Subpart 5209.1 - RESPONSIBLE PROSPECTIVE CONTRACTORS

Parent topic: Part 5209 - CONTRACTOR QUALIFICATIONS

5209.104 Standards.

5209.104-1 General standards.

(g)(ii) *Ownership or control by a foreign government when access to proscribed information is required.*

(C) Submit waiver requests for Undersecretary of Defense for Intelligence approval via DASN(P) by email at RDAJ&As.fct @navy.mil with the subject "[Activity Name] DFARS 209.104-1(g)(ii) - Waiver Request/National Security Interest Determination."

(D) Submit waiver requests for Secretary of Defense approval via DASN(P) by email at address RDAJ&As.fct @navy.mil with the subject "[Activity Name] DFARS 209.104-1(g)(ii)(A) - SECDEF Waiver Request."

5209.104-5 Representation and certifications regarding responsibility matters.

(a)(1) When provided an affirmative response from The Boeing Company (TBC) in paragraph (a)(1) of the provision at 52.209-5, Certification Regarding Responsibility Matters, or paragraph (h) of the provision at 52.212-3 Offeror Representations and Certification—Commercial Items, the contracting officer shall request such additional information from TBC to determine if their affirmative response is solely related to the Deferred Prosecution Agreement between TBC and the United States District Court for the Northern District of Texas, Fort Worth Division, dated January 7, 2021.

(2) If it is determined that the affirmative response from TBC in (a)(1) is solely related to the Deferred Prosecution Agreement between TBC and the United States District Court for the Northern District of Texas, Fort Worth Division, dated January 7, 2021, notwithstanding FAR 9.104-5(a)(2), contracting officers are not required to provide the notification to the Department of the Navy's Acquisition Integrity Office.

5209.104-6 Federal Awardee Performance and Integrity Information System.

(c)(2) After completing the Federal Awardee Performance and Integrity Information System (FAPIIS) review required in FAR 9.104-6 prior to contract award and determining the potential awardee was removed from the debarred or suspended list within the last two years, the contracting officer, if

choosing to continue with contract award, shall notify the HCA and the AGC(AI)). The AGC (AI) may provide additional available relevant information regarding the prospective awardee to assist the HCA in making and supporting the decision to award. The HCA shall approve the contract award.