\*\*ID\_\_NMCARS\_Annex-2\_\_ID\*\*

# ANNEX 2 – BUSINESS CLEARANCE REQUIRED CONTENT \*\*ref\_\_NMCARS\_Annex-2\_\_ref\*\*

In developing business clearance memoranda and/or BCM templates, HCAs shall include all required content and compliances as outlined in the following table unless the HCA notifies DASN(P) otherwise per 5201.9002(b). When addressing a minimum requirement, HCAs may reference previously approved documentation (e.g., source selection plan, acquisition strategy/plan, Justification & Approval, etc.) rather than restate information within the BCM. Additionally, as this Annex outlines the minimum content that will facilitate validation with regulations, HCAs may add documentation requirements; the table below is NOT all-inclusive.

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| **DOCUMENT/APPROVAL CONTENT** | **Reference(s)**  **(as applicable)** |
| **PRE-NEGOTIATION** | |
| Procurement Request | FAR part 11  DFARS part 211  NMCARS part 5211 |
| Acquisition Strategy | FAR 34.004 |
| Acquisition Plan (STRAP/MOPAS-S) | NMCARS 5207.103  NMCARS 5237.503 |
| Contract Type Rationale | FAR 16.102(d)  FAR 16.103(d)  DFARS 216.102 |
| Synopsis or an Approved Waiver | FAR 5.202  FAR 5.203  FAR 5.204 |
| Determinations and Findings (D&F) to Establish or Maintain Alternative Sources | FAR 6.202 |
| Justification for Other Than Full and Open Competition | FAR 6.303  DFARS PGI 206.302-1 |
| HCA Documentation for Non-Competitive Requirement under an International Agreement | DFARS 206.302-4(c) |
| Bundling Contract Requirements | FAR 7.107-3 |
| Determination to Consolidate Contract Requirements | FAR 7.107-2 |
| Determination to Contract for Non-Commercial Services of Certain Products or Services | DFARS 212.272 |
| D&F to Use Commercial T&M or LH Contract | FAR 12.207 |
| Source Selection Plan | DFARS 215.303  DoD Source Selection Procedures |
| D&F to Use T&M or LH Type Contract | FAR 16.601(d)(1)  FAR 16.602  DFARS 216.601(d)(i)(A) |
| D&F to Use Incentive or Award Fee Contract | FAR 16.401(d)  DFARS 216.401(d) NMCARS 5216.401(d) |
| D&F for Cost Type Research and Development in Excess of $25M | DFARS 235.006(b)(i) |
| Determination for Fixed Price Development for Non-MDAP | DFARS 235.006(b)(iii)(A)(3) |
| Determination to Make Single Award for IDIQ Estimated to Exceed $100M (including all options) | FAR 16.504(c)(1)(ii)(D) DFARS 216.504(c)  NMCARS 5216.504(c) |
| Determination to Make Single Award for IDIQ Advisory and Assistance Services Over Three Years and $15M | FAR 16.504(c)(2) |
| HCA Approval for Cost-Reimbursement Contracts in Excess of $25M | DFARS 216.301-3 |
| Use of Contract Terms in Excess of Five Years | FAR 17.204(e) |
| Use of Non-DoD Contract Vehicle | DFARS 217.770 |
| DD Form 2579 Small Business Coordination Record | DFARS 219.201 |
| Determination of Personal/Non-Personal Services | FAR 37.103  DFARS PGI 237.503 |
| Approval for Non-Performance Based Acquisition | DFARS 237.170-2 |
| Government-Furnished Property Compliance Checklist | NMCARS 5245.103-74 |
| Approval to Use Warranty | DFARS 246.704 |
| Draft/Planning Solicitation(s); Offerors Comments & Government Response to Offerors; Other Exchanges with Industry Before Receipt of Proposal | FAR 15.201 |
| Wage Rate Determination (SF-98/98A) | DFARS 222.1008 |
| Market Research Documentation | FAR part 10  DFARS part 210  DFARS 237.102-78  DFARS PGI 215.371-2 |
| Independent Government Cost Estimate | FAR 4.803(a)(7) |
| Approval of FAR/DFARS/NMCARS Deviations | FAR subpart 1.4  DFARS subpart 201.4 NMCARS subpart 5201.4 |
| Undefinitized Contract Action and Undefinitized Change Order Approval | DFARS 217.74  NMCARS 5243.201 |
| Unusual Contract Financing Clauses | FAR part 32  DFARS part 232 |
| Justification for Oral Solicitation | FAR 15.203(f) |
| Tailoring of Provisions and Clauses for Use in Commercial Item Acquisition (waiver) | FAR subpart 12.3  DFARS subpart 212.3  NMCARS subpart 5212.3 |
| Solicitation/Request for Proposal | FAR 15.203 |
| Amendments to RFP | FAR 15.206 |
| Combined Synopsis and Solicitations for Commercial Item Acquisitions | FAR 12.603 |
| Contractor Proposal(s) |  |
| DCAA Report(s) |  |
| ACO Report(s) |  |
| Technical Evaluation Report(s) | FAR 15.305(a)(3) |
| Price/Cost Evaluation Report | FAR 15.305(a)(1) |
| Past Performance Evaluation Report | FAR 15.305(a)(2)  DFARS 215.305(a)(2) |
| Small Business Participation Evaluation Report | DFARS 215.304(c)(i)  DoD Source Selection Procedures |
| Subcontracting Plan Evaluation Report | FAR 19.702(a)  FAR 19.704 |
| Competitive Range Determination | FAR 15.306(c) |
| Evaluation of Transportation Costs (DD Form 1654) | FAR 47.306  DFARS 247.301-71  DFARS 247.372 |
| Cost Accounting Standards Waivers | FAR 30.201-5  DFARS 230.201-5  NMCARS 5230.201-5 |
| Make or Buy (Program, Evaluation, Approval) | FAR 15.407-2 |
| Compliance with FAR Subpart 4.21 – Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment - Requirements | FAR provision 52.204-24  FAR provision 52.204-26  FAR clause 52.204-25 |
| Exemptions Requested to Buy American, Berry Amendment, Specialty Metals Restrictions, or Other Requirements of the Solicitation | DFARS subpart 225.70 |
| Contracting Officer Determination and Basis for Pass-Through Charges | FAR 15.404-1(h) |
| Contractor’s Estimating System Determined Acceptable by ACO | DFARS 215.407-5 |
| Pre‑Award Disclosure Statement ‑ Cost Accounting Practices and Certification and Determined Current, Accurate, and Complete by ACO | FAR clause 52.230-1  FAR 30.202-6 |
| Contractor’s Accounting System Determined Adequate by CAO/DCAA | FAR 16.301-3 |
| Contractor Purchasing System Determined to be Approved by the ACO | FAR 44.305 |
| Property System Reviewed for Acceptability by ACO | FAR 45.105 |
| SAM Exclusions Verification for All Offerors | FAR 9.405(e)(1) |
| Certification Regarding Responsibility Matters and Delinquent Tax Liability or a Felony Conviction under Federal Law | FAR 9.104-5  FAR provision 52.209-5  FAR provision 52.212-3(h) FAR provision 52.209-11 |
| Pre-Negotiation Objective - Four Tenets:  1. What is the estimate,  2. What is the estimate based on,  3. How was the estimate derived, and  4. Why is the estimate reasonable? |  |
| Part 15 Negotiation Documentation Requirements | FAR 15.406-3  DFARS 215.406-3 |
| **POST-NEGOTIATION** | |
| Award With or Without Discussions | FAR 15.306(a)(3) |
| HCA Waiver of Cost or Pricing Data | FAR 15.403-1(c)(4) |
| Certificate of Current Cost or Pricing Data | FAR 15.406-2 |
| Subcontracting Plan Determined Adequate | FAR 19.705-4 |
| Approval of SDB Subcontracting Goal Less Than 5% | DFARS 219.705-4 |
| SBIR/STTR Phase III Award Contracting Officer Affirmation | NMCARS 5206.302-5(b) |
| EEO Compliance Requested/Obtained | FAR 22.805 |
| Determination of Responsibility and Financial Stability | FAR 9.103  FAR 9.104-1 |
| SAM Exclusions Verification for Successful Offeror | FAR 9.405(e)(4) |
| Certification Regarding Responsibility Matters and Delinquent Tax Liability or a Felony Conviction under Federal Law for Successful Offeror | FAR 9.104-5  FAR provision 52.209-5  FAR provision 52.212-3(h) FAR provision 52.209-11 |
| VETS-4212 Filing Verification for Awardee (Non-Commercial Items that Exceed the SAT) | FAR 22.1302(b)  FAR 22.1304 |
| Part 15 Negotiation Documentation Requirements | FAR 15.406-3  DFARS 215.406-3 |