

**Volume I - Parts 5301 to 5352**

# **AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT**

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

**Chapter 53**

**AIR FORCE FEDERAL ACQUISITION REGULATION**





# PART 5301 - FEDERAL ACQUISITION REGULATIONS SYSTEM

[DAFFARS PART 5301 Knowledge Center](#)

**2019 Edition**

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## Subpart 5301.1 - PURPOSE, AUTHORITY, AND ISSUANCE

### 5301.101 Purpose

The Air Force Federal Acquisition Regulation Supplement (DAFFARS) 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. DAFFARS 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 DAFFARS and MPs are prohibited.

### 5301.105-1 Publication and Code Arrangement

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

### 5301.170 Peer Reviews

(a) DPC Peer Reviews.

(2) To facilitate planning for and execution of DoD Peer Reviews (see [DFARS 201.170](#) for applicable competitive and noncompetitive thresholds) and clearances by the DAS(C)/ADAS(C) (see [5301.9001 Policy, Thresholds, and Approvals](#)), the SCO must ensure the rolling forecast data is current in the [reporting tool](#) as of the 15<sup>th</sup> 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. When DoD Peer Review is required, follow the procedures in [MP5301.9001 \(i\)\(1\)\(i\)- Business Clearance Approval by the DAS\(C\)/ADAS\(C\)\(a\)\(1\)\(i\)\(A\)\(2\)\(g\)](#).

(b) Component Peer Reviews. Pre-award peer reviews of solicitations for competitive procurements and pre-award peer reviews for non-competitive procurements not subject to the requirements of [DFARS 201.170\(a\)\(1\)\(i\) or \(ii\)](#) must be accomplished by complying with the clearance requirements in [Subpart 5301.90 - CLEARANCE](#).

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## **Subpart 5301.2 - ADMINISTRATION**

### **5301.201-1 The Two Councils**

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

### **5301.201-90 Maintenance of the DAFFARS**

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

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## Subpart 5301.3 - AGENCY ACQUISITION REGULATIONS

### 5301.301 Policy

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

### 5301.304 Agency Control and Compliance Procedures

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

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## Subpart 5301.4 - DEVIATIONS FROM THE FAR

### 5301.402 Policy

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

### 5301.403 Individual Deviations

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

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

### 5301.404 Class Deviations

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

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

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

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## **Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES**

### **5301.601 General**

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

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

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

See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#)

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

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

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

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

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

### **5301.602-1 Authority**

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

### **5301.602-2 Responsibilities**

#### **(c)(i) Legal Review**

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

- (1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;
- (2) When using or applying unique or unusual contract provisions;
- (3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;
- (4) When a protest or claim is likely;
- (5) When contemplating the use of alternative dispute resolution;
- (6) Use of liquidated damages provisions in contracts for other than construction;
- (7) (deleted);
- (8) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of MP5315.3;
- (9) Issues dealing with licensing, technical data rights and patents;
- (10) Mistakes in bid (See FAR 14.407);
- (11) Protests before and after award;
- (12) Ratifications;
- (13) Disputes;

- (14) Contractor claims;
- (15) Termination for default/cause;
- (16) Terminations for convenience, except cancellations or terminations of purchase orders;
- (17) Debarment or suspension actions;
- (18) Individual or class deviations; and,
- (19) Any other legal issue at the discretion of the contracting officer or supporting legal office.

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

(C) In addition to the general conditions identified in [5301.602-2 Responsibilities](#)(c)(i)(A) above, contracting officers shall exercise good judgement in seeking legal review if the total value of the contract action is less than the thresholds listed in this paragraph and guard against using reviews as a means of quality control. Contracting officers must obtain legal review of Operational contract actions expected to exceed \$1,000,000 and AFDW, AFMC and SSC Non-Operational contract actions expected to exceed \$5,000,000, as follows:

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

(D) Legal review is not normally required for:

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

or

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

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

### 5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy.*

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

- (A) The SCO for actions equal to or greater than \$30,000.
- (B) The COCO for actions less than \$30,000 (not redelegable).

### 5301.603-1 General

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

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

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

### 5301.603-2-90 Selection

See [MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers](#), Selection, Appointment, and Termination of Appointment of Contracting Officers for mandatory procedures regarding the selection, appointment, and termination of contracting officers.

### 5301.603-3 Appointment

(b) Issuing authorities identified in [5301.603-1 General](#) 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.

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

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

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## Subpart 5301.7 - DETERMINATIONS AND FINDINGS

### 5301.707 Signatory Authority

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

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

(c) D&Fs involving small business matters must be coordinated with local Small Business Professional and/or MAJCOM/FIELD/COM/DRU Center Small Business Director, as appropriate, and, at SAF level, with [SAF/SB](#). Copy SAF/SB on D&F packages sent to SAF/AQC.

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## Subpart 5301.90 - CLEARANCE

### 5301.9000 Scope and Definitions

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

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

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

### 5301.9001 Policy, Thresholds, and Approvals

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

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

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

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

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

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

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

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

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

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

(1) Clearance Approval:

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

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

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

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

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

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

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

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

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

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## Subpart 5301.91 - OMBUDSMAN PROGRAM

### 5301.9101 Purpose

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

### 5301.9102 Policy

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

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

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

(d) The ombudsman must:

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

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

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

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

### 5301.9103 Solicitation Provision and Contract Clause

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

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

[DAFFARS PART 5302 Knowledge Center](#)

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Subpart 5302.1 - DEFINITIONS

5302.101

Definitions

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## Subpart 5302.1 - DEFINITIONS

### 5302.101 Definitions

**"Acquisition Category (ACAT)"** means the category of a Defense acquisition program. See [DoDI 5000.85, Appendix 3A](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

**"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.

**"Mandatory Procedures (MP)"** means a companion resource to the DAFFARS that—

(1) Contains mandatory internal AF procedures. The DAFFARS will direct compliance with mandatory procedures using imperative language such as "Follow the procedures at..." or similar directive language;

(2) Contains non-mandatory internal AF procedures and guidance and supplemental information to be used at the discretion of the contracting officer. The DAFFARS will point to non-mandatory procedures, guidance, and information using permissive language such as "The contracting officer may use..." or "Additional information is available at..." or other similar language;

(3) Is numbered similarly to the DAFFARS, except that each MP numerical designation is preceded by the letters "MP"; and

(4) Is available electronically as part of the DAFFARS document set on Acquisition.gov.

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

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

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

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

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

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

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

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

\* SCO for AFOTEC at Kirtland, AFB, NM

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

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

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

**“Tactics, Techniques, and Procedures (TTP)”** means a companion resource to the DAFFARS that —

- (1) Implements fundamental contracting principles and other helpful tools in an informative, innovative, intuitive, user-friendly manner;
- (2) Contains non-mandatory internal procedures and guidance, and supplemental information to be used at the discretion of the contracting officer;
- (3) Is not regulated by policy; rather is a living document shaped by acquisition community input; and
- (4) Is available electronically within the [DAF Contracting TTP Team](#).

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

[DAFFARS PART 5303 Knowledge Center](#)

**2019 Edition**

*Revised: 2 May 2022*

*Sec.*

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

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## Subpart 5303.1 - SAFEGUARDS

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

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

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

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

### 5303.104-5 Disqualification

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

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

(c) Resumption of participation in a procurement

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

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

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

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

(f) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) for individuals who may authorize award.

### 5303.104-7 Violations or Possible Violations

(f) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)(a)(i) for individuals who may authorize award.

### 5303.104-9 Contract Clauses

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

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## **Subpart 5303.2 - CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL**

### **5303.202 Contract Clause**

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

### **5303.204 Treatment of Violations**

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

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## **Subpart 5303.5 - OTHER IMPROPER BUSINESS PRACTICES**

### **5303.570-2 Prohibition Period**

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

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## **Subpart 5303.6 - CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM**

### **5303.602 Exceptions**

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

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

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## Subpart 5303.7 - VOIDING AND RESCINDING CONTRACTS

### 5303.704 Policy

(c) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5303.705 Procedures

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

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## **Subpart 5303.9 - WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES**

### **5303.906 Remedies**

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

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## **Subpart 5303.10 - CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT**

### **5303.1003 Requirements**

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

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

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## **Subpart 5303.11 - PREVENTING PERSONAL CONFLICTS OF INTEREST FOR CONTRACTOR EMPLOYEES PERFORMING ACQUISITION FUNCTIONS**

### **5303.1104 Mitigation or Waiver**

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

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## PART 5304 - ADMINISTRATIVE MATTERS

[DAFFARS PART 5304 Knowledge Center](#)

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	Subpart 5304.1 - CONTRACT EXECUTION	5304.604	(2) Responsibilities
5304.101	Contracting Officers Signature		Subpart 5304.8 - GOVERNMENT CONTRACT FILES
	Subpart 5304.4 - SAFEGUARDING CLASSIFIED	5304.802	Electronic Retention of Contract Files
	INFORMATION WITHIN INDUSTRY	5304.803	Contents of Contract Files
5304.402-90	General		Subpart 5304.10 - UNIFORM USE OF LINE ITEMS
5304.403	Responsibilities of Contracting Officers	5304.1001	Policy
5304.404-90	Additional Contract Clauses		Subpart 5304.70 - UNIFORM PROCUREMENT INSTRUMENT
	Subpart 5304.6 - CONTRACT REPORTING		IDENTIFICATION NUMBERS
	COVID -19 and CARES Act Related Actions	5304.7003-90	Maintaining DoD Activity Address Codes (DoDAAC)

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## **Subpart 5304.1 - CONTRACT EXECUTION**

### **5304.101 Contracting Officers Signature**

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

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## Subpart 5304.4 - SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

### 5304.402-90 General

- (a) [AFMAN 16-1406V2](#), *National Industrial Security Program: Industrial Security Procedures for Government Activities*, provides guidance for implementing the Air Force's National Industrial Security Program.
- (b) [AFH 16-1406](#), *National Interest Determination Handbook*. This instruction clarifies responsibilities and procedures for processing National Interest Determinations (NID).
- (c) [AFI 16-701](#), *Management, Administration and Oversight of Special Access Programs*, establishes responsibilities for the management, administration and oversight of Special Access Programs. This instruction provides additional guidance for processing AF Special Access Program NIDs.

### 5304.403 Responsibilities of Contracting Officers

- (a) Upon receiving adequate written justification from the requesting program office or activity, the contracting officer reviews, validates, and processes the NID and associated written approvals, in accordance with [AFH 16-1406](#), *National Interest Determination Handbook*.
- (b) The contracting officer shall maintain a copy of the approved program, project, or contract specific NID package in the contract file.

### 5304.404-90 Additional Contract Clauses

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

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## **Subpart 5304.6 - CONTRACT REPORTING**

### **COVID -19 and CARES Act Related Actions**

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

### **5304.604 (2) Responsibilities**

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

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## Subpart 5304.8 - GOVERNMENT CONTRACT FILES

### 5304.802 Electronic Retention of Contract Files

(f) For contracting offices who have elected to use the KT Fileshare (KTFS) application, KTFS shall be used to store, access, and route documents necessary to manage the acquisition process for review and approval. Contracting officers in contracting offices using KTFS shall ensure that KTFS contains all appropriate contract documents required for the official contract file. If a contract document is maintained within the Procurement Integrated Enterprise Environment (PIEE, <https://wawf.eb.mil/>) or the Federal Procurement Data System-Next Generation (FPDS-NG)), then that system is the official system of record; contracting officers are not required to duplicate the document and file it in KTFS, unless the contracting office determines an exception applies to ensure ready accessibility to principal users (e.g., clearance reviewers, auditors) per [FAR 4.802\(c\)\(2\)](#). Examples of such documents include Contract Action Reports (see [5304.604 \(2\) Responsibilities](#)), evidence of inputs to the Joint Appointment Module (JAM) (e.g., screenshots), and copies of Government-Furnished Property (GFP) attachments."

### 5304.803 Contents of Contract Files

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:

[Operational Services and Construction](#)

[Research and Development](#)

[Systems and Logistics](#)

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## **Subpart 5304.10 - UNIFORM USE OF LINE ITEMS**

### **5304.1001 Policy**

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

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## **Subpart 5304.70 - UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERS**

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

The contracting officer administering the contract must obtain a contractor DoDAAC (see [AFMAN 23-230](#), *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 \(PIEE\)](#) must be used to:

- (a) Obtain the existing DoDAAC or submit a new DoDAAC request for all contracts awarded;
- (b) Initiate contractor DoDAAC account changes, including extensions of contract completion dates and contract terminations;
- (c) Initiate contractor DoDAAC deletion when the contract is physically complete, unless the DoDAAC covers other active contracts; and,
- (d) Validate contractor DoDAACs in accordance with [AFMAN 23-230](#), paragraph 4.2.

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# PART 5305 - PUBLICIZING CONTRACT ACTIONS

[DAFFARS PART 5305 Knowledge Center](#)

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	Subpart 5305.1 - DISSEMINATION OF INFORMATION	5305.204	Presolicitation Notices
5305.102	Availability of Solicitations.		Subpart 5305.3 - SYNOPSES OF CONTRACT AWARDS
	Subpart 5305.2 - SYNOPSES OF PROPOSED CONTRACT	5305.303	Announcement of Contract Awards
	ACTIONS		Subpart 5305.5 - PAID ADVERTISEMENTS
5305.201	General	5305.502	Authority
5305.202	Exceptions		

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## **Subpart 5305.1 - DISSEMINATION OF INFORMATION**

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

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

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## Subpart 5305.2 - SYNOPSES OF PROPOSED CONTRACT ACTIONS

### 5305.201 General

### 5305.202 Exceptions

(b) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). The request must state why the notice is not appropriate or reasonable and identify alternative actions to optimize opportunities for small business participation.

### 5305.204 Presolicitation Notices

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

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## Subpart 5305.3 - SYNOPSES OF CONTRACT AWARDS

### 5305.303 Announcement of Contract Awards

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

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

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## Subpart 5305.5 - PAID ADVERTISEMENTS

### 5305.502 Authority

(a) *Newspapers*. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## PART 5306 - COMPETITION REQUIREMENTS

[DAFFARS PART 5306 Knowledge Center](#)

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

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**Subpart 5306.2 - FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES****5306.202 Establishing or Maintaining Alternative Sources**

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

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## Subpart 5306.3 - OTHER THAN FULL AND OPEN COMPETITION

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

- (a)(2)(i)(I) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).
- (d) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5306.302-2 Unusual and Compelling Urgency

- (c)(1) Contracting officers must notify [SAF/AQC](#) and their SCO as soon as practicable when contemplating the use of this authority for a J&A requiring Senior Procurement Executive (SPE) approval.
- (d)(1)(ii) The authority to make this determination for the Air Force is the SCO or the J&A approval authority, whichever is higher. This authority may not be further delegated.

### 5306.302-4 International Agreement

(c) *Limitations.* An *International Agreement Competitive Restrictions* (IACR) must be used when the terms of the document referred to in [DFARS 206.302-4\(c\)](#) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources. The contracting officer is authorized to prepare the IACR (see [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)). The contracting officer must include the IACR and a copy of the associated *Letter of Offer and Acceptance*, once completed, in the contract file.

### 5306.303-1 Requirements

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

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

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

(b) Upon the first use of a bridge contract to provide for continuation of a service to be performed through a services contract, due to inadequate planning as determined by the S-CAT decision authority, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, will:

- (1) For a services contract in an amount less than \$10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the requiring activity’s PEO, Flag Officer, or civilian equivalent, as applicable; or

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

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

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

### 5306.303-2 Content

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

### 5306.304 Approval of the Justification

- (a)

Justification Value	Approval Authority	Delegability
≤ \$750K	Chief of the Contracting Office	Delegable to contracting officer, consistent with warrant level
> \$750K ≤ \$15M	<u>Procuring Activity</u> Competition and Commercial Advocate	Not further delegable
> \$15M ≤ \$100M	PEO / Head of Procuring Activity*	Delegable to Flag/General Officer or civilian SES
> \$100M**	Senior Procurement Executive	Not further delegable

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

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

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

(e) Prior to contract award: After a J&A has been approved, but prior to contract award, if new work is to be added or 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 must identify the new work and/or dollar increase from the initial, approved J&A.

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

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

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



## Subpart 5306.5 - COMPETITION ADVOCATES

### 5306.501 Requirement

(a) The DAS(C) is the designated Air Force Competition Advocate General (CAG). The following organizations are designated as Air Force procuring activities:

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

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

### 5306.502 Duties and Responsibilities

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

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# PART 5307 - ACQUISITION PLANNING

[DAFFARS PART 5307 Knowledge Center](#)

**2019 Edition**

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*Sec.*

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

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## Subpart 5307.1 - ACQUISITION PLANS

### 5307.104 General Procedures

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

### 5307.104-90 Solicitation Release

- (a) For ACAT programs, see [AFI 63-101/20-101](#) (paragraph 4.3.1) and [DoDI 5000.02](#).
- (b) For all other acquisitions, the contracting officer must not release the solicitation until the approval official has approved the Acquisition Plan (AP) unless the acquisition is being conducted pursuant to the authority of FAR 6.302-2, unusual and compelling urgency.
- (c) For acquisitions utilizing policies and procedures in accordance with FAR 15.3, see FAR 15.303 and the [DoD Source Selection Procedures](#).

### 5307.104-91 Changes

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

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

- (a) ASPs:
- (1) ASP are integral to a deliberative process that support the acquisition strategy approving authority in making informed decisions in performing their acquisition execution responsibilities. An ASP includes the Chair, panel members, and a briefing supporting the proposed strategy.
  - (2) The program manager, or the contracting officer if a program manager is not assigned, must ensure an ASP is conducted for all acquisitions that require a written AP in accordance with [DFARS 207.103](#), unless otherwise waived by the AP approval authority (also see [5307.104-92 Acquisition Strategy Panels \(ASP\) and AP Approval Authority](#) for approval authorities).
  - (3) The AP approval authority will be the ASP Chair. The ASP Chair will determine the ASP membership and the required briefing content based upon the unique requirements of each acquisition.
  - (4) At the conclusion of the ASP briefing, the program manager (or equivalent) must prepare ASP minutes and obtain approval from the AP approval authority.
- (b) AP:
- (1) Written APs for actions less than the thresholds prescribed at DFARS 207.103 may be prepared at the discretion of the CO or, if applicable, the PEO-designated approval authority (also see 5307.105).
  - (2) AP Approval Authority shall be:

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

- (3) Actions that do not require an AP:
- (a) Task/delivery orders issued in accordance with the terms of the basic contract except non-DoD orders;
  - (b) Modifications within the scope of the contract;
  - (c) Replenishment parts except for those replenishment buys that require design; development, verification testing, and approval before start of production and
  - (d) Basic research under funding category 6.1
  - (e) The Small Business Innovation Research (SBIR) program, including the Small Business Technology Transfer (STTR) program (e.g. DoD-wide program planning/solicitation)
  - (f) Acquisitions in accordance with [FAR 13.5](#), *Simplified Procedures for Certain Commercial Items*.

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

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

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

- (a) The SCO is the authority to make the consolidation determination for actions exceeding \$2 million. This authority may not be re-delegated. Consolidation determinations are only required for contracts awarded and performed in the United States and Outlying Territories.
- (b) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).
- (e) See MP5301.601-90.

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

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

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## Subpart 5307.4 - EQUIPMENT LEASE OR PURCHASE

### 5307.470 Statutory Requirements

- (b) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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# PART 5308 - REQUIRED SOURCES OF SUPPLIES AND SERVICES

[DAFFARS PART 5308 Knowledge Center](#)

**2019 Edition**

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5308.404 Subpart 5308.4 - FEDERAL SUPPLY SCHEDULES  
5308.405-3 Use of Federal Supply Schedules  
5308.405-6 Blanket Purchase Agreements (BPA)  
Limited Sources

5308.705 Subpart 5308.7 - ACQUISITION FROM NONPROFIT  
AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR  
SEVERELY DISABLED  
Procedures

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## Subpart 5308.4 - FEDERAL SUPPLY SCHEDULES

### 5308.404 Use of Federal Supply Schedules

(h)(3)(ii)(C) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

### 5308.405-6 Limited Sources

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

(d) Justification Approvals

See [5306.304 Approval of the Justification](#) for the approving officials for proposed orders or BPAs using the limited or sole source justification at FAR 8.405-6(a)-(c). See the tailorable [Limited Sources Justification and Approval \(J&A\)](#) template. See [5306.303-1-90 Bridge Actions for Service Contracts Only \(See DoDI 5000.74\)](#) for “Bridge Actions.”

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## **Subpart 5308.7 - ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

### **5308.705 Procedures**

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

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# PART 5309 - CONTRACTOR QUALIFICATIONS

[DAFFARS PART 5309 Knowledge Center](#)

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

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## **Subpart 5309.1 - RESPONSIBLE PROSPECTIVE CONTRACTORS**

### **5309.104-1 General Standards**

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

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## Subpart 5309.2 - QUALIFICATION REQUIREMENTS

### 5309.202 Policy

(a)(1) For the designee referenced in FAR 9.202(a), see [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5309.206-1 General

(b) For the designee referenced in FAR 9.206-1(b), see [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

### 5309.270-3 Policy

(a) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5309.4 - DEBARMENT, SUSPENSION, AND INELIGIBILITY

### 5309.405 Effect of Listing

(a) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). Provide a copy of request to SAF/GCR. The request must include a description of efforts taken to establish alternate sources and the impact if the exception is not granted. SAF/AQC will forward the approved exceptions to GSA.

(b)(ii)(A) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). Submit requests through the SCO to [SAF/AQC](#) for approval.

(e)(2) - (3) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). Submit determinations through the SCO to [SAF/AQC](#) for approval.

### 5309.405-1 Continuation of Current Contracts

(a) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

(b) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). Submit determinations through the SCO to [SAF/AQC](#) for approval.

### 5309.405-2 Restrictions on Subcontracting

(a) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

### 5309.406-3 Procedures

(a) *Investigation and referral.*

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

(1) Any non-responsibility determination.

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

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

(4) Any recommendation for debarment or suspension.

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

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

(b) *Decision-making process.*

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

### 5309.407-3 Procedures

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

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## Subpart 5309.5 - ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

### 5309.503 Waiver

Forward requests to waive FAR 9.5 requirements through the SCO to [SAF/AQC](#) for HCA approval See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5309.504 Contracting Officer Responsibilities

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

### 5309.507-2 Solicitation Provisions and Contract Clause

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

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

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

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

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

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

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

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

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

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

(c)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## PART 5310 - MARKET RESEARCH

[DAFFARS PART 5310 Knowledge Center](#)

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5310.002

Procedures

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**5310.002 Procedures**

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

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## PART 5311 - DESCRIBING AGENCY NEEDS

[DAFFARS PART 5311 Knowledge Center](#)

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*Sec.*

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

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## **Subpart 5311.1 - SELECTING AND DEVELOPING REQUIREMENT DOCUMENTS**

### **5311.103 Market Acceptance**

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

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## **Subpart 5311.2 - USING AND MAINTAINING REQUIREMENTS DOCUMENTS**

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

- (b)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).
- (b)(2)(i)(A) See MP5301.601-90. For ACAT I programs, submit determinations through the PEO for approval.
- (b)(2)(i)(B) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5311.5 - LIQUIDATED DAMAGES

### 5311.501 Policy

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

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## Subpart 5311.6 - PRIORITIES AND ALLOCATIONS

### 5311.603 Procedures

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

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## PART 5312 - ACQUISITION OF COMMERCIAL ITEMS

[DAFFARS PART 5312 Knowledge Center](#)

**2019 Edition**

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INTERIM CHANGE: See Policy Memo 18-C-03

*Sec.*

	Subpart 5312.1 - ACQUISITION OF COMMERCIAL ITEMS - GENERAL	5312.302	Tailoring of Provisions and Clauses for the Acquisition of Commercial Items
5312.102	Applicability		Subpart 5312.4 - UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS
	Subpart 5312.2 - SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS	5312.403	Termination
5312.207	Contract Type		Subpart 5312.90 - PILOT PROGRAM FOR DEFENSE COMMERCIAL SOLUTIONS OPENING
5312.272	Preference for Certain Commercial Products and Services		
	Subpart 5312.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS		

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## Subpart 5312.1 - ACQUISITION OF COMMERCIAL ITEMS - GENERAL

### 5312.102 Applicability

(a)(ii)(B) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(f)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5312.2 - SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS**

### **5312.207 Contract Type**

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

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

(b)(2)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5312.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS**

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

(c) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5312.4 - UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS**

### **5312.403 Termination**

(b) See [5349.101 Authorities and Responsibilities](#) for termination approval requirements.

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**Subpart 5312.90 - PILOT PROGRAM FOR  
DEFENSE COMMERCIAL SOLUTIONS OPENING**

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

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# PART 5313 - SIMPLIFIED ACQUISITION PROCEDURES

[DAFFARS PART 5313 Knowledge Center](#)

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

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## Subpart 5313.1 - PROCEDURES

### 5313.106-1 Soliciting from a Single Source

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

### 5313.106-3 Award and Documentation

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

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**Subpart 5313.2 - ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD****5313.201 General**

(g)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5313.3 - SIMPLIFIED ACQUISITION METHODS

### 5313.301 Governmentwide Commercial Purchase Card

See [DAFI 64-117](#), *Air Force Governmentwide Purchase Card (GPC) Program*.

### 5313.303-5 Purchases Under BPAs

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

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

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## **Subpart 5313.5 - SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS**

### **5313.500 General**

(c)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### **5313.501 Special Documentation Requirements**

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

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

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**PART 5314 - SEALED BIDDING**

[DAFFARS PART 5314 Knowledge Center](#)

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*Sec.*

5314.201-7      Subpart 5314.2 - SOLICITATION OF BIDS  
Contract Clauses

5314.407-3      Subpart 5314.4 - OPENING OF BIDS AND AWARD OF  
CONTRACT  
Other Mistakes Disclosed Before Award

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## Subpart 5314.2 - SOLICITATION OF BIDS

### 5314.201-7 Contract Clauses

- (b)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).
- (c)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5314.4 - OPENING OF BIDS AND AWARD OF CONTRACT**

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

(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.

(h) The contracting officer shall maintain the records required by FAR 14.407-3(h) in the contract file.

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# PART 5315 - CONTRACTING BY NEGOTIATION

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*Sec.*

	Subpart 5315.3 - SOURCE SELECTION	5315.404-4	Profit
5315.300	Scope of Subpart	5315.404-70-90	DD Form 1547, Record of Weighted Guidelines Method
5315.371-4	Exceptions		Application, Report Control Symbol: DD-AT&L(Q)1751
5315.371-5	Waiver	5315.405	5315.405 Price Negotiation
	Subpart 5315.4 - CONTRACT PRICING	5315.406-1	Prenegotiation Objectives
5315.400	(S-90)	5315.406-3	Documenting the Negotiation
5315.403-1	Prohibition on Obtaining Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )	5315.407-3	Forward Pricing Rate Agreements
5315.403-3	Requiring Data Other Than Certified Cost or Pricing Data	5315.407-4	Should-cost Review
5315.403-4	Requiring Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )	5315.407-90	Contract Audit Follow-Up (CAFU)
5315.404-1-90	Pricing Assistance or Pricing Assistance Waiver	5315.408	Solicitation Provisions and Contract Clauses
5315.404-2	Data to Support Proposal Analysis		Subpart 5315.6 - UNSOLICITED PROPOSALS
		5315.606	Agency Procedures

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## Subpart 5315.3 - SOURCE SELECTION

### 5315.300 Scope of Subpart

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

### 5315.371-4 Exceptions

(a)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5315.371-5 Waiver

(a) When a waiver to the requirement at [DFARS 215.371-2](#) is sought, the contracting officer should provide the following documentation to support the waiver request:

- (1) Summary of market research that documents that competition was anticipated, process used to maximize competition pre-solicitation, and description of solicitation method;
- (2) Rationale why re-advertising for an additional 30 days will likely not obtain two or more offers.
- (3) Rationale for how the price/cost will be determined fair and reasonable with only one offeror.

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5315.4 - CONTRACT PRICING

### 5315.400 (S-90)

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

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

(b) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

(4) *Waivers.*

(A) Exceptional case TINA waiver. Submit the request for an exceptional case TINA waiver through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) ). 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/PKQ via the [HQ AFMC/PK workflow account](#) 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 2019-00008](#), Section 890 Pilot Program to Accelerate Contracting and Pricing Processes, to SAF/AQC with the Subject: "DAFFARS 5315.403-1(c)(4)(A) ? Section 890 Pilot Program to Accelerate Contracting and Pricing Processes."

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

(a)(4) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

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

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

(a) Required thresholds for requesting pricing assistance:

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

(b) See [MP5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver](#) for procedures for requesting pricing assistance.

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

### 5315.404-2 Data to Support Proposal Analysis

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5315.404-4 Profit

(c)(2)(C)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

HQ AFMC/PK is the designated Air Force focal point for weighted guidelines reporting. DD Form 1547s shall be prepared and reported using the web-based [Weighted Guidelines \(WGL\) Application](#). The SCO shall appoint a WGL Administrator at each geographic location. The responsibilities of the WGL Administrator are outlined in the WGL

Administrator's Guide. Refer to the web-enabled version of the [Profit WGL Application and User Application Guides](#) (Users and Administrators).

#### **5315.405 5315.405 Price Negotiation**

(d) In situations where a contractor inadequately supports the proposed price as fair and reasonable despite all attempts by the contracting officer to secure adequate justification through negotiations, these situations should be elevated and documented as described herein. When the contractor insists on a cost/price or demands a profit or fee that the contracting officer considers unreasonable, the contracting officer shall notify the authority one level above the contracting officer and immediately submit an [Egregious Pricing Incident Report Form](#) to the HCA. The contracting officer shall also inform the contractor that such action has been taken and continue to attempt to negotiate a fair and reasonable cost/price.

(1) If the Egregious Pricing situation is not resolved through negotiations, the offeror is ineligible for award unless the HCA determines, in writing, that it is in the best interest of the Government to make award to that offeror, based on consideration of the following:

- (i) The program or mission partner need for the item(s) or service(s) in terms of the specific mission contribution;
- (ii) The challenges to reaching and efforts made to reach a fair and reasonable cost/price; and
- (iii) Increased cost or harm to the Government if award is not made.

(2) The PEO or Wing Commander (or other corresponding authority) and SCO shall certify to the HCA that the conditions listed in 5315.405(d)(1) exist and award should be made. DAFFARS [Subpart 5301.7 - DETERMINATIONS AND FINDINGS](#) provides instructions for the submission of the Determination and Findings (D&F).

(3) Contracting officers, with coordination from the cognizant SCO, must report price negotiation situations, where 5315.405(d)(1) applies, to SAF/AQC no later than 30 days after negotiations have concluded. Update the [Egregious Pricing Incident Report Form](#) completed under 5315.405(d) with post-negotiation information and submit a copy of the final negotiation memorandum and D&F as attachments.

(4) The procedures specified in 5315.405(d)(1-3) above apply to situations where certified cost and pricing data are required and to situations when certified cost and pricing data are not required. If used in situations where other than certified cost or pricing data is required and [FAR 15.403-3\(a\)\(4\)](#) applies, contracting officers should also complete reporting requirements required under 5315.403-3(a)(6)(ii) above.

#### **5315.406-1 Prenegotiation Objectives**

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

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

#### **5315.406-3 Documenting the Negotiation**

(a) See the [Price Negotiation Memorandum \(PNM\) Checklist](#) that may be used to ensure PNMs contain all required information. For contract actions valued below the [Truthful Cost or Pricing Data threshold](#), the AF Streamlined PNM Format for [supplies](#) or [services](#) is available for use. If the value of the contract action exceeds the Truthful Cost or Pricing Data threshold and no exception to the Truthful Cost or Pricing Data threshold applies, pricing documentation is expected to address the cost element composition of the proposed, objective, and negotiated positions at an appropriate level of detail based on the value and complexity of the pricing action. The [final PNM template](#) and streamlined PNM templates for [supplies](#) or [services](#) may be tailored for use.

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

(b)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

(b) *Program should-cost review*.

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

(c)(2)(B) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).



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

Follow [MP5315.407-90 Contract Audit Follow-up \(CAFU\)](#) for conducting CAFU activities.

**5315.408 Solicitation Provisions and Contract Clauses**

(2)(i)(A)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(ii)(A)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5315.6 - UNSOLICITED PROPOSALS

### 5315.606 Agency Procedures

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

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## PART 5316 - TYPES OF CONTRACTS

[DAFFARS PART 5316 Knowledge Center](#)

**2019 Edition**

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*Sec.*

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

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## Subpart 5316.1 - SELECTING CONTRACT TYPES

### 5316.103 Negotiating Contract Type

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

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## **Subpart 5316.206 - FIXED-CEILING-PRICE CONTRACTS WITH RETROACTIVE PRICE REDETERMINATION**

### **5316.206-3 Limitations**

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

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## Subpart 5316.3 - COST-REIMBURSEMENT CONTRACTS

### 5316.301-3 Limitations

- (2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5316.4 - INCENTIVE CONTRACTS

### 5316.401 General

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

(d)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) Forward a copy of the cost-reimbursement award fee D&F to

SAF/AQC when the conditions at [DFARS PGI 216.401\(e\)\(iii\)](#) apply.

(e)(3)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5316.404 Fixed-Price Contracts with Award Fees

See [5316.401 General](#) above.

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

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

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## Subpart 5316.5 - INDEFINITE-DELIVERY CONTRACTS

### 5316.503 Requirements Contracts

(b)(2) Determinations for requirements contracts in an amount estimated to exceed \$112M (including all options) must be approved in accordance with [5316.504 Indefinite-Quantity Contracts](#).

### 5316.504 Indefinite-Quantity Contracts

(a) Description.

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

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

(1) The SCO has the authority to make the written determination required by [FAR 16.504\(c\)\(1\)\(ii\)\(D\)\(1\)](#). 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](#).

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

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

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

### 5316.505 Ordering

(b) *Orders under multiple award contracts.*

(1) *Fair opportunity.*

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

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

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

### 5316.505-90 Decentralized Ordering

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

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

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

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## Subpart 5316.6 - TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

### 5316.601 (d) Limitations

(i)(A)(1) Base period plus any option periods exceeds three years.

(i) For the Air Force, the threshold at [DFARS 216.601\(d\)\(i\)\(A\)\(1\)\(i\)](#) is \$10 million in lieu of \$1 million.

(ii) For the Air Force, the threshold at [DFARS 216.601\(d\)\(i\)\(A\)\(1\)\(i\)](#) is \$10 million in lieu of \$1 million.

(i)(A)(2) Base period plus any option periods exceeds three years. The SCO is authorized to approve individual determinations. In addition to the D&F requirements outlined in [DFARS 216.601\(d\)\(i\)\(B\)](#), the contracting officer shall address the plan to maintain appropriate government surveillance of contractor performance, including cost controls, and ensure that the contract clearly defines the supplies or services being acquired. The HCA retains the authority to approve class determinations when the contract length exceeds three years, regardless of dollar value. When HCA approval is required submit the D&F through the SCO to [SAF/AQC](#) for approval. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(i)(A)(3) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5316.603-2 Application

(c)(3) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5316.603-3 Limitations

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## PART 5317 - SPECIAL CONTRACTING METHODS

[DAFFARS PART 5317 Knowledge Center](#)

**2019 Edition**

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

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## Subpart 5317.1 - MULTIYEAR CONTRACTING

### 5317.105-1 Uses

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

### 5317.106 Procedures

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

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

(f) *Annual and multiyear proposals.* See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(g) *Level unit prices.* See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5317.170 General

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

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

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

### 5317.171 Multiyear Contracts for Services

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

### 5317.172 Multiyear Contracts for Supplies

(f)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

(h) See MP5301.601-90.

### 5317.173 Multiyear Contracts for Military Family Housing

See MP5301.601-90.

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

(b) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix\(a\)\(i\)](#).

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## Subpart 5317.2 - OPTIONS

### 5317.204 Contracts

(e) Unless otherwise restricted by statute or [DFARS 217.204\(e\)\(i\)-\(iii\)](#), the written Acquisition Plan (AP), Acquisition Strategy Panel (ASP), or Life Cycle Sustainment Plan (LCSP) approval authority has the authority to approve contract periods in excess of the limitations specified in [FAR 17.204\(e\)](#). If an AP/ASP/LCSP is not required, the contracting officer has the authority to approve such extended contract periods. This approval is not required if the total contract period, including options and modifications, exceeds the limitations specified in [FAR 17.204\(e\)](#) solely due to the inclusion of [FAR Clause 52.217-8](#), "Option to Extend Services", at an amount specified in or reasonably determinable from the terms of the contract.

(e)(i)(B) Unless otherwise restricted by statute, the written AP, ASP, or LCSP approval authority has the authority to approve extensions of the ordering period of a task order or delivery order contract (including a contract for information technology) awarded pursuant to 10 U.S.C. 2304a for one or more successive periods as provided in [DFARS 217.204\(e\)\(i\)\(B\)](#). If an AP/ASP/LCSP is not required, the contracting officer has the authority to approve such extensions.

(e)(i)(C) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). For PEO designated programs, submit determinations through the PEO for approval. For non-PEO designated programs, submit determinations through the SCO to [SAF/AQC](#) for approval.

(e)(iii) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). For PEO designated programs, submit requests through the PEO for approval. For non-PEO designated programs, submit requests through the SCO to [SAF/AQC](#) for approval.

### 5317.205 Documentation

See the tailorable [Justification for the Inclusion of Option\(s\)](#) template.

### 5317.207 Exercise of Options

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

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## **Subpart 5317.5 - INTERAGENCY ACQUISITIONS**

### **5317.500 Scope of Subpart**

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

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## **Subpart 5317.7 - INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE**

### **5317.703 Policy**

(e) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### **5317.770 Procedures**

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

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## Subpart 5317.74 - UNDEFINITIZED CONTRACT ACTIONS

### 5317.7402 Exceptions

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

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

### 5317.7404 Limitations

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

(b)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5317.7404-1 Authorization

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#). See the tailorable [Request for Authority to Issue a UCA](#) template.

### 5317.7404-3 Definitization Schedule

(a)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5317.7404-5 Exceptions

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

### 5317.7405 Plans and Reports

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

### 5317.7406 Contract Clauses

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

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## **Subpart 5317.75 - ACQUISITION OF REPLENISHMENT PARTS**

### **5317.7502 General**

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

(4)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

#### **5317.7505 Limitations on Price Increases**

(b) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5317.90 - ASSOCIATE CONTRACTOR AGREEMENTS**

### **5317.9000 Associate Contractor Agreements**

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# PART 5318 - EMERGENCY ACQUISITIONS

[DAFFARS PART 5318 Knowledge Center](#)

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5318.000	Scope of Part			Subpart 5318.2 - EMERGENCY ACQUISITION FLEXIBILITIES
5318.001	Definition		5318.201	Contingency Operation
	Subpart 5318.1 - AVAILABLE ACQUISITION FLEXIBILITIES		5318.202	Defense or Recovery from Certain Attacks
5318.125	Protest to GAO		5318.270	Head of Contracting Activity Determinations

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**5318.000 Scope of Part****5318.001 Definition**

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

**Subpart 5318.1 - AVAILABLE ACQUISITION FLEXIBILITIES****5318.125 Protest to GAO**

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) and [5333.104 Protests to GAO](#) .

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## Subpart 5318.2 - EMERGENCY ACQUISITION FLEXIBILITIES

### 5318.201 Contingency Operation

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

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

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

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

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

(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5318.202 Defense or Recovery from Certain Attacks

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5318.270 Head of Contracting Activity Determinations

See .

(S-90) HQ AFICC is the HCA designee for all delegable HCA responsibilities during contingency operations when determined by the HCA and may become the Joint Theater Support Contracting Command (JTSCC) or Joint Task Force Contracting commanding general if designated in the Combatant Commander's (CCDR) plan IAW [AFI 64-105](#). HCA authorities already delegated to a Senior Contracting Officer or a lower level in [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) will remain in effect and do not need to be re-delegated.

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## PART 5319 - SMALL BUSINESS PROGRAMS

[DAFFARS PART 5319 Knowledge Center](#)

**2019 Edition**

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	Subpart 5319.2 - POLICIES	5319.810	SBA Appeals
5319.201	General Policy		Subpart 5319.13 - HISTORICALLY UNDERUTILIZED
5319.202	Specific Policy		BUSINESS ZONE (HUBZONE) PROGRAM
	Subpart 5319.5 - SMALL BUSINESS TOTAL SET-ASIDES,	5319.1305	HUBZone Set-Aside Procedures
	PARTIAL SET-ASIDES, AND RESERVES		Subpart 5319.14 - SERVICE-DISABLED VETERAN-OWNED
5319.502-8	Rejecting Small Business Administration Recommendations		SMALL BUSINESS PROCUREMENT PROGRAM
	Subpart 5319.6 - CERTIFICATES OF COMPETENCY AND	5319.1405	Service-disabled Veteran-owned Small Business Set-aside
	DETERMINATIONS OF RESPONSIBILITY		Procedures
5319.602-3	Resolving differences between the agency and the Small Business		Subpart 5319.15 - WOMEN-OWNED SMALL BUSINESS
	Administration		PROGRAM
	Subpart 5319.8 - CONTRACTING WITH THE SMALL	5319.1505	Set-aside Procedures
	BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)		

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## Subpart 5319.2 - POLICIES

### 5319.201 General Policy

(b) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) on page 1.

(c)(8) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(c)(10)(A) SB specialists review all acquisitions IAW [DFARS 219.201\(c\)\(10\)\(A\)](#) to include task and delivery orders (excluding awards under Phase I and Phase II of the Small Business Innovation Research/Small Business Technology Transfer Programs). SB specialists shall review actions over \$10,000, but under the simplified acquisition threshold, when required by the Director, SAF/SB or by written, joint agreement of the SCO and the MAJCOM/DRU/AFRCO Director of Small Business in accordance with [DFARS PGI 219.201\(c\)\(10\)\(1\)](#).

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

(d)(1) The contracting office shall coordinate with the SB specialist as early in the acquisition planning process as practicable to enable early engagement on Air Force Small Business Program requirements. Refer to [AFI 90-1801](#), Small Business Programs.

(d)(2) The SB specialist shall coordinate with SAF/SB when an acquisition strategy or plan involves substantial bundling.

(d)(3) The SB specialist shall coordinate with SAF/SB on all determinations and findings that involve substantial bundling.

### 5319.202 Specific Policy

Contracting officers shall provide for review by the Director, SAF/SB, or the Director's designee, any acquisition the Director, SAF/SB, deems necessary to fulfill the Director's authorities and responsibilities in [AFI 90-1801](#) to provide advice and make recommendations. The contracting officer shall document the contract file with the recommendations of the Director, or the Director's designee, and whether the recommendations were accepted or rejected.

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

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

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

(d) When notified by the SBA that it has filed an appeal with the Agency Head, follow 5319.810 below to prepare an appeal case file.

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## **Subpart 5319.6 - CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF RESPONSIBILITY**

### **5319.602-3 Resolving differences between the agency and the Small Business Administration**

(a)(3) The contracting officer will prepare and submit a request to appeal, with an appeal case file prepared IAW 5319.810(b)(2) below, through the SCO (or designee) to [SAF/SB](#) with copy provided to the MAJCOM SB Office.

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## **Subpart 5319.8 - CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)**

### **5319.810 SBA Appeals**

(a) See [HAF MD 1-30](#), On behalf of the SecAF, SAF/SB is responsible for resolving the SBA's complaints to the Agency Head and determining whether the SBA's appeals will be granted or denied.

(b)(2) When notified by the SBA of an intent to appeal and within ten work days of receipt of the formal appeal, the contracting officer will prepare and submit an appeal case file through the SCO (or designee) to [SAF/SB](#) with a copy provided to the MAJCOM SB Office. The appeal case file must include (1) a statement by the contracting officer, which sets forth the decision rationale and addresses the appeal issues on a point-by-point basis; (2) supporting documents related to controversial aspects of the appeal; (3) supporting documents related to results of market research; (4) The completed [DD Form 2579](#) and SBA Form 70 and any related correspondence; (5) a summary of the procurement history; (6) a copy of the solicitation's evaluation and award factors; (7) supporting documents related to the suspension of all actions on the requirement pending outcome of the appeal; and (8) evidence of case file review and/or concurrence by the local Small Business, Legal, and Clearance and Program Support offices prior to submission to SAF/SB.

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## **Subpart 5319.13 - HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZONE) PROGRAM**

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

(d)(1) When notified by the SBA of an intent to appeal with the Agency Head, the contracting officer shall follow 5319.810 above to prepare an appeal case file.

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

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## **Subpart 5319.14 - SERVICE-DISABLED VETERAN- OWNED SMALL BUSINESS PROCUREMENT PROGRAM**

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

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

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## **Subpart 5319.15 - WOMEN-OWNED SMALL BUSINESS PROGRAM**

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

(g)(2) When notified by the SBA of an intent to appeal with the Agency Head, the contracting officer shall follow 5319.810 above to prepare an appeal case file.

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

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## **PART 5320 - RESERVED**

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## **PART 5321 - RESERVED**

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

[DAFFARS PART 5322 Knowledge Center](#)

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

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## Subpart 5322.1 - BASIC LABOR POLICIES

### 5322.101-1 General

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

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

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

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

- (b)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5322.103-4 Approvals

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

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**Subpart 5322.3 - CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE****5322.302 Liquidated Damages and Overtime Pay**

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

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## **Subpart 5322.4 - LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION**

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

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5322.8 - EQUAL EMPLOYMENT OPPORTUNITY

### 5322.805 Procedures

(a)(8) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5322.18 - EMPLOYMENT ELIGIBILITY VERIFICATION**

### **5322.1802 Policy**

- (d) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

**5322.7003 Waivers**

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

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

[DAFFARS PART 5323 Knowledge Center](#)

**2019 Edition**

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	Subpart 5323.3 - HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA	5323.804-90	Contract Clauses
5323.370-4	Procedures		Subpart 5323.90 - HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS
	Subpart 5323.8 - OZONE-DEPLETING SUBSTANCES	5323.9001	Contract Clause
5323.803	Policy		

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## **Subpart 5323.3 - HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA**

### **5323.370-4 Procedures**

(1) *Preaward phase* .

(i)(A)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5323.8 - OZONE-DEPLETING SUBSTANCES

### 5323.803 Policy

(a) Requiring activities must obtain approval in accordance with [AFMAN 32-7002](#) Environmental Compliance and Pollution Prevention, paragraph 3.3.5.1.1.8 before a specification or standard that requires the use of a class I ozone-depleting substance (ODS), or that can be met only through the use of an ODS, is authorized in any solicitation or contract/order.

### 5323.804-90 Contract Clauses

Include DAFFARS clause [5352.223-9000 Elimination of Use of Class I Ozone Depleting Substances \(ODS\)](#) in all solicitations and contracts/orders unless the requiring activity obtains the approval IAW paragraph 5323.803(a). If approval is obtained, the contracting officer must instead use FAR clause 52.223-11.

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## **Subpart 5323.90 - HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS**

### **5323.9001 Contract Clause**

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

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## **PART 5324 - RESERVED**

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## PART 5325 - FOREIGN ACQUISITION

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

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## Subpart 5325.1 - BUY AMERICAN - SUPPLIES

### 5325.103 Exceptions

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

(b) Follow [MP5325 - Foreign Acquisitions](#) when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5325.2 - BUY AMERICAN - CONSTRUCTION MATERIALS

### 5325.202 Exceptions

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

(a)(2) *Nonavailability*. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5325.204 Evaluation Offers of Foreign Construction Material

(b) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

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## Subpart 5325.4 - TRADE AGREEMENTS

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

(c)(ii)(A) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

### **5325.603 Exceptions**

(a)(1)(i) *Nonavailability*. See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

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

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## **Subpart 5325.10 - ADDITIONAL FOREIGN ACQUISITION REGULATIONS**

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

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

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## **Subpart 5325.70 - AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

### **5325.7002-2 Exceptions**

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

### **5325.7003-3 Exceptions**

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

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

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

(a)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

(b)(2)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5325.73 - ACQUISITIONS FOR FOREIGN MILITARY SALES**

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

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

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## Subpart 5325.75 - BALANCE OF PAYMENTS PROGRAM

### 5325.7501 Policy

(c) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

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## **Subpart 5325.77 - ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN**

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

(b)(2)(i) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)

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## PART 5326 - OTHER SOCIOECONOMIC PROGRAMS

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Subpart 5326.2 - MAJOR DISASTER OF EMERGENCY  
ASSISTANCE ACTIVITIES

5326.203

TRANSITION OF WORK

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**Subpart 5326.2 - MAJOR DISASTER OF EMERGENCY ASSISTANCE ACTIVITIES****5326.203 TRANSITION OF WORK**

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

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## PART 5327 - PATENTS, DATA, AND COPYRIGHTS

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5327.201-2	Subpart 5327.2 - PATENTS AND COPYRIGHTS
5327.303	Contract Clauses
	Contract Clauses

5327.90	- FOREIGN DISCLOSURE
5327.9000	Foreign Disclosure Policy

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## Subpart 5327.2 - PATENTS AND COPYRIGHTS

### 5327.201-2 Contract Clauses

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

### 5327.303 Contract Clauses

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

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

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

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

## 5327.90 - FOREIGN DISCLOSURE

### 5327.9000 Foreign Disclosure Policy

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

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## PART 5328 - BONDS AND INSURANCE

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**2019 Edition**

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*Sec.*

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

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## Subpart 5328.1 - BONDS

### 5328.1 Bonds

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

### 5328.105 Other Types of Bonds

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5328.106-2 Substitution of Surety Bonds

(a) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5328.106-6 Furnishing Information

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

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## Subpart 5328.3 - INSURANCE

### 5328.305 Overseas Workers Compensation and War Hazard Insurance

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

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

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

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

### 5328.310-90 Additional Contract Clause

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

### 5328.311-1 Contract Clause

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)

### 5328.370 Additional Clauses

- (a)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#)

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

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## **PART 5329 - TAXES**

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# PART 5330 - COST ACCOUNTING STANDARDS ADMINISTRATION

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**2019 Edition**

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5330.201-5

Waivers

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**5330.201-5 Waivers**

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

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## PART 5331 - CONTRACT COST PRINCIPLES AND PROCEDURES

[DAFFARS PART 5331 Knowledge Center](#)

**2019 Edition**

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[FAR Class Deviation 2011-O0006](#).

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## PART 5332 - CONTRACT FINANCING

[DAFFARS PART 5332 Knowledge Center](#)

**2019 Edition**

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*Sec.*

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

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## **Subpart 5332.1 - NON-COMMERCIAL ITEM PURCHASE FINANCING**

### **5332.104 Providing Contract Financing**

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

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

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## Subpart 5332.2 - COMMERCIAL ITEM PURCHASE FINANCING

### 5332.202-1 Policy

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

(d) *Unusual contract financing.* See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5332.4 - ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS**

### **5332.402 General**

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

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

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## **Subpart 5332.5 - PROGRESS PAYMENTS BASED ON COSTS**

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

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

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

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

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## **Subpart 5332.6 - CONTRACT DEBTS**

### **5332.604 Demand for Payment**

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

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

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

### **5332.607 Installment Payments and Deferment of Collection**

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

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## Subpart 5332.7 - CONTRACT FUNDING

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

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

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## Subpart 5332.9 - PROMPT PAYMENT

### 5332.901 Applicability

(1)(i)(C)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5332.906 Making Payments

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

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## Subpart 5332.11 - ELECTRONIC FUNDS TRANSFER

### 5332.1106 EFT Mechanisms

(b) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#).

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# PART 5333 - PROTESTS, DISPUTES, AND APPEALS

[DAFFARS PART 5333 Knowledge Center](#)

**2019 Edition**

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*Sec.*

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

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## Subpart 5333.1 - PROTESTS

### 5333.102 General

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

(b)(3)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5333.103 Protests to the Agency

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

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

### 5333.104 Protests to GAO

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

(b) *Protests before award*

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

(c) *Protests after award*

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

(g) *Notice to GAO*

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

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

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

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

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

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## Subpart 5333.2 - DISPUTES AND APPEALS

### 5333.211 Contracting Officers Decision

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

### 5333.214 Alternate Dispute Resolution (ADR)

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

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

### 5333.215 Contract Clause

(3) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5333.290 Claims and Terminations for Default

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

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

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

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

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

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

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

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

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

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

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

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

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



# PART 5334 - MAJOR SYSTEM ACQUISITION

[DAFFARS PART 5334 Knowledge Center](#)

**2019 Edition**

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INTERIM CHANGE: See Policy Memo [18-C-07](#).

*Sec.*

5334.203 Subpart 5334.2 - EARNED VALUE MANAGEMENT SYSTEM  
Solicitation provisions and contract clause

5334.7002 Subpart 5334.70 - ACQUISITION OF MAJOR WEAPON  
SYSTEMS AS COMMERCIAL ITEMS  
Policy

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## **Subpart 5334.2 - EARNED VALUE MANAGEMENT SYSTEM**

### **5334.203 Solicitation provisions and contract clause**

If an Earned Value Management System (EVMS) waiver is obtained in accordance with the Adaptive Acquisition Framework Document Identification Tool (AAFDID) EVMS Application Requirements Table, contracting officers may omit the use of EVMS provisions and clauses prescribed for use in DFARS 234.203. The CAE approved EVMS waiver must be included in the contract file.

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## **Subpart 5334.70 - ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS**

### **5334.7002 Policy**

(d)(4) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## PART 5335 - RESEARCH AND DEVELOPMENT CONTRACTING

[DAFFARS PART 5335 Knowledge Center](#)

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*Sec.*

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

5335.070-1 Indemnification Under Research and Development Contracts

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

- (c) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).
- (d)(3)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

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# PART 5336 - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

[DAFFARS PART 5336 Knowledge Center](#)

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*Sec.*

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

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## **Subpart 5336.2 - SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION**

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

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

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

(a) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### **5336.272 Prequalification of Sources**

(b) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5336.3 - TWO-PHASE DESIGN-BUILD SELECTION PROCEDURES**

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

(b)(3)(vi) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

(a)(4)(i)(B) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## Subpart 5336.5 - CONTRACT CLAUSES

### 5336.507 Permits and Responsibilities

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

### 5336.570 Additional Provisions and Clauses

(b)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## **Subpart 5336.6 - ARCHITECT-ENGINEER SERVICES**

### **5336.602-3 Evaluation Board Functions**

See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

(c)(1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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## PART 5337 - SERVICE CONTRACTING

[DAFFARS PART 5337 Knowledge Center](#)

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*Sec.*

	Subpart 5337.1 - SERVICE CONTRACTS (GENERAL)	5337.204	Guidelines for Determining Availability of Personnel
5337.102-70	Prohibition on Contracting for Firefighting or Security-Guard Functions		Subpart 5337.5 - MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS
5337.104	Personal Services Contracts	5337.503	Agency-head Responsibilities
5337.106	Funding and Term of Service Contracts		Subpart 5337.74 - SERVICES AT INSTALLATIONS BEING CLOSED
5337.113-1	Waiver of Cost Allowability Limitations		
5337.170-2	Approval Requirements	5337.7401	Policy
	Subpart 5337.2 - ADVISORY AND ASSISTANCE SERVICES		

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## Subpart 5337.1 - SERVICE CONTRACTS (GENERAL)

### 5337.102-70 Prohibition on Contracting for Firefighting or Security-Guard Functions

INTERIM CHANGE: See Policy Memo [21-C-04](#)

### 5337.104 Personal Services Contracts

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

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

(iii)(A)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

### 5337.106 Funding and Term of Service Contracts

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

### 5337.113-1 Waiver of Cost Allowability Limitations

(a) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). Submit requests for waivers through the SCO to [SAF/AQC](#) for approval.

### 5337.170-2 Approval Requirements

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

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

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

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

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## **Subpart 5337.2 - ADVISORY AND ASSISTANCE SERVICES**

### **5337.204 Guidelines for Determining Availability of Personnel**

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

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## **Subpart 5337.5 - MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS**

### **5337.503 Agency-head Responsibilities**

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

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## **Subpart 5337.74 - SERVICES AT INSTALLATIONS BEING CLOSED**

### **5337.7401 Policy**

(c) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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**Reserved**

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## PART 5339 - ACQUISITION OF INFORMATION TECHNOLOGY

[DAFFARS PART 5339 Knowledge Center](#)

**2019 Edition**

*Sec.*

5339.101

Policy

5339.7201-90

Data Servers/Centers Approval Process

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**5339.101 Policy**

- (1) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

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## **PART 5340 - RESERVED**

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# PART 5341 - ACQUISITION OF UTILITY SERVICES

[DAFFARS PART 5341 Knowledge Center](#)

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5341.102	Subpart 5341. 1 - GENERAL Applicability Subpart 5341.2 - ACQUIRING UTILITY SERVICES	5341.202 5341.204	Procedures GSA Area-wide Contracts
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## **Subpart 5341. 1 - GENERAL**

### **5341.102 Applicability**

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

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## Subpart 5341.2 - ACQUIRING UTILITY SERVICES

### 5341.202 Procedures

(c)(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#) .

### 5341.204 GSA Area-wide Contracts

(c)(1)(ii) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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# PART 5342 - CONTRACT ADMINISTRATION AND AUDIT SERVICES

[DAFFARS PART 5342 Knowledge Center](#)

**2019 Edition**

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*Sec.*

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

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## Subpart 5342.2 - CONTRACT ADMINISTRATION SERVICES

### 5342.202 Assignment of Contract Administration

(c) *Delegating additional functions .*

(2) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

See [Contract Administration Tool](#).

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## Subpart 5342.4 - CORRESPONDENCE AND VISITS

### 5342.490-1 Contract clause

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

### 5342.490-2 Contract clause

The contracting officer shall insert the clause substantially the same as the clause at DAFFARS [5352.242-9001 Common Access Cards \(CAC\) for Contractor Personnel](#) in solicitations and contracts that require contractor personnel to meet one or both of the following criteria:

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

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## Subpart 5342.9 - BANKRUPTCY

### 5342.902 Bankruptcy Procedures

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

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## Subpart 5342.15 - CONTRACTOR PERFORMANCE INFORMATION

### 5342.1503 Procedures

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

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

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

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

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## Subpart 5342.71 - VOLUNTARY REFUNDS

### 5342.7100 General

- (4) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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# PART 5343 - CONTRACT MODIFICATIONS

[DAFFARS PART 5343 Knowledge Center](#)

**2019 Edition**

*Revised: 2 May 2022*

*Sec.*

5343.102-90 Subpart 5343.1 - GENERAL  
Contract Scope Considerations  
5343.204-70-1 Subpart 5343.2 - CHANGE ORDERS  
Scope

5343.204-70-3 Definitization Schedule  
5343.204-70-5 Exceptions  
5343.204-70-7 Plans and Reports

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## **Subpart 5343.1 - GENERAL**

### **5343.102-90 Contract Scope Considerations**

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

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## **Subpart 5343.2 - CHANGE ORDERS**

### **5343.204-70-1 Scope**

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

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

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

### **5343.204-70-5 Exceptions**

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

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

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

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**PART 5344 - SUBCONTRACTING POLICIES AND PROCEDURES**

[DAFFARS PART 5344 Knowledge Center](#)

**2019 Edition**

*Revised: 2 May 22*

*Sec.*

Subpart 5344.3 - CONTRACTOR PURCHASING SYSTEM REVIEWS	5344.302	Requirements
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## **Subpart 5344.3 - CONTRACTOR PURCHASING SYSTEM REVIEWS**

### **5344.302 Requirements**

(a) See MP5301.601-90.

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**PART 5345 - GOVERNMENT PROPERTY**

[DAFFARS PART 5345 Knowledge Center](#)

**2019 Edition**

*Revised: 26 Jul 21*

*Sec.*

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

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## Subpart 5345.1 - GENERAL

### 5345.102 Policy

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

### 5345.103 General

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

See [AFI 23-119](#), *Exchange, Sale, or Temporary Custody of Nonexcess Personal Property*.

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## **Subpart 5345.3 - PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS**

### **5345.301 Use and Rental**

(f) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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

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

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# PART 5346 - QUALITY ASSURANCE

[DAFFARS PART 5346 Knowledge Center](#)

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*Sec.*

Subpart 5346.1 - GENERAL

5346.103

Contracting Office Responsibilities

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## Subpart 5346.1 - GENERAL

### 5346.103 Contracting Office Responsibilities

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

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## **PART 5347 - TRANSPORTATION**

[DAFFARS PART 5347 Knowledge Center](#)

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## PART 5348 - VALUE ENGINEERING

[DAFFARS PART 5348 Knowledge Center](#)

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*Sec.*

Subpart 5348.1 - POLICIES AND PROCEDURES

5348.104-3

Sharing Collateral Savings

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## Subpart 5348.1 - POLICIES AND PROCEDURES

### 5348.104-3 Sharing Collateral Savings

- (a) See [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#).

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# PART 5349 - TERMINATION OF CONTRACTS

[DAFFARS PART 5349 Knowledge Center](#)

**2019 Edition**

*Revised: 2 May 2022*

*Sec.*

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

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## Subpart 5349.1 - GENERAL PRINCIPLES

### 5349.101 Authorities and Responsibilities

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

### 5349.102 Notification of Termination

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

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## **Subpart 5349.4 - TERMINATION FOR DEFAULT**

### **5349.402-3 Procedure for Default**

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

### **5349.402-6 Repurchase Against Contractors Account**

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

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## Subpart 5349.5 - CONTRACT TERMINATION CLAUSES

### 5349.501-70 Special Termination Costs

(a) See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#). Submit requests through the SCO to [SAF/AQC](#) for approval.

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

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## **Subpart 5349.70 - SPECIAL TERMINATION REQUIREMENTS**

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

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

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

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

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# PART 5350 - EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

[DAFFARS PART 5350 Knowledge Center](#)

**2019 Edition**

*Revised: 26 Jul 21*

*Sec.*

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

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## Subpart 5350.1 - GENERAL

### 5350.101-1 Authority

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

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## **Subpart 5350.102 - DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY**

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

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

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

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

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## **Subpart 5350.103 - CONTRACT ADJUSTMENTS**

### **5350.103-5 Processing Cases**

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

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

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## Subpart 5350.104 - RESIDUAL POWERS

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

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

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## **PART 5351 - RESERVED**

**2019 Edition**

*Revised: 2 May 2022*

Reserved

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# PART 5352 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES

[DAFFARS PART 5352 Knowledge Center](#)

**2019 Edition**

*Revised: 26 Jul 21*

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Subpart 5352.2 - TEXT OF PROVISIONS AND CLAUSES		5352.223-9000	Elimination of Use of Class I Ozone Depleting Substances (ODS)
5352.201-9101	Ombudsman	5352.223-9001	Health and Safety on Government Installations
5352.204-9000	Notification of Government Security Activities	5352.228-9101	Insurance Certificate Requirement in Spain (USAFE)
5352.209-9000	Organizational Conflict of Interest	5352.242-9000	Contractor Access to Air Force Installations
5352.209-9001	Potential Organizational Conflict of Interest	5352.242-9001	Common Access Cards (CAC) for Contractor Personnel
5352.217-9000	Long Lead Limitation of Government Liability		

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## Subpart 5352.2 - TEXT OF PROVISIONS AND CLAUSES

### 5352.201-9101 Ombudsman

As prescribed in [5301.9103 Solicitation Provision and Contract Clause](#), insert the following clause:

#### **OMBUDSMAN ( OCT 2019 )**

(a) An ombudsman has been appointed to hear and facilitate the resolution of concerns from offerors, potential offerors, and others for this acquisition. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The existence of the ombudsman does not affect the authority of the program manager, contracting officer, or source selection official. Further, the ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of protests or formal contract disputes. The ombudsman may refer the interested party to another official who can resolve the concern.

(b) Before consulting with an ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations to the contracting officer for resolution. Consulting an ombudsman does not alter or postpone the timelines for any other processes (e.g., agency level bid protests, GAO bid protests, requests for debriefings, employee-employer actions, contests of OMB Circular A-76 competition performance decisions).

(c) If resolution cannot be made by the contracting officer, the interested party may contact the ombudsman, [Insert names, addresses, telephone numbers, facsimile numbers, and e-mail addresses of Center/MAJCOM/DRU/AFRCO/SMC ombudsman/ombudsmen]. Concerns, issues, disagreements, and recommendations that cannot be resolved at the Center/MAJCOM/DRU/SMC ombudsman level, may be brought by the interested party for further consideration to the Air Force ombudsman, Associate Deputy Assistant Secretary (ADAS) (Contracting), SAF/AQC, 1060 Air Force Pentagon, Washington DC 20330-1060, phone number (571) 256-2395, facsimile number (571) 256-2431.

(d) The ombudsman has no authority to render a decision that binds the agency.

(e) Do not contact the ombudsman to request copies of the solicitation, verify offer due date, or clarify technical requirements. Such inquiries shall be directed to the contracting officer.

(End of clause)

### 5352.204-9000 Notification of Government Security Activities

As prescribed in [5304.404-90 Additional Contract Clauses](#), insert the following clause in solicitations and contracts:

#### **NOTIFICATION OF GOVERNMENT SECURITY ACTIVITIES ( MAY 2021 )**

This contract contains a [DD Form 254](#), DOD Contract Security Classification Specification, and requires performance at a government location in the U.S. or overseas. Prior to beginning operations involving classified information on an installation identified on the [DD Form 254](#), the contractor shall take the following actions:

(a) At least thirty days prior to beginning operations, notify the Information Protection Office shown in the distribution block of the [DD Form 254](#) as to:

(1) The name, address, and telephone number of this contract company's representative and designated alternate in the U.S. or overseas area, as appropriate;

(2) The contract number and military contracting command;

(3) The highest classification category of defense information to which contractor employees will have access;

(4) The Air Force installations in the U.S. (in overseas areas, identify only the APO number(s)) where the contract work will be performed;

(5) The date contractor operations will begin on base in the U.S. or in the overseas area;

(6) The estimated completion date of operations on base in the U.S. or in the overseas area; and,

(7) Any changes to information previously provided under this clause.

(End of clause)

### 5352.209-9000 Organizational Conflict of Interest

As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), insert the following clause, substantially as written, in Section I:

#### **ORGANIZATIONAL CONFLICT OF INTEREST (OCT 2019)**

(a) The following restrictions and definitions apply to prevent conflicting roles which may bias the Contractor's judgment or objectivity, or to preclude the Contractor from obtaining an unfair competitive advantage in concurrent or future acquisitions.

(1) Descriptions or definitions:

"Contractor" means the business entity receiving the award of this contract, its parents, affiliates, divisions and subsidiaries. "Development" means all efforts towards solution of broadly-defined problems. This may encompass research, evaluating technical feasibility, proof of design and test, or engineering of programs not yet approved for acquisition or operation. "Proprietary Information" means all information designated as proprietary in accordance with law and regulation, and held in confidence or disclosed under restriction to prevent uncontrolled distribution. Examples include limited or restricted data, trade secrets, sensitive financial information, and computer software; and may appear in cost and pricing data or involve classified information. "System" means the system that is the subject of this contract. "System Life" means all phases of the system's development, production, or support. "Systems Engineering" means preparing specifications, identifying and resolving interface problems, developing test requirements, evaluating test data, and supervising design. "Technical Direction" means developing work statements, determining parameters, directing other Contractors' operations, or resolving technical controversies.

(2) Restrictions: The Contractor shall perform systems engineering and/or technical direction, but will not have overall contractual responsibility for the system's development, integration, assembly and checkout, or production. The parties recognize that the Contractor shall occupy a highly influential and responsible position in determining the system's basic concepts and supervising their execution by other Contractors. The Contractor's judgment and recommendations must be objective, impartial, and independent. To avoid the prospect of the Contractor's judgment or recommendations being influenced by its own products or capabilities, it is agreed that the Contractor is precluded for the life of the system from award of a DoD contract to supply the system or any of its major components, and from acting as a subcontractor or consultant to a DoD supplier for the system or any of its major components.

(End of clause)

**ALTERNATE I (OCT 2019).** As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), either substitute paragraph (a)(2) of the basic clause with one or both of the following paragraphs, or use one or both in addition to the basic paragraph (a)(2). Use these paragraphs substantially as written.

(a)(2)(i) The Contractor shall prepare and submit complete specifications for non-developmental items to be used in a competitive acquisition. The Contractor shall not furnish these items to the DoD, either as a prime or subcontractor, for the duration of the initial production contract plus (insert a specific period of time or an expiration date).

(a)(2)(ii) The Contractor shall either prepare or assist in preparing a work statement for use in competitively acquiring the (identify the system or services), or provide material leading directly, predictably, and without delay to such a work statement. The Contractor may not supply (identify the services, the system, or the major components of the system) for a period (state the duration of the constraint, however, the duration of the initial production contract shall be the minimum), as either the prime or subcontractor unless it becomes the sole source, has participated in the design or development work, or more than one Contractor has participated in preparing the work statement.

**ALTERNATE II (OCT 2019).** As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), either substitute paragraph (a)(2) of the basic clause with the following paragraph, or add the following in addition to the basic restriction. Renumber the paragraphs as needed if more than one restriction applies. Use this paragraph, substantially as written.

(a)(2) The Contractor shall participate in the technical evaluation of other Contractors' proposals or products. To ensure objectivity, the Contractor is precluded from award of any supply or service contract or subcontract for the system or its major components. This restriction shall be effective for (insert a definite period of time). This does not apply to other technical evaluations concerning the system.

**ALTERNATE III (OCT 2019).** As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), add the following paragraph (b) to the basic clause substantially as written: (b) The Contractor may gain access to proprietary information of other companies during contract performance. The Contractor agrees to enter into company-to-company agreements to: (1) protect another company's information from unauthorized use or disclosure for as long as it is considered proprietary by the other company; and, (2) to refrain from using the information for any purpose other than that for which it was furnished. For information purposes, the Contractor shall furnish copies of these agreements to the contracting officer. These agreements are not intended to protect information which is available to the Government or to the Contractor from other sources and furnished voluntarily without restriction.

**ALTERNATE IV (OCT 2019).** As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), add the following paragraph (b) to the basic clause. If Alternate III is also used, renumber this to paragraph (c).

(b) The Contractor agrees to accept and to complete all issued task orders, and not to contract with Government prime Contractors or first-tier subcontractors in such a way as to create an organizational conflict of interest.

**ALTERNATE V (OCT 2019).** As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), add the following paragraph (b) to the basic clause substantially as written. If more than one Alternate is used, renumber this paragraph accordingly.

(b) The Contractor agrees to accept and to complete issued delivery orders, provided that no new organizational conflicts of interest are created by the acceptance of that order. The contracting officer shall identify the organizational conflict of interest in each order. The Contractor shall not contract with Government prime Contractors or first-tier subcontractors in such a way as to create an organizational conflict of interest.

**ALTERNATE VI (OCT 2019).** As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), add the following paragraph (b) to the basic clause substantially as written. If either Alternate III or IV or both are used, renumber this paragraph accordingly.

(b) The above restrictions shall be included in all subcontracts, teaming arrangements, and other agreements calling for performance of work which is subject to the organizational conflict of interest restrictions identified in this clause, unless excused in writing by the contracting officer.

### **5352.209-9001 Potential Organizational Conflict of Interest**

As prescribed in [5309.507-2 Solicitation Provisions and Contract Clause](#), insert the following provision, substantially as written in Section L:

#### **POTENTIAL ORGANIZATIONAL CONFLICT OF INTEREST (OCT 2019)**

(a) There is potential organizational conflict of interest (see FAR Subpart 9.5, Organizational and Consultant Conflicts of Interest) due to (state the nature of the proposed conflict). Accordingly:

(1) Restrictions are needed to ensure that (state the nature of the proposed restraint and the applicable time period).

(2) As a part of the proposal, the offeror shall provide the contracting officer with complete information of previous or ongoing work that is in any way associated with the contemplated acquisition.

(b) If award is made to the offeror, the resulting contract may include an organizational conflict of interest limitation applicable to subsequent Government work, at either a prime contract level, at any subcontract tier, or both. During evaluation of proposals, the Government may, after discussions with the offeror and consideration of ways to avoid the conflict of interest, insert a special provision in the resulting contract which shall disqualify the offeror from further consideration for award of future contracts. (c) The organizational conflict of interest clause included in this solicitation may be modified or deleted during negotiations.

(End of provision)

**ALTERNATE I (OCT 2019).** At the discretion of the contracting officer, substitute the following paragraph (b) for paragraphs (b) and (c) in the basic provision:

(b) The organizational conflict of interest clause in this solicitation may not be modified or deleted.

### **5352.217-9000 Long Lead Limitation of Government Liability**

As prescribed in [5317.7406 Contract Clauses](#), insert the following clause in solicitations and contracts:

#### **LONG LEAD LIMITATION OF GOVERNMENT LIABILITY ( OCT 2019 )**

(a) In performing this contract, the contractor is not authorized to make expenditures or incur obligations exceeding \$[ *insert dollar amount* ].

(b) The maximum amount for which the Government shall be liable if this contract is terminated (i.e., costs already incurred and those associated with termination) is \$[ *insert dollar amount* ].

(c) The contractor shall notify the contracting officer in writing whenever there is reason to believe that, within the next 60 days, the costs expected to be incurred under this contract, when added to all costs previously incurred, will exceed 75 percent of the total amount allotted to the contract by the Government. The notice shall state the estimated amount of additional funds required to continue performance for the specified schedule period, limited by the not-to-exceed contract value.

(d) Sixty days before the end of the specified schedule period, the contractor shall give notice to the contracting officer of the estimated amount of additional funds required to continue long lead contract performance, when the funds will be needed, and any agreed to extension period specified in the Schedule.

(End of clause)

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

As prescribed in [5323.804-90 Contract Clauses](#), insert the following clause in solicitations and contracts:

**ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODS) (OCT 2019)**

(a) Contractors shall not:

(1) Provide any service or product with any specification, standard, drawing, or other document that requires the use of a Class I ODS in the test, operation, or maintenance of any system, subsystem, item, component, or process; or

(2) Provide any specification, standard, drawing, or other document that establishes a test, operation, or maintenance requirement that can only be met by use of a Class I ODS as part of this contract/order.

[Note: This prohibition does not apply to manufacturing.]

(b) For the purposes of Air Force policy, the following products that are pure (i.e., they meet the relevant product specification identified in [AFI 32-7086](#)) are Class I ODSs:

(1) Halons: 1011, 1202, 1211, 1301, and 2402;

(2) Chlorofluorocarbons (CFCs): CFC-11, CFC-12, CFC-13, CFC-111, CFC-112, CFC-113, CFC-114, CFC-115, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, and CFC-217, and the blends R-500, R-501, R-502, and R-503; and

(3) Carbon Tetrachloride, Methyl Chloroform, and Methyl Bromide.

[NOTE: Material that uses one or more of these Class I ODSs as minor constituents do not meet the Air Force definition of a Class I ODS.]

(End of clause)

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

As prescribed in [5323.9001 Contract Clause](#), insert the following clause in solicitations and contracts:

**HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS (OCT 2019)**

(a) In performing work under this contract on a Government installation, the contractor shall:

(1) Take all reasonable steps and precautions to prevent accidents and preserve the health and safety of contractor and Government personnel performing or in any way coming in contact with the performance of this contract; and

(2) Take such additional immediate precautions as the contracting officer may reasonably require for health and safety purposes.

(b) The contracting officer may, by written order, direct Air Force Occupational Safety and Health (AFOSH) Standards and/or health/safety standards as may be required in the performance of this contract and any adjustments resulting from such direction will be in accordance with the Changes clause of this contract.

(c) Any violation of these health and safety rules and requirements, unless promptly corrected as directed by the contracting officer, shall be grounds for termination of this contract in accordance with the Default clause of this contract.

(End of clause)

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

As prescribed at [5328.310-90 Additional Contract Clause](#), insert the following clause in solicitations and contracts:

**INSURANCE CERTIFICATE REQUIREMENT IN SPAIN (USAFE) (OCT 2019)**

(a) Below follows the Insurance Certificate required for any Third Country National (TCN) contractor, other than U.S. or Spanish, required for use under this contract. The certificate is provided to standardize base access procedures. It must be completed and signed by the policyholder and the insurer.

(b) The amount of coverage minimum is 90,151.82 Euros per insured party (personal injury), 60,101.21 Euros per accident (property damage), and 6,010.12 Euros security deposit for legal fees. In all cases the amount of coverage, if different from the above amounts, will be determined by the insurer, except in situations where the minimum coverage applies. (c) The request for base access and the insurance certificate should be processed in accordance with [DoD Foreign Clearance Guide](#) instructions for Spain.

(d) Complete the following certification:

**Certificate of Insurance****CERTIFICATE OF INSURANCE COVERAGE OF THE CIVIL LIABILITY REFERRED TO UNDER ARTICLE 5 OF ANNEX 6 TO THE AGREEMENT BETWEEN THE KINGDOM OF SPAIN AND THE UNITED STATES OF AMERICA ON COOPERATION FOR THE DEFENSE.**

The insurance Company \_\_\_\_\_ with legal domicile in \_\_\_\_\_ of \_\_\_\_\_ Tel: \_\_\_\_\_ of \_\_\_\_\_ Spanish/US nationality, registered in the Mercantile Registry of \_\_\_\_\_  
 Date: \_\_\_\_\_, Number \_\_\_\_\_, Book: \_\_\_\_\_, Section \_\_\_\_\_, Volume \_\_\_\_\_, Page \_\_\_\_\_.

**CERTIFIES**

That (insert contractor or company name) of \_\_\_\_\_ nationality has contracted with this company Policy Number \_\_\_\_\_ of civil liability against damages to persons or property which could arise from actions or omissions committed by any of their employees in the performance of their official functions/professional activities in Spain because of the contracts signed with U.S. Forces, and during the visit which, in respect of such contract, they may make to Spain, according to the general conditions in force for this type of insurance and also to the special conditions created for this purpose in the Spanish-U.S. Permanent Committee; that said company has paid the premium according to the agreed conditions; and that such Policy is in force.

The Policy establishes as coverage of the mentioned risks the following amounts:

**INDEMNITY LIMITS :**

- For casualty: -----601,012.10 Euros

With the following sub-limits for each injured person:

- For personal liability: -----90,151.82 Euros

- For property damage: ----- 60,101.21 Euros

- For Judiciary Bond: ----- 6,010.12 Euros

The granted coverage is effective from \_\_\_\_\_ through \_\_\_\_\_, and does not include any type of franchise, or similar limitation, to be deducted from the mentioned guarantees or any clause which requires the submission to any type of arbitration. The underwriting insurance company considers that the established amounts adequately cover the insured risks.

The policy sets forth the following clauses:

1. "The insurance company waives any right of subrogation against the United States of America which may arise by reason of any payment under this Policy."

2. "The parties hereto explicitly agree to submit to the jurisdiction of the Spanish Courts of Law and to the Spanish Laws to settle any matter related to the construction or enforcement of the clauses and conditions of this Policy."

IN WITNESS HEREOF, the present document is signed in \_\_\_\_\_, on the \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
For the Insured Company (*signature*)

\_\_\_\_\_  
For the Insurance (*signature*)

**(Courtesy Translation)****Certificado de Cobertura de Seguro****CERTIFICADO DE COBERTURA DE SEGURO DE LA RESPONSABILIDAD CIVIL A QUE SE REFIERE EL ARTICULO 5 DEL ANEXO 6 AL CONVENIO ENTRE EL REINO DE ESPAÑA Y LOS ESTADOS UNIDOS DE AMERICA SOBRE COOPERACION PARA LA DEFENSA.**

La Compañía de Seguros \_\_\_\_\_ con domicilio social en la Calle/Avda./Pla. \_\_\_\_\_, Tlfo.: \_\_\_\_\_, de nacionalidad española/norteamericana, inscrita en el Registro Mercantil de \_\_\_\_\_, fecha \_\_\_\_\_, Número \_\_\_\_\_, Libro \_\_\_\_\_, Sección \_\_\_\_\_, Tomo \_\_\_\_\_, Folio \_\_\_\_\_.

**CERTIFICA:**

Que (nombre del individuo o la empresa) \_\_\_\_\_, de nacionalidad \_\_\_\_\_, tiene suscrita con esta Compañía la Póliza número \_\_\_\_\_, de responsabilidad civil contra daños a personas y cosas que pudieran derivarse de acciones u omisiones realizadas por sus empleados en el desempeño de sus funciones oficiales/actividades profesionales en España con ocasión de su contrato con las Fuerzas de los EE.UU. y con la visita que en relación con dicho contrato realicen sus empleados a España, según las condiciones generales vigentes para este tipo de seguros y además las condiciones especiales elaboradas a este fin en el Comité Permanente Hispano-Norteamericano; habiéndose satisfecho la prima según las condiciones pactadas, y encontrándose dicha Póliza en vigor.

La Póliza establece como cobertura de los riesgos mencionados las siguientes cuantías:

**LIMITES DE INDEMNIZACION:**

- Por siniestro: ----- 601.012,10 Euros

Con los siguientes sublímites por perjudicado:

- Por daños personales: ----- 90.151,82 Euros

- Por daños materiales: ----- 60.101,21 Euros

- Por fianzas judiciales: ----- 6.010,12 Euros

Las coberturas otorgadas son efectivas desde el \_\_\_\_\_, hasta el \_\_\_\_\_, no incluyéndose en las mismas ningún tipo de franquicia o limitación similar a deducir de las garantías indicadas ni ninguna disposición que requiera la sumisión a cualquier tipo de arbitraje. La Compañía aseguradora que suscribe considera que las cuantías establecidas cubren adecuadamente los riesgos asegurados.

La Póliza establece las siguientes cláusulas:

1. “La Compañía Aseguradora renuncia a cualquier derecho de subrogación contra los Estados Unidos de América que pueda provenir por razones diferentes a pago, bajo la Póliza epígrafiada.”

2. “Las partes se someten expresamente a la jurisdicción de los tribunales españoles y al derecho español para resolver cualquier cuestión relativa a la interpretación o aplicación de las cláusulas y condiciones de la Póliza.”

Y para que conste a los efectos oportunos, se firma el presente en \_\_\_\_\_ a \_\_\_\_\_ de \_\_\_\_\_ 20\_\_\_\_.

Tomador:

Asegurador:

(END OF CERTIFICATE)

(End of Clause)

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

As prescribed in [5342.490-1 Contract clause](#), insert a clause substantially the same as the following clause in solicitations and contracts:

##### **CONTRACTOR ACCESS TO AIR FORCE INSTALLATIONS ( OCT 2019 )**

(a) The contractor shall obtain base identification and vehicle passes, if required, for all contractor personnel who make frequent visits to or perform work on the Air Force installation(s) cited in the contract. Contractor personnel are required to wear or prominently display installation identification badges or contractor-furnished, contractor identification badges while visiting or performing work on the installation.

(b) The contractor shall submit a written request on company letterhead to the contracting officer listing the following: contract number, location of work site, start and stop dates, and names of employees and subcontractor employees needing access to the base. The letter will also specify the individual(s) authorized to sign for a request for base identification credentials or vehicle passes. The contracting officer will endorse the request and forward it to the issuing base pass and registration office or Security Forces for processing. When reporting to the registration office, the authorized contractor individual(s) should provide a valid driver's license, current vehicle registration, valid vehicle insurance certificate, and [ *insert any additional requirements to comply with local security procedures* ] to obtain a vehicle pass.

(c) During performance of the contract, the contractor shall be responsible for obtaining required identification for newly assigned personnel and for prompt return of credentials and vehicle passes for any employee who no longer requires access to the work site.

(d) When work under this contract requires unescorted entry to controlled or restricted areas, the contractor shall comply with [ *insert any additional requirements to comply with* - [AFI 31-101](#), *Integrated Defense, and DODMAN5200.02 AFMAN 16-1405*, *Air Force Personnel Security Program* ] citing the appropriate paragraphs as applicable.

(e) Upon completion or termination of the contract or expiration of the identification passes, the prime contractor shall ensure that all base identification passes issued to employees and subcontractor employees are returned to the issuing office.

(f) Failure to comply with these requirements may result in withholding of final payment.

(End of clause)

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

As prescribed in [5342.490-2 Contract clause](#), insert a clause substantially the same as the following clause in solicitations and contracts:

##### **COMMON ACCESS CARDS (CAC) FOR CONTRACTOR PERSONNEL ( OCT 2019 )**

(a) For installation(s)/location(s) cited in the contract, contractors shall ensure Common Access Cards (CACs) are obtained by all contract or subcontract personnel who meet one or both of the following criteria:

(1) Require logical access to Department of Defense computer networks and systems in either:



- (i) the unclassified environment; or
  - (ii) the classified environment where authorized by governing security directives.
- (2) Perform work, which requires the use of a CAC for installation entry control or physical access to facilities and buildings.
- (b) Contractors and their personnel shall use the following procedures to obtain CACs:
  - (1) Contractors shall provide a listing of personnel who require a CAC to the contracting officer. The government will provide the contractor instruction on how to complete the Contractor Verification System (CVS) application and then notify the contractor when approved.
  - (2) Contractor personnel shall obtain a CAC from the nearest Real Time Automated Personnel Identification Documentation System (RAPIDS) Issuing Facility (typically the local Military Personnel Flight (MPF)).
  - (c) While visiting or performing work on installation(s)/location(s), contractor personnel shall wear or prominently display the CAC as required by the governing local policy.
  - (d) During the performance period of the contract, the contractor shall:
    - (1) Within 7 working days of any changes to the listing of the contract personnel authorized a CAC, provide an updated listing to the contracting officer who will provide the updated listing to the authorizing government official;
    - (2) Return CACs in accordance with local policy/directives within 7 working days of a change in status for contractor personnel who no longer require logical or physical access;
    - (3) Return CACs in accordance with local policy/directives within 7 working days following a CACs expiration date; and
    - (4) Report lost or stolen CACs in accordance with local policy/directives.
  - (e) Within 7 working days following completion/termination of the contract, the contractor shall return all CACs issued to their personnel to the issuing office or the location specified by local policy/directives.
  - (f) Failure to comply with these requirements may result in withholding of final payment.
- (End of clause)

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## **PART 5353 - RESERVED**

**2019 Edition**

*Revised: 2 May 2022*

Reserved

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**Volume II - MP Parts 5301 to 5352**

**AIR  
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ACQUISITION  
REGULATION  
SUPPLEMENT  
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MP**





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# MP5301 - FEDERAL ACQUISITION REGULATIONS SYSTEM

**2019 Edition**

*Revised: 2 May 2022*

*Sec.*

	MP5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES	5.0	Quality Assurance Program Coordinator (QAPC)
	MP5301.601 (a)(i) Head of the Contracting Activity (HCA) Matrix	6.0	Memorandum Templates and Contract Training Syllabus
	MP5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), Service Acquisition Executive (SAE) Delegation Matrix		MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers
	MP5301.602-2 (d) Designation, Assignment, and Responsibilities of a Contracting Officers Representative (COR)		MP5301.90 - CLEARANCE
1.0	Contracting Officer Roles and Responsibilities		MP5301.9001 (i)(1)(i)- Business Clearance Approval by the DAS(C)/ADAS(C)
2.0	COR Roles and Responsibilities		MP5301.9001a (A) Business Clearance Approval for Non-Competitive Actions
3.0	COR Supervisor		MP5301.9001b (B) Business Clearance Approval for Competitive Actions
4.0	OGE 450 Determination and Processing		

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## MP5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

### MP5301.601 (a)(i) Head of the Contracting Activity (HCA) Matrix

**2019 Edition**

*Revised: 2 May 2022*

**NOTE** : Cells with a double asterisk (\*\*) in the “**Retained by HCA**” column indicate retained HCA responsibilities or those that are non-delegable per the regulation listed in the “**Reference**” column.

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
1	FAR 1.602-3(b)(2) and (3) DAFFARS <a href="#">5301.602-3 Ratification of Unauthorized Commitments</a> (b)(2)	Ratification of unauthorized commitments, subject to the limitations in FAR 1.602-3(c)	No	Yes, for actions of \$30K and above	Delegated to the COCO for actions less than \$30K (not redelegable)
2	DAFFARS <a href="#">5301.601 General</a> (a)(i)(A)	Authority to enter into, approve, or terminate Grants, Cooperative Agreements, and Other Transactions—including the issuance of a warrant for such purposes.	See Table 2	See Table 2	Yes, See Table 2
3	DAFFARS <a href="#">5301.601 General</a> (a)(i)(A) DAFFARS <a href="#">5301.603-1 General</a>	Authority to enter into, approve, modify, and terminate contracts—including the issuance of a Contracting Officer warrant for such purposes.	No	Yes	Yes

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
4	FAR 3.104-5(c)(2) DAFFARS <a href="#">5303.104-3 Statutory and Related Prohibitions, Restrictions, and Requirements</a> (c) (1)(ii) DAFFARS <a href="#">5303.104-5 Disqualification</a> (c) (2)	Authorizes the disqualified official to resume participation in the procurement or determine that an additional disqualification period is necessary.	No	Yes	No
5	FAR 3.104-7 DAFFARS 5303.104-7(f)	Reviews and takes appropriate action on information that a reported violation or possible violation of a present or former government official or someone advising that official knowingly disclosed contractor bid or proposal information or source selection information before award.	No	Yes, only if SCO is GO or SES	No
6	FAR 3.602 DAFFARS <a href="#">5303.602 Exceptions</a>	Authorizes contract award to a Government employee or to a business concern owned or controlled by a Government employee and only if there is a most compelling reason to do so per FAR 3.602.	** Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
7	FAR 3.704(c) DAFFARS <a href="#">5303.704 Policy</a> (c)	Considers, in addition to any penalty prescribed by law or regulation-- suspension or debarment proceedings, voiding and rescinding contracts for a contractor convicted of any offense relating to contracts with the agency.	No	Yes	No
8	FAR 3.1104(b) DAFFARS <a href="#">5303.1104 Mitigation or Waiver</a> (b) FAR 9.504(c) DAFFARS <a href="#">5309.504 Contracting Officer Responsibilities</a> (c)	Determines in writing that such action in FAR 3.1104(a) is in the best interest of the Government (HCA may impose conditions that provide mitigation of a personal conflict of interest or grant a waiver)	** Yes	No	No
9	DFARS 205.502(a) DAFFARS <a href="#">5305.502 Authority</a> (a)	Approves the publication of paid advertisements in newspapers.	No	Yes	Yes, one level above CO
10	DFARS 206.302-1(a)(2)(i) (1) DAFFARS <a href="#">5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements</a> (a) (2)(i)(I)	Determines if agency can enter into contracts for studies, analyses, or consulting services on the basis of an unsolicited proposal without providing for full and open competition.	No	Yes	Yes, but no lower than the COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
11	FAR 6.302-1(d) DFARS 206.302-1(d) DFARS PGI 206.302-1(d) DAFFARS <a href="#">5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements</a> (d)	Approves waiver to post request for information or sources sought notices when using J&A authority FAR 6.302-1.	No	Yes, if SCO is GO or SES. If SCO is not a GO or SES, may be approved by the MAJCOM SCO provided they are a GO or SES.	No
12	DFARS 206.302-4(c) DAFFARS <a href="#">5306.302-4 International Agreement</a> (c)	Approves a document (DAFFARS prescribes use of International Agreement Competitive Restrictions (IACR)) that describes the terms of an agreement or treaty or written directions, such as a Letter of Offer and Acceptance, which have the effect of requiring the use of other than competitive procedures. J&A is not required.	No	Yes	Yes, CO
13	DFARS 207.470(b) DAFFARS <a href="#">5307.470 Statutory Requirements</a> (b)	Approves acquisition for vessel/aircraft/ vehicle through a lease/charter/ similar agreement for 18 months or more.	No	Yes	No



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
14	FAR 8.404(h)(3)(ii)(C) DAFFARS <a href="#">5308.404 Use of Federal Supply Schedules</a> (h)(3)(ii)(C)	Approves D&F when the total performance period, including options, of a T&M/LH order is more than three years.	No	Yes	Yes, but no lower than COCO
15	FAR 9.202(a) DFARS PGI 209.202(a)(1) DAFFARS <a href="#">5309.202 Policy</a> (a)(1)	Is the designee referenced in FAR 9.202(a) (inclusion of other qualification requirements).	No	Yes	Yes, but no lower than COCO
16	FAR 9.206-1(b) DAFFARS <a href="#">5309.206-1 General</a> (b)	Is the designee referenced in FAR 9.206-1(b) (enforcing qualification requirements).	No	Yes	Yes, but no lower than COCO
17	DFARS 209.270-3(a) DAFFARS <a href="#">5309.270-3 Policy</a> (a)	Approves a contract for procurement, modification, repair, or overhaul of an aviation critical safety item with a source approved by the head of the design control activity.	No	Yes	Yes, but no lower than COCO
18	FAR 9.503 / 9.506(d)(3) DAFFARS <a href="#">5309.503 Waiver</a> DAFFARS <a href="#">5309.504 Contracting Officer Responsibilities</a> (c)	Waives FAR 9.5 requirements -- Organizational and Consultant Conflicts of Interest (OCI).	Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
19	DFARS 209.571-7(c)(1) DAFFARS <a href="#">5309.571-7 Systems Engineering and Technical Assistance Contracts</a> (c)(1)	Determines an exception to Limitation on Future Contracting in systems engineering and technical assistance contracts is necessary.	Yes	No	No
20	DFARS 211.274-2(b)(1) DAFFARS <a href="#">5311.274-2 Policy for unique item identification</a> (b)(1)	Determines the items are to be used to support a contingency or humanitarian or peacekeeping operation; to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster and, therefore, contractor not required to provide DoD IUID.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
21	DFARS 211.274-2(b)(2)(i)(B) DAFFARS <a href="#">5311.274-2 Policy for unique item identification</a> (b)(2)(i)(B)	Determines it is more cost effective for the Government requiring activity to assign, mark, and register unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR Part 12 or Part 8 for an acquisition other than ACAT I program.	No	Yes	No
22	DFARS 212.102(a)(ii)(B) DAFFARS <a href="#">5312.102 Applicability</a> (a)(ii)(B)	Reviews an existing contracting officer commercial item determination to confirm the prior determination was appropriate and still applicable; or issues a determination that the prior use of FAR Part 12 procedures was improper, or no longer appropriate, with a written explanation for the basis of the determination.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
23	DFARS 212.272(b)(2)(i) DAFFARS <a href="#">5312.272 Preference for Certain Commercial Products and Services</a> (b)(2)(i)	For contracts above \$10M, determines no commercial items are suitable to meet the agency's needs for facilities related services, knowledge-based services (except engineering services), medical services, or transportation services.	No	Yes	Yes, but no lower than COCO
24	DFARS 212.302(c) DAFFARS <a href="#">5312.302 Tailoring of Provisions and Clauses for the Acquisition of Commercial Items</a> (c)	Waiver authority for tailoring provisions and clauses for acquisition of commercial items under FAR 12.302(c).	No	Yes	No
25	DFARS 212.7001(a)(1) DAFFARS <a href="#">5312.7001(a)(1)</a>	Makes Determination prior to converting the procurement from commercial to noncommercial procedures under FAR Part 15 (over \$100M provide copy to USD(A&S))	** Yes, if value \$100M or more ** No, if more than \$1M, but less than \$100M	Yes	No
26	FAR 14.201-7(b)(2) and (c)(2) DAFFARS <a href="#">5314.201-7 Contract Clauses</a> (b)(2) and (c)(2)	Waives the requirement for inclusion of FAR clauses 52.214-27 and 52.214-28 in a contract with a foreign government or agency of that government.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
27	DFARS 215.371-5 DAFFARS <a href="#">5315.371-5 Waiver</a>	Waives the requirement at DFARS 215.371-2 to resolicit for an additional period of at least 30 days when only one offer is received as a result of a competitive solicitation allowing fewer than 30 days for receipt of proposals.	No	Yes	Yes, but no lower than the COCO
28	Class Deviation 2018-O00009 DAFFARS <a href="#">5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C., Chapter 35 )(b)</a>	Determines certified cost or pricing data should be required based on past performance or other information specific to the award.	No	Yes	No
29	FAR 15.403-1(c)(4) DFARS 215.403-1(c)(4)(A) DAFFARS <a href="#">5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C., Chapter 35 )(c)(4)(A)</a>	Waives requirement for submission of certified cost or pricing data in exceptional cases.	** Yes	No	No
30	FAR 15.403-3(a)(4) DAFFARS <a href="#">5315.403-3 Requiring Data Other Than Certified Cost or Pricing Data(a)(4)</a>	Approves determination to make award without offeror submission of data other than certified cost or pricing data.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
31	DFARS PGI 215.403-3(a)(6)(ii) DAFFARS <a href="#">5315.403-3 Requiring Data Other Than Certified Cost or Pricing Data</a> (a)(6)(ii)	Provides quarterly information within 25 days following the end of the quarter using <a href="#">Contractor Denials of Data Requests</a>	No	Yes	No
32	FAR 15.403-4(a)(2) DAFFARS <a href="#">5315.403-4 Requiring Certified Cost or Pricing Data ( 10 U.S.C. 2306a and 41 U.S.C. , Chapter 35 )</a> (a)(2)	Authorizes CO to obtain certified cost or pricing data for actions below the threshold in FAR 15.403-4(a)(1), provided the action exceeds the SAT.	** Yes	No	No
33	<a href="#">Class Deviation 2018-O00009</a> DAFFARS <a href="#">5315.404-2 Data to Support Proposal Analysis</a>	Determines that auditing of records should be required based on past performance or other information specific to the award.	No	Yes	No
34	DFARS 215.404-4(c)(2)(C)(2) DAFFARS <a href="#">5315.404-4 Profit</a> (c)(2)(C)(2)	Approves the use of the alternate structured approach for Profit (see DFARS 215.404-73).	No	Yes	Yes, but no lower than COCO
35	DFARS 215.407-3(b)(i) DAFFARS <a href="#">5315.407-3 Forward Pricing Rate Agreements</a> (b)(i)	Waives on a case-by-case basis, the use of forward pricing rate agreement (FPRA) rates when such rates are available.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
36	DFARS PGI 215.407-4(c)(2)(B) DAFFARS <a href="#">5315.407-4 Should-cost Review</a> (c)(2)(B)	Requests an overhead should-cost review for a contractor business unit that does not meet the criteria found in DFARS PGI 215.407-4(c)(2)(A).	No	Yes	No
37	DFARS 215.408(2)(i)(A) (2) DAFFARS <a href="#">5315.408 Solicitation Provisions and Contract Clauses</a> (2)(i)(A) (2)	Approve determination (when contracting with the Canadian Commercial Corporation) that data other than certified cost or pricing data are needed in order to determine that the price is fair and reasonable.	No	Yes	Yes, no lower than two levels above the Contracting Officer
38	DFARS 215.408(2)(ii)(A) (2) DAFFARS <a href="#">5315.408 Solicitation Provisions and Contract Clauses</a> (2)(ii)(A) (2)	Approve determination (when contracting with the Canadian Commercial Corporation) that it is reasonably certain that data other than certified cost or pricing data will be needed in order to determine that the price of modifications is fair and reasonable.	No	Yes	Yes, no lower than two levels above the Contracting Officer
39	FAR 16.206-3(d) DAFFARS <a href="#">5316.206-3 Limitations</a> (d)	Approves the use of a fixed-ceiling-price contract with retroactive price redetermination.	** Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
40	FAR 16.301-3(a)(2) DFARS 216.301-3(2) DAFFARS <a href="#">5316.301-3 Limitations</a> (2)	Approves the use of a cost-reimbursement contract in excess of \$25M	No	Yes	Yes, but no lower than the COCO
41	FAR 16.401(d) DFARS 216.401(d)(i) DAFFARS <a href="#">5316.401 General</a> (d)(i)	Approves D&F to justify that the use of an incentive or award-fee contract, other than a cost-reimbursement incentive- or award fee contract in excess of \$25 million, is in the best interest of the government.	** No	Yes, for incentive Yes, for award fee -- not further delegable	Yes, for incentive -- one level above the CO No, for award fee
42	FAR 16.401(d) DFARS 216.401(d)(ii) DAFFARS <a href="#">5316.401 General</a> (d)(ii)	Approves D&F to justify that the use of a cost reimbursement incentive or award-fee contract in excess of \$25M is in the best interest of the government.	No	Yes, for cost-plus-incentive-fee Yes, for cost-plus-award-fee (not further delegable)	Yes, for cost-plus-incentive-fee --one level above the CO No, for cost-plus-award-fee



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
43	DAFFARS <a href="#">5316.401</a> <a href="#">General</a> (e)(3)(i)	For Operational and Enterprise Contracting, the HCA will designate the Fee Determining Official. The PEO is the Fee Determining Official for the PEO's assigned programs. The PEO or HCA for Operational and Enterprise Contracting may designate this responsibility on an individual contract or class basis. This designation may be made by name, position, or function, without limitation.	No	Yes, for Operational and Enterprise Contracting	Yes, for Operational and Enterprise Contracting
44	DFARS 216.405-2(1) DAFFARS <a href="#">5316.405-2 Cost-Plus-Award-Fee Contracts</a> (1)	Approves setting the percentage of award fee available for the final evaluation below 40 percent if the contracting officer determines that a lower percentage is appropriate.	** Yes	No	No
45	FAR 16.601(d) (1) (ii) DFARS 216.601(d) (1)(A) (2) DAFFARS <a href="#">5316.601 (d) Limitations</a> (d)(i) (A)(2)	Approves the D&F for a T&M/LH contract or order if the base period plus any option period exceeds three years.	** Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
46	FAR 16.603-2(c) (3) DAFFARS <a href="#">5316.603-2 Application</a> (c)(3)	Approves the determination of a reasonable price or fee if the CO & contractor fail to reach agreement.	No	Yes	No
47	FAR 16.603-3 DAFFARS <a href="#">5316.603-3 Limitations</a>	Determines a letter contract may be used if no other contract type is suitable.	No	Yes	Yes, below \$50M but no lower than COCO
48	FAR 17.106-3(f) DAFFARS <a href="#">5317.106-3 Special Procedures Applicable to DoD, NASA, and the Coast Guard</a> (f)	Authorizes the use of a solicitation requesting only multi-year prices, provided that dual proposals are not necessary to meet the objectives in FAR 17.105-2.	No	Yes	No
49	FAR 17.106-3(g) DAFFARS <a href="#">5317.106-3 Special Procedures Applicable to DoD, NASA, and the Coast Guard</a> (g)	Approves the use of variable unit prices on multi-year contracts provided that, for competitive proposals, there is a valid method of evaluation.	No	Yes	No
50	DFARS 217.172(f) (2) DAFFARS <a href="#">5317.172 Multiyear Contracts for Supplies</a> (f)(2)	Determines the conditions required by DFARS 217.172(h)(2)(i)-(vii) will be met by a multi-year contract.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
51	DFARS 217.174(b) DAFFARS 5317.174(b)	Determines, on the basis of a business case analysis, that the proposed purchase of electricity from sources of renewable energy under such contract is cost effective; and it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.	No	Yes	No
52	FAR 17.703(e) DAFFARS 5317.703(e)	Determine in writing that it is necessary in the interest of DoD to acquire supplies and services through the nondefense agency during the fiscal year, absent certification required by 17.703(a).	Yes	No	No
53	DFARS 217.7404(a)(1)(iii) DFARS 217.7404-1 DAFFARS <a href="#">5317.7404 Limitations</a> (a)(1)(iii) DAFFARS <a href="#">5317.7404-1 Authorization</a>	Approves Undefined Contract Actions (UCA), to include Foreign Military Sales.	No	Yes	Yes, below \$50M but no lower than COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
54	DFARS 217.7404(b)(2) DFARS 252.217-7027(c) DAFFARS <a href="#">5317.7404 Limitations</a> (b)(2)	Approves unilateral definitizations by the Contracting Officer (in writing).	Yes, for UCAs with a value greater than \$50M	Yes, for UCAs with a value of \$50M or below	Yes, for UCAs with a value of \$50M or below but no lower than the COCO
55	DFARS 217.7404-3(a)(1) DAFFARS <a href="#">5317.7404-3 Definitization Schedule</a> (a)(1)	Determines in writing that extending definitization beyond an additional 90 days is in the best interest of the Government.	Yes	No	No
56	DFARS PGI 217.7504(4)(ii) DAFFARS <a href="#">5317.7504 Acquisition of Parts When Data is Not Available</a> (4)(ii)	Authorizes reverse engineering.	No	Yes	No
57	DFARS 217.7505(b) DAFFARS 5317.7505(b)	Approves Contracting Officer certification for a replenishment part price increase that increased by 25 percent or more over the most recent 12-month period.	No	Yes	No
58	FAR 18.125 DAFFARS <a href="#">5318.125 Protest to GAO</a>	Determines that the contracting process may continue after GAO has received a protest (See FAR 33.104(b) and (c)).	** Yes	No	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
59	FAR 18.2 DFARS 218.271 DAFFARS <a href="#">5318.201 Contingency Operation</a> (b) FAR 13.201(g)(1) DAFFARS <a href="#">5313.201 General</a> (g)(1) FAR 12.102(f) (1) FAR 2.101, paragraph (3) FAR 2.101 FAR 18.201 DFARS 218.201 Class Deviation 2018-O0018 DAFFARS <a href="#">5318.201 Contingency Operation</a> (c) FAR 13.500(c)(1) DAFFARS <a href="#">5313.500 General</a> (c)(1) DFARS 211.274-2(b)(1) DAFFARS <a href="#">5311.274-2 Policy for unique item identification</a> (b)(1) DAFFARS <a href="#">5312.102 Applicability</a> (f)(1) DFARS 215.371-4(a)(2) DAFFARS <a href="#">5315.371-4 Exceptions</a> (a)(2) DFARS 216.601(d)(i)(A)(3) DAFFARS <a href="#">5316.601 (d) Limitations</a> (d)(i)(A)(3) DFARS 218.201(2) DAFFARS <a href="#">5318.201 Contingency Operation</a> (c)(2) DFARS 218.202 DAFFARS <a href="#">5318.202 Defense</a>	Determines that micro-purchases and simplified acquisitions of supplies or services (or the supplies or services themselves as applicable) are to be used in support of a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster.	No	Yes	Yes, but no lower than the COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
60	FAR 19.201(b) DAFFARS <a href="#">5319.201 General Policy</a> (b)	Implements small business programs within their activities, achieve program goals, and ensure contracting personnel maintain knowledge of program requirements.	No	Yes	No
61	DFARS 219.201(c)(8) DAFFARS <a href="#">5319.201 General Policy</a> (c)(8)	Assigns small business technical advisors to perform this function in accordance with DFARS 219.201(c)(8).	No	Yes	No
62	FAR 19.505(b), (c), and (d) DFARS 219.505(b) DAFFARS 5319.505(b)	Renders a decision regarding the CO's rejection of an SBA recommendation.	No	Yes	Yes, but no lower than COCO
63	FAR 19.1305(d) DAFFARS <a href="#">5319.1305 HUBZone Set-Aside Procedures</a> (d)	Determines not to suspend action on the acquisition because urgent and compelling circumstances exist.	No	Yes	No
64	FAR 19.1405(d) DAFFARS <a href="#">5319.1405 Service-disabled Veteran-owned Small Business Set-aside Procedures</a> (d)	Determines not to suspend action. Replies to SBA after receipt of a formal appeal from SBA concerning rejection of a set-aside for Service-disabled Veteran-owned Small Business.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
65	FAR 19.1505(g)(3) DAFFARS <a href="#">5319.1505 Set-aside Procedures</a> (g)(3)	Determines not to suspend action on the acquisition because urgent and compelling circumstances exist.	No	Yes	No
66	FAR 22.101-1(e) DAFFARS <a href="#">5322.101-1 General</a> (e)	Designates programs for contractors to notify Government of actual or potential labor disputes.	No	Yes	Yes, but no lower than COCO
67	DFARS 222.101-3-70 (b) PGI 222.101-3-70(b) (ii) DAFFARS <a href="#">5322.101-3-70 Impact of Labor Disputes on Defense Programs</a> (b)(ii)	Submits impact reports on labor disputes to agency head when sufficient urgency warrants the attention of the agency head or when specifically requested.	No	Yes	No
68	FAR 22.406-13 DFARS 222.406-13 DAFFARS <a href="#">5322.406-13 Semi-annual Enforcement Reports</a>	For construction contracts, submits Semiannual Enforcement Reports to the labor advisor.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
69	FAR 22.805(a)(8) DAFFARS <a href="#">5322.805 Procedures</a> (a)(8)	Approves an urgent or critical award, without pre-award clearance from the Office of Federal Contract Compliance Programs (OFCCP), if OFCCP cannot complete the evaluation by required date. Applies for contracts/ subcontracts \$10M or more excluding construction.	No	Yes	No
70	FAR 22.1802(d) DAFFARS <a href="#">5322.1802 Policy</a> (d)	Waives the E-Verify requirement for a contract or subcontract or a class of contracts or subcontracts, either temporarily or for the period of performance.	** Yes	No	No
71	DFARS PGI 223.370-4(1)(i)(A) (2) DAFFARS <a href="#">5323.370-4 Procedures</a> (1)(i) (A)(2)	Waives the mandatory requirements for safety precautions for ammunition and explosives.	No	Yes	No
72	FAR 25.103(b)(2) (i) DFARS 225.103 DAFFARS <a href="#">5325.103 Exceptions</a> (b) DAFFARS <a href="#">MP5325 - Foreign Acquisitions</a> (a)	Approves determination that an article/material/ supply is not mined, produced, or manufactured in the United States in sufficient quantities of satisfactory quality.	No	Yes	Yes, but no lower than the COCO



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
73	DFARS 225.103(a)(ii)(B)(2) DAFFARS <a href="#">5325.103 Exceptions</a> (b)	Approves determination for a public interest exception, valued between the simplified acquisition threshold and \$1.5M, for end products that are substantially transformed in the United States.	No	Yes	No
74	DFARS 225.103(b)(ii)(C) DAFFARS <a href="#">5325.103 Exceptions</a> (b)	Approves determination for article/material/supply, for \$1.5M or more, not domestically available and award is to be made on other than a qualifying country or eligible end product.	No	Yes	No
75	FAR 25.202(a)(2) DFARS 225-202(a)(2) DAFFARS <a href="#">5325.202 Exceptions</a> (a)(2)	Approves non-availability determination for domestic construction material.	No	Yes	Yes, but no lower than the COCO
76	DFARS 225.403(c)(ii)(A) DAFFARS <a href="#">5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements</a> (c)(ii)(A)	Approves a national interest waiver for a purchase by an overseas purchasing activity if the product is critical for the support of U.S. forces stationed abroad.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
77	FAR 25.603(a)(1)(i) DAFFARS <a href="#">5325.603 Exceptions</a> (a)(1)(i)	Approves Non-availability Determination (American Recovery and Reinvestment Act – Buy American Act – Construction Materials).	No	Yes	Yes, but no lower than the COCO
78	DFARS 225.7008(a)(2) DAFFARS <a href="#">5325.7008 Waiver of Restrictions of 10 U.S.C. 2534(a)</a> (2)	Waives restrictions on certain foreign purchases under <a href="#">10 U.S.C. 2534(a)</a> .	No	Yes	No
79	DFARS 225.7703-2(b)(2)(i) DAFFARS <a href="#">5325.7703-2 Determination requirements</a> (b)(2)(i)	Determination requirements for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan (D&F below \$93M)	** Yes	No	No
80	FAR 28.105 DAFFARS <a href="#">5328.105 Other Types of Bonds</a>	Approves using other types of bonds when acquiring particular supplies or services.	No	Yes	Yes, but no lower than the COCO
81	FAR 28.106-2(a) DAFFARS <a href="#">5328.106-2 Substitution of Surety Bonds</a> (a)	Approves the use of a new surety bond during the performance of the contract.	No	Yes	Yes, but no lower than COCO
82	DFARS 228.311-1 DAFFARS <a href="#">5328.311-1 Contract Clause</a>	Waives the requirement for use of FAR clause 52.228-7, Insurance -- Liability to Third Persons.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
83	DFARS 228.370(a)(2) DAFFARS <a href="#">5328.370 Additional Clauses</a> (a)(2)	Disallows the contractor to buy insurance for war-hazard losses. If so, the CO shall insert the clause at DFARS 252.228-7000.	No	Yes	No
84	<a href="#">Class Deviation 2011-O0006</a> DAFFARS <a href="#">Part 5331 - Contract Cost Principles and Procedures</a>	Waives the requirements of FAR 31.	No	Yes	No
85	<a href="#">Class Deviation 2011-O0006</a> DAFFARS <a href="#">Part 5331 - Contract Cost Principles and Procedures</a>	Determine that incurrence of the Contribution in Aid of Construction (CIAC) tax is necessary to achieve the most beneficial business case for the Government and allowing the CIAC tax will result in significant benefits to the Government that outweigh the cost of allowing the tax.	No	Yes	No
86	FAR 32.202-1(d) FAR 32.501-2(a)(3) DAFFARS <a href="#">5332.202-1 Policy</a> (d)	Approves unusual contract financing.	No	Yes	No
87	DFARS 232.901(1)(i)(C)(ii) DAFFARS <a href="#">5332.901 Applicability</a> (1)(i)(C)(ii)	Determines that conditions exist that limit normal business operations.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
88	FAR 33.102(b)(3)(ii) DAFFARS <a href="#">5333.102 General</a> (b)(3)(ii)	At the request of the contractor, reviews agency records associated with a request for reimbursement of protest costs by the Government.	No	Yes	Yes, but no lower than the COCO
89	FAR 33.104(b)(1) or (c)(2) DAFFARS <a href="#">5333.104 Protests to GAO</a> (b)(1) or (c)(2)	Authorizes contract award notwithstanding a GAO protest before award, or continued contract performance notwithstanding a GAO protest after award.	** Yes	No	No
90	FAR 33.104(g) DAFFARS <a href="#">5333.104 Protests to GAO</a> (g)	Reports to the GAO why their recommendations have not been followed by the agency not later than 5 days after the expiration of the 60-day response period.	** Yes	No	No
91	DFARS 233.215(3) DAFFARS <a href="#">5333.215 Contract Clause</a> (3)	Determines that continued performance is necessary pending resolution of any claim that might arise under or be related to the contract.	No	Yes	Yes, at least one level above CO
92	DFARS 234.7002(d)(4) DAFFARS <a href="#">5334.7002 Policy</a> (d)(4)	Determines the information submitted is not sufficient to determine the reasonableness of price for items developed exclusively at private expense.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
93	DFARS 235.015-70(c) & (d)(3)(ii) DAFFARS <a href="#">5335.015-70 Special Use Allowances for Research Facilities Acquired by Educational Institutions</a> (c) & (d)(3)(ii)	Approves special use allowance for research facility acquired by educational institutions.	No	Yes	No
94	FAR 36.208 DAFFARS <a href="#">5336.208 Concurrent Performance of Firm-Fixed-Price and Other Types of Construction Contracts</a>	Approves concurrent performance of firm-fixed-price and other types of construction contracts at the same work site.	No	Yes	Yes, but no lower than COCO
95	FAR 36.213-2(a) DAFFARS <a href="#">5336.213-2 Presolicitation Notices</a> (a)	Waives the requirement for pre-solicitation notices for proposed construction contracts expected to exceed the SAT.	No	Yes	Yes, but no lower than COCO
96	DFARS 236.272(b)(1) DAFFARS <a href="#">5336.272 Prequalification of Sources</a> (b)	Authorizes the use of prequalification for urgent or complex construction projects.	No	Yes	Yes, but no lower than COCO
97	DFARS 236.272(b)(2) DAFFARS <a href="#">5336.272 Prequalification of Sources</a> (b)	Approves the prequalification procedures of construction sources.	No	Yes	Yes, but no lower than COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
98	FAR 36.301(b)(3)(vi) DAFFARS <a href="#">5336.301 Use of Two-Phase Design-Build Selection Procedures</a> (b)(3)(vi)	Establishes other criteria for use of two-phase design-build selection procedures.	No	Yes	Yes, but no lower than COCO
99	DFARS 236.303-1(a)(4)(i)(B) DAFFARS <a href="#">5336.303-1 Phase One</a> (a)(4)(i)(B)	Approves determination to allow more than five offerors to submit phase two design-build proposals for acquisitions >\$4M.	No	Yes	No
100	DFARS 236.570(b)(2) DAFFARS <a href="#">5336.570 Additional Provisions and Clauses</a> (b)(2)	Approves use of a separate bid item for mobilization and preparatory work.	No	Yes	Yes, but no lower than COCO
101	FAR 36.602-3 DAFFARS <a href="#">5336.602-3 Evaluation Board Functions</a>	Oversees evaluation board functions for A&E contracts.	No	Yes	Yes, but no lower than COCO
102	FAR 36.609-1(c)(1) DAFFARS <a href="#">5336.609-1 Design Within Funding Limitations</a> (c)(1)	Determines that, in fixed-price A&E contracts, cost limitations are secondary to performance considerations and additional project funding can be expected, if necessary.	No	Yes	No

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
103	DFARS 237.104(b)(iii) (A)(2) DAFFARS <a href="#">5337.104</a> <a href="#">Personal Services Contracts</a> (b)(iii) (A)(2)	Approves a proposed personal services contract for services to be provided by individuals outside the U.S. and directly supports defense intelligence components or special operations command. Services must be urgent, cannot be obtained by other means, and are supporting DoD activities or programs outside the U.S.	No	Yes	No
104	DFARS 237.7401(c) DAFFARS <a href="#">5337.7401</a> <a href="#">Policy</a> (c)	Determines the services being acquired under contract with the local government are in DoD's best interest.	No	Yes	Yes, but no lower than COCO
105	DFARS 239.101(1) DAFFARS <a href="#">5339.101</a> <a href="#">Policy</a> (1)	Determines no commercial items are suitable to meet the agency's needs for information technology products or services.	No	Yes	Yes, but no lower than COCO
106	<a href="#">FAR 41.202(c)(2)</a> DAFFARS <a href="#">5341.202</a> <a href="#">Procedures</a> (c)(2)	Approves determination to pay the non-negotiated utility rates due to contract impasse.	No	Yes	Yes, but no lower than COCO

Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
107	FAR 41.204(c)(1)(ii) DAFFARS <a href="#">5341.204 GSA Area-wide Contracts</a> (c)(1)(ii)	Determines use of the area-wide contract for utility services is not advantageous to the Government.	No	Yes	Yes, but no lower than COCO
108	FAR 42.202(c)(2) DAFFARS <a href="#">5342.202 Assignment of Contract Administration</a> (c)(2)	Approves the delegation of additional functions to the CAO.	No	Yes	Yes, but no lower than COCO
109	DFARS PGI 242.7100(4) DAFFARS <a href="#">5342.7100 General</a> (4)	Approves the solicitation of voluntary refunds from a contractor.	No	Yes	No
110	FAR 45.102(e) DAFFARS <a href="#">5345.102 Policy</a> (e)	Determines installation or construction of Government property on contractor-owned real property in such a fashion as to become non-severable is necessary and in the Government's interest.	No	Yes	No



Item	Reference	HCA Responsibilities / Designee	Retained by HCA (SAF/AQC)	Delegated to SCOs	Delegable below SCO
111	DFARS 245.102(4)(ii)(C) (I)(ii) DAFFARS <a href="#">5345.102 Policy</a> (4) (ii)(C)(I)(ii)	Approves a determination and findings concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR part 12 or part 8 for an acquisition other than an ACAT I program.)	No	Yes	No
112	FAR 45.301(f) DAFFARS <a href="#">5345.301 Use and Rental</a> (f)	Approves use of Government property for commercial use expected to exceed 25 percent of the total use of Government and commercial work performed.	No	Yes	Yes, but no lower than COCO
113	FAR 48.104-3(a) FAR 48.202 DAFFARS <a href="#">5348.104-3 Sharing Collateral Savings</a> (a)	Determines if the cost of calculating and tracking collateral savings will exceed the benefits to be derived.	No	Yes	Yes, but no lower than COCO

**TABLE 1**

Authority to enter into, approve, or terminate Grants, Cooperative Agreements, and Other Transactions has been approved as shown below. This authority may be redelegated within the contracting functional chain of responsibility, in writing, under such terms, conditions, and limitations as may be deemed appropriate.

SCO	Grant Authority	Cooperative Agreement Authority	Other Transactions Authority
HQ AFMC/PK	Yes	Yes	Yes
HQ AFRC/A7K	No	No	No
SMC/PK	Yes	Yes	Yes
HQ AFDW/PK	Yes	Yes	Yes
HQ USAFA/PK	Yes	Yes	Yes
AFOTEC/A7K	No	No	No
AFRCO/PK	No	No	Yes
SpRCO/PK	No	No	Yes

TABLE 2

**MP5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), Service Acquisition Executive (SAE) Delegation Matrix**

NOTE : Yellow-shaded blocks indicate retained HoA-SPE-SAE responsibilities or those that are not delegable per the regulation listed in the Reference column.

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
1	FAR 3.104-2(a)	Approves agency supplementation of 3.104 including specific definitions to identify individuals who occupy positions specified in 3.104-3(d)(1)(ii), and any clauses required by 3.104	Yes - SPE	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
2	FAR 52.203-3 DAFFARS 5303.203-3	Determines, after notice and hearing, that contractor or representative offered or gave a gratuity to officer, official, or Government employee and intended, by the gratuity, to obtain a contract or favorable treatment under a contract; and determines amount of exemplary damages (between 3 and 10 times cost incurred by contractor in giving gratuities to person concerned)	No	HCA	No	No
3	DFARS 203.570-2(a) DAFFARS 5303.570-2(a)	Grants waiver in the interest of national security that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be less than 5 years	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
4	DFARS 203.570-2(b) DAFFARS 5303.570-2(b)	Makes written determination that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be more than 5 years	No	HCA	No	No
5	DFARS 203.906(c)(1) DAFFARS 5303.906(c)(1)	Takes required actions regarding reprisals as prohibited by 203.903 (10 USC 2409)	No	HCA	No	No
6	FAR 5.102(a) (5)(iii) DAFFARS 5305.102(a)(5) (iii)	Makes written determination that availability of a solicitation through the GPE is not in the Government's interest	No	HCA	No	No
7	FAR 5.202(b) DAFFARS 5305.202(b)	Makes written determination after consult with Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration that advance notice of proposed contract action is not appropriate or reasonable	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
8	FAR 6.304(a) (4)	Approves in writing the justification for other than full and open competition for proposed contracts over \$100 million	Yes - SPE	No	No	No
9	FAR 7.107-2(b) DAFFARS 5307.107-2(b)	Determines that consolidation is necessary and justified if the benefits of the acquisition would substantially exceed the benefits that would be derived from each of the alternative contracting approaches identified under paragraph (a) (2).	No	HCA	Yes	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
10	FAR 7.107-2(e) DAFFARS 5307.107-2(e)	Determines that consolidation is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit at paragraph (d)(1) of this subsection but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	No	HCA	Yes	No
11	FAR 7.107-3(a)	Makes written determination that the bundling is necessary and justified in accordance with 15 U.S.C. 644(e) after ensuring that conditions at (a)-(e) are met.	Yes - HoA	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
12	FAR 7.107-3(f) (1)	Determines that bundling is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	Yes - SPE	No	No	No
13	FAR 8.405-3(a) (3)(ii) DAFFARS 5308.405-3(a) (3)(ii)	Determination (in writing) to award single-award Blanket Purchase Agreement with an estimated value exceeding \$112 million (including any options).	No	HCA	Yes	No
14	FAR 8.405-6(b) (3)(ii)(C) DAFFARS 5308.405-6(b) (3)(ii)(C)	Makes written determination that access through e-Buy not in Government's interest	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
15	FAR 8.405-6(d) (4)	Approves the justification for limited sources under a BPA with an estimated value over \$100 million	Yes - SPE	No	No	No
16	FAR 9.405(a) DAFFARS 5309.405(a)	Determines compelling reason exists to solicit offers from, award contracts to, or consent to subcontracts with contractor debarred, suspended, or proposed for debarment	No	HCA	No	No
17	DFARS 209.405(b)(ii) (A) DAFFARS 5309.405(b)(ii) (A)	Grants exemption permitting award to contractor that has violation of Clean Air or Clean Water Act	No	HCA	No	No
18	FAR 9.405(e) (2)-(3) DAFFARS 5309.405(e)(2)- (3)	Makes written determination of the compelling reason to consider bid received from, evaluate for award, include in competitive range or hold discussions with listed contractor	No	HCA	No	No



Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
19	FAR 9.405-1(a) DAFFARS 5309.405-1(a)	Directs discontinuance of contracts or subcontracts in existence at time contractor was debarred, suspended, or proposed for debarment	No	HCA	No	No
20	FAR 9.405-1(b) DAFFARS 5309.405-1(b)	For contractors debarred, suspended, or proposed for debarment, makes written determination of the compelling reasons to place orders exceeding the guaranteed minimum; place orders under FSS, BPAs, or BOAs; or add new work, exercise options, or otherwise extend duration of current contracts or orders	No	HCA	No	No
21	FAR 9.405-2(a) DAFFARS 5309.405-2(a)	States in writing that compelling reason exists for CO to consent to proposed subcontracts with contractors debarred, suspended, or proposed for debarment	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
22	DFARS 211.274-2(b)(2) (i)(A) DAFFARS 5311.274-2(b) (2)(i)(A)	Executes D&F that it is more cost effective for the Government to assign, mark, and register the unique item identifier after delivery, & item is from SB concern or is commercial acquired under FAR Part 12 or 8 <b>for an ACAT I program</b>	No	PEO	No	No
23	FAR 11.501(d) DAFFARS 5311.501(d)	Waives or reduces the amount of liquidated damages assessed under a contract if Commissioner, Financial Management Service, or designee approves (see Treasury Order 145-10).	No	HCA	No	No
24	DFARS 212.207(b)(iii) DAFFARS 5312.207(b)(iii)	Approves written determination by the contracting officer to use T&M or LH for commercial services contracts expected to extend beyond three years	No	HCA, if the base period plus any option period exceeds 3 years	Yes, if the base period plus any option period is 3 years or less and T&M or LH value exceeds \$1M	Yes, one level above the CO if the base period plus any option period is 3 years or less and the T&M or LH value is less than or equal to \$1M

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
25	FAR 13.501(a) (2)(iv)	Approves the justification for sole source (including brand name) acquisitions conducted under subpart 13.5 for a proposed action exceeding \$100 million	Yes - SPE	No	No	No
26	FAR 16.504(c) (2)(i)(A) DAFFARS 5316.504(c)(2) (i)(A)	Designates official other than contracting officer to make determination in writing, as part of acquisition planning, that multiple awards are not practicable (Contracts for A&S)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
27	FAR 16.504(c) (2)(i)(B) DAFFARS 5316.504(c)(2) (i)(B)	Designates official other than contracting officer to make determination in writing, after the evaluation of offers, that only one offeror is capable of providing the services required at the level of quality required (Contracts for A&S)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
28	FAR 16.504(c) (2)(ii) DAFFARS 5316.504(c)(2) (ii)	Designates official other than contracting officer to make determination whether advisory and assistance services are incidental and not a significant component of contract	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
29	FAR 16.505(b) (2)(ii)(C)(4)	Approves the justification for exceptions to fair opportunity for a proposed order over \$100 million	Yes - SPE	No	No	No
30	FAR 17.105-1(b) DAFFARS 5317.105-1(b)	Enters into a multi-year contract (MYC) for supplies (DoD) if conditions at (b) (1)-(5) are met	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
31	DFARS 217.170(a) DAFFARS 5317.170(a)	Compares cost if MYC to cost of an annual procurement approach, using present value analysis; award only if MYC will result in the lower cost	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
32	DFARS 217.170(b) DAFFARS 5317.170(b)	Provides written notice to the congressional defense committees at least 30 days before termination of any MYC	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
33	DFARS 217.171(c) DAFFARS 5317.171(c)	Makes written determination before entering into a MYC that the conditions at (c)(1)-(3) are met	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
34	DFARS 217.172(h) DAFFARS 5317.172(h)	Ensures that the conditions at (h)(1)-(7) are satisfied before awarding a MYC for a defense acquisition program that has been specifically authorized by law to be carried out using MYC authority	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
35	DFARS 217.173 DAFFARS 5317.173	Enters into a MYC for up to 4 years (for supplies and services required for management, maintenance, and operation of military family housing) and pay for each year from annual appropriations	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
36	DFARS 217.204(e)(i) (C) DAFFARS 5317.204(e)(i) (C)	Determines in writing that exceptional circumstances require an ordering period that exceeds 10 years.	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
37	DFARS 217.204(e)(iii) DAFFARS 5317.204(e)(iii)	Approves issuance of an order subject to 217.204(e)(i) if performance under the order is expected to extend more than 1 year beyond the 10-yr limit or extended limit described in (e)(i)(C)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
38	FAR 17.502-2(c)(2)	Approves D&F for an Economy Act order to obtain supplies or services by interagency acquisition when the servicing agency is not covered by the FAR	Yes - SPE	No	No	No
39	DFARS 217.7404-5(b) AFARS 5317.7404-5(b)	Waives limitations of 217.7404(a) Foreign military sales contracts; 217.7404-2 Price ceiling; 217.7404-3 Definitization schedule; and 217.7404-4 Limitations of obligations, if necessary to support cont. ops or humanitarian/peacekeeping op.	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
40	FAR 19.1505(g)(3) DAFFARS 5319.1505(g)(3)	Issues a written decision on appeal of CO rejection of SBA recommendation or makes a written determination that urgent and compelling circumstances which significantly affect the interests of the United States compel award of the contract	No	HCA	No	No
41	FAR 19.1505(g)(5) DAFFARS 5319.1505(g)(5)	Specifies in writing the reasons for a denial of an SBA formal appeal	No	HCA	No	No
42	DFARS 222.7003 DAFFARS 5322.7003	Waives the requirements of 222.7002 on case-by-case basis for national security	No	HCA	No	No
43	FAR 25.103(a) DFARS 225.103(a)(ii)(B)(3) DAFFARS 5325.103(a)(ii)(B)(3)	Determines that domestic preference for foreign end product would be inconsistent with the public interest for acquisitions valued at \$1.5 million or more.	Yes - HoA For ACAT I Programs	HCA - For other than ACAT I programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
44	FAR 25.202(a) (1) DAFFARS 5325.202(a)(1)	Determines that application of the restrictions of the Buy American statute to a particular construction material would be impracticable or would be inconsistent with the public interest.	Yes - HoA For ACAT I Programs	HCA - For other than ACAT I programs	No	No
45	FAR 25.204(b) DAFFARS 5325.204(b)	Specifies a higher percentage than 6 percent that the CO adds to the offered price of any foreign construction material proposed for exception from the requirements of the Buy American statute based on the unreasonable cost of domestic construction materials.	Yes - HoA For ACAT I Programs	HCA - For other than ACAT I programs	No	No



Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
46	FAR 25.603(a) (1)(iii) DAFFARS 5325.603(a)(1) (iii)	Determines that application of the restrictions of section 1605 of the Recovery Act to a particular manufactured construction material, or the restrictions of the Buy American statute to a particular unmanufactured construction material would be inconsistent with the public interest	Yes - HoA For ACAT I Programs	HCA - For other than ACAT I programs	No	No
47	FAR 25.603(a) (2) DAFFARS 5325.603(a)(2)	Determines that application of the Buy American statute to a particular unmanufactured construction material would be impracticable	Yes - HoA For ACAT I Programs	HCA - For other than ACAT I programs	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
48	FAR 25.603(b) (2) DAFFARS 5325.603(b)(2)	When a determination is made, for any of the reasons stated in this section, that certain foreign construction materials may be used, provides a notice to the Federal Register within three business days after the determination of the inapplicability of Section 1605 of the Recovery Act is made, with a copy to the Administrator for Federal Procurement Policy and to the Recovery Accountability and Transparency Board.	No	HCA	No	No
49	FAR 25.1001(a) (2)(iii) DAFFARS 5325.1001(a)(2) (iii)	Executes D&F in accordance with 25.1001(b), that use of 52.215-2 w/ Alt III or 52.215-5 w/ Alt I will best serve interest of the United States	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
50	DFARS 225.7501(c) DAFFARS 5325.7501(c)	Any time during the acquisition process, determines that not in the public interest to apply the restrictions of the Balance of Payments Program to end product or construction material	No	HCA	No	No
51	DFARS 225.7703-2	Makes written determination that it is in the national security interest of the US to use procedures in 225.7703-1(a) for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan	Yes - SAE	No	No	No
52	FARS 26.203(b) DAFFARS 5326.203(b)	Determines in writing that transition to local firms is not feasible or practicable (individual or class basis)	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
53	FAR 27.306(a)	In contracts with small business concerns or nonprofits, approves and signs written justification allowing Government to require licensing to 3rd parties of inventions. May only authorize if (1) Use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the contract; and (2) Action is necessary to achieve the practical application of the subject invention or work object.	Yes - HoA	No	No	No
54	FAR 30.202-6(b)	Authorizes award of a CAS-covered contract w/o obtaining submission of the required disclosure statement	Yes - HoA	No	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
55	FAR 32.402(c) (1)(iii) DAFFARS 5332.402(c)(1) (iii)	Determines, based on written findings, that advance payment is in public interest or facilitates national defense	No	HCA	No	No
56	FAR 32.906(a) DAFFARS 5332.906(a)	Determines that (1) making invoice and contract financing payments earlier than 7 days prior to the dates specified in the contract is warranted in a specific case; or (2) use of accelerated payment methods described in 5 CFR §1315.5 is necessary	No	HCA	No	No
57	FAR 32.1106(b) DAFFARS 5332.1106(b)	Authorizes electronic funds transfer (EFT) for a non-domestic transaction if (1) the political, financial, and communications infrastructure in the foreign country supports EFT payment; or (2) payments of other than United States currency may be made safely	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
58	DFARS 236.270(a)	Certifies that the additional expenditures are necessary to protect the National interest AND establishes a reasonable completion date for the project (Approval to expedite the completion date of a contract funded by a MILCON appropriations act, if additional costs are involved)	Yes - HoA	No	No	No
59	FAR 37.113-1(a) DAFFARS 5337.113-1(a)	May waive the 31.205-6(g) (6) cost allowability limitations on severance payments to foreign nationals that meet the conditions at 37.113-1(a)(1)-(2)	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
60	DFARS 243.204-70-5(c) DAFFARS 5343.204-70-5(c)	Waives limitations of 243.204-70-2 (price ceiling); 243.204-70-3 (definitization schedule); and 243.204-70-4 (limitations on obligations) if necessary to support cont. ops or humanitarian/peacekeeping op.	No	HCA	No	No
61	FAR 44.302(a) DAFFARS 5344.302(a)	Raises or lowers the \$25 million contractor purchasing system review (CPSR) level if considered to be in the Government's best interest	No	HCA	No	No
62	DFARS 245.102(4)(ii) (B) DAFFARS 5345.102(4)(ii) (B)	Determines contractor will not be required to tag, label, or mark items that are to be in support of contingency operation or to facilitate defense against/recovery from NBCR attack	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
63	DFARS 245.102(4)(ii) (C)(1)(i) DAFFARS 5345.102(4)(ii) (C)(1)(i)	Executes D&F concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR part 12 or part 8 <b>for ACAT I programs.</b>	No	PEO	No	No
64	DFARS 249.501-70(a) DAFFARS 5349.501-70(a)	Approves the use of 252.249-7000, Special Termination Costs in incrementally funded contract	No	HCA	No	No

#### MP5301.602-2 (d) Designation, Assignment, and Responsibilities of a Contracting Officers Representative (COR)

The following are mandatory procedures (MP) for standardizing the Air Force (AF) contracting process regarding designation, assignment, and responsibilities of a Contracting Officer's Representative. The assignment of a COR is not necessary when the CO retains or delegates surveillance to DCMA, or one of the categories of services exempted in [AFI 63-138](#), except Construction. [DoDI 5000.72](#) requires COs to designate a COR for Construction contracts, unless the contracting officer retains and executes contract oversight responsibilities when the conditions of [DFARS 201.602-2](#) exist.

#### 1.0 Contracting Officer Roles and Responsibilities

1.1 As part of the acquisition planning process, the CO must determine the nature of the work/requirement (Type A, B, or C) as specified in [DoDI 5000.72](#), *DoD Standard for Contracting Officer's Representative (COR) Certification*.

1.2 If the requiring activity has not yet initiated a COR nomination, the CO must initiate the [Request for COR Support](#) to notify the requiring activity of the need for COR(s) support and to prompt requiring activity nomination of a qualified COR via the Joint Appointment Module (JAM) (formerly CORT Tool) in Procurement Integrated Enterprise Environment (PIEE). 1.2.1 The Request for COR Support memorandum initiated by the CO should be routed through requiring activity (e.g., COR Supervisor, Functional Commander/Director (FC/FD)). See Enclosure 5 of [DoDI 5000.72](#), Qualification



Requirements for CORs and Enclosure 6 of [DoDI 5000.72](#). Examples of COR Responsibilities and COR Certification Requirements. The COR must file the CO's Request for COR Support memorandum (if used) in the "COR Online File."

1.2.2 The CO must provide contract specific training (see paragraph 1.3.7). COR management is responsible for ensuring that any COR performing under a waiver pursuant to sections 1701-1764 of Title 10, United States Code completes all required training. New entrant and required DoD Component provided ethics and combating trafficking in persons (CTIP) training may not be waived.

1.2.3 The CO shall perform, with participation of the COR and COR supervisor, a yearly administrative review of the COR's online file during the anniversary month of appointment, or more often, at the discretion of the CO. The CO shall upload the COR File Annual Checklist to the Surveillance and Performance Monitoring (SPM) (Formerly CORT Tool) in PIEE comprised of the minimum requirements of DFARS PGI 201.602-2(d)(vi), and contract and COR-related documents necessary for the effective discharge of COR duties and responsibilities. The Checklist (available in SPM) shall guide the COR in populating the online COR File, and serve as the basis for the CO to judge the accuracy and completeness of the COR file during each review.

1.2.4 Upon completion of each CO review of the online COR File, the CO shall document the results on the COR File Annual Checklist, and upload each Checklist review to the SPM.

1.2.5 The [COR Designation](#) from the CO must also:

- (a) Designate the COR (if required) as an Assessing Official Representation (AOR) supporting the CPAR process;
- (b) Stipulate that the COR will be required to have access to the Synchronized Pre-Deployment & Operation Tracker (SPOT) (if required due to overseas deployment support); and
- (c) Stipulate whether the COR will require access to the Enterprise-wide Contract Manpower Reporting Application (eCMRA).

1.2.6 Notification of COR designation should be provided to the QAPC.

1.2.7. Distribution of the fully executed COR designation must be made to the COR, COR Supervisor, Contractor and Property administrator. In addition, notification must be sent to the local Judge Advocate General office or Office of General Counsel immediately upon the appointment of a COR designated as an OGE Form 450 filer, and annually by January 1st, a list of all CORs required to file [OGE Forms 450](#).

1.2.8 In addition to the matters listed in DAFFARS [5301.602-2\(c\)](#), contracting officers should obtain legal review for the following:

1.3 CO, Contract Specialist, or QAPC Led Training. The CO must ensure contract-specific training is scheduled and provided to the prospective COR, unless waived (see 1.2.2). The training may be conducted by the CO, Contracting Specialist, or QAPC, and must consist of the following at a minimum prior to contract award:

- 1.3.1 Duties/responsibilities to be delegated;
- 1.3.2 Importance of COR performance;
- 1.3.3 Personal conflicts of interest and potential conflicts of interest;
- 1.3.4 Unauthorized commitments;
- 1.3.5 Ethics/integrity in relationships with the CO, COR management (e.g., COR Supervisor, Services Designated Official (SDO), Functional Commander/ Directors (FC/FD)), and the contractor;
- 1.3.6 Discussion of the [Seven Steps to the Services Acquisition Process](#).
- 1.3.7 Contract-specific training consisting as a minimum of the following:
  - 1.3.7.1 A discussion of the contract (SOW, PWS, Specifications, etc.), and surveillance plan/QASP;
  - 1.3.7.2 An awareness of any areas in the contract susceptible to fraud, waste, and abuse;
  - 1.3.7.3 Creation, maintenance, and submission of all surveillance documentation and contractor performance assessment information required by the contract and applicable regulations;
  - 1.3.7.4 How the COR can stay abreast of contract modifications;
  - 1.3.7.5 How the COR can monitor contract fund status; and,
  - 1.3.7.6 Joint CO and COR review of the "COR File Annual Checklist" to ensure mutual understanding of the level/quality of surveillance and documentation must be maintained in the on-line SPM file.

1.3.8 Refer to the [Suggested Contract-Specific Training Syllabus](#) template for conducting contract-specific training. The template may be tailored to fit your acquisition.

#### **COR Performance and Appraisal**

1.4 At a minimum, the CO and COR supervisor must review the COR's reports, files, and other documentation for completeness/accomplishment, on an annual basis.

1.5 The CO must provide an annual assessment, as a minimum, on the COR's performance to the COR supervisor. The assessment may be performed concurrently with the administrative review of the COR online file detailed in 1.2.3.

1.6 The COR must complete and upload reports to the SPM, as required, to enable the CO to review and approve/ reject reports in the SPM.

1.7 When the CO terminates the COR's duties (see [Termination of COR Designation](#)), a new COR can be nominated prior to terminating the former COR. The requiring activity must nominate a COR replacement via the JAM to ensure continuous contract monitoring by a qualified individual. Copies of the designation for the successor COR will have the same distribution requirements as the COR letter of designation.

1.8 When the requiring activity requests termination of COR designation, the CO must terminate the COR designation in writing (use of the "Smart Form" in the JAM is authorized). Include the signed [Termination of COR Designation](#) in the official contract file.

1.9 The CO must forward a copy of the fully executed [Termination of COR Designation](#) to the COR, COR Supervisor, Contractor, and as applicable, to the contract administration office(r).

## 2.0 COR Roles and Responsibilities

2.1 Register for JAM and SPM access through the PIEE e-Business Suite at <https://wawf.eb.mil>, and complete training to effectively perform duties in the SPM. Training includes a review the JAM and SPM Users Guide and FAQs, and if necessary, a request for additional training from a local Department Administrator (DA).

2.2 Provide information necessary to assess whether any actual or potential personal conflicts of interest with performing the responsibilities to be designated exist. Conflicts of interest determination will be reviewed again prior to contract award.

2.3 Participate, as requested, in annual CPAR procedures and contract close-out.

2.4 Remain abreast of changes to terms and conditions of the contract resulting from contract modifications.

2.5 Perform only those duties/responsibilities delegated by the CO in the [COR Designation](#).

2.6 CORs may be designated as the Assessing Official's Representative (AOR) by the CO in the Contractor Performance Assessment Reporting System (CPARS) IAW the CPARS Guide. If designated as an AOR, the COR would be responsible for providing a timely, accurate, quality, and complete narrative for a report on the contractor's performance. If the CO requires the COR to have access to the contractor performance assessment reporting system (CPARS), the synchronized pre-deployment and operational tracker (SPOT) or the enterprise contractor manpower reporting application (eCMRA), an account would be authorized and granted after COR designation.

## 3.0 COR Supervisor

3.1 Register for SPM access via the Procurement Integrated Enterprise Environment (PIEE) e-Business Suite at <https://wawf.eb.mil>, and then complete training to effectively perform duties in the SPM. Training includes a review of the JAM and SPM Tool Users Guide and FAQs, and if necessary, a request for additional training from a local DA.

3.2 Review and approve (certify) or reject COR nominations in the JAM, when submitted by an assigned COR in the JAM and notified by a system-generated email that a nomination is "Awaiting Approval".

3.3 The COR Supervisor shall ensure that the COR completes and uploads COR Reports to SPM, as required, to enable the CO to review and approve/ reject reports in the SPM.

3.4 Conduct regular reviews of COR inputs into SPM, and follow-up as necessary, on the content, timeliness, and completeness of COR Reports, online files, and other COR-related documentation.

3.5 If a Chief-Contracting Officer's Representative (C-COR) is appointed for a service contract pursuant to [AFI 63-138](#), *Acquisition of Services, Chapter 2*, the C-COR must maintain the sole online COR file in SPM for the contract. When a CO appoints a C-COR and CORs on the same contract, the relationship shall be annotated on the COR Designation.

## 4.0 OGE 450 Determination and Processing

4.1 A COR must file an [OGE 450](#) if determined to meet the criteria for filing a Confidential Financial Disclosure Report (OGE Form 450) as set forth in section 2634.904 of Title 5, Code of Federal Regulations, and section 7-300 of DoD 5500.07-R.

4.1.1 A COR need not be designated as an OGE 450 filer, IAW section 2634.904 of Title 5, if all of the following apply: (a) The COR will NOT participate personally and substantially in any contracting process,

(b) The COR will NOT exercise substantial discretion, through interactions, decisions, or reports, that will influence the contractor's activities and result in a substantial economic effect on the contractor's interests,

(c) The COR's work and judgment WILL BE subject to "substantial supervision and review" by the CO & COR Supervisor, with final authority deferred to the CO for contractor direction and contract-related matters, and

(d) The COR's actions will NOT cause any conflict of interest (real or apparent) between the interests of the COR and the government and/or the contractor

4.2 The COR must submit the completed [OGE 450](#) directly to his or her supervisor and provide the information contained on the OGE 450 to the CO for review prior to submission to the local legal office by the required date.

### 5.0 Quality Assurance Program Coordinator (QAPC)

5.1 Train CORs and COR management [e.g., COR Supervisor, SDO, Functional Commanders/Directors (FC/FD)] on the contracting requirements associated with the quality assurance program and any MAJCOM/DRU/AFRCO/SMC procedures prior to contract award. See paragraph 1.5 herein.

5.2 Assist the CO in providing contract-specific training (to include refresher training) to the COR (Reference paragraph 1.3 above) and ensuring required training is accomplished in accordance with [DoDI 5000.72](#), *DoD Standard for Contracting Officer's Representative (COR) Certification*, 26 Mar 15.

5.3 Monitor the inputs and use of SPM for the assigned organization. This requires registration, training, and designation as a local JAM/SPM DA or Manager Role by all QAPCs. DAs/Managers provide functional, not technical support, and provide for the continued deployment of JAM and SPM for new users and for the support of existing users in the local organization, by performing three categories of duties:

5.3.1 **GETTING STARTED** : (a) Advise or assist new users with initial JAM/SPM registration, or existing users with registration and profile updates, through the PIEE e-Business Suite platform; (b) Activate new roles (if designated as a DA) and added roles (only if a DA) after verifying proper completion of the automated DD2875; and,

(c) Conduct JAM SPM training or provide training resources to users.

5.3.2 **USER SUPPORT** : (a) Advise and assist on the functions & features of JAM/SPM; (b) Use Administrator or Manager privileges to research, troubleshoot, and advise on reported functional issues; (c) Refer users to the PIEE Helpdesk, when a reported issue involves accounts, errors, or technical support; (d) Monitor records of all COR nominations, designations, and terminations of designations, to include COR's acknowledgement of their duties, by contract number and CO's name;

(e) Monitor records of all COR and COR management training, including refresher training regardless of provider (e.g., QAPC, CO, contract specialist, contract administrator, Defense Acquisition University, or commercial training provider)

### 6.0 Memorandum Templates and Contract Training Syllabus

[Request for COR Support](#)

[Suggested Contract-Specific Training Syllabus](#)

### MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers

**Back to Basics (BtB)**: Due to changes in the DoD certification program, some candidates may be unable to complete certification. An individual without certification may be selected for contracting officer appointment (limited or unlimited) if approved by the warrant issuing authority (SCO/COCO.)

(a) Applicability. This MP must be used when selecting, nominating, appointing, and terminating contracting officers (CO) to maximize standardization across the AF. Warrants are issued in accordance with [FAR 1.603](#), [DFARS 201.603](#), 10 USC 1724 and this MP. 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 O-6. 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.

(b) 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](#) and this MP.

(c) Focal Point (FP). FPs must be designated in writing via the FP designation form and may be assigned unlimited or limited duties as indicated in the [Warrant Process Focal Point Designation Form](#). Each SCO is responsible for appointing FPs and must designate at least one FP with unlimited duties. SCOs may delegate authority to appoint "limited FPs" to perform Contracting Officer Test (COT) Proctor functions to the COCO. This authority is not further delegable. Follow the form instructions when appointing FPs.

(d) AF CO Warrant Tracking Tool. All warrants are entered into and tracked via the AF CO Warrant Tracking Tool ([AFCOWTT](#)). FPs obtain access to the AFCOWTT by submitting a copy of the Warrant Process Focal Point Designation Form to [HQ AFMC/PK](#). Prior to obtaining access, FPs must request training on the use of the AFCOWTT by contacting HQ AFMC/PK, as applicable. FPs are responsible for entering all warrant data into the tool, and for uploading warrants (SF1402s) (and up to three past [SF1402s](#)), a copy of the COT certificate, and the [Contracting Officer Appointment/Warrant Eligibility Transfer/Termination Request \(COWER\)](#). FPs also administer all other warrant actions and are responsible for maintaining current, accurate, and complete warrant data in the AFCOWTT.

(e) CO Warrant Nomenclature. All transferable warrants shall list "Department of the Air Force" on the "Organization" and "Agency/Department" lines of the [SF1402](#). All transferable warrants are numbered as follows: the first two positions are "AF", the third and fourth positions are the last two digits of the fiscal year (FY) in which the appointment is made, and positions 5-9 are obtained from the identification (ID) field of the AFCOWTT; for example, in FY21 an ID field number of 12345 would yield an appointment number of AF-21-12345. Current transferable warrants will be updated through attrition. All new non-transferable warrants will be numbered as follows: Organization-FY-XXXXX e.g., SSC-21-12499 for SSC; positions 5-9 are obtained from the ID field of the AFCOWTT.

(f) Nominating Warrant Candidates. Warrant candidates are nominated by a candidate sponsor who shall be no lower than the candidate's first level supervisor. Submit warrant nominations to the designated FP using the COWER.

(g) AF Contracting Officer Test (COT). Candidates for warrants above the simplified acquisition threshold (SAT) must pass the two-hour timed, open book COT by achieving a minimum score of 80%.

(1) The COT is a proctored, computer generated test containing 25 randomly selected true/false and multiple-choice questions from the FAR, DFARS, and/or DAFFARS. Each question is worth up to two points.

(2) During the COT, candidates are limited to the use of electronic regulations available via [www.acquisition.gov](#) and hard copies of the FAR and DFARS (free of tabs and notes); however, hard copies will not be provided. Notes and electronic devices are not permitted in the testing site. Use of email, instant messaging, or any other form of electronic communication is prohibited during the COT.

(3) Candidates must provide the correct answer and the correct, associated complete reference (e.g., [FAR 15.401\(a\)\(2\)\(i\)\(B\)](#)), in order to earn two points. If the candidate answers the question correctly but provides an incorrect reference, one point will be received. If the candidate answers the question incorrectly but the reference correctly, the candidate will not receive any points as this indicates a failure to understand the regulation. The COT is automatically and electronically scored.

(i) If the candidate fails to pass the COT, the candidate may challenge missed questions and/or references in accordance with the [Proctor User Guide](#) only when approval of the challenge would result in a passing score. (NOTE: Access to the guide is restricted to warrant focal points.)

(ii) A candidate who fails the COT may retake it if authorized by their immediate supervisor and space is available. If the candidate fails to pass the COT on the second attempt, the candidate may not retake the COT until a six month waiting period has passed.

(iii) Supervisors are authorized to approve a maximum of two continuous learning points per 12 month period for an individual who completes the COT, whether for a warrant request action or for training purposes.

(4) Practice COT: A practice test titled Contracting Officer Demo Test - C10979 was developed to help familiarize warrant candidates with the question structure of the COT. The practice test is available via the [myLearning site](#). It is a non-proctored, 50-minute, timed test consisting of ten questions which are electronically and randomly selected from a 20 question pool. Practice tests may not be administered on the SCORM site. There is no limit on the number of times the practice COT may be taken. The completion of a practice test shall not be used as the basis for warrant eligibility.

(h) Unlimited Warrants. Warrants greater than \$25M require a minimum of two years of contracting experience, a baccalaureate degree, successful completion of the Contracting Officer Test (COT) and passing a warrant board. All unlimited warrants are transferable across the AF.

(1) Warrant Boards.

(i) Warrant boards are reserved exclusively for warrants greater than \$25M and are used to further assess the candidate's experience, qualifications, communication skills, and overall demeanor.

(ii) Warrant boards must be chaired by the appointing official or designee at a level no lower than:

- (A) Deputy Director or Assistant Director of Contracting;
- (B) Technical Director/Assistant to the Director of Contracting;
- (C) Chief of the Clearance and Program Support Division or Chief of Policy;
- (D) Highest level contracting official at a geographically separated organization; or
- (E) COCO, Deputy, or equivalent.

(iii) Warrant boards must have a minimum of five members, including the board chairperson, participating to constitute a quorum. Suggested board composition includes:

- (A) Contracting office supervisors;
- (B) Representative from the staff judge advocate office;
- (C) Competition Advocate;
- (D) Clearance/program support procurement analyst;
- (E) Small business specialist/liaison;
- (F) Supervisors/Directors/Deputy Directors from other disciplines; and/or
- (G) Cost/price analyst.

(iv) Warrant board members may participate in person, by teleconference, or video conference at the discretion of the board chairperson.

(v) The warrant candidate must correctly answer and/or discuss no fewer than 10 questions, seven of which must be obtained from the scenario-based AF question repository. To obtain access to the question repository, submit the Warrant Process Focal Point Designation Form to HQ AFMC/PK. The appointing official has the discretion to develop new question(s) for the remaining three questions, which may be scenario- or knowledge-based. The board shall include questions that address PEO, Enterprise, and Operational portfolios, as well as pricing, fiscal law, contract law, legal, and problem solving.

(vi) The board chairperson/appointing official, in consultation with the board members, may appoint an unlimited warrant, a limited, specified dollar warrant, or none. Individuals awarded an unlimited warrant as a result of a warrant board shall not be required to sit before the board again.

(i) Limited Transferable Warrants. Warrants limited by a monetary threshold are transferable across the AF. Dollarized warrant limitations apply to the value of the instant contract action a CO is executing. For example, if a CO holds a limited warrant of \$5M and the contract award amount of the instant action is \$6M, the CO is not authorized to sign the contract; however, the same CO would be authorized to sign a \$5M funding action issued against the same contract.

(1) For warrants up to but not in excess of the SAT, contracting personnel (including purchasing agents in the GS-1105 series) must have at least one year of contracting experience.

(2) For warrants exceeding the SAT but less than \$5M, member must have at least 2 years of contracting experience and have successfully completed the Contracting Officer Test (COT). Warrant boards shall not be convened for warrants within this threshold.

(3) For warrants equal to or greater than \$5M, but not more than \$25M require a minimum of two years of contracting experience, successful completion of the COT and vetting process established by the appointing official and documented on the COWER. Warrant boards shall not be convened for warrants within this threshold.

(j) 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 MP.

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

(2) An LN candidate for a warrant above the SAT must meet the following minimum functional training, work experience, and formal education requirements:

(i) Complete all contracting courses as required for a member of the Defense Acquisition Workforce for 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).

(3) Warrants equal to \$5M but not greater than \$25M require a vetting process established by the appointing official and documented on the COWER.

(4) Warrants greater than \$25M require a warrant board.

(k) A member of the contingency contracting force in AFSC 6C0X1 who does not possess a baccalaureate degree from an accredited institution may be nominated, evaluated, and selected for a limited warrant not to exceed \$25M in accordance with 10 USC 1724. Military and Civilian personnel with an active Department of the Air Force warrant, may use their existing warrant in support of Contingency Operations.

(l) Non-Transferable Warrants. Non-transferable warrants may be issued for specific functions or buying activities (e.g., contract closeout, defective pricing actions, funding modifications, administrative modifications, specific contracts, units, etc.) Candidates for limited non-transferable warrants above the SAT should pass the COT in accordance with this MP. Warrant boards shall not be used for non-transferable warrants; however vetting process may be used when the resultant



contract actions are expected to exceed \$25M. The SF1402 must clearly state "Limited Non-Transferable Warrant" and cite the specific warrant limitations,

(m) Warrant Transfer and Reinstatement.

(1) Warrants issued in accordance with this MP, with the exception of those issued in accordance with paragraph (l) above, are transferable across the AF. As long as a warrant is in good standing, an individual shall not be required to test or board again. However, warrant transferability does not guarantee immediate utilization, as the gaining appointing official may determine that time is needed to facilitate familiarity with new workload responsibilities and organizational procedures. Instructions regarding electronically transferring a warrant to a new organization are located in the AFCOWTT.

(2) Warrant reinstatement is applicable to an individual who previously held an AF warrant and whose warrant was subsequently terminated for reasons such as reassignment or resignation. A request to reinstate an AF warrant must be submitted to the appointing official for approval through the designated FP using the COWER. The appointing official shall document their assessment and rationale for warrant reinstatement on the COWER.

(n) Grandfathered Contracting Officers. Current COs are not required to be tested, boarded, or reappointed as a result of the issuance of, or changes to, this MP. However, those with limited non-transferable or limited transferable warrants must meet the requirements of this MP to obtain a transferable and/or higher dollar value warrant. Taking of the COT is only required for those candidates holding a limited non-transferable warrant.

(o) Warrants Issued Based on External Warrant Credentials. A new AF 1102 with external, federal government CO experience may be issued an AF warrant without meeting the requirements of this MP (COT and vetting process or warrant board) based on the discretion of the appointing official, provided they meet the qualification requirements at DFARS 201.603-2. The appointing official must conduct an assessment of the candidate's qualifications and experience prior to the issuance of an AF warrant. The appointing official shall document the rationale for appointment on the COWER ([See sample criteria.](#))

(p) Reissuance of Warrant Certificates. A request to reissue an existing warrant certificate for administrative purposes (e.g., damage to or deterioration of the original [SF1402](#), name changes, etc.) is not a new appointment and may be submitted directly to the FP for processing to the appropriate appointing official; use of the COWER is not required.

(q) Warrant Suspension or Termination for Cause. Warrants may be suspended or terminated for unsatisfactory performance. The appointing official may suspend a warrant in writing until proficiency is demonstrated to the satisfaction of the appointing official. If a warrant is terminated for cause, the candidate must be reappointed in accordance with paragraphs (h), (i), or (j) of this MP.

## MP5301.90 - CLEARANCE

### MP5301.9001 (i)(1)(i)- Business Clearance Approval by the DAS(C)/ADAS(C)

#### MP5301.9001a (A) Business Clearance Approval for Non-Competitive Actions

(1) The contracting officer will submit notifications to [SAF/AQC](#) thirty days prior to the anticipated Business Clearance Session with the DAS(C)/ADAS(C).

(2) no later than 10 business days prior to the desired Business Clearance Session, the contracting officer will forward the following documents through the SCO to [SAF/AQC](#):

- (a) Completed [Request for Business Clearance](#) (non-competitive);
- (b) Copies of the Commercial Item Determination(s) (DFARS 212.102(a)(i)) that are greater than or equal to \$1M;
- (c) [Preliminary Price Negotiation Memorandum](#) and related attachments;
- (d) [Request for Business Clearance](#) (non-competitive) briefing charts; and
- (e) On a case-by-case basis, additional documentation may be requested in support of the SAF/AQC and/or DPC Peer Review.

(f) The designated CR will conduct the clearance review prior to submitting the required clearance documents to [SAF/AQC](#).

(g) If DPC Peer Review is required, the Business Clearance Session to brief the clearance approval official occurs prior to the commencement of the DPC Peer Review Phase 1. The Business Clearance Approval document may be signed by the clearance approval official prior to Phase 1, but commencement of negotiations are conditioned upon successful completion of the Peer Review. If DPC Peer Review is required, and the Business Clearance Session has been delegated to the SCO, follow the procedures above for notification and document submission to [SAF/AQC](#).

(h) The contracting officer shall submit a revised Business Clearance Approval document for DAS(C)/ADAS(C) approval, prior to concluding negotiations, when changes to the original negotiation range or parameters that were set forth on the approved Business Clearance Approval document are required. Submit the documents through the SCO to [SAF/AQC](#) for approval. Negotiation offers that exceed the approved negotiation range or parameters may not be made until a revised negotiation range or parameters are approved.

#### MP5301.9001b (B) Business Clearance Approval for Competitive Actions

(1) The contracting officer will submit notifications to [SAF/AQC](#) thirty days prior to the anticipated Business Clearance Session with the DAS(C)/ADAS(C).

(2) No later than 10 business days prior to the desired Business Clearance Session, the contracting officer will forward the following documents through the SCO to [SAF/AQC](#):

- (a) Business Clearance Approval;
- (b) Request for Business Clearance (competitive) briefing charts;
- (c) Request for Proposal (including attachments); and
- (d) On a case-by-case basis, additional documentation may be requested in support of the SAF/AQC and/or DPC Peer Review (e.g., Source Selection Plan, Acquisition Strategy Document, Acquisition Strategy Plan Charts).
- (e) The designated CR will conduct the clearance review prior to submitting the required clearance documents to [SAF/AQC](#).

(f) If DPC Peer Review is required, the Business Clearance Session to brief the clearance approval official occurs either before or after the commencement of the DPC Peer Review Phase 1. The decision to hold Peer Reviews prior to Business Clearance approval will be made in coordination with SAF/AQC. Should Business Clearance be held prior to the Peer Review, Business Clearance is conditioned upon successful completion of the Peer Review. If DPC Peer Review is required, and the Business Clearance Session has been delegated to the SCO, follow the procedures above for notification and document submission to [SAF/AQC](#).

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# **MP5305 - PUBLICIZING CONTRACT ACTIONS**

**2019 Edition**

*Revised: 2 May 2022*

*Sec.*

MP5305.3 - SYNOPSES OF CONTRACT AWARDS

MP5305.303 Announcement of Contract Awards

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## MP5305.3 - SYNOPSIS OF CONTRACT AWARDS

### MP5305.303 Announcement of Contract Awards

The following mandatory procedure is provided for preparing 1279 Reports under DFARS 205.303 and Reports of Intent to Award multiyear contracts under [5317.170 General](#).

(a)(i) The 1279 Report is used for Congressional notification and public announcement of contract awards that exceed the DoD threshold. Use the 1279 Report Format in (d), tailored where appropriate, when preparing Reports of Intent to Award IAW [5317.170 General](#). It is important to note that the Notice of Intent to Award IAW [5317.170 General](#) does not satisfy the requirement for a 1279 Report.

(ii) Alternate 1279 reporting for the announcement of source selection contract awards. If the awardee information cannot be provided three days in advance, the report does not need to identify the offeror that has been selected for award. Insert "Source Selection Information - Will Advise" for "Contractor Data" and either "\$50 million or above" or "below \$50 million" for "Face Value" and "Funding Data". When using these procedures, provide the successful offeror, face value of the award, and funding data to [SAF/LLP](#) no later than 1300 hours Eastern the day before the anticipated award date. If SAF/LLP is not notified by 1300 hours Eastern the day before the anticipated award date, announcement of the award may need to be delayed.

(b) After a 1279 Report has been submitted, report any changes in plans promptly to [SAF/LLP](#).

(c) When immediate award is required and advance notification under paragraph (a) above was not accomplished, prepare the 1279 Report as usual and send it to [SAF/LLP](#). Include the justification for immediate award. If the Congressional and public announcement cannot be made the same day as the award, the contracting officer must obtain the contractor's agreement to withhold public announcement of the award until the award is posted on <https://www.defense.gov/News/Contracts/>. Include in the report a statement that this non-disclosure agreement has been made. The contracting officer will notify the contractor of the agreed upon date of public announcement. The award may then be made without the three-day coordination.

(d) Format (do not include classified information in the report):

(1) Format the SUBJECT line of the email as follows:

CUI: Release Date is DD MMM YY, Program Name, Contracting Activity, DD-LA-(AR) 1279 Report

(2) Release Date: Enter the date award is expected; exclude Saturdays, Sundays and holidays.

(3) Contract Action to be Taken (Select One): Contract Award, Contract Modification or Notice of Intent to Award

(4) The following information shall be included in the 1279 Report. The italicized information below serves as a placeholder for "fill-ins". Utilize the paragraph format provided to ensure the contract announcement is published. Do not use abbreviations and use full names of all contractors, including all subsidiary and division designations as appropriate. (Paragraphs 5 through 7 are to be incorporated into the report directly below one of the following paragraphs.):

Contract Award:

*Name of Contractor, address (city and state), and place of performance (if significant work is performed at a different location), has been awarded a face value type of contract action, for contract deliverable (e.g., F-22 Sustainment). This contract provides for description of the scope of work of the contract. The location of performance is location as indicated in the contract award. The work is expected to be complete by date. If applicable: This contract involves foreign military sales to country names. This award is the result of a competitive or sole source acquisition and (for competitive acquisitions), number of solicitations mailed (as applicable) and number of offers -received. Fiscal year and type of funds (operations and maintenance, research and development, etc.) in the amount of \$figure are being obligated at the time of award. Contracting activity is the contracting activity (base, city and state, contract number). (Do not list fund cites here, see paragraph 6 below.) There is known/no known congressional interest pertaining to this acquisition.*

**OR**

Contract Modification:

*Name of contractor, address (city and state), and place of performance (if significant work is performed at a different location), has been awarded a face value, type of contract action modification (modification number) to previously awarded (contract number) for contract deliverable (e.g., F-22 Sustainment). The contract modification is for description of the scope of the contract (see examples). The location of performance is location as indicated in contract award. If applicable: This modification involves foreign military sales to country names. The work is expected to be completed by date. Fiscal year and type of funds are being obligated at the time of award. Total cumulative face value of the contract is \$figure. Contracting activity is the contracting activity (base, city and state). (Do not list fund cites here, see paragraph 6 below.) There is known/no known congressional interest pertaining to this modification.*

*Examples of explanatory statements for description of scope of contract are as follows:*

*(1) This modification adds the (# of increment, i.e., second, third, etc.) increment of the (length of multi-year contract, i.e., three, four, etc.) year multi-year basic contract.*

*(2) This modification provides for the purchase of an additional quantity of (quantity and item, e.g., 500 widgets) being produced under the basic contract. (If appropriate, indicate that the contracting action is the result of a competitive negotiated procurement).*

*(3) This modification provides for the exercise of an option for an additional quantity of (quantity and item, e.g., 200 gadgets) being produced under the basic contract.*

*(4) This modification changes the specifications for the (indicate item(s)) being produced under the basic contract.*

**OR**

Reports of Intent to Award IAW [5317.170 General](#) : Call your [SAF/AQC action officer](#) to confirm receipt. Use the format for Contract Award , state the face value for the total multiyear period and, separately, the value of any options; and include the estimated cancellation ceilings for each program year of the proposed contract and the estimated savings over annual procurement methods. If award is an Energy Savings Performance Contract (ESPC) with a cancellation ceiling, also state the maximum cancellation ceiling amount [see [42 U.S.C. 8287\(a\)\(2\)\(D\)](#), as amended by [Public Law 106-291](#) ]. (This paragraph does not apply to 1279 Reports under DFARS 205.303 .) (Do not list fund cites here see paragraph 6 below.)

(5) Foreign Military Sales (FMS) information, if applicable: Indicate whether the current action relates to classified or unclassified FMS and identify the country/countries concerned on unclassified sales. Indicate, by percentage, the portion of the current effort that supports FMS. A breakdown by country is not required.

(6) Funding data: Identify type of appropriation and fiscal year of the funds, whether the contract is multiyear and amount obligated at time of award.

(7) Contracting Officer Name:

# MP5306 - COMPETITION REQUIREMENTS

**2019 Edition**

*Revised: 2 May 2022*

*Sec.*

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|----|--|----|---|
|    | MP5306.5 - COMPETITION ADVOCATES                         | 2. | DutiesandResponsibilities. Duties and Responsibilities.   |
|    | MP5306.502 Air Force Competition and Commercial Advocacy | 3. | AppointmentoftheCompetitionandCommercialAdvocate.         |
|    | Program  |    | Appointment of the Competition and Commercial Advocate.   |
| 1. | Objectives. Objectives.                                  | 4. | Annual Competition and Commercial Reporting Requirements. |

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## MP5306.5 - COMPETITION ADVOCATES

### MP5306.502 Air Force Competition and Commercial Advocacy Program

This Mandatory Procedure (MP) implements, in part, [AFPD 64-1](#), The Contracting System, and 41 USC 1705. This MP provides guidance and procedures for personnel implementing the Air Force Competition and Commercial Advocacy Program.

#### 1.Objectives. Objectives.

The objective of the Air Force (AF) Competition and Commercial Advocacy Program is to promote and support full and open competition and commercial practices to the maximum extent possible. In addition to the requirements at FAR 6.501, Competition and Commercial Advocate(s) must:

- 1.1. Have extensive qualifications and knowledge of the types of acquisitions of the activity.
- 1.2. Be in a contracting position, commensurate in grade or rank with the senior level program, product, or laboratory personnel with whom the Advocate interacts.
- 1.3. Have direct access to the MAJCOM/DRU/AFRCO/SMC/SpRCO or Center/Installation commander, as applicable, on matters relating to competition, the acquisition of commercial items and services, and must not have duties or responsibilities inconsistent with Competition and Commercial Advocate duties and responsibilities.

#### 2.DutiesandResponsibilities. Duties and Responsibilities.

In addition to the duties and responsibilities identified at FAR 6.502, AF Competition and Commercial Advocates are responsible for the following:

- 2.1. Support the AF Competition Advocate General in formulating, managing, and providing oversight of the AF Competition and Commercial Advocacy Program.
- 2.2. Promote commercial practices and competition in acquisition programs managed by their Procuring activity. Identify, track, and follow-up on actions to remove impediments to commercial practices and competition. Seek to improve the overall competitive performance, including effective competition\*, and increase the use of commercial practices.  
\* SEE DEFINITION PROVIDED IN [OUSD/AT&L DPAP Memo, dated 16 Dec 2010](#) .
- 2.3. Ensure the organization's policies and procedures encourage full and open competition whenever possible including effective competition, and promote the use of commercial practices. Review acquisition planning documents, and ensure market research demonstrates that competitive and commercial opportunities were considered.
- 2.4. Participate in acquisition strategy planning through forums such as the Acquisition Strategy Panel process.
- 2.5. The Competition Advocate General will establish and assign fiscal year Procuring activity and PEO competition goals based on annual projections submitted via the [Competition Projection](#) site. Projections are due no later than 16 October of each year.
- 2.8. Encourage contracting professionals to complete the Defense Acquisition University (DAU) Continuous Learning Module (CLM) [CLC 055](#), *Competition Requirements*.
- 2.9. Convey to program managers, contracting personnel, and senior leaders the advantages of full and open and effective competition, share success stories, and assist contracting officers in doing the same. Competition advocates should provide training to the various functionals involved in acquisition. Competition advocates are encouraged to use the [Competition Training](#) template developed by OUSD(A&S) DPC.
- 2.10. Identify the potential for full and open competition and effective competition and commercial opportunities through the sole source or limited source and acquisition planning document review process. Review and approve sole source/limited source Justification and Approval (J&A), Limited Sources Justifications (LSJ), and Exception to Fair Opportunity (EFO) justifications in accordance with DAFFARS [5306.304\(a\)](#), DAFFARS [5308.405-6\(d\)](#), and DAFFARS [5316.505\(b\)\(2\)](#).
- 2.11. Work with Government and industry to eliminate barriers to competition and the acquisition of commercial items.
- 2.12. The Procuring activity Competition and Commercial Advocate must ensure operational contracting Squadrons/Flights have access to an Installation/Center Competition and Commercial Advocate.
- 2.13. Establish a competition and commercial advocacy program for activities within the Procuring activity. The activities' Competition and Commercial Advocacy Program must meet the oversight and management and reporting requirements identified throughout this MP.
- 2.14. Ensure that requirements are stated in the least restrictive manner to maximize competition and the use of commercial practices.

### **3.AppointmentoftheCompetitionandCommercialAdvocate.** AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT

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2.15. Review and provide appropriate comments on determinations made in accordance with [FAR 9.202\(b\)](#) that it would be unreasonable to specify the standards for qualification that a prospective offeror (or its product) must satisfy in order to meet established qualification requirements.

2.16. Prepare and submit an annual competition and commercial report in accordance with FAR 6.502(b)(2) and Paragraph 4 of this MP.

### **3.AppointmentoftheCompetitionandCommercialAdvocate. Appointment of the Competition and Commercial Advocate.**

3.1. Procuring activity Competition and Commercial Advocate Appointments.

3.1.1. The AF Competition Advocate General appoints procuring/contracting activity Competition and Commercial Advocates. MAJCOM/DRU/AFRCO/SpRCO/SMC SCOs must nominate a primary and alternate Competition and Commercial Advocate for each of the procuring/contracting activities identified at [5306.501](#) to the AF Competition Advocate General. The AFICC SCO or civilian deputy must be the primary Competition and Commercial Advocate for the MAJCOM they support. SCOs must submit nominations via the [Competition and Commercial Advocate Nominations](#) SharePoint site.

3.1.1.1. Procuring Activity

3.1.1.2. Primary and alternate nomination

3.1.1.3. Name of the nominated Competition and Commercial Advocate or alternate

3.1.1.4. E-mail address of the nominated Competition and Commercial Advocate or alternate

3.1.1.5. Telephone number of the nominated Competition and Commercial Advocate or alternate

3.1.1.6. Candidate resume

3.1.1.7. Competition action officer contact information, if applicable

3.1.2. The AF Competition Advocate General appoints the primary and alternate procuring/contracting activity Competition and Commercial Advocates via certificate.

3.1.3. Once appointed, the competition action officer updates the [Competition and Commercial Advocates](#) list with the required information.

3.2. Subordinate Contracting Activity Competition and Commercial Advocate Appointments.

3.2.1. The procuring activity Competition and Commercial Advocate must appoint subordinate primary and alternate Competition and Commercial Advocates via the [Competition and Commercial Advocate Appointment](#) memo.

3.2.2. The names and telephone numbers of the subordinate contracting activity Competition and Commercial Advocate, the procuring/contracting activity Competition and Commercial Advocate, and the Air Force Competition Advocate General must be displayed on a [poster](#) in a prominent location in each unit.

3.2.3. Once appointed, the competition action officer updates the [Competition Advocate list](#) with the required information

### **4. Annual Competition and Commercial Reporting Requirements.**

4.1. SAF/AQCP is responsible for submitting the annual report required by [FAR 6.502\(b\)\(2\)](#) to SAF/AQ. The Procuring activity Competition and Commercial Advocates must provide support as requested in the preparation of the annual report and provide supplementary information at any time in support of requests for information or other tasks regarding competition and the use of commercial practices.



# MP5315 - CONTRACTING BY NEGOTIATION

**2019 Edition**

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*Sec.*

1	MP5315.3 Source Selection	4.3	Tactics, Techniques and Procedures (TTP), Samples, and Tailorable Templates
1.1	PURPOSE, ROLES, AND RESPONSIBILITIES	5	DEFINITIONS ( No AF text)
1.2	Purpose	6	MANDATORY AIR FORCE SOURCE SELECTION TRAINING
1.3	Applicability and Waivers	6.1	Purpose
1.4	Best Value Continuum (No AF Text)	6.2	Responsibilities of Senior Contracting Officials (SCO)
2	Source Selection Team Roles and Responsibilities	6.3	Required Training for Designated Trainers
2.1	PRE-SOLICITATION ACTIVITIES	6.4	Acquisition/Source Selection Team Training
2.2	Conduct Acquisition Planning	6.5	Source Selection Training Material
2.3	Develop a Source Selection Plan (SSP)	6.6	Training Certificates.
2.4	Develop the Request for Proposals	6.7	Source Selection Training Survey.
3	Release the Request for Proposals (No AF Text)	6.8	Continuous Learning Points (CLP).
3.1	EVALUATION AND DECISION PROCESS		LIST OF TABLES AND FIGURES (No AF text)
3.2	Evaluation Activities		List of Appendices
3.3	Documentation of Initial Evaluation Results		Appendix A. Debriefing Guide (No AF Text)
3.4	Award without Discussions		Appendix B. Tradeoff Source Selection Process: Subjective Tradeoff and Value Adjusted Total Evaluated Price (VATEP) Tradeoff ( No AF Text )
3.5	Competitive Range Decision Document		Appendix C. Lowest Price Technically Acceptable (LPTA) Source Selection Process (No AF Text)
3.6	Discussion Process		MP5315.4 Contract Pricing
3.7	Final Proposal Revisions	1.	Proposal Instructions.
3.8	Documentation of Final Evaluation Results	2.	Requesting data/documentation after receipt of the proposal.
3.9	Conduct and Document the Comparative Analysis		MP5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver
3.10	Best Value Decision		MP5315.407-90 Contract Audit Follow-up (CAFU)
3.11	Source Selection Decision Document		MP5315.606-90 Receipt, Evaluation, and Disposition of Unsolicited Proposals
3.12	Debriefings (No AF Text)		
4	Integrating Proposal into the Contract		
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## MP5315.3 Source Selection

### 1 PURPOSE, ROLES, AND RESPONSIBILITIES

#### 1.1 Purpose

This Mandatory Procedure (MP) establishes supplemental procedures for conducting competitively negotiated source selections of \$10M or more within the Air Force (AF), and follows the numbering convention of the [Department of Defense \(DoD\) Source Selection Procedures](#), dated 20 Aug 2022.

#### 1.2 Applicability and Waivers

This MP must be used in conjunction with Federal Acquisition Regulation (FAR) Part 15, as supplemented, to include the DFARS Part 215 and its companion resource entitled Procedures, Guidance and Information (PGI), DoD Source Selection Procedures, and related laws, regulation, and policy. As guidance, this MP also provides hyperlinks to non-mandatory best practices, TTPs, sample RFP and contract language, tailorable templates and training materials, and links to PGI 5315.3 language.

1.2.1.1 Acquisitions with an estimated dollar value less than or equal to \$50M may use price as the only evaluated factor and therefore be exempt from the [DoD Source Selection Procedures](#) dated 20 August 2022 and from this MP if all of the following conditions are met:

- 1) The requirement is non-complex and well-defined, such that consideration of non-cost/price evaluation factors (e.g., technical, past performance, etc.) would not provide any meaningful differentiation amongst proposals and would add no value to the selection of a successful offeror;
- 2) Past performance record and history will be assessed as one of the multiple standards required for a successful offeror to be determined responsible as described in [FAR 9.104](#) ;
- 3) Use of price as the only evaluation factor is the most advantageous approach to the government; and
- 4) The acquisition strategy approving official has determined that use of price as the only evaluated factor is the most appropriate source selection methodology for the requirement and the justification for this determination is included in the approved acquisition strategy/plan.

1.2.1.2 A waiver allowing the use of price as the only evaluated factor for an acquisition with an estimated dollar value greater than \$50M may be granted on an acquisition specific basis by the SCO upon the waiver authority's determination that the conditions at 1.2.1.1 (1)-(4) are met.

1.2.4 Waivers. Waivers for solicitations valued at \$1B or more for approval by the Director, Defense Pricing and Contracting (DPC), must be forwarded through the SCO to [SAF/AQC](#) for review and processing. Waivers for solicitations above \$10M but less than \$1B must be approved by the SCO.

1.2.4.1. Waiver procedures apply only to the DoD Source Selection Procedures (CAUTION: read paragraph 1.2 of the DoD Source Selection Procedures) and this MP. The requirements of [FAR 15.3](#) , as supplemented, cannot be waived as these requirements are subject to the FAR deviation process (see [DAFFARS 5301.402\(2\)](#), [5301.403\(1\)\(i\)](#), (ii), and [5301.404\(b\) \(i\)](#) , (ii) ).

#### 1.3 Best Value Continuum (No AF Text)

#### 1.4 Source Selection Team Roles and Responsibilities

1.4.1 Source Selection Authority (SSA).

1.4.1.1 SSA Appointment.

SSA Designations		\$10M to less than \$100M (Note 1)	\$100M and above (Note 2)
Program Acquisition Category (ACAT) I, IA		SAF/AQ (Note 3)	SAF/AQ (Note 3)
ACAT II and III		Program Executive Officer (PEO)	PEO

Operational & Enterprise (including services EXEMPT from <a href="#">AFI 63-138</a> )		(Note 4)	(Note 4)
Operational & Enterprise Services Acquisitions subject to <a href="#">AFI 63-138</a>	SSA is the Services Designated Official (SDO) as designated in <a href="#">AFI 63-138</a> , Table 2.1, the Services Management Agreement (SMA), if applicable, and the SDO delegation letter.		
<b>NOTES :</b> <b>1.</b> Delegable to no lower than the Procuring Contracting Officer (PCO)/equivalent or higher position within the PEO/ requiring organization chain. <b>2.</b> Appointments in this column represent the written appointment of the SSA by the Agency Head. Delegable to no lower than one level above the PCO or equivalent or higher position within the PEO/ requiring organization chain. <b>3.</b> “SAF/AQ” includes the ASAF(A) and the Principal and Military Deputy. <b>4.</b> The SSA is the Center Commander/Wing Commander/PEO or MAJCOM/DRU/AFRCO director-level individual who is responsible for the requirement unless delegated in accordance with Note 1 for acquisitions \$10M to less than \$100M or Note 2 for acquisitions \$100M and above.A tailorable <a href="#">Delegation of Source Selection Authority</a> (SSA) template is available for use, as desired.			

1.4.1.2 SSA Responsibilities. In addition to the responsibilities listed in [FAR 15.303\(b\)](#), [DFARS 215.303\(b\)\(2\)](#), and the DoD Source Selection Procedures, the SSA shall:

1.4.1.2.3 Be accessible to the PCO, SSEB Chairperson and SSAC Chairperson (if applicable) to ensure that necessary leadership and guidance is provided to the SST. Promote active communication within the SST and encourage the team to raise concerns/issues.

1.4.1.2.6 See the following tailorable templates:

1.4.1.2.6.1 [Source Selection Non-Disclosure Agreement \(NDA\)](#) . An NDA may be executed on an annual basis in accordance with DAFFARS .

1.4.1.2.6.2 [Conflict of Interest Statement](#) .

1.4.2 PCO.

1.4.2.2 PCO Responsibilities. In addition to the responsibilities listed in [FAR 15.303\(c\)](#) and the [DoD Source Selection Procedures](#), the PCO shall:

1.4.2.2.2 Consider sample RFP Section L language for [Use of Non-Government Advisors](#) , when applicable .

1.4.2.2.3 Manage all source selection documents, control and record all exchanges with offerors, and protect all documents (see [4](#) ). Consider identifying a Source Selection Records Custodian (SSRC) familiar with the contracting process to manage all source selection documents (PCO or someone under PCO oversight). Ensure source selection material is not removed, circulated, or disseminated outside of the source selection work area without PCO review and approval. Ensure all means of electronic communications receive additional scrutiny to preclude inadvertent release of documents that contain sensitive or embedded source selection files. It is a good practice that prior to transmission of Source Selection Information to offerors via any means, the information is reviewed by a second person to preclude inadvertent inclusion of inappropriate data. Additionally, Source Selection Information transmitted to offerors electronically (e.g., via email or disc) or posted to a website must be distributed in a “locked” format, such as scanned .pdf file, .jpeg file, or other protected format, unless offerors are required to fill-in or complete portions of a document, such as Section K Representations and Certifications, or a pricing matrix. Using e-mail to transmit source selection information should be done judiciously and it must be encrypted and digitally signed. Include in the subject line the phrase “Source Selection Information – See FAR 2.101 and 3.104”. Use the [Source Selection Information Cover Sheet](#) to identify source selection information. For RFPs released after 30 November 2020, use the [SF 901 Controlled Unclassified Information \(CUI\) Cover Sheet \(AF Template\)](#) . A sample [Verification of Correspondence Going to Offeror checklist](#) may be utilized, as desired.

1.4.2.2.4 Maintain in the official contract file (whether in hard copy or electronic media) all evaluation material and any related supporting information, including minority and dissenting opinions, that has been presented in any form to the SSA as an official record that must not be altered. Updates, revisions, or changes to that evaluation information must be captured in subsequent documentation such that the original record remains distinct.

1.4.2.2.4.1 Working papers, calculations, and personal notes must be clearly identified as such and are not normally part of the official source selection record unless they include information relevant to the source selection decision and the information has not been captured in the official record. Solicit the advice of legal counsel and representatives from the Acquisition Center of Excellence (ACE) (if used) regarding the management and/or retention determination of any paper or digital document generated during the source selection. Legal counsel, the SSEB Chair, SSRC (if other than the PCO) and the PCO must review any notes, working papers, and other documents for a retention determination at regular intervals during the source selection process and upon completion.

1.4.2.2.4.2 Preserve documents and data that are not stored within the electronic official contract filing system (e.g., classified documents, product samples, electronic media) as part of the official record and identify their physical location. A sample [Source Selection File Checklist](#) may be tailored for use, as desired.

1.4.2.2.4.3 Ensure that any requests for source selection delegations are properly accomplished and documented in the source selection file.

1.4.2.2.7 Send a notice to all appropriate organizations (e.g., user or requirements personnel, public affairs offices, etc., that could be contacted by offerors or media outlets concerning the requirement or acquisition) concurrent with issuance of the solicitation announcing that a source selection is in progress. For acquisitions estimated at \$100M or more, send the notice to [SAF/AQC](#) for HAF-level notification. The notice shall:

- 1) identify the system, subsystem, service, or project involved;
- 2) identify the anticipated period of the source selection activities;
- 3) include a statement to the effect that contacts or briefings concerning the program by industry are no longer allowed outside of the formal source selection process; and
- 4) state that the PCO (include name and phone number) controls all contact or exchanges with industry/offerors and is the only person authorized to release source selection information before and after contract award.

A tailorable template for [Notice Announcing that a Source Selection is in Progress](#) is available for use, if desired .

1.4.2.2.11 Post [source selection lessons learned](#) no later than 90 days after contract award or termination/cancellation of the source selection.

1.4.3 SSAC.

#### 1.4.3.2 SSAC Composition.

1.4.3.2.1 It is preferable that the SSAC Chairperson not be in the chain of command of the SSA.

1.4.3.2.2 For all new Milestone B (Pre-MDAP on Major Defense Acquisition Program lists) ACAT I and II competitive acquisitions, the specific composition of the SSAC should consist of senior leaders (flag rank or O-6/GS-15/NH-04 to the maximum extent practicable) from Program Management, Engineering, Finance, Legal, Contracting, Small Business, the ACE, and any other participants as determined appropriate by the SSA, who have recent experience in the successful conduct of source selections. The SSAC may be augmented with senior leaders from the SAF/AQ staff, when appropriate, to provide additional experience and expertise. The SSAC may also be supplemented by other subject matter experts at comparable functional positions. For non-weapon system acquisitions when an SSAC is used, the specific composition of the SSAC is at the discretion of the SSA, based upon the expertise required to accomplish a successful source selection.

#### 1.4.4 SSEB.

##### 1.4.4.4 SSEB Responsibilities.

1.4.4.4.1.7 It is considered a best practice for the Program Manager (PM), when one is assigned, to serve as the SSEB Chairperson. It is also a best practice that the SSEB chair not serve in multiple roles.

1.4.4.4.3 For source selections without an SSAC, the SSEB Chairperson must document in the source selection plan, whether or not the SSA wants the SSEB to perform the comparative analysis of proposals and provide that analysis and an award recommendation in the SSEB Final Report. .

#### 1.4.6 Other Advisors.

1.4.6.1 Government Advisors. Foreign Military Sales (FMS) customers and international cooperative project partners may only participate in the source selection process as advisors. The PCO must not disclose to the FMS customer any form of cost or price data that is proprietary unless the offeror authorizes its release.

1.4.6.2.2 Limitations on use of nongovernment advisors. Nongovernment advisors shall not attend the past performance portion of evaluation briefings.

## 2 PRE-SOLICITATION ACTIVITIES

### 2.1 Conduct Acquisition Planning

#### 2.2 Develop a Source Selection Plan (SSP)

The PCO and the SSEB chair, with assistance from SSEB members, as necessary, prepare the SSP. A [Source Selection Plan](#) template is available for use, if desired.

2.2.5 Evaluation Factors and Subfactors. When using VATEP, address the decision to use, or not use, an affordability cap, along with supporting rationale for the decision. If an affordability cap will be used, describe how it will be evaluated and whether offerors whose proposals exceed the affordability cap will be eligible for award.

2.2.6 Documentation. Briefing charts shall not serve as the SSEB Initial Report, Competitive Range Decision Document, updated SSEB Initial Report, or SSEB Final Report, but may be used to present summaries of these reports to the SSA. If briefing charts are used to comply with any other source selection documentation requirements set forth in the DoD Source Selection Procedures, a written script for each briefing must be maintained in the official (permanent) contract file. Briefings should summarize the evaluation and not duplicate the content of written reports.

2.2.9 Securing Source Selection Materials. Section 9.0 of the SSP ("Securing Source Selection Materials") must include a plan and procedures which address the filing, protection, handling, maintenance, release, retention and disposition of all documents that constitute the complete source selection record. For those source selections utilizing an electronic system for source selection documentation, the SSP must include the process for handling documentation, such as the process for documenting the basis for any changes made to an evaluator's finalized document. The plan must address training for all SST members to familiarize them with the plan/procedures and mechanism(s) to ensure compliance with the plan/procedures.

2.2.10 The PCO shall maintain the SSP after approval. Subsequent proposed changes to the source selection organization, to include the SSEB and the SSAC (when used), shall be documented in an addendum to the SSP and approved by the SSA unless the SSA delegates this approval responsibility to the SSEB Chairperson within the SSP.

#### 2.3 Develop the Request for Proposals

2.3.1 Evaluation Factors/Subfactors. RFP [Section L and M samples](#) are available for use, as desired .

2.3.4.1 Cost or Price. The analysis technique(s) identified in FAR 15.404, as supplemented, for the evaluation of the proposed cost or price shall be included in the evaluation criteria (Section M or equivalent provisions of the solicitation for commercial acquisitions).

2.3.4.1.1 When used, the Probable Cost estimate is the government estimate of the cost to acquire specified goods and/or services based on each offeror's proposed approach. The Probable Cost is based upon an analysis of each offeror's unique proposal in accordance with FAR 15.404-1(d). Define all the components that make up the aggregate government Probable Cost and specify them in Section M (or equivalent provisions of the solicitation for commercial acquisitions).

2.3.4.2.4 Affordability Cap. When an affordability cap is established, the affordability cap must be specified in the RFP and affordability must be included either as a go/no go gate or as an evaluation criterion in the RFP. The RFP must state whether proposals that exceed the affordability cap can be considered for award.

2.3.6. Requirements that fall within the areas of traditional offeror responsibility factors may trigger the Small Business Administration Certificate of Competency (CoC) process if such requirements are evaluated on an acceptable/unacceptable basis, as a rating of unacceptable for an otherwise apparently successful business offeror equates to a non-responsibility determination. For example, issues related to facility clearance/security requirements or evaluation of professional employee compensation as an element of responsibility are areas that may trigger the CoC process for small business offerors. PCOs should consult with small business and legal counsel regarding the use and treatment of such evaluation factors/subfactors.

## **2.4 Release the Request for Proposals (No AF Text)**

## **3 EVALUATION AND DECISION PROCESS**

### **3.1 Evaluation Activities**

3.1.1.5 When [FAR 52.222-46](#), Evaluation of Compensation for Professional Employees (Feb 1993), is included in the RFP, the Government shall evaluate whether all offerors considered for award understand the contract requirements and have proposed a compensation plan appropriate for those requirements. This evaluation may be accomplished through a technical subfactor to evaluate offerors' proposed management approach and or/staffing plan, or including the evaluation under the cost/price factor or as a "Volume I" proposal submission and element of proposal compliance and offeror responsibility.

3.1.1.5.1 When including the professional employee compensation evaluation as a "Volume I" proposal submission and element of proposal compliance and offeror responsibility in a source selection with small business offerors, a finding of non-responsibility due to an inadequate professional employee compensation plan for an otherwise successful small business offeror requires the PCO to engage the Small Business Administration Certificate of Competency (CoC) process.

### **3.2 Documentation of Initial Evaluation Results**

3.2.1 SSEB Initial Evaluation. The SSEB Initial Report is used to document the results of the SSEB's initial evaluation. The rationale for initial evaluation results and assignment of initial ratings will be fully and contemporaneously documented in the SSEB Initial Report. The SSEB Initial Report shall be signed by the PCO and SSEB Chairperson after the completion of initial evaluations and prior to presentation of the initial evaluation results to the SSA. The following tailorable templates are available for use, as desired:

[SSEB Report](#)

[Initial Evaluation Briefing](#)

### **3.3 Award without Discussions**

3.3.3 Documentation Required Prior to Contract Award. The PCO must obtain contract clearance approval in accordance with [5301.9000](#) prior to the SSA making the decision to award without discussions.

### **3.4 Competitive Range Decision Document**

3.4.1 The tailorable [Competitive Range Decision Document](#) (CRDD) template is available for use, as desired.

### **3.5 Discussion Process**

3.5.5 Best Practices. The PCO may provide offerors in the competitive range with their own initial ratings and results of their own initial pricing analysis or total evaluated price. When interim ratings and pricing analysis are provided prior

to requesting final proposal revisions, the ratings must reflect the results of discussions with the offeror. PCOs may use the actual briefing charts used to brief the SSA as a method of disclosing an offeror's ratings and price analysis to them. The PCO must require offerors to provide proposal change pages along with their EN responses for any aspect of the proposal that will be incorporated into the awarded contract.

3.5.7 The SSEB Initial Report shall be updated, as necessary, following evaluation of offeror responses to discussions. The rationale for updated (interim) evaluation results and assignment of updated (interim) ratings will be fully and contemporaneously documented in the SSEB Initial Report. The updated SSEB Initial Report is reviewed by the SSAC (if an SSAC is used) and must include, if applicable, any minority and dissenting opinion(s). At a minimum, the report shall be updated and signed by the PCO and SSEB Chairperson prior to presentation of the pre-Final Proposal Revisions evaluations and briefing to the SSA.

The following tailorable templates are available for use, as desired:

[\*SSEB Report\*](#)

[\*Pre-Final Proposal Revisions \(FPR\) Request Briefing\*](#)

### **3.6 Final Proposal Revisions**

3.6.3 The PCO must obtain contract clearance approval in accordance with [5301.9000 Scope and Definitions](#)(e)(2)(i) prior to submission of all material (e.g., Pre-FPR briefing) to the SSA to obtain approval for releasing the FPR request.

### **3.7 Documentation of Final Evaluation Results**

3.7.1 The rationale for final evaluation results and assignment of final ratings will be fully and contemporaneously documented in the SSEB Final Report. The SSEB Final Report is prepared by the SSEB and reviewed by the SSAC (if an SSAC is used) and signed by the PCO and SSEB Chairperson after the evaluation of FPRs. The tailorable [SSEB Report](#) template is available for use, as desired.

3.7.2 The SSEB Final Report must document, if applicable, any minority and dissenting opinion(s).

3.7.3 A decision briefing, prepared by the SSEB, will generally be conducted whenever the SSA is other than the PCO. The tailorable [Final Decision Briefing](#) template is available for use, as desired.

### **3.8 Conduct and Document the Comparative Analysis**

3.8.1 The SSAC's comparative analysis of proposals and award recommendation is documented in the Comparative Analysis Report and Award Recommendation (CAR). The tailorable [Comparative Analysis Report and Award Recommendation](#) template is available for use, as desired.

### **3.9 Best Value Decision**

3.9.1 The PCO must obtain contract clearance approval prior to the SSA making a source selection decision in accordance with [5301.9000 Scope and Definitions](#).

### **3.10 Source Selection Decision Document**

3.10.1 The tailorable [Source Selection Decision Document \(SSDD\)](#) template is available for use, as desired.

### **3.11 Debriefings (No AF Text)**

### **3.12 Integrating Proposal into the Contract**

The RFP must advise offerors that the awarded contract document will reflect all beneficial aspects of the awardee's proposal and all above threshold (minimum) attributes, performance levels, or capabilities for which evaluation credit was given in the source selection process (e.g., purple or blue technical or technical/risk rating, above threshold elements proposed for valued requirements), regardless of source selection process utilized.

## **4 DOCUMENTATION REQUIREMENTS**

### **4.1 Minimum Requirements**

4.1.15 All briefing charts presented to the SSA (including, but not limited to, competitive range briefing charts, pre-FPR request briefing charts, and decision briefing charts) must be included in the official (permanent) contract file.

4.1.16 Evaluation worksheets and summaries shall be included in the official (permanent) contract file.



## 4.2 Electronic Source Selection

EZ Source is the standard Air Force documentation tool that shall be used for all unclassified competitive acquisitions valued at \$100M or more (unless waived by the CAA), or when an acquisition has been designated a high visibility program by a PEO or Center/Complex/Wing Commander. EZ Source may be used for acquisitions valued at less than \$100M. In order to ensure proper support is available to the team, PCOs must use the [SharePoint EZ Scheduler](#) to request the use of EZ Source and input information relative to their acquisition not later than 60 days prior to the projected RFP release.

## 4.3 Tactics, Techniques and Procedures (TTP), Samples, and Tailorable Templates

Source Selection TTPs can be accessed at the [DAF Contracting TTP Team](#) page.

**Templates:** A comprehensive collection of source selection samples and tailorable templates, including those listed below, are located on the [Contracting Templates](#) and [DAFFARS Library Part 5315](#) pages within the Air Force Contracting Central (AFCC) SharePoint site (please note: this link requires CAC and is not available to all users.)

### Source Selection Documentation Templates

- Abstract of Proposals/Quotations (Negotiated Procurement)
- Delegation of Source Selection Authority (SSA)
- Past Performance Questionnaire (Sample 1)
- Past Performance Questionnaire (Sample 2)
- Past Performance Questionnaire (Sample 3)
- Section L Attachment - Past Performance Information
- Solicitation Cross Reference Matrix Source Selection File Checklist
- Source Selection Plan Subcontractor Consent Letter Verification of Correspondence Going to Offeror Checklist
- Source Selection Information Coversheet
- SF 901, Controlled Unclassified Information (CUI) Cover Sheet (AF Template)
- Source Selection Non-Disclosure Agreement (NDA)
- Conflict of Interest Statement
- Sample RFP Section L language ? Use of Non-Government Advisors
- RFP Section L & M Samples
- Notice Announcing that a Source Selection is in Progress
- Competitive Range Decision Document
- Comparative Analysis Report & Award Recommendation
- Source Selection Decision Document

### Source Selection Evaluation Board (SSEB) Templates

- Rating Team Worksheet (Methodology 1)
- Rating Team Worksheet (Methodology 2)
- Rating Team Worksheet (PPT)
- Tradeoff Technical Evaluator Template
- LPTA Technical Evaluator Template
- Tradeoff Subfactor Chief Template
- LPTA Subfactor Chief Template
- Evaluation Notice (EN)
- SSEB Report
- Initial Evaluation Briefing
- Pre-Final Proposal Revisions (FPR) Request Briefing
- Final Decision Briefing

### Past Performance Evaluation Team Documents

- Relevancy Template
- Tradeoff Performance Quality Template
- LPTA Performance Quality Template
- Business Relationship Template
- Past Performance Information Template
- Tradeoff Past Performance Confidence Assessment Template
- LPTA Past Performance Evaluation Template
- Performance Confidence Rating Evaluation

## Cost/Price Evaluation Team Document Cost/Price Template

### 5 DEFINITIONS ( No AF text)

### 6 MANDATORY AIR FORCE SOURCE SELECTION TRAINING

#### 6.1 Purpose

This Section establishes and standardizes the mandatory Air Force source selection training process for acquisition/SSTs.

#### 6.2 Responsibilities of Senior Contracting Officials (SCO)

SCOs must: (a) implement a robust source selection training program; (b) designate a Training Manager/Point of Contact (POC); (c) designate experienced source selection trainers; and (d) maintain current lists of the Training Managers/POCs for use at their respective locations. The lists should be updated as necessary, but at a minimum shall be updated annually. A [Designation of Source Selection Training Manager/Trainers](#) template is available for use, as desired.

#### 6.3 Required Training for Designated Trainers

6.3.1 Designated trainers must receive “Train-the-Trainer” training and be certified as source selection trainers. Periodic “Train-the-Trainer” sessions are conducted by [SAF/AQC Field Support Team \(FST\)](#) personnel every other month via webinar; however, this training may be conducted by any SCO-designated and experienced source selection trainer. Note that this is summary-level training designated trainers and not for use by source selection teams and other individuals to satisfy the source selection training requirements set forth in paragraph 6.4.1.

6.3.2 Training Managers/POCs must maintain a record of the source selection training provided by designated trainers, including the name of the acquisition, training date, names of individuals trained, and training provided (e.g., Phase I (Acquisition Planning) or Phase II (Source Selection Execution) training).

6.3.3 Designated trainers who have not conducted source selection training within a two (2) year period must be recertified. Recertification requires that the SCO confirm the individual’s continued designation as a source selection trainer and that the individual re-complete the “Train-the-Trainer” training.

#### 6.4 Acquisition/Source Selection Team Training

##### 6.4.1 Conducting Source Selection Training Sessions.

Source selection training must be presented to the entire SST, including the SSA, SSAC Chair and members, PM (where one is assigned), RO, and all advisors. Independent review of source selection training materials by SST members and/or attendance at “Train-the-Trainer” training is not sufficient to satisfy this training requirement.

##### [SSA SSAC](#)

##### Phase I

##### Phase II

##### 6.4.2 Training Content and Process.

The SAF/AQC FST develops and maintains source selection training modules to assist Source Selection Trainers. Trainers are encouraged to tailor the modules, as needed, to meet the unique elements of the instant acquisition.

The **Ethics, Procurement Integrity, and Conflicts of Interest** topic should be presented by the local legal advisor. Links to Ethics training material are included in both Phase I and Phase II source selection training materials. The use of locally-developed Ethics training by local legal advisors is encouraged. The length of the source selection training and the level of detail presented in either Phase I (Acquisition Planning) or Phase II (Source Selection Execution) depends on the complexity of the specific acquisition and the experience level of the SST.

##### 6.4.3 Advance Preparation.

Effectiveness of the source selection training experience can be enhanced with advance preparation. The Defense Acquisition University (DAU) offers [continuous learning modules](#) on source selection and related topics. Some suggested DAU courses include the following:

[CLC 004](#) - *Market Research*

[CLC 028](#) - *Past Performance Information*

[CLC 132](#) - *Organizational Conflicts of Interest*

[CLM 049](#) - *Procurement Fraud Indicators*

### **6.5 Source Selection Training Material**

The Source Selection Training Modules, Trainer's Lesson Plans, and Resource/Reference Material are accessible by designated trainers and training managers on SharePoint at [https://usaf.dps.mil/sites/AFCC/KnowledgeCenter/source\\_selection\\_training/Forms/AllItems.aspx](https://usaf.dps.mil/sites/AFCC/KnowledgeCenter/source_selection_training/Forms/AllItems.aspx). Additional training materials for teams are available in the [DAFFARS Library, Part 5315](#).

### **6.6 Training Certificates.**

Any Trainer conducting "Train the Trainer" training will provide a Source Selection Training Certificate to the Training Managers/POCs and Trainers upon completion of the source selection training. Trainers must provide the Source Selection Training Certificate for [Phase I](#) and [Phase II](#) to the personnel they train.

### **6.7 Source Selection Training Survey.**

Following training, personnel are encouraged to complete the [Source Selection Training Survey](#). The feedback provided through the survey will enable the SAF/AQCP FST to gauge the effectiveness of its source selection training material and obtain suggestions for improvement.

### **6.8 Continuous Learning Points (CLP).**

Designated Source Selection trainers may grant CLPs to source selection attendees. As a general rule, CLPs must be given based on the length and intensity of the training provided. Trainers may grant six (6) CLPs for each full day of instruction, three (3) CLPs for half-day, and one (1) CLP for a two-hour session.

## **LIST OF TABLES AND FIGURES (No AF text)**

### **List of Appendices**

#### **Appendix A. Debriefing Guide (No AF Text)**

#### **Appendix B. Tradeoff Source Selection Process: Subjective Tradeoff and Value Adjusted Total Evaluated Price (VATEP) Tradeoff ( No AF Text )**

#### **Appendix C. Lowest Price Technically Acceptable (LPTA) Source Selection Process (No AF Text)**

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## MP5315.4 Contract Pricing

### 1. Proposal Instructions.

To facilitate timely awards of sole source contract actions and definitization of Undefined Contract Actions (UCA) within 180-days after issuance of the UCA, contracting officers:

- a. provide contractors with clear and concise proposal instructions, including a suspense date for proposal submission;
- b. require that contractor proposals (both prime and subcontractors) are submitted as adequate for evaluation and valid for the anticipated time required to conduct evaluation, audit, negotiation and award, with data updates provided until the conclusion of negotiations in accordance with TINA.
- c. Include DFARS provision 252.215-7009 in sole-source draft and final Requests for Proposals (DRFPs/RFPs) and RFPs for UCAs when the contract value is anticipated to exceed the threshold for obtaining certified cost or pricing data, and no exception to the requirement to submit certified cost or pricing data applies. (See FAR 15.403-1(b).)
- d. Include a provision substantially the same as L-XXX, Cost Proposal Adequacy and Structure, in the solicitation, or as a paragraph within a letter RFP, whenever DFARS provision 252.215-7009 is included. Add paragraph (e) to provision L-XXX, Cost Proposal Adequacy and Structure, only when an electronic version of the cost proposal with active formulas (e.g., in Excel) is required. Contracting officers may tailor this provision as necessary to reflect the unique circumstances of each acquisition.

### L-XXX COST PROPOSAL ADEQUACY AND STRUCTURE

**NOTE :** *The blue italicized text below represents instructions for the contracting officer and should be removed prior to incorporating Section L into the solicitation.*

(a) In response to this Request for Proposals (RFP), the offeror shall prepare and submit certified cost or pricing data and supporting attachments in accordance with Table 15-2 of FAR 15.408. Further, the offeror shall (1) utilize the DFARS 252.215-7009, *Proposal Adequacy Checklist (PAC)*, in pre-submission proposal quality reviews, and (2) furnish the completed checklist as part of their proposal submission.

(1) The responsibility for providing a well-prepared and fully supported cost proposal lies solely with the offeror. The basis and rationale for all proposed costs shall be provided as part of the proposal so that the contracting officer has the information necessary to evaluate the reasonableness of the proposed price.

(2) If the offeror is unsure as to whether a checklist item is required in support of the proposal, or how to adequately comply with a checklist item, the offeror shall contact the contracting officer as soon as possible after receipt of the RFP, but in any case prior to proposal submittal, to resolve the questions.

(3) Non-compliance with the DFARS Proposal Adequacy Checklist and the additional requirements of this provision will require immediate correction. However, completion of the checklist does not relieve the offeror from the responsibility to comply with all applicable regulations and any special requirements of the solicitation.

(4) The offeror is encouraged to flow down this provision to subcontractors/affiliates required to submit certified cost or pricing data in support of this RFP.

(b) The offeror is advised that the contracting officer may find costs associated with revision/rework of inadequate cost proposals unreasonable, and will consider the nature and extent of any proposal inadequacies when assessing/negotiating profit.

(c) In order to preclude delays in negotiations and contract award, the completed PAC submitted with the proposal shall provide a clear explanation for any checklist items not included in the proposal, particularly items not provided based on any of the exceptions to TINA found at FAR 15.403-1(b) and [Deviation 2018-O00009](#).

(d) Cost Proposal Requirements. In addition to the requirements identified in the DFARS PAC, the following also apply to the cost proposal submitted in response to this RFP.

(1) Breakout by Year. If the proposal includes more than one CLIN, the proposal shall include a breakout of CLIN prices by cost element by Contractor Fiscal Year (CFY). At the contracting officer's direction, the breakout by year shall also be provided by: *(select applicable breakouts)*

- Government Fiscal Year (GFY)
- Calendar Year (CY)

The proposal shall define the timeframe of the Contractor Fiscal Year (for example, January – December).

(2) If the proposal includes more than one CLIN/subCLIN, recurring/non-recurring costs shall be identified for each CLIN/subCLIN.

(3) When the proposal includes material costs, the proposal shall include a consolidated bill of materials (CBOM) at the total contract level in an electronic, sortable format (Excel spreadsheet or other format approved by the contracting officer).

i. When the amounts proposed in the CBOM include application of escalation, the proposal shall identify the base value, the escalation rate(s) used, and the escalation amount associated with each item escalated.

ii. When the proposed amount is based on historical data which has been adjusted (for example, for differences in quantity), the CBOM shall clearly identify the adjustments made to the historical data and the reason for each adjustment.

(4) All costs proposed on the basis of Cost Estimating Relationships (CER) shall be fully supported. The proposal shall identify the basis for the proposed rate, shall identify the base to which the rate is applied, and shall clearly demonstrate the calculation of proposed costs based on CERs.

(5) For any costs incurred prior to proposal submission, the proposal shall identify actual hours and cost incurred as well as hours/costs to complete and the time phasing associated with these hours/costs. This information/data shall be provided in a time-phased cost element summary format.

(6) Submission of Historical Actual Costs Incurred. *(Insert in RFPs for follow-on efforts as applicable. The contracting officer may identify specific contracts for which submission of actual cost data is required (for example, the last three lot buys of the same item), or may require that the contractor identify its most recent sales of the items to any customers, if the contractor's sales base is broader than the current buying office. Language may be tailored to request insight into specific areas of cost (e.g., sustaining engineering hours). However, the contracting officer should take into consideration the extent to which the contractor's existing business systems can support requests for granularity in reporting of actual costs incurred, as well as the potential time and cost involved in obtaining very detailed or low-level historical actuals.)*

(i) The contractor shall provide the following information for these prior acquisitions: *[contracting officer identifies the specific acquisitions for which actual cost data is required. Alternately, the contracting officer may require the contractor to identify prior and current contracts for the same items covered in this RFP.]* For these contracts, the contractor shall provide the following information:

- a. contract number (including modification number if applicable) or other identifier;
- b. contract type;
- c. contract quantity;
- d. contract price; and

e. actual cost incurred, including a breakout of actuals as recurring/non-recurring costs. If performance is not complete on any of the specified contract actions, provide an estimate to complete and the basis for that estimate.

(ii) The contractor shall also request that its top five major sole source subcontractors provide the information listed in the above paragraphs (i) a. through e. on prior contracts for items the prime is purchasing from the subcontractors for this effort. If a subcontractor's information on prior actuals is not included in the prime's proposal, the proposal should identify status and anticipated receipt date(s). If the subcontractor deems the information proprietary, the subcontractor may submit the information directly to the contracting officer.

(7) The proposal shall identify those actions where assist audits have been requested by the prime or sub-tier contractors and identify the request date and scheduled receipt date for those audits. The need for assist audits resulting from proprietary data rights assertions at any tier shall be identified to the contracting officer as soon as the offeror becomes aware of the need. Government performance of assist audits does not relieve the offeror of the responsibility to accomplish and provide its price/cost analysis of the subcontracts.

(8) If the offeror intends to request Performance-Based Payments (PBP), the offeror's proposal shall include a monthly expenditure profile, proposed events and their projected completion dates, rationale on why the proposed event demonstrates significant progress towards the completion of the end item, proposed values for each event, completion criteria for each event, and an identification of each event as severable or cumulative.

(9) Commercial item considerations:

i. The offeror's proposal shall provide support for any subcontractor Commercial Item Determinations (CID), addressing, at a minimum, the following:

- a. A description of the supplies or services;
- b. Specific identification of the type of commercial item claim ([FAR 2.101](#) commercial item sub-definitions (1) through (8)), and the basis on which the item meets the definition; and
- c. For modified commercial items (commercial item sub-definition (3)), classification of the modification(s) with supporting rationale as either:

- 1. Of a type customarily available in the commercial marketplace ([FAR 2.101](#) commercial item sub-definition (3)(i)); or
- 2. A minor modification of a type not customarily available in the commercial marketplace made to meet Federal Government requirements ([FAR 2.101](#) commercial item sub-definition (3)(ii)).

Note that per FAR 15.403-1(c)(3)(iii)(B), modifications that meet the definition of minor modifications of a type not customarily available in the commercial marketplace as defined in [FAR 2.101](#), paragraph (3)(ii) of the commercial item definition, will require the submission of certified cost and pricing data when the total price of all such modifications exceeds the greater of the threshold for certified cost or pricing data (FAR 15.403-4) or 5% of the total price of the contract at the time of contract award.

ii. For proposed subcontract commercial items “of a type”, or “evolved” or modified ([FAR 2.101](#) commercial item sub-definitions (1) through (3)), the offeror shall provide a technical description of the differences between the proposed item and the comparison item and thoroughly address the cost differences between the proposed item and the comparison item.

iii. The proposal shall include, or the offeror shall make available, data other than certified cost or pricing data to establish price reasonableness of the proposed subcontract commercial item (to include any modifications not subject to the requirement to submit certified cost or pricing data) by supplying:

a. Information/data related to competition, if competition is the offeror’s basis for asserting the reasonableness of the proposed subcontract price.

b. Information/data related to prices (sales data, market price assessments, etc.). Note that subcontractors may submit sales data directly to the contracting officer if the subcontractor deems the data proprietary.

c. The prime contractor’s or higher tier subcontractor’s price analysis/price reasonableness determination for the commercial subcontract in accordance with FAR 15.404-3(b)(1) and (2).

d. Cost information/data (cost element breakdown and supporting documentation not subject to certification in accordance with FAR 15.406-2). Instances where cost information may be required include but are not limited to commercial items offered but never actually sold to the public, “of a type” commercial items, or when sales data is limited and/or not recent and/or not for the same/similar quantities.

Note that the preferred method of establishing the price reasonableness of commercial items is to obtain commercial sales data. It is recognized that other methods, such as market price assessment data or evaluation of cost data not subject to certification, are also acceptable when prior sales data cannot be obtained. Sales data shall (1) demonstrate sales to the general public; (2) be current; and (3) where possible, be in like quantities. Items sold to state, local, or foreign governments or items sold with applications only to state, local, or foreign government or US Government end items are not considered to be sales to the general public unless the proposed commercial item meets the FAR 2.101 commercial item definition sub-definition (8).

(10) Additional Cost/Price Proposal Requirements: *(Identify any additional requirements applicable to the solicitation, or enter “N/A”.*

*- If an electronic CBOM providing traceability to the CLIN level, to WBS paragraph, etc. is required, identify that requirement in this paragraph.*

*- If sales data supporting price reasonableness of a commercial item is required, use this paragraph to provide specifics as to the level of detail and applicable date range(s) of the sales data.*

*- If a breakout of basic and options is required, detail that requirement here)*

*Add the following paragraph to provision L-XXX, Cost Proposal Adequacy and Structure, only when an electronic version of the cost proposal with active formulas (e.g., in Excel) is required. This paragraph may be tailored as necessary to describe the specific requirements of the electronic cost model.*

(e) Submission of electronic cost model. *(Tailor as needed for each specific circumstance. If electronic cost models are required for any subcontractors or affiliates, identify those requirements within this paragraph.)* The proposal submission shall include an electronic cost model with active formulas demonstrating the mathematical calculation of the proposed cost (in Excel or other format approved by the contracting officer). The electronic cost model shall include build-up by year of cost in total and by CLIN/subCLIN, consistent with the yearly breakout required by paragraph (d)(1) of this provision, or as directed by the contracting officer. If applicable, the electronic cost model shall link each Work Breakdown Structure (WBS) to the applicable CLINs. The electronic cost model shall roll up to an annual and total program summary by cost element. All information supporting each CLIN should be visible and verifiable in the electronic cost model. The formulas included in the electronic cost model shall not be locked, and the model shall be editable by the Government.

**NOTE :** *The blue italicized text above represents instructions for the contracting officer and should be removed prior to incorporating Section L into the solicitation.*

## **2. Requesting data/documentation after receipt of the proposal.**

a. A contracting officer request for supporting data/documentation from a contractor (whether verbally or in writing) after proposal receipt, must clearly state what data/documentation is needed and when it should be provided.



b. If requested data/documentation is not readily available because of extenuating circumstances (e.g., data that did not form the basis of the contractor's proposal), the contracting officer and the contractor should agree in writing as to a reasonable time for submittal of data.

c. Where system generated data is to be provided, the contracting officer should review the data fields to be reported before the data is generated to ensure a common understanding of what is needed. Inform the contractor that all data requests will be tracked and will be considered open action items until the Government concurs that the data has been received and is complete.

d. If the data is not provided by the requested date or, if applicable, the agreed-to-date, and an acceptable resolution cannot be achieved, the contracting officer must elevate the issue to appropriate senior contracting management for both the Government and the contractor until an appropriate resolution is reached. The contracting officer must document the outcome of the elevation process in writing to include any revised dates for receipt of requested data/documentation. See the [DoD Sole Source Streamlining Tool Box](#) for the recommended elevation process, as well as other streamlining techniques.

e. If, after elevation, an acceptable resolution has not occurred or the contractor fails to provide the data/documentation within the revised agreed-to date, the contracting officer may take remedial actions:

- for UCAs, contracting officers should consider reducing or suspending progress payments ([FAR 32.503-6](#)) when the contractor does not submit a timely qualifying proposal or has otherwise not supported the established definitization schedule; and/or
- assign an unsatisfactory rating for a singular performance problem, such as the failure to submit a timely, complete and quality proposal (or subsequent data submissions), in connection with a UCA when the problem is of such serious magnitude that it alone justifies an unsatisfactory Contractor Performance Assessment Reporting System (CPARS) rating in the assessment of Management Responsiveness (Block 18d(1) for a Systems CPAR) or Business Relations (Block 18d for a Non-Systems CPAR). Ratings must track to the Evaluation Ratings Definitions found in FAR 42.1503(h)(4).

f. Consistent with the notice given to contractors in the provision [L-XXX, Cost Proposal Adequacy and Structure](#), in situations when the contractor's original proposal is inadequate and requires revision or rework, contracting officers should consider whether to recognize as reasonable any contractor costs associated with the revision/rework effort and must consider the nature and extent of any proposal inadequacies when negotiating profit.

#### **MP5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver**

(b) Requesting Pricing Assistance.

(1) "Full Pricing Assistance" means the price analyst accomplishes the majority of the pricing effort (e.g. pricing case) for a specific contract action which meets or exceeds the thresholds identified in DAFFARS [5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver](#)(a). Submit the request for pricing assistance to the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). The contracting officer may also request full pricing assistance for actions below the thresholds identified in DAFFARS 5315.404-1-90(a) when additional pricing expertise is needed. The Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief) is the approval authority for those requests, on a case by case basis. See the tailorable [Request for Pricing Assistance or Pricing Assistance Waiver](#) template.

(2) "Tailored Pricing Assistance" may also be requested for actions below the mandatory thresholds (or in conjunction with a Pricing Assistance Waiver Request) and will be provided at the discretion of the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). See the tailorable [Request for Pricing Assistance or Pricing Assistance Waiver](#) template. Examples of Tailored Pricing Assistance that may be available include:

- (i) Assistance with completion of the Weighted Guidelines (DD Form 1547)
- (ii) Pricing inputs for business/contract clearance
- (iii) Cost proposal spreadsheet development/modeling
- (iv) Defective pricing
- (v) Assistance with structuring Economic Price Adjustment (EPA) clauses
- (vi) Assistance with determination of final prices of incentive contracts
- (vii) Claims
- (viii) PNM review
- (ix) Assistance with/review of reopener clauses
- (x) Evaluating Performance Based Payments
- (xi) Source selection support, including drafting and/or review of Sections L and M, drafting cost sections of briefings and reports, and review of pricing volumes of proposals



(xii) Rate and factor reviews when DCMA assistance is not available

(3) Request pricing assistance as early as practicable in the acquisition process, but no later than receipt of the proposal. For large dollar sole source acquisitions, the contracting officer is expected to consult with the pricing office (or Clearance and Program Support office ) to determine which components of the **L-XXX Cost Proposal Adequacy and Structure** provision described in [MP5315.4 Contract Pricing-1.d](#), should be included in the RFP.

(c) Requesting a Pricing Assistance Waiver. Contracting officers may request a Pricing Assistance Waiver for acquisitions which meet or exceed the required thresholds identified in [5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver](#) . Submit the waiver request to the CAA through the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). See the tailorable [Request for Pricing Assistance or Pricing Assistance Waiver](#) template .

#### **MP5315.407-90 Contract Audit Follow-up (CAFU)**

1. This Mandatory Procedure implements the following publications:

- a. [Office of Management and Budget \(OMB\) Circular No. A-50](#), *Audit Follow-up* ;
- b. [Department of Defense Instruction \(DoDI\) 7650.03](#), *Follow-up on Government Accountability Office (GAO), Inspector General of the Department of Defense (IG DoD), and Internal Audit Reports*; and
- c. [Department of Defense Instruction \(DoDI\) 7640.02](#), *Policy for Follow-up on Contract Audit Reports*.
- d. Department of Defense Instruction (DoDI) 7650.02, *Engaging with the Government Accountability Office (GAO) on GAO Audits*.

The publications above establish policy and responsibilities, reporting requirements, and follow-up procedures for contract audit reports issued by the Government Accountability Office (GAO), Inspector General of the Department of Defense (IG DoD), Defense Contract Audit Agency (DCAA), and the other internal audit agencies (such as the Air Force Audit Agency (AFAA)).

2. SAF/AQCP manages the Air Force CAFU program.

3. CAFU requirements for DCAA audit reports:

a. **SCO RESPONSIBILITIES:** SCOs:

(i) Designate a CAFU focal point to manage the organization's CAFU program in accordance with these procedures. The CAFU Focal Point:

(a) Monitors and ensures proper and timely resolution and disposition of contract audit reports within the focal point's organization.

(b) Maintains current records on all reportable audits, from receipt through disposition. For open reports, this includes written milestone plans comprised, as a minimum, of target resolution and disposition dates.

(c) Ensures that acquisition personnel within their organization are properly trained in the use of contract audit reports and the requirements of the CAFU program.

(d) Ensures that the organization's semi-annual CAFU status report is prepared in accordance with these procedures using the web-based CAFU tool and User's manual located on the [Defense Contract Management Agency \(DCMA\)](#) website. When the security classification of a contract or an audit precludes the use of the DCMA website, SCOs must seek approval from SAF/AQCP to use alternate means of reporting.

(e) Directs periodic evaluations of the organization's CAFU program to determine whether they are adequate and result in timely, appropriate resolution and disposition of audit reports.

b. **CONTRACTING OFFICER (CO) RESPONSIBILITIES:** The CO is responsible for reaching agreement with the contractor and has wide latitude and discretion in that regard. Accordingly, the procedure contained herein is structured in consonance with the independent, decision-making role of the CO and the financial advisory role of the contract auditor. COs should give full consideration to contract audit advice and must pursue timely and proper resolution and disposition of contract audit reports. Resolution of contract audit reports, other than pre-award reports, is required by OMB Circular A-50 to be accomplished within six months of report issuance. Disposition should take place as soon as possible after resolution. Per [DoDI 7640.02](#), Enclosure 3, Section 3.a, reportable audits should normally be disposed of within 12 months after issuance. The CO must document the disposition of all reported findings and recommendations in a signed and dated memorandum in accordance with [DoDI 7640.02](#), Enclosure 3, Section 3.b.

c. **TRACKING OF AUDIT REPORTS:** Contracting activities must track all contract audit reports. Tracking of non-reportable audits may be accomplished using records maintained in the contract file or in the CAFU on-line system. The designated focal point at each Air Force contracting activity maintains contract audit follow-up information on a current basis. The audit tracking information will normally be managed centrally at MAJCOM/DRU headquarters (except for

HQ AFMC and SMC, where this tracking will occur at the field activity). For auditor-determined final, indirect cost rate reports, a report is considered received for follow-up tracking purposes when it is forwarded by the auditor to the cognizant Administrative Contracting Officer (ACO) for resolution and disposition.

d. **REPORTING OF AUDIT REPORTS:** Reportable audits are identified in the Glossary of [DoDI 7640.02](#). The information to be reported on each audit is identified in Enclosure 4 of the same regulation. MAJCOM/DRU/SMC semi-annual status reports will be automatically transmitted using the on-line CAFU system. The reports must cover the semi-annual periods ending 31 Mar and 30 Sep and must be completed in the on-line CAFU system no later than the end of the reporting period. If there are no audits, a negative report must be prepared and submitted to SAF/AQCP. All activities must make every possible effort to ensure the completeness and accuracy of their semi-annual reporting submission. Special attention should be focused on ensuring the most accurate data is submitted on any audit listed as unresolved and over 6 months old.

4. CAFU for GAO, IG DoD, and Internal Audit Reports: These procedures apply to audit reports which disclose contract pricing issues and are issued directly to the buying activity. COs shall provide:

- a. An initial response to the GAO/IG DoD/Internal Audit Agency within 60 days of receipt of the audit report; and
- b. A copy of the initial response and the disposition documents to the following:
  - (i) SAF/FMPF, 1130 Air Force Pentagon, Washington, DC 20330-1130.
  - (ii) SAF/AQCP, 1060 Air Force Pentagon, 4C149, Washington, DC 20330-1060.
  - (iii) Office of the Inspector General, Department of Defense, Attn: DAIG, GAO Report Analysis, 4800 Mark Center Drive, Alexandria, VA 22350-1500.

# MP5325 - FOREIGN ACQUISITIONS

## 2019 Edition

*Sec.*

	MP5325.103 Exceptions	1.	DomesticNon-
	MP5325.7002-2 - Exceptions		AvailabilityDeterminationsDNADUnderDFARS225.7003
1.	DomesticNon-		Domestic Non-Availability Determinations (DNAD) Under
	AvailabilityDeterminationsDNADUnderDFARS225.7002		DFARS 225.7003
	Domestic Non-Availability Determinations (DNAD) Under	2.	ApplicabilityofCommercialDerivativeMilitaryArticlesCDMAtoSpecialtyMetals
	DFARS 225.7002		Applicability of Commercial Derivative Military Articles (CDMA)
2.	DNAException DNAD Exception		to Specialty Metals
	MP5325.7003-3 - Exceptions	3.	DNAException DNAD Exception

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**MP5325.103 Exceptions**

(a) When a determination of nonavailability is required by FAR 25.103 and DFARS 225.103(b)(i), the contracting officer must prepare a request for [nonavailability determination](#) and process for approval in accordance with DFARS 225.103(b)(ii). For acquisitions at or above \$1.5M, see [MP5301.601 \(a\)\(i\) Head of the Contracting Activity \(HCA\) Matrix](#). Each request should identify the proposed acquisition by applicable purchase request or contract number and include:

- (1) A description of the articles intended to be acquired, manufacturer's name and address, model number, and specific information pertaining to special features, performance, versatility, etc.;
- (2) A statement of the efforts made to secure either the article required or suitable substitutes from domestic sources. List all domestic sources contacted or provide reasons why domestic sources were not contacted. Additionally, list reasons, if known, why domestic sources contacted could not or would not furnish required articles or suitable substitutes;
- (3) The name and address of the proposed source (if other than the manufacturer, state reason(s) why direct purchase or purchase through an overseas contract activity is not feasible);
- (4) The reason why purchase of foreign material or from a foreign source is necessary. Identify and explain the specific portion of the mission or requirement, which is of such magnitude as to override consideration to procure a domestic source end product;
- (5) A description of the end use of item to be purchased and a brief description of the special function to be accomplished, such as performance of special tests or research work;
- (6) The identity of the purchaser;
- (7) The citation of the applicable appropriation;
- (8) When the proposed purchaser of the articles intended to be acquired is not a Government agency but is an Air Force contractor, provide the contract number, the contract type, and indicate what the disposition of the articles will be at contract completion.;
- (9) Whether or not payment is intended to be made before delivery is accomplished; and
- (10) The estimated foreign, domestic, and total cost of the proposed acquisition.

(b) In the case of inter-command acquisitions, compliance with the Buy American Statute and Balance of Payments evaluation procedures (DFARS 225.5) is the responsibility of the contracting command, except when the requiring command specifies a foreign end product, in which case, the determination is the responsibility of the requiring command.

(c) When overseas contracting support is needed, CONUS contracting activities should contact the following:

- (1) In Japan (excluding Okinawa):

374 CONS/CC  
Unit 5228  
APO AP 96328-5228  
DSN 315-225-7099

- (2) In Okinawa:

18 CONS/CC  
Unit 5199  
APO AP 96368-5199  
DSN 315-634-1828

- (3) In Europe:

AFICA/KU (OLAFE)  
Unit 3103  
APO AE 09094-3103  
DSN 314-480-5910

(d) CONUS contracting activities requesting contracting support should provide, as a minimum, the information specified below to the appropriate overseas contracting activity. Contracting activities will treat all requests for contracting support on a priority basis. The requesting activity will provide:

- (1) A purchase request with description of the requirement including definitive specifications free of any defects that would otherwise preclude immediate contracting action;
- (2) Instructions for packaging, packing, and preservation, and special instructions dictated by the nature of the commodity to be purchased, if necessary;
- (3) An executed Buy American Statute Determination (DFARS 225.103(b)(i)) if the item is not exempted;

- (4) A specification or purchase description suitable for obtaining full and open competition, or necessary information, certified as complete and accurate in accordance with FAR 6.303 to support any recommendation for use of other than full and open competition;
- (5) The obligation authority;
- (6) The mailing address and telephone number of a single point of contact;
- (7) Transportation, routing, or shipping instructions. If the foreign contractor will be required to ship requirements to multiple CONUS-based consignees, detailed shipping instructions concerning each consignee will be provided to the overseas procuring activity; and
- (8) Any special distribution requirements for the contractual documents required beyond the normal distribution.
- (e) Overseas contracting activities providing courtesy contracting support to CONUS-based requiring activities will, after determining all submitted documentation to be adequate, proceed with the acquisition using the certificate of conformance when appropriate. The AFO supporting the overseas contracting activity should make payments on all transactions. The CONUS requiring base should respond expeditiously to any requests of the overseas contracting activity.

## MP5325.7002-2 - Exceptions

### 2019 Edition

- [1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7002 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)
- [2.DNAException DNAD Exception](#)
- [1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7002 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)
- [2.DNAException DNAD Exception](#)
- [1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7002 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7002](#)
- [2.DNAException DNAD Exception](#)

### **1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7002 Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7002**

Follow these mandatory procedures when requesting approval to purchase restricted items under DFARS 225.7002; for example, food, clothing, tents, tarpaulins, covers, cotton and hand or measuring tools. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of the simplified acquisition threshold. This MP provides assistance in determining the applicability of restrictions when drafting a DNAD. A DNAD must be tailored to your acquisition. In some cases it may not be possible to obtain all of the data specified in the [DNAD template](#); however, contracting officers should make every effort to do so. See DFARS 225.7002 for the entire list.

### **2.DNAException DNAD Exception**

#### **a. Individual DNADs**

When a contractor asserts that a domestic item identified at DFARS 225.7002-1 is not available, a DNAD is required; the [DNAD](#) must be coordinated through the SCO and [SAF/AQC](#) before submission to the Secretary of the Air Force (SecAF) for approval. The SecAF may grant a DNAD if compliant items, identified at DFARS 225.7002-1, of satisfactory quality and sufficient quantity, and in the required form, cannot be procured at U.S. market prices as and when needed. This approval authority is not delegable. This exception should not be read to require that the compliant material/item must be totally unavailable (i.e., cannot be obtained at any cost). There is some cost limit that should be recognizable by a contracting officer, and that a reasonable person would agree, makes the material/item effectively “unavailable.”

#### **b. Class DNADs**

Contracting officers may continue to use OUSD (AT&L) approved class DNADs that cover food, clothing, fabrics, and hand or measuring tools for new contracts if the DNAD was signed by the Undersecretary of Defense (OUSD) (AT&L) or by a Service Secretary. The OUSD (AT&L) DNADs currently available for reciprocal use are posted on the [DCMA website](#). If a class DNAD is used, the contracting officer must prepare a Determination and Finding (D&F) approved by the SCO. This approval may not be further delegated. The contracting officer must obtain legal review to support the determination.

## MP5325.7003-3 - Exceptions

### 2019 Edition

[1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7003 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)

[2.ApplicabilityofCommercialDerivativeMilitaryArticlesCDMAtoSpecialtyMetals Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)

[3.DNAException DNAD Exception](#)

[1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7003 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)

[2.ApplicabilityofCommercialDerivativeMilitaryArticlesCDMAtoSpecialtyMetals Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)

[3.DNAException DNAD Exception](#)

[1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7003 Domestic Non-Availability Determinations \(DNAD\) Under DFARS 225.7003](#)

[2.ApplicabilityofCommercialDerivativeMilitaryArticlesCDMAtoSpecialtyMetals Applicability of Commercial Derivative Military Articles \(CDMA\) to Specialty Metals](#)

[3.DNAException DNAD Exception](#)

### **1.DomesticNon-AvailabilityDeterminationsDNADUnderDFARS225.7003 Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7003**

Follow these mandatory procedures (MP) when requesting approval to purchase restricted specialty metals under DFARS 225.7003. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of the simplified acquisition threshold. This MP provides guidance for drafting DNAD and Commercial Derivative Military Article (CDMA) Determination and Finding (D&F) documents. The DNAD or CDMA D&Fs should be tailored to the particular acquisition. In some cases, the contracting officer may not be able to obtain all of the data specified in the templates referenced below; however, the contracting officer should make every effort to do so.

### **2.ApplicabilityofCommercialDerivativeMilitaryArticlesCDMAtoSpecialtyMetals Applicability of Commercial Derivative Military Articles (CDMA) to Specialty Metals**

When a program office concludes that an item to be delivered under a prime contract is a commercial derivative military article (as defined at DFARS 252.225-7009) and the prime contractor provides the certification required at DFARS 252.225-7010, the contracting officer must prepare a [CDMA D&F](#) and coordinate the effort through the SCO and [SAF/AQC](#) for submission to the Secretary of the Air Force (SecAF) for approval. This approval authority is not delegable.

### **3.DNAException DNAD Exception**

When a program office concludes that domestically melted or produced specialty metal cannot be procured (as described in DFARS 225.7003-3(b)(5)) to support the production of a particular end item or component, the contracting officer must prepare a [DNAD D&F](#) for specialty metals. The contracting officer must coordinate the effort through the SCO and [SAF/AQC](#) for submission to the SecAF for approval. The SecAF may grant a DNAD for an individual contract if a compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed at a fair and reasonable price. This approval authority is not delegable. A Class DNAD requires the approval of the USD(AT&L).

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# **MP5332 - CONTRACT FINANCING**

**2019 Edition**

*Revised 2 May 2022*

*Sec.*

MP5332.4 - ADVANCE PAYMENTS FOR NON-COMMERCIAL  
ITEMS  
MP5332.470 Advance Payment Pool

MP5332.7 - CONTRACT FUNDING  
Release of Solicitations in Advance of Funding Availability

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## **MP5332.4 - ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS**

### **MP5332.470 Advance Payment Pool**

Advance payment requests must be processed as follows:

(1) The contracting officer must compile the advance payment request package in accordance with FAR 32.4 and DFARS 232.4 and submit it to the SCO for coordination. The SCO must submit the request through [SAF/AQC](#) workflow. SAF/AQC forwards the package to [SAF/FMPA](#) for review and approval. AFRCO and SpRCO will submit the request directly to the DAS(C)/ADAS(C), as appropriate.

(2) SAF/FMPA will evaluate the request to determine if advance payments are justified. Assistance may be solicited from other sources such as contracting officers, auditors, disbursing officers, and, if necessary, field visits to the contractor or institution. For nonprofit educational or research institutions, SAF/FMPA will determine if approved advance payments will be disbursed from an advance payment pool in accordance with DFARS 232.470. When approved, SAF/FMPA will forward the findings, determinations, and authorization for advance payments and/or the advance payment pool agreement to the contracting officer. The contracting officer must ensure all applicable advance payment clauses are incorporated into each contract. The clause at DFARS 252.232-7000, Advance Payment Pool, must be incorporated into each contract that is covered by the agreement.

(3) The Air Force accounting and finance office is responsible for the disbursing functions of the advance payment pool agreement.

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## MP5332.7 - CONTRACT FUNDING

### Release of Solicitations in Advance of Funding Availability

Except for solicitations and contracts issued in accordance with FAR 32.703-2(a) and clause 52.232-18, *Availability of Funds*, follow the procedures below when issuing solicitations in advance of available funds:

(a) The following statement must be included in any such solicitation: *"Notice to Offeror(s)/Supplier(s): Funds are not presently available for this effort. No award will be made under this solicitation until funds are available. The Government reserves the right to cancel this solicitation, either before or after the closing date. In the event the Government cancels this solicitation, the Government has no obligation to reimburse an offeror for any costs."*

(b) When the resulting contract is to be funded by Procurement or Research, Development, Test, and Evaluation appropriations, the program/requirement must be included in the President's budget as submitted to Congress, and the program manager must provide the contracting officer a written statement, indicating the program's inclusion. The statement must be coordinated with FM at the Center level (or equivalent) or as delegated to FM Organizational Senior Functional (OSF) that these investment funds will be used for the proposed acquisition and, although not presently available, a reasonable expectation exists that funding will be authorized and available upon enactment of the Authorization and Appropriations Acts.

(c) For solicitations for programs funded by the National Guard and Reserve Equipment Account when the Defense Appropriations Act is signed into law, for the Air National Guard Bureau, and/or Air Force Reserve Command, the Air National Guard or Reserve program manager must confirm that funds have been identified for the acquisition.

(d) Except for solicitations for operational contracting supply requirements less than \$1M and funded with annual appropriations, the MAJCOM/DRU/AFRCO/SMC Requiring Activity Functional Commander/Director, SCO, and Comptroller, or their appointed representatives, must jointly agree in writing to authorize the operational contracting office to issue solicitations when it is anticipated that the contract(s) will be funded, but funds are not yet available.

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**MP5333 -PROTESTS, DISPUTES, AND APPEALS**

*Sec.*

MP5333.1 - PROTESTS

MP5333.104 Protests to GAO

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## MP5333.1 - PROTESTS

### MP5333.104 Protests to GAO

#### (a) General

(1) The Air Force response to a GAO bid protest must comply with GAO's Bid Protest Regulations (4 CFR Part 21) and FAR 33.104 as supplemented. For guidance on responding to unclassified protests, follow the [Air Force Commercial Litigation Field Support Center Protest Guide](#). For guidance on responding to classified protests, follow the [Administrative Guide for Processing Classified GAO Protests](#). Both documents are also available from [AF/JACQ](#).

(2) SAF/AQC serves as the notification point with the GAO for all protests.

Phone: (571) 256-7077, DSN 260-7077

E-mail: [SAF.AQ.SAF-AQC.Workflow@us.af.mil](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil)

(3) The Air Force Commercial Litigation Field Support Center (AF/JACQ) represents the Air Force on all protests.

Phone: (240) 612-6661, DSN 612-6661

E-mail: [AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil](mailto:AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil)

(4) The contracting officer must send any communication to the GAO through AF/JACQ with a courtesy copy to SAF/AQC and to the SCO focal point. Forward any inquiry received from an attorney representing a protestor or interested party to AF/JACQ.

(5) The *focal point* is the designated SCO who receives communication from SAF/AQC concerning protests against Air Force solicitations or awards.

(6) The *supporting legal office* is the office that provides legal support to the contracting activity that received the protest. An attorney from the supporting legal office will draft the memorandum of law, and otherwise support the defense of the protest. AFLOA/JAQ will provide protest guidance to the supporting legal office.

#### (b) Actions upon Receipt of Protest

(1) SAF/AQC will notify the contracting activity when a protest has been filed with the GAO. The contracting activity must immediately notify its supporting legal office/local attorney who provides contract law advice.

(2) The contracting officer must, within one business day of receiving the protest:

(i) Forward a copy of the protest to its supporting legal office/local attorney who provides contract law advice.

(ii) Provide a copy of the protest (or a redacted copy if the protest is designated as containing protected material) to the awardee, or if no award has been made, to all offerors who appear to have a reasonable prospect of receiving award. If no redacted copy of a protected protest was received, so advise AF/JACQ who will raise the issue with the protester.

(iii) Advise AF/JACQ and SAF/AQC as to all actions being taken regarding a stay of performance and any override of the stay to include:

(A) A discussion of whether a stay of performance or award is required IAW 31 U.S.C. 3553.

(B) If a stay is required IAW FAR 33.104(b) or (c), whether an override will be sought to lift the stay. (See paragraph (f).)

(C) If a stay is not required, discuss whether a suspension of performance or termination of the contract is in the best interest of the Air Force.

(iv) Send an email to [AF/JACQ](#) with the name, phone number, and e-mail address of the contracting officer and the local attorney.

(3) The contracting officer is responsible for generating the contracting officer's statement of facts. Within ten days after the Air Force receives the protest, provide the draft statement of facts and table of contents to its supporting legal office/local attorney who provides contract law advice.

(4) The supporting legal office/local attorney is responsible for preparing the initial memorandum of law, which will include a legal analysis of each ground of protest.

(5) The contracting officer must e-mail drafts of the initial memorandum of law, statement of facts, and table of contents (including a listing of any requested documents deemed irrelevant) to AF/JACQ (copying the focal point) as soon as practicable, but not later than 15 days after the Air Force is notified of the protest (or seven days from the date the express option is invoked by the GAO).

#### (c) Hearings

(i) If GAO calls for a hearing, the contracting activity must provide the requested witnesses and other support required by AF/JACQ. The contracting activity is responsible for funding witness travel and TDY costs.

(ii) At the request of the GAO through AF/JACQ or at the request of AF/JACQ, the contracting activity must obtain and fund court reporter services to transcribe the hearing. The cost of court reporter services is typically shared between the contracting activity, the protester, and the intervener.

*(d) Resolving the Protest*

(1) GAO Decision. If the protest goes to a written decision, the GAO will issue the decision within 100 days of the filing of the original protest. A protest decision involving protected information will be released to the parties under the protective order. A protected decision may be viewed within the government, but may not be released to, or discussed with, non-government personnel unless those personnel have been explicitly admitted to access of protected material under the protective order. Generally, those admitted to access under the protective order will be legal counsel for the protester and interveners. The GAO will issue a public redacted version of the decision at a later date.

(i) Denial or Dismissal. If the GAO denies or dismisses a protest, the protest is closed. The Air Force can proceed with all contractual actions upon notification of denial or dismissal.

(ii) Sustain. If the GAO sustains a protest, the GAO will also recommend corrective action and may recommend payment of reasonable protest costs, to include reasonable attorney fees. In some cases the GAO may also recommend payment of proposal preparation costs.

(A) Corrective action should be accomplished pursuant to paragraph (g) below. A decision not to comply with a GAO recommendation for corrective action may only be made by SAF/AQC. Any recommendation not to comply with GAO's corrective action recommendation must be coordinated with the focal point and forwarded through the SCO to SAF/AQC and AF/JACQ within 15 days of the date of the decision.

(B) Potential costs may include attorney fees and in-house costs related to pursuit of the protest. Costs must be paid by the base or procuring activity.

(2) Alternative Dispute Resolution (ADR). Resolution of the protest may be possible through use of ADR. Outcome prediction is a form of ADR commonly used in bid protests in which the GAO advises the parties of its likely position if the protest were resolved in a written decision. Air Force policy is to follow the outcome prediction recommendations. Other nonbinding ADR procedures (including but not limited to mediation) are available and should be considered for use in appropriate cases. When considering the use of ADR proceedings other than outcome prediction to resolve a bid protest, and before initiating an ADR proceeding, the contracting officer and AF/JACQ must notify [SAF/GCR](#) and [SAF/GCQ](#) and work with those offices to identify an ADR procedure appropriate to the individual case.

(3) Withdrawal. The protester may withdraw the protest, either because of corrective action taken by the Air Force or for other reasons. Once the protester gives notice of withdrawal to the GAO and the GAO closes its file, the contracting activity can resume all contractual actions.

*(e) Corrective Action*

(1) Corrective action may be taken by the Air Force at any time during the protest process or upon the recommendation of the GAO when a protest is sustained. Within five days of a decision to take corrective action (either voluntary or as recommended by the GAO), the contracting officer must provide a corrective action plan through their SCO to SAF/AQC and AF/JACQ. The contracting officer must notify SAF/AQC and AF/JACQ if there are any significant changes to the corrective action plan, if the corrective action will not be completed within 60 days, and when the corrective action is complete. The focal point should be copied on these messages.

*(f) Mandatory Stay of Award or Performance*

(1) Statutory Requirements ( [31 USC 3551-3556](#) )

(i) Paragraph 33.104(c)(1) of the Federal Acquisition Regulation (FAR), in conjunction with [DoD Class Deviation - Post Award Rights](#), state that if the protest is received within the following deadlines, the agency has to withhold award or, if award has been made, immediately issue a stop work order to the awardee:

- Ten days after date of contract award;
- If a debriefing is required, five days after the debriefing date offered to the protester under a timely debriefing request and no additional questions related to the debriefing are submitted; or
- Five days after the government delivers its written response to additional questions submitted by the unsuccessful offeror.

(ii) The Air Force can override a stay in appropriate circumstances when it can show a requisite level of harm resulting from a delay of contract award or performance. A challenge to the override decision is brought before the Court of Federal Claims vice GAO.

(2) Overriding Stay of Award (protest filed before award).

- (i) See [5333.104\(b\)\(1\)](#) for processing instructions.

(ii) A stay of award may only be overridden by “urgent and compelling circumstances that significantly affect interests of the United States.” These circumstances may include delays, work stoppages, or performance degradations that severely impact mission-critical operations.

(iii) All requests must include facts that establish the urgent and compelling circumstances that significantly affect the interests of the United States. The request must explain, if there is an incumbent, why the incumbent’s contract cannot be extended. The request must explain what other options are available and why those options, if any, are not viable.

(3) Overriding Stay of Performance (protest filed after award).

(i) See [5333.104 Protests to GAO](#) for processing instructions.

(ii) A stay of performance may only be overridden by urgent and compelling circumstances that significantly affect interests of the United States, or where performance of the contract is in the best interests of the United States.

(iii) HCA Override . See [Override D&F Template](#). NOTE: The template contains guidance on the last few pages of the document.

(A) The request to the HCA for an override must include the findings required by FAR 33.104(b) or (c).

(B) The HCA will make a decision with respect to authorizing award or continued performance within ten days of the protest notification by SAF/AQC. If circumstances change after suspension of contract performance, the contracting officer may initiate a request to continue performance.

(C) The HCA’s decision to override is not effective until a written finding is made and the agency files with GAO either a copy of any issued determination and finding, or a statement by the individual who approved the determination and finding that explains the statutory basis for the override, in accordance with FAR 33.104(b)(2) or (c)(3). Notification should include the protester’s name and the B-number assigned to the protest. Copies of the signed notice and the finding must be sent to [SAF/AQC](#). AF/JACQ will file the notice at GAO and provide copies to the protester and interested parties, as required by FAR 33.104(d).

(iv) SAF/AQC may request a briefing on technical and contractual aspects of the solicitation when an override is requested.

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## **MP5342 -CONTRACT ADMINISTRATION AND AUDIT SERVICES**

*Sec.*

MP5342.9 - BANKRUPTCY

MP5342.902 Bankruptcy Procedures

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## MP5342.9 - BANKRUPTCY

### MP5342.902 Bankruptcy Procedures

#### 2019 Edition

(a) When an office (typically contracting, financial management, or legal) first learns of bankruptcy proceedings that may involve or affect the Air Force, that office must as a minimum provide notice to its supporting contracting, financial management, and legal offices. Once the contracting office and legal office are notified, they must work as a team to carry out the following responsibilities:

(1) The contracting office must furnish notice of the bankruptcy to any affected buying activities and to the Defense Finance and Accounting Service Office of General Counsel (DFAS-HGB) at the following address:

Office of General Counsel  
DFAS-HGB  
Defense Finance and Accounting Service  
8899 E. 56th Street  
Indianapolis, IN 46249-0160

The legal office must furnish notice to the Bankruptcy Branch of the Commercial Litigation Division of the Air Force Legal Services Agency (AFLOA/JAQ) at the following address:

AFLOA/JAQ  
1500 West Perimeter Road, Suite 4100  
Joint Base Andrews, MD 20762

Provide notice irrespective of whether any contracts have been closed, terminated, or still have performance outstanding. Make notifications via the most expeditious method, but no later than three days after learning of the bankruptcy. Notify promptly, whether or not all required information is initially available, and even in cases where it appears the notifying office, itself, received late notice. Ensure the notification includes:

- (A) The name of the debtor/contractor, including all known affiliates who have filed for bankruptcy;
- (B) The court in which the bankruptcy petition was filed;
- (C) The date the bankruptcy petition was filed; and
- (D) The case number assigned by the bankruptcy court.

(2) Make an assessment of each of the debtor's contracts and determine:

(A) If the Air Force has a claim or potential claim against the debtor/contractor (e.g., based on unliquidated progress payments, nonconforming goods, estimated excess procurement costs, etc.), whether the contract is ongoing, closed, terminated, or otherwise in litigation.

(B) The current status and performance experience of each ongoing contract. The contractor may request the court's permission to assume, sell, reject, or continue performing ongoing contracts. The contracting officer will need to coordinate with [AF/JACQ](#) to determine how best to pursue the most favorable course.

(C) If the debtor/contractor is in possession of any Government furnished equipment, Government furnished property, or work in progress for which title has passed to the Government.

(3) The contracting officer and legal office must promptly advise [AF/JACQ](#) regarding all Government property in the possession of, or under the control of, the debtor/contractor. Failure to address such property in a timely manner may result in a loss to the Government if the property is lost, sold, or otherwise improperly disposed of by the debtor/contractor or the court appointed trustee. The contracting officer must suspend payments to the contractor/debtor while making the assessment of each contract. (The contracting officer must contact the appropriate DFAS payment office if necessary to halt a previous or recurring payment request.)

(A) On those contracts where the Air Force has no claim or potential claim against the contractor, the contracting officer may resume payments to the contractor only for amounts due post-petition. The "petition date" is the date the bankruptcy was filed with the court. Post-petition payments are only for debts based on work performed, or goods delivered, after the debtor/contractor filed for bankruptcy. If an invoice does not clearly indicate whether it is based upon pre-petition or post-petition performance, the contracting officer should contact the debtor's/contractor's billing office—prior to making any payments—to request invoicing that clearly identifies whether the requested payment is for pre-petition or post-petition work. It is the debtor's/contractor's responsibility to bifurcate invoices into pre-petition and post-petition billing where a particular job spans the bankruptcy filing date. The supporting attorney will need to assist the contracting officer in obtaining appropriate invoices if the billing is being conducted by the trustee or the debtor's/contractor's bankruptcy counsel. NOTE: contracting officers must work closely with DFAS to ensure post-petition payments reference only those post-petition

invoices approved and forwarded by the contracting officer for payment. Be aware that DFAS' normal business practice may be to pay the oldest invoice on file first. Inadvertent payment of pre-petition invoices, versus the intended post-petition invoices, may result in the Government's loss of security and, ultimately, reduce the potential for recovery of Government claims.

(B) The contracting officer should continue to withhold amounts due for pre-petition performance or deliveries while AFLOA/JAQ works with DFAS and the Department of Justice to determine if there are other Government claims which should be offset against those pre-petition amounts owed. Pre-petition debts are those amounts due for work performed or goods delivered before the bankruptcy petition was filed with the court. The contracting officer must not authorize pre-petition payments without prior coordination with and approval from [AF/JACQ](#).

(C) These payment provisions augment, rather than supersede, otherwise applicable requirements regarding certification of payment requests.

(4) The contracting office and legal office must furnish information as follows:

(A) Any information required above, but not available at the time of initial reporting, must be provided to the respective office(s). Information reporting and coordination is a continuing requirement for both the contracting and legal offices.

(B) Not later than 15 days after receiving notice of a bankruptcy filing, the contracting officer must submit a report to DFAS-HGB and [AF/JACQ](#) detailing:

(i) Each contract (by debtor's/contractor's or affiliate's name) and the nature thereof;

(ii) All potential Government claims against the debtor/contractor (by contract), including the basis for each claim and the method used to determine the amount due (even when the amount is an estimate);

(iii) The status of each contract, including the percentage completed, the performance experience to date (including post-petition), and actions taken regarding the withholding or resumption of payments; and

(iv) Any available information regarding the debtor's/contractor's intent regarding the future of each contract and the contracting officers' thoughts regarding the same.

(C) All correspondence relative to the bankruptcy received from any source must be copied and forwarded to [AF/JACQ](#) within one business day of receipt.

(D) Any claims or requests for equitable adjustment from the debtor/contractor or trustee must be copied and forwarded to [AF/JACQ](#).

(b) The contracting officer and supporting attorney must consult [AF/JACQ](#) prior to taking any of the following actions regarding the debtor/contractor:

(1) Issuing a show cause letter or cure notice;

(2) Terminating a contract, either for default or the convenience of the Government, or canceling a contract or an order under a contract;

(3) Setting off or recouping debts, or otherwise attempting to collect or recover amounts owed by the debtor/contractor;

(4) Demanding or otherwise seeking to recover Government property;

(5) Initiating repurchase of the goods or services provided under a contract;

(6) Issuing a new contract to or exercising an option to extend a contract with the debtor/contractor; or

(7) Beginning or continuing any judicial or administrative action or proceeding against the debtor/contractor that could have been brought before the bankruptcy petition was filed.



**MP5346 -QUALITY ASSURANCE**

<i>Sec.</i>	MP5346.1 - GENERAL	MP5346.103 - Contracting Office Responsibilities
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## MP5346.1 - GENERAL

### MP5346.103 - Contracting Office Responsibilities

#### 2019 Edition

The following mandatory procedures will be used when awarding services acquisitions unless the three conditions at DFARS PGI 201.602-2(v)(A) are met.

##### 1. Roles and Responsibilities

##### a. The COCO/Chiefs of Performance Management Offices must ensure that a:

(1) Quality Assurance Program Coordinator (QAPC) is appointed and properly trained to integrate the quality contract requirements into the quality assurance program, act as the liaison between the contracting and functional organizations, and provide training and record keeping in accordance with [MP5301.602-2\(d\)](#).

##### b. The CO must:

(1) Advise the acquisition team on [Quality Assurance Surveillance Plan](#) development.

(2) Designate Contracting Officer's Representatives (COR) in accordance with [MP5301.602-2 \(d\) Designation, Assignment, and Responsibilities of a Contracting Officers Representative \(COR\)](#).

##### c. The QAPC must:

(1) Successfully complete the [QAPC course](#) conducted by AETC prior to conducting any training.

(2) Support the acquisition team in the development of contract quality assurance requirements specifically ensuring that requirements are clearly stated and enforceable.

(3) Assist the acquisition team during market research efforts in determining commercial quality assurance practices.

(4) Assist, as required, with the evaluation of contractor Quality Control Plans.

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# MP5349 TERMINATION OF CONTRACTS

## 2019 Edition

*Sec.*

Subpart MP5349.5 - CONTRACT TERMINATION CLAUSES  
MP 5349.501-70 Special Termination Costs  
Subpart MP5349.70 - SPECIAL TERMINATION  
REQUIREMENTS

MP5349.7001 Congressional Notification on Significant Contract  
Terminations  
MP5349.7003 Notification of Anticipated Terminations or  
Reductions

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## Subpart MP5349.5 - CONTRACT TERMINATION CLAUSES

### MP 5349.501-70 Special Termination Costs

(a) Contracting officers must refer to Volume 2A, Chapter 1, Section 010214, paragraph C.2.a of [DoD 7000.14-R, DoD Financial Management Regulation](#), for Congressional notification and additional approval requirements for Special Termination Cost Clauses (STCC). Because STCCs require special notification to Congress and entail a long approval process over which the Air Force has little control, the contracting officer should allow SAF/AQC sufficient time to process requests to use DFARS 252.249-7000, Special Termination Costs (i.e., not less than 90 days prior to contract award). The request must include the following:

(i) A detailed breakdown of applicable cost categories in the clause at DFARS 252.249-7000, (a)(1) through (5), which includes the reasons for the anticipated incurrence of the costs in each category;

(ii) Information on the financial and program need for the clause including an assessment of the contractor's financial position and the impact of a failure to receive authority to use the clause; and

(iii) Clear evidence that only costs that arise directly from a termination would be compensated under the clause. Costs that would be incurred by the Government, regardless of whether a termination occurs, must not be covered by a STCC.

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## **Subpart MP5349.70 - SPECIAL TERMINATION REQUIREMENTS**

### **MP5349.7001 Congressional Notification on Significant Contract Terminations**

(3)(v) "Contract price of the items terminated" means the contract price of the supplies or services not yet accepted that are being terminated. The contracting officer must not adjust this amount downward for progress or advance payments, accepted vouchered costs, or less than full funding and should use estimates when un-priced contract actions are being terminated, or when otherwise necessary.

### **MP5349.7003 Notification of Anticipated Terminations or Reductions**

(b)(2)(i) Address the notification to:

Administrator  
Office of National Response  
U. S. Department of Labor  
Employment and Training Administration  
200 Constitution Avenue NW  
Room N5422  
Washington DC 20210

The notice must address the following key elements:

- (1) Contract number, date, and type of contract
- (2) Name of the Company
- (3) Nature of contract or end item
- (4) The reason for the termination
- (5) Contract price of the items terminated
- (6) Total number of contractor employees involved, including the Government's estimate of the number who may be discharged
- (7) Statement of anticipated impact on the company and the community
- (8) The area labor category, whether the contractor is a large or small business, and any known impact on hardcore disadvantaged employment programs
- (9) Total number of subcontractors involved and the impact in this area, and
- (10) An unclassified draft of a suggested press release

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