Part 5309 - Contractor Qualifications

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DAF Contracting Compass Part 9

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Subpart 5309.1 - RESPONSIBLE PROSPECTIVE CONTRACTORS

5309.103 Policy

(b)(i) Section 1612 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (P.L. 115-91) requires Space Systems Command (SSC) to establish and maintain a Space Contractor Responsibility Watch List (CRWL). SSC Instruction (SSCI) 64-101, Space Contractor Responsibility Watch List (CRWL), establishes the CRWL and its applicability to space program solicitations or contracts.

5309.104-1 General Standards

When determining financial capability of a contractor, contracting officers shall refer to DFARS Section 232.072 to obtain in-depth information to determine a contractor's financial condition/responsibility. The contracting officer shall document the contract file with the determination and findings (D&F). Contracting officers are also highly encouraged to use the Determination and Findings -- Contractor Responsibility/Qualification template.

5309.105-1 Obtaining information.

(2)(iii) Contracting officers shall document the contract file that the Supplier Performance Risk System (SPRS) at https://piee.eb.mil/ has been checked for supplier risk assessment when determining responsibility. See 204.7603(c).

Subpart 5309.2 - QUALIFICATION REQUIREMENTS

5309.202 Policy

(a)(1) For the designee referenced in FAR 9.202(a), see MP5301.601(a)(i).

5309.206-1 General

(b) For the designee referenced in FAR 9.206-1(b), see MP5301.601(a)(i).

(e)(3) Whenever a decision is made not to enforce a qualification requirement, the contracting officer shall request concurrence from the activity that established the requirement.

5309.270-3 Policy

(a) See MP5301.601(a)(i).

Subpart 5309.4 - DEBARMENT, SUSPENSION, AND INELIGIBILITY

5309.405 Effect of Listing

(a) See MP5301.601(a)(i). Provide a copy of request to SAF/GCR. The request must include a description of efforts taken to establish alternate sources and the impact if the exception is not granted. The cognizant HCA will forward the approved exceptions to GSA.

(b)(ii)(A) See MP5301.601(a)(i).

(e)(2) - (3) See MP5301.601(a)(i).

5309.405-1 Continuation of Current Contracts

(a)(1) See MP5301.601(a)(i).

(a)(2) See MP5301.601(a)(i).

5309.405-2 Restrictions on Subcontracting

(a) See MP5301.601(a)(i).

5309.406-3 Procedures

(a) *Investigation and referral*.

(i) The contracting officer or the referring person must promptly notify SAF/GCR, their SCO, and their designated legal counsel with all known information relating to the following:

(*1*) Any non-responsibility determination.

(*2*) Any indictment, conviction, or civil judgment (including those listed on required certifications, or those disclosed in accordance with FAR 3.1003 or FAR 52.203-13 relating to an offeror's or contractor's lack of integrity or business honesty, regardless of whether the indictment, conviction, or civil judgment related to a government contract.

(*3*) Any recommended or final termination for default or for cause.

(*4*) Any recommendation for debarment or suspension.

(*5*) Any debarred or suspended contractor who bids on a Government contract (including those who indicate debarment or suspension on required certifications).

(ii) The contracting officer must provide additional information as requested by SAF/GCR.

(b) *Decision-making process*.

(2) If SAF/GCR determines that a hearing is required, the contracting activity must provide witnesses and other support as requested.

5309.407-3 Procedures

The contracting officer must follow the debarment procedures at 5309.406-3 above for suspensions.

Subpart 5309.5 - ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

5309.503 Waiver

See MP5301.601(a)(i).

5309.504 Contracting Officer Responsibilities

(c) See MP5301.601(a)(i).

5309.505 General rules.

(b)(2) An unfair competitive advantage exists where a contractor competing for award of any Federal contract possesses any information that is relevant to the contract but is not available to all competitors that is acquired as part of official duties by prior government officials, and such information would assist the contractor in obtaining the contract.

5309.506 Procedures.

(d)(3) See MP5301.601(a)(i).

5309.507-2 Solicitation Provisions and Contract Clause

(a) In accordance with FAR 9.507-2, insert the clause at DAFFARS 5352.209-9000, *Organizational Conflict of Interest*, substantially as written, in Section I when the contractor's eligibility for future prime contract or subcontract awards shall be restricted because of services being provided as stated in FAR 9.505-1 through -4.

(1) Insert the basic clause when the contractor will be providing systems engineering and/or technical direction. See FAR 9.505-1.

(2) Insert the clause with its Alternate I when the contractor will be preparing specifications or work

statements. See FAR 9.505-2.

(3) Insert the clause with its Alternate II when the contractor will be providing technical evaluation or advisory and assistance services. See FAR 9.505-3.

(4) Insert the clause with its Alternate III when the contractor will be obtaining access to proprietary information. See FAR 9.505-4.

(5) Insert the clause with its Alternate IV when the contract is a task ordering contract and when more than one system is supported. The contracting officer may modify Alternate IV to include a list of systems for which task orders may be issued and indicate which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(6) Insert the clause with its Alternate V when the contract provides for delivery orders. The contracting officer shall indicate in each delivery order which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(7) Insert Alternate VI when it is necessary to have the restrictions of this clause included in all or some subcontracts, teaming arrangements, and other agencies calling for performance of work related to the contract.

(b) As prescribed in FAR 9.507-1, insert in Section L the provision at DAFFARS 5352.209-9001, *Potential Organizational Conflict of lnterest*, substantially as written.

5309.571-7 Systems Engineering and Technical Assistance Contracts

(c)(1) See MP5301.601(a)(i).