

AFARS PGI 5101 – Federal Acquisition Regulation System

(Revised 01 October 2024)

5101.170-1 Peer Review Templates.

Visit the PAM Peer Review page for forms, waiver requests, templates, best practices and lessons learned: <https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/PeerReview.aspx>.

5101.170-2 DoD Peer Reviews.

(a) The DASA(P) will review actions that are identified as requiring Office of the Secretary of Defense, Defense Pricing, Contracting, and Acquisition Policy (OSD DPCAP) review, in accordance with DFARS 201.170(a). ODASA(P) will ensure compliance with regulatory and policy requirements, and will recommend best practices when appropriate, in the establishment of the Government's objective position. The document package shall be submitted no less than one week prior to the scheduled OSD DPCAP review.

(1) Submit the request for review via ETMS2 and ODASA(P) will review the documents in PCF.

(i) Actions for Supplies shall be sent to: usarmy.pentagon.hqda-asa-alt.list.saal-zp-fsd@army.mil.

(ii) Actions for Services shall be sent to: usarmy.pentagon.hqda-asa-alt.list.saal-zp-ssm@army.mil.

5101.170-3 Peer Review Statistics.

ODASA(P) will utilize the quarterly tasker submitted in response to the Quarterly DPCAP Peer Review Forecast to track upcoming reviews in accordance with DFARS 201.170(a)(2). No later than 2 weeks prior to submission to OSD DPCAP, the SCO shall submit the documentation of pre- negotiation objectives to the address at 5101.290(b)(2)(ii)(E).

5101.170-4 Independent Management Reviews (IMRs) *(formerly Post Award Peer Reviews)*.

(a) The Summary Report Briefing to the SSM will generally be conducted virtually. However, the brief may be conducted in person.

(1) Submit summary report via ETMS2. <https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/ServicesAcquisition.aspx>

(b) Independent Management Review Summary Reports:

(1) An Independent Management Review Summary Report Sample can be found at:

<https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/ServicesAcquisition.aspx>.

(2) File Summary Reports in PCF in the following location/folder:

II. Award

-> F. Post Award Documents

-> 04. Reviews/Approvals – Award

-> Peer Review Documentation – Post-Award

5106.601-90-1 Guidance for Alignment of Contracting Activities to Categories.

The policy alerts below detail the alignment framework to promote efficient category management (CM) execution and create habitual customer relationships (centers of excellence) that leverage category-specific subject matter expertise within contracting activities.

- (a) [Policy Alert 22-52: Realignment of Transportation & Logistics \(T&L\) Motor Vehicles \(noncombat\) from Army Contracting Command-Rock Island \(ACC-RI\) to Army Contracting Command-Detroit Arsenal \(ACC-DTA\).](#)
- (b) [Policy Alert 20-70 REV 3: CM Implementation and Execution Memorandum.](#)
- (c) [Policy Alert 20-70 REV 2: CM Implementation and Execution Memorandum.](#)
- (d) [Policy Alert 20-70 REV 1: CM Implementation and Execution Memorandum.](#)
- (e) [Policy Alert 20-70: CM Implementation and Execution Memorandum.](#)

5101.601-90(b)(1)(D)-1 Senior Contracting Official Selections.

As Army Enterprise Head of the Contracting Activity (HCA), the DASA(P) will review all Senior Contracting Official (SCO) selections prior to a formal appointment, and ensure that prospective SCOs embody the knowledge, skills, and behaviors that will drive desired contractual outcomes. Army contracting activity HCAs will coordinate directly with the Army Enterprise HCA on all SCO selections prior to the SCO appointment. The coordination is intended to be an HCA-to-HCA discussion.

5101.601-90(c)-1 Contracting Responsibilities.

(a) Requiring activities have a responsibility to play an active role throughout the contracting process and support the Contracting officer, to include providing the Contracting officer with traceability of funds.

(b) Contracting officers must ensure sufficient funds are available for obligation; this is especially important if the requiring activity uses consolidated working funds. These accounts are established to hold funds transferred from other Federal Agencies or Department of Defense activities, pending transfer to an appropriate expenditure account. Consolidated working funds are not available for obligation and expenditure - their purpose is solely to hold the funds until transferred to an appropriation or fund account that will finance the work to be performed. Ultimately, the contracting workforce should not be seeing these types of funds. Therefore, if the requiring activity uses this type of 'holding account', the requiring activity should provide visibility/traceability of that appropriation or fund.

(1) If the Contracting officer understands, and can identify from the funding document, if sufficient funds are available for obligation, the color of money is correct and the year of money is appropriate, then there is no need to follow up with the requiring activity.

(2) If the Contracting officer receives a funding document and cannot identify those elements, then the contracting officer has a right to ask the requiring activity for that traceability of funds.

(3) ASA(ALT) memorandum, "[Traceability of Funds](#)," (19JAN2021).

5101.691-1 Army Enterprise Audit Tracker.

(a) The ODASA(P) is tracking, monitoring, and assessing the Army's implementation of audit findings and recommendations from external Army and DoD audit organizations via a SharePoint database tracker.

(b) Command level reports and metrics may be accessed via AMID authentication on the public SharePoint portal at: <https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/AuditDashboard.aspx>

(c) DASA(P) memorandum, "[Army Enterprise Audit Tracker](#)," (22DEC2020).

AFARS PGI 5103 – Improper Business Practices and Personal Conflicts of Interest

(as of 01 October 2024)

5103.104-4-1 Access to Contract Procurement Data and Documentation.

(a) After coordinating with the responsible O6/GS15 of the Program Management Office or other requiring activity, Contracting officers shall provide contract procurement data and documentation as requested by authorized personnel in accordance with [AFARS 5103.104-4\(a\)](#).

(b) Contracting officers shall provide the data and documentation by secure electronic or physical means authorized personnel for use at their assigned duty station(s). The Virtual Contract Enterprise – Paperless Contract File (VCE-PCF), Virtual Contract Enterprise – Acquisition Source Selection Interactive Support Tool (VCE-ASSIST), and Department of Defense Secure Access File Exchange (DoD SAFE), or their designated successors, shall be the authorized methods used when contract data and documentation is conveyed electronically.

(c) As required by Contracting officers, authorized personnel shall sign non-disclosure agreements addressing any conflict of interest and the proper storage, handling, and protection of procurement-sensitive information.

(d) The Contracting officer shall provide the point of contact for authorized individuals to address questions related to the data provided.

AFARS PGI 5104 – Administrative Matters

(as of 10 March 2025)

5104.403(2)-1 Responsibilities of Contracting Officers.

(2) Contracting officers are responsible for incorporation of DD Form 254 in contracts, where applicable, to inform the contractor of the level of information they will be required to access, the level of security clearance the contractors will need, and how they will process, store, transmit, and destroy the classified information when the contract is complete.

(i) Contracting Officer Representatives (COR) may be required, by appointment, to perform transmission of final and modified DD254s by email to their respective Cognizant Security Office (CSO) identified in Block 8, Part C, of the DD254. Contracting officers are responsible for ensuring communication of COR responsibilities are documented in the Joint Appointment Module on the PIEE platform.

(ii) The security requirements detailed in Block 13 of a DD Form 254 shall be certified by a qualified Industrial Security Specialist (ISS) before a Contracting Officer (KO) can approve and sign in Block 17 of the form. The Industrial Security Specialist (ISS) must have completed all mandatory training outlined in [HQDA G-2 memorandum dated 08 Jan 2025](#) before performing certification duties and shall certify all security requirements in Block 13 before submission of the DD Form 254 to the Contracting Officer. The ISS certification confirms compliance with DoD security regulations, Army policies, and any additional contract-specific security requirements, ensuring the security provisions for classified contracts are properly validated before contract execution.

(iii) The Contracting Officer (KO) will sign Block 17 of DD Form 254 after, and only when, a qualified ISS has certified the security requirements in Block 13. The KO signature signifies approval that the ISS certification in Block 13 is valid. The KO is not required to complete the ISS training outlined in the HQDA G-2 memorandum.

5104.802(f)(i)-1 Record and Identify Reachback Contract Actions in PCF.

Contracting officers/Specialists shall identify all VCE PCF Cabinets for contracting actions that provide reachback support to assist deployed contracting offices during expeditionary operations.

- (a) Expeditionary is defined as the deployment of the military to locations abroad, away from established bases.
- (b) Select “reachback” from the Procurement Category menu in VCE PCF.

5104.802(f)(i)-2 Identify Bridge Contract Actions in PCF.

Contracting officers/Specialists shall account for all bridge contracts in VCE PCF Cabinets.

(a) Bridge contract is defined as a noncompetitive contract or order with an incumbent contractor that allows performance to continue from the time between the end of one contract award and the beginning of another where the effort was not priced in the original award. This definition includes the exercise of options that were not priced and evaluated at the time of award.

(b) Select “bridge contract” from the Records Management tab in VCE PCF.

5104.802(f)(i)(1) Accessing the Army Cabinet Index Structure.

The Army Cabinet Index Folder referenced at AFARS 5104.802(f)(i)(1) is available via VCE-PCF under Help -> PCF Folder Structures -> Army Cabinet Index(ACI). The file is auto-updated and is available as a .PDF file.

5104.802(f)(i)(3)-1 Procurement Administrative Lead Time (PALT) Micro-Learning Module on PAM.

The PALT module explains the genesis of PALT and the crucial “why” entering data in VCE is so critical to Contracting officers and Senior Leaders alike. Visit the PAM Media Library to access the PALT Micro-Learning Module (located at bottom of page):

<https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM/SitePages/MediaLibrary.aspx>

5104.802(f)(i)(3)-2 ASA(ALT) Strategic Approach to Lead Time.

For Fiscal Year 2023 (FY23) and beyond Procurement Administrative Lead Time (PALT) estimates, see [ASA\(ALT\) memorandum Fiscal Year 2023 Procurement Administrative Lead Time Estimates, dated 31 January 2023](#).

5104.7304-1 Implementation of Enhanced Security Protections for Contractor Information Systems.

Contracting officers shall follow the direction in the ASA(ALT) memorandum and enclosure “[Implementation of Enhanced Security Protections for Contractor Information Systems](#),” (24FEB2020) for enhanced cybersecurity protections under contracts containing the clause at DFARS 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting.

AFARS PGI 5107 – Acquisition Planning

(as of 01 October 2024)

5107-1 Shaping Innovative Acquisition Planning.

(a) MITRE's 'Acquisition in the Digital Age' (AiDA) provides comprehensive topic information, tools, and resources to help acquisition professionals apply innovative strategies to "Accelerate" programs, Navigate Middle Tier Acquisitions (NDAA Section 804), Acquire Software using "Agile" Development, implement Other Transaction Authority (OTA) pathways, and aide in other Acquisition Solutions. Within the topics, acquisition professionals will find source material for various tailored acquisition models to help inform requirements, accelerate delivery, and control cost and risk, along with relevant policy, funding considerations, case studies, best practices, lessons learned, and advantages and limitations for these tools.

Visit MITRE's AiDA website at: <https://aida.mitre.org/>.

(b) MITRE also offers a website focused on the cone of contracting, using FAR and Non-FAR methods, such as Small Business Innovation Research, Broad Agency Announcements, Other Transactions, Grants, and Cooperative Agreements, which provide common applications, pros and cons, restrictions, and contracting scenarios for each. This information helps narrow potential contract strategies down to the best one.

Visit the Contracting Cone at: <https://aaf.dau.edu/aaf/contracting-cone/>.

AFARS PGI 5108 – Required Sources of Supplies and Services

(as of 01 October 2024)

5108.12-90-1 Randolph-Sheppard Consultation Submission Requirements.

This section provides procedures for the Army “consultation” required under 34 C.F.R. § 395.33(a) and (b).

(a) If a State Licensing Agency (SLA) under the Randolph-Sheppard Act has submitted a proposal to provide cafeteria services and the proposal is judged to be within the competitive range and has been ranked among those proposals which have a reasonable chance of being selected for final award, the contract is expected to be awarded to the SLA after consultation with the Department of Education (ED). In order to consult with ED, the Contracting officer shall:

(1) Prepare an ED consultation letter for the supporting Chief Counsel’s review and Senior Contracting Official’s (SCO’s) approval. The letter should be addressed to “Department of Education, Attn: Commissioner, Rehabilitation Services Administration.” It should include a description of the basis for award as stated in the solicitation, contract type, period of performance, price analysis, proposed award price, and rationale for why the SLA’s proposal is in the competitive range. The letter must include a copy of the solicitation and, pursuant to AFARS 5103.104-4(a)(vii) and with appropriate markings, the SLA’s proposal, and the proposed awardee’s total evaluated price.

(2) Following receipt of the SCO’s written approval, the Contracting officer shall transmit the letter to the [ED Rehabilitation Services Administration \(RSA\)](#) for its receipt at least ten (10) business days prior to making an award.

(3) The Contracting officer shall submit a copy of the ED consultation letter to the [ODASA\(P\) mailbox \(usarmy.pentagon.hqda-asa-alt.mbx.office-of-the-dasa-p@army.mil\)](#) within three business days of the date the letter was submitted to the ED.

(b) ED RSA will provide its response within seven (7) business days of receipt of the Contracting officer’s consultation letter. If ED determines that the operation of the cafeteria can be provided at a reasonable cost, with food of a high quality comparable to that currently provided employees, the Contracting officer shall afford the priority in the operation of cafeterias by blind vendors to the SLA.

(1) The Contracting officer shall submit a copy of the ED RSA’s response, and the Contracting officer’s record of consideration, to the ODASA(P) mailbox within five days of receipt from ED.

(2) The Contracting officer shall provide a copy of ED’s determination to the SLA.

AFARS PGI 5109 – Contractor Qualifications

(Revised as of 01 October 2024)

5109.103(b)-1 Determination of Responsibility Assistant (DORA) Contractor Responsibility bot.

(a) The bot pulls information from two public-facing websites: System for Award Management (SAM) and Federal Awardee Performance and Integrity Information System (FAPIS).

(b) The bot creates summary reports of the information listed on the sites, populates a memorandum template created by the ODASA(P) with a summary of results, and sends all attachments back to a contracting professional in approximately five minutes.

(1) The Prospective Contractor Responsibility Determination memorandum and associated attachments produced by the bot are in accordance with FAR 9.105-2 “Determinations and Documentation.”

(2) The memorandum and attachments produced by the bot, updated as necessary by the Contracting officer, will serve as official contract documentation to the Army’s contract file.

(c) The bot is not intended to replace a contracting official’s judgement or responsibility; it is meant to streamline and enhance the ability to gather and populate data necessary to make prospective contractor responsibility determinations.

(1) The contracting official maintains the authority and latitude to add information and check other areas in addition to the fields completed by the bot.

(2) Before making a determination of responsibility, Contracting officers shall possess or obtain information sufficient to be satisfied that a prospective contractor currently meets the applicable standards in FAR 9.104 and DFARS 209.104.

AFARS PGI 5110 – Market Research

(Revised 01 October 2024)

5110.002(b)-2 Market Research & Planning.

(a) The Army's Market Intelligence Center Portal provides requiring activities and contracting professionals with a consolidated source for market intelligence resources and tools, vendor listings (traditional and non-traditional), training sources, best practices, and reference guides. This Portal collects multiple government vendor lists together with just one click, thereby facilitating a better understanding of the 'realm of the possible' within a particular marketplace.

Visit the Army's Market Intelligence Center Portal on PAM at https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/Market_Research.aspx.

(b) "Find a Vendor" list includes the Product Service Code (PSC) Prediction Service and the PSC Selection Tool. The PSC Prediction Service utilizes machine learning to gain user feedback on search results to enhance PSC accuracy and contract data input; the PSC Selection Tool allows users to search by keyword or by category management spend categories.

Visit the "Find a Vendor" list on PAM at https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/MR_Sources.aspx

AFARS PGI 5115 – Contracting by Negotiation

(Revised 01 October 2024)

5115.403-1 TINA Case Waivers.

For any contract, subcontract, or modification expected to have a value \$20 million or greater, prior to submitting the waiver of TINA requirements request to the HCA, Contracting Officers shall notify in writing the addressee listed at 5101.290(b)(2)(ii)(E). The notification shall include all required data fields IAW DFARS PGI 215.403-1(c)(4)(B).

After HCA review of the TINA waiver request, Contracting Officers shall provide final status of approval or disapproval to the addressee listed at 5101.290(b)(2)(ii)(E).

5115.407-2 Make-or-buy analysis for Army Programs of Record.

- (a) Program Executive Officers and Program Managers must give thorough consideration to Army Arsenals and their manufacturing capabilities to meet program requirements.
- (b) Contracting Officers must ensure adequate market research is conducted, and inclusion in the Request for Proposal that the awarded contractor shall seek Public Private Partnerships with Army arsenals.
- (c) The performance work statement must contain a tailored contract data requirements listing and appropriate language that addresses changes in work to arsenals and a definitive process for any required price adjustments.
- (d) ASA(ALT) memorandum, “[Make or Buy Analysis for Army Programs of Record](#),” (11APR2018)

AFARS PGI 5116 – Types of Contracts

(as of 01 October 2024)

5116.102-90-1 Selecting Contract Types.

In accordance with the FAR 16.101, selection of the contract type should appropriately balance the risk assumed by the contractor for the costs of performance and provide the contractor with the greatest incentive for achieving or exceeding specified standards or goals. The decision on contract type should be informed by insights from both the contracting officer and the requiring activity.

(a) In accordance with DoD Instruction 5000.02, Operation of the Adaptive Acquisition Framework, the contract type determination is satisfied when the Milestone Decision Authority (MDA) approves the acquisition strategy for Major Defense Acquisition Programs (MDAP) at all major decision points. See DFARS 234.004(2).

(b) For all other contracts, the contracting officer should ensure careful coordination with the requiring activity for the contract typed decision.

(c) For more information on contract types, to include best-use scenarios and guidance for the evaluation on use of Fixed-Price Incentive (Firm Target) contracts, see the Assistant Secretary of the Army (Acquisition, Logistics and Technology) memorandum, “[Justification of Contract Type and Incentive Strategies](#),” (10APR2019).

5116.102-90-2 Pricing Website.

(a) The Pricing website is available at <https://Procurement.Army.Mil> (PAM) at <https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-ProcProc/SitePages/CostPrice.aspx> for use by all acquisition and contracting professionals across the Army enterprise.

(1) Army acquisition professionals who need pricing assistance or have pricing questions, can contact Army pricing SMEs, maximizing pockets of specific pricing expertise across the Army.

(2) Access best practice pricing tools, training, and a list of the top 54 Army contractors listed by spend value along with their 10-K reports, 10-Qs and a summary analysis of these reports. These reports will assist acquisition professionals to determine the appropriate overhead and general and administrative rates taking into consideration Army contractors' financial information and any recent major acquisitions.

(3) Join the Community of Practice or view the directory of the cost and price community to collaborate thus allowing acquisition professionals and price analysts to participate in virtual dialogue about pricing concerns, issues, and topics.

5116.403-1 Fixed-Price Incentive (Firm Target) Contracts Micro-Learning Module on PAM.

Visit the PAM Learning Center & Training Library to access this [Micro-Learning Module](#).

AFARS PGI 5118 – Emergency Acquisitions

(Revised 01 October 2024)

Visit the Guidance section under the Templates and Guides tile on PAM for additional information on Emergency Acquisition Flexibilities. See <https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM-Compass/SitePages/Templates.aspx>.

5118.2-1 Emergency Acquisition Flexibilities.

- (a) Use of most FAR Subpart 18.2 and DFARS Subpart 218.2 emergency acquisition flexibilities requires an HCA determination that the acquisition meets the prescribed criteria. For example, FAR 18.202(b) increases the simplified acquisition threshold when the HCA determines the supplies or services are to be used to facilitate defense against or recovery from cyber, nuclear, biological chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster. HCAs must be involved to ensure that the emergency acquisition flexibilities are used only for their intended purposes.
- (b) No approval, authorization, or notification from DPCAP or ODASA(P) is necessary for the HCA to authorize these flexibilities. DPCAP information releases/ODASA(P) Policy Alert Notifications do not satisfy the requirement for the prescribed HCA determination.
- (c) Visit <https://www.fema.gov/disasters> for the FEMA Disaster Search Tool to find declared disasters and emergencies.

AFARS PGI 5119 – Small Business Programs
(as of 01 October 2024)

5119.201 General Policy.

(d)(7)(A) The Director, Headquarters, Department of the Army (HQDA) Office of Small Business Programs (OSBP) appoints small business specialists. Additionally, the Director, HQDA OSBP will review and concur/non-concur on all hiring actions; execute the selectees' appointment letters; possess sole authority to waive full-time requirements for full-time small business specialists; and appoint any Army small business specialists on a less-than-full-time basis.

(B) The Command Small Business Assistant Director (AD) is the full-time small business specialist responsible for execution of the Small Business Program (SBP). The AD serves as the principal advisor on all matters related to the SBP within the activity and reports directly to the Commander or Deputy (second in Command). The AD is to be appointed at the GS-15 or equivalent level and shall not be subject to the control or direction of contracting, contract management, or technical personnel. The AD must be certified at the appropriate level in accordance with Defense Acquisition Workforce Improvement Act requirements and possess the business acumen and experience required to execute the duties of the position.

(C) The Assistant Director is the full-time small business specialist responsible for execution of the SBP at subordinate levels of the Command. The Assistant Director provides SBP advice and guidance to Commanders (or at the equivalent level) at the subordinate Command-level and works with the ADs to execute the Command Program.

(D) The Small Business Specialist is required to fulfill the following responsibilities: provide advice to small businesses concerning acquisition procedures, information regarding proposed acquisitions, standard clauses, representations, and certifications; ensure that contract financing for small businesses, available under existing regulations, is considered in the acquisition process; ensure that appropriate assistance provided to small businesses in obtaining payments under their contracts, late payments, interest penalties, or information on contract payment provisions; provide assistance to contracting officers in determining the need for acceptability of subcontracting plans; and advise and assist contracting, program management, and requirements personnel on all matters that affect small businesses throughout the acquisition process including acquisition planning, source selection and contract performance.

(E) Director, OSBP [Policy Memorandum # 20-01: Appointment of Small Business Professionals](#), outlines the established policy for the selection and appointment of small business specialists.

**AFARS PGI 5123 – Environment, Energy and Water Efficiency, Renewable Energy
Technologies, Occupational Safety, and Drug-Free Workplace**

(As of 01 October 2024)

5123.12-90-1 Ensuring Adequate COVID Safety Protocols for Federal Contractors.

Reserved.

AFARS PGI 5125 – Foreign Acquisitions

(Revised as of 01 October 2024)

5125.070-1 Reporting of acquisition of end products manufactured outside the United States.

(a) This section provides procedures for the Army monthly reporting requirements on Made In America (MIA) Laws, in accordance with Executive Order 14005, “Ensuring the Future is Made in All of America by All of America’s Workers” and Office of Management and Budget Memorandum M-21-26, “Increasing Opportunities for Domestic Sourcing and Reducing the Need for Waivers from Made in America Laws”.

(b) The Contracting officer shall enter the following required information into the MIA Monthly Report Template:

(1) Address ongoing implementation of, and compliance with, MIA Laws (see paragraphs I through viii in the Monthly Report Template).

(2) Provide an analysis of goods, products, materials, and services not subject to MIA Laws, if any.

(3) Provide recommendations of how to further implement policy set forth in Section 1 of Executive Order 14005.

(4) Provide the contract number and description of all procurements related to the Reciprocal Defense Procurement Agreement.

The completed report shall be submitted to the ODASA(P) mailbox no-later-than five working days after the last day of each month. Example: If the last day of the month is Wednesday, 31 January, the fifth working day after the end of the month would be Wednesday, 7 February.

5125.7002-2-1 Improving Compliance with the Berry Amendment and Buy America Act.

(a) Contracting personnel who, on a regular basis, procure goods and services subject to the Berry Amendment, (or are assigned a contract subject to the Berry Amendment), must complete the Defense Acquisition University continuous learning model “CLC 125 – Berry Amendment”. Complete this course every 2 years as a refresher.

(b) Contracting personnel are strongly encouraged to apply Defense Pricing, Contracting, and Acquisition Policy (DPCAP) recommended best practices, to ensure compliance with the Berry Amendment:

(1) Conduct market research to include considerations for the Berry Amendment Requirement.

(2) Publicly advertise a 'sources sought notification' (SAM.gov) to determine if the product is available domestically in sufficient quality and quantity.

(3) Develop solicitations that contain the appropriate DFARS clauses in full text; include a Berry Amendment notice outlining the requirements for compliance in solicitations.

AFARS PGI 5130 – Cost Accounting Standards Administration

(Revised 01 October 2024)

5130.201-5 Waiver.

(e) Requests for CAS waivers shall be submitted through the Enterprise Task Management Software Solution (ETMS2) to the Deputy Assistant Secretary of the Army (Procurement) using the addressee listed at AFARS 5101.290(b)(2)(ii)(E). The report shall include all required data fields in accordance with DFARS 230.201-5(e) and DFARS PGI 230.201-5(e).

AFARS PGI 5132 – Contract Financing

(as of 01 October 2024)

5132.607 Installment payments and deferment of collection.

5132.607-2 Deferment of collection.

The Contracting officer shall the provide the recommendation and supporting documents in accordance with FAR 32.607-2(c)(2). The package must be reviewed by the appropriate Army level in accordance with the below chart.

\$250 Million or More but Less than \$1 Billion	HCA
\$50 Million or More but Less than \$250 Million	SCO
Below \$50 Million	SCO or Designee

Once the appropriate review has been completed, the Contracting officer will forward the recommendation package in accordance with AFARS 5101.290(b)(2)(ii)(B). ODASA(P) will review and provide an endorsement with recommended disposition and forward to ASA(FM&C) at usarmy.pentagon.hqda-asa-fm.mbx.debt-deferment@army.mil for decision.

AFARS PGI 5139 – Acquisition of Information Technology

(Revised 1 October 2024)

5139.1-1 Capture of Internal Use Software in Contract Documentation.

- (a) To facilitate capture of Internal Use Software (IUS) in contract documentation, refer to AFARS 5104.7103-90 for Contract Line Item structure and the [IUS Software Guide](#) (9APR2019).
- (b) The instruction applies to all software (SW) procurements which includes applications and operating system programs, procedures, rules, and any associated documentation pertaining to the operation of a computer system or program.
- (c) Contracting officers will utilize this instruction in coordination with FAR, DFARS and AFARS provisions to ensure accounting of IUS in contract documents.

5139.1-2 Reform of Information Technology Desktop and Notebook Purchase and Configuration.

- (a) All Army organizations will ensure that all purchases of notebooks and desktop computers comply with the standard notebook and standard desktop category configurations offered via the Army Computer Hardware Enterprise Software and Solutions (CHESS) contract vehicles which are compliant with Secure Host Baseline - Army (SHB - A) and Government-wide standards.
- (b) Seasonality: To take advantage of lowest prices, Army organizations must purchase notebooks and desktops between December and May. Exceptions to this policy will be approved by the IT Category Management team.
- (c) Volume Purchase Size: Army organizations must aggregate purchases in order to achieve the best possible volume discounts. To best achieve unit savings, organizations will aggregate purchases to greater than 100 units and are encouraged to bundle orders across organizations to create large volume orders. Exceptions to this policy will be approved by the IT Category Management team.
- (d) Deputy Under Secretary of the Army memorandum, “[Reform of Information Technology \(IT\) Desktop and Notebook Purchase and Configuration](#),” (13AUG2020).

5139.1-3 Development, Security, and Operations (DevSecOps).

- (a) Converging the Development, Security, and Operations (DevSecOps) cultures, processes, and technologies in order to shorten the software development life cycle to accelerate the continuous delivery of high quality and secure solutions into operations.
- (b) Contracts that include DevSecOps have two components requiring contract management:

(1) Overall performance and Management of the Factory with respect to availability, tools, and pipeline of software development;

(2) Management of the software development activities to ensure the contractor is managing the software delivery in accordance with the customer expectations employing modern software development methods to meet requirements and timelines of the contract.

(c) Contracting Officers may want to consider appointing a Contracting Officer's Representative (COR) for each DevSecOps component, depending on the complexity of the contract and COR's knowledge/experience. CORs and contracting officers should be versed in modern software development frameworks/methodologies.

(d) The following introductory courses are the minimum recommended set of training courses for CORs managing contracts that include DevSecOps:

(1) DevSecOps for the DoD: Fundamentals (DAU WSA 001) and Security Focus (DAU WSA 002), or equivalent commercial courses

(2) Introduction to DoD Cloud Computing (DAU CLE 075), Cloud Services Workshop (DAU WSA 004), or commercial courses that cover Microsoft Azure and Amazon AWS

(3) Introduction to the Risk Management Framework (DAU CLE 033)

(4) Introduction to Agile Software Acquisition (DAU CLE 076)*

(5) DAU ACQuidpedia Article: Agile Software Development*

*Depending on Contractor's software development methodology

5139.1-4 Software Development.

(a) Contracting strategies for software development will be flexible to allow for quick adaptation to changes in the software development strategy and enable Agile development. See Army Directive 2024-02 (Enabling Modern Software Development & Acquisition Practices) for additional information. This directive is not applicable to contracts and/or orders for requirements that may be met using commercial software products or Commercial Software as a Service (SaaS) without modification (i.e., does not require software development services).

(b) Contracting officers must consider the use of a modular contracting approach and the use of multiple award contracts. These considerations must be documented within the acquisition planning documentation.

(c) Firm-Fixed Price (FFP) can be an appropriate CLIN type for low/no code software development and commercial SaaS. Contracting officers should carefully consider the amount of customization and limitations associated with using solely FFP CLINs for complex or custom software development. Cost and labor hour CLIN types are often more appropriate for complex or custom software development and may be used in conjunction with incentives or FFP CLINs (i.e., hybrid contract) to allow the Contractor to respond more easily to changing

Government requirements and priorities. FFP remains appropriate for unmodified commercial software products and commercial SaaS procurements.

5139.101-90-1(b)(1) Implementation of CHESS Mandate for IT Service Contracts.

The “[Implementation Guidance to Move Information Technology \(IT\) Service Requirements to CHESS Contract Vehicles](#)” (30Mar2021), serves as a guide to the acquisition workforce on the purchase of IT Services Contracts. This Guidebook is also available on the on the PAM Army Templates and Guides page.

AFARS PGI 5141 – Acquisition of Utility Services

(Revised 01 October 2024)

5141.1-1 Termination for Convenience of Army Energy Savings Performance Contracts

(a) While termination of convenience of Army Energy Savings Performance Contracts (ESPC) and Utility Energy Service Contracts (UESC), or buy-outs of UESCs may be appropriate in certain cases, depending on the needs of the installation, they should be used sparingly because they present Army with a number of short- and long-term disadvantages.

(b) Any proposal for a termination of convenience of an ESPC or UESC, or a buy-out of UESC with an original project value in excess of \$10M shall be reviewed by the Deputy Assistant Secretary of Army for Energy and Sustainability, prior to final decision-making.

(c) Assistant Secretary of the Army (Installations, Energy and Environment) memorandum, [“Policy on Termination for Convenience of Army Energy Savings Performance Contracts and Utility Energy Service Contracts, and Buy-Outs of Utility Energy Services Contracts,”](#) (10AUG2020).

AFARS PGI 5142 – Contract Administration and Audit Services

(as of 01 October 2024)

5142.1-1 DCAA Audit Assistance for Special Access Programs

(a) Contracting Officers awarding contracts supporting Special Access Programs (SAPs) are reminded to distribute copies of contracts or modifications requiring audit service to the appropriate Defense Contract Audit Agency (DCAA) field office listed in the directory of Federal Contract Audit Office at FAR 42.103.

(b) In order to communicate with DCAA Field Detachment at the Special Access Required (SAR) level for all Army SAPs, Contracting Officers must have access to an Army SAP Enterprise Portal (ASEP) account and request a Secure Integration Cloud (SIC) account through the Army Special Program Directorate (ASPD). The SIC is the DoD SAP enterprise cloud system which allows DoD SAP Components to process and share data up to the Top Secret, SAR, and Sensitive Compartmented Information (SCI) level.

(c) After establishing a SIC account, a Contracting Officer will request a secure meeting or call with DCAA by contacting the DCAA Customer Coordination Chief via the SIC platform, unclassified notification through email or by phone. No transmission of a contract or modification can occur prior to initiating contact with DCAA Customer Coordination Chief and receiving further information.

AFARS PGI 5145 – Government Property

(as of 01 October 2024)

5145.000 Scope of part.

(b)(5)(S-90)(i) Government property that is provided to the contractor(s) as incidental to the place of performance shall be documented within the contract. The requiring activity shall document on an attachment to be included in the appropriate section of the contract. At a minimum, the data elements listed below shall be annotated.

a) The name, part number and description

b) National Stock Number

c) Quantity

d) Unit acquisition cost

e) Unit of Issue

f) Unique-item identifier or equivalent (if applicable)

g) Serial number if applicable.

h) Any other data elements the responsible Accountable Property Officer (APO) requires.

(ii) Incidental property is not covered under FAR Part 45, Government Property. The control, reporting, inventory requirements, maintenance, repair, disposition and loss shall be annotated by the Requiring Activity within the Performance Work Statement (PWS) and validated via FAR Part 46, Quality Assurance. Additionally, the Requiring Activity shall specify in the PWS whether the Government or the contractor is responsible for maintenance and repair costs, as well as the conditions under which the contractor may be held liable for loss of property.

5145.103 General.

(a)(6) Contractors are required, pursuant to FAR 45.103, to declare property as excess when no longer needed for contract performance. Contractors declaring excess property use the Government Property disposition tool within the Plant Clearance capability of the of the Procurement Integrated Enterprise Environment (PIEE) Government Furnished Property (GFP) Module.

5145.103-73 Government property under sustainment contracts.

(1)(A) Contracts in support of U.S. Army Material Command (AMC) Life Cycle Management Command (LCMC) shall contain requirements for the utilization of Total Asset Visibility – Contractor (TAV-C) within the Statement of Work (SOW) unless the requiring activity dictates otherwise.

(1)(B) The use of the Logistics Management Program (LMP) and Total Asset Visibility at Contractor Locations (TAV-C) Module meets the requirements of the sustainment CDRL and may be used in lieu of the CDRL.

5145.103-74 Contracting office responsibilities.

See AFARS 5145.390 Documentation of Government property in contracts.

(4)(a) For reoccurring inventory reports, include Contract Line Item Numbers (CLINs) in solicitations and contracts that correspond to each report. Include a separate CLIN for any Contract Data Requirements List (CDRL) related to reoccurring contractor reporting of GFP, to include but not limited to reporting for sustainment contracts (see DFARS PGI 245.103-73).

5145.105 Contractor's property management system compliance.

(a)(i) Army Contracting officers shall not make a determination on the acceptability of a contractor's property management system, unless the Army is the Cognizant Federal Agency (CFA) for that contractor (see FAR 42.003).

(a)(i)(A) If the Army is not the CFA, the Contracting officer, in consultation with the property administrator, shall make a determination at the contract/task order level to ensure contractor stewardship of Army property (see DFARS 245.105).

(a)(i)(B) If the Army is not the CFA, and the property administrator documents one or more deficiencies at the contract/task order level, the Contracting officer shall provide the documented deficiencies to the CFA's Contracting officer/property administrator.

(b) When an outside agency has been delegated property administration functions, the delegated agency shall perform the activities described under FAR 45.105 and DFARS 245.105. If a delegation is not assigned to an outside agency, and a Property Administrator is not assigned, the Contracting officer is responsible for completion of these activities.

5145.107 Contract Clauses

(a)(1)(i)(A) Except as provided in paragraphs (a)(1)(i)(B) and (a)(1)(i)(C) of this section, include FAR part 45 and its supplements' contract clauses on solicitations and contracts that also include cost or time and material CLINs in order to ensure stewardship of contractor acquired property that can be procured under those CLIN types.

(a)(1)(i)(B) For time and material solicitations and contracts awarded under FAR part 12 procedures or solicitations and contracts that contain time and material CLINs awarded under FAR part 12 procedures, follow provisions at 5145.107 (a)(1)(iii)(A) and 5145.107 (a)(1)(iii)(B).

(a)(1)(i)(C) For solicitations and contracts that contain cost type or time and material type CLINs, and those CLINs are for travel purposes and/or Defense Base Act (DBA) insurance only, obtain an individual deviation using the procedures at 5101.403 before omitting FAR part 45 and its supplements' clauses. Specify in the solicitation and contract's terms and conditions that

procuring property under those CLINs is expressly prohibited and any requests for reimbursement of property under those CLINs will be considered unallowable.

(a)(1)(iii)(A) Include FAR part 45 and its supplements' contract clauses in solicitations and contracts awarded under FAR part 12 procedures when the cumulative total value of Government Property, including both GFP and Contractor Acquired Property (CAP) under time and material contracts/CLINs, exceeds the SAT. If the cumulative total value of Government property exceeds the SAT after award through modifications, then clauses and other part 45 provisions apply; follow procedures at 5145.190-2 Furnishing Government property after award.

(a)(1)(iii)(B) When cumulative total value of Government Property provided in contracts awarded under FAR part 12 procedures is below the SAT, the control, reporting, inventory requirements, maintenance, repair, disposition, loss processing, and loss liability shall be annotated within the Performance Work Statement (PWS) and validated via FAR Part 46, Quality Assurance unless Sensitive Items are being furnished.

(ii) FAR clause 52.245-1 is not required for Government property under a Purchase Order contract for repair, maintenance, overhaul, or modification, when the required actions are accomplished on a Government site or installation, the Government retains physical possession of the property, and no other GFP is provided.

5145.190-2 Furnishing Government property after award.

(a) If a contractor requests additional GFP after contract award, and the government did not anticipate providing GFP prior to award, the Requiring Activity must submit documentation supporting the need for GFP allowing the Contracting officer to ensure that the updated determination to issue GFP to the contractor meets the standard outlined at FAR 45.102.

(b) For contracts awarded pursuant to competitive procedures, consideration should be given to how providing property post-award may change the conditions, price and other factors considered, upon which the contract was awarded. The Contracting officer must negotiate with the contractor to obtain appropriate consideration for providing GFP post-award.

(c) If a positive determination is made, the Contracting officer must document the contract file with the new documentation and negotiate with the contractor for appropriate consideration.

(d) The Contracting officer shall issue a bilateral contract modification to add the full complement of FAR and DFARS clauses and the appropriate GFP attachments, prepared in the PIEE GFP module as required by DFARS PGI 245.103-72, in the appropriate section of the contract.

Subpart 5145.2 – Solicitation and Evaluation Procedures

5145.201 Solicitation.

(a) The GFP attachment included in the solicitation is an authorized list of GFP proposed to be provided by the Government regarding the types and quantities of property to be furnished for purposes of offeror pricing.

(d) The Contracting officer and requiring activity should apply a risk-based approach to determining the need for an evaluation factor or sub factor to assess the quality of an offeror's Property Management Plan (PMP) and controls related to Government property. If an evaluation factor or subfactor is not used, then a determination must be made that the PMP is adequate, meets the requirements of 52.245-1, and is appropriately tailored to complexity, sensitivity, and value of the property proposed to be provided and/or acquired. Document the review of the PMP in the file.

(1) Items listed as incidental property (see 5145.000(b)(5)(S-90)) or property provided in contracts awarded under part 12 procedures when total cumulative value is below SAT are exempt from the PMP submission requirements unless property is sensitive items.

(2) The physical inventory of GFP shall be performed by the contractor in accordance with the terms and conditions within the contract, and/or the contractor's property management system description when the system is determined adequate. Physical inventory requirements for GFP to be performed by a contractor beyond the Government accepted requirements of the property management system description must be dictated in the work statement and supported by a DD Form 1423, Contract Data Requirements List.

(3) Specify in the solicitation and contract that property will be inventoried at least every 3 years at a minimum and classified or sensitive property must be inventoried at least annually.

5145.202 Evaluation Procedures.

(a) In addition to the conditions at FAR 45.202, if an offeror proposes use of Government property not anticipated at time of the issuance of the solicitation, Contracting officers shall:

(1) Ensure offeror's have submitted a PMP with their proposal if Government property is anticipated as part of their proposal.

(2) Determine the adequacy of the PMP ensuring it meets the requirements of FAR 52.245-1 and tailored to complexity, sensitivity, and value of the property. See 5145.201(d).

(3) Ensure the Requiring Activity complies with the requirements of FAR 45.102 and DFARS PGI 245.103-70(2), as well as the technical requirements.

(4) Comply with FAR 45.202(a) requirements and ensure the negotiated cost/price reflects the risk borne by the Government of furnishing property for use under the contract.

(5) Ensure that the final contract award contains the appropriate FAR and DFARS clauses and the appropriate GFP attachments, prepared in the PIEE GFP Module as required by DFARS PGI 245.103-72, in the appropriate section of the awarded contract.

Subpart 5145.4– Title to Government Property

5145.402-70 Policy.

(2) Once Contractor Acquired Property (CAP) is receipted and provided as GFP, ensure Federal Procurement Data System – Next Generation (FPDS-NG) is annotated as “Transaction uses GFP” on all subsequent contract modifications until all property is dispositioned.

5145.605 Inventory disposal reports.

(a) The Plant Clearance Officer shall provide the contractor disposition instructions for non-expendable military equipment via the PIEE GFP module Plant Clearance capability. Instructions shall state to turn in assets to the Accountable Property Officers.

(b) Requiring activities and accountable property officials shall obtain Government property records from the PIEE GFP module, including loss and disposition records.