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Subpart 5616.3 - COSTREIMBURSEMENT CONTRACTS

5616.307 Contract Clauses.

(Revised November 2007)

(j) Contracting officers shall insert a clause substantially the same as 5652.216-9000 , Fixed Fee Information, in all cost plus fixed-fee type solicitations and contracts.

(k) Contracting officers may insert 5652.216-9002 , Withholding of Fixed Fee or Incentive Fee, in cost-plus fixed fee or cost-plus incentive fee contracts where a reduced withholding percentage is negotiated in accordance with FAR 52.216-8 , "Fixed Fee," or FAR 52.216-10 , "Incentive Fee."

(l) Contracting officers shall insert a clause substantially the same as 5652.216-9005 , Government

Down Time for Various Reasons, including the President and the Secretary of Defense, in solicitations and contracts when award of a cost type contract is anticipated.

Subpart 5616.4 - INCENTIVE CONTRACTS

5616.401 General.

(Added October 2012)

The D&F for award-fee contracts shall be signed by the Director of Procurement. The D&F required by FAR 16.401(d) for all other incentive contracts may be signed by the HCD/FCO.

5616.406 Contract Clauses.

(Revised November 2007)

(f) Contracting officers may insert 5652.216-9002 , Withholding of Fixed Fee or Incentive Fee, in cost-plus fixed fee or cost-plus incentive fee contracts where a reduced withholding percentage is negotiated in accordance with FAR 52.216-8 , "Fixed Fee," or FAR 52.216-10 , "Incentive Fee."

Subpart 5616.5 - INDEFINITE DELIVERY CONTRACTS

(Added August 2008)

5616.503 Requirements Contracts.

A written Determination and Findings (D&F) approved by the Head of the Contracting Activity (HCA) is required prior to awarding any requirements contracts for HQ, USSOCOM, its components, or subordinate units. The D&F must address the significant benefits derived by the Government of awarding a requirements contract vice an indefinite quantity contract. The D&F must also address the enhanced competition for task and delivery order contract requirements provided in Section 843 of the National Defense Authorization Act for Fiscal Year 2008, as enacted by Public Law 110-181 (reference 23 May 2008 DPAP Memorandum).

5616.504 Indefinitequantity contracts.

(Removed June 2021)

5616.505 Ordering.

(Revised February 2007)

(a)

(2) Contracting and ordering officers shall document the delivery/task order file with the specific paragraph from the Statement of Work (SOW) that applies to the requirement.

(5) When issuing an order under an IDIQ contract, a separate file or a separate section within the contract file, shall be established and contain all supporting documents of the order in a centralized location. Contracting officers will ensure that all data relevant to the delivery order is contained in the file.

5616.505-90 Orders Under Multiple Award Contracts.

(Revised December 2015)

The Fair Opportunity Exception (FOE) Limited Source J&A template can be found in the DCG Templates.

5616.506 Solicitation Provisions and Contract Clauses.

(Revised June 2018)

(a) Contracting officers may insert a clause substantially the same as 5652.216-9001 , Oral Orders – Indefinite Delivery Contracts, in contracts that will permit oral orders to be placed.

(b) Contracting officers shall insert a clause substantially the same as 5652.216-9003 , Procedures for Issuing Task/Delivery Orders under Multiple Award, Indefinite Delivery-Indefinite Quantity Contracts, in multiple award, IDIQ contracts.

(1) The Task and Delivery Order Ombudsman is the Special Operations Forces Acquisition, Technology, & Logistics (SOF AT&L) Military Deputy to the Acquisition Executive (MDAE), and can be contacted at OMBUDSMAN@socom.mil

(c) Contracting officers may insert a clause substantially the same as 5652.216-9004 , Procedures for Issuing Task/Delivery Orders under Single Award, Indefinite Delivery-Indefinite Quantity Contracts, in single award, IDIQ contracts.

Subpart 5616.6 - TIME AND MATERIALS, LABORHOUR, AND LETTER CONTRACTS

5616.601 Time and Material Contracts.

(Revised June 2015)

(a) In addition to the guidance for Time and Material (T&M) contracts found at FAR 16.601(d) and DFARS 216.601(d) , a formal Determination and Findings (D&F) is required when a contract contains a T&M CLIN.

5616.601-90 Contract Clauses.

(Revised November 2007)

Contracting officers shall insert a clause substantially the same as 5652.216-9005 , Government Down Time for Various Reasons, including the President and the Secretary of Defense, in solicitations and contracts when award of a time and materials or labor-hour type contract is anticipated.

5616.603 Letter Contracts.

5616.603-3 Limitations.

Refer to Attachment 5601-1 for approval levels applicable to D&F requirements for letter contracts. Refer to DFARS 217.74 for additional limitations of the use of letter contracts.