# PART 5337 - Service Contracting

*Revised: June 2023*

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## SUBPART 5337.1 – SERVICE CONTRACTS (GENERAL)

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

(a)(S-90) For purposes of complying with 10 U.S.C. 2465, which prohibits the DoD from “entering into a contract for the performance of firefighting or security-guard functions at any military installation or facility,” the term security guard functions should be understood to mean those functions which are the responsibility of an installation commander or stand-alone military facility commander. If there is no military commander, this prohibition shall apply to the senior DoD civilian at the location. The prohibited security guard functions include: performing or supervising protective services work that involves the protection of federally owned or leased buildings and property at the installation level or at a stand-alone military facility; protecting government equipment and material at the installation level or at a stand-alone military facility; controlling access to federal installations by employees, visitors, residents and patients; and monitoring of intrusion detection systems. The statutory prohibition on contracting for security guard functions in 10 U.S.C. 2465 does not apply to security support functions that a unit or organization performs as part of security in depth at a location or area on an installation, or performs within a stand-alone building, so long as the commander and their unit is not responsible for installation-level security or overall security at a stand-alone military facility. Contractors performing security support functions may not engage in any law enforcement functions, i.e., criminal investigative work, the preservation of peace; the prevention, detection and investigation of crimes; the arrest or apprehension of violators; and the provision of assistance to citizens in emergency situations, including the protection of civil rights, preservation of crime scenes; issuances of citations; and arrests and apprehensions of suspects.

### 5337.104 Personal Services Contracts

(b) See the tailorable [Determination and Findings](https://usaf.dps.mil/sites/AFCC/AQCP/KnowledgeCenter/SitePages/DAFFARS-Templates.aspx) template.

(i) For “Operational and Enterprise Contracting,” the installation commander is authorized to approve the D&F at [DFARS 237.104(b)(i)](https://www.acquisition.gov/dfars/part-237-service-contracting#DFARS-237.104). For PEO programs and acquisitions, the PEO is authorized to approve this D&F.

(iii)(A)*(2)* See [MP5301.601(a)(i)](https://www.acquisition.gov/affars/mp5301-federal-acquisition-regulations-system#AFFARS_MP5301_601).

### 5337.106 Funding and Term of Service Contracts

See [DFARS 204.7103-1](https://www.acquisition.gov/dfars/part-204-administrative-and-information-matters#DFARS_204.7103-1) and [DFARS 237.106](https://www.acquisition.gov/dfars/part-237-service-contracting#DFARS_237.106) for guidance on considering severability when forming Service contracts.

### 5337.113-1 Waiver of Cost Allowability Limitations

(a) See [MP5301.601(a)(i)](https://www.acquisition.gov/affars/mp5301-federal-acquisition-regulations-system#AFFARS_MP5301_601).

### 5337.170-2 Approval Requirements

(a)(1) The Services Designated Official (SDO) (see [DAFI 63-138](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf), *Acquisition of Services*) will approve acquisitions of services to be purchased through a contract or task order above the SAT that is not performance based.

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

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

“IAW [10 USC 4501](https://www.law.cornell.edu/uscode/text/10/4501) the Services Designated Official (SDO) has approved the attached Performance Work Statement and Quality Assurance Surveillance Plan ensuring requirements are performance based to the maximum extent practicable.”

## SUBPART 5337.2 – ADVISORY AND ASSISTANCE SERVICES

### 5337.204 Guidelines for Determining Availability of Personnel

(a) See [MP5301.601(a)(i)](https://www.acquisition.gov/affars/mp5301-federal-acquisition-regulations-system#AFFARS_MP5301_601)

## SUBPART 5337.5 – MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS

### 5337.503 Agency-head Responsibilities

See [DAFI 63-138](http://static.e-publishing.af.mil/production/1/saf_aq/publication/afi63-138/afi63-138.pdf), *Acquisition of Services*.

## SUBPART 5337.74 – SERVICES AT INSTALLATIONS BEING CLOSED

### 5337.7401 Policy

(c) See [MP5301.601(a)(i)](https://www.acquisition.gov/affars/mp5301-federal-acquisition-regulations-system#AFFARS_MP5301_601).