

**MISSION AND INSTALLATION
CONTRACTING COMMAND
(MICC)
DESK BOOK**



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PREVIOUS VERSIONS. This is a living document. It will be updated periodically.

DATE	ARCHIVED VERSIONS
21 August 2012	Original MICC Desk Book effective 1 Oct 2012
January 2013	Click on this hyperlink
17 May 2013	Click on this hyperlink
5 September 2013	Click on this hyperlink
19 November 2013	Click on this hyperlink
15 May 2014	Click on this hyperlink
10 September 2014	Click on this hyperlink
28 January 2015	Click on this hyperlink
5 May 2015	Click on this hyperlink
13 November 2015	Click on this hyperlink
18 March 2016	Click on this hyperlink
24 June 2016	Click on this hyperlink
4 January 2017	Click on this hyperlink
2 June 2017	Click on this hyperlink
16 November 2017	Click on this hyperlink
17 July 2018	Click on this hyperlink
08 May 2019	Click on this hyperlink
26 June 2019	Click on this hyperlink
14 November 2019	Click on this hyperlink

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PART 1: FEDERAL ACQUISITION REGULATION SYSTEM

Subpart 1.1 Purpose, Authority, Issuance

1.101 Purpose of the MICC Desk Book

(200) The United States (U.S.) Army Mission and Installation Contracting Command (MICC) Desk Book establishes acquisition and contracting procedures for the MICC. It provides procedures that implement Federal, Department of Defense (DoD), Department of the Army (DA) acquisition regulations and Army Contracting Command (ACC) policies necessary to ensure certain practices are consistent throughout MICC. It also provides MICC internal guidance and workflow procedures; however, contracting personnel should refer to the associated regulations/references for conclusive research.

(201) The MICC Desk Book (DB) rescinds and replaces all past MICC Acquisition Instructions (AI), Contracting Information Letters (CILs), and Army Contracting Agency Northern and Southern Region Information Memorandums in their entirety. It implements the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulation Supplement (DFARS), and the Army Federal Acquisition Regulation Supplement (AFARS) to establish uniform procedures for all MICC Contracting Offices. This book is not intended to repeat, paraphrase, or otherwise restate material contained in the FAR and its supplements. The MICC DB is not a standalone document: it must be used in conjunction with FAR, DFARS, AFARS, [Procurement.Army.Mil \(PAM\) Knowledge Management Portal](#), [Army Contracting Command Acquisition Instruction \(ACC AI\)](#) and the [Mapping the Acquisition and Procurement Process Application \(MAP APP\)](#). **NOTICE:** As a result of the recent and ongoing migration from MAP APP to [PAM](#) and [COMPASS](#), please note that MAP APP links referenced throughout the DB have been and will continue to be deactivated, see [ACC Contracting Note #20-36](#). Contracting personnel shall utilize [PAM](#) and [COMPASS](#) in lieu of MAP APP. Subsequent DB revisions will update links as they become available.

(202) The MICC HQ Policy Implementation and Oversight Division maintains this DB. Updates will typically be issued three (3) times a year. Interim changes may be published initially on the MICC Contracting Operations Bulletin or similar Command publications; these interim changes are effective until they are formally incorporated into the DB or rescinded, cancelled or expire.

(203) The numbering of this DB will, where possible, correspond to the numbering of the FAR, DFARS and AFARS. Should any conflict arise between this DB, FAR, DFARS,

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AFARS and most recent policy, the higher level regulation and/or most recent policy shall be followed. Any inconsistencies and suggestions for streamlined processes are to be submitted to the MICC HQ Policy Implementation and Oversight Division mailbox at: usarmy.jbsa.acc-micc.mbx.policy-team@mail.mil.

(204) For the purposes of concurrence and approval levels within the DB, including its appendices, "MICC HQ SCO" is the MICC Commanding General or Deputy to the Commanding General (DCG) and "SCO" is intended to mean the Senior Contracting Official (SCO) at the Contracting Support Brigade (CSB) or Field Directorate Office (FDO) level. The MICC Commanding General (CG) and the DCG are the delegates or designees of the Head of Contracting Activity (HCA) for actions that require General Officer (GO) or Senior Executive Service (SES) approval per [appointment memoranda](#) dated 20 June 2019 and 20 July 2018. HQ MICC DCG also serves as the HQ MICC clearance authority at [Section 5101.290](#) of the DB per [memorandum](#) dated 9 November 2017. The MICC Commanding General will serve as the clearance authority in the absence of the MICC DCG. The Director of a MICC Contracting Office has Chief of the Contracting Office authority as provided by the FAR and its supplements unless otherwise directed by the SCO.

5101.170 Peer Reviews

(200) The requirements for a Peer Review depend upon the nature of the contract, *i.e.*, its dollar value, whether it is procured as competitive or non-competitive, and whether it is for services or other than services. These criteria determine who will "Chair" the Peer Review and when one will occur.

a. Peer Review Boards have specific names depending on when they occur in the acquisition process (hence the terms Solicitation Review Board [SRB] and Contract Review Board [CRB]).

b. For a Peer Review in which the HCA, DASA(P) or Office of the Director, Defense Pricing and Contracting (DPC) is the "Chair," a Review Board (SRB or CRB) must first be conducted locally at the Senior Contracting Official (SCO) level; or, for acquisitions originating from HQ, MICC, with the DCG.

c. The SRB and CRB apply to new competitive and non-competitive actions with a total estimated value (including the value of the base and all option periods) of \$50M or more, see [DFARS 201.170](#), [PGI 201.170](#), [AFARS 5101.170](#) and [MAP APP 1.8.15, 2.4, 3.11](#), Peer Reviews for additional information. The SCO shall document the rationale, criteria and review board chair when the SCO determines that peer review for acquisitions

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valued at less than \$50M is necessary in accordance with (IAW) a risk-based analysis per [PARC Policy Alert #18-06](#). The SCO shall also set the parameters for the peer review of amendments. A modification that increases the total evaluated price or otherwise increases the scope of an award requires a CRB per [AFARS 5101.170](#). A CRB is not required for modifications that exercise an existing option, add funding to awards subject to limitation of funds or are incrementally funded, or make administrative changes. Administrative changes are written changes that do not affect the substantive rights of the parties, *e.g.*, a change in the Contract Administration Office, Contracting Officer Representative (COR), Paying Office or appropriation data. A modification to a contract or delivery order or task order is also a non-competitive action. Use absolute values to calculate the value for a contract modification subject to CRB in order to determine the appropriate peer review chair. See Tables 1-1, 1-2, 1-3 or 1-4 for the general thresholds.

d. Phases of Review. The SRB reviews the solicitation documents, including amendments (consult review board chair). The CRB reviews the documents and actions at the Pre-negotiation Objective Memorandum (POM) and Price Negotiation Memorandum (PNM) stages between issuance of a solicitation and contract award in both competitive and non-competitive procurements. Table 1-1 identifies the phases of peer reviews for competitive actions, the focus of each phase, and the point at which they are conducted. Competitive procurements valued less than \$250M which will be awarded without discussions and have a combined POM/PNM are subject to only the first and third phase of peer review. Peer reviews for non-competitive action reviews are to be conducted as described in Table 1-2.

e. Timing of Review. The following provides Peer Review Milestones; *i.e.* when Peer Reviews are required IAW [DFARS PGI 201.170-2](#) and [201.170-3](#). This is illustrative in nature only.

Table 1-1 Phases of Peer Reviews for Competitive Actions				
Peer Review Phase	Phase I	Phase II	Phase III	Phase IV
Timing of Review	Prior to Issuance of Solicitation/ Amendment	Prior to Request for Final Proposal (if applicable)	Prior to Award	Post-Award (Services only)
Documents for Review	See Appendix 1	See Appendix 2	See Appendix 2	See Appendix 3

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Peer Review at the SCO or below*				
HCA/DASA(P) Peer Review				
Review Thresholds	See Table 1-3	See Table 1-3	See Table 1-3	See Table 1-5

Table 1-2 Phases of Peer Reviews for Non-Competitive Actions				
<i>Peer Review Phase</i>	<i>Phase I</i>	<i>Phase II</i>	<i>Phase III</i>	<i>Phase IV</i>
<i>Timing of Review</i>	<i>Prior to Request for Proposal/ Amendment (if applicable)</i>	<i>Prior to Negotiations</i>	<i>Prior to Award</i>	<i>Post-Award (Services only)</i>
Documents for Review	See Appendix 1	See Appendix 2	See Appendix 2	See Appendix 3
Peer Review at the SCO or below*				
DPC Peer Review				
Review Thresholds	See Table 1-4	See Table 1-4	See Table 1-4	See Table 1-5

f. The Contracting Officer (KO) must resolve all comments from the Peer Review Board’s findings and recommendations before the action under review (solicitation, amendments, POM, contract award or modification) will be approved by the appropriate Official.

(201) Pre-award Peer Review:

a. Pre-award peer review requirements apply regardless of the type of item, service, or construction being procured; the contract type, or the proposed solicitation procedure used. The pre-award peer review process is implemented through the SRB

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([MAP APP 2.4](#)) and CRB ([MAP APP 3.11](#)). As a reminder, a CRB is required for modifications that increase total evaluated price or otherwise increase scope. A CRB is not required for modifications that exercise an existing option, add funding to awards subject to limitation of funds or are incrementally funded, or make administrative changes. Administrative changes are written changes that do not affect the substantive rights of the parties, *e.g.*, a change in the Contract Administration Office, COR, Paying Office or appropriation data.

b. The purpose of the pre-award peer review is to review and assess the solicitation, award and applicable modification documents for consistency, sufficiency, compliance, and application of sound business practices. The SRB and CRB provide an independent review to help to ensure that the procurement represents an overall good value to the Government and appropriate obligation of taxpayer funds. Reviews shall be conducted in a manner that preserves the authority, judgment, and discretion of the KO and the Senior Officials of the Acquisition Team.

c. Board Membership. SRB and CRB board membership should be comprised of an independent multi-functional team of experts which, at a minimum, shall include Representatives from Contracting, Legal (if \$500k and higher), Small Business and Requirements Activity. The Small Business Specialist will be the Office of Small Business Programs (OSBP) Representative for the SRB/CRB if the chair is at a level below the CSB/FDO. The Small Business Assistant Director will be the OSBP representative for the SRB/CRB if the chair is at the CSB/FDO level. Functional experts in disciplines such as Source Selection, Cost/Price, Property Administration, Quality Assurance, and Resource Management may augment the review board as deemed appropriate by the board chair. For continuity, review boards will be comprised of the same members for all stages of review, when possible. Each SCO shall establish local procedures for execution of peer review boards for procurements under their authority.

d. Thresholds and Associated Board Chairs. The peer review thresholds for competitive actions and associated board chairs are provided in Table 1-3. The peer review thresholds for non-competitive actions (*e.g.*, sole source pre-award actions, modifications that increase total evaluated price or otherwise increase scope, etc.) and associated board chairs are provided in Table 1-4. The SCO may delegate in writing the authority to chair an SRB/CRB for actions with an estimated value of up to \$250M, but the authority to chair peer reviews for actions with an estimated value of \$50M and up to \$250M may be delegated to no lower than the Contracting Office Director. The "Total Estimated Lead Time" is defined as the average number of working days from the time of document submittal to the CSB/FDO Procurement Analyst up until signature of the final approval authority. The "Review Chain and Estimated Lead

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Time” column contains the average number of working days from the time of document submittal to each Office in the review chain, starting with the CSB/FDO, until adjudication of the review comments and concurrence on the revised document(s) at each review level. The CSB/FDO Analyst, MICC HQ Field Support Analyst, ACC ConOps, Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)), Defense Pricing and Contracting (DPC), may be in the review chain, as applicable, and will be the Action Officers at each level of review.

**Table 1-3
Peer Review Thresholds for Competitive Actions**

Prior to Issuance of Solicitation/Request for Task Order Proposal (RTOP)/ Request For Quotation (RFQ)/Amendment	Threshold	Review Chain and Estimated Lead Times (Working Days)	Review Board Chair	Total Estimated Lead Time (Working Days)
Review Procedures established by SCO	< \$50M	Locally determined	SCO	Locally determined
SRB Note: If there will be significant changes to the solicitation that differ from the approved acquisition strategy, then an amendment to the acquisition strategy must also be approved.	≥ \$50M < \$250M	Locally determined	SCO+	Locally determined
	≥ \$250M < \$1B	CSB/FDO + Field Support Analysts	SCO*	25
	≥ \$1B	CSB/FDO + Field Support Analysts (25) ACC ConOps (10)	HCA*Δ	35
	≥ \$1B Special interest as designated by DASA(P)	CSB/FDO+Field Support Analysts (25) ODASA(P) (35)	DASA(P)*	60
Prior to Request for Final Proposal Revisions (if applicable) and Prior to Award	Threshold	Review Chain and Estimated Lead Times (Working Days)	Review Board Chair	Total Estimated Lead Time (Working Days)
Review Procedures established by SCO	< \$50M	Locally determined	SCO	Locally determined
CRB	≥ \$50M < \$250M	Locally determined	SCO+	Locally determined
	≥ \$250M < \$1B	CSB/FDO + Field Support Analysts	SCO*	25
	≥ \$1B	CSB/FDO + Field Support Analysts (25)	HCA*Δ	35

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		ACC ConOps (10)		
	≥\$1B Special interest as designated by DASA(P)	CSB/FDO+Field Support Analysts (25) ODASA(P) (35)	DASA(P)*	60

Notes: ΩConsult the Review Board Chair whether peer review of an amendment is needed.
 ◇When the SCO determines that peer review is necessary IAW risk-based analysis per [PARC Policy Alert #18-06 and AFARS 5101.170\(b\)](#). Further delegation requires prior SCO approval in writing.
 †Further delegation to no lower than the Contracting Office Director requires prior SCO approval in writing.
 *Requires clearance from the MICC DCG. See Section [5101.290](#) of the Desk Book for the clearance procedures.
 ΔSee [ACC Contracting Note #20-08](#) for HCA Peer Review Approval Process.
 ⌘IAW [ACC Contracting Note #20-18](#), ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.

Table 1-4 Peer Review Thresholds for Non-Competitive Actions				
Prior to Release of Solicitation/RTOP/RFQ/AmendmentΩ (if applicable)	Threshold	Review Chain and Estimated Lead Times (Working Days)	Review Board Chair	Total Estimated Lead Time (Working Days)
Review Procedures established by SCO	< \$50M◇	Locally determined	SCO◇	Locally determined
SRB Note: If there will be significant changes to the solicitation that differ from the approved acquisition strategy, then an amendment to the acquisition strategy must also be approved.	≥ \$50M < \$250M	Locally determined	SCO†	Locally determined
	≥ \$250M < \$500M	CSB/FDO + Field Support Analysts	SCO*	25
Prior to Negotiations and Prior to Award	Threshold***	Review Chain and Estimated Lead Times (Working Days)	Review Board Chair	Total Estimated Lead Time (Working Days)
Review Procedures established by SCO	< \$50M◇	Locally determined	SCO◇	Locally determined
CRB	≥ \$50M < \$250M	Locally determined	SCO†	Locally determined

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	≥ \$250M < \$500M	CSB/FDO + Field Support Analysts	SCO*	25
	≥ \$500M	CSB/FDO + Field Support Analysts (25) ODASA(P) (35) DPC (25)	DPC*	85

Notes:

The solicitation for an acquisition valued at \$500M or higher will be part of DPC's peer review prior to the negotiations phase.

Ω Consult the Review Board Chair whether peer review of an amendment is needed.

◇ When the SCO determines that peer review is necessary IAW risk-based analysis per [PARC Policy Alert #18-06 and AFARS 5101.170\(b\)](#). Further delegation requires prior SCO approval in writing.

† Further delegation to no lower than the Contracting Office Director requires prior SCO approval in writing.

* Requires clearance from the MICC DCG. See Section [5101.290](#) of the Desk Book for the clearance procedures.

*** Use absolute values to calculate the value of the proposed modification action to determine appropriate Review Board Chair. For example, a modification involving an increase of \$50M and a decrease of \$15,200,000 has an absolute value of \$65.2M (\$50,000,000 + \$15,200,000, regardless of whether the amounts are plus or minus), so that the SCO is the review board chair, unless the authority has been delegated.

e. Waiver of SRB or CRB Peer Review. SRBs and CRBs may be waived by the Review Board Chair. Waiver requests shall be in writing and provide detailed rationale giving consideration to the following criteria: (a) circumstances warranting the request; (b) impacts of not granting the waiver, *e.g.*, violation of statute, schedule; Congressional interest; life endangerment; (c) history of sustained protests in competitive acquisitions; (d) recurring nature of the requirement; (e) successful experience in a competitive acquisition criterion; (f) favorable audit history; *e.g.*, PMR, IG, AAA; and (g) any other compelling reasons why the peer review should be waived. **Waivers will not be granted on the sole basis of a lack of time or failure to permit sufficient time for reviews.** Waiver for a SRB or CRB peer review valued over \$250M requires DCG clearance IAW the procedures set out in Section [5101.290](#) of the DB. The approved waiver shall be included as part of the official contract file. A [blank Request for the Waiver of Peer Review at the SCO level](#) can be found in the MICC SharePoint.

(202) The applicable documents identified in Appendix 1 and Appendix 2 shall be available in Virtual Contracting Enterprise (VCE) Paperless Contract File (PCF) for pre-award peer reviews. Documents shall include the signatures of the authorities, *e.g.*, KO,

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Small Business Specialist, Contracting Office Director, etc., to indicate appropriate local internal review prior to submission to the SCO.

(203) Adequate processing time for the SRB and CRB reviews shall be included as part of the acquisition planning process.

a. The CSB/FDO Procurement Analyst will be the single focal point/Lead Analyst for all SRBs and CRBs of acquisitions that require SCO approval only or when a waiver to the HQ MICC clearance for the specific action has been issued by the MICC DCG. Otherwise, both CSB/FDO Procurement Analyst and a MICC HQ Field Support Division Analyst will be co-Lead Analysts for the CSB/FDO and HQ Subject Matter Experts (SMEs) respectively on all pre-award peer reviews of acquisitions that require HQ MICC clearance IAW [Section 5101.290](#) of the DB.

b. The Lead Analyst shall:

1. Conduct an independent review of all documents, including non-competitive actions which do not require a J&A/LSJ/EFO (*e.g.*, sole source 8(a), Ability One), and consolidate all comments.

2. Provide comments and recommendations to the KO to ensure documents conform to all regulatory requirements and are ready for SCO approval or higher.

3. Notify the KO that the conformed document is ready for correction/action. Coordinate a telephone call or video-teleconference (VTC) meeting with the KO and key personnel to discuss and resolve comments.

4. Ensure all comments have been resolved once the document is re-submitted.

5. Prepare the Peer Review Report Memo and obtain all required concurrence on the [AMC Form 356 Internal to MICC](#).

6. Coordinate the submission of documents which are ready for SCO approval or concurrence.

(204) Submission Process for Pre-award Peer Reviews Requiring HQ MICC clearance.

a. The official submission process is initiated when the KO alerts the CSB/FDO Point of Contact (POC) through the Chain of Command that a requirement is ready for higher level of review, approval or coordination.

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b. The KO shall ensure that all the documents and supporting documentation required for the review as referenced in Appendix 1 or Appendix 2, as appropriate, are legible and loaded into the PCF Program. To prevent review of obsolete documents, files uploaded to [PCF](#) should be clearly titled. For example:

- Market Research Report FY-R-0000, FtX baseopsv1, 1 Jan CY
- DD Form 2579 FY-R-0000, FtX baseopsv1, 1 Feb CY
- RFP FY-R-0000, FtX baseopsv1, 1 Mar CY
- PNM FY-R-0000, FtX baseopsv1, 1 Jun CY

c. The KO sends an e-mail alert to the CSB/FDO POC with the following information:

1. Solicitation or Contract Number as applicable
2. Type of Peer Review Requested (*e.g.*, SRB, competitive CRB, non-competitive CRB for award or modification)
3. Description of Requirement
4. Estimated Dollar Value (base + options if applicable)
5. MICC Contracting Office
6. Contracting Officer
7. List of documents submitted and named identical to PCF file name
8. [AMC Form 356 Internal to MICC](#) where the Contracting Office Director is confirming that the subject action has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements; if applicable, has complied with the established peer review process, and is ready for higher level review or approval.

d. The CSB/FDO POC will acknowledge receipt and copy the appropriate [MICC HQ Field Support Analyst](#). The CSB/FDO Procurement Analyst will coordinate with the MICC HQ Field Support Analyst, to provide a tentative completion date. The completion date is contingent upon the KO making all the required documents in the official contract file accessible to the CSB/FDO Procurement Analyst in the PCF Program.

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e. Upon verification that all the required documents are available in PCF, the CSB/FDO Procurement Analyst will review the documents and also notify the Cost/Price (C/P) Analyst, Quality Assurance (QA) Subject Matter Expert (SME), CSB/FDO SBP Assistant Director, and pertinent peer review members that the documents are available in PCF and to provide review comments concurrently. The reviewers will provide their SME review comments and recommendations through the use of "Track Changes" on the documents and/or comments matrix within five (5) working days of receipt of the CSB/FDO Procurement Analyst's notification, so that the CSB/FDO Procurement Analyst may de-conflict, assimilate and merge all comments into a matrix (2 working days). Extensive comments and/or proposed language may be addressed through "Track Changes," with a reference included in the matrix (*e.g.*, see proposed re-write on RFP page 133, Section M). The CSB/FDO Procurement Analyst will send the "merged" matrix to the MICC HQ Field Support Analyst. The MICC HQ Field Support Analyst will review and add comments, if any, along with those from the MICC HQ OSBP Director, MICC HQ Competition Advocate, HQ C/P and QA SMEs, send the consolidated matrix to the KO for resolution (with a courtesy copy to the Contracting Office Director, CSB/FDO Procurement Analyst and SCO), and coordinate a telephone call or VTC meeting with all pertinent parties to discuss and resolve comments. Such telephone call or VTC meeting should occur in two (2) or three (3) working days from the notification that the comments are in PCF for resolution.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" and/or matrix, addressing the disposition of each review comment. The KO will then prepare conformed documents. Disposition of MICC HQ Field Support comments/recommendations will be annotated on the comments matrix, including rationale when no action is taken as recommended, and specific references to changes, if concur with comments, to facilitate the review. All documentation (including reviews) will then be uploaded to PCF and the Contracting Office Director will review and verify that all comments have been addressed appropriately. The Contracting Office Director or designee will then notify the CSB/FDO Procurement Analyst with a courtesy copy to the Chain of Command. The CSB/FDO Procurement Analyst will coordinate with the MICC HQ Field Support Analyst to ensure that all comments have been addressed and will obtain a legal sufficiency determination on the final product(s) IAW the procedures in Section [5101.602-2-90](#) of the DB prior to submission to the SCO. The CSB/FDO Procurement Analyst will also prepare a Peer Review Report Memo which lists the documents that were examined; the purpose of the peer review; peer review team members; when and where the review was conducted; the review comments and corresponding disposition; and a summary of the discussions, outcomes and lessons learned up to that point. SRB/CRB Peer Review

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Report Memo templates are posted under the [Peer Reviews folder](#) on the MICC SharePoint. The CSB/FDO Procurement Analyst will also ensure all required concurrence has been annotated on the [AMC Form 356 Internal to MICC](#) or equivalent prior to submission to the SCO.

g. After the SCO concurs on the [AMC Form 356 Internal to MICC](#), the CSB/FDO Procurement Analyst will coordinate with the [MICC HQ Field Support Analyst](#), who will obtain the clearance from the MICC DCG IAW Section [5101.290](#) of the DB.

(205) DPC-led Pre-award Peer Reviews for “Non-Competitive Actions” valued at \$500M or more.

a. To initiate a DPC-led pre-award peer review, the respective procurement shall be included in the Rolling Quarterly Peer Review Forecast Report approximately one (1) year before the first DPC-led review. No less than six (6) months in advance of the projected review, the KO shall submit a completed Office of the Secretary of Defense (OSD) Peer Review Request form which is available with submission instructions at the DPC Peer Review website at http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html. The website also contains standard operating procedures, lessons learned, frequently asked questions, and other valuable information applicable to DPC-led peer reviews. See [MAP APP 1.8.15](#) for additional instructions to initiate a DPC-led Peer Review.

b. A copy of the OSD Peer Review Request form shall also be submitted to the [MICC HQ Field Support Division](#), and to the ACC Contract Operations Directorate at e-mail address usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil, and DASA(P) point of contact at e-mail address john.t.courtis@conus.army.mil.

c. A DPC-led SRB or CRB shall be preceded by successful completion of appropriate level MICC-chaired SRB or CRB and HQ MICC clearance, except that SCO signature will be in the concurrence block indicating that the documents are ready for higher level of review.

d. A DPC-led peer review team is typically comprised of four (4) SES members from multiple services. Availability of members varies throughout the year which may impact the turn-around time of DPC reviews. Generally, each DPC-led SRB and CRB will be conducted on site at the Contracting Office executing the procurement. The length of the SRB and CRB will depend upon the size and complexity of the procurement being reviewed. Within 72 hours of completion of the review, the DPC team’s report of findings and recommendations will be communicated to the KO and Senior Leaders. Upon disposition of the findings and recommendations, the KO shall

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provide a synopsis of the findings and the ultimate resolution of each recommendation through the Chain of Command to DPC POC, the [MICC HQ Field Support Division](#) and the [HQ ACC Contract Operations Directorate](#).

(206) Post-award Peer Review:

a. Per [DFARS PGI 201.170-3](#), Post-Award Peer Review (PAPRs) of all contracts for services shall be focused on:

- The adequacy of competition;
- An assessment of actual contract performance against the metrics that were established in the approved acquisition strategy; and
- The adequacy of Government surveillance of contract performance.

b. Board Membership. Teams for post award reviews shall be comprised of Independent Management Representatives from Contracting and the Requirements Community as well as Office of Counsel. Functional experts such as Small Business Specialist, Property Administration, QA, and Cost/Price Analysts may augment the review board as deemed appropriate by the board chair. For continuity, review teams will be comprised of the same members for all reviews when possible.

c. Thresholds and Associated Board Chairs. The post-award peer review thresholds and associated board chairs are provided in Table 1-5 below. The board chair is determined by the total estimated value of the procurement (base contract, all options periods, and the cumulative estimated value of orders for indefinite-delivery contracts). The SCO will set up the review thresholds and board chair for PAPRs for services contracts valued at \$50M or more but less than \$250M in writing and take into consideration the organization's workload, risks, identified areas for improvement, etc.

d. Delegation or Waiver for an Individual Post-Award Peer Review. The Contracting Office Director may request a delegation or waiver for a single PAPR valued less than \$250M from the SCO IAW SCO procedures. A blank [Request for Delegation or Waiver of Peer Review at the SCO level](#) can be found in the MICC SharePoint.

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Table 1-5 Post-Award Peer Review Thresholds (Service Contracts Only)			
Threshold	Review Chain and Estimated Lead Times	Review Board Chair	Total Estimated Lead Time (Working Days)
≥\$50M < \$250M	Locally determined by the Review Board Chair	SCO†	Locally determined
≥\$250M < \$1B	CSB/FDO Analyst (15) Field Support Analyst (10)	SCO*	25
≥\$1B	IAW Policy Alert #19-145 , further details on the Army’s procedures for Post-Award Reviews over \$1B are forthcoming in a subsequent Policy Alert.		
<p><u>Notes:</u></p> <p>†Further delegation requires prior SCO approval in writing. The Contracting Office Director may request delegation or waiver for an individual post-award peer review of a service contract valued less than \$250M from the SCO.</p> <p>*Requires clearance from the MICC DCG. See Section 5101.290 of the Desk Book for clearance procedures.</p>			

(207) The applicable documents identified in Appendix 3 shall be available in Virtual Contracting Enterprise (VCE) Paperless Contract File (PCF) for post-award peer reviews.

a. The CSB/FDO Procurement Analyst will be the single focal point/Lead Analyst for all PAPR boards that require SCO approval or concurrence prior to the HQ MICC clearance process.

1. For service contracts valued at \$50M or more but less than \$250M, the SCO will establish procedures for PAPRs. Submit the SCO procedures for PAPRs to [MICC HQ Policy Implementation & Oversight Division](#) for review. MICC HQ Policy Implementation & Oversight Division may provide advice upon request. The PAPR should be conducted at the midpoint of the Period of Performance (PoP) or 1 year prior to exercise of the last option. The team selected by the SCO will conduct the PAPR documenting the applicable elements of review ([DFARS PGI 201.170-4](#)). The CSB/FDO Procurement Analyst will document the PAPR Team’s results in the [PAPR Report](#), obtain a legal sufficiency review, and provide it to the board chair and the KO through

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the Chain of Command. The KO should address the disposition of each recommendation, place in the contract file, and provide a copy to the CSB/FDO Procurement Analyst and board chair through the Chain of Command.

2. For service contracts valued at or greater than \$250M or more but less than \$1B, the SCO will conduct a PAPR at least once during the period of performance IAW [AFARS 5137.590-7\(b\)](#) and [5101.170\(b\)\(vi\)](#). The KO will prepare the Post-Award Peer Review Summary Report (Briefing Charts) IAW the [Post Award Peer Review Template \(October 2017\)](#) posted on the [Procurement.Army.Mil \(PAM\) Knowledge Management Portal](#). Submit the briefing to the CSB/FDO Procurement Analyst for review and obtain SCO concurrence on the [AMC Form 356 Internal to MICC](#). Then, follow paragraph (201) of [Section 5101.290](#) of the DB for HQ MICC clearance instructions. Clearance package shall include the required documents listed in the [HCA Drop Box Instructions](#). The team shall ensure all PAPR findings are adjudicated during the clearance process. HQ MICC will submit the PAPR Summary Report (Briefing Charts) to the Senior Service Manager (SSM) NLT 60 days after completion of the review.

(208) [Post-award DPC Led Post-Award Peer Reviews](#). IAW [Policy Alert #19-145](#), further details on the Army's procedures for Post-Award Review over \$1B are forthcoming in a subsequent Policy Alert.

Subpart 1.2 Administration

5101.290 Routing of Documents and Mailing Addresses (Clearance Procedures)

(200) [HQ MICC Clearance](#). The MICC Commanding General retains the overall responsibility for the actions of the Command IAW [Army Regulation \(AR\) 600-20](#). Accordingly, all documents requiring approval at a level higher than the SCO shall always require clearance from the MICC DCG prior to submittal to the final approval authority IAW HQ MICC memorandum entitled "[Clearance Requirements for Acquisition Related Actions](#)." All actions of Command interest (*e.g.*, strategic sourcing implications) regardless of value, are also subject to the HQ MICC clearance. The MICC Commanding General will serve as the clearance authority in the absence of the MICC DCG. Acquisition-related actions valued \$250M and greater, and which are at the SCO level of approval also require clearance from the MICC DCG, *e.g.*, prior to issuing the solicitation/request for task order proposal/request for quote for an SRB, CRBs, to include a modification where the absolute value totals \$250M or greater, etc. In addition, HQ MICC clearance is required for any action (*e.g.*, acquisition strategy, solicitation, etc.) that is revised after receiving MICC DCG clearance, to include instances where a protest was received and a decision was made to take correction

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action. Any action that is valued \$250M or greater prior to award (prenegotiation objective memorandum, price negotiation memorandum) requires MICC DCG clearance even if the preceding actions (*e.g.*, acquisition strategy or SRB) did not require such clearance. HQ MICC clearance is also required whenever the total value of proposed multiple award contracts is \$250M or greater. The SCO may request the MICC DCG for a waiver to the clearance, but it must be in writing, along with a detailed rationale. Appendix GG identifies the review and approval authorities and thresholds for the most commonly used acquisition documents.

a. The [MICC HQ Field Support Analyst](#) will be the Lead Analyst for the review of documents after SCO endorsement during the HQ MICC clearance process, unless another point of contact is specified. The [MICC HQ OSBP Director](#) will support the review of a document on matters related to the Small Business Program while the [Competition Advocate](#) will focus on matters related to competition. Comments must be provided to and cleared by the MICC HQ Field Support Analyst prior to contacting the field. The SCO remains responsible for the action and shall ensure compliance with all applicable regulations and policies prior to submission to the HQ MICC. Accordingly, the SCO must endorse in writing (*e.g.*, digitally sign the [AMC Form 356 Internal to MICC](#)) the documents that require HQ MICC clearance. This endorsement is not delegable.

b. The MICC HQ Field Support Analyst will coordinate a telephone or VTC meeting with all pertinent parties, to include the clearance authority, to discuss and resolve any outstanding issues in order to facilitate the clearance.

c. After obtaining the HQ MICC clearance, the MICC HQ Field Support Analyst will forward the cleared documents to the CSB/FDO Procurement Analyst, who will obtain the SCO's signature as the approval authority or for concurrence purposes (if the SCO is not the approval authority). The CSB/FDO Procurement Analyst will return a copy of the documents signed by the SCO to the MICC HQ Field Support Analyst. For those acquisition documents that require approval higher than the SCO, *e.g.*, acquisition strategy for an action valued at or greater than \$250M, pre-award peer review of a competitive acquisition valued at or greater than \$1B, the MICC HQ Field Support Analyst, who will further coordinate with the appropriate Office.

(201) Submission and Routing for actions where the CSB/FDO Procurement Analyst is the Lead Analyst responsible for obtaining the SCO approval or concurrence prior to submission to HQ MICC for clearance. The CSB/FDO Procurement Analyst shall ensure that all pertinent documents are made available in PCF. See Section [5101.602-3](#) of the DB for documentation in support of a ratification for an unauthorized

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commitment with a value in excess of \$100,000. Clearance for the ratification of an unauthorized commitment shall follow these procedures:

a. CSB/FDO Procurement Analyst sends an e-mail alert to the [MICC HQ Field Support Division](#) with the following information:

1. Solicitation Number, Contract Number, UAC Number, as applicable
2. Description of Requirement
3. Estimated Dollar Value (base + options if applicable)
4. MICC Contracting Office
5. Contracting Officer
6. SCO
7. CSB/FDO Procurement Analyst
8. List of documents submitted named identical to the PCF file name.

Document(s) requiring clearance from the MICC DCG shall not be signed by the SCO.

9. [AMC Form 356 Internal to MICC](#) or equivalent where the SCO states that the action is compliant with all applicable regulations and policies and requests clearance from the MICC DCG.

b. Upon receipt of the e-mail alert, the MICC HQ Field Support Division Chief will acknowledge receipt and include the assigned HQ Analyst contact information and a tentative completion date. The completion date is contingent upon the responsible KO making the official documents accessible in the PCF Program, but estimate 10 working days to obtain the required clearance from the MICC DCG. In addition, the KO shall ensure that the official documents are legible.

c. Upon verification that all the required documents are available in PCF, the MICC HQ Field Support Analyst will review the documents, ensure the required coordination has occurred, including SCO endorsement on the action. Upon review, if the MICC HQ Field Support Analyst does not recommend clearance, the HQ Analyst will coordinate a telephone or VTC meeting with all pertinent parties, to include the clearance authority, to discuss and resolve any outstanding issues.

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d. After obtaining the HQ MICC clearance, the MICC HQ Field Support Analyst will forward the cleared documents to the CSB/FDO Procurement Analyst, who will obtain the SCO's signature as the approval authority or for concurrence purposes (if the SCO is not the approval authority). The CSB/FDO Procurement Analyst will return a copy of the documents signed by the SCO to the MICC HQ Field Support Analyst, who will coordinate with the appropriate Office when the documents require approval at a level higher than the SCO.

e. For packages that require HCA review, approval or concurrence, the MICC HQ Field Support Analyst will upload the cleared documents to the "[HCA Drop Box](#)." See [ACC AI](#) and [MAP APP 0.2.3](#) for details and [ACC Contracting Note #20-18](#) for signature requirements. At a minimum, each package must include:

1. HCA package requiring signature;

2. [Written Legal Opinion](#), for the HCA package IAW [ACC AI Attachment 1-1](#) (Note: The Legal Advisor's signature on the review/coordination page or an email stating legal sufficiency or concurrence "does not meet" this documentation requirement); and,

3. If applicable, an attachment explaining the basis for unresolved non-concurrence.

Subpart 1.4 Deviations from the FAR

5101.403 Individual Deviations

(200) See [AFARS Appendix FF](#), which contains the Department of the Army's plan to control the use of clauses other than those prescribed in the FAR and DFARS. Ultimately, all local or non-standard clauses and provisions used on a repetitive basis must go through the formal rulemaking process. It is the responsibility of the KO to ensure that only properly approved provisions/clauses are used in MICC solicitations/contracts. Instead of requesting deviations, insert specific contract requirements from the Requiring Activity, *e.g.*, vehicle registration, installation access, and parking, into the Performance Work Statement (PWS), Statement of Work (SOW) or Statement of Objectives (SOO).

(201) [Approval Levels for Deviations](#). Individual deviations (*e.g.*, local or non-standard clauses) may be used only once and are not to be used on a repetitive basis or on

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multiple contract actions. See Appendix GG for the “Review Chain and Estimated Lead Time” column which contains the average number of days for the review of the document(s) and KO’s adjudication of comments at each Office in the review chain.

Subpart 1.6 Career Development, Contracting Authority, and Responsibilities

5101.601 General

(200) Major General Paul H. Pardew, ACC CG, was designated as the HCA for the U.S. Army Materiel Command on 31 May 2018. The actions that remain at the approval level of the HCA require clearance from the MICC DCG per Section [5101.290](#) of the DB and submission of a Commander’s Critical Information Requirement ([CCIR](#)). The HCA has executed blanket delegations of authority to the SCO. Applicability of these and other delegations of contracting authority is determined IAW [FAR 1.108\(b\)](#), “Delegation of authority”. Each authority is delegable unless specifically stated otherwise. The language in FAR, DFARS, and AFARS is written with the FAR convention (rule) that unless a definite statement is made that an action is not allowed, the action is permissible. An example of this is delegation of authority. Unless the statement such as ‘on a non-delegable basis’ or ‘without power of re-delegation,’ is made, delegation is allowable. See [AFARS Appendix GG](#) as the matrix for all delegations and approval authorities. ([MAP APP 0.2.2](#))

5101.602-2-90 Legal Coordination

(200) Legal Participation. Within MICC, legal support to procurements comes from two (2) sources: Legal Counsel assigned to the MICC Office of Counsel, both at HQ, MICC, and at CSB/FDO, and Legal Counsel assigned to a United States Army Installation Management Command (IMCOM) Installation Office of the Staff Judge Advocate (OSJA) for many of MICC Contracting Offices. However, the MICC Chief Counsel is responsible for ensuring the provision of all legal support (to include review of actions, representation in litigation, and advice to MICC KOs, Contract Specialists (KS), and Senior Leaders). The MICC Chief Counsel implements this responsibility through direct oversight and supervision of Attorneys and Legal Staff assigned to the MICC and by technical oversight over Attorneys in IMCOM Installation OSJAs who provide legal support to MICC Contracting Offices located on IMCOM Installations.

(201) Legal Review Procedures.

a. For actions that originate directly from a MICC CSB/FDO or from MICC Contracting Offices in which legal support is provided by Attorneys assigned to the

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MICC Office of Counsel, the MICC Attorney providing legal support shall be designated as the Primary Legal Counsel (PLC) for such action and shall be responsible for all legal review, counsel, and advice pertaining to that action through the MICC Chain of Command up to the MICC Commanding General or DCG unless the Chief Counsel, Deputy Chief Counsel, or Chief Attorney of the Office to which the MICC Attorney is assigned directs another legal review be conducted by a designated MICC Attorney.

b. For actions performed by MICC Contracting Offices in support of a particular installation, the PLC will normally be from the supported installation OSJA unless there are sufficient MICC Attorney assets at the supported installation (*e.g.*, Fort Bragg, Fort Eustis, etc.) to serve as the PLC. However, if the action requires review and approval at a level above the CSB/FDO, then the action should be reviewed by an Attorney assigned to the MICC Office of Counsel. Normally, the Chief Attorney of the responsible CSB/FDO or an Attorney assigned to that Chief Attorney's Office will provide the requisite legal review and support, to include legal support through the MICC Chain of Command up to the MICC Commanding General or DCG. Nevertheless, the Chief Counsel or Deputy Chief Counsel may direct another Attorney to provide legal review and support for that action if the action must be submitted to the MICC Commanding General or DCG for clearance. Further, if MICC Office of Counsel legal assets are unavailable or not adequately staffed to provide the required review for an action that requires review and approval at a level above the Director of a MICC Contracting Office, the Chief Attorney of the responsible CSB/FDO (or, in the absence of a Chief Attorney, the Chief Counsel or Deputy Chief Counsel) may authorize the original PLC to provide the legal reviews through the MICC Chain of Command up to the HQ MICC Commander or DCG (but see paragraph c. below).

c. Finally, the MICC Commanding General or DCG may always request legal review and support for any action be provided directly from the Chief Counsel, Deputy Chief Counsel, or Attorneys assigned to the HQ, MICC Office of Counsel.

d. In all instances, legal review should not occur concurrently with other reviews, but only for the final product prior to submission to the approving/deciding authority. If the action requires concurrent reviews to expedite processing, then legal review can occur with other reviews, but the final product must be resubmitted to the PLC or designated MICC Legal Counsel for the legal sufficiency determination.

(202) Legal Reviews. Legal Counsel shall review proposed contracting actions to include, but not be limited to, advanced acquisition planning documents, solicitations,

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contract awards, and post-award actions IAW locally established procedures and as otherwise required by law, regulation, or policy ([MAP APP 0.2](#)).

a. Contract Actions. Legal reviews are required for the following contract actions:

1. Any action with an estimated value equal to or more than \$500,000. SCOs, after consultation with the Chief Counsel, may establish a lower dollar threshold based on their assessment of their Office's experience level and the availability of counsel.

2. The following issues, regardless of dollar value:

i. Determinations that a bid is non-responsive; that a bid or proposal is late or that a late exception applies; that a bid or proposal contains a mistake, or that a prospective Contractor is not responsible.

ii. Acquisition or sale of utility services governed by [Army Regulation \(AR\) 420-41](#), personal services contracts, inherently governmental functions, and the termination or modification of contracts based on in-sourcing decisions.

iii. All proposed ratifications or bankruptcy matters.

iv. Contract Modifications.

A. All substantive modifications above the Simplified Acquisition Threshold (SAT) (currently \$250,000) that require a scope determination because they affect price, quality, quantity, delivery, method of performance, or other substantive rights of the parties.

B. The requirement above does not apply to administrative modifications. KOs may consult with Counsel to address potential legal issues when executing administrative changes, as defined in [FAR 43.101](#). Modifications that only add money to a contract awarded subject to availability of funds or incrementally funded are considered administrative changes.

v. Acquisition and Cross Servicing Agreements (ACSA), contracts, implementing arrangements and orders that exceed \$100,000. Review is also required for modifications of these actions that trigger the criteria in paragraph (202).a.2.iv.A. above.

vi. All Novation and Change of Name Agreements ([FAR 42.12](#)).

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- vii. All cure notices, show-cause notices, and terminations.
 - viii. [FAR Part 50](#), Extraordinary Contractual Actions.
 - ix. All Justification and Approvals (J&A) per [FAR 6.302](#), Limited Source Justifications per [FAR 8.405-6](#), sole source justifications per [FAR 13.501](#), and Exceptions to Fair Opportunity per [FAR 16.505](#), that are valued above the SAT.
 - x. All Congressional inquiries and requests for documents.
 - xi. Novel/experimental contracting approaches.
 - xii. All assignment of claims ([FAR 32.8](#)).
 - xiii. All claims ([FAR 33.2](#)).
 - ix. All bonds and consents of surety ([FAR 28.1](#), [FAR 28.2](#))
- b. Fiscal Issues. Legal reviews are required for the following contract actions:
- 1. All construction, repair and maintenance projects with an estimated value equal to or greater than \$500,000 that will be funded with Operations and Maintenance, Army (OMA) appropriations;
 - 2. Use of relocatable buildings;
 - 3. Purchases of vehicles;
 - 4. Purchases of information technology and communications equipment above \$250,000;
 - 5. Purchases executed with Official Representation Funds (ORF);
 - 6. Purchases of food and refreshment or uniforms (Civilian or Military) by contract or Government Purchase Card; and,
 - 7. All requests to obligate prior year funds.

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c. All Other. Contracting and Command Officials are encouraged and permitted to seek legal or business advice on any other contract actions not specified above.

(203) For actions requiring legal review by HQ MICC Office of Counsel, all such requests must be submitted in writing with relevant reference materials to the HQ, MICC Office of Counsel Paralegal, Attorney responsible for that legal discipline, and copy to USARMY JB San Antonio ACC MICC List HQ-Legal Review from the MS-Outlook Global Address List (GAL) (usarmy.jbsa.acc-micc.list.hq-legal-review@mail.mil), and not just the MICC Chief Counsel or Deputy Chief Counsel.

5101.602-2-91 Contracting Officer's Representative (COR) Appointments

(200) IAW [DoD Instruction 5000.72](#), KOs will designate a COR for all service contracts, including construction, unless the KO retains and executes the contract oversight responsibilities when the conditions at [DFARS PGI 201.602-2\(d\)\(v\)\(A\)](#) exist and documents the contract file explaining why a COR appointment is unnecessary ([MAP APP 5.2.1.2](#)). CORs may be required for any other contract when the need for a COR is determined by the KO to be in the best interest of the U.S. Government. The KO shall perform all the contract administration responsibilities as described in FAR Subpart 42.3, except those technical and/or administrative functions delegated specifically to the COR in the appointment letter. Table 1 in [Enclosure 6 of DoD Instruction 5000.72](#) lists examples of responsibilities that may be delegated to a COR.

a. In order to ensure proper oversight of Contractor performance while leveraging the technical expertise of personnel from the Requiring Activity and balancing the workload of MICC Acquisition Professionals, the KO shall appoint a COR to ALL construction contracts subject to 40 U.S.C. Chapter 31, Subchapter IV, Wage Rate Requirements (Construction), and ALL service contracts (commercial and non-commercial).

b. The KO may exempt the requirement to appoint a COR for a service contract when the total value (base plus all options) does not exceed the SAT (currently \$250,000) and the total period of performance does not exceed 90 calendar days if the KO documents in a memorandum for record (MFR), approved at one level above the KO, with rationale explaining:

1. Why the requirement is not complex, and
2. Why the appointment of the COR is unnecessary.

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The MFR memorializing the rationale for not appointing a COR requires approval at one level above the KO and shall be filed in the official contract file in the PCF Post-Award Documents folder entitled “Miscellaneous Correspondence/Documents/Memoranda – Post Award”. A template MFR is available for use at <https://micc.aep.army.mil/COP/FT/Forms%20and%20Templates%20Library/Pre-Award/KO%20COR%20Exemption%20Letter%2011%20Jul%2018.docx> .

c. The KO may not exempt the requirement to appoint a COR:

1. When higher quality requirements are necessary for actions under the SAT,
2. Unique circumstances exist requiring specific certifications; and/or
3. On construction contracts, as specialized technical expertise and/or certifications are required to ensure work is accomplished correctly IAW specifications and codes.

d. When the KO does not appoint a COR, then the KO retains and executes all the duties that a duly appointed COR would have performed ([FAR 1.602-2\(d\)](#)). Under such circumstances, the KO shall also include documentation in the contract file as evidence of having performed the technical monitoring and contract oversight activities (*e.g.*, all surveillance documentation, to include monthly summary reports for performance-based services shall be filed in the PCF Post-Award Documents folder entitled “Miscellaneous Correspondence/Documents/Memoranda – Post Award”), as applicable:

1. Verify that the Contractor performs the technical requirements of the contract IAW the terms, conditions and specifications, with specific emphasis placed on the quality provisions, including documenting the file with records relating to the Contractor's Quality Control System and plan and the effectiveness of the quality control effort;

2. Ensure all necessary inspections are performed to assure acceptable Contractor performance, document the results and upload this documentation in the official contract file for each month of performance;

3. Monitor the Contractor's performance; notify the Contractor of deficiencies observed during surveillance and direct appropriate action to effect correction; record all incidents of faulty or nonconforming work, delays or problems; and verify that the Contractor has corrected all deficiencies;

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4. Ensure that any Government-furnished Property is available to the Contractor when required;
5. Verify timeliness and accuracy of Contractor reports and data required to be delivered to the Government;
6. Approve travel orders under the contract, verify that travel receipts are valid and match the travel requirements identified in the Performance Work Statement (PWS) or Statement of Work (SOW), and report on approvals conducted in the monthly report (see subparagraph c.2. above);
7. Ensure that the Contractor reports the required information into the Electronic Contracting Manpower Reporting application;
8. Accept for the Government the services/construction performed by the Contractor;
9. Ensure that the Contractor's invoices in Wide Area Workflow (WAWF) are accepted in a timely manner by forwarding the appropriate notice of acceptance of the requirement to the Customer's WAWF or other payment PC;
10. Ensure Contractor is paid for acceptable performance and not paid for unacceptable performance (supplies or services);
11. Document Contractor performance in the Contractor Performance Assessment Reporting System (CPARS) IAW [FAR 42.15](#), [DFARS 242.15](#), [AFARS 5142.15](#) and [Section 42.15](#) of the DB;
12. Serve as Trusted Agent for the Trusted Associate Sponsorship System coordinating site entry for Contractor personnel;
13. Serve as the Synchronized Predeployment and Operational Tracker (SPOT) system.
 - e. Prior to appointment, the KO will verify that the COR has completed all mandatory training requirements IAW [DoD Instruction 5000.72](#) and [MAP APP 5.2.1.2.1](#). Additional information regarding COR training is posted under the [Contracting Officer's Representative folder](#) on the MICC SharePoint.

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f. The COR appointed for an indefinite delivery contract ([FAR 16.5](#)) is the COR for all the task orders issued under the base contract, unless another COR is appointed for a specific task order. Ensure a copy of the COR appointment is filed under the task order or reference the location of the COR appointment in the file.

g. [DoD Instruction 5000.72](#) requires a COR Management Plan. The MICC HQ Quality Assurance (QA) Team is responsible for the development, implementation and maintenance of the COR Management Plan and can be contacted via email at karl.m.fischer.civ@mail.mil or karen.d.edwards.civ@mail.mil. The MICC COR Management Plan and MICC Enhanced COR Training Schedule are found under the [Contracting Officer's Representative folder](#) on the MICC SharePoint.

h. Utilize the DoD Procurement Integrated Enterprise Environment (PIEE) Joint Appointment Module (JAM) to nominate, appoint and terminate an individual as a COR against a contract or order. KOs shall execute COR appointments in JAM no later than one (1) business day after receipt of the contract in the Electronic Data Access (EDA) System has been confirmed. See [Enclosure 4 of DoD Instruction 5000.72](#) and the [MICC COR Management Plan](#) for additional details. New users (*e.g.*, COR, COR Supervisor, etc.) will be required to register for access to PIEE JAM. A DD Form 2875, System Authorization Access Request (SAAR), is a mandatory requirement for all new PIEE JAM users.

5101.602-2-92 Ordering Officer Appointments

(200) MICC KOs do not have the authority to appoint Field Ordering Officers (FOOs) for in-theater missions. FOOs will be appointed by KOs who are aligned to the cognizant HCA, SCO or equivalent responsible for the Contingency Operation ([MAP APP 0.2.2](#) and [1.8.16.4](#)).

5101.602-3 Ratification of Unauthorized Commitments

(200) The table below displays the ratification authorities for the various thresholds:

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Ratification of Unauthorized Commitment (UAC) (FAR 1.602-3 , AFARS 5101.602-3)			
Applicability	Review Chain and Estimated Lead Time	Approval Authority	Total Estimated Lead Time (Working Days)
\$10,000 or less	Locally determined	Contracting Office Director	Locally determined
>\$10,000 and ≤ \$100,000	CSB/FDO Analyst	SCO	15
>\$100,000*	CSB/FDO Analyst(15) Field Support Analyst (10) ACC ConOps (10)	ACC Commander*⌘	35
<p>Notes: *Submit Commander’s Critical Information Requirement (CCIR) IAW MICC CPM #19-50 and obtain clearance from the MICC DCG prior to submission to the ACC Commander. See Section 5101.290 of the Desk Book for clearance procedures. ⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p>			

(201) An UAC occurs when a Civilian or Military Government Representative, who does not possess the proper authority, commits the Government to pay for supplies and services from a commercial vendor. Only a duly appointed KO, Ordering Officer or Government Purchase Card (GPC) Cardholder acting within his/her delegated authority may legally procure and obligate the Government to pay for supplies and services. ([MAP APP 5.1.2.1](#))

(202) Government employees who make unauthorized commitments may face personal financial liability from the vendor if the Government is unable to ratify (*i.e.*, approve) the commitment. UACs result in many other negative consequences for the Agency and individuals involved even when they can be ratified.

(203) Communication with Requiring Activities is vital to help preclude ratification actions. MICC Contracting Office Directors must initiate discussions with their Requiring Activities on proper contracting procedures and the importance of avoiding UACs. They must also coordinate with their respective SCOs to ensure Commanders and/or Directors of Requiring Activities are made aware of the impact and costs associated with ratification. Commanders and/or Directors must be notified that funds to ratify a UAC may be charged to their current budget or to the individual committing the UAC. To assist with this, a [training video](#) about UACs is available for viewing on

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the MICC SharePoint site. The video provides examples of UACs and the ratification process. Contracting Office Directors are encouraged to utilize this [video](#) as an aide to increase awareness among the Requiring Activities. Training efforts should address the following topics: definition of an UAC, how UACs occur, the significant adverse effects caused by UACs, the additional cost and effort of processing UACs, and the proper contracting procedures. In addition, Contracting Office Directors are encouraged to periodically publish local articles about the impact of UACs as well as how to avoid committing them. SCOs shall take measures to ensure that the ratification of an UAC does not take more than 45 calendar days from the date the UAC package is received.

(204) Procedural Guidance.

a. When a possible UAC is discovered, the assigned KO will immediately determine the status of a vendor's performance (*e.g.*, performance ongoing or has been completed). If performance is ongoing, the KO will direct the vendor to stop performance immediately unless doing so will have an adverse operational impact that affects the life, health, and/or safety to the unit receiving the benefit that cannot be mitigated. Every effort shall be made by the KO to finalize the ratification process within 60 days of receipt of the UAC package, including approval or disapproval by the proper ratification authority and finalizing issuance of corrective contracting action (contractual instrument).

b. If the UAC involves a [claim relating to a contract](#), then it is subject to resolution under the Contract Disputes statute (41. U.S.C. Chapter 71), and the KO shall process the claim IAW [FAR 33.2](#). Otherwise, the Contracting Office will provide the individual who committed the UAC, through the Chain of Command, a copy of the Request for Approval of Unauthorized Commitment form to document the circumstances. The Activity/Unit to which the individual(s) who allegedly committed the UAC is/are assigned and the Contracting Office will follow the instructions on the form and the process outlined in the figure below. The assigned KO will work with the Activity/Unit to ensure that all items of the form are addressed adequately.

c. The Request for Approval of Unauthorized Commitment template provides for submission of uniform documentation and clear articulation of the circumstances that led to the UAC. The template routes the UAC through the Chain of Command for approval or disapproval by the appropriate ratifying authority. Use the [appropriate mandatory fillable template](#) posted on the MICC SharePoint.

d. The first Colonel (O-6) or equivalent in the Requiring Activity's Chain of Command shall review and verify the circumstances that led to the UAC. All UACs

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valued over \$100,000 require the approval of the first General Officer (GO) or Senior Executive Service (SES) in the Chain of Command of the individual(s) who committed the UAC. It is the SCO's discretion to require the approval of the first GO or SES in the Chain of Command of the individual who committed an UAC valued over \$10,000 and up to \$100,000. The Primary Legal Counsel (PLC) shall provide legal review of all UACs. If the UAC is valued at \$10,000 or less, the Contracting Office Director will make a written determination whether the UAC should be ratified IAW [FAR 1.602-3\(c\)](#). If the UAC is valued over \$10,000, the Contracting Office Director shall make a recommendation and forward all documentation to the CSB/FDO. Then, the CSB/FDO Procurement Analyst shall process the ratification package (>\$10,000) for SCO approval if the UAC is valued up to \$100,000 (figure 1-1). The same process applies to UAC ratifications exceeding \$100,000, except that the SCO will make a recommendation, obtain a legal sufficiency review from an Attorney assigned to the MICC Office of Counsel (if the PLC was NOT assigned to the MICC Office of Counsel) and forward the action to the MICC DCG for clearance (figure 1-2). The MICC HQ (Field Support) will then submit the ratification package to the ACC Commander for approval ([MAP APP 0.2.3](#)).

- e. Ensure the following documents are available in PCF:
 1. Completed Request for Approval of Unauthorized Commitment form;
 2. Memorandum from the SCO requesting DCG clearance of the ratification package (when UAC requires MICC DCG clearance);
 3. Vendor's invoice;
 4. Fair and reasonable price determination;
 5. Memorandum or e-mail from G-8/Resource Management/Budget Office dated within the last 12 months, certifying that funds were available at the time the UAC was made and that subject funds are still available;
 6. Legal sufficiency review.

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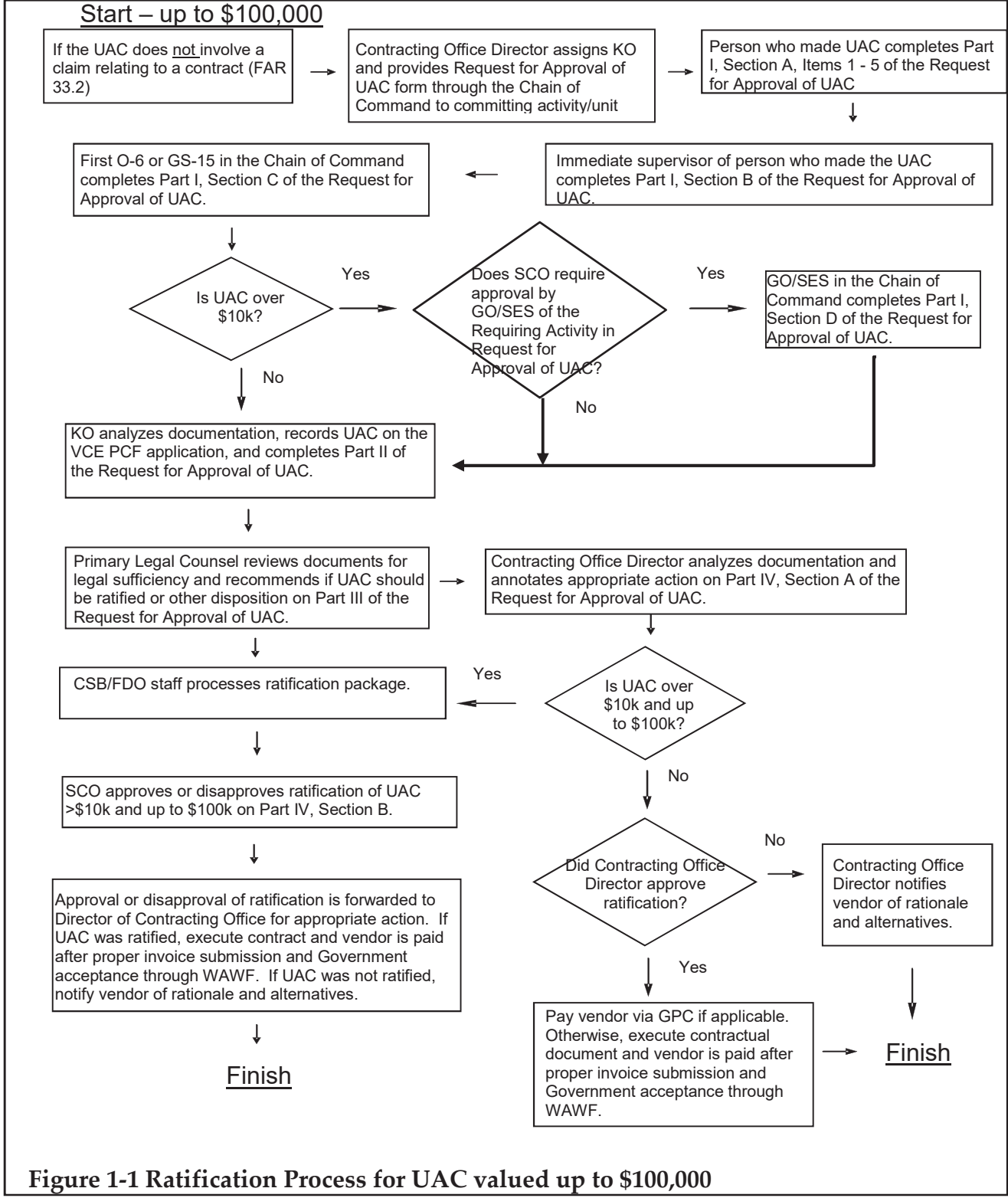


Figure 1-1 Ratification Process for UAC valued up to \$100,000

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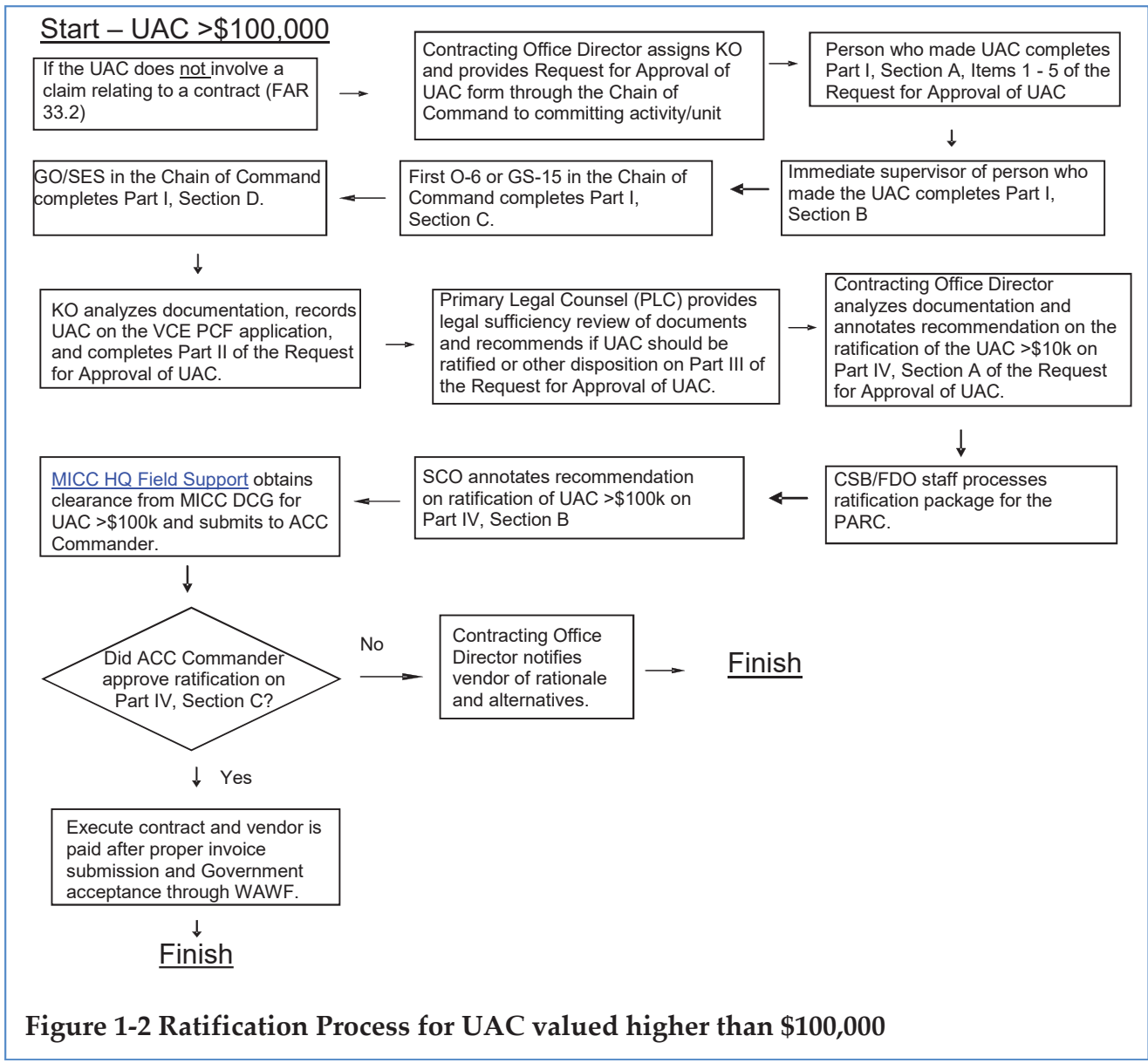


Figure 1-2 Ratification Process for UAC valued higher than \$100,000

f. If the UAC is ratified, the assigned KO will issue a contractual instrument in the amount approved for ratification. Interest will not accrue on the amount due. The Contractor must submit an invoice through Wide Area Workflow (WAWF). The receiving unit must acknowledge receipt of the supplies or services in WAWF in order for payment to be made to the Contractor. The GPC, rather than a purchase order or other contractual instrument, will be used to pay the vendor after ratification of an UAC valued up to the micro-purchase threshold under the following conditions:

1. If the amount of payment is within the Cardholder’s authority;

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2. Approved funding is for the same year that the UAC was incurred.

g. When the UAC cannot be ratified, the package will be returned to the KO through the Chain of Command, along with the rationale and any comments and/or recommendations. Contracting Office Directors and SCOs must engage in active dialogue with the Commander or Director of the Requiring Activity regarding the circumstances preventing ratification. Then, the KO shall provide written notification to the vendor that the case is not ratifiable under [FAR 1.602-3](#) and supplements, include rationale and indicate that the case may be subject to resolution as recommended by the GAO under its claim process (GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 4, Chapter 2) or as authorized by [FAR part 50](#) and [DFARS subpart 250.1](#), whichever is consistent with legal advice.

h. All UAC documentation shall be filed with the final contractual document that is executed for payment and will be maintained for a minimum of three (3) years after payment.

(205) UAC Logs. Each SCO will maintain visibility of the status on all requests for ratification of UAC actions being processed by the subordinate Offices. Accordingly, each Contracting Office Director shall ensure that all UACs regardless of dollar value are properly recorded in the VCE PCF application and will ensure the status of each action is updated as progress is made or at least on a monthly basis by updating the records by the 5th day of each month. SCOs shall review the UAC activity to identify which Contracting Office under their purview requires assistance with reducing the number of UACs within their organization. The report functionality of the application may be used to monitor trends by Contracting Office, Requiring Activity, dollar value, number of actions, etc. Each SCO will, at his/her discretion, provide a copy of the UAC report through the Requiring Activity's Chain-of-Command to the first GO or SES.

5101.603 Selection, Appointment, and Termination of Appointment for Contracting Officers

(200) IAW [MICC OPORD O-17-004-01](#), all MICC 1102s and Military equivalents serving in a position as a Chief or Deputy Chief of a Contracting Office or Battalion, or Deputy Director of a CSB or FDO shall obtain and maintain a KO Warrant with authority commensurate with their organization's workload. The CSB/FDO SCOs have the authority to appoint KOs with a warrant level valued up to \$250M. The CSB/FDO SCO relies on the Contracting Office Director's confirmation of the candidate's qualifications and endorsement by the Contracting Office Director. If the warrant requested is above \$250M, endorsement by the CSB Commander/Field Director is

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required. MICC HQs SCO has the authority to appoint KOs with a warrant level valued higher than \$250M. This authority is not delegable. MICC warrants are limited to members of MICC who are employees of DoD (excludes Contractors) or certain members of the U.S. Armed Forces. When selecting an individual to serve as a KO, Appointing Officials shall consider the provisions of [FAR 1.603-1](#), [DFARS 201.603](#), [AFARS 5101.603](#), and [MAP APP 0.2.2](#).

a. In order to evaluate a candidate's experience, training, business acumen, judgment and knowledge of policies, procedures, and regulations, each CSB/FDO SCO shall establish internal procedures for the staffing and conducting of the Contracting Officer Review Board (CORB), which will be included as part of the application and appointment process for warrants over the SAT. The CORB shall be chaired by the CSB/FDO SCO, SCO in the absence of the SCO, or the CSB/FDO SCO's designee. During the interview process, the CORB will use the [Warrant Board Repository questions](#) and the [MICC HQ CORB questions](#) (for warrants valued over \$250M). The CORB may utilize as many questions as necessary and may use questions related to the specific contracting/warrant areas of responsibility (i.e., construction, services, etc.) necessary to evaluate the candidate. A CORB is not required for currently warranted individuals nor where the dollar value is increased or decreased within the same warrant classification; unless, at the CSB/FDO SCO's discretion, it is desired. A CORB is required when a warrant is being increased to a higher warrant classification level (see [PARC Policy Alert #17-23, KO Warranting Program, VCE-Warrants Documentation Requirements](#). See paragraph (207) when an individual who previously held a warrant issued by an ACC SCO transfers to a MICC Contracting Office.

b. For warrants valued over \$250M, in addition to the CORB, the MICC HQs SCO implemented the Contracting Officer (KO) Warrant Test to assess the candidate's contracting knowledge and research ability of the FAR, DFARS and/or AFARS. Candidates must first pass the CORB conducted by their CSB/FDO SCO before the KO Warrant Test can be scheduled. The total number of warrants issued in the MICC is based on input from the Contracting Office Directors and CSB Commanders/Field Directors. The dollar threshold of warrants is established on a case by case basis based on workload requirements as documented in each application.

(201) CSB/FDO SCOs will issue Contingency Contracting Officer (CCO) warrants with a value up to \$250M to Soldiers assigned or attached to the MICC who are selected to be in the Contracting Ready Teams (CRTs), if the area of the contingency is within the MICC's mission. The MICC HQs SCO will issue CCO warrants valued higher than \$250M. See [ACC OPORD 13-19](#), Contracting Ready Team (CRT) Selection and Management for more information. MICC KOs do not have the authority to appoint

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Field Ordering Officers (FOOs) for in-theater missions. FOOs will be appointed by KOs who are aligned to the cognizant HCA, SCO or equivalent responsible for the Contingency Operation ([MAP APP 0.2.2](#) and [1.8.16.4](#)).

(202) Soldiers who are part of the Contingency Contracting Force (CCF) and the CRT may be issued KO warrants above the SAT, IAW [DoD Instruction 5000.66](#), Section 5.4, if they have completed all required contracting courses for their position/rank; possess two (2) or more years of contracting experience; and possess 24 semester hours in business disciplines. CCF consists of members of the Armed Forces whose mission is to ploy for Contingency Operations and other operations of the Department of Defense to provide necessary contracting support, while the CRT consists of two (2) trained and ready teams that are considered to be on a prepared to deploy status within 24 and 72-hours respectively, capable of providing acquisition planning, assistance, and Liaison to supported Commanders and deployable operational Command posts, on short notice. CCF and CRT Soldiers assigned or attached to the MICC that are being considered for MICC KO warrants must meet all certification/accreditation requirements for the position they hold when not deployed.

(203) IAW [PARC Policy Alert #17-23](#), Standard Warrant Thresholds, SCOs shall issue warrants IAW with the minimum standards commensurate with mission requirements as outlined in the table below:

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Warrant Classification	Dollar Authority**	DAWIA Certification	Minimum Years of Contracting Experience
Class IV	Greater than \$250M and up to Unlimited	III Contracting	5***
Class III	Greater than \$7M but less than or equal to \$250M	II Contracting or III Contracting (depending on grade)	4***
Class II	Greater than SAT but less than or equal to \$7M	II Contracting	2*
Class I	Less than or equal to SAT	I Contracting	1

Notes:

*At least 2 years of experience in a contracting position is required in order to be qualified to serve as KO with authority to award or administer contractual documents for amounts above the SAT.

**A warrant may be issued at any dollar limit within the dollar authority range of the associated warrant classification. The dollar limit must be equal to or greater than the value of the instant contract action.

***Per [ACC AI](#) and [FAR 1.603](#).

(204) Only two (2) types of warrants are issued by the MICC SCOs – short term and all others. A short-term warrant is intended solely to support a MICC specific function (such as the Fort Irwin National Training Center rotation). It is issued with a specified beginning and end date, and is normally not valid more than 60-90 days. KO warrant request packages shall be processed through the [VCE-Warrants Module](#), which is a comprehensive system to track and process KO, Grants Officer and Agreement Officer Warrants. The [KO Warrant Application Section](#) provides step by step instructions and an overview of the use and capabilities within the VCE Warrants Module.

a. New requests for KO warrants shall be processed through the [VCE-Warrants Module](#). Note: The applicant must have a Manpower and Staffing (M&S) account (formerly VCE-TDA) to access the module. All required fields in the application must be filled out. Additionally, at a minimum, the following mandatory attachments shall be uploaded:

- Completed and [current KO Applicant Qualifications](#)

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- Current Office Organizational Chart, which shall include all authorized positions, with emphasis on the job title, job series/grades and warrant levels/amounts of the KOs in the local Contracting Office. It shall also indicate the applicant's position relative to other KOs, identify positions supporting the KOs (Procurement Analysts, QA, IT, GPC Program Staff and others), the total number of warrant holders by warrant levels/amounts: Limited, Unlimited and SAT.

b. Personnel in the review chain will request a current (produced within 60 days of applicant's signature), signed and dated Army Civilian Record Brief (ACRB), Officer Record Brief (ORB) or Enlisted Record Brief (ERB), as applicable. In order to comply with the information protection requirements of the Privacy Act of 1974, black out all Personally Identifiable Information (PII), *e.g.*, social security number, date of birth, etc., and digitally encrypt the email. Reviewers will validate the information on the application with the applicable ACRB/ORB/ERB.

c. As a reviewer, the Contracting Office Director will type the endorsement in the Reviewer's Comment data field. The endorsement must answer the questions: is this warrant necessary and why is this warrant necessary. The endorsement must also reflect the Contracting Office Director's personal knowledge of the applicant, qualifications, and impact on the organization if the warrant is not approved.

d. The CSB/FDO SCO may change the dollar value of the warrant prior to approving a Class I or II or III KO warrant. For a Class IV KO warrant, the CSB Commander/FDO Director may change the dollar value of the warrant and will type his/her endorsement in the Reviewer's Comment data field. When recommending the approval of the application, the CSB Commander/FDO Director must answer the following questions: is this warrant necessary, why is the warrant necessary, did the individual pass the CORB and any other information that the CSB Commander/FDO Director deems appropriate for the MICC HQ SCO.

(205) The [MICC HQ Policy Implementation and Oversight Division](#) will schedule the KO Warrant Test with the candidate who is applying for a Class IV (Greater than \$250M and up to Unlimited) KO warrant. Once the candidate passes the KO Warrant Test (score of 85% or higher), the MICC HQs SCO will be responsible for issuing the Class IV KO warrant. If the candidate fails the KO Warrant Test for the first time, the candidate may re-take the test with the Supervisor's approval anytime after failing the first test based on the proctor's availability. Candidates who do not pass the second attempt may re-take the test after 6 (six) months with the Supervisor's approval. The

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six (6) month waiting period may be waived with the approval of the Contracting Office Director. Review the [MICC KO Warrant Test Standard Operating Procedures](#).

a. Civilian KOs are responsible to update their ACRB to reflect their appointment by logging into the [Career Acquisition Management Portal](#). Once logged into the Portal, follow the steps below to update your ACRB:

- Edit ACRB
- Click on Section X, Certifications/Licenses
- Agree to Disclaimer
- Under Professional Licenses, click "Add"
- Click on drop down menu and select "Contracting Officer Warrant"
- Enter appointment date
- Click "Save".

b. Soldiers assigned to the MICC will submit a copy of their SF 1402, [Certificate of Appointment](#), through their Chain of Command to the MICC HQs G-1 for inclusion in their official records.

(206) MICC Contracting Offices are not required to maintain "paper" warrant files on assigned KOs. The [VCE-Warrants Module](#) provides online management of all warrants from issuance to termination. Contracting Offices that elect to maintain files in hard copy on assigned KOs, shall ensure that any files related to KO warrants are destroyed NLT six (6) years and three (3) months after the termination date of the warrant.

(207) IAW [ACC AI](#) and [FAR 1.603](#), a CORB is not required when the CSB/FDO SCO or MICC HQs SCO chooses to recognize the warrant qualifications of a new employee transferring from an ACC Contracting Office to a MICC Contracting Office at a level equal to or below a warrant previously granted to that employee, provided that the employee satisfies the qualifications and competencies with the warrant in question. If a CSB/FDO SCO or MICC HQ SCO chooses to "recognize" the warrant, a new warrant must still be issued under the gaining SCO's authority. The MICC HQs SCO still requires the individual to pass the KO Warrant Test before issuance of a MICC warrant valued over \$250M.

(208) [Suspension/Reinstatement](#). CSB/FDO SCOs have the authority to suspend and reinstate KO warrants of personnel under their purview, regardless of value, when the suspensions result from **routine** personnel action, *e.g.*, extended temporary duty assignment or deployment. The warrant must be suspended/reinstated using the [VCE-](#)

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[Warrants Module](#) and must include the reason for suspension/reinstatement. Suspension for cause is addressed in paragraph (212).

(209) Terminations. Excluding the short term warrants described in paragraph (204) above, an SF 1402, [Certificate of Appointment](#), issued by MICC is effective as long as the appointee is assigned to the MICC, unless terminated sooner. A KO who moves from one Contracting Office to another within the same MICC CSB/FDO, in a like capacity, need not be issued a new MICC warrant (other than a short term). CSB/FDO SCOs have the authority to terminate KO warrants of personnel under their purview, regardless of value, when the terminations result from routine personnel actions, *e.g.*, retirement, resignation, reassignment outside of MICC, realignment of Contracting Office outside of MICC, etc. See paragraph (211) for specific information and instructions on “Name Changes”. If the warranted individual is relocating within MICC, the losing Contracting Office shall initiate all necessary actions in VCE-M&S to have the warrant transferred to the gaining Contracting Office in the database. The Director of the gaining Contracting Office within MICC shall initiate the termination request if he/she determines that the individual does not need to retain the KO warrant. However, if the individual was warranted by a MICC CSB/FDO SCO and the individual is relocating to a different MICC CSB/FDO, the Director of the losing Contracting Office shall initiate the termination request to the CSB/FDO upon the KO’s departure. Termination for cause is addressed in paragraph (212).

a. Every termination request shall include the rationale for the termination, *e.g.*, retirement, resignation, reassignment outside of MICC, reassignment within MICC but requiring a new warrant from the gaining Office, etc. The final disposition of the SF 1402, [Certificate of Appointment](#) (retrieved and destroyed, or unable to retrieve because...) must also be provided. Similarly, terminations for short term warrants must affirm the rationale for termination, *e.g.*, exercise for which the warrant was granted ended, warrant date on SF 1402, [Certificate of Appointment](#), is expired, etc., and must provide the final disposition of the original SF 1402, Certificate of Appointment. A sample of a Request for Termination may be found under the [Warrant Program folder](#) on the MICC SharePoint.

b. The CSB/FDO Action Officer will draft the termination memorandum for the CSB/FDO SCO’s signature and process the termination in VCE-Warrants.

c. No MICC warrant termination shall operate retroactively.

(210) The [MICC HQ Policy Implementation and Oversight Division](#) will continue to review and update the VCE-Warrants as often as needed to ensure it reflects current KO

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warrant holders. On or before October 1st of each calendar year, the MICC HQ Policy Implementation and Oversight Division shall coordinate with other MICC Directorates (G-1, etc.) to verify ancillary KO data such as verification of KO's grade and Defense Acquisition Workforce Improvement Act (DAWIA) certification level. The review will specifically include verification that active KOs meet the 80 Continuous Learning Points (CLPs) within the two-year cycle and data validation in support of paragraph (212) below.

(211) Name Change. Requests for issuance of a new warrant due to a name change without a change in warrant authority is processed in the [VCE-Warrants Module](#). There is no standard format required for submission; however, the KO's name must first be updated in VCE-M&S. Once this process is complete, the requestor may begin a "Change Name" application in [VCE-Warrants Module](#). The requestor shall submit documentation effecting the name change to personnel in the review chain as follows:

- Digitally encrypted email with all PII blacked out;
- Valid court order;
- SF 50, Notification of Personnel Action; or
- DA Form 4187, Personnel Action;
- Signed and dated ACRB, ORB or ERB reflecting the new name

A new warrant will be issued simultaneously with the termination of the previous warrant so that there is no interruption in the individual's warrant authority. Name changes accompanied by a request for a change in warrant level/amount authority will require the documentation described above as well as full documentation required for a "Change Authority Amount" application. Such requests will be processed through the Chain of Command.

(212) Suspension/Termination for Cause. KOs are responsible for ensuring compliance with laws, regulations, procedures, and also for good business judgment. A KO shall not execute a contract action if he/she worked the action (*i.e.*, performed as Contract Specialist), unless there is a peer review document signed at the level delegated by the SCO in the file regarding subject contract action. Another KO shall review and execute the contract action. If a KO is negligent and/or fails to perform his/her responsibilities, Contracting Office Directors may choose to submit a request for warrant suspension or termination for cause. The SCO who issued the original warrant shall make the ultimate determination on whether to suspend or terminate for cause. For those KO warrants issued by the MICC HQs SCO, the CSB Commanders/Field Directors will review, concur/non-concur, and forward to the [MICC HQ Policy Implementation and Oversight Division](#) through email with recommendations for final disposition. All

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requests for a suspension or termination for cause must be well documented, describing the facts and circumstances leading to the decision and remedial action taken to rectify the issue, if any. Remedial action is the responsibility of the organization to which a KO is assigned. A KO whose warrant is terminated for cause cannot be issued a new MICC warrant for at least one (1) year from the date of the termination unless the MICC HQs SCO or CSB/FDO SCO determines a warrant (limited or unlimited) must be issued to said KO for extraordinary reasons. Subsequently, if the MICC HQ SCO or CSB/FDO SCO determines that it is appropriate to issue a warrant to someone previously terminated for cause, such action requires submission of a new application specifically describing the extraordinary reasons for issuing the warrant and any remedial action taken to preclude recurrence of the actions that led to termination of the previous warrant. Further, the new application must meet all current requirements for issuance of a warrant. Some examples of when warrants may be terminated for cause are set out below ([AFARS 5101.603-2](#)):

- a. Failure to comply with statutes, Executive Orders, the FAR/DFARS/AFARS, MICC policy and procedures, or failure to exercise good business judgment.
- b. Failure to comply with delegated responsibilities, *e.g.*, exceeding warrant authority.
- c. Failure to complete CLP requirements after appointment.
- d. Integrity violations or failure to act responsibly in carrying out one's duties.
- e. Loss of Security Clearance

(213) The HCA is required to biennially certify that the first level evaluation of each KO is in the contracting career field. Therefore, SCO staff will ensure that warrants are current and valid in conjunction with the HCA's biennial certification. This will be accomplished based on each organization's certification as described in paragraph (210) above. ([MAP APP 0.2.2](#))

5101.690 Procurement Management Assistance

(200) The MICC Procurement Management Review (PMR) Program at Appendix CC of the DB implements the local review of the Contracting Offices for the Command IAW [AFARS 5101.690](#). The MICC HQ SCO retains the management and oversight of the MICC PMR Program ([MAP APP 0.2.4.1](#)).

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Subpart 1.7 Determinations and Findings (D&F)

(200) "Determination and Findings" means a special form of written approval by an Authorized Official that is required by statute or regulation as a prerequisite to taking certain contract actions ([MAP APP 1.1.6](#)). [FAR 1.704](#) details the contents of a D&F. See Appendix GG which identifies the commonly used D&Fs throughout MICC that require approval at the SCO or higher. KOs should refer to the associated regulations/references for conclusive research.

(201) A determination is defined as either the act of "deciding definitely and firmly" or the "result of such an act of decision." When the format at [FAR 1.704](#) is not mandated by the regulations, the determination shall be in writing and the KO shall include the rationale and/or logical/factual basis to support the determination. Appendix GG also contains a table of the most commonly used determinations that require approval at the SCO or higher.

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PART 3: IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 3.1 Safeguards

3.104 Procurement Integrity

(200) A KO who receives a report of a violation or possible violation of Section 41 U.S.C. Chapter 21, Restrictions on Obtaining and Disclosing Certain Information (formerly Procurement Integrity Act), must determine whether the action has had an impact on the procurement. If the KO determines that there has been an impact, the action is forwarded through the Chain of Command to the HCA or designee. If the KO determines that there has not been an impact on a pending award or selection of a Contractor under [FAR 3.104-7\(a\)\(1\)](#), the action is forwarded to the Contracting Office Director as the individual responsible for acting on those determinations. If the Contracting Office Director disagrees with the KO's assessment, the action is forwarded through the Chain of Command to the HCA's designee who is a GO or SES. The KO's determination and the subsequent actions of the Contracting Office Director shall be coordinated with Legal Counsel. (MAP APP [0.3](#) and [3.2](#))

Document	Reference(s)	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
Contracting Officer's determination that a violation or possible violation of the 41 U.S.C. 2102, 2103 or 2104 has no impact on a procurement	FAR 3.104-7(a)(1) AFARS 5103.104-7(a)(1)	Locally determined by the approval authority	Contracting Office Director	Locally determined
Contracting Officer's determination that a violation or possible violation of 41 U.S.C. 2102, 2103 or 2104 has an impact on a procurement	FAR 3.104-7(a)(2) FAR 3.104-7(g) AFARS 5103.104-7(b)	CSB/FDO + Field Support Analysts	MICC HQ SCO <input type="checkbox"/>	25
Note: <input type="checkbox"/> GO/SES level.				

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Subpart 3.6 Contracts with Government Employees or Organizations Owned or Controlled by Them

3.601 Policy

Exception to FAR 3.601 , Contracts with Government Employees or Organizations Owned By or Controlled By Them			
Reference	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 3.602	CSB/FDO Analyst (15) Field Support Analyst (10) ACC ConOps (10)	HCA*⌘	35
<p>Notes:</p> <p>*Requires clearance from the MICC DCG. See Section 5101.290 of the MICC DB for clearance procedures.</p> <p>⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p>			

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PART 4: ADMINISTRATIVE MATTERS

Subpart 204.2 Contract Distribution

(200) Acquisition personnel shall utilize the Procurement Data Standard (PDS) Validation Tool for all contract actions prior to award IAW [ACC Contracting Note #20-14](#).

Subpart 5104.4 Safeguarding Classified Information Within Industry

5104.403 Responsibilities of Contracting Officers

(200) KO's shall include a DD Form 254, [DoD Contract Security Classification Specification](#) in solicitations as appropriate. The DD Form 254, communicates security requirements to the Contractor, with contract protection and cost implications. While Product/Program Managers and Program Directors provide guidance to Program Security Officers who prepare the DD Form 254, Contracting personnel should understand the purpose and uses of the form before including it in contracts ([MAP APP 1.8.4](#) and [4.4.2.3](#)). Review the [HQDA G-2 DD Form 254 Preparation Guide](#) and the Center for Development of Security Excellence (CDSE) on-line training entitled "[Preparing the DD Form 254 IS128.16](#)". The National Industrial Security Program Contract Classification System (NCCS) is mandated for processing DD Form 254's IAW [Policy Alert #19-130, Revision 1](#).

Subpart 5104.5 Electronic Commerce in Contracting

5104.502 Policy

(200) Reverse Auctions are innovative pricing techniques using secure internet-based technology (electronic commerce) as an acquisition tool to procure goods and simple services from suppliers in a competitive environment. Reverse Auctions allow competing sellers to anonymously adjust prices downward in pre-set increments during the time the auction is conducted as established by the buyer. Sellers may submit single bid or multiple bids that decrease in price until the auction ends.

(201) Reverse Auctions are best suited for simple or standardized products available from numerous competitors such as commodities or commodity-like products that have well-defined specifications and universally accepted standards. Simple services available on a firm fixed price basis may also be suitable for Reverse Auction. Price should be the primary evaluation factor. Reverse Auctions would not be appropriate

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for complex requirements or when multiple sources are not available for competition. KOs must use discretion to determine whether Reverse Auctions are appropriate and can meet the applicable FAR requirements. DAU Continuous Learning [CLC 031 Reverse Auctioning](#) provides a basic introduction to Reverse Auctioning. See Subpart [12.1](#) of the MICC DB for specific details of the Command's Reverse Auction guidelines.

(202) [Reverse Auction Tools](#).

a. The ACC-Aberdeen Proving Ground awarded purchase order W91ZLK-17-P-0001 with FedBid to provide a web-based full service Reverse Auction Marketplace for Army-wide use from 1 December 2016 through 30 November 2017. Modification P00005 extends the performance period through 30 November 2019. Acquisition personnel must become familiar with the terms and conditions of the purchase order and its modifications, which are available in the Electronic Data Access ([EDA](#)) System, especially the new application of the [transaction fee](#) for providing the Government with the Reverse Auction web-based services([MAP APP 1.10.1.4](#)). While FedBid advertises that Arms, Ammunition and Explosives (AA&E) are commonly procured through their Reverse Auction Tool, the Command directs that AA&E shall not be procured using Reverse Auction.

b. The Computer Hardware, Enterprise Software and Solutions ([CHESS](#)) has a Reverse Auction capability located under RFx on the main menu bar. CHESS Reverse Auction can be used to request quotes from the [ADMC-2](#), [ITES-3H](#) and [ITES-SW](#) vendors, by having them compete with alternating lower priced bids. See the [CHESS Reverse Auction Tutorial](#) for details. Contact [Tricia Shelley](#), CHESS POC, for additional questions or to attend a Reverse Auction training.

(203) KOs shall follow all applicable acquisition statutes, regulations, and policies when utilizing Reverse Auctions IAW [PARC Policy Alert #15-85 Effective Use of Reverse Auctions](#) and [PARC Policy Alert #19-53 Reverse Auctions](#).

a. The use of a Reverse Auction Tool does not exempt the KO from verifying data in the System for Award Management (SAM) per [FAR 4.1103](#), SAM Exclusions twice: upon receipt of quotes and immediately prior to award per [FAR 9.405\(d\)](#) and [clarification](#), and meeting other mandatory requirements even when the selected RA tool checks those sources.

b. The use of a Reverse Auction Tool does not preclude mandatory and priority sources as provided in FAR Part 8. However, it can be used to compete among required sources under contracting vehicles such as GSA FSS contracts provided responses are

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limited only to FSS Contractors. KOs must be knowledgeable of basic FSS contract prices prior to conducting a Reverse Auction among FSS vendors and must not pay more than the contract price for the items.

c. KOs shall give priority to socio-economic small business classifications as required by [FAR Part 19](#), [DFARS Part 219](#), and [AFARS Part 5119](#), and ensure appropriate small business clauses are included in the solicitation and award documents. In addition, KOs shall ensure a properly coordinated DD Form 2579, Small Business Coordination Record, is accomplished for actions over \$10k when required per [Subpart 12.1](#) and [Section 5119.201](#) of the DB.

d. KOs shall ensure that the required brand name justifications are posted IAW [FAR 6.305\(c\)](#), [FAR 8.405-6\(a\)\(2\)](#), [FAR 13.105\(c\)](#), [FAR 13.106-1\(b\)](#) or [FAR 13.501\(a\)](#), whichever is applicable. Submit a copy of the justification to the [Competition Advocate](#).

e. KOs shall make a written determination of fair and reasonable price ([Simplified Acquisition Price and Award Analysis Memorandum](#)) on the winning quote when utilizing Reverse Auctions.

Subpart 4.8 Government Contract Files

(200) IAW [AFARS 5104.802\(f\)](#), KOs are mandated to utilize the Virtual Contracting Enterprise (VCE) tools throughout the acquisition process to maximize visibility and management of contract specific information and documents. VCE shall not be used for “classified” documents or contracts.

(201) All MICC Contracting Offices shall utilize the [VCE PCF](#) Application as the official repository for all contract actions and documents related to the procurement ([AFARS 5104.802\(f\)\(i\)](#), [PARC Policy Alert #18-90](#) and [MAP APP 1.13](#)). PCF shall be used to store, access, and route documents necessary to manage the acquisition process for review and approval. Pursuant to [AFARS 5104.802\(f\)\(i\)](#) KOs shall not duplicate a document or file in PCF if it is maintained within the [PIEE](#) or the Federal Procurement Data System-Next Generation ([FPDS-NG](#)). Effective 1 July 2016, when creating a file cabinet for purchase orders valued below the SAT, all MICC Contracting Offices are mandated to use the "Simplified Acquisition-PO" Buy Type selection under the Information tab. [Additional instructions](#) are posted on the MICC SharePoint.

(202) All Requiring Activities are required to use the Mission Partner/Requirement Owner Functionality of VCE PCF by creating cabinets and submitting documents to the

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Contracting Organization. VCE PCF provides visibility of contract management/workload for both the Requiring Activity and Contracting Activity. See [PARC Policy Alert #18-90](#) for additional information.

Subpart 204.8 Contract Files

204.804 Closeout of Contract Files ([MAP APP 5.2.3](#))

(200) In lieu of the Quick–Closeout Procedures Threshold at [FAR 42.708\(a\)\(2\)\(i\)](#) and [\(ii\)](#), KOs shall consider cost amounts to be relatively insignificant when the total unsettled direct and indirect costs to be allocated to any one contract, task order, or delivery order do not exceed \$2 million per [PARC Policy Alert #19-93](#) and [Class Deviation 2019-O0009](#). Additional Contract Close Out procedures can be found on the [MAP APP](#).

Subpart 204.71 Uniform Contract Line Item Numbering

204.7103 Contract line items ([MAP APP 2.3.2.2](#))

(200) [“Lump Sum” and/or “Dollars” are not authorized to be used as units of measure on CLINs.](#) A list of available units of measure can be found at: http://www.acq.osd.mil/dpap/pdi/eb/docs/Line_Item_UoM_List.xlsx.

Subpart 204.73 Safeguarding Covered Defense Information and Cyber Incident Reporting

(200) Acquisition personnel are reminded that measures to enhance the protection requirements of DFARS Clause [252.204-7012](#) may only be used when the Contractor’s unclassified information system will process, store, or transmit covered Defense information, and should be tailored commensurate with the risk to the program per [PARC Policy Alert #19-16](#). The clause requires Contractor’s to report any unauthorized access to a Contractor’s Unclassified Information System on which unclassified Controlled Technical Information (CTI) is resident or transiting.

(201) Per [Policy Alert #20-44](#), when a contract or order contains DFARS Clause [252.204-7012](#) and will involve CTI or is for a program identified in the DoD Critical Program and Technology List, KOs shall include the language provided in the [“Implementation of Enhanced Security Protections for Contractor Information Systems Memorandum.”](#)

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PART 5: PUBLICIZING CONTRACT ACTIONS

Subpart 5.1 Dissemination of Information

5105.101 Methods of Disseminating Information

(200) Effective 12 November 2019, Federal Business Opportunities (FedBizOpps) transitioned to [beta.Sam.gov](https://beta.sam.gov) see [Technical Alert #20-03](#) and [Technical Alert #20-03 Rev 1](#). The GSA has published a [fact sheet](#) that provides additional information on the transition, explains the changes in features and functionality, and explains how to create a new account in beta.SAM.gov. Contact the [Federal Service Desk](#) if you have additional questions or require assistance with the systems.

Subpart 5.3 Synopses of Contract Awards

5105.303 Announcement of Contract Awards

(200) Congressional Notification:

a. [FAR 5.303](#) and its supplements require the KO to make information on a contract action over \$7 million publicly available on the same day the contract is awarded. In addition, [AFARS 5105.303\(a\)\(i\)](#) requires public announcement of contract actions, regardless of the dollar amount, that are significant or of interest to the U.S. Congress, the Army, and the local community. Contract award may be made only after receipt of proper approval or concurrence from the DASA(P) or his designee. [FAR 5.303\(a\)](#) lists the exceptions to this reporting requirement.

b. A public announcement is required for all contractual actions, except for those identified above, including modifications that have a face value (excluding unexercised options) of more than \$7 million IAW [DFARS 205.303](#).

1. For indefinite delivery, time and material, and labor hour contracts, report the initial award if the estimated face value (excluding unexercised options) is more than \$7 million. Individual orders shall not be reported until after the estimated value that was previously reported is reached. The KO shall report all modifications and orders that have a face value of more than \$7 million issued subsequent to reaching the estimated value. For example, an indefinite delivery contract was awarded with a 3-year base (\$30 million) and four 1-year option periods, with each option valued at an estimated \$10 million. The initial award notification of \$30 million was submitted for the base

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period. The first three (3) orders placed within the base period have a cumulative total of \$32.7 million. The first order was for \$8.6 million, the second was for \$10.3 million, and the third was for \$13.8 million. None of the three (3) orders are subject to reporting. Even though the third order has a face value of more than \$7 million and pushes the cumulative total past the estimated base period value, it is not subject to reporting because it was issued prior to reaching the value that was already reported. Any subsequent order issued during the base period that has a face value of more than \$7 million must be reported because it was issued after the estimated value of \$30 million. The KO shall report each option period to be exercised because the estimated value of each option exceeds \$7 million.

2. For undefinitized contract actions (UCAs) report the not-to-exceed (NTE) amount over \$7 million. If the definitized amount exceeds the NTE amount by more than \$7 million, only the amount exceeding the NTE amount shall be reported. For example, a UCA of \$7.8 million was initially reported. Later, the action was definitized for \$8.6 million. The difference of \$0.8 million should not be reported. Conversely, if the action was definitized for \$16.6 million, the difference of \$8.8 million shall be reported because it exceeds the \$7 million threshold.

(201) Procedures ([MAP APP 4.2.3](#))

a. The KO shall execute public announcements within the established timeframes listed below through the Announcement of Awards (AoA) feature of [VCE-AoA IAW AFARS 5105.303\(ii\)](#). Review [ACC Contracting Note #17-03 Revision 1](#), and [PARC Information Alert #17-09](#) for additional details. Detailed instructions, FAQs, Quick Reference Guide and illustrations to assist with the announcements are posted on the [ODASA\(P\) website](#).

b. Standard award notifications are those that require the KO to submit the Congressional notification online NLT noon (1200 hours, Eastern Time (ET)), three (3) business days prior to the proposed date of award. However, award dates can only be Monday through Friday, and not on Saturday, Sunday or a holiday that falls during the work week. The three (3) business days includes the day the KO submits the notice. For example, the KO submits a standard notification of a proposed award NLT 1200 hours ET on Monday, if not a holiday, in order to be able to sign the contract on Wednesday after 1700 hours ET. On the proposed date of award, the KO must contact the ODASA(P) either at the group email address usarmy.pentagon.hqda-asa-alt.list.congressional-notification@mail.mil or by telephone to Ms. Theresa Mapp at (703) 697-0857 to confirm that the contract action will or will not, in fact be signed that day. Without this confirmation, the announcement will not be released. If confirmed

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that the contract action will be signed on the date listed in the announcement, ODASA(P) “releases” the Congressional Notification to the Office of the Chief, Legislative Liaison (OCLL) and the Army Office of Public Affairs. Then, the OCLL notifies Congress on the date listed on the announcement precisely at 1700 hours ET. The KO may only sign the award on the award date (no earlier than 1700 hours ET but not later than midnight) reported on the announcement.

c. “After the Fact” Notice. If the KO fails to submit the Congressional notification or does not submit the Congressional notification at least three (3) business days prior to proposed award or awards a contract action on a date other than the award date identified on the Congressional notification, the KO shall notify the SCO via email through the Chain of Command, and provide a written explanation as to why the award was not made as specified in the notification to Congress. Circumstances may include: KO was absent; computer failure; emergency prevented KO from reporting to work; signature was delayed for reasons attributable to the prospective Contractor, etc. The SCO will then notify the DASA(P) or Deputy DASA(P) with the explanation for failure to comply via email to usarmy.pentagon.hqda-asa-alt.list.congressional-notification@mail.mil, and copy MICC HQ Field Support Division at usarmy.jbsa.acc-micc.list.hq-conops-fl-d-spt-div@mail.mil.

d. Emergency Award Notifications. Emergency award notifications are those where there is a mission critical need to sign (execute) a contract immediately, *i.e.* prior to formal notification to Congress, based on an emergency arising from a natural or man-made disaster, combat, threat to life or safety, or increased cost to the Government. During such circumstances, the KO must make the award in less than the standard three (3) business day notification timeframe. Awards based on [FAR 6.302-2](#), Unusual and Compelling Urgency, for other than full and open competition, are not considered “emergency/urgency” for the purposes of Congressional reporting unless they meet the criteria set out above.

1. When a pending award is determined to be an emergency, the KO shall immediately notify the SCO through the Chain of Command via e-mail and include a written justification that details the emergency situation and the need to sign the contract immediately. The SCO will notify in writing the nature of the urgency in an email directly to the DASA(P) or Deputy DASA(P) via email to usarmy.pentagon.hqda-asa-alt.list.congressional-notification@mail.mil, and copy MICC HQ Field Support Division at usarmy.jbsa.acc-micc.list.hq-conops-fl-d-spt-div@mail.mil. The justification may be communicated telephonically to the DASA(P) to expedite the request but, in all cases, the rationale must be reduced in writing prior to the contract being signed.

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2. The KO may not sign the contract until the DASA(P) or designee, has approved/concurred with the emergency rationale. Upon receipt of the DASA(P)'s approval/concurrence, the KO is authorized to sign the contract as soon as practical and within the timeframe requested in the justification. The KO does not have to wait until 1700 hours ET to sign the contract. Then, within 24 hours of signing the contract action, the KO posts the notification but includes one line to the award Description field describing the nature of the urgency and why the report to Congress was late.

Subpart 5.4 Release of Information

5.403 Requests from Members of Congress

(200) The MICC Public Affairs Office (PAO) has the primary responsibility for planning and managing the Command Congressional Affairs Program, including all communications with members of Congress. All Congressional inquiries, whether written or verbal, shall first be coordinated with the MICC PAO. Subordinate Offices are not authorized to answer these inquiries or release information without prior coordination and approval by the MICC PAO, unless an exception has been granted in a particular case.

(201) The MICC PAO serves as the sole point of contact for the Command on all matters concerning Congressional Members, Personal/Professional Staffs and Committees. Any significant conversations or contact with Congressional Members, Personal/Professional Staffs or Committees shall be immediately reported to the MICC PAO, and followed up with a [Commander's Critical Information Requirement \(CCIR\)](#) that same day. Also report any Congressional visits to the Headquarters, Centers and Offices immediately to the PAO ([MAP APP 4.1](#)).

(202) If any Staff Principal or Contracting Office receives a Congressional Inquiry, the MICC PAO must be contacted immediately, informed of the inquiry and be provided all associated documentation for preparation of a draft response. The PAO will inform the ACC Public and Congressional Affairs Office (PCAO) of the Congressional Inquiry. Details and procedural information for preparing and responding to a Congressional Inquiry can be found in [MICC CPM #19-10](#).

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5105.404 Release of Long-Range Acquisition Estimates

5105.404-1 Release Procedures

(200) The Contracting Office Director as Chief of the Contracting Office is authorized to release long range acquisition estimates. This authority shall not be further delegated.

Document	References	Review Chain	Approval Authority	Estimated Lead Time (Working Days)
Approval to Release Long Range Acquisition Estimates	FAR 5.404-1 AFARS 5105.404-1(a) MAP APP 2.1.5	Locally determined	Contracting Office Director	Locally determined

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PART 6: COMPETITION REQUIREMENTS

(200) The Competition in Contracting Act (CICA) of 1984 is codified at 10 USC 2304 and is implemented in FAR/DFARS/AFARS Part 6. The CICA requires that KOs promote and provide for full and open competition when soliciting offers and awarding Government contracts. KOs shall ensure full and open competition through competitive procedures best suited to the circumstances of the contract action and consistent with the need to fulfill the Government's requirements efficiently ([Justifications and Approval page on Procurement.Army.Mil](#), [MAP APP 1.9](#)).

(201) Failure to provide for full and open competition is a violation of law unless permitted by one (1) of the seven (7) exceptions under [FAR 6.302](#) and fully supported by a Justification and Approval (J&A) document prepared and approved IAW [FAR 6.304](#). Contracting without full and open competition shall not be justified on the basis of (1) a lack of advance planning by the Requiring Activity, or (2) concerns related to the projected availability of funds (*e.g.*, funds about to expire).

Subpart 6.3 Other Than Full and Open Competition

6.301 Policy

(200) [PARC Policy Alert #17-55, Bridge Contract Baseline Clarifying Questions and Answers](#), refines the definition of bridge contract, includes FAQs and provides the steps to account for the bridge contracts.

(201) In order to reduce the number of sole source extensions/bridges that are the result of failure to award follow-on competitive service contracts valued over the Simplified Acquisition Threshold in a timely manner, the following procedures are effective until superseded or rescinded:

a. Each SCO shall ensure that Requiring Activities submit a complete requirements package for follow-on competitive services prior to exercising the final option (not including [FAR 52.217-8](#)) of a current contract.

1. Each SCO is responsible for determining what must be in follow-on requirement packages for services, however the package shall contain the agreed-to milestones that will assure timely award. Additionally, the SCO must ensure the follow-on effort has been entered into [VCE PCF Acquisition Milestones](#), prior to allowing the KO to exercise the final option.

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2. Each SCO must ensure that KOs and Contracting Office Directors educate the Customers so they will be prepared to submit complete packages before the KO exercises the final option for continuing services. During this discussion, review the [Fiscal Year Requirements Package Cut-Off Dates memos](#) with the Requiring Activities.

b. The MICC [Competition Advocate](#) will work with each SCO, so that the Competition Advocate can confirm to the MICC DCG on a quarterly basis that for the reporting period, the MICC has received a complete requirements package for the follow-on competitive services prior to the KO exercising the final option (not including [52.217-8](#)) and if not, why not.

6.303 Justifications

(200) When documenting the basis for use of Other than Full and Open Competition in J&As, consider the following:

a. Always provide a clear, logical and chronological explanation of the events that caused the situation. Ensure that the J&A is specific to each requirement rather than using a generic “boilerplate.” Discuss any unique circumstances, including patents or proprietary data issues.

b. When limiting competition, identify the proposed Contractor(s) and discuss the unique capabilities and expertise that support restricted competition. Statements that characterize a particular Contractor as the “only known source” must be fully supported. Prior to using this justification, see paragraph (201) a.2. below. Statements such as the Contractor “is highly qualified” or “understands the Government’s requirements,” are insufficient reasons for limiting competition.

(201) KOs should ensure that the most applicable citation to justify limiting competition is used and fully supported. General statements are not sufficient; the J&A must explain the facts that support the conclusions. The J&A must fully describe the detrimental effects to the mission that will result if the J&A is not approved. Provide specific examples of the nature and severity of the impact and cite dollars where applicable. If [FAR 6.302-1](#) is the most applicable authority for other than full and open competition, do not invoke [FAR 6.302-2](#) in an attempt to avoid the requirement to synopsise the requirement.

a. If citing [FAR 6.302-1](#), “only one responsible source,” an argument for lack of competition is usually limited to actions involving receipt of an unsolicited proposal, a contract for highly specialized equipment or services when an award to another source

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would result in substantial duplication of cost or unacceptable delays, or an acquisition that specifies a brand name or equal purchase descriptions, use of proprietary specifications or standards product.

1. As applicable, the nature of the delays must be fully explained and/or an estimate of the costs that would be duplicated must be provided. Include an explanation of how the estimate was derived.

2. IAW [DFARS 206.302-1\(d\)](#), the market research in support of a J&A under the circumstances at [FAR 6.302-1](#) shall include a Sources Sought Synopsis (SSS) and its results. A [SSS template to encourage vendors to respond to a sole source situation or other than full and open competition](#) is posted on the MICC SharePoint. Document the responses to the SSS clearly in any J&A requiring approval above the Simplified Acquisition Threshold per [DFARS 206.303-2](#). Evaluation addressing why the responses provided inadequate competition must be included. Individual follow-up with respondents that might clarify capability is highly encouraged and decisions against such practice must be documented in a memo or e-mail that accompanies the justification. [AFARS 5153.303-5](#), paragraph 8, requires that the market research in support of other than full and open competition be conducted within the previous 12 months. Only the MICC DCG, as the HCA's designee who is a GO or SES, may waive the SSS or Request for Information (RFI) requirement at [DFARS PGI 206.302-1\(d\)](#). MICC has a waiver for posting requirement under the following limited circumstance: when, as a result of a protest, a contract or task/delivery order must be extended on a sole source basis pursuant to the authority of [FAR 6.302-1](#). When the previously referenced limited circumstance applies, ensure that a copy of the [waiver](#) posted on the MICC SharePoint is attached to the approved J&A and placed in the contract file. For all other circumstances, submit the request for waiver to the [Competition Advocate](#).

b. If citing [FAR 6.302-2](#), "unusual and compelling urgency," it is important to detail the chronology of events to establish that the time was too short between the date the requirement became known and the required delivery/performance date to permit fully competitive procedures. Use of this authority justifying a sole source action resulting from a protested award is a common practice. The J&A must establish that the action will cover only the minimum quantity or period of performance necessary and the KO will still solicit offers from the maximum number of sources practicable. Use of options when citing [FAR 6.302-2](#), must be avoided to the maximum extent possible. If an option is included it must be fully justified IAW [AFARS 5117.290](#). If citing [FAR 6.302-2](#), pursuant to [FAR 6.303-2\(a\)\(9\)\(iii\)](#), the J&A must provide the estimated cost or other rationale to explain the extent and nature of harm that will come to the Government if the J&A is not approved.

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(202) A J&A for Other than Full and Open Competition shall be prepared when [FAR clause 52.217-8](#), Option to Extend Services, was included in a contract and the option was not formally evaluated as part of the initial competition [including a competitive 8(a) set-aside]. The GAO has held that the exercise of an unevaluated option is beyond the scope of the original contract and effectively constitutes a new procurement action, and thus must be justified.

(203) MICC contracting personnel will use a centralized tracker for non-competitive actions that exceed \$250k. These include justifications under FAR 13.501, limited source justifications under FAR Part 8 and exception to fair opportunity under FAR Part 16. The [tracker](#) is located on the [Competition Advocate](#) link on the MICC SharePoint. Log the new action via the [Sole Source Action Log](#) on the MICC SharePoint page or click on the “Sole Source Action Log (\$250k) Submit” green button on the [Competition Advocate link](#) to access the input page and a simple fill-in section will appear to log a new action. A number generator will be assigned for each MICC Office based on a drop down menu. There is no need to maintain a separate manual log. This number will be inserted on the right side of the header of the document as the official local identifier. The tracker is self explanatory; however, it is important to select the correct reason for the delay. There is a drop down menu containing codes for the Metric Delay field. For example, code “A” corresponds to bridge actions resulting in slips from the EAGLE Program transition. Code “I” corresponds to brand name items. Code “L” corresponds to proprietary licensed items. Code “C” is applicable to ACC’s latest enterprise initiative that consolidates all Network Enterprise Center support contracts into the ACC/APG. Once the final document is prepared and signed, click on the “Sole Source Action Log (250k+) Edit” yellow button on the [Competition Advocate](#) to input the approval date and upload the document as an attachment for central storage and access. Also, once the justification is posted on [beta.Sam.gov](#), Contracting personnel must add the actual posting date to the record via the “Sole Source Action Log (250k+) Edit” yellow button. For any proposed action that will exceed \$700k, the system will generate a MICC Control Number. This number is inserted into the left header of the document as the MICC Organization official identifier. The system notifies the MICC Competition Advocate via email of a pending action to facilitate the review and approval process. Finally, KOs must ensure that a copy of the approved J&A is included in the PCF cabinet.

(204) A J&A is required when utilizing the Demonstration Project for Contractors Employing Persons with Disabilities pursuant to FAR 6.302-5 “authorized or required by statute” IAW [DFARS 226.7202](#), per [Policy Alert #20-33](#).

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6.303-2 Content ([MAP APP 1.9.4](#))

(200) When limiting competition, the KO must prepare a document justifying the sole source or limited sources. [FAR Part 6](#) justifications as well as Sole Source under the Simplified Procedures for Certain Commercial Items at [FAR Subpart 13.5](#) are known as Justifications and Approvals (J&As). When other parts of the FAR are used, the justification documents have different names but with similar content. When limiting competition on a GSA Federal Supply Schedule order, the document is known as a Limited Sources Justification. The document utilized under the Simplified Acquisition Threshold is known as a Sole Source Justification. Finally, the document for limiting sources on a Multiple Award Contracts order is called Justification for an Exception to Fair Opportunity. Review the [MAP APP flowchart](#) corresponding to “MAP APP 1.9.3” on the use of the appropriate justification documentation (see [Overview of Changes briefing slides](#)). Standard templates for the preparation of a J&A for Other Than Full and Open Competition pursuant to FAR Part 6.3 that conform to the format at [AFARS 5153.303-4](#) and [AFARS 5153.303-5](#) can be found on the [MAP APP Samples and Templates](#). Additional instructions for the signature page are posted under the [Justification and Approvals routing and other documentation folder](#) on the MICC SharePoint.

6.304 Approval of the Justification

(200) The approval level is based on the total value of the instant non-competitive action: either contract or modification, including all options. This is not to be used as an incentive to split requirements. The J&A must be based on the reasonably expected requirements necessitating the sole source action at the time.

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JUSTIFICATION & APPROVAL (J&A) (Except 8(a), Indian Tribe or ANC Sole Source Contract)				
References	Threshold	Review Chain and Estimated Lead Time (Working Days)	Approval Authority**	Total Estimated Lead Time (Working Days)
FAR 6.304 DFARS 206.304 AFARS 5106.304 MAP APP 1.9.4.1	Up to \$700,000	Locally determined	KO	Locally determined
	> \$700,000 and up to \$13.5M	CSB/FDO Analyst (10) Competition Advocate (15)	Competition Advocate	25
	> \$13.5M and up to \$93M	CSB/FDO Analyst (10) Competition Advocate (20)	MICC HQ SCO□	30
	> \$93M	CSB/FDO Analyst (10) Competition Advocate (20) ACC ConOps (10) ODASA(P) (40)	SPE*	80

Notes:

□GO/SES level.

*Requires clearance from the MICC DCG.

**Follow [DFARS 206.304\(a\)\(S-70\)](#) regarding the approval of a justification for a non-competitive follow-on acquisition to a previous award for the same requirement which was supported by a justification citing the authority at [FAR 6.302-1](#).

JUSTIFICATION & APPROVAL FOR SOLE SOURCE CONTRACT TO 8(a) (including Indian Tribe and ANC-owned Entities)				
References	Threshold	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 6.302-5 FAR 6.303-1 FAR 19.808-1	> \$22M and up to \$93M	CSB/FDO Analyst (10) Competition Advocate (20)	MICC HQ SCO□	30
	> \$93M	CSB/FDO Analyst (10) Competition Advocate (20) ACC ConOps (10) ODASA(P) (40)	SPE*	80

Notes:

□GO/SES level.

*Requires clearance from the MICC DCG.

(201) All J&As above the SAT require a legal review by the PLC IAW paragraph (201) of Section [5101.602-2-90](#) of the DB. All J&A documents within the KO's approval

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threshold should be coordinated and reviewed by the local Small Business Specialist. All J&A documents within the Competition Advocate's approval threshold should be coordinated and reviewed by the CSB/FDO OSBP Assistant Director. Submit J&A documentation, including [AMC Form 356 Internal to MICC](#), through the Chain of Command (*i.e.*, CSB/FDO) to the Competition Advocate when it requires approval by the Competition Advocate or higher. The Deputy to the CSB Commander/FDO Director shall indicate concurrence with the justification on the [AMC Form 356 Internal to MICC](#) form prior to submission to the Competition Advocate. All J&A documents requiring approval above the Competition Advocate must also be reviewed and coordinated with the [MICC HQ OSBP Director](#).

(202) Advanced Notice.

a. Justifications that require approval from the Competition Advocate and higher require advanced notice. MICC Acquisition Personnel should notify the Competition Advocate as soon a need for a bridge action is recognized. This includes delays; requirements packages from the Requiring Activity, SRB/CRB, evaluations and protests, etc. Early submission of a draft justification is highly encouraged as well as entry into the centralized tracker on the MICC SharePoint under the [Competition Advocate webpage](#). The Competition Advocate will include the Procurement Analyst POC at the CSB/FDO on all correspondence involving the justification.

b. A justification at the MICC DCG approval level requires a [AMC Form 356 Internal to MICC](#) containing the digital signature of the CSB Commander/FDO Director and a statement in the Recommendation section that the Commander/Director agrees with the course of action outlined in the J&A. Also include the applicable enclosures/supporting documentation (*e.g.*, copy of previous justification per [DFARS PGI 206.304\(a\)\(S-70\)](#) when the justification is citing the authority at [FAR 6.302-1](#); separate document that lists the milestones for a follow-on competitive procurement if the interim action is a sole source bridge). The Competition Advocate will process the package prior to submission to the MICC DCG.

6.305 Availability of the Justification ([MAP APP 1.9.4](#))

(200) All J&A documents will be made available for public inspection within 14 days after contract award at [beta.Sam.gov](#). However, in the case of a brand name justification under [FAR 6.302-1\(c\)](#), the justification shall be posted with the solicitation. In addition, J&As citing unusual and compelling urgency as authorized by [FAR 6.302-2](#) shall be posted within 30 days after contract award. J&As must remain posted for a minimum of 30 days. While rare in the MICC, prior to posting, the KO must carefully

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screen all J&As for Contractor proprietary data and remove all such data, references and citations as are necessary to protect the proprietary data prior to posting. KOs shall be guided by the exemptions to disclosure of information contained in the Freedom of Information Act (5 U.S.C. 552), and the prohibitions against disclosure in [FAR 24.202](#) when determining whether other data should be removed prior to posting. Prior to redacting information from the J&A, a written legal determination shall be requested that sets out the legal rationale for the redacted J&A. Posted J&As will be randomly reviewed for content and quality by the Competition Advocate. Poorly written and poorly justified J&As and LSJs will be identified for corrective action. The Competition Advocate will notify the Contracting Office Director with a courtesy copy to the applicable SCO. Redact all names except that of the Approving Official. It is very important that electronic signature data is deleted from the public posting. The Common Access Card code number shall be redacted from public view before posting. The name, title, as well as agency name and location of the Approving Official must be posted. Whenever the approval authority is the KO, add the Agency name, U.S. Army Mission and Installation Contracting Command, (local post), State.

(201) [FAR 8.405-6\(a\)\(2\)](#) and [FAR 8.405-6\(b\)\(3\)](#) contains guidance regarding public posting of Limited Source Justifications. Public posting of Exception to Fair Opportunity is addressed at [FAR 16.505\(b\)\(2\)\(ii\)\(D\)](#). See [FAR 13.501](#) for public posting of sole source justifications under Simplified Procedures for Certain Commercial Items. See [FAR 5.102\(a\)\(6\)](#) for the requirement to post brand-name justification or documentation. Follow the guidelines in [FAR 6.305](#) and paragraph (200) above for the redaction of such documents and legal review prior to making such documents available to the [beta.Sam.gov](#).

Subpart 6.5 Advocates for Competition

6.501 Requirement

(200) Only the MICC HQ SCO will appoint the Competition Advocate without authority to delegate further. The MICC HQ SCO, as appropriate, will appoint an alternate Competition Advocate to act when required in the absence of the primary Competition Advocate or when workload necessitates it. The contact information of Competition Advocate and alternate is posted to the MICC SharePoint under the Special Instructions for J&As Section of the [Competition Advocate webpage](#). See [Section 6.301](#) of the DB for the roles of the Competition Advocate and the SCOs when executing the procedures to reduce the number of sole source extensions/bridges that are the result of failure to award follow-on competitive service contracts in a timely manner.

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PART 7: ACQUISITION PLANNING

(200) [Assistant Secretary of the Army \(Acquisition, Logistics and Technology\) ASA \(ALT\) memorandum dated 17 June 2019 entitled "Fiscal Year 2019 Procurement Administrative Lead Time \(PALT\)"](#) establishes PALT goals and targets (cycle times) for each of the Office of Management and Budget (OMB) Spend Categories for use by all Army Organizations. The complexity, dollar threshold, type of action and particularities of each acquisition will drive a range of PALT. Therefore, a more [detailed breakout of PALT goals](#) is posted on [DASA\(P\) Sharepoint](#). The memo stresses the importance of collaboration between the Contracting Office and the Requiring Activity early in the acquisition process to ensure documents in the requirements package are complete and accurate. Although the Requiring Activity is responsible for preparing and delivering an actionable requirements package, latitude is provided for the KO to accept a package for processing prior to receipt of funds. MICC acquisition personnel must consider the PALT targets (cycle times) as Not-to-Exceed times and use their best professional business judgment to develop milestones that achieve timely and effective business solutions. Do not use the PALT targets (cycle times) as the projected award date for the procurement. The KO, Customer and Contracting Office Director will establish the PALT and milestones together, while taking into consideration the operational environment specific to each procurement, e.g., when the Customer needs the contract awarded; the performance period of an expiring contract in order to avoid a break in service if the requirement is a follow-on effort (minimize the number of bridge/sole source actions); realistic times for source selection; the likelihood of protests and associated delays where FAR clause [52.217-8](#) can provide coverage, etc. MICC Acquisition Personnel shall populate the milestones in VCE PCF Acquisition Milestones based on achieving the appropriate and effective PALT as agreed by the KO, Customer and the Contracting Office Director together.

(201) After the KO is made aware of the requirement, the KO will coordinate a Kick-Off Meeting with the Requiring Activity and all stakeholders. The KO will print out the applicable VCE PCF Acquisition Milestones record containing the initial milestones and milestone dates with consideration to the PALT cycle times described on the above referenced [ASA\(ALT\) FY19 PALT Memo](#) and [detailed breakout of PALT goals](#). The goals of the Kick-Off Meeting are to clarify the requirement, recognize potential issues, identify goals and objectives, and assist in proactive decision making. Acquisition personnel shall update the VCE PCF Acquisition Milestones records in real time upon achievement of a milestone (but NLT the next business day) or every 15 days, at a minimum, whichever happens first. Comments/updates tell the story of the state of the acquisition. Consider what, where, when and who, e.g., requested client revise PWS documents on (date) with a suspense of (date).

Subpart 7.1 Acquisition Plans

7.102 Policy

(200) Acquisition planning ([MAP APP 1.5](#)) and market research ([MAP APP 1.4](#)) must be accomplished to provide for the acquisition of commercial items and to promote full and open competition in order to ensure that the Agency's needs are being met in the most efficient, effective, economical and timely manner. In planning a procurement, it is necessary to determine what sources exist to meet the Government's needs. The number and nature of the sources, will, in large part, determine the procurement strategy. Market research includes but is not limited to investigating whether to satisfy the Agency's needs from Government or private sources. Thorough market research helps identify potential opportunities for leveraging small business capabilities to satisfy relevant socioeconomic considerations. IAW [FAR 19.203](#), there is no order of precedence among the small business Socioeconomic Contracting Programs: 8(a), HUBZone Program, SDVOSB Program or the WOSB Program. In determining which Socioeconomic Program to use for an acquisition, the KO should consider, at a minimum, the results of the market research as well as the Agency's progress in fulfilling its small business goals.

(201) Contracting personnel should start acquisition planning at least 12 months in advance of the required contract award date for most standard installation type requirements. However, acquisition planning will need to start earlier for follow-on competitive service requirements, so that the complete requirements package is submitted to the Contracting Office prior to the KO exercising the final option (not including [FAR 52.217-8](#)) of the current contract per Section [6.301](#) of the DB. Acquisition planning may need to start 24 months in advance of the required award date for large and complex requirements. IAW [AFARS 5110.002](#), all members of the acquisition team will conduct market research to determine if capable sources exist, to include the availability of commercial services, to satisfy their requirements.

5107.103 Agency-Head Responsibilities

(200) Acquisition plans are governed by [FAR Subpart 7.1](#), Acquisition Plans, and its corresponding regulatory supplements ([MAP APP 1.5.2](#)). IAW [AFARS 5107.103\(d\)\(i\)](#), written acquisition plans shall be prepared for up to a five (5) year period. When an acquisition plan is not required or if waived for requirements other than services, an alternate format shall be used to document the acquisition IAW [AFARS 5107.103\(d\)\(ii\)](#) and [MAP APP 1.5.2](#). For services, an acquisition strategy approved IAW threshold

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levels set out in [AFARS 5137.590-3](#) will suffice when a written acquisition plan is not required.

a. Job Order Contracts (JOC) contracts of the dollar amounts specified in Table 7-1 require a written acquisition plan for approval at the SCO level. Refer to the [Job Order Contracting Guide](#) for specific guidance on acquisition planning. For Job Order Contracts valued below the dollar amounts specified in Table 7-1, a memorandum for record documenting acquisition pre-award decisions and risk assessment information is required and must be signed by the KO.

b. The acquisition plan must be approved, in writing, by the approval authority identified in Table 7-1 prior to issuance of the solicitation ([MAP APP 1.5.2](#)). Review and approval of an acquisition plan is based on the estimated aggregate value of the procurement (base, all option periods, and cumulative estimated value of orders under indefinite-delivery contracts). MICC Contracting Offices shall obtain written concurrence from the first O-6 or equivalent in the Chain of Command of the Requiring Activity for all acquisition plans valued above \$50M.

c. Acquisition plans shall be updated by the proper approval authority when there is a change in the acquisition strategy that impacts source selection, proposed contract methodology (type of contract tool to be used, etc.), or milestones.

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**Table 7-1
Acquisition Plan Approval Thresholds**

Type of Requirement	References	Threshold	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
Development as defined in FAR 35.001	DFARS 207.103 AFARS 5107.103-90	≥\$10M < \$250M	CSB/FDO Analyst	SCO	15
		≥\$250M	CSB/FDO + Field Support Analysts	SCO*	25
Production (Supplies), Services	DFARS 207.103 AFARS 5107.103-90	≥\$25M < \$250M (any fiscal year) ≥\$50M < \$250M (for all years)	CSB/FDO Analyst	SCO	15
		≥\$250M (any fiscal year) ≥\$250M (for all years)	CSB/FDO + Field Support Analysts	SCO*	25
Job Order Contract	Job Order Contracting Guide	> \$15M < \$250M (any fiscal year) > \$30M < \$250M (for all years)	CSB/FDO Analyst	SCO	15
		≥\$250M (any fiscal year) ≥\$250M (for all years)	CSB/FDO + Field Support Analysts	SCO*	25
<p>Note: *An acquisition plan valued higher than \$250M requires clearance from the MICC DCG. See Section 5101.290 of the Desk Book for the clearance procedures</p>					

(201) It is critical that the Contracting staff partner to immediately resolve issues inhibiting review and approval of acquisition documents. The KO shall involve CSB/FDO staff, MICC HQ Field Support (when HQ MICC clearance is required), Small Business, PLC, when an Acquisition Plan is being drafted. For those actions that require HQ MICC clearance, contact the [MICC HQ Field Support Division](#) for early involvement to facilitate acquisition plan reviews and clearance. Early involvement will facilitate resolution of issues prior to significant effort in writing the acquisition plan. The KO shall also coordinate with the Competition Advocate on actions which require a non-competitive justification document and on all actions valued \$250M and greater when an Acquisition Plan is being drafted. Early involvement from MICC HQ Field

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Support Division begins with the information entered into VCE PCF Acquisition Milestones. Early involvement activities include:

- Review market research report for completeness and strategy supportability
- Facilitate small business and Competition Advocate decisions
- Brainstorming strategic ideas
- Assist in developing implementing solutions for specific issues

(202) The review of an acquisition plan for a requirement valued equal to or greater than \$250M and for which a HQ MICC clearance has not been waived will follow the same procedures for the review of an acquisition strategy at paragraph (201) a. thru g. of [Section 5137.590-4](#) of the DB, except that the description on the email alert to the CSB/FDO POC will be "Request for Review of Acquisition Plan."

7.104 General Procedures

(200) AFARS requires the establishment of cut-off dates for submission of PRs requiring action by end of the Fiscal Year (FY). The goal is to ensure that Contracting Personnel have sufficient time to process actions in a manner that best serves the Government (including compliance with the regulations) without requiring excessive use of overtime.

(201) To minimize potential delays and execute this workload efficiently, MICC Contracting Offices and Requiring Activities must work together early in the process to identify and execute the optimal acquisition strategy that will provide the goods and services required to meet the mission need date in addition to promoting competition. SCOs and Contracting Office Directors should encourage Requiring Activities to identify unfunded requirements early.

(202) The [Fiscal Year Requirements Package Cut-Off Dates memos](#) display the cutoff dates that Requiring Activities are asked to submit requirements packages to their supporting MICC Contracting Offices. In addition, Requiring Activities should be prepared to submit complete requirements packages for follow-on competitive services prior to exercising the final option (not including FAR 52.217-8) of the existing contract per Section [6.301](#) of the DB. The dates in the [memos](#) are based on the receipt of a complete and accurate requirements package. Incomplete or inaccurate packages may delay award. Requiring Activities should allow additional time for more complex requirements, *e.g.*, actions limiting competition and requiring a Justification & Approval document, source selections utilizing tradeoff procedures, etc. Although funded requirements take priority, requirements with purchase requests containing the

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statement at [AFARS 5132.702](#) as signed by the Comptroller or designee will be accepted when there is a reasonable expectation that funds will become available.

a. The [Acquisition Requirements Roadmap Tool \(ARRT\)](#) is an automated job assistance tool designed to assist Customers with creating the initial draft PWS, Quality Assurance Surveillance Plan (QASP) and Performance Requirements Summary (PRS) for performance based service requirements resulting in both contracts and task orders.

b. The dates in the [Fiscal Year Requirements Package Cut-Off Dates memos](#) correlate with the time required to have a contractual vehicle in place. Delivery lead times or ramp up for providing services must be considered. Services are required to begin before funds expire on 30 September to meet bona fide need rules. GPC cut off dates will be established based on local Command procedures.

c. Contracting Offices will evaluate requirements packages submitted after the specified cut-off date on a case-by-case basis to determine whether requirements can be awarded by the end of the Fiscal Year. Local Contracting Office Directors may accept late requirements provided that they were previously identified on a submitted 1-N list. Requirements not on a 1-N list and received after established deadlines must be approved for acceptance by the cognizant SCO if execution is required during the current fiscal year. Receipt of late requirement packages valued at \$5 Million or more that significantly impact MICC operations require a [CCIR IAW MICC CPM #19-50](#).

(203) Failure to submit a complete requirements package on time results in a delayed award and the need to award a non-competitive “bridge” action in the interim. To alleviate this, the final option period of the current contract will not be exercised unless the complete requirements package is received by the KO. Discuss the [Fiscal Year Requirements Package Cut-Off Dates memos](#) with the Requiring Activities. SCOs may waive the submission of a follow-on requirements package prior to exercising the final option period on a case-by-case basis. However, all waiver requests must be initiated by the Requiring Activity and signed no lower than a Colonel or equivalent (O-6/GS-15) within the Chain of Command of the Requiring Activity for any requirement valued up to \$10M. For requirements that exceed \$10M, the [waiver request](#) must be signed by the first GO or SES within the Chain of Command of the Requiring Activity. Each [waiver request](#) must recognize the potential for a break in service and identify the specific plan to bring the acquisition back on schedule. Forward a copy of the approved waiver to the [MICC HQ Director of Contracting Operations](#) within three (3) working days of the approval.

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7.105 Contents of Written Acquisition Plans ([MAP APP 1.5.2](#))

(200) An [Acquisition Plan Template](#) can be found on the [MAP APP](#).

7.107 Additional Requirements for Acquisitions Involving Consolidation, Bundling, or Substantial Bundling

7.107-2 Consolidation

(200) MICC Contracting Offices shall follow the policy and procedures contained in [FAR 7.107](#) and [AFARS 5107.107](#), Additional Requirements for Acquisitions Involving Consolidation, Bundling, or Substantial Bundling. ([MAP APP 1.8.1.4](#))

a. KOs must ensure that Small Business Specialists (SBS) participate in market research when consolidation is contemplated. Early in the initial acquisition planning stages the KO and SBS must work collectively to address and develop an acquisition strategy that provides maximum opportunity for small business participation.

b. Prior to issuing solicitations for consolidated requirements, SBSs shall review the decision to consolidate and indicate on the DD Form 2579, Small Business Coordination Record, that consolidation of contract requirements is necessary and justified, the benefits of a consolidated acquisition substantially exceed the benefits of each of the possible alternative contracting approaches, and identify associated benefits.

c. KOs shall not award a consolidated requirement greater than \$2 million (including options), unless the acquisition planning documentation includes a determination that the consolidation is necessary and justified.

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D&F for Consolidation of Requirements				
References	Applicability	Review Chain and Estimated Lead Time	Approval Authority	Total Estimated Lead Time (Working Days)
AFARS 5107.107-2 MAP APP 1.8.1.4 AFARS 5119.202-1	>\$2M <\$500M	CSB/FDO+Field Support Analysts (15)	SCO+	15
	≥\$500M	CSB/FDO+Field Support Analyst (25) ACC ConOps (10) ODASA(P) (45)	DASA(P)*	80
<p><u>Note:</u> †Further delegation to no lower than the Chief of the Contracting Office requires prior SCO approval in writing. *Requires clearance from the MICC DCG prior to submission to the approval authority. See Section 5101.290 of the Desk Book for the clearance procedures.</p>				

7.107-3 Bundling

(200) Bundling may provide benefits to the Government; however, because of the potential impact on small business participation, market research must be performed to determine whether bundling is necessary and justified. Contracting Offices must show they have taken positive steps to maximize small business participation and avoid unnecessary bundling.

(201) Contract bundling is justified by demonstrating “measurably substantial benefits” such as cost savings, quality improvements, reduction in acquisition cycle time, or better terms and conditions. The “[DoD Benefit Analysis Guidebook for Bundling](#)” provides direction in completing the required bundling assessments by the acquisition planners.

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Cost Benefit Analysis for Bundled Requirements other than those conducted under OMB Circular A-76				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 7.107-3(b) FAR 7.107-3(d) MAP APP 1.8.1.4	Expected benefits equivalent to 10% of estimated contract or order value (including options) if the value is \$94M or less; or 5% of the estimated contract or order value (including options) or \$9.4M, whichever is greater, if the value exceeds \$94M	CSB/FDO + Field Support Analysts (25) ODASA(P) (45)	SPE*	70
FAR 7.107-3(f) MAP APP 1.8.1.4	Expected benefits not meeting thresholds above	CSB/FDO + Field Support Analysts (25) ODASA(P) (45)	SPE*	70
Note: *Requires clearance from the MICC DCG prior to submission to the approval authority. See Section 5101.290 of the Desk Book for the clearance procedures.				

Subpart 7.4 Equipment Lease or Purchase

7.401 Acquisition Considerations

(200) Agencies should consider whether to lease or purchase equipment based on a case-by-case evaluation of comparative costs and other factors. If the equipment will be leased for more than 60 days, the Requiring Activity must prepare and provide the KO with the justification supporting the decision to lease or purchase. ([MAP APP 1.8.18](#)). A [sample spreadsheet](#) to help support an Equipment Lease vs. Purchase Analysis and [lease vs purchase justification template](#) are posted on the [MAP APP](#).

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Document	References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
Equipment Lease vs. Purchase Analysis	FAR 7.401 DFARS 207.470(c)	All	Locally determined	KO	Locally determined
Determination for the Limitation on contracts for vessel, aircraft or vehicle with Term of 18 months or more, for Equipment Lease or Purchase	DFARS 207.470(b)	≥18 months	CSB/FDO Analyst	SCO	15

Subpart 5107.5 Inherently Governmental Functions

5107.503 Policy

(200) IAW [AFARS 5107.503\(e\)\(i\)](#), the Determination for Inherently Governmental Functions can be satisfied by a Request for Services Contract Approval (RSCA) Form (see [AR 70-13](#)), or the Acquisition Plan, Acquisition Strategy, or Memorandum for File. The Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&MRA)) is the POC for the RSCA. Contracting is not the POC. Review [ACC Contracting Note #19-04](#), and [PARC Policy Alert #19-10](#) for further clarification of Inherently Governmental Functions. (M&RA) POC Ms. Eileen Ginsburg at Eileen.g.ginsburg.civ@mail.mil, (703) 693-2109 for any questions regarding the form and document the file with the response.

(201) Service requirements where MICC is the Requiring Activity.

The ACC Commanding General or the Deputy to the Commanding General is the approval authority for service contract requirements greater than \$1M and less than \$25M. See [AMC CPM 37-5](#), [ACC CPM 37-1](#) and [MAP APP 1.1.2](#) for further guidance. [Template Sample Format for Requesting Approval of a Service Requirement](#) is posted on the [MAP APP](#).

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Service Contract Approval Request Form (MICC is the Requiring Activity)				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
AMC CPM 37-5 , ACC CPM 37-1 and MAP APP 1.1.2	Up to \$1M	CSB/FDO S-4 (5) MICC HQ G-4 (10)	MICC HQ SCO□	15
	>\$1M<\$25M	CSB/FDO S-4 (5) MICC HQ G-4 (10) ACC ConOps (10)	ACC CG ⌘ or ACC DCG*■	25
<p><u>Notes:</u></p> <p>□GO/SES level.</p> <p>*Requires clearance from the MICC DCG prior to submission to the approval authority.</p> <p>⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p> <p>■IAW ACC CPM 37-1, Service requirements packages shall be submitted at least eight (8) weeks prior to needing a HQ ACC decision.</p>				

Subpart 5107.90 Independent Government Estimates

5107.9002 Policy

(200) An Independent Government Estimate (IGE) or Government Estimate shall be included in all contract files in excess of the SAT. See [AFARS 5107.9002](#) and [MAP APP 1.1.5](#) for guidance on IGE documentation in contract files. The [MICC IGE Guide](#) was prepared to assist contracting personnel in reviewing IGEs and to ensure the validity and reliability of such estimates. Since the responsibility for developing the IGE is vested in the Requiring Activity, the guide is intended to be shared with MICC Requiring Activities to set expectations regarding adequate supporting documentation and to provide resources and samples which may be useful in developing the estimates. The MICC IGE Guide primarily focuses on estimates for costs of services and provides a narrative explanation of common elements of costs typically found in such estimates.

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Subpart 5107.91 Integrating Antiterrorism and Operations Security

5107.9101 Policy

(200) KOs shall not accept contract requirements packages that do not include a complete and properly executed Antiterrorism/Operations Security (AT/OPSEC) Cover Sheet except for supply contracts under the SAT, Field Ordering Officer actions, and Government Purchase Card purchases. The purpose of the cover sheet is to document the review of requirements package documents (PWS, QASP, Source Selection Criteria, etc.) for AT/OPSEC and other related protection matters by a protection SME. The organizational Antiterrorism Officer (ATO) must review each requirements package prior to submission to the supporting Contracting Activity to include coordination with other staff reviews as appropriate. An OPSEC Officer review is also required. ([MAP APP 1.8.4](#))

a. Contracting personnel must ensure that the appropriate language that is contained in the AT/OPSEC cover sheet is incorporated into the contractual documents, to include proper application of [FAR clause 52.204-9](#), Personal Identity Verification of Contractor Personnel. Use of this clause is mandatory when Contractor personnel have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system IAW [FAR 4.1303](#).

b. Contracting personnel must ensure that the purchase consists only of Federal Information Processing Standard (FIPS) Publication (PUB) 201 compliant products and service components.

c. Use of the desk reference "[Integrating Antiterrorism and Operations Security into the Contract Support Process](#)" and the AT/OPSEC Cover Sheet will integrate effective AT/OPSEC measures into the contract requirements package.

d. Contracting Officials must direct any discrepancies, issues and concerns to the Requiring Activity for resolution.

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PART 8: REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.005 Contract Clause

(200) [FAR 8.005](#) prescribes the use of [FAR clause 52.208-9](#), Contractor Use of Mandatory Sources of Supply or Services, in solicitations and contracts that require a Contractor to provide supplies and services for Government use, that are on the Procurement List maintained by the AbilityOne Program. Use of the clause is encouraged as an important Army objective per [PARC Policy Alert #14-59 \(MAP APP 5.3.10.2\)](#).

Subpart 8.4 Federal Supply Schedules

208.404 Use of Federal Supply Schedules

(200) IAW [FAR 17.502](#) and [AFARS 5117.5](#), an Economy Act D&F is required, in addition to the approval to use a Non-DoD contract shall be obtained prior to initiating an acquisition using GSA Federal Supply Schedules in excess of the SAT. See Subpart [5117.5](#) of the DB for additional information and requirements.

(201) If only one (1) offer is received in response to an order exceeding the SAT that is placed on a competitive basis, follow the procedures at [DFARS 215.371](#). [Template for the waiver request to the policy requirement to re-solicit for an additional period of at least 30 days](#) is posted on the [MAP APP](#).

(202) IAW [Class Deviation 2014-O0011](#) entitled "Determination of Fair and Reasonable Prices When Using Federal Supply Schedule (FSS) Contracts", the KO is responsible for making a determination of fair and reasonable price in lieu of [FAR 8.404\(d\)](#). ([MAP APP 3.1.1](#))

8.405 Ordering Procedures for Federal Supply Schedules ([MAP APP 1.6.6](#))

(200) Review and approval threshold of an FSS RFQ is based on the estimated aggregate value (the cumulative total of the base and all option periods) of each individual order. FSS RFQs are subject to the peer review procedures IAW [AFARS 5101.170\(b\)\(i\)](#) and as set out in Section [5101.170](#) of this DB, which also contains Table 1-3 (peer review thresholds for competitive actions) and Table 1-4 (peer review thresholds for non-competitive actions). The KO must resolve all comments from the peer review's findings and recommendations before the action under review will be approved by the appropriate authority.

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(201) [DFARS 215.101-2-70](#), delineates the limitations and prohibitions when considering the use of Lowest Price Technically Acceptable (LPTA) for orders placed under Federal Supply Schedules. See Section [15.101-2](#) of the DB for details.

(202) Evaluation of FSS quotes for orders not requiring a SOW is governed by [FAR 8.405-1\(f\)](#). Evaluation of FSS quotes for orders requiring a SOW over the SAT is governed by [FAR 8.405-2\(d\)](#). TODDs and evaluations of FSS quotes to support issuance of orders without discussions shall require review and approval prior to award. When discussions are conducted, the FSS quote evaluation documentation shall be submitted prior to negotiations and prior to award. Discussions shall not commence and an award shall not occur without receipt of a review for each interval.

8.405-3 Blanket Purchase Agreements (BPAs)

(200) The Federal Strategic Sourcing Initiative (FSSI) BPAs are mandatory for all purchases of office supplies IAW [PARC Policy Alert #15-101](#) and [MAP APP 1.6.7](#). Exceptions to the mandatory use of the FSSI BPAs are listed in [MAP APP 1.6.7](#).

8.405-6 Limiting Sources

(200) Review the [MAP APP](#) flowchart corresponding to “MAP APP 1.9.3” for the use of the appropriate justification documentation. Orders that are not placed on a competitive basis must be supported by a Limited Sources Justification (LSJ) prepared ([MAP APP 1.9.4.2](#)). A standardized [LSJ template](#) may be found on the [MAP APP](#). Additional instructions for the signature page are posted under the [Shared Documents library](#) of the [Competition Advocate webpage](#) on the MICC SharePoint.

(201) Approval threshold for an LSJ is based on the total value of the instant non-competitive action: either task order or order modification, including all options. Options must be fully documented as they are rarely appropriate for a sole source action. The approval threshold of the LSJ is based on the dollar value of the instant action involved. This is not to be used as an incentive to split requirements. LSJs must be based on the reasonably expected requirements necessitating the sole source action at the time. If you have questions, consult the [Competition Advocate](#). LSJ approval authorities are outlined below:

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Limited Sources Justification (LSJ)			
Threshold	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
Up to \$700,000	Locally determined	KO	Locally determined
> \$700,000 - \$13.5M	CSB/FDO Analyst (10) Competition Advocate (15)	Competition Advocate	25
> \$13.5M - \$93M	CSB/FDO Analyst (10) Competition Advocate (20)	MICC HQ SCO□	30
> \$93M	CSB/FDO Analyst (10) Competition Advocate (20) ODASA(P) (40)	SPE*	70
<p><u>Notes:</u> □GO/SES level. *Requires clearance from the MICC DCG.</p>			

a. Submit LSJ documentation through the Chain of Command (*i.e.*, CSB/FDO) to the Competition Advocate when it requires approval by the Competition Advocate or higher. All LSJ documents within the Competition Advocate’s approval threshold should be coordinated and reviewed by the CSB/FDO OSBP Assistant Director. In addition, a LSJ that requires approval by the Competition Advocate or higher require advanced notice as soon as it is being considered or at least 75 calendar days if the approval level is higher than the Competition Advocate. See Section [6.304](#) of the DB for details.

b. LSJs valued above the SAT require legal sufficiency review per Section [5101.602-2-90](#) of the DB. Section [6.305](#) of the DB provides additional guidance regarding redaction of LSJs when public posting is required IAW [FAR 8.405-6\(a\)\(2\)](#) and [FAR 8.405-6\(b\)\(3\)](#).

c. Utilize the centralized tracker to log LSJ exceeding \$250k on the MICC SharePoint under the [Competition Advocate webpage](#). See Section [6.303](#) of the DB for detailed instructions.

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Subpart 8.7 Acquisition From Nonprofit Agencies Employing People Who Are Blind or Severely Disabled

(200) The Committee for Purchase from People Who Are Blind and Severely Disabled ("The Committee") operates under the name of "U.S. AbilityOne Commission." The Procurement List (PL) is available at www.abilityone.gov. Additions and deletions to the PL are published in the *Federal Register* as they occur. ([MAP APP 1.6.4](#))

(201) Fair Market Price Determination for an AbilityOne supply (product) or service is the price that the independent Federal Government Agency responsible for administering the AbilityOne Program ("The Committee") has set and approved for each product or service on its PL, and is the price that the Government is required to pay when purchasing the supply (product) or service from the designated Non-Profit Agency (NPA) ([41 USC 8501-8506](#)).

(202) The [Army AbilityOne Program Contracting Guide](#) defines roles and responsibilities of key Stakeholders, assists Acquisition Personnel in determining when AbilityOne can be used to support the mission and provides guidance on the award and administration of AbilityOne contracts. The guide serves to complement the [AbilityOne website](#). Contracting Officials must contact [the MICC HQ Contracting Operations Director](#), through the Chain of Command, if various Socioeconomic Programs (*e.g.*, AbilityOne and 8(a)) are vying for the same requirement.

Subpart 208.70 Coordinated Acquisition

(200) The ACC Acquisition Centers provide reachback contracting support to the forward CSBs. Contracting Offices shall not accept theater-unique requirements until the SCO provides written approval. Prior to granting the approval to accept such work, the SCO shall determine whether the requirement is within our core capabilities and mission, consider the experience level and workload of personnel in the assigned Contracting Office.

(201) The U.S. Army Medical Command (MEDCOM) Contracting Offices provide Medical Contracting in support of the Army healthcare mission. [MICC CPM #19-26](#) provides clarification of the standard level of contracting support to MEDCOM. According to the [Memorandum of Agreement between MEDCOM and ACC dated 16 April 2014](#), ACC will ensure that subsistence program support is provided to MEDCOM Military Treatment Facilities, utilizing the Veterans Administration (currently Department of Veterans Affairs (VA)), Defense Supply Center Philadelphia (currently DLA Troop Support), or other sources per [AR 40-3](#). VA's Subsistence Prime

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Vendor (SPV) contract number 36W79719D0001 provides subsistence except for fresh bread, fresh milk, and fresh produce for delivery to all VA Medical Centers and eligible Other Government Agencies, including the U.S. Army. The point of contact for the SPV contract is Robert Mills, Senior Contract Specialist, at Robert.mills2@va.gov or (708) 786-5147. When it is unclear whether either MICC or MEDCOM is responsible for an acquisition, the KO should forward the requirements package, including the PWS, through the Chain of Command to their respective CSB/FDO for coordination with MEDCOM for resolution.

(202) MEDCOM Health Care Acquisition Activity (HCAA) has the sole responsibility for contracting and procurement of vendor-conducted Medical Readiness Training involving the use of live animals for the Army. [DoD Instruction 1322.24, Medical Readiness Training \(MRT\)](#) provides further information regarding this type of procurement. MICC Offices receiving a request involving the procurement, laboratory testing or training of live animals should contact HCAA Chief of Staff, Mr. James Rankin, at james.a.rankin2.civ@mail.mil or (210) 221-3298.

(203) The standardized [Migration Business Rules](#) are in place so that Requiring Activities at all levels/locations are kept abreast of procurement-related actions and issues. The Migration Coordination Form will be used to formally transfer workload between MICC Contracting Offices. See [Subpart 42.2](#) of the DB for the transfer of contractual documents.

5108.7002 Assignment Authority

(200) See [PARC Policy Alert #18-02](#) for implementation of the alignment of Customers with Contracting Offices to leverage buying expertise.

5108.7002-90 Non-standard ammunition

(200) Per [AR 5-13](#), nonstandard ammunition is defined as those munitions that have not completed safety-type classification and may pose unacceptable risks to personnel or equipment. They do not have a National Stock Number (NSN) or Department of Defense Identification Code (DoDIC) and are not managed by the Joint Munitions Command (JMC) or the Aviation and Missile Command (AMCOM). Other definitions exist, however a commonality is that non-standard ammunition lacks sufficient safety testing, lacks an official NSN or DoDIC, and is unavailable through the Army Standard Supply System. Nonstandard ammunition requirements must be validated prior to the execution of a contracting action. All requirements for nonstandard ammunition

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received by Contracting Offices must be funded by Procurement Ammunition – Army (PAA) appropriations and include the following:

a. Evidence that the request has been coordinated through Headquarters, Department of the Army (HQDA), G-3/5/7/TRA with a copy furnished to the Joint Munitions Command IAW paragraph 5.A. of [All Army Activities \(ALARACT\) 033/2013, 152208Z FEB 13, subject: Nonstandard Ammunition and Explosives](#). Army Commands (ACOMs) that require nonstandard ammunition for training must request the required munitions through the HQDA Deputy Chief of Staff, G-3/5/7 Munitions Management Office first.

b. Program Executive Office Ammunition has the final approval authority to allow other U.S. Army organizations to procure nonstandard ammunition. A written memorandum for record (MFR) signed by the PEO Ammunition and the Contracting Office Director is needed to document the coordination between the Offices. Provide a copy of the [MFR](#) to both SCO and [MICC HQ Policy Implementation and Oversight mailbox](#).

c. All requests for nonstandard ammunition will include the information required by paragraph 5.A. of [ALARACT 033/2013](#). This information includes but is not limited to the operational impact of not receiving the non-standard ammunition, complete nomenclature (type and caliber), quantity required, manufacturer source and vendor information, unit of issue, price, explanation of why the requirement cannot be satisfied with standard Army ammunition, and the ACOM, unit and installation point of contact and phone number. [ALARACT 033/2013](#) also requires a written memorandum approved by an O-6 or higher who acknowledges and accepts the risk associated with using nonstandard ammunition. Refer to [ALARACT 033/2013](#) for transportation and storage requirements. Provide a copy of the contractual instrument to PEO Ammunition POC via email at andrew.lute.civ@mail.mil, (973) 724-3151.

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PART 9: CONTRACTOR QUALIFICATIONS

Subpart 209.1 Responsible Prospective Contractors

(200) See [MAP APP 3.1.4](#) regarding the responsibility determination for Simplified Acquisition Procedures (SAP) and [3.10](#) for the responsibility determination for acquisitions other than SAP. Acquisition personnel shall utilize the mandatory [Robotic Process Automation \(RPA\) "Bot"](#) to assist in determining Contractor responsibility or non-responsibility IAW [AFARS 5109.103\(b\)](#). The contract file should adequately reflect the KO's decision regarding responsibility of a Contractor. KOs may use the MICC [Simplified Acquisition Price Analysis and Award Memorandum \(SAPAAM\)](#), which includes a Contractor Responsibility Determination section; in conjunction with, the mandatory document generated by RPA "Bot."

Subpart 209.4 Debarment, Suspension, and Ineligibility

5109.405 Effect of Listing

(200) KOs are responsible for ensuring Government contracts are awarded to eligible Contractors. Part of that responsibility includes the mandatory SAM Exclusion checks. Contracting personnel shall review [SAM Exclusions](#) as required by [FAR 9.405\(d\)](#) and [AFARS 5109.405\(d\)\(1\)](#), and document the contract file with the results of the verifications.

- a. Review the SAM Exclusions prior to soliciting a bid/offer/quote on non-competitive acquisitions.
- b. KOs shall ensure that SAM Exclusions are reviewed twice for all acquisitions, whether they are competitive or not:
 1. After opening of bids or receipt of proposal; and,
 2. Immediately prior to award of a new contract/task order, option exercise, modification to add new work or extend the period of performance, or consent to subcontract. This SAM Exclusion check should be dated the same date as the award; however, a check documented within 24 hours prior to award may be considered compliant for purposes of the PMR.
- c. [AFARS 5109.405\(d\)\(1\)](#) clearly requires the KO to maintain a copy of the results of the SAM Exclusions reviews in the contract file. To comply with this requirement, it is

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imperative to upload the SAM Exclusion printouts (with date) to the contract file in VCE-PCF to prove that the checks were performed during the timeframe specified by the regulations. If for any reason the SAM website is down at time of award, the contract file must be documented explaining the situation and contracting personnel shall review the SAM Exclusions and document in the contract file as soon as the website becomes available. The KO may then proceed with the award.

d. A check mark in the boxes under Section 12, Contractor Responsibility Determination, of the [SAPAAM](#) does not eliminate the requirement to document the review of SAM Exclusions in PCF. The template instructions clearly state that the [SAPAAM](#) does not replace other required documents that may have been referenced in the form are required to be filed in PCF.

Subpart 9.5 Organizational and Consultant Conflicts of Interest (OCI)

9.504. Contracting Officer Responsibilities

(200) If a KO discovers that a potential conflict exists, the KO shall notify the Contracting Office Director and SCO to identify all actual and potential OCI issues ([MAP APP 0.3.1](#)).

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Organizational Conflict of Interest (OCI) (Excluding acquisitions subject to unique Agency OCI Statutes, see FAR 9.502(d))				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 9.506(b) AFARS 5109.506	Avoid, Neutralize, Mitigate OCI	Locally Determined	SCO	Locally Determined
FAR 9.503 AFARS 5109.503	OCI Waiver	CSB/FDO + Field Support Analysts (25) ACC ConOps (10)	HCA*⌘	35
<p><u>Notes:</u> *Requires clearance from the MICC DCG. See Section 5101.290 of the Desk Book for the clearance procedures. ⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p>				

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PART 10: MARKET RESEARCH

5110.002 Procedures

(200) The ODASA(P) [Army Market Research](#) portal on [PAM](#) is a consolidated source for market research which features resources, vendor listings (traditional and non-traditional), training sources, best practices, and reference guides. Guidelines for Conducting Market Research along with [Samples and Templates](#) for documenting market research can be found at [MAP APP 1.4](#). Market research is required before soliciting offers for all Federal Government contract requirements that exceed the SAT per FAR [10.001\(a\)\(2\)\(ii\)](#). Market research is also applicable before soliciting offers for acquisitions with an estimated value below the SAT, when adequate information is not available and the circumstances justify its cost IAW [FAR 10.001\(a\)\(2\)\(iii\)](#), and at the same time, help with compliance with [DFARS PGI 219.201](#), e.g., to support a socio-economic small business set-aside, to support an unrestricted acquisition instead of a small business set aside, etc. The extent of market research will vary, depending on such factors as urgency, estimated dollar value, complexity, and past experience. Market research results must be documented, although a separate report may not be necessary. For example, Contracting personnel may document the market research in block 11a. of DD Form 2579, Small Business Coordination Record, but ensure addressing, as applicable, the extent of competition, the support for a small business or other socio-economic small business set aside IAW [FAR 19.203](#), unrestricted acquisition, and commerciality determination IAW [DFARS 212.102](#) or [AFARS 5112.102](#). DASA(P) strongly encourages Requiring Activities and Contracting Offices to use the [Market Research Report Guide for Improving the Tradecraft in Services Acquisition, dated March 2017](#), which provides the format that should be used in preparing market research supporting the acquisition of services. This format should also be adapted and used for documenting market research for supplies. In addition, the Office of Small Business Programs has developed a tool to assist Contracting professionals in writing the market research report at <https://ebiz.acq.osd.mil/mrcoe/>.

(201) Contracting personnel should start acquisition planning at least 12 months in advance of required contract award for most standard installation type requirements. However, acquisition planning will need to start earlier for follow-on competitive service requirements, so that the complete requirements package is submitted to the Contracting Office prior to the KO exercising the final option (not including FAR 52.217-8) of the current contract per Section [6.301](#) of the DB. IAW [AFARS 5110.002](#), Requiring Activities will typically lead the market research effort to determine if capable sources exist, to include the availability of commercial services, to satisfy their requirements. The Requiring Activity will assess and leverage where appropriate, the

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[Preferred Sources for the Army Enterprise](#), as part of the market research and business case analysis, prior to initiating a new contract for covered supplies and/or services. When the Requiring Activity determines that the use of a potentially applicable [Preferred Source](#) is not appropriate, the project lead for the Requiring Activity will document the rationale in a memorandum addressed to the KO. In their roles as business advisors, KOs shall ensure that the applicable required sources of supplies or services at [FAR 8.002](#) are considered. Consider ACC/MICC contracts for use before contracts awarded by other Agencies. The extent of the market research should be appropriate to the circumstances. See [MAP APP 1.4](#) for additional details.

a. Before awarding a task or delivery order under an IDIQ contract for a commercial item in excess of the SAT, the extent of the market research will be limited to the identification of the locally awarded or enterprise IDIQ contract(s) after determining that the order is within the scope of the locally awarded or enterprise IDIQ contract(s) IAW the terms and conditions of the IDIQ contract(s).

b. IAW [FAR 10.001\(a\)\(2\)\(v\)](#) and [MAP APP 1.4.1](#), market research must be conducted before awarding a task or delivery order under an IDIQ contract for a noncommercial item in excess of the SAT in order to promote the Government's preference for the acquisition of commercial items. The KO may use market research conducted within 18 months before the award of any task or delivery order if the information is still current, accurate, and relevant. For example, if awarding a task or delivery order for a non-commercial item under an IDIQ contract where market research has been conducted within the last 18 months, include the following statement: "Market Research was conducted [Select one: 1) to support the basic contract award 2) to exercise an option 3) for a previous task or delivery order for the same or similar requirement]. The requirement is non-commercial. This information is current, accurate and relevant IAW [FAR 10.002\(b\)\(i\)](#)."

c. Include any specific terms and conditions of the multiple award IDIQ contracts or the ordering guide that addresses market research, small business reserves or small business set asides at the TO/DO level. For example, some multiple award IDIQ contracts may state that all TOs/DOs below \$2M will be competed only among the small business suite under fair opportunity.

d. Per [FAR 8.405-5](#), the KO has the discretion to determine whether or not it is in the best interest of the Government to set aside an order for small business. For an FSS order, perform market research by reviewing the schedule holders to determine if there are small businesses capable of performing the desired work.

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(202) KOs shall also assist in the market research efforts by developing and posting Sources Sought Synopses (SSS) or requests for information through [beta.Sam.gov](https://beta.sam.gov) as necessary ([MAP APP 2.1.3](#)). In an effort to meet the requirements of [FAR 19.203\(c\)](#), the SSS should be written to promote feedback from all Small Business Programs (*e.g.*, 8(a), Small Disadvantaged Business, Service Disabled Veteran Owned Business, HUBZone, Small Business or Woman Owned Small Business). The Small Business Specialist (SBS) can assist in drafting the SSS for maximum effectiveness. The KO is required to obtain the review and concurrence of the SSS by the SBS. Use the [SSS template drafted to encourage small businesses](#) to respond. KOs shall review and validate the market research results to ensure adequacy and thoroughness to appropriately inform the acquisition strategy decision. The market research report shall consider the impact on incumbent Contractors and document the analysis and consideration of the effect of removing a procurement from a Small Business Set-aside Program or from competition.

(203) Market research in support of a J&A under the circumstances at [FAR 6.302-1](#) shall include a SSS and its results per [DFARS 206.302-1](#). A [SSS template to encourage vendors to respond to a sole source situation or other than full and open competition](#) is located on the MICC SharePoint under Forms & Templates. Document the responses to the SSS clearly in any J&A requiring approval above the KO. Evaluation addressing why the responses provided inadequate competition must be included. Individual follow-up with respondents that might clarify capability is highly encouraged and decisions against such practice must be documented in a memo or e-mail that accompanies in the J&A. The SSS is an announcement posted through [beta.Sam.gov](https://beta.sam.gov) that the Government is seeking possible sources for a project as part of market research. The SSS is not to be confused with the “notice of intent to award a sole source action” that must be done later in the procurement process. [AFARS 5153.303-5](#), paragraph 8, requires that the market research in support of other than full and open competition be conducted within the previous 12 months. Only the MICC DCG, as the HCA’s designee who is a GO or SES, may waive the SSS or RFI requirement at [DFARS PGI 206.302-1](#). MICC has a [waiver](#) to such posting requirement under this limited circumstance: when, as a result of a protest, a contract or task/delivery order must be extended on a sole source basis pursuant to the authority of [FAR 6.302-1](#). Ensure that a copy of the [waiver](#) is attached to the approved J&A and placed in the contract file. For all other circumstance, submit the request for waiver to the [Competition Advocate](#).

(204) See Section [39.203](#) of the MICC DB for market research in support of an acquisition for Electronic and Information Technology.

(205) The General Services Administration (GSA) One Acquisition Solution for Integrated Services (OASIS) and OASIS Small Business (SB) are multiple award,

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Indefinite Delivery Indefinite Quantity contracts that provide flexible and innovative solutions for complex professional services. The GSA OASIS website is www.gsa.gov/oasis. Consider OASIS and OASIS SB during market research for requirements that fall under the scope of OASIS per [PARC Policy Alert # 15-65](#) and its [Revision 1](#). The Requiring Activity, with the prior concurrence of the responsible Contracting Office, must determine that the use of non-DoD contracts, OASIS or OASIS SB for the acquisition is in the best interest of DoD IAW [FAR 17.502-1\(a\)](#) and [AFARS 5117.770\(1\)](#). An Economy Act determination and findings ([FAR 17.502-2\(c\)](#)) is not required. See the [Memorandum of Understanding between the Army and GSA regarding the use of the OASIS and OASIS SB contract vehicles](#).

(206) The Office of Management and Budget (OMB) approved a Federal Government-wide mandatory contract sourcing solution for small package delivery services with management under U.S. Transportation Command (USTRANSCOM). The contract solution is under the Next Generation Delivery Services (NGDS) with an effective date of 1 Oct 2017. See [PARC Policy Alert #17-69](#) for details.

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PART 11: DESCRIBING AGENCY NEEDS

(200) The ACC Acquisition Centers provide reachback contracting support to the forward CSBs. Contracting Offices shall not accept theater-unique requirements until the SCO provides written approval to do so. Prior to granting the approval to accept such work, the SCO shall determine whether the requirement is within our core capabilities and mission, consider the experience level and workload of personnel in the assigned Contracting Office.

Subpart 11.1 Selecting and Developing Requirements Documents

211.104 Use of Brand Name or Equal Purchase Descriptions

(200) Brand name or equal purchase descriptions must include, in addition to the brand name, a general description of those salient physical, functional, or performance characteristics of the brand name item that an “equal” item must meet to be acceptable for award.

(201) A justification and approval is required to use brand name or equal purchase descriptions, or proprietary specifications and standards when using Sealed Bidding Procedures, Negotiated Procedures, or Simplified Procedures for certain Commercial Items IAW [DFARS 211.104](#), [DFARS 211.170](#), [DFARS 213.501](#) and [MAP APP 1.8.9](#). See Section [6.303](#) entitled “Justification” of the DB for detailed instructions.

11.105 Items Peculiar to One Manufacturer

(200) An acquisition that uses a particular brand-name, product, or feature of a product peculiar to one manufacturer must be justified and approved IAW [FAR 6.303](#) and [6.304](#), [FAR 8.405-6](#), [FAR 13.106-1](#) or [FAR 13.501](#), whichever is applicable. When utilizing Reverse Auctions, brand name justifications are still required and shall be posted IAW [FAR 6.305\(c\)](#), [FAR 8.405-6\(a\)\(2\)](#), [FAR 13.105\(c\)](#), [FAR 13.106-1\(b\)](#) or [FAR 13.501\(a\)](#), whichever is applicable. ([MAP APP 1.8.9](#))

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PART 12: ACQUISITION OF COMMERCIAL ITEMS

Subpart 12.1 Acquisition of Commercial Items -- General

(200) Unless superseded by other statutory or regulatory guidance (*e.g.*, external wireless devices, services and accessories IAW [AR 25-13](#)), it is the Command's policy to use Reverse Auctions for all acquisitions above the micro-purchase threshold, except for purchases made with the Government Purchase Card, when competitively purchasing commercial supplies except for Arms, Ammunition and Explosives. IAW [MICC OPOD O-17-110-01](#), acquisition personnel shall use the Simplified Acquisition Threshold (SAT) Supply Procurement Program (S2P2) for execution of supply actions valued under the SAT in order to reduce Customer Acquisition Lead Time (CALT), PALT and touch labor time. The only exceptions to the of S2P2 process are: [CHESS](#) purchases, purchases under the micro-purchase threshold, and purchases made against an existing Indefinite Delivery Requirements type contracts. The 925th CBN and MICC Fort Drum Office will execute all supply actions subject to the S2P2 process. All MICC Offices shall follow the procedures for routing purchase requests/award documents to the 925th CBN and MICC-Fort Drum Office IAW the [MICC S2P2 Handbook](#). Any actions greater than \$10,000 and up to the SAT that is not set aside for small business will require a DD Form 2579 at [Section 5119.201 of the DB](#). Effective 1 May 2017, all actions procured through S2P2 require [special monthly reporting to HQ MICC, Small Business Programs](#).

(201) It is the Command's policy to use Reverse Auctions for all acquisitions above the micro-purchase threshold but not exceeding the SAT to the greatest extent practicable when competitively purchasing commercial services in the service codes specified below:

Service Code	Description of Service Code
J	Maintenance, Repair, and Rebuilding of Equipment
S	Utilities and Housekeeping Services
V	Transportation, Travel and Relocation Services
W	Lease or Rental of Equipment

(202) The Command's annual goal is to utilize Reverse Auctions for at least 30% of all the simplified acquisition purchases. Reverse Auctions are best suited for simple or standardized products available from numerous competitors such as commodities or commodity-like products that have well-defined specifications and universally accepted standards. Simple services available on a firm fixed price basis may also be suitable for

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Reverse Auction. Price should be the primary evaluation factor. Reverse Auctions would not be appropriate for complex requirements or when multiple sources are not available for competition. KOs must use discretion to determine whether Reverse Auctions are appropriate and can meet the applicable FAR requirements.

(203) KOs shall follow all applicable acquisition statutes, regulations, and policies when utilizing Reverse Auctions IAW [PARC Policy Alert #15-85 Effective Use of Reverse Auctions](#) and [PARC Policy Alert #19-53 Reverse Auctions](#).

a. The use of a Reverse Auction Tool does not exempt the KO from verifying data in the System for Award Management (SAM) per [FAR 4.1103](#), the SAM Exclusions twice: upon receipt of bids and immediately prior to award per [FAR 9.405\(d\)](#) and [clarification](#), and meeting other mandatory requirements even when the selected RA tool checks those sources.

b. The use of a Reverse Auction Tool does not preclude mandatory and priority sources as provided in [FAR Part 8](#). However, it can be used to compete among required sources under contracting vehicles such as GSA FSS contracts provided responses are limited only to FSS Contractors. An approved D&F is required, in addition to the approval to use a Non-DoD contract is required if Reverse Auction procedures will be used for a requirement valued greater than the SAT under GSA FSS contracts. KOs must be knowledgeable of basic FSS contract prices prior to conducting a Reverse Auction among FSS vendors and must not pay more than the contract price for the items.

c. KOs shall give priority to socio-economic small business classifications as required by FAR Part [19](#), DFARS Part [219](#), and [AFARS Part 5119](#), and ensure appropriate small business clauses are included in the solicitation and award documents. In addition, KOs shall ensure a properly coordinated DD Form 2579, Small Business Coordination Record, is accomplished for actions over \$10K that are not set aside for small business.

d. When utilizing Reverse Auctions, brand name justifications are still required and shall be posted IAW [FAR 6.305\(c\)](#), [FAR 8.405-6\(a\)\(2\)](#), [FAR 13.105\(c\)](#), [FAR 13.106-1\(b\)](#) or [FAR 13.501\(a\)](#), whichever is applicable. Submit a copy of the brand name justification to the [Competition Advocate](#).

e. KOs shall make a written determination of fair and reasonable price on the winning bid when utilizing Reverse Auctions.

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(204) See [Subpart 5104.5](#) of the MICC DB for the latest information on Reverse Auction Tools.

5112.102 Applicability

(200) [DoD Guidebook for Acquiring Commercial Items, Part A: Commercial Item Determination](#) and [MAP APP 1.6.10](#) provides general guidance on commercial items. A [Commercial Item Determination Template](#) is posted on the [MAP APP](#).

Subpart 12.2 Special Requirements for the Acquisition of Commercial Items

212.203 Procedures for Solicitation, Evaluation and Award

(200) [DFARS 215.101-2-70](#), delineates the limitations and prohibitions when considering the use of Lowest Price Technically Acceptable (LPTA) for the acquisition of commercial items. See Section [15.101-2](#) of the DB for details.

212.205 Offers

(200) If only one (1) offer is received when using competitive procedures, follow the procedures at [DFARS 215.371](#). A [waiver request template](#) is located on the [MAP APP](#).

212.272 Preference for Certain Commercial Products and Services

(200) KO's shall not enter into a contract above the SAT for Facilities-Related Services, Knowledge-Based Services (except Engineering Services), Medical Services or Transportation Services that are not Commercial Services until the written determination has been approved by the appropriate Official that no Commercial Services are suitable to meet the Agency's requirements as provided in section 10 U.S.C. 2377(c)(2).

(201) Approval Authorities for the determination to use Non-Commercial Services are outlined in the table below.

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Determination for the Use of Non-Commercial Services for Facilities-Related Services, Knowledge-Based Services (except Engineering Services), Medical Services or Transportation Services				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
DFARS 212.272(b)(2)(i) & (ii) AFARS 5112.272(b)(2)(i)	≥SAT < \$10M	Locally determined	KO	Locally determined
	≥\$10M < \$250M	Locally determined	SCO+	Locally determined
	≥\$250M	CSB/FDO Analyst (15) Field Support Analyst (10)	SCO*	25
Notes: †Further delegation to no lower than the Contracting Office Director requires prior SCO approval in writing *Requires clearance from the MICC DCG. See Section 5101.290 of the MICC DB for clearance procedures.				

5112.209 Determination of Price Reasonableness

(200) The [DoD Guidebook for Acquiring Commercial Items, dated Jan 2018](#) contains additional guidance on how to approach the pricing of items purported to be commercial ([MAP APP 1.6.10.6](#)).

Subpart 12.4 Unique Requirements Regarding Terms and Conditions for Commercial Items

(200) The contract authority for modifications to commercial items contracts is [FAR 52.212-4\(c\)](#), except for administrative, options clause, or other specific authority. The clause requires both parties to agree to changes to terms and conditions of a commercial item contract ([MAP APP 5.3.1](#)). When the Requiring Activity requests a modification to add work to a contractual document after award, the KO is required to verify that the change(s) is/are within scope of the original contract. The KO shall require a Letter of Justification (LOJ) for the proposed contract change from the Requiring Activity. The following information must be included: additional work required, physical location of required change(s), when the change(s) need to take effect, why the change(s) is/are

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required, the impact if change(s) is/are not made, and a statement of when funds will be available to implement the change(s)(if applicable). The Requiring Activity shall provide a completed service contract approval request form for the proposed additional work. Refer to Section [43.103](#) of this DB for details on determination of scope prior to issuing contract modification.

(201) All proposed modifications are subject to review. The SCO may set up the review lead times. As a reminder, modifications that increase the total evaluated price or otherwise increase scope are subject to the CRB process at MICC DB Section [5101.170](#). Use absolute values to calculate the value of the modification action. Modifications that are subject to the CRB also require the HQ MICC clearance at MICC DB Section [5101.290](#) when the absolute value of such modification action is \$250M or higher. Unless the SCO sets up more restrictive thresholds in writing, the approval authorities for the review all proposed modifications that are not subject to the CRB is listed below:

Value of Proposed Modification Action*	Local Review and Approval◇
Up to \$7M	KO**
>\$7M to <\$50M	One level above KO
\$50M to <\$100M	Contracting Office Director
\$100M and up	SCO

Notes:

*Use absolute values to calculate the value of the modification action. For example, a proposed modification increasing \$15M and decreasing \$200,000 has an absolute value of \$15.2M (\$15,000,000 + \$200,000, regardless of whether the amounts are plus or minus), so the approval authority for the local review is one level above the KO.

**KO is also the approval authority for modifications that only add money to a contract awarded subject to availability of funds, or incrementally funded, or for administrative changes. Administrative changes are written changes that do not affect the substantive rights of the parties, *e.g.*, a change in the Contract Administration Office, COR, paying office or appropriation data.

◇**The SCO may set up more restrictive thresholds for the review and approval of proposed modification actions that are not subject to the Contract Review Board (CRB).** Modifications that increase the total evaluated price or otherwise increase scope are subject to the CRB at MICC DB Section [5101.170](#) and will also require the HQ MICC clearance at MICC DB Section [5101.290](#) when the absolute value of such modification action is valued \$250M and greater.

a. The approval authority shall document the review of all proposed contract modifications. See [ASA\(ALT\) memorandum dated 17 June 2019 entitled "Fiscal Year](#)

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[2019 Procurement Administrative Lead Time \(PALT\)](#)” which establishes PALT goals and targets (cycle times), including modifications for use by all Army Organizations.

b. Legal reviews are generally not applicable to administrative modifications but KOs may consult with the PLC to address potential legal issues when executing administrative changes. Modifications that only add money to a contract awarded subject to availability of funds or incrementally funded are considered administrative changes. Legal reviews are required for all substantive modifications above the SAT that require a scope determination because they affect price, quality, quantity, delivery, method of performance, or other substantive rights of the parties. The KO should consult with the PLC if there are issues with scope even if the action is below the threshold of legal review. If a KO cannot clearly determine that a change is within scope, regardless of value, a legal review and opinion shall be obtained.

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PART 13: SIMPLIFIED ACQUISITION PROCEDURES

Subpart 13.1 Procedures

(200) To assist contracting personnel when documenting Simplified Acquisition Procedures, select the [checklist](#) that is appropriate to the circumstances on the ODASA(P) sponsored [subscription](#) to Acquisition Solutions, Incorporated (ASI) Government Virtual Acquisition Office™ (VAO), which includes the FAR requirements, supplemented with DFARS and PGI requirements, but also review the AFARS and the MICC DB for any special requirements.

13.106 Soliciting Competition, Evaluation of Quotations or Offers, Award and Documentation

(200) See Subpart [12.1](#) of the DB for the Command's implementation of, [PARC Policy Alert #15-85](#) and [PARC Policy Alert #19-53](#) on the use of Reverse Auctions.

(201) Review the [MAP APP](#) flowchart corresponding to "MAP APP 1.9.3" and [MAP APP 1.9.4.3](#) for the use of the appropriate justification documentation.

(202) [DFARS 215.101-2-70](#), delineates the limitations and prohibitions when considering the use of Lowest Price Technically Acceptable (LPTA) for simplified acquisitions. See Section [15.101-2](#) of the DB for details.

(203) The [Simplified Acquisition Price Analysis and Award Memo \(SAPAAM\)](#) provides standardization for documenting prices as fair and reasonable for simplified acquisitions valued up to the SAT and for certain commercial acquisitions using [FAR 13.5](#), Simplified Procedures for Certain Commercial Items. The memo has two (2) purposes: (a) to document the price analysis justifying the determination of price reasonableness and (b) to serve as a checklist to assist the KO in ensuring regulatory requirements have been met. This memo is to be completed after receipt of vendor bids, quotes or proposals. In addition, the memo does not replace other required documents that may be referenced such as the commerciality determination, market research documentation or any other required procurement document to be filed appropriately in the official paperless contract file. The use of this template is mandatory when applicable.

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Subpart 13.3 Simplified Acquisition Methods

213.301 Government-wide Commercial Purchase Card

(200) The mandatory tool for appointing and delegating procurement authority to key GPC personnel is the Joint Appointment Module (JAM) application, IAW [PARC Policy Alert #19-17](#). All GPC appointments will be initiated, reviewed, approved, rejected, deleted, tracked and terminated, as appropriate within JAM. JAM functionality is being deployed iteratively and will continue to evolve throughout 2019.

(201) Policy and guidance for the planning and execution of the GPC Program can be found at: [DoD Government Charge Card Guidebook for Establishing and Managing Purchase, Travel and Fuel Card Programs](#); [DPC Program Office Website](#); and [AFARS Appendix EE](#). See [MAP APP 1.6.11](#) and [1.6.15.6](#) for additional information.

(202) The MICC Installation (Level-4) Agency/Organization Program Coordinators (A/OPCs) are responsible for developing internal/local GPC operating procedures IAW [ACC Regulation 715-1](#).

a. All MICC Contracting Activities will continue to comply with the following:

1. Conduct 100 percent annual review/surveillance of Billing Official (BOs) and all active Cardholders (CHs) accounts;

2. Suspension of accounts:

i. If a BO's account exceeds 30 days past due, the billing account and all assigned CHs will be suspended until funding issues are resolved

ii. If a BO account is not certified within five (5) days of the close of the billing cycle, the A/OPC shall suspend the account until certified

3. BOs and CHs, to include Convenience Checks Writers must adhere to out-processing procedures outlined in the MICC Out-Processing Policy Letter.

b. The following procedures establish Command-wide Standards designed to provide all MICC Activities with a foundation upon which to build specific operating procedures governing their programs and are posted on the [MICC SharePoint](#):

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1. [MICC Command Memorandum dated August 20, 2014](#) provides updated guidance on the use of GPC within the Base Supply Centers at U.S. Army Installations;
2. [MICC Operating Procedures for Ordering Officers](#).

(203) Individuals may be appointed as Level 3 or 4 Agency/Organization Program Coordinator (A/OPCs) for the GPC Program based on GPC knowledge, training, and experience, basic contracting knowledge and/or acquisition training. DAWIA requires the DoD to establish education and training standards, requirements, and courses for the civilian and military workforce. The DAWIA certification requirements are posted at: <http://icatalog.dau.mil/onlinecatalog/CareerLvl.aspx> The Army requires Level 3 and Level 4 A/OPCs to be [DAWIA Level II certified in Contracting](#). A/OPCs that are not DAWIA Level II certified in Contracting must either complete the [DAWIA Level II certification in Contracting or Purchasing](#) within 24 months of being assigned to the Level 3 or Level 4 A/OPC position. This requirement is effective upon appointment of all A/OPCs. ([MAP APP 1.6.11](#))

(204) CSB/FDO GPC POCs are responsible for submitting NLT than the 5th of each month the [MICC Reporting Metrics spreadsheet](#) to the MICC GPC Team mailbox at: usarmy.jbsa.acc-micc.mbx.gpc@mail.mil. If the 5th falls on a weekend or holiday, submit the monthly report on the last duty day prior to that weekend/holiday. Ensure all spreadsheet tabs (Snapshot, Surveillance Plan, Span of Control, CAR, Delinquency Report, Convenience Checks and Deployments) are completed. All redeploying unit accounts should be reviewed NLT 30 days after redeployment.

(205) CSB/FDO GPC POCs shall submit the [OMB Quarterly Statistical and Semi-Annual Violations Reports](#) NLT than the 5th day of each applicable quarter to the [MICC GPC Team mailbox](#) and/or MICC HQ Action Officer. If the 5th falls on a weekend or holiday, submit the monthly report on the last duty day prior to that weekend/holiday. CSB/FDO GPC POCs and A/OPCs shall ensure the proper retention of all required documentation to support the reported numbers/violations.

(206) GPC Program Controls are the tools and activities used to identify, correct, and prevent fraud, waste, and abuse. A/OPCs are charged to provide oversight, training, administration, and surveillance to all BOs, AOs and CHs. Program oversight and reviews are keys to protecting the Government's interest at every level, *i.e.*, BO review of CHs, A/OPCs review of BOs.

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Subpart 13.5 Simplified Procedures for Certain Commercial Items

13.501 Special Documentation Requirements

(200) The approval level for a sole source (including brand name or equal purchase descriptions, use of proprietary specifications or standards) justification is based on the total value of the instant non-competitive action: either contract or modification, including all options. This is not to be used as an incentive to split requirements. J&As must be based on the reasonably expected requirements necessitating the sole source action at the time (MAP APP [1.6.10.5](#) and [1.9.4.4](#)).

JUSTIFICATION & APPROVAL				
Reference	Threshold	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 13.501	Up to \$700,000	Locally determined	KO	Locally determined
	> \$700,000 and up to \$13.5M	CSB/FDO Analyst (10) Competition Advocate (15)	Competition Advocate	25

a. The market research in support of a J&A under the circumstances at [FAR 13.501\(a\)](#) shall include a SSS and its results. Paragraph 8 of [AFARS 5153.303-5](#), requires that the market research in support of other than full and open competition be conducted within the previous 12 months. A [SSS template](#) drafted to encourage vendors to respond to a sole source situation or other than full and open competition is posted on the MICC SharePoint. Document the responses to the SSS clearly on any J&A above the Simplified Acquisition Threshold. Evaluation addressing why the responses provided inadequate competition must be included. Individual follow-up with respondents that might clarify capability is highly encouraged and decisions against such practice must be documented in a memo or e-mail that accompanies in the J&A. Only the MICC DCG, as the HCA's designee who is a GO or SES, may waive the SSS or RFI requirement. MICC has a waiver for posting requirements under the following limited circumstance: when, as a result of a protest, a contract or task/delivery order must be extended on a sole source basis pursuant to the authority of [FAR 6.302-1](#). When the previously referenced limited circumstance applies, ensure that a copy of the [waiver](#) posted on the MICC SharePoint is attached to the approved J&A and placed in

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the contract file. For all other circumstances, submit the request for waiver to the [Competition Advocate](#) via email.

b. J&As valued above the SAT require legal sufficiency review per Section [5101.602-2-90](#) of the DB. Section [6.305](#) of the DB provides additional guidance regarding redaction of a J&A when public posting is required IAW [FAR 13.501\(a\)\(1\)](#).

c. Submit J&A documentation through the Chain of Command (*i.e.*, CSB/FDO) to the [Competition Advocate](#) when it requires approval by the Competition Advocate or higher. All J&A documents within the Competition Advocate's approval threshold should be coordinated and reviewed by the CSB/FDO OSBP Assistant Director. In addition, justifications that require approval by the Competition Advocate or higher require advanced notice as soon as it is being considered or at least 75 calendar days if the approval level is higher than the Competition Advocate. See Section [6.304](#) of the DB for details.

d. Utilize the centralized tracker to log non-competitive actions that exceed the SAT on the MICC SharePoint under the [Competition Advocate page](#). See Section [6.303](#) of the DB for detailed instructions.

(201) The [Simplified Acquisition Price Analysis and Award Memorandum \(SAPAAM\)](#) provides a standardized format for drafting pricing memoranda applicable to contract actions that are valued at or below the SAT and certain commercial acquisitions utilizing Simplified Acquisition Procedures IAW FAR 13.5. The [SAPAAM](#) is not applicable to sole source/non-competitive actions that require cost analysis and negotiations, which should be documented on a POM and then followed up with a PNM. In addition, the memo does not replace other required documents that may be referenced such as the commerciality determination, J&A, LSJ, market research documentation or any other required procurement document to be filed appropriately in the official paperless contract file. The use of such template is mandatory when applicable.

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PART 14: SEALED BIDDING

Subpart 14.4 Opening of Bids and Award of Contract

214.404-1 Cancellation of Invitations After Opening.

(200) [DFARS 214.404-1](#) states that the KO shall make the determinations required by [FAR 14.404-1\(c\) and \(e\)\(1\)](#). [Since FAR 14.404-1\(f\) references back to the determination at FAR 14.404-1\(e\)\(1\), "Agency Head" may be read as "Contracting Officer" within the Department of Defense for these particular responsibilities.](#)

(201) If only one (1) bid is received in response to a competitive Invitation for Bid (IFB) for a requirement valued above the SAT, follow the procedures at [DFARS 215.371](#), in lieu of the procedures at FAR 14.404-1(f). [Request for a Waiver to re-solicit for an additional period of at least 30 days template](#) is located on the [MAP APP](#).

14.407 Mistakes in Bids.

(200) After the opening of bids, the KO shall examine all bids for mistakes. In cases of apparent mistakes and in cases where the KO has reason to believe that a mistake may have been made, the KO shall request from the bidder a verification of the bid, calling attention to the suspected mistake.

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Determination for Mistakes in Bid				
References	Applicability	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 14.407-3(c) AFARS 5114.407-3(c)	Mistake disclosed before award, when FAR 14.407-3(c) applies	Locally Determined	Contracting Office Director	Locally Determined
FAR 14.407-3(a), (b), and (d) AFARS 5114.407-3(e)	Mistake disclosed before award, when FAR 14.407-3(a), (b), and (d) applies	CSB/FDO Analyst	SCO	15
FAR 14.407-4(c) AFARS 5114.407-4	Mistake after award (FAR 14.407-4(b))	CSB/FDO Analyst	SCO	15

214.408 Award

(200) If only one (1) bid is received in response to a competitive IFB for a requirement valued above the SAT, follow the procedures at [DFARS 215.371](#). [Request for a Waiver to re-solicit for an additional period of at least 30 days template](#) is located on the [MAP APP](#).

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PART 15: CONTRACTING BY NEGOTIATION

Subpart 15.1 Source Selection Processes and Techniques

(200) MICC Contracting Offices are required to use the [DoD Source Selection Procedures dated 31 March 2016](#) when conducting negotiated, competitive acquisitions utilizing [FAR Part 15](#). The [Department of the Army Source Selection Supplement \(AS3\)](#), supplements the mandatory [DoD Source Selection Procedures](#) and contains information on source selection processes and techniques to be used for competitive, negotiated acquisitions within the Army (MAP APP [1.12](#) and [3.2](#))

15.101-2 Lowest Price Technically Acceptable Source Selection Process

(200) [DFARS 215.101-2-70](#), delineates the limitations and prohibitions when considering the use of Lowest Price Technically Acceptable (LPTA) for specific procurements. KOs shall include a written justification describing the circumstances supporting the use of LPTA in the contract file. IAW [FAR 15.101-2](#) and [DFARS 215.300](#), solicitations following the LPTA process shall clearly state that award will be based on the lowest evaluated price of proposals received that meet, or exceed, the acceptable standards of the non-price factors identified in the solicitation IAW [FAR 15.101-2\(b\)\(3\)](#). All proposals received will be evaluated for technical acceptability. Unless the KO documents the reason that past performance is not an appropriate evaluation factor, past performance will be evaluated. Appendix C of the [DoD Source Selection Procedures](#) outlines the application of the LPTA process. An [LPTA Quick Guide and training](#) is posted on the ACC SharePoint per [PARC Policy Alert #15-107](#) (MAP APP [1.12.1](#), [3.2.3.3](#)).

(201) KOs shall not use the following language or similar in solicitations utilizing the LPTA approach: "The Government reserves the right to evaluate the lowest priced proposal first and if it is acceptable then make award to that offeror. In the event that the lowest priced proposal is not acceptable, then the second lowest priced proposal is evaluated, and if acceptable, then award will be made to it."

Subpart 15.2 Solicitation and Receipt of Proposals and Information

15.201 Exchanges with Industry Before Receipt of Proposals

(200) Consistent engagement with industry is a priority. Draft RFPs are required on acquisitions above \$50M. Obtain legal review of the draft RFP prior to release. Only the SCO may grant a waiver to the draft RFP requirement on an acquisition valued

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above \$50M. Multiple draft RFPs are required for acquisitions valued at \$500M and higher. Contracting professionals are encouraged to release multiple draft RFPs for acquisitions valued over \$50M and less than \$500M, gathering input from industry after each successive release and improving upon the quality of the draft RFP with each release. This process leads to a refined RFP that can be discussed in detail at a pre-solicitation conference with industry. During the pre-solicitation conference, contracting personnel should provide up to date information about the draft RFP, answer questions that industry may have, and gather information to incorporate into a the final RFP. [Briefing slides and attendance list templates](#) are posted on the MICC SharePoint.

(201) CSBs/FDOs should establish internal procedures to improve industry exchanges and communication, consistent with existing law and regulation, to include ethics rules and procurement integrity requirements. KOs are encouraged to communicate and share information among all interested parties to maximize the value of their inputs. KOs are also encouraged to use draft solicitation and PWS on acquisitions valued below \$50M in order to engage industry for the purpose of refining requirements and identifying impediments to competition prior to release of the final RFP ([MAP APP 2.1.2](#)). The Sources Sought Synopsis ([MAP APP 2.1.3](#)) [templates](#) allow for attachment of a draft Performance Work Statement, Performance Requirements Summary and Technical Exhibits with workload data, so that prospective vendors can provide feedback. The KO will be the point of contact.

Subpart 15.3 Source Selection

15.303 Responsibilities

(200) The Source Selection Team (SST) is made up of the Source Selection Authority (SSA), Source Selection Advisory Council (SSAC) if appointed, the Source Selection Evaluation Board (SSEB), and the KO. All members of the SST shall be designated early in the source selection process. Contracting Offices are responsible for providing the necessary training for the SST for each source selection. The SST roles and responsibilities can be found in the [DoD Source Selection Procedures](#) and the [AS3 \(MAP APP 3.2.2\)](#).

(201) [Non-Government Advisors](#). Use of non-Government personnel as advisors may be authorized, but should be minimized as much as possible ([MAP APP 3.2.2](#)). Non-Government Advisors can include academia, nonprofit institutions and industry willing to be subject to the organizational conflicts of interest provisions of [FAR Subpart 9.5](#). They may assist in cost (or price) analysis or perform administrative duties (*e.g.*,

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information technology support) related to source selections. However, they may not be voting members of the SST or participate in rating proposals or recommending a selection. They will have access only to those portions of the proposals and source selection information needed to perform their SST duties. Non-Government Advisors, other than Federally Funded Research and Development Centers (FFRDCs), shall be supported by a written determination based on [FAR 37.203](#) and [FAR 37.204](#). If non-Government personnel will participate in proposal evaluation, the RFP must inform offerors that outside Contractors will have access to their proposals, and organizational conflict of interest issues must be addressed.

(202) The KO shall brief all personnel involved in a source selection on the requirements of [FAR 3.104](#) regarding unauthorized disclosure of Contractor bid and proposal information, as well as source selection information. Ensure that all personnel receiving source selection information are instructed to comply with applicable standards of conduct (including procedures to prevent improper disclosure of information). IAW [FAR Subpart 9.5](#) – Organizational and Consultant Conflicts of Interest, ensure Conflict of Interest Statements (from both Government members/advisors and Non-Government Team Advisors) are appropriately reviewed and actual or potential conflict of interest issues are resolved prior to granting access to any source selection information ([See 5 CFR 2635](#)). All personnel participating in a source selection are required to sign a Non-Disclosure Agreement and a Conflict of Interest Statement ([MAP APP 3.2.3](#)).

(203) Templates of [Source Selection Participation Agreement for team members other than the Source Selection Authority](#) and [Source Selection Participation Agreement tailored to the Source Selection Authority](#) are posted on [PAM, Knowledge Management Portal](#) under [Source Selection Templates](#).

(204) [Appointment of the SSA](#). Appointment of the individual to serve as the SSA shall be commensurate with the complexity and dollar value of the acquisition. The current [AS3](#) eliminated the requirement for the SSA to be in the Contracting Chain. The Command's guideline is for appointment of the SSA external to the Contracting chain, i.e. from the Requiring Activity, after serious consideration is given to the nature of the requirement and importance of having a Senior Official from the Requiring Activity to serve as the SSA. In most cases, an acquisition with a total estimated value of \$50M or more is a significant action for the Requiring Activity and being involved in the acquisition as the SSA will ensure "buy-in" on the proposed award. For acquisitions with a total estimated value of \$50M or more when the Requiring Activity is not able to nominate an individual for the SSA position, the SSA shall be an individual above the KO. See paragraph (205) for SSAC membership. IAW [DFARS 203.170](#), the SCO who

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has oversight of a major service acquisition shall not be appointed as the SSA for such major service acquisition, which is based on threshold of \$250M or higher. In the event that the SCO retains the SSA responsibilities for an acquisition valued less than \$250M, a [memorandum for record \(instead of an appointment letter\) signed by the SCO in the solicitation file stating so will suffice.](#)

a. The hierarchy for SSA appointments for the MICC organization will be at the thresholds identified below. Except for an acquisition where the DASA(P) is the SSA Appointing Authority, the SCO may deviate from these thresholds if the SCO determines in writing that it is in the best interest of the procurement.

Source Selection Authority (SSA) Designation**			
Threshold	Review Chain and Estimated Lead Time (Working Days)	Appointing Authority	Total Estimated Lead Time (Working Days)
Less than \$250M	CSB/FDO Analyst	SCO	Locally determined
≥\$250M but less than \$500M	CSB/FDO Analyst (5) MICC HQ Policy Implementation & Oversight (10)	SCO*	15
≥\$500M and service acquisitions identified by ASA(ALT) as special interest	CSB/FDO Analyst (5) MICC HQ Policy Implementation & Oversight (10) ODASA(P) (20)	DASA(P)*	35
<p><u>Notes:</u> *Requires clearance from the MICC DCG. See Section 15.303 of the Desk Book for clearance procedures.</p>			

b. SSA appointments for procurements valued \$250M and greater but less than \$500M require clearance from the MICC DCG. The CSB/FDO Procurement Analyst will submit a request for clearance to the [MICC HQ Policy Implementation and Oversight Division mailbox](#). Include:

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1. SSA appointment tailored to the procurement (*e.g.*, do not include “weapons system” if the requirement is for base operation services) signed by the SCO but not dated;

2. [Source Selection Participation Agreement](#) signed by the SSA;

3. Biography of the SSA detailing the training, knowledge and experience that qualifies the individual for the appointment;

4. Memorandum for Record (MFR) signed by the supporting Legal Office Ethics Counselor, detailing the ethics briefing conducted with the SSA for the source selection.

c. DASA(P) shall appoint the SSA for acquisitions with a total planned dollar value of \$500M or more, and service acquisitions identified by the ASA(ALT) as special interest at any dollar threshold. For these procurements, the SSA will normally be a SES or GO within the contracting chain unless the DASA(P), approves otherwise. The CSB/FDO Procurement Analyst will submit a request for clearance from the MICC DCG to the [MICC HQ Policy Implementation and Oversight Division mailbox](#). Include:

1. The [request for SSA appointment signed by the SCO](#);

2. [Source Selection Participation Agreement](#) signed by the SSA;

3. Biography of the SSA nominee detailing the training, knowledge and experience that qualifies subject nominee for the appointment;

4. MFR signed by the supporting Legal Office Ethics Counselor, detailing the ethics briefing conducted with the nominee for the source selection;

5. [Draft SSA appointment](#).

(205) [SSAC Chairperson](#). For procurement actions of interest, regardless of dollar value, to the Requiring Activity or those involving Enterprise Solutions championed by TRADOC, IMCOM or similar level of Requiring Activity interest, the SSA will work with the SCO to coordinate an individual to Chair the SSAC. Consider a Senior Official in the Contracting Chain to be the SSAC Chairperson when the SSA is an individual from the Requiring Activity. Conversely, a Senior Official from the Requiring Activity should be considered for the SSAC Chair when the SSA is in the Contracting Chain.

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15.304 Evaluation Factors and Significant Subfactors

(200) KOs are reminded that the LPTA approach is a streamlined form of evaluation and therefore, evaluation criteria shall be kept to a minimum number of technical factors (subfactors are highly discouraged). Justification for including subfactors in this type of best value approach must be discussed in the acquisition strategy document, to include rationale for requiring subfactors, along with risk analysis results that clearly demonstrate how this is in the Government's best interest. ([MAP APP 3.2.3.3](#))

(201) Under the tradeoff process, the KO must also keep the number of factors and subfactors (or elements) to the absolute minimum required to help determine best value. Limit the evaluation factors and subfactors (elements) to those that represent key areas of importance that will enable distinguishing among the proposals, *i.e.*, discriminators. Justify in the acquisition strategy the selection of factors, subfactors (or elements) as critical for a tradeoff scenario, including the results of risk analysis.

15.305 Proposal Evaluation

(200) KOs must ALWAYS ensure that the proposal evaluations match the criteria set out in the solicitation and can be articulated and defended if challenged. KOs should not rely solely on the summaries of the Source Selection Evaluation Board or the Source Selection Advisory Council, but must check and double-check the recommended awardee's proposal against the Source Selection Plan to confirm it meets the solicitation criteria. Failure to ensure the awardee's compliance with the RFP and source selection criteria can not only result in a successful bid protest, but also cost the Government lost time (to procure or re-procure the requirement) and lost monies in terms of potential litigation costs and termination costs, if the protest is sustained. Most importantly, it can result in mission failure to deliver critical supplies and services on time to the Requiring Activity. (MAP APP [3.2.3.3](#) and [3.2.4](#))

215.371 Only One Offer

215.371-5 Waiver

(200) The [template for a request for a waiver to re-solicit for an additional thirty days](#) is posted on the [MAP APP](#).

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Subpart 15.4 Contract Pricing

15.403 Obtaining Certified Cost or Pricing Data

15.403-1 Prohibition on Obtaining Certified Cost or Pricing Data

Waiver of the Requirement for Submission of Certified Cost or Pricing Data (CPD) under Exceptional Circumstances				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 15.403-1(c)(4) DFARS 215.403-1(c)(4) DFARS PGI 215.403-1(c)(4)(A)	Requirement cannot reasonably be obtained without the waiver, price can be determined fair and reasonable without CPD submission and there are demonstrated benefits to granting the waiver	CSB/FDO + Field Support Analysts (25) ACC ConOps (10)	HCA*⌘	35
Notes: *Requires clearance from the MICC DCG. See Section 5101.290 of the MICC DB for the clearance process. ⌘IAW ACC Contracting Note #20-18 , ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.				

(200) The [DoD Guidebook for Acquiring Commercial Items](#), dated 31 January 2018 contains guidance on how to approach the pricing of items purported to be commercial ([MAP APP 3.8.3.3](#)).

15.403-4 Requiring Certified Cost or Pricing Data

(200) The KO shall obtain certified cost or pricing data only if the KO concludes that none of the exceptions in [FAR 15.403-1\(b\)](#) applies. However, if the KO has reason to believe exception circumstances exist and has sufficient data available to determine a fair and reasonable price, then the KO should consider requesting a waiver under the exception at [FAR 15.403-1\(b\)\(4\)](#). If the Offeror is not granted an exception from the requirement to submit certified cost or pricing data see [PARC Policy Alert #18-98](#). The

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threshold for obtaining certified cost or pricing data for contracts entered into after July 1, 2018 is \$2 Million IAW [PARC Policy Alert #18-83, Class Deviation 2018-O0015](#).

Authorize KO to obtain Certified CPD for Pricing Action below \$2M				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 15.403-4(a)(2)	If not prohibited by exceptions at FAR 15.403-1(b) and the action exceeds SAT	CSB/FDO + Field Support Analysts (25) ACC ConOps (10)	HCA*⌘	35
<p>Notes:</p> <p>*Requires clearance from the MICC DCG. See Section 5101.290 of the MICC DB for the clearance process.</p> <p>⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p>				

15.404 Proposal Analysis

15.404-1 Proposal Analysis Techniques

(200) KOs shall follow the instructions in the [MICC Guide for Preparing a Cost Evaluation Report for Competitive Actions Requiring Cost Realism Analysis](#), which contains the basic format for a services type acquisition where a cost reimbursement contractual document is contemplated and cost realism is being conducted. The [MICC Guide for Preparing a Cost Evaluation Report for Competitive Actions Requiring Cost Realism Analysis](#) can be found on the MICC SharePoint portal under Acquisition Processes.

15.406 Documentation

(200) [MAP APP 3.8](#) contains general guidance on Prenegotiation Objective Memorandum (POM) and Price Negotiation Memorandum (PNM) documentation. MICC POM/PNM approvals are as follow:

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Prenegotiation Objective Memorandum and Price Negotiation Memorandum			
Threshold	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
>SAT <\$250M	Locally determined by the approval authority	SCO†	Locally determined
≥\$250M	CSB/FDO + Field Support Analysts	SCO*	25

Notes:
 †Further delegation requires prior SCO approval in writing, but the authority to approve the above referenced documents with an estimated value of \$50M and less than \$250M may be delegated to no lower than the Contracting Office Director.
 *Requires clearance from the MICC DCG. See Section [5101.290](#) of the MICC DB for the clearance procedures.

15.406-1 Prenegotiation Objectives

(200) Prenegotiation Objective Memorandum (POM) templates can be found in the [Samples and Templates](#) on the [MAP APP](#). The review of a POM for an acquisition valued equal to or greater than \$250M and for which a HQ MICC clearance has not been waived will follow the same procedures for peer reviews at paragraphs (203) and (204) of [Section 5101.170](#) of the DB, except that Appendix 2 lists the supporting documentation required for the review and the description on the email alert to the CSB/FDO POC will be “Request for Review of Prenegotiation Objective Memorandum.”

15.406-3 Documenting the Negotiation

(200) Price Negotiation Memorandum templates are posted under [Samples and Templates](#) on the [MAP APP](#). The review of a PNM for an acquisition valued equal to or greater than \$250M and for which a HQ MICC clearance has not been waived will follow the same procedures for peer reviews at paragraphs (203) and (204) of [Section 5101.170](#) of the DB, except that Appendix 2 lists the supporting documentation required for the review and the description on the email alert to the CSB/FDO POC will be “Request for Review of Price Negotiation Memorandum.”

(201) [Contract Business Analysis Repository \(CBAR\)](#). The POM and PNM should be brief, yet comprehensive documents that provide a clear, stand-alone audit trail of the acquisition. See [DoD Memorandum Subject: Documentation Requirements on Contractor Pricing Proposals Deemed Inadequate by Defense Contract Audit](#)

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Agency. ([MAP APP 3.8.1](#) and [PARC Policy Alert #19-41](#)) KOs are required to upload the approved POM and PNM NLT 30 days after contract award for all sole source actions above \$25M awarded on or after 24 June 2013 into the CBAR IAW [DFARS PGI 215.406-3](#). Instructions for accessing the CBAR tool are located at: <http://www.dcmamil/WBT/CBAR/>.

Subpart 15.5 Preaward, Award, and Postaward Notifications, Protests, and Mistakes

15.505 Preaward Debriefing of Offerors

(200) A preaward debriefing is held during the evaluation phase prior to contract award. This type of debriefing is usually requested by an offeror who has been excluded from the competitive range. Procedures for conducting preaward debriefings can be found in the Debriefing Guide in the [DoD Source Selection Procedures](#). A comparison of preaward and postaward debriefings is posted in the [AS3 \(MAP APP 3.6.2\)](#).

15.506 Post-award Debriefing of Offerors

(200) A post-award debriefing is held after contract award or after award of a task order. This type of debriefing is usually requested by both successful and unsuccessful offerors. Procedures for conducting post award debriefings can be found in the Debriefing Guide in the [DoD Source Selection Procedures](#). A comparison of preaward and postaward debriefings is posted in the [AS3 \(MAP APP 4.7\)](#).

Subpart 5115.6 Unsolicited Proposals

5115.606 Agency Procedures

(200) Acquisition personnel shall follow the procedures and guidance for accepting and processing Unsolicited Proposals (UPs) IAW [ACC Contracting Note #20-02](#).

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PART 16: TYPES OF CONTRACTS

Subpart 16.1 Selecting Contract Types

(200) KOs should select the appropriate contract type for the product or service being acquired. Review [Policy Alert #19-80, Revision 1](#) and [Class Deviation 2019-O0001](#) when contemplating the use of Cost Type contracts. The use of a specific contract type should be governed by the nature of the work and deliverables. KOs may establish a hybrid contract structure that contains line items for the same service, or line items with different price structures to allow for selection of the most appropriate contract type at the task/delivery order level. Review [FAR Part 16](#), its supplements and [MAP APP 1.7](#) for specific criteria and limitations, including the documentation to support the contract type selection.

D&F for Contract Type for Cost Reimbursement Contracts		
Threshold	Applicability	Approval Authority
>\$50M	Awarded after October 1, 2018, and before October 1, 2019	SCO
>\$25M	Awarded on or after October 1, 2019	SCO
<u>Notes:</u> See Section 5101.290 of the Desk Book for clearance procedures.		

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Subpart 16.4 Incentive Contracts

16.401 General

D&F for the Use of Award-Fee or Incentive Contracts or Award-Fee or Incentive CLINs			
References	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
AWARD FEE CONTRACTS FAR 16.401(d) DFARS PGI 216.401 MAP APP 1.7.4 AFARS 5116.401(d)	CSB/FDO Analyst	SCO	15
OTHER THAN AWARD FEE CONTRACTS FAR 16.401(d) DFARS PGI 216.401 MAP APP 1.7.4 AFARS 5116.401(d)	CSB/FDO Analyst	SCO+	15
AWARD FEE PLAN DFARS PGI 216.405-2 AFARS 5116.401(e)(3)(i)	CSB/FDO Analyst	SCO	15
Note: †Further delegation (No lower than 1 level above the KO) requires prior SCO approval in writing.			

(200) When an Award Fee Evaluation Board (AFEB) will be used, the SCO must appoint an Award Fee Determining Official (AFDO) in writing unless the SCO will serve as the AFDO. Submit the [request for appointment](#) to the CSB/FDO.

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Appointment of Award Fee Determining Official			
Reference	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
AFARS 5116.405-2(b)(2)(B)	CSB/FDO Analyst	SCO	15

Subpart 16.5 Indefinite-Delivery Contracts

16.504 Indefinite-Quantity Contracts

(200) Multiple awards should be made whenever practicable (MAP APP [1.7.7](#), [2.7.4](#), [4.4.1.5](#), [5.3.8](#)). However, care should be taken to award only the minimum number of contracts that will enable competition to provide the best value to the Government. The solicitation shall state the anticipated number of contracts that will be awarded. The KO shall obtain documentation for the contract file from the Requiring Activity that substantiates the amount of work, funding, or other conditions that warrant multiple awards.

(201) Limitation on single-award contracts at [DFARS 216.504\(c\)\(1\)\(ii\)\(D\)](#) is defined as only one (1) award which will be made after utilizing full and open competition or a set aside preference on a competitive basis (MAP APP [2.7.4](#), [4.4.1.5](#)). All single award Task/Delivery Order Contracts Exceeding \$112M (including all options) require approval of a D&F as outlined in the table below.

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Determination for the Award of Task/Delivery Order Contract to a Single Source				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 16.504(c)(1)(ii)(D)(1) DFARS 216.504(c)(1)(ii)(D)	>\$112M (including all options)	CSB/FDO + Field Support Analysts (25) ODASA(P) (45)	HCA*⌘	70
Notes: *Requires clearance from the MICC DCG. See Appendix GG for further guidance. ⌘IAW ACC Contracting Note #20-18 , ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.				

16.505 Ordering

(200) Some Multiple Award Indefinite Delivery Indefinite Quantity (MA IDIQ) Contracts have an approved acquisition plan and strategy that covers individual task orders. KO shall refer to the MA IDIQ Contracts Ordering Guide. The guide may state that an acquisition plan and strategy at the individual task order level was addressed in the basic contract and, therefore, is not needed at the task order level or that an informal plan and strategy is required, or it may provide a sample of each. When the Ordering Guide is silent with regard to a plan and strategy, contact the ACO for clarification. If the acquisition plan and/or acquisition strategy of the basic contract does not address the follow-on orders, then prepare the documents for each individual order as required by [DFARS 207.103](#) and [AFARS 5137.590-2](#). A [sample checklist](#) to help capture the acquisition approach and to document relevant information (*e.g.*, approval of services, use of Government property, task order type, etc.) is posted on the [MAP APP](#).

(201) The KO, when issuing a Request for Task Order Proposal (RTOP) under MA IDIQ contracts, must provide each awardee a fair opportunity to be considered for each order IAW [FAR 16.505](#), Ordering ([MAP APP 5.3.8](#)). An RTOP identifies critical elements of the requirement (such as PWS, unique terms and conditions within the original scope of the contract, and evaluation criteria) to solicit proposals before awarding a task order for services. The RTOP and the award of a task order shall be IAW the terms and conditions of its MA IDIQ Contract. The MA IDIQ Contract will contain procedures to place orders and may reference an Ordering Guide. Where flexibility is allowed in the

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ordering instructions or Ordering Guide, tailor the RTOP to the complexity of the requirement. IAW [AFARS 5116.505-91](#), task order award decisions must be documented in sufficient detail to justify the award. This does not require a separate source selection plan or an evaluation plan. It does require the award decision to be recorded in a clear and logical format in the task order decision document.

(202) Exception to Fair Opportunity. Approval threshold for a justification for an Exception to Fair Opportunity (EFO) is based on the total value of the instant non-competitive action: either task order or order modification, including all options (MAP APP [1.9.5](#), [5.3.8.1.1](#)). This is not to be used as an incentive to split requirements. EFOs must be based on the reasonably expected requirements necessitating the sole source action at the time. Submit EFO documentation through the Chain of Command (*i.e.*, CSB/FDO) to the [Competition Advocate](#) when it requires approval by the Competition Advocate or higher. All J&A documents within the Competition Advocate's approval threshold should be coordinated and reviewed by the CSB/FDO OSBP Assistant Director. If you have questions, consult the [Competition Advocate](#). Review the [MAP APP](#) flowchart corresponding to "MAP APP 1.9.3" for the use of the appropriate justification documentation. A [standardized EFO template](#) is found on the [MAP APP](#). Additional instructions for the signature page are posted on the [Shared Documents library of the Competition Advocate webpage](#) on the MICC SharePoint. EFOs valued above the SAT require legal sufficiency review per Section [5101.602-2-90](#) of the DB. Section [6.305](#) of the DB provides additional guidance regarding redaction of a J&A when public posting is required IAW [FAR 16.505\(b\)\(2\)\(D\)](#). EFOs that require approval by the Competition Advocate or higher require advanced notice. See Section [6.304](#) of the DB for details.

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Justification for an Exception to Fair Opportunity			
Threshold	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
Up to \$700,000	Locally determined	KO	Locally determined
> \$700,000 - \$13.5M	CSB/FDO Analyst (10) Competition Advocate (15)	Competition Advocate	25
> \$13.5M - \$93M	CSB/FDO Analyst (10) Competition Advocate (20)	MICC HQ SCO□	30
> \$93M	CSB/FDO Analyst (10) Competition Advocate (20) ODASA(P) (40)	SPE*	70
<p><u>Notes:</u> □GO/SES level. *Requires clearance from the MICC DCG.</p>			

(203) Utilize the centralized tracker to log a justification for an exception to fair opportunity exceeding the SAT on the MICC SharePoint under the [Competition Advocate page](#). See Section [6.303](#) of the DB for detailed instructions.

(204) An RTOP or RFQ may NOT be released concurrently with submission of the documents for SCO review. An RTOP or RFQ and its evaluation and task order decision document are subject to the peer review procedures set out in Section [5101.170](#) of this DB, which also contains Table 1-3 (peer review thresholds for competitive actions) and Table 1-4 (peer review thresholds for non-competitive actions). The KO must resolve all comments from the Peer Review Board’s findings and recommendations before the action under review will be approved by the appropriate chairperson.

a. Review and approval of an RTOP or RFQ is based on the estimated aggregate value of the order, including the base and all option periods.

b. Task order evaluations follow [FAR Subpart 16.5](#). The competition requirements in FAR Part 6 and the policies in [FAR Subpart 15.3](#) do not apply to the ordering process. Use streamlined evaluations; however, maintain sufficient documentation to clearly support the selection decision. Meaningful and open exchanges with participating offerors are important and encouraged. When using streamlined evaluations, request

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final proposal revisions and finalize all documents prior to requesting approval of the task order award. A competitive range determination is not required unless the RTOP requires it (and this is not recommended, especially where the basis for award of the RTOP is lowest price technically acceptable.) However, if exchanges are conducted IAW [FAR 15.3](#) procedures (*i.e.*, a competitive range is established), the evaluation documentation to the approval authority (see table above) shall be submitted at two (2) intervals: prior to negotiations and prior to contract award. If a competitive range has been established, exchanges shall not commence and an award shall not occur without receipt of the required approval from the appropriate authority. Review and approval prior to task order award that requires approval from the SCO or higher authority shall be reviewed when the CRB (Peer Review) is conducted IAW procedures set out in Section [5101.170](#) of the DB.

216.505-70 Orders Under Multiple Award Contracts

(200) If only one (1) offer is received in response to a competitive RTOP or RFQ for a requirement exceeding the SAT, follow the procedures at [DFARS 215.371 \(MAP APP 5.3.8.1.1\)](#). A [waiver request to re-solicit for an additional period of at least 30 days template](#) is located on the [MAP APP](#).

(201) When issuing Task Orders under Multiple Award Contracts and minimum Labor Category Qualifications exist in the underlying contract, KO's shall follow the guidance in [DFARS PGI 216.505-70](#).

5116.505-90 Ombudsman

(200) The Ombudsman has authority to review complaints from Contractors awarded MA IDIQ Contracts that they have not been afforded fair opportunity to be considered for award of a particular TO/DO; and after coordination with the SCO, require that the KO take corrective action regarding the complaint ([MAP APP 5.3.8.1.2](#)). If the SCO does not agree with the Ombudsman, the matter shall be forwarded to the MICC HQ SCO to render a decision. The TO/DO Ombudsman Complaint Process and Routing Procedures are as follow:

a. Pursuant to [FAR 52.216-32](#), Contractors are provided with the name of the MICC HQ TO/DO Ombudsman in the solicitation and contract. Pursuant to [FAR 16.505\(b\)\(8\)](#) the [TO/DO Ombudsman](#) must review complaints from Contractors under multiple award task and delivery order contracts and ensure they are afforded a fair opportunity to be considered, consistent with the procedures in the contract. The MICC Task Order Ombudsman name, contact information and [e-mail](#) that must be included in MICC MA

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IDIQ Contracts, RTOPs, and Task Orders is identified on the [Ombudsman page](#) of the MICC SharePoint.

b. Upon receipt of a written Contractor request for review, the TO/DO Ombudsman confirms receipt of the request (via mail or telephone) and apprises the Contractor that process time to review can range from one (1) week to several months depending on the complexity of the Contractor's complaint.

c. The TO/DO Ombudsman opens a Complaint File and identifies documents needed from the MICC Contracting Office for review.

d. The TO/DO Ombudsman calls and follows up with an email to the Contracting Office Director and courtesy copies the SCO for identifying the PCF cabinet.

e. Based on the fact-finding discussions, the TO/DO Ombudsman makes a determination of whether or not it appears Contractors were afforded a fair opportunity to be considered and recommends a course of action, to include the cancellation of an order, not exercising option periods or not taking corrective action because the review did not disclose any discrepancies. The TO/DO Ombudsman will attempt to obtain agreement on the recommended course of action from the Contracting Office.

f. The TO/DO Ombudsman prepares a draft letter response to the Contractor stating **only** the review finding (*e.g.*, complaint reviewed and it appears that a fair opportunity was (was not) provided to all Contractors) and course of action. The TO/DO Ombudsman provides the SCO and the MICC DCG with situational awareness on the status of receipt of complaints and a timeline to finalize the response letter.

g. The TO/DO Ombudsman prepares an email to the SCO stating the review findings (and underlying supporting rationale) and directed course of action. The draft TO/DO Ombudsman letter is sent to Legal Counsel for review. Upon receipt of the legal review, a meeting will be scheduled with the MICC DCG and MICC Commanding General to discuss the TO/DO Ombudsman findings, recommendations and Contracting Office rebuttal, if any. In some cases, the meeting will be to discuss more than one (1) Ombudsman complaint in order to streamline the process and reduce response times.

h. The final TO/DO Ombudsman letter will be sent via email to the Contracting Office. The final TO/DO Ombudsman response letter to the Contractor will be sent via U. S. Postal Service or email. A copy of the letter and related emails will be placed in the Complaint File and the Contracting Office contract file.

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i. In the event the TO/DO Ombudsman concludes that fair opportunity was not provided, the Contracting Office will confirm, via email, its agreement with the recommendations made by the TO/DO Ombudsman. A copy of the email will be filed along with the complaint in the Contracting Office PCF contract file.

Subpart 16.6 Time-and-Materials, Labor-Hour, and Letter Contracts

16.601 Time-and-Materials Contracts

(200) All KOs who are contemplating a T&M/LH Contract, TO/DO, or other contract award which will contain T&M/LH CLINs must obtain the appropriate approval on the D&F. Incrementally funded actions are exempt from this so long as approval was obtained for the entire dollar amount. The D&F must contain sufficient facts, rationale and additional information as required per [ACC Contracting Note #19-35](#) to justify that no other contract type is suitable.

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D&F - Time & Materials (T&M) Contract or Order or Labor Hour (LH) Contract or Order				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 12.207(b) FAR 12.207(c) FAR 16.601(d) FAR 16.602 DFARS 216.601 DFARS 212.207(b)(iii) MAP APP 1.7.5	Base plus any option periods is ≤ 3 years AND the portion of the requirement to be performed on T&M or L-H basis is ≤ \$1Ms	Locally determined	One level above KO	Locally determined
	Base plus any options is ≤ 3 years AND the portion of the requirement to be performed on T&M or L-H basis exceeds \$1M	CSB/FDO Analyst	SCO	15
	Base and options exceed 3 years	CSB/FDO + Field Support Analysts (25) ACC ConOps (10)	HCA*⌘	35
	Determine a Time-and-Materials or Labor Hour contract type is in the best interest of the Government for Commercial Services	CSB/FDO + Field Support Analysts (25) ODASA(P) (45)	HCA⌘	70

Notes:

*Requires clearance from the MICC DCG. See Section [5101.290](#) of the MICC DB for the clearance process.

⌘IAW [ACC Contracting Note #20-18](#), ALL signatures on the documents shall be no older than 10 **Calendar Days** prior to submission to HQ ACC.

16.603 Letter Contracts

16.603-3 Limitations

(200) The determination that no other contract type is suitable has been delegated to the SCO. See [DFARS 217.74](#), [MAP APP 1.7.6](#) and [MICC DB 217.74](#) for details.

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PART 17: SPECIAL CONTRACTING METHODS

Subpart 17.1 Multi-Year Contracting

217.171 Multiyear Contracts for Services.

(200) The [HCA](#) is the approval authority for the determination to use a multiyear contract for services. Such authority is not delegable. A [template for this determination](#) is posted on the [MAP APP](#).

Determination for the Use of a Multiyear Contract for Services				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
DFARS 217.171 MAP APP 1.8.13	All	CSB/FDO + Field Support Analysts (25) ACC ConOps (10)	HCA*⌘	35
Notes: *Requires HQ MICC clearance per Section 5101.290 of the MICC DB. ⌘IAW ACC Contracting Note #20-18 , ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.				

Subpart 17.2 Options

5117.204 Contracts.

(200) Length of the Contract (MAP APP [1.8.17](#), [2.3.9](#)). A strong business case must be presented for contracts exceeding five (5) years. Instead of options, KOs should consider a multiple-year approach for the ordering period of IDIQ contracts (not JOC). JOCs are governed by [AFARS 5117.90](#) and must have options in order to execute the Economic Price Adjustment (Job Order Contracts) clause.

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Documents	References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
Use of options that extend contracts beyond 10 years	AFARS 5117.204(e)	All	CSB/FDO Analyst	HCA*⌘	15
Determination for Task/Delivery Order Contract Ordering Period Exceeding 10 Years	DFARS 217.204(e)(i)(C)	All, except those listed at DFARS 217.204(e)(ii)	CSB/FDO Analyst	HCA*⌘	15
Approval for Task/Delivery Order Period of Performance More than One Year beyond the end of the 10 Year Ordering Period	AFARS 5117.204(iii) DFARS 217.204(e)(iii)	All, except those listed at DFARS 217.204(e)(ii)	CSB/FDO + Field Support Analysts (25) ODASA(P) (45)	DPC*	70
<p><u>Notes:</u> *Requires clearance from the MICC DCG. See Section 5101.290 of the Desk Book for the clearance procedures. ⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p>					

5117.206 Evaluation.

(200) A J&A for Other than Full and Open Competition shall be prepared when [FAR clause 52.217-8](#), Option to Extend Services, was included in a contract and the option was not formally evaluated as part of the initial competition. Exercising an unevaluated option would be beyond the scope of the original contract and effectively constitutes a new procurement action.

a. IAW [FAR 6.302-5\(c\)\(2\)](#), a J&A is not required to extend an AbilityOne contract for a requirement that is currently on the Procurement List.

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b. If the contract is held by an 8(a) vendor, a J&A is required if the contract was awarded using competitive procedures [to include an 8(a) set-aside] and the Option to Extend Services was not evaluated prior to award. If the contract was a directed award to an 8(a), a J&A is not required IAW [FAR 6.302-5\(c\)\(2\)](#).

(201) New solicitations and contract awards that include [FAR clause 52.217-8](#) must include a mechanism for conducting a price evaluation of the Option to Extend Services to preclude the necessity for a J&A. Section M or equivalent of solicitations shall contain language advising offerors that the value of the Option to Extend Services will be included in the price evaluation as follow: "As part of price evaluation, the Government will evaluate its option to extend services (see [FAR clause 52.217-8](#)) by adding six (6) months of the offeror's final option period price to the offeror's total price. Offerors are required only to price the base and option periods. Offerors shall not submit a price for the potential six (6) month extension of services period. The Government may choose to exercise the Extension of Services at the end of any performance period (base or option periods), utilizing the rates of that performance period."

5117.207 Exercise of Options.

(200) An option is defined as the Government's unilateral right in a contract by which, for a specified time, the Government may elect to purchase additional supplies or services called for by the contract, or may elect to extend the term of the contract. If the contract allows for additional quantities of supplies or services through CLINS that were priced and evaluated during solicitation and award of the contract, the Government may exercise or extend the terms of the contract to include the additional quantities or work effort without further negotiation or further agreement with the Contractor. The additional timeframes and additional quantities have already been included in the contract but have not been funded.

a. The requirements at [FAR 17.207](#), [DFARS 217.207](#) and [AFARS 5117.207](#) must be followed in order to properly exercise the option unilaterally ([MAP APP 5.3.1.5](#)). The KO shall make a [written determination for the contract file that exercising the option](#) is IAW the terms of the contract, the requirements of [FAR 17.207](#), [DFARS 217.207](#), [AFARS 5117.207](#) and [FAR Part 6](#). To satisfy requirements of [FAR Part 6](#) regarding full and open competition, the option must have been evaluated as part of the initial competition and be exercisable at an amount specified in or reasonably determinable from the terms of the basic contract, *e.g.*, a specific dollar amount; specific price that is subject to an economic price adjustment provision; or a specific price that is subject to change as the result of changes to prevailing labor rates provided by the Secretary of Labor.

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b. The terms of an option when exercised must be within the scope of the contract and the original competition, in order to be compliant with the Competition in Contracting Act of 1984 (CICA). If the option is not evaluated under the initial competition, the unpriced option is merely an agreement based upon future pricing. Negotiation of the option price after the initial award constitutes a re-solicitation of the contract on a sole source or noncompetitive basis. Consequently, the requirements relating to sole-source contracts apply. An unpriced option may be exercised after the initial contract award if justified in writing, as required by [FAR 6.303-1](#). See Section [5117.206](#) above.

c. See [Subpart 12.4](#) or [Section 43.103](#) of the DB, as appropriate, for the review and approval authority of a proposed modification to exercise an option.

(201) In order to reduce the number of sole source extensions/bridges that are the result of failure to award follow-on competitive service contracts in a timely manner, each SCO shall ensure that Requiring Activities submit the requirements package for follow-on competitive services prior to exercising the final option (not including FAR 52.217-8) of a current contract. See Section [6.301](#) of the DB for details.

Subpart 5117.5 Interagency Acquisitions

(200) Contracting personnel shall follow the policies and procedures at [FAR 17.5](#), [DFARS 217.5](#), [FAR 17.7](#), [DFARS 217.7](#), [AFARS 5117.5](#) and [AFARS 5117.770](#) when acquiring supplies and/or services through the use of contracts or orders issued by Non-DoD Agencies ([MAP APP 1.6.14](#)).

a. The templates for [Approval to Use a Non-DoD Contract Assisted or Direct Acquisition](#) and the [Economy Act D&F](#) can be found on the [PAM Template Library](#).

b. The Requiring Activity is responsible for preparing the Economy Act D&F for both Direct and Assisted Acquisitions, in addition to the approval to use a Non-DoD Contract prior to commencing an acquisition using a Non-DoD Contract (includes GSA) in excess of the SAT IAW [AFARS 5117.502-2](#) and [AFARS 5117.770](#).

Subpart 5117.7 Interagency Acquisitions: Acquisitions by Nondefense Agencies on behalf of the Department of Defense

(200) The Authorized Representative of the Requiring Activity (no lower than an O-6 or GS-15) is the approval authority for the use of a Non-DoD Contract Assisted or Direct Acquisition and shall obtain "Concurrence" of the Contracting Officials as follows:

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Use of Non-DoD Contract				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Concurrence Authority	Total Estimated Lead Time (Working Days)
FAR 17.5 DFARS 217.5 DFARS 217.7 AFARS 5117.502 AFARS 5117.7 MAP APP 1.6.14	≥SAT < \$50M	Locally determined	SCO†	Locally determined
	≥\$50M < \$250M	Locally determined	SCO‡	Locally determined
	≥\$250M	CSB/FDO Analyst (15) Field Support Analyst (10)	SCO*	25

Notes:

†Further delegation requires prior SCO approval in writing, but the concurrence for an action with an estimated value of SAT and less than \$50M may be re-delegated to no lower than two (2) levels below the SCO.

‡Further delegation requires prior SCO approval in writing, but the concurrence for an action with an estimated value of \$50M and less than \$250M may be re-delegated to no lower than the Contracting Office Director.

*Requires clearance from the MICC DCG. See Section [5101.290](#) of the MICC DB for clearance procedures.

a. IAW [DFARS 217.7](#), a determination shall be obtained prior to commencing an acquisition using a Non-DoD Contract (includes GSA) in excess of the SAT. See subpart [5117.5](#) of the DB for additional information and requirements.

b. This policy does not apply to purchases through the Army’s Computer Hardware, Enterprise Software and Solutions [CHESS](#) at <https://chess.army.mil>.

c. An approved determination for the use of a Non-DoD contract is required if Reverse Auction procedures will be used for a requirement with a value greater than the SAT under GSA FSS contracts.

Subpart 217.74 Undefinitized Contract Actions (UCAs)

(200) Careful attention shall be given to the definition of a UCA IAW [DFARS 217.7401](#)(d). A variety of contract actions can be considered a UCA and the KO shall assure that all applicable actions are properly approved (MAP APP [1.7.6](#) and [4.4.1.6](#)).

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The KO shall submit a Commander’s Critical Information Requirement ([CCIR](#)) via the Senior Office Leader and in coordination with the SCO to the MICC G-2/3/5/7 IAW [MICC CPM #19-50](#) upon receipt of SCO approval authorizing the use of an UCA.

Use of Letter Contract or Other Undefined Contract Action				
References	Applicability	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
DFARS 217.7404-1 MAP APP 1.7.6	All, except UCAs identified in DFARS 217.7402	CSB/FDO Analyst	SCO	15
<p>Note: *Submit Commander’s Critical Information Requirement (CCIR) IAW MICC CPM #19-50</p>				

(201) Follow the [MICC UCA Guide](#) posted on the MICC SharePoint. The KO shall definitize a UCA within the 180-calendar day time limit, to include adequately documenting that the UCA is being definitized at fair and reasonable prices ([MAP APP 4.4.1.6](#)). Both the POM and PNM shall discuss the incurred costs, objective assessment of the Contractor’s reduced cost risk during the undefinitized period of performance and for the costs to be incurred during performance of the remainder of the contract, and include the resulting impact on the Contractor’s profit or fee IAW [DFARS 217.7404-6](#) and [PARC Policy Alert #18-94](#). See Section [15.406](#) of the DB for the approval thresholds and review procedures of a POM and PNM.

Subpart 5117.90 Job Order Contracts

5117.9000 Scope of Subpart

(200) The [Job Order Contracting Guide](#) is located on the [MAP APP](#).

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PART 18: EMERGENCY ACQUISITIONS

Subpart 218.2 Emergency Acquisition Flexibilities

218.201 Contingency Operation

(200) [Operation Inherent Resolve](#). On September 14, 2014, the Secretary of Defense designated operations in Iraq and Syria as a Contingency Operation IAW 10 USC 101(a)(13). The following guidance applies to DoD Contracting Activities supporting operations in Iraq and Syria:

- a. Apply the increased Contingency Acquisition Thresholds defined at [FAR 2.101\(b\)](#) as follow:
 1. When awarding contracts outside the United States to be performed outside the U.S. or for purchases made outside the U.S. in support of these operations, apply the increased micro-purchase threshold of \$30k, Simplified Acquisition Threshold (SAT) of \$1M prior to 13 January 2017 and \$1.5M effective 13 January 2017, and at [FAR 13.500\(e\)](#) the Simplified Procedures for Certain Commercial Items threshold of \$13M.
 2. In the case of any contract to be awarded and performed or purchase to be made inside the U.S. in support of these operations, apply the increased micro-purchase threshold of \$20k and SAT of \$300k prior to 13 January 2017 and \$750k effective 13 January 2017, while the Simplified Procedures for Certain Commercial Items threshold remains at \$13M.
- b. Use the National Interest Action code "O14S" when coding the FPDS-NG contract action report for all contracts, task orders and delivery orders in support of Contingency Operations in Iraq and Syria.
- c. Additional guidance for use of the purchase card during Contingency, Emergency, and Humanitarian Aid Operations may be found in [Appendix B of the DoD Charge Card Guidebook](#).

(201) [Operation Freedom's Sentinel](#). Operation Enduring Freedom has transitioned to Operation Freedom's Sentinel (OFS) on January 1, 2015. OFS is a Contingency Operation IAW 10 USC 101(a)(13). The following guidance applies to DoD Contracting Activities supporting operations in Afghanistan:

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a. Apply the increased Contingency Acquisition Thresholds defined at [FAR 2.101\(b\)](#) as follow:

1. When awarding contracts outside the United States to be performed outside the U.S. or for purchases made outside the U.S. in support of these operations, apply the increased micro-purchase threshold of \$30k, SAT of \$1M prior to 13 January 2017 and \$1.5M effective 13 January 2017, and at [FAR 13.500\(e\)](#) for the Simplified Procedures for Certain Commercial Items threshold of \$13M.

2. In the case of any contract to be awarded and performed or purchase to be made inside the U.S. in support of these operations, apply the increased micro-purchase threshold of \$20k and SAT of \$300k prior to 13 January 2017 and \$750k effective 13 January 2017, while the Simplified Procedures for Certain Commercial Items threshold remains at \$13M.

b. Use the National Interest Action code "O15F" when coding the FPDS-NG contract action report for all contracts, task orders and delivery orders in support of Contingency Operations in Afghanistan.

(202) [Combined Joint Task Force Operations – Horn of Africa](#) (CJTF-HOA) conducts United States Africa Command theater security operations within the Combined Joint Operations Area (CJTA). CJTF-HOA has been declared a Contingency Operation IAW 10 USC 101(a)(13). The following guidance applies to DoD Contracting Activities supporting operations in CJTA:

a. Apply the increased Contingency Acquisition Thresholds defined at [FAR 2.101\(b\)](#) and effective 1 October 2015 as follow:

1. When awarding contracts outside the United States to be performed outside the U.S. or for purchases made outside the U.S. in support of these operations, apply the increased micro-purchase threshold of \$30k, SAT of \$1M prior to 13 January 2017 and \$1.5M effective 13 January 2017, and at [FAR 13.500\(e\)](#) for the Simplified Procedures for Certain Commercial Items threshold of \$13M.

2. In the case of any contract to be awarded and performed or purchase to be made inside the U.S. in support of these operations, apply the increased micro-purchase threshold of \$20k and SAT of \$300k prior to 13 January 2017 and \$750k effective 13 January 2017, while the Simplified Procedures for Certain Commercial Items threshold remains at \$13M.

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b. Additional guidance for use of the purchase card during Contingency, Emergency, and Humanitarian Aid Operations may be found in [Appendix B of the DoD Charge Card Guidebook](#).

(203) Monitor the Hot Topics section on the [DPC Contingency Contracting webpage](#) for the latest information.

218.203 Incidents of National Significance, Emergency Declaration, or Major Disaster Declaration

(200) Monitor the Hot Topics section of the [DPC Contingency Contracting webpage](#) and [MICC HomePage COVID-19](#) for the latest information.

(201) [Emergency Declaration for California Earthquakes](#). Effective 8 July 2019, an emergency declaration has been approved by the President under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the "Stafford Act") for the state of California resulting from the earthquakes. Per [Policy Alert #19-123](#), the applicable emergency acquisition flexibilities identified in [FAR 18.203](#) and [DFARS 218.203](#) apply to the California Earthquake relief efforts. KOs shall consult the Disaster Response Registry via SAM at www.sam.gov (click search records, click disaster response registry search) to determine the availability of Contractors for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities inside the U.S. and outlying areas. See [FAR 26.2](#) as it relates to disaster or emergency assistance activities. Additionally, [FAR Subpart 18.1](#) and [DFARS Subpart 218.1](#) provide KOs other available acquisition flexibilities when certain conditions are met.

a. The following threshold increases apply to acquisitions of supplies or services that are to be used to support the California Earthquake relief efforts per [Policy Alert #19-123](#) and [Class Deviation 2018-O0018](#):

1. The MPT is \$20,000 in the case of any contract to be awarded and performed, or purchase to be made inside the U.S. (50 States and D.C.);

2. The MPT is \$30,000 in the case of any contract to be awarded and performed, or purchase to be made outside the U.S. (U.S. Virgin Islands and Puerto Rico);

3. The SAT is \$750,000 for any contract to be awarded and performed, or purchase to be made inside the U.S. (50 States and D.C.);

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4. The SAT is \$1,500,000 for any contract to be awarded and performed, or purchase to be made outside the U.S. (U.S. Virgin Islands and Puerto Rico);

5. The threshold for use of simplified acquisition procedures for certain commercial items at [FAR 13.5](#) is \$13M.

6. The limitation for convenience checks may not be in an amount in excess of one-half of the applicable micro-purchase threshold.

b. Additional guidance for use of the purchase card may be found in [Appendix B of the DoD Charge Card Guidebook](#).

c. A National Interest Action (NIA) Code has not yet been established for the NIA field in FPDS-NG. Agencies should exercise the flexibilities IAW internal controls to ensure they are managed effectively, tracked accordingly, and are consistent with the intended purpose code.

d. In the event additional U.S. states or outlying areas are declared an emergency or major disaster by the President as a result of these earthquakes, Class Deviation [2018-O0018](#) will still apply and the corresponding special emergency procurement authorities shall be used.

(202) [Emergency Declaration for Hurricane Dorian](#). Effective 27 August 2019 for the Commonwealth of Puerto Rico and 28 August 2019 for the U.S. Virgin Islands, an emergency declaration has been approved by the President under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the "Stafford Act") resulting from Hurricane Dorian. Per [Policy Alert #19-143](#), the applicable emergency acquisition flexibilities identified in [FAR 18.203](#) and [DFARS 218.203](#) apply to the Hurricane Dorian relief efforts. KOs shall consult the Disaster Response Registry via SAM at www.sam.gov (click search records, click disaster response registry search) to determine the availability of Contractors for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities inside the U.S. and outlying areas. See [FAR 26.2](#) as it relates to disaster or emergency assistance activities. Additionally, [FAR Subpart 18.1](#) and [DFARS Subpart 218.1](#) provide KOs other available acquisition flexibilities when certain conditions are met.

a. The following threshold increases apply to acquisitions of supplies or services that are to be used to support the Hurricane Dorian relief efforts per [Policy Alert #19-143](#) and [Class Deviation 2018-O0018](#):

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1. The MPT is \$20,000 in the case of any contract to be awarded and performed, or purchase to be made inside the U.S. (50 States and D.C.);

2. The MPT is \$30,000 in the case of any contract to be awarded and performed, or purchase to be made outside the U.S. (U.S. Virgin Islands and Puerto Rico);

3. The SAT is \$750,000 for any contract to be awarded and performed, or purchase to be made inside the U.S. (50 States and D.C.);

4. The SAT is \$1,500,000 for any contract to be awarded and performed, or purchase to be made outside the U.S. (U.S. Virgin Islands and Puerto Rico);

5. The threshold for use of simplified acquisition procedures for certain commercial items at [FAR 13.5](#) is \$13M.

6. The limitation for convenience checks may not be in an amount in excess of one-half of the applicable micro-purchase threshold.

b. For purposes of acquisition threshold increases authorized by [Class Deviation 2018-O0018](#) the term "United States" includes the 50 States and the District of Columbia (FAR 2.101). Therefore, the outlying areas of Puerto Rico and U.S. Virgin Islands are considered outside the United States.

c. Additional guidance for use of the purchase card may be found in [Appendix B of the DoD Charge Card Guidebook](#).

d. National Interest Action (NIA) Code (H19D) has been established for the NIA field in FPDS-NG to track procurement actions made in support of Hurricane Dorian. Agencies should exercise the flexibilities IAW internal controls to ensure they are managed effectively, tracked accordingly, and are consistent with the intended purpose code.

e. In the event additional U.S. states or outlying areas are declared an emergency or major disaster by the President as a result of Hurricane Dorian, [Class Deviation 2018-O0018](#) will still apply and the corresponding special emergency procurement authorities shall be used.

(203) [Emergency Declaration for COVID-19](#). Effective 1 March 2020, an emergency declaration has been issued by the President under the authority Robert T. Stafford

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Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act") in response to the Coronavirus Disease 2019 (COVID-19) pandemic. Per [Policy Alert #20-49](#), the applicable emergency acquisition flexibilities identified in [FAR 18.203](#) and [DFARS 218.203](#) apply to the COVID-19 pandemic. Additional information may be found at [MICC HomePage COVID-19](#).

a. The following threshold increases apply to acquisitions of supplies or services that are to be used to support COVID-19 emergency assistance efforts per [Policy Alert #20-49](#) and [Class Deviation 2018-O0018](#):

1. The MPT is \$20,000 in the case of any contract to be awarded and performed, or purchase to be made inside the U.S. (50 States and D.C.);

2. The MPT is \$30,000 in the case of any contract to be awarded and performed, or purchase to be made outside the U.S. (U.S. Virgin Islands and Puerto Rico);

3. The SAT is \$750,000 for any contract to be awarded and performed, or purchase to be made inside the U.S. (50 States and D.C.);

4. The SAT is \$1,500,000 for any contract to be awarded and performed, or purchase to be made outside the U.S. (U.S. Virgin Islands and Puerto Rico);

5. The threshold for use of simplified acquisition procedures for certain commercial items at [FAR 13.5](#) is \$13M.

6. The limitation for convenience checks may not be in an amount in excess of one-half of the applicable micro-purchase threshold.

b. Additional guidance for use of the purchase card may be found in [Appendix B of the DoD Charge Card Guidebook](#).

c. A National Interest Action (NIA) Code (P20C) has been established for the NIA field in FPDS-NG to track procurement actions made in support of COVID-19.

18.204 Resources

(200) DPC's [Contingency Contracting website](#) includes a [Domestic Emergencies webpage](#) for critical contracting information during a domestic contingency event (*e.g.*, declared natural disasters, pandemics) and the [lessons learned](#), including [ethical issues](#). The [Department of Defense Contingency Business Environment Guidebook](#) introduces

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six (6) electronic business tools that can be used to support future contingency and humanitarian or peacekeeping operations. The 3in1 Tool and the Acquisition Cross-Servicing Agreements (ACSA) Global Automated Tracking and Reporting System (AGATRS) are mandatory. The four (4) remaining tools are discretionary and should be evaluated for use, tailored to the size, duration, and complexity of the contingency:

- The Contingency Acquisition Support Model (cASM)
- Dollars & Sense (D&S)
- The Joint Contingency Contracting System (JCCS)
- Theater Business Clearance (TBC).

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PART 19: SMALL BUSINESS PROGRAMS

19.000 Scope of Part

(200) [FAR Part 19](#), except for [Subpart 19.6](#), applies only in the United States or its outlying areas. This rule is popularly referred to as the “foreign exemption.” KOs may invoke the foreign exemption at [FAR 19.000\(b\)](#) only when the KO is physically located outside the United States and its outlying areas at the time the proposed contract action is synopsisized, at the time the solicitation is published, at the time offers or quotations are received, and at the time award is made, and the service rendering, supply manufacturing, or construction must, by force of law or necessity, occur outside the United States and its outlying areas. KOs within the United States shall not attempt to invoke the foreign exemption based on the predicted manufacturing point of the item to be procured. See [MAP APP 1.8.1](#) for Small Business Considerations.

Subpart 19.2 Policies

5119.201 General Policy

(200) Upon identification of a requirement, the KO shall involve the Small Business Specialist (SBS) in the early stages of the acquisition planning. DD Form 2579, Small Business Coordination Record, is the DoD prescribed form for documenting that an acquisition has been coordinated with the SBS. Use the latest version of the form, which can be obtained at:

<https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2579.pdf>.

DD Form 2579	
Dollar Threshold	Type of Action
>\$10,000 – SAT*	All actions not totally set-aside for small business (but see subparagraph (200) b. below)
>SAT	All actions (but see subparagraph (200) b. below)

*Note: DD Form 2579s are not required for actions below the SAT that are totally set aside for small business concerns IAW [FAR 19.502-2](#) and [DFARS 219.201\(c\)\(10\)\(A\)](#).

a. For each acquisition over \$10,000 that is not set-aside for small business, the KO shall prepare and sign a DD Form 2579 and submit it to the SBS. The KO shall prepare, sign, and submit a DD Form 2579 to the SBS for ALL actions above the SAT, except those specifically exempted under paragraph (200) b. below.

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b. IAW [AFARS 5119.201\(C\)\(10\)\(B\)\(i\)](#), to facilitate the SBS review and make recommendations on all actions identified in paragraph a., the KO shall submit the DD Form 2579 to the SBS using VCE. This includes all delivery and task orders under MA IDIQ contracts, GSA Federal Supply Schedule orders, all orders placed against [FAR 8.405-3](#) Blanket Purchase Agreements (BPAs), all calls placed against FAR Part 13 BPAs, all awards placed through the Army CHESS Program. In addition, except for modifications listed in DB Section 5119.201 (200) paragraph c. below, a DD Form 2579 shall be submitted for all modifications that increase the scope of a contract or an order, regardless if KO determined change is/are within or outside of original scope. Note: A DD Form 2579 is not required for orders to be placed against a Requirements type contract; a single award IDIQ contract or a single award BPA. A DD Form 2579 is also not required for purchases made with the Government Purchase Card. When utilizing S2P2, any actions greater than \$10,000 and up to the SAT that are not set-aside for small business will require a DD Form 2579. Effective 1 May 2017, all actions procured through S2P2 require [special monthly reporting to HQ MICC, Small Business Programs](#).

c. A DD Form 2579 is not required in support of the unilateral exercise of an option, a funding modification, or a modification that does not increase the scope of the contract or order.

d. Sufficient lead time must be allowed to permit the cognizant SBS and the SBA Procurement Center Representative (PCR) to review and sign the document. The requirement must be described in sufficient detail in item 7 of the form to allow both the SBS and the PCR to understand what product or service is being procured. Appropriate rationale also must be provided along with market research documentation sufficient to justify the proposed acquisition strategy. Apply the convention at [FAR 1.108\(c\)](#) when determining the total estimated value of the acquisition.

e. The KO shall attach any document approving a noncompetitive contract action to the DD Form 2579 prior to submitting the form to the SBS.

f. The KO must coordinate with the SBS (using DD Form 2579) prior to publication of a notice of proposed contract or issuance of a solicitation of any kind.

g. Prior to award, the completed DD Form 2579 will be made available only to personnel who have a need-to-know. Copies of DD Form 2579 distributed outside the Department of the Army will be marked "FOR OFFICIAL USE ONLY."

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(201) See [ACC Contracting Note #20-11 Small Business Administration \(SBA\) Surveillance Review](#) which reiterates the importance of complying with small business policies during the acquisition process and provides lessons learned.

5119.202-1 Encouraging Small Business Participation in Acquisition

(200) All Consolidation of Contract Requirements not set-aside for Preference Programs require approval of a D&F as outlined in Section [7.107-2](#) of the DB. See [AFARS 5119.202-1\(2\)](#) for set-aside of task order requirements under those MA IDIQ contracts which allow requirements to be set aside (totally or partially) for small businesses.

5119.203 Relationship among Small Business Programs

(200) If a requirement has been accepted by the SBA into the 8(a) Business Development Program, it must remain in the program unless the SBA has agreed to its release. The written request for release from the 8(a) Program should be submitted to the cognizant SBA District Office serving the geographical area in which the procuring Contracting Office is located. The SBA District Office will forward the request to the SBA Associate Administrator, Office of Business Development (AA/BD), who has final decision authority to approve a release request. The written request for release from the 8(a) Program must first be reviewed at MICC HQ prior to submission to the cognizant SBA District Office.

(201) When a Requiring Activity requests the re-solicitation of a requirement currently performed by an incumbent 8(a) Program participant, the KO shall determine whether such request entails or implicates a potential need to submit a request for release from the 8(a) Program. This is especially critical if the requirement is for Full Food Services (FFS), as defined in [AR 30-22](#), for a Military Dining Facility for which the Randolph-Sheppard Act (RSA) has established a priority for blind vendors. If the KO determines that a request for release may be required, the KO shall prepare a written analysis of the requirement, the present status of the existing contract, and whether the application of the Randolph-Sheppard Act would require issuing the solicitation to the State Licensing Agency and its blind vendor as well as the incumbent 8(a) Contractor.

(202) In order to ensure thorough consideration of any potential impacts to the Office of Small Business Programs (OSBP), the local SBS will assist in the development of the request for release memorandum, to include providing the required Small Disadvantaged Business (SDB) and 8(a) achievements for prior fiscal years. Each request for release memorandum shall contain the procurement history, assigned NAICS code, associated market research, identification of offsetting requirements

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available for offering to the SBA to assist in mitigating any negative impact of releasing the instant requirement, the contracting activity's written commitment to continue to support the 8(a) Program, identification of the contracting activity's 8(a) contract dollars awarded to 8(a) Program participants within the previous two (2) fiscal years, and the current fiscal year's forecast of projected 8(a) awards. A [sample request for release memorandum](#) is located on the MICC SharePoint.

(203) The KO shall submit the request for release package to the local SBS, who will conduct an initial review. The entire request for release package shall include the release memorandum, draft DD Form 2579, Market Research Report, and other supporting documentation as appropriate. The SBS shall then forward the request for release, with all supporting documentation to the appropriate CSB/FDO OSBP Assistant Director for further review and coordination with the MICC Office of Counsel. The [MICC HQ OSBP Director](#) will determine whether a release from SBA should be requested and will notify the SCO, Contracting Office Director and the KO. Upon completion of MICC HQ review, OSBP will return the request for release package to the KO for proper submission to the SBA. The AA/BD will respond directly to the KO with the SBA decision on the release request. Should the [MICC HQ OSBP Director](#) non-concur with the request for release, the package will be returned to the KO to work with the local SBS to conduct additional market research and revise the acquisition strategy as appropriate. If the KO determines to proceed with a non-8(a) strategy, the contracting file must be documented with the rationale, with copy provided to the local SBS.

Subpart 19.3 Determination of Small Business Status for Small Business Programs

19.302 Protesting a Small Business Representation or Rerepresentation

(200) The KO shall notify the SBS when a small business representation protest is sent to SBA ([MAP APP 4.3.6](#)). Upon receipt of the notification, the SBS will coordinate with the Small Business Administration (SBA) to ensure appropriate follow-up and to maintain visibility within the HQ MICC OSBP Director. The SBS shall maintain a log of all protests. A template of the log is located on the OSBP section of the MICC SharePoint site at <https://micc.aep.army.mil/OSBP/default.aspx>. All new small business protests reported on the log shall be detailed in narrative form into the MICC OSBP Monthly Report and updated monthly until resolution.

(201) To minimize the potential for sustainable protests, KOs must verify the offeror's self-certification of small business status to the maximum extent practicable; especially when the offeror derives a benefit from the small business status. To aid in verifying

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status, the SBA maintains readily accessible lists of certified small disadvantaged businesses and HUBZone businesses. The KO may also request assistance from the SBS to verify an offeror's small business size self-certification.

19.303 Determining North American Industry Classification System (NAICS) Codes and Size Standards.

(200) 13 CFR § 121.402(b) requires the KO to classify a Federal Supply Contract under an appropriate manufacturing NAICS industry code, not a wholesale or retail code ([MAP APP 1.8.1.5](#)). The SBA Table of Size Standards (see 13 CFR § 121.201) contains a note at the heading of the Retail Trade (Sector 44-45) and Wholesale Trade (Sector 42) sectors stating the industry size standards are "Not applicable to Government procurement of supplies." The wholesale and retail trade NAICS codes and size standards are only applicable to SBA's Financial Assistance Programs and carry comparatively low size standards. When determining the appropriate NAICS code and related Small Business Size Standard, the KO shall not select a NAICS code in Sector 42, 44 or 45. The KO shall not report a NAICS code in Sector 42, 44 or 45 on any Contract Action Report (CAR) submitted to FPDS-NG.

Subpart 19.4 Cooperation with the Small Business Administration

219.401 General

(200) As required by [DFARS 219.401](#), the SBS is the primary focal point for interface with the SBA. KOs and KSs shall coordinate with the SBS for communication with the SBA, including, but not limited to, communication with the Procurement Center Representative (PCR), Business Development Office, and Regional or District SBA Office. See Section [19.803](#), paragraph (202) of DB which discusses required coordination prior to sending 8(a) Offering Letters to the SBA.

Subpart 19.5 Set-Asides for Small Business

5119.505 Rejecting Small Business Administration Recommendations

(200) When the SBA PCR issues a SBA Form 70 "SBA Recommendation" for a partial or total set-aside, the KO may either concur or nonconcur with the recommendation ([MAP APP 2.7.1](#)). Upon notification of nonconcurrence, the SBA PCR, with approval from the SBA Area Director, must issue a written appeal to the SCO. The KO shall suspend action on the acquisition until the SCO has rendered a decision.

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(201) If the SCO determines that the KO's rejection of the SBA PCR's recommendation was appropriate, the SCO shall provide notification to the SBA PCR, [MICC HQ OSBP Director](#) and the KO through the Chain of Command. Upon notification, the SBA PCR may forward the issue to the SBA Administrator for appeal to the Secretary of the Army. The SBA PCR may also request that the KO suspend the action on the acquisition. If a KO makes a determination not to honor a request to suspend action on the acquisition, the KO shall immediately notify the SBA PCR, [MICC HQ OSBP Director](#), and SCO through the Chain of Command. The KO shall also provide a written statement of facts justifying the determination to the [MICC HQ OSBP Director](#) and SCO.

(202) If the KO receives notification of the SBA appeal to the Secretary of the Army, the KO shall provide notification of the appeal through the Chain of Command to the [MICC HQ OSBP Director](#) and SCO. The KO shall prepare an appeal file IAW [AFARS 5119.505\(d\)\(i\) and \(ii\)](#). The KO shall forward the appeal file through the Chain of Command to the Department of the Army OSBP Director within ten (10) work days after receipt of the formal appeal.

19.508 Solicitation Provisions and Contract Clauses

(200) The KO shall insert [FAR clause 52.219-14 \(Class Deviation 2019-O0003\)](#), Limitations on Subcontracting, in solicitations and contracts for supplies, services, and construction, if any portion of the requirement is to be set aside or reserved for small business and the contract amount is expected to exceed the Simplified Acquisition Threshold. KOs must be able to ensure Contractors are complying with the regulatory requirements set forth within [FAR clause 52.219-14 \(Class Deviation 2019-O0003\)](#).

(201) KOs have the following responsibilities towards subcontracting IAW [PARC Policy Alert #13-51](#) and [FAR clause 52.219-14 \(Class Deviation 2019-O0003\)](#):

a. KOs must ensure solicitations and contracts are structured to include requirements to sufficiently document compliance with [FAR clause 52.219-14 \(Class Deviation 2019-O0003\)](#), "Limitations on Subcontracting".

b. Execute diligence in resolving noncompliance with [FAR clause 52.219-14 \(Class Deviation 2019-O0003\)](#). At a minimum, KOs shall coordinate with the appropriate SBS to identify potential remedies and courses of actions. Courses of action may include negative reporting in the Contractor Performance Assessment Reporting System (CPARS). When agreed upon with the SBS, KOs shall ensure completion of a

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Contractor past performance assessment report in CPARS on all contracts where the Contractor did not comply with the clause, regardless of the dollar value of the contract.

c. Ensure that CORs monitor, document, and report Contractor compliance with [FAR clause 52.219-14 \(Class Deviation 2019-O0003\)](#) if such responsibility is in the COR's letter of designation. CORs shall be required to verify Contractor compliance through the review of monthly invoices (billable hours and dollars for Prime and Subcontractor), conducting interviews with Contractor personnel, review of data in Enterprise Contractor Manpower Reporting System (www.ecmra.mil), and the Federal Funding Accountability and Transparency Act Subaward Reporting System (www.fsr.gov).

(202) Per [PARC Policy Alert #18-53](#) for acquisition of religious-related services to be performed on a U.S. Military Installation, when such acquisition is set-aside for any of the small business concerns at [FAR 19.000\(a\)\(3\)](#), include [provision 252.219-7012](#), in the solicitation, including those using [FAR Part 12](#) procedures and for actions at or below the SAT.

Subpart 19.7 The Small Business Subcontracting Program

219.704 Subcontracting Plan Requirements – Submission of Subcontracting Reports into Electronic Subcontracting Reporting System (eSRS)

(200) All DoD Contractors and Subcontractors on awards that require subcontracting plans must report semi-annually on their small business subcontracting accomplishments IAW [FAR clause 52.219-9 \(MAP APP 5.3.3.2\)](#). The Individual Subcontract Report (ISR) shall be submitted into eSRS (<http://www.esrs.gov>), for the six (6) month period ending 31 March, and the twelve-month period ending 30 September. The Summary Subcontract Report (SSR) shall be submitted annually into eSRS for the twelve-month period ending 30 September IAW FAR Clause 52.219-9 (Deviations 2018-O0018, and 2019-O0005). Reports are due 30 days after the close of each reporting period. For orders placed against BOAs or BPAs, [DPC Class Deviation 2019-O0005, Revision 1](#) mandates the use of alternate clauses that direct the Contractor to submit an SF 294 for Individual Contracts to the KO. eSRS does not currently support the submission of ISRs for orders placed against BOAs and BPAs. Therefore, this deviation directs Contractors to submit SF 294s to the KO while eSRS is modified to support the submission of eSRS. The requirement to provide SDB reporting was removed on 9 Sep 2013. These reports are no longer required since 10 USC 2323 has expired.

(201) IAW [FAR 19.705-6\(j\)](#), one of the postaward duties of a KO is to accept or "acknowledge receipt" the ISRs in eSRS within 45 days of the Contractor's submission

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deadline. So, for the reporting period ending 31 March, the KO must accept or “acknowledge receipt” the reports NLT 15 June in eSRS. Similarly, for the reporting period ending 30 September, the KO must accept or “acknowledge receipt” the reports NLT 15 December in eSRS. The KO may delegate the authority to accept (or “acknowledge receipt”) the ISRs and SDB reports in eSRS to the KS, but the delegation must be in writing and made part of the contract file.

(202) The SBS shall assist the KO in evaluating, monitoring, reviewing and documenting the Contractor’s compliance with the subcontracting plans IAW [DFARS 219.706\(a\)\(ii\)](#). To assist in monitoring compliance, the SBS shall monitor eSRS to ensure contracting plans are acknowledged and approved by the KO and to ensure Contractors report semi-annually on their small business subcontracting accomplishments. The SBS can also assist by notifying the KO of Contractors that have not submitted a report as required by 52.219-9 (Class Deviations [2018-O0018](#) and [2019-O0005](#)). All non-compliance issues will be coordinated with the KO and SBS. If issues cannot be resolved at the Contracting Office Level, the SBS will provide to the immediate supervisor with a synopsis of the issue(s) and impediments to resolution attempts.

(203) KOs have the authority to acknowledge receipt of Summary Subcontracting Reports (SSRs) for Commercial Plans. However, the SSR coordinator at the Department of Defense is the only individual responsible for acknowledging receipt of SSRs for Individual Plans IAW DFARS [252.219-7003](#). The SSR for an Individual Plan must contain “9700” in block 7 to denote the Department of Defense as the Government Agency.

19.705 Responsibilities of the Contracting Officer under the Subcontracting Assistance Program

19.705-1 General Support of the Subcontracting Program.

(200) When a subcontracting plan is part of the contract, it is important that the respective CAR be correctly coded as “Individual Subcontracting Plan” in the “Subcontract Plan” data element. Subcontracting reports will be pulled into eSRS only on contracts that indicate a plan is required in FPDS. If the CAR is not coded correctly, the Contractor will receive an error message from eSRS that the contract does not exist.

19.705-2 Determining the Need for a Subcontracting Plan.

(200) By statute (15 U.S.C. 637(d)), a Small Business Subcontracting Plan is required from other than small businesses for offers to perform a contract or a modification, that

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individually is expected to exceed \$700,000 (\$1.5M for construction) and that has subcontracting possibilities ([MAP APP 2.7.1](#)). KOs shall be aware of the varying requirements for the submission of a subcontracting plan IAW the multiple alternates of [FAR clause 52.219-9](#). Note that the default is upon request by the KO. If the KO intends for all offerors to submit a subcontracting plan, Alternate II shall be selected. Failure to submit an acceptable subcontracting plan shall make the offeror/bidder ineligible for the award of a contract.

(201) The KO's determination that subcontracting possibilities do not exist must be coordinated with the SBS and the SBA PCR, and be approved at a level above the KO IAW [FAR 19.705-2\(c\)](#) and ([MAP APP 2.7.1](#)).

(202) The [Army AbilityOne Program Contracting Guide](#) contains guidance on subcontracting opportunities when ordering from AbilityOne NPAs.

19.705-4 Reviewing the Subcontracting Plan.

(200) As required in [AFARS 5119.705-4\(d\)](#), the KO shall review proposed subcontracting plans with the participation of the SBS, except those for commercial plans that have been approved by the Government. The guidance prescribed in [AFARS Appendix DD \(Subcontracting Plan Evaluation Guide\)](#), [Appendix AA \(Army Source Selection Supplement\)](#) and the [DoD Subcontracting Program - Business Rules and Processes](#) (see [DFARS PGI 219.705-6\(f\)](#)) shall be utilized to conduct reviews. When reviewing the subcontracting plan, KOs may use the document entitled "[DoD Checklist for Reviewing Subcontracting Plans](#)". The KO shall review the plan for compliance with [FAR 52.219-9](#), [DFARS 219.705-4](#) and [252.219-7003](#), and [AFARS 5119.7](#). ([MAP APP 3.9](#))

(201) The KO shall submit proposed subcontracting plans for review to the SBS and SBA PCR, IAW [FAR 19.705-4\(d\)\(7\)](#). If negative comments are received, the KO must document the file with either a statement that the comments have been reconciled, or that the KO considers the plan acceptable, notwithstanding the comments. Plans are not acceptable if they do not adequately address the subcontracting plan requirements at [FAR 19.704](#), [DFARS 219.704](#), and [Appendix DD](#).

(202) A subcontracting plan that includes small disadvantaged business subcontracting goals of less than five percent (5%) must be approved one level above the KO IAW [DFARS 219.705-4\(d\)\(i\)](#). A copy of the approval shall be forwarded to the SBS.

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(203) The approved plan must be incorporated into and made a material part of the contract and included as an attachment in Section J or its equivalent in contracts subject to [FAR Part 12](#).

5119.705-6 Postaward Responsibilities of the Contracting Officer.

(200) A KO may delegate the duties in [FAR 19.705-6](#) and supplements to another individual. IAW [AFARS 5119.705-6](#) the delegation must be in writing and subject to concurrence of the MICC Contracting Office Director and the agreement of the receiving individual's Chain of Command from the supporting Organization. [DASA\(P\) memorandum signed 29 August 2019](#) provides further information and guidance on delegations.

5119.705-6-90 Transferring Postaward Responsibilities of the Contracting Officer to Another Contracting Officer.

(200) Responsibilities of an outgoing KO shall include ensuring reviews of subcontracting reports under their purview have been conducted. If a report is rejected, provide an explanation to the Contractor and document the explanation in eSRS prior to transfer of responsibility.

219.708 Contract Clauses.

(200) In lieu of [FAR clause 52.219-9](#) or any of its alternates, and [DFARS clause 252.219-7003](#) or its alternate, KOs shall:

a. For orders or calls placed against Basic Ordering Agreements (BOAs) or BPAs, use Alternate III of the clause at [FAR 52.219-9](#) and Alternate I of the clause at [DFARS 252.219-7003](#) ([Class Deviation 2019-O0005, Revision 1](#)).

b. In all other orders and contracts, if applicable, use Alternate I, II or III of the clause at [FAR 52.219-9](#) and, if applicable, Alternate I of the clause at [DFARS 252.219-7003](#).

(201) When incorporating a subcontracting plan due to a modification to an order against a BOA or BPA, as specified in [FAR 19.702\(a\)\(3\)](#), KOs shall use Alternate IV, provided in Attachment 1, ([Class Deviation 2019-O0005, Revision 1](#)), in lieu of Alternate IV of the clause at [FAR 52.219-9](#) and use Alternate I of the clause at [DFARS 252.219-7003](#), in lieu of the basic clause.

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(202) When incorporating a subcontracting plan for solicitations and contracts issued under the Demonstration Project for Contractors Employing Persons with Disabilities, KOs shall use Alternate II of the clause at [DFARS 252.219-7003](#).

Subpart 19.8 Contracting with the Small Business Administration (The 8(a) Program)

19.803 Selecting Acquisitions for the 8(a) Program

(200) KOs must ensure that all requests for release from the 8(a) Program are submitted to MICC HQ for review and approval prior to submitting the request for release to the SBA. See Section [5119.203](#) of the DB for details.

(201) IAW [Class Deviation 2014-O0007](#) – Prohibition on the Use of 8(a) Business Development Program for Acquisition of Military Simulation and Military Simulation Training, dated 14 March 2014, KOs shall not award prime contracts under [FAR Subpart 19.8](#) (competitive and sole source 8(a)) for the purchase of military simulation and military simulation training contracts. Military simulation training contracts are contracts for (i) the provision or sale of devices where the primary purpose of the device is instruction for the use, operation and/or maintenance of any type of military equipment (including aircraft, ships, tanks, etc.), and (ii) training in the use, operation or maintenance with all military simulator equipment. The class deviation does not restrict the exercise of options or placement of IDIQ orders under contracts that were awarded prior to the settlement date (30 January 2014) and that already included the option year or IDIQ ordering provision.

(202) When selecting acquisitions for the 8(a) program, KOs shall coordinate the action with their assigned SBS prior to issuing an Offering Letter to the SBA.

19.808-1 Sole Source

(200) See [Section 6.302-5](#) of this DB for additional information regarding written justification for a sole source contract award to a business under the SBA's 8(a) Business Development Program, including businesses owned by Indian Tribes and ANC. KOs are encouraged to work closely with their respective SBS to identify 8(a) firms including ANCs, Tribal and Native Hawaiian firms that could provide the needed services or supplies ([MAP APP 1.8.1.8](#)).

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19.811-2 Competitive

219.811-3 Contract Clauses

(200) When using [FAR 19.805](#) procedures, processed IAW [DFARS 219.800](#) Partnership Agreement, KOs shall use [DFARS clause 252.219-7010 \(Policy Alert #20-11\)](#), in lieu of FAR clause 52.219-18 or any of its alternates, in competitive 8(a) solicitations and contracts. Note that a portion of [Class Deviation 2019-O0003](#) has been superseded by [Policy Alert #20-11](#), which incorporated the latest DFARS clause 252.219-7010.

Subpart 19.15--Women-Owned Small Business (WOSB) Program

19.1505 Set-aside Procedures

(200) The SBA has identified specific NAICS available for set-asides to eligible Women-Owned and Economically Disadvantaged Women-Owned Small Business concerns on the website address <http://www.sba.gov/WOSB>. The KO may set-aside acquisitions for competition restricted to Women Owned Small Business (WOSB) concerns eligible under the WOSB Program, in the specific NAICS codes in which the SBA has determined that WOSB concerns are underrepresented in Federal procurement. The KO may set aside acquisitions for competition restricted to Economically Disadvantaged Women Owned Small Business (EDWOSB) concerns eligible under the WOSB Program in the specific NAICS codes wherein the SBA has determined that WOSB concerns are underrepresented. There is no dollar limitation to WOSB or EDWOSB set-asides. KOs should pay careful attention to ensure the appropriate set-aside is selected. KOs are required to verify offerors' eligibility by reviewing required documentation in the WOSB Program Repository prior to award. A WOSB award that did not restrict competition to EDWOSB concerns or WOSB concerns should not be reported in FPDS-NG as an EDWOSB or WOSB set-aside.

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PART 22: APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

(200) [Beta.SAM.gov](https://beta.sam.gov) is the authoritative source for Federal Contracting Personnel to use in obtaining the appropriate general Wage Determinations subject to the provisions of 41 U.S.C. Chapter 67, Service Contract Labor Standards, and the General Wage Determinations subject to the provisions of 40 U.S.C. Chapter 31, Subchapter IV, Wage Rate Requirements (Construction).

Subpart 22.4 Labor Standards for Contracts Involving Construction

22.403-1 Construction Wage Rate Requirements statute

(200) 40 U.S.C. Chapter 31, Subchapter IV, Wage Rate Requirements (Construction), formerly known as Davis-Bacon Act, does NOT apply to federal contracts for construction, alteration and repair in Puerto Rico, Guam, U.S. Virgin Islands and other U.S. territories. ([MAP APP 2.3.6](#))

Subpart 22.17 Combating Trafficking in Persons

22.1705 Contract Clause

(200) KOs shall insert FAR clause [52.222-50](#), Combating Trafficking in Persons in all solicitations and contracts which prohibits Contractors from charging employees or potential employees recruitment fees IAW [PARC Policy Alert #19-35](#).

(201) [DoD Instruction Number 2200.01](#), Combating Trafficking in Persons (CTIP) and [DoD Instruction 5000.72](#), DoD Standard for Contracting Officer's Representatives Certification require Contracting Personnel and individuals appointed as CORs to complete annual CTIP Training. See [PARC Policy Alert #18-107](#) which provides guidance on annual CTIP Training and Section [5101.602-2-91](#) of the DB for additional COR mandatory training requirements.

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PART 23: ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 23.1 Sustainable Acquisition Policy

23.103 Sustainable Acquisitions

(200) Sustainable Procurement Program or Green Procurement is the purchase of environmentally preferable products and services IAW Federally-mandated "Green" Procurement Preference Programs. Green procurements can reduce waste, which leads to reduced costs and savings to the Government. See [ACC AI](#), [FAR Part 23](#), [DFARS 223](#) and [MAP APP 1.8.10](#) for additional information and requirements.

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PART 24: PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 24.2 Freedom of Information Act

5124.203 Policy

(200) Chapter 6 of the [MICC Office of Counsel Standard Operating Procedure](#) addresses Freedom of Information Act (FOIA). See also the [MICC FOIA Guide](#) posted on the MICC SharePoint under the [Office of Counsel webpage](#).

(201) Any person can file a FOIA request, including U.S. Citizens and Foreign Nationals, Organizations, Universities, Businesses, and State and Local Governments. No special form is required; however, the request should be labeled as a "**Freedom of Information Act Request**," with a reasonable description of the records requested, and also state a willingness to pay any search and review fees. ([MAP APP 5.3.10.3](#)). Individuals may submit their requests via the MICC FOIA Mailbox at usarmy.jbsa.acc-micc.mbx.foia@mail.mil or by mail to:

Department of the Army
Mission and Installation Contracting Command
Office of Counsel
2219 Infantry Post Road
Joint Base San Antonio (JBSA), TX 78234-1361

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PART 25: FOREIGN ACQUISITION

Subpart 25.3 Contracts Performed Outside the United States

(200) See [PARC Policy Alert #18-02](#) for implementation of the alignment of Customers with Contracting Offices to leverage buying expertise. The ACC Acquisition Centers provide reachback contracting support to the forward CSBs. Contracting Offices shall not accept theater-unique requirements until the responsible SCO provides written approval to do so. Prior to granting an approval to accept such work, the SCO shall determine whether the requirement is within our core capabilities and mission, consider the experience level and workload of personnel in the assigned Contracting Office.

225.370 Contracts Requiring Performance or Delivery in a Foreign Country

(200) Pursuant to [DFARS PGI 225.370](#), KOs must ensure that overseas solicitations and contracts include any applicable host country and designated operational area performance considerations. Monitor the Geographic Combatant Command (GCC) Operational Contract Support (OCS) websites, which are hyperlinked at the [bottom of DPC International Operations webpage](#).

a. Theater clearance is obtained through the GCC or delegated authority for official travel to or within its GCC area of responsibility. Consult [DoD's Electronic Foreign Clearance Guide](#) for theater and country-specific information.

b. [MAP APP 1.8.16.2](#) contains information on the coordination and implementation of Theater Business Clearance (TBC)/Contract Administration Delegation (CAD) policy for all DoD Contracting Activities within Afghanistan. [Bilateral Support Agreement/Status of Forces Agreement Guidelines](#) contains provisions that affect the entry and exit of Contractor personnel in Afghanistan.

c. Contract employees traveling to Germany on official TDY travel are subject to the provisions of [Army in Europe Regulation 715-9](#), Section V, paragraphs 23 & 24 respectively entitled "FAX-BACK" and "TESA/ASSA TDY." This process requires that the Contractor employees receive approval from the German Federal Ministry of Labor prior to their arrival in Germany.

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225.371-5

Contract Clauses

(200) Effective 7 February 2020, KOs shall utilize clause [252.225-7052 Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten \(DEVIATION 2020-O0006\)](#) in lieu of DFARS clause 252.225-7052, per [Policy Alert #20-39](#), in solicitations and contracts, including those using FAR Part 12 procedures for the acquisition of commercial items, that exceed the simplified acquisition threshold, unless acquiring items outside of the United States for use outside of the United States or a nonavailability determination has been made IAW [DFARS 225.7018](#).

(201) Effective 21 November 2019, [Class Deviation 2020-O0001](#) superseded Class Deviations [2015-O0016](#) and [2018-O0008](#). KOs shall incorporate DFARS clauses 252.225-7993 Prohibition on Providing Funds to the Enemy and 252.225-7975 Additional Access to Contractor and Subcontractor Records ([DEVIATION 2020-O0001](#)), per [Policy Alert #20-15](#), in solicitations and contracts, valued at more than \$50,000, that are performed outside of the United States and its outlying areas in support of a contingency operation in which Armed Forces are engaged in hostilities, including solicitations and contracts using [FAR Part 12](#) procedures for the acquisition of commercial items. HCAs shall follow procedures provided by ([DEVIATION 2020-O0001](#)), when exercising authorities.

(202) Effective 15 September 2017, [Class Deviation 2017-O0004](#) superseded Class Deviation 2015-O0009 per [PARC Policy Alert #17-70](#). Use [clause 252.225-7995, Contractor Personnel Performing in the United States Central Command Area of Responsibility \(DEVIATION 2017-O0004\)](#), in lieu of DFARS clause 252.225-7040, in contracts that require performance in the USCENTCOM area of responsibility. The deviation includes changes at paragraph (g) of the deviation clause to require Contractors to account for all Contractor personnel in the Synchronized Predeployment and Operational Tracker, regardless of contract value or length of performance.

Subpart 225.8 Other International Agreements and Coordination

225.802 Procedures

225.802-71 End Use Certificates

(200) The Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) has revised the [End Use Certificate \(EUC\) Guidance](#) to assist with the

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preparation and submission of EUCs for approval by the Army Acquisition Executive ([MAP APP 5.3.5](#)).

Subpart 225.11 Solicitation Provisions and Contract Clauses

(200) Buy American clauses should not be included when the Berry Amendment applies. See [DFARS 225.401\(a\)\(2\)\(A\)](#) and [DFARS 225.7002-1\(a\)](#). The “statute” referenced at [DFARS 225.401\(a\)\(2\)\(A\)\(1\)](#) is the Berry Amendment. Continuous Learning Modules [CLC 125 \(Berry Amendment\)](#) and [CLC-027 \(Buy American Act\)](#) are available on the [Defense Acquisition University \(DAU\) website](#). ([MAP APP 1.8.16, 2.7.6, 2.7.7](#))

(201) Effective 7 February 2020, KOs shall include provision [252.225-7974 Representation Regarding Business Operations with the Maduro Regime \(DEVIATION 2020-O0005\)](#), in all solicitations, including those using FAR Part 12 procedures for the acquisition of commercial items unless an exception applies, IAW [Policy Alert #20-38](#).

Subpart 225.70 Authorization Acts, Appropriation Acts, and Other Statutory Restrictions on Foreign Acquisition

(200) See [MAP APP 1.8.16](#). The “statute” referenced at [DFARS 225.401\(a\)\(2\)\(A\)\(1\)](#) is the Berry Amendment. See [additional Berry Amendment information](#) and DPC Berry Amendment [Training Slides](#). Continuous Learning Modules [CLC 125 \(Berry Amendment\)](#) and [CLC-027 \(Buy American Act\)](#) are also available on the [DAU website](#).

(201) Pursuant to Section 2533a, Title 10, U.S.C., as implemented by [DFARS 225.7002-2\(b\)](#), the approved [Class D&F for Domestic Non-Availability Determination for Casket Liners](#) is posted on the MICC Sharepoint. The D&F is applicable on a class basis for the purchase of Casket Liners through 11 November 2029, unless otherwise directed by the Secretary of the Army during that period and determined that the exception to the Berry Amendment no longer applies.

Subpart 225.75 Balance of Payments Program

225.7501 Policy ([DEVIATION 2020-O0002](#))

(200) When acquiring domestic products and construction materials for use outside the United States see [Class Deviation 2020-O0002](#), [Policy Alert #20-26](#) and [ACC Contracting Note #20-15](#) for further guidance.

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Subpart 225.77 Acquisitions in Support of Operations in Afghanistan and Africa ([DEVIATION 2017-O0009](#) and [DEVIATION 2020-O0002](#))

225.7798 Enhanced authority to acquire products or services of Djibouti in support of DoD operations in Djibouti. ([DEVIATION 2017-O0009](#))

(200) Effective 15 September 2017, [Class Deviation 2017-O0009](#) superseded [Class Deviation 2016-O0005](#) per [PARC Policy Alert #17-71](#). When utilizing this authority, unless the exception for AbilityOne products applies, KOs shall:

- a. Ensure a written determination is properly executed by the appropriate Official IAW [DFARS 225.7798-3 \(\[DEVIATION 2017-O0009\]\(#\)\)](#), Acquisition Procedures, and [DFARS 225.7798-4 \(\[DEVIATION 2017-O0009\]\(#\)\)](#), Determination Requirements, using a format substantially the same at attachments [2](#) and [3](#);
- b. Evaluate offers IAW [DFARS 225.7798-5 \(\[DEVIATION 2017-O0009\]\(#\)\)](#), Evaluating Offers; and
- c. Include the appropriate provisions and/or clauses in the solicitation and contract IAW [DFARS 225.7798-6 \(\[DEVIATION 2017-O0009\]\(#\)\)](#), Solicitation Provisions and Contract Clauses.

225.7799 Authority to acquire products and services (including construction) from Afghanistan or from countries along a major route of supply to Afghanistan ([DEVIATION 2020-O0002](#))

(200) Effective 26 December 2019, [Class Deviation 2020-O0002](#) superseded [Class Deviation 2019-O0004, Revision 1](#) per [Policy Alert #20-26](#) and [ACC Contracting Note #20-15](#). In lieu of the procedures and clauses at DFARS 225.7703, 252.225-7023, 252.225-7024 and 252.225-7026, when acquiring products or services in support of military or stability operations in Afghanistan, unless the exception for AbilityOne products applies:

- a. Prepare and execute a written determination IAW [DFARS 225.7799-1 and 225.7799-2 \(\[DEVIATION 2020-O0002\]\(#\)\)](#);
- b. Evaluate offers IAW [DFARS 225.7799-3 \(\[DEVIATION 2020-O0002\]\(#\)\)](#); and
- c. Include the appropriate provision and/or clause in the solicitation and contract IAW [DFARS 225.7799-4 \(\[DEVIATION 2020-O0002\]\(#\)\)](#).

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PART 27: PATENTS, DATA, AND COPYRIGHTS

Subpart 27.2 General

27.102 General Guidance

(200) Contracting personnel are reminded to utilize the appropriate DFARS clauses incorporating the applicable Intellectual Property rights and obtain the necessary approvals and reviews prior to awarding contracts for the purchase of data rights and/or rights in patents, patent applications or copyrights, especially contracts utilizing non-standard license terms. Instead of [FAR 27.4](#), follow the guidance at [DFARS 227.71](#), Rights in Technical Data, [DFARS 227.72](#), Rights in Computer Software and Computer Software Documentation and [AFARS 5115](#) IAW [PARC Policy Alert #19-55](#) as applicable. [PARC Policy Alert #14-44](#) provides a quick reference on the clauses to be used in four (4) important situations: data rights in technical data and noncommercial computer software; commercial computer software and commercial computer software documentation; rights in special works; and rights in patent ([MAP APP 5.3.7](#)).

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PART 28: BONDS AND INSURANCE

Subpart 28.1 Bonds and Other Financial Protections

(200) Obtain legal review on all bonds and consents of surety per Section [5101.602-2-90](#) of the DB. See MAP APP [3.10](#) and [4.8](#). A [checklist to help review bid bonds](#), a [checklist to help review performance and payments bonds](#), and a [checklist to help review a consent of surety](#) prior to submission to the PLC are posted under Acquisition Processes on the MICC SharePoint.

Subpart 228.3 Insurance

228.305 Overseas Workers Compensation and War Hazard Insurance

(200) The Department of Labor (DoL) has determined that [certain geographic locations/countries](#) to have adequate workmen's compensation schemes for foreign workers, local nationals, and individuals hired outside of the United States and therefore has waived the application of the Defense Base Act (DBA) for performance of work in these locations. Note that these waivers do not apply to employees who: are citizens of the United States of America; or are lawful residents of the United States of America; or were hired in the United States of America ([MAP APP 1.8.16.3](#)). DoL did not renew waivers for performance of work at Kazakhstan and Uzbekistan after 31 October 2016 due to inadequate war hazards insurance coverage. KO's should verify current geographic waivers at the DOL website,

<https://www.dol.gov/owcp/dlhwc/dbawaivers/dbawaivers.htm>.

IAW [PARC Policy Alert #16-102](#), KOs shall amend all solicitations and modify all contracts covered by the expired geographic waivers for Uzbekistan and Kazakhstan to insert [FAR 52.228-3](#) and remove [FAR 52.228-4](#). In addition to the modification, KOs must obtain additional funding, as necessary, to cover the cost of obtaining DBA insurance and ensure Contractors obtain workers' compensation insurance or qualify as a self-insurer. Additional information on DBA insurance may be viewed at http://www.acq.osd.mil/dpap/cpic/cp/defense_base_act_insurance.html.

228.370 Additional Clauses – Government Flight Representative Appointment

(200) The SCO has the authority to appoint Government Flight Representatives (GFR) IAW [Army Regulation \(AR\) 95-20](#), Contractor's Flight and Grounds Operations. The SCO may delegate such authority in writing to no lower than the KO. No delegations are authorized external to the Contracting Office. A GFR is a rated U.S. Military Officer or Government Civilian in an aviation position, to whom the Approving Authority has

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delegated responsibility for approval of Contractor flights, procedures, crewmembers and engine run certifiers and ensuring Contractor compliance with applicable provisions of [AR 95-20](#). A GFR is appointed to maintain surveillance of flight operations ([FAR 42.302\(a\)\(56\)](#)). Send the request to the appropriate Appointing Authority and include a copy of the DCMA GFR Course completion certificate and Section A of the contract.

Appointment of Government Flight Representative			
References	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
AR 95-20 DFARS 228.370(b)	Locally determined	SCO†	Locally determined
Note: †Further delegation (to no lower than the KO) requires prior SCO approval in writing.			

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PART 32: CONTRACT FINANCING

Subpart 232.7 Contract Funding

232.703 Contract Funding Requirements

(200) Contracting professionals must ensure that the Commander has been delegated the appropriate authority to approve the use of Operations and Maintenance (O&M) funding for unspecified minor military construction (UMMC) projects prior to obligating funds. [The Assistant Chief of Staff for Installation Management memorandum dated 4 Apr 2018](#) addresses the delegation of authority to approve UMMC projects having a total cost of \$2,000,000 or less, limited to projects that do not result in a complete new stand-alone building or if the addition to a building does not need to be updated on the real property database. Delegations and re-delegations in full or in part must be in writing. HQDA remains the approval authority for any UMMC project (regardless of value) that results in a new, complete standalone building or if the addition to the building requires updates to the real property database.

232.704 Limitation of Cost or Funds

(200) The act of obligating funds creates a legal liability on the part of the Government for the payment of appropriated funds for goods and services ordered or received. Generally, the type of contract involved controls the amount of money to be obligated and when it must be recorded.

(201) The extent of the Government's liability is controlled by the amount obligated and the clauses incorporated in the contract. Three (3) clauses are of particular relevance: [FAR clause 52.232-20](#), Limitation of Cost (fully-funded, cost-reimbursement contract); [FAR clause 52.232-22](#), Limitation of Funds (incrementally-funded, cost-reimbursement contract) and [DFARS clause 252.232-7007](#), Limitation of Government's Obligation (incrementally funded, fixed-price contract).

(202) Upon receipt of a Contractor's notice, the KO must determine whether additional funding will be provided. If additional funds are made available, the KO must notify the Contractor and issue the appropriate funding modification. Upon notification that a partially funded contract will receive no further funds, the KO shall promptly notify the Contractor by written notice of the decision not to provide funds and initiate termination procedures.

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(203) Guidance.

a. Ensure the appropriate clauses are included in the contract actions, that they are properly filled out and that the procedures outlined in each are followed. Under each clause, the KO may revise the Contractor's notification period from "ninety" to "thirty" or "sixty" days, as appropriate and/or the KO may revise the Contractor's notification trigger from "75%" to "85%".

b. Upon receipt of a Contractor's notice, KOs should not issue a formal Stop-Work Order or affirmatively direct the Contractor to suspend performance. Doing so may entitle the Contractor to an equitable adjustment which exposes the Government to increased monetary liability.

c. KO should not take any actions that might waive the Government's rights under these clauses, such as encouraging performance beyond the available funding or paying a Contractor's invoice with knowledge that it exceeds the available funding.

d. Submit a [CCIR](#) to the MICC G-2/3/5/7 IAW [MICC CPM #19-50](#) about potential funding lapses and include a copy of the Contractor's notification, if any. Also send a notice to the Senior Official in the Requiring Activity (e.g., Resource Manager, Commander, Staff Principal), and include a copy of the Contractor's notification, if any. The correspondence to the Requiring Activity should ask for its decision on providing additional funds to the contract so that the KO can take appropriate action.

e. Funding Modifications. KOs shall remind the Contractor of its responsibility in limiting its fiscal exposure. It is recommended all modifications adding incremental funding to a contract, to include the following language or similar in block 14 of SF 30: "The Contractor is reminded to review and comply with the requirements of [FAR clause 52.232-22](#), Limitation of Funds or [DFARS clause 252.232-7007](#), Limitation of Government's Obligation Funds]. The Government is not obligated to reimburse the Contractor of any costs in excess of the total amount allotted by the Government to this contract. The Contractor is not obligated to continue performance under the contract or otherwise incur costs in excess of the amount then allotted to the contract until the KO notifies the Contractor in writing that the amount allotted has been increased and specifies an increased amount."

f. Incremental Funding Actions to cover Services for 30 Days or Less. In the event of sequestration of funding throughout the Federal Government, given the size of available funding increments and to protect the Army from termination costs over the amounts allotted to incrementally funded contracts, the KO shall include special

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language on each funding modification of services for 30 days or under in block 14 of every SF 30 and require each Contractor to sign such funding modification. The KO must first determine if [FAR clause 52.232-22](#) or [DFARS clause 252.232-7007](#) is in the contract. If yes, include the following language in the bilateral modification document. If no, add the full language of the appropriate clause (vs. incorporation by reference) and the following language via bilateral modification:

FOR NON-COMMERCIAL FIXED PRICE CONTRACTS:

“Due to the sequestration of funding throughout the Federal Government, Mission and Installation Contracting Command (MICC) contracts will be incrementally funded. Given the size of available funding increments, the notice requirement in [DFARS 252.232-7007\(c\)](#) is changed to seven (7) days. This change in the notice requirement does not relieve the Contractor of its responsibility of limiting its liability for performance of the contract, to include termination liability, to the total amount of funds obligated on this contract. The Contractor is reminded that pursuant to [DFARS 252.232-7007\(b\)](#), the Government is not obligated to reimburse the Contractor in excess of the amounts allotted to the contract, to include termination costs.

The Contract is incrementally funded pursuant to [DFARS clause 252.232-7007](#). The notice requirement in [DFARS 252.232-7007\(c\)](#) is changed to seven (7) days. All other provisions in [DFARS clause 252.232-7007](#) remain unchanged. Upon award of this modification, the total additional amount of \$_____ is presently available for payment and obligated to this contract. This amount, as well as, amounts previously obligated, constitute the Government's maximum liability in the event of termination of convenience. The Contractor is not authorized to continue work or incur costs beyond this amount, unless specifically authorized in writing by the Contracting Officer.”

FOR NON-COMMERCIAL COST TYPE CONTRACTS:

“Due to the sequestration of funding throughout the Federal Government, Mission and Installation Contracting Command (MICC) contracts will be incrementally funded.

The Contract is being incrementally funded pursuant to [FAR clause 52.232-22](#). Given the size of available funding increments, the notice and percentage requirements stated in [FAR 52.232-22\(c\)](#) are changed to 15 days and 85 percent, respectively, and the notice requirement stated in [FAR 52.232-22\(d\)](#) is changed to seven (7) days. All other provisions in [FAR clause 52.232-22](#) remain unchanged. This modification, however,

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does not authorize the Contractor to continue performance beyond the total amount obligated on this contract.

Upon award of this modification the total additional amount allotted to this contract is \$ _____. The Government is not obligated to reimburse the Contractor for costs incurred in excess of the total amounts allotted to this contract and the Contractor is not obligated to continue performance under this contract (including actions under the Termination clause of this contract) or otherwise incur costs in excess of the amounts allotted to the contract.”

(204) For additional information, see the [MICC Office of Counsel Legal Information Paper on the Limitation of Costs and Funds Contracts](#) found on the MICC SharePoint under the Office of Counsel.

Subpart 32.8 Assignment of Claims

32.803 Policies

(200) Consistent with the Assignment of Claims Act of 1940, codified at Title 41, U.S. Code Section 6305 ([FAR 32.8](#), [MAP APP 5.2.2.1](#)), the transfer of contractual privity or any interest in the contract from the State Licensing Agency (SLA) to the blind vendor or any other party is prohibited ([MICC DB Subpart 5137.1](#)). If you are asked to execute a modification of this nature, immediately consult your assigned Legal Counsel and take no action until you receive legal advice.

Subpart 232.70 Electronic Submission and Processing of Payment Requests and Receiving Reports

232.7003 Procedures – Wide Area Work Flow (WAWF)

(200) The accepted electronic form for submission of payment requests and receiving reports is [Wide Area WorkFlow](#). ([MAP APP 5.2.2](#))

(201) For all materials (goods) related payments, the preferred WAWF invoicing document type is "Invoice and Receiving Report (COMBO)", or separate Invoice and Receiving report transactions. However, the KO shall utilize the "Invoice as 2-in-1 (Services only)" for invoicing all fixed-price service contracts (to include leasing and maintenance) that do not include supply deliverable contract line items, regardless of the entitlement system (e.g. Computerized Accounts Payment System (CAPS) or the Corps of Engineers Financial Management System (CEFMS)). The "2-in-1" Invoice may

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be used any time for a services contract that requires invoice acceptance prior to submission for payment. The "2-in-1" creates a single Invoice/Receiving Report (as opposed to the "COMBO" process which creates a separate "Invoice" and "Receiving Report") from a single WAWF data entry session. The document is routed from the "vendor" to the "acceptor" prior to being received by the Payment Office.

(202) For those Commands deployed with GFEBs, the use of the "2-in-1" will dramatically reduce the time and cost of processing vendor invoices, and eliminate higher fees paid by the Army for manual processing of invoices for services other than the "2-in-1." When the Payment Office for a contract is "HQ0490" (GFEBs), the required WAWF invoicing document type for services shall be the "2-in-1." Previous guidance for GFEBs users (specifically) instructing the use of the "COMBO" for services only has been rescinded.

(203) All purchase requests, except for actions paid by GPC or other exceptions contained in [DFARS 232.7002](#) shall incorporate [DFARS clause 252.232-7003](#) (Electronic Submission of Payment Requests). KOs shall include instructions for the use of the "2-in-1" Invoice as "special instructions" in all solicitations or contracts (*e.g.*, "Section G") for services. If a contract is for supplies or a mix of both services and supplies, then KO should use the "Invoice and Receiving Report (COMBO)" option.

(204) For those Commands deployed with GFEBs, actions taken by Requiring Activity/PR Processors, KOs, vendors and CORs, may negatively impact GFEBs' ability to automate the creation of goods receipts and invoice receipts for service-type contracts. In order for both goods receipt and invoice receipt to process successfully within the WAWF/GFEBs environment, service contracts must utilize an "Item Category = 'D'" on the PR within GFEBs and utilize the "Service Entry Sheet." Use of the Service Entry Sheet is required if it's anticipated that the vendor will submit multiple invoices for a single, GFEBs funded service contract line item. "2-in-1" invoices will flow successfully into GFEBs, barring any other issues (*e.g.*, Unit of Measure differences, etc.).

(205) [GFEBs Supplier Self-Service \(SUS\)](#). The GFEBs SUS_Pilot Program is an internal invoicing process to be used by targeted MICC Contracting Offices in lieu of WAWF process. GFEBs SUS is accessed initially through the WAWF home page. GFEBs SUS will require continued coordination between the KO and the Resource Manager to mitigate contract data errors prior to award per [joint memorandum by DASA\(P\) and DASA \(Financial Information Management\) dated 21 October 2015](#) and Class Deviation [2018-A0001](#).

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PART 33: PROTESTS, DISPUTES, AND APPEALS

Subpart 33.1 Protests

(200) Information regarding a [CCIR](#) shall be reported to the MICC G-2/3/5/7 IAW [MICC CPM #19-50](#). Any [CCIR](#) that includes sensitive or Personally Identifiable Information (PII) must be encrypted before sending via unclassified email. The CCIR provides the Commander situational awareness of events and circumstances necessary to respond to Congressional inquiries or notify higher headquarters of a particular event or any issues that negatively impact or delay MICC's or a supported Unit's operations such as:

- a. Any Agency, GAO or Court bid protest that affects operations directly supporting the theater specific operations;
- b. Any bid protest which threatens to halt other significant military operations due to the automatic CICA stay or a possible injunction;
- c. Any protest of a contract involving \$1 Million or more or;
- d. Any protest which has Army or DoD-wide implications.

Note: Address in the [CCIR](#) whether the customer will require coverage until the protest is resolved and the path forward.

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5133.103 Protests to the Agency

Document	Reference	Applicability	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
D&F to award contract	FAR 33.103(f)(1)	Agency protest to the KO before award	CSB/FDO Analyst	SCO	Locally determined
D&F to authorize contract performance	FAR 33.103(f)(3)	Agency protest to the KO after award	CSB/FDO Analyst	SCO	Locally determined

(200) The SCO is authorized to override regulation-based stays that prevent the award of a contract or performance of a contract when there is an Agency-level protest to the KO. The KO's request and the SCO's subsequent actions shall be coordinated with Legal Counsel.

(201) IAW [AFARS 5133.103\(d\)\(4\)\(i\)](#), the Commander, AMC, maintains a HQ AMC-Level Protest Program for the disposition of Agency protests that request an independent review at a level above the KO. The HQ AMC-Level Protest Program is intended to encourage resolution of Contractor concerns in an alternate dispute resolution forum, and therefore reduce the number of protests filed with the GAO or any other external forum. Procedures for Agency protests filed with HQ, AMC may be viewed online at <http://www.amc.army.mil/Connect/Legal-Resources/> and should be used only when an interested party expressly requests adjudication under these procedures. If a protest is filed with an external forum on the same solicitation as the HQ AMC-level protest, the HQ AMC-level protest will be dismissed. All other Agency level protests will be resolved according to the procedures outlined in [FAR Subpart 33.1](#).

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Document	References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
D&F to award contract	FAR 33.103(f)(1) AFARS 5133.103(d)(4) MAP APP 4.3.2	AMC Level Protest before award	CSB/FDO Analyst (5) MICC HQ Office of Counsel (5) ACC ConOps (10)	ACC CG+⌘	20
D&F to authorize contract performance	FAR 33.103(f)(3) AFARS 5133.103(d)(4) MAP APP 5.1.1.2 MAP APP 4.3.2	AMC Level Protest after award	CSB/FDO Analyst (5) MICC HQ Office of Counsel (5) ACC ConOps (10)	ACC CG+⌘	20
<p><u>Notes:</u> †May be delegated to no lower than the ACC Deputy to the CG. Requires clearance from the MICC DCG. ⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p>					

(202) Note that for HQ AMC-level protests, the ACC CG has the authority to approve requests to award a contract or continue performance of a previously awarded contract during the pendency of such protest. Such authority may be delegated to the ACC Deputy to the CG without the power to delegate further.

5133.104 Protests to GAO

(200) KOs are required to prepare Agency reports with the assistance of Legal Counsel in response to protests before the GAO ([MAP APP 4.3.3](#)). For additional information, see Chapter 5 (Contract Litigation and Related Matters) of the [MICC Office of Counsel Standard Operating Procedure](#). The HQ MICC clearance at [Section 5101.290](#) of the DB is required for any action (*e.g.*, acquisition strategy, solicitation, etc.) that is revised after receiving MICC DCG clearance (*e.g.*, as a result of a decision to take corrective action in response to a protest.) Contact both CSB/FDO and [MICC HQ Field Support Division](#) to facilitate the review and clearance.

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Document	References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
D&F to award contract	FAR 33.104(b) AFARS 5133.104(b) MAP APP 4.3.4	Protest to GAO before award	CSB/FDO Analyst (5) MICC HQ Office of Counsel (5) ACC ConOps (10)⌘ AMC Command Counsel (35)	AMC Command Counsel*O	55
D&F to authorize contract performance	FAR 33.104(c) AFARS 5133.104(c) MAP APP 5.1.1.3 MAP APP 4.3.4	Protest to GAO after award	CSB/FDO Analyst (5) MICC HQ Office of Counsel (5) ACC ConOps (10)⌘ AMC Command Counsel (35)	AMC Command Counsel*O	55
<p><u>Notes:</u></p> <p>*Requires clearance from the MICC DCG. See Section 5101.290 of the Desk Book for the clearance procedures.</p> <p>⌘IAW ACC Contracting Note #20-18, ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.</p> <p>O Requires HCA concurrence.</p>					

5133.190-1 Bid Protest Action Report

(200) Within 15 calendar days following notification of resolution of a GAO protest, the KO shall prepare a Bid Protest After Action Report IAW [AFARS 5153.303-6](#). KO shall provide copies to the MICC Chief Counsel, Deputy Chief Counsel and Paralegal.

(201) IAW [MICC OPORD O-19-365-01](#), all After Action Reports, Corrective Action Memoranda, [Contracting Officer's Report of Protest](#), and any comments prepared for protests and filed in VCE PCF shall be sent to the [JBSA ACC MICC Mailbox](#), Protest Analytics, within 24 hours of preparation and filing. Acquisition personnel shall provide the above-mentioned documents for all protests, including small business, whether filed at the GAO, AMC Office of Command Counsel and/or the United States Court of Federal Claims.

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PART 36: CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 36.1 General

(200) Contracting professionals must ensure that the Commander has been delegated the appropriate authority to approve the use of Operations and Maintenance (O&M) funding for Unspecified Minor Military Construction (UMMC) Projects prior to obligating funds. [The Assistant Chief of Staff for Installation Management memorandum dated 4 Apr 2018](#) addresses the delegation of authority to approve UMMC projects having a total cost of \$1,000,000 or less, limited to projects that do not result in a complete new stand-alone building or if the addition to a building does not need to be updated on the Real Property Database. Delegations and re-delegations in full or in part must be in writing. HQDA remains the approval authority for any UMMC project (regardless of value) that results in a new, complete standalone building or if the addition to the building requires updates to the real property database.

Subpart 36.6 Architect-Engineer Services - Authority for Architect-Engineering Contracting

(200) Although [AFARS 5136.601](#) grants Architect-Engineering (A-E) authority to the MICC, each individual Contracting Office must request in writing the use of the authority to the appropriate SCO. Authorization resulting from the individual request will automatically expire two (2) years from the date of the approval, unless rescinded sooner. Contracting Offices are responsible for ensuring that requests to renew their authority are submitted to the SCO at least 15 days prior to the expiration of their current authority and that personnel within the Office have the requisite training.

(201) Contracting Offices requesting authority to execute and administer A-E contracts must submit the names of a primary and alternate KO within their organization who have successfully completed DAU course Architect-Engineer Contracting (CON 243) and Construction Contracting (CON 244). Individuals who will be awarding or administering A-E contracts must also complete the online [CPARS Overview training](#) (2 hours) and [Quality and Narrative Writing](#) (1.25 hours) because Performance Assessment Reports must be processed on all A-E actions valued over \$35,000 IAW [FAR 42.1502](#). A [Request for Authority to Execute and Administer Architect and Engineer Contracts](#) and the [SCO authorization](#) templates can be found on the MICC SharePoint under Forms & Templates.

(202) The CSB/FDO Action Officer shall forward the approved request to the Contracting Office and update the [MICC A-E Authority Log](#) located on the MICC

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SharePoint with the new A-E authority information. KOs who obtain the authority to execute and administer A-E contracts are strongly encouraged to actively partner with the local Directorate of Public Works (DPW) to support this effort. This partnership is crucial in order to draw upon the technical expertise of DPW staff in implementing the A-E process.

(203) Contracting Offices delegated authority to execute and administer A-E contracts are responsible for reporting these actions NLT the 10th day of the month following the end of each quarter of the Fiscal Year to the SCO. See the [reporting format](#) on the MICC SharePoint under Forms and Templates.

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PART 37: SERVICE CONTRACTING

Subpart 5137.1 Service Contracts – General

(200) See [Subpart 208.70](#) of the DB for contracting support to MEDCOM.

(201) [Chaplain Services and Religious Support Requirements](#). Non-personal services contracts for chaplain and religious support requirements are used only as an exception to Army policy when the pertinent approval authority certifies that no military personnel, DoD civilians, or volunteers are available to perform the function.

a. Contracting for the services of Directors of Religious Education, religious education services or youth ministry specialists is considered an exception to Army policy, and as such, requires approval from IMCOM HQ. The Requiring Activity is responsible for obtaining the required approval of the exception to policy IAW paragraph 5-3 of [AR 165-1](#), and submitting a copy of the approval to the KO before award for inclusion into the official contract file.

b. Contracting for the services of civilian clergy is also considered an exception to Army policy and requires approval by the IMCOM Chaplain, or for MEDCOM units, by the MEDCOM HQ Command Chaplain, IAW paragraph 5-4 of [AR 165-1](#). The Requiring Activity shall obtain approval of the exception to Army policy and submit it to the KO prior to award for inclusion into the official contract file. A copy of the approval shall be maintained in the contract file. Contracts for civilian clergy services shall conform to the criteria outlined in paragraph 5-4 of [AR 165-1](#).

c. Short-term chapel watch care of children on location for chapel activities may be obtained via non-personal services contract on a per event/per hour basis IAW paragraph 5-7 of [AR 165-1](#).

d. Notwithstanding paragraph 5-4 of [AR 165-1](#), non-personal services contracts using appropriated funds for religious support may contain option years, but require annual reviews to ensure the requirement remains valid per [Office of the Chief of Chaplains memorandum dated 28 March 2016](#). Quality requirements will be considered against cost to determine best value to the Government. Contract line item rates shall be determined IAW the criteria set forth in paragraph 14-2 of [AR 165-1](#).

e. Supplies, services and equipment purchased with Chapel Tithes and Offerings Funds should be acquired using the criteria set forth at paragraph 15-13 a. through c.

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and paragraph 15-17 a. through d. of [AR 165-1](#). A copy of the required Chaplain approval shall be included into the official contract file.

f. For acquisition of religious-related services to be performed on a U.S. Military Installation, when such acquisition is set-aside for any of the small business concerns at [FAR 19.000\(a\)\(3\)](#), include [provision 252.219-7012](#), in the solicitation, including those using [FAR Part 12](#) procedures.

(202) Contracting for Food Services. IAW MICC OPORD O-18-159-01 Full Food Service (FFS)/Dining Facility Attendants (DFA) Contracting Support, all food service procurements will be managed at a program level between the HQ MICC CONOPS Portfolio/Category Manager and HQ Army Sustainment Command.

a. MICC-Fort Sam Houston has been designated as the Food Service Center of Excellence (CoE) and will be the single MICC Contracting Office for food service procurements (usually FFS/DFA contract execution) with the exception of the Cadet Mess at USMA West Point. To maximize effective and efficient execution of food service contracts, the Army developed a standardized acquisition approach and requirements packages for the contracting of such services. The acquisition approach consists of a standardized acquisition strategy, PWS, QASP, PRS, Section B, Sections L&M and a Should-Cost Model. Only the approved standardized acquisition approach and requirements package will be used in the fulfillment of any requests for food service contracts support. Deviations from the established approach shall be coordinated through the HQs MICC CONOPS and approved, in writing, by the Director, MICC CONOPS or designee.

b. CSBs/FDOs shall coordinate with the MICC CONOPS FFS/DFA Portfolio/Category Manager to transfer all food service (FFS/DFA or any other food service) contracting requirements for execution by the MICC-FSH COE. If delays are experienced in awarding follow-on contracts due to bid protests or litigation, the Contracting Office administering the current food service contract will be responsible for issuing and awarding any necessary extensions or bridge actions to ensure uninterrupted food service at that Installation or Facility unless the Director, MICC CONOPS, or designee, directs otherwise.

237.102 Policy

(200) See [Section 212.272](#) of the MICC DB for the Approval Authority on a written determination to enter into contracts for Facilities-Related Services, Knowledge-Based

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Services (except Engineering Services), Medical Services, or Transportation Services that are not Commercial Services.

237.102-79 Private Sector Notification Requirements in Support of In-sourcing Actions

(200) IAW 10 U.S.C. 2463, KOs shall provide written notification to affected incumbent Contractors of Government in-sourcing determinations. The notification shall be provided within 20 business days of the KO's receipt of a decision from the In-Sourcing Program Official. The Requiring Activity must prepare such notification letter based on the template letter provided by ASA (M&RA)'s Force Management, Manpower and Resources) (FMMR) Staff. The notification will summarize the Requiring Activity Official's final determination as to why the service is being in-sourced and shall be coordinated with the In-Sourcing Program Official. In the Army, the cognizant In-Sourcing Program Official's staff point of contact (POC) is Eileen Ginsburg (eileen.g.ginsburg.civ@mail.mil), who will work with the Requiring Activity to generate the initial draft letter. The final version of the notification letter must also be coordinated with the Army POC before being signed and sent to the Contractor, in order to ensure compliance with statute and OSD policy. A digital copy of the signed letter must be forwarded to the Army POC, who will in turn provide it to the Office of the Under Secretary of Defense (Personnel and Readiness).

5137.104 Personal Services Contracts

(200) KOs shall prepare a D&F for all Personal Services of experts and consultants (other than health care services) pursuant to 10 U.S.C. 129(b) and 5 U.S.C. 3109.

D&F to Authorize Personal Services Contracts				
References	Applicability	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 37.104 DFARS 237.104(b) AFARS 5137.104	All personal services pursuant to 10 U.S.C. 129b and 5 U.S.C. 3109	CSB/FDO Analyst	SCO	15

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237.170-2 Approval Requirements

(200) Approval authorities for the acquisition of services through a contract or task order that is non-performance-based ([DFARS 237.170-2](#), and [AFARS 5137.170-2](#)) are as follows:

Non-Performance Based Service Acquisition				
References	Applicability	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
DFARS 237.170-2(a) AFARS 5137.170-2(a)(1)	≤ \$93M	CSB/FDO Analyst	SCO	15
DFARS 237.170-2(a) AFARS 5137.170-2(a)(2)	> \$93M	CSB/FDO + Field Support Analysts (15) ODASA(P) (20)	HCA*⌘	35
Notes: *Requires HQ MICC clearance per Section 5101.290 of the Desk Book. ⌘IAW ACC Contracting Note #20-18 , ALL signatures on the documents shall be no older than 10 Calendar Days prior to submission to HQ ACC.				

Subpart 37.2 Advisory and Assistance Services

5137.204 Guidelines for Determining Availability of Personnel

(200) Advisory & Assistance Services require approval of a D&F as outlined in the table below. ([MAP APP 1.8.7](#))

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D&F for Advisory & Assistance Services (Non-Government Advisor Support in Source Selection)				
References	Applicability	Review Chain	Approval Authority	Total Estimated Lead Time (Working Days)
FAR 37.203 FAR 37.204 AFARS 5137.204 Appendix K of AS3	When Government personnel with adequate training and capabilities to perform proposal evaluation are not readily available	CSB/FDO Analyst	SCO	15

Subpart 37.5 Management Oversight of Service Contracts

5137.590-2 Applicability

(200) Acquisition strategies for service acquisitions as defined by [FAR 37.101](#) are governed by [FAR Subpart 37.5](#), Management Oversight of Service Contracts, and its corresponding regulatory supplements ([MAP APP 1.8.3.3](#)). The [Optimization of Army Services Acquisition Implementation Plan](#) sets out the minimum criteria for the internal processes for managing services acquisitions valued at \$10M or more as programs, which include the designation of a Command Service Executive (CSE), the use of a Multi-Functional Integrated Process Team (MFIPT), standard processes to employ for services requirements, and application of the Portfolio Management concept ([MAP APP 1.8.3.2](#)). The MFIPT will consist of a team leader from the Requiring Activity and the KO as a partner from the assigned Contracting Activity, Representatives from the pertinent functional and technical elements, such as Resource Management, Legal, the Small Business Advocate and Subject Matter Experts (*e.g.*, Quality Assurance) depending on the nature of the services requirement. The Portfolio Manager will provide guidance to the MFIPT in preparing and validating services requirements, and assist with market research. A [list of portfolio managers](#) is posted under [Army Services Acquisitions](#).

(201) [Service Acquisition Workshop](#). Consult [Subpart 37.6](#) of the MICC DB for Service Acquisition Workshop (SAW) requirements for service contracts. (Reference Service Acquisition section in [Contracting Compass](#))

(202) [Acquisition Strategy Briefing Slides](#). The [Acquisition Strategy Briefing Slides Template](#) posted on the MICC SharePoint follows [AFARS 5137.590-5](#). The briefing

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slides must be submitted in support of any acquisition strategy that requires approval by the DASA(P) Senior Services Manager or higher. The template contains briefing notes with additional guidance for the areas to be addressed. For those actions that require HQ MICC clearance, contact the [MICC HQ Field Support Division](#) for early involvement to facilitate acquisition strategy reviews and clearance. Early involvement will facilitate resolution of issues prior to significant effort in writing the acquisition strategy.

5137.590-3 Review Thresholds

(200) Per [AFARS 5137.590-3](#) and [Appendix GG](#), a written acquisition strategy is required for service acquisitions with a total estimated value of the SAT and higher. The acquisition strategy must be approved, in writing, by the approval authority identified in the table below prior to issuance of the solicitation ([MAP APP 1.8.3.3](#)). Review and approval of an acquisition strategy is based on the estimated aggregate value of the procurement (base, all option periods, and cumulative estimated value of orders). The acquisition strategy requiring SCO approval shall include a signature block where no lower than O-6 or equivalent in the Chain of Command of the Requiring Activity will sign for concurrence purposes.

(201) The “Total Estimated Lead Time” is defined as the average number of working days from the time of document submittal to the CSB/FDO Procurement Analyst up until signature of the final approval authority. The “Review Chain and Estimated Lead Time” column contains the average number of working days from the time of document submittal to each Office in the review chain, starting with the CSB/FDO, until adjudication of the review comments and concurrence on the revised document(s) at each review level.

(202) If there will be significant changes to the solicitation that differ from the previously approved acquisition strategy, then an amendment to the acquisition strategy must be submitted to final authority for approval. In addition, HQ MICC clearance is required for such amendment and for an acquisition strategy that is revised after having received MICC DCG clearance.

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Review of Acquisition Strategies			
Thresholds	Review Chain and Estimated Lead Time (Working Days)	Approval Authority	Total Estimated Lead Time (Working Days)
≥ SAT < \$10M	Locally determined	SCO†	Locally determined
≥ \$10M < \$100M	Locally determined	SCO‡	Locally determined
≥ \$100M < \$250M	CSB/FDO Analyst	SCO	25
≥ \$250M < \$1B	CSB/FDO + Field Support Analysts (25) ODASA(P) (35)	SSM or DASA(P)*	60
≥ \$1B or >\$300M in any one year	CSB/FDO + Field Support Analysts (25) ODASA(P) (35)	DASA(P) or SSM*	60
Special interest as designated by USD(A&S), ASA(ALT), DASA(P) or SSM	CSB/FDO + Field Support Analysts (25) ODASA(P) (35)	ASA(ALT), DASA(P) or SSM*	60
Special interest as designated by USD(AT&L)	CSB/FDO + Field Support Analysts (25) ODASA(P) (35) DPC (35)	USD(AT&L)*	95
<p><u>Notes:</u></p> <p>†Further delegation requires prior SCO approval in writing, but the authority to approve acquisition strategies for actions with an estimated total value of the SAT and less than \$10M may be delegated to no lower than one level above the KO.</p> <p>‡<u>Further delegation requires prior SCO approval in writing, but the authority to approve acquisition strategies for actions valued at or greater than \$10M and less than \$100M may be delegated to no lower than the Contracting Office Director. However, at the five (5) Contracting Centers (MICC-Fort Bragg, MICC-Fort Hood, MICC-Fort Sam Houston, MICC-Fort Knox, and MICC-Fort Eustis), the authority to approve acquisition strategies for actions valued at or greater than \$10M and less than \$50M may be delegated to no lower than the Division Chief.</u></p> <p>*Requires clearance from the DCG. See Section 5101.290 of the Desk Book for the clearance procedures.</p> <p>**If there will be significant changes to the solicitation that differ from the approved acquisition strategy, then an amendment to the acquisition strategy must also be approved.</p>			

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5137.590-4 Review Procedures

(200) It is critical that the Contracting Staff partner to immediately resolve issues inhibiting review and approval of acquisition documents. The KO shall involve the applicable CSB/FDO staff, MICC HQ Field Support (when HQ MICC clearance is required per [Section 5101.290](#) of the DB), SBS, PLC (if \$500k and higher) and Competition Advocate (when HQ MICC clearance is required per [Section 5101.290](#) of the DB) when an Acquisition Strategy is being drafted. Contact the Competition Advocate early in the acquisition if considering a non-competitive procurement which requires a J&A document. Early involvement from MICC HQ Field Support begins with the information entered into VCE PCF Acquisition Milestones. Early involvement activities include:

- Review market research report for completeness and strategy supportability
 - Facilitate small business and Competition Advocate decisions
 - Brainstorming strategic ideas
 - Assist in developing implementing solutions for specific issues
- a. The Procurement Analyst at the CSB/FDO will be the single focal point/Lead Analyst for the review of acquisition strategies that require SCO approval or when HQ MICC clearance has been waived by the MICC DCG. Otherwise, both CSB/FDO Procurement Analyst and MICC HQ Field Support Analyst will be co-Lead Analysts for the CSB/FDO and HQ SMEs respectively for the review of an acquisition strategy which requires HQ MICC clearance IAW [Section 5101.290](#) of the DB.
- b. The Lead Analyst shall:
1. Conduct an independent review of all documents and consolidate all comments.
 2. Provide comments and recommendations to the KO to ensure documents conform to all regulatory requirements and are ready for SCO approval or higher.
 3. Notify the KO that the conformed document is ready for correction/action. Coordinate a telephone call or VTC meeting with the KO and key personnel to discuss and resolve comments.
 4. Ensure that all comments have been resolved once the document is re-submitted.

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5. Obtain all required concurrence on the [AMC Form 356 Internal to MICC](#).

6. Coordinate the submission of documents that are ready for SCO approval or concurrence.

(201) Submission Process for Review of Acquisition Strategy which requires HQ MICC clearance.

a. The official submission process is initiated when the KO alerts the CSB/FDO POC that a requirement is ready for higher level of review, approval or coordination.

b. The KO shall ensure that all the documents and supporting documentation required for the review as referenced in Appendix 4 are legible and loaded into the [PCF Program](#). To prevent review of obsolete documents, files uploaded to [PCF](#) should be clearly titled. For example:

- Market Research Report FY-R-0000, FtX baseopsv1, 1 Feb CY
- DD Form 2579 FY-R-0000, FtX baseopsv1, 5 Feb CY
- Acq Strategy FY-R-0000, FtX baseopsv1, 1 Mar CY

c. The KO sends an e-mail alert to the CSB/FDO POC with the following information:

1. Request for Review of Acquisition Strategy
2. Description of Requirement
3. Estimated Dollar Value (base + options if applicable)
4. MICC Office
5. Contracting Officer

6. List of documents submitted named identical to PCF file name. See Appendix 4 for the supporting documents that need to be submitted.

7. [AMC Form 356 Internal to MICC](#), where the Contracting Office Director is confirming that the subject action has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

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d. The CSB/FDO POC will acknowledge receipt and copy the appropriate [MICC HQ Field Support Analyst](#). The CSB/FDO Procurement Analyst will coordinate with the MICC HQ Field Support Analyst, to provide a tentative completion date. The completion date is contingent upon the KO making all the required documents in the official contract file accessible to the CSB/FDO Procurement Analyst in the PCF Program.

e. Upon verification that all the required documents are available in PCF, the CSB/FDO Procurement Analyst will review the documents and also notify the Cost/Price Analyst, QA SME, CSB/FDO OSBP Assistant Director, Property Administrator, as applicable, to provide review comments concurrently. The reviewers will provide their SME review comments and recommendations through the use of "Track Changes" on the documents and/or comments matrix within five (5) working days of receipt of the CSB/FDO Procurement Analyst's notification, so that the CSB/FDO Procurement Analyst may de-conflict, assimilate and merge all comments via into a matrix (2 working days). Extensive comments and/or proposed language may be addressed through "Track Changes", with a reference included in the matrix, *e.g.*, "See proposed rewrite on page 5 of the acquisition strategy." The MICC CSB/FDO Procurement Analyst will send the "merged" matrix and documents to the MICC HQ Field Support Analyst. The MICC HQ Field Support Analyst will review and add comments, if any, along with those from the MICC HQ OSBP Director, Competition Advocate, HQ C/P and QA SMEs, send the consolidated matrix to the KO for resolution (with a courtesy copy to the Contracting Office Director, CSB/FDO Procurement Analyst and SCO), and coordinate a telephone call or VTC meeting with all pertinent parties to discuss and resolve comments. Such telephone call or VTC meeting should happen in two (2) or three (3) working days from the notification that the comments are in PCF for resolution.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" and/or matrix addressing the disposition of each review comment. Disposition of MICC HQ Field Support comments and recommendations will be annotated in the comments matrix, including rationale, if non-concurring, and specific references to changes, if concur with comments, to facilitate the review. In addition, the KO shall provide the rationale when no action is taken as recommended. The KO will then prepare conformed documents. All documentation (including reviews) will then be uploaded to PCF and the Contracting Office Director will review and verify that all comments have been addressed appropriately. The Contracting Office Director or designee will notify the CSB/FDO Procurement Analyst with a courtesy copy to the Chain of Command. The CSB/FDO Procurement Analyst will coordinate with the MICC HQ Field Support Analyst to ensure that all the comments

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have been addressed and obtain a legal sufficiency determination on the final product IAW the procedures in DB Section [5101.602-2-90](#) prior to submission to the SCO. The CSB/FDO Procurement Analyst will ensure all concurrence is annotated on the [AMC Form 356 Internal to MICC](#) prior to submission to the SCO.

g. After the SCO concurs on the [AMC Form 356 Internal to MICC](#), the CSB/FDO Procurement Analyst will coordinate with the MICC HQ Field Support Analyst, who will obtain the clearance from the MICC DCG IAW Section [5101.290](#) of the DB.

h. For a service acquisition valued \$250M or more, after the MICC DCG provides clearance and the SCO concurs on the acquisition strategy, the MICC HQ Field Support Analyst will submit a copy of the cleared acquisition strategy, along with supporting documents to the SSM. In addition, the MICC HQ Field Support Analyst will submit a copy of the acquisition strategy to the CSB/FDO POC and to ACC Contract Operations at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil. The documents to be submitted in support of the acquisition strategy are:

1. DD Form 2579
2. Independent Government Cost Estimate
3. Market Research Report
4. Performance Work Statement
5. Quality Assurance Surveillance Plan
6. Request for Service Contract Approval Form
7. Source Selection Plan
8. Consolidation D&F (if applicable)
9. Determination to Award a Single Task/Delivery Order Contract Exceeding \$112M (if applicable) ([FAR 16.504\(c\)\(1\)\(ii\)\(D\)](#), [DFARS 216.504\(c\)\(1\)\(ii\)\(D\)](#), [PARC Policy Alert #19-40](#) and [MAP APP 1.7.7.1](#))
10. [Cost Benefit Analysis](#) and/or [Business Case Analysis](#) ([FAR 17.502-1\(c\)](#), [AFARS 5117.502-1\(c\)](#)) (if applicable) ([MAP APP 1.1.2](#))

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11. Source Selection Authority Appointment request (over \$500M)

12. [Briefing Slides](#)

5137.590-5 Acquisition Strategy Content

(200) Per [AFARS 5137.590-3](#), a written acquisition strategy is required for service acquisitions with a total estimated value of the SAT and higher. The [Abbreviated Acquisition Strategy template](#) provides standardization for documenting an acquisition strategy for service acquisitions with a total estimated value of the SAT and less than \$50M. For a service acquisition valued at or greater than \$50M, use the [Acquisition Strategy template](#) on the [MAP APP](#).

Subpart 37.6 Performance-Based Acquisition

(200) A [Guide to the Seven \(7\) Steps of Performance Based Service Acquisition provide a framework for understanding performance-based services acquisition](#). The Defense Acquisition University's [Service Acquisition Mall](#) is an online resource containing tools and templates to help create performance based service acquisition requirements. ([Contracting Compass](#))

(201) A DAU [Service Acquisition Workshop \(SAW\)](#) or equivalent program, is required for services acquisitions valued at \$500M or more or an annual value of \$250M or more; unless, a waiver is granted before the Acquisition Strategy is submitted to DASA(P) for approval IAW [Policy Alert #19-162, Policy Alert #20-28, ACC Contracting Note #20-13](#) and [Contracting Compass](#). The HCA is the SAW waiver approval authority IAW [Policy Alert #20-28 and ACC Contracting Note #20-13](#). Delegation does not apply to Special Interest Acquisitions designated by Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) or Assistant Secretary of Defense for Acquisition (ASD(A)) IAW [Policy Alert #19-162](#). The SAW is a facilitated workshop focused on a specific service requirement that applies performance-based techniques to services acquisitions. Key members of the Multifunctional Team (MFT) including the Program or Project Manager, KO, and COR (if known) are required to participate. Participants learn how to use the [Acquisition Requirements Roadmap Tool \(ARRT\)](#) to define and refine requirements in order to create an initial draft PWS and the QASP. SAWs for requirements \$250M or more are centrally funded by DAU, that is, DAU will fund for two (2) Facilitators to fly to the Requiring Activity's location to conduct the workshop. However, the Army organization sponsoring the SAW is responsible for the funding costs of assembling the multi-functional acquisition team members for the workshop, *i.e.*, travel costs for the acquisition team members to the location where the SAW will be

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conducted. To schedule a SAW, Requiring Activities should send an email to SAW@dau.mil per [DPC memorandum dated 20 October 2017, Services Acquisition Workshops](#). In your request, include a point of contact, name of the acquisition, approximate total value of the acquisition, desired location and number of MFT members. Additional information may be found in the [SAW Talking Paper](#).

(202) A SAW is required before a services acquisition strategy will be approved. The [SAW process decision tree chart](#) is posted on the on the MICC SharePoint. The Program Manager or equivalent from the Requiring Activity will complete the [SAW waiver request](#) with help from the KO and obtain the KO's concurrence (may be a memo for record) prior to submission to the Office of the Senior Services Manager. (See [Policy Alert #19-162](#) and [Contracting Compass](#))

Subpart 237.76 Continuation of Essential Contractor Services

(200) Acquisition personnel are reminded to use the provision at [DFARS 252.237-7024](#) and clause [DFARS 252.237-7023](#), as prescribed at [DFARS 237.7603](#), in all solicitations and contracts for services in support of mission-essential functions, per [ACC Contracting Note #20-22](#).

Subpart 5137.91 Accounting for Contract Services

5137.9101 General

(200) Section 2330a of title 10, United States Code, requires the Secretary of Defense to submit to Congress an annual inventory of contracts for services performed during the prior fiscal year for or on behalf of DoD ([MAP APP 1.8.3](#)). The inventory must include the number of Contractor employees using direct labor hours and associated cost data collected from Contractors. All contracted services procured, regardless of the source of the funding or acquisition agent, must be reported via the enterprise [Contractor Manpower Reporting Application \(eCMRA\)](#). The Contractor shall be paid the fair and reasonable costs associated with providing this data. Note that the Contractor can charge the Government for each year (base year + option years) for inputting data as required in eCMRA. Ensuring that Contractors report the required and accurate information is the responsibility of Officials certifying payment to the Contractor, such as the COR.

(201) The Requiring Activity must include the eCMRA language outlined below into the PWS/SOW as part of the Procurement Package Input process:

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“C. {Insert Section Number} Contractor Manpower Reporting.

The Contractor will report ALL Contractor labor hours (including subcontractor labor hours) required for performance of services provided under this contract for the [NAMED COMPONENT (*e.g.*, *Department of the Army*)] via a secure data collection site. The Contractor is required to completely fill in all required data fields using the following web address: <http://www.ecmra.mil>, and then click on “Department of the Army CMRA” or the icon of the DoD organization that is receiving or benefitting from the contracted services.

Reporting inputs will be for the labor executed during the period of performance during each Government FY, which runs from October 1 through September 30. While inputs may be reported any time during the FY, all data shall be reported NLT October 31 of each calendar year, beginning with 2013. Contractors may direct questions to the help desk by clicking on “Send an email” which is located under the Help Resources ribbon on the right side of the login page of the applicable Service/Component’s CMR website at <http://www.ecmra.mil>. As part of its submission, the Contractor will also provide the estimated total cost (if any) incurred to comply with this reporting requirement.”

(202) KO shall ensure:

a. All solicitations for the acquisition of services, other than the exemptions given, shall include instructions for submitting costs related to the eCMRA requirement in Section L, or applicable commercial proposal instructions;

b. A separate CLIN is included in all applicable solicitations for each year (base + option years) to capture eCMRA costs. It is recommended that CLINs be firm-fixed price;

c. That the Government has been charged a fair and reasonable price by the Contractor.

(203) Samples and further details regarding the above-mentioned requirements are as follows:

Sample of Section L contents or equivalent section in SF 1449:

As part of its proposal, the offeror will provide the estimated total cost (if any) incurred to comply with the enterprise Contractor Manpower Reporting Application (eCMRA) requirement. Offeror will determine, in the Schedule, CLIN(s) _____, to price or not-

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separately-price the CMRA requirement. CLIN(s) ____ shall be the CLIN(s) under which the Contractor shall bill for all costs associated with the eCMRA requirement.

Sample for CLIN:

Contractor is required to provide data on Contractor labor hours (including subcontractor labor hours) for performance of this contract IAW the PWS. The cost, if any, for providing this data shall be entered into the space provided at this CLIN. If no direct cost is associated with providing the data, enter "Not a Direct Cost".

Instructions, including the Contractor and Subcontractor User Guides, are available at <http://www.ecmra.mil>.

(204) Reporting period will be for the period of performance not to exceed 12 months ending 30 September of each Government fiscal year and must be reported by 31 October of each calendar year. Contractors filing their Contractor Manpower Reports will receive immediate e-mail confirmation that their reports have been received in the system. This should facilitate final payment to Contractors and expedite contract closeout. Administrative contracting staff should accept this confirmation as proof of completion of this contract deliverable. The [Army CMRA website](#) also maintains a "Frequently Asked Questions and Answers" that is updated periodically. Detailed instructions can also be found on the Army CMRA website in the various "User Guides". For Army requirements, any technical or implementation questions not addressed on this site can be discussed and coordinated through the Army CMRA Help Desk at 703-377-6199, or Contractormanpower@hqda.army.mil

(205) The KO must choose either himself/herself or the COR as the validation authority of Contractor's input into the appropriate Component's eCMRA website. Whoever is responsible for the validation of Contractor information into appropriate Component's eCMRA website must review such information by November 30th of the first year of the contract and annually by 30 Nov thereafter for the duration of the contract, or sooner if the contract is closed out.

(206) Information from the secure website is considered to be proprietary in nature when the contract number and Contractor identify are associated with the direct labor hours and direct labor dollars. At no time will any data be released to the public with the Contractor name and contract number associated with the data.

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PART 39: ACQUISITION OF INFORMATION TECHNOLOGY

Subpart 39.1 General

5139.101 Policy

(200) IAW ACC [CPM 25-71](#), all Information Technology (IT) requirements (hardware, software and/or service contracts) purchased to support soldiers, civilians and Contractors employed within ACC must utilize the IT Governance process prior to executing IT purchases. All MICC CSBs/FDOs and their subordinate Field Offices are mandated to not obligate funding for IT investments, regardless of cost or type of funding (Operations and Maintenance, Research, Development, Test and Evaluation, reimbursable, Overseas Contingency Operations, etc.) until the IT requirement is validated and approved through the IT Governance process.

(201) The Army's Computer Hardware, Enterprise Software and Solutions ([CHES](#)) is the Army's mandatory source for Commercial Off The Shelf (COTS) Information Technology (IT) hardware and software ([AR 25-1](#), Section 3-4). CHES is also mandatory for the purchase or lease of printers, self-service photocopiers and multi-functional devices (MFDs) IAW [Army Directive 2013-26](#). MFDs are printers that also have one or more of the following capabilities: photocopying, scanning, faxing and email or digital sending. Specialty equipment for graphics shops (high-definition/high-resolution, high-color fidelity devices); topography printers; psychological operations printers; other technical printers (blueprint/large bed); and equipment in authorized Army field printing plants and reproduction facilities are excluded from the mandatory use of CHES. Requirements such as desktop and notebook computers must be purchased during the Consolidated Buy (CB) periods that occur twice annually (Jan/Mar and Jun/Sep). Any requests for CB items, outside of the CB period, must be accompanied by a [CB Exception or Waiver](#) ([MAP APP 1.6.9](#)).

(202) The use of Reverse Auctions does not negate the requirement to utilize CHES for COTS IT hardware and software. However, a Reverse Auction Tool can be utilized to compete an IT requirement among CHES suppliers. The KO must be knowledgeable of CHES prices prior to conducting a Reverse Auction and must not pay more than the contract price for the items. The KO must also verify that the items proposed by a supplier are on an existing Army CHES contract with that supplier IAW [PARC Policy Alert #19-53, Reverse Auctions](#).

(203) Effective 1 July 2013, Project Director CHES no longer issues waivers for the purchase of COTS IT hardware or software that is not available under an existing

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CHESS contract. For these requests, CHESS will instead issue a [statement of non-availability](#) to the requestor (Requiring Activity). A statement of non-availability is issued by CHESS as validation that Army organizations have complied with [AR 25-1](#) to purchase all COTS IT through CHESS; however, no viable contract vehicle was available at the time of the requirement submission. The statement of non-availability does not constitute approval to purchase or deviate from any Army Regulation or policy. In addition, the Requiring Activity must request a waiver through HQDA CIO/G-6 by using the Information Technology Approval System (ITAS) waiver website prior to the purchase of all IT hardware or software from sources other than CHESS at: <https://cprobe.army.mil/enterprise-portal/web/itas/home>. The Requiring Activity shall provide the approved waiver to the KO before the KO solicits non-CHESS sources for COTS IT hardware and software. KOs shall include the approved waiver in the contract file. See [AFARS 5139.101-90\(a\)\(3\)](#) for exceptions to the ITAS waiver or CHESS statement of non-availability.

(204) The ITAS (formerly Goal 1) Waiver process provides the visibility required to ensure that dollars spent on IT initiatives are appropriately justified, verified, and documented to meet Army IT guidelines. Per [Army Chief Information Office \(CIO\)/G-6 memorandum entitled "Approval/Waivers for Obligation of Funds for Data Servers and Center Information Technology Spending" dated 14 August 2013](#), the following IT equipment will not be procured without a written waiver, granted in advance by the appropriate CIO: servers, voice switching equipment, racks, storage area network storage, matrix switches, optical storage systems, tape drive and storage devices, high-speed printers and mainframe and minicomputers. In addition, data centers or server rooms are not to be constructed, renovated and/or leased without a written waiver, granted in advance by the Army CIO/G-6. The Requiring Activity shall submit the web-based ITAS waiver requests to <https://cprobe.army.mil/enterprise-portal/web/itas/home>. For a waiver request to be reviewed, the Requiring Activity must ensure that all of its Army-owned data centers are individually registered in both the Army Portfolio Management Solution (APMS) and the Army Data Center Consolidation Plan (ADCCP) tracking tool. Once approved by Army CIO/G-6, if applicable, the request will be submitted to the DoD CIO for approval to obligate funds. The Requiring Activity shall include the approved ITAS waiver with the requirements package for submission to the Contracting Office. KOs shall include the approved ITAS 1 Waiver in the contract file. KOs shall not award or complete a procurement action for the following items without an approved ITAS Waiver:

- a. Information Technology that requires DoD CIO Approval

1. Hardware

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- Servers (mainframe, mid-range, blade and standalone)
- SAN/NAS storage
- Matrix, fiber channel or brocade switches
- Optical and tape storage systems

2. Software

- Server operating systems
- Virtualization software
- Database software
- Data center management tools

b. Information Technology that requires Army CIO/G-6 Approval

1. Hardware

- Server racks
- High-speed printers (greater than 80 ppm)
- Time-division multiplex (TDM) voice switching equipment
- Replacement of casualty items

2. Software

- Software for applications and systems hosted within a data center

3. Services

- Service, support and maintenance contracts (*e.g.*, warranty support, preventive, routine and emergency maintenance) for existing data center

4. Military Construction for data center:

- New construction
- Renovation
- Leasing of a data center or server rooms
- Upgrade/life cycle of legacy data centers and Installation Processing Nodes
- HVAC upgrades

(205) Per [10 U.S.C. §2222](#), an obligation of DoD funds (appropriated or non-appropriated) for a covered Defense Business Systems (DBS) of more than \$50M (over the period of the current future years Defense Program submitted to Congress under 10 U.S.C. §221) is a violation of [31 U.S.C. §1341](#) (Anti-Deficiency Act), unless the Investment Review Board (IRB) reviews and certifies that the DBS is in compliance with the enterprise architecture requirements and the Defense Business System Management Committee (DBSMC) approves the IRB's certification prior to the obligation of funds.

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DBS is defined as an information system, other than national security system, operated by, for or on behalf of the DoD, including financial systems, systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management. However, the Army CIO/G6 has confirmed that the threshold for the review of Defense Business Systems as stated in paragraphs 2-29 and 2-30 of [AR 25-1](#) remains unchanged. Accordingly, the Requiring Activity shall provide evidence that the DBSMC has approved the DBS with a total cost in excess of \$1M (e.g., approved ITAS waiver) or that it is exempt from such approval to the KO prior to obligating the funds to acquire or continue to support a DBS ([MAP APP 1.8.6](#)). Beware of service contracts for software development, where Research, Development, Test and Evaluation (RDT&E) funding may be required for the development portion.

(206) Review [DFARS 227.72](#) and [PARC Policy Alert #19-55](#) which addresses the acquisition of rights in Intellectual Property (IP) specific to computer software and computer software documentation. Utilize the appropriate DFARS clauses incorporating applicable data rights and obtain necessary approvals and reviews, prior to awarding contracts, especially when utilizing non-standard license terms. [PARC Policy Alert #14-44](#) provides a quick reference on the clauses to be used in four (4) important situations: data rights in technical data and noncommercial computer software; commercial computer software and commercial computer software documentation; rights in special works; and rights in patent. For service contracts which may involve software development, work with the Requiring Activity to consider what data rights the Government or the Contractor may already possess in order to determine out the data rights the Government should obtain in the work being developed. Also, discuss the restrictions embedded in commercial software that may be incorporated into the development effort/deliverable and the concomitant restricted data rights the Government may obtain. Obtain a copy of the license prior to contract award and perform an analysis along with the Requiring Activity. Involve the Legal Advisor to ensure understanding of the license terms. The KO shall include a copy of the license in the contract file.

(207) Army organizations will obtain licenses and maintenance of backup and storage products through the use of the Enterprise License Agreement (ELA), which will be administered via CHESS. Army Commands are required to certify that they have validated requirements for the capabilities, conducted an analysis of alternatives and cost benefit analysis of the software products, and obtain approval from CIO/G6 as well as G8 commitment to financial sustainment in order to purchase backup and storage

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software regardless of the brand name requested. See [AFARS 5139](#), [DFARS 208.74](#) and [MAP APP 1.6.9](#) for additional information.

(208) Cellular and Paging Devices are not procured through CHES. IAW [PARC Policy Alert #19-63](#), all DoD Components are mandated to procure all new unclassified wireless devices and services through the Department of Navy's MA IDIQ Spiral 3 (N00244-18-D-0001, N00244-18-D-0002 and N00244-18-D-0003) FFP Task Orders. The Period of Performance (PoP) is 8 November, 2018 through 7 November 2019 with three (3) one-year options remaining. Effective immediately, for existing wireless devices and services, Offices are directed to procure devices and services through Spiral 3 at the end of their current contract's PoP. Option years are not to be exercised for existing contracts under the Army/Air Force BPAs. Within 90 days of current expirations, it's recommended to begin the procurement process for new services under the Navy Spiral 3. Army CIO/G-6 is developing guidance for Army wireless requirements and initiating an update to [AR 25-13](#) to include the policy requirement for Army use of the Navy Spiral 3 Contract. In the interim, Army personnel will continue to coordinate with NETCOM for validation of wireless requirements and procurement prior to coordination with MICC or local Contracting Office. For mission essential operational requirements that cannot be fulfilled through Navy Spiral 3, CIO/G-6 will process "request for exception to policy" in the Information Technology Approval System (ITAS), located at <https://cprobe.army.mil>.

Subpart 39.2 Electronic and Information Technology

(200) Unless an exception applies, all Federal Agency acquisitions of Electronic and Information Technology (EIT) must meet the applicable technical and functional performance criteria at [36 CFR Part 1194](#), IAW Section 508 of the Rehabilitation Act Amendments of 1998 ([29 USC 794d](#)). EIT access to Federal employees and members of the public must be comparable to that provided to individuals without disabilities. EIT includes equipment or interconnected systems or subsystems of equipment that are used to create, convert, or duplicate data or information. For example, computers, telecommunication products (such as telephones), information kiosks and transaction machines, websites, multimedia, and office equipment such as copiers and fax machines ([MAP APP 1.8.2](#)).

(201) For additional information on the specific standards at 36 CFR 1194, see <https://www.section508.gov/summary-section508-standards>.

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39.203 Applicability

(200) Because of the technical nature of Section 508 requirements, Contracting Professionals will need to work closely with Requiring Activity personnel to determine which requirements apply to a specific procurement, or if an exception applies (see [PARC Information Alert #14-04](#), [FAR Subpart 39.2](#) and [DA PAM 25-1-1](#)). [DoD Manual 8400.01-M](#), "Procedures for Ensuring the Accessibility of Electronic and Information Technology Procured by DoD organizations," provides general procedures for the implementation of Section 508 and includes listing of websites containing laws, regulations, standards and guidelines for ensuring that EIT developed, procured, maintained and used by DoD enables accessibility for persons with disabilities. The tools available at <http://www.buyaccessible.gov/>, particularly the "BuyAccessible Wizard," should be helpful in the development of appropriate solicitation and contract language. The "Buy Accessible Wizard is a free web-based tool that helps in the acquisition of EIT products and services. The Wizard provides a simple, effective and repeatable process for identifying requirements, conducting market research and ultimately creating the requirements needed for inclusion in the requirements document.

(201) The following steps are listed to assist the Requiring Activity and contracting personnel in identifying Section 508 requirements.

a. Determine if the acquisition is for EIT. If the requirement is defined as EIT, determine if it falls under one of the EIT exceptions at [FAR 39.204](#). See Section [39.204](#) below for the documentation required to support an exception to Section 508.

b. If EIT is being acquired and none of the exceptions apply, the Requiring Activity shall ensure that the applicable Section 508 accessibility standard(s) are included in the acquisition requirement package for EIT per [DA PAM 25-1-1](#). The Requiring Activity shall conduct market research to determine the availability of compliant products and services. Vendor websites are a valuable source of information, as well as the website at <https://www.section508.gov/>. Market research should reveal if compliant EIT is available on the commercial marketplace. There may be some products on the market that are partially compliant, *i.e.*, the products meets some, but not all, of the applicable standards or, market research may indicate that there is no compliant EIT currently available. On the other hand, the market research may show that purchase of compliant EIT would impose an undue burden on the Agency. See next Section [39.204](#) for additional information on undue burden. Document in the market research report the description of the market research performed and the standards that can and cannot be met in time to meet the Requiring Activity's delivery requirements.

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c. Prepare the technical specifications based on the results of the market research and provide a list of those accessibility standards that apply to your requirement and the market research report to the KO as part of the requirements package.

d. The KO shall verify that, unless an exception applies and is appropriately documented, the Section 508 compliance specification is included in the PWS, SOW, SOO, etc.

39.204 Exceptions

(200) In the event that an exception to Section 508 requirements applies, the Requiring Activity must submit the written justification with supporting rationale to the KO as part of the requirements package. The exceptions are:

a. National Security Systems as defined in [40 U.S.C. Section 11103](#). Section 508 does not apply to EIT being acquired by a Federal Agency where the function, operation, or use involves Intelligence Activities, Cryptologic Activities related to National Security, Command and Control of Military Forces, equipment that is an integral part of a weapon or weapons system, or systems which are critical to the direct fulfillment of Military or Intelligence Missions. This exception does not apply to a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

b. Contractor-procured EIT that is incidental to the contract. Section 508 does not apply to a Contractor's internal workplace, when the EIT is not used or accessed by Federal employees or members of the public. Contractor employees in their professional capacity are not considered to be members of the public for purposes of Section 508.

c. Areas frequented only by Contractor personnel. Section 508 does not apply to EIT that is located in spaces frequented only by Contractor personnel for maintenance, repair or occasional monitoring of equipment ("back-office").

d. Undue burden on the Agency. In determining whether compliance with all or part of the applicable accessibility standards in [36 CFR 1194](#) would be an undue burden, the Requiring Activity must consider the difficulty or expense of compliance, and all Agency resources available to its program or component for which the supply or service is being acquired, developed, maintained or used. Undue burden cannot be established simply by demonstrating that the cost for a product that meets the accessibility standards is higher than that for a product that does not. The

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documentation shall explain why, and to what extent, compliance with Section 508 creates an undue burden. If compliance is deemed to impose an undue burden, the Government must still provide alternative means of access that allows individuals with disabilities to use the information and data.

(201) Section 508 Coordinators are responsible for organizing and supporting the implementation of Section 508 within their respective Departments/Agencies and are appointed as the central points of contact for information concerning accessibility issues and solutions. The contact information for the Section 508 coordinator/lead for the Army is located at <https://section508.gov/tools/coordinator-listing#usdod>.

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PART 41: ACQUISITION OF UTILITY SERVICES

(200) DoD and HQDA utility and energy contracts include, but are not limited to, Net Zero initiatives, Utilities Privatization (UP), Energy Savings Performance Contracts (ESPCs), Utility Energy Services Contract (UESCs), Utility Management Services, and utility commodity procurements. Utility privatization refers to Government divestiture of its utility systems, regardless of whether the Government-owned infrastructure was conveyed to a private entity or was abandoned in place and completely replaced by a private entity.

(201) MICC Contracting Offices will not accept utility or energy contracts from organizations external to the ACC unless approved by the Deputy to the Commander. [AR 420-41](#) specifies that “Installation Commanders are responsible for the oversight of the acquisition and sale of utility services” and that installation KOs will execute solicitations and contracts for the acquisition of utility and energy services. In many situations, the supporting installation Contracting Office does not have the required resources to meet the Requiring Activity’s energy and utility requirements. The services are then procured from an external contracting organization or obtained through an Interagency Support Agreement. Following award of the energy or utility contract by an external organization, Requiring Activities have requested MICC Contracting Offices to administer the contract.

a. Upon receipt of a request and prior to performing contract administration on an externally awarded energy or utility contract, the Contracting Office will forward the request to the MICC Energy and Environmental (E&E) Division Chief via email to veronica.a.romero.civ@mail.mil and furnish a copy to the [MICC-FSH Contracting Office Director](#) and [FDO-FSH SCO](#). The request will be submitted with (1) a copy of the contract, (2) a recommendation either to accept or deny the workload, (3) a statement that resources are or are not available to perform contract administration on the requirement, and (4) if resources are available, a statement whether specific training is required prior to performing such contract administration.

b. The MICC E&E will be responsible for communicating, collaborating and coordinating thru [MICC-FSH Contracting Office Director](#) and [FDO-FSH SCO](#) to determine if the requirement will be accepted and if the level of resources necessary to perform administration of the contract at the MICC Contracting Office is acceptable. The FDO-FSH will obtain concurrence from the MICC DCG prior to acceptance or rejection of the requirement.

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(202) The MICC E&E provides synchronization and oversight of utility and energy actions to ensure solicitations and contracts contain accurate, concise, and standard information. The MICC E&E provides standard contract language and provisions, maintains a knowledge-based library, compiles and disseminates best practices, lessons learned, provides training to support MICC Contracting Offices, and assists with procurement actions as required.

(203) In order for the MICC E&E to execute its mission, it requires visibility of all utility and energy solicitations, tasks orders, contracts, Net Zero initiatives, Measurement and Verification (M&V) Plans for ESPCs, and major modifications of existing utility and energy contracts. Acquisition packages for utility management services, UESC, utility commodity, and renewable energy procurements are subject to the peer review process outlined in Section [5101.170](#) of the DB and [MAP APP 1.8.15](#); however, where reads “MICC HQ Field Support” is replaced by “MICC E&E”. All M&V Plans will be sent to the MICC E&E for review and analysis. The MICC E&E will be included in the peer review process for all procurements above the approval threshold of the respective Contracting Office Director. Forward all acquisition related documents that require approval at the SCO level or above (*e.g.*, SRB, CRB, acquisition plan, etc.) to the PM, MICC E&E Division Chief via email at veronica.a.romero.civ@mail.mil.

(204) The MICC E&E will execute all new UESCs, the re-solicitation of all follow-on UP contracts, re-write of existing UP contracts as required and will perform all UP contract price redeterminations unless an exception is granted by the Program Manager, MICC E&E. Normally after award, the contract will be transferred to the MICC Contracting Office for administration. The MICC E&E will assist the Department of the Army utility and energy initiatives to include but not limited to renewable energy projects, Energy Initiative Task Force (EITF) and NetZero as mutually agreed to by the parties. The KO shall notify the MICC E&E through the Chain of Command at least 180 calendar days prior to the beginning of a new redetermination period and one (1) year prior to termination of an existing UP contract. Annually (NLT 30 Oct), the KO shall provide a contract list of all energy/utility contracts to the MICC E&E.

(205) The MICC E&E will review contracts being transferred from other Agencies to MICC for administration to ensure the MICC has all the necessary documents to assume responsibility for utility contract administration. MICC E&E will assist with the transition to ensure MICC contract terms and conditions are properly negotiated and incorporated into the contract.

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(206) The MICC E&E will perform random sampling reviews of a Contractor's Quality Control Plan for energy/utility contracts and the Government's Quality Assurance Program for energy/utility contracts ([MAP APP 1.7.1.2](#)).

(207) The KO shall notify the MICC E&E through the Chain of Command of any contract disputes that will result in a potential cure notice to ensure the Government's position is sound and considered all the applicable laws and regulations that pertain to utility providers.

(208) Guidance for Development and Implementation of a UESC using a GSA Area-wide Contract.

a. General. UESC can help Installations and Facility Managers to:

- Save energy and reduce costs
- Help meet environmental requirements
- Reduce equipment breakdowns and emergency repair requests
- Provide better, more productive living and working conditions
- Enhance energy security.
- Increase efficiency of industrial processes

b. UESC are issued IAW [FAR Part 41](#) and its supplements. Organizations are encouraged to use UESC when appropriated funds are limited or not available. There are two (2) basic methods of contracting UESCs:

1. The preferred approach is IAW [FAR Part 41](#) using a GSA Areawide contract to obtain a UESC. Normally, the GSA Areawide is issued to the utility service company that has franchise rights to the particular geographical area that incorporates the installation.

2. An alternate approach is to develop a new contract when the UESC can be obtained from multiple energy service companies, for example, multiple GSA Areawide contract holders operating in the same geographical area. In some situations GSA Areawide Contractors are not available so competition is required.

c. The following describes the process when obtaining an UESC contract using a GSA Areawide contract.

1. **Marketing** – The GSA Areawide Utility Company ((Energy Services Company (ESCO)) may meet with Installation personnel to discuss the ESCO's capabilities to provide energy services support to the Installation and to educate

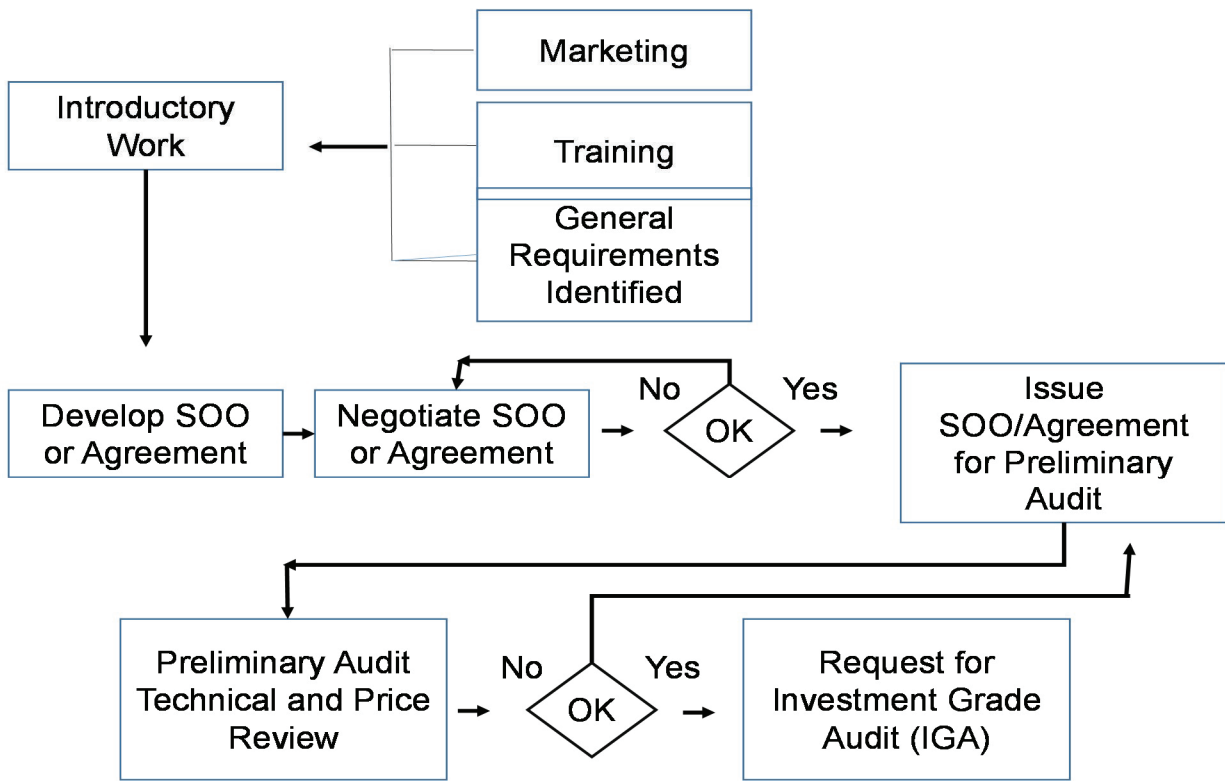
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Installation personnel in the use of UESC. Support Offices, such as Contracting, also provide some marketing and assistance at this stage. The ESCO can include in their marketing services a cursory review of the potential for energy efficiency improvement projects on a particular facility, however there is no guarantee that the ESCO performing this effort will be issued a contract. Any preliminary work by the ESCO is not reimbursed by the Government. In this phase, the Customer informs its Chain of Command of the intent to engage in a UESC IAW its organizational policy.

2. **Training.** As required, training on use and management of an UESC is conducted with Installation personnel and ESCOs to improve their knowledge and understanding of the process, legislation, and appropriate management controls. Training is also provided during the negotiation phases.

3. **Develop SOO/Agreement Document.** A Statement of Objectives (SOO) or Agreement document is developed to specify the Customer's objectives and goals, and to establish duties, responsibilities, and procedures. Some GSA Areawide contracts included this type of information while others do not. If included in the GSA Areawide contract, the Customer, with the KO's assistance, can refine the requirements and procedures in the final document.

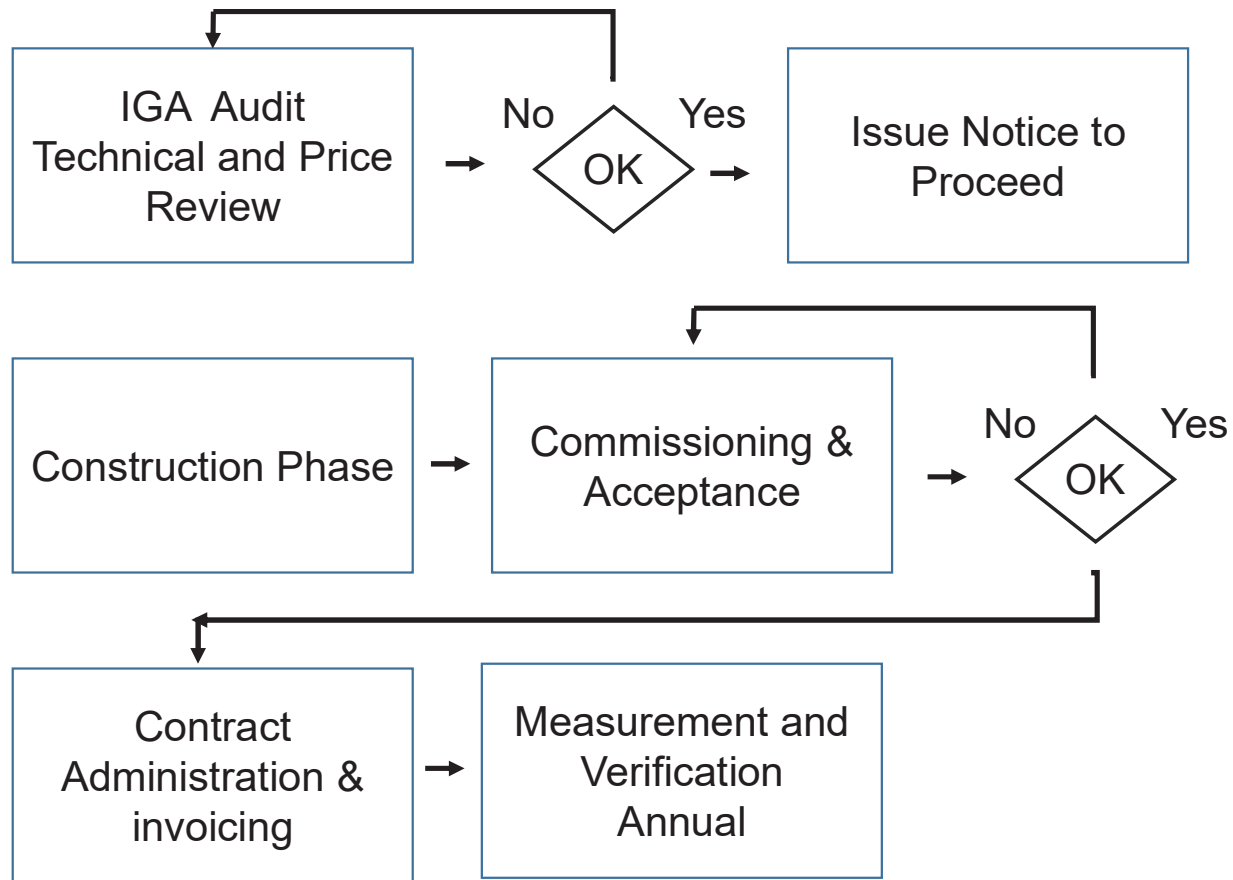
UESC Flow Process



4. **Negotiate SOO/Agreement Document.** The parties (ESCO and Government through the KO) must agree to the SOO or Agreement. If the parties do not agree, the SOO or Agreement can be negotiated or the UESC can be canceled at no cost to either party.

5. **Issue SOO/Agreement.** Once the parties agree to the SOO/Agreement, the document undergoes contracting review and approval process. The review and approval authority is based on the dollar value of the SCO delegation. Once approved, the document is issued to the ESCO. The document is performance-oriented and includes the Customer’s goals and objectives; for example, reduce energy usage by 10%, reduce Operations and Maintenance (O&M) cost by 5%, reduce energy costs by 5%, or project costs cannot exceed XX dollars. The Customer does not direct how the ESCO is to achieve success but relies on the ESCO’s knowledge, skills, and experience to propose Energy Conservation Measures (ECMs) that are no cost or low costs, with high efficiency ratings that will achieve the Customer’s goals and objectives.

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6. **Preliminary Audit Technical and Price Review.** The ESCO conducts a Preliminary Assessment and evaluates the Installation facilities for potential ECMs that will produce savings and improve the facilities. The ESCO will provide the Preliminary Assessment IAW the SOO or Agreement submittal requirements. The Preliminary Audit normally requires 60 business days to complete but may be longer or shorter based on the magnitude of the project. The Preliminary Audit is a Rough Order of Magnitude (ROM) and lacks detailed data and information. The cost of the Investment Grade Audit (IGA) is included in the Preliminary Audit. The Preliminary Audit will receive a technical review by the Installation and a price review by the KO. Based on the cost efficiency of the ECMs and the SOO/Agreement performance criteria, the Customer will select those ECMs that meets their goals and are affordable, and the KO will direct an IGA be conducted.

7. **Investment Grade Audit (IGA) Technical and Price Review.** The ESCO is reimbursed for the IGA. This cost can be paid directly or included in the total project cost if the IGA is accepted. The IGA includes the design, feasibility study, M&V, etc. IAW the submittal requirements. Normally, the Federal Energy Management Program (FEMP) formats and schedules are included in the proposal to fully document and

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describe the project and be consistent with other Agency formats. Sometimes the GSA Areawide contract specifies the formats and schedules to be submitted.

The Installation Technical Review Team and the KO will review the proposal for the needs of the Installation, cost, life cycle costs, technical, and M&V, examine for life, health, fire, and safety concerns, and integration with other systems. It may be necessary after review for the proposal to be returned to the ESCO to address questions, comments, and concerns prior to approval. If the Government and the ESCO cannot reach agreement, no task order is issued. However, the ESCO will be reimbursed for the cost of the IGA. If the IGA is accepted, the KO develops a Task Order and authorization (appropriate Exhibit in the GSA Areawide) form and is staffed at the appropriate level based delegation of authority issued by the SCO. Results of the analysis and decision is included in a determination document. The amount to be financed or paid directly to the ESCO, and payment methods must be finalized. In this phase, the Customer obtains its Chain of Command approval IAW its organizational policy and provide the approval to the KO. The Customer also prepares and submits to the KO a life cycle costs analysis.

8. Task Order Awarded & Notice to Proceed (NTP). If the proposal is accepted, a task order is awarded along with the NTP for the ESCO to provide the services addressed in the proposal.

9. Construction. During the construction phase of the project, the ESCO provides the agreed upon services to the Installation. The Installation provide QA oversight.

10. Commissioning, Acceptance, and Final Site Report Submittal. Once the construction phase is completed, the ECMs go through a commissioning phase where the ECMs' performance are verified and a base line established. Normally, Installation representative observes the commissioning process. If commissioning is not successful, the ECMs are repaired, replaced as necessary and commissioning is re-initiated. This process may continue multiple times. Once accepted, the Government personnel are trained on the ECMs performance, maintenance and warranty. All operating manuals are provided to the Government. The Contractor submits the Final Site Report to the Installation and the KO for review. It may be necessary to return the Final Site Report to the ESCO to address questions, comments, and concerns prior to approval. Final Site Report includes all as-built.

11. Contract Administration and Invoicing. Once the Final Site Report is approved by the KO and the Installation, the ESCO begins billing IAW the payment

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schedule in the task order, and the ESCO is paid accordingly. Normally, the ESCO warrants the ECMs for one (1) year. However, the period maybe for a longer period.

12. **Annual M&V.** Normally, UESCs do not have an annual M&V reporting requirement. One (1) year from acceptance, the ESCO is required to conduct an M&V of the ECMs installed to verify the ECMS are functioning within their performance standards and the Government is receiving the level of savings specified in the SOO/Agreement. If savings are not being achieved, the ESCO shall replace the ECMS and re-test. If an annual M&V Plan is included in the SOO/Agreement, the ESCO shall prepare the M&V and submit it to the E&E Acquisitions, Contracting Office and Installation for approval. Payments are adjusted as required if M&V reports indicated savings shortfall.

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PART 42: CONTRACT ADMINISTRATION AND AUDIT SERVICES

Subpart 42.2 Contractor Administration Services

(200) Transfer of contractual documents.

a. Definition--"Transfer of a contractual document," as used in this subpart, means that process whereby a contractual document (contract, task order, delivery order) and all future responsibility for it held by one (1) Contracting Office is transferred or reassigned in writing to another Contracting Office.

b. Approval of Transfer Requests--The approval authority for requests to transfer contracts to and from MICC Contracting Offices is identified as follows:

Type of Contract Transfer	Approval Authority
Transfers between MICC Offices belonging to the same MICC CSB/FDO	SCO
Transfers between MICC Offices belonging to different MICC CSB/FDO	Gaining SCO
Transfers to MICC Offices from Army Offices within ACC	MICC DCG, delegable to the Gaining SCO
Transfer from MICC Offices to Army Offices within ACC	Mutual agreement of losing SCO and gaining ACC Office Leadership
Transfers to MICC Offices from Army Offices outside ACC	MICC DCG
Transfer from MICC Offices to Army Offices outside ACC	Mutual agreement of losing SCO and Gaining Office Leadership

c. The standardized [Migration Business Rules](#) are in place so that Requiring Activities at all levels/locations are kept abreast of procurement-related actions and issues. The Migration Coordination Form will be used to formally transfer workload between MICC Contracting Offices.

Subpart 42.15 Contractor Performance Information

(200) Past performance information is relevant information, for future source selection purposes, regarding a Contractor's actions under previously awarded contracts ([MAP APP 5.2.1.4](#)). It includes the Contractor's record of conforming to contract requirements; standard of workmanship; record of forecasting and controlling costs;

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adherence to contract schedules, including the administrative aspects of performance; history of reasonable and cooperative behavior and commitment to Requiring Activity satisfaction and record of integrity and business ethics.

(201) The DoD policy requires use of the [Contractor Performance Assessment Reporting System \(CPARS\)](#), a Web-based tool, to complete all assessment reports. The KO shall enter administrative data into [CPARS](#) within 30 days of contract award. The Contractor Performance Assessment Report (CPAR) shall be entered at the time the work under the contract or order is completed. The content of the evaluations should be tailored to the size, content, and complexity of the contractual requirements.

(202) Per [DPC Class Deviation 2013-O0018](#), a CPAR must be completed for any contract, to include any awarded under [FAR Subpart 8.6](#) to Federal Prison Industries and any awarded under [FAR Subpart 8.7](#), Acquisition from Nonprofit Agencies Employing People Who are Blind or Severely Handicapped, meeting or exceeding the following statutory and/or directive thresholds:

Business Sector	Threshold
Architect-Engineering	≥\$35,000
Architect-Engineering (T4D)	All
Construction (T4D)	All
Construction (JOC Orders)	≥\$100,000
Construction (Non JOC)	≥\$700,000
Services (including healthcare)	>\$1,000,000
Information Technology	>\$1,000,000
Systems and operations support acquisitions (including fuels)	>\$5,000,000
Ship repair and overhaul contracts	>\$500,000
All other contracts	>SAT

(203) Thresholds apply to the aggregate value of contracts (including the base plus all options); that is, if a contract's original face value was less than the applicable threshold, but subsequently the contract was modified and the "new" face value is greater than the threshold, then a CPAR is required to be made, starting with the first anniversary that the contract's face value exceeded the threshold. If the total contract value including unexercised options and order(s) (for IDIQ contracts, total estimate value of unexercised options and orders) is expected to exceed the collection threshold, the collection process shall be initiated at the start of the contract. Furthermore, a CPAR may be completed for contracts with dollar values that do meet any threshold if you wish to document performance (positive or negative) at any point in the contract.

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(204) Per [Guidance for the CPARS](#), all annual evaluations, except for the CPAR completed at the end of the contract/order, are referred to as interim CPARs. The final CPAR is the only one required for contracts whose performance is less than 365 days or for the final assessment period when there was an interim (and possibly multiple interim) CPAR(s).

a. No more than 12 months of performance should be reported in one (1) CPAR. For those contracts/orders that have a period of performance greater than 365 calendar days, the first interim CPAR must reflect evaluation of at least the first 180 calendar days of performance under the contract/order, and may include up to the first 365 calendar days of performance.

b. A completed CPAR is due within 120 days after the end of the assessment period.

c. For IDIQ contracts, a CPAR shall be completed at the basic contract level or at the order level. For BPAs and BOAs, a CPAR shall be completed on each order/call meeting the reporting threshold.

d. CPAR information is source selection information and shall be treated IAW [FAR 3.104](#).

42.1503 Procedures – Federal Awardee Performance and Integrity Information System (FAPIIS)

(200) [FAPIIS](#) is a subsystem of CPARS which collects specific details of a Contractor's poor performance, *e.g.*, Termination for Cause or Default, Defective Cost and Pricing, Determination of Non-Responsibility, etc. ([MAP APP 1.10.2.16](#), [3.1.4.1](#), [3.10](#))

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PART 43: CONTRACT MODIFICATIONS

Subpart 43.1 General

43.103 Types of Contract Modifications

(200) All proposed modifications are subject to review. The SCO may set up the review lead times. As a reminder, modifications that increase the total evaluated price or otherwise increase scope are subject to the CRB process at MICC DB Section [5101.170](#). Use absolute values to calculate the value of a modification action. Modifications that are subject to the CRB require the HQ MICC clearance at MICC DB Section [5101.290](#) when the absolute value of such modification action is equal to or greater than \$250M. Unless the SCO sets up more restrictive thresholds in writing, the approval authorities for the review of all proposed modifications that are not subject to the CRB are as follow:

Value of Modification Action*	Review and Approval◇
Up to \$7M	KO**
>\$7M to <\$50M	One level above KO
\$50M to <\$100M	Contracting Office Director
\$100M and up	SCO

Notes:

*Use absolute values to calculate the value of the modification action. For example, a proposed modification increasing \$15M and decreasing \$200,000 has an absolute value of \$15.2M (\$15,000,000 + \$200,000, regardless of whether the amounts are plus or minus), so the approval authority for the local review is one level above the KO.

**KO is also the approval authority for modifications that only add money to a contract awarded subject to availability of funds or incrementally funded, or to make administrative changes. Administrative changes are written changes that do not affect the substantive rights of the parties, *e.g.* a change in the contract Administration Office, COR, Paying Office or appropriation data.

◇The SCO may set up more restrictive thresholds for the review and approval of proposed modification actions that are not subject to the CRB. Modifications that increase the total evaluated price or otherwise increase scope are subject to the Contract Review Board at MICC DB Section [5101.170](#) and will also require HQ MICC clearance at MICC DB Section [5101.290](#) when the absolute value of the modification action is \$250M and greater.

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a. The approval authority shall document the review of all proposed contract modifications. See ([ASA\(ALT\) memorandum dated 17 June 2019 entitled “Fiscal Year 2019 Procurement Administrative Lead Time \(PALT\)”](#)) which establishes PALT goals and targets (cycle times), including modifications for use by all Army Organizations.

b. Legal reviews are generally not applicable to administrative modifications but KOs may consult with the Primary Legal Counsel (PLC) to address potential legal issues when executing administrative changes. Modifications that only add money to a contract awarded subject to availability of funds or incrementally funded are considered administrative changes. Legal reviews are required for all substantive modifications above the SAT that require a scope determination because they affect price, quality, quantity, delivery, method of performance, or other substantive rights of the parties. The KO should consult with the PLC if there are issues with scope even if the action is below the threshold of legal review. If a KO cannot clearly determine that a change is within scope, regardless of value, a legal review and opinion shall be obtained.

(201) Determination of Scope Prior to Issuing Contract Modifications.

a. When the Requiring Activity requests a modification to add work to a contractual document after award, the KO is required to verify that the change(s) is/are within scope of the original contract. The KO shall require a Letter of Justification (LOJ) for the proposed contract change from the Requiring Activity. The following information must be included: additional work required, physical location of required change(s), when the change(s) need to take effect, why the change(s) is/are required, the impact if change(s) is/are not made, and a statement of when funds will be available to implement the change(s)(if applicable). The Requiring Activity shall provide a completed service contract approval request form for the proposed additional work if such additional work is for services.

b. The “Scope of The Contract” is defined as all work that was fairly and reasonably within the contemplation of the parties at the time the contract was made. Scope determinations are used to determine whether the Contractor must continue working pursuant to a unilateral change order or whether the proposed change so materially (**cardinal change**) alters the contract terms and conditions that the change would have to be publicized and competed IAW CICA. Although the FAR and its supplements do not define contract scope, the KO is required to determine in writing whether the proposed additional work is within the scope of the original contract purpose. A KO’s scope of contract determination is discretionary and will likely be sustained on protest

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unless it is shown to be unreasonable or in violation of CICA. If a KO cannot clearly determine that a change is within scope, a legal review and opinion shall be obtained.

c. The courts, boards and GAO have been the main determinants on setting precedence for scope. To help determine the materiality of the change, the following aspects should be considered:

1. Changes to the function/type of work, *i.e.*, the extent to which a product or service, as changed, differs from the requirements of the original contract. Substantial changes in the work may be in-scope if the parties entered into a broadly conceived contract. However, a pre-award statement that certain work was outside the scope of the contract can become binding if the KO later attempts to modify the contract to include the work.

2. Changes in quantity. Generally, the “Changes” clause permits increases and decreases in the quantity of minor items or portions of the work unless the variation alters the entire bargain. Increases and decreases in the quantity of major items or portions of the work are not “within the scope” of a contract.

3. The number and cost of changes. Neither the number nor the cost of changes alone dictates whether modifications are beyond the scope of a contract. However, the cumulative effect of a large number of changes is controlling.

4. Changes to the time of performance. [FAR clause 52.243-1](#) (FFP supplies) does not provide for unilateral acceleration of performance. Under [FAR clause 52.243-1 Alt I](#) (FFP services), the KO unilaterally may change “when” a Contractor is to perform (*i.e.*, hours of the day, days of the week), but not the overall performance period. [FAR clause 52.243-4](#) (construction) authorizes unilateral acceleration of performance. Granting a Contractor additional time to perform will normally be considered within scope.

d. A contract change generally falls within the scope of the original procurement if:

i. Potential offerors could reasonably have anticipated that such a modification might arise under the Changes clause or other contract clause; or,

ii. The contract as modified is for essentially the same work as the parties originally bargained for, *i.e.*, whether the contract as modified, “should be regarded as having been fairly and reasonably within the contemplation of the parties when the contract was entered into.”

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e. If the KO determines that the additional work is outside the original scope of the contractual document, KO shall prepare a sole source justification document and comply with the public posting notice requirements per [FAR 6.305](#).

f. Legal reviews are required for all substantive modifications above the SAT that require a scope determination because they affect price, quality, quantity, delivery, method of performance, or other substantive rights of the parties. The KO should consult with Legal Counsel if there are issues with scope even if the action is below the threshold of legal review. If a KO cannot clearly determine that a change is within scope, regardless of value, a legal review and opinion shall be obtained. Legal reviews are generally not applicable to administrative modifications but KOs may consult with Legal Counsel to address potential legal issues when executing administrative changes. Modifications that only add money to a contract awarded subject to availability of funds or incrementally funded are considered administrative changes.

(202) To assist KOs and Ks when documenting modifications, review [MAP APP 5.3.1](#).

43.105 Availability of Funds

(200) Funds current at the time of the original contract award are the correct funding source for within-scope changes ([MAP APP 1.2](#)). The more common funding sources have an “unexpired” period of availability for new obligations (OMA one (1) year), followed by a five (5) year “expired” period during which they remain available for obligation adjustments attributable to “antecedent liability,” such as within-scope changes. After the five (5) year “expired” period, the appropriation “closes” and is no longer available for any type of obligation ([MAP APP 1.2.2.4](#)).

243.107-70 Notification of Substantial Impact on Employment – Worker Adjustment and Retraining Notification (WARN) Act

(200) The WARN Act provides protection to workers, their families and communities by requiring employers to provide notification 60 calendar days in advance of mass layoffs, hours reductions and plant closings. Advance notice provides workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs and, if necessary, to enter skill training or retraining that will allow these workers to successfully compete in the job market. The WARN Act also provides for notice to State dislocated worker units that dislocated worker assistance can be promptly provided.

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(201) In general, employers are covered by the WARN Act if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in a commercial context and are separately organized from the regular Government. Regular Federal, State, and Local Government entities which provide public services are not covered. Additional information can be found in the U.S. Department of Labor Employment and Training Administration Fact Sheet at <http://www.doleta.gov/programs/factsht/warn.htm>.

(202) Though there is no contractual requirement for the Contractor to notify the KO if the Contractor will be issuing WARN Act notices, KOs should be aware that significant reductions in contract requirements could compel a Contractor to reduce its workforce. These contract changes could include reduction in the scope of a contract, partial or complete termination. Though contract changes may be unavoidable due to base realignment and closure, mission changes or funding limitations, KOs should be sensitive to the resultant impact on Contractors.

(203) Employers who do not comply with the WARN requirements can be assessed civil penalties and can be required to continue pay for the 60-day period. These costs could be asserted as claims against the Government.

(204) When a Contractor anticipates a layoff or closing subject to the WARN Act, they are required to provide the 60-calendar day written notice to affected employees or their union representatives, the State Dislocated Worker Unit, and the Chief elected Official of a unit of local Government. As the news may advance through Congressional channels, it is important that the KO notify the MICC Commanding General through the Chain of Command of the potential WARN Act occurrences. If contract requirements are significantly reduced, or if a substantial termination is likely or imminent, the KO shall immediately submit a properly completed [CCIR](#) to MICC G-2/3/5/7 via the Senior Leader of the originating Office and in coordination with the SCO, IAW [MICC CPM #19-50](#). Additionally, the KO shall simultaneously coordinate with the COR and the Requiring Activity POC to ensure that its Chain of Command is thoroughly informed of the potential or actual WARN Act occurrence. Though the Contractor is not contractually obligated to notify the Government of its intent to issue WARN Act notifications, the KO should, prior to submission of the [CCIR](#), coordinate with the Contractor to determine to probability of a WARN Act occurrence.

(205) CCIRs submitted regarding WARN Act occurrences must include the following information:

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- a. Contract number, date of award, type of contract, and remaining periods of performance (including options);
- b. Contractor's name, and size of business;
- c. Description of service or supply item;
- d. The probability of the Contractor experiencing a WARN Act occurrence or address attempts to learn this information;
- e. The reason for the reduction or termination;
- f. Contract value (dollar amount and percentage of total contract) of the reduced or terminated portion;
- g. Estimate of the number of prime Contractor employees who may be discharged as a result of reduction or termination, and the representative percentage of prime Contractor's total workforce;
- h. When applicable, estimate of the number of sub-contractors and their individual respective number of employees who may be discharged as a result of reduction or termination;
- i. The name of the COR and Requiring Activity POC informed of the potential or actual WARN Act occurrence, date and communication medium of which the COR and POC were informed, and the name of the first GO or SES in the Requiring Activity's Chain of Command.

(206) The information required for WARN Act occurrences are in addition to the requirements of [DFARS 249.7001](#), Congressional Notification on Significant Contract Terminations.

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PART 45: GOVERNMENT PROPERTY

(200) [DoD Instruction Number 4161.02](#) dated April 27, 2012, Incorporating Change 2, August 31, 2018 entitled “Accountability and Management of Government Contract Property” establishes policy, assigns responsibilities, and prescribes procedures IAW [FAR Part 45](#) and its supplements for the accountability and management of Government contract property in the custody of Defense Contractors. It provides assistance to DoD Property Managers, Program Managers, KOs and other Acquisition Professionals, Logisticians, and other Officials in understanding their roles and responsibilities.

45.101 Definitions

(200) Standing timber is defined as “Real Property” IAW 41 CFR 102-71.20. As of the date of this publication, MICC Contracting Offices do not have Real Estate Authority or authority to sell Real Property. Therefore, MICC Contracting Offices are prohibited from conducting Timber Sales. The disposal of Real Property and Timber Sales is a function of the United States Army Corps of Engineers (USACE) IAW [General Orders \(GO\) 2019-01](#), [AR 405-45](#), [AR 405-80](#) and [AR 405-90](#).

Subpart 245.1 General

245.102 Policy

(200) The KO shall ensure that the Requiring Activities’ decision to provide Government Furnished Property (GFP) is justified and documented IAW [PGI 245.103-70](#). A detailed sample [Justification to Provide Government Property Template](#) for documenting the decision can be found on the [MAP APP Samples and Templates](#). The Requiring Activity shall provide the KO with the initial GFP listing as required by [DFARS PGI 245.103-72](#) and [MAP APP 1.8.14](#). The KO in coordination with the Property Administrator is responsible for reviewing the documentation provided by the Requiring Activity and ensuring that the requirements of [FAR 45.102](#), [DFARS PGI 245.103-70](#) and [DFARS PGI 245.103-72](#) are met. Once finalized, the KO shall ensure the documentation is uploaded and retained in the official contract file IAW [Subpart 4.8](#) of the Desk Book.

(201) IAW [DFARS 201.670\(a\)](#) and [ACC Command Policy Memorandum 715-2](#) the Contracting Operations Directorate, Lead Property Administrator is designated as the appropriate Agency authority to appoint and terminate Government Property

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Administrators (GPA) and Plant Clearance Officers (PLCO). Nomination packages shall be prepared IAW [ACC-AI](#), paragraph 201.670 and submitted to the MICC HQ Policy Implementation and Oversight Division mailbox at: usarmy.jbsa.acc-micc.mbx.policy-team@mail.mil for clearance and approval by MICC DCG prior to submittal to the ACC Appointment Authority.

(202) In the absence of a qualified Civilian (GS/NH-1103) or Soldier (920A Warrant Officer or 92Y Non-Commissioned Officer) Property Administrator, the Property Administration responsibilities shall be retained by the KO and cannot be delegated to a Representative (i.e. COR, Quality Assurance Representative (QAR), Property Book Officer (PBO)) who DOES NOT possess the required DAWIA Certification ([Industrial Contract Property Management Level II](#)). The lack of a GPA/PLCO on staff does not negate Property Administration requirements.

(203) [MAP APP 5.3.2](#) addresses the requirements of proper GFP Administration. Additionally, the [ACC Government Property Community of Practice](#) provides comprehensive training, guidance and resources to Property Administrators and KOs on all phases of Government Furnished Property.

45.105 Contractor's Property Management System Compliance

(200) The GPA is responsible for conducting analysis of the Contractor's Property Management System for contracts they administer to ensure the requirements of [FAR 45.105](#) are met. [ACC AI, Part 45 – Government Property](#) provides further information and guidance regarding Property Management System Analysis (PMSA).

245.107 Contract Clauses

(200) To ensure the Army maintains complete oversight and accountability of GFP, the KO shall ensure all required clauses and the GFP attachments required by [DFARS 245.103-72](#) are incorporated into the contractual documents. Note that IAW [DFARS 245.107](#) and in lieu of the prescription at FAR 45.107(d), [FAR Clause 52.245-1](#) Government Property, shall be incorporated into all purchase orders for repair, maintenance, overhaul, or modification of Government Property regardless of the unit acquisition cost of the items to be repaired.

(201) Effective 7 February 2020, KOs shall incorporate [DFARS 252.245-7002 Reporting Loss of Government Property \(DEVIATION 2020-O0004\)](#), in solicitations and contracts that include FAR 52.245-1, in lieu of the text at DFARS 245-102(5) and DFARS Clause

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252.245-7002, per [Policy Alert #20-37](#). The deviation requires contractors to utilize the GFP Module in [PIEE](#) to report loss of Government property instead of the DCMA eTool software application.

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PART 46: QUALITY ASSURANCE

Subpart 46.1 General

(200) Contract quality performance is the responsibility of both the Contractor and the Government. The Contractor is responsible for carrying out its obligations under the contract in terms of quality, timeliness and cost. The Government is responsible for ensuring that services and supplies acquired conform to the quality requirements and performance standards of the contract ([MAP APP 5.2.1](#)).

(201) In most cases, contract quality surveillance is the responsibility of the Requiring Activity with the assistance from the KO. The Requiring Activity is most familiar with the technical complexities and nuances of the requirement and prescribes quality requirements to be included in the contract. The KO shall appoint qualified members of the Requiring Activity as CORs to conduct contract surveillance and to document performance for the contract record. The COR function as the eyes and ears of the KO and are a Liaison between the Government and Contractor when executing surveillance responsibilities. When the KO does not appoint a COR, then the KO retains and executes all the duties that a duly appointed COR would have performed ([FAR 1.602-2\(d\)](#)). Under such circumstances, the KO shall also include documentation in the contract file as evidence of having performed the technical monitoring and contract oversight activities (*e.g.*, monthly summary reports for performance-based services filed under a PCF folder entitled "Monthly Reports"). See [Section 5101.602-2-91](#) of the MICC DB for details.

(202) The MICC Quality Assurance (QA) Program implements procedures, processes and practices to improve the overall effectiveness of contract administration and oversight. This is accomplished through teaming with all members of the Acquisition Team at the planning stages of the requirement. Developing true performance based contracts with well written requirements, measurable performance objectives and Quality Assurance Surveillance Plans (QASPs) provide for effective post award oversight of contracts ensures the Army receives acceptable products and services consistent with contract requirements. [MICC Quality Assurance information](#) is found on the MICC SharePoint under Acquisition Processes.

46.102 Policy

(200) Each Contracting Office will have a Quality Assurance Specialist (QAS) or access to one through the CSB/FDO. MICC HQ QA staff will assist in the event that the CSB/FDO is not staffed with a QAS. The QAS will be fully integrated into the

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acquisition processes to facilitate implementation of [FAR Part 46](#), [DFARS Part 246](#), and contract surveillance. The QAS will ensure that audit and inspection findings are documented and traceable to contract, task order, Performance Requirements Summary (PRS) and Performance Work Statement (PWS) requirements using QASP planned surveillance and surveillance checklists. Risk-based approach must be used to schedule compliance audits, to identify trends and assess the quality of Contractor audits and inspections.

Subpart 46.4 Government Contract Quality Assurance

246.401 General

(200) MICC QAS executing duties in MICC Contracting Offices shall develop and manage a systematic, effective program for performing Government Contract Quality Assurance actions on administered contracts consistent with the [MICC Government Contractor Surveillance Instruction](#). This instruction addresses the various functions, including on-site and desk audit procedures, performed by the Government to determine whether a Contractor has fulfilled the contract obligations. The locally developed Quality Assurance Program (QAP) shall be designed to assure Contractor performance conforms to contractual requirements, and provide for the administration and maintenance of the documentation records produced from the program.

46.407 Nonconforming Supplies or Services

(200) All Contractor nonconformances identified during the performance of contract requirements shall be documented using the [Nonconformance Report \(NCR\) Worksheet \(ACC-AI Attachment 45-2\)](#) which exports data to both the NCR form letters and the log (database) and tracks the action from initiation through closeout. This documentation should be used to identify, verify and validate Contractor performance trends. Each MICC Contracting Office shall ensure all nonconforming supplies, services and construction work efforts are documented and corrected IAW the [MICC Non-Conforming Services and Supplies Instructions \(MAP APP 5.2.1.3.3, Corrective Action Process Flowchart\)](#). Maintaining documentation of Contractor nonconformances and performance is essential for developing past performance data.

(201) The [NCR log](#) is an Access Database and has embedded videos on use of both the database and the forms (data import / export functionality). There are two (2) versions, a standalone which would be on one (1) individual desktop, would be the person normally managing the NCRs, and would be deployed at each Center as a standalone if a common "Shared Drive" is not available. The other version is a split multi-user

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platform, where the backend would be on a “Shared Drive” and the frontend would be disseminated by the Center NCR POC/Manager. MICC Contracting Offices shall maintain a “MICC Field Office NCR Log” IAW [ACC AI](#).

a. To standardize processes across ACC, each Contractor performance issue noted as nonconforming with contract requirements, the MICC QAS shall ensure the event is documented using the [NCR Worksheet \(ACC-AI Attachment 45-2\)](#) and NCR form letters ([ACC AI Attachments 45-3](#)) IAW [ACC AI](#). The worksheet and NCR form letters must be used to the maximum extent possible and will cover most situations. However, for any exceptions, follow the instructions below when manually creating a NCR (i.e. using Microsoft Word – not using the Adobe Form letters). When manually creating a NCR using the worksheet to track the action through completion is still required. The MICC QAS will review the NCR with the COR/Originator to ensure a bona fide discrepancy exists, is properly referenced, and that the report is properly prepared before submitting to the KO for further action. All discovered nonconformances with contract requirements shall be documented, regardless of KO disposition. Only the responsible KO may close an open NCR and should consider the input from the cognizant QAS and COR.

b. The MICC Field Office QAS shall submit the cumulative “MICC Field Office NCR Log” of nonconforming performance metrics to the CSB/FDO Lead QAS. The CSB/FDO Lead QAS shall consolidate this data into the “FDO/CSB Master NCR Log” NLT the 5th working day of the month following the end of each month.

c. Each FDO/CSB Lead QAS shall subsequently provide the locally developed and consolidated “FDO/CSB Quarterly MICC FDO/CSB Master NCR Log” to the [MICC HQ QA Team](#) NLT the 15th working day of the month following the end of each quarter.

d. The MICC HQ QA Team will compile all NCRs issued against MICC contracts entered into the NCR Database, which is maintained on the [ACC SharePoint](#) site. The Nonconformance Report Worksheet documents a unique NCR number, issuance date, name and address of the Contractor; Contractor point of contact; Identification of the contract, and if applicable, the task order; CAP requirements if Level 2 or 3 nonconformance are identified; Date CAP is due (not applicable to Level 1 nonconformance); and the point of contact information for the Issuing Official and an enclosure to the NCR letter.

(202) When conducting COR file reviews ([MAP APP 5.2.1.2.6](#)) and physical performance checks, the KO and/or QAS shall ensure CORs are appropriately addressing nonconforming supplies and services, and documenting all Government

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discovered nonconformance. This documentation must be maintained to support objective Contractor performance ratings and used when analyzing data for performance trends.

(203) The inclusion of [FAR clause 52.246-11](#), Higher Level Contract Quality Requirement, refers to an International Organization for Standardization (ISO), American National Standards Institute (ANSI), Society of Automotive Engineers (SAE), or American Society of Mechanical Engineers (ASME) Standard, and requires specialized training of a DAWIA trained QAS to perform quality system audits of the Contractor's quality system. Nonconformance with the contractual quality system requirements shall be reported to the KO, who is responsible for issuing Corrective Action (CA) requests to the Contractor unless the KO has specifically delegated this authority to the QAS or COR.

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PART 49: TERMINATION OF CONTRACTS

Subpart 49.1 General Principles

(200) Before terminating any contract for cause or default, the Contractor must be given an adequate opportunity to respond to the Government's concerns. Although the termination procedures in [FAR Part 49](#) are not applicable to FAR [Parts 12](#) and [13](#), KOs are encouraged to use [FAR Part 49](#) as guidance to the extent that it does not conflict with these parts or the applicable contract clause. In addition, MICC personnel must then carefully consider the Contractor's specific failures, the causes of those failures, potential defenses for non-performance and the availability of other sources to meet the Government's needs without adversely affecting the Army's ongoing operations. Failure to consider all information available prior to termination could undermine the validity of that action and result in conversion to a Termination for Convenience and/or adversely affect our Requiring Activity's ability to accomplish its mission. ([MAP APP 5.3.9](#))

(201) IAW [MICC CPM #19-50](#), Commander's Critical Information Requirements Reporting Process, Terminations for Default, Cause or Convenience requires a [CCIR](#) be reported to the MICC G-2/3/5/7. Any CCIR that includes sensitive or PII must be encrypted before sending via unclassified email. The CCIR provides the Commander situational awareness of events and circumstances necessary to respond to Congressional inquiries or notify higher headquarters of a particular event.

(202) [FAR Part 42](#) also requires documenting additional Contractor performance information in FAPIIS, including Terminations for Cause or Default.

5149.70 Special Termination Requirements

5149.7001 Congressional Notification on Significant Contract Terminations

(200) KOs shall notify the Office of the Deputy Assistant Secretary of the Army (Procurement) as soon as a potential termination is identified. Notification for any termination (full or partial) involving a reduction in employment of 100 or more Contractor employees will require HCA endorsement ([MAP APP 5.3.9](#)). Per [DoD Class Deviation 2011-O0002](#), Congressional notification is not required for firms performing in Iraq or Afghanistan if the firm is not incorporated in the United States.

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a. The notification shall contain the information at [DFARS PGI 249.7001\(3\)\(i\)-\(ix\)](#). The KO will use the best judgment and coordinate the responses, as necessary, with the Requiring Activity, SBS, and other Government personnel. The KO shall comply with [FAR 3.104-4](#) if the notification discloses any Contractor bid or proposal information or source selection information. See [Frequently Asked Questions](#) and [notification of significant contract terminations template](#).

b. KO shall forward the notification to the [MICC HQ Field Support Division](#) per Section [5101.290](#) of the DB to obtain the HQ MICC clearance. The [MICC HQ Field Support Analyst](#) will submit the notification to the Office of the Deputy Assistant Secretary of the Army (Procurement), Procurement Support Directorate at usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff1@mail.mil.

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GRANTS, COOPERATIVE AGREEMENTS, TECHNOLOGY INVESTMENT AGREEMENTS AND OTHER TRANSACTIONS

Subpart 5101.91 – Authority to Award and Administer Grants, Cooperative Agreements, Technology Investment Agreement and Other Transactions

(200) Assistance instruments or non-procurement instruments such as grants and Cooperative Agreements are used when the Federal Government intends to provide assistance or support to private organizations, or State or Local Governments. The purpose of these instruments is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States. In contrast, a procurement contract issued is used to acquire property or services for the direct benefit or use of the United States Government.

(201) Unlike procurement contracts for which Federal Agencies have inherent, constitutional authority, the use of assistance instruments requires authorizing legislation and delegation of that authority. Government employees holding KO warrants do not have the inherent authority to award grants and/or Cooperative Agreements.

(202) A Grants Officer is an employee of the Government with the authority to enter into, administer, and/or terminate grants, or Cooperative Agreements (other than Technology Investment Agreements). Grants Officers may bind the Government only to the extent of the authority delegated to them in their written statements of appointment on the SF 1402. The certificate of appointment will state any additional limitations on the scope of authority to be exercised beyond those contained in applicable laws or regulations. The appropriate warrant amount to request is based on the highest single transactional dollar amount the applicant will award and/or administer, not the total aggregate value of the assistance instrument that the applicant may award and/or administer.

(203) Only the MICC HQ SCO has the authority to appoint Grants Officers specific to:

a. Section 670c-1, Title 16, United States Code, (Sikes Act), Cooperative and Interagency Agreements for Land Management on Department of Defense Installations; and,

b. Section 2684a, Title 10, United States Code, Agreements to Limit Encroachments and Other Constraints on Military Training, Testing and Operations.

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(204) As the Appointing Official, the MICC HQ SCO will consider the candidate’s experience, training, education, business acumen, judgment, character, reputation, and knowledge of assistance instruments and contracts, in addition to the endorsements of the Contracting Office Director and CSB Commander/Field Director. To be appointed and serve as a Grants Officer, at a minimum, an applicant must currently be a KO and must have held the KO warrant valued equal to or higher than the amount on the Grants Officer warrant request for at least one (1) year, have at least DAWIA Level II certification in Contracting and completed the DAU Training Course GRT 201 entitled “Grants and Agreements Management.” DAU currently does not consider any other courses provided by other Organizations (Colleges, Universities, DoD Schools, other Federal Agencies, Commercial Vendors and Professional Societies to be equivalent to GRT 201.) The following table contains guidelines in an effort to standardize Grants Officer warrant authority across the Command:

Grants Officer Warrant Classification	Dollar Authority*	DAWIA Certification	Minimum Years of Experience with Assistance Instruments
Class IV	Greater than \$250M and up to Unlimited	III Contracting	4
Class III	Greater than \$7M but less than or equal to \$250M	II Contracting or III Contracting (depending on grade)	3
Class II	Greater than SAT but less than or equal to \$7M	II Contracting	2
Class I	Less than or equal to SAT	II Contracting	1
<p><u>Notes</u> *A warrant may be issued at any dollar limit within the dollar authority range of the associated warrant classification. The dollar limit must be equal to or greater than the value of the instant action.</p>			

(205) A Grants Officer warrant request package for submission to the MICC HQ SCO through the VCE-Warrants requires that the applicant first have a Manpower and Staffing (M&S) account (formerly VCE-TDA). Access to the VCE-Warrants module through <https://vceportal.army.mil>. First, select “Modules” from the top menu and then select “Launch VCE-WARRANTS”.

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- a. The following fields must be filled out:
- Series (1102, 51C or 51Z)
 - Pay Plan (NH, GS or MIL)
 - Pay Grade
 - Warrant Type
 - Authority Amount (The dollar limit must be equal to or greater than the value of the instant contract action)
 - Has the applicant ever had a warrant terminated with prejudice?
 - Reason for this Warrant Request
 - Years of Experience (in assistance instruments)
 - Exceptions to Educational Requirements
 - Minimum mandatory attachments:
 - GRT 201 certificate of completion
 - Upload the completed and [current Application for Grants Officer Appointment](#) posted on the MICC SharePoint
 - Upload the most current Office Organizational chart, which shall include all authorized positions, with emphasis on the job title, job series/grades and warrant levels/amounts of the Grants Officers. It shall also indicate the applicant's position relative to other Grants Officers, identify positions supporting the Grants Officer, *e.g.*, KS, Procurement Analyst, QA, IT, etc.).

b. Personnel in the review chain will request a current (produced within 60 days of applicant's signature), signed and dated Army Civilian Record Brief (ACRB), Officer Record Brief (ORB) or Enlisted Record Brief (ERB), as applicable. In order to comply with the information protection requirements of the Privacy Act of 1974, black out all Personally Identifiable Information (PII), *e.g.*, social security number, date of birth, etc., and digitally encrypt the email. Reviewers will validate the information on the application with the applicable ACRB/ORB/ERB.

c. The Contracting Office Director will type the endorsement in the Reviewer's Comment data field. The endorsement must answer the questions: is this warrant necessary and why is this warrant necessary. The endorsement must also reflect the Contracting Office Director's personal knowledge of the applicant, qualifications, and impact on the organization if the warrant is not approved.

d. The CSB Commander/FDO Director may change the dollar value of the warrant and will type his/her endorsement in the Reviewer's Comment data field. When recommending the approval of the application, the CSB Commander/FDO Director must answer the following questions: is this warrant necessary, why is the warrant necessary and any other information deemed appropriate for the MICC HQ SCO.

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e. CSB/FDO SCOs have the authority to terminate a Grants Officer warrant issued to an individual within the CSB/FDO, regardless of value, when the termination results from routine personnel actions other than a change of name, *e.g.*, retirement, resignation, reassignment outside of MICC, realignment of Contracting Office outside of MICC, etc. Only the MICC HQ SCO has the authority to terminate a Grants Officer warrant for cause. If a Grants Officer is negligent and/or fails to perform his/her responsibilities, Contracting Office Directors may request termination for cause of a Grants Officer warrant. All requests for a termination for cause must be well documented, describing the facts and circumstances leading to the decision and remedial action taken to rectify the issue, if any. Remedial action is the responsibility of the organization to which a Grants Officer is assigned.

(206) The MICC HQ Policy Implementation and Oversight Division maintains a Command-wide Grants Officer log roster, copies of the appointments and terminations. Nevertheless, the Contracting Office Directors and CSB/FDO SCOs shall also maintain a roster of Grants Officers within their organizations. It is the responsibility of Contracting Office Directors to notify, through the Chain of Command, the [MICC HQ Policy Implementation and Oversight Division](#) of changes that will affect the Grants Officer status such as reassignment, resignation, retirement or unsatisfactory performance. The Contracting Office Director must promptly initiate the request for termination of the Grants Officer authority, which must be accompanied by the original SF 1402. No termination shall operate retroactively.

(207) The DoD Grant and Agreement Regulations (DoDGAR) ([Chapter I, Subchapter C of Title 32, Code of Federal Regulations](#) and [Chapter XI of Title 2, Code of Federal Regulations](#)) contains the Department-wide policies and procedures for the award and administration of DoD grants and agreements. [MAP APP – Grants and Cooperative Agreements](#) provides additional guidance. The Grants Officer shall document in the file the basis for the determination to use a nonprocurement instrument, to include the statutory authority for each Cooperative Agreement awarded. Contracting Office Directors and CSB/FDO SCOs must have internal procedures to implement the peer review process for assistance instruments within their approval authority. Legal review is required for all actions related to assistance instruments regardless of value.

a. The review thresholds and associated board chairs for Cooperative Agreements, to include task orders, are provided in the table below. The CSB/FDO SCO may delegate in writing the authority to chair a review board for actions related to Cooperative Agreements with an estimated value of up to \$10M to no lower than one level above the Grants Officer. The CSB/FDO SCO may delegate in writing the authority to chair a review board for actions related to Cooperative Agreements with an

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estimated value over \$10M and up to \$50M to no lower than the Contracting Office Director. The re-delegation(s) shall be included in the local procedures for execution of reviews.

Review Board for Cooperative Agreement (including related Task Orders)		
Threshold***	Approval Authority/Review Board Chair	Estimated Lead Time (Working Days)
≥ \$SAT ≤ \$10M	CSB/FDO SCO†	Locally Determined
>\$10M ≤ \$50M	CSB/FDO SCO‡	15
>\$50M	CSB/FDO SCO	25
<p>Note:</p> <p>†May be further delegated in writing by the CSB/FDO SCO to no lower than one level above the Grants Officer.</p> <p>‡ May be further delegated in writing by the CSB/FDO SCO to no lower than the Contracting Office Director.</p> <p>***Use absolute values to calculate the value of the proposed modification action to determine appropriate Review Board Chair. For example, a proposed modification involving an increase of \$25M and a decrease of \$5,200,000 has an absolute value of \$30.2M (\$25,000,000 + \$5,200,000, regardless of whether the amounts are plus or minus), so that the SCO is the review board chair, unless the authority has been delegated to no lower than the Contracting Office Director.</p>		

b. A review waiver may only be granted by the respective review board chairperson. Waiver requests shall be in writing, provide detailed rationale justifying the circumstances for the waiver (such as unusual and compelling urgency) and be included as part of the official contract file. **Waivers will not be granted on the sole basis of a lack of time or failure to permit sufficient time for reviews.**

c. Documents to be available in PCF for the review are at a minimum: funding, proposed modification, conformed copy of Cooperative Agreement, negotiation memorandum and price reasonableness determination signed by the Grants Officer, local peer review approval record and disposition of recommendations, local legal review, SAM information, verification that SAM Exclusions (formerly EPLS) was checked, and any other information supporting the proposed action.

(208) All Grants and Cooperative Agreement obligations shall meet Federal Government-wide reporting requirements as required in [DoDD 3210.06](#). The Grants Officer shall report obligations in the Financial Assistance Award Data Collection (FAADC) using the Catalog of Federal Domestic Assistance (CFDA) numbers:

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- 12.005 Sikes Act
- 12.610 Limit Encroachments and Other Constraints on Military Training, Testing and Operations.

Additional information on FAADC can be found at:

https://beta.fpds.gov/downloads/FAADC/FAADC_Help_Guide.pdf

(209) The HCA retains grant appeal authority IAW [AFARS 5133.9001](#).