

DFARS Procedures, Guidance, and Information

PGI 201—Federal Acquisition Regulations System

(Revised December 31, 2019)

PGI 201.6—CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

PGI 201.602 Contracting officers.

PGI 201.602-2 Responsibilities.

Contracting officers shall inform all individuals performing on their behalf of their delegated roles and responsibilities, and the relationships among the parties.

(d)(i) When designating Department of State personnel as a contracting officer's representative (COR for contracts executed by DoD in support of Department of State in Iraq), follow the procedures in the Director, Defense Procurement and Acquisition Policy memorandum dated [July 11, 2011, Contracting Officer's Representative Designation—Iraq](#).

(ii) DoD COR certification standards define minimum COR competencies, experience, and training requirements according to the nature and complexity of the requirement and contract performance risk. These COR certification standards should be considered when developing service requirements, soliciting proposals, and performing surveillance during contract performance. The DoD standards and policy are provided in [DoD Instruction 5000.72, DoD Standard for Contracting Officer's Representative \(COR\) Certification](#).

(iii) Guidance on the appointment and duties of CORs is provided in the [https://www.acq.osd.mil/dpap/cpic/cp/docs/USA001390-12 DoD COR Handbook Signed.pdf](https://www.acq.osd.mil/dpap/cpic/cp/docs/USA001390-12_DoD_COR_Handbook_Signed.pdf).

(iv) DoD agencies and components shall use the DoD Contracting Officer Representative Tracking (CORT) Tool to electronically track COR nominations, appointments, terminations, and training certifications for service contracts. Further guidance on using this tool is provided in [OUSD\(AT&L\) memorandum, dated February 10, 2014, Update to the Department of Defense Contracting Officer Representative Tracking Tool](#). The link to the CORT Tool is <https://wawf.eb.mil>.

(v) A COR assists in the technical monitoring or administration of a contract.

(A) Contracting officers shall designate a COR for all service contracts, including both firm-fixed-price and other than firm-fixed-price contracts, awarded by a DoD component or by any other Federal agency on behalf of DoD. The surveillance activities performed by CORs should be tailored to the dollar value/complexity of the specific contract for which they are designated. For geographically dispersed large contracts with multiple task orders, contracting officers should consider appointing

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multiple or alternate CORs to assist with surveillance duties. These CORs should have specific duties based on criteria, such as geographic region or distinct task areas, to avoid conflicting or duplicative direction. Contracting officers may exempt service contracts from this requirement when the following three conditions are met:

(1) The contract will be awarded using simplified acquisition procedures;

(2) The requirement is not complex; and

(3) The contracting officer documents the file, in writing, with the specific reasons why the appointment of a COR is unnecessary.

(B) For cost reimbursement contracts that are not service contracts, contracting officers shall either retain or delegate surveillance activities to a COR or DCMA.

(C) The contracting officer shall include a copy of the written designation required by FAR 1.602-2(d)(7) in the CORT Tool.

(vi) A COR shall maintain an electronic file in the CORT Tool for each contract assigned. This file must include, as a minimum—

(A) A copy of the contracting officer's letter of designation and other documentation describing the COR's duties and responsibilities; and

(B) Documentation of actions taken in accordance with the delegation of authority.

(vii) Contracting officers, as well as the requiring activities (or the COR's supervisor), shall, as a minimum, annually review the COR's files for accuracy and completeness. The results of the contracting officer's review shall be documented in the CORT Tool.

(viii) Prior to contract closeout, the COR will deliver the COR files for the assigned contract to the contracting officer for incorporation into the contract file.

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PGI 204.6—CONTRACT REPORTING

As used in this subpart, the unique entity identifier is currently the Data Universal Numbering System (DUNS) number.

PGI 204.602 General.

(1) *Helpful documents.* The Federal Procurement Data System (FPDS) website at <https://www.fpds.gov> provides useful documents and on-line training to assist with FPDS data entry. Key manuals can be found at the top of the website homepage under the “Training” and “Worksite” drop-down links to include:

(i) *FPDS Data Element Dictionary.* The data dictionary outlines relevant information for each data field. The Data Dictionary identifies whether a data field is “Required,” “Optional,” “Propagates from the base action,” “Not Applicable,” or “System Generated,” for each type of data entry screen (Awards, Indefinite-Delivery Vehicles, and Transactions/Modifications). It also identifies the source of data entry (e.g., Contracting Officer, System for Award Management (SAM), FPDS); the format of the field; and whether the field input is derived from entries in other fields. At the back of the Data Dictionary is a useful summary.

(ii) *FPDS Data Validations.* This document identifies all the validation rules that are applied to data entry. The majority of the rules apply Governmentwide. DoD specific validation rules appear at “5.5.1 DoD Specific Validations.”

(iii) *FPDS Users Manual.* This manual provides guidance on the various types of data entry screens and addresses whether a particular field is: “[R]” – requires contracting officer/buyer entry; “[A]” – pre-populated by FPDS or a contract writing system, if using machine-to-machine process; or “[C]” – calculated by FPDS for each type of data entry screen. However, the nature of the field is determined based on Governmentwide requirements. To determine DoD-specific requirements, refer to J3 “DoD Use Case Summary” in the FPDS Data Element Dictionary. The FPDS User Manual is not a policy document; it is intended only for general guidance. Refer to this PGI section for specific FPDS reporting entries.

(2) *Reporting technical or policy issues.*

(i) *Technical issues.* To report an FPDS technical issue—

(A)(1) Users of the Standard Procurement System (SPS) should contact their local SPS Help Desk (authorized SPS caller);

(2) Users of other contract writing systems should contact the local contract writing system administrator to determine the appropriate procedures; and

(3) Web users should contact their local system administrator, who will then contact the FPDS Help Desk; or

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(B) If the issue is an obvious FPDS technical issue that needs to be documented and corrected by the system, the user should contact the Federal Service Desk (FSD), by telephone at 866-606-8220 (U.S. or DSN), or 334-206-7828 (International), or submit a comment or request at www.fsd.gov. When e-mailing FSD, also send a copy to the applicable agency representative identified in paragraph (2)(iii) of this section.

(ii) *Policy issues.* Report policy issues to the applicable agency representative identified in paragraph (2)(iii) of this section.

(iii) *Agency representatives.* Department and component FPDS representatives and their contact information can be found on the DPC website at http://www.acq.osd.mil/dpap/pdi/eb/federal_procurement_data_system_-_next_generation_fpds-ng.html under “Additional Resources.”

PGI 204.604 Responsibilities.

(1) The OSD Procurement Data Improvement Plan, posted at <http://www.acq.osd.mil/dpap/pdi/eb/dataimp.html#>, applies to each of the military services and agencies with procurement authority, and identifies the data validation requirements and responsibilities that support the annual Department of Defense certification identified at FAR 4.604(c). These review requirements encompass contract action reports submitted to FPDS, terminations for default and other documents submitted to the Federal Awardee Performance and Integrity Information System (FAPIIS), and other reporting and posting requirements.

(2) Contract action reports (CARs) must be completed in compliance with the timelines established in FAR 4.604(b)(2) and (3). CARs or their data are not available for public view or for non-DoD use until 90 days after the “Date Signed” data element in order to minimize risk to military operations.

PGI 204.606 Reporting data.

Do not enter a generic DUNS number used for reporting to the Federal Procurement Data System (FPDS) (see FAR subpart 4.6), nor a generic CAGE code that corresponds to a generic DUNS number, on any contractual document. These generic codes shall only be used for reporting to FPDS. Using the generic codes on actual contract actions masks the true identity of the vendor and immediately makes any accurate electronic processing of invoices, receiving reports, and payments impossible; and can, in fact, result in misdirected payments. As a reminder FAR subpart 4.18 requires each contractor be identified by its actual CAGE code on contract actions; there is no exemption to the requirement for an actual CAGE code.

(1) *Methods of reporting to FPDS.*

(i) *Individual contract action report (CAR) (one CAR per contract action).*
The normal method of reporting to FPDS is through the use of individual CARs.

(A) An individual CAR is required to be reported for each of the following types of awards regardless of the estimated value of the award:

(1) Indefinite-delivery contract.

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- (2) Blanket purchase agreement (prescribed by FAR parts 8 or 13).
 - (3) Basic ordering agreement.
 - (4) Basic agreement (only if the agreement has a value and potential obligations greater than \$0).
 - (5) Task and delivery orders and calls issued under any agreement or indefinite-delivery contract (including Federal Supply Schedules, Governmentwide acquisition contracts, or multi-agency contracts).
 - (6) Modification to any contract, agreement, order, or call where a CAR is required for the base award regardless of the amount being obligated or deobligated on the modification.
- (B)(1) An individual CAR is required to be reported for each of the following types of awards when the award process was conducted using other than micro-purchase procedures and the value is greater than the micro-purchase threshold (MPT):
- (i) Purchase order.
 - (ii) Definitive contract.
- (2) Although a contract action report is not required for these awards when micro-purchase procedures were followed and the value is less than the MPT, it is encouraged as a best practice if the award was not accomplished using the Governmentwide commercial purchase card (GPC) or a Standard Form 44. Additionally, when the purchase order or definitive contract being awarded is in response to a contingency, an individual report is required when the value of the award is greater than \$25,000, not the MPT of \$30,000 referenced in FAR part 2.
- (C) See paragraphs (1)(ii) and (iii) of this section for exceptions to individual reporting.
- (ii) *Multiple CARs (more than one CAR per contract action).*
- (A) Prepare multiple CARs if the contract or order award is anticipated to include both foreign funding and U.S. funding.
- (B) The determination of whether multiple CARs are needed for the situations described in paragraph (1)(ii)(A) of this section is made when the contract or order is awarded. Contracting officers are not required to delete and re-enter CARs in FPDS as multiple CARs if, during the life of the contract or order, subsequent unanticipated modifications make the award eligible for multiple CARs.
- (C) The following multiple CAR transaction identification numbers have been established for reporting multiple CARs and shall be used by all DoD contracting offices. Do not use transaction numbers other than "0" if the requirements for multiple CARs in paragraphs (1)(ii)(A) and (B) of this section do not apply at the time of contract or order award. When reporting modifications, include the transaction number that was reported on

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the initial base award in order to properly identify the referenced contract action report. If the situation described in paragraph (1)(ii)(A) of this section exists, transaction numbers should be assigned based on foreign military sales (FMS) and non-FMS rather than by type of contract pricing arrangement. Do not use multiple CARs with transaction numbers other than “0” if the entire award is expected to be funded by foreign funding.

Transaction Type	Transaction Number
No multiple CARs	0
FMS	14
Non-FMS	16

(iii) *Express reporting (consolidated reporting of multiple contract actions, to be submitted at least monthly).*

(A) Express reporting may be used for—

(1) Multiple contract actions against a single contract or agreement, when monthly volume of actions is such that individual contract action reporting is overly burdensome (e.g., orders placed by the Defense Commissary Agency; installation housing maintenance; and recurring blanket purchase agreement actions);

(2) Multiple contract actions accomplished away from the contracting office, such as ships away from home port; contingency, humanitarian, or peacekeeping operations; or other remote deployments;

(3) Multiple delivery orders that use the GPC as both the method of purchase and payment under Federal Supply Schedules, Governmentwide acquisition contracts (GWACs), blanket purchase agreements (BPAs), basic ordering agreements (BOAs), and other indefinite-delivery type contracts;

(4) Multiple contract actions for energy-related supplies and associated services accomplished by Defense Logistics Agency (DLA) Energy; and

(5) Orders under communications service agreements for local dial tone services, in accordance with agency procedures.

(B) When express reports reflect more than one contractor for overseas actions or consolidated delivery orders made using the GPC where identification of the contract or agreement is not possible, use the appropriate generic DUNS number.

(C) When express reports are used, sum all of the actions and enter in the “Number of Actions” data field. Also sum all of the obligations and enter in the “Action Obligation,” “Base and Exercised Options Value,” and “Base and All Options Value” data fields. Express reports shall be submitted no less frequently than monthly.

(D) When express reports are used, the contracting officer must maintain a log of individual actions being summarized on the express reports and ensure it is available for audit purposes. Logs must include the following, at a minimum, for each action: procurement instrument identifier (PIID) used for the express report under which action is summarized, referenced Indefinite-Delivery Vehicles (IDV) PIID (if the express report is

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summarizing task/delivery/call orders), date of award, obligation amount, vendor name, and DUNS number (if known).

(2) *Actions not reported.* In addition, to the types of actions listed in FAR 4.606(c), do not report the following types of actions to FPDS:

(i) Orders placed by ordering officers against IDVs awarded by—

(A) The United States Transportation Command (USTRANSCOM) or its components for decentralized transportation-related services. USTRANSCOM will report these orders. Contracting officers shall submit consolidated reports of orders (bookings/bills of lading) at least annually to USTRANSCOM; or

(B) DLA Energy for energy-related supplies and associated services using defensewide working capital funds. DLA Energy will report these orders. It is the responsibility of the contracting office to ensure that orders placed against these vehicles using other than defensewide working capital funds are reported to FPDS.

(ii) Contracts, agreements, or orders that are themselves classified.

(3) *Specific instructions for entering data in FPDS.*

(i) Contracting officers shall choose the correct FPDS format (e.g., purchase order, basic ordering agreement (BOA), blanket purchase agreement (BPA)) to report the award of a new contract, agreement, or order. Note that prior to fiscal year (FY)10, DoD offices reported BOAs and BPAs as IDCs in FPDS; BPA calls issued under those pre-FY10 reported BPAs are reported using the task/delivery order format in FPDS. BPA calls issued under DoD issued BPAs reported FY10 or later or any civilian agency issued BPA should be reported using the BPA call format.

(ii) The remaining instructions in this section cover the different sections of an FPDS contract action report, as presented to the user in the system. Not every data element is addressed here, as many are self-explanatory. Users should also consult the FPDS User Manual referenced in [PGI 204.602\(1\)\(iii\)](#) for more complete descriptions and examples. Also, the instructions in this section use data field names based on what is shown to the user while entering data in FPDS; for more specific information, review the FPDS Data Element Dictionary referenced in [PGI 204.602\(1\)\(i\)](#).

(iii) *FPDS Entry – Document Information Section.*

(A) Enter the new contract, agreement, or order number in the “Procurement Instrument Identifier” data field. Note that new awards will be reflected as Modification 0 in FPDS.

(B) If the action is a BPA awarded against a Federal Supply Schedule, enter the Federal Supply Schedule contract number in the “Referenced IDV ID” data field.

(C) If the action is a delivery order awarded against a Federal Supply Schedule, Governmentwide acquisition contract (GWAC), BOA, or other IDC; enter that contract or BOA number in the “Referenced IDV ID” data field.

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(D) If the action is a BPA call awarded against a BPA, enter the BPA number in the “Referenced IDV ID” data field.

(E) If the action is a modification, enter the contract, agreement, or order number in the “Procurement Instrument Identifier” data field and the modification number in the “Modification Number” data field.

(F) If multiple reports are required by paragraph (1)(ii) of this section, then enter the appropriate transaction number in the “Transaction Number” data field.

(G) If the award is associated with a solicitation, enter the solicitation number in the “Solicitation ID” data field.

(H) If the award is associated with an initiative identified in FPDS (e.g., American Recovery and Reinvestment Act), choose the appropriate value in the “Treasury Account Symbol Initiative” data field.

(iv) *FPDS Entry –Treasury Account Symbol (TAS) data fields.*

(A) TAS data fields are no longer required to be entered in FPDS (as of July 2016) and should be left blank; however, if correcting TAS data fields on a previously reported contract action report follow the instructions in this section.

(B) The TAS should be provided by the requiring organization with the purchase request, and is often part of the line of accounting. The list of valid TAS is maintained by the Department of Treasury in the FASTBook; an on-line version of the FASTBook is available at <http://www.fms.treas.gov/fastbook/index.html>. Each TAS reported to FPDS includes a character agency identifier and a four character main account code (example: 97 0100). Some TAS also require a three character subaccount code. Note that the Department of Treasury FASTBook indicates a transition from a two character agency identifier to a three character agency identifier. However at this time, DoD contracting officers are advised to drop the leading zero (0) from a three character agency identifier, and enter the next two characters in FPDS (e.g., 097 becomes 97).

(C) Report the TAS on CARs for each contract action with an obligation amount other than \$0. The TAS that is reported on a CAR should represent the predominant type of funding in terms of absolute dollars obligated and deobligated on the specific contract action being reported.

(D) For contract actions awarded by working capital funds offices, and the original type of funds received from the customer are not tied to specific procurements or otherwise identifiable, use the TAS that represents the working capital funds provided.

(E) For contract actions funded by foreign governments, and those funds are not considered under the Foreign Military Financing Program identified by the Department of Treasury in its FASTBook, in order to report the action to FPDS using the code that most closely approximates the use of the funds, then enter—

(1) 97 0100 (Operation and Maintenance, Defense-Wide, Defense) as the TAS for requirements that can be categorized as operations and maintenance in nature;

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(2) 97 0300 (Procurement, Defense-Wide) as the TAS for requirements that can be categorized as procurement in nature; or

(3) 97 0400 (Research, Development, Test, and Evaluation, Defense-Wide) as the TAS for requirements that can be categorized as research and development in nature.

(F) USTRANSCOM should use 97 0100 (Operation and Maintenance, Defense-Wide, Defense) as the TAS when reporting the consolidated orders of from their decentralized transportation-related services contracts.

(v) *FPDS Entry – Dates Section.*

(A) The “Date Signed” data field represents the date the contracting officer signed or otherwise awarded the contract action.

(B) The “Effective Date” data field represents the date the period of performance begins. For actions where an authorization to proceed was given prior to the signed contract action, use the date of the authorization in this data element.

(C) The date entered in the “Completion Date” data field shall be the latest period of performance / delivery date of all of the exercised line items on the contract or order. This data field shall be updated on the contract action report used to report the modification whenever line items are added or exercised by modification that extend the period of performance / delivery date beyond what was previously entered, including the exercise of any option years.

(D) The date entered in the “Estimated Ultimate Completion Date” data field shall be the latest period of performance / delivery date of all line items on the contract or order, including unexercised line items and option years. This data field shall be updated on the contract action report used to report the modification whenever line items are added or changed by modification that extend the period of performance/delivery date beyond what was previously entered.

(E) The date entered in the “Last Date to Order” data field on IDCs, BOAs, and BPAs shall be the last date allowed by the contract for the contractor to accept orders. This data field shall be updated whenever this date is changed by modification from what was previously entered.

(F) The “Solicitation Date” data field generally represents the date an Invitation for Bids, Request for Quotation, or Request for Proposal was issued to potential bidders or offerors. However, follow the instructions below for other situations where an IFB, RFQ, or RFP is not issued:

(1) When the action is the award of an order using existing pre-priced line items under an ordering instrument where no proposal is required (i.e., there are no elements of the delivery or performance to negotiate)—

(i) *Orders under single-award indefinite delivery vehicles, BPA calls under single-award BPAs issued under FAR part 8, and BPA calls under BPAs issued under FAR part 13.* Use the date the procurement-ready requirements package (including funded

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purchase request or MIPR) was provided to the contracting office as the “Solicitation Date”. If unknown, use the date of the award of the order as the “Solicitation Date”.

(ii) *Orders under multiple-award indefinite delivery contracts and BPA calls issued under multiple-award BPAs issued under FAR part 8.* Use the date of the survey of the multiple-award contracts or BPAs prices in accordance with FAR part 8 or 16 procedures.

(2) When the action is the award of a contract under a broad agency announcement (BAA), use the date when a final (not draft) combined synopsis/solicitation is issued as the “Solicitation Date” except—

(i) For two-step BAAs, including white paper submissions for review, selection, and subsequent request for full proposals, the “Solicitation Date” is the date when the contracting officer signs the proposal request;

(ii) Under BAAs with calls, the “Solicitation Date” is the date when the individual call is issued; or

(iii) For open BAAs, when white papers and/or proposals are accepted for review over an extended period (typically open for a year or longer), the “Solicitation Date” is either the date when the contracting officer signs a proposal request (white papers) or the date on which the proposal is submitted, whichever is earlier.

(3) For awards made in response to unsolicited proposals, the “Solicitation Date” is the date when the offeror is notified of proposal acceptance for negotiations and/or award.

(vi) *FPDS Entry – Amounts Section.*

(A) When entering a net deobligation on a contract action, include the minus (-) sign.

(B) The amount entered in the “Base and Exercised Options Value” for new awards shall be the total value (represented in U.S. dollars and cents) of all the exercised line items on the contract or order regardless of whether they are partially or fully funded. This data field shall be updated on the contract action report used to report the modification whenever the current value of the contract or order is changed by modification, including when options are exercised. When reporting such a modification, report the net value of the change itself in “Current” field; FPDS will calculate the new total Base and Exercised Options Value. When an Administrative Contracting Officer (ACO) executes a modification and the previous value reported in FPDS is incorrect, the ACO shall notify the procuring contract office of the discrepancy and enter the appropriate value in the “Current” field of the “Base and Exercised Options Value” to ensure a correct total is represented. The ACO shall document the correction of the discrepancy in the contract file.

(C) The amount entered in the “Base and All Options Value” for new awards shall be the total potential value of the award (represented in U.S. dollars and cents) (e.g., total price, total not-to-exceed amount, maximum award amount, etc.), including the value of all unexercised line items and options. For blanket purchase agreements and basic ordering agreements, enter the total expected amount for orders that will be issued. Note:

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on IDV formats in FPDS, this data element is named “Base and All Options Value (Total Contract Value).”

(1) For each IDC resulting from a solicitation where multiple awards were contemplated, this is the maximum for that resulting specific contract. Note: this amount is not always the same as the ceiling for the program under which multiple contracts were awarded. Each contract shall have a specific ceiling identified for that specific period (see FAR 16.504(a)(4)(ii)).

(2) This data field shall be updated on the contract action report used to report the modification whenever the total potential value is changed by modification, including changes made as a result of overruns or claims. When reporting such a modification, report the net value of the change itself in “Current” field; FPDS will calculate the new total Base and All Options Value. When an ACO executes a modification and the previous value reported in FPDS is incorrect, the ACO shall notify the procuring contract office of the discrepancy and enter the appropriate value in the “Current” field of the “Base and All Options Value” to ensure a correct total is represented. The ACO shall document the discrepancy correction in the contract file.

(D) The amount entered in the “Action Obligation” for new awards shall be the total value of all the obligated funds on the contract or order, represented in U.S. dollars and cents. When reporting a modification, report the net value of the change in funding accomplished by the modification in the “Current” field; FPDS will calculate the new total action obligation value. When an ACO executes a modification and the previous value reported in FPDS is incorrect, the ACO shall notify the procuring contract office of the discrepancy and enter the appropriate value in the “Current” field of the “Action Obligation Value” field to ensure a correct total is represented. The ACO shall document the discrepancy correction in the contract file.

(E) The amount entered in the “Total Estimated Order Value” for new IDC awards shall be the total estimated value of all anticipated orders to be placed under the contract. For DoD, this value should match the “Base and All Options” value, as DoD does not obligate funds on indefinite-delivery contracts themselves.

(vii) *FPDS Entry – Purchaser Information Section.*

(A) Enter the contracting office’s DoD Activity Address Code (DoDAAC) in as the “Contracting Office ID” data field.

(B) If the requiring organization is a DoD organization, enter the DoDAAC for the requiring office in the “Funding Office ID” data field. This is normally the DoDAAC that is included on the purchase request in the purchase request number. If the contract action is supporting working capital funded efforts and the specific requiring office is unknown, enter the DoDAAC for the working capital funded office. Do not enter the DoDAAC from the contracting office in the “Funding Office ID” field unless the contracting office is also the requiring organization.

(C) If the requiring organization is not a DoD organization, enter the Funding Office ID provided on the interagency agreement in the “Funding Office ID” data field.

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(D) Choose the appropriate value in the “Foreign Funding” data field as to whether or not the action includes foreign funding that is identified as FMS. If the action does not include foreign funds, choose “Not Applicable.”

(viii) *FPDS Entry – Contractor Information Section.*

(A) Enter the DUNS number for the vendor in the “DUNS Number” data field. This DUNS number will be used to pull the associated current record from the System for Award Management (SAM) database.

(B) If a SAM exception applies to the procurement, ensure the correct exception is chosen from the “SAM Exception” data field. In this case the DUNS number entered in the “DUNS Number” data field will be used to pull the contractor’s name and location information from Dun & Bradstreet’s database.

(ix) *FPDS Entry – Contract Data Section.*

(A) On the contract action report used to report the base award, choose the type of contract pricing in the “Type of Contract” data field that is applicable to the predominant amount of the action, based on the value of the line items. This value will automatically populate any subsequent contract action reports for modifications.

(B) If the procurement is for services, enter the appropriate Inherently Governmental Functions indicator:

(1) “Closely Associated” means functions that are closely associated with inherently governmental functions; those contractor duties that could expand to become inherently governmental functions without sufficient management controls or oversight on the part of the Government. Office of Federal Procurement Policy (OFPP) Policy Letter 11–01, Performance of Inherently Governmental and Critical Functions, provides examples of work that is inherently governmental and therefore must be performed by Federal employees and work that is closely associated with inherently governmental functions that may be performed by either Federal employees or contractors.

(2) “Critical Functions” means functions that are necessary to the agency being able to effectively perform and maintain control of its mission and operations. Typically, critical functions are recurring and long-term in duration.

(3) “Other Functions” means neither “Closely Associated Functions” nor “Critical Functions.”

(4) For services that include performing both “Closely Associated” and “Critical Functions,” select “Closely Associated, Critical Functions.”

(5) If services include performing “Other Functions” and either “Closely Associated” or “Critical Functions,” select only the “Closely Associated” or “Critical Functions” value.

(C) Enter “Yes” in the “Multiyear Contract” field if the procurement is a multiyear contract in accordance with FAR 17.1; otherwise enter “No.”

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(D) Enter the full name of the program, not an acronym or abbreviation, in the “Major Program” field if there is an associated program name. Contracts and agreements with ordering provisions established as multi-agency contracts or for wide use within an agency shall always include a program name in order to ensure they are correctly represented in the Interagency Contract Directory (ICD) (see FAR 7.105(b)(1) for website).

(E) If the procurement is as a result of a requirement responding specifically to a National Interest Action that is listed in this field (for example, “Hurricane Sandy” or “Operation Enduring Freedom (OEF),”) then select the appropriate value. Otherwise, enter “None.”

(F) For indefinite-delivery contracts, enter the appropriate type of IDC in the “Type of IDC” field: Indefinite Quantity, Requirements, or Definite Quantity.

(G) For IDVs in the “Multiple or Single Award IDV” field:

(1) Select “Multiple Award” when the contract action is—

(i) One of several indefinite-delivery indefinite-quantity (IDIQ) contracts awarded under a single solicitation in accordance with FAR 16.504(c);

(ii) One of several blanket purchase agreements (BPAs) awarded against a Federal Supply Schedule in accordance with FAR 8.405-3;

(iii) Any other IDIQ contract that an agency enters into with two or more sources under the same solicitation that requires contracting officers to compare or compete their requirements among several vendors; or

(iv) A part 13 BPA or Basic Ordering Agreement (BOA) with multiple awards.

(2) Select “Single Award” when the contract does not satisfy any of the above criteria for a multiple award.

(H) When reporting the initial award of IDCs and agreements that allow orders to be placed by other contracting offices, enter the acronym or short abbreviation of the program name for the program supported by the contract or agreement with ordering provisions in the “Program Acronym” field. Contracts and agreements with ordering provisions established as multi-agency contracts or for wide use within an agency shall always include an acronym or abbreviated program name, and the first five characters of this field shall be:

(1) “FSSI-” for a federal strategic sourcing initiative (FSSI) vehicle.

(2) “MMAC-” for a multiple-award multi-agency contract.

(3) “SMAC-” for a single-award multi-agency contract.

(4) “MBPA-” for a blanket purchase agreement available for use outside of the Department of Defense.

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(5) "AGYV-" for an agency-wide acquisition vehicle. For the purpose of this section, an agency-wide acquisition vehicle is an IDC, BPA, or basic ordering agreement intended for the sole use of the Department of Defense. These may be for DoD-wide use or limited to one or more specific Military Services or Defense Agencies.

(I) In the "Cost or Pricing Data" field, enter "Yes" if certified cost and pricing data were obtained. Enter "Not Obtained – Waived" if the requirement for certified cost and pricing data was waived. Enter "No" if certified cost or pricing data were not obtained and no waiver was required. See FAR 15.403 for the requirements for certified cost and pricing data.

(J) Enter "Yes" in the "Purchase Card as Payment Method" field if the GPC was used as the method of payment or as both the method of purchase and payment for the contract action. Enter "No" if neither was the case.

(K) In the "Un definitized Action" field, enter "Letter Contract" if the procurement is a letter contract that meets the description in FAR 16.603-1. Enter "Other Un definitized Action" if the procurement is for any other unpriced action that shall be subsequently definitized. Enter "No" if neither of these situations is applicable.

(L) Enter "Yes" in the "Performance Based Service Acquisition" field if the procurement is for services and performance based acquisition procedures were used. Enter "No" if the procurement is for services and performance based acquisition procedures were not used. Enter "Not Applicable" if the procurement is not for services.

(M) In the "Contingency Humanitarian Peacekeeping Operation" field, enter "Contingency" if the procurement is in response to a contingency operation as defined in 10 U.S.C. 101(a)(13) or "Humanitarian" if the procurement is in response to a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(8). Otherwise, enter "Not Applicable."

(N) In the "Cost Accounting Standards Clause" field, enter "Yes" if the procurement was subject to cost accounting standards (CAS) and the associated clauses were included in the contract. Enter "No – CAS Waiver Approved" if the procurement is subject to CAS but a waiver was approved. Enter "Not Applicable" if neither situation applies.

(O) *Consolidated Contract.*

(1) Enter "Consolidated Requirements" when the requirements meet the definition of "Consolidation or consolidated requirement" at FAR 2.101 but a written determination was not made because the estimated value of the requirements were at or below \$2 million, or the requirements are bundled and a written determination for bundling is required.

(2) Enter "Consolidated Requirements with Written Determination" when the requirements meet the definition of "Consolidation or consolidated requirement" at FAR 2.101 and a written determination is made in accordance with FAR 7.107-2.

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(3) Enter “Consolidated Requirements Under FAR 7.107-1(b) Exceptions” when the requirements meet the definition of “Consolidation or consolidated requirement” at FAR 2.101 but do not require a written determination in accordance with FAR 7.107-1(b).

(4) Enter “Not Consolidated” when the requirements do not meet the definition of “Consolidation or consolidated requirement” at FAR 2.101.

(P) Enter “1” in the “Number of Actions” data field unless using Express Reporting procedures described in paragraph (1)(iii) of this section.

(x) *FPDS Entry – Legislative Mandates Section.*

(A) For the “Clinger-Cohen Act,” “Labor Standards,” “Materials, Supplies, Articles, and Equipment,” and “Construction Wage Rate Requirements” data elements, answer “Yes” if the acts apply to any of the line items on the award. Choose “Not Applicable” if the act itself is not applicable based on implementation requirements in the FAR for each act (see FAR subparts 22.10, 22.6, and 22.4, respectively), or choose “No” if the act is applicable, but the associated clauses were not included in the award. For the “Clinger-Cohen Act”, choose “No” if either the Act is not applicable or the planning requirements from the act were not accomplished.

(B) Indicate in the “Interagency Contracting Authority” data field if the action is subject to the Economy Act, a different statutory authority, or if interagency authorities are not applicable. If the contracting officer selects “Other Statutory Authority” in the “Interagency Contracting Authority”, they shall enter the name of the other authority in the associated text box.

(C) In the “Additional Reporting” data field, select each value that represents reporting to be accomplished by the contractor that is required by the contract. Multiple values may be selected.

(1) If none of the reporting requirements apply, select “None of the Above.”

(2) Select “Service Contract Inventory FAR 4.17” if FAR clause 52.204-14, Service Contract Reporting Requirements, is present in the contract.

(3) Select “Employment Eligibility Verification (52.222-54)” if FAR clause 52.222-54, Employment Eligibility Verification, is included in the contract or if 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial, is included in the contract and sub-paragraph (34) is checked for 52.222-54, Employment Eligibility Verification.

(xi) *FPDS Entry – Principal Place of Performance Section.*

(A) For supplies, the data entered in this section shall reflect the predominant place where manufacturing occurred or where procured finished products were taken out of inventory. Do not enter the Government delivery location. When the manufacturing or inventory location is unknown, and the contractor has not provided a separate address for the place of performance in FAR provision 52.214-14 or 52.215-6 with its offer, enter the contractor’s physical address that corresponds with its registration in the System for Award Management (SAM) that is identified by its DUNS number and CAGE code.

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(B) For services, identify the location that represents the predominant place the services are performed. For services that start performance in one location and complete performance in a different location, such as transportation and cargo shipment services, the completion or destination location shall be entered. If the contract or order has multiple destination locations, enter the location where the predominant amount is being delivered.

(C) For place of performance based in the United States, ensure the zip code + 4 data element is entered. This will populate the city and state fields accordingly. Zip codes and their +4 extensions can be identified at the United States Postal Service website (www.usps.com). When a "+4" extension cannot be determined for a zip code (for example, in a highly rural area or at a location with a vanity address), choose the "+4" extension that represents the area nearest to the place of performance.

(xii) *FPDS Entry – Contract Marketing Data Section.* This section applies to IDVs (i.e., BOAs, BPAs, and IDCs) only.

(A) Enter the website in the "Website URL" data field where a new user would find the best information about ordering under the vehicle. This is an optional field, but each multi-agency contract being reported should include one.

(B) In the "Who Can Use" data field, choose the value that best represents which agencies are allowed to have their contracting officers place orders under the vehicle. If only the office that awarded the IDV is allowed to place orders under the vehicle, choose "Only My Agency". Do not list codes or text under the "Codes" or "Other" options unless the vehicle only allows very specific parts of agencies to place orders.

(C) Include in the "Email Contact" data element the specific email of the contracting officer responsible for the IDV who is able to answer questions concerning ordering. A group email address may only be used in this field if it is continuously monitored.

(D) Enter the maximum dollar value of each order that may be issued under the vehicle in the "Individual Order / Call Limit" field.

(E) Enter the fee charged to the ordering agency for allowing the ordering agency to place an order under the specific vehicle. The fee may be identified as a fixed percentage, an upper and lower amount if based on a varying factor, or as "no fee." This is not the fee paid to a contracting office for placing an order on behalf of a requiring office.

(F) Enter a brief description of ordering instructions in the "Ordering Procedure" data field. If the "Website URL" field is entered, this field is not required to be completed; however, ensure that the website provided gives the user enough information to be able to place an order.

(xiii) *FPDS Entry – Product or Service Information Section.*

(A) For the "Product or service code (PSC)" data field choose the code that best represents the predominant amount of supplies or services being procured on the award. The list of active PSCs for use in FPDS reporting is available on the FPDS website under the "Worksite" section under "Reference."

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(B) For the “Principal NAICS code” data field, enter the NAICS code that best represents the type of industry related to the predominant amount of supplies or services being procured on the award. If the award was a result of a solicitation that included any of the following provisions, use the NAICS code that was included in the provision: 52.204-8, Annual Representations and Certifications; 52.212-3, Offeror Representations and Certifications – Commercial Items; or 52.219-1, Small Business Program Representations. The list of active NAICS codes for use in FPDS reporting is available on the FPDS website under the “Worksite” section under “Reference”.

(C) *Contract bundling.*

(1) Enter “Bundled Requirements” when the requirements meet the definition of “Bundling” at FAR 2.101.

(2) Enter “Substantially Bundled Requirements” when the requirements meet the definition of “Bundling” at FAR 2.101 but has an estimated value outlined at FAR 7.107-4, Substantial bundling.

(3) Enter “Bundled Requirements Under a FAR 7.107-1(b) Exception” when the requirements meet the definition of “Bundling” at FAR 2.101 but do not require a written determination in accordance with FAR 7.107-1(b).

(4) Enter “Not Bundled” when the requirements do not meet the definition of “Bundling” at FAR 2.101.

(D) Enter in the “DoD Acquisition Program” data field—

(1) The Major Defense Acquisition Program (MDAP) or Major Automated Information System (MAIS) program number (PNO) if a new award is in support of an Acquisition Category (ACAT) I MDAP or MAIS. If needed, use the code look-up table provided for the data element in the CAR to identify the code for an ACAT I MDAP/MAIS.

(2) The appropriate following code if a new award is associated with one of the following programs or activities:

- (i) ZBL – for Performance-Based Logistics (PBL) support.
- (ii) ZRS – for Randolph-Sheppard Act dining facilities.
- (iii) ZBC – for Base Realignment and Closure (BRAC) environmental activities.
- (iv) ZDE – for Defense environmental and restoration programs.
- (v) ZOP – for other environmental programs.
- (vi) ZSE – for Environmental Protection Agency (EPA) Superfund activities.
- (vii) ZSF – prescribed under a Status of Forces Agreement (SOFA).

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(3) “000” if neither (1) or (2) in this section apply.

(E) Enter the country code where products were manufactured or performance of services occurred in the “Country of Product or Service Origin” data field. If needed, use the code look-up table provided for the data element in the CAR to identify the code for a country.

(F) *Place of Manufacture.*

(1) Choose “Not a Manufactured End Product” when the procurement is for services or for unmanufactured end products (e.g., ores, food, animals).

(2) Choose “Manufactured Outside the U.S. – Use Outside the U.S.” when the procurement is for supplies acquired for use outside the United States.

(3) If the procurement is for supplies to be used inside the United States, choose one of the following:

(i) “Manufactured in the U.S.” when the supplies that are considered domestic end products (see FAR 25.101).

(ii) “Manufactured Outside the U.S. – Trade Agreements” when the supplies are acquired subject to a Trade Agreement (see FAR 25.4) where the Buy American Act requirements have been waived.

(iii) The exception to the Buy American Act that was used in the procurement when the supplies are considered foreign end products (see FAR 25.103):

(A) “Manufactured Outside the U.S. – Public Interest.”

(B) “Manufactured Outside the U.S. – Domestic Nonavailability.”

(C) “Manufactured Outside the U.S. – Unreasonable Cost.”

(D) “Manufactured Outside the U.S. – Resale.”

(E) “Manufactured Outside the U.S. – Commercial Information Technology.”

(F) “Manufactured Outside the U.S. – Qualifying Country.” Only choose “Manufactured Outside the United States – Qualifying Country” if the country of product or service origin is one of the current qualifying countries at DFARS 225.003.

(G) In the “Domestic or Foreign Entity” data field, choose the most applicable answer regarding the ownership of the contractor.

(H) Indicate whether Government Furnished Property (GFP), (see FAR 45.101), is included on the award in the “GFE/GFP Provided Under This Action” data field.

(1) When reporting modifications to previously reported award, the CAR should carry the same value for this data element as was on the CAR for the initial award

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unless the modification itself is specifically adding GFP where the originally was none. There is no need to create a CAR solely to report the return of GFP at the end of performance.

(2) When reporting task, delivery, or call orders under indefinite-delivery contracts or agreements, this data element reflects whether GFP is or is not included specifically as a part of the order itself. The value for the underlying contract or agreement is collected separately.

(I) For the “Description of requirement” data field, enter a short description of what is being procured by the action. This should be entered in plain English with no acronyms or military jargon such that the public can understand what is being acquired by the Department. Do not use national stock numbers, part numbers, or other identifiers without also including associated plain English descriptions. When reporting modifications, do not use this field to explain what type of procurement process is accomplished (e.g., exercise option year, incremental funding); continue to address what is being procured.

(J) For the “Recovered materials/sustainability” data field, choose the value from the list below that reflects the requirements of sustainability incorporated into the contract or order. If there is a combination of the attributes on the contract that does not exist in the list below, choose the one from the list that most closely reflects the situation on the contract.

(1) *FAR 52.223-4 included.* Use when the contract includes the requirement for recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4, Recovered Material Certification, was included in the solicitation.

(2) *FAR 52.223-4 and 52.223-9 included.* Use when the contract includes the requirement for recovered materials in accordance with FAR subpart 23.4, provision 52.223-4 was included in the solicitation, and clause 52.223-9 is included in the contract.

(3) *No clauses included and no sustainability included.* Use when the contract includes neither requirements nor provisions/clauses for recovered materials or energy efficient, biobased, or environmentally preferable products or services.

(4) *Energy efficient.* Use when the contract includes the requirement for energy efficient products or services in accordance with FAR subpart 23.2.

(5) *Biobased.* Use when the contract includes the requirement for biobased products or services in accordance with FAR subpart 23.4.

(6) *Environmentally preferable.* Use when the contract includes the requirement for environmentally preferable products or services in accordance with FAR subpart 23.7.

(7) *FAR 52.223-4 and energy efficient.* Use when the contract includes the requirement for—

(i) Recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4 was included in the solicitation; and

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(ii) Energy efficient products or services in accordance with FAR subpart 23.2.

(8) *FAR 52.223-4 and biobased.* Use when the contract includes the requirement for—

(i) Recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4 was included in the solicitation; and

(ii) Biobased products or services in accordance with FAR subpart 23.4.

(9) *FAR 52.223-4 and environmentally preferable.* Use when the contract includes the requirement for—

(i) Recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4 was included in the solicitation; and

(ii) Environmentally preferable products or services in accordance with FAR subpart 23.7.

(10) *FAR 52.223-4, biobased and energy efficient.* Use when the contract includes the requirement for—

(i) Recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4 was included in the solicitation;

(ii) Energy efficient products or services in accordance with FAR subpart 23.2; and

(iii) Biobased products or services in accordance with FAR subpart 23.4.

(11) *FAR 52.223-4, biobased and environmentally preferable.* Use when the contract includes the requirement for—

(i) Recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4 was included in the solicitation;

(ii) Biobased products or services in accordance with FAR subpart 23.4; and

(iii) Environmentally preferable products or services in accordance with FAR subpart 23.7.

(12) *FAR 52.223-4, biobased, energy efficient and environmentally preferable.* Use when the contract includes the requirement for—

(i) Recovered materials in accordance with FAR subpart 23.4 and provision 52.223-4 was included in the solicitation;

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subpart 23.2;

23.4; and

with FAR subpart 23.7.

(xiv) *FPDS Entry – Competition Information Section.*

(A) *Solicitation procedures.* Select the appropriate entry from the following list:

(1) *Simplified Acquisition.* Report this code for competitive and noncompetitive contract actions that used simplified acquisition procedures in accordance with FAR part 13, to include acquisitions using the Commercial Items Test Program. However, if the action is noncompetitive and the reason for other than full and open competition is other than “Authorized by Statute,” “Authorized Resale,” or “SAP Noncompetition,” then enter “Only One Source Solicited” as the solicitation procedure. (Note that most times when in conflict, the reason for other than full and open competition takes precedence over the type of solicitation procedure used.)

(2) *Only One Source Solicited.* Use this code if no solicitation procedure was used or only one source is solicited for the action.

(3) *Negotiated Proposal/Quote.* Use this code for competitive contract actions that use negotiated procedures (FAR parts 12, 13, or 15).

(4) *Sealed Bid.* Use this code for contract actions using sealed bid procedures (FAR part 14).

(5) *Two Step.* Use this code for contract actions that use a combination of sealed bids and negotiated procedures (FAR 6.102).

(6) *Architect-Engineer FAR 6.102.* Use this code if the action resulted from selection of sources for architect-engineer contracts pursuant to FAR 6.102(d)(1).

(7) *Basic Research.* Use this code if the action resulted from a competitive selection of basic research proposals pursuant to FAR 6.102(d)(2).

(8) *Alternative Sources.* Use this code if the action resulted from use of procedures that provided for full and open competition after exclusion of sources to establish or maintain alternative sources pursuant to FAR 6.202.

(9) *Subject to Multiple Award Fair Opportunity.* FPDS will automatically populate this entry for orders placed against multiple award contracts (to include Federal Supply Schedules) and FAR part 8 BPAs (and orders issued under such BPAs that are subject to fair opportunity pursuant to FAR 16.505(b)(1)).

(B) *Extent Competed.* Select the appropriate entry from the following list. The extent competed for any modification or order against a task or delivery order contract pulls

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from the basic contract and is shown in the “Extent competed for referenced IDV” data field.

(1) *Competed under SAP*. Report this for competitive contract actions that were awarded using FAR part 13 Simplified Acquisition Procedures (i.e., solicitation procedures were “Simplified Acquisition”), to include for the Commercial Item Test Program.

(2) *Full and Open Competition (F&OC)*. Report this if the contract action resulted from an award pursuant to FAR 6.102(a), Sealed bids; FAR 6.102(b), Competitive proposals; FAR 6.102(c), Combination; or any other competitive method that did not exclude sources of any type.

(3) *F&OC after Exclusion of Sources*. Report this when sources are excluded before competition. (Note: This terminology is broader than FAR subpart 6.2, which includes set-aside actions and actions to establish or maintain alternate sources, in that it also includes actions justified by a justification and approval that provided for competition).

(4) *Not Available for Competition*. Report this if the contract action is not available for competition (i.e., contract actions where the solicitation procedure was “Only One Source” and the reason not competed is “Authorized by Statute,” “International Agreement,” “Utilities,” or “Authorized Resale.”) Note that sole source awards for 8a firms, HUBZone firms, and service-related disabled veteran-owned concerns should always be identified as “Authorized by Statute” as the reason for other than full and open competition.

(5) *Not Competed under SAP*. Report this for non-competitive contract actions that were awarded using FAR part 13, Simplified Acquisition Procedures (i.e., solicitation procedures were “Simplified Acquisition”).

(6) *Not Competed*. Report this when the contract action is not competed and the solicitation procedures are “Only One Source.”

(C) *Type of Set-Aside*.

(1) If the contract action is a result of a set-aside or sole source authorized under part 19 of the FAR, choose the applicable value. In order to indicate a FAR part 19 set-aside or sole source on an order under a multiple-award contract, see paragraph (F) of this section.

(2) Note that the type of set-aside is collected on the original award. In the case of a task or delivery order being reported, the user will see the type of set-aside from the original contract in the “Type Set Aside” data element. The “Type of Set-Aside Source” data element is system generated to indicate whether the data in the “Type Set Aside” data element was entered on the specific CAR being viewed or if it was pre-populated from the original contract award.

(D) *SBIR/STTR*. Ensure the “SBIR/STTR” data field is completed if the contract action is a result of a Small Business Innovative Research (SBIR) or Small Technology Transfer Research (STTR) Program. SBIR and STTR Phase III awards require that a previous SBIR or STTR award exists.

(E) *Other than Full and Open Competition*.

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(1) *Simplified Acquisition Procedures (SAP)*. Select only “SAP Non-Competition,” “Authorized by Statute” if a sole source set-aside shall also be noted, or “Authorized for Resale” when the award is noncompetitive and simplified acquisition procedures were used, including those awards under the commercial items test program. Do not choose other values from the list.

(2) *Other than Simplified Acquisition Procedures*. Select from available values the one that matches the FAR part 6 authority referenced in the Justification & Authorization document for using other than competitive procedures. Do not choose “SAP Non-competition.”

(3) *Acquiring Products or Services from Afghanistan*. When DFARS [225.7703-1](#)(a)(2) or (3) procedures are used to limit competition to products or services from Afghanistan, or to award a contract to a particular source or sources from Afghanistan, select “Authorized by Statute” in the “Other than Full and Open Competition” data field.

(F) *Fair Opportunity/Limited Sources*. This field is the basis for determining whether competition is provided for on orders placed against multiple-award contracts (to include DoD contracts, Governmentwide Acquisition Contracts, Federal Supply Schedules, and BPAs issued under the Federal Supply Schedules). If a Federal Supply Schedule contract or a Governmentwide multiple-award contract is not coded as a multiple-award vehicle, thereby preventing completion of this field, the FPDS user should advise the agency FPDS so that the contracting office for the multiple-award contract can be notified and pursue correction.

(1) *Urgency*. Report this if the action was justified pursuant to FAR 8.405-6(a)(1)(i)(A) or 16.505(b)(2)(i)(A).

(2) *Only One Source*. Other – Report if the action was justified pursuant to FAR 8.405-6(a)(1)(i)(B) or 16.505(b)(2)(i)(B).

(3) *Follow-On Delivery Order Following Competitive Initial Order*. Report this if the action was justified pursuant to FAR 8.405-6(a)(1)(i)(C) or 16.505(b)(2)(i)(C).

(4) *Minimum Guarantee*. Report this if it was necessary to place an order to satisfy a minimum amount guaranteed to the contractor. See FAR 16.505(b)(2)(i)(D).

(5) *Other Statutory Authority*. Report this if a statute expressly authorizes or requires that the purchase be made from a specified source. See FAR 16.505(b)(2)(i)(E).

(6) *Fair Opportunity Given*. Report this if fair opportunity was given pursuant to FAR 16.505(b)(1).

(7) *Competitive Set-Aside*. Report this if the order was set aside pursuant to FAR 19.502-4(c) and a sub-set of multiple-award contract holders meeting the set-aside criteria were provided fair opportunity to submit an offer. If this value is selected, also choose the appropriate set-aside in the “Type of Set-Aside” field. Do not select this value if the original multiple award contract itself was set-aside or partially set-aside.

(8) *Sole Source*. Report this if the order was issued pursuant to FAR

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19.502-4(c) and awarded to a single contract holder meeting the socio-economic criteria without providing fair opportunity to other multiple-award contract holders. If this value is selected, also choose the appropriate value in the “Type of Set-Aside” field.

(G) If an award did not provide for full and open competition; or in the case of simplified acquisition, did not provide the maximum extent of competition practicable; select the value in the “Other Than Full and Open Competition” field that represents the justification used.

(H) In the “Commercial Item Acquisition Procedures” data field, indicate whether commercial procedures were (1) used for commercial items, (2) used for supplies or services pursuant to FAR 12.102(f), (3) used for services pursuant to FAR 12.102(g), or (4) not used.

(I) In the “Simplified Procedures for Certain Commercial Items” data field, indicate if the contract action utilized procedures under FAR 13.5.

(J) In the “A-76 Action” data field, indicate if the contract action resulted from an A-76 / FAIR Act competitive sourcing process. Note, however, that DoD is currently under a moratorium from procuring services using these procedures. See [PGI 207.302](#) for more information.

(K) In the “Local Area Set Aside” data field, indicate if the contract action resulted from a local area set-aside in accordance with FAR 26.202.

(L) In the “FedBizOpps” data field, enter “Yes” if the award was greater than \$25,000 in value and subject to FAR 5.2 synopsis requirements. Enter “No” if the award was greater than \$25,000 in value, but an exception to synopsis requirements applied. Enter “Not Applicable” if the award was less than or equal to \$25,000 in value.

(M) *Number of Offers.*

(1) Enter the specific number of offers received in response to the solicitation. In the case of contracts awarded as a result of a Broad Agency Announcement, enter the number of proposals received under the specific announcement. In the case of orders under a multiple-award contract (including Federal Supply Schedules and GWACs), BOAs, and BPAs, enter the number of offers received for the specific order.

(2) Note that the “Number of Offers Received” is collected on the original award. In the case of a task or delivery order being reported, the user will see the number of offers from the original contract in the “IDV Number of Offers” data element. The “Number of Offers Source” data element is system generated to indicate whether the data in the “Number of Offers Received” data element was entered on the specific CAR being viewed or if it was pre-populated from the original contract award.

(xv) *FPDS Entry – Preference Programs / Other Data Section.*

(A) *Contracting Officer’s Business Size Selection—*

(1) When entering a new contract, purchase order, or agreement award in

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FPDS, contracting officers shall ensure they appropriately choose “Small Business” or “Other than Small Business” in the “Contracting Officer’s Determination of Business Size” data field according to the NAICS code applied to the award, its associated size standard, and the contractor’s response to provision 52.212-3 or 52.219-1. The contracting officer shall enter “Other than Small Business” for awards where the contractor has not certified to its status in one of these provisions.

(2) If the “Contracting Officer’s Determination of Business Size” data field is completed with “Small Business”, the contractor’s other socio-economic information that it has entered or the Small Business Administration (SBA) has provided to the System for Award Management (SAM) database will be included in the contract action report. This includes designations such as SBA-Certified 8(a), Women-owned Small Business, Service Disabled Veteran Owned.

(3) Contracting officers will not be allowed to identify types of set-asides in FPDS unless the “Contracting Officer’s Determination of Business Size” field is completed with “Small Business,” and other required socio-economic designations are present in the Contractor’s SAM record (e.g., contractor shall have the SBA-Certified 8(a) designation in order to identify an 8(a) type set-aside in FPDS).

(4) All subsequent modifications and delivery orders under the initial award will be automatically populated with the same designations.

(B) *Subcontracting Plan*. Select whether a subcontracting plan is required for the contract action, and, if so, which type applies from the following values:

- (1) Plan Not Required;
- (2) Plan Not Included, No Subcontracting Possibilities;
- (3) Individual Subcontracting Plan;
- (4) Commercial Subcontracting Plan; or
- (5) DoD Comprehensive Subcontracting Plan.

(4) *Reporting modifications to FPDS*.

(i) Modifications against previously reported contracts, agreements, and orders are required to be reported to FPDS if they include any obligation or deobligation amount. They are also required to be reported to FPDS if there is no obligation or deobligation amount and involve a change to the data reported in any data field in the contract action report (e.g., vendor name, completion date, place of performance).

(ii) Contracting officers should choose the “Reason for Modification” value that best represents the purpose of the modification action. If more than one reason for modification applies, choose the more specific value. When a name, address, DUNS number, or CAGE code change occurs as the result of the modification, choose “Novation,” “Vendor DUNS Change,” or “Vendor Address Change,” per the instructions at paragraphs (4)(v), (vi) and (vii), rather than other values that may also apply to the action (e.g., Exercise Option).

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(iii) Do not use “Close Out” as the reason for modification in FPDS unless the modification being reported actually accomplishes the close out of the award.

(iv) DoD offices shall not use the “Transfer Action” value in the “Reason for Modification” field unless transferring the contract to a non-DoD contracting office (e.g., Department of Interior).

(v) Modifications for novations (see FAR subpart 42.12 and DFARS subpart [242.12](#)) shall use “Novation Agreement” in the “Reason for Modification” field.

(A) When this value is used, the contracting officer shall enter the appropriate DUNS number for the contractor in the modification contract action report. FPDS will then bring over the current vendor name and address from the contractor’s SAM record for that DUNS number into the modification contract action report. Subsequent contract action reports will show the updated DUNS number and vendor name.

(B) When this value is used, FPDS also allows the contracting officer to update the “Contracting Officer’s Determination of Business Size” data field. The contracting officer shall ensure that the contractor’s current size status is appropriately recorded on the modification contract action report. Subsequent contract action reports will reflect the size entered on this modification contract action report (see FAR subparts 19.301-2 and 19.301-3).

(vi) Modifications for contractor name changes that do not require a novation (see FAR subpart 42.12 and DFARS subpart [242.12](#)) shall use “Vendor DUNS Change” in the “Reason for Modification” field. When this value is used, the contracting officer shall enter the appropriate DUNS number for the contractor in the modification contract action report. FPDS will then bring over the current vendor name and address from the contractor’s SAM record for that DUNS number into the modification contract action report. Subsequent contract action reports will show the updated DUNS number and vendor name.

(vii) Modifications for contractor address changes that do not require a novation shall use “Vendor Address Change” in the “Reason for Modification” field. When this value is used, FPDS will bring over the current address from the contractor’s SAM record into the modification contract action report. Subsequent contract action reports will show the updated address.

(viii) Modifications for re-representation actions (see FAR 19.301-2 and 19.301-3) shall use either “Re-representation” or “Re-representation of Non-Novated Merger/Acquisition”, as appropriate, in the “Reason for Modification” field. When this value is used, FPDS allows the contracting officer to update the “Contracting Officer’s Determination of Business Size” data field. The contracting officer shall ensure that the contractor’s current size status is appropriately recorded on the modification contract action report. Subsequent contract action reports will reflect the size entered on this modification contract action report.

(ix) When a modification is reported with “Termination for Default” or “Termination for Cause” in the “Reason for Modification” data field, the user must also report the termination to the Federal Awardee Performance and Integrity Information System (FAPIIS) in accordance with FAR 42.1503(h) requirements.

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(5) *Reporting awards where the GPC is both the method of purchase and payment.*

(i) Do not report open-market purchases (i.e., not under a Federal Supply schedule, agreement, or contract) made with the GPC valued less than the micro-purchase threshold to FPDS.

(ii) Purchases made using the GPC as the method of both purchase and payment under federal schedules, agreements, or contracts are required to be reported to FPDS regardless of value. Contracting offices shall ensure all such purchases made by their authorized cardholders are reported to FPDS no less frequently than monthly. Any individual purchase valued greater than \$25,000 shall be reported individually to FPDS. For individual purchases valued less than \$25,000, there are three acceptable methods for reporting to FPDS. They are, in preferred order of use—

(A) Report each order individually to FPDS;

(B) Report a consolidated express report to FPDS using the delivery order or BPA call format that references the individual contract or BPA, respectively; or

(C) Report a consolidated express report to FPDS using the purchase order format that uses the generic DUNS 136721250 for “GPC Consolidated Reporting” or 136721292 for “GPC Foreign Contractor Consolidated Reporting”, as appropriate, as the identifier. Note that when a generic DUNS number is used to report these actions, only “Other than Small Business” is allowed as the “Contracting Officer’s Determination of Business Size” selection.

(iii) For orders placed on FedMall, contracting officers are not required to separately report such awards to FPDS.

(6) *Using generic DUNS numbers.*

(i) Generic DUNS numbers may only be used for reporting to FPDS in accordance with FAR 4.605(c) or paragraph 204.606(5)(ii)(C) of this section. Note that if a generic DUNS number is used on the report to FPDS, systems that prepopulate data based on the DUNS number reported to FPDS may not be able to use the DUNS number for further reporting on that contract action because the contractor identification information is not accurately reflected. For example, assessing officials cannot report past performance reports to the Contractor Performance Assessment Reporting System (CPARS) (see FAR subpart 42.15) if a generic DUNS number was used to report the action to FPDS. Additionally, some reporting requirements placed on the contractor, such as subcontract reporting required by FAR subparts 4.14 and 19.7, are not able to be completed. Therefore, it is important that the use of generic DUNS numbers in reporting to FPDS be rare and only when necessary.

(ii) The following generic DUNS numbers are available for use in contract reporting only if the conditions in FAR 4.605(c) or paragraph 204.606(5)(ii)(C) of this section apply:

(A) DUNS 167445928 – Student Workers in Laboratories. Used to report actions awarded to student workers providing goods/services in government laboratories (or other government facilities) when obtaining a DUNS number would place a financial

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hardship on the student. Corresponding CAGE code in the System for Award Management (SAM): 35HL9.

(B) DUNS 123456787 – Miscellaneous Foreign Awardees. Used to report actions awarded to vendors located outside the United States providing goods/services when a specific DUNS number is not available. Corresponding CAGE code in SAM: 35KC0.

(C) DUNS 136666505 – Spouses of Service Personnel. Used to report actions awarded to service personnel dependents located and providing goods/services outside the United States when obtaining a DUNS number would place a financial hardship on the dependent. Corresponding CAGE code in SAM: 3JDV7.

(D) DUNS 167446249 – Navy Vessel Purchases In Foreign Ports. Used to report actions awarded to vendors located outside the United States providing goods/services in support of vessels located in foreign ports when a specific DUNS number is not available. Corresponding CAGE code in SAM: 35KD3.

(E) DUNS 153906193 – Foreign Utility Consolidated Reporting. Used to report procurement actions awarded to vendors located outside the United States providing utilities goods/services when a specific DUNS number is not available. Corresponding CAGE code in SAM: 3JDX5.

(F) DUNS 790238638 – Domestic Awardees (Undisclosed). Used to report actions awarded to vendors located in the United States where identifying the vendor could cause harm to the mission or the vendor (for example, domestic shelters). Corresponding CAGE code in SAM: 3JEH0.

(G) DUNS 790238851 – Foreign Awardees (Undisclosed). Used to report actions awarded to vendors located outside the United States when identifying the vendor could cause harm to the mission or the vendor. Corresponding CAGE code in SAM: 3JEV3.

(H) DUNS 136721250 – GPC Consolidated Reporting. Used to report orders and calls issued via the GPC under indefinite-delivery type contracts and agreements to businesses located in the United States, and the identity of the DUNS number for the vendor is not available to the office reporting the action. Corresponding CAGE code in SAM: 3JDW4.

(I) DUNS 136721292 – GPC Foreign Contractor Consolidated Reporting. Used to report orders and calls issued via the GPC under indefinite delivery type contracts and agreements to businesses located outside the United States, and the identity of the DUNS number for the vendor is not available to the office reporting the action. Corresponding CAGE code in SAM: 3JDV9.

(7) *Contract Action Report Status.*

(i) The “Status” data element on contract action reports indicates whether an award is still open or officially “closed” and applies to the family of actions comprising the contract or order (i.e., includes all modifications to that contract or order). Values in this field will either be null (blank), indicating that the contract is still open; or “Closed,” indicating the contract or order has completed closeout activities in accordance with FAR 4.804, as

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supplemented. Awards without the “Closed” status are assumed to still be open and either still within the established delivery dates or period of performance, or in a post-performance period preparing for closeout.

(ii) The “Status” is changed to “Closed” in one of three ways:

(A) User reports a modification using “Closeout” in the “Reason for Modification” field. This should be rare and only occur when a modification being issued actually closes the award in that modification (not just prepares for it). If a contract action report is finalized with “Closeout” as the value, it will no longer be able to be corrected by the user. Users will need to contact the FPDS help desk to perform any corrections.

(B) User with “Closeout” privileges in FPDS marks the award as closed. This will be rare in DoD; only the DoD and Service lead system administrators will be given these privileges.

(C) An agency system sends a “Close” notice via web services to FPDS.

(iii) When the “Status” is changed to “Closed” that status is applied to the contract or order and all of its subsequent modifications. Closed notices received for task, delivery, and call orders placed under IDCs or agreements do not cause the IDC or agreement to be closed. Closed notices received for IDCs or agreements do not cause task, delivery, and call orders placed under them to be closed.

(iv) Once a contract or order, and its modifications, has been marked as “Closed” the user or agency cannot change the status and will need to contact the FPDS help desk to remove the status if it was marked in error.

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(Added December 31, 2019)

PGI 204.70—PROCUREMENT ACQUISITION LEAD TIME

PGI 204.7001 Procedures.

(a) When conducting an acquisition with an estimated value greater than \$250 million, agencies shall ensure planned and actual procurement administrative lead time (PALT) milestone dates are entered into the Procurement Integrated Enterprise Environment (PIEE) module. The PIEE module can be accessed at <https://wawf.eb.mil/>.

(b) The “planned” date indicates when the milestone is initially expected to be completed and the “actual” date is when the milestone is complete.

(c) The following PALT milestones shall be entered into the PIEE module, if applicable:

- (1) The acquisition strategy/acquisition plan approval date.
- (2) The date the justification and approval is approved.
- (3) The date a funded purchase request is received by the contracting officer.
- (4) The date a procurement-ready requirements package is received by the contracting officer.
- (5) The solicitation issuance date.
- (6) The proposal receipt date.
- (7) The date the technical evaluation is complete.
- (8) The audit completion date.
- (9) The date the business clearance is approved.
- (10) The date negotiations/discussions are complete.
- (11) The date the contract clearance is complete.
- (12) The contract award date.

(d) Planned milestone dates shall be entered into the PIEE module within one week of establishment of the milestones, but no later than the approval date of the acquisition strategy or plan. Actual milestone dates shall be entered into the PIEE module no later than one week after occurrence. Milestone dates shall be updated, as necessary, to reflect any changes.

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(e) A PowerPoint presentation with screenshots introducing the module is available on the DPC Procurement Toolbox at <https://dodprocurementtoolbox.com/site-pages/palt>.

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PGI 211—Describing Agency Needs

(Revised December 31, 2019)

PGI 211.70 -- PURCHASE REQUESTS

PGI 211.7001 Procedures.

Requiring activities are responsible for developing and distributing purchase requests, except for the requirements for Military Interdepartmental Purchase Requests (MIPRs) (DD Form 448) addressed in [253.208-1](#).

(a) Agencies may use a combined numbering series for MIPRs and internal purchase requests, following the rules at [253.208-1\(c\)\(1\)](#) for both. If using a separate numbering sequence for internal purchase requests, procedures shall be in place to ensure that the same number cannot be assigned to both a MIPR and an internal purchase request. Use of a purely internal tracking number in addition to the purchase request number is authorized and supported by the data standards. Number the purchase request by using—

(1) The requiring activity's Department of Defense Activity Address Code (DODAAC), as described in DLM 4000.25 Volume 6, Chapter 2. DODAACs may be verified at <https://www.transactionservices.dla.mil/daasing>.

(2) A serial number of eight alphanumeric characters, excluding "I" and "O"; and

(3) A revision number, with the original request being assigned zero and subsequent revisions or amendments being numbered consecutively.

(b) Prior to taking action on a purchase request, contracting officers shall ensure that the requiring activity has prepared the purchase requests in uniform contract format (see FAR 14.201-1 and 15.204), except for procurement of construction (see part 36), which should follow the current edition of the Construction Specifications Institute format. Purchase requests shall include all supporting documentation required by local contract procedures.

(c) Prior to taking action on a purchase request, contracting officers shall ensure that the purchase requests follow the line item rules and data requirements in DFARS [204.71](#). Purchase requests for individual supplies (i.e., not bulk commodities such as oil) shall identify whether the item to be acquired is subject to the item unique identification requirements of DFARS [211.274-2](#).

(d)(1) Purchase requests may be unfunded for planning purposes, partially funded, or fully funded.

(2) Funding data in purchase requests will, at a minimum, identify the following elements of the funding source: Department Code (e.g. 21 Army), Main Account (e.g. 1804, Operation and Maintenance, Navy), Subaccount (where applicable), and Fiscal Year. Lists of these codes are published in Supplement 1 to Volume I of the *Treasury Financial Manual, Federal Account Symbols and Titles*, generally referred to as [The FAST Book](#).

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(3) Agencies shall have sufficient procedures in place to enable traceability of line items identified in the purchase request to those in the resulting contract. In developing such procedures, agencies shall ensure that provisions are made for circumstances in which the deliverables may be more completely defined during the process of soliciting offers and making an award.

(e) Contracting officers shall not obligate funds that have not been certified as currently available and suitable. All purchase requests shall be reviewed and certified after agreement on price and prior to award to ensure that the funds are—

- (1) Suitable and available for the purpose and amount of the contract; and
- (2) Traceable from the purchase request to the resultant contract.

(f) Purchase requests transmitted between requiring systems and contract writing systems shall be transmitted via the Global EXchange system (GEX) using the Purchase Request Data Standard Extensible Markup Language (XML) format (http://www.acq.osd.mil/dpap/pdi/eb/procurement_data_standard.html). Copies shall be sent via the GEX to the Electronic Data Access (EDA) (<http://eda.ogden.disa.mil>) system. Requiring systems and contract writing systems may use a format that can be translated to or from the purchase request Data Standard Extensible Markup Language (XML) format.

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PGI 215—Contracting by Negotiation

(Revised December 31, 2019)

PGI 215.4—CONTRACT PRICING

PGI 215.402 Pricing policy.

(1) Contracting officers must purchase supplies and services from responsible sources at fair and reasonable prices. The Truth in Negotiations Act (TINA) (10 U.S.C. 2306a and 41 U.S.C. chapter 35) requires offerors to submit certified cost or pricing data if a procurement exceeds the TINA threshold and none of the exceptions to certified cost or pricing data requirements applies. Under TINA, the contracting officer obtains accurate, complete, and current data from offerors to establish a fair and reasonable price (see FAR 15.403). TINA also allows for a price adjustment remedy if it is later found that a contractor did not provide accurate, complete, and current data.

(2) When certified cost or pricing data are not required, and the contracting officer does not have sufficient data to determine price reasonableness, FAR 15.402(a)(2) requires the offeror to provide whatever data the contracting officer needs in order to determine fair and reasonable prices.

(3) Obtaining sufficient data from the offeror is particularly critical in situations where an item is determined to be a commercial item in accordance with FAR 2.101 and the contract is being awarded on a sole source basis. This includes commercial sales data of items sold in similar quantities and, if such data is insufficient, cost data to support the proposed price.

(4) See [PGI 215.404-1](#) and the Department of Defense Guidebook for Acquiring Commercial Items, [Part B: Pricing Commercial Items](#), for more detailed procedures and guidance on obtaining data needed to determine fair and reasonable prices.

PGI 215.403 Obtaining certified cost or pricing data.

PGI 215.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

(b) *Exceptions to certified cost or pricing data requirements.* Even if an exception to certified cost or pricing data applies, the contracting officer is still required to determine price reasonableness. In order to make this determination, the contracting officer may require data other than certified cost or pricing data, including data related to prices and cost data that would otherwise be defined as certified cost or pricing data if certified.

(c)(3) *Commercial items.*

(A) See the Department of Defense Guidebook for Acquiring Commercial Items, [Part B: Pricing Commercial Items](#), for detailed guidance about techniques and approaches to pricing commercial products and services.

(B)(1) *Report Content.* The annual report of commercial item exceptions to Truth in Negotiations Act (TINA) requirements shall include the following:

Title: Commercial Item Exceptions to TINA Requirements

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program name. (1) Contract number, including modification number, if applicable, and

(2) Contractor name.

(3) Contracting activity.

(4) Total dollar amount of exception.

commercial. (5) Brief explanation of the basis for determining that the item(s) are

reasonableness. (6) Brief description of the specific steps taken to ensure price

(2) Pricing Actions Reported. The intent of this requirement is to report when a commercial item exception was determined. Therefore, the reporting of the commercial item exceptions are for pricing actions at the point the contracting officer makes a determination that the commercial item exception applies. For example—

Example 1: The contracting officer determined that a commercial item exception applies for an entire indefinite-delivery indefinite-quantity (IDIQ) contract and expected the subsequent orders to exceed \$19.5 million (based on the estimated maximum amount for the IDIQ or other supportable estimate of future orders). The organization would report this in accordance with DFARS [215.403-1\(c\)\(3\)](#) for the period in which the IDIQ contract was awarded, and would include the total dollar amount of subsequent orders under the exception expected at the time of award.

Example 2: The contracting officer awards an IDIQ contract with no commercial item exceptions anticipated. The contracting officer later modifies the contract for an order that will meet commercial item exceptions, and the subsequent order(s) are expected to exceed \$19.5 million. Reporting (in the year the modification was issued) will include this IDIQ contract, the amount of this order, and any other expected future orders that will use the exception.

(i) For the above examples, after the contract is reported as receiving the exception with expected awards over \$19.5 million, there would be no further report, e.g., when a subsequent order under that contract exceeds \$19.5 million, because reporting for that contract was already accomplished.

(ii) When explaining price reasonableness in accordance with paragraph (c)(3)(B)(1)(6) of this subsection, if pricing was accomplished when the IDIQ contract was awarded, also explain how price reasonableness was determined. In circumstances where pricing will take place on the order at a future date, explain how pricing techniques at FAR 15.404-1 will be used, including obtaining cost data, if that is the only way to determine price reasonableness.

(4) *Waivers*.

(A) *Exceptional case TINA waiver*.

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(1) In determining that an exceptional case TINA waiver is appropriate, the head of the contracting activity must exercise care to ensure that the supplies or services could not be obtained without the waiver and that the determination is clearly documented. [See DPAP March 23, 2007, policy memorandum.](#) The intent is not to relieve entities that normally perform Government contracts subject to TINA from an obligation to certify that cost or pricing data are accurate, complete, and current. Instead, waivers must be used judiciously, in situations where the Government could not otherwise obtain a needed item without a waiver. A prime example would be when a particular company offers an item that is essential to DoD's mission but is not available from other sources, and the company refuses to submit certified cost or pricing data. In such cases, a waiver may be appropriate. However, the procuring agency should, in conjunction with the waiver, develop a strategy for procuring the item in the future that will not require such a waiver (e.g., develop a second source, develop an alternative product that satisfies the department's needs, or have DoD produce the item).

(2) Senior procurement executive coordination. An exceptional case TINA waiver that exceeds \$100 million shall be coordinated with the senior procurement executive prior to granting the waiver.

(3) Waiver for part of a proposal. The requirement for submission of certified cost or pricing data may be waived for part of an offeror's proposed price when it is possible to clearly identify that part of the offeror's cost proposal to which the waiver applies as separate and distinct from the balance of the proposal. In granting a partial waiver, in addition to complying with the requirements in DFARS [215.403-1\(c\)\(4\)](#), the head of the contracting activity must address why it is in the Government's best interests to grant a partial waiver, given that the offeror has no objection to certifying to the balance of its cost proposal.

(4) Waivers for unpriced supplies or services. Because there is no price, unpriced supplies or services cannot be subject to cost or pricing data certification requirements. The Government cannot agree in advance to waive certification requirements for unpriced supplies or services, and may only consider a waiver at such time as an offeror proposes a price that would otherwise be subject to certification requirements.

(B) The annual report of waiver of TINA requirements shall include the following:

Title: Waiver of TINA Requirements

(1) Contract number, including modification number, if applicable, and program name.

(2) Contractor name.

(3) Contracting activity.

(4) Total dollar amount waived.

(5) Brief description of why the item(s) could not be obtained without a waiver. [See DPAP March 23, 2007, policy memorandum.](#)

(6) Brief description of the specific steps taken to ensure price

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reasonableness.

- (7) Brief description of the demonstrated benefits of granting the waiver.

PGI 215.403-3 Requiring data other than certified cost or pricing data.

To the extent that certified cost or pricing data are not required by FAR 15.403-4 and there is no other means for the contracting officer to determine that prices are fair and reasonable, the offeror is required to submit “data other than certified cost or pricing data” (see definition at FAR 2.101). In accordance with FAR 15.403-3(a), the offeror must provide appropriate data on the prices at which the same or similar items have previously been sold, adequate for determining the reasonableness of the price. The following clarifies these requirements:

(1) *Data other than certified cost or pricing data.* When certified cost or pricing data are not required, the contracting officer must obtain whatever data is necessary in order to determine the reasonableness of the price. The FAR defines this as “data other than certified cost or pricing data.” When TINA does not apply and there is no other means of determining that prices are fair and reasonable, the contracting officer must obtain appropriate data on the prices at which the same or similar items have been sold previously, adequate for evaluating the reasonableness of the price. Sales data must be comparable to the quantities, capabilities, specifications, etc., of the product or service proposed. Sufficient steps must be taken to verify the integrity of the sales data, to include assistance from the Defense Contract Management Agency, the Defense Contract Audit Agency, and/or other agencies if required. See [PGI 215.404-1](#) for more detailed procedures for obtaining data from offerors to determine price reasonableness.

(2) *Previously been sold.* Contracting officers shall request offerors to provide data related to prior sales (or “offered for sale”) in support of price reasonableness determinations.

(3) *Adequacy of sales data for pricing.* The contracting officer must determine if the prior sales data is sufficient for determining that prices are fair and reasonable. If the sales data is not sufficient, additional data shall be obtained, including cost data if necessary. See [PGI 215.404-1](#) for more detailed procedures for obtaining whatever data is needed to determine fair and reasonable prices.

(4) *Reliance on prior prices paid by the Government.* Before relying on a prior price paid by the Government, the contracting officer must verify and document that sufficient analysis was performed to determine that the prior price was fair and reasonable. Sometimes, due to exigent situations, supplies or services are purchased even though an adequate price or cost analysis could not be performed. The problem is exacerbated when other contracting officers assume these prices were adequately analyzed and determined to be fair and reasonable. The contracting officer also must verify that the prices previously paid were for quantities consistent with the current solicitation. Not verifying that a previous analysis was performed, or the consistencies in quantities, has been a recurring issue on sole source commercial items reported by oversight organizations. Sole source commercial items require extra attention to verify that previous prices paid on Government contracts were sufficiently analyzed and determined to be fair and reasonable. At a minimum, a contracting officer reviewing price history shall discuss the basis of previous prices paid with the contracting organization that previously bought the item. These discussions shall be

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documented in the contract file.

(5) *Canadian Commercial Corporation*. All contracts with the Canadian Commercial Corporation (CCC) are placed in accordance with the practices, policies and procedures of the Government of Canada covering procurement for defense purposes (see [PGI 225.870](#)). Contracting Officers may rely on the confirmation and endorsement of the offer from the Canadian Commercial Corporation at [225.870-3\(a\)](#) as an endorsement of the cost/price as no more than would be charged to the Canadian government.

(i) When [252.215-7003](#) or [252.215-7004](#) are included in a solicitation with the Canadian Commercial Corporation, the data required by paragraph (b)(i) and (ii), in concert with the confirmation and endorsement of the offer, is intended to meet the requirements of FAR 15.404-1 for documentation of fair and reasonable pricing.

(ii) Use of [252.215-7003](#) or [252.215-7004](#) in sole source acquisitions not meeting the threshold at [215.408\(2\)\(i\)\(A\)](#) or (ii)(A)(1) or competitive acquisitions at any dollar value shall be supported by a determination and finding justifying the anticipated need for data other than certified cost or pricing data to determine a fair and reasonable price.

(iii) When the contracting officer anticipates the need for additional data to establish a fair and reasonable price, specific data should be requested at time of solicitation as detailed in DFARS [252.215-7003](#).

(iv) Examples of clause use:

Scenario	Requirement
Sole source to CCC, fixed price, with estimated value of \$600 million.	Include provision and clause in accordance with 215.408(2)(i)(A)(2) and (ii)(A)(1)(ii), respectively, because estimated value exceeds \$500 million.
Sole source to CCC, cost reimbursement, with estimated value of \$800,000.	Include provision and clause in accordance with 215.408(2)(i)(A)(1) and (ii)(A)(1)(i), respectively, because estimated value exceeds \$750,000.
Sole source to CCC, cost-reimbursement, with estimated value of \$500,000.	Do not include provision and clause, unless D&F is approved in accordance with 215.408(2)(i)(B) and (ii)(A)(2)), respectively, because estimated value does not exceed \$750,000.
Sole source to CCC, fixed price, with estimated value of \$800,000	Do not include provision and clause, unless D&F is approved in accordance with 215.408(2)(i)(B) and (ii)(A)(2)), respectively, because estimated value does not exceed \$500 million.
Modifications to contracts that include the clause 252.215-7004 .	If 252.215-7004 is included in the contract, then data are required for modifications valued above the simplified acquisition threshold, or a higher threshold specified in the solicitation by

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	the contracting officer, in accordance with 252.215-7004(b) .
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(6) *Reporting requirements.*

(i) All contracting officers are required to document, collect, and provide a report to the head of the contracting activity of all denials of contracting officer requests to offerors/contractors for data other than certified cost or pricing data that are not resolved through the elevation process at [PGI 215.404-1\(a\)\(i\)\(A\)](#) and, therefore, require a determination by the head of the contracting activity in accordance with FAR 15.403-3(a)(4).

(ii) The head of the contracting activity shall consolidate and validate this information and forward it in the standard digital format available at <https://www.acq.osd.mil/dpap/index.html> to fulfill the reporting requirement to the Director, Defense Pricing and Contracting (DPC). The first quarter for reporting will be April 1 - June 30, 2019, with the reports due to DPC by July 30, 2019, and 30 days after the end of each quarterly reporting period thereafter. Transmit reports electronically to DPC at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

(iii) The report shall contain the following information for each reported occurrence:

- (A) Contracting activity/DOD Activity Address Code.
- (B) Name, email address, and telephone number of the procuring contracting officer (PCO) that requested the data.
- (C) Name of the offeror/contractor that denied the request.
- (D) Commercial and Government Entity (CAGE) code.
- (E) Contract number.
- (F) Part number and national stock number.
- (G) Whether the offeror/contractor is an exclusive dealer for the Original Equipment Manufacturer.
- (H) Date of initial request.
- (I) Type of data requested.
- (J) Number of requests made.
- (K) Number of denials received.

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(L) Date of final request.

(M) Reason for denial.

(N) Reason data is needed.

(O) HCA determination that it is in the best interests of DoD to purchase from the supplier.

(P) Plan for avoiding situation in future.

(iv) DPC will establish a team of functional experts from the military departments and defense agencies to analyze the data reported as a result of this requirement. The team of functional experts will—

(A) Assess parts and offerors/contractors deemed to be at high risk for unreasonable pricing and identify trends; and

(B) Perform price analysis and cost analysis of high-risk parts to identify lower cost alternatives or fair and reasonable pricing for future procurements.

PGI 215.404 Proposal analysis.

PGI 215.404-1 Proposal analysis techniques.

(a) *General.*

(i) The objective of proposal analysis is to ensure that the final agreed-to price is fair and reasonable.

(A) When the contracting officer needs data to determine price reasonableness and the offeror will not furnish that data, use the following sequence of steps to resolve the issue:

(i) The contracting officer should make it clear what data is required and why it is needed to determine fair and reasonable prices, and should be flexible in requesting data in existing formats with appropriate explanations from the offeror.

(ii) If the offeror refuses to provide the data, the contracting officer should elevate the issue within the contracting activity.

(iii) Contracting activity management shall, with support from the contracting officer, discuss the issue with appropriate levels of the offeror's management.

(iv) If the offeror continues to refuse to provide the data, contracting activity management shall elevate the issue to the head of the contracting activity for a decision in accordance with FAR 15.403-3(a)(4).

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(v) The contracting officer shall document the contract file to describe—

(a) The data requested and the contracting officer's need for that data;

(b) Why there is currently no other alternative but to procure the item from this particular source; and

(c) A written plan for avoiding this situation in the future (e.g., develop a second source by...; bring the procurement in house to the Government by...).

(vi) Consistent with the requirements at FAR 15.304 and 42.1502 and the DoD Guide to Collection and Use of Past Performance Information, Version 3, dated May 2003, the contracting officer shall provide input into the past performance system, noting the offeror's refusal to provide the requested information.

(B) In some cases, supplies or services that are not subject to TINA may require a cost analysis (see paragraph (b)(iv) of this section). This will occur when a price analysis is not sufficient for determining prices to be fair and reasonable. In such cases, the contracting officer should consider the need for a Defense Contract Audit Agency audit of the cost data.

(C) Particular attention should be paid to sole source commercial supplies or services. While the order of preference at FAR 15.402 must be followed, if the contracting officer cannot determine price reasonableness without obtaining data other than cost or pricing data from the offeror, at a minimum, the contracting officer must obtain appropriate data on the prices at which the same or similar items have been sold previously (often previous sales data was the basis of the commercial item determination and must be requested during price analysis of the data provided by the offeror). If previous sales data is not sufficient to determine price reasonableness, the contracting officer must obtain "data other than certified cost or pricing data" and, if necessary, perform a cost analysis.

(D) Analysis of termination proposals, including termination of any contract scope, should not rely solely on earned value management budgets or estimates for estimating the costs of all work deleted, or the cost of deleted work already performed (reference FAR subpart 15.4, Table 15-2—Instructions for Submitting Cost/Price Proposals When Certified Cost or Pricing Data are Required, columns (2) and (3) of section III.B., Change Orders, Modifications, and Claims).

(b) *Price analysis for commercial and noncommercial items.*

(i) See the Department of Defense Guidebook for Acquiring Commercial Items, [Part B: Pricing Commercial Items](#), for detailed guidance about techniques and approaches to pricing commercial products and services.

(v) Contracting officers must obtain and document sufficient data to confirm that previous prices paid by the Government were based on a thorough price and/or cost analysis. For example, it would not be sufficient to use price(s) from a database paid by another contracting officer without understanding the type of analysis that was performed to determine the price(s), and without verifying that the quantities were similar for pricing purposes. This does not necessarily need to be another analysis, but there should be coordination with the other office that acknowledges an analysis was performed previously.

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(vii) See the Department of Defense Guidebook for Acquiring Commercial Items, [Part B: Pricing Commercial Items](#), for information about how to obtain advisory assistance from the DoD cadre of experts in the Defense Contract Management Agency (DCMA) Commercial Item Group (CIG) via email at commercial@dcma.mil or at <http://www.dcma.mil/commercial-item-group/>.

(c) *Cost analysis.*

(i) When the contracting officer cannot obtain sufficient data to perform a price analysis in accordance with the pricing steps in FAR 15.404-1(b), a cost analysis is required.

(ii) When a solicitation is not subject to TINA and a cost analysis is required, the contracting officer must clearly communicate to the offeror the cost data that will be needed to determine if the proposed price is fair and reasonable.

(iii) To the extent possible, when cost or pricing data are not required to be submitted in accordance with Table 15-2 of FAR 15.408, the contracting officer should accept the cost data in a format consistent with the offeror's records.

(iv) The contracting officer must always consider the need for field pricing support from the Defense Contract Management Agency, the Defense Contract Audit Agency, and/or other agencies.

(e) *Technical analysis.*

Requesting technical assistance is particularly important when evaluating pricing related to items that are “similar to” items being purchased or commercial items that are “of a type” or require “minor modifications.” Technical analysis can assist in pricing these types of items by identifying any differences between the item being acquired and the “similar to” item. In particular, the technical review can assist in evaluating the changes that are required to get from the “similar to” item, to the item being solicited, so the contracting officer can determine sufficient price/cost analysis techniques when evaluating that the price for the item being solicited is fair and reasonable. See the Department of Defense Guidebook for Acquiring Commercial Items, [Part B: Pricing Commercial Items](#), for information about how to obtain advisory assistance from the DoD cadre of experts in the Defense Contract Management Agency (DCMA) Commercial Item Group (CIG) via email at commercial@dcma.mil or at <http://www.dcma.mil/commercial-item-group/>.

(h) *Review and justification of pass-through contracts.*

(2)(A) This requirement applies to acquisitions that include the clause at FAR 52.215-23, Limitations on Pass-Through Charges, as prescribed at FAR 15.408(n)(2)(i)(B). When considering alternative approaches or making the determination that the contracting approach selected is in the best interest of the Government as required by FAR 15.404-1(h)(2), consider the following elements:

(1) The requirement, proposed prime contractor, and overall proposed contract value.

(2) The information provided in response to the provision at FAR 52.215-

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22, Limitations on Pass-Through Charges—Identification of Subcontract Effort, regarding the subcontracts, and the estimated value of the proposed subcontracts.

(3) The availability of alternative existing contracts that would allow direct access to the subcontractor, such as existing indefinite delivery/indefinite quantity contracts, Federal Supply Schedule contracts, or Governmentwide agency contracts. Perform market research as appropriate.

(4) Potential cost savings of directly contracting with the subcontractor.

(5) Feasibility of competition for the subcontracted effort or justification for single source procurement.

(6) Potential impacts to the contracting and program schedule for implementing a direct contract with the subcontractors or conducting a competition for the subcontracted effort.

(7) Changes in performance risk as result of eliminating prime contractor oversight and substituting direct government oversight. Risks may include loss of prime contractor knowledge of integration and program requirements, availability of government contracting and contract administration personnel, reduced system or program accountability of the prime contractor who is no longer responsible for the entire effort, impact on warranties.

(8) Subcontractor past performance and experience directly managing programs of this size.

(B) DoD components shall include reviews of compliance in routine procurement management reviews or other inspections.

PGI 215.404-2 Data to support proposal analysis.

(a) *Field pricing assistance.*

(i) The contracting officer should consider requesting field pricing assistance (See [PGI 215.404-2\(c\)](#) for when audit assistance should be requested) for—

(A) Fixed-price proposals exceeding the certified cost or pricing data threshold;

(B) Cost-type proposals exceeding the certified cost or pricing data threshold from offerors with significant estimating system deficiencies (see DFARS [215.407-5-70\(a\)\(4\)](#) and (c)(2)(i)); or

(C) Cost-type proposals exceeding \$10 million from offerors without significant estimating system deficiencies.

(ii) The contracting officer should not request field pricing support for proposed contracts or modifications in an amount less than that specified in paragraph (a)(i) of this subsection. An exception may be made when a reasonable pricing result cannot be established because of—

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- (A) A lack of knowledge of the particular offeror; or
- (B) Sensitive conditions (e.g., a change in, or unusual problems with, an offeror's internal systems).
- (c) *Audit assistance for prime contracts or subcontracts.*
 - (i) The contracting officer should consider requesting audit assistance from DCAA for—
 - (A) Fixed-price proposals exceeding \$10 million;
 - (B) Cost-type proposals exceeding \$100 million.
 - (ii) The contracting officer should not request DCAA audit assistance for proposed contracts or modifications in an amount less than that specified in paragraph (c)(i) of this subsection unless there are exceptional circumstances explained in the request for audit. (See [PGI 215.404-2\(a\)\(i\)](#) for requesting field pricing assistance without a DCAA audit.)
 - (iii) If, in the opinion of the contracting officer or auditor, the review of a prime contractor's proposal requires further review of subcontractors' cost estimates at the subcontractors' plants (after due consideration of reviews performed by the prime contractor), the contracting officer should inform the administrative contracting officer (ACO) having cognizance of the prime contractor before the review is initiated.
 - (iv) Notify the appropriate contract administration activities when extensive, special, or expedited field pricing assistance will be needed to review and evaluate subcontractors' proposals under a major weapon system acquisition. If audit reports are received on contracting actions that are subsequently cancelled, notify the cognizant auditor in writing.
 - (v) Requests for audit assistance for subcontracts should use the same criteria as established in paragraphs (c)(i) and (c)(ii) of this subsection.

PGI 215.404-3 Subcontract pricing considerations.

- (a) The contracting officer should consider the need for field pricing analysis and evaluation of lower-tier subcontractor proposals, and assistance to prime contractors when they are being denied access to lower-tier subcontractor records.
 - (i) When obtaining field pricing assistance on a prime contractor's proposal, the contracting officer should request audit or field pricing assistance to analyze and evaluate the proposal of a subcontractor at any tier (notwithstanding availability of data or analyses performed by the prime contractor) if the contracting officer believes that such assistance is necessary to ensure the reasonableness of the total proposed price. Such assistance may be appropriate when, for example—
 - (A) There is a business relationship between the contractor and the subcontractor not conducive to independence and objectivity;
 - (B) The contractor is a sole source supplier and the subcontract costs represent

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a substantial part of the contract cost;

(C) The contractor has been denied access to the subcontractor's records;

(D) The contracting officer determines that, because of factors such as the size of the proposed subcontract price, audit or field pricing assistance for a subcontract at any tier is critical to a fully detailed analysis of the prime contractor's proposal;

(E) The contractor or higher-tier subcontractor has been cited for having significant estimating system deficiencies in the area of subcontract pricing, especially the failure to perform adequate cost analyses of proposed subcontract costs or to perform subcontract analyses prior to negotiation of the prime contract with the Government; or

(F) A lower-tier subcontractor has been cited as having significant estimating system deficiencies.

(ii) It may be appropriate for the contracting officer or the ACO to provide assistance to a contractor or subcontractor at any tier, when the contractor or higher-tier subcontractor has been denied access to a subcontractor's records in carrying out the responsibilities at FAR 15.404-3 to conduct price or cost analysis to determine the reasonableness of proposed subcontract prices. Under these circumstances, the contracting officer or the ACO should consider whether providing audit or field pricing assistance will serve a valid Government interest.

(iii) When DoD performs the subcontract analysis, DoD shall furnish to the prime contractor or higher-tier subcontractor, with the consent of the subcontractor reviewed, a summary of the analysis performed in determining any unacceptable costs included in the subcontract proposal. If the subcontractor withholds consent, DoD shall furnish a range of unacceptable costs for each element in such a way as to prevent disclosure of subcontractor proprietary data.

(iv) Price redeterminable or fixed-price incentive contracts may include subcontracts placed on the same basis. When the contracting officer wants to reprice the prime contract even though the contractor has not yet established final prices for the subcontracts, the contracting officer may negotiate a firm contract price—

(A) If certified cost or pricing data on the subcontracts show the amounts to be reasonable and realistic; or

(B) If certified cost or pricing data on the subcontracts are too indefinite to determine whether the amounts are reasonable and realistic, but—

(1) Circumstances require prompt negotiation; and

(2) A statement substantially as follows is included in the repricing modification of the prime contract:

As soon as the Contractor establishes firm prices for each subcontract listed below, the Contractor shall submit (in the format and with the level of detail specified by the Contracting Officer) to the Contracting Officer the subcontractor's cost

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incurred in performing the subcontract and the final subcontract price. The Contractor and the Contracting Officer shall negotiate an equitable adjustment in the total amount paid or to be paid under this contract to reflect the final subcontract price.

(v) If the selection of the subcontractor is based on a trade-off among cost or price and other non-cost factors rather than lowest price, the analysis supporting subcontractor selection should include a discussion of the factors considered in the selection (also see FAR 15.101 and 15.304 and DFARS [215.304](#)). If the contractor's analysis is not adequate, return it for correction of deficiencies.

(vi) The contracting officer shall make every effort to ensure that fees negotiated by contractors for cost-plus-fixed-fee subcontracts do not exceed the fee limitations in FAR 15.404-4(c)(4).

PGI 215.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.

(1) The DD Form 1547—

(i) Provides a vehicle for performing the analysis necessary to develop a profit objective; and

(ii) Provides a format for summarizing profit amounts subsequently negotiated as part of the contract price.

(2) The contracting officer shall—

(i) Use and prepare a DD Form 1547 whenever a structured approach to profit analysis is required by DFARS [215.404-4\(b\)](#) (see DFARS [215.404-71](#), [215.404-72](#), and [215.404-73](#) for guidance on using the structured approaches). Administrative instructions for completing the form are in [PGI 253.215-70](#).

(ii) Ensure that the DD Form 1547 is accurately completed. The contracting officer is responsible for the correction of any errors detected by the management system auditing process.

PGI 215.404-71 Weighted guidelines method.

PGI 215.404-71-4 Facilities capital employed.

(c) *Use of DD Form 1861 - Field pricing support.*

(i) The contracting officer may ask the ACO to complete the forms as part of field pricing support.

(ii) When the Weighted Guidelines Method is used, completion of the DD Form 1861 requires data not included on the Form CASB-CMF, i.e., distribution percentages of land, building, and equipment for the business unit performing the contract. Choose the most practical method for obtaining this data, for example—

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(A) Contract administration offices could obtain the data through the process used to establish factors for facilities capital cost of money or could establish advance agreements on distribution percentages for inclusion in field pricing reports;

(B) The corporate ACO could obtain distribution percentages; or

(C) The contracting officer could request the data through a solicitation provision.

PGI 215.406-1 Prenegotiation objectives.

(a) Also consider—

(i) Data resulting from application of work measurement systems in developing prenegotiation objectives; and

(ii) Field pricing assistance personnel participation in planned prenegotiation and negotiation activities.

(b) Prenegotiation objectives, including objectives related to disposition of findings and recommendations contained in preaward and postaward contract audit and other advisory reports, shall be documented and reviewed in accordance with departmental procedures.

(i) *Significant Disagreements.* (A) Contracting officers and contract auditors have complementary roles in the contracting process and are expected to collaborate to determine fair and reasonable contract values, in accordance with [Director, Defense Procurement and Acquisition Policy memorandum dated December 4, 2009, Subject: Resolving Contract Audit Recommendations](#). When a significant disagreement arises on questioned costs, the contracting officer and the auditor shall discuss the basis of the disagreement. The contracting officer shall document that discussion and their disagreement in a written communication to the auditor. The contracting officer shall also document the disagreement in the prenegotiation objective (or pre-business clearance). The contracting officer may then proceed with negotiations when the prenegotiation objectives are approved.

(B) A significant disagreement is defined as the contracting officer planning to sustain less than 75-percent of the total recommended questioned costs in a Defense Contract Audit Agency (DCAA) audit report of a contractor proposal for an initial contract or a contract modification with a value equal to or greater than \$10 million. It does not apply to costs that DCAA has categorized as unsupported or unresolved in its audit report.

(ii) *Adjudication Procedures.* DCAA has three days to elevate the issues within the contracting officer's activity after receipt of the contracting officers' written communication confirming the disagreement. Furthermore, DCAA may appeal the significant issues up the chain of command as established in each Component's "Resolving Contract Audit Recommendations" policy. If issues remain, the Director, DCAA may escalate from the Defense Component's Head of Contracting Activity or Senior Procurement Executive, to the Director, Defense Procurement and Acquisition Policy (DPAP). If the DCAA Director believes that the Director, DPAP has not adequately addressed the matter, the disagreement may finally be elevated to the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Comptroller.

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(iii) Notwithstanding the above, the Director, DCAA, may always raise audit issues to the Director, DPAP.

(c) *Cost estimates for program baselines and contract negotiations for Major Defense Acquisition and Major Automated Information System Programs.*

(i) For the purpose of contract negotiations and obligation of funds under this paragraph, the Government shall prepare cost analyses and targets based on the Government's reasonable expectation of successful contractor performance in accordance with the contractor's proposal and previous experience.

(ii) Cost estimates developed for baseline descriptions and other program purposes by the Director of Cost Assessment and Program Evaluation pursuant to its functions, do not meet the criteria described in paragraph (c)(i) of this subsection and, thus, shall not be used for purposes of developing the Government's contract negotiation position or for the obligation of funds. However, the Government may consider the data used to develop such estimates when developing the cost analyses and targets described in paragraph (c)(i) of this subsection.

(d) See Frequently asked 'Questions and Answers' at http://www.acq.osd.mil/dpap/cpic/cp/sec_808_NDAA.html relating to the limitations placed on the Department of Defense for aggregate annual amounts available for contracted services in accordance with section 808 of the National Defense Authorization Act for Fiscal year 2012, P.L. 112-81 and DFARS Class Deviation 2012-O0012, Limitation on Amounts Available for Contracted Services, dated July 31, 2012.

PGI 215.406-3 Documenting the negotiation.

(a)(7) Include the principal factors related to the disposition of findings and recommendations contained in preaward and postaward contract audit and other advisory reports.

(10) The documentation—

(A) Shall address significant deviations from the prenegotiation profit objective;

(B) Should include the DD Form 1547, Record of Weighted Guidelines Application (see DFARS [215.404-70](#)), if used, with supporting rationale;

(C) Shall address the rationale for not using the weighted guidelines method when its use would otherwise be required by DFARS [215.404-70](#); and

(D) Shall be marked "FOR OFFICIAL USE ONLY", as appropriate and in accordance with [DoD Manual 5200.01](#), Volume 4.

(11) The contracting officer is responsible to ensure the approved pre- and postnegotiation noncompetitive business clearance documents (e.g., price negotiation memoranda) are uploaded into the Contract Business Analysis Repository (CBAR) at <https://eadf.dcma.mil/ewam2/registration/setup.do> for the purpose of sharing negotiation experience with other contracting officers preparing to negotiate. This includes both

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noncompetitive actions using the procedures at FAR part 12, Acquisition of Commercial Items, as well as noncompetitive actions using the procedures at FAR part 15, Contracting by Negotiation, that are valued in excess of \$25 million and awarded on or after June 24, 2013 (and for all definitized or awarded actions over \$100 million, which occurred on or after October 1, 2012).

(A) Business clearance documents uploaded to CBAR shall be marked "FOR OFFICIAL USE ONLY (FOUO)" at the top and bottom of the face or cover page, and on the bottom of each page containing FOUO, including the back page or cover.

(B) The business clearance documents uploaded to CBAR shall be signed by the contracting officer and shall include all other signatures required by local policy/procedure.

(C) The documentation shall be uploaded to CBAR no later than 30 days after award of the contract action associated with the negotiation and shall include both the prenegotiation objectives required by FAR 15.406-1 and [PGI 215.406-1](#), and the record of negotiations (i.e. the Price Negotiation Memoranda required by FAR 15.406-3 and [PGI 215.406-3](#)). The contracting officer shall complete the "description of acquisition" field with keywords and searchable terms to identify the products and services acquired. Additionally, the contracting officer shall complete the "comments" field of the CBAR record to summarize unique features and aspects of the negotiation in order to prompt other contracting teams to inquire further to learn from their peers' prior experience.

(D) If an initial indefinite-delivery indefinite-quantity (IDIQ) task or delivery order contract contemplates issuance of task or delivery orders that will invoke negotiated rates or values from the basic contract, then the business clearance record for the basic IDIQ contract shall be uploaded if the estimated value of the contract (e.g. ceiling price) exceeds the prescribed dollar threshold. To the extent individual task or delivery orders entail a negotiation (i.e. did not simply incorporate prices established at the basic contract level), a business clearance record for the individual task or delivery orders that exceed the prescribed dollar thresholds shall be uploaded to CBAR.

(E) For additional information about obtaining access to and training for the CBAR database, see the Director, Defense Contract Management Agency memorandum, dated April 2, 2013. [Click here](#).

PGI 215.407-2 Make-or-buy programs.

(d) *Solicitation Requirements*. Consider the following factors when deciding whether to request a make-or-buy plan—

- (1) The prime contractor's assumption of risk;
- (2) The prime contractor's plant capacity;
- (3) The prime contractor's degree of vertical integration;
- (4) The prime contractor's internal resources;
- (5) The anticipated contract type;

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(6) The complexity, uniqueness, or configuration maturity associated with the end item or its subsystems;

(7) Critical path items;

(8) The impact on contract overhead rates with respect to maintaining work in-house;

(9) The industrial base that could potentially satisfy some system requirements, based on market survey;

(10) Proprietary data and/or trade secrets;

(11) Potential product quality concerns associated with items that would be subject to subcontracting;

(12) Integrated master schedule timelines and their tolerances for variation;

(13) The availability and experience of program office personnel to credibly analyze and evaluate a submission; and

(14) Socioeconomic considerations, e.g. small business or labor surplus area concerns.

(f) *Evaluation, negotiation, and Agreement.* When a make-or-buy plan is required, listed below are factors that may be considered when evaluating a submission—

(1) Prime contractor past performance, especially with respect to subcontract management;

(2) Prime contractor make-or-buy history;

(3) Adequacy of contractor's existing make-or-buy processes, including cost and technical risk considerations;

(4) Component availability through existing sources, e.g. available inventory, or other Government contracts;

(5) Prime contractor plant capacity;

(6) The adequacy of the prime contractor's technical, financial and personnel capabilities; and

(7) Prime contractor justification that is provided with respect to items it does not normally make.

PGI 215.407-4 Should-cost review.

(b) *Program should-cost review.*

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(2) DoD contracting activities should consider performing a program should-cost review before award of a definitive contract for a major system as defined by DoDI 5000.2. See DoDI 5000.2 regarding industry participation.

(c) *Overhead should-cost review.*

(1) Contact the Defense Contract Management Agency (DCMA) (<http://www.dcm.mil/>) for questions on overhead should-cost analysis.

(2)(A) DCMA or the military department responsible for performing contract administration functions (e.g., Navy SUPSHIP) should consider, based on risk assessment, performing an overhead should-cost review of a contractor business unit (as defined in FAR 2.101) when all of the following conditions exist:

- (1) Projected annual sales to DoD exceed \$1 billion;
- (2) Projected DoD versus total business exceeds 30 percent;
- (3) Level of sole-source DoD contracts is high;
- (4) Significant volume of proposal activity is anticipated;
- (5) Production or development of a major weapon system or program is anticipated; and
- (6) Contractor cost control/reduction initiatives appear inadequate.

(B) The head of the contracting activity may request an overhead should-cost review for a business unit that does not meet the criteria in paragraph (c)(2)(A) of this subsection.

(C) Overhead should-cost reviews are labor intensive. These reviews generally involve participation by the contracting, contract administration, and contract audit elements. The extent of availability of military department, contract administration, and contract audit resources to support DCMA-led teams should be considered when determining whether a review will be conducted. Overhead should-cost reviews generally should not be conducted at a contractor business segment more frequently than every 3 years.

PGI 215.407-5 Estimating systems.

PGI 215.407-5-70 Disclosure, maintenance, and review requirements.

(e) *Disposition of findings.*

(2) *Initial determination.*

(ii)(A) Within 10 days of receiving the report, if the contracting officer makes a determination that there is a significant deficiency, the contracting officer should provide an initial determination of deficiencies and a copy of the report to the contractor and require the contractor to submit a written response.

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(C) *Evaluation of contractor's response.* Within 30 days of receiving the contractor's response, the contracting officer, in consultation with the auditor or cognizant functional specialist, should evaluate the contractor's response and make a final determination.

(3) *Final Determination.*

(ii)(A) *Monitoring contractor's corrective action.* The auditor and the contracting officer shall monitor the contractor's progress in correcting deficiencies. If the contractor fails to make adequate progress, the contracting officer shall take whatever action is necessary to ensure that the contractor corrects the deficiencies. Examples of actions the contracting officer can take are: bringing the issue to the attention of higher level management, reducing or suspending progress payments (see FAR 32.503-6), implementing or increasing the withholding in accordance with [252.242-7005](#), Contractor Business Systems, if applicable, and recommending non-award of potential contracts.

(B) *Correction of significant deficiencies.*

(1) When the contractor notifies the contracting officer, in writing, that the contractor has corrected the significant deficiencies, the contracting officer shall request that the auditor review the correction to determine if the deficiencies have been resolved.

(2) The contracting officer shall determine if the contractor has corrected the deficiencies.

(3) If the contracting officer determines the contractor has corrected the deficiencies, the contracting officer's notification shall be sent to the auditor; payment office; appropriate action officers responsible for reporting past performance at the requiring activities; and each contracting and contract administration office having substantial business with the contractor, as applicable.

PGI 215.470 Estimated data prices.

(b)(i) The form and the provision included in the solicitation request the offeror to state what portion of the total price is estimated to be attributable to the production or development of the listed data for the Government (not to the sale of rights in the data). However, offerors' estimated prices may not reflect all such costs; and different offerors may reflect these costs in a different manner, for the following reasons—

- (A) Differences in business practices in competitive situations;
- (B) Differences in accounting systems among offerors;
- (C) Use of factors or rates on some portions of the data;
- (D) Application of common effort to two or more data items; and
- (E) Differences in data preparation methods among offerors.

(ii) Data price estimates should not be used for contract pricing purposes without further analysis.

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PGI 225—Foreign Acquisition

(Revised December 31, 2019)

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

PGI 225.7002 Restrictions on food, clothing, fabrics, and hand or measuring tools.

PGI 225.7002-1 Restrictions.

(a)(1)(ii)(1) The following are examples, not all-inclusive, of Product and Service Codes (PSCs) that contain items of clothing:

(i) Clothing apparel (such as outerwear, headwear, underwear, nightwear, footwear, hosiery, or handwear) listed in PSC 8405, 8410, 8415, 8420, 8425, 8450, or 8475.

(ii) Footwear listed in PSC 8430 or 8435.

(iii) Hosiery, handwear, or other items of clothing apparel, such as belts and suspenders, listed in PSC 8440 or 8445.

(iv) Badges or insignia listed in PSC 8455.

(2) The PSCs listed in paragraph (a)(1)(ii)(1) of this section also contain items that are not clothing, such as—

(i) Visors;

(ii) Kevlar helmets;

(iii) Handbags; and

(iv) Plastic identification tags.

(3) Each item should be individually analyzed to determine if it is clothing, rather than relying on the PSC alone to make that determination.

(4) The fact that an item is excluded from the foreign source restriction of the Berry Amendment applicable to clothing does not preclude application of another Berry Amendment restriction in DFARS [225.7002-1](#) to the components of the item.

(5) Small arms protective inserts (SAPI plates) are an example of items added to, and not normally associated with, clothing. Therefore, SAPI plates are not covered under the Berry Amendment as clothing. However, fabrics used in the SAPI plate are still subject to the foreign source restrictions of the Berry Amendment. If the fabric used in the SAPI plate is a synthetic fabric or a coated synthetic fabric, the fibers and yarns used in the fabric are not covered by the Berry Amendment, because the fabric is a component of an end product that is not a textile product (see DFARS [225.7002-2](#)(m)).

Example: A SAPI plate is compliant with the Berry Amendment if the synthetic fiber or yarn is obtained from foreign country X and woven into synthetic fabric in the United States, which is then incorporated into a SAPI plate manufactured in foreign country Y.

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(2) *Hand or measuring tools.*

(A) As applied to hand or measuring tools, “produced in the United States” means that the hand or measuring tool was assembled in the United States out of components, or otherwise made from raw materials into the finished product that is to be provided to the Government.

(B) If a hand or measuring tool was assembled in a country other than the United States, then disassembled and reassembled in the United States, the hand or measuring tool was not produced in the United States.

(C) The requirement to buy hand or measuring tools produced in the United States does not impose any restriction on the source of the components of the hand or measuring tools. This is unlike the Berry Amendment restriction on clothing (see [225.7002-1\(a\)\(1\)\(ii\)](#)), which explicitly requires domestic source for the materials and components of clothing (other than unusual components such as sensors or electronics), as well as the additional separate restrictions on various types of fibers and fabrics that might be components of the clothing.

(D) If the acquisition of the hand or measuring tools is also subject to the Buy American statute (see FAR subpart 25.1), then in order to qualify as a domestic end product, the cost of the components mined, produced, or manufactured in the United States or a qualifying country, must exceed 50 percent of the cost of all the components of the hand or measuring tool.

PGI 225.7002-2 Exceptions.

(b) *Domestic nonavailability determinations.*

(3) *Defense agencies other than the Defense Logistics Agency.*

(A) A defense agency requesting a domestic nonavailability determination must submit the request, including the proposed determination, to—

Principal Director, Defense Pricing and Contracting
ATTN: OUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060.

(B) The Principal Director, Defense Pricing and Contracting, will forward the request to the Under Secretary of Defense (Acquisition and Sustainment) (USD(A&S)) as appropriate.

PGI 225.7003 Restrictions on acquisition of specialty metals.

PGI 225.7003-2 Restrictions.

(a)(i) This restriction applies to the item containing the specialty metal, not just the specialty metal, as was true when the restriction was part of 10 U.S.C. 2533a. The previous practice of withholding payment while conditionally accepting noncompliant items is not permissible for—

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(A) Contracts entered into on or after November 16, 2006; or

(B) New procurements or out-of-scope changes accomplished on or after November 16, 2006, through the use of bilateral modifications to contracts originally awarded prior to November 16, 2006.

(ii) Consistent with the definition of “component” in the clause at DFARS [252.225-7009](#), a component is any item supplied to the Government as part of an end item or of another component. Items that are not incorporated into any of the items listed in DFARS [225.7003-2\(a\)](#) are not components of those items. For example, test equipment, ground support equipment, or shipping containers are not components of the missile system.

PGI 225.7003-3 Exceptions.

(b)(2) *Report of COTS items.*

If a department or agency uses the exception at DFARS [225.7003-3\(b\)\(2\)](#) for an acquisition of COTS end items valued at \$5 million or more per item, the department or agency shall address use of the exception in a year-end report, to be prepared and submitted as follows:

(A) Entitle the report “COTS Specialty Metal Exceptions Granted During Fiscal Year ____.”

(B) For each excepted COTS item purchased during the fiscal year, include in the report, at a minimum, the applicable—

- (1) Contract number and any applicable delivery order number;
- (2) Dollar value; and
- (3) Item description.

(C) Submit the report by October 31 of each year to:

Principal Director, Defense Pricing and Contracting
ATTN: OUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060.

(4) For samarium-cobalt magnets contained in an item listed in [225.7003-2\(a\)](#) manufactured in a qualifying country, see paragraph (b)(6)(C) of this section.

(5) Domestic specialty metals nonavailable as and when needed.

(A) *Determining availability.*

(1) FAR 15.402 requires that contracting officers purchase supplies and services at fair and reasonable prices. Thus, contracting officers must determine whether any increase in contract price that results from providing compliant specialty metal is fair and reasonable, given the circumstances of the particular situation. In those cases where the

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contracting officer determines that the price would not be fair and reasonable, the Secretary of the military department concerned may use that information in determining whether the unreasonable price causes the compliant metal to be effectively “nonavailable.” Where these “reasonableness” limits should be drawn is a case-by-case decision.

(2) A similar approach may be used to determine whether delays associated with incorporating compliant specialty metals into items being acquired results in the metals being effectively nonavailable.

(B)(1) A department or agency requesting a determination or approval from USD(A&S) in accordance with DFARS [225.7003-3\(b\)\(5\)](#) shall submit the request, including the proposed determination, to—

Principal Director, Defense Pricing and Contracting
ATTN: OUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060.

(2) The Principal Director, Defense Pricing and Contracting, will forward the request to USD(A&S) as appropriate.

(C) For domestic nonavailability determinations with regard to samarium-cobalt high performance magnets, see paragraph (b)(6)(D) of this section.

(6) *Application of specialty metals restrictions to magnets.*

(A) The two most common types of high performance magnets are samarium-cobalt magnets and neodymium-iron-boron magnets. Only samarium-cobalt magnets contain specialty metals and are subject to the restrictions of 10 U.S.C. 2533b in this section, as well as the restrictions of 10 U.S.C. 2533c at [225.7018](#). Neodymium-iron-boron magnets are only subject to the restrictions of 10 U.S.C. 2533c at [225.7018](#), because they do not contain specialty metals. There are no other commonly used magnets that contain specialty metals.

(B) Table.

HPM = High performance magnet
COTS = Commercially available off-the-shelf
SmCo = Samarium Cobalt

Magnet made of specialty metal is:	Commercially available, SmCo HPM	NOT Commercially available, SmCo HPM
Incorporated into COTS subsystem or COTS end item	NOT restricted	*
NOT incorporated into COTS subsystem or COTS end item	Restricted	Restricted
Included in 2 percent minimum content?	Cannot be included in 2 percent minimum content	Cannot be included in 2 percent minimum content

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* By definition, COTS assemblies and COTS end items will not include a HPM that is not commercially available.

(C) Samarium-cobalt magnets contained in an item manufactured in a qualifying country are still subject to the requirements of 10 U.S.C. 2533c, because there is no exception in 10 U.S.C. 2533c for items manufactured in a qualifying country comparable to the exception at [225.7003-3\(b\)\(4\)](#) to the specialty metal restrictions of 10 U.S.C. 2533b.

(D) Even if samarium-cobalt magnets are determined to be domestically nonavailable under this section, the restrictions of 10 U.S.C. 2533c still apply unless samarium-cobalt magnets melted or produced outside a covered country are also determined to be nonavailable in accordance with [225.7018-4](#).

(c) *Compliance for commercial derivative military articles.*

(i) A department or agency requesting a determination or approval from USD(A&S) in accordance with DFARS [225.7003-3\(c\)](#) shall submit the request, including the proposed determination, to—

Principal Director, Defense Pricing and Contracting
ATTN: OUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060.

(ii) The Principal Director, Defense Pricing and Contracting, will forward the request to USD(A&S) as appropriate.

(d) *National security waiver.*

(i) A department or agency shall request a national security waiver of the restrictions of 10 U.S.C. 2533b from USD(A&S) in accordance with DFARS [225.7003-3\(d\)](#) in a timely manner after discovering or being informed of a specialty metals noncompliance in an item, or component thereof, listed at [225.7003-2\(a\)](#) and covered by 10 U.S.C. 2533b. The department or agency shall submit the request, via the chain of command, including the draft determination and draft letters of notification to the congressional defense committees, as follows:

Principal Director, Defense Pricing and Contracting
ATTN: OUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060

(ii) The request shall include—

(A) The quantity of end items to which the waiver would apply;

(B) The time period that the waiver will cover;

(C) How and when the noncompliance was discovered—

(1) By the subcontractor(s);

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- (2) By the contractor; and
 - (3) By the department or agency;
 - (D) A complete description of all of the items or systems containing noncompliant specialty metals;
 - (E) The contract number(s), date(s), duration, and subcontractor(s) associated with the noncompliance;
 - (F) The manufacturer and country of origin of the noncompliant material, if known;
 - (G) Whether the contractor flowed down the DFARS clause to the subcontractors and in what format (e.g., exact quote or substantially the same?);
 - (H) A technical description of the affected parts, their role in the larger assembly, and their function in the end item;
 - (I) Estimated cost and schedule to replace noncompliant parts if a national security waiver is not granted;
 - (J) Operational and safety implications;
 - (K) Other national security considerations (such as how the requested waiver will contribute to national security policy or operational security);
 - (L) A description of the contractor's efforts to develop and implement a corrective plan to ensure future compliance; and
 - (M) Information helpful to a determination as to whether any noncompliance was knowing and willful.
- (iii) The Director, Defense Procurement and Acquisition Policy, will forward the request to USD(AT&L) as appropriate.

PGI 225.7018 Restriction on acquisition of certain magnets and tungsten.

PGI 225.7018-3 Exceptions.

(c)(1)(i) Commercially available off-the-shelf samarium-cobalt magnets are still subject to the restrictions of 10 U.S.C. 2533b unless incorporated into commercially available off-the-shelf end items or subsystems (see [225.7003-3\(b\)\(2\)\(i\)\(C\)](#)).

(ii) A samarium-cobalt magnet that is exempt from 10 U.S.C. 2533c because it is incorporated in an electronic device is still subject to the restrictions of 10 U.S.C. 2533b, because the exemption under that statute applies to "electronic component," which excludes any high performance magnet used in the electronic component (see definition of "electronic component" at [225.7003-1](#)).

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PGI 225.7018-4 Nonavailability determination.

(a)(3) Provide a copy of signed individual nonavailability determination and supporting documentation or notification when an individual waiver is requested, but denied to:

OUUSD(A&S)
DASD, Industrial Policy
U.S. Department of Defense
3330 Defense Pentagon, Room 3B854
Washington, DC 20301-3330

(b)(i) When requesting a class nonavailability determination, submit the request, including the proposed determination, to—

Principal Director, Defense Pricing and Contracting
ATTN: OUUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060.

(ii) The Principal Director, Defense Pricing and Contracting, will forward the request to the Under Secretary of Defense (Acquisition and Sustainment) (USD(A&S)) as appropriate.

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(Revised December 31, 2019)

PGI 225.77—ACQUISITIONS IN SUPPORT OF OPERATIONS IN AFGHANISTAN

PGI 225.7703 Enhanced authority to acquire products or services from Afghanistan.

PGI 225.7703-1 Acquisition procedures.

(c) When issuing solicitations and contracts for performance in Afghanistan, follow the guidance for CENTCOM Operational Contract Support Policies and Procedures, Theater Business Clearance, at <https://www2.centcom.mil/sites/contracts/Pages/GCO.aspx>, and use the applicable solicitation provisions and contract clauses:

(1) The provision at DFARS [252.232-7014](#), Notification of Payment in Local Currency (Afghanistan), as prescribed at DFARS [232.7202](#).

PGI 225.7703-2 Determination requirements.

(b) Subject matter experts for defense industrial base matters are as follows:

For Army: SAAL-PA, Army Industrial Base Policy, telephone 703-695-2488.

For DLA: DLA J-74, Acquisition Programs and Industrial Capabilities Division, telephone 703-767-1427.

For Navy: Ship Programs, DASN Ships, telephone 703-697-1710.

For Air Force: Air Force Research Laboratory, Materials Manufacturing Directorate, telephone 703-588-7777.

For Other Defense Agencies: Personnel at defense agencies without industrial base expertise on staff should contact the Office of the Deputy Assistant Secretary of Defense for Industrial Policy (Acquisition and Sustainment), telephone 703-697-0051.

(c) Determination formats.

(i) Prepare an individual determination and findings substantially as follows:

DEPARTMENT OR AGENCY

Authority to Acquire Products or Services from Afghanistan

Determination and Findings

Upon the basis of the following findings and determination which I hereby make in accordance with the provisions of DFARS [225.7703-2](#), the acquisition of a product or service, other than small arms, in support of operations in Afghanistan may be made as follows:

Findings

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1. The [contracting office] proposes to purchase under contract number _____, [describe item]. The total estimated cost of this acquisition is _____.
2. The product or service is to be used by [describe the entity(ies) that are the intended user(s) of the product or service].
3. The contracting officer recommends conducting the acquisition using the following procedure, which, given this determination, is authorized by section 886 of Public Law 110-181, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-92:

[Select one of the following.]

Provide a preference for products or services from Afghanistan.

Limit competition to products or services from Afghanistan.

Use procedures other than competitive procedures to award a contract to a particular source or sources from Afghanistan.

4. To implement the recommended procedure, the solicitation will contain [title and number of the applicable provision and/or clause prescribed at DFARS 225.7703-4].
5. The proposed acquisition will provide a stable source of jobs in Afghanistan because _____.
6. The proposed use of other than full and open competition is necessary to provide this stable source of jobs in Afghanistan.
7. The proposed use of other than full and open competition will not adversely affect military operations or stability operations in Afghanistan, because _____. This is the opinion of the [title of the official responsible for operations in the area involved].
8. The proposed use of other than full and open competition will not adversely affect the United States industrial base.
9. *[If a preference will be provided for products or services from Afghanistan, or if competition will be limited to products or services from Afghanistan, include—*
 - (1) *A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable; and*
 - (2) *Whether a notice was or will be publicized as required by FAR subpart 5.2 and, if not, which exception in FAR 5.202 applies.]*

- or -

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[If procedures other than competitive procedures will be used to award a contract to a particular source or sources from Afghanistan, include—

(1) A description of the market research conducted in accordance with FAR part 10 and the results; or a statement of the reason market research was not conducted;

(2) A listing of the sources, if any, that expressed, in writing, an interest in the acquisition;

(3) A demonstration that the proposed contractor's unique qualifications require the use of a noncompetitive acquisition, or an explanation of the other reasons for use of a noncompetitive acquisition; and

(4) A certification by the contracting officer that the information in paragraphs (1) through (3) above is accurate and complete to the best of the contracting officer's knowledge and belief.]

Determination

I hereby determine that it is in the national security interest of the United States to use the acquisition procedure described above, because the procedure is necessary to provide a stable source of jobs in Afghanistan and it will not adversely affect (1) Operations in Afghanistan or (2) the United States industrial base.

(Date)

(ii) Prepare a determination and findings for a class of acquisitions substantially as follows:

DEPARTMENT OR AGENCY

Authority to Acquire Products or Services from Afghanistan

Determination and Findings

Upon the basis of the following findings and determination which I hereby make in accordance with the provisions of DFARS [225.7703-2](#), the acquisition of products or services, other than small arms, in support of operations in Afghanistan may be made as follows:

Findings

1. It is anticipated that [applicable departments/agencies/components] will need to award contracts during the period from _____ to _____ in order to acquire [describe the type(s) of products or services] for [describe the purpose, if the purpose for which the items will be acquired is a defining characteristic of the class of acquisitions to be

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covered by the class determination].

2. The products or services to be acquired under the contemplated contracts are to be used by *[describe the entity(ies) intended to use the products or services]*.
3. This class of acquisitions should be conducted using the following procedure, which, given this determination, is authorized by section 886 of Public Law 110-181, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-92:

[Select one of the following.]

Provide a preference for products or services from Afghanistan.

Limit competition to products or services from Afghanistan.

Use procedures other than competitive procedures to award a contract to a particular source or sources from Afghanistan.

4. To implement the recommended procedure, solicitations will contain *[title and number of the applicable provision and/or clause prescribed at [DFARS 225.7703-4](#)]*.
5. Each of the contemplated contracts will provide a stable source of jobs in Afghanistan, because _____.
6. The proposed use of other than full and open competition for this class of acquisitions is necessary to provide this stable source of jobs in Afghanistan.
7. The proposed use of other than full and open competition for this class of acquisitions will not adversely affect operations in Afghanistan, because _____. This is the opinion of the *[title of the official responsible for operations in the area involved]*.
8. The proposed use of other than full and open competition for this class of acquisitions will not adversely affect the United States industrial base.
9. *[If a preference will be provided for products or services from Afghanistan, or if competition will be limited to products or services from Afghanistan, include—*
 - (1) *A description of the efforts that will be made to ensure that offers are solicited from as many potential sources as is practicable; and*
 - (2) *Whether a notice will be publicized as required by FAR subpart 5.2 and, if not, which exception in FAR 5.202 applies.]*

- or -

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[If procedures other than competitive procedures will be used to award contracts to a particular source or sources from Afghanistan, include—

(1) A description of the market research conducted in accordance with FAR part 10 and the results; or a statement of the reason market research was not conducted;

(2) A listing of the sources, if any, that expressed, in writing, an interest in this class of acquisitions;

(3) A demonstration that the proposed contractor's unique qualifications require the use of a noncompetitive acquisition, or an explanation of the other reasons for use of a noncompetitive acquisition; and

(4) A certification by the contracting officer that the information in paragraphs (1) through (3) above is accurate and complete to the best of the contracting officer's knowledge and belief.

Determination

I hereby determine that it is in the national security interest of the United States to use the acquisition procedure described above for *[description of the class of acquisitions to which this determination is intended to apply]*, because the procedure is necessary to provide a stable source of jobs Afghanistan and it will not adversely affect (1) Operations in Afghanistan or (2) the United States industrial base.

(Date)

(iii) Prepare a determination and findings for acquisitions issued pursuant to [Class Deviation 2020-O0002](#), to Acquire Products and Services Produced in Afghanistan or in Countries along a Major Route of Supply to Afghanistan, substantially as follows:

DEPARTMENT OR AGENCY

AUTHORITY TO ACQUIRE PRODUCTS OR SERVICES FROM

1

Determination and Findings

Upon the basis of the following findings and determination, which I hereby make in accordance with the provisions of DFARS 225.7799-2 (DEVIATION [2020-O0002](#)), the acquisition of a product or service, other than small arms, in support of operations in Afghanistan may be made as follows:

FINDINGS

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1. The _____ 1A _____ proposes to purchase under solicitation number _____ 1B _____, _____ 1C _____. The total estimated cost of this acquisition is _____ 1D _____.

2. The product or service is to be used by _____ 2 _____.

3. The contracting officer recommends conducting the acquisition using the following procedure, which, given this determination, is authorized by section 801 of Public Law 111-84, as amended by section 886 of Public Law 114-92 and section 1212 of Public Law 116-92, and section 886 of Public Law 110-181, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-92:

3

4. To implement the recommended procedure, the solicitation will contain:

a. DFARS 252.225-7998, Preference for Products or Services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus (DEC 2019) (DEVIATION [2020-O0002](#)), and DFARS 252.225-7999, Requirement for Products or Services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus (DEC 2019) (DEVIATION [2020-O0002](#)); or

b. DFARS 252.225-7996, Acquisition Restricted to Products or Services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus (DEC 2019) (DEVIATION [2020-O0002](#)).

5. The proposed acquisition will provide a product or service that is to be used _____ 5 _____.

6.a. For products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus, it is in the national security interest of the United States to use a procedure specified in 225.7799-1(a)(DEVIATION [2020-O0002](#)) because the procedure is necessary to

6A

Use of the procedure for acquisition of products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus will not adversely affect military or stability operations in Afghanistan or the United States industrial base (see 6B).

b. For products or services from Afghanistan, it is in the national security interest of the United States to use a procedure specified in 225.7799-1(a)(DEVIATION [2020-O0002](#)) because the procedure is necessary to provide a stable source of jobs in Afghanistan.

Use of the procedure for acquisition of products or services from Afghanistan will not adversely affect military or stability operations in Afghanistan or the United States industrial base (see 6B). (see 6C)

7. Acquisitions conducted using the procedures specified in DFARS 225.7799-1(a) (DEVIATION [2020-O0002](#)), (see para. 3. above), are authorized to use other than full and open competition procedures and do not require the justification and approval addressed in FAR subpart 6.3.

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8. Requirement will be/was synopsisized: YES [___] NO [___]. If not synopsisized, exception at FAR 5.202(a) applies.

_____ Date: _____
CONTRACTING OFFICER
Name: _____
Office Symbol: _____

DETERMINATION

In accordance with the authorization outlined in DFARS 225.7799-2(b)(1)(i)([DEVIATION 2020-O0002](#)) and under the authority of section 801 of Public Law 111-84, as amended by section 886 of Public Law 114-92 and section 1212 of Public Law 116-92, and section 886 of Public Law 110-181, as amended by section 842 of Public Law 112-239 and section 886 of Public Law 114-02, I hereby determinethat it is in the national security interest of the United States to use the acquisition procedure described above because the procedure is necessary to encourage countries along a major route of supply in support of military and stability operations in Afghanistan. This procedure will not adversely affect military or stability operations in Afghanistan or the United States industrial base.

_____ Date: _____

INSTRUCTIONS FOR COMPLETING DETERMINATION

- 1 Afghanistan, a Central Asian state, Pakistan, or the South Caucasus
 - 1A Office symbol of your contracting office
 - 1B RFP/RFQ/IFB number
 - 1C Description of the items to be purchased
 - 1D Estimated amount of the requirement (in USD)
- 2 Describe the entity(ies) that are the intended user(s) of the product or service
- 3 *Select and include one of the following:*
 - a. Provide a preference for products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus in accordance with the evaluation procedures at 225.7799-3 ([DEVIATION 2020-O0002](#)).
 - b. Limit competition to products or services from Afghanistan, a Central Asian state, Pakistan, or the South Caucasus [DEVIATION 2020-O0002](#)).
- 5 *Select and include one of the following:*
 - In the country that is the source of the product or service.
 - In the course of efforts by the United States and the Forces to ship goods to or from Afghanistan in support of operations in Afghanistan.
 - By the military forces, police, or other security personnel of Afghanistan.
 - By the United States or coalition forces in Afghanistan.

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6Ai Paragraph (6.a. may be deleted if the product or service is for use by the military forces, police, or other security personnel of Afghanistan.

6Aii *Select and include one of the following:*

Reduce the overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan.

Encourage states of Central Asia, Pakistan, and the South Caucasus to cooperate in expanding supply routes through their territory in support of operations in Afghanistan.

Help develop more robust and enduring routes of supply to or from Afghanistan.

6B The contracting officer generally may presume that there will not be an adverse effect on the U.S. industrial base. However, when in doubt the contracting officer should coordinate with the applicable subject matter experts.

6C Delete paragraph 6.b. if the product or service concerned is to be used only by the military forces, police, or other security personnel of Afghanistan.

7 Include a description of efforts made to ensure offers are solicited from as many potential sources as is practicable.

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PGI 237—Service Contracting

(Revised December 31, 2019)

PGI 237.1--SERVICE CONTRACTS--GENERAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DoD policies on senior mentors are set forth in (1) Secretary of Defense memorandum, subject: Policy on Senior Mentors (April 1, 2010) (see [here](#)) and (2) Deputy Secretary of Defense memorandum, subject: Implementation Guidance on Senior Mentors Policy (July 8, 2010) (see [here](#)).

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

Click [here](#) for OUSD(AT&L) DPAP memorandum, "Taxonomy for the Acquisition of

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Services and Supplies & Equipment,” dated August 27, 2012. An Excel version of “Acquisition of Services and Supplies & Equipment Taxonomy” is available [here](#).

PGI 237.102-75 Defense Acquisition Guidebook.

The Defense Acquisition Guidebook, Chapter 10, Acquisition of Services, is available via the internet at <https://www.dau.mil/tools/dag>. Chapter 10 provides acquisition teams with a step-by-step guide explaining the process of acquiring services.

PGI 237.102-76 Review criteria for the acquisition of services.

The tenets of the DoD-wide architecture for the acquisition of services along with the associated review criteria are available [here](#). These matrices are to be used when conducting reviews in the preaward phase (Review/Approval of Acquisition Strategies or Preaward Peer Reviews) and in the postaward phase (Postaward Peer Reviews). See DFARS [201.170](#), Peer reviews, and [PGI 201.170](#), Peer reviews.

PGI 237.102-77 Acquisition requirements roadmap tool.

The Acquisition Requirements Roadmap Tool (ARRT) is a tool that enables requiring activities to develop and organize performance requirements into draft versions of the performance work statement, the quality assurance surveillance plan, and the performance requirements summary. ARRT provides a standard template for these documents and some default text that can be modified to reflect a particular requirement. This tool should be used to prepare these documents for all performance-based acquisitions for services. ARRT is available for download at https://www.dau.edu/tools/Documents/SAM/resources/ARRT_Home.html.

PGI 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.

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

Click [here](#) for OUSD(RFM) memorandum, “Private Sector Notification Requirements in Support of In-sourcing Actions,” dated January 29, 2013.

PGI 237.171 Training for contractor personnel interacting with detainees.

PGI 237.171-3 Policy.

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

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

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

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

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

US Central Command (USCENTCOM)

Commander, Combined Forces Land Component Commander (CFLCC)

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

Staff Judge Advocate (SJA) Forward, Kuwait

POC: Lieutenant Colonel Gary Kluka

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

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

US European Command (USEUCOM)

Logistics and Security Assistance Directorate

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

POC: Major Michael Debreczini

debreczm@eucom.smil.mil

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

US Joint Forces Command (USJFCOM)

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

Headquarters, USJFCOM (J355)

Personnel Recovery & Special Operations Division (J355)

POC: Lieutenant Colonel John Maraia

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

US Northern Command (USNORTHCOM)

Not applicable to USNORTHCOM; see US Joint Forces Command

US Pacific Command (USPACOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Deputy Staff Judge Advocate

POC: Lieutenant Colonel James Buckels, USAF

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Comm: 808-477-1193

US Southern Command (USSOUTHCOM)

DFARS Procedures, Guidance, and Information

PGI 237—Service Contracting

Headquarters, Office of the Staff Judge Advocate (SJA)
Joint Task Force Guantanamo Bay
POC: Lieutenant Commander Tony Dealicante
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US Special Operations Command (USSOCOM)
Headquarters, Office of the Staff Judge Advocate (SJA)
Attn: Staff Judge Advocate
POC: Colonel Dana Chipman
chipmad@socom.mil
Comm: 813-828-3288; DSN: 299-3288

PGI 237.172 Service contracts surveillance.

The contracting officer shall remind requirements personnel, when they are preparing the quality assurance surveillance plan for contracts, to include a requirement for surveillance of the contractor's implementation of the clause at FAR 52. 222-50, Combating Trafficking in Persons (see [PGI 222.1703](#)).