PART 5801 - Federal Acquisition Regulations System

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SUBPART 5801.1 – PURPOSE, AUTHORITY, and ISSUANCE

5801.101 Purpose

The Defense Information Systems Agency (DISA) Acquisition Regulation Supplement (DARS) establishes uniform DISA policies implementing and supplementing the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), Title 10 of the United States Code and other statutory authority, and applicable Department of Defense (DoD) directives and instructions. The DARS is not a “stand alone” document and must be read in conjunction with the preceding guidance.

5801.104 Applicability

The DARS applies to all acquisitions processed or managed by DISA, except where expressly excluded. Policies/procedures of non-DISA mission partners are acceptable as long as they comply with applicable laws and regulations. For example: Requirements office generated documents (e.g., acquisition plans, justifications and approvals) need not be in the DISA format, contain DISA supplemental information, etc.

DARS acquisition and procurement process oversight policies are not applicable to external mission partners.

5801.105-3 Copies

Copies of the DARS and associated acquisition policies and procedures are available electronically via the DISA Acquisition Policy and Guidance web site: https://www.ditco.disa.mil/Hq/AqInfo

5801.108 FAR Conventions

(b) Delegations of certain common procurement authorities are identified throughout the DARS. All delegations of authority can be found in DARS Appendix A, Approval and Delegation Matrix. The DISA level of authority identified in the matrix is the lowest level of delegation.

5801.170 Peer Reviews

(a) *DOD Peer Reviews.*

(1)(i) *Preaward peer reviews for competitive procurements*. Per Class Deviation 2021-O00107 , Defense Pricing and Contracting (DPC) will conduct preaward peer reviews for competitive procurements with an estimated value of $1 billion or more for all procurements under major defense acquisition programs for which the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) is the milestone decision authority. Additionally, preaward peer reviews of competitive procurements will be conducted for procurements designated by USD(A&S) as requiring a peer review, regardless of value. DPC-led peer reviews may be requested for acquisitions valued below the $1 billion threshold and will be conducted upon approval by the Director, Contract Policy. DoD policy for peer reviews was established by the memorandum "Peer Reviews of Contracts for Supplies and Services," dated September 29, 2008, available at https://www.acq.osd.mil/dpap/policy/policyvault/USA000820-08-DPAP.pdf .

(ii) *Preaward peer reviews for noncompetitive procurements.* Per Class Deviation 2021-O0007, Preaward Peer Reviews will be conducted for DISA noncompetitive procurements valued at $1 billion or more or for any other contract action designated by the USD(A&S) as requiring a peer review, regardless of value. DPC-led peer reviews may be requested for contract actions valued below the $1 billion threshold and will be conducted upon approval by the Director, Price, Cost and Finance.

(iii) *Postaward peer reviews for acquisition of services valued at $1 billion or more*. Per Class Deviation 2021-O0007, DPC will not conduct postaward peer reviews for acquisitions of services with a total estimated value greater than $1 billion as required by DFARS 201.170(a)(1)(iii).

(b) Component (DISA) peer reviews (if a DPC Peer Review is not conducted).

(1) *Preaward peer reviews for competitive procurements valued at $500 million or more and noncompetitive procurements valued at $500 million or more but less than $1 billion*. The DISA Contracting Peer Review/Independent Management Review Program establishes policy and procedures for conducting peer reviews of all solicitations with a total estimated contract value (including options) of $500 million or more.

(2) *Preaward peer reviews for procurements valued below $500 million.* CoCOs are encouraged to request inter-DITCO and intra-DITCO pre-solicitation peer reviews below $500M. Inter-DITCO peer reviews will be managed by PS22. Intra-DITCO peer reviews will be managed by the respective CoCO and results will be provided to PS22 (for tracking the conduct of the review and trends).

(3) *Postaward peer reviews of all contracts for services valued at less than $1 billion.*

(S-90) *Independent management reviews for contracts for services valued at $500 million or more*. The DISA Contracting Peer Review/Independent Management Review Program establishes policy and procedures for conducting independent management reviews of all contracts for services with a total estimated contract value (including options) of $500 million or more in accordance with section 808 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181).

(1) *Objective.* The objective of the DISA Contracting Peer Review/Independent Management Review Program is to (1) ensure that contracting officer across the Procurement Services Directorate (PSD) are implementing law, policy and regulations in a consistent and accurate manner; (2) improve the quality of acquisition and contracting processes across DISA; and (3) share best practices and lessons learned. The findings and recommendations of the peer reviews/independent management reviews are advisory in nature, providing supplemental information to the contracting officer regarding acquisition strategy, contract structure, format, content, and compliance. The procedures are established in accordance with Class Deviation 2021-O0007 - Peer Reviews of Acquisitions for

Supplies and Services dated June 25, 2021.

(i) Pre-award Peer Reviews of solicitations shall be conducted for procurements ($500M or above, but less than $1B) prior to issuance of the solicitation (pre-solicitation).

(ii) Independent Management Reviews of contracts for services shall be conducted at the following decision points:

(A) Mid-point of the initial (base) performance period if in excess of three years; and

(B) Prior to exercising the first option period of performance and every other option period thereafter (e.g., OP1, OP3, OP5).

All peer review/independent management review documentation shall be marked as "Source Selection Information – see FAR 2.101 and 3.104".

Table 1-1 Peer Review/Independent Management Review Thresholds

Procurement Type	Dollar Threshold*	Reviewer
Preaward Competitive	≥$500M	DISA
Preaward Competitive under major defense acquisition programs when USD(A&S) is MDA	≥$1B	DPC
Preaward Noncompetitive	≥$1B	DPC
Preaward Noncompetitive	≥$500M to $1B	DISA
Independent management reviews for contracts for services	≥$500M	DISA

*Note: See DARS 5801.170 for additional reviews that may be accomplished under these dollar thresholds.

(S-91) *Peer Review Timelines/Procurement Action Lead Times (PALT).* See DARS PGI.

(S-92) *Waivers.* If critical mission performance circumstances necessitate the request of a waiver, a "Request for Peer Review/Independent Management Review Waiver" can be found at https://dod365.sharepoint-mil.us/sites/disa-PL2/Other/Forms/AllItems.as….

(S-93) *Procedures.* See DARS PGI.

SUBPART 5801.2 – ADMINISTRATION

5801.201-1 The Two Councils

(S-90) All FAR, DFARS, and DARS policy and procedures change requests to include template, checklist, and corporate library shall be requested through the PS21 Policy and Procedures Mailbox, disa.meade.PLD.mbx.pl21-policy-branch@mail.mil. The subject of the email shall provide the FAR, DFARS, or DARS section, Template Name, Checklist Name, or Corporate Library and identify if the change is Critical or Administrative.

5801.201-90 Maintenance of the DARS

The DISA PSD, PS21 Contract Policy Branch, is responsible for maintenance of the DARS, DARS PGI, Deskbooks, Guides, and Templates.

SUBPART 5801.3 – AGENCY ACQUISITION REGULATIONS

5801.301 Policy

The DARS will be numbered in accordance with the method prescribed in DFARS Subpart 201.3 Agency Acquisition Regulations.

5801.304 Agency Control and Compliance Procedures

(a)(ii) To the extent practical all DARS text (whether implemental or supplemental) will be numbered as if it were implemented in accordance with DFARS Subpart 201.303-Publication and Codification. Supplemental numbering will only be used when the text cannot be integrated intelligibly with its FAR or DFARS counterpart. DARS supplements shall parallel the FAR and/or DFARS, with the exception that supplemental sections are numbered using 90 or (S-90). Parts, subparts, sections, or subsections are supplemented by the addition of a number of 90 and up. Lower divisions are supplemented by the addition of a number of (S-90).

(D) The table shown in DFARS Subpart 201.303(D), DFARS Numbering provides an example of the numbering system. Sample Table with DARS Numbering below.

Table 1-2 DARS Numbering

FAR	DFARS Implements FAR As	DFARS Supplements FAR As	DARS Supplements DFARS As
19	219	219.70	5819.70-90
19.5	219.5	219.570	5819.570-90

19.501	219.501	219.501-70	5819.501-90
19.501-1	219.501-1	219.501-1-70	5819.501-1-90
19.501-1(a)	219.501-1(a)	219.501-1(a)(S-70)	5819.501-19(a)(S-90)
19.501-1(a)(1)	219.501-1(a)(1)	219.501-1(a)(1)(S-70)	5819.501-1(a)(1)(S-90)

(S-90) Sections under subparts will be enumerated using FAR or DFAR numbering conventions, depending on whether the FAR or DFAR is being implemented or supplemented.

(S-91) DISA PS21 shall review all DISA acquisition-related procedures (both mandatory and non-mandatory) that impact the Agency prior to implementation. The procedures are generally implemented as DISA Acquisition Templates, Samples, Guides, and Deskbooks and referenced in the appropriate part in the DARS. DISA PS21 facilitates implementation of all DISA Acquisition Documents. DISA procurement and acquisition policy and guidance can be found at https://www.ditco.disa.mil/Hq/AqInfo.

SUBPART 5801.4 – DEVIATIONS FROM THE FAR

5801.403 Individual Deviations

(S-90) Appendix B contains the approved DISA Clause Control Plan and shall be followed for approval of deviations and clauses other than those prescribed in the FAR and DFARS.

SUBPART 5801.5 – AGENCY AND PUBLIC PARTICIPATION

5801.501-2 Individual Deviations

(S-90) Comments on proposed or interim rules published for public comment in the Federal Register shall be submitted through DISA PS21, disa.meade.PLD.mbx.pl21-policy-branch@mail.mil to the Head of the Contracting Activity (HCA).

SUBPART 5801.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5801.602-2 Responsibilities

(d)(S-90) *Policy.* The contracting officer shall designate and manage Contracting Officer's Representatives (CORs) in accordance with the DoD and DISA COR Handbooks located at

https://www.ditco.disa.mil/hq/Cor. The authority to designate CORs shall not be further delegated.

(S-91) The contracting officer must designate the COR in the Joint Appointment Module (JAM) as part of the award process, inserting DISA specific instructions as applicable. The JAM module is located at https://piee.eb.mil/ . Within JAM, a COR may self-nominate or the contracting officer may appoint a COR.

(S-92) The mission partner may indicate on Enclosure 1, Requirements Checklist that a COR appointment is not necessary because it meets the exemption criteria in DFARS PGI 201.602-2(d)(v)(A) (1) and (2). The contracting officer shall review the requirement to confirm the criteria are met. The contracting officer may request additional information to support the exemption, as necessary. Filing Enclosure 1, Requirements Checklist in the contract file meets the requirement in DFARS PGI 201.602-2(d)(v)(A)(3) to document the file in writing.

(S-93) *Contracting Officer* responsibilities:

(1) Electronic Document Management System (EDMS) Tab 52 shall contain a copy of the approved designation letter from the JAM module.

(2) A *Technical Representative* (TR) is distinctly different from a COR. A TR is not authorized to perform contract administration functions and is generally located at a contractor's facility to provide program technical oversight. The program manager (see DARS Part 5807 for definition) appoints the TR. See DFARS 242.74 for TR procedures.

5801.602-3 Ratification of Unauthorized Commitments

(a) Definitions.

Ratifying Official. Ratifying Official as used here means the Senior Procurement Executive, (SPE) or the Head of the Contracting Activity (HCA), as specified in (b)(2) below.

(b)(2) The ratifying official for all DISA unauthorized commitments (UC) of any dollar value and non-DISA UCs valued at or above $1M is the SPE. The ratifying official for all non-DISA UCs valued below $1M is the HCA. Coordination of the ratification request shall flow from the individual that made the unauthorized commitment as follows: 1) Cognizant contracting officer to prepare the Determination and Findings portion of the Ratification Approval Form, 2) General Counsel for a legal opinion, 3) DITCO HCO for review and concurrence and 4) PS22 for review and processing. PS22 will log the complete package into the PS22 Ratification Log, assign a tracking number, review the package to provide any findings or comments to the contracting officer, and coordinate the final package for submission to the ratifying official for approval. The CoCO will notify the HCA when an UC has occurred, to include Center/Directorate/Division and D-Code, individual who committed the UC, dollar value, and the general facts of the UC. The HCA will notify the cognizant Center/Directorate SES(s).

(S-90) For all offices aligned under DISA, to include ADCON offices, the individual who made the UC serves as the Action Officer for the ratification request and prepares the package using the PSD Request for 'Approval of Unauthorized Commitment' form, to include documents specified to be provided to develop a complete record of the UC. If the individual who committed the UC is no longer available for any reason (e.g., left government service, retirement, on extend leave) then the next person in the individual's chain-of-command within the organization is responsible for requesting the ratification, completing the Approval of Unauthorized Commitment form, and

providing all required information and evidence to the Contracting Officer. For external offices, the individual who made the UC serves as the Action Officer for the ratification request and prepares the package or an individual within the chain-of-command.

The Ratification Approval Form and further guidance regarding ratification of unauthorized commitments is located in the DARS PGI 5801.602-3.

(S-91) Timelines for Processing Ratification Packages can be found in DARS PGI 5801.602-3(b)(2)(S-91)

5801.603-1 General

Authority for selection, appointment, and terminate an appointment for contracting officers is

delegated to the DISA Head of the Contracting Activity (HCA).

(S-90) The types of contracting officer appointments are described in Table 1-3:

Table 1-3 Contracting Officer Appointments and Requirements

Type of Appointment	Amount	Training Qualifications	Assessment Requirements	SF 1402 Statement
Communications Management & Control Activity (CMCA)	$25K / $100K	CON 237	None	Contract authority is limited to $25,000 for any contract action for information technology services and equipment in support of the US Secret Service, the Office of the Secretary of Defense, and Office of Special Events. During Presidential Election years, from 1 April through 30 November, this contract authority is increased to $100,000. Termination authority is limited to the amount of contract authority.

Closeout	SAT	CON 1100V	- 1 year experience in contracting.	Contract authority is limited to contract closeout actions up to the Simplified Acquisition Threshold (SAT). No termination authority is granted.
Closeout	Varies up to $25M	DAWIA Contracting Professional Certification	- 2 years experience in contracting. - Passing of 30 question “Contracting Officer Appointment Test”.	Contract authority is limited to contract closeout actions up to $xxx,xxx. No termination authority is granted.
White House Communications Agency (WHCA)	Varies up to $6.5M	DAWIA Contracting Professional Certification	- 2 years experience in contracting. - Passing of 30 question “Contracting Officer Appointment Test”.	Contract authority is limited to $xxx,xxx for any contract action; except, contract authority is $xxx,xxx for orders issued against existing Government contracts or contracts established under FAR Part 8 and Part 16 procedures. No authority to contract for telecommunications services that are usage based, including monthly recurring charges, or are subject to regulatory tariffs is included. Termination authority is limited to the amount of contract authority.

Limited	SAT	CON 1100V	- 1 years experience in contracting. -Passing of 30 question “Contracting Officer Appointment Test”.	Contract authority is limited contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority.
Limited	$1M, $5M, $10M	DAWIA Contracting Professional Certification	- 2 years experience in contracting. - Passing of 30 question “Contracting Officer Appointment Test”.	Contract authority is limited to $xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority.
Limited	$25M, $50M, $100M, $250M, $500M	DAWIA Contracting Professional Certification	- 2 years experience in contracting. - Passing of 50 question “Contracting Officer Appointment Test”.	Contract authority is limited to $xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority.

Unlimited	Unlimited	DAWIA Contracting Professional Certification	- 4 years experience in contracting. - Passing of a “Contracting Officer Appointment Test” (either 30, 40 or 50 questions; if the applicant has never taken the Contracting Officer Appointment Test, the applicant must pass a 50-question test) -Passing a “Contracting Officer Appointment Review Board”.	No limitations.

(S-91) *Waivers.* The HCA may waive warrant requirements on a case-by-case basis.

(S-92) *Type of Assessments.* The types of assessments are described in Table 1-3 and below. It is the responsibility of a candidate’s supervisory chain, CoCO and HCO to ensure a candidate is prepared for each of the three requirements.

Table 1-4 Contracting Officer Assessment Requirements

Type of Assessment	Required For
1. Years Experience in Contracting.	All warrants; see Table 1-2 for exceptions
2. Contracting Officer Appointment Test	All warrants; see Table 1-2 for number of questions and exceptions
3. Contracting Officer Appointment Review Board	Unlimited warrants

(S-93) *Contracting Officer Appointment Procedures*. The procedures for this section can be found at https://dod365.sharepoint-mil.us/sites/disa-PL2/SitePages/Corporate-Library.aspx .

5801.603-1 Ordering Officers

(a) *Definitions.*

Agency/Organization Program Coordinator (A/OPC). The A/OPC is an individual who has responsibility for implementing, maintaining, monitoring, and overseeing GPC program under their cognizance in accordance with governing statute, regulations, policies, and procedures.

(b) Authority to appoint or terminate DISA ordering officers with a purchase card threshold in excess of the micro-purchase threshold is the DISA Agency/Organization Program Coordinator (A/OPC). Prior to appointing the ordering officer in Procurement Integrated Enterprise Environment/Joint Appointment Module (PIEE/JAM), the A/OPC will obtain concurrence from the responsible HCO, whose aligned CoCOs provide contracting support to a DISA mission partner, except as noted in 1.603-1-90(e)(1)(ii).

(1) Ordering officer appointments are limited to DISA personnel;

(2) Ordering officer authority is limited to $25,000 for fixed-price orders against existing contracts (e.g. General Services Administration Federal Supply Schedules, Blanket Purchase Agreements, and FedMall Contracts—excluding FedMall Market Place purchases) established under FAR Part 8 or FAR Part 16 procedures. Orders are to fulfill mission essential requirements for supplies and services and must comply with contract terms and conditions. Open market purchases are limited to the micro-purchase threshold IAW FAR 2.101.

(3) Ordering officer authority shall not be further delegated;Orders placed by ordering officers shall use the Government-wide commercial purchase card (GPC) for method of payment; and

(4) Ordering officers must complete all ordering officer and commercial purchase card training as required in the DISA GPC Deskbook , submit a completed application, and coordinate with organization’s Program Manager to input applicable line of accounting to fund purchases made using the Ordering Officer commercial purchase card as method of payment.

(c) The appointing authority will instruct ordering officers in their Delegation of Procurement Authority

(1) What procedures to use to place orders;

(2) The standards of conduct for DISA personnel prescribed in the Joint Ethics Regulation (DoD 5500.7-R) and the procurement integrity provisions at FAR 3.104;

(3) The preparation and submission of information for contract action reporting purposes; and

(4) The requirement for an annual submission of the OGE 450, Confidential Financial Disclosure Report.

(d) *Surveillance.*

(1) Ordering officers, in excess of the micro-purchase threshold, will be subject to procurement management reviews (PMR) as specified in DARS 5801.9001, as well as reviews conducted by the DISA Purchase Card (A/OPC);

(2) Ordering officers will retain copies of inspection and review findings in the ordering officer files; and,

(3) If the appointing authority finds that an ordering officer is not properly performing assigned

duties or promptly correcting the deficiencies noted in inspections or reviews, the appointing authority will terminate the ordering officer's appointment.

(e) *Termination.* An ordering officer appointment will remain in effect until the ordering officer leaves the position via reassignment or termination, or the appointing authority revokes the appointment in PIEE/JAM, which notifies the ordering officer cardholder in the system.

(f) *Ordering officer appointments.*

(1) The appointing authority will:

(i) Require individuals appointed as ordering officers to acknowledge receipt of their letters of appointment and termination in PIEE/JAM.

(ii) Review ordering officer applications and training certificates and reach out to the responsible HCO and /or CoCO, whose aligned CoCOs provide contracting support to a DISA mission partner, to obtain recommendations if ordering officer thresholds exceed the micro-purchase threshold;

(iii) Designate all DISA micro-purchase GPC cardholders as ordering officers for placing micro-purchase threshold (MPT) fixed-price orders against existing contracts (e.g. General Services Administration Federal Supply Schedules, Blanket Purchase Agreements, and FedMall Contracts—excluding FedMall Market Place purchases); and

(iv) Maintain the file of appointments and justification for the appointments.

5801.604 Contracting Officer's Representative (COR)

(S-90) COR is the only approved functional title for individuals performing the designated duties and responsibilities under this subpart in support of contract management.

Regardless of previous titles used, if an individual is performing the functions of a COR in support of a DISA or non-DISA contract, their appropriate functional title is DISA COR (primary or alternate). Contracting officers shall only use the title COR in their designation letters.

(S-91) All COR questions, issues, and concerns should be sent to the COR email address DISA Ft Meade DITCO Mailbox COR .

(S-92) Procurement Integrated Enterprise Environment (PIEE) and DISA and DoD Handbook

(1) The DISA Requirements Office shall use JAM, within PIEE, for COR appointments

(2) All candidates and active CORs shall use the JAM and the Surveillance and Performance Monitoring (SPM) module available at https://piee.eb.mil/

(3) DoD and DISA COR Handbooks are located at https://www.ditco.disa.mil/hq/cor .

5801.670 Appointment of Property Administrators and Plant Clearance Officers

(a) For all DISA funded requirements, the Agency authority to appoint or terminate (in writing)

property administrators (PA) and plant clearance officers (PLCO), and to designate PAs and PLCOs is delegated to the J4, Facilities and Logistics. For Non-DISA funded requirements, the authority to appoint or terminate (in writing) PAs and PLCOs is delegated to the Contracting Officer.

SUBPART 5801.90 – PROCUREMENT OVERSIGHT

5801.9000 Scope and Definitions

(a) *Definitions.*

Contract Decision Authority (CDA) means the individuals delegated the authority to review and approve contract actions and contract approvals.

Contract Approval means for competitive acquisitions conducted with or without discussions, approval by the Contract Decision Authority (CDA) or Source Selection Authority (SSA) to authorize the contracting officer to award a contract or order.

(b) *Exclusions.*

(1) An extension modification or contract award as a result of a protest.

(2) An order issued against an existing contract, BOA or BPA if:

(i) Prices have been established in the basic indefinite delivery contract, BOA or BPA;

(ii) All other terms and conditions have been established in the basic indefinite delivery contract, BOA or BPA;

(iii) The basic contract, BOA or BPA was reviewed and found legally sufficient; and

(iv) There are no negotiations (i.e., no proposal, formal or informal, is necessary for the order to be issued) involved in the award of the proposed order under the indefinite delivery contract, BOA or BPA.

The order is issued against a single award contract, BOA or BPA.

(4) Inquiries issued in accordance with the Inquiry/Quote/Order (IQO) Acquisition Deskbook . However, Orders issued as a result of the inquiries, are not excluded from the contract review and approval.

(5) Contract actions that solely provide incremental funding, incentive fee funding, award fee funding, or other administrative contract modifications.

(6) Options that were previously established in the basic contract/order and that are exercised in accordance with the established prices and terms and conditions of the contract/order.

(c) *Policy, thresholds, and approvals.*

Procurement actions are subject to various review levels and thresholds as set forth below.

Note: HCOs and CoCOs are accountable for procurement quality. HCOs and CoCOs will establish an

internal review, self-inspection program to review contract files not less than annually to ensure quality standards are maintained for all procurement actions within their respective offices, including simplified acquisitions. The HCO and/or CoCO is responsible for identifying the quality control measures implemented for the DITCO in the Manager's Internal Control Program. The results of the quality inspections will be provided to PS2 for trend analysis, training purposes, and future PMRs.

(1) The objectives of the review and approval process are to ensure that:

(i) Contract actions effectively implement approved acquisition strategies;

(ii) Negotiations and contract actions result in fair and reasonable business arrangements;

(iii) Negotiations and contract actions are consistent with laws, regulations, and policies; and,

(iv) An independent review and assessment for the proposed contract action is accomplished.

(2) Contract actions meeting the contract value thresholds set in DARS PGI 5801.9000(c)(2) shall not be awarded without obtaining the required review approvals.

(d) *General Counsel (GC)/Legal and Policy Compliance Reviews.*

(1) Legal (GC) and Policy Compliance (PS22) reviews shall be obtained prior to submission to the CDA/SSA.

(i) Legal and Policy Compliance review thresholds. PS8 (non-telecommunications): $10M for task orders, $10M for supplies / hardware, and $6.5M for all other procurement actions; PLA, PS5, PS7 and PS8 (telecommunications): $6.5M for all procurement actions. PS6: $10M for Legal reviews, see DARS PGI 5801.9000(d)(5) for compliance reviews. All broad agency announcements (BAA) require legal review.

(ii) Legal and Policy reviews of contracts and task orders using the trade-off evaluation method, regardless of dollar value, are highly encouraged.

(iii) Legal and Policy reviews can be requested by a contracting officer, CoCO, HCO, or HCA at lower dollar thresholds or for special interest procurements.

(2) At a minimum, the contracting officer must review the contract file/documentation prior to requesting a legal and policy compliance review. Also, the contract file must be reviewed at least one level above the contracting officer prior to requesting a Legal and Policy compliance review for contract actions greater than or equal to $50M. The contracting officer may submit the request for Legal and Policy compliance review only after all reviewer comments, if any, are resolved.

(3) Legal and Policy compliance reviews should be requested concurrently. Legal and Policy reviews will be accomplished in four (4) business days. Additional business days may be required to review substantial/numerous documents.

(i) When Legal or Policy reviews indicate non-compliance with laws, regulations or policies (e.g., a Policy Finding or a GC legally insufficient finding), the contracting officer will revise the procurement documents in collaboration with the assigned attorney-advisor and/or procurement analyst. Legal will copy the CoCO on e-mails which notify a contracting officer of legally insufficient findings, and Policy will copy the CoCO on e-mails which notify a contracting officer of compliance review Findings. A procurement document shall not be released until legally insufficient or

compliance review Findings are adjudicated.

(ii) While changes are expected to be professionally resolved at the lowest possible level, disagreements may be elevated above the contracting officer, through Section and Branch Chiefs to the CoCO, the HCO, and ultimately to the HCA. Legal issues may be elevated to the Deputy General Counsel (Acquisition & Procurement).

(4) Policy compliance (PS22) reviews --

(i) Requests for Policy compliance review shall be sent via email to the " DISA Ft Meade PLD Mailbox PL22 Policy Compliance Review " group mailbox. The following standard subject line format shall be used: "[insert Office Code (i.e., PSX)], [insert "Pre-Solicitation", "Pre-Award" or "Post-Award," as appropriate] Policy Compliance Review Request, [insert solicitation, contract/modification, or order/modification number]." Urgent requests for review must also include "Expedite" in the subject line and shall be forwarded to the PS22 group mailbox by the CoCO. Pertinent information needed to assist the PS22 Policy compliance reviewers should be included in the body of the e-mail. For example, provide the EDMS folder ID number*, document identifier/description, indicate if a policy compliance review was accomplished at a previous stage of the procurement (and if so, the solicitation number), provide the estimated dollar value of the procurement, etc. See Table 1-5 for a list of required documents**.** Documents may be submitted as attachments to the email if not available in EDMS.

*Note: The EDMS folder identifier must be included.

(ii) In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining a PS22 Policy compliance review as required by the DARS, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the official contract file. Prior to requesting a waiver, the Contracting Officer shall consider a targeted review of critical documents or portion of the contract file.

(iii) Each Policy review comment will be listed under one of the following categories: Observation, Finding, Recommendation, or Commendation. Below are the definitions of each category:

(A) Observation: Comments and input on issues identified by the PS22 Analyst that do not meet the definition of a Finding or do not warrant being documented as a Finding yet may need correction. Observations may be accompanied by an actionable Recommendation. Examples include process improvements, apparent oversights in supporting documentations or the contents of the contract file, administrative errors related to grammar, punctuation, style, etc.

(B) Finding: Specific actions that contradict statutory, regulatory, or policy requirements, causing the procurement to be deemed non-compliant with the FAR, DFARS, DARS, or DISA prescribed policy or procedure. Findings shall include a cited reference and the Finding shall be resolved prior to release of any related procurement documents. The compliance review issued by PS22 documenting the Finding and the documented disposition by the Contracting Officer shall be filed in the contract file.

(C) Recommendation: Tangible action proposed by the Analyst to rectify a Finding identified by the compliance review by either: (1) adjudicating the Finding in accordance with statute, regulation, or policy or (2) establishing internal procedures to mitigate the likelihood of reoccurring deficiencies if elimination of the Finding is not possible or practical.

(D) Commendation: Validated procedures, actions or examples with supportable documentation which can generally been accepted as superior to other alternatives, or "standards" over-and-above

what is merely required.

(5) PS6 Reviews see DARS PGI 5801.9000(d)(5).

(6) Legal (GC) reviews ---

(i) Definitions.

Legally Sufficient. Complies with the applicable laws, regulations and policy.

Legally Insufficient. Does not comply with the applicable laws, regulations and policy. Generally, these will be accompanied by specific findings and potential alternatives to correct legal deficiencies.

In addition, Legal may also express its business opinion/advice in support of its reviews beyond the base legal sufficiency determinations above, to include advice on legal and business risks relative to the best interests of the Agency. These opinions constitute advice for consideration of the DISA acquisition team in which the GC is a partner.

(ii) Legal review comments or a statement that the procurement document has been reviewed and found to be legally sufficient shall be placed in the contract file. The contracting officer is responsible for assuring that all legal comments are adjudicated.

(iii) In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining a required legal review, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the contract file. The CoCO shall request an emergency/or quick turn-around legal review prior to approving a waiver. Legal will not review solicitations and contract award actions that have been waived (i.e., after-the-fact reviews).

(iv) DITCO-Pacific (PS7), DITCO-Scott Telecommunications Contracting Division (PS82), DITCO-Scott IT Contracting Division (PS83), and DITCO-Scott Emerging Technology, Special Interest Contracts, and Pricing Division (PS84) shall obtain legal reviews from legal counsel located at DITCO-Scott. DITCO-National Capital Region (PS6), DITCO-Europe (PS5), Defense Capabilities Contracting Office (PLA), and WHCA shall obtain legal reviews from legal counsel located at DITCO-NCR.

(v) Requests for legal review from legal counsel shall be sent via email to the " DISA Scott AFB DITCO Mailbox Legal Office " group mailbox. The following standard subject line format shall be used: "[insert Office Code (i.e., PSX)], [insert "Pre-Solicitation", "Pre-Award Contract Approval" or "Contract Approval" as appropriate] Legal Review Request, [insert solicitation, contract/modification, or order/modification number]." The contracting officer or specialist shall provide legal counsel with all documents necessary to complete the review.

Table 1-5 Minimum Documentation to Attach to Review Requests

(The minimum documentation required for reviews)

Type of Review	Decision Point	Non-Competitive	Competitive FAR Parts 12, 13 and 15	Competitive FAR Subparts 8.4 and 16.5

Pre-Solicitation	Prior to Release of Solicitation	All Pre-Solicitation Documents including then Solicitation	All Pre-Solicitation Documents including the Solicitation	All Pre-Solicitation Documents including the Solicitation
	Pre-Negotiation	Sole Source PNMs	Not Applicable	Not Applicable
Contract Approval	Prior to Award	Contract, Order and Sole Source PNM RFP and Evaluation Documents (Legal Only)	All Pre-Award Documentation including Contract, PNM, Source Selection Decision Document, Best Value Trade- off or LPTA Evaluation Summary (e.g., Selection Recommendation Document), RFP, and Draft Notification to Unsuccessful Offerors	All Pre-Award Documentation including Order, PNM, Best Value Trade-off or LPTA Evaluation Summary (e.g., Selection Recommendation Document), RFQ, and Draft Notification to Unsuccessful Offerors

(7) Classified procurement oversight. Classified procurements are not exempt from compliance reviews. The Chief, Contract Operations Branch (PS22) shall be contacted to coordinate compliance reviews. The contracting officer shall ensure contract documents are redacted**,** as necessary.

5801.9001 Procurement Management Reviews (PMR) and Special Interest Reviews

(a) Chief, Contract Operations Branch (PS22) will establish and maintain DISA's Procurement Management Review (PMR) program, conduct Special Interest Reviews, and assist the Agency with other reviews as appropriate. PMRs assist the Head of the Contracting Activity (HCA) and the DISA Senior Procurement Executive, in evaluating DISA's procurement processes, including the DISA Purchase Card Program. PMRs also assist the CoCO and the HCO to improve the operational efficiency and effectiveness of their contracting organizations. This is accomplished through the assessment of internal management controls and acquisition policies and procedures. Additionally, the results of the PMRs are used to assess the Agency's ability to sustain external scrutiny such as DoD Inspector General (DoDIG) Audits, General Accountability Office (GAO) Audits, external PMRs, and other independent reviews.

(b)(i) PMRs are conducted at the four Defense Information Technology Contracting Organizations (DITCO):

(1) DITCO-National Capital Region (NCR)

(2) DITCO-Europe

(3) DITCO-Pacific

(4) DITCO-Scott

(ii) Contract Management Reviews (CMR) are conducted at two external organizations:

(1) WHCA (White House Communications Agency)

(2) CMCA (Communications Management and Control Activity)

(c) PMRs and CMRs will be conducted IAW the PSD PMR Standard Operating Procedure. The HCA is the final decision authority for PMR/CMR observations, findings and recommendations.

(d) Special Interest Reviews are conducted at the request of the HCA or the SPE. These reviews assess specific aspects of the procurement process and/or operations, as requested.

5801.9002 Contract Document Approval Signature Routing Procedures

Procedures are located in DARS PGI 5801.9002.