Part 5301 - Federal Acquisition Regulations System

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Subpart 5301.1 - PURPOSE, AUTHORITY, AND ISSUANCE

5301.101 Purpose

5301.104 Applicability

5301.105-1 Publication and Code Arrangement

5301.170 Peer Reviews

Subpart 5301.2 - ADMINISTRATION

5301.201-1 The Two Councils

5301.201-90 Maintenance of the DAFFARS

Subpart 5301.3 - AGENCY ACQUISITION REGULATIONS

5301.301 Policy

5301.304 Agency Control and Compliance Procedures

Subpart 5301.4 - DEVIATIONS FROM THE FAR

5301.402 Policy

5301.403 Individual Deviations

5301.404 Class Deviations

Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5301.601 General

5301.601-91 Department of the Air Force Contracting Self-Inspection Program

5301.602-1 Authority

5301.602-2 Responsibilities

5301.602-3 Ratification of Unauthorized Commitments

5301.603 Selection, appointment, and termination of appointment for contracting officers.

5301.603-1 General

5301.603-2-90 Selection

5301.603-3 Appointment

5301.603-3-90 Field Ordering Officer Appointments.

5301.670 Appointment of Property Administrators and Plant Clearance Officers

Subpart 5301.7 - DETERMINATIONS AND FINDINGS

5301.707 Signatory Authority

Subpart 5301.90 - CLEARANCE

5301.9000 Definitions

5301.9001 Objectives, Approval Thresholds, and Procedures

Subpart 5301.91 - OMBUDSMAN PROGRAM

5301.9101 Purpose

5301.9102 Policy

5301.9103 Solicitation Provision and Contract Clause

Subpart 5301.1 - PURPOSE, AUTHORITY, AND ISSUANCE

5301.101 Purpose

The Department of the Air Force Federal Acquisition Regulation Supplement (DAFFARS) establishes uniform policies and procedures for the Department of the Air Force (DAF) implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR Supplement (DFARS), and other Department of Defense publications concerning contracting. DAFFARS Mandatory Procedures (MP) are companion resources arranged by parts, which correspond to the relevant FAR parts. Supplements to the DAFFARS and MPs are prohibited.

5301.104 Applicability

The DAFFARS applies to all DAF acquisitions as defined in part 2 of the FAR, except where expressly excluded.

5301.105-1 Publication and Code Arrangement

(a)(S-90) The DAFFARS is published on www.Acquisition.gov.

5301.170 Peer Reviews

(a) *DPCAP Peer Reviews.*

(2) To facilitate planning for and execution of DoD Peer Reviews (see DFARS 201.170 for applicable competitive and noncompetitive thresholds), the SCO must use the Peer Review and Clearance Forecasting Tool to submit quarterly peer review forecasts by the 15th of March, June, September, and December each year. SAF/AQC will submit a consolidated forecast to DPCAP on behalf of the DAF at the end of each quarter. When DoD Peer Review is required, follow the procedures in 5301.9001 regarding clearance.

(b)To support DoD IP Cadre participation in DPCAP Peer Reviews, contracting officers shall obtain DAF IP Cadre (SAF/AQCC) feedback on draft RFPs before submission of the RFP for DPCAP Peer Review. Request DAF IP Cadre input by completing the Cadre Support Request Intake Form and submit to the DAF IP Cadre Workflow

(c) Component Peer Reviews. Pre-award peer reviews of solicitations for competitive procurements and pre-award peer reviews for non-competitive procurements not subject to the requirements of DFARS 201.170(a)(1)(i) or (ii) must be accomplished by complying with the clearance requirements in DAFFARS 5301.90.

Subpart 5301.2 - ADMINISTRATION

5301.201-1 The Two Councils

(d)(i) Proposed revisions to the FAR or the DFARS must be submitted through the SCO (or HCA for SSC, SpRCO and SDA) to SAF/AQCP in accordance with DFARS 201.201-1(d)(i).

5301.201-90 Maintenance of the DAFFARS

The DAFFARS is prepared and maintained by the Chief, Contract Policy & Field Support Division, Deputy Assistant Secretary (Contracting) (SAF/AQCP).

Subpart 5301.3 - AGENCY ACQUISITION REGULATIONS

5301.301 Policy

(a)(1)(S-90) The DAFFARS is issued by the DAS(C), in coordination with the HCAs for SSC, SpRCO, and SDA, on behalf of the Senior Procurement Executive (SPE).

5301.304 Agency Control and Compliance Procedures

(c)(4) The use of nonstandard clauses requires an approved D&F addressing the criteria outlined in

DFARS PGI 201.301(b)(iii). See the tailorable Non-Standard Clause Control Template. Approval for the use of a clause with no significant effect beyond the internal operating procedures of the agency or significant cost or administrative effect on contractors or offerors is one level above the contracting officer in accordance with the DAF Clause Control Plan

Subpart 5301.4 - DEVIATIONS FROM THE FAR

5301.402 Policy

(2) Submit requests for deviations requiring OUSD(A&S)/DPCAP approval through the SCO to the cognizant HCA workflow for processing. See the tailorable Deviation Request template.

5301.403 Individual Deviations

(1)(i) SCOs are authorized to approve individual deviations except as described in (ii) below or as described in DFARS 201.402(1), DFARS 201.403(2) and DPCAP directed data system requirements .

(ii) The cognizant HCA is the approval authority for individual deviations from FAR 15.3, DAFFARS 5315.3, and MP5315.3. This approval authority is not further delegable. Requests must be submitted through the SCO to the cognizant HCA workflow for approval. When a proposed deviation, as described herein, also requires a waiver from DFARS 215.3, *DoD Source Selection Procedures*, the waiver process in MP5315.3, para 1.2.4., must also be followed.

5301.404 Class Deviations

(b)(i) USD(A&S)/DPCAP is the approval authority for any class deviation described in DFARS 201.402(1), class deviations from DFARS 215.3, and class deviations that meet the criteria in DFARS 201.404(b)(ii)(A-D).

(ii) The cognizant HCA is the approval authority for class deviations from FAR 15.3, DAFFARS 5315.3, and MP5315.3. Requests must be submitted through the SCO to the cognizant HCA workflow for approval.

(iii) SCOs are authorized to approve class deviations except as restricted by paragraphs (i) and (ii) above or DPCAP directed data system requirements. Class deviation approval authority is not further delegable.

Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5301.601 General

(a)(i) See MP5301.601(a)(i) for the DAF Approval Authority Matrix.

5301.601-91 Department of the Air Force Contracting Self-Inspection Program

(a) The DAF Self-Inspection program assesses compliance with federal laws, regulatory policies, DoD and DAF directives, and instructions across the enterprise. It is also used to verify adequacy of contract preparation.

(b) SCOs will manage a self-inspection program, which includes both the assessment of individual contract files and the assessment of contracting management programs contained in the Management Internal Control Toolset (MICT) Self-Assessment Checklists (SACs) as required by DAFI 90-302, The Inspection System of the Department of the Air Force, and the assessment of individual contract files. As a minimum, contracting offices must perform post-award self-inspections of individual contract files on an annual basis. The results of the assessment of contracting management programs contained in the SACs are reported in MICT by individual units. The results of self-inspection of individual contract files are not reported in MICT.

(c) For self-inspection of individual FAR-based contract files reviewed after award, to include Special Access Programs (SAP)/classified contract files, SCOs shall use the Air Force Contracting Self-Inspection Checklist.For Contracting offices listed in KT FileShare (KTFS), the self-inspections shall be performed utilizing the KTFS Inspection tool beginning no later than 1 October 2024 in order to capture self-inspection results. For contracting offices not listed in KTFS, the self-inspection summary data shall be submitted into the AFMC/PKQ Automated Self-Inspection Reporting Tool (ASIRT). For SAP/classified contracts reviewed, releasable results shall be reported to SAF/AQCS via secure means for briefing to SAF/AQC.

(d) SCOs will ensure corrective actions are implemented as a result of any self-inspection findings. Contracting offices must have a documented program for self-inspection, to include a process for closing resolved findings in a timely manner, ensuring an effective level of review necessary to close a finding, and integrating findings and resolutions into unit training.

(e) SCOs must review 8% (5% for FY24 only) of their contract actions each fiscal year. Business/contract clearances shall not be counted towards meeting the required 8% of contracting actions reviewed. Maintaining a robust self-inspection program and sharing the data results will support a DAF-wide consolidated trend analysis report for the previous fiscal year. All reviews in KTFS, summary reporting in ASIRT, and SAP/classified reporting for the previous fiscal year must be completed by 15 February of each year.

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5301.602-1 Authority

(a) Contracting officers are authorized to enter into and execute contracts funded either partially or completely with non-appropriated funds.

5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable Legal Review template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations regardless of dollar amount, and if required elsewhere in regulation or policy:

(1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;

(2) When using or applying unique or unusual contract provisions;

(3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;

(4) Procurement integrity or organizational conflict of interest issues;

(5) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of MP5315.3;

(6) Issues dealing with licensing, technical data rights, and patents;

(7) Ratifications

(8) Termination for default/cause

(9) Terminations for convenience, except cancellations or terminations of purchase orders;

(10) Individual or class deviations; and

(11) Any other legal issue at the discretion of the contracting officer or supporting legal office.

(B) Contracting officers must obtain legal review for all Justifications and Approvals (J&A) requests for actions expected to exceed $750,000

(C) In addition to the general conditions identified in DAFFARS 5301.602-2(c)(i)(A), contracting officers must obtain legal review for the following actions that are expected to exceed $5,000,000 Contracting officers shall exercise good judgement in seeking legal review if the total value of the contract action is less than the thresholds listed in this paragraph and guard against using reviews as a means of quality control.

(*1*) Solicitations and amendments, except administrative amendments;

(*2*) Proposed contracts and modifications;

(*3*) Orders for supplies or services issued under indefinite delivery type contracts (FAR 16.5), including Governmentwide Acquisition Contracts (GWACs), and Federal Supply Schedules (FSS), that require negotiation at the order level; and

(*4*) Orders under Blanket Purchase Agreements (BPA) established under FSS.

(*5*) The SCO and their local legal office may establish a different threshold than identified in (C) based on organizational needs. Thresholds should not be established below $1,000,000 for Operational organizations and $5,000,000 for Non-Operational organizations unless coordinated with the SCO and cognizant HCA.

(D) Legal review is not normally required for:

(1) Funding actions without any other changes;

(2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract; or

(3) Except as indicated at DAFFARS 5301.602-2(c)(i)(C)(3), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.

(d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see MP5301.602-2(d).

5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy.*

(2) See MP5301.601(a)(i). See the ratification approval template.

5301.603 Selection, appointment, and termination of appointment for contracting officers.

5301.603-1 General

The HCA designees delegated warranting authority in accordance with MP5301.601(a)(i) must select and appoint contracting officers and terminate their appointments in accordance with this section and MP5301.603-90.

5301.603-2-90 Selection

See MP5301.603-90, *Selection, Appointment, and Termination of Appointment of Contracting Officers* for mandatory procedures regarding the selection, appointment, and termination of contracting officers.

5301.603-3 Appointment

(b) Issuing authorities identified in 5301.603-1 above may delegate the purchase authority described in FAR 1.603-3(b) and DFARS 201.603-3(b), to DoD civilian employees and members of the U.S. Armed Forces, such as transportation personnel, medical supply personnel, librarians, and chiefs of construction management, provided:

(1) The written delegation specifies a dollar limit per transaction (e.g., per order, per call); the method(s) of award; and the supplies, equipment and/or non-personal services, to include construction, related to the individual's (e.g., GPC Cardholder, Field Ordering Officer, etc.) scope of duties that may be procured. For example, librarians may buy books, but not construction materials or services; and,

(2) Personnel have completed contracting training commensurate with the type of instrument(s)

authorized to process and level of responsibility delegated.

5301.603-3-90 Field Ordering Officer Appointments.

(a) Policy. The issuing authority (see 5301.603-1) appointing a Field Ordering Officer (FOO) will state in the appointment letter that the FOO's authority may not be delegated further.

(b) Appointment and termination authority. An issuing authority may appoint in writing a FOO, pursuant to 5301.603-3, when the issuing authority determines that the appointment is essential for the operation of the contracting mission. The purposes for which an issuing authority may appoint a FOO are –

(1) To make purchases using imprest funds (FAR 13.305, DFARS 213.305);

(2) To make purchases using Standard Form 44 (FAR 13.306, DFARS 213.306);

(3) To place calls against Blanket Purchase Agreements where the agreement terms permit and provided all calls placed are within limitations specified in the agreement and FOO letter of appointment (FAR 13.303, DFARS 213.303, DAFFARS 5313.303-5); and,

(4) To place orders against indefinite delivery contracts awarded by a contracting officer, where the contract terms permit and provided all orders placed are within limitations specified in the contract and FOO letter of appointment (FAR 16.505, DFARS 216.505, DAFFARS 5316.505).

(c) Responsibilities of issuing authority.

(1) Training and orientation. The issuing authority will orient and instruct FOOs in person or in writing regarding –

(i) The proper procedure(s) the issuing authority will authorize the FOO to use;

(ii) The standards of conduct prescribed in the Joint Ethics Regulation (DoD 5500.7-R) and the procurement integrity provisions at FAR 3.104; and

(iii) The preparation and submission of documentation for purchase and contract actions.

(2) Surveillance. Surveillance activities must be conducted by the issuing authority or delegated to a warranted contracting officer. Surveillance activities include:

(i) Technical supervision of FOOs;

(ii) One hundred percent (100%) surveillance on all transactions not later than 30 days after the date of the transaction, and all FOO program records no less than annually. Document inspection findings (monthly and annually) and include specific comments as to whether the FOO is –

(A) Operating within the scope and limitations of authority delegated and FAR subpart 3.1;

(B) Maintaining the standards of conduct prescribed in DoD 5500.7-R;

(C) Engaging in improper practices, including but not limited to splitting purchase transactions to avoid monetary limitations or delegating authority to others; and

(D) Submitting correct and timely documentation for reporting purposes.

(iii) Document any instances of a FOO violating limitations of appointment and not promptly correcting violations or deficiencies noted in inspections or reviews;

(iv) Terminate the FOO's appointment when the issuing authority has lost confidence in the FOO's ability to adhere to limitations of appointment and/or documentation requirements; and

(v) Retain copies of inspection and review findings for three years in the FOO's and issuing authority (or warranted contracting officer, if delegated) files.

(3) Termination.

(i) A FOO's appointment will remain in effect until the FOO leaves their position via reassignment or termination, or the issuing authority terminates the appointment.

(ii) Issuing authorities will terminate FOO appointments in writing. Issuing authorities will not revoke an ordering officer appointment retroactively.

(d) Procedures. Issuing authorities will –

(1) Appoint FOOs by a letter of appointment containing at a minimum the details prescribed at 5301.603-3(b)(1) and listing the purpose(s) for appointment (5301.603-3-90(b)), using a template substantially the same as the ones provided in the AFICC FOO Guidance, tailored to fit the circumstances of the appointment;

(2) Maintain the file of appointments;

(3) Maintain purchase and surveillance documentation;

(4) Require individuals appointed as FOOs to acknowledge receipt of their letters of appointment and/or termination in writing; and

(5) Distribute appointment and/or termination letters to FOOs, contractors, imprest fund cashiers, disbursing officers and other interested personnel as necessary.

5301.670 Appointment of Property Administrators and Plant Clearance Officers

(a) When the DAF retains contract administration, the PCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers. One level above the PCO shall approve any of these appointments.

Subpart 5301.7 - DETERMINATIONS AND FINDINGS

5301.707 Signatory Authority

(a) Determinations and Findings (D&F) requiring SPE, Service Acquisition Executive (SAE), or higher-level approval must be coordinated with the cognizant HCA by submission through the SCO

to the cognizant HCA workflow.

(b) The contracting officer must submit D&Fs requiring HCA approval to the cognizant HCA workflow after coordination by the SCO.

(c) D&Fs involving small business matters must be coordinated with local Small Business Professional and/or MAJCOM/FLDCOM/DRU Center Small Business Director, as appropriate, and, at SAF level, with SAF/SB when HCA approval or coordination is required.

Subpart 5301.90 - CLEARANCE

5301.9000 Definitions

As used in this Subpart-

"Begin negotiations" means, for the purpose of noncompetitive contract actions, startingdiscussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government's negotiation objective do not constitute negotiations.

"Business Clearance" means:

(a) For competitive acquisitions, approval to issue the solicitation.

(b)For noncompetitive contract actions, approval to begin negotiations.

(c)For Broad Agency Announcements (BAAs) and Commercial Solutions Openings (CSOs) expected to result in a FAR-based award, if the total value of awards under a BAA or CSO is anticipated to be greater than or equal to the clearance threshold, approval to begin negotiations.

(d) For Architect-Engineer Services under FAR 36.6, approval to begin negotiations.

"Clearance Approval Authority (CAA)" meansthe individual identified at 5301.9001(b)(2) and 5301.9001(b)(3), unless otherwise directed. The CAA must be distinct from the contracting officer responsible for the contract action. When a contracting official is the Source Selection Authority (SSA), the CAA must be a level above the contracting official. If the SCO or their deputy is the SSA, the CAA must be the cognizant HCA.

"Clearance Review" means the independent review performed by the designated CR office or asotherwise selected by the CAA.

"Clearance Reviewer (CR)" means the independent reviewer and the primary advisor to the CAA for clearance. The CR ensures the CAA has the information needed to make an informed decision. The CR identifies deficiencies, assists in resolution, and advises the CAA as appropriate. When the CR is not from the designated CR office and is selected by the CAA, the CR must be an experienced contracting professional, a Government employee, and must not review their own contract action.

"Contract action" means

(a) An action intended to result in award of any contract or modification of any contract.

(b) An action intended to result in definitization of an undefinitized contract action (UCA), an undefinitized change order, or an undefinitized long lead contract.

(c) An action intended to result in the pricing of:

(1) an unpriced option or an option with a not-to-exceed price;

(2) a provisioned items order (PIO);

(3) an unpriced order under a BPA or FSS contract, including a Governmentwide Acquisition Contract (GWAC); or

(4) a noncompetitive task order or delivery order under a single or multiple award indefinite delivery-type contract.

(d) An action intended to result in issuance of a modification implementing a unilateral price determination.

(e) An order issued under Basic Ordering Agreement (BOA).

(f) An action intended to result in the exercise of an option when the option exercise is not in accordance with the previously approved pricing arrangement or other contract terms and conditions.

(g) A competitive solicitation issued or a competitive order awarded in accordance with FAR 8.4, 13, or 16.5 against an existing Multiple Award Contract (MAC) Indefinite-Delivery Indefinite-Quantity (IDIQ), GWAC, or FSS contract that requires either one or both of the following:

(1) Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;

(2) Addition of any terms or conditions that are not included in the basic IDIQ contract, and/or changes to the existing terms or conditions of the basic IDIQ contract (except for provisions/clauses required by the FAR, DFARS, or DAFFARS).

(h) Contract actions excluded from business or contract clearances are:

(1) An action that creates a UCA, undefinitized change order, or undefinitized long lead contract.

(2) A modification for the payment of an incentive or award fee that is in accordance with the terms and conditions of the incentive plan or award fee plan.

(3) A funding modification.

(4) An administrative modification.

(5) A modification solely for changes as a result of Service Contract Labor Standards statute wage rates/fringe benefits or Fair Labor Standards Act minimum wages.

(6) A competitive solicitation issued or a competitive order awarded in accordance with FAR 8.4, 13, or 16.5 against an existing MAC IDIQ, GWAC, or FSS contract that does not require either one or both of the following:

(i) Establishment of specific criteria for the evaluation of proposals and selection of the awardee for

the order;

(ii) Addition of any terms or conditions that are not included in the basic IDIQ contract, and/or changes to the existing terms or conditions of the basic IDIQ contract.

“Contract Clearance” means:

(a) For a competitive acquisition conducted without discussions, approval by the CAA for the SSA to make the decision to award.

(b) For a competitive acquisition with discussions –

(1) Approval by the CAA for the SSA to request final proposal revisions in accordance with FAR 15.307; and

(2) Approval by the CAA for the SSA to make a source selection decision.

(c) For a noncompetitive contract action, approval by the CAA to award the contract action.

(d) For a BAA, approval to award the contract action.

(e) For a FAR 16.5 acquisition included in the definition of contract action above:

(1) Approval by the CAA for the SSA to request final proposal revisions (if applicable; and

(2) Approval by the CAA for the Fair Opportunity Decision Authority to make a selection decision.

5301.9001 Objectives, Approval Thresholds, and Procedures

(a) Clearance Objectives. The objectives of the business and contract clearance process are to ensure that:

(1) Negotiations and contract actions effectively implement approved acquisition strategies;

(2) Negotiations and contract actions result in fair and reasonable business arrangements;

(3) Negotiations and contract actions are consistent with laws, regulations, and policies; and

(4) An independent review and assessment by the clearance authority for the proposed contract action is accomplished.

(b) (b) Clearance Approval Thresholds. Business and contract clearance are required for actions greater than or equal to $10M for Enterprise / PEO (Systems) and $5M for Operational. Contract value is determined by the definition on FAR 1.108(c).

(1) When the HCA is SAF/AQC, use the clearance approval thresholds in Table 1 below.

Table 1 – When the HCA is at SAF/AQC

CAA	Operational	Enterprise	PEO (Systems)
HCA	≥ $1B	≥ $1B	≥ $1B
SCO	> $10M to < $1B	> $50M to < $1B	> $100M to < $1B
COCO	> $5M to ≤ $10M	> $10M to ≤ $50M	> $10M to ≤ $100M

(2) When the HCA is at SDA, SpRCO, or SSC, use the clearance approval thresholds in Table 2 below.

Table 2 – When the HCA is at SDA, SpRCO, or SSC

CAA	Operational	Enterprise	PEO (Systems)
Cognizant HCA	Special interest only	Special interest only	Special interest only
SCO	> $10M	> $1B	> $1B
COCO	> $5M to ≤ $10M	> $10M to ≤ $1B	> $10M to ≤ $1B

(3) The HCA or SCO may designate a contract action as a special interest item regardless of dollar value and assign the CAA notwithstanding the thresholds in the tables above.

(4) When the HCA is the CAA for business clearance, the SCO is the CAA for contract clearance unless otherwise stipulated by the HCA.

(5) The CAA may further delegate or waive their clearance approval authority on an individual or class basis. SCOs and COCOs are responsible for ensuring all further delegations are included on the SCO Delegation Letters/Thresholds SharePoint Page. COCOs must report clearance waivers made on a class basis to the SCO. Individual delegations and waivers must be documented in the contract file.

(6) If an SCO lowers a COCO's clearance approval authority threshold or withholds clearance approval authority from the COCO, the SCO must notify the cognizant HCA. If the SCO lowers or withholds the COCO's clearance approval authority for more than six months, the SCO must brief the cognizant HCA regarding the circumstances surrounding the decision.

(c) Clearance Approval Procedures. The CAA must ensure that the clearance process meets the objectives in paragraph (a) above. See clearance templates.

(1) The procedures in MP5301.9001(i)(1)(i) must be followed when the CAA is SAF/AQC (DAS(C) or ADAS(C)). When the CAA is not at SAF/AQC, follow local procedures.

(2) To facilitate planning for clearances that require HCA approval, SCOs must use the Peer Review and Clearance Forecasting Tool to project upcoming HCA clearances. See DAFFARS 5301.170(a)(2).

(3) Only one clearance review may be performed prior to the contract action being presented to the CAA. The CR is responsible for the clearance review. The CAA may select an alternate CR who meets the requirements identified in DAFFARS 5301.9000. The CAA has the authority to waive the clearance review.

(4) The CAA must seek legal advice (see DAFFARS 5301.602-2(c)(i)) and ensure that counsel has coordinated on any clearance briefings or presentations, and that counsel's comments are included in the briefing or presentation.

(5) The Milestone Decision Authority, PEO, or lead program manager must coordinate and/or participate in business clearance briefings.

(6) At the discretion of the CAA, contract clearance is not required when the negotiation team stays within the pre-set negotiation range and the parameters approved at the business clearance.

(7) If the CAA has waived business or contract clearance, a clearance review is not required unless the CAA stipulates otherwise. However, legal review is required, as applicable, in accordance with DAFFARS 5301.602-2(c)(i).

(8) If a CAA requires clearance for competitive order solicitations or orders when excluded in accordance with DAFFARS 5301.9000(b)(6), the SCO must submit a written justification to cognizant HCA upon execution.

Subpart 5301.91 - OMBUDSMAN PROGRAM

5301.9101 Purpose

The purpose of the DAF ombudsman program is to foster communication between Government and industry. The primary function of the ombudsman is to hear concerns about specific issues in acquisitions, to communicate these concerns to senior management personnel responsible for oversight and to assist in the resolution of the concerns. In accordance with 5301.9102(f) below, employees, managers and customers may use the DAF component ombudsman when seeking assistance in resolving procurement integrity issues.

5301.9102 Policy

(a) MAJCOM/DRU/DAFRCO/ Commanders must appoint an experienced senior official who is independent of the contracting officer and program manager as the ombudsman at their organization. For AFMC Centers, an ombudsman is required at each Center, instead of at the MAJCOM. Centers may also have an ombudsman at each Operating Location/Geographically Separated Unit. At SSC, SpRCO, and SDA, the HCA is responsible for the ombudsman appointment.

(b) The ombudsman will have the authority to call upon other resources of the activity to assist in resolving acquisition issues or concerns (e.g., administrative support, independent review teams).

(c) Contracting officers must identify the ombudsman in the initial announcement of the acquisition as well as in the draft and final RFP.

(d) The ombudsman must:

(1) Support acquisition personnel in the resolution of issues or concerns raised by interested parties;

(2) Act in a manner that does not compromise the interested party and, if requested, maintain anonymity of the parties;

(3) Avoid any appearance of usurping normal procurement authority (e.g., program manager, contracting officer, and source selection authority);

(4) Ensure all affected or knowledgeable offices and officials are consulted as part of any resolution process;

(5) Inform the Commander/Director, or PEO, as required, of issues raised and actions taken;

(6) Review complaints relative to multiple-award task order and delivery order contracts awarded under 10 U.S.C. 3403(d)(1)(B) or 3405(f) to ensure that all contractors are afforded a fair opportunity to be considered for task orders and delivery orders in excess of the micro-purchase threshold, consistent with the procedures in the contract;

(7) Consistent with security requirements, have access to the appropriate offices and be allowed to collect all facts relevant to the resolution of issues raised by interested parties. Ombudsmen are granted access to proprietary information. Source selection information must be obtained through the source selection authority.

(e) The Ombudsman Program does not replace the agency level protest, GAO bid protest or disputes processes.

(f) The DAF ombudsman is the ADAS(C), who may take action to assist in resolving issues, concerns, disagreements, and recommendations that cannot be resolved at the MAJCOM/FLDCOM/DRU level, or for those having DAF wide implications. The ADAS(C) is the DAF ombudsman for procurement integrity issues (see OUSD(AT&L)/DPC memo, 1 Oct 09).

(g) Government personnel may use the Ombudsman Program as a way to express concerns about an acquisition.

5301.9103 Solicitation Provision and Contract Clause

Insert a clause substantially the same as the clause at DAFFARS 5352.201-9101, Ombudsman, in all solicitations (including draft solicitations) and contracts.