Part 5107 - Acquisition Planning

The official AFARS regulation resides on the Army's Knowledge Management Portal PAM. If you do not have CAC access to PAM, please visit the Army Contracting Enterprise's public facing website "Army Connect" at https://www.army.mil/armycontracting#org-afars. The AFARS will return to Acquisition.gov upon completion of the RFO.

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Subpart 5107.1 - Acquisition Plans

5107.103 Agency-head responsibilities.

(d)(i) Except as provided in (d)(i)(B), prepare written acquisition plans, for up to a five-year period, in accordance with dollar thresholds identified at the DFARS 207.103(d)(i).

(B) Procurements for foreign military sales (see DFARS 225.73), other than procurements funded with U.S. appropriated funds, are exempt from the requirements at DFARS 207.103(d)(i) to prepare a written acquisition plan, when—

(1) An International Agreement Competitive Restrictions (ICAR) has been approved IAW 5106.302-4(c); or

(2) The procurement is for an item of standard Army material (i.e., supplies that, as confirmed by the requiring activity, have been type classified “standard” under Army Regulation 700-142, Type Classification, Material Release, Fielding, and Transfer) for which other acquisition planning documentation exists and can be documented in the contract file.

(ii) When there is not a requirement for a written acquisition plan, or the approval authority has waived the requirements of formality and detail in exceptional cases, use an alternate format or contract documentation such as memoranda for record, price negotiation memoranda, simplified acquisition management plan, and acquisition strategies (for service requirements) to record acquisition pre-award decisions and risk assessment information. Contracting officers shall maintain such decision support information in the contract file and to the extent practicable avoid duplication of information between the services acquisition strategy (see AFARS 5137.590-6) and the acquisition plan (e.g., by referencing content).

(m) Only the acquisition plan approval authority may waive requirements of detail and formality.

5107.103-90 Acquisition plan approvals.

(a) For acquisition plan approval, the dollar thresholds identified at DFARS 207.103(d)(i) apply to the following:

(1) For programs assigned to program executive officers (PEOs) or program managers reporting directly to the Army Acquisition Executive (DRPM), the designated milestone decision authority (MDA), on a nondelegable basis, is the acquisition plan approval authority. In the case of PEO-DRPM-managed efforts for which no MDA has been designated, the PEO/DRPM, on a nondelegable basis, is the acquisition plan approval authority.

(2) For all non-PEO/direct-reporting program manager acquisitions, the Assistant Secretary of the Army (Acquisition, Logistics and Technology) is the acquisition plan approval authority. See Appendix GG for further delegation.

(b) Approval of acquisition plans for procurements below the thresholds identified at DFARS

207.103(d)(i) shall be in accordance with contracting activity procedures.

(c) For Army Acquisition Executive-designated special interest acquisitions, the Assistant Secretary of the Army (Acquisition, Logistics and Technology) or the Deputy Assistant Secretary of the Army (Procurement) must approve the acquisition plans. Process acquisition plans for special interest acquisitions in the same manner as other acquisition plans and include all the concurrences listed in paragraph (c).

(d) The requests for approval of acquisition plans in accordance with the thresholds identified at DFARS 207.103(d)(i) must include the concurrence of the –

(1) Contracting officer;

(2) Local advocate for competition;

(3) Local office of small business programs or small business specialist;

(4) Legal office; and

(5) Appropriate elements from the supporting contracting activity chain of command.

5107.104 General procedures.

(a)(i) Each HCA must establish procedures for forecasting all significant, as defined by a specified monetary threshold, or sensitive contracting requirements anticipated for the upcoming fiscal year.

(ii) These procedures will include procurement milestones and other management parameters for all proposed contract actions that the acquisition planning system will cover, including those proposed requirements for which DFARS 207.103(d)(ii) does not require written acquisition plans.

(iii) These procedures should allow sufficient time for development of an acquisition plan; preparation of solicitations, including any necessary coordination with requiring and technical elements; receipt and evaluation of bids or proposals; audits; negotiation; boards or business clearance reviews; source selection and preparation of contractual documents in an orderly and timely manner.

(iv) HCAs should establish due dates for submission of procurement requests requiring action by the end of the fiscal year to the contracting office. Exceptions to established due dates must be minimized and require authorization at a level not lower than the chief of the contracting office.

(v) In acquisitions where sole source approvals are necessary, acquisition planning must provide appropriate opportunities for the following:

(A) Involving Defense Contract Management Agency and Defense Contract Audit Agency early in the acquisition process.

(B) Obtaining appropriate contractor input for use in the development of the acquisition strategy.

(C) Establishing a Government and contractor team, including individuals with execution responsibility as well as reviewers, committed on a real-time basis to streamline the acquisition process and maintain open communications.

(D) Teaming of Government and contractor personnel in development of the proposal and model contract, leading to agreement on contractor effort and costs associated with the task(s).

(E) Teaming of the Government and contractor personnel during post-award contract performance to improve communications and develop efficient contract administration.

5107.105 Contents of written acquisition plans.

(b)(20)(C)(8)(iv) The head of contracting activity is responsible to perform the duties at DFARS 207.105. See Appendix GG for further delegation.

5107.107 Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling.

5107.107-2 Consolidation.

(b)The Senior Procurement Executive has delegated authority to make the consolidation determination prescribed at FAR 7.107-2 as follows:

(i) Where the total value of the consolidated requirements is $500 million or more, the Deputy Assistant Secretary of the Army (Procurement) will make the determination. See Appendix GG.

(ii) Where the total value of the consolidated requirements exceeds $2 million but less than $500 million, the HCA will make the determination. See Appendix GG for further delegation.

5107.107-5 Notifications.

The Contracting officer is responsible for publishing the notices required by FAR 7.107-5(c) and (d).

Subpart 5107.2 - Planning for the Purchase of Supplies in Economic Quantities

5107.204 Responsibilities of contracting officers.

(a) Send offerors' responses to the solicitation provision in FAR 52.207-4 to the requiring activity.

Subpart 5107.3 - Contractor Versus Government Performance

5107.302 Policy.

To achieve fair and even-handed competition between in-house entities and industry, the senior contracting official will ensure that Contracting officers provide industry with pertinent, accurate, and available data necessary to engender as full and complete an understanding as possible of the operation(s) covered by the A-76 competition. Historical data provided must be relevant and well organized (see Department of Army Pamphlet 5-20). To maximize use of Army resources, Contracting officers must make every effort to utilize A-76 contracting best practices and good ideas that have worked for others and avoid repetition of unsuccessful strategies and procedures.

Subpart 5107.4 - Equipment Lease or Purchase

5107.470 Statutory requirements.

(b) The HCA shall make the determination as described in DFARS 207.470(b). See Appendix GG for further delegation.

Subpart 5107.5 - Inherently Governmental Functions

5107.503 Policy.

(e)(i) Contracting officers must ensure that requiring officials provide a written determination as required by FAR 7.503(e) and DFARS 207.503(e) prior to issuance of a solicitation for award of a service contract, including those contract types described in FAR 16.5, a services task order awarded under FAR 16.5, or modification of an awarded service contract's or task order's statement of work. Contracting officers shall document the official contract file with the determination.

(ii) The Request for Services Contract Approval (RSCA) form (see Army Regulation (AR) 70-13), or the acquisition plan, acquisition strategy, or memorandum for file satisfies the requirement in AFARS 5107.503(e)(i).

(iii) RSCA policy for requiring activities is available at AR 70-13, sections 2-2 and 2-9, and at the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA M&RA) website under ASA M&RA Resources, Total Force Management/Manpower Mix and Request for Service Contract Approval Form.and Service Contract Requirement Approval form.

Subpart 5107.90 - Independent Government Estimates

5107.9000 Scope.

This subpart prescribes policy for the preparation of independent government estimates.

5107.9001 Definitions.

“Independent government estimate (IGE),” as used in this subpart, means the Government’s estimate of the projected price or cost that a contractor would incur in the successful performance of a contract.

5107.9002 Policy.

(a) Contracting officers shall require the preparation of an IGE in every procurement action in excess of the simplified acquisition threshold (SAT). The Contracting officer, at his or her discretion, may require an IGE for actions less than the SAT.

(b) The Contracting officer shall ensure, prior to accepting an IGE, that—

(1) The IGE contains enough detail to verify the validity of the offerors’ proposals;

(2) The IGE provides sufficient narrative and analytical detail, to include reference material, to support its preparation;

(3) The IGE contains a certification that the Government independently developed the IGE prior to seeking formal proposals from contractors, or for construction, within a timeframe consistent with FAR 36.203; and for architect-engineer, consistent with FAR 36.605; and:

(i) Be signed and dated, by hand or by Common-Access-Card (CAC), by the preparer, and includes the preparer’s organization, position, title, and telephone number;

(ii) Be signed and dated, by hand or by CAC, by the preparer’s immediate supervisor, and includes the reviewer’s organization, position, title, rank or grade, and telephone number.

Subpart 5107.91 - Integrating Antiterrorism and Operations Security

5107.9100 Scope.

This subpart prescribes policy for integrating antiterrorism (AT) and operations security (OPSEC) considerations into Army contracts.

5107.9101 Policy.

Implementation of AT and OPSEC considerations in the requirements package is the responsibility of the requiring activity and a signed AT/OPSEC cover sheet is required to be included in all requirements packages except for supply contracts under the simplified acquisition level threshold, field ordering officer actions and Government purchase card purchases. The cover sheet, at a minimum, must include all the information and reviews listed in the Army standard cover sheet at Appendix A of the AT/OPSEC Desk Reference, available at

https://armyeitaas.sharepoint-mil.us/sites/HQDA-PMG-ATEP/AT%20in%20Contracting/Forms/AllItems.aspx *(Note: Access must be granted by the Antiterrorism Division of the Officer of the Provost Marshal General, HQDA, upon request.)* . This requirement also applies to orders under indefinite delivery contracts, unless each task or delivery order under the contract is for substantially the same product or service, in which case the cover sheet at the contract level is sufficient.