

(Revised August 28, 2014)

SUBCHAPTER A—GENERAL

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

SUBPART 201.1—PURPOSE, AUTHORITY, ISSUANCE

SUBPART 201.2—ADMINISTRATION

SUBPART 201.3—AGENCY ACQUISITION REGULATIONS

SUBPART 201.4—DEVIATIONS FROM THE FAR

**SUBPART 201.6—CAREER DEVELOPMENT, CONTRACTING AUTHORITY,
AND RESPONSIBILITIES**

PART 202—DEFINITIONS OF WORDS AND TERMS

SUBPART 202.1—DEFINITIONS

**PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL
CONFLICTS OF INTEREST**

SUBPART 203.0

SUBPART 203.1—SAFEGUARDS

SUBPART 203.5—OTHER IMPROPER BUSINESS PRACTICES

SUBPART 203.7—VOIDING AND RESCINDING CONTRACTS

**SUBPART 203.8— LIMITATIONS ON THE PAYMENT OF FUNDS TO
INFLUENCE FEDERAL TRANSACTIONS**

**SUBPART 203.9—WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR
EMPLOYEES**

**SUBPART 203.10—CONTRACTOR CODE OF BUSINESS ETHICS AND
CONDUCT**

PART 204—ADMINISTRATIVE MATTERS

SUBPART 204.1—CONTRACT EXECUTION

SUBPART 204.2—CONTRACT DISTRIBUTION

**SUBPART 204.4—SAFEGUARDING CLASSIFIED INFORMATION WITHIN
INDUSTRY**

SUBPART 204.6—CONTRACT REPORTING

Defense Federal Acquisition Regulation Supplement

Table of Contents

SUBPART 204.8—CONTRACT FILES

SUBPART 204.9—TAXPAYER IDENTIFICATION NUMBER INFORMATION

SUBPART 204.11—SYSTEM FOR AWARD MANAGEMENT

SUBPART 204.12—ANNUAL REPRESENTATIONS AND CERTIFICATIONS

**SUBPART 204.70—UNIFORM PROCUREMENT INSTRUMENT
IDENTIFICATION NUMBERS**

SUBPART 204.71—UNIFORM CONTRACT LINE ITEM NUMBERING SYSTEM

SUBPART 204.72—CONTRACTOR IDENTIFICATION

**SUBPART 204.73—SAFEGUARDING UNCLASSIFIED CONTROLLED
TECHNICAL INFORMATION**

**SUBPART 204.74—DISCLOSURE OF INFORMATION TO LITIGATION
SUPPORT CONTRACTORS**

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 205—PUBLICIZING CONTRACT ACTIONS

SUBPART 205.2—SYNOPSES OF PROPOSED CONTRACT ACTIONS

SUBPART 205.3—SYNOPSES OF CONTRACT AWARDS

SUBPART 205.4—RELEASE OF INFORMATION

SUBPART 205.5—PAID ADVERTISEMENTS

PART 206—COMPETITION REQUIREMENTS

SUBPART 206.0

**SUBPART 206.2—FULL AND OPEN COMPETITION AFTER EXCLUSION OF
SOURCES**

SUBPART 206.3—OTHER THAN FULL AND OPEN COMPETITION

PART 207—ACQUISITION PLANNING

SUBPART 207.1—ACQUISITION PLANS

SUBPART 207.4—EQUIPMENT LEASE OR PURCHASE

SUBPART 207.5—INHERENTLY GOVERNMENTAL FUNCTIONS

**SUBPART 207.70—BUY-TO-BUDGET – ADDITIONAL QUANTITIES OF END
ITEMS**

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

SUBPART 208.0

SUBPART 208.4—FEDERAL SUPPLY SCHEDULES

**SUBPART 208.6—ACQUISITION FROM FEDERAL PRISON INDUSTRIES,
INC.**

**SUBPART 208.7—ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING
PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

SUBPART 208.70—COORDINATED ACQUISITION

**SUBPART 208.71—ACQUISITION FOR NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION (NASA)**

SUBPART 208.73—USE OF GOVERNMENT-OWNED PRECIOUS METALS

SUBPART 208.74—ENTERPRISE SOFTWARE AGREEMENTS

PART 209—CONTRACTOR QUALIFICATIONS

SUBPART 209.1—RESPONSIBLE PROSPECTIVE CONTRACTORS

SUBPART 209.2—QUALIFICATIONS REQUIREMENTS

SUBPART 209.4—DEBARMENT, SUSPENSION, AND INELIGIBILITY

**SUBPART 209.5—ORGANIZATIONAL AND CONSULTANT CONFLICTS OF
INTEREST**

PART 210—MARKET RESEARCH

SUBPART 210.0

PART 211—DESCRIBING AGENCY NEEDS

SUBPART 211.0

**SUBPART 211.1—SELECTING AND DEVELOPING REQUIREMENTS
DOCUMENTS**

SUBPART 211.2—USING AND MAINTAINING REQUIREMENTS DOCUMENTS

SUBPART 211.5—LIQUIDATED DAMAGES

SUBPART 211.6—PRIORITIES AND ALLOCATIONS

SUBPART 211.70—PURCHASE REQUESTS

PART 212—ACQUISITION OF COMMERCIAL ITEMS

SUBPART 212.1—ACQUISITION OF COMMERCIAL ITEMS - GENERAL

SUBPART 212.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

SUBPART 212.3—SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

SUBPART 212.5—APPLICABILITY OF CERTAIN LAWS TO THE ACQUISITION OF COMMERCIAL ITEMS

SUBPART 212.6—STREAMLINED PROCEDURES FOR EVALUATION AND SOLICITATION FOR COMMERCIAL ITEMS

SUBPART 212.70—PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTING AFTER USE OF OTHER TRANSACTION AUTHORITY

SUBPART 212.71—PILOT PROGRAM FOR ACQUISITION OF MILITARY-PURPOSE NONDEVELOPMENTAL ITEMS

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 213.1—PROCEDURES

SUBPART 213.2—ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD

SUBPART 213.3—SIMPLIFIED ACQUISITION METHODS

SUBPART 213.4—FAST PAYMENT PROCEDURE

SUBPART 213.70—SIMPLIFIED ACQUISITION PROCEDURES UNDER THE 8(A) PROGRAM

PART 214—SEALED BIDDING

SUBPART 214.2—SOLICITATION OF BIDS

SUBPART 214.4—OPENING OF BIDS AND AWARD OF CONTRACT

PART 215—CONTRACTING BY NEGOTIATION

SUBPART 215.1—SOURCE SELECTION PROCESSES AND TECHNIQUES

SUBPART 215.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

SUBPART 215.3—SOURCE SELECTION

SUBPART 215.4—CONTRACT PRICING

**SUBPART 215.5—PREAWARD, AWARD, AND POSTAWARD
NOTIFICATIONS, PROTESTS, AND MISTAKES**

PART 216—TYPES OF CONTRACTS

SUBPART 216.1—SELECTING CONTRACT TYPES

SUBPART 216.2—FIXED-PRICE CONTRACTS

SUBPART 216.3—COST-REIMBURSEMENT CONTRACTS

SUBPART 216.4—INCENTIVE CONTRACTS

SUBPART 216.5—INDEFINITE-DELIVERY CONTRACTS

**SUBPART 216.6—TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER
CONTRACTS**

SUBPART 216.7—AGREEMENTS

PART 217—SPECIAL CONTRACTING METHODS

SUBPART 217.1—MULTIYEAR CONTRACTING

SUBPART 217.2—OPTIONS

**SUBPART 217.5—INTERAGENCY ACQUISITIONS UNDER THE ECONOMY
ACT**

SUBPART 217.6—MANAGEMENT AND OPERATING CONTRACTS

SUBPART 217.70—EXCHANGE OF PERSONAL PROPERTY

**SUBPART 217.71—MASTER AGREEMENT FOR REPAIR AND ALTERATION
OF VESSELS**

SUBPART 217.73—IDENTIFICATION OF SOURCES OF SUPPLY

SUBPART 217.74—UNDEFINITIZED CONTRACT ACTIONS

SUBPART 217.75—ACQUISITION OF REPLENISHMENT PARTS

SUBPART 217.76—CONTRACTS WITH PROVISIONING REQUIREMENTS

SUBPART 217.77—OVER AND ABOVE WORK

**SUBPART 217.78—CONTRACTS OR DELIVERY ORDERS ISSUED BY A NON-
DOD AGENCY**

PART 218—EMERGENCY ACQUISITIONS

SUBPART 218.1—AVAILABLE ACQUISITION FLEXIBILITIES

SUBPART 218.2—EMERGENCY ACQUISITION FLEXIBILITIES

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 219—SMALL BUSINESS PROGRAMS

SUBPART 219.0

SUBPART 219.2—POLICIES

**SUBPART 219.3—DETERMINATION OF SMALL BUSINESS STATUS FOR
SMALL BUSINESS PROGRAMS**

**SUBPART 219.4—COOPERATION WITH THE SMALL BUSINESS
ADMINISTRATION**

SUBPART 219.5—SET-ASIDES FOR SMALL BUSINESS

**SUBPART 219.6—CERTIFICATES OF COMPETENCY AND
DETERMINATIONS OF RESPONSIBILITY**

SUBPART 219.7—THE SMALL BUSINESS SUBCONTRACTING PROGRAM

**SUBPART 219.8—CONTRACTING WITH THE SMALL BUSINESS
ADMINISTRATION (THE 8(A) PROGRAM)**

**SUBPART 219.11—PRICE EVALUATION ADJUSTMENT FOR SMALL
DISADVANTAGED BUSINESS CONCERNS**

SUBPART 219.12—SMALL DISADVANTAGED BUSINESS PARTICIPATION

**SUBPART 219.13—HISTORICALLY UNDERUTILIZED BUSINESS ZONE
(HUBZONE) PROGRAM**

SUBPART 219.71—PILOT MENTOR-PROTEGE PROGRAM

PART 220—RESERVED

PART 221—RESERVED

**PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT
ACQUISITIONS**

SUBPART 222.0

SUBPART 222.1—BASIC LABOR POLICIES

SUBPART 222.3—CONTRACT WORK HOURS AND SAFETY STANDARDS

**SUBPART 222.4—LABOR STANDARDS FOR CONTRACTS INVOLVING
CONSTRUCTION**

**SUBPART 222.6— CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES,
AND EQUIPMENT EXCEEDING \$15,000**

SUBPART 222.8—EQUAL EMPLOYMENT OPPORTUNITY

SUBPART 222.10—SERVICE CONTRACT LABOR STANDARDS

**SUBPART 222.13—SPECIAL DISABLED VETERANS, VETERANS OF THE
VIETNAM ERA, AND OTHER ELIGIBLE VETERANS**

SUBPART 222.14—EMPLOYMENT OF WORKERS WITH DISABILITIES

SUBPART 222.17—COMBATING TRAFFICKING IN PERSONS

**SUBPART 222.70—RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL
FOR WORK ON CONSTRUCTION AND SERVICE CONTRACTS IN
NONCONTIGUOUS STATES**

SUBPART 222.71—RIGHT OF FIRST REFUSAL OF EMPLOYMENT

**SUBPART 222.72—COMPLIANCE WITH LABOR LAWS OF FOREIGN
GOVERNMENTS**

**SUBPART 222.73—LIMITATIONS APPLICABLE TO CONTRACTS
PERFORMED ON GUAM**

**SUBPART 222.74—RESTRICTIONS ON THE USE OF MANDATORY
ARBITRATION AGREEMENTS**

**PART 223—ENVIRONMENT, ENERGY AND WATER EFFICIENCY,
RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND
DRUG-FREE WORKPLACE**

**SUBPART 223.3—HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL
SAFETY DATA**

SUBPART 223.4—USE OF RECOVERED MATERIAL

SUBPART 223.5—DRUG-FREE WORKPLACE

**SUBPART 223.7—CONTRACTING FOR ENVIRONMENTALLY PREFERABLE
PRODUCTS AND SERVICES**

SUBPART 223.8—OZONE-DEPLETING SUBSTANCES

**SUBPART 223.71—STORAGE AND DISPOSAL OF TOXIC AND HAZARDOUS
MATERIALS**

**SUBPART 223.72—SAFEGUARDING SENSITIVE CONVENTIONAL ARMS,
AMMUNITION, AND EXPLOSIVES**

**SUBPART 223.73—MINIMIZING THE USE OF MATERIALS CONTAINING
HEXAVALENT CHROMIUM**

PART 224—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 224.1—PROTECTION OF INDIVIDUAL PRIVACY

SUBPART 224.2—FREEDOM OF INFORMATION ACT

PART 225—FOREIGN ACQUISITION

SUBPART 225.0

SUBPART 225.1—BUY AMERICAN—SUPPLIES

SUBPART 225.2—BUY AMERICAN—CONSTRUCTION MATERIALS

**SUBPART 225.3—CONTRACTS PERFORMED OUTSIDE THE UNITED
STATES**

SUBPART 225.4—TRADE AGREEMENTS

SUBPART 225.5—EVALUATING FOREIGN OFFERS—SUPPLY CONTRACTS

SUBPART 225.7—PROHIBITED SOURCES

**SUBPART 225.8—OTHER INTERNATIONAL AGREEMENTS AND
COORDINATION**

SUBPART 225.9—CUSTOMS AND DUTIES

SUBPART 225.10—ADDITIONAL FOREIGN ACQUISITION REGULATIONS

SUBPART 225.11—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

**SUBPART 225.70—AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND
OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION**

SUBPART 225.71—OTHER RESTRICTIONS ON FOREIGN ACQUISITION

**SUBPART 225.72—REPORTING CONTRACT PERFORMANCE OUTSIDE
THE UNITED STATES**

SUBPART 225.73—ACQUISITIONS FOR FOREIGN MILITARY SALES

**SUBPART 225.74—DEFENSE CONTRACTORS OUTSIDE THE UNITED
STATES**

SUBPART 225.75—BALANCE OF PAYMENTS PROGRAM

SUBPART 225.76—SECONDARY ARAB BOYCOTT OF ISRAEL

Defense Federal Acquisition Regulation Supplement

Table of Contents

SUBPART 225.77–ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN

SUBPART 225.78– ACQUISITIONS IN SUPPORT OF GEOGRAPHIC COMBATANT COMMAND’S THEATER SECURITY COOPERATION EFFORTS

SUBPART 225.79– EXPORT CONTROL

PART 226–OTHER SOCIOECONOMIC PROGRAMS

SUBPART 226.1–INDIAN INCENTIVE PROGRAM

SUBPART 226.3–HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS

SUBPART 226.71–PREFERENCE FOR LOCAL AND SMALL BUSINESS

SUBCHAPTER E–GENERAL CONTRACTING REQUIREMENTS

PART 227–PATENTS, DATA, AND COPYRIGHTS

SUBPART 227.3–PATENT RIGHTS UNDER GOVERNMENT CONTRACTS

SUBPART 227.4–RIGHTS IN DATA AND COPYRIGHTS

SUBPART 227.6–FOREIGN LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

SUBPART 227.70–INFRINGEMENT CLAIMS, LICENSES, AND ASSIGNMENTS

SUBPART 227.71–RIGHTS IN TECHNICAL DATA

SUBPART 227.72–RIGHTS IN COMPUTER SOFTWARE AND COMPUTER SOFTWARE DOCUMENTATION

PART 228–BONDS AND INSURANCE

SUBPART 228.1–BONDS

SUBPART 228.3–INSURANCE

PART 229–TAXES

SUBPART 229.1–GENERAL

SUBPART 229.4–CONTRACT CLAUSES

SUBPART 229.70–SPECIAL PROCEDURES FOR OVERSEAS CONTRACTS

PART 230–COST ACCOUNTING STANDARDS ADMINISTRATION

SUBPART 230.2–CAS PROGRAM REQUIREMENTS

PART 231–CONTRACT COST PRINCIPLES AND PROCEDURES

SUBPART 231.1–APPLICABILITY

SUBPART 231.2–CONTRACTS WITH COMMERCIAL ORGANIZATIONS

SUBPART 231.3–CONTRACTS WITH EDUCATIONAL INSTITUTIONS

**SUBPART 231.6–CONTRACTS WITH STATE, LOCAL, AND FEDERALLY
RECOGNIZED INDIAN TRIBAL GOVERNMENTS**

SUBPART 231.7–CONTRACTS WITH NONPROFIT ORGANIZATIONS

PART 232–CONTRACT FINANCING

SUBPART 232.0

SUBPART 232.1–NON-COMMERCIAL ITEM PURCHASE FINANCING

SUBPART 232.2–COMMERCIAL ITEM PURCHASE FINANCING

SUBPART 232.3–LOAN GUARANTEES FOR DEFENSE PRODUCTION

SUBPART 232.4–ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

SUBPART 232.5–PROGRESS PAYMENTS BASED ON COSTS

SUBPART 232.6–CONTRACT DEBTS

SUBPART 232.7–CONTRACT FUNDING

SUBPART 232.8–ASSIGNMENT OF CLAIMS

SUBPART 232.9–PROMPT PAYMENT

SUBPART 232.10–PERFORMANCE-BASED PAYMENTS

SUBPART 232.11–ELECTRONIC FUNDS TRANSFER

**SUBPART 232.70–ELECTRONIC SUBMISSION AND PROCESSING OF
PAYMENT REQUESTS AND RECEIVING REPORTS**

SUBPART 232.71–LEVIES ON CONTRACT PAYMENTS

PART 233–PROTESTS, DISPUTES, AND APPEALS

SUBPART 233.1–PROTESTS

SUBPART 233.2–DISPUTES AND APPEALS

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 234—MAJOR SYSTEM ACQUISITION

SUBPART 234.0

SUBPART 234.2—EARNED VALUE MANAGEMENT SYSTEM

**SUBPART 234.70—ACQUISITION OF MAJOR WEAPON SYSTEMS AS
COMMERCIAL ITEMS**

SUBPART 234.71—COST AND SOFTWARE DATA REPORTING

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

SUBPART 235.0

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBPART 236.1—GENERAL

**SUBPART 236.2—SPECIAL ASPECTS OF CONTRACTING FOR
CONSTRUCTION**

SUBPART 236.5—CONTRACT CLAUSES

SUBPART 236.6—ARCHITECT-ENGINEER SERVICES

**SUBPART 236.7—STANDARD AND OPTIONAL FORMS FOR CONTRACTING
FOR CONSTRUCTION, ARCHITECT-ENGINEER SERVICES, AND
DISMANTLING, DEMOLITION, OR REMOVAL OF IMPROVEMENTS**

PART 237—SERVICE CONTRACTING

SUBPART 237.1—SERVICE CONTRACTS—GENERAL

SUBPART 237.2—ADVISORY AND ASSISTANCE SERVICES

SUBPART 237.5—MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

SUBPART 237.70—MORTUARY SERVICES

SUBPART 237.71—LAUNDRY AND DRY CLEANING SERVICES

SUBPART 237.72—EDUCATIONAL SERVICE AGREEMENTS

**SUBPART 237.73—SERVICES OF STUDENTS AT RESEARCH AND
DEVELOPMENT LABORATORIES**

SUBPART 237.74—SERVICES AT INSTALLATIONS BEING CLOSED

**SUBPART 237.75—ACQUISITION AND MANAGEMENT OF INDUSTRIAL
RESOURCES**

Defense Federal Acquisition Regulation Supplement

Table of Contents

SUBPART 237.76–CONTINUATION OF ESSENTIAL CONTRACTOR SERVICES

PART 238–FEDERAL SUPPLY SCHEDULE CONTRACTING

PART 239–ACQUISITION OF INFORMATION TECHNOLOGY

SUBPART 239.1–GENERAL

SUBPART 239.70–EXCHANGE OR SALE OF INFORMATION TECHNOLOGY

SUBPART 239.71–SECURITY AND PRIVACY FOR COMPUTER SYSTEMS

SUBPART 239.72–STANDARDS

**SUBPART 239.73–REQUIREMENTS FOR INFORMATION RELATING TO
SUPPLY CHAIN RISK**

SUBPART 239.74–TELECOMMUNICATIONS SERVICES

PART 240–RESERVED

PART 241–ACQUISITION OF UTILITY SERVICES

SUBPART 241.1–GENERAL

SUBPART 241.2–ACQUIRING UTILITY SERVICES

SUBPART 241.5–SOLICITATION PROVISION AND CONTRACT CLAUSES

SUBCHAPTER G–CONTRACT MANAGEMENT

PART 242–CONTRACT ADMINISTRATION AND AUDIT SERVICES

SUBPART 242.0

SUBPART 242.2–CONTRACT ADMINISTRATION SERVICES

SUBPART 242.3–CONTRACT ADMINISTRATION OFFICE FUNCTIONS

SUBPART 242.5–POSTAWARD ORIENTATION

SUBPART 242.6–CORPORATE ADMINISTRATIVE CONTRACTING OFFICER

SUBPART 242.7–INDIRECT COST RATES

SUBPART 242.8–DISALLOWANCE OF COSTS

SUBPART 242.11–PRODUCTION SURVEILLANCE AND REPORTING

SUBPART 242.12–NOVATION AND CHANGE-OF-NAME AGREEMENTS

Defense Federal Acquisition Regulation Supplement

Table of Contents

SUBPART 242.15—CONTRACTOR PERFORMANCE INFORMATION

SUBPART 242.70—CONTRACTOR BUSINESS SYSTEMS

SUBPART 242.71—VOLUNTARY REFUNDS

**SUBPART 242.72—CONTRACTOR MATERIAL MANAGEMENT AND
ACCOUNTING SYSTEM**

SUBPART 242.73—CONTRACTOR INSURANCE/PENSION REVIEW

**SUBPART 242.74—TECHNICAL REPRESENTATION AT CONTRACTOR
FACILITIES**

**SUBPART 242.75—CONTRACTOR ACCOUNTING SYSTEMS AND RELATED
CONTROLS**

PART 243—CONTRACT MODIFICATIONS

SUBPART 243.1—GENERAL

SUBPART 243.2—CHANGE ORDERS

PART 244—SUBCONTRACTING POLICIES AND PROCEDURES

SUBPART 244.1—GENERAL

SUBPART 244.2—CONSENT TO SUBCONTRACTS

SUBPART 244.3—CONTRACTORS' PURCHASING SYSTEMS REVIEWS

**SUBPART 244.4—SUBCONTRACTS FOR COMMERCIAL ITEMS AND
COMMERCIAL COMPONENTS**

PART 245—GOVERNMENT PROPERTY

SUBPART 245.1—GENERAL

SUBPART 245.2—SOLICITATION AND EVALUATION PROCEDURES

**SUBPART 245.3—AUTHORIZING THE USE AND RENTAL OF
GOVERNMENT PROPERTY**

SUBPART 245.4—TITLE TO GOVERNMENT PROPERTY

SUBPART 245.5—SUPPORT GOVERNMENT PROPERTY ADMINISTRATION

SUBPART 245.6—REPORTING, REUTILIZATION, AND DISPOSAL

SUBPART 245.70—PLANT CLEARANCE FORMS

PART 246–QUALITY ASSURANCE

SUBPART 246.1–GENERAL

SUBPART 246.2–CONTRACT QUALITY REQUIREMENTS

SUBPART 246.3–CONTRACT CLAUSES

SUBPART 246.4–GOVERNMENT CONTRACT QUALITY ASSURANCE

SUBPART 246.5–ACCEPTANCE

SUBPART 246.6–MATERIAL INSPECTION AND RECEIVING REPORTS

SUBPART 246.7–WARRANTIES

**SUBPART 246.8–CONTRACTOR LIABILITY FOR LOSS OF OR DAMAGE TO
PROPERTY OF THE GOVERNMENT**

PART 247–TRANSPORTATION

SUBPART 247.0

SUBPART 247.1–GENERAL

**SUBPART 247.2–CONTRACTS FOR TRANSPORTATION OR FOR
TRANSPORTATION-RELATED SERVICES**

SUBPART 247.3–TRANSPORTATION IN SUPPLY CONTRACTS

SUBPART 247.5–OCEAN TRANSPORTATION BY U.S.-FLAG VESSELS

PART 248–VALUE ENGINEERING

PART 249–TERMINATION OF CONTRACTS

SUBPART 249.1–GENERAL PRINCIPLES

SUBPART 249.5–CONTRACT TERMINATION CLAUSES

SUBPART 249.70–SPECIAL TERMINATION REQUIREMENTS

**PART 250–EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY
ACT**

SUBPART 250.1–EXTRAORDINARY CONTRACTUAL ACTIONS

PART 251–USE OF GOVERNMENT SOURCES BY CONTRACTORS

SUBPART 251.1–CONTRACTOR USE OF GOVERNMENT SUPPLY SOURCES

**SUBPART 251.2–CONTRACTOR USE OF INTERAGENCY FLEET
MANAGEMENT SYSTEM (IFMS) VEHICLES**

SUBCHAPTER H—CLAUSES AND FORMS

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

SUBPART 252.1—INSTRUCTIONS FOR USING PROVISIONS AND CLAUSES

SUBPART 252.2—TEXT OF PROVISIONS AND CLAUSES

PART 253—FORMS

SUBPART 253.3—ILLUSTRATION OF FORMS

APPENDICES

APPENDIX A—ARMED SERVICES BOARD OF CONTRACT APPEALS

Part 1—Charter

Part 2—Rules

APPENDIX B—RESERVED

APPENDIX C—RESERVED

APPENDIX D—RESERVED

APPENDIX E—RESERVED

APPENDIX F—MATERIAL INSPECTION AND RECEIVING REPORT

Part 1—Introduction.

Part 2—Contract Quality Assurance on Shipments Between Contractors.

Part 3—Preparation of the Wide Area Workflow Receiving Report (WAWF RR).

Part 4—Preparation of the DD Form 250 and DD Form 250c.

Part 5—Distribution of Wide Area Workflow Receiving Report (WAWF RR), DD Form 250 and DD Form 250c.

Part 6—Preparation of the DD Form 250-1 (Loading Report).

Part 7—Preparation of the DD Form 250-1 (Discharge Report).

Part 8—Distribution of the DD Form 250-1.

APPENDIX G—RESERVED

APPENDIX H—DEBARMENT AND SUSPENSION PROCEDURES

Defense Federal Acquisition Regulation Supplement

Table of Contents

**APPENDIX I—POLICY AND PROCEDURES FOR THE DOD PILOT
MENTOR-PROTEGE PROGRAM**

SUBPART 201.1—PURPOSE, AUTHORITY, ISSUANCE
(Revised August 28, 2014)

201.104 Applicability.

The FAR and the Defense Federal Acquisition Regulation Supplement (DFARS) also apply to purchases and contracts by DoD contracting activities made in support of foreign military sales or North Atlantic Treaty Organization cooperative projects without regard to the nature or sources of funds obligated, unless otherwise specified in this regulation.

201.105 Issuance.

201.105-3 Copies.

The DFARS and the DFARS Procedures, Guidance, and Information (PGI) are available electronically via the World Wide Web at <http://www.acq.osd.mil/dpap/dars/index.htm>.

201.107 Certifications.

In accordance with 41 U.S.C. 1304, a new requirement for a certification by a contractor or offeror may not be included in the DFARS unless—

- (1) The certification requirement is specifically imposed by statute; or
- (2) Written justification for such certification is provided to the Secretary of Defense by the Under Secretary of Defense (Acquisition, Technology, and Logistics), and the Secretary of Defense approves in writing the inclusion of such certification requirement.

201.109 Statutory acquisition-related dollar thresholds – adjustment for inflation.

(a) Section 814(b) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112-81) requires that the threshold established in 10 U.S.C. 2253(a)(2) for the acquisition of right-hand drive passenger sedans be included in the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of 41 U.S.C. 1908, and is adjusted pursuant to such provisions, as appropriate.

(d) A matrix showing the most recent escalation adjustments of statutory acquisition-related dollar thresholds is available at [PGI 201.109](#).

201.170 Peer reviews.

(a) *DoD peer reviews.*

(1) The Office of the Director, Defense Procurement and Acquisition Policy, will organize teams of reviewers and facilitate peer reviews for solicitations and contracts, as follows using the procedures at [PGI 201.170](#)—

(i) Preaward peer reviews for competitive procurements will be conducted in three phases for all solicitations valued at \$1 billion or more;

Defense Federal Acquisition Regulation Supplement

Part 201—Federal Acquisition Regulations System

(ii) Preaward peer reviews for noncompetitive procurements will be conducted in two phases for new contract actions valued at \$500 million or more; and

(iii) Postaward peer reviews will be conducted for all contracts for services valued at \$1 billion or more.

(2) To facilitate planning for peer reviews, the military departments and defense agencies shall provide a rolling annual forecast of acquisitions that will be subject to DoD peer reviews at the end of each quarter (i.e., March 31; June 30; September 30; December 31), to the Deputy Director, Defense Procurement and Acquisition Policy (Contract Policy and International Contracting) via email to osd.pentagon.ousd-atl.mbx.peer-reviews@mail.mil.

(b) *Component peer reviews.* The military departments and defense agencies shall establish procedures for—

(1) Preaward peer reviews of solicitations for competitive procurements valued at less than \$1 billion;

(2) Preaward peer reviews for noncompetitive procurements valued at less than \$500 million; and

(3) Postaward peer reviews of all contracts for services valued at less than \$1 billion.

SUBPART 204.12—ANNUAL REPRESENTATIONS AND CERTIFICATIONS
(Revised August 28, 2014)

204.1202 Solicitation provision.

(1) When using the provision at FAR 52.204-8, Annual Representations and Certifications; use the provision with [252.204-7007](#), Alternate A, Annual Representations and Certifications; and

(2) When the provision at FAR 52.204-7, System for Award Management, is included in the solicitation, do not include separately in the solicitation the following provisions, which are included in DFARS [252.204-7007](#):

(i) [252.209-7001](#), Disclosure of Ownership or Control by the Government of a Terrorist Country.

(ii) [252.209-7002](#), Disclosure of Ownership or Control by a Foreign Government.

(iii) [252.209-7003](#), Reserve Officer Training Corps and Military Recruiting on Campus—Representation.

(iv) [252.216-7008](#), Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government—Representation.

(v) [252.225-7000](#), Buy American—Balance of Payments Program Certificate.

(vi) [252.225-7020](#), Trade Agreements Certificate.

(vii) [252.225-7031](#), Secondary Arab Boycott of Israel.

(viii) [252.225-7035](#), Buy American—Free Trade Agreements—Balance of Payments Program Certificate.

(ix) [252.225-7042](#), Authorization to Perform.

(x) [252.225-7049](#), Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities—Representations.

(xi) [252.229-7012](#), Tax Exemptions (Italy)—Representation.

(xii) [252.229-7013](#), Tax Exemptions (Spain)—Representation.

(xiii) [252.247-7022](#), Representation of Extent of Transportation by Sea.

**SUBPART 204.71—UNIFORM CONTRACT LINE ITEM NUMBERING
SYSTEM**

(Revised August 28, 2014)

204.7100 Scope.

This subpart prescribes policies and procedures for assigning contract line item numbers.

204.7101 Definitions.

“Accounting classification reference number (ACRN)” means any combination of a two position alpha/numeric code used as a method of relating the accounting classification citation to detailed line item information contained in the schedule.

“Attachment” means any documentation, appended to a contract or incorporated by reference, which does not establish a requirement for deliverables.

“Definitized item,” as used in this subpart, means an item for which a firm price has been established in the basic contract or by modification.

“Exhibit” means a document, referred to in a contract, which is attached and establishes requirements for deliverables. The term shall not be used to refer to any other kind of attachment to a contract. The DD Form 1423, Contract Data Requirements List, is always an exhibit, rather than an attachment.

“Nonseverable deliverable,” as used in this subpart, means a deliverable item that is a single end product or undertaking, entire in nature, that cannot be feasibly subdivided into discrete elements or phases without losing its identity.

“Undefinitized item,” as used in this subpart, means an item for which a price has not been established in the basic contract or by modification.

204.7102 Policy.

- (a) The numbering procedures of this subpart shall apply to all—
- (1) Solicitations;
 - (2) Solicitation line and subline item numbers;
 - (3) Contracts as defined in FAR Subpart 2.1;
 - (4) Contract line and subline item numbers;
 - (5) Exhibits;
 - (6) Exhibit line items; and
 - (7) Any other document expected to become part of the contract.

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

(b) The numbering procedures are mandatory for all contracts where separate contract line item numbers are assigned, unless—

(1) The contract is an indefinite-delivery type for petroleum products against which posts, camps, and stations issue delivery orders for products to be consumed by them; or

(2) The contract is a communications service authorization issued by the Defense Information Systems Agency's Defense Information Technology Contracting Organization.

204.7103 Contract line items.

Follow the procedures at [PGI 204.7103](#) for establishing contract line items.

204.7103-1 Criteria for establishing.

Contracts shall identify the items or services to be acquired as separate contract line items unless it is not feasible to do so.

(a) Contract line items shall have all four of the following characteristics; however, there are exceptions within the characteristics, which may make establishing a separate contract line item appropriate even though one of the characteristics appears to be missing—

(1) *Single unit price.* The item shall have a single unit price or a single total price, except—

(i) If the item is not separately priced (NSP) but the price is included in the unit price of another contract line item, enter NSP instead of the unit price;

(ii) When there are associated subline items, established for other than informational reasons, and those subline items are priced in accordance with [204.7104](#);

(iii) When the items or services are being acquired on a cost-reimbursement contract;

(iv) When the contract is for maintenance and repair services (e.g., a labor hour contract) and firm prices have been established for elements of the total price of an item but the actual number and quantity of the elements are not known until performance. The contracting officer may structure these contracts to reflect a firm or estimated total amount for each line item;

(v) When the contract line item is established to refer to an exhibit or an attachment (if management needs dictate that a unit price be entered, the price shall be set forth in the item description block and enclosed in parentheses); or

(vi) When the contract is an indefinite delivery type contract and provides that the price of an item shall be determined at the time a delivery order is placed and the price is influenced by such factors as the quantity ordered (e.g., 10-99 @ \$1.00, 100-249 @ \$.98, 250+ @ \$.95), the destination, the FOB point, or the type of packaging required.

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

(2) *Separately identifiable.* A contract line item must be identified separately from any other items or services on the contract.

(i) Supplies are separately identifiable if they have no more than one—

(A) National stock number (NSN);

(B) Item description; or

(C) Manufacturer's part number.

(ii) Services are separately identifiable if they have no more than one—

(A) Scope of work; or

(B) Description of services.

(iii) This requirement does not apply if there are associated subline items, established for other than informational reasons, and those subline items include the actual detailed identification in accordance with [204.7104](#). Where this exception applies, use a general narrative description instead of the contract item description.

(3) *Separate delivery schedule.* Each contract line item or service shall have its own delivery schedule, period of performance, or completion date expressly stated (“as required” constitutes an expressly stated delivery term).

(i) The fact that there is more than one delivery date, destination, performance date, or performance point may be a determining factor in the decision as to whether to establish more than one contract line item.

(ii) If a contract line item has more than one destination or delivery date, the contracting officer may create individual contract line items for the different destinations or delivery dates, or may specify the different delivery dates for the units by destination in the delivery schedule.

(4) *Single accounting classification citation.*

(i) Each contract line item shall reference a single accounting classification citation except as provided in paragraph (a)(4)(ii) of this subsection.

(ii) The use of multiple accounting classification citations for a contract line item is authorized in the following situations:

(A) A single, nonseverable deliverable to be paid for with R&D or other funds properly incrementally obligated over several fiscal years in accordance with DoD policy;

(B) A single, nonseverable deliverable to be paid for with different authorizations or appropriations, such as in the acquisition of a satellite or the modification of production tooling used to produce items being acquired by several activities; or

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

(C) A modification to an existing contract line item for a nonseverable deliverable that results in the delivery of a modified item(s) where the item(s) and modification are to be paid for with different accounting classification citations.

(iii) When the use of multiple accounting classification citations is authorized for a single contract line item, establish informational subline items for each accounting classification citation in accordance with [204.7104-1\(a\)](#).

(b) All subline items and exhibit line items under one contract line item shall be the same contract type as the contract line item.

(c) For a contract that contains a combination of fixed-price line items, time-and-materials/labor-hour line items, and/or cost-reimbursement line items, identify the contract type for each contract line item in Section B, Supplies or Services and Prices/Costs, to facilitate appropriate payment.

(d) Exhibits may be used as an alternative to putting a long list of contract line items in the schedule. If exhibits are used, create a contract line item citing the exhibit's identifier. See [204.7105](#).

(e) If the contract involves a test model or a first article which must be approved, establish a separate contract line item or subline item for each item of supply or service which must be approved. If the test model or first article consists of a lot composed of a mixture of items, a single line item or subline item may be used for the lot.

(f) If a supply or service involves ancillary functions, like packaging and handling, transportation, payment of state or local taxes, or use of reusable containers, and these functions are normally performed by the contractor and the contractor is normally entitled to reimbursement for performing these functions, do not establish a separate contract line item solely to account for these functions. However, do identify the functions in the contract schedule. If the offeror separately prices these functions, contracting officers may establish separate contract line items for the functions; however, the separate line items must conform to the requirements of paragraph (a) of this subsection.

(g) Certain commercial items and initial provisioning spares for weapons systems are requested and subsequently solicited using units of measure such as kit, set, or lot. However, there are times when individual items within that kit, set, or lot are not grouped and delivered in a single shipment. This creates potential contract administration issues with inspection, acceptance, and payment. In such cases, solicitations should be structured to allow offerors to provide information about products that may not have been known to the Government prior to solicitation and propose an alternate line item structure as long as the alternate is consistent with the requirements of [204.71](#), which provides explicit guidance on the use of contract line items and subline items, and with PGI [204.71](#).

204.7103-2 Numbering procedures.

Follow the procedures at PGI [204.7103-2](#) for numbering contract line items.

204.7104 Contract subline items.

204.7104-1 Criteria for establishing.

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

Contract subline items provide flexibility to further identify elements within a contract line item for tracking performance or simplifying administration. There are only two kinds of subline items: those which are informational in nature and those which consist of more than one item that requires separate identification.

(a) *Informational subline items.*

(1) This type of subline item identifies information that relates directly to the contract line item and is an integral part of it (e.g., parts of an assembly or parts of a kit). These subline items shall not be scheduled separately for delivery, identified separately for shipment or performance, or priced separately for payment purposes.

(2) The informational subline item may include quantities, prices, or amounts, if necessary to satisfy management requirements. However, these elements shall be included within the item description in the supplies/services column and enclosed in parentheses to prevent confusing them with quantities, prices, or amounts that have contractual significance. Do not enter these elements in the quantity and price columns.

(3) Informational subline items shall be used to identify each accounting classification citation assigned to a single contract line item number when use of multiple citations is authorized (see [204.7103-1\(a\)\(4\)\(ii\)](#)).

(b) *Separately identified subline items.*

(1) Subline items will be used instead of contract line items to facilitate payment, delivery tracking, contract funds accounting, or other management purposes. Such subline items shall be used when items bought under one contract line item number—

(i) Are to be paid for from more than one accounting classification. A subline item shall be established for the quantity associated with the single accounting classification citation. Establish a line item rather than a subline item if it is likely that a subline item may be assigned additional accounting classification citations at a later date. Identify the funding as described in [204.7104-1\(a\)\(3\)](#);

(ii) Are to be packaged in different sizes, each represented by its own NSN;

(iii) Have collateral costs, such as packaging costs, but those costs are not a part of the unit price of the contract line item;

(iv) Have different delivery dates or destinations or requisitions, or a combination of the three; or

(v) Identify parts of an assembly or kit which—

(A) Have to be separately identified at the time of shipment or performance; and

(B) Are separately priced.

(2) Each separately identified contract subline item shall have its own—

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

(i) Delivery schedule, period of performance, or completion date;

(ii) Unit price or single total price or amount (not separately priced (NSP) is acceptable as an entry for price or amount if the price is included in another subline item or a different contract line item). This requirement does not apply—

(A) If the subline item was created to refer to an exhibit or an attachment. If management needs dictate that a unit price be entered, the price shall be set forth in the item description block of the schedule and enclosed in parentheses; or

(B) In the case of indefinite delivery contracts described at [204.7103-1\(a\)\(1\)\(vi\)](#).

(iii) Identification (e.g., NSN, item description, manufacturer's part number, scope of work, description of services).

(3) Unit prices and extended amounts.

(i) The unit price and total amount for all subline items may be entered at the contract line item number level if the unit price for the subline items is identical. If there is any variation, the subline item unit prices shall be entered at the subline item level only.

(ii) The unit price and extended amounts may be entered at the subline items level.

(iii) The two methods in paragraphs (b)(3)(i) and (ii) of this subsection shall not be combined in a contract line item.

(iv) When the price for items not separately priced is included in the price of another subline item or contract line item, it may be necessary to withhold payment on the priced subline item until all the related subline items that are not separately priced have been delivered. In those cases, use the clause at [252.204-7002](#), Payment for Subline Items Not Separately Priced.

204.7104-2 Numbering procedures.

Follow the procedures at PGI [204.7104-2](#) for numbering contract subline items.

204.7105 Contract exhibits and attachments.

Follow the procedures at PGI [204.7105](#) for use and numbering of contract exhibits and attachments.

204.7106 Contract modifications.

(a) If new items are added, assign new contract line or subline item numbers or exhibit line item numbers, in accordance with the procedures established at [204.7103](#), [204.7104](#), and [204.7105](#).

(b) *Modifications to existing contract line items or exhibit line items.*

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

(1) If the modification relates to existing contract line items or exhibit line items, the modification shall refer to those item numbers.

(2) If the contracting officer decides to assign new identifications to existing contract or exhibit line items, the following rules apply—

(i) *Definitized and undefinitized items.*

(A) The original line item or subline item number may be used if the modification applies to the total quantity of the original line item or subline.

(B) The original line item or subline item number may be used if the modification makes only minor changes in the specifications of some of the items ordered on the original line item or subline item and the resulting changes in unit price can be averaged to provide a new single unit price for the total quantity. If the changes in the specifications make the item significantly distinguishable from the original item or the resulting changes in unit price cannot be averaged, create a new line item.

(C) If the modification affects only a partial quantity of an existing contract line item or subline item or exhibit line item and the change does not involve either the delivery date or the ship-to/mark-for data, the original contract line item or subline item or exhibit line item number shall remain with the unchanged quantity. Assign the changed quantity the next available number.

(ii) *Undefinitized items.* In addition to the rules in paragraph (b)(2)(i), the following additional rules apply to undefinitized items—

(A) If the modification is undefinitized and increases the quantity of an existing definitized item, assign the undefinitized quantity the next available number.

(B) If the modification increases the quantity of an existing undefinitized item, the original contract line item or subline item or exhibit line item may be used if the unit price for the new quantity is expected to be the same as the price for the original quantity. If the unit prices of the two quantities will be different, assign the new quantity the next available number.

(C) If the modification both affects only a partial quantity of the existing contract line item or subline item or exhibit line item and definitizes the price for the affected portion, the definitized portion shall retain the original item number. If there is any undefinitized portion of the item, assign it the next available number. However, if the modification definitizes the price for the whole quantity of the line item, and price impact of the changed work can be apportioned equally over the whole to arrive at a new unit price, the quantity with the changes can be added into the quantity of the existing item.

(D) If the modification affects only a partial quantity of an existing contract line item or subline item or exhibit line item, but does not change the delivery schedule or definitize price, the unchanged portion shall retain the original contract line item or subline item or exhibit line item number. Assign the changed portion the next available number.

(3) If the modification will decrease the amount obligated—

Defense Federal Acquisition Regulation Supplement

Part 204—Administrative Matters

(i) There shall be coordination between the administrative and procuring contracting offices before issuance of the modification; and

(ii) The contracting officer shall not issue the modification unless sufficient unliquidated obligation exists or the purpose is to recover monies owed to the Government.

204.7107 Contract accounting classification reference number (ACRN).

Follow the procedures at [PGI 204.7107](#) for assigning ACRNs.

204.7108 Payment instructions.

Follow the procedures at [PGI 204.7108](#) for inclusion of payment instructions in contracts.

204.7109 Solicitation provision and contract clause.

(a) Use the clause at [252.204-7006](#), Billing Instructions, in solicitations and contracts if Section G includes—

(1) Any of the standard payment instructions at [PGI 204.7108](#)(d)(1) through (6);
or

(2) Other payment instructions, in accordance with [PGI 204.7108](#)(d)(12), that require contractor identification of the contract line item(s) on the payment request.

(b) Use the provision at [252.204-7011](#), Alternative Line Item Structure, in solicitations using FAR part 12 procedures for the acquisition of commercial items or for initial provisioning spares.

Defense Federal Acquisition Regulation Supplement

Part 211—Describing Agency Needs

TABLE OF CONTENTS (Revised August 28, 2014)

- 211.002 Policy.
- 211.002-70 Contract clause.

SUBPART 211.1—SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS

- 211.105 Items peculiar to one manufacturer.
- 211.106 Purchase descriptions for service contracts.
- 211.107 Solicitation provision.
- 211.170 Requiring the use of fire-resistant rayon fiber.

SUBPART 211.2—USING AND MAINTAINING REQUIREMENTS DOCUMENTS

- 211.201 Identification and availability of specifications.
- 211.204 Solicitation provisions and contract clauses.
- 211.270 Reserved.
- 211.271 Elimination of use of class I ozone-depleting substances.
- 211.272 Alternate preservation, packaging, and packing.
- 211.273 Substitutions for military or Federal specifications and standards.
- 211.273-1 Definition.
- 211.273-2 Policy.
- 211.273-3 Procedures.
- 211.273-4 Contract clause.
- 211.274 Item identification and valuation requirements.
- 211.274-1 General.
- 211.274-2 Policy for item unique identification.
- 211.274-3 Policy for valuation.
- 211.274-4 Policy for reporting of Government-furnished property.
- 211.274-5 Policy for assignment of Government assigned serial numbers.
- 211.274-6 Contract clauses.
- 211.275 Passive radio frequency identification.
- 211.275-1 Definitions.
- 211.275-2 Policy.
- 211.275-3 Contract clause.

SUBPART 211.5—LIQUIDATED DAMAGES

- 211.503 Contract clauses.

SUBPART 211.6—PRIORITIES AND ALLOCATIONS

- 211.602 General.

SUBPART 211.70—PURCHASE REQUESTS

- 211.7001 Procedures.

Defense Federal Acquisition Regulation Supplement

Part 211—Describing Agency Needs

SUBPART 211.70—PURCHASE REQUESTS

(Added August 28, 2014)

211.7001 Procedures.

Follow the procedures at [PGI 211.7001](#) for developing and distributing purchase requests, except for the requirements for Military Interdepartmental Purchase Requests (DD Form 448) addressed in [253.208-1](#).

Defense Federal Acquisition Regulation Supplement

Part 222--Application of Labor Laws to Government Acquisitions

TABLE OF CONTENTS (Revised August 28, 2014)

222.001 Definitions.

SUBPART 222.1--BASIC LABOR POLICIES

222.101 Labor relations.

222.101-1 General.

222.101-3 Reporting labor disputes.

222.101-3-70 Impact of labor disputes on defense programs.

222.101-4 Removal of items from contractors' facilities affected by work stoppages.

222.101-70 Acquisition of stevedoring services during labor disputes.

222.102 Federal and State labor requirements.

222.102-1 Policy.

222.103 Overtime.

222.103-4 Approvals.

SUBPART 222.3--CONTRACT WORK HOURS AND SAFETY STANDARDS

222.302 Liquidated damages and overtime pay.

SUBPART 222.4--LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

222.402 Applicability.

222.402-70 Installation support contracts.

222.403 Statutory and regulatory requirements.

222.403-4 Department of Labor regulations.

222.404 Construction Wage Rate Requirements statute wage determinations.

222.404-2 General requirements.

222.406 Administration and enforcement.

222.406-1 Policy.

222.406-6 Payrolls and statements.

222.406-8 Investigations.

222.406-9 Withholding from or suspension of contract payments.

222.406-10 Disposition of disputes concerning construction contract labor standards enforcement.

222.406-13 Semiannual enforcement reports.

SUBPART 222.6-- CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES, AND EQUIPMENT EXCEEDING \$15,000

222.604 Exemptions.

222.604-2 Regulatory exemptions.

SUBPART 222.8--EQUAL EMPLOYMENT OPPORTUNITY

222.806 Inquiries.

222.807 Exemptions.

SUBPART 222.10--SERVICE CONTRACT LABOR STANDARDS

222.1003 Applicability.

222.1003-1 General.

222.1008 Procedures for obtaining wage determinations.

Defense Federal Acquisition Regulation Supplement

Part 222—Application of Labor Laws to Government Acquisitions

222.1008-1 Obtaining wage determinations.

SUBPART 222.13—SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS

222.1305 Waivers.

222.1308 Complaint procedures.

222.1310 Solicitation provision and contract clauses.

SUBPART 222.14—EMPLOYMENT OF WORKERS WITH DISABILITIES

222.1403 Waivers.

222.1406 Complaint procedures.

SUBPART 222.17—COMBATING TRAFFICKING IN PERSONS

222.1703 Policy.

222.1704 Violations and remedies.

SUBPART 222.70—RESTRICTIONS ON THE EMPLOYMENT OF PERSONNEL FOR WORK ON CONSTRUCTION AND SERVICE CONTRACTS IN NONCONTIGUOUS STATES

222.7000 Scope of subpart.

222.7001 Definition.

222.7002 General.

222.7003 Waivers.

222.7004 Contract clause.

SUBPART 222.71—RIGHT OF FIRST REFUSAL OF EMPLOYMENT

222.7101 Policy.

222.7102 Contract clause.

SUBPART 222.72—COMPLIANCE WITH LABOR LAWS OF FOREIGN GOVERNMENTS

222.7201 Contract clauses.

SUBPART 222.73—LIMITATIONS APPLICABLE TO CONTRACTS PERFORMED ON GUAM

222.7300 Scope of subpart.

222.7301 Prohibition on use of nonimmigrant aliens.

222.7302 Contract clause.

SUBPART 222.74—RESTRICTIONS ON THE USE OF MANDATORY ARBITRATION AGREEMENTS

222.7400 Scope of subpart.

222.7401 Definition.

222.7402 Policy.

222.7403 Applicability.

222.7404 Waiver.

222.7405 Contract clause.

Defense Federal Acquisition Regulation Supplement

Part 222--Application of Labor Laws to Government Acquisitions

**SUBPART 222.6-- CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES,
AND EQUIPMENT EXCEEDING \$15,000**

(Revised August 28, 2014)

222.604 Exemptions.

222.604-2 Regulatory exemptions.

(b) Submit all applications for such exemptions through contracting channels to the labor advisor.

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

TABLE OF CONTENTS (Revised August 28, 2014)

SUBPART 237.1—SERVICE CONTRACTS—GENERAL

237.101	Definitions.
237.102	Policy.
237.102-70	Prohibition on contracting for firefighting or security-guard functions.
237.102-71	Limitation on service contracts for military flight simulators.
237.102-72	Contracts for management services.
237.102-73	Prohibition on contracts for services of senior mentors.
237.102-74	Taxonomy for the acquisition of services, and supplies and equipment.
237.102-75	Guidebook for the acquisition of services.
237.102-76	Review criteria for the acquisition of services.
237.102-77	Automated requirements roadmap tool.
237.102-78	Market research report guide for improving the tradecraft in services acquisition.
237.102-79	Private sector notification requirements in support of in-sourcing actions.
237.104	Personal services contracts.
237.106	Funding and term of service contracts.
237.109	Services of quasi-military armed forces.
237.170	Approval of contracts and task orders for services.
237.170-1	Scope.
237.170-2	Approval requirements.
237.171	Training for contractor personnel interacting with detainees.
237.171-1	Scope.
237.171-2	Definition.
237.171-3	Policy.
237.171-4	Contract clause.
237.172	Service contracts surveillance.
237.173	Prohibition on interrogation of detainees by contractor personnel.
237.173-1	Scope.
237.173-2	Definitions.
237.173-3	Policy.
237.173-4	Waiver.
237.173-5	Contract clause.
237.174	Disclosure of information to litigation support contractors.

SUBPART 237.2—ADVISORY AND ASSISTANCE SERVICES

237.270	Acquisition of audit services.
---------	--------------------------------

SUBPART 237.5—MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

237.503	Agency-head responsibilities.
---------	-------------------------------

SUBPART 237.70—MORTUARY SERVICES

237.7000	Scope.
237.7001	Method of acquisition.
237.7002	Area of performance and distribution of contracts.
237.7003	Solicitation provisions and contract clauses.

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

SUBPART 237.71—LAUNDRY AND DRY CLEANING SERVICES

- 237.7100 Scope.
- 237.7101 Solicitation provisions and contract clauses.

SUBPART 237.72—EDUCATIONAL SERVICE AGREEMENTS

- 237.7200 Scope.
- 237.7201 Educational service agreement.
- 237.7202 Limitations.
- 237.7203 Duration.
- 237.7204 Format and clauses for educational service agreements.

SUBPART 237.73—SERVICES OF STUDENTS AT RESEARCH AND DEVELOPMENT LABORATORIES

- 237.7300 Scope.
- 237.7301 Definitions.
- 237.7302 General.
- 237.7303 Contract clauses.

SUBPART 237.74—SERVICES AT INSTALLATIONS BEING CLOSED

- 237.7400 Scope.
- 237.7401 Policy.
- 237.7402 Contract clause.

SUBPART 237.75—ACQUISITION AND MANAGEMENT OF INDUSTRIAL RESOURCES

- 237.7501 Definition.
- 237.7502 Policy.

SUBPART 237.76—CONTINUATION OF ESSENTIAL CONTRACTOR SERVICES

- 237.7600 Scope.
- 237.7601 Definition.
- 237.7602 Policy.
- 237.7603 Contract clauses.

SUBPART 237.1—SERVICE CONTRACTS—GENERAL
(Revised August 28, 2014)

237.101 Definitions.

As used in this subpart—

“Increased performance of security-guard functions,”

(1) In the case of an installation or facility where no security-guard functions were performed as of September 10, 2001, the entire scope or extent of the performance of security-guard functions at the installation or facility after such date; and

(2) In the case of an installation or facility where security-guard functions were performed within a lesser scope of requirements or to a lesser extent as of September 10, 2001, than after such date, the increment of the performance of security-guard functions at the installation or facility that exceeds such lesser scope of requirements or extent of performance.

“Senior mentors” means retired flag, general, or other military officers or retired senior civilian officials who provide expert experience-based mentoring, teaching, training, advice, and recommendations to senior military officers, staff, and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision-making exercises.

237.102 Policy.

(c) In addition to the prohibition on award of contracts for the performance of inherently governmental functions, contracting officers shall not award contracts for functions that are exempt from private sector performance. See [207.503\(e\)](#) for the associated documentation requirement.

(e) Program officials shall obtain assistance from contracting officials through the Peer Review process at [201.170](#).

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

(a) Under 10 U.S.C. 2465, the DoD is prohibited from entering into contracts for the performance of firefighting or security-guard functions at any military installation or facility unless—

(1) The contract is to be carried out at a location outside the United States and its outlying areas at which members of the armed forces would have to be used for the performance of firefighting or security-guard functions at the expense of unit readiness;

(2) The contract will be carried out on a Government-owned but privately operated installation;

(3) The contract (or renewal of a contract) is for the performance of a function under contract on September 24, 1983; or

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

(4) The contract—

(i) Is for the performance of firefighting functions;

(ii) Is for a period of 1 year or less; and

(iii) Covers only the performance of firefighting functions that, in the absence of the contract, would have to be performed by members of the armed forces who are not readily available to perform such functions by reason of a deployment.

(b) Under Section 2907 of Pub. L. 103-160, this prohibition does not apply to services at installations being closed (see Subpart [237.74](#)).

(c) Under Section 1010 of Pub. L. 107-56, this prohibition does not apply to any contract that--

(1) Is entered into during the period of time that United States armed forces are engaged in Operation Enduring Freedom or during the period 180 days thereafter;

(2) Is for the performance of security functions at any military installation or facility in the United States;

(3) Is awarded to a proximately located local or State government, or a combination of such governments, whether or not any such government is obligated to provide such services to the general public without compensation; and

(4) Prescribes standards for the training and other qualifications of local government law enforcement personnel who perform security functions under the contract in accordance with criteria established by the Secretary of the department concerned.

(d)(1) Under Section 332 of Pub. L. 107-314, as amended by Section 333 of Pub. L. 109-364 and Section 343 of Pub. L. 110-181, this prohibition does not apply to any contract that is entered into for any increased performance of security-guard functions at a military installation or facility undertaken in response to the terrorist attacks on the United States on September 11, 2001, if--

(i) Without the contract, members of the Armed Forces are or would be used to perform the increased security-guard functions;

(ii) The agency has determined that--

(A) Recruiting and training standards for the personnel who are to perform the security-guard functions are comparable to the recruiting and training standards for DoD personnel who perform the same security-guard functions;

(B) Contractor personnel performing such functions will be effectively supervised, reviewed, and evaluated; and

(C) Performance of such functions will not result in a reduction in the security of the installation or facility;

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

(iii) Contract performance will not extend beyond September 30, 2012; and

(iv) The total number of personnel employed to perform security-guard functions under all contracts entered into pursuant to this authority does not exceed the following limitations:

(A) For fiscal year 2007, the total number of such personnel employed under such contracts on October 1, 2006.

(B) For fiscal year 2008, the number equal to 90 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(C) For fiscal year 2009, the number equal to 80 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(D) For fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(E) For fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(F) For fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.

(2) Follow the procedures at [PGI 237.102-70\(d\)](#) to ensure that the personnel limitations specified in paragraph (d)(1)(iv) of this subsection are not exceeded.

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

(a) *Definitions.* As used in this subsection—

(1) “Military flight simulator” means any system to simulate the form, fit, and function of a military aircraft that has no commonly available commercial variant.

(2) “Service contract” means any contract entered into by DoD, the principal purpose of which is to furnish services in the United States through the use of service employees as defined in 41 U.S.C. 6701.

(b) Under Section 832 of Pub. L. 109-364, as amended by Section 883(b) of Pub. L. 110-181, DoD is prohibited from entering into a service contract to acquire a military flight simulator. However, the Secretary of Defense may waive this prohibition with respect to a contract, if the Secretary—

(1) Determines that a waiver is in the national interest; and

(2) Provides an economic analysis to the congressional defense committees at least 30 days before the waiver takes effect. This economic analysis shall include, at a minimum—

(i) A clear explanation of the need for the contract; and

(ii) An examination of at least two alternatives for fulfilling the

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

requirements that the contract is meant to fulfill, including the following with respect to each alternative:

- (A) A rationale for including the alternative.
- (B) A cost estimate of the alternative and an analysis of the quality of each cost estimate.
- (C) A discussion of the benefits to be realized from the alternative.
- (D) A best value determination of each alternative and a detailed explanation of the life-cycle cost calculations used in the determination.

(c) When reviewing requirements or participating in acquisition planning that would result in a military department or defense agency acquiring a military flight simulator, the contracting officer shall notify the program officials of the prohibition in paragraph (b) of this subsection. If the program officials decide to request a waiver from the Secretary of Defense under paragraph (b) of this subsection, the contracting officer shall follow the procedures at [PGI 237.102-71](#).

237.102-72 Contracts for management services.

In accordance with Section 802 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181), DoD may award a contract for the acquisition of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, only if—

- (a) The contract prohibits the contractor from performing inherently governmental functions;
- (b) The DoD organization responsible for the development or production of the major system ensures that Federal employees are responsible for determining—
 - (1) Courses of action to be taken in the best interest of the Government; and
 - (2) Best technical performance for the warfighter; and
- (c) The contract requires that the prime contractor for the contract may not advise or recommend the award of a contract or subcontract for the development or production of the major system to an entity owned in whole or in part by the prime contractor.

237.102-73 Prohibition on contracts for services of senior mentors.

DoD is prohibited from entering into contracts for the services of senior mentors. See [PGI 237.102-73](#) for references to DoD policy and implementation guidance.

237.102-74 Taxonomy for the acquisition of services, and supplies and equipment.

See [PGI 237.102-74](#) for further guidance on the taxonomy for the acquisition of services and the acquisition of supplies and equipment.

237.102-75 Guidebook for the acquisition of services.

See [PGI 237.102-75](#) for the “Guidebook for the Acquisition of Services.”

237.102-76 Review criteria for the acquisition of services.

See [PGI 237.102-76](#) for tenets and review criteria to be used when conducting preaward and postaward reviews for the acquisition of services.

237.102-77 Automated requirements roadmap tool.

See [PGI 237.102-77](#) for guidance on using the Automated Requirements Roadmap Tool to develop and organize performance requirements into draft versions of the performance work statement, the quality assurance surveillance plan, and the performance requirements summary.

237.102-78 Market research report guide for improving the tradecraft in services acquisition.

See [PGI 210.070](#) for guidance on use of the market research report guide to conduct and document market research for service acquisitions.

237.102-79 Private sector notification requirements in support of in-sourcing actions.

In accordance with 10 U.S.C. 2463, contracting officers shall provide written notification to affected incumbent contractors of Government in-sourcing determinations. Notification shall be provided within 20 business days of the contracting officer's receipt of a decision from the cognizant component in-sourcing program official. The notification will summarize the requiring official's final determination as to why the service is being in-sourced and shall be coordinated with the component's in-sourcing program official. No formal hiring or contract-related actions may be initiated prior to such notification, except for preliminary internal actions associated with hiring or contract modification. See the OASD (RFM) memorandum entitled "Private Sector Notification Requirements in Support of In-sourcing Actions," dated January 29, 2013, for further information, which is available at [PGI 237.102-79](#).

237.104 Personal services contracts.

(b)(i) Authorization to acquire the personal services of experts and consultants is included in 10 U.S.C. 129b. Personal service contracts for expert and consultant services must also be authorized by a determination and findings (D&F) in accordance with department/agency regulations.

(A) Generally, the D&F should authorize one contract at a time; however, an authorizing official may issue a blanket D&F for classes of contracts.

(B) Prepare each D&F in accordance with FAR 1.7 and include a determination that—

- (1) The duties are of a temporary or intermittent nature;
- (2) Acquisition of the services is advantageous to the national defense;
- (3) DoD personnel with necessary skills are not available;
- (4) Excepted appointment cannot be obtained;

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

- (5) A nonpersonal services contract is not practicable;
 - (6) Statutory authority, 5 U.S.C. 3109 and other legislation, apply; and
 - (7) Any other determination required by statutes has been made.
- (ii) Personal services contracts for health care are authorized by 10 U.S.C. 1091.
- (A) This authority may be used to acquire—
 - (1) Direct health care services provided in medical treatment facilities;
 - (2) Health care services at locations outside of medical treatment facilities (such as the provision of medical screening examinations at military entrance processing stations); and
 - (3) Services of clinical counselors, family advocacy program staff, and victim's services representatives to members of the Armed Forces and covered beneficiaries who require such services, provided in medical treatment facilities or elsewhere. Persons with whom a personal services contract may be entered into under this authority include clinical social workers, psychologists, psychiatrists, and other comparable professionals who have advanced degrees in counseling or related academic disciplines and who meet all requirements for State licensure and board certification requirements, if any, within their fields of specialization.
 - (B) Sources for personal services contracts with individuals under the authority of 10 U.S.C. 1091 shall be selected through the procedures in this section. These procedures do not apply to contracts awarded to business entities other than individuals. Selections made using the procedures in this section are exempt by statute from FAR Part 6 competition requirements (see [206.001\(b\)](#)).
 - (C) Approval requirements for—
 - (1) Direct health care personal services contracts (see paragraphs (b)(ii)(A)(1) and (2) of this section) and a pay cap are in DoDI 6025.5, Personal Services Contracts for Health Care Providers.
 - (i) A request to enter into a personal services contract for direct health care services must be approved by the commander of the medical/dental treatment facility where the services will be performed.
 - (ii) A request to enter into a personal services contract for a location outside of a medical treatment facility must be approved by the chief of the medical facility who is responsible for the area in which the services will be performed.
 - (2) Services of clinical counselors, family advocacy program staff, and victim's services representatives (see paragraph (b)(ii)(A)(3) of this section), shall be in accordance with agency procedures.
 - (D) The contracting officer must ensure that the requiring activity provides a copy of the approval with the purchase request.

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

(E) The contracting officer must provide adequate advance notice of contracting opportunities to individuals residing in the area of the facility. The notice must include the qualification criteria against which individuals responding will be evaluated. The contracting officer shall solicit applicants through at least one local publication which serves the area of the facility. Acquisitions under this section for personal service contracts are exempt from the posting and synopsis requirements of FAR Part 5.

(F) The contracting officer shall provide the qualifications of individuals responding to the notice to the commander of the facility for evaluation and ranking in accordance with agency procedures. Individuals must be considered solely on the basis of the professional qualifications established for the particular personal services being acquired and the Government's estimate of reasonable rates, fees, or other costs. The commander of the facility shall provide the contracting officer with rationale for the ranking of individuals, consistent with the required qualifications.

(G) Upon receipt from the facility of the ranked listing of applicants, the contracting officer shall either—

(1) Enter into negotiations with the highest ranked applicant. If a mutually satisfactory contract cannot be negotiated, the contracting officer shall terminate negotiations with the highest ranked applicant and enter into negotiations with the next highest.

(2) Enter into negotiations with all qualified applicants and select on the basis of qualifications and rates, fees, or other costs.

(H) In the event only one individual responds to an advertised requirement, the contracting officer is authorized to negotiate the contract award. In this case, the individual must still meet the minimum qualifications of the requirement and the contracting officer must be able to make a determination that the price is fair and reasonable.

(I) If a fair and reasonable price cannot be obtained from a qualified individual, the requirement should be canceled and acquired using procedures other than those set forth in this section.

(iii)(A) In accordance with 10 U.S.C. 129b(d), an agency may enter into a personal services contract if—

(1) The personal services—

(i) Are to be provided by individuals outside the United States, regardless of their nationality;

(ii) Directly support the mission of a defense intelligence component or counter-intelligence organization of DoD; or

(iii) Directly support the mission of the special operations command of DoD; and

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

(2) The head of the contracting activity provides written approval for the proposed contract. The approval shall include a determination that addresses the following:

(i) The services to be procured are urgent or unique;

(ii) It would not be practical to obtain such services by other means; and

(iii) For acquisition of services in accordance with paragraph (b)(iii)(A)(1)(i) of this section, the services to be acquired are necessary and appropriate for supporting DoD activities and programs outside the United States.

(B) The contracting officer shall ensure that the applicable requirements of paragraph (b)(iii)(A)(2) of this section have been satisfied and shall include the approval documentation in the contract file.

(iv) The requirements of 5 U.S.C. 3109, Employment of Experts and Consultants; Temporary or Intermittent, do not apply to contracts entered into in accordance with paragraph (b)(iii) of this section.

(d) See [237.503\(c\)](#) for requirements for certification and approval of requirements for services to prevent contracts from being awarded or administered in a manner that constitutes an unauthorized personal services contract.

(f)(i) Payment to each expert or consultant for personal services under 5 U.S.C. 3109 shall not exceed the highest rate fixed by the Classification Act Schedules for grade GS-15 (see 5 CFR 304.105(a)).

(ii) The contract may provide for the same per diem and travel expenses authorized for a Government employee, including actual transportation and per diem in lieu of subsistence for travel between home or place of business and official duty station.

(iii) Coordinate with the civilian personnel office on benefits, taxes, personnel ceilings, and maintenance of records.

237.106 Funding and term of service contracts.

(1) Personal service contracts for expert or consultant services shall not exceed 1 year. The nature of the duties must be—

(i) Temporary (not more than 1 year); or

(ii) Intermittent (not cumulatively more than 130 days in 1 year).

(2) The contracting officer may enter into a contract, exercise an option, or place an order under a contract for severable services for a period that begins in one fiscal year and ends in the next fiscal year if the period of the contract awarded, option exercised, or order placed does not exceed 1 year (10 U.S.C. 2410a).

237.109 Services of quasi-military armed forces.

See [237.102-70](#) for prohibition on contracting for firefighting or security-guard functions.

237.170 Approval of contracts and task orders for services.

237.170-1 Scope.

This section—

- (a) Implements 10 U.S.C. 2330; and
- (b) Applies to services acquired for DoD, regardless of whether the services are acquired through--
 - (1) A DoD contract or task order; or
 - (2) A contract or task order awarded by an agency other than DoD.

237.170-2 Approval requirements.

(a) *Acquisition of services through a contract or task order that is not performance based.*

(1) For acquisitions at or below \$85.5 million, obtain the approval of the official designated by the department or agency.

(2) For acquisitions exceeding \$85.5 million, obtain the approval of the senior procurement executive.

(b) *Acquisition of services through use of a contract or task order issued by a non-DoD agency.* Comply with the review, approval, and reporting requirements established in accordance with Subpart [217.78](#) when acquiring services through use of a contract or task order issued by a non-DoD agency.

237.171 Training for contractor personnel interacting with detainees.

237.171-1 Scope.

This section prescribes policies to prevent the abuse of detainees, as required by Section 1092 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375).

237.171-2 Definition.

“Combatant commander,” “detainee,” and “personnel interacting with detainees,” as used in this section, are defined in the clause at [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees.

237.171-3 Policy.

(a) Each DoD contract in which contractor personnel, in the course of their duties, interact with detainees shall include a requirement that such contractor personnel—

- (1) Receive Government-provided training regarding the international obligations and laws of the United States applicable to the detention of personnel, including the Geneva Conventions; and

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

(2) Provide a copy of the training receipt document to the contractor.

(b) The combatant commander responsible for the area where the detention or interrogation facility is located will arrange for the training and a training receipt document to be provided to contractor personnel. For information on combatant commander geographic areas of responsibility and point of contact information for each command, see [PGI 237.171-3\(b\)](#).

237.171-4 Contract clause.

Use the clause at [252.237-7019](#), Training for Contractor Personnel Interacting with Detainees, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the acquisition of services if—

(a) The clause at [252.225-7040](#), Contractor Personnel Supporting U.S. Armed Force(s) Deployed Outside the United States, is included in the solicitation or contract; or

(b) The services will be performed at a facility holding detainees, and contractor personnel in the course of their duties may be expected to interact with the detainees.

237.172 Service contracts surveillance.

Ensure that quality assurance surveillance plans are prepared in conjunction with the preparation of the statement of work or statement of objectives for solicitations and contracts for services. These plans should be tailored to address the performance risks inherent in the specific contract type and the work effort addressed by the contract. (See FAR Subpart 46.4.) Retain quality assurance surveillance plans in the official contract file. See <https://sam.dau.mil>, Step Four – Requirements Definition, for examples of quality assurance surveillance plans.

237.173 Prohibition on interrogation of detainees by contractor personnel.

237.173-1 Scope.

This section prescribes policies that prohibit interrogation of detainees by contractor personnel, as required by section 1038 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84).

237.173-2 Definitions. As used in this subpart—

“Detainee” means any person captured, detained, held, or otherwise under the effective control of DoD personnel (military or civilian) in connection with hostilities. This includes, but is not limited to, enemy prisoners of war, civilian internees, and retained personnel. This does not include DoD personnel or DoD contractor personnel being held for law enforcement purposes.

“Interrogation of detainees” means a systematic process of formally and officially questioning a detainee for the purpose of obtaining reliable information to satisfy foreign intelligence collection requirements.

237.173-3 Policy.

Defense Federal Acquisition Regulation Supplement

Part 237—Service Contracting

(a) No detainee may be interrogated by contractor personnel.

(b) Contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, including as trainers of and advisors to interrogators, in interrogations of detainees if—

(1) Such personnel are subject to the same laws, rules, procedures, and policies (including DoD Instruction 1100.22, Policy and Procedures for Determining Workforce Mix, (<http://www.dtic.mil/whs/directives/corres/pdf/110022p.pdf>); DoD Directive 2310.01E, The Department of Defense Detainee Program (<http://www.dtic.mil/whs/directives/corres/pdf/231001p.pdf>); and DoD Directive 3115.09, DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning, (<http://www.dtic.mil/whs/directives/corres/pdf/311509p.pdf>)); pertaining to detainee operations and interrogations as those that apply to Government personnel in such positions in such interrogations; and

(2) Appropriately qualified and trained DoD personnel (military or civilian) are available to oversee the contractor's performance and to ensure that contractor personnel do not perform activities that are prohibited under this section.

237.173-4 Waiver.

The Secretary of Defense may waive the prohibition in [237.173-3\(a\)](#) for a period of 60 days, if the Secretary determines such a waiver is vital to the national security interests of the United States. The Secretary may renew a waiver issued pursuant to this paragraph for an additional 30-day period, if the Secretary determines that such a renewal is vital to the national security interests of the United States. Not later than five days after issuance of the waiver, the Secretary shall submit written notification to Congress. See specific waiver procedures at DoDI 1100.22.

237.173-5 Contract clause.

Insert the clause at [252.237-7010](#), Prohibition on Interrogation of Detainees by Contractor Personnel, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the provision of services.

237.174 Disclosure of information to litigation support contractors.

See [204.74](#) for disclosure of information to litigation support contractors.