DFARS Case 2019-D031

(S) Exception to Competition for Certain Follow-on Production Contracts

Final Rule

**PART 206—COMPETITION REQUIREMENTS**

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**206.001 Applicability.**

(b) As authorized by 10 U.S.C. 1091, contracts awarded to individuals using the procedures at 237.104(b)(ii) are exempt from the competition requirements of FAR part 6.

**[206.001-70 Exception for prototype projects for follow-on production contracts.]**

**[(a)]**~~(S-70)~~ Also excepted from this part are follow-on production contracts for products developed pursuant to the “other transactions” authority of 10 U.S.C. 2371**[b]** for prototype projects when—

(1) The other transaction **[solicitation and]** agreement ~~includes~~**[included]** provisions for a follow-on production contract; **[and]**

(2) The contracting officer receives sufficient ~~information~~ **[documentation]** from the agreements officer ~~and the project manager for~~ **[of]** the ~~prototype~~ other transaction agreement **[for the prototype project]**~~, which documents~~ that the ~~conditions set forth in 10 U.S.C. 2371 note, subsections (f)(2)(A) and (B) (see 32 CFR 3.9(d)),~~ **[requirements of 10 U.S.C. 2371b sections (f)(2)(A) and (B) and, when applicable, section (a)(2),]** have been met**[.]**~~; and~~

**[(b) See PGI 206.001-70(c) for additional guidance.]**

~~(3) The contracting officer establishes quantities and prices for the follow-on production contract that do not exceed the quantities and target prices established in the other transaction agreement.~~