

Part 5301 - Federal Acquisition Regulations System

[DAFFARS PART 5301 Knowledge Center](#)

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Subpart 5301.1 - PURPOSE, AUTHORITY, AND ISSUANCE

5301.101 Purpose

The Department of the Air Force Federal Acquisition Regulation Supplement (DAFFARS) establishes uniform policies and procedures for the Department of the Air Force (DAF) implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR Supplement (DFARS), and other Department of Defense publications concerning contracting. DAFFARS Mandatory Procedures (MP) are companion resources arranged by parts, which correspond to the relevant FAR parts. Supplements to the DAFFARS and MPs are prohibited.

5301.104 Applicability

The DAFFARS applies to all DAF acquisitions as they are defined in part 2 of the FAR, except where expressly excluded.

5301.105-1 Publication and Code Arrangement

(a)(S-90) The DAFFARS is published on www.Acquisition.gov.

5301.170 Peer Reviews

(a) DPC Peer Reviews.

(2) To facilitate planning for and execution of DoD Peer Reviews (see [DFARS 201.170](#) for applicable competitive and noncompetitive thresholds), the SCO must use the [Peer Review and Clearance Forecasting Tool](#) to submit quarterly peer review forecasts by the 15th of March, June, September, and December each year. SAF/AQC will submit a consolidated forecast to DPC on behalf of the DAF at the end of each quarter. When DoD Peer Review is required, follow the procedures in MP5301.9001(a)(1)(i)(A)(2)(g), MP5301.9001(i)(2)(vi)(A)(1)(c), or MP5301.9001(i)(2)(vi) as appropriate, regarding clearance.

(b) Component Peer Reviews. Pre-award peer reviews of solicitations for competitive procurements and pre-award peer reviews for non-competitive procurements not subject to the requirements of [DFARS 201.170\(a\)\(1\)\(i\) or \(ii\)](#) must be accomplished by complying with the clearance requirements in [DAFFARS 5301.90](#).

Subpart 5301.2 - ADMINISTRATION

5301.201-1 The Two Councils

(d)(i) Proposed revisions to the FAR or the DFARS must be submitted through the SCO (or HCA for SSC and SDA) to [SAF/AQCP](#) in accordance with [DFARS 201.201-1\(d\)\(i\)](#).

5301.201-90 Maintenance of the DAFFARS

The DAFFARS is prepared and maintained by the Chief, Contract Policy & Field Support Division, Deputy Assistant Secretary (Contracting) (SAF/AQCP).

Subpart 5301.3 - AGENCY ACQUISITION REGULATIONS

5301.301 Policy

(a)(1)(S-90) The DAFFARS is issued by the DAS(C), in coordination with the HCAs for SSC and SDA, on behalf of the Senior Procurement Executive (SPE).

5301.304 Agency Control and Compliance Procedures

(c)(4) The use of nonstandard clauses requires an approved D&F addressing the criteria outlined in DFARS PGI 201.301(b)(iii). See the [DAF Clause Control Plan](#) for approvals, including those requiring OUSD(A&S)/DPC approval. See the tailorable [Non-Standard Clause Control Template](#). Prior to using a reopener clause, the contracting officer must document the D&F that its use is the most appropriate means of overcoming a contingency that could affect contract price and obtain approval

from the SCO. The SCO must submit a copy of the approval to [SAF/AQCP](#).

Subpart 5301.4 - DEVIATIONS FROM THE FAR

5301.402 Policy

(2) Submit requests for deviations requiring OUSD(A&S)/DPC approval through the SCO to the [cognizant HCA workflow](#) for processing. See the tailorable [Deviation Request](#) template.

5301.403 Individual Deviations

(1)(i) SCOs are authorized to approve individual deviations except as described in (ii) below or as described in [DFARS 201.402\(1\)](#) and [DFARS 201.403\(2\)](#).

(ii) The cognizant HCA is the approval authority for individual deviations from [FAR 15.3](#), [DAFFARS 5315.3](#), and [MP5315.3](#). This approval authority is not further delegable. See the [Deviation Request](#) template. Deviation requests must be submitted through the SCO to the [cognizant HCA workflow](#) for approval. When a proposed deviation, as described herein, also requires a waiver from [DFARS 215.3](#), *DoD Source Selection Procedures*, the waiver process in [MP5315.3](#), para 1.2.4., must also be followed.

5301.404 Class Deviations

(b)(i) USD(A&S)/DPC is the approval authority for any class deviation described in [DFARS 201.402\(1\)](#), class deviations from [DFARS 215.3](#), and class deviations that meet the criteria in [DFARS 201.404\(b\)\(ii\)\(A-D\)](#). Submit requests through the SCO to the [cognizant HCA workflow](#) for processing to USD(A&S)/DPC for approval.

(ii) The cognizant HCA is the approval authority for class deviations from [FAR 15.3](#), [DAFFARS 5315.3](#), and [MP5315.3](#). See the [Deviation Request](#) template. Requests must be submitted through the SCO to the [cognizant HCA workflow](#) for approval.

(iii) SCOs are authorized to approve class deviations except as restricted by paragraphs (i) and (ii) above. Class deviation approval authority is not further delegable.

Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5301.601 General

(a)(i) See [MP5301.601\(a\)\(i\)](#) for the DAF Approval Authority Matrix.

5301.601-91 Department of the Air Force Contracting Self-Inspection Program

(a) The DAF Self-Inspection program assesses compliance with federal laws, regulatory policies, DoD and AF directives, and instructions across the enterprise. It is also used to verify adequacy of contract preparation.

(b) SCOs will manage a self-inspection program, which includes both the assessment of individual contract files and the assessment of contracting management programs contained in the Contracting Self-Assessment Communicator (SAC) as required by [DAFI 90-302](#), The Inspection System of the Department of the Air Force. As a minimum, contracting offices must perform self-inspections of individual contract files on an annual basis.

(c) For self-inspection of individual contract files reviewed after award, SCOs may use the [Air Force Contracting Self-Inspection Checklist](#); a comparable organizational checklist for post award reviews; or any combination thereof.

(d) SCOs will ensure corrective actions are implemented as a result of any self-inspection. Contracting offices must have a documented program for self-inspection, to include a process for closing resolved findings in a timely manner, ensuring an effective level of review necessary to close a finding, and integrating findings and resolutions into unit training.

(e) SCOs must forward a consolidated trend analysis report for the previous calendar year to [SAF/AQCP](#) by 28 February of each year. See the tailorable [Consolidated Trend Analysis Report](#) template.

5301.602-1 Authority

(a) Contracting officers are authorized to enter into and execute contracts funded either partially or completely with non-appropriated funds.

5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable [Legal Review](#) template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations regardless of dollar amount, and if required elsewhere in the DAFFARS, or by law, regulation, or policy:

- (1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;
- (2) When using or applying unique or unusual contract provisions;
- (3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;
- (4) Procurement integrity or organizational conflict of interest issues;

- (5) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of [MP5315.3](#);
 - (6) Issues dealing with licensing, technical data rights, and patents;
 - (7) Ratifications
 - (8) Termination for default/cause
 - (9) Terminations for convenience, except cancellations or terminations of purchase orders;
 - (10) Individual or class deviations; and
 - (11) Any other legal issue at the discretion of the contracting officer or supporting legal office.
- (B) All Justifications and Approvals (J&A) requests for actions expected to exceed \$750,000
- (C) In addition to the general conditions identified in [DAFFARS 5301.602-2\(c\)\(i\)\(A\)](#) above, contracting officers shall exercise good judgement in seeking legal review if the total value of the contract action is less than the thresholds listed in this paragraph and guard against using reviews as a means of quality control. Contracting officers must obtain legal review of Operational contract actions expected to exceed \$1,000,000 and Non-Operational contract actions expected to exceed \$5,000,000, as follows:
- (1) Solicitations and amendments, except administrative amendments;
 - (2) Proposed contracts and modifications;
 - (3) Orders for supplies or services issued under indefinite delivery type contracts ([FAR 16.5](#)), including GWACs, and Federal Supply Schedules (FSS), that require negotiation at the order level; and
 - (4) Orders under Blanket Purchase Agreements (BPA) established under FSS.
- (D) Legal review is not normally required for:
- (1) Funding actions without any other changes;
 - (2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract; or
 - (3) Except as indicated at [DAFFARS 5301.602-2\(c\)\(i\)\(C\)\(3\)](#), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.
- (d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see [MP5301.602-2\(d\)](#).

5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy.*

- (2) See [MP5301.601\(a\)\(i\)](#). Submit a copy of the approval to the [SAF/AOC Workflow](#).

5301.603-1 General

The HCA designees delegated contracting authority in accordance with [MP5301.601\(a\)\(i\)](#) must select and appoint contracting officers and terminate their appointments in accordance with this section and [MP5301.603-90](#).

(a) The SCO may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations, but in no event will the designee be lower than a GS-15 (or equivalent) or 0-6. AFICC/CC SCO may delegate authority to select and appoint contracting officers (and terminate their appointments in accordance with [DAFFARS 5301.603-1](#) and [MP5301.603-90](#)) to the AFICC/KO Director of Contracting.

(b) Authority to issue limited contracting officer warrants of less than \$5M and authority to terminate appointments of less than \$5M may be delegated, but in no event will the designee be lower than the COCO.

5301.603-2-90 Selection

See [MP5301.603-90](#), *Selection, Appointment, and Termination of Appointment of Contracting Officers* for mandatory procedures regarding the selection, appointment, and termination of contracting officers.

5301.603-3 Appointment

(b) Issuing authorities identified in 5301.603-1 above may delegate the purchase authority described in [FAR 1.603-3\(b\)](#) and [DFARS 201.603-3\(b\)](#), to DoD civilian employees and members of the U.S. Armed Forces, such as transportation personnel, medical supply personnel, librarians, and chiefs of construction management, provided:

(1) The written delegation specifies a dollar limit per transaction (e.g., per order, per call); the method(s) of award; and the supplies, equipment and/or non-personal services, to include construction, related to the individual's (e.g., GPC Cardholder, Field Ordering Officer, etc.) scope of duties that may be procured. For example, librarians may buy books, but not construction materials or services; and,

(2) Personnel have completed contracting training commensurate with the type of instrument(s) authorized to process and level of responsibility delegated.

5301.603-3-90 Field Ordering Officer Appointments.

(a) Policy. The issuing authority (see 5301.603-1) appointing a Field Ordering Officer (FOO) will state in the appointment letter that the FOO's authority may not be delegated further.

(b) Appointment and termination authority. An issuing authority may appoint in writing a FOO, pursuant to 5301.603-3, when the issuing authority determines that the appointment is essential for the operation of the contracting mission. The purposes for which an issuing authority may appoint a FOO are -

(1) To make purchases using imprest funds ([FAR 13.305](#), [DFARS 213.305](#));

(2) To make purchases using Standard Form 44 ([FAR 13.306](#), [DFARS 213.306](#));

(3) To place calls against Blanket Purchase Agreements where the agreement terms permit and provided all calls placed are within limitations specified in the agreement and FOO letter of appointment ([FAR 13.303](#), [DFARS 213.303](#), [DAFFARS 5313.303-5](#)); and,

(4) To place orders against indefinite delivery contracts awarded by a contracting officer, where the contract terms permit and provided all orders placed are within limitations specified in the contract and FOO letter of appointment ([FAR 16.505](#), [DFARS 216.505](#), [DAFFARS 5316.505](#)).

(c) Responsibilities of issuing authority.

(1) Training and orientation. The issuing authority will orient and instruct FOOs in person or in writing regarding –

(i) The proper procedure(s) the issuing authority will authorize the FOO to use;

(ii) The standards of conduct prescribed in the Joint Ethics Regulation ([DoD 5500.7-R](#)) and the procurement integrity provisions at [FAR 3.104](#); and

(iii) The preparation and submission of documentation for purchase and contract actions.

(2) Surveillance. Surveillance activities must be conducted by the issuing authority or delegated to a warranted contracting officer. Surveillance activities include:

(i) Technical supervision of FOOs;

(ii) One hundred percent (100%) surveillance on all transactions not later than 30 days after the date of the transaction, and all FOO program records no less than annually. Document inspection findings (monthly and annually) and include specific comments as to whether the FOO is –

(A) Operating within the scope and limitations of authority delegated and [FAR subpart 3.1](#);

(B) Maintaining the standards of conduct prescribed in [DoD 5500.7-R](#);

(C) Engaging in improper practices, including but not limited to splitting purchase transactions to avoid monetary limitations or delegating authority to others; and

(D) Submitting correct and timely documentation for reporting purposes.

(iii) Document any instances of a FOO violating limitations of appointment and not promptly correcting violations or deficiencies noted in inspections or reviews;

(iv) Terminate the FOO's appointment when the issuing authority has lost confidence in the FOO's ability to adhere to limitations of appointment and/or documentation requirements; and

(v) Retain copies of inspection and review findings for three years in the FOO's and issuing authority (or warranted contracting officer, if delegated) files.

(3) Termination.

(i) A FOO's appointment will remain in effect until the FOO leaves their position via reassignment or

termination, or the issuing authority terminates the appointment.

(ii) Issuing authorities will terminate FOO appointments in writing. Issuing authorities will not revoke an ordering officer appointment retroactively.

(d) Procedures. Issuing authorities will –

(1) Appoint FOOs by a letter of appointment containing at a minimum the details prescribed at 5301.603-3(b)(1) and listing the purpose(s) for appointment (5301.603-3-90(b)), using a template substantially the same as the ones provided in the [AFICC FOO Guidance](#), tailored to fit the circumstances of the appointment;

(2) Maintain the file of appointments;

(3) Maintain purchase and surveillance documentation;

(4) Require individuals appointed as FOOs to acknowledge receipt of their letters of appointment and/or termination in writing; and

(5) Distribute appointment and/or termination letters to FOOs, contractors, imprest fund cashiers, disbursing officers and other interested personnel as necessary.

5301.670 Appointment of Property Administrators and Plant Clearance Officers

(a) When the DAF retains contract administration, the PCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers. One level above the PCO shall approve any of these appointments.

Subpart 5301.7 - DETERMINATIONS AND FINDINGS

5301.707 Signatory Authority

(a) Determinations and Findings (D&F) requiring Senior Procurement Executive (SPE), SAE, or higher level approval must be coordinated with the cognizant HCA by submission through the SCO to the [cognizant HCA workflow](#).

(b) The contracting officer must submit D&Fs requiring HCA approval to the [cognizant HCA workflow](#) after coordination by the SCO.

(c) D&Fs involving small business matters must be coordinated with local Small Business Professional and/or MAJCOM/FLDCOM/DRU Center Small Business Director, as appropriate, and, at SAF level, with SAF/SB when HCA approval or coordination is required.

Subpart 5301.90 - CLEARANCE

5301.9000 Scope and Definitions

(a) This subpart establishes clearance requirements for the contract actions identified below:

(1) An action intended to result in award of any contract or modification of any contract;

(2) An action intended to result in definitization of an undefinitized contract action (UCA), an undefinitized change order, or an undefinitized long lead contract;

(3) An action intended to result in the pricing of:

(i) an unpriced option or an option with a not-to-exceed price;

(ii) provisioned items orders (PIO);

(iii) unpriced orders under Blanket Purchase Agreements (BPAs), and FSS contracts, including GWACs; or

(iv) noncompetitive task orders or delivery orders under single or multiple award indefinite delivery-type contracts.

(4) An action intended to result in issuance of a modification implementing a unilateral price determination;

(5) Orders issued under BOAs;

(6) An action intended to result in the exercise of an option when the option exercise is not in accordance with the previously approved pricing arrangement or other contract terms and conditions; and

(7) Competitive order solicitations and orders issued in accordance with [FAR 8.4](#), [13](#), or [16.5](#) and against existing MAC ID/IQ, GWAC, or FSS contracts that require either one or both of the following:

i. Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;

ii. Addition of any terms or conditions that are not included in the basic ID/IQ contract, and/or changes to the existing terms or conditions of the basic ID/IQ contract (except for provisions/clauses required by the FAR, DFARS, or AFFARS).

(b) Excluded from business or contract clearances are:

(1) Actions that create a UCA, undefinitized change order, undefinitized long lead contract;

(2) Modifications for the payment of incentives or award fee that are in accordance with the terms and conditions of the incentive plan or award fee plan;

(3) Funding modifications;

(4) Administrative modifications;

(5) Modifications solely for changes as a result of Service Contract Labor Standards statute wage rates/fringe benefits or Fair Labor Standards Act minimum wages; and

(6) Competitive order solicitations and competitive orders issued in accordance with [FAR 8.4, 13, or 16.5](#) and against existing MAC ID/IQ, GWACs, and FSS contracts if they do not require either one or both of the following:

Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order; Addition of any terms or conditions that are not included in the basic ID/IQ contract, and/or changes to the existing terms or conditions of the basic ID/IQ contract.

(c) “Business Clearance” means:

(1) For competitive acquisitions, approval to issue the solicitation.

(2) For noncompetitive contract actions, approval to begin negotiations.

(3) For Broad Agency Announcements (BAA), if the total value of awards under a BAA is anticipated to be greater than or equal the clearance threshold, approval to begin negotiations.

(4) For Architect-Engineer Services under [FAR 36.6](#), approval to begin negotiations.

(d) “Begin negotiations” means, for the purpose of noncompetitive contract actions, starting discussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government’s negotiation objective do not constitute negotiations.

(e) “Contract Clearance” means:

(1) For competitive acquisitions conducted without discussions, approval by the Clearance Approval Authority (CAA) for the Source Selection Authority (SSA) to make the decision to award.

(2) For competitive acquisitions with discussions –

(i) Approval by the CAA for the SSA to request final proposal revisions in accordance with [FAR 15.307](#); and

(ii) Approval by the CAA for the SSA to make a source selection decision.

(3) For noncompetitive contract actions, approval by the CAA to award a contract or contract modification/contract action.

(4) For BAA, approval to award a contract.

(5) For 16.5 acquisitions (not excluded from clearance per (b) above):

(i.) Approval by the CAA for the SSA to request final proposal revisions (if applicable; and

(ii) Approval by the CAA for the Fair Opportunity Decision Authority to make a selection decision.

(f) “Clearance Reviewer (CR)” means the independent reviewer and the primary advisor to the CAA for clearance. The CR ensures the CAA has the information needed to make an informed decision. The CR identifies deficiencies, assists in resolution, and advises the CAA as appropriate. When the CR is not from the designated CR office and is selected by the CAA, the CR must be an experienced contracting professional, a Government employee, and must not review their own contract action.

(g) “Clearance Approval Authority (CAA)” means the individual identified at 5301.9001(i)(1) and (2),

unless otherwise directed.

(h) "Clearance Review" means the independent review performed by the designated CR office or as otherwise selected by the CAA.

5301.9001 Policy, Thresholds, and Approvals

(a) The objectives of the business and contract clearance process are to ensure that:

- (1) Contract actions effectively implement approved acquisition strategies;
- (2) Negotiations and contract actions result in fair and reasonable business arrangements;
- (3) Negotiations and contract actions are consistent with laws, regulations, and policies; and
- (4) An independent review and assessment by the clearance authority for the proposed contract action is accomplished.

(b) The CAA must ensure that the clearance process meets the objectives in paragraph (a) above.

(c) The CAA must seek legal advice (see [DAFFARS 5301.602-2\(c\)\(i\)](#)) and ensure that counsel has coordinated on any clearance briefings or presentations, and that counsel's comments are included in the briefing or presentation.

(d) Only one clearance review may be performed prior to the contract action being presented to the CAA. The CR is responsible for the clearance review. The CAA may select an alternate CR who meets the requirements identified in paragraph [DAFFARS 5301.9000\(f\)](#). The CAA, in conjunction with the SCO, has the authority to waive the clearance review.

(e) At the discretion of the CAA, contract clearance is not required when the negotiation team stays within the pre-set negotiation range and the parameters approved at the business clearance.

(f) If a CAA requires clearance for competitive order solicitations or orders when excluded in accordance with [DAFFARS 5301.9000\(b\)\(6\)](#), the SCO must submit a written justification to [cognizant HCA](#) upon execution.

(g) The Source Selection Authority (SSA) must not be the CAA

(h) The Milestone Decision Authority, PEO, or lead program manager must coordinate and/or participate in business clearance briefings.

(i) Contract actions meeting the contract value thresholds established below must not be awarded without obtaining business and contract clearance approval from the CAA (See associated [clearance templates](#)). Contract value is determined by the definition in [FAR 1.108\(c\)](#).

(1) Clearance Approval (See (2) below for SSC clearance approvals):

Unit	Clearance Approval Authority	Clearance Approval Authority	Clearance Approval Authority ≥ \$1B
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Operational	COCO ≤ \$10M	SCO > \$10M to < \$1B	HCA
Enterprise	COCO ≤ \$50M	SCO > \$50M to < \$1B	HCA
PEO (Systems)	COCO ≤ \$100M	SCO > \$100M to < \$1B	HCA

Table 1

- (i) The cognizant HCA is the business clearance approval authority for all contract actions ≥\$1B; and any other contract action identified as special interest by the cognizant HCA regardless of dollar amount. The HCA may delegate clearance authority on a case-by-case basis. The procedures in [MP5301.9001\(i\)\(1\)\(i\)](#) must be followed for clearance when SAF/AQC (DAS(C) or ADAS(C)) is the clearance approval authority. SCOs retain contract clearance approval authority.
- (ii) The CAA is the approval authority for all contract actions as delegated in TABLE 1. The Table 1 thresholds represent the minimum delegation that must be made. SCOs may increase the specified dollar thresholds at their discretion.
- (iii) If a SCO reduces the thresholds or withholds the clearance approval authority from the designees in TABLE 1, the SCO must notify the cognizant HCA. If the SCO reduces or withholds clearance approval authority for more than six months, the SCO must brief the cognizant HCA regarding the circumstances surrounding the decision. regarding the circumstances surrounding the decision.
- (iv) To facilitate planning for clearances that require SAF/AQC approval, SCOs must use the Peer Review and Clearance Forecasting Tool to project upcoming SAF/AQC clearances.
- (v) For PEO and Enterprise contracting, business and contract clearance are required for actions greater than or equal to \$5M.
- (vi) For Operational contracting, business and contract clearance are required for actions greater than or equal to \$3M.
- (vii) SCOs are responsible for ensuring all further delegations of clearance approval authorities are included on the SCO Delegation Letters/Thresholds SharePoint page.
- (viii) When a contracting official is the Source Selection Authority (SSA) for a particular acquisition, the CAA must be a level above the contracting official. If the SCO or their deputy is the SSA, the CAA for that acquisition must be the cognizant HCA.

(2) Clearance when the HCA is SSC/PK Director, SDA Director, or SpRCO Director of Contracting.

- (i) The SCO is the CAA for Non-Operational actions valued at greater than or equal to \$1B and for Operational actions valued at greater than or equal to \$10M. The HCA or SCO may designate an action as Special Interest regardless of dollar value and assign the CAA notwithstanding further delegations below.
- (ii) The COCO is the CAA for Non-Operational actions valued at less than \$1B, and for Operational actions valued at less than \$10M.

(iii) The COCO may further delegate CAA within their portfolio on either a class or individual basis without restriction. The COCO may also set a threshold at which the contracting officer is not required to seek clearance approval.

(iv) The COCO shall report clearance delegations made on a class basis to the [cognizant HCA Workflow](#). SSC COCO class delegations can be found here. Individual delegations must be documented in the contract file.

(v) The CAA shall, in all cases, be distinct from the contracting officer responsible for executing the proposed action.

(vi) When the HCA is SSC/PK Director, follow the procedures at MP5301.9001(i)(2)(vi) when conducting clearance.

Subpart 5301.91 - OMBUDSMAN PROGRAM

5301.9101 Purpose

The purpose of the DAF ombudsman program is to foster communication between Government and industry. The primary function of the ombudsman is to hear concerns about specific issues in acquisitions, to communicate these concerns to senior management personnel responsible for oversight and to assist in the resolution of the concerns. In accordance with 5301.9102(f) below, employees, managers and customers may use the DAF component ombudsman when seeking assistance in resolving procurement integrity issues.

5301.9102 Policy

(a) MAJCOM/DRU/DAFRCO/ Commanders must appoint an experienced senior official who is independent of the contracting officer and program manager as the ombudsman at their organization. For AFMC Centers, an ombudsman is required at each Center, instead of at the MAJCOM. Centers may also have an ombudsman at each Operating Location/Geographically Separated Unit. At FLDCOMs and SDA, the HCA is responsible for the appointment instead of the Commander.

(b) The ombudsman will have the authority to call upon other resources of the activity to assist in resolving acquisition issues or concerns (e.g., administrative support, independent review teams).

(c) Contracting officers must identify the ombudsman in the initial announcement of the acquisition as well as in the draft and final RFP.

(d) The ombudsman must:

(1) Support acquisition personnel in the resolution of issues or concerns raised by interested parties;

(2) Act in a manner that does not compromise the interested party and, if requested, maintain anonymity of the parties;

(3) Avoid any appearance of usurping normal procurement authority (e.g., program manager,

contracting officer, and source selection authority);

(4) Ensure all affected or knowledgeable offices and officials are consulted as part of any resolution process;

(5) Inform the Commander/Director, or PEO, as required, of issues raised and actions taken;

(6) Review complaints relative to multiple-award task order and delivery order contracts awarded under [10 U.S.C. 3403\(d\)\(1\)\(B\)](#) or [3405\(f\)](#) to ensure that all contractors are afforded a fair opportunity to be considered for task orders and delivery orders in excess of the micro-purchase threshold, consistent with the procedures in the contract;

(7) Consistent with security requirements, have access to the appropriate offices and be allowed to collect all facts relevant to the resolution of issues raised by interested parties. Ombudsmen are granted access to proprietary information. Source selection information must be obtained through the source selection authority.

(e) The Ombudsman Program does not replace the agency level protest, GAO bid protest or disputes processes.

(f) The DAF ombudsman is the ADAS(C), who may take action to assist in resolving issues, concerns, disagreements, and recommendations that cannot be resolved at the MAJCOM/FLDCOM/DRU level, or for those having DAF wide implications. The ADAS(C) is the DAF ombudsman for procurement integrity issues (see [OUSD\(AT&L\)/DPAP memo, 1 Oct 09](#)).

(g) Government personnel may use the Ombudsman Program as a way to express concerns about an acquisition.

5301.9103 Solicitation Provision and Contract Clause

Insert a clause substantially the same as the clause at [DAFFARS 5352.201-9101](#), Ombudsman, in all solicitations (including draft solicitations) and contracts.