PGI 209.5 -ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

Parent topic: PGI Part 209 - CONTRACTOR QUALIFICATIONS

PGI 209.503 [Reserved]

PGI 209.503-70 Waiver.

To process a waiver under DFARS 209.503-70, the contracting officer shall submit the waiver, in accordance with agency procedures, to the Office of the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (Contract Policy) (DPCAP/CP) at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

PGI 209.570 Limitations on contractors acting as lead system integrators.

PGI 209.570-1 Definitions.

The phrase “substantial portion of the work,” as used in the definition of “lead system integrator with system responsibility” in the clause at DFARS 252.209-7007, may relate to the dollar value of the effort or to the criticality of the effort to be performed.

PGI 209.570-3 Procedures.

(1) After assessing the offeror’s direct financial interests in the development or construction of any individual system or element of any system of systems, if the offeror—

(i) Has no direct financial interest in such systems, the contracting officer shall document the contract file to that effect and may then further consider the offeror for award of the contract;

(ii) Has a direct financial interest in such systems, but the exception in DFARS 209.570-2(b)(2) applies, the contracting officer shall document the contract file to that effect and may then further consider the offeror for award of the contract;

(iii) Has a direct financial interest in such systems and the exception in DFARS 209.570-2(b)(2) does not apply, but the conditions in DFARS 209.570-2(b)(1)(i) and (ii) do apply, the contracting officer—

(A) Shall document the contract file to that effect;

(B) May, in coordination with program officials, request an exception for the offeror from the Secretary of Defense, in accordance with paragraph (2) of this subsection; and

(C) Shall not award to the offeror unless the Secretary of Defense grants the exception and provides

the required certification to Congress; or

(iv) Has a direct financial interest in such systems and the exceptions in DFARS 209.570-2(b)(1) and (2) do not apply, the contracting officer shall not award to the offeror.

(2)(i) To process an exception under DFARS 209.570-2(b)(1), the contracting officer shall submit the request and appropriate documentation to the Office of the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (Contract Policy) (DPCAP/CP) at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

(ii) The DPCAP action officer will process the request through the Office of the Secretary of Defense and, if approved, to the appropriate committees of Congress. The contracting officer shall not award a contract to the affected offeror until notified by the DPCAP/CP action officer that the exception has been approved and transmitted to Congress.

PGI 209.571 Organizational conflicts of interest in major defense acquisition programs.

PGI 209.571-7 Systems engineering and technical assistance contracts.

Because of the special organizational conflict of interest restrictions that relate to systems engineering and technical assistance contracts, it is more practical to separate systems engineering and technical assistance-type work from design- and development-type work, and not include both types of work in the same task order or other contract vehicle.