**DFARS Technical Amendment**

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

\* \* \* \* \*

**Subpart 203.8—Limitations on the Payment of Funds To Influence Federal Transactions**

**203.806 Processing suspected violations.**

Report suspected violations to the address at PGI 203.8**[06](**a).

**Part 205—Publicizing Contract Actions**

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

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**[205.205 Special situations.]**

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**PART 207—ACQUISITION PLANNING**

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

**SUBPART 207.4—EQUIPMENT ~~LEASE OR PURCHASE~~[ACQUISITION]**

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

**PART 209—CONTRACTOR QUALIFICATIONS**

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

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

\* \* \* \* \*

**209.409 ~~Solicitation provision and c~~[C]ontract clause.**

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

**PART 211—DESCRIBING AGENCY NEEDS**

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

**Subpart 211.1—Selecting and Developing Requirements Documents**

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

**~~211.105 Items peculiar to one manufacturer.~~**

~~Follow the publication requirements at PGI 211.105.~~

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

**SUBPART 211.70 [Removed]~~PURCHASE REQUESTS~~**

**~~211.7001 [Reserved]~~**

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

**PART 212—ACQUISITION OF COMMERCIAL ITEMS**

**Subpart 212.5—Applicability of Certain Laws to the Acquisition of Commercial Items [AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS]**

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

**212.5~~70~~[05] Applicability of certain laws to contracts ~~and subcontracts~~ for the acquisition of ~~commercially available off-the-shelf~~[COTS] items.**

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

**PART 215—CONTRACTING BY NEGOTIATION**

**[SUBPART 215.1—SOURCE SELECTION PROCESSES AND TECHNIQUES]**

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

**PART 216—TYPES OF CONTRACTS**

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

**SUBPART 216.4—INCENTIVE CONTRACTS**

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

**216.402-2 ~~Technical p~~[P]erformance incentives.**

**PART 217—SPECIAL CONTRACTING METHODS**

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

**[SUBPART] 217.78—REVERSE AUCTIONS**

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

**PART 218—EMERGENCY ACQUISITIONS**

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

**SUBPART 218.2—EMERGENCY ACQUISITION FLEXIBILITIES**

**218.203 ~~Incidents of national significance, e~~[E]mergency declaration~~,~~ or major disaster declaration.**

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

**PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

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

**SUBPART 222.4—LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION**

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

**222.403 Statutory[, Executive order,] and regulatory requirements.**

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

**222.403-~~4~~[70] Department of Labor regulations.**

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

**Subpart 222.6—Contracts for Materials, Supplies, Articles, and Equipment ~~Exceeding $15,000~~**

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

**PART 223—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

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

**Subpart 223.4—Use of Recovered Materials [AND BIOBASED PRODUCTS]**

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

**Subpart 223.8—Ozone-Depleting Substances[ and greenhouse gases]**

**223.80~~3~~[2] Policy.**

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

**PART 225—FOREIGN ACQUISITION**

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

**Subpart 225.1—[BUY AMERICAN—]Supplies**

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

**Subpart 225.2—[BUY AMERICAN—]Construction Materials**

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

**Subpart 225.7—Prohibited Sources**

**225.701 ~~[Reserved]~~[Restrictions administered by the Department of the Treasury on acquisitions of supplies or services from prohibited sources.]**

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

**PART 228—BONDS AND INSURANCE**

**Subpart 228.1—Bonds[ AND OTHER FINANCIAL PROTECTIONS]**

**228.102 Performance and payment bonds[ and alternative payment protections] for construction contracts.**

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

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

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

**Subpart 231.2—Contracts With Commercial Organizations**

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

**231.205-22 ~~Legislative lobbying~~[Lobbying and political activity] costs.**

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

**part 232—contract financing**

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

**232.70~~5~~[6] Contract clauses.**

**232.70~~5~~[6]-70 Clause for limitation of Government's obligation.**

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

**232.806 Contract clause[s].**

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

**PART 233—PROTESTS, DISPUTES, AND APPEALS**

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

**Subpart 233.2—Disputes and Appeals**

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

**233.215 Contract clause[s].**

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

**PART 239—ACQUISITION OF INFORMATION TECHNOLOGY**

**[239.001 Applicability.**

**Notwithstanding FAR 39.001, this part applies to acquisitions of information technology, including national security systems.]**

**Subpart 239.1—General**

**~~239.001 Applicability.~~**

~~Notwithstanding FAR 39.001, this part applies to acquisitions of information technology, including national security systems.~~

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

**subpart 239.76—cloud computing**

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

**239.7602 Policy and responsibilities.**

**239.7602-1 General.**

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

(b)(1) Except as provided in paragraph (b)(2) of this section, the contracting officer shall only award a contract to acquire cloud computing services from a cloud service provider (e.g., contractor or subcontractor, regardless of tier) that has been granted provisional authorization by Defense Information Systems Agency, at the level appropriate to the requirement, to provide the relevant cloud computing services in accordance with the Cloud Computing Security Requirements Guide (SRG) (version in effect at the time the solicitation is issued or as authorized by the contracting officer) found at [~~http://iase.disa.mil/cloud\_security/Pages/index.aspx~~](http://iase.disa.mil/cloud_security/Pages/index.aspx)**[https://public.cyber.mil/dccs/].**

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

## 239.7602-2 Required storage of data within the United States or outlying areas.

(a) \* \* \*

(b) The contracting officer shall provide written notification to the contractor when the contractor is permitted to maintain Government data at a location outside the 50 States, the District of Columbia, and outlying areas of the United States. **[See PGI 239.7602-2 for additional guidance.]**

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

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

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

**Subpart 242.12—Novation and Change-of-Name Agreements**

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

**242.1204 ~~Agreement to recognize a successor in interest (~~[Applicability of] novation agreement[s]~~)~~.**

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

**part 245—government property**

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

**245.604 ~~Disposal~~[Sale] of surplus [personal] property.**

**245.604-~~3~~[1] Sale[s procedures] ~~of surplus property~~.**

(~~a~~**[1]**) **[*Best value sales approach***.**]** Plant clearance officers shall determine a best value sales approach (formal or informal sales), to include due consideration for costs, risks, and benefits, e.g., potential sales proceeds.

(~~b~~**[2]**) ***~~Informal bid procedures.~~*[*Informal bid procedures*.]** The plant clearance officer may direct the contractor to issue informal invitations for bid (orally, telephonically, or by other informal media), provided—

(~~1~~**[i]**) Maximum practical competition is obtained;

(~~2~~**[ii]**) Sources solicited are recorded; and

(~~3~~**[iii]**) Informal bids are confirmed in writing.

(~~c~~**[3]**) ***~~Sale approval and award~~.*[*Sale approval and award*.]** Plant clearance officers shall—

(~~1~~**[i]**) Evaluate bids to establish that the sale price is fair and reasonable, taking into consideration—

(~~i~~**[A]**) Knowledge or tests of the market;

(~~ii~~**[B]**) Current published prices for the property;

(~~iii~~**[C]**) The nature, condition, quantity, and location of the property; and

(~~iv~~**[D]**) Past sale history for like or similar items;

(~~2~~**[ii]**) Approve award to the responsible bidder whose bid is most advantageous to the Government. The plant clearance officer shall not approve award to any bidder who is an ineligible transferee, as defined in 252.245-7004, Reporting, Reutilization, and Disposal; and

(~~3~~**[iii])** Notify the contractor of the bidder to whom an award will be made within ~~five~~**[5]** working days from receipt of bids.

(~~d~~**[4]**) ***~~Noncompetitive sales~~*~~.~~[*Noncompetitive sales.*]**

(~~1~~**[i]**) Noncompetitive sales include purchases or retention at less than cost by the contractor. Noncompetitive sales may be made when—

(~~i~~**[A]**) The plant clearance officer determines that this method is essential to expeditious plant clearance; and

(~~ii~~**[B]**) The Government's interests are adequately protected.

(~~2~~**[ii]**) Noncompetitive sales shall be at fair and reasonable prices, not less than those reasonably expected under competitive sales.

(~~3~~**[iii]**) Conditions justifying noncompetitive sales are—

(~~i~~**[A]**) No acceptable bids are received under competitive sale;

(~~ii~~**[B]**) Anticipated sales proceeds do not warrant competitive sale;

(~~iii~~**[C])** Specialized nature of the property would not create bidder interest;

(~~iv~~**[D]**) Removal of the property would reduce its value or result in disproportionate handling expenses; or

(~~v~~**[E]**) Such action is essential to the Government's interests.

(~~e~~**[5]**) Plant clearance officers shall consider any special disposal requirements such as demilitarization or trade security control requirements in accordance with DoDM 4160.28-M, Defense Demilitarization Manual, and DoDI 2030.08, Implementation of Trade Security Controls, respectively**[.]** ~~(~~See PGI 245.6~~)~~.~~]~~

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

**PART 246—QUALITY ASSURANCE**

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

**Subpart 246.7—Warranties**

**246.701 [Removed]**

**[246.702 General.]**

**246.70~~1~~[2-70] Definitions.**

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

**246.710 ~~Solicitation provision and c~~[C]ontract clauses.**

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

**PART 251—USE OF GOVERNMENT SOURCES BY CONTRACTORS**

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

**Subpart 251.2—Contractor Use of Interagency Fleet Management System (IFMS) ~~Vehicles~~**

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

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

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

**252.10~~2~~[3] Identification of provisions and clauses**.

**Subpart 252.2—Text of Provisions and Clauses**

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

**252.232-7007 Limitation of Government's obligation.**

As prescribed in 232.70~~5~~**[6]**-70, use the following clause:

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