Subpart 1.7 - Determinations and Findings

Parent topic: Part 1 - Federal Acquisition Regulations System

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.