PART 739—ACQUISITION OF INFORMATION TECHNOLOGY

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; and 3 CFR, 1979 Comp., p. 435.

Source: 89 FR 19758, Mar. 20, 2024, unless otherwise noted.

§ 739.000 Scope of part.

§ 739.001 [Reserved]

§ 739.002 Definitions.

Subpart 739.1—General.

§ 739.106 Contract clauses.

Parent topic: SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

§ 739.000 Scope of part.

This part prescribes acquisition policies and procedures for use in acquiring—

(a) Information technology, as defined in this part, consistent with the Federal Information Technology Acquisition Reform Act (FITARA).

(b) Information and communication technology (ICT), as defined in FAR 2.101.

§ 739.001 [Reserved]

§ 739.002 Definitions.

As used in this part—

Information Technology (IT) means

(1) Any services or equipment, or interconnected system(s) or subsystem(s) of equipment, that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency; where

(2) Such services or equipment are “used by an agency” if used by the agency directly or if used by a contractor under a contract with the agency that requires either use of the services or equipment or requires use of the services or equipment to a significant extent in the performance of a service or

the furnishing of a product.

(3) The term “information technology” includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including provisioned services such as cloud computing and support services that support any point of the lifecycle of the equipment or service), and related resources.

(4) The term “information technology” does not include any equipment that is acquired by a contractor incidental to a contract that does not require use of the equipment.

Subpart 739.1—General.

§ 739.106 Contract clauses.

(a) [Reserved]

(b) Contracting officers must insert the clause at 752.239-70, Information Technology Authorization, in all solicitations and contracts.

(c) Contracting officers must insert the clause at 752.239-71, Information and Communication Technology Accessibility, in solicitations and contracts that include acquisition of information and communication technology (ICT) supplies and/or services for use by Federal employees or members of the public.

(d) Contracting officers must insert the clause at 752.239-72, USAID-Financed Project Websites, in solicitations and contracts fully or partially funded with program funds.