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Parent topic: PGI Defense Federal Acquisition Regulation

PGI 237.1 -SERVICE CONTRACTS-GENERAL

PGI 237.102 Policy.

PGI 237.102-70 Prohibition on contracting for firefighting or security-guard functions.

(c)(i) To ensure that the personnel limitations in DFARS 237.102-70(c)(1)(iv) are not exceeded, there is an office of primary responsibility (OPR) within each department or agency that is responsible for managing the total number of security-guard personnel on contract for the department or agency.

(ii) Before finalizing a contract action that affects the number of security-guard personnel on contract, the contracting officer shall request, from the requiring activity, evidence of the OPR's approval for the contract action. This requirement also applies to renewal or exercise of options for the same number of security-guard personnel, to ensure compliance with the statutory limitations/reductions specified for each fiscal year.

(iii) If the evidence of approval is not provided by the requiring activity, the contracting officer shall directly contact the applicable OPR for approval before finalizing the contract action. OPRs are as follows:

(A) U.S. Army:

HQ Department of the Army

Office of the Provost Marshal General

2800 Army Pentagon

Washington, DC 20310

Phone: 703-695-4210 or 703-614-2597.

(B) U.S. Navy:

Commander, Navy Installations

Command (CNIC) N3

2715 Mitscher Road, Suite 300

Anacostia Annex

Washington, DC 20373

Phone: 202-409-4053.

(C) U.S. Marine Corps:

HQ U.S. Marine Corps

Assistant Deputy Commandant, Plans, Policy, &

Operations (Security)

3000 Marine Corps Pentagon

Washington, DC 20350

Phone: 571-201-3633.

(D) U.S. Air Force:

HQ Air Force

Directorate of Security Forces

Programs & Resources Division (A7SX)

1340 AF Pentagon

Washington, DC 20330

Phone: 703-588-0027 or 703-588-0012.

(E) Pentagon Force Protection Agency:

Pentagon Force Protection Agency

9000 Defense Pentagon

Washington, DC 20301

Phone: 703-693-3685.

PGI 237.102-71 Limitation on service contracts for military flight simulators.

(1) To process a request for waiver, the contracting officer shall submit the request and appropriate documentation relating to the requirements of DFARS 237.102-71(b) to the Office of the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (Contract Policy) (DPCAP/CP) via email at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

(2) The DPCAP/CP action officer, will process the request through the Office of the Secretary of Defense and will forward the appropriate documentation to the congressional defense committees. The contracting officer shall not award a contract until notified by the DPCAP/CPIC action officer that the waiver has been approved, the appropriate documentation has been transmitted to the congressional defense committees, and the required 30 days have passed.

PGI 237.102-73 Prohibition on contracts for services of senior mentors.

DoD policies on senior mentors are set forth in (1) Secretary of Defense memorandum, subject: Policy on Senior Mentors (April 1, 2010) (*see* here) and (2) Deputy Secretary of Defense memorandum, subject: Implementation Guidance on Senior Mentors Policy (July 8, 2010) (*see* here).

PGI 237.102-74 Taxonomy for the acquisition of services and supplies & equipment.

Click here for OUSD(A&S) DPAP memorandum, “Taxonomy for the Acquisition of Services and Supplies & Equipment,” dated August 27, 2012. An Excel version of “Acquisition of Services and Supplies & Equipment Taxonomy” is available here.

PGI 237.102-75 Defense Acquisition Guidebook.

The Defense Acquisition Guidebook, Chapter 10, Acquisition of Services, is available via the internet at https://www.dau.mil/tools/dag. Chapter 10 provides acquisition teams with a step-by-step guide explaining the process of acquiring services.

PGI 237.102-76 Reserved.

PGI 237.102-77 Acquisition requirements roadmap tool.

The Acquisition Requirements Roadmap Tool (ARRT) is a tool that enables requiring activities to develop and organize performance requirements into draft versions of the performance work statement, the quality assurance surveillance plan, and the performance requirements summary. ARRT provides a standard template for these documents and some default text that can be modified to reflect a particular requirement. This tool should be used to prepare these documents for all performance- based acquisitions for services. ARRT is available for download at https://www.dau.edu/tools/Documents/SAM/resources/ARRT_Home.html.

PGI 237.102-78 Market research report guide for improving the tradecraft in services acquisition.

See PGI 210.070 for guidance on use of the market research report guide to conduct and document market research for service acquisitions.

PGI 237.102-79 Private sector notification requirements in support of in-sourcing actions.

Click here for OUSD(RFM) memorandum, “Private Sector Notification Requirements in Support of In-sourcing Actions,” dated January 29, 2013.

PGI 237.171 Training for contractor personnel interacting with detainees.

PGI 237.171-3 Policy.

(b)(i) *Geographic areas of responsibility.* With regard to training for contractor personnel interacting with detainees—

(A) The Commander, U.S. Southern Command, is responsible for the U.S. military detention center at Guantanamo Bay, Cuba.

(B) The Commander, U.S. Joint Forces Command, is responsible for the Navy Consolidated Brig, Charleston, SC.

(C) The other combatant commander geographic areas of responsibility are identified in the Unified Command Plan, 1 March 2005, which can be found at:

http://www.defenselink.mil/specials/unifiedcommand/.

(ii) *Point of contact information for each command:*

US Central Command (USCENTCOM)

Commander, Combined Forces Land Component Commander (CFLCC) a.k.a. Third Army, Ft. McPherson, Atlanta, GA

Staff Judge Advocate (SJA) Forward, Kuwait

POC: Lieutenant Colonel Gary Kluka

E-mail: Gary.Kluka@arifjan.arcent.army.mil

Comm: 011-965-389-6303; DSN: 318-430-6303; Alt. US numbers: 404-464-3721 or 404-464-4219

US European Command (USEUCOM)

Logistics and Security Assistance Directorate

Chief, Contingency Contracting and Contract Policy Division (USEUCOM J4-LS)

POC: Major Michael Debreczini debreczm@eucom.smil.mil

Comm: 011-49-711-680-7202; DSN: 314-0430-7202

US Joint Forces Command (USJFCOM)

**Applicable to potential detainees in the United States at Navy Consolidated Brig, Charleston, SC

Headquarters, USJFCOM (J355)

Personnel Recovery & Special Operations Division (J355)

POC: Lieutenant Colonel John Maraia

Comm: 757-836-5799; DSN: 836-5799

US Northern Command (USNORTHCOM)

Not applicable to USNORTHCOM; see US Joint Forces Command

US Pacific Command (USPACOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Deputy Staff Judge Advocate

POC: Lieutenant Colonel James Buckels, USAF james.buckels@pacom.mil

Comm: 808-477-1193

US Southern Command (USSOUTHCOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Joint Task Force Guantanamo Bay

POC: Lieutenant Commander Tony Dealicante

DealicanteTF@JTFGTMO.southcom.mil

Comm: 011-5399-9916; DSN: 660-9916

US Special Operations Command (USSOCOM)

Headquarters, Office of the Staff Judge Advocate (SJA)

Attn: Staff Judge Advocate

POC: Colonel Dana Chipman chipmad@socom.mil

Comm: 813-828-3288; DSN: 299-3288

PGI 237.172 Service contracts surveillance.

The contracting officer shall remind requirements personnel, when they are preparing the quality assurance surveillance plan for contracts, to include a requirement for surveillance of the contractor's implementation of the clause at FAR 52. 222-50, Combating Trafficking in Persons (see PGI 222.1703).

PGI 237.2 -ADVISORYAND ASSISTANCE SERVICES

PGI 237.270 Acquisition of audit services.

The following DoD publications govern the conduct of audits:

(1) DoDI 7600.2, Audit Policies - Provides DoD audit policies.

(2) DoDI 7600.6, Audit of Nonappropriated Fund Instrumentalities and Related Activities - Provides guidance to audit organizations for audits of nonappropriated fund organizations.

(3) DoD 7600.7-M, DoD Audit Manual - Provides policy and guidance to DoD audit organizations for the monitoring of audit services provided by non-Federal auditors.

PGI 237.5 -MANAGEMENTOVERSIGHT OF SERVICE CONTRACTS

PGI 237.503 Agency-head responsibilities.

(c) To comply with the certification requirement at DFARS 237.503, complete a certification substantially the same as the following and include a copy in the contract file:

Certification of Nonpersonal Services

This certification and enclosed worksheet is designed to ensure that the agency does not award a personal-services contract unless specifically authorized by statute (e.g., 10 U.S.C. 129b, 5 U.S.C. 3109, or 10 U.S.C. 1091). Therefore, this documentation should be completed in conjunction with the submission of a service-contract requirement to the contracting officer.

A personal services contract is characterized by the employer-employee relationship it creates between the Government and the contractor's personnel. The Government is normally required to obtain its employees by direct hire under competitive appointment procedures required by civil service laws. Obtaining personal services by contract, rather than by direct hire, circumvents those laws unless Congress has specifically authorized acquisition of the services by contract.

An employer-employee relationship under a service contract occurs when the Government exercises relatively continuous supervision and control over contractor personnel performing the contract.

Upon considering the information above and the worksheet below, I certify that this requirement does not include an unauthorized personal services arrangement, either in the way the work statement is written or in the manner in which the resulting contract will be managed and overseen.

_____

Printed Name, Grade, Title, and Date

Signature:_____

	Personal Services (The following descriptive elements from FAR 37.104 should be used as a guide to assess whether or not a proposed contract is personal in nature. If the answer to any of the items below is "YES," then additional measures should be taken to ensure the contract is not administered so as to create an employer-employee relationship between the Government and the contractor's personnel and result in an unauthorized personal services contract.)	YES	NO
1.	Contractor personnel are performing on a Government site.		
2.	Principal tools and equipment are furnished by the Government.		
3.	Services are applied directly to the integral effort of the agency or an organizational subpart in furtherance of assigned function or mission.		
4.	Comparable services meeting comparable needs are performed in this agency or similar agencies using civil-service personnel.		
5.	The need for the service provided can reasonably be expected to last beyond one year.		

6. The inherent nature of the service, or the manner in which it is to be provided, reasonably requires (directly or indirectly) Government direction or supervision of contractor employees in order to: (a) adequately protect the Government’s interest; (b) retain control of the function involved; or (c) retain full personal responsibility for the function supported in a duly authorized Federal officer or employee.

PGI 237.70 -MORTUARYSERVICES

PGI 237.7002 AREA OF PERFORMANCE AND DISTRIBUTION OF CONTRACTS.

(1) Determine and define the geographical area to be covered by the contract using the following general guidelines:

(i) Use political boundaries, streets, or other features as demarcation lines.

(ii) The size should be roughly equivalent to the contiguous metropolitan or municipal area enlarged to include the activities served.

(iii) If the area of performance best suited to the needs of a particular contract is not large enough to include a carrier terminal commonly used by people within the area, the contract area of performance shall specifically state that it includes the terminal as a pickup or delivery point.

(2) In addition to normal contract distribution, send three copies of each contract to each activity authorized to use the contract, and two copies to each of the following:

(i) HQDA (TAPC-PEC-D), Alexandria, VA 22331.

(ii) Commander, Naval Medical Command, Department of the Navy (MED 3141), 23rd and E Streets NW, Washington, DC 20372.

(iii) Headquarters, AFMPC-MPCCM.