5301.9000 Definitions

As used in this Subpart-

"Begin negotiations” means, for the purpose of noncompetitive contract actions, startingdiscussions 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.

“Business Clearance” means:

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

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

(c)For Broad Agency Announcements (BAAs) and Commercial Solutions Openings (CSOs) expected to result in a FAR-based award, if the total value of awards under a BAA or CSO is anticipated to be greater than or equal to the clearance threshold, approval to begin negotiations.

(d) For Architect-Engineer Services under FAR 36.6, approval to begin negotiations.

“Clearance Approval Authority (CAA)” meansthe individual identified at 5301.9001(b)(2) and 5301.9001(b)(3), unless otherwise directed. The CAA must be distinct from the contracting officer responsible for the contract action. When a contracting official is the Source Selection Authority (SSA), the CAA must be a level above the contracting official. If the SCO or their deputy is the SSA, the CAA must be the cognizant HCA.

“Clearance Review” means the independent review performed by the designated CR office or asotherwise selected by the CAA.

“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.

“Contract action” means

(a) An action intended to result in award of any contract or modification of any contract.

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

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

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

(2) a provisioned items order (PIO);

(3) an unpriced order under a BPA or FSS contract, including a Governmentwide Acquisition Contract (GWAC); or

(4) a noncompetitive task order or delivery order under a single or multiple award indefinite delivery-type contract.

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

(e) An order issued under Basic Ordering Agreement (BOA).

(f) 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.

(g) A competitive solicitation issued or a competitive order awarded in accordance with FAR 8.4, 13, or 16.5 against an existing Multiple Award Contract (MAC) Indefinite-Delivery Indefinite-Quantity (IDIQ), GWAC, or FSS contract that requires either one or both of the following:

(1) Establishment of specific criteria for the evaluation of proposals and selection of the awardee for the order;

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

(h) Contract actions excluded from business or contract clearances are:

(1) An action that creates a UCA, undefinitized change order, or undefinitized long lead contract.

(2) A modification for the payment of an incentive or award fee that is in accordance with the terms and conditions of the incentive plan or award fee plan.

(3) A funding modification.

(4) An administrative modification.

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

(6) A competitive solicitation issued or a competitive order awarded in accordance with FAR 8.4, 13, or 16.5 against an existing MAC IDIQ, GWAC, or FSS contract that does not 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 IDIQ contract, and/or changes to the existing terms or conditions of the basic IDIQ contract.

“Contract Clearance” means:

(a) For a competitive acquisition conducted without discussions, approval by the CAA for the SSA to make the decision to award.

(b) For a competitive acquisition with discussions –

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

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

(c) For a noncompetitive contract action, approval by the CAA to award the contract action.

(d) For a BAA, approval to award the contract action.

(e) For a FAR 16.5 acquisition included in the definition of contract action above:

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

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

Parent topic: Subpart 5301.90 - CLEARANCE