

# AFFARS PGI 5309

## Contractor Qualifications

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## AFMC PGI 5309

### Contractor Qualifications

#### **5309.104-6 Federal Awardee Performance and Integrity Information System**

#### **5309.104-6-90 FAPIIS Reviews**

Once a FAPIIS review has been performed on the establishing IDIQ or basic contract award, contracting officers are not required to perform a FAPIIS review for each subsequent task or delivery order.

#### **AFMC PGI 5309.202 Policy**

(a) Pursuant to [AFMCI 21-112](#), Repair of Aircraft Engine Critical Parts, repair qualification requirements or a QR waiver are/is mandatory for the contract repair of aircraft engine critical parts.

(c) See [AFMCI 23-113](#), Pre-Award Qualification of New or Additional Parts Sources and the Use of the Source Approval Request (SAR), for instructions on establishing pre-award qualification requirements, and for guidelines and templates for preparing the Justification for Qualification Requirements and the Qualification Requirement Waiver.

## AFMC PGI 5309.303-90 Use

(a) Specific instructions for first article testing and approval can be found in [AFMCI 23-110](#), POST-AWARD PART VERIFICATION AND APPROVAL, paragraph 2.2, entitled Contracting Responsibilities.

(b) First Article Testing and/or the use of FAR 52.209-4, First Article Approval – Government Testing, are used to provide the Government estimate of the cost of retesting disapproved first articles.

## AFMC PGI 5309.405 Effect of Listing

(d)(1) The "Contractor Responsibility" Tab of the Contract File Content Index includes documentation by the contracting officer or buyer that the System for Award Management (SAM) Exclusions list was reviewed after bid opening or receipt of proposals; and immediately or closest extent possible as practicable prior to award to verify that contractors or prospective contractors are eligible for award. For sole source and limited source acquisitions, the SAM Exclusions list should be reviewed prior to both solicitation release and award and a copy inserted in the "Contractor Responsibility" tab of the contract file.

## SMC PGI 5309 Contractor Qualifications

### SMC PGI 5309.105-1 Obtaining Information

(a) FAR 9.105-1 outlines various methods of obtaining information to help the contracting officer in determining responsibility. When additional information is needed, a questionnaire can be developed to ask the contractor for the information needed. [Sample questions](#) may be applicable and included in the questionnaire prepared for submittal to the contractor. Questionnaire results should be included as substantiating material with the contracting officer's determination of responsibility or non-responsibility.

### SMC PGI 5309.105-2 Determinations and Documentation

(a)(1)(i) A responsibility or non-responsibility D&F is required only for those actions that are pre-award actions. Responsibility is a consideration only for prospective contractors, and is determined only pre-award. Considerations made to inform whether to take certain post-award actions, such as exercising an option or a contract modification resulting from an ECP, are part of contract administration business decisions. Many of the factors that are considered in determining responsibility pre-award and in making business decisions post-award are similar, e.g. ability to perform the work required by the contract action, being qualified and eligible under applicable laws, and having a satisfactory record of business ethics and no felony convictions or civil judgements, but responsibility is applied only pre-award.

(ii) A contracting officer's D&F is required to make a recommendation to SMC/CC, regarding CRWL related actions, regardless of whether the action is pre- or post- award or is independent of a specific contracting action. The following table depicts which type of D&F is required, by type of action, when following the CRWL procedures for when a company is on the CRWL or is being added to the CRWL.

	<b>Responsibility / Non-responsibility D&amp;F</b>	<b>Contracting Officer's D&amp;F</b>
Add / Remove Company From CRWL	No	Yes

	<b>Responsibility / Non-responsibility D&amp;F</b>	<b>Contracting Officer's D&amp;F</b>
Solicitation, Sole Source	No	Yes
Solicitation, Competitive	No	No
Award, Sole Source	Yes	No (unless Note 1 applies)
Entering into Discussions (or equivalent activity)	Yes	Yes
Award, Competitive	Yes	No (unless Note 2 applies)
Modification Resulting from an ECP	No	Yes
Option Exercise	No	Yes
Pre-award Consent to Subcontract	No	Yes
Postaward Consent to Subcontract	No	Yes

**Note 1:** The contracting officer's D&F should have been approved by SMC/CC prior to issuance of the solicitation; therefore, a new D&F is not required for award. However, if the contractor was not listed on the CRWL until sometime after solicitation release, the contracting officer will prepare a contracting officer's D&F for SMC/CC approval before proceeding to contract award.

**Note 2:** The contracting officer's D&F should have been approved by SMC/CC prior to entering into discussions (or equivalent activity); therefore, a new D&F is not required for award. However, if discussions (or equivalent activity) did not occur or the offeror was listed on the CRWL sometime after entering into discussions (or equivalent activity), the contracting officer will prepare a contracting officer's D&F for SMC/CC approval before proceeding to contract award.

## **SMC PGI 5309.5 Organizational and Consultant Conflicts Of Interest**

See [Organizational Conflict of Interest \(OCI\) Point of Need Training](#)

### **SMC PGI 5309.503 Waiver**

If the contracting officer determines that it is not possible to adequately mitigate or avoid an Organizational Conflict of Interest (OCI) but it is in the best interest of the Government to award the contract notwithstanding the conflict of interest, the contracting officer will request a waiver, in writing, from the HCA in accordance with FAR 9.503 and AFFARS 5309.503. The waiver request package should include: (1) the waiver request, including a description of the extent of the conflict and an analysis of why application of the requirement requested to be waived would not be in the Government's best interest in the particular situation, (2) the contracting officer's approved OCI determination and findings (D&F) with detailed analysis, including an assessment of the risk to current and future related acquisitions and the probability of the OCI's occurrence, and (3) the contractor's OCI mitigation plan (if applicable).

### **SMC PGI 5309.504 Contracting Officer Responsibilities**

(c)(1) See the [Guide to Preparing an Organizational Conflict of Interest \(OCI\) Determination and Findings \(D&F\)](#) for helpful tips on performing the contracting officer's OCI analysis.

(2) Use the [OCI D&F Template](#) as a guide to documenting the contracting officer's OCI analysis in the D&F required by FAR 9.5.

(e) When issuing the notification at FAR 9.504(e), consider requesting submission of an OCI Mitigation Plan consistent with the SMC [OCI Mitigation Plan Checklist](#).

## **SMC PGI 5309.506 Procedures**

See the [Sample Solicitation Instructions Regarding Organizational Conflicts of Interest](#) for recommended solicitation instructions requiring offerors to perform an OCI analysis as part of their proposals.