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DEFENSE ACQUISITION REGULATION SUPPLEMENT

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Chapter#

DEFENSE ACQUISITION REGULATION SUPPLEMENT

Volume #

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SUBPART 1.1 — PURPOSE, AUTHORITY, ISSUANCE

1.101 Purpose.

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

201.104 Applicability.

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

DARS acquisition and procurement process oversight policies are not applicable to external mission partners.

201.105-3 Copies.

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

201.170 Peer reviews.

(a) DoD peer reviews.

(1)(i) *Preaward peer reviews for competitive procurements.* Per [Class Deviation 2021-O00107](#), Defense Pricing and Contracting (DPC) will conduct preaward peer reviews for competitive procurements with an estimated value of \$1 billion or more for all procurements under major defense acquisition programs for which the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) is the milestone decision authority. Additionally, preaward peer reviews of competitive procurements will be conducted for procurements designated by USD(A&S) as requiring a peer review, regardless of value. DPC-led peer reviews may be requested for acquisitions valued below the \$1 billion threshold and will be conducted upon approval by the Director, Contract Policy. DoD policy for peer reviews was established by the memorandum “Peer Reviews of Contracts for Supplies and Services,” dated September 29, 2008, available at <https://www.acq.osd.mil/dpap/policy/policyvault/USA000820-08-DPAP.pdf>.

(ii) *Preaward peer reviews for noncompetitive procurements.* Per Class Deviation 2021-O0007, Preaward Peer Reviews will be conducted for DISA noncompetitive procurements valued at \$1 billion or more or for any other contract action designated by the USD(A&S) as requiring a peer review, regardless of value. DPC-led peer reviews may be requested for contract actions valued below the \$1 billion threshold and will be conducted upon approval by the Director, Price, Cost and Finance.

(iii) *Postaward peer reviews for acquisition of services valued at \$1 billion or more.* Per Class Deviation 2021-O0007, DPC will not conduct postaward peer reviews for acquisitions of services with a total estimated value greater than \$1 billion as required by DFARS 201.170(a)(1)(iii).

(b) Component (DISA) peer reviews (if a DPC Peer Review is not conducted).

(1) *Preaward peer reviews for competitive procurements valued at \$500 million or more and noncompetitive procurements valued at \$500 million or more but less than \$1 billion.* The DISA Contracting Peer Review/Independent Management Review Program establishes policy and procedures for conducting peer reviews of all solicitations with a total estimated contract value (including options) of \$500 million or more.

(2) *Preaward peer reviews for procurements valued below \$500 million.* CoCOs are encouraged to request inter-DITCO and intra-DITCO pre-solicitation peer reviews below \$500M. Inter-DITCO peer reviews will be managed by PL22. Intra-DITCO peer reviews will be managed by the respective CoCO and results will be provided to PL22 (for tracking the conduct of the review and trends).

(3) *Postaward peer reviews of all contracts for services valued at less than \$1 billion.*

(S-90) *Independent management reviews for contracts for services valued at \$500 million or more.* The DISA Contracting Peer Review/Independent Management Review Program establishes policy and procedures for conducting independent

management reviews of all contracts for services with a total estimated contract value (including options) of \$500 million or more in accordance with section 808 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181).

(1) *Objective.* The objective of the DISA Contracting Peer Review/Independent Management Review Program is to (1) ensure that contracting officer across the Procurement Services Directorate (PSD) are implementing law, policy and regulations in a consistent and accurate manner; (2) improve the quality of acquisition and contracting processes across DISA; and (3) share best practices and lessons learned. The findings and recommendations of the peer reviews/independent management reviews are advisory in nature, providing supplemental information to the contracting officer regarding acquisition strategy, contract structure, format, content, and compliance. The procedures are established in accordance with [Class Deviation 2021-O0007 - Peer Reviews of Acquisitions for Supplies and Services](#) dated June 25, 2021.

(i) Pre-award Peer Reviews of solicitations shall be conducted for procurements (\$500M or above, but less than \$1B) prior to issuance of the solicitation (pre-solicitation).

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

(A) Mid-point of the initial (base) performance period if in excess of three years; and

(B) Prior to exercising the first option period of performance and every other option period thereafter (e.g., OP1, OP3, OP5).

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

Table 1-1 Peer Review/Independent Management Review Thresholds

Procurement Type	Dollar Threshold *	Reviewer
Preaward Competitive	≥\$500M	DISA
Preaward Competitive under major defense acquisition programs when USD(A&S) is MDA	≥\$1B	DPC
Preaward Noncompetitive	≥\$1B	DPC
Preaward Noncompetitive	≥\$500M to \$1B	DISA
Independent management reviews for contracts for services	≥\$500M	DISA

*Note: See DARS 201.170 for additional reviews that may be accomplished under these dollar thresholds.

(S-91) *Peer Review Timelines/Procurement Action Lead Times (PALT).* See DARS PGI.

(S-92) *Waivers.* If critical mission performance circumstances necessitate the request of a waiver, a “Request for Peer Review/Independent Management Review Waiver” can be found at <https://www.ditco.disa.mil/hq/peerreview.asp>.

(S-93) *Procedures.* See DARS PGI.

SUBPART 1.2 — ADMINISTRATION

1.201-1 The two councils.

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

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

(S-90) The DISA PSD, PL21 Contract Policy Branch, is responsible for maintenance of the [DARS](#), [DARS PGI](#), Deskbooks, Guides, and Templates.

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SUBPART 1.3 — AGENCY ACQUISITION REGULATIONS

201.301 Policy.

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

201.303 Publication and codification.

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

(D) The table shown in DFARS Subpart 201.303(D), DFARS Numbering provides an example of the numbering system. Sample Table with DARS Numbering below

Table 1- 2 DARS Numbering

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

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

201.304 Agency control and compliance procedures.

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

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SUBPART 1.4 — DEVIATIONS FROM THE FAR

201.403 Individual deviations.

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

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SUBPART 1.5 — AGENCY AND PUBLIC PARTICIPATION

1.501-2 Opportunity for public comments.

(S-90) Comments on proposed or interim rules published for public comment in the Federal Register shall be submitted through DISA PL21, disa.meade.PLD.mbx.pl21-policy-branch@mail.mil to the Head of the Contracting Activity (HCA).

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SUBPART 1.6 — CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

201.602-2 Responsibilities.

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

(S-91) The contracting officer must designate the COR in the *Joint Appointment Module (JAM)* as part of the award process, inserting DISA specific instructions as applicable. The JAM module is located at <https://piee.eb.mil/>. Within JAM, a COR may self-nominate or the contracting officer may appoint a COR.

(S-92) The mission partner may indicate on Enclosure 1, Requirements Checklist that a COR appointment is not necessary because it meets the exemption criteria in DFARS PGI 201.602-2(d)(v)(A) (1) and (2). The contracting officer shall review the requirement to confirm the criteria are met. The contracting officer may request additional information to support the exemption, as necessary. Filing Enclosure 1, Requirements Checklist in the contract file meets the requirement in DFARS PGI 201.602-2(d)(v)(A)(3) to document the file in writing.

(S-93) *Contracting Officer responsibilities*:

Electronic Document Management System (EDMS) Tab 52 shall contain a copy of the approved designation letter from the JAM module.

A *Technical Representative (TR)* is distinctly different from a COR. A TR is not authorized to perform contract administration functions and is generally located at a contractor's facility to provide program technical oversight. The program manager (see DARS Part 7 for definition) appoints the TR. See DFARS 242.74 for TR procedures.

1.602-3 Ratification of unauthorized commitments.

(a) Definitions.

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

(b)(2) The ratifying official for all DISA unauthorized commitments (UC) of any dollar value and non-DISA UCs valued at or above \$1M is the SPE. The ratifying official for all non-DISA UCs valued below \$1M is the HCA. Coordination of the ratification request shall flow from the individual that made the unauthorized commitment as follows: 1) Cognizant contracting officer to prepare the Determination and Findings portion of the Ratification Approval Form, 2) General Counsel for a legal opinion, 3) DITCO HCO for review and concurrence and 4) PL22 for review and processing. PL22 will log the complete package into the PL22 Ratification Log, assign a tracking number, review the package to provide any findings or comments to the contracting officer, and coordinate the final package for submission to the ratifying official for approval. The CoCO will notify the HCA when an UC has occurred, to include Center/Directorate/Division and D-Code, individual who committed the UC, dollar value, and the general facts of the UC. The HCA will notify the cognizant Center/Directorate SES(s).

(S-90) For all DISA requiring offices, the individual that made the UC serves as the Action Officer for the ratification request and prepares the package using the PSD Request for Approval of Unauthorized Commitment Form, to include documents specified to be provided to develop a complete record of the UC, and prepares a DISA Form 9. If the UC was made by a non-DISA employee, then the Form 9 will be prepared by the contract specialist or contracting officer.

The Ratification Approval Form, Ratification Instructions, DISA Form 9, Timelines for Processing Ratification Packages, and Ratification Log are located in the [DARS PGI 1.602-3](#).

(S-91) Timelines for Processing Ratification Packages can be found in DARS PGI 1.602-3(b)(2)(S-91)

1.603 Selection, appointment, and termination of appointment for contracting officers.

1.603-1 General.

Authority for selection, appointment, and terminate an appointment for contracting officers is delegated to the DISA Head of the Contracting Activity (HCA).

(S-90) The types of contracting officer appointments are described in Table 1-3:

Table 1- 3 Contracting Officer Appointments and Requirements

Type of Appointment	Amount	Training Qualifications	Assessment Requirements	SF 1402 Statement
Communications Management & Control Activity (CMCA)	\$25K / \$100K	CON 237	None	Contract authority is limited to \$25,000 for any contract action for information technology services and equipment in support of the US Secret Service, the Office of the Secretary of Defense, and Office of Special Events. During Presidential Election years, from 1 April through 30 November, this contract authority is increased to \$100,000. Termination authority is limited to the amount of contract authority.
Closeout	SAT	DAWIA Level I Contracting	None	Contract authority is limited to contract closeout actions up to the Simplified Acquisition Threshold (SAT). No termination authority is granted.
Networx/EIS	SAT	DAWIA Level I - Purchasing or Contracting	None	Contract authority is limited to placing orders for pre-priced items under the Networx, EIS and various BPA's associated with the NS2020 Program for contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority.

White House Communications Agency (WHCA)	Varies up to \$5M	DAWIA Level II Contracting	Passing of 30 question “Contracting Officer Appointment Test”	Contract authority is limited to \$xxx,xxx for any contract action; except, contract authority is \$xxx,xxx for orders issued against existing Government contracts or contracts established under FAR Part 8 and Part 16 procedures. No authority to contract for telecommunications services that are usage based, including monthly recurring charges, or are subject to regulatory tariffs is included. Termination authority is limited to the amount of contract authority.
Limited	SAT, \$1M, \$5M, \$10M, \$25M \$50M	DAWIA Level II - Contracting	Passing of 30 question “Contracting Officer Appointment Test”	Contract authority is limited contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority. Or Contract authority is limited to \$xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority.
Limited	\$100M, \$250M or \$500M	DAWIA Level II - Contracting	Passing of 50 question “Contracting Officer Appointment Test”	Contract authority is limited to \$xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority.

Unlimited	Unlimited	DAWIA Level III - Contracting	Passing a “Contracting Officer Appointment Review Board” and have already passed a “Contracting Officer Appointment Test” (either 30, 40 or 50 questions; if the applicant has never taken the Contracting Officer Appointment Test, the applicant must pass a 50-question test)	No limitations.
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(S-91) *Waivers*. The HCA may waive warrant requirements on a case-by-case basis.

(S-92) *Type of Assessments*. The types of assessments are described in Table 1-3 and below. It is the responsibility of a candidate’s supervisory chain, CoCO and HCO to ensure a candidate is prepared for each of the three requirements.

Table 1-4 Contracting Officer Assessment Requirements

Type of Assessment	Required For
1. Contracting Officer Appointment Test	All warrants; see Table 1-2 for number of questions and exceptions
2. Contracting Officer Appointment Review Board	Unlimited warrants

(S-93) *Contracting Officer Appointment Procedures*. The procedures for this section can be found at <https://disa.deps.mil/org/PL2/Pages/DITCOREfs.aspx>.

1.603-1-90 Ordering officers.

(a) *Definitions*.

Agency/Organization Program Coordinator (A/OPC). The A/OPC is an individual who has responsibility for implementing, maintaining, monitoring, and overseeing GPC program under their cognizance in accordance with governing statute, regulations, policies, and procedures.

(b) Authority to appoint or terminate DISA ordering officers with a purchase card threshold in excess of the micro-purchase threshold is the DISA Agency/Organization Program Coordinator (A/OPC). Prior to appointing the ordering officer in Procurement Integrated Enterprise Environment/Joint Appointment Module (PIEE/JAM), the A/OPC will obtain concurrence from the responsible HCO, whose aligned CoCOs provide contracting support to a DISA mission partner, except as noted in 1.603-1-90(e)(1)(ii).

(1) Ordering officer appointments are limited to DISA personnel;

(2) Ordering officer authority is limited to \$25,000 for fixed-price orders against existing contracts (e.g. General Services Administration Federal Supply Schedules, Blanket Purchase Agreements, and FedMall Contracts—excluding FedMall Market Place purchases) established under FAR Part 8 or FAR Part 16 procedures. Orders are to fulfill mission essential requirements for supplies and services and must comply with contract terms and conditions. Open market purchases are limited to the micro-purchase threshold IAW FAR 2.101.

(3) Ordering officer authority shall not be further delegated;

(4) Orders placed by ordering officers shall use the Government-wide commercial purchase card (GPC) for method of payment; and

(5) Ordering officers must complete all ordering officer and commercial purchase card training as required in the [DISA GPC Deskbook](#), submit a completed application, and coordinate with organization’s Program Manager to input applicable line of accounting to fund purchases made using the Ordering Officer commercial purchase card as method of payment.

(c) The appointing authority will instruct ordering officers in their Delegation of Procurement Authority

(1) What procedures to use to place orders;

(2) The standards of conduct for DISA personnel prescribed in the Joint Ethics Regulation (DoD 5500.7-R) and the procurement integrity provisions at FAR 3.104;

(3) The preparation and submission of information for contract action reporting purposes; and

(4) The requirement for an annual submission of the OGE 450, Confidential Financial Disclosure Report.

(d) *Surveillance.*

(1) Ordering officers, in excess of the micro-purchase threshold, will be subject to procurement management reviews (PMR) as specified in DARS 1.9001, as well as reviews conducted by the DISA Purchase Card (A/OPC);

(2) Ordering officers will retain copies of inspection and review findings in the ordering officer files; and,

(3) If the appointing authority finds that an ordering officer is not properly performing assigned duties or promptly correcting the deficiencies noted in inspections or reviews, the appointing authority will terminate the ordering officer's appointment.

(e) *Termination.* An ordering officer appointment will remain in effect until the ordering officer leaves the position via reassignment or termination, or the appointing authority revokes the appointment in PIEE/JAM, which notifies the ordering officer cardholder in the system.

(f) *Ordering officer appointments.*

(1) The appointing authority will:

(i) Require individuals appointed as ordering officers to acknowledge receipt of their letters of appointment and termination in PIEE/JAM.

(ii) Review ordering officer applications and training certificates and reach out to the responsible HCO and /or CoCO, whose aligned CoCOs provide contracting support to a DISA mission partner, to obtain recommendations if ordering officer thresholds exceed the micro-purchase threshold;

(iii) Designate all DISA micro-purchase GPC cardholders as ordering officers for placing micro-purchase threshold (MPT) fixed-price orders against existing contracts (e.g. General Services Administration Federal Supply Schedules, Blanket Purchase Agreements, and FedMall Contracts—excluding FedMall Market Place purchases); and

(iv) Maintain the file of appointments and justification for the appointments.

1.604 Contracting Officer's Representative (COR).

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

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

(S-91) All COR questions, issues, and concerns should be sent to the COR email address [DISA Ft Meade DITCO Mailbox COR](mailto:DISA_Ft_Meade_DITCO_Mailbox_COR).

(S-92) Procurement Integrated Enterprise Environment (PIEE) and DISA and DoD Handbook

(1) The DISA Requirements Office shall use JAM, within PIEE, for COR appointments

(2) All candidates and active CORs shall use the JAM and the Surveillance and Performance Monitoring (SPM) module available at <https://piee.eb.mil/>

(3) DoD and DISA COR Handbooks are located at <https://www.ditco.disa.mil/hq/cor/index.asp>.

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SUBPART 1.90 — PROCUREMENT OVERSIGHT

1.9000 Review and approval of contract actions.

(a) Definitions.

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

Contract Approval means for competitive acquisitions conducted with or without discussions, approval by the Contract Decision Authority (CDA) or Source Selection Authority (SSA) to authorize the contracting officer to award a contract or order.

(b) Exclusions.

- (1) An extension modification or contract award as a result of a protest.
- (2) An order issued against an existing contract, BOA or BPA if:
 - (i) Prices have been established in the basic indefinite delivery contract, BOA or BPA;
 - (ii) All other terms and conditions have been established in the basic indefinite delivery contract, BOA or BPA;
 - (iii) The basic contract, BOA or BPA was reviewed and found legally sufficient; and
 - (iv) There are no negotiations (i.e., no proposal, formal or informal, is necessary for the order to be issued) involved in the award of the proposed order under the indefinite delivery contract, BOA or BPA.
- (3) The order is issued against a single award contract, BOA or BPA.
- (4) Inquiries issued in accordance with the [Inquiry/Quote/Order \(IQO\) Acquisition Deskbook](#). However, Orders issued as a result of the inquiries, are not excluded from the contract review and approval.
- (5) Contract actions that solely provide incremental funding, incentive fee funding, award fee funding, or other administrative contract modifications.

(6) Priced options that were previously established in the basic contract/order and that are exercised in accordance with the established prices and terms and conditions of the contract/order.

(c) Policy, thresholds, and approvals.

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

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

- (1) The objectives of the review and approval process are to ensure that:
 - (i) Contract actions effectively implement approved acquisition strategies;
 - (ii) Negotiations and contract actions result in fair and reasonable business arrangements;
 - (iii) Negotiations and contract actions are consistent with laws, regulations, and policies; and,
 - (iv) An independent review and assessment for the proposed contract action is accomplished.
- (2) Contract actions meeting the contract value thresholds set in [DARS PGI 1.9000\(c\)\(2\)](#) shall not be awarded without obtaining the required review approvals.

(d) General Counsel (GC)/Legal and Policy Compliance Reviews.

- (1) Legal (GC) and Policy Compliance (PL22) reviews shall be obtained prior to submission to the CDA/SSA.
- (i) Legal and Policy Compliance review thresholds. PL8 (non-telecommunications): \$10M for task orders, \$10M for supplies / hardware, and \$6.5M for all other procurement actions; PLA, PL5, PL7 and PL8 (telecommunications): \$6.5M for all procurement actions. PL6: \$6.5M for Legal reviews, see [DARS PGI 1.9000\(d\)\(5\)](#) for compliance reviews. All broad agency announcements (BAA) require legal review.
- (ii) Legal and Policy reviews of contracts and task orders using the trade-off evaluation method, regardless of dollar value, are highly encouraged.

Legal and Policy reviews can be requested by a contracting officer, CoCO, HCO, or HCA at lower dollar thresholds or for special interest procurements.

(2) At a minimum, the contracting officer must review the contract file/documentation prior to requesting a legal and policy compliance review. Also, the contract file must be reviewed at least one level above the contracting officer prior to requesting a Legal and Policy compliance review for contract actions greater than or equal to \$50M. The contracting officer may submit the request for Legal and Policy compliance review only after all reviewer comments, if any, are resolved.

(3) Legal and Policy compliance reviews should be requested concurrently. Legal and Policy reviews will be accomplished in four (4) business days. Additional business days may be required to review substantial/numerous documents.

(i) When Legal or Policy reviews indicate non-compliance with laws, regulations or policies (e.g., a Policy Finding or a GC legally insufficient finding), the contracting officer will revise the procurement documents in collaboration with the assigned attorney-advisor and/or procurement analyst. Legal will copy the CoCO on e-mails which notify a contracting officer of legally insufficient findings, and Policy will copy the CoCO on e-mails which notify a contracting officer of compliance review Findings. A procurement document shall not be released until legally insufficient or compliance review Findings are adjudicated.

(ii) While changes are expected to be professionally resolved at the lowest possible level, disagreements may be elevated above the contracting officer, through Section and Branch Chiefs to the CoCO, the HCO, and ultimately to the HCA. Legal issues may be elevated to the Deputy General Counsel (Acquisition & Procurement).

(4) Policy compliance (PL22) reviews --

(i) Requests for Policy compliance review shall be sent via email to the "[DISA Ft Meade PLD Mailbox PL22 Policy Compliance Review](#)" group mailbox. The following standard subject line format shall be used: "[insert Office Code (i.e., PLX)], [insert "Pre-Solicitation", "Pre-Award" or "Post-Award," as appropriate] Policy Compliance Review Request, [insert solicitation, contract/modification, or order/modification number]." Urgent requests for review must also include "Expedite" in the subject line and shall be forwarded to the PL22 group mailbox by the CoCO. Pertinent information needed to assist the PL22 Policy compliance reviewers should be included in the body of the e-mail. For example, provide the EDMS folder ID number*, document identifier/description, indicate if a policy compliance review was accomplished at a previous stage of the procurement (and if so, the solicitation number), provide the estimated dollar value of the procurement, etc. See Table 1-5 for a list of required documents. Documents may be submitted as attachments to the email if not available in EDMS.

*Note: The EDMS folder identifier must be included.

(ii) In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining a PL22 Policy compliance review as required by the DARS, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the official contract file. Prior to requesting a waiver, the Contracting Officer shall consider a targeted review of critical documents or portion of the contract file.

(iii) Each Policy review comment will be listed under one of the following categories: Observation, Finding, Recommendation, or Commendation. Below are the definitions of each category:

(A) Observation: Comments and input on issues identified by the PL22 Analyst that do not meet the definition of a Finding or do not warrant being documented as a Finding yet may need correction. Observations may be accompanied by an actionable Recommendation. Examples include process improvements, apparent oversights in supporting documentations or the contents of the contract file, administrative errors related to grammar, punctuation, style, etc.

(B) Finding: Specific actions that contradict statutory, regulatory, or policy requirements, causing the procurement to be deemed non-compliant with the FAR, DFARS, DARS, or DISA prescribed policy or procedure. Findings shall include a cited reference and the Finding shall be resolved prior to release of any related procurement documents. The compliance review issued by PL22 documenting the Finding and the documented disposition by the Contracting Officer shall be filed in the contract file.

(C) Recommendation: Tangible action proposed by the Analyst to rectify a Finding identified by the compliance review by either: (1) adjudicating the Finding in accordance with statute, regulation, or policy or (2) establishing internal procedures to mitigate the likelihood of reoccurring deficiencies if elimination of the Finding is not possible or practical.

(D) Commendation: Validated procedures, actions or examples with supportable documentation which can generally be accepted as superior to other alternatives, or "standards" over-and-above what is merely required.

(5) PL6 Reviews see DARS PGI 1.9000(d)(5).

(6) Legal (GC) reviews ---

(i) Definitions.

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

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

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

(ii) Legal review comments or a statement that the procurement document has been reviewed and found to be legally sufficient shall be placed in the contract file. The contracting officer is responsible for assuring that all legal comments are adjudicated.

(iii) In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining a required legal review, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the contract file. The CoCO shall request an emergency/or quick turn-around legal review prior to approving a waiver. Legal will not review solicitations and contract award actions that have been waived (i.e., after-the-fact reviews).

(iv) DITCO-Pacific (PL7), DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott IT Contracting Division (PL83), and DITCO-Scott Emerging Technology, Special Interest Contracts, and Pricing Division (PL84) shall obtain legal reviews from legal counsel located at DITCO-Scott. DITCO-National Capital Region (PL6), DITCO-Europe (PL5), Defense Capabilities Contracting Office (PLA), and WHCA shall obtain legal reviews from legal counsel located at DITCO-NCR.

(v) Requests for legal review from legal counsel located at DITCO-Scott shall be sent via email to the “[DISA Scott AFB DITCO Mailbox Legal Office](#)” group mailbox. Requests for legal reviews from legal counsel located at DITCO-NCR shall be sent via email to the “[DISA Ft Meade GC Mailbox Acquisition Law Team](#)” group mailbox. The following standard subject line format shall be used: “[insert Office Code (i.e., PLX)], [insert “Pre-Solicitation”, “Pre-Award Contract Approval” or “Contract Approval” as appropriate] Legal Review Request, [insert solicitation, contract/modification, or order/modification number].” The contracting officer or specialist shall provide legal counsel with all documents necessary to complete the review.

Table 1- 5 Minimum Documentation to Attach to Review Requests
(*The minimum documentation required for reviews*)

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

(7) Classified procurement oversight. Classified procurements are not exempt from compliance reviews. The Chief, Contract Operations Branch (PL22) shall be contacted to coordinate compliance reviews. The contracting officer shall ensure contract documents are redacted, as necessary.

1.9001 Procurement management reviews (PMR) and special interest reviews.

(a) Chief, Contract Operations Branch (PL22) will establish and maintain DISA's Procurement Management Review (PMR) program, conduct Special Interest Reviews, and assist the Agency with other reviews as appropriate. PMRs assist the Head of the Contracting Activity (HCA) and the DISA Senior Procurement Executive, in evaluating DISA's procurement processes, including the DISA Purchase Card Program. PMRs also assist the CoCO and the HCO to improve the operational efficiency and effectiveness of their contracting organizations. This is accomplished through the assessment of internal management controls and acquisition policies and procedures. Additionally, the results of the PMRs are used to assess the Agency's ability to sustain external scrutiny such as DoD Inspector General (DoDIG) Audits, General Accountability Office (GAO) Audits, external PMRs, and other independent reviews.

(b)(i) PMRs are conducted at the four Defense Information Technology Contracting Organizations (DITCO):

(1) DITCO-National Capital Region (NCR)

(2) DITCO-Europe

(3) DITCO-Pacific

(4) DITCO-Scott

(ii) Contract Management Reviews (CMR) are conducted at two external organizations:

(1) WHCA (White House Communications Agency)

(2) CMCA (Communications Management and Control Activity)

(c) PMRs and CMRs will be conducted IAW the PSD PMR Standard Operating Procedure. The HCA is the final decision authority for PMR/CMR observations, findings and recommendations.

(d) Special Interest Reviews are conducted at the request of the HCA or the SPE. These reviews assess specific aspects of the procurement process and/or operations, as requested.

1.9002 Contract document approval signature routing procedures.

Procedures are located in [DARS PGI 1.9002](#).

PART 2 — DEFINITIONS OF WORDS AND TERMS

Sec.

2.000

SUBPART 2.1 — DEFINITIONS
Scope of part.

2.101

Definitions.

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SUBPART 2.1 — DEFINITIONS

2.000 Scope of part.

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

2.101 Definitions.

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

Agency. This term means DISA.

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

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

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

Contracting Office. This term refers to the Defense Capabilities Contracting Office (PLA), DITCO-Europe (EUR) (PL5), the DITCO- National Capital Region (NCR) (PL6), DITCO-Pacific (PAC) (PL7), DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott Information Technology Contracting Division (PL83), and DITCO-Scott Emerging Technology, Special Interest Contracts and Pricing Division (PL84).

Contract value .

a. For indefinite term telecommunications services contracts (i.e., month-to- month) the contract value is the total non-recurring charge (NRC), plus the monthly recurring charge (MRC) times the estimated service life (in months).

b. For definite term contracts, the contract value is the base value of the contract, including all priced option periods.

c. The total estimated contract value is the base value of the contract plus all priced options. The total estimated contract value does not include the value of the 6-month unpriced FAR 52.217-8, Option to Extend Services (if used in the contract action) option period.

d. The DITCO fee is not included in the contract value calculation.

Head of the Contracting Activity (HCA). Procurement Services Executive/Director, Defense Information Technology Contracting Organization (PSD/DITCO), as delegated in writing by the DISA Director.

NOTE 1: In the HCA's absence or upon the vacancy of the HCA position, the Vice Procurement Services Executive (PSE) will perform the functions of the HCA, DISA. In the absence or vacancy of the Vice PSE position, the PSD Deputy Director will perform the functions of the HCA, DISA. Further, the Chief, Defense Information Technology Contracting Organization (DITCO)-Scott will perform the functions of the HCA, DISA, if such functions cannot be performed by the PSE, or other potential delegates, due to a Continuity of Operations (COOP) emergency event. The PSE will resume the role of HCA as expeditiously as possible. All delegates are authorized to perform only those HCA functions that they are eligible to perform by law or regulation.

Note 2: The following officials, in the order listed, shall act as and perform the functions and duties of Director, Procurement Services Executive (PSE)/Director, Defense Information Technology Contracting Organization (DITCO) during any periods in which the PSE/Director, DITCO has resigned or is otherwise becomes unable to perform the duties of the office of the PSE/Director DITCO:

- Vice, PSE
- Deputy Director
- DITCO-Scott
- DITCO-NCR
- DITCO-Pacific
- DITCO-Europe

Head of the Contracting Office (HCO). The PSD Deputy Director is the HCO for the contracting field offices at DITCO-Europe (PL5), DITCO-PLA (DCCO), DITCO-NCR (PL6), and DITCO-Pacific (PL7). The Chief of the DITCO-Scott Field Site is the HCO for the DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott Information

Technology Contracting Division (PL83), and DITCO-Scott Emerging Technology, Special Interest Contracts and Pricing (PL84). The HCO has direct managerial responsibility for the assigned CoCOs. The HCO will typically approve actions that exceed the CoCO's authority and will review specified contractual actions to ensure statutory, regulatory, and procedural compliance.

Note: For specific actions see DARS PGI 2.101

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

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

Senior Procurement Executive (SPE). The DISA Senior Procurement Executive (SPE) is the Assistant to the Director, DISA. The HCA is designated by the DISA Director to serve as the SPE in limited circumstances where the Assistant to the Director is unavailable due to temporary duty travel, leave or similar circumstances where the SPE does not have communication capability with the Agency. The authority shall not be further re-delegated.

PART 3 — IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Sec.

	SUBPART 3.1 — SAFEGUARDS	3.301	General.
3.101	Standards of conduct.		SUBPART 3.6 — CONTRACTS WITH GOVERNMENT
3.101-3	Agency regulations.		EMPLOYEES OR ORGANIZATIONS OWNED OR
3.104-3	Statutory and related prohibitions, restrictions, and requirements.		CONTROLLED BY THEM
3.104-4	Disclosure, protection, and marking of contractor bid or proposal	3.602	Exceptions.
	information and source selection information.		SUBPART 3.7 — VOIDING AND RESCINDING CONTRACTS
3.104-6	Ethics advisory opinions regarding prohibitions on a former	3.705	Procedures.
	officials acceptance of compensation from a contractor.		SUBPART 3.8 — LIMITATIONS ON THE PAYMENT OF
3.104-7	Violations or possible violations.		FUNDS TO INFLUENCE FEDERAL TRANSACTIONS
	SUBPART 3.2 — CONTRACTOR GRATUITIES TO	203.806	Processing suspected violations.
	GOVERNMENT PERSONNEL		SUBPART 3.9 — WHISTLEBLOWER PROTECTIONS FOR
3.203	Reporting suspected violations of the gratuities clause.		CONTRACTOR EMPLOYEES
	SUBPART 3.3 — REPORTS OF SUSPECTED ANTITRUST	3.906	Remedies.
	VIOLATIONS		

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SUBPART 3.1 — SAFEGUARDS

3.101 Standards of conduct.

3.101-3 Agency regulations.

The DoD Directive 5500.07, Standards of Conduct, DoD 5500.07-R, Joint Ethics Regulation, DISA Instruction 100-50-06, Standards of Ethical Conduct, and DISA Employees' Guide to the Standards of Conduct, provide extensive agency guidance governing this topic.

Contact General Counsel (GC) with any questions.

3.104-3 Statutory and related prohibitions, restrictions, and requirements.

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

(S-91) Any e-mail relating to an acquisition (e.g., discussing details or providing requirement documents) must be digitally signed/encrypted. See DISAI 630- 230-30 for e-mail security practices for the transmission of sensitive but unclassified information.

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

(a) The HCA is delegated the authority to authorize access to contractor bid or proposal or source selection information.

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

(S-91) All emails containing source selection sensitive info shall be sent encrypted and/or password protected. Include the following text in the subject line and at the beginning and end of the e-mail text:

"SOURCE SELECTION INFORMATION – SEE FAR 2.101 & 3.104".

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

(a) Written request for an ethic advisory opinion shall be submitted to the [DISA Designated Agency Ethics Official \(DAEO\)](#). Per DISAI 100-50-6, the DAEO is the General Counsel.

3.104-7 Violations or possible violations.

(a)(1) The Vice Procurement Services Executive (V/PSE) is the designee.

(2) The contracting officer's conclusion will be coordinated with GC and submitted to the V/PSE for review and signature

(S-90) Contractor personnel who suspect a violation of the Procurement Integrity Act are encouraged to contact the contracting officer or the DISA Inspector General with a written allegation containing the elements specified in FAR 3.904, Procedures for filing complaints.

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SUBPART 3.2 — CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

3.203 Reporting suspected violations of the gratuities clause.

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

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SUBPART 3.3 — REPORTS OF SUSPECTED ANTITRUST VIOLATIONS

3.301 General.

(b)(2) The DISA GC is the designee.

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

3.602 Exceptions.

The HCA is the designee.

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SUBPART 3.7 — VOIDING AND RESCINDING CONTRACTS

3.705 Procedures.

- (a) Reporting. The HCA is the designee.
- (b) Decision. The HCA is the designee.

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

203.806 Processing suspected violations.

(S-90) Forward suspected violations to DISA GC. PL2 will coordinate submittal to Defense Pricing and Contracting/ Contract Policy and International Contracting.

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SUBPART 3.9 — WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

3.906 Remedies.

- (a) The HCA is the designee.
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PART 4 — ADMINISTRATIVE MATTERS

Sec.

	SUBPART 4.1 — CONTRACT EXECUTION		SUBPART 4.8 –CONTRACT FILES
4.101	Contracting officer's signature.	204.802	Contract files.
4.102	Contractor's signature.	204.804	Closeout of contract files.
	SUBPART 4.4 — SAFEGUARDING CLASSIFIED		SUBPART 4.10 — UNIFORM USE OF LINE ITEMS
	INFORMATION WITHIN INDUSTRY	4.1005	Data elements for line items and subline items.
4.403	Responsibilities of contracting officers.	4.1005-1	Required data elements.
	SUBPART 4.5 — ELECTRONIC COMMERCE IN		SUBPART 204.71 — UNIFORM CONTRACT LINE ITEM
	CONTRACTING		NUMBERING SYSTEM
4.502	Policy.	204.7103-2	Numbering procedures.
	SUBPART 4.6 – CONTRACT REPORTING	204.7105	Contract exhibits and attachments.
204.604	Responsibilities.		

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SUBPART 4.1 — CONTRACT EXECUTION

4.101 Contracting officer's signature.

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

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

4.102 Contractor's signature.

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

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SUBPART 4.4 — SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

4.403 Responsibilities of contracting officers.

(c)(1) Instructions for filling out DD Forms 254 can be found on the [Industrial Security SharePoint](#) site.

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

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

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SUBPART 4.5 — ELECTRONIC COMMERCE IN CONTRACTING

4.502 Policy.

(d) Electronic signatures are created using an individual's PKI certificate or signed scanned documents. If a document is not PKI enabled, utilize software (AdobePro) to sign the document. The documents should be scanned into .pdf format to file in EDMS.

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SUBPART 4.6 – CONTRACT REPORTING

204.604 Responsibilities.

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

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

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SUBPART 4.8 –CONTRACT FILES

204.802 Contract files.

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

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

204.804 Closeout of contract files.

(S-90) Responsibilities

(1) Contract Closeout Team is responsible for the financial portion of the closeout process, (e.g final payment, modification deobligations, reporting to RMC).

(2) The Procuring/Administrative contracting officer is responsible for all other contract administration issues (e.g., property, CORs, terminations, data rights).

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

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SUBPART 4.10 — UNIFORM USE OF LINE ITEMS

4.1005 Data elements for line items and subline items.

4.1005-1 Required data elements.

(a)(5)(i)(B),(C), and (D)

(S-90) When awarding telecommunications contracts for usage or variable charge telecommunications services (e.g., Other Charges and Credits (OCCs)), in accordance with DFARS 239.74, contracting officers may not use zero or \$0.00 in the quantity, unit price, or total (extended) price. These fields may be left blank for the affected contract line item(s) or subline item(s) until actual usage of the telecommunications services is known per Class Deviation 2020-E0001 (located in the DITCO Corporate Library).

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SUBPART 204.71 — UNIFORM CONTRACT LINE ITEM NUMBERING SYSTEM

204.7103-2 Numbering procedures.

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

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

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

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

204.7105 Contract exhibits and attachments.

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

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PART 5 — PUBLICIZING CONTRACT ACTIONS

<i>Sec.</i>	SUBPART 5.3 — SYNOPSIS OF CONTRACT AWARDS	5.403	Request from Members of Congress.
205.303	Announcement of contract awards.	5.404	Release of long-range acquisition estimates.
	SUBPART 5.4 — RELEASE OF INFORMATION	5.404-1	Release procedures.
5.401	General.		

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SUBPART 5.3 — SYNOPSIS OF CONTRACT AWARDS

205.303 Announcement of contract awards.

(a)(i) For contract actions awarded by a DISA contracting officer, regardless of the mission partner, the contracting officer shall prepare a Public Announcement when the face value of a contractual action exceeds \$7.5M.

(S-90) Required format for a “Public Announcement” is in the DARS PGI 205.303(a)(i)(S-90).

(S-91) Procedures for preparation and routing the Public Announcement is in the DARS PGI 205.303(a)(i)(S-91).

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SUBPART 5.4 — RELEASE OF INFORMATION

5.401 General.

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

For acquisitions with an estimated total lifecycle exceeding \$50M, when a Sources Sought Notice (SSN) or Request for Information (RFI) has posted to Contract Opportunities, the contracting officer may find it appropriated to update the Contract Opportunity announcement to identify the acquisition strategy once market research has been completed and the strategy has been approved. Contracting officers may provide additional updates as deemed appropriate.

(1) To include the following information:

(i) Contract vehicle (e.g., Federal Supply Schedule, Government-wide Acquisition Contract, Multiple-Award Contract, or Blanket Purchase Agreement) that will be leveraged to solicit the acquisition, if applicable. If utilizing Federal Supply Schedules, the specific Schedule number and Special Item Number(s) under which the requirement may be provided.

(ii) North American Industry Classification System (NAICS) code selected for the acquisition.

(iii) Identification of small business set-aside to include the specific socio-economic category, if applicable.

(iv) Projected time frame for Request for Proposal (RFP)/ Request for Quotation (RFQ) posting.

(S-91) Proactive Updates to Interested Parties after Receipt of Proposals / Quotations.

(1) For acquisitions with an estimated total lifecycle value exceeding \$50M, the contracting officer may notify interested parties of the projected award date; for example, approximately 30 calendar days prior to the anticipated date of award. Source selection information shall not be provided with this notification. Contracting officers may provide additional status updates as deemed appropriate.

(2) Notifications to interested parties shall clearly articulate that the purpose of the notification is solely to provide interested parties with status information for the subject procurement and the Government is not soliciting feedback or proposals/quotations as a result of the notification. Notifications should be reviewed by the assigned legal counsel prior to release.

5.403 Request from Members of Congress.

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

(S-91) Once guidance is received, the contracting officer shall prepare the congressional response in accordance with the Congressional Template located in [DARS PGI](#) 5.403. Submit the congressional response to the [PSD Front Office mailbox](#) with the SUBJECT: Congressional Inquiry. The PSD Front Office will further coordinate the response with those outside of PSD and obtain the appropriate approval.

5.404 Release of long-range acquisition estimates.

(S-90) The PL2 Policy & Contract Operations Division oversees development of the DISA Procurement Forecast spreadsheet of acquisition opportunities. The Forecast is updated and posted to the DITCO and DISA website twice annually (1st and 2nd quarter of each fiscal year) to inform Industry of projected procurement opportunities exceeding \$5M.

(S-91) The Procurement Service Directorate (led by the PL2 Policy & Contract Operations Division) will host an annual Forecast to Industry day. DISA executives will brief strategic goals and Program Management Offices will brief and be available to discuss with Industry specific mission critical and high value/visibility acquisitions.

5.404-1 Release procedures.

(a) The Procurement Directorate is authorized to release long-range acquisition estimates.

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PART 6 — COMPETITION REQUIREMENTS

Sec.	SUBPART 6.2 — FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES	206.302-1	Only one responsible source and no other supplies or services will satisfy agency requirements.
6.202	Establishing or maintaining alternative sources.	206.302-4	International agreement.
	SUBPART 6.3 — OTHER THAN FULL AND OPEN COMPETITION	206.302-7	Public interest.
		6.303-1	Requirements.
		6.303-90	Amendment/Modification Justification format.

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SUBPART 6.2 — FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES**6.202 Establishing or maintaining alternative sources.**

(b)(1) Approval authority for determinations and findings (D&Fs) under this subpart follows:

Estimated Value of Justification	Approving Official of D&F
\$750K and below	Contracting Officer
Over \$750K to \$15M	COCO
Over \$15M to \$100M	HCA
Over \$100M	SPE

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

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SUBPART 6.3 — OTHER THAN FULL AND OPEN COMPETITION

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

(d) Limitations.

(S-90) The HCA has waived the requirement to issue a Request for Information (RFI) or Sources Sought Notice (SSN) as a market research method (see DARS 210.001 (S-92)) for:

- (1) Procurement actions to increase the ceiling amount of a contract/order
- (2) Bridge contract actions
- (3) Procurement actions as a result of a protest

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

206.302-4 International agreement.

(c) Limitations. The waiver of the justifications and approvals made effective by the HCA document described in DFARS 206.302-4(c) shall only suffice in cases when the host country or NATO requests and documents in the agreement the specific company and supplies / services to be procured.

206.302-7 Public interest.

(c)(1) Follow the format at FAR 1.7 to prepare the D&F.

Required coordination: CoCO and HCO, PACA/ACA, PL2, legal counsel, HCA, and SPE. Provide the PACA with a copy of the approved D&F.

(3) A justification is required to support the determination.

6.303-1 Requirements.

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

(S-90) The requirements office, in close coordination with the contracting officer, shall develop the Justification for OTFAOC using the required format located in [DARS PGI 6.303-1\(S-90\)](#). Templates are updated periodically, therefore a new template must be used for each new J&A.

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

(S-92) Class J&As: Legal Counsel review/coordination is required on all Justifications for OTFAOC over \$750K prior to approval by the approving official. The contracting officer can request legal review for justifications at \$750K or below. Procedures for signatures and approvals are located at [DARS PGI 6.303-1\(S-92\)\(b\)](#).

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

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

- (1) The dollar value changes (increases) prior to award but remains within the original approving official approval level;
- (2) The dollar value of the prospective contract results in a change of the approving official;
- (3) The competitive strategy; or,
- (4) Requirements that affect the basis for the justification.

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

(S-94) A modification to an approved J&A is required if, after the award of the contract, the value of the contract will increase above the value of the J&A.

The approving official for a modification to an approved J&A shall be based on the value of the modification alone, except if processed within six (6) months of an awarded contract action, which shall then be the cumulative dollar amount.

If the cumulative value requires a higher approving official's signature, a new signature page will be routed through the initial approving official to the new approving official.

(S-95) Determining contract value.

Proposed out-of-scope contract modifications and new task/delivery orders require a new OTFAOC J&A. The estimated value of the proposed out-of-scope contract modification or new task/delivery order J&A shall be based on the value of the modification or new task/delivery order requirement alone, and not a cumulative contract value, except if processed within six (6) months of an awarded contract action, which shall then be the cumulative dollar amount.

If the cumulative value requires a higher approving official's signature, a new signature page will be routed through the initial approving official to the new approving official.

6.303-90 Amendment/Modification Justification format.

(a) The J&A shall clearly reflect the amendment/modification changes in bold text and separate from the original approved J&A text.

(b) The title of the Justification should read: If prior to award "Amendment Justification"; if after award "Modification Justification".

(c) The Justification posting requirements remain unchanged from the original Justification posting requirements.

PART 7 — ACQUISITION PLANNING

Sec.

	SUBPART 7.1 — ACQUISITION PLANS	7.105	Contents of written acquisition plans.
7.101	Definitions.	7.107	Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling.
7.103	Agency-head responsibilities.		
7.104	General procedures	7.107-2	Consolidation.

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SUBPART 7.1 — ACQUISITION PLANS

7.101 Definitions.

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

Procurement Services Executive (PSE). Serves as the DISA HCA.

DISA Mission Partner. Internal DISA program office (i.e., requirements office).

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

High-Risk Contracts. Non-competitive or limited competition contracts, cost reimbursement (CR) contracts, time-and-materials (T&M) contracts, and labor-hour (LH) contracts. The definition of high-risk does not include direct 8(a) contracts equal to or below the competitive threshold in FAR 19.805-1(a)(2).

High-Risk Contract Line Item Numbers (CLIN). CR, T&M, and LH CLINs. When a combination of CLIN types are used (sometimes referred to as a “hybrid”), the contract is considered high-risk if the high-risk CLINs constitute 50% or more of the total estimated cost.

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

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

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

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

Program Manager (PM) or Program Management Office (PMO). The designated person (i.e., requirements official) or office responsible for the planning function of all phases of the acquisition cycle, and develops and maintains written plans, as required by statute, policy or regulation.

Decision Authority (DA). Official designated by the CAE to manage portfolios of programs, projects, and services. The senior official responsible for ensuring that a proposed services acquisition is consistent with DoD’s policies, procedures, and best practices guidelines for the acquisition of services. The DA is responsible to identify, assess, validate, and approve services acquisition requirements within delegated thresholds. The approval of a requirement allows prioritization of mission requirements to best support mission needs within available funding limits.

7.103 Agency-head responsibilities.

(S-90) A written plan (combined AS/AP, standard, or streamlined) shall also be prepared for high risk contracts/CLINs as defined in subpart 7.101 (See Table 7-1 for thresholds and approval authority).

Table 7-1 Acquisition Plan Thresholds and Approvals

Contract Type	Dollar Threshold	Acquisition Plan Type	Approver
CR/High Risk (Order/Contract/IDIQ/BPA)	<\$50M	Streamlined	CoCO
All Orders/ Contracts/IDIQs/ BPAs for any FY	≥\$25M	Streamlined	CoCO
All Orders (all years)	≥\$50M to \$100M	Streamlined	CoCO
Contract/IDIQ/BPA (all years)	≥\$50M to \$100M	Standard or Combined (See (S-91))	CoCO
Contract/IDIQ/BPA (all years)	>\$100M	Standard or Combined (See (S-91))	SPE

All Orders (all years)	>\$100M	Streamlined	SPE
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(S-91) *Exceptions.*

(1) A written acquisition plan is not required when/for --

(i) Orders are placed against a single award ID/IQ or a single award BPA.

(ii) Directed 8(a) Procurements.

(iii) Bridge contract actions.

(iv) Waived by the HCA (e.g., contingency; urgent requirements (for example, defend against a cyber-attack)). A justification will be placed in the contract file prior to awards or as practical after award.

(2) When an acquisition strategy is required, the use of a combined AS/AP is prohibited when

(i) The mission partner is Non-DISA;

(ii) An acquisition strategy covers multiple requirements.

(iii) The Acquisition will be signed by an official outside of DISA.

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

The Determination and Findings (D&F) (required by FAR 16.504(c)(1)(ii)(D)) shall be routed with the AP.

7.104 General procedures

(S-90) All Acquisition Plan templates, procedures, and supporting documentation templates are located in [DARS PGI 7.104\(S-90\)](#). The templates are consistent with FAR 7.103 and DFARS 207.103 guidelines.

(S-91) The PMO shall provide a draft statement of objectives/performance work statement/statement of work, an IGCE or cost estimate, and the Market Research Report with a combined AS/AP or standard AP. The DISA IGCE Handbook can be found at <https://www.ditco.disa.mil/hq/deskbooks/DISA%20IGCE%20Deskbook.doc>. The Market Research Report template can be found at [DARS PGI 10.002\(S-92\)](#).

(S-92) *AP revisions.* Follow guidance at [DARS PGI 7.104\(S-93\)](#) for pre-award or post-award AP revisions (limited to substantive changes).

(S-93) *AP files.*

(1) The PMO shall maintain a copy with signatures of the combined AS/AP, standard AP, or streamlined AP, and any subsequent revisions.

(2) The contracting officer shall ensure the original approved combined AS/AP, standard AP, or streamlined AP, and any subsequent revisions, are incorporated in the official contract file.

7.105 Contents of written acquisition plans.

(b)(5) *Acquisition considerations.* The AP should address the minimum guarantee (dollars to be obligated at contract award for the base period) and the maximum dollar amount to be ordered. (See FAR 16.504(a)(2) and DARS 16.504(S-90)).

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

7.107-2 Consolidation.

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

PART 8 — REQUIRED SOURCES OF SUPPLIES AND SERVICES

Sec.

8.404 SUBPART 8.4 – FEDERAL SUPPLY SCHEDULES
8.405 Use of Federal Supply Schedules.
8.405-5 Ordering procedures for Federal Supply Schedules.
8.405-6 Small business.
Limiting sources.

208.7402
208.7403

SUBPART 208.70 — COORDINATED ACQUISITIONS
SUBPART 208.74 – ENTERPRISE SOFTWARE AGREEMENTS
General.
Acquisition procedures.

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SUBPART 8.4 – FEDERAL SUPPLY SCHEDULES

8.404 Use of Federal Supply Schedules.

(h)(3)(ii)(A) A determination and findings is not required for time-and-materials or labor-hour CLINS utilizing Order Level Materials (OLM) under GSA Schedules. The cumulative value of the OLM CLIN/SLINs shall not exceed 33.33% of the total value of the order or BPA, not including travel.

8.405 Ordering procedures for Federal Supply Schedules.

8.405-5 Small business.

(S-90) For orders against the federal supply schedule exceeding the simplified acquisition threshold, small business programs are the preferred method when market research has indicated that there is at least two or more small business schedule contractors that offer services which will meet the agency's needs. The socioeconomic small business contracting programs shall be considered first before considering a small business set-aside.

8.405-6 Limiting sources.

(S-90) Refer to [DARS PGI](#) 8.405-6(S-90) for the J&A template for FAR/DFARS/PGI Parts 8 acquisitions.

(S-91) See DARS 6.303-90 for requirements for modified justifications.

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SUBPART 208.70 — COORDINATED ACQUISITIONS

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SUBPART 208.74 – ENTERPRISE SOFTWARE AGREEMENTS

208.7402 General.

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

(S-91) To assist with the JELA scope determination, requirements officials may view the description for each JELA located at [https://www.ditco.disa.mil/contracts/ under 'Premier Contracts'](https://www.ditco.disa.mil/contracts/under%20Premier%20Contracts).

208.7403 Acquisition procedures.

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

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

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PART 9 — CONTRACTOR QUALIFICATIONS

<i>Sec.</i>			
	SUBPART 209.1-- RESPONSIBLE PROSPECTIVE CONTRACTORS	209.405	Effect of listing.
		9.406-3	Procedures.
209.104-1	General standards.		SUBPART 9.5 — ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST
	SUBPART 9.2 — QUALIFICATIONS REQUIREMENTS		
9.202	Policy.	9.502	Applicability.
9.206	Acquisitions subject to qualification requirements.	9.503	Waiver.
9.206-1	General.	9.504	Contracting officer responsibilities.
	SUBPART 9.4 — DEBARMENT, SUSPENSION, AND INELIGIBILITY	9.506	Procedures.
		9.508	Examples.

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SUBPART 209.1-- RESPONSIBLE PROSPECTIVE CONTRACTORS

209.104-1 General standards.

- (g)(i) *Ownership or control by the government of a country that is a state sponsor of terrorism. (See DARS 225.771-4)*
- (g)(ii) *Ownership or control by a foreign government when access to proscribed information is required.*
- (B) Submit the request for advice to the PL21, [Contract Policy Branch](#) to serve as the liaison between DISA and Deputy Director, DPC/ Contract Policy and International Contracting (CPIC).
- (C) Submit waiver request to the PL21, [Contract Policy Branch](#) to serve as the liaison between DISA and DPC.

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SUBPART 9.2 — QUALIFICATIONS REQUIREMENTS

9.202 Policy.

- (a)(1) The HCA is the designee.
- (e) The HCA is the designee.

9.206 Acquisitions subject to qualification requirements.

9.206-1 General.

- (b) The HCA is the designee.
- (e)(3) Request a written decision from the Mission Partner that established the requirement not to enforce a qualification requirement. The determination shall be placed in the official contract file.

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SUBPART 9.4 — DEBARMENT, SUSPENSION, AND INELIGIBILITY

209.405 Effect of listing.

(a) The contracting officer, CoCO, HCO, and [PL21 Contract Policy Branch](#) shall work collaboratively with the DISA General Counsel Acquisition attorney-advisors to develop a written determination explaining the compelling reasons to continue to do business with a suspended or debarred contractor. The HCA, after concurrence, will recommend review and approval to the DISA General Counsel. If approved, the GC will notify the GSA Suspension and Debarment Official, Office of Acquisition before submission to the GSA Office of Acquisition Policy.

(b)(ii) The contracting officer shall provide a written determination for a Code “H” exemption to the [PL21, Contract Policy Branch](#) for review and approval by the HCA, and notification to the Environmental Protection Agency.

9.406-3 Procedures.

(a) *Investigation and referral.* Refer any matter that may be a cause for debarment to the HCA and the GC IAW DFARS PGI 209.406-3.

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SUBPART 9.5 — ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

9.502 Applicability.

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

9.503 Waiver.

The HCA is the designee. The DISA/PSD Procurement Integrity (PI) Ombudsman shall review prior to HCA approval. The Designation and Delegation of Authority for the PI Ombudsman is available at https://www.ditco.disa.mil/hq/delegation_memos.asp.

9.504 Contracting officer responsibilities.

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

(d) IAW Special Contract Requirement H1 OCCI (See DARS PGI 52), if a prime or subcontractor breaches any of the OCCI restrictions, does not disclose, and/or misrepresents any relevant facts required to be disclosed concerning the contract, the contracting officer may terminate the contract, disqualify the contractor from subsequent related contractual efforts, and pursue any remedies as may be permitted by the contract or law.

9.506 Procedures.

(b)(1) A sample OCCI Memorandum for Record template is located at [DARS PGI 9.506\(b\)\(1\)](#)

9.508 Examples.

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

Providing systems engineering, technical direction, or product support. Services or end items required to meet the mission requirements of DISA's activities and programs. This includes, for example: concept exploration and development; system design/engineering; system development and integration; COTS procurement and integration; internal development testing; deployment; installation; operations; and maintenance. When a contractor provides such services but does not have contractual responsibility for related development, integration, assembly or production for that system, that contractor is prohibited from competing either as a prime or subcontractor for a contract to supply that system.


(1) *Preparing specifications and work statements.* With certain exceptions, a contractor who assists with, prepares, and/or furnishes contract specifications for a government requirement may not compete for the subsequent award because this may give that contractor an unfair competitive advantage. This includes, for example: requirements analysis, acquisition support, budget planning and management, business process reengineering, program planning and execution support, and independent technical management support.

(2) *Providing evaluation services.* Contractors cannot evaluate their own proposals, products and services, or those of their market competitors whose development or marketing contractor is or has been substantially involved because the contractor is placed in a position whereby their judgment may be biased. For example, it would be inappropriate for a contractor to assist in the evaluation of proposals if it will financially benefit from the selection of one company over another. Further, increased attention should be given to situations where a contractor is in a position to assess or evaluate a competitor where detrimental findings could serve, directly or indirectly, the interest of the advising contractor. Further, the contractor could have inappropriate access to competitors privileged and confidential business information. Therefore, all parties involved must ensure proper safeguards are taken and integrity of the process to protect the Government's best interest.

(3) *Obtaining access to proprietary information.* When a contractor requires proprietary information from others to perform on a Government contract and can use the leverage of the contract to obtain it, the contractor may gain an unfair competitive advantage unless restrictions are imposed. These restrictions protect the information and require companies to provide it

when appropriate and necessary for contract performance. For example, services which, by their very nature, give the contractor or subcontractor access to extensive data about the contracts and business operations of competitor contractors.

Such an advantage could be perceived as being unfair by a competing contractor who is not given similar access to the same relevant information.



PART 10 – MARKET RESEARCH

Sec.

10.001

210.001

Policy.

Policy.

10.002

Procedures.

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10.001 Policy.

(b) All Sources Sought Notices (SSN) and Requests for Information (RFI) for acquisitions with an estimated value exceeding \$5M, with the exception of the Sole Source Notice of Intent, shall be forwarded to [the DISA Office of Small Business Programs \(OSBP\)](#) for review to ensure, for example, potential sources are not requested to submit more than the minimum information necessary. OSBP has 5 business days to complete the review.

210.001 Policy.

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

(S-90) The contracting officer will thoroughly review and validate as appropriate the market research report.

(1) The program office or requiring activity and the contracting officer must fully document and detail market research with respect to small business participation. Market research must document to what extent the small business community, as a whole, has or does not have the ability to support the requirement. If the resulting acquisition strategy does not include a small business set-aside, market research documentation should explicitly explain why a set-aside is not appropriate. The contracting officer will certify by signature on the market research report whether or not the results support or do not support setting aside the acquisition.

(2) When market research indicates that the small business community, as a whole, does not possess the required capability or capacity to perform as a prime contractor, consideration must be given to small business subcontracting. The market research report should address subcontracting opportunities for small businesses.

(S-91) The contracting officer shall notify the OSBP via e-mail of all industry days, including date, time and location of event, in sufficient time for OSBP participation using the title “Industry Day Notification” to the OSBP email: disa.meade.osbp.mbx.ditco-small-business-office@mail.mil.

10.002 Procedures.

(b)(2)

(ix) The contracting officer shall document and attach the results of the SBA Dynamic Small Business Search tool at http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm to the Market Research Report and forward with the DD Form 2579 to OSBP for review. Assistance is available from the OSBP when seeking potential sources.

(x) Post procurement notices to Contract Opportunities including SSNs or RFIs. (See DARS 19.202 (S-93)(2)(3)).

(A) A RFI is used to develop requirements and make decisions regarding acquisition strategies when limited or no acquisition history is available and when industry input is required. When an RFI is planned, allow for the following:

(1) Posted on Contract Opportunities for at least 21 business days to ensure maximum participation by small business concerns.

(2) Use the approved DISA RFI template at [DARS PGI 10.001\(b\)](#).

(B) A SSN is used when there is a known requirement with a previous procurement history, or a well-defined new requirement. When a SSN is planned, allow for the following:

(1) Posted on Contract Opportunities for a minimum of 14 calendar days to ensure maximum feedback.

(2) Use the approved DISA SSN template at [DARS PGI 10.001\(b\)](#).

(S-90) Except for the issuance of a SSN or RFI, market research is primarily the responsibility of the program office or the requiring activity. Market research documentation must be complete, unbiased, and supported by facts, not more than 12 months old (for award of contracts other than task or delivery orders) and provided as part of the requirements package. Include the market research report in the contract file.

(S-91) Market Research Report (MRR) templates are located in [DARS PGI 10.002\(S-91\)](#).

Table 10-1 MRR Template Type

Dollar Threshold	Procurement Action	Template Type
<SAT	Competitive Procurements equal to or under SAT	Market Research Report (Equal to or Under SAT) (Enclosure 14d)
>SAT	Competitive Service Procurements over SAT	Market Research Report (Services) (Enclosure 14a)

>SAT	One-time Competitive Product Purchase over SAT	Market Research Report (Product Purchases only) (Enclosure 14b) <i>(Note: If requirement covers multiple years of product buys, use Encl 14a)</i>
Any Amount	Exercise 52.217-9 Options	Market Research Report (Option Exercise) (Enclosure 14c)
Any Amount	Sole Source	Market Research Report (Sole Source) (Enclosure 14e)
Any Amount	Sole Source Direct 8(a)	Market Research Report (Sole Source 8(a)) (Enclosure 14f)

(S-92) *Exceptions to Market Research Report.*

(1) Undefined Contract Actions (UCA)

(2) Bridge Contract Actions

(3) 52.217-8 Options

(S-93) F or DISA-only requirements, the contracting officer shall email the final, signed, and redacted Market Research Report to the Market Research Repository mailbox at [DISA Ft Meade BD Mailbox MRR](#).

PART 11 — DESCRIBING AGENCY NEEDS

<i>Sec.</i>	SUBPART 11.1 – SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS	211.274	Item identification and valuation requirements.
	Order of precedence for requirements documents.	211.274-6	Contract clauses.
11.101	SUBPART 211.2-- USING AND MAINTAINING REQUIREMENTS DOCUMENTS	211.602	SUBPART 211.6 — PRIORITIES AND ALLOCATIONS General.

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SUBPART 11.1 – SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS

11.101 Order of precedence for requirements documents.

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

(1) Requirements for hardware, software, services, networks and systems (including telecommunications) that require an acquisition package (e.g., SOW/SOO/PWS, equipment/material list, QASP, evaluation plan) shall be submitted in accordance with the DITCO Information Technology & Telecommunications Acquisition Package Submission & Ordering Guide website at https://www.ditco.disa.mil/contracts/IT_instruct.asp. TSRs/TSOs and PDCs are not authorized funding documents for procurement actions requiring acquisition packages.

(2) Requirements for individual telecommunication circuits (including integrated equipment, installation, and maintenance), long haul telecommunications services satisfied via the Public Switched Telephone Network (PSTN), commercial internet services, wireless telecommunication services (e.g., cell phones, satellite communications equipment) and pre-priced telecommunication services/equipment requirements available under existing Indefinite Delivery (ID) contract vehicles shall be submitted to DITCO via the DISA Storefront (DSF) application at <https://disa-storefront.disa.mil/dsf/sfoverview>. Telecommunication Service Requests/Telecommunications Service Orders (TSR/TSO) with valid Product Description Codes (PDC) are the only authorized customer requirements and funding documents for the aforementioned telecommunications requirements.

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SUBPART 211.2-- USING AND MAINTAINING REQUIREMENTS DOCUMENTS

211.274 Item identification and valuation requirements.

211.274-6 Contract clauses.

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

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SUBPART 211.6 — PRIORITIES AND ALLOCATIONS

211.602 General.

(S-90) The HCOs shall perform the functions of the procuring activity Defense Priorities and Allocations System officers as prescribed in DoD 4400.1M, Defense Production Act Programs (e.g., handle requests for special priorities assistance).

Submit request to the PL21, [Contract Policy Branch](#) to serve as the liaison between DISA and DPC.



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PART 12 — ACQUISITION OF COMMERCIAL ITEMS

Sec.

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

12.403

Termination.

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

12.403 Termination.

(b) *Policy.* Contracting officers shall coordinate contract/order termination actions with the CoCO, HCO and legal counsel and, if the contractor is a small business concern, with the Office of Small Business Programs (OSBP). The HCO and HCA and will be updated in weekly DITCO SITREPs.

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PART 13 — SIMPLIFIED ACQUISITION PROCEDURES

Sec.

13.106-3

SUBPART 13.1 – PROCEDURES

Award and documentation.

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

213.270

Use of the Governmentwide commercial purchase card.

13.301

SUBPART 13.3 — SIMPLIFIED ACQUISITION METHODS
Government-wide commercial purchase card.

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SUBPART 13.1 – PROCEDURES

13.106-3 Award and documentation.

(S-90) *Documenting the Basis for Award - Inquiry/Quote/Order (I/Q/O) Process.* An I/Q/O Price Negotiation Memorandum (PNM) for Communication Service Authorizations (CSA) shall be prepared for all I/Q/O contracting actions (excluding administrative modifications) and included in the official contract file. This I/Q/O PNM is applicable for use on telecommunication services and equipment accomplished using the I/Q/O process or the North Atlantic Treaty Organization (NATO) Allied Long Lines Agency (ALLA)/National Allied Long Lines Agency (NALLA) circuit demand process under the threshold at FAR 13.500(a). The I/Q/O PNM located at [DARS PG 1](#) 13.106-3(S-90) fulfills the documentation requirements in FAR 13.106-3 and provides the determination of fair and reasonable pricing.

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SUBPART 13.2 – ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD**213.270 Use of the Governmentwide commercial purchase card.**

(b)(2) HCOs are delegated the authority to make the written determination.

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SUBPART 13.3 — SIMPLIFIED ACQUISITION METHODS

13.301 Government-wide commercial purchase card.

(b) References: [Government-wide Commercial Purchase Card Policy and Procedures](#).

(S-90) Using the Government-wide commercial purchase card to acquire and pay for supplies and services does not "exempt" DISA from the Economy Act. See FAR/DFARS Subpart 17.5 for Economy Act applicability.

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PART 14 — SEALED BIDDING

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PART 15 — CONTRACTING BY NEGOTIATION

Sec.

	SUBPART 15.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION	15.404-1	Proposal analysis techniques.
		15.406	Documentation.
15.201	Exchanges with industry before receipt of proposals.	15.406-3	Documenting the negotiation.
15.204	Contract format.	215.406-3	Documenting the negotiation.
	SUBPART 15.3 — SOURCE SELECTION		SUBPART 15.5 — PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS, AND MISTAKES
15.300	Scope of subpart.		Applicability.
15.304	Evaluation factors and significant sub factors.	15.502	SUBPART 15.6 — UNSOLICITED PROPOSALS
15.307	Proposal revisions.		Agency procedures.
215.371	Only one offer.	15.606	Receipt and initial review.
215.371-5	Waiver.	15.606-1	Evaluation.
	SUBPART 15.4 — CONTRACT PRICING	15.606-2	
215.403-3	Requiring data other than certified cost or pricing data.	15.607	Criteria for acceptance and negotiation of an unsolicited proposal.

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SUBPART 15.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

15.201 Exchanges with industry before receipt of proposals.

(S-90) Except as limited by FAR 6.303-1(a), a Draft RFP may be released prior to final approval of the acquisition strategy and acquisition plan.

15.204 Contract format.

(e) The HCA is the designee.

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SUBPART 15.3 — SOURCE SELECTION

15.300 Scope of subpart.

(S-90) Procedures, guidance, and templates for this section are located at the [DISA Procurement - Contracting Procedures, Guides and Templates](#) webpage.

Past performance guidance can be found in the [OSD Guide to Collection and Use of Past Performance Information](#)

Source selection guidance can be found in the [DoD Source Selection Procedures](#) and [DISA Source Selection Procedures](#)

15.304 Evaluation factors and significant sub factors.

(d)(S-90) Small Business Participation Evaluation:

In acquisitions that require the use of FAR Clause 52.219-9, Small Business Subcontracting Plan, other than those based on the lowest price technically acceptable source selection process, the extent of participation of small business, including those in socioeconomic categories, shall be addressed through the submission of a Small Business Participation Plan. The contracting officer shall coordinate with the OSBP before issuing a solicitation when the evaluation assesses the extent of small business participation. The DoD Source Selection Procedures provides additional information regarding the evaluation of small business participation and it may be accessed at: <https://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf>

Small Business Participation Plan Post Award Responsibilities:

The Small Business Participation Plan shall be incorporated into the contract (as an attachment). Twice a year (every six months), the contractor shall report to the Contracting Officer's Representative and the Contracting Officer with a copy to the OSBP information concerning their performance under the Plan. This reporting requirement is separate from the eSRS Subcontracting Plan report submission requirements. The contracting officer will determine reporting period dates that are consistent with the contract award date.

15.307 Proposal revisions.

(S-90) Final proposal revision letters shall be reviewed by legal counsel for competitive actions in accordance with the thresholds at DARS 1.9000.

215.371 Only one offer.

215.371-5 Waiver.

(b) Prior to awarding to the only offeror received when utilizing the competitive procedures, the contracting officer shall document a recommendation that resoliciting the procurement for an additional period of at least 30 days is not in the best interest of the Government (sample determination and findings/waiver is at [DARS PGI](#) 215.371-5(b)). The HCA delegates the waiver authority to the appropriate DITCO Chief of the Contracting Office (CoCO).

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SUBPART 15.4 — CONTRACT PRICING

215.403-3 Requiring data other than certified cost or pricing data.

(S-90) Refusal to Provide Data Other than Certified Cost and Pricing Data. Contracting Officers are required to coordinate with the DITCO-Scott, Cost and Pricing Branch (PL842) if a contractor refuses to provide Data Other than Certified Cost and Pricing Data. Refusals to provide this data is considered a “Denial of Requests for Data Other than Certified Cost and Pricing Data” and is reportable to DPC in accordance with DFARS PGI 215.403-3(6) Reporting requirements. The Cost and Pricing Branch will consolidate any denials that are not resolved through the elevation process at DFARS PGI 215.404-1(a)(i)(A) and report those actions quarterly to the PL21, Contract Policy Branch. As required, the Cost and Pricing Branch will coordinate on any required determination by the HCA IAW FAR 15.403-3(a)(4).

15.404-1 Proposal analysis techniques.

(S-90) *Policy.*

(1) IGCEs are part of the required documentation for a complete requirements package. The DISA IGCE Deskbook located at <https://www.ditco.disa.mil/hq/deskbooks.asp> contains procedures/guidance for developing IGCEs.

(2) IGCEs must contain details to demonstrate how the estimates were developed. Assistance with developing IGCEs, including incorporation of current cost and pricing information should be requested, as needed, from PL842.

(3) The use of “fully burdened” labor (hour) rates is recommended. Rates must be recent and relevant to the labor categories contemplated. PL842 can provide advice regarding sources of fully loaded labor rates, as well as their applicability and limitations for use in developing the IGCE.

(4) Resource Managers shall coordinate on IGCEs prior to submission of the requirements package.

(5) Contracting officers shall fully document in the PNM variances in the total evaluated cost/price and the IGCE. Significant deviations may be cause for formal discussions or RFP/Rfq amendment or cancellation. Total evaluated cost/price exceeding the IGCE should be discussed with the PMO to determine if additional funds may be secured.

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

(1) The contracting officer, exercising sole responsibility for the final pricing decision shall, in accordance with FAR 15.404-1, coordinate with, request, and evaluate the advice of the Cost/Price (C/P) Analyst (PL842) and/or Tariff Specialists (DITCO-Scott, PL82, Telecommunications Contract Division). Contracting officers shall obtain cost and pricing assistance for contract awards, orders or modifications of \$10 million or more. Contracting officers may request cost and pricing assistance, including a cost/price analysis and review of all solicitation documents (including the PWS, RFP, etc.) before solicitation or issuing a modification with a contract value in excess of the threshold for obtaining certified cost or pricing data (FAR 15.403-4(a)(1)), to determine price reasonableness. A list of services offered by the Cost/Price Branch can be found in the “[Cost and Pricing Branch Request Form](#)” located at [DARS PGI 15.404-1\(S-91\)\(1\)](#).

The following exceptions apply:

(i) Orders priced in accordance with prices/rates established in base contracts/agreements. Modifications priced in accordance with prices/rates established within the base contract/order/agreement.

(ii) Modifications for funding actions

(iii) Modifications to exercise priced options; or

(iv) Any other contract or order award, or modification meeting the thresholds above where the Cost and Pricing Branch Chief and at least one level above the contracting officer waive in advance the requirement to obtain cost or pricing assistance. This agreement must be documented in writing in the official contract file.

(2) PL82 Tariff Specialist assistance related to tariff interpretation, tariff rate establishment/update and other tariff issues shall be requested as required.

(3) PL842 or PL82 Tariff Specialist, with the concurrence of the contracting officer, shall be responsible for:

(i) Obtaining cost or pricing data or information other than cost or pricing data and auditing contractor's records.

(ii) Performing contract audit follow-up reporting tasks in accordance with and DARS 42.1-90.

(iii) Conducting cost or price analyses and tariff reviews in accordance with FAR 15.404-1, as appropriate. Cost analyses shall incorporate audit findings, technical analysis and tariff review results, and all relevant cost driver information.

(iv) Consolidating cost or pricing data, information other than cost or pricing data, audit results, tariff reviews and other pertinent information; and developing pre-negotiation objectives.

(v) Participating in negotiations with contractors which require the use of information, computations, or data developed during the cost or price analysis.

(vi) Reviewing all solicitations for actions which require PL842 or PL82 Tariff Specialists in accordance with (S-92)(1) prior to issuance for competitive or noncompetitive services and supplies to ensure adequate cost or pricing data and tariff provisions are included and that detailed evaluation criteria are developed and tailored for each acquisition.

(vii) Assisting contracting officers in documenting the contract files by providing detailed cost/price analysis memoranda, supporting schedules, automated spreadsheets, discussion items, pre- and post-negotiation memorandums input, DD Forms 1547, Tariff Change Notices, Tariff Contract File Conflict Notices, and other items, as required.

Participating in conferences, briefings, debriefings, and other meetings where pricing and/or tariff support is required.

(S-92) *Request Cost and Price Analysis Support.* To request cost/price analysis support, the contracting officer shall submit a completed “[Cost and Pricing Branch Request Form](#)” to the Cost and Pricing Branch Chief via [DITCO-Scott Cost and Pricing Branch Mailbox](#), containing details related to the type of support requested. The Cost and Pricing Branch Request Form is located at <https://www.ditco.disa.mil/DITCOContractingTemplates/Default.asp>. RFP reviews must be requested early in the acquisition stage so that a detailed review may be accomplished prior to issuing the RFP. Acquisition plans and timelines must recognize the need for effective pricing/tariff reviews and analysis and must contain reasonable periods for conducting these tasks. C/P analyst pre-solicitation reviews shall be requested concurrent with policy and legal reviews.

15.406 Documentation.

15.406-3 Documenting the negotiation.

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

A PNM is not required for orders for pre-priced supplies or services placed against established single award indefinite delivery contracts, nor and actions at or below the micro-purchase threshold. The PNM fulfills the documentation requirements in FAR 15.406-3 and provides the determination of fair and reasonable pricing. The PNM templates are located in [DARS PGI 15.406-3\(S-90\)](#). See DARS 13.106-3 (S-90) for PNM requirements for the I/Q/O process or the North Atlantic Treaty Organization (NATO) Allied Long Lines Agency (ALLA)/National Allied Long Lines Agency (NALLA) circuit demand process under the threshold for certain commercial items identified at FAR 13.500(a).

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

(1) Pre-PNMs, Post-PNMs, and IDIQ Order PNMs valued over \$10M shall be routed electronically to the Cost and Pricing Branch for review/coordination prior to approval (See [Contract Document Approval Signature Routing Procedures](#)). Routing to the Cost and Pricing Branch or assigned Contract Price/Cost Analyst is not required when pricing is based on prices/rates are established in base contracts/agreements, when prices are set by law or regulation, or a fair and reasonable price determination can be made by the contracting officer by comparing prices or rates against an existing or previous Government contract where prices are recent and based on an adequately supported fair and reasonable determination.

(2) Pre-PNMs valued over \$10M, shall be prepared in conjunction with the DITCO Cost/Price Analyst. The Cost/Price Analyst shall assist the contracting officer in evaluation of the pricing proposal and aid in the development of the pre-negotiation objective and Pre-PNM; The Contract Price/Cost Analyst shall also support negotiations and review the Post-PNM, prior to approval, as requested by the contracting officer.

(3) In all instances where the Cost and Pricing Branch has provided assistance to the contracting officer in the development of the PNM—including but not limited to, the evaluation of cost proposals, calculation of the Government negotiation position and input to the relevant PNM documents—a copy of the signed and approved Post-PNM shall be routed to the Cost and Pricing Branch Chief via the [DITCO Scott - Cost and Pricing Branch Mailbox](#). In situations where the recommendations provided by the C/P Branch and the negotiation objectives are not achieved during negotiations, the contracting officer shall include justification within the Post- PNM. The justification shall contain a detailed explanation on recommended items not achieved and the alternative rationale utilized in the contractor officer’s determination of fair and reasonable pricing.

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

Table 15-2 Competitive Acquisitions PNM Format

ACQUISITION TYPE	FORMAT
------------------	--------

Open Market (when the Contracting Officer is the SSA)	Competitive PNM
GSA Schedule orders	Competitive PNM
8(a)	Competitive PNM
IDIQ orders with Pre-established labor rates	IDIQ PNM
Open Market (when the SSA is not the Contracting Officer)	Source Selection Decision Document (SSDD)
Part 8/16 Competitive Supply Acquisitions < or equal to the SAT	Template for Part 8/16 Competitive Supply Acquisitions < or equal to SAT
Competitive, only 1 offer received	Sole Source PNM

Table 15-3 Sole Source Acquisitions PNM Format

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

Table 15-4 Modifications PNM Format

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

215.406-3 Documenting the negotiation.

The Contract Business Analysis Repository (CBAR) User's Manual and the CBAR PCO list (includes specific contacts for each section/org) are located in [DARS PGI](#) 215.406-3.

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SUBPART 15.5 — PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS, AND MISTAKES

15.502 Applicability.

The DoD Source Selection Procedures and the Outline for Debriefings are located at the [DISA Procurement - Contracting Procedures, Guides and Templates](#) website.

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SUBPART 15.6 — UNSOLICITED PROPOSALS

15.606 Agency procedures.

(a) Unless the contractor specifies within the proposal; no reproduction of material is allowed beyond the copies needed for PL22, Contract Operations Branch, contracting officer, technical and legal reviews. All copies shall be properly disposed (shredding hard copies, permanently deleting electronic copies). PL22 shall maintain an electronic copy of the proposal with the PSD decision authority's letter.

(b) PL22, Contract Operations Branch is the agency point of contact to coordinate the receipt and handling of unsolicited proposals.

15.606-1 Receipt and initial review.

(S-90) PL22 shall maintain an unsolicited proposal log which includes, at a minimum, the company name, proposal title, DITCO Contracting Office, Technical POC, date unsolicited proposal was received, final disposition of the unsolicited proposal.

(S-91) PL22 will perform the initial review within 10 business days of receipt of the unsolicited proposal. Before initiating a comprehensive evaluation, PL22 shall make the determination the unsolicited proposal meets the criteria defined in FAR 15.606-1(a) (1) through (7). If the proposal meets these requirements, the PL22 shall promptly acknowledge receipt and process the proposal for further evaluation. If the proposal does not meet the requirements of FAR 15.606-1(a) and should be rejected, the PL22 shall inform the offeror the reasons for rejection.

15.606-2 Evaluation.

(a) PL22 will coordinate comprehensive evaluations and will attach or imprint on each unsolicited proposal circulated for evaluation, if not already present, the legend required by FAR 15.609(d) within 15 business days after receipt of the unsolicited proposal.

(b) If the unsolicited proposal meets the criteria in FAR 15.605 and 15.606-1, PL22 will forward the unsolicited proposal to the appropriate technical representative, as designated by the appropriate CoCO, for a comprehensive technical review. The technical review shall include a recommendation for acceptance or rejection of the proposal after considering the factors outlined in FAR 15.603. The technical evaluation recommendation to accept or reject the unsolicited proposal shall be documented with supporting rationale.

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

15.607 Criteria for acceptance and negotiation of an unsolicited proposal.

(S-90) A final determination to accept or reject an unsolicited proposal will be made by the Vice, Procurement Services Executive (PSE), or by the PSE.

(S-91) PL22 will draft a proposed letter to accept or reject the unsolicited proposal, citing regulatory reasons if the unsolicited proposal is rejected, and may use statements from the evaluation.

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PART 16 — TYPES OF CONTRACTS

Sec.

16.504	SUBPART 16.5 — INDEFINITE-DELIVERY CONTRACTS	16.601	Time-and-materials contracts.
16.505	Indefinite-quantity contracts.	216.601	Time-and-materials contracts.
	Ordering.		

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SUBPART 16.5 — INDEFINITE-DELIVERY CONTRACTS

16.504 Indefinite-quantity contracts.

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

16.505 Ordering.

(b)(6) *Postaward Notices and Debriefing of Awardees for Orders Exceeding \$6 million.* The Initial Letter to Unsuccessful Offerors and Debriefing Letter to Unsuccessful Offerors, located in the [DARS PGI](#), shall be used to notify unsuccessful awardees when the total price of a task or delivery order exceeds \$6 million.

(b)(8) *Task-order and delivery-order ombudsman.* The Designation and Delegation of Authority for the Agency Task and Delivery Order Ombudsman is located at https://www.ditco.disa.mil/hq/delegation_memos.asp.

16.601 Time-and-materials contracts.

(d)(1) Time-and-materials or labor-hour CLINS for strictly travel costs or Other Direct Costs that are ancillary to the primary purpose of a fixed price contract do not require a determination and findings. T&M or LH CLINS shall not exceed 33.33% of the total contract value, not including travel; a D&F is required if exceeding 33.33%.

216.601 Time-and-materials contracts.

(d)(i)(A)(1)(i) The Chief of the Contracting Office is the senior contracting official within the contracting activity.

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PART 17 — SPECIAL CONTRACTING METHODS

<i>Sec.</i>			
17.000	Definitions.	17.502	Procedures.
	SUBPART 17.1 — MULTI-YEAR CONTRACTS	17.502-1	General.
17.104	General.	17.503	Ordering Procedures.
17.106	Procedures.		SUBPART 217.74-- UNDEFINITIZED CONTRACT ACTIONS
17.106-3	Special procedures applicable to DoD, NASA, and the Coast Guard.	217.7402	Exceptions.
	SUBPART 17.2 — OPTIONS	217.7404	Limitations.
17.202	Use of options.	217.7404-1	Authorization.
17.202-90	Use of surge options.	217.7404-3	Definitization schedule.
17.206	Evaluation.	217.7405	Plans and reports.
17.207	Exercise of options.		SUBPART 17.91 — PRODUCT LOAN AGREEMENTS
	SUBPART 17.5 — INTERAGENCY ACQUISITIONS	17.9100	General.
17.501	General.	17.9101	Policy.

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17.000 Definitions.

Bridge Contract is a short-term sole-source contract awarded generally to the incumbent contractor to continue critical services when a follow-on competitive contract action could not be completed in a timely manner. It provides needed services until the program and contracting offices can establish a new competitive contract. The SPE Bridge Decision Briefing, located in [DARS PGI](#) 17.000, is not required for non-DISA contract actions nor is it required for bridge contracts made necessary by GAO or Agency-level protests. Although a bridge may not require a decision brief, it still must be added onto the [Bridge Report](#).

SUBPART 17.1 — MULTI-YEAR CONTRACTS**17.104 General.**

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

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

(e) The HCA may approve recurring costs in cancellation ceilings for multi-year contracts.

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SUBPART 17.2 — OPTIONS

17.202 Use of options.

17.202-90 Use of surge options.

(a) Definition. Optional CLIN that can be exercised unilaterally for an increase in quantity of support for the task areas previously defined in the PWS/SOO/SOW.

(b) General.

(1) When the surge option amount is equal to or greater than 50% of the total value of the non- surge CLINs, the contracting officer shall prepare a determination for the surge amount prior to releasing the RFP or RFQ. The determination can be added to the Determination for Use of Options template.

(i) Approval up to 50% is the contracting officer.

(ii) Approval over 50% is the CoCO.

(2) The surge CLIN shall be numbered as 9999 with a contract type of cost reimbursement not- to-exceed. The following language may be used as the description for CLIN 9999:

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

(3) The surge option should be exercised unilaterally to the maximum extent possible; however, can be exercised bilaterally if negotiations are required.

(4) The amount of any new CLIN or amount added to an existing CLIN that implements surge will be equal to the decrement of the not-to-exceed amount of CLIN 9999. Description for the surge CLIN should state “Surge of Task Area # _____ with a period of performance from _____ to _____ .”.

17.206 Evaluation.

(S-90) The price for exercising 52.217-8, Option to Extend Services, (not to exceed six (6) months) will be evaluated as part of the total price of a proposal. See DARS PGI 17.206 (S-90) for procedures.

17.207 Exercise of options.

(S-90) For current contracts that include FAR Clause 52.217-8, Option to Extend Services, and the option was evaluated prior to award, the contracting officer shall prepare a determination and findings document in accordance with FAR Subpart 17.207 Exercise of options prior to exercising the option.

(S-91) The approval authority for DISA mission partner requests to exercise 52.217-8, Option to Extend Services, is the HCA. The approval authority for non-DISA mission partner requests to exercise 52.217-8, Option to Extend Services, is the HCO.

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SUBPART 17.5 — INTERAGENCY ACQUISITIONS

17.501 General.

(S-90) DITCO is the organic contracting activity of DISA. If DITCO can procure the requirement, the Program Management Office shall work with DITCO contracting office to issue a general terms and conditions (GT&C) agreement, unambiguous to the requesting and servicing agency. Prior to funds certification, the servicing agency and the requesting agency shall both sign a written interagency agreement that establishes the GT&Cs governing the relationship between the parties. DISA, as a requesting agency, may use an external (non-DITCO) contracting agency. An approved determination and findings (D&F) for an Interagency Assisted Acquisition, located at <https://www.ditco.disa.mil/contracts/AcquisitionAgreements.asp>, is required prior to submitting a requirements package to an external contracting office.

(S-91) Further guidance on how to conduct interagency acquisitions can be found in [DARS PGI](#) 17.5.

17.502 Procedures.

17.502-1 General.

(a) S-90) An unclassified interagency agreement is required for all DITCO contracts and shall be completed within the Bureau of Fiscal Service of the U.S. Treasury's Department's system, G-Invoicing. The interagency agreement process within the G-Invoicing system consists of the following FS Form 7600 documents:

1. 7600A; an agreement establishing the GT&Cs
2. 7600B; the order and funding information. The order must be part of the scope of the executed 7600A. Prior to certification of an order, a fully executed agreement must be documented.

Classified agreements are exempt from G-Invoicing requirements.

17.503 Ordering Procedures.

Table 17-1 DISA/DITCO's Approval Authority Interagency Assisted Acquisitions

Regulatory Authority	Agreement Type	Approval
FAR & DFARS	One contract award or multiple contract actions under one contract vehicle	Contracting Officer (KO) (up to warrant amount)
FAR & DFARS	Multiple contract awards against multiple contract vehicles and/or methods within one contracting office	Chief of Contracting Office (CoCO)
FAR & DFARS	Multiple contract awards against multiple contract vehicles and/or methods within multiple contracting offices	Vice Procurement Services Executive

Table 17-2 DISA Coordination and Approval Authority for Determination and Findings (D&F) for Assisted Acquisitions

Regulatory Authority	Dollar Threshold	Concurrence	Approval
FAR & DFARS	Exceeding the micro-purchase threshold to \$50M	Requirements Official	Chief of Contracting Office (CoCO)
FAR & DFARS	Exceeding \$50M	1) Director of the Requirements Office 2) CoCO	Head of Contracting Office (HCO)

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SUBPART 217.74-- UNDEFINITIZED CONTRACT ACTIONS

217.7402 Exceptions.

- (a) The following Undefinitized Contract Actions (UCA) are not subject to this subpart.
- (1) Telecommunications contract actions at or below the simplified acquisition threshold for:
 - (i) Temporary circuits associated with presidential travel or in support of the US Secret Service, the Office of the Secretary of Defense, and Office of Special Events ordered via the Basic Agreements; and,
 - (ii) CLINs associated with travel on the White House Communications Agency Travel Contract

217.7404 Limitations.

217.7404-1 Authorization.

(S-90) The contracting officer shall obtain approval from the HCA before entering into an UCA or modifying the scope of an UCA when performance has already begun. The Request for HCA approval of a UCA is located in [DARS PGI 217.7404-1\(S-90\)](#) and must be maintained in the contract file.

217.7404-3 Definitization schedule.

(a) The definitization schedule shall contain, at a minimum: The due date for the qualifying proposal, date negotiations begin, and target date for definitization.

(S-90) *Calendars.* To assist in tracking the timely definitization of UCAs, the KO shall send an email with the target definitization date to the Chief of PL21 and to the [PSD Front Office](#) (with copy to the CoCO) to annotate the date on the PL21 and HCA's calendar.

(b)(S-90) *Timely Qualifying Proposal.* If the qualifying proposal is not received by the date specified in the definitization schedule, the KO shall coordinate with the CoCO and HCO to notify the HCA (by email) providing the following information:

- Reasons qualifying proposal was not received;
- Steps that will be taken to obtain qualifying proposal within 60 days or less; and,
- Whether or not payments will be withheld.

217.7405 Plans and reports.

(S-90) *Processing.* The PL2 Contract Policy & Operations Division will track the processing of UCAs from providing a UCA Tracking Number to reviewing the final negotiated agreement, at all dollar values. UCAs valued at greater than \$5M will be reported to the Director, Defense Pricing and Contracting (see [DFARS 217.7405](#) & [DFARS PGI 217.7405](#)) in accordance with the DISA Consolidated UCA Management Plan. Contract data shall be maintained in the format required by the spreadsheet referenced in [DFARS PGI 217.7405\(2\)\(ii\)](#). PL2 will track approval of the UCA by the HCA, and upon approval, retain a copy of the approved UCA Request for Approval and the UCA D&Fs to complete the bi-annual report.

(S-91) *Review.* The contracting officer shall obtain a review of the proposed profit/fee from [PL842, Cost and Pricing Branch](#). A UCA Tracking Number shall be obtained from [PL21, Contract Policy Branch](#). A compliance review of the final negotiated agreement shall be obtained from the [PL22, Contract Operations Branch](#) prior to definitization.

(S-92) *Management Plan (D&F).* All UCAs are required to adhere to the 'Consolidated UCA Management Plan' required by [DFARS PGI 217.7405\(2\)\(i\)](#). Before entering into any UCA, Contracting Officers shall obtain HCA approval (see [DARS 217.7404-1](#)). Prior to definitization, Contracting Officers shall satisfy the requirements of the UCA Management Plan by executing a D&F for HCA approval, (which shall be maintained in the contract file. The D&F template is located in [DARS PGI 217.7405\(S-91\)](#)).

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SUBPART 17.91 — PRODUCT LOAN AGREEMENTS

17.9100 General.

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

17.9101 Policy.

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

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

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PART 18 – EMERGENCY ACQUISITIONS

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PART 19 — SMALL BUSINESS PROGRAMS

Sec.

	SUBPART 19.2 – POLICIES	19.705	Responsibilities of the contracting officer under the subcontracting assistance program.
219.201	General policy.		
19.202	Specific policies.	19.705-2	Determining the need for a subcontracting plan
19.203	Relationship among small business programs.	19.705-4	Reviewing the subcontracting plan.
	SUBPART 19.3 – DETERMINATION OF SMALL BUSINESS STATUS FOR SMALL BUSINESS PROGRAMS	19.705-6	Postaward responsibilities of the contracting officer
19.302	Protesting a small business representation		SUBPART 19.8 – CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)
	SUBPART 19.5 — SET –ASIDES FOR SMALL BUSINESS	19.804-2	Agency offering.
19.502-2	Total small business set-asides.	19.804-3	SBA acceptance.
	SUBPART 19.7 — THE SMALL BUSINESS SUBCONTRACTING PROGRAM	19.805-1	General.
		19.808	Contract negotiation.
		19.808-1	Sole source.

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SUBPART 19.2 – POLICIES

219.201 General policy.

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

- (i) Conduct the review of, and concur with, the DD Form 2579 prior to any public announcement or release of information regarding the acquisition strategy, issuance of the solicitation, or communicating with the Small Business Administration (SBA) 8(a) Program regarding a requirement.
- (ii) Review all written consolidation D&Fs, acquisition plans, and/or acquisition strategies;
- (iii) Assist in market research efforts;
- (iv) (S-90) The disa.meade.osbp.mbx.ditco-small-business-office@mail.mil email address shall be used by DISA personnel to communicate with the DISA OSBP.

19.202 Specific policies.

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

- (1) Complete and submit a DD Form 2579 for all acquisitions over \$10,000, including modifications that increase the scope of the contract (see 19.202(S-92) for exceptions);
 - (2) Obtain OSBP and SBA Procurement Center Representative (PCR) (when applicable) concurrence on the DD Form 2579 prior to any public announcement or release of information regarding the acquisition strategy.
 - (3) First, consider set-asides to Small Business, HUBZone Small Business, Service-Disabled Veteran-Owned Small Business, 8(a) Program participants and Women-Owned/Economically Disadvantaged Women-Owned Small Business prior to considering full and open competition, to facilitate meeting the DISA and Department of Defense (DoD) Small Business goals.
 - (4) Document market research (FAR Part 10, DFARS Part 210, and DARS Part 10) for every acquisition unless an exception applies. If a small business set-aside is not recommended, it shall be fully substantiated in the Market Research Report (MRR). (reference DARS 210.001 (S-91)).
 - (5) Provide Sources Sought Notices (SSN) and Requests for Information (RFI) over \$5 million for OSBP's review prior to posting.
- (S-91) DD Form 2579
- (1) All submissions of the DD Form 2579 require the following documentation (if applicable):
 - (i) Signed MRR. The MRR templates are located at <https://www.ditco.disa.mil/contracts/SampleDocTemplates.asp> ; a MRR is not required for bridge contract actions.
 - (ii) Signed Justification and Approval (J&A) over \$5M (draft copy is acceptable under \$5M and DD Form 2579 will be contingent on J&A final approval).
 - (iii) Signed D&F(s) for consolidation, bundling, and no subcontracting opportunities over \$5M (a draft copy is acceptable under \$5M and DD2579 concurrence will be contingent on final approval) (see DARS 19.705-2).
 - (iv) Acquisition Plan / Acquisition Strategy (AS/AP).
 - (2) The OSBP may require additional documentation outlined below:
 - (i) Performance Work Statement (PWS), Statement of Objectives (SOO), Statement of Work (SOW), or other work descriptions;
 - (ii) SSN / RFI responses and analysis documentation; and/or,
 - (iii) Independent Government Cost Estimate documentation.
 - (3) Place approved DD Form 2579, signed MRR, and sources sought documentation in the contract file. If the acquisition is canceled or work on the acquisition is suspended for 12 months or more, the DD Form 2579 and accompanying MRR is no longer valid and must be updated. If the requirement is canceled, the DD2579 should be updated with "withdrawn" and submitted to OSBP.
 - (4) Review and Approval Period:
 - (i) Five (5) business days (not including day of submission) to provide feedback on SSN or RFIs
 - (ii) Five (5) business days (not including day of submission) to render a final decision on a fully complete and correct DD Form 2579 that is set-aside for small business or less than \$5M.
 - (iii) In accordance with the DISA and SBA Plans of Operations, all requirements over \$5 million not set aside for small business shall be forwarded by the OSBP to the SBA PCR for review. The OSBP has five (5) business days from submission of a complete and correct DD Form 2579 to review and forward the DD Form 2579 to the appropriate SBA PCR. The SBA

PCR has five (5) business days for DITCO Scott-Area 4 (Midwest) and DITCO PAC-Area 6 (Hawaii), and seven (7) business days for DITCO NCR-Area 2 (East Coast), to review the DD Form 2579 and accompanying documentation and render a final decision. Allow for a total of 12 business days for a final decision.

(iv) Requests for expedited approval of the DD Form 2579 shall be submitted directly to the personal email account of the Director, OSBP, and Cc the disa.meade.osbp.mbx.ditco-small-business-office@mail.mil box, by a Branch Chief or higher. Insert "Expedite" in the subject line of the email and provide an explanation of the urgency in the body of the email.

(v) Additionally, all requirements in DITCO Scott-Area 4 for Women-Owned Small Business/Economically Disadvantaged Women Owned Small Business set-asides shall be forwarded by the OSBP to the DITCO Scott-Area 4 SBA PCR for review. The approved list of Women-Owned Small Business/Economically-Disadvantaged Women Owned Small Business set-aside North American Industry Classification System (NAICS) codes can be found at the SBA Federal Contracting Website <https://www.sba.gov/document/support--qualifying-naics-women-owned-small-business-federal-contracting-program>.

(S-92) DD Form 2579 Exceptions:

(1) The following actions may be taken without an DISA OSBP signed DD Form 2579:

(i) Publishing synopses, SSN, RFIs and requests for white papers for conducting market research, provided the posting does not indicate the government's decision regarding method of acquisition;

(ii) Funding modifications or modifications that do not increase the approved value of the original DD Form 2579, scope of the contract (including exercising a contract option, which is within the scope of the existing contract provided the basic contract has an approved DD Form 2579); and,

(iii) Solicitations and contracts when contract performance is outside of the United States or its outlying areas.

(2) The following actions may be taken without an OSBP signed DD Form 2579 providing the contracting officer or ordering officer completes/signs a new DD Form 2579 for the contract file with the following justifying statement in Block 11a:

(i) Orders against a DISA-awarded single award Indefinite Delivery/Indefinite Quantity (ID/IQ) contract, provided the work is new, unencumbered work or specifically designated in the AS/AP. If the work is currently being performed on another vehicle, this exception does not apply and a MRR and DD Form 2579 must be submitted to the OSBP: "Orders placed against a DISA-awarded single award ID/IQ contract shall not require a signed DD Form 2579 by the OSBP based on the approval of the DD Form 2579 for the overarching contract with the Control Number #_____."; or

(ii) Orders against a DISA-awarded Blanket Purchase Agreement (BPA)/Basic Ordering Agreement (BOA)/Solutions for Enterprise-Wide Procurement (SEWP) Catalog: "Orders placed against a DISA-awarded BPA/BOA/SEWP Catalog shall not require a signed DD Form 2579 by the OSBP based on the approval of the DD Form 2579 for the overarching vehicle with the Control Number #_____."; or

(iii) Total small business set-asides under the simplified acquisition threshold (SAT): "IAW DFARS 219.201(c)(10)(A), actions under the simplified acquisition that are totally set aside for small business do not require a signed DD Form 2579 by the OSBP (set- asides for a socioeconomic category shall be considered prior to using a total small business set- aside)." This does not apply to the 8(a) program and the DD2579 shall be provided to OSBP for review and concurrence; or

(iv) Requirements for commercial software and related services, such as software maintenance, in accordance with the DoD Enterprise Software Initiative (ESI) shall not require a signed DD Form 2579 by the Office of Small Business Programs providing the contracting officer or ordering officer completes/signs a new DD Form 2579 for the contract file with the following justifying statement in Block 14: "Purchase of commercial software and related services, such as software maintenance, in accordance with the DoD ESI shall not require a signed DD Form 2579 by the OSBP based on the mandatory source requirements at DFARS 208.7402."; or

(v) Orders placed against a mandatory-use Joint Enterprise License Agreement (JELA): "Purchase of requirements against a mandatory JELA shall not require a signed DD Form 2579 by the OSBP based on the Procurement Services Directorate's mandatory use policy."; or

(vi) Orders placed for urgent White House Communications Agency (WHCA) temporary communication services: "Orders for urgent WHCA temporary communications for "switched voice services" that can only be provided by the Local Exchange Carrier do not require a signed DD Form 2579 by the OSBP due to the urgent nature of the requirement."; or

(vii) I/Q/O Orders under \$750K: "I/Q/O orders will be competed in accordance with the annual Strategic Market Research Report and do not require a signed DD Form 2579 by the OSBP due to the volume and repetitive nature of these requirements." (Note: Changes to the original acquisition strategy will require a new DD Form 2579.)

(viii) Orders issued to mandatory Government sources. "Orders issued to mandatory Government sources shall not require a signed DD Form 2579 by the OSBP based on the requirements at FAR 8.002."

(3) Blanket DD Form 2579 approval.

On a case by case basis, a blanket DD Form 2579 may be approved for similar orders on contracts that exceed 250 procurements per year (e.g., Agency Catalogs, EIS). Blanket DD Form 2579's will be updated yearly when the option is exercised and inserted in every order file. Advance coordination with the OSBP is required. A yearly Strategic Market Research Report shall be coordinated with all Blanket DD2579s.

(S-93) Procedures.

See [DARS PGI](#) 19.202(S-93).

19.203 Relationship among small business programs.

(d)(2) The OSBP will recommend targeted contract actions for socioeconomic groups in support of DISA's small business program goals based on current and past achievements.

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

19.302 Protesting a small business representation

(c)(1) The contracting officer shall notify the OSBP of any protests concerning small businesses prior to forwarding the required documentation to the SBA.

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SUBPART 19.5 — SET –ASIDES FOR SMALL BUSINESS

19.502-2 Total small business set–asides.

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

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SUBPART 19.7 — THE SMALL BUSINESS SUBCONTRACTING PROGRAM

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

19.705-2 Determining the need for a subcontracting plan

(c) The OSBP shall review and concur, in writing, on any determination made by the contracting officer that no subcontracting possibilities exist. A Determination and Findings (D&F) shall be prepared in accordance with the format titled “Non-inclusion of SB Subcontracting Plan” located at [DARS PGI 19.705-2\(c\)](#).

(d) See DARS 15.304(S-90) for guidance/requirements of a Small Business Participation/Utilization Plan or Commitment Document.

19.705-4 Reviewing the subcontracting plan.

(d)(7) The contracting officer must obtain the written concurrence of the OSBP and the SBA PCR, as applicable, prior to incorporating a subcontracting plan into a contract/order. Exception: Approved commercial and comprehensive subcontracting plans need not be submitted to the OSBP nor the SBA for concurrence as they have already been approved by an authorized government contracting officer.

(S-90) Procedures for Submission of a Subcontracting Plan for Review can be found in DARS PGI 19.705-4(S-90).

19.705-6 Postaward responsibilities of the contracting officer

Email a signed copy of the subcontracting plan to the relevant Area SBA PCR and the SBA Area Director, Office of Government Contracting where the contract will be performed, with a copy to: disa.meade.osbp.mbx.ditco-small-business-office@mail.mil. (Note: For assistance in determining the SBA Area Director, see <https://www.sba.gov/federal-contracting/counseling-help/contracting-area-directors>.)

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

19.804-2 Agency offering.

(a) Sample offering letter is located at <https://www.ditco.disa.mil/DITCOContractingTemplates/> under Small Business Guides and Templates.

(S-90) Prior to requesting release of a requirement from the 8(a) program, coordinate with OSBP. Sample 8(a) release letter and package requirements are located at <https://www.ditco.disa.mil/DITCOContractingTemplates/> under Small Business Guides and Templates.

19.804-3 SBA acceptance.

(c) When selecting an 8(a) firm for a sole source award, the contracting officer should attempt to locate a firm with multiple socioeconomic categories.

19.805-1 General.

(S-90) When a requirement value falls between the competitive threshold in FAR 19.805-1(a)(2) and \$100 million, the contracting officer shall first consider competition between 8(a) small business concerns prior to offering the requirement to the SBA as a sole source effort. Sole source efforts exceeding the competitive 8(a) threshold only applies to Alaskan Native Corporations, Native Hawaiian Organizations or Tribally-Owned contractors. Approval to utilize the 8(a) program for sole source requirements exceeding the competitive threshold shall be obtained from the Head of the Contracting Activity (HCA) with concurrence from the Director of the OSBP.

19.808 Contract negotiation.

19.808-1 Sole source.

(a) The justification is included (in the template) in the 8(a) Sole Source Market Research Report.

(b) If a sole source requirement exceeds \$100M, a J&A must be executed in accordance with DARS PGI 6.303-1 (S-90)

(c) If a sole source exceeds the competitive 8(a) threshold, the HCA will coordinate the request with the Director, OSBP. HCA approval will be provided via email, copy furnished to the Director of the OSBP. The Director, OSBP will concur on the DD2579.

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PART 20 — RESERVED

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PART 21 — RESERVED

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PART 22 — APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Sec.
22.001

Definitions.
SUBPART 22.1 — BASIC LABOR POLICIES

22.101
22.101-3

Labor relations.
Reporting labor disputes.

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22.001 Definitions.

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

SUBPART 22.1 — BASIC LABOR POLICIES**22.101 Labor relations.****22.101-3 Reporting labor disputes.**

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

(1) Notify local legal counsel and the HCO by the most expeditious means. When possible, the HCO should be given an in-depth briefing regarding the actual or potential labor disputes by the contracting officer.

(2) Notify the affected customers by message or letter of the actual or potential labor disputes that could delay, or threaten to delay the timely contract performance.

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

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

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PART 24 — PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Sec.

SUBPART 24.2 — FREEDOM OF INFORMATION ACT

224.203

Policy.

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SUBPART 24.2 — FREEDOM OF INFORMATION ACT

224.203 Policy.

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

Defense Information Systems Agency
ATTN: Headquarters FOIA Requester Service Center
P.O. Box 549
Ft Meade, MD 20755-0549 FAX: (301) 225-0510
disa.meade.gc.mbx.foia@mail.mil

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

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PART 25 — FOREIGN ACQUISITIONS

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PART 26 — OTHER SOCIOECONOMIC PROGRAMS

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PART 27 — PATENTS, DATA, AND COPYRIGHTS

Sec.

SUBPART 27.90 – TRADEMARK RIGHTS UNDER
GOVERNMENT CONTRACTS

27.9000
27.9001

Definitions.
Trademark rights under government contracts.

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SUBPART 27.90 – TRADEMARK RIGHTS UNDER GOVERNMENT CONTRACTS

27.9000 Definitions.

Trademark is a word, phrase, symbol or design, or a combination that identifies your goods or services, distinguishes them from the goods or services of others, and indicates the source of your goods or services.

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

27.9001 Trademark rights under government contracts.

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

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

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PART 28 — BONDS AND INSURANCE

Sec.

28.106	SUBPART 28.1 — BONDS	28.203-5	Exclusion of individual sureties.
28.106-6	Administration.		SUBPART 28.3 — INSURANCE
	Furnishing information.	28.306	Insurance under fixed-price contracts.
	SUBPART 28.2 — SURETIES AND OTHER SECURITY FOR BONDS	28.310	Contract clause for work on a Government installation.

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SUBPART 28.1 — BONDS

28.106 Administration.

28.106-6 Furnishing information.

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

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SUBPART 28.2 – SURETIES AND OTHER SECURITY FOR BONDS

28.203-5 Exclusion of individual sureties.

- (a) The HCA is the designee.

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SUBPART 28.3 – INSURANCE

28.306 Insurance under fixed-price contracts.

(b) See DARS PGI 28.306(b) for Certificate of Insurance

28.310 Contract clause for work on a Government installation.

(S-90) Insurance is mandatory when commingling of property, type of operation, circumstances of ownership, or condition of the contract make it necessary for the protection of the Government. Providing accountable property (e.g., laptops) to contractors is not commingling of property.

52.228-5 requires the KO to specify the types and amounts of Insurance needed.

Insert DITCO Additional Text H7, DITCO Minimum Insurance Requirement in the contract to specify minimum insurance required. See DARS PGI 52.

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PART 29 —TAXES

Sec.

SUBPART 29.1 — GENERAL

29.101

Resolving tax problems.

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SUBPART 29.1 — GENERAL

29.101 Resolving tax problems.

(a)(S-90) Contracting officers should request assistance from legal counsel and the PL842 Cost and Pricing Branch. PL842 can provide assistance on applicability and reasonableness prior to negotiations.

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PART 30 — COST ACCOUNTING STANDARDS ADMINISTRATION

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PART 31 — CONTRACT COST PRINCIPLES AND PROCEDURES

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PART 32 — CONTRACT FINANCING

<i>Sec.</i>	SUBPART 32.4 — ADVANCE PAYMENTS FOR NON-	32.703-90	Solicitations issued without funding.
	COMMERCIAL ITEMS		SUBPART 32.9 — PROMPT PAYMENT
32.402	General.	32.901	Applicability.
32.407	Interest.		SUBPART 32.11 —ELECTRONIC FUNDS TRANSFER
	SUBPART 32.7 – CONTRACT FUNDING	32.1106	EFT mechanisms.
32.703-2	Contracts conditioned upon availability of funds.		

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SUBPART 32.4 — ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS**32.402 General.**

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

32.407 Interest.

(d) The HCA is the designee.

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SUBPART 32.7 – CONTRACT FUNDING

32.703-2 Contracts conditioned upon availability of funds.

(S-90) The standard DISA practice for awarding a contract action Subject to Availability of Funds (SAF) is based upon receipt of a SAF funding document from the mission partner. In the event an external mission partner cannot provide a SAF funding document, the Contracting Officer may accept a “Notice of Subject to Availability of Funds” memorandum in accordance with template provided at DARS PGI 32.

32.703-90 Solicitations issued without funding.

(a) A Request for Proposal (RFP) or Request for Quotation (RFQ) may be released, for DISA internal mission partners only, conditioned on the availability of funds, only when paragraphs (1) or (2) below apply.

(1) When the resulting contract is to be funded by Procurement or Research, Development, Test, and Evaluation Appropriations, and the program/requirement has been included in the President’s budget as submitted to Congress. In these instances, the program manager shall provide the contracting officer a written statement (coordinated with OCFO) that these funds will be used for the proposed acquisition and although not presently available, a reasonable expectation exists that funding will be authorized and available upon enactment of the Authorization and/or Appropriations Acts.

(2) DISA Directorates shall submit a commitment letter within the requirements package in order to in order release a solicitation prior to the funds being available. The commitment letter shall state the following and be signed by the Program Management Representative and the Financial Account Managers (FAM) at the Branch Chief level:

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

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

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

(Financial Account Manager’s name and signature block)

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

(b) Solicitations for such contracts may be issued so long as potential offerors are apprised that although no funds are currently available to award the contract, the PMO and FAM have provided written assertion that the requirement is legitimate and funds have been programmed or committed it will be funded.

(c) The Contracting Officer shall include FAR 52.232-18, Availability of Funds, in all solicitations issued without funding under the authority of DARS 32.703-90.

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SUBPART 32.9 — PROMPT PAYMENT

32.901 Applicability.

(S-90) When an order is placed or a contract is awarded against an existing telecommunications tariff, the terms of the tariff prevail regarding prompt payment. Normally, the tariff addresses the late payment period and the calculation of the interest charge. Where the tariff is silent, the Prompt Payment Act terms and conditions apply.

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SUBPART 32.11 —ELECTRONIC FUNDS TRANSFER

32.1106 EFT mechanisms.

(S-90) *Delivery Ticket Invoicing (DTI)*. The DTI contract payment method may be applied against firm fixed price contracts or Communication Service Authorization (CSA) orders for telecommunications services in which the receiving document, when combined with the contract/order, contains sufficient information to determine a contractor's payment entitlement, without requiring the contractor to submit an invoice. A Contracting Officer who determines to implement the DTI contract payment method in a contract or order shall follow the DTI Standard Operating Procedures located in the [Corporate Library](#).

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PART 33 — PROTESTS, DISPUTES, AND APPEALS

Sec.

33.103 SUBPART 33.1 — PROTESTS
 Protests to the agency.
33.104 Protest to GAO.

33.204 SUBPART 33.2 — DISPUTES AND APPEALS
 Policy.
33.211 Contracting officer's decision.

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SUBPART 33.1 — PROTESTS

33.103 Protests to the agency.

(d)(4) When an agency protest is denied, an offeror may request an independent review by the Chief of the Contracting Office (CoCO) and/or the Head of the Contracting Office (HCO).

(f)(1) The approving official for the justification/determination is the Head of the Contracting Activity (HCA). Approval requests shall be forwarded to the HCA electronically, coordinated through the CoCO, HCO, legal counsel, and the OSBP if the protester is a small business. See DARS PGI 1.9003 for routing procedures.

(3) The approving official for the justification/determination is the HCA. Approval requests shall be forwarded to the HCA electronically, coordinated through the CoCO, HCO, local legal counsel, and the OSBP if the protester is a small business. See DARS PGI 1.9003 for routing procedures.

(S-90) Upon receipt of a protest, the contracting officer shall immediately advise the CoCO, HCO, and legal counsel. The written decision shall be sent to the protester by certified mail or by any other means that provides evidence of receipt. The decision, with all supporting documentation, shall be coordinated with legal counsel. If the protest involves competition, coordination shall also include the Agency Competition Advocate. Supporting documentation should, as a minimum, include the following:

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

33.104 Protest to GAO.

(b) Protests before award.

(1) The HCO shall notify the HCA of the intent to pursue an override within 2 business day after protest notification. The HCO shall coordinate with legal counsel a written finding for approval. The maximum business days from protest notification to presentation of the written finding to the HCA for approval shall not exceed 5 business days. The HCA will make a decision to authorize award or continued performance within 3 business days of receipt of the written finding. The contracting officer shall immediately suspend performance while requesting an override.

The contracting officer must prepare the written finding to be signed by the HCA. However, no award can be made or selection announced prior to approval by the HCA. The contracting officer must also prepare a request for approval that identifies all protest issues and addresses the merits and expected resolution of the protest. Include details of any congressional interest in the protest.

(c) Protests after award.

(2) The contracting officer must prepare a written finding to be signed by the HCA.

(S-90) *HCA Notification.*

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

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SUBPART 33.2 — DISPUTES AND APPEALS

33.204 Policy.

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

33.211 Contracting officer's decision.

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

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

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PART 34 — MAJOR SYSTEM ACQUISITION

<i>Sec.</i>	SUBPART 34.0 — GENERAL	34.003	Responsibilities.
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SUBPART 34.0 — GENERAL

34.003 Responsibilities.

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

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PART 35 — RESEARCH AND DEVELOPMENT CONTRACTING

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

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PART 37 — SERVICE CONTRACTING

Sec.

237.104

SUBPART 37.1 — SERVICE CONTRACTS—GENERAL
Personal services contracts.

237.170
237.170-2

Approval of contracts and task orders for services.
Approval requirements

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SUBPART 37.1 — SERVICE CONTRACTS—GENERAL**237.104 Personal services contracts.**

(b)(i) The approval authority is the HCA. Legal counsel, CoCO, and HCO coordination is required.

237.170 Approval of contracts and task orders for services.**237.170-2 Approval requirements**

(a) Acquisition of services through a contract or task order that is not performance based.

(1) For acquisitions at or below \$50 million, obtain the review and approval of the CoCO.

(2) For acquisitions over \$50 million up to \$100 million, obtain the review and approval of the HCO.

(3) For acquisitions exceeding \$100 million, obtain the review and approval of the Senior Procurement Executive (SPE).

(S-90) For each acquisition that is non-performance based, the contracting officer shall prepare a D&F for approval in accordance with paragraph 237.170-2(a). The D&F must be approved prior to release of the solicitation.

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

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

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PART 38 — FEDERAL SUPPLY SCHEDULE CONTRACTING

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PART 39 — ACQUISITION OF INFORMATION TECHNOLOGY

Sec.

39.101

SUBPART 39.1 – GENERAL

Policy.

SUBPART 39.2 —INFORMATION AND COMMUNICATION
TECHNOLOGY

39.201

239.7401

239.7407

Scope of subpart.

SUBPART 239.74 —TELECOMMUNICATIONS SERVICES

Definitions.

Type of contract.

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SUBPART 39.1 – GENERAL

39.101 Policy.

(S-90) Unless there is an associated service being offered with a software subscription or software maintenance agreement, and that associated service is billed separately, the acquisition of software subscriptions or software maintenance agreements will be acquired as a product. Further, IT Value Added Reseller (ITVAR) excepted acquisitions with the NAICS code 541519 will be acquired as a product.

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SUBPART 39.2 —INFORMATION AND COMMUNICATION TECHNOLOGY

39.201 Scope of subpart.

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

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SUBPART 239.74 —TELECOMMUNICATIONS SERVICES

239.7401 Definitions.

(S-90) Leasing/provisioning of telecommunications circuits (commoditized bandwidth) is covered under the FAR 2.101 Definitions, Commercial item definition, paragraph (1) in that it is a utility customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and has been sold, leased, or licensed to the general public; or, has been offered for sale, lease, or license to the general public. Thus, the FAR definition of a commercially available off-the-shelf (COTS) item would also cover leasing/provisioning of telecommunications circuits (commoditized bandwidth).

(S-91) Unless there is an associated service offered with the telecommunications and that associated service is billed separately, the leasing/provisioning of the telecommunications circuit (commoditized bandwidth) is not a "service contract." IAW FAR 22.001, a "service contract means any Government contract, or subcontract thereunder, the principal purpose of which is to furnish services in the United States through the use of service employees."

239.7407 Type of contract.

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

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

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PART 40 — RESERVED

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PART 41 — ACQUISITION OF UTILITY SERVICES

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PART 42 — CONTRACT ADMINISTRATION AND AUDIT SERVICES

Sec.

SUBPART 42.15 — CONTRACTOR PERFORMANCE
INFORMATION

42.1502
42.1503

Policy.
Procedures.

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SUBPART 42.15 — CONTRACTOR PERFORMANCE INFORMATION

42.1502 Policy.

(a) Documents to assist with Contractor Performance Assessment Reporting System (CPARS) to include the DISA CPARS Procedures are located at <https://www.ditco.disa.mil/hq/deskbooks.asp>. Current Guidance for CPARS and the User Manual are available at <https://www.cpars.gov/help.htm>.

42.1503 Procedures.

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

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

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PART 43 – CONTRACT MODIFICATIONS

Sec.

	SUBPART 43.1 — GENERAL	243.204	–70–7 Plans and reports.
43.102	Policy.		SUBPART 43.9000 – SCOPE DETERMINATION
	SUBPART 243.2 — CHANGE ORDERS	43.9000	Policy.
243.204-70	Definitization of change orders.		

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SUBPART 43.1 — GENERAL

43.102 Policy.

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

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SUBPART 243.2 — CHANGE ORDERS

243.204-70 Definitization of change orders.

243.204 –70–7 Plans and reports.

(S-90) *Authorization*. The contracting officer shall obtain approval from the Head of the Contracting Activity (HCA) before entering into an Unpriced Change Order (UCO) or modifying the scope of a UCO when performance has already begun. The Request for HCA approval of a UCO is located in [DARS PGI 217.7404-1\(S-90\)](#) and must be maintained in the contract file.

(S-91) *Processing*. The PL2 Contract Policy & Operations Division will track the processing of UCOs (see [DFARS 217.7405](#) & [DFARS PGI 217.7405](#)) from providing a UCO tracking number to reviewing the final negotiated agreement, at all dollar values. UCOs valued greater than \$5M will be reported to the Director, Defense Pricing and Contracting in accordance with the DISA Consolidated UCA Management Plan. Contract data shall be maintained in the format required by the spreadsheet referenced in [DFARS PGI 217.7405\(2\)\(ii\)](#). PL2 will track approval of the UCO by the HCA, and upon approval, retain a copy to complete the bi-annual report.

(S-92) *Review*. The contracting officer shall obtain a review of the proposed profit/fee from PL84, [Cost and Pricing Branch](#). A UCO Tracking Number shall be obtained from the PL21, [Contract Policy Branch](#). A compliance review of the final negotiated agreement shall be obtained from the PL22, [Contract Operations Branch](#) prior to definitization.

(S-93) *Management Plan (D&F)*. All UCOs are required to adhere to the Consolidated UCA Management Plan required by [DFARS PGI 217.7405\(2\)\(i\)](#). Prior to definitization, contracting officers shall satisfy the requirements of the UCA Management Plan by executing a D&F for HCA approval IAWIAW the Consolidated UCA Management Plan ([DFARS PGI 217.7405\(2\)\(i\)](#)), which shall be maintained in the contract file. The D&F template is located in [DARS PGI 217.7405\(S-91\)](#).

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SUBPART 43.9000 – SCOPE DETERMINATION

43.9000 Policy.

(S-90) When issuing a modification to an existing contract, order, or task order that requires a change to the scope of work to be performed, the contracting officer shall complete the Memorandum for the Record (MFR) Scope Determination located at [DARS PGI 43.9000\(S-90\)](#). Further guidance on determining when a modification is within scope of an existing contract is contained within the Scope Determination Guide at [DARS PGI 43.9000\(S-90\)](#).

(S-91) Scope determinations are not required for:

(i) Administrative changes issued as modifications that do not impact the substantive rights of the parties (e.g., a change in the paying office or the appropriation data (FAR 43.101)

(ii) Unilateral modifications that are authorized by clauses other than the Changes clause (e.g., Property clause, Options clause, or Suspension of Work clause (FAR 43.103(b)(3)).

(S-92) General Counsel shall be consulted in cases where the contracting officer cannot make a clear determination whether the proposed modification is within scope of the existing contract or task order.

(S-93) In-scope changes to an existing contract shall be issued in accordance with FAR 43.2. When a proposed change requires a modification outside of the general scope of a contract the contracting officer must either:

(i) Competitively solicit the requirement; or,

(ii) Issue the modification in accordance with the non-competitive procedures at FAR 6.303, 8.405-6, or 16.505(b)(2).

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PART 44 — SUBCONTRACTING POLICIES AND PROCEDURES

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PART 45 — GOVERNMENT PROPERTY

Sec.

45.000	SUBPART 45.1 — GENERAL	45.106	Transferring accountability.
45.101	Scope of part.		SUBPART 45.2 — SOLICITATION AND EVALUATION
45.102	Definitions.		PROCEDURES
45.102	Policy.	45.201	Solicitation.
45.105	Contractors' property management system compliance.		

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SUBPART 45.1 — GENERAL

45.000 Scope of part.

(b)(5) Contracting Officers shall insert DITCO Additional Text, H8 Defense Information System Agency Incidental Property Management, in all service requirement solicitations and contracts when the place of performance is a DISA owned or leased location.

45.101 Definitions.

Transferred property. Tangible items shipped from one contractor's location to a different contractor's location for a follow-on contract without inspection.

Transitioned property. Direct-issued items such as laptops, cell phones, tablets which are not transferred. These items are transitioned by being turned over to a COR or property custodian on the last day of the contract for inspection, and any necessary provisioning/equipment refresh prior to being provided to a subsequent contractor.

45.102 Policy.

(S-90) Contract Specialists shall complete the Government-Furnished Property (GFP) Checklist/Quick Reference Guide located in the [DARS PGI](#) 245.103 and review the GFP Questionnaire checklist located in the requirement checklist to develop the solicitation.

45.105 Contractors' property management system compliance.

(a) Contracting Officers shall insert DITCO Additional Text H9, Government Furnished Property Contract Management, in all contracts/orders that include GFP to establish a post award Property Management Plan and a Contractor Property Manager (CPM) Point of Contact (POC). The Property Administrator (or the COR in the absence of an appointed Property Administrator) shall review the contractor's Property Management Plan IAW DITCO Additional Text H9, and notify the contractor of any deficiencies within 10 business days of receipt. A final Property Management Plan will be placed in the official contract file.

45.106 Transferring accountability.

All GFP from losing contracts must be returned by the contractor to the Government in the PIII GFP Module prior to or on the last day of the contract. The COR shall verify the appropriate action has been taken as part of their closeout procedures.

Transitioned property is incorporated as a new GFP item in the gaining contract.

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SUBPART 45.2 — SOLICITATION AND EVALUATION PROCEDURES

45.201 Solicitation.

(S-90) When GFP is anticipated, include enclosure 18b, GFP Attachment (<https://www.ditco.disa.mil/contracts/SampleDocTemplates.asp>) or the downloaded GFP attachment from the GFP module (<https://piee.eb.mil/>), in all solicitations.

For letter solicitations, or any solicitation not using a standard 13 digit solicitation number, the GFP Attachment Excel document at 18b is the preferred format.

When the amount of GFP could vary in performance based acquisitions or other similar acquisition types, the GFP Attachment Excel document may list a reasonable range for the quantity of GFP to be provided in the solicitation. This will allow the offeror to propose the exact number of GFP items within the listed range.

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PART 46 — QUALITY ASSURANCE

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PART 47 — TRANSPORTATION

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PART 48 – VALUE ENGINEERING

Sec.

SUBPART 48.1 – POLICIES AND PROCEDURES

48.101

General.

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SUBPART 48.1 – POLICIES AND PROCEDURES

48.101 General.

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

- (1) Acknowledge receipt within 5 business days.
- (2) Provide a copy to the Program Management Office (PMO) and copy the DISA VE Senior Management Official in the DISA Office of the Component Acquisition Executive; the evaluation shall convene within 10 business days and the KO shall be notified of the acceptance or rejection within 15 business days.
- (3) If additional information is needed, the PMO will notify the contractor, and copy the Contracting Officer and VE Senior Management Official. If negotiation of the VE is required, the KO shall lead the negotiations.
- (4) If accepted, the KO shall execute a bilateral modification to the contract citing the VE clause in the contract as the authority for the modification.
- (5) If VECP is not accepted, the KO will notify the Contractor in writing, with an explanation of why the VECP was not accepted. The KO will copy the PMO and the VE Senior Management Official.

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PART 49 — TERMINATION OF CONTRACTS

Sec.

	SUBPART 49.1 — GENERAL PRINCIPLES		SUBPART 49.3 — ADDITIONAL PRINCIPLES FOR COST-REIMBURSEMENT CONTRACTS TERMINATED FOR CONVENIENCE
49.101	Authorities and responsibilities.		
49.102	Notice of termination.		
49.107	Audit of prime contract settlement proposals and subcontract settlements.	49.303	Procedure after discontinuing vouchers.
		49.303-4	Adjustment of indirect costs.
49.108	Settlement of subcontract settlement proposals.	49.303-5	Final settlement.
49.108-8	Assignment of rights under subcontracts.	49.305	Adjustment of fee.
49.109	Settlement agreements.	49.305-1	General.
49.109-1	General.		SUBPART 49.4 — TERMINATION FOR DEFAULT
	SUBPART 49.2 — ADDITIONAL PRINCIPLES FOR FIXED-PRICE CONTRACTS TERMINATED FOR CONVENIENCE	49.402	Termination of Fixed-Price Contracts for Default.
		49.402-3	Procedure for default.
49.202	Profit.		SUBPART 249.70 — SPECIAL TERMINATION REQUIREMENTS
49.206	Settlement proposals.		
49.206-1	Submission of settlement proposals.	249.7001	Congressional notification on significant contract terminations.

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SUBPART 49.1 — GENERAL PRINCIPLES

49.101 Authorities and responsibilities.

(a) A contracting officer (KO) may terminate contracts for convenience or default to the extent of the authority provided on the Contracting Officer's Certificate of Appointment (SF 1402). All proposed terminations shall be coordinated through legal counsel, the respective Chief of the Contracting Office (CoCO), and the Head of the Contracting Office (HCO). The proposed termination shall be coordinated with the DISA Office of Small Business Programs (OSBP) if the contractor is a small business. Termination letter templates are located at [DARS PGI 49.101](#).

49.102 Notice of termination.

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

49.107 Audit of prime contract settlement proposals and subcontract settlements.

(a) The contracting officer shall ensure that each prime contract settlement proposal is reviewed by a DITCO Cost/Price Analyst for the purpose of evaluating the reasonableness prior to negotiating the final settlement. The Cost/Price Analyst will assist the KO in the development of a settlement negotiation position, as necessary.

(c) Requests to an Audit agency to perform an accounting review will be prepared by the Cost/Price Analyst, for signature by the KO. An audit request is not required for commercial item contracts awarded under Part 12 procedures, in accordance with FAR 49.002(a)(2). See FAR subpart 12.403 for termination policies for commercial item contracts.

49.108 Settlement of subcontract settlement proposals.

49.108-8 Assignment of rights under subcontracts.

(a) The KO shall submit a D&F recommending the assignment to the HCO for approval. The D&F shall be coordinated with a DITCO Cost/Price Analyst and legal counsel.

(b) The KO shall not finalize any settlement proposal arising out of the termination of subcontracts until the D&F is approved by the HCO. A D&F shall be coordinated with a DITCO Cost/Price Analyst and legal counsel.

49.109 Settlement agreements.

49.109-1 General.

(S-90) The settlement agreement and SF30 shall be coordinated with the Cost/Price Analyst, legal counsel, and the HCO.

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

49.202 Profit.

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

49.206 Settlement proposals.

49.206-1 Submission of settlement proposals.

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

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

49.303 Procedure after discontinuing vouchers.

49.303-4 Adjustment of indirect costs.

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

49.303-5 Final settlement.

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

49.305 Adjustment of fee.

49.305-1 General.

(a) The KO shall coordinate adjustments in fee with the Cost/Price Analyst.

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SUBPART 49.4 — TERMINATION FOR DEFAULT

49.402 Termination of Fixed-Price Contracts for Default.

49.402-3 Procedure for default.

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

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

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SUBPART 249.70 — SPECIAL TERMINATION REQUIREMENTS

249.7001 Congressional notification on significant contract terminations.

The contracting officer shall obtain coordination from legal counsel, the CoCO, the HCO, the OSBP (if the action involves a small business), and approval from the HCA prior to the release of any termination notice under this section.

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**PART 50 — EXTRAORDINARY CONTRACTUAL
ACTIONS AND THE SAFETY ACT**

Sec.

SUBPART 50.1 EXTRAORDINARY CONTRACTUAL ACTIONS	50.102 50.102-2	Delegation of and limitations on exercise of authority. Contract adjustment boards.
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SUBPART 50.1 EXTRAORDINARY CONTRACTUAL ACTIONS

50.102 Delegation of and limitations on exercise of authority.

50.102-2 Contract adjustment boards.

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

SPE	Chairperson
HCA	Vice Chairperson and Member
General Counsel	Member

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

A majority constitutes a quorum for any purpose and the concurring vote of a majority of the total board membership constitutes an action of the board. Alternates may be appointed to act in the absence of any member.

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PART 51 — USE OF GOVERNMENT SOURCES BY CONTRACTORS

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PART 52 — SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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PART 53 – FORMS

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APPENDIX A — DISA PLAN FOR CONTROL OF CLAUSES

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APPENDIX B — DISA PLAN FOR CONTROL OF CLAUSES

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