PART 5817 - SPECIAL CONTRACTING METHODS

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5817.000 Definitions

Bridge Contract is a short-term sole-source contract awarded generally to the incumbent contractor to continue critical services when a follow-on competitive contract action could not be completed in a timely manner. It provides needed services until the program and contracting offices can establish a new competitive contract. The SPE Bridge Decision Briefing, located in DARS PGI 5817.000, is not required for non-DISA contract actions nor is it required for bridge contracts made necessary by GAO or Agency-level protests. Although a bridge may not require a decision brief, it still must be added onto the Bridge Report .

SUBPART 5817.1 – MULTI-YEAR CONTRACTS

5817.104 General

(b) For multi-year contracts, the Head of the Contracting Activity (HCA) may authorize modification of the requirements of this subpart and the clause at FAR 52.217-2, Cancellation Under Multi-Year Contracts.

5817.106-3 Special Procedures Applicable to DoD, NASA, and the Coast Guard

(e) The HCA may approve recurring costs in cancellation ceilings for multi-year contracts.

SUBPART 5817.2 – OPTIONS

5817.202-90 Use of Surge Options

(a) Definition. Optional CLIN that can be exercised unilaterally for an increase in quantity of support for the task areas previously defined in the PWS/SOO/SOW.

(b) General.

(1) When surge is contemplated, the contracting officer shall prepare a determination for the surge amount prior to releasing the RFP or RFQ. The determination can be added to the Determination for Use of Options template.

(i) Approval up to 50% is the contracting officer.

(ii) Approval 50% and over is the CoCO.

(2) The surge CLIN shall be numbered as 9999 with a contract type of cost reimbursement not- to-exceed. The following language may be used as the description for CLIN 9999:

“Optional surge support in accordance with DITCO Special Contract Requirement H6 – OPTION TO EXERCISE SURGE SUPPORT AND/OR OPTIONAL TASKS/LINE ITEMS.”

(3) The surge option should be exercised unilaterally to the maximum extent possible; however, can be exercised bilaterally if negotiations are required.

(4) The amount of any new CLIN or amount added to an existing CLIN that implements surge will be equal to the decrement of the not-to-exceed amount of CLIN 9999. Description for the surge CLIN should state “Surge of Task Area # with a period of performance from

to .”.

5817.206 Evaluation

(S-90) The price for exercising 52.217-8, Option to Extend Services, (not to exceed six (6) months) will be evaluated as part of the total price of a proposal. See DARS PGI 5817.206 (S-90) for procedures.

5817.207 Exercise of Options

(S-90) For current contracts that include FAR Clause 52.217-8, Option to Extend Services, and the option was evaluated prior to award, the contracting officer shall prepare a determination and findings document in accordance with FAR Subpart 17.207 Exercise of options prior to exercising the option.

(S-91) The approval authority for DISA mission partner requests to exercise 52.217-8, Option to Extend Services, is the HCA. The approval authority for non-DISA mission partner requests to exercise 52.217-8, Option to Extend Services, is the HCO.

SUBPART 5817.5 – INTERAGENCY ACQUISITIONS

5817.501 General

(S-90) DITCO is the organic contracting activity of DISA. If DITCO can procure the requirement, the Program Management Office shall work with DITCO contracting office to issue a general terms and conditions (GT&C) agreement, unambiguous to the requesting and servicing agency. Prior to funds certification, the servicing agency and the requesting agency shall both sign a written interagency agreement that establishes the GT&Cs governing the relationship between the parties. DISA, as a requesting agency, may use an external (non-DITCO) contracting agency. An approved determination and findings (D&F) for an Interagency Assisted Acquisition, located at https://www.ditco.disa.mil/Contracts/AcquisitionAgreements , is required prior to submitting a requirements package to an external contracting office.

(S-91) Further guidance on how to conduct interagency acquisitions can be found in DARS PGI 5817.5.

5817.502-1 General

(a) (S-90) An unclassified interagency agreement is required for all DITCO contracts and shall be completed within the Bureau of Fiscal Service of the U.S. Treasury's Department's system, G-Invoicing. The interagency agreement process within the G-Invoicing system consists of the following FS Form 7600 documents:

(1) 7600A; an agreement establishing the GT&Cs

(2) 7600B; the order and funding information. The order must be part of the scope of the executed 7600A. Prior to certification of an order, a fully executed agreement must be documented.

Classified agreements are exempt from G-Invoicing requirements.

5817.503 Ordering Procedures

Table 17-1 DISA/DITCO's Approval Authority Interagency Assisted Acquisitions

Regulatory Authority	Agreement Type	Approval
FAR & DFARS	One contract award or multiple contract actions under one contract vehicle	Contracting Officer (KO) (up to warrant amount)
FAR & DFARS	Multiple contract awards against multiple contract vehicles and/or methods within one contracting office	Chief of Contracting Office (CoCO)
FAR & DFARS	Multiple contract awards against multiple contract vehicles and/or methods within multiple contracting offices	Vice Procurement Services Executive

Table 17-2 DISA Coordination and Approval Authority for Determination and Findings (D&F) for Assisted Acquisitions

Regulatory Authority	Dollar Threshold	Concurrence	Approval
FAR & DFARS	Exceeding the micro-purchase threshold to $50M	Requirements Official	Chief of Contracting Office (CoCO)
FAR & DFARS	Exceeding $50M	1) Director of the Requirements Office 2) CoCO	Head of Contracting Office (HCO)

SUBPART 5817.7 – INTERAGENCY ACQUISITIONS: ACQUISITIONS BY NONDEFENSE AGENCIES ON BEHALF OF THE DEPARTMENT OF DEFENSE

5817.770 Procedures

(S-90) The factors in DFARS 217.770(a) are considered in the market research and/or the Acquisition Strategy and Acquisition Plan process.

SUBPART 5817.74 – UNDEFINITIZED CONTRACT ACTIONS

5817.7402 Exceptions

(a) The following Undefinitized Contract Actions (UCA) are not subject to this subpart.

(1) Telecommunications contract actions at or below the simplified acquisition threshold for:

(i) Temporary circuits associated with presidential travel or in support of the US Secret Service, the Office of the Secretary of Defense, and Office of Special Events ordered via the Basic Agreements; and,

(ii) CLINs associated with travel on the White House Communications Agency Travel Contract,

5817.7404 Authorization

(S-90) The contracting officer shall obtain approval from the HCA before entering into an UCA or modifying the scope of an UCA when performance has already begun. The Request for HCA approval of a UCA is located in DARS PGI 5817.7404-1(S-90) and must be maintained in the contract file.

5817.7404-3 Definitization Schedule

(a) The definitization schedule shall contain, at a minimum: The due date for the qualifying proposal, date negotiations begin, and target date for definitization.

(S-90) *Calendars*. To assist in tracking the timely definitization of UCAs, the KO shall send an email with the target definitization date to the Chief of PS21 and to the PSD Front Office (with copy to the CoCO) to annotate the date on the PS21 and HCA's calendar.

(b)(S-90) *Timely Qualifying Proposal*. If the qualifying proposal is not received by the date specified in the definitization schedule, the KO shall coordinate with the CoCO and HCO to notify the HCA (by email) providing the following information:

Reasons qualifying proposal was not received;

Steps that will be taken to obtain qualifying proposal within 60 days or less; and,

Whether or not payments will be withheld.

5817.7405 Plans and Reports

(S-90) *Processing.* The PS2 Contract Policy & Operations Division will track the processing of UCAs from providing a UCA Tracking Number to reviewing the final negotiated agreement, at all dollar values. UCAs valued at greater than $5M will be reported to the Director, Defense Pricing and Contracting (see DFARS 217.7405 & DFARS PGI 217.7405) in accordance with the DISA Consolidated UCA Management Plan. Contract data shall be maintained in the format required by the spreadsheet referenced in DFARS PGI 217.7405(2)(ii). PS2 will track approval of the UCA by the HCA, and upon approval, retain a copy of the approved UCA Request for Approval and the UCA D&Fs to complete the bi-annual report.

(S-91) *Review.* The contracting officer shall obtain a review of the proposed profit/fee from PS842, Cost and Pricing Branch . A UCA Tracking Number shall be obtained from PS21, Contract Policy Branch . A compliance review of the final negotiated agreement shall be obtained from the PS22, Contract Operations Branch prior to definitization.

(S-92) *Management Plan (D&F).* All UCAs are required to adhere to the 'Consolidated UCA Management Plan' required by DFARS PGI 217.7405(2)(i). Before entering into any UCA, Contracting Officers shall obtain HCA approval (see DARS 5817.7404-1). Prior to definitization, Contracting Officers shall satisfy the requirements of the UCA Management Plan by executing a D&F for HCA approval, (which shall be maintained in the contract file. The D&F template is located in DARS PGI 5817.7405(S-91).

SUBPART 5817.91 – PRODUCT LOAN AGREEMENTS

5817.9100 General

Product Loan Agreement is a convenient vehicle for the Government to test and evaluate commercial and developmental items for a specified period of time. The Agreement allows the Government to use the product(s) on a no-cost basis for demonstration, testing, and assessing various product(s) in the marketplace.

5817.9101 Policy

(a) The cognizant requirements office develops and initiates the Product Loan Agreement (PLA) using the instructions and automated application available at: https://cmis.disa.mil/facilities/vendorloan/vendorloan.cfm .

(b) The contracting officer is the only individual authorized to enter into, administer, and terminate Product Loan Agreements on behalf of the Government. Unauthorized signatures on Product Loan Agreements may result in Anti-Deficiency Act violations.