Part 5217 - SPECIAL CONTRACTING METHODS

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Subpart 5217.1 - MULTI-YEAR CONTRACTING

5217.105 Policy.

5217.105-1 Uses.

(b) HCAs have authority to award multi-year contracts, subject to restrictions contained in the FAR and DFARS. For multi-year procurements authorized by law, HCAs shall make the required determinations.

5217.170 General.

(b) HCAs shall submit to DASN(P) the required congressional notification for termination of any multi-year contract by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 217.170 – Multiyear Contract Termination - Congressional Notification" following the format prescribed in 5205.303. Email notifications are required to be submitted at least 45 days before termination.

(d)(4) At least 45 days before contract award, HCAs shall submit to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] DFARS 217.170 - Multiyear Contract – Congressional Notification" all required congressional notifications set forth in DFARS

217.170(d)(1) following the format prescribed in 5205.303.

5217.171 Multiyear contracts for services.

(c) HCAs are delegated the authority, without power of redelegation, to make the written determination required by DFARS 217.171(c).

5217.172 Multiyear contracts for supplies.

(b) HCAs are delegated the authority, without power of redelegation, to make the determinations required by FAR 17.105-1 and DFARS 217.172(b).

(h) HCAs shall ensure the conditions required in DFARS 217.172(h) are satisfied prior to entering into a contract.

(2)(viii) At least 45 days prior to contract award, notifications will be submitted to DASN(P) by email

at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 217.170 -Multiyear Contract for Supplies - Congressional Notification.” Contracting officers shall verify that the required Congressional notification has been made and the time limit for award has been satisfied before executing contract award.

5217.172-90 Multiyear contracts for supplies.

(f)(2) HCAs shall submit a copy of the determinations and findings to usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] Multiyear Contract for Supplies >$678.5M Review and Approval” prior to entering into a contract.

5217.174 Multiyear contracts for electricity from renewable energy sources.

(a) Only COMNAVFACENGCOM has the authority to award contracts pursuant to this section.

Subpart 5217.2 - OPTIONS

5217.200 Scope of Subpart.

Notwithstanding FAR 17.200, to the extent options are included, FAR 17.2 and DFARS 217.2 apply.

5217.204 Contracts.

(e)(i) Approval for use of contract terms in excess of the limitations specified in FAR 17.204(e) shall be supported by a written determination and obtained prior to solicitation. Approval shall be at a level not lower than the CCO or to a Flag/General Officer/SES, who is a member of the Contracting Community, without power of redelegation. This requirement is waived if due to the use of FAR Clause 52.217-8, “Option to Extend Services” and pricing was included in the contract. To establish an ordering period in excess of 10 years, in accordance with DFARS 217.204(e)(i)(C), a determination shall be executed by ASN(RDA). Submit such requests with a copy of the approved AS, STRAP, or MOPAS-S via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 217.204 – Contract Term > 10 Years D&F Review and Approval.”

(iii) The senior procurement executive has provided this approval, via ASN(RDA) memorandum dated January 11, 2016 entitled, “Approval to Extend the Performance Period of SeaPort and SeaPort-e Task and Delivery Orders Issued Under SeaPort and SeaPort-e Indefinite Delivery, Indefinite Quantity Contracts,” for task or delivery orders issued on or before December 31, 2019 under the Naval Sea Systems Command’s SeaPort IDIQ indefinite delivery, indefinite quantity (IDIQ) contracts.

5217.207 Exercise of Options.

(c)(3) SeaPort shall be included in the consideration.

Subpart 5217.5 - INTERAGENCY ACQUISITIONS

5217.502 Procedures.

5217.502-1 General.

(b) Prior to release of the solicitation and following coordination with the Director OSBP, HCAs shall submit Part 1 of the BCA to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] FAR 17.502-1 - BCA for [Insert the name of the corresponding situation above]". If the acquisition involves Information Technology, coordination is also required with DON Chief Information Officer (DON CIO) as well as OSBP prior to submission to DASN(P).

5217.502-2 The Economy Act.

(a) See Annex 4 for STRL deviations applicable hereto.

(b) The following are examples of acquisitions that do not require Economy Act D&Fs:

(1) Interagency acquisitions from the General Services Administration conducted under the authority of 40 U.S.C. Section 321, Acquisition Services Fund;

(2) Acquisitions conducted pursuant to DFARS Subpart 208.70, "Coordinated Acquisition";

(3) Acquisitions conducted under the authority of the Project Order Act, 41 U.S.C. Section 23; and

(4) Interagency acquisitions from the Library of Congress conducted under the authority of Section 103 of P.L. 106-481 (2 U.S.C. 182c), FEDLINK Revolving Fund.

(c)(1) Notwithstanding FAR 17.502-2(c), a D&F for acquisitions under the Economy Act is not required from a requesting DOD component, if there is a support agreement between the DON and that DOD component for the acquisition that complies with DoDI 4000.19, "Support Agreements".

(2) Except for the special circumstances and limitations specified below, the agency head's designees for approving D&Fs for interagency acquisitions are:

DASN(P)

Chief of Naval Research

Commander, Marine Corps Systems Command

Commander, Military Sealift Command

Commander, Naval Air Systems Command

Commander, Naval Facilities Engineering Command

Commander, Naval Sea Systems Command

Commander, Naval Supply Systems Command

Commander, Naval Information Warfare Systems Command

Director, Strategic Systems Programs

Deputy Commandant for Installations and Logistics, Headquarters, Marine Corps

(i) For assisted acquisitions to non-DOD activities that require contracting action on the part of the servicing agency, comply with approval requirements in 5217.770.

(ii) Special Circumstances and Limitations

(A) Special Circumstances.

(1) Approval authority for Economy Act orders that require a contracting action on the part of the Department of Transportation's Volpe Laboratories is not delegated. The Agency head's designee to approve D&Fs for these Economy Act orders is DASN(P). Submit D&Fs for approval with a copy of the approved AS, STRAP, or MOPAS-S to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] NMCARS 5217.502(c)(2)(ii)(A)(1) – DOT Volpe Lab Determination."

(2) HCAs will enter into and administer all DOD Work For Others (WFO) projects performed at the Department of Energy (DOE) facilities in accordance with the DOE/DOD MOA except as the DPC guidance allows for amendment.

(3) HCAs shall conduct an annual compliance assessment of DOE WFO orders.

Submit the assessment results by December 15 to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] FAR 17.502-2 – Annual DOE WFO Order Compliance Assessment".

(B) Limitations. Approval authority of D&Fs for Interagency Economy Act orders that will result in a contracting action executed by an agency not subject to the FAR (e.g. the Central Intelligence Agency, Tennessee Valley Authority, United States Postal Service, Federal Aviation Administration, and Library of Congress), is limited to the NSPE, without power of redelegation. Submit D&Fs for approval with a copy of the approved AS, STRAP, or MOPAS-S to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] Interagency Economy Act orders by Agency not Subject to FAR."

(iii) *Documentation*. Files of approved orders, including supporting documentation, shall be maintained at a single location within each activity delegated approval authority.

Subpart 5217.7 - INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

5217.703 Policy.

(c) Submit nondefense agency certifications of compliance to DPC within 40 days of the beginning of the fiscal year via DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] FAR 17.703 - Annual Nondefense Agency Certifications Report."

(e) The HCA is the approval authority, without power of redelegation, for written determinations. Submit a copy of the signed written determination to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject "[Activity Name] FAR 17.703 – Section 801 Subsection(b)(2) FY 2008 NDAA Waiver Determination."

5217.770 Procedures.

HCAs shall establish and maintain procedures, for assisted and direct acquisitions, consistent with approval authorities in this section, for reviewing and approving orders placed for supplies and services under non-DoD contracts when the amount of the order exceeds the simplified acquisition threshold. Approval authorities for assisted and direct acquisitions are:

(1) Assisted acquisitions.

(i) ASN(RDA) is the decision authority for assisted acquisitions exceeding $550,000,000.

(ii) DASN(P) is the decision authority for assisted acquisitions exceeding $50,000,000.

(iii) The HCA is the decision authority for assisted acquisitions at or below $50,000,000. This authority may be delegated; but, for requirements over $5,000,000, decision authority may only be delegated to an official in the Requiring Organization who is a Flag or General Officer; a member of the SES; or, for a requirement arising from a claimant activity without Flag/General Officer/SES, the commanding officer of that activity.

(2) Direct acquisitions. The business clearance approval official is the decision authority for direct acquisitions.

Subpart 5217.74 - UNDEFINITIZED CONTRACT ACTIONS

5217.7402 Exceptions.

(b) Submit the required advance notification to the Director, DPC via DASN(P) by email at

usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 217.7402(b) - Advance Notice of Impracticable UCA Policy Adherence.”

5217.7404 Limitations.

5217.7404-3 Definitization Schedule.

(b) For any reportable Undefinitized Contract Action (UCA) that falls 30 days behind its definitization schedule, the contracting officer shall notify the approval authority of the delay and identify actions taken to get back on schedule.

5217.7404-5 Exceptions.

(b) Submit requests for waivers of limitations on UCAs to DASN(P) by email at usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil with the subject “[Activity Name] DFARS 217.7404-5 - Waiver of Limitations on UCAs—[insert applicable DFARS cite].”

5217.7405 Plans and Reports.

(a)(2) HCAs shall submit by April 15 and October 15 a Consolidated Undefinitized Contract Action (UCA) Management Report, identifying each UCA and unpriced change order with an estimated value of more than $5 million.

(b) In the format prescribed at Annex 6, submit the required UCA report to DASN(P) by email at Policy@navy.mil with the subject “DFARS 217.7405 - UCA Management Report” followed by the applicable reporting period/year (e.g. UCA Management Report: April 15, 2014).