

# Defense Federal Acquisition Regulation Supplement

## Part 202--Definitions of Words and Terms

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### SUBPART 202.1--DEFINITIONS

*(Revised July 25, 2011)*

#### 202.101 Definitions.

“Congressional defense committees” means—

- (1) The Committee on Armed Services of the Senate;
- (2) The Subcommittee on Defense of the Committee on Appropriations of the Senate;
- (3) The Committee on Armed Services of the House of Representatives; and
- (4) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

"Contract administration office" also means a contract management office of the Defense Contract Management Agency.

“Contracting activity” for DoD also means elements designated by the director of a defense agency which has been delegated contracting authority through its agency charter. DoD contracting activities are—

#### DEPARTMENT OF DEFENSE

Counterintelligence Field Activity  
Department of Defense Education Activity  
TRICARE Management Activity  
Washington Headquarters Services, Acquisition and Procurement Office

#### ARMY

Headquarters, U.S. Army Contracting Command  
Joint Contracting Command – Iraq/Afghanistan  
National Guard Bureau  
Program Executive Office for Simulation, Training, and Instrumentation  
U.S. Army Aviation and Missile Life Cycle Management Command  
U.S. Army Communications-Electronics Life Cycle Management Command  
U.S. Army Corps of Engineers  
U.S. Army Expeditionary Contracting Command  
U.S. Army Intelligence and Security Command  
U.S. Army Joint Munitions and Lethality Life Cycle Management Command  
U.S. Army Medical Command  
U.S. Army Medical Research and Materiel Command  
U.S. Army Mission and Installation Contracting Command  
U.S. Army Research, Development, and Engineering Command  
U.S. Army Space and Missile Defense Command  
U.S. Army Sustainment Command  
U.S. Army Tank-Automotive and Armaments Life Cycle Management Command

#### NAVY

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Office of the Deputy Assistant Secretary of the Navy (Acquisition & Logistics Management)

Naval Air Systems Command

Space and Naval Warfare Systems Command

Naval Facilities Engineering Command

Naval Inventory Control Point

Naval Sea Systems Command

Naval Supply Systems Command

Office of Naval Research

Military Sealift Command

Strategic Systems Programs

Marine Corps Systems Command

Installations and Logistics, Headquarters, U.S. Marine Corps

#### AIR FORCE

Office of the Assistant Secretary of the Air Force (Acquisition)

Office of the Deputy Assistant Secretary (Contracting)

Air Force Materiel Command

Air Force Reserve Command

Air Combat Command

Air Mobility Command

Air Education and Training Command

Pacific Air Forces

United States Air Forces in Europe

Air Force Space Command

Air Force District of Washington

Air Force Operational Test & Evaluation Center

Air Force Special Operations Command

United States Air Force Academy

Aeronautical Systems Center

Air Armament Center

Electronic Systems Center

Space and Missile Systems Center

#### DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Office of the Deputy Director, Management

#### DEFENSE BUSINESS TRANSFORMATION AGENCY

Contracting Office

#### DEFENSE COMMISSARY AGENCY

Directorate of Contracting

#### DEFENSE CONTRACT MANAGEMENT AGENCY

Office of the Director, Defense Contract Management Agency

#### DEFENSE FINANCE AND ACCOUNTING SERVICE

External Services, Defense Finance and Accounting Service

#### DEFENSE INFORMATION SYSTEMS AGENCY

Defense Information Technology Contracting Organization

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#### DEFENSE INTELLIGENCE AGENCY

Office of Procurement

#### DEFENSE LOGISTICS AGENCY

DLA Acquisition (J-7)  
DLA Aviation  
DLA Energy  
DLA Land and Maritime  
DLA Troop Support

#### DEFENSE SECURITY COOPERATION AGENCY

Contracting Division

#### DEFENSE SECURITY SERVICE

Acquisition and Contracting Branch

#### DEFENSE THREAT REDUCTION AGENCY

Acquisition Management Office

#### MISSILE DEFENSE AGENCY

Headquarters, Missile Defense Agency

#### NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

Procurement and Contracting Office

#### NATIONAL SECURITY AGENCY

Headquarters, National Security Agency

#### UNITED STATES SPECIAL OPERATIONS COMMAND

Headquarters, United States Special Operations Command

#### UNITED STATES TRANSPORTATION COMMAND

Directorate of Acquisition

“Contracting officer's representative” means an individual designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.

“Departments and agencies,” as used in DFARS, means the military departments and the defense agencies. The military departments are the Departments of the Army, Navy, and Air Force (the Marine Corps is a part of the Department of the Navy). The defense agencies are the Defense Advanced Research Projects Agency, the Defense Business Transformation Agency, the Defense Commissary Agency, the Defense Contract Management Agency, the Defense Finance and Accounting Service, the Defense Information Systems Agency, the Defense Intelligence Agency, the Defense Logistics Agency, the Defense Security Cooperation Agency, the Defense Security Service, the Defense Threat Reduction Agency, the Missile Defense Agency, the National Geospatial-Intelligence Agency, and the National Security Agency.

“Department of Defense (DoD),” as used in DFARS, means the Department of Defense, the military departments, and the defense agencies.

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“Executive agency” means for DoD, the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force.

“General public” and “non-governmental entities,” as used in the definition of “commercial item” at FAR 2.101, do not include the Federal Government or a State, local, or foreign government (Pub. L. 110-181, section 815(b)).

“Head of the agency” means, for DoD, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. Subject to the direction of the Secretary of Defense, the Under Secretary of Defense (Acquisition, Technology, and Logistics), and the Director of Defense Procurement and Acquisition Policy, the directors of the defense agencies have been delegated authority to act as head of the agency for their respective agencies (i.e., to perform functions under the FAR or DFARS reserved to a head of agency or agency head), except for such actions that by terms of statute, or any delegation, must be exercised within the Office of the Secretary of Defense. (For emergency acquisition flexibilities, see [218.270](#).)

“Procedures, Guidance, and Information (PGI)” means a companion resource to the DFARS that—

(1) Contains mandatory internal DoD procedures. The DFARS will direct compliance with mandatory procedures using imperative language such as “Follow the procedures at...” or similar directive language;

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

(3) Is numbered similarly to the DFARS, except that each PGI numerical designation is preceded by the letters “PGI”; and

(4) Is available electronically at <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>.

“Senior procurement executive” means, for DoD—

- Department of Defense (including the defense agencies)--Under Secretary of Defense (Acquisition, Technology, and Logistics);
- Department of the Army--Assistant Secretary of the Army (Acquisition, Logistics and Technology);
- Department of the Navy--Assistant Secretary of the Navy (Research, Development and Acquisition);
- Department of the Air Force--Assistant Secretary of the Air Force (Acquisition).

The directors of the defense agencies have been delegated authority to act as senior procurement executive for their respective agencies, except for such actions that by terms of statute, or any delegation, must be exercised by the Under Secretary of Defense (Acquisition, Technology, and Logistics).

“Simplified acquisition threshold,” in addition to the meaning at FAR 2.101, means

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\$300,000 when soliciting or awarding contracts to be awarded and performed outside the United States, or making purchases outside the United States, for acquisitions of supplies and services that, as determined by the head of the contracting activity, are to be used to support a humanitarian or peacekeeping operation, as defined at FAR 2.101.

“Tiered evaluation of offers,” also known as “cascading evaluation of offers,” means a procedure used in negotiated acquisitions, when market research is inconclusive for justifying limiting competition to small business concerns, whereby the contracting officer—

- (1) Solicits and receives offers from both small and other than small business concerns;
- (2) Establishes a tiered or cascading order of precedence for evaluating offers that is specified in the solicitation; and
- (3) If no award can be made at the first tier, evaluates offers at the next lower tier, until award can be made.

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## Part 218—Emergency Acquisitions

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**SUBPART 218.2—EMERGENCY ACQUISITION FLEXIBILITIES**

*(Revised July 25, 2011)*

**218.201 Contingency operation.**

(1) *Selection, appointment, and termination of appointment.* Contracting officer qualification requirements pertaining to a baccalaureate degree and 24 semester credit hours of business related courses do not apply to DoD employees or members of the armed forces who are in a contingency contracting force. See [201.603-2\(2\)](#).

(2) *Policy for unique item identification.* Contractors will not be required to provide DoD unique item identification if the items, as determined by the head of the agency, are to be used to support a contingency operation. See [211.274-2\(b\)](#).

(3) *Use of the Governmentwide commercial purchase card.* Governmentwide commercial purchase cards do not have to be used for purchases valued at or below the micro-purchase threshold if the purchase or payment is for an overseas transaction by a contracting officer in support of a contingency operation, or for training exercises in preparation for overseas contingency, humanitarian, or peacekeeping operations. See [213.270\(c\)\(3\)](#) and (5).

(4) *Governmentwide commercial purchase card.* A contracting office supporting a contingency operation or a humanitarian or peacekeeping operation may use the Governmentwide commercial purchase card to make a purchase that exceeds the micro-purchase threshold but does not exceed the simplified acquisition threshold if certain conditions are met. See [213.301\(3\)](#).

(5) *Imprest funds and third party drafts.* Imprest funds are authorized for use without further approval for overseas transactions at or below the micro-purchase threshold in support of a contingency operation or a humanitarian or peacekeeping operation. See [213.305-3\(d\)\(iii\)\(A\)](#).

(6) *Standard Form (SF) 44, Purchase Order-Invoice-Voucher.* SF 44s may be used for purchases not exceeding the simplified acquisition threshold for overseas transactions by contracting officers in support of a contingency operation or a humanitarian or peacekeeping operation. See [213.306\(a\)\(1\)\(B\)](#).

(7) *Undefinitized contract actions.* The head of the agency may waive certain limitations for undefinitized contract actions if the head of the agency determines that the waiver is necessary to support a contingency operation or a humanitarian or peacekeeping operation. See [217.7404-5\(b\)](#).

(8) *Prohibited sources.* DoD personnel are authorized to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions administered by the Department of the Treasury, Office of Foreign Assets Control. See [225.701-70](#).

(9) *Authorization Acts, Appropriations Acts, and other statutory restrictions on foreign acquisition.* Acquisitions in the following categories are not subject to the restrictions of [225.7002](#), Restrictions on food, clothing, fabrics, specialty metals, and

hand or measuring tools: (1) Acquisitions at or below the simplified acquisition threshold; (2) Acquisitions outside the United States in support of combat operations; (3) Acquisitions of perishable foods by or for activities located outside the United States for personnel of those activities; (4) Acquisitions of food, specialty metals, or hand or measuring tools in support of contingency operations, or for which the use of other than competitive procedures has been approved on the basis of unusual and compelling urgency in accordance with FAR 6.302-2; (5) Emergency acquisitions by activities located outside the United States for personnel of those activities; and (6) Acquisitions by vessels in foreign waters. See [225.7002-2](#).

(10) *Electronic submission and processing of payment requests.* Contractors do not have to submit payment requests in electronic form for contracts awarded by deployed contracting officers in the course of military operations, including contingency operations or humanitarian or peacekeeping operations. See [232.7002\(a\)\(4\)](#).

#### **218.202 Defense or recovery from certain attacks.**

*Policy for unique item identification.* Contractors will not be required to provide DoD unique item identification if the items, as determined by the head of the agency, are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. See [211.274-2\(b\)](#).

#### **218.203 Incidents of national significance, emergency declaration, or major disaster declaration.**

(1) *Establishing or maintaining alternative sources.* PGI contains a sample format for Determination and Findings citing the authority of FAR 6.202(a), regarding exclusion of a particular source in order to establish or maintain an alternative source or sources. Alternate 2 of the sample format addresses having a supplier available for furnishing supplies or services in case of a national emergency. See PGI [206.202](#).

(2) *Electronic submission and processing of payment requests.* Contractors do not have to submit payment requests in electronic form for contracts awarded by contracting officers in the conduct of emergency operations, such as responses to natural disasters or national or civil emergencies. See [232.7002\(a\)\(4\)](#).

#### **218.270 Humanitarian or peacekeeping operation.**

The term “humanitarian or peacekeeping operation” is defined at FAR 2.101. In accordance with 10 U.S.C. 2302(7), when a humanitarian or peacekeeping operation is declared, the simplified acquisition threshold is raised to \$300,000 for DoD purchases that are awarded and performed, or purchases that are made, outside the United States in support of that operation. See [202.101](#).

#### **218.271 Head of contracting activity determinations.**

For contract actions supporting contingency operations or facilitating defense against or recovery from nuclear, biological, chemical, or radiological attack, the term “head of the agency” is replaced with “head of the contracting activity,” as defined in FAR 2.101, in the following locations:

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- (a) FAR 2.101:
  - (1) Definition of “Micro-purchase threshold,” paragraph (3).
  - (2) Definition of “Simplified acquisition threshold.”
- (b) FAR 12.102(f).
- (c) FAR 13.201(g).
- (d) FAR 13.500(e).
- (e) FAR 18.2.