Communities of Practice

Mission and Installation Contracting Command (MICC) Desk Book

TABLE OF CONTENTS

PART 1: FEDERAL ACQUISITION REGULATION SYSTEM 1
Subpart 1.1 Purpose, Authority, Issuance 1
1.101 Purpose of the MICC Desk Book 1
201.170 Peer Reviews of Contracts, Task Orders and Delivery Orders (TOs/DOs) 2
Subpart 1.2 Administration 23
1.290 Routing of Documents and Mailing Addresses 23
Subpart 1.4 Deviations from the FAR 27
1.403 Individual Deviations 27
Subpart 1.6 Career Development, Contracting Authority, and Responsibilities 30
1.601 General 30
1.602 Contracting Officers 31
1.602-2 Responsibilities - Contracting Officer's Representative (COR) Guidance 34
1.602-3 Ratification of Unauthorized Commitments 36
1.603 Selection, Appointment, and Termination of Appointment for Contracting Officers 41
Subpart 1.7 Determinations and Findings (D&F) 50
PART 2: DEFINITIONS OF WORDS AND TERMS 52
Subpart 2.1 Definitions (and Acronyms) 52
2.101 Definitions (and Acronyms) 52
PART 3: IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST 58
Subpart 3.1 Safeguards 58
3.104 Procurement Integrity 58
Subpart 3.6 Contracts with Government Employees or Organizations Owned or Controlled by Them 59
3.601 Policy 59
PART 4: ADMINISTRATIVE MATTERS 60
Subpart 4.1 Contract Execution 60
4.103 Contract Clause 60
Subpart 5104.5 Electronic Commerce in Contracting 60
Subpart 4.6 Contract Reporting 63
204.606 Reporting Data 63
Subpart 4.8 Government Contract Files 63
4.804 Closeout of Contract Files 64
4.804-5 Procedures for Closing Out Contract Files 65
Subpart 204.71 Uniform Contract Line Item Numbering 65
204.7103 Contract line items 65
PART 5: PUBLICIZING CONTRACT ACTIONS 66
Subpart 5.3 Synopses of Contract Awards 66
5.303 Announcement of Contract Awards 66

Subpart 5.4 Release of Information 69
5.403(a) Requests from members of Congress 69
5.404 Release of Long-Range Acquisition Estimates 70
5.404-1 Release Procedures 70
5.404-1(a) Application 70
PART 6: COMPETITION REQUIREMENTS 71
Subpart 6.3 Other Than Full and Open Competition 71
6.302 Circumstances Permitting Other Than full and Open Competition 71
6.302-5 Authorized or Required By Statute 71
6.303 Justifications 71
6.303-2 Content 74
6.304 Approval of the Justification 75
6.305 Availability of the Justification 76
Subpart 6.5 Competition Advocates 78
6.501 Requirement 78
PART 7: ACQUISITION PLANNING 79
Subpart 7.1 Acquisition Plans 82
7.102 Policy 82
7.103 Agency-Head Responsibilities 83
7.104 General Procedures 91
7.105 Contents of Written Acquisition Plans 95
7.107 Additional Requirements for Acquisitions Involving Bundling 95
207.170 Consolidation of Contract Requirements 96
Subpart 7.4 Equipment Lease or Purchase 97
7.401 Acquisition Considerations 97
Subpart 7.5 Inherently Governmental Functions 98
PART 8: REQUIRED SOURCES OF SUPPLIES AND SERVICES 101
Subpart 8.4 Federal Supply Schedules 101
8.405 Ordering Procedures for Federal Supply Schedules 101
208.405-70 Additional Ordering Procedures for Federal Supply Schedules 103
8.405-3 Blanket Purchase Agreements (BPAs) 103
8.405-6 Limiting Sources 104
Subpart 8.7 Acquisition From Nonprofit Agencies Employing People Who Are Blind or Severely Disabled 105
Subpart 208.70 Coordinated Acquisition 106
5108.7002 Coordinated Acquisition 106
PART 9: CONTRACTOR QUALIFICATIONS 108
Subpart 209.1 Responsible Prospective Contractors 108
209.104-70 Solicitation Provisions 108
Subpart 9.5 Organizational and Consultant Conflicts of Interest (OCI) 109

9.504. Contracting Officer Responsibilities....109
PART 10: MARKET RESEARCH....110
5110.002 Procedures....110
PART 11: DESCRIBING AGENCY NEEDS....112
Subpart 11.1 Selecting and Developing Requirements Documents....112
11.104 Use of Brand Name or Equal Purchase Descriptions....113
PART 12: ACQUISITION OF COMMERCIAL ITEMS....114
Subpart 12.1 Acquisition of Commercial Items -- General....114
212.102 Applicability....117
Subpart 12.2 Special Requirements for the Acquisition of Commercial Items....117
212.205 Offers....117
12.207 Contract Type....118
Subpart 12.4 Unique Requirements Regarding Terms and Conditions for Commercial Items....118
PART 13: SIMPLIFIED ACQUISITION PROCEDURES....119
Subpart 13.1 Procedures....119
13.106 Soliciting Competition, Evaluation of Quotations or Offers, Award and Documentation....119
Subpart 13.3 Simplified Acquisition Methods....122
213.301 Government-wide Commercial Purchase Card....122
Subpart 13.5 Test Program for Certain Commercial Items....124
13.501 Special Documentation Requirements....124
PART 14: SEALED BIDDING....125
Subpart 14.4 Opening of Bids and Award of Contract....125
214.404-1 Cancellation of Invitations After Opening. 125
14.407 Mistakes in Bids. 125
214.408 Award 126
PART 15: CONTRACTING BY NEGOTIATION....127
Subpart 15.1 Source Selection Processes and Techniques....127
15.101-2 Lowest Price Technically Acceptable Source Selection Process....128
Subpart 15.2 Solicitation and Receipt of Proposals and Information 128
15.201 Exchanges with Industry Before Receipt of Proposals....128
15.207 Handling Proposals and Information 129
Subpart 15.3 Source Selection....130
15.303 Responsibilities....130
15.304 Evaluation Factors and Significant Subfactors 132
15.305 Proposal Evaluation....134
215.371 Only One Offer....136
215.371-5 Waiver....136
Subpart 15.4 Contract Pricing....136
15.402 Pricing Policy 136

15.403-4 Obtaining Certified Cost or Pricing Data 137
15.404-1 Proposal Analysis Techniques....137
15.404-2 Data to Support Proposal Analysis – Field Pricing Assistance 138
15.406 Documentation....139
15.406-1 Prenegotiation Objectives....140
15.406-3 Documenting the Negotiation....147
Subpart 15.5 Preaward, Award, and Postaward Notifications, Protests, and Mistakes 148
15.503 Notifications to Unsuccessful Offerors....148
15.505 Preaward Debriefing of Offerors 149
15.506 Post-award Debriefing of Offerors 149
PART 16: TYPES OF CONTRACTS 150
Subpart 16.1 Selecting Contract Types....150
Subpart 16.4 Incentive Contracts....150
16.405-2 Cost Plus Award Fee Contracts - Award Fee Determining Official (AFDO) 150
Subpart 16.5 Indefinite-Delivery Contracts....151
16.504 Indefinite-Quantity Contracts 151
16.504(c) Multiple Award Preference 151
16.505 Ordering....152
216.505-70 Orders Under Multiple Award Contracts 157
Subpart 16.6 Time-and-Materials, Labor-Hour, and Letter Contracts....158
16.601 Time-and-Materials Contracts 158
16.603 Letter Contracts 159
16.603-3 Limitations 159
PART 17: SPECIAL CONTRACTING METHODS 160
Subpart 17.2 Options 160
17.202 Use of Options. 160
17.204 Contracts. 161
17.207 Exercise of Options....161
Subpart 217.74 Undefinitized Contract Actions (UCAs) 162
Subpart 5117.78 Contracts or Delivery Orders Issued by a Non-DoD Agency....163
5117.7802 Policy 163
Subpart 5117.90 Job Order Contracts....163
5117.9000 –Scope of Subpart....163
PART 19: SMALL BUSINESS PROGRAMS....164
19.000 Scope of Part....164
Subpart 19.2 Policies 164
19.201 General Policy 164
19.202-1 Encouraging Small Business Participation in Acquisition – Consolidations....165
19.203 Relationship among small business programs 166

Subpart 19.3 Determination of Small Business Status for Small Business Programs 167
19.302 Protesting a Small Business Representation or Rerepresentation 167
19.303 Determining North American Industry Classification System (NAICS) Codes and Size Standards.....168
Subpart 19.4 Cooperation with the Small Business Administration 168
219.401 General.....168
Subpart 19.5 Set-Asides for Small Business.....168
19.505 Rejecting Small Business Administration Recommendations 168
19.508 Solicitation Provisions and Contract Clauses 169
Subpart 19.7 The Small Business Subcontracting Program.....170
219.703 Eligibility Requirements for Participating in the Program.....170
19.704 Subcontracting Plan Requirements – Submission of Subcontracting Reports into Electronic Subcontracting Reporting System (eSRS) 171
19.705-1 General Support of the Subcontracting Program. 172
19.705-2 Determining the Need for a Subcontracting Plan. 172
19.705-4 Reviewing the Subcontracting Plan. 172
Subpart 19.8 Contracting with the Small Business Administration (The 8(a) Program) 173
19.803 Selecting Acquisitions for the 8(a) Program.....173
19.808-1 Sole Source.....173
Subpart 19.15--Women-Owned Small Business (WOSB) Program.....173
19.1505 Set-aside Procedures 173
PART 22: APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS 175
Subpart 22.12 Nondisplacement of Qualified Workers Under Service Contracts 175
PART 23: ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE 177
Subpart 23.9 Contractor Compliance With Environmental Management Systems 177
23.903 Contract Clause.....177
PART 24: PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION 178
Subpart 24.2 Freedom of Information Act.....178
5124.203 Policy 178
PART 25: FOREIGN ACQUISITION 179
Subpart 25.3 Contracts Performed Outside the United States 179
Subpart 25.5 Evaluating Foreign Offers – Supply Contracts.....179
25.5 Berry Amendment / Buy American Act 179
Subpart 225.74 Defense Contractors Outside the United States.....180
225.7401 Contracts Requiring Performance or Delivery in a Foreign Country 180
225.7402 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States.....181
225.7402-3 Government Support 183
PART 28: BONDS AND INSURANCE 185
Subpart 28.3 Insurance 185

28.305 Overseas Workers Compensation and War Hazard Insurance....185
28.310 Contract Clause for Work on a Government Installation....186
228.370 Additional Clauses – Government Flight Representative Appointment....186
PART 32: CONTRACT FINANCING....187
Subpart 232.7 Contract Funding....187
232.704 Limitation of Cost or Funds....187
Subpart 232.70 Electronic Submission and Processing of Payment Requests and Receiving Reports....190
232.7003 Procedures – Wide Area Work Flow (WAWF)....190
Subpart 232.9 Prompt Payment....191
232.903 Responsibilities....191
PART 33: PROTESTS, DISPUTES, AND APPEALS....192
Subpart 33.1 Protests....192
5133.103 Protests to the Agency....192
5133.104 Protests to GAO....193
33.106 Solicitation Provision and Contract Clause....194
PART 36: CONSTRUCTION AND ARCHITECH-ENGINEER CONTRACTS....195
Subpart 36.1 General....195
Subpart 36.6 Architect-Engineer Services - Authority for Architect-Engineering Contracting....195
PART 37: SERVICE CONTRACTING....197
Subpart 37.1 Service Contracts – General....197
37.102-74 Taxonomy for the Acquisition of Services....210
37.104 Personal Services Contracts....211
37.170-2 Approval Requirements....213
Subpart 37.2 Advisory and Assistance Services....213
37.204 Guidelines for Determining Availability of Personnel....213
Subpart 37.5 Management Oversight of Service Contracts....213
5137.590 Army Management and Oversight of the Acquisition of Services....213
5137.590-4 Review Thresholds - Acquisition Strategy....216
Subpart 37.6 Performance-Based Acquisition....225
Subpart 5137.96 Accounting for Contract Services....226
5137.9601 General....226
PART 39: ACQUISITION OF INFORMATION TECHNOLOGY....230
Subpart 39.1 General....230
5139.101 Policy.....230
PART 41: ACQUISITION OF UTILITY SERVICES....232
PART 42: CONTRACT ADMINISTRATION AND AUDIT SERVICES....235
Subpart 42.15 Contractor Performance Information....235
42.1503 Procedures – Federal Awardee Performance and Integrity Information System (FAPIIS)....236
PART 43: CONTRACT MODIFICATIONS....238

Subpart 43.1 General 238
43.103 Types of Contract Modifications 238
43.105 Availability of Funds 240
243.107-70 Notification of Substantial Impact on Employment – Worker Adjustment and Retraining Notification (WARN) Act 241
PART 45: GOVERNMENT PROPERTY 244
PART 46: QUALITY ASSURANCE 245
Subpart 46.1 General 245
46.102 Policy 245
46.103 Contracting Office Responsibilities 248
Subpart 46.4 Government Contract Quality Assurance 249
246.401 General 249
46.407 Nonconforming Supplies or Services 249
PART 49: TERMINATION OF CONTRACTS 254
Subpart 49.1 General Principles 254
5149.70 Special Termination Requirements 254
5149.7001 Congressional Notification on Significant Contract Terminations 254
PART 52: SOLICITATION PROVISIONS AND CONTRACT CLAUSES 256
Subpart 5152.1 Instructions for Using Provisions and Clauses 256
Subpart 5152.2 Texts of Provisions and Clauses 256
GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS 262

APPENDIX 1 – DOCUMENTS FOR SOLICITATION REVIEW BOARD
APPENDIX 2 – DOCUMENTS FOR CONTRACT REVIEW BOARD
APPENDIX 3 – MICC DESK BOOK REVIEW AND APPROVAL THRESHOLD MATRIX
APPENDIX 4 – POST AWARD PEER REVIEW (SERVICE CONTRACTS ONLY)
APPENDIX 5 – DOCUMENTS FOR THE REVIEW OF ACQUISITION STRATEGY AND ACQUISITION PLAN
APPENDIX 6 – ATTACHMENTS

SUMMARY OF CHANGES. This is a living document. It will be updated periodically.

DATE	SUMMARY OF CHANGES
January 2013	Click on this hyperlink
17 May 2013	Click on this hyperlink

SUMMARY OF CHANGES

Section **201.170**.

1. Added waiver of pre-award peer reviews thru 30 Sep 2013 in paragraph (201) e. due to the temporary contracting policy efficiencies to support execution of FY 2013 funds.
2. Clarified that the 15 working days should be factored in for peer reviews at the approval level of the PARC, deleted "All MICC acquisition reviews below PARC approval level must be conducted concurrently" and deleted the Peer Review Approval Record in paragraph (203) to implement revised peer review procedures. The MICC Form 356-R-E replaces the MICC Review and Approval Record to memorialize preliminary reviews completed prior to submission of documents to the PARC.
3. Edited the responsibilities of the Lead Procurement Analyst and the MICC HQ (Field Support) Analysts for consistency with the revised peer review process in paragraphs (203) b and c.
4. Revised the peer review procedures when the FDO Procurement Analyst is the lead analyst (paragraph 204) in order to streamline the process and avoid duplication of review efforts.
5. Revised the peer review procedures when the MICC HQ (Field Support) Procurement Analyst is the lead analyst for streamlining purposes in paragraph (205).
6. Added MICC SharePoint location for template and guidelines of the post award peer review briefing charts in paragraph (207) d.7.
7. Revised the post award review dollar thresholds in table 1-6, Elements of Post Award Reviews.
8. Revised review thresholds valued below $500M in Table 1-7, Post-award Peer Review Thresholds, and revised the note whereby blanket delegation of post-award reviews valued below $50M may be delegated to no lower than the Contracting Office Director.
9. Revised that the Field Director may request may request delegation or waiver for an individual post award peer review valued over $100M and less than $500M in both table 1-7 and paragraph (207) h.

Section **1.290**. Revised the estimated lead time and included additional email address for the request for clearance of contract actions valued over $500M per PARC Tasker #13-40 in paragraph (203) b.

Section **1.602**.

1. Added "per FAR 6.302, Limited Source Justifications per FAR 8.405-6, sole source justifications under the Test Program for Certain Commercial Items per FAR 13.501, and Exceptions to Fair Opportunity per FAR 16.505" to paragraph (202) a.2.ix.

2. Added the MICC HQ Legal Review mailbox address and deleted the reference to the list of MICC HQ attorneys to paragraph (203).

Section **1.602-2**. Replaced "The MICC COR Training POC is Joe Merry, MICC Quality Assurance SME" with to email address of MICC HQ QA Division in paragraph (203).

Section **1.602-3**.

1. Added "from the date the UAC package is received and reported in the MICC UAC database" to paragraph (203).
2. Replaced "identification" with "receipt" in paragraph (204) a.
3. Added that the memo from the Resource Management Office must be dated within the last 12 months to paragraph (204) e.5.

Section **1.603.** Revised the Contracting Officer Warrant section to address short term warrants, clarifications on the request for KO appointment, terminations, and the MICC Contracting Officer Warrant application on SharePoint.

Section **2.101**. Added acronyms for Career Acquisition Management Portal, Career Acquisition Personnel and Position Management Information System, Contract Business Analysis Repository, Desk Book, Frequently Asked Questions, Global Address List, Multi-Functional Integrated Process Team, Suspension and Debarment Official.

Subpart **5104.5**. Added paragraph (204) to state that the posting requirements at AFARS 5104.502 are satisfied if the reverse auction application posts the synopsis or combined synopsis-solicitation to FedBizOpps per PARC Policy Alert #13-54.

Section **204.606.** Added section to include the coding instructions for the field "Description of Requirements" on a Contract Action Report for service contracts awarded after 28 February 2013 per PARC Policy Alert #13-41.

Subpart **4.8.** Added the MICC PCF Filing Crosswalk tool to provide the proper filing locations of documents in PCF in paragraph (200) c.

Section **4.804-5**. Added the section to address close outs of contracts which have been physically complete for 12 months or more and have remaining funds of less than $1,000 per PARC Policy Alert #13-39.

Section **204.7103**. Added section as a reminder that Lump Sum and/or Dollars are not authorized units of measure on Contract Line Item Numbers per ACC Contracting Note #12-10.

Section **6.302-5**. Revised paragraph (201) to notify that a sole source J&A for Alaskan Native Corporations (ANC) actions not exceeding $20M is no longer required per ACC Contracting Note #13-19.

Section **6.303**.

1. Clarified that a sources sought synopsis as part of market research is different from a notice of intent to award a sole source action in paragraph (201) a.4.
2. Replaced "should" with "will" in paragraph (201) b.

Section **6.303-2**. Deleted paragraph (201) because the J&A for 8(a) Alaskan Native Corporations (ANC) not exceeding $20M is no longer a requirement per ACC Contracting Note #13-19.

Section **6.304**.

1. Deleted the row for sole source J&A for 8(a) Alaskan Native Corporations (ANC) actions with a value not exceeding $20M per ACC Contracting Note #13-19 from the table.
2. Revised the methodology to determine the approval level for a justification and approval document and clarified that the Deputy to the MICC Commander will coordinate with the MICC HCA in advance of approval of any proposed non-competitive action valued over $50M in paragraph (201).
3. Clarified the requirement for posting justifications into the logs located in the MICC SharePoint in paragraph (203).

Section **6.305**.

1. Added guidance on redaction of J&As in paragraph (200).
2. Added references to posting requirements for sole source justifications under FAR 13, Limited Source Justifications, and Exception to Fair Opportunity to paragraph (201).

Part **7.**

1. Revised the reporting thresholds for the Acquisition Milestone Agreement (AMA) process, which starts at $1M in paragraphs (200) thru (203). HQ staff will review all actions equal to or greater than $10M.
2. Added paragraphs (204) thru (206) to provide guidance on the kick-off meeting, phases and roles of the stakeholders during each phase of the AMA process.

Section **7.102**. Added that the start of acquisition planning 24 months in advance of contract award for large and complex requirements in paragraph (201).

Section **7.103**.

1. Edited the responsibilities of the Lead Procurement Analyst and the MICC HQ (Field Support) Analysts for streamlining purposes and to avoid duplication of efforts in paragraph (201).
2. Revised the document review procedures for acquisition plans when the FDO Procurement Analyst is the lead analyst in paragraph (202).
3. Revised the document review procedures for acquisition plans when the MICC HQ (Field Support) Procurement Analyst is the lead analyst in paragraph (203).

Section **7.104**. Added "a sole source under the Test Program for Certain Commercial Items under FAR 13.501" to paragraph (203) a.

Section **7.105**. Added paragraph (201) to state that the plan part of the Combined Acquisition Strategy and Plan may be used when drafting an acquisition plan only.

Subpart **7.5**.

1. Clarified that a completed Request for Service Contract Approval Form must be received prior to issuing the solicitation or awarding a contract (if there is no solicitation) in paragraph (200).
2. Added the delegation of signature authority to O-5/GS-14 Garrison Commanders/Managers from the Installation Management Command on the Request for Service Contract Approval Form of service contract requirements valued less than $100,000 IAW Secretary of the Army memo dated 2 April 2013, subject: Request for Service Contract Approval Form Signature Authority Exception Request in paragraph (200).
3. Added paragraph (203) to specify that the KO should work with the Supported Activity to ensure that the appropriate function indicator is used when coding the Contract Action Report per PARC Policy Alert #13-41.

Section **8.405**. Clarified the timeline of the business clearance process when discussions are conducted in paragraph (202).

Section **8.405-6.**

1. Deleted references to DFARS 208.405-70 which is obsolete per final rule of DFARS case 2012-D047 in paragraph (200).
2. Added the methodology to determine the approval level for a limited source justification (LSJ) in paragraph (201).

3. Clarified that the Deputy to the MICC Deputy to the Commander will coordinate with the MICC HCA in advance of approval of any proposed non-competitive action valued over $50M in paragraph (202).
4. Added paragraph (203) to address the requirement for legal sufficiency review of a LSJ and the redaction guidance when public posting is required.
5. Added paragraph (204) to address the requirement for reporting LSJs to the logs located under the Special Competition Advocate and Ombudsman section of the MICC SharePoint site and to the contracting office's local shared drive.

Section **5108.7002**. Added section to incorporate implementation guidance regarding the procurement of non-standard ammunition IAW MICC CPM #13-27.

Section **209.104-70**. Added section to address the incorporation of three (3) provisions per PARC Policy Alert #13-44 and PARC Policy Alert #13-64, regarding the Prohibition Against Using Fiscal Year 2013 Funds to Contract with Corporations that have an Unpaid Delinquent Tax Liability or a Felony Conviction under Federal Law.

Section **5110.002**.
1. Added specific guidance regarding the extent of market research for task or delivery orders under Indefinite Delivery Indefinite Quantity (IDIQ) contracts and orders under the Federal Supply Schedules in paragraph (201).
2. Clarified that a sources sought synopsis that is part of market research is different from a notice of intent to award a sole source action in paragraph (203).

Section **11.104**. Added section to address the use of brand name or equal purchase descriptions must be justified and approved, and posted with the solicitation, to include when utilizing reverse auction procedures.

Subpart **12.1**.
1. Clarified the waiver requirements IAW command's policy to use reverse auctions for all acquisitions above the micro-purchase threshold when competitively procuring commercial supplies in certain product codes in paragraph (200).
2. Replaced "and up to the simplified acquisition limit" with reference to the command's policy on reverse auctions in newly renumbered paragraph (203).
3. Added that an approved non-DOD certification is required if reverse auction will be used for a requirement valued greater than the SAT under GSA FSS contracts in paragraph (205) b.
4. Added that a brand name or equal justification shall be posted with the solicitation when utilizing reverse auction per PARC Policy Alert #13-54 in paragraph (205) d.

Section **212.102**.

1. Revised paragraph (200) to indicate that the determination for a commercial acquisition valued $1M or below is suspended thru 30 September 2013 due to the temporary contracting policy efficiencies to support execution of FY 2013 funds.
2. Deleted sentence regarding approval of a commercial item determination when it relies on subsections (1)(ii), (3), (4), or (6) of the "commercial item" definition at FAR 2.101 in paragraph (200) because it is duplication of DFARS 212.102(a)(i)(C).

Section **12.207.** Added section to provide guidance on the use Firm Fixed Price Level of Effort term contracts for commercial services per ACC CPM #13-24.

Section **13.106.**

1. Clarified the waiver requirements IAW the command's policy to use reverse auctions for all acquisitions above the micro-purchase threshold when competitively procuring commercial supplies in certain product codes in paragraph (200).
2. Replaced "and up to the simplified acquisition limit" with a reference to the command's policy on reverse auctions in newly renumbered paragraph (203).
3. Added that an approved non-DOD certification is required if reverse auction procedures will be used for a requirement valued greater than the SAT under GSA FSS contracts in paragraph (205) b.
4. Added that a brand name or equal justification shall be posted with the solicitation when utilizing reverse auction per PARC Policy Alert #13-54 in paragraph (205) d.

Section **13.501**. Added section to address the requirement for posting justifications into the logs located under the Special Competition Advocate and Ombudsman section of the MICC SharePoint site and to the contracting office's local shared drive.

Section 2**14.404-1**. Replaced "offer" with "bid above the SAT" and added "in lieu of FAR 14.404-1(f)" for clarification purposes in paragraph (200).

Section 2**14.408**. Replaced "offer" with "bid" in paragraph (200).

Section **15.201** Added that request for a waiver to use of a draft RFP on acquisitions valued above $50M must be submitted to the MICC HQ(Field Support) in paragraph (200).

Section **15.402**. Added paragraph (202) to reference the MICC IGCE Guide.

Section **15.406**. Added paragraph (203) to announce that the PARC is the approval authority for any contract or task order for contract services in excess of $10M awarded during FY 2013 that provides for continuing services at an annual cost that exceeds the annual cost paid for the same or similar services in FY 2010 per PARC Policy Alert #13-38.

Section **15.406-1**.

1. Edited the responsibilities of the Lead Procurement Analyst and the MICC HQ (Field Support) Analysts in paragraph (201) for streamlining purposes and avoiding duplication of review efforts.
2. Revised the document review procedures for a POM when the FDO Procurement Analyst is the lead analyst in paragraph (202).
3. Revised the document review procedures for a POM when the MICC HQ (Field Support) Procurement Analyst is the lead analyst in paragraph (203).

Section **15.406-3**. Added paragraph (201) to address the requirement to upload business clearance documentation for sole source actions to the Contract Business Analysis Repository per PARC Policy Alert 13-48, Revision 1.

Section **16.405-2**. Added paragraph (200) to include the template for the appointment of an Award Fee Determining Official.

Section **16.505**.

1. Added paragraph (202) to address the methodology to determine the approval level for an exception to fair opportunity.
2. Added paragraph (203) to address posting Exceptions to Fair Opportunity into the logs located in the MICC SharePoint under the Special Competition Advocate & Ombudsman section.
3. Clarified the business clearance process timeline when discussions are conducted in paragraph (205) a.
4. Deleted "the Chief of Policy and Compliance Directorate" from paragraphs (206) h. and (206) i.

Section **16.601**.

1. Added the content of a D&F for Time & Material Contracts and/or Labor Hour Contracts IAW with ACC CPM#13-06 entitled "Mandatory Principal Assistant Responsible for Contracting Approval for Time and Material and/or Labor Hour Contracts, dated 11 April 2013, in paragraph (200).
2. Added that HCA is the approval authority (without power to delegate) if the base period, plus any option period, exceeds three years for contracts and orders in

which at least a portion of the requirement will be performed on a T&M or LH basis, regardless of dollar value in paragraph (201).

3. Added a row to the table for a D&F for T&M Contracts and/or LH Contracts for the acquisition of commercial services IAW DFARS 212.207(b)(iii).

Section **5117.7802**. Added paragraph (202) as a reminder that an approved non-DOD certification is required if reverse auction will be used for a requirement valued greater than the SAT under GSA FSS contracts.

Section **5117.9000.** Added the website hyperlink to the Job Order Contracting Guide.

Section **19.201.** Revised language to clarify when a DD Form 2579 is required.

Section **19.203**. Added section to address the review process of a request for release of a requirement from the 8(a) program prior to submission to the SBA per MICC CPM #13-26.

Section **19.508**. Added guidance regarding oversight of contractor's compliance with FAR clause 52.219-14 per PARC Policy Alert #13-51.

Section **19.803.** Added section to address the approval process for a written request for release of a requirement from the 8(a) program per MICC CPM #13-26.

Section **19.1505.** Updated guidance on set-asides to eligible Women-Owned and Economically Disadvantaged Women-Owned Small Business concerns.

Subpart **22.12**. Added subpart to provide implementation guidance on Executive Order 13495, "Nondisplacement of Qualified Workers under Service Contracts" per PARC Policy Alert #13-50.

Section **225.7401**.

1. Added paragraph (204) to address USCENTCOM FRAGO 07-816, "Guidance on Pilferage Reporting for Cargo Transiting the Pakistan Ground Lines of Communication" per PARC Policy Alert #13-52.
2. Added paragraph (205) to add that the KO shall notify the Senior Contracting Official-Afghanistan if contractors performing in Afghanistan threaten to not perform in-theater due to concerns with base security transitioning away from Private Security Companies or similar concerns regarding base security or force protection responsibilities.

Section **225.7402**.

1. Added paragraph (201) for guidance regarding inclusion of designation of deployment center, departure point and transportation mode, which will change effective 1 October 2013 per ACC Contracting Note 13-17, Deployment Center Relocation, Consolidation and Ceasing Operation.
2. Added paragraph (202) for contractor entry/exit procedures of contractor personnel performing in Afghanistan per PARC Policy Alert #13-35.

Section **225.7402-3**. Added section to address sponsorship and coordination of Government Furnished Life Support per PARC Policy Alert #13-56.

Section **28.305**. Added section to list the geographic locations where the application of the Defense Base Act has been waived until 31 December 2013 per PARC Policy Alert #13-34.

Section **228.370**. Added paragraph (201) to clarify that requests for Government Flight Representative are to be sent to the Policy and Acquisition Training Division.

Section **232.903**. Added section to notify that clause 52.232-99 (DEVIATION)(August 2012) is no longer authorized for use per PARC Policy Alert #13-40.

Subpart **33.1**. Reorganized subpart per protests: agency protest to the KO, HQ-AMC level protest, and protest to the GAO.

Subpart **37.1**.

1. Deleted "for a requirement with an estimated value exceeding $1M" and added reference to section 212.102 of the DB in paragraph (203) a.5.
2. Revised the Source Selection for food services requirement to reflect the command's preference for Lowest Price Technically Acceptable approach in paragraph (203) a.9.
3. Added paragraph (203) c.6. to address waiver of a business case analysis to determine whether a food services requirement can be separated into 2 or more contracting opportunities.

Section **37.204**. Clarified that D&F for Advisory & Assistance Services in support of source selection is applicable when government personnel with adequate training and capabilities to perform proposal evaluation or analysis are not readily available.

Section **5137.590**.

1. Added that the Supported Activity shall prepare the acquisition strategy in conjunction with the supporting activity per AFARS 5137.590-4 in paragraph (200) a.
2. Added the minimum criteria for the internal processes for managing services acquisitions IAW the Optimization of Army Services Acquisition Implementation Plan, e.g. Multi-Functional Integrated Process Team, Portfolio Manager and the function of the QA specialist per MICC QA Pre-Solicitation/Pre-Award Guide in paragraph (202) c.
3. Added the email address to schedule a Service Acquisition Workshop in paragraph (203).

Section **5137.590-4**.

1. Added that the Supported Activity shall prepare the acquisition strategy in conjunction with the contracting activity and the inclusion of a "Program Manager or Official Responsible for Overall Acquisition Planning" signature block in paragraph (200).
2. Edited the responsibilities of the Lead Procurement Analyst and the MICC HQ (Field Support) Analysts for consistency with the revised review process in paragraph (202) for streamlining purposes and to avoid duplication of efforts.
3. Revised the document review procedures for an acquisition strategy when the FDO Procurement Analyst is the lead analyst in paragraph (203).
4. Revised the document review procedures for an acquisition strategy when the MICC HQ (Field Support) Procurement Analyst is the lead analyst in paragraph (204).

Section **5137.9601.**

1. Revised enterprise contractor manpower reporting language for incorporation into the PWS/SOW in paragraph (201).
2. Added "equivalent section in SF 1449" and replaced "Section B" with "the Schedule" for the sample language in Section L or equivalent in paragraph (203).

Section **5139.101**.

1. Added paragraph (201) to address the requirement to utilize CHESS for COTS IT hardware and software when conducting reverse auctions.
2. Updated the waiver process for CHESS Commercial IT hardware and software in paragraph (202) per PARC Policy Alert #13-66.

Subpart **41**. Updated the role of the MICC Energy and Environmental program (former MICC HQ Energy Team).

Section **46.102**. Added that MICC HQ QA staff will assist in the event that an FDO is not staffed with a Quality Assurance Specialist.

Section **246.401**. Added section to address the MICC Government Contractor Surveillance Instruction.

Section **46.407**.

1. Added the consideration for a deduction on an invoice when re-performance is not possible in paragraph (203).
2. Added download instructions of the MICC CDR log from the MICC SharePoint in paragraph (209).

Section **5149.7001**. Updated guidance regarding notification of significant contract terminations per PARC Policy Alert #13-46, Revisions 1 and 2.

Grants, Cooperative Agreements and Other Transactions.

1. Added "and identify positions supporting the Grants Officer, *e.g.*, contract specialist, procurement analyst, etc." to the organizational chart of the contracting office in paragraph (205) b.
2. Added ", to include task orders," to paragraph (209).
3. Added paragraph (210) to address implementation related to restrictions on awards of grants and cooperative agreements (including Technology Investment Agreements) to corporations with recent felony convictions or unpaid federal tax liabilities per PARC Policy Alert #13-53.

Appendix 1.

1. Deleted row corresponding to Briefing slides in support of an Acquisition Strategy, "Report" from Market Research Report and "shall be signed by the Contracting Office Director and" from the Note regarding MICC Form 356-R-E.
2. Added note referencing section 5110.002 of the DB for the extent of a market research for an order.

Appendix 2. Deleted "shall be signed by the Contracting Office Director and" from the Note regarding MICC Form 356-R-E because item 22 already states that the form includes the signatures of the local chain of command.

Appendix 3.

1. Revised the review thresholds valued below $500M on the Post-Award Peer Review Thresholds table, and the notes regarding further delegations.
2. Revised the estimated lead time and for the request for the Clearance of Contract Actions valued over $500M table per PARC Tasker #13-40.

3. Deleted obsolete DFARS 208.405-70 from the references on the J&A/LSJ/Exception to Fair Opportunity other than 8(a) ANC Sole Source Contract table and added a note to see the appropriate sections of the Desk Book for additional guidance when determining the appropriate approval threshold.

4. Deleted the row corresponding to sole source to 8(a) ANC actions not exceeding $20M per ACC Contracting Note #13-19 on the J&A for 8(a) ANC Sole Source Contract table.

5. Revised the applicability of the D&F for Advisory and Assistance Services for non-government advisor support in source selection on the Determination and Findings table.

6. Added rows to account for a D&F for T&M and/or LH Contracts for the acquisition of commercial services and the various D&Fs to award or continue performance depending on the protest type to the Determination and Findings Table.

7. Deleted the row corresponding to CICA Override for Automatic Stay and corrected the estimated lead time for the Use of Letter Contract or Other Undefinitized Contract Action from 20 working days to 15 working days on the Other Actions Requiring Review and Approval table.

8. Added "(to include Task Orders)" on the title of the table for the Review Board of Cooperative Agreements.

Appendix 4.

1. Revised the review thresholds valued below $500M on the Post-Award Peer Review Thresholds table.

2. Revised the Notes section of the Post-Award Peer Review Thresholds table to reflect that blanket delegation of post-award reviews valued below $50M may be delegated to no lower than the Contracting Office Director requires prior PARC approval in writing and that the Field Director may request delegation or waiver of an individual post award peer review valued over $100M and less than $500M.

Appendix 5. Deleted "See PARC Policy Alert 12-12" from the D&F row; and "shall be signed by the Contracting Office Director and"and "*If FAR 15.3* = document is required if source selection for the respective procurement is IAW FAR 15.3" from the Notes Section.

Appendix 6.

1. Added the MICC Independent Government Cost Estimate Guide, MICC Quality Assurance Pre-Solicitation/Pre-Award Guide and MICC Government Contractor Surveillance Instruction.

2. Added the following Command Policy Memoranda: CPM 12-06 – Acceptance of Central Command Joint Theater Support Contracting Command Requirements and

Theater Business Clearance Procedures, CPM 12-12 – Process for Ratifying Unauthorized Commitments, CPM 12-15 – Use of Reverse Auctions, CPM 12-16 – Chaplain Services and Religious Support Requirements, CPM 13-03 – Communication with Industry, CPM 13-05 – Quality Assurance Program, CPM 13-06 – Government Purchase Card Monthly Oversight Review Board, CPM 13-10 – Contracting for Food Service, CPM 13-26 – Request for Release of Requirements from the 8(a) Program, CPM 13-27 – Procurement of Non-Standard Ammunition.

Technical Changes. Various technical changes were made throughout Desk Book, which include correcting typographical and grammatical errors, adding and updating hyperlinks. Examples of technical changes are: (1) Replaced MICC "Contract Operations" with "Policy and Compliance Directorate"; (2) Replaced "Policy Team" with "Policy and Acquisition Training Division; (3) Replaced "global address list" with "GAL"; (4); Replaced "Requiring Activity" with "Supported Activity"; (5) Replaced "Customer" with "Supported Activity"; (6) Replaced "MICC HQ Energy Team" with MICC Energy and Environmental; (7) Replaced "MICC ET" with "MICC E&E"; (8) Added subparts and renumbered paragraphs for better organization; and updating hyperlinks for the Job Order Contracting Guide, Source Selection Participation Agreement, Army Policy for the Proper Use of Non-DoD Contracts, ASA(ALT)'s Interim Guidance for Management and Oversight of Services Acquisition.

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 rescinds and replaces all MICC Acquisition Instructions (AI), Contracting Information Letters (CILs), and Northern and Southern Region Information Memorandums in their entirety. The book implements the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulation Supplement (DFARS), and the Army Federal Acquisition Regulation Supplement (AFARS) to establish uniform policies and 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 Desk Book is not a standalone document: it must be used in conjunction with FAR, DFARS and AFARS.

(202) The MICC Policy and Acquisition Training Division maintains this Desk Book. Quarterly updates will typically be issued in January, April, July, and October. Interim changes may be published as MICC Command Policy Memoranda or similar, which are effective until they are formally incorporated into the Desk Book, rescinded, cancelled or expired.

(203) The numbering of this Desk Book will, where possible, correspond to the numbering of the FAR, DFARS, AFARS and the ACC Desk Book. Should any conflict arise between this Desk Book, FAR, DFARS, AFARS and/or the ACC Desk Book, the higher level regulation shall be followed. Any inconsistencies and suggestions are to be reported to the MICC Policy Team mailbox at: usarmy.jbsa.acc-micc.mbx.policy-team@mail.mil.

(204) For the purposes of concurrence and approval levels within the Desk Book, "Field Director" is intended to mean the Field Director or Deputy Field Director.

201.170 Peer Reviews of Contracts, Task Orders and Delivery Orders (TOs/DOs)

(200) Peer Review:

a. 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. Preliminary Peer Reviews of documents begin prior to the meeting with the "Chair". 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 example, for a Peer Review in which the Office of the Director, Defense Procurement and Acquisition Policy (DPAP) is the "Chair", a Review Board (SRB or CRB) must first be conducted locally with the Field Director level, PARC and HCA. Furthermore, it is possible that the PARC can be the "Chair" for one action and a member of the SRB on a separate action.

c. The peer review process applies to new competitive and non-competitive actions with a total estimated value (including the value of the base and all option periods) that exceed the Simplified Acquisition Threshold (SAT), as governed by DFARS 201.170, PGI 201.170, and AFARS 5101.170, Peer Reviews, and ACC Desk Book 201.170, Peer Reviews of Contracts for Supplies and Services. See Tables 1-1, 1-2, 1-3 or 1-4 for the general thresholds.

d. Phases of Review. The SRB reviews the documents and actions which include, but are not limited to the approved Acquisition Strategy, Acquisition Plan, any required Determination and Findings, Justification and Approvals (JAs)/Limited Source Justifications (LSJs), as applicable, which culminate in a solicitation. 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. 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*	*Prior to Request for Final Proposal (if applicable)*	*Prior to Contract Award*	*Annual Post-Award (Services only)*
Documents for Review	See Appendix 1	See Appendix 2	See Appendix 2	See Appendix 4
Contracting Office Director, Field Director, PARC or HCA Peer Review*	▲	▲	▲	▲
DPAP Peer Review	▲	▲	▲	▲
Threshold for Review	See Table 1-3	See Table 1-3	See Table 1-3	See Table 1-7

*Note: See section 15.406-1 of the Desk Book for approval of a POM for a competitive action valued below $1B.

Table 1-2
Phases of Peer Reviews for Non-Competitive Actions

Peer Review Phase	*Phase I*	*Phase II*	*Phase III*	*Phase IV*
Timing of Review	*Prior to Request for Proposal*	*Prior to Negotiations*	*Prior to Contract Award*	*Annual Post-Award (Services only)*
Documents for Review	See Appendix 1	See Appendix 2	See Appendix 2	See Appendix 4
Contracting Office Director, Field Director Level, PARC or HCA Peer Review*	▲	▲	▲	▲
DPAP Peer Review		▲	▲	▲
Threshold for Review	See Table 1-4	See Table 1-4	See Table 1-4	See Table 1-7
*Note: See section 15.406-1 of the MICC Desk Book for approval of a POM for a non-competitive action valued below $500M.				

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

b. The purpose of the pre-award peer review is to review and assess the pre-solicitation, solicitation, and contract award documents for consistency, sufficiency, compliance, and application of sound business practices. The objectives of peer reviews are to: 1) ensure the KO is implementing policy and regulations in a consistent and appropriate manner; 2) continue to improve the quality of the contracting processes, and 3) facilitate sharing of best practices and lessons learned. The SRB and CRB shall verify 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, and small business. Non-competitive actions shall also include the Special Competition Advocate (SCA). 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 Field Director 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 and associated board chairs are provided in Table 1-4. Authority to chair an SRB/CRB for actions with an estimated value of $50M and below is delegated to the Field Directors. The Field Director's authority to chair SRB/CRB Peer Reviews may be re-delegated to no lower than the Contracting Office Director, upon written approval by the PARC. The request for re-delegation shall be coordinated through the Chief of Policy and Compliance Directorate prior to submission to the PARC. The re-delegation shall be included in the local procedures for execution of peer reviews. The "Estimated Lead Time" is defined as the average number of working days from the time of document submittal to the Lead Procurement Analyst up until signature of final approval authority. The "Estimated Lead Time" is inclusive of all reviews.

Final Approval Authority within MICC	Estimated Lead Time in Working Days
PARC	15
HCA	20

"Estimated Lead Time" for approval outside the MICC is defined as the time of initial document submittal to the office external to MICC through signature/approval of the document.

Final Approval Authority outside MICC	Estimated Lead Time in Working Days
Deputy Assistant Secretary of the Army for Procurement (DASA(P))	35
Army Acquisition Executive (AAE)/Special Procurement Executive (SPE)	35
DPAP	35

Table 1-3
Peer Review Thresholds for Competitive Actions

SRB – Competitive Actions	**Threshold**	**Review Board Chair**	**Estimated Lead Time (Working Days)**
Prior to Issuance of Solicitation/Request for Task Order Proposal (RTOP)/ Request For Quotation (RFQ) 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 be approved IAW section 5137.590-4 of the Desk Book.	≥ $SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥ $500M < $1B	HCA	20
	≥ $1B	DPAP	35
CRB –Competitive Actions	**Threshold**	**Review Board Chair**	**Estimated Lead Time (Working Days)**
Prior to Request for Final Proposal Revisions (if applicable)** **Prior to Contract Award**	≥SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥ $500M < $1B	HCA	20
	≥ $1B**	DPAP**	35

*Further delegation requires prior PARC approval in writing.
**Approval of POM for a procurement that falls under DPAP threshold level for peer review. See section 15.406-1 of the Desk Book for POM reviews of competitive actions below $1B.
***See section 1.290 of the Desk Book for additional clearance of all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M per PARC Policy Alert #13-30 rev 4.

Table 1-4
Peer Review Thresholds for Non-Competitive Actions

SRB – Non-Competitive Actions	Threshold	Review Board Chair	Estimated Lead Time (Working Days)
Prior to Release of Solicitation/RTOP/RFQ 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 be approved IAW section 5137.590-4 of the Desk Book	≥ $SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥ $500M	HCA	20
CRB – Non-Competitive Actions	**Threshold**	**Review Board Chair**	**Estimated Lead Time (Working Days)**
Prior to Negotiations (if applicable)**	≥SAT ≤ $50M*	Field Director*	Locally Determined
Prior to Contract Award	> $50M < $500M	PARC	15
	≥ $500M**	DPAP**	35

*Further delegation requires prior PARC approval in writing
**Approval of POM for a procurement that falls under DPAP threshold level for peer review. See section 15.406-1 of the Desk Book for POM reviews of non-competitive actions below $500M.
***Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require additional clearance approval from the USD(AT&L) prior to award. See section 1.290 of the Desk Book for details and instructions.

e. Waiver of SRB or CRB Peer Review. After 30 September 2013, in accordance with PARC Policy Alert #13-25, SRBs and CRBs may not be waived. However, through 30 September 2013, as implemented in MICC HQ Memorandum, Subject: Implementation of Contracting Policies for Fiscal Year 2013 Efficiencies and Delegation of Authority, dated 24 July 2013, a Contracting Support Brigade/Field Directorate Office may request waiver of an SRB and/or CRB where the chair is the PARC or the HCA. 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**. Include legal review from the Primary Legal Counsel as part of the peer review waiver process. The approved waiver shall be included as part of the official contract file. A blank Request for the Waiver of Peer Review at the PARC level can be found in the MICC SharePoint Communities of Practices Portal at:

https://micc.aep.army.mil/COP/PG/Acquisition%20Instructions%20%20MICC/Peer%20Reviews/Request%20for%20Waiver%20of%20Pre-Award%20Peer%20Review%20(June%202013).docx

f. Elements of Pre-award Peer Review. The review elements listed below may be supplemented with criteria tailored to specific requirements.

1. The process was well understood by both Government and Industry;

2. Source Selection was carried out IAW the Source Selection Plan and Solicitation;

3. The Source Selection Evaluation Board (SSEB) evaluation was clearly documented;

4. The Source Selection Advisory Council (SSAC) recommendation was clearly documented;

5. The SSA decision was clearly derived from the conduct of the source selection process;

6. All source selection documentation is consistent with the evaluation criteria (FAR 52.212-2 or Section M); and,

7. The business arrangement.

(202) Documents to be submitted for review. The applicable documents identified in Appendix 1 and Appendix 2 shall be submitted/be available for pre-award peer reviews. Documents shall include the signatures of the authorities, *e.g.*, KO, Small Business Specialist, Contracting Officer Director, etc., to indicate appropriate local internal review prior to submission to MICC HQ.

(203) Adequate processing time for the SRB and CRB reviews shall be included as part of the acquisition planning process. At a minimum, 15 working days should be factored in for peer reviews at the approval level of the PARC.

a. The Procurement Analyst at the Field Directorate Office (FDO) will be the single focal point/Lead Analyst for all peer review boards that require PARC approval or above. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst for acquisitions as designated by the PARC or in the event that the FDO is not adequately staffed to provide a Procurement Analyst to serve as the Lead Analyst. In such case, the Field Director will contact the MICC Chief of Policy and Compliance Directorate or Field Support Division Chief to discuss/determine the terms of support. The Field Director is ultimately responsible for the timely and successful peer review.

b. The Lead Analyst shall be responsible for:

1. Conducting an independent review of all documents and consolidation of all comments.

2. Notifying the KO that the conformed document is ready for correction/action.

3. Ensuring that all comments have been addressed once the document(s) is re-submitted.

4. Preparing the Peer Review Report Memo and obtaining all required signatures on the MICC Form 356-R-E.

5. Coordinating the submission of documents with MICC HQ (Field Support) Procurement Analyst after the Field Director decides that the documents are ready for PARC approval or concurrence.

c. When the FDO Procurement Analyst is the Lead Analyst, the MICC HQ (Field Support) Procurement Analyst shall be responsible for:

1. Conducting an independent review of all documents to ensure that documents conform to all regulatory requirements.

2. Coordinating with the Lead Analyst and scheduling briefing, if any.

3. Printing out final documents for signature and supporting documentation, to include briefing slides, if any.

d. Compliance with acquisition milestones is a joint responsibility among the Contracting Offices, Field Directors and the MICC HQ staff. Average lead times are reflective of the date of initial submission to the date of approval; therefore it is critical that the MICC HQ, Contracting Office and Field Director staffs partner to immediately resolve issues inhibiting review and approval of acquisition documents that require approval by the PARC or higher. Early involvement is the key to a successful peer review.

e. For metric purposes, submission planning dates for each document requiring review and approval are derived from the latest Critical Path Report(CPR)/Acquisition Milestone Agreement (AMA) for the acquisition. The actual submission and approval dates are used to calculate the actual lead time to facilitate achievement of the MICC Average Lead Times.

(204) FDO Lead Procurement Analyst - Submission Process for Pre-award Peer Reviews at the PARC or higher.

a. The official submission process is initiated when the KO alerts the FDO Lead Procurement Analyst that a requirement is ready for higher level of review, approval or coordination. The 15 working days start when the KO makes the official contract file available in the Paperless Contract File (PCF) program for review.

b. The KO shall ensure that all the documents and supporting documentation required for the review are loaded into the PCF program at https://pcf.army.mil. To prevent review of obsolete documents, files uploaded to PCF should be clearly titled. For example:

- Market Research Report 13-R-0000, FtX baseopsv1, 1 Jan 13
- DD Form 2579 13-R-0000, FtX baseopsv1, 1 Feb 13
- RFP 13-R-0000, FtX baseopsv1, 1 Mar 13
- PNM 13-R-0000, FtX baseopsv1, 1 Jun 13

c. The KO sends an e-mail alert to the FDO Lead Procurement Analyst with the following information:

1. Solicitation or Contract Number as applicable

2. Type of Peer Review Requested (*i.e.*, SRB, CRB, post-award peer review.)

3. Description of Requirement

4. Estimated Dollar Value (base + options if applicable)

5. MICC Office

6. Contracting Officer

7. AMA/CPR Number

8. List of documents submitted named identical to PCF file name

9. MICC Form 356-R-E signed by the Contracting Office Director 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 FDO Lead Procurement Analyst will acknowledge receipt and 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 FDO Lead Procurement Analyst in the PCF program.

e. Upon verification that all the required documents are available in PCF, the FDO Lead Procurement Analyst will review the documents and also provide the documents to the MICC Small Business Programs (SBP) Associate Director, Cost/Price SME and Quality Assurance SME to provide review comments concurrently if deemed necessary. The peer review team members will provide review comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the FDO Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The FDO Lead Procurement Analyst will then send the "merged" documents to the MICC HQ (Field Support) Procurement Analyst and to the Office of Counsel, who will then provide additional (if any) review comments and recommendations within three (3) working days of receipt of the documents to the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will add/merge all review comments and send the "merged" documents to the

KO for resolution, along with a courtesy copy to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents. All documentation (including reviews) will then be uploaded to PCF and the KO shall notify the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product(s) prior to submission to the PARC. The FDO Lead Procurement Analyst then will 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. The FDO Lead Procurement Analyst will then obtain all required signatures for the MICC Form 356-R-E. The MICC Form 356-R-E will be signed by the Field Director and state that the preliminary SRB or CRB has been executed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. Upon receipt of the Field Director's approval to proceed, the FDO Lead Procurement Analyst will submit the package for higher headquarters coordination/approval by emailing the information in subparagraph (204) c. above to the MICC HQ Field Support address in the MS-Outlook global address list (GAL) at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review (usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil). The assigned MICC HQ (Field Support) Procurement Analyst will review the documents for regulatory compliance. If regulatory or policy issues are identified, the MICC HQ (Field Support) Procurement Analyst will notify the Field Director who will then determine the course of action. If the MICC HQ (Field Support) Procurement Analyst does not identify regulatory issues in the documents, the MICC HQ (Field Support) Procurement Analyst will coordinate with the board chair to determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, MICC Form 356-R-E and Peer Review Report Memo. The briefing will NOT be rescheduled because of lack of availability of any peer review team member, unless the board chair or higher authority directs such a rescheduling. The Field Director will designate the briefer. At the conclusion of the peer review, the FDO Lead Procurement Analyst will update or finalize the Peer Review Report Memo and coordinate with the

MICC HQ (Field Support) Procurement Analyst, who will obtain the PARC's approval or concurrence if the approval authority is above the PARC.

h. For HCA-chaired peer reviews, upon receipt of the PARC's approval to proceed, the MICC HQ (Field Support) Procurement Analyst will coordinate with the HCA to determine the date, time, location and method, (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature and Peer Review Report Memo. The Field Director will designate the briefer. At the conclusion of the peer review, the FDO Lead Procurement Analyst will update the Peer Review Report Memo as necessary and coordinate with the MICC HQ (Field Support) Procurement Analyst, who will obtain the HCA's approval.

(205) MICC HQ (Field Support) Lead Procurement Analyst – Submission Process for Pre-award Peer Reviews at the PARC or higher.

a. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst on acquisitions as designated by the PARC or in the absence of a Procurement Analyst at the FDO per the terms and conditions agreed between the Field Director and the MICC Chief of Policy and Compliance Directorate or Field Support Chief.

b. The Field Director or the FDO staff sends an e-mail alert to MICC HQ (Field Support) Procurement Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review on the MS-Outlook global address list (GAL) or usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil with the following information:

1. Solicitation or Contract Number as applicable
2. Type of Review Requested (*i.e.*, SRB, CRB, post-award peer review)
3. Description of Requirement
4. Estimated Dollar Value (base + options if applicable)
5. MICC Office
6. Contracting Officer

7. AMA/CPR Number

8. List of documents submitted named identical to the PCF file name

9. MICC Form 356-R-E signed by the Contracting Office Director confirming that the subject action has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements; if applicable, has complied with the established review process, and is ready for higher level review or approval.

c. Upon receipt of the e-mail alert, the MICC HQ (Field Support) Chief will acknowledge receipt and provide the name of the MICC HQ (Field Support) Lead Procurement Analyst, contact information and a tentative completion date. The completion date is contingent upon the responsible MICC Contracting Office making all the required documents in the official contract file accessible to the MICC HQ (Field Support) Lead Procurement Analyst in the PCF program.

d. The MICC HQ (Field Support) Lead Procurement Analyst will review the submission for completeness. If complete, the analyst will annotate the Acquisition Tracking Log with the submission date and the projected approval date based on the "Estimated Lead Time". If the submission is incomplete, the analyst will update the "Remarks" column in the Acquisition Tracking Log Remarks and notify the applicable Contracting Office and Field Director, requesting submission of the missing documentation. If a complete package is not received within two (2) working days, the applicable Contracting Office and Field Directors will be notified. Once a complete package is received, the MICC HQ (Field Support) Lead Procurement Analyst will record the actual submission date.

e. Upon verification that all the required documents are available in PCF, the MICC HQ (Field Support) Lead Procurement Analyst will review the documents and also provide the documents to the SBP Associate Director and the Office of Counsel for concurrent review. The MICC HQ (Field Support) Lead Procurement Analyst may engage other acquisition team members such as the Cost/Price, and Quality Assurance SMEs to provide review comments concurrently if deemed necessary. The peer review team members will provide review comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the MICC HQ (Field Support) Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The "merged" documents will then be sent to the KO for resolution and a courtesy copy provided to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents. All documentation (including reviews) is then uploaded to PCF and the KO shall notify the MICC HQ (Field Support) Lead Procurement Analyst. The MICC HQ (Field Support) Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product(s) prior to submission to the PARC. The MICC HQ (Field Support) Lead Procurement Analyst then prepares a Peer Review Report Memo, which lists the documents that were examined, the purpose of peer review; peer review team members; when and where it was conducted; attendees; the review comments and corresponding disposition; and summarizes the discussions, outcomes and lessons learned up to that point. If the Field Director concurs with the revised documents, the MICC HQ (Field Support) Lead Procurement Analyst will then obtain all required signatures concurring on the MICC Form 356-R-E. The MICC Form 356-R-E will be signed by the Field Director stating that the preliminary SRB or CRB has been executed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with the PARC for the peer review. The PARC may direct a briefing and will determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing. The following documents shall be made available prior to the briefing, if any: briefing slides, final documents for signature, MICC Form 356-R-E and Peer Review Report Memo. The Field Director will designate the briefer. At the conclusion of the peer review, the MICC HQ (Field Support) Lead Procurement Analyst will update or finalize the Peer Review Report Memo and obtain the PARC's approval or concurrence if the approval authority is above the PARC.

h. For HCA-chaired peer reviews, upon receipt of the PARC's approval to proceed, the MICC HQ (Field Support) Lead Procurement Analyst will notify the HCA that the requirement is ready for coordination/approval. The HCA will determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the peer review briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, MICC Form 356-R-E and Peer Review Report Memo. The Field Director will designate the briefer. At the conclusion of the peer review, the MICC HQ (Field Support) Lead Procurement Analyst will update the Peer Review Report Memo as necessary and obtain the HCA's approval.

(206) DPAP-led Pre-award Peer Reviews.

a. To initiate a DPAP-led pre-award peer review, the respective procurement shall be included in the Rolling Quarterly Peer Review Forecast Report for actions greater than $1B approximately one year before the first DPAP-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 DPAP Peer Review website at http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html. The OSD Peer Review Request form shall also be submitted to the MICC HQ (Field Support) Lead Procurement Analyst. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with 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, and ensure proper submission of required documentation.

b. A DPAP-led SRB or CRB shall be preceded by successful completion of appropriate level MICC-chaired SRB or CRB, similar to the HCA-Led Pre-award Peer Review above, except that HCA signature will be in the concurrence block. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with the designated ACC Contract Operations Directorate and DASA(P) representatives to facilitate the DPAP-led board. The MICC HQ (Field Support) Lead Procurement Analyst will include a determination that the acquisition has been reviewed in accordance with established peer review procedures, to include an SRB and/or a CRB chaired by the HCA, and the documents are ready for higher level of review.

c. At least five (5) working days prior to commencement of each review at the DPAP level, the KO shall provide the documents identified in Part 1, Annex A of the ACC Desk Book, to the DPAP-led SRB or CRB via the OSD Peer Review Portal. Instructions for accessing the portal are posted on the DPAP Peer Review at website 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 DPAP-led peer reviews.

d. A DPAP-led peer review team is typically comprised of four SES members from multiple services. Availability of members varies throughout the year which may impact the turn-around time of DPAP reviews. Generally, each DPAP-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 DPAP team's report of findings and recommendations will be communicated to the KO, the MICC HQ (Field Support) Lead Procurement Analyst, the Source Selection Authority (SSA) (if applicable), the PARC, and the HCA. Upon disposition of the findings and recommendations, the KO shall provide a synopsis of the findings and the ultimate resolution of each recommendation thru the Chain of Command to the MICC HQ (Field Support) Lead Procurement Analyst, DPAP POC, the HCA, and the designated HQ ACC Contract Operations Directorate representative using e-mail address usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil.

(207) Post-award Peer Review**.** Section 808 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, established requirements for periodic post-award independent management reviews of contracts for services, and for sharing lessons learned from those reviews.

a. Post-award peer reviews shall be focused on:

1. The adequacy of competition;

2. An assessment of actual contract performance; and

3. The adequacy of Government surveillance of contract performance.

Table 1-5 below identifies the point at which a post-award peer review shall be conducted.

Table 1-5
Post-award Peer Reviews

INITIAL REVIEW	
Length of Base Period	Point at which to conduct review
Greater than one year	At the midpoint of the base period
One year or less	Prior to the exercise of the first option period
Note: In either case, subsequent post award reviews should occur prior to every option period thereafter.	

b. Extending a contract IAW the continuance of performance provided by FAR clause 52.217-8, Option to Extend Services, does not require a post-award peer review in advance of executing the extension.

c. 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 property administration, quality assurance, 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.

d. At a minimum, the documents applicable to post-award peer reviews are:

1. The Requirements document (PWS/SOW), to include performance requirements summary,

2. Market research report,

3. PNM/business clearance, including the assessment of contractor risk in determining profit or fee,

4. Contract and modifications,

5. Contract surveillance documentation, to include metrics, Quality Assurance Surveillance Plan,

6. Post-Award Peer Report addressing the elements of review below,

7. Post-Award Peer Review Briefing Charts. See slide template and guidelines on the MICC SharePoint Communities of Practice under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPost%20Award%2FPOST%20AWARD%20PEER%20REVIEW&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View=%7bC5AE05CE-E67F-4DFB-9438-AA088E425B52%7d

8. Contracting Officer's Determination to Exercise Option. See blank determination located on the MICC SharePoint Communities of Practice under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FOption&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

e. The elements to be addressed in post-award peer reviews vary by the aggregate estimated value of the procurement as shown in Table 1-6. See Appendix 4 Post - Award Peer Review for documents, criteria and suggested questions.

Table 1-6
Elements of Post-award Reviews

Dollar Threshold	Elements of Review
≥ SAT ≤ $100M	FAR 17.207(c) (determinations required to exercise options) AFARS 5101.170(b)(2)
>$100M <$500M	FAR 17.207(c) (determinations required to exercise options) Post Award Peer Review Briefing Charts AFARS 5101.170(b)(2)
≥$500M <$1B for services contracts approved by HQDA level ASSP $1B or more	AFARS 5137.590-9 AFARS 5101.170(b)(2) DFARS PGI 201.170-3 Others as determined by DPAP

f. Post-award review results shall be documented in writing and retained in the contract file. Instances in which established metrics are not met shall be documented in the contract file with a written get-well plan submitted to the board chair no later than 21 calendar days after adjournment of the board. The get-well plan shall be approved by the board chair and placed in the contract file. The status of previously failed metrics, if any, shall be annotated in subsequent reviews. If the review is conducted prior to exercising an option, the peer review recommendations and the KO's disposition of each shall be documented in the contract file and a copy provided to the board chair and the cognizant Procurement Analyst before executing the modification. A copy shall also be provided to the Field Director and to the MICC HQ (Field Support) Procurement Analyst for compiling of best practices and lessons learned.

g. Thresholds and Associated Board Chairs. The post-award peer review thresholds and associated board chairs are provided in Table 1-7 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). Higher level post-award review board chairs are provided for reference. Blanket delegation of post award reviews valued over $50M and not to exceed $100M

may be delegated to no lower than the Field Director but requires prior written approval by the PARC. The Field Director must submit the request for blanket delegation with supporting rationale to the Policy and Acquisition Training Divisionemail USARMY JB San Antonio ACC MICC List HQ-ConOps Policy Division in the GAL (usarmy.jbsa.acc-micc-list.hq-conops-policy-division@mail.mil).

Table 1-7
Post-award Peer Review Thresholds

Review	Threshold	Review Board Chair	Estimated Lead Time (Working Days)
Post-Award Review (Service contracts only)	≥ SAT ≤ $100M*	Field Director*	Locally Determined
	> $100M < $500M**	PARC**	15
	≥$500M < $1B	ODASA(P)	35
	≥$1B	DPAP	35
*Blanket delegation of post-award reviews valued below $50M may be delegated to no lower than the Contracting Office Director but requires prior written approval by the PARC. **Field Director may request a delegation or a waiver for an individual post-award peer review valued over $100M and less than $500M.			

h. Delegation or Waiver for an Individual Post-Award Review. The Field Director may request a delegation or waiver for a single post-award peer review valued over $100M and less than $500M. Such 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, or 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**. The approved delegation or waiver shall be included as part of the official contract file. Submit the request for delegation or waiver at the PARC level to the MICC HQ Field Support Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL or usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil. A blank Request for Delegation or Waiver of Peer Review at the PARC level can be found in the MICC SharePoint Communities of Practices Portal at:

https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FPeer%20Reviews&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={F3F58701-7608-4B00-90FB-7597F3DEEE18}

(208) Post-award DASA(P) or DPAP Led Post-award Peer Reviews.

a. DASA(P) or DPAP led post-award peer reviews shall be preceded by successful completion of an appropriate MICC Post-award Review, except that HCA signature will be in the concurrence block. Post-award Peer Reviews follow the same procedural guidance as outlined above in sections (204) and (205) of the Pre-award Peer Review Process. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with the designated ACC Contract Operations Directorate and DASA(P) representatives to facilitate the DASA(P) or DPAP-led board as appropriate. The MICC HQ (Field Support) Lead Procurement Analyst will include a determination that the acquisition has been reviewed in accordance with established peer review procedures and the documents are ready for higher level of review.

b. Post Award Reviews of service contracts $500M or more and less than $1B will be conducted for services annually when the acquisition strategy has been approved by an HQDA level Army Services Strategy Panel (ASSP). The ASSP process implements Section 812 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109-163 and is used to approve strategies for service acquisitions valued $500M or more. When directed, the DASA(P) will convene a special meeting of the ASSP members to review the documents set forth in Appendix 4 to this Deskbook as well as the contract performance metrics established in the approved acquisition strategy. Contracting activities will brief the ASSP members as required. The ASSP members will assess the effectiveness of the current services review structure; evaluate the state of the approved acquisitions; and identify lessons learned and successful practices for immediate application to ongoing acquisitions.

c. To initiate a DPAP-led post-award peer review, the respective procurement shall be included in the Rolling Quarterly Peer Review Forecast Report for actions greater than $1B approximately one year before the first DPAP-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 DPAP Peer Review website at http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html. The OSD Peer Review Request form shall also be submitted to the MICC HQ (Field Support) Lead Procurement Analyst. The MICC HQ (Field Support) Lead Procurement Analyst will

coordinate with the ACC Contract Operations Directorate at e-mail address usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil, and DASA(P) at e-mail address usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff1@mail.mil and ensure proper MICC submission of required documentation.

(209) Peer Review Reporting Requirements.

a. Contracting Offices and Field Directors must have internal procedures to implement the SRB and CRB peer review process for acquisitions within their approval authority. The Contracting Offices shall track the number of SRB and CRB peer reviews conducted; a summary of the results of these SRB and CRB peer reviews, and, post-award review comments; individual board waivers, and lessons learned or systemic issues/trends identified in the peer review process.

b. MICC Quarterly Field Director, PARC, HCA and/or DPAP-led Peer Review Reports.

1. The Field Directors will provide a quarterly summary of all local, PARC and HCA level peer reviews and board waivers to MICC HQ Field Support Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL (usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil) and the MICC Policy and Training Team at usarmy.jbsa.acc-micc.mbx.policy-team@mail.mil, no later than the 10th of each month following the end of each reporting fiscal quarter (*i.e.,* January, April, July, and October). The report shall include the number of SRB and CRB reviews conducted at the Contracting Office Director, Field Director, PARC and HCA levels (as applicable); the number of waivers granted at each level, lessons learned, best practices, and systemic issues identified during the reporting period. The blank report can be found in the MICC SharePoint Communities of Practices Portal under Peer Reviews at: https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FPeer%20Reviews&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={F3F58701-7608-4B00-90FB-7597F3DEEE18} The MICC Strategic Operations Knowledge Management Branch will post lessons learned, best practices, and systemic issues to the MICC Community of Practices SharePoint Portal under Frequently Asked Questions and Lessons Learned at: https://micc.aep.army.mil/COP/faq/FAQLessons%20Learned%20Document%20Library.

2. A consolidation of MICC requirements that are subject to DPAP led SRBs and CRBs will be submitted to the ACC Contracting Operations Directorate and MICC Strategic Operations Knowledge Management Branch at the end of each quarter

(December 31, March 31, June 30, and September 30). This report shall include procurements forecasted for DPAP led review in the next twelve months and those that are nearing review or between phases of review by a DPAP led review board.

Subpart 1.2 Administration

1.290 Routing of Documents and Mailing Addresses

(200) MICC HQ (Field Support) Procurement Analyst carries out the review and coordination of actions other than acquisition strategies, acquisition plans and those identified in Table 1-3, Peer Review Thresholds for Competitive Actions, Table 1-4, Peer Review Thresholds for Non-Competitive Actions, and Table 1-7, Post Award Peer Review Thresholds, that require approval at the PARC level and higher. However, the Field Director is responsible for the preliminary review of the action and shall ensure compliance with all applicable regulations and policies prior to submission to the MICC HQ (Field Support) Procurement Analyst.

(201) Documents submitted for review shall follow the PCF Submission and Routing Procedures:

a. Field Director or FDO Procurement Analyst sends an e-mail alert to MICC HQ (Field Support) Procurement Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps-Document-Review in the MS-Outlook GAL (usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil) with the following information:

1. Solicitation, Contract Number, D&F and UAC as applicable

2. Type of Review Requested (i.e., Unauthorized Commitment ratification, Request for Waiver, etc.)

3. Description of Requirement

4. Estimated Dollar Value (base + options if applicable)

5. MICC Office

6. Contracting Officer

7. MICC Field Director

8. MICC Field Director POC

9. List of documents submitted named identical to the PCF file name.

10. MICC Control and Routing Slip (MICC Form 356-R-E) with signatures of the local Chain of Command, to include Field Director's signature, stating that a preliminary review has been performed and that the action is compliant with all applicable regulations and policies and ready for PARC/HCA/DASA(P)/DPAP approval.

b. Upon receipt of the e-mail alert, the MICC HQ (Field Support) Chief will acknowledge receipt and include the assigned MICC HQ (Field Support) Lead Procurement 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. 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) Procurement Analyst will review the documents and coordinate with MICC HQ SMEs (*i.e.,* pricing, small business, legal, etc.), as necessary. The MICC HQ (Field Support) Procurement Analyst will use "Track Changes" on the documents to streamline reviews and may consolidate the review comments into a Review Comments Matrix, upload back to PCF, and notify the KO that the document requires action. A courtesy copy of this notice is provided to the respective Contracting Office Director and Field Director.

d. The KO will revise the documents using "Track Changes," to include "Comments" addressing the disposition of each review comment. The KO will then upload the revised documents into PCF and notify the MICC HQ (Field Support) Procurement Analyst who will ensure that the comments have been addressed and the documentation is staffed to the final approval authority. If the documents require correction or outstanding issues are unresolved, the MICC HQ (Field Support) Procurement Analyst will notify the respective Contracting Office and Field Director staff to facilitate prompt resolution.

(202) Additional approvals may be required for unique acquisitions. The standard lead times for each authority listed below shall be used as a planning factor when such approval is required. The "Estimated Lead Time" is defined as the average number of

working days from the time of document submittal to the Lead Procurement Analyst up until signature of final approval authority. The "Estimated Lead Time" is inclusive of all reviews.

Final Approval Authority within MICC	Estimated Lead Time in Working Days
PARC	15
HCA	20

"Estimated Lead Time" for approval outside the MICC is defined as the time of initial document submittal to an office external to MICC until signature/approval of the document.

Final Approval Authority outside MICC	Estimated Lead Time in Working Days
DASA(P)	35
AAE/SPE	35
DPAP	35

(203) Risk Mitigation in the Face of Fiscal Uncertainty.

a. Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require the approval of the USD(AT&L) prior to award. Obligation is defined to include not only the obligation on the instant contract action but also the total potential future obligation. If this is a new contract/task or delivery order, this is the total value of the contract. If this is a modification, it is not the total contract value, but rather the total value (left) to obligate (that will be equal to or greater than $500M). For IDIQs, approval of the IDIQ will cover all TO/DOs awarded against an IDIQ. Previously awarded contracts (including IDIQs) and task/delivery orders will require clearance if the vehicle is modified to increase the value by at least $500M. Approval is intended to be a one-time event that covers the total potential future obligation on a contract vehicle. Once cleared, subsequent actions against the same vehicle do not require additional approval unless there is a scope change that adds $500M or more to an already approved vehicle.

Additional Clearance Prior to Award per PARC Policy Alert #13-30 rev 4, Risk Mitigation in the Face of Fiscal Uncertainty			
Applicability	**Threshold**	**Approval Authority**	**Estimated Lead Time from receipt at MICC HQ (Working Days)**
All contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate any type of funds for any product or service	>$500M	USD(AT&L)	30
Note: Obligation is defined to include not only the obligation on the instant contract action but also the total potential future obligation.			

b. For applicable actions valued more than $500M, utilize the format posted on the Forms and Templates section of the Communities of Practice site in the MICC SharePoint at: https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FClearance%20for%20Award%20of%20Contract%20Action&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}, where detailed information to include in the clearance requests is also posted. Submit the approval request to the MICC HQ (Field Support) Procurement Analyst no later than 30 working days prior to the anticipated award date. The request may be submitted concurrent to the conduct of other reviews such as the CRB provided it is 30 working days prior to the anticipated award date. After obtaining the HCA's signature, the MICC HQ (Field Support) Procurement Analyst will submit the request no later than 30 calendar days prior to the anticipated award date to usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff1@mail.mil, and a copy to both elizabeth.c.duplantier.civ@mail.mil and ACC Contract Operations mailbox at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil. Response is estimated to be within 10 working days of DASA(P)'s submission to USD(AT&L).. The MICC HQ (Field Support) Procurement Analyst will submit a copy of the response to the Field Director and to ACC Contract Operations mailbox at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil.

(204) Compliance with acquisition milestones is a joint responsibility among the Contracting Offices, Field Directors and the MICC HQ staff. Average lead times are reflective of the date of initial submission to the date of approval; therefore it is critical

that the MICC HQ, Contracting Office and Field Director staffs partner to immediately resolve issues inhibiting review and approval of acquisition documents.

(205) Per PARC Policy Alert #13-46, the mailing address at AFARS 5101.290(b)(3) has been updated as follow: "Office of the Deputy Assistant Secretary of the Army (Procurement), Procurement Support Directorate, Attn: SAAL-PS, Potomac Gateway North -- 4th Floor, 2800 Crystal Drive, Arlington, VA 22202. When an electronic response or submission is authorized, send the scanned signed documents to the following email address: usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff1@mail.mil.

Subpart 1.4 Deviations from the FAR

1.403 Individual Deviations

(200) IAW AFARS 5101.403(1), the MICC PARC has the authority to approve individual deviations to FAR, DFARS (including PGI), AFARS, as well as to this Desk Book. However, this authority does not extend to the areas set forth in DFARS 201.402(1), any provisions which limit approval authority to a level higher than a HCA, and to any provisions based upon statute or Executive Order unless such authority provides for waiver. The AFARS delegation includes the authority for the PARC to approve and allow the use of local non-standard provisions or local clauses when the terms and conditions have no significant impact and are specifically limited to situations when terms and conditions are required, but not adequately addressed, within FAR and supplements. Rather than request deviations, KOs should include Supported Activity specific contract requirements, *e.g.*, vehicle registration, installation access, and parking, in the Performance Work Statement (PWS), Statement of Work (SOW) or Statement of Objectives (SOO).

(201) Approval Levels for Deviations.

Deviations			
Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
DFARS 201.402(1) DFARS 201.404(b)(i) DFARS 201.304(1)(ii)	Individual or class deviations from-- Procurement Integrity (FAR 3.104/DFARS 203.104) Rights in Data and Copyrights (FAR 27.4/DFARS 227.4) Cost Accounting Standards Administration (FAR 30/DFARS 230) Applicability (contract cost principles) FAR 31.1/DFARS 231.1 Contracts with Commercial Organizations FAR 31.2/DFARS 231.2 Contract Financing FAR 32, (except FAR 32.7 and FAR 32.8 and the payment clauses prescribed by FAR 32.1)/DFARS 232 (except subparts 232.7 and 232.8). Class deviations except as provided by DFARS 201.404(b)(ii) Individual or class deviations that: 1. have a significant effect beyond the internal operating procedures of the agency 2. have a significant cost or administrative impact on Contractors or offerors.	DPAP	35
DFARS 201.404(b)(ii)	Class deviation from procedures or clauses to include component clauses other than those requiring DPAP approval, that does not-- have a significant effect beyond the internal operating procedures of the department or agency; have a significant cost or administrative impact on Contractors or offerors; diminish any preference given to small business concerns by the FAR or DFARS; or extend to requirements imposed by statute or by regulations of other agencies such as the SBA and DOL.	Senior Procurement Executive (SPE) for the Army	35
AFARS 5101.403	1. Individual deviations to FAR, DFARS, and AFARS; except the areas set forth in DFARS 201.402(1), any provisions which limit approval authority to a level higher than a Head of Contracting Activity, and any provisions based upon statute or Executive Order unless such authority provides for waiver. 2. Local non-standard provision/clause with no administrative impact that is used one time or repetitively.	PARC	15

(202) A local non-standard provision or clause is defined herein as a term or condition used in MICC solicitations and/or contracts by Contracting Offices to satisfy specific needs of the Supported Activity that are not sufficiently addressed by, and do not duplicate or contradict, existing regulatory guidance. It is the responsibility of the KO

to ensure that only properly approved provisions/clauses are used in MICC solicitations/contracts.

(203) See section 52 of the MICC Desk Book for the local non-standard provisions and clauses which have been previously approved by the MICC PARC. A log and matrix of local non-standard provisions and clauses are also found on the Communities of Practice SharePoint Portal under Policy & Guidance at: https://micc.aep.army.mil/COP/PG/Acquisition%20Instructions%20%20MICC/Forms/AllItems.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FMICC%20Local%20Clauses%20%2D%20Matrix%20and%20Log&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={BAF1F6B6-FE52-4C0B-B592-B90B69F9F8C4}

(204) The title for all local non-standard provisions and clauses shall begin with either "MICC Local Provision" or "MICC Local Clause", followed by "5152", then the specific FAR part number and the sequentially assigned log number, subject and date. Such local non-standard provisions and clauses are authorized for use by all Contracting Offices.

(205) Procedures for Individual Deviations.

a. An individual deviation to modify existing FAR and applicable supplements language and for local non-standard provisions and clauses requires a formal request, shall be staffed by the Contracting Office Director thru the Field Director and include a local legal review before forwarding to the PARC. The PARC shall obtain review from the MICC Office of Counsel prior to approving an individual deviation.

b. An individual deviation request shall be prepared IAW DFARS 201.402(2), to include a complete statement of the rationale for the request. The rationale will include all relevant qualitative/quantitative facts that would be required by the decision maker. The deviation request will state what problem or situation will be avoided, corrected, or improved if the deviation request is approved. A sample template Request for Individual Deviation can be found on the MICC Communities of Practice SharePoint Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FMICC%20Local%20Clauses%20%2D%20Matrix%20and%20Log&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={A42E19D6-4E07-494E-AED3-6A587B5F6F48}

c. The Contracting Office Director shall include a completed version of the Record of Provision/Clause Review form and documentation of local coordination and/or staffing. The Record of Provision/Clause Review form can be found on the MICC Communities of Practice SharePoint Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FMICC%20Local%20Clauses%20%2D%20Matrix%20and%20Log&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={A42E19D6-4E07-494E-AED3-6A587B5F6F48}

d. After approval, the PARC shall assign a control number, log it, and send one copy to the DASA(P) mailbox usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff1@mail.mil, ACC Contract Operations mailbox at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil and to the MICC Policy Team mailbox at: usarmy.jbsa.acc-icc.mbx.policy-team@mail.mil. The PARC will also forward the approved individual deviation to the KO, who will include it in the contract file, with copy to the respective Field Director.

Subpart 1.6 Career Development, Contracting Authority, and Responsibilities

(200) Information regarding MICC Career Development can be found on the MICC Communities of Practice SharePoint Portal under Training & Career Development at:

https://micc.aep.army.mil/COP/tcd/Training%20and%20Career%20Development%20Library/Forms/AllItems.aspx?RootFolder=%2FCOP%2Ftcd%2FTraining%20and%20Career%20Development%20Library%2FMICC%20Training%20Modules&FolderCTID=0x012000ADFB7965FEF8CB449B5072D5C1A4EB7E&View={9E1C991E-55CC-4BCF-9FDD-83423DC8EEB1}

1.601 General

(200) IAW AFARS 5101.601(2), the MICC HCA has executed blanket delegations of authority to the PARC. 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.

1.602 Contracting Officers

(200) Legal Participation. Within MICC, legal support to procurements comes from two sources: legal counsel assigned to the MICC Office of Counsel, both at HQ, MICC, and at Field Director offices, 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 contracting officers, contract specialists, 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. The MICC Office of Counsel has published a MICC Legal Services Standard Operating Procedures (SOP) which is located in the MICC SharePoint Portal at:
https://micc.aep.army.mil/legal/PublishingImages/MICC%20LEGAL%20SOP%20(19%20SEP%2011)%20SP.pdf.

a. For an action that originates directly from MICC Field Director Offices or MICC offices in which legal support is provided by attorneys assigned to the 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 PARC and/or HCA approval level 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 an action that originates from a MICC office to which legal support is provided by an IMCOM OSJA attorney, that attorney shall be the PLC to that MICC office for that action. However, if the action requires review and approval at a level above the Director of that MICC office, then the action must be reviewed by an attorney assigned to the MICC Office of Counsel. Normally, the Chief Attorney of the responsible Field Director's Office 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 PARC and/or HCA approval level. 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 PARC and/or HCA for review and approval.

c. Finally, the HCA and/or PARC 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. Per AFARS 5101.602-2(c), legal counsel shall review proposed contracting actions to include, but not be limited to, advanced acquisition planning documents, solicitations, contract awards, and post-award actions IAW locally established procedures and as otherwise required by law, regulation, or policy.

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. Field Directors, 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 service 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 $150,000) 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).

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 under the Test Program for Certain Commercial Items 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).

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.

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 GAL (usarmy.jbsa.acc-micc.list.hq-legal-review@mail.mil), and not just the MICC Chief Counsel or Deputy Chief Counsel.

1.602-2 Responsibilities - Contracting Officer's Representative (COR) Guidance

(200) Within the Department of the Army, KOs shall appoint a properly trained COR in writing prior to award of any service contract or service contract action if one or more of the below conditions apply:

a. The total dollar value of the contract (including options) is greater than $150,000;

b. The contract or action is for complex services that have quality or performance standards for which contractual conformance must be established progressively through precise measurements, tests, and controls applied during purchasing,

performance, and functional operation either as an individual service or in conjunction with other services;

c. The contract or action is for a critical service in which the failure of the service could injure personnel or jeopardize a vital agency mission and the contracting officer determines it appropriate;

d. Prior Contractor past performance indicates a need for Government oversight; or,

e. The KO otherwise determines a COR is needed.

(201) The Department of the Army has mandated the use of the ACC Virtual Contracting Enterprise (VCE) COR module to standardize all of its Contracting Organizations to a single system to better manage their CORs. The ACC VCE COR module provides the Army a holistic approach and improved contracting capabilities in contract management.

(202) The VCE COR module is used to nominate, appoint, track, and revoke an individual as a COR against a contract. The module's focus is on service contracts but the module is also available for use when CORs are being assigned for awards of other contract types (*i.e.*, construction). Prior to appointment, the KO will verify that the COR has completed all mandatory training requirements.

(203) ACC Pamphlet 70-1 requires each ACC Subordinate Command to have a COR Training POC and a COR Management Plan. The HQ MICC Quality Assurance (QA) Team is responsible for the development, implementation and maintenance of the COR Management Plan and can be contacted via email by selecting USARMY JB San Antonio ACC MICC List HQ-StratOps Services QA Division from the MS-Outlook GAL.

(204) The MICC COR Management Plan, COR Appointment Sample Letter and COR Training Schedule are found on the MICC Communities of Practice SharePoint Portal in the Acquisition Processes Library at:

https://micc.aep.army.mil/COP/AP/Acquisition%20Processes%20Library/Forms/AllItems.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FContracting%20Officer%27s%20Representative&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={CFE9201F-C3E4-4517-80B1-04EAB82D5C37}

1.602-3 Ratification of Unauthorized Commitments

(200) The HCA is the ratifying authority for all unauthorized commitments (UACs). However, the HCA has delegated the authority to ratify any UAC valued at $10,000 or less to the Contracting Office Directors. This authority shall not be further delegated. For ratifications of UACs exceeding $10,000 or equal to or less than $100,000, the HCA has delegated that authority to the PARC. This authority also shall not be further delegated. See table below.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Ratification of Unauthorized Commitment	AFARS 5101.602-3	$10,000 or less	Contracting Office Director	10
		>$10,000 and ≤ $100,000	PARC	15
		>$100,000	HCA	20

(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.

(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 Supported Activities is vital to help preclude ratification actions. MICC Contracting Office Directors must initiate discussions with their Supported Activities on proper contracting procedures and the importance of avoiding UACs. They must also coordinate with their respective Field Directors to ensure Commanders and/or Directors 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 the Communities of Practice section of 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 for increasing 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. Field Directors 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 and reported in the MICC UAC database.

(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 to finalize the ratification process within 45 days of receipt of the UAC package, including approval or disapproval by the proper ratification authority.

b. If the UAC involves a claim relating to a contract, then it is subject to resolution under the Contract Disputes Act of 1978, 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, especially before it is routed to the first GO or SES.

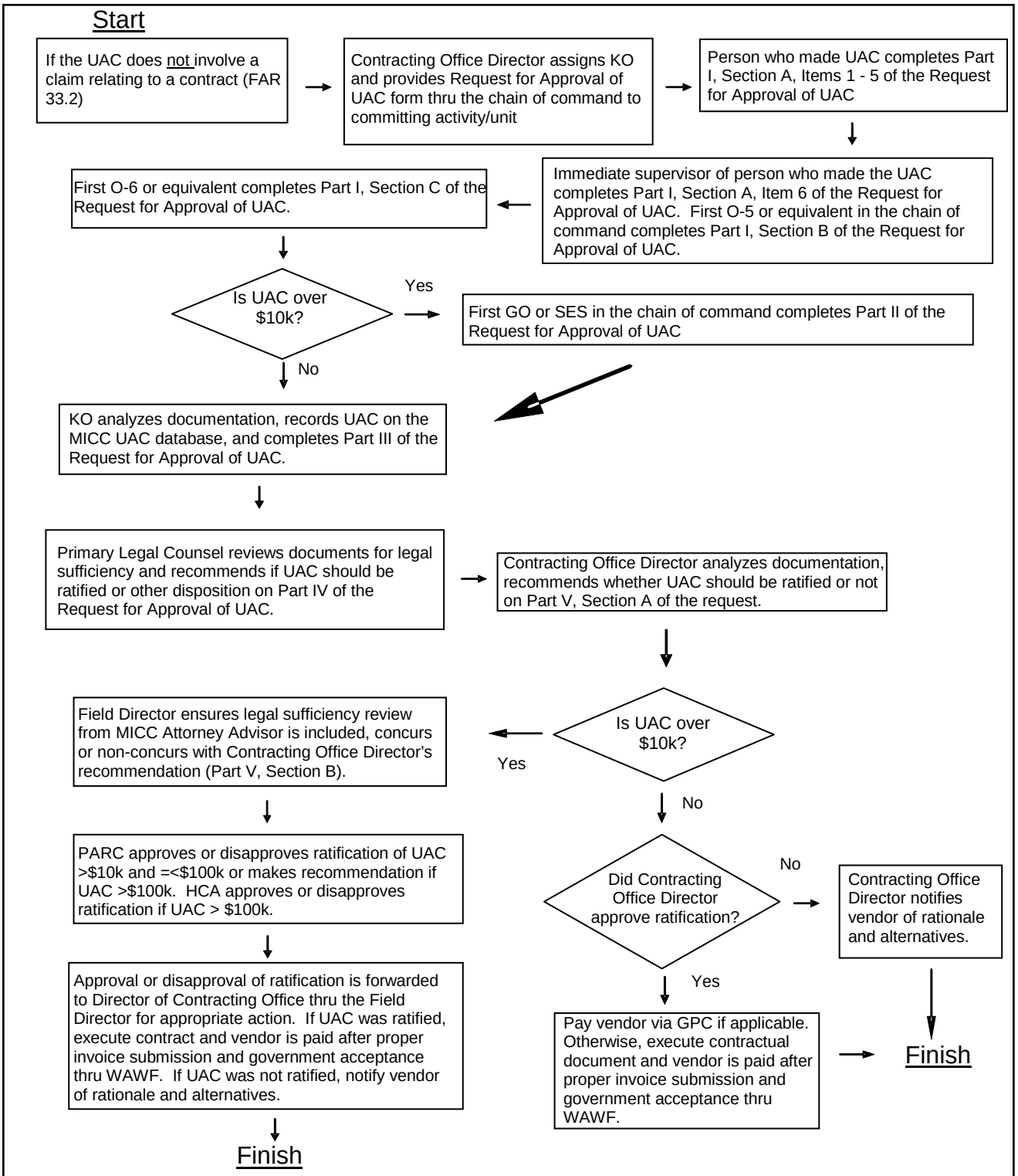


Figure -UAC Ratification Process

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

valued over $10,000 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. 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 but is equal to or less than $100,000, the Contracting Office Director shall make a recommendation and forward all documentation to the Field Director. The Field Director shall ensure that a legal sufficiency review from the MICC Office of Counsel attorney in addition to the PLC's review unless the PLC is an assigned MICC Office of Cousnel Attorney [such secondary legal review shall normally occur at the FDO level per paragraph (201) of section 1.602], is included prior to concurring or non-concurring with the Contracting Office Director's recommendation, and then forward the ratification package to the MICC HQ Field Support IAW section 1.290 of the MICC Desk Book. The same process applies to UAC ratifications exceeding $100,000, except that the PARC will make a recommendation and forward the action to the HCA for approval.

d. The Request for Approval of Unauthorized Commitment form provides for submission of uniform documentation and clear articulation of the circumstances that led to the UAC. The form routes the UAC thru the Chain of Command for approval or disapproval by the appropriate ratifying authority. The fillable form can be found on the MICC Communities of Practice SharePoint Portal under Specialized Areas:

https://micc.aep.army.mil/COP/SA/default.aspx?RootFolder=%2FCOP%2FSA%2FSpecialized%20Areas%20Library%2FUnauthorized%20Commitment%20%28UAC%29&FolderCTID=0x012000F4E7B8E7E3F38F45AAE3405BA5C1EC05&View={7161B9A1-4C6B-4BC8-B7B5-40F9C08143AB}

e. When the UAC requires ratification or a recommendation by the PARC, follow the routing instructions in section 1.290 of this Desk Book and make accessible at a minimum the following documents thru PCF:

1. Completed Request for Approval of Unauthorized Commitment form;

2. Memorandum from the Field Director requesting review of the ratification package;

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.

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 at $2,000 or less for construction, $2,500 or less for services, $3,000 or less for supplies under the following conditions:

1. If the amount of payment is within the cardholder's authority;

2. The obligation is properly chargeable to the current fiscal year; and,

3. If the payment is made in the same fiscal year as the commitment.

g. When the UAC cannot be ratified, the package will be returned to the KO thru the Chain of Command, along with the rationale and any comments and/or recommendations. Contracting Office Directors and Field Directors must engage in active dialogue with the Commander or Director of the Supported 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. The PARC requires visibility and 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 MICC UAC database and will report the status of each action on a monthly basis by updating the MICC UAC database by the 5th day of each month. The MICC UAC database is a MICC SharePoint application located at: https://micc.aep.army.mil/con_ops/ASG/uac/SitePages/Home.aspx. Field Directors shall review the UAC activity through the database 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, Supported Activity, dollar value, number of actions, etc. The PARC will, at his/her discretion, provide a copy of the UAC report through the Supported Activity's chain-of-command to the first GO or SES.

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

(200) Authority to appoint MICC KOs is delegated by the HCA to the PARC. MICC warrants are limited to members of MICC who are employees of DoD (excludes contractors) or certain members of the U.S. Armed Forces. As the appointing official, the PARC will consider the provisions of FAR 1.603-1 and DFARS 201.603 when selecting an individual to serve as a KO. The PARC relies on the Contracting Office Director's confirmation of the candidate's qualifications and endorsement by both the Contracting Office Director and Field Director. At the PARC's discretion, additional requirements to the candidate's qualifications may be needed to meet changing organizational needs. For example, a Contracting Officer Review Board (CORB) may be established to consider a candidate's personal experience; knowledge testing; conduct one-on-one interviews, or a combination of these and/or other considerations. The total number of warrants issued in the MICC is based on input from the Contracting Office Directors and 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) The MICC PARC does not issue Contingency Contracting Officer (CCO) warrants. CCO appointments will be accomplished by the HCA of the contingency area in accordance with the standards established under the DAWIA minimum standards. Refer to the Office of Defense Procurement and Acquisition Policy's Contingency Contracting website for additional information at: http://www.acq.osd.mil/dpap/ccap/cc/jcchb/index.html.

(202) MICC warrant guidelines have been established in an effort to standardize warrant authority across the command as indicated in the table below.

Warrant Level Requested	Education Required*	Minimum DAWIA Certification Level	Minimum Years of 1102** Experience
SAT or below	Bachelor's – 24 hours in Business	I Basic ***	1
Limited above SAT	Bachelor's – 24 hours in Business	II Intermediate	2
Unlimited	Bachelor's – 24 hours in Business	II Intermediate or III Advanced	4

Notes:

* See DFARS 201.603-2 for exceptions to the Bachelor's degree requirements, and DoD Instruction 5000.66 for specific courses considered as business courses, and other exceptions.

** Or years in the armed forces in a similar occupational specialty.

*** A Contingency Contracting Certification Level I may be substituted for the DAWIA Certification Level I. A warrant will not be issued to any candidate who does not possess at least one of the two Level I certifications.

(203) Soldiers who are part of the Contingency Contracting Force (CCF) may be issued KO warrants above the SAT , IAW DoD Instruction 5000.66, Enclosure 6, if they have completed all required contracting courses for their position/rank; possess two 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 deploy for contingency operations and other operations of the Department of Defense to provide necessary contracting support. CCF service members that are considered for MICC KO warrants must meet all certification/accreditation requirements for the position they hold when not deployed.

(204) Only two types of warrants are issued by the MICC PARC – 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. While Field Directors may require further endorsement at their discretion, short term warrants only require submission of items in paragraphs (204) a. through (204) c. below to the PARC.

Any other (non short-term) warrant packages submitted for PARC review require all of the following:

a. A completed Application For Contracting Officer's Appointment. The application form can be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates section at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FWarrant%20Programs&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

1. The warrant application (page 2, paragraph a) must address the specific dollar amount of authority requested relative to the requirements of the position. Other factors include estimated dollar value of applicant's anticipated awards, historical dollar value of supported program contract awards, and adverse impact on the organization should the warrant not be granted. Also to be discussed are the number of warranted personnel by type of warrant currently held and total number of personnel in the organization. The application (page 2, paragraph b) shall provide information regarding the candidate's readiness by addressing buying and/or contract administration experience in various types and complexity of contracts (*e.g.*, contracts for supply, services, construction, systems, etc., as well as, fixed and/or cost type pricing arrangements), negotiations, and source selection. All warrant decisions will be based on necessity and qualifications as documented on the application.

2. The first level evaluation of KOs must be within the contracting career chain, and must be provided by a Contracting Official who has direct knowledge of the individual's performance.

b. 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). The ACRB must be generated specifically through the Career Acquisition Management Portal (CAMP), using the Career Acquisition Personnel and Position Management Information System (CAPPMIS). College transcripts may also be provided as evidence of meeting business education requirements. Because the ACRB/ORB/ERB contains Personally Identifiable Information (PII), any email in which one of these documents is included shall be digitally encrypted to meet the information protection requirements of the Privacy Act of 1974. Further, if these documents are stored on a computer, they shall be stored in encrypted files. Access to PII files shall be

restricted to person(s) deemed to require access by the Contracting Office Director or Field Director.

c. A Contracting Office Director endorsement of the applicant. This endorsement is separate from the application form and 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. Field Director's endorsement of the applicant. The endorsement must recommend approval of the application and answer the following questions: is this warrant necessary, and why is the warrant necessary. It may include other information that the Field Director deems appropriate for the PARC.

e. Organizational chart of the contracting office. The organizational chart shall include all authorized positions, with emphasis on the grades and warrant levels/amounts of the KOs in the local contracting office. It shall indicate the applicant's position relative to other KOs, and identify positions supporting the KOs (Procurement Analysts, Quality Assurance, IT, GPC program staff and others). Generally, the organizational chart should only be submitted one time from each local office, unless changes in the organizational structure, grade, warrant amounts or personnel occur.

f. All relevant documents shall be forwarded in digitally encrypted format, if appropriate to the MICC Policy and Acquisition Training Division email in the MS-OutlookGAL: USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request or usarmy.jbsa.acc-micc.list.hq-conops-warrant-request@mail.mil.

(205) Common errors found on Warrant Applications are:

a. Using an outdated application form. Always check the following hyperlink at the Forms and Templates section of the MICC SharePoint for the latest version of the KO application form:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FWarrant%20Programs&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

b. The ACRB/ORB/ERB assignment history does not match the years and months of experience as an 1102 on page 1 of the application. If not, explain why. (Usually it is because there are not enough blocks on the ACRB/ORB/ERB to document all assignments.)

c. The "application name" as it is to appear on the warrant (page 1 of application) includes the Civilian/Military grade. Do not include the civilian or military grade. Also, remember to include the new name as it is to appear on the new warrant in any request for name change.

d. The warrant amount requested (page 1 of application) is not supported. Warrant authority requested must be in accordance with guidance provided in DFARS 201.603-2 and specifically justified on page 2 of the application. The appropriate warrant amount to request is based on the highest single contract dollar amount the applicant will award and/or administer, not the total aggregate amount of all the contracts that the applicant may award and/or administer.

e. Application Justification for Warrant Authority (page 2) does not specifically answer the questions asked in blocks "a" and "b". Justification should be concise and accurate (resumes are not necessary), but provide all pertinent information.

f. The applicant, supervisor and director blocks on the application are not always signed. Ensure applicant, supervisor and director blocks are all signed.

g. The ACRB/ORB/ERB is not current. ACRB/ORB/ERB must be current (within 60 days of submission), and dated and signed by the applicant. The ACRB must be generated through the CAMP/CAPPMIS system. The submitted brief may be signed either manually or digitally. The form need not be signed in any specific location, so long as the signature does not obscure any information on the form. The supervisor and/or contracting office director may also sign based on local or FDO procedures, but it is not required by the PARC. Each application's supporting ACRB/ORB/ERB must be encrypted prior to transmission by email. Each contains PII protected by the Privacy Act of 1974. Take appropriate transmission and subsequent storage precautions to protect this data.

(206) When the application is reviewed by the PARC and the new warrant is signed, the PARC staff will provide the originating Office Director with the SF 1402, Certificate of Appointment, for presentation to the newly warranted KO, unless other distribution is requested.

a. No MICC Contracting Office or FDO is required to maintain any "paper" warrant files on assigned KOs. Instead, all field activities and Field Director Offices will rely on the MICC Contracting Officer Warrant Site in SharePoint to manage warrant holders, including KO terminations. Should any office elect to maintain files in hard copy on assigned KOs, it will ensure that any files related to KO warrants are destroyed NLT six years and three months after the termination date of the warrant.

b. Civilian KOs are responsible for updating their ACRB to reflect their appointment by logging into the Career Acquisition Personnel and Position Management Information System as follows:

- 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".

c. Soldiers assigned to the MICC will submit a copy of their SF 1402 through their Chain of Command to the HQ MICC G-1 for inclusion in their official records. Soldiers assigned to the Expeditionary Contracting Command (ECC) will submit their SF 1402 to the HQ ECC G-1 for inclusion in their official records.

(207) Terminations may result from routine personnel actions, *e.g.*, retirement, resignation, reassignment outside of MICC, realignment of contracting office outside of MICC, etc. If the warranted individual is relocating within MICC, address whether such individual needs to retain the KO warrant at the level granted or requires at new warrant from the gaining MICC Contracting Office. Termination for cause is addressed in paragraph (213).

a. When circumstances so dictate, each Director must promptly initiate and submit the request for termination of a KO warrant to the MICC Policy and Acquisition Training Division. Every effort must be made to retrieve and destroy the original SF 1402.

b. 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 (retrieved and destroyed, or unable to retrieve because…) must also be provided. Similarly, termination letters 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 expired, etc., and must provide the final disposition of the original SF 1402. A sample of a request for termination of all KO warrants, regardless of type, may be found on the MICC SharePoint Portal under Forms and Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FWarrant%20Programs&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

c. Once generated, regardless of reason, requests for warrant terminations may be sent directly from the Contracting Office to the MICC Policy and Acquisition Training Division email in the MS-Outlook GAL (USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request). Any activity sending a request for termination to the MICC Policy and Training Team must also includethe respective FDO as an addressee.

d. The contracting office shall forward a copy of the warrant termination to the individual, if possible. It is not necessary to mail either the original request for warrant termination or the original warrant (SF 1402 – Certificate of Appointment) to the MICC Policy and Training Team. The original SF 1402 should be destroyed locally.

e. One day (or more) after the expiration date of the "short-term" SF 1402 , the MICC Policy and AcquisitionTraining Division may change the status of the warrant to "Terminated" on its master log listing.

f. No MICC warrant termination shall operate retroactively.

(208) The MICC Policy and Acquisition Training Division will maintain copies of the warrants issued and terminated, and relevant supporting documentation. It will also maintain and provide all data entry support as required for operation of the MICC Contracting Officer Warrant Site on the SharePoint at https://micc.aep.army.mil/con_ops/Warrant/default.aspx, which includes providing and updating activity/FDO point of contact (POC) site permissions to the site. Each Contracting Office/FDO is responsible for notifying the MICC Policy and Acquisition Training Division when it wishes to update a POC, and will be entitled to access permissions for up to four POCs without justification. The MICC Policy and

Acquisition Training Division shall review and update the MICC Contracting Officer Warrant Site as often as needed to reflect current KO warrant holders. On or before October 1st of each calendar year, the MICC Policy and Acquisition Training Division shall coordinate with other MICC Directorates (G-1, etc.) to verify ancillary KO data such as verification of KO's grade and DAWIA certification level. On odd numbered years, the MICC Policy and Acquisition Training Division's 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.

(209) Contracting Office and Field Directors will rely on the data contained in the MICC Contracting Officer Warrant Site on SharePoint (https://micc.aep.army.mil/con_ops/Warrant/default.aspx) to manage KOs within their organizations. The site is designed and intended to share all data maintained by the MICC Policy and Acquisition Training Division on each activity/FDO serviced KOs (both active and terminated). Each FDO shall have access to information for all its assigned activities. Access to data includes the ability to manipulate each displayed data field. Additionally, FDOs and activities have download capability from SharePoint to an Excel spreadsheet.

a. Because the MICC Policy and Acquisition Training Division has sole responsibility for updating and maintaining the Contracting Officer Warrant Site (https://micc.aep.army.mil/con_ops/Warrant/default.aspx) data, it is imperative that each activity timely notify the division of any actionable event affecting site access and warrant status of any of its KOs. Actionable events include terminations due to pending personnel status changes such as reassignment, resignation, retirement, forced termination, etc. They also include actions which directly impact an activity's access to the MICC Contracting Officer Warrant Site such as change in Contracting Office/FDO POC. Notice of actionable events shall be forwarded as soon as practicable, and in digitally encrypted format, if appropriate, to the MICC Policy and Acquisition Training Division email in the MS-Outlook GAL under USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request (usarmy.jbsa.acc-micc.list.hq-conops-warrant-request@mail.mil.)

b. Some non-critical data elements, such as KO's civilian/military grade and DAWIA certification level, will be updated by the MICC Policy and Acquisition Training Division infrequently (see paragraph (208) above). Contracting Offices/FDOs may forward self-generated reconciliations to update these fields, as well as requests to update any perceived data inaccuracies, to the Policy and Acquisition Training

Division, which will make every effort to validate and update data changes as soon as practicable after receiving a request.

(210) As indicated in paragraph (204) above, the PARC may issue a "short-term" warrant. That warrant is intended to support a MICC specific function, is issued with a designated beginning and end date, and is not normally valid more than 60-90 days. These warrants are not common. Excluding these short term warrants, an SF 1402 issued by MICC is effective as long as the appointee is assigned to the MICC or unless sooner terminated. Accordingly, a KO who moves from one organization within MICC to another, in a like capacity, need not be issued a new (other than a short tem) MICC warrant. However, it is the responsibility of the gaining office to promptly notify the MICC Policy and Training Team of the individual's move through the email in the MS-Outlook GAL: USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request.

(211) Requests for issuance of a new warrant due to a name change without a change in warrant authority may be sent via email by the affected individual (there is no standard format required) directly to the MICC Policy and Acquisition Training Division email in the MS-Outlook GAL (USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request), with a copy to the Contracting Office Director and Field Director. There is no standard format required for submission, however, the requestor must provide the specific name to be used on the new warrant. A request for a warrant name change shall be accompanied by a valid court order, SF 50, DA Form 4187 or similar documentation effecting the change, as well as a current, 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 new warrant application (see paragraph 204). Such requests will be processed through the originating Contracting Office Director and Field Director as would any warrant authority change application.

(212) The HCA is required to biennially certify that the first level evaluation of each KO is in the contracting career field. Therefore, PARC 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 (208) above.

(213) 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). 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 warrant termination for cause. Field Directors will review, concur/non-concur and forward to the MICC Policy and Acquisition Training Division through email in the MS-Outlook GAL (USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request) with recommendations for final disposition. 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. The PARC shall make the ultimate determination on whether to terminate for cause. 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 year from the date of the termination unless the PARC determines a warrant (limited or unlimited) must be issued to said KO for extraordinary reasons. Subsequently, if the PARC determines, based upon the Field Director's recommendation 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.

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.

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. FAR 1.704 details the contents of a D&F. See Appendix 3

which identifies the commonly used D&Fs throughout MICC that require approval at the PARC 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 KO shall include the rationale and/or logical/factual basis that supports the determination. Appendix 3 also contains a table of the most commonly used determinations that require approval at the PARC or higher.

PART 2: DEFINITIONS OF WORDS AND TERMS

Subpart 2.1 Definitions (and Acronyms)

2.101 Definitions (and Acronyms)

(200) See Defense Acquisition University – Glossary of Defense Acquisition Acronyms and Terms found at: https://dap.dau.mil/glossary/Pages/Default.aspx for additional information.

AAE	Army Acquisition Executive
AA&E	Arms, Ammunition and Explosives
ACBIS	Army Contracting Business Intelligence System
ACC	Army Contracting Command
ACO	Administrative Contracting Officer
ACRB	Acquisition Career Record Brief
AE	Architect – Engineer as referred to in FAR part 36
AFARS	Army Federal Acquisition Regulation Supplement
AFDO	Award Fee Determining Official
AKO	Army Knowledge Online
AMA	Acquisition Milestone Agreement
ANC	Alaska Native Corporation
AO	Approving Officials
A/OPC	Agency/Organization Program Coordinator (A/OPC)
ANC	Alaska Native Corporations
AMC	Army Materiel Command
AP	Acquisition Plan
AR	Army Regulation
ARRT	Acquisition Requirements Roadmap Tool
ASA(ALT)	Assistant Secretary of the Army (Acquisition, Logistics, and Technology)
AS3	Department of the Army Source Selection Supplement
ASC	Army Sustainment Command
ASFI	Army Single Face to Industry
ASSP	Army Service Strategy Panel
AT/OPSEC	Antiterrorism/Operations Security
BO	Billing Officials
BOA	Basic Ordering Agreement
BPA	Blanket Purchase Agreement
BRAC	Base Realignment and Closure

CAAS	Contract Advisory and Assistance Service
CACO	Corporate Administrative Contracting Officer
CAO	Contract Administration Office
CAMP	Career Acquisition Management Portal
CAP	Contractor Acquired Property
CAPPMIS	Career Acquisition Personnel and Position Management Information System
CAR	Contract Action Report
CB	Consolidated Buy
CBAR	Contract Business Analysis Repository
CCF	Contingency Contracting Force
CCIR	Commander's Critical Information Requirement
CCO	Contingency Contracting Officer
CCR	Central Contractor Registration
CDR	Contract Deficiency Report
CG	Commanding General
CH	Cardholders
CHESS	Computer Hardware, Enterprise Software and Solutions
CICA	Competition in Contracting Act
CIO	Chief Information Officer (G6)
CLIN	Contract Line Item Number
CLP	Continuous Learning Points
CMD	Competition Management Division
COC	Certificate of Competency
COR	Contracting Officer's Representative
COTS	Commercial Off The Shelf
CPARS	Contractor Performance Assessment Reporting System
CPAF	Cost Plus Award Fee
CPFF	Cost Plus Fixed Fee
CPR	Critical Path Report
CRB	Contract Review Board
D&F	Determination and Findings
DA	Department of the Army
DACO	Divisional Administrative Contracting Officer
DASA(P)	Deputy Assistant Secretary of the Army (Procurement)
DAU	Defense Acquisition University
DAWIA	Defense Acquisition Workforce Improvement Act
DCAA	Defense Contract Audit Agency
DB	Desk Book
DCG	Deputy to the Commanding General

DCMA	Defense Contract Management Agency
DFARS	Defense Federal Acquisition Regulation Supplement
DFA	Dining Facility Attendant
DFAC	Dining Facility
DFAS	Defense Finance and Accounting Service
DO	Delivery Order
DoD	Department of Defense
DODAAC	Department of Defense Activity Address Code
DPAP	Defense Procurement and Acquisition Policy
EBSD	Enterprise Business Systems Directorate
EDA	Electronic Document Access
EDCG	Executive Director to the Command General, Army Materiel Command
EPA	Economic Price Adjustment
EPLS	Excluded Parties List System
ERB	Enlisted Record Brief
ESRS	Electronic Subcontracting Reporting System
ET	Eastern Time
FAPIIS	Federal Awardee Performance and Integrity Information System
FAQ	Frequently Asked Questions
FAR	Federal Acquisition Regulation
FDO	Field Directorate Office
FedBizOpps	Federal Business Opportunities
FFRDC	Federally Funded Research and Development Centers
FFS	Full Food Services
FMS	Foreign Military Sales
FOC	Full Operational Capability
FOIA	Freedom of Information Act
FPDS	Federal Procurement Data System
FPI	Federal Prison Industries
FPRA	Forward Pricing Rate Agreements
FPRR	Forward Pricing Rate Recommendations
FSC	Federal Supply Code
FSS	Federal Supply Schedule
FY	Fiscal Year
G8	Army designation which refers to Resource Management
GAL	Global Address List
GAO	Government Accountability Office
GFEBS	General Fund Enterprise Business System
GFR	Government Flight Representative

GO	General Officer
GPC	Government Purchase Card
GPO	Government Property Office
GSA	General Services Administration
GWAC	Government-Wide Acquisition Contract
HCA	Head of the Contracting Activity
HQ	Headquarters
IAW	In Accordance With
IDIQ	Indefinite-Delivery Indefinite-Quantity
IGCE	Independent Government Cost Estimate
IMCOM	United States Army Installation Management Command
ISO	International Organization for Standardization
ISR	Individual Subcontract Report
IT	Information Technology
J&A	Justification and Approval
JCCoE	U.S. Army Quartermaster School Joint Culinary Center of Excellence
JOC	Job Order Contract
KO	Contracting Officer
LH	Labor Hour
LPTA	Lowest Price Technically Acceptable
LSJ	Limited Source Justification
MAC	Multiple Award Contract
MATOC	Multiple Award Task Order Contract
MEDCOM	U.S. Army Medical Command
MFIPT	Multi-Functional Integrated Process Team
MICC	Mission and Installation Contracting Command
MOAS	Management and Oversight of the Acquisition of Services
NAICS	North American Industry Classification System
NDAA	National Defense Authorization Act
NLT	Not Later Than
NPA	Non-Profit Agency
NSN	National Stock Number
NTE	Not-to-exceed
OCLL	Office of the Chief, Legislative Liaison
OSBP	Office of Small Business Programs
OCI	Organizational Conflict of Interest
OMB	Office of Management and Budget
OPARC	Office of the Principal Assistant Responsible for Contracting
ORB	Officer Record Brief

OSD	Office of Secretary of Defense
OSJA	Office of the Staff Judge Advocate
PA	Procurement Analyst
PALT	Procurement Administrative Lead Time
PAO	Public Affairs Office
PAP	Performance Assessment Plan
PAR	Performance Assessment Report
PARC	Principal Assistant Responsible for Contracting
PBSA	Performance Based Service Acquisition
PCF	Paperless Contract Files
PCR	Procurement Center Representative
PD2	Procurement Desktop Defense
PGI	Procedures, Guidance and Information
PII	Personally Identifiable Information
PL	Procurement List
PLC	Primary Legal Counsel
PNM	Price Negotiation Memorandum
POC	Point of Contact
POM	Pre-negotiation Objective Memorandum
PR	Purchase Request
PRS	Performance Requirement Summary
PSC	Product Service Code
PWS	Performance Work Statement
QA	Quality Assurance
QAE	Quality Assurance Evaluator
QASP	Quality Assurance Surveillance Plan
RA	Reverse Auction
R&D	Research and Development
RFQ	Request for Quotation
RFP	Request for Proposal
RSA	Randolph-Sheppard Act
RTOP	Request for Task Order Proposal
SAAR	System Authorization Access Request
SAFM-BUL	Assistant Secretary of the Army for Financial Management and Comptroller – Budget Liaison
SAM	System for Award Management
SAT	Simplified Acquisition Threshold
SAW	Service Acquisition Workshop
SBA	Small Business Administration

SBP	Small Business Program
SBS	Small Business Specialist
SCA	Special Competition Advocate
SDB	Small Disadvantaged Business
SDO	Suspension and Debarment Official
SES	Senior Executive Service
SLA	State Licensing Agency
SME	Subject Matter Expert
SOO	Statement of Objectives
SOP	Standard Operating Procedure
SOW	Statement of Work
SRB	Solicitation Review Board
SSA	Source Selection Authority
SSAC	Source Selection Advisory Council
SSEB	Source Selection Evaluation Board
SSM	Senior Services Manager
SSP	Source Selection Plan
SSR	Summary Subcontract Report
SST	Source Selection Team
T&M	Time and Materials
TCO	Termination Contracting Officer
TO	Task Order
TODD	Task Order Decision Document
TRADOC	U.S. Army Training and Doctrine Command
UAC	Unauthorized Commitment
UCA	Undefinitized Contract Action
USD(AT&L)	Under Secretary of Defense (Acquisition Technology and Logistics)
VCE	Virtual Contracting Enterprise
VCE-CM	Virtual Contracting Enterprise – Contract Management
WAWF	Wide Area Work Flow

PART 3: IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 3.1 Safeguards

3.104 Procurement Integrity

(200) KOs who receive a report of a violation or possible violation of the 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. 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 Field Director as the individual responsible for acting on those determinations. If the Field Director disagrees with the KO's assessment, the action is forwarded through the Chain of Command to the HCA. The KO's determination and the Field Director's subsequent actions shall be coordinated with Legal Counsel.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Contracting Officer's determination that a violation or possible violation of the Procurement Integrity Act has no impact	FAR 3.104-7(a)(1)	All	Field Director	Locally Determined
Contracting Officer's determination that a violation or possible violation of the Procurement Integrity Act has an impact	FAR 3.104-7(a)(1)	All	HCA	20

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

3.601 Policy

Document	Reference	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Exception to FAR 3.601, Contracts with Government Employees or Organizations Owned By or Controlled By Them	FAR 3.602	All	HCA	20

PART 4: ADMINISTRATIVE MATTERS

Subpart 4.1 Contract Execution

4.103 Contract Clause

(200) The KO shall insert the MICC local clause at 5152.204-4000, Notice of Contracts Affected by Base Realignment and Closure (BRAC), in solicitations and contracts when contract deliverables or service is expected to be impacted by the BRAC Commission decisions. Specifically, the clause is required whenever contract performance in support of Installations and/or Units is impacted by the realignment, relocation, or clauses resulting from BRAC. This clause requires fill-in information to be inserted in the blanks.

Subpart 5104.5 Electronic Commerce in Contracting

(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 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. See subparts 12.1 and 13.1 of the MICC Desk Book for specific details of the command's reverse auction policy.

(202) Reverse Auction Tools. There are numerous reverse auction tools available to the MICC workforce. Two of the most popular are the VCE Reverse Auction Tool (RA) and FedBid.

a. FedBid Online Marketplace.

1. The ACC-Army Proving Ground has awarded purchase order W91ZLK-12-P-0699 with FedBid to provide a web-based full service reverse auction marketplace for Army-wide use. FedBid automates the notification, competition and documentation stages of a simplified acquisition. Buyers can post requirements on FedBid's website which feeds automatically to FedBizOps to obtain offers from a managed network of over 50,000 qualified sellers. All vendors accessible through FedBid are fully vetted, registered in the Central Contractor Registration (CCR) System and confirmed not to be in the Excluded Parties List System (EPLS).

2. FedBid enables users to compete requirements: 1) among members of an existing multiple award contract supplier community including (*i.e.,* GSA Schedules, Blanket Purchasing Agreements (BPA), Government-Wide Acquisition Contracts (GWAC); Ability One, etc.); 2) for set-aside purchases among suppliers within a particular socio-economic classification (*i.e.,* Small Business, HUBZone, Small Disadvantaged Business, Women-Owned Small Business, 8(a) Business and Service Disabled Veteran Owned Business); or 3) among interested registered suppliers utilizing automated data feeds to FedBizOpps for synopsis as required.

3. FedBid can also be utilized solely as a pricing tool. However, all aspects of the pre-solicitation and solicitation process (*i.e.,* market research, posting the synopsis, solicitation preparation and issuance) are executed by the KO. Prices are then competed through FedBid amongst qualified sellers in what's called a "Seller Community".

4. A transaction fee (typically 3%) is assessed to the winning vendor only if the winning price and fee is not above the government's target price (*i.e.,* Independent Government Cost Estimate (IGCE)). There is no upfront cost or any additional cost for utilizing any or all of FedBid's services.

5. The FedBid user guide provides step by step instructions for conducting a reverse auction through at http://www.fedbid.com/buyers/government/getting-started/.

6. While FedBid advertises that Arms, Ammunition and Explosives (AA&E) are commonly procured through their reverse auction tool, it is the command's policy that AA&E shall not be procured using reverse auction.

b. Virtual Contracting Enterprise (VCE) Reverse Auction (RA) Tool.

1. VCE RA Tool is a web-based self service tool available through ACC's VCE designed to facilitate the submittal and collection of bids. The VCE RA Tool is a pricing tool only. All other aspects of the pre solicitation, solicitation and contract award process are executed by the KO.

2. A VCE RA support team works with the KO to set up the auction. They monitor the auction and provide any necessary technical support. KOs are also able to monitor the auction.

3. There are no fees associated with the use of the VCE RA tool. The VCE RA training slides at https://accportal.army.mil/files/Reverse_Auction_Overview.pdf provide information and instructions for conducting a reverse auction through VCE.

4. Additional information can be found at https://accportal.army.mil/VCEreverse.htm.

(203) The command's policy on the use of reverse auction policy is discussed in detail in Parts 12 and 13 of this Desk Book. KOs shall follow all applicable acquisition statutes, regulations, and policies when utilizing 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), EPLS, 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. 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. KO 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 $3K and equal to or less than $10k and not set-aside. All actions over $10K require a DD Form 2579.

d. KOs shall make a written determination of fair and reasonable price when utilizing reverse auctions.

(204) The requirements of AFARS 5104.5 – Electronic Commerce in Contracting, are satisfied if the reverse auction application posts the synopsis (or combined synopsis-solicitation) to FedBizOpps.

(205) Effective April 2013, all MICC Contracting Offices will use the VCE-Contract Management (VCE-CM) module to track upcoming and pending contract requirements and associated milestones. VCE-CM is also applicable to task orders, delivery orders and modifications regardless of dollar value or type. Each FDO, contracting office and major supported activity will have real time access into pre-award workload via graphical dashboards with drill-down capabilities. Since VCE-CM will also be used to make real-time decisions concerning workload, manpower and cost savings, VCE-CM records must be created/updated as soon as possible, but no later than within one business day of receipt of a purchase request or any other information that would necessitate the creation or modification of a VCE-CM record. The Operational Instructions for the VCE-CM are posted on the MICC Communities of Practice SharePoint Portal in the Virtual Contracting Enterprise Document Library at: https://micc.aep.army.mil/COP/VCE/default.aspx.

Subpart 4.6 Contract Reporting

204.606 Reporting Data

(200) IAW DPAP Memorandum dated 25 February 2013, subject: Reporting Inherently Governmental Functions Indicators to the Federal Procurement Data System, for new service contract awards dated 1 March 2013, and forward and subsequent modification to those awards, the KO shall specify whether the contracted services are closely associated to inherently governmental functions, are critical functions, or are other functions on the "Description of Requirements" field of the Contract Action Report (CAR). The DPAP memo provides definitions for each code and how to complete the "Description of Requirements" field on the CAR. The KO should work with the Supported Activity to ensure they provide the function indicator with their requirements package. Worksheets B and F of the Request for Service Contract Approval can also assist with determining the proper function indicator.

Subpart 4.8 Government Contract Files

(200) Standard Contract File Index and Paperless Contract Files (PCF) Naming Convention:

a. All MICC Contracting Offices will use the VCE PCF Application as the official contract file repository for all new contract actions awarded on or after 1 October 2011. All PCF files should mirror what would have been in a hardcopy solicitation/contract file. KOs shall upload into PCF copies of documents from other electronic systems such as, Purchase Requests (PRs) in Procurement Desktop Defense (PD2)/General Fund Enterprise Business System (GFEBS) along with invoices, acceptance and payments in Wide Area Work Flow (WAWF)/Electronic Document Access (EDA).

b. All MICC Contracting Offices will use the MICC PCF Guide to ensure standardization and process uniformity of contracting actions across the MICC. The MICC PCF Guide is found on the following link on the MICC Communities of Practice SharePoint Portal in the Virtual Contracting Enterprise Document Library at: https://micc.aep.army.mil/COP/VCE/default.aspx.

c. Effective 4 May 2012, the VCE PCF application was revised to incorporate a more detailed contract file index. However, solicitation/contract files created before 4 May 2012 in PCF do not contain the updated contract file index structure. Accordingly, KOs shall create the applicable folders using the new contract file index as a guide. The MICC PCF Guide references the MICC PCF Filing Crosswalk against ACC Contract File Index, which provides the proper locations for filing documents in PCF.

4.804 Closeout of Contract Files

(200) MICC Fort Knox awarded Contract Number W9124D-10-D-0021 to AbilityOne for Contract Close-out services. The terms and conditions of this IDIQ contract permits task orders to be awarded with services to be performed by the AbilityOne nonprofit team at the MICC Office location or as a service performed at an AbilityOne operated regional facility.

(201) Due to limited funding, ACC has directed that for contract close-out task orders, the closeout services have to be performed at the AbilityOne regional location. AbilityOne operates facilities for closeout services and is offered solely on a deliverable basis. To assist in executing contract close-outs at AbilityOne's regional facility, the Ordering Guide contains the Army responsibilities for shipping files for closeouts. The Ordering Guide is found on the following link on the MICC Communities of Practice SharePoint Portal in the Acquisition Processes:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FContract%20Closeout&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={57C4D7FB-014B-4FA9-B7F7-278F0DC75152}

4.804-5 Procedures for Closing Out Contract Files

(200) The Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 8 states that for dormant contracts, which have been physically complete for 12 months or more and have remaining funds of less than $1,000, the accounting officer will de-obligate the funds based on a written consent from the funds holder and KO. This written consent can be in the form of an email approval from the funds holder and the KO.

(201) DoD Financial Management Regulation 7000.14-R, Volume 3, Chapter 8 080406 also states that de-obligations may result from a contract modification, determination of final contract closure, documented adjustments or corrections, cancellation of an order, or a Fast track closure. This guidance does not have a dollar limit and further states that the determination of final contract closure can be in any form to include Contract Modification, Scripts, Memos in lieu of DD 1594, email, etc.

(202) The de-obligation of excess funds in GFEBS via contract modification is an independent action. Once the excess funds are de-obligated in GFEBS, it is still the responsibility of contracting personnel to take the appropriate steps/actions to officially close out the contracts in PCF (DD1594, Contract Modification, Scripts, Memos in lieu of DD 1594, email, etc.) and then take the necessary actions within SPS/PD2 to record the closeout.

Subpart 204.71 Uniform Contract Line Item Numbering

204.7103 Contract line items

(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/procurement_data_standard.html.

PART 5: PUBLICIZING CONTRACT ACTIONS

Subpart 5.3 Synopses of Contract Awards

5.303 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 $6.5 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 to the local community and of interest to the U.S. Congress, or the Army. Contract award may be made only after receipt of proper approval or concurrence from the DASA(P) or his designee.

b. Exceptions are to Congressional Notifications are as follows:

1. Those placed with the Small Business Administration under Section 8(a) of the Small Business Act;

2. Those placed with foreign firms when the place of delivery or performance is outside the United States and its outlying areas; and

3. Those for which synopsis was exempted under FAR 5.202(a)(1).

c. 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 $6.5 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 $6.5 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 $6.5 million issued subsequent to reaching the estimated value. For example, an indefinite delivery contract was awarded with a base and four option periods, each valued at an estimated $16 million. The initial award notification of $16 million was submitted for the base period. The first three orders placed within the base period have a cumulative total of $16.7 million. The first order was for $5.6 million, the second was for $5.3 million, and the third was for $6.8 million. None of the three orders are subject to reporting. Even though the third order has a

face value of more than $6.5 million and pushes the cumulative total past the estimated base year 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 $6.5 million must be reported because it was issued after the estimated value of $16 million. The KO shall report each option period to be exercised because the estimated value of each option exceeds $6.5 million.

2. For undefinitized contract actions (UCAs) report the not-to-exceed (NTE) amount over $6.5 million. If the definitized amount exceeds the NTE amount by more than $6.5 million, only the amount exceeding the NTE amount shall be reported. For example, a UCA of $6.7 million was initially reported. Later, the action was definitized for $7.5 million. The difference of $0.8 million should not be reported. Conversely, if the action was definitized for $13.6 million, the difference of $6.9 million shall be reported because it exceeds the $6.5 million threshold.

(201) Procedures

a. As of 4 June 2012, the KO shall execute public announcements within the established timeframes listed below by electronically posting the notification to the automated Congressional Notification Database at the following link: https://secleebiis.army.mil/ako_restricted/cn/

b. Upon accessing the website for the first time users will be required to provide basic information to establish an account. After submitting the requested information, a verification link will be sent to the user's AKO e-mail address. Clicking on the link will activate the user's account and allow access to the site. KOs who require access to more than one DODAAC, will be required to submit a DD Form 2875, System Authorization Access Request (SAAR). The form and instructions can be accessed at the following link (if you DO NOT require access to more than one DODAAC, you DO NOT have to submit the DD Form 2875): https://secleebiis.army.mil/ako_restricted/requestaccess/

c. If any problems are encountered with the website, please contact the Army Contracting Business Intelligence System (ACBIS) Help Desk at: https://secleebiis.army.mil/ako_restricted/sdrer/. AFARS 5105.303 is currently being revised to reflect the standard and emergency notification timeframes.

d. Standard award notifications are those that require the KO to submit the congressional notification to the DASA(P) EBSD no later than (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. For example, the KO must submit 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 Thursday after 1700 hours ET. If approval from DASA(P) EBSD is not received by 1430 hours ET on the day before the planned date to sign the proposed contract award (Wednesday in the example provided), the KO must contact DASA(P) EBSD to obtain the required approval.

e. Emergency award notifications are those where there is a mission critical need to sign (execute) a contract immediately, 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. The rationale for emergencies shall NOT be based on FAR 6.302-2, Unusual and Compelling Urgency, for other than full and open competition.

1. When a pending award is determined to be an emergency, the KO shall immediately notify the Field Director 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 Field Director will forward the justification to the PARC, who will notify in writing the nature of the urgency in an email directly to the DASA(P) or the principal military deputy (PMILDEP), with a copy to DASA(P) EBSD and the HCA. The justification may be communicated telephonically to the DASA(P) or PMILDEP to expedite the request but, in all cases, the rationale must be reduced in writing prior to the contract being signed.

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.

3. If the emergency award does not occur as intended and the emergency remains, the KO shall submit a subsequent advance notice explaining the reason(s) the award was not made as specified in the initial advance notification plan thru the Chain of Command to the PARC. The PARC will then notify the DASA(P) along with a corrective action plan, with a copy to the HCA and DASA(P) EBSD. Only the DASA(P), in instances such as this, may approve an award under emergency conditions. The KO may not sign the award until receipt of approval from the DASA(P) or designee.

f. If the KO fails to submit the congressional notification or when the notification is not submitted in a timely manner; or, when the award is not made IAW the proposed award date identified in the initial congressional notification or on the intended date of the emergency award, the KO shall notify the PARC thru the Chain of Command, and provide the revised proposed date of award and written explanation of why the award was not made as specified in the notification. 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 PARC will then notify the DASA(P), along with a corrective action plan to prevent future failures, with a copy to the HCA and DASA(P) EBSD. The KO may not make an award before 1700 hours ET on the next business day unless the DASA(P) has previously approved the advance notice for an emergency award.

g. On the date listed on the notice, the DASA(P) EBSD transmits the congressional notification form to the Office of the Chief, Legislative Liaison (OCLL) and the Army Office of Public Affairs. The OCLL will then submit a formal letter on that same day to the affected congressional delegation informing them of the pending award.

Subpart 5.4 Release of Information

5.403(a) 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 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 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 office immediately to the PAO.

(202) The PAO is also responsible for informing the Office of the Chief of Legislative Liaison (OCLL) and the Assistant Secretary of the Army for Financial Management and Comptroller – Budget Liaison (SAFM-BUL), through ACC, of MICC Congressional Activities. The OCLL along with SAFM-BUL are responsible for all liaisons between the Army and Congressional Members, Personal/Professional Staffs and Committees including those actions involving the local installation level.

(203) 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.

(204) A response to an inquiry is a five-business day turnaround time, established by the OCLL. Details and procedural information for preparing and responding to a Congressional Inquiry can be found on the MICC Communities of Practice SharePoint Portal under Specialized Areas:

https://micc.aep.army.mil/COP/SA/default.aspx?RootFolder=%2FCOP%2FSA%2FSpecialized%20Areas%20Library%2FCongressional%20Inquiries&FolderCTID=0x012000F4E7B8E7E3F38F45AAE3405BA5C1EC05&View={3D5AFED0-9414-44C8-B197-58B6CA022A7D}

5.404 Release of Long-Range Acquisition Estimates

5.404-1 Release Procedures

5.404-1(a) Application

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

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Approval to Release Long Range Acquisition Estimates	FAR 5.404-1 AFARS 5105.404-1(a)	All	Contracting Office Director	Locally Determined

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.

(201) Failure to provide for full and open competition is a violation of law unless permitted by one of the seven 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 Supported 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

6.302 Circumstances Permitting Other Than full and Open Competition

6.302-5 Authorized or Required By Statute

(200) Section 811 of the National Defense Authorization Act (NDAA) FY 2010 requires Federal Agencies to justify, in writing, a sole source contract award to a business under the Small Business Administration's 8(a) business development program, including businesses owned by Indian Tribes and Alaska Native Corporations (ANCs), if the sole-source award is to exceed $20 million. KOs are encouraged to work closely with their respective Small Business Specialists to identify 8(a) firms including ANCs, Tribal and Native Hawaiian firms that could provide needed services or supplies. Each justification for a sole-source 8(a) contract over $20 million is required to include the five (5) elements found in FAR 6.303-2(d). A copy of the approved J&A must accompany the Peer Review Board package.

(201) A J&A for any proposed 8(a) ANC Sole Source under $20 million previously mandated under ACC Contract Policy Email 11-01 – Non-Competitive Awards to Alaskan Native Corporations is no longer required per ACC Contracting Note #13-19.

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 use of 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. 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. All J&As 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 synopsize 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 would result in substantial duplication of cost or unacceptable delays, or an acquisition that specifies a brand name 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(a)(2)(i)(1)(i)-(iii) noncompetitive contracts resulting from unsolicited proposals are prohibited unless the HCA or designee no lower than the Chief of the Contracting Office determines that: (1) only one source is fully qualified to perform the work (as supported by thorough technical evaluation); (2) the unsolicited proposal offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence; or (3) the contract

benefits the national defense by taking advantage of a unique and significant industrial accomplishment or by ensuring financial support to a new product or idea.

3. Two additional exceptions unique to unsolicited proposals are provided at DFARS 206.302-1(a)(2)(i)(2)&(3). These are unlikely to apply within MICC as one requires confirmation by a political appointee that the award is in the interest of national security and the other involves the improvement of equipment that is in development or production.

4. Effective 1 October 2012, the market research in support of a J&A under the circumstances at FAR 6.302-1 shall include a sources sought synopsis and its results. The sources sought synopsis is an announcement posted thru ASFI under the "Sources Sought Notice" category, which announces in FedBizOpps that the Government is seeking possible sources for a project as part of market research. The sources sought synopsis is not to be confused with the "notice of intent to award a sole source action" that may be done later in the procurement process. The market research shall meet the time requirements specified in AFARS 5110.002. Only the PARC may waive the sources sought synopsis requirement.

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. 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. In most cases, options may not be used when citing FAR 6.302-2. FAR 6.303-2(a)(9)(iii) requires that when unusual and compelling urgency is cited, 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.

c. IAW FAR 6.302-5(c)(2), a J&A is not required when the procurement is for an item or service provided by AbilityOne for a requirement that is currently on the Procurement List.

d. 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 in accordance with FAR 6.302-5(c)(2).

(202) Interim or bridge contracts are highly discouraged in MICC. Each procurement team must establish and achieve milestones that ensure that such actions are not needed. In the event that a noncompetitive contract award or a noncompetitive modification of an existing contract that increases the scope of that contract is justifiable, the KO may not cite urgency as the basis for a noncompetitive action unless a rational sequence of extenuating circumstances can be shown to have resulted in the unusual and compelling urgency. However, in the rare case where the procurement team failed to establish or meet acceptable milestones and makes a viable argument for an interim action to prevent interruption or cessation of critical services or supplies, any noncompetitive action must be limited to the minimum quantity or performance period necessary pending the establishment and award of a competitive follow-on contract. The justification must also address known impacts relative to small business (Small Disadvantaged Business, 8(a), etc.).

(203) 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. 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, thereby requiring compliance with FAR part 6. In most instances, the proper citation for a J&A to support use of the Option to Extend Services clause will be FAR 6.302-1, Only One Responsible Source. When using this citation, the extension must also be synopsized since the extension was not properly competed at time of award. If the Option to Extend Services clause is used to provide continuation of services due to an unpredictable event, such as a post-award protest on the follow-on contract, FAR 6.302-2, Unusual and Compelling Urgency, may be used and synopsis may be waived. See part 17 of this MICC Desk Book for further explanation.

(204) KOs must ensure that a copy of the approved J&A is included in any Peer Review package.

6.303-2 Content

(200) Any J&A requiring approval at the SCA level or higher authority must follow the format at AFARS 5153.9004 and 5153.9005. MICC has established a standard template for the preparation of a Justification and Approval for Other Than Full and Open Competition (J&A) pursuant to FAR part 6.3 that conforms to the AFARS format. This template can be found in the Justification and Approval folder under the Forms & Templates Communities of Practice of the MICC SharePoint Portal at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FJustification%20and%20Approval&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

6.304 Approval of the Justification

J&A Review and Approval Thresholds Except 8(a) ANCs	
Threshold Amount	**Certifying/Approving Official**
Value not exceeding $650,000	Contracting Officer
Over $650,000 but not exceeding $12.5M	Special Competition Advocate (SCA)
Over $12.5M but not exceeding $85.5M	*HCA, or designee who is GO or in grade above GS-15
Over $85.5M	Senior Procurement Executive
*The MICC HCA has designated Mr. George M. Cabaniss, Jr., Deputy to the Commander, as the approval authority for proposed contract actions over $12.5M but not exceeding $85.5M	

J&A Review and Approval Thresholds for 8(a) ANCs	
Threshold Amount	**Certifying/Approving Official**
Over $20M but not exceeding $85.5M	*HCA, or designee who is GO or in grade above GS-15
Over $85.5M	Senior Procurement Executive
*The MICC HCA has designated Mr. George M. Cabaniss, Jr., Deputy to the Commander, as the approval authority for proposed contract actions over $12.5M but not exceeding $85.5M	

(200) All J&As above the SAT require a legal review by the PLC IAW paragraph (201) of section 1.602 of the DB. All J&A documents within the threshold of the KO's approval should be coordinated and reviewed by the local Small Business Specialist. All J&A documents within the thresholds of the MICC SCA, HCA, or higher level approval authority must also be coordinated with and reviewed by the MICC SBP Associate Director.

(201) Sole source is a last resort; however, sometimes it is unavoidable even with adequate advanced planning. In such cases, the approval threshold is determined by the statutory authority used to justify the non-competitive action. If the same authority is used to extend a non-competitive period of performance for more than one time, the threshold is determined by accumulating the dollar value of all previous non-competitive actions and the current one. For example, if the statutory authority at FAR 6.302-1 was previously used to extend performance and the same authority is

appropriate for an additional performance extension, then the dollar values must be aggregated for the purpose of determining the appropriate approval threshold. However, if another statutory authority is appropriate (such as the exception at FAR 6.302-2), then regardless of the number of previous non-competitive actions that have been approved based on another authority under FAR 6.302 to extend contract performance (for example, use of the exception authorized by FAR 6.302-1), then the appropriate approval threshold is determined solely by the value of the instant non-competitive action that is citing the statutory authority at FAR 6.302-2. If you have questions, consult the FDO SCA or the MICC HQ SCA. The MICC Deputy to the Commander will coordinate with the MICC HCA in advance of approval of any proposed non-competitive action valued over $50M.

(202) J&A packages must be submitted via e-mail (including both a MS-Word and .pdf version) to the designated SCA. The current list of MICC SCAs is posted on the MICC SharePoint under the Special Instructions section of the Special Competition Advocate & Ombudsman page at https://micc.aep.army.mil/comp/default.aspx.

(203) Field Directors shall ensure that all approved J&As are appropriately reported to the logs: MICC J&A Log ($150k-$650k) and MICC Special Competittion Log (Actions Over $650K). KOs shall record the J&A action within his/her approval authority on the MICC J& A Log ($150k - $650k) located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. SCAs shall record all actions exceeding the KO's approval authority on the MICC Special Competition Log (Actions Over $650K), also located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. In addition, electronic copies of these documents will be uploaded to a designated location on the respective MICC Contracting Office's local shared drive into separate folders according to the Fiscal Year the document was approved. The documents shall be saved using the Contracting Office's naming convention as reflected in the log. For example, if the office's naming convention denotes 13-14 (meaning the 14th J&A or LSJ approved in Fiscal Year 2013), then the file should be uploaded to the FY13 Folder and named 13-14.

6.305 Availability of the Justification

(200) All J&A documents will be made available for public inspection within 14 days after contract award using the ASFI interface to the Federal Business Opportunities website. 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. Prior to posting, the KO must carefully 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. When J&As require approval above the level of the KO, the KO will submit two (2) copies of the proposed J&A thru the review chain: one shall identify all proposed redactions and the other shall be an unredacted version.

a. When drafting a J&A, contracting offices should carefully consider whether to include information whose disclosure, either alone or in combination with other publicly-available information, could lead to compromise of classified information or sensitive activities. They should first consider whether the information can be omitted from the J&A without compromising its intended purpose. For example, the J&A might concern support for sensitive overseas special operations activities. If possible, it should be written in such a way that it satisfies legal and regulatory requirements while not disclosing the nature of the activities being supported. If the information is critical to the J&A, then it should be phrased in a general way so as not to disclose any more sensitive information than is absolutely necessary. In addition, do not post any attachments and supporting documentation.

b. Do not disclose the names of the KO and officials in the review/approval chain when redacting the J&A. Names and signatures of persons outside the review/approval review chain, such as technical certifying personnel, should also be redacted. When posting the approved J&A, only the signature of the approving official needs to be included in the posted J&A.

c. Review prior to posting. The KO and the PLC shall review all J&As subject to FAR 6.305, regardless of dollar value, to ensure material exempt from disclosure under FAR 6.305(c) is redacted before posting the document to FedBizOpps via ASFI. Legal review for exempt material may be done as part of the normal review process for a J&A.

(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 the authority of the Test Program for 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 FedBizOpps.

Subpart 6.5 Competition Advocates

6.501 Requirement

(200) The HCA will appoint the MICC HQ SCA without authority to delegate further. The HCA, if appropriate, will also appoint any SCA(s) at subordinate offices without authority to delegate further and may set specific monetary limits for such subordinate office SCA's authority. The current list of MICC SCAs is posted to the MICC SharePoint under the Special Instructions section of the Special Competition Advocate & Ombudsman page at https://micc.aep.army.mil/comp/default.aspx

PART 7: ACQUISITION PLANNING

(200) The MICC Commanding General is both accountable and responsible for all procurements entered into on behalf of MICC's Supported Activity. The Commanding General has a vested interest in ensuring that the MICC's mission, goals, and objectives are met to fulfill our fiduciary responsibilities. To assist in fulfilling that responsibility, the reporting of pre-award actions equal to or greater than $1 million has been determined as necessary and prudent.

(201) Contracting Offices shall fully implement and utilize the Acquisition Milestone Agreement (AMA) process for all pre-award actions equal to or greater than $1 million to ensure customers' understanding of and responsibilities for the successful and timely completion of the acquisition. The AMA process provides joint accountability between MICC and our customers by creating a binding document for agreed-to procurement milestones. Any deviation from the mutually agreed-milestones for actions that are reportable to MICC HQ shall be coordinated with the Supported Activity and result in a Commander's Critical Information Requirements (CCIR) report. The AMA Planning Worksheet and associated documents can be found in the MICC Communities of Practice SharePoint Portal in the Acquisition Processes Library at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FAcquisition%20Milestone%20Agreement%20%28AMA%29&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={A75E074C-A198-410E-9870-414A979A28A8}

Reporting Dollar Thresholds for AMA	Report to:
$1M < $10M	Field Director
≥$10M	MICC HQ

(202) The Field Directors shall review all actions greater than or equal to $1M and shall monitor all other actions. HQ staff will review all actions equal to or greater than $10M.

(203) Effective April 2013, the VCE-CM Module replaced the monthly reporting of the AMA CPRs previously uploaded and reported through AKO; however, the VCE-CM **does not** replace the AMA Process. Contracting offices shall continue to utilize the AMA Process for all acquisition equal to or greater than $1M. The signed AMA shall be uploaded into the associated VCE-PCF, as part of the official solicitation/contract

cabinet. VCE-CM records shall be updated in real time, but not later than the next business day.

(204) After the KO is made aware of the requirement, the KO will coordinate a Kick-Off Meeting with the Supported Activity and all stakeholders. The Kick-Off Meeting sets the tone for the project. The AMA document is created as a result of the Kick-Off Meeting. The KO will use the MICC Acquisition Team Kick-Off Meeting Slides to explain the acquisition process, roles and responsibilities, and associated milestones. The MICC Kick-Off Meeting Checklist can be utilized to assist the KO in planning a quality Kick-Off Meeting. 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. The Kick-Off Meeting Slides and Checklist can be found in the MICC Communities of Practice SharePoint Portal in the Acquisition Processes Library at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FAcquisition%20Milestone%20Agreement%20%28AMA%29&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={A75E074C-A198-410E-9870-414A979A28A8}

(205) The AMA process consists of three (3) phases:

a. Phase I –Joint Planning.

b. Phase II – Acquisition Planning.

c. Phase III – Acquisition Process.

(206) Roles and Responsibilities during each phase of the AMA process.

a. Phase I –Joint Planning.

1. KO – Hosts Kick-Off Meeting and negotiates AMA Milestones with Supported Activity. Provides input/feedback as needed to the Supported Activity regarding the Requirements Package. Monitors the progress of the development of the Requirements Package and Service Contract Approval process by communicating with the Supported Activity Point of Contact (POC)/COR. Identifies and raises any issues that will delay the timely receipt of the Requirements Package. Communicates the

status to the FDO and HQ Staff, as necessary, to facilitate the receipt of a complete Requirements Package.

2. FDO Staff – Actively track the status of the Requirements Package. Engage with HQ Staff and Supported Activity, as necessary, regarding progress of each acquisition.

3. FDO Director – Sixty (60) days prior to the milestone for receiving the complete and final Requirements Package from the Supported Activity, the Field Director will begin briefing the status to the PARC as part of the monthly Procurement Update Brief. The Field Director will engage the PARC to assist with the receipt of the complete Requirements Package if such is not received by the due date.

4. HQ Staff –Pulls reports and furnishes copies to FDOs and pertinent HQ Staff to ensure proper notification and visibility of the forecasted requirements. Keeps MICC Senior Leadership apprised of situations and issues, as necessary.

5. HQ Liaison Officer (LNO) – Engages with the MICC HQ, FDO, Customer Support Element (CSE), KO and Supported Activity and/or its Higher HQ to assist and resolve issues with the timely receipt of a complete Requirements Package.

6. Supported Activity – Creates and submits the Requirements Package for the Service Contract Approval process in a timely manner in order to ensure that there is no break in service or that a contract extension is needed. Tracks the Requirements Package during the Service Contract Approval process and communicates the status to the KO. Provide Requirements Package documents as they become available.

b. Phase II – Acquisition Planning.

1. KO – Reviews the complete Requirements Package and works with the Supported Activity POC to make any changes. Accepts the final Requirements Package from the Supported Activity. Prepares the Acquisition Strategy/Plan.

2. FDO Director – Provides any guidance needed during the acquisition review process. Provides a monthly brief to the PARC on the status of all HQ reportable acquisitions.

3. HQ Staff – Monitors status of all HQ reportable procurement actions. Keeps MICC Senior Leadership apprised of situations and issues, as necessary. Conducts and coordinates document reviews and approvals as necessary.

4. Supported Activity – Ensures all documents are submitted timely IAW the AMA Milestones negotiated and agreed-to with MICC. Provides support as necessary to change or revise the Requirements Package documents in order to eliminate any ambiguities and to ensure legal sufficiency.

c. Phase III – Acquisition Process

1. KO – Conducts the procurement IAW the FAR, DFARS, AFARS, MICC Desk Book and all other applicable regulations and laws. Works IAW the agreedto AMA Milestones and raises issues when the milestone schedule will be breeched and/or a break in service is anticipated. Ensures contract is awarded when needed to preclude a break in service or sole-source situation.

2. FDO Director – Provides guidance. Reviews and approves documents as needed. Provides a monthly brief to the PARC on the status of all HQ reportable acquisitions. Elevates any issues to the HQ Staff and/or PARC, as necessary.

3. HQ Staff – Monitors status of procurement actions. Keeps MICC Senior Leadership apprised of situations and issues as necessary. Conducts/coordinates document reviews and approvals as necessary.

4. Supported Activity – Provides the KO with information needed as the acquisition process progresses. Ensures appropriate personnel are available to attend Source Selection Evaluation Board training and participates in the Source Selection Evaluation Process.

Subpart 7.1 Acquisition Plans

7.102 Policy

(200) Acquisition planning and market research 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 will start acquisition planning eighteen (18) months in advance of required contract award. Acquisition planning may need to start 24 months in advance of the required award date for large and complex requirements. IAW AFARS 5110.002, requiring activities will conduct market research to determine if capable sources exist, to include the availability of commercial services, to satisfy their requirements.

7.103 Agency-Head Responsibilities

(200) Acquisition plans are governed by FAR subpart 7.1, Acquisition Plans, and its corresponding regulatory supplements.

a. Acquisition planning shall occur on all acquisitions in accordance with FAR 7.102, Policy. IAW AFARS 5107.103(d)(i), written acquisition plans shall be prepared for up to a five-year period (subject to potential limitations associated with the Better Buying Power initiative for knowledge based services). Contents of the written acquisition plan are identified at FAR 7.105. DFARS 207.103(d)(i) requires written plans for:

1. Acquisitions for production (includes supplies) or services when the total cost of all contracts for the acquisition program is estimated at $50M or more for all years or $25M or more for any fiscal year,

2. Acquisitions for development, as defined in FAR 35.001, when the total cost of all contracts for the acquisition program is estimated at $10M or more.

b. IAW DFARS 207.103(d)(ii), written plans are not required in acquisitions for a final buy out or one-time buy. The terms "final buy out" and "one-time buy" refer to a single contract that covers all known present and future requirements. This exception

does not apply to a multiyear contract or a contract with options or phases. When a written acquisition plan is not required or if it is waived, per PARC Policy Alert #13-20 (Rev 1), a Memorandum for Record signed by the KO to document acquisition pre-award decisions and risk assessment information for all requirements other than services is required. For services, an acquisition strategy approved IAW threshold levels set out in section 5137.590-4 of the DB will suffice when a written acquisition plan is not required.

c. Acquisition Plans for orders placed under FAR 8.404, Use of Federal Supply Schedules and FAR 16.505, Ordering. An order under a FSS schedule is not exempt from the requirements of acquisition planning. For requirements other than services, a memorandum for record signed by the KO must address the risks associated with the order (Fair Opportunity, Better Buying Power initiatives, etc.). For services, an acquisition strategy approved IAW threshold levels set out in section 5137.590-4 of the DB will satisfy the acquisition planning aspect. An order issued against an Indefinite-Delivery Indefinite-Quantity (IDIQ) contract requires its own acquisition plan unless the original acquisition plan of the basic contract already specifically addressed the follow-on order(s). Refer to the ordering guide of the basic contract for guidance on the extent of the basic contract's acquisition plan or coordinate with the Administrative Contracting Officer (ACO) for clarification. The results of the coordination shall be recorded in the order's file with supporting documentation and the KO shall proceed accordingly.

d. Job Order Contracts (JOC) contracts of the dollar amounts specified in Table 7-1 require a written acquisition plan for approval at the PARC 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.

e. The acquisition plan must be approved, in writing, by the approval authority identified in Table 7-1 prior to issuance of the solicitation. 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 approval from the first GO/SES in the Chain of Command of the Supported Activity for all acquisition plans above $50M.

f. 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.

Table 7-1
Acquisition Plan Approval Thresholds

Document	Threshold	Approval Authority	Estimated Lead Time (Working Days)
Acquisition Plan for Development as defined in FAR 35.001	≥$10M	PARC	15
Acquisition Plan for Production (Supplies), Services	≥$25M (any fiscal year ≥$50M (for all years)	PARC	15
Acquisition Plan for Job Order Contract	>$15M (any fiscal year) >$30M (for all years)	PARC	15
Note: When a written acquisition plan is not required or if it is waived in exceptional circumstances, a Memorandum for Record signed by the KO is required to document acquisition pre-award decisions and risk assessment information for all requirements other than services. An acquisition strategy approved IAW threshold levels set out in section 5137.590-4 of the DB will suffice for services when a written acquisition plan is not required or waived in exceptional circumstances			

(201) The FDO Procurement Analyst will be the single focal point/Lead Analyst for the review of acquisition plans. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst for acquisitions as designated by the PARC or in the event that the FDO is not adequately staffed to provide a Procurement Analyst to serve as the Lead Analyst. In such case, the Field Director will contact the MICC Chief of Policy and Compliance Directorate or MICC HQ (Field Support) Chief to discuss/determine the terms of support. The Field Director is ultimately responsible for the timely and successful review of the acquisition plan.

a. The Lead Analyst shall be responsible for:

1. Conducting an independent review of all documents and consolidation of all comments.

2. Notifying the KO that the conformed document is ready for correction/action.

3. Ensuring that all comments have been addressed once the document(s) is re-submitted.

4. Preparing the Review Report/MFR and obtaining all required signatures on the MICC Form 356-R-E.

5. Coordinating the submission of documents to the MICC HQ (Field Support) Procurement Analyst after the Field Director decides that the documents are ready for PARC approval.

b. When the FDO Procurement Analyst is the Lead Analyst, the MICC HQ (Field Support) Procurement Analyst shall be responsible for:

1. Conducting an independent review of all documents to ensure that documents conform to all regulatory requirements.

2. Coordinating with the Lead Analyst and scheduling the briefing, if any,with PARC.

3. Printing out final documents for signature, supporting documentation and briefing slides, if any.

c. It is critical that the staff of the MICC HQ, Contracting Office and Field Director partner to immediately resolve issues inhibiting review and approval of acquisition documents. The KO shall involve both Procurement Analysts, SBS, PLC, SCA (for non-competitive approach) when an Acquisition Plan is being drafted.

(202) FDO Lead Procurement Analyst - Submission Process for Review of Acquisition Plan

a. The official submission process is initiated when the KO alerts the FDO Lead Procurement Analyst that a requirement is ready for higher level of review, approval or coordination. The 15 working days start when the KO makes the official contract file available in the PCF program for review.

b. The KO shall ensure that all the documents and supporting documentation required for the review are loaded into the PCF program at https://pcf.army.mil. To prevent review of obsolete documents, files uploaded to PCF should be clearly titled. For example:

- Market Research Report 13-R-0000, FtX baseopsv1, 1 Feb 13
- DD Form 2579 13-R-0000, FtX baseopsv1, 3 Feb 13
- Acq Strategy 13-R-0000, FtX baseopsv1, 1 Mar 13
- Acq Plan 13-R-0000, FtX baseopsv1, 1 Apr 13

c. The KO sends an e-mail alert to the FDO Lead Procurement Analyst with the following information:

1. Request for Review of Acquisition Plan

2. Description of Requirement

3. Estimated Dollar Value (base + options if applicable)

4. MICC Office

5. Contracting Officer

6. AMA/CPR Number

7. List of documents submitted named identical to PCF file name. See Appendix 5 for the supporting documents that need to be submitted.

8. MICC Form 356-R-E signed by the Contracting Office Director 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.

d. The FDO Lead Procurement Analyst will acknowledge receipt and 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 FDO Lead Procurement Analyst in the PCF program.

e. Upon verification that all the required documents are available in PCF, the FDO Lead Procurement Analyst will review the documents and also provide the documents to the SBP Associate Director and, if the procurement is to be non-competitive, to the SCA, for concurrent review. The FDO Lead Procurement Analyst may engage other acquisition team members such as the Cost/Price SME and Quality Assurance SME to provide review comments concurrently if deemed necessary. The review team

members will provide comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the FDO Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The FDO Lead Procurement Analyst will then send the "merged" documents to the MICC HQ (Field Support) Procurement Analyst and to the Office of Counsel, who will then provide additional (if any) review comments and recommendations within three (3) working days of receipt of the documents to the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will add/merge all review comments, and send the "merged" documents to the KO for resolution along with a courtesy copy to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents and briefing slides. All documentation (including reviews) will then be uploaded to PCF and the KO shall notify the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product prior to submission to the PARC. The FDO Lead Procurement Analyst then will prepare a Review Report Memo/MFR, which lists the documents that were examined; the purpose of the review; review team members; when and where the review was conducted; and the review comments and corresponding disposition up to that point. The Field Director signs on the MICC Form 356-R-E which will state that the acquisition plan has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. Upon receipt of the Field Director's approval to proceed, the FDO Lead Procurement Analyst will submit the package for higher headquarters coordination/approval by emailing the information in subparagraph (202) c. above to the MICC HQ Field Support address at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review from the MS-Outlook GAL. The MICC HQ (Field Support) Procurement Analyst will review the documents for regulatory compliance. If regulatory or policy issues are identified, the MICC HQ (Field Support) Procurement Analyst will notify the Field Director who will then determine the course of action. If the MICC HQ (Field Support) Procurement Analyst does not identify regulatory issues in the documents, the MICC HQ (Field Support) Procurement Analyst will coordinate with the PARC to determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, MICC Form 356-R-E signed by the Field Director and Review Report Memo/MFR. The

briefing will NOT be rescheduled because of lack of availability of any review team member, unless the approval or higher authority directs such a rescheduling. The Field Director will designate the briefer. At the conclusion of the review, the FDO Lead Procurement Analyst will update or finalize the Review Report Memo/MFR and coordinate with the KO to obtain the signatures on the acquisition plan. Then, the MICC HQ (Field Support) Procurement Analyst will obtain the PARC's approval on the acquisition plan.

(203) MICC HQ (Field Support) Lead Procurement Analyst – Submission Process for Review of Acquisition Plan

a. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst on acquisitions as designated by the PARC or in the absence of a Procurement Analyst at the FDO per the terms and conditions agreed between the Field Director and the MICC Chief of Policy and Compliance Directorate or Field Support Division Chief.

b. The Field Director or the FDO staff sends an e-mail alert to MICC HQ (Field Support) Procurement Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the MS-Outlook GAL or usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil with the following information:

1. Request for Review of Acquisition Plan

2. Description of Requirement

3. Estimated Dollar Value (base + options if applicable)

4. MICC Office

5. Contracting Officer

6. AMA/CPR Number

7. List of documents submitted named identical to PCF file name

8. MICC Form 356-R-E signed by the Contracting Office Director 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.

c. Upon receipt of the e-mail alert, the MICC HQ (Field Support) Chief will acknowledge receipt and provide the name of the MICC HQ (Field Support) Lead Procurement Analyst, contact information and a tentative completion date. The completion date is contingent upon the responsible MICC Contracting Office making all the required documents in the official contract file accessible to the MICC HQ (Field Support) Lead Procurement Analyst in the PCF program.

d. The MICC HQ (Field Support) Lead Procurement Analyst will review the submission for completeness. If complete, the analyst will annotate the Acquisition Tracking Log with the submission date and the projected approval date based on the "Estimated Lead Time". If the submission is incomplete, the analyst will update the "Remarks" column in the Acquisition Tracking Log Remarks and notify the applicable Contracting Office and Field Director, requesting submission of the missing documentation. If a complete package is not received within two (2) working days, the applicable Contracting Office and Field Director will be notified. Once a complete package is received, the Lead Procurement Analyst will record the actual submission date.

e. Upon verification that all the required documents are available in PCF, the MICC HQ (Field Support) Lead Procurement Analyst will review the documents and provide the documents to the SBP Associate Director and the Office of Counsel, and, if the procurement is to be non-competitive, to the SCA for concurrent review. The MICC HQ (Field Support) Lead Procurement Analyst may engage other acquisition team members such as the Cost/Price and Quality Assurance SMEs to provide review comments concurrently if deemed necessary. The review team members will provide review comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the MICC HQ (Field Support) Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The "merged" documents will then be sent to the KO for resolution and a courtesy copy provided to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents and briefing slides. All documentation (including reviews) is then uploaded to PCF and the KO shall notify the MICC HQ (Field Support) Lead Procurement Analyst. The MICC HQ (Field Support) Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product prior to submission to the PARC. The MICC HQ

(Field Support) Lead Procurement Analyst then prepares a Review Report Memo, which lists the documents that were examined, the purpose of review; review team members; when and where it was conducted; attendees; and summarizes the discussions and outcomes up to that point. If the Field Director concurs with the revised documents, then the Field Director signs the MICC Form 356-R-E stating that the acquisition strategy has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. The MICC HQ (Field Support) Lead Procurement Analyst will further coordinate with the PARC. The PARC may direct a briefing and will determine the date, time location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing, if any: briefing slides, final documents for signature, MICC Form 356-R-E signed by the Field Director and Review Report Memo/MFR. The Field Director will designate the briefer. At the conclusion of the review, the MICC HQ (Field Support) Lead Procurement Analyst will update or finalize the Review Report Memo/MFR, coordinate with the KO to obtain the signatures on the acquisition and obtain the PARC's approval on the 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. Field Directors and Contracting Office Directors should encourage Requiring Activities to identify unfunded requirements early.

(202) Cut-off dates shall be publicized in a manner that will ensure Requiring Activities are informed of the dates in a timely manner. Although funded requirements take priority, requirements with purchase requests containing the statement at AFARS 5101.602-2 (a)(ii)(A) as signed by the comptroller or designee will be accepted when there is a reasonable expectation that funds will become available.

(203) Table 7-2, Purchase Request Submittal Dates for End of Fiscal Year 2013 specifies the timeframe Supported Activities are asked to submit requirements packages to their supporting MICC Contracting Offices. These dates are based on the receipt of a complete and accurate requirements package. Incomplete or inaccurate packages may delay award. Supported 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. Any action greater than $50M should already have been submitted to MICC contracting offices for award this fiscal year. Supported Activities are encouraged to identify unfunded requirements to MICC contracting offices early.

a. Requirements that limit competition require appropriate approval and documentation support. Sole source actions and documentation requirements vary depending upon whether the matter is a non-competitive action covered under FAR 6.301, limited source justification under FAR 8.405-6, a sole source under the Test Program for Certain Commercial Items under FAR 13.501 or an exception to fair and equal opportunity under FAR 16.505 when multiple award contracts are involved. Noncompetitive contract actions require sound, complete and legally sufficient rationale.

b. Requirements packages are unique based on type of acquisition but in general, each package should contain the following:

1. Purchase Request must have appropriate funds certified by a fiscal officer

2. Full description of services, when applicable. The proposed contract action must be appropriately identified *i.e.*, a modification, a task order, an option exercise, a new contract, or purchase order.

3. All services requirements over $150K must include the nomination of a properly trained COR. The requirements for COR training are listed in the ACC Pamphlet 70-1, Interim Army Contracting Command – Contracting Officer's Representative Policy Guide. Nominations are required to be submitted via the Virtual Contracting Enterprise located at the following URL https://arc.army.mil/COR.

4. Serial numbers and location of equipment (applicable to maintenance and lease services only)

5. Any special instructions, i.e., DD Form 254, Security Requirements

6. Justification and Approval when applicable (Sole Source, or Brand Name or Equal) signed by appropriate individuals within your organization

7. Completed ASA(M&RA) form for Service Contract Approval (Services only-Army only)

8. Conference Approval by Administrative Assistant to the Secretary of the Army (AASA) for Headquarters Department of the Army (HQDA) sponsored conferences.

c. The Army's Computer Hardware, Enterprise Software and Solutions (CHESS) is the mandatory source for Information Technology hardware and software (AR 25-1, Section 6-2a). The website is https://chess.army.mil/. Requirements such as desktop and notebook computers must be purchased during the ASCP Consolidated Buy (CB) periods. Any request for CB items, outside of the CB period, must be accompanied by a CB exception (select exceptions and waivers under CB on the website for more details).

d. The estimated dates in Table 7-2 below 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. Government Purchase Card (GPC) cut off dates will be established based on local command procedures.

e. 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. These dates incorporate time required to put a contract in place. Delivery lead times or ramp up for providing services must be considered. The lead times annotated in Table 7-2 account for the potential of administrative furloughs and the lost productivity associated with such an action if fully implemented. Services are required to begin before the funds expire on Monday, 30 September 2013 to meet the bona fide need rule.

Table 7-2
Purchase Request Submittal Deadlines for Fiscal Year 2013

Requirement	Total Estimated Dollar Amount	Submission Deadline to meet 80/20 31 Jul 13 Award	Submission Deadline to meet 13 Sep 13 Award
New Supplies & Services (including Information Technology*)			
Commercial & Non-Commercial Items/Services*	>$150K to $50M	14 Jan 13	11 Mar 13
Commercial & Non-Commercial Items/Services	Up to $150K	15 Apr 13	17 Jun 13
Orders against Multiple Award Indefinite Delivery Indefinite Quantity (IDIQ) Contracts (Army/DoD)	All	8 Apr 13	6 Jun 13
Delivery or Task Order against Single Award IDIQ and Requirements Type Contract (Army/DoD)	All	20 May 13	17 Jul 13
Orders under Non DoD Contracts (GSA, VA and other agencies)	All	25 Mar 13	23 May 13
Supply	$3K & Below	Use GPC	Use GPC
Services	$2,500 & Below	Use GPC	Use GPC
Construction			
Construction, Repair and Maintenance	$2K & Below	Use GPC	Use GPC
Construction, Repair and Maintenance	Over $2,000	28 Feb 13	2 May 13
Order against Job Order Contract, IDIQ or Requirements Contract	All	15 Apr 13	17 Jun 13
Exercising Options for Existing Contracts			
Timelines are contract specific and require close coordination with the supporting Contracting Office. We recommend a **minimum of 3-6 months** prior to the expiration date depending on the complexity. *Subject to Army's Computer Hardware, Enterprise Software and Solutions (CHESS)			

7.105 Contents of Written Acquisition Plans

(200) To the extent that the approval levels of the Acquisition Strategy and Acquisition Plan align; a combined document may be created. To assist in the preparation of the combined Acquisition Strategy and Plan, a template can be found in the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/Forms%20and%20Templates%20Library/Forms/AllItems.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FAcquisition%20Strategy%20and%20Acquisition%20Plan&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C37B97C4-46E4-49AD-92F7-D930332394F1}

(201) Utilize the plan section of the Combined Acquisition Strategy and Plan template when drafting an acquisition plan only.

7.107 Additional Requirements for Acquisitions Involving 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, see: http://www.acq.osd.mil/osbp/news/guidebook.htm.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Cost Benefit Analysis for Bundled Requirements other than those conducted under OMB Circular A-76	FAR 7.107(b) ACC Desk Book 7.106	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	PARC	15
	FAR 7.107(c) ACC Desk Book 7.106d	Expected benefits not meeting thresholds above	AAE	35

207.170 Consolidation of Contract Requirements

(200) MICC Contracting Offices shall follow the policy and procedures contained in DFARS 207.170 and AFARS 5107.170, Consolidation of Contract Requirements.

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. Failure to include the SBS during the acquisition planning stages may result in a delay, and/or a requirement for additional market research.

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 $5.5 million (including options), unless the acquisition planning documentation includes a determination that the consolidation is necessary and justified in accordance with DFARS 207.170-3(a)(3).

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
D&F for Consolidation of Contract Requirements	DFARS 207.170-3(a)(3) AFARS 5107.170-3(b) ACC Desk Book 207.170(d)(5)	>$5.5M ≤ $100M	PARC	15
		>$100M < $500M	HCA	20
		≥$500M	DASA(P)	35

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 Supported Activity must prepare and provide the KO with the justification supporting the decision to lease or purchase.

(201) As required by 10 U.S.C. 2401a, the KO shall not enter into any contract for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement with a term of 18 months or more, or extend or renew any such contract for a term of 18 months or more, unless the head of the contracting activity has—

a. Considered all costs of such a contract (including estimated termination liability); and

b. Determined in writing that the contract is in the best interest of the Government.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Equipment Lease vs. Purchase Analysis	FAR 7.401, DFARS 207.470(c)	All	KO	Locally Determined
D&F 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 or more	PARC	20

A sample spreadsheet to help support an Equipment Lease vs. Purchase Analysis can be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FLease%20vs%20Purchase%20Analysis&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

Subpart 7.5 Inherently Governmental Functions

(200) Prior to issuing a solicitation or awarding a contract (if there is no solicitation) for services, KOs are reminded that the solicitation/contract file must have a Department of Army Manpower and Reserve Affairs (M&RA) form entitled "Request for Services Contract Approval Form", signed by an SES or GO from the Army Supported Activity, along with the accompanying completed worksheets. This applies to all new requirements, exercise of options on existing contracts, and placement of delivery orders and/or task orders on existing contracts including GSA Federal Supply Schedules. The accountable GO or SES may delegate certification authority for requirements valued less than $100,000 IAW Command policy. KOs shall document the contract file with a copy of the Command policy before accepting a service contract approval that is signed below the GO/SES Level. IAW Memorandum, Secretary of the Army dated 2 April 2013, subject: Request for Service Contract Approval Form Signature Authority Exception Request, O-5/GS-14 Garrison Commanders/Managers at IMCOM may be the signature authority on the Request for Service Contract Approval Form for service contract requirements valued less than $100,000. This delegation authority is restricted to garrisons that do not have an O-6/GS-15 Commander. This

exception does not relieve IMCOM of the accountability or reporting requirements that govern acquisition processes.

(201) The most current form is dated 8/10/2012 and may be located at website: http://www.asamra.army.mil/scra/ The worksheets have been updated to incorporate regulatory changes and all previous versions are obsolete. The Supported Activity's signature on the form certifies that there are no personal services or inherently governmental functions included with the effort therefore complying with the 2008 NDAA. The accompanying worksheets must be completed by the Supported Activity to provide background support for the certification. The following requirements are not considered services and are exempt:

a. Manufacturing/production contracts;

b. Utilities;

c. Subscriptions;

d. Off-the-shelf software;

e. Vertical construction (although repair and maintenance of facilities *are* considered services);

f. Help desk and customer service support incidental to equipment or off-the-shelf software purchases;

g. Software licensing agreements and updates (customized software development, maintenance, and upgrades, however, *are* considered services);

h. Foreign Military sales/services;

i. Manufacturer's warranties (extended maintenance/repair beyond the standard manufacturer's warranty, however, *is* considered a service);

j. Delivery services incidental to a supply purchase.

(202) ACC Command Policy Letter 09-12, Delegation of Authority for Service Contract Approval, dated 14 April 2009, delegates authority to GO/SES at ACC Subordinate Commands to approve service contract requirements at or below $1M. ACC Command

Policy Letter 09-29, Delegation of Authority for Service Contract approval for Service Requirements Valued at Less than $100K, dated 24 August 2009, further reiterates that the approving authority remains at the GO/SES level for service contract requirements valued up to $1M at ACC subordinate commands. The ACC Commanding General or the Deputy to the Commanding General is the approval authority for service contract requirements valued over $1M and less than $25M. Local legal review is required prior to submission for approval per ACC Contracting Note 12-09.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Service Contract Approval Request (Where MICC is the requiring activity)	ACC Command Policy Letter 09-12 (14 Apr 09) and 09-29 (24 Aug 09), ACC Desk Book 507.503, and ACC Contracting Note 12-09.	≤ $1M	GO/SES	20
		>$1M <$25M	ACC Commanding General or Deputy to Commanding General	25

(203) IAW DPAP Memorandum dated 25 February 2013, subject: Reporting Inherently Governmental Functions Indicators to the Federal Procurement Data System, contracting officers are required to code the "Description of Requirements" field in the FPDS CAR to specify whether the contracted services are closely associated to inherently governmental functions, are critical functions, or are other functions. The DPAP memo provides definitions for each code and how to complete the "Description of Requirements" field on the CAR. The KO should work with the Supported Activity to ensure they provide the appropriate function indicator with their requirements package.

PART 8: REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 8.4 Federal Supply Schedules

8.405 Ordering Procedures for Federal Supply Schedules

(200) Requests for quotes (RFQ) under Federal Supply Schedule (FSS) orders for services that require a statement of work and of which schedule holders must be given a fair notice of intent of the purchase. These RFQs are governed by FAR 8.405-2, Ordering Procedures for Services Requiring A Statement of Work (SOW).

(201) 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 set out in section 201.170 of this Desk Book. The KO must resolve all comments from the Review Board's findings and recommendations before the action under review will be approved by the appropriate authority.

Document	Threshold	Approval Authority	Estimated Lead Time (Working Days)
FSS RFQ (SRB)	≥ $SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥$500M (Non-Competitive) ≥ $500M < $1B (Competitive)	HCA	20
	≥ $1B (Competitive)	DPAP	35
*Further delegation requires prior PARC approval in writing			

(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 business clearance approval prior to award. When discussions are conducted, the FSS quote evaluation documentation shall be submitted prior to negotiations and prior to contract award. Discussions shall not commence and an award shall not occur without receipt of a business clearance for each interval. The business clearance of FSS quote evaluation documentation for a competitive action valued less than $1B or non-competitive action valued less than $500M, that needs to be approved prior to the request for final proposal revisions or

prior to negotiations will be similar to the review process set out in section 15.406-1 of the Desk Book. The business clearance of FSS quote evaluation documentation that needs to be approved at the DPAP–level is subject to the peer review procedures set out in section 201.170 of the Desk Book. Business clearance for documents prior to contract award that requires approval at the PARC or higher shall be reviewed when the CRB (Peer Review) is conducted IAW procedures set out in section 201.170 of the Desk Book.

Document	Threshold	Approval Authority	Estimated Lead Time (Working Days)
Evaluation of FSS Quotes and Task Order Decision Documents**	≥ $SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥ $500M < $1B (Competitive)***	HCA	20
	≥ $500M*** (Non-Competitive)	DPAP	35
	≥ $1B (Competitive)***	DPAP	35

*Further delegation requires prior PARC approval in writing
**See detailed business clearance procedures in paragraph (202) under section 8.405 of the Desk Book.
***Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts (including IDIQs), modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require additional clearance approval from the USD(AT&L) prior to award.

(203) The TODD shall document the basis of award of the FSS order. Though the decision authority for selection of the awardee resides with the KO, it is independent of the business clearance authority of the Approval Authority who reviews the rationale used to select the awardee. The Approval Authority by granting a business clearance authorizes the KO to release the order. Review and business clearance approval of TODDs and evaluation of FSS quotes is based on the estimated aggregate value (the cumulative total of the base and all option periods) of each individual order.

(204) Risk Mitigation in the Face of Fiscal Uncertainty. Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require the approval of the USD(AT&L) prior to award. Obligation is defined to include not only the obligation on the instant contract action but also the total potential future obligation. If this is a new contract/task or delivery order, this is the total value

of the contract. If this is a modification, it is not the total contract value, but rather the total value (left) to obligate (that will be equal to or greater than $500M). For IDIQs, approval of the IDIQ will cover all TO/DOs awarded against an IDIQ. Previously awarded contracts (including IDIQs) and task/delivery orders will require clearance if the vehicle is modified to increase the value by at least $500M. Approval is intended to be a one-time event that covers the total potential future obligation on a contract vehicle. Once cleared, subsequent actions against the same vehicle do not require additional approval unless there is a scope change that adds $500M or more to an already approved vehicle. See paragraph (203) of section 1.290 of the DB for details on the approval process.

208.405-70 Additional Ordering Procedures for Federal Supply Schedules

(200) If only one offer is received, follow the procedures at DFARS 215.371.

(201) DFARS 215.371-5 permits waivers based upon the HCA authority as delegated to the PARC. The MICC PARC has delegated authority to Field Directors to approve waivers to the policy requirement to re-solicit and/or the requirement to conduct negotiations. Field Directors are authorized to re-delegate subject waiver authority to no lower than one level above the KO.

(202) Waiver requests shall follow the guidance located on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSynopses%20of%20Contract%20Actions&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

8.405-3 Blanket Purchase Agreements (BPAs)

(200) The Federal Strategic Sourcing Initiative (FSSI) BPAs are mandatory for all purchases of office supplies. The FSSI BPAs can be accessed through the Army Corridor of the DOD EMALL site: https://dod-emall.dla.mil/acct/. The primary goals of the Office Supply BPAs are to ensure that office product purchases are in compliance with the statutory preferences afforded to products manufactured under the AbilityOne Program, capture economies of scale, and realize significant savings while providing opportunities for small business. KOs shall consider socio-economic status when identifying Contractors for consideration or competition for award of an order, as stated

in FAR 8.405-5(b). This policy does not apply to purchases made Outside of the Continental United States (OCONUS). Exceptions to the mandatory use of the FSSI BPAs and DoD EMALL are listed in PARC Policy Alert #12-03, which is found on the MICC Communities of Practice SharePoint Portal under Policy & Guidance at: https://micc.aep.army.mil/COP/PG/Acquisition%20Instructions%20%20MICC/PARC%20Policy%20Alerts/PARC%20Policy%20Alerts%20FY%202012/PARC%20Policy%20Alert%2012-03%20Mandatory%20Use%20of%20Office%20Supply%20BPAs.msg.

8.405-6 Limiting Sources

(200) Orders that are not placed on a competitive basis must be supported by a Limited Sources Justification (LSJ) prepared IAW FAR 8.405-6. Standardized LSJ templates are found the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FJustification%20and%20Approval&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

(201) Approval threshold for an LSJ is determined by the statutory exception used to justify such action. If the same authority is used to extend a period of performance for more than one time, the threshold is determined by accumulating all previous LSJ actions and the current one. For example, if the statutory authority at FAR 8.405-6(a)(1)(i)(B) was previously used to extend performance and the same authority is appropriate for an additional performance extension, then the dollar values must be aggregated for the purpose of determining the appropriate approval threshold. However, if another statutory authority is appropriate [such as the exception at FAR 8.405-6(a)(1)(i)(A)], then regardless of the number of previous LSJ actions that have been approved based on another authority under FAR 8.405-6(a)(1)(i) to extend contract performance [for example, use of the exception authorized by FAR 8.405-6(a)(1)(i)(B)], then the appropriate approval threshold is determined solely by the value of the instant LSJ action that is citing the statutory authority at FAR 8.405-6(a)(1)(i)(A). If you have questions, consult the FDO SCA or the MICC HQ SCA. LSJ approval authorities are outlined below:

Limited Source Justification	
Threshold	**Approval Authority**
Value not exceeding $650,000	Contracting Officer
Over $650,000 but not exceeding $12.5M	SCA
Over $12.5M but not exceeding $85.5M	*HCA, or designee who is GO or in grade above GS-15
Over $85.5M	SPE
*The MICC HCA has designated Mr. George M. Cabaniss, Jr., Deputy to the Commander, as the approval authority for proposed actions over $12.5M but not exceeding $85.5M	

(202) The Deputy to the Commander will coordinate with the MICC HCA in advance of approval of any proposed non-competitive action valued over $50M.

(203) LSJs require legal sufficiency review per section 1.602 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).

(204) Field Directors shall ensure that all approved LSJs are appropriately reported to the logs. KOs shall record the LSJ valued up to $650k to the MICC J& A Log ($150k - $650k) located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. SCAs shall record all actions exceeding the KO's approval authority on the MICC Special Competition Log (Actions Over $650K), which is also located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. In addition, electronic copies of such documents will be uploaded to a designated location on the respective MICC Contracting Office's local shared drive into separate folders IAW the Fiscal Year that the document was approved. The documents shall be saved using the Contracting Office's naming convention as reflected in the log. For example, if the naming convention denotes 13-14 (meaning the 14th J&A or LSJ action approved in Fiscal Year 2013), then the file should be uploaded to the FY13 Folder and named 13-14.

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.org. Additions and deletions to the PL are published in the *Federal Register* as they occur.

(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 (Javits-Wagner-O'Day (JWOD) Act, 41 USC 8501-8506).

Subpart 208.70 Coordinated Acquisition

(200) Effective immediately, Contracting Offices shall not accept theater-unique requirements or requirements, for services and supplies to be performed or delivered outside the continental United States (OCONUS) until the responsible Field Director obtains written approval to do so from the MICC Commander or Deputy to the Commander. Under no circumstances may such work be accepted from any Supported Activity before the responsible Field Director has provided written approval to the Contracting Office. Prior to granting an approval to accept such work, Field Directors shall determine whether the requirement is within our core capabilities and mission and also consider the experience level and workload of personnel in the assigned Contracting Office. Refer to Section 25.3 Contracts Performed Outside the United States for further guidance.

(201) IAW Memorandum, Assistant Secretary of the Army (Acquisition, Logistics and Technology) dated 6 Jan 2010, subject: The Army's Procurement of Non-Standard Rotary Wing Aircraft (e.g. Mi-17), requirements for non-standard rotary wing support shall be submitted to Army Contracting Command-Redstone for award and managed by the Program Manager for Non-Standard Rotary Wing Aircraft (PM NSRWA), U.S. Army Aviation Missile Command, Redstone Arsenal, Alabama.

5108.7002 Coordinated Acquisition

(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 Army 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.

(201) Nonstandard ammunition requirements must be validated prior to the execution of a contracting action. All requirements for nonstandard ammunition 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 (AMSJMRD) 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. A written MFR signed by the Program Executive Office (PEO) Ammunition and the Contracting Office Director documenting coordination between the offices. This memorandum shall also include written acknowledgement by the PARC prior to award. PEO Ammunition has final approval authority to allow other U.S. Army organizations to procure nonstandard ammunition. A sample MFR can be found on the MICC SharePoint Communities of Practice under Forms and Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FNonStandard%20Ammunition&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

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.

PART 9: CONTRACTOR QUALIFICATIONS

Subpart 209.1 Responsible Prospective Contractors

209.104-70 Solicitation Provisions

(200) IAW Class Deviation – Prohibition Against Using Fiscal Year 2013 Funds to Contract With Corporations that have an Unpaid Delinquent Tax Liability or a Felony Conviction under Federal Law, dated 22 Jan 2013 and 8 April 2013, funds made available by the Continuing Appropriations Resolution, 2013 (Public Law 112-175) and by the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6) may not be used to enter into a contract with any corporation which provides an affirmative response concerning unpaid delinquent tax liability or felony conviction to the representations contained in the provisions.

(201) The KO shall include the appropriate provision as provided in the Class Deviation in all solicitations that will use funds made available by the Continuing Appropriations Resolution, 2013 (Pub. L. 112-175) and by the Consolidated and Further Continuing Appropriations Act, 2013(Pub. L. 113-6), including solicitations for the acquisition of commercial items under FAR Part 12, and shall apply the following restrictions:

a. The KO shall not award a contract to any corporation that provides an affirmative response to the representation on the provision at DFARS 252.209-7997 regarding any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability or with regard to conviction of a felony criminal violation of Federal law within the preceding 24 months.

b. The KO shall not award a contract to corporation that provides an affirmative response to the representation in the provision at DFARS 252.209-7996 regarding conviction of a felony criminal violation of Federal law within the preceding 24 months.

c. The KO shall not award a contract to corporation that provides an affirmative response to either of the representations in the provision at DFARS 252.209-7995 regarding any unpaid Federal tax liability or a conviction of a felony criminal violation of Federal law within the preceding 24 months.

(202) Upon receipt of an affirmative response to the representation, the KO shall consult the Army Suspension and Debarment Official (SDO). A KO may make an award despite an affirmative response to the representations if the Army SDO has considered suspension or debarment of the corporation and has made a written determination that further action is not necessary to protect the interests of the Government.

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 Field Director to identify all actual and potential OCI issues.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Organizational Conflict of Interest (OCI) (excluding acquisitions subject to unique agency OCI statutes, see FAR 9.502(d))	FAR 9.506(b)	Avoid, Neutralize, Mitigate OCI	Contracting Office Director	Locally Determined
	FAR 9.503 AFARS 5109.503	OCI Waiver	HCA	20

PART 10: MARKET RESEARCH

5110.002 Procedures

(200) The MICC Market Research Guide can be found in the MICC Communities of Practice SharePoint Portal under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FPre%2DAward&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={A75E074C-A198-410E-9870-414A979A28A8}

(201) Contracting personnel will start acquisition planning eighteen (18) months in advance of required contract award. IAW AFARS 5110.002, requiring activities will conduct market research to determine if capable sources exist, to include the availability of commercial services, to satisfy their requirements. In their roles as business advisors, KOs shall ensure that the applicable required sources of supplies or services at FAR 8.002 are considered, to include a review of the Enterprise Contract Directory available in the MICC SharePoint site at: https://micc.aep.army.mil/default.aspx. The extent of the market research should be appropriate the circumstances.

a. Before awarding a task or delivery order under an Indefinite Delivery Indefinite Quantity (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), 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.

(202) KOs shall also assist in the market research efforts by developing and posting sources sought synopses or requests for information through the ASFI as necessary. KOs shall review and validate the market research 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) Effective 1 October 2012, market research in support of a J&A under the circumstances at FAR 6.302-1 shall include a sources sought synopsis and its results. The sources sought synopsis is an announcement posted thru ASFI under the "Sources Sought Notice" category, which announces in FedBizOpps that the Government is seeking possible sources for a project as part of market research. The sources sought synopsis is not to be confused with the "notice of intent to award a sole source action" that may be done later in the procurement process. Only the PARC may waive the sources sought synopsis requirement. In addition, the market research shall meet the time requirements specified in AFARS 5110.002.

PART 11: DESCRIBING AGENCY NEEDS

(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.

(201) Contracting personnel are requested, when applicable, to incorporate appropriate contract language that is contained in the attached cover sheet in their respective contract documents.

(202) 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/OSPEC measures into the contract requirements package. Both documents can be found the MICC Communities of Practice SharePoint Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FAT%20OPSEC&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={F3F58701-7608-4B00-90FB-7597F3DEEE18}

(203) Effective immediately, Contracting Offices shall not accept theater-unique requirements or requirements, for services and supplies to be performed or delivered outside the continental United States (OCONUS) until the responsible Field Director obtains written approval to do so from the MICC Commander or Deputy to the Commander. Under no circumstances may such work be accepted from any Supported Activity before the responsible Field Director has provided written approval to the Contracting Office. Prior to granting an approval to accept such work, Field Directors shall determine whether the requirement is within our core capabilities and mission and also consider the experience level and workload of personnel in the assigned Contracting Office.

Subpart 11.1 Selecting and Developing Requirements Documents

11.104 Use of Brand Name or Equal Purchase Descriptions

(200) IAW FAR 11.104(b) 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) An acquisition that uses a brand-name or equal description 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.

PART 12: ACQUISITION OF COMMERCIAL ITEMS

(200) To assist KOs and contract specialists when documenting simplified acquisition procedures for supplies, a checklist can be found by clicking on the appropriate document listed in Appendix 6 of the MICC Desk Book. The same checklist may also be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FChecklists&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

Subpart 12.1 Acquisition of Commercial Items -- General

(200) Unless superseded by other statutory or regulatory guidance, it is the command's policy to use Reverse Auctions for all acquisitions above the micro-purchase threshold when competitively purchasing commercial supplies in the product codes below:

Product Code	Description of Product Code
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
39	Materials Handling Equipment
42	Fire Fighting, Rescue, and Safety Equipment
54	Prefabricated Structures and Scaffolding
56	Construction and Building Materials
58	Communications, Detection, and Coherent Radiation Equipment
59	Electrical and Electronic Equipment Components
66	Instruments and Laboratory Equipment
67	Photographic Equipment
69	Training Aids and Devices
70	Information Technology
71	Furniture
74	Office Machines, Text Processing Systems and Visible Record Equipment
75	Office Supplies and Devices
78	Recreational and Athletic Equipment
84	Clothing, Individual Equipment, and Insignia

a. Field Directors may authorize individual and class waivers to this policy in writing explaining the basis for the waiver and shall provide a copy of the waiver to the Chief of Policy and Compliance Directorate.

b. This authority for individual waivers may be delegated down to the Contracting Office Director for actions below the SAT, with a copy of the waiver provided to the Field Director and to the Chief of Policy and Compliance Directorate.

(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) Although competitive purchases of commercial items using simplified acquisition procedures lend themselves to reverse auctions, an analysis of the command's spending has identified the top 20 categories where a reverse auction is likely to drive competition and lower prices. The above referenced product and service classifications have shown consistent success when utilizing reverse auctions and are recommended as starting points for reverse auctions. The intent of this policy is not to restrict the use of reverse auctions to these categories. However, Arms, Ammunition and Explosives shall not be procured using reverse auction.

(203) The command's annual goal is to utilize reverse auctions for at least 25% of all the simplified acquisition purchases. KOs shall document the contract file when a determination is made not to use reverse auctions for the purchase of commercial items above the micro-purchase threshold IAW the command policy described in above paragraphs (200) and (201). The Determination Not to Use a Reverse Auction template may be used to provide the documentation and it is located on the MICC SharePoint Communities of Practice under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FDeterminations&FolderCTID

=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

(204) 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 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.

(205) KOs shall follow all applicable acquisition statutes, regulations, and policies when utilizing 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), EPLS, 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 non-DOD certification 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. Contracting officers 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 $3K and equal to or less than $10k and not set-aside. All actions over $10K require a DD Form 2579.

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.

e. KOs shall make a written determination of fair and reasonable price when utilizing reverse auctions.

(206) There are several reverse auction tools available and they are discussed in Subpart 5104.5 of the MICC Desk Book. Each tool has distinct features which should be taken into consideration when determining the appropriate tool to use when conducting a reverse auction.

212.102 Applicability

(200) The determination required byPARC Policy Alert #12-66 and PARC Policy Alert #12-66 (Rev 1), that the acquisition meets the commercial item definition in FAR 2.101 for each acquisitionvalued $1M and below that uses FAR part 12 procedures, except for acquisitions made pursuant to FAR 12.102(f)(1) (defense against or recovery from a nuclear, biological, radiological or chemical attack, is suspended thru 30 September 2013. An optional format for a commerciality determination valued under the SAT is located on the MICC SharePoint Communities of Practice under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FDeterminations&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}.

Subpart 12.2 Special Requirements for the Acquisition of Commercial Items

212.205 Offers

(200) If only one offer is received when using competitive procedures, follow the procedures at DFARS 215.371.

(201) DFARS 215.371-5 permits waivers based upon the HCA authority as delegated to the PARC. The MICC PARC has delegated authority to Field Directors to approve waivers to the policy requirement to re-solicit and/or the requirement to conduct negotiations. Field Directors are authorized to re-delegate subject waiver authority to no lower than one level above the KO.

(202) Waiver requests shall follow the guidance located on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSynopses%20of%20Contract%20Actions&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

12.207 Contract Type

(200) IAW ACC CPM 13-24, Use of Firm Fixed Price (FFP) Level Of Effort (LOE) Term Contracts for Commercial Services Acquisitions, the FAR neither specifically identifies FFP LOE term contracts for commercial services, nor does it specifically prohibit FFP LOE term contracts for commercial services. Therefore, a FFP LOE Term contract is an allowable contract variant when acquiring commercial services.

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. When the Supported 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, endorsed by the first O-6 or civilian equivalent in the Supported Activity's Chain of Command. 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 Supported Activity shall provide a completed service contract approval request form for the proposed additional work. Refer to Section 43 of this Desk Book for details on determination of scope prior to issuing contract modification.

PART 13: SIMPLIFIED ACQUISITION PROCEDURES

Subpart 13.1 Procedures

(200) To assist KOs and contract specialists when documenting simplified acquisition procedures for supplies, a checklist can be found by clicking on the appropriate document listed in Appendix 6 of the MICC Desk Book. The same checklist may also be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates:
https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FChecklists&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

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

(200) Unless superseded by other statutory or regulatory guidance, it is the command's policy to use Reverse Auctions for all acquisitions above the micro-purchase threshold when competitively purchasing commercial supplies in the product codes below:

Product Code	Description of Product Code
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
39	Materials Handling Equipment
42	Fire Fighting, Rescue, and Safety Equipment
54	Prefabricated Structures and Scaffolding
56	Construction and Building Materials
58	Communications, Detection, and Coherent Radiation Equipment
59	Electrical and Electronic Equipment Components
66	Instruments and Laboratory Equipment
67	Photographic Equipment
69	Training Aids and Devices
70	Information Technology
71	Furniture
74	Office Machines, Text Processing Systems and Visible Record Equipment
75	Office Supplies and Devices
78	Recreational and Athletic Equipment
84	Clothing, Individual Equipment, and Insignia

a. Field Directors may authorize individual and class waivers to this policy in writing explaining the basis for the waiver and shall provide a copy of the waiver to the Chief of Policy and Compliance Directorate.

b. This authority for waivers may be delegated down to the Contracting Office Director for actions below the SAT, with a copy of the waiver provided to the Field Director and to the Chief of Policy and Compliance Directorate.

(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) Although competitive purchases of commercial items using simplified acquisition procedures lend themselves to reverse auctions, an analysis of the command's spending has identified the top 20 categories where a reverse auction is likely to drive competition and lower prices. The above referenced product and service classifications have shown consistent success when utilizing reverse auctions and are recommended as starting points for reverse auctions. The intent of this policy is not to restrict the use of reverse auctions to these categories. However, Arms, Ammunition and Explosives shall not be procured using reverse auction.

(203) The command's annual goal is to utilize reverse auctions for at least 25% of the simplified acquisition purchases. KOs shall document the contract file when a determination is made not to use reverse auctions for the purchase of commercial items above the micro-purchase threshold IAW the command policy in paragraphs (200) and (201) above. The Determination Not to Use a Reverse Auction template may be used to provide the documentation and it is located on the MICC SharePoint Communities of Practice under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FDeterminations&FolderCTID

=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

(204) 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 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.

(205) KOs shall follow all applicable acquisition statutes, regulations, and policies when utilizing reverse auctions.

a. The use of a reverse auction tool does not exempt the KO from verifying data in the SAM, EPLS, 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 non-DOD certification 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. Contracting officers 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 $3K and equal to or less than $10k and not set-aside. All actions over $10K require a DD Form 2579.

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.

e. KOs shall make a written determination of fair and reasonable price when utilizing reverse auctions.

(206) There are several reverse auction tools available and they are discussed in Subpart 5104.5 of the MICC Desk Book. Each tool has distinct features which should be taken into consideration when determining the appropriate tool to use when conducting a reverse auction.

Subpart 13.3 Simplified Acquisition Methods

213.301 Government-wide Commercial Purchase Card

(200) The MICC Government Purchase Card (GPC) Operating Procedures (October 2012) provides additional guidance and procedures to manage the MICC GPC Program efficiently and effectively and IAW the Department of the Army GPC Operating Procedures. These procedures establish command wide standards designed to provide all MICC activities with a foundation upon which to build specific operating procedures governing their programs. The GPC Operating Procedures can be found on the MICC Communities of Practice SharePoint Portal under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FGovernment%20Purchase%20Card&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={57C4D7FB-014B-4FA9-B7F7-278F0DC75152}

(201) Purchase of Mementos and Promotional Items. The purchase of mementos and promotional items is considered an improper expenditure of funds because mementos are considered to be gifts. An exception to this rule is the purchase of modest promotional items, which must be shown to directly contribute to execution of your mission. Such purchases are considered a necessary expense if there is a direct link between the distribution of the item and the accomplishment of the mission requirement or objective. If the only link is an indirect contribution, such as customer relations or employee morale, the expenditure is improper, GO, SES, or Commander Level approval must be obtained prior to purchase of mementos and promotional items must include a specific case-by-case concurrence by the local Legal Counsel and Resource Manager.

(202) Contracting Office Directors 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, if "Negative Reply", state such. All redeploying unit accounts should be reviewed NLT 30 days after redeployment.

(203) Contracting Office Directors shall submit the OMB Quarterly Report NLT than the 5th day of each quarter 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. The MICC Reporting Metrics and OMB Quarterly Report can be found on the MICC Communities of Practice SharePoint Portal under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FGovernment%20Purchase%20Card%2FGPC%20Reports&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={A75E074C-A198-410E-9870-414A979A28A8}

(204) 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 Billing Officials (BOs), Approving Officials (AOs) and Cardholders (CHs). Program oversight and reviews are keys to protecting the Government's interest at every level, *i.e.*, BO review of Cardholders, A/OPCs review of BOs. The MICC GPC Oversight Control Plan can be found on the MICC Communities of Practice SharePoint Portal under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FGovernment%20Purchase%20Card%2FGPC%20Policy&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={A75E074C-A198-410E-9870-414A979A28A8}

(205) The GPC Monthly Oversight Review Board has been established to implement the GPC Oversight Control Plan. The A/OPCs are expected to provide input and corrective actions for GPC oversight improvement at their respective locations. Four (4) installation GPC programs will be reviewed during each monthly board meeting. Prior to the scheduled meetings, A/OPCs will be provided data charts that identify questionable transactions, delinquency rate, rebate data, GPC usage (payment card,

checks, purchases over $3,000) and GPC spending trends (potential split purchases, strategic sourcing opportunities).

Subpart 13.5 Test Program for Certain Commercial Items

13.501 Special Documentation Requirements

(200) Field Directors shall ensure that all approved J&A are appropriately reported to the logs. KOs shall record the J&A action within his/her approval authority on the MICC J& A Log ($150k - $650k) located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. SCAs shall record all actions exceeding the KO's approval authority on the MICC Special Competition Log (Actions Over $650K), which is also located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. In addition, electronic copies of these documents will be uploaded to a designated location on the respective MICC Contracting Office's local shared drive into separate folders according to the Fiscal Year the document was approved. The documents shall be saved using the Contracting Office's naming convention as reflected in the log. For example, if the office's naming convention denotes 13-14 (meaning the 14th J&A or LSJ approved in Fiscal Year 2013), then the file should be uploaded to the FY13 Folder and named 13-14.

PART 14: SEALED BIDDING

Subpart 14.4 Opening of Bids and Award of Contract

214.404-1 Cancellation of Invitations After Opening.

(200) If only one bid above the SAT is received follow the procedures at DFARS 215.371, in lieu of the procedures at FAR 14.404-1(f).

(201) DFARS 215.371-5 permits waivers based upon the HCA authority as delegated to the PARC. The MICC PARC has delegated authority to Field Directors to approve waivers to the policy requirement to re-solicit and/or the requirement to conduct negotiations. Field Directors are authorized to re-delegate subject waiver authority to no lower than one level above the KO.

(202) Waiver requests shall follow the guidance located on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSynopses%20of%20Contract%20Actions&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

14.407 Mistakes in Bids.

(200) After the opening of bids, KOs 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.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Determination for Mistakes in Bid, Before and After Award	FAR 14.407-3(c) AFARS 5114.407-3(c)	Mistake disclosed before award, when FAR 14.407-3(c) applies	Contracting Office Director	Locally Determined
	FAR 14.407-3(a), (b), and (d) AFARS 5114.407-3(e)(A)	Mistake disclosed before award, when FAR 14.407-3(a),(b), and (d) applies	PARC	15
	FAR 14.407-4 (c) AFARS 5114.407-4(d)(A)	Mistake after award	PARC	15

214.408 Award

(200) If only one bid above the SAT is received follow the procedures at DFARS 215.371.

(201) DFARS 215.371-5 permits waivers based upon the HCA authority as delegated to the PARC. The MICC PARC has delegated authority to Field Directors to approve waivers to the policy requirement to re-solicit and/or the requirement to conduct negotiations. Field Directors are authorized to re-delegate subject waiver authority to no lower than one level above the KO.

(202) Waiver requests shall follow the guidance located on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSynopses%20of%20Contract%20Actions&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

PART 15: CONTRACTING BY NEGOTIATION

Subpart 15.1 Source Selection Processes and Techniques

(200) Beginning 01 July 2011, MICC Contracting Offices are required to use the DoD Source Selection Procedures 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. The MICC Source Selection Guidebook, which should be used as a companion resource, can be found in the MICC Communities of Practice SharePoint Portal under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/Acquisition%20Processes%20Library/Pre-Award/Source%20Selection%20Guidance/MICC%20Source%20Selection%20Guidebook%20(Mar%202012).doc

(201) Exceptions to the DoD Source Selection Procedures. Paragraph 1.3 Applicability of the DoD Source Selection Procedures state the procedures are not required for the following acquisitions:

- Competitions where the only evaluated factor is price

- Basic research and acquisitions where Broad Agency Announcements (BAA) are used in accordance with FAR part 35 to solicit proposals and award contracts

- Small Business Innovative Research (SBIR), Small Business Technology Transfer Research (STTR) and Small Business Technology Transfer (SBTT) acquisitions solicited and awarded in accordance with 15 United States Code (U.S.C), Section 638

- Architect-Engineer services solicited and awarded IAW FAR part 36

- FAR part 12 Streamlined Acquisitions

- Acquisitions using simplified acquisition procedures IAW FAR part 13 (including FAR part 12 acquisitions using FAR part 13 procedures)

- Orders under multiple award contracts – Fair Opportunity (FAR 16.505(b)(1)), and

- Acquisitions using FAR subpart 8.4.

15.101-2 Lowest Price Technically Acceptable Source Selection Process

(200) IAW FAR 15.101-2 and DFARS 215.300, solicitations following the Lowest Price Technically Acceptable (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 A of the DoD Source Selection Procedures outlines the application of the LPTA process.

(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) Draft RFPs are required on acquisitions above $50M. The draft RFP shall be submitted through the Chain of Command to MICC HQ Field Support Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL (usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil). MICC Office of Counsel must provide a legal sufficiency review of the draft RFP prior to release. Only the MICC PARC may grant a waiver to the draft RFP requirement on an acquisition valued above $50M. Submit such request for waiver to through the Chain of Command to MICC HQ (Field Support) at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL (usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil).

(201) OMB memoranda entitled "Myth-Busting: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process" dated February 2011 and "Myth-Busting 2: Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process" dated May 7, 2011

discuss the importance of early, frequent and constructive engagement with industry, particularly during high risk, complex procurements. These memoranda address commonly held myths by Government and industry regarding communication with industry. 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. The KO will be the focal point if discussions are conducted.

15.207 Handling Proposals and Information

(200) Source Selection documents may be posted to the MICC Army Knowledge Online (AKO) webpage when security precautions are implemented to ensure access to these folders and files are restricted. The AMC G2 Office has discovered a significant amount of sensitive AMC and acquisition program information in unprotected folders. Therefore, all MICC personnel shall ensure that source selection folders and files that are uploaded to the MICC AKO portal are restricted to those individuals requiring access to them for review and approval. MICC AKO users shall be vigilant and follow security precautions.

a. You are responsible for restricting access to information you post.

b. The AKO Program Office takes no responsibility for how permissions are set on the information uploaded to the portal.

c. All acquisition documents shall bear the appropriate source selection information legend.

d. You are responsible for the export of controlled data, personally identifiable information (PII), proprietary data, acquisition information, or other sensitive data which you post to AKO.

e. You shall ensure the information distributed via AKO does not violate acquisition regulations, the Arms Export Control Act (AECA), the International Traffic in Arms Regulations (ITAR), the Privacy Act, and other laws.

(201) Should you need assistance with establishing restricted folders and files in AKO, contact the MICC G-6 Helpdesk at MICC.G6.Helpdesk@conus.army.mil.

Subpart 15.3 Source Selection

15.303 Responsibilities

(200) Execution of individual roles and responsibilities of the source selection team is critical for ensuring that all best-value, negotiated, competitive acquisitions under FAR 15, DFARS 215 and companion resource Procedures, Guidance and Information (PGI) comply with these laws. Use of the DoD Source Selection Procedures is necessary to standardize rating criteria and descriptions for the technical and past performance factors throughout the DoD.

(201) 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.

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

(203) The KO shall brief all personnel involved in a source selection on the requirements of Subsection 27(a) of the Office of Federal Procurement Policy Act and 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 is 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.

(204) A Source Selection Participation Agreement can be found in the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSource%20Selection&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

(205) 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. For acquisitions with a total estimated value of $50M or more, the SSA shall be an individual above the KO.

a. The PARC has determined that the hierarchy for SSA appointments for the MICC Organization will be at the thresholds identified in the following subparagraphs. However, the PARC may deviate from these thresholds if it is in the best interest of the procurement, regardless of the dollar threshold.

b. IAW AFARS 5115.303 (S-90)(b), the SSA will be in the contracting chain unless the HCA or the PARC approves otherwise for their respective delegation authorities. The SSA authority thresholds are as follows:

Source Selection and SSA Designation		
Reference	**Dollar Threshold**	**Appointing Authority**
IAW AFARS 5115.303 (S-90)(b), the SSA will be in the contracting chain unless the HCA or the PARC approves otherwise for their respective delegation authorities.	Less than $50 Million	Contracting Office Director
	$50 Million but not exceeding $100M	Field Director
	>$100 Million but less than $500 Million	PARC
	$500 Million and above, and service acquisitions identified by ASA(ALT) as special interest	DASA(P)

c. The Field Director will appoint the SSA for procurements with a total value of $50M but not exceeding $100M. The PARC will appoint the SSA for procurements that exceed $100M but less than $500M. The SSA will be within the Contracting Chain unless the PARC approves otherwise for their respective delegation authorities. The PARC may deviate from the established hierarchy when it is determined to be in the best interest of the procurement.

d. The 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.

(206) For procurement actions valued in excess of $100M, or those involving Enterprise Solutions championed by TRADOC, IMCOM or similar level of Supported Activity interest, the SSA will work with the PARC to coordinate an individual to Chair the SSAC.

15.304 Evaluation Factors and Significant Subfactors

(200) Key Personnel**.** The PWS may stipulate minimum qualifications for key personnel if necessary to ensure quality contract services. In some instances, the government may also determine that it is necessary to require Contractor submission of individual resumes for these key personnel positions as part of the proposal evaluation process. IAW FAR 15.304(c)(2), consideration of personnel qualifications is one method of assessing the quality of proposed services during the source selection process. Requiring submission of key personnel resumes and reviewing

them under an evaluation factor or sub-factor facilitates the assessment, but résumé submission requirements must be used carefully and reasonably. Government Accountability Office (GAO) case law supports the use of résumés, provided that review of individually named key personnel during proposal evaluation is reasonably necessary to ascertain whether prospective Contractors can provide employees with specialized training and skills needed to perform complex services. The MICC position is that résumé submission requirements should be used on an exceptional basis, and KOs should not require key personnel résumés unless due consideration and analysis supports this approach. As an alternative, the solicitation can require offerors to address key personnel requirements without compelling the submission of individual résumés.

(201) Key personnel requisites should be:

a. Limited to those Contractor positions that require highly specific skill, experience, or training and are truly essential for the successful accomplishment of work under the contract. When evaluating personnel qualifications, the positions considered "key personnel" should be clearly identified in the PWS, usually by title such as "Project Manager." The PWS and/or solicitation should also specify whether the Contractor is permitted to propose an alternate personnel structure based upon his technical and management approach. The KO should ensure that the PWS does not characterize an excessive number of positions as key personnel.

b. Supported by minimum qualifications, training, and experience requirements that are reasonable, relevant, and realistic. Requirements should be specific enough to facilitate evaluation and should establish criteria and related standards. Credentials may include aspects such as years of experience in a field, education or degree requirements, and industry training or certification requirements. The KO should take care to ensure that key personnel requirements are not overly restrictive or written to mirror the credentials of incumbent Contractor staffing.

(202) When deemed absolutely necessary and required by the solicitation, the Contractor must identify key personnel by name and provide accompanying resumes. The solicitation can also require a signed letter of commitment from the individuals named in the resumes. The Contractor should believe in good faith at the time of proposal submission that he intends to provide the personnel named, should his proposal be successful. The individuals named by the Contractor should therefore be listed in the resultant contract. Unless specified by the contract, however, the Contractor is under no obligation to keep the key personnel that were

proposed. To avoid the "bait and switch," the contract may stipulate that the KO must be notified in writing if any key personnel are removed or replaced within the performance of the contract. The Contractor must provide a résumé for the proposed substitute, who shall meet or exceed the key personnel qualifications stipulated in the PWS. The KO must concur in writing with the change.

(203) The KO shall insert the MICC local clause at 5152.204-4001, Key Personnel Requirements, in solicitations and contracts that require submission of individual résumés for key personnel. At the time of contract award, these key personnel shall be identified by name within the fill-in portion at paragraph (c) of the local clause.

15.305 Proposal Evaluation

(200) Unless the MICC Commander or Deputy to the Commander specifically approve otherwise, "risk" shall be evaluated separately from the "technical" rating when utilizing the tradeoff process at FAR 15.101-1. Technical factors shall be evaluated by applying Methodology 2 (DoD Source Selection Procedure 3.1.2.2). Technical factors refer to non-cost factors other than Past Performance.

a. The technical rating evaluates the quality of the offeror's technical solution for meeting the Government's requirements. Technical evaluations shall utilize the following table:

Technical Ratings		
Color	**Rating**	**Description**
Blue	Outstanding	Proposal meets requirements and indicates an exceptional approach and understanding of the requirements. The proposal contains multiple strengths and no deficiencies.
Purple	Good	Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal contains at least one strength and no deficiencies.
Green	Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements. Proposal has no strengths or deficiencies.
Yellow	Marginal	Proposal does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements.
Red	Unacceptable	Proposal does not meet requirements and contains one or more deficiencies and is unawardable.

b. Weaknesses, risks, and uncertainties are captured under the Technical Risk Rating, which considers potential for disruption of schedule, increased costs, degradation of performance, the need for increased Government monitoring or the likelihood of unsuccessful contract performance. For firm-fixed-price contracts, the reference to increased cost may be removed from the risk rating descriptions. Technical risk shall be evaluated using the table below.

Technical Risk Ratings	
Rating	Description
Low	Has little potential to cause disruption of schedule, *increased cost* or degradation of performance. Normal contractor effort and normal Government monitoring will likely be able to overcome any difficulties.
Moderate	Can potentially cause disruption of schedule, *increased cost* or degradation of performance. Special contractor emphasis and close Government monitoring will likely be able to overcome difficulties.
High	Is likely to cause significant disruption of schedule, *increased cost* or degradation of performance. Is unlikely to overcome any difficulties, even with special contractor emphasis and close Government monitoring.

(201) For the evaluation of the small business participation as a stand-alone evaluation factor or a subfactor under the technical factor, utilize the technical ratings and technical risk ratings tables in paragraph (200) above except that the term "requirements" in the technical rating description shall equate to small business requirements, often reflected in the RFP as small business objectives. When small participation is not evaluated as a stand-alone evaluation factor or subfactor but instead is considered within the evaluation of one of the technical subfactors, a separate small business rating is not applied. However, the small business participation shall be considered in determining the appropriate technical rating to be applied.

(202) KOs must ALWAYS ensure that the evaluations match the criteria set out in the solicitation and can be articulated and defended if challenged. KOs are advised to not rely solely on the summaries of the Source Selection Evaluation Board, Source Selection Advisory Council, and 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 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 moneys in terms of potential litigation costs and termination costs, too. Most importantly, it can mean failure to deliver critical supplies and services on time to the Supported Activity.

215.371 Only One Offer

215.371-5 Waiver

(200) DFARS 215.371-5 permits waivers based upon the HCA authority as delegated to the PARC. The MICC PARC has delegated authority to Field Directors to approve waivers to the policy requirement to re-solicit and/or the requirement to conduct negotiations. Field Directors are authorized to re-delegate subject waiver authority to no lower than one level above the KO.

(201) Waiver requests shall follow the guidance located on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSynopses%20of%20Contract%20Actions&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

Subpart 15.4 Contract Pricing

15.402 Pricing Policy

(200) An Independent Government Cost Estimate (IGCE) or Government Estimate shall be included in all contract files in excess of the SAT, currently $150,000. In order to foster strong internal control processes for IGCE documentation in contract files, the Army Contracting Command has issued the ACC Contract File Internal Control Requirements for Independent Government Cost Estimate (IGCE) Desk Book.

(201) At a minimum IGCE documentation shall consist of the following:

a. The name(s) of the preparer, approving reviewer and positions title(s), organization and contact information (telephone and e-mail);

b. A signature and date (either hand signed or Common Access Card signed) for the preparer and approving reviewer;

c. A statement certifying the IGCE was developed independently and prior to seeking any formal proposals from Contractor(s); and,

d. A narrative supporting how costs/prices were developed with sufficient analytical support, such as spreadsheet information or a word document that explains the purpose, scope, IGCE preparer conclusions, and clearly identifies reference material used. The narrative should be sufficient in detail and scope to allow the KO to understand what analytical procedures the IGCE preparer used, how supporting documents/information were used, and the IGCE conclusions.

(202) The MICC IGCE Guide was drafted to assist contracting personnel in reviewing IGCEs and to ensure the validity and reliability of such estimates. Since the responsibility for developing the IGCE is vested in the Supported Activity, the guide is intended to be shared with MICC supported activities to set expectations regarding adequate supporting documentation and to provide resources and samples which may be useful in developing the estimates. The MICC IGCE Guide primarily focuses on estimates regarding services and provides a narrative explanation of common elements of costs typically found in such estimates. The MICC IGCE Guide can be found on Appendix 6 of the Desk Book and on the MICC Community of Practice SharePoint site under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FCost%20and%20Price&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={57C4D7FB-014B-4FA9-B7F7-278F0DC75152}

15.403-4 Obtaining 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). The threshold for obtaining certified cost or pricing data is $700,000.

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 in Appendix 6 of the Desk Book and also on the MICC CoP SharePoint portal under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FCost%20and%20Price&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={57C4D7FB-014B-4FA9-B7F7-278F0DC75152}

15.404-2 Data to Support Proposal Analysis – Field Pricing Assistance

(200) The KO should request field pricing assistance when the information available at the buying activity is inadequate to determine a fair and reasonable price. The KO shall request a proposal audit IAW FAR 15.404-2 (c) and DFARS 215.404-2 to the Defense Contract Audit Agency (DCAA) and/or Defense Contract Management Agency (DCMA), as applicable. Requests shall be tailored to reflect the minimum essential supplementary information needed to conduct a technical or cost or pricing analysis. Additional information such as, but not limited to: Audit Standards, Audit Planning, Contract Cost Principles, etc., may be found on the DCAA Contract Audit Manual (CAM).

(201) IAW with the Better Buying Power: Guidance for Obtaining Greater Efficiency and Productivity in Defense Spending, the DCMA and DCAA have taken steps to improve alignment, reduce overlap, and ensure their work is complementary. The following actions have been implemented:

a. Increased Thresholds for Cost/Price Proposal Audits - DCAA will no longer perform field pricing audits on cost type proposals less than $100M and fixed type proposals less than $10M;

b. Forward Pricing Rate Agreements (FPRAs)/Forward Pricing Rate Recommendations (FPRRs) - DCMA will be the single Agency responsible for issuing all FPRAs and FPRRs in those cases where DCMA is the cognizant Contract Administration Office;

c. Financial Capability Reviews - DCAA will not be performing Financial Capability Reviews and Audits. DCMA will continue to conduct these reviews as part of the Pre-Award Survey process;

d. Purchasing System Reviews - DCAA will not be performing regularly scheduled Purchasing System Audits, however DCMA will continue to conduct Contractor Purchasing System Reviews (CPSRs).

(202) KOs should use DCMA FPRAs when they exist. Absent FPRAs, KOs should use DCMA FPRRs to establish pre-negotiation objectives. During negotiations, KOs may deviate from FPRAs/FPRRs when there are solid reasons for doing so. For example, a KO may, as a result of more current data, determine the Contractor's FPRRs/FPRAs do not accurately reflect the amount of direct labor hours proposed for a current action, thus making the allocations base too low or too high. However, KOs shall discuss such exceptions with the DCMA Corporate Administrative Contracting Officer (CACO) or Divisional Administrative Contracting Officer (DACO), as the case may be, and document the rationale for their exceptions in their business clearance or negotiation memorandum.

15.406 Documentation

(200) MICC POM/PNM approvals are as follows:

Documents	Threshold	Approval Authority	Estimated Lead Time (Working Days)
1. Prenegotiation Objective Memorandum**	SAT < $50M*	Field Director*	Locally Determined
	≥ $50M < $500M	PARC	15
2. Price Negotiation Memorandum (CRB)	≥ $500M <$1B*** (Competitive)	HCA	20
Note: If no negotiations and <$500M, a combined POM/PNM is authorized.	≥ $500M*** (Non-Competitive) ≥ $1B*** (Competitive)	DPAP	35

*Further delegation requires prior PARC approval in writing
**POM that needs to be approved at the DPAP–level is subject to the peer review procedures set out in section 201.170 of the Desk Book. See section 15.406-1 of the Desk Book with regard to POM reviews for non-competitive actions below $500M and competitive actions below $1B.
***See section 1.290 of the Desk Book for details and instructions for additional clearance on all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service.

(201) The review process for a POM that needs to be approved at the DPAP–level is subject to the peer review procedures set out in section 201.170 of the Desk Book. Consistent with DFARS PGI 201.170-2, the peer review of a POM to be approved at the DPAP-level must occur prior to the request for final proposal revisions for a competitive acquisition or prior to negotiations for a noncompetitive acquisition. See section 15.406-1 below for the review of a POM that needs to be approved at the PARC or HCA level.

(202) A PNM that requires approval at the PARC or higher shall be reviewed when the CRB (Peer Review) is conducted IAW procedures set out in section 201.170 of the Desk Book.

(203) See DFARS PGI 215.406-1(d) and Class Deviation 2012-O0012 on Limitation on Amounts Available for Contracted Services. Section 808 of the National Defense Authorization Act for FY 2012 requires written approval of any contract or task order for contract services in excess of $10M awarded during FY 2012 or 2013 that provides for continuing services at an annual cost that exceeds the annual cost paid for the same or similar services in FY 2010. This approval authority has been delegated to the PARC; however, concurrence of the Supported Activity is required prior to approval.

(204) Risk Mitigation in the Face of Fiscal Uncertainty. Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require the approval of the USD(AT&L) prior to award. Obligation is defined to include not only the obligation on the instant contract action but also the total potential future obligation. If this is a new contract/task or delivery order, this is the total value of the contract. If this is a modification, it is not the total contract value, but rather the total value (left) to obligate (that will be equal to or greater than $500M). For IDIQs, approval of the IDIQ will cover all TO/DOs awarded against an IDIQ. Previously awarded contracts (including IDIQs) and task/delivery orders will require clearance if the vehicle is modified to increase the value by at least $500M. Approval is intended to be a one-time event that covers the total potential future obligation on a contract vehicle. Once cleared, subsequent actions against the same vehicle do not require additional approval unless there is a scope change that adds $500M or more to an already approved vehicle. See paragraph (203) in section 1.290 of the DB for details on the approval process.

15.406-1 Prenegotiation Objectives

(200) Prenegotiation Objective Memorandum templates can be found in the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FPOMS%20and%20PNMS&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

(201) The Procurement Analyst at the FDO will be the single focal point/Lead Analyst for the review of a POM that requires approval at the PARC or HCA level. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst for acquisitions as designated by the PARC or in the event that the FDO is not adequately staffed to provide a Procurement Analyst to serve as the Lead Analyst. In such case, the Field Director will contact the MICC Chief of Policy and Compliance Directorate or Field Support Chief to discuss/determine the terms of support. The Field Director is ultimately responsible for the timely and successful review of the POM.

a. The Lead Analyst shall be responsible for:

1. Conducting an independent review of all documents and consolidation of all comments.

2. Notifying the KO that the conformed document is ready for correction/action.

3. Ensuring that all comments have been addressed once the document(s) is re-submitted.

4. Preparing the Review Report Memo/MFR and obtaining all required signatures on the MICC Form 356-R-E.

5. Coordinating the submission of documents to the MICC HQ (Field Support) Procurement Analyst after the Field Director decides that the documents are ready for PARC approval or concurrence.

b. When the FDO Procurement Analyst is the Lead Analyst, the MICC HQ (Field Support) Procurement Analyst shall be responsible for:

1. Conducting an independent review of all documents to ensure that documents conform to all regulatory requirements.

2. Coordinating with the Lead Analyst and scheduling a briefing, if any.

3. Printing out final documents for signature and supporting documentation.

c. It is critical that the staff of the MICC HQ, Contracting Office and Field Director partner to immediately resolve issues inhibiting review and approval of acquisition documents.

(202) FDO Lead Procurement Analyst - Submission Process for Review of a POM at PARC or HCA Level of Approval

a. The official submission process is initiated when the KO alerts the FDO Lead Procurement Analyst that a requirement is ready for higher level of review, approval or coordination. The 15 working days start when the KO makes the official contract file available in the PCF program for review.

b. The KO shall ensure that all the documents and supporting documentation required for the review are loaded into the PCF program at https://pcf.army.mil. To prevent review of obsolete documents, files uploaded to PCF should be clearly titled. For example:

- Acq Strategy 13-R-0000, FtX baseopsv1, 5 Feb 13
- Solicitation 13-R-0000, FtX baseopsv1, 28 Feb 13

c. The KO sends an e-mail alert to the FDO Lead Procurement Analyst with the following information:

1. Request for Review of POM

2. Solicitation Number

3. Description of Requirement

4. Estimated Dollar Value (base + options if applicable)

5. MICC Office

6. Contracting Officer

7. AMA/CPR Number

8. List of documents submitted named identical to PCF file name. See Appendix 2 for the supporting documents that need to be submitted.

9. MICC Form 356-R-E signed by the Contracting Office Director stating 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.

d. The FDO Lead Procurement Analyst will acknowledge receipt and 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 FDO Lead Procurement Analyst in the PCF program.

e. Upon verification that all the required documents are available in PCF, the FDO Lead Procurement Analyst will review the documents and also provide the documents to the SBP Associate Director, Cost/Price SME and Quality Assurance SME to provide review comments concurrently if deemed necessary.The review team members will provide review comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the FDO Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The FDO Lead Procurement Analyst will then send the "merged" documents to the MICC HQ (Field Support) Procurement Analyst and to the Office of Counsel, who will then provide additional (if any) review comments and recommendations within three (3) working days of receipt of the documents to the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will add/merge all comments and send the "merged" documents to the KO for resolution along with a courtesy copy to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents and briefing slides. All documentation (including reviews) will then be uploaded to PCF and the KO shall notify the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product prior to submission to the PARC. The FDO Lead Procurement Analyst then will prepare a Review Report Memo/MFR, which lists the documents that were examined; the purpose of the review; review team members; when the review was

conducted; and the review comments and corresponding disposition. The Field Director signs the MICC Form 356-R-E stating that the POM has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. Upon receipt of the Field Director's approval to proceed, the FDO Lead Procurement Analyst will submit the package for higher headquarters coordination/approval by emailing the information in subparagraph (203) c. above to the MICC HQ (Field Support) at usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil. The MICC HQ (Field Support) Procurement Analyst will review the documents for regulatory compliance. If regulatory or policy issues are identified, the MICC HQ (Field Support) Procurement Analyst will notify the Field Director who will then determine the course of action. If the MICC HQ (Field Support) Procurement Analyst does not identify regulatory issues in the documents, the MICC HQ (Field Support) Procurement Analyst will coordinate with the PARC to determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, MICC Form 356-R-E signed by the Field Director and Review Report Memo/MFR. The briefing will NOT be rescheduled because of lack of availability of any peer review team member, unless the board chair or higher authority directs such a rescheduling. The Field Director will designate the briefer. At the conclusion of the review, the FDO Lead Procurement Analyst will update or finalize the Review Report Memo/MFR and coordinate with the KO to obtain the required signatures on the POM. Then, the MICC HQ (Field Support) Procurement Analyst will obtain the PARC's approval or concurrence if the approval authority is above the PARC.

h. For a POM that requires HCA approval, upon receipt of the PARC's approval to proceed, the MICC HQ (Field Support) Procurement Analyst will coordinate with the HCA to determine the date, time, location and method, (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature and Review Report Memo/MFR. The Field Director will designate a briefer. At the conclusion of the review, the FDO Lead Procurement Analyst will update the Review Report Memo/MFR as necessary and coordinate with the MICC HQ (Field Support) Procurement Analyst, who will obtain the HCA's approval on the POM.

(203) MICC HQ (Field Support) Lead Procurement Analyst – Submission Process for Review of a POM at the PARC or HCA Level of Approval

a. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst for acquisitions as designated by the PARC or in the absence of a Procurement Analyst at the FDO per the terms and conditions agreed between the Field Director and the MICC Chief of Policy and Compliance Directorate or Field Support Chief.

b. The Field Director or FDO staff designated sends an e-mail alert to MICC HQ (Field Support) at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL (usarmy.jbsa.acc-micc.list. hq-conops-document-review@mail.mil) with the following information:

1. Request for Review of POM

2. Solicitation Number

3. Description of Requirement

4. Estimated Dollar Value (base + options if applicable)

5. MICC Office

6. Contracting Officer

7. AMA/CPR Number

8. List of documents submitted named identical to PCF file name. See Appendix 2 for the supporting documents that need to be submitted

9. MICC Form 356-R-E signed by the Contracting Office Director and stating that the subject action has been reviewed IAW the Federal Acquisition Regulations and its supplements and is ready for higher level of review and approval.

c. Upon receipt of the e-mail alert, the MICC HQ (Field Support) Chief will acknowledge receipt and provide the name of the MICC HQ (Field Support) Lead Procurement Analyst, contact information and a tentative completion date. The completion date is contingent upon the responsible MICC Contracting Office making all the required documents in the official contract file accessible to the MICC HQ (Field Support) Lead Procurement Analyst in the PCF program.

d. The MICC HQ (Field Support) Lead Procurement Analyst will review the submission for completeness. If complete, the analyst will annotate the Acquisition Tracking Log with the submission date and the projected approval date based on the "Estimated Lead Time". If the submission is incomplete, the analyst will update the "Remarks" column in the Acquisition Tracking Log Remarks and notify the applicable Contracting Office and Field Director, requesting submission of the missing documentation. If a complete package is not received within two (2) working days, the applicable Contracting Office and Field Director will be notified. Once a complete package is received, the Lead Procurement Analyst will record the actual submission date.

e. Upon verification that all the required documents are available in PCF, the MICC HQ (Field Support) Lead Procurement Analyst will review the documents and also provide the documents to the SBP Associate Director and the Office of Counsel, Cost/Price and Quality Assurance SMEs to provide review comments concurrently if deemed necessary. The review team members will provide comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the MICC HQ (Field Support) Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The "merged" documents will then be sent to the KO for resolution and a courtesy copy provided to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents and briefing slides. All documentation (including reviews) is then uploaded to PCF and the KO shall notify the MICC HQ (Field Support) Lead Procurement Analyst. The MICC HQ (Field Support) Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product prior to submission to the PARC. The MICC HQ (Field Support) Lead Procurement Analyst then prepares a Review Report Memo/MFR, which lists the documents that were examined, the purpose of review; review team members; when and where it was conducted; attendees; and the review comments and corresponding disposition. The Field Director signs the MICC Form 356-R-E stating that the POM has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with the PARC, who may direct a briefing and will determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following

documents shall be made available prior to the briefing: briefing slides, final documents for signature and Review Report Memo/MFR. The Field Director will designate the briefer. At the conclusion of the review, the MICC HQ (Field Support) Lead Procurement Analyst will update or finalize the Review Report Memo/MFR, coordinate with the KO to obtain signatures on the POM and then obtain PARC approval or concurrence if the approval authority is above the PARC.

h. For a POM that requires approval by the HCA, upon receipt of the PARC's approval to proceed, the MICC HQ (Field Support) Lead Procurement Analyst will notify the HCA that the requirement is ready for coordination/approval. The HCA will determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, MICC Form 356-R-E signed by the Field Director and Review Report Memo/MFR. The Field Director will designate a briefer. At the conclusion of the review, the MICC HQ (Field Support) Lead Procurement Analyst will update the Review Report Memo/MFR as necessary and obtain the HCA's approvalof the POM.

15.406-3 Documenting the Negotiation

(200) Combined POM/PNM. If negotiations are not required, a combined POM/PNM is authorized if the total value of the procurement is less than $500M. Price Negotiation Memorandum templates can be found in the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FPOMS%20and%20PNMS&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

(201) Contract Business Analysis Repository (CBAR).

a. IAW DFARS PGI 215.406-3 and PARC Policy Alert 13-48, Revision 1, KOs are required to upload business clearance documentation for all sole source actions above $25M awarded on or after 1 October 2012 into the CBAR at: http://www.dcma.mil/itcso/cbt/CBAR_1_6/index.cfm. Information required for the repository includes both the approved prenegotiation objectives and the price negotiation memorandum.

b. The USD(AT&L) memo dated March 12, 2013, Subject: Contract Business Analysis Repository, contains screen shots of the format and business clearance information required and definitions of the required fields. This memo can be found at: http://www.acq.osd.mil/dpap/policy/policyvault/USA006809-12-DPAP.pdf.

c. Instructions for accessing the CBAR tool are located at http://www.dcma.mil/itcso/cbt/CBAR_1_6/index.cfm.

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

15.503 Notifications to Unsuccessful Offerors

(200) Negotiated Procedures. Preaward notifications to unsuccessful offerors are required when an offeror is excluded from the competitive range or otherwise eliminated from the competition in accordance with FAR 15.503.

(201) Small Business Programs.

a. FAR 15.503(a)(2)(i) prescribes additional written notice to each offeror prior to award when utilizing small business programs (except 8(a)).

b. The notice shall include the name and address of the apparently successful offeror, that the Government will not consider subsequent revisions of the offeror's proposal and that no response is required unless a basis exists to challenge the size status or small business status of the apparently successful offeror.

c. Additionally, IAW FAR 19.304(d), the Small Business Administration must be notified of potential awards to offerors with pending Small Disadvantaged Business applications.

(202) Post-Award Notifications.

a. Competitive Procedures. Within three days after the date of contract award, the KO shall provide written notification to each offeror whose proposal was in the competitive range but was not selected for award or had not been previously notified IAW FAR 15.503(b).

b. For Simplified Acquisition Procedures using FAR part 13, the KO shall, upon request, furnish the information in FAR 15.503(b)(l)(i) through (v) to unsuccessful offerors (FAR 15.503(b)(2)).

c. The KO, upon request, shall provide the information in FAR 15.503(b)(1)(i) through (v) to unsuccessful offerors that received a preaward notice of exclusion from the competitive range (FAR 15.503(b)(3)).

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.

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.

PART 16: TYPES OF CONTRACTS

Subpart 16.1 Selecting Contract Types

(200) KOs shall give greater consideration to the use of Firm Fixed Price with Incentive Fee (FPIF), limit the use of Time and Materials (T&M) contracts and Cost Plus Award Fee (CPAF) contracts and establish appropriate incentive strategies to motivate Contractors in cost reduction and improved performance.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Contract Type Justification for Other Than Award Fee or Incentive Fee Type Contract	PARC Policy Alert #12-12	>$100M	PARC	15
D&F for the Use of Award-Fee or Incentive Contracts or Award-Fee or Incentive CLINs.	FAR 16.401(d) and DFARS PGI 216.401	All	PARC	20

(201) All proposed contracts exceeding $100M for Other Than Award Fee or Incentive Fee require a justification for Contract Type. The PARC has been delegated approval to approve the Contract Type and Incentive Strategies. Such authority cannot be re-delegated. KOs shall prepare a memorandum that explains the justification for the approval of contract type selected and discuss how the profit arrangement motivates the Contractor to control costs and meet all performance requirements. If an award fee or incentive type contract is selected, and is in the best interest of the Government, the justification may be accomplished with the D&F required by FAR 16.401(d).

(202) A D&F must be completed for any CPAF contract IAW FAR 16.401(d). The PARC has been delegated authority to approve the D&F.

Subpart 16.4 Incentive Contracts

16.405-2 Cost Plus Award Fee Contracts - Award Fee Determining Official (AFDO)

(200) When an Award Fee Evaluation Board (AFEB) will be used, the PARC must appoint an AFDO in writing unless the PARC will serve as the AFDO. Submit the request for appointment memorandum to MICC HQ (Field Support) per section 1.290 of the DB. A template for an Award Fee Determining Official (AFDO) Appointment Memorandum can be found on the MICC SharePoint at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FAward%20Fee%20Templates&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Award Fee Determining Official Appointment	AFARS 5116.405-2(b)(2)(C)	All	PARC	15

Subpart 16.5 Indefinite-Delivery Contracts

16.504 Indefinite-Quantity Contracts

16.504(c) Multiple Award Preference

(200) Multiple awards should be made whenever practicable. 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 Supported Activity that substantiates the amount of work, funding, or other conditions that warrant multiple awards.

(201) Limitation on single-award contracts is defined as only one award will be made after utilizing full and open competition or a set aside preference. A single-award is NOT to be interpreted as a Sole Source acquisition per FAR part 6. All single award Task/Delivery Order Contracts Exceeding $103M (including all options) require approval of a D&F as outlined in the table below.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Determination for the Award of Task/Delivery Order Contract Exceeding $103M (including all options), to a Single Source	FAR 16.504(c)(1)(ii)(D)(1) DFARS 216.504(c)(1)(ii)(D)	>$103M	SPE	35

16.505 Ordering

(200) Some Multiple Award Task Order Contracts (MATOC) have an approved acquisition plan and strategy that covers individual task orders. KO shall refer to the MATOC 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 a MATOC's ordering guide is silent with regard to a plan and strategy the documents shall be prepared for each individual order as required by DFARS 207.103 and AFARS 5137.590-4.

(201) The KO when issuing a Request for Task Order Proposal (RTOP) under MATOC must provide each awardee a fair opportunity to be considered for each order IAW FAR 16.505, Ordering. 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 MATOC and consistent with its ordering guide. IAW AFARS 5116.505-90(b), 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) Approval threshold for an exception to fair opportunity is determined by the statutory exception used to justify such action. If the same authority is used to extend a period of performance for more than one time, the threshold is determined by accumulating all previous exception to fair opportunity actions and the current one. For example, if the statutory authority at FAR 16.505(b)(2)(i)(B) was previously used to the extend performance and the same authority is appropriate for an additional performance extension, then the dollar values must be aggregated for the purpose of

determining the appropriate approval threshold. However, if another statutory authority is appropriate [such as the exception at FAR 16.505(b)(2)(i)(A)], then regardless of the number of previous exception to fair opportunity that have been approved based on another authority under FAR 16.505(b)(2)(i) to extend contract performance [for example, use of the exception authorized by FAR 16.505(b)(2)(i)(B)], then the appropriate approval threshold is determined solely by the value of the instant exception to opportunity action that is citing the statutory authority at FAR 16.505(b)(2)(i)(A). If you have questions, consult the FDO SCA or the MICC HQ SCA.

Exception to Fair Opportunity	
Threshold	**Approval Authority**
Value not exceeding $650,000	Contracting Officer
Over $650,000 but not exceeding $12.5M	SCA
Over $12.5M but not exceeding $85.5M	*HCA, or designee who is GO or in grade above GS-15
Over $85.5M	SPE
*The MICC HCA has designated Mr. George M. Cabaniss, Jr., Deputy to the Commander, as the approval authority for proposed actions over $12.5M but not exceeding $85.5M	

(203) Field Directors shall ensure that all approved justifications for an Exception to Fair Opportunity (EFO) are appropriately reported to the logs. KOs shall record the EFO for a task order action with a value of up to $650k to the MICC J& A Log ($150k - $650k) located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. SCAs shall record all EFO actions that exceed the KO's approval authority on the MICC Special Competition Log (Actions Over $650K), also located on the MICC SharePoint under the Special Competition Advocate & Ombudsman at https://micc.aep.army.mil/comp/default.aspx. In addition, electronic copies of the EFOs valued $150k and above will be uploaded to a designated location on the respective MICC Contracting Office's local shared drive into separate folders IAW the Fiscal Year the document was approved. The documents shall be saved using the Contracting Office's naming convention as reflected in the log. For example, if the naming convention denotes 13-14 (meaning the 14th EFO action approved in Fiscal Year 2013), then the file should be uploaded to the FY13 Folder and named 13-14.

(204) An RTOP or RFQ may NOT be released concurrently with submission of the documents for PARC review. An RTOP or RFQ and its evaluation and task order decision document are subject to the peer review procedures set out in section 201.170 of this Desk Book. 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.

(205) 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. Approval authority and thresholds for MICC RTOPs and Task Order Decision Documents are outlined on the table below:

Document	Threshold	Approval Authority	Estimated Lead Time (Working Days)
Request for Task Order Proposal (SRB)	≥ $SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥ $500M (Non-Competitive)	HCA	20
	≥ $500M < $1B (Competitive)	HCA	20
	≥ $1B (Competitive)	DPAP	35
Evaluation and Task Order Decision Document**	≥ $SAT ≤ $50M*	Field Director*	Locally Determined
	> $50M < $500M	PARC	15
	≥ $500M < $1B*** (Competitive)	HCA	20
	≥ $500M*** (Non-Competitive)	DPAP	35
	≥ $1B (Competitive)***	DPAP	35

*Further delegation requires prior PARC approval in writing.
**See detailed business clearance procedures in paragraph (205) of section 16.505 of the Desk Book.
***Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require additional clearance approval from the USD(AT&L) prior to award.

a. Evaluation of responses to an RTOP and TODD to support issuance of orders without discussions shall receive business clearance approval prior to award. When

discussions are conducted, the evaluation documentation shall be submitted at two intervals: prior to negotiations and prior to contract award. Discussions shall not commence and an award shall not occur without receipt of a business clearance for each interval. The business clearance of RTOP evaluation documentation for a competitive action valued less than $1B or non-competitive action valued less than $500M, that needs to be approved prior to the request for final proposal revisions or prior to negotiations will be similar to the review process set out in section 15.406-1 of the Desk Book. The business clearance of RTOP evaluation documentation that needs to be approved at the DPAP–level is subject to the peer review procedures set out in section 201.170 of the Desk Book. Business clearance for documents prior to contract award that requires approval at the PARC or higher shall be reviewed when the CRB (Peer Review) is conducted IAW procedures set out in section 201.170 of the Desk Book.

b. Risk Mitigation in the Face of Fiscal Uncertainty. Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts [including IDIQs], modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require the approval of the USD(AT&L) prior to award. Obligation is defined to include not only the obligation on the instant contract action but also the total potential future obligation. If this is a new contract/task or delivery order, this is the total value of the contract. If this is a modification, it is not the total contract value, but rather the total value (left) to obligate (that will be equal to or greater than $500M). For IDIQs, approval of the IDIQ will cover all TO/DOs awarded against an IDIQ. Previously awarded contracts (including IDIQs) and task/delivery orders will require clearance if the vehicle is modified to increase the value by at least $500M. Approval is intended to be a one-time event that covers the total potential future obligation on a contract vehicle. Once cleared, subsequent actions against the same vehicle do not require additional approval unless there is a scope change that adds $500M or more to an already approved vehicle. See paragraph (203) of section 1.290 of the DB for details on the approval process.

(206) The MICC HQ SCA has been designated as the Task Order/Delivery Order (TO/DO) Ombudsman. The Ombudsman has authority to review complaints from Contractors awarded MATOCs that they have not been afforded fair opportunity to be considered for award of a particular TO/DO; and after coordination with the KO, require that the KO take corrective action regarding the complaint. If the KO does not agree with the Ombudsman, the matter shall be forwarded to the PARC to render a decision. The TO/DO Ombudsman Complaint Process and Routing Procedures are as follow:

a. Pursuant to FAR 16.504(a)(4)(v), contractors are provided with the name of the MICC HQ TO/DO Ombudsman in the solicitation and contract. Pursuant to FAR 16.505(b)(6) 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.

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 KO to confirm the documentation requested (*i.e.,* Task Order Decision Document, Technical Evaluation Board evaluations and summary sheet, price evaluation, legal reviews and related emails).

e. All documents are printed out and put into the Complaint File. Documents are reviewed for the issues raised in the contractor's complaint, as well as any discrepancies identified outside of the complaint that affect the fair opportunity to be considered.

f. The KO and others to include the Field Director, if necessary, participate in fact-finding discussions. This step is very important as it often gets to the root cause of why the contractor has perceived that it has not been given a "fair opportunity".

g. 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.

h. 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 PARC with situational awareness on the status of receipt of complaints and a timeline to finalize the response letter.

i. The TO/DO Ombudsman prepares an email to the KO 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 PARC 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 TO Ombudsman complaint in order to streamline the process and reduce response times.

j. 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.

k. 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 contract file.

(207) Task Orders for Architect-Engineer services shall be placed IAW FAR subpart 36.6 and its corresponding regulatory supplements.

216.505-70 Orders Under Multiple Award Contracts

(200) If only one offer is received follow the procedures at DFARS 215.371.

(201) DFARS 215.371-5 permits waivers based upon the HCA authority as delegated to the PARC. The MICC PARC has delegated authority to Field Directors to approve waivers to the policy requirement to re-solicit and/or the requirement to conduct negotiations. Field Directors are authorized to re-delegate subject waiver authority to no lower than one level above the KO.

(202) Waiver requests shall follow the guidance located on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSynopses%20of%20Contract%20Actions&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

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

16.601 Time-and-Materials Contracts

(200) IAW ACC CPM #13-06 entitled, "Mandatory Principal Assistant Responsible for Contracting (PARC) Approval for Time & Material (T&M) and/or Labor Hour (LH) Contracts" dated 11 April 2013, all KOs that are contemplating a T&M/LH Contract, TO/DO, or other contract award which will contain T&M/LH CLINs must obtain PARC approval on the D&F. This approval cannot be delegated. 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 and rationale to justify that no other contract type is suitable. Contracting officers must also address why a cost-plus-fixed-fee (CPFF) term contract or order is not appropriate.

(201) Per FAR 16.601(d)(1)(ii), if the base period, plus any option period, exceeds three years for contracts and orders in which at least a portion of the requirement will be performed on a T&M or LH basis, regardless of dollar value, the approval authority is the HCA and may not be delegated.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
D&F - Time & Materials (T&M) Contract or T&M CLINs or Labor Hour (LH) Contract or LH CLINs	ACC CPM #13-06 entitled "Mandatory Principal Assistant Responsible for Contracting Approval for Time & Material and/or Labor Hour Contracts" dated 11 Apr 2013	All, including task/delivery orders, except if base and options exceed 3 years	PARC	15
D&F - Time & Materials (T&M) Contract or Labor Hours (LH) Contract	FAR 16.601(d)(1)(ii) FAR 16.602	Base and options exceed 3 years	HCA	20
D&F - T&M or LH Contract for the acquisition of commercial items	DFARS 212.207(b)(iii)	Commercial services other than services acquired to support a commercial item, and other than emergency repair services	ASA(ALT)	35

16.603 Letter Contracts

16.603-3 Limitations

(200) The Determination that no other contract type is suitable has been delegated to the PARC. Contents of this determination can be found at FAR 16.603-2(a) and DFARS 216.603-2.

PART 17: SPECIAL CONTRACTING METHODS

Subpart 17.2 Options

17.202 Use of Options.

(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.

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 in accordance with 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 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."

(202) Length of the Contract. DoD's preference for performance periods (base and all option periods) is three (3) years for single-award contract actions of knowledge-based services. A strong business case must be presented for contracts exceeding 5 years. Multiple award IDIQ contracts may be up to 5 years but the KO must address the opportunities for refreshment of competition (decision points, on and off-ramps). Instead of options, KOs should consider a multiple-year approach for the performance

period of IDIQ contracts (not JOC) when the schedule does not contain option pricing. JOCs are governed by AFARS 5117.90 and must have options in order to execute the Economic Price Adjustment (Job Order Contracts).

17.204 Contracts.

Documents	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Use of options that extend contracts beyond 5 years	AFARS 5117.204(e)	All	PARC	15
Determination for Task/Delivery Order Contract Ordering Period Exceeding 10 Years	DFARS 217.204(e)(i)(C)	All, except those listed in the note following this table*	PARC	15
Approval for Task/Delivery Order Period of Performance More than One Year beyond the end of the 10 Year Ordering Period	DFARS 217.204(e)(iv)	All, except those listed in the note following this table*	SPE	35
Note: *Per FAR 217.204(e)(iii) exceptions include: contracts awarded under other statutory authority, advisory and assistance service task order contracts, definite-quantity contracts, GSA schedule contracts, and multi-agency contracts awarded by agencies other than the National Aeronautics and Space Administration, DoD, or the Coast Guard				

17.207 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.

(201) The requirements at FAR 17.207 and DFARS 217.207 must be followed in order to properly exercise the option unilaterally. The KO shall make a written determination for the contract file that exercising the option is in accordance with the terms of the contract, the requirements of FAR 17.207, DFARS 217.207 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.

(202) 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.

(203) A determination is required prior to exercising an option and in support of a post award peer review. In support of a post-award peer review, the KO shall use the blank determination located on the MICC SharePoint Communities of Practice under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FOption&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}.

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.

(201) Follow the "U.S. Army Management Plan for Undefinitized Contract Actions (UCA)" issued by the OASA(ALT). The latest revision is dated 2 November 2010. A copy the Army Management Plan is found at the following link:

https://acc.aep.army.mil/Contract_Operations/Contract_Policy/Contracting%20Policy%20Division/Forms/AllItems.aspx?RootFolder=%2FContract%5FOperations%2FContract%5FPolicy%2FContracting%20Policy%20Division%2FUCA&FolderCTID=0x012000EBEC164C574DF24385B13219F9416A0C&View={2753FADA-2AB7-4DBE-9B62-73FF9AD91E0A}

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Use of Letter Contract or Other Undefinitized Contract Action	DFARS 217.7404-1	All, except UCAs identified in DFARS 217.7402	PARC	15
Reasonable Profit or Fee (applied to UCAs)	DFARS 217.7404-6	All	PARC	15

Subpart 5117.78 Contracts or Delivery Orders Issued by a Non-DoD Agency

5117.7802 Policy

(200) IAW DFARS 217.7802 and AFARS 5117.7802, a certification and approval shall be obtained prior to commencing an acquisition using a Non-DoD Contract (includes GSA) in excess of the SAT. For the Army, policy, procedures, and review and approval requirements for Proper Use of Non-DoD contracts, see the memorandum, dated July 12, 2005, at: http://www.acq.osd.mil/dpap/specificpolicy/attachments/armypolicyuseofnon-dodcontracts.pdf.

(201) This policy does not apply to purchases thru the Army's Computer Hardware, Enterprise Software and Solutions CHESS at https://chess.army.mil.

(202) An approved non-DOD certification is required if reverse auction procedures will be used for a requirement with a value greater than the SAT under GSA FSS contracts.

Subpart 5117.90 Job Order Contracts

5117.9000 –Scope of Subpart

(200) The Job Order Contracting Guide may be located at http://www.acsim.army.mil/od/jobordercontracting.html.

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 synopsized, 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.

Subpart 19.2 Policies

19.201 General Policy

(200) Upon identification of a requirement, the KO shall involve the 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 Small Business Specialist (SBS). Use the latest version of the form, which can be obtained at: http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2579.pdf.

DD Form 2579	
Dollar Threshold	Type of Action
>$3,000 ≤ $10,000	Not set aside for small business concern
>$10,000	All actions

a. For each acquisition over $3,000 that has any possibility of being awarded to other than a small business concern, the KO shall prepare and sign a DD Form 2579 and submit it to the SBS.

b. For each acquisition over $10,000, the KO shall prepare and sign a DD Form 2579 and submit it to the SBS.

c. To permit the SBS to review and make recommendations on "all acquisitions", the KO shall submit a DD Form 2579 to the SBS. "All acquisitions" includes, but is not

limited to, all FAR part 13, 14, and 15 actions, all orders placed against FSS contracts, all Indefinite Delivery contracts and the orders placed against them, all orders placed against FAR 8.405-3 Blanket Purchase Agreements, all calls placed against FAR part 13 Blanket Purchase Agreements, all awards placed through the Army CHESS Program, and all modifications that increase the scope of a contract or an order.

d. 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.

e. 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 6 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.

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

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

h. 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."

19.202-1 Encouraging Small Business Participation in Acquisition – Consolidations

All Consolidation of Contract Requirements not set-aside for Preference Programs require approval of a D&F as outlined in the table below.

Determination & Finding For:	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Consolidation of Contract Requirements not set-aside for Preference Programs	AFARS 5119.202-1	All	PARC	15

19.203 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 resolicitation 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, as defined in AR 30-22, for a military dining facility for which the Randolph-Sheppard Act 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 SBP, 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 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 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 under the Samples and Templates section at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FSmall%20Business&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

(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 SBP Assistant Director for further review and coordination with the MICC Office of Counsel. The SBP Associate Director will determine whether a release from SBA should be requested and will notify the Field Director, Contracting Office Director and the KO. Upon completion of MICC HQ review, SBP 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 SBP Associate 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. 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 MICC Small Business Programs (SBP). The SBS shall maintain a log of all protests. A template of the log is located on the SBP 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 SBP 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 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. 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 contract specialists shall coordinate with the SBS for communication with the SBA Procurement Center Representative (PCR).

Subpart 19.5 Set-Asides for Small Business

19.505 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. Upon notification of nonconcurrence, the SBA PCR, with approval from the SBA Area Director, must issue a written appeal to the HCA. Within MICC, this particular HCA

authority has been delegated to the PARC. The KO shall suspend action on the acquisition until the PARC has rendered a decision.

(201) If the PARC determines that the KO's rejection of the SBA PCR's recommendation was appropriate, the PARC shall provide notification to the SBA PCR, MICC SBP Associate 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 and the MICC SBP Associate Director, and PARC through the Chain of Command. The KO shall also provide a written statement of facts justifying the determination to the MICC SBP Associate Director, PARC and HCA.

(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 SBP Associate Director and PARC. The KO shall prepare an appeal file IAW the Department of Army Office of Small Business Programs Policy Letter 03-05, dated 25 April 2005, subject: Mandatory Procedure for Processing Small Business Administration (SBA) Appeals to the Agency Head. The KO shall forward the appeal file through the Chain of Command to the Department of the Army SBP Director within ten 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, 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 $150,000. KOs must be able to ensure contractors are complying with the regulatory requirements set forth within FAR clause 52.219-14.

(201) KOs have the following responsibilities towards subcontracting:

a. Contracting Officers must ensure solicitations and contracts are structured to include requirements to sufficiently document compliance with FAR clause 52.219-14, "Limitations on Subcontracting."

b. Execute diligence in resolving noncompliance with FAR clause 52.219-14. 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 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. 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.fsrs.gov).

Subpart 19.7 The Small Business Subcontracting Program

219.703 Eligibility Requirements for Participating in the Program

(200) ACC memorandum, subject Increasing Subcontracting Opportunities for AbilityOne Program Participants, dated 19 January 2010, reiterates the importance of maximizing employment prospects for individuals with disabilities, and emphasizes that DoD is the main customer for the AbilityOne Program, which is the single largest source of employment in the US for individuals who are blind or have other significant disabilities. One means of increasing employment through AbilityOne is to actively promote subcontracting opportunities for AbilityOne program participants with DoD prime contractors.

(201) IAW DFARS 219.703, prime contractors with acceptable subcontracting plans may receive credit toward their small business subcontracting goals for subcontracts issued to qualified nonprofit agencies participating in the AbilityOne program. To increase awareness of this regulatory guidance, KOs are encouraged to include MICC local provision 5152.244-4000, Notice for AbilityOne Subcontracting Goal Credit, in Section L or equivalent of solicitations that include FAR clause 52.219-9, Small Business Subcontracting Plan.

(202) When an AbilityOne non-profit agency submits a proposal as the prime contractor, a subcontracting plan IS required IF the KO determines that subcontracting opportunities exist and the non-profit agency is other than a small business under the assigned NAICS. When subcontracting opportunities exist, AbilityOne non-profit

agency, as the prime contractor, must deliver the Small Business Subcontracting Plan to the KO by the time stipulated in the solicitation.

19.704 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. Contractors shall also submit Small Disadvantaged Business (SDB) Participation Reports only if the contract contains SDB participation targets and FAR clause 52.219-25. The Individual Subcontract Report (ISR), SDB Report, and the Summary Subcontract Report (SSR) shall be submitted into eSRS (http://www.esrs.gov), for the six months ending 31 March, and the twelve months ending 30 September. Reports are due 30 days after the close of each reporting period.

(201) IAW FAR 19.705-6(h), one of the postaward duties of a KO is to accept or "acknowledge receipt" the ISRs and SDB reports in eSRS within 45 days of the contractor's submission 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 Contract Specialist, 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 219.201(e)(vii). 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 FAR clause 52.219-9. 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/Agency Level is the only individual responsible for acknowledging receipt

of SSRs for Individual Plans on behalf of DoD IAW DFARS 252.219-7003. The SSR for an Individual Plan must contain "2100" to denote the Army as the agency.

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 "plan required" 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 individually is expected to exceed $650,000 ($1.5M for construction) and that has subcontracting possibilities IAW FAR 19.702(a). 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 contracting 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.

19.705-4 Reviewing the Subcontracting Plan.

(200) As required in AFARS 5119.705-4(d), the KO shall review proposed subcontracting plans, except those for commercial items or plans approved under the DoD Comprehensive Subcontracting Plan Pilot Program, in accordance with the guide at AFARS Appendix DD, obtaining information and advice, as appropriate, from the contract administration office (see FAR 19.706 and DFARS 219.706). 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.

(201) The KO shall submit proposed subcontracting plans for review to the SBS and SBA PCR. 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. If a plan scores lower than AFARS Appendix DD requires, the KO must document the rationale for that determination in the contract file, with a copy to the SBS.

(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. A copy of the approval shall be forwarded to the SBS.

(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.

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 19.203 of the DB for details.

19.808-1 Sole Source

(200) See Part 6 of this Desk Book 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 needed services or supplies.

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.

PART 22: APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 22.12 Nondisplacement of Qualified Workers Under Service Contracts

(200) Executive Order (EO) 13495, "Nondisplacement of Qualified Workers Under Service Contracts," requires that qualified workers on a Federal service contract who would otherwise lose their jobs as a result of the completion or expiration of a contract be given the right of first refusal for employment with the successor contractor. Generally, a successor contractor may not hire any new employees under the contract until this right of first refusal has been provided.

(201) The new rule is effective for any solicitation issued on or after 18 January 2013 and applies to "service contracts" and "employees" as defined by the McNamara-O'Hara Service Contract Act of 1965 (SCA) that succeed contracts for performance of the same or similar work at the same location and that are not exempted. Not all services are covered under the SCA. For example, contracts for construction, alteration, or repair of public buildings or public works, including painting and decorating, are not covered. The list of SCA exemptions can be found at FAR 22.1003-3 and the list of EO 13495 exemptions can be found at FAR 22.1203-2.

(202) KOs are required to take several actions when it is determined that the requirements of EO 13495 apply:

a. Include FAR clause 52.222-17, "Nondisplacement of Qualified Workers," in the solicitation and resultant contract.

b. Provide to the successor contractor the list of certified service employees from the predecessor contractor and its subcontractors and direct the predecessor contractor to provide written notice to its service employees of their possible right to an offer of employment with the successor contractor.

c. Refer any service employee who wishes to file a complaint or ask questions regarding FAR clause 52.222-17 to the DOL's Wage and Hour Division.

(203) KOs are expected to work with their existing service contractors and bilaterally modify their applicable contracts, to the extent feasible, to include FAR clause 52.222-17. As an alternative, KOs should consider entering into bilateral modifications with existing service contractors to agree to perform paragraph (c) of FAR clause 52.222-17.

KOs shall document the contract files of their existing service contracts to describe the steps that were taken.

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

Subpart 23.9 Contractor Compliance With Environmental Management Systems

23.903 Contract Clause

(200) The KO shall insert the MICC local clause at 5152.223-4000, Environmental Management System, in all solicitations and contracts for the procurement of goods, services, products and materials at Fort Meade, MD. This local clause was drafted in response to Executive Order 13423 and modified as necessary to address specific Environmental Management System requirements at Fort Meade, MD.

PART 24: PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 24.2 Freedom of Information Act

5124.203 Policy

(200) The MICC Freedom of Information Act (FOIA) Guide establishes policies and procedures governing the Command's FOIA Program. The MICC FOIA Guide can be found on the MICC SharePoint Portal under the Office of Counsel found at: https://micc.aep.army.mil/LEGAL/FOIA/default.aspx

(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. The website at http://www.acc.army.mil/micc/foia.asp contains more details on FOIA requests.

PART 25: FOREIGN ACQUISITION

Subpart 25.3 Contracts Performed Outside the United States

(200) Effective immediately, Contracting Offices shall not accept theater-unique requirements or requirements, for services and supplies to be performed or delivered outside the continental United States (OCONUS) until the responsible Field Director obtains written approval to do so from the MICC Commander or Deputy to the Commander. Under no circumstances may such work be accepted from any Supported Activity before the responsible Field Director has provided written approval to the Contracting Office. Prior to granting an approval to accept such work, Field Directors shall determine whether the requirement is within our core capabilities and mission and also consider the experience level and workload of personnel in the assigned Contracting Office.

(201) IAW Memorandum, Assistant Secretary of the Army (Acquisition, Logistics and Technology) 6 Jan 2010, subject: The Army's Procurement of Non-Standard Rotary Wing Aircraft (e.g. Mi-17), requirements for non-standard rotary wing support shall be submitted to Army Contracting Command-Redstone for award and managed by the Program Manager for Non-Standard Rotary Wing Aircraft (PM NSRWA), U.S. Army Aviation Missile Command, Redstone Arsenal, Alabama.

Subpart 25.5 Evaluating Foreign Offers – Supply Contracts

25.5 Berry Amendment / Buy American Act

(200) Buy American Act clauses should not be included when the Berry Amendment applies. See DFARS 225.401(a)(2)(A) and DFARS 225.7002-1(a). In this case the "statute" referenced at DFARS 225.401(2)(2)(A) is the Berry Amendment.

(201) DCMA Instructions on the Berry Amendment and Buy American Act can be found in Training Slides found in the DCMA Guidebook; http://guidebook.dcma.mil/.

(202) Additional Berry Amendment Information can be found on the DPAP website at http://www.acq.osd.mil/dpap/cpic/ic/berry_amendment_10_usc_2533a.html

(203) Reference DPAP Berry Amendment Training Slides.

Subpart 225.74 Defense Contractors Outside the United States

225.7401 Contracts Requiring Performance or Delivery in a Foreign Country

(200) The Commander of the Joint Theater Support Contracting Command (C-JTSCC) is ultimately responsible for exercising command authority over Army, Air Force, Navy, Marines, and other assigned and attached theater support contracting elements operating in Afghanistan, Iraq, Kuwait and Pakistan along with the responsibility for coordinating and implementing Theater Business Clearance (TBC)/Contract Administration Delegation (CAD) policy for all DoD contracting activities within the CENTCOM AOR.

(201) TBC facilitates a common operating picture for contracted support during joint operations, ensures that solicitations and contracts contain provisions to meet Commanders' requirements, and assures that Contractor personnel life support requirements are addressed and coordinated prior to their arrival in theater. TBC may involve a Contract Administration Delegation process to ensure coordination of contract administration support prior to contract award. TBC procedures apply to the following circumstances:

a. Contracts valued over $30k for Afghanistan, or contracts valued over $1M that are awarded to non-Host Nation firms for Kuwait or Pakistan, that require delivery of material to Afghanistan, Kuwait, or Pakistan, under FOB Destination terms using commercial transportation outside the Defense Transportation System;.

b. Service or construction contracts with place of performance in Afghanistan, Kuwait, or Pakistan;

c. Contracts that authorize Contractor personnel, including subcontractors at all tiers, to carry weapons in Afghanistan, Kuwait, or Pakistan, for both existing and newly awarded contracts, regardless of contract end date.

(202) KOs shall ensure full compliance with the TBC procedures as prescribed by the DFARS PGI 225.7401. Compliance with the TBC process is MANDATORY for all acquisitions which require the performance of services or delivery of supplies in an area outside the United States i.e., performance or delivery in a Foreign Country. The TBC process ensures:

a. Contracted effort to be accomplished in designated area(s) of operations, along with any associated Contractor personnel, is visible to the combatant commander;

b. Contracted effort is in consonance with in-country commanders' plans;

c. Solicitations and contracts contain appropriate terms and conditions;

d. Contracted effort will be properly overseen in designated area(s) of operation;

e. Any Government-furnished support requirements associated with Contractor personnel are properly addressed in the contract terms and conditions.

(203) KOs shall include CENTCOM specific clauses and provisions into the solicitation/contract as specified in Appendix 2 of the C-JTSCC Acquisition Instruction.

(204) IAW USD(AT&L) memo dated 10 April 2013, subject: Compliance with U.S. Central Command Cargo Shipping Policies and Pilferage Reporting Procedures, the KO shall ensure that acquisitions for Afghanistan comply with the requirements prescribed within USCENTCOM FRAGO 07-816, "Guidance on Pilferage Reporting for Cargo Transiting the Pakistan Ground Lines of Communication."

(205) The KO shall notify the Senior Contracting Official (SCO)-Afghanistan if contractors performing in Afghanistan threaten to not perform in-theater due to concerns with base security transitioning away from Private Security Companies or similar concerns regarding base security or force protection responsibilities across Afghanistan.

225.7402 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States

(200) Contractor personnel MUST have a Synchronized Pre-deployment and Operational Tracker (SPOT)-generated Letter Of Authorization (LOA) to include the TBC control number, signed by the KO in order to process through a deployment center or to travel to, from, or within the designated operational area. The LOA also will identify any additional authorizations, privileges, or Government support that the Contractor personnel are entitled to under the contract. Failure to provide Contractor Personnel an approved SPOT generated LOA, to include the TBC approved control number, will result in Contractor Personnel deployment delay. The TBC and SPOT are an integrated process, KOs are prohibited from issuing a SPOT generated LOA without

prior TBC approval. C-JTSCC Commander is authorized to prohibit the issuance or renewal of a LOA, or to revoke an existing LOA if an affected contract is not in compliance with TBC policy and procedures. In addition DCMA will not accept delegation of contract administration responsibilities for those contracts with performance in or delivery to Afghanistan or Iraq, unless these contracts have been vetted through TBC. Procedures for obtaining TBC can be found at the CENTCOM Contract Policy website at https://www2.centcom.mil/sites/contracts/Pages/Default.aspx.

(201) If a contract requires performance outside the United States and contract personnel are authorized to accompany the U.S. Armed Forced, the KO shall ensure the contract designates the deployment center, departure point, and transportation mode authorized for contract personnel. The deployment center will conduct deployment processing to ensure visibility and accountability of Contractor personnel. Effective 1 October 2013, First Army will relocate and consolidate individual soldier, Department of the Army Civilian (DAC), Non-LOGCAP contractor and sister service member deployment operations currently operating at Fort Benning, GA, Winchester, VA (UDC) and Camp Atterbury, IN to Fort Bliss, TX. KOs shall ensure all contracts are modified appropriately and new contract requirements reflect deployment processing at Fort Bliss, TX.

(202) The Diplomatic Note 202 and the Military Technical Agreement (MTA) are two provisions affect the entry and exit of contractor personnel in Afghanistan.

a. Diplomatic Note 202 applies to contracts that obligate U.S. appropriated funds and that are awarded by DoD contracting activities to support DoD requiring activities for the purposes stated in the notes title: "Terrorism, Humanitarian and Civic Assistance, Military Training and Exercises, and other Activities." Contractor and subcontractor personnel who are not residents or citizens of Afghanistan and who perform contracts governed exclusively by Diplomatic Note 202 require a passport, visa, or entry permit to enter or exit Afghanistan.

b. The MTA governs International Security Assistance and NATO forces, including the U.S. as a troop contributing nation, which are present in Afghanistan to provide security, assist in reconstruction and identify and arrange training and assistance. When the United States avails itself of the provisions of the MTA, contractor and subcontractor personnel who are not residents or citizens of Afghanistan do not require a passport or visa to enter or exit Afghanistan and may, instead, rely on military issued identification and collective movement or individual travel orders.

c. The KO should consult legal counsel to determine wither the MTA provisions may be relied upon with respect to a particular contract and then notify the affected contractor to ensure compliance with the relevant agreement and its underlying contract.

225.7402-3 Government Support

(200) IAW DFARS 225.7402-3 Government support may be authorized or required for contractor personnel performing in a designated operational area. The KO shall specify in the solicitation and contract if medical or dental care is authorized and any other Government support to be provided to include items such as dining facility privileges and laundry services.

(201) IAW C-JTSCC Memorandum Subject: HCA Bulletin 13-04 Sponsorship and Coordination of Government Furnished Life Support (GFLS) for Contractor Personnel Operating in the Combined Joint Operations Area-Afganistan, dated 12 May 2013, the current level of GFLS will be reduced to expeditionary standards as drawdown continues in Afghanistan. The KO must ensure that all DoD contracts being performed in Afghanistan have an in-country sponsor organization, an in-country Contracting Officer Representative, Contracting Officer Technical Representative, and/or Government Technical Product Representative. A designated in-country representative for all Government Furnished Life Support (GFLS) is also required. The KO must ensure that a "Government Furnished Life Support Validation (GFLSV) Request and Approval Form" is submitted with the TBC request prior to release of the solicitation. KOs should allow 10 days for review and approval of the GFLSV form. The form is available on the CENTCOM Information Portal at the below address: https://www2.centcom.mil/sites/contracts/Pages/Theater-Business-Clearance-(TBC)-External.aspx

(202) The solicitation and contract should specify whether this support will be provided on a reimbursable basis or not. The SPOT generated LOA signed by the KO must identify all authorizations, privileges, or Government support provided to the contractor personnel.

(203) If contractors are currently receiving Government support and it is not on their LOA the KO must determine if the Government services or support are provided in the contract. If so, the KO should amend and reissue the LOAs as necessary. If the Government provided services are not currently in the contract, but should be, the KO

should modify the contract as appropriate (add language to the PWS or to the Special Contract Requirements and receive consideration if necessary) and amend the LOAs.

PART 28: BONDS AND INSURANCE

Subpart 28.3 Insurance

28.305 Overseas Workers Compensation and War Hazard Insurance

(200) The Department of Labor determined the following 13 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 the following locations: Federal Republic of Germany, South Korea, Italy, France, Israel, Belgium, Japan, Spain, Russian Federation, Republic of Uzbekistan, Republic of Kazakhstan, Greenland, Republic of Turkey. Waivers for these countries will expire 31 Dec 13 and all previous waivers granted to any DoD components in these locations are revoked and superseded by these waivers. 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. Copies of the waivers are available at https://sp3.kc.army.mil/sites/ASA_ALT/SAAL-ZP/default.aspx. Additional information on DBA waivers may be viewed at http://www.acq.osd.mil/dpap/cpic/cp/waivers_for_defense_base_act_insurance.html.

(201) DBA insurance is still required for those employees in the categories listed below on any contract with overseas performance, including the countries granted a waiver. The only exception is for contracts performed in Guam. Although it has not been granted a Geographic Waiver, Guam contracts are exempt from the requirement to obtain DBA insurance for all employees, including those in the categories below.

a. Public-work contracts;

b. Contracts approved or financed under the Foreign Assistance Act of 1961 (Pub. L. 87-195) other than –

1. Contracts approved or financed by the Development Loan Fund (unless the Secretary of Labor, acting upon the recommendation of a department or agency, determines that such contract should be covered); or

2. Contracts exlusively for materials or supplies.

28.310 Contract Clause for Work on a Government Installation

(200) The KO shall insert the MICC local clause at 5152.239-4000, Government Sponsorship of Contractor Owned Servers, in all solicitations and contracts when the Government requires a contractor-owned server to reside in a secure Government facility and interface to obtain a .mil address.

228.370 Additional Clauses – Government Flight Representative Appointment

(200) The HCA has delegated to the PARC authority to appoint Government Flight Representatives (GFR) IAW Army Regulation (AR) 95-20, Contractor's Flight and Grounds Operations. A GFR is a rated U.S. Military Officer or Government Civilian in an aviation position, to whom the Approving Authority has delegated responsibility for approval of Contractor flights, procedures, crewmembers and engine run certifiers and ensuring Contractor compliance with applicable provisions of AR 95-20.

(201) Send requests for Government Flight Representative Appointments to the MICC Policy and Acquisition Training Division email in the MS-Outlook GAL(USARMY JB San Antonio ACC MICC List HQ-ConOps Policy Division).

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Government Flight Representative Appointment	AR 95-20, DFARS 228.370(b)	All	PARC	10

PART 32: CONTRACT FINANCING

Subpart 232.7 Contract Funding

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 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 232.252-7007, 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.

(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 IAW MICC CPM #13-13 about potential funding lapses to the MICC G-2/3/5 by either email (usarmy.jbsa.acc-micc.list.hg-g3@mail.mil) or phone (210-466-2431, 210-466-2427, 210-466-2426, or 210-466-2425) within one hour of receiving the information and include a copy of the Contractor's notification, if any. Also send a notice to the Senior Official in the Supported Activity (e.g., Resource Manager, Commander, Staff Principal), and include a copy of the Contractor's notification, if any. The correspondence to the Supported 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. Due to 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 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 7 days. All other provisions in FAR clause 52.232-22 remain unchanged. This modification, however, 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 Portal under the Office of Counsel found at: https://micc.aep.army.mil/legal/default.aspx.

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.

(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 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 Supported 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.).

Subpart 232.9 Prompt Payment

232.903 Responsibilities

(200) Use of the clause at 52.232-99 (DEVIATION)(August 2012) is no longer authorized due to the rescission of Class Deviation 2012-00014 – Providing Accelerated Payment to Small Business Subcontractors.

PART 33: PROTESTS, DISPUTES, AND APPEALS

Subpart 33.1 Protests

(200) MICC CPM #13-13 requires that all information regarding a CCIR be reported to the MICC G3, by either email usarmy.jbsa.acc-micc.list.g3@mail.mil or phone contact within one hour of receiving the information. 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 GWOT;

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 $1Million or more or which has Army or DoD-wide implications.

5133.103 Protests to the Agency

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
D&F to award contract	FAR 33.103 (f)(1)	Agency protest to the KO before award	Field Director	Locally determined
D&F to authorize contract performance	FAR 33.103 (f)(3)	Agency protest to the KO after award	Field Director	Locally determined

(200) Field Directors are designated to serve as the individuals 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. Field Directors are authorized to act upon requests from subordinate Contracting Offices to award a contract or continue performance under a contract that is the subject of an agency protest to the KO as permitted under FAR 33.103 (f)(1) and (f)(3). The KO's request and the Director'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/amc/commandcounsel.html 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.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
D&F to award contract	FAR 33.103(f)(1), AFARS 5133.103(d)(4), ACC Desk Book 33.103	AMC Level Protest before award	ACC CG/Executive Director*	15
D&F to authorize contract performance	FAR 33.103(f)(3), AFARS 5133.103(d)(4), ACC Desk Book 33.103	AMC Level Protest after award	ACC CG/Executive Director*	15
Note: May be delegated to no lower than the ACC Deputy Director				

(202) Note that for HQ AMC-level protests, the AMC Command Counsel has delegated authority to the ACC CG/Executive Director (which can be delegated to a level no lower than the ACC Deputy Director) to approve requests to award a contract or continue performance of a previously awarded contract during the pendency of such protest.

5133.104 Protests to GAO

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
D&F to award contract	FAR 33.104(b), AFARS 5133.104(b)	Protest to GAO before award	AMC Command Counsel	20
D&F to authorize contract performance	FAR 33.104(c), AFARS 5133.104(c)	Protest to GAO after award	AMC Command Counsel	20

(200) KOs are required to prepare agency reports with assistance of Legal Counsel in response to protests before the GAO. KOs with assistance of Legal Counsel shall prepare Rule 4 and Trial Attorney Litigation Files in response to appeals filed with the Armed Services Board of Contract Appeal.

(201) Within 15 calendar days following notification of resolution of a GAO protest, the KO shall prepare a Bid Protest After Action Report IAW AFARS 5153.9006 and Appendix C of the MICC Office of Counsel Legal Services Standard Operating Procedure found on the MICC SharePoint Portal under the Office of Counsel found at: https://micc.aep.army.mil/legal/PublishingImages/MICC%20LEGAL%20SOP%20(19%20SEP%2011)%20SP.pdf. KO shall provide copies to the MICC Chief Counsel, Deputy Chief Counsel and Paralegal.

33.106 Solicitation Provision and Contract Clause

(200) The KO shall insert the MICC local clause at 5152.233-4000, AMC Level Protest Program, (in Section G if utilizing the uniform contract format) of all solicitations and contracts.

PART 36: CONSTRUCTION AND ARCHITECH-ENGINEER CONTRACTS

Subpart 36.1 General

(200) KOs shall not accept contract requirements packages that do not include a complete and properly executed AT/OPSEC Cover Sheet except for supply contracts under the SAT, Field Ordering Officer actions, and GPC purchases. The purpose of the cover sheet is to document the review of requirements package documents (SOW, 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.

(201) Contracting personnel are requested, when applicable, to incorporate appropriate contract language that is contained in the attached cover sheet in their respective contract documents.

(202) 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/OSPEC measures into the contract requirements package. Both documents can be found on the MICC SharePoint Communities of Practice Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FAT%20OPSEC&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={A42E19D6-4E07-494E-AED3-6A587B5F6F48}

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

(200) Although AFARS 5136.600-90 grants Architect-Engineering (A-E) authority to the MICC, each individual Contracting Office must request in writing the use of the authority to the PARC. Authorization resulting from the individual request will be valid for a period of two calendar years unless otherwise noted. Contracting offices are responsible for ensuring that requests to renew their authority are submitted to the Policy Team at email usarmy.jbsa.acc-micc.mbx.policy-team@mail.mil, at least 30 days prior to the expiration of their current authority.

(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). A Request for Authority to Execute and Administer Architect and Engineer (A-E) Contracts Template can be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FArchitect%2DEngineer%20Contracts&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

(202) KOs who gain 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) IAW AFARS 5142.1502-90, performance assessment reports must be processed on all A-E actions valued over $30,000. Accordingly, individuals who will be awarding or administering A-E contracts must receive online A-E Contract Administration Support System (ACASS) training, specifically ACASS Overview (2 hours) and Quality and Narrative Writing (2 hours).

(204) Contracting Offices delegated authority to execute and administer A-E contracts are responsible for reporting these actions no later than the 10th day of the month following the end of each quarter of the Fiscal Year to the Policy Team at email usarmy.jbsa.acc-micc.mbx.policy-team@mail.mil. The reporting format can be found on the MICC Communities of Practice SharePoint Portal under Forms and Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FArchitect%2DEngineer%20Contracts&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

PART 37: SERVICE CONTRACTING

Subpart 37.1 Service Contracts – General

(200) AR 70-13, Management and Oversight of Services Acquisitions, prescribes Army policies and responsibilities for management and oversight of all service acquisitions (to include Contracted Advisory and Assistance Services (CAAS)). This regulation addresses pre-award and post-award approval requirements, responsibilities, and activities associated with oversight and surveillance of all service contracts. The ASA(ALT) has issued an interim policy directive for services acquisition on 20 December 2011, in advance of a revision to AR 70-13. This interim guidance does not apply to services obtained for construction, research and development programs, or services acquisitions in support of Program Executive Office (PEO) managed program subject to a milestone decision review. However, the interim policy directive applies to any advisory an assistance services that support research and development procured by the Army.

(201) Key information in the interim policy includes:

a. Commanders and Principal Officials of Headquarters, Department of the Army are responsible for all lifecycle phases of their services programs and are accountable for acquiring services in the most efficient and effective manner possible to achieve projected costs savings.

b. Commands will establish an internal process for managing services to include assignment of a Command Services Executive (CSE) as a single focal point, and utilize a Multi-Functional Integrated Process Team (MFIPT) approach.

c. Follow the services portfolio management governance structure in the Secretary of the Army approved Implementation Plan and coordinate services acquisitions with the applicable Portfolio Manager at the requirements generation point. Portfolio Managers will contact the CSE for further coordination and support.

d. Beginning 1 January 2012, KOs shall provide a copy of locally approved, Army-funded services acquisition strategies valued at $10M and less than $250M to the Senior Services Manager (SSM) and the applicable Portfolio Manager. In addition, the SSM is the new approval authority for acquisition strategies valued at $250M and less than $500M.

e. The SSM will be conducting Annual requirements Execution Reviews (ARERs) for services acquisitions valued at $10M or above. The ARERs will review the lifecycle of services acquisition with a focus on planning and evaluation of cost, schedule, performance results based upon the execution of the plan.

(202) 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 Supported 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 Supported 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. Non-personal services contracts using appropriated funds for religious support shall not exceed 12 months in duration and 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. 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.

(203) The following Contracting for Food Services policy is applicable to all procurements involving military dining facilities to include, but not limited to, management of the dining facility, food preparation services and dining (mess) attendant services. MICC contracting offices shall follow the guidance for all procurements involving military dining facilities that do not have an approved acquisition strategy prior to 14 February 2013.

a. Receipt of the Basic Requirement Documents.

1. Requirements Documents. The U.S. Army Quartermaster School's Joint Culinary Center of Excellence (JCCoE) publishes prototype requirement documents with the intent to standardize the PWS, PRS and the Performance Assessment Plan (PAP). IAW paragraph 3-42 of DA PAM 30-22, installations requiring Full Food Services (FFS), Dining Facility Attendant (DFA) Service, and Contract Cook Support and Dining Facility Attendant (CS + DFA) service in military operated dining facilities will develop their requirement documents using the HQDA prototype PWS and PAP for food service contracts. These documents are available from the U.S. Army Quartermaster School Joint Culinary Center of Excellence (JCCoE) at the following link: http://www.quartermaster.army.mil/jccoe/Operations_Directorate/CSPD/contract/fscm.html.

i. Use of the prototype requirement documents maintained by JCCoE helps ensure flexible dining support while controlling costs. Please ensure that the final version of the requirement documents have been coordinated with the Army Sustainment Command (ASC) & JCCoE prior to release of the solicitation.

ii. The PWS prototypes include FFS, DFA Service, and Contract Cook Support and Dining Facility Attendance service. The PAP is synonymous with the Quality Assurance Surveillance Plan (QASP) and should be used in lieu of QASP for food service applications until JCCoE adopts QASP nomenclature. The requirements are stated in terms of the needs of the Government and the standards by which performance can be measured, without dictating the detailed performance process. Proper use of the prototype PRS will enable the Army to reward quality performance.

iii. Each Supported Activity should use the most recent version of the published prototype documents; however, the Supported Activity may use differing approaches specific to the details of their requirements. IAW Technical Manual 4-41.12, the requirements writing team should tailor the prototype to meet the minimum needs of the installation provided that such changes are coordinated with the ASC and JCCoE.

2. Priorities. FFS requirements are subject to both the priority established by the Randolph-Sheppard Act (RSA) and the preferences set out in FAR part 19. Accordingly, when the set-aside criteria of FAR part 19 are met, the RFP should be issued as a set-aside while also clearly identifying the applicable RSA priority. The following is suggested language for FFS solicitations to ensure that the prospective offerors are fully informed. It can be edited to reflect details peculiar to your requirement:

"Randolph-Sheppard Act Applies to this Full Food Service Requirement

- All offerors are hereby notified that this solicitation is subject to the Randolph-Sheppard Act and the priority it affords to blind vendors for operation of military dining facilities.

- The blind have a priority right to operate dining facilities on federal property. This applies to the solicitation of Full Food Services (FFS) as defined in Army Regulation 30-22.

- The Army applies this priority in accordance with Army Regulation 210-25 (which is incorporated into this solicitation and resulting contract). A proposal from a qualified offeror (State Licensing Agency on behalf of a blind vendor), whose evaluated proposal is included in the agency's competitive range determination may be awarded the FFS contract without further consideration of other highly rated proposals.

- This notice is not designed to discourage competition; rather, it sets out the priority established by the RSA for proposals received from State Licensing Agencies and their blind vendors."

3. Required Sources. The procurement team must be aware of the priorities and mandatory sources applicable to food service contracts. One of the first steps is to determine whether the requirement has already been added to the AbilityOne PL. Additionally, if the requirement is for FFS, then the procurement is subject to the RSA. Subparagraph e. elaborates upon the factors influencing the procurement process (some of which are encapsulated below):

i. The market research conducted by the procurement team must include a thorough review of the PL to determine if the requirement is already on the list. The PL is located at the following link: http://www.abilityone.org/work_with_us/procurement.html. Some installations may have specific sites (Dining Facilities [DFACs]) on the PL while others (*e.g.*, Fort Carson and Fort Hood) have installation-wide food service operations on the PL. Thorough

market research will help ensure compliance with applicable mandates to use AbilityOne NPAs consistent with law.

ii. DFA services are characterized by the performance of janitorial and custodial duties within the dining facility. This includes sweeping, mopping, scrubbing, trash removal, dishwashing, waxing, stripping, buffing, window washing, pot and pan cleaning and other sanitation-related functions. DFA contracts are not subject to RSA.

iii. FFS requirements are subject to both the priority established by RSA and the preferences set out in FAR part 19. RSA, 20 U.S.C. §107, defines FFS as covering those activities that comprise the full operation of an Army dining facility. It includes, but is not limited to, requisitioning, receiving, storing, preparing, and serving of food as well as the performance of related administrative, custodial and sanitation functions. If the requirement is considered FFS, it is subject to RSA. Paragraph 6.*b*.(1)(b) of AR 210-25 summarizes the impact of application of RSA on FFS by stating that if a State Licensing Agency (SLA) under RSA submits a proposal and it is within the competitive range established by the contracting officer, the contract will be awarded to the SLA unless the conditions described at subparagraph (203) e.3.iii.B. apply.

iv. Detailed guidance pertaining to the application of JWOD Act and RSA is addressed in subparagraph e.

4. Business Arrangement. The acquisition strategy should carefully consider which business arrangement is most suitable for the installation's requirement. Factors to be addressed include whether to use a single fixed-price contract (C type PIIN) or an indefinite-delivery contract (D type PIIN). Historically, about 30% of the MICC Food Service contracts have been indefinite-delivery. You must carefully consider the details peculiar to the Supported Activity's food service requirement in your acquisition planning process. For example, if your installation has numerous DFACs supporting our Soldiers, you might want to consider an indefinite-delivery tool to leverage the flexibility inherent to the use of task orders. If considering an indefinite-delivery tool, carefully weigh the advantages and disadvantages related to IDIQ versus requirements contracts. For example, if the requirement is on the PL, consider use of a requirements contract as the requirement is characterized by a single award to the AbilityOne NPA and using that tool mitigates the need for a non-nominal minimum quantity (FAR 16.504(a)). Keep in mind that no task or delivery order contract valued over $103M (including all options) can be awarded to a single source unless a determination is executed IAW FAR 16.504(c)(1)(ii)(D).

5. Application of Commercial Procedures under FAR part 12. If you plan on using FAR part 12 procedures, you must determine in writing that the acquisition meets the commercial definition IAW DFARS 212.102 and section 212.102 of the DB. However, unless specifically justified otherwise, many of our food service procurements should not be treated as a commercial but rather focus on FAR part 15 (and supplements thereto). Army food service generally requires more flexibility than commercial cafeterias. DFAC customers are limited to those within the perimeter of the installation and even those customers are subject to deployment, TDY and other missions that make it difficult to predict headcount. Approximately 70% of our food service contracts are either awarded to AbilityOne NPAs or to SLAs under the RSA. Bottom line is that the flexibilities under FAR part 15, especially with regard to the quality clauses prescribed in FAR part 46, should be factored into your planning process.

6. Preference for Fixed Price Contracts. The decision between use of fixed price payment or cost reimbursement should be based upon close coordination with the Supported Activity and tied to risk. In nearly all cases, fixed price arrangements should be suitable for Army food service requirements. Performance incentives should be managed using the PRS and QASP. Carefully weigh the general information at FAR 16.301-2, the limitations at FAR 16.301-3, as well as other considerations (cost realism analysis, etc.) before you choose against a firm-fixed price arrangement.

7. Unit of Issue. The unit of issue for Food Services is typically "month" or "meal". Currently, most food service contracts are paid on a monthly basis; however, potential budget challenges justify the careful exploration of all options.

8. Period of Performance (PoP): Discuss the PoP with your Supported Activity (DOL/ASC). Food service is not considered a knowledge-based service and consequently is not limited to three years. However, garrison food service operations appear to be subject to reduction in costs in FY14 and the volatility associated with the reduction may impact the viability of a long term PoP.

9. Source Selection. Careful consideration should be given to the basis for award and evaluation criteria. The preferred source selection approach for a noncomplex food services requirement is Lowest Price Technically Acceptable (LPTA). However, whether you determine to use the Best Value Trade-off or LPTA approach, identify the major factors/sub-factors for the technical evaluation. If using Best Value Trade-off, ensure that you state the relative order of importance of each such

factors/sub-factors. Describe the factors and sub-factors in sufficient detail to communicate the measures used to evaluate the proposals. If choosing LPTA, ensure that the solicitation clearly identifies the minimum evaluation requirements that the proposal must meet to be determined technically acceptable. Regardless of which source selection approach is chosen, if the requirement is for FFS, **you must establish a competitive range IAW Department of Education regulations codified at Title 34, Code of Federal Regulations, § 395.33 as implemented in AR 210-25**. For an LPTA source selection, do **not** state that the competitive range will consist of "all technically acceptable offers" or similar language. Instead, use generic language such as "the contracting officer may establish a competitive range if warranted" to afford the contracting officer latitude in setting the competitive range. Detailed guidance relative to DoD Source Selection Procedures can be found at the following link http://www.acq.osd.mil/dpap/policy/policyvault/USA007183-10-DPAP.pdf. LPTA is discussed at Appendix A to the DoD Source Selection Procedures document.

10. Cost/Price Analysis: Obtaining certified cost or pricing data is typically not required for food service contracts and is limited to circumstances where none of the exceptions in FAR 15.403-1(b) apply. However, if price analysis is not sufficient in determining an offer fair and reasonable, the contracting officer should require the offeror to submit data other than certified cost or pricing data to support further analysis.

i. In the event that price analysis is insufficient, the Government's negotiation position should be based upon analysis of the separate cost elements received as a result of a request for other than certified cost or pricing data. This analysis will facilitate the contracting officer's ability to determine cost reasonableness.

ii. The Air Force Institute of Technology and the Federal Acquisition Institute developed a five-volume set of Contract Pricing Reference Guides that may be useful when preparing for negotiations. These guides are available at the following link: http://www.acq.osd.mil/dpap/cpic/cp/contract_pricing_reference_guides.html

b. Considerations before Initiating an Acquisition for Food Services.

1. The Supported Activity, in conjunction with the servicing MICC contracting activity, should define, as precisely as possible, what it needs to meet the food service requirements for the activity or units being supported. Key considerations are:

i. Does the Supported Activity need a contractor to operate an entire DFAC or just portions of it, such as dining facility attendant services?

ii. How many DFACs are included in the procurement? How are they currently operated? What is the history of providing food services to the activity or units? Have previous food service contracts, if any, been successful or unsuccessful? Are any of the DFACs currently on the AbilityOne PL?

iii. Do the requirements for an individual DFAC change as troops are deployed for lengthy periods (*i.e.*, FFS for part of the time, DFA or other types of services for other periods)? How likely is the activity or units to be deployed during the contract period of performance? When units are not deployed, do they provide military cooks for food preparation in the DFAC?

iv. What are the Supported Activity's funding capabilities or shortfalls for the resulting contract?

v. Have specific entities (such as AbilityOne) expressed interest in providing food services to the DFAC(s)?

2. Public Law 108-375, Section 853, Ronald W. Reagan NDAA for FY 2005 and Public Law 109-163, Section 848 of the NDAA for FY 2006 established clear lines dividing work between SLAs and their blind vendors and AbilityOne NPAs. In Public Law 109-163, Section 848 of the NDAA for FY 2006 , Congress created the "no poaching" rule to prohibit either AbilityOne or SLA from poaching on each other's contracts or attempting to win a contract for work not expressly covered by the respective Act (JWOD for AbilityOne and RSA for SLAs and their blind vendors). Therefore, when working with an RA, the MICC contracting activity must consider whether the requirements implicate the no-poaching rule which is also DoD policy.

3. All food service contracts must be considered against the competition requirements set out in CICA and FAR part 6. GAO decision, EDP Enterprises Inc., B-284533.6, 19 May 2003, recognizes that even if the proposed work is consistent with Army doctrine and regulation, it may still violate CICA because it improperly bundles or consolidates functions that could be separated to provide more contracting opportunities, especially for small businesses. In that context, FFS incorporates work that can be awarded separately: one contract can be for food service preparation and mess management services and another for dining facility attendant services. Although AR 30-22 and AR 210-25 state that FFS is a separate type of contract to which the Act

applies, it is important to note that it is not clear whether the GAO or the courts will concur that the procurement can proceed without violating CICA bundling prohibitions.

c. Requirement for Business Case Analysis.

1. The MICC contracting activity and RA must determine whether the services required can be separated into two or more contracting opportunities and, if so, whether retaining these services as FFS under the Act is in the best interest of the Government.

i. The required determination shall be made consistent with a business case analysis that examines specific cost savings to the Government (and not merely savings from administrative costs) consistent with GAO decisions regarding CICA bundling protests.

ii. The business case analysis shall apply the criteria set out in FAR part 7 and supplements, and include market research consistent with FAR part 10 and supplements.

2. If the business case analysis concludes that the best course of action is to initiate or retain a FFS-type contract, then the RA and MICC contracting activity will follow the procedures detailed in subparagraph e. below for conducting the procurement IAW the RSA.

3. Conversely, if the business case analysis concludes that the best course of action is to solicit and award separate service contracts in the dining facility (*e.g.*, a separate dining facility attendant services contract and a separate contract cook support and dining facility attendant service contract), then the RSA shall not apply to these procurements and they shall be conducted IAW the applicable law and regulations (to include the FAR and its supplements).

4. Any decision to conduct the procurement in a manner inconsistent with the business case analysis conclusion must be approved by the respective MICC Field Director. The MICC Field Director, after consulting with legal counsel, shall weigh the risks of the likelihood of a successful protest when making this decision. If the MICC Field Director decides to conduct the procurement in a manner inconsistent with the business case analysis conclusion, the MICC Field Director shall notify the PARC within

three business days of such decision. If the risks cannot be mitigated, the better course of action is to comply with the business case analysis conclusion.

5. When conducting the business case analysis or if the MICC Field Director is asked to approve a decision to conduct the procurement in a manner inconsistent with the business case analysis, a critical consideration must be the impact of the procurement on small business opportunities.

6. A contracting officer may request waiver of the business case analysis requirement when the contracting officer determines that the business case analysis is too onerous for the specific requirement, lacks return on time invested, and/or is unnecessary based upon specific procurement facts. A request to waive the business case analysis must be submitted, in writing, through the appropriate supervisory/command levels to the respective MICC Field Director who may endorse the request to the PARC or disapprove the request. If the MICC Field Director endorses the request, in writing, the request for waiver shall be submitted for PARC review and approval. Approved waivers shall be retained in the procurement file.

d. Protests.

1. Protests by a private (commercial) offeror challenging any aspect of a procurement covered by the RSA may be brought under the same circumstances and timeliness requirements as for any challenged procurement.

2. A protest brought by the SLA/blind vendor is subject to the Department of Education's mandatory arbitration procedures and generally will not be heard by the GAO or the Court of Federal Claims until the Department of Education arbitration process has concluded.

e. APPLICATION OF THE RANDOLPH-SHEPPARD ACT (RSA) AND THE JAVITS-WAGNER-O'DAY ACT (JWOD) TO CONTRACTING FOR ARMY FOOD SERVICES (FFS AND DFA).

1. Applicability of the Randolph-Sheppard Act (RSA) to Food Service Procurements.

i. RSA, 20 U.S.C. §107, is a federal statute that affords blind vendors a priority over commercial entities for a contract to operate a cafeteria whenever it demonstrates that it has the capacity to operate the facility "in such a manner as to

provide food service at a comparable cost and of comparable high quality as that available from other providers." Cafeterias are included in the law's definition of vending facilities and military DFACs also fall under RSA. The Department of Education is the proponent agency for this program. Accordingly, the Department of Education publishes regulations (34 C.F.R §395.33) and resolves administrative issues concerning RSA. The Department of Education has specific authority to decide certain RSA disputes and may do so through mandatory arbitration.

ii. Each State Government has an organization that is denoted by statute as the SLA, which issues licenses to blind persons for the operation of vending facilities on federal property and represents the blind vendor in preparing and submitting proposals.

iii. AR 30-22 establishes types of food service operations that may be obtained by contract. In the Glossary, the term "full food services" is defined as contracts that cover those activities that comprise the full operation of an Army dining facility. FFS may include, but not be limited to, requisitioning, receiving, storing, preparing and serving of food as well as performance of related administrative, custodial, and sanitation functions. AR 210-25 sets out the process by which the Act will apply to Army food service contracts. However, the Act has been held both by court decisions and Army operational policy to apply only to FFS contracts. Accordingly, if the requirement is for the full operation of a military DFAC, the RSA, AR 30-22, and AR 210-25 paragraph 6 *b*(1)(a) through (c) apply.

iv. Although RSA provides a priority to blind vendors for FFS contracts in a DFAC, CICA also applies to all Army procurements (with very limited exceptions not applicable here), including contracts for food service operations. This includes proposed noncompetitive awards of FFS to blind vendors under RSA, Department of Education Regulations (specifically 34 C.F.R. §395.33(d)), and AR 210-25. Moreover, if the RA determines that the requirement should be separated into two or more contracts, as opposed to FFS, then the Act will not apply and the SLA will not be eligible to compete for either type of contract.

2. Applicability of the Javits-Wagner-O'Day Act (JWOD) to Food Service Procurements.

a. JWOD, 41 U.S.C. §8501-§8506, is a federal statute that establishes a mandatory procurement program for federal agencies. Under this program, federal agencies must purchase specified supplies and services on the PL from nonprofit

agencies that employ blind and severely disabled persons. The program is implemented in FAR subpart 8.7. The Committee for Purchase from People Who Are Blind or Severely Disabled maintains a PL in which the Committee specifies the services and/or supplies that must be obtained from a named nonprofit agency. The colloquial name of the program has been changed from "JWOD" to "AbilityOne."

b. Since RSA applies only to FFS contracts, contract requirements for less than FFS (*e.g.*, dining facility attendant services) are not subject to the RSA priority for blind vendors. In many instances, JWOD Act will allow AbilityOne to place the requirement on the PL as a mandatory source. If the requirement is not currently on the PL, then the KO should proceed as in any other procurement to include considering whether the requirement should be on the PL.

c. Per Public Law 109-364, Section 856, John Warner NDAA for FY 2007, if a requirement that would normally fall under the coverage of the RSA is being currently performed by an AbilityOne participating NPA and that requirement is on the PL, then AbilityOne retains its preference with respect to that requirement. Thus, any follow-on periods remaining on an AbilityOne contract may be exercised. Moreover, any future procurement for that requirement will be conducted under the rules pertaining to Ability One acquisitions.

3. Procedures for Conducting Acquisitions under the RSA.

i. Competition Requirements. Pursuant to CICA, FFS acquisitions to which RSA applies should be subject to normal competition requirements. A non-competitive award to the SLA/blind vendor may only be made when the conditions for an exception to CICA under FAR 6.302-1 (only one responsible source) or FAR 6.302-2 (unusual and compelling urgency) are present. In addition, a proper justification meeting the requirements of FAR 6.303 must be executed and approved.

ii. Solicitation Provisions. For procurements falling under the RSA, the contracting officer must conduct market research and make a determination as to whether the procurement should be a set-aside. In addition, IAW AR 210-25, the SLA/blind vendor must be afforded the opportunity to submit a proposal unless the SLA has specifically asked not to be included. The solicitation must contain appropriate language/provision stating that the acquisition is subject to the RSA.

iii Competitive Range Determination.

A. If the SLA/blind vendor's proposal, either because of technical deficiencies or unduly high price, lacks sufficient merit to be included in the competitive range, the decision to exclude the SLA/blind vendor from the competitive range must be approved by the appropriate MICC Field Director. Since it is likely that a decision to exclude the SLA/blind vendor from the competitive range will lead to arbitration, the MICC Field Director shall notify the PARC within three business days of deciding to exclude the blind vendor.

B. Once the KO determines that the SLA/blind vendor's proposal should be included in the competitive range, AR 210-25 states that the award will be made to the SLA/blind vendor unless (1) the SLA/blind vendor's proposal cannot provide food service at a comparable cost and of comparable high quality as available from other providers and (2) the Department of Education concurs in the decision. Accordingly, the contracting officer can conduct discussions with the SLA/blind vendor after the competitive range determination to ensure that the proposed price constitutes a comparable cost. If, at the conclusion of such discussions, the KO determines that an award should not be made to the SLA/blind vendor, the KO must inform the appropriate MICC Field Director who will review all of the acquisition documentation relevant to the proposed determination and either approve or disapprove the KO's recommendation to reject the SLA/blind vendor's proposal. The MICC Field Director shall notify the PARC within three business days of deciding to reject the SLA/blind vendor's proposal and forward the package to MICC headquarters for processing IAW AR 210-25. Until the KO is notified that the Department of Education has concurred with the decision to reject the SLA/blind vendor's proposal, the KO shall not conduct discussions with other offerors in the competitive range or proceed to an award. If the MICC Field Director does not concur with the KO, the contracting officer shall proceed to award the contract to the SLA/blind vendor consistent with standard award procedures.

iv. Award without Discussions. An award without discussions in a procurement covered by the RSA may be made only if the following conditions are present:

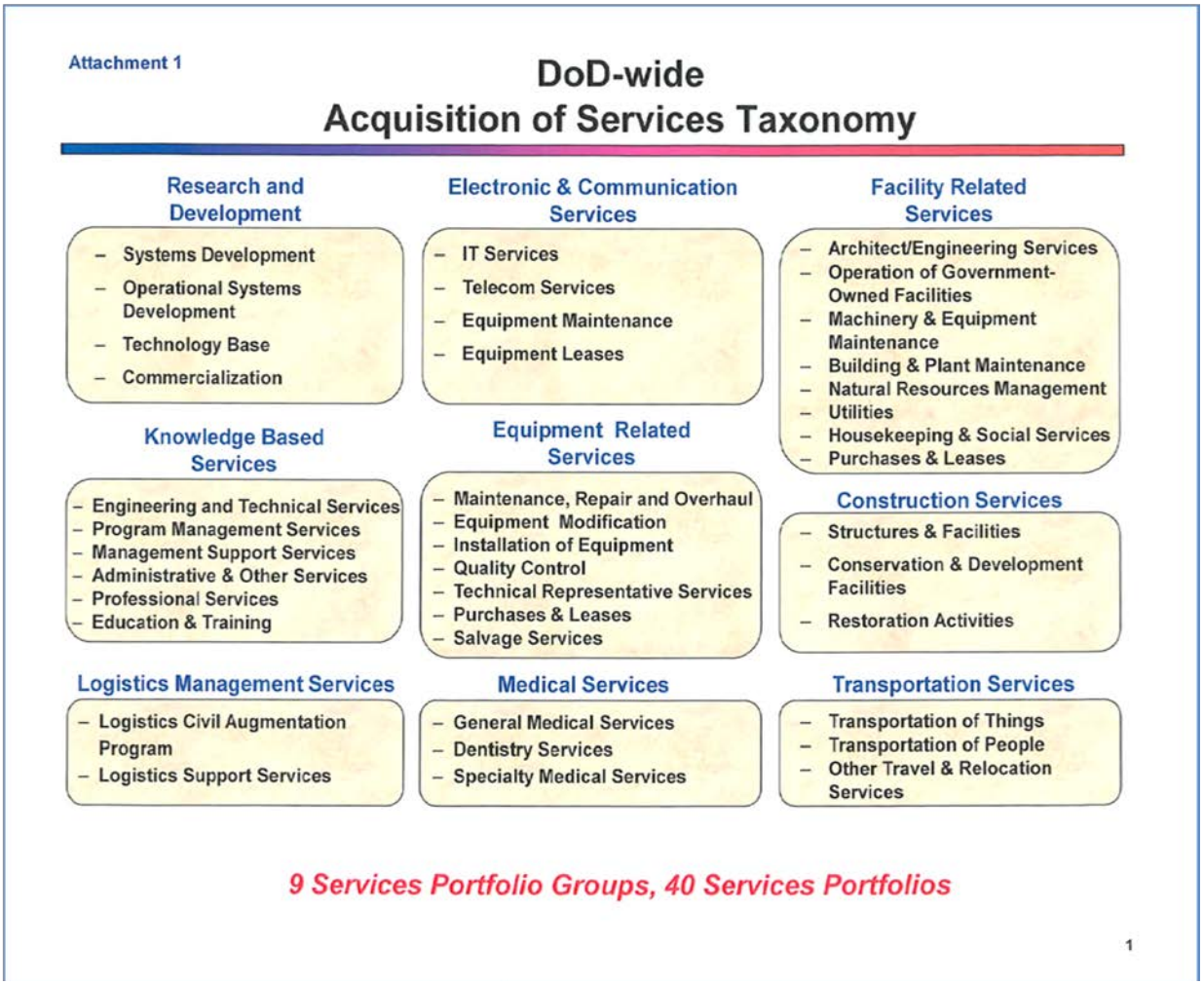
A. the solicitation includes notice that award may be made without discussions;

B. the award without discussions is to be made to an offeror other than the SLA; and,

C. the MICC Field Director approves the decision to award without discussions. The MICC Field Director shall notify the PARC within three business days of any decision to make an award without discussions in any procurement subject to the RSA.

37.102-74 Taxonomy for the Acquisition of Services

(200) KOs shall adopt the updated uniform taxonomy at http://www.acq.osd.mil/dpap/policy/policyvault/USA004219-12-DPAP.pdf which uses Product Service Codes (PSC) to define services acquisition portfolios. The spreadsheet containing the DoD Portfolio Taxonomy is posted at: http://www.acq.osd.mil/dpap/ss/docs/fy11-dpap-portfolio_group_lookup-20120716.xlsx. The services portfolios groups updated on 27 August 2012 are depicted below:



37.104 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.

Determination & Finding For:	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Expert Personal Services Connected with Stage, Motion Pictures or Television	AFARS 5137.104-90-2	All	MICC Commander*	20
Expert Stenograph Reporting Services	AFARS 5137.104-90-2	Hearings in connection with agency MSPB appeals and grievances or processing of employee complaints of discrimination under EEO	PARC	20
		For services other than administrative hearings for which verbatim records are required	PARC	20
		All others	ACC Commanding General*	25
Expert or consultant services in the field of law for performance outside the United States	AFARS 5137.104-90-2	All	PARC	20
Personal Services Contracts for experts and consultants	AFARS 5137.104-90-1	All except for – Expert Personal or Stenographic Services/Expert Personal Services Connected with Stage, Motion Pictures or Television/ Healthcare Services	ASA(ALT)	35
*Unless delegated				

37.170-2 Approval Requirements

(200) Approval Authorities for non-performance-based service contracting (DFARS 237.170-2, and AFARS 5137.170-2) are as follows:

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
Non-Performance Based Service Acquisition	AFARS 5137.170-2(a)(1)(B)	≤$11.5M	PARC	15
	AFARS 5137.170-2(a)(1)(A)(1)	>$11.5M ≤ $85.5M	HCA	20
	DFARS 237-170-2(a)	>$85.5M	SPE	35

Subpart 37.2 Advisory and Assistance Services

37.204 Guidelines for Determining Availability of Personnel

(200) Advisory & Assistance Services require approval of a D&F as outlined in the table below.

Document	Reference(s)	Applicability	Approval Authority	Estimated Lead Time (Working Days)
D&F for Advisory & Assistance Services (Non-Government Advisor Support in Source Selection)	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	PARC	15

Subpart 37.5 Management Oversight of Service Contracts

5137.590 Army Management and Oversight of the Acquisition of Services

(200) Acquisition strategies for service acquisitions are defined by FAR subpart 37.101 and are governed by FAR subpart 37.5, Management Oversight of Service Contracts, and its corresponding regulatory supplements.

a. Per AFARS 5137.590-4, a written acquisition strategy is required for service acquisitions with a total planned dollar value greater than the SAT. IAW AFARS 5137.590-5, the Supported Activity shall prepare the acquisition strategy in conjunction with the supporting contracting activity.

b. A combined acquisition strategy/plan document may be used for service acquisitions that are valued below $250M (base and all option periods), if an acquisition plan is also required (see section 7.103 or Appendix 3 of the DB for acquisition plan thresholds). The Combined Acquisition Strategy Plan Template can be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FAcquisition%20Strategy%20and%20Acquisition%20Plan&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}.

c. 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.

(201) Service acquisitions $250M or more must have a separate acquisition plan and acquisition strategy since their approval authority is external to MICC and the combined acquisition plan/acquisition strategy document is unique to MICC. The Acquisition Strategy Template includes the new elements required by the ASA(ALT)'s Interim Guidance for Management and Oversight of Services Acquisition and should be used until the SSM issues a new template. The MICC Acquisition Strategy Template can be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FAcquisition%20Strategy%20and%20Acquisition%20Plan&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={7345AA56-9CFB-4C35-900E-F5894F39A768}

(202) Per ASA(ALT)'s Interim Guidance for Management and Oversight of Services Acquisition, beginning 1 January 2012:

a. A copy of the locally approved, Army-funded services acquisition strategies valued at $10M and less than $250M must be submitted to the SSM and to the applicable Portfolio Manager thru the following secure website: https://safe.amrdec.army.mil./SAFE2/.

b. SSM is the new approval authority for new Army-funded acquisition strategies valued at $250M and less than $500M.

c. Optimization of Army Services Acquisition Implementation Plan sets out the minimum criteria for the internal processes for managing services acquisitions valued at $10M and above as programs, which include 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. The MFIPT will consist of a team leader from the Supported 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 the Policy and Guidance section of the MICC SharePoint at https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FServices%20Acquisitions&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={F3F58701-7608-4B00-90FB-7597F3DEEE18}. The MICC Quality Assurance (QA) Pre-Solicitation/Pre-Award Guide describes the function of the QA Specialist during acquisition planning. Such guide is located in Appendix 6 of the DB and on the MICC SharePoint at: https://micc.aep.army.mil/COP/AP/Acquisition%20Processes%20Library/Quality%20Assurance/QA%20Pre-Solicitation_Pre-Award%20Guide%20Final%20(June%202013).pdf.

(203) Per DPAP memorandum dated 6 December 2012, subject: Service Acquisition Workshop, service acquisition requirements valued at $1B or more must participate in DAU's Service Acquisition Workshop (SAW) or an equivalent program as provided by the University of Tennessee. Unless waived, this training is required before a service acquisition strategy will be approved by the Office of the Secretary of Defense. The SAW is an interactive course that applies performance-based techniques to services acquisitions. During a SAW, the DAU staff travels to the site of the MFIPT (program or project manager, KO, COR, at a minimum) to facilitate a 4-day workshop tailored to the requirement. Participants learn how to use the Acquisition Requirements Roadmap

Tool (ARRT) to define and refine requirements in order to create an initial draft of the PWS and the QASP. SAWs for requirements $250M or more are centrally funded by DAU, that is, DAU will fund for two facilitators to fly to the Supported 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 conducted. To schedule a SAW send an email to arrt@dau.mil.

(204) SSM memorandum dated 8 February 2013, subject Service Acquisition Workshop, requires a SAW or equivalent program for service acquisitions valued at $250M or more, unless a waiver is approved prior to submittal of the acquisition strategy. The Service Acquisition Workshop Waiver Request is posted on the on the MICC Communities of Practice SharePoint Portal under Forms & Templates at: https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FPre%2DAward%2FAcquisition%20Strategy%20and%20Acquisition%20Plan&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}. The waiver request should include a projected award date, RFP issue date, if it is a recurring or new service acquisition, mission urgency, type of contract, where you are in the seven-step process from the Guidebook for the Acquisition of Services (DFARS PGI 237.102-75), and DAU availability for a SAW or if already using ARRT. Submit the waiver request to the MICC HQ (Field Support) IAW the instructions set out in section 1.290 of the Desk Book. PARC or HCA endorsement is required prior to forwarding the waiver to the Senior Services Manager, with a copy to ACC Contract Operations Directorate at e-mail address usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil.

5137.590-4 Review Thresholds - Acquisition Strategy

(200) The acquisition strategy or combined acquisition strategy/plan must be approved, in writing, by the approval authority identified in the table below prior to issuance of the solicitation. 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 or combined acquisition strategy/plan shall be prepared by the Supported Activity in conjunction with the contracting activity and include a "Program Manager or Official Responsible for Overall Acquisition Planning" signature block. The first O-6 or equivalent in the Chain of Command of the Supported Activity will sign on the "Program Manager or Official Responsible for Overall Acquisition Planning" block for all acquisition strategies above

$10M and up to $50M. The first GO/SES in the Chain of Command of the Supported Activity for the "Program Manager or Official Responsible for Overall Acquisition Planning" block will sign on all acquisition strategies above $50M.

(201) Additional approvals may be required for unique acquisitions. The "Estimated Lead Time" is defined as the average number of working days from the time of document submittal to the Lead Procurement Analyst up until signature of final approval authority. The "Estimated Lead Time" is inclusive of all reviews, but plan for an additional 5 working days for MICC HCA concurrence when an acquisition strategy is being approved outside of MICC.

Final Approval Authority within MICC	Estimated Lead Time in Working Days
PARC	15

"Estimated Lead Time" for approval outside the MICC is defined as the time of initial document submittal to an office external to MICC until signature/approval of the document.

Final Approval Authority outside MICC	Estimated Lead Time in Working Days
SSM	30
DASA(P)	35

Acquisition Strategy Approval Thresholds

Document	Threshold	Approval Authority	Estimated Lead Time (Working Days)
Acquisition Strategy (Services, non-IT) *Notes ref ≥ $500M:* *(1) ACC Commanding General, shall concur on acquisition strategy submitted to DASA (P)* *(2) Director, OSBP, shall be briefed prior to scheduling the DASA(P) ASSP briefing.* *(3) [USD(AT&L) has discretion to be approval authority for >$1B]*	> SAT < $10M*	Field Director*	Locally Determined
	≥ $10M < $250M	PARC	15
	≥ $250M < $500M	SSM	30
	≥ $500M	DASA(P) *(See note to left)*	35
Acquisition Strategy (IT Services) *Notes ref ≥ $500M:* *(1) ACC Commanding General, shall concur on acquisition strategies submitted to DASA(P)* *(2) Director, OSBP, shall be briefed prior to scheduling the DASA(P) ASSP briefing.* (3) *ASD(NII) has discretion to be approval authority.*	> SAT < $10M*	Field Director*	Locally Determined
	≥ $10M < $250M	PARC	15
	≥ $250M < $500M	SSM	30
	≥ $500M	DASA(P) *(See note to left)*	35
*Further delegation requires prior PARC approval in writing			

(202) The Procurement Analyst at the FDO will be the single focal point/Lead Analyst for the review of acquisition strategies. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst for those acquisitions as designated by the PARC or in the event that the FDO is not adequately staffed to provide a Procurement Analyst to serve as the Lead Analyst. In such case, the Field Director will contact the MICC Chief of Policy and Compliance Directorate or Chief of Field Support Division to discuss/determine the terms of support. The Field Director is ultimately responsible for the timely and successful review of the acquisition strategy.

a. The Lead Analyst shall be responsible for:

1. Conducting an independent review of all documents and consolidation of all comments.

2. Notifying the KO that the conformed document is ready for correction/action.

3. Ensuring that all comments have been addressed once the document(s) is re-submitted.

4. Preparing the Review Report Memo/MFR and obtaining all required signatures on the MICC Form 356-R-E.

5. Coordinating the submission of documents to the MICC HQ (Field Support) Procurement Analyst after the Field Director decides that the documents are ready for PARC approval or concurrence.

b. The MICC HQ (Field Support) Procurement Analyst shall be responsible for:

1. Conducting an independent review of all documents to ensure that documents conform to all regulatory requirements.

2. Coordinating with the Lead Analyst and scheduling the briefing, if any.

3. Printing out final documents for signature, supporting documentation, and briefing slides, if any.

c. It is critical that the staff of the MICC HQ, Contracting Office and Field Director partner to immediately resolve issues inhibiting review and approval of acquisition documents. The KO shall involve the applicable Procurement Analyst(s), SBS, PLC, SCA (for non-competitive approach) when an Acquisition Strategy is being drafted.

(203) FDO Lead Procurement Analyst - Submission Process for Review of Acquisition Strategy

a. The official submission process is initiated when the KO alerts the FDO Lead Procurement Analyst that a requirement is ready for higher level of review, approval or coordination. The 15 working days start when the KO makes the official contract file available in the PCF program for review. The KO will also notify the applicable Portfolio Manager via email when the draft acquisition strategy is submitted to the Lead Procurement Analyst for review.

b. The KO shall ensure that all the documents and supporting documentation required for the review are loaded into the PCF program at https://pcf.army.mil. To prevent review of obsolete documents, files uploaded to PCF should be clearly titled. For example:

- Market Research Report 13-R-0000, FtX baseopsv1, 1 Feb 13
- DD Form 2579 13-R-0000, FtX baseopsv1, 5 Feb 13

- Acq Strategy 13-R-0000, FtX baseopsv1, 1 Mar 13

c. The KO sends an e-mail alert to the FDO Lead Procurement Analyst 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. AMA/CPR Number

7. List of documents submitted named identical to PCF file name. See Appendix 5 for the supporting documents that need to be submitted.

8. MICC Form 356-R-E signed by the Contracting Office Director to confirm 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.

d. The FDO Lead Procurement Analyst will acknowledge receipt and 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 FDO Lead Procurement Analyst in the PCF program.

e. Upon verification that all the required documents are available in PCF, the FDO Lead Procurement Analyst will review the documents and also provide the documents to the SBP Associate Director and, if the procurement is to be non-competitive, SCA, for concurrent review. The FDO Lead Procurement Analyst may engage other acquisition team members such as the Cost/Price SME and Quality Assurance SME to provide review comments concurrently if deemed necessary. The review team members will provide review comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the FDO Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The FDO Lead Procurement Analyst will then send the "merged"

documents to the MICC HQ (Field Support) Procurement Analyst and to the Office of Counsel, who will then provide additional (if any) review comments and recommendations within three (3) working days of receipt of the documents to the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will add/merge the review comments and send the "merged" documents to the KO for resolution along, with a courtesy copy to the Contracting Office Director, and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents. All documentation (including reviews) will then be uploaded to PCF and the KO shall notify the FDO Lead Procurement Analyst. The FDO Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product prior to submission to the PARC. The FDO Lead Procurement Analyst then will prepare a Review Report Memo/MFR which lists the documents that were examined; the purpose of the review; review team members; when and where the review was conducted; and the review comments and corresponding disposition up to that point. The Field Director will sign the MICC Form 356-R-E stating that the acquisition strategy has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. Upon receipt of the Field Director's approval to proceed, the FDO Lead Procurement Analyst will submit the package by emailing the information in subparagraph (203) c. above to the MICC HQ Field Support address at usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil. The MICC HQ (Field Support) Procurement Analyst will review the documents for regulatory compliance. If regulatory or policy issues are identified, the MICC HQ (Field Support) Procurement Analyst will notify the Field Director who will then determine the course of action. If the MICC HQ (Field Support) Procurement Analyst does not identify regulatory issues in the documents, the FDO Lead Procurement Analyst will finalize the Review Report Memo/MFR and coordinate with the KO to obtain the required signatures on the acquisition strategy. The MICC HQ (Field Support) Procurement Analyst will obtain the PARC's approval on the acquisition strategy or concurrence if the approval authority is above the PARC.

h. For visibility of Army-wide services spending, the KO will provide a copy of the approved acquisition strategy valued at $10M and less than $250M to the thru the secure website: https://safe.amrdec.army.mil./SAFE2/. Use the following email addresses at this website for notifying a document was transferred:

william.v.mercer@us.army.mil and the applicable Portfolio Manager's email. The acquisition strategy shall be provided at the time of contract award. A screenshot of SAFE2 document submittal shall be printed and placed in the contract file. In addition, the KO will submit a copy of the acquisition strategy to ACC Contract Operations at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil via encrypted email.

i. For an acquisition strategy that requires approval at the SSM or DASA(P), upon receipt of the PARC's approval to proceed, the FDO Lead Procurement Analyst will notify the MICC HQ (Field Support) Procurement Analyst that the requirement is ready for further coordination. The HCA will determine the location and method, (*i.e.*, face-to-face, telephonic, VTC, etc.) of the briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, MICC Form 356-R-E signed by the Field Director and Review Report Memo/MFR. The Field Director will be briefing the requirement and specific details of the planned acquisition. At the conclusion of the briefing, the FDO Lead Procurement Analyst will update the Review Report Memo/MFR as necessary and coordinate with the MICC HQ (Field Support) Procurement Analyst, who will obtain the HCA's concurrence.

j. The MICC HQ (Field Support) Procurement Analyst will submit a copy of the acquisition strategy valued at $250M and less than $500M for approval to the secure website: https://safe.amrdec.army.mil./SAFE2/. Use the following email addresses at this website for notifying a document was transferred: william.v.mercer@us.army.mil and the applicable Portfolio Manager's email. In addition, the MICC HQ (Field Support) will submit a copy of the acquisition strategy to the FDO Lead Procurement Analyst and to ACC Contract Operations at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil via encrypted email.

(204) MICC HQ (Field Support) Lead Procurement Analyst – Submission Process for Review of Acquisition Strategy.

a. A MICC HQ (Field Support) Procurement Analyst will serve as the Lead Analyst for those acquisitions as designated by the PARC or in the absence of a Procurement Analyst at the FDO per the terms and conditions agreed between the Field Director and the MICC Chief of Policy and Compliance Directorate.

b. The Field Director or FDO staff sends an e-mail alert to MICC HQ (Field Support) Procurement Analysts at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL or usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil 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. AMA/CPR Number

7. List of documents submitted named identical to PCF file name. See Appendix 5 for the supporting documents that need to be submitted

8. MICC Form 356-R-E signed by the Contracting Office Director 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.

c. Upon receipt of the e-mail alert, the MICC HQ (Field Support) Chief will acknowledge receipt and provide the name of the MICC HQ (Field Support) Lead Procurement Analyst, contact information and a tentative completion date. The completion date is contingent upon the responsible MICC Contracting Office making all the required documents in the official contract file accessible to the MICC HQ (Field Support) Lead Procurement Analyst in the PCF program.

d. The MICC HQ (Field Support) Lead Procurement Analyst will review the submission for completeness. If complete, the analyst will annotate the Acquisition Tracking Log with the submission date and the projected approval date based on the "Estimated Lead Time". If the submission is incomplete, the analyst will update the "Remarks" column in the Acquisition Tracking Log Remarks and notify the applicable Contracting Office and Field Director, requesting submission of the missing documentation. If a complete package is not received within two (2) working days, the applicable Contracting Office and Field Director will be notified. Once a complete package is received, the Lead Procurement Analyst will record the actual submission date.

e. Upon verification that all the required documents are available in PCF, the MICC HQ (Field Support) Lead Procurement Analyst will review the documents and also provide the documents to the SBP Associate Director and the Office of Counsel, and, if the procurement is to be non-competitive, to the SCA for concurrent review. The MICC HQ (Field Support) Lead Procurement Analyst may engage other acquisition team members such as the Cost/Price and Quality Assurance SMEs to provide review comments concurrently if deemed necessary. The review team members will provide review comments and recommendations through the use of "Track Changes" on the documents within three (3) working days of receipt of the documents so that the MICC HQ (Field Support) Lead Procurement Analyst may de-conflict, assimilate and merge all "Track Changes". The "merged" documents will then be sent to the KO for resolution and a courtesy copy provided to the Contracting Office Director and Field Director.

f. The KO will revise the documents through the use of "Track Changes", to include "Comments" addressing the disposition of each review comment. The KO will then prepare conformed documents. All documentation (including reviews) is then uploaded to PCF and the KO shall notify the MICC HQ (Field Support) Lead Procurement Analyst. The MICC HQ (Field Support) Lead Procurement Analyst will ensure that the comments have been addressed and obtain a legal sufficiency determination on the final product prior to submission to the PARC. The MICC HQ (Field Support) Lead Procurement Analyst then prepares a Review Report Memo, which lists the documents that were examined, the purpose of review; review team members; when and where it was conducted; and the review comments and corresponding disposition up to that point. . The Field Director will sign the MICC Form 356-R-E stating that the acquisition strategy has been reviewed IAW the Federal Acquisition Regulations and its regulatory supplements and is ready for higher level of review and approval.

g. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with the PARC for the review. At the conclusion of the review, the MICC HQ (Field Support) Lead Procurement Analyst will update or finalize the Review Report Memo/MFR, coordinate with the KO to obtain the required signatures on the acquisition strategy and then obtain the PARC's approval or concurrence if the approval authority is above the PARC.

h. For visibility of Army-wide services spending, the KO will provide a copy of the locally approved acquisition strategy valued at $10M and less than $250M thru the secure website: https://safe.amrdec.army.mil./SAFE2/. Use the following email

addresses at this website for notifying a document was transferred: william.v.mercer@us.army.mil and the applicable Portfolio Manager's email. The acquisition strategy shall be provided at the time of contract award. A screenshot of SAFE2 document submittal shall be printed and placed in the contract file. In addition, the KO will submit a copy of the acquisition strategy to ACC Contract Operations at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil via encrypted email.

i. For an acquisition strategy that requires approval at the SSM or DASA(P), upon receipt of the PARC's concurrence on the acquisition strategy, the MICC HQ (Field Support) Lead Procurement Analyst will notify the HCA that the requirement is ready for further review and coordination. The MICC HQ (Field Support) Lead Procurement Analyst will coordinate with the HCA to determine the date, time, location and method (*i.e.*, face-to-face, telephonic, VTC, etc.) of the review briefing, if any. The following documents shall be made available prior to the briefing: briefing slides, final documents for signature, and Review Report Memo/MFR. The KO will brief the requirement and specific details of the planned acquisition. At the conclusion of the briefing, the MICC HQ (Field Support) Lead Procurement Analyst will update the Review Report Memo/MFR as necessary and obtain the HCA's concurrence.

j. The MICC HQ (Field Support) Lead Procurement Analyst will submit a copy of the acquisition strategy valued at $250M and less than $500M for approval to the secure website: https://safe.amrdec.army.mil./SAFE2/. Use the following email addresses: william.v.mercer@us.army.mil and the applicable Portfolio Manager's email at this website for notifying a document was transferred. In addition, the MICC HQ (Field Support) Lead Procurement Analyst will submit a copy of subject acquisition strategy to ACC Contract Operations at usarmy.redstone.acc.mbx.hqacc-contractingops@mail.mil via encrypted email.

Subpart 37.6 Performance-Based Acquisition

(200) A Guide to the Seven (7) Steps of Performance Based Service Acquisition can be found at https://www.acquisition.gov/comp/seven_steps/index.html.

(201) KOs shall not accept contract requirements packages that do not include a complete and properly executed AT/OPSEC Cover Sheet except for supply contracts under the SAT, Field Ordering Officer actions, and GPC 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.

(202) Contracting personnel are requested, when applicable, to incorporate appropriate contract language that is contained in the attached cover sheet in their respective contract documents.

(203) 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/OSPEC measures into the contract requirements package. Both documents can be found the MICC Communities of Practice SharePoint Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/default.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FAT%20OPSEC&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={A42E19D6-4E07-494E-AED3-6A587B5F6F48}

Subpart 5137.96 Accounting for Contract Services

5137.9601 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. 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 Supported Activity must include the eCMRA language outlined below into the PWS/SOW as part of the Procurement Package Input process:

"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 no later than October 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. The required data fields include:

(1) Contracting Office, Contracting Officer, Contracting Officer's Technical Representative;

(2) Contract number, including task and delivery order number;

(3) Beginning and ending dates covered by reporting period;

(4) Contractor name, address, phone number, e-mail address, identity of contractor employee entering data;

(5) Estimated direct labor hours (including sub-contractors);

(6) Estimated direct labor dollars paid this reporting period (including sub-contractors);

(7) Total payments (including sub-contractors);

(8) Predominant Product Service Code (PSC)/Federal Service Code (FSC) reflecting services provided by contractor (and separate predominant PSC/FSC for each sub-contractor if different);

(9) Estimated data collection cost;

(10) Organizational title associated with the Unit Identification Code (UIC) for the Army Requiring Activity (the Army Requiring Activity is responsible for providing the contractor with its UIC for the purposes of reporting this information);

(11) Locations where contractor and sub-contractors perform the work (specified by zip code in the United States and nearest city, country, when in an overseas location, using standardized nomenclature provided on website);

(12) Presence of deployment or contingency contract language; and

(13) Number of contractor, and sub-contractor employees deployed in theater this reporting period (by country).

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-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 "No 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" https://cmra.army.mil/ 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.

PART 39: ACQUISITION OF INFORMATION TECHNOLOGY

Subpart 39.1 General

5139.101 Policy.

(200) The Army's Computer Hardware, Enterprise Software and Solutions (CHESS) is the Army's mandatory source for Commercial Off The Shelf (COTS) Information Technology (IT) hardware and software (AR 25-1, Section 6-2a). 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.

(201) The use of reverse auctions does not negate the requirement to utilize CHESS for COTS IT hardware and software. However, a reverse auction tool can be utilized to compete an IT requirement among CHESS suppliers. The KO must be knowledgeable of CHESS 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 CHESS contract with that supplier.

(202) Effective 1 July 2013, Project Director CHESS will no longer issue waivers for the purchase of COTS IT hardware or software that is not available under an existing CHESS contract. For these requests, CHESS will instead issue a **statement of non-availability** to the requestor (Supported Activity). A statement of non-availability is issued by CHESS as validation that Army organizations have complied with the AR 25-1 regulation 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. Upon receipt of a statement of non-availability, the Supported Activity must complete the additional step of obtaining the waiver using the Goal 1 waiver website prior to purchase of all IT hardware of software at: https://adminapps.hqda.pentagon.mil/akmg1w/index.html. The Supported 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.

(203) Cellular and Paging Devices are not procured through CHESS. The primary source for mobile devices is the Army's Wireless Blanket Purchase Agreements IAW AR 25-1. The Wireless BPAs can found on the Army Contracting Command –

Aberdeen Proving Ground (ACC-APG) Commercial Enterprise Technology Solutions (ComETS) website: https://www.us.army.mil/suite/page/606723.

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 Contracts (UESC), 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 contracting officers 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 Supported 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, Supported 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) Program Manager via email to gary.l.george4.civ@mail.mil and copy furnish the respective Field Director. 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 with the appropriate MICC HQ leadership and staff 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 officeis acceptable.

(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, ESPC, UESC, utility commodity, and renewable energy procurements are subject to the peer review process outlined in Part 1, Section 201.170 of the Desk Book; 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 PARC level or above (e.g., SRB, CRB, acquisition plan, etc.) to the PM, MICC E&E via email at gary.l.george4.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 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.

(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.

(207) The KO shall notify the MICC E&Ethrough 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.

PART 42: CONTRACT ADMINISTRATION AND AUDIT SERVICES

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. It includes the Contractor's record of conforming to contract requirements; standard of workmanship; record of forecasting and controlling costs; adherence to contract schedules, including the administrative aspects of performance; history of reasonable and cooperative behavior and commitment to Supported 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 in the respective database (CPARS, CCASS, ACASS) within 30 days of contract award. Performance assessment reports (PARs) 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) A PAR 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	≥$30,000
Architect-Engineering (T4D)	All
Construction (T4D)	All
Construction (JOC Orders)	≥$100,000
Construction (Non JOC)	≥$650,000
Services	>$1,000,000
Information Technology	>$1,000,000
Systems and operations support acquisitions	>$5,000,000
Ship repair and overhaul contracts	>$500,000
All other contracts	>Simplified Acquisition Threshold

(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 PAR 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 PAR 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. PARs are completed for satisfactory, above satisfactory and unsatisfactory performance.

(204) PARs are commonly classified as: initial, intermediate or final. The initial PAR covers the first year of multiple year performance. Intermediate PAR applies in instances such as the second and subsequent periods for contracts with option years. The final PAR is the only one required for contracts whose performance is less than 365 days. A final PAR may also be the one for the final assessment period when there was an initial (and possibly multiple intermediate) PAR(s).

(205) No more than 12 months of performance should be reported in one PAR. For those contracts up to 18 months, only one PAR needs to be submitted if the scope is identical. For contracts between 18 and 24 months, an initial and final PAR should be considered.

(206) A completed PAR is due within 120 days after the end of the assessment period.

(207) For IDIQ contracts, BPAs and BOAs, a PAR shall be completed at the basic contract level or at the order level as specified under the contract/agreement.

(208) PAR information is source selection sensitive and shall be treated IAW FAR 3.104.

(209) New users to the CPARS should access the website at http://www.cpars.csd.disa.mil/allapps/cpartrng/cpars_training.htm to complete the applicable on-line training. The Architect-Engineer Contract Administration Support System (ACASS) and the Construction Contractor Appraisal Support System (CCASS) applications are subsystems of CPARS.

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.

PART 43: CONTRACT MODIFICATIONS

Subpart 43.1 General

43.103 Types of Contract Modifications

(200) Determination of Scope Prior to Issuing Contract Modifications

a. When the Supported 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, endorsed by the first O-6 or civilian equivalent in the Supported Activity's Chain of Command. 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 Supported 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 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."

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.

(201) 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. However, 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 contract specialists when documenting modifications, a checklist can be found by clicking on the appropriate document listed in Appendix 6 of the MICC Desk Book. The same checklist may also be found on the MICC Communities of Practice SharePoint Portal under Forms & Templates: https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FChecklists&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}.

(203) Risk Mitigation in the Face of Fiscal Uncertainty. Per PARC Policy Alert #13-30 rev 4, all contract actions (new contracts (including IDIQs), modifications, task/delivery orders) that obligate more than $500M of any type of funds for any product or service require the approval of the USD(AT&L) prior to award. Obligation is defined to include not only the obligation on the instant contract action but also the total potential future obligation. If this is a new contract/task or delivery order, this is the total value of the contract. If this is a modification, it is not the total contract value, but rather the total value (left) to obligate (that will be equal to or greater than $500M). For IDIQs, approval of the IDIQ will cover all TO/DOs awarded against an IDIQ. Previously awarded contracts (including IDIQs) and task/delivery orders will require clearance if the vehicle is modified to increase the value by at least $500M. Approval is intended to be a one-time event that covers the total potential future obligation on a contract vehicle. Once cleared, subsequent actions against the same vehicle do not require additional approval unless there is a scope change that adds $500M or more to an already approved vehicle. See paragraph (203) of section 1.290 of the DB for details on the approval process.

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. 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.

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.

(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 via the senior leader of the originating office and in coordination with the Field Director, either by email (usarmy.jbsa.acc-micc.list.hg-g3@mail.mil) or phone (210-466-2431, 210-466-2427, 210-466-2426, or 210-466-2425) within an hour of receiving the information IAW MICC CPM #13-13. Additionally, the KO shall simultaneously coordinate with the COR and the Supported 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:

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 Supported 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 Supported 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.

PART 45: GOVERNMENT PROPERTY

(200) DoD Instruction Number 4161.02 dated April 27, 2012 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, contracting officers and other acquisition professionals, logisticians, and other officials in understanding their roles and responsibilities.

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 and performance requirements of the contract.

(201) In most cases, contract quality surveillance is the responsibility of the Supported Activity with the assistance from the KO. The Requirement 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 Supported 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.

(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 Communities of Practice SharePoint Portal in the Acquisition Processes Library:

https://micc.aep.army.mil/COP/AP/Acquisition%20Processes%20Library/Forms/AllItems.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FQuality%20Assurance&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={CFE9201F-C3E4-4517-80B1-04EAB82D5C37}

46.102 Policy

(200) MICC CPM #13-05, Quality Assurance Program, provides firm guidance on goals, expectations, and functional requirements for QA across the command. It is imperative

to have an effective and independent Government QA surveillance program to verify and determine whether contracted services/supplies conform to contract requirements and if the contractors are maintaining an acceptable Quality Control (QC) system congruent with the services being performed and supplies being furnished under the contracts.

(201) Examination of the contractor's QC performance is critical to ensure that all services conform the contract requirements consistent with FAR parts 42 and 46 and DFARS 246. Government personnel responsible for contractor oversight (*e.g.*, KO, Quality Assurance Specialist (QAS), COR) will independently review the contractor's QC documentation, records maintenance and reporting of quality related issues to determine if the contractor's QC plans and processes are operational, adequate and consistent with contractual requirements. The following key questions will help to determine the effectiveness of the contractor's QC inspection systems:

a. How well did the contractor's inspectors perform their audits and inspections?

b. Are contractor audits and inspections adequate to ensure tendering to the Government for acceptance only those supplies or services that conform to contract requirements?

c. How well do contractors respond to both internal and Government-directed corrective actions?

d. What is the quality of contractors' QC documentation, records maintenance and reporting of quality related issues?

e. How well do the contractor's internal management practices address process improvements and prevent recurrence of systemic nonconformities?

(202) The Government is required to perform an independent assessment of contractor performance and QC inspection systems. Open communication and dialogue with contractor quality inspectors and managers are important and should be maintained; however, this does not relieve the Government from performing independent audits/inspections. Contractual nonconformances shall be addressed IAW FAR 46.407, the applicable Inspection of Services clause (for example, FAR 52.246-4), the appropriate contract quality clauses and the instructions for non-conforming services and supplies in section 46.407 of the Desk Book. All Government discovered contractual nonconformities shall be documented with Contract Deficiency Reports (CDRs)

consistent with the QASP and the internal guidance for nonconforming services and supplies located in section 46.407 of the Desk Book. A corrective action log tracking nonconformities and CDRs issued shall be maintained.

(203) Each contracting office will have a QAS or access to one through the FDO. MICC HQ QA staff will assist in the event that the FDO is not staffed with a QAS. The QAS will be fully integrated into the 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. The QAS will:

a. Perform the role of Technical Advisor to the Contracting Office Director or Commander and contracting teams for all things related to contract oversight and COR management as an integrated member of the command's acquisition team.

b. Integrate into the supported command's planning process to help influence requirements packages and better contractor oversight.

c. Assist Supported Activities and KOs in development of requirements package (pre-award) to ensure well developed outcome based requirements (PWS and PRS). This also includes applicable service regulations and QASPs to hold contractors accountable for performance and responsible for QC.

d. Execute the QA Program policy, processes and procedures, and develop Contracting Office level standing operating procedures (SOPs) to ensure QA is incorporated into the Contracting Office acquisition process and that contract administration includes contractor oversight, COR management/oversight and documentation of that oversight.

e. Execute KO-level COR management IAW ACC Pamphlet 70-1 (COR Management Policy Guide), MICC COR Management Plan (MICC QA processes and procedures book), and DASA (P) requirements. Ensure CORs have all required training and are performing and documenting contractor oversight. Develop a risk based schedule for management and oversight of assigned CORs.

f. Assist KOs in the COR appointment process, COR file reviews and management of CORs.

g. Develop risk-based surveillance schedule for COR file reviews and physical performance audits for all assigned CORs.

h. Provide MICC-enhanced COR training, mentor CORs, and audit performance for technical accuracy and completeness to ensure risk based contract oversight is being performed and documentation is being maintained, and holding contractors accountable for performance to contract requirements and responsible for QC.

i. Ensure appropriate corrective action is taken for non-conformities and that documentation is maintained. Maintain contracting office corrective action log.

j. Ensure construction contract surveillance is being performed with documented results of milestone completion and quality of workmanship IAW contract requirements to support KOs with contractor progress payments.

k. Perform quality system reviews of a contractor's quality control system when FAR clause 52.246-11 is included in the contract.

l. Assist Contractor Performance Assessment Reporting System (CPARS) focal points and KOs in past performance documentation by ensuring past performance narratives and ratings are based on objective documentation maintained through contractor oversight. The QAS should not be appointed as the CPARS focal point for the contracting office.

m. The QAS (job series code 1910) is an acquisition professional and is required to earn and maintain the appropriate DAWIA certification level in Production, Quality and Manufacturing. The QAS is also required to meet the continuous learning requirement by earning a minimum of 80 continuous learning credits/points during each two-year reporting period.

46.103 Contracting Office Responsibilities

(200) IAW DPAP memorandum, entitled "Contract Destination Acceptance Procedures", dated 9 September 2010: Requiring Activities are responsible to verify the DODAAC of each Receiving Activity in a solicitation or contract prior to assigning acceptance responsibility and ensure that there is a registered acceptor available in

WAWF for each destination acceptance point prior to contract award. When no WAWF acceptor is available at destination, the activity shall use acceptance or "acceptance at other" in WAWF.

(201) KOs shall ensure that the contract contains a Government acceptance point in section E, clearly defines the acceptance procedures and includes acceptance documents as a permanent part of the contract prior to contract closeout.

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. 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. The instruction may be found on Appendix 6 of the DB or on the MICC SharePoint under Acquisition Processes at:

https://micc.aep.army.mil/COP/AP/default.aspx?RootFolder=%2FCOP%2FAP%2FAcquisition%20Processes%20Library%2FQuality%20Assurance&FolderCTID=0x01200084EB0695FF31B647BB9149DF3A2296E8&View={57C4D7FB-014B-4FA9-B7F7-278F0DC75152}

46.407 Nonconforming Supplies or Services

(200) All contractor nonconformance with contract requirements shall be documented. Maintaining documentation of all contractor nonconformances is part of contractor past performance data and can be used to identify negative performance trends. Each MICC contracting office shall ensure all nonconforming supplies or services are properly documented and corrected.

(201) Responsibilities.

a. The KO or Contract Specialist shall ensure that the requirement for documenting all contractor nonconformances with contract requirements is included in the COR designation letter. The KO or Contract Specialist is also responsible for ensuring

compliance with the instructions concerning the issuance of CDRs with the assistance of the QAS as needed.

b. The COR shall ensure that all contractor nonconformances with contract requirements, including verbal level I nonconformances, are documented and included in the monthly COR activity report. If the nonconformance is of a major or critical nature, the COR should notify the KO as soon as practical for appropriate action.

c. The QAS is responsible for ensuring that all MICC contracting personnel and CORs understand the requirements of this section, ensuring CORs understand how to issue CDRs and ensure that the MICC CDR log has been updated by the 15th of each month. It should be recognized that the QAS cannot always accomplish this task completely on his/her own and requires notification from the KO/Contract Specialist when the COR has identified a contractor nonconformance to contract requirements. In the event that the contracting office that does not have a QAS on-site, the contracting office director will determine who will be responsible for this task.

(202) All government-discovered contractor nonconformances shall be documented at the time of discovery. Documentation will, as a minimum, include the contract, order number if applicable, reference to the specific contract requirement, the specific deficiency to the requirement, where it was discovered, the date and time it was discovered, focal point for the contractor who was notified and suspense date for contractor response. Nonconformances shall be classified in one of three categories: level I (Minor), level II (Major) or level III (Critical).

a. Level I (Minor) nonconformance is defined as a nonconformance that is not likely to materially reduce the usability of the supplies or services for their intended purpose, or is a departure from established standards having little bearing on the effective use or operation of the supplies or services. Minor nonconformance usually can be corrected on the spot, where no further corrective action (CA) response is necessary, and can be issued to the contractor either through a verbal or written Contract Discrepancy Report (CDR). However, even verbal CDRs are still required to be documented by the Government. The COR may issue Verbal Level I CDRs directly to the appropriate level of contractor management if the KO included such authority in the COR's designation letter. When CORs are designated the authority to issue verbal level I CDRs, the CORs will notify the KO when the CDR is issued and document those CDRs in their monthly reports. Written CDRs will be signed and issued by the KO.

b. Level II (Major) nonconformance is defined as a nonconformance, other than critical, that is likely to result in failure of the supplies or services, or to materially reduce the usability of the supplies or services for their intended purpose. Deficiencies that are recurring (a number of level I nonconformance documented by the Government) or for a non-responsive contractor indicating a trend or failure of the contractor's quality control can also be classified as a level II CDR. The KO will issue all level II CDRs in writing to the appropriate contractor management level in order to emphasize the seriousness of contractor's failure to comply with requirements and the possible contractual remedies for failing to take appropriate CA. The written CDR shall require the contractor to develop a Corrective Action Plan (CAP) which identifies the root cause, CA for the root cause, CA for the specific nonconformance and the date the CA will be completed.

c. Level III (Critical) nonconformance is defined as a nonconformance that is likely to result in hazardous or unsafe conditions for individuals using, maintaining, or depending upon the supplies or services; is likely to prevent performance of a vital agency mission; is for a repeated or uncorrected level II CDR; or is for a non-responsive contractor to a level II CDR. Critical nonconformances shall result in the issuance of a written CDR to the contractor requiring the development of a CAP by the contractor which identifies the root cause, CA for the root cause, CA for the specific nonconformance and the date the CAs will be complete. The MICC contracting office director or deputy director will issue all level III CDRs with a cover letter on MICC contracting office letterhead to contractor senior management in order to emphasize the seriousness of contractor's failure to comply with requirements and the possible contractual remedies/consequences for failing to take appropriate CA.

(203) If the nonconformance cannot be corrected on the spot, the contractor shall be given a suspense date to correct the deficiency. When re-performance is not possible, it may be appropriate to make a deduction on the next invoice. However, the KO will make the final determination of the consequences of uncorrected deficiencies. Level II and III nonconformances shall result in issuance of a written CDR to the contractor. Level I CDR can be issued verbally to the contractor; however, the Government shall document the nonconformance in the surveillance documentation (tally checklist and MICC CDR log). All CDRs, verbal or written, will be included in the COR's monthly reports.

(204) Written CDRs will be accomplished using the DA Form 5479 entitled Contract Discrepancy Report at http://armypubs.army.mil/eforms/pureedge/A5479.xfdl. This is a standard DA form which is not specific to ACC or MICC, so areas of the form

designated for use by the Quality Assurance Evaluator (QAE) should be completed by the COR instead. CDR number and level will be documented in block 4 of the form.

(205) When a level II or III CDR is issued, the contractor will be required to develop a CAP to identify the root cause of the nonconformance and address CA for the specific nonconformance, CA to the root cause to prevent recurrence and a timeline for completion. Blocks 6-10 of the DA Form 5479 can be used by the contractor for responding to the CDR or the contractor can use contractor format. The Government will evaluate the contractor's CAP to determine if the contractor has adequately addressed the specific nonconformance and the root cause, and document the results of the evaluation in blocks 11-12 of the DA Form 5479.

(206) CDRs shall be tracked and followed up by the contract administration office and the COR to ensure that the contractor, when required, identifies and takes appropriate CA to the root cause and to the specific nonconformance within the required timeline. Once the CA has been implemented, is considered complete, is acceptable and the Government has verified implementation of all contractor required actions, the contractor will be notified in writing that the action is closed via completion and distribution of the DA Form 5479.

(207) The KO will make a final written determination of the Government's remedies if the nonconformance is not corrected by the contractor after receiving notice and a reasonable opportunity to correct the work.

(208) When the contractor self- identifies nonconforming services, it should not be penalized, but the Government will perform oversight to ensure the contractor has corrected the nonconformance and the root cause of the nonconformance.

(209) All MICC contracting offices are required to populate the MICC CDR Log. MICC HQ QA will use information reported in the MICC CDR log to develop monthly contractor performance metrics to be included in the Commanding General's monthly QA Update (Battle Rhythm) briefing. CDRs issued against MICC contracts will be logged into the MICC CDR log located on the MICC SharePoint at https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FQuality%20Assurance&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}. The QAS may download a copy of the CDR log by scrolling over the name "CDRLOG (MICC Master)" to see the drop down arrow to the right of the name. Click on the arrow and drop down to the "send to" option. Click on "send to" and

select "download a copy" and save it to the desktop. When it becomes necessary to issue a CDR to a contractor, the QAS shall populate the downloaded MICC CDR LOG Spreadsheet with the requested information and forward to the MICC CDR LOG POC Mr. Ben Rush, who will add the latest CDR information to the MICC Master CDR Log. This log documents a unique CDR number, contract number/DO/TO number, contractor name, CAGE Code, nonconformance level (I, II, III), nonconformance, CDR issue date, initiator, recipient suspense date, status and comments. The unique CDR number will consist of the last two digits of the year, a dash, and a four digit sequential number starting with 0001. At a minimum, the MICC CDR log must be updated by the 15th of each month. This is one measure of effectiveness of contractor quality control.

(210) When conducting COR file reviews and physical performance checks, the KO and/or QAS shall ensure CORs are appropriately addressing nonconforming supplies and services, and documenting all government discovered nonconformance. This documentation must be maintained to support objective contractor performance ratings and used when analyzing data for performance trends.

(211) FAR clause 52.246-11, Higher Level Contract Quality Requirement, which usually refers to an ISO 9000 series requirement, would require specialized training to perform quality system audits of the contractor's quality system. The QAS is required to perform quality system reviews of a contractor's quality control system when FAR clause 52.246-11 is included in the contract. The QAS must have a viable plan to address nonconforming requirements discovered when performing higher level quality system reviews. Nonconformance with the contractual quality system requirements shall be reported to the KO, who is responsible for issuing CA requests to the contractor unless the KO has specifically delegated this authority to the QAS.

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 Supported Activity's ability to accomplish its mission.

(201) MICC CPM #13-13, Commander's Serious Incident and Critical Information Requirements Reporting Process, requires that all information regarding a CCIR be reported, in all situations, to the MICC G-2/3/5, by either email (usarmy.jbsa.acc-micc.list.hg-g3@mail.mil) or phone (210-466-2431, 210-466-2427, 210-466-2426, or 210-466-2425) within one hour of receiving the information. 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. The CCIR list includes Terminations for Default, Cause or Convenience.

(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) Contracting Officers 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. 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.

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 Supported 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. Frequently Asked Questions and template for the termination notice are posted on the MICC SharePoint under Forms and Templates at:

https://micc.aep.army.mil/COP/FT/default.aspx?RootFolder=%2FCOP%2FFT%2FForms%20and%20Templates%20Library%2FTerminations&FolderCTID=0x012000522687FC678FFC439427C3B3B9676A97&View={C5AE05CE-E67F-4DFB-9438-AA088E425B52}

b. KO shall forward the notification to the MICC HQ (Field Support) Procurement Analyst per section 1.290 of the Desk Book to obtain the HCA endorsement prior to submittal to: Office of the Deputy Assistant Secretary of the Army (Procurement), Procurement Support Directorate, Attn: SAAL-PS, Potomac Gateway North -- 4th Floor, 2800 Crystal Drive, Arlington, VA 22202 instead of the addressee at AFARS 5101.290(b)(10). When an electronic response or submission is authorized, send the scanned signed documents to email address: usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff1@mail.mil.

PART 52: SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 5152.1 Instructions for Using Provisions and Clauses

(200) A log and matrix of local non-standard provisions and clauses which have been previously approved by the PARC are found on the Communities of Practice SharePoint Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/Acquisition%20Instructions%20%20MICC/Forms/AllItems.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FMICC%20Local%20Clauses%20%2D%20Matrix%20and%20Log&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={BAF1F6B6-FE52-4C0B-B592-B90B69F9F8C4}

Subpart 5152.2 Texts of Provisions and Clauses

(200) The following local provisions and clauses which have which have been previously approved by the PARC are found on the Communities of Practice SharePoint Portal under Policy & Guidance at:

https://micc.aep.army.mil/COP/PG/Acquisition%20Instructions%20%20MICC/Forms/AllItems.aspx?RootFolder=%2FCOP%2FPG%2FAcquisition%20Instructions%20%20MICC%2FMICC%20Local%20Clauses%20%2D%20Matrix%20and%20Log&FolderCTID=0x012000A2FA5147D6BE3A4E817457154D0B089F&View={BAF1F6B6-FE52-4C0B-B592-B90B69F9F8C4}

5152.204-4000 NOTICE OF CONTRACTS AFFECTED BY BASE REALIGNMENT AND CLOSURE (BRAC) (MAR 2009) (LOCAL CLAUSE)

As prescribed in section 4.103 of the MICC Desk Book, use the following clause:

NOTICE OF CONTRACTS AFFECTED BY BASE REALIGNMENT AND CLOSURE (BRAC) (MAR 2009) (LOCAL CLAUSE)

(a) As a result of Base Realignment and Closure decisions, **_(installation name)_** is mandated to close by **__(date)__**. Units relocating or otherwise impacted as a result of this action include the following: **_____(insert specific unit names)_____**.

(b) Contractors are hereby notified that as units relocate supporting contracts will be affected resulting in a performance location change, termination, or natural end. If any costs are incurred due to these changes, they may be negotiated at that time.

(c) Please contact your Contracting Officer with questions or concerns.

(End of clause)

5152.204-4001 KEY PERSONNEL REQUIREMENTS (MAR 2009) (LOCAL CLAUSE)

As prescribed in section 15.304 of the MICC Desk Book, use the following clause:

KEY PERSONNEL REQUIREMENTS (MAR 2009) (LOCAL CLAUSE)

(a) Certain experienced professional and/or technical personnel are essential for successful accomplishment of the work to be performed under this contract. These "Key Personnel" were identified by name within the contractor's proposal and their resumes were submitted for evaluation during the source selection process. The contractor agrees that such personnel shall not be removed or replaced within the performance of this contract unless the following measures are taken:

(1) If one or more of the key personnel, for any reason, becomes or is expected to become unavailable for work under this contract for a continuous period exceeding 30 work days, or is expected to devote substantially less effort to the work than indicated in the proposal or initially anticipated, the contractor shall, subject to the concurrence of the Contracting Officer (KO) or designated Contracting Officer Representative (COR), promptly replace personnel with personnel who possess equal, or better, qualifications as the original employee

(2) All requests for approval of substitutions hereunder must be in writing and provide a detailed explanation of the circumstances necessitating the proposed substitutions. The request must contain a resume for the proposed substitute, and any other information requested by the KO or designated COR. The KO or designated COR must concur in writing with the change.

(b) If the KO or designated COR determines that suitable and timely replacement of Key Personnel who have been reassigned, terminated or have otherwise become unavailable for the contract work is not reasonably forthcoming or that the resultant reduction of productive effort would be so substantial as to impair successful

completion of the contract, the KO may terminate the contract for default or for the convenience of the Government, as appropriate, or make an equitable adjustment to the contract to compensate the Government for any resultant delay, loss or damage.

(c) The Key Personnel in this contract are as follows: [fill-in at time of award]

(End of Clause)

5152.223-4000 ENVIRONMENTAL MANAGEMENT SYSTEM (MAY 2010) (LOCAL CLAUSE)

As prescribed in section 23.903 of the MICC Desk Book, use the following clause:

ENVIRONMENTAL MANAGEMENT SYSTEM (MAY 2010) (LOCAL CLAUSE)

Fort George G. Meade (FGGM) has implemented an Environmental Management System (EMS) to proactively manage the environmental impacts of its processes, activities, and services in accordance with Executive Order 13423. FGGM uses the ISO 14001:2004 as the standard for its EMS. All personnel performing work for or on behalf of FGGM must read and comply with FGGM's Environmental Policy. FGGM offers EMS General Awareness Training on its public web site (http://www.fortmeade-ems.org/. All contractors and their employees including subcontract employees working on Fort Meade are required to view EMS General Awareness Training and be aware of their roles and responsibilities with regard to the EMS and how these requirements affect the work performed under the contract. Contractors are also responsible for ensuring all subcontractors hired on their behalf receive EMS General Awareness Training. The contractor is also responsible to ensure that all goods and services used by the contractor or any of its subcontractors do not deviate from the installation Environmental Policy, objectives and targets of the EMS.

In the event of non-compliance with FGGM's legal or other requirements, or non-conformance with the installation EMS, the contractor is required to take immediate corrective action, perform a root-cause analysis of the non-compliance/non-conformance and develop a preventive action to keep the non-compliance/non-conformance from recurring at no cost to the Government. For more information regarding EMS requirements, contact DPW-Environmental Division at 301-677-9648. Fort Meade Environmental Management System shall include measurable environmental goals, objectives and targets that are reviewed and updated annually. The Contracting Officer Representative is responsible to advise the Contractor of these

environmental goals, objectives and targets, and inspect for compliance. It is not the responsibility of the Contractor to develop environmental goals, objectives and/or targets. The Contractor shall be responsible for complying with Fort Meade's environmental goals, objectives and targets effective the date of contract award. The Contractor shall not be responsible for Environment goals implemented after contract award unless agreed to in a bi-lateral modification.

(End of Clause)

5152.233-4000 AMC-LEVEL PROTEST PROGRAM (SEP 2011) (LOCAL CLAUSE)

As prescribed in section 33.106 of the MICC Desk Book, use the following clause:

AMC-LEVEL PROTEST PROGRAM (SEP 2011) (LOCAL CLAUSE)

If you have complaints about this procurement, it is preferable that you first attempt to resolve those concerns with the responsible contracting officer. However, you can also protest to Headquarters (HQ), Army Materiel Command (AMC). The HQ AMC-Level Protest Program is intended to encourage interested parties to seek resolution of their concerns within AMC as an Alternative Dispute Resolution forum, rather than filing a protest with the Government Accountability Office (GAO) or other external forum. Contract award or performance is suspended during the protest to the same extent, and within the same time periods, as if filed at the GAO. The AMC protest decision goal is to resolve protests within 20 working days from filing. To be timely, protests must be filed within the periods specified in FAR 33.103. <u>If you want to file a protest under the HQ AMC-Level Protest Program, the protest must request resolution under that program and be sent to the address below. All other agency-level protests should be sent to the contracting officer for resolution.</u>

Headquarters U.S. Army Materiel Command
Office of Command Counsel
4400 Martin Road
Rm: A6SE040.001
Redstone Arsenal, AL 35898-5000
Fax: (256) 450-8840

Packages sent by FedEx or UPS should be addressed to:
Headquarters U.S. Army Materiel Command
Office of Command Counsel

4400 Martin Road
Rm: A6SE040.001
Redstone Arsenal, AL 35898-5000
Fax: (256) 450-8840

The AMC-Level Protest procedures are found at:
http://www.amc.army.mil/pa/COMMANDCOUNSEL.asp.

If internet access is not available, contact the contracting officer or HQ, AMC to obtain the HQ AMC-Level Protest Procedures.

(End of Clause)

5152.239-4000 Government Sponsorship of Contractor owned servers (JUN 2009) (LOCAL CLAUSE)

As prescribed in section 28.310 of the MICC Desk Book, use the following clause:

GOVERNMENT SPONSORSHIP OF CONTRACTOR OWNED SERVERS (JUN 2009) (LOCAL CLAUSE)

Regarding the use of Department of the Army facilities for the server(s) and any associated equipment used for operating and maintaining FINLOG software, (company) shall indemnify, save and hold harmless the Government, and its officers, agents and employees acting for the Government, against all actions or claims for loss of or damage to the server(s) and equipment arising out of, or incidental to, the possession or use of the facilities, resulting from the fault, negligence, or wrongful act or omission of the Government and its officers, agents and employees. This agreement shall apply not only to damage occasioned by the fault, negligence, or wrongful act or omission of the Government and its officers, agents and employees, but also to loss or damage caused by fire suppression activities, loss or fluctuation of electrical power and the like, or any other act of man or force of nature. (Company) shall provide and maintain insurance covering the liabilities under this clause. The policies evidencing required insurance shall contain an endorsement to the effect that any cancellation or any material change adversely affecting the interests of the Government shall not be effective (1) for such period as the laws of the State in which this contract is to be performed prescribe or (2) until 30 days after written notice to the Contracting Officer, whichever period is longer. The policies shall exclude any claim by the insurer for subrogation against the Government by reason of any payment under the policies. The

contract price shall not include any costs for insurance or contingency to cover losses or damage for which the Government is responsible under this clause.

(End of Clause)

5152.244-4000 NOTICE FOR ABILITYONE SUBCONTRACTING GOAL CREDIT (MAY 2010) (LOCAL PROVISION)

As prescribed in section 219.703 of the MICC Desk Book, use the following provision:

NOTICE FOR ABILITYONE SUBCONTRACTING GOAL CREDIT (MAY 2010) (LOCAL PROVISION)

In accordance with Public Law 102-396, AbilityOne organizations will be afforded the maximum practical opportunity to participate as subcontractors and suppliers in the performance of this contract.

As prescribed by 10 U.S.C. 2410d and Section 9077 of Public Law 102-396, and in accordance with DFARS 219.703, Eligibility requirements for participating in the program, offerors may receive credit towards the small business subcontracting goal for subcontracts placed with qualified non-profit agencies participating in the AbilityOne Program. AbilityOne organizations are qualified non-profit agencies for the blind and other severely disabled that are approved by the Committee for Purchase from People Who Are Blind or Severely Disabled under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

For additional information on AbilityOne's program and products see **http://www.abilityone.gov/index.html**. For additional information on DOD activities in support of AbilityOne see **http://www.acq.osd.mil/dpap/cpic/cp/abilityone_program.html**.

(End of Provision)

GRANTS, COOPERATIVE AGREEMENTS, 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.

(203) Only the MICC HQ PARC has been delegated 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.

(204) As the appointing official, the MICC HQ PARC 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 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

a KO warrant for at least one year. In addition, the candidate requesting authority to execute grants and/or cooperative agreements at or below the SAT must have at least one (1) year of experience with assistance instruments 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.

(205) A Grants Officer warrant package for submission to the PARC requires:

a. The Application for Grants Officer's appointment. The application is posted on the MICC Communities of Practice SharePoint Portal under Forms & Templates at: https://micc.aep.army.mil/COP/FT/Forms%20and%20Templates%20Library/Forms/AllItems.aspx?. The completed application must specify the type of authority requested that corresponds to the qualifications of the applicant and the workload demands of the position. The justification shall address factors such as the number, types (grant, cooperative agreement, etc.), complexity, estimated dollar value, and duration of projected assistance awards; historical number, dollar value and complexity of supported assistance instruments; office manning structure, and adverse impact should the appointment not be granted. Additionally, the application should provide information regarding the applicant's readiness by addressing breadth and length of experience with grants and/or cooperative agreements of varying complexity.

b. Organizational chart of the contracting office. The organizational chart shall include the grades and warrant levels/amounts of the Grants Officers. It shall indicate the applicant's position relative to other Grants Officers and identify positions supporting the Grants Officer, *e.g.* contract specialist, procurement analyst, etc. Generally, the organizational chart should only be submitted one time, unless changes in the organizational structure, grade, warrant amounts or personnel occur.

c. Workload demographics of the Contracting Office. This information shall include the total number of actions and dollar value of assistance instruments for the past 12 months and the projected number of actions and dollar value of assistance instruments for the next 12 months.

d. Contracting Office Director's endorsement. The Contracting Office Director endorsement of the applicant is separate from the application form and 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.

e. The Field Director's endorsement of the applicant must recommend approval of the application and answer the following questions: is this warrant necessary, and why is the warrant necessary. The Field Director may include other information deemed appropriate for the PARC. At the PARC's discretion, additional information may be required.

f. The complete Grants Officer package shall be forwarded in digitally encrypted format to the MICC Policy and Acquisition Training Division email in the MS-OutlookGAL: USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request.

(206) The Office of the PARC maintains a command-wide Grants Officer log roster, copies of the appointments and terminations. Nevertheless, the Contracting Office Directors shall also maintain a roster of Grants Officers within their organizations. It is the responsibility of Contracting Office Directors to notify the MICC Policy and Acquisition Training Division email in the MS-Outlook GAL: USARMY JB San Antonio ACC MICC List HQ-ConOps Warrant Request, 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 contains the Department-wide policies and procedures for the award and administration of DoD grants and agreements. 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 Field Directors 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.

(208) All proposed cooperative agreements with an initial value in excess of $20 million for one year or $50 million for all years require approval by the DASA (P) prior to award. In addition, DASA(P) approval is also required prior to issuing any modification to a cooperative agreement which would result in total obligations exceeding $20 million for one year or $50 million for all years.

(209) The peer review thresholds and associated board chairs for cooperative agreements, to include task orders, are provided in the table below. Authority to chair a review board for actions related to cooperative agreements with an estimated value of $10M and below is delegated to the Field Directors. The Field Director's authority to chair a review board for actions related to cooperative agreements may be re-delegated to no lower than the Contracting Office Director, upon written approval by the PARC. The request for re-delegation shall be coordinated through the Chief, Policy and Compliance Directorate prior to submission to the PARC. The re-delegation shall be included in the local procedures for execution of peer reviews.

Document	Threshold	Approval Authority/Review Board Chair	Estimated Lead Time (Working Days)
Cooperative Agreement	≥ $SAT ≤ $10M for one year* ≥ $SAT ≤ $10M for all years*	Field Director*	Locally Determined
	>$10M ≤ $20M for one year >$10M ≤ $50M for all years	PARC	15
	>$20M for one year >$50M for all years	DASA(P)	35
*May be further delegated by the Field Director to no lower than the Contracting Office Director but requires prior written approval by the PARC			

a. A waiver of peer review at the PARC level and below 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**.

b. At a minimum, 15 working days should be factored in for PARC review. All levels of coordination, reviews and approvals at the lower levels must be accomplished and be conducted prior to the submission to MICC HQ. The 15 working days start when the official available in the PCF program for review. Documents available 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, CCR information, verification that EPLS was checked, and any other information supporting the proposed action.

c. The official staffing process is initiated when the Field Director or FDO staff alerts the MICC HQ (Field Support) that a requirement is ready for higher headquarters review, approval or coordination. The email alert to the MICC HQ (Field Support) at USARMY JB San Antonio ACC MICC List HQ-ConOps Document Review in the GAL (usarmy.jbsa.acc-micc.list.hq-conops-document-review@mail.mil) must contain the following information:

1. Cooperative Agreement Number

2. Type of Review Requested

3. Description of Requirement

4. Applicable Statutory Authority (10 USC 2684a or 16 USC 670c-1)

5. Estimated Dollar Value (base + options if applicable)

6. MICC Office

7. Grants Officer

8. MICC Field Director

9. MICC Field Director POC

10. List of document and supporting documents submitted named identical to the PCF file name.

11. MICC Control and Routing Slip (MICC Form 356-R-E) with signatures of the local chain of command, to include the Field Director's signature, stating that a preliminary review has been performed and that the action is compliant with all regulations and policies and ready for PARC or higher approval or coordination.

d. Upon receipt of the e-mail alert, the MICC HQ (Field Support) Chief will acknowledge receipt and include the assigned MICC HQ (Field Support) Procurement

Analyst contact information and a tentative completion date. The completion date is contingent upon the MICC Contracting Office making the official file accessible to the MICC HQ (Field Support) Procurement Analyst in the PCF program. The assigned MICC HQ (Field Support) Procurement Analyst will serve as the action officer to schedule, coordinate, and facilitate those peer review boards conducted at the MICC PARC or higher level. The review board process will be similar to the one described in section 201.170 of this Desk Book.

e. Disposition and Posting of Review Results. The KO must clearly document the formal disposition of all recommendations in the Review Comments Matrix and incorporate the changes agreed upon. The KO will upload both the Review Comments Matrix and the final version of the document into PCF within a maximum of three working days after the review. The Field Director then sends an email alert to the assigned to the MICC HQ Procurement Analyst indicating that the document has been revised IAW the Review Comments Matrix from the review. The MICC HQ Procurement Analyst will also coordinate the staffing of documents to higher headquarters, which will include a cover memo signed by the PARC per AFARS 5101.290.

(210) IAW OSD Principal Deputy for the Assistant Secretary of Defense, Research and Engineering memo dated 22 March 2013, subject: Restrictions on Grants and Cooperative Agreements, grants and cooperative agreements (including Technology Investment Agreements) may not be issued to corporations with recent felony convictions or unpaid Federal tax liabilities.

a. Many universities, university-affiliated research foundations, and other nonprofit entities to which DoD awards grants and cooperative agreements are corporations.

b. Specific language for inclusion in grants or cooperative agreements is provided within the following statutes, as appropriate:

- Department of Defense Appropriations Act, 2012
- Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012
- Energy and Water Development Appropriations Act, 2012.

c. Program offices and Grant/Agreement Officers are required to ensure that recipients are not in conflict with the above referenced statutes.

d. Attachment 1 of the memo contains implementation procedures. The Grants Officer must obtain the appropriate representation from each intended recipient prior to award. Accordingly, include the provision into the grant or cooperative agreement, as applicable:

1. If the funding to be obligated was made available to DoD by the Department of Defense Appropriations Act, 2012:

> "(1) The applicant represents that it is ___ is not ___ a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
>
> (2) The applicant represents that it is ___ is not ___ a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months.
>
> NOTE: If an applicant responds in the affirmative to either of the above representations, the applicant is ineligible to receive an award unless the Army Suspension and Debarment Official (SDO) has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The applicant therefore should provide information about its tax liability or conviction to the Army SDO as soon as it can do so, to facilitate completion of the required consideration before award decisions are made."

2. If the funding to be obligated was made available to DoD by the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012:

> "The applicant represents that it is ___ is not ___ a corporation that was convicted of a criminal violation under any Federal or State law within the preceding 24 months.
>
> NOTE: If an applicant responds in the affirmative to the above representation, the applicant is ineligible to receive an award unless the Army Suspension and Debarment Official (SDO) has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The applicant therefore should provide information

about its conviction to the Army SDO as soon as it can do so, to facilitate completion of the required consideration before award decisions are made."

3. If the funding to be obligated was made available to DoD by the Energy and Water Development Appropriations Act, 2012:

"(1) The applicant represents that it is ___ is not ___ a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

(2) The applicant represents that it is__ is not__ a corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted.

NOTE: If an applicant responds in the affirmative to either of the above representations, the applicant is ineligible to receive an award unless the Army Suspension and Debarment Official (SDO) has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The applicant therefore should provide information about its tax liability or conviction to the Army SDO as soon as it can do so, to facilitate completionof the required consideration before award decisions are made."

e. The Grants Officer shall consult the Army SDO upon receipt of an affirmative response to the representation or if the Grants Officer has other knowledge of a felony conviction or tax delinquency that would make the entity ineligible to receive an award under the applicable appropriation act provisions.

f. With one exception, the Grants Officer may make an award to the entity only if he or she has a written determination from the Army SDO stating that the suspension or debarment of the entity was considered and he has determined that further action is not required to protect the Government's interests. The one exception to this requirement is when the Grants Officer is certain that the entity is not incorporated.