AF PGI 5301.108 FAR Conventions**

- (b) Submit delegations to [SAF/AQCP](#) for inclusion in the PGI.
- (c) The total estimated value of an acquisition is the basis for determining the applicable dollar threshold.
  - (1) For competitive, multiple award acquisitions, the total estimated value is the cumulative value of all potential awards, except for A&E services, BAAs, SBIRs, and STTRs, use the individual contract value;
  - (2) For competitive acquisitions, the highest proposed amount in the competitive range;
  - (3) For sole source acquisitions, the negotiation objective including any requested settlement range;
  - (4) For modifications, the sum of the absolute value of the price increase and/or decrease is the total estimated value. For example, a price increase of \$4M and decrease of \$3M results in an estimated value of \$7M;
  - (5) The total estimated value of a BPA or task and delivery order an indefinite delivery type contract is the estimated value of all future orders; and
  - (6) For defective pricing actions, the DCAA Recommended Price Adjustment (RPA).

### **AF PGI 5301.170-2 Pre-award Peer Reviews**

- (a) For Competitive Actions valued at \$1B or more: [See [DFARS Class Deviation 2019-00010](#), Peer Reviews of Competitive Contracts for Supplies and Services (OUSD(A&S)/DPC Memo, 6 Sep 19)].
  - (1) Phase 1 Peer Reviews (prior to issuance of the solicitation) may occur before or after the Business Clearance Session with the DAS(C)/ADAS(C) (see MP5301.9001(i)(1)(i)(B)). The assigned SAF/AQC action officer communicates with the OUSD(A&S)/DPC Peer Review program coordinator regarding the specific timing of the review. Subsequent to a successful Business Clearance Session with the DAS(C)/ADAS(C), the contracting officer uploads the required pre-negotiation clearance documents to the [DoD Peer Review](#) website.
  - (2) Phase 2 Peer Reviews (prior to request for final proposal revisions, if applicable) may occur before or after the Contract Clearance. Coordinate the timing of the review with the CAA prior to proceeding. The contracting officer is responsible for coordinating the timing of the review with the OUSD(A&S)/DPC Peer Review program coordinator. Subsequent to a successful Contract Clearance Session, the contracting officer uploads the required clearance documents to the [DoD Peer Review](#) website.
  - (3) Phase 3 Peer Reviews (prior to contract award) occur after the Contract Clearance Session with the CAA. The contracting officer is responsible for coordinating the timing of the review with the OUSD(A&S)/DPC Peer Review program coordinator and uploading the appropriate documents to the [DoD Peer Review](#) website. The contract may not be awarded until all Peer Review recommendations have been addressed.
- (b) For noncompetitive actions valued at \$500M or more:
  - (1) Phase 1 Peer Reviews (prior to commencement of negotiations) occur after the Business Clearance Session with the DAS(C)/ADAS(C) (see MP5301.9001(i)(1)(i)(A)(8)). The assigned SAF/AQC action officer communicates with the OUSD(A&S)/DPC Peer Review program coordinator concerning the specific timing of the review. Subsequent to a successful Business Clearance Session with the DAS(C)/ADAS(C), the contracting officer uploads the required pre-negotiation clearance documents to the [DoD Peer Review](#) website.
  - (2) For Phase 2 Peer Reviews (prior to contract award), the assigned SAF/AQC action officer communicates with the OUSD(A&S)/DPC Peer Review program coordinator concerning the specific timing of the review. The contracting officer uploads the [Final Price Negotiation Memorandum](#) to the [DoD Peer Review](#) website and emails a copy of the Final PNM to [SAF/AQC](#). On a case-by-case basis, additional supporting documentation may be requested in support of the Peer Review. The contract may not be awarded until disposition of any Peer Review recommendations.

### **AF PGI 5301.170-3 Post-award Peer Reviews of Service Contracts**

The contracting officer notifies the cognizant SAF/AQC action officer of all Peer Reviews to be accomplished in accordance with DFARS PGI 201.170-3 at least 10 business days prior to the required review.

**AF PGI 5301.170-4 Administration of Peer Reviews**

The contracting officer simultaneously provides a copy of the memorandum documenting disposition of all Peer Review recommendations to OUSD(A&S)/DPC, [SAF/AQC](#), and their SCO.

**AF PGI 5301.602-3-90 Procedure for Processing Ratifications of Unauthorized Commitments**

(a) The contracting officer initiates an investigation by requesting the office(s) involved to provide documentation and evidence concerning the unauthorized commitment.

(b) The commander of the organization in which the unauthorized commitment occurred ensures the following are provided to the contracting officer within 30 days of the request:

(1) A report on the circumstances surrounding the unauthorized commitment, to include a statement on corrective actions taken to prevent a recurrence of the event and a description of disciplinary action taken, or an explanation as to why no action was taken.

(2) A signed statement from the individual who made the unauthorized commitment detailing the incident. If a statement is unavailable, the commander explains in the report the reason for not providing the individual's statement.

(3) Relevant documentation and records, (e.g., evidence the supplies or services were received, accepted, and were of benefit to the government, contractor correspondence and invoice, funds availability statement, etc.).

(c) The contracting officer analyzes the documentation and, if ratification is appropriate, prepares the ratification file, which includes the following:

(1) Statement of the contracting officer that summarizes the case and addresses each of the elements contained in FAR 1.602-3(c).

(2) Legal opinion.

(3) Contractor's invoice with relevant correspondence.

(4) The report by the organization in which the unauthorized commitment occurred--prepared in accordance with paragraph 2 above. Include any attachments to the report.

(d) The ratification statement reads substantially as follows:

"Pursuant to the authority vested in me by AFFARS 5301.602-3(b)(2), I hereby ratify the act of (name, title, grade, and organization), who on or about (date) authorized (company name) to (commitment). The dollar value of the transaction is (dollar amount). Ratification is deemed to be in the best interest of the government and is within the authority and limitations of FAR 1.6 and supplements thereto."

(e) For ratification of unauthorized commitments equal to or greater than \$30,000 of appropriated funds, the contracting officer forwards the file through the wing commander for review by the SCO. For organizations that do not have a wing commander or equivalent, forward the file to the Center Technology/Functional Director for review. The contracting officer should include words substantially as follows:

"Attached is the ratification file concerning the unauthorized contracting act of (name) for your review. If you concur ratification of this act is appropriate, this file is be forwarded to the Head of the Contracting Activity (HCA) designee for final approval."

(f)(1) Tenant organizations with contracting authority: When an unauthorized commitment occurs within a tenant organization, the ratification is processed through the tenant's chain of command.

(2) Tenant organizations without contracting authority: The host command investigates, process, and, if appropriate, approve the ratification. The host command provides copies of the ratification to the tenant's parent organization.

(g) After execution of the ratification statement by the appropriate authority, the contracting officer processes the ratification action. A copy of the ratification statement is included in the contract file. A copy of the contract is placed in the ratification file.

(h) Organizations may use the [Ratification Action](#) template when preparing ratifications.

**AF PGI 5301.9001 (b) Clearance: Multi-Functional Independent Review Teams**

**1. Objective.** The use of multi-functional independent review teams (MIRT) is considered a best practice for high dollar value or complex competitive acquisitions. MIRTs conduct independent reviews to ensure the quality and effectiveness of the competitive contracting process, and may facilitate cross-sharing of best practices and lessons learned. The MIRT operates in an advisory capacity in its assessment of the acquisition approach employed, and the consistency and sufficiency of the source selection team products.

**2. Guidelines.** To promote an understanding of the MIRT process and to ensure the process is value added, the CAA and SSA should establish the rules of engagement for the MIRT (e.g., how many reviews are planned, the expected duration of each review, and what is required to close MIRT comments prior to the CAA granting clearance, as well as the relationship between the clearance process and source selection process events).

**3. Typical MIRT Process.**

**3.1.** The CAA should establish an independent and objective process, tailored to the needs of the acquisition, employing cross-functional subject matter experts (SME) with source selection experience and knowledge of current source selection procedures. The CAA should ensure that the established review process encourages frank and open discussion among MIRT members concerning their observations and recommendations.

**3.2.** For maximum benefit, MIRTs should be formed at the beginning of an acquisition with membership agreed to by the CAA. When the DAS(C) or ADAS(C) is the CAA, the SCO may appoint the MIRT and interact with the SSA as needed. Recommended team members include the Technical/Requirements Activity, Legal, Contracting, Finance/Cost, Small Business, and participants from other specialized areas as needed. A member from the SAF/AQCP Field Support Team may be requested to participate on MIRTs when DAS(C) or ADAS(C) is the CAA or on a case-by-case basis. Submit requests for SAF/AQCP participation to [SAF/AQCP](#). To promote consistency, the same MIRT members should participate in each critical decision point review for the duration of the acquisition unless otherwise agreed to by the CAA. To prevent bias, MIRT members should not be members of the source selection team. The use of contractors on a MIRT is discouraged.

**4. Critical Decision Points (CDP).** The CAA and SSA typically determine the CDPs, or other focus areas, to be reviewed by the MIRT for each acquisition. The CDPs below are examples of opportunities for MIRT activity. CDPs 1 and 2 would occur prior to the request for Business Clearance, and CDPs 3, 4 and 5 would occur prior to request for Contract Clearance.

**CDP#1:** Review draft ASP Brief or review of draft Acquisition Plan (AP). (Includes review of requirements documents, results of market research and risk assessment, and incentive structure, as applicable.)

**CDP#2:** Review Sections L and M of the Request for Proposal (RFP). (Includes review of Source Selection Plan, requirements documents, and other portions of the solicitation, as necessary, to ensure executable evaluation criteria.)

**CDP#3:** Review draft Initial Evaluation/Competitive Range Brief or review of draft Award without Discussions Brief. (Review of these draft briefs includes review of supporting documentation and evaluation notices or interim ratings, etc.)

**CDP#4:** Review draft Final Proposal Revision (FPR) Request. (Review of this draft brief includes review of pre-FPR brief including interim ratings after discussions, etc.)

**CDP#5:** Review draft Source Selection Decision briefing. (Review of this draft brief includes review of the Source Selection Evaluation Board Report, Source Selection Advisory Council Comparative Analysis Report and Award Recommendation, etc.)

**5. MIRT Work Product.** The MIRT typically out briefs the source selection team at the conclusion of each MIRT review conducted, and an assessment to the CAA on the state of the acquisition. The MIRT assessment and contracting officer disposition of MIRT comments/recommendations may be included with the applicable Business and Contract Clearance requests at the CAA's discretion. Contracting officers should advise the CAA of any unresolved MIRT comments. The SSA should be provided a copy of MIRT reports for their information and use as appropriate.

## **AF PGI 5301.91 Ombudsman Program**

The Ombudsman for each MAJCOM/DRU/FOA is identified on the [Air Force Contracting POCs](#) page.

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## **AFDW PGI 5301 Federal Acquisition Regulations System**

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### **AFDW PGI 5301.603-1 General**

The AFDW SCO delegates the authority to appoint, suspend and terminate Contracting Officer warrants of less than \$5M to the COCOs.

### **AFDW PGI 5301.90 Clearance**

For Enterprise programs, the AFDW SCO establishes the below approval thresholds for AFDW/PK as follows:

<b>Contract Value</b>	<b>Enterprise Contracting Program Clearance Approval Authority</b>
>\$50M to <\$1B	SCO
>\$25M to \$50M	COCO
>\$5M to \$25M	Two levels below the SCO (e.g., Division Chief)

For Operational programs, the AFDW SCO establishes the below approval thresholds for 11CONS and 316 CONS as follows:

<b>Contract Value</b>	<b>Operational Contracting Program Clearance Approval Authority</b>
>\$10M to <\$1B	SCO
\$2M to \$10M	COCO
>\$500K to <\$2M	One level above the CO

## **AFICC PGI 5301 Federal Acquisition Regulations System**

### **AFICC PGI 5301.1 Applicability**

This PGI applies to all acquisitions of supplies, services, construction and R&D purchased with appropriated funds by operational acquisition units (contracting offices and squadrons) within the Air Force Installation Contracting Center (AFICC), Air Combat Command (ACC), Air Force Global Strike Command (AFGSC), Pacific Air Forces (PACAF), Air Mobility Command (AMC), Air Force Special Operations Command (AFSOC), Air Force Space Command (AFSPC) except Space and Missile Systems Center, Air Education & Training Command (AETC) and United States Air Forces Europe & Air Forces Africa (USAFE-AFAFRICA).

The PGI is not a standalone document, it is used in conjunction with the FAR and FAR Supplements.

### **AFICC PGI 5301.170 Peer Reviews**

On a case-by-case basis, the AFICC OL SCO may require an advance review of Peer Review documentation prior to the submission to the [DoD Peer Review](#) website.

### **AFICC PGI 5301.404-92 Class Deviations**

Class Deviations that impact more than one AFICC OL are typically coordinated through [AFICC/KP](#) to SAF/AQC.

### **AFICC PGI 5301.601-91 Air Force Contracting Self-Inspection System**

In accordance with [AFI 90-201, The Air Force Inspection System](#) and AFFARS MP5301.601-91, *Air Force Contracting Self-Inspection Program*, all contracting offices/squadrons will have a Self-Inspection Program (SIP) that assesses contract files and management programs. This PGI establishes the standardized process for performing self-inspections of contract actions/files and support the Unit Self-Assessment Program Managers (USAPMs) in the completion of both the *Air Force Contracting Self-Assessment Communicator* (AQC 2) and *Air Force Operational Contracting Self-Assessment Communicator for Operational Contracting Squadrons Only* (AQC 3), both of which are found in the [Management Internal Control Toolset \(MICT\)](#) system.

Each contracting office/squadron is responsible for ensuring their contract actions reflect good business judgment and comply with applicable statutes, regulations and policies. The self-inspection process includes the selection of previously awarded and/or completed contract actions, both above and below prescribed clearance review thresholds, for review by the office/squadron's Self-Inspection Program (SIP) Team. Through review of previous contract actions and gap analysis, the identification of best practices, trends or areas of concern (AOCs) should result in recommendations for sharing lessons

learned, recommended areas for improvement (i.e., RIAs) and/or the development of corrective action plans (CAPs). The process is iterative and requires proactive trend and issue identification with the goal of improving the quality of the resultant contract files as well as the overall acquisition health of the unit.

Commanders/Directors appoint a Unit Self-Inspection Program Manager (USIPM) with overall responsibility for the self-inspection process to include use of appropriate checklists, worksheets or other tools, collation of self-inspection data, completion of the [Unit Self-Inspection Report](#) and submission of the report to the cognizant senior functional (contracting) leadership. Based on the volume and complexity of actions to be reviewed, the USIPM assigns an appropriate number of assessors to complete the self-inspection, to include entry of all required data into the appropriate [self-inspection worksheets](#) and [checklists](#), analysis of self-inspection data (including subjective observations/comments), culminated by the completion of the written report.

The USIPM and assigned assessors should possess the minimum requisite skill level of APDP Level II in Contracting and have no less than five years of experience in the contracting career field. When required, the USIPM/SIP Team will brief the results of the self-inspection, to include open observations, corrective actions, repeat findings and all pertinent information to the COCO and/or SCO or designee (reporting requirements are determined by the SCO).

SIP Teams should assess contract actions/files using the applicable portions of the [Air Force Contracting Self-Inspection Checklist](#) and whenever possible, teams should utilize the self-inspection capability of [KT FileShare](#) to assist them in completing the Unit Self-Inspection Report. At a minimum, SIP Teams will review the specified number of contract actions (by type) for the current or previous fiscal year (not to exceed 12 months prior to the date of the self-inspection unless a review of the basic contract is necessary) in accordance with the table below.

**AFICC Self-Inspection Program – Minimum Action Review Requirements**

<b>If the Action type* is:</b>	<b>And the <i>Total</i> Number of Actions for the previous FY or 12 mos is:</b>	<b>Then the Minimum** Number of Actions (by type) to be Reviewed is:</b>
Competitive Awards (including multiple award ID/IQ task/delivery orders)	1—500	10% or 25 actions— whichever is greater
	Over 500	5% or 50 actions— whichever is less
Non-Competitive Awards (including orders issued citing a Fair Opportunity Exception, 8(a) SB set-asides and other mandatory or designated sources)	1—500	25% or 50 actions— whichever is greater
	Over 500	10% or 100 actions— whichever is less
Modifications (other than administrative)	1—500	10% or 25 actions— whichever is greater
	Over 500	5% or 50 actions – whichever is less
BPAs, BOAs and associated Calls/Orders	1—500	All Blanket/Basic Agreements & 10% or 25 Calls/Orders— whichever is greater
	Over 500	All Blanket/Basic Agreements & 5% or 50 Calls/Orders— whichever is less
Terminations, UCAs, Protests, Ratifications and other extraordinary contract actions	1—500	ALL
	Over 500	



If the Action type* is:	And the <i>Total</i> Number of Actions for the previous FY or 12 mos is:	Then the Minimum** Number of Actions (by type) to be Reviewed is:
OT-P Agreements/Awards and contract awards as a result of the Defense CSO Pilot Program	1—500	ALL
	Over 500	
<p>*This list is not inclusive of every type of contract action or agreement; Commanders/Directors may include other contract action types or specific actions as they deem necessary.</p> <p>**If the total number of actions available for review is less than the mandatory minimum, all files for that action type should be reviewed.</p> <p>Note: To ensure maximum fidelity in the resultant SIP data and to determine the overall acquisition health of the office/squadron, actions chosen for review should be selected from the entire contract portfolio, to include the responsible flights, divisions, teams and individual contracting officers.</p>		

Unless otherwise directed by their senior functional leadership, MAJCOM, Center and/or Wing's policy, Commanders/Directors can exercise their own discretion in deciding the interval of their self-inspections/assessments. However, at a minimum, OAU's should perform an annual self-inspection which should be completed NLT 15 November, the results of which should be provided to the cognizant AFICC senior functional leadership with an informational copy provided to the AFICC Policy & Acquisition Support Directorate ([AFICC/KP](#)).

### AFICC PGI 5301.603-2 Selection

For AFICC warranting procedures, see the AFICC Warrant Process Guide (located within the "Warrants" focus area of the [AFICC Academy](#)).

### AFICC PGI 5301.90 Clearance

The standard [AFICC Clearance](#) process is typically used for all contract actions requiring clearance. The contracting officer typically allows at least 5 business days after receipt of a complete clearance request package by the cognizant AFICC reviewing office for completion of a clearance review. Clearance request packages received after 1300 local time should be logged as received the following business day. Additionally, contracting officers should anticipate approximately 3 additional business days for Clearance Approval Authority (CAA) review. Clearance Reviews should be accomplished using [KT FileShare](#).

#### Business and Contract Clearance Approvals

Prior to requesting clearance, the contracting officer should ensure all required clearance documentation is uploaded to [KT FileShare](#), followed by an e-mail to the cognizant AFICC OL workflow account requesting assignment of a Clearance Reviewer. When the CAA requires Clearance briefing charts, contracting officers may use the AFFARS template, AFICC template, or a locally developed template. Competitive RFP amendments should be reviewed and approved by the CAA prior to issuance (not applicable to administrative changes).

#### Noncompetitive Contract Actions

Unless otherwise exempted, a Preliminary-Price Negotiation Memorandum (P-PNM) is typically used to explain the rationale applied to arrive at the Government objective by cost element. For purposes of the clearance process, Architect-Engineering Services should be handled as noncompetitive acquisitions. Business clearance approval is required prior to beginning negotiations with the contractor.

#### Competitive Contract Actions

For competitive Contract Clearance the CAA may be invited to the SSA briefing.

#### Clearance Exclusions

Unless otherwise prohibited, when excluding task or delivery orders from business or contract clearance, Contracting officers typically document their clearance exclusion decision, the record of which should be included in the contract file for every order. Contracting officers may utilize the Fair Opportunity Order Clearance Exclusion MFR template (not yet uploaded to [PGI Library](#)) to exclude an order from business or contract clearance.



## **AFICC PGI 5301.9001 Air Force Installation Contracting Center Clearance Delegations**

For AFICC, see [AFIMSC Competition and Commercial Advocate Appointment Letter](#).

This PGI sets forth approval authorities and delegations that are specific to AFICC and its AF MAJCOM Operating Locations. Contracting Offices/Squadrons that receive their contracting authority from AFICC are responsible to execute the authorities provided to them by their cognizant AFICC Senior Contracting Official. Specific delegated authorities can be found by accessing the EIS sites of the respective AFICC OLs.

[AFICC – Air Force Installation Contracting Center](#)

[AFICC/KC – Air Combat Command \(ACC\)](#)

[AFICC/KG – Air Force Global Strike Command \(AFGSC\)](#)

[AFICC/KH – Pacific Air Forces \(PACAF\)](#)

[AFICC/KM – Air Mobility Command \(AMC\)](#)

[AFICC/KO – Air Force Special Operations Command \(AFSOC\)](#)

[AFICC/KS – Air Force Space Command \(AFSPC\)](#)

[AFICC/KT – Air Education & Training Command \(AETC\)](#)

[AFICC/KU – United States Air Forces Europe & Air Forces Africa \(USAFE-AFAFRICA\)](#)

## **AFICC PGI 5301.9102 Ombudsman**

Contracting officers should include the responsible AFICC Operating Location Ombudsman in all solicitations/RFPs and contracts (refer to AFFARS 5352.201-9101).

(a) The Air Force Installation & Mission Support Center Ombudsman is:

Air Force Installation Contracting Center,

Policy & Acquisition Support Directorate (AFICC/KP)

1940 Allbrook Drive, Building 1

Wright-Patterson AFB OH 45433

Phone: (937) 257-5529

Fax: (937) 656-0919

(c) Contracting officers should include the responsible AFICC Operating Location Ombudsman in all solicitations/RFPs and contracts (refer to AFFARS 5352.201-9101, OMBUDSMAN (JUN 2016)). Contracting officers should refer to the applicable AFICC PGI Appendix for more information concerning MAJCOM specific designations, delegations and authorities.

## **AFMC PGI 5301 Federal Acquisition Regulations System**

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### **AFMC PGI 5301.290 Designation of Subject Matter Experts (SME)**

The SMEs for all matters related to the various parts of the FAR, DFARS, AFFARS, and the AFMC PGI can be found at the HQ AFMC/PK POC Index.

### **AFMC PGI 5301.601 (a)(i) HCA Responsibilities**

For **AFLCMC/PK** located at Wright-Patterson AFB, see [AFLCMC SCO Delegations for HCA Responsibilities](#).

For **AFLCMC/PK** Eglin OL located at Eglin AFB, see [AFLCMC/PK Eglin OL SCO Delegations for HCA Responsibilities](#).

For **AFLCMC/PK** Hanscom OL located at Hanscom AFB, see [AFLCMC/PK Hanscom OL SCO Delegations for HCA Responsibilities](#).

For **AFSC/PK** located at Tinker AFB, see [SCO COCO Delegations](#) and [SCO Delegations to One Level Above the PCO](#) for HCA Responsibilities.

For **AFSC/PK** Hill OL located at Hill AFB, see [AFSC/PK Hill OL SCO Delegations for HCA Responsibilities](#).

For **AFSC/PK** Robins OL located at Robins AFB, see [AFSC/PK Robins OL SCO Delegations for HCA Responsibilities](#).

For **AFRL/PK**, see [AFRL SCO Delegations for HCA Responsibilities](#).

For **AFNWC/PZ**, see [AFNWC SCO Delegations for HCA Responsibilities](#).

**AFMC PGI 5301.601 (a)(i)(A)**

All SCOs in:	Grant Authority	Cooperative Agreement Authority	Other Transaction Authority for Research	Other Transaction Authority for Prototype *	Other Transaction Authority for Experimental **
AFICC	No	No	No	Yes	Yes
AFLCMC	No	No	No	Yes	Yes
AFNWC	No	No	No	Yes	Yes
AFRL ***	Yes ****	Yes ****	Yes	Yes	Yes
AFSC	No	No	No	Yes	Yes
AFTC	No	No	No	Yes	Yes

\* See [AFMC/PK Delegation of Other Transactions for Prototype Projects Authority](#).

\*\* Individuals must be warranted as an Agreements Officer in order to issue, administer, and/or terminate Other Transactions for Experimental Agreements. They must meet the same requirements listed in Paragraphs 2 and 3 of [AFMC/PK Delegation of Other Transactions for Prototype Projects Authority](#).

\*\*\* See [Delegation of Grant, Cooperative Agreement, Other Transactions for Research Projects, and Other Transactions for Prototype Projects Authorities](#).

\*\*\*\* Grant appeal authority is retained by HQ AFMC/PK.

**AFMC PGI 5301.601 (a)(i)(A)(S-91)**

(a) The AFNWC/PZ SCO retains all HCA delegated responsibilities with the exception of delegating the authority to enter into, approve, modify, and terminate contracts to the SCO at Eglin AFB, Hanscom AFB, Hill AFB, and Tinker AFB for all AFNWC contracting personnel residing at their respective locations.

(b) The AFLCMC SCO has delegated all delegable HCA responsibilities, to include the authority to enter into, approve, modify and terminate contracts, to the AFSC SCO for all AFLCMC contracting actions executed at Tinker AFB. The AFSC SCO has further delegated all delegable HCA responsibilities, to include the authority to enter into, approve, modify and terminate contracts, to the SCO equivalents at Hill AFB and Robins AFB for all AFLCMC actions executed at their respective locations.

**AFMC PGI 5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), and Service Acquisition Executive (SAE) Responsibilities**

(a) For AFLCMC/PK, see [SCO delegation](#).

(b) For AFNWC/PZ, see [SCO delegation](#).

(c) For AFSC/PK Tinker, see [SCO delegation](#).

**AFMC PGI 5301.601-91 Air Force Contracting Compliance Inspection Program**

Reference MP5301.601-91, Air Force Contracting Compliance Inspection Program

(a) [AFMC Contracting Self-Inspection Process - Introduction](#)

This PGI establishes the AFMC standardized process for Contracting Unit Self-Inspections of awarded actions using the [Air Force Contracting Self-Inspection Checklist](#). Each Center and Operating Location (OL) contracting unit (referred to in this document as the "Contracting Office") should conduct unit self-inspections to ensure contracting actions reflect good business judgment, compliance with existing statutes, regulations, and policies (including AFI 90-201, The Air Force Inspection System's purpose to identify, and report issues); and enable proactive trend and issue identification to improve acquisitions in the long term. The process addresses self-inspection from the identification of awarded actions below prescribed clearance review thresholds chosen for review, through review, trend/Area(s) of Concern (AOC) analysis, Corrective Action Plan (CAP) development, and data entry/final resolution. The Self-Inspection Program Monitor (SIPM)

briefs Management Internal Control Toolset (MICT) status to the SCO and actions are considered complete when Contracting Office SCO has been briefed on closure of any corrective action, and closure in the system.

(b) Applicable Publications, Regulations, and Checklists

(c) Roles and Responsibilities

Self-Inspection Program Monitor (SIPM): Responsible for administration of the Contracting Office's overall Self-Inspection Program, which includes both the assessment of individual contract files and the assessment of contracting management programs. The SIPM (or alternate) is also responsible for entry, review, and monitoring of MICT.

Self-Inspection Program Point of Contact (SIP POC): The SIP POC is the liaison between the reviewed buying office, reviewers, the SIPM and the SCCO/SCO. Responsibilities include oversight of the review process within a respective buying office and collection of all inspection review sheets. The SIP POC flags all Critical, Significant, and Minor deficiencies as well as identifies any trends resulting from the unit inspection. The SIP POC is also responsible for working with the cognizant office(s) to create CAPs, where/when applicable, and monitoring CAPs through closure. Upon closure, the SIP POC should notify the SIPM of CAP completion.

Unit Self-Inspection Program Reviewer (USIP-R): For reviews done by other than a formally assigned Reviewer, such review(s) should be done by a PCO (and may be supported by a buyer). (The intent/role of the buyer is to provide a mentoring experience for junior contracting personnel to facilitate both thorough inspections and a culture of learning and professional growth.) PCOs may only review files within the scope/limit of their individual warrant. The USIP-R (or designee) is responsible for reviewing the contract file IAW [Air Force Contracting Self-Inspection Checklist](#). The USIP-R is responsible for verifying discrepancies are corrected/fixed prior to submitting the completed inspection review sheets to the SIP POC. Should an office not have an assigned reviewer, the individual serving as the USIP-R should coordinate efforts with their assigned SIP POC and/or SIPM.

(d) Contracting Management Program IAW the AF Contracting Self-Assessment Communicator

Contracting Offices should inspect contracting management programs IAW [AFI 90-201](#) and AFFARS MP 5301.601-91. SCOs should be regularly briefed on organization MICT status.

Contracting Office(s) may, as MICT date milestones/criteria are fulfilled/changed, enter/update as practicable. Upon closure of a MICT record for a trend/item self-inspection, the individual(s) designated to complete work on a given CAP should notify the SIPM and request closeout in the MICT system.

(e) Unit Awarded Action Self-Inspections

The self-inspection of individual contract files flows through a three phase process: first, Identification/Selection and Review of Awarded Actions; second, Analysis/Trend Identification and Corrective Action Plans; and third, Contracting Office tracking through resolution. Unit contracting self-inspection is considered complete when the SIPM (or delegate) briefs the Contracting Office SCO on successful review of actions, and the closure of any corrective action based on finding from the review(s). The data/findings from informal lower organization reviews of awarded actions may be included in the overall Contracting Office self-inspection.

(e)(1) Phase One - Identification/Selection and Review of Awarded Actions:

Unit PZCs (or their delegate if no PZC is resident at a given location) should identify and review contract actions including contracts, modifications, and orders issued since the last data pull, below the clearance review thresholds identified in the AFMC PGI.

The table below provides the minimum annual self-inspection quantities/percentages against awards with dollar values below those of clearance review thresholds. The two (2) percent standard is based on total awards of the year (not just total action count below review thresholds). The annual data pool/count is based on twelve months' worth of data since the end of the previous year's inspection. Self-inspections should be accomplished on a continual basis and ensure compliance, as a minimum, with the most current [Air Force Contracting Self-Inspection Checklist](#) identified in AFFARS MP5301.601-91, para 2.

Number of Actions	Number/Percent of awards annually reviewed for Self-Inspection
1-100	Five actions (or all, if less than five total awards)
101 - 500	Five (5) actions, or no less than two (2) percent minimum - whichever is greater
Over 500	No less than two (2) percent

In addition to the actions inspected to meet the requirements of this process, contracting self-inspections may include additional actions above the review threshold as a secondary quality check (and final verification that final contract clearance issues were adequately addressed). All reviews in the self-inspection should be conducted on a representative sampling of actions (e.g., purchase orders, contracts, supplemental agreements, undefinitized contract actions, funding modifications, orders, option exercises, assistance instruments, etc.). Additionally, specific actions may be selected (outside of random sample) due to the high visibility, or uniqueness of a given acquisition.

While buying organizations should also conduct reviews for their own internal quality control/proactive improvement, those reviews are separate from the self-inspection addressed by this process. However, organizations are encouraged to provide such results to the Contracting Office for sharing of lessons learned/trend analysis/correct. PZC may allow for buying office augmentation of reviews. Augmentation may also be used for those organizations who do not have a resident PZC, and virtual inspection is not practicable.

Larger samples may be pulled as necessary by utilizing a percentage greater than the 2% minimum (e.g., to ensure sufficient quantities have been reviewed, to verify past corrective actions, or to support training decisions). Samples may also include actions valued above the clearance review threshold for which no review was conducted (e.g., funding modifications or option exercise).

**(e)(2) Phase Two: Analysis/Trend Identification, Areas of Concern and Corrective Action Plans**

Upon completion of the [Air Force Contracting Self-Inspection Checklist](#), the data should be consolidated and the SIP POC should analyze and identify any trends (using the table below for trend analysis) or actions requiring further effort as CAPs or Area(s) of Concern (AOC)—reporting to Contracting Office SCO (or COCO as appropriate or two-letter local Contracting lead for those locations who do not have a SCO physically located – this distinction applies to SCO references through remainder of this document) for approval. PZC should brief or facilitate briefing to report trends and/or results of the self-assessment. The SIPM should generate or facilitate creation of CAPs with input and buy-in from affected buying offices.

CAPs should be developed and should be tracked to closure by the applicable PZC office with support from the office(s) in which the observations occurred. Systemic trends are distinguished by the reportable Contracting Office.

The following table identifies the frequency for which finding a specific checklist item may be used to identify a trend for that item. Immediate offices/locations have the discretion to initiate a CAP/below threshold, given severity or direction by higher authority at said site to proactively address for future efforts. The table provides a consistent aid for consideration of a trend for final determination/approval of trend by SCO.

<b>Data Pull Sample Size</b>	<b>Volume/percent within a given award assessment pull to consider as a trend for analysis for SCO)</b>
1-10	Three (3) or more findings of a given checklist item or twenty (20) to thirty (30) percent (or more) of actions with given checklist item (whichever is greater)
11-25	Four (4) or more findings of a given checklist item or twenty (20) to thirty (30) (or more) of actions with given checklist item (whichever is greater)
26-50	Ten (10) or more findings of a given checklist item or twenty (20) to thirty (30) percent (or more) of actions with given checklist (whichever is greater)
51-75	Eighteen (18) or more findings of a given checklist item or twenty (20) to thirty (30) percent (or more) of actions with given checklist item (whichever is greater)
76-100	Twenty-four (24) or more findings of a given checklist item or twenty (20) to thirty (30) percent (or more) of actions with given checklist item (whichever is greater)
101-200	Thirty-six (36) or more findings of a given checklist item or twenty (20) to thirty (30) percent (or more) of actions with given checklist item (whichever is greater)
>201	Fifty (50) or more findings of a given checklist item or twenty (20) to thirty (30) percent (or more) of actions with given checklist item (whichever is greater)

The SIPM coordinates proposed AOCs, CAPs and trends with the SCO for approval. A summary identifying all CAPs and trends are finalized and the SCO should implement and monitor corrective measures, including CAPs, if applicable. Assigned individuals working a specific CAP should report monthly on CAP status to the SIPM. The SIPM should continue to monitor any open CAPS through to completion, providing quarterly updates to the SCO. The SIPM should ensure inspections are

completed using the applicable Contracting Self-Assessment Communicator or [Air Force Contracting Self-Inspection Checklist](#).

(e)(3) Phase Three: Local Tracking Through Resolution:

Each Checklist inspection result is consolidated by each reportable Contracting Office and should include reportable identified Critical, Significant, and Minor trends (as established by the criteria in this process).

Unit self-inspection for a record is considered complete upon final corrective resolution out-briefed to the cognizant SCO.

(f) Deficiency Severities

Deficiency severity definitions are found in [AFI 90-201, Attachment 1](#). There are three deficiency severities: critical, significant, and minor.

(g) Areas of Concern (AOC)

AOC merit additional attention by management, but are not of the severity that they merit a CAP. Contracting Offices can designate an item as an AOC for local focus (e.g., based on observations from recent inspection, based on new regulations being issued for that area, based on a new checklist question being added, reading other IG reports for insight, etc.). Contracting Office AOCs should be managed and closed at the level they were initiated. Creation of each AOC item should include the exit criteria for action closure.

## **AFMC PGI 5301.602-2 Responsibilities**

(c)(i)(A) In addition to the matters listed in AFFARS 5301.602-2(c), contracting officers should obtain legal review for the following:

- (20) Procurement integrity issues
- (21) Organizational conflict of interest issues
- (22) Matters related to defective pricing
- (23) Advance or pre-contract cost agreements
- (24) Unfinalized contract actions and change orders (initial issuance and finalization).

(c)(i)(C) See [Class Deviation - Legal Review-AFLCMC/PK 19-02](#)

## **AFMC PGI 5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers**

(i)(2) Vetting Process for Transferable Warrants \$5M to \$25M

(i) For AFNWC, see [AFNWC/PZ Vetting Process for Contracting Officer Warrants \\$5M to \\$25M](#).

## **AFMC PGI 5301.90 Clearance**

5301.9000(i) Although a Broad Agency Announcement (BAA) is a competitive solicitation, due to the unique timing of proposal submission, business clearance means approval to begin negotiations, and contract clearance means approval to award a contract. For AFRL, if the total value of awards under a BAA is anticipated to be greater than or equal to the threshold at which a clearance review is required for Enterprise Contracting in accordance with the AFRL Clearance Review Table found at AFMC PGI 5301.9001, the solicitation requires review by the Clearance Reviewer prior to issuance.

5301.9001(d)(1) Within 24 hours of receipt of the contract file and applicable clearance documents, the CR should perform a cursory analysis to ensure that all required documentation is included in the contract file. The CR should review the file within five (5) business days of receipt of an acceptable file.

(2) Hill's [Automated Quality Review Program \(AQR\) Checklist](#) is a best practice tool and may be used to complete clearance reviews.

## **AFMC PGI 5301.9001 Clearance Delegations**

For Air Force Life Cycle Management Center (AFLCMC): This PGI sets forth approval authorities, including any delegations that are specific to the AFLCMC contracting organizations located at Wright-Patterson Air Force Base, Eglin Air Force Base, Hanscom Air Force Base, Gunter Annex, Lackland Air Force Base, Randolph Air Force Base, Peterson Air Force Base, Offutt Air Force Base, Tinker Air Force Base, Hill Air Force Base and Robins Air Force Base.

(a) **For AFLCMC/PK** Clearance Review and Approval Authorities, see the [Summary Matrix](#).

For Air Force Nuclear Weapons Center (AFNWC): The AFNWC SCO establishes the following clearance approval authority thresholds for all AFNWC/PZ locations (Eglin, Kirtland, Hanscom, Hill, and Tinker AFB):

## a. Clearance Approval for PEO (Systems)

PEO (Systems) Contracting	
Contract Value	Clearance Approval Authority
≥ \$1B	DAS(C)/ADAS(C)
> \$250M to < \$1B	SCO
> \$100M to \$250M	One Level Below the SCO (Division Chief/COCO)
≥ \$10M to \$100M	Two Levels Below the SCO (Branch Chief)

## b. Clearance Review

The AFNWC SCO further establishes the following clearance review threshold for all AFNWC/PZ locations (Eglin, Kirtland, Hanscom, Hill, and Tinker AFB):

Contract Value	Clearance Review
≥ \$10M	Local PZC

**For Air Force Research Laboratory (AFRL):** This PGI sets forth approval authorities, including any delegations that are specific to AFRL.

## a. Clearance Review

The Clearance Review may be further delegated by approval of the SCO.

## (a) Clearance Review for Enterprise Contracting Actions

Clearance Review for Enterprise Contracting		
Organization	Dollar Level	Clearance Reviewer
AFRL	≥ \$100M ≥ \$10M < \$100M < \$10M	AFRL/PK Local Reviewer PCO

## (b) Clearance Review for Operational Contracting Actions

Clearance Review for Operational Contracting		
Organization	Dollar Level	Clearance Reviewer
AFRL	≥ \$10M ≥ \$500K < \$10M < \$500K	AFRL/PK Local Reviewer PCO

## b. Clearance Approval

The following table defines “one level below SCO” and “two levels below SCO,” and specifies the applicable CAA for actions >\$1B.

## (a) Clearance Approval for Enterprise Contracting Actions

Clearance Approval for Enterprise Contracting			
Organization	CAA for ≥\$100M <\$1B “SCO”	CAA for ≥\$50M - <\$100M “One level below SCO”	CAA for ≥\$10M - <\$50M “Two levels below SCO”
PZL, SBRK (WP), RVK, RDK (Kirtland), RIK (Rome)	AFRL/PK	Chief of Contracting Division	Chief of Contracting Branch



AFRL/RWK (Eglin)	AFRL/PK	Chief of Contracting Division	Chief of Contracting Branch
AFOSR	AFRL/PK	Chief of Contracting for Directorate	Chief of Contracting Division

## (b) Clearance Approval for Operational Contracting Actions

Clearance Approval for Operational Contracting			
Organization	CAA for $\geq \$10M$ < \$1B “SCO”	CAA for $\geq \$3M$ - < \$10M “One level below SCO”	CAA for $\geq \$500K$ - < \$3M “Two levels below SCO”
PZL, SBRK (WP), RVK, RDK (Kirtland), RIK (Rome)	AFRL/PK	Chief of Contracting Division	Chief of Contracting Branch
AFRL/RWK (Eglin)	AFRL/PK	Chief of Contracting Division	Chief of Contracting Branch
AFOSR	AFRL/PK	Chief of Contracting for Directorate	Chief of Contracting Division

**For Air Force Sustainment Center (AFSC) :** This PGI sets forth approval authorities, including any delegations that are specific to the AFSC and AFLCMC contracting organizations located at Hill Air Force Base, Robins Air Force Base, and Tinker Air Force Base.

(a) For AFSC/PK Clearance Review and Approval Authorities, see the [Summary Matrix](#).

**For Air Force Test Center (AFTC) :** This PGI sets forth approval authorities including any delegations that are specific to the AFTC contracting organizations located at Edwards Air Force Base, Arnold Air Force Base, Eglin Air Force Base, and Hill Air Force Base.

(a) For AFTC/PK Clearance Review and Approval Authorities, see the [Summary Matrix](#).

### AFMC PGI 5301.9001 Policy, Thresholds, and Approvals

(i)(2) For AFLCMC/PK located at Wright Patterson AFB, see [Class Deviation – Clearance Approval – AFLCMC/PK 19-03](#).

For AFLCMC/PK located at Eglin AFB, see [Class Deviation - Clearance Approval](#).

For AFLCMC/PK located at Hanscom AFB, see [Class Deviation - Clearance Approval](#).

For AFLCMC/PZK located at Hill AFB, see [Class Deviation – Clearance Approval – AFSC OL:H/PK/PZ 20-01](#).

For AFLCMC/PZK located at Robins AFB, see [Class Deviation – Clearance Approval – AFSC/PK Robins OL 20-01](#).

For AFLCMC/PZK located at Tinker AFB, see [Class Deviation – Clearance Approval – AFSC/PK 20-01](#).

### AFMC PGI 5301.9001-92 Clearance Request

(a) Clearance Request. CAAs may use the Air Force [Request for Clearance](#) template, or any local template, to request both business and contract clearance review and approval, except when required to follow AFFARS 5301.9001(f)(1)(i) when the CAA is the DAS(C)/ADAS(C). When both business and contract clearance are required, submit a new request each time. Clearly identify any significant issues or unresolved comments on the “Request for Clearance.”

(b) Clearance Request -- Legal Review.

(1) Legal review should be accomplished prior to submitting actions for clearance review and approval. Simultaneous legal and clearance review may be requested only in exceptional cases and when agreed to by the program attorney and the Chief of the clearance review staff. Files submitted for clearance approval should clearly evidence local legal review and comment resolution with the program attorney. If there are unresolved legal comments they should be clearly identified in the file and highlighted in the clearance request and any clearance briefing.

(2) If any significant changes occur after legal review, or the CAA requires the contracting officer to make significant changes to the contract, then legal should review the file again.

(d) Clearance Request -- Clearance Approval. If the CAA is satisfied that the contract action/file meets the clearance objectives of AFFARS 5301.9001, the CAA signs and dates the "Request for Clearance" form. Any conditions that the CAA places on clearance approval should be specified on the "Request for Clearance."

(f) Clearance Request -- Resubmission for Clearance Approval.

(1) Changes in acquisition strategy and/or terms and conditions may require the contract action to be resubmitted for clearance approval, for example:

(i) Exceeding approved negotiation parameters such as the cost line, contract type, profit/fee rate and (if applicable) the ceiling rate and/or incentive share ratios.

(ii) Changing contract type

(iii) Changing contract share ratio

(iv) Major change in quantity

(v) Major change in requirements

(vi) Change to a significant term or condition

(vii) Addition or deletion of a significant term or condition

(viii) Solicitation amendments (non-administrative)

## **AFMC PGI 5301.9001-93 Clearance Documentation**

Files submitted for clearance review should include, at a minimum, the following documentation. The list below is not totally inclusive.

(a) Business Clearance for competitive acquisitions requesting approval to issue the solicitation:

(1) Solicitation (and all amendments, if applicable) in chronological order

(2) Acquisition Plan (or other Acquisition Planning Documentation)/Acquisition Strategy (as applicable)

(3) J&A (if for limited sources)

(4) Source Selection Plan (if applicable)

(5) Other applicable file items of the Contract File Content Checklist (e.g., Purchase Request, determinations, synopses, Award Fee/Incentive Plan, and if services, required documentation and Services Designated Official (SDO) approvals, and SSA briefing charts if available)

(6) Clearance briefing charts (if required by the CAA).

(b) Business Clearance for noncompetitive contract actions requesting approval to begin negotiations:

(1) J&A, Fair Opportunity Exception, or Sole Source justification restricting consideration of schedule contractors (as applicable);

(2) Acquisition Plan/Acquisition Strategy (as applicable);

(3) In-scope determination for modifications to existing contracts;

(4) Request for Proposal;

(5) Contractor proposal (or pricelists/pricing/other required documentation for orders under FSS/multiple award contract vehicles);

(6) Preliminary Price Negotiation Memorandum (Pre-PNM).

(7) Signed technical evaluation with figures that track to both the proposal and Government objective position detailed in the Pre-PNM;

(8) Draft award document (including proposed Section B CLIN structure and applicable clauses and special contract requirements) if available. If the contract action involves a contract modification, include a copy of the contract (conformed, if appropriate). If the action is a noncompetitive order provide the basic contract ordering vehicle (if available). If an action is awarded under a Broad Agency Announcement (BAA), include the BAA solicitation and proposal evaluation/selection for award documentation in addition to other required file documentation;

(9) Other applicable file items in the Contract File Content Checklist (e.g., Purchase Request, determinations, synopses, Award Fee/Incentive Plan, technical evaluations, audits or field pricing reports, and if services, required documentation and SDO approvals);

(10) Clearance briefing charts (if required by the CAA).

(c) Contract Clearance for all competitive acquisitions with discussions requesting approval to request Final Proposal Revisions (FPRs):

(1) Contractors' proposals (and all revisions and updates if applicable) in chronological order;

(2) Evaluation Notices, offerors' responses, and government evaluation of responses;

(3) SSEB Initial Report;



- (4) Signed technical evaluation;
- (5) Draft determination of adequate price competition in accordance with FAR 15.403-1(c)(1)(i) (or price evaluation documentation for orders);
- (6) Proposed request for Final Proposal Revisions;
- (7) Other applicable file items in the Contract File Content Checklist (including all items required for Business Clearance, updated Award Fee/Incentive Plans, (if applicable) and if services, required documentation and SDO approvals, and SSA briefing charts, if available);
- (8) Clearance briefing charts (if required by the CAA).
- (d) Contract Clearance for all competitive acquisitions requesting approval for the Source Selection Authority to make a source selection decision (either with or without discussions):
  - (1) Contractors' proposals (and all revisions and updates if applicable) in chronological order;
  - (2) Proposed award document(s) in ready to award format;
  - (3) Signed SSEB Report (or price evaluation documentation for orders);
  - (4) Signed technical evaluation;
  - (5) Determination of adequate price competition in accordance with FAR 15.403-1(c)(1)(i) (or price evaluation documentation for orders);
  - (6) Other applicable file items in the Contract File Content Checklist (including all items required for Business Clearance, updated Award Fee/Incentive Plans, (if applicable) and if services, required documentation and SDO approvals, and SSA briefing charts, if available);
  - (7) Clearance briefing charts (if required by the CAA).
- (e) Contract Clearance for all noncompetitive contract actions requesting approval to award:
  - (1) Proposed award document; if the contract action involves a contract modification include a copy of the contract (conformed, if appropriate). If the action is a noncompetitive order provide the basic contract ordering vehicle (if available). If an action is awarded under a BAA, include the BAA solicitation and proposal evaluation/selection for award documentation in addition to other required tab documentation;
  - (2) Signed PNM that complies with FAR 15.406-1 (or price evaluation documentation for orders);
  - (3) Signed technical evaluation with figures that track to both the proposal and Government objective position detailed in the PNM;
  - (4) Other applicable file items in the Contract File Content Checklist (including all items required for Business Clearance, plus the Certificate of Current Cost or Pricing Data, audits or field pricing reports not previously included in the file (as applicable), and Congressional Notification, if applicable);
  - (5) Clearance briefing charts (if required by the CAA).

## **AFMC PGI 5301.91 Ombudsman Program**

### **5301.9102 Policy**

(a) Center Commanders appoint an ombudsman (and alternate ombudsman, if desired) with notification of the appointment(s) to AFMC/PK.

For AFLCMC:

(a) See [Appointment of AFLCMC Ombudsman Memo](#) for information regarding the PEO organizational structure and Ombudsman appointments at AFLCMC operating locations.

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## **AFRC PGI 5301 Federal Acquisition Regulations System**

### **AFRC PGI 5301.601-91 Air Force Contracting Self-Inspection Program**

In accordance with [AFI90-201, The Air Force Inspection System](#) and AFFARS MP5301.601-91, *Air Force Contracting Self-Inspection Program*, all contracting offices/squadrons will have a Self-Inspection Program (SIP) that assesses contract files and management programs. This PGI establishes the standardized process for performing self-inspections of contract actions/files and support the AFRC Chief of Contracting in the completion of both the *Air Force Contracting Self-Assessment Communicator* (AQC 2) and *Air Force Operational Contracting Self-Assessment Communicator for Operational Contracting Squadrons Only* (AQC 3), both of which are found in the [Management Internal Control Toolset \(MICT\)](#) system.

Each contracting office is responsible for ensuring its contract actions reflect good business judgment and comply with applicable statutes, regulations and policies. The self-inspection process includes the selection of previously awarded and/or completed contract actions, both above and below prescribed clearance review thresholds, for review by the office's Self-Inspection Program (SIP) Team. Through review of previous contract actions and gap analysis, the identification of best practices, trends or areas of concern (AOCs) should result in recommendations for sharing lessons learned, recommended areas for improvement (i.e., RIAs) and/or the development of corrective action plans (CAPs). The process is iterative and requires proactive trend and issue identification with the goal of improving the quality of the resultant contract files as well as the overall acquisition health of the unit.

The Chief of Contracting (COCO) is responsible for the Contracting Office's overall Self-Inspection Program, which includes both the assessment of individual contract files and the assessment of contracting management programs. This position is also responsible for entry, review, and monitoring of MICT. The COCO also has overall responsibility for the self-inspection process to include use of appropriate checklists, worksheets or other tools, collation of self-inspection data, completion of the [AFRC Unit Self-Inspection Report](#) and submission of the report within MICT. The COCO flags all Critical, Significant, and Minor deficiencies as well as identifies any trends resulting from the unit inspection. Unless otherwise directed by their senior functional leadership, MAJCOM, or Wing's policy, COCOs can exercise their own discretion in deciding the interval of their self-inspections/assessments. However, at a minimum, all AFRC Contracting Offices shall perform an annual self-inspection which shall be completed NLT 15 November. The Inspection results and individual review sheets as well as a trend analysis will be uploaded to a designated folder on the HQ AFRC PK SharePoint.

Based on the volume and complexity of actions to be reviewed, the COCO assigns an appropriate number of assessors to complete the self-inspection, to include entry of all required data into the appropriate [AFRC Self-Inspection Worksheet](#) tabs and [AF Self Inspection Checklist](#), analysis of self-inspection data (including subjective observations/comments), culminated by the completion of the written report.

The assigned assessors should possess the minimum requisite skill level of APDP Level II in Contracting and have no less than five years of experience in the contracting career field. Reviews should be done by a PCO (and may be supported by a buyer). The intent/role of the buyer is to provide a mentoring experience for junior contracting personnel to facilitate both thorough inspections and a culture of learning and professional growth. PCOs may only review files within the scope/limit of their individual warrant. The reviewer is responsible for verifying discrepancies are corrected/fixed prior to submitting the completed inspection review sheets to the COCO. Any findings will be corrected/fixed prior to submitting/uploading the completed inspection review sheets.

When required, the assessors will brief the results of the self-inspection, to include open observations, corrective actions, repeat findings and all pertinent information to the COCO and/or SCO or designee (reporting requirements are determined by the SCO).

Assigned assessors should assess contract actions/files using the applicable portions of the [Air Force Contracting Self-Inspection Checklist](#) and whenever possible, teams should utilize the self-inspection capability of [KTFileShare](#) to assist them in completing the Unit Self-Inspection Report. At a minimum, assessors will review the specified number of contract actions (by type) for the current or previous fiscal year (not to exceed 12 months prior to the date of the self-inspection unless a review of the basic contract is necessary) in accordance with the table below.

**AFRC Self-Inspection Program - Minimum Action Review Requirements**

<b>If the Action type* is:</b>	<b>And the <u>Total</u> _ Number of Actions for the previous FY or 12 mos is:</b>	<b>Minimum Number of Actions (by type) to Be Reviewed Is:</b>
Competitive Awards (including multiple award ID/IQ task/delivery orders)	1 – 25 26 – 50 Over 50	5 actions (or all, if less than 5 total awards) 5 actions, or no less than 10% - whichever is greater No less than 10%
Non-Competitive Awards (including orders issued citing a Fair Opportunity Exception, 8(a) SB set-asides and other mandatory or designated sources)	1 – 25 26 – 50 Over 50	5 actions (or all, if less than 5 total awards) 5 actions, or no less than 10% - whichever is greater No less than 10%

Modifications (other than administrative)	1 – 25 26 – 50 Over 50	5 actions (or all, if less than 5 total awards) 5 actions, or no less than 10% - whichever is greater No less than 10%
BPA's, BOAs and associated Calls/ Orders	1 – 25 26 – 50 Over 50	5 actions (or all, if less than 5 total awards) 5 actions, or no less than 10% - whichever is greater No less than 10%
Terminations, UCAs, Protests, Ratifications and other extraordinary contract actions	1 – 25 26 – 50 Over 50	5 actions (or all, if less than 5 total awards) 5 actions, or no less than 10% - whichever is greater No less than 10%
*This list is not inclusive of every type of contract action or agreement; COCOs may include other contract action types or specific actions as they deem necessary.		
**If the total number of actions available for review is less than the mandatory minimum, all files for that action type should be reviewed.		
Note: To ensure maximum fidelity in the resultant SIP data and to determine the overall acquisition health of the office/squadron, actions chosen for review should be selected from the entire contract portfolio, to include the responsible flights, divisions, teams and individual contracting officers.		

## SMC PGI 5301 Federal Acquisition Regulations System

### SMC PGI 5301.170 Peer Reviews

Transmittal of Peer Review Request and Applicable Documents. The contracting officer is responsible for submitting requests for Peer Review in accordance with the procedures in DFARS 201.170(a) and AFFARS 5301.170(a). For situational awareness, the contracting officer should copy the Pricing Reviewer, the Committee Reviewer and the COCO on the request for Peer Review. Documentation prepared for clearance review is ordinarily sufficient for the Peer Review. Prior to submitting Peer Review documentation to SAF/AQC and OUSD(A&S)/DPC, obtain clearance review in accordance with the procedures in SMC PGI 5301.9001. The contracting officer should share the Peer Review comments and disposition with the Pricing Reviewer and Committee Reviewer to provide insight into Peer Review results and facilitate sharing of lessons learned.

### SMC PGI 5301.304 Agency Control and Compliance Procedures

(c)(4) Contracting personnel cannot assume a local clause or provision has been approved for use and may be incorporated into a contract/solicitation simply because it is in the automated contract writing system (e.g., ConWrite) clause database. The contract writing systems do not differentiate amongst outdated or unapproved provisions and clauses and approved, non-standard provisions and clauses.

### SMC PGI 5301.601 (a)(i)(A) [HCA Matrix](#) .

#### SMC PGI 5301.602-2 Responsibilities

(c)(i) Legal Review [See SMC [Class Deviation – Legal Review](#), dated 01 Oct 19]

(A) Program attorneys should use the following terminology when documenting legal review:

- (1) *Legally sufficient*
- (2) *Legally sufficient, subject to [insert comments]*
- (3) *Legally insufficient [insert rationale]*
- (4) *Coordination withheld [insert rationale]*

*(5) Other comments/administrative comments*

*(6) If the legal reviewer has not clearly labeled the review using the terminology above, or you do not agree with the categorization of the comments, politely challenge the reviewer. If you cannot resolve the issue with the reviewer, elevate it through leadership chain quickly so that it does not linger and delay your action.*

*(ii) Other Reviews.*

*(A) Contracting officers obtain Committee and Pricing reviews as directed by regulation, the COCO, or SMC/PK.*

*(B) Legal, committee, and pricing reviews may be done in parallel.*

*(C) Contracting officers may, in coordination with reviewers, decide the appropriate method for submitting review requests if done outside the [Review Request](#) application.*

*(1) Contracting officers may provide a link to the Livelink or SharePoint file in the "Program Description" field of the review request form. Contracting officers are responsible for ensuring that the electronic files are named and organized in such a fashion that can easily be understood and accessed by the reviewer. Files that are not clearly named or well-organized may be returned without review.*

*(2) If documents are sensitive (e.g., source selection information) and the contracting officer does not want to upload them to Livelink or SharePoint, the contracting officer provides alternate instructions for access to the documentation in the "Program Description" field of the review request form. Note: The Buyer and PCO Library site is maintained by the SMC/PK Advisory and Assistance Services contractor.*

*(D) The contracting officer should consider, for final documentation purposes, addressing each review comment and include rationale for partially accepted or rejected comments. Contracting officers are highly encouraged to discuss with the reviewer any critical and substantive comments that are partially accepted or rejected. These comments should also be discussed during the clearance review, if applicable.*

*(E) In determining what constitutes a complete file for review, contracting professionals should:*

*(1) Review the Contract File Content Index. Determine what documentation can be completed at this time. If there is enough information to generate the documentation at this point in the process, the documentation should be in the file.*

*(2) Consider adding a note to the review request form or in the contract file explaining any missing documentation. While it is the expectation that files submitted for review be complete (based on what is appropriate for the current milestone), there are times when it may be necessary or in the best interest of the acquisition to proceed with a less than complete file. If the reviewer knows that you made a conscious decision to proceed without a complete file, this note gives them the opportunity to consider your rationale and make a more informed recommendation to you and the CAA. It may avoid the impression that you have been sloppy in your work. And, it may reduce the amount of comments that need to be written and adjudicated.*

*(F) Build the acquisition schedule with sufficient time for review. SMC/PKC and SMC/JAQ have each established an internal review goal of 3 business days for most reviews. However, large files (e.g., draft RFPs) or matters requiring substantial research and analysis may take longer, so plan accordingly. You can expedite the review process by:*

*(1) Providing a complete, well-researched, well-documented, and well-organized file. Files that are incomplete, poorly researched or poorly documented, or unorganized may delay the review and result in additional or duplicative work on the part of the contracting officer. The review window does not start until the file is complete so it is imperative to deliver a complete file up-front.*

*(2) Involving your reviewers throughout the planning and execution of the action. When reviewers are familiar with the action, it is easier for them to review the file and they can often complete their reviews faster.*

*(3) Looking at your file through the eyes of the reviewer who has not been as intimately involved in the action as you. Are there areas that might require a little more explanation?*

*(4) Engaging reviewers early where there is an issue of doubt or controversy. Offer to walk the reviewer through the file briefly so that you can explain any areas that might be unusual, confusing, or controversial.*

*(5) Contracting officers should carefully consider the appropriateness of parallel review for certain actions. There may be cases where it would be more beneficial to use a serial review approach to minimize the total number of comments to adjudicate or avoid other unnecessary confusion or rework.*

*(6) Requesting that your reviewers, including legal, get together to deconflict their comments before providing them to the contracting officer or buyer. In a parallel review process, it is highly likely that you may receive conflicting advice from your reviewers. It may be beneficial to have the reviewers go over their comments together with the intent of trying to resolve disagreements before you go through each set of comments individually.*

*(7) Providing timely and complete adjudications of review comments. In most cases, your reviewer is performing a review not only to provide you advice and guidance but also to provide recommendations to leadership such as SMC/PK, DAS(C), or ADAS(C). In order to provide those recommendations and to avoid prolonging coordination or approval*

*timelines, the reviewer needs to clearly understand how you adjudicated their comments. Do not simply respond “Noted”. Label your responses as accept, partially accept, or reject. Provide revised documents when appropriate to illustrate how you adjudicated comments. For partially accepted or rejected comments, explain what actions you took and provide your rationale. When partially accepting or rejecting a comment, discuss your adjudications with your COCO and reviewer before you finalize your response. It is perfectly okay to disagree with your reviewer. However, both you and the reviewer should be prepared to represent your points of view before leadership so they can make decisions regarding coordination or approval.*

(G) For hard copies, fasten each official document into the contract file as soon as it is received to prevent misplacement or loss of documentation. For soft copies, upload documents immediately. Use file structures and names that facilitate a quick review by someone unfamiliar with your file and move draft or old versions of documents to an archive file or simply delete them.

(H) Arrange file contents chronologically by date under each tab, with the most recent piece of data on top or at the beginning of an electronic list.

(I) The contracting officer conducts a preliminary review of the file before submitting it for review. Most elementary mistakes can be filtered out by a thorough management review. Such reviews decrease the staff review timeline and result in fewer substantive comments. Great care and deliberation should be exercised in documenting the file, preparing the contractual document, and reviewing the adequacy and quality of both.

(J) See [PKC POC Finder](#) and [PKF POC Finder](#) for current listing of SMC/PKC and SMC/PKF reviewer assignments. Consult your COCO or the current SMC/JAQ Chief for the list of program attorney assignments.

## **SMC PGI 5301.603-90 Selection, Appointment, and Termination of Appointment for Contracting Officers**

Refer to the SMC [Warrant Process page](#) for local implementation procedures of AFFARS [MP5301.603-90](#).

## **SMC PGI 5301.9000 Scope and Definitions**

(f) When the CAA is at the SCO or DAS(C)/ADAS(C) level, the clearance review is conducted by the Committee Reviewer, the Pricing Reviewer, and the Program Attorney. When the CAA is at the COCO level or below, the COCO assigns the Clearance Reviewer(s) as needed.

## **SMC PGI 5301.9001 Policy, Thresholds, and Approvals**

(b) Clearance process.

(1) Clearance approval authority (CAA) is at the SCO or DAS(C)/ADAS(C) level. The clearance review is conducted by the assigned committee reviewer in conjunction with the pricing reviewer and program attorney (as applicable) using the process in [SMC PGI 5301.602-2\(c\)\(ii\)](#).

(2) CAA is the COCO or below. COCOs establish procedures for conducting clearance reviews.

(3) Scheduling the Clearance Briefing with SCO, DAS(C), or ADAS(C).

(i) CAA is the SCO. The contracting officer schedules the clearance briefing with the PK Exec after legal, committee, and pricing reviewers (as applicable) have submitted their comments to the contracting officer. The contracting officer notifies the clearance reviewer(s) of the briefing date and time.

(ii) CAA is the DAS(C) or ADAS(C). The contracting officer is responsible for submitting the notification of anticipated Business Clearance Session in accordance with AFFARS [MP5301.9001\(i\)\(1\)\(i\)](#), paragraph (A)(I) or (B)(I). For situational awareness, the contracting officer should copy the pricing reviewer, the committee reviewer and the COCO on the notification. Prior to submitting the Business Clearance documentation to SAF/AQC, the documentation should be reviewed in accordance with the clearance review procedures described in [SMC PGI 5301.9001\(b\)\(1\)](#).

(4) Clearance Briefings. For clearances to the SCO, DAS(C), or ADAS(C), contracting officers are highly encouraged to use the templates identified below. SAF/AQC updates its clearance templates periodically. When DAS(C) or ADAS(C) is the CAA, follow AFFARS [MP5301.9001\(i\)\(1\)\(i\)](#) to ensure that the applicable SMC template below captures all necessary content for the specific action. For clearances at or below the COCO, the CAA determines whether or not a briefing is required. If the CAA does not require a briefing, the contract file should document the clearance approval and identify the information relied upon in making the clearance decision.

(i) Competitive Clearances

(A) Approval to Issue the Solicitation: [Business Clearance Template](#)



(B) Approval to Request Final Proposal Revisions: Use the SSA briefing and supplement with the charts in the [Pre-FPR Clearance Template](#)

(C) Approval to Make a Source Selection Decision: Use the SSA briefing and supplement with the charts in the [Award Decision Clearance Template](#).

(ii) Noncompetitive Clearances

(A) Approval to Begin Negotiations: [Noncompetitive Clearance Template](#)

(5) Attendance at Clearance Briefings. Contracting officers should notify the committee, pricing, and legal reviewers of the scheduled clearance briefings for which they acted as reviewer.

(i) Clearance Approval Authority. SCO clearance approval authority for PEO (Systems) and Enterprise contract actions less than \$1B is delegated to COCOs with the authority to further delegate (see “[Delegation of Clearance Approval Authorities and Waiver of Pricing Assistance Threshold](#)” memo, dated 01 Oct 19).

(1) Further COCO delegations are found [here](#).

(2) Upon amending their clearance approval authority delegation, COCOs are to notify [SMC/PKV](#) and identify the Clearance Reviewer or indicate whether Clearance Review was waived in accordance with AFFARS [5301.9001](#)(d).

## **SMC PGI 5301.91 Ombudsman Program**

### **SMC PGI 5301.9103 Solicitation Provision and Contract Clauses**

In compliance with AFFARS [5352.201-9101](#), Ombudsman, and SMC/CC [Appointment Letter](#), the SMC Ombudsman for unclassified programs is:

Name: Lieutenant Colonel Michael Kennebrae

Phone: (310) 653-1786

Email: [michael.kennebrae@us.af.mil](mailto:michael.kennebrae@us.af.mil)

Address: SMC/PK

Attn: Lt Col Michael Kennebrae

483 N. Aviation Blvd

Los Angeles AFB, CA 90245-2808

The [SMC Alternate Ombudsman](#) for unclassified programs is:

Name: Ms. Melissa Duong

Phone: (310) 653-1792

Email: [melissa.duong@us.af.mil](mailto:melissa.duong@us.af.mil)

Address: SMC/PKF

Attn: Ms. Melissa Duong

483 N. Aviation Blvd

Los Angeles AFB, CA 90245-2808

For classified programs, the SMC Ombudsman is:

Name: Ms. Melissa Duong

Phone: (310) 653-1792

Email: [melissa.duong@us.af.mil](mailto:melissa.duong@us.af.mil)

Address: SMC/PKF

Attn: Ms. Melissa Duong

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## **USAFA PGI 5301 Federal Acquisition Regulations System**

### **USAFA PGI 5301.601 (a)(i)(A) HCA Responsibilities**

HCA Matrix Table 2:

The USAFA SCO delegates the authority to enter into, approve, or terminate Grants and Cooperative Agreements to the COCO. Contracting Officers should refer to the USAFA/PK authorities and delegations site concerning specific COCO

designations, delegations and authorities at [https://cs2.eis.af.mil/sites/13093/PP/USAFA\\_PK/\\_layouts/15/start.aspx#/SitePages/Home.aspx](https://cs2.eis.af.mil/sites/13093/PP/USAFA_PK/_layouts/15/start.aspx#/SitePages/Home.aspx).

### **USAFA PGI 5301.603-1 General**

The USAFA SCO delegates the authority to issue and terminate limited contracting officer and grants officer warrants of less than \$5M to the COCO.

### **USAFA PGI 5301.90 Clearance**

The USAFA SCO delegates clearance authority to the COCO for actions valued at less than \$10M. Contracting Officers should refer to the USAFA/PK authorities and delegations site concerning specific COCO designations, delegations and authorities at [https://cs2.eis.af.mil/sites/13093/PP/USAFA\\_PK/\\_layouts/15/start.aspx#/SitePages/Home.aspx](https://cs2.eis.af.mil/sites/13093/PP/USAFA_PK/_layouts/15/start.aspx#/SitePages/Home.aspx).

### **USAFA PGI 5301.9102 (a) Ombudsman Program**

The primary USAFA Ombudsman is Mr. James Anderson.

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## AFFARS PGI 5304 ADMINISTRATIVE MATTERS

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AFMC PGI 5304 Administrative Matters  
AFMC PGI 5304.100-90 Contract Level Time Metrics  
AFMC PGI 5304.101-90 Early Effective Date  
AFMC PGI 5304.606 Reporting Data  
AFMC PGI 5304.1602 Supplementary PII Numbers  
AFMC PGI 5304.7103-1-90 Criteria for Establishing  
SMC PGI 5304 Administrative Matters  
SMC PGI 5304.101 Contracting Officer's Signature  
SMC PGI 5304.102 Contractor's Signature  
SMC PGI 5304.201 Procedures

SMC PGI 5304.270-2 Procedures  
SMC PGI 5304.402 General  
SMC PGI 5304.403 Responsibilities of Contracting Officers  
SMC PGI 5304.606 Reporting Data  
SMC PGI 5304.802 Contract Files  
SMC PGI 5304.803 Contents of Contract Files  
SMC PGI 5304.804 Closeout of Contract Files  
SMC PGI 5304.1601 Policy  
SMC PGI 5304.7105 Contract Exhibits and Attachments

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## **AFMC PGI 5304 Administrative Matters**

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### **AFMC PGI 5304.100-90 Contract Level Time Metrics**

Center PKs should establish lead time metrics consistent with mission requirements. Center PKs should measure performance against these metrics at least on an annual basis taking the appropriate steps to ensure continuous improvements in lead times.

### **AFMC PGI 5304.101-90 Early Effective Date**

(a) Recommended approval authority for the use of an early effective date is the chief of the contracting office. After reaching agreement on terms, conditions, price, and if funds are available, the contracting officer may advise a prospective contractor in writing of the Government's intent to use an effective date before the contract mailing (award/signed) date. The early effective date should not be earlier than the price agreement date.

(b) Recommend stating in the notice to the contractor that any costs recognized in a resulting contract should be limited to those allowable, allocable and reasonable; costs that would normally be recognized if incurred after contract award. Also recommend stating that if there is no contract, all incurred costs should be at the contractor's own risk.

(c) Recommend providing contractual coverage with a letter contract, or other appropriate undefinitized contractual action, if the Government intends to direct a prospective contractor, accept benefits of efforts, or make payments before definitive contract mailing date.

(d) Recommend obtaining legal review for early effective dates established more than 30 days prior to the envisioned contract award date.

### **AFMC PGI 5304.606 Reporting Data**

(3)(xiii)(I)(1) Contracting officers and Buyers shall ensure all Bridge Actions are properly identified in the Contract Action Report (CAR) within Federal Procurement Data System-Next Generation (FPDS-NG). All Bridge Actions shall be clearly identified in the "Description of Requirement" field by adding ".Bridge:" to the description.

(2) For purposes of this reporting, a Bridge Action is defined as: "A non-competitive action requiring a justification to include, but not limited to, a formal justification and approval (FAR Part 6 or 13.5), limited sources justification (FAR Part 8.4) and exception to fair opportunity (FAR 16.5), to retain the current or similar product or service as a result of delay in the negotiation and award of a follow-on contract." Extension of services executed in accordance with FAR 52.217-8, Option to Extend Services, are not considered a bridge action.

Contracting officers and Buyers may use the [Air Force Contract Action Report \(CAR\) Tool](#) to assist with filling out the CAR within their respective Contract writing System and or FPDS-NG.

### **AFMC PGI 5304.1602 Supplementary PII Numbers**

(c)(3)(i)(90) Use the letter "K" in the second position of the supplementary PII number for PIOs unless separately identified below:

L -- AFSC/Tinker

M -- AFSC/Hill OL

Q -- AFSC/Robins OL

(c)(3)(iii)(90) AFMC procurements which are completely administered by the purchasing office should use normal modification numbering procedures for amended shipping instructions (ASIs). All other AFMC procurements should use the letter "T" in the second position of the supplementary PII number for ASIs unless separately identified below:

U-- AFSC/Tinker

V-- AFSC/Hill OL

Y-- AFSC/Robins OL

### **AFMC PGI 5304.7103-1-90 Criteria for Establishing**

Exchangeable repair contracts with provisions for modifications require specific CLIN structures when there are multiple output national stock numbers permitted. Whenever a family of part numbers may be input under a specific repair and

modification CLIN and the output parts may have different NSNs, then each output NSN should have a separate subCLIN. This will permit assigning a completion date to a specific reparable for delivery schedule tracking purposes.

## **SMC PGI 5304 Administrative Matters**

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### **SMC PGI 5304.101 Contracting Officer's Signature**

The contracting officer should ensure that the effective date is provided on the contractual document prior to signing the document and forwarding it for award and distribution. The effective date should be the same as or later than the award date (i.e., the date of the contracting officer's signature) reflected on the contract document.

### **SMC PGI 5304.102 Contractor's Signature**

(a) Correspondence Regarding Exceptions Taken to the Contractual Document. If the contractor stipulates any conditions, qualifications or exceptions to the contractual document provided for signature, the contracting officer should ensure they are resolved prior to contract award. The contracting officer should also consider documenting their resolution in a memorandum for record to be included in the contract file in order to avoid future disputes about the parties' intent.

(b) Contractor Signature. The individual who signs for the contractor must have authority to bind the company. Evidence of this authorization is normally found in the Representations & Certifications (Section K) of the proposal. For a supplemental agreement, the contractor can furnish a letter of authorization.

### **SMC PGI 5304.201 Procedures**

(a) Systems/Non-Operational contracts - see the ConWrite User Guide in establishing your award in ConWrite. Visit the [CONWRITE CORNER](#) to access the ConWrite User Guide, ConWrite training materials and for all other assistance with ConWrite.

(b) Operational contracts – Visit the Air Force Contracting Central [CON-IT training website](#) to access the CON-IT User Guide and up-to-date training materials.

### **SMC PGI 5304.270-2 Procedures**

Distribution through Electronic Data Access (EDA) is accomplished via the automated contract writing system (e.g., ConWrite, PD2). The contracting officer is responsible for distribution to any parties that do not have EDA accounts (e.g., contractor, program office). Personnel at Los Angeles AFB using ConWrite should follow the procedures below for contract award and distribution. Chief of the contracting office (COCO) at Peterson AFB, Kirtland AFB, and in Operational Contracting at Los Angeles AFB should establish comparable local procedures for contract award and distribution and disseminate those procedures to their personnel.

(a) New contracting personnel or personnel changing organizations can obtain ConWrite access from the SMC/PKX ConWrite administrator. See instructions at the [ConWrite Corner](#).

(b) Submit contract award distribution requests using the [Electronic Award Request](#) form. Requests that fail to follow the procedures in this MP may not be awarded and may be returned for correction. If requests are returned for correction, the Award Distro team will provide comments in the electronic comment form. The contracting officer will document resolution of the comments in the form prior to resubmitting for award and distribution. If the documentation cannot be corrected on the same day, the contracting officer may be directed to re-sign the document as of the date the request is resubmitted. Disputes will be elevated to the COCO and the SMC/PKX Division Chief.

(c) In order to meet the contract action reporting (CAR) timelines in FAR 4.604(b), award requests should be submitted on the same day the contracting officer signs the contract action. If same-day award distribution is required, notify the Award Distro team and submit the request by 1200 PT to provide sufficient time to complete the award distribution process. When extenuating circumstances require late day or after hours award distribution, the COCO should contact the Award Distro team prior to 1200 PT to coordinate support. For same-day award, either the contract specialist or the contracting officer should be available until the electronic award distribution action is completed.

(d) Upon completion of electronic distribution, the Award Distro team will notify the contracting officer and contract specialist via email that a copy of the contractual document has been posted to Electronic Data Interchange (EDI) and

Electronic Document Access (EDA) and that the CAR has been transmitted to FPDS-NG. Contracting officers should include this email in the official contract file as evidence that the CAR has been submitted in a timely manner IAW FAR 4.604(b)(2).

### **SMC PGI 5304.402 General**

Obtain coordination from the Office of Public Affairs (SMC/PA) before giving the written approval in DFARS 252.204-7000, Disclosure of Information. SMC/PA requires use of the [Public Affairs Security and Policy Review Worksheet](#).

### **SMC PGI 5304.403 Responsibilities of Contracting Officers**

For Department of Defense acquisitions in which the contractor will have access to or will produce classified information, the requirements for the contractor to safeguard that information are contained on a DD Form 254 (“Contract Security Classification Specification”), which is a contract attachment. The applicable rules addressing these information security requirements come to us from a series of Executive Orders and are implemented in the National Industrial Security Program Operating Manual (NISPOM) (DoD 5220.22-M), the Industrial Security Regulation (DoD 5220.22-R), and the Air Force Industrial Security Program Instruction (AFI 16-1406).

The DD Form 254 does not itself define what information is classified – the documents that do so are typically incorporated by reference into the form – but rather it instructs the contractor how to behave when it handles and/or produces classified information. Because the DD Form 254 is the mechanism for communicating security requirements to contractors – and holding contractors accountable – solicitations should include a complete and accurate form that allows contractors to estimate the costs of the security measures it will need to provide during performance. Ultimately, the DD Form 254 is attached to awarded contracts and listed in Section J.

The National Industrial Security Program (NISP) Contract Classification System (NCCS) is the primary tool used to accomplish DD Forms 254. Generally, the DD Form 254 is prepared by the program office, coordinated through the appropriate security office(s) (see below), and certified by the contracting officer in Block 17. Contracting officers are not expected to be expert in the security requirements, but would do well to keep the following in mind when reviewing the document for certification:

#### [DSS website](#)

The DD Form 254 and associated instruction sheet can be found on the [DoD Publications website](#).

From time to time, the security community may recommend for program office consideration changes to the DD Form 254 to bring it in line with current security requirements. Keep in mind that revisions to the form are changes to contract terms equivalent to revisions to other performance requirements such as those found in statements of work and require negotiation with the contractor, and may very likely incur additional cost. Revised DD Forms 254 are incorporated into the contract via modification.

Note that the DD Form 254 does not include a period of performance or a date indicating its validity timeframe – as an attachment to the contract, it expires when the contract does. (See the Description section, item c., of the Instructions for Completing DD Form 254 referenced in AFI 16-1406.)

Do not issue a revised DD Form 254 when exercising an option. There are no changes to contract terms, and the initial / current DD Form 254 is still valid (remember, there are no expiration dates associated with the Form). (See the section for Block 3b, item (2), of the Instructions for Completing DD Form 254 referenced in AFI 16-1406.) DD Forms 254 do not require re-certification or re-coordination for option exercises.

Upon contract completion, a “Final” DD Form 254 may be issued if it is necessary to grant the contractor additional retention of classified materials (following the end of the contract’s period of performance) beyond the automatic two-year retention period authorized by the NISPOM.

### **SMC PGI 5304.606 Reporting Data**

#### **(a) ConWrite Buy Plan Journal**

(1) For supplemental agreements and non-competitive new contracts, the minimum milestones have been defaulted in ConWrite to automatically prompt when a Buy Plan is created. Please do not attempt to remove these milestones. Additional milestones may be added.

(2) User will need to ensure the Buy Plan is attached to the contract action (i.e. the Buy Plan for the RFP is only attached to RFP and the Buy Plan for the contract is only attached to the contract) in ConWrite.

#### **(b) ConWrite Buy Plan Journals for RFPs and RFP Amendments:**

- (1) A separate Buy Plan should be created for the RFP and the associated contract.
- (2) Ensure the RFP Number is referenced in the Buy Plan description block for the associated contract.
- (3) Immediately after the RFP is issued, contact the ConWrite Administrator (or alternate) or Contract Award with notification that the RFP has been issued along with the issued date.
- (4) The ConWrite Administrator (or alternate) or Award Distro team will enter the Issued Date on the cover page of the RFP and put the RFP in award/locked status.
- (5) Amendments to an RFP are separate contract actions with their own Buy Plans.
- (6) RFP Amendments should not be attached to the basic RFP's Buy Plan and vice versa.
- (7) RFP Amendments are to be initiated in ConWrite after the basic RFP is awarded/locked in ConWrite.

### **SMC PGI 5304.802 Contract Files**

Programmatic, contract negotiation, and contract management decisions all rely on information contained in the contract itself, as do contract clearances and other reviews. Therefore, a current and accurate conformed contract is important to have readily available as a basis for sound decision-making, not only to the contracting office but also to the entire program team and staff review team. Although contracting officers are ultimately responsible, all members of the acquisition team should take an active role in maintaining the contract file and ensuring the conformed contract is up to date. As a helpful companion to the conformed contract, contracting officers may wish to keep a log (using a spreadsheet with line items for each modification is a good choice) of summary-level statistics such as contract value and funded levels (overall and by CLIN, cumulative and by modification, and broken out by component such as cost, award fee, fixed fee, etc.), accounting classification reference number (ACRN), periods of performance, option exercise dates, etc.

### **SMC PGI 5304.803 Contents of Contract Files**

(a) It is incumbent upon contracting professionals to research the regulations, policies, and instructions related to their acquisitions and understand what documentation is expected as a result of those regulations, policies, and instructions. There are many parts of the FAR, for example, that require the contracting officer to make a determination regarding certain facts or situations without expressly stating that those determinations should be in writing. If the contracting officer does not document his or her determination in writing, it may look as if he or she never made that determination. In certain cases, it may be appropriate for the contracting officer to commit such determinations to writing and include them in the contract file.

(43) Contract File Content Index (CFCI). Contracting officers may include a CFCI in all contract files as prescribed below.

- (i) PEO Systems & Enterprise contracting: [SMC CFCI \(PEO Systems & Enterprise\)](#)
- (ii) Operational contracting (above the Simplified Acquisition Threshold): [AFFARS CFCI \(Operational Supplies, Services and Construction\)](#)

(iii) Operational contracting (Simplified Acquisitions): [SMC Operational CFCI for Simplified Acquisitions](#)

(44) Buy Plan (applicable to actions awarded in ConWrite).

(i) Each contract action should have a Buy Plan. Multiple Buy Plans should not be attached to a single contract action (i.e., the Buy Plan for the RFP is only attached to RFP and the Buy Plan for the contract is only attached to the contract in ConWrite).

(ii) A printout of the final Buy Plan should be included in the official contract file at Tab 57. Dates in the Buy Plan should accurately reflect dates milestones occurred and be consistent with other contract file documentation.

(iii) Contracting officers may request Buy Plan deletions through the SMC ConWrite administrator.

### **SMC PGI 5304.804 Closeout of Contract Files**

SMC/PKX is the focal point for contract closeout of all actions awarded in ConWrite. Each COCO is responsible for assigning a contract closeout point of contact and alternate to work with SMC/PKX to accomplish timely closeout of contract files.

### **SMC PGI 5304.1601 Policy**

(a) Establishment of a Procurement Instrument Identifier (PIID). The contracting officer should use the solicitation and contract numbers (i.e., PIID) that are generated by the contract writing system. These numbers should not be manually entered. Classified solicitation and contract numbers and any other exceptions should be coordinated with SMC/PKX.

## **SMC PGI 5304.7105 Contract Exhibits and Attachments**

(a)(6)(iii) The DD Form 1423, Contract Data Requirements List (CDRL), should cite the specific SOW or PWS paragraph(s) that require submission of the data; likewise, the SOW or PWS paragraph(s) should reference the applicable CDRL. A Data Item Description (DID) is a document that specifically defines the content, format, and intended use of required data and is included (usually by reference, unless tailored) within a CDRL. Simply put, the CDRL identifies the data required and various submission information and the DID provides the specific how-to instructions. DIDs are indexed in the Acquisition Streamlining and Standardization Information System (ASSIST) and can be downloaded for use by the program office.

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# **AFFARS PGI 5305 PUBLICIZING CONTRACT ACTIONS**

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AF PGI 5305 Publicizing Contract Actions  
AF PGI 5305.201 General  
AFMC PGI 5305 Publicizing Contract Actions  
AFMC PGI 5305.303 Announcement of Contract Awards

SMC PGI 5305 Publicizing Contract Actions  
SMC PGI 5305.207-90 Preparation and Transmittal of Synopses  
SMC PGI 5305.303 Announcement of Contract Awards

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## AF PGI 5305 Publicizing Contract Actions

### AF PGI 5305.201 General

(d) There are several notice categories to choose from in Federal Business Opportunities (FBO). Using the right label helps industry better identify the intent of the notice and to identify relevant opportunities. The table below provides guidance on selecting the right notice. When posting to FBO, use the Synopsis Type (column 4), not the Acquisition Phase (column 1).

(1)

<b>1 Acquisition Phase</b>	<b>2 Purpose of Synopsis</b>	<b>3 FAR References</b>	<b>4 Notice Type (as listed on FBO)</b>
Pre-solicitation	- Business fairs - Long-range procurement estimates - Small business events - Broad market surveys - Industry Days (for information exchanges prior to drafting solicitation) - Draft Solicitation - Notice of Presolicitation Conference (may be used in conjunction with draft solicitations) - Request for Information (RFI)	5.205(c)	Special Notice
	- RFI; when utilizing the authority at FAR 6.302-1	DFARS PGI 206.302-1(d)	
	- To determine possible sources	15.201(c)	Sources Sought
	- When utilizing the authority at FAR 6.302-1	DFARS PGI 206.302-1(d)	
	- Notice of Bundling	DFARS 205.205-70	Intent to Bundle Requirements
	- Notice of intent to release an RFP (Competitive)	5.203(a)	Presolicitation
	- Notice of intent to solicit and negotiate with only one source (Sole Source)	5.203(a)	
Solicitation	- Final RFP	5.201	Solicitation 1
	- Amend a solicitation	15.206	Mod/Amendment 2
	- Notice of Pre-Proposal/Pre-Bid Conference	5.205(c)	Special Notice
	- Commercial Item combined RFP and synopsis	12.603	Combined Synopsis/ Solicitation

<b>1 Acquisition Phase</b>	<b>2 Purpose of Synopsis</b>	<b>3 FAR References</b>	<b>4 Notice Type (as listed on FBO)</b>
	- Notice of Solicitation Cancellation	5.207(f)	Cancellation
	-Sale of surplus property (Informal invitations for bid)	DFARS 246.604-3	Sale of Surplus Property
Award	- Award greater than \$25,000	5.301	Award Notice
	- Approved J&A (redacted)	6.305	Justification & Approval
	- Exception to Fair Opportunity provision (redacted)	16.505	Fair Opportunity
	- LSJ (redacted)	8.405-6	Limited Sources Justification
Post Award	- Modification (new work) not covered under previous synopsis	5.201(b)(1)(ii)	Award Notice

**1** When posting a final RFP and upon login to the FBO homepage, the PCO selects “Mod/Amend Notice”. Upload final RFP documents to FBO via a modification to an existing Presolicitation Notice. At the screen where the documents are uploaded, the PCO identifies the upload as a Solicitation package type in order for the synopsis to post properly.

**2** When posting an RFP amendment and upon login to the FBO homepage, the PCO selects “Mod/Amend Notice”. Upload amendment documents to FBO via modification to an existing Solicitation Notice. At the screen where the documents are uploaded, the PCO identifies the upload as a Mod/Amendment package type in order for the synopsis to post properly.

(2) Description of FBO Types of Procurement Notices

(i)Presolicitation: The pre-solicitation notice makes vendors aware that a solicitation may follow. Vendors may add themselves to the Interested Vendors List, if the posting agency has enabled this feature. This helps Government agencies determine if there are qualified vendors to perform the work scope, and allows the contracting office to gather information on the interested vendors. The presolicitation notice also helps the Government determine if the requirement can be set-aside for a small business if capable small businesses respond.

(ii)Combined Synopsis/Solicitation: Most opportunities classified this way are open for bids from eligible vendors. These opportunities include specifications for the product or service requested and a due date for the proposal. The notice will specify bidding procedures in the details of the solicitation.

(iii)Sources Sought: The Sources Sought notice is a synopsis posted by a Government agency seeking possible sources for a project. It is not a solicitation for work or a request for proposal. For more information, see FAR 7.3 and OMB Circular A-76.

(iv)Special Notice: Agencies use Special Notices to announce events like business fairs, long-range procurement estimates, pre-bid/pre-proposal conferences, industry days, meetings, and the availability of draft solicitations or draft specifications for review.

(v)Sale of Surplus Property: When the federal Government no longer needs federal real estate properties, they may make these properties available for public use to state and local Governments, regional agencies, or nonprofit organizations to state and local Governments. Public uses for properties are those that are accessible to and can be shared by all members of a community, and include community centers, schools and colleges, parks, municipal buildings and many more.

(vi)Justification and Approval (J&A): This type of notice is required to justify and obtain approval to award a contract without posting a solicitation as required by the Federal Acquisition Regulation (FAR). [41 U.S.C. 253\(c\)](#) and [10 U.S.C. 2304\(c\)](#) authorize, under certain conditions, contracting without providing for full and open competition. The Department of Defense, Coast Guard, and National Aeronautics and Space Administration are subject to 10 U.S.C. 2304(c). Other executive agencies are subject to 41 U.S.C. 253(c). Contracting without providing for full and open competition or full and open competition after exclusion of sources is a violation of statute, unless permitted by one of the exceptions in FAR 6.302.

(vii) Fair Opportunity/Limited Sources Justification: FAR 5.301 requires that contracting officers post their justifications on FBO whenever they make a delivery/task order award under a multiple-award IDV and do not provide for fair opportunity.

(viii) Foreign Government Standard: This notice is for when the Government intends to solicit and negotiate with only one source under the authority of FAR 6.302-1. This is a notice of intent, but is not a request for competitive proposals. However, agencies may consider proposals received within a set number of days after date of publication of the notice.

(ix) Intent to Bundle Requirements (DoD-Funded): Supports requirement for contracting officers post a notice of intent to use contract bundling procedures 30 days prior to releasing a solicitation or placing an order (if a solicitation is not required). This requirement applies to all federal agencies awarding actions funded solely with DoD funds (See DFARS 205.205-70(a)).

(x) Award Notice: When a federal agency awards a contract in response to a solicitation, they may choose to upload a notice of the award to allow the interested vendors to view the vendor receiving the awarded contract, and amount agreed upon. However, requirement guidelines for posting the award notice vary based upon the agency and the solicitation. Note: An award notice does not always contain a solicitation number.

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## AFMC PGI 5305 Publicizing Contract Actions

### AFMC PGI 5305.303 Announcement of Contract Awards

**1279 SCO Reporting .** For AFRL, if an action is submitted for HQ AFRL/PK Contract Clearance, the Contracting Officer is deemed to have met the requirement for providing a courtesy copy of the 1279 report to the SCO. If Contract Clearance is not applicable to an action valued at \$50M or above, or the requirement for contract clearance for said action has been waived; the local contracting office will include notification of the anticipated award in their Monthly Activity Report preceding the award, but no fewer than 3 days prior to the expected date of award.

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## SMC PGI 5305 Publicizing Contract Actions

### SMC PGI 5305.207-90 Preparation and Transmittal of Synopses

(a) Contracting officers should use one of the SMC FBO Templates ([pre-award](#) or [award/post-award](#)) instead of creating a draft synopsis in the FBO website. This practice will help avoid inadvertent posting of information to FBO before it is ready. The templates contain all of the information required at the FBO site.

(b) Contracting officers are encouraged to coordinate draft synopses with the SMC Small Business Office (SMC/SB) to ensure the NAICS code is appropriate and to provide SMC/SB situational awareness on upcoming acquisitions.

(c) Coordinate all synopses with the SMC Office of Public Affairs (SMC/PA) prior to release in accordance with AFI 35-102, paragraph 9.6. File evidence of coordination with the synopsis. SMC/PA requires use of the [Public Affairs Security and Policy Review Worksheet](#).

(d) Contracting officers should obtain coordination from the Program Attorney before posting a Justification and Approval Document, Limited Sources Justification, or Exception to Fair Opportunities to ensure that the document has been appropriately redacted prior to public release.

(e) Posting:

(1) Do not publish documents marked “For Official Use Only” or “Sensitive Unclassified” publicly on FBO.

(2) In order to avoid inadvertently posting the wrong document to FBO, it is recommended that contracting officers separate documents to be posted to FBO from all other contract file documents (e.g., use separate electronic folder). Contracting officers are also highly encouraged to use [Two-Person Verification and Certification](#) or similar process prior to posting a synopsis to FBO.

(3) If there is an error in the posted synopsis or the synopsis otherwise needs to be removed, notify the [PK FBO Admin](#) immediately.

### SMC PGI 5305.303 Announcement of Contract Awards

See [Point of Need Training on Announcement of Contract Awards](#)

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**AFFARS PGI 5306 COMPETITION REQUIREMENTS**

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AF PGI 5306 Competition Requirements	SMC PGI 5306 Competition Requirements
AF PGI 5306.302-4 International Agreement	SMC PGI 5306.301-90 Policy
AFMC PGI 5306 Competition Requirements	SMC PGI 5306.304 Approval of the Justification
AFMC PGI 5306.304 Approval of the Justification	SMC PGI 5306.502 Duties and Responsibilities
AFMC PGI 5306.501 Requirement	USAFA PGI 5306 Competition Requirements
AFMC PGI 5306.502 Duties and Responsibilities	USAFA PGI 5306.502 Duties and Responsibilities

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## AF PGI 5306 Competition Requirements

### AF PGI 5306.302-4 International Agreement

(c) An IACR may be used when the terms of the document referred to in DFARS 206.302-4(c) (e.g., the nature or features of the required supplies or services) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources.

## AFMC PGI 5306 Competition Requirements

### AFMC PGI 5306.304 Approval of the Justification

In accordance with AFFARS 5306.304(a), approval of J&As has been delegated as set forth below:

For AFMC, HPA is the center commander or director of the respective procuring activity.

J&A Value	Approval Authority	Delegability
≤ \$750K	Contracting Officer, consistent with warrant level. If warrant is less than justification value, Chief of the Contracting Office	Not further delegable
>\$15M ≤ \$100M	<p><b>Enterprise and Operational Contracting Actions Only:</b>            HPA at AFSC has delegated approval authority to the Directors of Contracting at Hill, Robins, and Tinker if they are at the grade of GO/SES.            The HPA at AFLCMC has delegated approval authority to the Directors of Contracting at AFLCMC and AFLCMC Hanscom OL if they are at the grade of GO/SES.            The HPA for AFRL has delegated approval authority to the AFRL Executive Director, and approval authority from \$15M to \$50M to AFRL Technology Directors if they are at the grade of GO/SES.</p> <p><b>AFPEO/CM Portfolio Actions Only:</b>            AFMC/CA, <a href="#">or as delegated</a>, approves J&amp;As within the AFPEO/CM Portfolio when the following conditions apply:            -The Program for which the J&amp;A is required is ≥ \$100M &lt; \$1B, and            -The J&amp;A value itself is &gt; \$15M ≤ \$100M.</p>	Delegable to Flag/General Officer or civilian SES

### AFMC PGI 5306.501 Requirement

The following subordinate organizations are designated "procuring activities" in AFMC:

- (a) Air Force Life Cycle Management Center (AFLCMC), Hanscom Operating Location, Eglin Operating Location
- (b) Air Force Sustainment Center (AFSC), Hill Operating Location, Robins Operating Location
- (c) Air Force Research Lab (AFRL), Air Force Office of Scientific Research (AFOSR), Rome Research Site, Phillips Research Site, Wright Research Site, and Eglin Research Site.
- (d) Air Force Test Center (AFTC)
- (e) Air Force Nuclear Weapons Center (AFNWC)
- (f) Air Force Installation and Mission Support Center (AFIMSC)

### AFMC PGI 5306.502 Duties and Responsibilities

3. Appointment of the Competition and Commercial Advocate

The AFMC Competition and Commercial Advocate appoints the primary and alternate AFMC procuring activity Competition and Commercial Advocates via certificate. SCOs may nominate, for each subordinate organization designated as an AFMC procuring activity above, a primary and alternate Competition and Commercial Advocate to the AFMC Competition and Commercial Advocate by submitting to [HQ AFMC/PKQ Workflow](#) the [Competition and Commercial Advocate Nomination](#) package and including the information below:

- (a) Candidate resume
- (b) Competition action officer contact information, if applicable

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## SMC PGI 5306 Competition Requirements

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### SMC PGI 5306.301-90 Policy

(a) Regulatory requirements to justify the use of other than full and open competition are outlined in several parts of the FAR as follows:

(1) 6.302 identifies the statutory authorities for contracting without full and open competition for all actions not covered by Parts 8, 13 and 16. Refer to [5306.303-2](#) for the [Justification and Approval Documentation template](#). Prepare the J&A in accordance with the [Preparation Guide for Other Than Full and Open Competition Justification and Approval](#) at the back of the template. (NOTE: the determination and findings (D&F) required under FAR 6.202, Full and Open Competition After Exclusion of Sources, is filed under Tab 8.) (See [Supporting Your Justification and Approval Point of Need Training](#))

(2) 8.405-6 addresses limited sources justifications (LSJ) for GSA acquisitions. Refer to 5308.405-6(d) for the [Limited Sources Justification and Approval Documentation template](#). Prepare the LSJ in accordance with the instructions in the template.

(3) 13.501 addresses sole source acquisitions for small dollar thresholds.

(4) 16.505(b)(2) addresses exceptions to fair opportunity for orders (EFO) under multiple award contracts. Refer to 5316.505(b)(2) for the [Justification for an Exception to Fair Opportunity template](#). Prepare the EFO in accordance with the instructions in the template.

(b) Submit the J&A, LSJ, or EFO package to SMC/PKC as early as possible but prior to acquisition strategy approval. Contracting officers should consider reviewing the template instructions and going over an outline of the sole or limited source rationale with the SMC/PKC Reviewer prior to drafting the document.

(c) Each FAR part has specific posting instructions for general publication of the justification document. Ensure you understand the posting requirements of your justification document.

(d) When reviewing a J&A, LSJ, or EFO, contracting officers should consider whether an amendment to the original Acquisition Plan is also required. If the effort is out of scope of the contract, it may also be outside the approved acquisition authority.

(e) For tracking and reporting purposes obtain a Local Identification Number from SMC/PKC for each J&A prior to coordination. SMC PGI 5306.302-2 Unusual and Compelling Urgency

(c)(1) Contracting officers notify the SMC/PKC Committee Reviewer and the SMC Competition Advocate if contract award is anticipated before the Justification and Approval (J&A) is signed by the approving official.

### SMC PGI 5306.304 Approval of the Justification

(a) The approval authority for J&As  $> \$13.5M \leq \$93M$  is the SCO (when a General Officer or civilian SES). (See [AFPEO/SP Delegation Memorandum](#))

### SMC PGI 5306.502 Duties and Responsibilities

The primary Competition and Commercial Advocate (CCA) for SMC is [Lt Col Michael Kennebrae](#), SMC/PK Deputy. The alternate CCA is [Ms. Sara Lawlyes](#), SMC/PKV Chief.

## **USAFA PGI 5306 Competition Requirements**

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### **USAFA PGI 5306.502 Duties and Responsibilities**

The primary Competition and Commercial Advocate for USAFA is Mr. James Anderson and the alternate Competition and Commercial Advocate for USAFA is Ms. Kim Diercks.

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# AFFARS PGI 5307 ACQUISITION PLANNING

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AF PGI 5307 Acquisition Planning  
AF PGI 5307.104-92 Acquisition Strategy Panels (ASP) and  
Acquisition Plan (AP) Approval Authority or Streamlined  
Acquisition Strategy Summary (SASS)  
AF PGI 5307.105 Contents of Written Acquisition Plans  
AFICC PGI 5307 Acquisition Planning  
AFICC PGI 5307.104 General Procedures  
AFICC PGI 5307.104-92 Acquisition Strategy Panels (ASP) and  
Acquisition Plan (AP) Approval Authority  
AFMC PGI 5307 Acquisition Planning  
AFMC PGI 5307.104 General Procedures

AFMC PGI 5307.104-92 Acquisition Strategy Panels (ASP)  
and Acquisition Plan (AP) Approval Authority or Streamlined  
Acquisition Strategy Summary (SASS) Approval Authority  
AFMC PGI 5307.105 Contents of Written APs  
AFMC PGI 5307.107-2 Consolidation  
SMC PGI 5307 Acquisition Planning  
SMC PGI 5307.104 General Procedures  
SMC PGI 5307.104-92 Acquisition Strategy Panels (ASP)  
and Acquisition Plan (AP) Approval Authority or Streamlined  
Acquisition Strategy Summary (SASS)  
USAFA PGI 5307 Acquisition Planning  
USAFA PGI 5307.104-92 Acquisition Strategy Panel (ASP) and  
Acquisition Plan (AP) Approval Authority

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## AF PGI 5307 Acquisition Planning

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### AF PGI 5307.104-92 Acquisition Strategy Panels (ASP) and Acquisition Plan (AP) Approval Authority or Streamlined Acquisition Strategy Summary (SASS)

- (b)(3) Acquisitions less than \$10M that should consider use of an AP rather than a SASS:
- (i) Acquisitions where there is limited experience with the specified requirement and there is a moderate to high risk of not completing the acquisition successfully;
  - (ii) Acquisitions where incentives (e.g. award fee, incentive fee) are to be included;
  - (iii) Acquisitions where there is a history of protests or performance problems; and,
  - (iv) Acquisitions being conducted in accordance with FAR 15.3 and DoD Source Selection Procedures unless the Source Selection Authority (SSA) is the contracting officer.
- (b)(4) The acquisition strategy approving authority may utilize the ASP briefing charts and associated note pages, minutes, and changed charts to satisfy a required written AP if the content complies with requirements set forth in DFARS PGI 207.105

### AF PGI 5307.105 Contents of Written Acquisition Plans

See the [Acquisition Plan](#) or [SASS](#) template.

## AFICC PGI 5307 Acquisition Planning

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### AFICC PGI 5307.104 General Procedures

- (a) In order to develop a sound acquisition strategy acquisition teams should engage with the AFICC/KA Acquisition Center of Excellence (ACE) and others as appropriate, including Contracting, Financial Management, Staff Judge Advocate and other technical experts (e.g., [AFPEO/CM](#)).
- (b) In order to maximize mission effectiveness through reductions in rate, process and demand management, Contracting Officers are encouraged to identify and consider the use of existing contracts and agreements, to include those within the Department of Defense and Federal Agencies, during the market research phase and prior to awarding a new contract. At a minimum, Contracting Officers should consider exploring the [AFICC Launch Pad](#) and [GSA Acquisition Gateway \(Solution Finder\)](#) and also utilize available resources such as the [AFICC Strategic Sourcing Toolbox](#).

### AFICC PGI 5307.104-92 Acquisition Strategy Panels (ASP) and Acquisition Plan (AP) Approval Authority

- (a)(1) For large dollar or complex requirements it is recommended that the ASP convenes at least 18 months prior to the planned start of the contract or within a reasonable period of time that is commensurate with the complexity and value of the acquisition. An example of a typical timeline for large dollar and/or complex acquisitions is provided below.
- 24 months or > – requirements identified and approved
  - 24 months – market research initiated
  - 18 months – ASP convened
  - 16 months – Acquisition Plan Approved
  - 14 months – Source Selection Plan Approved (if required)
  - 12 months – Business Clearance obtained/solicitation release
  - 3-4 months – Contract Awarded
  - 1-2 months – Phase-in Starts
  - 0 months – Contract Start

## AFMC PGI 5307 Acquisition Planning

### AFMC PGI 5307.104 General Procedures

(a) In order to develop a sound acquisition strategy, AFMC acquisition personnel are encouraged to engage the local Acquisition Center of Excellence (ACE) and others as appropriate, including Contracting, Financial Management, Staff Judge Advocate, Small Business and other technical experts.

(b) AFMC/CA is the Early Strategy & Issues Session (ESIS) authority for AFPEO/CM acquisitions  $\geq$  \$100M to  $<$  \$1B unless further delegated by AFMC/CA. See the [AFPEO/CM ESIS template](#). To schedule an ESIS for programs where AFMC/CA is the approval authority, send an email notification to AFMC/PK Workflow with the following information: name of program, program office POC, estimated dollar value, projected need date for the ESIS, status of RAD, projected ASP date, RFP release date, and contract award date.

### AFMC PGI 5307.104-92 Acquisition Strategy Panels (ASP) and Acquisition Plan (AP) Approval Authority or Streamlined Acquisition Strategy Summary (SASS) Approval Authority

(a)(3)

(i) AFMC/CA is the ASP Chair for AFPEO/CM programs  $\geq$  \$100M to  $<$  \$1B, unless further [delegated](#) by AFMC/CA. To schedule an ASP for programs where AFMC/CA is the approval authority, send an e-mail notification to AFMC/PK Workflow with the following information: name of program, program office POC, date of ESIS, status of RAD, projected RFP release date and contract award date.

(b)(1)

(i) AFMC/CA is the AP approval authority for AFPEO/CM programs  $\geq$  \$100M to  $<$  \$1B, unless further [delegated](#) by AFMC/CA.

(b)(2) The following actions do not require an AP or SASS:

(f) The Small Business Innovation Research (SBIR) program, including the Small Business Technology Transfer (STTR) program (e.g., DoD-wide program planning/solicitation)

(g) Acquisitions in accordance with FAR Subpart 13.5. Simplified Procedures for Certain Commercial Items.

For Air Force Research Laboratory:

(a)(5) In order to provide a consistent approach within AFRL, the following procedures for the use of combined ASP/APs are encouraged:

(i) While the ASP/AP will describe the development program (see DFARS 207.103(d)(i) and FAR 32.7), the approval authority should be based upon the total value of contracts to be issued except under Open BAAs, wherein approval authority is based on the highest dollar value for which contracts can be awarded.

(ii) For R&D actions above the thresholds in DFARS 207.103(d)(i) see the AFRL [ASP/AP Template](#).

(iii) Broad Agency Announcements (BAAs) with calls. This approach allows for publication of a basic BAA solicitation that contains overarching information, but does not request white papers or full proposals. The requests for white papers and/or proposals are transmitted via Calls. The ASP/AP briefing presented to the approval authority should be based upon the total estimated value of awards to be made under the BAA with Calls. The ASP/AP briefing should specifically address any follow-on strategy planning requirements applicable before issuing individual calls and the approval authority for the call strategy. Contracting should coordinate on the proposed approach to follow-on strategy requirements.

(iv) Open BAAs. This approach allows offerors to submit proposals any time during the open period. Because it specifically requests proposal submittal, it should be considered a solicitation. An ASP/AP should be accomplished before the open BAA is issued. The approval authority for the ASP/AP should be based on the highest dollar value for which contracts can be awarded.

(v) Revisions to ASP/APs. In order to ensure consistency, a significant change affecting the acquisition is one that meets any of the following criteria:

(A) The need to issue a new contract that was not anticipated in the approved ASP/AP for a development program or the need to process a Justification and Approval for a modification to a contract.

(1) Change in contract type for an anticipated contract.

(2) The cumulative value of the anticipated basic contract(s) and all modifications is/are expected to exceed the approval threshold of the previous ASP/AP approval authority.



(3) The cumulative value of all modifications is greater than or equal to 100 percent of the value of the anticipated basic contract(s).

(B) AFRLI 61-201 procedures to approve and disapprove work unit baseline changes do not change or modify any contracting procedures related to the need for an updated ASP/AP as described above.

(b)(1) Research and Development (R&D)/Enterprise Contracting ASPs, APs, and SASS:

<b>R&amp;D<sup>1</sup></b>	
(Not included in the definition of services in 10 U.S.C. 2330 and AFI 63-138, paragraph 1.2.1.4.) Research and Development (R&D)	
≥ \$100M	AFRL/CC <sup>2</sup>
≥ \$50M < \$100M	AFRL Tech Dir <sup>3</sup>
>SAT < \$50M	AFRL Technical Division Chief <sup>4</sup>

<sup>1</sup> All delegated Approval Authorities must be within the Requirements chain

<sup>2</sup> Delegated to CA. Further delegable to no lower than GO/SES

<sup>3</sup> Delegable no lower than O-6/GS-15 or equivalent

<sup>4</sup> Delegable no lower than O-5/GS-14 or equivalent

Contracted Services ASPs, APs, and SASS subject to AFI 63-138:

<b>Approval Authority for Contracted Services ASPs and APs/SASS<sup>1</sup></b>	
(Included in the definition of services in 10 U.S.C. 2330 and AFI 63-138)	
Acquisitions ≥ \$500M < \$1B	AFMC/CA <sup>2</sup>
Acquisitions ≥ \$100M < \$500M	AFRL/CA <sup>2</sup>
Acquisitions ≥ \$10M < \$100M	AFRL Tech Dir <sup>3</sup>
Acquisitions > SAT < \$10M	AFRL Technical Division Chief <sup>4</sup>

<sup>1</sup> All delegated Approval Authorities must be within the Technical Executive Officer (TEO) or requirements chain for non-TEO efforts

<sup>2</sup> Delegable to GO/SES

<sup>3</sup> Delegable no lower than O-6/GS-15 or equivalent

<sup>4</sup> Delegable no lower than O-5/GS-14 or equivalent

### **AFMC PGI 5307.105 Contents of Written APs**

(a) If the format of the AP Template is substantively tailored (i.e., ASP Charts are used for AP), the associated documentation should address at a minimum, all applicable AP content requirements prescribed by FAR and Supplements.

### **AFMC PGI 5307.107-2 Consolidation**

(c) Should coordinate all consolidation determinations with the local Small Business office.

## **SMC PGI 5307 Acquisition Planning**

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### **SMC PGI 5307.104 General Procedures**

(c) For other than full and open competitive acquisitions, all acquisition strategy documents (e.g., Acquisition Plans, and Streamlined Acquisition Strategy Summaries above the SAT) should be coordinated with the Competition Advocate unless one of the exceptions at AFFARS [5307.104-92](#)(b)(2) applies.

### **SMC PGI 5307.104-92 Acquisition Strategy Panels (ASP) and Acquisition Plan (AP) Approval Authority or Streamlined Acquisition Strategy Summary (SASS)**

(a)(1) The Contracting Officer should invite both SMC/PK and the SMC/PKC reviewers to attend acquisition strategy meetings with the decision authority when the clearance approval authority is the SCO, DAS(C), or ADAS(C). COCOs should participate in all other strategy meetings with the decision authority when the clearance approval authority is below the SCO.

## **USAFA PGI 5307 Acquisition Planning**

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### **USAFA PGI 5307.104-92 Acquisition Strategy Panel (ASP) and Acquisition Plan (AP) Approval Authority**

(a)(6) See the USAFA SDO assignments for ASPs for Services in USAFA PGI 5337.503-90. For ASPs for Supplies, the USAFA SCO delegates ASP Authority (Supplies) to the COCO for actions < \$10M.

(b)(1) The USAFA SCO delegates Acquisition Plan Approval Authority (Services) to the COCO for actions < \$10M. Contracting Officers should refer to the USAFA/PK authorities and delegations site concerning specific COCO designations, delegations and authorities at [https://cs2.eis.af.mil/sites/13093/PP/USAFA\\_PK/\\_layouts/15/start.aspx#/SitePages/Home.aspx](https://cs2.eis.af.mil/sites/13093/PP/USAFA_PK/_layouts/15/start.aspx#/SitePages/Home.aspx).

# **AFFARS PGI 5308 REQUIRED SOURCES OF SUPPLIES AND SERVICES**

*Sec.*

AF PGI 5308 Required Sources of Supplies and Services  
AF PGI 5308.404-90 Use of Federal Supply Schedules

SMC PGI 5308 Required Sources of Supplies and Services  
SMC PGI 5308.405-6 Limited Sources

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## **AF PGI 5308 Required Sources of Supplies and Services**

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### **AF PGI 5308.404-90 Use of Federal Supply Schedules**

When awarding an order off of a Federal Supply Schedule, the contracting officer should include the basic schedule contract in the file. When the ordering period of a schedule contract is over, it may no longer be available from the issuing agency.

## **SMC PGI 5308 Required Sources of Supplies and Services**

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### **SMC PGI 5308.405-6 Limited Sources**

Refer to SMC PGI 5306.301 for information regarding justifying the use of other than full and open competition. For tracking and reporting purposes, obtain a Local Identification Number from SMC/PKC for each limited sources justification prior to coordination.

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# AFFARS PGI 5309 CONTRACTOR QUALIFICATIONS

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5309.104-6	AFMC PGI 5309 Contractor Qualifications	SMC PGI 5309.105-1 Obtaining Information
5309.104-6-90	Federal Awardee Performance and Integrity Information System	SMC PGI 5309.105-2 Determinations and Documentation
	FAPHS Reviews	SMC PGI 5309.5 Organizational and Consultant Conflicts Of
	AFMC PGI 5309.202 Policy	Interest
	AFMC PGI 5309.303-90 Use	SMC PGI 5309.503 Waiver
	AFMC PGI 5309.405 Effect of Listing	SMC PGI 5309.504 Contracting Officer Responsibilities
	SMC PGI 5309 Contractor Qualifications	SMC PGI 5309.506 Procedures

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## **AFMC PGI 5309 Contractor Qualifications**

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### **5309.104-6 Federal Awardee Performance and Integrity Information System**

#### **5309.104-6-90 FAPIIS Reviews**

Once a FAPIIS review has been performed on the establishing IDIQ or basic contract award, contracting officers are not required to perform a FAPIIS review for each subsequent task or delivery order.

#### **AFMC PGI 5309.202 Policy**

(a) Pursuant to [AFMCI 21-112](#), Repair of Aircraft Engine Critical Parts, repair qualification requirements or a QR waiver are/is mandatory for the contract repair of aircraft engine critical parts.

(c) See [AFMCI 23-113](#), Pre-Award Qualification of New or Additional Parts Sources and the Use of the Source Approval Request (SAR), for instructions on establishing pre-award qualification requirements, and for guidelines and templates for preparing the Justification for Qualification Requirements and the Qualification Requirement Waiver.

#### **AFMC PGI 5309.303-90 Use**

(a) Specific instructions for first article testing and approval can be found in [AFMCI 23-110](#), POST-AWARD PART VERIFICATION AND APPROVAL, paragraph 2.2, entitled Contracting Responsibilities.

(b) First Article Testing and/or the use of FAR 52.209-4, First Article Approval – Government Testing, are used to provide the Government estimate of the cost of retesting disapproved first articles.

#### **AFMC PGI 5309.405 Effect of Listing**

(d)(1) The "Contractor Responsibility" Tab of the Contract File Content Index includes documentation by the contracting officer or buyer that the System for Award Management (SAM) Exclusions list was reviewed after bid opening or receipt of proposals; and immediately or closest extent possible as practicable prior to award to verify that contractors or prospective contractors are eligible for award. For sole source and limited source acquisitions, the SAM Exclusions list should be reviewed prior to both solicitation release and award and a copy inserted in the "Contractor Responsibility" tab of the contract file.

## **SMC PGI 5309 Contractor Qualifications**

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### **SMC PGI 5309.105-1 Obtaining Information**

(a) FAR 9.105-1 outlines various methods of obtaining information to help the contracting officer in determining responsibility. When additional information is needed, a questionnaire can be developed to ask the contractor for the information needed. [Sample questions](#) may be applicable and included in the questionnaire prepared for submittal to the contractor. Questionnaire results should be included as substantiating material with the contracting officer's determination of responsibility or non-responsibility.

### **SMC PGI 5309.105-2 Determinations and Documentation**

(a)(1)(i) A responsibility or non-responsibility D&F is required only for those actions that are pre-award actions. Responsibility is a consideration only for prospective contractors, and is determined only pre-award. Considerations made to inform whether to take certain post-award actions, such as exercising an option or a contract modification resulting from an ECP, are part of contract administration business decisions. Many of the factors that are considered in determining responsibility pre-award and in making business decisions post-award are similar, e.g. ability to perform the work required by the contract action, being qualified and eligible under applicable laws, and having a satisfactory record of business ethics and no felony convictions or civil judgements, but responsibility is applied only pre-award.

(ii) A contracting officer's D&F is required to make a recommendation to SMC/CC, regarding CRWL related actions, regardless of whether the action is pre- or post- award or is independent of a specific contracting action. The

following table depicts which type of D&F is required, by type of action, when following the CRWL procedures for when a company is on the CRWL or is being added to the CRWL.

	<b>Responsibility / Non - responsibility D&amp;F</b>	<b>Contracting Officer's D&amp;F</b>
Add / Remove Company From CRWL	No	Yes
Solicitation, Sole Source	No	Yes
Solicitation, Competitive	No	No
Award, Sole Source	Yes	No (unless Note 1 applies)
Entering into Discussions (or equivalent activity)	Yes	Yes
Award, Competitive	Yes	No (unless Note 2 applies)
Modification Resulting from an ECP	No	Yes
Option Exercise	No	Yes
Pre-award Consent to Subcontract	No	Yes
Postaward Consent to Subcontract	No	Yes

**Note 1:** The contracting officer's D&F should have been approved by SMC/CC prior to issuance of the solicitation; therefore, a new D&F is not required for award. However, if the contractor was not listed on the CRWL until sometime after solicitation release, the contracting officer will prepare a contracting officer's D&F for SMC/CC approval before proceeding to contract award.

**Note 2:** The contracting officer's D&F should have been approved by SMC/CC prior to entering into discussions (or equivalent activity); therefore, a new D&F is not required for award. However, if discussions (or equivalent activity) did not occur or the offeror was listed on the CRWL sometime after entering into discussions (or equivalent activity), the contracting officer will prepare a contracting officer's D&F for SMC/CC approval before proceeding to contract award.

## **SMC PGI 5309.5 Organizational and Consultant Conflicts Of Interest**

See [Organizational Conflict of Interest \(OCI\) Point of Need Training](#)

### **SMC PGI 5309.503 Waiver**

If the contracting officer determines that it is not possible to adequately mitigate or avoid an Organizational Conflict of Interest (OCI) but it is in the best interest of the Government to award the contract notwithstanding the conflict of interest, the contracting officer will request a waiver, in writing, from the HCA in accordance with FAR 9.503 and AFFARS [5309.503](#).

The waiver request package should include: (1) the waiver request, including a description of the extent of the conflict and an analysis of why application of the requirement requested to be waived would not be in the Government's best interest in the particular situation, (2) the contracting officer's approved OCI determination and findings (D&F) with detailed analysis, including an assessment of the risk to current and future related acquisitions and the probability of the OCI's occurrence, and (3) the contractor's OCI mitigation plan (if applicable).

### **SMC PGI 5309.504 Contracting Officer Responsibilities**

(c)(1) See the [Guide to Preparing an Organizational Conflict of Interest \(OCI\) Determination and Findings \(D&F\)](#) for helpful tips on performing the contracting officer's OCI analysis.

(2) Use the [OCI D&F Template](#) as a guide to documenting the contracting officer's OCI analysis in the D&F required by FAR 9.5.

(e) When issuing the notification at FAR 9.504(e), consider requesting submission of an OCI Mitigation Plan consistent with the SMC [OCI Mitigation Plan Checklist](#).

### **SMC PGI 5309.506 Procedures**

See the [Sample Solicitation Instructions Regarding Organizational Conflicts of Interest](#) for recommended solicitation instructions requiring offerors to perform an OCI analysis as part of their proposals.

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# **AFFARS PGI 5311 DESCRIBING AGENCY NEEDS**

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AFMC PGI 5311 Describing Agency Needs

AFMC PGI 5311.304-90 Contract Clause

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## AFMC PGI 5311 Describing Agency Needs

### AFMC PGI 5311.304-90 Contract Clause

(a) New Manufactured Material – Surplus Not Acceptable. When it has been determined surplus is not acceptable, the contracting officer may include the following suggested contract language substantially as written in Section B (CLIN Description) of applicable CLIN(s) in the solicitation:

*Only new manufactured material, as defined in FAR 52.211-5, will be acceptable in satisfaction of this requirement. Surplus material is not acceptable and surplus offers will not be considered for award.*

(b) Acceptable New and Unused Surplus Material. When new and unused material is acceptable, the contracting officer may include the following suggested contract language substantially as written in Section B (CLIN Description) of applicable CLIN(s) in the solicitation:

*New and unused material is acceptable provided it has never been installed or used. It shows no signs of rust, corrosion, or other deterioration due to age or improper packaging/preservation. It has not been reconditioned and shows no evidence of disassembly or reassembly.*

(c) Part Number Verification. The contracting officer may include additional inspection criteria identified on [AFMC Form 813](#), Surplus Material Worksheet, substantially as written below, in Section C (Statement of Work):

*Items must be of the correct part number; (insert part number), and must have been manufactured by (insert manufacturer's name/MFC appearing on contractor's certificate).*

(d) Listing of Surplus Material. To comply with FAR 11.302(b) the contracting officer may include the following suggested contract language substantially as written in Section L (Notice to Offerors) when contemplating acquisition of surplus material:

*Offeror is required to submit the following information for each surplus item:*

(a) Surplus Item Identification: \_\_\_\_\_

NSN: \_\_\_\_\_

Noun: \_\_\_\_\_

PN: \_\_\_\_\_

Drawing Revision Letter: \_\_\_\_\_ Manufacturer: \_\_\_\_\_

(b) Federal Supply Code for Manufacturer (FSCM) marked on items per MIL-STD-130: \_\_\_\_\_

(c) Quantity available for verification at dealer's facility: \_\_\_\_\_

(d) Original manufacturer, government contract number: \_\_\_\_\_

(e) Material was subsequently purchased as surplus from: \_\_\_\_\_ (Manufacturer or Agency)

(f) DLA sale number \_\_\_\_\_ and date of sale by Government: \_\_\_\_\_

(g) Do you have the drawings for this item? If yes, what is the revision letter/number and the date of the last revision of the drawings? \_\_\_\_\_

(h) History of items since initially sold as surplus by Government or manufacturer: \_\_\_\_\_

*(Storage Location, Packaging, Rework, Reconditioning, Repair, etc.)*

(i) Are items being offered in original unbroken containers? \_\_\_\_\_

(j) Date of manufacture or packaging: \_\_\_\_\_

(k) Material offered is warranted by the Contractor for a period of \_\_\_\_ months as contemplated by FAR 52.246-17, Warranty of Supplies of a Noncomplex Nature. (12 Months is presumed unless otherwise specified. If surplus is purchased, warranty may or may not be included in the award.)

(l) The surplus items offered fit the conditional definition indicated below: (Check the appropriate definition and provide requested information. Use additional paper if more space is necessary.) (NOTE: Dates, Technical Order compliance, quality considerations, and component sources are essential information for categories (2), (3), and (4) below.)

[ ] (1) New and unused: material has never been installed or used. It shows no signs of rust, corrosion, or other deterioration due to age or improper packaging/preservation. It has not been reconditioned and shows no evidence of disassembly or reassembly.

[ ] (2) New and reconditioned: material has never been installed or used. It shows no signs of rust, corrosion, or other deterioration due to age or improper packaging/preservation. Reconditioning is allowed to the extent that gaskets, seals, O-rings, or other such cure-dated items have been or will be replaced prior to use in accordance with the applicable technical orders and specifications.

Source of reconditioning: \_\_\_\_\_

Summary of reconditioning: \_\_\_\_\_

*[ ] (3) New and modified: material has never been installed or used. It shows no signs of rust, corrosion, or other deterioration due to age or improper packaging/preservation. Components may have been (or may need to be) replaced in accordance with the applicable technical specifications for the purpose of configuration update or modification.*

Source of modification: \_\_\_\_\_

Summary of modification: \_\_\_\_\_

*[ ] (4) Used and overhauled: material, which has been previously installed in operational equipment. It has been or can be completely overhauled, repaired, reconditioned, or modified per the applicable technical specifications to serviceable status.*

Source of overhaul: \_\_\_\_\_

Overhaul technical order: \_\_\_\_\_



# **AFFARS PGI 5312 ACQUISITION OF COMMERCIAL ITEMS**

*Sec.*

AFMC PGI 5312 Acquisition of Commercial Items

AFMC PGI 5312.102 Applicability

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## AFMC PGI 5312 Acquisition of Commercial Items

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### AFMC PGI 5312.102 Applicability

(a)(i)(A) To satisfy the requirements of DFARS 212.102(a)(i) and DFARS PGI 212.102(a)(i), the Commercial Item Determination (CID) may be written as a memorandum, documented in the acquisition plan or contracting officer's market research document. The CID should address the minimum components listed below:

- (1) *Description of supplies or services;*
- (2) *Basis on which the supply or service meets the definition of "Commercial Item" as defined in FAR 2.101. Specify which paragraph of the FAR 2.101 definition the supply or service meets, and the rationale for making the determination based on that paragraph;*
- (3) *Identify and cite key considerations from any advisory reports or market research relied on that were integral to the determination. For example, this would include, but is not limited to: DCMA advisory reports, engineering analyses, or any other market research;*
- (4) *If the determination involves an item or service based on the "of a type" component in paragraphs (1), (3), (4), and (6) of the FAR 2.101 "commercial item" definition, include key considerations from any analysis performed to compare and contrast the commercial item or service to the proposed item or service in making the determination. For example, this would include, but is not limited to, a comparison of features such as form, fit, function, material, production processes, contract type, and terms and conditions, etc., between the commercial item or service and the proposed item or service that would support the "of a type" determination;*
- (5) *Contracting officer signature and date. Note that if the determination relies on subsections (1)(ii), (3), (4), or (6) of the "commercial item" definition at FAR 2.101, determinations are approved at one level above the contracting officer in accordance with DFARS 212.102(a)(i)(C).*

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# **AFFARS PGI 5313 SIMPLIFIED ACQUISITION PROCEDURES**

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AFICC PGI 5313 Simplified Acquisition Procedures

AFICC PGI 5313.500 General

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## **AFICC PGI 5313 Simplified Acquisition Procedures**

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### **AFICC PGI 5313.500 General**

Contracting officers should consider the flexibility and potential time savings associated with less formal FAR Part 13 competition strategies. The AFICC Guiding Principles for Simplified Acquisition Competitions under FAR Part 13.5 ( [Word version](#) / [PDF version](#) ) is an excellent resource guide with multiple templates for contracting officers utilizing the authorities provided by 10 U.S.C. 2304(g) and 2305; 41 U.S.C. 3305, and 3306; chapter 37, Awarding of Contracts; and 41 U.S.C. 1903 for situations that warrant such acquisition flexibilities to be employed up to, but not exceeding \$13M.

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# **AFFARS PGI 5314 SEALED BIDDING**

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AFMC PGI 5314 Sealed Bidding  
AFMC PGI 5314.403-90 Recording of Bids

AFMC PGI 5314.404-1 Cancellation of Invitations after Opening

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## AFMC PGI 5314 Sealed Bidding

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### AFMC PGI 5314.403-90 Recording of Bids

When recording bids, here is some helpful guidance to meet the FAR 14.403 requirements relative to recording of bids plus help to stay on top of the status of bids in an organized and efficient manner.

(a) The Bid Opening Officer should develop a systematic method of recording the bids. One proven method is as follows:

(1) Annotate special circumstances on the SF Form 1409 / 1410 (Abstract of Offer/Continuation) as appropriate: (i.e., no bids were received, alternate bids received, bids were received with quoted prices that are not firm, an acceptable late bid was received, etc.).

(2) Forward two copies of the Abstract to the appropriate buying office along with the opened bids. The bid opening official should verify the accuracy of the bid(s) information prior to forwarding the two copies.

(3) Forward all late, unacceptable bids to the appropriate buying office with a memo providing the bidder information and the time of receipt of the bid.

(b) Buying personnel should complete the SF Form 1409 / 1410 (Abstract of Offer/Continuation) or Optional Form 1419 / 1419A (Abstract of Offer Construction/Continuation) as follows:

(1) The accepted price should be prominently displayed to facilitate quick identification/flagging of the information. If the quantity accepted is different from that called for on the solicitation, the accepted quantity (variance) should also be flagged.

(2) If a low offer is rejected and one at a higher price is accepted, identify the reason for the rejected offer(s) in accordance with FAR 14.403(b). However, do not annotate any information concerning contractor responsibility, or other sensitive information not releasable to the public, on the SF Form 1409/1410 (this information should be documented separately in the file).

(3) The following award information should be included at the bottom of the listing of offerors and prices: (i) contract number; (ii) list of CLINs awarded; (iii) total amount of award; and (iv) a statement that price(s) are considered fair and reasonable based on competition:

*EXAMPLE : CONTRACT NR: F09603-00-C-9876*

*CLINS AWARDED: 0001 - 0003*

*TOTAL AWARD AMOUNT: \$1,345,789*

*Price is considered fair and reasonable based on adequate price competition.*

### AFMC PGI 5314.404-1 Cancellation of Invitations after Opening

(a)(3) In the event an invitation for bid (IFB) is to be canceled after opening and all offers will be rejected, an Abstract should be completed and marked accordingly to indicate “all bids have been rejected” and “purchase will not be made.” If the IFB is only partially canceled, the abstract should be marked to clearly indicate which of the items are being canceled.

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# AFFARS PGI 5315 CONTRACTING BY NEGOTIATION

*Sec.*

AF PGI 5315 Contracting by Negotiation	AFMC PGI 5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C. 2306a and 41 U.S.C., Chapter 35)
AF PGI 5315.209-90 Solicitation Provisions and Contract Clauses	AFMC PGI 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver
AF PGI 5315.371-5 Waiver	AFMC PGI 5315.404-2-90 Data to Support Proposal Analysis
AF PGI 5315.402-90 Pricing Policy	AFMC PGI 5315.404-3-90 Subcontract Pricing Considerations
AF PGI 5315.403-4-90 Section 890 Pilot Program to Accelerate Contracting and Pricing Processes	AFMC PGI 5315.406-1 Pre-negotiation Objectives
AF PGI 5315.404-3-90 Subcontract Pricing Considerations	AFMC PGI 5315.406-3 Documenting the Negotiation
AF PGI 5315.404-70-90 DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751	AFMC PGI 5315.406-3-90 Use of Abstract of Offers as Documentation of Price Reasonableness
AF PGI 5315.407-91 Formula Pricing Agreements (FPA)	AFMC PGI 5315.407-1-90 Defective Certified Cost or Pricing Data
AF PGI 5315.408-90 Submission of Section 890 Pilot Program Candidates	AFMC PGI 5315.407-2 Make-or-Buy Program
AFICC PGI 5315 Contracting by Negotiation	SMC PGI 5315 Contracting by Negotiation
AFICC PGI 5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C. 2306a and 41 U.S.C. Chapter 35)	SMC PGI 5315.203 Requests for proposals
AFICC PGI 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver	SMC PGI 5315.3 (1.4.1.1) SSA Appointment
AFICC PGI 5315.407-90 Contract Audit Follow-Up (CAFU)	SMC PGI 5315.3 (1.4.2.2) PCO Responsibilities
AFMC PGI 5315 Contracting by Negotiation	SMC PGI 5315.3 (1.4.2.2.7) Notification of Source Selection Participants
AFMC PGI 5315.207 Handling Proposals and Information	SMC PGI 5315.3 (2) Pre-solicitation Activities
AFMC PGI 5315.3 (1.4.1.1) SSA Appointment	SMC PGI 5315.3 (2.1.2.1) Pre-solicitation Notices
AFMC PGI 5315.3 (1.4.2.2.3) Verification of Correspondence Going to Offeror	SMC PGI 5315.3 (2.1.2.2) Industry Engagement/Industry Days
AFMC PGI 5315.3 (1.4.6.1) Government Advisors	SMC PGI 5315.3 (2.1.2.3) Draft Request for Proposals (RFP)
AFMC PGI 5315.3 (1.4.7.2) Source Selection Facility	SMC PGI 5315.3 (4.3) Additional Guidance and Tailorable Templates
AFMC PGI 5315.3 (2.1.2.3) Draft Request for Proposals (RFP)	SMC PGI 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver
AFMC PGI 5315.3 (2.3.1) Evaluation Factors/Subfactors	SMC PGI 5315.406-3 Documenting the Negotiation
AFMC PGI 5315.402-90 Pricing Policy	USAFA PGI 5315 Contracting by Negotiation
	USAFA PGI 5315.3 (1.4.1.1) SSA Appointment

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## AF PGI 5315 Contracting by Negotiation

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### AF PGI 5315.209-90 Solicitation Provisions and Contract Clauses

(a) The contracting officer may include language in Section L (or equivalent in a solicitation for the acquisition of a commercial item) substantially the same as the following when a [DD Form 254](#), Contract Security Classification Specification is a requirement at time of award: “The offeror must possess, or acquire prior to award of a contract, a facility clearance equal to the highest classification stated on the Contract Security Classification Specification (DD Form 254) attached to the solicitation.”

(b) The contracting officer may include a provision substantially the same as the following. When access to classified documents is contemplated, the contracting officer may include a provision substantially the same as the provision with its Alternate I:

#### **NOTICE OF PRE-BID/PRE-PROPOSAL CONFERENCE**

(a) A pre-bid/pre-proposal conference will be conducted at [insert location including full address] on [insert date] at [insert time] for the purpose of answering questions regarding this solicitation.

*(b) Submit the names of all attendees (not to exceed [insert number of attendees]) to [insert point of contact name, address, and phone number] prior to [insert date]. This information must be provided in advance in order to ensure access to the military base/conference site and adequate seating for the conference attendees.*

(c) Bidders/Offerors are requested to submit questions to the point of contact noted above not later than [insert time and date]. Information provided at this conference shall not qualify the terms and conditions of the solicitation and specifications. Terms of the solicitation and specifications remain unchanged unless the solicitation is amended in writing. If an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall apply.

*(d) A record of the conference shall be made and furnished to all prospective bidders/offerors. The record should include minutes of the meeting, including questions (on a non-attribution basis) and answers.*

**ALTERNATE I** . *If access to classified documents is contemplated, the contracting officer may add substantially the same as the following paragraphs (e) and (f) to the basic provision:*

(e) To receive classified documents the recipient must have a security clearance of at least [insert classification] and authorization to act as courier. Security clearance and courier authorization must be on file at the following mailing address:  
[ insert address of organization responsible for this information ]

(f) The classification of this conference is [insert classification].

*{End of Provision}*

### AF PGI 5315.371-5 Waiver

(a) When a waiver to the requirement at DFARS 215.371-2 is sought, the contracting officer should provide the following documentation to support the waiver request:

(1) Summary of market research that documents that competition was anticipated, process used to maximize competition pre-solicitation, and description of solicitation method;

(2) Rationale why re-advertising for an additional 30 days will likely not obtain two or more offers.

(3) Rationale for how the price/cost will be determined fair and reasonable with only one offeror.

### AF PGI 5315.402-90 Pricing Policy

(a) Proposal Kick-Off and Proposal Walk-Through Meetings. For sole source contract actions and undefinitized contractual actions (UCA), contracting officers should consider:

(1) Scheduling a proposal kick-off meeting as soon as practicable after issuance of the RFP (or Draft RFP if appropriate) to discuss:

(i) Award/definitization schedule requirements and expectations on timely contractor support;

(ii) The contractor's spend-plan for obligation limitations in accordance with DFARS 217.7404-4(b); and

(iii) Expected major subcontracts (meets/exceeds threshold where cost and/or price analyses are required):

(A) Subcontractors subject to TINA and the subcontract evaluation plan (will Government assist audits be required?)

(B) Commercial subcontractors and Government's expectations as to the data required to determine price reasonableness

(iv) Meeting participants (tailor as appropriate):

(A) The Government team (e.g., contracting officer, contract specialist, price analyst, program/project office personnel, to include engineers, DCMA, DCAA);

(B) The prime contractor; and

(C) Major subcontractors having a significant role in the award/definitization (requires prime contractor's agreement).

(2) Scheduling a proposal walk-through meeting after proposal submittal and preliminary review by the Government team to:

(i) Ensure an understanding of the proposal composition (use the proposal adequacy checklist to facilitate the meeting and guide discussions);

(ii) Validate or revisit the award/definitization schedule;

(iii) Review the contractor's spend-plan for obligation limitations in accordance with DFARS 217.7404-4(b); and

(iv) Establish action items for any obvious data omissions. (Note: If data omissions are so significant as to render the proposal inadequate for analysis, the contracting officer may reject the proposal.)

(v) Meeting participants (tailor as appropriate):

(A) The Government team (e.g., contracting officer, contract specialist, price analyst, program/project office personnel, to include engineers, DCMA, DCAA);

(B) The prime contractor; and

(C) Major subcontractors having a significant role in the award/definitization (requires prime contractor's agreement).

(b) See the [DoD Sole Source Streamlining Tool Box](#) for techniques to increase efficiency throughout the acquisition process.

## **AF PGI 5315.403-4-90 Section 890 Pilot Program to Accelerate Contracting and Pricing Processes**

To consider participation in the Section 890 Pilot Program to Accelerate Contracting and Pricing Processes ( [OUSD\(A&S\)/DPC Memo, 14 Aug 20](#) ), reference [AF PGI 5315.408-90](#) .

## **AF PGI 5315.404-3-90 Subcontract Pricing Considerations**

(a) When a contractor refuses to provide adequate supplier proposals and/or the results of their subcontract reviews/ evaluations in accordance with FAR 15.404-3(b), or when the contracting officer determines the supplier proposals and/ or prime evaluations are so deficient as to preclude an adequate analysis and evaluation of the contractor's proposal, the contracting officer should attempt to secure the subcontract proposals and review/evaluations and/or elicit corrective action. If the contractor persists in refusing to provide subcontract reviews and evaluations, the contracting officer should withhold the award and elevate the matter to management for resolution.

(b) If subcontract reviews and evaluations are not provided by the prime contractor, or are inadequate, the contracting officer may assign below-normal values for management/cost control under the performance risk factor when using the weighted guidelines method (see DFARS 215.404-71-2(e)(3)(i)(E)) to establish a profit objective. Contracting officers should consider taking action described in DFARS 215.407-5 when a contractor consistently fails to provide adequate subcontract reviews and evaluations. If a subcontract represents a significant cost risk to the Government, the contracting officer should consider:

(1) Conducting a joint Government/contractor team analysis of the subcontract proposal, and/or

(2) Directing the contractor to definitize the subcontract prior to completion of prime contract negotiations once the Government has determined the prime contractor's settlement position is fair and reasonable.

## **AF PGI 5315.404-70-90 DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751**

See the [WGL User's Guide](#) for additional information on how to analyze profit and prepare a [DD Form 1547](#) .



**AF PGI 5315.407-91 Formula Pricing Agreements (FPA)**

(a) An FPA is any pricing agreement with a contractor that identifies the categories of purchases to be covered (e.g., F-100 replenishment spares) and:

- (1) Establishes the pricing methodology for more than one future contract action; and/or,
  - (2) Establishes a pricing methodology for corporate contracts and strategic sourcing agreements; and/or,
  - (3) Specifies the direct cost inputs and the rates and/or factors to be applied to identified bases plus profit or fee.
- (4) FPAs are not Forward Pricing Rate Agreements (FPRA). An FPRA is usually limited to an agreement on individual rates or factors (including Cost Estimating Relationships (CER)), applies to items not specified in the agreement, and is required to be used by all buying activities.

(b) A contracting officer may consider establishing FPAs in order to reduce administrative costs and lead times associated with negotiation of large numbers of contract actions for items that can be identified or described in the agreement. FPAs typically are established only with contractors under Government in-plant contract administration cognizance and having a resident DCAA auditor. Contracting offices contemplating an FPA with a contractor without in-plant administration and/or DCAA representation, should do so only if they have the staffing/capability to administer the FPA themselves. Use of an FPA does not exempt proposals from TINA or other applicable laws or regulations.

(c) Content and Structure of FPAs. All FPAs should:

- (1) Be in writing and signed by the contracting officer and an authorized representative of the contractor;
- (2) Cover no cost elements that would require discrete estimating and analysis;
- (3) Identify all rates and factors that are a part of the FPA. An FPA may reference FPRA(s), as long as it prescribes the effect and treatment of any changes in the FPRA(s);
- (4) Establish terms and conditions covering application of the agreement, its expiration date, and any data requirements for systematic monitoring (e.g., provisions for review of actual cost data) to ensure its continuing validity;
- (5) Provide for cancellation at the option of either party;
- (6) Require the contractor to notify the contracting officer and the cognizant contract auditor of any significant change in its estimating/accounting system or the cost or pricing data and describe the impact on the FPA;
- (7) Require the contractor to identify in each specific pricing proposal where the agreement is used:
  - (i) The FPA and the date of the latest certification of cost or pricing data supporting it; and,
  - (ii) Any items in the proposal that are not priced under the agreement;
- (8) Indicate that the FPA should not be used if the contractor's purchasing, estimating or accounting systems are disapproved by the Government;
- (9) Allow for the contracting officer, or designated representative, to perform detailed cost or price analysis on random samples of proposed items and/or items that have unit prices that are significantly higher than previous buys;
- (10) Be supported by certified cost or pricing data (see FAR 15.403-4) and a signed Certificate of Current Cost or Pricing Data that is submitted when agreement on the FPA is reached (and annually thereafter);
- (11) Provide that contractual documents for items priced using the FPA, include:
  - (i) The statement at FAR 52.215-10, Price Reduction for Defective Certified Cost or Pricing Data; and,
  - (ii) A clause incorporating the FPA by reference.
- (12) Be based on a pricing methodology that ensures that unit prices are in proportion to the item's base cost (see FAR 15.404-1(f)) and that prices may be adjusted, if it is found that:
  - (i) Cost or pricing data supporting the FPA were not accurate, current or complete; or,
  - (ii) The price was developed through incorrect application of the FPA.

(d) Contracting office responsibilities, as appropriate:

- (1) Establish appropriate approval levels for FPAs;
- (2) Maintain a list of FPAs that identifies each company and the group of items covered under each FPA;
- (3) Conduct periodic reviews of FPAs and contract actions priced using FPAs; and,
- (4) Establish agreements with appropriate contract administration offices to provide field pricing support, negotiation support, and administrative support of Air Force FPAs.

(e) Contracting officer responsibilities, as appropriate:

- (1) Obtain field pricing support, including contract audit and technical reviews, in the evaluation and negotiation of FPAs;
- (2) Prepare a price negotiation memorandum covering the pricing factors used in each FPA, including a discussion on how profit or fee was calculated [using [Weighted Guidelines](#) or an alternate structured approach];

(3) Semi-annually request (through the ACO) the DCAA resident auditor to determine if the contractor is complying with FPA procedures;

(4) Annually review each FPA to determine its validity by evaluating recorded cost data, and renegotiate the FPA if appropriate;

(5) Determine the effect changed conditions may have on the FPA's validity. Cancel an FPA when appropriate and notify all interested parties;

(6) Do not use a cancelled FPA;

(7) Conduct an evaluation of each proposal under an FPA in order to ensure that the FPA applies to the items and to determine the reasonableness of discrete cost inputs and any non-covered costs (e.g., nonrecurring costs);

(i) Compare proposed prices with prior prices, Government estimates, and purchase request estimates to ensure reasonableness, as use of an FPA does not relieve the CO of the responsibility to ensure that the price is fair and reasonable;

(ii) Conduct detailed cost analysis on random samples of proposed items and/or items that have unit prices that are significantly higher than previous buys; and, (iii) Ensure that individual contract actions priced using the FPA comply with the terms of the FPA.

(f) Contractors could have FPAs, or similar agreements, with other Air Force activities and/or non-Air Force activities. COs may consider using these agreements, but should take care to ensure that the FPA to be used addresses all aspects of their acquisition situation.

### **AF PGI 5315.408-90 Submission of Section 890 Pilot Program Candidates**

Reference Class Deviation-Section 890 Pilot Program to Accelerate Contracting and Pricing Processes ([OUSD\(A&S\)/DPC Memo, 14 Aug 20](#)):

Prior to submission of Section 890 Pilot Program candidates to OUSD/DPC-PCI, it is recommended that contracting officers first vet potential pilots through their local pricing/policy office. Upon concurrence of MAJCOM Pricing, AFMC/ PKF will serve as the overall Air Force focal point to determine viable candidates and will work with teams to ensure they have a thoughtful implementation plan prior to engaging OUSD/DPC-PCI for acceptance.

## **AFICC PGI 5315 Contracting by Negotiation**

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### **AFICC PGI 5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C. 2306a and 41 U.S.C. Chapter 35)**

(c)(3)(B)(I) Commercial Item Exceptions to TINA Requirements Report. The COCO will consolidate and submit the information as outlined in DFARS PGI 215.403-1(c)(3)(B)(I), or submit a negative report for the organization, to the SCO for review and submission to [AFICC/KPF](#) no later than 7 October each year.

(c)(4)(B) Waiver of TINA Requirements Report. The COCO will consolidate and submit the information as outlined in DFARS PGI 215.403-1(c)(4)(B), or submit a negative report for their organization to the SCO for review and submission to [AFICC/KPF](#) no later than 7 October each year.

### **AFICC PGI 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver**

(a) Pricing assistance is available from AFICC/KPF and may be available from the cognizant AFICC Operating Location. Pricing support requested from AFICC/KPF will be provided at the discretion of AFICC/KPF using the [AFICC/KPF Pricing Request Form](#). Pricing support is defined as:

(1)Level I—Full-Up Pricing Assistance

(2)Level II—Review/Assist

(3)Level III—Respond to Questions

(b) AFICC/KPF support includes but is not limited to: assistance from a dedicated price analyst in the development of Weighted Guidelines ([DD Form 1547](#)), pricing support for Clearance, development of cost models and proposal assistance, resolving defective pricing situations, price adjustments as a result of disputes and claims, requests for equitable adjustment, PNM review, “re-opener” cases, evaluating performance based payments or assistance during source selections (cost sections of briefings and reports, Sections L&M, etc.).

## AFICC PGI 5315.407-90 Contract Audit Follow-Up (CAFU)

AFICC OL SCOs should courtesy copy [AFICC/KPF](#) when reporting.

## AFMC PGI 5315 Contracting by Negotiation

### AFMC PGI 5315.207 Handling Proposals and Information

(a) If a package contains more than one proposal, the buyer or contracting officer should stamp each envelope with the time and date of delivery. If a proposal is delivered to the wrong office, the recipient should stamp the time and date received, and then deliver the proposal to the intended office immediately.

### AFMC PGI 5315.3 (1.4.1.1) SSA Appointment

(a) AFMC/CA is the Source Selection Authority for AFPEO/CM services acquisitions >\$100M < \$1B, unless further delegated.

(b) SSAs have been standardized as follows:

**(1) Air Force Life Cycle Management Center (AFLCMC)** (contracting organizations are located at Wright-Patterson Air Force Base, Eglin Air Force Base, Hanscom Air Force Base, Gunter Annex, Lackland Air Force Base, Randolph Air Force Base, Peterson Air Force Base, Offutt Air Force Base, Tinker Air Force Base, Hill Air Force Base and Robins Air Force Base):

Source Selection Authority for actions not in AFPEO/CM's portfolio			
Acquisition Value	Enterprise	Operational	
	All Locations	Wright-Patterson	Hanscom
≥\$100M	AFLCMC/CC/CA <sup>1</sup>	Air Base Wing Commander/Director <sup>1</sup>	Air Base Group Commander/Director <sup>1</sup>
> \$10M < \$100M	Commander/Director of the requiring Directorate/GSU/DRU or 2 letter <sup>2</sup>	Air Base Wing Commander/Director <sup>2</sup>	Air Base Group Commander/Director <sup>2</sup>

<sup>1</sup> ≥ \$100M: delegable to no lower than one level above the PCO or equivalent or higher position within the requiring activity chain;

<sup>2</sup> >\$10M < \$100M: delegable to no lower than the PCO or equivalent or higher position within the requiring activity chain.

**(2) Air Force Nuclear Weapons Center (AFNWC)** (contracting organizations are located at Kirtland Air Force Base, Hill Air Force Base, Tinker Air Force Base, and Eglin Air Force Base):

Source Selection Authority for actions not in AFPEO/CM's portfolio		
Acquisition Value	Enterprise	Operational
≥\$100M	AFNWC/CC/CA <sup>1</sup>	Air Base Wing Commander/Director <sup>1</sup>
> \$10M < \$100M	Commander/Director of the requiring Directorate <sup>2</sup>	Air Base Wing Commander/Director <sup>2</sup>

<sup>1</sup> ≥ \$100M: delegable to no lower than one level above the PCO or equivalent or higher position within the requiring activity chain;

<sup>2</sup> >\$10M < \$100M: delegable to no lower than the PCO or equivalent or higher position within the requiring activity chain.

**(3) Air Force Research Laboratory (AFRL):**

Acquisition Value	Source Selection Authority	
	Enterprise	Operational
≥ \$100M	AFRL/CC/CA	AFRL/CC/CA
≥ \$50M < \$100M	Technical Director <sup>1</sup>	Technical Director <sup>1</sup>
> \$10M < \$50M	Technical Division Chief <sup>2</sup>	Technical Division Chief <sup>2</sup>

<sup>1</sup> ≥ \$100M: delegable to no lower than one level above the PCO or equivalent or higher position within the Technical Director chain.

<sup>2</sup> > \$10M < \$100M: delegable to no lower than the PCO or equivalent or higher position within the Technical Director chain.

**(4) AIR FORCE SUSTAINMENT CENTER** (contracting organizations are located at Tinker Air Force Base, Hill Air Force Base, and Robins Air Force Base):

Source Selection Authority for actions not in AFPEO/CM's portfolio		
Acquisition Value	Enterprise	Operational
≥ \$100M	AFSC/CC/CA <sup>1</sup>	Air Base Wing Commander/Director <sup>1</sup>
> \$10M < \$100M	Commander/Director of the requiring Directorate <sup>2</sup>	Air Base Wing Commander/Director <sup>2</sup>

<sup>1</sup> ≥ \$100M: delegable to no lower than one level above the PCO or equivalent or higher position within the requiring activity chain;

<sup>2</sup> > \$10M < \$100M: delegable to no lower than the PCO or equivalent or higher position within the requiring activity chain.

**(5) AIR FORCE TEST CENTER (AFTC)** (contracting organizations are located at Edwards Air Force Base, Arnold Air Force Base, and Eglin Air Force Base, and Hill Air Force Base):

Source Selection Authority for actions not in AFPEO/CM's portfolio		
Acquisition Value	Enterprise	Operational
≥ \$100M	AFTC/CC/CA <sup>1</sup>	Test Wing Commander/Director <sup>1</sup>
> \$10M < \$100M	Commander/Director of the requiring Directorate <sup>2</sup>	Test Wing Commander/Director <sup>2</sup>

<sup>1</sup> ≥ \$100M: delegable to no lower than one level above the PCO or equivalent or higher position within the requiring activity chain;

<sup>2</sup> > \$10M < \$100M: delegable to no lower than the PCO or equivalent or higher position within the requiring activity chain.

(c) Many source selection teams request and document delegation of SSA in the Acquisition Strategy Panel charts, and/or Acquisition Plan/LCMP, which eliminates the need to process a separate delegation memo. When using a separate delegation memo, PCOs may use the templates below:

[Delegation of Source Selection Authority Staff Summary Sheet Template](#)

[Delegation of Source Selection Authority Memo Template](#)

**AFMC PGI 5315.3 (1.4.2.2.3) Verification of Correspondence Going to Offeror**

All source selection teams should consider use of the “[Verification of Correspondence Going to Offeror](#)” checklist for correspondence going to offerors, whether in hard copy or electronic format, and for information being posted to a website accessible by offerors.

**AFMC PGI 5315.3 (1.4.6.1) Government Advisors**

Some Operating Locations/Centers assign a Source Selection Support Advisor from the local Acquisition Center of Excellence (ACE) and/or local Clearance and Program Support Office to serve in an advisory capacity to the SSA and the Source Selection Team (SST). When a Source Selection Support Advisor is not assigned or not available, teams should refer to the [AFFARS Library Part 5315](#), for examples, templates, forms and useful guidance.

**AFMC PGI 5315.3 (1.4.7.2) Source Selection Facility**

(a) More complex and higher value source selections should be conducted in a local Source Selection Facility (SSF), if available. Other source selections may use the SSF on a space-available basis. If space is not available, the Wing, or requiring office should provide secured space to conduct the source selection.

(b) Notification to SSF. At Operating Locations or Centers that have a SSF, program offices should notify the SSF of forthcoming source selections to be held in the SSF as soon as the potential for the source selection action has been identified. Notification includes: program name, anticipated date of RFP release and proposal receipt, expected number of offerors, estimated dollar value of the acquisition, identification of the probable SSA, anticipated number of SSEB members and role in the source selection (e.g., past performance, technical, etc.), SSEB Chairperson and PCO (with office symbol and phone number/e-mail address) and desired date for occupancy in the SSF including designating whether the past performance team will arrive early.

**AFMC PGI 5315.3 (2.1.2.3) Draft Request for Proposals (RFP)**

The PCO provides clear and timely responses to draft RFP comments to ensure potential offerors are as fully informed as possible. These responses include the Government’s rationale when not accepting industry recommended changes to the RFP. In doing so, acquisition teams will continue to benefit from open communication with industry beyond the early requirements definition phase.

**AFMC PGI 5315.3 (2.3.1) Evaluation Factors/Subfactors**

For all AFRL Sites: consider the following technical and cost factors and/or subfactors:

(a) Cost is a substantial factor in Science and Technology (S&T) source selections, but it is significantly less important than all other factors combined in determining the basis for award.

(b) Technical:

(1) Technical approach: The soundness of the offeror's technical approach, including the offeror's demonstrated understanding of the technical requirement.

(2) Qualification: The quantity and quality of experience and qualifications of the proposed personnel relevant to the proposed task. The quantity and quality of the offeror's corporate experience relevant to the proposed task.

(3) Management: The degree to which the offeror demonstrates the ability to effectively and efficiently manage and administer the program to a successful conclusion.

(4) Facilities: The degree to which the proposed facilities enable accomplishment of the proposed effort.

(c) Past Performance Information (PPI):

(1) Unlike contracts for supplies and services, most S&T contracts are directed toward objectives for which the work or methods cannot be precisely described in advance and it is difficult to judge the probabilities of success or the likelihood of the proposed approach being achieved. Some approaches offer little or no early assurance of full success (see FAR 35.002). Due to the trial and error nature of the S&T environment, many problems and failures are routine and expected. Therefore, PPI may not be a significant discriminator in S&T source selection decisions.

(2) When PPI is used in S&T source selections, tailor the type of past performance data to be collected and the manner in which it is to be evaluated to the specific acquisition. Evaluation of ad hoc past performance information should either be incorporated in other evaluation factors and/or subfactors (e.g., technical approach, qualification, management, facilities)

or used as a stand-alone factor or subfactor as appropriate. PCOs should review “Guidance for the Contractor Performance Assessment Reporting System ([CPARS](#))”, for additional guidance on S&T acquisitions.

### **AFMC PGI 5315.402-90 Pricing Policy**

(a) To facilitate timely award of sole source contract actions, contracting officers are strongly encouraged to conduct proposal kickoff and proposal walk through meetings (see [AF PGI 5315.402-90](#)). To ensure these meetings are successful, preparation is important. The following tailorable Meeting Checklists which cover important topics regarding prime and supplier proposal adequacy are provided to guide these meetings. Contracting officers should recommend that the Prime Contractor also conduct these meetings with their subcontractors and tailor these checklists for this purpose. It is a common best practice in industry to host supplier kickoff meetings and training sessions for subcontractors that may have difficulty supplying adequate proposals.

(1) [Proposal Kickoff Meeting Checklist](#)

(2) [Proposal Walk-Through Meeting Checklist](#)

(b) To foster both a timely and effective proposal evaluation and a quality business deal for the government, price analysts, contracting officers and contract negotiators for major acquisitions subject to Peer Review in accordance with DFARS 201.170 should consider employing selected techniques from the “[DoD Sole Source Streamlining Toolbox](#)”. The use of streamlining techniques selected as appropriate for each specific acquisition will ensure the Air Force team appropriately focuses evaluation time and effort on areas of most significant cost risk, resulting in more effective cost/price negotiations and timely contract award.

### **AFMC PGI 5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C. 2306a and 41 U.S.C., Chapter 35)**

(c)(4)(A) Submit the formal request for exceptional case TINA waiver to SAF/AQC (with a courtesy copy to HQ AFMC/PKF) via the [HQ AFMC/PK Workflow](#) email account. It is a good practice for the local Pricing office to review the formal request for an exceptional case TINA waiver before the request is submitted to SAF/AQC.

### **AFMC PGI 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver**

(a) For LCMC (Wright-Patterson AFB), source selection pricing assistance may be provided for structuring instructions to offerors and evaluation criteria, as needed depending on resource constraints. Full-time pricing assistance during source selection is not required.

### **AFMC PGI 5315.404-2-90 Data to Support Proposal Analysis**

(a) Field Pricing Support:

(1) The AFNT, led by the contracting officer, will decide the level of field support required from the cognizant DCMA and/or DCAA early in the acquisition.

(2) Informal discussions with these two organizations are strongly encouraged. Ultimately, however, the contracting officer will officially request their support and identify specific areas where pricing assistance is requested (e.g., vendor decrements, direct and indirect rates, pricing history, disclosure statement status, etc.).

(3) Copies of relevant acquisition documents (e.g., RFP) should be furnished to the cognizant DCMA office with a courtesy copy to the cognizant DCAA office whenever possible, electronically if possible.

DCAA treats direct requests from the activity as a signal to begin the audit work.

(b) Field Pricing Support: [DoD Directive 5105.36](#) authorized the Director, Defense Contract Audit Agency (DCAA), to perform all necessary contract audits for the Department of Defense (DoD) and provide accounting and financial advisory services regarding contracts and subcontracts to all DoD Components responsible for procurement and contract administration, and to establish and maintain liaison auditors and financial advisors, as appropriate, at major procuring and contract administration offices.

### **AFMC PGI 5315.404-3-90 Subcontract Pricing Considerations**

For complex, high dollar efforts with multiple subcontracts, it is imperative that the prime contractor provide the government with the most up to date information regarding the status of subcontractor proposals, assist audits, and prime contractor’s cost/price analysis reports of their subcontractors. When multiple subcontracts are anticipated, it is recommended



that contracting officers include a requirement in sole source RFPs for the prime contractor to complete the [Subcontractor Proposal Tracking Matrix](#) and submit it with the proposal. This document should be updated throughout the proposal evaluation process until date of agreement on price so the government team is up to date on supplier proposal adequacy issues, concerns and status.

### **AFMC PGI 5315.406-1 Pre-negotiation Objectives**

(b)(ii) *Adjudication Procedures*. If significant disagreements with DCAA remain after attempts by the contracting officer and the contracting officer's local management to resolve them, the cognizant SCO will elevate to SAF/AQC as necessary and will provide an explanation of the issue to HQ AFMC/PKF via [AFMC/PK Workflow](#).

### **AFMC PGI 5315.406-3 Documenting the Negotiation**

(a) For contract actions valued below the TINA threshold, the AF Streamlined PNM Format for [supplies](#) or [services](#), or any other format which adequately addresses the basis of the proposed, objective, and negotiated amounts is available for use. If the value of the contract action exceeds the TINA threshold and no exception to TINA applies, it is expected that the pricing documentation will address the cost element composition of the proposed, objective, and negotiated positions at an appropriate level of detail based on the value and complexity of the pricing action.

(1) Capture the proposed, objective and negotiated positions in applicable pricing document, including contract actions that incorporate additions or deletions, even when there is no change in contract value.

(2) The PNM template referenced in [AF PGI 5301.170-2\(b\)\(2\)](#) may be utilized.

### **AFMC PGI 5315.406-3-90 Use of Abstract of Offers as Documentation of Price Reasonableness**

If adequate price competition exists as defined in FAR 15.403-1(c)(1)(i); the contract type is FFP; and price/price and technical acceptability/price, technical acceptability and the acceptability of past performance are the only factors being evaluated other than the RFP terms and conditions, and tradeoffs are not permitted between price and non-price factors (i.e., when an LPTA approach is used), an [SF1409](#) / [1410](#), Abstract of Offers and Continuation sheet may be used as the pricing evaluation documentation. The SF1409/1410 should be marked to include the following information:

(a) The accepted price should be prominently displayed, for example circled in colored ink, to facilitate quick identification/flagging of the information. If the quantity accepted is different from that called for on the solicitation, the accepted quantity (variance) should also be flagged.

(b) If a low offer is rejected and one at a higher price is accepted, identify the reason for the rejected offer(s); however, refrain from annotating any information concerning contractor responsibility, or other sensitive information not releasable to the public, on the SF1409/1410. (This information should be documented separately in the file).

(c) The following award information should be included at the bottom of the listing of offerors and prices: (i) Contract number; (ii) List of CLINs awarded; (iii) Total amount of award; and (iv) Statement that price(s) are considered fair and reasonable based on adequate price competition.

EXAMPLE: CONTRACT NR: F09603-00-C-9876

CLINs AWARDED: 0001 – 0003

TOTAL AWARD AMOUNT: \$4,098,123

Price is considered fair and reasonable based on adequate price competition.

(d) The contracting officer signs the SF1409/1410.

### **AFMC PGI 5315.407-1-90 Defective Certified Cost or Pricing Data**

Ensure timely resolution of defective pricing audits. The Pricing Chief should coordinate on the “resolution” for all defective pricing audits when the location has a centralized pricing organization, except when the defective pricing audit is being resolved by the centralized pricing organization. For locations without a co-located centralized pricing organization, coordination on the “resolution” should be at one-level above the contracting officer. If the Air Force Negotiation Objective or negotiated amount deviates from the DCAA Recommended Price Adjustment, the contracting officer should seek approval of the variance from at least one-level above the contracting officer. Contracting officers should ensure that defective pricing adjustments (excluding interest) are reflected in automated procurement history records for repetitive spares. Negotiated settlement agreement with a contractor do not waive the rights of the government for future defective pricing claims or otherwise restrict the government's rights to conduct audits under the same or other contracts. The collection of interest cannot be waived or offset. Refer to the [Defective Pricing Guide](#) for additional guidance.

**AFMC PGI 5315.407-2 Make-or-Buy Program**

(d)(1) To implement policy in FAR 15.407-2, the contracting officer may include the following language in the solicitation:

*The offeror shall submit with the proposal a proposed Make-or-Buy Program to include or be supported by the following information:*

*( a ) A description of each major item or work effort that requires company management review of the make-or-buy decision because they are complex, costly, needed in large quantities, or require additional facilities to produce. Raw materials, commercial products and off-the-shelf items shall not be included, unless their potential impact on contract cost or schedule is critical. Make-or-buy programs should not include items or work efforts estimated to cost less than (i) one percent of the total estimated contract price or (ii) \$1,500,000, whichever is less.*

*( b ) Categorization of each major item or work effort as "must make", "must buy", or "can either make or buy".*

*( c ) For each item or work effort categorized as "can either make or buy", a proposal either to "mak"e or to "buy".*

*( 1 ) Proposals for "mak"e items shall include:*

*( i ) Basis for estimated in-plant cost for each "must mak"e item. If past experience on in-plant production of similar items is used as a baseline to develop this cost, explain the relationship between the similar items. If past experience on subcontracting for similar items is used as a baseline, also explain the relationship between the two. If available, include labor standard data to support the decision to make each item in-plant. Give reasons why the competence, ability, experience, and capability at other firms that produce each "mak"e item do not support a "bu"y decision.*

*( ii ) Plant-loading data to show projected use of existing and additional manpower and facilities to support the in-plant effort on the program. Show the optimum in-plant effort to indicate the relationship between this program and overall workload associated with other programs. Explain the effect the make-or-buy decision for each item will have on the overhead rates for this program or other Government contracts.*

*( 2 ) Proposals for "bu"y items shall include the basis for estimating subcontractor's cost for each "bu"y item. Indicate the most likely source to be selected. If subcontractors' proposals have not been received, indicate the estimated number of sources to be solicited for each buy item proposal and the estimated date for receipt of each proposal. If available, include labor standard data to make each item in-plant.*

*( 3 ) Proposals for "can either make or bu"y shall include estimated startup costs for each make-or-buy item, to include special tooling (cross-reference with tooling plan and make-or-buy summary), plant rearrangement, and any other manufacturing or indirect costs that could be considered a loss to either the Contractor or Government if a decision is made to change the initial designated make-or-buy source.*

*(4) Reasons for:*

*(i) categorizing items and work efforts as "must mak"e or "must buy", and;*

*(ii) proposing to "mak"e or to "bu"y those categorized as "can either make or buy".*

*The reasons must include the consideration given to the evaluation factors described in the solicitation and be in sufficient detail to permit the Contracting Officer to evaluate the categorization or proposal.*

*(5) Designation of the plant or division proposed to make each item or perform each work effort and a statement as to whether the existing or proposed new facility is in or near a labor surplus area.*

*(6) Identification of proposed subcontractors, if known, and their location and size status.*

*(7) Identification of items on which small business firms may be able to compete for subcontracts.*

*(8) Any recommendations to defer make-or-buy decisions when categorization of some items or work efforts is impracticable at the time of submission.*

*(2) The following factors should be used in evaluating the proposed program:*

*(i) Capability;*

*(ii) Capacity;*

*(iii) Availability of small business for subcontracting;*

*(iv) Delivery or performance schedules;*

*(v) Control of technical and schedule interfaces;*

*(vi) Proprietary processes;*

*(vii) Technical superiority or exclusiveness;*

*(viii) Technical risk involved; and*

*(ix) Cost/price comparison between "make" and "buy."*



## SMC PGI 5315 Contracting by Negotiation

### SMC PGI 5315.203 Requests for proposals

Refer to the following for recommended or required language to be included in applicable solicitations:

[SMC PGI 5301.9103](#) for Ombudsman information

[SMC PGI 5309.506](#) for Organizational Conflict of Interest (OCI) instructions

[AFFARS MP 5309.190](#) for Contractor Responsibility Watch List (CRWL) requirements

[SMC PGI 5322.101-1-90](#) for Professional Employee Compensation

[SMC PGI 5345.103-90](#) for Base Support

### SMC PGI 5315.3 (1.4.1.1) SSA Appointment

(b) SSA delegations can be found on the [APEX Acquisition Authorities](#) page.

### SMC PGI 5315.3 (1.4.2.2) PCO Responsibilities

(a) Although the SSEB Chair is responsible for the overall management of the SSEB, the PCO has a leadership role and should work with the SSEB to ensure the evaluation is conducted in accordance with the evaluation criteria specified in the solicitation. As the primary business advisor and principal guidance source for the entire source selection, the PCO should be involved in all aspects of the source selection evaluation process, such as SSEB Team training, technical evaluation, assessment and rating reviews, EN review and disposition, and preparation of all evaluation documentation and briefings.

### SMC PGI 5315.3 (1.4.2.2.7) Notification of Source Selection Participants

The PCO should notify source selection participants concurrently by including them in the email distribution as indicated below:

SMC/PK	<a href="mailto:smc.pk.exec@us.af.mil">smc.pk.exec@us.af.mil</a>
SMC/SB	<a href="mailto:smallbus@us.af.mil">smallbus@us.af.mil</a>
SMC/PA	<a href="mailto:SMC.PA.SecurityandPolicy@us.af.mil">SMC.PA.SecurityandPolicy@us.af.mil</a>
ACE Advisor (when applicable)	Obtain from Global
Attorney Advisor	Obtain from Global
Committee Reviewer (when applicable)	Obtain from Global
Source Selection Evaluation Team	Obtain from Global
Source Selection Advisory Council (when applicable)	Obtain from Global
Source Selection Authority	Obtain from Global
Program Office (e.g. SMC/RS Exec)	Obtain from Global
PEO/SP(D, E, or P) Exec (when applicable)	Obtain from Global
SMC/CCE	<a href="mailto:smc.cce@us.af.mil">smc.cce@us.af.mil</a>
SMC/CAE	<a href="mailto:smc.cae@us.af.mil">smc.cae@us.af.mil</a>
SAF/AQC (when applicable IAW AFFARS MP5315.3, para 1.4.2.2.7)	<a href="mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil">usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil</a>

**SMC PGI 5315.3 (2) Pre-solicitation Activities**

The PCO is the focal point for all information exchanges to ensure competition integrity and procurement integrity procedures are closely followed, and will ensure all personnel on the acquisition team understand the significance and necessity of this structured approach to disseminating information.

**SMC PGI 5315.3 (2.1.2.1) Pre-solicitation Notices**

A Request for Information (RFI) is generally used as part of market research to determine industry interest in an anticipated acquisition; to obtain estimated prices, delivery or other market information for planning purposes; and to ensure industry understanding of Government requirements. PCOs should ensure the requirements at FAR 15.209(c) are followed and FAR clause 52.215-3, "Request for Information or Solicitation for Planning Purposes", is included in the RFI.

(a) Call for Concepts (or Concept Data Call) – a type of RFI in which the Government seeks industry information to understand state-of-the-art technologies and recommendations to formulate initial capability documents and/or identify Government technology gaps and shortfalls. This type of information is usually for new and emerging technologies and will require a Rough Order of Magnitude (ROM) Life Cycle Cost (LCC) estimate with high level schedule milestones for development, initial operational capability (IOC), and long term sustainment.

(b) Sources Sought Synopsis (SSS) – a type of RFI in which the Government posts a summary description of the technical requirement and seeks industry information to understand what sources and capabilities are available. Often a Sources Sought synopsis is followed by an announcement of an Industry Days or may include an announcement for an Industry Days.

(c) Rough Order of Magnitude (ROM) – a type of RFI in which an estimate is provided by industry at the Government's request and may be used in the early stages of technology development or in a project when the scope and technical requirements have not been fully defined. Requesting a ROM may also be useful to the Government at critical design stages. The main purpose of the ROM estimate is to provide decision-makers with the information necessary to make a decision on whether it makes sense to move forward with the project based on the estimated work effort anticipated, in terms of completion time and cost. A ROM may be useful to project planners in reducing the risk of uncertainty with regard to cost outcomes for both parties when project details have yet to be identified.

**SMC PGI 5315.3 (2.1.2.2) Industry Engagement/Industry Days**

(a) Industry days and conferences should generally be scheduled with at least a two week period between public notification and the actual event to allow time for travel planning and to coordinate base access. A public notice, advising of an upcoming pre-solicitation or industry day conference should be posted to the Government Point of Entry (GPE) website. Ensure the public notice adequately explains the visitor control process and requirement for advance notification to the PCO to allow adequate time to coordinate base and facility access for the conference attendees.

(1) The PCO, working closely with the program management team, should prepare an agenda for the conference to include handouts, briefing charts, etc., as applicable.

(2) A secretary/recorder should be assigned to ensure all exchanges and discussions are captured. Depending on the acquisition complexity, it may be prudent to have more than one individual documenting the discussions and questions and answers during the conference.

(b) As soon as possible after the conclusion of the conference, the acquisition team should meet and discuss all notes and records and conclude drafting official minutes and other conference discussion documentation. Information discussed during the conference, including answers to questions, should be shared with industry by posting it to the program website (if one has been set up), the GPE website, or including it in a DRFP amendment, if appropriate.

**SMC PGI 5315.3 (2.1.2.3) Draft Request for Proposals (RFP)**

Release of a draft RFP (DRFP) is strongly suggested for all competitive acquisitions. When issued in a near-final state, the DRFP offers an opportunity for industry to provide meaningful feedback on the requirements and model contract that can be considered by the acquisition team prior to the start of a source selection, possibly saving time by reducing the need for solicitation amendments. It also allows for a more open dialog with industry partners in advance of the source selection, when interaction is much more structured. Finally, it allows offerors to begin developing proposals in advance of the final RFP release, allowing the PCO to provide for a shorter window of time between final RFP release and proposal receipt. Note, however, that if the draft RFP is substantially different from the final RFP, the PCO may need provide additional time for offerors to adjust their proposals.

### **SMC PGI 5315.3 (4.3) Additional Guidance and Tailorable Templates**

See SMC templates and guidance on the [SMC APEX website](#).

### **SMC PGI 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver**

(a) The requirement for mandatory pricing assistance for sole source PEO (Systems) valued at \$25M or more and sole source Enterprise actions under \$100M is waived (see “[Delegation of Clearance Approval Authorities and Waiver of Pricing Assistance Threshold](#)” memo dated 01 Oct 19). Contracting officers may request pricing assistance for contract actions below \$100M on a case-by-case basis.

### **SMC PGI 5315.406-3 Documenting the Negotiation**

(a) See SMC PNM templates and guidance under Sole Source Evaluation (SSE) in the [SMC/PKF Pricing Corner](#).

(a)(10) Economic analyses and other forecasting reports can be attained from Global Insight at <http://www.globalinsight.com/About/>.

(a)(11) See [Determining Price Fair and Reasonable Point of Need Training](#).

## **USAFA PGI 5315 Contracting by Negotiation**

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### **USAFA PGI 5315.3 (1.4.1.1) SSA Appointment**

Contracting Officers should refer to the USAFA/PK authorities and delegations site concerning specific COCO designations, delegations and authorities at [https://cs2.eis.af.mil/sites/13093/PP/USAFA\\_PK/\\_layouts/15/start.aspx#/SitePages/Home.aspx](https://cs2.eis.af.mil/sites/13093/PP/USAFA_PK/_layouts/15/start.aspx#/SitePages/Home.aspx)

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## **AFFARS PGI 5316 TYPES OF CONTRACTS**

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AF PGI 5316 Types of Contracts  
AF PGI 5316.101 General  
AF PGI 5316.104 Factors In Selecting Contract Type  
AF PGI 5316.203-4 Contract Clauses  
AF PGI 5316.401-90 General  
AF PGI 5316.505 Ordering

AF PGI 5316.506 Solicitation Provisions and Contract Clauses  
SMC PGI 5316 Types of Contracts  
SMC PGI 5316.401-90 General  
SMC PGI 5316.405-2-90 Cost-Plus-Award-Fee Contracts  
SMC PGI 5316.505 Ordering  
SMC PGI 5316.505-90 Decentralized Ordering

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## AF PGI 5316 Types of Contracts

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### AF PGI 5316.101 General

(a) See DAU Tool Comparison of Major Contract Types Chart (Click “Launch Tool”): <https://www.dau.mil/tools/t/Comparison-of-Major-Contract-Types-Chart>

### AF PGI 5316.104 Factors In Selecting Contract Type

Refer to [OUSD/DPAP Contract Pricing Reference Guides \(CPRG\)](#), Volume 3, Cost Analysis, Chapter 5.3, “Recognizing Cost Risk”, for assistance in assessing contract cost risk and determining the appropriate contract type for the acquisition. Risk assessment guidelines and contract type definitions are included. Click “Launch Tool” from the CPRG page.

### AF PGI 5316.203-4 Contract Clauses

(a)(1) Consult with local pricing office, where available, when considering whether use of an Economic Price Adjustment (EPA) clause is appropriate for a particular acquisition, as well as, in the development of EPA clause(s).

### AF PGI 5316.401-90 General

See the “Incentive Contracting Resources” library in Air Force Contracting Central (AFCC) for guides, recommended training, audits, and best practices.

### AF PGI 5316.505 Ordering

(b)(1) Acquisition teams are encouraged to utilize the [AFMC Guiding Principles for Fair Opportunity Selection](#). These guiding principles help acquisition teams understand the difference between FAR 16.505 fair opportunity competitions and FAR 15.3 source selections and to provide possible fair opportunity competition ordering strategies.

### AF PGI 5316.506 Solicitation Provisions and Contract Clauses

(d)(1) Include the cumulative final date for the total “effective period” of the contract in the blank at the end of FAR clause 52.216-21(f), Requirements to cover the exercise of option periods and the performance of all options included in all future orders.

(e) Include the cumulative final date for the total “effective period” of the contract in the blank at the end of FAR clause 52.216-22(d), Indefinite Quantity to cover the exercise of option periods and the performance of all options included in all future orders.

## SMC PGI 5316 Types of Contracts

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### SMC PGI 5316.401-90 General

(a) Contracting officers are strongly encouraged to document the determination to use an incentive- or award-fee type contract (or CLIN) using the SMC [Award Fee](#) and [Incentive Fee](#) D&F templates.

(b) Approval authorities for incentive fee plans and award fee plans are found in AFPEO/SP memo, [SMC Award Fee and Incentive Plan Approval Authorities](#), dated 15 May 19.

### SMC PGI 5316.405-2-90 Cost-Plus-Award-Fee Contracts

See [SMC Pricing Corner](#) for guidance and information on the management of award fee contracts.

### SMC PGI 5316.505 Ordering

(b)(2) For tracking and reporting purposes, obtain a Local Identification Number from SMC/PKC for each J&A prior to coordination. See SMC PGI 5306.301 for information on developing your justification for other than full and open competition.

### **SMC PGI 5316.505-90 Decentralized Ordering**

When awarding an order off a decentralized contract vehicle, the contracting officer should consider including a copy of the basic IDIQ contract in the task order file. A task order is not a distinct contract from the master IDIQ so the basic IDIQ contract may be needed in order to administer the task order and may not be immediately available from the contracting officer administering the master IDIQ.



# AFFARS PGI 5317 SPECIAL CONTRACTING METHODS

*Sec.*

AF PGI 5317 Special Contracting Methods  
AF PGI 5317.7402-90 Exceptions  
AF PGI 5317.9000 Associate Contractor Agreements  
AFICC PGI 5317 Special Contracting Methods  
AFICC PGI 5317.204-90 Contracts  
AFMC PGI 5317 Special Contracting Methods  
AFMC PGI 5317.204-90 Contracts

AFMC PGI 5317.7404-3-90 Definitization Schedule  
AFMC PGI 5317.7502-90 General  
AFMC PGI 5317.7506-90 Spare Parts Breakout Program  
AFMC PGI 5317.7601-90 Provisioning  
SMC PGI 5317 Special Contracting Methods  
SMC PGI 5317.502-2 The Economy Act  
SMC PGI 5317.7404-1 Authorization

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## AF PGI 5317 Special Contracting Methods

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### AF PGI 5317.7402-90 Exceptions

(a) This guidance is for the acquisition of long-lead items initiated with appropriated advance procurement funds to protect production end item delivery schedules. (For long-lead items procured with other than advance procurement funds, contracting officers should follow standard contracting procedures, including undefinitized contract action (UCA) procedures prescribed in DFARS 217.74.)

(b) Contracting for long-lead items using congressionally appropriated advance procurement funds is a special contracting method used to protect planned production schedules for major system acquisitions. This approach provides Congress with the flexibility to make decisions on annual funding levels while providing a measure of program stability. Advance procurement funds need to be included in the budget request. If authorized by Congress, funds are made available well in advance of full production program release.

(1) A definitive contract is preferred. When it is possible to award a definitive contract using advance procurement funds, the contracting officer follows normal contracting procedures.

(2) It is usually not practical to initiate the long-lead effort using fully definitized contract procedures when final production quantities remain unknown. Therefore, procedures similar to those for a UCA are used to initiate the long-lead effort. In recognition of this unique situation, Congress has exempted long-lead efforts initiated with advance procurement funds from the requirements of [10 U.S.C. 2326](#) (see DFARS 217.74).

(3) After the award of the undefinitized long-lead contract, the contracting officer should make every effort to negotiate a definitive contract amount for the total contract effort based on the buy profile for which the advance procurement funds were authorized. The use of a flexible pricing approach such as pricing for a range in quantity or negotiating a pricing methodology that will allow for an extrapolation of a fixed-price is highly encouraged. These techniques greatly reduce reproposal activity and facilitate a quick reaction to variations in the related end item quantity between the planned and appropriated quantities. When this is not possible and delays in definitizing the contract result in termination liability exceeding the advance procurement funds, the use of procurement funds may be authorized to avoid production breaks. *If procurement funds are added to the contract effort prior to definitization*, the long-lead effort is then treated as a part of the production effort and is subject to all the procedures and reporting requirements governing UCAs covered in DFARS 217.74.

(c) How Best to Acquire Long-Lead Items:

(1) Pre-award Steps:

- (i) Obtain a Not-to-Exceed (NTE) proposal and reach agreement on an NTE amount for the long-lead effort;
- (ii) If feasible, obtain an NTE for the total contract effort, or as a minimum, obtain a Rough Order of Magnitude (ROM) estimate;
- (iii) Obtain a listing of the long-lead items from the contractor;
- (iv) Obtain a written technical evaluation for the long-lead items that focuses on the need for the items to protect end item delivery schedules. This evaluation should be included in the contract file; and
- (v) Conduct a thorough evaluation of the contractor's termination liability amount, expenditure profile, and NTE proposal. The evaluation of the termination liability estimate should focus on the content of the estimate, the methodology used to develop the estimate, and the termination liability time phasing. The evaluation should be included in the contract file.

(2) Components of the Undefinitized Long-Lead Contract:

- (i) The undefinitized long-lead contract should include:
    - (A) An NTE for the long-lead effort;
    - (B) Specifications, statement of work, and/or other technical description of the end items being acquired;
    - (C) Identification of statement of work tasks related to the long-lead effort including a listing of the long-lead items being acquired. If it is not feasible to develop a complete material listing identifying individual parts, components, material, or efforts, as a minimum, the long-lead items listing should include a description of each major component;
    - (D) A schedule for delivery of the production end items in Section F of the Schedule;
    - (E) A requirement for periodic financial status reports which track actual expenditures to planned expenditures;
- and

(F) A special contract requirement (Section H) clause that addresses the subsumption of the long-lead effort into the production contract line items (CLIN). The clause should, as a minimum:

*(1) Stipulate that upon receipt of full production program release and use of procurement funds, the long-lead effort CLINs or SubCLINs will be subsumed into the production CLINs or SubCLINs. Upon subsumption, all work performed and any payments made under the long-lead effort CLINs or SubCLINs are presumed to have been done under the production CLINs or SubCLINs; and*

*(2) Identify the CLINs or SubCLINs that will be affected.*

(ii) A special contract requirement (Section H) clause that addresses the unique requirements of the long-lead effort should be included and should at a minimum:

(A) Stipulate that the purpose of the undefinitized long-lead contract initiated with advance procurement funds is to protect the end item delivery schedule contained in Section F of the Schedule and that the contractor is contractually obligated to meet this schedule except as provided for in the Long Lead Limitation of Government Liability clause; and

(B) Require the contractor to submit an NTE proposal and agree to an NTE for the total contract effort (if an NTE for the total contract effort was not previously obtained) if definitization of the total contract effort has not occurred before termination liability exceeds advance procurement funds on the contract and, if necessary, add procurement funds to protect the end item delivery schedules. Incorporate the NTE into the contract concurrent with the obligation of any procurement funds.

(iii) A special contract requirement (Section H) clause that addresses suspension or reduction in progress payments for late submission of either the NTE proposal or the definitive price proposal for the total contract effort should be included and should address at a minimum:

(A) Require submittal of an NTE proposal or definitive price proposal adequate for negotiations to complete definitization within the specified time period, and identify this submission as a material requirement of the contract; and

(B) State that if the contractor fails to submit either an NTE proposal or adequate definitive price proposal in accordance with the agreed upon definitization schedule, progress payments may be reduced or suspended unless such failure is due to causes beyond its control and without its fault or negligence.

(iv) A special contract requirement (Section H) clause that addresses the process for definitizing the long-lead contract. The clause should, as a minimum:

(A) State that a definitive contract is intended, and to the maximum extent practicable, a definitive contract will be negotiated prior to the receipt of full production program release;

(B) Include an agreed upon schedule for definitizing the total contract effort that addresses, as a minimum, target dates for submission of proposal, negotiations completion, and definitization; and

(C) Address adequate remedies if a definitive contract cannot be reached by the target date or within any extension granted by the contracting officer. These remedies may include, with approval from the original approval authority for the undefinitized long-lead contract, the contracting officer's unilateral determination of a reasonable fee for the long-lead effort and/or a reasonable price for the total contract effort if a NTE has been established. The contracting officer's determination is subject to contractor appeal as provided in the Disputes clause.

(3) Adding Procurement Funds when Termination Liability has Exceeded Obligated Advance Procurement Funds. If the undefinitized long-lead contract cannot be definitized before termination liability exceeds advance procurement funds, procurement funds may be obligated for the long-lead effort. Prior to obligating any procurement funds the contracting officer should:

(i) Obtain the approval of the original approval authority for the undefinitized long-lead contract. The request for approval should include:

(A) A written justification that addresses the need, the impact if not granted, and why contract definitization cannot be completed within the time specified; and

(B) A revised contract definitization schedule which has been agreed to by the contractor;

(ii) Obtain a NTE proposal for the total contract effort and evaluate for reasonableness. After reaching agreement on the NTE, the contracting officer will incorporate it into the contract;

(iii) Evaluate the contractor's revised termination liability estimate, and

(iv) Comply with all UCA requirements contained in DFARS 217.74. Previously obligated advance procurement funds will be combined with the procurement funds in establishing UCA obligation limitations. The 180-day definitization schedule begins when the procurement funds are obligated on the undefinitized long-lead contract.

## **AF PGI 5317.9000 Associate Contractor Agreements**

“Associate Contractor Agreements” (ACA) are agreements between contractors working on government contracts or projects that specify requirements for them to share information, data, technical knowledge, expertise, or resources.

Prime contractor to subcontractor relationships do not constitute ACAs, and are not subject to this section's requirements. The contracting officer may require ACAs when contractors working on separate Government contracts must cooperate, share resources or otherwise jointly participate in working on contracts or projects. The contractor should tailor each ACA to the requirements of the individual contracting situation and may consult with the contracting officer as required. Suggested Contract Language for Statement of Work or Performance Work Statement:

*(a) The Contractor should enter into Associate Contractor Agreements (ACA) for any portion of the contract requiring joint participation in the accomplishment of the Government's requirement. The agreements should include the basis for sharing information, data, technical knowledge, expertise, and/or resources essential to the integration of the ( insert name of the program or project ) , to ensure the greatest degree of cooperation for the development of the program to meet the terms of the contract. Associate contractors are listed in (g) below.*

*(b) ACAs should include the following general information:*

*(1) Identify the associate contractors and their relationships.*

*(2) Identify the program involved and the relevant Government contracts of the associate contractors.*

*(3) Describe the associate contractor interfaces by general subject matter.*

*(4) Specify the categories of information to be exchanged or support to be provided.*

*(5) Include the expiration date (or event) of the ACA.*

*(6) Identify potential conflicts between relevant Government contracts and the ACA; include agreements on protection of proprietary data and restrictions on employees.*

*(c) Provide a copy of such agreement to the Contracting Officer for review before execution of the document by the cooperating contractors.*

*(d) The Contractor is not relieved of any contract requirements or entitled to any adjustments to the contract terms because of a failure to resolve a disagreement with an associate contractor.*

*(e) Liability for the improper disclosure of any proprietary data contained in or referenced by any agreement rests with the parties to the agreement, and not the Government.*

*(f) All costs associated with the agreements are included in the negotiated cost of this contract. Agreements may be amended as required by the Government during the performance of this contract.*

*(g) The following contractors are associate contractors with whom agreements are required:*

Contractor	Address	Program / Contract

## AFICC PGI 5317 Special Contracting Methods

### AFICC PGI 5317.204-90 Contracts

Enter relevant data into the [Air Force \[AFICC\] MIPR Database Tool](#).

## AFMC PGI 5317 Special Contracting Methods

### AFMC PGI 5317.204-90 Contracts

Option clauses designed for contracts that include technical achievement milestones, such as first article approval, qualification test approval or other test and/or development demonstration events should use event-driven milestones for the option exercise window (e.g., completion of event XYZ or XX days after completion of event XYZ) in lieu of calendar-based dates (e.g., 15 Mar 2007).

### AFMC PGI 5317.7404-3-90 Definitization Schedule

Requests for field pricing support should clearly indicate whether the action is undefinitized, so the field office can plan accordingly based on the definitization schedule.

**AFMC PGI 5317.7502-90 General**

(a) When the original system manufacturer (prime contractor) identifies its current vendor(s) as the actual manufacturer(s) for a spare part or piece of support equipment, and recommends procurement from that vendor, consider the vendor an approved source when the acquisition source list is restricted to approved sources only. Prior approval by the requirements activity is not required for these vendors when they are the actual manufacturers.

(b) The contracting officer will provide written notification to include the new vendor's name, address, and CAGE code and any changes in the item description (e.g., part number, noun, NSN, etc.) to the requirements activity and the Competition Advocate whenever the prime recommends such sources for use in developing the source list on future acquisitions.

**AFMC PGI 5317.7506-90 Spare Parts Breakout Program**

(a) Regulatory guidance for the Spare Parts Breakout program is provided by [AFI 23-101](#) which states, "DoD components and field activities will develop annual buy thresholds for breakout screening that are consistent with economic considerations and resources."

(b) Acquisitions with an annual buy value or Purchase Request value of less than \$10,000 are exempt from Acquisition Method Code/Acquisition Method Suffix Code (AMC/AMSC) screening. This exemption do not preclude screening of any acquisition when circumstances warrant it, e.g., problem items with no sources or excessive prices.

**AFMC PGI 5317.7601-90 Provisioning**

See [AFMCMAN 20-106](#) for guidance on provisioning and use of Provisioned Item Orders (PIOs) in acquiring initial support of USAF aerospace systems and equipment. The instructions apply to the provisioning activity, which processes the orders and contains information for the provisioning contracting officer.

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**SMC PGI 5317 Special Contracting Methods**

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**SMC PGI 5317.502-2 The Economy Act**

See the [SMC Streamlined Guide for Military Interdepartmental Purchase Requests \(MIPRs\)](#).

**SMC PGI 5317.7404-1 Authorization**

See [SMC/CC memo on "Issuance of Undefinitized Contract Actions \(UCAs\)", dated 30 Jun 2017](#).

**AFFARS PGI 5319 SMALL BUSINESS PROGRAMS**

<i>Sec.</i>		
5319.201	AF PGI 5319 Small Business Programs General Policy AF PGI 5319.303 Determining North American Industry Classification System (NAICS) Codes and Size Standards AF PGI 5319.705-2 Determining the Need for a Subcontracting Plan AFMC PGI 5319 Small Business Programs	AFMC PGI 5319.505 Rejecting Small Business Administration Recommendations AFMC PGI 5319.602-3 Resolving Differences Between the Agency and the Small Business Administration SMC PGI 5319 Small Business Programs SMC PGI 5319.201-90 General Policy

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## AF PGI 5319 Small Business Programs

### 5319.201 General Policy

(c)(10)(B)(90) The Small Business Professional's (SBP) review of acquisitions includes task and delivery orders.

(91) Use of blanket [DD Form 2579s](#) may be used when the SBP and contracting officer determine it is not necessary to review individual orders under an established contract or with Government sources. The DD Form 2579 should be marked "Blanket" and specify any terms and restrictions for use of the blanket. A copy of the blanket DD Form 2579 is filed in each applicable order file.

(92) SBP review is not required for funding actions or the exercise of options (if the options were previously coordinated with the SBP).

### AF PGI 5319.303 Determining North American Industry Classification System (NAICS) Codes and Size Standards

The table below may be used to help select a NAICS code as part of the determination of small business status for small business programs.

#### NAICS Selection Checklist

1	<b>Identify the Key Requirements</b> - Estimated workload allocations - Principle purpose in the PWS/SOW	FAR Part 19
2	<b>Initial NAICS Selection</b> - Review previous Government procurement actions -- Has anything changed? -- Do not choose previous code w/o verifying applicability - Look at FAR 19.202 for guidance - Search code at Census	<a href="#">NAICS Website</a> FAR Part 19
3	<b>Select Size Standards and Exceptions</b> - Examine chart and definitions - Read Footnotes for guidance	<a href="#">Part 121 - SB Size Regulations</a>
4	<b>Engage with Local SB Office</b> - Guidance - NAICS Appeals - Other considerations	<a href="#">Air Force SB Directories</a>
5	<b>Communicate NAICS to Industry</b> - Early interaction w/ industry through market research - MaxPrac = Picture of SBs in Industry - Top 25 NAICS codes	<a href="#">Market Research Checklist</a>
6	<b>Is Selected NAICS Available for WOSB or EDWOSB Set-Aside?</b> - If yes and expect 2 or more – you may set it aside	<a href="#">WOSB Program</a>
7	<b>Identify PSCs for Key Functions of Acquisition.</b> - Assigned to each CLIN - Select PSC for acquisition - Align with NAICS scope	<a href="#">PSC Manual</a> <a href="#">PSC Tool</a>

8	<b>Document NAICS Determination</b> <ul style="list-style-type: none"> <li>- Identify NAICS in acquisition slides</li> <li>- Consider Memo if               <ul style="list-style-type: none"> <li>-- NAICS changed</li> <li>-- New Market</li> <li>-- High visibility</li> </ul> </li> </ul>	
9	<b>Clearly Confirm the NAICS to Industry</b> <ul style="list-style-type: none"> <li>- Transparency is key</li> </ul>	Best practice – Confirm NAICS to industry after ASP if there is a break before RFP release. Allows contractors to better plan for small business opportunities (Sub or Prime)
10	<b>Ensure Acquisition Structure Supports the Selected NAICS Considering the following:</b> <ul style="list-style-type: none"> <li>- Performance Work Statement</li> <li>- Labor Categories</li> <li>- Contract Clauses</li> <li>- Evaluation Criteria</li> <li>- Deliverables</li> <li>- Performance Measurements</li> </ul>	<a href="#">Supply Vs. Services Tool</a>

### AF PGI 5319.705-2 Determining the Need for a Subcontracting Plan

(c) The small business specialist reviews and coordinates in writing on any determination made by the contracting officer that no subcontracting possibilities exist.

## AFMC PGI 5319 Small Business Programs

### AFMC PGI 5319.505 Rejecting Small Business Administration Recommendations

(d) Notify the local Small Business Office when the SBA procurement center representative appeals to the agency head (SAF/AQ) the contracting officer's rejection of an SBA recommendation of a Small Business Set-Aside and keep the Small Business Office informed as the appeal process proceeds. If a Small Business Appeal is filed with the agency head, the contracting officer's appeal file should be coordinated through the local small business office, legal office, and Clearance and Program Support office, then submitted by the SCO to SAF/SB. Provide a copy to [AFMC/SB](#).

### AFMC PGI 5319.602-3 Resolving Differences Between the Agency and the Small Business Administration

(a)(3)(A) If the contracting officer believes the agency should appeal a Certificate of Competency, the contracting officer coordinates with the local Small Business office and forward the appeal file through the SCO to SAF/SB with a courtesy copy to the MAJCOM small business office.

## SMC PGI 5319 Small Business Programs

### SMC PGI 5319.201-90 General Policy

(a) The DD Form 2579 is completed by a contracting official, signed by the contracting officer, and submitted to the SMC Small Business Office for coordination. Submit the DD Form 2579 to the [SMC/SB SMALLBUS workflow](#). The following documents, as applicable, should accompany the DD Form 2579:

- (1) Approved J&A/LSJ
- (2) PR, SOW/SOO, and/or Component Breakout Review

- (3) Approved (Signed) Acquisition Strategy document (to include the SASS)
- (4) Work Breakdown Structure or related documents
- (5) List of potential sources
- (6) Market research report

(b) SMC/SB requires five (5) workdays to review and provide comments on the DD Form 2579 coordination package.

Upon receipt of an appropriately completed package, SMC will forward the documentation to the Small Business Administration/Procurement Center Representative (SBA/PCR), who will review the form within 10 working days. A copy of the completely coordinated and signed copy of the document should be filed in the official contract file.

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# **AFFARS PGI 5322 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

*Sec.*

SMC PGI 5322 Application of Labor Laws to Government  
Acquisitions

SMC PGI 5322.101-1-90 General

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## SMC PGI 5322 Application of Labor Laws to Government Acquisitions

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### SMC PGI 5322.101-1-90 General

- (a) See [sample request for proposal language](#) for professional employee compensation plan evaluation as part of contractor responsibility.
- (b) During development of your acquisition strategy, think through how you intend to evaluate professional employee compensation to ensure you address in Section L the information you'll need and can be clear in Section M where the evaluation lies (part of a technical subfactor, part of contractor responsibility, or other).
- (c) Be clear in your solicitation as to which labor rate you are going to assess in your professional employee compensation evaluation – burdened or unburdened, and stick with it!
- (d) [GAO case B-413091.2, MicroTechnologies, LLC](#) .Protest of the Air Force's evaluation of the awardee's proposed professional employee compensation plan is sustained where the evaluation was not adequately documented, the data relied upon by the agency did not provide a meaningful basis to evaluate the awardee's proposed compensation, and the agency acknowledges that it mistakenly relied upon incorrect data from a salary survey.

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**AFFARS PGI 5323 ENVIRONMENT, ENERGY AND WATER  
EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES,  
OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

*Sec.*

AF PGI 5323 Environment, Energy and Water Efficiency,  
Renewable Energy Technologies, Occupational Safety, and Drug-  
Free Workplace

AF PGI 5323.703 Policy

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## **AF PGI 5323 Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace**

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### **AF PGI 5323.703 Policy**

The DoD Strategic Sustainability Performance Plan is found at: <https://www.denix.osd.mil/sustainability/dod-sspp/>

Additional information can be found at:

<https://www.epa.gov/greenerproducts/consumer-information-greener-products-and-services>

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# **AFFARS PGI 5324 PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

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SMC PGI 5324 Protection of Privacy and Freedom of Information

SMC PGI 5324.203 Policy

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## SMC PGI 5324 Protection of Privacy and Freedom of Information

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### SMC PGI 5324.203 Policy

(a) The 61<sup>st</sup> Communications Squadron administers the Freedom of Information Act (FOIA) program for Los Angeles AFB (including SMC contracting workload accomplished at Kirtland AFB and Peterson AFB) and processes requests for SMC contract records under the provisions of the Freedom of Information Act. The Los Angeles FOIA page is located at: <https://insidesmc.losangeles.af.mil/sites/61cs/services/pafoiaprogram/default.aspx>

(1) The FOIA requestor should not be directly contacted. All communication should go through the [Base FOIA Manager](#).

(2) Your program attorney will assist you in determining if the requested information is fully releasable, partially releasable or should be denied in total.

(3) Training: - [Responding to FOIA Requests Point of Need Training](#)

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# **AFFARS PGI 5325 FOREIGN ACQUISITION**

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AFMC PGI 5325 Foreign Acquisition

AFMC PGI 5325.7901-3-90 Policy

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## AFMC PGI 5325 Foreign Acquisition

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### AFMC PGI 5325.7901-3-90 Policy

(a) When an acquisition has export controlled data, ensure that any synopsis and/or solicitation issued contains a statement substantially the same as the following:

*Offerors are required to be export control certified in order to receive and view the data for this solicitation. If your company intends to become export control certified, you may visit <https://public.logisticsinformationservice.dla.mil/PublicHome/jcp/default.aspx> for registration.*

(b) Prior to award, verify the current status of potential awardees regarding their export controlled certification.

(c) To check the status of a specific contractor, go to the website <https://www.sam.gov/>, click on "Search Records" and enter cage code then click search. Also click on <http://www.dla.mil/HQ/InformationOperations/Offers/Products/LogisticsApplications/JCP.aspx>, enter CAGE code and click Submit for all U.S. and Canadian contractors. U.S. and Canadian contractors should also submit a completed and certified DD Form 2345 "Military Critical Technical Data Agreement" with original signature (cannot be faxed or emailed) in order to obtain access/receive unclassified technical data disclosing militarily critical technology with military or space application.

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# AFFARS PGI 5327 PATENTS, DATA, AND COPYRIGHTS

*Sec.*

AFMC PGI 5327 Patents, Data, and Copyrights  
AFMC PGI 5327.7102-2 Rights in Technical Data  
AFMC PGI 5327.9001 Foreign Disclosure Reviews

SMC PGI 5327 Patents, Data, and Copyrights  
SMC PGI 5327.304-90 Procedures

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## AFMC PGI 5327 Patents, Data, and Copyrights

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### AFMC PGI 5327.7102-2 Rights in Technical Data

- (a) See the [AF Product Data Acquisition](#) page for best practices and information on Data Rights procedures.

### AFMC PGI 5327.9001 Foreign Disclosure Reviews

Foreign disclosure reviews are performed before the release of information to the public on all acquisitions requiring disclosure of classified or export-controlled unclassified, including sensitive unclassified information. Integrated product teams and/or contracting officers should contact their local Foreign Disclosure Office for assistance if there is any potential of foreign participation/disclosure of information in a contemplated acquisition.

(a) Foreign Disclosure Office (FDO) review(s) apply to all acquisitions requiring disclosure of classified or export-controlled unclassified, including sensitive unclassified, information in order for a contractor to submit an offer or perform a contract. Examples are acquisitions involving Statements of Work (SOWs), Statements of Objectives (SOOs), Performance Work Statements (PWSs), specifications, government property, technical orders, engineering drawings, computer hardware and software, and any information, equipment, or media involving storage, retrieval, processing, or transmission of information.

(b) Exemptions to FDO review are specifically established by Public Law or [DoD Appropriations Acts](#).

(c) The local FDO informs the program office or requiring activity when foreign participation is allowed.

(d) The FDO reviews only those acquisitions for which foreign interest has been expressed but all reviews should be done prior to issuance of a public synopsis. An appropriate notice advising potential offerors of the status of the review will be included in the synopses and/or public display copy of the solicitation.

(e) The program office/requiring activity obtains a disclosure decision from the FDO to provide to the contracting officer/buyer, including the following documentation/information, as applicable:

(1) AFMC Form 191, Foreign Disclosure Decision Worksheet;

(2) A purchase request or other initiating document, SOW, SOO, task order, AFMC Form 761 AMC/AMS Screening Analysis, EDL, or other approved document, and a release recommendation.

(f) The contracting officer/buyer ensures that FDO review has been accomplished upon receipt of a purchase request, or other initiating document, along with release recommendation. If FDO review has not been accomplished, the contracting officer notifies the program office/requiring activity.

(g) If a Broad Agency Announcement (BAA) is utilized, the BAA is considered to be a single synopsis and solicitation action. A separate pre-solicitation notice or additional individual synopses will not be accomplished for a BAA action. BAAs contain a statement concerning foreign participation and technology restriction.

(h) If a synopsis is issued by the contracting officer/buyer prior to FDO review, the notice contains a statement that advises foreign firms to express interest to a contracting officer or program manager, as appropriate. The following statement or similar statement may be used: *Foreign owned firms are advised to contact the contracting officer or program manager before submitting a proposal to determine whether there are restrictions on receiving an award.*

(i) If a contracting officer/buyer receives an inquiry from a foreign company on an effort that has not been reviewed by the FDO, is advised to forward the inquiry to the FDO for further instructions.

(j) The contracting officer/buyer is advised to consult with the FDO on unique processes and procedures that may be involved on a foreign disclosure review.

(k) This procedure does not apply if the relationship between the domestic contractor and the foreign company is that of a domestic prime to a foreign vendor. In such instances, the State Department's International Traffic in Arms Regulation (ITAR) is the governing document.

(l) Reference documents concerning Foreign Disclosure:

[DoDI 5220.22](#) ; [AFI 16-201](#) ; [AFMAN 16-101](#) ; [AFMCI 16-101](#) and [DFARS PGI 225.79](#).

## **SMC PGI 5327 Patents, Data, and Copyrights**

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### **SMC PGI 5327.304-90 Procedures**

When the contractor submits a [DD Form 882](#), “Report of Inventions and Subcontracts”, the contracting officer submits the report to the assigned program attorney for appropriate action.



# **AFFARS PGI 5331 CONTRACT COST PRINCIPLES AND PROCEDURES**

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AFMC PGI 5331 Contract Cost Principles and Procedures

AFMC PGI 5331.109 Advance Agreements

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## AFMC PGI 5331 Contract Cost Principles and Procedures

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### AFMC PGI 5331.109 Advance Agreements

#### (h)(4)(90) Pre-contract Costs

(a) Pre-contract cost agreements should be reviewed for legal sufficiency (see AFMC PGI 5331.109(h)(4)(90)(b) for a sample Pre-contract Cost Agreement). As a condition precedent to the use of a pre-contract cost agreement, the correct type of funds should be available upon issuance of the pre-contract cost agreement. While not legally necessary, prudent business acumen would dictate, that to the maximum extent possible, agreement on terms and conditions also be established prior to issuance of a pre-contract cost agreement. Contracting officers should consult with the designated clearance approval authority prior to agreement on pre-contract costs. The contracting officer should incorporate the pre-contract cost agreement into any resultant contract as an attachment within Section J.

(b) The pre-contract cost agreement may be written as follows and should include the following minimum essential content:

*Subject to approval as required by law and regulation, the undersigned agree to include a clause in any contract resulting from negotiations with ( insert company name ) under ( insert solicitation number ) that all costs not in excess of \$( insert dollar amount ) incurred by the prospective contractor after ( insert date ), and before the contract effective date, shall be recognized the same as if incurred after the effective date of the resulting contract.*

*The parties agree that the Government shall not accept any benefit of the prospective contractor's efforts, give no direction or encouragement, and make no payments until a contract is awarded. If no contract results from these negotiations, the prospective contractor is responsible for any incurred costs. Any incurred costs shall not be used as the basis of a claim against, or construed as an obligation of the Government. ( Include any specific cost categories and any other limiting details ).*

(signed)

Contracting Officer

(signed)

Prospective Contractor

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## **AFFARS PGI 5332 CONTRACT FINANCING**

*Sec.*

AFDW PGI 5332 Contract Financing  
AFDW PGI 5332.7 Contract Funding  
AFDW PGI 5332.703 Contract Funding Requirements  
AFMC PGI 5332 Contract Financing  
AFMC PGI 5332.703 Contract Funding Requirements

SMC PGI 5332 Contract Financing  
SMC PGI 5332.703 Contract Funding Requirements  
SMC PGI 5332.703-2-90 Contracts Conditioned Upon Availability  
of Funds

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## **AFDW PGI 5332 Contract Financing**

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### **AFDW PGI 5332.7 Contract Funding**

#### **AFDW PGI 5332.703 Contract Funding Requirements**

For release of solicitations in advance of funding availability, DRU authorization for Contracting is delegated to the COCO.

## **AFMC PGI 5332 Contract Financing**

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### **AFMC PGI 5332.703 Contract Funding Requirements**

For release of solicitations in advance of funding availability, MAJCOM authorization for Contracting is delegated to the COCO.

## **SMC PGI 5332 Contract Financing**

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### **SMC PGI 5332.703 Contract Funding Requirements**

See the [SMC/PK Guide to Contract Funding](#) for useful information.

#### **SMC PGI 5332.703-2-90 Contracts Conditioned Upon Availability of Funds**

(a) FAR 32.703-2 identifies a very narrow set of circumstances in which conditioning contract actions on the availability of funds is allowed. For most SMC actions, contracting officers should have a certified purchase request in hand before executing the contract action. A contracting officer may release a request for proposal (RFP) conditioned upon the availability of funds only when authorized under FAR 32.703-2 or when following the procedures in AFFARS [MP5332.7](#).

(b) FAR 43.105 identifies one additional set of circumstances in which a contracting officer may execute a contract action without having first obtained a certification of funds availability, namely when the action is incrementally funded and a limitation of costs or funds clause is contained in the contract. However, in these circumstances the contracting officer should obtain written evidence that the funding is being reserved in-house by the program control office or that the program/requirement has been included in the President's budget as submitted to Congress and that, although not presently available, a reasonable expectation exists that funding will be authorized and available upon the enactment of the Authorization and Appropriations Acts. At SMC, this documentation is captured in a report from the Comprehensive Cost and Requirement System (CCaRS) tool. The CCaRS report should be included in Tab 1 of the contract file as evidence of funds availability.

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## AFFARS PGI 5333 PROTESTS, DISPUTES, AND APPEALS

*Sec.*

AFICC PGI 5333 Protests, Disputes, and Appeals  
AFICC PGI 5333.102-90 General  
AFICC PGI 5333.103 Protests to the Agency  
AFICC PGI 5333.9000 Congressional Inquiries Process

AFMC PGI 5333 Protests, Disputes, and Appeals  
AFMC PGI 5333.102-90 General  
AFMC PGI 5333.103 Protests to the Agency

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## AFICC PGI 5333 Protests, Disputes, and Appeals

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### AFICC PGI 5333.102-90 General

This PGI establishes the AFICC standardized process for protests. [AFICC/KP](#) is the focal point for protests for operational contracting units for which AFICC provides contracting authority.

(a) Each AFICC OL SCO and/or ESS/KD Commander/Director should appoint and provide their designated primary and alternate protest focal point contact information (primary/alternate, full name, DSN, and email address) to AFICC via the [AFICC/KP workflow](#). AFICC OL Policy Leads, ESS Superintendents (if applicable) and specifically designated primary and alternate protest focal points will also be given restricted access permissions to the [AFICC Protest Reporting Tool](#). Restricted access to the SharePoint site is limited to a few individuals from each AFICC OL, ESS/KD and to AFICC staff.

(1) Promptly notify AFICC via the [AFICC/KP workflow](#) when a designated focal point is no longer designated so that permissions to the restricted access site can be removed accordingly.

(2) Advise each of their AFICC operational contracting units of who their AFICC OL Director, AFICC Enterprise Sourcing Squadron (ESS), and AFICC/KD designated protest focal points are.

(i) Each Specialized/Operational Contracting Unit (ESS, SCONS, CONS, CONF, etc.) should ensure their respective AFICC OL and/or ESS/KD designated protest focal points are apprised of the status of protests and protest resolutions to include such information as the disposition (denied or sustained), protest withdrawn, corrective action(s) taken, decisions, etc. If not already provided directly to the designated AFICC OL and/or ESS/KD protest focal point, the contracting officer should immediately submit required information and documents (copy of protest and decision/adjudication, once finalized) to the focal points for upload into the AFICC Protest Reporting Tool.

(ii) Once a protest has been filed with a protest venue (Agency, Government Accountability Office (GAO) or U.S. Court of Federal Claims (COFC), designated AFICC OL and/or ESS/KD protest focal points should notify their leadership and affected personnel of protests, as deemed appropriate. This varies by individual MAJCOM, Center, Wing, etc.

(iii) Within three (3) work days of the date the protest was filed with the applicable protest venue (Agency, GAO, or U.S. COFC), complete the fillable reporting tool form and upload/submit a copy of the actual protest, as Adobe PDF document or emails with attachments as an Outlook.msg file into the [AFICC Protest Reporting Tool](#). This should automatically generate an email alert notification to both the [AFICC/KP workflow](#) and to the [AFICC Exec Workflow box](#).

(A) Notification through [AFICC Commander's Critical Information Report](#) is required for all pre and post award protests filed at any level on contracts or orders in accordance with procedures found within AFICC CCIR Handbook managed by AFICC Executive Officer.

(B) See reporting requirements/details on main page of [AFICC Protest Reporting Tool](#). Do not report/upload either of the following to the AFICC Protest Reporting Tool:

(1) Concerns/issues/complaints received by the Ombudsman in accordance with AFFARS 5301.91, Ombudsman Program.

(2) Protesting a Small Business Representation or Re-representation in accordance with FAR 19.302.

### AFICC PGI 5333.103 Protests to the Agency

(f) Contracting officers are encouraged to work with interested parties to resolve issues amicably in lieu of a protest. However, when an Agency Protest occurs and the contracting officer determines it to be invalid or unsupportable, contracting officers may use the [Agency Protest Summary Dismissal Template](#).

(1) *Pre-award*. Following legal review of the protest, should a decision to award be made, the COCO should review and make the final decision to award.

(3) *Post-award*. Following legal review of a protest, the COCO should review and decide whether or not to continue performance.

### AFICC PGI 5333.9000 Congressional Inquiries Process

(a) This PGI establishes the AFICC standardized process for congressional inquiries. Air Force policy is to respond promptly and factually to direct requests for information from members of Congress and their staffs. When responding to requests, refer/comply with AFI 90-401, Air Force Relations with Congress (as amended by MAJCOM AFI Supplement, if applicable).

(b) [AFICC/KP](#) is the focal point for congressional inquiries regarding contracting issues for all operational contracting units for which AFICC provides contracting authority, regardless of congressional inquiry entry point.

(c) AFICC OL SCOs and ESS (to include AFICC/KD) Commander/Director should appoint and provide their designated primary and alternate congressional inquiries focal point contact information (primary/alternate, full name, DSN, and email address) to AFICC via the [AFICC/KP workflow](#). AFICC Policy Leads, ESS Superintendents (if applicable) and specifically designated primary and alternate congressional inquiries focal points will also be given restricted access permissions to the [AFICC Congressional Reporting tool](#). Restricted access to the SharePoint site is limited to a few individuals from each AFICC OL, ESS/KD and AFICC staff.

(1) Promptly notify AFICC via the [AFICC/KP workflow](#) when a designated focal point is no longer designated so that permissions to the restricted access site can be removed accordingly.

(2) Advise their AFICC operational contracting units of who their AFICC designated primary and alternate congressional inquiries focal points are and ensure the correct contact information is available.

(3) Actions to take within one work day of notification/receipt of congressional inquiries:

(d) Each unit should ensure their AFICC OL SCO and/or ESS/KD designated congressional inquiries focal points already have or are provided with the required information and documents (copy of congressional inquiry) for upload into the [AFICC Congressional Reporting tool](#). Designated AFICC OL SCOs and ESS/KD congressional inquiries focal points should:

(1) Ensure their management is advised of congressional inquiries, as deemed appropriate.

(2) Upload a copy of the congressional inquiry as Adobe PDF document or emails with attachments as an Outlook.msg file and complete the fillable reporting tool form in the [AFICC Congressional Reporting Tool](#). This should automatically generate an email alert notification to both the [AFICC/KP workflow](#) and to the [AFICC Exec workflow](#).

(3) When an extension to a suspense date for submission of response is needed, submit extension request immediately (with a specified requested extension date) directly to SAF/AQCX, or other applicable tasking official, and copy both the [AFICC/KP workflow](#) and [AFICC Exec workflow](#).

(4) Notification through [AFICC Commander's Critical Information Report](#) is required for all Congressional information requests or data calls not originating from AFICC.

(e) Actions to take by the designated AFICC OL SCO congressional inquiries focal points concurrently/immediately with direct submission of finalized congressional inquiry response to the [SAF/AQC Workflow box](#). Attn: SAF/AQCX (DSN 260-7077), or other applicable tasking official:

(1) Update the fillable reporting tool form in the AFICC Congressional Reporting Tool with any needed changes.

(2) Upload a copy of the final congressional inquiry response, along with any other documents required by the tasker as Adobe PDF document or emails with attachments as Outlook.msg, into the [AFICC Congressional Reporting Tool](#). This will automatically generate an email alert notification to both the [AFICC/KP workflow](#) and to the [AFICC Exec Workflow Box](#).

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## AFMC PGI 5333 Protests, Disputes, and Appeals

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### AFMC PGI 5333.102-90 General

(a) The SCO should assign a POC as a protest focal point to receive notifications of new protests. Centers should provide the name, email address and phone number for each assigned protest focal point to the [AFMC/PKQ workflow](#). HQ AFMC/PKQ is responsible for maintaining the [AFMC Protest Focal Points](#) list. Immediately upon receipt of a protest, the contracting officer (CO) should provide a copy of the protest to the protest focal point and supporting legal office along with the following information:

- (1) Date protest received
- (2) Protest type (agency or GAO – before award or after award)
- (3) Protestor name and address
- (4) Solicitation number and number of offerors or potential offerors
- (5) Contract number (if applicable)
- (6) Contractor name (if applicable)
- (7) Contracting method and type
- (8) Amount or estimated amount of acquisition
- (9) Buyer/contracting officer name, phone and office

(10) Description of item (including NSN), service, or program name

(11) Summary of protest/issues

(12) Legal liaison assigned to protest

(b) The protest focal point should work with the contracting activity and review the protest file (e.g. for protests to the agency, the contracting officer Statement of Facts (COS) and the decision letter for the resolution authority's signature; and for protest to GAO, the agency report). All protest files should be coordinated through the protest focal point and supporting legal office.

### **AFMC PGI 5333.103 Protests to the Agency**

(f)(1) A decision to award a contract in the face of a protest may be approved by the COCO after review by the local legal office.

(f)(3) A decision to continue performance in the face of a protest may be approved by the COCO after review by the local legal office.

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# **AFFARS PGI 5334 MAJOR SYSTEM ACQUISITION**

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SMC PGI 5334 Service Contracting  
SMC PGI 5334.2 – Earned Value Management System (EVMS)

SMC PGI 5334.203 – Solicitation provision and contract clause

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## **SMC PGI 5334 Service Contracting**

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### **SMC PGI 5334.2 – Earned Value Management System (EVMS)**

#### **SMC PGI 5334.203 – Solicitation provision and contract clause**

Pursuant to [SMC Class Deviation – Middle Tier of Acquisition \(MTA\) Programs](#), contracting officers may omit the use of EVM provisions and clauses prescribed for use in DFARS 234.203 for SMC contracts designated as MTA programs when program managers, in consultation with SMC/FMCE (the SMC POC for EVMS), have developed an alternative or tailored approach to meet the EVM requirements of OMB Circular A-11 and that approach is documented in an approved acquisition strategy. The approved acquisition strategy and this SMC Class Deviation shall be included in the contract file.

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# **AFFARS PGI 5335 RESEARCH AND DEVELOPMENT CONTRACTING**

*Sec.*

AFICC PGI 5335 Research and Development Contracting  
AFICC PGI 5335.015-70 Special Use Allowances for Research  
Facilities Acquired by Educational Institutions  
AFMC PGI 5335 Research and Development Contracting  
AFMC PGI 5335.006-90 Small Business Innovation Research  
(SBIR)

AFMC PGI 5335.007-90 Suggested Contract Language  
SMC PGI 5335 Research and Development Contracting  
SMC PGI 5335.017-3 Using an FFRDC  
SMC PGI 5335.017-90 Federally Funded Research and  
Development Centers (Aerospace Corporation)

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## AFICC PGI 5335 Research and Development Contracting

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### AFICC PGI 5335.015-70 Special Use Allowances for Research Facilities Acquired by Educational Institutions

(d)(6) Contracts providing for a special use allowance for the acquisition or construction of research facilities may specify:

- (i) Plans, specifications, and major changes thereto shall be subject to approval by the Government; and,
- (ii) The work shall be subject to the approval by the Government for conformity to the approved plans and specifications.

## AFMC PGI 5335 Research and Development Contracting

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### AFMC PGI 5335.006-90 Small Business Innovation Research (SBIR)

All contracting organizations executing SBIR/Small Business Technology Transfer (STTR) Phase I, II, and III contracts should comply with the [SBIR/STTR Guide for Contracting Personnel](#) .

### AFMC PGI 5335.007-90 Suggested Contract Language

The contracting officer may include the following suggested contract language substantially as written in the PWS/SOW, when the decision to award and performance is conditioned, in large part, on the qualifications of the principal investigator and/or the key members of the research team:

*(a) Contractor personnel holding the position titles and having the minimum qualifications listed below are considered essential to the work being performed under this contract:*

<b><i>Key Positions:</i></b>	<b><i>Minimum Qualifications:</i></b>
<i>(list by job title)</i>	<i>(list minimum qualifications in terms of education and/or experience)</i>
_____	_____
_____	_____
_____	_____

(b) The contractor shall notify the contracting officer before the departure of any individual in a key position and identify the proposed substitution. Any proposed personnel substitution that does not meet the minimum qualification requirements described above requires the prior written approval of the contracting officer.

## SMC PGI 5335 Research and Development Contracting

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### SMC PGI 5335.017-3 Using an FFRDC

(c) When considering whether to allow an FFRDC to participate in an acquisition as a subcontractor:

- (1) The contracting officer should consider whether or not the proposed arrangement complies with FAR 35.017-1 and the DoDI 5000.77 Federally Funded Research and Development (FFRDC) Program.
- (2) The contracting officer should ensure that the FFRDC's Sponsoring Agency has reviewed and approved the FFRDC's participation in the effort.
- (3) The contracting officer, in collaboration with the Sponsoring Agency, should ensure that the FFRDC participation in the activity will not negatively impact the work of the FFRDC, does not pose a real or perceived conflict of interest, and is in full consonance with the policies of the sponsor and DoD policies governing technology transfer.

(4) The subcontract proposal provided by the FFRDC should be of a unique nature and, in order to ensure fairness, should be made available to all competitors in a source selection.

**SMC PGI 5335.017-90 Federally Funded Research and Development Centers (Aerospace Corporation)**

For all contracts and solicitations for development work requiring the contractor to interact with and/or furnish information to the Government's Aerospace FFRDC contractor for General Systems Engineering and Integration (GSE&I), Technical Review (TR), and/or Technical Support (TS), include [Annex A](#), without change, consistent with the Aerospace FFRDC contract, in the requirements document (SOO/SOW/PWS).

# **AFFARS PGI 5336 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

*Sec.*

AF PGI 5336 Construction and Architect-Engineer Contracts  
AF PGI 5336.9001 Forms

AF PGI 5336.9002 Air Force Construction Guide

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## **AF PGI 5336 Construction and Architect-Engineer Contracts**

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### **AF PGI 5336.9001 Forms**

Contracting officers are encouraged to use existing contractor-developed forms to the maximum extent practicable. In those instances where commercial forms are not available, the following templates may be used to administer construction programs:

- (a) [Contract Inspection and Acceptance Report](#)
- (b) [Construction Cost Estimate Breakdown](#)
- (c) [Schedule of Material Submittals](#)
- (d) [Contract Bonds Checklist](#)
- (e) [Pre-performance Conference Checklist](#)

### **AF PGI 5336.9002 Air Force Construction Guide**

Contracting officers and all acquisition team personnel involved with SABER contracts should refer to the [Air Force Contracting Construction Guide](#) to ensure compliance with regulations and best practices, both prior to and during the acquisition planning phase.

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# AFFARS PGI 5337 SERVICE CONTRACTING

*Sec.*

AFICC PGI 5337 Service Contracting  
AFICC PGI 5337.503-90 Management and Oversight of the  
Acquisition of Services  
AFMC PGI 5337 Service Contracting  
AFMC PGI 5337.102-90 Suggested Contract Language for  
Maintenance, Overhaul, and Modification  
AFMC PGI 5337.102-91 Solicitation Evaluation Procedures for  
AFMC Maintenance, Overhaul, and Modification  
AFMC PGI 5337.110-90 Solicitation Suggested Contract  
Language

AFMC PGI 5337.204 Guidelines for Determining Availability of  
Personnel  
AFMC PGI 5337.503-90 Management and Oversight of the  
Acquisition of Services  
USAF PGI 5337 Service Contracting  
USAF PGI 5337.503-90 Management and Oversight of the  
Acquisition of Services  
SMC PGI 5337 Service Contracting  
SMC PGI 5337.204 Guidelines for Determining Availability of  
Personnel

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## AFICC PGI 5337 Service Contracting

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### AFICC PGI 5337.503-90 Management and Oversight of the Acquisition of Services

When conducting acquisition planning activities, contracting officers are encouraged use the [Non-Personal Services Certification](#).

## AFMC PGI 5337 Service Contracting

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### AFMC PGI 5337.102-90 Suggested Contract Language for Maintenance, Overhaul, and Modification

(a) This subpart provides suggested contract language a contracting officer may use in fixed-price maintenance, repair, overhaul, and modification contracts which include the Walsh-Healey Public Contracts Act. This language may be used in fixed-price contracts subject to the Service Contract Act as appropriate.

(b) When contractors performing maintenance, repair, overhaul, and modification on Air Force equipment in overseas locations are unable to obtain replacement parts through purchase in local markets, the contracting officer may include the following suggested contract language substantially as written in the performance work statement /statement of work. Use of this language is required for Depot Maintenance Activity Group (DMAG) contracts containing a requirement for a government furnished material (GFM) report (GFM reporting may be by the manual report on AF Form 412 (Report of Government Furnished Material), the mechanized GFM Transaction Reporting System (G009), or Commercial Asset Visibility II (CAV II):

***MAINTENANCE OF GOVERNMENT OWNED EQUIPMENT IN POSSESSION OF OVERSEAS CONTRACTORS***

*Normal maintenance of Government-owned equipment provided hereunder or used in the performance hereof may require parts not available in local markets. The Contractor may requisition any of such parts as are available through the Government supply system after the contracting officer provides written approval for each such requisition. The Contractor agrees, upon receipt of such parts, to credit this contract at prices specified in current federal supply catalogs. The Contractor shall deduct such credits from the invoices submitted under this contract.*

### AFMC PGI 5337.102-91 Solicitation Evaluation Procedures for AFMC Maintenance, Overhaul, and Modification

(a) For maintenance, repair, overhaul, and modification efforts which include work request provisions for "over and above" effort on other than a fixed-price basis the contracting officer may include the following suggested contract language substantially as written in section M:

***EVALUATION OF OVER AND ABOVE WORK***

*For evaluation purposes, the estimated "Over and Above" hours applicable to Section B of the Schedule entitled "Over and Above Work" is (insert number of hours) hours. The estimated over and above hours shall be multiplied by the proposed hourly rate for evaluation. These estimated hour figures are furnished for evaluation purposes only and are not intended to guarantee that the number of hours used for evaluation will actually be experienced or that the hour figure represents maximum or minimum hours for any resultant contract. Offerors are required to submit the proposed fixed hourly rate to be inserted into Section B of the resultant contract.*

(b) The requirements office shall determine the man-hour estimates used for evaluation, based on estimates of all factors including previous organic and contractor experience.

(c) The contracting officer may include the following suggested contract language substantially as written in Section M for maintenance, repair, overhaul, and modification indefinite quantity and requirements solicitations that include a Best Estimated Quantity:

***EVALUATION OF OFFERS***

*Offers shall be evaluated on the basis of the unit prices offered for the quantity designated as the best estimated quantity in the schedule for (insert item(s)) by multiplying the proposed price(s) by the best estimated quantity(s).*

(d) The contracting officer may include the following suggested contract language substantially as written in Section M when the Government will evaluate the cost associated with relocating government furnished property from the incumbent contractor's facility:

**EVALUATION OF OFFERS - MOVEMENT OF GOVERNMENT-FURNISHED PROPERTY**

*A cost factor which represents the estimated cost to the government for packaging, packing, preservation and transportation of government-furnished property from the incumbent contractor's facilities to a new contractor's facility shall be added to all offers except the incumbent's. This government-furnished property represents the residual inventory of government-furnished material and any special tooling which may have been furnished. For evaluation purposes, this cost is estimated to be (insert dollar amount), plus cost of transportation to the recipient contractor's facility.*

(e) Transportation costs for any additional government-furnished property not resident at the incumbent contractor's facility shall be evaluated based on the estimated cost of transportation from the applicable Government installation to the contractor's facility.

(f) The contracting officer may include the following suggested contract language substantially as written in Section M when the Government shall evaluate transportation cost based on multiple points of generation:

**EVALUATION OF OFFERS-TRANSPORTATION COST**

*For evaluation purposes the government shall add a cost factor for transportation to all offers based on the distances between point(s) of destination as follows:*

*Transportation cost for (insert item(s)) will be evaluated on the basis of estimates of probable points of generation in the field to the contractor's facilities and return to the point(s) of generation and;*

*Transportation cost for (insert item(s)) will be evaluated on the basis of estimates of probable points of generation in the field, to the contractor's facilities and return to (e.g., Hill AFB).*

## **AFMC PGI 5337.110-90 Solicitation Suggested Contract Language**

Contracting Officer ensure contract holidays to be observed under the contract are established in the Statement of Work, Performance Work Statement or Statement of Objectives when contractor performance occurs on a government installation. Normally, the ten federal Government holidays are observed in the United States. Some contractor personnel policies and labor agreements provide for observing different holidays than observed by the Government. Services performed outside the United States usually observe the holidays of the country where the services are performed.

## **AFMC PGI 5337.204 Guidelines for Determining Availability of Personnel**

For AFLCMC, see [AFLCMC/CC Approval Delegation Memo](#) and [Class D&F for use of A&AS Personnel for Initial Contract Award Proposal Evaluation and Analysis \(ICAPEA\)](#) .

## **AFMC PGI 5337.503-90 Management and Oversight of the Acquisition of Services**

Services Designated Official (SDO) authority, as outlined in DODI 5000.74 and AFI 63-138 is further delegated as set forth in Table 1-1.

**Table 1-1 Services Designated Officials**

Thresholds and Delegations for AFPEO/CM Services Acquisitions within AFMC

Services Category	Threshold	Services Designated Official
SCAT I	≥\$1B or >\$300M in any one year	AFPEO/CM
SCAT II	≥\$250M <\$1B	AFMC/CA, or as <a href="#">delegated</a>
SCAT III	≥ \$100M < \$250M	AFMC/CA, or as <a href="#">delegated</a>
SCAT IV	≥ \$10M < \$100M	O-6/GS-15, or equivalent, in the requirements chain
SCAT V	> SAT < \$10M	O-4/GS-13, or equivalent, in the requirements chain

## USAFA PGI 5337 Service Contracting

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### USAFA PGI 5337.503-90 Management and Oversight of the Acquisition of Services

The USAFA Services Designated Official (SDO) authority is delegated as noted below. Note, the SDO may further delegate Acquisition Plan approval authority to one level above the contracting officer.

Services Category/Threshold	SDO Assignment
CAT V ( SAT to < \$10M )	AFPEO/CM delegated to USAFA/CV, who in turn delegated to the USAFA senior contracting official (SCO), who in turn delegated to the COCO
CAT IV ( ≥ \$10M to < \$100M )	AFPEO/CM delegated to USAFA/CV, who in turn delegated to the USAFA SCO

Contracting Officers should refer to the USAFA/PK authorities and delegations site concerning specific COCO designations, delegations and authorities at [https://cs2.eis.af.mil/sites/13093/PP/USAFA\\_PK/\\_layouts/15/start.aspx#/SitePages/Home.aspx](https://cs2.eis.af.mil/sites/13093/PP/USAFA_PK/_layouts/15/start.aspx#/SitePages/Home.aspx)

## SMC PGI 5337 Service Contracting

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### SMC PGI 5337.204 Guidelines for Determining Availability of Personnel

- (a) See a [sample determination](#) on the use of contractor personnel to evaluate proposals for ideas on format and content.

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# **AFFARS PGI 5339 ACQUISITION OF INFORMATION TECHNOLOGY**

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AFMC PGI 5339 Acquisition of Information Technology

AFMC PGI 5339.101-90 Policy

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## **AFMC PGI 5339 Acquisition of Information Technology**

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### **AFMC PGI 5339.101-90 Policy**

(a) Make all purchases of desktop and laptop computers through AFWay or the ITCC-developed Quarterly Enterprise Buy, per [AFMAN 17-1203](#), *Information Technology (IT) Asset Management (ITAM)*.

(b) NETCENTS/NETCENTS 2 is used for all requirements for products and services associated with the design, engineering, integration, installation and configuration of Air Force networks and network infrastructure per [AFMAN 17-1203](#). See AF NETCENTS site for additional details.

(c) Buy all desktop and laptop computers paid for with the government purchase card through AFWay per [AFI 64-117](#), *Government Purchase Card Program*.

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# **AFFARS PGI 5341 ACQUISITION OF UTILITY SERVICES**

*Sec.*

AF PGI 5341 Acquisition of Utility Services

AF PGI 5341.102 Applicability

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## **AF PGI 5341 Acquisition of Utility Services**

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### **AF PGI 5341.102 Applicability**

See the [Cable Television Services Resource Guide](#).

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# **AFFARS PGI 5342 CONTRACT ADMINISTRATION AND AUDIT SERVICES**

*Sec.*

AF PGI 5342 Contracting Administration and Audit Services  
AF PGI 5342.202 Assignment of Contract Administration  
AFMC PGI 5342 Contract Administration and Audit Services

AFMC PGI 5342.1503-90 Procedures  
SMC PGI 5342 Contract Administration and Audit Services  
SMC PGI 5342.503-1 Postaward Conference Arrangements

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## AF PGI 5342 Contracting Administration and Audit Services

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### AF PGI 5342.202 Assignment of Contract Administration

(a) See the [Contract Administration Tool](#) to help determine whether to retain or delegate contract administration responsibilities to DCMA.

## AFMC PGI 5342 Contract Administration and Audit Services

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### AFMC PGI 5342.1503-90 Procedures

(a) Duties of the MAJCOM Contractor Performance Assessment Reporting System (CPARS) Agency Point of Contact (APOC) may include:

- (1) Assistance to subordinate organization CPARS APOC (e.g. training, monitoring and policy implementation);
- (2) Coordination and submittal of subordinate organization CPARS APOCs to the Navy CPARS Program Office;
- (3) Provide metrics/information as requested by SAF/AQC; and
- (4) Review and provide subordinate organization issues to the AF CPARS Focal Point and/or the CPARS Program Management Office (PMO).

(b) Program Executive Officers (PEOs), Center PZ organizations, and Air Force Research Laboratory (AFRL) are encouraged to assign a CPARS APOC who will perform duties outlined in the [Guidance for CPARS](#), paragraph 3.4 for “Agency Point of Contact”.

(c) Assessing Officials (AOs) and Reviewing Officials (ROs) will normally be designated from within the command/activity/office/program that identifies the requirement and is in the best position to evaluate contractor performance. Contracting officers should be included in the evaluation process prior to forwarding the CPAR to the Contractor Representative.

(d) For AFMC system acquisitions, the AO is encouraged to always be the person who has overall responsibility for the acquisition of a system within the approved Acquisition Program Baseline. For programs under the PEO structure, the AO may be at least at the Division Chief or Branch Chief level. The designated RO should be at least one level above the AO. For PEO programs, the PEO will be given the option of acting as the RO. For AFRL, the Commander may delegate this authority to the Center Technology Director. For non-PEO programs, the AO should be at least at the Director level, or a Program Manager (PM) that is a direct report to the Director, consistent with the level at which the program is organized. The designated RO may be at least one level above the AO.

(e) For all other AFMC business sectors the AO should be the technical/functional person who has overall responsibility for, and/or has the most familiarity with the requirement/program/project/task or delivery order. The designated RO may be at least one level above the AO.

(f) Performance evaluations on classified and Special Access Programs (SAP) contracts are not exempt from past performance evaluations and are encouraged to be processed, distributed and maintained in accordance with program security requirements and with AFD 16-14, *Information Protection* and AFI 31-401, *Information Security Program Management*. Classified and SAP CPARs will not be entered into the CPARS Automated Information System (AIS). Only in the case of classified CPARs should paper copies be used for evaluations. (Note: For AFMC, hard copies of SAP CPARs may be provided to HQ AFMC/XRJ.)

(g) Copies of SAP CPARs are encouraged to be marked in accordance with SAF/AO Security Pamphlet 1, Marking Guide for Special Access Required Material, dated November 1997, and written in accordance with National Industrial Security Program Operating Manual Supplement (NISPOM Sup) and the implementers of the NISPOM Supplement.

## **SMC PGI 5342 Contract Administration and Audit Services**

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### **SMC PGI 5342.503-1 Postaward Conference Arrangements**

(a) The contracting officer should ensure conference participants include program personnel representing engineering, program control, production/manufacturing, data, test, software, systems & quality assurance, as appropriate. Whenever possible, preliminary meetings conducted by SMC contracting officers should include the administrative contracting officer assigned to the contract. In addition, weaknesses and risks identified during the evaluation process should be included in the agenda.

# **AFFARS PGI 5343 CONTRACT MODIFICATIONS**

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AF PGI 5343 Contract Modifications  
AF PGI 5343.103-90 Types of Contract Modifications

SMC PGI 5343 Contract Modifications  
SMC PGI 5343.102-90 General

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## AF PGI 5343 Contract Modifications

### AF PGI 5343.103-90 Types of Contract Modifications

(a) This table is a guide for buyers and contracting officers to help determine the appropriate authority for issuance of specific types of modifications. The specific facts surrounding the individual modification should always be analyzed. Contracting officers may use the [Modification Authority Justification Template](#) to document their decision. The general rule is to cite the explicit authority, which is that authority expressly written into the contract, before citing a more general authority such as “By Mutual Agreement between both Parties”. 10 U.S.C Chapter 137 should not be used as it is too broad and does not address modification authority. FAR 1.602, Authority for contracting officers, should not be used because it only defines the authority of the contracting officer (who is only one party to the original agreement) and does not cite a pre-agreed to condition or authority within the original contract that would allow a change.

(b) Explicit authority can be provided in the general clauses contained in Section I of the contract. The Changes clause (FAR 52.243-1), Definitization clause (FAR 52.216-25), or Options clauses (FAR 52.217-6 thru 9) are examples. Explicit authority can also be provided for under special contract requirements contained in Section H of the contract. Finally, explicit authority may be provided for under provisions contained elsewhere in the contract, such as the SOW.

(c) When citing a specific clause/provision as the authority for the modification, ensure the contract contains that specific clause/provision.

(d) Types of Contract Modifications & Modification Authority Table:

Modification Subject	Authority
Commercial Modification	FAR 52.212-4(c) Contract Terms and Conditions – Commercial Items
Data, adding of (within the limits of the J&A)	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour
Data, changing or revising	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour
Defects in supplies, correction of	Inspection clauses 52.246-2/52.246-3, Warranty clauses, or Correction of Deficiency Clauses in contract
Defective cost or pricing data, Price reduction for	FAR 52.215-10 Price Reduction for Defect Cost or Pricing Data or 52.215-11 Price Reduction for Defective Cost or Pricing Data--Modifications
Definitization of a Change Order	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour
Definitization of a Letter Contract	FAR 52.216-25 Contract Definitization
Delivery, change in the place of	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour
Delivery, schedule extension (CR)	FAR 52.249-14 Excusable Delays
Delivery, schedule extension (FP)	FAR 52.242-17 Government Delay of Work or 52.249-8 Default Fixed-Price Supply and Service

Modification Subject	Authority
Differing Site Conditions (fixed-price construction contract or a fixed-price dismantling, demolition, or removal of improvements contract)	FAR 52.236-2 Differing Site Conditions
ECP, incorporation of	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour
Economic Price Adjustment (EPA)	FAR 52.216-2 Economic price Adjustment--Standard Supplies 52.216-3 Economic Price Adjustment--Semi-standard Supplies 52.216-4 Economic Price Adjustment--Labor and Material
Funding an overrun (fully funded cost reimbursement (CR) contract)	FAR 52.232-20 Limitation of Cost
Funding, increase of (fixed-price contract)	DFARS 252.232-7007 Limitation of Government's Obligation
Funding, increase of (incrementally funded CR contract)	FAR 52.232-22 Limitation of Funds
GFP (Government Furnished Property) disposition of / increase or decrease of / replacement of / repair of	FAR 52.245-1 Government Property
Incentive price revision (FPIF), final price revision or funding to ceiling	FAR 52.216-16 Incentive Price Revision--Firm Target
Incentive price revision (FPIS), establishing a firm-fixed price or firm targets	FAR 52.216-17 Incentive Price Revision--Successive Targets
Make or buy program, changes in	FAR 52.215-9 Changes or Additions to Make-or-Buy Program
New work requiring J&A	Cite the appropriate exemption to CICA ( <a href="#">10 U.S.C. 2304(c)(1) thru (7)</a> )
Option, exercise of (IAW contract, unilateral)	FAR 52.217-6 Option for Increased Quantity, 52.217-7 Option for Increased Quantity--Separately-Priced Line Item, 52.217-8 Option to Extend Services, or 52.217-9 Option to Extend the Term of the Contract
Option, exercise of (not IAW contract, bilateral)	Cite the appropriate exemption to CICA ( <a href="#">10 U.S.C. 2304(c)(1) thru (7)</a> )
Packing or shipment, change in the method of	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour
Progress payments, adding after award	FAR 52.232-16 Progress Payments
Progress payments, increasing rate or liquidation rate	FAR 52.232-16 Progress Payments
Shipment or packing, change in the method of	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, or 52.243-3 Changes Time-and- Material or Labor-Hour



Modification Subject	Authority
SOW, specification, designs, and drawings, change in	FAR 52.243-1 Changes--Fixed Price, 52.243-2 Changes--Cost Reimbursement, 52.243-3 Changes Time-and-Material or Labor-Hour, or 52.243-4 Changes
Stop Work	FAR 52.242-15 Stop-Work Order
Termination for Convenience	FAR 52.249-1 thru 7
Termination for Default	FAR 52.249-8 thru 10
Value Engineering Change Proposal (VECP), incorporation of	FAR 52.248-1 Value Engineering, 52.248-2 Value Engineering--Architect-Engineer, or 52.248-3 Value Engineering--Construction
Modification of Contractual Terms not covered by any other Clause or Section H (Default authority)	FAR 43.103(a), Mutual Agreement between both Parties

## SMC PGI 5343 Contract Modifications

### SMC PGI 5343.102-90 General

(a) When issuing a modification to an existing contract (or order), the contracting officer should consider documenting the scope determination in writing. See the [SMC Scope Determination Guide and sample Memorandum for Record \(MFR\)](#). Written scope determinations are not generally necessary for administrative modifications that do not impact the substantive rights of the parties (e.g., a change in the paying office or the appropriation data) or unilateral modifications that are authorized by clauses other than the Changes clause (e.g., property clause, options clause).

(b) If the legal reviewer does not find the contracting officer's scope determination to be legally sufficient and the contracting officer disagrees with the legal reviewer's opinion, the contracting officer should elevate the dispute to the COCO and SCO quickly to ensure the issue is resolved in a timely manner.

(c) Training: [Scope Determination Point of Need Training](#)

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## **AFFARS PGI 5345 GOVERNMENT PROPERTY**

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AF PGI 5345 Government Property  
AF PGI 5345.103-70-90 Furnishing Government Property to  
Contractors  
AFMC PGI 5345 Government Property  
AFMC PGI 5345.103-70-90 Furnishing Government Property to  
Contractors

AFMC PGI 5345.103-72 Government Furnished Property  
Attachments to Solicitations and Awards.  
AFMC PGI 5345.103-90 General  
SMC PGI 5345 Government Property  
SMC PGI 5345.103-90 General

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## AF PGI 5345 Government Property

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### AF PGI 5345.103-70-90 Furnishing Government Property to Contractors

Before awarding any cost reimbursement, time-and-material, or any other contract action that includes government furnished property (GFP) (this includes contracts with cost reimbursement and time-and-material CLINs) or FAR 52.245-1, the contracting officer should document compliance with the following:

- (a) The appropriate version of Government property clause, FAR 52.245-1, is included.
- (b) If FAR 52.245-1 is included, then the following FAR and five DFARS clauses are also included:
  - (1) FAR 52.245-9, Use and Charges;
  - (2) DFARS 252.211-7007, Reporting of Government Furnished Property;
  - (3) DFARS 252.245-7001, Tagging, Labeling, and Marking of GFP;
  - (4) DFARS 252.245-7002, Reporting Loss of Government Property;
  - (5) DFARS 252.245-7003, Contractor Property Management System Admin;
  - (6) DFARS 252.245-7004, Reporting, Reutilization, and Disposal; and
- (c) If the contract is for supplies or for services involving supplies, then DFARS 252.211-7003 is included.
- (d) The contracting officer should also ensure the following actions have been taken if Government property is being provided:
  - (1) Contract file includes rationale for providing the Government property in accordance with FAR 45.102.
  - (2) Contracts contain GFP attachments in DoD format. GFP attachment initiation, review and approval process are completed in the GFP module in Procurement Integrated Enterprise Environment (PIEE).
  - (3) Pursuant to FAR 45, contracts providing GFP are correctly reported in FPDS.
  - (4) GFP attachments are correctly posted in Electronic Document Access (EDA) Module in the [Procurement Integrated Enterprise Environment \(PIEE\)](#).
- (e) For additional information see the [DoD Procurement Toolbox](#).

## AFMC PGI 5345 Government Property

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### AFMC PGI 5345.103-70-90 Furnishing Government Property to Contractors

Before awarding any cost reimbursement, time-and-material, or any other contract action that includes GFP or FAR 52.245-1, the Contracting Officer should document compliance with the elements identified in the [GFP Pre-Award Checklist](#). While use of the checklist is highly recommended, contracting activities may leverage existing procedures and documentation to satisfy this requirement in an efficient manner. HQ AFMC/PK may request a copy of the Pre-Award Checklist upon identification of a non-compliant contract action.

### AFMC PGI 5345.103-72 Government Furnished Property Attachments to Solicitations and Awards.

- (a) See [AFMC Class Deviation](#) (19 May 2020).

### AFMC PGI 5345.103-90 General

- (a) For the purpose of this PGI, “Base Support” includes property that is incidental to the place of performance; such as when the contract requires contractor personnel to be located on a Government site or installation where the use of Government-provided office space and equipment, e.g., chairs, telephones, and computers, is standard practice. [See FAR 45.000(b)(5)]
- (b) Base support is provided to contractors to preclude duplication of material and support services that would increase costs. Base support includes Government-controlled working space, material, equipment, services (including automatic data processing), or other support (excluding use of the Defense Switched Network- (DSN)).
- (c) When base support will be provided, contracting officers are encouraged to include in the contract file documentation, the agreements covering the support to be provided at specified locations. Try to be specific and clear as to kind, type,

quality, level, frequency and quantity of material, equipment, transportation, facilities, and services to be required by the contract, and list the launch program(s) being supported. Try to include detailed language describing the base support to be provided in the statement of work (SOW)/performance work statement (PWS).

(d) Proper coordination of base support needs is important to ensure the Government can fulfill its contractual obligations. The contracting officer and project officer should assure that, prior to negotiations, all conditions can be met.

(e) Refer to [DoDI 4000.19](#) and [AFPD 25-2](#) for additional information.

(f) The following suggested SOW/PWS language may be included substantially as written below when considered necessary for contract performance of work on site at Air Force installations:

*(1) Base support may be provided by the Government to the Contractor in accordance with this SOW/PWS.*

*(i) The Contractor will require use of base support on a rent-free, non-interference basis to include Government-controlled working space, material, equipment, services (including automatic data processing), or other support (excluding use of the DSN) which the Government determines can be made available at, or through, any Air Force installation where this contract shall be performed.*

*(ii) Unless otherwise stipulated in the contract schedule, the Contractor will use base support on a no-charge-for-use basis and the value shall be a part of the Government's contract consideration.*

*(2) The Contractor should immediately report (with a copy to the cognizant contract administration office) inadequacies, defective base support, or non-availability of support stipulated by the contract schedule, together with a recommended plan for obtaining the required support. Facilities are not be purchased under this contract by the Contractor. Additionally, the Contractor (or authorized representative) will not purchase, or otherwise furnish any base support requirement provided by the SOW/PWS (or authorize others to do so), without prior written approval of the Contracting Officer regarding the price, terms, and conditions of the proposed purchase, or approval of other arrangements.*

*(3) Following are installations where base support will be provided: (insert list of installations).*

*(4) The base support to be furnished under this contract is (insert list of support items). Because of the nature and location(s) of the work performed, the value of such support is undeterminable. The Contractor is not authorized to incur any costs resulting from nonsupport prior to Contracting Officer direction .*

(g) If the contract is a cost reimbursement, time and materials, or labor hour contract, use the basic suggested SOW/PWS language plus this paragraph:

*In the performance of this contract or any major subcontract, no direct or indirect costs for support will be incurred if the Government determines that support is available at, or through any Air Force installation where this contract shall be performed.*

(h) If it is not possible to list base support in the contract before award, utilize the basic suggested contract language and substitute the following paragraph for paragraph (3) of the basic suggested SOW/PWS language:

*Written authorization must be requested from the contracting officer for support not later than 90 days before the required in-place dates at each Air Force installation, and immediately for any required changes.*

(i) Ensure the facilities are available and concurrence for their use has been obtained from the cognizant contracting officer before finalizing contract negotiations and/or source selection. In competitive acquisitions (not applicable to Broad Agency Announcements), the request for proposal /request for quote should request the contractor propose a cost in the event that the facilities are not available. This is necessary in order to make a valid comparison of all contractors' proposals.

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## SMC PGI 5345 Government Property

### SMC PGI 5345.103-90 General

(a) Base support requirements are not captured in the government property attachments to the contract. When providing Base Support, personnel are encouraged to include in Tab 34 of the contract file all documentation or agreements outlining the support to be provided at specific locations, including evidence that furnishing Base Support is in the best interest of the Government. Be specific and clear as to kind, type, quality, level, frequency and quantity of material, equipment, transportation, facilities, and services to be required by the contract. Try to identify the program(s) being supported. Try to include detailed language describing the Base Support in the PWS/SOW. A [sample of suggested Base Support language](#) is provided.

(b) Facilities Use and Rental availability is negotiated between the contractor and the government prior to contract award. Authorization and approval documentation from the cognizant functional organization is provided to the contracting officer and filed in Tab 34 of the contract file.

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# AFFARS PGI 5346 QUALITY ASSURANCE

*Sec.*

AF PGI 5346 Quality Assurance  
AF PGI 5346.202-4 Higher-level Contract Quality Requirements

AF PGI 5346.401 General  
AF PGI 5346.702 General

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## **AF PGI 5346 Quality Assurance**

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### **AF PGI 5346.202-4 Higher-level Contract Quality Requirements**

(a) A discussion with the program team, including the program engineer, is essential in determining the need for a higher-level contract quality requirement in the awarded contract. The higher-level quality standard(s) to be included in FAR 52.246-11 should be provided by the acquisition program manager and lead engineer.

### **AF PGI 5346.401 General**

See the [Multi-Functional Team \(MFT\) Resources Guide](#) for additional quality assurance training, tools, and templates.

See the tailorable [Corrective Action Report](#), [Customer Complaint Record](#), and [Performance Assessment Report](#) templates.

### **AF PGI 5346.702 General**

For guidance on warranties for systems, refer to the [Department of Defense Warranty Guide](#).

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# **AFFARS PGI 5347 TRANSPORTATION**

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AFMC PGI 5347 Transportation

AFMC PGI 5347.301-1 Responsibilities of Contracting Officers

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## **AFMC PGI 5347 Transportation**

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### **AFMC PGI 5347.301-1 Responsibilities of Contracting Officers**

(b) The contracting officer should ensure that the Purchase Request (PR) package, for solicitations that include supplies, includes an [AFMC Form 158](#) (Packaging Instructions) and [DD Form 1653](#) (Transportation Data), or other documentation showing that the PR package was reviewed by the packaging and transportation functions. When provided with the PR, include the AFMC Form 158 and DD Form 1653 with their attachments in Section J (List of Attachments) of the solicitation/contract.

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# AFFARS PGI 5349 TERMINATION OF CONTRACTS

*Sec.*

AF PGI 5349 Termination of Contracts  
AF PGI 5349.101 Authorities and Responsibilities  
SMC PGI 5349 Termination of Contracts

SMC PGI 5349.101 Authorities and Responsibilities  
USAFA PGI 5349 Termination of Contracts  
USAFA PGI 5349.101 Authorities and Responsibilities

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## **AF PGI 5349 Termination of Contracts**

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### **AF PGI 5349.101 Authorities and Responsibilities**

Additional guidance on processing terminations may be found in the [Termination for Default Guide](#) and the [Termination for Convenience Guide](#).

## **SMC PGI 5349 Termination of Contracts**

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### **SMC PGI 5349.101 Authorities and Responsibilities**

(c) COCOs may determine whether terminations within their organization will be accomplished by specially-designated person(s) or whether contracting officers will be responsible for their own terminations. When the contract is administered by DCMA, the contracting officer should consult DCMA for termination procedures. COCOs should notify the SCO of terminations for cause or default.

## **USAFA PGI 5349 Termination of Contracts**

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### **USAFA PGI 5349.101 Authorities and Responsibilities**

(b) Contracting Officers should refer to the [USAFA/PK authorities and delegations site](#) concerning specific COCO designations, delegations and authorities.

(c) The USAFA SCO appoints the COCO, the 10 CONS DBO, and all 10 CONS Flight Chiefs as Termination Contracting Officers (TCO).

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**Volume III - MP Parts 5301 to 5352**

**AIR  
FORCE  
FEDERAL  
ACQUISITION  
REGULATION  
SUPPLEMENT  
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MP**



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# MP5301 - FEDERAL ACQUISITION REGULATIONS SYSTEM

*Sec.*

	MP5301.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES	5.0	Quality Assurance Program Coordinator (QAPC)
	MP5301.601 (a)(i) Head of the Contracting Activity (HCA) Matrix	6.0	Memorandum Templates and Contract Training Syllabus
	MP5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), Service Acquisition Executive (SAE) Delegation Matrix		MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers
	MP5301.602-2 (d) Designation, Assignment, and Responsibilities of a Contracting Officer's Representative (COR)		MP5301.90 – CLEARANCE
1.0	Contracting Officer Roles and Responsibilities		MP5301.9001 (i)(1)(i)- Business Clearance Approval by the DAS(C)/ADAS(C)
2.0	COR Roles and Responsibilities		MP5301.9001a (A) Business Clearance Approval for Non-Competitive Actions
3.0	COR Supervisor		MP5301.9001b (B) Business Clearance Approval for Competitive Actions
4.0	OGE 450 Determination and Processing		

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## MP5301.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

### MP5301.601 (a)(i) Head of the Contracting Activity (HCA) Matrix

2019 Edition

Revised: 26 Jul 21

**NOTE** : Cells with a double asterisk (\*\*) in the “Retained by HCA” column indicate retained HCA responsibilities or those that are non-delegable per the regulation listed in the “Reference” column.

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
1	FAR 1.602-3(b)(2) and (3) AFFARS <a href="#">5301.602-3(b)(2)</a>	Ratification of unauthorized commitments, subject to the limitations in FAR 1.602-3(c)	No	Yes, for actions of \$30K and above	Delegated to the COCO for actions less than \$30K (not redelegable)
2	AFFARS <a href="#">5301.601(a)(i)(A)</a>	Authority to enter into, approve, or terminate Grants, Cooperative Agreements, and Other Transactions—including the issuance of a warrant for such purposes.	See Table 2	See Table 2	Yes, See Table 2
3	AFFARS <a href="#">5301.601(a)(i)(A)</a> AFFARS <a href="#">5301.603-1</a>	Authority to enter into, approve, modify, and terminate contracts—including the issuance of a Contracting Officer warrant for such purposes.	No	Yes	Yes
4	FAR 3.104-5(c)(2) AFFARS <a href="#">5303.104-3(c)(1)</a> (ii) AFFARS <a href="#">5303.104-5(c)(2)</a>	Authorizes the disqualified official to resume participation in the procurement or determine that an additional disqualification period is necessary.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
5	FAR 3.104-7 AFFARS 5303.104-7(f)	Reviews and takes appropriate action on information that a reported violation or possible violation of a present or former government official or someone advising that official knowingly disclosed contractor bid or proposal information or source selection information before award.	No	Yes, only if SCO is GO or SES	No
6	FAR 3.602 AFFARS <a href="#">5303.602</a>	Authorizes contract award to a Government employee or to a business concern owned or controlled by a Government employee and only if there is a most compelling reason to do so per FAR 3.602.	** Yes	No	No
7	FAR 3.704(c) AFFARS <a href="#">5303.704</a> (c)	Considers, in addition to any penalty prescribed by law or regulation-- suspension or debarment proceedings, voiding and rescinding contracts for a contractor convicted of any offense relating to contracts with the agency.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
8	FAR 3.1104(b) AFFARS <a href="#">5303.1104</a> (b) FAR 9.504(c) AFFARS <a href="#">5309.504</a> (c)	Determines in writing that such action in FAR 3.1104(a) is in the best interest of the Government (HCA may impose conditions that provide mitigation of a personal conflict of interest or grant a waiver)	** Yes	No	No
9	DFARS 205.502(a) AFFARS <a href="#">5305.502</a> (a)	Approves the publication of paid advertisements in newspapers.	No	Yes	Yes, one level above CO
10	DFARS 206.302-1(a)(2)(i) (1) AFFARS <a href="#">5306.302-1</a> (a)(2) (i)(1)	Determines if agency can enter into contracts for studies, analyses, or consulting services on the basis of an unsolicited proposal without providing for full and open competition.	No	Yes	Yes, but no lower than the COCO
11	FAR 6.302-1(d) DFARS 206.302-1(d) DFARS PGI 206.302-1(d) AFFARS <a href="#">5306.302-1</a> (d)	Approves waiver to post request for information or sources sought notices when using J&A authority FAR 6.302-1.	No	Yes, if SCO is GO or SES. If SCO is not a GO or SES, may be approved by the MAJCOM SCO provided they are a GO or SES.	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
12	DFARS 206.302-4(c) AFFARS <a href="#">5306.302-4(c)</a>	Approves a document (AFFARS prescribes use of International Agreement Competitive Restrictions (IACR)) that describes the terms of an agreement or treaty or written directions, such as a Letter of Offer and Acceptance, which have the effect of requiring the use of other than competitive procedures. J&A is not required.	No	Yes	Yes, CO
13	DFARS 207.470(b) AFFARS <a href="#">5307.470(b)</a>	Approves acquisition for vessel/aircraft/vehicle through a lease/charter/similar agreement for 18 months or more.	No	Yes	No
14	FAR 8.404(h)(3)(ii)(C) AFFARS <a href="#">5308.404(h)(3)(ii)(C)</a>	Approves D&F when the total performance period, including options, of a T&M/LH order is more than three years.	No	Yes	Yes, but no lower than COCO
15	FAR 9.202(a) DFARS PGI 209.202(a)(1) AFFARS <a href="#">5309.202(a)(1)</a>	Is the designee referenced in FAR 9.202(a) (inclusion of other qualification requirements).	No	Yes	Yes, but no lower than COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
16	FAR 9.206-1(b) AFFARS <a href="#">5309.206-1(b)</a>	Is the designee referenced in FAR 9.206-1(b) (enforcing qualification requirements).	No	Yes	Yes, but no lower than COCO
17	DFARS 209.270-3(a) AFFARS <a href="#">5309.270-3(a)</a>	Approves a contract for procurement, modification, repair, or overhaul of an aviation critical safety item with a source approved by the head of the design control activity.	No	Yes	Yes, but no lower than COCO
18	FAR 9.503 / 9.506(d)(3) AFFARS <a href="#">5309.503</a> AFFARS <a href="#">5309.504(c)</a>	Waives FAR 9.5 requirements -- Organizational and Consultant Conflicts of Interest (OCI).	Yes	No	No
19	DFARS 209.571-7(c)(1) AFFARS <a href="#">5309.571-7(c)(1)</a>	Determines an exception to Limitation on Future Contracting in systems engineering and technical assistance contracts is necessary.	Yes	No	No
20	DFARS PGI 211.273-3 AFFARS <a href="#">5311.273-3(3)</a>	Determines prior to contract award, that a Single Process Initiative (SPI) process for use in lieu of military or Federal specifications and standards is not acceptable for a specific procurement.	** Yes, for non-PEO designated programs	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
21	DFARS 211.274-2(b)(1) AFFARS <a href="#">5311.274-2(b)(1)</a>	Determines the items are to be used to support a contingency or humanitarian or peacekeeping operation; to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster and, therefore, contractor not required to provide DoD IUID.	No	Yes	No
22	DFARS 211.274-2(b)(2)(i) (B) AFFARS <a href="#">5311.274-2(b)(2)(i)(B)</a>	Determines it is more cost effective for the Government requiring activity to assign, mark, and register unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR Part 12 or Part 8 for an acquisition other than ACAT I program.	No	Yes	No



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
23	DFARS 212.102(a)(ii)(B) AFFARS <a href="#">5312.102</a> (a)(ii)(B)	Reviews an existing contracting officer commercial item determination to confirm the prior determination was appropriate and still applicable; or issues a determination that the prior use of FAR Part 12 procedures was improper, or no longer appropriate, with a written explanation for the basis of the determination.	No	Yes	No
24	DFARS 212.272(b)(2)(i) AFFARS <a href="#">5312.272</a> (b)(2)(i)	For contracts above \$10M, determines no commercial items are suitable to meet the agency's needs for facilities related services, knowledge-based services (except engineering services), medical services, or transportation services.	No	Yes	Yes, but no lower than COCO
25	DFARS 212.302(c) AFFARS <a href="#">5312.302</a> (c)	Waiver authority for tailoring provisions and clauses for acquisition of commercial items under FAR 12.302(c).	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
26	DFARS 212.7001(a)(1) AFFARS <a href="#">5312.7001</a> (a)(1)	Makes Determination prior to converting the procurement from commercial to noncommercial procedures under FAR Part 15 (over \$100M provide copy to USD(A&S))	** Yes, if value \$100M or more ** No, if more than \$1M, but less than \$100M	Yes	No
27	FAR 14.201-7(b)(2) and (c)(2) AFFARS <a href="#">5314.201-7</a> (b)(2) and (c)(2)	Waives the requirement for inclusion of FAR clauses 52.214-27 and 52.214-28 in a contract with a foreign government or agency of that government.	No	Yes	No
28	DFARS 215.371-5 AFFARS <a href="#">5315.371-5</a>	Waives the requirement at DFARS 215.371-2 to resolicit for an additional period of at least 30 days when only one offer is received as a result of a competitive solicitation allowing fewer than 30 days for receipt of proposals.	No	Yes	Yes, but no lower than the COCO
29	Class Deviation 2018-O00009 AFFARS <a href="#">5315.403-1</a> (b)	Determines certified cost or pricing data should be required based on past performance or other information specific to the award.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
30	FAR 15.403-1(c)(4) DFARS 215.403-1(c)(4)(A) AFFARS <a href="#">5315.403-1(c)(4)(A)</a>	Waives requirement for submission of certified cost or pricing data in exceptional cases.	** Yes	No	No
31	FAR 15.403-3(a)(4) AFFARS <a href="#">5315.403-3(a)(4)</a>	Approves determination to make award without offeror submission of data other than certified cost or pricing data.	No	Yes	No
32	DFARS PGI 215.403-3(a)(6)(ii) AFFARS <a href="#">5315.403-3(a)(6)(ii)</a>	Provides quarterly information within 25 days following the end of the quarter using <a href="#">Contractor Denials of Data Requests</a>	No	Yes	No
33	FAR 15.403-4(a)(2) AFFARS <a href="#">5315.403-4(a)(2)</a>	Authorizes CO to obtain certified cost or pricing data for actions below the threshold in FAR 15.403-4(a)(1), provided the action exceeds the SAT.	** Yes	No	No
34	<a href="#">Class Deviation 2018-O00009</a> AFFARS <a href="#">5315.404-2</a>	Determines that auditing of records should be required based on past performance or other information specific to the award.	No	Yes	No
35	DFARS 215.404-4(c)(2)(C) (2) AFFARS <a href="#">5315.404-4(c)(2)(C)(2)</a>	Approves the use of the alternate structured approach for Profit (see DFARS 215.404-73).	No	Yes	Yes, but no lower than COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
36	DFARS 215.407-3(b)(i) AFFARS <a href="#">5315.407-3(b)(i)</a>	Waives on a case-by-case basis, the use of forward pricing rate agreement (FPRA) rates when such rates are available.	No	Yes	No
37	DFARS PGI 215.407-4(c)(2)(B) AFFARS <a href="#">5315.407-4(c)(2)(B)</a>	Requests an overhead should-cost review for a contractor business unit that does not meet the criteria found in DFARS PGI 215.407-4(c)(2)(A).	No	Yes	No
38	DFARS 215.408(2)(i)(A) (2) DFARS <a href="#">225.870-4(c)(2)(ii)</a> AFFARS <a href="#">5315.408(2)(i)(A)</a> (2)	Approve determination (when contracting with the Canadian Commercial Corporation) that data other than certified cost or pricing data are needed in order to determine that the price is fair and reasonable.	No	Yes	Yes, no lower than two levels above the Contracting Officer
39	DFARS 215.408(2)(ii)(A) (2) DFARS <a href="#">225.870-4(c)(2)(ii)</a> AFFARS <a href="#">5315.408(2)(ii)(A)</a> (2)	Approve determination (when contracting with the Canadian Commercial Corporation) that it is reasonably certain that data other than certified cost or pricing data will be needed in order to determine that the price of modifications is fair and reasonable.	No	Yes	Yes, no lower than two levels above the Contracting Officer

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
40	FAR 16.206-3(d) AFFARS <a href="#">5316.206-3</a> (d)	Approves the use of a fixed-ceiling-price contract with retroactive price redetermination.	** Yes	No	No
41	FAR 16.301-3(a)(2) DFARS 216.301-3(2) AFFARS <a href="#">5316.301-3</a> (2)	Approves the use of a cost-reimbursement contract in excess of \$25M	No	Yes	Yes, but no lower than the COCO
42	FAR 16.401(d) DFARS 216.401(d)(i) AFFARS <a href="#">5316.401</a> (d)(i)	Approves D&F to justify that the use of an incentive or award-fee contract, other than a cost-reimbursement incentive- or award fee contract in excess of \$25 million, is in the best interest of the government.	** No	Yes, for incentive Yes, for award fee -- not further delegable	Yes, for incentive -- one level above the CO No, for award fee
43	FAR 16.401(d) DFARS 216.401(d)(ii) AFFARS <a href="#">5316.401</a> (d)(ii)	Approves D&F to justify that the use of a cost reimbursement incentive or award-fee contract in excess of \$25M is in the best interest of the government.	No	Yes, for cost-plus-incentive-fee Yes, for cost-plus-award-fee (not further delegable)	Yes, for cost-plus-incentive-fee --one level above the CO No, for cost-plus-award-fee

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
44	AFFARS <a href="#">5316.401</a> (e)(3)(i)	For Operational and Enterprise Contracting, the HCA will designate the Fee Determining Official. The PEO is the Fee Determining Official for the PEO's assigned programs. The PEO or HCA for Operational and Enterprise Contracting may designate this responsibility on an individual contract or class basis. This designation may be made by name, position, or function, without limitation.	No	Yes, for Operational and Enterprise Contracting	Yes, for Operational and Enterprise Contracting
45	DFARS 216.405-2(1) AFFARS <a href="#">5316.405-2</a> (1)	Approves setting the percentage of award fee available for the final evaluation below 40 percent if the contracting officer determines that a lower percentage is appropriate.	** Yes	No	No
46	FAR 16.601(d) (1)(ii) DFARS 216.601(d) (1)(A)(2) AFFARS <a href="#">5316.601</a> (d)(i)(A)(2)	Approves the D&F for a T&M/LH contract or order if the base period plus any option period exceeds three years.	** Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
47	FAR 16.603-2(c)(3) AFFARS <a href="#">5316.603-2(c)(3)</a>	Approves the determination of a reasonable price or fee if the CO & contractor fail to reach agreement.	No	Yes	No
48	FAR 16.603-3 AFFARS <a href="#">5316.603-3</a>	Determines a letter contract may be used if no other contract type is suitable.	No	Yes	Yes, below \$50M but no lower than COCO
49	FAR 17.106-3(f) AFFARS <a href="#">5317.106-3(f)</a>	Authorizes the use of a solicitation requesting only multi-year prices, provided that dual proposals are not necessary to meet the objectives in FAR 17.105-2.	No	Yes	No
50	FAR 17.106-3(g) AFFARS <a href="#">5317.106-3(g)</a>	Approves the use of variable unit prices on multi-year contracts provided that, for competitive proposals, there is a valid method of evaluation.	No	Yes	No
51	DFARS 217.172(f)(2) AFFARS <a href="#">5317.172(f)(2)</a>	Determines the conditions required by DFARS 217.172(h)(2)(i)-(vii) will be met by a multi-year contract.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
52	DFARS 217.174(b) AFFARS 5317.174(b)	Determines, on the basis of a business case analysis, that the proposed purchase of electricity from sources of renewable energy under such contract is cost effective; and it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.	No	Yes	No
52	DFARS 217.7404(a)(1)(iii) DFARS 217.7404-1 AFFARS <a href="#">5317.7404</a> (a)(1)(iii) AFFARS <a href="#">5317.7404-1</a>	Approves Undefinitized Contract Actions (UCA), to include Foreign Military Sales.	No	Yes	Yes, below \$50M but no lower than COCO
53	DFARS 217.7404(b)(2) DFARS 252.217-7027(c) AFFARS <a href="#">5317.7404</a> (b)(2)	Approves unilateral definitizations by the Contracting Officer (in writing).	Yes, for UCAs with a value greater than \$50M	Yes, for UCAs with a value of \$50M or below	Yes, for UCAs with a value of \$50M or below but no lower than the COCO
54	DFARS 217.7404-3(a)(1) AFFARS <a href="#">5317.7404-3</a> (a)(1)	Determines in writing that extending definitization beyond an additional 90 days is in the best interest of the Government.	Yes	No	No



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
55	DFARS PGI 217.7504(4)(ii) AFFARS <a href="#">5317.7504</a> (4)(ii)	Authorizes reverse engineering.	No	Yes	No
56	DFARS 217.7505(b) AFFARS 5317.7505(b)	Approves Contracting Officer certification for a replenishment part price increase that increased by 25 percent or more over the most recent 12-month period.	No	Yes	No
57	FAR 18.125 AFFARS <a href="#">5318.125</a>	Determines that the contracting process may continue after GAO has received a protest (See FAR 33.104(b) and (c)).	** Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
58	FAR 18.2 DFARS 218.271 AFFARS <a href="#">5318.201</a> (b) FAR 13.201(g)(1) AFFARS <a href="#">5313.201</a> (g)(1) FAR 12.102(f) (1) FAR 2.101, paragraph (3) FAR 2.101 FAR 18.201 DFARS 218.201 Class Deviation 2018-O0018 AFFARS <a href="#">5318.201</a> (c) FAR 13.500(c)(1) AFFARS <a href="#">5313.500</a> (c)(1) DFARS 211.274-2(b)(1) AFFARS <a href="#">5311.274-2</a> (b)(1) AFFARS <a href="#">5312.102</a> (f)(1) DFARS 215.371-4(a)(2) AFFARS <a href="#">5315.371-4</a> (a)(2) DFARS 216.601(d)(i)(A) (3) AFFARS <a href="#">5316.601</a> (d)(i)(A) (3) DFARS 218.201(2) AFFARS <a href="#">5318.201</a> (c)(2) DFARS 218.202 AFFARS <a href="#">5318.202</a> AFFARS 5318.271 AFFARS 5318.271(S-90)	Determines that micro-purchases and simplified acquisitions of supplies or services (or the supplies or services themselves as applicable) are to be used in support of a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster.	No	Yes	Yes, but no lower than the COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
59	FAR 19.201(b) AFFARS <a href="#">5319.201</a> (b)	Implements small business programs within their activities, achieve program goals, and ensure contracting personnel maintain knowledge of program requirements.	No	Yes	No
60	DFARS 219.201(c)(8) AFFARS <a href="#">5319.201</a> (c)(8)	Assigns small business technical advisors to perform this function in accordance with DFARS 219.201(c)(8).	No	Yes	No
61	FAR 19.502-3(a)(5) AFFARS <a href="#">5319.502-3</a> (a)(5)	Authorizes a partial set-aside be made if there is a reasonable expectation that only two concerns (one large and one small) with capability will respond with offers.	No	Yes	No
62	FAR 19.505(b), (c), and (d) DFARS 219.505(b) AFFARS 5319.505(b)	Renders a decision regarding the CO's rejection of an SBA recommendation.	No	Yes	Yes, but no lower than COCO
63	FAR 19.1305(d) AFFARS <a href="#">5319.1305</a> (d)	Determines not to suspend action on the acquisition because urgent and compelling circumstances exist. Replies to SBA if SBA files an appeal for not restricting acquisition to HUBZone.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
64	FAR 19.1405(d) AFFARS <a href="#">5319.1405(d)</a>	Determines not to suspend action. Replies to SBA after receipt of a formal appeal from SBA concerning rejection of a set-aside for Service-disabled Veteran-owned Small Business.	No	Yes	No
65	FAR 22.101-1(e) AFFARS <a href="#">5322.101-1(e)</a>	Designates programs for contractors to notify Government of actual or potential labor disputes.	No	Yes	Yes, but no lower than COCO
66	DFARS 222.101-3-70 (b) PGI 222.101-3-70(b) (ii) AFFARS <a href="#">5322.101-3-70(b)</a> (ii)	Submits impact reports on labor disputes to agency head when sufficient urgency warrants the attention of the agency head or when specifically requested.	No	Yes	No
67	FAR 22.406-13 DFARS 222.406-13 AFFARS <a href="#">5322.406-13</a>	For construction contracts, submits Semiannual Enforcement Reports to the labor advisor.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
68	FAR 22.805(a)(8) AFFARS <a href="#">5322.805</a> (a)(8)	Approves an urgent or critical award, without pre-award clearance from the Office of Federal Contract Compliance Programs (OFCCP), if OFCCP cannot complete the evaluation by required date. Applies for contracts/ subcontracts \$10M or more excluding construction.	No	Yes	No
69	FAR 22.1802(d) AFFARS <a href="#">5322_1802</a> (d)	Waives the E-Verify requirement for a contract or subcontract or a class of contracts or subcontracts, either temporarily or for the period of performance.	** Yes	No	No
70	DFARS PGI 223.370-4(1)(i)(A) (2) AFFARS <a href="#">5323.370-4</a> (1)(i) (A)(2)	Waives the mandatory requirements for safety precautions for ammunition and explosives.	No	Yes	No
71	FAR 25.103(b)(2) (i) DFARS 225.103 AFFARS <a href="#">5325.103</a> (b) AFFARS <a href="#">MP5325</a> (a)	Approves determination that an article/material/ supply is not mined, produced, or manufactured in the United States in sufficient quantities of satisfactory quality.	No	Yes	Yes, but no lower than the COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
72	DFARS 225.103(a)(ii)(B)(2) AFFARS <a href="#">5325.103</a> (b)	Approves determination for a public interest exception, valued between the simplified acquisition threshold and \$1.5M, for end products that are substantially transformed in the United States.	No	Yes	No
73	DFARS 225.103(b)(ii)(C) AFFARS <a href="#">5325.103</a> (b)	Approves determination for article/material/supply, for \$1.5M or more, not domestically available and award is to be made on other than a qualifying country or eligible end product.	No	Yes	No
74	FAR 25.202(a)(2) DFARS 225-202(a)(2) AFFARS <a href="#">5325.202</a> (a)(2)	Approves non-availability determination for domestic construction material.	No	Yes	Yes, but no lower than the COCO
75	DFARS 225.403(c)(ii)(A) AFFARS <a href="#">5325.403</a> (c)(ii)(A)	Approves a national interest waiver for a purchase by an overseas purchasing activity if the product is critical for the support of U.S. forces stationed abroad.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
76	FAR 25.603(a)(1)(i) AFFARS <a href="#">5325.603(a)(1)(i)</a>	Approves Non-availability Determination (American Recovery and Reinvestment Act – Buy American Act – Construction Materials).	No	Yes	Yes, but no lower than the COCO
77	DFARS 225.7008(a)(2) AFFARS <a href="#">5325.7008(a)(2)</a>	Waives restrictions on certain foreign purchases under <a href="#">10 U.S.C. 2534(a)</a> .	No	Yes	No
78	DFARS 225.7703-2(b)(2)(i) AFFARS <a href="#">5325.7703-2(b)(2)(i)</a>	Determination requirements for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan (D&F below \$93M)	** Yes	No	No
79	FAR 28.105 AFFARS <a href="#">5328.105</a>	Approves using other types of bonds when acquiring particular supplies or services.	No	Yes	Yes, but no lower than the COCO
80	FAR 28.106-2(a) AFFARS <a href="#">5328.106-2(a)</a>	Approves the use of a new surety bond during the performance of the contract.	No	Yes	Yes, but no lower than COCO
81	DFARS 228.311-1 AFFARS <a href="#">5328.311-1</a>	Waives the requirement for use of FAR clause 52.228-7, Insurance -- Liability to Third Persons.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
82	DFARS 228.370(a)(2) AFFARS <a href="#">5328.370</a> (a)(2)	Disallows the contractor to buy insurance for war-hazard losses. If so, the CO shall insert the clause at DFARS 252.228-7000.	No	Yes	No
83	<a href="#">Class Deviation 2011-O0006</a> AFFARS <a href="#">5331</a>	Waives the requirements of FAR 31.	No	Yes	No
84	<a href="#">Class Deviation 2011-O0006</a> AFFARS <a href="#">5331</a>	Determine that incurrence of the Contribution in Aid of Construction (CIAC) tax is necessary to achieve the most beneficial business case for the Government and allowing the CIAC tax will result in significant benefits to the Government that outweigh the cost of allowing the tax.	No	Yes	No
85	FAR 32.202-1(d) FAR 32.501-2(a)(3) AFFARS <a href="#">5332.202-1</a> (d)	Approves unusual contract financing.	No	Yes	No
86	DFARS 232.901(1)(i)(C)(ii) AFFARS <a href="#">5332.901</a> (1)(i)(C)(ii)	Determines that conditions exist that limit normal business operations.	No	Yes	No



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
87	FAR 33.102(b)(3)(ii) AFFARS <a href="#">5333.102</a> (b)(3)(ii)	At the request of the contractor, reviews agency records associated with a request for reimbursement of protest costs by the Government.	No	Yes	Yes, but no lower than the COCO
88	FAR 33.104(b)(1) or (c)(2) AFFARS <a href="#">5333.104</a> (b)(1) or (c)(2)	Authorizes contract award notwithstanding a GAO protest before award, or continued contract performance notwithstanding a GAO protest after award.	** Yes	No	No
89	FAR 33.104(g) AFFARS <a href="#">5333.104</a> (g)	Reports to the GAO why their recommendations have not been followed by the agency not later than 5 days after the expiration of the 60-day response period.	** Yes	No	No
90	DFARS 233.215(3) AFFARS <a href="#">5333.215</a> (3)	Determines that continued performance is necessary pending resolution of any claim that might arise under or be related to the contract.	No	Yes	Yes, at least one level above CO
91	DFARS 234.7002(d)(4) AFFARS <a href="#">5334.7002</a> (d)(4)	Determines the information submitted is not sufficient to determine the reasonableness of price for items developed exclusively at private expense.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
92	DFARS 235.015-70(c) & (d)(3)(ii) AFFARS <a href="#">5335.015-70</a> (c) & (d)(3)(ii)	Approves special use allowance for research facility acquired by educational institutions.	No	Yes	No
93	FAR 36.208 AFFARS <a href="#">5336.208</a>	Approves concurrent performance of firm-fixed-price and other types of construction contracts at the same work site.	No	Yes	Yes, but no lower than COCO
94	FAR 36.213-2(a) AFFARS <a href="#">5336.213-2</a> (a)	Waives the requirement for pre-solicitation notices for proposed construction contracts expected to exceed the SAT.	No	Yes	Yes, but no lower than COCO
95	DFARS 236.272(b)(1) AFFARS <a href="#">5336.272</a> (b)	Authorizes the use of prequalification for urgent or complex construction projects.	No	Yes	Yes, but no lower than COCO
96	DFARS 236.272(b)(2) AFFARS <a href="#">5336.272</a> (b)	Approves the prequalification procedures of construction sources.	No	Yes	Yes, but no lower than COCO
97	FAR 36.301(b)(3)(vi) AFFARS <a href="#">5336.301</a> (b)(3)(vi)	Establishes other criteria for use of two-phase design-build selection procedures.	No	Yes	Yes, but no lower than COCO
98	DFARS 236.303-1(a)(4)(i)(B) AFFARS <a href="#">5336.303-1</a> (a)(4)(i)(B)	Approves determination to allow more than five offerors to submit phase two design-build proposals for acquisitions >\$4M.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
99	DFARS 236.570(b)(2) AFFARS <a href="#">5336.570</a> (b)(2)	Approves use of a separate bid item for mobilization and preparatory work.	No	Yes	Yes, but no lower than COCO
100	FAR 36.602-3 AFFARS <a href="#">5336.602-3</a>	Oversees evaluation board functions for A&E contracts.	No	Yes	Yes, but no lower than COCO
101	FAR 36.609-1(c)(1) AFFARS <a href="#">5336.609-1</a> (c)(1)	Determines that, in fixed-price A&E contracts, cost limitations are secondary to performance considerations and additional project funding can be expected, if necessary.	No	Yes	No
102	DFARS 237.104(b)(iii)(A)(2) AFFARS <a href="#">5337.104</a> (b)(iii)(A)(2)	Approves a proposed personal services contract for services to be provided by individuals outside the U.S. and directly supports defense intelligence components or special operations command. Services must be urgent, cannot be obtained by other means, and are supporting DoD activities or programs outside the U.S.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
103	DFARS 237.7401(c) AFFARS <a href="#">5337.7401(c)</a>	Determines the services being acquired under contract with the local government are in DoD's best interest.	No	Yes	Yes, but no lower than COCO
104	DFARS 239.101(1) AFFARS <a href="#">5339.101(1)</a>	Determines no commercial items are suitable to meet the agency's needs for information technology products or services.	No	Yes	Yes, but no lower than COCO
105	<a href="#">FAR 41.202(c)(2)</a> AFFARS <a href="#">5341.202(c)(2)</a>	Approves determination to pay the non-negotiated utility rates due to contract impasse.	No	Yes	Yes, but no lower than COCO
106	FAR 41.204(c)(1)(ii) AFFARS <a href="#">5341.204(c)(1)(ii)</a>	Determines use of the area-wide contract for utility services is not advantageous to the Government.	No	Yes	Yes, but no lower than COCO
107	FAR 42.202(c)(2) AFFARS <a href="#">5342.202(c)(2)</a>	Approves the delegation of additional functions to the CAO.	No	Yes	Yes, but no lower than COCO
108	DFARS PGI 242.7100(4) AFFARS <a href="#">5342.7100(4)</a>	Approves the solicitation of voluntary refunds from a contractor.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
109	FAR 45.102(e) AFFARS <a href="#">5345.102</a> (e)	Determines installation or construction of Government property on contractor-owned real property in such a fashion as to become non-severable is necessary and in the Government's interest.	No	Yes	No
110	DFARS 245.102(4)(ii)(C) (I)(ii) AFFARS <a href="#">5345.102</a> (4)(ii)(C) (I)(ii)	Approves a determination and findings concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR part 12 or part 8 for an acquisition other than an ACAT I program.)	No	Yes	No
111	FAR 45.301(f) AFFARS <a href="#">5345.301</a> (f)	Approves use of Government property for commercial use expected to exceed 25 percent of the total use of Government and commercial work performed.	No	Yes	Yes, but no lower than COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
112	FAR 48.104-3(a) FAR 48.202 AFFARS <a href="#">5348.104-3(a)</a>	Determines if the cost of calculating and tracking collateral savings will exceed the benefits to be derived.	No	Yes	Yes, but no lower than COCO

**TABLE 1**

Authority to enter into, approve, or terminate Grants, Cooperative Agreements, and Other Transactions has been approved as shown below. This authority may be redelegated within the contracting functional chain of responsibility, in writing, under such terms, conditions, and limitations as may be deemed appropriate.

SCO	Grant Authority	Cooperative Agreement Authority	Other Transactions Authority
HQ AFMC/PK	Yes	Yes	Yes
HQ AFRC/A7K	No	No	No
SMC/PK	Yes	Yes	Yes
HQ AFDW/PK	Yes	Yes	Yes
HQ USAFA/PK	Yes	Yes	Yes
AFOTEC/A7K	No	No	No
AFRCO/PK	No	No	Yes
SpRCO/PK	No	No	Yes

**TABLE 2**

### **MP5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), Service Acquisition Executive (SAE) Delegation Matrix**

**2019 Edition**

*Revised: 26 Jul 21*

**NOTE :** Yellow-shaded blocks indicate retained HoA-SPE-SAE responsibilities or those that are not delegable per the regulation listed in the Reference column.

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
1	FAR 3.104-2(a)	Approves agency supplementation of 3.104 including specific definitions to identify individuals who occupy positions specified in 3.104-3(d)(1)(ii), and any clauses required by 3.104	Yes	No	No	No
2	FAR 52.203-3 AFFARS 5303.203-3	Determines, after notice and hearing, that contractor or representative offered or gave a gratuity to officer, official, or Government employee and intended, by the gratuity, to obtain a contract or favorable treatment under a contract; and determines amount of exemplary damages (between 3 and 10 times cost incurred by contractor in giving gratuities to person concerned)	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
3	DFARS 203.570-2(a) AFFARS 5303.570-2(a)	Grants waiver in the interest of national security that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be less than 5 years	No	HCA	No	No
4	DFARS 203.570-2(b) AFFARS 5303.570-2(b)	Makes written determination that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be more than 5 years	No	HCA	No	No
5	DFARS 203.906(c)(1) AFFARS 5303.906(c)(1)	Takes required actions regarding reprisals as prohibited by 203.903 (10 USC 2409)	No	HCA	No	No
6	FAR 5.102(a) (5)(iii) AFFARS 5305.102(a)(5) (iii)	Makes written determination that availability of a solicitation through the GPE is not in the Government's interest	No	HCA	No	No



Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
7	FAR 5.202(b) AFFARS 5305.202(b)	Makes written determination after consult with Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration that advance notice of proposed contract action is not appropriate or reasonable	No	HCA	No	No
8	FAR 6.304(a) (4)	Approves in writing the justification for other than full and open competition for proposed contracts over \$100 million	Yes	No	No	No
9	FAR 7.107-2(b) AFFARS 5307.107-2(b)	Determines that consolidation is necessary and justified if the benefits of the acquisition would substantially exceed the benefits that would be derived from each of the alternative contracting approaches identified under paragraph (a) (2).	No	HCA	Yes	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
10	FAR 7.107-2(e) AFFARS 5307.107-2(e)	Determines that consolidation is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit at paragraph (d)(1) of this subsection but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	No	HCA	Yes	No
11	FAR 7.107-3(a)	Makes written determination that the bundling is necessary and justified in accordance with 15 U.S.C. 644(e) after ensuring that conditions at (a)-(e) are met.	Yes	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
12	FAR 7.107-3(f) (1)	Determines that bundling is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	Yes	No	No	No
13	FAR 8.405-3(a) (3)(ii) AFFARS 5308.405-3(a) (3)(ii)	Determination (in writing) to award single-award Blanket Purchase Agreement with an estimated value exceeding \$112 million (including any options).	No	HCA	Yes	No
14	FAR 8.405-6(b) (3)(ii)(C) AFFARS 5308.405-6(b) (3)(ii)(C)	Makes written determination that access through e-Buy not in Government's interest	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
15	FAR 8.405-6(d) (4)	Approves the justification for limited sources under a BPA with an estimated value over \$93 million	Yes	No	No	No
16	FAR 9.405(a) AFFARS 5309.405(a)	Determines compelling reason exists to solicit offers from, award contracts to, or consent to subcontracts with contractor debarred, suspended, or proposed for debarment	No	HCA	No	No
17	DFARS 209.405(b)(ii) (A) AFFARS 5309.405(b)(ii) (A)	Grants exemption permitting award to contractor that has violation of Clean Air or Clean Water Act	No	HCA	No	No
18	FAR 9.405(d) (2)-(3) AFFARS 5309.405(d)(2)- (3)	Makes written determination of the compelling reason to consider bid received from, evaluate for award, include in competitive range or hold discussions with listed contractor	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
19	FAR 9.405-1(a) AFFARS 5309.405-1(a)	Directs discontinuance of contracts or subcontracts in existence at time contractor was debarred, suspended, or proposed for debarment	No	HCA	No	No
20	FAR 9.405-1(b) AFFARS 5309.405-1(b)	For contractors debarred, suspended, or proposed for debarment, makes written determination of the compelling reasons to place orders exceeding the guaranteed minimum; place orders under FSS, BPAs, or BOAs; or add new work, exercise options, or otherwise extend duration of current contracts or orders	No	HCA	No	No
21	FAR 9.405-2(a) DFARS 209.405-2(a) AFFARS 5309.405-2(a)	States in writing that compelling reason exists for CO to consent to proposed subcontracts with contractors debarred, suspended, or proposed for debarment	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
22	DFARS 211.274-2(b)(2) (i)(A) AFFARS 5311.274-2(b) (2)(i)(A)	Executes D&F that it is more cost effective for the Government to assign, mark, and register the unique item identifier after delivery, & item is from SB concern or is commercial acquired under FAR Part 12 or 8 <b>for an ACAT I program</b>	No	PEO	No	No
23	FAR 11.501(d) AFFARS 5311.501(d)	Waives or reduces the amount of liquidated damages assessed under a contract if Commissioner, Financial Management Service, or designee approves (see Treasury Order 145-10).	No	HCA	No	No
24	DFARS 212.207(b)(iii) AFFARS 5312.207(b)(iii)	Approves written determination by the contracting officer to use T&M or LH for commercial services contracts expected to extend beyond three years	No	HCA, if the base period plus any option period exceeds 3 years	Yes, if the base period plus any option period is 3 years or less and T&M or LH value exceeds \$1M	Yes, one level above the CO if the base period plus any option period is 3 years or less and the T&M or LH value is less than or equal to \$1M

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
25	FAR 13.501(a) (2)(iv)	Approves the justification for sole source (including brand name) acquisitions conducted under subpart 13.5 for a proposed action exceeding \$93 million	Yes	No	No	No
26	FAR 16.504(c) (2)(i)(A) AFFARS 5316.504(c)(2) (i)(A)	Designates official other than contracting officer to make determination in writing, as part of acquisition planning, that multiple awards are not practicable (Contracts for A&S)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
27	FAR 16.504(c) (2)(i)(B) AFFARS 5316.504(c)(2) (i)(B)	Designates official other than contracting officer to make determination in writing, after the evaluation of offers, that only one offeror is capable of providing the services required at the level of quality required (Contracts for A&S)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
28	FAR 16.504(c) (2)(ii) AFFARS 5316.504(c)(2) (ii)	Designates official other than contracting officer to make determination whether advisory and assistance services are incidental and not a significant component of contract	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
29	FAR 16.505(b) (2)(ii)(C)(4)	Approves the justification for exceptions to fair opportunity for a proposed order over \$93 million	Yes	No	No	No
30	FAR 17.105-1(b) AFFARS 5317.105-1(b)	Enters into a multi-year contract (MYC) for supplies (DoD) if conditions at (b) (1)-(5) are met	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
31	DFARS 217.170(a) AFFARS 5317.170(a)	Compares cost if MYC to cost of an annual procurement approach, using present value analysis; award only if MYC will result in the lower cost	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
32	DFARS 217.170(b) AFFARS 5317.170(b)	Provides written notice to the congressional defense committees at least 30 days before termination of any MYC	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No



Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
33	DFARS 217.171(c) AFFARS 5317.171(c)	Makes written determination before entering into a MYC that the conditions at (c)(1)-(3) are met	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
34	DFARS 217.172(h) AFFARS 5317.172(h)	Ensures that the conditions at (h)(1)-(7) are satisfied before awarding a MYC for a defense acquisition program that has been specifically authorized by law to be carried out using MYC authority	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
35	DFARS 217.173 AFFARS 5317.173	Enters into a MYC for up to 4 years (for supplies and services required for management, maintenance, and operation of military family housing) and pay for each year from annual appropriations	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
36	DFARS 217.204(e)(i) (C) AFFARS 5317.204(e)(i) (C)	Determines in writing that exceptional circumstances require an ordering period that exceeds 10 years.	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
37	DFARS 217.204(e)(iii) AFFARS 5317.204(e)(iii)	Approves issuance of an order subject to 217.204(e)(i) if performance under the order is expected to extend more than 1 year beyond the 10-yr limit or extended limit described in (e)(i)(C)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
38	FAR 17.502-2(c)(2)	Approves D&F for an Economy Act order to obtain supplies or services by interagency acquisition when the servicing agency is not covered by the FAR	Yes	No	No	No
39	DFARS 217.7404-5(b) AFARS 5317.7404-5(b)	Waives limitations of 217.7404(a) Foreign military sales contracts; 217.7404-2 Price ceiling; 217.7404-3 Definitization schedule; and 217.7404-4 Limitations of obligations, if necessary to support cont. ops or humanitarian/peacekeeping op.	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
40	FAR 19.1505(g) (3) AFFARS 5319.1505(g)(3)	Issues a written decision on appeal of CO rejection of SBA recommendation or makes a written determination that urgent and compelling circumstances which significantly affect the interests of the United States compel award of the contract	No	HCA	No	No
41	FAR 19.1505(g) (5) AFFARS 5319.1505(g)(5)	Specifies in writing the reasons for a denial of an SBA formal appeal	No	HCA	No	No
42	FAR 22.1203-3(a)	Waives, in writing, some or all of the provisions of this subpart after determining in writing that the application of this subpart would not serve the purposes of EO 13495 or would impair the ability of the Federal Government to procure services on an economical and efficient basis	Yes	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
43	DFARS 222.7003 AFFARS 5322.7003	Waives the requirements of 222.7002 on case-by-case basis for national security	No	HCA	No	No
44	FAR 25.103(a)DFARS 225.103(a)(ii) (B)(3) AFFARS 5325.103(a)(ii) (B)(3)	Determines that domestic preference for foreign end product would be inconsistent with the public interest for acquisitions valued at \$1.5 million or more.	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
45	FAR 25.202(a) (1) AFFARS 5325.202(a)(1)	Determines that application of the restrictions of the Buy American statute to a particular construction material would be impracticable or would be inconsistent with the public interest.	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
46	FAR 25.204(b) AFFARS 5325.204(b)	Specifies a higher percentage than 6 percent that the CO adds to the offered price of any foreign construction material proposed for exception from the requirements of the Buy American statute based on the unreasonable cost of domestic construction materials.	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
47	FAR 25.603(a) (1)(iii) AFFARS 5325.603(a)(1) (iii)	Determines that application of the restrictions of section 1605 of the Recovery Act to a particular manufactured construction material, or the restrictions of the Buy American statute to a particular unmanufactured construction material would be inconsistent with the public interest	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
48	FAR 25.603(a) (2) AFFARS 5325.603(a)(2)	Determines that application of the Buy American statute to a particular unmanufactured construction material would be impracticable	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
49	FAR 25.603(b) (2) AFFARS 5325.603(b)(2)	When a determination is made, for any of the reasons stated in this section, that certain foreign construction materials may be used, provides a notice to the Federal Register within three business days after the determination of the inapplicability of Section 1605 of the Recovery Act is made, with a copy to the Administrator for Federal Procurement Policy and to the Recovery Accountability and Transparency Board.	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
50	FAR 25.1001(a) (2)(iii) AFFARS 5325.1001(a)(2) (iii)	Executes D&F in accordance with 25.1001(b), that use of 52.215-2 w/ Alt III or 52.215-5 w/ Alt I will best serve interest of the United States	No	HCA	No	No
51	DFARS 225.7501(c) AFFARS 5325.7501(c)	Any time during the acquisition process, determines that not in the public interest to apply the restrictions of the Balance of Payments Program to end product or construction material	No	HCA	No	No
52	DFARS 225.7703-2	Makes written determination that it is in the national security interest of the US to use procedures in 225.7703-1(a) for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan	Yes	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
53	FARS 26.203(b) AFFARS 5326.203(b)	Determines in writing that transition to local firms is not feasible or practicable (individual or class basis)	No	HCA	No	No
54	FAR 27.306(a)	In contracts with small business concerns or nonprofits, approves and signs written justification allowing Government to require licensing to 3rd parties of inventions. May only authorize if (1) Use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the contract; and (2) Action is necessary to achieve the practical application of the subject invention or work object.	Yes	No	No	No



Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
55	FAR 30.202-6(b)	Authorizes award of a CAS-covered contract w/ o obtaining submission of the required disclosure statement	Yes	No	No	No
56	FAR 32.402(c) (1)(iii) AFFARS 5332.402(c)(1) (iii)	Determines, based on written findings, that advance payment is in public interest or facilitates national defense	No	HCA	No	No
57	FAR 32.906(a) AFFARS 5332.906(a)	Determines that (1) making invoice and contract financing payments earlier than 7 days prior to the dates specified in the contract is warranted in a specific case; or (2) use of accelerated payment methods described in 5 CFR §1315.5 is necessary	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
58	FAR 32.1106(b) AFFARS 5332.1106(b)	Authorizes electronic funds transfer (EFT) for a non-domestic transaction if (1) the political, financial, and communications infrastructure in the foreign country supports EFT payment; or (2) payments of other than United States currency may be made safely	No	HCA	No	No
59	DFARS 236.270(a)	Certifies that the additional expenditures are necessary to protect the National interest AND establishes a reasonable completion date for the project (Approval to expedite the completion date of a contract funded by a MILCON appropriations act, if additional costs are involved)	Yes	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
60	FAR 37.113-1(a) AFFARS 5337.113-1(a)	May waive the 31.205-6(g) (6) cost allowability limitations on severance payments to foreign nationals that meet the conditions at 37.113-1(a)(1)- (2)	No	HCA	No	No
61	DFARS 243.204-70-5(c) AFFARS 5343.204-70-5(c)	Waives limitations of 243.204-70-2 (price ceiling); 243.204-70-3 (definitization schedule); and 243.204-70-4 (limitations on obligations) if necessary to support cont. ops or humanitarian/ peacekeeping op.	No	HCA	No	No
62	FAR 44.302(a) AFFARS 5344.302(a)	Raises or lowers the \$25 million contractor purchasing system review (CPSR) level if considered to be in the Government's best interest	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
63	DFARS 245.102(4)(ii) (B) AFFARS 5345.102(4)(ii) (B)	Determines contractor will not be required to tag, label, or mark items that are to be in support of contingency operation or to facilitate defense against/recovery from NBCR attack	No	HCA	No	No
64	DFARS 245.102(4)(ii) (C)(1)(i) AFFARS 5345.102(4)(ii) (C)(1)(i)	Executes D&F concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR part 12 or part 8 <b>for ACAT I programs.</b>	No	PEO	No	No
65	DFARS 249.501-70(a) AFFARS 5349.501-70(a)	Approves the use of 252.249-7000, Special Termination Costs in incrementally funded contract	No	HCA	No	No

## **MP5301.602-2 (d) Designation, Assignment, and Responsibilities of a Contracting Officer's Representative (COR)**

### **2019 Edition**

*Revised: 26 Jul 21*

The following are mandatory procedures (MP) for standardizing the Air Force (AF) contracting process regarding designation, assignment, and responsibilities of a Contracting Officer's Representative. The assignment of a COR is not necessary when the CO retains or delegates surveillance to DCMA, or one of the categories of services exempted in AFI 63-138.

[1.0 Contracting Officer Roles and Responsibilities](#)

[2.0 COR Roles and Responsibilities](#)

[3.0 COR Supervisor](#)

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### **1.0 Contracting Officer Roles and Responsibilities**

1.1 As part of the acquisition planning process, the CO must determine the nature of the work/requirement (Type A, B, or C) as specified in [DoDI 5000.72](#), *DoD Standard for Contracting Officer's Representative (COR) Certification*.

1.2 If the requiring activity has not yet initiated a COR nomination, the CO must initiate the [Request for COR Support](#) to notify the requiring activity of the need for COR(s) support and to prompt requiring activity nomination of a qualified COR via the Joint Appointment Module (JAM) (formerly CORT Tool) in Procurement Integrated Enterprise Environment (PIEE). 1.2.1 The Request for COR Support memorandum initiated by the CO should be routed through requiring activity (e.g., COR Supervisor, Functional Commander/Director (FC/FD)). See Enclosure 5 of [DoDI 5000.72](#), Qualification Requirements for CORs and Enclosure 6 of [DoDI 5000.72](#), Examples of COR Responsibilities and COR Certification Requirements. The COR must file the CO's Request for COR Support memorandum (if used) in the "COR Online File."

1.2.2 The CO must provide contract specific training (see paragraph 1.3.7). COR management is responsible for ensuring that any COR performing under a waiver pursuant to sections 1701-1764 of Title 10, United States Code completes all required training. New entrant and required DoD Component provided ethics and combating trafficking in persons (CTIP) training may not be waived.

1.2.3 The CO shall perform, with participation of the COR and COR supervisor, a yearly administrative review of the COR's online file during the anniversary month of appointment, or more often, at the discretion of the CO. The CO shall upload the COR File Annual Checklist to the Surveillance and Performance Monitoring (SPM) (Formerly CORT Tool) in PIEE comprised of the minimum requirements of DFARS PGI 201.602-2(d)(vi), and contract and COR-related documents necessary for the effective discharge of COR duties and responsibilities. The Checklist (available in SPM) shall guide the COR in populating the online COR File, and serve as the basis for the CO to judge the accuracy and completeness of the COR file during each review.

1.2.4 Upon completion of each CO review of the online COR File, the CO shall document the results on the COR File Annual Checklist, and upload each Checklist review to the SPM.

1.2.5 The [COR Designation](#) from the CO must also:

(a) Designate the COR (if required) as an Assessing Official Representation (AOR) supporting the CPAR process;

(b) Stipulate that the COR will be required to have access to the Synchronized Pre-Deployment & Operation Tracker (SPOT) (if required due to overseas deployment support); and

(c) Stipulate whether the COR will require access to the Enterprise-wide Contract Manpower Reporting Application (eCMRA).

1.2.6 Notification of COR designation should be provided to the QAPC.

1.2.7. Distribution of the fully executed COR designation must be made to the COR, COR Supervisor, Contractor and Property administrator. In addition, notification must be sent to the local Judge Advocate General office or Office of General Counsel immediately upon the appointment of a COR designated as an OGE Form 450 filer, and annually by January 1st, a list of all CORs required to file [OGE Forms 450](#).

1.3 CO, Contract Specialist, or QAPC Led Training. The CO must ensure contract-specific training is scheduled and provided to the prospective COR, unless waived (see 1.2.2). The training may be conducted by the CO, Contracting Specialist, or QAPC, and must consist of the following at a minimum prior to contract award:

1.3.1 Duties/responsibilities to be delegated;

1.3.2 Importance of COR performance;

1.3.3 Personal conflicts of interest and potential conflicts of interest;

1.3.4 Unauthorized commitments;

1.3.5 Ethics/integrity in relationships with the CO, COR management (e.g., COR Supervisor, Services Designated Official (SDO), Functional Commander/ Directors (FC/FD)), and the contractor;

1.3.6 Discussion of the [Seven Steps to the Services Acquisition Process](#).

1.3.7 Contract-specific training consisting as a minimum of the following:

1.3.7.1 A discussion of the contract (SOW, PWS, Specifications, etc.), and surveillance plan/QASP;

1.3.7.2 An awareness of any areas in the contract susceptible to fraud, waste, and abuse;

1.3.7.3 Creation, maintenance, and submission of all surveillance documentation and contractor performance assessment information required by the contract and applicable regulations;

1.3.7.4 How the COR can stay abreast of contract modifications;

1.3.7.5 How the COR can monitor contract fund status; and,

1.3.7.6 Joint CO and COR review of the "COR File Annual Checklist" to ensure mutual understanding of the level/quality of surveillance and documentation must be maintained in the on-line SPM file.

1.3.8 Refer to the [Suggested Contract-Specific Training Syllabus](#) template for conducting contract-specific training. The template may be tailored to fit your acquisition.

### **COR Performance and Appraisal**

1.4 At a minimum, the CO and COR supervisor must review the COR's reports, files, and other documentation for completeness/accomplishment, on an annual basis.

1.5 The CO must provide an annual assessment, as a minimum, on the COR's performance to the COR supervisor. The assessment may be performed concurrently with the administrative review of the COR online file detailed in 1.2.3.

1.6 The COR must complete and upload reports to the SPM, as required, to enable the CO to review and approve/ reject reports in the SPM.

1.7 When the CO terminates the COR's duties (see [Termination of COR Designation](#)), a new COR can be nominated prior to terminating the former COR. The requiring activity must nominate a COR replacement via the JAM to ensure continuous contract monitoring by a qualified individual. Copies of the designation for the successor COR will have the same distribution requirements as the COR letter of designation.

1.8 When the requiring activity requests termination of COR designation, the CO must terminate the COR designation in writing (use of the "Smart Form" in the JAM is authorized). Include the signed [Termination of COR Designation](#) in the official contract file.

1.9 The CO must forward a copy of the fully executed [Termination of COR Designation](#) to the COR, COR Supervisor, Contractor, and as applicable, to the contract administration office(r).

## **2.0 COR Roles and Responsibilities**

2.1 Register for JAM and SPM access through the PEE e-Business Suite at <https://wawf.eb.mil>, and complete training to effectively perform duties in the SPM. Training includes a review the JAM and SPM Users Guide and FAQs, and if necessary, a request for additional training from a local Department Administrator (DA).

2.2 Provide information necessary to assess whether any actual or potential personal conflicts of interest with performing the responsibilities to be designated exist. Conflicts of interest determination will be reviewed again prior to contract award.

2.3 Participate, as requested, in annual CPAR procedures and contract close-out.

2.4 Remain abreast of changes to terms and conditions of the contract resulting from contract modifications.

2.5 Perform only those duties/responsibilities delegated by the CO in the [COR Designation](#).

2.6 CORs may be designated as the Assessing Official's Representative (AOR) by the CO in the Contractor Performance Assessment Reporting System (CPARS) IAW the CPARS Guide. If designated as an AOR, the COR would be responsible for providing a timely, accurate, quality, and complete narrative for a report on the contractor's performance. If the CO requires the COR to have access to the contractor performance assessment reporting system (CPARS), the synchronized pre-deployment and operational tracker (SPOT) or the enterprise contractor manpower reporting application (eCMRA), an account would be authorized and granted after COR designation.

### **3.0 COR Supervisor**

3.1 Register for SPM access via the Procurement Integrated Enterprise Environment (PIEE) e-Business Suite at <https://wawf.eb.mil>, and then complete training to effectively perform duties in the SPM. Training includes a review of the JAM and SPM Tool Users Guide and FAQs, and if necessary, a request for additional training from a local DA.

3.2 Review and approve (certify) or reject COR nominations in the JAM, when submitted by an assigned COR in the JAM and notified by a system-generated email that a nomination is "Awaiting Approval".

3.3 The COR Supervisor shall ensure that the COR completes and uploads COR Reports to SPM, as required, to enable the CO to review and approve/ reject reports in the SPM.

3.4 Conduct regular reviews of COR inputs into SPM, and follow-up as necessary, on the content, timeliness, and completeness of COR Reports, online files, and other COR-related documentation.

3.5 If a Chief-Contracting Officer's Representative (C-COR) is appointed for a service contract pursuant to [AFI 63-138](#), *Acquisition of Services, Chapter 2*, the C-COR must maintain the sole online COR file in SPM for the contract. When a CO appoints a C-COR and CORs on the same contract, the relationship shall be annotated on the COR Designation.

### **4.0 OGE 450 Determination and Processing**

4.1 A COR must file an [OGE 450](#) if determined to meet the criteria for filing a Confidential Financial Disclosure Report (OGE Form 450) as set forth in section 2634.904 of Title 5, Code of Federal Regulations, and section 7-300 of DoD 5500.07-R.

4.1.1 A COR need not be designated as an OGE 450 filer, IAW section 2634.904 of Title 5, if all of the following apply:(a) The COR will NOT participate personally and substantially in any contracting process,

(b) The COR will NOT exercise substantial discretion, through interactions, decisions, or reports, that will influence the contractor's activities and result in a substantial economic effect on the contractor's interests,

(c) The COR's work and judgment WILL BE subject to "substantial supervision and review" by the CO & COR Supervisor, with final authority deferred to the CO for contractor direction and contract-related matters, and

(d) The COR's actions will NOT cause any conflict of interest (real or apparent) between the interests of the COR and the government and/or the contractor

4.2 The COR must submit the completed [OGE 450](#) directly to his or her supervisor and provide the information contained on the OGE 450 to the CO for review prior to submission to the local legal office by the required date.

### **5.0 Quality Assurance Program Coordinator (QAPC)**

5.1 Train CORs and COR management [e.g., COR Supervisor, SDO, Functional Commanders/Directors (FC/FD)] on the contracting requirements associated with the quality assurance program and any MAJCOM/DRU/AFRCO/SMC procedures prior to contract award. See paragraph 1.5 herein.

5.2 Assist the CO in providing contract-specific training (to include refresher training) to the COR (Reference paragraph 1.3 above) and ensuring required training is accomplished in accordance with [DoDI 5000.72](#), *DoD Standard for Contracting Officer's Representative (COR) Certification*, 26 Mar 15.

5.3 Monitor the inputs and use of SPM for the assigned organization. This requires registration, training, and designation as a local JAM/SPM DA or Manager Role by all QAPCs. DAs/Managers provide functional, not technical support, and provide for the continued deployment of JAM and SPM for new users and for the support of existing users in the local organization, by performing three categories of duties:

5.3.1 [GETTING STARTED](#) :(a) Advise or assist new users with initial JAM/SPM registration, or existing users with registration and profile updates, through the PIEE e-Business Suite platform;(b) Activate new roles (if designated as a DA) and added roles (only if a DA) after verifying proper completion of the automated DD2875; and,

(c) Conduct JAM SPM training or provide training resources to users.

5.3.2 USER SUPPORT : (a) Advise and assist on the functions & features of JAM/SPM; (b) Use Administrator or Manager privileges to research, troubleshoot, and advise on reported functional issues; (c) Refer users to the PIEE Helpdesk, when a reported issue involves accounts, errors, or technical support; (d) Monitor records of all COR nominations, designations, and terminations of designations, to include COR's acknowledgement of their duties, by contract number and CO's name;

(e) Monitor records of all COR and COR management training, including refresher training regardless of provider (e.g., QAPC, CO, contract specialist, contract administrator, Defense Acquisition University, or commercial training provider)

## 6.0 Memorandum Templates and Contract Training Syllabus

[Request for COR Support](#)

[Suggested Contract-Specific Training Syllabus](#)

## MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers

### 2019 Edition

*Revised: 26 Jul 21*

(a) Applicability. This MP must be used when selecting, nominating, appointing, and terminating contracting officers (CO) to maximize standardization across the AF. Warrants are issued in accordance with FAR 1.603, DFARS 201.603, AFFARS 5301.603-2-90, and this MP.

(b) Exemption. Warrant procedures for Contingency Contracting Officers (CCOs) are set forth in AFFARS 5301.603-2-90 and, this MP, as applicable.

(c) Focal Point (FP). FPs must be designated in writing via the FP designation form and may be assigned unlimited or limited duties as indicated in the [Warrant Process Focal Point Designation Form](#). Each SCO is responsible for appointing FPs and must designate at least one FP with unlimited duties. SCOs may delegate authority to appoint "limited FPs" to perform COT Proctor functions to the COCO. This authority is not further delegable. Follow the form instructions when appointing FPs.

(d) AF CO Warrant Tracking Tool. All warrants are entered into and tracked via the AF CO Warrant Tracking Tool ([AFCOWTT](#)). FPs obtain access to the AFCOWTT by submitting a copy of the Warrant Process Focal Point Designation Form to [HQ AFMC/PK](#). Prior to obtaining access, FPs must request training on the use of the AFCOWTT by contacting HQ AFMC/PK, as applicable. FPs are responsible for entering all warrant data into the tool, and for uploading warrants ([SF1402s](#)) (and up to three past

[SF1402s](#)), a copy of the COT certificate, and the [Contracting Officer Appointment/Warrant Eligibility Transfer/Termination Request \(COWER\)](#). FPs also administer all other warrant actions and are responsible for maintaining current, accurate, and complete warrant data in the AFCOWTT.

(e) CO Warrant Nomenclature. All transferable warrants are numbered as follows: the first two positions are "AF", the third and fourth positions are the last two digits of the fiscal year (FY) in which the appointment is made, and positions 5-8 are obtained from the identification (ID) field of the AFCOWTT; for example, in FY21 an ID field number of 2345 would yield an appointment number of AF-21-2345. Current transferable warrants will be updated through attrition. All new non-transferable warrants will be numbered as follows: Organization-FY-XXXX e.g., SMC-21-2499 for SMC; positions 5-8 are obtained from the ID field of the AFCOWTT.

(f) Nominating Warrant Candidates. Warrant candidates are nominated by a candidate sponsor who shall be no lower than the candidate's first level supervisor. Submit warrant nominations to the designated FP using the COWER.

(g) AF Contracting Officer Test (COT). Candidates for warrants above the simplified acquisition threshold (SAT) must pass the two-hour timed, open book COT by achieving a minimum score of 80%.

(1) The COT is a proctored, computer generated test containing 25 randomly selected true/false and multiple-choice questions from the FAR, DFARS, and/or AFFARS. Each question is worth up to two points.

(2) During the COT, candidates are limited to the use of electronic regulations available via [www.acquisition.gov](http://www.acquisition.gov) and hard copies of the FAR and DFARS (free of tabs and notes); however, hard copies will not be provided. Notes and electronic devices are not permitted in the testing site. Use of email, instant messaging, or any other form of electronic communication is prohibited during the COT.

(3) Candidates must provide the correct answer and the correct, associated complete reference (e.g., FAR 15.401(a)(2)(i)(B)), in order to earn two points. If the candidate answers the question correctly but provides an incorrect reference, one



point will be received. If the candidate answers the question incorrectly but the reference correctly, the candidate will not receive any points as this indicates a failure to understand the regulation. The COT is automatically and electronically scored.

(i) If the candidate fails to pass the COT, the candidate may challenge missed questions and/or references in accordance with the Proctor User Guide only when approval of the challenge would result in a passing score.

(ii) A candidate who fails the COT may retake it if authorized by their immediate supervisor and space is available. If the candidate fails to pass the COT on the second attempt, the candidate may not retake the COT until a six month waiting period has passed.

(iii) Supervisors are authorized to approve a maximum of two continuous learning points per 12-month period for an individual who completes the COT, whether for a warrant request action or for training purposes.

(4) Practice COT: Practice tests are available via the ADLS site in accordance with number (5) below. Practice tests may not be administered on the COT site. The completion of a practice test shall not be used as the basis for warrant eligibility.

(5) Demonstration (Demo) COT: A demo test was developed to help familiarize warrant candidates with the question structure of the COT. The Demo is a non-proctored, 50-minute, timed test consisting of ten questions which are electronically and randomly selected from a 20 question pool. Follow the instructions on the COT SharePoint page to access the demo test on [ADLS](#). There is no limit on the number of times the Demo COT may be taken.

(6) COT Maintenance. To ensure the integrity of the COT, the database of questions, answers, and references are reviewed and updated on a regular basis. HQ AFMC/PK maintains the

COT SharePoint page and has configuration control over the COT question database and the Proctor User Guide.

(i) The MAJCOM/DRU FP (or for AFMC, the subordinate unit FP) must immediately notify HQ AFMC/PK upon discovery of an incorrect or incomplete reference or incorrect answer, or a suspect question, as evidenced by the percentage of incorrect answers selected or by test score challenges/validation efforts.

(ii) HQ AFMC/PK is responsible for updating questions, answers, and references in the COT database, as necessary, due to errors, administrative changes, regulatory changes, etc.

(7) Additional information and testing protocols regarding the COT are located on the COT SharePoint page.

(8) When a candidate passes the COT, the COT automatically generates a COT Certificate of Completion, and the COT proctor annotates successful COT completion on the candidate's COWER.

(h) Non-Transferable Warrants. Non-transferable warrants may be issued for specific functions or buying activities (i.e., contract closeout, defective pricing actions, funding modifications, administrative modifications, specific contracts, units, etc.) if the requirements of AFFARS 5301.603-2-90(b) are met. Candidates for limited non-transferable warrants above the SAT should pass the COT in accordance with this MP. Warrant boards shall not be used for non-transferable warrants; however, a vetting process may be used when the resultant contract actions are expected to exceed \$25M. The SF1402 must clearly state "Limited Non-Transferable Warrant" and cite the specific warrant limitations.

(i) Limited Transferable Warrants. Warrants limited by a monetary threshold are transferable across the AF. Dollarized warrant limitations apply to the value of the instant contract action a CO is executing. For example, if a CO holds a limited warrant of \$5M and the contract award amount of the instant action is \$6M, the CO is not authorized to sign the contract; however, the same CO would be authorized to sign a \$5M funding action issued against the same contract (See AF PGI 5301.108(c)).

(1) Warrants > SAT to < \$5M. Successful completion of the COT and meeting the requirements of this MP indicate eligibility for a limited warrant above the SAT but less than \$5M. Warrant boards shall not be convened for warrants within this threshold.

(2) Warrants \$5M to \$25M. Successful completion of the COT, meeting the requirements of this MP, and a vetting process established by the appointing official and documented on the COWER, indicate eligibility for a limited warrant from \$5M to \$25M. Warrant boards shall not be convened for warrants within this threshold.

(j) Unlimited Warrants. Successful completion of the COT, meeting the requirements of this MP, and passing a warrant board indicate eligibility for an unlimited warrant. All unlimited warrants are transferable across the AF.

(1) Warrant Boards.

(i) Warrant boards are reserved exclusively for warrants greater than \$25M and are used to further assess the candidate's experience, qualifications, communication skills, and overall demeanor.

(ii) Warrant boards must be chaired by the appointing official or designee at a level no lower than:

(A) Deputy Director or Assistant Director of Contracting;

(B) Technical Director/Assistant to the Director of Contracting;

(C) Chief of the Clearance and Program Support Division or Chief of Policy;

- (D) Highest level contracting official at a geographically separated organization; or
- (E) COCO, Deputy, or equivalent.

(iii) Warrant boards must have a minimum of five members, including the board chairperson, participating to constitute a quorum. Suggested board composition includes:

- (A) Contracting office supervisors;
- (B) Representative from the staff judge advocate office;
- (C) Competition Advocate;
- (D) Clearance/program support procurement analyst;
- (E) Small business specialist/liaison;
- (F) Supervisors/Directors/Deputy Directors from other disciplines; and/or
- (G) Cost/price analyst.

(iv) Warrant board members may participate in person, by teleconference, or video conference at the discretion of the board chairperson.

(v) The warrant candidate must correctly answer and/or discuss no fewer than 10 questions, seven of which must be obtained from the scenario-based AF question repository. To obtain access to the question repository, submit the Warrant Process Focal Point Designation Form to

HQ AFMC/PK. The appointing official has the discretion to develop new questions(s) for the remaining three questions, which may be scenario- or knowledge-based. The board shall include questions that address PEO, Enterprise, and Operational portfolios, as well as pricing, fiscal law, contract law, legal, and problem solving.

(vi) The board chairperson/appointing official, in consultation with the board members, may appoint an unlimited warrant, a limited, specified dollar warrant, or none. Individuals awarded an unlimited warrant as a result of a warrant board shall not be required to sit before the board again.

(k) Warrant Transfer and Reinstatement.

(1) Warrants issued in accordance with this MP, with the exception of those issued in accordance with paragraph (h) above, are transferable across the AF. As long as a warrant is in good standing, an individual shall not be required to test or board again. However, warrant transferability does not guarantee immediate utilization, as the appointing official may determine that time is needed to facilitate familiarity with new workload responsibilities and organizational procedures. When a CO, including those grandfathered, transfers to an organization with a different appointing official and the new position requires a warrant, the gaining appointing official must obtain a copy of the current COWER from the losing appointing official.

(2) Warrant reinstatement is applicable to an individual who previously held an AF warrant and whose warrant was subsequently terminated for reasons such as reassignment or resignation. A request to reinstate an AF warrant must be submitted to the appointing official for approval through the designated FP using the COWER. The appointing official shall document their assessment and rationale for warrant reinstatement on the COWER.

(l) Grandfathered Contracting Officers. Current COs are not required to be tested, boarded, or reappointed as a result of the issuance of, or changes to, this MP. However, those with limited non-transferable or limited transferable warrants must meet the requirements of this MP to obtain a transferable and/or higher dollar value warrant. Taking of the COT is only required for those candidates holding a limited non-transferable warrant.

(m) Warrants Issued Based on External Warrant Credentials. A new AF 1102 with external, federal government CO experience may be issued an AF warrant without meeting the requirements of this MP (COT and vetting process or warrant board) based on the discretion of the appointing official, provided they meet the qualification requirements at [DFARS 201.603-2](#). The appointing official must conduct an assessment of the candidate's qualifications and experience prior to the issuance of an AF warrant. The appointing official shall document the rationale for appointment on the COWER ( [See sample criteria](#) ).

(n) Reissuance of Warrant Certificates. A request to reissue an existing warrant certificate for administrative purposes (e.g., damage to or deterioration of the original SF1402, name changes, etc.) is not a new appointment and may be submitted directly to the FP for processing to the appropriate appointing official; use of the COWER is not required.

(o) Warrant Suspension or Termination for Cause. Warrants may be suspended or terminated for unsatisfactory performance. The appointing official may suspend a warrant in writing until proficiency is demonstrated to the satisfaction of the appointing official. If a warrant is terminated for cause, the candidate must be reappointed in accordance with paragraphs (h), (i), or (j) of this MP.

## MP5301.90 – CLEARANCE

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### MP5301.9001 (i)(1)(i)- Business Clearance Approval by the DAS(C)/ADAS(C)

#### 2019 Edition

[MP5301.9001a \(A\) Business Clearance Approval for Non-Competitive Actions](#)

[MP5301.9001b \(B\) Business Clearance Approval for Competitive Actions](#)

[MP5301.9001a \(A\) Business Clearance Approval for Non-Competitive Actions](#)

[MP5301.9001b \(B\) Business Clearance Approval for Competitive Actions](#)

[MP5301.9001a \(A\) Business Clearance Approval for Non-Competitive Actions](#)

[MP5301.9001b \(B\) Business Clearance Approval for Competitive Actions](#)

#### MP5301.9001a (A) Business Clearance Approval for Non-Competitive Actions

(1) The contracting officer will submit notifications to [SAF/AQC](#) thirty days prior to the anticipated Business Clearance Session with the DAS(C)/ADAS(C), and no later than 10 business days prior to the desired Business Clearance Session, the contracting officer will forward the following documents through the SCO to [SAF/AQC](#):

(2) Completed Request for Business Clearance (non-competitive);

(3) Copies of the Commercial Item Determination(s) (DFARS 212.102(a)(i)) that are greater than or equal to \$1M;

(4) [Preliminary Price Negotiation Memorandum](#) and related attachments;

(5) Request for Business Clearance (non-competitive) briefing charts; and

(6) On a case-by-case basis, additional documentation may be requested in support of the SAF/AQC and/or DoD Peer Review.

(7) The designated CR will conduct the clearance review prior to submitting the required clearance documents to SAF/AQC.

(8) The Business Clearance Session to brief the DAS(C)/ADAS(C) occurs prior to the commencement of the DoD Phase 1 Peer Review. The Business Clearance Approval document may be signed by the DAS(C) or ADAS(C) prior to the DoD Phase 1 Pre-Award Peer Review, but commencement of negotiations are conditioned upon successful completion of the Peer Review in accordance with [AF PGI 5301.170-2](#).

(9) The contracting officer shall submit a revised Business Clearance Approval document for DAS(C)/ADAS(C) approval, prior to concluding negotiations, when changes to the original negotiation range or parameters that were set forth on the approved Business Clearance Approval document are required. Submit the documents through the SCO to [SAF/AQC](#) for approval. Negotiation offers that exceed the approved negotiation range or parameters may not be made until a revised negotiation range or parameters are approved.

#### MP5301.9001b (B) Business Clearance Approval for Competitive Actions

(1) The contracting officer will submit notifications to [SAF/AQC](#) thirty days prior to the anticipated Business Clearance Session with the DAS(C)/ADAS(C), and no later than 10 business days prior to the desired Business Clearance Session, the contracting officer will forward the following documents through the SCO to [SAF/AQC](#):

(2) Business Clearance Approval;

(3) Request for Business Clearance (competitive) briefing charts;

(4) Request for Proposal (including attachments); and

(5) On a case-by-case basis, additional documentation may be requested in support of the SAF/AQC and/or DoD Peer Review (e.g., Source Selection Plan, Acquisition Strategy Document, Acquisition Strategy Plan Charts).

(6) The designated CR will conduct the clearance review prior to submitting the required clearance documents to SAF/AQC.

(7) The Business Clearance Session to brief the DAS(C)/ADAS(C) occurs either before or after the commencement of the DoD Phase 1 Peer Review. The decision to hold Peer Reviews prior to Business Clearance approval will be made in coordination with SAF/AQC. Should Business Clearance be held prior to the Peer Review, Business Clearance is conditioned upon successful completion of the Peer Review in accordance with [AF PGI 5301.170-2\(b\)\(1\)](#).

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## **MP5305 - PUBLICIZING CONTRACT ACTIONS**

*Sec.*

MP5305.3 — SYNOPSES OF CONTRACT AWARDS

MP5305.303 Announcement of Contract Awards

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## MP5305.3 — SYNOPSES OF CONTRACT AWARDS

### MP5305.303 Announcement of Contract Awards

#### 2019 Edition

*Revised: 26 Jul 21*

The following mandatory procedure is provided for preparing 1279 Reports under DFARS 205.303 and Reports of Intent to Award multiyear contracts under [AFFARS 5317.170](#).

(a)(i) The 1279 Report is used for Congressional notification and public announcement of contract awards that exceed the DoD threshold. Use the 1279 Report Format in (d), tailored where appropriate, when preparing Reports of Intent to Award IAW [AFFARS 5317.170](#). It is important to note that the Notice of Intent to Award IAW [AFFARS 5317.170](#) does not satisfy the requirement for a 1279 Report.

(ii) Alternate 1279 reporting for the announcement of source selection contract awards. If the awardee information cannot be provided three days in advance, the report does not need to identify the offeror that has been selected for award. Insert "Source Selection Information - Will Advise" for "Contractor Data" and either "\$50 million or above" or "below \$50 million" for "Face Value" and "Funding Data". When using these procedures, provide the successful offeror, face value of the award, and funding data to [SAF/LLP](#) no later than 1300 hours Eastern the day before the anticipated award date. If SAF/LLP is not notified by 1300 hours Eastern the day before the anticipated award date, announcement of the award may need to be delayed.

(b) After a 1279 Report has been submitted, report any changes in plans promptly to [SAF/LLP](#).

(c) When immediate award is required and advance notification under paragraph (a) above was not accomplished, prepare the 1279 Report as usual and send it to [SAF/LLP](#). Include the justification for immediate award. If the Congressional and public announcement cannot be made the same day as the award, the contracting officer must obtain the contractor's agreement to withhold public announcement of the award until the award is posted on <https://www.defense.gov/News/Contracts/>. Include in the report a statement that this non-disclosure agreement has been made. The contracting officer will notify the contractor of the agreed upon date of public announcement. The award may then be made without the three-day coordination.

(d) Format (do not include classified information in the report):

(1) Format the SUBJECT line of the email as follows:

FOUO: Release Date is DD MMM YY, Program Name, Contracting Activity, DD-LA-(AR) 1279 Report

(2) Release Date: Enter the date award is expected; exclude Saturdays, Sundays and holidays.

(3) Contract Action to be Taken (Select One): Contract Award, Contract Modification or Notice of Intent to Award

(4) The following information shall be included in the 1279 Report. The italicized information below serves as a placeholder for "fill-ins". Utilize the paragraph format provided to ensure the contract announcement is published. Do not use abbreviations and use full names of all contractors, including all subsidiary and division designations as appropriate. (Paragraphs 5 through 7 are to be incorporated into the report directly below one of the following paragraphs.):

Contract Award:

*Name of Contractor, address (city and state), and place of performance (if significant work is performed at a different location), has been awarded a face value type of contract action, for contract deliverable (e.g., F-22 Sustainment). This contract provides for description of the scope of work of the contract. The location of performance is location as indicated in the contract award. The work is expected to be complete by date. If applicable: This contract involves foreign military sales to country names. This award is the result of a competitive or sole source acquisition and (for competitive acquisitions), number of solicitations mailed (as applicable) and number of offers -received. Fiscal year and type of funds (operations and maintenance, research and development, etc.) in the amount of \$ figure are being obligated at the time of award. Contracting activity is the contracting activity (base, city and state, contract number). (Do not list fund cites here, see paragraph 6 below.) There is known/no known congressional interest pertaining to this acquisition.*

**OR**

Contract Modification:

*Name of contractor, address (city and state), and place of performance (if significant work is performed at a different location), has been awarded a face value, type of contract action modification (modification number) to previously awarded (contract number) for contract deliverable (e.g., F-22 Sustainment). The contract modification is for description of the scope of the contract (see examples). The location of performance is location as indicated in contract award. If applicable: This*

modification involves foreign military sales to *country names*. The work is expected to be completed by *date*. *Fiscal year and type of funds* are being obligated at the time of award. Total cumulative face value of the contract is *\$figure*. *Contracting activity* is the contracting activity (*base, city and state*). (Do not list fund cites here, see paragraph 6 below.) There is known/no known congressional interest pertaining to this modification.

*Examples of explanatory statements for description of scope of contract are as follows:*

(1) *This modification adds the (# of increment, i.e., second, third, etc.) increment of the (length of multi-year contract, i.e., three, four, etc.) year multi-year basic contract.*

(2) *This modification provides for the purchase of an additional quantity of (quantity and item, e.g., 500 widgets) being produced under the basic contract. (If appropriate, indicate that the contracting action is the result of a competitive negotiated procurement).*

(3) *This modification provides for the exercise of an option for an additional quantity of (quantity and item, e.g., 200 gadgets) being produced under the basic contract.*

(4) *This modification changes the specifications for the (indicate item(s)) being produced under the basic contract.*

**OR**

Reports of Intent to Award IAW [AFFARS 5317.170](#) : Call your [SAF/AQC action officer](#) to confirm receipt. Use the format for *Contract Award* , state the face value for the total multiyear period and, separately, the value of any options; and include the estimated cancellation ceilings for each program year of the proposed contract and the estimated savings over annual procurement methods. If award is an Energy Savings Performance Contract (ESPC) with a cancellation ceiling, also state the maximum cancellation ceiling amount [see [42 U.S.C. 8287\(a\)\(2\)\(D\)](#), as amended by [Public Law 106-291](#)]. (This paragraph does not apply to 1279 Reports under *DFARS 205.303* .) (Do not list fund cites here see paragraph 6 below.)

(5) Foreign Military Sales (FMS) information, if applicable: Indicate whether the current action relates to classified or unclassified FMS and identify the country/countries concerned on unclassified sales. Indicate, by percentage, the portion of the current effort that supports FMS. A breakdown by country is not required.

(6) Funding data: Identify type of appropriation and fiscal year of the funds, whether the contract is multiyear and amount obligated at time of award.

(7) Contracting Officer Name:



## MP5306 - COMPETITION REQUIREMENTS

*Sec.*

- |    |  |    |   |
|----|--|----|---|
| 1. | MP5306.5 — COMPETITION ADVOCATES<br>MP5306.502 Air Force Competition and Commercial Advocacy<br>Program<br>Objectives. | 2. | Duties and Responsibilities.                              |
|    |  | 3. | Appointment of the Competition and Commercial Advocate.   |
|    |  | 4. | Annual Competition and Commercial Reporting Requirements. |

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## MP5306.5 — COMPETITION ADVOCATES

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### MP5306.502 Air Force Competition and Commercial Advocacy Program

#### 2019 Edition

*Revised: 26 Jul 21*

This Mandatory Procedure (MP) implements, in part, ACPD 64-1, *The Contracting System*, and 41 USC 1705. This MP provides guidance and procedures for personnel implementing the Air Force Competition and Commercial Advocacy Program.

[1. Objectives.](#)

[2. Duties and Responsibilities.](#)

[3. Appointment of the Competition and Commercial Advocate.](#)

[4. Annual Competition and Commercial Reporting Requirements.](#)

[1. Objectives.](#)

[2. Duties and Responsibilities.](#)

[3. Appointment of the Competition and Commercial Advocate.](#)

[4. Annual Competition and Commercial Reporting Requirements.](#)

[1. Objectives.](#)

[2. Duties and Responsibilities.](#)

[3. Appointment of the Competition and Commercial Advocate.](#)

[4. Annual Competition and Commercial Reporting Requirements.](#)

#### 1. Objectives.

The objective of the Air Force (AF) Competition and Commercial Advocacy Program is to promote and support full and open competition and commercial practices to the maximum extent possible. In addition to the requirements at FAR 6.501, Competition and Commercial Advocate(s) must:

1.1. Have extensive qualifications and knowledge of the types of acquisitions of the activity.

1.2. Be in a contracting position, commensurate in grade or rank with the senior level program, product, or laboratory personnel with whom the Advocate interacts.

1.3. Have direct access to the MAJCOM/DRU/AFRCO/SMC/SpRCO or Center/Installation commander, as applicable, on matters relating to competition, the acquisition of commercial items and services, and must not have duties or responsibilities inconsistent with Competition and Commercial Advocate duties and responsibilities.

#### 2. Duties and Responsibilities.

In addition to the duties and responsibilities identified at FAR 6.502, AF Competition and Commercial Advocates are responsible for the following:

2.1. Support the AF Competition Advocate General in formulating, managing, and providing oversight of the AF Competition and Commercial Advocacy Program.

2.2. Promote commercial practices and competition in acquisition programs managed by their Procuring activity. Identify, track, and follow-up on actions to remove impediments to commercial practices and competition. Seek to improve the overall competitive performance, including effective competition\*, and increase the use of commercial practices.

\* SEE DEFINITION PROVIDED IN [OUSD/AT&L DPAP Memo, dated 16 Dec 2010](#) .

2.3. Ensure the organization's policies and procedures encourage full and open competition whenever possible including effective competition, and promote the use of commercial practices. Review acquisition planning documents, and ensure market research demonstrates that competitive and commercial opportunities were considered.

2.4. Participate in acquisition strategy planning through forums such as the Acquisition Strategy Panel process.

2.5. The Competition Advocate General will establish and assign fiscal year Procuring activity and PEO competition goals based on annual projections submitted via the [Competition Projection](#) site. Projections are due no later than 16 October of each year.

2.8. Encourage contracting professionals to complete the Defense Acquisition University (DAU) Continuous Learning Module (CLM) [CLC 055](#), *Competition Requirements*.

2.9. Convey to program managers, contracting personnel, and senior leaders the advantages of full and open and effective competition, share success stories, and assist contracting officers in doing the same. Competition advocates should provide training to the various functionals involved in acquisition. Competition advocates are encouraged to use the [Competition Training](#) template developed by OUSD(A&S) DPC.

2.10. Identify the potential for full and open competition and effective competition and commercial opportunities through the Justification and Approval (J&A) and acquisition planning document review process. Review and approve J&A documents and fair opportunity justifications in accordance with [AFFARS 5306.304\(a\)](#) and [AFFARS 5308.405-6\(d\)](#).

2.11. Work with Government and industry to eliminate barriers to competition and the acquisition of commercial items.

2.12. The Procuring activity Competition and Commercial Advocate must ensure operational contracting Squadrons/Flights have access to an Installation/Center Competition and Commercial Advocate.

2.13. Establish a competition and commercial advocacy program for activities within the Procuring activity. The activities' Competition and Commercial Advocacy Program must meet the oversight and management and reporting requirements identified throughout this MP.

2.14. Ensure that requirements are stated in the least restrictive manner to maximize competition and the use of commercial practices.

2.15. Review and provide appropriate comments on determinations made in accordance with FAR 9.202(b) that it would be unreasonable to specify the standards for qualification that a prospective offeror (or its product) must satisfy in order to meet established qualification requirements.

2.16. Prepare and submit an annual competition and commercial report in accordance with FAR 6.502(b)(2) and Paragraph 4 of this MP.

### **3. Appointment of the Competition and Commercial Advocate.**

#### **3.1. Procuring activity Competition and Commercial Advocate Appointments.3.1.1.**

The AF Competition Advocate General appoints procuring/contracting activity Competition and Commercial Advocates. MAJCOM/DRU/AFRCO/SpRCO/SMC SCOs must nominate a primary and alternate Competition and Commercial Advocate for each of the procuring/contracting activities identified at [AFFARS 5306.501](#) to the AF Competition Advocate General. The AFICC SCO or civilian deputy must be the primary Competition and Commercial Advocate for the MAJCOM they support. SCOs must submit the [Competition and Commercial Advocate Nomination](#) package to [SAF/AQCP](#) and include the following information:

3.1.1.1. Procuring Activity

3.1.1.2. Primary and alternate nomination

3.1.1.3. Name of the nominated Competition and Commercial Advocate or alternate

3.1.1.4. E-mail address of the nominated Competition and Commercial Advocate or alternate

3.1.1.5. Telephone number of the nominated Competition and Commercial Advocate or alternate

3.1.1.6. Candidate resume

3.1.1.7. Competition action officer contact information, if applicable

3.1.2. The AF Competition Advocate General appoints the primary and alternate procuring/contracting activity Competition and Commercial Advocates via certificate.

3.1.3. Once appointed, the competition action officer updates the [Competition and Commercial Advocates](#) list with the required information.

#### **3.2. Subordinate Contracting Activity Competition and Commercial Advocate Appointments.**

3.2.1. The procuring activity Competition and Commercial Advocate must appoint subordinate primary and alternate Competition and Commercial Advocates via the [Competition and Commercial Advocate Appointment](#) memo.

3.2.2. The names and telephone numbers of the subordinate contracting activity Competition and Commercial Advocate, the procuring/contracting activity Competition and Commercial Advocate, and the Air Force Competition Advocate General must be displayed on a [poster](#) in a prominent location in each unit.

3.2.3. Once appointed, the competition action officer updates the [Competition Advocate list](#) with the required information

### **4. Annual Competition and Commercial Reporting Requirements.**

4.1. The Procuring activity Competition and Commercial Advocates must prepare a consolidated annual Competition and Commercial Report by providing the data elements required in the [Competition Reporting Tool](#) by 6 January of each year, unless directed otherwise. Subordinate competition advocates and PEOs, submit the required data elements for their

respective organizations via the [Competition Reporting Tool](#) at least 45 days prior to the 6 January due date, unless directed otherwise.

4.2. The report must be based on the data obtained from the [Federal Procurement Data System-Next Generation \(FPDS-NG\)](#) database. Instructions for pulling required reports from FPDS-NG are located in the [AFFARS Library, Part 5306](#), under Useful Links.

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## **MP5309 - CONTRACTOR QUALIFICATIONS**

*Sec.*

MP5309.1 — RESPONSIBLE PROSPECTIVE CONTRACTORS  
MP5309.190 Air Force Space Contractor Responsibility Watch  
List (CRWL)  
MP5309.190-1 CRWL SOLICITATION AND CONTRACT  
LANGUAGE

MP5309.190-2 Processes When a Contractor or Subcontractor is  
Listed on the CRWL  
MP5309.190-3 Process for Adding a Contractor or Subcontractor  
to the CRWL  
MP5309.190-4 Process for Removing a Contractor or  
Subcontractor from the CRWL

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## MP5309.1 — RESPONSIBLE PROSPECTIVE CONTRACTORS

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### MP5309.190 Air Force Space Contractor Responsibility Watch List (CRWL)

#### 2019 Edition

*Revised: 26 Jul 21*

[5309.190-1 CRWL SOLICITATION AND CONTRACT LANGUAGE](#)

[5309.190-2 Processes When a Contractor or Subcontractor is Listed on the CRWL](#)

[5309.190-3 Process for Adding a Contractor or Subcontractor to the CRWL](#)

[5309.190-4 Process for Removing a Contractor or Subcontractor from the CRWL](#)

[5309.190-1 CRWL SOLICITATION AND CONTRACT LANGUAGE](#)

[5309.190-2 Processes When a Contractor or Subcontractor is Listed on the CRWL](#)

[5309.190-3 Process for Adding a Contractor or Subcontractor to the CRWL](#)

[5309.190-4 Process for Removing a Contractor or Subcontractor from the CRWL](#)

[5309.190-1 CRWL SOLICITATION AND CONTRACT LANGUAGE](#)

[5309.190-2 Processes When a Contractor or Subcontractor is Listed on the CRWL](#)

[5309.190-3 Process for Adding a Contractor or Subcontractor to the CRWL](#)

[5309.190-4 Process for Removing a Contractor or Subcontractor from the CRWL](#)

#### MP5309.190-1 CRWL SOLICITATION AND CONTRACT LANGUAGE

Insert the language provided at the link below when preparing a space program solicitation or contract (See [AFFARS 5302](#)):.

(a)(1) For commercial solicitations and contracts, include the following statement in FAR clause 52.212-4, Contract Terms and Conditions, “Consent to subcontract is required for each subcontract with an anticipated value in excess of \$3M or 5% of the prime contract value, whichever is lesser, when the prospective subcontractor is listed on the Air Force Space Contractor Responsibility Watch List in accordance with SMCI 64-101 and the FY18 National Defense Authorization Act, Section 1612.”

(a)(2) For all other solicitations and contracts, notwithstanding the prescription at FAR 44.204(a)(1), include the Attachment 1 clause of the SMC Subcontract Clause Class Deviation in full text in the solicitations and resultant contracts in lieu of the FAR clause 52.244-2, Subcontracts.

(b) Insert mandatory [CRWL language](#) in sole source solicitations (in the solicitation letter), competitive solicitations (in the contracts volume where other responsibility matters are addressed), and in contracts (in Statements of Work or Performance Work Statements or similar documents). In all contracts include [SMCI 64-101](#) on the compliance document list.

#### MP5309.190-2 Processes When a Contractor or Subcontractor is Listed on the CRWL

Procedures for proceeding with an action listed in [AFFARS 5309.103\(b\)\(iii\)](#) when the contractor or subcontractor is listed on the CRWL.

(a) Prime Contractors. Review the facts surrounding the decision to place the contractor on the CRWL (See [AFFARS 5309.105-1\(a\)\(1\)](#)) and other relevant information to determine whether to recommend proceeding with the action. The determination is documented using a contracting officer’s D&F.

(1) If the contracting officer’s determination recommends proceeding despite the contractor being listed on the CRWL, the contracting officer must obtain approval of the determination from SMC/CC before proceeding with the contract action. The contracting officer shall coordinate the D&F with the applicable COCO and SMC 2-Letter Director, SMC/JA, SMC/PI, SMC/SB (if the contractor is a small business), and SMC/PK prior to seeking SMC/CC approval. If SMC/CC does not approve the D&F, the contracting officer may not proceed with the action. If the action was a sole source contract award, entering into discussions (or equivalent activity), or a competitive contract award (i.e., pre-award actions), the contracting officer must notify the contractor in writing that it has been determined non-responsible as a result of the conditions that caused its listing on the CRWL. The determination of non-responsibility must be documented in the AFFARS Contractor Responsibility template as [tailored for SMC](#) (See [AFFARS 5309.105-2\(a\)\(1\)](#)). When the conditions in FAR 9.105-2(b)(2)(i) apply, the determination of non-responsibility shall be documented in FAPIIS.

(2) If the action was a sole source contract award, entering into discussions (or equivalent activity), or a competitive contract award and the contracting officer determines not to proceed with the action, the contracting officer shall make a determination of non-responsibility (which does not require SMC/CC approval) and must notify the contractor in writing that it has been determined non-responsible as a result of the conditions that caused its listing on the CRWL. The determination of non-responsibility must be documented in the AFFARS Contractor Responsibility template as [tailored for SMC](#). (See [AFFARS 5309.105-2\(a\)\(1\)](#)). When the conditions in FAR 9.105-2(b)(2)(i) apply, the determination of non-responsibility shall be documented in FAPIIS.

(3) When the contract action does not require the contractor to be notified, e.g., option exercise or contract modification, notification is permitted at the contracting officer's discretion considering the type of action, previous interactions with the contractor, and other relevant circumstances.

(b) Subcontractors. Prime contractors must obtain the contracting officer's consent to subcontract with a company listed on the CRWL before awarding a subcontract valued in excess of \$3M or 5% of the prime contract value, whichever is lesser. Proposed subcontractors must disclose to the prime contractor if they are listed on the CRWL. If the prime contractor requests consent to subcontract with a contractor listed on the CRWL, review the prime contractor's determination of subcontractor responsibility, the facts surrounding the decision to place the proposed subcontractor on the CRWL (See [AFFARS 5309.105-1\(a\)\(1\)](#)), and any other relevant information to determine whether or not grant consent. If the contractor's request for subcontract consent is submitted with its competitive proposal, the contracting officer's determination whether to grant or withhold consent must be made before entering into discussions (or equivalent activity) with the prime contractor. If the contractor's request for subcontract consent is submitted post award, consider it upon receipt.

(1) If the contracting officer recommends granting consent despite the proposed subcontractor's listing on the CRWL, the contracting officer must obtain approval from SMC/CC before granting consent to subcontract. The contracting officer shall document the determination to grant consent on a contracting officer's D&F and shall coordinate the D&F with the applicable COCO and SMC 2-Letter Director, SMC/JA, SMC/PI, SMC/SB (if the subcontractor is a small business), and SMC/PK prior to seeking SMC/CC approval. If SMC/CC does not approve the D&F, the contracting officer must notify the prime contractor in writing that consent to subcontract is withheld as a result of the conditions that led to the subcontractor's listing on the CRWL.

(2) If the contracting officer determines not to request SMC/CC approval to grant consent, the contracting officer shall notify the prime contractor in writing that consent to subcontract is withheld as a result of the conditions that led to the proposed subcontractor's listing on the CRWL.

### **MP5309.190-3 Process for Adding a Contractor or Subcontractor to the CRWL**

(a) When an SMC contracting officer obtains information or otherwise becomes aware that a contractor's or subcontractor's ability to successfully perform space program contracts is uncertain due to any of the conditions listed at [AFFARS 5309.103\(b\)\(ii\)](#) and determines, in coordination with the program manager, COCO, and applicable SMC 2-Letter Director, to recommend listing on the CRWL, the SMC contracting officer shall prepare a staff package that contains, at a minimum, the following contents-

(1) A determination and findings (D&F) to be signed by SMC/CC documenting the issues, their potential effect on the contractor's or subcontractor's ability to perform on space program contracts or subcontracts, and the determination to add the contractor or subcontractor to the CRWL;

(2) A draft letter from SMC/CC to the contractor or subcontractor providing notification of the decision to place it on the CRWL and the reason for that decision; and

(3) Any other documentation supporting the recommendation for listing on the CRWL.

(b) The contracting officer shall coordinate the staff package with the applicable COCO and SMC 2-Letter Director, SMC/JA, SMC/PI, SMC/SB (if a small business), and SMC/PK prior to seeking SMC/CC approval.

(c) Upon approval of the D&F, the contracting officer shall release the SMC/CC notification letter to the contractor or subcontractor. Copies of all packages, approved or disapproved, shall be forwarded to SMC/PKC. SMC/PKC shall maintain a repository of the determination and findings, SMC/CC notification letter, and supporting documentation and, if the D&F was approved, shall add the contractor to the CRWL.

### **MP5309.190-4 Process for Removing a Contractor or Subcontractor from the CRWL**

(a) IAW SMCI 64-101, contractors or subcontractors may seek removal from the CRWL at any time by submitting a written request to SMC/CC. The request must provide evidence that the company has addressed or resolved the conditions that caused it to be listed. Upon receipt of such a request, SMC/CC will forward the request to SMC/PK for action. The

CRWL Working Group will coordinate with the applicable SMC 2-Letter Directorate(s) and contracting officer(s) and develop a staff package with a recommendation to SMC/CC. SMC/CC will respond to the contractor's request in writing within 90 calendar days of the request. The staff package shall include, at a minimum, the following—

- (1) A D&F to be signed by SMC/CC summarizing the original rationale for listing on the CRWL, restating the contractor's or subcontractor's rationale for requesting to be removed from the CRWL, an analysis whether the original concerns have been adequately addressed, and recommended determination;
  - (2) The contractor's or subcontractor's written request to be removed from the CRWL;
  - (3) A draft letter from SMC/CC to the contractor or subcontractor with notification of the decision; and,
  - (4) Any other documentation supporting the request and the recommended determination.
- (b) The staff package shall be coordinated with the applicable COCO and SMC 2-Letter Director, SMC/JA, SMC/PI, SMC/SB (if a small business), and SMC/PK prior to seeking SMC/CC approval.
- (c) Upon approval of the D&F and release of the SMC/CC notification letter to the contractor, the SMC contracting officer will forward a copy of the above package to SMC/PKC. SMC/PKC will maintain a repository of the D&F, SMC/CC notification letter, and supporting documentation and, if the determination approved the request, remove the contractor or subcontractor from the CRWL.

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# MP5315 - CONTRACTING BY NEGOTIATION

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**MP5315.3 Source Selection****2019 Edition***Revised: 26 Jul 21***1 PURPOSE, ROLES, AND RESPONSIBILITIES****1.1 Purpose****1.2 Applicability and Waivers****1.3 Best Value Continuum (No AF Text)****1.4 Source Selection Team Roles and Responsibilities****2 PRE-SOLICITATION ACTIVITIES****2.1 Conduct Acquisition Planning****2.2 Develop a Source Selection Plan (SSP)****2.3 Develop the Request for Proposals****2.4 Release the Request for Proposals (No AF Text)****3 EVALUATION AND DECISION PROCESS****3.1 Evaluation Activities****3.2 Documentation of Initial Evaluation Results****3.3 Award without Discussions****3.4 Competitive Range Decision Document****3.5 Discussion Process****3.6 Final Proposal Revisions****3.7 Documentation of Final Evaluation Results****3.8 Conduct and Document the Comparative Analysis****3.9 Best Value Decision****3.10 Source Selection Decision Document****3.11 Debriefings (No AF Text)****3.12 Integrating Proposal into the Contract****4 DOCUMENTATION REQUIREMENTS****4.1 Minimum Requirements****4.2 Electronic Source Selection****4.3 Tactics, Techniques and Procedures (TTP), Samples, and Tailorable Templates****5 DEFINITIONS ( No AF text)****6 MANDATORY AIR FORCE SOURCE SELECTION TRAINING****6.1 Purpose****6.2 Responsibilities of Senior Contracting Officials (SCO)****6.3 Required Training for Designated Trainers****6.4 Acquisition/Source Selection Team Training****6.5 Source Selection Training Material****6.6 Training Certificates****6.7 Source Selection Training Survey****6.8 Continuous Learning Points (CLP)****LIST OF TABLES AND FIGURES (No AF text)****List of Appendices****Appendix A. Debriefing Guide (No AF Text)****Appendix B. Tradeoff Source Selection Process: Subjective Tradeoff and Value Adjusted Total Evaluated Price (VATEP) Tradeoff ( No AF Text )****Appendix C. Lowest Price Technically Acceptable (LPTA) Source Selection Process (No AF Text)****1 PURPOSE, ROLES, AND RESPONSIBILITIES****1.1 Purpose**

This Mandatory Procedure (MP) establishes supplemental procedures for conducting competitively negotiated source selections of \$10M or more within the Air Force (AF), and follows the numbering convention of the [Department of Defense \(DoD\) Source Selection Procedures](#), dated 31 Mar 2016.

## 1.2 Applicability and Waivers

This MP must be used in conjunction with Federal Acquisition Regulation (FAR) Part 15, as supplemented, to include the DFARS Part 215 and its companion resource entitled Procedures, Guidance and Information (PGI), DoD Source Selection Procedures, and related laws, regulation, and policy. As guidance, this MP also provides hyperlinks to non-mandatory best practices, TTPs, sample RFP and contract language, tailorable templates and training materials, and links to PGI 5315.3 language.

1.2.1.1 Acquisitions with an estimated dollar value less than or equal to \$50M may use price as the only evaluated factor and therefore be exempt from the DoD Source Selection Procedures dated 31 March 2016 and from this MP if all of the following conditions are met:

- 1) The requirement is non-complex and well-defined, such that consideration of non-cost/price evaluation factors (e.g., technical, past performance, etc.) would not provide any meaningful differentiation amongst proposals and would add no value to the selection of a successful offeror;
- 2) Past performance record and history will be assessed as one of the multiple standards required for a successful offeror to be determined responsible as described in [FAR 9.104](#) ;
- 3) Use of price as the only evaluation factor is the most advantageous approach to the government; and
- 4) The acquisition strategy approving official has determined that use of price as the only evaluated factor is the most appropriate source selection methodology for the requirement and the justification for this determination is included in the approved acquisition strategy/plan.

1.2.1.2 A waiver allowing the use of price as the only evaluated factor for an acquisition with an estimated dollar value greater than \$50M may be granted on an acquisition specific basis by the SCO upon the waiver authority's determination that the conditions at 1.2.1.1 (1)-(4) are met.

1.2.4 Waivers. Waivers for solicitations valued at \$1B or more for approval by the Director, Defense Pricing and Contracting (DPC), must be forwarded through the SCO to [SAF/AQC](#) for review and processing. Waivers for solicitations above \$10M but less than \$1B must be approved by the SCO.

1.2.4.1. Waiver procedures apply only to the DoD Source Selection Procedures (CAUTION: read paragraph 1.2 of the DoD Source Selection Procedures) and this MP. The requirements of [FAR 15.3](#) , as supplemented, cannot be waived as these requirements are subject to the FAR deviation process (see [AFFARS 5301.402\(2\)](#), [5301.403\(1\)\(i\)](#), [\(ii\)](#), and [5301.404\(b\) \(i\)](#) , [\(ii\)](#) ).

## 1.3 Best Value Continuum (No AF Text)

## 1.4 Source Selection Team Roles and Responsibilities

1.4.1 Source Selection Authority (SSA).

1.4.1.1 SSA Appointment.

SSA Designations		\$10M to less than \$100M (Note 1)	\$100M and above (Note 2)
Program Acquisition Category (ACAT) I, IA		SAF/AQ (Note 3)	SAF/AQ (Note 3)
ACAT II and III		Program Executive Officer (PEO)	PEO
Operational & Enterprise (including services EXEMPT from <a href="#">AFI 63-138</a> )		(Note 4)	(Note 4)
Operational & Enterprise Services Acquisitions subject to <a href="#">AFI 63-138</a>	SSA is the Services Designated Official (SDO) as designated in <a href="#">AFI 63-138</a> , <a href="#">Table 2.1, the Services Management Agreement (SMA)</a> , if applicable, and the SDO delegation letter.		



**NOTES :**

1. Delegable to no lower than the Procuring Contracting Officer (PCO)/equivalent or higher position within the PEO/ requiring organization chain.
2. Appointments in this column represent the written appointment of the SSA by the Agency Head. Delegable to no lower than one level above the PCO or equivalent or higher position within the PEO/ requiring organization chain.
3. "SAF/AQ" includes the ASAF(A) and the Principal and Military Deputy.
4. The SSA is the Center Commander/Wing Commander/PEO or MAJCOM/DRU/AFRCO director-level individual who is responsible for the requirement unless delegated in accordance with Note 1 for acquisitions \$10M to less than \$100M or Note 2 for acquisitions \$100M and above. A tailorable [Delegation of Source Selection Authority](#) (SSA) template is available for use, as desired.

See [AFMC PGI 5315.3 \(1.4.1.1\)](#).

See [SMC PGI 5315.3 \(1.4.1.1\)](#).

See [USAFA 5315.3 \(1.4.1.1\)](#).

1.4.1.2 SSA Responsibilities. In addition to the responsibilities listed in FAR 15.303(b), DFARS 215.303(b)(2), and the DoD Source Selection Procedures, the SSA shall:

1.4.1.2.3 Be accessible to the PCO, SSEB Chairperson and SSAC Chairperson (if applicable) to ensure that necessary leadership and guidance is provided to the SST. Promote active communication within the SST and encourage the team to raise concerns/issues.

1.4.1.2.6 See the following tailorable templates:

1.4.1.2.6.1 [Source Selection Non-Disclosure Agreement \(NDA\)](#) . An NDA may be executed on an annual basis in accordance with [AFFARS 5303.104-4\(a\)](#) .

1.4.1.2.6.2 [Conflict of Interest Statement](#) .

1.4.2 PCO.

1.4.2.2 PCO Responsibilities. In addition to the responsibilities listed in [FAR 15.303\(c\)](#) and the [DoD Source Selection Procedures](#) , the PCO shall:

See [SMC PGI 5315.3 \(1.4.2.2\)](#) .

1.4.2.2.2 Consider sample RFP Section L language for [Use of Non-Government Advisors](#) , when applicable .

1.4.2.2.3 Manage all source selection documents, control and record all exchanges with offerors, and protect all documents (see [Section 4](#) ). Consider identifying a Source Selection Records Custodian (SSRC) familiar with the contracting process to manage all source selection documents (PCO or someone under PCO oversight). Ensure source selection material is not removed, circulated, or disseminated outside of the source selection work area without PCO review and approval. Ensure all means of electronic communications receive additional scrutiny to preclude inadvertent release of documents that contain sensitive or embedded source selection files. It is a good practice that prior to transmission of Source Selection Information to offerors via any means, the information is reviewed by a second person to preclude inadvertent inclusion of inappropriate data. Additionally, Source Selection Information transmitted to offerors electronically (e.g., via email or disc) or posted to a website must be distributed in a "locked" format, such as scanned .pdf file, .jpeg file, or other protected format, unless offerors are required to fill-in or complete portions of a document, such as Section K Representations and Certifications, or a pricing matrix. Using e-mail to transmit source selection information should be done judiciously and it must be encrypted and digitally signed. Include in the subject line the phrase "Source Selection Information – See FAR 2.101 and 3.104". Use the [Source Selection Information Cover Sheet](#) to identify source selection information. For RFPs released after 30 November 2020, use the [SF 901 Controlled Unclassified Information \(CUI\) Cover Sheet \(AF Template\)](#) . A sample [Verification of Correspondence Going to Offeror checklist](#) may be utilized, as desired.

See [AFMC PGI 5315.3 \(1.4.2.2.3\)](#) .

1.4.2.2.4 Maintain in the official contract file (whether in hard copy or electronic media) all evaluation material and any related supporting information, including minority and dissenting opinions, that has been presented in any form to the SSA as an official record that must not be altered. Updates, revisions, or changes to that evaluation information must be captured in subsequent documentation such that the original record remains distinct.

1.4.2.2.4.1 Working papers, calculations, and personal notes must be clearly identified as such and are not normally part of the official source selection record unless they include information relevant to the source selection decision and the information has not been captured in the official record. Solicit the advice of legal counsel and representatives from the Acquisition Center of Excellence (ACE) (if used) regarding the management and/or retention determination of any paper or digital document generated during the source selection. Legal counsel, the SSEB Chair, SSRC (if other than the PCO) and the

PCO must review any notes, working papers, and other documents for a retention determination at regular intervals during the source selection process and upon completion.

1.4.2.2.4.2 Preserve documents and data that are not stored within the electronic official contract filing system (e.g., classified documents, product samples, electronic media) as part of the official record and identify their physical location. A sample [Source Selection File Checklist](#) may be tailored for use, as desired.

1.4.2.2.4.3 Ensure that any requests for source selection delegations are properly accomplished and documented in the source selection file.

1.4.2.2.7 Send a notice to all appropriate organizations (e.g., user or requirements personnel, public affairs offices, etc., that could be contacted by offerors or media outlets concerning the requirement or acquisition) concurrent with issuance of the solicitation announcing that a source selection is in progress. For acquisitions estimated at \$100M or more, send the notice to [SAF/AQC](#) for HAF-level notification. The notice shall:

- 1) identify the system, subsystem, service, or project involved;
- 2) identify the anticipated period of the source selection activities;
- 3) include a statement to the effect that contacts or briefings concerning the program by industry are no longer allowed outside of the formal source selection process; and
- 4) state that the PCO (include name and phone number) controls all contact or exchanges with industry/offerors and is the only person authorized to release source selection information before and after contract award.

A tailorable template for [Notice Announcing that a Source Selection is in Progress](#) is available for use, if desired.

See [SMC PGI 5315.3 \(1.4.2.2.7\)](#).

1.4.2.2.11 Post [source selection lessons learned](#) no later than 90 days after contract award or termination/cancellation of the source selection.

#### 1.4.3 SSAC.

##### 1.4.3.2 SSAC Composition.

1.4.3.2.1 It is preferable that the SSAC Chairperson not be in the chain of command of the SSA.

1.4.3.2.2 For all new Milestone B (Pre-MDAP on Major Defense Acquisition Program lists) ACAT I and II competitive acquisitions, the specific composition of the SSAC should consist of senior leaders (flag rank or O-6/GS-15/NH-04 to the maximum extent practicable) from Program Management, Engineering, Finance, Legal, Contracting, Small Business, the ACE, and any other participants as determined appropriate by the SSA, who have recent experience in the successful conduct of source selections. The SSAC may be augmented with senior leaders from the SAF/AQ staff, when appropriate, to provide additional experience and expertise. The SSAC may also be supplemented by other subject matter experts at comparable functional positions. For non-weapon system acquisitions when an SSAC is used, the specific composition of the SSAC is at the discretion of the SSA, based upon the expertise required to accomplish a successful source selection.

#### 1.4.4 SSEB.

##### 1.4.4.4 SSEB Responsibilities.

1.4.4.4.1.7 It is considered a best practice for the Program Manager (PM), when one is assigned, to serve as the SSEB Chairperson. It is also a best practice that the SSEB chair not serve in multiple roles.

1.4.4.4.3 For source selections without an SSAC, the SSEB Chairperson must document in the source selection plan, whether or not the SSA wants the SSEB to perform the comparative analysis of proposals and provide that analysis and an award recommendation in the SSEB Final Report.

#### 1.4.6 Other Advisors.

1.4.6.1 Government Advisors. Foreign Military Sales (FMS) customers and international cooperative project partners may only participate in the source selection process as advisors. The PCO must not disclose to the FMS customer any form of cost or price data that is proprietary unless the offeror authorizes its release.

See [AFMC PGI 5315.3 \(1.4.6.1\)](#).

1.4.6.2.2 Limitations on use of nongovernment advisors. Nongovernment advisors shall not attend the past performance portion of evaluation briefings.

See [AFMC PGI 5315.3 \(1.4.7.2\)](#).

## 2 PRE-SOLICITATION ACTIVITIES

See [SMC PGI 5315.3 \(2\)](#).

## 2.1 Conduct Acquisition Planning

See [SMC PGI 5315.3 \(2.1.2.1\)](#).

See [SMC PGI 5315.3 \(2.1.2.2\)](#).

See [AFMC PGI 5315.3 \(2.1.2.3\)](#).

See [SMC PGI 5315.3 \(2.1.2.3\)](#).

## 2.2 Develop a Source Selection Plan (SSP)

The PCO and the SSEB chair, with assistance from SSEB members, as necessary, prepare the SSP. A [Source Selection Plan](#) template is available for use, if desired.

2.2.5 Evaluation Factors and Subfactors. When using VATEP, address the decision to use, or not use, an affordability cap, along with supporting rationale for the decision. If an affordability cap will be used, describe how it will be evaluated and whether offerors whose proposals exceed the affordability cap will be eligible for award.

2.2.6 Documentation. Briefing charts shall not serve as the SSEB Initial Report, Competitive Range Decision Document, updated SSEB Initial Report, or SSEB Final Report, but may be used to present summaries of these reports to the SSA. If briefing charts are used to comply with any other source selection documentation requirements set forth in the DoD Source Selection Procedures, a written script for each briefing must be maintained in the official (permanent) contract file. Briefings should summarize the evaluation and not duplicate the content of written reports.

2.2.9 Securing Source Selection Materials. Section 9.0 of the SSP ("Securing Source Selection Materials") must include a plan and procedures which address the filing, protection, handling, maintenance, release, retention and disposition of all documents that constitute the complete source selection record. For those source selections utilizing an electronic system for source selection documentation, the SSP must include the process for handling documentation, such as the process for documenting the basis for any changes made to an evaluator's finalized document. The plan must address training for all SST members to familiarize them with the plan/procedures and mechanism(s) to ensure compliance with the plan/procedures.

2.2.10 The PCO shall maintain the SSP after approval. Subsequent proposed changes to the source selection organization, to include the SSEB and the SSAC (when used), shall be documented in an addendum to the SSP and approved by the SSA unless the SSA delegates this approval responsibility to the SSEB Chairperson within the SSP.

## 2.3 Develop the Request for Proposals

2.3.1 Evaluation Factors/Subfactors. RFP [Section L and M samples](#) are available for use, as desired .

See [AFMC PGI 5315.3 \(2.3.1\)](#) .

2.3.4.1 Cost or Price. The analysis technique(s) identified in FAR 15.404, as supplemented, for the evaluation of the proposed cost or price shall be included in the evaluation criteria (Section M or equivalent provisions of the solicitation for commercial acquisitions).

2.3.4.1.1 When used, the Probable Cost estimate is the government estimate of the cost to acquire specified goods and/or services based on each offeror's proposed approach. The Probable Cost is based upon an analysis of each offeror's unique proposal in accordance with FAR 15.404-1(d). Define all the components that make up the aggregate government Probable Cost and specify them in Section M (or equivalent provisions of the solicitation for commercial acquisitions).

2.3.4.2.4 Affordability Cap. When an affordability cap is established, the affordability cap must be specified in the RFP and affordability must be included either as a go/no go gate or as an evaluation criterion in the RFP. The RFP must state whether proposals that exceed the affordability cap can be considered for award.

2.3.6. Requirements that fall within the areas of traditional offeror responsibility factors may trigger the Small Business Administration Certificate of Competency (CoC) process if such requirements are evaluated on an acceptable/unacceptable basis, as a rating of unacceptable for an otherwise apparently successful business offeror equates to a non-responsibility determination. For example, issues related to facility clearance/security requirements or evaluation of professional employee compensation as an element of responsibility are areas that may trigger the CoC process for small business offerors. PCOs should consult with small business and legal counsel regarding the use and treatment of such evaluation factors/subfactors.

**2.4 Release the Request for Proposals (No AF Text)****3 EVALUATION AND DECISION PROCESS****3.1 Evaluation Activities**

3.1.1.5 When [FAR 52.222-46](#), Evaluation of Compensation for Professional Employees (Feb 1993), is included in the RFP, the Government shall evaluate whether all offerors considered for award understand the contract requirements and have proposed a compensation plan appropriate for those requirements. This evaluation may be accomplished through a technical subfactor to evaluate offerors' proposed management approach and or/staffing plan, or including the evaluation under the cost/price factor or as a "Volume I" proposal submission and element of proposal compliance and offeror responsibility.

3.1.1.5.1 When including the professional employee compensation evaluation as a "Volume I" proposal submission and element of proposal compliance and offeror responsibility in a source selection with small business offerors, a finding of non-responsibility due to an inadequate professional employee compensation plan for an otherwise successful small business offeror requires the PCO to engage the Small Business Administration Certificate of Competency (CoC) process.

**3.2 Documentation of Initial Evaluation Results**

3.2.1 SSEB Initial Evaluation. The SSEB Initial Report is used to document the results of the SSEB's initial evaluation. The rationale for initial evaluation results and assignment of initial ratings will be fully and contemporaneously documented in the SSEB Initial Report. The SSEB Initial Report shall be signed by the PCO and SSEB Chairperson after the completion of initial evaluations and prior to presentation of the initial evaluation results to the SSA. The following tailorable templates are available for use, as desired:

[SSEB Report](#) [Initial Evaluation Briefing](#)

**3.3 Award without Discussions**

3.3.3 Documentation Required Prior to Contract Award. The PCO must obtain contract clearance approval in accordance with [AFFARS 5301.9000\(e\)\(1\)](#) prior to the SSA making the decision to award without discussions.

**3.4 Competitive Range Decision Document**

3.4.1 The tailorable [Competitive Range Decision Document](#) (CRDD) template is available for use, as desired.

**3.5 Discussion Process**

3.5.5 Best Practices. The PCO may provide offerors in the competitive range with their own initial ratings and results of their own initial pricing analysis or total evaluated price. When interim ratings and pricing analysis are provided prior to requesting final proposal revisions, the ratings must reflect the results of discussions with the offeror. PCOs may use the actual briefing charts used to brief the SSA as a method of disclosing an offeror's ratings and price analysis to them. The PCO must require offerors to provide proposal change pages along with their EN responses for any aspect of the proposal that will be incorporated into the awarded contract.

3.5.7 The SSEB Initial Report shall be updated, as necessary, following evaluation of offeror responses to discussions. The rationale for updated (interim) evaluation results and assignment of updated (interim) ratings will be fully and contemporaneously documented in the SSEB Initial Report. The updated SSEB Initial Report is reviewed by the SSAC (if an SSAC is used) and must include, if applicable, any minority and dissenting opinion(s). At a minimum, the report shall be updated and signed by the PCO and SSEB Chairperson prior to presentation of the pre-Final Proposal Revisions evaluations and briefing to the SSA.

The following tailorable templates are available for use, as desired:

[SSEB Report](#) [Pre-Final Proposal Revisions \(FPR\) Request Briefing](#)

**3.6 Final Proposal Revisions**

3.6.3 The PCO must obtain contract clearance approval in accordance with [AFFARS 5301.9000\(e\)\(2\)\(i\)](#) prior to submission of all material (e.g., Pre-FPR briefing) to the SSA to obtain approval for releasing the FPR request.

### 3.7 Documentation of Final Evaluation Results

3.7.1 The rationale for final evaluation results and assignment of final ratings will be fully and contemporaneously documented in the SSEB Final Report. The SSEB Final Report is prepared by the SSEB and reviewed by the SSAC (if an SSAC is used) and signed by the PCO and SSEB Chairperson after the evaluation of FPRs. The tailorable [SSEB Report](#) template is available for use, as desired.

3.7.2 The SSEB Final Report must document, if applicable, any minority and dissenting opinion(s).

3.7.3 A decision briefing, prepared by the SSEB, will generally be conducted whenever the SSA is other than the PCO. The tailorable [Final Decision Briefing](#) template is available for use, as desired.

### 3.8 Conduct and Document the Comparative Analysis

3.8.1 The SSAC's comparative analysis of proposals and award recommendation is documented in the Comparative Analysis Report and Award Recommendation (CAR). The tailorable [Comparative Analysis Report and Award Recommendation](#) template is available for use, as desired.

### 3.9 Best Value Decision

3.9.1 The PCO must obtain contract clearance approval prior to the SSA making a source selection decision in accordance with [AFFARS 5301.9000\(e\)\(2\)\(ii\)](#).

### 3.10 Source Selection Decision Document

3.10.1 The tailorable [Source Selection Decision Document \(SSDD\)](#) template is available for use, as desired.

### 3.11 Debriefings (No AF Text)

### 3.12 Integrating Proposal into the Contract

The RFP must advise offerors that the awarded contract document will reflect all beneficial aspects of the awardee's proposal and all above threshold (minimum) attributes, performance levels, or capabilities for which evaluation credit was given in the source selection process (e.g., purple or blue technical or technical/risk rating, above threshold elements proposed for valued requirements), regardless of source selection process utilized.

## 4 DOCUMENTATION REQUIREMENTS

### 4.1 Minimum Requirements

4.1.15 All briefing charts presented to the SSA (including, but not limited to, competitive range briefing charts, pre-FPR request briefing charts, and decision briefing charts) must be included in the official (permanent) contract file.

4.1.16 Evaluation worksheets and summaries shall be included in the official (permanent) contract file.

### 4.2 Electronic Source Selection

EZ Source is the standard Air Force documentation tool that shall be used for all unclassified competitive acquisitions valued at \$100M or more (unless waived by the CAA), or when an acquisition has been designated a high visibility program by a PEO or Center/Complex/Wing Commander. EZ Source may be used for acquisitions valued at less than \$100M. In order to ensure proper support is available to the team, PCOs must use the [SharePoint EZ Scheduler](#) to request the use of EZ Source and input information relative to their acquisition not later than 60 days prior to the projected RFP release.

### 4.3 Tactics, Techniques and Procedures (TTP), Samples, and Tailorable Templates

TTP: [Protection, Maintenance, Retention, and Disposition of Source Selection Data](#)

**Templates:** A comprehensive collection of samples and tailorable templates for your use as desired, is provided below.

[Abstract of Proposals/Quotations \(Negotiated Procurement\)](#)

**Source Selection Documentation Templates**

[Delegation of Source Selection Authority \(SSA\)](#)

[Past Performance Questionnaire \(Sample 1\)](#)

[Past Performance Questionnaire \(Sample 2\)](#)

[Past Performance Questionnaire \(Sample 3\)](#)

[Section L Attachment - Past Performance Information](#)

[Solicitation Cross Reference Matrix](#)  
[Source Selection File Checklist](#)  
[Source Selection Plan](#)  
[Subcontractor Consent Letter](#)  
[Verification of Correspondence Going to Offeror](#) [Checklist](#)  
[Source Selection Information Coversheet](#)  
[SF 901 , Controlled Unclassified Information \(CUI\) Cover Sheet \(AF Template\)](#)  
[Source Selection Non-Disclosure Agreement \(NDA\)](#)  
[Conflict of Interest Statement](#)  
[Sample RFP Section L language – Use of Non-Government Advisors](#)  
[RFP Section L & M Samples](#)  
[Notice Announcing that a Source Selection is in Progress](#)  
[Competitive Range Decision Document](#)  
[Comparative Analysis Report & Award Recommendation](#)  
[Source Selection Decision Document](#)  
**Source Selection Evaluation Board (SSEB) Templates**  
[Rating Team Worksheet \(Methodology 1\)](#)  
[Rating Team Worksheet \(Methodology 2\)](#)  
[Rating Team Worksheet \(PPT\)](#)  
[Tradeoff Technical Evaluator Template](#)  
[LPTA Technical Evaluator Template](#)  
[Tradeoff Subfactor Chief Template](#)  
[LPTA Subfactor Chief Template](#)  
[Evaluation Notice \(EN\)](#)  
[SSEB Report](#)  
[Initial Evaluation Briefing](#)  
[Pre-Final Proposal Revisions \(FPR\) Request Briefing](#)  
[Final Decision Briefing](#)  
**Past Performance Evaluation Team Documents**  
[Relevancy Template](#)  
[Tradeoff Performance Quality Template](#)  
[LPTA Performance Quality Template](#)  
[Business Relationship Template](#)  
[Past Performance Information Template](#)  
[Tradeoff Past Performance Confidence Assessment Template](#)  
[LPTA Past Performance Evaluation Template](#)  
[Performance Confidence Rating Evaluation](#)  
**Cost/Price Evaluation Team Document**  
[Cost/Price Template](#)  
 See [SMC PGI 5315.3 \(4.3\)](#) .

## 5 DEFINITIONS ( No AF text)

## 6 MANDATORY AIR FORCE SOURCE SELECTION TRAINING

### 6.1 Purpose

This Section establishes and standardizes the mandatory Air Force source selection training process for acquisition/SSTs.

### 6.2 Responsibilities of Senior Contracting Officials (SCO)

SCOs must: (a) implement a robust source selection training program; (b) designate a Training Manager/Point of Contact (POC); (c) designate experienced source selection trainers; and (d) maintain current lists of the Training Managers/POCs for use at their respective locations. The lists should be updated as necessary, but at a minimum shall be updated annually. A [Designation of Source Selection Training Manager/Trainers](#) template is available for use, as desired.



### 6.3 Required Training for Designated Trainers

6.3.1 Designated trainers must receive “Train-the-Trainer” training and be certified as source selection trainers. Periodic “Train-the-Trainer” sessions are conducted by [SAF/AQC Field Support Team \(FST\)](#) personnel every other month via webinar; however, this training may be conducted by any SCO-designated and experienced source selection trainer. Note that this is summary-level training designated trainers and not for use by source selection teams and other individuals to satisfy the source selection training requirements set forth in paragraph 6.4.1.

6.3.2 Training Managers/POCs must maintain a record of the source selection training provided by designated trainers, including the name of the acquisition, training date, names of individuals trained, and training provided (e.g., Phase I (Acquisition Planning) or Phase II (Source Selection Execution) training).

6.3.3 Designated trainers who have not conducted source selection training within a two (2) year period must be recertified. Recertification requires that the SCO confirm the individual’s continued designation as a source selection trainer and that the individual re-complete the “Train-the-Trainer” training.

### 6.4 Acquisition/Source Selection Team Training

#### 6.4.1 Conducting Source Selection Training Sessions.

Source selection training must be presented to the entire SST, including the SSA, SSAC Chair and members, PM (where one is assigned), RO, and all advisors. Independent review of source selection training materials by SST members and/or attendance at “Train-the-Trainer” training is not sufficient to satisfy this training requirement.

#### [SSA SSAC](#)

##### Phase I

##### Phase II

#### 6.4.2 Training Content and Process.

The SAF/AQC FST develops and maintains source selection training modules to assist Source Selection Trainers. Trainers are encouraged to tailor the modules, as needed, to meet the unique elements of the instant acquisition.

The **Ethics, Procurement Integrity, and Conflicts of Interest** topic should be presented by the local legal advisor. Links to Ethics training material are included in both Phase I and Phase II source selection training materials. The use of locally-developed Ethics training by local legal advisors is encouraged. The length of the source selection training and the level of detail presented in either Phase I (Acquisition Planning) or Phase II (Source Selection Execution) depends on the complexity of the specific acquisition and the experience level of the SST.

#### 6.4.3 Advance Preparation.

Effectiveness of the source selection training experience can be enhanced with advance preparation. The Defense Acquisition University (DAU) offers [continuous learning modules](#) on source selection and related topics. Some suggested DAU courses include the following:

[CLC 004](#) - *Market Research*

[CLC 028](#) - *Past Performance Information*

[CLC 132](#) - *Organizational Conflicts of Interest*

[CLM 049](#) - *Procurement Fraud Indicators*

### 6.5 Source Selection Training Material

The Source Selection Training Modules, Trainer’s Lesson Plans, and Resource/Reference Material are accessible by designated trainers and training managers on SharePoint at [https://usaf.dps.mil/sites/AFCC/KnowledgeCenter/source\\_selection\\_training/Forms/AllItems.aspx](https://usaf.dps.mil/sites/AFCC/KnowledgeCenter/source_selection_training/Forms/AllItems.aspx). Additional training materials for teams are available in the [AFFARS Library, Part 5315](#).

### 6.6 Training Certificates.

Any Trainer conducting “Train the Trainer” training will provide a Source Selection Training Certificate to the Training Managers/POCs and Trainers upon completion of the source selection training. Trainers must provide the Source Selection Training Certificate for [Phase I](#) and [Phase II](#) to the personnel they train.

### 6.7 Source Selection Training Survey.

Following training, personnel are encouraged to complete the [Source Selection Training Survey](#). The feedback provided through the survey will enable the SAF/AQCP FST to gauge the effectiveness of its source selection training material and obtain suggestions for improvement.

**6.8 Continuous Learning Points (CLP).**

Designated Source Selection trainers may grant CLPs to source selection attendees. As a general rule, CLPs must be given based on the length and intensity of the training provided. Trainers may grant six (6) CLPs for each full day of instruction, three (3) CLPs for half-day, and one (1) CLP for a two-hour session.

**LIST OF TABLES AND FIGURES (No AF text)****List of Appendices****Appendix A. Debriefing Guide (No AF Text)****Appendix B. Tradeoff Source Selection Process: Subjective Tradeoff and Value Adjusted Total Evaluated Price (VATEP) Tradeoff ( No AF Text )****Appendix C. Lowest Price Technically Acceptable (LPTA) Source Selection Process (No AF Text)****MP5315.4 Contract Pricing****2019 Edition**

*Revised: 26 Jul 21*

[1. Proposal Instructions.](#)

[2. Requesting data/documentation after receipt of the proposal.](#)

[5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver](#)

**1. Proposal Instructions.**

To facilitate timely awards of sole source contract actions and definitization of Undefined Contract Actions (UCA) within 180-days after issuance of the UCA, contracting officers:

- a. provide contractors with clear and concise proposal instructions, including a suspense date for proposal submission;
- b. require that contractor proposals (both prime and subcontractors) are submitted as adequate for evaluation and valid for the anticipated time required to conduct evaluation, audit, negotiation and award, with data updates provided until the conclusion of negotiations in accordance with TINA.
- c. Include DFARS provision 252.215-7009 in sole-source draft and final Requests for Proposals (DRFPs/RFPs) and RFPs for UCAs when the contract value is anticipated to exceed the threshold for obtaining certified cost or pricing data, and no exception to the requirement to submit certified cost or pricing data applies. (See FAR 15.403-1(b).)
- d. Include a provision substantially the same as L-XXX, Cost Proposal Adequacy and Structure, in the solicitation, or as a paragraph within a letter RFP, whenever DFARS provision 252.215-7009 is included. Add paragraph (e) to provision L-XXX, Cost Proposal Adequacy and Structure, only when an electronic version of the cost proposal with active formulas (e.g., in Excel) is required. Contracting officers may tailor this provision as necessary to reflect the unique circumstances of each acquisition.

**L-XXX COST PROPOSAL ADEQUACY AND STRUCTURE**

**NOTE :** *The blue italicized text below represents instructions for the contracting officer and should be removed prior to incorporating Section L into the solicitation.*

(a) In response to this Request for Proposals (RFP), the offeror shall prepare and submit certified cost or pricing data and supporting attachments in accordance with Table 15-2 of FAR 15.408. Further, the offeror shall (1) utilize the DFARS 252.215-7009, *Proposal Adequacy Checklist (PAC)*, in pre-submission proposal quality reviews, and (2) furnish the completed checklist as part of their proposal submission.

(1) The responsibility for providing a well-prepared and fully supported cost proposal lies solely with the offeror. The basis and rationale for all proposed costs shall be provided as part of the proposal so that the contracting officer has the information necessary to evaluate the reasonableness of the proposed price.

(2) If the offeror is unsure as to whether a checklist item is required in support of the proposal, or how to adequately comply with a checklist item, the offeror shall contact the contracting officer as soon as possible after receipt of the RFP, but in any case prior to proposal submittal, to resolve the questions.



(3) Non-compliances with the DFARS Proposal Adequacy Checklist and the additional requirements of this provision will require immediate correction. However, completion of the checklist does not relieve the offeror from the responsibility to comply with all applicable regulations and any special requirements of the solicitation.

(4) The offeror is encouraged to flow down this provision to subcontractors/affiliates required to submit certified cost or pricing data in support of this RFP.

(b) The offeror is advised that the contracting officer may find costs associated with revision/rework of inadequate cost proposals unreasonable, and will consider the nature and extent of any proposal inadequacies when assessing/negotiating profit.

(c) In order to preclude delays in negotiations and contract award, the completed PAC submitted with the proposal shall provide a clear explanation for any checklist items not included in the proposal, particularly items not provided based on any of the exceptions to TINA found at FAR 15.403-1(b) and Deviation 2018-O00009.

(d) Cost Proposal Requirements. In addition to the requirements identified in the DFARS PAC, the following also apply to the cost proposal submitted in response to this RFP.

(1) Breakout by Year. If the proposal includes more than one CLIN, the proposal shall include a breakout of CLIN prices by cost element by Contractor Fiscal Year (CFY). At the contracting officer's direction, the breakout by year shall also be provided by: *(select applicable breakouts)*

- Government Fiscal Year (GFY)
- Calendar Year (CY)

The proposal shall define the timeframe of the Contractor Fiscal Year (for example, January – December).

(2) If the proposal includes more than one CLIN/subCLIN, recurring/non-recurring costs shall be identified for each CLIN/subCLIN.

(3) When the proposal includes material costs, the proposal shall include a consolidated bill of materials (CBOM) at the total contract level in an electronic, sortable format (Excel spreadsheet or other format approved by the contracting officer).

i. When the amounts proposed in the CBOM include application of escalation, the proposal shall identify the base value, the escalation rate(s) used, and the escalation amount associated with each item escalated.

ii. When the proposed amount is based on historical data which has been adjusted (for example, for differences in quantity), the CBOM shall clearly identify the adjustments made to the historical data and the reason for each adjustment.

(4) All costs proposed on the basis of Cost Estimating Relationships (CER) shall be fully supported. The proposal shall identify the basis for the proposed rate, shall identify the base to which the rate is applied, and shall clearly demonstrate the calculation of proposed costs based on CERs.

(5) For any costs incurred prior to proposal submission, the proposal shall identify actual hours and cost incurred as well as hours/costs to complete and the time phasing associated with these hours/costs. This information/data shall be provided in a time-phased cost element summary format.

(6) Submission of Historical Actual Costs Incurred. *(Insert in RFPs for follow-on efforts as applicable. The contracting officer may identify specific contracts for which submission of actual cost data is required (for example, the last three lot buys of the same item), or may require that the contractor identify its most recent sales of the items to any customers, if the contractor's sales base is broader than the current buying office. Language may be tailored to request insight into specific areas of cost (e.g., sustaining engineering hours). However, the contracting officer should take into consideration the extent to which the contractor's existing business systems can support requests for granularity in reporting of actual costs incurred, as well as the potential time and cost involved in obtaining very detailed or low-level historical actuals.)*

(i) The contractor shall provide the following information for these prior acquisitions: *[contracting officer identifies the specific acquisitions for which actual cost data is required. Alternately, the contracting officer may require the contractor to identify prior and current contracts for the same items covered in this RFP.]* For these contracts, the contractor shall provide the following information:

- a. contract number (including modification number if applicable) or other identifier;
- b. contract type;
- c. contract quantity;
- d. contract price; and

e. actual cost incurred, including a breakout of actuals as recurring/non-recurring costs. If performance is not complete on any of the specified contract actions, provide an estimate to complete and the basis for that estimate.

(ii) The contractor shall also request that its top five major sole source subcontractors provide the information listed in the above paragraphs (i) a. through e. on prior contracts for items the prime is purchasing from the subcontractors for this effort. If a subcontractor's information on prior actuals is not included in the prime's proposal, the proposal should identify

status and anticipated receipt date(s). If the subcontractor deems the information proprietary, the subcontractor may submit the information directly to the contracting officer.

(7) The proposal shall identify those actions where assist audits have been requested by the prime or sub-tier contractors and identify the request date and scheduled receipt date for those audits. The need for assist audits resulting from proprietary data rights assertions at any tier shall be identified to the contracting officer as soon as the offeror becomes aware of the need. Government performance of assist audits does not relieve the offeror of the responsibility to accomplish and provide its price/cost analysis of the subcontracts.

(8) If the offeror intends to request Performance-Based Payments (PBP), the offeror's proposal shall include a monthly expenditure profile, proposed events and their projected completion dates, rationale on why the proposed event demonstrates significant progress towards the completion of the end item, proposed values for each event, completion criteria for each event, and an identification of each event as severable or cumulative.

(9) Commercial item considerations:

i. The offeror's proposal shall provide support for any subcontractor Commercial Item Determinations (CID), addressing, at a minimum, the following:

a. A description of the supplies or services;

b. Specific identification of the type of commercial item claim (FAR 2.101 commercial item sub-definitions (1) through (8)), and the basis on which the item meets the definition; and

c. For modified commercial items (commercial item sub-definition (3)), classification of the modification(s) with supporting rationale as either:

1. Of a type customarily available in the commercial marketplace (FAR 2.101 commercial item sub-definition (3)(i)); or

2. A minor modification of a type not customarily available in the commercial marketplace made to meet Federal Government requirements (FAR 2.101 commercial item sub-definition (3)(ii)).

Note that per FAR 15.403-1(c)(3)(iii)(B), modifications that meet the definition of minor modifications of a type not customarily available in the commercial marketplace as defined in FAR 2.101, paragraph (3)(ii) of the commercial item definition, will require the submission of certified cost and pricing data when the total price of all such modifications exceeds the greater of the threshold for certified cost or pricing data (FAR 15.403-4) or 5% of the total price of the contract at the time of contract award.

ii. For proposed subcontract commercial items "of a type", or "evolved" or modified (FAR 2.101 commercial item sub-definitions (1) through (3)), the offeror shall provide a technical description of the differences between the proposed item and the comparison item and thoroughly address the cost differences between the proposed item and the comparison item.

iii. The proposal shall include, or the offeror shall make available, data other than certified cost or pricing data to establish price reasonableness of the proposed subcontract commercial item (to include any modifications not subject to the requirement to submit certified cost or pricing data) by supplying:

a. Information/data related to competition, if competition is the offeror's basis for asserting the reasonableness of the proposed subcontract price.

b. Information/data related to prices (sales data, market price assessments, etc.). Note that subcontractors may submit sales data directly to the contracting officer if the subcontractor deems the data proprietary.

c. The prime contractor's or higher tier subcontractor's price analysis/price reasonableness determination for the commercial subcontract in accordance with FAR 15.404-3(b)(1) and (2).

d. Cost information/data (cost element breakdown and supporting documentation not subject to certification in accordance with FAR 15.406-2). Instances where cost information may be required include but are not limited to commercial items offered but never actually sold to the public, "of a type" commercial items, or when sales data is limited and/or not recent and/or not for the same/similar quantities.

Note that the preferred method of establishing the price reasonableness of commercial items is to obtain commercial sales data. It is recognized that other methods, such as market price assessment data or evaluation of cost data not subject to certification, are also acceptable when prior sales data cannot be obtained. Sales data shall (1) demonstrate sales to the general public; (2) be current; and (3) where possible, be in like quantities. Items sold to state, local, or foreign governments or items sold with applications only to state, local, or foreign government or US Government end items are not considered to be sales to the general public unless the proposed commercial item meets the FAR 2.101 commercial item definition sub-definition (8).

(10) Additional Cost/Price Proposal Requirements: *(Identify any additional requirements applicable to the solicitation, or enter "N/A").*

- If an electronic CBOM providing traceability to the CLIN level, to WBS paragraph, etc. is required, identify that requirement in this paragraph.

- If sales data supporting price reasonableness of a commercial item is required, use this paragraph to provide specifics as to the level of detail and applicable date range(s) of the sales data.

- If a breakout of basic and options is required, detail that requirement here)

Add the following paragraph to provision L-XXX, Cost Proposal Adequacy and Structure, only when an electronic version of the cost proposal with active formulas (e.g., in Excel) is required. This paragraph may be tailored as necessary to describe the specific requirements of the electronic cost model.

(e) Submission of electronic cost model. (Tailor as needed for each specific circumstance. If electronic cost models are required for any subcontractors or affiliates, identify those requirements within this paragraph.) The proposal submission shall include an electronic cost model with active formulas demonstrating the mathematical calculation of the proposed cost (in Excel or other format approved by the contracting officer). The electronic cost model shall include build-up by year of cost in total and by CLIN/subCLIN, consistent with the yearly breakout required by paragraph (d)(1) of this provision, or as directed by the contracting officer. If applicable, the electronic cost model shall link each Work Breakdown Structure (WBS) to the applicable CLINs. The electronic cost model shall roll up to an annual and total program summary by cost element. All information supporting each CLIN should be visible and verifiable in the electronic cost model. The formulas included in the electronic cost model shall not be locked, and the model shall be editable by the Government.

**NOTE :** The blue italicized text above represents instructions for the contracting officer and should be removed prior to incorporating Section L into the solicitation.

See [AF PGI 5315.402-90](#) .

See [AFMC PGI 5315.402-90](#) .

## 2. Requesting data/documentation after receipt of the proposal.

a. A contracting officer request for supporting data/documentation from a contractor (whether verbally or in writing) after proposal receipt, must clearly state what data/documentation is needed and when it should be provided.

b. If requested data/documentation is not readily available because of extenuating circumstances (e.g., data that did not form the basis of the contractor's proposal), the contracting officer and the contractor should agree in writing as to a reasonable time for submittal of data.

c. Where system generated data is to be provided, the contracting officer should review the data fields to be reported before the data is generated to ensure a common understanding of what is needed. Inform the contractor that all data requests will be tracked and will be considered open action items until the Government concurs that the data has been received and is complete.

d. If the data is not provided by the requested date or, if applicable, the agreed-to-date, and an acceptable resolution cannot be achieved, the contracting officer must elevate the issue to appropriate senior contracting management for both the Government and the contractor until an appropriate resolution is reached. The contracting officer must document the outcome of the elevation process in writing to include any revised dates for receipt of requested data/documentation. See the [DoD Sole Source Streamlining Tool Box](#) for the recommended elevation process, as well as other streamlining techniques.

e. If, after elevation, an acceptable resolution has not occurred or the contractor fails to provide the data/documentation within the revised agreed-to date, the contracting officer may take remedial actions:

- for UCAs, contracting officers should consider reducing or suspending progress payments (FAR 32.503-6) when the contractor does not submit a timely qualifying proposal or has otherwise not supported the established definitization schedule; and/or

- assign an unsatisfactory rating for a singular performance problem, such as the failure to submit a timely, complete and quality proposal (or subsequent data submissions), in connection with a UCA when the problem is of such serious magnitude that it alone justifies an unsatisfactory Contractor Performance Assessment Reporting System (CPARS) rating in the assessment of Management Responsiveness (Block 18d(1) for a Systems CPAR) or Business Relations (Block 18d for a Non-Systems CPAR). Ratings must track to the Evaluation Ratings Definitions found in FAR 42.1503(h)(4).

f. Consistent with the notice given to contractors in the provision L-XXX, Cost Proposal Adequacy and Structure , in situations when the contractor's original proposal is inadequate and requires revision or rework, contracting officers should consider whether to recognize as reasonable any contractor costs associated with the revision/rework effort and must consider the nature and extent of any proposal inadequacies when negotiating profit.

**MP5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver**

(b) Requesting Pricing Assistance.

(1) "Full Pricing Assistance" means the price analyst accomplishes the majority of the pricing effort (e.g. pricing case) for a specific contract action which meets or exceeds the thresholds identified in AFFARS 5315.404-1-90(a). Submit the request for pricing assistance to the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). The contracting officer may also request full pricing assistance for actions below the thresholds identified in AFFARS 5315.404-1-90(a) when additional pricing expertise is needed. The Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief) is the approval authority for those requests, on a case by case basis. See the tailorable [Request for Pricing Assistance or Pricing Assistance Waiver](#) template.

(2) "Tailored Pricing Assistance" may also be requested for actions below the mandatory thresholds (or in conjunction with a Pricing Assistance Waiver Request) and will be provided at the discretion of the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). See the tailorable [Request for Pricing Assistance or Pricing Assistance Waiver](#) template. Examples of Tailored Pricing Assistance that may be available include:

- (i) Assistance with completion of the Weighted Guidelines (DD Form 1547)
- (ii) Pricing inputs for business/contract clearance
- (iii) Cost proposal spreadsheet development/modeling
- (iv) Defective pricing
- (v) Assistance with structuring Economic Price Adjustment (EPA) clauses
- (vi) Assistance with determination of final prices of incentive contracts
- (vii) Claims
- (viii) PNM review
- (ix) Assistance with/review of reopener clauses
- (x) Evaluating Performance Based Payments
- (xi) Source selection support, including drafting and/or review of Sections L and M, drafting cost sections of briefings and reports, and review of pricing volumes of proposals
- (xii) Rate and factor reviews when DCMA assistance is not available

(3) Request pricing assistance as early as practicable in the acquisition process, but no later than receipt of the proposal. For large dollar sole source acquisitions, the contracting officer is expected to consult with the pricing office (or Clearance and Program Support office) to determine which components of the **L-XXX Cost Proposal Adequacy and Structure** provision described in MP5315.4-1.d, should be included in the RFP.

(c) Requesting a Pricing Assistance Waiver. Contracting officers may request a Pricing Assistance Waiver for acquisitions which meet or exceed the required thresholds identified in [AFFARS 5315.404-1-90\(a\)](#). Submit the waiver request to the CAA through the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). See the tailorable [Request for Pricing Assistance or Pricing Assistance Waiver](#) template.

See [AFICG PGI 5315.404-1-90](#).

**MP5315.407-90 Contract Audit Follow-up (CAFU)****2019 Edition**

*Revised: 26 Jul 21*

1. This Mandatory Procedure implements the following publications:

- a. [Office of Management and Budget \(OMB\) Circular No. A-50](#), *Audit Follow-up*;
- b. [Department of Defense Instruction \(DoDI\) 7650.03](#), *Follow-up on Government Accountability Office (GAO), Inspector General of the Department of Defense (IG DoD), and Internal Audit Reports*; and
- c. [Department of Defense Instruction \(DoDI\) 7640.02](#), *Policy for Follow-up on Contract Audit Reports*.
- d. Department of Defense Instruction (DoDI) 7650.02, *Engaging with the Government Accountability Office (GAO) on GAO Audits*.

The publications above establish policy and responsibilities, reporting requirements, and follow-up procedures for contract audit reports issued by the Government Accountability Office (GAO), Inspector General of the Department of Defense (IG DoD), Defense Contract Audit Agency (DCAA), and the other internal audit agencies (such as the Air Force Audit Agency (AFAA)).

2. SAF/AQCP manages the Air Force CAFU program.

3. CAFU requirements for DCAA audit reports:

- a. **SCO RESPONSIBILITIES:** SCOs:

(i) Designate a CAFU focal point to manage the organization's CAFU program in accordance with these procedures. The CAFU Focal Point:

(a) Monitors and ensures proper and timely resolution and disposition of contract audit reports within the focal point's organization.

(b) Maintains current records on all reportable audits, from receipt through disposition. For open reports, this includes written milestone plans comprised, as a minimum, of target resolution and disposition dates.

(c) Ensures that acquisition personnel within their organization are properly trained in the use of contract audit reports and the requirements of the CAFU program.

(d) Ensures that the organization's semi-annual CAFU status report is prepared in accordance with these procedures using the web-based CAFU tool and User's manual located on the [Defense Contract Management Agency \(DCMA\)](#) website. When the security classification of a contract or an audit precludes the use of the DCMA website, SCOs must seek approval from SAF/AQCP to use alternate means of reporting.

(e) Directs periodic evaluations of the organization's CAFU program to determine whether they are adequate and result in timely, appropriate resolution and disposition of audit reports.

b. **CONTRACTING OFFICER (CO) RESPONSIBILITIES:** The CO is responsible for reaching agreement with the contractor and has wide latitude and discretion in that regard. Accordingly, the procedure contained herein is structured in consonance with the independent, decision-making role of the CO and the financial advisory role of the contract auditor. COs should give full consideration to contract audit advice and must pursue timely and proper resolution and disposition of contract audit reports. Resolution of contract audit reports, other than pre-award reports, is required by OMB Circular A-50 to be accomplished within six months of report issuance. Disposition should take place as soon as possible after resolution. Per [DoDI 7640.02](#), Enclosure 3, Section 3.a, reportable audits should normally be disposed of within 12 months after issuance. The CO must document the disposition of all reported findings and recommendations in a signed and dated memorandum in accordance with [DoDI 7640.02](#), Enclosure 3, Section 3.b.

c. **TRACKING OF AUDIT REPORTS:** Contracting activities must track all contract audit reports. Tracking of non-reportable audits may be accomplished using records maintained in the contract file or in the CAFU on-line system. The designated focal point at each Air Force contracting activity maintains contract audit follow-up information on a current basis. The audit tracking information will normally be managed centrally at MAJCOM/DRU headquarters (except for HQ AFMC and SMC, where this tracking will occur at the field activity). For auditor-determined final, indirect cost rate reports, a report is considered received for follow-up tracking purposes when it is forwarded by the auditor to the cognizant Administrative Contracting Officer (ACO) for resolution and disposition.

d. **REPORTING OF AUDIT REPORTS:** Reportable audits are identified in the Glossary of [DoDI 7640.02](#). The information to be reported on each audit is identified in Enclosure 4 of the same regulation. MAJCOM/DRU/SMC semi-annual status reports will be automatically transmitted using the on-line CAFU system. The reports must cover the semi-annual periods ending 31 Mar and 30 Sep and must be completed in the on-line CAFU system no later than the end of the reporting period. If there are no audits, a negative report must be prepared and submitted to SAF/AQCP. All activities must make every possible effort to ensure the completeness and accuracy of their semi-annual reporting submission. Special attention should be focused on ensuring the most accurate data is submitted on any audit listed as unresolved and over 6 months old.

4. CAFU for GAO, IG DoD, and Internal Audit Reports: These procedures apply to audit reports which disclose contract pricing issues and are issued directly to the buying activity. COs shall provide:

a. An initial response to the GAO/IG DoD/Internal Audit Agency within 60 days of receipt of the audit report; and

b. A copy of the initial response and the disposition documents to the following:

(i) SAF/FMPF, 1130 Air Force Pentagon, Washington, DC 20330-1130.

(ii) SAF/AQCP, 1060 Air Force Pentagon, 4C149, Washington, DC 20330-1060.

(iii) Office of the Inspector General, Department of Defense, Attn: DAIG, GAO Report Analysis, 4800 Mark Center Drive, Alexandria, VA 22350-1500.

See [AFICC PGI 5315.407-90](#).

## **MP5315.606-90 Receipt, Evaluation, and Disposition of Unsolicited Proposals**

### **2019 Edition**

(a) Unsolicited proposals (UP) are defined at [FAR 2.101](#) and described in [FAR 15.603\(c\)](#). MAJCOMs/DRUs/AFRCO/SMC and subordinate contracting units are considered to be the cognizant points of contact for ensuring evaluation and disposition of a UP which is received at their respective base/activity. Organizations that are part of the Headquarters Air

Force (HAF) that receive a submission that is considered a UP must forward it to [SAF/AQC](#) for assignment to the proper Air Force MAJCOM/DRU/AFRCO/SMC contracting unit cognizant point of contact.

(b) Cognizant points of contact:

- (1) Coordinate and process UPs. Use a [cover sheet](#) to help protect the UP from unauthorized disclosure.
- (2) Notify the SCO for any UP that requires wider Air Force consideration.
- (3) Maintain an accurate and complete record of the disposition of all UPs received.
- (4) Ensure the appropriate evaluation office is aware of the FAR guidance for evaluating UPs and the prohibitions and rules regarding copying, disclosing, and using restricted data contained in the proposal. Limit the distribution of UPs to the appropriate number of evaluators required to conduct a reasonable review. Maintain a record of the evaluators for each UP and the dates of their evaluation.
- (5) Ensure evaluators provide supporting rationale for their conclusions and recommendations. If the recommendation is to accept the UP, ensure evaluators indicate whether funds are currently available or programmed.
- (6) Notify the offeror concerning results of the evaluation within 30 working days from receipt of the UP. When the evaluation cannot be completed within 30 working days, send the offeror an interim reply to include an estimated completion date.
- (7) Advise the offeror that the favorable evaluation does not, in itself, contractually bind the government.

## MP5325 - FOREIGN ACQUISITIONS

*Sec.*

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|----|---|----|---|
|    | MP5325.103 Exceptions                                 | 1. | Domestic Non-Availability Determinations (DNAD) Under           |
|    | MP5325.7002-2 - Exceptions                            |    | DFARS 225.7003  |
| 1. | Domestic Non-Availability Determinations (DNAD) Under | 2. | Applicability of Commercial Derivative Military Articles (CDMA) |
|    | DFARS 225.7002  |    | to Specialty Metals   |
| 2. | DNAD Exception  | 3. | DNAD Exception  |
|    | MP5325.7003-3 - Exceptions                            |    |   |

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## MP5325.103 Exceptions

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(a) When a determination of nonavailability is required by FAR 25.103 and DFARS 225.103(b)(i), the contracting officer must prepare a request for [nonavailability determination](#) and process for approval in accordance with DFARS 225.103(b)(ii). For acquisitions at or above \$1.5M, see [MP5301.601\(a\)\(i\)](#). Each request should identify the proposed acquisition by applicable purchase request or contract number and include:

(1) A description of the articles intended to be acquired, manufacturer's name and address, model number, and specific information pertaining to special features, performance, versatility, etc.;

(2) A statement of the efforts made to secure either the article required or suitable substitutes from domestic sources. List all domestic sources contacted or provide reasons why domestic sources were not contacted. Additionally, list reasons, if known, why domestic sources contacted could not or would not furnish required articles or suitable substitutes;

(3) The name and address of the proposed source (if other than the manufacturer, state reason(s) why direct purchase or purchase through an overseas contract activity is not feasible);

(4) The reason why purchase of foreign material or from a foreign source is necessary. Identify and explain the specific portion of the mission or requirement, which is of such magnitude as to override consideration to procure a domestic source end product;

(5) A description of the end use of item to be purchased and a brief description of the special function to be accomplished, such as performance of special tests or research work;

(6) The identity of the purchaser;

(7) The citation of the applicable appropriation;

(8) When the proposed purchaser of the articles intended to be acquired is not a Government agency but is an Air Force contractor, provide the contract number, the contract type, and indicate what the disposition of the articles will be at contract completion.;

(9) Whether or not payment is intended to be made before delivery is accomplished; and

(10) The estimated foreign, domestic, and total cost of the proposed acquisition.

(b) In the case of inter-command acquisitions, compliance with the Buy American Statute and Balance of Payments evaluation procedures (DFARS 225.5) is the responsibility of the contracting command, except when the requiring command specifies a foreign end product, in which case, the determination is the responsibility of the requiring command.

(c) When overseas contracting support is needed, CONUS contracting activities should contact the following:

(1) In Japan (excluding Okinawa):

374 CONS/CC

Unit 5228

APO AP 96328-5228

DSN 315-225-7099

(2) In Okinawa:

18 CONS/CC

Unit 5199

APO AP 96368-5199

DSN 315-634-1828

(3) In Europe:

AFICA/KU (OLAFE)

Unit 3103

APO AE 09094-3103

DSN 314-480-5910

(d) CONUS contracting activities requesting contracting support should provide, as a minimum, the information specified below to the appropriate overseas contracting activity. Contracting activities will treat all requests for contracting support on a priority basis. The requesting activity will provide:

(1) A purchase request with description of the requirement including definitive specifications free of any defects that would otherwise preclude immediate contracting action;

(2) Instructions for packaging, packing, and preservation, and special instructions dictated by the nature of the commodity to be purchased, if necessary;

(3) An executed Buy American Statute Determination (DFARS 225.103(b)(i)) if the item is not exempted;

(4) A specification or purchase description suitable for obtaining full and open competition, or necessary information, certified as complete and accurate in accordance with FAR 6.303 to support any recommendation for use of other than full and open competition;

(5) The obligation authority;

(6) The mailing address and telephone number of a single point of contact;

(7) Transportation, routing, or shipping instructions. If the foreign contractor will be required to ship requirements to multiple CONUS-based consignees, detailed shipping instructions concerning each consignee will be provided to the overseas procuring activity; and

(8) Any special distribution requirements for the contractual documents required beyond the normal distribution.

(e) Overseas contracting activities providing courtesy contracting support to CONUS-based requiring activities will, after determining all submitted documentation to be adequate, proceed with the acquisition using the certificate of conformance when appropriate. The AFO supporting the overseas contracting activity should make payments on all transactions. The CONUS requiring base should respond expeditiously to any requests of the overseas contracting activity.

## **MP5325.7002-2 - Exceptions**

### **2019 Edition**

[1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)

[2. DNAD Exception](#)

[1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)

[2. DNAD Exception](#)

[1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)

[2. DNAD Exception](#)

### **1. Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7002**

Follow these mandatory procedures when requesting approval to purchase restricted items under DFARS 225.7002; for example, food, clothing, tents, tarpaulins, covers, cotton and hand or measuring tools. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of the simplified acquisition threshold. This MP provides assistance in determining the applicability of restrictions when drafting a DNAD. A DNAD must be tailored to your acquisition. In some cases it may not be possible to obtain all of the data specified in the [DNAD template](#); however, contracting officers should make every effort to do so. See DFARS 225.7002 for the entire list.

### **2. DNAD Exception**

#### **a. Individual DNADs**

When a contractor asserts that a domestic item identified at DFARS 225.7002-1 is not available, a DNAD is required; the [DNAD](#) must be coordinated through the SCO and [SAF/AQC](#) before submission to the Secretary of the Air Force (SecAF) for approval. The SecAF may grant a DNAD if compliant items, identified at DFARS 225.7002-1, of satisfactory quality and sufficient quantity, and in the required form, cannot be procured at U.S. market prices as and when needed. This approval authority is not delegable. This exception should not be read to require that the compliant material/item must be totally unavailable (i.e., cannot be obtained at any cost). There is some cost limit that should be recognizable by a contracting officer, and that a reasonable person would agree, makes the material/item effectively “unavailable.”

#### **b. Class DNADs**

Contracting officers may continue to use OUSD (AT&L) approved class DNADs that cover food, clothing, fabrics, and hand or measuring tools for new contracts if the DNAD was signed by the Undersecretary of Defense (OUSD) (AT&L) or by a Service Secretary. The OUSD (AT&L) DNADs currently available for reciprocal use are posted on the [DCMA website](#). If a class DNAD is used, the contracting officer must prepare a Determination and Finding (D&F) approved by the SCO. This approval may not be further delegated. The contracting officer must obtain legal review to support the determination.

## **MP5325.7003-3 - Exceptions**

### **2019 Edition**

[1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)

[2. Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)

[3. DNAD Exception](#)

[1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)

[2. Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)[3. DNAD Exception](#)[1. Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)[2. Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)[3. DNAD Exception](#)**1. Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7003**

Follow these mandatory procedures (MP) when requesting approval to purchase restricted specialty metals under DFARS 225.7003. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of the simplified acquisition threshold. This MP provides guidance for drafting DNAD and Commercial Derivative Military Article (CDMA) Determination and Finding (D&F) documents. The DNAD or CDMA D&Fs should be tailored to the particular acquisition. In some cases, the contracting officer may not be able to obtain all of the data specified in the templates referenced below; however, the contracting officer should make every effort to do so.

**2. Applicability of Commercial Derivative Military Articles (CDMA) to Specialty Metals**

When a program office concludes that an item to be delivered under a prime contract is a commercial derivative military article (as defined at DFARS 252.225-7009) and the prime contractor provides the certification required at DFARS 252.225-7010, the contracting officer must prepare a [CDMA D&F](#) and coordinate the effort through the SCO and [SAF/AQC](#) for submission to the Secretary of the Air Force (SecAF) for approval. This approval authority is not delegable.

**3. DNAD Exception**

When a program office concludes that domestically melted or produced specialty metal cannot be procured (as described in DFARS 225.7003-3(b)(5)) to support the production of a particular end item or component, the contracting officer must prepare a [DNAD D&F](#) for specialty metals. The contracting officer must coordinate the effort through the SCO and [SAF/AQC](#) for submission to the SecAF for approval. The SecAF may grant a DNAD for an individual contract if a compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed at a fair and reasonable price. This approval authority is not delegable. A Class DNAD requires the approval of the USD(AT&L).

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## **MP5332 - CONTRACT FINANCING**

*Sec.*

MP5332.4 — ADVANCE PAYMENTS FOR NON-  
COMMERCIAL ITEMS  
MP5332.470 Advance Payment Pool

Advance payment requests must be processed as follows:  
MP5332.7— CONTRACT FUNDING  
Release of Solicitations in Advance of Funding Availability

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## MP5332.4 — ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

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### MP5332.470 Advance Payment Pool

2019 Edition

[Advance payment requests must be processed as follows:](#)

**Advance payment requests must be processed as follows:**

(1) The responsible contracting officer must compile the advance payment request package in accordance with FAR 32.4 and DFARS 232.4 and submit it to the SCO for coordination. The SCO must submit the request through [SAF/AQC](#) workflow. SAF/AQC forwards the package to [SAF/FMPA](#) for review and approval. AFRCO and SpRCO will submit the request directly to the DAS(C)/ADAS(C), as appropriate.

(2) SAF/FMPA will evaluate the request to determine if advance payments are justified. Assistance may be solicited from other sources such as contracting officers, auditors, disbursing officers, and, if necessary, field visits to the contractor or institution. For nonprofit educational or research institutions, SAF/FMPA will determine if approved advance payments will be disbursed from an advance payment pool in accordance with DFARS 232.470. When approved, SAF/FMPA will forward the findings, determinations, and authorization for advance payments and/or the advance payment pool agreement to the responsible contracting officer. The contracting officer must ensure all applicable advance payment clauses are incorporated into each contract. The clause at DFARS 252.232-7000, Advance Payment Pool, must be incorporated into each contract that is covered by the agreement.

(3) The Air Force accounting and finance office is responsible for the disbursing functions of the advance payment pool agreement.

## MP5332.7 — CONTRACT FUNDING

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### Release of Solicitations in Advance of Funding Availability

Except for solicitations and contracts issued in accordance with FAR 32.703-2(a) and clause 52.232-18, *Availability of Funds*, follow the procedures below when issuing solicitations in advance of available funds:

(a) The following statement must be included in any such solicitation: *“Notice to Offeror(s)/Supplier(s): Funds are not presently available for this effort. No award will be made under this solicitation until funds are available. The Government reserves the right to cancel this solicitation, either before or after the closing date. In the event the Government cancels this solicitation, the Government has no obligation to reimburse an offeror for any costs.”*

(b) When the resulting contract is to be funded by Procurement or Research, Development, Test, and Evaluation appropriations, the program/requirement must be included in the President’s budget as submitted to Congress, and the program manager must provide the contracting officer a written statement, indicating the program’s inclusion. The statement must be coordinated with FM at the Center level (or equivalent) or as delegated to FM Organizational Senior Functional (OSF) that these investment 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.

(c) For solicitations for programs funded by the National Guard and Reserve Equipment Account when the Defense Appropriations Act is signed into law, for the Air National Guard Bureau, and/or Air Force Reserve Command, the Air National Guard or Reserve program manager must confirm that funds have been identified for the acquisition.

(d) Except for solicitations for operational contracting supply requirements less than \$1M and funded with annual appropriations, the MAJCOM/DRU/AFRCO/SMC Requiring Activity Functional Commander/Director, SCO, and Comptroller, or their appointed representatives, must jointly agree in writing to authorize the operational contracting office to issue solicitations when it is anticipated that the contract(s) will be funded, but funds are not yet available.

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## **MP5333 - PROTESTS, DISPUTES, AND APPEALS**

*Sec.*

MP5333.1 — PROTESTS

MP5333.104 Protests to GAO

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## MP5333.1 — PROTESTS

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### MP5333.104 Protests to GAO

#### 2019 Edition

*Revised: 26 Jul 21*

##### (a) General

(1) The Air Force response to a GAO bid protest must comply with GAO's Bid Protest Regulations (4 CFR Part 21) and FAR 33.104 as supplemented. For guidance on responding to unclassified protests, follow the [Air Force Commercial Litigation Field Support Center Protest Guide](#). For guidance on responding to classified protests, follow the [Administrative Guide for Processing Classified GAO Protests](#). Both documents are also available from [AF/JACQ](#).

(2) SAF/AQC serves as the notification point with the GAO for all protests.

Phone: (571) 256-7077, DSN 260-7077

E-mail: [SAF.AQ.SAF-AQC.Workflow@us.af.mil](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil)

(3) The Air Force Commercial Litigation Field Support Center (AF/JACQ) represents the Air Force on all protests.

Phone: (240) 612-6661, DSN 612-6661

E-mail: [AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil](mailto:AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil)

(4) The contracting officer must send any communication to the GAO through AF/JACQ with a courtesy copy to SAF/AQC and to the SCO focal point. Forward any inquiry received from an attorney representing a protestor or interested party to AF/JACQ.

(5) The *focal point* is the designated SCO who receives communication from SAF/AQC concerning protests against Air Force solicitations or awards.

(6) The *supporting legal office* is the office that provides legal support to the contracting activity that received the protest. An attorney from the supporting legal office will draft the memorandum of law, and otherwise support the defense of the protest. AFLOA/JAQ will provide protest guidance to the supporting legal office.

##### (b) Actions upon Receipt of Protest

(1) SAF/AQC will notify the contracting activity when a protest has been filed with the GAO. The contracting activity must immediately notify its supporting legal office/local attorney who provides contract law advice.

(2) The contracting officer must, within one business day of receiving the protest:

(i) Forward a copy of the protest to its supporting legal office/local attorney who provides contract law advice.

(ii) Provide a copy of the protest (or a redacted copy if the protest is designated as containing protected material) to the awardee, or if no award has been made, to all offerors who appear to have a reasonable prospect of receiving award. If no redacted copy of a protected protest was received, so advise AF/JACQ who will raise the issue with the protester.

(iii) Advise AF/JACQ and SAF/AQC as to all actions being taken regarding a stay of performance and any override of the stay to include:

(A) A discussion of whether a stay of performance or award is required IAW 31 U.S.C. 3553.

(B) If a stay is required IAW FAR 33.104(b) or (c), whether an override will be sought to lift the stay. (See paragraph (h).)

(C) If a stay is not required, discuss whether a suspension of performance or termination of the contract is in the best interest of the Air Force.

(iv) Send an email to [AF/JACQ](#) with the name, phone number, and e-mail address of the contracting officer and the local attorney.

(3) The contracting officer is responsible for generating the contracting officer's statement of facts. Within ten days after the Air Force receives the protest, provide the draft statement of facts and table of contents to its supporting legal office/local attorney who provides contract law advice.

(4) The supporting legal office/local attorney is responsible for preparing the initial memorandum of law, which will include a legal analysis of each ground of protest.

(5) The contracting officer must e-mail drafts of the initial memorandum of law, statement of facts, and table of contents (including a listing of any requested documents deemed irrelevant) to AF/JACQ (copying the focal point) as soon as practicable, but not later than 15 days after the Air Force is notified of the protest (or seven days from the date the express option is invoked by the GAO).

##### (c) Hearings

(i) If GAO calls for a hearing, the contracting activity must provide the requested witnesses and other support required by AF/JACQ. The contracting activity is responsible for funding witness travel and TDY costs.

(ii) At the request of the GAO through AF/JACQ or at the request of AF/JACQ, the contracting activity must obtain and fund court reporter services to transcribe the hearing. The cost of court reporter services is typically shared between the contracting activity, the protester, and the intervener.

*(d) Resolving the Protest*

(1) GAO Decision. If the protest goes to a written decision, the GAO will issue the decision within 100 days of the filing of the original protest. A protest decision involving protected information will be released to the parties under the protective order. A protected decision may be viewed within the government, but may not be released to, or discussed with, non-government personnel unless those personnel have been explicitly admitted to access of protected material under the protective order. Generally, those admitted to access under the protective order will be legal counsel for the protester and interveners. The GAO will issue a public redacted version of the decision at a later date.

(i) Denial or Dismissal. If the GAO denies or dismisses a protest, the protest is closed. The Air Force can proceed with all contractual actions upon notification of denial or dismissal.

(ii) Sustain. If the GAO sustains a protest, the GAO will also recommend corrective action and may recommend payment of reasonable protest costs, to include reasonable attorney fees. In some cases the GAO may also recommend payment of proposal preparation costs.

(A) Corrective action should be accomplished pursuant to paragraph (g) below. A decision not to comply with a GAO recommendation for corrective action may only be made by SAF/AQC. Any recommendation not to comply with GAO's corrective action recommendation must be coordinated with the focal point and forwarded through the SCO to SAF/AQC and AF/JACQ within 15 days of the date of the decision.

(B) Potential costs may include attorney fees and in-house costs related to pursuit of the protest. Costs must be paid by the base or procuring activity.

(2) Alternative Dispute Resolution (ADR). Resolution of the protest may be possible through use of ADR. Outcome prediction is a form of ADR commonly used in bid protests in which the GAO advises the parties of its likely position if the protest were resolved in a written decision. Air Force policy is to follow the outcome prediction recommendations. Other nonbinding ADR procedures (including but not limited to mediation) are available and should be considered for use in appropriate cases. When considering the use of ADR proceedings other than outcome prediction to resolve a bid protest, and before initiating an ADR proceeding, the contracting officer and AF/JACQ must notify [SAF/GCR](#) and [SAF/GCQ](#) and work with those offices to identify an ADR procedure appropriate to the individual case.

(3) Withdrawal. The protester may withdraw the protest, either because of corrective action taken by the Air Force or for other reasons. Once the protester gives notice of withdrawal to the GAO and the GAO closes its file, the contracting activity can resume all contractual actions.

*(e) Corrective Action*

(1) Corrective action may be taken by the Air Force at any time during the protest process or upon the recommendation of the GAO when a protest is sustained. Within five days of a decision to take corrective action (either voluntary or as recommended by the GAO), the contracting officer must provide a corrective action plan through their SCO to SAF/AQC and AF/JACQ. The contracting officer must notify SAF/AQC and AF/JACQ if there are any significant changes to the corrective action plan, if the corrective action will not be completed within 60 days, and when the corrective action is complete. The focal point should be copied on these messages.

*(f) Mandatory Stay of Award or Performance*

(1) Statutory Requirements ( [31 USC 3551-3556](#) )

(i) Paragraph 33.104(c)(1) of the Federal Acquisition Regulation (FAR), in conjunction with [DoD Class Deviation - Post Award Rights](#), state that if the protest is received within the following deadlines, the agency has to withhold award or, if award has been made, immediately issue a stop work order to the awardee:

- Ten days after date of contract award;
- If a debriefing is required, five days after the debriefing date offered to the protester under a timely debriefing request and no additional questions related to the debriefing are submitted; or
- Five days after the government delivers its written response to additional questions submitted by the unsuccessful offeror.

(ii) The Air Force can override a stay in appropriate circumstances when it can show a requisite level of harm resulting from a delay of contract award or performance. A challenge to the override decision is brought before the Court of Federal Claims vice GAO.

(2) Overriding Stay of Award (protest filed before award).

(i) See [5333.104\(b\)\(1\)](#) for processing instructions.

(ii) A stay of award may only be overridden by “urgent and compelling circumstances that significantly affect interests of the United States.” These circumstances may include delays, work stoppages, or performance degradations that severely impact mission-critical operations.

(iii) All requests must include facts that establish the urgent and compelling circumstances that significantly affect the interests of the United States. The request must explain, if there is an incumbent, why the incumbent’s contract cannot be extended. The request must explain what other options are available and why those options, if any, are not viable.

(3) Overriding Stay of Performance (protest filed after award).

(i) See [AFFARS 5333.104\(c\)\(2\)](#) for processing instructions.

(ii) A stay of performance may only be overridden by urgent and compelling circumstances that significantly affect interests of the United States, or where performance of the contract is in the best interests of the United States.

(iii) HCA Override . See [Override D&F Template](#). NOTE: The template contains guidance on the last few pages of the document.

(A) The request to the HCA for an override must include the findings required by FAR 33.104(b) or (c).

(B) The HCA will make a decision with respect to authorizing award or continued performance within ten days of the protest notification by SAF/AQC. If circumstances change after suspension of contract performance, the contracting officer may initiate a request to continue performance.

(C) The HCA’s decision to override is not effective until a written finding is made and the agency files with GAO either a copy of any issued determination and finding, or a statement by the individual who approved the determination and finding that explains the statutory basis for the override, in accordance with FAR 33.104(b)(2) or (c)(3). Notification should include the protester’s name and the B-number assigned to the protest. Copies of the signed notice and the finding must be sent to [SAF/AQC](#). AF/JACQ will file the notice at GAO and provide copies to the protester and interested parties, as required by FAR 33.104(d).

(iv) SAF/AQC may request a briefing on technical and contractual aspects of the solicitation when an override is requested.

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## **MP5342 - CONTRACT ADMINISTRATION AND AUDIT SERVICES**

*Sec.*

MP5342.9 — BANKRUPTCY

MP5342.902 Bankruptcy Procedures

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## MP5342.9 — BANKRUPTCY

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### MP5342.902 Bankruptcy Procedures

#### 2019 Edition

(a) When an office (typically contracting, financial management, or legal) first learns of bankruptcy proceedings that may involve or affect the Air Force, that office must as a minimum provide notice to its supporting contracting, financial management, and legal offices. Once the contracting office and legal office are notified, they must work as a team to carry out the following responsibilities:

(1) The contracting office must furnish notice of the bankruptcy to any affected buying activities and to the Defense Finance and Accounting Service Office of General Counsel (DFAS-HGB) at the following address:

Office of General Counsel  
DFAS-HGB  
Defense Finance and Accounting Service  
8899 E. 56th Street  
Indianapolis, IN 46249-0160

The legal office must furnish notice to the Bankruptcy Branch of the Commercial Litigation Division of the Air Force Legal Services Agency (AFLOA/JAQ) at the following address:

AFLOA/JAQ  
1500 West Perimeter Road, Suite 4100  
Joint Base Andrews, MD 20762

Provide notice irrespective of whether any contracts have been closed, terminated, or still have performance outstanding. Make notifications via the most expeditious method, but no later than three days after learning of the bankruptcy. Notify promptly, whether or not all required information is initially available, and even in cases where it appears the notifying office, itself, received late notice. Ensure the notification includes:

- (A) The name of the debtor/contractor, including all known affiliates who have filed for bankruptcy;
- (B) The court in which the bankruptcy petition was filed;
- (C) The date the bankruptcy petition was filed; and
- (D) The case number assigned by the bankruptcy court.

(2) Make an assessment of each of the debtor's contracts and determine:

(A) If the Air Force has a claim or potential claim against the debtor/contractor (e.g., based on unliquidated progress payments, nonconforming goods, estimated excess procurement costs, etc.), whether the contract is ongoing, closed, terminated, or otherwise in litigation.

(B) The current status and performance experience of each ongoing contract. The contractor may request the court's permission to assume, sell, reject, or continue performing ongoing contracts. The contracting officer will need to coordinate with [AF/JACQ](#) to determine how best to pursue the most favorable course.

(C) If the debtor/contractor is in possession of any Government furnished equipment, Government furnished property, or work in progress for which title has passed to the Government.

(3) The contracting officer and legal office must promptly advise [AF/JACQ](#) regarding all Government property in the possession of, or under the control of, the debtor/contractor. Failure to address such property in a timely manner may result in a loss to the Government if the property is lost, sold, or otherwise improperly disposed of by the debtor/contractor or the court appointed trustee. The contracting officer must suspend payments to the contractor/debtor while making the assessment of each contract. (The contracting officer must contact the appropriate DFAS payment office if necessary to halt a previous or recurring payment request.)

(A) On those contracts where the Air Force has no claim or potential claim against the contractor, the contracting officer may resume payments to the contractor only for amounts due post-petition. The "petition date" is the date the bankruptcy was filed with the court. Post-petition payments are only for debts based on work performed, or goods delivered, after the debtor/contractor filed for bankruptcy. If an invoice does not clearly indicate whether it is based upon pre-petition or post-petition performance, the contracting officer should contact the debtor's/contractor's billing office—prior to making any payments—to request invoicing that clearly identifies whether the requested payment is for pre-petition or post-petition work. It is the debtor's/contractor's responsibility to bifurcate invoices into pre-petition and post-petition billing where a particular job spans the bankruptcy filing date. The supporting attorney will need to assist the contracting officer in obtaining

appropriate invoices if the billing is being conducted by the trustee or the debtor's/contractor's bankruptcy counsel. NOTE: contracting officers must work closely with DFAS to ensure post-petition payments reference only those post-petition invoices approved and forwarded by the contracting officer for payment. Be aware that DFAS' normal business practice may be to pay the oldest invoice on file first. Inadvertent payment of pre-petition invoices, versus the intended post-petition invoices, may result in the Government's loss of security and, ultimately, reduce the potential for recovery of Government claims.

(B) The contracting officer should continue to withhold amounts due for pre-petition performance or deliveries while AFLOA/JAQ works with DFAS and the Department of Justice to determine if there are other Government claims which should be offset against those pre-petition amounts owed. Pre-petition debts are those amounts due for work performed or goods delivered before the bankruptcy petition was filed with the court. The contracting officer must not authorize pre-petition payments without prior coordination with and approval from [AF/JACQ](#).

(C) These payment provisions augment, rather than supersede, otherwise applicable requirements regarding certification of payment requests.

(4) The contracting office and legal office must furnish information as follows:

(A) Any information required above, but not available at the time of initial reporting, must be provided to the respective office(s). Information reporting and coordination is a continuing requirement for both the contracting and legal offices.

(B) Not later than 15 days after receiving notice of a bankruptcy filing, the contracting officer must submit a report to DFAS-HGB and [AF/JACQ](#) detailing:

(i) Each contract (by debtor's/contractor's or affiliate's name) and the nature thereof;

(ii) All potential Government claims against the debtor/contractor (by contract), including the basis for each claim and the method used to determine the amount due (even when the amount is an estimate);

(iii) The status of each contract, including the percentage completed, the performance experience to date (including post-petition), and actions taken regarding the withholding or resumption of payments; and

(iv) Any available information regarding the debtor's/contractor's intent regarding the future of each contract and the contracting officers' thoughts regarding the same.

(C) All correspondence relative to the bankruptcy received from any source must be copied and forwarded to [AF/JACQ](#) within one business day of receipt.

(D) Any claims or requests for equitable adjustment from the debtor/contractor or trustee must be copied and forwarded to [AF/JACQ](#).

(b) The contracting officer and supporting attorney must consult [AF/JACQ](#) prior to taking any of the following actions regarding the debtor/contractor:

(1) Issuing a show cause letter or cure notice;

(2) Terminating a contract, either for default or the convenience of the Government, or canceling a contract or an order under a contract;

(3) Setting off or recouping debts, or otherwise attempting to collect or recover amounts owed by the debtor/contractor;

(4) Demanding or otherwise seeking to recover Government property;

(5) Initiating repurchase of the goods or services provided under a contract;

(6) Issuing a new contract to or exercising an option to extend a contract with the debtor/contractor; or

(7) Beginning or continuing any judicial or administrative action or proceeding against the debtor/contractor that could have been brought before the bankruptcy petition was filed.

**MP5346 - QUALITY ASSURANCE**

<i>Sec.</i>	MP5346.1 – GENERAL	MP5346.103 - Contracting Office Responsibilities
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## **MP5346.1 – GENERAL**

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### **MP5346.103 - Contracting Office Responsibilities**

#### **2019 Edition**

The following mandatory procedures will be used when awarding services acquisitions unless the three conditions at DFARS PGI 201.602-2(v)(A) are met.

#### **1. Roles and Responsibilities**

##### **a. The COCO/Chiefs of Performance Management Offices must ensure that a:**

(1) Quality Assurance Program Coordinator (QAPC) is appointed and properly trained to integrate the quality contract requirements into the quality assurance program, act as the liaison between the contracting and functional organizations, and provide training and record keeping in accordance with [MP5301.602-2\(d\)](#).

##### **b. The CO must:**

(1) Advise the acquisition team on [Quality Assurance Surveillance Plan](#) development.

(2) Designate Contracting Officer's Representatives (COR) in accordance with [MP5301.602-2\(d\)](#).

##### **c. The QAPC must:**

(1) Successfully complete the [QAPC course](#) conducted by AETC prior to conducting any training.

(2) Support the acquisition team in the development of contract quality assurance requirements specifically ensuring that requirements are clearly stated and enforceable.

(3) Assist the acquisition team during market research efforts in determining commercial quality assurance practices.

(4) Assist, as required, with the evaluation of contractor Quality Control Plans.

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## MP5349 TERMINATION OF CONTRACTS

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SUBPART MP5349.5 — CONTRACT TERMINATION  
CLAUSES  
MP 5349.501-70 Special Termination Costs  
SUBPART MP5349.70 — SPECIAL TERMINATION  
REQUIREMENTS

MP5349.7001 Congressional Notification on Significant Contract  
Terminations  
MP5349.7003 Notification of Anticipated Terminations or  
Reductions

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## **SUBPART MP5349.5 — CONTRACT TERMINATION CLAUSES**

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### **MP 5349.501-70 Special Termination Costs**

(a) Contracting officers must refer to Volume 2A, Chapter 1, Section 010214, paragraph C.2.a of [DoD 7000.14-R, DoD Financial Management Regulation](#), for Congressional notification and additional approval requirements for Special Termination Cost Clauses (STCC). Because STCCs require special notification to Congress and entail a long approval process over which the Air Force has little control, the contracting officer should allow SAF/AQC sufficient time to process requests to use DFARS 252.249-7000, Special Termination Costs (i.e., not less than 90 days prior to contract award). The request must include the following:

- (i) A detailed breakdown of applicable cost categories in the clause at DFARS 252.249-7000, (a)(1) through (5), which includes the reasons for the anticipated incurrence of the costs in each category;
- (ii) Information on the financial and program need for the clause including an assessment of the contractor's financial position and the impact of a failure to receive authority to use the clause; and
- (iii) Clear evidence that only costs that arise directly from a termination would be compensated under the clause. Costs that would be incurred by the Government, regardless of whether a termination occurs, must not be covered by a STCC.

## **SUBPART MP5349.70 — SPECIAL TERMINATION REQUIREMENTS**

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### **MP5349.7001 Congressional Notification on Significant Contract Terminations**

(3)(v) "Contract price of the items terminated" means the contract price of the supplies or services not yet accepted that are being terminated. The contracting officer must not adjust this amount downward for progress or advance payments, accepted vouchered costs, or less than full funding and should use estimates when un-priced contract actions are being terminated, or when otherwise necessary.

### **MP5349.7003 Notification of Anticipated Terminations or Reductions**

(b)(2)(i) Address the notification to:

Administrator  
Office of National Response  
U. S. Department of Labor  
Employment and Training Administration  
200 Constitution Avenue NW  
Room N5422  
Washington DC 20210

The notice must address the following key elements:

- (1) Contract number, date, and type of contract
- (2) Name of the Company
- (3) Nature of contract or end item
- (4) The reason for the termination
- (5) Contract price of the items terminated
- (6) Total number of contractor employees involved, including the Government's estimate of the number who may be discharged
- (7) Statement of anticipated impact on the company and the community
- (8) The area labor category, whether the contractor is a large or small business, and any known impact on hardcore disadvantaged employment programs
- (9) Total number of subcontractors involved and the impact in this area, and
- (10) An unclassified draft of a suggested press release

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