SUBPART 5839.74 – TELECOMMUNICATIONS SERVICES

Parent topic: PART 5839 - ACQUISITION OF INFORMATION TECHNOLOGY

5839.7401 Definitions

(S-90) Leasing/provisioning of telecommunications circuits (commoditized bandwidth) is covered under the FAR 2.101 Definitions, Commercial product definition, paragraph (1) in that it is a utility customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and has been sold, leased, or licensed to the general public; or, has been offered for sale, lease, or license to the general public. Thus, the FAR definition of a commercially available off-the-shelf (COTS) item would also cover leasing/provisioning of telecommunications circuits (commoditized bandwidth).

(S-91) Unless there is an associated service offered with the telecommunications and that associated service is billed separately, the leasing/provisioning of the telecommunications circuit (commoditized bandwidth) is not a "service contract." IAW FAR 22.001, a "service contract means any Government contract, or subcontract thereunder, the principal purpose of which is to furnish services in the United States through the use of service employees."

5839.7407 Type of Contract

(S-90) When acquiring telecommunications services using the Inquiry/Quote/Order (IQO) process or Communication Service Authorizations (CSAs), refer to the Procurement Guide for Telecommunications and the IQO Acquisition Deskbook located at https://www.ditco.disa.mil/ .

(S-91) A CSA modification may be issued unilaterally if an equitable adjustment in contract/order price or delivery terms has been agreed upon and documented in advance (e.g., quotation, completion notice/report, bilateral modification to IDIQ contract). If an equitable adjustment in contract/order price or delivery terms has been agreed upon and documented in advance, only the unilateral CSA modification is required. The contractor shall acknowledge the modification as required by the contract.