

# PART 616 - TYPES OF CONTRACTS

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## **616.000 Scope of part.**

The contracting officer may use any of the contract types described in FAR part 16 for acquisitions made under simplified acquisition procedures. The contracting officer shall document his/her decision to use a contract type in accordance with the requirements of FAR part 16.

## **Subpart 616.1 - Selecting Contract Types**

Source: 80 FR 6920, Feb. 9, 2015, unless otherwise noted.

### **616.102 Policies.**

### **616.102-70 Overseas posts.**

Pursuant to 601.601-70(a)(1)(i), no authority is delegated to overseas posts to enter into cost-reimbursement, fixed-price incentive, or fixed-price redeterminable contracts, unless the Procurement Executive's approval is obtained. Such requests shall be submitted by the head of the contracting activity on a case-by-case basis.

## **616.103 Negotiating contract type.**

(d) The Procurement Executive has issued class determinations for the following categories of contracts awarded by overseas contracting activities: painting, vehicle insurance, vehicle rental, alarm installation, cell phone rental, janitorial, hotel and cost per copy services; gardening and maintenance services; and packing/shipping services. Copies may be found in the Overseas Contracting and Simplified Acquisition Guidebook. Contracting officers need not develop their own determinations provided that they use A/OPE's model solicitations. Contracting officers shall place a copy of the appropriate determination in the contract file.

## **Subpart 616.2 - Fixed-Price Contracts**

### **616.203 Fixed-Price contracts with economic price adjustment.**

#### **616.203-4 Contract clauses.**

Contracting officers at domestic contracting activities may use an economic price adjustment clause based on cost indexes of labor or material in accordance with the circumstances listed in FAR 16.203-4(d) and after obtaining the approval of the head of the contracting activity. Overseas posts may use the clause at 652.216-71, Price Adjustment, when procuring continuing services (e.g., guard, janitorial, building maintenance, and gardening). Posts shall obtain A/OPE approval for any price adjustment clause that differs from the clause at 652.216-71.

### **616.207 Firm-fixed-price, level-of-effort term contracts.**

#### **616.207-3 Limitations.**

The head of the contracting activity is the chief of the contracting office for the purposes of FAR 16.207-3.

## **Subpart 616.5 - Indefinite-Delivery Contracts**

### **616.504 Indefinite-quantity contracts.**

(c) *Multiple award preference -*

(1) *Planning the acquisition.*

(ii)(D)(1) The Procurement Executive is the head of the agency for the purposes of FAR 16.504(c)(1)(ii)(D)(1).

#### **616.505 Ordering.**

(b)(5) The Departmental Advocate for Competition is designated the task and delivery order ombudsman.

## **616.506 Solicitation provisions and contract clauses.**

### **616.506-70 DOSAR contract clause.**

The contracting officer shall insert the clause at 652.216-70, Ordering - Indefinite-Delivery Contract, whenever the clause at FAR 52.216-20, Definite Quantity, or the clause at FAR 52.216-21, Requirements, or the clause at FAR 52.216-22, Indefinite Quantity, is used.