

DFARS Procedures, Guidance, and Information

PGI 208—Required Sources of Supplies and Services

(Revised August 12, 2008)

PGI 208.7--ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

PGI 208.705 Procedures.

Ordering offices may use DD Form 1155, Order for Supplies or Services, to place orders with central nonprofit agencies.

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PGI 209—Contractor Qualifications

(Revised August 12, 2008)

PGI 209.2—QUALIFICATIONS REQUIREMENTS

PGI 209.202 Policy.

(a)(1) The inclusion of qualification requirements in specifications for products that are to be included on a Qualified Products List, or manufactured by business firms included on a Qualified Manufacturers List, requires approval by the departmental standardization office in accordance with DoD 4120.24-M, Defense Standardization Program (DSP) Policies and Procedures. The inclusion of other qualification requirements in an acquisition or group of acquisitions requires approval by the chief of the contracting office.

PGI 209.270 Aviation and ship critical safety items.

PGI 209.270-4 Procedures.

(1) Policies and procedures applicable to aviation critical safety item design control activities are in DoD 4140.1-R, DoD Supply Chain Materiel Management Regulation, Chapter 8, Section C8.5, DoD Aviation Critical Safety Item (CSI)/Flight Safety Critical Aircraft Part (FSCAP) Program. This regulation provides direction on establishing criticality determinations, identification of aviation critical safety items in the Federal Logistics Information System, and related requirements.

(2) Procedures for management of aviation critical safety items and ship critical safety items are available at <http://www.dscr.dla.mil/ExternalWeb/UserWeb/AviationEngineering/TechnicalOversight/CSI.htm>. This web site provides detailed life-cycle procedures for aviation and ship critical safety items, from initial identification through disposal, as well as a detailed list of definitions applicable to aviation and ship critical safety items.

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PGI 219—Small Business Programs

(Revised August 12, 2008)

PGI 219.6—CERTIFICATES OF COMPETENCY

PGI 219.602 Procedures.

PGI 219.602-1 Referral.

When making a nonresponsibility determination on a small business concern, the contracting officer shall notify the contracting activity's small business specialist.

PGI 219.602-3 Resolving differences between the agency and the Small Business Administration.

(a)(3)(A) If the contracting officer believes the agency should appeal, the contracting officer shall immediately inform the departmental director of the Office of Small Business Programs and shall send the director, through departmental channels—

(1) A request for appeal, summarizing the issues. The request must be sent to arrive within 5 working days after receipt of the SBA Headquarters' written position; and

(2) An appeal file, documenting the contracting activity's position. The file must be sent to arrive within 5 working days after transmission of the request.

(B) The departmental director will determine whether the agency will appeal and will notify the SBA of the agency's intent.

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PGI 226—Other Socioeconomic Programs

(Revised August 12, 2008)

PGI 226.1—INDIAN INCENTIVE PROGRAM

PGI 226.103 Procedures.

(1) Submit a request for funding of the Indian incentive to the Office of Small Business Programs, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics) (OUSD(AT&L)SBP), 201 12th Street South, Suite 406, Arlington, VA 22202.

(2) Upon receipt of funding from OUSD(AT&L)SBP, issue a contract modification to add the Indian incentive funding for payment of the contractor's request for adjustment as described in the clause at DFARS 252.226-7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns.

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PGI 237—Service Contracting

(Revised August 12, 2008)

PGI 237.1--SERVICE CONTRACTS--GENERAL

PGI 237.102-70 Prohibition on contracting for firefighting or security-guard functions.

(d)(i) To ensure that the personnel limitations in DFARS 237.102-70(d)(1)(iv) are not exceeded, there is an office of primary responsibility (OPR) within each department or agency that is responsible for managing the total number of security-guard personnel on contract for the department or agency.

(ii) Before finalizing a contract action that affects the number of security-guard personnel on contract, the contracting officer shall request, from the requiring activity, evidence of the OPR's approval for the contract action. This requirement also applies to renewal or exercise of options for the same number of security-guard personnel, to ensure compliance with the statutory limitations/reductions specified for each fiscal year.

(iii) If the evidence of approval is not provided by the requiring activity, the contracting officer shall directly contact the applicable OPR for approval before finalizing the contract action. OPRs are as follows:

- (A) U.S. Army:
 - HQ Department of the Army
 - Office of the Provost Marshal General
 - 2800 Army Pentagon
 - Washington, DC 20310
 - Phone: 703-695-4210 or 703-614-2597.

- (B) U.S. Navy:
 - Commander, Navy Installations
 - Command (CNIC) N3
 - 2715 Mitscher Road, Suite 300
 - Anacostia Annex
 - Washington, DC 20373
 - Phone: 202-409-4053.

- (C) U.S. Marine Corps:
 - HQ U.S. Marine Corps
 - Assistant Deputy Commandant, Plans, Policy, &
Operations (Security)
 - 3000 Marine Corps Pentagon
 - Washington, DC 20350
 - Phone: 571-201-3633.

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(D) U.S. Air Force:
HQ Air Force
Directorate of Security Forces
Programs & Resources Division (A7SX)
1340 AF Pentagon
Washington, DC 20330
Phone: 703-588-0027 or 703-588-0012.

(E) Pentagon Force Protection Agency:
Pentagon Force Protection Agency
9000 Defense Pentagon
Washington, DC 20301
Phone: 703-693-3685.

PGI 237.102-71 Limitation on service contracts for military flight simulators.

(1) To process a request for waiver, the contracting officer shall submit the request and appropriate documentation relating to the requirements of DFARS 237.102-71(b) to:

Director, Defense Procurement and Acquisition Policy
ATTN: OUSD(AT&L)DPAP/CPIC
3060 Defense Pentagon
Washington, DC 20301-3060

Phone: 703-697-8334 FAX: 703-614-1254

(2) The action officer in the Office of the Director, Defense Procurement and Acquisition Policy, Contract Policy and International Contracting (DPAP/CPIC), will process the request through the Office of the Secretary of Defense and will forward the appropriate documentation to the congressional defense committees. The contracting officer shall not award a contract until notified by the DPAP/CPIC action officer that the waiver has been approved, the appropriate documentation has been transmitted to the congressional defense committees, and the required 30 days have passed.

PGI 237.171 Training for contractor personnel interacting with detainees.

PGI 237.171-3 Policy.

(b)(i) *Geographic areas of responsibility.* With regard to training for contractor personnel interacting with detainees—

(A) The Commander, U.S. Southern Command, is responsible for the U.S. military detention center at Guantanamo Bay, Cuba.

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(B) The Commander, U.S. Joint Forces Command, is responsible for the Navy Consolidated Brig, Charleston, SC.

(C) The other combatant commander geographic areas of responsibility are identified in the Unified Command Plan, 1 March 2005, which can be found at: www.defenselink.mil/specials/unifiedcommand/.

(ii) *Point of contact information for each command:*

US Central Command (USCENTCOM)

Commander, Combined Forces Land Component Commander (CFLCC)

a.k.a. Third Army, Ft. McPherson, Atlanta, GA

Staff Judge Advocate (SJA) Forward, Kuwait

POC: Lieutenant Colonel Gary Kluka

E-mail: Gary.Kluka@arifjan.arcent.army.mil

Comm: 011-965-389-6303; DSN: 318-430-6303; Alt. US numbers: 404-464-3721 or 404-464-4219

US European Command (USEUCOM)

Logistics and Security Assistance Directorate

Chief, Contingency Contracting and Contract Policy Division (USEUCOM J4-LS)

POC: Major Michael Debreczini

debreczm@eucom.smil.mil

Comm: 011-49-711-680-7202; DSN: 314-0430-7202

US Joint Forces Command (USJFCOM)

**Applicable to potential detainees in the United States at Navy Consolidated Brig, Charleston, SC

Headquarters, USJFCOM (J355)

Personnel Recovery & Special Operations Division (J355)

POC: Lieutenant Colonel John Maraia

Comm: 757-836-5799; DSN: 836-5799

US Northern Command (USNORTHCOM)

Not applicable to USNORTHCOM; see US Joint Forces Command

US Pacific Command (USPACOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Deputy Staff Judge Advocate

POC: Lieutenant Colonel James Buckels, USAF

james.buckels@pacom.mil

Comm: 808-477-1193

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US Southern Command (USSOUTHCOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Joint Task Force Guantanamo Bay

POC: Lieutenant Commander Tony Dealicante

DealicanteTF@JTFGTMO.southcom.mil

Comm: 011-5399-9916; DSN: 660-9916

US Special Operations Command (USSOCOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Attn: Staff Judge Advocate

POC: Colonel Dana Chipman

chipmad@socom.mil

Comm: 813-828-3288; DSN: 299-3288

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PGI 246—Quality Assurance

(Revised August 12, 2008)

PGI 246.4—GOVERNMENT CONTRACT QUALITY ASSURANCE

PGI 246.407 Nonconforming supplies or services.

Additional information on delegation of authority for acceptance of minor nonconformances in aviation and ship critical safety items is available at <http://www.dscr.dla.mil/ExternalWeb/UserWeb/AviationEngineering/TechnicalOversight/CSI.htm>.

PGI 246.470 Government contract quality assurance actions.

PGI 246.470-2 Quality evaluation data.

Types of quality evaluation data are--

- (1) Quality data developed by the contractor during performance;
- (2) Data developed by the Government through contract quality assurance actions; and
- (3) Reports by users and customers.

PGI 246.472 Inspection stamping.

(a)(i) There are two DoD quality inspection approval marking designs (stamps).

(A) Both stamps are used—

(1) Only by, or under the direct supervision of, the Government representative; and

(2) For both prime and subcontracts.

(B) The designs of the two stamps and the differences in their uses are—

(1) *Partial (Circle) Inspection Approval Stamp*.

(i) This circular stamp is used to identify material inspected for conformance to only a portion of the contract quality requirements.

(ii) Further inspection is to be performed (i) at another time and/or place.

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(iii) Material not inspected is so listed on the associated DD Form 250 (Material Inspection and Receiving Report), packing list, or comparable document.

(2) *Complete (Square) Inspection Approval Stamp.*

(i) This square stamp is used to identify material completely inspected for all contract quality requirements at source.

(ii) The material satisfies all contract quality requirements and is in complete conformance with all contract quality requirements applicable at the time and place of inspection.

(iii) Complete inspection approval establishes that material that once was partially approved has subsequently been completely approved.

(iv) One imprint of the square stamp voids multiple imprints of the circle stamp.

(ii) The marking of each item is neither required nor prohibited. Ordinarily, the stamping of shipping containers, packing lists, or routing tickets serves to adequately indicate the status of the material and to control or facilitate its movement.

(iii) Stamping material does not mean that it has been accepted by the Government. Evidence of acceptance is ordinarily a signed acceptance certificate on the DD Form 250, Material Inspection and Receiving Report.

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PGI 250—Extraordinary Contractual Actions and the Safety Act

(Revised August 12, 2008)

PGI 250.1—EXTRAORDINARY CONTRACTUAL ACTIONS

PGI 250.101 General.

PGI 250.101-3 Records.

(1) Departments and agencies shall—

(i) Prepare a preliminary record when a request for a contract adjustment under FAR 50.103 is filed (see DFARS 250.103-5(1)).

(ii) Prepare a final record stating the disposition of the request (see PGI 250.103-6).

(iii) Designate the offices or officials responsible for preparing, submitting, and receiving all records required by DFARS Subpart 250.1. Records shall be maintained by the contract adjustment boards of the Army, Navy, and Air Force, respectively, and by the headquarters of the defense agencies.

(2) A suggested format for the record is the Record of Request for Adjustment shown at the end of this section. This format permits the information required for the preliminary and final records to be combined on one form. The following instructions are provided for those items in the format that are not self-explanatory:

(i) *Extent of performance as of date of request.* State the degree of completion of the contract; e.g., 50 percent completed or performance not yet begun. If work is completed, state the date of completion and whether final payment has been made.

(ii) *Award procedure.* State whether the contract was awarded under sealed bidding or negotiated procedures. Cite the specific authority for using other than full and open competition, if applicable, e.g., 10 U.S.C. 2304(c)(1).

(iii) *Type of contract.* State the type of contract (see FAR Part 16); e.g., FFP (firm-fixed-price).

(iv) *Category of case.* State whether the request involves a modification without consideration, a mistake, or an informal commitment. If the case involves more than one category, identify both; list the most significant category first.

(v) *Amount or description of request.* If the request is expressed in dollars, state the amount and whether it is an increase or decrease. If the request cannot be expressed in monetary terms, provide a brief description; e.g., “Cancellation” or “Modification.” Even if the

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adjustment is not easily expressed in terms of dollars, if the contractor has made an estimate in the request, that estimate should be stated.

(vi) *Action below Secretarial level.* State the disposition of the case, the office that took the action and the date the action was taken. The disposition should be stated as “Withdrawn,” “Denied,” “Approved,” or “Forwarded.” If the request was approved, in whole or in part, state the dollar amount or nature of the action (as explained in paragraph (2)(v) of this section). The date should correspond with the date of the memorandum of decision or of the letter forwarding the request to the contract adjustment board or other deciding body.

(vii) *Action by contract adjustment board and date.* State the disposition and date of disposition of the case by the contract adjustment board. Provide the same information as for paragraph (2)(vi) of this section.

(viii) *Implementation and date.* State the appropriate action; e.g., “Modification,” “New Contract,” or “Letter of Denial.”

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<input type="checkbox"/> PRELIMINARY	RECORD OF REQUEST FOR ADJUSTMENT PUBLIC LAW 85-804		FINAL <input type="checkbox"/>
DATE OF REQUEST			DATE RECEIVED BY GOVERNMENT
CONTRACTOR'S NAME AND ADDRESS			
<input type="checkbox"/> SMALL BUSINESS			
NAME AND ADDRESS OF CONTRACTOR'S REPRESENTATIVE, IF ANY			
COGNIZANT CONTRACTING OFFICER OR OFFICE		PROCURING ACTIVITY	
PROPERTY OR SERVICE INVOLVED		EXTENT OF PERFORMANCE AS OF DATE OF REQUEST	
CONTRACT NUMBER	DATE	ADVERTISED OR NEGOTIATED	TYPE OF CONTRACT
CATEGORY OF CASE		AMOUNT OF DESCRIPTION OF REQUEST	
ACTION BELOW SECRETARIAL LEVEL			DATE
ACTION BY CAB			DATE
IMPLEMENTATION			DATE
ADDITIONAL DATA OR REMARKS			
DATE THIS RECORD SIGNED		SIGNATURE	

PGI 250.103 Contract adjustments.

PGI 250.103-5 Processing cases.

(1) The officer or official responsible for the case shall forward to the contract adjustment board, through departmental channels, two copies of the following:

- (i) A letter stating—
 - (A) The nature of the case;
 - (B) The basis for the board's authority to act;

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(C) The findings of fact essential to the case (see FAR 50.103-4). Arrange the findings chronologically with cross-references to supporting enclosures;

(D) The conclusions drawn;

(E) The recommended disposition; and

(F) If contractual action is recommended, a statement by the signer that the action will facilitate the national defense.

(ii) The contractor's request.

(iii) All evidentiary materials.

(iv) All endorsements, reports and comments of cognizant Government officials.

(2) A letter to the Board recommending an amendment without consideration where essentiality is a factor (see FAR 50.103-2(a)(1)) should also provide—

(i) The information required by FAR 50.103-4(a) and (b), and

(ii) Findings as to—

(A) The contractor's performance record, including the quality of product, rate of production, and promptness of deliveries;

(B) The importance to the Government, particularly to the active duty military, of the performance of the contract and the importance of the contractor to the national defense;

(C) The forecast of future contracts with the contractor; and

(D) Other available sources of supply for the supplies or services covered by the contract, and the time and cost of having contract performance completed by such other sources.

PGI 250.103-6 Disposition.

(1) When the request for relief is denied or approved below the Secretarial level, submit the following documents to the appropriate office within 30 days after the close of the month in which the decision is executed:

(i) Two copies of the memorandum of decision.

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(ii) Except for the Army, one copy of the contractual document implementing any decision approving contractual action.

(iii) One copy of a final record, as described at PGI 250.101-3.

(2) When a contract adjustment board decision is implemented, the activity that forwarded the case to the board shall prepare and submit to the board the documents identified in paragraphs (1)(ii) and (iii) of this section.

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PGI 250—Extraordinary Contractual Actions

PGI 250.3

(Removed August 12, 2008)