Volume I - Parts 5301 to 5352

DEPARTMENT OF THE AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT

Chapter 53

DEPARTMENT OF THE AIR FORCE FEDERAL ACQUISITION REGULATION

PART 5301 - FEDERAL ACQUISITION REGULATIONS SYSTEM

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Subpart 5301.1 - PURPOSE, AUTHORITY, AND ISSUANCE

5301.101 Purpose

The Department of the Air Force Federal Acquisition Regulation Supplement (DAFFARS) establishes uniform policies and procedures for the Department of the Air Force (DAF) implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR Supplement (DFARS), and other Department of Defense publications concerning contracting. DAFFARS Mandatory Procedures (MP) are companion resources arranged by parts, which correspond to the relevant FAR parts. Supplements to the DAFFARS and MPs are prohibited.

5301.104 Applicability

The DAFFARS applies to all DAF acquisitions as defined in part 2 of the FAR, except where expressly excluded.

5301.105-1 Publication and Code Arrangement

(a)(S-90) The DAFFARS is published on www.Acquisition.gov.

5301.170 Peer Reviews

(a) *DPC Peer Reviews.*

(2) To facilitate planning for and execution of DoD Peer Reviews (see DFARS 201.170 for applicable competitive and noncompetitive thresholds), the SCO must use the Peer Review and Clearance Forecasting Tool to submit quarterly peer review forecasts by the 15th of March, June, September, and December each year. SAF/AQC will submit a consolidated forecast to DPC on behalf of the DAF at the end of each quarter. When DoD Peer Review is required, follow the procedures in 5301.9001 regarding clearance.

(b)To support DoD IP Cadre participation in DPC Peer Reviews, contracting officers shall obtain DAF IP Cadre (SAF/AQCC) feedback on draft RFPs before submission of the RFP for DPC Peer Review. Request DAF IP Cadre input by completing the Cadre Support Request Intake Form and submit to the DAF IP Cadre Workflow

(c) Component Peer Reviews. Pre-award peer reviews of solicitations for competitive procurements and pre-award peer reviews for non-competitive procurements not subject to the requirements of DFARS 201.170(a)(1)(i) or (ii) must be accomplished by complying with the clearance requirements in DAFFARS 5301.90.

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Subpart 5301.2 - ADMINISTRATION

5301.201-1 The Two Councils

(d)(i) Proposed revisions to the FAR or the DFARS must be submitted through the SCO (or HCA for SSC, SpRCO and SDA) to SAF/AQCP in accordance with DFARS 201.201-1(d)(i).

5301.201-90 Maintenance of the DAFFARS

The DAFFARS is prepared and maintained by the Chief, Contract Policy & Field Support Division, Deputy Assistant Secretary (Contracting) (SAF/AQCP).

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Subpart 5301.3 - AGENCY ACQUISITION REGULATIONS

5301.301 Policy

(a)(1)(S-90) The DAFFARS is issued by the DAS(C), in coordination with the HCAs for SSC, SpRCO, and SDA, on behalf of the Senior Procurement Executive (SPE).

5301.304 Agency Control and Compliance Procedures

(c)(4) The use of nonstandard clauses requires an approved D&F addressing the criteria outlined in DFARS PGI 201.301(b)(iii). See the tailorable Non-Standard Clause Control Template. Approval for the use of a clause with no significant effect beyond the internal operating procedures of the agency or significant cost or administrative effect on contractors or offerors is one level above the contracting officer in accordance with the DAF Clause Control Plan

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Subpart 5301.4 - DEVIATIONS FROM THE FAR

5301.402 Policy

(2) Submit requests for deviations requiring OUSD(A&S)/DPC approval through the SCO to the cognizant HCA workflow for processing. See the tailorable Deviation Request template.

5301.403 Individual Deviations

(1)(i) SCOs are authorized to approve individual deviations except as described in (ii) below or as described in DFARS 201.402(1), DFARS 201.403(2) and DPC directed data system requirements .

(ii) The cognizant HCA is the approval authority for individual deviations from FAR 15.3, DAFFARS 5315.3, and MP5315.3. This approval authority is not further delegable. Requests must be submitted through the SCO to the cognizant HCA workflow for approval. When a proposed deviation, as described herein, also requires a waiver from DFARS 215.3, *DoD Source Selection Procedures*, the waiver process in MP5315.3, para 1.2.4., must also be followed.

5301.404 Class Deviations

(b)(i) USD(A&S)/DPC is the approval authority for any class deviation described in DFARS 201.402(1), class deviations from DFARS 215.3, and class deviations that meet the criteria in DFARS 201.404(b)(ii)(A-D).

(ii) The cognizant HCA is the approval authority for class deviations from FAR 15.3, DAFFARS 5315.3, and MP5315.3. Requests must be submitted through the SCO to the cognizant HCA workflow for approval.

(iii) SCOs are authorized to approve class deviations except as restricted by paragraphs (i) and (ii) above or DPC directed data system requirements. Class deviation approval authority is not further delegable.

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Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5301.601 General

(a)(i) See MP5301.601(a)(i) for the DAF Approval Authority Matrix.

5301.601-91 Department of the Air Force Contracting Self-Inspection Program

(a) The DAF Self-Inspection program assesses compliance with federal laws, regulatory policies, DoD and DAF directives, and instructions across the enterprise. It is also used to verify adequacy of contract preparation.

(b) SCOs will manage a self-inspection program, which includes both the assessment of individual contract files and the assessment of contracting management programs contained in the Management Internal Control Toolset (MICT) Self-Assessment Checklists (SACs) as required by DAFI 90-302, The Inspection System of the Department of the Air Force, and the assessment of individual contract files. As a minimum, contracting offices must perform post-award self-inspections of individual contract files on an annual basis. The results of the assessment of contracting management programs contained in the SACs are reported in MICT by individual units. The results of self-inspection of individual contract files are not reported in MICT.

(c) For self-inspection of individual FAR-based contract files reviewed after award, to include Special Access Programs (SAP)/classified contract files, SCOs shall use the Air Force Contracting Self-Inspection Checklist.For Contracting offices listed in KT FileShare (KTFS), the self-inspections shall be performed utilizing the KTFS Inspection tool beginning no later than 1 October 2024 in order to capture self-inspection results. For contracting offices not listed in KTFS, the self-inspection summary data shall be submitted into the AFMC/PKQ Automated Self-Inspection Reporting Tool (ASIRT). For SAP/classified contracts reviewed, releasable results shall be reported to SAF/AQCS via secure means for briefing to SAF/AQC.

(d) SCOs will ensure corrective actions are implemented as a result of any self-inspection findings. Contracting offices must have a documented program for self-inspection, to include a process for closing resolved findings in a timely manner, ensuring an effective level of review necessary to close a finding, and integrating findings and resolutions into unit training.

(e) SCOs must review 8% (5% for FY24 only) of their contract actions each fiscal year. Business/contract clearances shall not be counted towards meeting the required 8% of contracting actions reviewed. Maintaining a robust self-inspection program and sharing the data results will support a DAF-wide consolidated trend analysis report for the previous fiscal year. All reviews in KTFS, summary reporting in ASIRT, and SAP/classified reporting for the previous fiscal year must be completed by 15 February of each year.

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5301.602-1 Authority

(a) Contracting officers are authorized to enter into and execute contracts funded either partially or completely with non-appropriated funds.

5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable Legal Review template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations regardless of dollar amount, and if required elsewhere in regulation or policy:

(1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;

(2) When using or applying unique or unusual contract provisions;

(3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;

(4) Procurement integrity or organizational conflict of interest issues;

(5) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of MP5315.3;

(6) Issues dealing with licensing, technical data rights, and patents;

(7) Ratifications

(8) Termination for default/cause

(9) Terminations for convenience, except cancellations or terminations of purchase orders;

(10) Individual or class deviations; and

(11) Any other legal issue at the discretion of the contracting officer or supporting legal office.

(B) Contracting officers must obtain legal review for all Justifications and Approvals (J&A) requests for actions expected to exceed $750,000

(C) In addition to the general conditions identified in DAFFARS 5301.602-2(c)(i)(A), contracting officers must obtain legal review for the following actions that are expected to exceed $5,000,000 Contracting officers shall exercise good judgement in seeking legal review if the total value of the contract action is less than the thresholds listed in this paragraph and guard against using reviews as a means of quality control.

(*1*) Solicitations and amendments, except administrative amendments;

(*2*) Proposed contracts and modifications;

(*3*) Orders for supplies or services issued under indefinite delivery type contracts (FAR 16.5), including Governmentwide Acquisition Contracts (GWACs), and Federal Supply Schedules (FSS), that require negotiation at the order level; and

(*4*) Orders under Blanket Purchase Agreements (BPA) established under FSS.

(*5*) The SCO and their local legal office may establish a different threshold than identified in (C) based on organizational needs. Thresholds should not be established below $1,000,000 for Operational organizations and $5,000,000 for Non-Operational organizations unless coordinated with the SCO and cognizant HCA.

(D) Legal review is not normally required for:

(1) Funding actions without any other changes;

(2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract; or

(3) Except as indicated at DAFFARS 5301.602-2(c)(i)(C)(3), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.

(d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see MP5301.602-2(d).

5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy*.

(2) See MP5301.601(a)(i). See the ratification approval template.

5301.603 Selection, appointment, and termination of appointment for contracting officers.

5301.603-1 General

The HCA designees delegated warranting authority in accordance with MP5301.601(a)(i) must select and appoint contracting officers and terminate their appointments in accordance with this section and MP5301.603-90.

5301.603-2-90 Selection

See MP5301.603-90, *Selection, Appointment, and Termination of Appointment of Contracting Officers* for mandatory procedures regarding the selection, appointment, and termination of contracting officers.

5301.603-3 Appointment

(b) Issuing authorities identified in 5301.603-1 above may delegate the purchase authority described in FAR 1.603-3(b) and DFARS 201.603-3(b), to DoD civilian employees and members of the U.S. Armed Forces, such as transportation personnel, medical supply personnel, librarians, and chiefs of construction management, provided:

(1) The written delegation specifies a dollar limit per transaction (e.g., per order, per call); the method(s) of award; and the supplies, equipment and/or non-personal services, to include construction, related to the individual's (e.g., GPC Cardholder, Field Ordering Officer, etc.) scope of duties that may be procured. For example, librarians may buy books, but not construction materials or services; and,

(2) Personnel have completed contracting training commensurate with the type of instrument(s) authorized to process and level of responsibility delegated.

5301.603-3-90 Field Ordering Officer Appointments.

(a) Policy. The issuing authority (see 5301.603-1) appointing a Field Ordering Officer (FOO) will state in the appointment letter that the FOO's authority may not be delegated further.

(b) Appointment and termination authority. An issuing authority may appoint in writing a FOO, pursuant to 5301.603-3, when the issuing authority determines that the appointment is essential for the operation of the contracting mission. The purposes for which an issuing authority may appoint a FOO are –

(1) To make purchases using imprest funds (FAR 13.305, DFARS 213.305);

(2) To make purchases using Standard Form 44 (FAR 13.306, DFARS 213.306);

(3) To place calls against Blanket Purchase Agreements where the agreement terms permit and provided all calls placed are within limitations specified in the agreement and FOO letter of appointment (FAR 13.303, DFARS 213.303, DAFFARS 5313.303-5); and,

(4) To place orders against indefinite delivery contracts awarded by a contracting officer, where the contract terms permit and provided all orders placed are within limitations specified in the contract and FOO letter of appointment (FAR 16.505, DFARS 216.505, DAFFARS 5316.505).

(c) Responsibilities of issuing authority.

(1) Training and orientation. The issuing authority will orient and instruct FOOs in person or in writing regarding –

(i) The proper procedure(s) the issuing authority will authorize the FOO to use;

(ii) The standards of conduct prescribed in the Joint Ethics Regulation (DoD 5500.7-R) and the procurement integrity provisions at FAR 3.104; and

(iii) The preparation and submission of documentation for purchase and contract actions.

(2) Surveillance. Surveillance activities must be conducted by the issuing authority or delegated to a warranted contracting officer. Surveillance activities include:

(i) Technical supervision of FOOs;

(ii) One hundred percent (100%) surveillance on all transactions not later than 30 days after the date of the transaction, and all FOO program records no less than annually. Document inspection findings (monthly and annually) and include specific comments as to whether the FOO is –

(A) Operating within the scope and limitations of authority delegated and FAR subpart 3.1;

(B) Maintaining the standards of conduct prescribed in DoD 5500.7-R;

(C) Engaging in improper practices, including but not limited to splitting purchase transactions to avoid monetary limitations or delegating authority to others; and

(D) Submitting correct and timely documentation for reporting purposes.

(iii) Document any instances of a FOO violating limitations of appointment and not promptly correcting violations or deficiencies noted in inspections or reviews;

(iv) Terminate the FOO's appointment when the issuing authority has lost confidence in the FOO's ability to adhere to limitations of appointment and/or documentation requirements; and

(v) Retain copies of inspection and review findings for three years in the FOO's and issuing authority (or warranted contracting officer, if delegated) files.

(3) Termination.

(i) A FOO's appointment will remain in effect until the FOO leaves their position via reassignment or termination, or the issuing authority terminates the appointment.

(ii) Issuing authorities will terminate FOO appointments in writing. Issuing authorities will not revoke an ordering officer appointment retroactively.

(d) Procedures. Issuing authorities will –

(1) Appoint FOOs by a letter of appointment containing at a minimum the details prescribed at 5301.603-3(b)(1) and listing the purpose(s) for appointment (5301.603-3-90(b)), using a template substantially the same as the ones provided in the AFICC FOO Guidance, tailored to fit the circumstances of the appointment;

(2) Maintain the file of appointments;

(3) Maintain purchase and surveillance documentation;

(4) Require individuals appointed as FOOs to acknowledge receipt of their letters of appointment and/or termination in writing; and

(5) Distribute appointment and/or termination letters to FOOs, contractors, imprest fund cashiers, disbursing officers and other interested personnel as necessary.

5301.670 Appointment of Property Administrators and Plant Clearance Officers

(a) When the DAF retains contract administration, the PCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers. One level above the PCO shall approve any of these appointments.

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Subpart 5301.7 - DETERMINATIONS AND FINDINGS

5301.707 Signatory Authority

(a) Determinations and Findings (D&F) requiring SPE, Service Acquisition Executive (SAE), or higher-level approval must be coordinated with the cognizant HCA by submission through the SCO to the cognizant HCA workflow.

(b) The contracting officer must submit D&Fs requiring HCA approval to the cognizant HCA workflow after coordination by the SCO.

(c) D&Fs involving small business matters must be coordinated with local Small Business Professional and/or MAJCOM/FLDCOM/DRU Center Small Business Director, as appropriate, and, at SAF level, with SAF/SB when HCA approval or coordination is required.

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Subpart 5301.90 - CLEARANCE

5301.9000 Definitions

As used in this Subpart-

"Begin negotiations" means, for the purpose of noncompetitive contract actions, startingdiscussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government's negotiation objective do not constitute negotiations.

"Business Clearance" means:

(a) For competitive acquisitions, approval to issue the solicitation.

(b)For noncompetitive contract actions, approval to begin negotiations.

(c)For Broad Agency Announcements (BAAs) and Commercial Solutions Openings (CSOs) expected to result in a FAR-based award, if the total value of awards under a BAA or CSO is anticipated to be greater than or equal to the clearance threshold, approval to begin negotiations.

(d) For Architect-Engineer Services under FAR 36.6, approval to begin negotiations.

"Clearance Approval Authority (CAA)" meansthe individual identified at 5301.9001(b)(2) and 5301.9001(b)(3), unless otherwise directed. The CAA must be distinct from the contracting officer responsible for the contract action. When a contracting official is the Source Selection Authority (SSA), the CAA must be a level above the contracting official. If the SCO or their deputy is the SSA, the CAA must be the cognizant HCA.

"Clearance Review" means the independent review performed by the designated CR office or asotherwise selected by the CAA.

"Clearance Reviewer (CR)" means the independent reviewer and the primary advisor to the CAA for clearance. The CR ensures the CAA has the information needed to make an informed decision. The CR identifies deficiencies, assists in resolution, and advises the CAA as appropriate. When the CR is not from the designated CR office and is selected by the CAA, the CR must be an experienced contracting professional, a Government employee, and must not review their own contract action.

"Contract action" means

(a) An action intended to result in award of any contract or modification of any contract.

(b) An action intended to result in definitization of an undefinitized contract action (UCA), an undefinitized change order, or an undefinitized long lead contract.

(c) An action intended to result in the pricing of:

(1) an unpriced option or an option with a not-to-exceed price;

(2) a provisioned items order (PIO);

(3) an unpriced order under a BPA or FSS contract, including a Governmentwide Acquisition Contract (GWAC); or

(4) a noncompetitive task order or delivery order under a single or multiple award indefinite delivery-type contract.

(d) An action intended to result in issuance of a modification implementing a unilateral price determination.

(e) An order issued under Basic Ordering Agreement (BOA).

(f) An action intended to result in the exercise of an option when the option exercise is not in accordance with the previously approved pricing arrangement or other contract terms and conditions.

(g) A competitive solicitation issued or a competitive order awarded in accordance with FAR 8.4, 13, or 16.5 against an existing Multiple Award Contract (MAC) Indefinite-Delivery Indefinite-Quantity (IDIQ), GWAC, or FSS contract that requires either one or both of the following:

(1) Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;

(2) Addition of any terms or conditions that are not included in the basic IDIQ contract, and/or changes to the existing terms or conditions of the basic IDIQ contract (except for provisions/clauses required by the FAR, DFARS, or DAFFARS).

(h) Contract actions excluded from business or contract clearances are:

(1) An action that creates a UCA, undefinitized change order, or undefinitized long lead contract.

(2) A modification for the payment of an incentive or award fee that is in accordance with the terms and conditions of the incentive plan or award fee plan.

(3) A funding modification.

(4) An administrative modification.

(5) A modification solely for changes as a result of Service Contract Labor Standards statute wage rates/fringe benefits or Fair Labor Standards Act minimum wages.

(6) A competitive solicitation issued or a competitive order awarded in accordance with FAR 8.4, 13, or 16.5 against an existing MAC IDIQ, GWAC, or FSS contract that does not require either one or both of the following:

(i) Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;

(ii) Addition of any terms or conditions that are not included in the basic IDIQ contract, and/or changes to the existing terms or conditions of the basic IDIQ contract.

"Contract Clearance" means:

(a) For a competitive acquisition conducted without discussions, approval by the CAA for the SSA to make the decision to award.

(b) For a competitive acquisition with discussions –

(1) Approval by the CAA for the SSA to request final proposal revisions in accordance with FAR 15.307; and

(2) Approval by the CAA for the SSA to make a source selection decision.

(c) For a noncompetitive contract action, approval by the CAA to award the contract action.

(d) For a BAA, approval to award the contract action.

(e) For a FAR 16.5 acquisition included in the definition of contract action above:

(1) Approval by the CAA for the SSA to request final proposal revisions (if applicable; and

(2) Approval by the CAA for the Fair Opportunity Decision Authority to make a selection decision.

5301.9001 Objectives, Approval Thresholds, and Procedures

(a) Clearance Objectives. The objectives of the business and contract clearance process are to ensure that:

(1) Negotiations and contract actions effectively implement approved acquisition strategies;

(2) Negotiations and contract actions result in fair and reasonable business arrangements;

(3) Negotiations and contract actions are consistent with laws, regulations, and policies; and

(4) An independent review and assessment by the clearance authority for the proposed contract action is accomplished.

(b) (b) Clearance Approval Thresholds. Business and contract clearance are required for actions greater than or equal to $10M for Enterprise / PEO (Systems) and $5M for Operational. Contract value is determined by the definition on FAR 1.108(c).

(1) When the HCA is SAF/AQC, use the clearance approval thresholds in Table 1 below.

Table 1 – When the HCA is at SAF/AQC

CAA	Operational	Enterprise	PEO (Systems)
HCA	≥ $1B	≥ $1B	≥ $1B
SCO	> $10M to < $1B	> $50M to < $1B	> $100M to < $1B
COCO	> $5M to ≤ $10M	> $10M to ≤ $50M	> $10M to ≤ $100M

(2) When the HCA is at SDA, SpRCO, or SSC, use the clearance approval thresholds in Table 2 below.

Table 2 – When the HCA is at SDA, SpRCO, or SSC

CAA	Operational	Enterprise	PEO (Systems)
Cognizant HCA	Special interest only	Special interest only	Special interest only
SCO	> $10M	> $1B	> $1B
COCO	> $5M to ≤ $10M	> $10M to ≤ $1B	> $10M to ≤ $1B

(3) The HCA or SCO may designate a contract action as a special interest item regardless of dollar value and assign the CAA notwithstanding the thresholds in the tables above.

(4) When the HCA is the CAA for business clearance, the SCO is the CAA for contract clearance unless otherwise stipulated by the HCA.

(5) The CAA may further delegate or waive their clearance approval authority on an individual or class basis. SCOs and COCOs are responsible for ensuring all further delegations are included on the SCO Delegation Letters/Thresholds

SharePoint Page. COCOs must report clearance waivers made on a class basis to the SCO. Individual delegations and waivers must be documented in the contract file.

(6) If an SCO lowers a COCO's clearance approval authority threshold or withholds clearance approval authority from the COCO, the SCO must notify the cognizant HCA. If the SCO lowers or withholds the COCO's clearance approval authority for more than six months, the SCO must brief the cognizant HCA regarding the circumstances surrounding the decision.

(c) Clearance Approval Procedures. The CAA must ensure that the clearance process meets the objectives in paragraph (a) above. See clearance templates.

(1) The procedures in MP5301.9001(i)(1)(i) must be followed when the CAA is SAF/AQC (DAS(C) or ADAS(C)). When the CAA is not at SAF/AQC, follow local procedures.

(2) To facilitate planning for clearances that require HCA approval, SCOs must use the Peer Review and Clearance Forecasting Tool to project upcoming HCA clearances. See DAFFARS 5301.170(a)(2).

(3) Only one clearance review may be performed prior to the contract action being presented to the CAA. The CR is responsible for the clearance review. The CAA may select an alternate CR who meets the requirements identified in DAFFARS 5301.9000. The CAA has the authority to waive the clearance review.

(4) The CAA must seek legal advice (see DAFFARS 5301.602-2(c)(i)) and ensure that counsel has coordinated on any clearance briefings or presentations, and that counsel's comments are included in the briefing or presentation.

(5) The Milestone Decision Authority, PEO, or lead program manager must coordinate and/or participate in business clearance briefings.

(6) At the discretion of the CAA, contract clearance is not required when the negotiation team stays within the pre-set negotiation range and the parameters approved at the business clearance.

(7) If the CAA has waived business or contract clearance, a clearance review is not required unless the CAA stipulates otherwise. However, legal review is required, as applicable, in accordance with DAFFARS 5301.602-2(c)(i).

(8) If a CAA requires clearance for competitive order solicitations or orders when excluded in accordance with DAFFARS 5301.9000(b)(6), the SCO must submit a written justification to cognizant HCA upon execution.

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Subpart 5301.91 - OMBUDSMAN PROGRAM

5301.9101 Purpose

The purpose of the DAF ombudsman program is to foster communication between Government and industry. The primary function of the ombudsman is to hear concerns about specific issues in acquisitions, to communicate these concerns to senior management personnel responsible for oversight and to assist in the resolution of the concerns. In accordance with 5301.9102(f) below, employees, managers and customers may use the DAF component ombudsman when seeking assistance in resolving procurement integrity issues.

5301.9102 Policy

(a) MAJCOM/DRU/DAFRCO/ Commanders must appoint an experienced senior official who is independent of the contracting officer and program manager as the ombudsman at their organization. For AFMC Centers, an ombudsman is required at each Center, instead of at the MAJCOM. Centers may also have an ombudsman at each Operating Location/ Geographically Separated Unit. At SSC, SpRCO, and SDA, the HCA is responsible for the ombudsman appointment.

(b) The ombudsman will have the authority to call upon other resources of the activity to assist in resolving acquisition issues or concerns (e.g., administrative support, independent review teams).

(c) Contracting officers must identify the ombudsman in the initial announcement of the acquisition as well as in the draft and final RFP.

(d) The ombudsman must:

(1) Support acquisition personnel in the resolution of issues or concerns raised by interested parties;

(2) Act in a manner that does not compromise the interested party and, if requested, maintain anonymity of the parties;

(3) Avoid any appearance of usurping normal procurement authority (e.g., program manager, contracting officer, and source selection authority);

(4) Ensure all affected or knowledgeable offices and officials are consulted as part of any resolution process;

(5) Inform the Commander/Director, or PEO, as required, of issues raised and actions taken;

(6) Review complaints relative to multiple-award task order and delivery order contracts awarded under 10 U.S.C. 3403(d)(1)(B) or 3405(f) to ensure that all contractors are afforded a fair opportunity to be considered for task orders and delivery orders in excess of the micro-purchase threshold, consistent with the procedures in the contract;

(7) Consistent with security requirements, have access to the appropriate offices and be allowed to collect all facts relevant to the resolution of issues raised by interested parties. Ombudsmen are granted access to proprietary information. Source selection information must be obtained through the source selection authority.

(e) The Ombudsman Program does not replace the agency level protest, GAO bid protest or disputes processes.

(f) The DAF ombudsman is the ADAS(C), who may take action to assist in resolving issues, concerns, disagreements, and recommendations that cannot be resolved at the MAJCOM/FLDCOM/DRU level, or for those having DAF wide implications. The ADAS(C) is the DAF ombudsman for procurement integrity issues (see OUSD(AT&L)/DPAP memo, 1 Oct 09).

(g) Government personnel may use the Ombudsman Program as a way to express concerns about an acquisition.

5301.9103 Solicitation Provision and Contract Clause

Insert a clause substantially the same as the clause at DAFFARS 5352.201-9101, Ombudsman, in all solicitations (including draft solicitations) and contracts.

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PART 5302 - DEFINITIONS OF WORDS AND TERMS

Sec.

Subpart 5302.1 - DEFINITIONS
5302.101 Definitions

DAFFARS PART 5302 Knowledge Center
Revised: June 2024

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Subpart 5302.1 - DEFINITIONS

5302.101 Definitions

"Acquisition Category (ACAT)" means the category of a Defense acquisition program. See DoDI 5000.85, Appendix 3A .

"Air Force Contracting Central (AFCC)" means the SAF/AQC SharePoint site collection at https://usaf.dps.mil/sites/AFCC/SitePages/Home.aspx that serves as the one-stop shop resource for the DAF contracting community. (Please note: this link requires CAC and is not available to all users.)

"AFICC" means the Air Force Installation Contracting Center which is a Primary Subordinate Unit aligned to the Air Force Installation and Mission Support Center (AFIMSC).

"AFPEO/CM – Services" means service acquisitions under the executive management and oversight of Air Force Program Executive Officer for Combat and Mission Support (AFPEO/CM) (see DAFI 63-138, *Acquisition of Services*).

"Agency Head" (see "Head of the Agency")

"ASAF(A)" means the Assistant Secretary of the Air Force for Acquisition (SAF/AQ).

"ASAF(SA&I)" means Assistant Secretary of the Air Force for Space Acquisition and Integration (SAF/SQ).

"Bridge Action" means a non-competitive action requiring a justification to include, but not limited to, a formal justification and approval (FAR 6.3 or 13.5), limited sources justification (FAR 8.4), and exception to fair opportunity (FAR 16.5), to retain the current or similar product or services as a result of delay in the negotiation and award of a follow-on contract. Extension of services executed in accordance with FAR 52.217-8, Option to Extend Services, is not considered a bridge action, regardless of whether or not it was negotiated and included in the original contract, unless or until the total six (6) month extension allowed is exceeded.

"Center" means subordinate organizations to AFMC responsible for the "cradle-to-grave" oversight for aircraft, electronic systems, missiles and munitions, and discovery, development, and integration of warfighting technologies in air, space and cyber for the U.S. Air and Space Forces.

"Chief of the Contracting Office (COCO)" means the contracting official one level below the SCO or their deputies, unless specifically prohibited, or as designated by, the SCO.

"Cognizant HCA Workflow" means—

SAF.AQ.SAF-AQC.Workflow@us.af.mil for DAS(C) or ADAS(C);

smc.pkc.workflow@us.af.mil for Director of Contracting, Space Systems Command (SSC);

osd.pentagon.ousd-r-e.mbx.sda@mail.mil for Director, Space Development Agency (SDA); and

SpRCO.DAF.Org@us.af.mil for Director of Contracting, Space Rapid Capabilities Office (SpRCO).

"DAS(C)" means the Deputy Assistant Secretary (Contracting) **(**SAF/AQC). The authority granted to DAS(C) may also be exercised by the Associate Deputy Assistant Secretary (Contracting) (ADAS(C).

"Direct Reporting Unit (DRU)" means a subdivision of the Air Force, directly subordinate to the Chief of Staff, US Air Force or a subdivision of the Space Force directly subordinate to the Chief of Space Operations. A DRU performs a mission that does not fit into any of the MAJCOMs or FLDCOMs (see AFI 38-101 , *Manpower and Organization*).

"**Department of the Air Force (DAF)**," as used in DAFFARS, means the military department within which the United States Air Force (USAF) and the United States Space Force (USSF) are organized.

"Enterprise" means an acquisition solution that supports multiple organizations and for which a structured process of analyzing spending, agency needs and market dynamics is followed in order to define government requirements and acquisition options, and to find ways to improve category performance by reducing or redirecting demand, improving supplier performance, developing new partners/suppliers, and optimizing purchasing channels. Enterprise acquisitions may employ existing multi-agency or Government-wide solutions, or new solutions executed by a DAF contracting unit that are aligned with Office of Management and Budget (OMB) and Category Management Leadership Council (CMLC) Spend Under Management (SUM) Tier 1 criteria (see OMB M-19-13).

"Field Command (FLDCOM)" means a subdivision of the Space Force that is assigned a specific mission focus of the Space Force. FLDCOMs are directly subordinate to the Chief of Space Operations.

"Field Operating Agency (FOA)" means a subdivision of the Air Force, directly subordinate to a HQ USAF functional manager. A FOA performs field activities beyond the scope of any of the major commands (see AFI 38-101).

"Head of the Agency" means, unless the terms of a statute or delegation indicate that an action must be done by the Secretary of the Air Force (SecAF) or the Under Secretary of the Air Force (USecAF),—

ASAF(A) for non-space systems and programs, including product support, for the Department of the Air Force, pursuant to HAF MD 1-10 ; and

ASAF(SA&I) for space systems and programs for the Department of the Air Force, pursuant to HAF MD 1-17.

"Head of the Contracting Activity (HCA)" means—

DAS(C) and ADAS(C) for the Department of the Air Force (except SSC, SDA and SpRCO), pursuant to HAF MD-10 ;

Director of Contracting, SSC for SSC, pursuant to SAF/SQ Designation;

Director, SDA for SDA, pursuant to SAF/SQ Designation; and

Director of Contracting, SpRCO for SpRCO, pursuant to SAF/SQ Designation.

"Installation Commander" means an individual who functions in a command position and is responsible for a base or other Department of the Air Force installation having a base contracting office.

"Major Command (MAJCOM)" means a major subdivision of the Air Force that is assigned a major part of the Air Force mission. A MAJCOM is directly subordinate to Headquarters US Air Force (see AFI 38-10 1, *Manpower and Organization*).

"Mandatory Procedures (MP)" means a companion resource to the DAFFARS that—

(1) Contains mandatory internal AF procedures. The DAFFARS will direct compliance with mandatory procedures using imperative language such as "Follow the procedures at..." or similar directive language;

(2) Contains non-mandatory internal AF procedures and guidance and supplemental information to be used at the discretion of the contracting officer. The DAFFARS will point to non-mandatory procedures, guidance, and information using permissive language such as "The contracting officer may use..." or "Additional information is available at..." or other similar language;

(3) Is numbered similarly to the DAFFARS, except that each MP numerical designation is preceded by the letters "MP"; and

(4) Is available electronically as part of the DAFFARS document set on Acquisition.gov.

"Operating Location (OL)" means a part of a unit that is separated geographically from its parent unit. OL personnel remain assigned to, and under the command of, the parent unit. (see AFI 38-10 1, *Manpower and Organization*).

"Operational" means those contracting actions taken to meet the needs of installation commanders, DRUs, deployed commanders, and resident, tenant, and supported units. Operational contracting may be accomplished by contracting squadrons, operational contracting offices, contracting divisions, or another organization entity designed to meet local needs.

"Program Executive Officer (PEO)" (see "PEO (Systems)" and "AFPEO/CM – Services")

"PEO (Systems)" means acquisitions within a Systems PEO's portfolio (see DAFI 63-101/20-101, *Integrated Life Cycle Management*, and DoDI 5000.02, *Operation Of The Adaptive Acquisition Framework*).

"Quality Assurance Program Coordinator (QAPC)" means the individual selected in accordance with local procedures to coordinate and manage the Quality Assurance Program.

"Quality Assurance Surveillance Plan (QASP)" means the document government personnel use to assess contractor performance (see FAR 46.401, DFARS 246.401, and DFARS 237.172).

"Senior Contracting Official (SCO)" means the contracting official with overall responsibility for executing its delegated procurement authority for their designated cognizant areas of responsibility as denoted in the list below, subject to any HCA established limitations. The deputy or technical director to a SCO may exercise any SCO authority unless restricted in the FAR, as supplemented (e.g., individual authorized to execute a specific authority must be of a certain minimum grade/rank), or as specifically limited by the SCO. See AFI 64-105 Contingency Contracting Support, to identify SCOs for contingency operations.

An expanded list of SCOs including names, contact information, and locations can be found on Air Force Contracting Central. (Please note: this link requires CAC and is not available to all users.)

	SCO	Designated Cognizant Area of Responsibility (Organization Type)
1	AFMC/PK	Air Force Material Command[1] (MAJCOM)
2	AFLCMC/PK	Air Force Life Cycle Management Center[2] (Center)
3	AFICC/CC	Air Force Installation Contracting Center[3] (Center)
4	AFSC/PK	Air Force Sustainment Command[4] (Center)
5	AFRCO/PK	Air Force Rapid Capabilities Office (USAF DRU)

6	AFDW/PK	Air Force District of Washington (USAF DRU)
7	AFLCMC/PK Eglin OL	Air Force Life Cycle Management Center – OL Eglin (Operating Location)
8	AFLCMC/PK Hanscom OL	Air Force Life Cycle Management Center – OL Hanscom (Operating Location)
9	AFNWC/PK	Air Force Nuclear Warfare Center (Center)
10	AFRC/PK	Air Force Reserve Command (MAJCOM)
11	AFRL/PK	Air Force Research Laboratory (Center)
12	AFSC/PK Hill OL	Air Force Sustainment Center – Hill OL (Operating Location)
13	AFSC/PK Robins OL	Air Force Sustainment Center – Robins OL (Operating Location)
14	AFTC/PK	Air Force Test Center (Center), Air Force Operational Test and Evaluation Center (USAF DRU)
15	Chief, Contracts, SDA	Space Development Agency (USSF DRU)
16	Director of Contracting, SpRCO	Space Rapid Capabilities Office (USSF DRU)
17	SSC/PK	Space Systems Command (FLDCOM)
18	AFICC/KF	U.S. Air Force Academy, CO (DRU)
19	AFICC/KC	Air Combat Command (MAJCOM)
20	AFICC/KG	Global Strike Command (MAJCOM)
21	AFICC/KM	Air Mobility Command (MAJCOM)
22	AFICC/KO	Air Force Special Operations Command (MAJCOM)
23	AFICC/KS	Space Operations Command (FLDCOM), Space Training and Readiness Command (FLDCOM)
24	AFICC/KH	Pacific Air Forces (MAJCOM)
25	AFICC/KQ	Air Forces Northern[5] (Air Component for Combatant Command)
26	AFICC/KT	Air Force Education and Training Command (MAJCOM)
27	AFICC/KU	United States Air Forces in Europe (MAJCOM)

NOTES:

[1]AFMC/PKacts as SCO for any AFMC procuring organization without a SCO designated on the above table and acts in the absence of an AFMC Center SCO or designee.

[2]AFLCMC/PK acts as SCO for any AFLCMC procuring organization without a SCO designated on the above table and acts in the absence of a AFLCMC Operating Location SCO or designee.

[3]AFICC/CC acts as SCO for any AFICC procuring organization without a SCO designated on the above table and acts in the absence of a AFICC Operating Location SCO or designee.

[4]AFSC/PK acts as SCO for any AFSC procuring organization without a SCO designated on the above table and acts in the absence of a AFSC Operating Location SCO or designee.

[5]AFICC/KQ is designated SCO for procuring organizations and contracting officers temporarily under the tactical control of Air Forces Northern within the U.S. Northern Command area of responsibility.

"Senior Procurement Executive (SPE)" means ASAF(A), pursuant to HAF MD 1-10. ASAF(SA&I) discharges assigned duties and authorities of the SPE for DAF space systems and programs, pursuant to HAF MD 1-17.

"Service Acquisition Executive (SAE)" means—

ASAF(A) for non-space systems and programs, including product support, for the Department of the Air Force, pursuant to HAF MD 1-10; and

ASAF(SA&I) for space systems and programs for the Department of the Air Force, pursuant to HAF MD 1-17.

"**Services Acquisition Decision Authority (SADA)**" means the individual designated to exercise responsibility for the management and oversight of the acquisition of contract services (see DAFI 63-138, *Acquisition of Services)*.

"**Tactics, Techniques, and Procedures (TTP)**" means a companion resource to the DAFFARS that —

(1) Provides fundamental contracting principles and other helpful tools in an informative, innovative, intuitive, user-friendly manner;

(2) Contains non-mandatory internal procedures and guidance, and supplemental information to be used at the discretion of the contracting officer;

(3) Is not regulated by policy; rather is a living document shaped by acquisition community input; and

(4) Is available electronically within the DAF Contracting TTP Team SharePoint site. (Please note: this link requires CAC and is not available to all users.)

PART 5303 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Sec.

Subpart 5303.1 - SAFEGUARDS
5303.104-2 General
5303.104-3 Statutory and Related Prohibitions, Restrictions, and Requirements
5303.104-4 Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information
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DAFFARS PART 5303 Knowledge Center

Revised: June 2024

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Subpart 5303.1 - SAFEGUARDS

5303.104-2 General

(a) See MP5301.601(a)(i) when supplementing specific definitions to identify individuals who occupy positions specified in FAR 3.104-3(d)(1)(ii), and any clauses required by 3.104.

(b)(6) Former federal employees have a continuing obligation to the Government not to disclose or misuse any other information acquired as part of their official duties and which is not generally available to the public.

5303.104-3 Statutory and Related Prohibitions, Restrictions, and Requirements

(a) Similar to knowledge of classified information, employee protective obligations of Government acquisition information extend beyond federal service. Failure to comply with protective obligations during and after federal service would support potential determinations of personal and organizational conflicts of interest, as well as potential determinations to eliminate contractors from competing on certain acquisitions due to conflicts of interest.

(c)(1)(ii) See MP5301.601(a)(i) for individuals authorized to approve resumption of participation in a procurement.

5303.104-4 Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information

(a) When it comes to safeguarding public data, trust is paramount. Contract management security and data privacy are critical. Contracting data produced or maintained by the Contracting workforce must also be handled in accordance with applicable laws and regulations to safeguard this data. Any individuals requiring access to contract data as a result of participating on a source selection or in the performance of their duties must sign a Non-Disclosure Agreement.

i. Contracting Officers must ensure appropriate clauses and data protections are included in any contract, order or agreement providing the assistance of support personnel. Since contract data may include sensitive or proprietary information, it is important to protect restricted data sets from improper use. Contractors whose employees have been determined to have a "Need to know" by the data requesting organization shall have Non-disclosure Agreements (NDAs), Organizational Conflicts of Interest (OCI) mitigation plans, necessary information owner permissions and any applicable contract clauses or articles prior to gaining access to any contracting system restricted data sets. Confirmation of these items is the responsibility of the organizations requesting access to the data and organizations are required to provide the items upon request.

ii. Before giving contractors access to contracting data, Contracting Officers shall ensure that the government team has verified that safeguarding actions have been taken and processes have been put into place to protect the contracting data. This verification shall be documented using the Compliance Certification Contracting Access and Security (CCCAS) Memo template. Once completed, the CCCAS template shall be uploaded into the Contracting Modernization SharePoint Site to establish an auditable record that due diligence has been taken to safeguard contracting data.

Note for DAFFARS 5303.104-4(a)(ii): Atch 4 of SAF/AQC memo 24-C-04 will be made into a DAFFARS template and archived within the Air Force Contracting Central (AFCC) templates when the 2024 DAFAC is finalized – once this action is complete, this note will be removed from the DAFFARS language

iii. A singular Non-Disclosure Agreement (NDA) for both DAFFARS 5303.104-4(a) and FAR clause 52.203-16 "PREVENTING PERSONAL CONFLICTS OF INTEREST" may be completed and remain on file by the requesting government or contractor organization for the term of employment rather than accomplished annually, as long as both provisions are referenced in the NDA.

5303.104-5 Disqualification

(a) Contracting officers should consider ways to engage potential offerors early and respond to industry queries, pursuant to the contracting officer's responsibilities under FAR 9.504, to determine whether former federal employees should be excluded from proposal preparation. When Contracting officers become aware that a former federal employee is involved in a contractor's proposal preparation, the CO shall determine whether that employee should be excluded from the proposal preparation effort. The CO shall document the supporting rationale within the determination as to whether the former federal employee should be excluded from the proposal preparation efforts or not. In addition to the ethics advisory opinions under FAR 3.104-6, should a former federal employee participate in preparing a competitive proposal on behalf of an employer or client, and it relates to the prior employment as a federal employee, the individual should inform his/her employer/client of this fact and have that entity communicate such facts to the Contracting Officer in accordance with FAR 3.104 and FAR 9.505. One of the guiding principles established by the decisions of the courts is the obligation of contracting agencies to

avoid even the appearance of impropriety in government procurements. See FAR 3.101-1. In this regard, where a firm may have gained an unfair competitive advantage through its hiring of a former government official, the contracting officer may disqualify a firm from a competition based on the appearance of impropriety tied to an organizational conflict of interest which is created by this situation, that is, even if no actual impropriety can be shown.

(b) In addition to the cognizant parties identified at FAR 3.104-5(b), if the source selection authority is the DAFRCO/MAJCOM/FLDCOM/FOA/DRU/CC or CD, the disqualification notice must be coordinated through the DAFRCO/MAJCOM/FLDCOM/FOA/DRU JA and the SCO. The notice must include the items at FAR 3.104-5(b) and the following:

(1) Name of requestor

(2) Current position/job title

(3) Projected retirement date

(4) Impact on program/unit mission if disqualification is granted

(5) Proposed replacement individual for official acquisition duties

(6) Commander/Director recommendation

(c) Resumption of participation in a procurement

The contracting officer, after consultation with the parties identified in paragraph (b), will notify the individual if he or she is disqualified. The individual will remain disqualified unless resumption of participation in the procurement is granted in accordance with this paragraph.

(2) See MP5301.601(a)(i). In cases where the SCO is the individual disqualified from participation in a procurement, the cognizant HCA must authorize the individual to resume participation in the procurement. SAF/AQ and SAF/SQ and their civilian or military deputies have the authority to permit the cognizant HCA to resume participation in a procurement following contact with an offeror regarding non-Federal employment.

5303.104-7 Violations or possible violations

(a) When a potential Procurement Integrity Act (PIA) violation is alleged, the contracting officer must notify their cognizant Clearance Approval Authority (CAA), legal counsel, cognizant HCA (as defined in DAFFARS 5302), and the DAS(C) (SAF/AQC or, for classified programs, SAF/AQCS). This notification to all parties should identify the cognizant CAA and shall be accomplished within 7 business days of initial discovery. The contracting officer will subsequently provide a copy of the information and documentation generated under FAR 3.104-7 to those same stakeholders and to SAF/GCR.

(1) The contracting officer must forward the information and determination required by FAR 3.104-7(a)(1) to the clearance approval authority (DAFFARS 5301.9001(i)) of the affected procurement for review.

(g) See MP5301.601(a)(i).

5303.104-9 Contract Clauses

(b) If information received under FAR 52.203-10, *Price or Fee Adjustment for Illegal or Improper Activity*, indicates that a price or fee adjustment may be appropriate, the contracting officer must submit notification to the SCO, cognizant HCA and to SAF/GCR.

Subpart 5303.2 - CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

5303.202 Contract Clause

See MP5301.601(a)(i) for the designee identified in FAR Clause 52.203-3.

5303.204 Treatment of Violations

(a) SAF/GCR is authorized to conduct hearings and make findings of fact in accordance with FAR 3.204(a). If a hearing is held, SAF/GCR will provide recommendations to ASAF(A) for non-space systems and programs or ASAF(SA&I) for space systems and programs.

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Subpart 5303.5 - OTHER IMPROPER BUSINESS PRACTICES

5303.570-2 Prohibition Period

(a) See MP5301.601(a)(i).

(b) See MP5301.601(a)(i).

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Subpart 5303.6 - CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

5303.602 Exceptions

See MP5301.601(a)(i) The SCO should review each contract action to ensure no viable alternatives exist and that every effort is made to avoid any conflict of interest between the employees' interests and their government duties. Requests must address the following:

(1) Description of requirement;

(2) Amount of the proposed contract and period of performance or delivery date;

(3) Contracting officer's basis for determining the price fair and reasonable;

(4) Apparent contract awardee -- Government employee's name, grade/rank, duty/position title, and organization;

(5) Determination that there is no conflict of interest;

(6) Explanation of the compelling reason why the Government's needs cannot otherwise reasonably be met (include description of efforts to obtain services from non-government personnel); and

(7) For recurring requirements, describe the steps that will be taken to avoid future awards to a Government employee.

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Subpart 5303.7 - VOIDING AND RESCINDING CONTRACTS

5303.704 Policy

(c) See MP5301.601(a)(i).

5303.705 Procedures

(a) The contracting officer must forward the facts concerning a final conviction, to include a copy of the conviction, to the SCO within 10 calendar days after the contracting activity learns of the conviction. Also, within 30 calendar days, the contracting officer must send notification containing the same elements to the servicing Staff Judge Advocate, who will forward to the Department of Justice Civil Division through AF/JACQ and SAF/GCR, to inform them that action is being considered under this subpart. (See the tailorable Notice of Proposed Contract Rescission Action(s) template).

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Subpart 5303.9 - WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

5303.906 Remedies

(c)(1) See MP5301.601(a)(i).

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Subpart 5303.10 - CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT

5303.1003 Requirements

(b)(2)(i) Upon receipt of the required disclosure or any notification, contracting officers, working with legal counsel, must ensure that appropriate steps are taken to preserve remedies available to the government. Contracting officers also must consider how the disclosed information may impact pending contract actions in terms of the contractor's present responsibility and/or the contractor's past performance. The contracting officer must promptly provide a copy of any disclosure or notification received to the SCO and to SAF/GCR using the procedures at DAFFARS 5309.406-3.

(b)(2)(ii) The Government must safeguard and treat the information obtained pursuant to a contractor's disclosure or notification as confidential where the information has been marked as "confidential" or "proprietary" by the company. Even if the information is not marked, the contracting officer should not publicly disclose the information without prior notification to the contractor.

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Subpart 5303.11 - PREVENTING PERSONAL CONFLICTS OF INTEREST FOR CONTRACTOR EMPLOYEES PERFORMING ACQUISITION FUNCTIONS

5303.1104 Mitigation or Waiver

(b) See MP5301.601(a)(i).

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PART 5304 - ADMINISTRATIVE MATTERS

Sec.

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5304.104 Early Effective Date
Subpart 5304.4 - SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY
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Subpart 5304.8 - GOVERNMENT CONTRACT FILES
5304.802 (f) Electronic Retention of Contract Files
5304.803 Contents of Contract Files
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5304.806 Storage, handling, and contract files.
Subpart 5304.11 SYSTEM FOR AWARD MANAGEMENT
5304.1102 Policy
Subpart 5304.16 [RESERVED]
5304.1600 Unique Procurement Instrument Identifiers
5304.1603 Procedures
Subpart 5304.70 - UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERS
5304.7003-90 Maintaining DoD Activity Address Codes (DoDAAC)
Subpart 5304.71 - [RESERVED]
5304.7103-1-90 Criteria for Establishing
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5304.7303 Policy

DAFFARS PART 5304 Knowledge Center

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Subpart 5304.1 - CONTRACT EXECUTION

5304.101 Contracting Officer's Signature

Contracting officers are required to sign all contract actions (either via wet signature, signature as produced by CON-IT, or digital signature produced with a DoD Public Key Infrastructure certificate using a Common Access Card), ensure contractor signatures are obtained, if required or desired, and maintain signed contractual documents within the official contract file.

Contracting officers need not obtain a contractor's written acceptance of a purchase order or modification of a purchase order for an acquisition under the 8(a) Program pursuant to 219.804-2(2). Reference DFARS 213.7002 Purchase Orders.

5304.104 Early Effective Date

Early Effective Date:

(a) The chief of the contracting office may approve use of an early effective date (i.e., effective date prior to the contract award date) subject to the following conditions:

(1) the negotiating parties have reached agreement on all terms and conditions, including price;

(2) funding is currently available; and

(3) for early effective dates established more than 30 days prior to the projected contract award date, legal review has been obtained. An early effective date shall not be used if the government intends to direct a prospective contractor, to accept benefits of the contractor's efforts, or to make payments before the contract award date.

(b) After receiving approval to use an early effective date, the contracting officer shall notify the contractor of the early effective date in writing and include the following:

(1) agreed upon terms and conditions, including price,

(2) a statement that any costs recognized in the resulting contract must be limited to those allowable, allocable, and reasonable costs that would be recognized if incurred after contract award;

(3) a statement that if a contract is not awarded all incurred costs shall be at the contractor's own risk;

(4) a statement that costs cannot not be invoiced or paid until after contract award; and

(5) a statement that prior to contract award the government may not direct the contractor or accept benefits of the contractor's efforts. The contracting officer should also advise the program office or requirements owner that the government cannot direct the contractor or accept benefits of the contractor's efforts until after contract award.

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Subpart 5304.4 - SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

5304.402-90 General

(a) 32 CFR Part 117 and DAFMAN 16-1406V2, *National Industrial Security Program: Industrial Security Procedures for Government Activities*, clarify contracting officer responsibilities and provides guidance for implementing the Department of the Air Force's National Industrial Security Program.

(b) DAFH 16-1406 , *National Interest Determination Handbook*. This instruction clarifies responsibilities and procedures for processing National Interest Determinations (NID).

(c) Air Force Policy Directive (AFPD) 16-7 Special Access Programs establishes policies and responsibilities for the management, administration, and oversight of Special Access Programs for which the Air Force has Cognizant Authority..

(d) DAFI 10-701 , *Operations Security*, establishes responsibilities for contracting officers when there are OPSEC requirements on contract.

(e) In accordance with FAR part 4.4, DAF personnel will use the NISP Contract Classification System (NCCS) to process DD Form 254s, provided that the data submitted is unclassified. For contracts where the content of the DD Form 254 contains classified information and the classified information cannot be segregated into classified attachments or addendums, use of NCCS is not required until such time that an automated solution is available on the appropriate classified information system. NCCS is available electronically at https://www.dcsa.mil/is/nccs.

(f) Additional DD254 guidance:

(1) **Solicitation/Award DD Form 254**:

A solicitation DD Form 254 is required to be drafted, coordinated, and certified in block 17 IAW DoD and Air Force industrial security policy requirements. The coordinated and certified DD Form 254 shall be attached to the solicitation that is provided to the vendor(s). Distribution of the solicitation DD Form 254 per Air Force Industrial Security Policy is not required unless the vendor requires access to classified information during the pre-award phase of the contract. Solicitation means any request to submit offers or quotations to the Government. As such the solicitation stage includes but is not limited to: Invitation for Bid (IFB), Request for Information (RFI), Request for Proposal (RFP), Request for Quotation (RFQ), Program Research and Development Announcement (PRDA), Broad Agency Announcement (BAA), Grants, Cooperative Agreement, Other Transactions (OT) and other extraordinary actions. A new, original DD Form 254 is required to be drafted, coordinated, certified, and distributed and shall be attached to the contract award.

(2) **IDIQ**:

Basic Indefinite Delivery Vehicle (IDV) and Indefinite Delivery Vehicle Quantity (IDIQ) contracts or agreements as defined in FAR 4.601 in which there is no requirement for a breakdown by classification of the various elements of the classified effort may utilize the same DD Form 254 for the entire IDV contract. In this case, a separate DD Form 254 will not be required for delivery, task orders, or equivalent pending all the security requirements are identical for each order against the IDV contract or agreement, at the discretion of the servicing Contracting Officer and will be documented in block 13. If the security requirements for the task, delivery, or purchase order for a contract or agreement result in additional security requirements from that of the basic DD Form 254, a revised basic DD Form 254 is required. The servicing Contracting Officer will determine how to document use of the basic DD Form 254 on all delivery, purchase, or task orders for all prime contracts or agreements, if applicable. If it is determined that a DD Form 254 at the IDV contract level will not cover varying needs of the classified effort in each delivery order, then a separate DD Form 254 should still be done for each delivery/task order as long as the separate DD Form 254 does not contain security requirements above that of the basic DD Form 254.

(3) **Contract novation**:

A new original DD Form 254 is required to be drafted, coordinated, certified, and distributed upon the finalization of a contract novation. The new original DD Form 254 will identify the new vendor and prime contract number. If the new vendor does not possess the requisite level of facility clearance, the vendor will be sponsored for a facility clearance IAW Air Force industrial security policy requirements.

5304.403 Responsibilities of Contracting Officers

(a) In accordance with the FAR part 4.4, the contracting officer is responsible for reviewing all proposed solicitations to determine whether access to classified information may be required by offerors or by a contractor during contract performance.

(b) Contracting officers will require input and support from program managers, project managers, or other personnel knowledgeable of the contract requirements to perform this responsibility.

(c) The Contracting Officer will, in accordance with 32 CFR Part 117 and DAFMAN 16-1406V2, National Industrial Security Program: Industrial Security Procedures for Government Activities:

i. Verify the vendor's facility clearance status and safeguarding capability by accessing the National Industrial Security System (NISS), unless otherwise delegated.

ii. Submit a facility clearance sponsorship request to the Defense Counterintelligence and Security Agency (DCSA) using NISS, unless otherwise delegated.

iii. Include the security requirements clause, FAR 52.204-2 and the Department of Defense Contact Security Classification Specification (DD Form 254) if access to classified information is required during the solicitation phase or award phase of a contract.

iv. Ensure the DD Form 254 is properly prepared, reviewed, coordinated and distributed in accordance with DAFMAN 16-1406V2. In the absence of exceptional circumstances that support classification, the DD Form 254 will not be classified.

v. Serve as the approving official Certifier for the DD Form 254.

vi. Ensure the DD Form 254 is distributed to:

(1) The contractor as part of the contract.

(2) All DCSA field activities listed in blocks 6c, 7c, 8c, and 10 (as applicable).

(3) All host installation Air Force Information Protection Office(s) listed as government performance locations (or Army, Navy, Marine Corps, Coast Guard equivalent where classified performance will occur).

(4) Others in accordance with local DD Form 254 processing procedures.

vii. Within 30 calendar days prior to classified work beginning to all government performance locations:

(1) Ensure the host Installation Commander is aware of the contractor's presence as a visitor on the installation normally through the installation Information Protection Office when performance is on an Air Force installation at least 30 calendar days in advance.

(2) If the certified DD Form 254 cannot be provided to the installation Information Protection Office at least 30 calendar days in advance due to contract performance commencing in less than 30 calendar days from date of contract award, then the DD Form 254 is to be provided within 72 hours after contract award.

viii. Upon receipt of notification of a contractor security violation from the DCSA, the contracting officer or designee will ensure the owner of the classified information subject to loss, compromise, or suspected compromise (e.g., Original Classification Authority (OCA) or representative) is further notified and can perform required actions to mitigate potential damage in accordance with DoDM 5200.01, Volume 3, Enclosure and DAFI 16-1404, Chapters 3 and 7.

ix. Upon notification of an adverse facility clearance action (e.g. Invalidation/Intent to Revoke) and/or receipt of a contractor being issued a less than satisfactory security review rating issued by DCSA, coordinate all potential contracting actions with the program office and/or affected government customer(s) personnel to ensure vendor mitigates all reported instances of non-compliance with FAR 52.204-2, as applicable.

(d) National Interest Determination (NID)

i. As of 1 October 2020, in accordance with Public Law 115-232, John S. McCain National Defense Authorization Act for Fiscal Year 2019, Section 842, "Removal of National Interest Determination Requirements for Certain Entities," August 13, 2018:

(1) NIDs are no longer required for National Technology and Industrial Base foreign ownership entities that require access to proscribed information and under Special Security Agreements to mitigate the foreign ownership, control, or influence.

(2) If necessary, contact the servicing Information Protection Office to verify if a NID is required prior to submitting a NID request.

ii. Upon receiving adequate written justification from the requesting program office or activity, the contracting officer reviews, validates, and processes the NID request and associated written approvals/documentation, in accordance with AFH 16-1406, National Interest Determination Handbook

iii. The contracting officer shall maintain a copy of the approved program, project, or contract specific NID package in the contract file.

5304.404-90 Additional Contract Clauses

The contracting officer must insert the clause at DAFFARS 5352.204-9002 ,*Security Incident Reporting and Procedures*, for all solicitations and contracts which require a DD Form 254. The contracting officer may change the number of days specified in DAFFARS 5352.24204-9002 upon request from the contractor and after coordination with the requirement

owner. The contracting officer must insert DAFFARS 5352.204-9000, Notification of Government Security Activities for all solicitations and contract which require a DD Form 254for performance on U.S. Government installations and overseas. The contracting officer may change the number of days specified in DAFFARS 5352.204-9000(a). If less than thirty days is used, coordinate with the servicing information protection office.

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Subpart 5304.6 - CONTRACT REPORTING

5304.604 Responsibilities

(a) Subsequent to each contract action, the contracting officer must reference the CARapproval date in the official contract file.

(b) Procurement Data Verification & Validation (V&V)

On a quarterly basis, SAF/AQCI will provide procurement data information to the Modernization Board (MODBOD) who shall verify and validate the information with the appropriate contracting officer. Upon completion, the contracting officer shall post the results using the V&V tool. SAF/AQCI will collect the data from the V&V tool once the data is gathered from the MODBOD members.

For additional questions: (SAF.AQ.SAF-AQCI.Workflow@us.af.mil).

Additional guidance can be found at the V&V website: AF-FPDS-NG Data Validation

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Subpart 5304.8 - GOVERNMENT CONTRACT FILES

5304.802 (f) Electronic Retention of Contract Files

Contracting offices listed in KT Fileshare (KTFS) shall use it as both the working and official file, per FAR 4.802(c)(3). It shall be used to create, modify, store, access, and route documents necessary to manage the acquisition process for review and approval, over the life of the entire acquisition lifecycle, (e.g. requirements development to contract closeout.) Contracting Officers shall ensure that KTFS contains all appropriate contract documents required for the official contract file. If a contract document is maintained within the Procurement Integrated Enterprise Environment (PIEE, https://wawf.eb.mil/), within Electronic Document Access (EDA), the Federal Procurement Data System (FPDS), or the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS), then that system is the official system of record; contracting officers are not required to duplicate the document in KTFS, unless the contracting office determines an exception applies to ensure ready accessibility to principal users (e.g., clearance reviewers, auditors) per FAR 4.802(c)(2). Examples of such exceptions, include, but are not limited to, Award Documents, and copies of Government-Furnished Property (GFP) attachments. However, contracting officers shall add screenshots of system of record documents (Reps/Certs, SAM/FAPIIS, etc.) that are dynamic/overwritten to reflect status at time of contract action. In addition, KTFS shall not be used to store documents that are not required to be part of the contract file such as CDRL submittals and annual CPARS reports.

5304.803 Contents of Contract Files

For contract offices not listed in KTFS and that maintain hard copy official contract files, SCOs may use the Air Force contract file content index templates below, or their own specific contract file content checklist or index to maintain contract files:

Operational Services and Construction
Research and Development
Systems and Logistics

5304.804 Expedite Contract Closeout.

Contracting officers shall use the clause at DFARS 252.204-7022, Expediting Contract Closeout, in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products and commercial services.

5304.805 Storage, handling, and contract files.

As part of the Financial Improvement and Audit Readiness (FIAR) program, contract files shall be retained for a period of 10 years after the final invoice in accordance with DoD 7000.14-R, Volume 1, Chapter 9.

5304.806 Storage, handling, and contract files.

Prior to disposing of contract and other procurement files under Series 63, Acquisition, or Series 64, Contracting, of the Air Force Records Disposition Schedule, contracting officers shall ensure that all records necessary to support intellectual property rights are transferred to an appropriate Air Force organization with an appropriate system of records, such as research and development (R&D) case files. These records may include, but are not limited to: contracts, especially the solicitation/contract forms, the description/statement of work, and any attached licenses or data rights assertions; the solicitation; market research; the awardee's proposal; preliminary and critical design review slides; the integrated master schedule; and data deliverables such as technical reports or software development plans and other procurement records that may grant the Government licenses to technical data, computer software, and other intellectual property or may be necessary to establish that a given technology was developed with Government funding, . To protect the Government's intellectual property interests, records that support the intellectual property rights may need to be retained for multiple decades following contract closeout. Certain documents evidencing the Government's rights and interests in intellectual property might also need to be recorded with other government entities, such as the U.S. Patent and Trademark Office. Consult with legal counsel and records managers as necessary.

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Subpart 5304.11 - SYSTEM FOR AWARD MANAGEMENT

5304.1102 Policy

(e) For a small business concern that is an offeror submitting a proposal under the Small Business Innovation Research (SBIR) program or the Small Business Technology Transfer (STTR) program, the contracting officer is authorized to provide an opportunity to correct the offeror's SAM.gov registration prior to award of an SBIR or STTR contract where:

(1) the SBIR or STTR solicitation required registration in SAM.gov for contracts;

(2) at the time of submission of the proposal, the offeror was registered in SAM.gov for grants;

(3) the offeror is able to register in SAM.gov for contracts prior to award;

(4) the corrective registration is ministerial in nature, i.e., the offeror is not changing its ownership, place of business or organization, small business size or status, or the substance of other representations and certifications; and

(5) the contracting officer determines that the correction of the SAM.gov registration from grants to contracts is in the government's best interest and furthers the statutory policy of 15 U.S.C. 638(a) to assist small business concerns' participation in Federal research and development.

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Subpart 5304.16 - [RESERVED]

5304.1600 Unique Procurement Instrument Identifiers

Contracting officers should refer to the Standard Operating Procedure (SOP) for Internal Use Software (IUS) Accountability found in DAFMAN 17-1203 when an IUS is identified by the requiring activity.

5304.1603 Procedures

(2)(ii)(1)(i) The contracting officer shall use the letter "K" in the second position of the supplementary PII number for PIOs unless separately identified below: DFARS 204.1603

L -- AFSC/Tinker

M -- AFSC/Hill OL

Q -- AFSC/Robins OL

(2)(ii)(1)(iii) Procurements which are completely administered by the purchasing office should use normal modification numbering procedures for amended shipping instructions (ASIs). All other procurements should use the letter "T" in the second position of the supplementary PII number for ASIs unless separately identified below: DFARS 204.1603

U-- AFSC/Tinker

V-- AFSC/Hill OL

Y-- AFSC/Robins OL

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Subpart 5304.70 - UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERS

5304.7003-90 Maintaining DoD Activity Address Codes (DoDAAC)

The contracting officer administering the contract must obtain a contractor DoDAAC (see DAFMAN 23-230, *Maintaining Air Force DoD Activity Address Codes (DoDAAC)*) for contracts that furnish Government property or authorize requisition from a Government supply source. The contracting officer administering the contract must provide the DoDAAC to the program management office/requiring activity to facilitate the shipment of government furnished property. The Purpose Code Management module contained within Procurement Integrated Enterprise Environment (PIEE) must be used to:

(a) Obtain the existing DoDAAC or submit a new DoDAAC request for all contracts awarded;

(b) Initiate contractor DoDAAC account changes, including extensions of contract completion dates and contract terminations;

(c) Initiate contractor DoDAAC deletion when the contract is physically complete, unless the DoDAAC covers other active contracts; and,

(d) Validate contractor DoDAACs in accordance with DAFMAN 23-230, paragraph 4.2.

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Subpart 5304.71 - [RESERVED]

5304.7103-1-90 Criteria for Establishing

Exchangeable repair contracts with provisions for modifications require specific CLIN structures when there are multiple output national stock numbers permitted. Whenever a family of part numbers may be input under a specific repair and modification CLIN and the output parts may have different NSNs, then each output NSN should have a separate subCLIN. This will permit assigning a completion date to specific reparable for delivery schedule tracking purposes.

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Subpart 5304.73 - SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING

5304.7303 Policy

Contracting Officers shall document in the contract file verification of the Supplier Performance Risk System (SPRS) NIST SP 800-171 summary level score.

Contracting Officers shall document acceptance or non-acceptance of receipt of a Contractor's system security plan to validate NIST SP 800-171 security requirements in accordance with DFARS 252.204-7020 NIST SP 800-171 Assessments Requirements.

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PART 5305 - PUBLICIZING CONTRACT ACTIONS

Sec.

Subpart 5305.1 - DISSEMINATION OF INFORMATION
5305.102 Availability of Solicitations.
Subpart 5305.2 - SYNOPSES OF PROPOSED CONTRACT ACTIONS
5305.202 Exceptions
5305.204 Presolicitation Notices
Subpart 5305.3 - SYNOPSES OF CONTRACT AWARDS
5305.303 Announcement of Contract Awards
Subpart 5305.5 - PAID ADVERTISEMENTS
5305.502 Authority

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Subpart 5305.1 - DISSEMINATION OF INFORMATION

5305.102 Availability of Solicitations.

(a)(5)(iii) See MP5301.601(a)(i).

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Subpart 5305.2 - SYNOPSES OF PROPOSED CONTRACT ACTIONS

5305.202 Exceptions

(b) See MP5301.601(a)(i). The request must state why the notice is not appropriate or reasonable and identify alternative actions to optimize opportunities for small business participation.

5305.204 Presolicitation Notices

In accordance with DAFMAN 16-201, the contracting officer must identify if there are any restrictions on foreign participation.

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Subpart 5305.3 - SYNOPSES OF CONTRACT AWARDS

5305.303 Announcement of Contract Awards

(a) *Public Announcement*. Information on awards must not be released and awards shall not be made until after the agency announces the award on https://www.defense.gov/News/Contracts/. Contract announcements are posted at 1700 EST daily.

(ii) The contracting officer must submit all 1279 reports to SAF/LLW by close of business three workdays before the date of the proposed contract award. SAF/LLW may shorten the three-day advance notification requirement if requested by the contracting officer. For actions valued at $50M and above, email a courtesy copy of the 1279 report to the cognizant SCO. Follow MP5305.303 Announcement of Contract Awards to prepare 1279 reports.

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Subpart 5305.5 - PAID ADVERTISEMENTS

5305.502 Authority

(a) *Newspapers*. See MP5301.601(a)(i).

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PART 5306 - COMPETITION REQUIREMENTS

Sec.

	Subpart 5306.2 - FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES
5306.202	Establishing or Maintaining Alternative Sources
	Subpart 5306.3 - OTHER THAN FULL AND OPEN COMPETITION
5306.302-1	Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements
5306.302-2	Unusual and Compelling Urgency
5306.302-4	International Agreement
5306.303-1	Requirements
5306.303-1-90	Bridge Actions for Service Contracts Only
5306.303-2	Content
5306.304	Approval of the Justification
	Subpart 5306.5 - COMPETITION ADVOCATES
5306.501	Requirement
5306.502	Duties and Responsibilities

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Subpart 5306.2 - FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

5306.202 Establishing or Maintaining Alternative Sources

(b)(1) The Life Cycle Sustainment Plan (LCSP)/Acquisition Strategy approval authority is authorized to sign and approve the Determination and Findings (D&F) required by FAR 6.202(b)(1).

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Subpart 5306.3 - OTHER THAN FULL AND OPEN COMPETITION

5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

(a)(2)(i)*(1)* See MP5301.601(a)(i).

(d) See MP5301.601(a)(i).

5306.302-2 Unusual and Compelling Urgency

(c)(1) Contracting officers must notify their SCO and cognizant HCA as soon as practicable when contemplating the use of this authority for a J&A requiring SAF/AQ or SAF/SQ approval.

(d)(1)(ii) The authority to make this determination for the DAF is the SCO or the J&A approval authority, whichever is higher. This authority may not be further delegated.

5306.302-4 International Agreement

(c) *Limitations*. An International Agreement Competitive Restriction (IACR) must be used when the terms of the document referred to in DFARS 206.302-4(c) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources. The contracting officer is authorized to prepare the IACR (see MP5301.601(a)(i)). The contracting officer must include the IACR and a copy of the associated *Letter of Offer and Acceptance*, once completed, in the contract file.

5306.303-1 Requirements

(a) Solicitations for other than full and open competition may be released prior to justification approval, except as set forth in FAR 6.305(c) and 5306.304 Approval of the Justification(a)(4) for actions exceeding $100M.

(d) A justification approved on a class basis authorizes the award of two or more contract actions using other than full and open competition. A class justification may encompass identified contract actions for the same or integrally related supplies or services or other contract actions that require essentially identical justification. A justification made on a class basis—

(1) May cover one or more contractors;

(2) May cover contracts for requirements to be awarded in successive fiscal years, provided that the requirements and quantities are included in the justification, and the costs have been specifically identified;

(3) Shall address every contract included (e.g., specific quantity and dollar amounts for each contract; detailed documentation of the circumstances supporting the use of other than full and open competitive procedures for each contracting action) (See FAR 6.303-1(d)); and

(4) Shall include only those supply or service components that are and will remain sole source or limited source for the period covered by the justification.

5306.303-1-90 Bridge Actions for Service Contracts Only

(a) All service contract actions that meet the definition of a bridge action at DAFFARS 5302.101 require a written, approved justification document in accordance with DAFFARS 5306.304 Approval of the Justification. All bridge action J&As shall be identified as a "bridge action J&A" as indicated in the respective justification templates. Upon award of any bridge action, Contracting Officers shall enter the action into the DAF Bridge Action Reporting Tool (BART). Competition Advocates for each procuring activity shall ensure all bridge actions are included in the tool on a quarterly basis.

(b) Notifications required by DoDI 5000.74, *Defense Acquisition of Services ;* provide a copy of the approved justification and email transmission of the required notification to the Competition and Commercial Advocate (CCA)..

(1) Upon the first use of a bridge contract to provide for continuation of a service to be performed through a services contract, due to inadequate planning as determined by the S-CAT decision authority, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, will:

(i) For a services contract in an amount less than $10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the requiring activity's PEO, Flag Officer, or civilian equivalent, as applicable; or

(ii) For a services contract in an amount equal to or greater than $10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the cognizant Service Acquisition Executive (SAE).

(2) Upon the second use of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than $10 million, due to inadequate planning as determined by the S-CAT decision authority, the

commander or senior civilian official referred to in Paragraph (b)(1)(i) will provide notification of such use to the Vice Chief of Staff of the DAF and the cognizant SAE.

5306.303-2 Content

(a) Contracting officers may use the Justification and Approval template.

5306.304 Approval of the Justification

(a) Dollar thresholds and approvals levels are reflected in Table 1. For justification values > $15M ≤ $100M, the approval authority is:

(1) The Program Executive Officer (PEO) (including AFPEO/CM) for programs within the PEOs portfolio and the PEO is a General Officer (GO) or civilian member of the Senior Executive Service (SES);

(2) The Senior Contracting Officer (SCO) if they are a GO/SES; or

(3) The Commander or Director for the locations listed in 5306.501(a)(1) and (2), when the PEO or SCO is not a GO/SES.

Justification Value	Approval Authority	Delegability
≤ $750K	Chief of the Contracting Office	Delegable to contracting officer, consistent with warrant level
> $750K ≤ $15M	Procuring Activity Competition and Commercial Advocate (CAA)	Not further delegable
> $15M ≤ $100M	PEO or SCO if GO or civilian SES; otherwise, Head of Procuring Activity	Delegable to GO or SES
> $100M	SAF/AQ or SAF/SQ	Not further delegable

(4) J&As for actions exceeding $100M must be coordinated with the PEO/Head of Procuring Activity and the cognizant HCA prior to SAF/AQ or SAF/SQ approval (See MP5301.601(a)(i) for staffing and coordination instructions).

(i) Changes recommended during the staffing process for SPE approval must be adjudicated by the contracting officer in coordination with the cognizant HCA prior to submitting the J&A to the SPE for approval.

(ii) The SCO may authorize solicitation release after the justification is reviewed for adequacy and forwarded to the cognizant HCA for coordination to SAF/AQ or SAF/SQ for approval.

(iii) To support J&A coordination and staffing when SAF/AQ is the approval authority, contracting officers are encouraged to obtain DAF IP Cadre's (SAF/AQCC) feedback on draft J&A before submission for SAF/AQ approval. Request DAF IP Cadre input by completing the Cadre Support Request Intake Form and submit to the DAF IP Cadre Workflow

(e) Changes After J&A Approval: Regardless of dollar value, if a proposed change is for a new work outside the scope of the original J&A, submit a new J&A to the appropriate approving official based on the value of the new work. New work should not commence until the J&A is approved unless authorized in accordance with FAR 6.302-2, Unusual and Compelling Urgency.

(1) Before contract award, if the dollar value is expected to exceed the authority of the original J&A approving official, submit an amended J&A to the appropriate approving official. Clearly identify the dollar increase from the approved J&A.

(2) After contract award, if the dollar value of an in-scope change exceeds the authority of the original J&A approving official, submit an amended J&A to the appropriate approving official. Clearly identify the dollar increase from the approved J&A.

(3) A new or amended J&A is not require for an increase in the estimated dollar value of in-scope work that does not exceed the authority of the original J&A approving official.

Subpart 5306.5 - COMPETITION ADVOCATES

5306.501 Requirement

(a) The DAS(C) is the designated DAF Competition Advocate General (CAG).

(1) The following organizations are designated as Air Force procuring activities for purposes of competition:

Air Combat Command (ACC)
Air Education and Training Command (AETC)
Air Force District of Washington (AFDW)
Air Force Global Strike Command (AFGSC)
Air Force Materiel Command (AFMC)
Air Force Reserve Command (AFRC)
Air Force Special Operations Command (AFSOC)
Air Mobility Command (AMC)
Department of the Air Force Rapid Capabilities Office (DAF RCO)
Pacific Air Forces (PACAF)
United States Air Force Academy (USAFA)
United States Air Forces in Europe (USAFE)
USAF Academy (USAFA)

(2) The following organizations are designated as Space Force procuring activities.

Space Development Agency
Space Rapid Capabilities Office (SpRCO)
Space Systems Command (SSC)

(b) The procuring activities listed above are authorized to further designate subordinate organizations as procuring activities subject to the requirements of FAR 6.501 and MP5306.502, *Air Force Competition and Commercial Advocacy Program*.

5306.502 Duties and Responsibilities

See MP5306.502, *Air Force Competition and Commercial Advocacy Program*.

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PART 5307 - ACQUISITION PLANNING

Sec.

Subpart 5307.1 - ACQUISITION PLANS
5307.103 Agency Head Responsibilities.
5307.104 General Procedures
5307.105 Contents of Written Acquisition Plans
5307.107-2 Consolidation
5307.107-3 Bundling
Subpart 5307.4 - EQUIPMENT LEASE OR PURCHASE
5307.470 Statutory Requirements

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Subpart 5307.1 - ACQUISITION PLANS

5307.103 Agency Head Responsibilities.

(d) The tailorable Contract Type Determination and Findings template at 5316.103(d) may be used to document contract type selections for acquisitions not requiring a written acquisition plan.

(e) Prepare written acquisition plans in accordance with FAR 7.103 and the dollar thresholds identified at DFARS 207.103(d)(i). Notwithstanding the requirements DFARS 207.103(e), acquisition plans may be written on a program basis when the requiring activity chooses to write a single plan for all known program actions or on an individual contract basis when there is only one contract, task or delivery order to be covered by the plan. 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.

(h) Contracting officers shall maintain decision support information in the contract file for acquisitions that do not require written acquisition plans as well as those that do. Where a written plan is not required, contract documentation such as memoranda for record, market research reports (i.e., Streamlined Market Acquisition Approach Document (SMRAA)), and Streamlined Acquisition Strategy Summary (SASS) may be used to record acquisition pre-award decisions and risk assessment information. The acquisition team shall ensure consistency among requirements, acquisition planning, market research, and solicitation documents and, to the extent practicable, avoid duplication of information between documents (e.g., by referencing content).

(i) Unless otherwise designated by the acquisition approving authority, the planner for acquisitions is the program manager, or other official responsible for the program (i.e., requiring activity).

(j) The Senior Contracting Official (SCO) holds acquisition approving authority unless otherwise designated in DAFI 63-101/20-101 , Integrated Life Cycle Management and DAFI 63-138, Acquisition of Services. Unless otherwise prohibited by regulation or policy, the acquisition approving authority may delegate acquisition plan approval to one level above the contracting officer for other than firm-fixed-price contracts and the contracting officer for firm-fixed-price contracts.

(l) An Acquisition Plan template is available for preparing written acquisition plans.

(m) Only the acquisition approving authority may waive requirements of detail and formality.

5307.104 General Procedures

(a)(1) Where a written acquisition plan is required, an Acquisition Strategy Panel (ASP) shall be convened and chaired by the acquisition approving authority. ASP shall consist of members responsible for significant aspects of the acquisition, such as contracting, small business, fiscal, legal, and technical personnel. Unless waived by the acquisition approving authority, an ASP briefing shall be prepared by the planner and presented to the acquisition plan approving authority to allow discussion of the proposed strategy and promote an informed decision prior to approval of the plan. Written ASP briefing material may serve as the written acquisition plan provided documents address the acquisition plan content requirements of FAR 7.105 and DFARS 207.105. Acquisition planning templates, including ASP briefing templates, can be found on https://www.afacpo.com/apm/core-documents/templates/or by using the AF Acquisition Process Model tool.

(2) Regardless of dollar value, if a proposed change is for a new work outside the scope of the original acquisition plan, a revised acquisition plan based on the value of the new work shall be prepared. Whenever significant changes occur, the planner shall prepare a revised acquisition plan and a statement that summarizes the changes and obtain concurrence of the ASP and approval from the acquisition approving authority.

(c) Before convening an ASP for DAF programs greater than $1B, the planner shall also coordinate with the DAF Intellectual Property (IP) Cadre (SAF/AQCC) in acquisition planning. Planners may coordinate with DAF IP Cadre on acquisition strategies of any dollar value where advice and assistance are needed to develop a robust IP strategy IAW 5307.105 Contents of Written Acquisition Plans(b)(14)(iii). Coordination requests should be sent to the DAF IP Cadre Workflow.

5307.105 Contents of Written Acquisition Plans

(b) (6) Budgeting and funding. The requiring activity is responsible for ensuring funding is effectively addressed within the requirements documents and must convey these requirements to the assigned planner for inclusion in the acquisition plan.

(14) (iii) For all acquisitions, see also DoDI 5010.44, DAFI63-101/20-101, paragraph 4.7, and DAF Data Rights Guidebook regarding IP strategies.

5307.107-2 Consolidation

(a) Consolidation determinations are only required for contracts awarded and performed in the United States and Outlying Territories.

(b) See MP5301.601(a)(i)

(e) See MP5301.601(a)(i)

5307.107-3 Bundling

(a) See MP5301.601(a)(i).

(f)(1) See MP5301.601(a)(i).

Subpart 5307.4 - EQUIPMENT LEASE OR PURCHASE

5307.470 Statutory Requirements

(b) See MP5301.601(a)(i).

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PART 5308 - REQUIRED SOURCES OF SUPPLIES AND SERVICES

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Subpart 5308.4 - FEDERAL SUPPLY SCHEDULES
5308.404 Use of Federal Supply Schedules
5308.405-3 Blanket Purchase Agreements (BPA)
5308.405-6 Limited Sources

Subpart 5308.7 - ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED
5308.705 Procedures
5308.707 Prices.

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Subpart 5308.4 - FEDERAL SUPPLY SCHEDULES

5308.404 Use of Federal Supply Schedules

(h)(3)(ii)(C) See MP5301.601(a)(i). for approval of the D&F with a total performance period, including options, that is more than three years.

5308.405-3 Blanket Purchase Agreements (BPA)

(a)(3)(ii) See MP5301.601(a)(i). for approval to award a single-award Blanket Purchase Agreement with an estimated value exceeding $100 million (including any options).

5308.405-6 Limited Sources

(b)(3)(ii)(C) See MP5301.601(a)(i) for approval of a written determination that access through e-Buy is not in Government's interest.

(d) Justification Approvals

See DAFFARS 5306.304 (a) for the approving officials for proposed orders or BPAs using the limited or sole source justification at FAR 8.405-6. See the tailorable Limited Sources Justification and Approval (J&A) template. See DAFFARS 5306.303-1-90 for “Bridge Actions.”

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Subpart 5308.7 - ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

5308.705 Procedures

Refer to the AbilityOne Procurement Guidebook for acquiring products and services under 41 U.S.C., chapter 85 from nonprofit agencies employing people who are blind or severely disabled.

5308.707 Prices.

Contracting Officers are required to obtain the Fair Market Price (FMP) Determination from the U.S. Ability One Commission prior to contract award.

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PART 5309 - CONTRACTOR QUALIFICATIONS

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	Subpart 5309.1 - RESPONSIBLE PROSPECTIVE CONTRACTORS
5309.103	Policy
5309.104-1	General Standards
5309.105-1	Obtaining information.
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	Subpart 5309.4 - DEBARMENT, SUSPENSION, AND INELIGIBILITY
5309.405	Effect of Listing
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5309.503	Waiver
5309.504	Contracting Officer Responsibilities
5309.505	General rules.
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5309.507-2	Solicitation Provisions and Contract Clause
5309.571-7	Systems Engineering and Technical Assistance Contracts

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Subpart 5309.1 - RESPONSIBLE PROSPECTIVE CONTRACTORS

5309.103 Policy

(b)(i) Section 1612 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (P.L. 115-91) requires Space Systems Command (SSC) to establish and maintain a Space Contractor Responsibility Watch List (CRWL). SSC Instruction (SSCI) 64-101, Space Contractor Responsibility Watch List (CRWL), establishes the CRWL and its applicability to space program solicitations or contracts.

5309.104-1 General Standards

When determining financial capability of a contractor, contracting officers shall refer to DFARS Section 232.072 to obtain in-depth information to determine a contractor's financial condition/responsibility. The contracting officer shall document the contract file with the determination and findings (D&F). Contracting officers are also highly encouraged to use the Determination and Findings -- Contractor Responsibility/Qualification template.

5309.105-1 Obtaining information.

(2)(iii) Contracting officers shall document the contract file that the Supplier Performance Risk System (SPRS) at https://piee.eb.mil/ has been checked for supplier risk assessment when determining responsibility. See 204.7603(c).

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Subpart 5309.2 - QUALIFICATION REQUIREMENTS

5309.202 Policy

(a)(1) For the designee referenced in FAR 9.202(a), see MP5301.601(a)(i).

5309.206-1 General

(b) For the designee referenced in FAR 9.206-1(b), see MP5301.601(a)(i).

(e)(3) Whenever a decision is made not to enforce a qualification requirement, the contracting officer shall request concurrence from the activity that established the requirement.

5309.270-3 Policy

(a) See MP5301.601(a)(i).

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Subpart 5309.4 - DEBARMENT, SUSPENSION, AND INELIGIBILITY

5309.405 Effect of Listing

(a) See MP5301.601(a)(i). Provide a copy of request to SAF/GCR. The request must include a description of efforts taken to establish alternate sources and the impact if the exception is not granted. The cognizant HCA will forward the approved exceptions to GSA.

(b)(ii)(A) See MP5301.601(a)(i).

(e)(2) - (3) See MP5301.601(a)(i).

5309.405-1 Continuation of Current Contracts

(a)(1) See MP5301.601(a)(i).

(a)(2) See MP5301.601(a)(i).

5309.405-2 Restrictions on Subcontracting

(a) See MP5301.601(a)(i).

5309.406-3 Procedures

(a) *Investigation and referral*.

(i) The contracting officer or the referring person must promptly notify SAF/GCR, their SCO, and their designated legal counsel with all known information relating to the following:

(*1*) Any non-responsibility determination.

(*2*) Any indictment, conviction, or civil judgment (including those listed on required certifications, or those disclosed in accordance with FAR 3.1003 or FAR 52.203-13 relating to an offeror's or contractor's lack of integrity or business honesty, regardless of whether the indictment, conviction, or civil judgment related to a government contract.

(*3*) Any recommended or final termination for default or for cause.

(*4*) Any recommendation for debarment or suspension.

(*5*) Any debarred or suspended contractor who bids on a Government contract (including those who indicate debarment or suspension on required certifications).

(ii) The contracting officer must provide additional information as requested by SAF/GCR.

(b) *Decision-making process*.

(2) If SAF/GCR determines that a hearing is required, the contracting activity must provide witnesses and other support as requested.

5309.407-3 Procedures

The contracting officer must follow the debarment procedures at 5309.406-3 above for suspensions.

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Subpart 5309.5 - ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

5309.503 Waiver

See MP5301.601(a)(i).

5309.504 Contracting Officer Responsibilities

(c) See MP5301.601(a)(i).

5309.505 General rules.

(b)(2) An unfair competitive advantage exists where a contractor competing for award of any Federal contract possesses any information that is relevant to the contract but is not available to all competitors that is acquired as part of official duties by prior government officials, and such information would assist the contractor in obtaining the contract.

5309.506 Procedures.

(d)(3) See MP5301.601(a)(i).

5309.507-2 Solicitation Provisions and Contract Clause

(a) In accordance with FAR 9.507-2, insert the clause at DAFFARS 5352.209-9000, *Organizational Conflict of Interest*, substantially as written, in Section I when the contractor's eligibility for future prime contract or subcontract awards shall be restricted because of services being provided as stated in FAR 9.505-1 through -4.

(1) Insert the basic clause when the contractor will be providing systems engineering and/or technical direction. See FAR 9.505-1.

(2) Insert the clause with its Alternate I when the contractor will be preparing specifications or work statements. See FAR 9.505-2.

(3) Insert the clause with its Alternate II when the contractor will be providing technical evaluation or advisory and assistance services. See FAR 9.505-3.

(4) Insert the clause with its Alternate III when the contractor will be obtaining access to proprietary information. See FAR 9.505-4.

(5) Insert the clause with its Alternate IV when the contract is a task ordering contract and when more than one system is supported. The contracting officer may modify Alternate IV to include a list of systems for which task orders may be issued and indicate which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(6) Insert the clause with its Alternate V when the contract provides for delivery orders. The contracting officer shall indicate in each delivery order which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(7) Insert Alternate VI when it is necessary to have the restrictions of this clause included in all or some subcontracts, teaming arrangements, and other agencies calling for performance of work related to the contract.

(b) As prescribed in FAR 9.507-1, insert in Section L the provision at DAFFARS 5352.209-9001, *Potential Organizational Conflict of Interest*, substantially as written.

5309.571-7 Systems Engineering and Technical Assistance Contracts

(c)(1) See MP5301.601(a)(i).

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PART 5310 - MARKET RESEARCH

Sec.

5310.002 Procedures

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5310.002 Procedures

See the tailorable templates for documenting market research conducted.

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PART 5311 - DESCRIBING AGENCY NEEDS

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Subpart 5311.1 - SELECTING AND DEVELOPING REQUIREMENT DOCUMENTS
5311.103 Market Acceptance
Subpart 5311.2 - USING AND MAINTAINING REQUIREMENTS DOCUMENTS
5311.274-2 Policy for item unique identification
Subpart 5311.5 - LIQUIDATED DAMAGES
5311.501 Policy
Subpart 5311.6 - PRIORITIES AND ALLOCATIONS
5311.603 Procedures

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Subpart 5311.1 - SELECTING AND DEVELOPING REQUIREMENT DOCUMENTS

5311.103 Market Acceptance

(a) See MP5301.601(a)(i).

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Subpart 5311.2 - USING AND MAINTAINING REQUIREMENTS DOCUMENTS

5311.274-2 Policy for item unique identification

(b)(1) See MP5301.601(a)(i).

(b)(2)(i)(A) See MP5301.601(a)(i).

(b)(2)(i)(B) See MP5301.601(a)(i).

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Subpart 5311.5 - LIQUIDATED DAMAGES

5311.501 Policy

(d) See MP5301.601(a)(i).

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Subpart 5311.6 - PRIORITIES AND ALLOCATIONS

5311.603 Procedures

Department of the Air Force procedures associated with the Defense Priorities and Allocations System (DPAS) are established in AFI 63-101/20-101, *Integrated Life Cycle Management.*

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PART 5312 - ACQUISITION OF COMMERCIAL ITEMS

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5312.102	Applicability
	Subpart 5312.2 - SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS
5312.207	Contract Type
5312.272	Preference for Certain Commercial Products and Commercial Services
	Subpart 5312.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS
5312.302	Tailoring of Provisions and Clauses for the Acquisition of Commercial Products and Commercial Services
	Subpart 5312.4 - UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS
5312.403	Termination
	Subpart 5312.70 - DEFENSE COMMERCIAL SOLUTIONS OPENING
5312.7003	Limitations.
5312.7005	Congressional Notification.

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INTERIM CHANGE: See Policy Memo 18-C-03

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Subpart 5312.1 - ACQUISITION OF COMMERCIAL ITEMS - GENERAL

5312.102 Applicability

(a)(ii)(B) See MP5301.601(a)(i).

(f)(1) See MP5301.601(a)(i).

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Subpart 5312.2 - SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

5312.207 Contract Type

(b)(iii) See MP5301.601(a)(i) for approval authority.

5312.272 Preference for Certain Commercial Products and Commercial Services

(b)(2)(i) See MP5301.601(a)(i).

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Subpart 5312.3 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

5312.302 Tailoring of Provisions and Clauses for the Acquisition of Commercial Products and Commercial Services

(c) See MP5301.601(a)(i).

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Subpart 5312.4 - UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS

5312.403 Termination

(b) See DAFFARS 5349.101 for termination approval requirements.

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Subpart 5312.70 - DEFENSE COMMERCIAL SOLUTIONS OPENING

5312.7003 Limitations.

See MP5301.601(a)(i).

5312.7005 Congressional Notification.

The notice of award for the congressional defense committees shall be submitted to SAF/LLW no later than 35 days after contract award. Maintain proof of submission of award notification in the contract file. Contracting officers may use the DD 1279 as the basis for this notice; however, this notification does not take the place of the Announcement of Contract Award made in accordance with DFARS 205.303 and DAFFARS 5305.303 Announcement of Contract Awards.

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PART 5313 - SIMPLIFIED ACQUISITION PROCEDURES

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5313.106-1	Soliciting from a Single Source
5313.106-3	Award and Documentation
	Subpart 5313.2 - ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD
5313.201	General
	Subpart 5313.3 - SIMPLIFIED ACQUISITION METHODS
5313.301	Governmentwide Commercial Purchase Card
5313.303-5	Purchases Under BPAs
	Subpart 5313.5 - SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS
5313.500	General
5313.501	Special Documentation Requirements

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Subpart 5313.1 - PROCEDURES

5313.106-1 Soliciting from a Single Source

(b) For acquisitions that exceed the micro-purchase threshold, but do not exceed the Simplified Acquisition Threshold, the tailorable Single Source Justification or Sole Source (Including Brand Name) Justification - Simplified Procedures for Certain Commercial Products and Commercial Services revised template may be used.

5313.106-3 Award and Documentation

(a) See the tailorable Determination of Fair & Reasonable Price template when using Simplified Acquisition Procedures under FAR 13.1.

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Subpart 5313.2 - ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD

5313.201 General

(g)(1) See MP5301.601(a)(i) .

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Subpart 5313.3 - SIMPLIFIED ACQUISITION METHODS

5313.301 Governmentwide Commercial Purchase Card

See DAFI 64-117, *Government Purchase Card Program*.

5313.303-5 Purchases Under BPAs

(b)(1) Individual purchases under BPAs established in accordance with FAR 13.303-2(c)(3) may be made up to the purchase limitation identified in the BPA.

(2) Individual purchases of commercial products and commercial services, other than BPAs established in accordance with FAR 13.303-2(c)(3), may be made up to the dollar limitation specified in FAR 13.500.

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Subpart 5313.5 - SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

5313.500 General

(c)(1) See MP5301.601(a)(i).

5313.501 Special Documentation Requirements

(a)(1)(ii) See the tailorable Sole Source (Including Brand Name) Justification - Simplified Procedures for Certain Commercial Products and Commercial Services template.

(a)(2) See DAFFARS 5306.304(a) for the approving officials for acquisitions using the limited or sole source justification at FAR 13.501(a)(2).

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PART 5314 - SEALED BIDDING

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Subpart 5314.2 - SOLICITATION OF BIDS

5314.201-7 Contract Clauses

Subpart 5314.4 - OPENING OF BIDS AND AWARD OF CONTRACT

5314.407-3 Other Mistakes Disclosed Before Award

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Subpart 5314.2 - SOLICITATION OF BIDS

5314.201-7 Contract Clauses

(b)(2) See MP5301.601(a)(i).

(c)(2) See MP5301.601(a)(i).

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Subpart 5314.4 - OPENING OF BIDS AND AWARD OF CONTRACT

5314.407-3 Other Mistakes Disclosed Before Award

(e) See MP5301.601(a)(i).

(h) The contracting officer shall maintain the records required by FAR 14.407-3(h) in the contract file.

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PART 5315 - CONTRACTING BY NEGOTIATION

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	Subpart 5315.3 — SOURCE SELECTION
5315.300	Scope of Subpart
5315.371-4	Exceptions
5315.371-5	Waiver
	Subpart 5315.4 — CONTRACT PRICING
5315.400	(S-90)
5315.403-1	Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C Chapter 271 and 41 U.S.C., Chapter 35)
5315.403-3	Requiring Data Other Than Certified Cost or Pricing Data
5315.403-4	Requiring Certified Cost or Pricing Data (10 U.S.C. Chapter 271 and 41 U.S.C., Chapter 35)
5315.404-1-90	Pricing Assistance or Pricing Assistance Waiver
5315.404-2	Data to Support Proposal Analysis
5315.404-4	Profit
5315.404-70-90	DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751
5315.405	Price Negotiation
5315.406-1	Prenegotiation Objectives
5315.406-2	Certificate of Current Cost or Pricing Data
5315.406-3	Documenting the Negotiation
5315.407-3	Forward Pricing Rate Agreements
5315.407-4	Should-cost Review
5315.407-90	Contract Audit Follow-Up (CAFU)
5315.408	Solicitation Provisions and Contract Clauses
	Subpart 5315.6 — UNSOLICITED PROPOSALS
5315.606	Agency Procedures

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Subpart 5315.3 — SOURCE SELECTION

5315.300 Scope of Subpart

See MP5315.3 for required Department of the Air Force Source Selection responsibilities and procedures.

5315.371-4 Exceptions

(a)(2) See MP5301.601(a)(i).

5315.371-5 Waiver

(a) When a waiver to the requirement at DFARS 215.371-2 is sought, the contracting officer should provide the following documentation to support the waiver request:

(1) Summary of market research that documents that competition was anticipated, process used to maximize competition pre-solicitation, and description of solicitation method;

(2) Rationale why re-advertising for an additional 30 days will likely not obtain two or more offers.

(3) Rationale for how the price/cost will be determined fair and reasonable with only one offeror.

See MP5301.601(a)(i).

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Subpart 5315.4 — CONTRACT PRICING

5315.400 (S-90)

See MP5315.4 for required Department of the Air Force contract pricing procedures. See the DoD Sole Source Streamlining Tool Box for techniques to increase efficiency throughout the acquisition process.

5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C Chapter 271 and 41 U.S.C., Chapter 35)

(b) See MP5301.601 (a)(i) Department of the Air Force Approval Authority Matrices(a)(i).

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

(4) *Waivers.*

(A) *Exceptional case TINA waiver.* See MP5301.601 (a)(i) Department of the Air Force Approval Authority Matrices(a)(i). When the waiver is for a subcontractor who has refused to provide cost or pricing data to a prime contractor, the information required must cover both the prime contract and the subcontract. Contracting Officers shall submit waiver requests to the cognizant HCA Workflow . Contracting officers must submit a copy of all signed TINA waivers to the SAF/AQC Workflow (if HCA is other than DAS(C) or ADAS(C)) within 30 days of approval. Submit the request for OUSD(A&S)/DPC approval to use the exceptional circumstances waiver pursuant to Class Deviation 2024-O0007 *Section 890 Pilot Program to Accelerate Contracting and Pricing Processes*, to the SAF/AQC Workflow with the Subject: "DAFFARS 5315.403-1(c)(4)(A) – Section 890 Pilot Program to Accelerate Contracting and Pricing Processes." For Space Force, follow internal coordination and approval procedures prior to submission to SAF/AQC Workflow for submission by SAF/AQC to DPC.

5315.403-3 Requiring Data Other Than Certified Cost or Pricing Data

(a)(4) See MP5301.601(a)(i).

(a)(6)(ii) See MP5301.601(a)(i). SCOs must ensure the required information has been uploaded into the Contractor Denials of Data Requests information within 25 days following the end of the quarter. Negative reports are required.

5315.403-4 Requiring Certified Cost or Pricing Data (10 U.S.C. Chapter 271 and 41 U.S.C., Chapter 35)

(a)(2) See MP5301.601(a)(i).

5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver

(a) Required thresholds for requesting pricing assistance:

Sole Source		Competitive
PEO (Systems)	**All Other**	**All**
$25M or more	$10M or more	$100M or more

(b) See MP5315.404-1-90(b) for procedures for requesting pricing assistance.

(c) See MP5315.404-1-90(c) for procedures for requesting a pricing assistance waiver for actions that meet or exceed the required thresholds identified in 5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver(a) above.

5315.404-2 Data to Support Proposal Analysis

See MP5301.601(a)(i).

5315.404-4 Profit

(c)(2)(C)*(2)* See MP5301.601(a)(i).

5315.404-70-90 DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751

HQ AFMC/PK is the designated Department of the Air Force focal point for weighted guidelines reporting. DD Form 1547s shall be prepared and reported using the web-based Weighted Guidelines (WGL) Application. The SCO shall appoint a WGL Administrator at each geographic location. The responsibilities of the WGL Administrator are outlined in the WGL

Administrator's Guide. Refer to the web-enabled version of the Profit WGL Application and User Application Guides (Users and Administrators).

5315.405 Price Negotiation

(d) In situations where a contractor inadequately supports the proposed price as fair and reasonable despite all attempts by the contracting officer to secure adequate justification through negotiations, these situations should be elevated and documented as described herein. When the contractor insists on a cost/price or demands a profit or fee that the contracting officer considers unreasonable, the contracting officer shall notify the authority one level above the contracting officer and using the instructions in the link immediately submit an Egregious Pricing Incident Report to SAF/AQC Workflow , and the cognizant HCA Workflow (if HCA is other than DAS(C) or ADAS(C)). The contracting officer shall also inform the contractor that such action has been taken and continue to attempt to negotiate a fair and reasonable cost/price.

(1) If the Egregious Pricing situation is not resolved through negotiations, the offeror is ineligible for award unless the cognizant HCA determines, in writing, that it is in the best interest of the Government to make award to that offeror, based on consideration of the following:

(i) The program or mission partner need for the item(s) or service(s) in terms of the specific mission contribution;

(ii) The challenges to reaching and efforts made to reach a fair and reasonable cost/price; and

(iii) Increased cost or harm to the Government if award is not made.

(2) The PEO or Wing Commander (or other corresponding authority) and SCO shall certify to the cognizant HCA that the conditions listed in (d)(1) exist and award should be made. DAFFARS 5301.7 provides instructions for the submission of the Determination and Findings (D&F).

(3) Contracting officers, with coordination from the cognizant SCO, must report price negotiation situations, where (d)(1) applies, to the SAF/AQC Workflow and the cognizant HCA Workflow (if HCA is other than DAS(C) or ADAS(C)) no later than 30 days after negotiations have concluded. Update the Egregious Pricing Incident Report completed under paragraph (d) with post-negotiation information and submit a copy of the final negotiation memorandum and D&F as attachments.

(4) The procedures specified in (d)(1-3) above apply to situations where certified cost and pricing data are required and to situations when certified cost and pricing data are not required. If used in situations where other than certified cost or pricing data is required and FAR 15.403-3(a)(4) applies, contracting officers should also complete reporting requirements required under DAFFARS 5315.403-3(a)(6)(ii) above.

5315.406-1 Prenegotiation Objectives

(b)(ii) *Adjudication Procedures.* The contracting officer must forward DCAA requests for Air Force management review through their management chain and provide the SCO name and contact information to the cognizant DCAA representative. If disagreements remain, the SCO must elevate the issue to the cognizant HCA Workflow to support any request from DCAA for further elevation of the issue(s).

(b)(90) A Preliminary Price Negotiation Memorandum (PPNM) is required for all actions of $10M or more. The DAF PPNM template may be tailored for use.

5315.406-2 Certificate of Current Cost or Pricing Data

To aid contractors in submitting properly executed Certificates of Current Cost or Pricing Data, contracting officers may provide the fillable Certificate of Current Cost or Pricing Data template to use as a guide.

5315.406-3 Documenting the Negotiation

(a) See the Price Negotiation Memorandum (PNM) Checklist that may be used to ensure PNMs contain all required information. For contract actions valued below the Truthful Cost or Pricing Data threshold, the DAF Streamlined PNM Format for supplies or services is available for use. If the value of the contract action exceeds the Truthful Cost or Pricing Data threshold and no exception to the Truthful Cost or Pricing Data threshold applies, pricing documentation is expected to address the cost element composition of the proposed, objective, and negotiated positions at an appropriate level of detail based on the value and complexity of the pricing action. The final PNM template and streamlined PNM templates for supplies or services may be tailored for use.

5315.407-3 Forward Pricing Rate Agreements

(b)(i) See MP5301.601(a)(i).

5315.407-4 Should-cost Review

(b) *Program should-cost review*.

(4) The contracting office organizes and manages the program should-cost review. The team chief is responsible for the completion of the should-cost review team report.

(c)(2)(B) See MP5301.601(a)(i).

5315.407-90 Contract Audit Follow-Up (CAFU)

Follow MP5315.407-90 for conducting CAFU activities.

5315.408 Solicitation Provisions and Contract Clauses

(2)(i)(A)(*2*) See MP5301.601(a)(i).

(ii)(A)(*2*) See MP5301.601(a)(i).

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Subpart 5315.6 — UNSOLICITED PROPOSALS

5315.606 Agency Procedures

See MP5315.606-90 for points of contact and procedures for controlling the receipt, handling, evaluation, and timely disposition of unsolicited proposals.

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PART 5316 - TYPES OF CONTRACTS

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Subpart 5316.1 - SELECTING CONTRACT TYPES
5316.103 Negotiating Contract Type
Subpart 5316.2 — FIXED-PRICE CONTRACTS
5316.206 — Fixed-Ceiling-Price Contracts With Retroactive Price Redetermination
5316.206-3 Limitations
Subpart 5316.4 — INCENTIVE CONTRACTS
5316.401 General
5316.405-2 Cost-Plus-Award-Fee Contracts
Subpart 5316.5 — INDEFINITE-DELIVERY CONTRACTS
5316.503 Requirements Contracts
5316.504 Indefinite-Quantity Contracts
5316.505 Ordering
5316.505-90 Decentralized Ordering
Subpart 5316.6 — TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS
5316.601 Time-and-materials contracts
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Subpart 5316.1 - SELECTING CONTRACT TYPES

5316.103 Negotiating Contract Type

(d) See the tailorable Type of Contract Determination and Findings template.

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Subpart 5316.2 — FIXED-PRICE CONTRACTS

5316.206 — Fixed-Ceiling-Price Contracts With Retroactive Price Redetermination

5316.206-3 Limitations

(d) See MP5301.601(a)(i).

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Subpart 5316.4 — INCENTIVE CONTRACTS

5316.401 General

(d)(i) See MP5301.601(a)(i).
(d)(ii) See MP5301.601(a)(i).
(e)(3)(i) See MP5301.601(a)(i).

5316.405-2 Cost-Plus-Award-Fee Contracts

(1) See MP5301.601(a)(i).

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Subpart 5316.5 — INDEFINITE-DELIVERY CONTRACTS

5316.503 Requirements Contracts

(b)(2) See 5316.504 Indefinite-Quantity Contracts(c)(1)(ii)(D).

(d) Unless the determination is made by the acquisition approving authority as part of the written acquisition plan, the CO has the authority to make the determinations required by FAR 16.503(d) related to limitations on the use of requirements contracts for advisory and assistance services.

5316.504 Indefinite-Quantity Contracts

(a)(2) Upon execution of the contract, an obligation shall be recorded based upon the issuance of a task-order or delivery-order for the cost/price of the minimum quantity specified. (See DoD7000.14-R,Volume 3, Chapter 8, paragraph 6.4)

(c) *Multiple award preference*

(1) (ii)(D)(1) SeeMP5301.601(a)(i). See the tailorable Limitation on Single Award IDIQ and TO/DO Contracts Determination and Findings template. Provide a copy of the written determination to the cognizant HCA Workflow.

(2) *Contracts for advisory and assistance services.*

(i)(A) Unless the determination is made by the acquisition approving authority as part of the written acquisition plan, the CO has the authority to determine that multiple awards are not practicable.

(B) Unless the determination is made by the source selection authority as part of the written source selection decision document, the CO has the authority to determine that only one offeror is capable of providing the services required at the level of quality required.

(ii) Unless the determination is made by the acquisition approving authority as part of the written acquisition plan, the CO has the authority to determine that the advisory and assistance services are incidental and not a significant component of the contract.

5316.505 Ordering

(b) *Orders under multiple award contracts*.

(1) *Fair opportunity*.

(ii) The contracting officer must use streamlined ordering procedures. SCOs must justify the use of FAR 15.3 Source Selection Procedures for any contract or task-order or delivery-order, regardless of dollar value made in accordance with FAR 16.505. The SCO must submit justifications to the cognizant HCA Workflow before proceeding with the source selection and/or Clearance session.

(2) *Exceptions to the fair opportunity process*.

(ii) See the tailorable Justification for an Exception to Fair Opportunity template.

(C) *Approval.* For all exceptions to fair opportunity, follow guidance in DAFFARS5306.304. For those meeting the definition of a bridge action at DAFFARS 5302.101, also follow DAFFARS 5306.303-1-90.

(*4*) See MP5301.601(a)(i).

(7) *Decision documentation for orders*. Unless designated otherwise by the acquisition approving authority, SADA, or SCO, the contracting officer has decision making authority.

(8) *Task-order and delivery-order ombudsman*. See DAFFARS 5301.91.

5316.505-90 Decentralized Ordering

For contracts that authorize decentralized ordering (i.e., ordering by a contracting office at any other location), the contracting officer with overall responsibility for the contract must:

(a) Ensure that adequate control procedures are in place before any orders are authorized; and

(b) Exercise oversight of decentralized ordering throughout the period of performance under the contract to ensure that the procedures are followed.

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Subpart 5316.6 — TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

5316.601 Time-and-materials contracts

(c) *Application.* See 5312.207(b) for the use of time-and-material contracts for certain commercial services

(d) *Limitations*

(i)(A) *Approval of determination and findings for time-and-materials or labor-hour contracts.*

(1) *Base period plus any option periods is three years or less.* For the Department of the Air Force, the threshold at DFARS 216(d)(i)(A)(1)(i) and (ii) is $10 million in lieu of $1 million.

(3) *Exception.* SeeMP5301.601(a)(i).

(B) *Content of determination and findings*. The D&F shall address the requirements of FAR 16.103(d)(1) and DFARS 216.601(d)(i)(B). See the tailorable Limitation on T&M and LH ContractsDeterminations and Findings template.

(1)(ii) See MP5301.601(a)(i).

5316.603 Letter Contracts

5316.603-2 Application

(c)(3) See MP5301.601(a)(i).

5316.603-3 Limitations

See MP5301.601(a)(i).

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PART 5317 - SPECIAL CONTRACTING METHODS

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Subpart 5317.1 — MULTIYEAR CONTRACTING

5317.105-1 Uses

(b) See MP5301.601(a)(i). Before entering into any multiyear contract, the contracting officer must review current statute and other Congressional language for potential restrictions.

5317.106 Procedures

See the Multiyear Contracting Guide for general guidance on how to use multi-year contracting to acquire supplies and services.

5317.106-3 Special Procedures Applicable to DoD, NASA, and the Coast Guard

(f) See MP5301.601(a)(i).

(g) See MP5301.601(a)(i).

5317.170 General

(a) See MP5301.601(a)(i).

(b) See MP5301.601(a)(i).

(d)(4) The contracting officer must provide the congressional notification described in DFARS 217.170(d)(1), using the 1279 format in MP5305.303, to the cognizant HCA Workflow 40 days before the planned contract award date, with an information copy to SAF/FMBL, SAF/LLW , and the SCO. The cognizant HCA will notify the DoD offices listed in DFARS 217.170(d)(4). This congressional notification does not fulfill the requirement to announce contract awards in accordance with FAR 5.3, as supplemented.

5317.171 Multiyear Contracts for Services

(c) See MP5301.601(a)(i).

5317.172 Multiyear Contracts for Supplies

(f)(2) See MP5301.601(a)(i).

(g) See MP5301.601(a)(i). The contracting officer must provide the information supporting all requirements described in DFARS 217.172(g)(2) through the SCO to the cognizant HCA workflow.

(h) See MP5301.601(a)(i).

5317.173 Multiyear Contracts for Military Family Housing

See MP5301.601(a)(i).

5317.174 Multiyear Contracts for Electricity from Renewable Energy Sources

(b) See MP5301.601(a)(i).

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Subpart 5317.2 — OPTIONS

5317.204 Contracts

(e) Unless otherwise restricted by statute or DFARS 217.204(e)(i)-(iii), the Acquisition Plan (AP) approving authority has the authority to approve contract periods in excess of the limitations specified in FAR 17.204(e). If an AP/Acquisition Strategy Panel (ASP), or Life Cycle Sustainment Plan (LCSP) is not required, the contracting officer has the authority to approve such extended contract periods. This approval is not required if the total contract period, including options and modifications, exceeds the limitations specified in FAR 17.204(e) solely due to the inclusion of FAR Clause 52.217-8, "Option to Extend Services," at an amount specified in or reasonably determinable from the terms of the contract.

(e)(i)(B) Unless otherwise restricted by statute, the AP approving authority has the authority to approve extensions of the ordering period of a task order or delivery order contract (including a contract for information technology) awarded pursuant to 10 U.S.C. 3403 for one or more successive periods as provided in DFARS 217.204(e)(i)(B). If an AP/ASP/LCSP is not required, the contracting officer has the authority to approve such extensions.

(e)(i)(C) See MP5301.601(a)(i).

(e)(iii) See MP5301.601(a)(i).

5317.205 Documentation

See the tailorable Justification for the Inclusion of Option(s) template.

5317.207 Exercise of Options

(c) See the tailorable Determination and Findings -- Exercising an Option template.

(i) If the contract is a space program contract to which SSCI 64-101 applies, the contracting officer must check the Space Contractor Responsibility Watch List (CRWL). If the contractor is listed on the CRWL, the contracting officer shall not exercise the option without obtaining SSC/CC approval (see 5309.103(b)(i))

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Subpart 5317.5 — INTERAGENCY ACQUISITIONS

5317.500 Scope of Subpart

See AFI 65-118 for processing interagency acquisitions, to include acquisitions authorized under The Economy Act.

5317.502-2 The Economy Act

(c)(2) See MP5301.601(a)(i).

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Subpart 5317.7 — INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

5317.703 Policy

(e) See MP5301.601(a)(i).

5317.770 Procedures

See AFI 65-118 for procedures on reviewing and approving orders placed for supplies and services under non-DoD contracts, either through direct or assisted acquisition.

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Subpart 5317.74 — UNDEFINITIZED CONTRACT ACTIONS

5317.7402 Exceptions

(a)(4) Follow DFARS 217.74 when contracting for long-lead items procured with other than advance procurement funds. When procurement funds must be added to an undefinitized long-lead procurement contract issued with advance procurement funds prior to definitization, follow the procedures at DFARS 217.74.

(b) When complying with the requirements described in DFARS 217.7402(b), SCOs must provide a courtesy copy to the cognizant HCA Workflow . Maintain proof of submission in the contract file.

5317.7404 Limitations

(a)(1)(ii) See 5317.7404-1 below for approval authority to enter into a UCA for a foreign military sale.

(b)(2) See MP5301.601(a)(i). See the tailorable HCA Approval of UCA Unilateral Definitization template.

5317.7404-1 Authorization

See MP5301.601(a)(i). See the tailorable Request for Authority to Issue a UCA template.

5317.7404-3 Definitization Schedule

(a)(1) See MP5301.601(a)(i). See the tailorable HCA Determination to Extend UCA Definitization template. If the date of the approved UCA Definitization Extension passes, a new determination shall be requested.

5317.7404-5 Exceptions

(b) See MP5301.601(a)(i).

5317.7405 Plans and Reports

To comply with the Consolidated UCA Management Plan and Semi-annual Consolidated UCA Management Report requirements described in DFARS 217.7405, SCOs are required to ensure UCAs with a value equal to or exceeding $5 million are input/updated in thePMRT UCA/UCO Reporting Tool on a semi-annual basis no later than April 10th and October 10th of each year. For any reportable UCA that falls 30 days behind its schedule, update status in the reporting tool to identify actions taken to get back on schedule. In addition, the SCO shall ensure a copy of the record of weighted guidelines, or alternative documentation, for each definitized UCA with a value equal to or exceeding $100 million, as described in DFARS PGI 217.7405(1), is included with the semi-annual reporting. Special access program offices will provide the information directly to the cognizant HCA workflow , as appropriate.

5317.7406 Contract Clauses

Contracting officers must insert the clause at DAFFARS 5352.217-9000, *Long Lead Limitation of Government Liability*, in all long-lead procurement solicitations and contracts initiated with advance procurement funds.

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Subpart 5317.75 — ACQUISITION OF REPLENISHMENT PARTS

5317.7502 General

5317.7504 Acquisition of Parts When Data is Not Available

(4)(ii) See MP5301.601(a)(i).

5317.7505 Limitations on Price Increases

(b) See MP5301.601(a)(i).

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PART 5318 - EMERGENCY ACQUISITIONS

Sec.

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Subpart 5318.0 – SCOPE OF PART

5318.001 Definition

A *Contingency Contracting Officer (CCO)* is a person with contracting authority to enter into, administer, and terminate contracts on behalf of the Government in support of a local contingency, steady-state deployments, or other contingency operations. The CCO also acts as the primary business advisor to the deployed/incident commander or the Emergency Operations Center (EOC) director.

Subpart 5318.1 — AVAILABLE ACQUISITION FLEXIBILITIES

5318.125 Protest to GAO

See MP5301.601(a)(i) and DAFFARS 5333.104.

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Subpart 5318.2 — EMERGENCY ACQUISITION FLEXIBILITIES

5318.201 Contingency Operation

(b) *Micro-purchase threshold*. For delegation of HCA responsibility regarding micro-purchases of supplies or services to be used in support of a contingency operation, see MP5301.601(a)(i).

(c) *Simplified acquisition threshold*. For delegation of HCA responsibility regarding an increase in simplified acquisition threshold, see MP5301.601(a)(i).

(1) *Selection, appointment, and termination of appointment.* Requirements for the selection, appointment and termination of CCOs are described in DAFFARS 5301.603-2-90.

(S-90) For Air Force Contingency readiness policies, responsibilities, and implementing procedures, see AFI 64-105, *Contingency Contracting Support*.

(S-91) Assign and maintain DoD Activity Address Codes (DoDAAC) for deployed forces within the area of responsibility, as required. See DAFFARS 5304.7003-90.

(2) See MP5301.601(a)((i).

5318.202 Defense or Recovery from Certain Attacks

See MP5301.601(a)(i).

5318.270 Head of Contracting Activity Determinations

See MP5301.601(a)(i).

(S-90) HQ AFICC is the Department of the Air Force HCA designee for all delegable HCA responsibilities during contingency operations when determined by the HCA and may become the Joint Theater Support Contracting Command (JTSCC) or Joint Task Force Contracting commanding general if designated in the Combatant Commander's (CCDR) plan IAW AFI 64-105. HCA authorities already delegated to a Senior Contracting Officer or a lower level in MP5301.601(a)(i) will remain in effect and do not need to be re-delegated.

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PART 5319 - SMALL BUSINESS PROGRAMS

Sec.

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5319.201 General Policy
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Subpart 5319.6 — CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF RESPONSIBILITY
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5319.1305 HUBZone Set-Aside Procedures
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5319.1505 Set-aside Procedures

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Subpart 5319.2 — POLICIES

5319.201 General Policy

(b) See MP5301.601(a)(i).

(c)(8) See MP5301.601(a)(i).

(c)(10)(A) SB specialists review acquisitions as required by DFARS 219.201(c)(10)(A) to include task orders and delivery orders (excluding awards under Phase I and Phase II of the Small Business Innovation Research/Small Business Technology Transfer Programs). SB specialists shall review actions over $10,000, but under the simplified acquisition threshold, when required by the Director, SAF/SB or by written, joint agreement of the SCO and the MAJCOM/FLDCOM/DRU/DAFRCO Director of Small Business in accordance with DFARS PGI 219.201(c)(10)(1).

(B) Document review on the DD Form 2579, *Small Business Coordination Record*. (Please note, you have to download the form from the link). Except for AFMC, forward a copy of all completed DD Forms 2579 in excess of $1,000,000 to the applicable MAJCOM/FLDCOM/DRU Director of Small Business prior to convening an Acquisition Strategy Panel or prior to finalizing the Acquisition Strategy if an ASP is not convened. In those instances where the SB specialist and the SBA/PCR are precluded from the review process due to security classification, the contracting officer must complete a DD Form 2579 , and the COCO must review and coordinate on the form.

(d)(1) The contracting office shall coordinate with the SB specialist as early in the acquisition planning process as practicable to enable early engagement on Air Force Small Business Program requirements. Refer to AFI 90-1801, *Small Business Programs*.

(d)(2) The SB specialist shall coordinate with SAF/SB when an acquisition strategy or plan involves substantial bundling.

(d)(3) The SB specialist shall coordinate with SAF/SB on all determinations and findings that involve substantial bundling.

5319.202 Specific Policy

Contracting officers shall provide for review by the Director, SAF/SB, or the Director's designee, any acquisition the Director, SAF/SB, deems necessary to fulfill the Director's authorities and responsibilities in AFI 90-1801 to provide advice and make recommendations. The contracting officer shall document the contract file with the recommendations of the Director, or the Director's designee, and whether the recommendations were accepted or rejected.

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Subpart 5319.5 — SMALL BUSINESS TOTAL SET-ASIDES, PARTIAL SET-ASIDES, AND RESERVES

5319.502-8 Rejecting Small Business Administration Recommendations

(b) See MP5301.601(a)(i).

(d) When notified by the SBA that it has filed an appeal with the Agency Head, follow 5319.810 below to prepare an appeal case file.

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Subpart 5319.6 — CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF RESPONSIBILITY

5319.602-3 Resolving differences between the agency and the Small Business Administration

(a)(3) The contracting officer will prepare and submit a request to appeal, with an appeal case file prepared IAW 5319.810(b)(2) below, through the SCO (or designee) to SAF/SB with copy provided to the MAJCOM/FLDCOM SB Office.

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Subpart 5319.8 — CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)

5319.810 SBA Appeals

(a) See HAF MD 1-30, On behalf of the SecAF, SAF/SB is responsible for resolving the SBA's complaints to the Agency Head and determining whether the SBA's appeals will be granted or denied.

(b)(2) When notified by the SBA of an intent to appeal and within ten work days of receipt of the formal appeal, the contracting officer will prepare and submit an appeal case file through the SCO (or designee) to SAF/SB with a copy provided to the MAJCOM/FLDCOM SB Office. The appeal case file must include (1) a statement by the contracting officer, which sets forth the decision rationale and addresses the appeal issues on a point-by-point basis; (2) supporting documents related to controversial aspects of the appeal; (3) supporting documents related to results of market research; (4) The completed DD Form 2579 and SBA Form 70 and any related correspondence; (5) a summary of the procurement history; (6) a copy of the solicitation's evaluation and award factors; (7) supporting documents related to the suspension of all actions on the requirement pending outcome of the appeal; and (8) evidence of case file review and/or concurrence by the local Small Business, Legal, and Clearance and Program Support offices prior to submission to SAF/SB.

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Subpart 5319.13 – HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZONE) PROGRAM

5319.1305 HUBZone Set-Aside Procedures

(d)(1) When notified by the SBA of an intent to appeal with the Agency Head, the contracting officer shall follow 5319.810 above to prepare an appeal case file.

(d)(2) See MP5301.601(a)(i).

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Subpart 5319.14 – SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS PROCUREMENT PROGRAM

5319.1405 Service-disabled Veteran-owned Small Business Set-aside Procedures

(d) See MP5301.601(a)(i).

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Subpart 5319.15 – WOMEN-OWNED SMALL BUSINESS PROGRAM

5319.1505 Set-aside Procedures

(i)(2) When notified by the SBA of an intent to appeal with the Agency Head, the contracting officer shall follow 5319.810 above to prepare an appeal case file.

(i)(3) See MP5301.601(a)(i).

(i)(5) See MP5301.601(a)(i).

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PART 5322 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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5322.302 Liquidated Damages and Overtime Pay
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5322.406-13 Semi-annual Enforcement Reports
Subpart 5322.5 — Use of Project Labor Agreements for Federal Construction Projects
5322.504 General requirements for project labor agreements.
Subpart 5322.8 — EQUAL EMPLOYMENT OPPORTUNITY
5322.805 Procedures
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5322.1802 Policy
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5322.7003 Waivers

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Subpart 5322.1 — BASIC LABOR POLICIES

5322.101-1 General

Contracting officers must involve the Regional Labor Advisors in all labor relation actions outlined in FAR Part 22, as required. DAFI 64-106, *Contractor Labor Relations Activities*, identifies the Regional Labor Advisors and their assigned geographical areas.

(e) See MP5301.601(a)(i) regarding authority to designate contracts requiring contractors to report actual or potential labor disputes to the contracting activity in addition to the following:

(i) Construction contracts in excess of the simplified acquisition threshold (SAT);

(ii) Service contracts in excess of the SAT; and,

(iii) Any contract that contains the clause at FAR 52.222-1, *Notice to the Government of Labor Disputes*, (e.g., mission critical services).

5322.101-3-70 Impact of Labor Disputes on Defense Programs

(b)(ii) See MP5301.601(a)(i).

5322.103-4 Approvals

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

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Subpart 5322.3 — CONTRACT WORK HOURS AND SAFETY STANDARDS STATUTE

5322.302 Liquidated Damages and Overtime Pay

(c) The Regional Labor Advisors are the agency officials responsible for acting on appeals in accordance with DFARS 222.302(2). The Chief Air Force Labor Advisor (SAF/AQCA) and the Regional Labor Advisors are authorized to take the actions in accordance with FAR 22.302(c).

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Subpart 5322.4 — LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

5322.406-13 Semi-annual Enforcement Reports

See MP5301.601(a)(i).

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Subpart 5322.5 — Use of Project Labor Agreements for Federal Construction Projects

5322.504 General requirements for project labor agreements.

(d) See MP5301.601(a)(i).

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Subpart 5322.8 — EQUAL EMPLOYMENT OPPORTUNITY

5322.805 Procedures

(a)(8) See MP5301.601(a)(i).

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Subpart 5322.18 — EMPLOYMENT ELIGIBILITY VERIFICATION

5322.1802 Policy

(d) See MP5301.601(a)(i).

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Subpart 5322.70 — RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL FOR WORK ON CONSTRUCTION AND SERVICE CONTRACTS IN NONCONTIGUOUS STATES

5322.7003 Waivers

See MP5301.601(a)(i).

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PART 5323 - ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

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	Subpart 5323.8 — OZONE-DEPLETING SUBSTANCES
5323.803	Policy
5323.804-90	Contract Clauses
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5323.9001	Contract Clause

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Subpart 5323.3 — HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA

5323.370-4 Procedures

(1) *Preaward phase.*

(i)(A)*(2)* See MP5301.601(a)(i).

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Subpart 5323.8 — OZONE-DEPLETING SUBSTANCES

5323.803 Policy

(a) Requiring activities must obtain approval in accordance with AFMAN 32-7002 Environmental Compliance and Pollution Prevention, paragraph 3.3.5.1.1.8 before a specification or standard that requires the use of a class I ozone-depleting substance (ODS), or that can be met only through the use of an ODS, is authorized in any solicitation or contract/order.

5323.804-90 Contract Clauses

Include DAFFARS clause 5352.223-9000 in all solicitations and contracts/orders unless the requiring activity obtains approval IAW paragraph 5323.803(a) above. If approval is obtained, the contracting officer must instead use FAR clause 52.223-11.

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Subpart 5323.90 — HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS

5323.9001 Contract Clause

The contracting officer may insert DAFFARS clause 5352.223-9001 in solicitations and contracts, other than for construction, which require performance on a Government installation if needed. The contracting officer should coordinate these requirements with the Chief Engineer and include this clause only for efforts where these requirements are not already spelled out in the technical requirements documents which will also be included in the resultant contract.

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PART 5325 - FOREIGN ACQUISITION

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Subpart 5325.2 — BUY AMERICAN – CONSTRUCTION MATERIALS
5325.202 Exceptions
5325.204 Evaluating Offers of Foreign Construction Material
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5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements
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5325.7003-3 Exceptions
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5325.7703-2 Determination requirements.

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Subpart 5325.1 — BUY AMERICAN - SUPPLIES

5325.103 Exceptions

(a)(ii)(B)(1) See MP5301.601(a)(i) for public interest exception approvals.

(a)(ii)(B)(2) See MP5301.601(a)(i) for public interest exception approvals.

(a)(ii)(B)(3) See MP5301.601(a)(i) for public interest exception approvals.

(b)(ii)(A) Follow MP5325.103 when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See MP5301.601(a)(i) for nonavailability determination approvals.

(b)(ii)(B) Follow MP5325.103 when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See MP5301.601(a)(i) for nonavailability determination approvals.

(b)(ii)(C) Follow MP5325.103 when a determination of non-availability is required by FAR 25.103 and DFARS 225.103. See MP5301.601(a)(i) for nonavailability determination approvals.

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Subpart 5325.2 — BUY AMERICAN – CONSTRUCTION MATERIALS

5325.202 Exceptions

(a)(1) See MP5301.601(a)(i).

(2) See MP5301.601(a)(i).

5325.204 Evaluating Offers of Foreign Construction Material

(b) See MP5301.601(a)(i).

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Subpart 5325.4 — TRADE AGREEMENTS

5325.403 World Trade Organization Government Procurement Agreement and Free Trade Agreements

(c)(ii)(A) See MP5301.601(a)(i).

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Subpart 5325.6 — AMERICAN RECOVERY AND REINVESTMENT ACT - BUY AMERICAN STATUTE - CONSTRUCTION MATERIALS

5325.603 Exceptions

(a)(1)(i) See MP5301.601(a)(i).

(iii) See MP5301.601(a)(i).

(2) See MP5301.601(a)(i).

(b)(2) See MP5301.601(a)(i).

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Subpart 5325.10 — ADDITIONAL FOREIGN ACQUISITION REGULATIONS

5325.1001 Waiver of Right to Examination of Records

(a)(2)(iii) See MP5301.601(a)(i).

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Subpart 5325.70 — AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

5325.7002-2 Exceptions

(b)(1)(iv) When the contracting officer determines through market research that an article or suitable substitute is not available from a domestic source, the contracting officer must submit a Domestic Non-availability Determination (DNAD) through the SCO to the cognizant HCA Workflow for approval by the Secretary of the Air Force (nondelegable). See MP5325.7002-2.

5325.7003-3 Exceptions

(b)(5)(i) When the contracting officer determines through market research that a specialty metal melted or produced in the United States or its possessions cannot be procured in satisfactory quality and sufficient quantity, and in the required form, as and when needed at a fair and reasonable price, submit a DNAD. The DNAD must be submitted through the SCO to the cognizant HCA Workflow for approval by the Secretary of the Air Force (nondelegable).

(c)(2) When a contractor or offeror submits a "Commercial Derivative Military Article-Specialty Metals Compliance Certificate" (DFARS 252.225-7010) for streamlined compliance for Commercial Derivative Military Articles (CDMA), the Secretary of the Air Force must determine that the item is a CDMA as defined at DFARS 252.225-7009 before using the rules for streamlined compliance for CDMA. The contracting officer must follow the procedures in DFARS PGI 225.7003-3 and submit the CDMA D&F through the SCO to the cognizant HCA Workflow for approval by the Secretary of the Air Force (nondelegable). See MP5325.7003-3.

5325.7008 Waiver of Restrictions of 10 U.S.C. 4864

(b) See MP5301.601(a)(i).

5325.7021-3 National security waiver of disclosure

See MP5301.601(a)(i).

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Subpart 5325.73 — ACQUISITIONS FOR FOREIGN MILITARY SALES

5325.7301-2 Solicitation Approval for Sole Source Contracts

Submit the solicitation to the cognizant HCA Workflow for coordination with the Principal Director, Defense Pricing and Contracting.

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Subpart 5325.75 — BALANCE OF PAYMENTS PROGRAM

5325.7501 Policy

(c) See MP5301.601(a)(i).

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Subpart 5325.77 — ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN

5325.7703-2 Determination requirements.

(b)(2)(i) See MP5301.601(a)(i).

(b)(2)(ii) See MP5301.601(a)(i).

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PART 5326 - OTHER SOCIOECONOMIC PROGRAMS

Sec.

Subpart 5326.2 — MAJOR DISASTER OR EMERGENCY ASSISTANCE ACTIVITIES
5326.203 TRANSITION OF WORK

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Subpart 5326.2 — MAJOR DISASTER OR EMERGENCY ASSISTANCE ACTIVITIES

5326.203 TRANSITION OF WORK

(b) See MP5301.601(a)(i).

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PART 5327 - PATENTS, DATA, AND COPYRIGHTS

Sec.

Subpart 5327.2 – PATENTS AND COPYRIGHTS
5327.201-2 Contract Clauses
Subpart 5327.3 – PATENT RIGHTS UNDER GOVERNMENT CONTRACTS
5327.303 Contract Clauses
5327.306 Licensing background patent rights to third parties
Subpart 5327.90 – FOREIGN DISCLOSURE
5327.9000 Foreign Disclosure Policy

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Subpart 5327.2 – PATENTS AND COPYRIGHTS

5327.201-2 Contract Clauses

(e) See MP5301.601(a)(i).

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Subpart 5327.3 – PATENT RIGHTS UNDER GOVERNMENT CONTRACTS

5327.303 Contract Clauses

(b)(1) When using FAR clause 52.227-11, insert instructions substantially the same as the following in the fill-in of section (j):

(1) "Interim or final Invention Reports shall be sent to both the Administrative Contracting Officer, *(insert"at the address located on the face of the contract" or name and address for the ACO)*and (insert contact information, name/or position title, email, and phone number for person(s) at the procuring contract office who will perform patent administration for this contract) within the timeframes specified in the Patent Rights clause of this contract.

(2) The *Report of Inventions and Subcontracts*, may be used to submit these reports. The DD Form 882 may be also be used for the notification of an award of any subcontract(s) for experimental, developmental or research work which contain a Patent Rights clause.

(3) All other notifications required pursuant to this clause shall be sent to the addresses in paragraph 1 and to (*insert contact information for person(s) at the procuring contract office who will handle patent administration, e.g., name and/or position, email, phone numbers*).

5327.306 Licensing background patent rights to third parties

(a) See MP5301.601(a)(i).

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Subpart 5327.90 – FOREIGN DISCLOSURE

5327.9000 Foreign Disclosure Policy

For Foreign Disclosure issues, Government personnel should refer to National Disclosure Policy (NDP-1), DAFI 16-201 and AFPD 16-2, Disclosure of Military Information to Foreign Governments and International Organizations and follow all procedures including foreign disclosure reviews.

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PART 5328 - BONDS AND INSURANCE

Sec.

Subpart 5328.1 — BONDS
5328.105 Other Types of Bonds
5328.106-2 Substitution of Surety Bonds
5328.106-6 Furnishing Information
Subpart 5328.3 —INSURANCE
5328.305 Overseas Workers Compensation and War Hazard Insurance
5328.310 Insurance -- Work on a Government Installation
5328.310-90 Additional Contract Clause
5328.311-1 Contract Clause
5328.370-2 General

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Subpart 5328.1 — BONDS

5328.105 Other Types of Bonds

See MP5301.601(a)(i).

5328.106-2 Substitution of Surety Bonds

(a) See MP5301.601(a)(i).

5328.106-6 Furnishing Information

(c) See MP5301.601(a)(i).

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Subpart 5328.3 —INSURANCE

5328.305 Overseas Workers Compensation and War Hazard Insurance

(d) Submit waiver requests to the SAF/AQC Labor Advisor, with an information copy to the SCO.

5328.310 Insurance -- Work on a Government Installation

(a)(S-90) **Proof of Insurance**

When FAR 52.228-5, *Insurance-Work on a Government Installation*, is included in a contract, contracting officers must request and receive proof of insurance from prime contractors before the contractor begins work on the installation. Retain proof of insurance in the contract file. Alternatively, the contracting officer may use the Notification of Compliance with Contract Insurance Requirements template to request and receive the contractor's notification of insurance coverage in lieu of proof of insurance.

5328.310-90 Additional Contract Clause

Contracts performed in Spain**.** The contracting officer must insert DAFFARS clause 5352.228-9101, *Insurance Certificate Requirement in Spain (USAFE)*, in all solicitations and contracts for services to be performed in Spain by other than U.S. or Spanish contractors (i.e., a Third Country National (TCN) contractor).

5328.311-1 Contract Clause

See MP5301.601(a)(i)

5328.370-2 General

(a) See MP5301.601(a)(i) for delegation of authority for appointing a Government Flight Representative (GFR). Reference AFI 10-220 and DCMA Instruction 8210-1D, paragraph 10.5.3 for the DAF process for appointing primary and alternate GFR.

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PART 5330 - COST ACCOUNTING STANDARDS ADMINISTRATION

Sec.

Subpart 5330.2 — CAS PROGRAM REQUIREMENTS

5330.201 Contract requirements.

5330.201-5 Waivers

5330.202 Disclosure requirements.

5330.202-6 Responsibilities

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Subpart 5330.2 — CAS PROGRAM REQUIREMENTS

5330.201 Contract requirements.

5330.201-5 Waivers

(a)(2) See MP5301.601(a)(i). Submit CAS waiver requests through the SCO to the cognizant HCA Workflow for OUSD(A&S)/DPC review no later than 45 days before the anticipated contract award. Waiver requests must include all items listed in FAR 30.201-5(c) and, for exceptional case CAS waivers, also address the items at DFARS PGI 230.201-5, and include the determination required by DFARS 230.201-5(a)(1)(A)(2).

5330.202 Disclosure requirements.

5330.202-6 Responsibilities

(b) See MP5301.601(a)(i).

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PART 5331 - CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.

Subpart 5331.1 – APPLICABILTY
5331.109 Advance agreements.

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See FAR Class Deviation 2011-O0006.
See MP5301.601(a)(i).

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Subpart 5331.1 – APPLICABILTY

5331.109 Advance agreements.

(h) Pre-contract cost agreements should be reviewed for legal sufficiency (see this template for a sample Pre-contract Cost Agreement). As a condition precedent to the use of a pre-contract cost agreement, the correct type of funds should be available upon issuance of the pre-contract cost agreement. While not legally necessary, prudent business acumen would dictate, that to the maximum extent possible, agreement on terms and conditions also be established prior to issuance of a pre-contract cost agreement. Contracting officers should consult with the designated clearance approval authority prior to agreement on pre-contract costs. The contracting officer should incorporate the pre-contract cost agreement into any resultant contract as an attachment within Section J.

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PART 5332 - CONTRACT FINANCING

Sec.

Subpart 5332.1 – FINANCING FOR OTHER THAN A COMMERCIAL PURCHASE
5332.104 Providing Contract Financing
5332.114 Unusual Contract Financing.
Subpart 5332.2 – COMMERCIAL PRODUCT AND COMMERCIAL SERVICE PURCHASE FINANCING
5332.202-1 Policy
Subpart 5332.4 – ADVANCE PAYMENTS FOR OTHER THAN COMMERCIAL ACQUISITIONS
5332.402 General
5332.470 Advance payment pool
Subpart 5332.5 – PROGRESS PAYMENTS BASED ON COSTS
5332.501-2 Unusual Progress Payments
5332.501-3 Contract Price
Subpart 5332.6 – CONTRACT DEBTS
5332.604 Demand for Payment
5332.607 Installment Payments and Deferment of Collection
Subpart 5332.7 – CONTRACT FUNDING
5332.703-2 Contracts Conditioned Upon Availability of Funds
Subpart 5332.9 – PROMPT PAYMENT
5332.901 Applicability
5332.906 Making Payments
Subpart 5332.11 – ELECTRONIC FUNDS TRANSFER
5332.1106 EFT Mechanisms

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Subpart 5332.1 – FINANCING FOR OTHER THAN A COMMERCIAL PURCHASE

5332.104 Providing Contract Financing

(a)(5) Report known adverse developments affecting a contractor or subcontractor to the contract administration office, other interested Government parties, and the SCO. If there is an adverse development affecting a contractor receiving a bank loan guaranteed by the Department of the Air Force, progress payments, or advance payments, the contracting office must report the adverse development, its expected impact upon continued satisfactory performance under the contract, remedial actions taken to date (if any), and any recommendations for further action through the SCO to the cognizant HCA Workflow.

(c)(2) See 5332.114 Unusual Contract Financing. .

5332.114 Unusual Contract Financing.

The Director, Defense Pricing and Contracting (DPC), on a non-delegable basis, shall approve unusual contract financing arrangements as stated in FAR 32.114 and DFARS 201.402(1)(vi). The contracting officer must submit any unusual financing requests by a contractor through the SCO to SAF/AQC for review and concurrence prior to SAF/AQC forwarding request to DPC for approval. The SCO must submit a memorandum outlining the pertinent facts together with a recommendation on the action to be taken through the SAF/AQC Workflow with a courtesy copy to SAF/FMF [SP1] no later than 30 days before the needed effective date of the proposed financing arrangement. For Space Force, follow internal coordination procedures prior to submission to SAF/AQC Workflow for review and submission by SAF/AQC to DPC.

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Subpart 5332.2 – COMMERCIAL PRODUCT AND COMMERCIAL SERVICE PURCHASE FINANCING

5332.202-1 Policy

(b) *Authorization*. For commercial interim payments and commercial advance payments authorized by FAR 32.202-1(b) that does not require OUSD(A&S)/DPC approval of an individual or class deviation from FAR Part 32 requirements (see DFARS 201.402(1)(vi)), the contracting officer shall submit all commercial interim payment requests and commercial advance payment requests through the SCO to local FM for review and approval. Prior to submitting to the local FM for approval, the SCO must determine the package is adequate, complete, and justified. The request must include the following: a determination that the applicable circumstances outlined in FAR 32.202-1(b) have been met to include the contracting officer's determination in accordance with FAR 32.202-1(b)(3) and preliminary payment office concurrence with liquidation provisions per FAR 32.202-1(b)(8) when required by FAR 32.206(e), legal review, J&A (if applicable), background paper such as a Milestone Payment Plan that outlines the reason(s) for the request, and the proposed payment schedule. Submit a copy of the approved package to the cognizant HCA Workflow.

(d) *Unusual contract financing*. See 5332.114. Unusual contract financing arrangements must be approved by DPC.

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Subpart 5332.4 – ADVANCE PAYMENTS FOR OTHER THAN COMMERCIAL ACQUISITIONS

5332.402 General

(c)(1)(iii) See MP5301.601(a)(i).

(e)(2) The contracting officer must submit each advance payment request through the SCO to the cognizant HCA Workflow for submission to SAF/FMF for review and approval. See MP5332.402 for processing advance payment requests.

5332.470 Advance payment pool

(a) See MP5332.470 for processing advance payment pool requests.

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Subpart 5332.5 – PROGRESS PAYMENTS BASED ON COSTS

5332.501-2 Unusual Progress Payments

(a)(3) The contracting officer must submit contractor requests for unusual progress payments through the SCO to the cognizant HCA Workflow with a recommendation to approve or disapprove the request. The cognizant HCA will forward all requests for unusual progress payments, whether recommended for approval or disapproval, to SAF/FMF with all pertinent data supporting the recommended action for approval and submission to OUSD(A&S)/DPC.

5332.501-3 Contract Price

(a) When the estimated contract costs increase such that the estimate of the unusual progress payments increase $20 million or more over the approved unusual progress payment estimate, the contracting officer must notify SAF/FMF through their SCO, with a courtesy copy to the cognizant HCA Workflow .

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Subpart 5332.6 – CONTRACT DEBTS

5332.604 Demand for Payment

(b) Payment information for the demand for payment letter can be found at:
https://www.dfas.mil/contractorsvendors/governmentremittance/returnfunds.html

(e) Contracting officers must retain a copy of all contract debt documentation in the contract file and must keep the contract file open until the debt is collected and/or written-off.

5332.607 Installment Payments and Deferment of Collection

(a) When a request for deferment of a contract debt is received from a contractor, the contracting officer must forward the request for deferment to the SCO. The SCO must submit, on a priority basis, an evaluation of the contractor's request with the necessary reporting information and recommendation through the cognizant HCA Workflow to SAF/FMF.

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Subpart 5332.7 – CONTRACT FUNDING

5332.703-2 Contracts Conditioned Upon Availability of Funds

(a) *Fiscal year contracts.* See MP5332.7 on contract funding. See DFARS 204.7103 for guidance on considering severability when forming contracts and determining contract funding.

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Subpart 5332.9 – PROMPT PAYMENT

5332.901 Applicability

(1)(ii) See MP5301.601(a)(i).

5332.906 Making Payments

(a) See MP5301.601(a)(i).

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Subpart 5332.11 – ELECTRONIC FUNDS TRANSFER

5332.1106 EFT Mechanisms

(b) See MP5301.601(a)(i).

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PART 5333 - PROTESTS, DISPUTES, AND APPEALS

Sec.

Subpart 5333.1 – PROTESTS

5333.102 General

5333.103 Protests to the Agency

5333.104 Protests to GAO

5333.105 Protests to the United States Court of Federal Claims (COFC)

5333.170 Briefing Requirement for Protested Acquisitions Valued at $1B or More

Subpart 5333.2 – DISPUTES AND APPEALS

5333.211 Contracting Officers Decision

5333.214 Alternate Dispute Resolution (ADR)

5333.215 Contract Clause

5333.290 Claims and Terminations for Default

5333.291 Appeals to the Armed Services Board of Contract Appeals (ASBCA)

5333.292 Appeals to the United States Court of Federal Claims (COFC)

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Subpart 5333.1 – PROTESTS

5333.102 General

(a) The contracting officer must inform the SSA prior to rendering a decision to take corrective action or to settle a protest in any other manner before submitting its recommendation to the GAO, courts, or the arbitrator.

(b)(3)(ii) See MP5301.601(a)(i).

5333.103 Protests to the Agency

(d)(4) When an agency protest is denied, an offeror may request an independent review by the SCO. See Agency Level Protest Summary Dismissal template.

(h) The contracting officer must prepare the protest file following an agency protest (including a protest of a non-appropriated funds procurement) regardless of the level at which the protest is filed. The contracting officer must request guidance from the cognizant HCA for any protest likely to generate significant Congressional interest. The decision to deny a protest must be made at a level no lower than that at which the protest was filed. Protests may be sustained at any level in the review process, with the concurrence of the cognizant legal office.

5333.104 Protests to GAO

(a) The Air Force Commercial Litigation Field Support Center (AF/JACQ) serves as agency counsel before the GAO and defends Department of the Air Force interests (see MP5333.104).

(b) *Protests before award*

(1) Forward the determination and finding through the SCO to AF/JACQ and, for approval, to the cognizant HCA workflow within seven days of the protest notification (see MP5301.601(a)(i)).

(c) *Protests after award*

(2) Forward the determination and finding through the SCO to AF/JACQ and, for approval, to the cognizant HCA workflow within seven days of the protest notification (see MP5301.601(a)(i)).

(g) *Notice to GAO*

Forward the report through the SCO to AF/JACQ and to the cognizant HCA for signature and submission to GAO within fifty-five days of date of receipt of the GAO recommendations (see MP5301.601(a)(i)). Provide a copy of the report submission to the SAF/AQC Workflow.

(h) For purposes of post-award stay of contract awards under broad agency announcements, commercial solution openings, the Small Business Innovation Research (SBIR) program, and the Small Business Technology Transfer (STTR) program, each proposal received by the agency constitutes a separate procurement, provided funding is available to the government to award the contract to the protester in consequence of sustained protest or the government's corrective action.

5333.105 Protests to the United States Court of Federal Claims (COFC)

The Air Force Commercial Litigation Field Support Center (AF/JACQ) serves as the Department of the Air Force agency counsel to the Department of Justice (DoJ) for protests at the COFC and assists the assigned DoJ attorney in defending Department of the Air Force interests. The contracting officer must inform AF/JACQ of any notice of protest at the COFC and provide support as requested by AF/JACQ. The contracting officer must also notify the SCO and its supporting legal office/local attorney who provides contract law advice.

5333.170 Briefing Requirement for Protested Acquisitions Valued at $1B or More

Within seven (7) days of the filing of the protest, forward the briefing slide deck through the SCO and cognizant HCA to AF/JACQ and the SAF/AQC Workflow for DAS(C) review and processing to OUSD(A&S)/DPC. See the tailorableDPC Protest Briefingtemplate for acquisitions valued at $1B or more.

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Subpart 5333.2 – DISPUTES AND APPEALS

5333.211 Contracting Officers Decision

See the tailorable Contracting Officers Final Decision template.

5333.214 Alternate Dispute Resolution (ADR)

(a) For ACAT I and II programs, the contracting officer must establish an agreement between the Government and the contractor, such as a memorandum of understanding, that outlines the intent of the parties with respect to the use of ADR. Contracting officers must consider establishing ADR agreements for other programs and acquisitions.

(c) The acquisition team must use ADR to the maximum extent practicable (See DAFPD 51-12 , *Negotiation and Dispute Resolution*). ADR must also be used to resolve protests to the maximum extent practicable. The acquisition team must attempt to use ADR prior to the commencement of litigation once unassisted negotiations have reached an impasse. Further, ADR must be offered in litigation, unless one of the exceptions in 5 U.S.C. 572(b) applies or the policy set forth by Deputy General Counsel (Contractor Responsibility & Conflict Resolution (SAF/GCR)) indicates that ADR is not appropriate.

5333.215 Contract Clause

(3) See MP5301.601(a)(i).

5333.290 Claims and Terminations for Default

(a) If a contractor submits an uncertified claim exceeding $100,000, the contracting officer must notify the contractor, in writing, of its failure to certify as required by the Contract Disputes statute (41 U.S.C. §§ 7101-7109). The notice must state that a final decision will not be issued until the claim is certified.

(b) If the potential dispute regards any intellectual property (IP) matter, the contracting officer shall request DAF IP Cadre review by contacting the DAF IP Cadre Workflow. The term "IP matter" includes, but is not limited to, failure to deliver IP (e.g., technical data, computer software, contract administration information) that complies with the contract, nonconforming/ unjustified markings affixed to IP deliverables).

(c) Prior to making a final decision on a claim or termination for default (including a termination for cause under FAR Part 12), the contracting officer must refer the proposed final decision to the cognizant legal office for legal advice, ADR suitability, and appropriate dispute resolution strategies. The contracting officer, with the assistance of the cognizant legal office, must seek review by AF/JACQ of all proposed final decisions. At the same time, the contracting officer must provide SAF/GCR with any proposed final decision on a claim involving PEO programs and any proposed final decision on a claim greater than $500,000. The contracting officer or the referring person must promptly notify SAF/GCR and their SCO with all known information relating to any recommended termination for default.

(d) The contracting officer must use ADR to the maximum extent practicable to resolve a Department of the Air Force affirmative contract claim (such as defective pricing, liquidated damages, etc.) when unassisted negotiations reach an impasse as determined by the SCO. The contracting officer must provide to AF/JACQ, with a copy to SAF/GCR, any audit or other findings indicating Department of the Air Force entitlement torecovery greater than $500,000 where unassisted negotiations have reached an impasse, in order to develop a dispute resolution strategy. Government claims must be formally asserted [issuance of a Contracting Officer's Final Decision (FAR33.206)]within 6 years after the accrual of the claim.

5333.291 Appeals to the Armed Services Board of Contract Appeals (ASBCA)

(a) AF/JACQ represents the Department of the Air Force in appeals to the ASBCA.

(b) If the contractor files an appeal with the ASBCA, the contracting officer must notify the SCO and forward to AF/JACQ and the cognizant legal office a copy of any notice of appeal to the ASBCA, along 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 must immediately notify AF/JACQ of the date the appeal was received and forward to AF/JACQ and the cognizant legal office a copy of the appeal and a copy of the envelope in which the appeal was received. The contracting officer must forward the original appeal and envelope to AF/JACQ, which will then forward the appeal and envelope to the ASBCA, as necessary**.**

(c) The contracting officer must prepare a "Rule 4 file" for any appeal to the ASBCA in accordance with Rule 4 of the ASBCA rules (see DFARS Appendix A, Part 2). The contracting officer must consult with AF/JACQ before including in the Rule 4 file any legal opinions or intra-governmental or inter-governmental documents as described in DoD Directive 5400.07, *DoD Freedom of Information Act Program,* and FAR 24.2.

(d) While an appeal is pending, the contracting officer along with the program manager/user/functional Commander and SJA will support the assigned trial attorney as required including; identifying and locating government witnesses, gathering contractual documents and other physical evidence for conferences and hearings necessary to defend or otherwise dispose of an appeal.

(e) Once the Rule 4 file is complete, AF/JACQ will file it with the ASBCA on behalf of the contracting officer.

5333.292 Appeals to the United States Court of Federal Claims (COFC)

(a) The Department of Justice represents the Department of the Air Force in appeals brought before the COFC. The Air Force Commercial Litigation Field Support Center (AF/JACQ) serves as the Department of the Air Force counsel with the Department of Justice in such appeals.

(b) The contracting officer must notify the cognizant legal office and the SCO of any notice of appeal to the COFC. The cognizant legal office must forward a copy of the notice to SAF/GCR and AF/JACQ.

(c) The contracting officer must assist the cognizant legal office in preparing the litigation report. The contracting officer must obtain approval from the AF/JACQ trial attorney prior to releasing the litigation report outside government.

PART 5334 - MAJOR SYSTEM ACQUISITION

Sec.

5334.004 Acquisition Strategy
Subpart 5334.2 – EARNED VALUE MANAGEMENT SYSTEM
5334.203 Solicitation provisions and contract clause
Subpart 5334.70 – ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL PRODUCTS
5334.7002 Policy

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5334.004 Acquisition Strategy

(2) See PM 23-C-05 Class Deviation 2023-O0005—Use of Fixed-Price Contracts for Certain Major Defense Acquisition Programs Delegation.

Subpart 5334.2 – EARNED VALUE MANAGEMENT SYSTEM

5334.203 Solicitation provisions and contract clause

If an Earned Value Management System (EVMS) waiver is obtained in accordance with the Adaptive Acquisition Framework Document Identification Tool (AAFDID) EVMS Application Requirements Table , the use of EVMS provisions and clauses prescribed for use in DFARS 234.203 are not required. The approved EVMS waiver must be included in the contract file.

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Subpart 5334.70 – ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL PRODUCTS

5334.7002 Policy

(d)(4) See MP5301.601(a)(i).

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PART 5335 - RESEARCH AND DEVELOPMENT CONTRACTING

Sec.

5335.015-70 Special Use Allowances for Research Facilities Acquired by Educational Institutions

5335.070-1 Indemnification Under Research and Development Contracts

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PART 5336 - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Sec.

	Subpart 5336.2 – SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION
5336.208	Concurrent Performance of Firm-Fixed-Price and Other Types of Construction Contracts
5336.209	Construction Contracts with Architect-Engineer Firms
5336.213-2	Presolicitation Notices
5336.270	Expediting construction contracts
5336.272	Prequalification of Sources
	Subpart 5336.3 – TWO-PHASE DESIGN-BUILD SELECTION PROCEDURES
5336.301	Use of Two-Phase Design-Build Selection Procedures
5336.303-1	Phase One
	Subpart 5336.5 – CONTRACT CLAUSES
5336.507	Permits and Responsibilities
5336.570	Additional Provisions and Clauses
	Subpart 5336.6 – ARCHITECT-ENGINEER SERVICES
5336.602-3	Evaluation Board Functions
5336.602-4	Selection authority.
5336.609-1	Design Within Funding Limitations

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Subpart 5336.2 – SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

5336.208 Concurrent Performance of Firm-Fixed-Price and Other Types of Construction Contracts
See MP5301.601(a)(i).

5336.209 Construction Contracts with Architect-Engineer Firms
See MP5301.601(a)(i).

5336.213-2 Presolicitation Notices
(a) See MP5301.601(a)(i).

5336.270 Expediting construction contracts
(a) See MP5301.601(a)(i).

5336.272 Prequalification of Sources
(b) See MP5301.601(a)(i).

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Subpart 5336.3 – TWO-PHASE DESIGN-BUILD SELECTION PROCEDURES

5336.301 Use of Two-Phase Design-Build Selection Procedures

(b)(3)(vi) See MP5301.601(a)(i).

5336.303-1 Phase One

(a)(4)(i)(B) See MP5301.601(a)(i).

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Subpart 5336.5 – CONTRACT CLAUSES

5336.507 Permits and Responsibilities

When the clause at FAR 52.236-7, *Permits and Responsibilities*, is used in solicitations and contracts OCONUS, the clause must be modified to reflect "host government and political subdivisions" in lieu of "Federal, State, and Municipal."

5336.570 Additional Provisions and Clauses

(b)(2) See MP5301.601(a)(i).

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Subpart 5336.6 – ARCHITECT-ENGINEER SERVICES

5336.602-3 Evaluation Board Functions
See MP5301.601(a)(i).

5336.602-4 Selection authority.
(a) See MP5301.601(a)(i). See AFI32-1023 for A-E Slate Approval Authority for services exceeding $1,000,000.

5336.609-1 Design Within Funding Limitations
(c)(1) See MP5301.601(a)(i).

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PART 5337 - SERVICE CONTRACTING

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Subpart 5337.1 – SERVICE CONTRACTS (GENERAL)
5337.102-70 Prohibition on Contracting for Firefighting or Security-Guard Functions
5337.104 Personal Services Contracts
5337.113-1 Waiver of Cost Allowability Limitations
5337.170-2 Approval Requirements
Subpart 5337.2 – ADVISORY AND ASSISTANCE SERVICES
5337.204 Guidelines for Determining Availability of Personnel
Subpart 5337.5 – MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS
5337.503 Agency-head Responsibilities
Subpart 5337.74 – SERVICES AT INSTALLATIONS BEING CLOSED
5337.7401 Policy

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Subpart 5337.1 – SERVICE CONTRACTS (GENERAL)

5337.102-70 Prohibition on Contracting for Firefighting or Security-Guard Functions

(a)(S-90) For purposes of complying with 10 U.S.C. 2465, which prohibits the DoD from "entering into a contract for the performance of firefighting or security-guard functions at any military installation or facility," the term security guard functions should be understood to mean those functions which are the responsibility of an installation commander or stand-alone military facility commander. If there is no military commander, this prohibition shall apply to the senior DoD civilian at the location. The prohibited security guard functions include: performing or supervising protective services work that involves the protection of federally owned or leased buildings and property at the installation level or at a stand-alone military facility; protecting government equipment and material at the installation level or at a stand-alone military facility; controlling access to federal installations by employees, visitors, residents and patients; and monitoring of intrusion detection systems. The statutory prohibition on contracting for security guard functions in 10 U.S.C. 2465 does not apply to security support functions that a unit or organization performs as part of security in depth at a location or area on an installation, or performs within a stand-alone building, so long as the commander and their unit is not responsible for installation-level security or overall security at a stand-alone military facility. Contractors performing security support functions may not engage in any law enforcement functions, i.e., criminal investigative work, the preservation of peace; the prevention, detection and investigation of crimes; the arrest or apprehension of violators; and the provision of assistance to citizens in emergency situations, including the protection of civil rights, preservation of crime scenes; issuances of citations; and arrests and apprehensions of suspects.

5337.104 Personal Services Contracts

(a) See the tailorable D&F Personal Services Contracts template.

(b) See MP5301.601(a)(i).

5337.113-1 Waiver of Cost Allowability Limitations

(a) See MP5301.601(a)(i).

5337.170-2 Approval Requirements

(a) See MP5301.601 (a)(i) Department of the Air Force Approval Authority Matrices(a)(i)

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Subpart 5337.2 – ADVISORY AND ASSISTANCE SERVICES

5337.204 Guidelines for Determining Availability of Personnel

(a) See MP5301.601(a)(i)

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Subpart 5337.5 – MANAGEMENT AND OVERSIGHT OF SERVICE CONTRACTS

5337.503 Agency-head Responsibilities

See DAFI 63-138 , *Acquisition of Services*.

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Subpart 5337.74 – SERVICES AT INSTALLATIONS BEING CLOSED

5337.7401 Policy

(c) See MP5301.601(a)(i).

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PART 5339 - ACQUISITION OF INFORMATION TECHNOLOGY

Sec.

Subpart 5339.72 – [Reserved]
5339.7201-90 Data Servers/Centers Approval Process
Subpart 5339.73 – Use of Large Language Models (LLMs) (aka ChatGPT and other like AI Tools)

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Subpart 5339.72 – [Reserved]

5339.7201-90 Data Servers/Centers Approval Process

Purchase Request packages for data servers/centers must include SAF/CIO A6 approval to be accepted as valid for procurement action by a contracting officer.

See DAFMAN17-1301 , *Computer Security, COMPUSEC, paragraph 2.9.1.3 & 3.6.1*

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Subpart 5339.73 – Use of Large Language Models (LLMs) (aka ChatGPT and other like AI Tools)

See DAF Memorandum on Large Language Models

See DoDI 5200.48 Controlled Unclassified Information (CUI)

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PART 5341 - ACQUISITION OF UTILITY SERVICES

Sec.

Subpart 5341. 1 – GENERAL
5341.102 Applicability
Subpart 5341.2 – ACQUIRING UTILITY SERVICES
5341.202 Procedures
5341.204 GSA Area-wide Contracts

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Subpart 5341. 1 – GENERAL

5341.102 Applicability

(b)(3) When contracting for CATV services, ensure compliance with 47 U.S.C. 521-573, Cable Communications.

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Subpart 5341.2 – ACQUIRING UTILITY SERVICES

5341.202 Procedures

(c)(2) See MP5301.601(a)(i).

5341.204 GSA Area-wide Contracts

(c)(1)(ii) See MP5301.601(a)(i).

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PART 5342 – CONTRACT ADMINISTRATION AND AUDIT SERVICES

Sec.

Subpart 5342.2 – CONTRACT ADMINISTRATION SERVICES
5342.202 Assignment of Contract Administration
Subpart 5342.4 – CORRESPONDENCE AND VISITS
5342.490-1 Contract clause
5342.490-2 Contract clause
Subpart 5342.9 – BANKRUPTCY
5342.902 Bankruptcy Procedures
Subpart 5342.15 – CONTRACTOR PERFORMANCE INFORMATION
5342.1503 Procedures
Subpart 5342.71 – VOLUNTARY REFUNDS
5342.7100 General

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Subpart 5342.2 – CONTRACT ADMINISTRATION SERVICES

5342.202 Assignment of Contract Administration

(c) *Delegating additional functions.*

(2) See MP5301.601(a)(i).

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Subpart 5342.4 – CORRESPONDENCE AND VISITS

5342.490-1 Contract clause

The contracting officer shall insert the clause substantially the same as the clause at 5352.242-9000 Contractor Access to Department of the Air Force Installations in solicitations and contracts that require contractor personnel to make frequent visits to or perform work on Department of the Air Force installation(s).

5342.490-2 Contract clause

The contracting officer shall insert the clause substantially the same as the clause at 5352.242-9001 Common Access Cards (CAC) for Contractor Personnel in solicitations and contracts 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 Common Access Card (CAC) for installation entry control or physical access to facilities and buildings.

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Subpart 5342.9 – BANKRUPTCY

5342.902 Bankruptcy Procedures

(a) Follow MP5342.902 when notified of bankruptcy proceedings that affect the Department of the Air Force.

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Subpart 5342.15 – CONTRACTOR PERFORMANCE INFORMATION

5342.1503 Procedures

(a) The acquisition team must use the Contractor Performance Assessment Reporting System (CPARS) to record evaluations of contractor performance. Guidance on systematically assessing contractor performance and using past performance information is available in the Guidance for the Contractor Performance Assessment Reporting System (CPARS).

(1) Individuals appointed to CPARS roles (Focal Point, Alternate Focal Point, Agency Point of Contact (APOC), Assessing Official, Assessing Official Representative, or Reviewing Official) must complete online instructor-led, automated online, or onsite CPARS program office instructor-led training specific to their CPARS role(s) within 30 days of appointment. Class registration is available at https://cpars.gov/lc.htm and a list of classes by role is available at https://www.cpars.gov/lc_role.htm. Copies of each organization's CPARS training certificates must be maintained by APOCs or Quality Assurance Program Coordinators (QAPC).

(ii) Individuals assigned CPARS roles and responsibilities (Focal Point, Alternate Focal Point, Agency Point of Contact, Assessing Official, Assessing Official Representative, or Reviewing Official) must be removed from those roles and responsibilities and formally replaced prior to their departure (PCS, retirement, resignation, or rotation) from the office or position.

(h)(3) APOCs for CPARS and their subordinate focal points are designated as Federal Awardee Performance and Integrity Information System (FAPIIS) Focal Points to register users and ensure timely and accurate reporting of required contract performance information into the FAPIIS module of CPARS. Guidance on FAPIIS data reporting is available in the CPARS User Manual.

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Subpart 5342.71 – VOLUNTARY REFUNDS

5342.7100 General

(4) See MP5301.601(a)(i).

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PART 5343 - CONTRACT MODIFICATIONS

Sec.

Subpart 5343.1 – GENERAL
5343.102 Policy
5343.102-90 Contract Scope Considerations
Subpart 5343.2 – CHANGE ORDERS
5343.201 General
5343.204-70-1 Scope
5343.204-70-3 Definitization Schedule
5343.204-70-5 Exceptions
5343.204-70-7 Plans and Reports

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Subpart 5343.1 – GENERAL

5343.102 Policy

If the contract is a space program contract to which SSCI 64-101 applies, contracting officers shall not execute contract modifications resulting from an engineering change proposal with a contractor listed on the Contractor Responsibility Watch List (CRWL) without obtaining SSC/CC approval (see DAFFARS 5309.103(b)(i)).

5343.102 Policy

If the contract is a space program contract to which SSCI 64-101 applies, contracting officers shall not execute contract modifications resulting from an engineering change proposal with a contractor listed on the Contractor Responsibility Watch List (CRWL) without obtaining SSC/CC approval (see DAFFARS 5309.103(b)(i)).

5343.102-90 Contract Scope Considerations

Contracting officers shall document scope determinations when modifying contracts (see the Scope Determination – MFR template). New work requires competition unless one of the seven exceptions to competition found in FAR 6.302 applies. When determining whether proposed modifications constitute new work the following should be considered-

(a) the extent of any changes in the type of work, performance period, and costs between the modification and the original contract;

(b) whether the original solicitation adequately advised offerors of the potential for the change or the change was the type that reasonably could have been anticipated; and

(c) whether the modification materially changes the field of competition for the requirement.

For unilateral modifications authorized by clauses other than the Changes clause (e.g., Property clause, Options clause, Suspension of Work, etc. (see FAR 43.103(b)(3)), a scope determination is not required to be documented but is highly encouraged.

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Subpart 5343.2 – CHANGE ORDERS

5343.201 General

(b) The policies and procedures of DFARS 217.74 shall be applied to Unpriced Change Orders (UCO) >$5M.

5343.204-70-1 Scope

(b) When complying with the requirements described in DFARS 243.204-70-1, SCOs must provide a courtesy copy to the cognizant HCA workflow. Maintain proof of submission in the contract file.

5343.204-70-3 Definitization Schedule

(a) Contracting officers must document the contract file with the justification for the delay and revised definitization milestone schedule for UCO actions >$5M. For UCO approval authorities seeMP5301.601(a)(i) .

(1) This date may not be extended beyond an additional 90 days without a written determination by the Head of the Contracting activity (HCA) for actions >$50M without further delegation and the Senior Contracting Official (SCO) with further delegation no lower than the Chief of the Contracting Office (COCO) for UCOs between $5M and $50M.

5343.204-70-5 Exceptions

(c) See MP5301.601(a)(i).

5343.204-70-7 Plans and Reports

To comply with the Consolidated UCA Management Plan and Semi-annual Consolidated UCA Management Report requirements described in DFARS 243.204-70-7, SCOs are required to ensure unpriced change orders with an estimated value exceeding $5 million are input/updated in the UCA/UCO Reporting tool on a semi-annual basis no later than April 10th and October 10th of each year. Special access program offices will provide the information directly to the cognizant HCA workflow , as appropriate.

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PART 5344 – SUBCONTRACTING POLICIES AND PROCEDURES

Sec.

SUBPART 5344.2 – CONSENT TO SUBCONTRACTS

5344.201-1 Consent Requirements
5344.202-1 Responsibilities
5344.202-2 Considerations

Subpart 5344.3 – CONTRACTOR PURCHASING SYSTEM REVIEWS

5344.302 Requirements

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SUBPART 5344.2 – CONSENT TO SUBCONTRACTS

5344.201-1 Consent Requirements

(a) If the contract is a space program contract to which SSCI 64-101 applies, contracting officers shall include FAR 52.244-2 Subcontracts (SSC Deviation) , in full text. See DAFFARS 5309.103(b)(i).

5344.202-1 Responsibilities

(a) The contracting officer shall withhold subcontract consent responsibility from the administering contracting officer for all space program contracts to which SSCI 64-101 applies, and shall review and disposition consent requests, including those submitted pursuant to FAR 52.244-2 Subcontracts (SSC Deviation) , paragraph (k). See DAFFARS 5309.103(b)(i).

5344.202-2 Considerations

(a) If the contract is a space program contract to which SSCI 64-101 applies, contracting officers shall follow the procedures at SSCI 64-101 when the contractor has submitted a written request for consent to subcontract with a contractor on the Space Contractor Responsibility Watch List (CRWL). See DAFFARS 5309.103(b)(i).

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Subpart 5344.3 – CONTRACTOR PURCHASING SYSTEM REVIEWS

5344.302 Requirements

(a) See MP5301.601(a)(i).

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PART 5345 – GOVERNMENT PROPERTY

Sec.

Subpart 5345.1 – GENERAL

5345.102 Policy

5345.103 General

5345.103-72 Government Furnished Property Attachments to Solicitations and Awards

Subpart 5345.3 – PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS

5345.301 Use and Rental

5345.302 Contracts with Foreign Governments or International Organizations

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Subpart 5345.1 – GENERAL

5345.102 Policy

(e) See MP5301.601(a)(i).

(4)(ii)(B) See MP5301.601(a)(i)

(4)(ii)(C)*(1)(i)* See MP5301.601(a)(i)

(ii) See MP5301.601(a)(i).

5345.103 General

5345.103-72 Government Furnished Property Attachments to Solicitations and Awards

See DAFMAN 23-119, *Exchange, Sale, or Temporary Custody of Nonexcess Personal Property*.

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Subpart 5345.3 – PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS

5345.301 Use and Rental

(f) See MP5301.601(a)(i).

5345.302 Contracts with Foreign Governments or International Organizations

See AFI 63-101/20-101, *Integrated Life Cycle Management*.

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PART 5346 - QUALITY ASSURANCE

Sec.

Subpart 5346.1 – GENERAL
5346.103 Contracting Office Responsibilities
Subpart 5346.3 – [RESERVED]
5346.311 Higher-Level Contract Quality Requirement.

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Subpart 5346.1 – GENERAL

5346.103 Contracting Office Responsibilities

See MP5346.103 for Department of the Air Force requirements regarding contracting office responsibilities for the Quality Assurance Program.

See Services Contracts Quality Assurance and Contracting Officer Representatives (COR) Memorandum .

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Subpart 5346.3 – [RESERVED]

5346.311 Higher-Level Contract Quality Requirement.

Contracting Officers shall establish procedures for determining when higher-level contract quality requirements are necessary, for determining the risk (both the likelihood and the impact) of nonconformance, and for advising the contracting officer about which higher-level standards should be applied and included in the solicitation and contract. Requiring compliance with higher-level quality standards is necessary in solicitations and contracts for complex or critical items (see FAR 46.203) or when the technical requirements of the contract require -

(1) Control of such things as design, work operations, in-process controls, testing and inspection; or

(2) Attention to such factors as organization, planning, work instructions, documentation control, and advanced metrology; or

(3) Any subcontract for complex and critical items (see FAR 46.203(b) and (c)).

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PART 5348 - VALUE ENGINEERING

Sec.

Subpart 5348.1 — POLICIES AND PROCEDURES
5348.104-3 Sharing Collateral Savings

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Subpart 5348.1 — POLICIES AND PROCEDURES

5348.104-3 Sharing Collateral Savings

(a) See MP5301.601(a)(i).

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PART 5349 – TERMINATION OF CONTRACTS

Sec.

Subpart 5349.1 – GENERAL PRINCIPLES
5349.101 Authorities and Responsibilities
5349.102 Notification of Termination
Subpart 5349.4 – TERMINATION FOR DEFAULT
5349.402-3 Procedure for Default
5349.402-6 Repurchase Against Contractor's Account
Subpart 5349.5 – CONTRACT TERMINATION CLAUSES
5349.501-70 Special Termination Costs
Subpart 5349.70 – SPECIAL TERMINATION REQUIREMENTS
5349.7001 Congressional Notification on Significant Contract Terminations
5349.7003 Notification of Anticipated Terminations or Reductions

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Subpart 5349.1 – GENERAL PRINCIPLES

5349.101 Authorities and Responsibilities

(b) The SCO or command-appointed termination contracting officer (TCO) must approve a termination for default or cause prior to a contracting officer taking the action. When requesting approval, the contracting officer must provide all relevant documents to include a chronology of key events, cure/show cause notices and responses thereto.

5349.102 Notification of Termination

See the tailorable Termination Authority template.

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Subpart 5349.4 – TERMINATION FOR DEFAULT

5349.402-3 Procedure for Default

(f) Prior to making a final decision concerning termination for default, the contracting officer must forward the termination notice and the complete contract file to AF/JACQ with a copy of the termination notice to SAF/GCR and follow the procedures in DAFFARS 5333.290 Claims and Terminations for Default(b).

5349.402-6 Repurchase Against Contractor's Account

(c) The contracting officer must provide copies of assessments of excess reprocurement costs through the SCO to AF/JACQ.

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Subpart 5349.5 – CONTRACT TERMINATION CLAUSES

5349.501-70 Special Termination Costs

(a) See MP 5349.501-70 Special Termination Costs(a). Submit requests to include DFARS clause 252.249-7000, Special Termination Costs through the cognizant HCA to SAF/AQC for SAF/FMB approval.

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Subpart 5349.70 – SPECIAL TERMINATION REQUIREMENTS

5349.7001 Congressional Notification on Significant Contract Terminations

The contracting officer must submit the proposed Congressional notification through the SCO to cognizant HCA workflow at least five workdays before the proposed termination date. The cognizant HCA action officer will forward the information to SAF/LLW. The contracting officer must not release the termination notice until Congress has been notified (see MP5349.7001 Congressional Notification on Significant Contract Terminations).

5349.7003 Notification of Anticipated Terminations or Reductions

(b)(2)(i) The contracting officer must submit the draft notification through the SCO to the cognizant HCA Workflow as soon as the proposed termination/reduction is known. The cognizant HCA will forward the notification to SAF/AQ or SAF/SQ for signature (see MP5349.7003 Notification of Anticipated Terminations or Reductions).

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PART 5350 - EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

Sec.

	Subpart 5350.1 — GENERAL	5350.102-2	Contract Adjustment Boards
5350.101-1	Authority		Subpart 5350.103 — CONTRACT ADJUSTMENTS
	Subpart 5350.102 — DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY	5350.103-5	Processing Cases
			Subpart 5350.104 — RESIDUAL POWERS
5350.102-1-70	Delegations	5350.104-3	(b)(1) Action on Indemnification Requests

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See PM 22-C-05 Revision 1, *Implementing Guidance: Managing the Effects of Inflation with Existing Contracts*

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Subpart 5350.1 — GENERAL

5350.101-1 Authority

(b) The authorities, policies, and procedures established in this part are based on the authority of HAF MD 1-10, *Assistant Secretary of the Air Force (Acquisition)*.

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Subpart 5350.102 — DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY

5350.102-1-70 Delegations

(a) The DAS(C) is authorized to deny or approve any request for contract adjustment under FAR 50 and take any action pursuant to FAR 50.103-2(b) or FAR 50.103-2(c), including the authority to modify or release unaccrued obligations of any sort and to extend delivery and performance dates for amounts not exceeding $75,000.

5350.102-2 Contract Adjustment Boards

The Department of the Air Force Contract Adjustment Board (DAFCAB) is authorized to deny or approve any request for contract adjustment more than $75,000.

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Subpart 5350.103 — CONTRACT ADJUSTMENTS

5350.103-5 Processing Cases

(a) All requests for relief and all related documents, certifications, correspondence, reports, files, and a proposed memorandum of decision must be forwarded through the SCO for submission to the approving official.

(b) The DAFCAB serves as the exclusive point of contact with other military departments, or other departments or agencies of the Government, relative to the exercise of authority under Public Law 85-804.

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Subpart 5350.104 — RESIDUAL POWERS

5350.104-3 (b)(1) Action on Indemnification Requests

See the Indemnification Guide for Unusually Hazardous or Nuclear Risks for additional information. Upon completion of all buying activity coordination, the contracting officer must forward the indemnification request through the SCO to the cognizant HCA Workflow to for staffing to the SECAF.

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PART 5352 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Sec.

Subpart 5352.2 — TEXT OF PROVISIONS AND CLAUSES
5352.201-9101 Ombudsman
5352.204-9000 Notification of Government Security Activities
5352.204-9002 Security Incident Reporting and Procedures
5352.209-9000 Organizational Conflict of Interest
5352.209-9001 Potential Organizational Conflict of Interest
5352.217-9000 Long Lead Limitation of Government Liability
5352.223-9000 Elimination of Use of Class I Ozone Depleting Substances (ODS)
5352.223-9001 Health and Safety on Government Installations
5352.228-9101 Insurance Certificate Requirement in Spain (USAFE)
5352.242-9000 Contractor Access to Department of the Air Force Installations
5352.242-9001 Common Access Cards (CAC) for Contractor Personnel

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Subpart 5352.2 — TEXT OF PROVISIONS AND CLAUSES

5352.201-9101 Ombudsman

As prescribed in 5301.9103 Solicitation Provision and Contract Clause, insert the following clause:

OMBUDSMAN (JUL 2023)

(a) An ombudsman has been appointed to hear and facilitate the resolution of concerns from offerors, potential offerors, and others for this acquisition. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The existence of the ombudsman does not affect the authority of the program manager, contracting officer, or source selection official. Further, the ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of protests or formal contract disputes. The ombudsman may refer the interested party to another official who can resolve the concern.

(b) Before consulting with an ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations to the contracting officer for resolution. Consulting an ombudsman does not alter or postpone the timelines for any other processes (e.g., agency level bid protests, GAO bid protests, requests for debriefings, employee-employer actions, contests of OMB Circular A-76 competition performance decisions).

(c) If resolution cannot be made by the contracting officer, the interested party may contact the ombudsman, [Insert names, addresses, telephone numbers, facsimile numbers, and e-mail addresses of Center/MAJCOM/FLDCOM/DRU/DAFRCO ombudsman/ombudsmen]. Concerns, issues, disagreements, and recommendations that cannot be resolved at the Center/MAJCOM/FLDCOM/DRU ombudsman level, may be brought by the interested party for further consideration to the Department of the Air Force ombudsman, Associate Deputy Assistant Secretary (ADAS) (Contracting), SAF/AQC, 1060 Air Force Pentagon, Washington DC 20330-1060, phone number (571) 256-2395, facsimile number (571) 256-2431.

(d) The ombudsman has no authority to render a decision that binds the agency.

(e) Do not contact the ombudsman to request copies of the solicitation, verify offer due date, or clarify technical requirements. Such inquiries shall be directed to the contracting officer.

(End of clause)

5352.204-9000 Notification of Government Security Activities

As prescribed in DAFFARS 5304.404-90, insert the following clause in solicitations and contracts:

NOTIFICATION OF GOVERNMENT SECURITY ACTIVITIES (JUL 2023)

This contract contains a DD Form 254, DOD Contract Security Classification Specification, and requires performance at a government location in the U.S. or overseas. Prior to beginning operations involving classified information on an installation identified on the DD Form 254, the contractor shall take the following actions:

(a) At least thirty days prior to beginning operations, notify the Information Protection Office shown in the distribution block of the DD Form 254 as to:

(1) The name, address, and telephone number of this contract company's representative and designated alternate in the U.S. or overseas area, as appropriate;

(2) The contract number and military contracting command;

(3) The highest classification category of defense information to which contractor employees will have access;

(4) The Department of the Air Force installations in the U.S. (in overseas areas, identify only the APO number(s)) where the contract work will be performed;

(5) The date contractor operations will begin on base in the U.S. or in the overseas area;

(6) The estimated completion date of operations on base in the U.S. or in the overseas area; and,

(7) Any changes to information previously provided under this clause.

(End of clause)

5352.204-9002 Security Incident Reporting and Procedures

As prescribed in DAFFARS 5304.404-90 Additional Contract Clauses, insert the following clause in solicitations and contracts:

SECURITY INCIDENT REPORTING AND PROCEDURES (JUN 2024)

(a) The contractor shall follow the below guidance when a contract contains a DD Form 254, DOD Contract Security Classification Specification:

(1) The contractor shall notify the Government Contracting Activity (GCA) of any security incident involving the potential or actual loss, compromise, or suspected compromise of Top Secret, Secret, and/or Confidential information, referred to as classified information, when the incident is discovered at the contractor's location.

(i) The contractor shall conduct the requisite inquiry(ies) in accordance with 32 CFR Part 117 and Cognizant Security Office (e.g., Defense Counterintelligence and Security Agency) guidance.

(2) Security incidents occurring at government performance locations where the contractor is categorized as a visitor will be processed and reported in accordance with government host security procedures.

(3) Security incidents involving the potential or actual loss, compromise, or suspected compromise of Special Access Program and/or Sensitive Compartmented Information is under the jurisdiction of the GCA and the contractor shall follow GCA guidance in lieu of this requirement.

(4) This requirement does not relieve the contractor from reporting requirements set forth in 32 CFR Part 117, DFARS 252.204-7012, or as otherwise directed by contract requirements and/or its Cognizant Security Office (e.g., Defense Counterintelligence and Security Agency).

(5) This requirement does not relieve the contractor from adhering to security incident guidance set forth by its Cognizant Security Office (e.g., Defense Counterintelligence and Security Agency).

(6) The contractor is responsible for ensuring all applicable subcontracts include these security incident reporting requirements.

(7) If the lost or compromised information is beyond the jurisdiction of the U.S. Government and cannot be recovered (e.g., media leak, public website posting, or loss in a foreign country), the notification and location of the compromise (e.g., geographic location of unrecoverable equipment) shall be classified commensurate with the classification level of the compromised material to prevent further unauthorized disclosure in accordance with DoDM5200.01 Volume 3, Enclosure 6. The contractor will contact the GCA for instructions on how to communicate the notification prior to submission in all cases where lost or compromised information is beyond the jurisdiction of the U.S. Government and cannot be recovered.

(8) The contractor shall ensure all notifications determined to contain classified information are properly transmitted and marked in accordance with derivative classification and overarching marking guidelines in accordance with 32 CFR Part 117.

(b) Initial Notification of Security Incident

(1) The contractor shall provide an initial notification of security incident to the GCA within 72 hours of discovery of any incident where classified information may have been subjected to loss, compromise, or suspected compromise for all security incidents involving the contractor's location unless otherwise directed by contract requirements.

(2) The initial notification to the GCA is considered Controlled Unclassified Information (CUI) [CUI category OPSEC, FEDCON Distribution/Dissemination Control] unless otherwise determined by the GCA, marked in accordance with DoDI5200.48, and shall be transmitted to the GCA through authorized means (e.g., encrypted email or DoD SAFE).

(3) If the initial notification contains classified information either by content or through classification through compilation, the contractor will contact the GCA for submission guidance and ensure the notification is properly marked in accordance with derivative classification and overarching marking guidelines in accordance with 32 CFR Part 117.

(4) The initial notification shall contain the following information, as available at the time of report:

(i) Prime contract number associated with the security incident.

(ii) Date of security incident occurrence.

(iii) Date of security incident discovery if different from date of occurrence.

(iv) Security Classification Guide (SCG) or guidance used to validate classification level of information involved (unclassified title/date); if SCG title is either classified or if listing SCG information will cause the notification to be classified by compilation, do not include and indicate as such in the initial notification.

(v) Classification level of information involved (e.g., Top Secret, Secret, or Confidential)

(vi) Brief description of incident prompting initial notification. If incident directly or indirectly involved government personnel, include government personnel name(s), email address(s), and office information.

(vii) Communicate whether it is possible for the contractor to properly retain and/or provide the suspected information in question for GCA classification review and/or damage assessment.

(c) Final Notification of Security Incident

(1) The contractor shall provide a final notification to the GCA 10 business days from date of initial notification. If the final notification cannot be made 10 business days from the date of the initial notification, the contractor shall request an extension and receive approval in writing from the GCA.

(2) The final notification to the GCA does not relieve the contractor from reporting requirements set forth by 32 CFR Part 117, DFARS 252.204-7012, or as otherwise directed by contract requirements and/or its Cognizant Security Office (e.g., Defense Counterintelligence and Security Agency).

(3) The final notification will be considered CUI [CUI category OPSEC, FEDCON Distribution/Dissemination Control] unless otherwise determined by the GCA, marked in accordance with DoDI5200.48, and sent through authorized means (e.g., encrypted email or DoD SAFE).

(4) If the final notification contains classified information either by content or through classification through compilation, the contractor is required to contact the GCA for submission guidance and ensure the notification is properly marked in accordance with derivative classification and overarching marking guidelines in accordance with 32 CFR Part 117.

(5) The final notification shall contain the following information:

(i) Prime contract number associated with the security incident.

(ii) Date of security incident occurrence.

(iii) Date of security incident discovery if different from date of occurrence.

(iv) Security Classification Guide (SCG) or guidance used to validate classification level of information involved (unclassified title/date); if SCG title is either classified or if listing SCG information will cause the report to be classified by compilation, do not include this information, and indicate as such in the final notification.

(v) Classification level of information involved (e.g., Top Secret, Secret, or Confidential)

(vii) Detailed description of incident and include the following:

Sequence of events: When, where, and how did the incident occur?

What persons, situations, and/or conditions caused or contributed to the incident?

If incident originated with government personnel, include government personnel name(s), email address(s), and office information.

Include the name(s), email address(s), and office information of all government personnel involved, either directly or indirectly, as appropriate

If classified information is alleged to have been physically lost (e.g., lost classified document), what steps were taken to locate the material?

If security incident was categorized as a data spill, include measures taken to properly sanitize all impacted assets.

(viii) Corrective actions taken to prevent future occurrences

(ix) Result of inquiry (e.g., loss, compromise, suspected compromise, or no compromise)

(x) A copy of the supporting DD Form 254(s) associated with prime contract. If DD Form 254 cannot be provided, the contractor shall indicate the reasons why in the final report.

(d) Definitions

"32 CFR Part 117" means National Industrial Security Program Operating Manual.

"Business days" means days that do not include federal holidays or weekends.

"Classified information" means information the government designates as requiring protection against unauthorized disclosure in the interest of national security, pursuant to E.O. 13526, Classified National Security Information, or any predecessor order, and the Atomic Energy Act of 1954, as amended. Classified information includes national security information (NSI), restricted data (RD), and formerly restricted data (FRD), regardless of its physical form or characteristics (including tangible items other than documents).

"Cognizant security agencies (CSAs)" means agencies E.O. 12829, sec. 202, designates as having National Industrial Security Program implementation and security responsibilities for its own agencies (including component agencies) and any entities and non-CSA agencies under their cognizance. The CSAs are: Department of Defense (DoD); Department of Energy

(DOE); Nuclear Regulatory Commission (NRC); Office of the Director of National Intelligence (ODNI); and Department of Homeland Security (DHS).

"Cognizant Security Office" means an organizational unit to which the head of a CSA delegates authority to administer industrial security services on behalf of the CSA.

"Compromise" means an unauthorized disclosure of classified information.

"Data spill" means electronic transmission of classified information via unsecure means such as classified information transmitted over an unclassified network.

"DD Form 254" means the Department of Defense Contract Security Classification Specification.

"Derivative classification" means incorporating, paraphrasing, restating, or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.

"Final Notification of Security Incident" means contractor (or subcontractor) notification to the Government Contracting Activity communicating the results of the inquiry conducted.

"Government Contracting Activity" means an element of a Component designated and delegated by the Component head or designee with broad authority regarding acquisition functions to include the appropriate resources and personnel (e.g., contracting officers or their designees, program managers, program offices, and security personnel) as defined in DoDM 5220.32, Volume 1.

"Initial Notification of Security Incident" means the contractor's (or subcontractor) notification to the Government Contracting Activity of a security incident occurrence and surrounding details of occurrence.

"Inquiry" means the initial fact-finding and analysis process to determine the facts of any security incident and conducted to determine whether or not there was a loss of classified information or whether or not unauthorized personnel had, or could have had, access to the information.

"Loss" means the inability to physically locate or account for classified information.

"Security classification guide" means a documentary form of classification guidance issued by an Original Classification Authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

"Security Incident" means an incident that results from the mishandling of classified information.

"Suspected Compromise" means when a result of no loss or compromise of classified information cannot be determined with certainty.

(End of clause)

5352.209-9000 Organizational Conflict of Interest

As prescribed in DAFFARS 5309.507-2(a), insert the following clause, substantially as written, in Section I:

ORGANIZATIONAL CONFLICT OF INTEREST (JUL 2023)

(a) The following restrictions and definitions apply to prevent conflicting roles which may bias the Contractor's judgment or objectivity, or to preclude the Contractor from obtaining an unfair competitive advantage in concurrent or future acquisitions.

(1) Descriptions or definitions:

"Contractor" means the business entity receiving the award of this contract, its parents, affiliates, divisions and subsidiaries.

"Development" means all efforts towards solution of broadly-defined problems. This may encompass research, evaluating technical feasibility, proof of design and test, or engineering of programs not yet approved for acquisition or operation.

"Proprietary Information" means all information designated as proprietary in accordance with law and regulation, and held in confidence or disclosed under restriction to prevent uncontrolled distribution. Examples include limited or restricted data, trade secrets, sensitive financial information, and computer software; and may appear in cost and pricing data or involve classified information.

"System" means the system that is the subject of this contract.

"System Life" means all phases of the system's development, production, or support.

"Systems Engineering" means preparing specifications, identifying and resolving interface problems, developing test requirements, evaluating test data, and supervising design.

"Technical Direction" means developing work statements, determining parameters, directing other Contractors' operations, or resolving technical controversies.

(2) Restrictions: The Contractor shall perform systems engineering and/or technical direction, but will not have overall contractual responsibility for the system's development, integration, assembly and checkout, or production. The parties recognize that the Contractor shall occupy a highly influential and responsible position in determining the system's basic concepts and supervising their execution by other Contractors. The Contractor's judgment and recommendations must be objective, impartial, and independent. To avoid the prospect of the Contractor's judgment or recommendations being influenced by its own products or capabilities, it is agreed that the Contractor is precluded for the life of the system from award of a DoD contract to supply the system or any of its major components, and from acting as a subcontractor or consultant to a DoD supplier for the system or any of its major components.

(End of clause)

ALTERNATE I (JUL 2023). As prescribed in DAFFARS 5309.507-2(a)(2), either substitute paragraph (a)(2) of the basic clause with one or both of the following paragraphs, or use one or both in addition to the basic paragraph (a)(2). Use these paragraphs substantially as written.

(a)(2)(i) The Contractor shall prepare and submit complete specifications for non-developmental items to be used in a competitive acquisition. The Contractor shall not furnish these items to the DoD, either as a prime or subcontractor, for the duration of the initial production contract plus (insert a specific period of time or an expiration date).

(a)(2)(ii) The Contractor shall either prepare or assist in preparing a work statement for use in competitively acquiring the (identify the system or services), or provide material leading directly, predictably, and without delay to such a work statement. The Contractor may not supply (identify the services, the system, or the major components of the system) for a period (state the duration of the constraint, however, the duration of the initial production contract shall be the minimum), as either the prime or subcontractor unless it becomes the sole source, has participated in the design or development work, or more than one Contractor has participated in preparing the work statement.

ALTERNATE II (JUL 2023). As prescribed in DAFFARS 5309.507-2(a)(3), either substitute paragraph (a)(2) of the basic clause with the following paragraph, or add the following in addition to the basic restriction. Renumber the paragraphs as needed if more than one restriction applies. Use this paragraph, substantially as written.

(a)(2) The Contractor shall participate in the technical evaluation of other Contractors' proposals or products. To ensure objectivity, the Contractor is precluded from award of any supply or service contract or subcontract for the system or its major components. This restriction shall be effective for (insert a definite period of time). This does not apply to other technical evaluations concerning the system.

ALTERNATE III (JUL 2023). As prescribed in DAFFARS 5309.507-2(a)(4), add the following paragraph (b) to the basic clause substantially as written:

(b) The Contractor may gain access to proprietary information of other companies during contract performance. The Contractor agrees to enter into company-to-company agreements to: (1) protect another company's information from unauthorized use or disclosure for as long as it is considered proprietary by the other company; and, (2) to refrain from using the information for any purpose other than that for which it was furnished. For information purposes, the Contractor shall furnish copies of these agreements to the contracting officer. These agreements are not intended to protect information which is available to the Government or to the Contractor from other sources and furnished voluntarily without restriction.

ALTERNATE IV (JUL 2023). As prescribed in DAFFARS 5309.507-2(a)(5), add the following paragraph (b) to the basic clause. If Alternate III is also used, renumber this to paragraph (c).

(b) The Contractor agrees to accept and to complete all issued task orders, and not to contract with Government prime Contractors or first-tier subcontractors in such a way as to create an organizational conflict of interest.

ALTERNATE V (JUL 2023). As prescribed in DAFFARS 5309.507-2(a)(6), add the following paragraph (b) to the basic clause substantially as written. If more than one Alternate is used, renumber this paragraph accordingly.

(b) The Contractor agrees to accept and to complete issued delivery orders, provided that no new organizational conflicts of interest are created by the acceptance of that order. The contracting officer shall identify the organizational conflict of interest in each order. The Contractor shall not contract with Government prime Contractors or first-tier subcontractors in such a way as to create an organizational conflict of interest.

ALTERNATE VI (JUL 2023). As prescribed in DAFFARS 5309.507-2(a)(7), add the following paragraph (b) to the basic clause substantially as written. If either Alternate III or IV or both are used, renumber this paragraph accordingly.

(b) The above restrictions shall be included in all subcontracts, teaming arrangements, and other agreements calling for performance of work which is subject to the organizational conflict of interest restrictions identified in this clause, unless excused in writing by the contracting officer.

5352.209-9001 Potential Organizational Conflict of Interest

As prescribed in DAFFARS 5309.507-2(b), insert the following provision, substantially as written in Section L:

POTENTIAL ORGANIZATIONAL CONFLICT OF INTEREST (JUL 2023)

(a) There is potential organizational conflict of interest (see FAR Subpart 9.5, Organizational and Consultant Conflicts of Interest) due to (state the nature of the proposed conflict). Accordingly:

(1) Restrictions are needed to ensure that (state the nature of the proposed restraint and the applicable time period).

(2) As a part of the proposal, the offeror shall provide the contracting officer with complete information of previous or ongoing work that is in any way associated with the contemplated acquisition.

(b) If award is made to the offeror, the resulting contract may include an organizational conflict of interest limitation applicable to subsequent Government work, at either a prime contract level, at any subcontract tier, or both. During evaluation of proposals, the Government may, after discussions with the offeror and consideration of ways to avoid the conflict of interest, insert a special provision in the resulting contract which shall disqualify the offeror from further consideration for award of future contracts.

(c) The organizational conflict of interest clause included in this solicitation may be modified or deleted during negotiations.

(End of provision)

ALTERNATE I (JUL 2023). At the discretion of the contracting officer, substitute the following paragraph (b) for paragraphs (b) and (c) in the basic provision:

(b) The organizational conflict of interest clause in this solicitation may not be modified or deleted.

5352.217-9000 Long Lead Limitation of Government Liability

As prescribed in DAFFARS 5317.7406, insert the following clause in solicitations and contracts:

LONG LEAD LIMITATION OF GOVERNMENT LIABILITY (JUL 2023)

(a) In performing this contract, the contractor is not authorized to make expenditures or incur obligations exceeding $[*insert dollar amount*].

(b) The maximum amount for which the Government shall be liable if this contract is terminated (i.e., costs already incurred and those associated with termination) is $[*insert dollar amount*].

(c) The contractor shall notify the contracting officer in writing whenever there is reason to believe that, within the next 60 days, the costs expected to be incurred under this contract, when added to all costs previously incurred, will exceed 75 percent of the total amount allotted to the contract by the Government. The notice shall state the estimated amount of additional funds required to continue performance for the specified schedule period, limited by the not-to-exceed contract value.

(d) Sixty days before the end of the specified schedule period, the contractor shall give notice to the contracting officer of the estimated amount of additional funds required to continue long lead contract performance, when the funds will be needed, and any agreed to extension period specified in the Schedule.

(End of clause)

5352.223-9000 Elimination of Use of Class I Ozone Depleting Substances (ODS)

As prescribed in DAFFARS 5323.804-90, insert the following clause in solicitations and contracts:

ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODS) (JUN 2024)

(a) Contractors shall not:

(1) Provide any service or product with any specification, standard, drawing, or other document that requires the use of a Class I ODS in the test, operation, or maintenance of any system, subsystem, item, component, or process; or

(2) Provide any specification, standard, drawing, or other document that establishes a test, operation, or maintenance requirement that can only be met by use of a Class I ODS as part of this contract/order.

(b) For the purposes of Departmet of the Air Force policy, the following products that are pure (i.e., they meet the relevant product specification identified in AFI 32-7086) are Class I ODSs:

(1) Halons: 1011, 1202, 1211, 1301, and 2402;

(2) Chlorofluorocarbons (CFCs): CFC-11, CFC-12, CFC-13, CFC-111, CFC-112, CFC-113, CFC-114, CFC-115, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, and CFC-217, and the blends R-500, R-501, R-502, and R-503; and

(3) Carbon Tetrachloride, Methyl Chloroform, and Methyl Bromide.

[NOTE: Material that uses one or more of these Class I ODSs as minor constituents do not meet the Department of the Air Force definition of a Class I ODS.]

(End of clause)

5352.223-9001 Health and Safety on Government Installations

As prescribed in DAFFARS 5323.9001, insert the following clause in solicitations and contracts:

HEALTH AND SAFETY ON GOVERNMENT INSTALLATIONS (JUL 2023)

(a) In performing work under this contract on a Government installation, the contractor shall:

(1) Take all reasonable steps and precautions to prevent accidents and preserve the health and safety of contractor and Government personnel performing or in any way coming in contact with the performance of this contract; and

(2) Take such additional immediate precautions as the contracting officer may reasonably require for health and safety purposes.

(b) The contracting officer may, by written order, direct Department of the Air Force Occupational Safety and Health (AFOSH) Standards and/or health/safety standards as may be required in the performance of this contract and any adjustments resulting from such direction will be in accordance with the Changes clause of this contract.

(c) Any violation of these health and safety rules and requirements, unless promptly corrected as directed by the contracting officer, shall be grounds for termination of this contract in accordance with the Default clause of this contract.

(End of clause)

5352.228-9101 Insurance Certificate Requirement in Spain (USAFE)

As prescribed at DAFFARS 5328.310-90, insert the following clause in solicitations and contracts:

INSURANCE CERTIFICATE REQUIREMENT IN SPAIN (USAFE) (JUL 2023)

(a) Below follows the Insurance Certificate required for any Third Country National (TCN) contractor, other than U.S. or Spanish, required for use under this contract. The certificate is provided to standardize base access procedures. It must be completed and signed by the policyholder and the insurer.

(b) The amount of coverage minimum is 90,151.82 Euros per insured party (personal injury), 60,101.21 Euros per accident (property damage), and 6, 010.12 Euros security deposit for legal fees. In all cases the amount of coverage, if different from the above amounts, will be determined by the insurer, except in situations where the minimum coverage applies.

(c) The request for base access and the insurance certificate should be processed in accordance with DoD Foreign Clearance Guide instructions for Spain.

(d) Complete the following certification:

Certificate of Insurance

CERTIFICATE OF INSURANCE COVERAGE OF THE CIVIL LIABILITY REFERRED TO UNDER ARTICLE 5 OF ANNEX 6 TO THE AGREEMENT BETWEEN THE KINGDOM OF SPAIN AND THE UNITED STATES OF AMERICA ON COOPERATION FOR THE DEFENSE.

The insurance Company_____with legal domicile in _____ Tel:_____of Spanish/US nationality, registered in the Mercantile Registry of_____

Date:_____-, Number_____, Book:_____, Section _____, Volume_____, Page_____.

CERTIFIES

That (insert contractor or company name) of _____ nationality has contracted with this company Policy Number_____ of civil liability against damages to persons or property which could arise from actions or omissions committed by any of their employees in the performance of their official functions/professional activities in Spain because of the contracts signed with U.S. Forces, and during the visit which, in respect of such contract, they may make to Spain, according to the general conditions in force for this type of insurance and also to the special conditions created for this purpose in the Spanish-U.S. Permanent Committee; that said company has paid the premium according to the agreed conditions; and that such Policy is in force.

The Policy establishes as coverage of the mentioned risks the following amounts:

INDEMNITY LIMITS :

- For casualty: ----------601,012.10 Euros

With the following sub-limits for each injured person:

- For personal liability: ----------90,151.82 Euros
- For property damage: ---------- 60,101.21 Euros
- For Judiciary Bond: ---------- 6,010.12 Euros

The granted coverage is effective from _____ through_____, and does not include any type of franchise, or similar limitation, to be deducted from the mentioned guarantees or any clause which requires the submission to any type of arbitration. The underwriting insurance company considers that the established amounts adequately cover the insured risks.

The policy sets forth the following clauses:

1. "The insurance company waives any right of subrogation against the United States of America which may arise by reason of any payment under this Policy."

2. "The parties hereto explicitly agree to submit to the jurisdiction of the Spanish Courts of Law and to the Spanish Laws to settle any matter related to the construction or enforcement of the clauses and conditions of this Policy."

IN WITNESS HEREOF, the present document is signed in_____,on the_____of_____20____

_____ _____

For the Insured Company *(signature)* For the Insurance *(signature)*

(Courtesy Translation)

Certificado de Cobertura de Seguro

CERTIFICADO DE COBERTURA DE SEGURO DE LA RESPONSABILIDAD CIVIL A QUE SE REFIERE EL ARTICULO 5 DEL ANEXO 6 AL CONVENIO ENTRE EL REINO DE ESPAÑA Y LOS ESTADOS UNIDOS DE AMERICA SOBRE COOPERACION PARA LA DEFENSA.

La Compañia de Seguros _____ con domicilio social en la Calle/Avda./Pla. _____, Tlfo.: _____ , de nacionalidad española/norteamericana, inscrita en el Registro Mercantil de_____, fecha _____, Número _____, Libro _____, Sección _____, Tomo _____, Folio_____.

CERTIFICA:

Que ___(nombre del individuo o la empresa)_____, de nacionalidad _____, tiene suscrita con esta Compañia la Póliza número _____, de responsabilidad civil contra daños a personas y cosas que pudieran derivarse de acciones u omisiones realizadas por sus empleados en el desempeño de sus funciones oficiales/actividades profesionales en España con ocasión de su contracto con las Fuerzas de los EE.UU. y con la visita que en relación con dicho contrato realicen sus empleados a España, según las condiciones generales vigentes para este tipo de seguros y además las condiciones especiales elaboradas a este fin en el Comité Permanente Hispano-Norteamericano; habiéndose satisfecho la prima según las condiciones pactadas, y encontrándose dicha Póliza en vigor.

La Póliza establece como cobertura de los riesgos mencionados las siguientes cuantías:

LIMITES DE INDEMNIZACION:

- Por siniestro: ---------- 601.012,10 Euros

Con los siguientes sublímites por perjudicado:

- Por daños personales: ---------- 90.151,82 Euros
- Por daños materiales: ---------- 60.101,21 Euros
- Por fianzas judiciales: ---------- 6.010,12 Euros

Las coberturas otorgadas son efectivas desde el _____, hasta el _____, no incluyéndose en las mismas ningún tipo de franquicia o limitación similar a deducir de las garantías indicadas ni ninguna disposición que requiera la sumisión a cualquier tipo de arbitraje. La Compañia aseguradora que suscribe considera que las cuantías establecidas cubren adecuadamente los riesgos asegurados.

La Póliza establece las siguientes cláusulas:

1. “La Compañia Aseguradora renuncia a cualquier derecho de subrogación contra los Estados Unidos de América que pueda provenir por razones diferentes a pago, bajo la Póliza epígrafiada.”

2. “Las partes se someten expresamente a la jurisdicción de los tribunales españoles y al derecho español para resolver cualquier cuestión relativa a la interpretación o aplicación de las cláusulas y condiciones de la Póliza.”

Y para que conste a los efectos oportunos, se firma el presente en _____ a _____ de _____ 20___.

_____ _____

Tomador: Asegurador:

(END OF CERTIFICATE)

(End of Clause)

5352.242-9000 Contractor Access to Department of the Air Force Installations

As prescribed in DAFFARS 5342.490-1, insert a clause substantially the same as the following clause in solicitations and contracts:

CONTRACTOR ACCESS TO THE DEPARTMENT OF THE AIR FORCE INSTALLATIONS (JUN 2024)

(a) The contractor shall obtain base identification and vehicle passes, if required, for all contractor personnel who make frequent visits to or perform work on the Department of the Air Force installation(s) cited in the contract. Contractor personnel are required to wear or prominently display installation identification badges or contractor-furnished, contractor identification badges while visiting or performing work on the installation.

(b) The contractor shall submit a written request on company letterhead to the contracting officer listing the following: contract number, location of work site, start and stop dates, and names of employees and subcontractor employees needing access to the base. The letter will also specify the individual(s) authorized to sign for a request for base identification credentials or vehicle passes. The contracting officer will endorse the request and forward it to the issuing base pass and registration office or Security Forces for processing. When reporting to the registration office, the authorized contractor individual(s) should provide a valid driver’s license, current vehicle registration, valid vehicle insurance certificate, and [*insert any additional requirements to comply with local security procedures*] to obtain a vehicle pass.

(c) During performance of the contract, the contractor shall be responsible for obtaining required identification for newly assigned personnel and for prompt return of credentials and vehicle passes for any employee who no longer requires access to the work site.

(d) When work under this contract requires unescorted entry to controlled or restricted areas, the contractor shall comply with *[insert any additional requirements to comply with* AFI 31-101 *, Integrated Defense, and* DODMAN5200.02_AFMAN 16-1405 *, Air Force Personnel Security Program]* citing the appropriate paragraphs as applicable.

(e) Upon completion or termination of the contract or expiration of the identification passes, the prime contractor shall ensure that all base identification passes issued to employees and subcontractor employees are returned to the issuing office.

(f) The contractor shall provide an after-hours contact number or after-hours email in the Emergency Mass Notification System (EMNS) for each of their personnel, whose normal place of duty is on a DoD installation or within a DoD facility. The contractor shall comply with any additional requirements in DAFMAN 10-206 for emergency operational reporting. Foreign Nationals may participate and may remove themselves from the Emergency Mass Notification System at any time.

To update information, personnel can access the globe icon on their system desktop screens and choose the "Access Self-Service" option.

(g) Failure to comply with these requirements may result in withholding of final payment.

(End of clause)

5352.242-9001 Common Access Cards (CAC) for Contractor Personnel

As prescribed in DAFFARS 5342.490-2, insert a clause substantially the same as the following clause in solicitations and contracts:

COMMON ACCESS CARDS (CAC) FOR CONTRACTOR PERSONNEL (JUL 2023)

(a) For installation(s)/location(s) cited in the contract, contractors shall ensure Common Access Cards (CACs) are obtained by all contract or subcontract personnel who meet one or both of the following criteria:

(1) Require logical access to Department of Defense computer networks and systems in either:

(i) the unclassified environment; or

(ii) the classified environment where authorized by governing security directives.

(2) Perform work, which requires the use of a CAC for installation entry control or physical access to facilities and buildings.

(b) Contractors and their personnel shall use the following procedures to obtain CACs:

(1) Contractors shall provide a listing of personnel who require a CAC to the contracting officer. The government will provide the contractor instruction on how to complete the Contractor Verification System (CVS) application and then notify the contractor when approved.

(2) Contractor personnel shall obtain a CAC from the nearest Real Time Automated Personnel Identification Documentation System (RAPIDS) Issuing Facility (typically the local Military Personnel Flight (MPF)).

(c) While visiting or performing work on installation(s)/location(s), contractor personnel shall wear or prominently display the CAC as required by the governing local policy.

(d) During the performance period of the contract, the contractor shall:

(1) Within 7 working days of any changes to the listing of the contract personnel authorized a CAC, provide an updated listing to the contracting officer who will provide the updated listing to the authorizing government official;

(2) Return CACs in accordance with local policy/directives within 7 working days of a change in status for contractor personnel who no longer require logical or physical access;

(3) Return CACs in accordance with local policy/directives within 7 working days following a CACs expiration date; and

(4) Report lost or stolen CACs in accordance with local policy/directives.

(e) Within 7 working days following completion/termination of the contract, the contractor shall return all CACs issued to their personnel to the issuing office or the location specified by local policy/directives.

(f) Failure to comply with these requirements may result in withholding of final payment.

(End of clause)

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AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT - MP

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DAFFARS PART 5301 Knowledge Center

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MP5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

MP5301.601 (a)(i) Department of the Air Force Approval Authority Matrices

Tables 1 and 2 consist of delegations (or retentions) of authority made by the Department of the Air Force Agency Head (HoA), Senior Procurement Executive (SPE), Service Acquisition Executives (SAEs), and Head of Contracting Activities (HCAs). The Tables do not contain authorities originally invested somewhere other than those positions (e.g., certain class deviations which must be approved by DPC). **Table 3** reflects the authority to enter into, approve, or terminate Grants, Cooperative Agreements, Other Transactions and Procurements for Experimental purposes—including the issuance of a warrant for such purposes.

TABLE 1 – SAF/AQ NON-SPACE SYSTEMS AND PROGRAMS:

SAF/AQ is authorized to execute HoA, SAE, and SPE responsibilities for non-space systems and programs, including product support, unless otherwise noted in regulations or policy. For non-space systems and programs, including product support, SAF/AQC (Deputy Assistant Secretary (Contracting) or the Associate Deputy Assistant Secretary (Contracting)) is designated HCA. Documents requiring HCA approval by SAF/AQC shall be submitted through the SCO to the SAF/AQC Workflow. Approvals from SAF/AQ, SecAF, or DPC require coordination from SAF/AQC.

Packages submitted to SAF/AQ shall include an electronic Staff Summary Sheet (eSSS) in the body of the email or as an attachment (Word document only). Include any applicable documentation and list each attachment under "Tabs" on the eSSS using the exact electronic file name (e.g., ACE Acquisition Strategy) of the corresponding attachment. Changes recommended during the staffing process must be adjudicated by the contracting officer. Submit questions or concerns regarding processing packages that require SAF/AQ approval to SAF/AQC Workflow.

TABLE 2 SAF/SQ SPACE SYSTEMS AND PROGRAMS:

SAF/SQ is authorized to execute HoA, SAE, and certain SPE responsibilities for space systems and programs, unless otherwise noted in regulation or policy. For space related systems and programs, the Director of Contracting, Space Systems Command (SSC/PK); the Space Development Agency (SDA) Director; or Space RCO (SpRCO) Director of Contracting are designated HCAs. Submit documents requiring HCA coordination or approval to the cognizant HCA workflow identified in DAFFARS 5302.101. Approvals from SAF/AQ, SAF/SQ, DPC, or SecAF require coordination from the HCA.

NOTE : Further Delegable Columns with "**No**" indicate retained responsibilities or those that are non-delegable or cannot be delegated further per regulation or statute. Further Delegable Columns with "**Yes**" require written delegations approved by the Delegated Authority reflected.

Table 3: AUTHORITIES

Authority to enter into, approve, or terminate Grants, Cooperative Agreements, Other Transactions, and Procurements for Experimental Purposes has been approved as shown in Table 3. This authority may be redelegated within the contracting functional chain of responsibility, in writing, under such terms, conditions, and limitations as may be deemed appropriate.

			TABLE 1 SAF/AQ NON-SPACE SYSTEMS AND PROGRAMS AND SAF/SQ SPACE SYSTEMS AND PROGRAMS; WHEN HCA IS SAF/AQC		**TABLE 2 SAF/SQ SPACE SYSTEMS AND PROGRAMS; WHEN HCA IS SSC, SpRCO, SDA** [AR1]	
Item	**Reference**	**Responsibility/ Designee**	**Delegated Authority**	**Further Delegable**	**Delegated Authority**	**Further Delegable**

1	DAFFARS 5301.601(a)(i) DAFFARS 5301.603-1 DAFFARS MP 5301.603-90(a)	Authority to select and appoint contracting officers and terminate their appointments	SCO	Yes, for zero-dollar, SAT, $5M, and $25M warrants, to no lower than the COCO Yes, for unlimited warrants to no lower than the Deputy Director or Tech Director IAW DAFFARS 5302 definition of SCO	SCO	Yes, for zero-dollar, SAT, $5M, and $25M warrants, to no lower than the COCO Yes, for unlimited warrants to no lower than the Deputy Director or Tech Director IAW DAFFARS 5302 definition of SCO
2	DAFFARS 5301.601(a)(i)(A)	Authority to enter into, approve, or terminate Grants, Cooperative Agreements, Other Transactions and Procurements for Experimental purposes—including the issuance of a warrant for such purposes.	See Table 3	See Table 3	See Table 3	See Table 3
3	FAR 1.602-3(b)(2) and (3) DAFFARS 5301.602-3(b)(2)	Ratification of unauthorized commitments, subject to the limitations in FAR 1.602-3(c) at or above SAT.	SCO	No	SCO	No
4	FAR 1.602-3(b)(2) and (3) DAFFARS 5301.602-3(b)(2)	Ratification of unauthorized commitments, subject to the limitations in FAR 1.602-3(c) below SAT.	COCO	No	COCO	No

5	FAR 3.104-2(a) DAFFARS 5303.104-2(a)	Approves agency supplementation of 3.104 including specific definitions to identify individuals who occupy positions specified in 3.104-3(d)(1)(ii), and any clauses required by 3.104.	SAF/AQ	No	SAF/SQ	No
6	FAR 3.104-3(c)(1)(ii) FAR 3.104-5(c)(2) DAFFARS 5303.104-3(c)(1)(ii) DAFFARS 5303.104-5(c)(2)	Authorizes the disqualified official to resume participation in the procurement or determine that an additional disqualification period is necessary. (See DAFFARS 5303.104-5(c)(2) when the disqualified official is the SCO or the HCA).	SCO	No	SCO	No
7	FAR 3.104-7(a)(1) DAFFARS 5303.104-7(a)(1)	Individual designated to review the information concerning the violation or possible violation and documentation supporting a contracting officer's determination that there is no impact on the procurement	Clearance Approval Authority; if the HCA is the CAA, then SCO. If there is no CAA, then COCO	No	Clearance Approval Authority; if the HCA is the CAA, then SCO. If there is no CAA, then COCO.	No

8	FAR 3.104-7 DAFFARS 5303.104-7(g)	The HCA may delegate his or her authority under FAR 3.104-7(a)(1)(ii) thru (f) to an individual at least one organizational level above the contracting officer and of General Officer, Flag, Senior Executive Service, or equivalent rank.	SCO, only if GO or SES; otherwise, SAF/AQC	No	SCO, only if GO or SES; otherwise, HCA	No
9	FAR 3.202 DAFFARS 5303.202	Determines, after notice and hearing, that contractor or representative offered or gave a gratuity to officer, official, or Government employee and intended, by the gratuity, to obtain a contract or favorable treatment under a contract; and determines amount of exemplary damages (between 3- and 10-times cost incurred by contractor in giving gratuities to person concerned).	SAF/AQC	No	HCA	No

10	DFARS 203.570-2(a) DAFFARS 5303.570-2(a)	Grants waiver in the interest of national security that the prohibition period described in Paragraph (c) of clause 252.203-7001 may be less than 5 years.	SAF/AQC	No	HCA	No
11	DFARS 203.570-2(b) DAFFARS 5303.570-2(b)	Makes written determination that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be more than 5 years.	SAF/AQC	No	HCA	No
12	FAR 3.602 DAFFARS 5303.602	Authorizes contract award to a Government employee or to a business concern owned or controlled by a Government employee and only if there is a most compelling reason to do so per FAR 3.602.	SAF/AQC	No	HCA	No

13	FAR 3.704(a) and (b) DAFFARS 5303.704(a) and (b)	Shall consider the facts available and, if appropriate, may declare void and rescind contracts, and recover the amounts expended and property transferred by the agency in accordance with the policies and procedures FAR 3.704, where there is a final conviction for any violation of 18 U.S.C.201-224 involving or relating to contracts awarded by an agency. Should also consider initiating debarment proceedings in accordance with subpart 9.4 if debarment has not been initiated, or is not in effect at the time the final conviction is entered.	SCO	No	SCO	No

14	FAR 3.704(c) DAFFARS 5303.704(c)	Shall consider, in addition to any other penalty prescribed by law or regulation, declaring void and rescinding contracts, as appropriate, and recovering the amounts expended using the procedures at 3.705 (see 3.104-7), and recommending the initiation of suspension or debarment proceedings IAW subpart 9.4, where there is a final conviction, or HoA or designee determination, of an offense punishable under 41 U.S.C. 2105	SCO	No	SCO	No
15	FAR 3.906(c) DFARS 203.906(1) DAFFARS 5303.906(c)(1)	Takes required actions regarding reprisals as prohibited by 203.903 (10 USC 4701).	SAF/AQC	No	HCA	No

16	FAR 3.1104(b) DAFFARS 5303.1104(b)	Determines in writing that such action in FAR 3.1104(a) is in the best interest of the Government (HCA may impose conditions that provide mitigation of a personal conflict of interest or grant a waiver).	SAF/AQC	No	HCA	No
17	FAR 5.102(a)(5)(iii) DAFFARS 5305.102(a)(5)(iii)	Makes written determination that availability of a solicitation through the GPE is not in the Government's interest.	SAF/AQC	No	HCA	No
18	FAR 5.202(b) DAFFARS 5305.202(b)	Makes written determination after consult with Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration that advance notice of proposed contract action is not appropriate or reasonable.	SAF/AQC	No	HCA	No
19	FAR 5.502(a) DFARS 205.502(a) DAFFARS 5305.502(a)	Approves the publication of paid advertisements in newspapers.	SCO	Yes, one level above CO	COCO	No

20	DFARS 206.302-1(a)(2)(i)(1) DAFFARS 5306.302-1(a)(2)(i)(*1*)	Determines if agency can enter into contracts for studies, analyses, or consulting services on the basis of an unsolicited proposal without providing for full and open competition.	SCO	Yes, no lower than COCO	COCO	No
21	FAR 6.302-1(d) DFARS 206.302-1(d) DFARS PGI 206.302-1(d) DAFFARS 5306.302-1(d)	Approves waiver to post request for information or sources sought notices when using J&A authority FAR 6.302-1.	SCO if GO or SES or MAJCOM SCO if GO or SES; otherwise, SAF/AQC	No	SCO if GO or SES; otherwise, HCA	No
22	DFARS 206.302-4(c) DAFFARS 5306.302-4(c)	Approves a document (DAFFARS prescribes use of International Agreement Competitive Restrictions (IACR)) that describes the terms of an agreement or treaty or written directions, such as a Letter of Offer and Acceptance, which have the effect of requiring the use of other than competitive procedures. J&A is not required.	CO	No	CO	No

23	FAR 6.304(a)(4) DAFFARS 5306.304(a)	Approves in writing the justification for other than full and open competition for proposed contracts over $100M.	SAF/AQ	No	SAF/SQ	No
24	FAR 7.107-2(b) DAFFARS 5307.107-2(b)	Determines that consolidation is necessary and justified if the benefits of the acquisition would substantially exceed the benefits that would be derived from each of the alternative contracting approaches identified under paragraph (a)(2).	SCO	No	SCO	No
25	FAR 7.107-2(e) DAFFARS 5307.107-2(e)	Determines that consolidation is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit at paragraph (d)(1) of this subsection but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	SCO	No	SCO	No

26	FAR 7.107-3(a) DAFFARS 5307.107-3(a)	Makes written determination that the bundling is necessary and justified in accordance with 15 U.S.C. 644(e) after ensuring that conditions at (a)-(e) are met.	SAF/AQ	No	SAF/SQ	No
27	FAR 7.107-3(f)(1) DAFFARS 5307.107-3(f)(1)	Determines that bundling is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	SAF/AQ	No	SAF/SQ	No
28	DFARS 207.470(b) DAFFARS 5307.470(b)	Approves D&F for acquisition of vessel/ aircraft/vehicle through a lease/ charter/similar agreement for 18 months or more.	SCO	No	SCO	No
29	FAR 8.404(h)(3)(ii)(C) DAFFARS 5308.404(h)(3)(ii)(C)	Approves D&F when the total performance period, including options, of a T&M/LH order is more than three years.	SCO	Yes, no lower than the COCO	COCO	No

30	FAR 8.405-3(a)(3)(ii) DAFFARS 5308.405-3(a)(3)(ii)	Determination (in writing) to award single-award Blanket Purchase Agreement with an estimated value exceeding $100 million (including any options).	SCO	No	SCO	No
31	FAR 8.405-6(b)(3)(ii)(C) DAFFARS 5308.405-6(b)(3)(ii)(C)	Makes written determination that access through e-Buy not in Government's interest.	SAF/AQC	No	HCA	No
32	FAR 8.405-6(d)(4) DAFFARS 5308.405-6(d) DAFFARS 5306.304(a)	Approves the justification for limited sources under a BPA with an estimated value over $100M.	SAF/AQ	No	SAF/SQ	No
33	FAR 9.202(a) DFARS PGI 209.202(a)(1) DAFFARS 5309.202(a)(1)	Is the designee referenced in FAR 9.202(a) (inclusion of other qualification requirements).	SCO	Yes, no lower than the COCO	COCO	No
34	FAR 9.206-1(b) DAFFARS 5309.206-1(b)	Is the designee referenced in FAR 9.206-1(b) (enforcing qualification requirements).	SCO	Yes, no lower than COCO	COCO	No

35	DFARS 209.270-3(a) DAFFARS 5309.270-3(a)	Approves a contract for procurement, modification, repair, or overhaul of an aviation critical safety item with a source approved by the head of the design control activity.	SCO	Yes, no lower than the COCO	COCO	No
36	FAR 9.405(a) DAFFARS 5309.405(a)	Determines compelling reason exists to solicit offers from, award contracts to, or consent to subcontracts with contractor debarred, suspended, or proposed for debarment.	SAF/AQC	No	HCA	No
37	DFARS 209.405(b)(ii)(A) DAFFARS 5309.405(b)(ii)(A)	Grants exemption permitting award to contractor that has violation of Clean Air or Clean Water Act.	SAF/AQC	No	HCA	No
38	FAR 9.405(e)(2)-(3) DAFFARS 5309.405(e)(2)-(3)	Makes written determination of the compelling reason to consider bid received from, evaluate for award, include in competitive range or hold discussions with listed contractor.	SAF/AQC	No	HCA	No

39	FAR 9.405-1(a)(1) DAFFARS 5309.405-1(a)(1)	Directs discontinuance of contracts or subcontracts in existence at time contractor was debarred, suspended, or proposed for debarment.	SAF/AQC	No	HCA	No
40	FAR 9.405-1(a)(2) DAFFARS 5309.405-1(a)(2)	For contractors debarred, suspended, or proposed for debarment, makes written determination of the compelling reasons to place orders exceeding the guaranteed minimum; place orders under FSS, BPAs, or BOAs; or add new work, exercise options, or otherwise extend duration or current contracts or orders.	SAF/AQC	No	HCA	No

41	FAR 9.405-2(a) DFARS 209.405-2(a) DAFFARS 5309.405-2(a)	States in writing that compelling reason exists for CO to consent to proposed subcontracts with contractors debarred, suspended, or proposed for debarment, or that the Secretary of Defense has identified in SAM Exclusions as being owned or controlled by the government of a country that is a state sponsor of terrorism.	SAF/AQC	No	HCA	No
42	FAR 9.503/ 9.506(d)(3) DAFFARS 5309.503 DAFFARS 5309.504(c)	Waives FAR 9.5 requirements -- Organizational and Consultant Conflicts of Interest (OCI).	SAF/AQC	No	HCA	No
43	DFARS 209.571-7(c)(1) DAFFARS 5309.571-7(c)(1)	Determines an exception to Limitation on Future Contracting in systems engineering and technical assistance contracts is necessary.	SAF/AQC	No	HCA	No

44	FAR 11.103(a) DAFFARS 5311.103(a)	Require offerors to demonstrate that items offered have (1) either achieved market acceptance or been satisfactorily supplied to an agency under current or recent contracts for the same or similar requirements, and (2) otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation.	CO	No	CO	No

45	DFARS 211.274-2(b)(1) DAFFARS 5311.274-2(b)(1)	Determines the items are to be used to support a contingency or humanitarian or peacekeeping operation; to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster and, therefore, contractor not required to provide DoD IUID.	SCO	No	SCO	No
46	DFARS 211.274-2(b)(2)(i)(A) DAFFARS 5311.274-2(b)(2)(i)(A)	Executes D&F that it is more cost effective for the Government to assign, mark, and register the unique item identifier after delivery, & item acquired from SB concern or is commercial acquired under FAR Part 12 or 8 for an ACAT I program.	PEO	No	PEO	No

47	DFARS 211.274-2(b)(2)(i)(B) DAFFARS 5311.274-2(b)(2)(i)(B)	Executes D&F that it is more cost effective for the Government to assign, mark, and register the unique item identifier after delivery, & item acquired from SB concern or is commercial acquired under FAR Part 12 or 8 for all other programs.	SCO	No	SCO	No
48	FAR 11.501(d) DAFFARS 5311.501(d)	Waives or reduces the amount of liquidated damages assessed under a contract if Commissioner, Financial Management Service, or designee approves (see Treasury Order 145-10).	SAF/AQC	No	HCA	No

49	DFARS 212.102(a)(ii)(B) DAFFARS 5312.102(a)(ii)(B)	If the contracting officer challenges an existing commercial product or commercial service determination, either confirm the prior determination was appropriate and still applicable, or issue a determination that the prior use of FAR Part 12 procedures was improper, or no longer appropriate, with a written explanation for the basis of the determination.	SCO	No	SCO	No
50	FAR 12.102(f)(1) DAFFARS 5312.102(f)(1)	Determines that an acquisition of supplies or services is to be used to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack in order to treat the acquisition as an acquisition of commercial products or commercial services.	SCO	No	SCO	No

51	DFARS 212.207(b)(iii) DAFFARS 5312.207(b)(iii)	For any class D&F, approves written determination by the contracting officer to use T&M or LH for commercial services contracts.	SAF/AQC	No	HCA	No
52	DFARS 212.207(b)(iii) DAFFARS 5312.207(b)(iii)	For an individual D&F if the base period plus any option period exceeds 3 years regardless of T&M/LH value, or if the T&M/LH value exceeds $10M, approves written determination by the contracting officer to use T&M or LH for commercial services contracts.	SCO	No	SCO	No
53	DFARS 212.207(b)(iii) DAFFARS 5312.207(b)(iii)	For an individual D&F if the base period plus any option period is 3 years or less & the T&M/ LH value is less than or equal to $10M, approves written determination by the contracting officer to use T&M or LH for commercial services contracts.	SCO	Yes, no lower than 1-level above the CO	SCO	Yes, no lower than the COCO

54	DFARS 212.272(b)(2)(i) DAFFARS 5312.272(b)(2)(i)	For contracts above $10M, determines no commercial services are suitable to meet the agency's needs for facilities-related services, knowledge-based services (e.g., Advisory and Assistance Services excluding engineering services), medical services, or transportation services.	SCO	Yes, no lower than the COCO	COCO	No
55	FAR 12.302(c) DFARS 212.302(c) DAFFARS 5312.302(c)	Waiver authority for tailoring provisions and clauses for acquisition of commercial products and commercial services under FAR 12.302(c).	SCO	No	SCO	No
56	DFARS 212.7003 DFARS PGI 212.7003(a) DAFFARS 5312.7003(a)	Approves the written determination prepared by the CO prior to awarding a contract in excess of $100 million pursuant to a commercial solutions opening (CSO).	SCO	No	SCO	No

57	FAR 13.201(g)(1) DFARS 213.201(g) DFARS PGI 213.201(g) DAFFARS 5313.201(g)(1)	Determines that acquisitions of supplies or services are to be used to support a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance pursuant to 22 U.S.C. 2292 et seq; or to support response to an emergency or major disaster (42 U.S.C. 5122), which raises the micro-purchase threshold.	SCO	No	SCO	No

58	FAR 13.500(c)(1) DAFFARS 5313.500(c)(1)	To determine that acquisitions of commercial products or commercial services are to be used to support a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster.	SCO	No	SCO	No
59	FAR 14.201-7(b)(2) and (c)(2) DAFFARS 5314.201-7(b)(2) and (c)(2)	Waives the requirement for inclusion of FAR clauses 52.214-27 and 52.214-28 in a contract with a foreign government or agency of that government.	SCO	No	SCO	No

60	FAR 14.407-3(e) DAFFARS 5314.407-3(e)	Make administrative determinations in connection with mistakes in bids alleged after opening of bids and before award.	COCO	No	COCO	No
61	DFARS PGI 215.300 (DoD Source Selection Procedures) 1.2.3 DAFFARS MP5315.3 1.2.3	Waives requirements of DoD Source Selection Procedures paragraph 1.2 for solicitations valued between $10M and $1B	SCO	No	SCO	No
62	DAFFARS MP5315.3 1.2.6.1	Allows for the use of price as the only evaluation factor for an acquisition valued over $50M	SCO	No	SCO	No

63	DFARS 215.371-4(a)(2) DAFFARS 5315.371-4(a)(2)	Waives the requirements at DFARS 215.371-2 for acquisitions in support of contingency or humanitarian or peacekeeping operations; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster	SAF/AQC	No	HCA	No
64	DFARS 215.371-5 DAFFARS 5315.371-5	Waives the requirement at DFARS 215.371-2 to resolicit for an additional period of at least 30 days when only one offer is received as a result of a competitive solicitation allowing fewer than 30 days for receipt of proposals.	SCO	Yes, no lower than the COCO	COCO	No

65	Class Deviation 2022-O0005 Rev 1 DAFFARS 5315.403-1(b)	Determines certified cost or pricing data should be required based on past performance or other information specific to the award.	SCO	No	SCO	No
66	FAR 15.403-1(c)(4) DFARS 215.403-1(c)(4)(A) DAFFARS 5315.403-1(c)(4)(A)	Waives requirement for submission of certified cost or pricing data in exceptional cases.	SAF/AQC	No	HCA	No
67	FAR 15.403-3(a)(4) DAFFARS 5315.403-3(a)(4)	Approves determination to make award without offeror submission of data other than certified cost or pricing data.	SCO	No	SCO	No
68	DFARS PGI 215.403-3(a)(6)(ii) DAFFARS 5315.403-3(a)(6)(ii)	Provides quarterly information within 25 days following the end of the quarter using Contractor Denials of Data Requests.	SCO	No	SCO	No
69	FAR 15.403-4(a)(2) DAFFARS 5315.403-4(a)(2)	Authorizes CO to obtain certified cost or pricing data for actions below the threshold in FAR 15.403-4(a)(1), provided the action exceeds the SAT.	SAF/AQC	No	HCA	No

70	Class Deviation 2022-O0005 Rev 2 DAFFARS 5315.404-2	Determines that auditing of records should be required based on past performance or other information specific to the award.	SCO	No	SCO	No
71	DFARS 215.404-4(c)(2)(C)(*2*) DAFFARS 5315.404-4(c)(2)(C)(*2*)	Approves the use of the alternate structured approach for Profit (see DFARS 215.404-73).	SCO	Yes, no lower than the COCO	COCO	No
72	DFARS 215.407-3(b)(i) DAFFARS 5315.407-3(b)(i)	Waives on a case-by-case basis, the use of forward pricing rate agreement (FPRA) rates when such rates are available.	SCO	No	SCO	No
73	DFARS PGI 215.407-4(c)(2)(B) DAFFARS 5315.407-4(c)(2)(B)	Requests an overhead should-cost review for a contractor business unit that does not meet the criteria found in DFARS PGI 215.407-4(c)(2)(A).	SCO	No	SCO	No

74	DFARS 215.408(2)(i)(A)(2) DFARS 225.870-4(c)(2)(ii) DAFFARS 5315.408(2)(i)(A)(2)	Approve determination (when contracting with the Canadian Commercial Corporation) that data other than certified cost or pricing data are needed in order to determine that the price is fair and reasonable.	SCO	Yes, no lower than 2-levels above the CO	SCO	No
75	DFARS 215.408(2)(ii)(A)(2) DFARS 225.870-4(c)(2)(ii) DAFFARS 5315.408(2)(ii)(A)(2)	Approve determination (when contracting with the Canadian Commercial Corporation) that it is reasonably certain that data other than certified cost or pricing data will be needed in order to determine that the price of modifications is fair and reasonable.	SCO	Yes, no lower than 2-levels above the CO	SCO	No
76	FAR 16.206-3(d) DAFFARS 5316.206-3(d)	Approves the use of a fixed-ceiling-price contract with retroactive price redetermination.	SAF/AQC	No	HCA	No
77	FAR 16.401(d) DFARS 216.401(d)(i) DAFFARS 5316.401(d)(i)	Determines that the use of an award-fee contract is in the best interest of the government.	SCO	No	SCO	No

78	FAR 16.401(d) DFARS 216.401(d)(ii) DAFFARS 5316.401(d)(ii)	Determines that the use of an incentive contract is in the best interest of the government.	SCO	Yes, no lower than 1-level above the CO	COCO	No
79	FAR 16.401(e)(3)(i) DAFFARS 5316.401(e)(3)(i)	Designate the Fee Determining Official on an individual contract or class basis. This designation may be made by name, position, or function, without limitation.	PEO for PEO designated programs or SCO for all other programs	Yes	PEO for PEO designated programs or SCO for all other programs	Yes
80	DFARS 216.405-2(1) DAFFARS 5316.405-2(1)	Approves determination that a percentage of award fee available for the final evaluation be set below 40 percent.	SAF/AQC	No	HCA	No
81	FAR 16.504(c)(1)(ii)(D)(1) DFARS 216.504(c)(1)(ii)(D)(1) DAFFARS 5316.504(c)(1)(ii)(D)(1)	Approves D&F to justify award of task or delivery order contract in an amount estimated to exceed $100 million (including all options) to a single source	SCO	No	SCO	No
82	FAR 16.505(b)(2)(ii)(C)(4) DAFFARS 5316.505(b)(2)(ii)(C)(4)	Approves the justification for exceptions to fair opportunity for a proposed order over $100M.	SAF/AQ	No	SAF/SQ	No

83	FAR 16.601(d)(1)(ii) DFARS 216.601(d)(i)(A)(2) DAFFARS 5316.601(d)(1)(ii)	When the base period plus any option periods exceeds three years, determines that no other contract type is suitable before using a time-and-materials contract.	SAF/AQC	Yes, SCO may approve individual D&F within scope of class D&F (approved by HCA)	HCA	Yes, SCO may approve individual D&F within scope of class D&F (approved by HCA)
84	FAR 16.601(d)(1)(ii) DFARS 216.601(d)(i)(A)(3) DAFFARS 5316.601(d)(i)(A)(3)	Determines that a contract is excepted from approval requirements of DFARS (d)(i)(A)(1) and (2)	SAF/AQC	No	HCA	No
85	FAR 16.603-2(c)(3) DAFFARS 5316.603-2(c)(3)	Approves the determination of a reasonable price or fee if the CO & contractor fail to reach agreement.	SCO	No	SCO	No
86	FAR 16.603-3 DAFFARS 5316.603-3	Determines a letter contract may be used if no other contract type is suitable.	SCO	Yes, below $50M but no lower than the COCO	SCO if $50M or greater, COCO if less than $50M	No
87	FAR 17.105-1(b) DAFFARS 5317.105-1(b)	Enters into a multi-year contract (MYC) for supplies (DoD) if conditions at (b)(1)-(5) are met.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No

88	FAR 17.106-3(f) DAFFARS 5317.106-3(f)	Authorizes the use of a solicitation requesting only multi-year prices, provided that dual proposals are not necessary to meet the objectives in FAR 17.105-2.	SCO	No	SCO	No
89	FAR 17.106-3(g) DAFFARS 5317.106-3(g)	Approves the use of variable unit prices on multi-year contracts provided that, for competitive proposals, there is a valid method of evaluation.	SCO	No	SCO	No
90	DFARS 217.170(a) DAFFARS 5317.170(a)	Compares cost of MYC to cost of an annual procurement approach, using present value analysis; award only if MYC will result in the lower cost.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No
91	DFARS 217.170(b) DAFFARS 5317.170(b)	Provides written notice to the congressional defense committees at least 30 days before termination of any MYC.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No
92	DFARS 217.171(c) DAFFARS 5317.171(c)	Makes written determination before entering into a MYC that the conditions at (c)(1)-(3) are met.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No

93	DFARS 217.172(f)(2) DAFFARS 5317.172(f)(2)	Determines the conditions required by DFARS 217.172(h)(2) (i)-(vii) will be met by a multi-year contract equal to or greater than $750M.	SCO	No	SCO	No
94	DFARS 217.172(g) DAFFARS 5317.172(g)	Enters into a MYC for a weapon system pursuant to DFARS 217.172(g) (1) or advance procurement of components, parts, and materials necessary to manufacture a weapon system pursuant to DFARS 217.172 (g)(2)	SAF/AQC	No	HCA	No
95	DFARS 217.172(h) DAFFARS 5317.172(h)	Ensures that the conditions at (h)(1)-(7) are satisfied before awarding a MYC for a defense acquisition program that has been specifically authorized by law to be carried out using MYC authority.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No

96	DFARS 217.173 DAFFARS 5317.173	Enters into a MYC for up to 4 years (for supplies and services required for management, maintenance, and operation of military family housing) and pay for each year from annual appropriations.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No
97	DFARS 217.174(b) DAFFARS 5317.174(b)	Determines, on the basis of a business case analysis, that the proposed purchase of electricity from sources of renewable energy under such contract is cost effective; and it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.	SCO	No	SCO	No
98	DFARS 217.204(e)(i)(C) DAFFARS 5317.204(e)(i)(C)	Determines in writing that exceptional circumstances require an ordering period that exceeds 10 years.	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No

99	DFARS 217.204(e)(iii) DAFFARS 5317.204(e)(iii)	Approves issuance of an order subject to 217.204(e)(i) if performance under the order is expected to extend more than 1 year beyond the 10-yr limit or extended limit described in (e)(i)(C).	PEO for PEO designated programs SAF/AQC for all other programs	No	PEO for PEO designated programs HCA for all other programs	No
100	FAR 17.502-2(c)(2) DAFFARS 5317.502-2(c)(2)	Approves D&F for an Economy Act order to obtain supplies or services by interagency acquisition when the servicing agency is not covered by the FAR.	SAF/AQ	No	SAF/SQ	No
101	FAR 17.703(e) DAFFARS 5317.703(e)	Determine in writing that it is necessary in the interest of DoD to acquire supplies and services through the nondefense agency during the fiscal year, absent certification required by 17.703(a).	SAF/AQC	No	HCA	No

102	DFARS 217.7404(a)(1)(ii) DFARS 217.7404-1 DAFFARS 5317.7404(a)(1)(ii) DAFFARS 5317.7404-1	Approves Undefinitized Contract Actions (UCA), to include Foreign Military Sales & including requirements for non-urgent spare parts and support equipment in a UCA; or modifying the scope of a UCA when performance has already begun.	SCO	Yes, below $50M no lower than the COCO	SCO if $50M or greater, COCO if less than $50M	No
103	DFARS 217.7404(b)(2) DFARS 252.217-7027(c) DAFFARS 5317.7404(b)(2)	Approves unilateral definitizations by the Contracting Officer (in writing) for UCAs with a value greater than $50M.	SAF/AQC	No	HCA	No
104	DFARS 217.7404(b)(2) DFARS 252.217-7027(c) DAFFARS 5317.7404(b)(2)	Approves unilateral definitizations by the Contracting Officer (in writing) for UCAs with a value of $50M or below.	SCO	Yes, no lower than the COCO	COCO	No
105	DFARS 217.7404-3(a)(1) DAFFARS 5317.7404-3(a)(1)	Determines in writing that extending definitization beyond an additional 90 days is in the best interest of the Government.	SAF/AQC	No	HCA	No

106	DFARS 217.7404-5(b) DAFFARS 5317.7404-5(b)	Waives limitations of 217.7404(a) Foreign military sales contracts; 217.7404-2 Price ceiling; 217.7404-3 Definitization schedule; and 217.7404-4 Limitations of obligations, if necessary to support cont. ops or humanitarian/ peacekeeping op.	HCA	No	HCA	No
107	DFARS PGI 217.7504(4)(ii) DAFFARS 5317.7504(4)(ii)	Authorizes reverse engineering.	SCO	No	SCO	No
108	DFARS 217.7505(b) DAFFARS 5317.7505(b)	Contracting Officer submits certification for a replenishment part price increase that increased by 25 percent or more over the most recent 12-month period to the appropriate authority.	SCO	No	SCO	No
109	FAR 18.125 DAFFARS 5318.125	Determines that the contracting process may continue after GAO has received a protest (See FAR 33.104(b) and (c)).	SAF/AQC	No	HCA	No

110	FAR 18.2 FAR 18.201 DFARS 218.271 DFARS 218.202 DFARS 218.201(2) DFARS 218.201 DAFFARS 5318.202 DAFFARS 5318.201(c)(2) DAFFARS 5318.201(c) DAFFARS 5318.201(b) DAFFARS 5318.271(S-90) DAFFARS 5318.271 Associated References FAR 2.101, paragraph (3) FAR 2.101 FAR 12.102(f)(1) FAR 13.500(c)(1) FAR 13.201(g)(1) DFARS 211.274-2(b)(1) DFARS 215.371-4(a)(2) DFARS 216.601(d)(i)(A)(3) DAFFARS 5311.274-2(b)(1) DAFFARS 5312.102(f)(1) DAFFARS 5313.201(g)(1) DAFFARS 5313.500(c)(1) DAFFARS 5315.371-4(a)(2) DAFFARS 5316.601(d)(i)(A)(3)	Determines that micro-purchases and simplified acquisitions of supplies or services (or the supplies or services themselves as applicable) are to be used in support of a contingency operation; to facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate the provision of international disaster assistance; or to support response to an emergency or major disaster.	SCO	Yes, no lower than COCO	COCO	No

111	FAR 19.201(b) DAFFARS 5319.201(b)	Implements small business programs within their activities, achieve program goals, and ensure contracting personnel maintain knowledge of program requirements.	SCO	No	SCO	No
112	DFARS 219.201(c)(8) DAFFARS 5319.201(c)(8)	Assigns small business technical advisors to perform this function in accordance with DFARS 219.201(c)(8).	SCO	No	SCO	No
113	FAR 19.502-8(b) DFARS 219.502-8(b) DAFFARS 5319.502-8(b)	Renders a decision regarding the CO's rejection of an SBA recommendation.	SCO	Yes, no lower than the COCO	COCO	No
114	FAR 19.1305(d)(2) DAFFARS 5319.1305(d)(2)	Determines not to suspend action on the acquisition because urgent and compelling circumstances exist.	SCO	No	SCO	No
115	FAR 19.1405(d) DAFFARS 5319.1405(d)	Determines not to suspend action. Replies to SBA after receipt of a formal appeal from SBA concerning rejection of a set-aside for Service-disabled Veteran-owned Small Business.	SCO	No	SCO	No

116	FAR 19.1505(i)(3) DAFFARS 5319.1505(i)(3)	Issues a written determination on SBA's appeal of the CO rejection of SBA's PCR recommendation.	SAF/AQC	No	HCA	No
117	FAR 19.1505(i)(3) DAFFARS 5319.1505(i)(3)	Makes a written determination that urgent and compelling circumstances which significantly affect the interests of the United States compel award of the contract.	SAF/AQC	No	HCA	No
118	FAR 19.1505(i)(5) DAFFARS 5319.1505(i)(5)	Specifies in writing the reasons for a denial of an SBA formal appeal.	SAF/AQC	No	HCA	No
119	FAR 22.101-1(e) DAFFARS 5322.101-1(e)	Designates programs for contractors to notify Government of actual or potential labor disputes.	SCO	Yes, no lower than the COCO	COCO	No
120	DFARS 222.101-3-70(b) DFARS PGI 222.101-3-70(b)(ii) DAFFARS 5322.101-3-70(b)(ii)	Submits impact reports on labor disputes to agency head when sufficient urgency warrants the attention of the agency head or when specifically requested.	SCO	No	SCO	No

121	FAR 22.406-13 DFARS 222.406-13 DAFFARS 5322.406-13	For construction contracts, submits Semiannual Enforcement Reports to the labor advisor.	SCO	No	SCO	No
122	FAR 22.504(d) DAFFARS 5322.504(d)	Exceptions to project labor agreement requirement at 22.503(b)	SCO	No	HCA	SCO
123	FAR 22.805(a)(8) DAFFARS 5322.805(a)(8)	Approves an urgent or critical award, without pre-award clearance from the Office of Federal Contract Compliance Programs (OFCCP), if OFCCP cannot complete the evaluation by required date. Applies for contracts/ subcontracts $10M or more excluding construction.	SCO	No	SCO	No
124	FAR 22.1802(d) DAFFARS 5322.1802(d)	Waives the E-Verify requirement for a contract or subcontract or a class of contracts or subcontracts, either temporarily or for the period of performance.	SAF/AQC	No	HCA	No

125	DFARS 222.7003 DAFFARS 5322.7003	Waives the requirements of 222.7002 on case-by-case basis for national security.	SAF/AQC	No	HCA	No
126	DFARS PGI 223.370-4(1)(i)(A)(2) DAFFARS 5323.370-4(1)(i)(A)(2)	Waives the mandatory requirements for safety precautions for ammunition and explosives.	SCO	No	SCO	No
127	FAR 25.101(d)(1) DFARS 225.101(d)(1) DFARS PGI 225.101(d)(1) DAFFARS 5325.101(d)(1)	Allows for application of an alternate domestic content test for a contract under which the domestic content threshold in effect at time of contract award will apply to the entire period of performance for the contract.	SAF/AQ	No	SAF/SQ	No
128	FAR 25.103(a) DFARS 225.103(a)(ii)(B)(1) DAFFARS 5325.103(a)(ii)(B)(1)	Determines that domestic preference for foreign end product would be inconsistent with the public interest for acquisitions valued at or below SAT.	1-level above the CO	No	COCO	No

129	FAR 25.103(a) DFARS 225.103(a)(ii)(B)(2) DAFFARS 5325.103(a)(ii)(B)(2)	Determines that domestic preference for foreign end product would be inconsistent with the public interest for acquisitions with a value greater than SAT but less than $1.5M.	SCO	No	SCO	No
130	FAR 25.103(a) DFARS 225.103(a)(ii)(B)(3) DAFFARS 5325.103(a)(ii)(B)(3)	Determines that domestic preference for foreign end product would be inconsistent with the public interest for acquisitions valued $1.5M or more.	SAF/AQ for ACAT I Programs SAF/AQC for other than ACAT I Programs	No	SAF/SQ for ACAT I Programs HCA for other than ACAT I Programs	No
131	FAR 25.103(b)(2)(i) DFARS 225.103(b)(ii)(A) DAFFARS 5325.103(b)(ii)(A) DAFFARS MP5325.103(a)	Approves determination that an article/material/supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions valued at or below SAT.	1-level above the CO	No	COCO	No

132	FAR 25.103(b)(2)(i) DFARS 225.103(b)(ii)(B) DAFFARS 5325.103(b)(ii)(B) DAFFARS MP5325.103(a)	Approves determination that an article/material/supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions with a value greater than the SAT but less than $1.5M.	COCO	No	COCO	No
133	FAR 25.103(b)(2)(i) DFARS 225.103(b)(ii)(C) DAFFARS 5325.103(b)(ii)(C) DAFFARS MP5325.103(a)	Approves determination that an article/material/supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions valued at $1.5M or more.	SCO	No	SCO	No

134	FAR 25.202(a)(1) DAFFARS 5325.202(a)(1)	Determines that application of the restrictions of the Buy American statute to a particular construction material would be impracticable or would be inconsistent with the public interest.	SAF/AQ for ACAT I Programs SAF/AQC for other than ACAT I Programs	No	SAF/SQ for ACAT I Programs HCA for other than ACAT I Programs	No
135	FAR 25.202(a)(2) DFARS 225.202(a)(2) DAFFARS 5325.202(a)(2)	Buy American Exception. Approves determination that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions valued at or below SAT.	SCO	Yes, no lower than 1-level above the CO	SCO	Yes, no lower than the COCO

136	FAR 25.202(a)(2) DFARS 225.202(a)(2) DAFFARS 5325.202(a)(2)	Buy American Exception. Approves determination that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions with a value greater than the SAT but less than $1.5M.	COCO	No	COCO	No
137	FAR 25.202(a)(2) DFARS 225.202(a)(2) DAFFARS 5325.202(a)(2)	Buy American Exception. Approves determination that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions valued at $1.5M or more.	SCO	No	SCO	No

138	FAR 25.204(b) DAFFARS 5325.204(b)	Specifies a higher percentage than 20 percent that the CO adds to the offered price of any foreign construction material proposed for exception from the requirements of the Buy American statute based on the unreasonable cost of domestic construction materials.	SAF/AQ for ACAT I Programs SAF/AQC for other than ACAT I Programs	No	SAF/SQ for ACAT I Programs HCA for other than ACAT I Programs	No
139	DFARS 225.403(c)(ii)(A) DAFFARS 5325.403(c)(ii)(A)	Approves a national interest waiver for a purchase by an overseas purchasing activity if the product is critical for the support of U.S. forces stationed abroad.	SCO	No	SCO	No

140	FAR 25.603(a)(1)(i) DAFFARS 5325.603(a)(1)(i)	American Recovery and Reinvestment Act-Buy American Statute-Construction Materials. Approves determination that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions with a value at or below the SAT.	SCO	Yes, no lower than 1-level above the CO	SCO	Yes, no lower than the COCO

141	FAR 25.603(a)(1)(i) DAFFARS 5325.603(a)(1)(i)	American Recovery and Reinvestment Act-Buy American Statute-Construction Materials. Approves determination that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions with a value greater than the SAT but less than $1.5M.	COCO	No	COCO	No

142	FAR 25.603(a)(1)(i) DAFFARS 5325.603(a)(1)(i)	American Recovery and Reinvestment Act-Buy American Statute-Construction Materials. Approves determination that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality for acquisitions valued at $1.5M or more.	SCO	No	SCO	No
143	FAR 25.603(a)(1)(iii) DAFFARS 5325.603(a)(1)(iii)	Determines that application of the restrictions of section 1605 of the Recovery Act to a particular manufactured construction material, or the restrictions of the Buy American statute to a particular unmanufactured construction material would be inconsistent with the public interest.	SAF/AQ for ACAT I Programs SAF/AQC for other than ACAT I Programs	No	SAF/SQ for ACAT I Programs HCA for other than ACAT I Programs	No

144	FAR 25.603(a)(2) DAFFARS 5325.603(a)(2)	Determines that application of the Buy American statute to a particular unmanufactured construction material would be impracticable.	SAF/AQ for ACAT I Programs SAF/AQC for other than ACAT I Programs	No	SAF/SQ for ACAT I Programs HCA for other than ACAT I Programs	No
145	FAR 25.603(b)(2) DAFFARS 5325.603(b)(2)	When a determination is made, for any of the reasons stated in FAR 25.603, that certain foreign construction materials may be used, provides a notice to the Federal Register within three business days after the determination of the inapplicability of Section 1605 of the Recovery Act is made, with a copy to the Administrator for Federal Procurement Policy and to the Recovery Accountability and Transparency Board.	SAF/AQC	No	HCA	No

146	FAR 25.1001(a)(2)(iii) DAFFARS 5325.1001(a)(2)(iii)	Executes D&F in accordance with 25.1001(b), that use of 52.215-2 w/Alt III or 52.212-5 w/Alt I will best serve interest of the United States.	SAF/AQC	No	HCA	No
147	DFARS 225.7008(b) DAFFARS 5325.7008(b)	Waives restrictions on certain foreign purchases under 10 U.S.C. 4864.	SCO	No	SCO	No
148	DFARS 225.7021-3 DAFFARS 5325.7021-3	Determines that the disclosure requirements regarding use of facilities and employment of individuals who perform work in the People's Republic of China would not be in the national security interests of the US.	SAF/AQ	No	SAF/SQ	No
149	DFARS 225.7501(c) DAFFARS 5325.7501(c)	Any time during the acquisition process, determines that it is not in the public interest to apply the restrictions of the Balance of Payments Program to the end product or construction material.	SAF/AQC	No	HCA	No

150	DFARS 225.7703-2(b)(2)(i) DAFFARS 5325.7703-2(b)(2)(i)	Makes written determination that it is in the national security interest of the US to use a procedure in 225.7703-1(a) for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan (individual action D&F with a value of less than $100M).	SAF/AQC	No	HCA	No
151	DFARS 225.7703-2(b)(2)(ii) DAFFARS 5325.7703-2(b)(2)(ii)	Makes written determination that it is in the national security interest of the US to use a procedure in 225.7703-1(a) for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan (individual action D&F with a value of $100M or more, or to a class of acquisitions).	SAF/AQ	No	SAF/SQ	No
152	FARS 26.203(b) DAFFARS 5326.203(b)	Determines in writing that transition to local firms is not feasible or practicable (individual or class basis).	SAF/AQC	No	HCA	No

153	FAR 27.201-2(e) DAFFARS 5327.201-2(e)	Approves to exempt U.S. patents from the patent indemnity clause.	SAF/AQC	No	HCA	No
154	FAR 27.306(a) DAFFARS 5327.306(a)	In contracts with small business concerns or nonprofits, approves and signs written justification allowing Government to require licensing to 3rd parties of inventions. May only authorize if (1) Use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the contract; and (2) Action is necessary to achieve the practical application of the subject invention or work object.	SAF/AQ	No	SAF/SQ	No
155	FAR 28.105 DAFFARS 5328.105	Approves using other types of bonds when acquiring particular supplies or services.	SCO	Yes, no lower than the COCO	COCO	No

156	FAR 28.106-2(a) DAFFARS 5328.106-2(a)	Approves the use of a new surety bond during the performance of the contract.	SCO	Yes, no lower than the COCO	COCO	No
157	FAR 28.106-6(c) DAFFARS 5328.106-6(c)	Provides a certified copy of the payment bond and the contract in accordance with FAR 28.106-6(c); including determining the reasonable and appropriate costs the requestor must pay.	SCO	Yes, no lower than the CO	CO	No
158	DFARS 228.311-1 DAFFARS 5328.311-1	Waives the requirement for use of FAR clause 52.228-7, Insurance -- Liability to Third Persons.	SCO	No	SCO	No
159	DFARS 228.370(a)(2) DAFFARS 5328.370(a)(2)	Disallows the contractor to buy insurance for war-hazard losses. If so, the CO shall insert the clause at DFARS 252.228-7000.	SCO	No	SCO	No
160	DFARS 228.370 DAFFARS 5328.370(b)(3)	Refers to AFI 10-220/DCMA Instruction 8210-1D for the appointment of primary and alternate Government Flight Representatives (GFR)	SCO	No	SCO	No

161	FAR 30.201-5(a) DFARS 230.201-5(a) DAFFARS 5330.201-5(a)	Waive CAS applicability in accordance with the conditions at FAR 30.201-5(b).	SAF/AQC	No	SAF/AQC	No
162	FAR 30.202-6(b) DAFFARS 30.202-6(b)	Authorizes award of a CAS-covered contract w/ o obtaining submission of the required disclosure statement.	SAF/AQ	No	SAF/SQ	No
163	Class Deviation 2011-O0006 DAFFARS 5331	Waives the requirements of FAR 31.	SCO	No	SCO	No
164	Class Deviation 2011-O0006 DAFFARS 5331	Determine that incurrence of the Contribution in Aid of Construction (CIAC) tax is necessary to achieve the most beneficial business case for the Government and allowing the CIAC tax will result in significant benefits to the Government that outweigh the cost of allowing the tax.	SCO	No	SCO	No
165	FAR 32.402(c)(1)(iii) DAFFARS 5332.402(c)(1)(iii)	Determines, based on written findings, that advance payment is in public interest or facilitates national defense.	SAF/AQC	No	HCA	No

166	DFARS 232.901(1)(ii) DAFFARS 5332.901(1)(ii)	Makes determination, after consultation with the cognizant comptroller, that conditions exist that limit normal business operations.	SCO	No	SCO	No
167	FAR 32.906(a) DAFFARS 5332.906(a)	Determines that (1) making invoice and contract financing payments earlier than 7 days prior to the dates specified in the contract is warranted in a specific case; or (2) use of accelerated payment methods described in 5 CFR §1315.5 is necessary.	SAF/AQC	No	HCA	No
168	FAR 32.1106(b) DAFFARS 5332.1106(b)	Authorizes electronic funds transfer (EFT) for a non-domestic transaction if (1) the political, financial, and communications infrastructure in the foreign country supports EFT payment; or (2) payments of other than United States currency may be made safely.	SAF/AQC	No	HCA	No

169	FAR 33.102(b)(3)(ii) DAFFARS 5333.102(b)(3)(ii)	At the request of the contractor, reviews agency records associated with a request for reimbursement of protest costs by the Government.	SCO	Yes, no lower than the COCO	COCO	No
170	FAR 33.104(b)(1) or (c)(2) DAFFARS 5333.104(b)(1) or (c)(2)	Authorizes contract award notwithstanding a GAO protest before award, or continued contract performance notwithstanding a GAO protest after award.	SAF/AQC	No	HCA	No
171	FAR 33.104(g) DAFFARS 5333.104(g)	Reports to the GAO why their recommendations have not been followed by the agency not later than 5 days after the expiration of the 60-day response period.	SAF/AQC	No	HCA	No
172	DFARS 233.215(3) DAFFARS 5333.215(3)	Determines that continued performance is necessary pending resolution of any claim that might arise under or be related to the contract.	SCO	Yes, no lower than 1-level above CO	COCO	No

173	DFARS 234.004(2)(v)(B) DAFFARS 5334.004(2)(v)(B)	Waives the limitation at DFARS 234.004(2)(v)(A) that the CO shall not procure more than one lot for Low-Rate Initial Production (LRIP) associated with a major defense program.	SCO	Yes, no lower than the COCO	COCO	No
174	DFARS 234.7002(d)(4) DAFFARS 5334.7002(d)(4)	Determines the information submitted is not sufficient to determine the reasonableness of price for items developed exclusively at private expense.	SCO	No	SCO	No
175	DFARS 235.015-70(c) & (d)(3)(ii) DAFFARS 5335.015-70(c) & (d)(3)(ii)	Approves special use allowance for research facility acquired by educational institutions.	SCO	No	SCO	No
176	DFARS 235.070-1(a) DAFFARS 5335.070-1(a)	Approves requests for indemnification of unusually hazardous risks under 10 U.S.C. 3861.	AFMC/PK SCO AFLCMC/PK SCO	No	HCA	No
177	FAR 36.208 DAFFARS 5336.208	Approves concurrent performance of firm-fixed-price and other types of construction contracts at the same work site.	SCO	Yes, no lower than the COCO	COCO	No

178	FAR 36.209 DAFFARS 5336.209	Approves contract awards for the construction of a project to the firm that designed the project or its subsidiaries or affiliates	SCO	No	HCA	No
179	FAR 36.213-2(a) DAFFARS 5336.213-2(a)	Waives the requirement for pre-solicitation notices for proposed construction contracts expected to exceed the SAT.	SCO	Yes, no lower than the COCO	COCO	No
180	DFARS 236.270(a) DAFFARS 5336.270(a)	Certifies that the additional expenditures are necessary to protect the National interest AND establishes a reasonable completion date for the project (Approval to expedite the completion date of a contract funded by a MILCON appropriations act, if additional costs are involved).	SAF/AQ	No	SAF/SQ	No

181	DFARS 236.272(b)(1) & (b)(2) DAFFARS 5336.272(b)	(1) Authorizes the use of prequalification for urgent or complex construction projects; and (2) Approves the prequalification procedures of construction sources.	SCO	Yes, no lower than the COCO	COCO	No
182	FAR 36.301(b)(3)(vi) DAFFARS 5336.301(b)(3)(vi)	Establishes other criteria for use of two-phase design-build selection procedures.	SCO	Yes, no lower than the COCO	COCO	No
183	DFARS 236.303-1(a)(4)(i)(B) DAFFARS 5336.303-1(a)(4)(i)(B)	Approves determination to allow more than five offerors to submit phase two design-build proposals for acquisitions exceeds $4.5M.	SCO	No	SCO	No
184	DFARS 236.570(b)(2) DAFFARS 5336.570(b)(2)	Approves use of a separate bid item for mobilization and preparatory work.	SCO	Yes, no lower than the COCO	COCO	No
185	FAR 36.602-3 DAFFARS 5336.602-3	Oversees evaluation board functions for A&E contracts.	SCO	Yes, no lower than the COCO	COCO	No
186	FAR 36.602-4(a) DAFFARS 5336.602-4(a)	Makes the final slate selection for A&E contracts.	COCO - Refer to AFI 32-1023 Para. 4.3.3.6 for the slate selection authority for A&E services exceeding $1M per contract.	No	COCO - Refer to AFI 32-1023 Para. 4.3.3.6 for the slate selection authority for A&E services exceeding $1M per contract.	No

187	FAR 36.609-1(c)(1) DAFFARS 5336.609-1(c)(1)	Determines that, in fixed-price A&E contracts, cost limitations are secondary to performance considerations and additional project funding can be expected, if necessary.	SCO	No	SCO	No
188	DFARS 237.104(b)(iii)(A)*(2)* DAFFARS 5337.104(b)(iii)(A)(*2*)	Approves a proposed personal services contract for services to be provided by individuals outside the U.S. and directly supports defense intelligence components or special operations command. Services must be urgent, cannot be obtained by other means, and are supporting DoD activities or programs outside the U.S.	SCO	No	SCO	No

189	FAR 37.113-1(a) DAFFARS 5337.113-1(a)	May waive the 31.205-6(g)(6) cost allowability limitations on severance payments to foreign nationals that meet the conditions at 37.113-1(a)(1)-(2).	SAF/AQC	No	HCA	No
190	FAR 37.204(a) DAFFARS 5337.204(a)	Determines if sufficient personnel with the requisite training and capabilities are available within the agency to perform the evaluation or analysis or proposals submitted for the acquisition.	PEO for PEO designated programs SAF/AQC for all other programs	No	SCO	No
191	DFARS 237.7401(c) DAFFARS 5337.7401(c)	Determines the services being acquired under contract with the local government are in DoD's best interest.	SCO	Yes, no lower than the COCO	COCO	No
192	DFARS 239.101(1) DAFFARS 5339.101(1)	Determines no commercial products or commercial services are suitable to meet the agency's needs for information technology products or services in excess of the SAT.	SCO	Yes, no lower than the COCO	COCO	No

193	FAR 41.202(c)(2) DAFFARS 5341.202(c)(2)	Approves determination to pay the non-negotiated utility rates due to contract impasse.	SCO	Yes, no lower than the COCO	COCO	No
194	FAR 41.204(c)(1)(ii) DAFFARS 5341.204(c)(1)(ii)	Determines use of the area-wide contract for utility services is not advantageous to the Government.	SCO	Yes, no lower than the COCO	COCO	No
195	FAR 42.202(c)(2) DAFFARS 5342.202(c)(2)	Approves the delegation of additional functions to the CAO.	SCO	Yes, no lower than the COCO	COCO	No
196	DFARS PGI 242.7100(4) DAFFARS 5342.7100(4)	Approves the solicitation of voluntary refunds from a contractor.	SCO	No	SCO	No
197	DFARS 243.204-70-3 DAFFARS 5343.204-70-3	Determines in writing that extending definitization beyond an additional 90 days is in the best interest of the Government for UCOs with a value greater than $50M	HCA	No	HCA	No
198	DFARS 243.204-70-3 DAFFARS 5343.204-70-3	Determines in writing that extending definitization beyond an additional 90 days is in the best interest of the Government for UCOs between $5M and $50M	SCO	Yes, no lower than the COCO	COCO	No

199	DFARS 243.204-70-5(c) DAFFARS 5343.204-70-5(c)	Waives limitations of 243.204-70-2 (price ceiling); 243.204-70-3 (definitization schedule); and 243.204-70-4 (limitations on obligations) if necessary to support cont. ops or humanitarian/ peacekeeping op.	SAF/AQC	No	HCA	No
200	FAR 44.302(a) DAFFARS 5344.302(a)	Raises or lowers the $25 million contractor purchasing system review (CPSR) level if considered to be in the Government's best interest.	SAF/AQC	No	HCA	No
201	FAR 45.102(e) DAFFARS 5345.102(e)	Determines installation or construction of Government property on contractor-owned real property in such a fashion as to become non-severable is necessary and in the Government’s interest.	SCO	No	SCO	No

202	DFARS 245.102(4)(ii)(B) DAFFARS 5345.102(e)(4)(ii)(B)	Determines contractor will not be required to tag, label, or mark items that are to be in support of contingency operation or to facilitate defense against/ recovery from Nuclear, Biological, Chemical and Radiological (NBCR) attack.	SAF/AQC	No	HCA	No
203	DFARS 245.102(4)(ii)(C)(1)(i) DAFFARS 5345.102(e)(4)(ii)(C)(1)(i)	Executes D&F concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial product acquired under FAR part 12 or part 8 for an ACAT I program.	PEO	No	PEO	No

204	DFARS 245.102(4)(ii)(C)(*1*)(ii) DAFFARS 5345.102(e)(4)(ii)(C)(1)(ii)	Approves a determination and findings concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial product acquired under FAR part 12 or part 8 for all other programs.	SCO	No	SCO	No
205	FAR 45.301(f) DAFFARS 5345.301(f)	Approves use of Government property for commercial use expected to exceed 25 percent of the total use of Government and commercial work performed.	SCO	Yes, no lower than the COCO	COCO	No
206	FAR 48.104-3(a) FAR 48.202 DAFFARS 5348.104-3(a)	Determines if the cost of calculating and tracking collateral savings will exceed the benefits to be derived.	SCO	Yes, no lower than the COCO	COCO	No

207	DFARS 249.501-70(a) DAFFARS 5349.501-70(a)	Approves the use of 252.249-7000, Special Termination Costs in incrementally funded contract.	SAF/AQC	No	HCA	No

TABLE 3: AUTHORITIES [AR2]
See SCO Delegations **or HCA designations memos for additional delegations**

SCO	Grant Authority	Cooperative Agreement Authority	Other Transactions Authority	Procurements for Experimental Purposes
HQ AFDW/PK	Yes	Yes	Yes	Yes
HQ AFMC/PK	Yes	Yes	Yes	Yes
HQ AFRC/A7K	No	No	No	Yes
AFICC/KF	Yes	Yes	Yes	Yes
AFOTEC/A7K	No	No	No	Yes
AFRCO/PK	No	No	Yes	Yes
SDA	No	No	Yes	Yes
SCC/PK	Yes	Yes	Yes	Yes
SpRCO/PK	No	No	Yes	Yes

MP5301.602-2 (d) Designation, Assignment, and Responsibilities of a Contracting Officer's Representative (COR)

The following are mandatory procedures (MP) for standardizing the Department of the Air Force (DAF) contracting process regarding designation, assignment, and responsibilities of a Contracting Officer's Representative. The assignment of a COR is not necessary when the CO retains or delegates surveillance to DCMA, or for one of the categories of services exempted in DAFI 63-138 Acquisition of Services . DoDI5000.72 requires COs to designate a COR for Construction contracts, unless the contracting officer retains and executes contract oversight responsibilities when the conditions of DFARS 201.602-2 exist.

In accordance with DFARS PGI 201.602-2(d)(v), contracting officers must designate a COR for all service contracts, and supply contracts with cost-reimbursable line items including both firm-fixed-price and other than firm-fixed-price contracts within 3 business days of contract award unless an exemption applies. See DFARS PGI 201.602-2(d)(v)(A) and (B) for exemptions.

1.0 Contracting Officer Roles and Responsibilities

1.1 As part of the acquisition planning process, the CO must determine the nature of the work/requirement (Type A, B, or C) as specified in DoDI 5000.72, *DoD Standard for Contracting Officer's Representative (COR) Certification*.

1.2 If the requiring activity has not yet initiated a COR nomination, the CO must initiate the Request for COR Support to notify the requiring activity of the need for COR(s) support and to prompt requiring activity nomination of a qualified COR via the Joint Appointment Module (JAM) (formerly CORT Tool) in Procurement Integrated Enterprise Environment (PIEE).

1.2.1 The Request for COR Support memorandum initiated by the CO should be routed through requiring activity (e.g., COR Supervisor, Functional Commander/Director (FC/FD)). See Enclosure 5 of DoDI 5000.72, Qualification Requirements for CORs and Enclosure 6 of DoDI 5000.72, Examples of COR Responsibilities and COR Certification Requirements. The COR must file the CO's Request for COR Support memorandum (if used) in the "COR Online File."

1.2.2 The CO must provide contract specific training (see paragraph 1.3.7). COR management is responsible for ensuring that any COR performing under a waiver pursuant to sections 1701-1764 of Title 10, United States Code completes all required training. New entrant and required DoD Component provided ethics (U.S. Air Force Annual Ethics Training for OGE Form 450 filers or DAU ACQ 00301 for non-OGE Form 450 filers) and combating trafficking in persons (CTIP) training may not be waived.

1.2.3 The CO shall perform, with participation of the COR and COR supervisor, a yearly administrative review of the COR's online file during the anniversary month of appointment, or more often, at the discretion of the CO. The CO shall upload the COR File Annual Checklist to the Surveillance and Performance Monitoring (SPM) (Formerly CORT Tool) in PIEE comprised of the minimum requirements of, COR-related documents necessary for the effective discharge of COR duties and responsibilities. The Checklist (available in SPM) shall guide the COR in populating the online COR File and serve as the basis for the CO to judge the accuracy and completeness of the COR file during each review. 1.2.4

1.2.4 The COR Designation from the CO must also:

(a) Designate the COR (if required) as an Assessing Official Representation (AOR) supporting the CPAR process;

(b) Stipulate that the COR will be required to have access to the Synchronized Pre-Deployment &Operation Tracker (SPOT) (if required due to overseas deployment support); and

(c) Stipulate whether the COR will require access to the System for Award Management (SAM) to review the contractor's service contract reports.

1.2.5 Notification of COR designation should be provided to the QAPC.

1.2.6. Distribution of the fully executed COR designation must be made to the COR, COR Supervisor, Contractor, and Property administrator. In addition, notification must be sent to the local Judge Advocate General office or Office of General Counsel immediately upon the appointment of a COR designated as an OGE Form 450 filer, and annually by January 1st.

1.3 CO, Contract Specialist, or QAPC Led Training. The CO must ensure contract-specific training is scheduled and provided to the prospective COR, unless waived (see 1.2.2). The training may be conducted by the CO, Contracting Specialist, or QAPC, and must consist of the following at a minimum prior to contract award:

1.3.1 Duties/responsibilities to be delegated;

1.3.2 Importance of COR performance;

1.3.3 Personal conflicts of interest and potential conflicts of interest;

1.3.4 Unauthorized commitments;

1.3.5 Ethics/integrity in relationships with the CO, COR management (e.g., COR Supervisor, Services Designated Official (SDO), Functional Commander/ Directors (FC/FD)), and the contractor;

1.3.6 Discussion of the Seven Steps to the Services Acquisition Process .

1.3.7 Contract-specific training consisting as a minimum of the following:

1.3.7.1 A discussion of the contract (SOW, PWS, Specifications, etc.), and surveillance plan/QASP;

1.3.7.2 An awareness of any areas in the contract susceptible to fraud, waste, and abuse;

1.3.7.3 Creation, maintenance, and submission of all surveillance documentation and contractor performance assessment information required by the contract and applicable regulations;

1.3.7.4 How the COR can stay abreast of contract modifications;

1.3.7.5 How the COR can monitor contract fund status; and,

1.3.7.6 Joint CO and COR review of the “COR File Annual Checklist” to ensure mutual understanding of the level/ quality of surveillance and documentation must be maintained in the on-line SPM file.

1.3.8 Refer to the Suggested Contract-Specific Training Syllabus template for conducting contract-specific training. The template may be tailored to fit your acquisition.

COR Performance and Appraisal

1.4 At a minimum, the CO and COR supervisor must review the COR’s reports, files, and other documentation for completeness/accomplishment, on an annual basis.

1.5 The CO must provide an annual assessment, as a minimum, on the COR’s performance to the COR supervisor. The assessment may be performed concurrently with the administrative review of the COR online file detailed in 1.2.3.

1.6 The COR must complete and upload reports to the SPM, as required, to enable the CO to review and approve/ reject reports in the SPM.

1.7 When the CO terminates the COR’s duties (see Termination of COR Designation), a new COR can be nominated prior to terminating the former COR. The requiring activity must nominate a COR replacement via the JAM to ensure continuous contract monitoring by a qualified individual. Copies of the designation for the successor COR will have the same distribution requirements as the COR letter of designation.

1.8 When the requiring activity requests termination of COR designation, the CO must terminate the COR designation in writing (use of the "Smart Form" in the JAM is authorized). Include the signed Termination of COR Designation in the official contract file.

1.9 The CO must forward a copy of the fully executed Termination of COR Designation to the COR, COR Supervisor, Contractor, and as applicable, to the contract administration office(r).

2.0 COR Roles and Responsibilities

2.1 Register for JAM and SPM access through the PIEE e-Business Suite at https://piee.eb.mil/, and complete training to effectively perform duties in the SPM. Training includes a review the JAM and SPM Users Guide and FAQs, and if necessary, a request for additional training from a local Department Administrator (DA).

2.2 Provide information necessary to assess whether any actual or potential personal conflicts of interest with performing the responsibilities to be designated exist. Conflicts of interest determination will be reviewed again prior to contract award.

2.3 Participate, as requested, in annual CPAR procedures and contract close-out.

2.4 Remain abreast of changes to terms and conditions of the contract resulting from contract modifications.

2.5 Perform only those duties/responsibilities delegated by the CO in the COR Designation.

2.6 CORs may be designated as the Assessing Official's Representative (AOR) by the CO in the Contractor Performance Assessment Reporting System (CPARS) IAW the CPARS Guide. If designated as an AOR, the COR would be responsible for providing a timely, accurate, quality, and complete narrative for a report on the contractor's performance. If the CO requires the COR to have access to the contractor performance assessment reporting system (CPARS), the synchronized pre-deployment and operational tracker (SPOT) or the System for Award Management (SAM), an account would be authorized and granted after COR designation.

2.7 If a Chief-Contracting Officer's Representative (C-COR) is appointed for a service contract pursuant to DAFI63-138,Acquisition of Services, Chapter 2, the C-COR must maintain the sole online COR file in SPM for the contract. When a CO appoints a C-COR and CORs on the same contract, the relationship shall be annotated on the COR Designation.

3.0 COR Supervisor

3.4 Conduct regular reviews of COR inputs into SPM, and follow-up as necessary, on the content, timeliness, and completeness of COR Reports, online files, and other COR-related documentation.

3.1 Register for SPM access via the Procurement Integrated Enterprise Environment (PIEE) e-Business Suite at https://piee.eb.mil/, and then complete training to effectively perform duties in the SPM. Training includes a review of the JAM and SPM Tool Users Guide and FAQs, and if necessary, a request for additional training from a local DA.

3.2 Review and approve (certify) or reject COR nominations in the JAM, when submitted by an assigned COR in the JAM and notified by a system-generated email that a nomination is "Awaiting Approval".

3.3 The COR Supervisor shall ensure that the COR completes and uploads COR Reports to SPM, as required, to enable the CO to review and approve/ reject reports in the SPM.

4.0 OGE 450 Determination and Processing

4.1 A COR must file an OGE 450 if determined to meet the criteria for filing a Confidential Financial Disclosure Report (OGE Form 450) as set forth in section 2634.904 of Title 5, Code of Federal Regulations, and section 7-300 of DoD 5500.07-R.

4.1.1 A COR need not be designated as an OGE 450 filer, IAW section 2634.904 of Title 5, if all of the following apply:

(a) The COR will NOT participate personally and substantially in any contracting process,

(b) The COR will NOT exercise substantial discretion, through interactions, decisions, or reports, that will influence the contractor's activities and result in a substantial economic effect on the contractor's interests,

(c) The COR's work and judgment WILL BE subject to "substantial supervision and review" by the CO & COR Supervisor, with final authority deferred to the CO for contractor direction and contract-related matters, and (d) The COR's actions will NOT cause any conflict of interest (real or apparent) between the interests of the COR and the government and/or the contractor

4.2 The COR must submit the completed OGE 450 directly to his or her supervisor and provide the information contained on the OGE 450 to the CO for review prior to submission to the local legal office by the required date.

5.0 Quality Assurance Program Coordinator (QAPC)

5.1 Train CORs and COR management [e.g., COR Supervisor, Services Acquisition Decision Authority (SADA), Services Acquisition Lead (SAL)] on the contracting requirements associated with the quality assurance program and any MAJCOM/FLDCOM/DRU/DAFRCO procedures prior to contract award. See paragraph 1.5 herein.

5.2 Assist the CO in providing contract-specific training (to include refresher training) to the COR (Reference paragraph 1.3 above) and ensuring required training is accomplished in accordance with DoDI 5000.72, DoD Standard for Contracting Officer's Representative (COR) Certification, 26 Mar 15.

5.3 Monitor the inputs and use of SPM for the assigned organization. This requires registration, training, and designation as a local JAM/SPM DA or Manager Role by all QAPCs. DAs/Managers provide functional, not technical support, and provide for the continued deployment of JAM and SPM for new users and for the support of existing users in the local organization, by performing three categories of duties:

5.3.1 GETTING STARTED:

(a) Advise or assist new users with initial JAM/SPM registration, or existing users with registration and profile updates, through the PIEE e-Business Suite platform;

(b) Activate new roles (if designated as a DA) and added roles (only if a DA) after verifying proper completion of the automated DD2875; and,

(c) Conduct JAM SPM training or provide training resources to users.

5.3.2 USER SUPPORT:

(a) Advise and assist on the functions & features of JAM/SPM;

(b) Use Administrator or Manager privileges to research, troubleshoot, and advise on reported functional issues;

(c) Refer users to the PIEE Helpdesk, when a reported issue involves accounts, errors, or technical support;

(d) Monitor records of all COR nominations, designations, and terminations of designations, to include COR's acknowledgement of their duties, by contract number and CO's name;

(e) Monitor records of all COR and COR management training, including refresher training regardless of provider (e.g., QAPC, CO, contract specialist, contract administrator, Defense Acquisition University, or commercial training provider)

6.0 Memorandum Templates and Contract Training Syllabus

Request for COR Support

Suggested Contract-Specific Training Syllabus

MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers

(a) Applicability. This MP must be used when selecting, nominating, appointing, and terminating contracting officers (CO) to maximize standardization across the AF. Warrants are issued in accordance with FAR 1.603, DFARS 201.603, 10 U.S.C. § 1724 , DODI 5000.66 , and this MP. Warrants may only be issued for the following values: zero-dollar (administrative warrant for accomplishing zero-dollar, administrative actions only), Simplified Acquisition Threshold (SAT), $5M, $25M, and unlimited. See MP5301.601(a)(i) for identification of the appointing official with the authority to issue and terminate Contracting Officer warrants.

For any DAF military members under administrative control (ADCON) of AFDW and assigned to non-DAF organizations (e.g. DAU, DCMA, DCAA, etc.), the AFICC/CC SCO will serve as the warranting authority.

The authority limitations of this MP do not apply to administrative terminations (for retirement or separation) or administrative documentation relating to warrant transfers. Authority to sign this documentation is delegable to no lower than the COCO, the Chief of the Clearance and Program Support Division, or Chief of Policy.

(b) Warranting. An individual selected for contracting officer appointment must be a military member in Air Force Specialty Code (AFSC) 64PX or 6C0X1 or a civilian in the GS-1102 occupational series who occupies a manned authorization listed under these specialty codes/series, and complies with the requirements at DFARS 201.603-2 and this MP.

(c) Focal Point (FP). FPs must be designated in writing via the FP designation form and may be assigned unlimited or limited duties as indicated in the Warrant Process Focal Point Designation Form . Each SCO is responsible for appointing FPs and must designate at least one FP with full duties. SCOs may delegate authority to appoint limited FPs to the COCO. This authority is not further delegable. Follow the form instructions when appointing FPs.

(d) AF CO Warrant Tracking Tool. All warrants are entered into and tracked via the AF CO Warrant Tracking Tool (AFCOWTT). FPs obtain access to the AFCOWTT by submitting a copy of the Warrant Process Focal Point Designation Form to HQ AFMC/PK. Prior to obtaining access, FPs must request training on the use of the AFCOWTT by contacting

HQ AFMC/PK, as applicable. FPs are responsible for entering all warrant data into the tool, and for uploading warrants (SF1402s) (and up to three past SF1402s), a copy of the Contracting Officer Test (COT) certificate, and the Contracting Officer Appointment/Warrant Eligibility Transfer/Termination Request (COWER). FPs also administer all other warrant actions and are responsible for maintaining current, accurate, and complete warrant data in the AFCOWTT, including ensuring that allmandatory attachments are uploaded for each warrant holder, including the SF-1402, the COT certificate, and a copy of the completed COWER. A new warrant threshold requires a new warrant number; If a new warrant is obtained (for example, someone's warrant threshold is increased from $5M to $25M, or someone obtains an Unlimited Warrant where a Limited Warrant was previously held), a new Warrant Number will be assigned. The old warrant will be placed in an "Inactive" status and the new warrant with new Warrant Number will be created and set to "Active" status. A new warrant number is not necessary in the case of someone changing their official name with no change to their warrant threshold; administrative changes do not require a new warrant number.

(e) CO Warrant Nomenclature. All transferable warrants shall list "Department of the Air Force" on the 'Organization' and 'Agency/Department' lines of the SF1402. All transferable warrants are numbered as follows: the first two positions are "AF", the third and fourth positions are the last two digits of the fiscal year (FY) in which the appointment is made, and positions 5-9 are obtained from the identification (ID) field of the AFCOWTT; for example, in FY21 an ID field number of 12345 would yield an appointment number of AF-21-12345. Current transferable warrants will be updated through attrition. All new non-transferable warrants will be numbered as follows: Organization-FY-XXXXX e.g., SSC-21-12499 for SSC; last 5 positions are obtained from the ID field of the AFCOWTT.

(f) Nominating Warrant Candidates. Warrant candidates are nominated by a candidate sponsor who shall be no lower than the candidate's first level supervisor. Submit warrant nominations to the designated FP using the COWER.

(g) Contracting Officer Test. Candidates for warrants above the simplified acquisition threshold (SAT) must pass the two-hour timed, open book COT by achieving a minimum score of 80%.

(1) The COT is a proctored, computer-generated test containing 25 randomly selected true/false and multiple-choice questions from the FAR, DFARS, and/or DAFFARS. Each question is worth up to two points.

(2) During the COT, candidates are limited to the use of electronic regulations available via www.acquisition.gov and hard copies of the FAR and DFARS (free of tabs and notes); however, hard copies will not be provided. Notes and electronic devices are not permitted in the testing site. Use of email, instant messaging, or any other form of electronic communication is prohibited during the COT.

(3) Candidates must provide the correct answer and the correct, associated complete reference (e.g., FAR 15.401(a)(2)(i)(B)), in order to earn two points. If the candidate answers the question correctly but provides an incorrect reference, one point will be received. If the candidate answers the question incorrectly but the reference correctly, the candidate will not receive any points as this indicates a failure to understand the regulation. The COT is automatically and electronically scored.

i. If the candidate fails to pass the COT, the candidate may challenge missed questions and/or references in accordance with the Proctor User Guide only when approval of the challenge would result in a passing score. (NOTE: Access to the guide is restricted to warrant focal points.)

ii. A candidate who fails the COT may retake it if authorized by their immediate supervisor and space is available. If the candidate fails to pass the COT on the second attempt, the candidate may not retake the COT until a three-month waiting period has passed.

iii. Supervisors are authorized to approve a maximum of two continuous learning points per 12-month period for an individual who completes the COT, whether for a warrant request action or for training purposes.

(4) Practice COT: A practice test titled Contracting Officer Demo Test - C10979 was developed to help familiarize warrant candidates with the question structure of the COT. The practice test is available via the myLearning site. It is a non-proctored, 50-minute, timed test consisting of ten questions which are electronically and randomly selected from a 20-question pool. There is no limit on the number of times the practice COT may be taken. The completion of a practice test shall not be used as the basis for warrant eligibility.

(h) Warrant Boards. Warrant boards are reserved exclusively for warrants exceeding $25M and are used to further assess the candidate's experience, qualifications, communication skills, and overall demeanor.

(1) Warrant boards must be chaired by the appointing official or designee at a level no lower than:

i. Deputy Director or Assistant Director of Contracting;

ii. Technical Director/Assistant to the Director of Contracting;

(2) Warrant boards must have a minimum of five members, including the board chairperson, participating to constitute a quorum. Suggested board composition includes:

i. Contracting office supervisors;

ii. Representative from the staff judge advocate office;
iii. Competition Advocate;
iv. Clearance/program support procurement analyst;
v. Small business specialist/liaison;
vi. Supervisors/Directors/Deputy Directors from other disciplines; and/or
vii. Cost/Price Analyst

(3) Warrant board members may be held in person by teleconference, or video conference at the discretion of the board chairperson.

(4) The warrant candidate must correctly answer and/or discuss no fewer than 10 questions, seven of which must be obtained from the scenario-based AF question repository. To obtain access to the question repository, submit the Warrant Process Focal Point Designation Form to HQ AFMC/PK. The appointing official has the discretion to develop new questions(s) for the remaining three questions, which may be scenario- or knowledge-based. The board shall include questions that address PEO, Enterprise, and Operational portfolios, as well as pricing, fiscal law, contract law, legal, and problem solving.

(5) The appointing official (See Section a), in consultation with the board members, may appoint an unlimited warrant, a limited warrant, or none. Individuals awarded an unlimited warrant as a result of a warrant board shall not be required to sit before the board again, except in the case of a reappointment after a termination for cause (See Para. (s)).

(i) Unlimited Warrants. Unlimited warrants require a minimum of two years of contracting experience, a baccalaureate degree, successful completion of the COT and passing a warrant board. Additionally, unlimited warrant candidates, at a minimum, shall possess the DoD Contracting Professional Certification (Back-to-Basics) or legacy DAWIA Contracting certification. All unlimited warrants are transferable across the AF.

(j) Limited Transferable Warrants. Warrants limited by a monetary threshold are transferable across the DAF. A Limited Warranted CO shall not sign contract documents associated with award, to include RFPs and D&Fs, above the dollarized warrant limitation. Dollarized warrant limitations apply to all contract award documentation and to the value of the instant contract action a CO isexecuting. For example, if a CO holds a limited warrant of $5M and the contract award amount of the instant action is $6M, the CO is not authorized to sign the contract action.

(1) For zero-dollar and SAT limited warrants, contracting personnel (including purchasing agents in theGS-1105 series) must have at least one year of contracting experience.

(2) For $5M limited warrants, contracting personnel must have a minimum of two years of contracting experience, DoD Contracting Professional Certification (i.e., successful completion of the Contracting Certification Exam at DAU) or legacy DAWIA Contracting certification (Level I, II, or III), and have successfully completed the COT. Warrant boards shall not be convened for warrants within this threshold.

(3) For $25M limited warrants, contracting personnel must have a minimum oftwo years of contracting experience, DoD Contracting Professional Certification (i.e., successful completion of the Contracting Certification Exam at DAU) or legacy DAWIA Contracting certification (Level I, II, or III), successfulcompletion of the COT, and vetting process established by the appointing official and documented on the COWER. Warrant boards shall not be convened for warrants within this threshold.

(k) Local National (LN) Warrants. LNs in an equivalent occupational series to GS-1102 may be selected for a contracting officer appointment in accordance with this MP. LN candidates for zero-dollar and SAT limited warrants must meet the same requirements for zero dollar and SAT warrants described in para (j)(1). LN candidates for $5M and $25M limited warrants must have successfully completed the COT, possess a baccalaureate degree and a minimum of two years of contracting experience, and shall complete all contracting courses required for DoD Contracting Professional Certification (LNs do not have access to the system for the certification portion) or shall possess legacy DAWIA Contracting certification (Level I, II, or III). LN Unlimited Warrant candidates must meet all of the requirements described in this paragraph for $5M and $25M limited LN Warrants and must also pass a warrant board. All LN Warrants are non-transferable.

(l) Contingency Contracting Force. In accordance with 10 USC 1724 and DODI 5000.66, a member of the contingency contracting force in AFSC 6C0X1 and 6C000 who do not possess a baccalaureate degree from an accredited institution may be nominated, evaluated, and selected for a zero dollar (administrative warrant for accomplishing zero-dollar, administrative actions only), SAT, $5M, or $25M limited warrant provided that the individual meets all other requirements for the warrant type and dollar value described in paragraph (j). Since all active duty enlisted members of the DAF Contracting AFSCs 6C0X1 and 6C000 who are serving in an Air Force acquisition coded position are members of the Contingency Contracting Force, regardless of the place of duty performance or the position held, there is no need to issue a separate Contingency

Contracting Officer warrant. Military and Civilian personnel with an active DAF warrant may use their existing warrant in support of both non-contingency and Contingency Operations.

(m) Non-Transferable Warrants. Non-transferable warrants may be issued for specific functions or buying activities (e.g., contract closeout, defective pricing actions, funding modifications, administrative modifications, specific contracts, units, etc.) Candidates for zero-dollar and SAT warrants must meet the same requirements for the warrant type and dollar value described in paragraph (j)(1). Candidates for limited non-transferable warrants valued at $5M must meet the same requirements for the warrant type and dollar value described in paragraph (j)(2); however, in the case of a non-transferable $5M warrant limited strictly to incremental funding-only and/or admin-only actions, passage of the COT is recommended but not required. Candidates for limited non-transferable warrants valued at $25M must meet the same requirements for the warrant type and dollar value described in paragraph (j)(3). The SF1402 must clearly state “Limited Non-Transferable Warrant” and cite the specific warrant limitations.

(n) Warrant Transfer and Reinstatement.

(1) Warrants issued in accordance with this MP, except for those issued in accordance with paragraphs (l) and (m) above, are transferable across the DAF. As long as a warrant is in good standing, an individual shall not be required to test or board again. However, warrant transferability does not guarantee immediate utilization, as the gaining appointing official (see paragraph (g)(1)) may determine that time is needed to facilitate familiarity with new workload responsibilities and organizational procedures. When a Contracting Officer moves from one organization to another, the losing organization’s FP shall change the affected warrant record to Inactive and annotate any pertinent information in the notes. The gaining FP shall review the incoming Contracting Officer’s warrant record to ensure it is current, accurate, complete, and in good standing. Further instructions regarding electronically transferring a warrant to a new organization are located in the AFCOWTT.

(2) Warrant reinstatement is applicable to an individual who previously held an AF warrant and whose warrant was subsequently terminated for reasons such as reassignment or resignation. A request to reinstate an AF warrant must be submitted to the appointing official for approval through the designated FP using the COWER. The appointing official shall document their assessment and rationale for warrant reinstatement on the COWER.

(o) Grandfathered Contracting Officers. Current COs are not required to be tested, boarded, or reappointed as a result of the issuance of, or changes to, this MP; however, those with limited non- transferable or limited transferable warrants must meet the requirements of this MP to obtain a transferable and/or higher dollar value warrant.

(p) Warrants Issued Based on External Warrant Credentials. A new AF 1102 with external, federal government CO experience may be issued an DAF warrant without meeting the requirements of this MP (COT and vetting process or warrant board) based on the discretion of the appointing official, provided they meet the qualification requirements at DFARS 201.603-2. The appointing official must conduct an assessment of the candidate’s qualifications and experience prior to the issuance of a DAF warrant. The appointing official shall document the rationale for appointment on the COWER (See sample criteria.)

(q) Warrant Reciprocity. In December 2023, the Assistant Secretaries of the Air Force and the Army(Acquisition, Technology, and Logistics) signed Memorandum of Agreement (MOA), Cross-Service Contingency Warranting Procedures,between the two Departments. This MOA, which expires in December 2033, established a warrant reciprocity relationship during contingency operations as defined in l 0 U.S.C. § l01(a)(13), or in support of an emergency or major disaster as defined in 42 U.S.C. § 5122, or as otherwise directed by the Secretary of Defense in support of U.S. government-led operations (hereinafter, "contingency operations"). The MOA mandates recognition of cross-service warrants and qualifications for both military and civilian personnel and requires each services’ Head of the Contracting Activity (or delegated warranting authority) to recognize cross-service warrants and the qualifications and thresholds identified therein without additional testing, assessments, or issuinga new warrant. The intent of this MOA is to enable the lead Service for a contingency operation to avoid delays in providing expeditionary contracting support.

(r) Reissuance of Warrant Certificates. A request to reissue an existing warrant certificate for administrative purposes (e.g., damage to or deterioration of the original SF1402, name changes, etc.) is not a new appointment and may be submitted directly to the FP for processing to the appropriate appointing official; use of the COWER is not required. (s)

(s) Warrant Suspension or Termination for Cause. Warrants may be suspended or terminated for unsatisfactory performance. The appointing official may suspend a warrant in writing until proficiency is demonstrated to the satisfaction of the appointing official. If a warrant is terminated for cause, the candidate must be reappointed in accordance with paragraphs (i), (j), or (k) of this MP, to include a warrant board for reappointment of an unlimited warrant.

(t) Contracting Officer’s Signature. The Contracting Officer’s wet and digital signature must match the name listed on the SF1402, as should the Contracting Officer’s signature block.

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MP5301.90 - CLEARANCE APPROVAL BY THE DAS(C)/ADAS(C)

(A) Business Clearance Approval for Non-Competitive Actions

(1) The contracting officer will submit notifications to SAF/AQ Cthirty days prior to the anticipated Business Clearance Session with the DAS(C)/ADAS(C). Obtain DAF IP Cadre (SAF/AQCC) feedback on draft documents prior to submission to SAF/AQC for DPC Peer Review. Request DAF IP Cadre input by completing the Cadre Support Request Intake Form and submit to the DAF IP Cadre Workflow.

(2) No later than 10 business days prior to the desired Business Clearance Session, the contracting officer will forward the following documents through the SCO to SAF/AQ C:

(a) CompletedRequest for Business Clearance (non-competitive);

(b) Copies of the Commercial Item Determination(s) (DFARS 212.102(a)(i)) that are greater than or equal to $1M;

(c) Preliminary Price Negotiation Memorandum and related attachments;

(d) Request for Business Clearance (non-competitive)briefing charts; and

(e) On a case-by-case basis, additional documentation may be requested in support of the SAF/AQC and/or DPC Peer Review.

(f) The designated CR will conduct the clearance review prior to submitting the required clearance documents to SAF/AQC. Recommend obtaining DAF IP Cadre (SAF/AQCC) feedback on draft documents prior to submission to SAF/AQC by contacting the DAF IP Cadre Workflow.

(g) If DPC Peer Review is required, the Business Clearance Session to brief the clearance approval official occurs prior to the commencement of the DPC Peer Review Phase 1. The Business Clearance Approval document may be signed by the clearance approval official prior to Phase 1, but commencement of negotiations are conditioned upon successful completion of the Peer Review. If DPC Peer Review is required, and the Business Clearance Session has been delegated to the SCO, follow the procedures above for notification and document submission to SAF/AQC.

(h) The contracting officer shall submit a revised Business Clearance Approval document for DAS(C)/ADAS(C) approval, prior to concluding negotiations, when changes to the original negotiation range or parameters that were set forth on the approved Business Clearance Approval document are required. Submit the documents through the SCO to SAF/AQC for approval. Negotiation offers that exceed the approved negotiation range or parameters may not be made until a revised negotiation range or parameters are approved.

(B) Business Clearance Approval for Competitive Actions

(1) The contracting officer will submit notifications to SAF/AQ Cthirty days prior to the anticipated Business Clearance Session with the DAS(C)/ADAS(C). Obtain DAF IP Cadre (SAF/AQCC) feedback on draft documents prior to submission to SAF/AQC for DPC Peer Review. Request DAF IP Cadre input by completing the Cadre Support Request Intake Form and submit to the DAF IP Cadre Workflow.

(2) No later than 10 business days prior to the desired Business Clearance Session, the contracting officer will forward the following documents through the SCO to SAF/AQ C:

(a) CompletedRequest for Business Clearance;

(b) Request for Business Clearance (competitive) briefing charts;

(c) Request for Proposal (including attachments); and

(d) On a case-by-case basis, additional documentation may be requested in support of the SAF/AQC and/or DPC Peer Review (e.g., Source Selection Plan, Acquisition Strategy Document, Acquisition Strategy Plan Charts).

(e) The designated CR will conduct the clearance review prior to submitting the required clearance documents to SAF/AQC. Recommend obtaining DAF IP Cadre (SAF/AQCC) feedback on draft documents prior to submission to SAF/AQC by contacting the DAF IP Cadre Workflow.

(f) If DPC Peer Review is required, the Business Clearance Session to brief the clearance approval official occurs either before or after the commencement of the DPC Peer Review Phase 1. The decision to hold Peer Reviews prior to Business Clearance approval will be made in coordination with SAF/AQC. Should Business Clearance be held prior to the Peer Review, Business Clearance is conditioned upon successful completion of the Peer Review. If DPC Peer Review is required, and the BusinessClearance Session has been delegated to the SCO, follow the procedures above for notification and document submission to SAF/AQC.

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MP5305 - PUBLICIZING CONTRACT ACTIONS

Sec.

MP5305.3 - SYNOPSES OF CONTRACT AWARDS MP5305.303 Announcement of Contract Awards

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MP5305.3 - SYNOPSES OF CONTRACT AWARDS

MP5305.303 Announcement of Contract Awards

The following mandatory procedure is provided for preparing 1279 Reports under DFARS 205.303 and Reports of Intent to Award multiyear contracts under DAFFARS 5317.170.

(a)(i) The 1279 Report is used for Congressional notification and public announcement of contract awards that exceed the DoD threshold. Use the 1279 Report Format in (d), tailored where appropriate, when preparing Reports of Intent to Award IAW DAFFARS 5317.170. It is important to note that the Notice of Intent to Award IAW DAFFARS 5317.170 does not satisfy the requirement for a 1279 Report.

(ii) Alternate 1279 reporting for the announcement of source selection contract awards. If the awardee information cannot be provided three days in advance, the report does not need to identify the offeror that has been selected for award. Insert “Source Selection Information - Will Advise” for “Contractor Data” and either "$50 million or above" or "below $50 million" for “Face Value” and “Funding Data”. When using these procedures, provide the successful offeror, face value of the award, and funding data to SAF/LLW no later than 1300 hours Eastern the day before the anticipated award date. If SAF/LLW is not notified by 1300 hours Eastern the day before the anticipated award date, announcement of the award may need to be delayed.

(b) After a 1279 Report has been submitted, report any changes in plans promptly to SAF/LLW.

(c) When immediate award is required and advance notification under paragraph (a) above was not accomplished, prepare the 1279 Report as usual and send it to SAF/LLW. Include the justification for immediate award. If the Congressional and public announcement cannot be made the same day as the award, the contracting officer must obtain the contractor’s agreement to withhold public announcement of the award until the award is posted on https://www.defense.gov/News/Contracts/. Include in the report a statement that this non-disclosure agreement has been made. The contracting officer will notify the contractor of the agreed upon date of public announcement. The award may then be made without the three-day coordination.

(d) Format (do not include classified information in the report):

(1) Format the SUBJECT line of the email as follows:

CUI: Release Date is DD MMM YY, Program Name, Contracting Activity, DD-LA-(AR) 1279 Report

(2) Release Date: Enter the date award is expected; exclude Saturdays, Sundays and holidays.

(3) Contract Action to be Taken (Select One): Contract Award, Contract Modification or Notice of Intent to Award

(4) The following information shall be included in the 1279 Report. The italicized information below serves as a placeholder for “fill-ins”. Utilize the paragraph format provided to ensure the contract announcement is published. Do not use abbreviations and use full names of all contractors, including all subsidiary and division designations as appropriate. (Paragraphs 5 through 7 are to be incorporated into the report directly below one of the following paragraphs.):

Contract Award:

Name of Contractor, address (city and state), and place of performance (if significant work is performed at a different location), has been awarded a *face value type of contract action*, for *contract deliverable* (*e.g., F-22 Sustainment*). This contract provides for *description of the scope of work of the contract.* The location of performance is *location as indicated in the contract award.* The work is expected to be complete by *date.* If applicable: This contract involves foreign military sales to *country names*. This award is the result of a *competitive or sole source* acquisition and (*for competitive acquisitions*), *number of* solicitations mailed (as applicable) and *number of* offers received. *Fiscal year and type of funds (operations and maintenance, research and development, etc.)* in the amount of *$ figure* are being obligated at the time of award. *Contracting activity* is the contracting activity (*base, city and state, contract number)*. (Do not list fund cites here, see paragraph 6 below.) There is *known/no known* congressional interest pertaining to this acquisition.

OR

Contract Modification:

Name of contractor, address (city and state), and place of performance (if significant work is performed at a different location), has been awarded a *face value, type of contract action* modification (*modification number*) to previously awarded (*contract number*) for *contract deliverable (e.g., F-22 Sustainment)*. The contract modification is for *description of the scope of the contract (see examples).* The location of performance is *location as indicated in contract award.* If applicable: This modification involves foreign military sales to *country names*. The work is expected to be completed by *date. Fiscal year and type of funds* are being obligated at the time of award. Total cumulative face value of the contract is *$figure*. *Contracting activity* is the contracting activity *(base, city and state).* (Do not list fund cites here, see paragraph 6 below.) There is *known/no known* congressional interest pertaining to this modification.

Examples of explanatory statements for description of scope of contract are as follows:

(1) This modification adds the (# of increment, i.e., second, third, etc.) increment of the (length of multi-year contract, i.e., three, four, etc.) year multi-year basic contract.

(2) This modification provides for the purchase of an additional quantity of (quantity and item, e.g., 500 widgets) being produced under the basic contract. (If appropriate, indicate that the contracting action is the result of a competitive negotiated procurement).

(3) This modification provides for the exercise of an option for an additional quantity of (quantity and item, e.g., 200 gadgets) being produced under the basic contract.

(4) This modification changes the specifications for the (indicate item(s)) being produced under the basic contract.

OR

Reports of Intent to Award IAW DAFFARS 5317.170: *Call your cognizant HCA action officer to confirm receipt. Use the format for Contract Award**,** state the face value for the total multiyear period and, separately, the value of any options; and include the estimated cancellation ceilings for each program year of the proposed contract and the estimated savings over annual procurement methods. If award is an Energy Savings Performance Contract (ESPC) with a cancellation ceiling, also state the maximum cancellation ceiling amount [see 42 U.S.C. 8287(a)(2)(D), as amended by Public Law 106-291]. (This paragraph does not apply to 1279 Reports under DFARS 205.303 .)* (Do not list fund cites here see paragraph 6 below.)

(5) Foreign Military Sales (FMS) information, if applicable: Indicate whether the current action relates to classified or unclassified FMS and identify the country/countries concerned on unclassified sales. Indicate, by percentage, the portion of the current effort that supports FMS. A breakdown by country is not required.

(6) Funding data: Identify type of appropriation and fiscal year of the funds, whether the contract is multiyear and amount obligated at time of award.

(7) Contracting Officer Name

MP5306 - COMPETITION REQUIREMENTS

Sec.

MP5306.5 - COMPETITION ADVOCATES
MP5306.502 Air Force Competition and Commercial Advocacy Program
MP5306.502-1. Objectives.
MP5306.502-2. Duties and Responsibilities.
MP5306.502-3. Appointment of the Competition and Commercial Advocate.
MP5306.502-4. Annual Competition and Commercial Reporting Requirements.

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MP5306.5 - COMPETITION ADVOCATES

MP5306.502 Air Force Competition and Commercial Advocacy Program

This Mandatory Procedure (MP) implements, in part, AFPD 64-1, The Contracting System, and 41 USC 1705. This MP provides guidance and procedures for personnel implementing the Air Force Competition and Commercial Advocacy Program.

MP5306.502-1. Objectives.

The objective of the DAF Competition and Commercial Advocacy Program is to promote and support full and open competition and commercial practices to the maximum extent possible. In addition to the requirements at FAR 6.501, DAF Competition and Commercial Advocate(s) must:

1.1. Have extensive qualifications and knowledge of the types of acquisitions of the activity.

1.2. Be in a contracting position, commensurate in grade or rank with the senior level program, product, or laboratory personnel with whom the Advocate interacts.

1.3. Have direct access to the MAJCOM/FLDCOM/DRU/DAFRCO or Center/Installation commander, as applicable, on matters relating to competition, the acquisition of commercial items and services, and must not have duties or responsibilities inconsistent with Competition and Commercial Advocate duties and responsibilities.

MP5306.502-2. Duties and Responsibilities.

In addition to the duties and responsibilities identified at FAR 6.502, DAF Competition and Commercial Advocates are responsible for the following:

2.1. Support the DAF Competition Advocate General in formulating, managing, and providing oversight of the DAF Competition and Commercial Advocacy Program.

2.2. Promote commercial practices and competition in acquisition programs managed by their procuring activity. Identify, track, and follow-up on actions to remove impediments to commercial practices and competition. Emphasize competition strategies for creating and maintaining competitive environments. Seek to improve the overall competitive performance and increase the use of commercial practices.

2.3. Support the DAF Competition Advocate General in formulating, managing, and providing oversight of the DAF Competition and Commercial Advocacy Program.

2.4. Promote commercial practices and competition in acquisition programs managed by their procuring activity. Identify, track, and follow-up on actions to remove impediments to commercial practices and competition. Emphasize competition strategies for creating and maintaining competitive environments. Seek to improve the overall competitive performance and increase the use of commercial practices.

2.5 Ensure the organization's policies and procedures: encourage full and open competition whenever possible, promote the use of commercial practices. Review acquisition planning documents and ensure market research demonstrates that competitive and commercial opportunities were considered.

2.6 Participate in acquisition strategy planning through forums such as the Acquisition Strategy Panel process.

2.7. The Competition Advocate General will establish and assign fiscal year competition goals based on annual projections utilizing Project Management Resource Tools (PMRT) or other data provided by the Competition and Commercial Advocates.

2.8. Encourage contracting professionals to complete the Defense Acquisition University (DAU) Contracting course (CON) CON 0161, *Competition in Contracting*and other related training that may be provided.

2.9. Convey to program managers, contracting personnel, and senior leaders the advantages of full and open and effective competition, share success stories, and assist contracting officers in doing the same. Competition advocates should provide training to the various functionals involved in acquisition. Competition advocates are encouraged to use resources available in the 5306 DAFFARS Library and training template developed by OUSD(A&S) DPC.

2.10. Identify the potential for full and open competition and effective competition and commercial opportunities through the sole source or limited source and acquisition planning document review process. Review and approve sole source/limited source Justification and Approval (J&A), Limited Sources Justifications (LSJ), and Exception to Fair Opportunity (EFO) justifications in accordance with DAFFARS 5306.304(a), DAFFARS 5308.405-6(d), and DAFFARS 5316.505(b)(2). When SAF/AQ is the approval authority, ensure the enhanced instructions have been considered and appropriately addressed in the written justification per SAF/AQ memo, Ensuring J&As Adequately Describe Efforts Taken to Promote Competition First, dated 22 Nov 2022.

2.11. Work with Government and industry to eliminate barriers to competition and the acquisition of commercial products and commercial services.

2.12. The procuring activity Competition and Commercial Advocate must ensure operational contracting Squadrons/ Flights have access to an Installation/Center Competition and Commercial Advocate.

2.13. Establish a competition and commercial advocacy program for activities within the procuring activity. The activities' Competition and Commercial Advocacy Program must meet the oversight and management and reporting requirements identified throughout this MP.

2.14. Ensure that requirements are stated in the least restrictive manner to maximize competition and the use of commercial practices.

2.15. Review and provide appropriate comments on determinations made in accordance with FAR 9.202(b) that it would be unreasonable to specify the standards for qualification that a prospective offeror (or its product) must satisfy in order to meet established qualification requirements.

2.16. Provide support as required for the preparation of the annual competition and commercial report in accordance with FAR 6.502(b)(2) and Paragraph 4 of this MP.

MP5306.502-3. Appointment of the Competition and Commercial Advocate.

3.1. Procuring activity Competition and Commercial Advocate Appointments.

3.1.1. The DAF Competition Advocate General appoints procuring activity Competition and Commercial Advocates for the procuring activities identified in 5306.501(a)(1) via certificate. SCOs must nominate a primary and alternate Competition and Commercial Advocate. The AFICC SCO or civilian deputy must be the primary Competition and Commercial Advocate for the MAJCOM they support. SCOs must submit nominations via the Competition and Commercial Advocate Nominations SharePoint site, unless otherwise directed by SAF/AQCP.

3.1.2. The Heads of Contracting Activity for the procuring activities identified in DAFFARS 5306.501(a)(2) appoint their primary and alternate Competition and Commercial Advocates in writing.

3.1.3. Once appointed, he competition action officer updates the Competition and Commercial Advocates list with the required information.

3.2. Subordinate Contracting Activity Competition and Commercial Advocate Appointments.

3.2.1. For any subordinate procuring activity designated IAW DAFFARS 5306.501(b), the procuring activity Competition and Commercial Advocates must appoint a subordinate primary and alternate Competition and Commercial Advocates. Designations and appointments must be in writing.

3.2.2. The names and telephone numbers of the subordinate procuring activity Competition and Commercial Advocate, the procuring activity Competition and Commercial Advocate, and the DAF Competition Advocate General must be displayed on a poster in a prominent location in each unit.

3.2.3. Once appointed, the competition action officer updates the Competition and Commercial Advocate list with the required information.

3.2.4. The following subordinate organizations are designated "procuring activities" in AFMC:

3.2.4.1 Air Force Life Cycle Management Center (AFLCMC), Hanscom Operating Location, Eglin Operating Location

3.2.4.2 Air Force Sustainment Center (AFSC), Hill Operating Location, Robins Operating Location

3.2.4.3 Air Force Research Lab (AFRL), Air Force Office of Scientific Research (AFOSR), Rome Research Site, Phillips Research Site, Wright Research Site, and Eglin Research Site.

3.2.4.4 Air Force Test Center (AFTC) --- AFTC is the competition advocate for Air Force Operational Test and Evaluation Center (AFOTEC).

3.2.4.5 Air Force Nuclear Weapons Center (AFNWC)

3.2.4.6 Air Force Installation and Mission Support Center (AFIMSC)

MP5306.502-4. Annual Competition and Commercial Reporting Requirements.

4.1. SAF/AQCP is responsible for submitting the annual report required by FAR 6.502(b)(2).The procuring activity Competition and Commercial Advocates must provide support as requested in the preparation of the annual report and provide supplementary information at any time in support of requests for information or other tasks regarding competition and the use of commercial practices.

MP5315 - CONTRACTING BY NEGOTIATION

Sec.

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1.2 Applicability and Waivers
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MP5315.407-90 Contract Audit Follow-up (CAFU)
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MP5315.3 Source Selection

1 PURPOSE, ROLES, AND RESPONSIBILITIES

1.1 Purpose

This Mandatory Procedure (MP) establishes supplemental procedures for conducting competitively negotiated source selections of $10M or more within the Department of the Air Force (DAF), and follows the numbering convention of the DOD Source Selection Procedures, dated 20 August 2022.

1.2 Applicability and Waivers

This MP must be used in conjunction with FAR Part 15,as supplemented, to include the DFARS Part 215 and its companion resource entitled Procedures, Guidance and Information (PGI), DoD Source Selection Procedures, and related laws, regulation, and policy. As guidance, this MP also provides hyperlinks to non-mandatory best practices, TTPs, sample RFP and contract language, tailorable templates and training materials.

1.2.3 Waivers. Waivers for solicitations valued at $1B or more for approval by the Director, Defense Pricing and Contracting (DPC), must be forwarded through the SCO to the cognizant HCA Workflow for review and processing. See MP 5301.601(a)(i) for the waiver approval authority when the solicitation value is above $10M but less than $1B. For waivers pertaining to SSAC establishment, SCOs should consider input from the SSA.

1.2.4.1.Waiver procedures apply only to the DoD Source Selection Procedures (CAUTION: read paragraph 1.2 of the DOD Source Selection Procedures) and this MP. The requirements of FAR15.3,as supplemented, cannot be waived as these requirements are subject to the FAR deviation process (see DAFFARS 5301.402(2), DAFFARS 5301.403(1)(i), (ii),and DAFFARS 5301.404(b)(i) and (ii).

1.2.6 Acquisitions with an estimated dollar value less than or equal to $50M may use price as the only evaluation factor and, therefore, be exempt from the DoD Source Selection Procedures, dated 20August 2022, and from this MP, if all of the following conditions are met:

(1) The requirement is non-complex and well-defined, such that consideration of non-cost/price evaluation factors (e.g., technical, past performance, etc.) would not provide any meaningful differentiation amongst proposals and would add no value to the selection of a successful offeror;

(2) Past performance record and history will be assessed as one of the multiple standards required fora successful offeror to be determined responsible as described in FAR 9.104;

(3) Use of price as the only evaluation factor is the most advantageous approach to the government;and

(4) The acquisition strategy approving official has determined that use of price as the only evaluation factor is the most appropriate source selection methodology for the requirement and the justification for this determination is included in the approved acquisition strategy/plan.

1.2.6.1 See MP5301.601(a)(1) for acquisitions with an estimated dollar value over $50M that meet the conditions at 1.2.6 (1)-(4).

1.3 Best Value Continuum (No DAF Text)

1.4 Source Selection Team Roles and Responsibilities

1.4.1 Source Selection Authority (SSA).

1.4.1.1 SSA Appointment.

SSA Designations	$10M to less than $100M	$100M and above
Program Acquisition Category (ACAT) I, IA	Cognizant SAE (Note 1)	Cognizant SAE (Note 2)
All other ACAT programs in a PEO portfolio	Program Executive Officer (PEO) (Note 1)	PEO (Note 2)
Services subject to DAFI 63-138	Services Acquisition Decision Authority (SADA) (Note 3)	SADA (Note3)

All other acquisitions for which formal source selection procedures are used	PCO	One level above the PCO

Note 1: Delegable to no lower than the Procuring Contracting Officer (PCO)/equivalent or higher position within the PEO/ requiring organization chain.

Note 2: Delegable to no lower than one level above the PCO or equivalent or higher position within the PEO/ requiring organization chain.

Note 3: See DAFI 63-138 Tables 2.1 and 2.2 for delegations

A tailorable Delegation of Source Selection Authority (SSA) template is available for use, as desired.

1.4.1.2 SSA Responsibilities. In addition to the responsibilities listed in FAR 15.303(b), DFARS 215.303(b)(2),and the DOD Source Selection Procedures, the SSA shall:

1.4.1.2.3 Be accessible to the PCO, SSEB Chairperson and SSAC Chairperson (if applicable) to ensure that necessary leadership and guidance is provided to the SST. Promote active communication within the SST and encourage the team to raise concerns/issues.

1.4.1.2.6 See the following tailorable templates:

1.4.1.2.6.1 Source Selection Non-Disclosure Agreement (NDA) . An NDA may be executed on an annual basis in accordance with DAFFARS 5303.104-4(a).

1.4.1.2.6.2 Conflict of Interest Statement.

1.4.2 PCO.

1.4.2.2 PCO Responsibilities. In addition to the responsibilities listed in FAR 15.303(c) and the DoD Source Selection Procedures, the PCO shall:

1.4.2.2.2 Consider sample RFP Section L language for Use of Non-Government Advisors, when applicable.

1.4.2.2.3 Manage all source selection documents, control and record all exchanges with offerors, and protect all documents (see Section 4). Consider identifying a Source Selection Records Custodian (SSRC) familiar with the contracting process to manage all source selection documents (PCO or someone under PCO oversight). Ensure source selection material is not removed, circulated, or disseminated outside of the source selection work area without PCO review and approval. Ensure all means of electronic communications receive additional scrutiny to preclude inadvertent release of documents that contain sensitive or embedded source selection files. It is a good practice that prior to transmission of Source Selection Information to offerors via any means, the information is reviewed by a second person to preclude inadvertent inclusion of inappropriate data. Additionally, Source Selection Information transmitted to offerors electronically (e.g., via email or disc) or posted to a website must be distributed in a “locked” format, such as scanned .pdf file, .jpeg file, or other protected format, unless offerors are required to fill-in or complete portions of a document, such as Section K Representations and Certifications, or a pricing matrix. Using e-mail to transmit source selection information should be done judiciously and it must be encrypted and digitally signed. Include in the subject line the phrase “Source Selection Information – See FAR2.101 and3.104”. Use the Source Selection Information Cover Sheet to identify source selection information. A sample Verification of Correspondence Going to Offeror checklist may be utilized, as desired.

1.4.2.2.4 Maintain in the official contract file (whether in hard copy or electronic media) all evaluation material and any related supporting information, including minority and dissenting opinions, that has been presented in any form to the SSA as an official record that must not be altered. Updates, revisions, or changes to that evaluation information must be captured in subsequent documentation such that the original record remains distinct.

1.4.2.2.4.1 Working papers, calculations, and personal notes must be clearly identified as such and are not normally part of the official source selection record unless they include information relevant to the source selection decision and the information has not been captured in the official record. Solicit the advice of legal counsel and representatives from the Acquisition Center of Excellence (ACE) (if used) regarding the management and/or retention determination of any paper or digital document generated during the source selection. Legal counsel, the SSEB Chair, SSRC (if other than the PCO) and the PCO must review any notes, working papers, and other documents for a retention determination at regular intervals during the source selection process and upon completion.

1.4.2.2.4.2 Preserve documents and data that are not stored within the electronic official contract filing system (e.g., classified documents, product samples, electronic media) as part of the official record and identify their physical location. A sample Source Selection File Checklist may be tailored for use, as desired.

1.4.2.2.4.3 Ensure that any requests for source selection delegations are properly accomplished and documented in the source selection file.

1.4.2.2.7 Send a notice to all appropriate organizations (e.g., user or requirements personnel, public affairs offices, etc., that could be contacted by offerors or media outlets concerning the requirement or acquisition) concurrent with issuance of the solicitation announcing that a source selection is in progress. For acquisitions estimated at $100M or more, send the notice to the cognizant HCA Workflow for HAF-level notification. The notice shall:

1) identify the system, subsystem, service, or project involved;

2) identify the anticipated period of the source selection activities;

3) include a statement to the effect that contacts or briefings concerning the program by industry are no longer allowed outside of the formal source selection process; and

4) state that the PCO (include name and phone number) controls all contact or exchanges with industry/ offerors and is the only person authorized to release source selection information before and after contract award.

A tailorable template for Notice Announcing that a Source Selection is in Progress is available for use, if desired.

1.4.2.2.12 Post source selection lessons learned no later than 90 days after contract award or termination/ cancellation of the source selection.

1.43 SSAC.

1.4.3.2 SSAC Composition.

1.4.3.2.1 It is preferable that the SSAC Chairperson not be in the chain of command of the SSA.

1.4.3.2.2 For all new Milestone B (Pre-MDAP on Major Defense Acquisition Program lists) ACAT I and II competitive acquisitions, the specific composition of the SSAC should consist of senior leaders (flag rank or 0-6/GS-15/ NH-04 to the maximum extent practicable) from Program Management, Engineering, Finance, Legal, Contracting, Small Business, the ACE, and any other participants as determined appropriate by the SSA, who have recent experience in the successful conduct of source selections. For all other acquisitions when an SSAC is used, the specific composition of the SSAC is at the discretion of the SSA, based upon the expertise required to accomplish a successful source selection. The SSAC may be augmented with senior leaders from the SAF/AQ or SAF/SQ staff, when appropriate, to provide additional experience and expertise. The SSAC may also be supplemented by other subject matter experts at comparable functional positions.

1.44 SSEB.

1.4.4.4 SSEB Responsibilities.

1.4.4.4.1.7 It is considered a best practice for the Program Manager (PM), when one is assigned, to serve as the SSEB Chairperson. It is also a best practice that the SSEB chair not serve in multiple roles.

1.4.4.4.3 For source selections without an SSAC, the SSEB Chairperson must document in the source selection plan, whether or not the SSA wants the SSEB to perform the comparative analysis of proposals and provide that analysis and an award recommendation in the SSEB Final Report.

1.4.6 Other Advisor's.

1.4.6.1 Government Advisor's. Foreign Military Sales (FMS) customers and international cooperative project partners may only participate in the source selection process as advisor's. The PCO must not disclose to the FMS customer any form of cost or price data that is proprietary unless the offeror authorizes its release.

1.4.6.2.2 Limitations on use of nongovernment advisor's. Nongovernment advisor's shall not attend the past performance portion of evaluation briefings

2 PRE-SOLICITATION ACTIVITIES

2.1 Conduct Acquisition Planning

2.2 Develop a Source Selection Plan (SSP)

The PCO and the SSEB chair, with assistance from SSEB members, as necessary, prepare the SSP. A Source Selection Plantemplate is available for use, if desired.

2.2.5 Evaluation Factors and Subfactors. When using VATEP, address the decision to use, or not use, an affordability cap, along with supporting rationale for the decision. If an affordability cap will be used, describe how it will be evaluated and whether offerors whose proposals exceed the affordability cap will be eligible for award.

2.2.6 Documentation. Briefing charts shall not serve as the SSEB Initial Report, Competitive Range Decision Document, updated SSEB Initial Report, or SSEB Final Report, but may be used to present summaries of these reports to the SSA. If briefing charts are used to comply with any other source selection documentation requirements set forth in the DoD Source

Selection Procedures, a written script for each briefing must be maintained in the official (permanent) contract file. Briefings should summarize the evaluation and not duplicate the content of written reports.

2.2.9 Securing Source Selection Materials. Section 9.0 of the SSP ("Securing Source Selection Materials") must include a plan and procedures which address the filing, protection, handling, maintenance, release, retention and disposition of all documents that constitute the complete source selection record. For those source selections utilizing an electronic system for source selection documentation, the SSP must include the process for handling documentation, such as the process for documenting the basis for any changes made to an evaluator's finalized document. The plan must address training for all SST members to familiarize them with the plan/procedures and mechanism(s) to ensure compliance with the plan/procedures.

2.2.10 The PCO shall maintain the SSP after approval. Subsequent proposed changes to the source selection organization, to include the SSEB and the SSAC (when used), shall be documented in an addendum to the SSP and approved by the SSA unless the SSA delegates this approval responsibility to the SSEB Chairperson within the SSP.

2.3 Develop the Request for Proposals

2.3.1 Evaluation Factors/Subfactors. RFPSection L and M samples are available for use, as desired.

2.3.4.1 Cost or Price. The analysis technique(s) identified in FAR 15.404,as supplemented, for the evaluation of the proposed cost or price shall be included in the evaluation criteria (Section M or equivalent provisions of the solicitation for commercial acquisitions).

2.3.4.1.1 When used, the Probable Cost estimate is the government estimate of the cost to acquire specified goods and/or services based on each offeror's proposed approach. The Probable Cost is based upon an analysis of each offeror's unique proposal in accordance with FAR 15.404-1(d). Define all the components that make up the aggregate government Probable Cost and specify them in Section M (or equivalent provisions of the solicitation for commercial acquisitions).

2.3.4.2.4 Affordability Cap. When an affordability cap is established, the affordability cap must be specified in the RFP and affordability must be included either as a go/no go gate or as an evaluation criterion in the RFP. The RFP must state whether proposals that exceed the affordability cap can be considered for award.

2.3.6. Requirements that fall within the areas of traditional offeror responsibility factors may trigger the Small Business Administration Certificate of Competency (CoC) process if such requirements are evaluated on an acceptable/unacceptable basis, as a rating of unacceptable for an otherwise apparently successful business offeror equates to a non-responsibility determination. For example, issues related to facility clearance/security requirements or evaluation of professional employee compensation as an element of responsibility are areas that may trigger the CoC process for small business offerors. PCOs should consult with small business and legal counsel regarding the use and treatment of such evaluation factors/subfactors.

2.4 Release the Request for Proposals (No DAF Text)

3 EVALUATION AND DECISION PROCESS

3.1 Evaluation Activities

3.1.1.5 When FAR 52.222-46, Evaluation of Compensation for Professional Employees (Feb 1993), is included in the RFP, the Government shall evaluate whether all offerors considered for award understand the contract requirements and have proposed a compensation plan appropriate for those requirements. This evaluation may be accomplished through a technical subfactor to evaluate offerors' proposed management approach and or/staffing plan, or including the evaluation under the cost/price factor or as a "Volume I" proposal submission and element of proposal compliance and offeror responsibility.

3.1.1.5.1 When including the professional employee compensation evaluation as a "Volume I" proposal submission and element of proposal compliance and offeror responsibility in a source selection with small business offerors, a finding of non-responsibility due to an inadequate professional employee compensation plan for an otherwise successful small business offeror requires the PCO to engage the Small Business Administration Certificate of Competency (CoC) process.

3.2 Documentation of Initial Evaluation Results

3.2.1 SSEB Initial Evaluation. The SSEB Initial Report is used to document the results of the SSEB's initial evaluation. The rationale for initial evaluation results and assignment of initial ratings will be fully and contemporaneously documented in the SSEB Initial Report. The SSEB Initial Report shall be signed by the PCO and SSEB Chairperson after the completion of initial evaluations and prior to presentation of the initial evaluation results to the SSA. The following tailorable templates are available for use, as desired:

SSEB Report

Initial Evaluation Briefing

3.2.1.1 For all programs for which DoDI 5000.75 or DoDI 5000.85 designates USD(A&S) as the Milestone Decision Authority, for which AFI63-101/20-101 designates SAF/AQ or SAF/SQ as the Milestone Decision Authority, all SCAT-I services acquisitions, all BCAT I and II systems, and all constructions projects with an estimated total value of $1 billion or more, request the DAF IP Cadre (SAF/AQCC) review the source selection record by completing the Intake Form (available at the internal IP Cadre MS Teams Channel Link) and submitting that form to SAF/AQCC via the DAF IP Cadre Workflow Email address (SAF.AQ.SAF-AQCC.Workflow@us.af.mil).

3.3 Award without Discussions

3.3.3 Documentation Required Prior to Contract Award. The PCO must obtain contract clearance approval in accordance with DAFFARS 5301.9000(e)(1) prior to the SSA making the decision to award without discussions.

3.4 Competitive Range Decision Document

3.4.1 The tailorable Competitive Range Decision Document (CRDD) template is available for use, as desired.

3.5 Discussion Process

3.5.5 Best Practices. The PCO may provide offerors in the competitive range with their own initial ratings and results of their own initial pricing analysis or total evaluated price. When interim ratings and pricing analysis are provided prior to requesting final proposal revisions, the ratings must reflect the results of discussions with the offeror. PCOs may use the actual briefing charts used to brief the SSA as a method of disclosing an offeror's ratings and price analysis to them. The PCO must require offerors to provide proposal change pages along with their EN responses for any aspect of the proposal that will be incorporated into the awarded contract.

3.5.7 The SSEB Initial Report shall be updated, as necessary, following evaluation of offeror responses to discussions. The rationale for updated (interim) evaluation results and assignment of updated (interim) ratings will be fully and contemporaneously documented in the SSEB Initial Report. The updated SSEB Initial Report is reviewed by the SSAC (if an SSAC is used) and must include, if applicable, any minority and dissenting opinion(s). At a minimum, the report shall be updated and signed by the PCO and SSEB Chairperson prior to presentation of the pre-Final Proposal Revisions evaluations and briefing to the SSA.

The following tailorable templates are available for use, as desired:

SSEB Report

Pre-Final Proposal Revisions (FPR) Request Briefing

3.6 Final Proposal Revisions

3.6.3 The PCO must obtain contract clearance approval in accordance with DAFFARS 5301.9000(e)(2)(i) prior to submission of all material (e.g., Pre-FPR briefing) to the SSA to obtain approval for releasing the FPR request.

3.7 Documentation of Final Evaluation Results

3.7.1 The rationale for final evaluation results and assignment of final ratings will be fully and contemporaneously documented in the SSEB Final Report. The SSEB Final Report is prepared by the SSEB and reviewed by the SSAC (if an SSAC is used) and signed by the PCO and SSEB Chairperson after the evaluation of FPRs. The tailorable SSEB Report template is available for use, as desired.

3.7.1.1 For all programs for which DoDI 5000.75 or DoDI 5000.85 designates USD(A&S) as the Milestone Decision Authority, for which AFI63-101/20-101 designates SAF/AQ or SAF/SQ as the Milestone Decision Authority, all SCAT-I services acquisitions, all BCAT I and II systems, and all constructions projects with an estimated total value of $1 billion or more, request the DAF IP Cadre (SAF/AQCC) review the source selection record by completing the Intake Form (available at the internal IP Cadre MS Teams Channel Link) and submitting that form to SAF/AQCC via the DAF IP Cadre Workflow Email address (SAF.AQ.SAF-AQCC.Workflow@us.af.mil).

3.7.2 The SSEB Final Report must document, if applicable, any minority and dissenting opinion(s).

3.7.3 A decision briefing, prepared by the SSEB, will generally be conducted whenever the SSA is other than the PCO. The tailorable Final Decision Briefing template is available for use, as desired.

3.8 Conduct and Document the Comparative Analysis

3.8.1 The SSAC's comparative analysis of proposals and award recommendation is documented in the Comparative Analysis Report and Award Recommendation (CAR). The tailorable Comparative Analysis Report and Award Recommendation template is available for use, as desired.

3.9 Best Value Decision

3.9.1 The PCO must obtain contract clearance approval prior to the SSA making a source selection decision in accordance with DAFFARS 5301.9000(e)(2)(ii).

3.10 Source Selection Decision Document

3.10.1 The tailorable Source Selection Decision Document (SSDD) template is available for use, as desired.

3.11 Debriefings (No DAF Text)

3.12 Integrating Proposal into the Contract

The RFP must advise offerors that the awarded contract document will reflect all beneficial aspects of the awardee's proposal and all above threshold (minimum) attributes, performance levels, or capabilities for which evaluation credit was given in the source selection process (e.g., purple or blue technical or technical/risk rating, above threshold elements proposed for valued requirements), regardless of source selection process utilized.

4 DOCUMENTATION REQUIREMENTS

4.1 Minimum Requirements

4.1.15 All briefing charts presented to the SSA (including, but not limited to, competitive range briefing charts, pre-FPR request briefing charts, and decision briefing charts) must be included in the official (permanent) contract file.

4.1.16 Evaluation worksheets and summaries shall be included in the official (permanent) contract file.

4.2 Electronic Source Selection

EZ Source is the standard Air Force documentation tool that shall be used for all unclassified competitive acquisitions valued at $100M or more (unless waived by the CAA), or when an acquisition has been designated a high visibility program by a PEO or Center/Complex/Wing Commander. EZ Source may be used for acquisitions valued at less than $100M. In order to ensure proper support is available to the team, PCOs must use the SharePoint EZ Scheduler to request the use of EZ Source and input information relative to their acquisition not later than 60 days prior to the projected RFP release.

4.3 Tactics, Techniques and Procedures (TTP), Samples, and Tailorable Templates

Source Selection TTPs can be accessed at the DAF Contracting TTP Team page.

Templates: A comprehensive collection of source selection samples and tailorable templates, including those listed below, are located on the Contracting Templates and DAFFARS Library, Part 5315 pages within the Air Force Contracting Central (AFCC) SharePoint site (please note: this link requires CAC and is not available to all users.)

Source Selection Documentation Templates

Abstract of Proposals/Quotations (Negotiated Procurement)
Delegation of Source Selection Authority (SSA)
Past Performance Questionnaire (Sample 1)
Past Performance Questionnaire (Sample 2)
Past Performance Questionnaire (Sample 3)
Section L Attachment - Past Performance Information
Solicitation Cross Reference Matrix
Source Selection File Checklist
Source Selection Plan
Subcontractor Consent Letter
Verification of Correspondence Going to OfferorChecklist
Source Selection Information Coversheet
SF 901, Controlled Unclassified Information (CUI) Cover Sheet (AF Template)

Source Selection Non-Disclosure Agreement (NDA)
Conflict of Interest Statement
Sample RFP Section L language – Use of Non-Government Advisors
RFP Section L & M Samples
Notice Announcing that a Source Selection is in Progress
Competitive Range Decision Document
Comparative Analysis Report & Award Recommendation
Source Selection Decision Document
Source Selection Evaluation Board (SSEB) Templates
Rating Team Worksheet (Methodology 1)
Rating Team Worksheet (Methodology 2)
Rating Team Worksheet (PPT)
Tradeoff Technical Evaluator Template
LPTA Technical Evaluator Template
Tradeoff Subfactor Chief Template
LPTA Subfactor Chief Template
Evaluation Notice (EN)
SSEB Report
Initial Evaluation Briefing
Pre-Final Proposal Revisions (FPR) Request Briefing
Final Decision Briefing
Past Performance Evaluation Team Documents
Relevancy Template
Tradeoff Performance Quality Template
LPTA Performance Quality Template
Business Relationship Template
Past Performance Information Template
Tradeoff Past Performance Confidence Assessment Template
LPTA Past Performance Evaluation Template
Performance Confidence Rating Evaluation
Cost/Price Evaluation Team Document
Cost/Price Template

5 DEFINITIONS (No DAF Text)

6 MANDATORY AIR FORCE SOURCE SELECTION TRAINING

6.1 Purpose

This Section establishes and standardizes the mandatory Air Force source selection training process for acquisition/SSTs.

6.2 Responsibilities of Senior Contracting Officials (SCO)

SCOs must:

(a) implement a robust source selection training program;
(b) designate a Training Manager/Point of Contact (POC);
(c) designate experienced source selection trainers; and
(d) maintain current lists of the Training Managers/POCs for use at their respective locations.

The lists should be updated as necessary, but at a minimum shall be updated annually. A Designation of Source Selection Training Manager/Trainers template is available for use, as desired.

6.3 Required Training for Designated Trainers

6.3.1 Designated trainers must receive “Train-the-Trainer” training and be certified as source selection trainers. Periodic “Train-the-Trainer” sessions are conducted by SAF/AQCP personnel every quarter via webinar; however, this training may be conducted by any SCO-designated and experienced source selection trainer. Note that this is summary-level training

designated trainers and not for use by source selection teams and other individuals to satisfy the source selection training requirements set forth in paragraph 6.4.1.

6.3.2 Training Managers/POCs must maintain a record of the source selection training provided by designated trainers, including the name of the acquisition, training date, names of individuals trained, and training provided (e.g., Phase I (Acquisition Planning) or Phase II (Source Selection Execution) training).

6.3.3 6.3.3 Designated trainers who have not participated in "Train-the-Trainer" training within a two (2) year period must be recertified. Recertification requires that the SCO confirm the individual's continued designation as a source selection trainer and that the individual re-complete the "Train-the-Trainer" training.

6.4 Acquisition/Source Selection Team Training

6.4.1 Conducting Source Selection Training Sessions.

Source selection training must be presented to the entire SST, including the SSA, SSAC Chair and members, PM (where one is assigned), RO,and all advisors. Independent review of source selection training materials by SST members and/or attendance at "Train-the-Trainer" training is not sufficient to satisfy this training requirement.

Specialized executive level training modules are available for the SSA and SSAC.

Phase I (Acquisition Planning)training should be presented at the earliest stage of an acquisition and covers the acquisition process up to release of the RFP. If an SST member has participated in Phase I training within 12 months, the SCO may waive the Phase I training requirement for that member.

Phase II (Source Selection Execution)training is presented prior to or immediately after receipt of proposals.

6.4.2 Training Content and Process.

The SAF/AQCP Knowledge Management Team develops and maintains source selection training modules to assist Source Selection Trainers. Trainers are encouraged to tailor the modules, as needed, to meet the unique elements of the instant acquisition.

The **Ethics, Procurement Integrity, and Conflicts of Interest** topic should be presented by the local legal advisor. Links to Ethics training material are included in both Phase I and Phase II source selection training materials. The use of locally-developed Ethics training by local legal advisors is encouraged. The length of the source selection training and the level of detail presented in either Phase I (Acquisition Planning) or Phase II (Source Selection Execution) depends on the complexity of the specific acquisition and the experience level of the SST.

6.4.3 Advance Preparation.

Effectiveness of the source selection training experience can be enhanced with advance preparation. The Defense Acquisition University (DAU) offers continuous learning modules on source selection and related topics. Some suggested DAU courses include the following:

CON 0040– Market Research
CON 0072 – Source Selection
CLC028 - Past Performance Information
CLC 132 - Organizational Conflicts of Interest
ACQ 0490 - Procurement Fraud Indicators

6.5 Source Selection Training Material

The Source Selection Training Modules, Trainer's Lesson Plans, and Resource/Reference Material are accessible by designated trainers and training managers on SharePoint here. Additional training materials for teams are available in the DAFFARS Library, Part 5315.

6.6 Training Certificates.

Any Trainer conducting "Train the Trainer" training will provide a Source Selection Training Certificate to the Training Managers/POCs and Trainers upon completion of the source selection training. Trainers must provide the Source Selection Training Certificate for Phase I and Phase II to the personnel they train.

6.7 Source Selection Training Survey.

Following training, personnel are encouraged to complete the Source Selection Training Survey . The feedback provided through the survey will enable the SAF/AQCP Knowledge Management Team to gauge the effectiveness of its source selection training material and obtain suggestions for improvement.

6.8 Continuous Learning Points (CLP).

Designated Source Selection trainers may grant CLPs to source selection attendees. As a general rule, CLPs must be given based on the length and intensity of the training provided. Trainers may grant six (6) CLPs for each full day of instruction, three (3) CLPs for half-day, and one (1) CLP for a two-hour session.

LIST OF TABLES AND FIGURES (No DAF text)

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MP5315.4 Contract Pricing

MP5315.400-1 Proposal Instructions.

To facilitate timely awards of sole source contract actions and definitization of Undefinitized Contract Actions (UCA) within 180-days after receipt of qualifying proposal, contracting officers:

a. provide contractors with clear and concise proposal instructions, including a suspense date for proposal submission;

b. require that contractor proposals (both prime and subcontractors) are submitted as adequate for evaluation and valid for the anticipated time required to conduct evaluation, audit, negotiation and award, with data updates provided until the conclusion of negotiations in accordance with Truthful Cost or Pricing Data Act.

c. Include DFARS provision 252.215-7009 in sole-source draft and final Requests for Proposals (DRFPs/RFPs) and RFPs for UCAs when the contract value is anticipated to exceed the threshold for obtaining certified cost or pricing data, and no exception to the requirement to submit certified cost or pricing data applies. (See FAR 15.403-1(b).)

d. Include a provision substantially the same as L-XXX, Cost Proposal Adequacy and Structure, in the solicitation, or as a paragraph within a letter RFP, whenever DFARS provision 252.215-7009 is included. Add paragraph (e) to provision L-XXX, Cost Proposal Adequacy and Structure, only when an electronic version of the cost proposal with active formulas (e.g., in Excel) is required. Contracting officers may tailor this provision as necessary to reflect the unique circumstances of each acquisition.

L-XXX COST PROPOSAL ADEQUACY AND STRUCTURE

NOTE : *The blue italicized text below represents instructions for the contracting officer and should be removed prior to incorporating Section L into the solicitation.*

(a) In response to this Request for Proposals (RFP), the offeror shall prepare and submit certified cost or pricing data and supporting attachments in accordance with Table 15-2 of FAR 15.408. Further, the offeror shall (1) utilize the DFARS provision 252.215-7009, *Proposal Adequacy Checklist (PAC)*, in pre-submission proposal quality reviews, and (2) furnish the completed checklist as part of their proposal submission.

(1) The responsibility for providing a well-prepared and fully supported cost proposal lies solely with the offeror. The basis and rationale for all proposed costs shall be provided as part of the proposal so that the contracting officer has the information necessary to evaluate the reasonableness of the proposed price.

(2) If the offeror is unsure as to whether a checklist item is required in support of the proposal, or how to adequately comply with a checklist item, the offeror shall contact the contracting officer as soon as possible after receipt of the RFP, but in any case prior to proposal submittal, to resolve the questions.

(3) Non-compliances with the DFARS Proposal Adequacy Checklist and the additional requirements of this provision will require immediate correction; however, completion of the checklist does not relieve the offeror from the responsibility to comply with all applicable regulations and any special requirements of the solicitation.

(4) The offeror is encouraged to flow down this provision to subcontractors/affiliates required to submit certified cost or pricing data in support of this RFP.

(b) The offeror is advised that the contracting officer may find costs associated with revision/rework of inadequate cost proposals unreasonable and will consider the nature and extent of any proposal inadequacies when assessing/negotiating profit.

(c) In order to preclude delays in negotiations and contract award, the completed PAC submitted with the proposal shall provide a clear explanation for any checklist items not included in the proposal, particularly items not provided based on any of the exceptions to certified cost or pricing data found at FAR 15.403-1(b) and DFARS 212.102(a)(i)(B).

(d) Cost Proposal Requirements. In addition to the requirements identified in the DFARS PAC, the following also apply to the cost proposal submitted in response to this RFP.

(1) Breakout by Year. If the proposal includes more than one CLIN, the proposal shall include a breakout of CLIN prices by cost element by Contractor Fiscal Year (CFY). At the contracting officer's direction, the breakout by year shall also be provided by: *(select applicable breakouts)*

Government Fiscal Year (GFY)

Calendar Year (CY)

The proposal shall define the timeframe of the Contractor Fiscal Year (for example, January – December).

(2) If the proposal includes more than one CLIN/subCLIN, recurring/non-recurring costs shall be identified for each CLIN/subCLIN.

(3) When the proposal includes material costs, the proposal shall include a consolidated bill of materials (CBOM) at the total contract level in an electronic, sortable format (Excel spreadsheet or other format approved by the contracting officer).

i. When the amounts proposed in the CBOM include application of escalation, the proposal shall identify the base value, the escalation rate(s) used, and the escalation amount associated with each item escalated.

ii. When the proposed amount is based on historical data which has been adjusted (for example, for differences in quantity), the CBOM shall clearly identify the adjustments made to the historical data and the reason for each adjustment.

(4) All costs proposed on the basis of Cost Estimating Relationships (CER) shall be fully supported. The proposal shall identify the basis for the proposed rate, shall identify the base to which the rate is applied, and shall clearly demonstrate the calculation of proposed costs based on CERs.

(5) For any costs incurred prior to proposal submission, the proposal shall identify actual hours and cost incurred as well as hours/costs to complete and the time phasing associated with these hours/costs. This information/data shall be provided in a time-phased cost element summary format.

(6) Submission of Historical Actual Costs Incurred. *(Insert in RFPs for follow-on efforts as applicable. The contracting officer may identify specific contracts for which submission of actual cost data is required (for example, the last three lot buys of the same item), or may require that the contractor identify its most recent sales of the items to any customers, if the contractor's sales base is broader than the current buying office. Language may be tailored to request insight into specific areas of cost (e.g., sustaining engineering hours). However, the contracting officer should take into consideration the extent to which the contractor's existing business systems can support requests for granularity in reporting of actual costs incurred, as well as the potential time and cost involved in obtaining very detailed or low-level historical actuals.)*

(i) The contractor shall provide the following information for these prior acquisitions: *[contracting officer identifies the specific acquisitions for which actual cost data is required. Alternately, the contracting officer may require the contractor to identify prior and current contracts for the same items covered in this RFP.]* For these contracts, the contractor shall provide the following information:

a. contract number (including modification number if applicable) or other identifier;

b. contract type;

c. contract quantity;

d. contract price; and

e. actual cost incurred, including a breakout of actuals as recurring/non-recurring costs. If performance is not complete on any of the specified contract actions, provide an estimate to complete and the basis for that estimate.

(ii) The contractor shall also request that its top five major sole source subcontractors provide the information listed in the above paragraphs (i) a. through e. on prior contracts for items the prime is purchasing from the subcontractors for this effort. If a subcontractor's information on prior actuals is not included in the prime's proposal, the proposal should identify status and anticipated receipt date(s). If the subcontractor deems the information proprietary, the subcontractor may submit the information directly to the contracting officer.

(7) The proposal shall identify those actions where assist audits have been requested by the prime or sub-tier contractors and identify the request date and scheduled receipt date for those audits. The need for assist audits resulting from proprietary data rights assertions at any tier shall be identified to the contracting officer as soon as the offeror becomes aware of the need. Government performance of assist audits does not relieve the offeror of the responsibility to accomplish and provide its price/cost analysis of the subcontracts.

(8) If the offeror intends to request Performance-Based Payments (PBP), the offeror's proposal shall include a monthly expenditure profile, proposed events and their projected completion dates, rationale on why the proposed event demonstrates significant progress towards the completion of the end item, proposed values for each event, completion criteria for each event, and an identification of each event as severable or cumulative.

(9) Commercial product and commercial service considerations:

i. The offeror's proposal shall provide support for any subcontractor commercial product or commercial service determinations, addressing, at a minimum, the following:

a. A description of the supplies or services;

b. Specific identification of the type of commercial product or commercial service claim (FAR 2.101 commercial product sub-definitions (1) through (6) or commercial service sub-definitions (1) through (3)), and the basis on which the product or service meets the definition; and

c. For modified commercial products (commercial product sub-definition (3)), classification of the modification(s) with supporting rationale as either:

1. Of a type customarily available in the commercial marketplace (FAR 2.101 commercial product sub-definition (3)(i)); or

2. A minor modification of a type not customarily available in the commercial marketplace made to meet Federal Government requirements (FAR 2.101 commercial product sub-definition (3)(ii)).

Note that per FAR 15.403-1(c)(3)(iii)(B), modifications that meet the definition of minor modifications of a type not customarily available in the commercial marketplace as defined in FAR 2.101, paragraph (3)(ii) of the commercial product definition, will require the submission of certified cost and pricing data when the total price of all such modifications exceeds the greater of the threshold for certified cost or pricing data (FAR 15.403-4) or 5% of the total price of the contract at the time of contract award.

ii. For proposed subcontract commercial products or commercial services "of a type", or "evolved" or modified (FAR 2.101 commercial product sub-definitions (1) through (3) or commercial service sub-definition (2)), the offeror shall provide a technical description of the differences between the proposed product or service and the comparison product or service and thoroughly address the cost differences between the proposed product or service and the comparison product or service.

iii. The proposal shall include, or the offeror shall make available, data other than certified cost or pricing data to establish price reasonableness of the proposed subcontract commercial product or commercial service (to include any modifications not subject to the requirement to submit certified cost or pricing data) by supplying:

a. Information/data related to competition, if competition is the offeror's basis for asserting the reasonableness of the proposed subcontract price.

b. Information/data related to prices (sales data, market price assessments, etc.). Note that subcontractors may submit sales data directly to the contracting officer if the subcontractor deems the data proprietary.

c. The prime contractor's or higher tier subcontractor's price analysis/price reasonableness determination for the commercial subcontract in accordance with FAR 15.404-3(b)(1) and (2).

d. Cost information/data (cost element breakdown and supporting documentation not subject to certification in accordance with FAR 15.406-2). Instances where cost information may be required include but are not limited to commercial products offered but never actually sold to the public, "of a type" commercial products or commercial services, or when sales data is limited and/or not recent and/or not for the same/similar quantities.

Note that the preferred method of establishing the price reasonableness of commercial products and commercial services is to obtain commercial sales data. It is recognized that other methods, such as market price assessment data or evaluation of cost data not subject to certification, are also acceptable when prior sales data cannot be obtained. Sales data shall (1) demonstrate sales to the general public; (2) be current; and (3) where possible, be in like quantities. Products sold to state, local, or foreign governments or products sold with applications only to state, local, or foreign government or US Government end items are not considered to be sales to the general public unless the proposed commercial product meets the FAR 2.101 commercial product definition sub-definition (6).

(10) Additional Cost/Price Proposal Requirements: *(Identify any additional requirements applicable to the solicitation, or enter "N/A".*

- If an electronic CBOM providing traceability to the CLIN level, to WBS paragraph, etc. is required, identify that requirement in this paragraph.

- If sales data supporting price reasonableness of a commercial product or commercial service is required, use this paragraph to provide specifics as to the level of detail and applicable date range(s) of the sales data.

- If a breakout of basic and options is required, detail that requirement here)

Add the following paragraph to provision L-XXX, Cost Proposal Adequacy and Structure, only when an electronic version of the cost proposal with active formulas (e.g., in Excel) is required. This paragraph may be tailored as necessary to describe the specific requirements of the electronic cost model.

(e) Submission of electronic cost model. *(Tailor as needed for each specific circumstance. If electronic cost models are required for any subcontractors or affiliates, identify those requirements within this paragraph.)*The proposal submission shall include an electronic cost model with active formulas demonstrating the mathematical calculation of the proposed cost (in Excel or other format approved by the contracting officer). The electronic cost model shall include build-up by year of cost in total and by CLIN/subCLIN, consistent with the yearly breakout required by paragraph (d)(1) of this provision, or as directed by the contracting officer. If applicable, the electronic cost model shall link each Work Breakdown Structure (WBS) to the applicable CLINs. The electronic cost model shall roll up to an annual and total program summary by cost element. All information supporting each CLIN should be visible and verifiable in the electronic cost model. The formulas included in the electronic cost model shall not be locked, and the model shall be editable by the Government.

NOTE : *The blue italicized text above represents instructions for the contracting officer and should be removed prior to incorporating Section L into the solicitation.*

MP5315.400-2. Requesting data/documentation after receipt of the proposal.

a. A contracting officer request for supporting data/documentation from a contractor (whether verbally or in writing) after proposal receipt, must clearly state what data/documentation is needed and when it should be provided.

b. If requested data/documentation is not readily available because of extenuating circumstances (e.g., data that did not form the basis of the contractor's proposal), the contracting officer and the contractor should agree in writing as to a reasonable time for submittal of data.

c. Where system generated data is to be provided, the contracting officer should review the data fields to be reported before the data is generated to ensure a common understanding of what is needed. Inform the contractor that all data requests will be tracked and will be considered open action items until the Government concurs that the data has been received and is complete.

d. If the data is not provided by the requested date or, if applicable, the agreed-to-date, and an acceptable resolution cannot be achieved, the contracting officer must elevate the issue to appropriate senior contracting management for both the Government and the contractor until an appropriate resolution is reached. The contracting officer must document the outcome of the elevation process in writing to include any revised dates for receipt of requested data/documentation. See the DoD Sole Source Streamlining Tool Box for the recommended elevation process, as well as other streamlining techniques.

e. If, after elevation, an acceptable resolution has not occurred or the contractor fails to provide the data/documentation within the revised agreed-to date, the contracting officer may take remedial actions:

for UCAs, contracting officers should consider reducing or suspending progress payments (FAR 32.503-6) when the contractor does not submit a timely qualifying proposal or has otherwise not supported the established definitization schedule; and/or

assign an unsatisfactory rating for a singular performance problem, such as the failure to submit a timely, complete and quality proposal (or subsequent data submissions), in connection with a UCA when the problem is of such serious magnitude that it alone justifies an unsatisfactory Contractor Performance Assessment Reporting System (CPARS) rating in the assessment of Management Responsiveness (Block 18d(1) for a Systems CPAR) or Business Relations (Block 18d for a Non-Systems CPAR). Ratings must track to the Evaluation Ratings Definitions found in FAR 42.1503(h)(4).

f. Consistent with the notice given to contractors in the provision L-XXX, Cost Proposal Adequacy and Structure, in situations when the contractor’s original proposal is inadequate and requires revision or rework, contracting officers should consider whether to recognize as reasonable any contractor costs associated with the revision/rework effort and must consider the nature and extent of any proposal inadequacies when negotiating profit.

MP5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver

(b) Requesting Pricing Assistance.

(1) “Full Pricing Assistance” means the price analyst accomplishes the majority of the pricing effort (e.g. pricing case) for a specific contract action which meets or exceeds the thresholds identified in DAFFARS 5315.404-1-90(a). Submit the request for pricing assistance in accordance with the local submission process. If no local process exists, submit requests for pricing assistance to the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). The contracting officer may also request full pricing assistance for actions below the thresholds identified in DAFFARS 5315.404-1-90(a) when additional pricing expertise is needed. The Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief) is the approval authority for those requests, on a case by case basis. See the tailorable Request for Pricing Assistance or Pricing Assistance Waivertemplate.

(2) “Tailored Pricing Assistance” may also be requested for actions below the mandatory thresholds (or in conjunction with a Pricing Assistance Waiver Request) and will be provided at the discretion of the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). See the tailorable Request for Pricing Assistance or Pricing Assistance Waiver template. Examples of Tailored Pricing Assistance that may be available include:

(i) Assistance with completion of the Weighted Guidelines (DD Form 1547)
(ii) Pricing inputs for business/contract clearance
(iii) Cost proposal spreadsheet development/modeling
(iv) Defective pricing
(v) Assistance with structuring Economic Price Adjustment (EPA) clauses
(vi) Assistance with determination of final prices of incentive contracts
(vii) Claims
(viii) PNM review
(ix) Assistance with/review of reopener clauses

(x) Evaluating Performance Based Payments

(xi) Source selection support, including drafting and/or review of Sections L and M, drafting cost sections of briefings and reports, and review of pricing volumes of proposals

(xii) Rate and factor reviews when DCMA assistance is not available

(3) Request pricing assistance as early as practicable in the acquisition process, but no later than receipt of the proposal. For large dollar sole source acquisitions, the contracting officer is expected to consult with the pricing office (or Clearance and Program Support office) to determine which components of the **L-XXX Cost Proposal Adequacy and Structure** provision described in MP5315.4-1.d, should be included in the RFP.

(c) Requesting a Pricing Assistance Waiver. Contracting officers may request a Pricing Assistance Waiver for acquisitions which meet or exceed the required thresholds identified in DAFFARS 5315.404-1-90(a). Submit the waiver request to the CAA in accordance with the local submission process. If no local process exists, the waiver should be submitted to the CAA through the Pricing Chief (or Chief of the Clearance and Program Support office where there is no designated Pricing Chief). See the tailorable Request for Pricing Assistance or Pricing Assistance Waiver template **.**

MP5315.407-90 Contract Audit Follow-up (CAFU)

1. This Mandatory Procedure implements the following publications:

a. Office of Management and Budget (OMB) Circular No. A-50, *Audit Follow-up;*

b. Department of Defense Instruction (DoDI) 7650.03, *Follow-up on Government Accountability Office (GAO), Inspector General of the Department of Defense (IG DoD), and Internal Audit Reports;* and

c. Department of Defense Instruction (DoDI) 7640.02, *Policy for Follow-up on Contract Audit Reports.*

d. Department of Defense Instruction (DoDI) 7650.02, *Engaging with the Government Accountability Office (GAO) on GAO Audits.*

The publications above establish policy and responsibilities, reporting requirements, and follow-up procedures for contract audit reports issued by the Government Accountability Office (GAO), Inspector General of the Department of Defense (IG DoD), Defense Contract Audit Agency (DCAA), and the other internal audit agencies (such as the Air Force Audit Agency (AFAA)).

2. SAF/AQCP manages the Department of the Air Force (DAF) CAFU program

3.CAFU requirements for DCAA audit reports:

a. **SCO RESPONSIBILITIES**: SCOs:

(i) Designate a CAFU focal point to manage the organization's CAFU program in accordance with these procedures. The CAFU Focal Point:

(a) Monitors and ensures proper and timely resolution and disposition of contract audit reports within the focal point's organization.

(b) Maintains current records on all reportable audits, from receipt through disposition. For open reports, this includes written milestone plans comprised, as a minimum, of target resolution and disposition dates.

(c) Ensures that acquisition personnel within their organization are properly trained in the use of contract audit reports and the requirements of the CAFU program.

(d) Ensures that the organization's semi-annual CAFU status report is prepared in accordance with these procedures using the web-based CAFU tool and User's manual located on the Defense Contract Management Agency (DCMA) website. When the security classification of a contract or an audit precludes the use of the DCMA website, SCOs must seek approval from SAF/AQCP to use alternate means of reporting.

(e) Directs periodic evaluations of the organization's CAFU program to determine whether they are adequate and result in timely, appropriate resolution and disposition of audit reports.

b. **CONTRACTING OFFICER (CO) RESPONSIBILITIES**: The CO is responsible for reaching agreement with the contractor and has wide latitude and discretion in that regard. Accordingly, the procedure contained herein is structured in consonance with the independent, decision-making role of the CO and the financial advisory role of the contract auditor. COs should give full consideration to contract audit advice and must pursue timely and proper resolution and disposition of contract audit reports. Resolution of contract audit reports, other than pre-award reports, is required by OMB Circular A-50 to be accomplished within six months of report issuance. Disposition should take place as soon as possible after resolution. Per DoDI 7640.02, Enclosure 3, Section 3.a, reportable audits should normally be disposed of within 12 months after issuance. The CO must document the disposition of all reported findings and recommendations in a signed and dated memorandum in accordance with DoDI 7640.02, Enclosure 3, Section 3.b.

c. **TRACKING OF AUDIT REPORTS**: Contracting activities must track all contract audit reports. Tracking of non-reportable audits may be accomplished using records maintained in the contract file or in the CAFU on-line system. The designated focal point at each DAF contracting activity maintains contract audit follow-up information on a current basis. The audit tracking information will normally be managed centrally at MAJCOM/FLDCOM/DRU headquarters (except for HQ AFMC, where this tracking will occur at the field activity). For auditor-determined final, indirect cost rate reports, a report is considered received for follow-up tracking purposes when it is forwarded by the auditor to the cognizant Administrative Contracting Officer (ACO) for resolution and disposition.

d. **REPORTING OF AUDIT REPORTS**: Reportable audits are identified in the Glossary of DoDI 7640.02. The information to be reported on each audit is identified in Enclosure 4 of the same regulation. MAJCOM/FLDCOM/DRU semi-annual status reports will be automatically transmitted using the on-line CAFU system. The reports must cover the semi-annual periods ending 31 Mar and 30 Sep and must be completed in the on-line CAFU system no later than the end of the reporting period. If there are no audits, a negative report must be prepared and submitted to the SAF/AQC Workflow with a copy to the cognizant HCA Workflow. All activities must make every possible effort to ensure the completeness and accuracy of their semi-annual reporting submission. Special attention should be focused on ensuring the most accurate data is submitted on any audit listed as unresolved and over 6 months old.

4. CAFU for GAO, IG DoD, and Internal Audit Reports**:** These procedures apply to audit reports which disclose contract pricing issues and are issued directly to the buying activity. COs shall provide:

a. An initial response to the GAO/IG DoD/Internal Audit Agency within 60 days of receipt of the audit report; and

b. A copy of the initial response and the disposition documents to the following:

(i) SAF/FMPF, 1130 Air Force Pentagon, Washington, DC 20330-1130.

(ii) SAF/AQCP, 1060 Air Force Pentagon, 4C169, Washington, DC 20330-1060.

(iii) Cognizant HCA Workflow.

(iii) Office of the Inspector General, Department of Defense, Attn: DAIG, GAO Report Analysis, 4800 Mark Center Drive, Alexandria, VA 22350-1500.

MP5315.6 — UNSOLICITED PROPOSALS

MP5315.606-90 Receipt, Evaluation, and Disposition of Unsolicited Proposals

(a) Unsolicited proposals (UP) are defined at FAR 2.101 and described in FAR 15.603(c). MAJCOMs/FLDCOMs/DRUs/DAFRCO and subordinate contracting units are considered to be the cognizant points of contact for ensuring evaluation and disposition of a UP which is received at their respective base/activity. Organizations that are part of the Headquarters Air Force (HAF) that receive a submission that is considered a UP must forward it to SAF/AQC for assignment to the proper Department of the Air Force (DAF) MAJCOM/FLDCOM/DRU/DAFRCO contracting unit cognizant point of contact.

(b) Cognizant points of contact:

(1) Coordinate and process UPs. Use a cover sheet to help protect the UP from unauthorized disclosure.

(2) Notify the SCO for any UP that requires wider DAF consideration.

(3) Maintain an accurate and complete record of the disposition of all UPs received.

(4) Ensure the appropriate evaluation office is aware of the FAR guidance for evaluating UPs and the prohibitions and rules regarding copying, disclosing, and using restricted data contained in the proposal. Limit the distribution of UPs to the appropriate number of evaluators required to conduct a reasonable review. Maintain a record of the evaluators for each UP and the dates of their evaluation.

(5) Ensure evaluators provide supporting rationale for their conclusions and recommendations. If the recommendation is to accept the UP, ensure evaluators indicate whether funds are currently available or programmed.

(6) Notify the offeror concerning results of the evaluation within 30 working days from receipt of the UP. When the evaluation cannot be completed within 30 working days, send the offeror an interim reply to include an estimated completion date.

(7) Advise the offeror that the favorable evaluation does not, in itself, contractually bind the government.

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MP5325 - FOREIGN ACQUISITIONS

Sec.

MP5325.1 — BUY AMERICAN - SUPPLIES
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MP5325.7002-2 - Exceptions
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MP5325_7003_3_3 DNAD Exception

Revised: June 2024

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MP5325.1 — BUY AMERICAN - SUPPLIES

MP5325.103 Exceptions

(a) When a determination of nonavailability is required by FAR 25.103(b) and DFARS 225.103(b)(i), the contracting officer must prepare a request for nonavailability determination for approval. See MP5301.601(a)(i) for approval authority. Each request should identify the proposed acquisition by applicable purchase request or contract number and include:

(1) A description of the articles intended to be acquired, manufacturer's name and address, model number, and specific information pertaining to special features, performance, versatility, etc.;

(2) A statement of the efforts made to secure either the article required or suitable substitutes from domestic sources. List all domestic sources contacted or provide reasons why domestic sources were not contacted. Additionally, list reasons, if known, why domestic sources contacted could not or would not furnish required articles or suitable substitutes;

(3) The name and address of the proposed source (if other than the manufacturer, state reason(s) why direct purchase or purchase through an overseas contract activity is not feasible);

(4) The reason why purchase of foreign material or from a foreign source is necessary. Identify and explain the specific portion of the mission or requirement, which is of such magnitude as to override consideration to procure a domestic source end product;

(5) A description of the end use of item to be purchased and a brief description of the special function to be accomplished, such as performance of special tests or research work;

(6) The identity of the purchaser;

(7) The citation of the applicable appropriation;

(8) When the proposed purchaser of the articles intended to be acquired is not a Government agency but is a Department of the Air Force contractor, provide the contract number, the contract type, and indicate what the disposition of the articles will be at contract completion;

(9) Whether or not payment is intended to be made before delivery is accomplished; and

(10) The estimated foreign, domestic, and total cost of the proposed acquisition.

(b) In the case of inter-command acquisitions, compliance with the Buy American Statute and Balance of Payments evaluation procedures (DFARS 225.5) is the responsibility of the contracting command, except when the requiring command specifies a foreign end product, in which case, the determination is the responsibility of the requiring command.

(c) When overseas contracting support is needed, CONUS contracting activities should contact the following:

(1) In Japan (excluding Okinawa):
374 CONS/CC
Unit 5228
APO AP 96328-5228
DSN 315-225-7099

(2) In Okinawa:
18 CONS/CC
Unit 5199
APO AP 96368-5199
DSN 315-634-1828

(3) In Europe:
AFICA/KU (OLAFE)
Unit 3103
APO AE 09094-3103
DSN 314-480-5910

(d) CONUS contracting activities requesting contracting support should provide, as a minimum, the information specified below to the appropriate overseas contracting activity. Contracting activities will treat all requests for contracting support on a priority basis. The requesting activity will provide:

(1) A purchase request with description of the requirement including definitive specifications free of any defects that would otherwise preclude immediate contracting action;

(2) Instructions for packaging, packing, and preservation, and special instructions dictated by the nature of the commodity to be purchased, if necessary;

(3) An executed Buy American Statute Determination (DFARS 225.103(b)(i)) if the item is not exempted;

(4) A specification or purchase description suitable for obtaining full and open competition, or necessary information, certified as complete and accurate in accordance with FAR 6.303 to support any recommendation for use of other than full and open competition;

(5) The obligation authority;

(6) The mailing address and telephone number of a single point of contact;

(7) Transportation, routing, or shipping instructions. If the foreign contractor will be required to ship requirements to multiple CONUS-based consignees, detailed shipping instructions concerning each consignee will be provided to the overseas procuring activity; and

(8) Any special distribution requirements for the contractual documents required beyond the normal distribution.

(e) Overseas contracting activities providing courtesy contracting support to CONUS-based requiring activities will, after determining all submitted documentation to be adequate, proceed with the acquisition using the certificate of conformance when appropriate. The AFO supporting the overseas contracting activity should make payments on all transactions. The CONUS requiring base should respond expeditiously to any requests of the overseas contracting activity.

MP5325.70 — AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

MP5325.7002-2 - Exceptions

MP5325.7002-2-1. Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7002
MP5325.7002-2-2. DNAD Exception

MP5325.7002-2-1. Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7002

Follow these mandatory procedures when requesting approval to purchase restricted items under DFARS 225.7002; for example, food, clothing, tents, tarpaulins, covers, cotton, and hand or measuring tools. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of $150,000. This MP provides assistance in determining the applicability of restrictions when drafting a DNAD. A DNAD must be tailored to your acquisition. In some cases, it may not be possible to obtain all of the data specified in the DNAD template; however, contracting officers should make every effort to do so. See DFARS 225.7002 for the entire list.

MP5325.7002-2-2. DNAD Exception

a. Individual DNADs

When a contractor asserts that a domestic item identified at DFARS 225.7002-1 cannot be acquired as and when needed in a satisfactory quality and sufficient quantity at U.S. market prices, a DNAD is required. The SecAF may approve the DNAD if compliant items, identified at DFARS 225.7002-1, of satisfactory quality and sufficient quantity, and in the required form, cannot be procured at U.S. market prices as and when needed. This approval authority is not delegable. This exception should not be read to require that the compliant material/item must be totally unavailable (i.e., cannot be obtained at any cost). There is some cost limit that should be recognizable by a contracting officer, and that a reasonable person would agree, makes the material/item effectively “unavailable.”

b. Class DNADs

Contracting officers may continue to use OUSD (A&S)-approved class DNADs that cover food, clothing, fabrics, and hand or measuring tools for new contracts if the DNAD was signed by the Undersecretary of Defense (OUSD) (A&S) bya Service Secretary, or by the Director of Defense Logistics Agency. The OUSD (A&S) DNADs currently available for reciprocal use are posted on the DCMA website. If a class DNAD is used, the contracting officer must prepare a Determination and Finding (D&F) approved by the SCO. This approval may not be further delegated. The contracting officer must obtain legal review to support the determination.

MP5325.7003-3 - Exceptions

MP5325_7003_3_1 Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7003
MP5325_7003_3_2 Applicability of Commercial Derivative Military Articles (CDMA) to Specialty Metals
MP5325_7003_3_3 DNAD Exception

MP5325.7003-3-1 Domestic Non-Availability Determinations (DNAD) Under DFARS 225.7003

Follow these mandatory procedures (MP) when requesting approval to purchase restricted specialty metals under DFARS 225.7003. The requirement to comply with these statutory and regulatory restrictions applies to procurements in excess of the simplified acquisition threshold. This MP provides guidance for drafting DNAD and Commercial Derivative Military Article (CDMA) Determination and Finding (D&F) documents. The DNAD or CDMA D&Fs should be tailored to the particular acquisition. In some cases, the contracting officer may not be able to obtain all of the data specified in the templates referenced below; however, the contracting officer should make every effort to do so.

MP5325.7003-3-2 Applicability of Commercial Derivative Military Articles (CDMA) to Specialty Metals

When a program office concludes that an item to be delivered under a prime contract is a commercial derivative military article (as defined at DFARS 252.225-7009) and the prime contractor provides the certification required at DFARS 252.225-7010, the contracting officer must prepare a CDMA D&F.

MP5325.7003-3-3 DNAD Exception

When a program office concludes that domestically melted or produced specialty metal cannot be procured (as described in DFARS 225.7003-3(b)(5)) to support the production of a particular end item or component, the contracting officer must prepare a DNAD D&F for specialty metals. The SecAF may approve a DNAD for an individual contract if a compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed at a fair and reasonable price. This approval authority is not delegable. A Class DNAD requires the approval of the USD(A&S).

MP5332 - CONTRACT FINANCING

Sec.

MP5332.4 - ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS
MP5332.402 General
MP5332.470 Advance Payment Pool
MP5332.7 - CONTRACT FUNDING
Release of Solicitations in Advance of Funding Availability

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MP5332.4 - ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

MP5332.402 General

Advance payment requests must be processed as follows:

(1) The contracting officer must compile the advance payment request package in accordance with FAR 32.4 and DFARS 232.4 and submit it to the SCO for coordination. The SCO must submit the request through the cognizant HCA Workflow. The cognizant HCA forwards the package to SAF/FMF for review and approval. DAFRCO and SpRCO will submit the request directly to the cognizant HCA, as appropriate.

(2) SAF/FMF will evaluate the request to determine if advance payments are justified. Assistance may be solicited from other sources such as contracting officers, auditors, disbursing officers, and, if necessary, field visits to the contractor or institution. When approved, SAF/FMF will forward the findings, determinations, and authorization for advance payments to the responsible contracting officer. The contracting officer must ensure all applicable advance payment clauses are incorporated into each contract.

MP5332.470 Advance Payment Pool

(1) Advanced Payment Pool requests should follow the same instructions as outlined in MP5332.402 above. In addition, for nonprofit educational or research institutions, SAF/FMF will determine if approved advance payments will be disbursed from an advance payment pool in accordance with DFARS 232.470. When approved, SAF/FMF will forward the findings, determinations, and authorization for the advance payment pool agreement to the responsible contracting officer. The contracting officer must ensure all applicable advance payment clauses are incorporated into each contract. The clause at DFARS 252.232-7000, *Advance Payment Pool*, must be incorporated into each contract that is covered by the agreement.

(2) The Department of the Air Force accounting and finance office is responsible for the disbursingfunctions of the advance payment pool agreement.

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MP5332.7 - CONTRACT FUNDING

Release of Solicitations in Advance of Funding Availability

Except for solicitations and contracts issued in accordance with FAR 32.703-2(a) and clause 52.232-18, *Availability of Funds*, follow the procedures below when issuing solicitations in advance of available funds:

(a) The following statement must be included in any such solicitation: *"Notice to Offeror(s)/Supplier(s): Funds are not presently available for this effort. No award will be made under this solicitation until funds are available. The Government reserves the right to cancel this solicitation, either before or after the closing date. In the event the Government cancels this solicitation, the Government has no obligation to reimburse an offeror for any costs."*

(b) When the resulting contract is to be funded by Procurement or Research, Development, Test, and Evaluation appropriations, the program/requirement must be included in the President's budget as submitted to Congress, and the program manager must provide the contracting officer a written statement, indicating the program's inclusion. The statement must be coordinated with FM at the Center level (or equivalent) or as delegated to FM Organizational Senior Functional (OSF) that these investment funds will be used for the proposed acquisition and, although not presently available, a reasonable expectation exists that funding will be authorized and available upon enactment of the Authorization and Appropriations Acts.

(c) For solicitations for programs funded by the National Guard and Reserve Equipment Account when the Defense Appropriations Act is signed into law, for the Air National Guard Bureau, and/or Air Force Reserve Command, the Air National Guard or Reserve program manager must confirm that funds have been identified for the acquisition.

(d) Except for solicitations for operational contracting supply requirements less than $1M and funded with annual appropriations, the MAJCOM/FLDCOM/DRU/DAFRCO Requiring Activity Functional Commander/Director, SCO, and Comptroller, or their appointed representatives, must jointly agree in writing to authorize the operational contracting office to issue solicitations when it is anticipated that the contract(s) will be funded, but funds are not yet available.

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MP5333 -PROTESTS, DISPUTES, AND APPEALS

Sec.

MP5333.1 - PROTESTS MP5333.104 Protests to GAO

DAFFARS PART 5333 Knowledge Center

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MP5333.1 - PROTESTS

MP5333.104 Protests to GAO

Revised: June 2024

(a) General

(1) The Department of the Air Force response to a GAO bid protest must comply with GAO's Bid Protest Regulations (4 CFR Part 21) and FAR) 33.104 as supplemented. For guidance on responding to unclassified protests, follow the Air Force Commercial Litigation Field Support Center Protest Guide. For guidance on responding to classified protests, follow the Administrative Guide for Processing Classified GAO Protests. Both documents are also available from AF.JAQC.AFLOA.Workflow.Org@us.af.mil.

(2) SAF/AQC serves as the notification point with the GAO for all protests.

Phone: (571) 256-7077, DSN 260-7077

E-mail: SAF.AQ.SAF-AQC.Workflow@us.af.mil

(3) The Air Force Commercial Litigation Field Support Center (AF/JACQ) represents the Air Force on all protests.

Phone: (240) 612-6661, DSN 612-6661

E-mail: AF.JAQC.AFLOA.Workflow.Org@us.af.mil

(4) The contracting officer must send any communication to the GAO through AF/JACQ with a courtesy copy to SAF/AQC and to the SCO focal point. Forward any inquiry received from an attorney representing a protestor or interested party to AF/JACQ.

(5) The *focal point* is designated by the SCO who receives communication from SAF/AQC or AF/JACQ concerning protests against Department of the Air Force solicitations or awards.

(6) The *supporting legal office* is the office that provides legal support to the contracting activity that received the protest. An attorney from the supporting legal office will draft the memorandum of law, and otherwise support the defense of the protest. AF/JAQ will provide protest guidance to the supporting legal office.

(b) Actions upon Receipt of Protest

(1) SAF/AQC will notify the contracting activity when a protest has been filed with the GAO. The contracting activity must immediately notify its supporting legal office/local attorney who provides contract law advice.

(2) The contracting officer must, within one business day of receiving the protest:

(i) Forward a copy of the protest to its supporting legal office/local attorney who provides contract law advice.

(ii) Provide a copy of the protest (or a redacted copy if the protest is designated as containing protected material) to the awardee, or if no award has been made, to all offerors who appear to have a reasonable prospect of receiving award. If no redacted copy of a protected protest was received, so advise AF/JACQ who will raise the issue with the protester.

(iii) Advise AF/JACQ, SAF/AQC, and the cognizant HCA Workflow (if HCA is other than DAS(C) or ADAS(C)) as to all actions being taken regarding a stay of performance and any override of the stay to include:

(A) A discussion of whether a stay of performance or award is required IAW 31 U.S.C. 3553.

(B) If a stay is required IAW FAR 33.104(b) or (c), whether an override will be sought to lift the stay. (See paragraph (f).)

(C) If a stay is not required, discuss whether a suspension of performance or termination of the contract is in the best interest of the Department of the Air Force.

(iv) Send an email to AF/JACQ with the name, phone number, and e-mail address of the contracting officer and the local attorney.

(3) The contracting officer is responsible for generating the contracting officer's statement of facts. Within ten days after the Department of the Air Force receives the protest, provide the draft statement of facts and table of contents to its supporting legal office/local attorney who provides contract law advice.

(4) The supporting legal office/local attorney is responsible for preparing the initial memorandum of law, which will include a legal analysis of each ground of protest.

(5) The contracting officer must e-mail drafts of the initial memorandum of law, statement of facts, and table of contents (including a listing of any requested documents deemed irrelevant) to AF/JACQ (copying the focal point) as soon as practicable, but not later than 15 days after the Department of the Air Force is notified of the protest (or seven days from the date the express option is invoked by the GAO).

(c) Hearings

(i) If GAO calls for a hearing, the contracting activity must provide the requested witnesses and other support required by AF/JACQ. The contracting activity is responsible for funding witness travel and TDY costs.

(ii) At the request of the GAO through AF/JACQ or at the request of AF/JACQ, the contracting activity must obtain and fund court reporter services to transcribe the hearing. The cost of court reporter services is typically shared between the contracting activity, the protester, and the intervener.

(d) Resolving the Protest

(1) GAO Decision. If the protest goes to a written decision, the GAO will issue the decision within 100 days of the filing of the original protest. A protest decision involving protected information will be released to the parties under the protective order. A protected decision may be viewed within the government, but may not be released to, or discussed with, non-government personnel unless those personnel have been explicitly admitted to access of protected material under the protective order. Generally, those admitted to access under the protective order will be legal counsel for the protester and interveners. The GAO will issue a public redacted version of the decision at a later date.

(i) Denial or Dismissal. If the GAO denies or dismisses a protest, the protest is closed. The Air Force can proceed with all contractual actions upon notification of denial or dismissal.

(ii) Sustain. If the GAO sustains a protest, the GAO will also recommend corrective action and may recommend payment of reasonable protest costs, to include reasonable attorney fees. In some cases the GAO may also recommend payment of proposal preparation costs.

(A) Corrective action should be accomplished pursuant to paragraph (e) below. A decision not to comply with a GAO recommendation for corrective action may only be made by the cognizant HCA. Any recommendation not to comply with GAO's corrective action recommendation must be coordinated with the focal point and forwarded through the SCO to the cognizant HCA Workflow and AF/JACQ within 15 days of the date of the decision.

(B) Potential costs may include attorney fees and in-house costs related to pursuit of the protest. Costs must be paid by the base or procuring activity.

(2) Alternative Dispute Resolution (ADR). Resolution of the protest may be possible through use of ADR. Outcome prediction is a form of ADR commonly used in bid protests in which the GAO advises the parties of its likely position if the protest were resolved in a written decision. Department of the Air Force policy is to follow the outcome prediction recommendations. Other nonbinding ADR procedures (including but not limited to mediation) are available and should be considered for use in appropriate cases. When considering the use of ADR proceedings other than outcome prediction to resolve a bid protest, and before initiating an ADR proceeding, the contracting officer and AF/JACQ must notify SAF/GCR and SAF/GCQ and work with those offices to identify an ADR procedure appropriate to the individual case.

(3) Withdrawal. The protester may withdraw the protest, either because of corrective action taken by the Department of the Air Force or for other reasons. Once the protester gives notice of withdrawal to the GAO and the GAO closes its file, the contracting activity can resume all contractual actions.

(e) Corrective Action

(1) Corrective action may be taken by the Department of the Air Force at any time during the protest process or upon the recommendation of the GAO when a protest is sustained. Within five days of a decision to take corrective action (either voluntary or as recommended by the GAO), the contracting officer must provide a corrective action plan through their SCO to the cognizant HCA Workflow and AF/JACQ. The contracting officer must notify the cognizant HCA and AF/JACQ if there are any significant changes to the corrective action plan, if the corrective action will not be completed within 60 days, and when the corrective action is complete. The focal point should be copied on these messages.

(f) Mandatory Stay of Award or Performance

(1) Statutory Requirements (31 USC 3551-3556)

(i) FAR 33.104(c)(1), in conjunction with Class Deviation 2018-O0011, Enhanced Postaward Debriefing Rights, state that if the protest is received within the following deadlines, the agency has to withhold award or, if award has been made, immediately issue a stop work order to the awardee:

Ten days after date of contract award;

If a debriefing is required, five days after the debriefing date offered to the protester under a timely debriefing request and no additional questions related to the debriefing are submitted; or

Five days after the government delivers its written response to additional questions submitted by the unsuccessful offeror.

(ii) The Department of the Air Force can override a stay in appropriate circumstances when it can show a requisite level of harm resulting from a delay of contract award or performance. A challenge to the override decision is brought before the Court of Federal Claims vice GAO.

(2) Overriding Stay of Award (protest filed before award).

(i) See DAFFARS 5333.104(b)(1) for processing instructions.

(ii) A stay of award may only be overridden by "urgent and compelling circumstances that significantly affect interests of the United States." These circumstances may include delays, work stoppages, or performance degradations that severely impact mission-critical operations.

(iii) All requests must include facts that establish the urgent and compelling circumstances that significantly affect the interests of the United States. The request must explain, if there is an incumbent, why the incumbent's contract cannot be extended. The request must explain what other options are available and why those options, if any, are not viable.

(3) Overriding Stay of Performance (protest filed after award).

(i) See 5333.104(c)(2) for processing instructions.

(ii) A stay of performance may only be overridden by urgent and compelling circumstances that significantly affect interests of the United States, or where performance of the contract is in the best interests of the United States.

(iii) HCA Override. See Override D&F Template. NOTE: The template contains guidance on the last few pages of the document.

(A) The request to the cognizant HCA for an override must include the findings required by FAR33.104(b) or (c).

(B) The cognizant HCA will make a decision with respect to authorizing award or continued performance within ten days of the protest notification by SAF/AQC. If circumstances change after suspension of contract performance, the contracting officer may initiate a request to continue performance.

(C) The cognizant HCA's decision to override is not effective until a written finding is made and the agency files with GAO either a copy of any issued determination and finding, or a statement by the individual who approved the determination and finding that explains the statutory basis for the override, in accordance with FAR 33.104(b)(2) or (c)(3). Notification should include the protester's name and the B-number assigned to the protest. Copies of the signed notice and the finding must be sent to the cognizant HCA. AF/JACQ will file the notice at GAO and provide copies to the protester and interested parties, as required by FAR 33.104(d).

(iv) The cognizant HCA may request a briefing on technical and contractual aspects of the solicitation when an override is requested.

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MP5342 -CONTRACT ADMINISTRATION AND AUDIT SERVICES

Sec.

MP5342.9 - BANKRUPTCY MP5342.902 Bankruptcy Procedures

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MP5342.9 - BANKRUPTCY

MP5342.902 Bankruptcy Procedures

Revised: June 2024

(a) When an office (typically contracting, financial management, or legal) first learns of bankruptcy proceedings that may involve or affect the Department of the Air Force, that office must as a minimum provide notice to its supporting contracting, financial management, and legal offices. Once the contracting office and legal office are notified, they must work as a team to carry out the following responsibilities:

(1) The contracting office must furnish notice of the bankruptcy to any affected buying activities and to the Defense Finance and Accounting Service Office of General Counsel (DFAS-HGB) at the following address:

Office of General Counsel
DFAS-HGB
Defense Finance and Accounting Service
8899 E. 56th Street
Indianapolis, IN 46249-0160

The legal office must furnish notice to the Bankruptcy Branch of the Commercial Litigation Division of the Air Force Legal Services Agency (AFLOA/JAQ) at the following address:

AFLOA/JAQ
1500 West Perimeter Road, Suite 4100
Joint Base Andrews, MD 20762

Provide notice irrespective of whether any contracts have been closed, terminated, or still have performance outstanding. Make notifications via the most expeditious method, but no later than three days after learning of the bankruptcy. Notify promptly, whether or not all required information is initially available, and even in cases where it appears the notifying office, itself, received late notice. Ensure the notification includes:

(A) The name of the debtor/contractor, including all known affiliates who have filed for bankruptcy;
(B) The court in which the bankruptcy petition was filed;
(C) The date the bankruptcy petition was filed; and
(D) The case number assigned by the bankruptcy court.

(2) Make an assessment of each of the debtor's contracts and determine:

(A) If the Department of the Air Force has a claim or potential claim against the debtor/contractor (e.g., based on unliquidated progress payments, nonconforming goods, estimated excess reprocurement costs, etc.), whether the contract is ongoing, closed, terminated, or otherwise in litigation.

(B) The current status and performance experience of each ongoing contract. The contractor may request the court's permission to assume, sell, reject, or continue performing ongoing contracts. The contracting officer will need to coordinate with AF/JACQ to determine how best to pursue the most favorable course.

(C) If the debtor/contractor is in possession of any Government furnished equipment, Government furnished property, or work in progress for which title has passed to the Government.

(3) The contracting officer and legal office must promptly advise AF/JACQ regarding all Government property in the possession of, or under the control of, the debtor/contractor. Failure to address such property in a timely manner may result in a loss to the Government if the property is lost, sold, or otherwise improperly disposed of by the debtor/contractor or the court appointed trustee. The contracting officer must suspend payments to the contractor/debtor while making the assessment of each contract. (The contracting officer must contact the appropriate DFAS payment office if necessary to halt a previous or recurring payment request.)

(A) On those contracts where the Department of the Air Force has no claim or potential claim against the contractor, the contracting officer may resume payments to the contractor only for amounts due post-petition. The "petition date" is the date the bankruptcy was filed with the court. Post-petition payments are only for debts based on work performed, or goods delivered, after the debtor/contractor filed for bankruptcy. If an invoice does not clearly indicate whether it is based upon pre-petition or post-petition performance, the contracting officer should contact the debtor's/contractor's billing office—prior to making any payments—to request invoicing that clearly identifies whether the requested payment is for pre-petition or post-petition work. It is the debtor's/contractor's responsibility to bifurcate invoices into pre-petition and post-petition billing where a particular job spans the bankruptcy filing date. The supporting attorney will need to assist the contracting officer in obtaining appropriate invoices if the billing is being conducted by the trustee or the debtor's/contractor's bankruptcy counsel. NOTE: contracting officers must work closely with DFAS to ensure post-petition payments

reference only those post-petition invoices approved and forwarded by the contracting officer for payment. Be aware that DFAS' normal business practice may be to pay the oldest invoice on file first. Inadvertent payment of pre-petition invoices, versus the intended post-petition invoices, may result in the Government's loss of security and, ultimately, reduce the potential for recovery of Government claims.

(B) The contracting officer should continue to withhold amounts due for pre-petition performance or deliveries while AFLOA/JAQ works with DFAS and the Department of Justice to determine if there are other Government claims which should be offset against those pre-petition amounts owed. Pre-petition debts are those amounts due for work performed or goods delivered before the bankruptcy petition was filed with the court. The contracting officer must not authorize pre-petition payments without prior coordination with and approval from AF/JACQ.

(C) These payment provisions augment, rather than supersede, otherwise applicable requirements regarding certification of payment requests.

(4) The contracting office and legal office must furnish information as follows:

(A) Any information required above, but not available at the time of initial reporting, must be provided to the respective office(s). Information reporting and coordination is a continuing requirement for both the contracting and legal offices.

(B) Not later than 15 days after receiving notice of a bankruptcy filing, the contracting officer must submit a report to DFAS-HGB and AF/JACQ detailing:

(i) Each contract (by debtor's/contractor's or affiliate's name) and the nature thereof;

(ii) All potential Government claims against the debtor/contractor (by contract), including the basis for each claim and the method used to determine the amount due (even when the amount is an estimate);

(iii) The status of each contract, including the percentage completed, the performance experience to date (including post-petition), and actions taken regarding the withholding or resumption of payments; and

(iv) Any available information regarding the debtor's/contractor's intent regarding the future of each contract and the contracting officers' thoughts regarding the same.

(C) All correspondence relative to the bankruptcy received from any source must be copied and forwarded to AF/JACQ within one business day of receipt.

(D) Any claims or requests for equitable adjustment from the debtor/contractor or trustee must be copied and forwarded to AF/JACQ.

(b) The contracting officer and supporting attorney must consult AF/JACQ prior to taking any of the following actions regarding the debtor/contractor:

(1) Issuing a show cause letter or cure notice;

(2) Terminating a contract, either for default or the convenience of the Government, or canceling a contract or an order under a contract;

(3) Setting off or recouping debts, or otherwise attempting to collect or recover amounts owed by the debtor/contractor;

(4) Demanding or otherwise seeking to recover Government property;

(5) Initiating reprocurement of the goods or services provided under a contract;

(6) Issuing a new contract to or exercising an option to extend a contract with the debtor/contractor; or

(7) Beginning or continuing any judicial or administrative action or proceeding against the debtor/contractor that could have been brought before the bankruptcy petition was filed.

MP5346 -QUALITY ASSURANCE

Sec.

MP5346.1 - GENERAL
MP5346.103 - Contracting Office Responsibilities

Revised: June 2024

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MP5346.1 - GENERAL

MP5346.103 - Contracting Office Responsibilities

Revised: June 2024

The following mandatory procedures will be used when awarding services acquisitions unless the three conditions at DFARS PGI 201.602-2(v)(A) are met.

1. Roles and Responsibilities

a. The COCO/Chiefs of Performance Management Offices must ensure that a:

(1) Quality Assurance Program Coordinator (QAPC) is appointed and properly trained to integrate the quality contract requirements into the quality assurance program, act as the liaison between the contracting and functional organizations, and provide training and record keeping in accordance with MP5301.602-2(d).

b. The CO must:

(1) Advise the acquisition team on Quality Assurance Surveillance Plan development.

(2) Designate Contracting Officer's Representatives (COR) in accordance with MP5301.602-2(d)

c. The QAPC must:

(1) Successfully complete the QAPC course conducted by AETC prior to conducting any training.

(2) Support the acquisition team in the development of contract quality assurance requirements specifically ensuring that requirements are clearly stated and enforceable.

(3) Assist the acquisition team during market research efforts in determining commercial quality assurance practices.

(4) Assist, as required, with the evaluation of contractor Quality Control Plans.

(5) All Contracting personnel (1102 or 64p) who are appointed as CORs and any non-1102 or 64p CORs who are responsible for monitoring subcontractor compliance must successfully complete the Management of Subcontracting Compliance (CLC 059) course offered by the Defense Acquisition University (DAU), when contracts include a subcontracting plan.

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MP5349 TERMINATION OF CONTRACTS

Sec.

Subpart MP5349.5 — CONTRACT TERMINATION CLAUSES
MP 5349.501-70 Special Termination Costs
Subpart MP5349.70 — SPECIAL TERMINATION REQUIREMENTS
MP5349.7001 Congressional Notification on Significant Contract Terminations
MP5349.7003 Notification of Anticipated Terminations or Reductions

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Subpart MP5349.5 — CONTRACT TERMINATION CLAUSES

MP 5349.501-70 Special Termination Costs

(a) Contracting officers must refer to Volume 2A, Chapter 1, paragraph 2.14.3.2.1 of DoD 7000.14-R, DoD Financial Management Regulation, for Congressional notification and additional approval requirements for Special Termination Cost Clauses (STCC). Because STCCs require special notification to Congress and entail a long approval process over which the Department of the Air Force has little control, the contracting officer should allow Headquarters Air Force Staff sufficient time to process requests to use DFARS 252.249-7000, Special Termination Costs (i.e., not less than 90 days prior to contract award). The request must include the following:

(i) A detailed breakdown of applicable cost categories in the clause at DFARS 252.249-7000, (a)(1) through (5), which includes the reasons for the anticipated incurrence of the costs in each category;

(ii) Information on the financial and program need for the clause including an assessment of the contractor's financial position and the impact of a failure to receive authority to use the clause; and

(iii) Clear evidence that only costs that arise directly from a termination would be compensated under the clause. Costs that would be incurred by the Government, regardless of whether a termination occurs, must not be covered by a STCC.

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Subpart MP5349.70 — SPECIAL TERMINATION REQUIREMENTS

MP5349.7001 Congressional Notification on Significant Contract Terminations

(3)(v) "Contract price of the items terminated" means the contract price of the supplies or services not yet accepted that are being terminated. The contracting officer must not adjust this amount downward for progress or advance payments, accepted vouchered costs, or less than full funding and should use estimates when un-priced contract actions are being terminated, or when otherwise necessary.

MP5349.7003 Notification of Anticipated Terminations or Reductions

(b)(2)(i) Address the notification to:

Administrator
Office of National Response
U. S. Department of Labor
Employment and Training Administration
200 Constitution Avenue NW
Room N5422
Washington DC 20210

The notice must address the following key elements:

(1) Contract number, date, and type of contract

(2) Name of the Company

(3) Nature of contract or end item

(4) The reason for the termination

(5) Contract price of the items terminated

(6) Total number of contractor employees involved, including the Government's estimate of the number who may be discharged

(7) Statement of anticipated impact on the company and the community

(8) The area labor category, whether the contractor is a large or small business, and any known impact on hardcore disadvantaged employment programs

(9) Total number of subcontractors involved and the impact in this area, and

(10) An unclassified draft of a suggested press release

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