

(Revised October 1, 2019)

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

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 204.18—COMMERCIAL AND GOVERNMENT ENTITY CODE

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

SUBPART 204.71—UNIFORM CONTRACT LINE ITEM NUMBERING SYSTEM

SUBPART 204.72—ANTITERRORISM AWARENESS TRAINING

**SUBPART 204.73—SAFEGUARDING COVERED DEFENSE INFORMATION
AND CYBER INCIDENT REPORTING**

**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 206.1—FULL AND OPEN COMPETITION

**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 207.3—CONTRACTOR VERSUS GOVERNMENT PERFORMANCE

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 212.0

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—LIMITATION ON CONVERSION OF PROCUREMENT
FROM COMMERCIAL ACQUISITION PROCEDURES**

**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 213.5—SIMPLIFIED PROCEDURES FOR CERTAIN
COMMERCIAL ITEMS**

**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

SUBPART 214.5—TWO-STEP SEALED BIDDING

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

SUBPART 217.6—MANAGEMENT AND OPERATING CONTRACTS

SUBPART 217.7—INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

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—REVERSE AUCTIONS

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 219.2—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 219.13—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—EQUAL OPPORTUNITY FOR 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 223.8—OZONE-DEPLETING SUBSTANCES

SUBPART 223.71—STORAGE, TREATMENT, AND DISPOSAL OF TOXIC OR 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 225.75—BALANCE OF PAYMENTS PROGRAM

SUBPART 225.76–SECONDARY ARAB BOYCOTT OF ISRAEL

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 226.71–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

SUBPART 232.72—PAYMENT IN LOCAL CURRENCY (AFGHANISTAN)

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 236.3—TWO-PHASE DESIGN-BUILD SELECTION PROCEDURES

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

Defense Federal Acquisition Regulation Supplement

Table of Contents

SUBPART 237.75—ACQUISITION AND MANAGEMENT OF INDUSTRIAL RESOURCES

SUBPART 237.76—CONTINUATION OF ESSENTIAL CONTRACTOR SERVICES

SUBPART 237.77—COMPETITION FOR RELIGIOUS-RELATED SERVICES

PART 238—FEDERAL SUPPLY SCHEDULE CONTRACTING

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

SUBPART 239.0

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

SUBPART 239.76—CLOUD COMPUTING

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

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 (WAWF) Receiving Report
(RR), WAWF Repairable Receiving Report (WAWF RRR), and WAWF
Energy 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.**

Defense Federal Acquisition Regulation Supplement

Table of Contents

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

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

SUBPART 208.4—FEDERAL SUPPLY SCHEDULES
(Revised October 1, 2019)

208.404 Use of Federal Supply Schedules.

See DoD [Class Deviation 2014-O0011](#)- Determination of Fair and Reasonable Prices When Using Federal Supply Schedule Contracts, dated March 13, 2014. Effective immediately, contracting officers shall comply with the following policy, in lieu of FAR 8.404(d), Pricing, when using Federal Supply Schedules. This class deviation remains in effect until incorporated in the DFARS or otherwise rescinded.

(a)(i) If only one offer is received in response to an order exceeding the simplified acquisition threshold that is placed on a competitive basis, the procedures at [215.371](#) apply.

(ii) Departments and agencies shall comply with the review, approval, and reporting requirements established in accordance with subpart [217.7](#) when placing orders for supplies or services in amounts exceeding the simplified acquisition threshold.

(iii) When a schedule lists both foreign and domestic items that will meet the needs of the requiring activity, the ordering office must apply the procedures of part [225](#) and FAR part 25, Foreign Acquisition. When purchase of an item of foreign origin is specifically required, the requiring activity must furnish the ordering office sufficient information to permit the determinations required by part [225](#) and FAR part 25 to be made.

(iv) Use the provisions at [252.215-7007](#), Notice of Intent to Resolicit, and [252.215-7008](#), Only One Offer, as prescribed at [215.371-6](#) and [215.408\(3\)](#), respectively.

208.405 Ordering procedures for Federal Supply Schedules.

(1) Include an evaluation factor regarding supply chain risk (see subpart [239.73](#)) when acquiring information technology, whether as a service or as a supply, that is a covered system, is a part of a covered system, or is in support of a covered system, as defined in [239.7301](#).

(2) See [215.101-2-70](#) for the limitations and prohibitions on the use of the lowest price technically acceptable source selection process, which are applicable to orders placed under Federal Supply Schedules.

(3) See [217.7801](#) for the prohibition on the use of reverse auctions for personal protective equipment and aviation critical safety items.

208.405-6 Limiting sources.

For an order or blanket purchase agreement (BPA) exceeding the simplified acquisition threshold that is a follow-on to an order or BPA for the same supply or service previously issued based on a limiting sources justification citing the authority at FAR 8.405-6(a)(1)(i)(B) or (C), follow the procedures at [PGI 208.405-6](#).

Defense Federal Acquisition Regulation Supplement

Part 208—Required Sources of Supplies and Services

208.406 Ordering activity responsibilities.

208.406-1 Order placement.

Follow the procedures at [PGI 208.406-1](#) when ordering from schedules.

Defense Federal Acquisition Regulation Supplement

Part 212—Acquisition of Commercial Items

TABLE OF CONTENTS (Revised October 1, 2019)

212.001 Definitions.

SUBPART 212.1—ACQUISITION OF COMMERCIAL ITEMS - GENERAL

212.102 Applicability.

SUBPART 212.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

212.203 Procedures for solicitation, evaluation, and award.

212.205 Offers.

212.207 Contract type.

212.209 Determination of price reasonableness.

212.211 Technical data.

212.212 Computer software.

212.270 Major weapon systems as commercial items.

212.271 Limitation on acquisition of right-hand drive passenger sedans.

212.272 Preference for certain commercial products and services.

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

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

212.302 Tailoring of provisions and clauses for the acquisition of commercial items.

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

212.503 Applicability of certain laws to Executive Agency contracts for the acquisition of commercial items.

212.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

212.570 Applicability of certain laws to contracts and subcontracts for the acquisition of commercially available off-the-shelf items.

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

212.602 Streamlined evaluation of offers.

SUBPART 212.70—LIMITATION ON CONVERSION OF PROCUREMENT FROM COMMERCIAL ACQUISITION PROCEDURES

212.7000 Scope.

212.7001 Procedures.

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

212.7100 Scope.

212.7101 Definitions.

212.7102 Pilot program.

212.7102-1 Contracts under the program.

Defense Federal Acquisition Regulation Supplement

Part 212—Acquisition of Commercial Items

- 212.7102-2 Reporting requirements.
- 212.7102-3 Sunset of the pilot authority.
- 212.7103 Solicitation provision.

**SUBPART 212.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF
COMMERCIAL ITEMS**

(Revised October 1, 2019)

See DoD Class Deviation [2018-O0016](#), Defense Commercial Solutions Opening Pilot Program, issued June 26, 2018. This class deviation allows the contracting officer to acquire innovative commercial items, technologies, or services using the competitive procedure outlined in the class deviation called a commercial solutions opening (CSO). Use of a CSO is authorized by section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328). Under a CSO, DoD may competitively select proposals received in response to a general solicitation, similar to a broad agency announcement, based on a review of proposals by scientific, technological, or other subject matter experts. This class deviation remains in effect until September 30, 2022.

212.203 Procedures for solicitation, evaluation, and award.

(1) See [215.101-2-70](#) for the limitations and prohibitions on the use of the lowest price technically acceptable source selection process, which are applicable to the acquisition of commercial items.

(2) See [217.7801](#) for the prohibition on the use of reverse auctions for personal protective equipment and aviation critical safety items.

212.205 Offers.

(c) When using competitive procedures, if only one offer is received, the contracting officer shall follow the procedures at [215.371](#).

212.207 Contract type.

(b) In accordance with section 805 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181), use of time-and-materials and labor-hour contracts for the acquisition of commercial items is authorized only for the following:

(i) Services acquired for support of a commercial item, as described in paragraph (5) of the definition of “commercial item” at FAR 2.101 (41 U.S.C. 103).

(ii) Emergency repair services.

(iii) Any other commercial services only to the extent that the head of the agency concerned approves a written determination by the contracting officer that—

(A) The services to be acquired are commercial services as defined in paragraph (6) of the definition of “commercial item” at FAR 2.101 (41 U.S.C. 103);

(B) If the services to be acquired are subject to FAR 15.403-1(c)(3)(ii), the offeror of the services has submitted sufficient information in accordance with that subsection;

(C) Such services are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(D) The use of a time-and-materials or labor-hour contract type is in the best interest of the Government.

212.209 Determination of price reasonableness.

(a) Market research shall be used, where appropriate, to inform price reasonableness determinations.

(b) If the contracting officer determines that the information obtained through market research pursuant to paragraph (a) of this section, is insufficient to determine the reasonableness of price, the contracting officer shall consider information submitted by the offeror of recent purchase prices paid by the Government and commercial customers for the same or similar commercial items under comparable terms and conditions in establishing price reasonableness on a subsequent purchase if the contracting officer is satisfied that the prices previously paid remain a valid reference for comparison. In assessing whether the prices previously paid remain a valid reference for comparison, the contracting officer shall consider the totality of other relevant factors such as the time elapsed since the prior purchase and any differences in the quantities purchased (10 U.S.C. 2306a(b)).

(c) If the contracting officer determines that the offeror cannot provide sufficient information as described in paragraph (b) of this section to determine the reasonableness of price, the contracting officer should request the offeror to submit information on—

- (1) Prices paid for the same or similar items sold under different terms and conditions;
- (2) Prices paid for similar levels of work or effort on related products or services;
- (3) Prices paid for alternative solutions or approaches; and
- (4) Other relevant information that can serve as the basis for determining the reasonableness of price.

(d) Nothing in this section shall be construed to preclude the contracting officer from requiring the contractor to supply information that is sufficient to determine the reasonableness of price, regardless of whether or not the contractor was required to provide such information in connection with any earlier procurement. If the contracting officer determines that the pricing information submitted is not sufficient to determine the reasonableness of price, the contracting officer may request other relevant information regarding the basis for price or cost, including uncertified cost data such as labor costs, material costs, and other direct and indirect costs.

212.211 Technical data.

The DoD policy for acquiring technical data for commercial items is at [227.7102](#).

212.212 Computer software.

(1) Departments and agencies shall identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and other non-

Defense Federal Acquisition Regulation Supplement

Part 212—Acquisition of Commercial Items

developmental software in accordance with Section 803 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417).

(2) See Subpart [208.74](#) when acquiring commercial software or software maintenance. See [227.7202](#) for policy on the acquisition of commercial computer software and commercial computer software documentation.

212.270 Major weapon systems as commercial items.

The DoD policy for acquiring major weapon systems as commercial items is in Subpart [234.70](#).

212.271 Limitation on acquisition of right-hand drive passenger sedans.

10 U.S.C. 2253(a)(2) limits the authority to purchase right-hand drive passenger sedans to a cost of not more than \$40,000 per vehicle.

212.272 Preference for certain commercial products and services.

(a) As required by section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114-92), for requirements relating to the acquisition of commercial information technology products and services, see [239.101](#).

(b)(1) As required by section 876 of the National Defense Authorization Act of Fiscal Year 2017 (Pub. L. 114-328), a contracting officer may not enter into a contract above the simplified acquisition threshold for facilities-related services, knowledge-based services (except engineering services), medical services, or transportation services that are not commercial services unless the appropriate official specified in paragraph (b)(2) of this section determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 10 U.S.C. 2377(c)(2).

(2) The following officials are authorized to make the determination specified in paragraph (b)(1) of this section:

(i) For contracts above \$10 million, the head of the contracting activity, the combatant commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition and Sustainment (as applicable).

(ii) For contracts in an amount above the simplified acquisition threshold and at or below \$10 million, the contracting officer.

SUBPART 213.1—PROCEDURES

(Revised October 1, 2019)

213.101 General.

Structure awards valued above the micro-purchase threshold (e.g., contract line items, delivery schedule, and invoice instructions) in a manner that will minimize the generation of invoices valued at or below the micro-purchase threshold.

213.104 Promoting competition.

For information on the various approaches that may be used to competitively fulfill DoD requirements, see [PGI 213.104](#).

213.106-1 Soliciting competition.

(a) *Considerations.*

(2)(i) Include an evaluation factor regarding supply chain risk (see subpart [239.73](#)) when acquiring information technology, whether as a service or as a supply, that is a covered system, is a part of a covered system, or is in support of a covered system, as defined in [239.7301](#).

(ii) See [215.101-2-70](#) for limitations and prohibitions on the use of the lowest price technically acceptable source selection process, which are applicable to simplified acquisitions.

(iii) See [217.7801](#) for the prohibition on the use of reverse auctions for personal protective equipment and aviation critical safety items.

213.106-1-70 Soliciting competition – tiered evaluation of offers.

See limitations on the use of tiered evaluation of offers at [215.203-70](#).

213.106-2 Evaluation of quotations or offers.

(b)(i) For competitive solicitations for supplies using FAR part 13 simplified acquisition procedures, including acquisitions valued at less than or equal to \$1 million under the authority at FAR subpart 13.5, the contracting officer shall—

(A) Consider data available in the statistical reporting module of the Supplier Performance Risk System (SPRS) regarding the supplier's past performance history for the Federal supply class (FSC) and product or service code (PSC) of the supplies being purchased. Procedures for the use of SPRS in the evaluation of quotations or offers are provided in the SPRS User's Manual available under the references section of the SPRS website at <https://www.ppirsrng.csd.disa.mil>;

(B) Ensure the basis for award includes an evaluation of each supplier's past performance history in SPRS for the FSC and PSC of the supplies being purchased; and

Defense Federal Acquisition Regulation Supplement

Part 213—Simplified Acquisition Procedures

(C) In the case of a supplier without a record of relevant past performance history in SPRS for the FSC or PSC of the supplies being purchased, the supplier may not be evaluated favorably or unfavorably for its past performance history.

213.106-2-70 Solicitation provision.

Use the provision at [252.213-7000](#), Notice to Prospective Suppliers on the Use of Past Performance Information Retrieval System—Statistical Reporting in Past Performance Evaluations, in competitive solicitations for supplies when using FAR part 13 simplified acquisition procedures, including competitive solicitations using FAR part 12 procedures for the acquisition of commercial items and acquisitions valued at less than or equal to \$1 million under the authority at FAR subpart 13.5.

Defense Federal Acquisition Regulation Supplement

Part 215—Contracting By Negotiation

TABLE OF CONTENTS (Revised October 1, 2019)

SUBPART 215.1—SOURCE SELECTION PROCESSES AND TECHNIQUES

- 215.101 Best value continuum.
- 215.101-2 Lowest price technically acceptable source selection process.
- 215.101-2-70 Limitations and prohibitions.
- 215.101-70 Best value when acquiring tents or other temporary structures

SUBPART 215.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

- 215.203-70 Requests for proposals – tiered evaluation of offers.
- 215.209 Solicitation provisions and contract clauses.
- 215.270 Peer Reviews.

SUBPART 215.3—SOURCE SELECTION

- 215.300 Scope of subpart.
- 215.303 Responsibilities.
- 215.304 Evaluation factors and significant subfactors.
- 215.305 Proposal evaluation.
- 215.306 Exchanges with offerors after receipt of proposals.
- 215.370 Evaluation factor for employing or subcontracting with members of the Selected Reserve.
 - 215.370-1 Definition.
 - 215.370-2 Evaluation factor.
 - 215.370-3 Solicitation provision and contract clause.
 - 215.371 Only one offer.
 - 215.371-1 Policy.
 - 215.371-2 Promote competition.
 - 215.371-3 Fair and reasonable price and the requirement for additional cost or pricing data.
 - 215.371-4 Exceptions.
 - 215.371-5 Waiver.
 - 215.371-6 Solicitation provision.

SUBPART 215.4—CONTRACT PRICING

- 215.402 Pricing policy.
- 215.403 Obtaining certified cost or pricing data.
 - 215.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).
 - 215.403-3 Requiring data other than certified cost or pricing data.
 - 215.403-5 Instructions for submission of certified cost or pricing data and data other than certified cost or pricing data.
- 215.404 Proposal analysis.
 - 215.404-1 Proposal analysis techniques.
 - 215.404-2 Data to support proposal analysis.
 - 215.404-3 Subcontract pricing considerations.
 - 215.404-4 Profit.
 - 215.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.
 - 215.404-71 Weighted guidelines method.
 - 215.404-71-1 General.
 - 215.404-71-2 Performance risk.

Defense Federal Acquisition Regulation Supplement

Part 215—Contracting By Negotiation

- 215.404-71-3 Contract type risk and working capital adjustment.
- 215.404-71-4 Facilities capital employed.
- 215.404-71-5 Cost efficiency factor.
- 215.404-72 Modified weighted guidelines method for nonprofit organizations other than FFRDCs.
- 215.404-73 Alternate structured approaches.
- 215.404-74 Fee requirements for cost-plus-award-fee contracts.
- 215.404-75 Fee requirements for FFRDCs.
- 215.406-1 Prenegotiation objectives.
- 215.406-3 Documenting the negotiation.
- 215.407 Special cost or pricing areas.
- 215.407-1 Defective certified cost or pricing data.
- 215.407-2 Make-or-buy programs.
- 215.407-3 Forward pricing rate agreements.
- 215.407-4 Should-cost review.
- 215.407-5 Estimating systems.
- 215.407-5-70 Disclosure, maintenance, and review requirements.
- 215.408 Solicitation provisions and contract clauses.
- 215.470 Estimated data prices.

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

- 215.503 Notifications to unsuccessful offerors.
- 215.506 Postaward debriefing of offerors.

SUBPART 215.1—SOURCE SELECTION PROCESSES AND TECHNIQUES
(Revised October 1, 2019)

215.101 Best value continuum.

215.101-2 Lowest price technically acceptable source selection process.

215.101-2-70 Limitations and prohibitions.

The following limitations and prohibitions apply when considering the use of the lowest price technically acceptable source selection procedures.

(a) *Limitations.*

(1) In accordance with section 813 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91) (see 10 U.S.C. 2305 note), the lowest price technically acceptable source selection process shall only be used when—

(i) Minimum requirements can be described clearly and comprehensively and expressed in terms of performance objectives, measures, and standards that will be used to determine the acceptability of offers;

(ii) No, or minimal, value will be realized from a proposal that exceeds the minimum technical or performance requirements;

(iii) The proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(iv) The source selection authority has a high degree of confidence that reviewing the technical proposals of all offerors would not result in the identification of characteristics that could provide value or benefit;

(v) No, or minimal, additional innovation or future technological advantage will be realized by using a different source selection process;

(vi) Goods to be procured are predominantly expendable in nature, are nontechnical, or have a short life expectancy or short shelf life (See [PGI 215.101-2-70\(a\)\(1\)\(vi\)](#) for assistance with evaluating whether a requirement satisfies this limitation);

(vii) The contract file contains a determination that the lowest price reflects full life-cycle costs (as defined at FAR 7.101) of the product(s) or service(s) being acquired (see [PGI 215.101-2-70\(a\)\(1\)\(vii\)](#) for information on obtaining this determination); and

(viii) The contracting officer documents the contract file describing the circumstances justifying the use of the lowest price technically acceptable source selection process.

Defense Federal Acquisition Regulation Supplement

Part 215—Contracting By Negotiation

(2) In accordance with section 813 of the National Defense Authorization Act for Fiscal Year 2017, as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91) (see 10 U.S.C. 2305 note), contracting officers shall avoid, to the maximum extent practicable, using the lowest price technically acceptable source selection process in the case of a procurement that is predominately for the acquisition of—

(i) Information technology services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, or other knowledge-based professional services;

(ii) Items designated by the requiring activity as personal protective equipment (except see paragraph (b)(1) of this section); or

(iii) Services designated by the requiring activity as knowledge-based training or logistics services in contingency operations or other operations outside the United States, including in Afghanistan or Iraq.

(b) *Prohibitions.*

(1) In accordance with section 814 of the National Defense Authorization Act for Fiscal Year 2017 as amended by section 882 of the National Defense Authorization Act for Fiscal Year 2018 (see 10 U.S.C. 2302 note), contracting officers shall not use the lowest price technically acceptable source selection process to procure items designated by the requiring activity as personal protective equipment or an aviation critical safety item, when the requiring activity advises the contracting officer that the level of quality or failure of the equipment or item could result in combat casualties. See [252.209-7010](#) for the definition and identification of critical safety items.

(2) In accordance with section 832 of the National Defense Authorization Act for Fiscal Year 2018 (see 10 U.S.C. 2442 note), contracting officers shall not use the lowest price technically acceptable source selection process to acquire engineering and manufacturing development for a major defense acquisition program for which budgetary authority is requested beginning in fiscal year 2019.

(3) Contracting officers shall make award decisions based on best value factors and criteria, as determined by the resource sponsor (in accordance with agency procedures), for an auditing contract. The use of the lowest price technically acceptable source selection process is prohibited (10 U.S.C. 254b).

215.101-70 Best value when acquiring tents or other temporary structures.

(a) In accordance with section 368 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112-81), when acquiring tents or other temporary structures for use by the Armed Forces, the contracting officer shall award contracts that provide the best value. Temporary structures covered by this paragraph are nonpermanent buildings, including tactical shelters, nonpermanent modular or pre-fabricated buildings, or portable or relocatable buildings, such as trailers or equipment configured for occupancy (see also [246.270-2](#)). Determination of best value includes consideration of the total life-cycle costs of such tents or structures, including the costs associated with any equipment, fuel, or electricity needed to heat, cool, or light such tents or structures (see FAR 7.105(a)(3)(i) and [PGI 207.105\(a\)\(3\)\(i\)](#)).

Defense Federal Acquisition Regulation Supplement

Part 215—Contracting By Negotiation

(b) The requirements of this section apply to any agency or department that acquires tents or other temporary structures on behalf of DoD (see FAR 17.503(d)(2)).

SUBPART 216.5—INDEFINITE-DELIVERY CONTRACTS
(Revised October 1, 2019)

216.501-2-70 General.

(a)(i) For items with a shelf-life of less than six months, consider the use of indefinite-delivery type contracts with orders to be placed either—

(A) Directly by the users; or

(B) By central purchasing offices with deliveries direct to users.

(ii) Whenever an indefinite-delivery contract is issued, the issuing office must furnish all ordering offices sufficient information for the ordering office to complete its contract reporting responsibilities under 204.670-2. This data must be furnished to the ordering activity in sufficient time for the activity to prepare its report for the action within three working days of the order.

(b) See [217.204](#)(e)(i) for limitations on the period for task order or delivery order contracts awarded by DoD pursuant to 10 U.S.C. 2304a.

216.504 Indefinite-quantity contracts.

(c) *Multiple award preference—*

(1) *Planning the acquisition.*

(ii)(D)(1) The senior procurement executive has the authority to make the determination authorized in FAR 16.504(c)(1)(ii)(D)(1).

(i) In accordance with section 816 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232), when making the determination at FAR 16.504(c)(1)(ii)(D)(1)(i), the senior procurement executive shall determine that the task or delivery orders expected under the contract are so integrally related that only a single source can “efficiently perform the work,” instead of “reasonably perform the work” as required by the FAR.

(2) The congressional notification requirement at FAR 16.504(c)(1)(ii)(D)(2) does not apply to DoD.

216.505 Ordering.

(a) *General.*

(6) Orders placed under indefinite-delivery contracts may be issued on DD Form 1155, Order for Supplies or Services.

(S-70) Departments and agencies shall comply with the review, approval, and reporting requirements established in accordance with subpart [217.7](#) when placing

orders under non-DoD contracts in amounts exceeding the simplified acquisition threshold.

(b) *Orders under multiple-award contracts.*

(1) *Fair opportunity.*

(A) See [215.101-2-70](#) for the limitations and prohibitions on the use of the lowest price technically acceptable source selection process, which are applicable to orders placed against multiple award indefinite delivery contracts.

(B) See [217.7801](#) for the prohibition on the use of reverse auctions for personal protective equipment and aviation critical safety items.

(2) *Exceptions to the fair opportunity process.* For an order exceeding the simplified acquisition threshold, that is a follow-on to an order previously issued for the same supply or service based on a justification for an exception to fair opportunity citing the authority at FAR 16.505(b)(2)(i)(B) or (C), follow the procedures at [PGI 216.505\(b\)\(2\)](#).

216.505-70 Orders under multiple award contracts.

If only one offer is received in response to an order exceeding the simplified acquisition threshold that is placed on a competitive basis, the contracting officer shall follow the procedures at [215.371](#).

216.506 Solicitation provisions and contract clauses.

(a) Insert the clause at [252.216-7006](#), Ordering, in lieu of the clause at FAR 52.216-18, Ordering, in solicitations and contracts when a definite-quantity contract, a requirements contract, or an indefinite-quantity contract is contemplated.

(S-70) Use the provisions at [252.215-7007](#), Notice of Intent to Resolicit, and [252.215-7008](#), Only One Offer, as prescribed at [215.371-6](#) and [215.408\(3\)](#), respectively.

TABLE OF CONTENTS
(Revised October 1, 2019)

SUBPART 217.1—MULTIYEAR CONTRACTING

- 217.103 Definitions.
- 217.170 General.
- 217.171 Multiyear contracts for services.
- 217.172 Multiyear contracts for supplies.
- 217.173 Multiyear contracts for military family housing.
- 217.174 Multiyear contracts for electricity from renewable energy sources.

SUBPART 217.2—OPTIONS

- 217.202 Use of options.
- 217.204 Contracts.
- 217.207 Exercise of options.
- 217.208 Solicitation provisions and contract clauses.
- 217.208-70 Additional clauses.

SUBPART 217.5—INTERAGENCY ACQUISITIONS

- 217.500 Scope of subpart.
- 217.502 Procedures.
- 217.502-1 General.
- 217.503 Ordering procedures.

SUBPART 217.6—MANAGEMENT AND OPERATING CONTRACTS

- 217.600 Scope of subpart.

**SUBPART 217.7—INTERAGENCY ACQUISITIONS: ACQUISITIONS BY
NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF
DEFENSE**

- 217.700 Scope of subpart.
- 217.701 Definitions.
- 217.770 Procedures.

SUBPART 217.70—EXCHANGE OF PERSONAL PROPERTY

- 217.7000 Scope of subpart.
- 217.7001 Definitions.
- 217.7002 Policy.
- 217.7003 Purchase request.
- 217.7004 Solicitation and award.
- 217.7005 Solicitation provision.

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

- 217.7100 Scope of subpart.
- 217.7101 Definitions.
- 217.7102 General.
- 217.7103 Master agreements and job orders.
- 217.7103-1 Content and format of master agreements.
- 217.7103-2 Period of agreement.

Defense Federal Acquisition Regulation Supplement

Part 217—Special Contracting Methods

- 217.7103-3 Solicitations for job orders.
- 217.7103-4 Emergency work.
- 217.7103-5 Repair costs not readily ascertainable.
- 217.7103-6 Modification of master agreements.
- 217.7104 Contract clauses.

SUBPART 217.72—RESERVED

SUBPART 217.73—IDENTIFICATION OF SOURCES OF SUPPLY

- 217.7300 Scope.
- 217.7301 Policy.
- 217.7302 Procedures.
- 217.7303 Solicitation provision.

SUBPART 217.74—UNDEFINITIZED CONTRACT ACTIONS

- 217.7400 Scope.
- 217.7401 Definitions.
- 217.7402 Exceptions.
- 217.7403 Policy.
- 217.7404 Limitations.
- 217.7404-1 Authorization.
- 217.7404-2 Price ceiling.
- 217.7404-3 Definitization schedule.
- 217.7404-4 Limitations on obligations.
- 217.7404-5 Exceptions.
- 217.7404-6 Allowable profit.
- 217.7405 Plans and reports.
- 217.7406 Contract clauses.

SUBPART 217.75—ACQUISITION OF REPLENISHMENT PARTS

- 217.7500 Scope of subpart.
- 217.7501 Definition.
- 217.7502 General.
- 217.7503 Spares acquisition integrated with production.
- 217.7504 Acquisition of parts when data is not available.
- 217.7505 Limitations on price increases.
- 217.7506 Spare parts breakout program.

SUBPART 217.76—CONTRACTS WITH PROVISIONING REQUIREMENTS

- 217.7601 Provisioning.

SUBPART 217.77—OVER AND ABOVE WORK

- 217.7701 Procedures.
- 217.7702 Contract clause.

SUBPART 217.78—REVERSE AUCTIONS

- 217.7801 Prohibition.

SUBPART 217.78—REVERSE AUCTIONS

(Added October 1, 2019)

217.7801 Prohibition.

In accordance with section 814 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328) as amended by section 882 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91) (see 10 U.S.C. 2302 note), contracting officers shall not use reverse auctions when procuring items designated by the requiring activity as personal protective equipment or an aviation critical safety item, when the requiring activity advises the contracting officer that the level of quality or failure of the equipment or item could result in combat casualties. See [252.209-7010](#) for the definition and identification of critical safety items.

Defense Federal Acquisition Regulation Supplement

Part 234—Major System Acquisition

TABLE OF CONTENTS *(Revised October 1, 2019)*

234.001	Definition.
234.003	Responsibilities.
234.004	Acquisition strategy.
234.005	General requirements.
234.005-1	Competition.
234.005-2	Mission-oriented solicitation.

SUBPART 234.2—EARNED VALUE MANAGEMENT SYSTEM

234.201	Policy.
234.203	Solicitation provisions and contract clause.

SUBPART 234.70—ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS

234.7000	Scope of subpart.
234.7001	Definition.
234.7002	Policy.

SUBPART 234.71—COST AND SOFTWARE DATA REPORTING

234.7100	Policy.
234.7101	Solicitation provision and contract clause.

(Revised October 1, 2019)

234.001 Definition.

As used in this subpart—

“Acceptable earned value management system” and “earned value management system” are defined in the clause at [252.234-7002](#), Earned Value Management System.

“Production of major defense acquisition program” means the production and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or an activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

“Significant deficiency” is defined in the clause at [252.234-7002](#), Earned Value Management System, and is synonymous with “noncompliance.”

234.003 Responsibilities.

DoDD 5000.01, The Defense Acquisition System, and DoDI 5000.02, Operation of the Defense Acquisition System, contain the DoD implementation of OMB Circular A-109 and OMB Circular A-11.

234.004 Acquisition strategy.

(1) See [209.570](#) for policy applicable to acquisition strategies that consider the use of lead system integrators.

(2) *Contract type.*

(i) In accordance with section 818 of the National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109-364), for major defense acquisition programs at Milestone B—

(A) The Milestone Decision Authority shall select, with the advice of the contracting officer, the contract type for a development program at the time of Milestone B approval or, in the case of a space program, Key Decision Point B approval;

(B) The basis for the contract type selection shall be documented in the acquisition strategy. The documentation—

(1) Shall include an explanation of the level of program risk; and

(2) If program risk is determined to be high, shall outline the steps taken to reduce program risk and the reasons for proceeding with Milestone B approval despite the high level of program risk; and

(C) If a cost-reimbursement type contract is selected, the contract file shall include the Milestone Decision Authority’s written determination that—

(1) The program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

Defense Federal Acquisition Regulation Supplement

Part 234—Major System Acquisition

(2) The complexity and technical challenge of the program is not the result of a failure to meet the requirements of 10 U.S.C. 2366a.

(ii) In accordance with section 811 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239), for contracts entered into on or after October 1, 2014, the contracting officer shall—

(A) Not use cost-reimbursement line items for the acquisition of production of major defense acquisition programs, unless USD(AT&L) submits to the congressional defense committees—

(1) A written certification that the particular cost-reimbursement line items are needed to provide a required capability in a timely and cost effective manner; and

(2) An explanation of the steps taken to ensure that cost-reimbursement line items are used only when to achieve the purposes of the exception; and

(B) Include a copy of such congressional certification in the contract file.

234.005 General requirements.

234.005-1 Competition.

A contract that is initially awarded from the competitive selection of a proposal resulting from a broad agency announcement may contain a contract line item or contract option for the provision of advanced component development, prototype, or initial production of technology developed under the contract or the delivery of initial or additional items if the item or a prototype thereof is created as the result of work performed under the contract only when it adheres to the following limitations:

(1) The contract line item or contract option shall be limited to the minimal amount of initial or additional prototype items that will allow for timely competitive solicitation and award of a follow-on development or production contract for those items.

(2) The term of the contract line item or contract option shall be for not more than 2 years.

(3) The dollar value of the work to be performed pursuant to the contract line item or contract option shall not exceed \$100 million in fiscal year 2017 constant dollars. (10 U.S.C. 2302e)

234.005-2 Mission-oriented solicitation.

See [215.101-2-70\(b\)\(2\)](#) for the prohibition on the use of the lowest price technically acceptable source selection process for engineering and manufacturing development of a major defense acquisition program for which budgetary authority is requested beginning in fiscal year 2019.

SUBPART 237.2—ADVISORY AND ASSISTANCE SERVICES

(Revised October 1, 2019)

237.270 Acquisition of audit services.

(a) *General policy.*

(1) Do not contract for audit services unless—

(i) The cognizant DoD audit organization determines that expertise required to perform the audit is not available within the DoD audit organization; or

(ii) Temporary audit assistance is required to meet audit reporting requirements mandated by law or DoD regulation.

(2) See [215.101-2-70\(b\)\(3\)](#) for the prohibition on the use of the lowest price technically acceptable source selection process when acquiring audit services.

(3) See [PGI 237.270](#) for a list of DoD publications that govern the conduct of audits.

(b) *Contract period.* Except in unusual circumstances, award contracts for recurring audit services for a 1-year period with at least 2 option years.

(c) *Approvals.* Do not issue a solicitation for audit services unless the requiring activity provides evidence that the cognizant DoD audit organization has approved the statement of work. The requiring agency shall obtain the same evidence of approval for subsequent material changes to the statement of work.

(d) *Solicitation provisions and contract clauses.*

(1) Use the provision at [252.237-7000](#), Notice of Special Standards of Responsibility, in solicitations for audit services.

(2) Use the clause at [252.237-7001](#), Compliance with Audit Standards, in solicitations and contracts for audit services.