

Part 5150 - Extraordinary Contractual Actions and the Safety Act

(Revised 24 April 2023)

Subpart 5150.1 - Extraordinary Contractual Actions

5150.101 General.

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Subpart 5150.1 - Extraordinary Contractual Actions

5150.101 General.

5150.101-3 Records.

(1)(iii) See DFARS PGI 250.103. Unless otherwise specified, the contracting officer is responsible for maintaining all records under subpart 5150.1. The Office of the Deputy Assistant Secretary of the Army (Procurement) will maintain a record of all memorandums of decision executed at the Secretariat level.

5150.102 Delegation of and limitations on exercise of authority.

5150.102-1 Delegation of authority.

(d) The Secretary of the Army, on a non-delegable basis, has the authority to indemnify against unusually hazardous or nuclear risks, including extension of such indemnification to subcontracts.

5150.102-2 Contract adjustments boards.

The Assistant Secretary of the Army (Acquisition, Logistics and Technology) convenes the Army Contract Adjustment Board (ACAB) on an as-needed basis. In accordance with Headquarters, Department of the Army General Orders Number 2017-01 (and any successor document) the Office of the Army General Counsel provides the ACAB Recorder.

5150.103 Contract adjustments.

5150.103-5 Processing cases.

Within five working days of receipt of a request for contract adjustment, regardless of dollar amount, the contracting officer shall submit the request, through procurement channels as described below.

(1) For contract adjustment on existing firm-fixed-price contracts to account for inflationary conditions (See <https://www.acq.osd.mil/dpap/policy/policyvault/USA001773-22-DPC.pdf> for Defense Pricing and Contracting guidance)—

(a) Contracting officers shall send FAR Part 50 contract adjustment requests to the Office of the DASA(P) via usarmy.pentagon.hqda-asa-alt.list.saal-ps-staff@army.mil, within 5-business days of receipt. Subject line should state "FAR Part 50 Extraordinary Contractual Actions_Inflation Impacts_Vendor Name"

(b) The Office of the DASA(P) will submit the contractor request to DPC within 5-business days of receipt from the contracting officer. The request will be submitted to DPC via osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

(c) AFARS sub-parts 5150.103-5(1)(a) and (b) satisfy DPC reporting guidance of 10-business days.

(2) For processing and disposition of cases for contract adjustments, contracting officers shall—

(a) Submit the Preliminary Record of Request for Adjustment, through their local headquarters office, to the Office of the DASA(P) via the Enterprise Task Management System 2.0 (ETMS2 - commonly referred to as the Task Management Tool or TMT) within 30 days after the close of the month in which the record is prepared.

(b) Follow the procedures at DFARS PGI 250.103-5 and DFARS PGI 250.101-3(2) to prepare the preliminary and final record and coordinate with their local Senior Contracting Official and legal counsel prior to submitting to the ODASA(P).

(3) The ODASA(P) will staff the request with the Office of the General Counsel/Acquisition Law Practice Group and the Army Contract Adjustment Board (ACAB).

(4) The ACAB is convened by the ASA(ALT) on an as-needed basis. The ACAB will approve or disapprove the request. The Contracting Officer will be notified of the ACAB's decision and shall prepare the final record as described in DFARS PGI 250.103-6.