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Parent topic: Federal Acquisition Regulation

1.000 Scope of part.

This part sets forth basic policies and general information about the Federal *Acquisition* Regulations System including purpose, authority, applicability, issuance, arrangement, numbering, dissemination, implementation, supplementation, maintenance, administration, and deviation. subparts 1.2,1.3, and 1.4 prescribe administrative procedures for maintaining the FAR System.

Subpart 1.1 - Purpose, Authority, Issuance

1.101 Purpose.

The Federal *Acquisition* Regulations System is established for the codification and publication of uniform policies and procedures for *acquisition* by all *executive agencies*. The Federal *Acquisition* Regulations System consists of the Federal *Acquisition* Regulation (FAR), which is the primary document, and agency *acquisition* regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2).

1.102 Statement of guiding principles for the Federal Acquisition System.

(a) The vision for the Federal *Acquisition* System is to deliver on a timely basis the *best value* product or service to the customer, while maintaining the public’s trust and fulfilling public policy objectives. Participants in the *acquisition* process *should* work together as a team and *should* be

empowered to make decisions within their area of responsibility.

(b) The Federal *Acquisition* System will-

(1) Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service by, for example-

(i) Maximizing the use of *commercial products* and *commercial services*;

(ii) Using contractors who have a track record of successful *past performance* or who demonstrate a current superior ability to perform; and

(iii) Promoting competition;

(2) Minimize administrative operating costs;

(3) Conduct business with integrity, fairness, and openness; and

(4) Fulfill public policy objectives.

(c) The *Acquisition* Team consists of all participants in Government *acquisition* including not only representatives of the technical, supply, and *procurement* communities but also the customers they serve, and the contractors who provide the *products* and services.

(d) The role of each member of the *Acquisition* Team is to exercise personal initiative and sound business judgment in providing the *best value* product or service to meet the customer's needs. In exercising initiative, Government members of the *Acquisition* Team *may* assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, that the strategy, practice, policy or procedure is a permissible exercise of authority.

1.102-1 Discussion.

(a) *Introduction.* The statement of Guiding Principles for the Federal *Acquisition* System (System) represents a concise statement designed to be user-friendly for all participants in Government *acquisition*. The following discussion of the principles is provided in order to illuminate the meaning of the terms and phrases used. The framework for the System includes the Guiding Principles for the System and the supporting policies and procedures in the FAR.

(b) *Vision*. All participants in the System are responsible for making *acquisition* decisions that deliver the *best value* product or service to the customer. *Best value must* be viewed from a broad perspective and is achieved by balancing the many competing interests in the System. The result is a system which works better and costs less.

1.102-2 Performance standards.

(a) Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service.

(1) The principal customers for the product or service provided by the System are the users and line

managers, acting on behalf of the American taxpayer.

(2) The System *must* be responsive and adaptive to customer needs, concerns, and feedback. Implementation of *acquisition* policies and procedures, as well as consideration of timeliness, quality, and cost throughout the process, *must* take into account the perspective of the user of the product or service.

(3) When selecting contractors to provide *products* or perform services, the Government will use contractors who have a track record of successful *past performance* or who demonstrate a current superior ability to perform.

(4) The Government *must* not hesitate to communicate with industry as early as possible in the *acquisition* cycle to help the Government determine the capabilities available in the marketplace. Government *acquisition* personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry (e.g., see 10.002 and 15.201), so long as those exchanges are consistent with existing laws and regulations, and do not promote an unfair competitive advantage to particular firms.

(5) The Government will maximize its use of *commercial products* and *commercial services* in meeting Government requirements.

(6) It is the policy of the System to promote competition in the *acquisition* process.

(7) The System *must* perform in a timely, high quality, and cost-effective manner.

(8) All members of the Team are required to employ planning as an integral part of the overall process of acquiring *products* or services. Although advance planning is required, each member of the Team *must* be flexible in order to accommodate changing or unforeseen mission needs. Planning is a tool for the accomplishment of tasks, and application of its discipline *should* be commensurate with the size and nature of a given task.

(b) Minimize administrative operating costs.

(1) In order to ensure that maximum efficiency is obtained, rules, regulations, and policies *should* be promulgated only when their benefits clearly exceed the costs of their development, implementation, administration, and enforcement. This applies to internal administrative processes, including reviews, and to rules and procedures applied to the contractor community.

(2) The System *must* provide uniformity where it contributes to efficiency or where fairness or predictability is essential. The System *should* also, however, encourage innovation, and local adaptation where uniformity is not essential.

(c) Conduct business with integrity, fairness, and openness.

(1) An essential consideration in every aspect of the System is maintaining the public’s trust. Not only *must* the System have integrity, but the actions of each member of the Team *must* reflect integrity, fairness, and openness. The foundation of integrity within the System is a competent, experienced, and well-trained, professional workforce. Accordingly, each member of the Team is responsible and accountable for the wise use of public resources as well as acting in a manner which maintains the public’s trust. Fairness and openness require open communication among team members, internal and external customers, and the public.

(2) To achieve efficient operations, the System *must* shift its focus from "risk avoidance" to one of "risk management." The cost to the taxpayer of attempting to eliminate all risk is prohibitive. The Executive Branch will accept and manage the risk associated with empowering local *procurement* officials to take independent action based on their professional judgment.

(3) The Government *shall* exercise discretion, use sound business judgment, and comply with applicable laws and regulations in dealing with contractors and prospective contractors. All contractors and prospective contractors *shall* be treated fairly and impartially but need not be treated the same.

(d) *Fulfill public policy objectives*. The System *must* support the attainment of public policy goals adopted by the Congress and the President. In attaining these goals, and in its overall operations, the process *shall* ensure the efficient use of public resources.

1.102-3 Evaluating agency acquisition processes.

(a)Agencies are encouraged to develop internal procedures seeking voluntary feedback from interested parties in an *acquisition* to assess process strengths and weaknesses and improve effectiveness and efficiency of the *acquisition* process. Agencies *may*—

(1)Utilize a variety of feedback mechanisms available to the public (*e.g.*, surveys, in-person, and/or group exchanges);

(2)Utilize the core preaward and debriefing survey questions at https://www.acquisition.gov/360; and

(3)Seek additional feedback on targeted aspects of an *acquisition* throughout its lifecycle (*e.g.*, performance standards at 1.102-2 or postaward contract administration responsibilities at 42.302).

(b)*Contracting officers* are encouraged to insert the provision 52.201-1, *Acquisition* 360: Voluntary Survey, in accordance with agency procedures.

(c)*Contracting officers shall* not review information until after contract award and *shall* not consider it in the award decision.

1.102-4 Acquisition Team.

The purpose of defining the Federal *Acquisition* Team (Team) in the Guiding Principles is to ensure that participants in the System are identified beginning with the customer and ending with the contractor of the product or service. By identifying the team members in this manner, teamwork, unity of purpose, and open communication among the members of the Team in sharing the vision and achieving the goal of the System are encouraged. Individual team members will participate in the *acquisition* process at the appropriate time.

1.102-5 Role of the Acquisition Team.

(a) Government members of the Team *must* be empowered to make *acquisition* decisions within their areas of responsibility, including selection, negotiation, and administration of contracts consistent

with the Guiding Principles. In particular, the *contracting officer must* have the authority to the maximum extent practicable and consistent with law, to determine the application of rules, regulations, and policies, on a specific contract.

(b) The authority to make decisions and the accountability for the decisions made will be delegated to the lowest level within the System, consistent with law.

(c) The Team *must* be prepared to perform the functions and duties assigned. The Government is committed to provide training, professional development, and other resources necessary for maintaining and improving the knowledge, skills, and abilities for all Government participants on the Team, both with regard to their particular area of responsibility within the System, and their respective role as a team member. The contractor community is encouraged to do likewise.

(d) The System will foster cooperative relationships between the Government and its contractors consistent with its overriding responsibility to the taxpayers.

(e) The FAR outlines *procurement* policies and procedures that are used by members of the *Acquisition* Team. If a policy or procedure, or a particular strategy or practice, is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, Government members of the Team *should* not assume it is prohibited. Rather, absence of direction *should* be interpreted as permitting the Team to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority. *Contracting officers should* take the lead in encouraging business process innovations and ensuring that business decisions are sound.

1.103 Authority.

(a) The development of the FAR System is in accordance with the requirements of 41 U.S.C. chapter 13, *Acquisition* Councils.

(b) The FAR is prepared, issued, and maintained, and the FAR System is prescribed jointly by the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, under their several statutory authorities.

1.104 Applicability.

The FAR applies to all *acquisitions* as defined in part 2 of the FAR, except where expressly excluded.

1.105 Issuance.

1.105-1 Publication and code arrangement.

(a) The FAR is published in—

(1) The daily issue of the *Federal Register*;

(2) Cumulated form in the *Code of Federal Regulations* (CFR); and

(3) A separate edition available at https://www.acquisition.gov/browse/index/far.

(b) The FAR is issued as Chapter 1 of Title 48, CFR. Subsequent chapters are reserved for agency *acquisition* regulations that implement or supplement the FAR (see subpart 1.3). The CFR Staff will assign chapter numbers to *requesting agencies*.

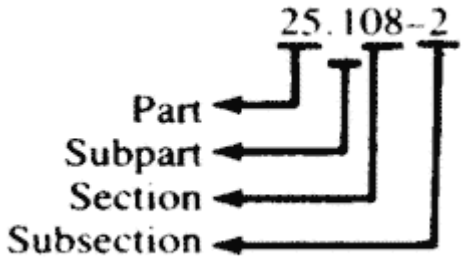
(c) Each numbered unit or *segment* (*e.g.,* part, subpart, section, etc.) of an agency *acquisition* regulation that is codified in the CFR *shall* begin with the chapter number. However, the chapter number assigned to the FAR will not be included in the numbered units or *segments* of the FAR.

1.105-2 Arrangement of regulations.

(a) *General.* The FAR is divided into subchapters, parts (each of which covers a separate aspect of *acquisition*), subparts, sections, and subsections.

(b) Numbering.

(1) The numbering system permits the discrete identification of every FAR paragraph. The digits to the left of the decimal point represent the part number. The numbers to the right of the decimal point and to the left of the dash represent, in order, the subpart (one or two digits), and the section (two digits). The number to the right of the dash represents the subsection. Subdivisions *may* be used at the section and subsection level to identify individual paragraphs. The following example illustrates the make-up of a FAR number citation (note that subchapters are not used with citations):



(2) Subdivisions below the section or subsection level consist of parenthetical alpha numerics using the following sequence:

(a)(1)(i)(A)(*1*)(*i*)

(c) References and citations.

(1) Unless otherwise stated, cross-references indicate parts, subparts, sections, subsections, paragraphs, subparagraphs, or subdivisions of this regulation.

(2) This regulation *may* be referred to as the Federal *Acquisition* Regulation or the FAR.

(3) Using the FAR coverage at 9.106-4(d) as a typical illustration, reference to the–

(i) Part would be "FAR part 9" outside the FAR and "part 9" within the FAR.

(ii) Subpart would be "FAR subpart 9.1" outside the FAR and "subpart 9.1" within the FAR.

(iii) Section would be "FAR 9.106" outside the FAR and "9.106" within the FAR.

(iv) Subsection would be "FAR 9.106-4" outside the FAR and "9.106-4" within the FAR.

(v) Paragraph would be "FAR 9.106-4(d)" outside the FAR and "9.106-4(d)" within the FAR.

(4) Citations of authority (*e.g.,* statutes or Executive orders) in the FAR *shall* follow the *Federal Register* form guides.

1.105-3 Copies.

Copies of the FAR in CFR form *may* be purchased from the Bookstore of the Government Publishing Office (GPO), Washington, DC 20402.

1.106 OMB approval under the Paperwork Reduction Act.

The Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) imposes a requirement on *Federal agencies* to obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more members of the public. The information collection and recordkeeping requirements contained in this regulation have been approved by the OMB. The following OMB control numbers apply:

FAR *segment*	OMB Control Number
14.205	9000-0037
15.201(c)	9000-0037
15.305(a)(2)(ii)	9000-0142
15.407-2(e)	9000-0048
19.301	9000-0163
22.8	1250-0003
22.14	1250-0005
22.16	1245-0004

FAR *segment*	OMB Control Number
31.205-46	9000-0079
32.408(b)	9000-0073
33.2	9000-0035
36.213-2	9000-0037
42.1203(a)	9000-0076
42.1204(e) and (f)	9000-0076
42.1205(a)	9000-0076
42.1503(d)	9000-0142
47.303	9000-0061
Subpart 49.6 - Contract Termination Forms and Formats	9000-0012
50.103-3	9000-0029
50.103-4	9000-0029
50.104-3	9000-0029
51.202	9000-0032
51.203	9000-0032
52.201-1	9000-0204
52.203-2	9000-0018
52.203-7	9000-0018
52.203-13	9000-0018

FAR *segment*	OMB Control Number
52.203-16	9000-0018
52.204-3	9000-0189
52.204-6	9000-0189
52.204-7	9000-0189
52.204-10(d)(2) and (3)	3090-0292
52.204-12	9000-0189
52.204-13	9000-0189
52.204-14	9000-0189
52.204-15	9000-0189
52.204-20	9000-0189
52.204-23	9000-0189
52.204-24	9000-0199
52.204-25	9000-0199
52.204-26	9000-0199
52.204-29	9000-0205
52.204-30	9000-0205
52.207-3	9000-0082
52.207-4	9000-0082
52.209-1	9000-0198

FAR *segment*	OMB Control Number
52.209-2	9000-0198
52.209-5	9000-0198
52.209-6	9000-0198
52.209-7	9000-0198
52.209-9	9000-0198
52.209-10	9000-0198
52.209-11	9000-0198
52.209-12	9000-0198
52.209-13	9000-0198
52.211-7	9000-0153
52.211-8	9000-0153
52.211-9	9000-0153
52.212-1(10)	9000-0142
52.212-1(j)	9000-0189
52.212-3(b)	9000-0189
52.212-3(b)(2)	9000-0136
52.212-3(h)	9000-0198
52.212-3(l)	9000-0189
52.212-3(n)	9000-0198

FAR *segment*	OMB Control Number
52.212-3(q)	9000-0198
52.212-5(d)	9000-0034
52.214-14	9000-0047
52.214-26	9000-0034
52.214-28	9000-0013
52.215-1(c)(2)(iv)	9000-0048
52.215-2	9000-0034
52.215-6	9000-0047
52.215-9	9000-0048
52.215-12	9000-0013
52.215-13	9000-0013
52.215-14	9000-0048
52.215-19	9000-0048
52.215-20	9000-0013
52.215-21	9000-0013
52.215-22	9000-0048
52.215-23	9000-0048
52.216-2	9000-0067
52.216-3	9000-0067

FAR *segment*	OMB Control Number
52.216-4	9000-0067
52.216-5	9000-0067
52.216-6	9000-0067
52.216-7	9000-0069
52.216-15	9000-0069
52.216-16	9000-0067
52.216-17	9000-0067
52.219-9	9000-0007
52.219-28	9000-0163
52.219-29	3245-0374
52.219-30	3245-0374
52.222-2	9000-0066
52.222-4	1235-0023
52.222-6	1235-0023 and 9000-0066
52.222-8	1235-0008 and 1235-0018
52.222-11	9000-0066
52.222-18	9000-0066
52.222-21	1250-0003
52.222-22	1250-0003

FAR *segment*	OMB Control Number
52.222-23	1250-0003
52.222-25	1250-0003
52.222-26	1250-0001 and 1250-0003
52.222-27	1250-0003
52.222-32	9000-0154
52.222-33	9000-0066
52.222-34	9000-0066
52.222-35	1250-0004
52.222-36	1250-0005
52.222-37	1250-0004
52.222-38	1293-0005
52.222-40	1245-0004
52.222-41	1235-0007 and 1235-0018
52.222-46	9000-0066
52.222-50	9000-0188
52.222-54	1615-0092
52.222-55	1235-0018
52.222-56	9000-0188
52.222-62	1235-0018, 1235-0021 and 1235-0029

FAR *segment*	OMB Control Number
52.223-2	9000-0107
52.223-5	9000-0107
52.223-7	9000-0107
52.223-9	9000-0107
52.223-11	9000-0107
52.223-12	9000-0107
52.223-22	9000-0107
52.224-3	9000-0182
52.225-2	9000-0024
52.225-4	9000-0024
52.225-6	9000-0024
52.225-8	9000-0024
52.225-9	9000-0024
52.225-10	9000-0024
52.225-11	9000-0024
52.225-12	9000-0024
52.225-18	9000-0161
52.225-21	9000-0024
52.225-23	9000-0024

FAR *segment*	OMB Control Number
52.225-26	9000-0184
52.226-7	9000-0207
52.227-2	9000-0095
52.227-6	9000-0095
52.227-9	9000-0095
52.227-11	9000-0095
52.227-13	9000-0095
52.227-14	9000-0095
52.227-15	9000-0095
52.227-16	9000-0095
52.227-17	9000-0095
52.227-18	9000-0095
52.227-19	9000-0095
52.227-20	9000-0095
52.227-21	9000-0095
52.227-23	9000-0095
52.228-1	9000-0001
52.228-2	9000-0001
52.228-11	9000-0001

FAR *segment*	OMB Control Number
52.228-12	9000-0135
52.228-13	9000-0001
52.228-14	9000-0001
52.228-15	9000-0001
52.228-16	9000-0001
52.228-17	9000-0001
52.229-2	9000-0059
52.229-11	1545-2263
52.229-12	1545-2263
52.230-6	9000-0129
52.232-1	9000-0073
52.232-2	9000-0073
52.232-3	9000-0073
52.232-4	9000-0073
52.232-5	9000-0073
52.232-6	9000-0073
52.232-7	9000-0073
52.232-10	9000-0073
52.232-12	9000-0073

FAR *segment*	OMB Control Number
52.232-16	9000-0010
52.232-20	9000-0073
52.232-22	9000-0073
52.232-27	9000-0073
52.232-28	9000-0138
52.232-29	9000-0138
52.232-30	9000-0138
52.232-31	9000-0138
52.232-32	9000-0138
52.232-34	9000-0073
52.233-1	9000-0035
52.236-5	9000-0064
52.236-13 Alt.I	9000-0064
52.236-15	9000-0064
52.236-19	9000-0064
52.237-10	9000-0152
52.242-4	9000-0069
52.242-5	9000-0069
52.242-13	9000-0069

FAR *segment*	OMB Control Number
52.243-4	9000-0026
52.243-6	9000-0026
52.243-7	9000-0026
52.244-2	9000-0149
52.245-1(f) and (j)	9000-0075
52.245-9(d)(1)	9000-0075
52.246-2	9000-0077
52.246-3	9000-0077
52.246-4	9000-0077
52.246-5	9000-0077
52.246-6	9000-0077
52.246-7	9000-0077
52.246-8	9000-0077
52.246-12	9000-0077
52.246-15	9000-0077
52.246-26	9000-0077
52.247-1	9000-0061
52.247-2	9000-0061
52.247-6	9000-0061

FAR *segment*	OMB Control Number
52.247-29	9000-0061
52.247-30	9000-0061
52.247-31	9000-0061
52.247-32	9000-0061
52.247-33	9000-0061
52.247-34	9000-0061
52.247-35	9000-0061
52.247-36	9000-0061
52.247-37	9000-0061
52.247-38	9000-0061
52.247-41	9000-0061
52.247-42	9000-0061
52.247-43	9000-0061
52.247-44	9000-0061
52.247-48	9000-0061
52.247-51	9000-0061
52.247-52	9000-0061
52.247-53	9000-0061
52.247-57	9000-0061

FAR *segment*	OMB Control Number
52.247-60	9000-0061
52.247-63	9000-0061
52.247-64	9000-0061
52.247-65	9000-0061
52.247-67	9000-0061
52.247-68	9000-0061
52.247-69	9000-0061
52.248-1	9000-0027
52.248-2	9000-0027
52.248-3	9000-0027
52.250-1	9000-0029
SF24	9000-0001
SF25	9000-0001
SF25A	9000-0001
SF25B	9000-0001
SF28	9000-0001
SF34	9000-0001
SF35	9000-0001
SF273	9000-0001

FAR *segment*	OMB Control Number
SF274	9000-0001
SF275	9000-0001
SF294	9000-0007
SF330	9000-0157
SF1403	9000-0011
SF1404	9000-0011
SF1405	9000-0011
SF1406	9000-0011
SF1407	9000-0011
SF1408	9000-0011
SF1413	9000-0066
SF1414	9000-0001
SF1415	9000-0001
SF1416	9000-0001
SF1418	9000-0001
SF1428	9000-0075
SF1429	9000-0075
SF1435	9000-0012
SF1436	9000-0012

FAR *segment*	OMB Control Number
SF1437	9000-0012
SF1438	9000-0012
SF1439	9000-0012
SF1440	9000-0012
SF1443	9000-0012
SF1444	9000-0066
DD Form 254	0704-0567

1.107 Certifications.

In accordance with 41 U.S.C. 1304, a new requirement for a certification by a contractor or *offeror may* not be included in this chapter unless-

(a) The certification requirement is specifically imposed by statute; or

(b) Written justification for such certification is provided to the Administrator for Federal *Procurement* Policy by the Federal *Acquisition* Regulatory Council, and the Administrator approves *in writing* the inclusion of such certification requirement.

1.108 FAR conventions.

The following conventions provide guidance for interpreting the FAR:

(a) *Words and terms*. Definitions in part 2 apply to the entire regulation unless specifically defined in another part, subpart, section, provision, or clause. Words or terms defined in a specific part, subpart, section, provision, or clause have that meaning when used in that part, subpart, section, provision, or clause. Undefined words retain their common dictionary meaning.

(b) *Delegation of authority*. Each authority is delegable unless specifically stated otherwise (see 1.102-5(b)).

(c) *Dollar thresholds*. Unless otherwise specified, a specific dollar threshold for the purpose of applicability is the final anticipated dollar value of the action, including the dollar value of all *options*. If the action establishes a maximum quantity of *supplies* or services to be acquired or establishes a ceiling price or establishes the final price to be based on future events, the final anticipated dollar value *must* be the highest final priced alternative to the Government, including the dollar value of all *options*.

(d) *Application of FAR changes to solicitations and contracts*. Unless otherwise specified-

(1) FAR changes apply to *solicitations* issued on or after the effective date of the change;

(2) *Contracting officers may*, at their discretion, include the FAR changes in *solicitations* issued before the effective date, provided award of the resulting contract(s) occurs on or after the effective date; and

(3) *Contracting officers may*, at their discretion, include the changes in any existing contract with appropriate consideration.

(e) *Citations*. When the FAR cites a statute, Executive order, Office of Management and Budget circular, Office of Federal *Procurement* Policy policy letter, or relevant portion of the *Code of Federal Regulations*, the citation includes all applicable amendments, unless otherwise stated.

(f) *Imperative sentences*. When an imperative sentence directs action, the *contracting officer* is responsible for the action, unless another party is expressly cited.

1.109 Statutory acquisition–related dollar thresholds-adjustment for inflation.

(a) 41 U.S.C. 1908 requires that the FAR Council periodically adjust all statutory *acquisition*-related dollar thresholds in the FAR for inflation, except as provided in paragraph (c) of this section. This adjustment is calculated every 5 years, starting in October 2005, using the Consumer Price Index for All Urban Consumers (CPI-U), and supersedes the applicability of any other provision of law that provides for the adjustment of such *acquisition*-related dollar thresholds.

(b) The statute defines an *acquisition*-related dollar threshold as a dollar threshold that is specified in law as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided in that law to the *procurement* of *supplies* or services by an *executive agency*, as determined by the FAR Council.

(c) The statute does not permit escalation of *acquisition*-related dollar thresholds established by:

(1) 40 U.S.C. chapter 31—

(i) Subchapter III, Bonds; and

(ii) Subchapter IV, Wage Rate Requirements (*Construction*);

(2) 41 U.S.C. chapter 67, Service Contract Labor Standards; or

(3) The *United States* Trade Representative pursuant to the authority of the Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.).

(d) The statute, as amended by section 821 of the *National Defense* Authorization Act for Fiscal Year 2018 (Pub. L. 115-91), requires the adjustment described in paragraph (a) of this section be applied to contracts and subcontracts without regard to the date of award of the contract or subcontract. Therefore, if a threshold is adjusted for inflation as set forth in paragraph (a) of this section, then the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment.

(e) A matrix showing calculation of the most recent escalation adjustments of statutory *acquisition*-

related dollar thresholds is available via the Internet at http://www.regulations.gov (search FAR Case 2024-001, open the docket folder, and go to the supporting documents file).

1.110 Positive law codification.

(a) Public Law 107-217 revised, codified, and enacted as title 40, *United States* Code, Public Buildings, Property, and Works, certain general and permanent laws of the *United States*.

(b) Public Law 111-350 revised, codified, and enacted as title 41, *United States* Code, Public Contracts, certain general and permanent laws of the *United States*.

(c) The following table provides cross references between the historical titles of the acts, and the current reference in title 40 or title 41.

Table 1 to Paragraph (c)

Historical Title of Act	Division/ Chapter/ Subchapter	Title
Anti-Kickback Act	41 U.S.C. chapter 87	Kickbacks
Brooks Architect Engineer Act	40 U.S.C. chapter 11	Selection of Architects and Engineers
Buy American Act	41 U.S.C. chapter 83	Buy American
Contract Disputes Act of 1978	41 U.S.C. chapter 71	Contract Disputes
Contract Work Hours and Safety Standards Act	40 U.S.C. chapter 37	Contract Work Hours and Safety Standards
Davis-Bacon Act	40 U.S.C. chapter 31, Subchapter IV	Wage Rate Requirements (*Construction*)
Drug-Free Workplace Act	41 U.S.C. chapter 81	*Drug-Free Workplace*
Federal Property and Administrative Services Act of 1949, Title III.	41 U.S.C. Div. C of subtitle I*	*Procurement*
Javits-Wagner-O'*Day* Act	41 U.S.C. chapter 85	Committee for Purchase from People Who Are Blind or Severely Disabled

Historical Title of Act	Division/ Chapter/ Subchapter	Title
Miller Act	40 U.S.C. chapter 31, subchapter III	Bonds
Office of Federal *Procurement* Policy Act	41 U.S.C. Div. B of subtitle I**	Office of Federal *Procurement* Policy
Procurement Integrity Act	41 U.S.C. chapter 21	Restrictions on Obtaining and Disclosing Certain Information
Service Contract Act of 1965	41 U.S.C. chapter 67	Service Contract Labor Standards
Truth in Negotiations Act	41 U.S.C. chapter 35	Truthful Cost or *Pricing* Data
Walsh-Healey Public Contracts Act	41 U.S.C. chapter 65	Contracts for Materials, *Supplies*, Articles, and Equipment Exceeding $10,000.

* Except sections 3302, 3501(b), 3509, 3906, 4710, and 4711.

** Except sections 1704 and 2303.

Subpart 1.2 - Administration

1.201 Maintenance of the FAR.

1.201-1 The two councils.

(a) Subject to the authorities discussed in 1.103, revisions to the FAR will be prepared and issued through the coordinated action of two councils, the Defense *Acquisition* Regulations Council (DAR Council) and the Civilian Agency *Acquisition* Council (CAA Council). Members of these councils *shall-*

(1) Represent their agencies on a full-time basis;

(2) Be selected for their superior qualifications in terms of *acquisition* experience and demonstrated professional expertise; and

(3) Be funded by their respective agencies.

(b) The chairperson of the CAA Council *shall* be the representative of the Administrator of General Services. The other members of this council *shall* be one each representative from the-

(1) Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs; and

(2) Environmental Protection Agency, National Aeronautics and Space Administration, Social Security Administration, Small Business Administration, and U.S. Agency for International Development.

(c) The Director of the DAR Council *shall* be the representative of the Secretary of Defense. The operation of the DAR Council will be as prescribed by the Secretary of Defense. Membership *shall* include representatives of the military departments, the Defense Logistics Agency, and the Defense Contract Management Agency.

(d) Responsibility for processing revisions to the FAR is apportioned by the two councils so that each council has cognizance over specified parts or subparts.

(e) Each council *shall* be responsible for-

(1) Agreeing on all revisions with the other council;

(2) Submitting to the FAR Secretariat (see 1.201-2) the information required under paragraphs 1.501-2(b) and (e) for publication in the *Federal Register* of a notice soliciting comments on a proposed revision to the FAR;

(3) Considering all comments received in response to notice of proposed revisions;

(4) Arranging for public meetings;

(5) Preparing any final revision in the appropriate FAR format and language; and

(6) Submitting any final revision to the FAR Secretariat for publication in the *Federal Register*.

1.201-2 FAR Secretariat.

(a) The General Services Administration is responsible for establishing and operating the FAR Secretariat to publish and distribute the FAR through the *Code of Federal Regulations* system (including a separate online edition with periodic updates).

(b) Additionally, the FAR Secretariat *shall* provide the two councils with centralized services for-

(1) Keeping a synopsis of current FAR cases and their status;

(2) Maintaining official files;

(3) Assisting parties interested in reviewing the files on completed cases; and

(4) Performing miscellaneous administrative tasks pertaining to the maintenance of the FAR.

1.202 Agency compliance with the FAR.

Agency compliance with the FAR (see 1.304) is the responsibility of the Secretary of Defense (for the military departments and defense agencies), the Administrator of General Services (for civilian agencies other than NASA), and the Administrator of NASA (for NASA activities).

Subpart 1.3 - Agency Acquisition Regulations

1.301 Policy.

(a)

(1) Subject to the authorities in paragraph (c) of this section and other statutory authority, an *agency head may* issue or authorize the issuance of agency *acquisition* regulations that implement or supplement the FAR and incorporate, together with the FAR, agency policies, procedures, *contract clauses*, *solicitation* provisions, and forms that govern the *contracting* process or otherwise control the relationship between the agency, including any of its suborganizations, and contractors or prospective contractors.

(2) Subject to the authorities in paragraph (c) of this section and other statutory authority, an *agency head may* issue or authorize the issuance of internal agency guidance at any organizational level (*e.g.,* designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements).

(b) *Agency heads shall establish procedures to ensure that agency acquisition regulations are published for comment in the Federal Register* in conformance with the procedures in subpart 1.5 and as required by 41 U.S.C. 1707, and other applicable statutes, when they have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or *offerors*. However, publication is not required for issuances that merely implement or supplement higher level issuances that have previously undergone the public comment process, unless such implementation or supplementation results in an additional significant cost or administrative impact on contractors or *offerors* or effect beyond the internal operating procedures of the issuing organization. Issuances under 1.301(a)(2) need not be publicized for public comment.

(c) When adopting *acquisition* regulations, agencies *shall* ensure that they comply with the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) as implemented in 5 CFR 1320 (see 1.106) and the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). Normally, when a law requires publication of a proposed regulation, the Regulatory Flexibility Act applies and agencies *must* prepare written analyses, or certifications as provided in the law.

(d) Agency *acquisition* regulations implementing or supplementing the FAR are, for-

(1) The military departments and defense agencies, issued subject to the authority of the Secretary of Defense;

(2) NASA activities, issued subject to the authorities of the Administrator of NASA; and

(3) The civilian agencies other than NASA, issued by the heads of those agencies subject to the

overall authority of the Administrator of General Services or independent authority the agency *may* have.

1.302 Limitations.

Agency *acquisition* regulations *shall* be limited to-

(a) Those necessary to implement FAR policies and procedures within the agency; and

(b) Additional policies, procedures, *solicitation* provisions, or *contract clauses* that supplement the FAR to satisfy the specific needs of the agency.

1.303 Publication and codification.

(a) Agency-wide *acquisition* regulations *shall* be published in the *Federal Register* as required by law, *shall* be codified under an assigned chapter in Title 48, *Code of Federal Regulations*, and *shall* parallel the FAR in format, arrangement, and numbering system (but see 1.105-1(c)). Coverage in an agency *acquisition* regulation that implements a specific part, subpart, section, or subsection of the FAR *shall* be numbered and titled to correspond to the appropriate FAR number and title. Supplementary material for which there is no counterpart in the FAR *shall* be codified using chapter, part, subpart, section, or subsection numbers of 70 and up (*e.g.,* for the Department of Interior, whose assigned chapter number in Title 48 is 14, Part 1470, Subpart 1401.70, section 1401.370, or subsection 1401.301-70).

(b) Issuances under 1.301(a)(2) need not be published in the *Federal Register*.

1.304 Agency control and compliance procedures.

(a) Under the authorities of 1.301(d), agencies *shall* control and limit issuance of agency *acquisition* regulations and, in particular, local agency directives that restrain the flexibilities found in the FAR, and *shall* establish formal procedures for the review of these documents to assure compliance with this part 1.

(b) Agency *acquisition* regulations *shall* not-

(1) Unnecessarily repeat, paraphrase, or otherwise restate material contained in the FAR or higher-level agency *acquisition* regulations; or

(2) Except as required by law or as provided in subpart 1.4, conflict or be inconsistent with FAR content.

(c) Agencies *shall* evaluate all regulatory coverage in agency *acquisition* regulations to determine if it could apply to other agencies. Coverage that is not peculiar to one agency *shall* be recommended for inclusion in the FAR.

Subpart 1.4 - Deviations from the FAR

1.400 Scope of subpart.

This subpart prescribes the policies and procedures for authorizing *deviations* from the FAR. Exceptions pertaining to the use of forms prescribed by the FAR are covered in part 53 rather than in this subpart.

1.401 Definition.

Deviation means any one or combination of the following:

(a) The issuance or use of a policy, procedure, *solicitation* provision (see definition in 2.101), *contract clause* (see definition in 2.101), method, or practice of conducting *acquisition* actions of any kind at any stage of the *acquisition* process that is inconsistent with the FAR.

(b) The omission of any *solicitation* provision or *contract clause* when its prescription requires its use.

(c) The use of any *solicitation* provision or *contract clause* with modified or *alternate* language that is not authorized by the FAR (see definition of "modification" in 52.101(a) and definition of "*alternate*" in 2.101).

(d) The use of a *solicitation* provision or *contract clause* prescribed by the FAR on a "*substantially as follows*" or "substantially the same as" basis (see definitions in 2.101 and 52.101(a)), if such use is inconsistent with the intent, principle, or substance of the prescription or related coverage on the subject matter in the FAR.

(e) The authorization of lesser or greater limitations on the use of any *solicitation* provision, *contract clause*, policy, or procedure prescribed by the FAR.

(f) The issuance of policies or procedures that govern the *contracting* process or otherwise control *contracting* relationships that are not incorporated into agency *acquisition* regulations in accordance with 1.301(a).

1.402 Policy.

Unless precluded by law, executive order, or regulation, *deviations* from the FAR *may* be granted as specified in this subpart when necessary to meet the specific needs and requirements of each agency. The development and testing of new techniques and methods of *acquisition should* not be stifled simply because such action would require a FAR *deviation*. The fact that *deviation* authority is required *should* not, of itself, deter agencies in their development and testing of new techniques and *acquisition* methods. Refer to 31.101 for instructions concerning *deviations* pertaining to the subject matter of part 31, Contract Cost Principles and Procedures. *Deviations* are not authorized with respect to 30.201-3 and 30.201-4, or the requirements of the Cost Accounting Standards Board (CASB) rules and regulations (48 CFR chapter 99). Refer to 30.201-5 for instructions concerning waivers pertaining to Cost Accounting Standards.

1.403 Individual deviations.

Individual *deviations* affect only one contract action, and, unless 1.405(e) is applicable, *may* be authorized by the *agency head*. The *contracting officer must* document the justification and agency approval in the contract file.

1.404 Class deviations.

Class *deviations* affect more than one contract action. When an agency knows that it will require a class *deviation* on a permanent basis, it *should* propose a FAR revision, if appropriate. Civilian agencies, other than NASA, *must* furnish a copy of each approved class *deviation* to the FAR Secretariat.

(a) For civilian agencies except NASA, class *deviations may* be authorized by *agency heads* or their designees, unless 1.405(e) is applicable. Delegation of this authority *shall* not be made below the head of a *contracting activity*. Authorization of class *deviations* by agency officials is subject to the following limitations:

(1) An agency official who *may* authorize a class *deviation*, before doing so, *shall* consult with the chairperson of the Civilian Agency *Acquisition* Council (CAA Council), unless that agency official determines that urgency precludes such consultation.

(2) Recommended revisions to the FAR *shall* be transmitted to the FAR Secretariat by *agency heads* or their designees for authorizing class *deviations*.

(b) For DoD, class *deviations shall* be controlled, processed, and approved in accordance with the Defense FAR Supplement.

(c) For NASA, class *deviations shall* be controlled and approved by the Assistant Administrator for *Procurement*. *Deviations shall* be processed in accordance with agency regulations.

1.405 Deviations pertaining to treaties and executive agreements.

(a) "Executive agreements," as used in this section, means Government-to-Government agreements, including agreements with international organizations, to which the *United States* is a party.

(b) Any *deviation* from the FAR required to comply with a treaty to which the *United States* is a party is authorized, unless the *deviation* would be inconsistent with FAR coverage based on a law enacted after the execution of the treaty.

(c) Any *deviation* from the FAR required to comply with an executive agreement is authorized unless the *deviation* would be inconsistent with FAR coverage based on law.

(d) For civilian agencies other than NASA, a copy of the text *deviation* authorized under paragraph (b) or (c) of this section *shall* be transmitted to the FAR Secretariat through a central agency control point.

(e) For civilian agencies other than NASA, if a *deviation* required to comply with a treaty or an executive agreement is not authorized by paragraph (b) or (c) of this section, then the request for

deviation shall be processed through the FAR Secretariat to the Civilian Agency *Acquisition* Council.

Subpart 1.5 - Agency and Public Participation

1.501 Solicitation of agency and public views.

1.501-1 Definition.

Significant revisions, as used in this subpart, means revisions that alter the substantive meaning of any coverage in the FAR System and which have a significant cost or administrative impact on contractors or *offerors*, or significant effect beyond the internal operating procedures of the issuing agency. This expression, for example, does not include editorial, stylistic, or other revisions that have no impact on the basic meaning of the coverage being revised.

1.501-2 Opportunity for public comments.

(a) Views of agencies and nongovernmental parties or organizations will be considered in formulating *acquisition* policies and procedures.

(b) The opportunity to submit written comments on proposed *significant revisions shall* be provided by placing a notice in the *Federal Register*. Each of these notices *shall* include-

(1) The text of the revision or, if it is impracticable to publish the full text, a summary of the proposal;

(2) The address and telephone number of the individual from whom copies of the revision, in full text, can be requested and to whom comments thereon *should* be addressed; and

(3) When 1.501-3(b) is applicable, a statement that the revision is effective on a temporary basis pending completion of the public comment period.

(c) A minimum of 30 days and, normally, at least 60 days will be given for the receipt of comments.

1.501-3 Exceptions.

(a) Comments need not be solicited when the proposed coverage does not constitute a significant revision.

(b) Advance comments need not be solicited when urgent and compelling circumstances make *solicitation* of comments impracticable prior to the effective date of the coverage, such as when a new statute *must* be implemented in a relatively short period of time. In such case, the coverage *shall* be issued on a temporary basis and *shall* provide for at least a 30 *day* public comment period.

1.502 Unsolicited proposed revisions.

Consideration *shall* also be given to unsolicited recommendations for revisions that have been submitted *in writing* with sufficient data and rationale to permit their evaluation.

1.503 Public meetings.

Public meetings *may* be appropriate when a decision to adopt, amend, or delete FAR coverage is likely to benefit from significant additional views and discussion.

Subpart 1.6 - Career Development, Contracting Authority, and Responsibilities

1.601 General.

(a) Unless specifically prohibited by another provision of law, authority and responsibility to contract for authorized *supplies* and services are vested in the *agency head*. The *agency head may* establish *contracting activities* and delegate broad authority to manage the agency's *contracting* functions to heads of such *contracting activities*. Contracts *may* be entered into and signed on behalf of the Government only by *contracting officers*. In some agencies, a relatively small number of high level officials are designated *contracting officers* solely by virtue of their positions. *Contracting officers* below the level of a head of a *contracting activity shall* be selected and appointed under 1.603.

(b) *Agency heads may* mutually agree to-

(1) Assign *contracting* functions and responsibilities from one agency to another; and

(2) Create joint or combined offices to exercise *acquisition* functions and responsibilities.

1.602 Contracting officers.

1.602-1 Authority.

(a) *Contracting officers* have authority to enter into, administer, or terminate contracts and make related determinations and findings. *Contracting officers may* bind the Government only to the extent of the authority delegated to them. *Contracting officers shall* receive from the appointing authority (see 1.603-1) clear instructions *in writing* regarding the limits of their authority. Information on the limits of the *contracting officers*' authority *shall* be readily available to the public and agency personnel.

(b) No contract *shall* be entered into unless the *contracting officer* ensures that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met.

1.602-2 Responsibilities.

Contracting officers are responsible for ensuring performance of all necessary actions for effective *contracting*, ensuring compliance with the terms of the contract, and safeguarding the interests of the *United States* in its contractual relationships. In order to perform these responsibilities, *contracting officers should* be allowed wide latitude to exercise business judgment. *Contracting officers shall-*

(a) Ensure that the requirements of 1.602-1(b) have been met, and that sufficient funds are available for obligation;

(b) Ensure that contractors receive impartial, fair, and equitable treatment;

(c) Request and consider the advice of specialists in audit, law, engineering, *information security*, transportation, and other fields, as appropriate; and

(d) Designate and authorize, *in writing* and in accordance with agency procedures, a *contracting officer's representative (COR*) on all contracts and orders other than those that are firm-fixed price, and for firm-fixed-price contracts and orders as appropriate, unless the *contracting officer* retains and executes the COR duties. See 7.104(e). COR-

(1) *Shall* be a Government employee, unless otherwise authorized in agency regulations;

(2) *Shall* be certified and maintain certification in accordance with the current Office of Management and Budget memorandum on the Federal *Acquisition* Certification for *Contracting Officer* Representatives (FAC-COR) guidance, or for DoD, in accordance with the current applicable DoD policy guidance;

(3) *Shall* be qualified by training and experience commensurate with the responsibilities to be delegated in accordance with agency procedures;

(4) *May* not be delegated responsibility to perform functions that have been delegated under 42.202 to a *contract administration office*, but *may* be assigned some duties at 42.302 by the *contracting officer*;

(5) Has no authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract nor in any way direct the contractor or its subcontractors to operate in conflict with the contract terms and conditions;

(6) *Shall* be nominated either by the requiring activity or in accordance with agency procedures; and

(7) *Shall* be designated *in writing*, with copies furnished to the contractor and the *contract administration office-*

(i) Specifying the extent of the COR's authority to act on behalf of the *contracting officer*;

(ii) Identifying the limitations on the COR's authority;

(iii) Specifying the period covered by the designation;

(iv) Stating the authority is not redelegable; and

(v) Stating that the COR *may* be personally liable for unauthorized acts.

1.602-3 Ratification of unauthorized commitments.

(a) *Definitions*.

Ratification, as used in this subsection, means the act of approving an *unauthorized commitment* by an official who has the authority to do so.

Unauthorized commitment, as used in this subsection, means an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government.

(b) Policy.

(1) Agencies *should* take positive action to preclude, to the maximum extent possible, the need for *ratification* actions. Although procedures are provided in this section for use in those cases where the *ratification* of an *unauthorized commitment* is necessary, these procedures *may* not be used in a manner that encourages such commitments being made by Government personnel.

(2) Subject to the limitations in paragraph (c) of this subsection, the *head of the contracting activity*, unless a higher level official is designated by the agency, *may* ratify an *unauthorized commitment*.

(3) The *ratification* authority in paragraph (b)(2) of this subsection *may* be delegated in accordance with agency procedures, but in no case *shall* the authority be delegated below the level of chief of the *contracting office*.

(4) Agencies *should* process *unauthorized commitments* using the *ratification* authority of this subsection instead of referring such actions to the Government Accountability Office for resolution. (See 1.602-3(d).)

(5) *Unauthorized commitments* that would involve *claims* subject to resolution under 41 U.S.C. chapter 71, Contract Disputes, *should* be processed in accordance with subpart 33.2, Disputes and Appeals.

(c) *Limitations*. The authority in paragraph (b)(2) of this subsection *may* be exercised only when-

(1) *Supplies* or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the *unauthorized commitment*;

(2) The ratifying official has the authority to enter into a contractual commitment;

(3) The resulting contract would otherwise have been proper if made by an appropriate *contracting officer*;

(4) The *contracting officer* reviewing the *unauthorized commitment* determines the price to be fair and reasonable;

(5) The *contracting officer* recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence;

(6) Funds are available and were available at the time the *unauthorized commitment* was made; and

(7) The *ratification* is in accordance with any other limitations prescribed under agency procedures.

(d) *Nonratifiable commitments*. Cases that are not ratifiable under this subsection *may* be subject to resolution as recommended by the Government Accountability Office under its *claim* procedure (GAO Policy and Procedures Manual for Guidance of *Federal Agencies*, Title 4, Chapter 2), or as authorized by FAR subpart 50.1. Legal advice *should* be obtained in these cases.

1.603 Selection, appointment, and termination of appointment for contracting officers.

1.603-1 General.

41 U.S.C. 1702(b)(3)(G) requires *agency heads* to establish and maintain a *procurement* career management program and a system for the selection, appointment, and termination of appointment of *contracting officers*. *Agency heads* or their designees *may* select and appoint *contracting officers* and terminate their appointments. These selections and appointments *shall* be consistent with Office of Federal *Procurement* Policy's (OFPP) standards for skill-based training in performing *contracting* and purchasing duties as published in OFPP Policy Letter No. 05-01, Developing and Managing the *Acquisition* Workforce, April 15, 2005.

1.603-2 Selection.

In selecting *contracting officers*, the appointing official *shall* consider the complexity and dollar value of the *acquisitions* to be assigned and the candidate's experience, training, education, business acumen, judgment, character, and reputation. Examples of selection criteria include-

(a) Experience in Government *contracting* and administration, commercial purchasing, or related fields;

(b) Education or special training in business administration, law, accounting, engineering, or related fields;

(c) Knowledge of *acquisition* policies and procedures, including this and other applicable regulations;

(d) Specialized knowledge in the particular assigned field of *contracting*; and

(e) Satisfactory completion of *acquisition* training courses.

1.603-3 Appointment.

(a) *Contracting officers shall* be appointed *in writing* on an SF 1402, Certificate of Appointment, which *shall* state any limitations on the scope of authority to be exercised, other than limitations contained in applicable law or regulation. Appointing officials *shall* maintain files containing copies of all appointments that have not been terminated.

(b) *Agency heads* are encouraged to delegate *micro-purchase* authority to individuals who are

employees of an *executive agency* or members of the Armed Forces of the *United States* who will be using the *supplies* or services being purchased. Individuals delegated this authority are not required to be appointed on an SF 1402, but *shall* be appointed *in writing* in accordance with agency procedures.

1.603-4 Termination.

Termination of a *contracting officer* appointment will be by letter, unless the Certificate of Appointment contains other provisions for automatic termination. Terminations *may* be for reasons such as reassignment, termination of employment, or unsatisfactory performance. No termination *shall* operate retroactively.

1.604 Contracting Officer's Representative (COR).

A *contracting officer's representative (COR*) assists in the technical monitoring or administration of a contract (see 1.602-2(d)). The COR *shall* maintain a file for each assigned contract. The file *must* include, at a minimum–

(a) A copy of the *contracting officer*'s letter of designation and other documents describing the COR's duties and responsibilities;

(b) A copy of the contract administration functions delegated to a *contract administration office* which *may* not be delegated to the COR (see 1.602-2(d)(4)); and

(c) Documentation of COR actions taken in accordance with the delegation of authority.

Subpart 1.7 - Determinations and Findings

1.700 Scope of subpart.

This subpart prescribes general policies and procedures for the use of determinations and findings (D&F's). Requirements for specific types of D&F's can be found with the appropriate subject matter.

1.701 Definition.

Determination and Findings means a special form of written approval by an authorized official that is required by statute or regulation as a prerequisite to taking certain contract actions. The "determination" is a conclusion or decision supported by the "findings.'' The findings are statements of fact or rationale essential to support the determination and *must* cover each requirement of the statute or regulation.

1.702 General.

(a) A D&F *shall* ordinarily be for an individual contract action. Unless otherwise prohibited, class

D&F's *may* be executed for classes of contract actions (see 1.703). The approval granted by a D&F is restricted to the proposed contract action(s) reasonably described in that D&F. D&F's *may* provide for a reasonable degree of flexibility. Furthermore, in their application, reasonable variations in estimated quantities or prices are permitted, unless the D&F specifies otherwise.

(b) When an *option* is anticipated, the D&F *shall* state the approximate quantity to be awarded initially and the extent of the increase to be permitted by the *option*.

1.703 Class determinations and findings.

(a) A class D&F provides authority for a class of contract actions. A class *may* consist of contract actions for the same or related *supplies* or services or other contract actions that require essentially identical justification.

(b) The findings in a class D&F *shall* fully support the proposed action either for the class as a whole or for each action. A class D&F *shall* be for a specified period, with the expiration date stated in the document.

(c) The *contracting officer shall* ensure that individual actions taken pursuant to the authority of a class D&F are within the scope of the D&F.

1.704 Content.

Each D&F *shall* set forth enough facts and circumstances to clearly and convincingly justify the specific determination made. As a minimum, each D&F *shall* include, in the prescribed agency format, the following information:

(a) Identification of the agency and of the *contracting activity* and specific identification of the document as a "*Determination and Findings*."

(b) Nature and/or description of the action being approved.

(c) Citation of the appropriate statute and/or regulation upon which the D&F is based.

(d) Findings that detail the particular circumstances, facts, or reasoning essential to support the determination. Necessary supporting documentation *shall* be obtained from appropriate requirements and technical personnel.

(e) A determination, based on the findings, that the proposed action is justified under the applicable statute or regulation.

(f) Expiration date of the D&F, if required (see 1.706).

(g) The *signature* of the official authorized to sign the D&F (see 1.707) and the date signed.

1.705 Supersession and modification.

(a) If a D&F is superseded by another D&F, that action *shall* not render invalid any action taken under the original D&F prior to the date of its supersession.

(b) The *contracting officer* need not cancel the *solicitation* if the D&F, as modified, supports the contract action.

1.706 Expiration.

Expiration dates are required for class D&F's and are optional for individual D&F's. Authority to act under an individual D&F expires when it is exercised or on an expiration date specified in the document, whichever occurs first. Authority to act under a class D&F expires on the expiration date specified in the document. When a *solicitation* has been furnished to prospective *offerors* before the expiration date, the authority under the D&F will continue until award of the contract(s) resulting from the *solicitation*.

1.707 Signatory authority.

When a D&F is required, it *shall* be signed by the appropriate official in accordance with agency regulations. Authority to sign or delegate *signature* authority for the various D&F's is as shown in the applicable FAR part.