Air Force Federal Acquisition Regulation Supplement

# Volume I-Parts 5301 to 5352

## Air Force Federal Acquisition Regulation Supplement

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# Subchapter A - General

## Air Force Federal Acquisition Regulation Supplement

### PART 5301 - Federal Acquition Regulation System

1. **INTERIM CHANGES:**
2. POLICY MEMOS:
3. [19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf), [19-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf), [20-C-02](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-02.pdf), [20-C-06](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-06.pdf), [20-C-09](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-09.pdf), [20-C-10](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-10.pdf), [20-C-13](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-13.pdf), [20-C-15](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-15.pdf), and [20-C-16](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-16.pdf).
4. CLASS DEVIATIONS:
5. [2018-U0001 (18-C-07)](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/18-C-07.pdf), [2019-U0001 (19-C-01)](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-01.pdf) , and [2019-U0002 (19-C-06)](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-06.pdf).

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#### SUBPART 5301.1 – PURPOSE, AUTHORITY, and ISSUANCE

##### 5301.101 Purpose

1. 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.
2. See AFICC PGI 5301.1 .

##### 5301.105-1 Publication and Code Arrangement

1. (a)(S-90) The AFFARS is published on [www.Acquisition.gov](http://www.Acquisition.gov).
2. See AF PGI 5301.108 .

##### 5301.170 Peer Reviews

1. (a) *DoD Peer Reviews* *.* [See Air Force Class Deviation 2019-U0001 (Policy Memo [19-C-01](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-01.pdf)).]

(1)(i) and (ii) See AF PGI 5301.170-2 for Pre-award procedures for Peer Reviews. [See [DFARS Class Deviation 2019-O0010](https://www.acq.osd.mil/dpap/policy/policyvault/Class_Deviation_2019-O0010-DPC.pdf), Peer Reviews of Competitive Contracts for Supplies and Services (OUSD(A&S)/DPC Memo, 6 Sep 19)]

(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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Quarterly%20Updates/Forms/AllItems.aspx) 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.

1. (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 les must be accomplished by complying with the applicable reviews in [AFI 63-138](http://www.acq.osd.mil/dpap/policy/policyvault/USA004579-09-DPAP.pdf), *Acquisition of Services.*

1. See AF PGI 5301.170-2 .
2. See AF PGI 5301.170-3 .
3. See AF PGI 5301.170-4 .
4. See AFICC 5301.170.
5. See SMC PGI 5301.170 .

#### SUBPART 5301.2 – ADMINISTRATION

##### 5301.201-1 The Two Councils

1. (d)(i) Proposed revisions to the FAR or the DFARS must be submitted through the SCO to [SAF/AQCP](mailto:SAF.AQ.SAF-AQCP.Workflow@us.af.mil) in accordance with DFARS 201.201-1(d)(i).

##### 5301.201-90 Maintenance of the AFFARS

1. The AFFARS is prepared and maintained by the Chief, Contract Policy & Field Support Division, Deputy Assistant Secretary (Contracting) (SAF/AQCP).
2. See AFMC PGI 5301.290 .

#### SUBPART 5301.3 – AGENCY ACQUISITION REGULATIONS

##### 5301.301 Policy

1. (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

1. (a) SCOs submit PGI revisions, deletions, and additions via the [Proposed PGI Changes](https://cs2.eis.af.mil/sites/10059/afcc/aqcinternal/aqcp/Taskers/pgi_changes/proposed_pgi_changes/Forms/AllItems.aspx) page.
2. (c)(4) MAJCOMs, DRUs, AFRCO, SpRCO and SMC must follow the approved [AF Clause Control Plan](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/AFFARS_Library/5301/2010-02-02_dpap_memo.pdf). 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/AF_nonstandard_clause_control.docx) 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. See paragraph 4 of the AF Clause Control Plan for clauses requiring OUSD(A&S)/DPC approval.INTERIM CHANGE: See [Policy Memo 20-C-16](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-16.pdf) .
3. See SMC PGI 5301.304 .

#### SUBPART 5301.4 – DEVIATIONS FROM THE FAR

##### 5301.402 Policy

1. (2) Submit requests for deviations requiring USD(A&S)/DPC approval through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) for processing. See the tailorable [Deviation Request](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/deviation_request.pdf) template.

##### 5301.403 Individual Deviations

1. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/deviation_request.pdf) template. Deviation requests must be submitted through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) 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.

(iii) INTERIM CHANGE: See Air Force Deviation 2019-U0002 (Policy Memo [19-C-06](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-06.pdf)).

##### 5301.404 Class Deviations

1. (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](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/deviation_request.pdf) template. Requests must be submitted through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) 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.

(iv) INTERIM CHANGE: See Air Force Class Deviation 2018-U0001 (Policy Memo [18-C-07](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/18-C-07.pdf))

(v) INTERIM CHANGE: See Air Force Class Deviation 2019-U0001 (Policy Memo [19-C-01](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-01.pdf))

(vi) INTERIM CHANGE: See Air Force Class Deviation 2020-U0001 (Policy Memo [20-C-09](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-09.pdf))

(vii) INTERIM CHANGE: See Air Force Class Deviation 2020-U0002 (Policy Memo [20-C-10](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-10.pdf))

1. See AFICC PGI 5301.404-92 .

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

##### 5301.601 General

1. (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.

1. See AFMC PGI 5301.601 (a)(i)(A) and (S-91).
2. See SMC PGI 5301.601 (a)(i)(A).
3. 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

1. INTERIM CHANGE: See [Policy Memo 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

1. See MP5301.601-91 for requirements of the Air Force Contracting Self-Inspection Program.
2. See AFICC PGI 5301.601-91 .
3. See AFMC PGI 5301.601-91 .

##### 5301.602-1 Authority

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

##### 5301.602-2 Responsibilities

1. (c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable [Legal Review](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/legal_review.pdf) 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) Award fee or award term plans;

(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 $700,000

(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 AFMC and SMC Non-Operational contract actions expected to exceed $1,000,000, as follows: INTERIM CHANGE: See [Policy Memo 19-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf).

(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.

1. See AFMC PGI 5301.602-2 (c)(i)(A) and (C).
2. See SMC PGI 5301.602-2 .
3. (d) For Designation, Assignment, and Responsibilities of a Contracting Officer’s Representative, see MP5301.602-2(d).

##### 5301.602-3 Ratification of Unauthorized Commitments

1. (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).

1. See AF PGI 5301.602-3-90.

##### 5301.603-1 General

1. The HCA designees delegated contracting authority in accordance with MP5301.601(a)(i), Item 3, must select and appoint contracting officers and terminate their appointments in accordance with this section and MP5301.603.
2. (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. [See Air Force Deviation 2019-U0002 ([Policy Memo 19-C-06](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-06.pdf))]
3. (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.
4. See USAFA PGI 5301.603-1 .

##### 5301.603-2 -90 Selection

1. INTERIM CHANGE: See [Policy Memo 20-C-06](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-06.pdf) (rescinds [20-C-06](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-06.pdf)).
2. Warrants are issued strictly in accordance with DFARS 201.603-2, this section, and MP5301.603.
3. (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, and who possesses at a minimum, an Intermediate (Level II) Acquisition Professional Development Program (APDP) certification in contracting.
4. (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 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.
5. (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 however, possession of an APDP certificate is not required:

(1) An LN candidate for warrant above the SAT must meet the following minimum functional training, work experience, and formal education requirements: INTERIM CHANGE: See [Policy Memo 20-C-13](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-13.pdf) .

(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), including at least 24-semester credit hours (or the equivalent) in any of the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management. INTERIM CHANGE: See [Policy Memo 20-C-13](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-13.pdf) .

(2) LN candidates for warrants equal to $5M or more must meet a warrant board in accordance with MP5301.603.

(3) A LN candidate for a warrant less than or equal to the SAT must have at least one year of contracting experience.

1. (d) Limited Home Station Warrants. A member of the contingency contracting force in AFSC 6C0X1 who does not possess a baccalaureate degree and 24 semester credit hours from an accredited institution of higher education in any of the business disciplines 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:INTERIM CHANGE: See [Policy Memo 20-C-13](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-13.pdf) .

(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) Candidates for Limited Home Station warrants equal to or greater than $5M, not to exceed $10M, must have a minimum of two years of contracting experience, a Level II or higher APDP certification in contracting, and must meet a warrant board in accordance with MP5301.603.

1. (e) Contingency Contracting Officer (CCO) Warrants.

(1) Candidates for CCO warrants for less than or equal to the SAT must have a minimum of one year of contracting experience.

(2) Candidates for CCO warrants above the SAT to less than $5M must have a minimum of two years of contracting experience and a Level I or higher APDP certification in contracting.

(3) Candidates for CCO warrants equal to or greater than $5M require a minimum of two years of contracting experience, a Level II or higher APDP certification in contracting, and meet a warrant board in accordance with MP5301.603.

(4) 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/co_appointment_warrant__transfer_termination_request.pdf) , which will then be reviewed by a warrant process focal point (FP) in accordance with MP5301.603, paragraph 3.2.

(ii) SCOs may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations and AFRL detachments, but in no event will the designee be lower than a GS-15 (or equivalent) or 0-6.

(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.

(5) Review of Air Force issued CCO warrants must be accomplished annually by the warrant process FP to ensure CCO training currency and to evaluate limitations set forth on the SF1402. The FP must maintain a record (hard copy or electronic) of these warrant validation results.

(6) Termination of CCO/home station warrants must be accomplished when the

1. CCO permanently changes duty station and must be permanently terminated once the CCO ceases filling a contingency/deployable position.

##### 5301.603-3 Appointment

1. (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.

1. See AFICC PGI 5301.603-2 .
2. See AFMC PGI 5301.603-90 .
3. See SMC PGI 5301.603-90 .

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

1. (a) When the Air Force retains contract administration, the COCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers.

#### SUBPART 5301.7 – DETERMINATIONS AND FINDINGS

##### 5301.707 Signatory Authority

1. (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](mailto:SAF.AQ.Workflow@us.af.mil) and to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) after coordination by the SCO.  Allow 18days 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.
2. (b) The contracting officer must submit D&Fs for actions requiring DAS(C)/ADAS(C) approval to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) after coordination by the SCO Allow 7 days for staffing and approval after receipt by SAF/AQC unless otherwise specified.

#### SUBPART 5301.90 – CLEARANCE

##### 5301.9000 Scope and Definitions

1. (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.

1. (b) Excluded from business or contract clearances are:

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

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

(3) Funding modifications;

(4) Administrative modifications;

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

(6) Competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and FSS contracts in accordance with the terms and conditions and ordering procedures of the basic contract. INTERIM CHANGE: See  [Policy Memo 20-C-15](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-15.pdf).

1. (c) “Business Clearance” means:

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

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

1. (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.
2. (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.

1. (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.
2. (g) “Clearance Approval Authority (CAA)” means the individual identified at 5301.9001(i)(1).
3. (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.
4. See SMC PGI 5301.9000 .

##### 5301.9001 Policy, Thresholds, and Approvals

1. (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.

1. (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.
2. (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.
3. (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.
4. (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.
5. (f) The CAA must justify, in writing, requiring clearance for the solicitation or award of any competitive task or delivery order, regardless of dollar value, made in accordance with FAR 8.4, 13, or 16.505. SCOs must submit the justification to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) upon execution.INTERIM CHANGE: See  [Policy Memo 20-C-15](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-15.pdf).
6. (g) The Source Selection Authority (SSA) must not be the CAA
7. (h) The Milestone Decision Authority, PEO, or lead program manager must coordinate and/or participate in business clearance briefings.
8. (i) Contract actions meeting the contract value thresholds set below must not be awarded without obtaining the required [business and contract clearance approval](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/request_for_clearance.pdf). Contract value is determined by the definition in FAR 1.108(c) and AF PGI 5301.108 (c).

(1) Clearance Approval:

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

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

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

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

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

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

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

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

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

1. See AF PGI 5301.9001 (b).
2. See AFDW PGI 5301.90 .
3. See AFICC PGI 5301.90 .
4. See AFMC PGI 5301.90 .
5. See SMC PGI 5301.9001 .
6. See USAFA PGI 5301.90 .

#### SUBPART 5301.91 – OMBUDSMAN PROGRAM

##### 5301.9101 Purpose

1. 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

1. (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.
2. (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).
3. (c) Contracting officers must identify the ombudsman in the initial announcement of the acquisition as well as in the draft and final RFP.
4. (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.

1. (e) The Ombudsman Program does not replace the agency level protest, GAO bid protest or disputes processes.
2. (f) The Air Force ombudsman is the ADAS(C), who may take action to assist in resolving issues, concerns, disagreements, and recommendations that cannot be resolved at the MAJCOM/DRU/SMC level, or for those having Air Force wide implications. The ADAS(C) is the AF ombudsman for procurement integrity issues (see [OUSD(AT&L)/DPAP memo, 1 Oct 09](https://www.acq.osd.mil/dpap/policy/policyvault/USA004579-09-DPAP.pdf)).
3. (g) Government personnel may use the Ombudsman Program as a way to express concerns about an acquisition.
4. See AFICC PGI 5301.9102
5. See AFMC PGI 5301.91
6. See USAFA PGI 5301-9102(a)

##### 5301.9103 Solicitation Provision and Contract Clause

1. Insert a clause substantially the same as the clause at AFFARS 5352.201-9101 , Ombudsman, in all solicitations (including draft solicitations) and contracts.
2. See SMC PGI 5301.9103

### PART 5302 — Definitions of Words and Terms

* SUBPART 5302.1 — DEFINITIONS
  + 5302.101 Definitions

#### SUBPART 5302.1 — DEFINITIONS

##### 5302.101 Definitions

1. **"Acquisition Category (ACAT)"**means the category of a Defense acquisition program. See [DoDI 5000.02, Enclosure 1](http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/500002_dodi_2015.pdf?ver=2017-08-11-170656-430).
2. **“** **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).
3. **“Air Force Program Executive Office for Combat and Mission Support (AFPEO/CM) Contracts”**includes services acquisitions subject to [AFI 63-138](https://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf).
4. **“AFRCO”**means the Air Force Rapid Capabilities Office.
5. **“Agency Head”** (see “Head of the Agency”)
6. **“ASAF(A)”**means the Assistant Secretary of the Air Force for Acquisition.
7. **“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
8. **"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.
9. **“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)).
10. **“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](http://static.e-publishing.af.mil/production/1/af_a1/publication/afi38-101/afi38-101.pdf)).
11. **“Enterprise”**includes enterprise sourcing and services, research and development (R&D), and AFSC Supply Chain Requirements.
12. **“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](http://static.e-publishing.af.mil/production/1/af_a1/publication/afi38-101/afi38-101.pdf)).
13. **"Head of the Agency"** means, pursuant to [HAF MD 1-10](http://static.e-publishing.af.mil/production/1/saf_aq/publication/hafmd1-10/hafmd1-10.pdf), 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).
14. **“** **Head of the Contracting Activity** **(HCA)** **”** means the DAS(C) and (ADAS)(C) for the Air Force. See delegations in MP5301.601(a)(i).
15. **"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.
16. **“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](http://static.e-publishing.af.mil/production/1/af_a1/publication/afi38-101/afi38-101.pdf)).
17. **“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.
18. “**Procedures, Guidance, and Information (PGI)**” means a companion resource to the AFFARS that —
19. (1) Contains non-mandatory internal procedures and guidance, and supplemental information to be used at the discretion of the contracting officer;
20. (2) Contains mandatory delegations;
21. (3) Is numbered similarly to the AFFARS, except that each PGI numerical designation is preceded by the letters "PGI"; and
22. (4) Is available electronically as part of the AFFARS document set on [Acquisition.gov](https://acquisition.gov/) .
23. **"Program Executive Officer (PEO)"**includes acquisitions within a Systems PEO’s portfolio. See [AFI 63-101/20-101](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-101_20-101/afi63-101_20-101.pdf) and [DoDI 5000.02](http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/500002_dodi_2015.pdf?ver=2017-08-11-170656-430).
24. **“Quality Assurance Program Coordinator (QAPC)”**means the individual selected in accordance with local procedures to coordinate and manage the Quality Assurance Program.
25. **“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).
26. **“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](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf), *Acquisition of Services*).
27. **“Senior Contracting Official (SCO)”** means the contracting official with overall functional responsibility for contracting for their organization and physically located at the following locations:

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

1. \* SCO for AFOTEC at Kirtland, AFB, NM
2. \*\* SCOs hold equivalent regulatory authority; this does not diminish or remove positional authority within the organization.
3. 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](https://static.e-publishing.af.mil/production/1/saf_aq/publication/afi64-105/afi64-105.pdf) Contingency Contracting Support, to identify SCOs for contingency operations.
4. **“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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/affars_pgi_related_documents/SMCI_64-101.pdf), paragraph 1.3. Applicability).
5. **“** **SpRCO** **”**means the Space Rapid Capabilities Office.

### PART 5303 — Improper Business Practices and Personal Conflicts of Interest

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

* SUBPART 5303.1 — SAFEGUARDS
  + 5303.104-3 Statutory and Related Prohibitions, Restrictions, and Requirements
  + 5303.104-4 (a) Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information
  + 5303.104-5 Disqualification
  + 5303.104-7 Violations or Possible Violations
  + 5303.104-9 Contract Clauses
* SUBPART 5303.2 — CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL
  + 5303.202 Contract Clause INTERIM CHANGE: See CPM 19-C-11.
  + 5303.204 Treatment of Violations
* SUBPART 5303.5 — OTHER IMPROPER BUSINESS PRACTICES
  + 5303.570-2 Prohibition Period INTERIM CHANGE: See CPM 19-C-11.
* SUBPART 5303.6 — CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM
  + 5303.602 Exceptions
* SUBPART 5303.7 — VOIDING AND RESCINDING CONTRACTS
  + 5303.704 Policy
  + 5303.705 Procedures
* SUBPART 5303.9 — WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES
  + 5303.906 Remedies INTERIM CHANGE: See CPM 19-C-11.
* SUBPART 5303.10 — CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT
  + 5303.1003 Requirements
* SUBPART 5303.11 — PREVENTING PERSONAL CONFLICTS OF INTEREST FOR CONTRACTOR EMPLOYEES PERFORMING ACQUISITION FUNCTIONS
  + 5303.1104 Mitigation or Waiver

#### SUBPART 5303.1 — SAFEGUARDS

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

1. (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

1. 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/ss_non-disclosure_agreement.pdf). 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

1. Follow MP5303.104-5 for requesting disqualification from participation in an acquisition.
2. (c) *Resumption of participation in a procurement*

(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

1. (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](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil).

(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.

1. (f) See MP5301.601(a)(i) for individuals who may authorize award .

##### 5303.104-9 Contract Clauses

1. (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](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil).

#### SUBPART 5303.2 — CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

##### 5303.202 Contract Clause INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5303.204 Treatment of Violations

1. (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.

#### SUBPART 5303.5 — OTHER IMPROPER BUSINESS PRACTICES

##### 5303.570-2 Prohibition Period INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

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

##### 5303.602 Exceptions

1. Submit requests through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval (see MP5301.601(a)(i) ) . Follow MP5303.602 for exceptions to FAR 3.601.

#### SUBPART 5303.7 — VOIDING AND RESCINDING CONTRACTS

##### 5303.704 Policy

1. (c) See MP5301.601(a)(i).

##### 5303.705 Procedures

1. (a) The contracting officer must forward the facts concerning a final conviction, to include a copy of the conviction, to [SAF/GCR](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil) 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)](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/rescission_letter_to_contractor.pdf) template.

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

##### 5303.906 Remedies INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

#### SUBPART 5303.10 — CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT

##### 5303.1003 Requirements

1. (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](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil) using the procedures at 5309.406-3.
2. (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.

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

##### 5303.1104 Mitigation or Waiver

1. (b) SCOs must submit determinations to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for HCA approval (see MP5301.601(a)(i)).

### PART 5304 — Administrative Matters

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

#### SUBPART 5304.1 — CONTRACT EXECUTION

##### 5304.101 Contracting Officer’s Signature

1. 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.
2. See AFMC PGI 5304.100-90 .
3. See SMC PGI 5304.101 .
4. See SMC PGI 5304.102 .
5. See AFMC PGI 5304.190.
6. See SMC PGI 5304.201 .
7. See SMC PGI 5304.270-2 .

#### SUBPART 5304.4 — SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

##### 5304.402-90 General

1. (a) [AFI 16-1406](http://static.e-publishing.af.mil/production/1/saf_aa/publication/afi16-1406/afi16-1406.pdf), *Air Forc* *e* *Industrial Security Program*, provides guidance for implementing the Air Force’s National Industrial Security Program.
2. (b) [AFH 16-1406](https://static.e-publishing.af.mil/production/1/saf_aa/publication/afh16-1406/afh16-1406.pdf), National Interest Determination Handbook. This instruction clarifies responsibilities and procedures for processing National Interest Determinations (NID).
3. (c) [AFI 16-701](http://static.e-publishing.af.mil/production/1/saf_aa/publication/afi16-701/afi16-701.pdf), *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.
4. See SMC PGI 5304.402 .

##### 5304.403 Responsibilities of Contracting Officers

1. (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](https://static.e-publishing.af.mil/production/1/saf_aa/publication/afh16-1406/afh16-1406.pdf), National Interest Determination Handbook.
2. (b) The contracting officer shall maintain a copy of the approved program, project, or contract specific NID package in the contract file.
3. See SMC PGI 5304.403 .

##### 5304.404-90 Additional Contract Clauses

1. The contracting officer must insert the clause at AFFARS 5352.204-9000 , *Notification of Government Security Activity and Visitor Group Security Agreements*, in solicitations and contracts which require a [DD Form 254](http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0254.pdf) 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.

#### SUBPART 5304.6 — CONTRACT REPORTING

##### 5304.604 (2) Responsibilities

1. 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.
2. See AFMC PGI 5304.605-90.
3. See AFMC PGI 5304.606 .
4. See SMC PGI 5304.606 .

#### SUBPART 5304.8 — GOVERNMENT CONTRACT FILES

1. See SMC PGI 5304.802 .

##### 5304.803 Contents of Contract Files

1. SCOs may use the Air Force contract file content index templates below, or their own specific contract file content checklist or index to maintain contract files:
2. [Operational Services and Construction](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/contract_file_operational.docx)
3. [Research and Development](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/contract_file_research-development.docx)
4. [Systems and Logistics](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/contract_file_systems-logistics.docx)
5. See SMC PGI 5304.803 .
6. See SMC PGI 5304.804 .

#### SUBPART 5304.10 — UNIFORM USE OF LINE ITEMS

##### 5304.1001 Policy

1. (c) The contracting officer should refer to the Standard Operating Procedure (SOP) for Internal Use Software (IUS) Accountability found in [AFMAN 17-1203](https://static.e-publishing.af.mil/production/1/saf_cio_a6/publication/afman17-1203/afman17-1203.pdf) when an IUS is identified by the requiring activity.
2. See SMC PGI 5304.1601 .
3. See AFMC PGI 5304.1602 .

#### SUBPART 5304.70 — UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERS

##### 5304.7003-90 Maintaining DoD Activity Address Codes (DoDAAC)

1. The contracting officer administering the contract must obtain a contractor DoDAAC (see [AF MAN 2 3 -230](https://static.e-publishing.af.mil/production/1/af_a4/publication/afman23-230/afman23-230.pdf), *Maintaining Air Force DoD Activity Address Codes*  *(* *DoDAAC* *)*) for contracts that furnish Government property or authorize requisition from a Government supply source. The contracting officer administering the contract must provide the DoDAAC to the program management office/requiring activity to facilitate the shipment of government furnished property. The Purpose Code Management module contained within [Procurement Integrated Enterprise Environment (PIEE)](https://wawf.eb.mil/) must be used to:
2. (a)  Obtain the existing DoDAAC or submit a new DoDAAC request for all contracts awarded;
3. (b)  Initiate contractor DoDAAC account changes, including extensions of contract completion dates and contract terminations;
4. (c)  Initiate contractor DoDAAC deletion when the contract is physically complete, unless the DoDAAC covers other active contracts; and,
5. (d)  Validate contractor DoDAACs in accordance with [AF MAN 2 3 -230](https://static.e-publishing.af.mil/production/1/af_a4/publication/afman23-230/afman23-230.pdf), paragraph 4.2.
6. See AFMC PGI 5304.7103-1-90.
7. See SMC PGI 5304.7105 .

### PART 5305 — Publicizing Contract Actions

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

* SUBPART 5305.1 — DISSEMINATION OF INFORMATION
  + 5305.102 Availability of Solicitations INTERIM CHANGE: See CPM 19-C-11.
* SUBPART 5305.2 — SYNOPSES OF PROPOSED CONTRACT ACTIONS
  + 5305.201 General
  + 5305.202 Exceptions
  + 5305.204 Presolicitation Notices
  + 5305.207 Preparation and Transmittal of Synopses
* SUBPART 5305.3 — SYNOPSES OF CONTRACT AWARDS
  + 5305.303 Announcement of Contract Awards
* SUBPART 5305.5 — PAID ADVERTISEMENTS
  + 5305.502 Authority

#### SUBPART 5305.1 — DISSEMINATION OF INFORMATION

##### 5305.102 Availability of Solicitations INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

#### SUBPART 5305.2 — SYNOPSES OF PROPOSED CONTRACT ACTIONS

##### 5305.201 General

1. See AF PGI 5305.201.

##### 5305.202 Exceptions

1. (b) The contracting officer must submit requests through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil). The request must state why the notice is not appropriate or reasonable and identify alternative actions to optimize opportunities for small business participation. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5305.204 Presolicitation Notices

1. In accordance with [AFI 16-201](http://static.e-publishing.af.mil/production/1/saf_ia/publication/afi16-201/afi16-201.pdf), the contracting officer must advise foreign contractors whether or not foreign participation is permitted.

##### 5305.207 Preparation and Transmittal of Synopses

1. See SMC PGI 5305.207-90 .

#### SUBPART 5305.3 — SYNOPSES OF CONTRACT AWARDS

##### 5305.303 Announcement of Contract Awards

1. (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](mailto:SAF.LLP.contract.ancmt@us.af.mil) 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](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil). Follow MP5305.303 to prepare 1279 reports.

1. See SMC PGI 5305.303 .

#### SUBPART 5305.5 — PAID ADVERTISEMENTS

##### 5305.502 Authority

1. (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)).

### PART 5306 — Competition Requirements

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

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

##### 5306.202 Establishing or Maintaining Alternative Sources

1. (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)](https://acquisition.gov/content/part-6-competition-requirements).

#### SUBPART 5306.3 — OTHER THAN FULL AND OPEN COMPETITION

1. See SMC PGI 5306.301

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

1. (a)(2)(i)*(1)* See MP5301.601(a)(i).
2. (d) See MP5301.601(a)(i).

##### 5306.302-2 Unusual and Compelling Urgency

1. (c)(1) Contracting officers must notify [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) and their SCO as soon as practicable when contemplating the use of this authority for a J&A requiring Senior Procurement Executive (SPE) approval.
2. (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.
3. See SMC PGI 5306.302-2 .

##### 5306.302-4 International Agreement

1. (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.
2. See AF PGI 5306.302-4 .

##### 5306.303-1 Requirements

1. (a) Solicitations for other than full and open competition may be released prior to justification approval, except see [FAR 6.305(c)](https://acquisition.gov/content/part-6-competition-requirements) and the asterisked paragraph below the table at 5306.304(a).

##### 5306.303-1 -90 Bridge Actions

1. (a) All 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/justification_and_approval_document.pdf). 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.
2. (b) All signed J&As for bridge actions shall be emailed to the requiring activity’s PEO, Flag Officer, or civilian equivalent and the competition advocate. The transmittal document or email must provide the circumstances that led to the need for a bridge action and include a plan to avoid a bridge action going forward.
3. (c) A J&A for the consecutive use of a bridge contract action (for reasons other than a protest) for the same program or requirement, shall include authorization by the Senior Procurement Executive (SPE) when the original and subsequent bridge actions total an amount equal to or greater than $10M. The transmittal document or email must provide the circumstances that led to the need for a bridge action and include a plan to avoid a bridge action going forward. SPE approval of repeat bridge actions must be requested by the PEO for acquisition programs or by the MAJCOM Commander or Vice Commander for non-PEO requirements. Contracting officers shall forward a copy of the signed J&A and transmittal document or email to the competition advocate.
4. (d) Reporting Requirements: The MAJCOM/DRU/AFRCO/AFSpRCO/SMC competition advocate shall submit quarterly and annual reports on bridge action awards and track progress in decreasing the number of bridge actions awarded each FY. Reports shall be submitted to SAF/AQC within 30 days of the end of each quarter using the [Bridge Action Reporting Tool](https://cs2.eis.af.mil/sites/10059/afcc/aqcinternal/aqcp/Lists/bridge_action_reporting_tool/AllItems.aspx).

##### 5306.303-2 Content

1. (a) Contracting Officers may use the [Justification and Approval](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/justification_and_approval_document.pdf) template.

##### 5306.304 Approval of the Justification

1. (a)

|  |  |  |
| --- | --- | --- |
| 1. **Justification Value** | 1. **Approval Authority** | 1. **Delegability** |
| 1. < $700K | 1. Chief of the Contracting Office | 1. Delegable to contracting officer, consistent with warrant level |
| 1. > $700K < $13.5M | 1. Procuring Activity 2. Competition Advocate | 1. Not further delegable |
| 1. > $13.5M < $93M | 1. PEO/Head of Procuring Activity \* / Designated Alternate if they meet the criteria in [FAR 6.304(a)(3)](https://acquisition.gov/content/part-6-competition-requirements). If they do not meet the criteria in [FAR 6.304(a)(3)](https://acquisition.gov/content/part-6-competition-requirements) = Senior Procurement Executive | 1. Delegable to Flag/General Officer or civilian SES |
| 1. > $93M\*\* | 1. Senior Procurement Executive | 1. Not further delegable |

1. \* For the Air Force, in accordance with FAR 2.101, procuring activity is synonymous with contracting activity.
2. \*\*J&As for actions exceeding $93M 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](mailto:usaf.pentagon.saf-aq.mbx.saf-aq-workflow@mail.mil) and to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) after coordination by the SCO. Allow 18 days for staffing and SPE approval after receipt by [SAF/AQ](mailto:usaf.pentagon.saf-aq.mbx.saf-aq-workflow@mail.mil). 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/eSSS.docx) using the exact electronic file name (e.g., ACE Acquisition Strategy) of the corresponding attachment. If a J&A supports an indefinite-delivery type contract, see AFFARS 5316.504 (c)(1)(ii)(D) for processing instructions. The SCO may authorize solicitation release after the justification is reviewed for adequacy and forwarded to [SAF/AQ](mailto:usaf.pentagon.saf-aq.mbx.saf-aq-workflow@mail.mil) and [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil). Submit questions or concerns regarding processing a J&A for SPE approval to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil).
3. (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.
4. (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.
5. (f) After contract award: When a proposed contract action 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.
6. (g) A new J&A is not required for:

(1) a decrease in the dollar value or scope of the effort; or

(2) an increase in the estimated dollar value of in-scope work, except as described in (e) above.

1. See AFMC PGI 5306.304 .
2. See SMC PGI 5306.304 .

#### SUBPART 5306.5 — COMPETITION ADVOCATES

##### 5306.501 Requirement

1. (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/contracting activities:
2. Air Combat Command (ACC)
3. Air Education and Training Command (AETC)
4. Air Force Global Strike Command (AFGSC)
5. Air Mobility Command (AMC)
6. Air Force Materiel Command (AFMC)
7. Air Force Space Command (AFSPC)
8. Pacific Air Forces (PACAF)
9. United States Air Forces in Europe (USAFE)
10. Air Force District of Washington (AFDW)
11. Air Force Reserve Command (AFRC)
12. Air Force Special Operations Command (AFSOC)
13. USAF Academy (USAFA)
14. Air Force Operational Test and Evaluation Center (AFOTEC)
15. Space and Missile Systems Center (SMC)
16. Air Force Rapid Capabilities Office (AFRCO)
17. Space Rapid Capabilities Officer (SpRCO)
18. (b) These organizations are authorized to further designate subordinate organizations as procuring activities subject to the requirements of [FAR 6.501](https://acquisition.gov/content/part-6-competition-requirements)  and MP5306.502, *Air Force Competition and Commercial Advocacy Program*.
19. See AFMC PGI 5306.501 .

##### 5306.502 Duties and Responsibilities

1. See MP5306.502, *Air Force Competition and Commercial Advocacy Program*.
2. See SMC PGI 5306.502 .
3. See USAFA PGI 5306.502 .

### PART 5307 — Acquisition Planning

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5307.1 — ACQUISITION PLANS

##### 5307.104 General Procedures

1. (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.
2. See AFICC PGI 5307.104 .
3. See AFMC PGI 5307.104 .
4. See SMC PGI 5307.104 .
5. See USAFA PGI 5307.104.

##### 5307.104-90 Solicitation Release

1. (a) For ACAT programs, see [AFI 63-101/20-101](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-101_20-101/afi63-101_20-101.pdf) (paragraph 4.3.1) and [DoDI 5000.02](http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/500002_dodi_2015.pdf?ver=2017-08-11-170656-430).
2. (b) For all other acquisitions, the contracting officer must not release the solicitation until the approval official has approved the Acquisition Plan (AP) or Streamlined Acquisition Strategy Summary (SASS) unless the acquisition is being conducted pursuant to the authority of FAR 6.302-2, unusual and compelling urgency.
3. (c) For acquisitions utilizing policies and procedures in accordance with FAR 15.3, see FAR 15.303 and the [DoD Source Selection Procedures](http://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf).

##### 5307.104-91 Changes

1. 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 or SASS Approval Authority

1. (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 ≥ $10M, and for all ACAT programs, Special Interest Programs, and programs which fall under AFI 63-138 PEO/CM – Services unless otherwise waived by the AP approval authority.

(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.

1. (b) AP/SASS:

(1) AP/SASS Approval Authority shall be:

|  |  |  |
| --- | --- | --- |
| 1. **AP/SASS Approval** | | |
| 1. **Category** | 1. **Document Type** | 1. **AP/SASS Approval Authority** |
| 1. PEO (Systems) ≥ SAT | 1. [SASS](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/streamlined_acquisition_strategy_summary.pdf) \* < $10M 2. [Acquisition Plan](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/acquisition_plan.pdf) ≥ $10M | 1. See [AFI 63-101](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-101_20-101/afi63-101_20-101.pdf)/20-101 |
|  | 1. [SASS](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/streamlined_acquisition_strategy_summary.pdf) \* < $10M 2. [Acquisition Plan](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/acquisition_plan.pdf) ≥ $10M | 1. See [AFI 63-138](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf) |
| 1. Operational & Enterprise (not covered above) ≥ SAT |  | 1. One level above the PCO < $10M 2. SCO\*\* ≥ $10M |
| 1. \* AP may be prepared at the discretion of the CO or the approval authority for those actions where an AP would be more appropriate. 2. \*\* Delegable to contracting and/or requiring organization | | |

(2) Actions that do not require an [AP](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/acquisition_plan.pdf)or a [SASS](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/streamlined_acquisition_strategy_summary.pdf):

1. (a) Task/delivery orders issued in accordance with the terms of the basic contract except non-DoD orders ≥ $10M;
2. (b) Modifications within the scope of the contract;
3. (c) Replenishment parts except for those replenishment buys that require design; development, verification testing, and approval before start of production;
4. (d) Basic research under funding category 6.1; and
5. (e) Any action < SAT.
6. See AFICC PGI 5307.104 .
7. See AFMC PGI 5307.104 .
8. See SMC PGI 5307.104 .
9. See AF PGI 5307.104-92 .
10. See AFICC PGI 5307.104-92 .
11. See AFMC PGI 5307.104-92 .
12. See SMC PGI 5307.104-92 .
13. See USAFA PGI 5307.104-92 .

##### 5307.105 Contents of Written Acquisition Plans

1. See the [Acquisition Plan](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/acquisition_plan.pdf) template
2. See AF PGI 5307.105 .
3. See AFMC PGI 5307.105 .

##### 5307.107-2 Consolidation

1. (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.
2. (b) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
3. (e) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
4. 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
5. AP approval process. When preparing these documents clearly identify the consolidation determination.
6. See AFMC PGI 5307.107-2 .

#### SUBPART 5307.4 — EQUIPMENT LEASE OR PURCHASE

##### 5307.470 Statutory Requirements

1. (b) See MP5301.601(a)(i).

### PART 5308 — Required Sources of Supplies and Services

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5308.4 — FEDERAL SUPPLY SCHEDULES

##### 5308.404 Use of Federal Supply Schedules

1. (h)(3)(ii)(C) See MP5301.601(a)(i) .
2. See AF PGI 5308.404-90 .

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

1. (a)(3)(ii) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5308.405-6 Limited Sources

1. (b)(3)(ii)(C) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. (d) Justification Approvals
3. 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)](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/limited_sources_J_and_A.pdf) template. See AFFARS 5306.303-1-90 for “Bridge Actions.”
4. See SMC PGI 5308.405-6 .

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

##### 5308.705 Procedures

1. Refer to the [Ability One Procurement Guide](http://www.abilityone.gov/laws,_regulations_and_policy/procurement_guide.html) for acquiring products and services under 41 U.S.C., chapter 85 from nonprofit agencies employing people who are blind or severely disabled.

### PART 5309 — Contractor Qualifications

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5309.1 — RESPONSIBLE PROSPECTIVE CONTRACTORS

##### 5309.103 Policy

1. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/affars_pgi_related_documents/SMCI_64-101.pdf), *Air Force Space Contractor Responsibility Watch List (CRWL)*  ***,***  establishes the CRWL and its applicability to “space program solicitations or contracts” (See AFFARS 5302 ).
2. (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.

1. (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

1. See the tailorable [Determination and Findings -- Contractor Responsibility](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/contractor_responsibility.pdf) template.

##### 5309.105-1 Obtaining Information

1. (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](https://insidesmc.losangeles.af.mil/sites/pk/div/pkc/internal/CRWL/default.aspx). The CRWL includes documentation in support of decision(s) to place the contractor(s) on the CRWL.
2. See SMC PGI 5309.105-1 .

##### 5309.105-2 Determination and Documentation

1. (a)(1) For SMC space program solicitations and contracts (see AFFARS 5302 ), the contracting officer shall document the determination of responsibility or nonresponsibility using the AFFARS Determination and Findings – Contractor Responsibility template, as tailored for SMC.
2. See SMC PGI 5309.105-2 .

#### SUBPART 5309.2 — QUALIFICATION REQUIREMENTS

##### 5309.202 Policy

1. (a)(1) For the designee referenced in FAR 9.202(a) , see MP5301.601(a)(i).
2. See AFMC PGI 5309.202 .

##### 5309.206-1 General

1. (b) For the designee referenced in FAR 9.206-1(b) , see MP5301.601(a)(i).
2. (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

1. (a) See MP5301.601(a)(i).
2. See AFMC PGI 5309.303-90 .

#### SUBPART 5309.4 — DEBARMENT, SUSPENSION, AND INELIGIBILITY

##### 5309.405 Effect of Listing

1. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. (a) The contracting officer must submit a request for a compelling reason exception through their SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil), with a copy to [SAF/GCR](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil). 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.
3. See AFMC PGI 5309.405 .

##### 5309.405-1 Continuation of Current Contracts

1. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5309.405-2 Restrictions on Subcontracting

1. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5309.406-3 Procedures

1. (a) *Investigation and referral*.

(i) The contracting officer or the referring person must promptly notify [SAF/GCR](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil),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.

1. (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

1. The contracting officer must follow the debarment procedures at 5309.406-3 above for suspensions.

#### SUBPART 5309.5 —ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

1. See SMC PGI 5309.5 .

##### 5309.503 Waiver

1. Forward requests to waive FAR 9.5 requirements through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for HCA approval (see MP5301.601(a)(i)).
2. See SMC PGI 5309.503 .

##### 5309.504 Contracting Officer Responsibilities

1. (c)Forward the approved recommended course of action to the HCA through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for review. Recommendations must include all documentation required by FAR 9.506(b) as an attachment. See MP5301.601(a)(i).
2. See SMC PGI 5309.504 .
3. See SMC PGI 5309.506 .

##### 5309.507-2 Solicitation Provisions and Contract Clause

1. (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.

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

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

1. (c)(1) See MP5301.601(a)(i).

### PART 5310 — Market Research

* 5310.002 Procedures

#### 5310.002 Procedures

1. See the tailorable [Product/Service Market Research Report](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/market_research_report.pdf) template.

### PART 5311 — Describing Agency Needs

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

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

##### 5311.103 Market Acceptance

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

#### SUBPART 5311.2 — USING AND MAINTAINING REQUIREMENTS DOCUMENTS

##### 5311.274-2 Policy for unique item identification

1. (b)(1) See MP5301.601(a)(i).
2. (b)(2)(i)(A) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
3. (b)(2)(i)(B) See MP5301.601(a)(i).
4. See AFMC PGI 5311.304-90

#### SUBPART 5311.5 — LIQUIDATED DAMAGES

##### 5311.501 Policy

1. (d) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

#### SUBPART 5311.6 — PRIORITIES AND ALLOCATIONS

##### 5311.603 Procedures

1. Air Force procedures associated with the Defense Priorities and Allocations System (DPAS) are established in [AFI 63-141](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-141/afi63-141.pdf), *Defense Production Act*  *Programs.*

### PART 5312 — Acquisition of Commercial Items

1. INTERIM CHANGE: See [CPM 18-C-03](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/18-C-03.pdf), [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf), and [CPM 20-C-09](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-09.pdf) .

* SUBPART 5312. — ACQUISITION OF COMMERCIAL ITEMS - GENERAL
  + 5312.102 Applicability
* SUBPART 5312.2 — SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS
  + 5312.207 Contract Type
  + 5312.272 Preference for Certain Commercial Products and Services
* 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
* SUBPART 5312.4 — UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS
  + 5312.403 Termination
* SUBPART 5312.70 — LIMITATION ON CONVERSION OF PROCUREMENT FROM COMMERCIAL ACQUISITION PROCEDURES
  + 5312.7001 Procedures
* SUBPART 5312.90 — PILOT PROGRAM FOR DEFENSE COMMERCIAL SOLUTIONS OPENING

#### SUBPART 5312. — ACQUISITION OF COMMERCIAL ITEMS - GENERAL

##### 5312.102 Applicability

1. (a)(ii)(B) See MP5301.601(a)(i).
2. (f)(1) See MP5301.601(a)(i).
3. See AFMC PGI 5312.102-90.

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

##### 5312.207 Contract Type

1. (b)(iii) INTERIM CHANGES: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf) and [CPM 20-C-09](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-09.pdf).

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

1. (b)(2)(i) See MP5301.601(a)(i).

#### 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

1. (c) See MP5301.601(a)(i).

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

##### 5312.403 Termination

1. (b) See AFFARS 5349.101 for termination approval requirements.

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

##### 5312.7001 Procedures

1. (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.

#### SUBPART 5312.90 — PILOT PROGRAM FOR DEFENSE COMMERCIAL SOLUTIONS OPENING

1. INTERIM CHANGE: See Policy Memo [18-C-03](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/18-C-03.pdf) .

### PART 5313 — Simplified Acquisition Procedures

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

#### SUBPART 5313.1 — PROCEDURES

##### 5313.106-1 Soliciting from a Single Source

1. (b)For acquisitions that exceed the micro-purchase threshold, but do not exceed the Simplified Acquisition Threshold, the tailorable [Single Source Justification](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/single_source_justification.pdf) template may be used.

##### 5313.106-3 Award and Documentation

1. (a) See the tailorable [Determination of Fair & Reasonable Price](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/determination_of_fair_and_reasonable_price.pdf) template when using Simplified Acquisition Procedures under FAR Subpart 13.1.

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

##### 5313.201 General

1. (g)(1) See MP5301.601(a)(i).

#### SUBPART 5313.3 — SIMPLIFIED ACQUISITION METHODS

##### 5313.301 Governmentwide Commercial Purchase Card

1. See [AFI 64-117](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi64-117/afi64-117.pdf), *Air Force Governmentwide Purchase Card (GPC) Program* and *The GPC Expanded Use Guidebook,* dated March 2019.

##### 5313.303-5 Purchases Under BPAs

1. (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.

#### SUBPART 5313.5 — SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

##### 5313.500 General

1. (c)(1) See MP5301.601(a)(i).
2. See AFICC PGI 5313.500 .

##### 5313.501 Special Documentation Requirements

1. (a)(1)(ii)  See the tailorable [Sole Source (Including Brand Name) Justification - Simplified Procedures for Certain Commercial Items](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/sole_source_justification.pdf) template.
2. (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).

### PART 5314 — Sealed Bidding

* SUBPART 5314.2 — SOLICITATION OF BIDS
  + 5314.201-7 Contract Clauses
* SUBPART 5314.4 — OPENING OF BIDS AND AWARD OF CONTRACT
  + 5314.407-3 Other Mistakes Disclosed Before Award

#### SUBPART 5314.2 — SOLICITATION OF BIDS

##### 5314.201-7 Contract Clauses

1. (b)(2) See MP5301.601(a)(i).
2. (c)(2) See MP5301.601(a)(i).

#### SUBPART 5314.4 — OPENING OF BIDS AND AWARD OF CONTRACT

1. See AFMC PGI 5314.403-90 .
2. See AFMC PGI 5314.404-1 .

##### 5314.407-3 Other Mistakes Disclosed Before Award

1. (e) The authority to make determinations under paragraphs (a), (b), (c), and (d) of FAR 14.407-3 is delegated to the COCO, without power of redelegation.
2. (h) The contracting officer shall maintain the records required by FAR 14.407-3(h) in the contract file.

### PART 5315 — Contracting by Negotiation

1. INTERIM CHANGES: See Policy Memos [19-C-07](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-07.pdf) and [20-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-12.pdf)

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

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

1. See SMC PGI 5315.203 .
2. See AFMC PGI 5315.207 .
3. See AF PGI 5315.209-90 .

#### SUBPART 5315.3 — SOURCE SELECTION

##### 5315.300 Scope of Subpart

1. See MP5315.3 for required Air Force Source Selection responsibilities and procedures.
2. See AFMC PGI 5315.3 .
3. See SMC PGI 5315.3 .
4. See USAFA PGI 5315.3 .

##### 5315.371-4 Exceptions

1. (a)(2) See MP5301.601(a)(i).

##### 5315.371-5 Waiver

1. See MP5301.601(a)(i).
2. See AF PGI 5315.371-5 .

#### SUBPART 5315.4 — CONTRACT PRICING

##### 5315.400 (S-90)

1. See MP5315.4 for required Air Force contract pricing procedures. See the [DoD Sole Source Streamlining Tool Box](https://www.dau.mil/tools/t/DoD-Sole-Source-Streamlining-Toolbox) for techniques to increase efficiency throughout the acquisition process.
2. See AF PGI 5315.402-90 .
3. See AFMC PGI 5315.402-90 .

##### 5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data ( [10 U.S.C. 2306a](http://www4.law.cornell.edu/uscode/10/2306a.html) and [41 U.S.C., Chapter 35](http://www.law.cornell.edu/uscode/text/41/subtitle-I/division-C/chapter-35)

1. (b) See MP5301.601(a)(i).
2. (c) *Standards for exceptions from certified cost or pricing data requirements.*
3. INTERIM CHANGE: See [Policy Memo 20-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-12.pdf) .
4. (3) Commercial Items.

(B)(1) Report Content. The SCO must consolidate and submit the information as outlined in DFARS PGI 215.403-1(c)(3)(B)(1),or submit a negative report for their organization, to HQ AFMC/PKF no later than 15 October each year. HQ AFMC/PKF must consolidate all of the SCO reports and submit a final report to [SAF/AQCP](mailto:SAF.AQ.SAF-AQCP.Workflow@us.af.mil) no later than 8 November each year. SAF/AQCP will submit the annual report, Commercial Item Exceptions to TINA Requirements, to OUSD(A&S)/DPC).

1. (4) Waivers.

(A) Exceptional case TINA waiver. Submit the request for an exceptional case TINA waiver through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) 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.”

1. (B) The SCO must consolidate and submit the information as outlined in [DFARS PGI 215.403-1(c)(4)(B)](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/dfars/PGI%20215_4.htm#P37_1697), or submit a negative report for their organization, to HQ AFMC/PKF no later than 15 October each year. HQ AFMC/PKF must consolidate all of the SCO reports and submit a final report to [SAF/AQCP](mailto:SAF.AQ.SAF-AQCP.Workflow@us.af.mil) 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.
2. See AFICC PGI 5315.403-1 .
3. See AFMC PGI 5315.403-1 .

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

1. (a)(4) See MP5301.601(a)(i).
2. INTERIM CHANGE: See [Policy Memo 19-C-07](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-07.pdf) .

##### 5315.403-4 Requiring Certified Cost or Pricing Data ( [10 U.S.C. 2306a](http://www4.law.cornell.edu/uscode/10/2306a.html) [41 U.S.C., Chapter 35](http://www.law.cornell.edu/uscode/text/41/subtitle-I/division-C/chapter-35)

1. (a)(2) The contracting officer must submit the Determination and Findings through their SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for HCA signature (see MP5301.601(a)(i)).

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

1. (a)Required thresholds for requesting pricing assistance:

|  |  |  |
| --- | --- | --- |
| 1. **Sole Source** | | 1. **Competitive** |
| 1. **PEO (Systems)** | 1. **All Other** | 1. **All** |
| 1. $25M or more | 1. $10M or more | 1. $100M or more |

1. (b) See MP5315.404-1-90(b) for procedures for requesting pricing assistance.
2. (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).
3. See AFICC PGI 5315.404-1-90.
4. See AFMC PGI 5315.404-1-90.
5. See SMC PGI 5315.404-1-90.

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

1. See MP5301.601(a)(i).
2. See AFMC PGI 5315.404-2-90.
3. See AF PGI 5315.404-3-90.
4. See AFMC PGI 5315.404-3-90.

##### 5315.404-4 Profit

1. (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

1. 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) program](https://www.wgl.wpafb.af.mil/wgl/) (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](https://www.wgl.milcloud.mil/wgl/Application_Guides.asp) (Users and Administrators).
2. See AF PGI 5315.404-70-90.

##### 5315.406-1 Prenegotiation Objectives

1. (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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) to support any request from DCAA for further elevation of the issue(s).
2. (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.
3. See AFMC PGI 5315.406-1 .

##### 5315.406-3 Documenting the Negotiation

1. (a) See the [Price Negotiation Memorandum (PNM) Checklist](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/PNM_checklist.docx) that may be used to ensure PNMs contain all required information. Streamlined PNM templates for [supplies](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/streamlined_pnm_SUPPLIES.doc) or [services](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/streamlined_pnm_SERVICES.doc), and [final PNM](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/final_PNM.docx) templates may be tailored for use.
2. See AFMC PGI 5315.406-3 .
3. See SMC PGI 5315.406-3 .
4. See AFMC PGI 5315.406-3-90.
5. See AFMC PGI 5315.407-1-90.
6. See AFMC PGI 5315.407-2 .

##### 5315.407-3 Forward Pricing Rate Agreements

1. (b)(i) See MP5301.601(a)(i).

##### 5315.407-4 Should-cost Review

1. (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.

1. (c)(2)(B) See MP5301.601(a)(i).

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

1. FollowMP5315.407-90for conducting CAFU activities.
2. See AFICC PGI 5315.407-90 .
3. See AF PGI 5315.407-91 .

##### 5315.408 Solicitation Provisions and Contract Clauses

#### SUBPART 5315.6 — UNSOLICITED PROPOSALS

##### 5315.606 Agency Procedures

1. See MP5315.606-90 for points of contact and procedures for controlling the receipt, handling, evaluation, and timely disposition of unsolicited proposals.

### PART 5316 — Types of Contracts

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf), [CPM 19-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf), [CPM 20-C-09](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-09.pdf), and [CPM 20-C-10](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/20-C-10.pdf)
2. See AF PGI 5316.101 .

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

#### REPLACE TEXT

1. See MP5301.601(a)(i) for approval of cost-reimbursement contracts required pursuant to [DFARS Class Deviation 2019-O0001 — Use of Fixed-Price Contracts](https://www.acq.osd.mil/dpap/policy/policyvault/USA002632-18-DPC.pdf).INTERIM CHANGE: See [CPM 19-C-12.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf)

#### 5316.103 Negotiating Contract Type

1. (d) See the tailorable [Determination and Findings](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/type_of_contract.pdf) template.

#### 5316.104 Factors in Selecting Contract Types

1. See AF PGI 5316.104 .

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

##### 5316.203-4 Contract Clauses

1. See AF PGI 5316.203-4 .

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

##### 5316.206-3 Limitations

1. (d) Submit requests through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for HCA approval (See MP5301.601(a)(i)).

#### SUBPART 5316.3 — COST-REIMBURSEMENT CONTRACTS

##### 5316.301-3 Limitations

1. (2) INTERIM CHANGE: See [CPM 19-C-12](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf).

#### SUBPART 5316.4 — INCENTIVE CONTRACTS

##### 5316.401 General

1. (d) See MP5301.601(a)(i) for approving incentive and award fee contract D&Fs. Forward a copy of the D&F to SAF/AQC when the conditions at DFARS PGI 216.401(e)(iv) apply.
2. INTERIM CHANGE: See [CPM 19-C-12.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-12.pdf)
3. (e)(3)(i) See MP5301.601(a)(i).
4. See AF PGI 5316.401-90 .
5. See SMC PGI 5316.401-90 .

##### 5316.404 Fixed-Price Contracts with Award Fees

1. See 5316.401(e)(3)(i) above.

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

1. See SMC PGI 5316.405-2-90.

#### SUBPART 5316.5 — INDEFINITE-DELIVERY CONTRACTS

##### 5316.503 Requirements Contracts

1. (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

1. (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](http://comptroller.defense.gov/Portals/45/documents/fmr/current/03/03_08.pdf) , Volume 3, Chapter 8, paragraph 080604)

1. (c)(1)(ii)(D) *Limitation on single award contracts*.
2. (c)(2)(i)(A) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
3. (c)(2)(i)(B) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
4. (c)(2)(ii) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

*(1)* The SCO has the authority to make the written determination required by FAR 16.504(c)(1)(ii)(D)(1). When a J&A is required, a separate written determination is not required if the J&A addresses one of the circumstances at FAR 16.504(c)(1)(ii)(D)(1)(i)-(iv). Provide a copy of the written determination to [SAF/AQCP](mailto:usaf.pentagon.saf-aq.mbx.saf-aqcp-workflow@mail.mil?subject=Single%20Award%20Task%20or%20Delivery%20Order%20Determination).

##### 5316.505 Ordering

1. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/fair_opportunity_exception_justification.pdf) template. For exceptions to fair opportunity that are intended for purposes of awarding a “Bridge Action” see 5306.303-90.

1. See AF PGI 5316.505 .
2. See SMC PGI 5316.505 .
3. (8) Task-order and delivery-order ombudsman. See 5301.91.

##### 5316.505-90 Decentralized Ordering

1. 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:
2. (a) Ensure that adequate control procedures are in place before any orders are authorized; and
3. (b) Exercise oversight of decentralized ordering throughout the period of performance under the contract to ensure that the procedures are followed.
4. See SMC PGI 5316.505-90 .
5. See AF PGI 5316.506 .

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

##### 5316.601 (d) Limitations

##### 5316.603-2 Application

1. (c)(3) See MP5301.601(a)(i).

##### 5316.603-3 Limitations

1. See MP5301.601(a)(i).

### PART 5317 — Special Contracting Methods

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

* SUBPART 5317.1 — MULTIYEAR CONTRACTING
  + 5317.105-1 Uses
  + 5317.106 Procedures
  + 5317.106-3 Special Procedures Applicable to DoD, NASA, and the Coast Guard
  + 5317.170 General
  + 5317.171 Multiyear Contracts for Services
  + 5317.172 Multiyear Contracts for Supplies
  + 5317.173 Multiyear Contracts for Military Family Housing
  + 5317.174 Multiyear Contracts for Electricity from Renewable Energy Sources
* SUBPART 5317.2 — OPTIONS
  + 5317.204 Contracts
  + 5317.205 Documentation
  + 5317.207 Exercise of Options
* SUBPART 5317.5 — INTERAGENCY ACQUISITIONS
  + 5317.500 Scope of Subpart
* SUBPART 5317.7 — INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE
  + 5317.703 Policy
  + 5317.770 Procedures
* SUBPART 5317.74 — UNDEFINITIZED CONTRACT ACTIONS
  + 5317.7402 Exceptions
  + 5317.7404 Limitations
  + 5317.7404-1 Authorization
  + 5317.7404-3 Definitization Schedule
  + 5317.7404-5 Exceptions
  + 5317.7405 Plans and Reports
  + 5317.7406 Contract Clauses
* SUBPART 5317.75 — ACQUISITION OF REPLENISHMENT PARTS
  + 5317.7502 General
  + 5317.7504 Acquisition of Parts When Data is Not Available
  + 5317.7505 Limitations on Price Increases
* SUBPART 5317.90 — ASSOCIATE CONTRACTOR AGREEMENTS
  + 5317.9000 Associate Contractor Agreements

#### SUBPART 5317.1 — MULTIYEAR CONTRACTING

##### 5317.105-1 Uses

1. (b)Before entering into any multiyear contract, the contracting officer must review current statute and other Congressional language for potential restrictions.
2. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5317.106 Procedures

1. See the [Multi y ear Contracting Guide](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Other_Pubs/Other_Guides/multi_year_contracting_guide.docx) 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

1. (f) *Annual and multiyear proposals.*  See MP5301.601(a)(i) .
2. (g) Level unit prices. See MP5301.601(a)(i) .

##### 5317.170 General

1. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. (d)(1) 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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 40 days before the planned contract award date, with an information copy to [SAF/FMBL](mailto:usaf.pentagon.saf-fm.mbx.saf-fmbl-budget-appropriations-liaison@mail.mil), [SAF/LLP](mailto:usaf.pentagon.saf-ll.mbx.saf-llp-contract-ancmt@mail.mil) , 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

1. (c) The contracting officer must provide the determination described in DFARS 217.171(c) through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval processing.
2. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5317.172 Multiyear Contracts for Supplies

1. (f)(2) See MP5301.601(a)(i).
2. (g) The contracting officer must provide the information supporting all requirements described in DFARS 217.172(g)(2) through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval processing.
3. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5317.173 Multiyear Contracts for Military Family Housing

1. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5317.174 Multiyear Contracts for Electricity from Renewable Energy Sources

1. (b) See MP5301.601(a)(i) .

#### SUBPART 5317.2 — OPTIONS

##### 5317.204 Contracts

1. (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.
2. (e)(i)(C) SAF/AQ must make the determination. Requests for approval must be submitted through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil).
3. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
4. (e)(iii) Requests for approval must be submitted through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) at least 30 days prior to issuing an order.
5. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
6. See AFICC PGI 5317.204-90 .
7. See AFMC PGI 5317.204-90.

##### 5317.205 Documentation

1. See the tailorable [Determination and Findings -- Options and Quantities](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/options_and_quantities.pdf) template.

##### 5317.207 Exercise of Options

1. (c) See the tailorable [Determination and Findings -- Exercising an Option](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/exercising_an_option.pdf) 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](https://insidesmc.losangeles.af.mil/sites/pk/div/pkc/internal/CRWL/default.aspx)). If the contractor is listed on the CRWL, the contracting officer shall not exercise the option without obtaining approval (See AFFARS MP5309.190).

#### SUBPART 5317.5 — INTERAGENCY ACQUISITIONS

##### 5317.500 Scope of Subpart

1. See [AFI 65-11 8](http://static.e-publishing.af.mil/production/1/saf_fm/publication/afi65-118/afi65-118.pdf) for processing interagency acquisitions, to include acquisitions authorized under The Economy Act.
2. See AFICC PGI 5317.501.
3. See SMC PGI 5317.502-2 .

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

##### 5317.703 Policy

1. (e) See MP5301.601(a)(i).

##### 5317.770 Procedures

1. See [AFI 65-11 8](http://static.e-publishing.af.mil/production/1/saf_fm/publication/afi65-118/afi65-118.pdf) for procedures on reviewing and approving orders placed for supplies and services under non-DoD contracts, either through direct or assisted acquisition.

#### SUBPART 5317.74 — UNDEFINITIZED CONTRACT ACTIONS

##### 5317.7402 Exceptions

1. (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 .
2. (b) When complying with the requirements described in DFARS 217.7402(b), SCOs must provide a courtesy copy to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil). Maintain proof of submission in the contract file.
3. See AF PGI 5317.7402-90 .

##### 5317.7404 Limitations

1. (a)(1)(ii) See 5317.7404-1 for approval authority to enter into a UCA for a foreign military sale.
2. (b)(2) See MP5301.601(a)(i).

##### 5317.7404-1 Authorization

1. See MP5301.601(a)(i). See the tailorable [Request for Authority to Issue a UCA](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/request_for_authority_to_issue_UCA.pdf) template.
2. See SMC PGI 5317.7404-1 .

##### 5317.7404-3 Definitization Schedule

1. (a)(1) See MP5301.601(a)(i).
2. See AFMC PGI 5317.7404-3-90.

##### 5317.7404-5 Exceptions

1. (b) The authority to grant waivers to the limitations set out in DFARS 217.7404(a), 217.7404-2, 217.7404-3, and 217.7404-4 pursuant to DFARS 217.7404-5 (b) is retained by the DAS(C) or ADAS(C) and is not redelegable. Submit requests for waivers through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval.
2. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5317.7405 Plans and Reports

1. 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](https://www.afcontracting.hq.af.mil/enterprise_metrics/index.cfm) 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

1. 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.

#### SUBPART 5317.75 — ACQUISITION OF REPLENISHMENT PARTS

##### 5317.7502 General

1. See AFMC PGI 5317.7502-90 .

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

##### 5317.7505 Limitations on Price Increases

1. (b) See MP5301.601(a)(i).
2. See AFMC PGI 5317.7506-90 .
3. See AFMC PGI 5317.7601-90 .

#### SUBPART 5317.90 — ASSOCIATE CONTRACTOR AGREEMENTS

##### 5317.9000 Associate Contractor Agreements

1. See AF PGI 5317.9000 .

### PART 5318 — Emergency Acquisitions

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

#### SUBPART 5318.000 — SCOPE OF PART

##### 5318.001 Definition

1. A *Contingency Contracting Officer (CCO)* isa 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

1. See MP5301.601(a)(i) and 5333.104.

#### SUBPART 5318.2 — EMERGENCY ACQUISITION FLEXIBILITIES

##### 5318.201 Contingency Operation

1. (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).
2. (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) .

1. (S-90) For Air Force Contingency readiness policies, responsibilities, and implementing procedures, see [AFI 64-105](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi64-105/afi64-105.pdf) ,  *Contingency Contracting Support*  .
2. (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 .

##### 5318.202 Defense or Recovery from Certain Attacks

1. See MP5301.601(a)(i).

##### 5318.270 Head of Contracting Activity Determinations

1. See MP5301.601(a)(i).
2. (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)).

### PART 5319 — Small Business Programs

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

* SUBPART 5319.2 — POLICIES
  + 5319.201 General Policy
* SUBPART 5319.5 — SET-ASIDES FOR SMALL BUSINESS
  + 5319.502-3 Partial Set-Asides
  + 5319.505 Rejecting Small Business Administration Recommendations
  + 5319.705-4 Reviewing the Subcontracting Plan
* SUBPART 5319.8 — CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION [THE 8(A) PROGRAM]
  + 5319.810 SBA Appeals
* SUBPART 5319.13 — HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZONE) PROGRAM
  + 5319.1305 HUBZone Set-Aside Procedures
* SUBPART 5319.14 — SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS PROCUREMENT PROGRAM
  + 5319.1405 Service-disabled Veteran-owned Small Business Set-aside Procedures
* SUBPART 5319.15 — WOMEN-OWNED SMALL BUSINESS PROGRAM
  + 5319.1505 Set-aside Procedures

#### SUBPART 5319.2 — POLICIES

##### 5319.201 General Policy

1. (b) See MP5301.601(a)(i).
2. (c)(8) See MP5301.601(a)(i).
3. (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.
4. (d) Refer to [AFI 90-1801](https://static.e-publishing.af.mil/production/1/saf_sb/publication/afi90-1801/afi90-1801.pdf), *Small Business Programs*, for Air Force Small Business Program requirements.
5. See AF PGI 5319.201 .
6. See SMC PGI 5319.201-90 .
7. See AF PGI 5319.303 .

#### SUBPART 5319.5 — SET-ASIDES FOR SMALL BUSINESS

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

1. (a)(5) See MP5301.601(a)(i).

##### 5319.505 Rejecting Small Business Administration Recommendations

1. (b) See MP5301.601(a)(i).
2. (d) When notified by the SBA that it has filed an appeal with the Agency Head, follow MP5319 to prepare an appeal file. Forward the appeal file through the SCO to [SAF/SB](mailto:usaf.pentagon.saf-sb.mbx.saf-sb-workflow@mail.mil) (with a courtesy copy to the MAJCOM Small Business office) to arrive in SAF/SB within ten workdays after receipt of the formal appeal.
3. See AFMC PGI 5319.505.
4. See AFMC PGI 5319.602-3 .
5. See AF PGI 5319.705-2 .

##### 5319.705-4 Reviewing the Subcontracting Plan

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

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

##### 5319.810 SBA Appeals

1. 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 MP5319 to prepare an appeal file. Forward the appeal file through the SCO to [SAF/SB](mailto:usaf.pentagon.saf-sb.mbx.saf-sb-workflow@mail.mil) to arrive in SAF/SB within ten workdays after receipt of the formal appeal with a courtesy copy to the MAJCOM Small Business Office.

#### SUBPART 5319.13 — HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZONE) PROGRAM

##### 5319.1305 HUBZone Set-Aside Procedures

1. (d) See MP5301.601(a)(i).

#### SUBPART 5319.14 — SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS PROCUREMENT PROGRAM

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

1. (d) See MP5301.601(a)(i).

#### SUBPART 5319.15 — WOMEN-OWNED SMALL BUSINESS PROGRAM

##### 5319.1505 Set-aside Procedures

1. INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. PART 5320
3. **Reserved**
4. PART 5321
5. **Reserved**

### PART 5322 — Application of Labor Laws to Government Acquisitions

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

* SUBPART 5322.1 — BASIC LABOR POLICIES
  + 5322.101-1 General
  + 5322.101-3 -70 Impact of Labor Disputes on Defense Programs
  + 5322.103-4 Approvals
* SUBPART 5322.3 — CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE
  + 5322.302 Liquidated Damages and Overtime Pay
* SUBPART 5322.4 — LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION
  + 5322.406-13 Semi-annual Enforcement Reports
* SUBPART 5322.8 — EQUAL EMPLOYMENT OPPORTUNITY
  + 5322.805 Procedures
* SUBPART 5322.18 — EMPLOYMENT ELIGIBILITY VERIFICATION
  + 5322.1802 Policy
* SUBPART 5322.70 — RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL FOR WORK ON CONSTRUCTION AND SEVICE DCONTRACTS IN NONCONTIGUOUS STATES
  + 5322.7003 Waivers INTERIM CHANGE: See CPM 19-C-11.

#### SUBPART 5322.1 — BASIC LABOR POLICIES

##### 5322.101-1 General

1. Contracting officers must involve the Regional Labor Advisors in all labor relation actions outlined in FAR Part 22, as required. [AFI 64-106](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi64-106/afi64-106.pdf), *Air Force Industrial Labor Relations Activities*, identifies the Regional Labor Advisors and their assigned geographical areas.
2. (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:
3. See SMC PGI 5322.101-1-90.

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

1. (b)(ii) See MP5301.601(a)(i).

##### 5322.103-4 Approvals

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

#### SUBPART 5322.3 — CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE

##### 5322.302 Liquidated Damages and Overtime Pay

1. (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).

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

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

1. See MP5301.601(a)(i).

#### SUBPART 5322.8 — EQUAL EMPLOYMENT OPPORTUNITY

##### 5322.805 Procedures

1. (a)(8) See MP5301.601(a)(i).

#### SUBPART 5322.18 — EMPLOYMENT ELIGIBILITY VERIFICATION

##### 5322.1802 Policy

1. (d) See MP5301.601(a)(i).

#### SUBPART 5322.70 — RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL FOR WORK ON CONSTRUCTION AND SEVICE DCONTRACTS IN NONCONTIGUOUS STATES

##### 5322.7003 Waivers INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

### PART 5323 — Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace

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

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

##### 5323.370-4 Procedures

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

##### 5323.703 Policy

1. See AF PGI 5323.703 .

#### SUBPART 5323.8 — OZONE-DEPLETING SUBSTANCES

##### 5323.803 Policy

1. (a) Requiring activities must obtain approval in accordance with [AFI 32-7086](http://static.e-publishing.af.mil/production/1/af_a4/publication/afi32-7086/afi32-7086.pdf), *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

1. 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.

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

##### 5323.9001 Contract Clause

1. The contracting officer must insert AFFARS clause 5352.223-9001 in solicitations and contracts, other than for construction, which require performance on a Government installation.

### PART 5324 — Protection of Privacy and Freedom of Information

1. See SMC PGI 5324.203

### PART 5325 — Foreign Acquisition

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5325.1 — BUY AMERICAN - SUPPLIES

##### 5325.103 Exceptions

1. (a)(ii)(B)(3) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. (b) Follow MP5325when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See MP5301.601(a)(i).

#### SUBPART 5325.2 — BUY AMERICAN – CONSTRUCTION MATERIALS

##### 5325.202 Exceptions

1. (a)(1) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. (a)(2) *Nonavailability* *.* See MP5301.601(a)(i).

##### 5325.204 Evaluation Offers of Foreign Construction Material

1. (b) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

#### SUBPART 5325.4 — TRADE AGREEMENTS

##### 5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements

1. (c)(ii)(A) See MP5301.601(a)(i).

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

##### 5325.603 Exceptions

1. (a)(1)(i) *Nonavailability*. See MP5301.601(a)(i).
2. (a)(1)(iii) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
3. (a)(2) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
4. (b)(2) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

#### SUBPART 5325.10 — ADDITIONAL FOREIGN ACQUISITION REGULATIONS

##### 5325.1001 Waiver of Right to Examination of Records

1. (a)(2)(iii) Conditions for use of FAR 52.215-2, Alternate III. Submit requests for agency head determinations following the format at FAR 25.1001(b), through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil). INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

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

##### 5325.7002-2 Exceptions

1. (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)](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/determination_and_findings_02.pdf). The DNAD must be submitted through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval by the Secretary of the Air Force (nondelegable). See MP5325.7002-2 .

##### 5325.7003-3 Exceptions

1. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/determination_and_findings_03.pdf). The DNAD must be submitted through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval by the Secretary of the Air Force (nondelegable).
2. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/determination_and_findings_01.pdf) through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 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

1. (a)(2) See MP5301.601(a)(i).
2. (b)(2)(i) See MP5301.601(a)(i).
3. See AFMC PGI 5325.7901-3-90.

#### SUBPART 5325.73 — ACQUISITIONS FOR FOREIGN MILITARY SALES

##### 5325.7301-2 Solicitation Approval for Sole Source Contracts

#### SUBPART 5325.75 — BALANCE OF PAYMENTS PROGRAM

##### 5325.7501 Policy

### PART 5326 — Other Socioeconomic Programs

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).
2. **RESERVED**

* SUBPART 5326.2 — MAJOR DISASTER OF EMERGENCY ASSISTANCE ACTIVITIES
  + 5326.203 INTERIM CHANGE: See CPM 19-C-11.

#### SUBPART 5326.2 — MAJOR DISASTER OF EMERGENCY ASSISTANCE ACTIVITIES

##### 5326.203 INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

### PART 5327 — Patents, Data, and Copyrights

* SUBPART 5327.2 — PATENTS AND COPYRIGHTS
  + 5327.201-2 Contract Clauses
  + 5327.303 Contract Clauses
  + 5327.90 --FOREIGN DISCLOSURE
  + 5327.9000 Foreign Disclosure Policy

#### SUBPART 5327.2 — PATENTS AND COPYRIGHTS

##### 5327.201-2 Contract Clauses

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

##### 5327.303 Contract Clauses

1. (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](http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0882.pdf), *Report of Invention* *s*  *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* *)*

1. See SMC PGI 5327.304-90 .
2. See AFMC PGI 5327.7102-2.

##### 5327.90 --FOREIGN DISCLOSURE

##### 5327.9000 Foreign Disclosure Policy

1. For Foreign Disclosure issues, Government personnel should refer to National Disclosure Policy (NDP-1), [AFI 16-201](http://static.e-publishing.af.mil/production/1/saf_ia/publication/afi16-201/afi16-201.pdf), and [AFPD 16-2](http://static.e-publishing.af.mil/production/1/saf_ia/publication/afpd16-2/afpd16-2.pdf), Disclosure of Military Information to Foreign Governments and International Organizations and follow all procedures including foreign disclosure reviews.
2. See AFMC PGI 5327.9001 .

### PART 5328 — Bonds and Insurance

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

#### SUBPART 5328.1 — BONDS

##### 5328.1 Bonds

1. See the tailorable [Contract Bonds Checklist](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/contract_bonds_checklist.pdf) template.

##### 5328.105 Other Types of Bonds

1. See MP5301.601(a)(i).

##### 5328.106-2 Substitution of Surety Bonds

1. (a) See MP5301.601(a)(i).

##### 5328.106-6 Furnishing Information

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

#### SUBPART 5328.3 —

##### 5328.305 Overseas Workers Compensation and War Hazard Insurance

1. (d) Submit waiver requests to the [SAF/AQC Labor Advisor](mailto:usaf.pentagon.saf-aq.mbx.saf-aqca-workflow@mail.mil) , with an information copy to the SCO .

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

1. (a)(S-90) **Proof of Insurance**
2. 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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/contract_insurance_compliance_notification.pdf) template to request and receive the contractor’s notification of insurance coverage in lieu of proof of insurance.

##### 5328.310-90 Additional Contract Clause

1. 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

1. See MP5301.601(a)(i)

##### 5328.370 Additional Clauses

1. (a)(2) See MP5301.601(a)(i)

### PART 5329 — Taxes

1. **RESERVED**

### PART 5330 — Cost Accounting Standards Administration

* 5330.201-5 Waivers

#### 5330.201-5 Waivers

1. (a)(2) The DAS(C)/ADAS(C) is the CAS waiver authority. Submit CAS waiver requests through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 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) .
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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqcp-workflow@mail.mil) 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.

### PART 5331 — Contract Cost Principles and Procedures

1. [FAR Class Deviation 2011-O0006](http://www.acq.osd.mil/dpap/policy/policyvault/USA001350-11-DPAP.pdf). See MP5301.601(a)(i).
2. See AFMC PGI 5331.109 .

### PART 5332 — Contract Financing

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5332.1 — NON-COMMERCIAL ITEM PURCHASE FINANCING

##### 5332.104 Providing Contract Financing

1. (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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) .
2. (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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) to [SAF/FMF](mailto:usaf.pentagon.saf-fm.mbx.saf-fmfc-afafo-accounting-workflow@mail.mil) no later than 30 days before the needed effective date of the proposed financing arrangement.

#### SUBPART 5332.2 — COMMERCIAL ITEM PURCHASE FINANCING

##### 5332.202-1 Policy

1. (b) *Authorization*. The contracting officer must submit all commercial interim payment requests and commercial advance payment requests through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for forwarding to [SAF/FMF](mailto:usaf.pentagon.saf-fm.mbx.saf-fmfc-afafo-accounting-workflow@mail.mil) for review and approval. The request must include a staff summary sheet showing the appropriate level of approval with the following attachments**:** D&F, 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. When SAF/FMF has determined the documentation is adequate, they will notify the contracting officer via email.
2. (d) *Unusual*  *c* *ontract*  *f* *inancing*. See MP5301.601(a)(i).

#### SUBPART 5332.4 — ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

##### 5332.402 General

1. (e)(2) The contracting officer must submit each advance payment request through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for submission to [SAF/FMF](mailto:usaf.pentagon.saf-fm.mbx.saf-fmfc-afafo-accounting-workflow@mail.mil) for review and approval. See MP5332.470 for processing advance payment requests.
2. (c)(1)(iii) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

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

##### 5332.501-2 Unusual Progress Payments

1. (a)(3) The contracting officer must submit contractor requests for unusual progress payments through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 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](mailto:usaf.pentagon.saf-fm.mbx.saf-fmfc-afafo-accounting-workflow@mail.mil) with all pertinent data supporting the recommended action for approval and submission to [OUSD(A & S )/DP C](mailto:osd.pentagon.ousd-atl.mbx.cpic@mail.mil).

##### 5332.501-3 Contract Price

1. (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](mailto:usaf.pentagon.saf-fm.mbx.saf-fmfc-afafo-accounting-workflow@mail.mil) through their SCO, with a courtesy copy to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil).

#### SUBPART 5332.6 — CONTRACT DEBTS

##### 5332.604 Demand for Payment

1. (b) Payment information for the demand for payment letter can be found at:
2. <https://www.dfas.mil/contractorsvendors/governmentremittance/returnfunds.html>
3. (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

1. (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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) to [SAF/FMF](mailto:usaf.pentagon.saf-fm.mbx.saf-fmfc-afafo-accounting-workflow@mail.mil).

#### SUBPART 5332.7 — CONTRACT FUNDING

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

1. (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.
2. See AFMC PGI 5332.703 .
3. See SMC PGI 5332.703 .
4. See SMC PGI 5332.703-2-90.

#### SUBPART 5332.9 — PROMPT PAYMENT

#### SUBPART 5332.11 — ELECTRONIC FUNDS TRANSFER

### PART 5333 — Protests, Disputes, and Appeals

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

#### SUBPART 5333.1 — PROTESTS

##### 5333.102 General

1. (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.
2. (b)(3)(ii) See MP5301.601(a)(i).
3. See AFMC PGI 5333.102-90 .
4. See AFICC PGI 5333.102-90 .

##### 5333.103 Protests to the Agency

1. (d)(4) When an agency protest is denied, an offeror may request an independent review by the SCO.
2. (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](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 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.
3. See AFMC PGI 5333.103 .
4. See AFICC PGI 5333.103 .

##### 5333.104 Protests to GAO

1. (a) The Commercial Law and Litigation Directorate of the Air Force Legal Operations Agency (AFLOA/JAQ) serves as agency counsel before the GAO and defends Air Force interests (see MP5333.104 ) **.**
2. (b) *Protests before award*

(1) Forward the determination and finding through the SCO to [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) and, for approval, to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) within seven days of the protest notification to SAF/AQC (see MP5301.601(a)(i)).

1. (c) *Protests after award*

(2) Forward the determination and finding through the SCO to [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) and, for approval, to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) within seven days of the protest notification to SAF/AQC (see MP5301.601(a)(i)).

1. (g) *Notice to GAO*
2. Forward the report through the SCO to [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) and to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 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)

1. The Commercial Law and Litigation Directorate of the Air Force Legal Operations Agency (AFLOA/JAQ) 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 [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) of any notice of protest at the COFC and provide support as requested by AFLOA/JAQ. Also notify the SCO and the supporting field legal office.

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

1. Within seven (7) days of the filing of the protest, forward the briefing slide deck through the SCO to [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) and to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for review and processing to OUSD(A&S)/DPC.

#### SUBPART 5333.2 — DISPUTES AND APPEALS

##### 5333.211 Contracting Officers Decision

1. See the tailorable [Contracting Officers Final Decision](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/CO_final_decision_on_claim_dispute.pdf) template.

##### 5333.214 Alternate Dispute Resolution (ADR)

1. (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.
2. (c) The acquisition team must use ADR to the maximum extent practicable (see [AFPD 51-12](http://static.e-publishing.af.mil/production/1/af_a3_5/publication/afpd51-12/afpd51-12.pdf), *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)](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section572&num=0&edition=prelim) applies or the policy set forth by Deputy General Counsel (Contractor Responsibility & Conflict Resolution (SAF/GCR)) indicates that ADR is not appropriate.

##### 5333.290 Claims and Terminations for Default

1. (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](http://uscode.house.gov/view.xhtml?req=(title:41%20chapter:71%20edition:prelim)%20OR%20(granuleid:USC-prelim-title41-chapter71)&f=treesort&num=0&edition=prelim)). The notice must state that a final decision will not be issued until the claim is certified.
2. (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 [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaqk-andrews@mail.mil) of all proposed final decisions. At the same time, the contracting officer must provide [SAF/GCR](mailto:usaf.pentagon.saf-gc.list.rss-saf-gcr@mail.mil) 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](mailto:usaf.pentagon.saf-gc.list.rss-saf-gcr@mail.mil) and their SCO with all known information relating to any recommended termination for default.
3. (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 [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil), with a copy to [SAF/GCR](mailto:usaf.pentagon.saf-gc.list.rss-saf-gcr@mail.mil), 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)

1. (a) AFLOA/JAQ represents the Air Force in appeals to the ASBCA.
2. (b) If the contractor files an appeal with the ASBCA, the contracting officer must notify the SCO and forward to [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) 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 AFLOA/JAQ of the date the appeal was received and forward to AFLOA/JAQ 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 toAFLOA/JAQ, which will then forward the appeal and envelope to the ASBCA, as necessary**.**
3. (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 [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil) before including in the Rule 4 file any legal opinions or intra-governmental or inter-governmental documents as described in [DoD Directive 5400.07](http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/540007p.pdf), *DoD Freedom of Information Act Program* *,* and FAR 24.2.
4. (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.
5. (e) Once the Rule 4 file is complete, AFLOA/JAQ will file it with the ASBCA on behalf of the contracting officer.

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

1. (a) The Department of Justice represents the Air Force in appeals brought before the COFC. The Commercial Law and Litigation Directorate (AFLOA/JAQ) serves as the Air Force counsel with the Department of Justice in such appeals.
2. (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/GC R](mailto:usaf.pentagon.saf-gc.list.rss-saf-gcr@mail.mil) and [AFLOA/JAQ](mailto:usaf.pentagon.af-ja.mbx.afloa-jaq-workflow@mail.mil).
3. (c) The contracting officer must assist the cognizant legal office in preparing the litigation report. The contracting officer must obtain approval from the AFLOA/JAQ trial attorney prior to releasing the litigation report outside government.
4. See AFICC PGI 5333.9000 .

### PART 5334 — Major System Acquisition

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

#### 5334.203 INTERIM CHANGE: See Air Force Class Deviation 2018-U0001 ( [Policy Memo 18-C-07](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/18-C-07.pdf)

1. See SMC PGI 5334.203 .

### PART 5335 — Research and Development Contracting

1. See AFMC PGI 5335.006-90.
2. See AFMC PGI 5335.007-90 .

* 5335.015-70 Special Use Allowances for Research Facilities Acquired by Educational Institutions
  + 5335.070-1 Indemnification Under Research and Development Contracts

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

1. (c) See MP5301.601(a)(i).
2. (d)(3)(ii) See MP5301.601(a)(i).
3. See AFICC PGI 5335.015-70.
4. See SMC PGI 5335.017-3 .
5. See SMC PGI 5335.017-90 .

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

1. (a) The authority to approve requests for indemnification for unusually hazardous risks under [10 U.S.C. 2354](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title10-section2354&num=0&edition=prelim) is delegated to the following officials, without power to relegate: AFMC/PK SCO, AFLCMC/PK SCO and SMC/PK SCO.

### PART 5336 — Construction and Architect-Engineer Contracts

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

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

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

1. See MP5301.601(a)(i).

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

1. Submit requests through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for approval.

##### 5336.213-2 Presolicitation Notices

1. (a) See MP5301.601(a)(i).

##### 5336.272 Prequalification of Sources

1. (b) See MP5301.601(a)(i).

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

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

1. (b)(3)(vi) See MP5301.601(a)(i).

##### 5336.303-1 Phase One

1. (a)(4)(i)(B)See MP5301.601(a)(i).

#### SUBPART 5336.5 — CONTRACT CLAUSES

##### 5336.507 Permits and Responsibilities

1. 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

1. (b)(2) See MP5301.601(a)(i).

#### SUBPART 5336.6 — ARCHITECT-ENGINEER SERVICES

##### 5336.602-3 Evaluation Board Functions

1. See MP5301.601(a)(i).

##### 5336.609-1 Design Within Funding Limitations

1. (c)(1) See MP5301.601(a)(i).

#### SUBPART 5336.90 — CONSTRUCTION PROGRAM ADMINISTRATION

1. See AF PGI 5336.9001 .
2. See AF PGI 5336.9002 .

### PART 5337 — Service Contracting

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5337.1 — SERVICE CONTRACTS (GENERAL)

1. See AFMC PGI 5337.102-90 .
2. See AFMC PGI 5337.102-91 .

##### 5337.104 Personal Services Contracts

1. (b) See the tailorable [Determination and Findings](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/personal_services_contracts.pdf) 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

1. See DFARS 204.7103-1 for guidance on considering severability when forming Service contracts.
2. See AFMC PGI 5337.110-90 .

##### 5337.113-1 Waiver of Cost Allowability Limitations

1. (a) INTERIM CHANGE: See [CPM 19-C-11.](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

##### 5337.170-2 Approval Requirements

1. (a)(1) The Services Designated Official (SDO) (see [AFI 63-138](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf), *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:

1. “IAW [10 USC 2330](http://www4.law.cornell.edu/uscode/10/2330.html), 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

1. This approval has been delegated to MAJCOM/DRU/AFRCO Commanders and, within AFMC and SMC, to the Center Commanders.
2. See AFMC PGI 5337.204 .
3. See SMC PGI 5337.204 .

#### SUBPART 5337.5 — MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS

##### 5337.503 Agency-head Responsibilities

1. See [AFI 63-138](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf), *Acquisition of Services*.
2. See AFMC PGI 5337.503-90 .
3. See AFICC PGI 5337.503-90 .
4. See USAFA PGI 5337.503-90 .

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

##### 5337.7401 Policy

1. (c) See MP5301.601(a)(i).

### PART 5338 — Federal Supply Schedule Contracting

1. RESERVED

### PART 5339 — Acquisition of Information Technology

* 5339.7201-90 Data Servers/Centers Approval Process
* PART 5340 — Reserved

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

1. 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](http://static.e-publishing.af.mil/production/1/saf_cio_a6/publication/afgm2018-17-02/afgm2018-17-02.pdf), *Air Force Enterprise Information Technology Management*, Section 4, paragraph 4.3.

#### PART 5340 — Reserved

### PART 5341 — Acquisition of Utility Services

* SUBPART 5341. 1 — GENERAL
  + 5341.102 Applicability
* SUBPART 5341.2 — ACQUIRING UTILITY SERVICES
  + 5341.202 Procedures
  + 5341.204 GSA Area-wide Contracts

#### SUBPART 5341. 1 — GENERAL

##### 5341.102 Applicability

1. (b)(3) When contracting for CATV services, ensure compliance with 47 U.S.C. 521-573, Cable Communications.
2. See AF PGI 5341.102 .

#### SUBPART 5341.2 — ACQUIRING UTILITY SERVICES

##### 5341.202 Procedures

1. (c)(2) See MP5301.601(a)(i).

##### 5341.204 GSA Area-wide Contracts

1. (c)(1)(ii) See MP5301.601(a)(i).

### PART 5342 — Contract Administration and Audit Services

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

#### SUBPART 5342.2 — CONTRACT ADMINISTRATION SERVICES

##### 5342.202 Assignment of Contract Administration

1. (c) *Delegating*  *additional*  *functions* *.*

(2) See MP5301.601(a)(i).

1. See AF PGI 5342.202 .

#### SUBPART 5342.4 — CORRESPONDENCE AND VISITS

##### 5342.490-1 Contract clause

1. 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

1. 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:
2. (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
3. (b) Perform work which requires the use of a CAC for installation entry control or physical access to facilities and buildings.
4. See SMC PGI 5342.503-1.

#### SUBPART 5342.9 — BANKRUPTCY

##### 5342.902 Bankruptcy Procedures

1. (a) Follow MP5342.902 when notified of bankruptcy proceedings that affect the Air Force.

#### SUBPART 5342.15 — CONTRACTOR PERFORMANCE INFORMATION

##### 5342.1503 Procedures

1. (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)](https://www.cpars.gov/pdfs/CPARS-Guidance.pdf).

(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://www.cpars.gov/cpcbtdlf.htm> and a list of classes by role is available at <https://www.cpars.gov/webtrain_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.

1. (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 [FAPIIS User Manual](https://www.cpars.gov/pdfs/FAPIISUserManual.pdf).
2. See AFMC PGI 5342.1503-90 .

#### SUBPART 5342.71 — VOLUNTARY REFUNDS

##### 5342.7100 General

### PART 5343 — Contract Modifications

1. INTERIM CHANGE: See [Policy Memo 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5343.1 — GENERAL

##### 5343.102 Policy

1. (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)](https://insidesmc.losangeles.af.mil/sites/pk/div/pkc/internal/CRWL/default.aspx) without obtaining approval (see AFFARS MP5309.190).

##### 5343.102-90 Contract Scope Considerations

1. 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.
2. See SMC PGI 5343.102-90 .
3. See AF PGI 5343.103-90 .

#### SUBPART 5343.2 — CHANGE ORDERS

##### 5343.204-70 -1 Scope

1. (b) When complying with the requirements described in DFARS 243.204-70-1, SCOs must provide a courtesy copy to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) . Maintain proof of submission in the contract file.

##### 5343.204-70 -3 Definitization Schedule

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

##### 5343.204-70 -5 Exceptions

1. INTERIM CHANGE: See [Policy Memo 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf) .
2. (c) The authority to grant waivers to the limitations set out in DFARS 243.204-70-2, 243.204-70-3, and 243.204-70-4 pursuant to DFARS 243.204-70-5 is wholly retained by the DAS(C) or ADAS(C). Requests for waivers of these limitations must be submitted through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) with appropriate justification for consideration.

##### 5343.204-70 -7 Plans and Reports

1. 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](https://www.afcontracting.hq.af.mil/enterprise_metrics/index.cfm) 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.

### PART 5344 — Subcontracting Policies and Procedures

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

* SUBPART 5344. 2 — CONSENT TO SUBCONTRACT
  + 5344.201-1 Consent requirements
  + 5344.202-1 Responsibilities
  + 5344.202-2 Considerations
* SUBPART 5344. 3 — CONTRACTOR PURCHASING SYSTEM REVIEWS
  + 5344.302 Requirements

#### SUBPART 5344. 2 — CONSENT TO SUBCONTRACT

##### 5344.201-1 Consent requirements

1. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/affars_pgi_related_documents/crwl_consent_to_subcontract_class_deviation.pdf), Subcontracts, include the [Attachment 1](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/affars_pgi_related_documents/SMC_subcontract_clause_class_deviation.docx) clause of the class deviation in full text.

##### 5344.202-1 Responsibilities

1. (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](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/affars_pgi_related_documents/crwl_consent_to_subcontract_class_deviation.pdf), Subcontracts, paragraph (k).

##### 5344.202-2 Considerations

1. (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.

#### SUBPART 5344. 3 — CONTRACTOR PURCHASING SYSTEM REVIEWS

##### 5344.302 Requirements

1. (a) INTERIM CHANGE: See [CPM 19-C-11 .](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

### PART 5345 — Government Property

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5345.1 — GENERAL

##### 5345.102 Policy

1. (e) See MP5301.601(a)(i).

INTERIM CHANGE: See [CPM 19-C-11 .](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)

(4)(ii)(C)*(1)(* *i* *)* Submit the D&F for an ACAT I program through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for processing to the CAE for approval.

*(ii)* See MP5301.601(a)(i).

##### 5345.103 General

1. See AF PGI 5345.103-70-90.

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

1. See [AFI 23-119](http://static.e-publishing.af.mil/production/1/af_a4/publication/afi23-119/afi23-119.pdf), *Exchange, Sale, or Temporary Custody of*  *Nonexcess*  *Personal Property*.
2. See AFMC PGI 5345.103-72 .
3. See AFMC PGI 5345.103-90 .
4. See SMC PGI 5345.103-90 .

#### SUBPART 5345.3 — PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS

##### 5345.301 Use and Rental

1. (f) See MP5301.601(a)(i).

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

1. See AFI 63-101/20-101 , *Integrated Life Cycle Management*.

### PART 5346 — Quality Assurance

* SUBPART 5346.1 — GENERAL
  + 5346.103 Contracting Office Responsibilities

#### SUBPART 5346.1 — GENERAL

##### 5346.103 Contracting Office Responsibilities

1. See MP5346.103 for Air Force requirements regarding contracting office responsibilities for the Quality Assurance Program.
2. See AF PGI 5346.202-4 .
3. See AF PGI 5346.401 .
4. See AF PGI 5346.702 .

### PART 5347 — Transportation

1. See AFMC PGI 5347.301-1 .

### PART 5348 — Value Engineering

* SUBPART 5348.1 — POLICIES AND PROCEDURES
  + 5348.104-3 Sharing Collateral Savings

#### SUBPART 5348.1 — POLICIES AND PROCEDURES

##### 5348.104-3 Sharing Collateral Savings

1. (a) See MP5301.601(a)(i).

### PART 5349 — Termination of Contracts

1. INTERIM CHANGE: See [CPM 19-C-11](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf).

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

#### SUBPART 5349.1 — GENERAL PRINCIPLES

##### 5349.101 Authorities and Responsibilities

1. (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.
2. See AF PGI 5349.101 .
3. See SMC PGI 5349.101 .
4. See USAFA PGI 5349.101 .

##### 5349.102 Notification of Termination

1. See the tailorable [Termination Authority](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/templates/termination_authority.pdf) template.

#### SUBPART 5349.4 — TERMINATION FOR DEFAULT

##### 5349.402-3 Procedure for Default

1. (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](mailto:AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil) with a copy of the termination notice to [SAF/GCR](mailto:usaf.pentagon.saf-gc.mbx.saf-gcr-workflow@mail.mil) and follow the procedures in AFFARS 5333.291 (b).

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

1. (c) The contracting officer must provide copies of assessments of excess reprocurement costs through the SCO to [AF/JACQ](mailto:AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil).

#### SUBPART 5349.5 — CONTRACT TERMINATION CLAUSES

##### 5349.501-70 Special Termination Costs

1. INTERIM CHANGE: See [CPM 19-C-11 .](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Contracting_Memos/Policy/19-C-11.pdf)
2. (a) The contracting officer must process requests to use DFARS 252.249-7000, *Special Termination Costs*, through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) (see MP5349 ).
3. (c) The contracting officer must forward a request for SAF/FM approval through their SCO and [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) prior to authorizing any increase in the Government's maximum liability under the clause. [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) will forward the request to [SAF/FM](mailto:usaf.pentagon.saf-fm.mbx.saf-fmp-workflow@mail.mil).

#### SUBPART 5349.70 — SPECIAL TERMINATION REQUIREMENTS

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

1. The contracting officer must submit the proposed Congressional notification through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) 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

1. (b)(2)(i) The contracting officer must submit the draft notification through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) as soon as the proposed termination/reduction is known. SAF/AQC will forward the notification to SAF/AQ for signature (see MP5349 ).

### PART 5350 — Extraordinary Contractual Actions and the Safety Act

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

#### SUBPART 5350.1 — GENERAL

##### 5350.101-1 Authority

1. (b) The authorities, policies, and procedures established in this part are based on the authority of [HAF MD 1-10](http://static.e-publishing.af.mil/production/1/saf_aq/publication/hafmd1-10/hafmd1-10.pdf) ,  *Assistant Secretary of the Air Force (Acquisition)*  .

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

##### 5350.102-1 -70 Delegations

1. (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 $70,000.

##### 5350.102-2 Contract Adjustment Boards

1. The Air Force Contract Adjustment Board is authorized to approve any request for contract adjustment that obligates more than $70,000.

#### SUBPART 5350.103 — CONTRACT ADJUSTMENTS

##### 5350.103-5 Processing Cases

1. (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.
2. (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.

#### SUBPART 5350.104 — RESIDUAL POWERS

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

1. See the “ [Air Force Indemnification Guide for Unusually Hazardous or Nuclear Risk](https://cs2.eis.af.mil/sites/10059/afcc/knowledge_center/Documents/Other_Pubs/Other_Guides/Indemnification_Guide.pdf) s ” for additional information. Upon completion of all buying activity coordination, the contracting officer must forward the indemnification request through the SCO to [SAF/AQC](mailto:usaf.pentagon.saf-aq.mbx.saf-aqc-workflow@mail.mil) for staffing to the SECAF.

### PART 5351 — Use of Government Sources by Contractors

1. **RESERVED**

### PART 5352 — Solicitation Provisions and Contract Clauses

#### SUBPART 5352.2 — TEXT OF PROVISIONS AND CLAUSES

##### 5352.201-9101 Ombudsman

1. As prescribed in 5301.9103, insert the following clause:
2. **OMBUDSMAN (OCT 2019)**
3. (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.
4. (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).
5. (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.
6. (d) The ombudsman has no authority to render a decision that binds the agency.
7. (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.
8. (End of clause)

##### 5352.204-9000 Notification of Government Security Activity and Visitor Group Security Agreements

1. As prescribed in 5304.404-90, insert the following clause in solicitations and contracts:
2. **NOTIFICATION OF GOVERNMENT SECURITY ACTIVITY AND VISITOR GROUP SECURITY AGREEMENTS (OCT 2019)**
3. This contract contains a [DD Form 254](http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0254.pdf), 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](http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0254.pdf), the contractor shall take the following actions:
4. (a) At least thirty days prior to beginning operations, notify the Information Protection Office shown in the distribution block of the [DD Form 254](http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0254.pdf) 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.

1. This requirement is in addition to visit request procedures contained in [DoDM 5220.22](http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/522022_vol3_2014.pdf), *National Industrial Security Program* *: Procedures for Government Activities Relating to Foreign Ownership, Control, or Influence (FOCI)*.
2. (b) Prior to beginning operations involving classified information on an installation identified on the [DD Form 254](http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0254.pdf), the contractor shall enter into a Visitor Group Security Agreement (or understanding) with the installation commander to ensure that the contractor’s security procedures are properly integrated with those of the installation. As a minimum, the agreement shall identify the security actions that will be performed:

(1) By the installation for the contractor, such as providing storage and classified reproduction facilities, guard services, security forms, security inspections, classified mail services, security badges, visitor control, and investigating security incidents; and

(2) Jointly by the contractor and the installation, such as packaging and addressing classified transmittals, security checks, internal security controls, and implementing emergency procedures to protect classified material.

1. (End of clause)

##### 5352.209-9000 Organizational Conflict of Interest

1. As prescribed in AFFARS 5309.507-2 (a), insert the following clause, substantially as written, in Section I:
2. **ORGANIZATIONAL CONFLICT OF INTEREST (OCT 2019)**
3. (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.

1. (End of clause)
2. **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.
3. (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).
4. (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.
5. **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.
6. (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.
7. **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:
8. (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.
9. **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).
10. (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.
11. **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.
12. (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.
13. **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.
14. (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

1. As prescribed in AFFARS 5309.507-2 (b), insert the following provision, substantially as written in Section L:
2. **POTENTIAL ORGANIZATIONAL CONFLICT OF INTEREST (OCT 2019)**
3. (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.

1. (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.
2. (End of provision)
3. **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:
4. (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

1. As prescribed in AFFARS 5317.7406 , insert the following clause in solicitations and contracts:
2. **LONG LEAD LIMITATION OF GOVERNMENT LIABILITY (OCT 2019)**
3. (a) In performing this contract, the contractor is not authorized to make expenditures or incur obligations exceeding $[ *insert dollar amount* ].
4. (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* ].
5. (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.
6. (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.
7. (End of clause)

##### 5352.223-9000 Elimination of Use of Class I Ozone Depleting Substances (ODS)

1. As prescribed in AFFARS 5323.804-90 , insert the following clause in solicitations and contracts:
2. **ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODS) (OCT 2019)**
3. (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.

1. [Note: This prohibition does not apply to manufacturing.]
2. (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](http://static.e-publishing.af.mil/production/1/af_a4/publication/afi32-7086/afi32-7086.pdf)) 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.

1. [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.]
2. (End of clause)

##### 5352.223-9001 Health and Safety on Government Installations

1. As prescribed in AFFARS 5323.9001 , insert the following clause in solicitations and contracts:
2. **HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS (OCT 2019)**
3. (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.

1. (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.
2. (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.
3. (End of clause)

##### 5352.228-9101 Insurance Certificate Requirement in Spain (USAFE)

1. As prescribed at AFFARS 5328.310-90 , insert the following clause in solicitations and contracts:
2. **INSURANCE CERTIFICATE REQUIREMENT IN SPAIN (USAFE) (OCT 2019)**
3. (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.
4. (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.
5. (c) The request for base access and the insurance certificate should be processed in accordance with [DoD Foreign Clearance Guide](https://www.fcg.pentagon.mil/) instructions for Spain.(d) Complete the following certification:
6. **INSURANCE CERTIFICATION**
7. 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, SIGNED THE 1st OF DECEMBER 1988.
8. The insurance Company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with legal domicile in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. Tel: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ***of Spanish/US nationality, registered in the Mercantile Registry of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***  Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Number\_\_\_\_\_\_\_\_, Book:\_\_\_\_\_\_\_, Section \_\_\_\_\_, Volume\_\_\_\_\_\_\_\_, Page\_\_\_\_\_\_\_.
10. CERTIFIES
11. That Mr./Mrs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ nationality, with passport number\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, has contracted with this company Policy Number \_\_\_\_\_\_\_\_\_\_\_\_\_ of civil liability against damages to persons or property which could arise from his/her actions or omissions in the performance of his/her official functions/professional activities in Spain because of the contract of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for the U.S. forces, and during the visit which, in respect of such contract, he/she may make to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Military Base, 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 he/she has paid the premium according to the agreed conditions; and that such Policy is in force.
12. The Policy establishes as coverage of the mentioned risks the following amounts:
13. **INDEMNITY LIMITS**  :
14. - For casualty: 601,012.10 Euros
15. With the following sub-limits for each injured person:
16. - For personal liability: 90,151.82 Euros
17. - For property damage: 60,101.21 Euros - For Judiciary Bond: 6, 010.12 Euros
18. 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.
19. The policy sets forth the following clauses:
20. 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.”
21. 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.”
22. IN WITNESS HEREOF, the present document is signed in\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on the\_\_\_\_\_\_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_\_
23. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ For the Insured Company *(signature)* For the Insurance *(signature)*
24. 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, FIRMADO EL DIA 1 DE DICIEMBRE DE 1988.
25. La Compañia 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\_\_\_\_\_\_\_.
26. CERTIFICA:
27. Que D. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, de nacionalidad \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,provisto del pasaporte número \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, tiene suscrita con esta Compañia la Póliza número \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, de responsabilidad civil contra daños a personas y cosas que pudieran derivarse de acciones u omisiones realizadas en el desempeño de sus funciones oficiales/actividades profesionales en España con ocasión del contrato de \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, para las Fuerzas de los EE.UU. y con la visita que en relación con dicho contrato realice a la Base Militar de \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 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.
28. La Póliza establece como cobertura de los riesgos mencionados las siguientes cuantías:
29. **LIMITES DE INDEMNIZACION:**
30. - Por siniestro: -------------------------- 601.012,10 Euros
31. Con los siguientes sublímites por perjudicado:
32. - Por daños personales:----------------- 90.151,82 Euros
33. - Por daños materiales: ----------------- 60.101,21 Euros - Por fianzas judiciales:-\_--------------- 6.010,12 Euros
34. 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 Compañia aseguradora que suscribe considera que las cuantías establecidas cubren adecuadamente los riesgos asegurados.
35. La Póliza establece las siguientes cláusulas:
36. 1. “La Compañia 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.”
37. 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.”
38. Y para que conste a los efectos oportunos, se firma el presente en \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ de \_\_\_\_\_\_\_\_\_\_\_\_\_ 2.0\_\_\_.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tomador: Asegurador:
39. (END OF CERTIFICATE)
40. (End of Clause)

##### 5352.242-9000 Contractor Access to Air Force Installations

1. As prescribed in AFFARS 5342.490-1 , insert a clause substantially the same as the following clause in solicitations and contracts:
2. **CONTRACTOR ACCESS TO AIR FORCE INSTALLATIONS (OCT 2019)**
3. (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.
4. (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.
5. (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.
6. (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*](http://static.e-publishing.af.mil/production/1/af_a4/publication/afi31-101/generic_wms.pdf)   *, Integrated Defense, and*   [*DODMAN5200.02\_AFMAN 16-1405*](https://static.e-publishing.af.mil/production/1/saf_aa/publication/dodman5200.02_afman16-1405/dodm5200.02_afman16-1405.pdf)   *, Air Force Personnel Security Program*  *]* citing the appropriate paragraphs as applicable.
7. (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.
8. (f) Failure to comply with these requirements may result in withholding of final payment.
9. (End of clause)

##### 5352.242-9001 Common Access Cards (CAC) for Contractor Personnel

1. As prescribed in AFFARS 5342.490-2 , insert a clause substantially the same as the following clause in solicitations and contracts:
2. **COMMON ACCESS CARDS (CAC) FOR CONTRACTOR PERSONNEL (OCT 2019)**
3. (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.

1. (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)).

1. (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.
2. (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.

1. (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.
2. (f) Failure to comply with these requirements may result in withholding of final payment.
3. (End of clause)
4. PART 5353 –
5. Forms