Subpart 5617.7 - INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

Parent topic: Part 5617 - SPECIAL CONTRACTING METHODS

5617.703 Policy

(Renumbered Ju ne 2021)

5617.703-91 Use of NonDoD Contracts and Agencies

5617.703-91.1 Determination and Certification for use of NonDoD contracts.

(a) A determination for use of a Non-DoD contract or agency must be prepared prior to placing any order greater than the simplified acquisition threshold against a Non-DoD contract. This determination must be coordinated between the requesting organization and the contracting office. Comptroller coordination is required to ensure that the funding appropriation is consistent with the supplies or services to be acquired. Both the using organization and contracting office must certify the determination document prior to placing an order against a non-DoD contract. A copy of the certified determination must be retained in the contract file.

(b) A certified determination must be completed when transferring money to a non-DoD agency. The determination must be certified by the requesting activity and a contracting officer from the purchasing agency prior to legal review. A copy of the certified determination must accompany the inter-departmental purchase request.

(c) A template for the Determination for Use of a Non-DoD Contract, as well as further information, can be found in the DCG. When the template is not used, Contracting Officers must ensure that the determination document addresses each of the following considerations:

(1) Customer needs in terms of quantity, delivery, and price;

(2) Cost effectiveness, including fees and discounts;

(3) Performances of market research and identification of multiple sources;

(4) Whether the requirement is within the scope of the intended contract vehicle;

(5) Small business considerations such as bundling or subcontracting opportunities;

(6) Schedule or performance period;

(7) Identification of DoD or USSOCOM unique terms and conditions that must be included in the award document;

(8) Contract administration considerations;

(9) Consistency of the funding appropriation.

(d) Upon award, the Contracting Officer must ensure that the action is properly reported to the Federal Procurement Data System – Next Generation (FPDS-NG) to facilitate proper reporting of metrics on the use of non-DoD contracts to the Director of Procurement and the Office of the Secretary of Defense.