

SUBPART 202.1—DEFINITIONS

(Revised July 15, 2009)

202.101 Definitions.

“Commercially available off-the-shelf item”—

(1) Means any item of supply that is—

(i) A commercial item (as defined in FAR 2.101);

(ii) Sold in substantial quantities in the commercial marketplace; and

(iii) Offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.

“Congressional defense committees” means—

(1) The Committee on Armed Services of the Senate;

(2) The Subcommittee on Defense of the Committee on Appropriations of the Senate;

(3) The Committee on Armed Services of the House of Representatives; and

(4) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

"Contract administration office" also means a contract management office of the Defense Contract Management Agency.

“Contracting activity” for DoD also means elements designated by the director of a defense agency which has been delegated contracting authority through its agency charter. DoD contracting activities are—

DEPARTMENT OF DEFENSE

Department of Defense Education Activity

TRICARE Management Activity

Acquisition and Procurement Office, Washington Headquarters Services

ARMY

Headquarters, U.S. Army Contracting Command

Joint Contracting Command – Iraq/Afghanistan

National Guard Bureau

Program Executive Office for Simulation, Training, and Instrumentation

U.S. Army Aviation and Missile Life Cycle Management Command

U.S. Army Communications-Electronics Life Cycle Management Command

U.S. Army Corps of Engineers

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U.S. Army Expeditionary Contracting Command
U.S. Army Intelligence and Security Command
U.S. Army Joint Munitions and Lethality Life Cycle Management Command
U.S. Army Medical Command
U.S. Army Medical Research and Materiel Command
U.S. Army Mission and Installation Contracting Command
U.S. Army Research, Development, and Engineering Command
U.S. Army Space and Missile Defense Command
U.S. Army Sustainment Command
U.S. Army Tank-Automotive and Armaments Life Cycle Management Command

NAVY

Office of the Deputy Assistant Secretary of the Navy (Acquisition & Logistics Management)
Naval Air Systems Command
Space and Naval Warfare Systems Command
Naval Facilities Engineering Command
Naval Inventory Control Point
Naval Sea Systems Command
Naval Supply Systems Command
Office of Naval Research
Military Sealift Command
Strategic Systems Programs
Marine Corps Systems Command
Installations and Logistics, Headquarters, U.S. Marine Corps

AIR FORCE

Office of the Assistant Secretary of the Air Force (Acquisition)
Office of the Deputy Assistant Secretary (Contracting)
Air Force District of Washington
Air Force Operational Test & Evaluation Center
Air Force Special Operations Command
United States Air Force Academy
Air Force Materiel Command
Air Force Reserve Command
Air Combat Command
Air Mobility Command
Air Education and Training Command
Pacific Air Forces
United States Air Forces in Europe
Air Force Space Command
Program Executive Office for Aircraft Systems
Program Executive Office for Command and Control & Combat Support Systems
Program Executive Office for Combat and Mission Support
Program Executive Office for F/A-22 Programs
Program Executive Office for Joint Strike Fighter
Program Executive Office for Weapons

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Office of the Deputy Director, Management

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DEFENSE CONTRACT MANAGEMENT AGENCY

Office of the Director, Defense Contract Management Agency

DEFENSE FINANCE AND ACCOUNTING SERVICE

External Services, Defense Finance and Accounting Service

DEFENSE INFORMATION SYSTEMS AGENCY

Defense Information Technology Contracting Organization

DEFENSE INTELLIGENCE AGENCY

Office of Procurement

DEFENSE LOGISTICS AGENCY

Acquisition Management Directorate
Defense Supply Centers
Defense Energy Support Center

NATIONAL IMAGERY AND MAPPING AGENCY

Procurement and Contracting Office

DEFENSE THREAT REDUCTION AGENCY

Acquisition Management Office

NATIONAL SECURITY AGENCY

Headquarters, National Security Agency

MISSILE DEFENSE AGENCY

Headquarters, Missile Defense Agency

UNITED STATES SPECIAL OPERATIONS COMMAND

Headquarters, United States Special Operations Command

UNITED STATES TRANSPORTATION COMMAND

Directorate of Acquisition

“Contracting officer's representative” means an individual designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.

“Departments and agencies,” as used in DFARS, means the military departments and the defense agencies. The military departments are the Departments of the Army, Navy, and Air Force (the Marine Corps is a part of the Department of the Navy). The defense agencies are the Defense Advanced Research Projects Agency, the Defense Commissary Agency, the Defense Contract Management Agency, the Defense Finance and Accounting Service, the Defense Information Systems Agency, the Defense Intelligence Agency, the Defense Security Service, the Defense Logistics Agency, the National Imagery and Mapping Agency, the Defense Threat Reduction Agency, the National Security Agency, the Missile Defense Agency, and the United States Special Operations Command.

“Department of Defense (DoD),” as used in DFARS, means the Department of Defense,

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the military departments, and the defense agencies.

“Executive agency” means for DoD, the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force.

“General public” and “non-governmental entities,” as used in the definition of “commercial item” at FAR 2.101, do not include the Federal Government or a State, local, or foreign government (Pub. L. 110-181, Section 815(b)).

“Head of the agency” means, for DoD, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. Subject to the direction of the Secretary of Defense, the Under Secretary of Defense (Acquisition, Technology, and Logistics), and the Director of Defense Procurement and Acquisition Policy, the directors of the defense agencies have been delegated authority to act as head of the agency for their respective agencies (i.e., to perform functions under the FAR or DFARS reserved to a head of agency or agency head), except for such actions that by terms of statute, or any delegation, must be exercised within the Office of the Secretary of Defense. (For emergency acquisition flexibilities, see 218.270.)

“Procedures, Guidance, and Information (PGI)” means a companion resource to the DFARS that—

(1) Contains mandatory internal DoD procedures. The DFARS will direct compliance with mandatory procedures using imperative language such as “Follow the procedures at...” or similar directive language;

(2) Contains non-mandatory internal DoD procedures and guidance and supplemental information to be used at the discretion of the contracting officer. The DFARS will point to non-mandatory procedures, guidance, and information using permissive language such as “The contracting officer may use...” or “Additional information is available at...” or other similar language;

(3) Is numbered similarly to the DFARS, except that each PGI numerical designation is preceded by the letters “PGI”; and

(4) Is available electronically at <http://www.acq.osd.mil/dpap/dars/index.htm>.

“Senior procurement executive” means, for DoD—

Department of Defense (including the defense agencies)--Under Secretary of Defense (Acquisition, Technology, and Logistics);

Department of the Army--Assistant Secretary of the Army (Acquisition, Logistics and Technology);

Department of the Navy--Assistant Secretary of the Navy (Research, Development and Acquisition);

Department of the Air Force--Assistant Secretary of the Air Force (Acquisition).

The directors of the defense agencies have been delegated authority to act as senior procurement executive for their respective agencies, except for such actions that by terms of statute, or any delegation, must be exercised by the Under Secretary of Defense (Acquisition, Technology, and Logistics).

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“Tiered evaluation of offers,” also known as “cascading evaluation of offers,” means a procedure used in negotiated acquisitions, when market research is inconclusive for justifying limiting competition to small business concerns, whereby the contracting officer—

- (1) Solicits and receives offers from both small and other than small business concerns;
- (2) Establishes a tiered or cascading order of precedence for evaluating offers that is specified in the solicitation; and
- (3) If no award can be made at the first tier, evaluates offers at the next lower tier, until award can be made.