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PART 5301 - Federal Acquisition Regulations System

[2019 Edition]

INTERIM CHANGES:

See Class Deviations [2018-U0001 \(CPM 18-C-07\)](#), [2019-U0001 \(CPM 19-C-01\)](#), and [Individual Deviation 2019-U0002 \(CPM 19-C-06\)](#).

SUBPART 5301.1 - PURPOSE, AUTHORITY, and ISSUANCE

5301.101 Purpose

The Air Force Federal Acquisition Regulation Supplement (AFFARS) establishes uniform policies and procedures for the Air Force implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR Supplement (DFARS), and other Department of Defense publications concerning contracting. AFFARS Mandatory Procedures (MP) and Procedures, Guidance, and Information (PGI) are companion resources arranged by parts, which correspond to the relevant FAR parts. Supplements to the AFFARS, MPs, and PGI are prohibited.

See [AFICC PGI 5301.1](#).

5301.105-1 Publication and Code Arrangement

(a)(S-90) The AFFARS is published on www.Acquisition.gov.

See [AF PGI 5301.108](#).

5301.170 Peer Reviews

(a) *DoD Peer Reviews*. [See Air Force Class Deviation 2019-U0001 ([CPM 19-C-01](#)).]

(1)(i) and (ii) See [AF PGI 5301.170-2](#) for Pre-award procedures for Peer Reviews. [See [DFARS Class Deviation 2019-O0010](#), Peer Reviews of Competitive Contracts for Supplies and Services (OUSD(A&S)/DPC Memo, 6 Sep 19)]

(2) To facilitate planning for DoD Peer Reviews and clearances by the DAS(C)/ADAS(C) (see [5301.9001\(i\)\(1\)\(iv\)](#)), the SCO must ensure the rolling forecast data is current in the [reporting tool](#) as of the 15th of March, June, September, and December each year. SAF/AQC will submit the consolidated Peer Review forecast to OUSD(A&S)/DPC at the end of each quarter.

(b) Component Peer Reviews

(1) Pre-award Peer Reviews of solicitations for competitive procurements valued at less than \$1B must be accomplished by complying with the clearance requirements in [5301.90](#).

(2) Pre-award Peer Reviews for non-competitive procurements valued at less than \$500M must be accomplished by complying with the clearance requirements in [5301.90](#).

(3) Post-award Peer Reviews of contracts for services with a dollar value > than the SAT les must be accomplished by complying with the applicable reviews in [AFI 63-138](#), *Acquisition of Services*.

See [AF PGI 5301.170-2](#).

See [AF PGI 5301.170-3](#).

See [AF PGI 5301.170-4](#).

See [AFICC PGI 5301.170](#).

See [SMC PGI 5301.170](#).

SUBPART 5301.2 - ADMINISTRATION

5301.201-1 The Two Councils

(d)(i) Proposed revisions to the FAR or the DFARS must be submitted through the SCO to [SAF/AQCP](#) in accordance with DFARS 201.201-1(d)(i).

5301.201-90 Maintenance of the AFFARS

The AFFARS is prepared and maintained by the Chief, Contract Policy & Field Support Division, Deputy Assistant Secretary (Contracting) (SAF/AQCP).

See [AFMC PGI 5301.290](#).

SUBPART 5301.3 - AGENCY ACQUISITION REGULATIONS

5301.301 Policy

(a)(1)(S-90) The AFFARS is issued by the DAS(C) on behalf of the Senior Procurement Executive (SPE).

5301.304 Agency Control and Compliance Procedures

(a) SCOs submit PGI revisions, deletions, and additions via the [AFFARS PGI page](#).

(c)(4) MAJCOMs, DRUs, AFRCO, SpRCO and SMC must follow the approved [AF Clause Control Plan](#). The use of nonstandard clauses requires an approved D&F addressing the criteria outlined in DFARS PGI 201.301(b)(iii). Contracting officers may utilize the [Air Force Non-Standard Clause Control Template](#) to obtain approval of the clause. The approval authority for clauses used in accordance with 4.b., 4.c., and 4.d. of the AF Clause Control Plan has been delegated to one level above the contracting officer. See paragraph 4 of the AF Clause Control Plan for clauses requiring OUSD(A&S)/DPC approval.

See [SMC PGI 5301.304](#).

SUBPART 5301.4 - DEVIATIONS FROM THE FAR

5301.402 Policy

(2) Submit requests for deviations requiring USD(A&S)/DPC approval through the SCO to SAF/AQC for processing. See the tailorable [Deviation Request](#) template.

5301.403 Individual Deviations

(1)(i) SCOs are authorized to approve individual deviations except as described in (ii) below or as

described in DFARS 201.402(1) and DFARS 201.403(2).

(ii) SAF/AQC is the approval authority for individual deviations from FAR 15.3, AFFARS 5315.3, and MP5315.3. Contracting officers may use the [Deviation Request](#) template. Deviation requests must be submitted through the SCO to SAF/AQC for approval. This approval authority must not be further delegated. When a proposed deviation, as described herein, also requires a waiver from DFARS 215.3, DoD Source Selection Procedures, the waiver process in MP5315.3, para 1.2.4., must also be followed.

(iii) INTERIM CHANGE: See Air Force Deviation 2019-U0002 ([CPM 19-C-06](#)).

5301.404 Class Deviations

(b)(i) USD(A&S)/DPC is the approval authority for any class deviation described in DFARS 201.402(1), class deviations from DFARS 215.3, and class deviations that meet the criteria in DFARS 201.404(b)(II)(A-D). Submit requests through the SCO to [SAF/AQC](#) for processing to USD(A&S)/DPC for approval.

(ii) The DAS(C)/ADAS(C) is the approval authority for class deviations from FAR 15.3, AFFARS 5315.3, and MP5315.3. Contracting officers may use the [Deviation Request](#) template. Requests must be submitted through the SCO to SAF/AQC for approval.

(iii) SCOs are authorized to approve class deviations except as restricted by paragraphs (i) and (ii) above. Class deviation approval authority is not delegable.

(iv) [See Air Force Class Deviation 2018-U0001 — Earned Value Management Requirements ([CPM 18-C-07](#))]

(v) [See Air Force Class Deviation 2019-U0001 ([CPM 19-C-01](#))]

See [AFICC PGI 5301.404-92](#).

SUBPART 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5301.601 General

(a)(i) Heads of Contracting Activities (HCAs) Responsibilities.

(A) The DAS(C) and Associate Deputy Assistant Secretary (Contracting) (ADAS)(C) are the HCA for the Air Force and are designated the authority to enter into, approve, terminate, and take all other appropriate actions with respect to contracts and agreements (grants, cooperative agreements, and Other Transactions). All nondelegable HCA responsibilities may be exercised only by the DAS(C) and ADAS(C). The DAS(C) makes the delegations for all delegable HCA responsibilities, including the authority to enter into, approve, modify, and terminate contracts, in MP5301.601(a)(i). MP5301.601(a)(i) also establishes the authority to further redelegate.

See [AFMC PGI 5301.601\(a\)\(i\)\(A\)](#) and [\(S-91\)](#).

See [SMC PGI 5301.601\(a\)\(i\)\(A\)](#).

See [USAFA PGI 5301.601\(a\)\(i\)\(A\)](#) .

5301.601-91 Air Force Contracting Self-Inspection Program

See [MP5301.601-91](#) for requirements of the Air Force Contracting Self-Inspection Program.

See [AFICC PGI 5301.601-91](#).

See [AFMC PGI 5301.601-91](#).

5301.602-1 Authority

(a) Contracting officers are authorized to enter into and execute contracts funded either partially or completely with non-appropriated funds.

5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable [Legal Review](#) template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations, regardless of dollar amount:

(1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;

(2) When using or applying unique or unusual contract provisions;

(3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;

(4) When a protest or claim is likely;

(5) When contemplating the use of alternative dispute resolution;

(6) Use of liquidated damages provisions in contracts for other than construction;

(7) Award fee or award term plans;

(8) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of MP5315.3;

(9) Issues dealing with licensing, technical data rights and patents;

- (10) Mistakes in bid (See FAR 14.407);
- (11) Protests before and after award;
- (12) Ratifications;
- (13) Disputes;
- (14) Contractor claims;
- (15) Termination for default/cause;
- (16) Terminations for convenience, except cancellations or terminations of purchase orders;
- (17) Debarment or suspension actions;
- (18) Individual or class deviations; and,
- (19) Any other legal issue at the discretion of the contracting officer or supporting legal office.

(B) All Justifications and Approvals (J&A) requests for actions expected to exceed \$700,000

(C) In addition to the general conditions identified in 5301.602-2(c)(i)(A) above, contracting officers must obtain legal review of Operational contract actions expected to exceed \$500,000 and AFMC and SMC Non-Operational contract actions expected to exceed \$1,000,000, as follows:

- (1) Solicitations and amendments, except administrative amendments;
 - (2) Proposed contracts and modifications;
 - (3) Orders for supplies or services issued under indefinite delivery type contracts (FAR 16.5), including GWACs, and Federal Supply Schedules (FSS), that require negotiation at the order level; and
 - (4) Orders under Blanket Purchase Agreements (BPA) established under FSS.
- (D) Legal review is not normally required for:
- (1) Funding actions without any other changes;
 - (2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract; or
 - (3) Except as indicated at 5301.602-2(c)(i)(C)(3), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.

See [AFMC PGI 5301.602-2\(c\)\(i\)\(A\)](#) and [\(C\)](#).

See [SMC PGI 5301.602-2](#).

(d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see MP5301.602-2(d).

5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy.*

(2) Ratification approval authority is delegated as follows (see MP5301.601(a)(i)):

(A) The SCO for actions equal to or greater than \$30,000.

(B) The COCO for actions less than \$30,000 (not redelegable).

See [AF PGI 5301.602-3-90](#).

5301.603-1 General

The HCA designees delegated contracting authority in accordance with MP5301.601(a)(i), Item 3, must select and appoint contracting officers and terminate their appointments in accordance with this section and MP5301.603.

(a) The SCO may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations, but in no event will the designee be lower than a GS-15 (or equivalent) or 0-6. [See Air Force Deviation 2019-U0002 ([CPM 19-C-06](#))]

(b) Authority to issue limited contracting officer warrants of less than \$5M and authority to terminate appointments of less than \$5M may be delegated, but in no event will the designee be lower than the COCO.

See [USAFA PGI 5301.603-1](#).

5301.603-2-90 Selection

Warrants are issued strictly in accordance with DFARS 201.603-2, this section, and MP5301.603.

(a) Warranting. An individual selected for contracting officer appointment must be a military member in Air Force Specialty Code (AFSC) 64PX or 6C0X1 or a civilian in the GS-1102 occupational series who occupies a manned authorization listed under these specialty codes/series, and complies with the requirements at DFARS 201.603-2, in this section and in MP5301.603, and who possesses at a minimum, an Intermediate (Level II) Acquisition Professional Development Program (APDP) certification in contracting.

(b) Limited Warrants. Military personnel in AFSC 64PX, 6C0X1 and civilians in the GS-1102 occupational series who occupy a manning authorization listed under these specialty codes/series and who comply with the requirements at DFARS 201.603-2, in this section, and in MP5301.603 with

at least 2 years of experience in a contracting position, and Level I APDP certification in contracting may only be selected for limited warrants for amounts less than \$5M Those contracting personnel who do not possess a Level I APDP certification in contracting (including Purchasing Agents in the GS-1105 series) may, with at least one year of contracting experience, be selected for limited warrants for amounts less than or equal to the SAT.

(c) Local National (LN) Warrants. LNs in an equivalent occupational series to GS-1102 may be selected for a contracting officer appointment in accordance with this section and MP5301.603 however, possession of an APDP certificate is not required:

(1) An LN candidate for warrant above the SAT must meet the following minimum functional training, work experience, and formal education requirements:

(i) Complete all contracting courses as required for a member of the Defense Acquisition Workforce for APDP certification in contracting required for the warrant amount;;

(ii) Have at least two years of contracting experience; and,

(iii) Possess a baccalaureate degree (or the equivalent), including at least 24-semester credit hours (or the equivalent) in any of the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

(2) LN candidates for warrants equal to \$5M or more must meet a warrant board in accordance with MP5301.603.

(3) A LN candidate for a warrant less than or equal to the SAT must have at least one year of contracting experience.

(d) Limited Home Station Warrants. A member of the contingency contracting force in AFSC 6C0X1 who does not possess a baccalaureate degree and 24 semester credit hours from an accredited institution of higher education in any of the business disciplines may be nominated, evaluated, and selected for a limited home station warrant not to exceed \$10M in accordance with this section, AFFARS 5318, and MP5301.603:

(1) Warrants for less than or equal to the SAT require a minimum of one year of contracting experience.

(2) Warrants above the SAT to less than \$5M require a minimum of two years of contracting experience and a Level I or higher APDP certification in contracting.

(3) Candidates for Limited Home Station warrants equal to or greater than \$5M, not to exceed \$10M, must have a minimum of two years of contracting experience, a Level II or higher APDP certification in contracting, and must meet a warrant board in accordance with MP5301.603.

(e) Contingency Contracting Officer (CCO) Warrants.

(1) Candidates for CCO warrants for less than or equal to the SAT must have a minimum of one year of contracting experience.

(2) Candidates for CCO warrants above the SAT to less than \$5M must have a minimum of two years of contracting experience and a Level I or higher APDP certification in contracting.

(3) Candidates for CCO warrants equal to or greater than \$5M require a minimum of two years of contracting experience, a Level II or higher APDP certification in contracting, and meet a warrant board in accordance with MP5301.603.

(4) CCO Appointments. SCOs must select and appoint CCOs and terminate their appointments in accordance with this section.

(i) The nominating supervisor must complete the [CCO Appointment/Termination Request](#), which will then be reviewed by a warrant process focal point (FP) in accordance with MP5301.603, paragraph 3.2.

(ii) SCOs may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations and AFRL detachments, but in no event will the designee be lower than a GS-15 (or equivalent) or O-6.

(iii) SCOs may delegate authority to issue CCO warrants of less than \$5M and terminate appointments of less than \$5M, but in no event will the designee be lower than the CCO.

(iv) AFICA/KC is the warranting authority for AFCENT CCOs.

(5) Review of Air Force issued CCO warrants must be accomplished annually by the warrant process FP to ensure CCO training currency and to evaluate limitations set forth on the SF1402. The FP must maintain a record (hard copy or electronic) of these warrant validation results.

(6) Termination of CCO/home station warrants must be accomplished when the

CCO permanently changes duty station and must be permanently terminated once the CCO ceases filling a contingency/deployable position.

5301.603-3 Appointment

(b) Issuing authorities identified in 5301.603-1 above may delegate the purchase authority described in FAR 1.603-3(b) and DFARS 201.603-3(b), to non-contracting DoD civilian employees and members of the U.S. Armed Forces, such as transportation personnel, medical supply personnel, librarians, and chiefs of construction management, provided:

(1) The written delegation specifies a dollar limit per transaction (e.g., per order, per call); the method(s) of award; and the supplies, equipment and/or non-personal services, to include construction, related to the individual's specialty that may be procured. For

example, librarians may buy books, but not construction materials or services; and,

(2) Personnel have completed contracting training commensurate with the type of instrument(s) authorized to process and level of responsibility delegated.

See [AFICC PGI 5301.603-2](#).

See [AFMC PGI 5301.603](#).

See [SMC PGI 5301.603](#).

5301.670 Appointment of Property Administrators and Plant Clearance Officers

(a) When the Air Force retains contract administration, the COCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers.

SUBPART 5301.7 - DETERMINATIONS AND FINDINGS

5301.707 Signatory Authority

(a) Determinations and Findings (D&F) for actions requiring Senior Procurement Executive (SPE) or SAF/AQ approval must be coordinated with the DAS(C) or the ADAS(C). The contracting officer must submit determinations for approval simultaneously to [SAF/AQ](#) and to [SAF/AQC](#) after coordination by the SCO. Allow 18 days for staffing and approval after receipt by SAF/AQ. Include the approved acquisition strategy (or a draft acquisition strategy if the strategy document has not been approved) with the D&F package.

(b) The contracting officer must submit D&Fs for actions requiring DAS(C)/ADAS(C) approval to [SAF/AQC](#) after coordination by the SCO. Allow 7 days for staffing and approval after receipt by SAF/AQC unless otherwise specified.

SUBPART 5301.90 - CLEARANCE

5301.9000 Scope and Definitions

(a) This subpart establishes clearance requirements for the contract actions identified below:

(1) An action intended to result in award of any contract or modification of any contract;

(2) An action intended to result in definitization of an undefinitized contract action (UCA), an undefinitized change order, or an undefinitized long lead contract;

(3) An action intended to result in the pricing of:

(i) an unpriced option or an option with a not-to-exceed price;

(ii) provisioned items orders (PIO);

(iii) unpriced orders under Blanket Purchase Agreements (BPAs), and FSS contracts, including GWACs; or

(iv) noncompetitive task or delivery orders under single or multiple award indefinite delivery-type contracts.

(4) An action intended to result in issuance of a modification implementing a unilateral price determination;

(5) Orders issued under BOAs;

(6) An action intended to result in the exercise of an option when the option exercise is not in accordance with the previously approved pricing arrangement or other contract terms and conditions.

(b) Excluded from business or contract clearances are:

(1) Actions that create a UCA, undefinitized change order, undefinitized long lead contract;

(2) Modifications for the payment of incentives or award fee that are in accordance with the terms and conditions of the incentive plan or award fee plan;

(3) Funding modifications;

(4) Administrative modifications;

(5) Modifications solely for changes as a result of Service Contract Labor Standards statute wage rates/fringe benefits or Fair Labor Standards Act minimum wages; and

(6) Competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and FSS contracts in accordance with the terms and conditions and ordering procedures of the basic contract.

(c) Business Clearance means:

(1) For competitive acquisitions, approval to issue the solicitation.

(2) For noncompetitive contract actions, approval to begin negotiations.

(d) Begin negotiations means, for the purpose of noncompetitive contract actions, starting discussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government's negotiation objective do not constitute negotiations.

(e) Contract Clearance means:

(1) For competitive acquisitions conducted without discussions, approval by the clearance approval authority (CAA) for the Source Selection Authority (SSA) to make the decision to award.

(2) For competitive acquisitions with discussions -

(i) Approval by the CAA for the SSA to request final proposal revisions in accordance with FAR 15.307; and

(ii) Approval by the CAA for the SSA to make a source selection decision.

(3) For noncompetitive contract actions, approval by the CAA to award a contract or contract modification/contract action.

(f) Clearance Reviewer (CR) means the independent reviewer and the primary advisor to the CAA for clearance. The CR ensures the CAA has the information needed to make an informed decision. The CR identifies deficiencies, assists in resolution, and advises the CAA as appropriate. When the CR is not from the designated CR office or individual identified in the PGI and is selected by the CAA, the CR must be an experienced contracting professional, a Government employee, and must not review their own contract action.

(g) Clearance Approval Authority (CAA) means the individual identified at 5301.9001(i)(1).

(h) Clearance Review means the independent review performed by the designated CR office or individual identified in the PGI, or as otherwise selected by the CAA.

5301.9001 Policy, Thresholds, and Approvals

(a) The objectives of the business and contract clearance process are to ensure that:

(1) Contract actions effectively implement approved acquisition strategies;

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

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

(4) An independent review and assessment by the clearance authority for the proposed contract action is accomplished.

(b) The CAA must ensure that the clearance process meets the objectives in paragraph (a) above. See AF PGI 5301.9001(b) for guidance on the use of multi-functional independent review teams (MIRTS) in conjunction with competitive acquisitions.

(c) The CAA must seek legal advice (see 5301.602-2(c)(i)) and ensure that counsel has coordinated on any clearance briefings or presentations, and that counsel's comments are included in the briefing or presentation.

(d) Only one clearance review may be performed prior to the contract action being presented to the CAA. The CR is responsible for the clearance review. The CAA may select an alternate CR who meets the requirements identified in paragraph 5301.9000(f). The CAA, in conjunction with the SCO, has the authority to waive the clearance review.

(e) At the discretion of the CAA, contract clearance is not required when the negotiation team stays within the pre-set negotiation range and the parameters approved at the business clearance.

(f) The CAA must justify, in writing, requiring clearance for the solicitation or award of any competitive task or delivery order, regardless of dollar value, made in accordance with FAR 8.4, 13, or 16.505. SCOs must submit the justification to SAF/AQC upon execution.

(g) The Source Selection Authority (SSA) must not be the CAA

(h) The Milestone Decision Authority, PEO, or lead program manager must coordinate and/or participate in business clearance briefings.

(i) Contract actions meeting the contract value thresholds set below must not be awarded without obtaining the required [business and contract clearance approval](#). Contract value is determined by the definition in FAR 1.108(c) and AF PGI 5301.108(c).

(1) Clearance Approval:

(i) The DAS(C) or ADAS(C) are the clearance approval authorities for all contract actions \geq \$1B; and any other contract action identified as special interest by the DAS(C) or ADAS(C) regardless of dollar amount. The DAS(C) or ADAS(C) may delegate clearance authority on a case-by-case basis. The procedures in MP5301.9001(i)(1)(i) must be followed for clearance with the DAS(C) or ADAS(C).

(ii) The CAA is the approval authority for all contract actions as delegated in TABLE 1 below. The Table 1 thresholds represent the minimum delegation that must be made. SCOs may increase the specified dollar thresholds at their discretion.

(iii) If a SCO reduces the thresholds or withholds the clearance approval authority from the designees in TABLE 1 below, the SCO must notify [SAF/AQC](#). If the SCO reduces or withholds clearance approval authority for more than six months, the SCO must brief the DAS(C) regarding the circumstances surrounding the decision.

Unit	Clearance Approval Authority	Clearance Approval Authority	Clearance Approval Authority \geq \$1B
Operational	COCO \leq \$10M	SCO > \$10M to	DAS(C) / ADAS(C)
Enterprise	COCO \leq \$50M	SCO > \$50M to	DAS(C) / ADAS(C)
PEO (Systems)	COCO \leq \$100M	SCO > \$100M to	DAS(C) / ADAS(C)

TABLE 1(iv). To facilitate planning for SAF/AQC Clearance approvals, SCOs must use the

[reporting tool](#) to project SAF/AQC Clearance approvals.

(2) For PEO and Enterprise contracting, business and contract clearance are required for actions greater than or equal to \$5M.

(3) For Operational contracting, business and contract clearance are required for actions greater than or equal to \$3M. Contracting squadrons or their equivalents will assign subordinate thresholds within their organization with approval authority at least one level above the CO for contract actions greater than \$500K. On a case-by-case basis, the SCO may review a specific contract action below the established threshold in order to ensure compliance with applicable standards and practices. The SCO may lower the threshold below \$3M or rescind a previously granted increased threshold for a subordinate contracting unit.

(4) SCOs are responsible for ensuring all further delegations of clearance approval authorities are included in the PGI.

(5) When a contracting official is the Source Selection Authority (SSA) for a particular acquisition, the CAA must be a level above the contracting official. If the SCO or their deputy is the SSA, the CAA for that acquisition must be the DAS(C)/ADAS(C). [Clearance requests](#) must be sent to [SAF/AQC](#) for approval by the DAS(C)/ADAS(C).

See [AF PGI 5301.9001\(b\)](#).

See [AFDW PGI 5301.90](#).

See [AFICC PGI 5301.90](#).

See [AFMC PGI 5301.90](#).

See [SMC PGI 5301.90](#).

See [USAFA PGI 5301.90](#).

SUBPART 5301.91 - OMBUDSMAN PROGRAM

5301.9101 Purpose

The purpose of the Air Force ombudsman program is to foster communication between Government and industry. The primary function of the ombudsman is to hear concerns about specific issues in acquisitions, to communicate these concerns to senior management personnel responsible for oversight and to assist in the resolution of the concerns. In accordance with [5301.9102\(f\)](#) below, employees, managers and customers may use the Air Force component ombudsman when seeking assistance in resolving procurement integrity issues.

5301.9102 Policy

(a) MAJCOM/DRU/AFRCO/SMC/SpRCO Commanders must appoint an experienced senior official who is independent of the contracting officer and program manager as the ombudsman at their organization. For AFMC Centers, an ombudsman is required at each Center, instead of at the MAJCOM. Centers may also have an ombudsman at each Operating Location/Geographically Separated Unit.

(b) The ombudsman will have the authority to call upon other resources of the activity to assist in resolving acquisition issues or concerns (e.g., administrative support, independent review teams).

(c) Contracting officers must identify the ombudsman in the initial announcement of the acquisition as well as in the draft and final RFP.

(d) The ombudsman must:

(1) Support acquisition personnel in the resolution of issues or concerns raised by interested parties;

(2) Act in a manner that does not compromise the interested party and, if requested, maintain anonymity of the parties;

(3) Avoid any appearance of usurping normal procurement authority (e.g., program manager, contracting officer, and source selection authority);

(4) Ensure all affected or knowledgeable offices and officials are consulted as part of any resolution process;

(5) Inform the Commander/Director, or PEO, as required, of issues raised and actions taken;

(6) Review complaints relative to multiple-award task and delivery order contracts awarded under 10 U.S.C. 2304a(d)(1)(B) or 2304b(e) to ensure that all contractors are afforded a fair opportunity to be considered for task and delivery orders in excess of the micro-purchase threshold, consistent with the procedures in the contract;

(7) Consistent with security requirements, have access to the appropriate offices and be allowed to collect all facts relevant to the resolution of issues raised by interested parties. Ombudsmen are granted access to proprietary information. Source selection information must be obtained through the source selection authority.

(e) The Ombudsman Program does not replace the agency level protest, GAO bid protest or disputes processes.

(f) The Air Force ombudsman is the ADAS(C), who may take action to assist in resolving issues, concerns, disagreements, and recommendations that cannot be resolved at the MAJCOM/DRU/SMC level, or for those having Air Force wide implications. The ADAS(C) is the AF ombudsman for procurement integrity issues (see [OUSD\(AT&L\)/DPAP memo, 1 Oct 09](#)).

(g) Government personnel may use the Ombudsman Program as a way to express concerns about an acquisition.

See [AFICC PGI 5301.9102](#)

See [AFMC PGI 5301.91](#)

See [SMC PGI 5301.91](#)

See [USAFA PGI 5301-9102\(a\)](#)

5301.9103 Solicitation Provision and Contract Clause

Insert a clause substantially the same as the clause at [AFFARS 5352.201-9101](#), Ombudsman, in all solicitations (including draft solicitations) and contracts.