PART 1237—SERVICE CONTRACTING

Authority: 5 U.S.C. 301; 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

Source: 87 FR 61159, Oct. 7, 2022, unless otherwise noted.

Subpart 1237.1—Service Contracts—General

1237.110-70 Contract clauses.

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1237.7000 Policy.

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Parent topic: SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

Subpart 1237.1—Service Contracts—General

1237.110-70 Contract clauses.

(a) The contracting officer shall insert the clause at 1252.237–70, Qualifications of Contractor Employees, in all solicitations and contracts for services where contractor employees will have access to Government facilities and sensitive information, including proprietary data and/or resources.

(b) The contracting officer shall insert the clause at 1252.237–73, Key Personnel, in solicitations and contracts for services when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel.

Subpart 1237.70—Procedures for Acquiring Training Services

1237.7000 Policy.

When training services are provided under contract, DOT policy requires that all prospective contractors:

(a) Certify that the data provided concerning company qualifications, background statements, and resumes, for example, is current, accurate, and complete; and

(b) Agree to not solicit or advertise private, non-Government training while conducting a training course.

1237.7001 Certification of data.

Towards fulfilling DOT's policy at 1237.7000(a), contracting officers shall request information from prospective contractors for certification purposes. The type of information requested is dependent upon the criticality of the service and/or any unique or essential qualification requirements.

1237.7002 Applicability.

The policy at 1237.7000 applies to all contracts (as defined in FAR 2.101) awarded by DOT for training services when DOT controls the content and/or presentation of the course. This policy does not apply to courses attended by DOT employees that are offered and sponsored by Government sources of supply, educational institutions, or private entities where DOT does not control the course content or presentation (*see* 1213.7100 for examples).

1237.7003 Solicitation provision and contract clause.

(a) The contracting officer shall insert the provision at 1252.237–71, Certification of Data, in solicitations and the clause at 1252.237–72, Prohibition on Advertising, in solicitations and contracts for training services when the content and/or presentation of the course is controlled by DOT.

(b) The contracting officer shall incorporate the successful offeror's certified data into any resultant contract(s). Certified data may be adopted by reference, if the contracting officer determines it contains sufficient descriptive information (*i.e.,* dated material such as resumes, company and/or personnel qualifications) to reliably describe the certified data submitted.