

## Defense Federal Acquisition Regulation Supplement

### Part 250—Extraordinary Contractual Actions

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#### **SUBPART 250.3--CONTRACT ADJUSTMENTS**

*(Revised February 14, 2003)*

##### **250.303 Contractor requests.**

Requests should be filed with the procuring contracting officer (PCO). If a request is filed with an administrative contracting officer (ACO), the ACO shall promptly forward it to the PCO for appropriate action. If filing with the PCO is impracticable, requests may be filed with the following addresses for forwarding to the cognizant PCO:

- (1) Office of the Secretary of Defense--  
Washington Headquarters Service  
ATTN: RE&F-AM
- (2) Army--  
Forward to the head of the contracting activity listed in Part 202 that appears to be the cognizant office for the contract or commitment involved.
- (3) Navy--  
Assistant Secretary of the Navy (RD&A)  
ATTN: Deputy for Acquisition Management
- (4) Air Force--  
Deputy Assistant Secretary (Contracting)  
ATTN: SAF/AQCX
- (5) Defense Advanced Research Projects Agency--  
Director, CMO
- (6) Defense Information Systems Agency--  
ATTN: Code PA
- (7) Defense Intelligence Agency--  
Assistant Deputy Director for Procurement  
ATTN: RSQ
- (8) Defense Logistics Agency--  
The Commander of the Defense Supply Center involved
- (9) National Imagery and Mapping Agency--  
Director, NIMA  
ATTN: AQ
- (10) Defense Threat Reduction Agency--  
Director, DTRA  
ATTN: AM
- (11) National Security Agency--  
Director, NSA

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- (12) Missile Defense Agency--  
Director, MDA

#### **250.305 Processing cases.**

##### **250.305-70 Record of request.**

At the time the request is filed, the activity will prepare the record described at 250.105(1)(i) and forward it to the appropriate official within 30 days after the close of the month in which the record is prepared.

##### **250.305-71 Processing cases to contract adjustment boards.**

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

- (1) A letter stating—
  - (i) The nature of the case;
  - (ii) The basis for the board's authority to act;
  - (iii) The findings of fact essential to the case (see FAR 50.304). Arrange the findings chronologically with cross references to supporting enclosures;
  - (iv) The conclusions drawn;
  - (v) The recommended disposition; and
  - (vi) If contractual action is recommended, a statement by the signer that the action will facilitate the national defense.
- (2) The contractor's request
- (3) All evidentiary materials
- (4) All endorsements, reports and comments of cognizant Government officials

(b) A letter to the Board recommending an amendment without consideration where essentiality is a factor (see FAR 50.302-1(a)) should also provide—

- (1) The information required by FAR 50.304(a) and (b), and
- (2) Findings as to—
  - (i) The contractor's performance record, including the quality of product, rate of production, and promptness of deliveries;
  - (ii) The importance to the Government, particularly to the active duty military, of the performance of the contract and the importance of the contractor to the national defense;
  - (iii) The forecast of future contracts with the contractor; and

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

#### **250.305-72 Processing by the board.**

Contract adjustment boards will render decisions as expeditiously as practicable. The Chair shall sign a memorandum of decision disposing of the case. The decision shall be dated and shall contain the information required by FAR 50.306. The memorandum of decision shall not contain any information classified “Confidential” or higher. The board's decision will be sent to the appropriate official for implementation.

#### **250.306 Disposition.**

##### **250.306-70 Record of disposition.**

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

- (1) Two copies of the memorandum of decision;
- (2) Except for the Army, one copy of the contractual document implementing any decision approving contractual action; and
- (3) One copy of a final record, as described at 250.105.

(b) When a contract adjustment board decision is implemented, the activity which forwarded the case to the board shall prepare and submit to the board the documents identified in paragraphs (a)(2) and (3) of this subsection.