**DFARS Case 2023-D006**

**Modification of Authority of the Department of Defense to Carry Out Certain Prototype Projects**

**Final Rule**

**PART 206—COMPETITION REQUIREMENTS**

**\* \* \* \* \***

**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) Also excepted from this part are follow-on production contracts for products developed pursuant to the “other transactions” authority of 10 U.S.C. 4022 for prototype projects**[,]** when**[ the contracting officer receives sufficient documentation from the agreements officer issuing the other transaction agreement for the prototype project that]**—

(1) The other transaction ~~solicitation and~~ agreement included provisions for a follow-on production contract **[(10 U.S.C. 4022(f)(1))]**; and

(2) ~~The contracting officer receives sufficient documentation from the agreements officer of the other transaction agreement for the prototype project that the requirements of 10 U.S.C. 4022 sections (f)(2)(A) and (B) and, when applicable, section (a)(2) have been met.~~**[Where applicable, the threshold at 10 U.S.C. 4022(a)(2)(C) and the requirements at 10 U.S.C. 4022(f)(2)(A) and (B) have been met.]**

(b) See PGI 206.001-70~~(b)~~ for additional guidance.