



**DEPARTMENT OF THE ARMY**  
**MISSION AND INSTALLATION CONTRACTING COMMAND**  
**DIRECTORATE OF CONTRACTING**  
6661 WARRIOR TRAIL  
FORT POLK LA 71459

REPLY TO  
ATTENTION OF

CCMI-PLK

7 May 2010

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT: FY 10 Cut-Off Dates for Submission of Purchase Requests to the Mission and Installation Contracting Command Directorate of Contracting (MICC DoC).**

1. The MICC DoC is establishing its FY 10 Cut-Off dates for receipt of procurement requirements that must be awarded by 30 September 2010. The establishment of and adherence to these dates will ensure that all categories of FY 10 procurements, and certain FY 10 requirements, are awarded prior to the end of the current fiscal year or are ready for continuation into the new fiscal year. Submission of requirements after the established cut-off date or submission of incomplete procurement data packages may result in the increased risk that FY 10 requirements will not be awarded prior to the end of the fiscal year.

2. FY 10 funded procurement data package for supplies, equipment, and services must be received at the MICC DoC by the following dates to ensure that award is made by **30 September 2010**:

<b>Description</b>	<b>Cut-Off Date</b>
Open Market Acquisitions Greater Than \$100K less than \$3M	<b>18 Jun 10</b>
Open Market Acquisitions Less Than \$100K	<b>02 Aug 10</b>
GSA Schedule Procurements Less Than \$3M	<b>02 Aug 10</b>
Task Orders For Services Greater Than \$100K* less than \$5.5M Under Multiple Award Schedules (MAS)**	<b>12 Jul 10</b>
FY 10 Contract Modifications and Options required 1 Oct 10	<b>12 Jul 10</b>
Task Orders and Delivery Orders (Commodity/Supply) Under Existing Contracts** Less than \$500K	<b>23 Aug 10</b>

\* Including the value of any Option items.

\*\* Including General Services Administration (GSA) Federal Schedule Contracts, and Army Computer, Hardware, Enterprise Software Solutions (CHESS) contracts and other Government-wide acquisition contracts for information technology.

3. Addressees are urged to submit electronic Purchase Request & Commitments (PR&Cs) via General Fund Enterprise Business Systems (GFEBS) or Aquiline, if applicable, as soon as possible throughout the fiscal year to ensure that acquisition needs are met. The established Procurement Action Lead-Time (PALT) for contract award (see Procurement Data Package (PDP) Guide (Encl 1), is affected by various factors, such as the Federal Acquisition Regulation (FAR) requirement to post pre-solicitation notices for all open market acquisitions over \$25K on the *Fed BizOpps* web page; Department of Defense (DoD)

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requirement for Central Contractor Registration (CCR) of a successful offeror prior to award; and requirements for all holders of Multiple Award Schedule (MAS) contracts to have a fair opportunity to compete for task orders for services over \$100K. As a direct result, it is imperative that you meet the established cut-off dates.

4. Your procurement data package should include, at a minimum, the electronic PR&C, Independent Government Estimate (for all requirements \$100K and above), the Performance Work Statement (PWS), if required, and the Justification and Approval (J&A) if Sole Source is anticipated. Depending on the proposed procurement, other documents or information must accompany the PR&C (see Encl 1).

5. IAW Assistant Secretary of the Army Letter dated 12 Jul 2005, subject: "Proper Use of Non-Department of Defense (Non-DoD) contracts"; OSD Policy Letter dated 29 Oct 2004, subject: "Proper Use of Non-DoD Contracts"; and Army Policy "Proper Use of Non-Department of Defense (Non-DoD) Contracts", **ALL** proposed acquisitions to acquire supplies or services from a Non-DoD contract (i.e. GSA) with an estimated value above the simplified acquisition threshold (currently - \$100,000) are required to have the "Certification For The Use of a Non-DoD Contract" (see Encl 2) executed by an O-6 or GS-15/YC-3. Requirements that specify a Non-DoD contract or task order will not be processed until the written certification is obtained. This includes GSA, VA (Veterans Administration), BPAs (Blanket Purchase Agreements) and any other Non-DoD contract vehicles.

6. IAW Secretary of the Army Policy, Subject: Army Policy for Civilian Hiring and Initiation/Continuation of Contracts for Personnel Services, dated 23 Feb 2006, service contracts greater than \$2,500 **must** have "Request for Service Contract" authorization, appropriate for the requesting activity's command, submitted with the PR&C. Your budget representative will be able to provide you further guidance as to the applicability of this requirement for your particular acquisition.

7. In light of the Secretary of the Army's policy and MACOM implementing policies / procedures, the MICC DoC will process all purchase requests for services received up to the point of award, but will not award a contract requirement, issue a task/delivery order, or modify/continue an existing contract until documentation is provided to the Contracting Officer in accordance with the respective MACOM implementing policy for the Secretary of the Army Policy. Although MICC DoC is processing all purchase requests received on or before the established cut-off dates, failure to obtain the necessary approval through the respective MACOM may result in a delay of services being procured or extended.

8. If the cut-off date for an acquisition is approaching and funds are not yet available, addressees should consult with their resource manager to determine if the acquisition is suitable for solicitation as a "Subject to Availability of Funds (SAF)" acquisition. The MICC DoC will only accept SAF requirements that have a high probability of being funded. PR&C for a SAF acquisition must contain a statement signed by the resource manager or provide affirmation that the requirement is included or provided for in the financial plan for FY 10. The statement will not be considered a commitment of funds, although if the accounting classification is known, it should be provided.

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9. SAF requirements must be staffed through the requiring activity Director or Bde XO, and coordinated with the Director, MICC DoC, to include the appropriate resource manager. SAFs not properly staffed are subject to non-approval, and will not be processed by MICC DoC.

10. PR&Cs for FY 11 funded services (options and new acquisitions) must be submitted by **12 Jul 2010**. Notify MICC DoC by this date if you do not intend to continue contracting for a service. PR&Cs citing FY 11 funds submitted before 1 October 2010 must contain a statement signed by the resource manager or provide affirmation that the requirement is included or provided for in the financial plan for FY 11. This statement is not a commitment of funds. If DoD is operating under a FY 11 Continuing Resolution Authority, the resource manager will provide a certification statement of the amount of funding that is available for performance as soon as possible.

11. All buys less than the micro-purchase threshold of \$2,000 (construction), \$2,500 (services), and \$3,000 (supply) must be purchased with the GPC. If the vendor does not accept GPC and there is absolutely no other vendor available for the item, send the electronic PR&C through either GFEBs or Aquiline to the MICC DoC with documentation supporting the reason for not using the GPC. However, MICC DoC will not accept overflow requirements via PR&C created by any customer activities due to the self-imposed ACCESS cut-off date. The GPC credit cards are made available by MICC DoC for purchases to fulfill customer's needs through and including 30 Sep 10, unless otherwise directed.

12. For those activities that have an **established** "Super Card" which allows you to make purchases up to \$25,000.00 for supply buys or training, you must execute those buys via appropriate methods (i.e. GSA eMall, etc). Any PR&Cs deemed appropriate for the "Super Card" will be rejected back to the requiring activity. If you have any questions or need assistance, please contact the Government Purchase Card (GPC) Program Manager at (337) 531-2373 or the Assistant at (337) 531-2322.

13. The General Fund Enterprise Business System (GFEBs) is mandated to be used for your electronic PR&Cs, with some exceptions. You need to coordinate with your budget representative as to the use of GFEBs or Aquiline for execution of your electronic PR&Cs that will be flowed to MICC DoC. Due to the fact that the system is new, MICC DoC will publish an addendum to the FY 10 Close-Out procedures to give specifics in regards to pertinent data that may be required external to the GFEBs system.

14. All hardware, software and services must be ordered from established contracts identified at the Army "Computer, Hardware, Enterprise Software Solutions" (CHESs) website. Actions greater than \$ 3,000 must follow "fair opportunity" rules, meaning all contractors are given an opportunity to submit a bid, unless a statutory exception applies. If an exception to fair opportunity applies, the requiring activity must submit a Justification and Approval (J&A) document for exception to waive competition. The Director, MICC DoC, will determine final approval of the J&A.

15. The Director, MICC DoC, must approve any and all exceptions to the cut-off dates as published. Any requirement received after the designated cut-off date must include a statement, approved by the activity director or his/her designee, identifying the impact to

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your activity if the requirement is not processed during FY 10. The Director, MICC-DoC, will then consider your request for exception. Only emergency requirements will be accepted after **16 September 2010**.

16. The MICC DoC will do everything possible to work with customers to satisfy requirements after the established cut-off dates; however, the MICC DoC has a finite capability to process late requirements. Budgetary constraints may mean that customer-funded overtime is the only method to provide the MICC DoC with additional flexibility to accept requirements after the established dates.

17. The MICC DoC recommends that requiring activities have responsible, decision-making personnel reasonably available from 14-30 Sep 10, to respond to questions, approve contract changes, etc. Actions that cannot be resolved through customer representatives will be handled at the discretion of the Director.

18. POC for this memorandum is Simone N. Curtis, (337) 531-2326, [simone.curtis@us.army.mil](mailto:simone.curtis@us.army.mil).

2 Encls

1. PDP Guide
2. Use of Non-DoD Contract

DISTRIBUTION A+

  
WADE C. COLE  
Director, MICC DOC-POLK

# **Procurement Data Package (PDP)**



## **Requirements Package Guide**

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# **APPENDICES**

**Appendix A: Procurement Checklist**

**Appendix B: Contracting Officer's Representative (COR) Nomination  
Memo**

**Appendix C: Non-DoD Certification**

**Appendix D: Request for Civilian Hire or Service Contract Approval**

**INTRODUCTION:** The following information is provided to give general guidance to requiring personnel. It is intended as a starting point for those who are not familiar with the procedures of Federal contracting. “**Appendix A**” provides a listing of documents or staffing actions that must be considered and/or executed before submitting your PDP to the MICC-Doc for procurement action.

## **Preparation of a Requirements Package:**

### **General:**

The quality of any product of a contract action is dependent upon the quality of the specification or statement of work included in the requirements package and ultimately the contract. The description of what is to be purchased must be clear to the procurement personnel or buyers, the prospective contractors, and to the individuals responsible for managing the resulting contract.

Plans, drawings, specifications, purchase descriptions, and statements of work for procurements will state in performance terms the essential valid needs of the Government. They will describe the supplies and/or services in a manner that will encourage optimum competition (for example, performance/results based specifications) and that will eliminate, to the extent practicable, restrictive features that might unduly limit acceptable offers. Much of the information on what is feasible and acceptable to meet the need will be obtained through the market research process. Commercial products/services and industry related commercial practices will be identified and employed to the maximum extent practicable given mission and security requirements.

### **Procurement Action Lead-Time (PALT)**

Adequate acquisition planning helps ensure quality and timeliness in meeting the acquisition program, but most importantly, the customer’s requirement. Whether formal or informal, acquisition planning should be a team effort that considers all key aspects of the requirements. Planning includes advance projections, market research, written acquisition plans on large requirements, and continuous process review. The goal of acquisition planning is to ensure that the Government meets its needs in the most effective, economical and timely manner, consistent with public policy.

Customers need to understand the regulatory and procedural requirements that affect PALT. Customer education and adequate acquisition planning is the key to the MICC – Doc’s ability to meet lead-time objectives, which are largely based upon type and size of the acquisition. Acquisitions valued over \$5.5 million dollars normally require higher headquarter’s review

and/or approval; therefore, as much as 30 – 45 days can be added into the PALT.

Lead-time starts at the receipt of the complete PDP from the customer and ends at award of the contract. It does not include the time required for delivery.

A complete PDP, generally speaking, consists of the following documents. However depending upon the type of procurement (i.e. services, supply or construction) and the dollar threshold will dictate what actual documents are required:

- Purchase Request
- Statement of Work (SOW) or Performance Work Statement (PWS)
- Independent Government Estimate (IGE)
- Technical Exhibits or Attachments
- Service Contract Approval (Services >\$2,500)
- Justification & Approval (J&A) Document for Sole Source (if applicable)

By assuring that requirements are provided sufficiently in advance of the required delivery date, it allows the contracting officer sufficient time for:

- Assisting with market research, including early industry involvement.
- Evaluation of commercially available solutions and commercial terms and conditions.
- Review of requirements and clarification.
- Brainstorming to find the business solution that best meets the customer's needs.
- Development and issuance of the solicitation, including development of tailored evaluation criteria.
- Vendor preparation and submission of proposal.
- Evaluation of the bid/proposal and award of the contract(s).
- Performance and delivery by the vendor.

## Procurement Action Lead-Time (PALT)

Dollar Amount	Type	Days (Min)	Days (Max)	Categories
<b>Small Purchase (RFQ)</b>				
\$ 2,500 - \$ 25,000	SAP Procedures	15	30	Open Market GSA
\$ 25,001 - \$ 100,000	SAP Procedures	30	60	Open Market GSA
\$ 100,001 - \$ 5,500,000	SAP Procedures	60	120	Open Market, GSA (Commercial Item Test Program)
<b>Construction (IFBs/RFPs)</b>				
\$ 2,000 - \$ 100,000	Competitive/Sole Source	45	60	Non-Commercial
\$100,001 - \$3,500,000	Competitive/Sole Source	60	240	Non-Commercial
\$ 3,500,001 and above <sup>1</sup>	Competitive/Sole Source	-	-	Non-Commercial
<b>Supplies (IFBs/RFPs)</b>				
\$ 5,500,000 and above <sup>2</sup>	Competitive/Sole Source	90	180 <sup>4</sup>	Open Market, GSA (Commercial Item Test Program)
<b>Services (IFBs/RFPs)</b>				
\$ 100,000 - \$ 5,500,000	Competitive/Sole Source	45	180 <sup>4</sup>	Commercial & Non-commercial
\$ 5,500,000 and above <sup>3</sup>	Competitive/Sole Source	-	-	Commercial & Non-commercial

<sup>1</sup>Construction buys valued in excess of \$3,500,001 require prior coordination with the contracting office.

<sup>2</sup>Supply buys valued in excess of \$5,500,001 require prior coordination with the contracting office.

<sup>3</sup>Service buys valued in excess of \$5,00,001 require prior coordination with the contracting office.

<sup>4</sup>Proposed acquisition valued in excess of \$5,500,000 may be identified for migration to a contracting center and require in excess of 180 days to execute.

**Legend:**

SAP - Simplified Acquisition Procedures  
GSA - General Services Administration  
RFQ - Request for Quotes  
IFBs - Invitation for Bids  
RFPs - Request for Proposals  
Open Market - Other than GSA, Competitive Pricing

**Market Research:**

Technical and contracting personnel will jointly conduct market research to identify the availability of commercial or modified commercial items to meet the need, identify potential sources for solicitation and relevant industry terms, conditions and practices. Market research may be accomplished by one or all of the following means:

- Review of literature.
- Contact with trade or professional associations.
- Contact with organizations having similar missions.
- Synopsis of the requirement posted on the Web site [www.fbo.gov](http://www.fbo.gov) by the contracting officer.
- Internet.

While conducting market research, technical personnel must be careful not to disclose specific information that would give a contractor a "competitive advantage." Information made available to one competing contractor must be made available to all. A contracting officer is the proper individual to disseminate such information. The intent of this rule is to preserve the integrity of the Federal procurement system by ensuring that all potential contractors are treated equally to the greatest practical extent. To give a contractor advance procurement details may discriminate against competing contractors. This could result in a sustainable protest, which would block the contract award.

**Purchase Request and Commitment (PR&Cs):**

Normally, a commitment document, DA Form 3953 (Purchase Request and Commitment) or its electronic equivalent is prepared and provided as a part of the procurement package. The commitment document furnishes a fund citation with full accounting and appropriation data for the total estimated cost of the procurement. Advice and assistance should be requested from a budget/financial analyst or resource manager in the chain of command if there are questions in this area.

### **Independent Government Estimate:**

An independent Government estimate (IGE) provides an estimate of what the requirement would cost if provided by a contractor (including overhead and profit). An IGE must be provided with every procurement request package as one of the means by which the contracting officer can determine reasonableness of bids or proposals (see the [FAR subparts 13.1](#) and [15.4](#)). The complexity of the estimating technique will be commensurate with the complexity of the acquisition.

### **Request for Civilian Hire or Service Contract Approval Memo:**

Reference memo, Secretary of the Army, 23 February 2006, subject Army Policy for Civilian Hiring and Initiation/Continuation of Contracts for Service Personnel, all service contracts valued in excess of \$2,500 must have a Service Contract Approval memo. To ensure that all civilian personnel recruitment and contract service personnel actions receive the appropriate level of review, HQDA Principals and Senior Commanders at Army Command, Army Service Component Command, and Direct Reporting Unit levels will be responsible for the approval of these actions. The hiring or services procurement process can not begin in each respective responsible organization until approval is granted through the use of the Service Contract Approval Memo (**Appendix D**).

This form will be used for processing all civilian personnel recruitment actions and all statements of work for contracts to procure services or to exercise options on existing contracts for services. For these purposes, services are defined as identifiable tasks to be performed, rather than the delivery of an end-item of supply.

The customer needs to coordinate with their respective resource manager as to the applicability of the Service Contract Approval memo for their requirement. In addition, each MACOM has their own memo format, so the customer needs to validate the current acceptable format with their resource manager.

### **Justification to use other than full and open competition:**

With limited statutory exceptions, contracting officers must promote and provide for full and open competition in soliciting offers and awarding Government contracts. A justification for use of other than full and open competition must contain specific facts and rationale to justify soliciting from only one or a limited number of sources. The contents and format for this justification are described in [FAR 6.303.2](#), as supplemented.

It is improper to base a justification for other than full and open competition on the following factors:

(a) *"Goldplating."* The Government is only permitted to purchase supplies or services that meet its actual needs (this does not mean that we cannot demand quality in the context of critical applications and life cycle considerations).

(b) *Cost of competition.* The cost reductions achieved through competition generally offset or overshadows any additional costs that may be associated with the competition. Often competition can also save time due to easier methods to ensure reasonable price (for example, cost or pricing data is not required when adequate competition is achieved).

(c) *Opinion or preferences.* Requests for limitation of sources should always be accompanied by supporting factual evidence.

(d) *Duplication of work.* The sole fact that some minor duplication of earlier efforts would be required is inadequate. The request for limited competition must show specifically the expected cost of such duplication in terms of time and dollars.

The documentary basis for a justification for restricting competition must be prepared by the requesting activity and be a part of the requirements package.

**Non-DoD Certification:**

Office of the Secretary of Defense (OSD) policy memorandum, subject: Proper Use of Non-DoD Contracts, dated October 29, 2004, established Army policy for reviewing and approving the use of non-DoD contract vehicles (e.g. General Services Administration's (GSA) Federal Supply Schedules, Veteran's Administrations (VA), etc.) when procuring supplies and services for amounts greater than the simplified acquisition threshold (SAT), currently \$100,000.

Ensuring the proper use of non-DoD contract vehicles requires an emphasis on market research, acquisition planning and early involvement in the procurement process by the requiring activity, contracting, and financial management personnel. Although the requirements community has the primary responsibility to ensure compliance with this policy, all must work closely together to develop an acquisition strategy and to ensure that use of non-DoD contract is in the best interest of the Army.

This policy applies to both direct acquisitions (e.g. orders placed by an Army contracting or ordering officer against a non-DoD contract) and assisted acquisitions (e.g. contracts awarded or orders placed by non-DoD organizations

using Army funds, such as when a Military Interdepartmental Purchase Requests (MIPRs) is used) for supplies and services.

Prior to placement of a direct acquisition order, the head of the requiring activity (06 / GS-15 level or higher) must execute the written certification (**Appendix C**) and provide a copy of the executed document along with the purchase request to the contracting office.

Prior to the transmittal of an assisted acquisition request to a non-DoD organization, the requiring activity shall consult with its designated contracting office, which will advise regarding the various DoD contractual options available to obtain the supplies and service, and which will provide any unique terms, conditions and requirements that must be incorporated into the resultant non-DoD order or contract to comply with all applicable DoD-unique statutes, regulations, directives and other requirements. Also, prior to the transmittal of an assisted request to a non-DoD organization, the head of the requiring activity (06 / GS-15 level or higher) must execute the written certification (**Appendix C**).

### **Contracting Officer's Representative (COR): Nomination**

The activity responsible for technical requirements (the "requiring activity") is responsible for prescribing contract quality requirements. The Contracting Officer's Representative (COR) is a representative of the requiring activity, nominated by the requiring activity, and designated by the contracting officer, to assist in the technical monitoring or administration of a contract. The COR should be identified early in the acquisition cycle and included in pre-award activities when appropriate.

When a COR is required, the contracting officer will provide to the requiring activity a list of proposed responsibilities for the COR. The requiring activity must submit nominations (**Appendix B**) for CORs to the contracting activity. Where practicable, the requiring activity shall provide the COR nomination to the contracting office as part of the purchase request. The COR nomination package shall:

- Address the qualifications of the prospective COR.
- Affirm that the COR will be afforded necessary resources (time, supplies, equipments, opportunity) to perform the designated functions.
- Affirm that the prospective COR and the prospective COR supervisors understand the importance of performance of the designated functions.
- Affirm that performance of the designated functions will be addressed as part of the COR's performance assessments. COR supervisors are encouraged to solicit input on performance of COR duties from the contracting officer.
- Comply with these provisions in the assignment of successor CORs

CORs must be designated in writing and trained prior to contract award.

**Sources of supply:**

Each requirements package will contain a suggested list of sources and a justification for any proposed limitation of sources. The FAR requires that every Government business opportunity greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, be accessed electronically by the public via Government wide point of entry (GPE), unless covered by the limited exceptions found in [FAR 5.202](#) (the local contracting support office can advise on this).

**Commodity assigned items:**

Prior to submitting a procurement data package for the local purchase of a commodity assigned item the requiring activity will comply with the requirements of DFARS 208.70. The supporting contracting office or local Director of Logistics or equivalent office can provide assistance as needed.

**Information Technology (IT), Technical Data and Computer Software Requirements:**

The tremendous Information Technology buying volumes of the Army and DoD have spurred efforts among the Services Steering Groups and Agencies Headquarters Groups within DoD to consolidate requirements and leverage that buying power to provide lowest available pricing with value-added benefits.

Computer Hardware, Enterprise Software and Solutions (CHESS) is the Army's primary source for Information Technology – including hardware, software, and support services. For purchases of software, desktops or notebooks, use CHESS contract vehicles and DoD Enterprise Software Initiative (ESI) Agreements first regardless of dollar value. For other IT products or services greater than \$25,000, of if the required item or service is available on a CHESS contract, you must request a waiver from CHESS.

If the purchase is a desktop or notebook computer, CIO/G6 policy requires purchase from the CHESS Consolidated Buy (CB) program regardless of dollar value, unless an exception applies. The CB exception process is described on the CHESS website. Note that the approval of an exception is at the 0-6 or GS-15 level. Documentation supporting the exception shall be maintained in the contract file.

IAW AR 25-1, the Directorate of Information Management (DOIM) must coordinate on all IT requirements for compliance with standards, accreditation, networkiness, Installation Information Infrastructure Architecture (I3A) and similar Army standards. This also includes all IT micro purchases and purchase

card purchases. Consumables such as diskettes, CDs, toner cartridges, etc. purchased using the IMPAC purchase card do not require DOIM approval. As a reminder, always check local DOIM and contracting policies.

Departments and agencies shall fulfill requirements for commercial software and related services, such as software maintenance, in accordance with the DoD ESI (see website at <http://www.esi.mil/>). ESI promotes the use of enterprise software agreements (ESAs) with contractors that allow DoD to obtain favorable terms and pricing for commercial software and related services. ESI does not dictate the products or services to be acquired.

When submitting your purchase request via Acquiline to the local contracting office to procure IT (hardware or software), you must have a Capability Document (CAPR). The CAPR is executed by the customer with final review and approval by DOIM.

The Government only acquires rights in technical data or computer software that are required for use of the material or data/software to be delivered under the contract. If data will be needed, the data should be requested and a [DD Form 1423](#) (Contract Data Requirements List) prepared as required by [DFARS 215.470](#).

#### **Contract security classification specification:**

Requirements may involve the release of classified information to the contractor and/or the generation of classified information or material by the contractor. If so, a [DD Form 254](#) must be a part of the procurement package. The DOD Industrial Security Manual ( [DOD 5220.22-M](#) ) should be followed in completing this document. The DD Form 254 will be signed by the appropriate security official(s).

#### **Wide Area Work Flow (WAWF):**

Section 1008 of the National Defense Authorization Act (NDAA) for FY 2001 directs the Secretary of Defense to require that any claim for payment under a DoD contract be submitted in electronic form. Wide Area Work Flow (WAWF) is a web-based system that enables vendors and receiving activities to electronically submit invoices and receiving reports to the Defense Finance and Accounting System (DFAS) for payment.

All Acquiline (Acquisition on-Line) account holders are mandated to have active accounts with WAWF. Access will not be granted to the Acquiline system without proof of an active account. If someone other than the individual submitting the purchase request through Acquiline will be executing the receiving report in WAWF, you must also establish an active account through WAWF. You can access the WAWF web site at <https://wawf.eb.mil/> If you need further

assistance when establishing an account, please contact your resource management office.

**Department of Defense Activity Address Code (DoDAAC):**

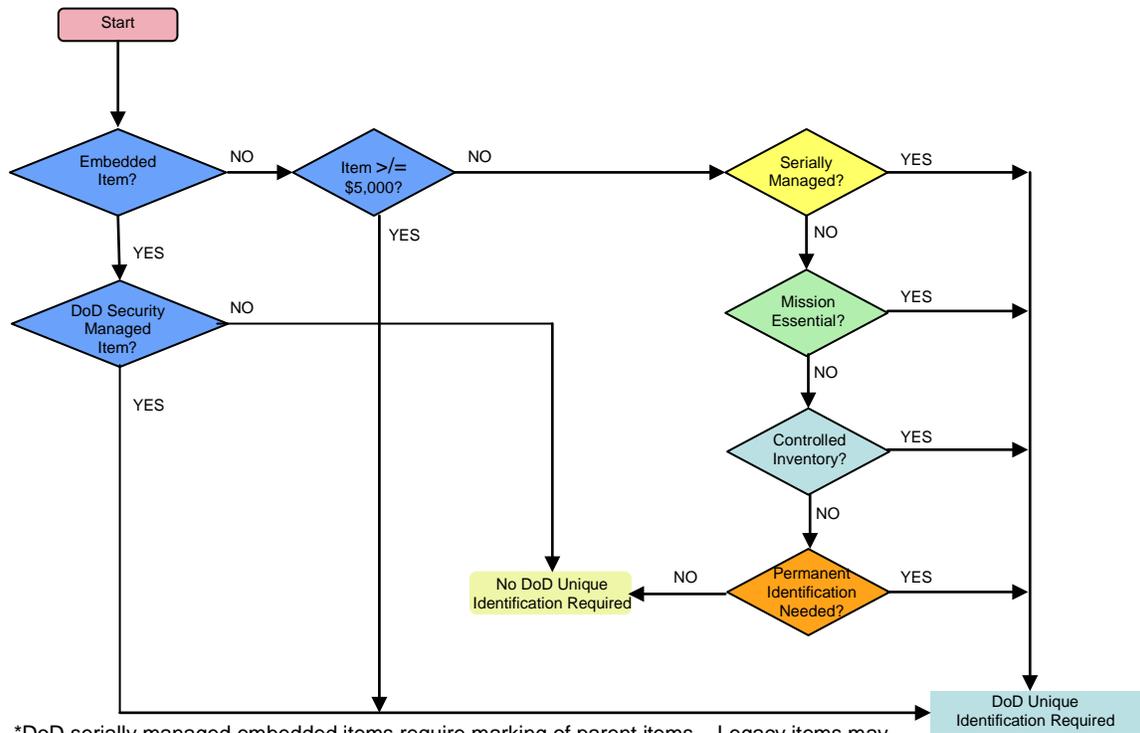
When submitting your purchase requests through Acquiline the requiring activity must be sure to provide correct and active DoDAACs. DoDAACs are very important in that this information is provided to the contractor in order for him to submit his invoice through the WAWF system. Invalid DoDAACs causing the invoice to reject out of WAWF causing delays in the payment process. Please contact the Directorate of Logistics (DOL) to validate that you have an active and/or correct DoDAAC. You can also look-up your DoDAAC at the following website: <https://www.daas.dla.mil/daasing/warning.asp>

**Item Unique Identification (IUID):**

On 29 July 2003, the “Policy for Unique Identification (UID) of Tangible Items- New Equipment, Major Modifications, and Re procurements of Equipment and Spares,” was issued making IUID a mandatory DoD requirement on all solicitations issued on or after 01 Jan 2004.

All solicitations, contracts or delivery orders for tangible items delivered to the Government will require item unique identification or a DoD recognized unique identification equivalent, if:

- All delivered items for which the Government’s unit acquisition cost is \$5,000 or more
- Items for which the Government’s unit acquisition cost is less than \$5,000, when identified by the requiring activity as serially managed, mission essential, or controlled inventory
- Items for which the Government’s unit acquisition cost is less than \$5,000, when the requiring activity determines that permanent identification is required



It is anticipated that situations might arise where vendors of commercial products may not be prepared to comply with DoD UID requirements within the cost constraints and time frames required for product delivery. Should this occur, DoD requiring activities may consider implementing a strategy under which the DoD would either:

- Furnish product UID labels to the commercial vendors for application to products before shipment.
- Contract with third parties to furnish and apply the UID labels after product delivery from the commercial vendors. This strategy should only be implemented if cost advantages would accrue to the Department.

It is the responsibility of the customer to inform the contracting office if the supply items to be procured meet the IUID requirements (see Decision Tree above).

#### Leases:

Leasing may be appropriate under certain circumstances. However, the criteria in FAR 7.402, as supplemented, must be met, and an analysis must be done to determine if the cumulative leasing costs will be less than the purchase cost. This analysis should be forwarded to the contracting officer with the requirements package.

### **Use of Government purchase card:**

The Government purchase card will be used by contracting and requirements personnel as a simplified purchasing method for commercial supplies and services that do not exceed the micro purchase threshold (\$2,500 for services & \$3,000 for supplies). Purchase cards will only be issued to personnel who have completed mandatory training. Chiefs of Contracting Offices will provide training; guidance and oversight to purchase card holders (see AFARS 5113.201 or the supporting contracting officer for more details).

### **Central Contractor Registration (CCR):**

IAW FAR Subpart 4.11, prospective contractors shall be registered in the CCR database prior to award of a contract or agreement. There are very few exceptions to this regulation. It is important when the customer is conducting market research that they validate whether or not the contractor is registered in CCR. You may check the contractor's CCR registration at the following website [www.ccr.gov](http://www.ccr.gov)

### **Command Staffing:**

Depending upon the type of proposed acquisition (e.g. supply, services and construction) and specific/unique requirements, the acquisition may need to be staffed through other activities prior to submission to the contracting office for procurement execution. Therefore, it is incumbent upon the customer to coordinate any reviews and approvals with either one or all of the below identified activities. You must provide documentation with the purchase request that this requirement has been met via a statement on the purchase request or memorandum format.

- Directorate of Public Works (DPW)
- Environmental, Natural Resource Management Division (ENRMD)
- Installation Safety Office
- Directorate of Emergency Services (DES)
- G2/Anti-Terrorism/Force Protection Office

### **Additional requirements.**

(a) *Delivery schedules.* Delivery schedules must be realistic and responsive to the Government's needs. A compressed schedule may increase both the cost and risk.

(b) *Place of delivery or performance.* The shipping address as well as marking instructions must be provided for supply items. For services, the places of performance must be specified.

(c) *Packaging and packing.* When the requirement is for supply items, the level of packaging and packing must be specified.

(d) *Quality control.* The contractor is responsible for establishing manufacturing quality and inspection controls to ensure that supplies and services delivered to the Government conform to contract requirements. The quality level expected must be specified.

(e) *Inspection and acceptance.* The place of inspection and acceptance (whether at origin or destination) must be specified.

(f) *Service contracts.* Personal services generally may not be contracted for (see [FAR, part 37.104](#)).

(g) *Government furnished property.* It is Federal policy that contractors will provide all property and supplies required to perform Government contracts. When the requiror and the contracting officer determine that Government furnished property (GFP) must be provided (usually based on factors such as relative cost of acquisition, tracking, and final disposition, including environmental issues), items/information to be provided to the successful contractor as GFP, must be specifically identified. Dates when the property or information is required and available to be furnished to the contractor should also be specified.

(h) *Property administrator.* When the procurement office retains contract administration for GFP, a qualified individual will be nominated to perform the duties of property administrator.

(i) *Contracting officer's representative (see page 8).* When required to ensure that the Government's interests are protected after award of a contract, a qualified individual is nominated to the contracting officer to be appointed as the COR. Such appointment is made formally (in writing) and delineates specifically the COR's authority and limitations.

(j) *Hazardous material identification and material safety data.* Refer to the [FAR, part 23.3](#), as supplemented, if there is any question as to whether the requirement will involve contractor delivery of hazardous materials.

(k) *Options.* It may be appropriate to include in a contract the unilateral right of the Government to purchase additional supplies or services called for by the contract if the conditions set forth in the [FAR, part 17.2](#), as supplemented, are met. The Justification & Approval (J&A) for a contract containing an option clause to be awarded using other than full and open competition will be approved at the level required for the total estimated contract value, including the option(s).

## Appendix A: Procurement Checklist

Certification of Service Contract / Component Command Approval (Services > \$2,500). Reference: Secretary of the Army Policy, Subject: Army Policy for Civilian Hiring and Initiation/Continuation of Contracts for Personnel Services, dated 23 Feb 2006.

Management Reviews and Approvals:

Documentation validating review by Department of Public Works (DPW), Environmental, Natural Resource Management Division.

Documentation validating review by installation Safety Office.

Documentation validating review by Anti-Terrorism / Force Protection Office.

Certification of funds availability: PR&Cs must have appropriate funds certified by a fiscal officer. The fund citation for each PR&C should contain 65 characters.

Description of the requirements: An accurate and complete Performance Work Statement (PWS), Statement of Work (SOW), or description of the service must accompany the PR&C. This must stipulate the exact nature of the work to include duties, minimum qualifications, hours and other particulars of the requirement. Depending upon the proposed procurement, one of the below requirements would apply:

- a. Specifications
- b. Performance Work Statement (PWS)
- c. Statement of Work (SOW) / Statement of Objectives (SOO)
- d. Purchase Description

Independent Government Estimate (IGE): A current government estimate must be provided with the PR&C. Current is defined as not older than 30 days.

Any special Packaging and Marking requirements. Default is in accordance with contractor's standard commercial practice acceptable to the industry, unless otherwise specified by the government.

Inspection and acceptance requirements are normally FOB Destination, unless otherwise specified by the government.

Delivery or performance requirements (delivery schedule). The customer shall state a delivery date or a period of performance.

Serial numbers and location of equipment (applicable to maintenance and lease services only).

Any special provisions or clauses (e.g., options, Government Furnished Equipment (GFE))

For other than Sealed Bidding, recommended evaluation factors for contract award. Evaluation factors should represent the key areas of importance and emphasis to be considered in the source selection decision, (i.e. required delivery date, warranties, etc.)

Recommended potential sources and market research results. All suggested sources shall be registered in the Central Contractor Registration (CCR). The Directorate of Contracting is prohibited from contracting with vendors that are not registered. This is particularly important in sole source acquisitions. Initial requiring activity contact with vendors should include questioning whether they are registered. If vendor is not registered, an alternate source must be identified. Website: <http://www.ccr.gov>.

Justification and Approval (J&A) document, to include input for approval of other than full and open competition, if needed. See Federal Acquisition Regulation (FAR) Subpart 6.3. Sole source justifications/statements must be submitted with the PR&C for all sole source situations, regardless of dollar value. A sole source buy is one that can be satisfied by only one vendor because of proprietary reasons or because of urgency. Please note that poor planning does not equate to an emergency.

Brand Name or Equal requirements must be accompanied by a justification to reflect why only the specified brand will suffice to fill government needs. A justification must accompany the PR&C when submitted that explains why only a particular brand will suffice.

Buys for furniture, shelving, and other items listed in the Federal Prison Industries/UNICOR schedule, must be coordinated through the MICC-DoC. Market research shall be conducted to determine whether the UNICOR product is comparable to products available from the private sector that best meets the government's needs in terms of price, quality and time delivery, and a clearance from UNICOR is no longer required. A schedule of products and services applicable to UNICOR can be found at [http://www.unicor.gov/prodservices/prod\\_dir\\_schedule/](http://www.unicor.gov/prodservices/prod_dir_schedule/).

All purchases requiring utilization of motels, hotels, or other places of public accommodation require the suggested source to be in compliance with the Hotel and Motel fire Safety Act of 2001. The master list can be found at <http://www.usfa.dhs.gov>.

□ The Computer Hardware, Enterprise Software and Solutions (CHES) is the Army's Commercial Center of Excellence and mandatory source for Information Technology (IT) products and services in accordance with Army Regulation 25-1, Section 6-2a. The CHES website is <https://ascp.monmouth.army.mil>. Any proposed procurement for IT hardware, software and peripherals that connect to the installation's network are required to have an Information Capability Request (CAPR), FP-Form 30-E. The CAPR is executed by the customer, and forwarded to the Directorate of Information Management (DOIM) for review and approval. Once approved, the PR&C, along with the CAPR are forwarded to the MICC-DoC for procurement.

# Appendix B: Contracting Officer's Representative (COR) Nomination Memo

**NOMINATION FOR COR APPOINTMENT**

**DATE:**

**FROM:**

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**TO:**

Mission & Installation Contracting Command  
Directorate of Contracting  
6661 Warrior Trail  
Fort Polk, LA 71459

**NOMINEE:**

Name:

Address:

Telephone:

**ALTERNATE:**

Name:

Address:

Telephone:

**PROJECT:** \_\_\_\_\_

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## RECOMMENDED DUTIES (SCOPE)

- 1. Review the contractor's efforts to ensure that the contractor is meeting the technical requirements of the contract.
- 2. Review the contractor's proposals for contract modifications and advise the contracting officer of their technical adequacy, reasonableness of work estimates and costs, and assure that there is no duplication of work or cost.
- 3. Certify that the contractor's technical progress is commensurate with the costs claimed in progress payments.

4. Notify the Contracting Officer in writing of significant and/or major deficiencies observed during surveillance of the contractor's performance. In the event of minor deficiencies that need or can be corrected on-the-spot, the COR may direct appropriate action to effect correction. Record and report incidents of faulty work by the contractor via the appropriate contract discrepancy report/notice.

5. Monitor contractor's progress and report any slippages to the contracting officer.

6. Construction contracts.

a. Authorize field changes that do not involve a change in required work effort and do not involve a change in unit or total price, quantity, quality, or delivery schedule but will be reflected on as-built drawings.

b. Review and recommend approval/disapproval of submittals, progress schedules, and progress reports.

7. Perform required coordination with the using activity, security, safety, fire department, and other Government activities as applicable.

8. When applicable, assist with property administration involving Government Furnished Property (GFP) and/or Government Furnished Equipment (GFE).

9. Assist designated Government inspectors or the contracting officer in the test, evaluation, inspection and acceptance of completed jobs, items, programs, or systems.

10. Cost-type contracts.

a. Ensure that the contractor is not arbitrarily enlarging scope of the contract or delivery schedules and thereby obligating the Government to defray unanticipated costs.

b. Furnish technical advice so that the contracting officer may have a basis for certifying for payment of the allowable costs under cost reimbursement contracts.

**SPECIAL DUTIES DESIRED:**

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**QUALIFICATION OF NOMINEE(S):**

Nominee(s) is/are:

- 1. Familiar with the technical requirements of the project and the Government contracting process.
- 2. Capable of analyzing, interpreting and evaluating the factors involved in contract technical administration.
- 3. Familiar with pertinent contractual topics such as changes, inspection and acceptance, Government property, terminations, value engineering, safety performance, and inexcusable delays in contract performance.
- 4. Physically accessible to the work site and other duties will not preclude the nominee(s) from effectively functioning as a COR.
- 5. Capable of exercising mature judgment.
- 6. Individual(s) with a high standard of character and ethics.
- 7. Experienced as represented by the attached list of contracts to which the nominee(s) was/were assigned COR duties. **(Identify each contract in the past year by number and type.)**
- 8. Fully trained as proven by completion of the appropriate course. **Proof of training is attached.**
- 9. Qualified for other reasons:

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**RECOMMENDED BY:** (Supervisor)

**APPROVED BY:**

Signature:

Signature:

Printed Name:

Contracting Officer:

Title:

### SPECIAL NOTICE TO CUSTOMER AND PROPOSED COR

1. Contracting Officer's Representative (COR) Training:

Prospective Contracting Officer's Representatives (CORs) and Contracting Officer's Technical Representatives (COTRs) must take basic classroom and/or on-line COR training and Wide Area Work Flow (WAWF) training prior to being nominated and appointed. The class room training must be taken only once, with annual refresher training required to maintain certification. Army Contracting Command (ACC) and HQ IMCOM are currently developing a COR/COTR annual refresher course and additional information will be provided at a later date. In the interim, the below chart offers suggested training that can be taken to provide the COR/COTR with important contracting topics which are available on-line at the Defense Acquisition University (DAU) website. **At a minimum, no individual may be appointed as a COR/COTR unless they provide verification of training completion of CLC 106 - Contracting Officer's Representative with a Mission Focus.**

CORs/COTRs can meet these training requirements in several ways:

**Class Room** training is available through the Army Logistics Management college (ALMC)

<http://www.almc.army.mil/classlisting> , Management Concepts <http://www.managementconcepts.com> and

Government Horizons <http://www.governmenthorizons.org>.

**On-Line** training is available through the Defense Acquisition University (DAU) <http://www.dau.mil> and Federal Acquisition Institute (FAI) [www.fai.gov](http://www.fai.gov) .

<b>Mandatory Training</b>	
CLC 106	Contracting Officer's Representative with a Mission Focus (8 CLPs)
<b>Suggested Training</b>	
CLC 004	Market Research (3 CLPs)
CLC 005	Simplified Acquisition Procedures (2 CLPs)
CLC 007	Contract Source Selection (2 CLPs)
CLC 011	Contracting for the Rest of US (2 CLPs)
CLC 012	COR Overview (4 CLPs)
CLC 013	Performance-Based Service Acquisition (6 CLPs)
CLM 003	Ethics Training for Acquisition Technology & Logistics (2 CLPs)
CLM 024	Contracting Overview (8 CLPs)

1. The above identified training may be obtained on-line at the following site: <http://www.dau.mil>. Classes are located under "Continuous Learning Modules".

2. **WIDE AREA WORK FLOW (WAWF)**: The COR must establish an account in WAWF in order to accept services for the contractor to be paid. WAWF is a mandatory system which improves the receipt, acceptance and payment process. WAWF requires valid DODAACs for the "inspect by", "accept by", and "ship-to-address" in the system to prepare the purchase request and commitment, contract, invoice, and receiving report to flow thru the system properly. There will be NO room for manual intervention to "straighten out" errors. It is mandatory that a DODAAC appears in the "accept by" field. A Central Receiving Point's (CRP's) DODAAC may be used for the "ship-to address" only for delivery; requiring activities, NOT the CRP, will perform acceptance of goods and services. Training and registration are available in WAWF at <http://www.wawftraining.com> and <https://wawf.eb.mil>, respectively. WAWF is only for those contracts that are not paid via the Government purchase card.

3. **Contractor Manpower Reporting**: Manpower reporting is required on service contracts. The COR is required to verify information input by the contractor. Please register immediately as a COR on the CMR website (<https://cmra.army.mil>) and input the necessary information as required.

4. AFARS 5142.15 requires that an annual Contractor Performance Assessment Report (CPAR) be prepared for all formal contracts. As COR you will be required to submit a quarterly report concerning performance of services rendered for inclusion in an annual report. Your narrative must provide rationale in sufficient detail to support your rating given for each element (refer to AFARS 5142.15 for guidance).

5. Does your contractor require a CAC card? If so, you or the designated person for your activity must become a trusted agent for the issuance of CAC cards. Please follow these procedures: IAW DA Policy and implementing instructions you or the designated person for your activity will perform the duties as a Trusted Agent for the Contractor Verification System (CVS) and either approve or deny contractor requests for the issuance of Common Access Cards (CAC) to contractor employees for the contract. Please contact your Security Office for further information.

6. Daily log book: COR must monitor the daily performance of your contractor. COR must maintain a daily log book and input information on a daily basis. If the contractor is not performing in accordance with the contract that information must be recorded and handled accordingly. If he is performing adequately all data on that day's performance must be captured. At a minimum you should log the performance time, number of contractor employees for that day, etc. All of this data must be placed in your COR files.

# Appendix C: Certification for the Use of a Non-DoD Contract (revised: 12/14/05)

## Certification for the Use of a Non-DoD Contract (revised: 12/14/05)

### 1. References:

- a. Assistant Secretary of the Army Letter dated 12 Jul 2005, subject: "Proper Use of Non-Department of Defense (Non-DoD) Contracts".
- b. OSD Policy Letter dated 29 Oct 2004, subject: "Proper Use of Non-DoD Contracts".
- c. Army Policy "Proper Use of Non-Department of Defense (Non-DoD) Contracts".

2. This certification covers the use of Non-DoD contracts to acquire supplies or services with an estimated dollar value above the simplified acquisition threshold (currently - \$100,000) with exceptions as detailed in Ref. c.

3. **Certification is required for both direct acquisitions** (i.e., an order placed against a non-DoD contract—contract holder, GSA) **and assisted acquisitions** (orders placed on behalf of the Army by an official outside of DoD) using DoD funds.

Purchase Request No./Solicitation No:

Description of Services/Supplies:

Contract Holder (Agency):

4. This is a:  Direct Acquisition or an  Assisted Acquisition

5. We, certify that:

a. This action is determined to be in the best interest of the Army/DoD based on the following: [select all that apply]

- Meets the customer requirements [explain] \*
- Cost effectiveness (including discounts and fees charged by contract holder [explain]\*.
- Meets required delivery schedule [explain]\*.
- Non-availability of a suitable contract within DoD [explain market research]\*.
- Comparative costs of using a DoD vs. non-DoD contractual instrument; to include administrative fees charged by the non-DoD activity [explain].\*
- Contract administration (surveillance plan for monitoring activities of the non-DoD Agency) [explain or attach]\*.

Socio-economic opportunities have been considered (small business, HUBzone, SDB, Veteran-owned, etc.)[explain]\*.

Other applicable factors [explain] \*.

\* A copy of the market research conducted which addresses these areas may be referenced and attached.

b.  **[For direct acquisitions]** The non-DoD contract (including the Statement of Work) was reviewed on \_\_\_\_\_ by the DoD contracting officer and it was determined that the supplies/services to be provided are within the scope of the non-DoD contract.

- OR -

c.  **[For assisted acquisitions; for direct acquisitions when necessary]** The supplies or services to be provided are within the scope of the non-DoD contract. Coordination with the non-DoD contracting officer \_\_\_\_\_ has been accomplished on \_\_\_\_\_ and she/he has verified that the requirement is within the scope of the non-DoD Agency's selected contract. [Coordination attached.]

d. The review and approval procedures set forth in Ref. c, Paragraph 4, "Management Review and Approval Requirements", have been completed. [Approvals attached.]

e. The funds authorized are legal and proper for this acquisition and used in a manner consistent with any appropriation limitations.

f.  **[For assisted acquisitions]** The MIPR or other equivalent form sent to the servicing organization has been annotated with the following:

"This requirement has been processed IAW Section 854 of the Ronald W. Reagan National Defense Authorization Act of 2005 (PL 108-375) and the Army Policy memorandum on Proper Use of Non-DoD Contracts, dated July 12, 2005. The order is properly funded [insert correct appropriations and year], and it is in compliance with Army procedures for placement of orders on the Army's behalf by a Non-DoD organization. Reference: <https://webportal.saalt.army.mil/saal-zp/armypolicyuseofnon-dodcontracts.pdf>."

g.  **[For direct acquisitions]** The terms, conditions and/or requirements unique to DoD or the Army have been identified and will be incorporated into the order to comply with applicable statutes, regulations and directives. <sup>1</sup>

h.  **[For assisted acquisitions]** The following terms, conditions and/or requirements unique to DoD or the Army are recommended for incorporation into the assisting agency's order or contract to comply with applicable statutes, regulations and directives<sup>2</sup>:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Fund Certifying Official]  
**[For direct acquisitions]**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Fund Authorizing Official]  
**[For assisted acquisitions]**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Contracting Officer]

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Head of Requiring Activity 06/GS-15]

**COORDINATION w/Legal Counsel**

**[For assisted acquisitions]:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Legal Counsel Supporting Requiring Activity]

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<sup>1</sup> Consider such things as: DFARS Part 25 [Berry Amendment, etc.]; Part 27 [Data Rights]; Part 23 [Ammunition, Hazardous Materials, etc.] Part 29, Taxes; Part 32 [Incremental Funding]; Contractor Management Reporting, DoD Unique Item Identification, electronic invoicing, DD 250, etc.

<sup>2</sup> Same as above

Use of Non-DoD Contracts website: <http://www.acq.osd.mil/dpap/specificpolicy/attachments/2005-0924-DPAP.pdf>

## Appendix D: Request for Civilian Hire or Service Contract Approval

<b>REQUEST FOR CIVILIAN HIRE OR SERVICES CONTRACT APPROVAL</b>
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<b>A</b>	<b>Name of HQDA Principal, Army Command, Army Service Component Command or Direct Reporting Unit Organization:</b>
<b>B</b>	<b>Unit Identification Code (UIC):</b>
<b>C</b>	<b>Position Title (if civilian hire) or Project Name for Contract:</b>
<b>D</b>	<b>Position Number (if civilian hire) or Contract Number/Task Order/Delivery Order Number:</b>
<b>E</b>	<b>Position Grade (if civilian hire) or Contract Manpower Equivalent and Cost:</b>
<b>F</b>	<b>Justification for fill (if civilian hire) or Contract (for contracts attach worksheets A, B, C, and D):</b>
<b>G</b>	<p><b>HQDA Principal, Army Command, Army Service Component Command, or Direct Reporting Unit Decision:</b></p> <ul style="list-style-type: none"> <li>• <b>Civilian Hiring Decision:</b> _____ Approve _____ Disapprove</li> <li>• <b>Contracting Decision:</b></li> </ul> <p>_____ I approve and certify that:</p> <ol style="list-style-type: none"> <li>1) this requirement does not include inherently governmental functions;</li> <li>2) this requirement does not include unauthorized personal services either in the way the work statement is written or in the way the contract operates;</li> <li>3) in the case of work closely associated with inherently governmental functions, or non-competitive contracts, special consideration has been given to using federal government employees; and</li> <li>4) this contract (circle all that apply):             <ol style="list-style-type: none"> <li>a) has been reported in the Contract Manpower Reporting Application (CMRA);</li> <li>b) has not reported in CMRA, an explanation is enclosed; or</li> <li>c) the CMRA reporting requirement has been included in the work statement for this new requirement.</li> </ol> </li> </ol> <p>_____ Disapprove</p> <p style="text-align: right;">_____ Printed Name, Rank, Position and Date</p> <p style="text-align: right;">Signature: _____</p>
<b>H</b>	<p><b>Worksheets Prepared by:</b> _____ <b>Date:</b> _____</p> <p>Signature: _____</p>

## Worksheet A (1 of 2) - INHERENTLY GOVERNMENTAL

(This worksheet must be included as part of the Request for Civilian Hire or Services Contract Approval form.)

The following functions constitute inherently governmental functions and may not legally be contracted. (See the FAIR Act (31 United States Code Section 501), the Federal Acquisition Regulation (FAR) Part 7.5), and Department of Defense Instruction (DoDI) 1100.22, Guidance for Determining Workforce Mix.

If the services to be contracted involve **any** of the following, then the function must be performed in-house by federal government employees.

INHERENTLY GOVERNMENTAL		YES	NO
<p><b>Answer "YES" or "NO" to the functions below that apply based on the work statement or the way the contract is performed. Any "YES" response to a function below must be performed in-house and cannot be contracted. (The list below is not comprehensive, as it excludes examples from the FAIR Act and DoDI 1100.22).</b></p> <p><b>Does the function:</b></p>			
1	Involve contractors providing legal advice and interpretations of regulations and statutes to Government officials?	<input type="checkbox"/>	<input type="checkbox"/>
2	Involve the direct conduct of criminal investigations?	<input type="checkbox"/>	<input type="checkbox"/>
3	Involve the control of prosecutions and performance of adjudicatory functions other than those relating to arbitration or other methods of alternative dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>
4	Involve the command of military forces, especially the leadership of military personnel who are members of the combat, combat support, or combat service support role?	<input type="checkbox"/>	<input type="checkbox"/>
5	Involve the conduct of foreign relations and the determination of foreign policy?	<input type="checkbox"/>	<input type="checkbox"/>
6	Involve the determination of agency policy, such as determining the content and application of regulations, among other things?	<input type="checkbox"/>	<input type="checkbox"/>
7	Involve the determination of Federal program priorities for budget requests?	<input type="checkbox"/>	<input type="checkbox"/>
8	Involve the direction and control of Federal employees?	<input type="checkbox"/>	<input type="checkbox"/>
9	Involve the direction and control of intelligence and counter-intelligence operations?	<input type="checkbox"/>	<input type="checkbox"/>
10	Involve the selection or non-selection of individuals for Federal Government employment, including the interviewing of individuals for employment?	<input type="checkbox"/>	<input type="checkbox"/>
11	Involve the approval of position descriptions and performance standards for Federal employees?	<input type="checkbox"/>	<input type="checkbox"/>
12	Involve the determination of what Government property is to be disposed of and on what terms (although an agency may give contractors authority to dispose of property at prices within specified ranges and subject to other reasonable conditions deemed appropriate by the agency)?	<input type="checkbox"/>	<input type="checkbox"/>
13	Involve:		
	i) Determining what supplies or services are to be acquired by the Government (although an agency may give contractors authority to acquire supplies at prices within specified ranges and subject to other reasonable conditions deemed appropriate by the agency);	<input type="checkbox"/>	<input type="checkbox"/>

## Worksheet A (2 of 2) - INHERENTLY GOVERNMENTAL

(This worksheet must be included as part of the Request for Civilian Hire or Services Contract Approval form.)

	ii) Participating as a voting member on any source selection boards;	<input type="checkbox"/>	<input type="checkbox"/>
	iii) Approving any contractual documents, to include documents defining requirements, incentive plans, and evaluation criteria;	<input type="checkbox"/>	<input type="checkbox"/>
	iv) Awarding contracts;	<input type="checkbox"/>	<input type="checkbox"/>
	v) Administering contracts (including ordering changes in contract performance or contract quantities, taking action based on evaluations of contractor performance, and accepting or rejecting contractor products or services);	<input type="checkbox"/>	<input type="checkbox"/>
	vi) Terminating contracts;	<input type="checkbox"/>	<input type="checkbox"/>
	vii) Determining whether contract costs are reasonable, allocable, and allowable; and	<input type="checkbox"/>	<input type="checkbox"/>
	viii) Participating as a voting member on performance evaluation boards.	<input type="checkbox"/>	<input type="checkbox"/>
14	Involve the approval of agency responses to Freedom of Information Act requests (other than routine responses that, because of statute, regulation, or agency policy, do not require the exercise of judgment in determining whether documents are to be released or withheld), and the approval of agency response to the administrative appeals of denials of Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>
15	Involve the conduct of administrative hearings to determine the eligibility of any person for a security clearance, or involving actions that affect matters of personal reputation or eligibility to participate in Government programs?	<input type="checkbox"/>	<input type="checkbox"/>
16	Involve the approval of Federal licensing actions and inspections?	<input type="checkbox"/>	<input type="checkbox"/>
17	Involve the determination of budget policy, guidance, and strategy?	<input type="checkbox"/>	<input type="checkbox"/>
18	Involve the collection, control, and disbursement of fees, royalties, duties, fines, taxes, and other public funds, unless authorized by statute, such as <u>31 U.S.C. 952</u> (relating to private collection contractors) and <u>31 U.S.C. 3718</u> (relating to private attorney collection services), but not including-	<input type="checkbox"/>	<input type="checkbox"/>
	(i) Collection of fees, fines, penalties, costs, or other charges from visitors to or patrons of mess halls, post or base exchange concessions, national parks, and similar entities or activities, or from other persons, where the amount to be collected is easily calculated or predetermined and the funds collected can be easily controlled using standard case management techniques; and	<input type="checkbox"/>	<input type="checkbox"/>
	(ii) Routine voucher and invoice examination.	<input type="checkbox"/>	<input type="checkbox"/>
19	Involve the control of the treasury accounts?	<input type="checkbox"/>	<input type="checkbox"/>
20	Involve the administration of public trusts?	<input type="checkbox"/>	<input type="checkbox"/>
21	Involve the drafting of Congressional testimony, responses to Congressional correspondence, or agency responses to audit reports from the Inspector General, the Government Account Office, or other Federal audit entity?	<input type="checkbox"/>	<input type="checkbox"/>

## Worksheet B (1 of 2) - CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL

(This worksheet must be included as part of the Request for Civilian Hire or Services Contract Approval form.)

The following kinds of services are defined as "closely associated with inherently governmental functions," in 10 U.S.C. 2383(b) (3) and pursuant to 10 U.S.C. 2463, **special consideration** must be given to in-sourcing contracts performing the functions listed below.

If the function is closely associated with an inherently governmental activity, then 1) provide an explanation describing: a) How discretionary authority, decision-making responsibility, or accountability of Government officials using contractor services or work products with respect to this contract/task order/delivery order will be maintained, and b) Why the function cannot be in-sourced at this time; or 2) In-source using the concept plan process.

CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL		YES	NO
Answer "YES" or "NO" to any functions below that apply based on the work statement or the way the contract is performed. (The list below is not comprehensive, as it excludes examples from the FAIR Act and DoDI 1100.22).			
Does the performance involve:			
1	Services that involve or relate to budget preparation, including workload modeling, fact finding, efficiency studies, and should-cost analyses, etc.	<input type="checkbox"/>	<input type="checkbox"/>
2	Services that involve or relate to reorganization and planning activities.	<input type="checkbox"/>	<input type="checkbox"/>
3	Services that involve or relate to analyses, feasibility studies, and strategy options to be used by agency personnel in developing policy.	<input type="checkbox"/>	<input type="checkbox"/>
4	Services that involve or relate to the development of regulations.	<input type="checkbox"/>	<input type="checkbox"/>
5	Services that involve or relate to the evaluation of another contractor's performance.	<input type="checkbox"/>	<input type="checkbox"/>
6	Services in support of acquisition planning.	<input type="checkbox"/>	<input type="checkbox"/>
7	Contractors providing assistance in contract management (such as where the contractor might influence official evaluations of other contractors).	<input type="checkbox"/>	<input type="checkbox"/>
8	Contractors providing technical evaluation of contract proposals.	<input type="checkbox"/>	<input type="checkbox"/>
9	Contractors providing assistance in the development of statements of work.	<input type="checkbox"/>	<input type="checkbox"/>
10	Contractors providing support in preparing responses to Freedom of Information Act requests.	<input type="checkbox"/>	<input type="checkbox"/>
11	Contractors working in any situation that permits or might permit them to gain access to confidential business information and/or any other sensitive information (other than situations covered by the National Industrial Security Program described in 4.402 (b))	<input type="checkbox"/>	<input type="checkbox"/>
12	Contractors providing information regarding agency policies or regulations, such as attending conferences on behalf of an agency, conducting community relations campaigns, or conducting agency training courses.	<input type="checkbox"/>	<input type="checkbox"/>
13	Contractors participating in any situation where it might be assumed that they are agency employees or representatives.	<input type="checkbox"/>	<input type="checkbox"/>

## Worksheet B (2 of 2) - CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL

(This worksheet must be included as part of the Request for Civilian Hire or Services Contract Approval form.)

14	Contractors participating as technical advisors to a source selection board or participating as voting or nonvoting members of a source evaluation board.	<input type="checkbox"/>	<input type="checkbox"/>
15	Contractors serving as arbitrators or providing alternative methods of dispute resolution.	<input type="checkbox"/>	<input type="checkbox"/>
16	Contractors constructing buildings or structures intended to be secure from electronic eavesdropping or other penetration by foreign governments.	<input type="checkbox"/>	<input type="checkbox"/>
17	Contractors providing inspection services.	<input type="checkbox"/>	<input type="checkbox"/>
18	Contractors providing special non-law enforcement, security activities that do not directly involve criminal investigations, such as prisoner detention or transport and non-military national security details. However, the direction and control of confinement facilities in areas of operations is inherently governmental.	<input type="checkbox"/>	<input type="checkbox"/>

## Worksheet C - PERSONAL SERVICES

(This worksheet must be included as part of the Request for Civilian Hire or Services Contract Approval form.)

Pursuant to FAR Part 37.104, a personal services contract is characterized by "the employer-employee relationship it creates between the Government and the contractor's personnel. The Government is normally required to obtain its employees by direct hire under competitive appointment or other procedures required by the Civil Service laws. Obtaining personal services by contract rather than by direct hire under competitive appointment, circumvents those laws unless Congress has specifically authorized acquisition of those services."

Specific statutory authority for personal services is provided in 10 United States Code §129b for **experts or consultants where the services cannot be adequately provided by the Department; direct support of a defense intelligence component or counter-intelligence organization of the Department of Defense outside the United States where the services are urgent or unique and cannot be practically obtained within the Department; direct support of mission of special operations command outside the United States** where the services are urgent or unique and cannot be practically obtained within the Department; or 10 United States Code §1091 for **carrying out health care responsibilities in medical treatment facilities of the Department of Defense.**

**If the services do not meet one of the statutory exceptions listed above, use the following checklist. If the contract, by its written terms or in the way it is actually performed, involves any of the following elements, modify the contract or perform it to avoid creating an employer-employee relationship: (Adapted from FAR Part 37.104 (d)).**

PERSONAL SERVICES		YES	NO
1	The contractor personnel are subject to relatively continuous supervision and control of a governmental officer.	<input type="checkbox"/>	<input type="checkbox"/>
2	Contractor is performing on a government site.	<input type="checkbox"/>	<input type="checkbox"/>
3	Principal tools and equipment are furnished by the government.	<input type="checkbox"/>	<input type="checkbox"/>
4	Services are applied directly to the integral effort of agencies or an organizational subpart in furtherance of assigned function or mission.	<input type="checkbox"/>	<input type="checkbox"/>
5	The need for the service provided can reasonably be expected to last beyond one year.	<input type="checkbox"/>	<input type="checkbox"/>
6	The inherent nature of the service, or the manner in which it is provided, reasonably require (directly or indirectly), Government direction or supervision of contractor employees in order to:		
	a) Adequately protect the government's interest;	<input type="checkbox"/>	<input type="checkbox"/>
	b) Retain control of the function involved; or	<input type="checkbox"/>	<input type="checkbox"/>
	c) Retain full responsibility for the function supported in a duly authorized Federal officer or employee.	<input type="checkbox"/>	<input type="checkbox"/>

## Worksheet D

(This worksheet must be included as part of the Request for Civilian Hire or Services Contract Approval form.)

		YES	NO
1	Has in-sourcing been considered? Special consideration should be given to civilians in the following situations:	<input type="checkbox"/>	<input type="checkbox"/>
	i) The function was performed by Department of Defense civilian employees in the past 10 years.		
	ii) The function is closely associated with the performance of an inherently governmental function. (See worksheet B.)		
	iii) The function is performed pursuant to a contract awarded on a non-competitive basis.		
	iv) The contracting officer has determined that the contract has been performed poorly because of excessive costs or inferior quality.		
2	Has the contract been accurately reported in the Contractor Manpower Reporting Application ( <a href="https://cmra.army.mil/">https://cmra.army.mil/</a> ) pursuant to SecArmy policy? For new requirements, has the Contractor Manpower Reporting Application (CMRA) Requirement been included in the work statement? CMRA reporting pursuant to SecArmy policy is being used by Department of the Army to comply with most of the reporting required by the National Defense Authorization Act for FY2008, Section 807.	<input type="checkbox"/>	<input type="checkbox"/>

# CERTIFICATION FOR THE USE OF A NON-DoD CONTRACT

[revised: 12/14/05]

## 1. References:

- a. Assistant Secretary of the Army Letter dated 12 Jul 2005, subject: "Proper Use of Non-Department of Defense (Non-DoD) Contracts".
- b. OSD Policy Letter dated 29 Oct 2004, subject: "Proper Use of Non-DoD Contracts".
- c. Army Policy "Proper Use of Non-Department of Defense (Non-DoD) Contracts".

2. This certification covers the use of Non-DoD contracts to acquire supplies or services with an estimated dollar value above the simplified acquisition threshold (currently - \$100,000) with exceptions as detailed in Ref. c.

3. **Certification is required for both direct acquisitions** (i.e., an order placed against a non-DoD contract—contract holder, GSA) **and assisted acquisitions** (orders placed on behalf of the Army by an official outside of DoD) using DoD funds.

Purchase Request No./Solicitation No:

Description of Services/Supplies:

Contract Holder (Agency):

4. This is a:  Direct Acquisition or an  Assisted Acquisition

5. We, certify that:

a. This action is determined to be in the best interest of the Army/DoD based on the following: [select all that apply]

- Meets the customer requirements [explain] \*
- Cost effectiveness (including discounts and fees charged by contract holder [explain]\*.
- Meets required delivery schedule [explain]\*.
- Non-availability of a suitable contract within DoD [explain market research]\*.
- Comparative costs of using a DoD vs. non-DoD contractual instrument; to include administrative fees charged by the non-DoD activity [explain].\*
- Contract administration (surveillance plan for monitoring activities of the non-DoD Agency) [explain or attach]\*.
- Socio-economic opportunities have been considered (small business, HUBzone, SDB, Veteran-owned, etc.) [explain]\*.
- Other applicable factors [explain] \*.

# CERTIFICATION FOR THE USE OF A NON-DoD CONTRACT

[revised: 12/14/05]

\* A copy of the market research conducted which addresses these areas may be referenced and attached.

b.  **[For direct acquisitions]** The non-DoD contract (including the Statement of Work) was reviewed on \_\_\_\_\_ by the DoD contracting officer and it was determined that the supplies/services to be provided are within the scope of the non-DoD contract.

- OR -

c.  **[For assisted acquisitions; for direct acquisitions when necessary]** The supplies or services to be provided are within the scope of the non-DoD contract. Coordination with the non-DoD contracting officer \_\_\_\_\_ has been accomplished on \_\_\_\_\_ and she/he has verified that the requirement is within the scope of the non-DoD Agency's selected contract. [Coordination attached.]

d. The review and approval procedures set forth in Ref. c, Paragraph 4, "Management Review and Approval Requirements", have been completed. [Approvals attached.]

e. The funds authorized are legal and proper for this acquisition and used in a manner consistent with any appropriation limitations.

f.  **[For assisted acquisitions]** The MIPR or other equivalent form sent to the servicing organization has been annotated with the following:

"This requirement has been processed IAW Section 854 of the Ronald W. Reagan National Defense Authorization Act of 2005 (PL 108-375) and the Army Policy memorandum on Proper Use of Non-DoD Contracts, dated July 12, 2005. The order is properly funded [insert correct appropriations and year], and it is in compliance with Army procedures for placement of orders on the Army's behalf by a Non-DoD organization. Reference: <https://www.alt.army.mil/portal/page/portal/oasaalt/documents/armypolicyuseofnon-dodcontracts.pdf>

g.  **[For direct acquisitions]** The terms, conditions and/or requirements unique to DoD or the Army have been identified and will be incorporated into the order to comply with applicable statutes, regulations and directives.<sup>1</sup>

h.  **[For assisted acquisitions]** The following terms, conditions and/or requirements unique to DoD or the Army are recommended for incorporation into the assisting agency's order or contract to comply with applicable statutes, regulations and directives<sup>2</sup>:

# CERTIFICATION FOR THE USE OF A NON-DoD CONTRACT

[revised: 12/14/05]

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Fund Certifying Official]  
**[For direct acquisitions]**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Fund Authorizing Official]  
**[For assisted acquisitions]**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Contracting Officer]

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Head of Requiring Activity 06/GS-15]

COORDINATION w/Legal Counsel

**[For assisted acquisitions]:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name:  
[Legal Counsel Supporting Requiring Activity]

# CERTIFICATION FOR THE USE OF A NON-DoD CONTRACT

[revised: 12/14/05]

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<sup>1</sup> Consider such things as: DFARS Part 25 [Berry Amendment, etc.]; Part 27 [Data Rights]; Part 23 [Ammunition, Hazardous Materials, etc.] Part 29, Taxes; Part 32 [Incremental Funding]; Contractor Management Reporting, DoD Unique Item Identification, electronic invoicing, DD 250, etc.

<sup>2</sup> Same as above

Use of Non-DoD Contracts website: <http://www.acq.osd.mil/dpap/specificpolicy/attachments/2005-0924-DPAP.pdf>