

44.201-1 Consent requirements.

(a) If the contractor has an approved purchasing system, consent is required for subcontracts specifically identified by the *contracting officer* in the subcontracts clause of the contract. The *contracting officer* may require *consent to subcontract* if the *contracting officer* has determined that an individual consent action is required to protect the Government adequately because of the subcontract type, complexity, or value, or because the subcontract needs special surveillance. These can be subcontracts for critical systems, subsystems, *components*, or services. Subcontracts *may* be identified by subcontract number or by class of items (*e.g.*, subcontracts for engines on a prime contract for air-frames).

(b) If the contractor does not have an approved purchasing system, *consent to subcontract* is required for cost-reimbursement, time-and-materials, labor-hour, or letter contracts, and also for unpriced actions (including unpriced modifications and unpriced *delivery orders*) under fixed-price contracts that exceed the *simplified acquisition threshold*, for-

(1) Cost-reimbursement, time-and-materials, or labor-hour subcontracts; and

(2) Fixed-price subcontracts that exceed-

(i) For the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration, the greater of the *simplified acquisition threshold* or 5 percent of the total estimated cost of the contract; or

(ii) For civilian agencies other than the Coast Guard and the National Aeronautics and Space Administration, either the *simplified acquisition threshold* or 5 percent of the total estimated cost of the contract.

(c) Consent *may* be required for subcontracts under prime contracts for *architect-engineer services*.

(d) The *contracting officer's* written authorization for the contractor to purchase from Government sources (see [part 51](#)) constitutes consent.

Parent topic: [44.201 Consent and advance notification requirements.](#)