PGI Part 201 - FEDERAL ACQUISITION REGULATIONS SYSTEM

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Parent topic: Defense Federal Acquisition Regulation

PGI 201.1 -PURPOSE, AUTHORITY, ISSUANCE

PGI 201.106 OMB approval under the Paperwork Reduction Act.

The information collection and record keeping requirements contained in the Defense Federal Acquisition Regulation Supplement (DFARS) and Procedures, Guidance, and Information (PGI) have been approved by the Office of Management and Budget. The following OMB control numbers apply:

DFARS Segment	OMB Control No.
215.403-5	0704-0497
217.7004 (a)	0704-0214

DFARS Segment	OMB Control No.
217.7404-3 (b)	0704-0214
217.7505 (d)	0704-0214
231.205-18	0704-0483
232.10	0704-0359
239.7408	0704-0341
242.1106	0704-0250
252.204-7000	0704-0225
252.204-7008	0704-0478
252.204-7010	0704-0454
252.204-7012	0704-0478
252.204-7021	0750-0008
252.204-7023	0704-0519
252.204-7025	0750-0008
252.205-7000	0704-0286
252.208-7000	0704-0187
252.209-7001	0704-0187
252.209-7002	0704-0187
252.209-7004	0704-0187
252.209-7008	0704-0477

DFARS Segment	OMB Control No.
252.209-7012	0750-0008
252.211-7006	0704-0434
252.215-7002	0704-0232
252.215-7008	0704-0574
252.215-7010	0704-0574
252.216-7000	0704-0259
252.216-7001	0704-0259
252.216-7003	0704-0259
252.217-7012	0704-0214
252.217-7026	0704-0214
252.217-7028	0704-0214
252.219-7003	0704-0386
252.223-7001	0704-0272
252.223-7002	0704-0272
252.223-7003	0704-0272
252.223-7004	0704-0272
252.223-7007	0704-0272
252.225-7000	0704-0229
252.225-7003	0704-0229

DFARS Segment	OMB Control No.
252.225-7004	0704-0229
252.225-7005	0704-0229
252.225-7010	0704-0229
252.225-7013	0704-0229
252.225-7018	0704-0229
252.225-7020	0704-0229
252.225-7021	0704-0229
252.225-7023	0704-0229
252.225-7025	0704-0229
252.225-7032	0704-0229
252.225-7033	0704-0229
252.225-7035	0704-0229
252.225-7039	0704-0549
252.225-7040	0704-0460
252.225-7046	0704-0229
252.225-7049	0704-0525
252.225-7050	0704-0187
252.225-7057	0750-0005
252.225-7058	0750-0005

DFARS Segment	OMB Control No.
252.227-7013	0704-0369
252.227-7014	0704-0369
252.227-7017	0704-0369
252.227-7018	0704-0369
252.227-7019	0704-0369
252.227-7025	0704-0369
252.227-7028	0704-0369
252.227-7037	0704-0369
252.227-7040	0750-0010
252.227-7041	0750-0010
252.228-7000	0704-0216
252.228-7005	0704-0216
252.228-7006	0704-0216
252.229-7010	0704-0390
252.232-7002	0704-0321
252.232-7007	0704-0359
252.234-7002	0704-0479
252.235-7000	0704-0187
252.235-7001	0704-0187

DFARS Segment	OMB Control No.
252.235-7003	0704-0187
252.236-7000	0704-0255
252.236-7002	0704-0255
252.236-7003	0704-0255
252.236-7004	0704-0255
252.236-7010	0704-0255
252.236-7012	0704-0255
252.237-7000	0704-0231
252.237-7011	0704-0231
252.237-7023	0704-0231
252.237-7024	0704-0231
252.239-7000	0704-0341
252.239-7006	0704-0341
252.239-7009	0704-0478
252.239-7010	0704-0478
252.242-7004	0704-0250
252.243-7002	0704-0397
252.244-7001	0704-0253
252.245-7003	0704-0246

DFARS Segment	OMB Control No.
252.245-7005	0704-0246
252.246-7003	0704-0441
252.246-7005	0704-0441
252.246-7006	0704-0441
252.246-7008	0704-0441
252.247-7000	0704-0245
252.247-7001	0704-0245
252.247-7002	0704-0245
252.247-7007	0704-0245
252.247-7022	0704-0245
252.247-7023	0704-0245
252.247-7026	0704-0245
252.247-7028	0704-0245
252.249-7002	0704-0533
252.251-7000	0704-0252
Appendix F	0704-0248
Appendix I	0704-0332
DD Form 1639	0704-0246
DD Form 1659	0704-0245

DFARS Segment	OMB Control No.
DD Form 2063	0704-0231
DD Form 2139	0704-0229
DD Form 250	0704-0248
DD Form 250-1	0704-0248

PGI 201.109 Statutory acquisition-related dollar thresholds - adjustment for inflation.

Statutory acquisition-related dollar thresholds are reviewed every 5 years to calculate adjustment for inflation, as required by Section 807 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). The matrix showing the most recent escalation adjustments of statutory acquisition-related dollar thresholds in the DFARS is available here.

PGI 201.170 Peer reviews.

(a) DoD components may request a Defense Pricing, Contracting, and Acquisition Policy (DPCAP) led peer review for procurements that would not otherwise require a DPCAP-led peer review.

(b) Military departments and defense agencies shall, on or about June 30 and December 31 of each year, submit recommended best practices and lessons learned from competitive acquisition peer reviews under major defense acquisition programs to osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil. Submissions that have broad applicability may be selected for posting at https://www.acq.osd.mil/asda/dpc/cp/policy/peer-reviews.html.

PGI 201.170-1 Objectives of peer reviews.

The objectives of peer reviews are to—

(a) Ensure that DoD contracting officers are implementing policy and regulations in a consistent and appropriate manner;

(b) Continue to improve the quality of contracting processes throughout DoD; and

(c) Facilitate cross-sharing of best practices and lessons learned throughout DoD DPCAP maintains a compilation of peer review lessons learned and best practices that is available at https://www.acq.osd.mil/asda/dpc/cp/policy/peer-reviews.html for competitive peer reviews and at https://www.acq.osd.mil/asda/dpc/pcf/docs/ss-peer-reviews/Sole-Source-Peer-Reviews-Best-Practices-V1.0-14June21.pdf for noncompetitive peer reviews.

PGI 201.170-2 Pre-award peer reviews.

(a) Pre-award peer reviews for competitive acquisitions shall be conducted prior to each of the following three phases of the acquisition:

(1) Issuance of the solicitation.

(2) Request for final proposal revisions (if applicable).

(3) Contract award.

(b) Pre-award peer reviews for non-competitive acquisitions shall be conducted prior to each of the following two phases of the acquisition:

(1) Negotiation.

(2) Contract award.

PGI 201.170-3 Administration of peer reviews.

(a) The results and recommendations that are products of peer reviews are intended to be advisory in nature; however, in the event the Peer Review report includes a recommendation that is identified as “significant” and the contracting officer does not intend to follow that recommendation, the senior procurement official of the contracting activity for the reviewed organization must be made aware of this fact before action is taken (or inaction, as applicable) that is contrary to the recommendation. Reviews will be conducted in a manner that preserves the authority, judgment, and discretion of the contracting officer and the senior officials of the requiring activity.

(b) Peer review teams should be comprised of senior contracting officials and attorneys as appropriate. Teams may include civilian employees or military personnel external to the department, agency, or component that is the subject of the peer review.

(c) Reviews are generally, conducted remotely. However, a peer review may be conducted at the location of the executing contracting organization when appropriate.

(d) A list of the documents that must be made available to the competitive peer review team, along with the specific elements the team will examine, is provided at paragraph (g) of this PGI section. A list of the documents that must be made available to the noncompetitive peer review team, along with a link to the noncompetitive peer review preparation checklist, is provided at paragraph (h) of this PGI section.

(e) The review team observations and recommendations will be communicated to the contracting officer and the senior procurement official immediately upon completion of a review.

(f) The contracting officer shall document the disposition of all peer review recommendations (i.e., state whether the recommendation will be followed and, if not, why not) as a signed memorandum for the record in the applicable contract file. For competitive acquisitions, the contracting officer shall submit this memorandum to osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil prior to the next phase peer review or prior to contract award for phase 3 reviews. For noncompetitive acquisitions, the contracting officer shall submit this memorandum to osd.pentagon.ousd-a-s.mbx.dpc-pcf@mail.mil prior to the phase 2 review or prior to contract award for phase 2 reviews.

(g) *Competitive acquisition preaward peer review required documents and elements*. Submit any required peer review documents to osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil.

(1) *Required documents*. At a minimum, peer review teams shall have access to the following documents, as applicable, at least 5 business days prior to the scheduled date of a peer review:

(i) The most recent acquisition decision memorandum for the program.

(ii) The acquisition strategy, or acquisition plan.

(iii) The source selection plan.

(iv) The draft for phase 1 or final request for proposals (RFP) and all amendments, with a synopsis of what, if any, RFP requirements (technical and contractual) were changed and why.

(v) The source selection evaluation board (SSEB) analysis and findings to ensure the evaluation of offers was consistent with the source selection plan and RFP criteria.

(vi) Any meeting minutes memorializing discussions between the Government and offerors.

(vii) All evaluation notices generated as a result of deficiencies in the offerors' proposals as well as the offerors' responses to those evaluation notices.

(viii) All minutes memorializing the conduct of source selection advisory council (SSAC) deliberations held to date.

(ix) The offerors' responses to the request for final proposal revision.

(x) The final SSAC deliberation.

(xi) The final source selection authority (SSA) determination and source selection decision.

(xii) Award/incentive fee arrangements, documentation of any required head of the contracting activity determinations and findings regarding non-availability of objective criteria.

(2) Peer review teams may make recommendations on any aspect of the procurement, including the following:

(i) The process was well understood by both Government and Industry.

(ii) Source selection was carried out in accordance with the source selection plan and RFP.

(iii) The SSEB evaluation was clearly documented.

(iv)The SSAC advisory panel recommendation was clearly documented.

(v) The SSA decision was clearly derived from the conduct of the source selection process.

(vi) All source selection documentation is consistent with the Section M evaluation criteria.

(vii)The business arrangement.

(h) *Noncompetitive acquisition preaward peer review required documents and noncompetitive peer review preparation checklist*. Submit any required peer review documents to osd.pentagon.ousd-a-

s.mbx.dpc-pcf@mail.mil.

(1) Required documents. At a minimum, peer review teams shall have access to the following documents, as applicable, at least 5 business days prior to the scheduled date of a peer review:

(i) Preliminary price negotiation memorandum/business clearance for phase 1 or price negotiation memorandum/business clearance for phase 2, including all listed attachments.

(ii) Summary documents to support a discussion of salient aspects of the acquisition, e.g., business/contract clearance charts. Special charts do not need to be developed for the peer review.

(iii) The anticipated or negotiated language of clauses affecting the price or the business arrangement, e.g., economic price adjustment, performance-based payments, incentive or award-fee/award-term provisions, terms establishing price adjustment when using demand bands, reopener clauses, exchange rate clauses, or other clauses.

(iv) Award-fee plan and documentation of any required head of the contracting activity determination and findings regarding nonavailability of objective criteria (see FAR 16.401(e)(1));

(v) Defense Contract Audit Agency audits and Defense Contract Management Agency technical and/or price analyses, upon request.

(vi) The proposed performance-based payments schedule and Government analysis, if use of performance-based payments is contemplated.

(vii) Any other documents deemed necessary by the review team.

(2) *Noncompetitive peer review checklist*. The noncompetitive peer review preparation checklist is available at https://www.acq.osd.mil/asda/dpc/pcf/docs/ss-peer-reviews/Sole-Source-Peer-Review-Preparation-and-Checklist-8Apr21.pdf . The checklist identifies frequently addressed areas of emphasis. It is recommended that acquisition teams review these listed areas of interest in advance of releasing a request for proposal.

PGI 201.3 -AGENCY ACQUISITION REGULATIONS

PGI 201.301 Policy.

(b)(i) Contract clauses and solicitation provisions developed by departments and agencies (local clauses) that constitute a significant revision, as defined at FAR 1.501-1, shall be—

(A) Published for public comment in the Federal Register in accordance with FAR 1.501; and

(B) Approved in accordance with DFARS 201.304.

(ii) A local clause is considered a significant revision, as defined at FAR 1.501-1, if the clause—

(A) Contains a new certification requirement for contractors or offerors that is not imposed by statute (see FAR 1.107 and DFARS 201.107 and 201.304(2));

(B) Constitutes a deviation (as defined at FAR 1.401) from the parts and subparts identified at

DFARS 201.402(1); or

(C) Will be used on a repetitive basis; and

(*1*) Imposes a new requirement for the collection of information from 10 or more members of the public (see FAR 1.106); or

(*2*) Has any cost or administrative impact on contractors or offerors beyond that contained in the FAR or DFARS.

(iii) A local clause is not considered a significant revision as defined at FAR 1.501-1, if the clause—

(A) Is for a single-use intended to meet the needs of an individual acquisition (e.g. a clause developed as a result of negotiations and documented in the business clearance or similar document), except for clauses that constitute a deviation (as defined at FAR 1.401) from the parts and subparts identified at DFARS 201.402(1); or

(B) May be used on a repetitive basis and has no new or additional cost or administrative impact on contractors or offerors beyond any cost or administrative impact contained in existing FAR or DFARS coverage.

PGI 201.304 Agency control and compliance procedures.

(4) Plans for controlling the use of clauses or provisions other than those prescribed by the FAR or DFARS (local clauses), as required by DFARS 201.304(4), shall include procedures to ensure that a local clause—

(A) Is evaluated to determine whether the local clause constitutes a significant revision (see 201.301 (b));

(B) Is numbered in accordance with FAR 52.1 and DFARS 252.1 (see 252.103);

(C) Is accompanied by a prescription in the appropriate part and subpart of the department or agency FAR supplement where the subject matter of the clause receives its primary treatment;

(D) If it constitutes a significant revision—

(*1*) Is published for public comment in the Federal Register in accordance with FAR 1.501 and DFARS 201.501;

(*2*) Complies with the Paperwork Reduction Act 1980 (44 USC chapter 35), in accordance with FAR 1.106and 1.301;

(*3*) As a matter of policy, complies with the Regulatory Flexibility Act (5 U.S.C. 601, *et seq*.); and

(*4*) Is approved in accordance with DFARS 201.304; and

(E) Is published with a prescription as a final rule in the Federal Register in order to amend the department or agency’s chapter of Title 48 of the Code of Federal Regulations (CFR), if it is to be used on a repetitive basis.

(5)(A) Prior to publication for public comment in the Federal Register of a local clause that

constitutes a significant revision (see 201.301 (b)), departments and agencies shall submit, in accordance with agency procedures, the following information electronically via email to the Director, Defense Acquisition Regulation (DAR) Council, at osd.pentagon.ousd-a-s.mbx.dfars@mail.mil:

(*1*) The name of the requesting department or agency.

(*2*) The name, email address and phone number of the point of contract for the local clause and the department or agency clause control point of contact.

(*3*) A detailed rationale for the request, to include—

(*i*) Why existing FAR or DFARS clauses or provisions do not satisfy, or could not be tailored to meet, the department or agency's needs;

(*ii*) What contracting problem or situation will be avoided, corrected, or improved if the local clause is approved; and

(*iii*) Identification of other DoD Components that have expressed interest in use of the clause for consideration for incorporation into the DFARS.

(*4*) The draft rule to be published in the Federal Register to solicit public comments on the proposal to amend the department and agency's chapter of Title 48 of the CFR to incorporate the local clause.

(*5*) The initial regulatory flexibility analysis. For additional information on the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) see Appendix 8 of the FAR Operating Guide accessible via the Defense Acquisition Regulation System (DARS) website at http://www.acq.osd.mil/dpap/dars/about.html.

(*6*) If applicable, the request package to be submitted to the Office of Management and Budget for any new information collection requirement imposed by the local clause. For additional information on the Paperwork Reduction Act (44 USC Chapter 35) see Appendix 9 of the FAR Operating Guide accessible via the DARS website at http://www.acq.osd.mil/dpap/dars/about.html.

(*7*) Evidence of coordination with the department or agency's legal counsel.

(*8*) Evidence of coordination with the appropriate stakeholders (e.g., Chief Information Officer, Office of Small Business Programs, etc.).

(B) The Director, DAR Council, shall—

(*1*) Determine whether the local clause unnecessarily duplicates coverage currently contained within the FAR or DFARS;

(*2*) Determine whether the local clause constitutes a deviation from the FAR or DFARS (see FAR 1.401) and requires approval in accordance with DFARS 201.4;

(*3*) Coordinate the local clause with the appropriate stakeholders;

(*4*) Coordinate local clauses, as appropriate, with the DAR Council for consideration of the local clause for incorporation in the DFARS; and

(*5*) Provide recommendations regarding the local clause package.

(C) Requests for Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP),

approval of local clauses that have been published for public comment in the Federal Register, shall be submitted electronically via email through the Director, DAR Council, at osd.pentagon.ousd-a-s.mbx.dfars@mail.mil and shall include the following:

(*1*) A memorandum requesting Principal Director, DPCAP, approval of the local clause.

(*2*) A copy of the notice of the rule published in the Federal Register.

(*3*) A copy of all public comments received in response to the Federal Register notice.

(*4*) An analysis of, and responses to, any public comments received.

(*5*) The draft final rule to be published in the Federal Register to amend the department or agency's chapter of Title 48 of the CFR to incorporate the local clause.

(*6*) The final regulatory flexibility analysis. For additional information on the Regulatory Flexibility Act (5 U.S.C. 601, *et seq*.) see Appendix 8 of the FAR Operating Guide accessible via the DARS website at http://www.acq.osd.mil/dpap/dars/about.html.

(*7*) If applicable, a copy of the Office of Management and Budget's approval of any new information collection requirement imposed by the local clause. For additional information on the Paperwork Reduction Act (44 USC chapter 35) see Appendix 9 of the FAR Operating Guide accessible via the DARS website at http://www.acq.osd.mil/dpap/dars/about.html.

(*8*) Evidence of coordination with the department or agency's legal counsel.

(*9*) Evidence of coordination with the appropriate stakeholders (e.g., Chief Information Officer, Office of Small Business Programs, etc.).

(*10*) A copy of any initial recommendations received from the Director, DAR Council on the proposed rule.

PGI 201.6 -CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

PGI 201.602 Contracting officers.

PGI 201.602-2 Responsibilities.

Contracting officers shall inform all individuals performing on their behalf of their delegated roles and responsibilities, and the relationships among the parties.

(d)(i) When designating Department of State personnel as a contracting officer's representative (COR for contracts executed by DoD in support of Department of State in Iraq), follow the procedures in the Director, Defense Procurement and Acquisition Policy memorandum dated July 11, 2011, Contracting Officer's Representative Designation—Iraq.

(ii) DoD COR certification standards define minimum COR competencies, experience, and training requirements according to the nature and complexity of the requirement and contract performance

risk. These COR certification standards should be considered when developing service requirements, soliciting proposals, and performing surveillance during contract performance. The DoD standards and policy are provided in DoD Instruction 5000.72, DoD Standard for Contracting Officer's Representative (COR) Certification.

(iii) Guidance on the appointment and duties of CORs is provided in the DoD COR Guidebook.

(iv) DoD agencies and components shall use the Joint Appointment Module (JAM), within in the Procurement Integrated Enterprise Environment (PIEE), to electronically track COR nominations, appointments, terminations, and training certifications for contracts assigned a COR. Components shall use the Surveillance and Performance Monitoring (SPM) Module, located in the PIEE, for all other contract surveillance actions. Further guidance on the use of JAM and SPM Module is available at https://wawf.eb.mil https://piee.eb.mil/piee-landing/.

(v) A COR assists in the technical monitoring or administration of a contract.

(A) Unless an exemption at 201.602-2(d)(v)(A) or (B) applies, contracting officers shall designate a COR for all service contracts, and supply contracts with cost-reimbursable line items including both firm-fixed-price and other than firm-fixed-price contracts, awarded by a DoD component or by any other Federal agency on behalf of DoD within 3 business days of contract award. The surveillance activities performed by CORs should be tailored to the dollar value/complexity of the specific contract for which they are designated. For geographically dispersed large contracts with multiple task orders, contracting officers should consider appointing multiple or alternate CORs to assist with surveillance duties. These CORs should have specific duties based on criteria, such as geographic region or distinct task areas, to avoid conflicting or duplicative direction. Contracting officers may exempt service contracts from this requirement when the following three conditions are met:

(*1*) The contract will be awarded using simplified acquisition procedures;

(*2*) The requirement is not complex; and

(*3*) The contracting officer documents the file, in writing, with the specific reasons why the appointment of a COR is unnecessary.

(B) For cost reimbursement contracts that are not service contracts, contracting officers shall either retain or delegate surveillance activities to a COR or DCMA.

(C) The contracting officer shall ensure the written designation required by FAR 1.602-2(d)(7) is maintained in JAM or the SPM Module.

(vi) A COR shall maintain an electronic COR Surveillance file in the SPM Module for each contract assigned. This file must include, at a minimum—

(A) A copy of the contracting officer's letter of designation and other documentation describing the COR's duties and responsibilities; and

(B) Documentation of actions taken in accordance with the delegation of authority.

(vii) Contracting officers shall, at a minimum—

(A) Review the COR's files within 6 months of contract award and then annually based on the risks, complexity, and value of the contract, as appropriate. The contracting officer may review COR files more frequently in subsequent years when it is beneficial to contract oversight. The results of the

contracting officer’s review shall be documented in the SPM Module; and

(B) Within 30 days of completing the review of the COR’s files, provide feedback on the COR’s performance to the COR’s supervisor and discuss any inadequacies with the COR (see Department of Defense Instruction 5000.72, DoD Standard for Contracting Officer’s Representative Certification”, Enclosure 3, Procedures, paragraph 1.i).

(viii) Prior to contract closeout, the COR will ensure the COR Surveillance files for the assigned contract are complete and available to the contracting officer .