

SOFARS PART 5601 THE FEDERAL ACQUISITION REGULATION SYSTEM

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SUBPART 5601.1 – PURPOSE, AUTHORITY ISSUANCE

5601.101 Purpose.

This United States Special Operations Command Federal Acquisition Regulation Supplement (SOFARS) provides minimum essential implementation of the Federal Acquisition Regulation (FAR), and DOD FAR Supplement (DFARS).

5601.104 Applicability.

The SOFARS applies to all USSOCOM contracting offices that receive contracting authority from USSOCOM, Director of Procurement (DOP).

5601.170 Peer Reviews.

(Revised June 2021)

(a) *DPC peer reviews.* DPC peer reviews are required on all non-competitive acquisitions over \$500 million. DPC peer reviews are required on competitive acquisitions over \$1 billion only for major defense acquisition programs for which the USD(A&S) is the milestone decision authority or USD(A&S) special interest programs. DPC may still conduct peer reviews for competitive procurements above \$1 billion upon request. In accordance with DFARS deviation 2019-O0010, DPC postaward peer reviews for acquisitions for services over \$1 billion are not required as stated in DFARS 201.170(a)(1)(iii). Internal reviews should be completed prior to or concurrent with DPC peer review.

(b) DoD independent management reviews of contracts for services IAW section 808 of NDAA for FY08 are still required. Follow procedures for periodic independent management reviews of contracts for services consistent with section 808.

(c) *DPC Peer Reviews* leverage existing reviews; the following 5601-1 reviews serve as the DPC peer review phases. A list of required documents and elements to be addressed are found in [PGI 201.170-4](#). As a minimum, the Chief, cognizant LNO, and acquisition legal advisor will serve as reviewers for noncompetitive actions. As a minimum, the Chief, cognizant LNO, acquisition legal counsel, SSAC-Chair (if required), and SSA will serve as reviewers for competitive actions.

DPC PREAWARD PEER REVIEWS – COMPETITIVE ACQUISITIONS OF MAJOR DEFENSE ACQUISITION PROGRAMS WITH USD(A&S) AS MILESTONE DECISION AUTHORITY AND USD(A&S) SPECIAL INTEREST PROGRAM

DFARS

5601-1 Equivalent

Phase 1 – Prior to issuance of the solicitation

Requests for Proposals

Phase 2 – Prior to request for final proposal revisions (if applicable)	Requests for Final Proposal Revisions (if applicable)
Phase 3 – Prior to award	Contract Clearance

DPG PREAWARD PEER REVIEWS – NONCOMPETITIVE ACQUISITIONS

Phase 1 – Prior to negotiations	Business Clearance
Phase 2 – Prior to award	Contract Clearance

DPG POSTAWARD PEER REVIEWS – SERVICES ONLY

Base 1-year or less	Post Award Peer Reviews – prior to exercise of each option period
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(d) *Component peer reviews.* Pre-award peer reviews for competitive solicitations valued at less than \$1B and non-competitive solicitations valued at less than \$500M must be accomplished by complying with the RFP, Business, and Contract Clearances requirements defined in SOFARS 5615.001 at the thresholds outlined in 5601-1.

SUBPART 5601.2 – ADMINISTRATION

5601.201 Maintenance of the FAR.

5601.201-1 The Two Councils.

(Revised June 2021))

(d)

(1) The Procurement Management Division (SOF AT&L-KM) is the focal point for all matters pertaining to FAR, DFARS, and SOFARS. **DCG**

(2) Follow the procedures found in the DCG for submitting FAR, DFARS, or SOFARS change requests. Proposed changes must include all supporting documentation and be self-sustaining.

SUBPART 5601.3 – AGENCY ACQUISITION REGULATION

5601.301 Policy.

(a)(2)

Each contracting office may establish and maintain local contracting publications that further explain procedures for subject matters unique to its location. Office publications shall be kept to a minimum and be made available in electronic media.

5601.304 Agency Control and Compliance Procedures.

(Revised September 2014)

(4)

(i) As used in this section, the term clause includes provisions and means a term or condition of the type set forth in FAR Part 52, DFARS Part 252 and 5652.

(ii) One-time use clauses must be approved by the Chief, Contracting Office. Forward a copy of approved clauses to SOF AT&L-KM.

(A) One-time clauses may be authorized for repetitive local use if that clause is conducive to use by a single office due to unique circumstances. The Chief of the Contracting Office shall request authorization to repetitively use a local clause through their SOF AT&L-K liaison.

(B) Requests shall be submitted in writing and include a copy of the clause(s), sufficient justification as to why existing SOFARS clauses cannot be used, why the clause is needed, and why the clause is not suitable for inclusion in the SOFARS.

(C) Approvals granted by the DoP shall include an expiration date.

(iii) Local clauses used repetitively and are conducive to command-wide use may be proposed for inclusion in SOFARS and shall be submitted to SOF AT&L-KM for approval in accordance with the format outline in DFARS 201.201-1(d)(i).

(iv) SOF AT&L-KM shall conduct an annual review of all SOFARS clauses in use. Reviews may recommend retention, deletion or modification of the existing clauses.

(v) USSOCOM Point of Contact (POC):

U.S. Special Operations Command

Director of Procurement

Mission Support Division

7701 Tampa Point Blvd.

MacDill AFB, FL 33621-5323

Phone: (813) 826-6077 or DSN: 299-6077

Fax: (813) 826-7504

(6) Changes, revisions, and policy letters shall be distributed to contracting offices electronically and posted on the SOF AT&L-K website with the full authority of the Director of Procurement. All actions issued affecting the SOFARS shall be incorporated into the SOFARS on the SOF AT&L-K website.

SUBPART 5601.4 – DEVIATIONS FROM THE FAR

5601.403 Individual Deviations.

(Revised June 2021)

(2)

(i) The DoP is the approval authority within USSOCOM for FAR and DFARS individual deviations except for the individual or class deviations at DFARS 201.402(1). Justification and approval must be placed in the contract file.

(ii) SOF AT&L-KM shall approve deviations to SOFARS.

SUBPART 5601.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY AND RESPONSIBILITIES

(Revised June 2018)

5601.601 General.

(1) Title 10, United States Code (U.S.C.), section 167(e)(4)(B), provides that the Commander, United States Special Operations Command, has the authority to exercise the functions of the Head Of Agency under Chapter 137 of Title 10, U.S.C., subject to the authority, direction and control of the Secretary of Defense. In addition, the Director of Defense Procurement has delegated to the Commander, USSOCOM, the authority to act as:

(i) Senior Procurement Executive (SPE) for USSOCOM, except for such actions that by terms of statute or any other delegation must be exercised by the Under Secretary of Defense (Acquisition and Technology); and,

(ii) Head Of Agency (HOA) for those functions prescribed by FAR and DFARS that are in addition to those exercised under Chapter 137 of Title 10, U.S.C., pursuant to 10 U.S.C., Section 167(e)(4)(B).

(2) The Commander, USSOCOM, has delegated all delegable HOA and SPE authority to the Director, Special Operations Forces Acquisition, Technology, and Logistics Acquisition Executive (SOAE). The SOAE establishes policies, directs, and supervises USSOCOM activities with respect to contracting, acquisition, and related matters. The USSOCOM Staff Judge Advocate is the legal advisor to the Commander, USSOCOM, and SOAE.

(i) The SOAE has further delegated the authority to exercise certain HOA functions to the DoP with the power of redelegation. Exceptions to this delegation include those actions reserved by FAR and DFARS for Senior Executive Service (SES) members, Flag Officers, General Officers, or the authority for the actions required by the agency head in the following:

FAR 1.404

FAR 6.501

FAR 19.201

FAR 19.505

FAR 19.812

FAR 27.303

FAR 34.003

FAR 34.005-6

FAR 35.014(b)

FAR 35.017-7

DFARS 201.404

DFARS 203.570-3

(ii) The following function cannot be delegated below the SES, Level IV (for USSOCOM the SPE):

FAR 32.006

(iii) In accordance with the FAR, the following functions are not delegable below the HOA:

FAR 23.506

FAR 27.306

(iv) The following function cannot be delegated below the Secretary of Defense:

DFARS 206.302-7

(v) The DoP shall maintain Head of Contracting Activity (HCA) authority as designated throughout the FAR and DFARS. This authority is delegable in the absence of the DOP as permitted by the FAR and DFARS.

(vi) The DOP or DDOP is responsible for the first-level performance appraisal of all military and civilian headquarters contracting division or field contracting office chiefs.

(3) Unless otherwise specified in SOFARS, the approval level for contracting actions shall be the Contracting Officer.

(4) The HOA authority to determine when acquisitions support contingency operations, humanitarian or peacekeeping operations, facilitate the provision of international disaster assistance, support response to emergency or major disasters, or facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack, is delegated to USSOCOM headquarters contracting divisions and field contracting office chiefs.

(i) Once the determinations have been made in writing and included in each file, the following authorities may be utilized:

FAR 13.000

FAR 13.201(g)

FAR 13.500(c)

FAR 18.2

DFARS 211.274-2(b)(1)

(5) *(Removed June 2018)*

5601.602 Contracting Officers.

(Revised November 2018)

(a) Based upon the authority of the USSOCOM Head of Agency Contracting Authority, the DoP shall issue all contracting officer warrants for the command.

(1) Limited Warrants – Any limitations identified on the warrant are based on the individual contract action.

(2) HCD/FCO Chiefs ultimately, have responsibility to ensure that limited authorities are utilized appropriately to meet organizational needs and are in the best interest of the government

(b) The office of the contracting officer must be organizationally situated to minimize any potential for undue influence and protect contracting officers from intra-organizational pressure to perform improper acts.

(c) Personnel in other than the 1102 classification series are prohibited from being appointed or serving as Contracting Officers. This requirement is not waivable on either an individual or class basis.

(d) Commanders and others having administrative supervision over contracting officers must bear in mind that actions exceeding the authority of a contracting officer are not binding on the Government. Therefore, they shall not direct, or otherwise exert influence, upon a contracting officer(s) to take such actions.

5601.602-1 Authority.

(Revised November 2013)

(b) It is the function of the USSOCOM Directorate of Procurement (SOF AT&L-K) to ensure that all the business decisions made in support of procurements are examined and the decisions are validated. Review and approvals will be conducted IAW Attachment 5601-1 and guidance found in the DCG. Ensure all the documents required to sustain the contracting action are included when submitting the decision for review and approval. Contracting officers shall maximize the use of electronic transmission for all documents submitted for review and approval to the appropriate SOF AT&L-K liaison officer.

(c) All documents and working papers will be marked and safeguarded in accordance with FAR 3.1.

5601.602-2 Responsibilities.

(Removed June 2012, moved to 5601.604)

5601.602-2-90 Ordering Officers.

(Revised July 2013)

(a) The Contracting Officer is the appointing official for Ordering Officers. Ordering Officer authority is limited to the following:

(1) Micro-purchases in accordance with FAR 13.201(a), using the government purchase card or the SF 44;

(2) Micro-purchases in accordance with FAR 13.201(g) when approved by the DoP in accordance with 5613.306(a)(1).

(3) Placing unilateral delivery orders against pre-priced, indefinite delivery type supply and service contracts up to \$25,000, provided the contract terms so permit;

(4) Placing delivery orders or verbal orders for up to \$25,000 against Federal Supply Schedule, The Federal Prison Industries, Inc., or the National Industries for the Blind or other Severely Handicapped; or

(5) Placing individual orders against indefinite delivery type contracts for the preparation of personal property for shipment by the government provided the contract terms so permit.

(b) Contracting officers must develop and conduct advanced ordering officer training sufficient to prepare the ordering officer for the increased responsibilities when authorized to purchase single actions greater than \$3,000. Training must include but is not limited to:

(1) How to conduct FAR compliant competition;

(2) Proper documentation of competition results;

(3) Reporting actions in accordance with DFARS 204.6;

(4) Maintaining the order file.

(c) Contracting officers must conduct one hundred percent (100%) surveillance on all transactions over \$3,000. Perform surveillance within thirty (30) days of transaction when such action will not compromise the mission of the deployment, organization, or unit.

5601.602-3 Ratification of Unauthorized Commitments. See DCG for required procedures.

Per the requirements of FAR 1.602-3(b)(2) and (3), ratification authority for all actions shall be reviewed and approved per Attachment 5601-1.

5601.602-3-90 Procedures. (Removed November 2018)

5601.603 Selection, Appointment, and Termination of Appointment.

5601.603-3 Appointment.

(Revised June 2021))

The Chief, Contracting Office, will forward nominations for Contracting Officer Appointment to their cognizant LNO who will after review, forward to SOF AT&L-KM/KX/KB as appropriate.

5601.603-3-90 Appointment of Contingency Contracting Officers.

(Revised September 2013-reorganization)

(a) All Contingency Contracting Officer (CCO) warrants are subject to the limitations of USSOCOM business and contract clearance procedures. Contingency warrants are further limited to the duration of the contingency or deployment and are only valid while actually deployed in support of a contingency operation. Selection procedures shall comply with 5601.603-3.

(b) All CCOs shall attend the Defense Acquisition University (DAU) Contingency Contracting Course (CON 234) prior to deployment. A waiver may be requested from the DOP if this requirement cannot be met due to the urgency and immediacy of the mission.

(c) All contracting office chiefs shall notify SOF AT&L-KX of the deployment and redeployment of contingency contracting officers to overseas locations when contracting authority is granted by a USSOCOM issued warrant.

5601.604 Contracting Officer's Representative.

(Revised June 2021)

(a) The Contracting Officer (KO) shall request and the requiring activity (i.e. each Center, Component, and/or Theater Special Operations Command (TSOC)) shall nominate a Contracting Officer's Representative (COR) in accordance with DoD Instruction 5000.72, DoD Standard for Contracting Officer's Representative (COR) Certification for all service contracts, including construction unless the conditions at DFARS PGI 201.602-2(d) (v)(A) are met.

(b) The KO will determine if a single COR or multiple/alternate CORs (i.e. PCOR/TR) are required to assist in technical monitoring or administration of a contract.

(1) Primary Contracting Officer's Representative (PCOR) – PCORs may be assigned by the KO; PCOR responsibilities are non-delegable. The PCOR will serve as the senior technical advisor to the KO and will execute KO designated contract management responsibilities via a network of CORs. The PCOR may be responsible for functional oversight of KO-designated CORs but does not have any supervisory authority over the CORs.

(2) Technical Representative (TR) – The TR is designated by the COR via the TR letter of appointment and is accountable to the COR for performance of his or her designated duties and responsibilities.

(c) Minimum COR competencies, experience and training will be based on the contract's dollar value, complexity, and performance risk. One of the following types of standards will be assigned.

(1) Type A: Fixed-price contracts without incentives and low performance risk.

(2) Type B: Fixed-price contracts without incentives other than low performance risk; and other than fixed-price contracts. This includes everything other than Types A and C.

(3) Type C: Unique contract requirements that necessitate the COR have a higher education or specialized training beyond the Type B requirements.

(4) All COR training must be completed before undertaking COR responsibilities.

(d) Procedures.

(1) Contracting officers shall execute the COR appointment in the DoD Procurement Integrated Enterprise Environment (PIEE) Joint Appointment Module (JAM)

(i) IAW OUSD(AT&L) memorandum, dated February 10, 2014, Update to the Department of Defense Contracting Officer Representative Tracking Tool, classified contracts are waived from this requirement. The KO will accomplish an annual administrative review of COR files.

(ii) IAW SORDAC-K memorandum, dated December 1, 2014, "The Contracting Officer Representative Tracking Tool and Wide Area Work Flow e-Business Suite V5.6.0 Deployment Plan," contracts that are either reported in ECITS or are not for public release are waived from the CORT-T mandate.

(2) The COR must file and OGE 450 unless the KO determines that there is no conflict of interest between the contractor or and of its subsidiaries. If necessary, request legal review.

(e) DoDI 5000.72 Enclosure 4 COR Performance and Appraisal:

(1) The KO will provide an annual assessment on the COR's performance to the COR supervisor. If performance is inadequate, the KO must provide a written assessment and discuss performance with the COR. If reports or performance continue to be inadequate, notify both the COR and requiring activity or COR management that the COR designation is (will be) terminated and request nominations for a replacement COR. Only the KO can terminate appointment.

(2) The COR's supervisor will ensure COR participation in the pre-award process and performance of COR duties/responsibilities are properly addressed in the COR's annual performance appraisal.

(f) Examples of COR Responsibilities and Certification Requirements: See [DoDI 5000.72 Enclosure 6](#).

(g) See DCG for templates to request COR support, COR designation, and COR termination.

SUBPART 5601.7 – DETERMINATIONS AND FINDINGS

(Added June 2018)

5601.704 Content.

(Revised November 2018) Unless otherwise noted in the SOFARS or DCG, there is no prescribed format or form for determinations and findings (D&Fs); however, D&Fs are required to contain the information specified in FAR 1.704 and any information that is required by the specific FAR or DFARS section under which the D&F is issued. DPC provides examples which can be found at the following link [DoD listing](#).

SUBPART 5601 – ATTACHMENTS

Attachment 5601-1: USSOCOM REVIEW AND APPROVAL LEVELS

HQ, United States Special Operations Command

Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5601

February 2007

SOFARS PART 5602 DEFINITIONS OF WORDS AND TERMS

SUBPART 5602.1 – DEFINITIONS

SUBPART 5602.1-90 – ACRONYMS

SUBPART 5602.1 – DEFINITIONS

(Revised November 2018)

Bridge Action – A non-competitive action (contract/order/mod) awarded to bridge the time between the end of one action and the beginning of a competitively awarded follow-on action.

Chief, Contracting Office – The person with direct responsibility for the overall operations, administration, and performance of the contracting office. Performs all actions specified within FAR and DFARS as a "level above the Contracting Officer," and/or as delegated by the Headquarters (HQ), USSOCOM, Director of Procurement, Competition Advocate General, or USSOCOM Director, Office of Small Business Programs.

Contracting Division – Contracting activities that are organizationally aligned within HQ USSOCOM.

Contracting Office – A contracting activity that receives its contracting authority from the Commander, Special Operations Command through the HQ, USSOCOM, Director of Procurement, synonymous with "procuring activity."

Contracting Officer's Representative – Person delegated to act on behalf of the contracting officer on a specific contract or multiple contracts, in a limited capacity and with specific authority as stated in the Letter of Delegation.

Field Contracting Offices – Contracting activities that are organizationally aligned within USSOCOM Service or Theater Special Operations Components.

Office Chief – The term "Office Chief" is issued in this policy to refer to both Chiefs of Field Contracting Offices and HQ Contracting Division Chiefs.

Ordering Officer – An appointed official with limited authority to purchase and obligate the government.

Primary Contracting Officer's Representative – A USSOCOM unique term. Person designated and authorized by the contracting officer to perform specific technical or administrative functions on behalf of the contracting officer on a specific contract.

Requiring Activity Official – The point of contact from the requiring activity delegated responsibility for decisions regarding a acquisition or procurement.

Technical Representative – A USSOCOM unique term that refers to a person appointed by the COR to perform specific technical or administrative functions to assist the COR.

SUBPART 5602.1-90 – ACRONYMS

(Revised June 2017)

ACO Administrative Contracting Officer

ACOR Alternate Contracting Officer's Representative

AE Acquisition Executive

AFEB Award Fee Evaluation Board

AP Acquisition Plan

APS Acquisition Planning Sheet

APM Assistant Program Manager

AOR Area of Operational Responsibility

BCM Business Clearance Memorandum

CAAS Contract for Advisory and Assistance Services

CAO Contract Administration Office

CAR	Contract Action Report
CCP	Contracting Office Competition Plan
CCR	Contracting Office Competition Report
CDRL	Contract Data Requirements List
CICA	Competition In Contracting Act
CID	Commercial Item Description
COC	Certificate of Compliance
COR	Contracting Officer's Representative
CRD	Competitive Range Determination
CSRD	Communication-Computer System Requirements Document
D&F	Determination and Findings
DCAA	Defense Contracting Audit Agency

DCADS Defense Contract Action Data System

DCG Desktop Contract Guide

DCMA Defense Contract Management Agency

DDA Deputy Director for Acquisition

DDoP Deputy Directory of Procurement

DID Data Item Description

DODI Department of Defense Instruction

DoDISS Department of Defense Index of Specifications and Standards

DOP/DoP Directorate of Procurement/Director of Procurement

DTIC Defense Technical Information Center

EC Electronic Commerce

ECITS Electronic Contracting Information Transfer System

EDA Electronic Document Access

EDI Electronic Data Interchange

FCCM Facilities Capital Cost of Money

FCO Field Contracting Offices

FDO Fee Determining Official

FIP Federal Information Processing

FPDS-NG Federal Procurement Data System – Next Generation

FOIA Freedom of Information Act

FPRA Forward Pricing Rate Agreement

G&A General and Administrative (Expenses or Rate)

GAO General Accountability Office

GPO Government Printing Office

GSA General Services Administration

HCA Head of Contracting Activity

HCD HQ Contracting Division

HOA Head of Agency

IBOP Interactive Business Opportunity Page

IFB Invitation for Bid

IG Inspector General

IGCE Independent Government Cost Estimate

J&A Justification and Approval

JRD Justification Review Document

KO/CO	Contracting Officer
LNO	Liaison Officer
LSA	Labor Surplus Area
MAR	Mid-Atlantic Region
MDA	Milestone Decision Authority
MDAE	Military Deputy to Acquisition Executive
MIPR	Military Interdepartmental Purchase Request
NDI	Non-Developmental Item
OMB	Office of Management and Budget
OSBP	Office of Small Business Programs
OSD	Office of the Secretary of Defense
PAAC	Procuring Activity Advocate for Competition

PAS	Pre-Award Surveys
PD2	Procurement Defense Desktop
RAO	Requiring Activity Official
SAMP	Single Acquisition Management Plan
SAE/SPE	Service Acquisition Executive/Senior Procurement Executive
SES	Senior Executive Service
SOAE	Special Operations Acquisition Executive
SOAG	Special Operations Competition Advocate General Office
SOF AT&L	Special Operations Forces Acquisition, Technology, and Logistics
SOJA	Special Operations Judge Advocate's Office
SOJA-AQ	Special Operations Judge Advocate's Office, Acquisition Law

SOF AT&L-K SOF AT&L Directorate of Procurement

SOF AT&L-KM SOF AT&L Mission Support Division

SOF AT&L-KX SOF AT&L Operations Support Division

SOWO Special Operations Washington Office

SPE Senior Procurement Executive

SPS Standard Procurement System

SSEB Source Selection Evaluation Board

TILO Technical Industrial Liaison Office

UCA Undefinitized Contracting Action

U.S.C. United States Code

USP Un-Solicited Proposals

HQ, United States Special Operations Command

Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5602

February 2007

SOFARS PART 5603 IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

SUBPART 5603.1 – SAFEGUARDS

5603.101 Standards of Conduct.

5603.101-3 Agency Regulations.

5603.104 Procurement Integrity.

5603.104-4 Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information.

5603.104-4-90 Ombudsman for Procurement Integrity.

5603.104-7 Processing Violations or Possible Violations.

SUBPART 5603.5 – OTHER IMPROPER BUSINESS PRACTICES

SUBPART 5603.8 – LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

5603.804 Policy.

5603.806 Processing Suspected Violations.

SUBPART 5603.1 – SAFEGUARDS

5603.101 Standards of Conduct.

5603.101-3 Agency Regulations.

(Revised November 2007)

(a) USSOCOM contracting offices shall adhere to the Standards of Conduct used by the host base. The base servicing legal office will provide advice and counsel on standards of conduct, conflicts of interest, related laws, rules, and regulations pertaining to the procurement mission.

(b) The servicing legal office will review the OGE 450, Confidential Statement of Affiliations and Financial Interest, and provide advice on any areas of concern or possible conflicts.

5603.104 Procurement Integrity.

5603.104-4 Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information.

(Revised July 2014)

Contracting officers shall require individuals participating personally and substantially in a Federal agency procurement within the meaning of FAR subsection 3.104-3, to sign the Non-Disclosure Agreement. SOAE, DDAE, MDAE, DOP, DDOP, PEO, HCD/FCOs, LNOs, Attorney Advisors, SSAC Pool Members, etc. may sign

one annually (see Annual Non-Disclosure Agreement) and provide to KOs upon request for the contract file, rather than signing one on a procurement-by-procurement basis.

5603.104-4-90 Ombudsman for Procurement Integrity

(Revised June 2018)

Recognizing the contracting officer has the primary responsibility for Procurement Integrity, the Ombudsman will provide a neutral, informal, confidential and independent alternative for employees, managers, and customers to seek assistance in resolving procurement integrity issues. The primary function of the Ombudsman is to support acquisition personnel by acting as an independent sounding board to hear concerns about specific procurement integrity issues and to assist in the resolution of the concerns.

The Special Operations Forces Acquisition, Technology, & Logistics (SOF AT&L) Military Deputy to the Acquisition Executive (MDAE) is designated as the USSOCOM Ombudsman for Procurement Integrity and can be contacted at OMBUDSMAN@socom.mil.

5603.104-7 Processing Violations or Possible Violations.

(a)

(1) Contracting Officers shall fully investigate any report of violation or possible violation and forward the findings along with an assessment of the impact on the procurement first to the legal office Ethics Officer and then to the Chief of the Contracting Office.

(2) If the Contracting Officer and Chief of the Contracting Office fail to agree on the conclusion, the entire package should be sent forward to SOF AT&L-KM. The Director of Procurement retains Head of Contracting authority in regard to the final decision on the appropriate actions to be taken.

SUBPART 5603.5 – OTHER IMPROPER BUSINESS PRACTICES

(Removed June 2021)

SUBPART 5603.8 – LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

5603.804 Policy.

(Revised November 2009)

(a) Contracting officers shall send the OMB SF LLL, Disclosure of Lobbying Activities, to SOF AT&L-KM immediately upon receipt from the contractor.

5603.806 Processing Suspected Violations.

Refer to the procedures at [5603.104-7](#).

HQ, United States Special Operations Command

Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5603

February 2007

SOFARS PART 5604 ADMINISTRATIVE MATTERS

SUBPART 5604.1 – CONTRACT EXECUTION

5604.103 Contract Clause. (Removed August 2017).

SUBPART 5604.2 – CONTRACT DISTRIBUTION

5604.202 Agency Distribution Requirements.

SUBPART 5604.4 – SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

5604.402 General.

5604.403 Responsibilities of contracting officers.

5604.404-80 Foreign Persons.

SUBPART 5604.6 – CONTRACT REPORTING

5604.603 Policy.

5604.604 Responsibilities.

5604.606 Reporting Data.

5604.606-90 Reporting Rerepresentation Actions.

5604.606-91 Reporting Inherently Governmental Functions Indicators.

5604.606-92 Reporting National Interest Actions (NIA) in FPDS-NG

5604.670-5 Departmental data collection point responsibilities.

SUBPART 5604.8 – GOVERNMENT CONTRACT FILES

5604.803 Contents of Contract Files.

5604.804 Closeout of Contract Files.

5604.804-1 Closeout by the Office Administering the Contract.

5604.804-2 Closeout of the Contracting Office Files if another Office Administers the Contract.

SUBPART 5604.70 – UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERING SYSTEM

5604.7003 Basic PII number.

5604.7004 Supplementary PII Numbers.

SUBPART 5604.71 – UNIFORM CONTRACT LINE ITEM NUMBERING SYSTEM

5604.7107 Contract Accounting Classification Reference Number (ACRN).

SUBPART 5604.1 – CONTRACT EXECUTION

5604.103 Contract Clause. (Removed August 2017).

SUBPART 5604.2 – CONTRACT DISTRIBUTION

5604.202 Agency Distribution Requirements.

(Revised November 2018)

Follow the procedures in Part 4, Item 1 of the DCG for the distribution of contracts and modifications.

Contracting Officers shall obtain OPSEC review from the local OPSEC manager/coordinator for all documents or information that will be posted or distributed to the public.

SUBPART 5604.4 – SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

5604.402 General.

(Revised June 2021)

All procedures involving safeguarding both classified and unclassified information must be made in accordance with [FAR 4.4](#), [DFARS 204.4](#), and the local security requirements and procedures.

5604.403 Responsibilities of contracting officers.

(Revised June 2021)

(a) (Removed August 2017)

(b) For HQ Divisions, all requests for disclosure of information in accordance with [DFARS 252.204-7000](#), shall be coordinated with the Program Manager, SOPA, SOF AT&L-AS-J2X, SCSO-J2X-RPT, SOF AT&L-AS, and SOJA-AQ. All cyber security breaches shall be reported to SCSO-J2X-RPT and SOF AT&L-AS. All other field contracting offices shall coordinate requests for disclosure of information and reporting of cyber security breaches in accordance with local procedures. At a minimum, the coordination of disclosure of information requests shall include the Program Manager/Requiring Activity, SOJA-AQ, and local OPSEC.

(c) To ensure appropriate control of classified material within the contracting office, no foreign firm or individual will be added to any source list, which may, at present or eventually, require or permit access to classified material during any phase of procurement without the written concurrence of the contracting office's servicing Security Management Office.

5604.404-80 Foreign Persons.

Contracting officers must insert the clause at [5652.204-9004](#), Foreign Persons, for all Service/R&D contracts.

SUBPART 5604.6 – CONTRACT REPORTING

(Revised June 2021)

5604.603 Policy.

A Contract Reporting Action (CAR) or DD350 (for ECITS submittals), should be completed for the actions IAW FAR 4.603(b).

5604.604 Responsibilities.

(a)(4)

(A) Unless notified otherwise, contracting offices must use the Procurement Desktop-Defense (PD2) contract reporting system to enter individual Contract Action Reports (CARs). Users shall enter all contract actions and operate PD2 in accordance with USSOCOM Policy Memorandum 08-01, “Standard Procurement System Usage” dated October 1, 2007, and any Department of Defense and Federal level business rules.

(B) Data entered into PD2 will be used to create a CAR in the Federal Procurement Data System-Next Generation (FPDS-NG). Once created, all other reporting actions will be done in FPDS-NG.

(C) Office Chiefs not required to use FPDS-NG will continue using the web-based Electronic Contracting Information Transfer System (ECITS) to complete the Individual Contracting Action Report.

(D) Circumstances that may warrant a waiver and the applicable waiver procedures are found in paragraph 7(a) (3) of the Policy Memorandum 08-01. The SPS Usage Waiver can be found in the DCG.

5604.606 Reporting Data.

(Renumbered .606 from .670 June 2021)

5604.606-90 Reporting Rerepresentation Actions.

(Revised January 2018)

Follow the instructions at DCG chapter 4, item 2, Instructions for Reporting Rerepresentation Actions in FPDS-NG.

5604.606-91 Reporting Inherently Governmental Functions Indicators.

(Removed January 2018)

5604.606-92 Reporting National Interest Actions (NIA) in FPDS-NG

(Added January 2018)

Follow the instructions at DCG chapter 4, item 4, Instructions for National Interest Actions in FPDS-NG.

5604.670-5 Departmental data collection point responsibilities.

(1) Special or unique reporting requirements may be coordinated with SOF AT&L-K liaison officers.

SUBPART 5604.8 – GOVERNMENT CONTRACT FILES

5604.803 Contents of Contract Files.

(Revised June 2021)

- (a) The use of electronic contract files is mandatory, unless otherwise approved in writing by the Deputy Director of Procurement (DDOP). If there is a classified document(s) to an otherwise unclassified contract file, the document electronic file shall be stored in a folder on the appropriate secure network, and the hardcopy documents shall be stored in the appropriate secure container. A cross-reference annotation will be made on the file index specifying where the document is located.
- (b) Electronic contract files must contain all appropriate contract documents or references to the location of the document if maintained in an official system of record (Electronic Document Access (EDA), Wide Area Workflow (WAWF), or Surveillance & Performance Monitoring (SPM) Tool, found in the Procurement Integrated Enterprise Environment (PIEE)).
- (c) Additionally, 6 part folders shall be used when hardcopy files have been approved in accordance with paragraph (a) above. Numbered tabs must be at the side of a page, which act as a divider between each category of documents (i.e. A-1, B-1, B-2, B-3).
- (d) The contract file content index templates in the DCG Chapter 4, Item 5(a) may be used. Use of a checklist is recommended for all contracts exceeding the simplified acquisition threshold.
- (e) Filing conventions for contract files are specified in DCG chapter 4, item 5(b).
- (f) Follow DCG chapter 4, Item 6 for specific mandatory contract files assurance actions.
- (g) A Critical Documents Checklist is provided to alert contracting officers of the 15 critical documents that will be surveyed during all policy reviews, regardless of scope of the required review. The list includes their review point and the file tab in which the documents are expected to be located.

5604.804 Closeout of Contract Files.

5604.804-1 Closeout by the Office Administering the Contract.

(Revised October 2014)

(1)

- (A) Contracting officers are responsible for the proper closeout of all contract files in accordance with the procedures outlined in FAR 4.804 and DFARS 204.804, and within the time parameters established in FAR 4.804-1.
- (B) Complete a DD1597, Contract Completion Statement, firm-fixed price contracts over the Simplified Acquisition Threshold that are not subject to the automated closeout procedures at PGI 204.804-3.
- (C) Contracting officers must use the DD1597, Contract Closeout Checklist, and DD1594, Contract Completion Statement, for all contracts other than firm-fixed price that are not administered by a Defense Contract Management Agency (DCMA) contract administration officer.

5604.804-2 Closeout of the Contracting Office Files if another Office Administers the Contract.

(Revised October 2014)

Contracting officers must obtain all the proper closeout documentation from both the administering and paying offices per PGI 204.804-2 within the time parameters established in FAR 4.804-1. Upon receipt of the required

documentation from the coordinating offices, the Contracting Officer must complete the actions required by FAR 4.804-2.

SUBPART 5604.70 – UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERING SYSTEM

5604.7003 Basic PII number.

(Revised October 2012)

- (a)(1) DoDAAC codes for USSOCOM offices can be found in the DCG.

5604.7004 Supplementary PII Numbers.

(Revised October 2012)

- (a)(3) The order numbers that must be utilized by USSOCOM contracting offices can be found in the DCG.

SUBPART 5604.71 – UNIFORM CONTRACT LINE ITEM NUMBERING SYSTEM

5604.7107 Contract Accounting Classification Reference Number (ACRN).

(a)

(1) Contracts, task orders, and delivery orders under indefinite delivery contracts or basic ordering agreements, must not contain more than one fund cite from the same congressional funding line except as provided in Paragraph (2).

(2) Multiple fund cites from the same congressional funding line may be used in situations where it is needed to comply with one of the following requirements:

- (i) Congressionally mandated reporting requirements contained in regulation or congressional committee reports.
- (ii) Information specifically required in the DOD Financial Management Regulation.
- (iii) Information specifically required in a Program Objective Memorandum or budget guidance signed by the Under Secretary of Defense (Comptroller) (USD(C)), or the Director Program Analysis and Evaluation.
- (iv) Information identified in writing by the USD(C) as necessary to prepare the department's annual audited financial statements.
- (v) Information required by the Office of Management and Budget, Department of Treasury, or other federal agency when the requirement is contained in a signed policy directive issued by the applicable agency.

(3) Use of multiple fund cites not falling within the requirements of paragraph (2) above must be approved by the Commander, United States Special Operations Command, and the Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition & Technology). This authority must not be delegated. Request for approval must be submitted through the Director of Procurement (DOP). The approval document must be included in the contract file.

Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5604

February 2007

SOFARS PART 5605 – PUBLICIZING CONTRACT ACTIONS

SUBPART 5605.1 – DISSEMINATION OF INFORMATION

5605.102 Availability of Solicitations.

SUBPART 5605.2 – SYNOPSISSES OF PROPOSED CONTRACT ACTIONS

5605.207 Preparation and Transmittal of Synopses.

SUBPART 5605.3 – SYNOPSISSES OF CONTRACT AWARDS

5605.302 Preparation and Transmittal of Synopses of Awards.

5605.303 Announcement of Contract Awards.

SUBPART 5605.4 – RELEASE OF INFORMATION

5605.403 Requests from Members of Congress

SUBPART 5605.1 – DISSEMINATION OF INFORMATION

5605.102 Availability of Solicitations.

(Revised August 2016)

(a)(7)

(A) When posting is required, contracting offices shall post all solicitations over \$25,000 electronically on Government Point of Entry (GPE) website.

(B) When electronic dissemination of a solicitation is not practical, the Contracting Officer shall annotate the contract file with the rationale for the decision. No annotation is required for classified solicitations.

SUBPART 5605.2 – SYNOPSISSES OF PROPOSED CONTRACT ACTIONS

5605.207 Preparation and Transmittal of Synopses.

(a)

(i) Contracting offices must use the Government Point of Entry (GPE) at beta.SAM to submit synopses to the maximum extent possible.

(ii) When release of government controlled technical data is required in a solicitation, the synopsis will include a statement for potential offerors to identify whether or not they are foreign owned, controlled, or influenced companies.

SUBPART 5605.3 – SYNOPSISSES OF CONTRACT AWARDS

5605.302 Preparation and Transmittal of Synopses of Awards.

(Revised November 2018)

(i) Contracting officers must not post or attach the actual contract document to contract award synopses posted to the GPE. SOF AT&L-KM/KX/KB and the legal staff must approve all requests for exception to this policy.

(ii) A security review is required for contract award synopsis and public announcements not exempt IAW 5.202(a)(1), National Security, and must be filed with the public award announcement in the contract file.

5605.303 Announcement of Contract Awards.

(Revised June 2021)

See the DCG for additional guidance, procedures, and suggested formats.

SUBPART 5605.4 – RELEASE OF INFORMATION

(Added November 2018)

5605.403 Requests from Members of Congress

The release of information must be coordinated with SOF AT&L-KM/KX/KB as appropriate.

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Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5605

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SOFARS PART 5606 COMPETITION REQUIREMENTS

SUBPART 5606.3 – OTHER THAN FULL AND OPEN COMPETITION

5606.302-1 Only One Responsible Source

5606.303 Justifications

5606.303-90 Policy.

5606.303-90.1 Amended J&A (Changes/Increases/Decreases).

5606.305 Availability of the Justification.

5606.305-90 Public Disclosure of J&A Documents for Noncompetitive Contracts.

5606.305-91 Competitive Procurements Receiving Only One Offer.

SUBPART 5606.5 – COMPETITION ADVOCATES

5606.501 Requirement.

SUBPART 5606.3 – OTHER THAN FULL AND OPEN COMPETITION

5606.302-1 Only One Responsible Source

(Added August 2015)

The waiver authority identified in DFARS PGI 206.302-1(d) is the Director of Procurement. The request for information (RFI) or source sought notice should be accomplished during market research and documented in the J&A. The RFI or sources sought is separate from the presolicitation notice required by FAR 5.2.

5606.303 Justifications

5606.303-90 Policy.

(Revised October 2019)

(a) When multiple sources are included in a class Justification and Approval (J&A) request, each source specified must be fully justified in accordance with FAR 6.303-2.

(b) Only one of the statutory authorities provided by 10 U.S.C. 2304(c) will be cited in Paragraph 4 of the J&A. If another statutory authority applies that will strengthen the justification for other than full and open competition, it may be cited in Paragraph 8 of the J&A.

(c) A full scale J&A is not required for solicitations issued in accordance with FAR Part 13, however the justification must be documented in the contract file.

(d) Follow the “Justification and Approvals (J&As) and Exception to Fair Opportunity” review and approval thresholds found in 5601-1

(e) See the DCG for the responsibilities for recording and tracking J&As and Bridge Actions.

The J&A template can be found in the DCG. All elements found in the template are mandatory and must be completed. If the template is not used, all mandatory elements must be included in the document submitted.

5606.303-90.1 Amended J&A (Changes/Increases/Decreases).

(Revised June 2018)

(a) A document entitled, "Amendment to Justification and Approval for Other than Full and Open Competition," may be prepared in lieu of a new J&A using the same paragraph designations as the basic J&A. Paragraphs of the basic J&A not affected by the amendment should be annotated, "No Change." Multiple amendments should be numbered sequentially. Changes from the approved J&A should be clearly identified. The Contracting Officer shall submit a copy of the basic J&A along with the amended J&A to the appropriate approval level as listed in Attachment 5601-1. A signed J&A must be completed prior to award of the subject contract action.

(b) The Contracting Officer shall amend the J&A and obtain approval at the required level (Attachment 5601 - 1) prior to awarding the contract, after contract award, or issuing a modification if any of the following circumstances occur:

(1) An increase resulting in an out of scope determination that was not originally contemplated in the J&A (Note: If the RAO or KO need flexibility to approve an increase in quantity or price without amending the approved J&A, the specific flexibilities desired (i.e. 20% variation) must be addressed in the original J&A).

(2) The negotiated price increase causes the approval level authority to rise to a higher level. The approval authority may recommend changes to the J&A and the contracting officer may accomplish these changes, or any other changes, by submitting change pages to the approval authority for inclusion in the final document.

(3) There is a change in the competitive strategy that would further reduce competition (Note: The KO shall jointly determine the impact of changes to the acquisition strategy with the contract attorney to ensure the change does not restrict competition or require a change to the justification).

There is a modification to the requirement that changes the basis for the justification. If the new effort is outside the scope of the original J&A, the contracting officer shall submit an amended J&A to the appropriate approving authority. The contracting action cannot be awarded until the amended J&A is approved.

(c) If the statutory authority for other than full and open competition is no longer applicable, or a different statutory authority now applies, a new J&A shall be completed.

5606.305 Availability of the Justification.

5606.305-90 Public Disclosure of J&A Documents for Noncompetitive Contracts.

(Added June 2010)

In accordance with FAR 6.305, contracting officers are required to post J&As for noncompetitive contracts to the Contract Opportunities in beta.SAM.

(c) Contracting officers must ensure that an adequate Operational Security (OPSEC) review was conducted prior to posting.

(d) Follow the procedures in the DCG for posting J&As to beta.SAM.

5606.305-91 Competitive Procurements Receiving Only One Offer.

(Revised August 2015)

Follow the procedures at [DFARS 215.371](#) for guidance on competitive procurements receiving only one offer. If the requirement cannot be complied with, the Waiver for Competitive Solicitation Re-Advertisement or Cost-Price Negotiations must be signed by the contracting officer, the program manager, and approved by the HCA or HCA designee. Waiver authority cannot be delegated below one level above the contracting officer.

SUBPART 5606.5 – COMPETITION ADVOCATES

5606.501 Requirement.

(Revised November 2018)

(a) The USSOCOM Acquisition Executive/Senior Procurement Executive (AE/SPE) designates as, and delegates the duties of, the USSOCOM Agency Advocate for Competition (AAC) to the Deputy Director of Procurement, and the Procuring Activity Advocate for Competition (PAAC) to each Division Chief of SOF AT&L-KH/KI/KW/KP/KR/KS/KF and Field Contracting Office Chief with the exception of WARCOM. The N01C Deputy is the PAAC for WARCOM. These duties are not delegable.

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Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5606

February 2007

SOFARS PART 5607 ACQUISITION PLANNING

SUBPART 5607.1 – ACQUISITION PLANS

5607.102 Policy.

5607.104 General Procedures.

5607.105 Contents of Written Acquisition Plans.

SUBPART 5607.5 – Inherently Governmental Functions

5607.503 Policies.

SUBPART 5607.1 – ACQUISITION PLANS

5607.102 Policy.

(Added August 2016)

See 5637.102(k) for additional policy regarding the acquisition of services in accordance with DoD Instruction 5000.74.

5607.104 General Procedures.

(Revised June 2017)

(a) In accordance with FAR 7.102(a), acquisition planning is required for all acquisitions. Acquisition planning is paramount and should begin as soon as the requirement is identified, preferably well in advance of the fiscal year in which contract award or order placement is necessary. In addition to the DFARS thresholds for a written acquisition plan, an acquisition plan is required for the following actions. The detail to which the plan is developed will be determined by the complexity of the acquisition and the dollar threshold.

(1) Services acquisitions not managed or reviewed as part of PEO Program of Record with an estimated total value of SAT or more (DoDI 5000.74).

(2) Acquisitions using other than full and open competition require advocate for competition coordination (FAR 7.104(c)).

(3) Acquisitions over \$10M not completely set-aside for small business therefore, requiring small business coordination. If the primary contracting officer is also the Small Business Representative then the contracting officer shall coordinate their acquisition plans/strategy with the command's Director of Small Business Programs. For Headquarters buying divisions, coordinate the plan with the command's Director of Small Business Programs.

(b) The following are examples of planning and strategy documentation. FAR 7.1 and DFARS 207.1 address policies related to acquisition planning and the development of written acquisition plans. Templates can be found in the DCG. Approvals shall be in accordance with 5601-1.

(1) Streamlined Acquisition Planning – For acquisitions that do not require a formal written acquisition plan in accordance with DFARS 207.103, a simplified acquisition plan is required to document pre-award decisions and risk assessment information. Alternate contract documentation such as memorandum for record, business clearance memorandum, or other documentation may be used in lieu of a standalone acquisition plan. At a

minimum, documentation should address the following as applicable: market research considerations (competition, SB, commercial alternatives, pre-existing contract vehicles), and the appropriate contract type.

(2) Written Acquisition Plan (AP) – FAR 7.1 and DFARS 207.1 address policies related to acquisition planning and development of written Acquisition Plans. When the acquisition meets the DFARS 207.103 threshold for a written acquisition plan, the template in the DCG is mandatory and includes the required content.

(3) Acquisition Strategies for Services (IAW DoDI 5000.74) – When a written acquisition plan is required for services, the plan should address the tenets in DFARS 237.102-76; a separate strategy is not required. For service acquisitions below DFARS thresholds, the acquisition planning documents should be commensurate with the complexity of the acquisition and address the tenets, as applicable.

(4) Single Acquisition Management Plan (SAMP) – Describes a program's overall program strategy per the USSOCOM D 70-1. The acquisition strategy, Systems Engineering Plan (SEP), program issues, and contract execution approaches are integrated into the SAMP. The Single Acquisition Management Plan Template may be used in lieu of a separate AP as long as all of the elements required by the FAR and DFARS are contained in the SAMP. Some programs will also require a separate AP or SEP. These documents should be referenced in the SAMP with final conclusions, recommendations, or summaries incorporated where appropriate.

(5) Simplified Acquisition Strategy Brief (SASB) – May be used in combination with a written AP and/or SAMP however, this simplified version does not in its self-constitute a written plan IAW D DFARS 207.103. Acquisitions dealing with large dollar actions and increased risk may call for a briefing in addition to an AP/SAMP highlighting the relevant facts surrounding the acquisition and/or those key strategic elements only within the written AP/SAMP.

(6) Combined Written Acquisition Plan and Strategy Brief – A formal acquisition strategy brief may, with approval of the SSA and/or the MDA, constitute the written AP in accordance with DFARS 207.103 as long as it meets all requirements defined in FAR 7.105, DFARS 207.105, and DoDI 5000.02, Enclosures 2 and 4.

(c) An acquisition plan is not required for individual orders when the contract-level acquisition plan adequately covers all anticipated orders and the order is issued IAW the terms of the basic contract.

(d) Designated Planner: IAW DFARS 207.103, the program manager, or other official responsible for the program, has overall responsibility for acquisition planning. For smaller dollar and less complex acquisitions, the person responsible for developing the acquisition plan and milestones will be the Contracting Officer. With larger, systems-level acquisitions there will be a team of planners including a representative from all the affected functional areas, including the Contracting Officer and a Program Manager (or RAO) who are responsible for decisions regarding the acquisition plan.

5607.105 Contents of Written Acquisition Plans.

(Removed January 2014)

SUBPART 5607.5 – Inherently Governmental Functions

5607.503 Policies.

(Revised January 2018)

(e) The requiring activity shall provide to the Contracting Officer a written determination that none of the functions contained in the requirement are inherently governmental. The determination shall be prepared in accordance with FAR FAR 7.503 and DFARS 207.503. Disagreements over the determination shall be resolved by the Contracting Officer and reviewed at one level above the Contracting Officer. Should the Contracting

Office and Requiring Activity fail to agree on the conclusion, forward the package to SOF AT&L-KM for a final determination.

(Moved January 2014 from 5637.590-90(a))

(g) In accordance with DPAP memo Reporting Inherently Government Functions Indicators to the Federal Procurement Data System dated 25 Feb 2013, contracting officers shall ensure that requiring organizations provide the function indicator with their requirements packages so it may be appropriately reported on new awards dated March 1, 2013 forward and modifications to those awards. The function indicators are Closely Associated Functions, Critical Functions, and Other Functions. Definitions for each function indicator, applicability, and the format for reporting to FPDS-NG can be found within the DPAP memo stated above. DCG

(Added June 2009)

(h) See 5609.901 for Guidance on Contractors in the Federal Workplace.

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SOFARS 5607

February 2007

SOFARS PART 5608 REQUIRED SOURCES OF SUPPLIES AND SERVICES

5608.0003 Use of other Government supply sources.

SUBPART 5608.4 FEDERAL SUPPLY SCHEDULES

5608.404-90 Determination and certification for use of non–DoD contracts.

5608.405 Ordering Procedures for Federal Supply Schedules.

5608.405-6 Limited Sources.

SUBPART 5608.70 – COORDINATED ACQUISITION

5608.7004 Procedures.

5608.7004-2 Acceptance by Acquiring Activities.

SUBPART 5608.8 – ACQUISITION OF PRINTING AND RELATED SUPPLIES

5608.802 Policy.

5608.0003 Use of other Government supply sources.

(Revised January 2018)

Agencies shall satisfy requirements for the following supplies or services from or through specified sources, as applicable:

(f) SOCOM Wide Mission Support (SWMS) contract:

In accordance with the Chief of Staff memo, Obtaining Acquisition Support for Service Contract Requirements dated December 1, 2015, all Headquarters (HQ) USSOCOM services contract requirements (excluding IT support) are required to use the SWMS contract.

(g) *Removed (January 2018).*

(h) SOF Information Enterprise (SIE) IT Services, Hardware and Software Purchasing:

Use of Enterprise Operations and Maintenance (EO&M) contract (services) and GSA Alliant GWACs (Services) and NASA SEWP (Hardware/Software) are highly encouraged but not mandatory.

SUBPART 5608.4 FEDERAL SUPPLY SCHEDULES

5608.404-90 Determination and certification for use of non–DoD contracts.

(Revised February 2007)

(a) A determination for use of a Non-DoD contract or agency must be prepared prior to placing any order greater than the simplified acquisition threshold against a non-DoD contract. This determination must be coordinated between the requesting organization and the contracting office. Comptroller coordination is required to ensure that the funding appropriation is consistent with the supplies or services to be acquired. Both the using

organization and contracting office must certify the determination document prior to placing an order against a Federal Supply Schedule. A copy of the certified determination must be retained in the contract file.

(b) A certified determination must be completed when transferring money to the General Services Administration (GSA) for placement against a Federal Supply Schedule. The determination must be certified by the requesting activity and a GSA contracting officer prior to legal review. A copy of the certified determination must accompany the inter-departmental purchase request.

(c) Follow the guidelines established in Subpart 5617.703-91.1(c) and (d) for completing the Determination for Use of a Non-DoD Contract document.

5608.405 Ordering Procedures for Federal Supply Schedules.

5608.405-6 Limited Sources.

(Revised April 2015)

(d) Actions for orders or BPAs exceeding the micro-purchase threshold based on the following limited sources justification: 1) urgent and compelling need exists, 2) only one source is capable of providing the supplies or services required, or 3) the new work is a logical follow-on, require a “Justification & Approval (J&A)” or a “Fair Opportunity Exception (FOE) Limited Source Justification & Approval (J&A).”

(e) Follow the “Justification and Approvals (J&As) and Exception to Fair Opportunity” review and approval thresholds found in 5601-1.

The J&A templates can be found in the Templates, Checklists, and Forms section of the DCG Table of Contents in Part 6. All elements found in the template are mandatory and must be completed. If the template is not used, all mandatory elements must be included in the document submitted.

SUBPART 5608.70 – COORDINATED ACQUISITION

5608.7004 Procedures.

(Added January 2015)

Follow the “Justification and Approvals (J&As) and Exception to Fair Opportunity” review and approval thresholds found in 5601-1.

5608.7004-2 Acceptance by Acquiring Activities.

Contracting Officers shall not accept incoming MIPRs. The Program Executive Officer, Project Manager, or Service Acquisition Manager will accept MIPRs as determined by locally established procedures.

SUBPART 5608.8 – ACQUISITION OF PRINTING AND RELATED SUPPLIES

5608.802 Policy.

(b) Contracting Officers shall work with the requiring activity to obtain approval from their host base's printing authority before purchasing government printing or related supplies as defined in FAR 8.801.

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SOFARS 5608

February 2007

SOFARS PART 5609 CONTRACTOR QUALIFICATIONS

SUBPART 5609.1 – RESPONSIBLE PROSPECTIVE CONTRACTORS

5609.105 Procedures.

5609.105-1 Obtaining Information.

SUBPART 5609.4 – DEBARMENT, SUSPENSION, AND INELIGIBILITY

5609.403 Definitions.

5609.406 Debarment.

5609.406-3 Procedures.

5609.407 Suspension.

5609.407-3 Procedures.

SUBPART 5609.5 ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

5609.503 Waiver.

5609.507 Solicitation Provisions and Contract Clauses.

5609.507-1 Solicitation Provisions.

5609.507-2 Contract Clause.

SUBPART 5609.9 CONTRACTORS IN THE FEDERAL WORKPLACE (formerly Contractor Employee Training)

5609.901 Guidance.

SUBPART 5609.1 – RESPONSIBLE PROSPECTIVE CONTRACTORS

5609.105 Procedures .

5609.105 Procedures.

5609.105-1 Obtaining Information.

(d) Contracting office chiefs must insure that SOF AT&L-KM is informed of all investigations being conducted by other agencies, including but not limited to, CID, OSI, and DCIS that affect ongoing USSOCOM contracts. Notification must be made as soon as practical and include as a minimum the contract number, name of contractor, investigating agencies, and the nature of the investigation.

SUBPART 5609.4 – DEBARMENT, SUSPENSION, AND INELIGIBILITY

5609.403 Definitions.

(Revised January 2018)

The suspension and debarment official for USSOCOM is the Secretary of the Air Force/Deputy General Counsel (Contractor Responsibility) (SAF/GCR).

5609.404 List of Parties Excluded from Federal Procurement and Non-procurement Programs.

(Revised February 2013) (Revised September 2013-reorganization)

(c)(4) SOF AT&L-KX shall maintain all records pertaining to debarment actions within the command.

(g)

(1)Section 841 of the FY2012 National Defense Authorization Act authorizes the HCA, upon request from the Commander of United States Central Command (USCENTCOM), to restrict, terminate, or void any contract, grant, or cooperative agreement with a person or entity that actively supports an insurgency or is opposing United States or coalition forces.

(2)In order to enforce the act, KOs shall search the USCENTCOM Extranet Unclassified Portal NDAA FY12 Section 841 Identified Entries list for prohibited sources prior to awarding contracts in the USCENTCOM AOR. If the anticipated award winner appears on the list, confer with SOF AT&L-KX and legal before restricting any person or entity for actively supporting an insurgency or is opposing United States coalition forces.

(3)In addition, KOs will monitor the USCENTCOM Identified Entries list for contractors that may appear in contracts already awarded. Again, if a contractor appears on the list, confer with SOF AT&L-KX and legal prior to making a determination to terminate. Each case will be reviewed individual; however, termination will be the general rule.

5609.406 Debarment.

5609.406-3 Procedures.

(Revised January 2018)

Contracting officers shall consult with legal counsel as soon as a situation requiring investigation under FAR Subpart 9.4 becomes apparent. The legal counsel shall submit a procurement Flash Report in accordance with established procedures when there is a reasonable suspicion of impropriety and refer the matter for investigation. The Contracting Officer shall provide to legal counsel the necessary information for the Procurement Flash Report.

(a) Investigation and referral.

(i)

(A)Prompt reporting is essential in all cases that could lead to suspension or debarment of a contractor, or to judicial or administrative action against military personnel or civilian employees of the USSOCOM.

(B)The Contracting Officer's report shall be reviewed by local legal counsel to determine its completeness and compliance with DFARS 209.406-3.

(ii)The report shall also include credit and financial information on the contractor, such as a Dunn and Bradstreet report.

(l) When the report recommends suspension or debarment because of contractor fraud or criminal conduct involving a current contract, withhold all funds which become due the contractor on that contract unless the Director of Procurement (DOP) or the debarring official directs otherwise. Follow the procedures in DFARS 232.173 when a contractor's request for advance, partial, or progress payments is based on fraud.

(iii) Address reports to the Secretary of the Air Force/Deputy General Counsel (Contractor Responsibility) (SAF/GCR) and distribute by forwarding through contracting channels (SOF AT&L-KM) and SOJA-AQ to SAF/GCR). Forward the original and two copies when electronic transmittal is not practical or when the file contains highly classified information.

5609.407 Suspension.

5609.407-3 Procedures.

Follow the procedures at [5609.406-3](#).

SUBPART 5609.5 ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

5609.503 Waiver.

Submit waiver requests IAW [FAR 9.503](#) to SOF AT&L-KM.

5609.507 Solicitation Provisions and Contract Clauses.

5609.507-1 Solicitation Provisions.

(Revised May 2013)

(a) Contracting officers shall insert a provision substantially the same as [5652.209-9002](#), Use of Contractor Support/Advisory Personnel for Review of Proposals, in solicitations when the possibility exists that contractor support/advisory services will be used in the proposal evaluation process.

5609.507-2 Contract Clause.

(Revised May 2013)

(a) Contracting officers shall insert a clause substantially the same as [5652.209-9003](#), Use of Contractor Support/Advisory Personnel, in solicitations when the possibility exists that contractor support/advisory services will be used in support of the solicitation and/or the resulting contract.

SUBPART 5609.9 CONTRACTORS IN THE FEDERAL WORKPLACE (formerly Contractor Employee Training)

5609.901 Guidance.

(Revised March 2009)

Contractors in the Federal workplace are an integral part of the USSOCOM team. However, they are not Government employees; therefore, guidance is provided in the DCG for USSOCOM staffs that utilize

contractors in the workplace.

HQ, United States Special Operations CommandSpecial Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)

SOFARS 5609

February 2007

SOFARS PART 5610 MARKET RESEARCH

SUBPART 5610.000 SCOPE OF PART

5610.001 Policy.

SUBPART 5610.000 SCOPE OF PART

5610.001 Policy.

(Added April 2008)

(a) When to Conduct Market Research

(1) Contracting Officers have the responsibility of informing all requiring activities that, in accordance with FAR 10.001, market research is required prior to the development of new specifications and before soliciting any requisition over the simplified acquisition threshold (SAT).

(2) Contract actions awarded above the SAT shall include documentation that market research was conducted. The market research documentation may be completed using the DCG Market Research Report template. In the case of other than full and open competition, a J&A or other similar format that covers the information areas in FAR 10 and the DCG market research template may be used.

(b) Classified Procurements

(1) Classified Procurements: Market research for contracts that will be classified must be consistent with the security requirements imposed by FAR 6.302-6, National Security, where disclosure of the agency's needs would compromise the national security. Any number of common approaches or practices for performing market research (See FAR 10.002) may be used except those where the requirement or other salient characteristics of the requirement, having National Security implications, would be disclosed in the public domain or where other aspects of the security plan for the requirement would be violated.

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Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)

SOFARS 5610

February 2007

SOFARS PART 5611 DESCRIBING AGENCY NEEDS

SUBPART 5611.2 – USING AND MAINTAINING REQUIREMENTS DOCUMENTS

5611.274 Item identification and valuation.

5611.274-90 Item Unique Item Identification (IUID)/Unique Item Identifier (UII) and Military Equipment Evaluation (MEV).

SUBPART 5611.6 – PRIORITIES AND ALLOCATIONS

5611.602 General.

SUBPART 5611.2 – USING AND MAINTAINING REQUIREMENTS DOCUMENTS

5611.274 Item identification and valuation.

5611.274-90 Item Unique Item Identification (IUID)/Unique Item Identifier (UII) and Military Equipment Evaluation (MEV).

(Revised December 2015)

It is USSOCOM policy that IUIDs or DOD recognized UID equivalents, shall be incorporated in solicitations and contracts in accordance with DFARS 211.274. DFARS clause 252.211-7003 shall be incorporated into any solicitation and contract for procurement of tangible assets as directed by the Program Manager in the procurement request package.

In accordance with DFARS 211.274-3, contractors shall be required to identify the Government's unit acquisition cost for all items delivered, even if none of the criteria for placing a unique item identification mark applies. DFARS 252.211-7003(a) defines unit acquisition cost.

Follow procedures found in the DCG for IUID/UII and MEV.

SUBPART 5611.6 – PRIORITIES AND ALLOCATIONS

5611.602 General.

(Revised June 2021)

(c)

(1) USSOCOM is a Delegated Agency in accordance with Schedule I of the Defense Production Allocation System, Department of Commerce Regulation 15 CFR 700. This delegation gives USSOCOM the authority to place Defense Priorities and Allocations System (DPAS) rated orders in support of authorized programs.

(2) The USSOCOM DPAS Officer is the SOF AT&L-KM Policy Chief. The DPAS Officer serves as the focal point for all DPAS matters.

Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)

SOFARS 5611

February 2007

SOFARS PART 5612 ACQUISITION OF COMMERCIAL ITEMS

SUBPART 5612.1 – ACQUISITION OF COMMERCIAL ITEMS – GENERAL

5612.101 Policy.

5612.102 Applicability.

SUBPART 5612.2 – SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

5612.202 Market Research and Description of Agency Need.

5612.207-90 Contract Type.

SUBPART 5612.3 – SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

5612.302 Tailoring of Provisions and Clauses for Acquisition of Commercial Items. (Removed June 2021)

SUBPART 5612.1 – ACQUISITION OF COMMERCIAL ITEMS – GENERAL

5612.101 Policy.

If during the acquisition process new evidence or additional requirements indicate the item no longer falls into the category of a commercial item, the solicitation shall be cancelled and reissued.

5612.102 Applicability.

(Revised June 2018)

(a)(1) When using FAR Part 12 procedures for acquisitions exceeding \$1 million in value, the RAO, APM, or PM is responsible for completing the commerciality determination memorandum template).

(f)(1) The Director of Procurement, USSOCOM, as the head of agency, delegates the authority to determine applicability of FAR 12.102(f) to USSOCOM headquarters contracting divisions and field contracting office chiefs. Determinations are to be in writing and included in each file.

SUBPART 5612.2 – SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

(Added July 2008)

5612.202 Market Research and Description of Agency Need.

(a) For acquisitions in excess of the simplified acquisition threshold, the market research report template should be completed.

5612.207-90 Contract Type.

The determination to use a firm-fixed-price with economic price adjustment (FFP/EPA) shall be documented. See [FAR 16.203-3](#) for the required contents of the determination.

SUBPART 5612.3 – SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

5612.302 Tailoring of Provisions and Clauses for Acquisition of Commercial Items. (Removed June 2021)

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Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)

SOFARS 5612

February 2007

SOFARS PART 5613 SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 5613.1 PROCEDURES

5613.106 Soliciting Competition, Evaluation of Quotations or Offers, Award and Documentation.

5613.106-1 Soliciting Competition.

SUBPART 5613.2 ACTIONS AT OR BELOW THE MICROPURCHASE THRESHOLD

5613.201 General.

SUBPART 5613.3 SIMPLIFIED ACQUISITION METHODS

5613.301 Government-wide Commercial Purchase Card.

5613.302 Purchase Orders.

5613.302-1 General.

5613.302-2 Unpriced Purchase Orders.

5613.303 Blanket Purchase Agreements.

5613.303-5 Purchases under BPAs.

5613.303-5-90 Ordering Officer Limitations.

5613.303-6 Review Procedures.

5613.306 SF 44, Purchase Order–Invoice–Voucher.

SUBPART 5613.5 SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

5613.500 General.

5613.501 Special Documentation Requirements.

SUBPART 5613.1 PROCEDURES

5613.106 Soliciting Competition, Evaluation of Quotations or Offers, Award and Documentation.

5613.106-1 Soliciting Competition.

(Revised December 2015)

(b)(1) The simplified acquisition file shall contain documentation of the approval for restricting competition to single small or large business source prior to synopsis when it is required in accordance with FAR 5.101, or when an exception under FAR 5.202 is applicable.

(c)(1)(iii) Document the simplified acquisition file with a statement justifying why the synopsis requirements of FAR 5.202 do not apply on actions over \$10,000. The Contracting Officer shall approve the justification prior to

soliciting bids.

SUBPART 5613.2 ACTIONS AT OR BELOW THE MICROPURCHASE THRESHOLD

5613.201 General.

(Revised June 2021)

(a) Contracting offices shall delegate the authority for all micro-purchase requirements to the requiring activities. Micro-purchase requirements shall be purchased using the government-wide Commercial purchase card or by ordering officials appointed in accordance with 5601.602-2-90. For exceptions to the use of the government-wide commercial purchase card, see DFARS 213.270.

(g) The Director of Procurement, USSOCOM, as the head of agency, delegates the authority to determine applicability of FAR 13.201(g) to the Contracting Officer. The rationale for the determination must be documented in the contract file. For exceptions to the use of the government-wide commercial purchase card, see DFARS 213.270. **DCG**

SUBPART 5613.3 SIMPLIFIED ACQUISITION METHODS

5613.301 Government-wide Commercial Purchase Card.

(Revised June 2018)

(b) Refer to the publication, USSOCOM Procedures for Use of the Government-wide Purchase Card (GPC), for procedures on the use and control of the card.

(c) *(Removed June 2018)*

5613.302 Purchase Orders.

5613.302-1 General.

(a) Contracting officers must document the justification for awarding an other than firm-fixed price purchase order in the contract file.

(b)(4) Briefly annotate the simplified acquisition file with the reason for using delivery terms other than F.O.B. destination for deliveries made within the continental United States.

5613.302-2 Unpriced Purchase Orders.

(c) A certified funding document for the monetary limit of the order shall be provided prior to issuance of an unpriced purchase order.

5613.303 Blanket Purchase Agreements.

5613.303-5 Purchases under BPAs.

5613.303-5-90 Ordering Officer Limitations.

(Revised June 2021)

Ordering Officers may not place individual purchase call orders against decentralized BPAs in excess of \$35,000.

5613.303-6 Review Procedures.

(c) Chief, Contracting Office is responsible for ensuring all BPAs, including decentralized are reviewed on an annual basis in accordance with FAR 13.303-6. All discrepancies noted shall be annotated with the corrective action taken.

5613.306 SF 44, Purchase Order–Invoice–Voucher.

(Revised June 2021)

(a)(1) The Director of Procurement retains the authority to approve requests for higher dollar limitations for specific activities or items on a case-by-case basis. Contracting officers shall submit requests for authorization of higher dollar limitations for ordering officers in writing through the Directorate of Procurement liaison officer. The request shall address the circumstances for use, purpose, dollar limitation and the mission impact of the higher limit. No purchases may exceed the simplified acquisition threshold.

SUBPART 5613.5 SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

5613.500 General.

(a)

(i) Solicitations and awards shall be reviewed and approved in accordance with Attachment 5601-1.

(ii) Contracting officers with a Simplified Acquisition Threshold warrant cannot sign awards made in accordance with the authority of this paragraph.

5613.501 Special Documentation Requirements.

(Added August 2016)

(a)(ii) The J&A template can be found in the DCG. IAW FAR 13.501(a)(ii), modify the J&A to reflect the procedures in 13.5 were used.

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Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)

SOFARS 5613

February 2007

SOFARS PART 5614 SEALED BIDDING

SUBPART 5614.2 – SOLICITATION OF BIDS

5614-201 Preparation of Invitations for Bid.

5614.201-6 Solicitation Provisions.

5614.207 Pre-Bid Conference.

SUBPART 5614.4 – OPENING OF BIDS AND AWARD OF CONTRACT

5614.402 Opening of Bids.

5614.402-2 Classified Bids.

5614.407 Mistakes in Bid.

5614.407-3 Other Mistakes Disclosed Before Award.

5614.407-4 Mistakes After Award. (Removed June 2021)

SUBPART 5614.2 – SOLICITATION OF BIDS

5614-201 Preparation of Invitations for Bid.

5614.201-6 Solicitation Provisions.

(Revised June 2021)

(bb) The Contracting officer may include a provision substantially the same as clause 5652.214-9003, Price History, in solicitations where the item(s) being purchased have been previously acquired and the Contracting Officer wants to include the price history in the solicitation.

5614.207 Pre-Bid Conference.

Contracting officers may insert a provision substantially the same as clause 5652.214-9002, Notice of Pre-bid Conference, in solicitations where a pre-bid conference is contemplated.

SUBPART 5614.4 – OPENING OF BIDS AND AWARD OF CONTRACT

5614.402 Opening of Bids.

5614.402-2 Classified Bids.

The Contracting Officer is responsible for insuring all attendees have been granted the proper security classification for classified procurements and will enlist the assistance of the servicing security office.

5614.407 Mistakes in Bid.

5614.407-3 Other Mistakes Disclosed Before Award.

(Revised March 2009) (Revised September 2013-reorganization)

(c)(1) The Chief, Contracting Office, is authorized to permit bidders to withdraw bids pursuant to FAR 14.407-3(c)(1). Before the withdrawal is authorized, contracting officers shall obtain legal review.

(e) The authority in FAR 14.407-3(e) is delegated to the Director of Procurement (DOP). In all cases pursuant to FAR 14.407-3(a), (b), (c)(2), or (d), the package prepared in accordance with FAR 14.407-3(g)(3) shall be marked, "IMMEDIATE ACTION - MISTAKE IN BID," and sent by the most expeditious means to SOF AT&L-KM/KX/KB as appropriate, Headquarters United States Special Operations Command, 7701 Tampa Point Blvd., MacDill AFB, FL 33621-5323.

(h) SOF AT&L-KM or SOF AT&L-KX as appropriate shall maintain the record in accordance with FAR 14.407-3(h) in cases pursuant to FAR 14.407-3(a), (b), (c), and (d). The contracting office shall maintain the records for cases pursuant to FAR 14.407-3(c)(1).

(i) Doubtful mistakes in bid shall not be submitted by contracting offices directly to the Comptroller General, but rather submitted to SOF AT&L-KM or SOF AT&L-KX as appropriate in accordance with the procedures outlined in the previous paragraphs of this subsection.

5614.407-4 Mistakes After Award. (Removed June 2021)

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SOFARS 5614

February 2007

SOFARS PART 5615 CONTRACTING BY NEGOTIATION

5615.001 Definitions.

SUBPART 5615.1 – SOURCE SELECTION PROCESS AND TECHNIQUES

5615.101-2 Lowest Price Technically Acceptable Source Selection Process

5615.101-2-70 Limitations and Prohibitions

SUBPART 5615.2 – SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

5615.209 Solicitations Provisions and Contract Clauses.

SUBPART 5615.3 – SOURCE SELECTION

5615.300 Scope of Subpart

5615.303 Responsibilities.

5615.305 Proposal Evaluation.

5615.306 Exchanges with Offerors After Receipt of Proposals.

5615.306-90 Award without Discussion.

5615.307 Proposal Revisions.

5615.308 Source Selection Decision.

5615.3-90 Solicitation Provisions and Contract Clauses.

5615.371 Only one offer.

SUBPART 5615.4 – CONTRACT PRICING

5615.404 Proposal Analysis.

5615.404-1 Proposal Analysis Techniques.

5615.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.

5615.406 Documentation.

5615.406-1 Prenegotiation Objectives.

5615.406-3-90 Documenting the Negotiation.

5615.408 Solicitation Provisions and Contract Clauses.

SUBPART 5615.5 – PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS, AND MISTAKES

5615.503 Notifications to Unsuccessful Offerors.

5615.505 Preaward Debriefing of Offerors.

5615.506 Postaward Debriefing of Offerors.

SUBPART 5615.6 UNSOLICITED PROPOSALS

5615.604 Agency Points of Contact.

5615.606 Agency Procedures.

5615 ATTACHMENTS

5615.001 Definitions.

(Revised February 2014)

(a) *Business Clearance* (BC):

- (1)The purpose of the BC for competitive acquisitions is to obtain approval from the appropriate approval authority to award without discussion or begin discussions.
- (2)The purpose of the BC for non-competitive acquisitions, negotiated modifications, and delivery or task orders is to obtain the approval to begin negotiations.

(b) *Contract Clearance*:

- (1) The Contract Clearance is the approval of the negotiated business arrangement. The Contract Clearance review is accomplished after completion of negotiations and prior to the Contracting Officer signing the contract. Contract clearance shall be accomplished prior to sending the contract to the Source Selection Authority for the final SSA decision.
- (2) The requirement to obtain Contract Clearance may be waived if requested at the time the Pre-Negotiation portion of the BCM is submitted for review and no substantial changes are made to the original negotiation objective.

SUBPART 5615.1 – SOURCE SELECTION PROCESS AND TECHNIQUES

(Added June 2021)

5615.101-2 Lowest Price Technically Acceptable Source Selection Process

5615.101-2-70 Limitations and Prohibitions

The DFARS limits, and for certain items, prohibits the use of lowest price technically acceptable (LPTA) source selection process. All USSOCOM acquisitions must comply with DFARS 215.101-2-70 if LPTA procedures are being contemplated. Accordingly, the file shall contain two separate determinations:

- (1) If the Contracting Officer intends to utilize Lowest Price Technically Acceptable (LPTA) source selection procedures; then during acquisition planning, the Contracting Officer must document within the Acquisition Plan or Strategy, the circumstances justifying the use of LPTA procedures for source selection as required by DFARS 215.101-2-70(a)(1)(viii). For USSOCOM acquisitions, this determination shall be a separate memorandum or shall be documented within the Acquisition Plan or Strategy, signed by the contracting officer, that describes how the contemplated acquisition meets ALL of the conditions listed at DFARS 215.101-2-70(a)(1). For contract awards, or for task or delivery order awards utilizing LPTA source selection process, this determination shall be

a separate memorandum or shall be documented specifically within the Business Clearance Memorandum, signed by the contracting officer, that describes how the contemplated acquisition meets ALL of the conditions listed at DFARS 215.101-2-70(a)(1).

(2) Secondly, if LPTA procedures were utilized in the evaluation of proposals for new contract awards or proposals for delivery or task order awards, in accordance with DFARS 215.101-2-70(a)(1)(vii), the contracting officer shall document the contract file with a determination from the requiring activity that the lowest priced offer reflects the full life-cycle costs for the supply or service being acquired. For USSOCOM acquisitions, this determination shall be a separate memorandum or shall be specifically documented within the technical evaluation, signed by the requiring activity official, that describes the analysis conducted to determine the lowest priced offer reflects the full life-cycle costs for the supply or service being acquired.

SUBPART 5615.2 – SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

5615.209 Solicitations Provisions and Contract Clauses.

(Revised August 2017)

(i) Contracting officers may include a provision substantially the same as 5652.215-9001, Notice of Pre-proposal Conference, in the solicitation when a pre-proposal conference is contemplated in accordance with FAR 15.201. When access to classified documents is contemplated, contracting officers may include a provision substantially the same as the basic provision, Alternate I.

(j) *(Removed August 2017)*

(k) Contracting officers may include a provision substantially the same as the provision at 5652.215-9009, Personnel Changes before Award, in solicitations requiring submittal of resumes.

(l) *(Removed August 2017)*

(m) *(Removed August 2017)*

SUBPART 5615.3 – SOURCE SELECTION

5615.300 Scope of Subpart

(Added June 2014)

Contracting officers shall follow the principles and procedures in Director, Defense Procurement and Acquisition Policy memorandum dated March 4, 2011, Department of Defense Source Selection Procedures and the USSOCOM Source Selection Procedures Supplement dated 13 January 2012 that can be found on the SOF AT&L Source Selection Procedures Area of the Portal.

5615.303 Responsibilities.

(Revised December 2015)

In accordance with DoD Source Selection Procedures, the SSA for all USSOCOM source selections with a total estimated value of \$100M or more, shall be someone other than the contracting officer.

(1) If contractor personnel support is approved, then the RFP must inform offerors that contractor personnel will have access to their proposal, including the name of the company and the extent of their participation.

(2)

(A) (Removed January 2014)

(B) When the Reviewer **is not** the Source Selection Authority (SSA), the review and approval of the source selection method and plan shall be accomplished in accordance with Attachment 5601-1 prior to the release of the solicitation. The source selection method and plan must be reviewed and approved by the SSA. If the KO is also the SSA, the Division Chief/Field Office Chief will review the SSP. If the Division Chief/Field Office Chief is also the SSA, SOF AT&L-KM or SOF AT&L-KX as appropriate, will review the SSP, regardless of the dollar amount.

5615.305 Proposal Evaluation.

(Revised April 2015)

(a)(2)(iii)

Evaluations of past performance shall include reports obtained from the Past Performance Information Retrieval System (PPIRS), if available.

(4) The Source Selection Authority (SSA) may allow access to cost information to all source selection evaluation team members. If access to cost data is to be limited or denied to the technical team or others, describe the limitations and rationale for it in the SSP.

5615.306 Exchanges with Offerors After Receipt of Proposals.

(Revised January 2014)

(b) The rationale for the decision to communicate with offerors prior to establishment of the Competitive Range Determination (CRD) shall be documented. The CRD shall be included in the Business Clearance Memorandum (BCM) if not using formal source selection procedures.

5615.306-90 Award without Discussion.

(Revised January 2014)

(a) The Contracting Officer shall obtain Business Clearance approval prior to award without discussion or beginning negotiations.

(b) The source selection supporting documents, and or BCM if not using formal source selection procedures, shall contain sufficient information to support the Source Selection Authority decision for inclusion or exclusion of sources from the competitive range or limits imposed to promote efficient competition (FAR 15.306(c)).

5615.307 Proposal Revisions.

(Removed January 2014)

5615.308 Source Selection Decision.

(Removed January 2014)

5615.3-90 Solicitation Provisions and Contract Clauses.

(Revised November 2007)

- (a) Contracting officers may include a provision substantially the same as the provision at 5652.215-9008, Past Performance Data, in solicitations requiring submittal of past performance data. The provision shall be included in solicitations that contain 5652.215-9012, Basis for Award, Alternate I, or 5652.215-9014, Basis for Award-Lowest Price, Technically Acceptable Proposal.
- (b) Contracting officers may include a provision substantially the same as the provision at 5652.215-9012, Basis for Award, in solicitations when the basis for award includes factors other than price. The provision should not be used in solicitations using streamlined acquisition procedures for commercial products in accordance with FAR Part 12. Do not use this provision when a Source Selection Plan containing Section M language is approved unless the plan specifically includes this provision. The provision shall be included with its Alternate I when past performance is an evaluation factor for award. If Alternate 1 is used, include the provision at 5652.215-9008, Past Performance Data, in Section L. The provision shall be included with its Alternate II when evaluation credit will be given to those technical solutions exceeding mandatory minimums (See FAR 15.306(d)(3)).
- (c) Contracting officers may include a provision substantially the same as the provision at 5652.215-9014, Basis for Award-Lowest Price, Technically Acceptable Proposal, in solicitations when the award will be made using lowest price technically acceptable source selection procedures in accordance with FAR 15.101-2. The provision should not be used in solicitations using streamlined acquisition procedures for commercial products in accordance with FAR Part 12. The provision shall be included with its Alternate I when past performance is an evaluation factor for award. If Alternate I is used, include the provision at 5652.215-9008, Past Performance Data, in Section L.
- (d) Contracting officers shall include 5652.215-9015, Evaluation of Offers - Full Quantity, in all competitive solicitations when the Government will not accept offers for quantities less than those stated in schedule.

5615.371 Only one offer.

(Added June 2018)

- (b) During the period August 31st through September 30th, the HCD/FCO is delegated the authority to waive the requirement at DFARS 215.371-2 to resolicit for an additional period of at least 30 days. A copy of each waiver shall be submitted to the LNO for the office no later than 15 October.

SUBPART 5615.4 – CONTRACT PRICING

5615.404 Proposal Analysis.

5615.404-1 Proposal Analysis Techniques.

(Revised June 2020)

- (b)(2)(v) When comparison to an Independent Government Cost Estimate (IGCE) is the method of cost or price analysis to be used to determine fair and reasonableness, the Requiring Activity Officer (RAO) is required to:
- (A) Sign and date the completed IGCE; and
- (B) Include a detailed cost narrative in support of the estimate and provide it to the Contracting Officer.

The IGCE shall be marked "PROCUREMENT SENSITIVE." Access to the IGCE will be limited to government representatives directly involved in the cost analysis of the solicitation. Additionally, within the Business Clearance Memorandum (BCM), the Contracting Officer is required to state:

- (A) Who prepared the IGCE;
- (B) The date the IGCE was finalized; and
- (C) Confirm that a narrative basis for the IGCE is included in the IGCE document and is adequate to use for evaluation and/or negotiation purposes.

5615.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.

- (a) The weighting assigned will be justified in the Business Clearance Memorandum (BCM).
- (b) The Contracting Officer must include the completed DD Form 1547 in the contract file sent to the SOF AT&L-K Review Board for all actions covered in this Subpart that require review.

5615.406 Documentation.

(Revised December 2015)

See DFARS PGI 215.406-3 for guidance on the use of the Contract Business Analysis Repository (CBAR) for all negotiated pricing actions exceeding \$25M and definitized or awarded actions over \$100M.

5615.406-1 Prenegotiation Objectives.

(Revised January 2014)

(a) Contracting officers shall obtain Business Clearance approval prior to entering into negotiations or discussions. The appropriate Business Clearance approval authority shall approve pre-negotiation objectives. Negotiation objectives shall be documented in Business Clearance Memorandum (BCM) for non-competitive actions and actions using non-formal source selection procedures.

(b) Business Clearance documentation shall include the appropriate documents listed in the Review Package Contents Checklist at [5601-1.1](#) in accordance with [Attachment 5601-1](#) on competitive acquisitions.

5615.406-3-90 Documenting the Negotiation.

(Revised June 2018)

(a) The Business Clearance Memorandum (BCM), used for non-competitive or non-formal source selections, is a record of the business decision process. Contracting officers should tailor this document to meet the specific needs of the procurement. Contracting officers may use the BCM for formal source selections if deemed appropriate.

(b) The Contracting Officer shall obtain Contract Clearance approval after completion of negotiations or discussions and prior to award. The Request for Clearance template (Appendix J of the Source Selection Procedures) can be found in the DCG Table of Contents. The completed BCM including post-negotiation information shall be submitted.

(c) Contract Clearance review and approval may be waived by the Business Clearance approval authority if the negotiated amount is within a range approved in the BCM and a model contract containing all applicable terms and conditions was included with the BCM when it was submitted and was also approved. The Contracting

Officer must obtain Contract Clearance approval if the negotiated price is outside the approved range or the terms and conditions are significantly changed as a result of the negotiations.

- (d) Past performance evaluation documentation shall address reports obtained through the Federal Awardee Performance and Integrity Information System (FAPIIS) or when applicable, state that no information on the contractor was found in FAPIIS.
- (e) The BCM must address the subcontract plan when applicable in accordance with FAR 19.7 and FAR 44.1.
- (f) The Contracting Officer shall insure that all copies of the BCM are marked "FOR OFFICIAL USE ONLY."
- (g) The Determination of Responsibility need not be a separate document when the information required by FAR 9.1 is contained within the BCM.

5615.408 Solicitation Provisions and Contract Clauses.

(Revised August 2017)

- (n) Contracting officers may include a provision substantially the same as the provision at 5652.215-9007, Bill of Materials, in solicitations requiring cost analysis and the Contracting Officer wants offerors to submit a consolidated bill of materials.
- (o) Contracting officers may include a provision substantially the same as the provision at 5652.215-9010, Cost and Pricing Data Not Required, in solicitations when cost or pricing data is not required.
- (p) *(Removed August 2017)*
- (q) *(Removed August 2017)*
- (r) *(Removed August 2017)*

SUBPART 5615.5 – PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS, AND MISTAKES

(Added July 2009)

5615.503 Notifications to Unsuccessful Offerors.

(Added February 2014)

- (a) Preaward notices.
- (2) Preaward notices for small business programs.
- (iii) Even though FAR 15.503(a)(2)(iii) does not require a preaward notice when the contract is entered into under the 8(a) program, USSOCOM contracting officers are required to send preaward notices to all unsuccessful offerors for competitive 8(a) procurements.

5615.505 Preaward Debriefing of Offerors.

- (j) When providing debriefing material to offerors, electronic media may be provided only if the documents have been converted to an Adobe Acrobat .pdf file and the file has been password protected using Adobe Acrobat

version 9 or higher. If the electronic media cannot be converted to .pdf and protected, the hardcopy debriefing material is to be provided via fax after notifying the vendor that a fax is being sent.

5615.506 Postaward Debriefing of Offerors.

- (i) Follow the guidelines in 5615.505 Preaward Debriefing to Offerors.

SUBPART 5615.6 UNSOLICITED PROPOSALS

5615.604 Agency Points of Contact.

(Revised March 2012)

HQ, USSOCOM Unsolicited Proposal Point of Contact shall be the Technical and Industrial Liaison Office (TILO) (SOF AT&L-AS).

5615.606 Agency Procedures.

(Revised March 2012)

Contracting offices with the expertise and resources to do so shall process unsolicited proposals submitted to the activity. Those contracting offices without the resources or expertise to process unsolicited proposals may contact TILO for assistance and guidance.

5615 ATTACHMENTS

Attachment 5615-1: BUSINESS CLEARANCE MEMORANDUM

Attachment 5615-2: BUSINESS CLEARANCE MEMORANDUM SIGNATURE PAGE

HQ, United States Special Operations Command

Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)

SOFARS 5615

February 2007

SOFARS PART 5616 CONTRACT TYPES

SUBPART 5616.3 – COST–REIMBURSEMENT CONTRACTS

5616.307 Contract Clauses.

SUBPART 5616.4 – INCENTIVE CONTRACTS

5616.401 General.

5616.406 Contract Clauses.

SUBPART 5616.5 – INDEFINITE DELIVERY CONTRACTS

5616.503 Requirements Contracts.

5616.504 Indefinite–quantity contracts.

5616.505 Ordering.

5616.505-90 Orders Under Multiple Award Contracts.

5616.506 Solicitation Provisions and Contract Clauses.

SUBPART 5616.6 – TIME AND MATERIALS, LABOR–HOUR, AND LETTER CONTRACTS

5616.601 Time and Material Contracts.

5616.601-90 Contract Clauses.

5616.603 Letter Contracts.

5616.603-3 Limitations.

SUBPART 5616.3 – COST–REIMBURSEMENT CONTRACTS

5616.307 Contract Clauses.

(Revised November 2007)

(j) Contracting officers shall insert a clause substantially the same as 5652.216-9000, Fixed Fee Information, in all cost plus fixed-fee type solicitations and contracts.

(k) Contracting officers may insert 5652.216-9002, Withholding of Fixed Fee or Incentive Fee, in cost-plus fixed fee or cost-plus incentive fee contracts where a reduced withholding percentage is negotiated in accordance with FAR 52.216-8, "Fixed Fee," or FAR 52.216-10, "Incentive Fee."

(l) Contracting officers shall insert a clause substantially the same as 5652.216-9005, Government Down Time for Various Reasons, including the President and the Secretary of Defense, in solicitations and contracts when award of a cost type contract is anticipated.

SUBPART 5616.4 – INCENTIVE CONTRACTS

5616.401 General.

(Added October 2012)

The D&F for award-fee contracts shall be signed by the Director of Procurement. The D&F required by FAR 16.401(d) for all other incentive contracts may be signed by the HCD/FCO.

5616.406 Contract Clauses.

(Revised November 2007)

(f) Contracting officers may insert 5652.216-9002, Withholding of Fixed Fee or Incentive Fee, in cost-plus fixed fee or cost-plus incentive fee contracts where a reduced withholding percentage is negotiated in accordance with FAR 52.216-8, "Fixed Fee," or FAR 52.216-10, "Incentive Fee."

SUBPART 5616.5 – INDEFINITE DELIVERY CONTRACTS

(Added August 2008)

5616.503 Requirements Contracts.

A written Determination and Findings (D&F) approved by the Head of the Contracting Activity (HCA) is required prior to awarding any requirements contracts for HQ, USSOCOM, its components, or subordinate units. The D&F must address the significant benefits derived by the Government of awarding a requirements contract vice an indefinite quantity contract. The D&F must also address the enhanced competition for task and delivery order contract requirements provided in Section 843 of the National Defense Authorization Act for Fiscal Year 2008, as enacted by Public Law 110-181 (reference 23 May 2008 DPAP Memorandum).

5616.504 Indefinite-quantity contracts.

(Removed June 2021)

5616.505 Ordering.

(Revised February 2007)

(a)

(2) Contracting and ordering officers shall document the delivery/task order file with the specific paragraph from the Statement of Work (SOW) that applies to the requirement.

(5) When issuing an order under an IDIQ contract, a separate file or a separate section within the contract file, shall be established and contain all supporting documents of the order in a centralized location. Contracting officers will ensure that all data relevant to the delivery order is contained in the file.

5616.505-90 Orders Under Multiple Award Contracts.

(Revised December 2015)

The Fair Opportunity Exception (FOE) Limited Source J&A template can be found in the DCG Templates.

5616.506 Solicitation Provisions and Contract Clauses.

(Revised June 2018)

(a) Contracting officers may insert a clause substantially the same as 5652.216-9001, Oral Orders – Indefinite Delivery Contracts, in contracts that will permit oral orders to be placed.

(b) Contracting officers shall insert a clause substantially the same as 5652.216-9003, Procedures for Issuing Task/Delivery Orders under Multiple Award, Indefinite Delivery-Indefinite Quantity Contracts, in multiple award, IDIQ contracts.

(1) The Task and Delivery Order Ombudsman is the Special Operations Forces Acquisition, Technology, & Logistics (SOF AT&L) Military Deputy to the Acquisition Executive (MDAE), and can be contacted at OMBUDSMAN@socom.mil

(c) Contracting officers may insert a clause substantially the same as 5652.216-9004, Procedures for Issuing Task/Delivery Orders under Single Award, Indefinite Delivery-Indefinite Quantity Contracts, in single award, IDIQ contracts.

SUBPART 5616.6 – TIME AND MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

5616.601 Time and Material Contracts.

(Revised June 2015)

(a) In addition to the guidance for Time and Material (T&M) contracts found at FAR 16.601(d) and DFARS 216.601(d), a formal Determination and Findings (D&F) is required when a contract contains a T&M CLIN.

5616.601-90 Contract Clauses.

(Revised November 2007)

Contracting officers shall insert a clause substantially the same as 5652.216-9005, Government Down Time for Various Reasons, including the President and the Secretary of Defense, in solicitations and contracts when award of a time and materials or labor-hour type contract is anticipated.

5616.603 Letter Contracts.

5616.603-3 Limitations.

Refer to Attachment 5601-1 for approval levels applicable to D&F requirements for letter contracts. Refer to DFARS 217.74 for additional limitations of the use of letter contracts.

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SOFARS 5616

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SOFARS PART 5617 SPECIAL CONTRACTING METHODS

SUBPART 5617.2 – OPTIONS

5617.202 Use of Options.

5617.204 Contracts.

5617.207 Exercise of Options

5617.207-90 Documenting the Contracting Officer Determination.

SUBPART 5617.5 INTERAGENCY ACQUISITIONS

5617.502-1 General.

5617.502 Procedures.

5617.502-90 Economy Act Determinations.

SUBPART 5617.7 INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

5617.703 Policy

5617.703-91 Use of Non-DoD Contracts and Agencies

5617.703-91.1 Determination and Certification for use of Non-DoD contracts.

SUBPART 5617.74 – UNDEFINITIZED CONTRACT ACTIONS

5617.7404 Limitations.

5617.7404-1 Authorization.

5617.7404-3 Definitization Schedule.

SUBPART 5617.2 – OPTIONS

5617.202 Use of Options.

The Contracting Officer shall not include options on contracts awarded under the authority cited in FAR 6.302-2, Unusual and Compelling Urgency.

5617.204 Contracts.

(e)

(i) The Chief of the Contracting Office making an award in accordance with FAR 17.204 may approve total contract periods in excess of 5 years on a case-by-case basis, unless otherwise prohibited by statute or regulation. This authority shall not be re-delegated.

(A) All approvals shall be made prior to issuing the solicitation and shall be included in the contract file.

(B) The documentation shall specify the reasons a period longer than 5 years is needed, what cost or price and performance risks are associated with the longer period, and how the risks will be mitigated.

5617.207 Exercise of Options

5617.207-90 Documenting the Contracting Officer Determination.

(Revised June 2008)

(a) The determination shall be made in writing and approved by the Contracting Officer prior to issuing a modification to the contractor.

(b) The contracting officer shall also make a determination of contractor responsibility prior to exercising the option (See FAR 9.104).

SUBPART 5617.5 INTERAGENCY ACQUISITIONS

5617.502-1 General.

(Added June 2021)

Follow the guidance at PGI 217.502-1 when using written interagency agreements between the DoD servicing and DoD requesting component.

5617.502 Procedures.

(Renumbered June 2021)

5617.502-90 Economy Act Determinations.

The Economy Act Determination is a decision document from the customer when a Military Interdepartmental Purchase Request (MIPR) is to be sent outside of DoD and placed on contract by another agency.

(a) When the requirement shall be purchased by a non-DoD agency covered by the FAR :

(1) If an Intergovernmental Support Agreement, signed by the SES, Flag, or General Officer is in place, the Contracting Officer may sign the Economy Act Determination.

(2) If the purchase is not covered by a support agreement, the document is reviewed by the contracting and legal offices prior to being signed by a Flag/General Officer or SES.

(b) When the requirement shall be purchased by an agency not covered by the FAR, the document is reviewed by the contracting office and legal prior to being sent to the SPE for signature.

(c) A template for an Economy Act Determination can be found in the Desktop Contracting Guide (DCG). If the template is not used, contracting officers must ensure that all the requirements of FAR 17.502-2(c) are addressed. In addition to those requirements, and in accordance with Section 2330(b)(1)(C)(ii), Title 10, United States Code as amended by Section 801 of the National Defense Authorization Act for Fiscal Year 2002, the decision document must address the following considerations:

(1) Customer needs in terms of quantity, delivery, and price;

- (2) Schedule or performance period;
 - (3) Identification of DoD or USSOCOM unique terms and conditions that must be included in the award document;
 - (4) Contract administration considerations.
- (d) Upon award, the Contracting Officer must ensure that the action is properly reported by the non-DoD agency to the Federal Procurement Data System – Next Generation (FPDS-NG) to facilitate proper reporting of metrics on the use of non-DoD contracts to the Director of Procurement and the Office of the Secretary of Defense.

SUBPART 5617.7 INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

5617.703 Policy

(Renumbered June 2021)

5617.703-91 Use of Non-DoD Contracts and Agencies

5617.703-91.1 Determination and Certification for use of Non-DoD contracts.

- (a) A determination for use of a Non-DoD contract or agency must be prepared prior to placing any order greater than the simplified acquisition threshold against a Non-DoD contract. This determination must be coordinated between the requesting organization and the contracting office. Comptroller coordination is required to ensure that the funding appropriation is consistent with the supplies or services to be acquired. Both the using organization and contracting office must certify the determination document prior to placing an order against a non-DoD contract. A copy of the certified determination must be retained in the contract file.
- (b) A certified determination must be completed when transferring money to a non-DoD agency. The determination must be certified by the requesting activity and a contracting officer from the purchasing agency prior to legal review. A copy of the certified determination must accompany the inter-departmental purchase request.
- (c) A template for the Determination for Use of a Non-DoD Contract, as well as further information, can be found in the DCG. When the template is not used, Contracting Officers must ensure that the determination document addresses each of the following considerations:
- (1) Customer needs in terms of quantity, delivery, and price;
 - (2) Cost effectiveness, including fees and discounts;
 - (3) Performances of market research and identification of multiple sources;
 - (4) Whether the requirement is within the scope of the intended contract vehicle;
 - (5) Small business considerations such as bundling or subcontracting opportunities;
 - (6) Schedule or performance period;
 - (7) Identification of DoD or USSOCOM unique terms and conditions that must be included in the award document;

- (8) Contract administration considerations;
 - (9) Consistency of the funding appropriation.
- (d) Upon award, the Contracting Officer must ensure that the action is properly reported to the Federal Procurement Data System – Next Generation (FPDS-NG) to facilitate proper reporting of metrics on the use of non-DoD contracts to the Director of Procurement and the Office of the Secretary of Defense.

SUBPART 5617.74 – UNDEFINITIZED CONTRACT ACTIONS

5617.7404 Limitations.

5617.7404-1 Authorization.

(Revised November 2018)

- (a) At a minimum, when submitting a Undefinitized Contract Action (UCA) request to the Directorate of Procurement, the cognizant Requiring Activity Official will provide:
- (1) An Independent Government Cost Estimate;
 - (2) A detailed statement of objectives/statement of work delineating the program requirement, quantities, item(s) description, and delivery schedule and/or other documentation requirement by the Contracting Officer.
 - (3) Certified Funding
- (b) The Requiring Activity, in coordination with the Contracting Officer shall prepare the Determination and Finding and obtain the HCA's approval prior to issuing a UCA. The DoD UCA Template is included in DFARS PGI 217.7404-1(2). When submitting a UCA for review, a draft of the letter contract must be provided.
- (c) Any changes to the original UCA requirements, quantities, or estimated cost must be submitted by the requiring activity and approved by the HCA as amended verbiage to the UCA D&F. The appropriate NTE changes should be included in the amended D&F.
- (d) See the DCG for the responsibilities for recording and tracking UCAs.

5617.7404-3 Definitization Schedule.

- (a)
- (3) A request to exceed the limitations of the definitization schedule of an UCA beyond the dates established in DFARS 217.7404-3(a) shall be submitted for approval to the HCA.
- (4) The request shall include a statement detailing the actions taken to enforce the milestone schedule. If applicable, provide a detailed explanation of any government caused delay or any government action resulting in a substantial contribution to the delay.

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SOFARS 5617

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SOFARS PART 5619 SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

SUBPART 5619.2 – POLICIES

SUBPART 5619.201 General Policy.

SUBPART 5619.7 – THE SMALL BUSINESS SUBCONTRACTING PROGRAM

5619.705 Responsibilities of the Contracting Officer Under the Subcontract Assistance Program.

5619.705-3 Preparing the Solicitation.

5619.705-4 Reviewing the Subcontract Plan.

SUBPART 5619.2 – POLICIES

SUBPART 5619.201 General Policy.

(Revised October 2010)

(d)(10)(1) The Small Business Coordination Record (DD 2579) shall be completed by the contract specialist and reviewed by the Small Business Specialist on all acquisitions (including Federal Supply Schedule orders) over \$10,000, except those under the simplified acquisition threshold that are totally set aside for small business concerns.

(2) Reserved.

(3) Attach the Market Research Report (see DCG) to the Small Business Coordination Record (DD 2579) when submitting the DD 2579 for approval of acquisitions above the simplified acquisition threshold. Market research policies are located in FAR, DFARS, and SOFARS Part 10.

SUBPART 5619.7 – THE SMALL BUSINESS SUBCONTRACTING PROGRAM

(Added January 2009)

5619.705 Responsibilities of the Contracting Officer Under the Subcontract Assistance Program.

5619.705-3 Preparing the Solicitation.

(Revised January 2018)

The contracting officer shall provide the small business specialist five (5) business days prior to issuing the solicitation. The small business specialist will forward the solicitation to the PCR. After five business days have elapsed without input from the small business specialist or PCR, the contracting officer may proceed with release of the solicitation.

5619.705-4 Reviewing the Subcontract Plan.

(d) All subcontracting plans that contain a Small Disadvantage Business goal of less than 5% must be approved one level above the contracting officer. If the primary contracting officer is also the office/division chief, then forward the subcontracting plan to the command's Director of Small Business Programs for approval.

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SOFARS 5619

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SOFARS PART 5622 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

5622.001 – DEFINITIONS

SUBPART 5622.1 – BASIC LABOR POLICIES

5622.103 Overtime.

5622.103-4 Approvals.

5622.001 – DEFINITIONS

(Added January 2015)

The “Agency Labor Advisor” is an individual responsible for advising contracting agency officials on Federal contract labor matters. The Agency Labor Advisor for USSOCOM is the Air Force Labor Advisor (Eastern Region) who can be reached at <http://www.wdol.gov/ala.aspx>.

SUBPART 5622.1 – BASIC LABOR POLICIES

(Added May 2014)

5622.103 Overtime.

5622.103-4 Approvals.

(a) The contracting officer is designated the agency approving official.

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SOFARS 5622

February 2014

SOFARS PART 5623 ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

SUBPART 5623.4 Use of Recovered Materials

5623.404 Agency Affirmative Procurement Programs.

5623.405 Procedures.

SUBPART 5623.4 Use of Recovered Materials

5623.404 Agency Affirmative Procurement Programs.

(Revised February 2007)

(a) Each contracting office shall refer to the Affirmative Procurement Plan (APP) (i.e. Green Procurement Plan (GPP)) of its host base for guidance on the promotion, compliance, and preference for use of recovered materials. Web sites for Army, Air Force, and Navy APPs can be found in the USSOCOM Desktop Resource Center (DCG).

(c) The Defense Acquisition University Government Purchase Card (GPC) tutorial provides USSOCOM approving officials and cardholders with guidance on the purchase of EPA-designated products at or below the micro-purchase threshold as required by FAR.

5623.405 Procedures.

(c) Refer to the USSOCOM DCG for a template of the written justification required by FAR 23.405(b)(2).

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SOFARS 5624

February 2007

SOFARS PART 5624 PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 5624.2 – FREEDOM OF INFORMATION ACT

5624.203 Policy.

(Revised June 2021)

Each contracting office shall utilize their component's Freedom of Information Act (FOIA) office process. Contracting offices may contact USSOCOM Command Information Services Division FOIA Manager (SOCS-SJS-VI) for additional assistance.

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SOFARS 5624

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SOFARS PART 5625 – FOREIGN ACQUISITION

SUBPART 5625.1 BUY AMERICAN ACT — SUPPLIES

5625.103 Exceptions.

SUBPART 5625.8 – OTHER INTERNATIONAL AGREEMENTS AND COORDINATION (Removed August 2017)

SUBPART 5625.9 – CUSTOMS AND DUTIES (Removed June 2021)

SUBPART 5625.1 BUY AMERICAN ACT — SUPPLIES

5625.103 Exceptions.

Where throughout DFARS 225.103 the approval level is stated as Head of Agency (HOA) or Head of Contracting Activity (HCA), the approval authority for USSOCOM is the Director of Procurement (DOP).

SUBPART 5625.8 – OTHER INTERNATIONAL AGREEMENTS AND COORDINATION (Removed August 2017)

SUBPART 5625.9 – CUSTOMS AND DUTIES (Removed June 2021)

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SOFARS 5625

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SOFARS PART 5627 PATENTS, DATA, AND COPYRIGHTS

SUBPART 5627.3 – PATENT RIGHTS UNDER GOVERNMENT CONTRACTS

5627.305 Administration of Patent Rights.

5627.305-3 Securing invention rights acquired by the Government.

SUBPART 5627.70 – INFRINGEMENT CLAIMS, LICENSES, AND ASSIGNMENTS

5627.7004 Requirements for Filing an Administrative Claim for Patent Infringements.

SUBPART 5627.3 – PATENT RIGHTS UNDER GOVERNMENT CONTRACTS

5627.305 Administration of Patent Rights.

(Revised June 2021)

5627.305-3 Securing invention rights acquired by the Government.

(a) Upon receipt of a DD form 882, Report of Inventions and Subcontracts, as prescribed in DFARS 227.304-1, or a letter prepared in accordance with relevant patent rights clause(s), contracting officers shall immediately forward the submission to the RAO to confirm that the contractor has reported all subject inventions. Forward the DD882 or other submission, along with the RAO input, to legal counsel for review and appropriate action. See DCG templates for process flowchart and guidance.

(b) No legal review of the DD882 is required for phase I SBIR contracts if:

- (i) the KO obtains written assertion from the RAO stating that they have reviewed all interim and final report/data, deliverables, and,
- (ii) the RAO concur with the contractor's affirmations on the DD882 that no patents are applicable.

SUBPART 5627.70 – INFRINGEMENT CLAIMS, LICENSES, AND ASSIGNMENTS

5627.7004 Requirements for Filing an Administrative Claim for Patent Infringements.

(Revised July 2010) (Revised September 2013-reorganization)

(a) All contracting offices shall acknowledge receipt of patent right allegations and then forward a copy of the documents to SOF AT&L-KM/KX/KB as appropriate, and legal counsel.

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Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L)

SOFARS 5627

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SOFARS PART 5628 BONDS AND INSURANCE

SUBPART 5628.1 BONDS

5628.103 Performance and Payment Bonds for Other than Construction Contracts.

5628.103-1 General.

5628.106 Administration.

5628.106-90 Review of Bonds and Notification of Surety.

SUBPART 5628.3 INSURANCE

5628.310 Contract Clauses for Work on a Government Installation.

5628.370 Additional Clauses.

SUBPART 5628.1 BONDS

5628.103 Performance and Payment Bonds for Other than Construction Contracts.

5628.103-1 General.

Any decision to require performance and payment bonds for supply or service contracts must be approved by the Chief, Contracting Office, shall be obtained prior to issuance of the solicitation. The contract file will contain complete documentation of the rationale for the decision to require bonds.

5628.106 Administration.

5628.106-90 Review of Bonds and Notification of Surety.

All performance and payment bonds and all consents of surety shall be reviewed using the Air Force form 3012 or similar format. The review and documented in the contract file. When doubt of legal sufficiency exists, legal counsel shall be sought.

SUBPART 5628.3 INSURANCE

5628.310 Contract Clauses for Work on a Government Installation.

(Revised August 2016)

Contracting officers shall insert a clause substantially the same as 5652.228-9000, Required Insurance, in solicitations and contracts that include 52.228-5, Insurance - Work on a Government Installation and requiring work be performed on a government installation.

5628.370 Additional Clauses.

(Revised December 2011)

(g) For contracts utilizing the clauses specified in DFARS 228.370, paragraphs (b) and (c), the Contracting Officer is delegated the authority to appoint the Ground Flight Representative (GFR).

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SOFARS 5628

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SOFARS PART 5629 TAXES

SUBPART 5629.4 – CONTRACT CLAUSES

5629.401 Domestic Contracts

5629.401-6 Gross Receipts and Compensating Tax

5629.401-6-90 Procedures for authorizing the use of FAR 52.229–10, State of New Mexico Gross Receipts and Compensating Tax

SUBPART 5629.4 – CONTRACT CLAUSES

5629.401 Domestic Contracts

5629.401-6 Gross Receipts and Compensating Tax

5629.401-6-90 Procedures for authorizing the use of FAR 52.229–10, State of New Mexico Gross Receipts and Compensating Tax

(Revised May 2016)

United States Special Operations Command completed the NM-SOCOM Tax Agreement required by FAR 29.401-4(b), effective December 12, 2002. However, until such time as the agency is added to the list published in FAR, contracting officers must receive approval prior to including the clause in any cost-reimbursement contract performed in the State of . Contracting officers must follow the procedures at 5601.304(4)(b)(1) used to authorize one-time use clauses, until United States Special Operations Command's name is added to FAR 29.401-4(c)(1).

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SOFARS PART 5631 CONTRACT COST PRINCIPLES AND PROCEDURES

SUBPART 5631.2 – CONTRACTS WITH COMMERCIAL ORGANIZATIONS

5631.205 Selected Costs.

5631.205-32 Pre-Contract Costs.

5631.205-46 Travel Costs (Removed August 2017).

SUBPART 5631.2 – CONTRACTS WITH COMMERCIAL ORGANIZATIONS

5631.205 Selected Costs.

5631.205-32 Pre-Contract Costs.

(Revised August 2017)

(a) Pre-Contract cost authorization shall be reviewed by legal counsel and approved by the cognizant HCD or FCO before issuance. As a condition precedent to the use of a pre-contract cost agreement, the correct type of funds must be available upon issuance of the pre-contract cost agreement. Authorization must be in writing and shall address the following:

(i) The necessity for the contractor to initiate work prior to contract award

(ii) The start date of such contractor effort

(iii) The total estimated time of the advanced effort

(iv) The cost limitation

(b) Indicate on the Standard Form 26, Award/Contract, Block 15, and in Section G of any resultant contract the date pre-contract costs were approved. This notifies the payment office that the pre-contract costs are allowable and that the contractor may be reimbursed. The effective date of the contract shall be the date parties reach a bilateral agreement.

(c) Pre-contract cost authorization shall not be used to cover a period in excess of 30 days or \$100,000, unless a longer period/larger dollar threshold is approved by the HCA via a written determination and findings that such an allowance is reasonable, and shall not be extended or renewed.

(d) *(Removed August 2017).*

5631.205-46 Travel Costs (Removed August 2017).

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SOFARS 5631

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SOFARS PART 5632 – CONTRACT FINANCING

SUBPART 5632.4 – ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

5632.409-1 Recommendation for Approval.

SUBPART 5632.7 – CONTRACT FUNDING (Removed August 2017)

SUBPART 5632.9 – PROMPT PAYMENT (Removed June 2018)

SUBPART 5632.70 – ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS AND RECEIVING REPORTS

SUBPART 5632.4 – ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

(Added June 2018)

5632.409-1 Recommendation for Approval.

The approving authority for advanced payments is the Director of Procurement.

SUBPART 5632.7 – CONTRACT FUNDING (Removed August 2017)

SUBPART 5632.9 – PROMPT PAYMENT (Removed June 2018)

SUBPART 5632.70 – ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS AND RECEIVING REPORTS

(Updated June 2018)

See DCG for WAWF Alternate Payment Instructions.

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SOFARS PART 5633 – PROTESTS, DISPUTES AND APPEALS

SUBPART 5633.1 PROTESTS

5633.102 General.

5633.103 Protests to the Agency.

5633.104 Protests to GAO.

5633.106 Solicitation Provisions and Contract Clauses.

SUBPART 5633.2 – DISPUTES AND APPEALS

5633.209 Suspected Fraudulent Claims.

5633.211 Contracting Officers Decision

5633.212 Contracting Officer Duties Upon Appeal.

SUBPART 5633.1 PROTESTS

5633.102 General.

(Revised December 2015)

(a)

(1) Upon receipt of a protest or notification of an upcoming protest, either before or after an award and whether filed directly with the agency, the Government Accountability Office (GAO), the Small Business Administration (SBA)/Office of Hearing and Appeals (OHA), or the courts, contracting officers must immediately email notification to their LNO. The LNO will notify the Director of Procurement, the Deputy Director of Procurement, Chief SOF AT&L-KM, KX, or KB as appropriate, SOJA-AQ, and the Requiring Activity Official (RAO). The format for the notification email shall include:

(i) Summary: Description of supplies or services, RFP release date, periods of performance. Provide type of protest (e.g. agency or to GAO); pre or post award protest, and general basis for the protest.

(ii) Unit Impact: Describe the impact to the requiring activity (e.g. loss of continuing service, delay in new equipment or services). In general, address how the requiring activity is affected by any delays or actions associated with the protest.

(iii) GAO or Agency Decision Timeline: Date decision is expected or the protest is otherwise resolved.

(2) See the DCG for the responsibilities for recording and tracking protests.

5633.103 Protests to the Agency.

(Revised November 2018)

(d)

(3) Agency protest decisions shall be made by the Contracting Officer.

(A) When the contract requires contract clearance review by SOF AT&L-KM, KX, or KB as appropriate, include the protest with the contract award documentation forwarded for review.

(B) When the contact requires contract clearance review by SOF AT&L-KM, KX, or KB as appropriate, and a protest is received while the contract is being reviewed for clearance, immediately forward the protest to SOF AT&L-KM, KX, or KB as appropriate for inclusion in the contract award documentation.

(C) If the protest is received prior to award, contracting officers shall suspend award IAW FAR 33.103(f) (see f(1) below regarding override decisions).

(4)

(A) Within 10 calendar days of receipt of a request for independent review IAW FAR 33.103(d)(4), the Contracting Officer shall forward to their assigned SOF AT&L-KM, KX, or KB LNO all the supporting documentation required using the D&F format to issue a decision. All decisions and recommended actions issued as the result of an independent review shall be approved at two (2) levels above the KO.

(B) Changes in the status of the protest that are deemed significant by the contracting officer, such as the filing of a protest with GAO, the withdrawal of a protest with GAO, or denial of a protest, shall be promptly disseminated to the offices that received the initial protest alert. Electronic transmittal is acceptable.

(f)(1) The Director of Procurement (DOP) shall make the determination to proceed with award prior to resolution of protest.

(Added November 2007)

Follow the procedures in the DCG for Preparing Automatic Stay Override Determination and Findings.

5633.104 Protests to GAO.

(Revised December 2013)

(a)(2) SOJA-AQ will coordinate filing the agency response and other protest matters through the Commercial Litigation Field Support Center within the Air Force Legal Operations Agency to GAO.

5633.106 Solicitation Provisions and Contract Clauses.

(Revised November 2018)

Contracting Officers shall insert clause 5652.233-9000, Independent Review of Agency Protest Decision, in all solicitations.

SUBPART 5633.2 – DISPUTES AND APPEALS

5633.209 Suspected Fraudulent Claims.

Contracting officers shall report suspected fraudulent claims to the nearest Inspector General (IG) office.

5633.211 Contracting Officers Decision

(Added August 2015)

(5) Provide a copy of the written decision to SOF AT&L-KM/, KX, or KB as appropriate, for review prior to providing a copy to the contractor.

5633.212 Contracting Officer Duties Upon Appeal.

(a) Legal counsel represents USSOCOM before the ASBCA. Contracting officers shall send a copy of any notice of an appeal to the ASBCA and legal counsel with the envelope in which the notice was received. If the contractor files an appeal with the Contracting Officer instead of the ASBCA, the Contracting Officer shall immediately note the date on which the appeal was received and forward the appeal to the ASBCA along with the envelope in which the appeal was sent. Copies of both shall be sent to legal counsel.

(b) Upon learning of an appeal to the ASBCA, the Contracting Officer shall comply with Rule 4 of the ASBCA Rules ([DFARS Appendix A, Part 2](#)). In assembling the file of documents under Rule 4 (known as a Rule 4 File), the Contracting Officer shall not include any legal opinions or intergovernmental documents of the types described in the Freedom of Information Act, Privacy Act and [DFARS Subpart 224.2](#), without the concurrence of legal counsel. The Contracting Officer shall transmit any questions concerning whether or not a particular document should be included in the Rule 4 File to legal counsel for resolution prior to completing and forwarding the Rule 4 File. In assembling the Rule 4 File, the Contracting Officer shall separately tab and index each document. Prior to forwarding the Rule 4 File to the ASBCA Recorder and the contractor, the contracting officers shall submit the file to the legal counsel for review and approval to assure completeness and to prevent accidental disclosure of privileged material. Thereafter, all three copies may be mailed concurrently. Neither contractors nor their representatives shall be given access to government files or documents other than the Rule 4 File without specific approval of legal counsel.

(c) While an appeal is pending, contracting officers shall render all assistance requested by legal counsel, including, but not limited to, locating and arranging for the presence of all potential Government witnesses, and marshaling Government records or other required physical evidence for conferences and hearings necessary to defend or otherwise dispose of an appeal.

(d) Contracting officers shall immediately contact legal counsel upon receipt of notification that an action has been filed in the United States Claims Court. Provide legal counsel with a copy of the actual notice. Contracting officers shall assist legal counsel as requested in preparing the litigation report.

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SOFARS 5633

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SOFARS PART 5637 – SERVICE CONTRACTING

SUBPART 5637.1 SERVICE CONTRACTS — GENERAL

5637.102 Policy.

5637.103-90 Contracting Officer Responsibility.

5637.104 Personal Service Contracts.

5637.110 Solicitation Provisions and Contract Clauses.

5637.170 Approval of contracts and task orders for services.

5637.170-2 Approval Requirements.

SUBPART 5637.2 ADVISORY AND ASSISTANCE SERVICES

5637.203 Policy.

5637.204 Guidelines for Determining Availability of Personnel.

SUBPART 5637.5 MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

5637.503 Agency–Head Responsibilities

5637.590-90 Contractor Manpower Reporting

SUBPART 5637.1 SERVICE CONTRACTS — GENERAL

5637.102 Policy.

(Revised August 2016)

(a) See 5609.901 for Guidance on Contractors in the Federal Workplace.

(b) Acquisition of Services shall be in accordance with DoD Instruction 5000.74. The Senior Services Manager (SSM) for USSOCOM has delegated the decision authority for Service Category V acquisitions (estimated total value of the SAT or more but less than \$10M) to the Component and Theater Special Operations Command (TSOC) level, unless otherwise directed. Components and TSOC contracting offices shall ensure requiring activities obtain service acquisition approval IAW local procedures. The contract file shall contain the approved acquisition strategy.

(1) To ensure effective management, planning, and execution of services acquisitions at the Component/TSOC level, SOF AT&L-KM will pull quarterly reports for submission to PEO-SV. As part of the oversight in services acquisitions for USSOCOM, the SSM or designee may participate in milestone decision briefs, execution reviews, and/or Procurement Management Reviews.

5637.103-90 Contracting Officer Responsibility.

(Revised August 2016)

See FAR 37.103(e) for reporting requirements.

5637.104 Personal Service Contracts.

(b)(1) If a request for approval of a personal service contract is submitted in accordance with DFARS 237.104(b)(i), the following additional information shall be furnished:

- (a) The requiring activity's initial request signed by the Requiring Activity Official (RAO);
- (b) A determination and findings (D&F);
- (c) A review sheet coordinated in accordance with Attachment 5601-1;
- (d) Documentation of Contracting Officer coordination; and
- (e) A narrative requesting the approval authority signs the required D&F.

5637.110 Solicitation Provisions and Contract Clauses.

(Revised August 2017)

(a) *(Removed August 2017).*

(b) When a service contract Statement of Work (SOW) contains key personnel, contracting officers may insert a clause substantially the same as 5652.237-9001, Key Personnel Requirements.

5637.170 Approval of contracts and task orders for services.

(Revised April 2015)

See **DCG** for service requirement (SR) approval and reporting policy and responsibilities.

5637.170-2 Approval Requirements.

(Revised October 2015)

Contracts or task orders valued at or below \$93 million that are not performance-based must be approved by an HCD or FCO Chief. For acquisitions exceeding \$93 million, obtain the approval of the senior procurement executive.

SUBPART 5637.2 ADVISORY AND ASSISTANCE SERVICES

5637.203 Policy.

(Removed April 2017)

5637.204 Guidelines for Determining Availability of Personnel.

(a) Contractor personnel shall not be utilized on proposal evaluation teams without the written approval of the Director of Procurement (DOP) or designee. The RAO must provide written justification in accordance with FAR 37.203(d) as to why contractor support must be used instead of using federal employees.

SUBPART 5637.5 MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

5637.503 Agency–Head Responsibilities

Per 5601.601(2), the Director of Procurement (DOP) is delegated the authority to act in accordance with this paragraph.

5637.590-90 Contractor Manpower Reporting

(Revised June 2021)

Title 10, U.S.C., Sections 235 and 2330a establish the requirement to report on manpower functions and costs under services contracts. Contractors were previously required to report on manpower to eCMRA; however, beginning with the FY20 reporting period (FY21 Q1) reporting will be done in SAM. FAR 4.1705 provides specifics on the data to be reported and applicable clauses.

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SOFARS PART 5639 – ACQUISITION OF INFORMATION TECHNOLOGY

SUBPART 5639.1 GENERAL

5639.105 Privacy.

5639.105-90 Policy.

SUBPART 5639.1 GENERAL

5639.105 Privacy.

5639.105-90 Policy.

(d) The requiring activity will address the need for privacy protection in the specifications or Statement of Work (SOW). Contracting officers will notify the appropriate organization or office when it intends to issue a solicitation for items or services with an element of privacy protection. Contracting officers will identify the point of contact or agency responsible for oversight of privacy protection to the contractor after award.

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SOFARS PART 5642 – CONTRACT ADMINISTRATION AND AUDIT SERVICES

SUBPART 5642.2 CONTRACT ADMINISTRATION SERVICES

5642.202 Assignment of Contract Administration.

SUBPART 5642.4 CORRESPONDENCE AND VISITS

5642.490 Contract Clauses.

SUBPART 5642.15 CONTRACTOR PERFORMANCE INFORMATION

5642.1503 Procedures.

SUBPART 5642.2 CONTRACT ADMINISTRATION SERVICES

5642.202 Assignment of Contract Administration.

(Revised June 2021)

(a) USSOCOM Directorate of Procurement policy is to transfer all contract administrative responsibility to the servicing DCMA on all contracts over \$350,000 not purchased in accordance with FAR Part 12, except where required by statute or excluded from DCMA responsibility. Exception may be granted by:

- (1) Contracting Officer determination to be in the best interest of the organization to retain ACO responsibilities at the local office.
- (2) Determination that it is most effective to transfer only partial responsibility to the DCMA.

The decision should be based on providing the best service to the customer and the capabilities of the contracting office. Both determinations should be made in writing and maintained in the contract file.

(b) The transmittal of the contract shall be accomplished in a manner that will provide documentation of confirmation of receipt by the DCMA office.

(c) *(Removed 2017)*

SUBPART 5642.4 CORRESPONDENCE AND VISITS

5642.490 Contract Clauses.

(Added February 2014)

The contracting officer shall insert the clause substantially the same as 5652.242-9002, Accounting for Common Access Cards (CACs) for Contractor Personnel Departing HQ USSOCOM, in solicitations and contracts and or task orders that require contractor personnel to meet one or both of the following criteria:

- (a) Require logical access to Department of Defense computer networks and systems in either the unclassified environment or the classified environment where authorized by governing security directives; and/or
- (b) Perform work which requires the use of a CAC for installation entry control or physical access to facilities and buildings.

SUBPART 5642.15 CONTRACTOR PERFORMANCE INFORMATION

5642.1503 Procedures.

(Revised June 2021)

(d)

(1) USSOCOM HCDs and FCOs shall use the Contractor Performance Assessment Reporting System ([CPARS](#)) as the method to record evaluations of contractor performance.

(2) Those contractor performance evaluations involving national security/classified contract actions shall not be entered into CPARS; however, they must follow CPARS reporting requirements in conjunction with the individual program security requirements.

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SOFARS 5642

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SOFARS PART 5643 CONTRACT MODIFICATIONS

SUBPART 5643.1 GENERAL

5643.105 Availability of Funds

SUBPART 5643.1 GENERAL

5643.105 Availability of Funds

(Revised October 2012)

(c)

(1) Prior to issuing a modification that affects contract funding after the contract is physically complete, for which the appropriations may be either expired, cancelled, or closed, contracting officers must coordinate the action with the servicing Comptroller Office to ensure fund availability and prevent improper or illegal adjustments to cancelled appropriations. The contract file must contain documentation of the coordination efforts.

(2) Contracting officers will coordinate all modifications to contracts with expired, cancelled, or closed appropriation with the serving legal office prior to execution.

(d) Modifications must not be executed for the purpose of using or redistributing unspent balances of expired, closed, or cancelled appropriations without prior coordination with the serving legal office.

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SOFARS 5643

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SOFARS PART 5646 QUALITY ASSURANCE

SUBPART 5646.7 – WARRANTIES

5646.706 Warranty Terms and Conditions.

SUBPART 5646.7 – WARRANTIES

5646.706 Warranty Terms and Conditions.

Contracts containing a warranty clause will not be closed out before the warranty period has expired.

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SOFARS 5646

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SOFARS PART 5647 TRANSPORTATION

SUBPART 5647.4 AIR TRANSPORTATION BY U.S. FLAG CARRIERS

5647.402 Policy

5647.402-9000 Flight Service Contract Distribution and Reporting.

SUBPART 5647.4 AIR TRANSPORTATION BY U.S. FLAG CARRIERS

5647.402 Policy

5647.402-9000 Flight Service Contract Distribution and Reporting.

- (a) Whenever flight services are procured from an USAF Air Mobility Command (AMC) approved carrier (FAA 135 carriers), a copy of the contract must be forwarded to: HQ AMC/A3BS, 402 Scott Drive, Unit 3A1, Scott AFB, IL 62225-5302. The point of contacts are the AMC Transportation Assistants, at DSN 779-4801. If EDA distribution is utilized, provide an e-mail notice of the contract posting to the EDA site.
- (b) Report the following information on contracts with USAF AMC approved carriers to AMC Transportation Assistants on a quarterly basis:
 - (1) Total cost of contract awards;
 - (2) Total number of passengers;
 - (3) Provide a list of open contracts for the period, including contract number, contractor's name, total award dollars, and the number of passengers carried.

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SOFARS 5647

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SOFARS PART 5649 TERMINATION OF CONTRACTS

SUBPART 5649.1 – GENERAL PRINCIPLES

5649.101 Authorities and Responsibilities.

SUBPART 5649.4 – TERMINATION NOTIFICATION

5649.470 Required Reporting of all Notification for Termination for Cause and Termination for Default

SUBPART 5649.6 – CONTRACT TERMINATION FORMS AND FORMATS

5649.607 Delinquency Notices.

SUBPART 5649.1 – GENERAL PRINCIPLES

5649.101 Authorities and Responsibilities.

(f) Contracting officers shall coordinate termination actions as necessary with the servicing Defense Contract Management Agency (DCMA) office and request in writing that DCMA perform the Termination Contracting Officer (TCO) functions in accordance with FAR 49.105.

SUBPART 5649.4 – TERMINATION NOTIFICATION

(Added August 2008)

5649.470 Required Reporting of all Notification for Termination for Cause and Termination for Default

(Revised December 2015)

- (a) No later than five (5) calendar days after issuing a “show cause notice” IAW FAR 49.607, regardless of contract dollar value, the contracting officer shall furnish a copy of the notice to SOF AT&L-KM.
- (b) No later than three (3) calendar days prior to issuing any notice of termination for cause or default, regardless of contract dollar value, the contracting officer shall report the potential termination action to SOF AT&L-KM.
- (c) Follow the procedures at FAR 42.1503 (h) for reporting a final termination for cause or default notice in the Federal Awardee Performance and Integrity Information System (FAPIIS) module of CPARS.
- (d) The information required for inclusion is:
 - (i) Date of Action (when termination for default or termination for cause was signed)
 - (ii) Contractor Name (doing business as (DBA name) optional), DUNS Number, CAGE Code, and Full Physical Address
 - (iii) Contract Number
 - (iv) Modification issuing the termination
 - (v) PSC Code

(vi) NAICS

(vii) Office Code

(viii) Contracting Officer Name, Address, E-mail Address, and Phone Number

(ix) Reason for Termination

(x) Estimated Dollar Value of Contract

(xi) Estimated Dollar Value of Termination

(xii) Any other information that the Contracting Officer determines is relevant.

SUBPART 5649.6 – CONTRACT TERMINATION FORMS AND FORMATS

5649.607 Delinquency Notices.

(Revised November 2007)

Any actions relating to delinquent contractors, including Termination for Default, Cure Notice, and Show Cause Notice, must be coordinated with legal counsel. A copy of all Cure and Show Cause Notices to small business firms must be furnished to the OSBP concurrent to the notice being sent to the contractor. The contractor's response or lack of response within the allotted time period, as well as any relevant documentation related to the contractor's response, must be furnished to legal counsel for review on all contracts.

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SOFARS 5649

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SOFARS PART 5652 SOLICITATION PROVISIONS AND CONTRACT CLAUSES

[5652.204-9004 Foreign Persons \(2006\) Section K](#)

[5652.209-9002 Use of Contractor Support/Advisory Personnel for Review of Proposals \(2015\) Section L](#)

[5652.209-9003 Use of Contractor Support/Advisory Personnel \(2015\) Section H](#)

[5652.214-9002 Notice of Pre-bid Conference \(2003\) Section L](#)

[5652.214-9003 Price History \(2001\) Section L](#)

[5652.215-9001 Notice of Pre-proposal Conference \(2001\) Section L](#)

[5652.215-9007 Bill of Materials \(1998\) Section L](#)

[5652.215-9008 Past Performance Data \(2001\) Section L](#)

[5652.215-9009 Personnel Changes before Award \(2008\) Section L](#)

[5652.215-9010 Cost and Pricing Data Not Required \(1998\) Section L](#)

[5652.215-9012 Basis for Award \(2001\) Section M](#)

[5652.215-9014 Basis for Award—Lowest Price Technically Acceptable Proposal \(2003\) Section M](#)

[5652.215-9015 Evaluation of Offers – Full Quantity \(2003\) Section M](#)

[5652.216-9000 Fixed Fee Information \(2003\) Section G](#)

[5652.216-9001 Oral Orders – Indefinite Delivery Contracts \(2005\) Section I](#)

[5652.216-9002 Withholding of Fixed Fee or Incentive Fee \(2005\) Section I](#)

[5652.216-9003 Procedures for Issuing Task/Delivery Orders under Multiple Award, Indefinite Delivery–Indefinite Quantity Contracts \(2020\) Section H](#)

[5652.216-9004 , Procedures for Issuing Task/Delivery Orders under Single Award, Indefinite Delivery–Indefinite Quantity Contracts \(2003\) Section H](#)

[5652.216-9005 , Government Down Time for Various Reasons \(2005\) Section I](#)

[5652.228-9000 Required Insurance \(2015\) Section G](#)

[5652.232-9001 Invoicing \(2005\) Section I \(Removed June 2018\)](#)

[5652.232-9003 Paying Office Instructions \(2011\) Section G \(Removed June 2018\)](#)

[5652.232-9006 Electronic Distribution of Vouchers/Invoices Using Alternative to WAWF \(2011\) Section G \(Removed June 2018\)](#)

[5652.232-9007 Manual Distribution of Vouchers/Invoices \(2011\) Section G \(Removed June 2018\)](#)

[5652.233-9000 Independent Review of Agency Protest Decision \(2018\) Section I](#)

[5652.237-9001 Key Personnel Requirements \(2003\) Section I](#)

[5652.242-9002 Accounting for Common Access Cards \(CACs\) for Contractor Personnel Departing HQ USSOCOM \(2014\) Section I](#)

5652.204-9004 Foreign Persons (2006) Section K

As prescribed in 5604.404-80, insert the following clause,

In accordance with restrictions required by Executive Order 12470, the Arms Export Control Act (Title 22, USC) (Sec 275), the International Traffic in Arms Regulation (ITAR), or DoD Directive 5230.25, Withholding of Unclassified Technical Data from Public Disclosure, no foreign persons will be permitted to work on a contract without notifying the Contracting Officer. Provide the following information for all foreign persons who will be working on the contract (or "X" here if there are no such individuals: ____):

- (1) Full Name:
- (2) Date of Birth:
- (3) Place of Birth:
- (4) Nationality:
- (5) Social Security Number:
- (6) Visa Status:
- (7) Current Address:
- (8) If a Subcontractor, Subcontractor Name and Address:
- (9) Biographic data and/or resume

5652.209-9002 Use of Contractor Support/Advisory Personnel for Review of Proposals (2015) Section L

(Revised August 2015)

As prescribed in 5609.507-1, insert the following provision,

The offeror's attention is directed to the fact that contractor personnel may review and provide support during proposal evaluations. When appropriate, the following contractor personnel may have access to offeror's proposals and may be utilized to objectively review a proposal in a particular functional area and provide comments and recommendations to the Government's decision makers. They may not establish final assessments of risk, rate or rank offerors' proposals. All advisors shall comply with procurement Integrity Laws and shall sign Non-Disclosure and Rules of Conduct/Conflict of Interest statements. The Government shall take into consideration requirements for avoiding conflicts of interest and ensure advisors comply with safeguarding source selection and proprietary data. Submission of proposal in response to the solicitation constitutes approval to release the proposal to Government Support Contractors.

List applicable vendors involved in the source selection.

5652.209-9003 Use of Contractor Support/Advisory Personnel (2015) Section H

(Revised August 2015)

As prescribed in 5609.507-2, insert the following clause,

The contractor's attention is directed to the fact that USSOCOM contracts for various IT, business, acquisition, technical, and staff support services, some of which require support contractor access to proprietary information submitted by other contractors during administration of this contract. Execution of this contract constitutes approval to release the contract, contractor proposals, other contractor information, or proprietary data obtained during contract administration to Government Support Contractors who require access and have signed Non-Disclosure and Rules of Conduct/Conflict of Interest Statements.

5652.214-9002 Notice of Pre-bid Conference (2003) Section L

As prescribed in 5614.207, insert the following provision. When access to classified documents is contemplated, the Contracting Officer may include a provision substantially the same as the basic provision with its Alternate I in the solicitation. *Editable and Fill-ins*

- (a) A pre-bid conference will be conducted at (insert location including full address)] on (insert date) at (insert time) for the purpose of answering questions regarding this solicitation.
- (b) Submit the names of all attendees not to exceed [insert number] attendees to [insert point of contact name, phone number, e-mail address, telephone number, and mailing address] prior to [insert date]. This information must be provided in advance in order to ensure access to the military base/conference site and adequate seating for the conference attendees.
- (c) Bidders are requested to submit questions to the point of contact noted above not later than (insert time and date). Information provided at this conference shall not qualify the terms and conditions of the solicitation and specifications. Terms of the solicitation and specifications remain unchanged unless the solicitation is formally amended. If an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall apply.
- (d) A record of the conference shall be made and furnished to all prospective bidders. The record will include minutes of the meeting, including questions (on a non-attribution basis) and answers.

Alternate I:

- (a) To receive classified documents the recipient must have a security clearance of at least (insert classification) and authorization to act as courier. Security clearance and courier authorization must be on file at the following address:

(Insert mailing and e-mail addresses and telephone number of organization responsible for this information)

- (b) This conference is (insert classification).

5652.214-9003 Price History (2001) Section L

As prescribed in 5614.201-6(bb), insert the following provision,

Price history from previous acquisitions is included below for the offerors information. The Government assumes no responsibility for the accuracy or for any conclusions or interpretations made by the offeror. The price history is provided solely for informational purposes and should not be relied upon as the basis for preparation of an offer.

ITEM	AWARD DATE	QUANTITY	UNIT PRICE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5652.215-9001 Notice of Pre-proposal Conference (2001) Section L

As prescribed in 5615.209(i), insert the following provision, *Editable and Fill-ins*

- (a) A pre-proposal conference will be conducted at (insert location including full address) on (insert date) at (insert time) for the purpose of answering questions regarding this solicitation.
- (b) Submit the names of all attendees not to exceed (insert number of attendees) to (insert point of contact name, address, and phone number) prior to ([insert date]). This information must be provided in advance in order to ensure access to the military base/conference site and adequate seating for the conference attendees.

(c) Offerors are requested to submit questions to the point of contact noted above not later than (*insert time and date*). Information provided at this conference shall not qualify the terms and conditions of the solicitation and specifications. Terms of the solicitation and specifications remain unchanged unless the solicitation is amended in writing. If an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall apply.

(d) A record of the conference shall be made and furnished to all prospective offerors. The record should include minutes of the meeting, including questions (*on a non-attribution basis*) and answers.

Alternate I: For use on classified contracts:

(a) To receive classified documents the recipient must have a security clearance of at least (*insert classification*) and authorization to act as courier. Security clearance and courier authorization must be on file at the following mailing address:

(Insert address of organization responsible for this information)

(b) This conference is (*insert classification*).

562.215-9007 Bill of Materials (1998) Section L

As prescribed in 5615.408(n), insert following provision,

Offerors shall submit a consolidated bill of materials including materials to be furnished by subcontractors. The materials contained in the bill of materials shall be listed in descending order according to dollar value by unit price.

562.215-9008 Past Performance Data (2001) Section L

As prescribed in 5615.3-90(a), insert the following provision, *Editable and Fill-ins*

(a) Offerors shall identify past or current contracts with Federal, State, and local governments and private industry for efforts similar to the effort require by this solicitation. Offerors may identify up to (*Insert number*) contracts. Applicable information for each contract shall include the following:

- (1) Contract Title
 - (2) Prime Contract #
 - (3) Federal Supply Code
 - (4) Description
 - (5) Award Amount
 - (6) Total Contract Value
 - (7) Contract Type
 - (8) Award Date
 - (9) Government Contact Point
 - (10) Phone Number of Contact
 - (11) Deliver Date/ Period of Performance
 - (12) Place of Performance
 - (13) Key Subcontractors
 - (14) Amount of Overrun/ Under run (if any)
 - (15) Reason for overrun/under run
- (b) Offerors are encouraged to provide information on problems encountered on contracts and the offeror's corrective actions.

(c) Offerors shall state in their proposal if relevant performance history is not available.

5652.215-9009 Personnel Changes before Award (2008) Section L

(Revised August 2008)

As prescribed in 5615.209(k), insert the following provision,

Offerors shall verify and ensure the continuing availability of personnel for whom resumes are required and have been submitted. If personnel substitutions/changes occur prior to award, the offeror shall immediately notify the Contracting Officer. Failure to do so may render the proposal unacceptable.

5652.215-9010 Cost and Pricing Data Not Required (1998) Section L

As prescribed in 5615.408(o), insert the following provision,

It is anticipated that adequate price competition will be available to determine price reasonableness. In the event that the price reasonableness cannot be determined based on adequate competition, the Contracting Officer may require the submittal of cost or pricing data in accordance with FAR 15.403.

5652.215-9012 Basis for Award (2001) Section M

As prescribed in 5615.3-90(b), insert the following provision, *Editable and Fill-ins*

(a) Award of the contract(s) resulting from this solicitation will be made to the offeror whose proposal is deemed to represent the best value to the Government based on the factors listed below. Factors are listed in descending order of importance.

(Insert factors and subfactors for evaluation in descending order of importance.)

(b) All evaluation factors other than *(Insert "cost" or "price")* combined are *(Insert "Significantly more important than "cost" or "price""", "Approximately equal to "cost" or "price""", "Significantly less important than "cost" or "price""")*.

Alternate I

(a) Past performance will be evaluated *(Insert approach for evaluating past performance in accordance with FAR 15.304(d) and 15.305(a)(2)(ii))*. Offerors shall identify past or current contracts with Federal, State, and local governments and private industry for efforts similar to the effort require by this solicitation. Offerors may identify up to *(Insert number)* contracts. The Government will use list provided by the offeror in accordance with 5652.215-9008 "Past Performance Data" along with other available information, including reports obtained from the DOD Past Performance Assessment Information System, to determine the offeror's risk of performance with regard to past performance. The evaluation will take into account past performance information regarding predecessor companies, key personnel who have relevant experience, and/or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the effort required by this solicitation. When an offeror has no record of relevant past performance, or for whom past performance information is not available, that offeror shall be given a neutral rating which will not be considered as either a favorably or unfavorably past performance record.

Alternate II

(a) Evaluation credit will be given for technical solutions that exceed mandatory minimums.

5652.215-9014 Basis for Award–Lowest Price Technically Acceptable Proposal (2003) Section M

As prescribed in 5615.3-90(c), insert the following provision, *Editable and Fill-ins*

Award of the contract(s) resulting from this solicitation will be made to the offeror whose proposal is the lowest price technically acceptable offer. Offers must be technically acceptable based on the factors below to be eligible for award.

(Insert factors and sub-factors for evaluation in descending order of importance.)

Alternate I: Use when past performance is an evaluation factor

Past performance will be evaluated (*Insert approach for evaluating past performance in accordance with FAR 15.304(d) and 15.305(a)(2)(ii)*). Offerors shall identify past or current contracts with Federal, State, and local governments and private industry for efforts similar to the effort required by this solicitation. Offerors may identify up to (Insert number) contracts. The Government will use the list provided by the offeror in accordance with 5652.215-9008 "Past Performance Data," along with other available information to determine the offeror's risk of performance with regard to past performance. The evaluation will take into account past performance information regarding predecessor companies, key personnel who have relevant experience, and/or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the effort required by this solicitation. When an offeror has no record of relevant past performance, or for whom past performance information is not available, that offeror shall be given a neutral rating which will not be considered as either a favorably or unfavorably past performance record.

5652.215-9015 Evaluation of Offers – Full Quantity (2003) Section M

As prescribed in 5615.3-90(d), insert the following provision,

Award of the contract(s) resulting from this solicitation will be made for the full quantities stated in the schedule. Offers that do not contain prices for all items or for quantities less than those specified in the schedule will be rejected.

5652.216-9000 Fixed Fee Information (2003) Section G

As prescribed in 5616.307(j), insert the following clause, *Editable*

Subject to the requirements of FAR 52.216-8 and all other withholding requirements of this contract, the fixed fee stated in Section B shall be paid to the contractor at the same percentage rate as the percentage of incurred and allowable costs proportionate to the total estimated cost.

5652.216-9001 Oral Orders – Indefinite Delivery Contracts (2005) Section I

As prescribed in 5616.506(a), insert the following clause, *Editable and Fill-ins*

The Contracting Officer may issue oral orders subject to the following:

- (a) No oral order will exceed _____.
- (b) The contractor will furnish a delivery ticket with each shipment in triplicate, showing: contract number, order number under the contract, date order was placed, name and title of person placing the order, an itemized listing of supplies or services furnished, unit price, unit of issue, quantity and total price for each line item, and the delivery or performance date.
- (c) Invoices for supplies or services furnished in response to oral orders shall be transmitted electronically along with an electronic copy of the delivery ticket to (*insert name or office and URL address*).
- (d) Contracting/Ordering Officers shall electronically transmit to the contractor a list of individuals authorized to place oral orders on behalf of the ordering activity.
- (e) The contractor will receive an electronic confirmation notice for each oral order within ten (10) working days of receipt.

Alternate I: For use when the Government Purchase Card is an authorized method of payment

- (a) The government will process payments for oral orders using the government purchase card (currently VISA). The contractor shall obtain the capacity to accept government the purchase card for the duration of the contract.
- (b) The Contracting Officer shall provide the contractor a list of individuals authorized to place oral orders on behalf of the ordering activity using the government purchase card.
- (c) The contractor shall submit one original and (number) copies of invoices for oral orders on a (insert appropriate time frame, e.g., monthly/bi-monthly basis) to (name & address for submitting invoices). The government will confirm the supplies or services invoiced by the contractor and authorize payment through the government purchase card system.

5652.216-9002 Withholding of Fixed Fee or Incentive Fee (2005) Section I

In accordance with 5616.406, and as prescribed in 5616.307(k), insert the following clause, *Editable and Fill-ins*

Pursuant to FAR 52.216-8 "Fixed Fee" or FAR 52.216-10 "Incentive Fee", the withheld amount of the fixed or incentive fee shall not exceed (*Insert percentage not greater than 15%*) percent of the total fee or (*insert dollar amount not greater than \$100,000*), whichever is less.

5652.216-9003 Procedures for Issuing Task/Delivery Orders under Multiple Award, Indefinite Delivery–Indefinite Quantity Contracts (2020) Section H

(Revised June 2020)

As prescribed in 5616.506(b), insert the following clause, *Editable and Fill-ins*

- (a) All multiple award contractors shall be considered for each order over \$3,500, unless the Contracting Officer determines that:
- (1) The agency need for such supplies or services is of such urgency that providing such opportunity would result in unacceptable delays;
 - (2) Only one such contractor is capable of providing such supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized;
 - (3) The order should be issued on a sole source basis in the interest of economy and efficiency as a logical follow-on to an order already issued under the contract.
 - (4) It is necessary to place an order to satisfy a minimum amount guarantee.

- (b) Unless the exceptions in paragraphs (a) above apply, the following procedures will be utilized in providing contract awardees with a fair opportunity to be considered for each order:

(For task order service contracts)

- (1) The Government will request each contractor to submit a technical and/or managerial approach, if necessary, and cost/price estimate in response to a Government work statement.
- (2) The responses may be presented to the Government either orally or in writing as required by the Contracting Officer.
- (3) The Government will make an integrated assessment based on technical and/or managerial approach, estimated total cost/price, past performance in making awards under this paragraph. The Contracting Officer will issue the Task Order to the contractor who will provide the best value to the Government.

(For supplies/equipment contracts)

- (1) The Government will request each contractor to submit a proposed delivery schedule and cost/price estimate in response to a Government request for quotations.
- (2) The responses may be presented to the Government either orally or in writing as required by the Contracting Officer. Electronic submission is encouraged.
- (3) The Contracting Officer will issue the Delivery Order to the contractor who will provide the best value to the Government.
- (c) Under the provisions of the Federal Acquisition Streamlining Act of 1994, as modified by the National Defense Authorization Act of Fiscal Year 2017, protests are not authorized in connection with the issuance or proposed issuance of a task/delivery order except for a protest on the grounds that the order increases the scope, period, or maximum value of the contract or, a protest of an order valued in excess of \$10 million. Protests of orders in excess of \$25 million. Protests of orders in excess of \$25 million may only be filed with the Government Accountability Office, in accordance with the procedures at FAR 33.104.
- (d) Task and Delivery Order Ombudsman. The Task and Delivery Order Ombudsman is responsible for reviewing complaints regarding this contract. The Ombudsman shall review complaints from the contractors and ensure all contractors are afforded a fair opportunity to be considered, consistent with the procedures of the contract.

5652.216-9004 , Procedures for Issuing Task/Delivery Orders under Single Award, Indefinite Delivery–Indefinite Quantity Contracts (2003) Section H

As prescribed in 5616.506(c), insert the following clause, *Editable and Fill-ins*

(a) Soliciting *Task/Delivery* Order Proposals: When the Government has a requirement for *services/supplies* to be *performed/delivered* under this contract, the Contracting Officer will issue a request for *task/delivery* order proposal either *in writing/by telephone/ electronic transmission*. Each request will include, but not necessarily be limited to, the following:

- (1) Request for proposal number and/or title;
- (2) Contract Number;
- (3) Statement of Work;
- (4) Instructions to Offerors;
- (5) Items to be delivered and delivery schedule/performance period; and
- (6) A listing of Government furnished property to be provided to the Contractor, if required.

(b) Urgent Requirements: In the event of an urgent requirement, the Contractor shall provide a written proposal within the timeframe specified by the Contracting Officer in the specified format.

(c) Submission of Proposals: The Contractor's proposal must comply with the Instructions to Offerors included in the request for task order proposal. The Contractor shall have no more than *enter appropriate number of days* to submit their proposals, unless:

- (1) A longer timeframe is specified in the request for task order proposal, or
- (2) It is an urgent requirement.

5652.216-9005 , Government Down Time for Various Reasons (2005) Section I

In accordance with 5616.307(l), and as prescribed in 5616.601-90, insert the following clause,

From time to time Government installations may be closed in response to an unforeseen emergency or similar occurrence, or by order of the President, Secretary of Defense, or installation commander. Designated emergencies include, but are not limited to, adverse weather such as snow or flood, an act of God such as a tornado or earthquake, acts of war or terrorism, computer failures, or a base disaster such as a natural gas leak or fire.

(1) Under such designated emergencies or other ordered base closures, contractor personnel will not be allowed on the Government installation unless specifically approved by the Contracting Officer in accordance with installation policies and procedures. If an emergency requiring installation closure occurs while contractor personnel are on the installation, contractor personnel shall promptly secure all government furnished property appropriately and evacuate in an expedient but safe manner unless otherwise directed by the Contracting Officer.

(2) If the installation closure causes a delay in the work required by the contract, the Government may:

(i) grant a time extension in each task order delayed by the closure equal to the time of the closure, subject to the availability of funds.

(ii) terminate the work or a portion of the work.

(iii) reschedule the work on any day satisfactory to both parties.

(iv) permit the contractor to perform at an off-site location during the period of installation closure if meaningful work can be accomplished. Contractor shall certify to the government by letter within 5 business days of returning to work the nature and scope of the work completed off-site. There shall be no adjustment to the contract labor rates for work performed off the installation.

(v) require that the Contractor continue on-site performance during the installation closure period in accordance with installation procedures.

5652.228-9000 Required Insurance (2015) Section G

(Revised December 2015)

As prescribed in 5628.310, insert the following clause, *Editable and Fill-ins*

The kinds and minimum amounts of insurance required in accordance with FAR 52.228-5 "Insurance-Work on a Government Installation" are as follows:

TYPE	AMOUNT
Automobile Bodily Injury Liability	In accordance with <u>FAR 28.307-2</u>
Property Damage Liability	In accordance with <u>FAR 28.307-2</u>
Workers Compensation & Occupational Disease	In accordance with <u>FAR 28.307-2</u>
Employer's Liability	In accordance with <u>FAR 28.307-2</u>

5652.232-9001 Invoicing (2005) Section I (Removed June 2018)

5652.232-9003 Paying Office Instructions (2011) Section G (Removed June 2018)

5652.232-9006 Electronic Distribution of Vouchers/Invoices Using Alternative to WAWF (2011) Section G (Removed June 2018)

5652.232-9007 Manual Distribution of Vouchers/Invoices (2011) Section G (Removed June 2018)

5652.233-9000 Independent Review of Agency Protest Decision (2018) Section I

(Revised November 2018)

As prescribed in 5633.106, insert the following clause,

In accordance with FAR 33.103(d)(4), interested parties may request an independent review at one level above the contracting officer. The independent review is available as an appeal of the contracting officer's decision on an agency protest. Requests for an independent review shall be submitted to the Contracting Officer for coordination.

5652.237-9001 Key Personnel Requirements (2003) Section I

As prescribed in 5637.110(b), insert the following clause, *Fill-ins*

(a) Certain experienced professional and/or technical personnel are essential for successful accomplishment of the work to be performed under this contract. Such personnel are defined as "Key Personnel" and are those persons whose resumes were submitted for evaluation of the proposal. The contractor agrees that such personnel shall not be removed from the contract work or replaced without compliance with the following:

(1) If one or more of the key personnel, for any reason, becomes or is expected to become unavailable for work under this contract for a continuous period exceeding 30 work days, or is expected to devote substantially less effort to the work than indicated in the proposal or initially anticipated, the contractor shall, subject to the concurrence of the Contracting Officer or an authorized representative, promptly replace personnel with personnel of equal ability and qualifications.

(2) All requests for approval of substitutions hereunder must be in writing and provide a detailed explanation of the circumstances necessitating the proposed substitutions. The request must contain a resume for the proposed substitute, and any other information requested by the Contracting Officer. The Contracting Officer shall promptly notify the contractor of approval or disapproval in writing.

(b) If the Contracting Officer determines that suitable and timely replacement of Key Personnel who have been reassigned, terminated or have otherwise become unavailable for the contract work is not reasonably forthcoming or that the resultant reduction of productive effort would be so substantial as to impair successful completion of the contract, the Contracting Officer may terminate the contract for default or for the convenience of the Government, as appropriate, or make an equitable adjustment to the contract to compensate the Government for any resultant delay, loss or damage.

(c) The following positions are identified as Key Personnel:

(Insert Key Personnel Positions)

5652.242-9002 Accounting for Common Access Cards (CACs) for Contractor Personnel Departing HQ USSOCOM (2014) Section I

(Added February 2014)

As prescribed in 5642-490 insert a clause substantially the same as the following in solicitations and contracts and or task orders:

(a) In the event a contractor employee separates without advance notice (either quits or is terminated), the contractor shall immediately notify the Trusted Agent (TA) who will ensure CAC permissions are revoked the same day. In various instances a contractor employee may not be on task (working) due to furloughs, suspensions pending the outcome of an investigation, or the contract reaches the end of the period of performance (POP) and renewal is anticipated but not yet complete. During these occurrences, the TA or a representative from the contractor (TA's choice) will collect and retain the CACs of the affected contractor personnel residing in the local area however; CAC permissions will not be revoked in the Trusted Associate Sponsorship System (TASS). Collecting CACs however, may not be feasible for contractor personnel located in remote locations. When contractor personnel return to work under the contract, they will retrieve their CAC from the responsible party who collected it.

(b) The contractor shall include a monthly report listing contractor employees who departed during the previous month and the date their CACs were turned in using the format listed below.

Employee Name	Contract Number	TO Number	Company Name	HQ Office Symbol	TA Name	Termination Date	Date CAC returned to RAPIDS Site	Remarks
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HQ, United States Special Operations Command
Special Operations Forces Acquisition, Technology, and Logistics (SOF AT&L-K)
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