Subpart 5150.1 - Extraordinary Contractual Actions

Parent topic: Part 5150 - Extraordinary Contractual Actions and the Safety Act

5150.101 General.

5150.101-3 Records.

(1)(iii) See DFARS PGI 250.101. Unless otherwise specified, the Contracting officer is responsible for maintaining all records under subpart 5150.1. Contracting officers shall submit the Command's disposition by providing a copy of the contractor's decisional letter to the Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) via email at usarmy.pentagon.hqda-asa-alt.list.saal-ps-staff@army.mil. ODASA(P) 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.

5150.102-1-70 Delegations.

(a) *Military Departments*. Subject to the restrictions on delegations of authority in DFARS Part 250 and FAR 50.102-1 and 50.102-3, HCAs may exercise, without power of redelegation, the contract adjustment authority contained in the Act and Executive Order for amounts not exceeding the threshold at FAR 50.102-1(b).

(i) The authority to deny contract adjustment requests, regardless of dollar value, is delegated to the HCA, without power of redelegation. See Appendix GG .

(ii) Requests for contract adjustments for amounts exceeding the threshold at FAR 50.102-1(b), and that are endorsed by the contracting activity, are adjudicated by the Army Contract Adjustment Board. See AFARS 5150.102-2.

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 contractor's 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 all FAR Part 50 contract adjustment requests to the Office of the Deputy Assistant Secretary of the Army (Procurement (ODASA(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 ODASA(P) will submit the contractor's request to DPCAP within 5-business days of receipt from the Contracting officer via osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil to satisfy DPCAP reporting guidance of 10-business days.

(2) For processing and disposition of an approved contractor's adjustment request, Contracting officers shall—

(a) Submit the Preliminary Record of Request for Adjustment, through their local headquarters office, to the ODASA(P) via the Enterprise Task Management System 2.0 (ETMS2) 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. he 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.