**DFARS Technical Amendment**

**OUSD(A&S) Reorganization**

**October 2023**

**PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM**

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**SUBPART 201.1—PURPOSE, AUTHORITY, ISSUANCE**

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**201.105 Issuance.**

**201.105-3 Copies.**

The DFARS and the DFARS Procedures, Guidance, and Information (PGI) are available ~~electronically via the World Wide Web~~ at ~~http://www.acq.osd.mil/dpap/dars/index.htm.~~

**[*****https://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html*.]**

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**201.107 Certifications.**

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(2) Written justification for such certification is provided to the Secretary of Defense by the Under Secretary of Defense (Acquisition **[and Sustainment]**~~,~~ ~~Technology, and Logistics~~), and the Secretary of Defense approves in writing the inclusion of such certification requirement.

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**SUBPART 201.2—ADMINISTRATION**

**201.201 Maintenance of the FAR.**

**201.201-1 The two councils.**

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(d)(i) Departments and agencies process proposed revisions of FAR or DFARS through channels to the Director of the DAR Council. Process the proposed revision as a memorandum in the following format, addressed to the Director, DAR Council~~,~~ ~~OUSD(AT&L), 3060 Defense Pentagon, Washington, DC 20301-3060; datafax (571) 372-6094.~~ **[via email at** ***[osd.pentagon.ousd-a-s.mbx.dfars@mail.mil](mailto:osd.pentagon.ousd-a-s.mbx.dfars@mail.mil)*.]**

I. PROBLEM: \* \* \*

II. ~~Recommendation~~**[RECOMMENDATION]**: \* \* \*

III. ~~Discussion~~**[DISCUSSION]**: \* \* \*

IV. ~~Collaterals~~**[COLLATERALS]**: \* \* \*

V. Deviations**[DEVIATIONS]**: If a recommended revision of DFARS is a FAR deviation, identify the deviation and include under separate TAB a justification for the deviation that addresses the requirements of 201.402(2). The justification should be in the form of a memorandum for the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~, Office of the Under Secretary of Defense (Acquisition **[and Sustainment]**~~, Technology, and Logistics~~).

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**SUBPART 201.3—AGENCY ACQUISITION REGULATIONS**

**201.301 Policy.**

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(b) When *Federal Register* publication is required for any policy, procedure, clause, or form, the department or agency requesting Under Secretary of Defense (Acquisition **[and Sustainment]**~~, Technology, and Logistics~~) (USD(A**[&S]**~~T&L~~)) approval for use of the policy, procedure, clause, or form (see 201.304(1)) must include an analysis of the public comments in the request for approval. Information on determining when a clause requires publication in the *Federal Register* and approval in accordance with 201.304(1) is provided at PGI 201.301(b).

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**201.304 Agency control and compliance procedures.**

Departments and agencies and their component organizations may issue acquisition regulations as necessary to implement or supplement the FAR or DFARS.

(1)(i) Approval of the USD (A**[&S]**~~T&L~~) is required before including in a department/agency or component supplement, or any other contracting regulation document such as a policy letter or clause book, any policy, procedure, clause, or form that—

(A) Has a significant effect beyond the internal operating procedures of the agency; or

(B) Has a significant cost or administrative impact on contractors or offerors.

(ii) Except as provided in paragraph (2) of this section, the USD(A**[&S]**~~T&L~~) has delegated authority to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting (DPC)]**~~Procurement and Acquisition Policy (OUSD(AT&L)DPAP)~~ to approve or disapprove the policies, procedures, clauses, and forms subject to paragraph (1)(i) of this section.

(2) In accordance with 41 U.S.C. 1304, a new requirement for a certification by a contractor or offeror may not be included in a department/agency or component procurement regulation unless—

(i) The certification requirement is specifically imposed by statute; or

(ii) Written justification for such certification is provided to the Secretary of Defense by USD(A**[&S]**~~T&L~~), and the Secretary of Defense approves in writing the inclusion of such certification requirement.

(3) Contracting activities must obtain the appropriate approval (see 201.404) for any class deviation (as defined in FAR subpart 1.4) from the FAR or DFARS, before its inclusion in a department/agency or component supplement or any other contracting regulation document such as a policy letter or clause book.

(4) Each department and agency must develop and, upon approval by OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~, implement, maintain, and comply with a plan for controlling the use of clauses other than those prescribed by FAR or DFARS. Additional information on department and agency clause control plan requirements is available at PGI 201.304(4).

(5) Departments and agencies must submit requests for the Secretary of Defense, USD(A**[&S]**~~T&L~~), and OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~ approvals required by this section through the Director of the DAR Council. Procedures for requesting approval of department and agency clauses are provided at PGI 201.304(5).

(6) The **[Principal Director, DPC]**~~Director of Defense Procurement~~ publishes changes to the DFARS in the *Federal Register* **[****at *https://www.federalregister.gov*]** and ~~electronically~~ ~~via the World Wide Web~~**[ on the DPC website at** ***https://www.acq.osd.mil/dpap/dars/change\_notices.html*]**. Each change includes an effective date. Unless guidance accompanying a change states otherwise, contracting officers must include any new or revised clauses, provisions, or forms in solicitations issued on or after the effective date of the change.

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**SUBPART 201.4—DEVIATIONS FROM THE FAR**

**201.402 Policy.**

(1) The **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting (DPC)]**~~Procurement and Acquisition Policy~~, Office of the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~) (OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~), is the approval authority within DoD for any individual or class deviation from—

(i) FAR 3.104, Procurement Integrity, or DFARS 203.104, Procurement Integrity;

(ii) FAR ~~S~~**[s]**ubpart 27.4, Rights in Data and Copyrights, or DFARS S**[s]**ubpart 227.4, Rights in Data and Copyrights;

(iii) FAR part 30, Cost Accounting Standards Administration, or DFARS part 230, Cost Accounting Standards Administration;

(iv) FAR subpart 31.1, Applicability, or DFARS subpart 231.1, Applicability (contract cost principles);

(v) FAR subpart 31.2, Contracts with Commercial Organizations, or DFARS subpart 231.2, Contracts with Commercial Organizations; or

(vi) FAR part 32, Contract Financing (except subparts 32.7 and 32.8 and the payment clauses prescribed by subpart 32.1), or DFARS part 232, Contract Financing (except subparts 232.7 and 232.8).

(2) Submit requests for deviation approval through department/agency channels to the approval authority in paragraph (1) of this section, 201.403, or 201.404, as appropriate. Submit deviations that require OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~ approval through the Director of the DAR Council **[via email at** ***osd.pentagon.ousd-a-s.mbx.dfars@mail.mil*]**. At a minimum, each request must—

\* \* \* \* \*

**201.404 Class deviations**.

(b)(i) Except as provided in paragraph (b)(ii) of this section, OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~ is the approval authority within DoD for any class deviation.

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**PART 202—DEFINITIONS OF WORDS AND TERMS**

**SUBPART 202.1—DEFINITIONS**

**202.101 Definitions.**

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“Departments and agencies,” as used in DFARS, means the military departments and the defense agencies. The military departments are the Departments of the Army, Navy, and Air Force (the Marine Corps is a part of the Department of the Navy**[, and the Space Force is a part of the Air Force]**). The defense agencies are the Defense Advanced Research Projects Agency, the Defense Commissary Agency, the Defense Contract Management Agency, the Defense Counterintelligence and Security Agency, the Defense Finance and Accounting Service, the Defense Health Agency, the Defense Information Systems Agency, the Defense Intelligence Agency, the Defense Logistics Agency, the Defense Threat Reduction Agency, the Missile Defense Agency, the National Geospatial-Intelligence Agency, the National Security Agency, ~~the Space Development Agency,~~ the United States Cyber Command, the United States Special Operations Command, the United States Transportation Command, and the Washington Headquarters Service.

\* \* \* \* \*

“Head of the agency” means, for DoD, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. Subject to the direction of the Secretary of Defense, the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~), and the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~, the directors of the defense agencies have been delegated authority to act as head of the agency for their respective agencies (i.e., to perform functions under the FAR or DFARS reserved to a head of agency or agency head), except for such actions that by terms of statute, or any delegation, must be exercised within the Office of the Secretary of Defense. (For emergency acquisition flexibilities, see 218.270.)

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“Procedures, Guidance, and Information (PGI)” means a companion resource to the DFARS that—

\* \* \* \* \*

(4) Is available ~~electronically~~ at ~~<http://www.acq.osd.mil/dpap/dars/index.htm>~~ ***[******https://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html].***

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“Senior procurement executive” means, for DoD—

**[(1)]** Department of Defense (including the defense agencies)—Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~);

**[(2)]** Department of the Army—Assistant Secretary of the Army (Acquisition, Logistics and Technology);

**[(3)]** Department of the Navy—Assistant Secretary of the Navy (Research, Development and Acquisition);

**[(4)]** Department of the Air Force—Assistant Secretary of the Air Force (Acquisition)**[; and]**~~.~~

**[(5)]** The directors of the defense agencies have been delegated authority to act as senior procurement executive for their respective agencies, except for such actions that by terms of statute, or any delegation, must be exercised by the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~).

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**PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLITS OF INTEREST**

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**SUBPART 203.7—VOIDING AND RESCINDING CONTRACTS**

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**203.703 Authority.**

The authority to act for the agency head under this subpart is limited to a level no lower than an official who is appointed by and with the advice of the Senate, without power of redelegation. For the defense agencies, for purposes of this subpart, the agency head designee is the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~).

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**PART 205—PUBLICIZING CONTRACT ACTIONS**

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**SUBPART 205.2—SYNOPSES OF PROPOSED CONTRACT ACTIONS**

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

**205.205 Special situations.**

**[See PGI 205.205 for instructions on the solicitation notice regarding timely definitization of equitable adjustments for change orders under construction contracts.]**

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**SUBPART 205.3—SYNOPSES OF CONTRACT AWARDS**

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**205.303 Announcement of contract awards.**

(a) *Public Announcement*.

(i) \* \* \*

(ii) Departments and agencies submit the information—

(A) To the Office of the Assistant **[to the]** Secretary of Defense **[for]** ~~(~~Public Affairs~~)~~;

\* \* \* \* \*

**PART 206—COMPETITION REQUIREMENTS**

**SUBPART 206.3—OTHER THAN FULL AND OPEN COMPETITION**

**206.302 Circumstances permitting other than full and open competition.**

\* \* \* \* \*

**206.302-5 Authorized or required by statute.**

\* \* \* \* \*

(c) *Limitations*.

(i) \* \* \*

(B) The Secretary of Defense provides Congress written notice of intent to award. The contract cannot be awarded until 180 days have elapsed since the date Congress received the notice of intent to award. Contracting activities must submit a draft notice of intent with supporting documentation through channels to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~, Office of the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~).

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**206.304 Approval of the justification.**

(a)(4) The Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~) may delegate this authority to—

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**PART 207—ACQUISITION PLANNING**

**SUBPART 207.1—ACQUISITION PLANS**

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**207.106 Additional requirements for major systems.**

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(S-73) In accordance with section 815 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417) and DoD policy requirements, acquisition plans for major weapons systems shall include a plan for the preservation and storage of special tooling associated with the production of hardware for major defense acquisition programs through the end of the service life of the related weapons system. The plan shall include the identification of any contract clauses, facilities, and funding required for the preservation and storage of such tooling. The ~~Undersecretary~~**[Under Secretary]** of Defense for Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~ (USD (A**[&S]**~~T&L~~)) may waive this requirement if USD (A**[&S]**~~T&L~~) determines that it is in the best interest of DoD.

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**PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

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**SUBPART 208.70—COORDINATED ACQUISITION**

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**208.7002 Assignment authority.**

(a) Under the DoD Coordinated Acquisition Program, contracting responsibility for certain commodities is assigned to a single department, agency, or the General Services Administration (GSA). Commodity assignments are made—

(1) To the departments and agencies, by the Deputy ~~Under~~**[Assistant]** Secretary of Defense (Logistics);

(2) To GSA, through agreement with GSA, by the Deputy ~~Under~~**[Assistant]** Secretary of Defense (Logistics);

\* \* \* \* \*

(b) Under the Integrated Materiel Management Program, assignments are made by the Deputy ~~Under~~**[Assistant]** Secretary of Defense (Logistics)—

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**PART 209—CONTRACTOR QUALIFICATIONS**

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**SUBPART 209.4—DEBARMENT, SUSPENSION, AND INELIGIBILITY**

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**209.406 Debarment.**

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**209.406-2 Causes for debarment.**

(1) Any person shall be considered for debarment if criminally convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States or its outlying areas that was not made in the United States or its outlying areas (10 U.S.C. 4658).

(i) The debarring official will make a determination concerning debarment not later than 90 days after determining that a person has been so convicted.

(ii) In cases where the debarring official decides not to debar, the debarring official will report that decision to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting,]**~~Procurement and Acquisition Policy~~ who will notify Congress within 30 days after the decision is made.

(2) Any contractor that knowingly provides compensation to a former DoD official in violation of section 847 of the National Defense Authorization Act for Fiscal Year 2008 may face suspension and debarment proceedings in accordance with 41 U.S.C. 2105(c)(1)(C).

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**SUBPART 209.5—ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST**

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**209.570 Limitations on contractors acting as lead system integrators.**

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**209.570-2 Policy.**

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(c) In accordance with section 802 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181; 10 U.S.C. 4292 note), DoD may award a new contract for lead system integrator functions in the acquisition of a major system only if—

(1) The major system has not yet proceeded beyond low-rate initial production; or

(2) The Secretary of Defense determines in writing that it would not be practicable to carry out the acquisition without continuing to use a contractor to perform lead system integrator functions and that doing so is in the best interest of DoD. The authority to make this determination may not be delegated below the level of the Under Secretary of Defense for Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~. ~~(~~*~~Also see~~* **[Also, see]** 209.570-3(b).~~)~~

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**PART 215 – CONTRACTING BY NEGOTIATION**

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**SUBPART 215.4—CONTRACT PRICING**

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**215.403 Obtaining certified cost or pricing data.**

**215.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. Chapter 271 and 41 U.S.C. chapter 35).**

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

\* \* \* \* \*

(4) *Waivers*.

(A) \* \* \*

(B) By November 30th of each year, departments and agencies shall provide a report to the **[Office of the Principal]** Director, Defense Pricing and Contracting, ~~Pricing and Contracting Initiatives~~**[(Price, Cost and Finance)]** ~~(DPC/PCI)~~, of all waivers granted under FAR 15.403-1(b)(4), during the previous fiscal year, for any contract, subcontract, or modification expected to have a value of $20 million or more. See PGI 215.403-1(c)(4)(B) for the format and guidance for the report.

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**[215.406 Documentation.]**

\* \* \* \* \*

**215.406-2 ~~[Reserved]~~[Certificate of current cost or pricing data.**

**See PGI 215.406-2 for additional information and guidance on Certificates of Current Cost or Pricing Data.]**

**PART 217—SPECIAL CONTRACTING METHODS**

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**SUBPART 217.74—UNDEFINITIZED CONTRACT ACTIONS**

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**217.7405 Plans and reports**.

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(b) Consolidated UCA Management Reports and Consolidated UCA Management Plan updates shall be submitted to the Office of the **[Principal]** Director, Defense **[Pricing and Contracting (Contract Policy)]** ~~Procurement and Acquisition Policy~~**[at** ***osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil*]**, by October 31 and April 30 of each year in accordance with the procedures at PGI 217.7405.

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**PART 219—SMALL BUSINESS PROGRAMS**

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**SUBPART 219.8—CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)**

**219.800 General.**

(a) By Partnership Agreement (PA) between the Small Business Administration (SBA) and the Department of Defense (DoD), the SBA has delegated to the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~) its authority under paragraph 8(a)(1)(A) of the Small Business Act (15 U.S.C. 637(a)) to enter into 8(a) prime contracts, and its authority under 8(a)(1)(B) of the Small Business Act to award the performance of those contracts to eligible 8(a) Program participants. However, the SBA remains the prime contractor on all 8(a) contracts, continues to determine eligibility of concerns for contract award, and retains appeal rights under FAR 19.810. The SBA delegates only the authority to sign contracts on its behalf. Consistent with the provisions of the PA, this authority is hereby redelegated to DoD contracting officers. A copy of the PA, which includes the PA’s expiration date, is available at PGI 219.800.

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**Part 222—Application of Labor Laws to Government Acquisitions**

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**SUBPART 222.14—EMPLOYMENT OF WORKERS WITH DISABILITIES**

**222.1403 Waivers.**

(c) The contracting officer shall submit a waiver request through contracting channels to the labor advisor. If the request is justified, the labor advisor will endorse the request and forward it for action to—

(i) The agency head for waivers under FAR 22.1403(a). For the defense agencies, waivers must be approved by the ~~Under~~**[Assistant]** Secretary of Defense for Acquisition.

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**PART 225—FOREIGN ACQUISITION**

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**SUBPART 225.1—BUY AMERICAN--SUPPLIES**

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**225.103 Exceptions.**

(a)(i)(A) Public interest exceptions for certain countries are in [225.872](https://www.acq.osd.mil/dpap/dars/dfars/html/current/225_8.htm#225.872).

(B) For procurements covered by the World Trade Organization Government Procurement Agreement, the Under Secretary of Defense (Acquisition **[and Sustainment]**~~, Technology, and Logistics~~) has determined that it is inconsistent with the public interest to apply the Buy American statute to end products that are substantially transformed in the United States.

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**SUBPART 225.4—TRADE AGREEMENTS**

**225.401 Exceptions.**

(a)(2)(A) If a department or agency considers an individual acquisition of a product to be indispensable for national security or national defense purposes and appropriate for exclusion from the provisions of FAR subpart 25.4, it may submit a request with supporting rationale to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting (DPC)]**~~Procurement and Acquisition Policy~~**[, Office of the Under Secretary of Defense (Acquisition and Sustainment)]** (OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~). Approval by OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~ is not required if—

\* \* \* \* \*

**225.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements.**

\* \* \* \* \*

(c) For acquisitions of supplies covered by the World Trade Organization Government Procurement Agreement, acquire only U.S.-made, qualifying country, or designated country end products unless—

\* \* \* \* \*

(ii) A national interest waiver under 19 U.S.C. 2512(b)(2) is granted on a case-by-case basis. Except as delegated in paragraphs (c)(i)(A) and (B) of this section, submit any request for a national interest waiver to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ in accordance with department or agency procedures. Include supporting rationale with the request.

(A) \* \* \*

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**SUBPART 225.7—PROHIBITED SOURCES**

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**225.770 Prohibition on acquisition of certain items from Communist Chinese military companies.**

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**225.770-5 Waiver of prohibition.**

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(c)(1) The official granting a waiver shall submit a report to the congressional defense committees, with a copy to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ (see PGI 225.770-5), not less than 15 days before issuing the waiver.

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**SUBPART 225.8—OTHER INTERNATIONAL AGREEMENTS AND COORDINATION**

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**225.871 North Atlantic Treaty Organization (NATO) cooperative projects.**

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**225.871-5 Directed ~~S~~[s]ubcontracting.**

(a) The **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ may authorize the direct placement of subcontracts with particular subcontractors. Directed subcontracting is not authorized unless specifically addressed in the cooperative project agreement.

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**225.871-7 Congressional notification.**

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(a) Congressional notification is required when DoD makes a determination to award a contract or subcontract to a particular entity, if the determination was not part of the certification made under 22 U.S.C. 2767(f) before finalizing the cooperative agreement.

(1) Departments and agencies shall provide a proposed Congressional notice to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ in sufficient time to forward to Congress before the time of contract award.

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**225.872 Contracting with qualifying country sources.**

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**225.872-2 Applicability.**

(a) This section applies to all acquisitions of supplies except those restricted by—

(1) U.S. National Disclosure Policy, DoDD 5230.11, Disclosure of Classified Military Information to Foreign Governments and International Organizations;

(2) U.S. defense mobilization base requirements purchased under the authority of FAR 6.302-3(a)(2)(i), except for quantities in excess of that required to maintain the defense mobilization base. This restriction does not apply to Canadian planned producers.

(i) Review individual solicitations to determine whether this restriction applies.

(ii) Information concerning restricted items may be obtained from the Deputy ~~Under~~ **[Assistant]** Secretary of Defense ~~(~~**[for]** Industrial ~~Affairs~~ **[Base Policy]**~~)~~;

\* \* \* \* \*

**225.872-3 Solicitation procedures.**

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(e) Do not automatically exclude qualifying country sources from submitting offers because their supplies have not been tested and evaluated by the department or agency.

\* \* \* \* \*

(4) If it appears that these provisions might adversely delay service programs, obtain the concurrence of the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~), before excluding the qualifying country source from consideration.

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**225.872-5 Contract administration.**

(a) Arrangements exist with some qualifying countries to provide reciprocal contract administration services. Some arrangements are at no cost to either government. To determine whether such an arrangement has been negotiated and what contract administration functions are covered, contact the ~~Deputy~~ **[Office of the Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ (Contract Policy ~~and International Contracting~~)~~, ((703)~~**~~-~~**~~697-9351, DSN 227-9351~~**[via email at** ***osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil*]**~~)~~.

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**SUBPART 225.70—AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

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**225.7002 Restrictions on food, clothing, fabrics, hand or measuring tools, and flags.**

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**225.7002-2 Exceptions.**

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(b) Acquisitions of any of the items in [225.7002-1](https://www.acq.osd.mil/dpap/dars/dfars/html/current/225_70.htm#225.7002-1), if the Secretary concerned determines that items grown, reprocessed, reused, or produced in the United States cannot be acquired as and when needed in a satisfactory quality and sufficient quantity at U.S. market prices. (See the requirement in [205.301](https://www.acq.osd.mil/dpap/dars/dfars/html/current/205_3.htm#205.301) for synopsis within 7 days after contract award when using this exception.)

(1) The following officials are authorized, without power of redelegation, to make such a domestic nonavailability determination:

(i) The Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~).

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**225.7003-3 Exceptions.**

\* \* \* \* \*

(b) One or more of the following exceptions may apply to an end item or component that includes any of the following, under a prime contract or subcontract at any tier. The restrictions in [225.7003-2](https://www.acq.osd.mil/dpap/dars/dfars/html/current/225_70.htm#225.7003-2) do not apply to the following:

\* \* \* \* \*

(2) \* \* \*

(ii) If this exception is used for an acquisition of COTS end items valued at $5 million or more per item, the acquiring department or agency shall submit an annual report to the **[Principal]** Director, Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~, in accordance with the procedures at PGI 225.7003-3(b)(2).

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**PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION**

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**SUBPART 230.2—CAS PROGRAM REQUIREMENTS**

**[****230.201 Contract requirements.]**

**230.201-5 Waiver.**

(a)(1)(A) The military departments and the **[Principal]** Director, Defense **[Pricing and Contracting (DPC)]**~~Procurement and Acquisition Policy~~, Office of the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~)—

\* \* \* \* \*

(B) Follow the procedures at PGI 230.201-5(a)(1) for submitting waiver requests to the **[Principal]** Director, **[DPC]** ~~Defense Procurement and Acquisition Policy~~.

\* \* \* \* \*

(e) By November 30th of each year, the military departments shall provide a report to the **[Office of the Principal]** Director, ~~Defense Procurement and Acquisition Policy~~**[DPC (Contract Policy)**~~, ATTN: DPAP/CPIC,~~ of all waivers granted under FAR 30.201-5(a), during the previous fiscal year, for any contract, subcontract, or modification expected to have a value of $15~~,000,000~~ **[million]** or more. See PGI 230.201-5(e) for format and guidance for the report. The **[Principal]** Director, **[DPC]**~~Defense Procurement and Acquisition Policy~~, will submit a consolidated report to the CAS Board and the congressional defense committees.

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**PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES**

\* \* \* \* \*

**SUBPART 231.2—CONTRACTS WITH COMMERCIAL ORGANIZATIONS**

\* \* \* \* \*

**231.205-70 External restructuring costs**.

\* \* \* \* \*

(c) *Limitations on cost allowability.* Restructuring costs associated with external restructuring activities shall not be allowed unless—

\* \* \* \* \*

(4) \* \* \*

(ii)(A) If the amount of restructuring costs is expected to exceed $25 million over a 5-year period, the designated official is the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~) or the Principal Deputy. This authority may not be delegated below the level of an Assistant Secretary of Defense.

\* \* \* \* \*

**PART 232—CONTRACT FINANCING**

\* \* \* \* \*

**232.006-5 Reporting.**

Departments and agencies**[,]** in accordance with department/agency procedures, shall prepare and submit to the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~), through the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~, annual reports (Report Control Symbol DD-AT&L(A) 1891) containing the information required by FAR 32.006-5.

\* \* \* \* \*

**232.070 Responsibilities.**

(a) The **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting (DPC)]**~~Procurement and Acquisition Policy~~, Office of the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~) (OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~) is responsible for ensuring uniform administration of DoD contract financing, including DoD contract financing policies and important related procedures. Agency discretion under FAR part 32 is at the DoD level and is not delegated to the departments and agencies. Proposals by the departments and agencies, to exercise agency discretion, shall be submitted to OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~.

(b) Departments and agencies are responsible for their day-to-day contract financing operations. Refer specific cases involving financing policy or important procedural issues to OUSD(A**[&S]**~~T&L~~)DP**[C]**~~AP~~ for consideration through the department/agency Contract Finance Committee members (also see ~~S~~**[s]**ubpart 201.4 for deviation request and approval procedures).

\* \* \* \* \*

**SUBPART 232.6—CONTRACT DEBTS**

\* \* \* \* \*

**232.611 Contract clause.**

(a) The **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~, Office of the Under Secretary of Defense (Acquisition**[ and Sustainment]**~~, Technology, and Logistics~~), may exempt the contracts in FAR 32.611(a)(2) through (5) and other contracts, in exceptional circumstances, from the administrative interest charges required by this subpart.

\* \* \* \* \*

**SUBPART 232.71—LEVIES ON CONTRACT PAYMENTS**

\* \* \* \* \*

**232.7101 Policy and procedures.**

\* \* \* \* \*

(b) The contracting officer shall promptly notify the **[Principal]** Director, Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ (DP**[C]**~~AP~~), when the contractor’s inability to perform will adversely affect national security or will result in significant additional costs to the Government. Follow the procedures at PGI 232.7101(b) for reviewing the contractor’s rationale and submitting the required notification.

(c) The **[Principal]** Director, DP**[C]**~~AP~~, will promptly evaluate the contractor’s rationale and will notify the IRS, the contracting officer, and the payment office, as appropriate, in accordance with the procedures at PGI 232.7101(c).

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**PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

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

**SUBPART 236.2—SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION**

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

**[236.211 Distribution of advance notices and solicitations.**

**See PGI 236.211 for instructions on reporting data for definitization of requests for equitable adjustment.]**

\* \* \* \* \*

**PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

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

**SUBPART 242.6—CORPORATE ADMINISTRATIVE CONTRACTING OFFICER**

**242.602 Assignment and location.**

(c)(2) If the agencies cannot agree, refer the matter to the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~.

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**PART 243—CONTRACT MODIFICATIONS**

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

**SUBPART 243.2—CHANGE ORDERS**

**243.204 Administration.**

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**243.204-70 Definitization of change orders.**

**243.204-70-1 Scope.**

(a) This subsection applies to unpriced change orders with an estimated value exceeding $5 million.

(b) Unpriced change orders for foreign military sales and special access programs are not subject to this ~~sub~~section, but the contracting officer shall apply the policy and procedures to them to the maximum extent practicable. If the contracting officer determines that it is impracticable to adhere to the policy and procedures of this ~~sub~~section for an unpriced change order for a foreign military sale or a special access program, the contracting officer shall provide prior notice, through agency channels, to the **[Office of the Principal]** ~~Deputy~~ Director, Defense **[Pricing and Contracting]** ~~Procurement and Acquisition Policy~~ (Contract Policy**[) via email at** ***osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil*]** ~~and International Contracting), 3060 Defense Pentagon, Washington, DC 20301–3060~~.

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**PART 249—TERMINATION OF CONTRACTS**

\* \* \* \* \*

**SUBPART 249.70—SPECIAL TERMINATION REQUIREMENTS**

**249.7000 Terminated contracts with Canadian Commercial Corporation.**

(a) Terminate contracts with the Canadian Commercial Corporation in accordance with—

(1) The Letter of Agreement (LOA) between the Department of Defence Production (Canada) and the U.S. DoD, “Canadian Agreement” (for a copy of the LOA or for questions on its currency, contact the Office of the **[Principal]** Director**[,]** ~~of~~ Defense **[Pricing and Contracting]**~~Procurement and Acquisition Policy~~ (Contract Policy ~~and International Contracting~~), [~~osd.pentagon.ousd-atl.mbx.cpic@mail.mil~~](mailto:osd.pentagon.ousd-atl.mbx.cpic@mail.mil)**[at** ***osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil*]**;

\* \* \* \* \*

**PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT**

**SUBPART 250.1—EXTRAORDINARY CONTRACTUAL ACTIONS**

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

**250.102-1-70 Delegations.**

\* \* \* \* \*

(b) *Defense agencies.* Subject to the restrictions on delegations of authority in [250.102-1](https://www.acq.osd.mil/dpap/dars/dfars/html/current/250_1.htm#250.102-1)(b) and FAR 50.102-1, the directors of the defense agencies may exercise and redelegate the authority contained in the Act and the Executive Order. The agency supplements or agency acquisition guidance shall specify the delegations and levels of authority.

(1) Requests to obligate the Government in excess of $75,000 must be submitted to the USD (A**[&S]**~~T&L~~) for approval.

(2) Requests for indemnification against unusually hazardous or nuclear risks must be submitted to the USD(A**[&S]**~~T&L~~) for approval before using the indemnification clause at FAR 52.250-1, Indemnification Under Public Law 85-804.

\* \* \* \* \*

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

\* \* \* \* \*

**252.225-7040 Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States.**

As prescribed in [225.371-5(](https://www.acq.osd.mil/dpap/dars/dfars/html/current/225_3.htm225.371-5)a), use the following clause:

CONTRACTOR PERSONNEL SUPPORTING U.S. ARMED FORCES DEPLOYED OUTSIDE THE UNITED STATES (~~OCT 2015~~**[OCT 2023]**)

\* \* \* \* \*

(g) *Personnel data*.

(1) The Contractor shall use the Synchronized Predeployment and Operational Tracker (SPOT) web-based system, to enter and maintain the data for all CAAF and, as designated by **[the Under Secretary of Defense (Acquisition and Sustainment)]** ~~USD (AT&L~~) or the Combatant Commander, non-CAAF supporting U.S. Armed Forces deployed outside the United States as specified in paragraph (b)(1) of this clause.

\* \* \* \* \*