PART 5309
Contractor Qualifications

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[2019 Edition]

INTERIM CHANGE: See CPM 19-C-11.

SUBPART 5309.1 — RESPONSIBLE PROSPECTIVE CONTRACTORS

5309.103 Policy

(b)(i) Section 1612 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (P.L. 115-91) requires SMC to establish and maintain a Contractor Responsibility Watch List (CRWL). SMC Instruction (SMCI) 64-101, *Air Force Space Contractor Responsibility Watch List (CRWL)***,** establishes the CRWL and its applicability to space program solicitations or contracts (See AFFARS 5302).

(ii) Contractors may be placed on the CRWL when their ability to successfully perform space program contracts is uncertain due to any of the following:

(A) Poor performance or award fee scores below 50%.

(B) Financial concerns.

(C) Felony convictions or civil judgements.

(D) Security or foreign ownership and control issues.

(iii) For any of the following actions on space program solicitations or contracts (See AFFARS 5302) follow the procedures at MP5309.190:

(A) Soliciting a sole source proposal.

(B) Entering into discussions (FAR 15.306(d)) (or equivalent activity) or awarding a competitive contract or awarding a sole source contract.

(C) Providing consent to subcontract when the subcontract is valued in excess of $3M or 5% of the prime contract value, whichever is lesser.

(D) Exercising a contract option.

(E) Executing a contract modification resulting from an engineering change proposal.

5309.104-1 General Standards

See the tailorable Determination and Findings -- Contractor Responsibility template.

5309.105-1 Obtaining Information

(a)(i) For SMC, prior to performing any of the actions listed in 5309.103(b)(iii), the contracting officer shall determine whether or not the solicitation or contract is a space program solicitation or contract (See AFFARS 5302) and verify whether or not the contractor(s), in whole or in part, is listed on the CRWL. The CRWL includes documentation in support of decision(s) to place the contractor(s) on the CRWL.

See SMC PGI 5309.105-1.

5309.105-2 Determination and Documentation

(a)(1) For SMC space program solicitations and contracts (see AFFARS 5302), the contracting officer shall document the determination of responsibility or nonresponsibility using the AFFARS Determination and Findings - Contractor Responsibility template, as tailored for SMC.

See SMC PGI 5309.105-2.

SUBPART 5309.2 — QUALIFICATION REQUIREMENTS

5309.202 Policy

(a)(1) For the designee referenced in FAR 9.202(a), see MP5301.601(a)(i).

See AFMC PGI 5309.202.

5309.206-1 General

(b) For the designee referenced in FAR 9.206-1(b), see MP5301.601(a)(i).

(e)(3) Whenever a decision is made not to enforce a qualification requirement, the contracting officer shall request concurrence from the activity that established the requirement.

5309.270-3 Policy

(a) See MP5301.601(a)(i).

See AFMC PGI 5309.303-90.

SUBPART 5309.4 — DEBARMENT, SUSPENSION, AND INELIGIBILITY

5309.405 Effect of Listing

INTERIM CHANGE: See CPM 19-C-11.

(a) The contracting officer must submit a request for a compelling reason exception through their SCO to SAF/AQC, with a copy to SAF/GCR. The request must include a description of efforts taken to establish alternate sources and the impact if the exception is not granted. SAF/AQC will forward the approved exceptions to GSA.

See AFMC PGI 5309.405.

5309.405-1 Continuation of Current Contracts

INTERIM CHANGE: See CPM 19-C-11.

5309.405-2 Restrictions on Subcontracting

INTERIM CHANGE: See CPM 19-C-11.

5309.406-3 Procedures

(a) *Investigation and referral*.

(i) The contracting officer or the referring person must promptly notify SAF/GCR, their SCO, and their designated legal counsel with all known information relating to the following:

(*1*) Any non-responsibility determination.

(*2*) Any indictment, conviction, or civil judgment (including those listed on required certifications, or those disclosed in accordance with FAR 3.1003 or FAR 52.203-13 relating to an offeror s or contractor s lack of integrity or business honesty, regardless of whether the indictment, conviction, or civil judgment related to a government contract.

(*3*) Any recommended or final termination for default or for cause.

(*4*) Any recommendation for debarment or suspension.

(*5*) Any debarred or suspended contractor who bids on a Government contract (including those who indicate debarment or suspension on required certifications).

(ii) The contracting officer must provide additional information as requested by SAF/GCR.

(b) *Decision-making process*.

(2) If SAF/GCR determines that a hearing is required, the contracting activity must provide witnesses and other support as requested.

5309.407-3 Procedures

The contracting officer must follow the debarment procedures at 5309.406-3 above for suspensions.

SUBPART 5309.5—ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

See SMC PGI 5309.5.

5309.503 Waiver

Forward requests to waive FAR 9.5 requirements through the SCO to SAF/AQC for HCA approval (see MP5301.601(a)(i)).

See SMC PGI 5309.503.

5309.504 Contracting Officer Responsibilities

(c) Forward the approved recommended course of action to the HCA through the SCO to SAF/AQC for review. Recommendations must include all documentation required by FAR 9.506(b) as an attachment. See MP5301.601(a)(i).

See SMC PGI 5309.504.

See SMC PGI 5309.506.

5309.507-2 Solicitation Provisions and Contract Clause

(a) In accordance with FAR 9.507-2, insert the clause at AFFARS 5352.209-9000, *Organizational Conflict of Interest*, substantially as written, in Section I when the contractor's eligibility for future prime contract or subcontract awards shall be restricted because of services being provided as stated in FAR 9.505-1 through -4.

(1) Insert the basic clause when the contractor will be providing systems engineering and/or technical direction. (See FAR 9.505-1.)

(2) Insert the clause with its Alternate I when the contractor will be preparing specifications or work statements. (See FAR 9.505-2.)

(3) Insert the clause with its Alternate II when the contractor will be providing technical evaluation or advisory and assistance services. (See FAR 9.505-3.)

(4) Insert the clause with its Alternate III when the contractor will be obtaining access to proprietary information. (See FAR 9.505-4.)

(5) Insert the clause with its Alternate IV when the contract is a task ordering contract and when more than one system is supported. The contracting officer may modify Alternate IV to include a list of systems for which task orders may be issued and indicate which organizational conflict of interest provision in paragraph (a)(2) shall apply.

(6) Insert the clause with its *Alternate V* when the contract provides for delivery orders. The contracting officer shall indicate in each delivery order which organizational conflict ofinterest provision in paragraph (a)(2) shall apply.

(7) Insert *Alternate VI* when it is necessary to have the restrictions of this clause included in all or some subcontracts, teaming arrangements, and other agencies calling for performance of work related to thecontract.

(b) As prescribed in FAR 9.507-1, insert in Section L the provision at AFFARS 5352.209-9001, *Potential Organizational Conflict of Interest*, substantially as written.

5309.571-7 Systems Engineering and Technical Assistance Contracts

(c)(1) See MP5301.601(a)(i).