

# AFARS – PART 5101

## Federal Acquisition Regulation System

*(Revised 1 February 2026)*

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## **Subpart 5101.1 – Framework**

### **5101.101 Framework.**

The Army Federal Acquisition Regulation Supplement (AFARS) implements and supplements the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS) and the DFARS Procedures, Guidance and Information (PGI) to establish uniform policies for Army acquisition. It does not restrict the exercise of good business judgment or stifle innovation.

### **5101.107 FAR conventions.**

(b) *Delegation of authority.*

(S-90) Delegations of certain procurement authorities are identified throughout the AFARS with a pointer to a matrix, labeled Appendix GG. [Appendix GG](#) outlines all delegations of authority within the FAR, DFARS and AFARS, and specifies whether the authority prohibits or allows for further delegation. The Army level of authority identified in the matrix is the lowest level of delegation.

### **5101.170 Peer reviews.**

All peer reviews must be conducted in accordance with [AFARS PGI 5101.170](#).

## **Subpart 5101.2 – Agency Acquisition Regulations**

### **5101.201 Policy.**

(a) The Deputy Assistant Secretary of the Army (Procurement) (DASA(P)) acts for the Assistant Secretary of the Army (Acquisition, Logistics and Technology) in developing, coordinating, issuing, and maintaining the AFARS to support a customer-oriented acquisition system. For routing documents and mailing addresses see AFARS PGI 5101.201-90.

(b) All Army procurement policy is centralized under the ODASA(P), and ODASA(P) is the only Army organization authorized to issue procurement policy. See [AFARS PGI 5101.201\(c\)](#).

(c) “Policy” means mandatory instructions to contracting organizations implementing statute, executive orders, DoD instructions, DFARS, Army regulations or policies, or other governing directives.

**5101.290 Routing documents and mailing addresses.**

See [AFARS PGI 5101.290](#).

**Subpart 5101.3 – Deviations From the FAR**

**5101.303 Individual deviations.**

(1) SCOs, after obtaining a legal review, approve individual deviations from the FAR, DFARS, DFARS PGI, and AFARS other than those specified in DFARS 201.302(1) and DFARS 201.305.

See [AFARS PGI 5101.303-90](#).

**5101.304 Class deviations.**

(b)(ii) See [Appendix GG](#) for further delegation.

**Subpart 5101.4 – Career Development, Contracting Authority and Responsibilities**

**5101.401 Contracting functions.**

**5101.401-90 Department of the Army contracting functions.**

(a) General. See [AFARS PGI 5101.401-90-1](#) for Guidance for Alignment of Contracting Activities to Categories.

(b) Assignment of Unique Contracting Authorities to Army HCAs.

(1) The Deputy Assistant Secretary of the Army (Procurement) has the following overarching authorities and responsibilities:

(A) Serves as the Enterprise HCA for the Department of the Army.

(B) Serves as the principal advisor to the Army Senior Procurement Executive (SPE).

(C) Subject to the authority, direction, and control of the SPE, directs other Army HCAs in connection with any procurement or procurement-related matter.

(D) Reviews all Senior Contracting Official (SCO) selections prior to SCO appointment by an Army contracting activity's HCA. Follow guidance at [AFARS PGI 5101.601-90\(b\)\(1\)\(D\)](#).

(E) Acts in the absence of another Army contracting activity's specifically-designated HCA.

(F) Chairs the Army Contracting Enterprise Executive Committee.

(2) See [AFARS PGI 5101.401-90-2](#) for additional responsibilities.

(c) Information on contracting responsibility with regards to traceability of funds is provided at [AFARS PGI 5101.401-90\(c\)](#).

**5101.402 Contracting officers.**

**5101.402-1 Authority.**

**5101.402-1-90 Departmental review and approval.**

(a) At any time during the procurement process, the Deputy Assistant Secretary of the Army for Procurement (DASA(P)) may designate a proposed contractual action as Special Interest, and

direct the responsible SCO or source selection authority to submit the proposed contractual action to the Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA(ALT)) for review, notation, and/or approval.

(1) The SCO or source selection authority will provide any information, documents, and briefings requested, and will not take, or permit anyone else to take, final action on the proposed contractual action during the period of the DASA(P) review. The SCO shall coordinate all proposed major decision points (e.g. Source Selection Authority appointments), with the DASA(P).

(2) In accordance with FAR 3.104-4(a), the ASA(ALT) has authorized personnel within the Office of the DASA(P), the Office of the Army General Counsel, and other personnel designated by the DASA(P) to receive full access to contractor bid or proposal information and source selection information in connection with such review.

## **5101.402-2 Responsibilities.**

### **5101.402-2-90 Legal coordination.**

Contracting officers will obtain legal reviews as required by applicable regulations and [AFARS PGI 5101.402-90-1](#). Include legal counsel as a member of the acquisition team throughout the acquisition process.

### **5101.402-2-91 Ordering officer appointments.**

(a) *Policy.* The individual at AFARS 5101.403-1 appointing an ordering officer will state in the appointment letter that the ordering officer's authority may not be delegated further.

(b) *Appointment and termination authority.* An appointing official may appoint an ordering officer, pursuant to [AFARS PGI 5101.403-2-90 \(a\) through \(f\)](#), when the official determines that the appointment is essential for the operation of the contracting mission.

## **5101.403 Selecting, appointing, and terminating the appointment for contracting officers.**

### **5101.403-1 General.**

The Secretary of the Army may select and appoint contracting officers and terminate their appointments. See [Appendix GG](#) for further delegation.

### **5101.403-2 Appointment.**

The HCA shall follow the policy in the Army Warranting Guide, available on the [Army Warranting Program](#) tile on <https://armyeitaas.sharepoint-mil.us/sites/ASA-ALT-PAM> (PAM).

### **5101.403-2-90 Other individuals authorized to procure supplies and services on behalf of the Army.**

See [AFARS PGI 5101.403-2-90](#).

**5101.403-2-91 Restrictions.**

(a) Personnel in the 1101 job classification series will not be appointed or serve as Contracting officers. This requirement is not subject to an individual or class waiver.

**5101.405 Ratification of unauthorized commitments.**

(b) *Policy.*

(2)(ii) See [Appendix GG](#) for further delegation. See [AFARS PGI 5101.405-90](#) for Army ratification procedures.

**5101.491 Management controls.**

See [AFARS PGI 5101.491](#) for guidance on the Army Enterprise Audit Tracker.

**5101.492 Head of the contracting activity.**

(a) HCAs will ensure that only Contracting officers selected and appointed in accordance with 5101.403 enter into contracts on behalf of the Army.

(b) HCAs will appoint a SCO in accordance with Department of Defense Instruction (DoDI) 5000.66. Prior to appointing the SCO, the HCA shall coordinate the proposed SCO selection directly with the Enterprise HCA. The HCA must notify in writing the addressee in [AFARS PGI 5101.290\(b\)\(1\)](#) when there is a newly appointed SCO.

**5101.493 Senior contracting official.**

(1) Procurement authority is delegated by the HCA and is not position dependent.

(2) SCOs will –

(i) Report directly to the HCA on all matters regarding procurement.

(ii) Be evaluated by the HCA for performance appraisals, as required by the DoDI

5000.66.

(iii) Minimize the potential for undue influence and protects contracting professionals from internal or external pressure to perform improper actions.

**Subpart 5101.5 – Determinations and Findings**

**5101.506 Signatory authority.**

See [Appendix GG](#) for further delegation.

**Subpart 5101.90 – Nonappropriated Funds**

**5101.9001 Policy.**

See [AFARS PGI 5101.9001](#).

**Subpart 5101.91 – Authority to Award and Administer Grants, Cooperative Agreements, Technology Investment Agreements, and Other Transactions**

**5101.9101 Authority and responsibilities.**

(a) Procedures governing grants, cooperative agreements, and technology investment agreements are set forth in the DoD Grant and Agreement Regulations (DoDGAR), currently codified at Chapter I, Subchapter C of Title 32, Code of Federal Regulations (CFR) and Chapter XI of Title 2, CFR (see Department of Defense Directive Number 3210.06). In the absence of an Army supplement to the DoDGAR this AFARS subpart provides a record of the Army's implementation of 32 CFR 21.425 – 21.435.

# AFARS – PART 5102

## Definitions of Words and Terms

*(Revised 1 February 2026)*

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### Subpart 5102.1 – Definitions

#### 5102.101 Definitions.

“Army Acquisition Executive (AAE)” means the Assistant Secretary of the Army (Acquisition, Logistics and Technology), as designated by the Secretary of the Army.

“Chief of the contracting office” means the person having direct responsibility for the operation of a contracting office as defined in FAR 2.1. This person also has procurement authorities assigned by the Federal Acquisition Regulation and its supplements and performs contracting authorities as delegated by the head of the contracting activity or senior contracting official.

“Head of the agency” means the Assistant Secretary of the Army (Acquisition, Logistics and Technology) when executing authorities of the head of the agency for contracting procurement matters pursuant to laws and regulations, as designated by the Secretary of the Army.

“Senior contracting official (SCO)” means the senior official for or within a contracting activity responsible for the performance of contracting authorities delegated by the head of the contracting activity. (See AFARS 5101.493)

“Senior Procurement Executive (SPE)” means the Assistant Secretary of the Army (Acquisition, Logistics and Technology), as designated by the Secretary of the Army.

## AFARS – PART 5103

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*(Revised 1 February 2026)*

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#### Subpart 5103.1 – Safeguards

##### 5103.104 Procurement integrity.

#### **5103.104-1 Definitions.**

The Army General Counsel is the Designated Agency Ethics Official (DAEO). See [AFARS PGI 5103.104-1](#).

#### **5103.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.**

(a) Personnel serving in the following positions are authorized access to contractor bid or proposal information and source selection information to the extent necessary to perform their official duties:

(i) Personnel assigned to the Office of the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA(ALT)), Office of the Assistant Secretary of the Army for Financial Management & Comptroller (ASA(FMC)) and the Office of the Army General Counsel, who are performing Headquarters, Department of the Army level reviews or oversight.

(ii) Personnel participating in the evaluation of an offeror's or bidder's proposal or in the review and defense of protests.

(iii) Personnel in the responsible contracting office, along with supporting legal and small business office personnel.

(iv) Personnel in the requiring activity having principal technical cognizance over the requirement, to include those with technical oversight responsibilities.

(v) Personnel assigned to the Defense Contract Audit Agency and contract administration offices of the DoD, who are supporting the procurement.

(vi) Personnel assigned to the DoD Office of Cost Assessment and Program Evaluation (CAPE) performing reviews or oversight.

(vii) Other personnel whom the Deputy Assistant Secretary of the Army (Procurement), the head of the contracting activity (HCA), Senior Contracting Official (SCO), Contracting officer, or the source selection authority designates on an individual basis.

(b) Follow the procedures at [AFARS PGI 5103.104-490](#) Access to Contract Procurement Data and Documentation to provide access.

#### **5103.104-5 Disqualification.**

(c)(2) See [Appendix GG](#) for further delegation.

**5103.104-7 Violations or possible violations.**

(g) See [Appendix GG](#) for further delegation. See [AFARS PGI 5103.104-7](#).

**Subpart 5103.2 – Contractor Gratuities to Government Personnel**

**5103.203 Reporting suspected violations of the Gratuities clause.**

See [AFARS PGI 5103.203](#).

**5103.204 Treatment of violations.**

(a) See [Appendix GG](#) for further delegation. See [AFARS PGI 5103.204\(a\)](#) for pre-hearing procedures.

(b) See [AFARS PGI 5103.204\(b\)](#) for hearing and post-hearing procedures.

(c) See [Appendix GG](#) for further delegation. See [AFARS PGI 5103.204\(c\)](#) for final decision procedures.

**Subpart 5103.6 – Contracts with Government Employees or Organizations Owned or Controlled by Them**

**5103.602 Exceptions.**

Only HCAs may authorize exceptions to the policy in FAR 3.601.

**Subpart 5103. 7 – Voiding and Rescinding Contracts**

**5103.703 Authority.**

The Assistant Secretary of the Army (Acquisition, Logistics and Technology), without power of further delegation, performs the functions under this subpart.

**5103.704 Policy.**

(c) See [Appendix GG](#) for further delegation.

**Subpart 5103.9 – Whistleblower Protections for Contractor Employees**

**5103.904 Complaints.**

**5103.904-2 Procedures for investigating complaints.**

See [AFARS PGI 5103.904-290](#).

**5103.905 Remedies and enforcement of orders.**

**5103.905-1 Remedies.**

(a) See [Appendix GG](#) for further delegations.

**Subpart 5103.10 – Contractor Code of Business Ethics and Conduct**

**5103.1004 Contract clauses.**

(a) Insert the clause at FAR 52.203-13, Contractor Code of Business Ethics and Conduct, in full text.

# AFARS – PART 5104

## Administrative and Information Matters

(Revised 17 February 2026)

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### **5104.002 Electronic commerce in contracting.**

The requirement for electronic commerce is satisfied if the reverse auction application posts the synopsis (or combined synopsis-solicitation) to SAM.gov.

### **Subpart 5104.1 – Presolicitation**

#### **5104.101 Contract files.**

(a) Contracting officers shall utilize the Virtual Contracting Enterprise (VCE) tools throughout the acquisition process to maximize visibility and management of contract specific information and documents. VCE shall not be used for classified documents or contracts. See AFARS PGI 5104.101.

### **Subpart 5104.2 – Solicitation, Evaluation, and Award**

#### **5104.202-7090 Contract line items for internal use software (IUS).**

(a) *Definition.* As used in this section, the following terms have the same meaning as given in the [Implementation Guide for Internal Use Software](https://Procurement.Army.Mil) located on <https://Procurement.Army.Mil> (PAM) at <https://armyeitaas.sharepoint-mil.us/:u:/r/sites/ASA-ALT-PAM/Documents/Policy%20Alert%202019->

[79%20Instructions%20for%20Accounting%20for%20IUS%20in%20Contract%20Documents.m  
sg?csf=1&web=1&e=hnNJmM.](#)

- (1) internal use software
- (2) valuation
- (3) capitalized
- (4) expensed

(b) *Policy.* When procuring internal use software, Army contracting activities shall—

(1) Confirm that the requiring activity has established separately identifiable line items for all capitalized and expensed requirements in the purchase request;

(2) Ensure the line item structure aligns with the lines of accounting related to the capitalized and expensed classifications assigned by the requiring activity; and

(3) Include appropriate invoicing instructions and acceptance criteria in the solicitation and contract or order.

#### **5104.271 Contract distribution.**

See [AFARS PGI 5104.271](#) for distribution of utility services and communications contracts.

### **Subpart 5104.3 – Post-award**

#### **5104.301 Responsibilities.**

(f)(1) See [Appendix GG](#) for further delegation.

#### **5104.308-170 Procedures for closing out contract files.**

(b) See [Appendix GG](#) for further delegation.

# AFARS – PART 5105

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*(Revised 1 February 2026)*

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### Subpart 5105.1 – Presolicitation

#### 5105.101 Presolicitation notice.

(b)(3) See [Appendix GG](#) for further delegation.

#### 5105.102 Paid Advertisements.

See [Appendix GG](#) for further delegation.

### Subpart 5105.3 –Award

#### 5105.302 Public announcement.

(a) *Requirement.*

(i) In addition to the contractual actions identified in DFARS 205.302, report all contractual actions of significance or interest to the United States Congress, the Army, and the local community.

(1) See [PGI 5105.302\(a\)](#) for reporting and submission.

(2) When a contract action is to be awarded under the authority of FAR 6.103-2 (unusual and compelling urgency) and the senior contracting official (SCO) determines that it may be impracticable to comply with the requirements of DFARS PGI 205.302(a)(ii)(A) and (B), the SCO, without power to delegate further, shall:

(i) Immediately notify the DASA(P) by email, with a copy furnished to the head of the contracting activity, that explains the circumstances and requests authority to make the award in advance of compliance with DFARS PGI 205.302(a)(ii)(A) and (B); and

(ii) Authorize the Contracting officer to award the contract only upon written approval by the DASA(P) or, in the DASA(P)'s absence, the senior official within the ODASA(P).

(iii) The Contracting officer will submit the standard announcement (see PGI 5105.302(a)) to the ODASA(P) no later than one business day after the award. The Contracting officer will add a one-line comment in the "Description" field that describes the nature of the urgency that precluded advance notification to the Office of the Assistant Secretary of Defense (Public Affairs) (OASD(PA)).

(3) Paragraph (a)(i)(2) of this section is the only authorized Army-level exception to DFARS PGI 205.302(a)(ii)(A) and (B). No contracting activity-level deviation from this provision may be authorized.

(ii) The ODASA(P) coordinates notification of contract award to members of Congress in whose state or district the contractor is located and OASD(PA).

(b) See [AFARS PGI 5105.302\(a\)\(3\)](#) for Congressional notification requirements when utilizing the authorities conferred by paragraphs (B) – (G) of [DPCAP Class Deviation 2024-O0005 – Temporary Authorizations for Covered Contracts related to Ukraine, Taiwan, and Isreal](#).

### **Subpart 5105.70 – Release of Information**

See [Army Regulation 1-20, Legislative Liaison](#) and [AFARS PGI 5105.7090](#) and [5105.7091](#) for requirements when releasing information regarding a congressional inquiry.

# AFARS – PART 5106

## Competition Requirements

*(Revised 1 February 2026)*

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### **5106.003 – Advocates for Competition**

(a)(1) The Deputy Assistant Secretary of the Army for Procurement serves as the Army Advocate for Competition (AAFC).

(2) Command Advocates for Competition (CAFC). Heads of contracting activities (HCAs) shall appoint at least one CAFC for each contracting activity. In addition, the HCA shall appoint a local advocate for competition wherever there is a small business specialist appointed for that organization. See [Appendix GG](#).

(3) See [AFARS PGI 5106.003](#).

(b)(2) Command advocates for competition must submit an annual report to the AAFC (see address at [AFARS PGI 5101.290\(b\)\(2\)](#)) no later than November 15 of each year. The report must include the elements at FAR 6.502(b)(2).

### **Subpart 5106.1 – Presolicitation**

#### **5106.102 – Full and Open Competition After Exclusion of Sources**

##### **5106.102-1 Establishing or maintaining alternative sources.**

(a) See [Appendix GG](#) for further delegation, based on the dollar value of the contract action.

#### **5106.103 – Other Than Full and Open Competition**

##### **5106.103-170 Only one responsible source and no other supplies or services will satisfy agency requirements.**

(a)(1) See [Appendix GG](#) for further delegation.

(d) See [Appendix GG](#) for further delegation.

##### **5106.103-2 Unusual and compelling urgency.**

(c)(2) See [Appendix GG](#) for further delegation.

##### **5106.103-4 International agreement.**

(c) *Limitations.* An International Agreement Competitive Restriction (IACR) must be used when the terms of the document referred to in [DFARS 206.103-4\(c\)](#) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources. See [Appendix GG](#) for further delegation.

##### **5106.103-790 Public Interest.**

(a) See Section B of [DPCAP Class Deviation 2024-O0005 Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel](#).

(1) See [Appendix GG](#) for further delegations.

(2) Contracting officers shall submit congressional notification for HQDA approval via the Enterprise Task Management Software Solution (ETMS2) to the ODASA(P) directorate listed at [AFARS PGI 5101.290\(b\)\(2\)](#).

(b) See [AFARS PGI 5106.103-790](#) for determinations and findings applicable under this subpart.

#### **5106.104 Justification and approval.**

(b) Only United States Government employees formally representing the appropriate functional activity may sign technical and requirements certifications under this provision.

#### **5106.104-72 Justification and Approval.**

See [Appendix GG](#) for further delegations.

#### **5106.104-90 Requirements for amended justifications.**

(a) The Contracting officer shall amend a justification and obtain the required approvals when any of the following occur prior to award of the contract action:

(1) The dollar value of the prospective contract action increases beyond the authority of the previous approving official.

(2) A change in the competitive strategy further reduces competition.

(3) A change in requirements affects the basis for the justification.

(b) The senior procurement executive (SPE) approves all amendments to justifications previously approved at the SPE level, except when the basis for the amended justification supports a lower approval level per FAR 6.104-2.

(c) Prepare all amended justifications as required in AFARS 5106.303-290(c)(3).

#### **5106.104-190 Format and submission of the justification review and justification and approval documents.**

(a) *General.* The justification and approval (J&A) format at [AFARS PGI 5106.104-190](#) is mandatory for all justifications in support of other than full and open competition.

(b) *Amended justifications.*

(1) When amending a justification in accordance with AFARS 5106.104-190, the Contracting officer must prepare an “Amendment to Justification for Other Than Full and Open Competition,” using the format at [AFARS PGI 5106.104-190\(b\)](#). Attach a copy of the original JRD and J&A documents.

(2) See [AFARS PGI 5106.104-190\(b\)](#).

(c) *Submission.*

(1) For contracting actions exceeding the dollar threshold identified at FAR 6.304(a)(4), the contracting activity must submit the justification in sufficient time for approval, approximately 30 working days, to the address at [AFARS PGI 5101.290\(b\)\(2\)](#).

(2) See [AFARS PGI 5106.104-190\(c\)](#).

**5106.104-290 Approval of the justification.**

(a) See [Appendix GG](#) for further delegation.

(b) Requirements shall not be split to avoid submission of a justification to a higher-level approval authority.

# AFARS – PART 5107

## Acquisition Planning

*(Revised 2 March 2026)*

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For guidance on shaping innovative acquisition planning see [AFARS PGI 5107-1](#).

### **Subpart 5107.1 – Acquisition Plans**

#### **5107.103 Agency-head responsibilities.**

(d)(i) Exemptions. Procurements for foreign military sales (not funded with U.S. appropriated funds), are exempt from the written acquisition plan requirements at DFARS 207.103(d)(i), when—

(1) An International Agreement Competitive Restrictions (ICAR) has been approved IAW 5106.302-4(c); or

(2) Procurements for supplies that, as confirmed by the requiring activity, are type classified “standard” (reference AR 770-2, Materiel Fielding) for which other acquisition planning documentation exists and can be documented in the contract file.

(e)(1) For programs assigned to Portfolio Acquisition Executives (PAE) or program managers reporting directly to the Army Acquisition Executive (Direct Reporting Program Managers, DRPM), the designated milestone decision authority (MDA), on a nondelegable basis, is the acquisition plan approval authority. In the case of PAE/DRPM-managed efforts for which no MDA has been designated, the PAE/DRPM, on a nondelegable basis, is the acquisition plan approval authority.

(2) For all non-PAE/DRPM acquisitions, see [Appendix GG](#) for further delegation.

(3) Approval of acquisition plans for procurements below the thresholds identified at DFARS 207.103(d)(i) shall be in accordance with contracting activity procedures.

(4) For Army Acquisition Executive-designated special interest acquisitions, the Assistant Secretary of the Army (Acquisition, Logistics and Technology) or the Deputy Assistant Secretary of the Army (Procurement) must approve the acquisition plans.

(5) See [AFARS PGI 5107.103\(e\)](#) for acquisition plan staffing procedures.

(h) When a written plan is not required, contract documentation such as memoranda for record, price negotiation memoranda, simplified acquisition management plan, and acquisition strategies (for service requirements) may be used to record acquisition pre-award decisions and risk assessment information. The acquisition team shall ensure consistency among requirements, acquisition planning, market research, and solicitation documents and, to the extent practicable, avoid duplication of information between documents (e.g., by referencing content).

(m) Only the acquisition plan approval authority may waive requirements of detail and formality.

#### **5107.104 General procedures.**

(a) See [AFARS PGI 5107.104](#) for best practices when forecasting all significant, as defined by a specified monetary threshold, or sensitive contracting requirements anticipated for the upcoming fiscal year.

**5107.105 Contents of written acquisition plans.**

(b)(20)(C)(8)(iv) See [Appendix GG](#) for further delegation of DFARS PGI 207.105(b)(20)(C)(8)(iv).

**5107.107 Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling.**

**5107.107-2 Consolidation.**

(b) See [Appendix GG](#) for further delegation.

**5107.107-5 Notifications.**

The Contracting officer will publish the notices required by FAR 7.107-5(c) and (d).

**Subpart 5107.2 – Planning for the Purchase of Supplies in Economic Quantities**

**5107.204 Responsibilities of contracting officers.**

(a) Send offeror responses to the solicitation provision in FAR 52.207-4 to the requiring activity.

**Subpart 5107.4 – Equipment Lease or Purchase**

**5107.470 Statutory requirements.**

(b) See [Appendix GG](#) for further delegation.

**Subpart 5107.5 – Inherently Governmental Functions**

**5107.503 Policy.**

(e)(i) Contracting officers must ensure that requiring officials provide a written determination as required by FAR 7.503(e) and DFARS 207.503(e) prior to issuance of a solicitation for award of a service contract, including those contract types described in FAR 16.5, a services task order awarded under FAR 16.5, or modification of an awarded service contract's or task order's statement of work. Contracting officers shall document the official contract file with the determination.

(ii) The [Request for Services Contract Approval](#) form, or the acquisition plan, acquisition strategy, or memorandum for file satisfies the requirement in AFARS 5107.503(e)(i).

**Subpart 5107.90 – Independent Government Estimates**

**5107.9000 Scope.**

This subpart prescribes policy for the preparation of independent government estimates.

#### **5107.9001 Definitions.**

“Independent government estimate (IGE),” as used in this subpart, means the Government’s estimate of the projected price or cost that a contractor would incur in the successful performance of a contract.

#### **5107.9002 Policy.**

(a) Contracting officers shall require the preparation of an IGE in every procurement action in excess of the simplified acquisition threshold (SAT). The Contracting officer, at his or her discretion, may require an IGE for actions less than the SAT.

(b) See [AFARS PGI 5107.9002\(b\)](#) for IGE content and certification.

### **Subpart 5107.91 – Integrating Antiterrorism and Operations Security**

#### **5107.9100 Scope.**

This subpart prescribes policy for integrating antiterrorism (AT) and operations security (OPSEC) considerations into Army contracts.

#### **5107.9101 Policy.**

Required by the Army Regulation on Antiterrorism (AR 525-13), para 5-19, AT measures must be incorporated in requirements development and subsequent requirements package.

(a) The requiring activity will provide a signed copy of the ‘[Contract Requirements Package Review](#)’ cover sheet to the contracting office as part of the requirements package. The AT/OPSEC Desk Reference Guide is located at the [Provost Marshal General Antiterrorism Enterprise Portal](#).

(b) This requirement also applies to orders under indefinite delivery contracts, unless each task or delivery order under the contract is for substantially the same product or service, in which case the cover sheet at the contract level is sufficient.

(c) Exemptions. Supply contracts under the simplified acquisition threshold, field ordering officer actions, and Government Purchase Card actions are exempt.

# AFARS – PART 5108

## Required Sources of Supplies and Services

*(Revised 06 January 2026)*

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### Subpart 5108.4 – Federal Supply Schedules

#### 5108.404 Use of federal supply schedules.

(h)(3)(ii)(C) The head of the contracting activity without the power to further delegate is the approval authority for actions stated in FAR 8.404(h)(3)(ii)(C).

#### **5108.405 Ordering procedures for federal supply schedules.**

##### **5108.405-3 Blanket purchase agreements (BPAs).**

(a)(3)(ii). See [Appendix GG](#) for further delegation.

##### **5108.405-6 Limiting sources.**

(b)(3)(ii)(C) See [Appendix GG](#) for further delegation.

(d)(3) See [Appendix GG](#) for further delegation.

### **Subpart 5108.8 – Acquisition of Printing and Related Supplies**

#### **5108.802 Policy.**

(b) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall designate a central printing authority as set forth in FAR 8.802(b).

(1) Printing Equipment, shall be procured through DLA Document Services. See AFARS 5139.101-90(a)(3)(v)(D).

### **Subpart 5108.11 – Leasing of Motor Vehicles**

#### **5108.1102 Presolicitation requirements.**

(c) See [Appendix GG](#) for further delegation.

### **Subpart 5108.70 – Coordinated Acquisition**

#### **5108.7002 Assignment authority.**

(a)(1) Contracting activities shall procure commodities assigned to the Army under DFARS 208.7000 according to the assignment of responsibilities issued by the Commanding General, U.S. Army Materiel Command. DFARS PGI 208.7006 lists the commodity assignments.

#### **5108.7002-90 Non-standard ammunition.**

Contracting officers shall forward all U.S. Army non-standard ammunition procurements to Joint Program Executive Office, Armaments & Ammunition for execution.

## **Subpart 5108.74 – Enterprise Software Agreements**

### **5108.7403 Acquisition procedures.**

(5)(iii) The Army’s software product manager is the Computer Hardware, Enterprise Software and Solutions (CHESS) Office. See [AFARS 5139.101-90\(a\)](#).

## **Subpart 5108.90 – Civil Confinement of Military Absentees and Deserters**

### **5108.9001 Use of civil detention facilities.**

See Army Regulations 190-9 (Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies), Section 3-11, and 190-47 (The Army Corrections System), Section 1-4.

## **Subpart 5108.91 – Video Productions**

### **5108.9101 Contracting for video productions.**

(a) The Army Multimedia and Visual Information Directorate is the only multimedia and visual information acquisition activity authorized to contract for total video productions. See Department of the Army Pamphlet 360-4 (Visual Information Procedures).

## **Subpart 5108.93 – Training With Commercial Firms**

### **5108.9301 Commercial Training for Army Medical Department Personnel**

See [AFARS PGI 5108.9301](#).

## **Subpart 5108.94 – Foreign Language Support**

### **5108.9401 Definitions.**

“Foreign language support,” as used in this subpart, means services which require the ability to listen, read, speak and/or write in a foreign language, and translate the foreign language into spoken or written English. It excludes those services that specifically support the conduct of foreign language instruction, services provided under personal services contracts, or contracted services that use Special Operations Major Force Program-11 funds.

### **5108.9402 Policy.**

(a) Contracting officers shall use contracts administered by the U.S. Army Intelligence and Security Command (INSCOM) to procure foreign language support.

(b) See [AFARS PGI 5108.9402](#) for exceptions.

# AFARS – PART 5109

## Contractor Qualifications

*(Revised 17 February 2026)*

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### **Subpart 5109.1 – Responsible Prospective Contractors**

**5109.103 Policy.**

(b) Army Contracting officials shall use the Determination of Responsibility Assistant (DORA) Contractor Responsibility bot to assist with determining prospective contractor responsibility or non-responsibility. See [AFARS PGI 5109.103\(b\)](#).

**5109.104 Standards.**

**5109.104-5 Representation and certifications regarding responsibility matters.**

(a)(2) See [AFARS PGI 5109.406-3](#) for Army notification procedures.

(b)(2) See [AFARS PGI 5109.406-3](#) and AFARS 5109.407-3 for Army notification procedures.

**5109.105 Procedures.**

**5109.105-2 Determinations and documentation.**

(a) See [AFARS PGI 5109.403](#).

**5109.108 Prohibition on contracting with inverted domestic corporations.**

**5109.108-5 Waiver.**

See [Appendix GG](#) for further delegation.

**Subpart 5109.2 – Qualifications Requirements**

**5109.202 Policy.**

(b) See [Appendix GG](#) for further delegation.

(e) See [Appendix GG](#) for further delegation.

**5109.206 Acquisitions subject to qualification requirements.**

**5109.206-1 General.**

(b) See [Appendix GG](#) for further delegation.

**5109.270 Aviation and ship critical safety items.**

**5109.270-3 Policy.**

(a) See [Appendix GG](#) for further delegation.

**Subpart 5109.4 – Debarment, Suspension, and Ineligibility**

**5109.402 Policy.**

(c) The Chief, Procurement Fraud Branch, U.S. Army Contract and Fiscal Law Division, U.S. Army Legal Services Agency, Office the Judge Advocate General processes and recommends debarment or suspension action to the suspension and debarment official (SDO).

**5109.403 Definitions.**

(1)(i) See [AFARS PGI 5109.403](#).

**5109.405 Effect of listing.**

(a) The Army SDO makes the “compelling reason” determination discussed at FAR 9.405(a), 9.405(e)(3), 9.405-1(a), 9.405-2, 9.406-1(d), and 9.407-1(d). See Appendix GG and [AFARS PGI 5109.405\(a\)](#).

**5109.406 Debarment.**

**5109.406-3 Procedures.**

(a) See [AFARS PGI 5109.406-3](#).

**5109.407 Suspension.**

**5109.407-3 Procedures.**

(a) See [AFARS PGI 5109.406-3](#).

**Subpart 5109.5 – Organizational and Consultant Conflicts of Interests**

**5109.504 Contracting officers responsibilities.**

(c) See [Appendix GG](#) for further delegation.

**5109.506 Procedures.**

(d)(3) See [Appendix GG](#) for further delegation.

# **AFARS – PART 5110**

## **Market Research**

*(Revised 1 February 2026)*

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### **5110.090 Market Research & Planning.**

Market research and planning guidance is available at [AFARS PGI 5110.090](#).

# AFARS – PART 5111

## Describing Agency Needs

*(Revised 1 February 2026)*

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### Subpart 5111.2 – Selecting and Developing Requirements Documents

#### 5111.203 Market acceptance.

(a) See [Appendix GG](#) for further delegation.

#### 5111.290 Cloud Requirements.

The Army Enterprise Cloud Management Agency (ECMA) is the central point for all efforts and processes related to cloud adoption across the Army. See [AFARS PGI 5111.290](#) and [AFARS Appendix HH – Cloud Computing](#).

#### 5111.274 Item identification and valuation requirements.

#### 5111.274-290 Requirements for item unique identification.

The Contracting officer shall include separately identifiable contract line items as described at DFARS 204.202-70 for items, including items of contractor acquired property, that require item unique identification as identified in DFARS 211.274-2.

### Subpart 5111.4 – Liquidated Damages

#### 5111.401 Policy.

(d) See [Appendix GG](#) for further delegation.

**Subpart 5111.5 – Priorities and Allocations**

**5111.503 Procedures.**

See [AFARS PGI 5111.503](#).

## AFARS – PART 5112

### Acquisition of Commercial Products and Commercial Services

*(Revised 1 February 2026)*

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#### **5112.001 Applicability.**

(c) See [Appendix GG](#) for further delegation.

#### **5112.001-70 Applicability.**

(b) See [Appendix GG](#) for further delegation.

#### **Subpart 5112.1 – Presolicitation**

#### **5112.104-70 Contract type.**

(c) See [Appendix GG](#) for further delegation.

#### **5112.172 Preference for certain commercial products and services.**

(b)(2)(i) See [Appendix GG](#) for further delegation.

#### **Subpart 5112.2 – Solicitation, Evaluation, and Award**

**5112.205 Solicitation provisions and contract clauses.**

(b)(1)(iii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall perform the function as described in FAR 12.205(b)(1)(iii). See [Appendix GG](#).

(d)(1)(iii) See [Appendix GG](#) for further delegation.

**Subpart 5112.4 – Micro-purchases**

**5112.401 General.**

(a) See [Appendix GG](#) for further delegation.

**5112.403 Methods.**

(a)(1) See AFARS [Appendix EE](#) for the Department of the Army Government Purchase Operating Procedures.

(c) See [Appendix GG](#) for further delegation.

**5112.70 Defense Commercial Solutions Opening**

**5112.7003 Limitations.**

See [Appendix GG](#) for further delegation.

# **AFARS – PART 5113**

## **Simplified Procedures for Noncommercial Acquisitions**

*(Revised 1 February 2026)*

[RESERVED]

# AFARS – PART 5114

## Sealed Bidding

*(Revised 1 February 2026)*

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### Subpart 5114.2 – Presolicitation

#### 5114.208 Contract clauses.

(b)(2) See [Appendix GG](#) for further delegation.

(c)(2) See [Appendix GG](#) for further delegation.

### Subpart 5114.3 – Evaluation and award

#### 5114.304 Mistakes in bids.

#### 5114.304-3 Other mistakes disclosed before award.

(c) See [Appendix GG](#) for further delegation.

(e) See [Appendix GG](#) for further delegation.

#### 5114.309 Information to bidders.

#### 5114.309-2 Award of classified contracts.

See [AFARS PGI 5114.309-2](#).

### Subpart 5114.4 – Postaward

#### 5114.401 Mistakes after award.

(b) See [Appendix GG](#) for further delegation.

# AFARS – PART 5115

## Contracting by Negotiation

*(Revised 03 September 2025)*

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## **Subpart 5115.2 – Solicitation and Receipt of Proposals and Information**

### **5115.204 Contract format.**

- (e) (1) See [Appendix GG](#) for further delegation.
- (2) See PGI 5115.204.

## **Subpart 5115.3 – Source Selection**

Contracting officers will conduct source selections for architect-engineering services in accordance with FAR part 36.601.

### **5115.300-90 Waiver approvals.**

See [Appendix GG](#) for further delegation.

### **5115.303 Responsibilities.**

- (a)(1) See [Appendix GG](#) for further delegation.
- (2) See [PGI 5115.303](#) for selecting official coordination.

### **5115.303-1 Appointments.**

- (a) See [PGI 5115.303-1](#) for SSA nomination submission.

### **5115.304 Evaluation factors and significant subfactors.**

(b)(2)(A) Evaluation factors and subfactors must be defined in qualitative terms (i.e., adjectival, colors). Quantitative (i.e., numerical) definitions are prohibited.

### **5115.371 Only one offer.**

### **5115.371-5 Waiver.**

- (a) See [Appendix GG](#) for further delegation.

## **Subpart 5115.4 – Contract Pricing**

### **5115.403 Obtaining certified cost or pricing data.**

**5115.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. 35).**

(c)(4) See [AFARS PGI 5115.403-1](#) when reporting waivers for actions valued \$20 million or greater.

(A)(2) Follow procedures at [AFARS PGI 5115.403-1](#) when reporting waivers for actions valued at \$100 million or greater. See Appendix GG for further delegation.

(5) The ASA(ALT), delegable to the head of contracting activity without the authority to further delegate, is the approval authority for waivers in Section (E) of Defense Pricing, Contracting, and Acquisition Policy (DPCAP) [Class Deviation 2024-O0005](#) Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel. See AFARS PGI 5115.403-1 for instructions and sample format.

**5115.403-3 Requiring data other than certified cost or pricing data.**

(a)(4) Follow reporting procedures at [AFARS PGI 5115.403-3](#). See [Appendix GG](#) for further delegation.

**5115.404 Proposal analysis.**

**5115.404-1 Proposal analysis techniques.**

(a)(i)(A)(iv) See [Appendix GG](#) for further delegation.

**5115.404-4 Profit.**

(c)(2)(C)(2) See [Appendix GG](#) for further delegation.

**5115.406 Documentation.**

**5115.406-1 Prenegotiation objectives.**

(1) The contracting officer may consolidate the prenegotiation memorandum and price negotiation memorandum (POM/PNM) for competitive or non-competitive acquisitions. However, the contracting officer must still comply with FAR 15.406-1 and DFARS PGI 215.406-1 and obtain written approval of the prenegotiation objectives before negotiation of any pricing action. See [AFARS PGI 5115.406-1](#).

**5115.406-3 Documenting the negotiation.**

(a) When utilizing a consolidated POM/PNM, the contracting officer must ensure the POM/PNM contains all required content for both documents, in accordance with FAR 15.406 and DFARS PGI 215.406.

(b) If the final negotiated price is within a range specifically approved as the prenegotiation objective, and if negotiations did not present information that calls into question the reasonableness of the previously approved price range, the written approval obtained under 5115.406-1(1) may also serve as the approval for the consolidated POM/PNM. The approved POM/PNM may be used in determining the negotiated price to be fair and reasonable. Notwithstanding this subsection, the contracting officer still must obtain all other required pre-award approvals.

#### **5115.407-2 Make-or-buy programs.**

See [AFARS PGI 5115.407- 2](#) for guidance on make-or-buy-analysis for Army programs of record.

#### **5115.407-3 Forward pricing rate agreements.**

(b)(i) See [Appendix GG](#) for further delegation.

#### **5115.407-4 Should-cost review.**

(b)(v) In coordination with the program manager or other customer, the SCO must establish the requirements and format for the program should-cost team report.

(c)(2)(B) See [Appendix GG](#) for further delegation.

### **Subpart 5115.6 – Unsolicited Proposals**

#### **5115.606 Agency procedures.**

See [AFARS PGI 5115.606](#).

# AFARS – PART 5116

## Types of Contracts

*(Revised 15 December 2025)*

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### Subpart 5116.1 – Selecting Contract Types

#### 5116.102-90 Policies.

See [AFARS PGI 5116.102-90-1](#) for guidance on selecting contract type.

See [AFARS PGI 5116.102-90-2](#) for guidance on using the Pricing website.

## **Subpart 5116.2 – Fixed-Price Contracts**

### **5116.203 Fixed-price contracts with economic price adjustment.**

#### **5116.203-4 Contract clauses.**

(d)(2) See AFARS 5101.301 and Appendix FF (Plan for Control of Nonstandard Clauses).

## **Subpart 5116.3 – Cost-Reimbursement Contracts**

### **5116.306 Cost-plus-fixed-fee contracts.**

(c)(ii) Contracting officers must submit their requests to the address at [AFARS PGI 5101.290\(b\)\(2\)](#).

## **Subpart 5116.4 – Incentive Contracts**

### **5116.401 General.**

(d)(i) See [Appendix GG](#) for further delegation of DFARS 216.401(d)(i).

(d)(ii) See Appendix GG for further delegation of DFARS 216.401(d)(ii).

(e)(3)(i) See [Appendix GG](#) for further delegation of FAR 16.401(e)(3)(i).

(g) See [Appendix GG](#) for further delegation of FAR 16.401(g).

### **5116.403 Fixed-price incentive contracts.**

#### **5116.403-1 Fixed-price incentive (firm target) contracts.**

See [AFARS PGI 5116.403-1](#) for guidance on fixed-price incentive (firm target) contracts.

### **5116.405 Cost-reimbursement incentive contracts.**

#### **5116.405-1 Cost-plus-incentive-fee contracts.**

(b)(3) For cost-plus-incentive-fee type contracts, contracting officers shall consider use of a 70/30 share line and a zero minimum fee as the point of departure for establishing the incentive arrangement during negotiations.

#### **5116.405-2 Cost-plus-award-fee contracts.**

See [AFARS PGI 5116.405-2](#).

## **Subpart 5116.5 – Indefinite-Delivery Contracts**

### **5116.504 – Indefinite Quantity Contracts.**

(a)(2) The contracting officer shall ensure an order that fulfills the minimum quantity of supplies or services is issued at the time of contract award.

(c)(1)(ii)(D)(I) See [Appendix GG](#) for further delegation.

**5116.505 Ordering.**

(b)(2)(ii)(C)(3) See [Appendix GG](#) for further delegation.

(b)(8) See [Appendix GG](#) for further delegation.

**Subpart 5116.6 – Time-and-Materials, Labor-Hour, and Letter Contracts**

**5116.603 Letter contracts.**

**5116.603-2 Application.**

(c)(3) See [Appendix GG](#) for further delegation.

**5116.603-3 Limitations.**

See [Appendix GG](#) for further delegation.

# AFARS – PART 5117

## Special Contracting Methods

*(Revised 1 February 2026)*

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**Subpart 5117.1 – Multiyear Contracting**

**5117.103 Presolicitation.**

**5117.103-1 Policy.**

(b) See [Appendix GG](#) for further delegation.

**5117.103-170 Multiyear contract cost analysis.**

See [Appendix GG](#) for further delegation.

See [AFARS PGI 5117.103-170](#).

**5117.103-171 Multiyear contracts for services.**

See [Appendix GG](#) for further delegation.

**5117.103-172 Multiyear contracts for supplies.**

See [Appendix GG](#) for further delegation.

**5117.103-173 Multiyear contracts for military family housing.**

See [Appendix GG](#) for further delegation.

**5117.103-174 Multiyear contracts for electricity from renewable energy sources.**

See [Appendix GG](#) for further delegation.

**5117.103-190 Policy.**

*Multiyear procurement authority for certain munitions.* See [DPCAP Class Deviation 2024-00005— Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel](#), and [Appendix GG](#) for further delegation.

**5117.104 Evaluation and award.**

**5117.104-3 Congressional notification.**

(b) See [Appendix GG](#) for further delegation.

For contracts awarded in accordance with [DPCAP Class Deviation 2024-00005— Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel](#), see [AFARS PGI 5105.303\(b\)](#) for Congressional Notification Requirements.

**5117.104-370 Congressional notification.**

(a) See [Appendix GG](#) for further delegation.

**Subpart 5117.2 – Options**

**5117.201 Presolicitation.**

**5117.201-270 Contracts.**

(a)(3) See [Appendix GG](#) for further delegation of the “exceptional circumstances” determination.

(c) See [Appendix GG](#) for further delegation.

**Subpart 5117.5 – Interagency Acquisitions**

## **5117.502 Procedures.**

### **5117.502-1 General.**

(b) Submit business case analysis to addressee at [AFARS PGI 5101.290\(B\)\(1\)](#).

### **5117.502-2 The Economy Act.**

(b) The requiring activity is responsible for preparing the Economy Act determination and findings (D&F).

(4) See [Appendix GG](#).

## **Subpart 5117.6 – Interagency Acquisitions: Acquisitions by Nondefense Agencies on Behalf of the Department of Defense**

### **5117.603 Policy.**

(e) [See DPC Memo Subject: Re-delegation of Authority Under Section 801 FY18 NDAA "Internal Controls for Procurements on Behalf of DoD by Certain Non-Defense Agencies", dated 17 June 2019](#) and [Appendix GG](#) for further delegation.

### **5117.670 Procedures.**

(1) The requiring activity is responsible for making the approval required by DFARS 217.670 See [AFARS PGI 5117.670](#).

(a)(3)(i)(A) The requiring activity's responsible contracting office shall concur with the use of a non-DoD contract prior to public announcement of the requirement:

(1) For acquisitions valued at or above the simplified acquisition threshold, but less than \$50 million, see [Appendix GG](#) for further delegation.

(2) For acquisitions valued at or above \$50 million but less than \$250 million. , see [Appendix GG](#) for further delegation.

(3) For acquisitions valued at or above \$250 million, see [Appendix GG](#) for further delegation.

## **Subpart 5117.74 – Undefined Contract Actions**

### **5117.7404-1 Authorization.**

See [Appendix GG](#) for further delegation.

**5117.7404-5 Exceptions.**

(b) See [Appendix GG](#) for further delegation.

**5117.7404-590 Exceptions.**

See Section (D) waivers in the [DPCAP Class Deviation 2024- O0005 – Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel](#) and Appendix GG for further delegation.

**5117.7404-6 Allowable profit.**

See [Appendix GG](#) for further delegation.

**Subpart 5117.75 – Acquisition of Replenishment Parts**

**5117.7504 Acquisition of parts when data is not available.**

See [Appendix GG](#) for further delegation of DFARS PGI 217.7504(4)(ii).

**5117.7505 Limitations on price increases.**

(b) See [Appendix GG](#) for further delegation.

**Subpart 5117.90 – Job Order Contracts**

**5117.9000 Scope of subpart.**

See [AFARS PGI 5117.9000](#).

**5117.9001 Definitions.**

See [AFARS PGI 5117.9001](#).

**5117.9002 Applicability.**

(a) A Job Order Contract (JOC) may be used to execute repair, maintenance, and minor construction requirements for the requiring activity and are subject to the requirements in other parts of the FAR, DFARS, and this regulation.

(b) A JOC must only be used for the projects covered at [AFARS PGI 5117.9000](#). The requiring activity's reoccurring facilities engineering support services, such as utility plant operation, custodial, grounds maintenance, refuse collection and disposal, and similar work shall not be acquired using a JOC. Architect-engineer services as defined in FAR 36.102 and Design-Build requirements as defined in FAR 36.3 shall not be acquired under a JOC. However, informal (shop) and as-built drawings, incidental to the job, reflecting the plan of action and the completed project, are anticipated under a JOC.

### **5117.9003 Planning and coordination.**

A JOC should be considered when the workload is anticipated to be of such a yearly volume that benefits derived from a JOC utilization are greater than the costs of the Government resources and contractor overhead associated with establishing and using a JOC. These costs include the total Government resources required to award, use, monitor, and administer the JOC and JOC orders, and management oversight and functional support of the entire JOC process. The calculated workload for a potential JOC should exclude –

- (a) Work normally reserved for 8(a) or set aside for small businesses; and
- (b) Work that can be effectively and economically accomplished by in-house resources.

### **5117.9004 Procedures.**

#### **5117.9004-1 Presolicitation.**

See [AFARS PGI 5117.9004-1](#).

#### **5117.9004-2 Solicitation.**

JOC solicitation and contracts must use either annual coefficient adjustments or an annually updated JOCPB, but not both. AFARS clause 5152.237-9000, Adjustments to Contractor's Coefficient for Option Years, can be used in JOC contracts in accordance with this paragraph when annual coefficient adjustments are used.

See [AFARS PGI 5117.9004-2](#).

#### **5117.9004-3 Ordering.**

(a) Except as otherwise specified in this subpart, orders must be executed in accordance with FAR 16.505(a).

(b) *Statement of work.*

(1) The SOW for the proposed order must contain sufficient detail to enable the Government to develop an independent government estimate (IGE), in accordance with FAR 36.203 and to ensure that the contractor can properly prepare a responsive and cost-effective proposal with a minimum of non-pre-priced tasks.

(2) The SOW must be updated before issuing the order to reflect the negotiated agreement's details and to include significant quantities, methods of construction, quality levels, and the number of days to complete the work.

(c) *Limitations.*

(1) Except as provided in paragraph (2), the value of non-pre-priced work under an order must not exceed 10 percent of the value of the pre-priced work.

(i) The value of the pre-priced work must be computed by multiplying the coefficient(s) times the appropriate unit price(s) in the JOCPB.

(ii) When the contract allows, indirect costs and profit for non-pre-priced work may be attributed by the application of a solicited and pre-agreed rate to be applied to the unburdened labor, equipment, and material costs of the non-pre-priced work.

(iii) Description of non-pre-priced work must not be manipulated or forced to fit under a pre-priced line item, either to avoid including non-pre-priced line items in the order or to reduce the value of non-pre-priced line items in an attempt to circumvent the limitation in (c)(2).

(2) Normally, if the value of the non-pre-priced work exceeds 10 percent, then the non-pre-priced work should be reduced, eliminated, performed in-house, or the job must be acquired using other contracting methods. However, Contracting officers may exceed the 10 percent if justified and approved in accordance with FAR 6.302. The Contracting officer shall negotiate the modification and make a determination that the price is fair and reasonable.

(d) *Distribution.* A copy of all JOC orders must be sent to the contracting office appointing ordering officers, the Finance and Accounting Office, the office or individual assigned responsibility for inspection and technical administration of the contract, and any appointed COR. The Contracting officer must maintain the permanent record of each transaction, and administration shall be done in accordance with the contracting activity procedures.

**5117.9005 JOC ordering officers.**

(a) *Appointment.* A "JOC ordering officer" appointment is authorized, but is only required when the Contracting officer will not be executing all task orders. Appointments of ordering officers under each JOC must be minimized. The JOC ordering officer shall be obtained in accordance with AFARS 5101.603-1. The Contracting officer is the appointing authority for

each individual job order that is within the JOC ordering officer authorities. The requiring activity may recommend JOC ordering officers. The JOC ordering officer shall be appointed by letter similar to that at 5101.602-2-92, tailored for JOC.

(b) *Training.* All JOC ordering officers must receive specific training and orientation from the responsible contracting office at least annually and must document completion in PCF. This training must cover policy and procedures for the operation of a JOC and shall specifically address the ordering officer's authority, limitations, and responsibilities, including ethics, conflict of interest, and potential pecuniary liabilities. JOC ordering officers shall, at a minimum, meet contracting activity COR training requirements.

(c) *Authorization and limitations.*

(1) JOC ordering officers are authorized to sign task orders on behalf of the Government between the micro-purchase threshold for acquisitions of construction and the Simplified Acquisition Threshold (SAT) as long as the value of the non-pre-priced item(s) does not exceed five percent of the total order to include contract modifications.

(2) The HCA may authorize JOC ordering officers to sign task orders of greater value than SAT. However, the delegated authority may not exceed the thresholds specified in 10 U.S.C. 2805(c) and may only be authorized when the HCA determines, in writing it is necessary to realize the benefits of a JOC, and provided that –

(i) adequate management controls are in place (e.g., Contracting officer oversight);

(ii) adequate training is provided;

(iii) the Contracting officer approves; and

(iv) the value of any non-pre-priced item(s) does not exceed 5 percent.

(3) JOC ordering officers may execute modifications to existing task orders provided that -

(i) the Contracting officer delegates explicitly this authority in the JOC ordering officer appointment letter;

(ii) the absolute value of the order as modified does not exceed the ordering officer's authority; and

(iii) pricing is accomplished by using the JOCPB.

(iv) modifications shall be limited to changing quantities of JOCPB items in the existing order unless the Contracting officer signs an in-scope determination.

(4) JOC ordering officers must notify the Contracting officer immediately of any modifications. The Contracting officer shall execute any modification outside of paragraph 3 above.

(d) *Responsibilities.* See [AFARS PGI 5117.9005](#).

**5117.9006 Contracting officer responsibilities.**

At least once a year, the Contracting officer must ensure that ordering officer files and procedures are reviewed and that a representative sampling of orders is selected for tracking from initiation of the requirement to final payment and close-out of the order.

# AFARS – PART 5118

## Emergency Acquisitions

*(Revised 1 February 2026)*

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### **5118.001 Emergency acquisitions.**

See [Appendix GG](#) for further delegation.

### **Subpart 5118.70 – Available Acquisition Flexibilities**

#### **5118.7001 Additional acquisition flexibilities.**

(a) See [AFARS 5106.103-790](#) for DPCAP Class Deviation 2024-O0005 instructions on use of other than competitive procedures under FAR 6.103 for “covered contracts”.

(h) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, shall make the notification at DFARS PGI 218.7001-1(h).

#### **5118.7001-2 Contingency operation.**

(i) See [Appendix GG](#).

#### **5118.7001-3 Defense or recovery from certain events.**

In accordance with section (C)(4) of [DPCAP Class Deviation 2024-O0005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel](#) contracting officers carrying out a procurement of a product or service for a covered contract may treat the product or service as a commercial product or a commercial service for the purpose of carrying out the procurement. See [AFARS PGI 5105.302](#) for reporting covered contracts applicable under this subpart to congressional defense committees.

#### **5118.7001-6 Head of contracting activity determinations.**

(a) See [Appendix GG for further delegation](#).

See [AFARS PGI 5118.7001-1](#) for additional information on emergency acquisition flexibilities.

# AFARS – PART 5119

## Small Business

*(Revised 1 February 2026)*

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### Subpart 5119.2 – Policies

#### 5119.102 Coordination.

(a) See [AFARS PGI 5119.102\(a\)](#) for roles and responsibilities.

(f)(1) See [Appendix GG](#) for further delegation.

(3) See [AFARS PGI 5119.5102\(f\)](#)(3) for SBA appeals to the agency head.

#### **5119.102-90 Coordination.**

The Virtual Contracting Enterprise DD2579 Small Business Coordination module (VCE-2579) shall be used for all DD Form 2579 submissions. See [AFARS PGI 5119.102-90](#) for DD Form 2579 procedures.

#### **5119.108 Contracting With the Small Business Administration (the 8(a) Program).**

##### **5119.108-3 Selecting acquisitions for the 8(a) program.**

(a) The CD shall respond directly to general search letters from SBA. The CD may further delegate this function to the small business professionals at contracting activities.

(c) The CD or their designated small business professional, must identify the requirements to SBA.

##### **5119.108-4 Evaluation, offering, and acceptance.**

(b)(1)(xiv) The Contracting officer must coordinate noncompetitive 8(a) offerings with a total estimated contract value above the thresholds in FAR 19.108-7(d) with the contracting activity local competition advocate.

##### **5119.108-11 Release requirements for non-8(a) procurement.**

(a)(3) If the SBA agrees to release a requirement from the 8(a) Program, retain this documentation in the contract file and provide a copy to the small business professional.

##### **5119.109 Small business subcontracting plans.**

(d) See [AFARS PGI 5119.109\(d\)](#) for best practice.

### **Subpart 5119.2 –Evaluation and Award**

#### **5119.206 Evaluating small business subcontracting plans.**

##### **5119.206-3 Reviewing the subcontracting plan.**

See [AFARS Appendix DD](#) (Subcontracting Plan Evaluation Guide).

#### **5119.208 Evaluating and awarding under the 8(a) Program.**

##### **5119.208-2 Contract negotiation.**

(a)(1) The contracting officer must notify the contracting activity small business professional of the intent to proceed under the conditions at DFARS 219.208-2.

##### **5119.208-6 Effect of exiting the 8(a) program on eligibility for award.**

(b) See [Appendix GG](#) for further delegation.

#### **5119.208-790 Notification of award.**

Immediately after award of any 8(a) contract, the Contracting officer must notify the contracting activity small business professional and the cognizant SBA office. Notification will include the 8(a) firm's name, address, Unique Entity ID, CAGE code, a description of the supplies or services, the quantity, dollar value, date of award, SBA Requirement Number and contract number.

#### **5119.208-8 SBA appeals.**

(b) See [AFARS PGI 5119.102\(f\)\(3\)](#) for SBA appeals procedures.

### **Subpart 5119.3 – Postaward**

#### **5119.302 Small business subcontracting plans.**

##### **5119.302-2-90 Transferring post award responsibilities of the Contracting officer to another Contracting officer.**

See [AFARS PGI 5119.302-2-90](#).

##### **5119.302-3 Other postaward responsibilities.**

The contracting officer may delegate the duties in FAR 19.302-3 and supplements to another individual. The delegation must be in writing, include the scope of duties delegated, and signed by management officials from the contracting activity and delegee's organization.

##### **5119.303 8(a) Program contracts.**

###### **5119.303-1 Contract administration.**

(c)(i) The Contracting officer must promptly notify the SBA of contractor performance deficiencies, to include any indication that the contractor requires technical or management assistance and document the contract file accordingly.

(ii) If the SBA fails to act in a timely manner to help the contractor take corrective action, the Contracting officer must report this failure to the CD with a recommendation for action. If the CD cannot resolve the matter, he or she will refer the matter to the Director, HQDA, OSBP.

(e) See [Appendix GG](#) for further delegation.

# AFARS – PART 5122

## Application of Labor Laws to Government Acquisitions

*(Revised 17 February 2026)*

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**5122.001 Definitions.**

“Labor advisor,” as used in this part, means the labor advisor, Contract and Fiscal Law Division, Office of the Judge Advocate General.

**Subpart 5122.1 – Basic Labor Policies**

**5122.101-1 Labor relations.**

(b) See [AFARS PGI 5122.101-1\(b\)](#).

**5122.102 Presolicitation.**

**5122.102-1 Contract clause.**

(a) See [Appendix GG](#) for further delegation and [AFARS PGI 5122.102-1](#).

**5122.104 Postaward.**

**5122.104-1 General.**

(c) Army personnel cannot give information about work stoppages or labor disputes to representatives of labor or management without authorization from the labor advisor.

**5122.104-170 Impact of labor disputes on defense programs.**

(b) See [Appendix GG](#) for further delegation.

**5122.104-2 Overtime approvals.**

(a) See [Appendix GG](#) for further delegation and [AFARS PGI 5122.104-2\(a\)](#).

**Subpart 5122.3 – Contract Work Hours and Safety Standards Act**

**5122.302 Postaward.**

(d) See [Appendix GG](#) for further delegation.

**Subpart 5122.4 – Labor Standards for Contracts Involving Construction**

**5122.403 Evaluation and award.**

(b)(6) See [Appendix GG](#) for further delegation.

**5122.404 Postaward.**

**5122.404-2 Enforcement.**

(c)(1)(vii)(B) See [Appendix GG](#) for further delegation and [AFARS PGI 5122.404-2\(c\)\(1\)\(vii\)\(B\)](#) for mailing address.

(g) *Disposition of contract payments withheld or suspended* —

(3) *Liquidated damages.* See the delegation at AFARS 5122.302(d) for officials authorized to adjust or waive assessments of liquidated damages in accordance with DFARS 222.404-2(g)(3).

**Subpart 5122.5 - Project Labor Agreements for Federal Construction Projects.**

**5122.502-2 General requirements.**

(d)(1) *Exception.* See [Appendix GG](#) for further delegation.

**Subpart 5122.6 – Contracts for Materials, Supplies, Articles, and Equipment**

**5122.601 Presolicitation.**

**5122.601-3 Exemptions.**

(c)(1) See [Appendix GG](#) for further delegation.

**Subpart 5122.13 – Equal Opportunity for Veterans**

**5122.1302 Presolicitation.**

**5122.1302-3 Waivers.**

(c) See [Appendix GG](#) for further delegation and Requests for waivers shall be submitted to the addressee in [AFARS PGI 5101.290\(b\)\(2\)](#).

**Subpart 5122.14 – Employment of Workers With Disabilities**

**5122.1401 Presolicitation.**

**5122.1401-3 Waivers.**

(c) See [Appendix GG](#) for further delegation and Requests for waivers shall be submitted to the addressee in [AFARS PGI 5101.290\(b\)\(2\)](#).

**Subpart 5122.15 - Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor**

**5122.1503 Evaluation and award.**

(c) See [Appendix GG](#) for further delegation.

**Subpart 5122.16 – Notification of Employee Rights Under the National Labor Relations Act**

**5122.1603 Postaward.**

(d) See [Appendix GG](#) for further delegation.

**Subpart 5122.17 – Combating Trafficking in Persons**

**5122.1704 Postaward.**

(c) *Receipt of agency Inspector General report.*

(1) See [Appendix GG](#) for further delegation.

# AFARS – PART 5123

## Sustainable Acquisition, Material Safety, and Pollution Prevention

(Revised 1 February 2026)

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### Subpart 5123.1 – Sustainable Products

#### 5123.105 Exceptions.

(a) See [Appendix GG](#) for further delegation.

#### 5123.170 Products that contain, use, or are manufactured with ozone-depleting substances or products that contain or use high global warming potential hydrofluorocarbons.

#### 5123.170-90 Policy.

(1) *Contracts.*

(i) The organization with primary responsibility for determining the principal specifications and standards cited in the solicitation or contract is responsible for obtaining authorization to include the specification or standard in the contract.

(ii) The approving official must be from the technical or program organization with primary responsibility for determining the equipment or systems specifications and standards.

(2) *Modifications.*

(i) For contracts administered by the Army, the Contracting officer must obtain an evaluation and written determination of the suitability of proposed substitutes for ozone-depleting substances from the organization in (1)(i).

(ii) The written determination must be based on a certification by a technical representative of the Environmental Support Office at the address below in coordination with the requiring activity. Elevate any dispute concerning what constitutes a suitable substitute through the requiring activity's leadership to the Army Acquisition Executive for a final decision.

Environmental Support Office  
Headquarters, Department of the Army  
2800 Crystal Drive, 5<sup>th</sup> Floor  
Arlington, VA 22202-3911.

### **Subpart 5123.3 –Material Safety**

#### **5123.302 Hazardous material identification and safety data.**

(d) See [AFARS PGI 5123\(d\)](#).

#### **5123.370 Safety precautions for ammunition and explosives.**

##### **5123.370-4 Procedures.**

(1)(i) See [Appendix GG](#) for further delegation of DFARS PGI 222.370-4(1)(i).

# AFARS – PART 5124

## Protection of Privacy and Freedom of Information

*(Revised 1 February 2026)*

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### **Subpart 5124.1 – Protection of Individual Privacy**

#### **5124.103 Procedures.**

(b)(2)(i) See [AFARS PGI 5124.103\(b\)\(2\)\(i\)](#).

### **Subpart 5124.2 – Freedom of Information Act**

#### **5124.203 Policy.**

(a) See [AFARS PGI 5124.203](#).

(c) See [Appendix GG](#) and [AFARS PGI 5124.203](#).

# AFARS – PART 5125

## Foreign Acquisition

*(Revised 17 February 2026)*

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**Subpart 5125.1 - Buy American – Supplies**

**5125.103 Exceptions.**

(a)(ii)(B)(1) The position one level above the contracting officer, without further delegation, shall make the determination at DFARS 225.103(a)(ii)(B)(1).

(2) See [Appendix GG](#) for further delegation.

(3) See [Appendix GG](#) for further delegation.

(b)(ii)(A) The position one level above the contracting officer, without further delegation, may make the determination at DFARS 225.103(b)(ii)(A).

(B) The chief of the contracting office, without further delegation, may make the determination at DFARS 225.103(b)(ii)(B).

(C) See [Appendix GG](#) for further delegation.

**5125.106 Determining reasonableness of cost.**

(a)(1) See [Appendix GG](#) for further delegation.

**Subpart 5125.2 – Buy American – Construction Materials**

**5125.202 Exceptions.**

(a)(1) *Impracticable or inconsistent with public interest.* See [Appendix GG](#) for further delegations.

(2) *Nonavailability.* For other materials, see [Appendix GG](#) for further delegation.

**5125.204 Evaluating offers of foreign construction material.**

(a) See [Appendix GG](#) for further delegation.

**Subpart 5125.4- Trade Agreements**

**5125.403 World Trade Organization government procurement agreement and free trade agreements.**

(c)(ii)(A) See [Appendix GG](#) for further delegation.

**Subpart 5125.8 – Other International Agreements and Coordination**

**5125.802 Procedures.**

**5125.802-71 End use certificates.**

See [Appendix GG](#) for further delegation.

**5125.870 Contracting with Canadian contractors.**

**5125.870-4 Contracting procedures.**

(c)(2)(ii) See [Appendix GG](#) for further delegation.

(5) See [Appendix GG](#) for further delegation.

**5125.871 North Atlantic Treaty Organization (NATO) cooperative projects.**

**5125.871-7 Congressional notification.**

See [AFARS PGI 5125.871-7](#).

**Subpart 5125.9 – Customs and Duties**

**5125.903 Exempted supplies.**

(b)(ii) The procuring contracting officer must execute duty-free entry certificates when no administrative contracting officer is assigned.

**Subpart 5125.10 – Additional Foreign Acquisition Regulations**

**5125.1001 Waiver of right to examination of records.**

(a)(2)(iii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a nondelegable basis, shall execute the determination and findings as set forth in FAR 25.1001(a)(2)(iii).

**Subpart 5125.70 – Authorization Acts, Appropriations Acts, and Other Statutory Restrictions on Foreign Acquisition**

**5125.7000 Scope of subpart.**

**5125.7000-90 Applicability when using a non-Army contracting activity.**

Army requiring activities that utilize a non-Army contracting activity to fulfill a requirement for a covered item are responsible for ensuring compliance with DFARS PGI 225.70.

**5125.7002 Restrictions on food, clothing, fabrics, and hand or measuring tools.**

**5125.7002-2 Exceptions.**

(b)(1)(ii) The contracting officer shall not release the solicitation until the Secretary of the Army approves the domestic nonavailability determination.

(2) See [AFARS PGI 5125.7000-2\(b\)\(2\)](#) for submission procedures.

**5125.7002-290 Improving Compliance with the Berry Amendment and Buy America Act..**

See [AFARS PGI 5125.7002-290](#) for guidance on improving compliance with the Berry Amendment and Buy America Act.

**5125.7003 Restrictions on acquisition of specialty metals.**

**5125.7003-3 Exceptions.**

(b)(5) Specialty metals. In all cases, the contracting officer shall not release the solicitation until the domestic nonavailability determination is approved. See [AFARS PGI 5125.7002-2](#) for submission procedures.

(i) The Secretary of the Army, on a nondelegable basis, approves domestic nonavailability determinations that apply to only one contract.

(ii) The Under Secretary of Defense (Acquisition & Sustainment (A&S)) on a nondelegable basis, approves determinations that apply to more than one contract.

(d) National security waiver. The USD(A&S), on a nondelegable basis, approves national security waivers.

**AFARS – PART 5126**

**Other Socioeconomic Programs**

*(Revised 1 February 2026)*

[RESERVED]

# AFARS – PART 5127

## Patents, Data, and Copyrights

*(Revised 1 February 2026)*

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### Subpart 5127.2 – Patents and Copyrights

#### **5127.201 Patent and copyright infringement liability.**

#### **5127.201-2 Contract clauses.**

(e) See [Appendix GG](#) for further delegation and [AFARS PGI 5127.021-2\(e\)](#) for mailing address.

#### **5127.202 Royalties.**

#### **5127.202-90 Royalties.**

The office having cognizance of patent matters is the Chief, Contract Litigation and Intellectual Property Division, U.S. Army Legal Services Agency.

## **Subpart 5127.3 – Patent Rights Under Government Contracts**

### **5127.303 Contract clauses.**

(b)(3) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, makes the national interest determinations at FAR 27.303(b)(3) and DFARS 227.303(2)(ii)(B).

(e)(1)(ii) See [Appendix GG](#) for further delegation.

(e)(4)(ii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, makes the determination.

## **Subpart 5127.6 – Foreign License and Technical Assistance Agreements**

### **5127.675 Foreign license and technical assistance agreements between a domestic concern and a foreign government or concern.**

#### **5127.675-2 Review of agreements.**

(a) See [AFARS PGI 5127.675-2](#).

## **Subpart 5127.71 – Technical Data, Computer Software, Computer Software Documentation, and Associated Rights Related to Other Than Commercial Products, Components, Services, Processes, and Computer Software**

### **5127.7103 Other than commercial products, commercial services, or commercial processes, commercial computer software, or commercial computer software documentation.**

#### **5127.7103-13 Government right to review, verify, challenge, and validate asserted restrictions.**

(d)(6)(iii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, makes the determination regarding urgent or compelling circumstances.

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## Bonds and Insurance

*(Revised 1 February 2026)*

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### Subpart 5128.1 – Bonds and Other Financial Protections

#### 5128.101 Bid guarantees.

#### 5128.101-1 Policy and use.

(c) See [Appendix GG](#) for further delegation to authorize class waivers.

**5128.105 Other types of bonds.**

See [Appendix GG](#) for further delegation.

**5128.106 Administration.**

**5128.106-2 Substitution of surety bonds.**

(a) See [Appendix GG](#) for further delegation.

**5128.106-6 Furnishing information.**

(c) See [Appendix GG](#) for further delegation.

**Subpart 5128.2 – Sureties and Other Security for Bonds**

**5128.203 Individual sureties.**

**5128.203-1 Acceptability of individual sureties.**

(g) Refer evidence to the local contracting office’s procurement fraud advisor. See [AFARS PGI 5109.406-3](#).

**5128.203-5 Exclusion of individual sureties.**

(d) See [Appendix GG](#) for further delegation. See [AFARS PGI 5128.203-5\(d\)](#) for procedures.

**5128.204 Alternatives in lieu of corporate or individual sureties.**

**5128.204-1 United States bonds or notes.**

See [AFARS PGI 5128.204-1](#).

**Subpart 5128.3 – Insurance**

**5128.301 Policy.**

(b) See [AFARS PGI 5128.301\(b\)](#).

**5128.305 Overseas workers compensation and war hazard insurance.**

(d) See [Appendix GG](#) for further delegation.

**5128.307 Insurance under cost-reimbursement contracts.**

**5128.307-1 Group insurance plans.**

(a) *Prior approval requirement.* Group insurance plans under cost-reimbursement contracts administered by the Army must be submitted for approval to the Contracting officer.

**5128.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.**

**5128.311-1 Contract clause.**

See [Appendix GG](#) for further delegation, and [AFARS PGI 5128.311-1](#) for procedures when waiving requirement to us FAR 52.228-7.

**5128.371 Additional clauses.**

(a)(2) See [Appendix GG](#) for further delegation.

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## Taxes

*(Revised 1 February 2026)*

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### **Subpart 5129.1 – General**

#### **5129.101 Resolving tax problems.**

(a) The Contracting officer shall provide to the legal counsel a comprehensive statement of facts and issues supported by –

(i) Copies of correspondence and documents needed to understand the problem;

(ii) A copy of the contract or relevant portion; and

(iii) The comments and recommendations of the Contracting officer, the reviewer and local counsel at each echelon of command through which the correspondence passes.

### **Subpart 5129.2 – Federal Excise Taxes**

#### **5129.201 General.**

(b) Permit to obtain tax-free spirits.

(i) See [Title 27 Code of Federal Regulations, Section 22.172](#) for application.

(ii) See [Appendix GG](#) for further delegation of signature authority.

### **Subpart 5129.3 – State and Local Taxes**

#### **5129.302 Application of state and local taxes to government contractors and subcontractors.**

(a) See [Appendix GG](#) for further delegation.

# AFARS – PART 5130

## Cost Accounting Standards Administration

*(Revised 1 February 2026)*

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### Subpart 5130.2 – Presolicitation

#### 5130.202 Waiver.

(a)(2) See [Appendix GG](#) for further delegation.

(e) See [AFARS PGI 5130.202\(e\)](#).

### Subpart 5130.3 – Evaluation and Award

#### 5130.301 Contractor disclosure statements.

(b) See [Appendix GG](#) for further delegation.

# AFARS – PART 5131

## Contract Cost Principles and Procedures

*(Revised 1 February 2026)*

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### Subpart 5131.2 – Contracts with Commercial Organizations

#### **5131.205 Selected costs.**

#### **5131.205-6 Compensation for personal services.**

(f)(6)(ii) *Severance pay*. See [Appendix GG](#) for further delegation.

(o)(4)(iii) *Limitation on allowability of compensation*. See [Appendix GG](#) for further delegation.

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## Contract Financing

*(Revised 1 February 2026)*

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**5132.006 Reduction or suspension of contract payments upon finding of fraud.**

**5132.006-1 General.**

(b) See [Appendix GG](#) for further delegation.

**5132.006-2 Definition.**

The Army’s remedy coordination official is the Chief, Procurement Fraud Division, Office of The Judge Advocate General; telephone (703) 693-1228.

**5132.006-3 Responsibilities.**

(b) See [AFARS PGI 5132.006-3](#).

**5132.007 Contract financing payments.**

(a) See [Appendix GG](#) for further delegation.

**Subpart 5132.1 – Financing for Other Than a Commercial Purchase**

**5132.111 Contract clauses for non-commercial purchases.**

(a)(7) See [AFARS PGI 5132.111\(a\)\(7\)](#).

**5132.114 Unusual contract financing.**

The Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP) on a non-delegable basis, shall approve actions as stated in FAR 32.114 and DFARS 201.302(1)(vi).

**Subpart 5132.2 – Commercial Product and Commercial Service Purchase Financing**

**5132.201 Statutory authority.**

See [Appendix GG](#) for further delegation.

**5132.202 General.**

**5132.202-1 Policy.**

(d) The Principal Director, DPCAP, on a non-delegable basis, shall approve actions as stated in FAR 32.202-1(d) and DFARS 201.302(1)(vi).

**Subpart 5132.4 Advance Payments for Other Than Commercial Acquisitions**

**5132.402 General.**

(c)(1)(iii)(A) See [Appendix GG](#) for further delegation.

(c)(1)(iii)(B) The Secretary of the Army, on a non-delegable basis, shall make the determination that the advance payment facilitates the national defense as described at FAR 32.402(c)(1)(iii)(B).

**5132.407 Interest.**

(d) See [Appendix GG](#) for further delegation.

**5132.409 Contracting officer action.**

**5132.409-1 Recommendation for approval.**

The local contract financing office shall prepare the documents required by FAR 32.409-1(e) and (f).

**Subpart 5132.5 – Progress Payments Based on Costs**

**5132.501 General.**

**5132.501-2 Unusual progress payments.**

(a)(2) See [AFARS PGI 5132.501-2\(a\)\(2\)](#).

**Subpart 5132.6 – Contract Debts**

**5132.606 Debt collection.**

(c)(i) See [AFARS PGI 5132.606\(c\)\(i\)](#).

**5132.607 Installment payments and deferment of collection.**

**5132.607-2 Deferment of collection.**

(c)(2) See [AFARS PGI 5132.607-2\(c\)\(2\)](#).

**5132.671 Bankruptcy reporting.**

Send information at DFARS PGI 232.671 to the addressee in [AFARS PGI 5132.606\(c\)\(i\)](#).

**Subpart 5132.7 – Contract Funding**

**5132.702 Policy.**

(a)(i) See [AFARS PGI 5132.702\(a\)\(i\)](#).

**Subpart 5132.8 – Assignment of Claims**

**5132.803 Policies.**

(d) See [Appendix GG](#) for further delegation.

**Subpart 5132.9 – Prompt Payment**

**5132.901 Applicability.**

(1)(ii) See [Appendix GG](#) for further delegation.

(3) See [Appendix GG](#) for further delegation.

**5132.903 Responsibilities.**

(a) See [Appendix GG](#) for further delegation.

**5132.906 Making payments.**

(a) See [Appendix GG](#) for further delegation.

**Subpart 5132.11 – Electronic Funds Transfer**

**5132.1106 EFT mechanisms.**

See [Appendix GG](#) for further delegation.

**Subpart 5132.71 – Levies on Contract Payments**

**5132.7101 Policy and procedures.**

(b) See [AFARS PGI 5132.7101\(b\)](#).

# AFARS – PART 5133

## Protests, Disputes, and Appeals

*(Revised 1 February 2026)*

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### Subpart 5133.1 – Protests

#### **5133.103 General.**

(a) Contracting Officers must consult with designated legal counsel as soon as they receive notice that a protest may be filed.

(b) See [Appendix GG](#) for further delegation.

(2) Contracting officers must consult legal counsel before agreeing to the payment of costs.

#### **5133.103-90 General.**

The contracting officer shall notify the Office of the DASA(P) of the protest of a planned or actual contract award in excess of \$100M or when the protest is likely to generate significant public interest or

attract congressional or Executive Branch attention. See [AFARS PGI 5101.290\(b\)\(2\)](#) for mailing address.

#### **5133.104 Protests to the agency.**

##### **5133.104-4 Other procedures.**

(a)(4) Protests received at a level higher than the Contracting Officer must be referred to the contracting officer.

(5)(i) Handle requests for independent review of a protest at a level above the Contracting officer in accordance with component procedures. See [Appendix GG](#).

##### **5133.104-90 Annual agency bid protest report.**

HCA's must prepare an annual report of agency bid protests and send it to the addressee in [AFARS PGI 5101.290\(b\)\(2\)](#) not later than 30 calendar days following the end of the fiscal year. See [AFARS PGI 5133.104-90](#) for report requirements.

#### **5133.105 Protests to GAO.**

##### **5133.105-2 Preaward.**

(b) The contracting officer shall submit the HCA's written findings to ODASA(P) as soon as practicable. Send to addressee at [AFARS PGI 5101.290\(b\)\(2\)](#).

##### **5133.105-3 Postaward.**

(b) The contracting officer shall submit the HCA's written findings to ODASA(P) as soon as practicable. Send to addressee at [AFARS PGI 5101.290\(b\)\(2\)](#).

##### **5133.105-4 Other procedures.**

(a) *Agency report.* See [AFARS PGI 5133.105\(a\)](#) for reporting procedures.

(b) *Notice to GAO.* See [Appendix GG](#) for further delegation. Send the report to the ODASA(P) at [AFARS PGI 5101.290\(b\)\(2\)](#) not later than 55 days after receipt of the recommendations.

#### **5133.170 Protested acquisitions valued at \$1 billion or more.**

See [AFARS PGI 5133.170](#).

### **Subpart 5133.2 – Disputes and Appeals**

#### **5133.202 Applicability.**

(b)(2) See [Appendix GG](#) for further delegation.

**5133.202-90 Applicability.**

The contracting officer shall notify the Office of the DASA(P) of any contract, other transaction, or other acquisition-related litigation with a potential liability of either party in excess of \$100M or when the litigation is likely to generate significant public interest or attract congressional or Executive Branch attention. See [AFARS PGI 5101.290\(b\)\(2\)](#) for mailing address.

**5133.205-6 Contracting officer's decision.**

**5133.205-690 Appeal procedures.**

See [AFARS PGI 5133.212-90](#).

**5133.205-691 Notice of an appeal.**

See [AFARS PGI 5133.212-91](#).

**5133.205-692 Review of appeal.**

The HCA shall furnish technical and legal assistance to the Contracting Officer as required and assist the Chief Trial Attorney or Engineer Chief Trial Attorney in obtaining additional evidence or in making other necessary preparations for presenting the Government's position before the ASBCA.

**5133.205-693 Receipt of complaint.**

See [AFARS PGI 5133.212-93](#).

**5133.205-694 Litigation.**

(a) The Chief Trial Attorney or designee will present all Army cases to the ASBCA. The Chief Trial Attorney may authorize local legal counsel to act as trial attorneys or to assist in the presentation of Army cases.

(b) Local legal counsel and personnel within the contracting activity will assist and support the Office of the Chief Trial Attorney in preparing the case.

(c) The Chief Trial Attorney and the attorneys assigned may communicate directly with any person or organization to secure any witnesses, documents, or information considered necessary in connection with representing the Government in matters before the ASBCA. The Chief Trial Attorney must inform the Contracting officer of any actions taken in connection with these matters.

**5133.205-695 Disposition.**

(a) The authority and responsibility to settle contract disputes docketed with the ASBCA remains with the Contracting officer, subject to (b) and the following:

(1) The Contracting officer must advise the Chief Trial Attorney of all offers of settlement from a contractor, whether directly from the contractor or through the contractor's attorney.

(2) The Contracting officer must consult with the Chief Trial Attorney before accepting a contractor's offer of settlement and before making a settlement offer to the contractor.

(b) The Chief Trial Attorney has all necessary authority to conclude settlement agreements with the concurrence of the Contracting officer, the reviewing official, or the DASA(P). He/she must notify the appropriate Army Command legal office/staff judge advocate of any disagreement regarding the settlement of a case before raising the matter to the ASA(ALT).

(1) The Chief Trial Attorney or an individual trial attorney may enter into an agreement on matters for which there is no substantial controversy and which will not have the effect of disposing of an appeal, provided that, in the case of a pre-hearing written stipulation or agreement, the Chief Trial Attorney has granted this authority to the individual trial attorney in advance.

(2) In appropriate cases, such as those where time-consuming delays would occur by returning the appeal to the Contracting officer, the Chief Trial Attorney or an individual trial attorney acting with the prior approval of the Chief Trial Attorney may enter into an agreement with an appellant which will have the effect of disposing of an appeal after obtaining concurrence from a representative of the HCA. Such agreement may then become the basis of an ASBCA decision disposing of the appeal.

(c) The Chief Trial Attorney shall determine whether to participate in ADR for any matter docketed with the ASBCA.

### **5133.205-696 Review of ASBCA decisions.**

(a) *Contracting activity review.*

(1) The HCA and Chief Trial Attorney will independently review all adverse ASBCA decisions and within 10 calendar days after receipt of the decision, jointly determine whether to:

(i) File a motion for reconsideration, stating the grounds relied upon to sustain the motion; or

(ii) Initiate action with the Department of Justice seeking an appeal to the U.S. Court of Appeals for the Federal Circuit, stating the basis for such an appeal, or

(iii) Take no further action in regard to the decision.

(2) If the Chief Trial Attorney or the HCA do not reach an agreement, they shall

forward the request, together with reasons for opposition, through the Judge Advocate General to the DASA(P) for the decision in coordination with the General Counsel of the Army. If the DASA(P) determines that the Government will not make a motion for reconsideration or that the Government will not take an appeal to the U.S. Court of Appeals for the Federal Circuit, the Chief Trial Attorney may certify this fact to the ASBCA.

(3) The HCA and Chief Trial Attorney will determine if an adverse decision of the ASBCA resulted from errors in implementing regulation or policies and recommend modification to ODASA(P) at [AFARS PGI 5101.290\(b\)\(1\)](#).

### **5133.205-697 Dispute settlement and judgments, use of the Judgment Fund.**

(a) *Judgment Fund.*

(1) Contracting officers will consult with their legal counsel and their local resource management office prior to taking any actions related to the use of the Judgment Fund.

(2) *Authorized official.* See [Appendix GG](#) for further delegation.

### **5133.205-70 Disputes clause.**

(c) [See Appendix GG](#) for further delegation.

# AFARS – PART 5134

## Major System Acquisition

*(Revised 1 February 2026)*

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### Subpart 5134.2 – Earned Value Management System

[See Army Class Deviation, Approval of Class Deviation from the Earned Value Management System Requirements of the Defense Federal Acquisition Regulation Supplement for Certain Fixed-Price Incentive \(Firm Target\) \(FPIF\) Contracts, dated 6 December 2015.](#) This deviation is effective until incorporated in the DFARS or rescinded.

[See Army Class Deviation, Approval of Class Deviation from the Earned Value Management System Requirements of the DFARS for Requirements with an Approved Department of Defense Instruction \(DoDI\) 5000.02 Earned Value Management Applicability Determination or Waiver.](#)

### Subpart 5134.70—Acquisition of Major Weapon Systems as Commercial Products

#### 5134.7002 Policy.

(e)(4) See [Appendix GG](#) for further delegation of DFARS 234.7002(e)(4).

# AFARS – PART 5135

## Research and Development Contracting

*(Revised 1 February 2026)*

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### Subpart 5135.1 – Presolicitation

#### **5135.173 Special use allowances for research facilities acquired by educational institutions.**

For information on special use allowances for research facilities acquired by educational institutions, see DFARS PGI 235.173. See [Appendix GG](#) for further delegation.

#### **5135.174 Indemnification against unusually hazardous risks.**

#### **5135.174-1 Indemnification under research and development contracts.**

(a) See [AFARS PGI 5135.174-1\(a\)](#).

# AFARS – PART 5136

## Construction and Architect-Engineer Contracts

*(Revised 1 February 2026)*

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### **5136.002 Policy.**

### **5136.002-90 Authority for architect-engineer contracting.**

(a) Army contracting activities, and subordinate offices, authorized to contract for architect-engineer services are as follows:

- (1) The U.S. Army Corps of Engineers (USACE).

(2) The National Guard Bureau (NGB).

(3) The U.S. Army Mission and Installation Contracting Command.

(4) The U.S. Army Contracting Command, 414<sup>th</sup> Contracting Support Brigade, Vicenza, Italy, for architect-engineer services for operations and maintenance appropriations and Army Family Housing (Operations) funded projects.

(b) Other Army contracting activities, as mutually agreed with the USACE, may execute task orders for architect-engineer services, under USACE indefinite-delivery contracts. The installation Contracting officer and facilities engineering personnel must comply with the instructions of the USACE Contracting officer regarding the negotiation, issuance, and administration of task orders.

### **5136.002-91 Limitations.**

Headquarters, USACE, and Headquarters, NGB, must establish appropriate controls on the use of indefinite-delivery contracts for architect-engineering services by subordinate contracting offices.

## **Subpart 5136.1 – Pre-solicitation**

### **5136.101 Construction.**

#### **5136.101-1 Acquisition Strategy.**

(b)(4) See [Appendix GG](#) for further delegation.

#### **5136.101-2 Use of two-phase design-build selection procedures.**

(a)(3)(vi) The head of the contracting activity, on a non-delegable basis, shall establish other criteria at FAR 36.101-2(a)(3)(vi).

(4) See [Appendix GG](#) for further delegation.

#### **5136.101-70 Prequalification of sources.**

(b) See [Appendix GG](#) for further delegation.

#### **5136.101-71 Clauses.**

(b)(2) See [Appendix GG](#) for further delegation.

#### **5136.102-4 Clauses.**

(a)(1) See [Appendix GG](#) for further delegation.

### **Subpart 5136.2 – Evaluation and award**

#### **5136.201 Construction.**

##### **5136.201-1 Limitations.**

(b) See [Appendix GG](#) for further delegation.

#### **5136.202 Architect and engineering services.**

##### **5136.202-2 Selection authority.**

(a) See [Appendix GG](#) for further delegation.

##### **5136.202-4 Short selection process for contracts not to exceed the simplified acquisition threshold.**

The USACE and the NGB may use both short processes.

(b)(2) See [Appendix GG](#) for further delegation.

### **Subpart 5136.3 – Postaward**

#### **5136.370 Expediting construction contracts.**

See [Appendix GG](#) for further delegation.

# AFARS – PART 5137

## Service Contracting

*(Revised 01 October 2024)*

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**Subpart 5137.1 – Service Contracts – General**

**5137.102-90 Policy.**

Department of Defense Instruction (DoDI) 5000.74, Defense Acquisition Services, dated 5 January 2016, is the primary authority for service acquisitions.

**5137.104 Personal services contracts.**

(b)(i) The head of the contracting activity (HCA) will make the determination as required by DFARS 237.104(b)(i) to authorize contracts pursuant to 10 U.S.C. 129b and 5 U.S.C. 3109. See [Appendix GG](#) for further delegation. When a blanket determination and findings (D&F) applies, the Contracting officer will include in the contract file a copy of the blanket D&F and a statement signed by the Contracting officer clearly showing why the blanket D&F is applicable to the proposed contract.

(ii)(C)(2) The HCA for the U.S. Army Medical Command must approve requirements for services at DFARS 237.104(b)(ii)(C)(2). See [Appendix GG](#) for further delegation.

(iii)(A)(2) The HCA will make the determination as required by DFARS 237.104(b)(iii) to authorize contracts pursuant to 10 U.S.C. 129b(d). See [Appendix GG](#) for further delegation.

(S-90) Contracting officers will ensure that purchase requests for personal services in the areas listed in DA Pamphlet 25-91 (Visual Information Procedures) have been approved by the local multimedia/visual information activity. See Army Regulation 25-1.

**5137.112 Government use of private sector temporaries.**

Direct questions about acquisition of these services to the civilian personnel office.

**5137.113-1 Waiver of cost allowability limitations.**

(a) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has authority to make the determination at FAR 37.113-1. See [Appendix GG](#) for further delegation.

**5137.170 Approval of contracts and task orders for services.**

## **5137.170-2 Approval requirements.**

(a) *Acquisition of services through a contract or task order that is not performance based.*

(1) The HCA has authority to approve actions for the dollar threshold identified at DFARS 237.170-2(a)(1). See [Appendix GG](#) for further delegation.

(2) The senior procurement executive has authority to approve actions for the dollar threshold identified at DFARS 237.170-2(a)(2). See [Appendix GG](#) for further delegation.

### **Subpart 5137.2 – Advisory and Assistance Services**

#### **5137.204 Guidelines for determining availability of personnel.**

The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has authority to make the determination at FAR 37.204. See [Appendix GG](#) for further delegation.

### **Subpart 5137.5 – Management Oversight of Service Contracts**

#### **5137.503 Agency-head responsibilities.**

Army Regulation 70-13, Management and Oversight of Service Contracts, chapter 2, implements the responsibilities set forth in FAR 37.503(a), (b) and (d). See 5107.5 for implementation of FAR 37.503(c) and DFARS 237.503.

#### **5137.590-1 Definitions.**

As used in this section –

“Acquisition of services” means the execution of one or multiple contracts or other instruments committing or obligating funds (e.g., fund transfer, orders under the Federal Supply Schedules or other existing contracts, etc.) to acquire services for a specified requirement.

“Decision authority” means the official with review and approval responsibility as designated and associated with the thresholds at 5137.590-3.

“Information Technology (IT) services” means the performance of any work related to IT and the operation of IT, including National Security Systems. This includes outsourced IT-based business processes, outsourced information technology and outsourced information functions.

“Service” means the engagement of the time and effort of a contractor whose primary purpose is to perform an identifiable task, or tasks, rather than to furnish an end item of supply.

#### **5137.590-2 Applicability.**

(a) Oversight of services acquisition is the shared responsibility of requiring activities, contracting activities, and the Office of the ASA(ALT). See DoDI 5000.74, Defense Acquisition of Services, section 2 for applicability of the instruction and this subpart.

(b) Except as provided in paragraphs (d) and (e) below, and DoDI 5000.74, paragraph 1.1. b, the requirements in this section apply to service acquisitions including any service acquisition determined to be of special interest by the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), the ASA(ALT), the Deputy Assistant Secretary of the Army (Procurement) (DASA(P)), and the Senior Services Manager (SSM).

(c) The requirements in this section also apply to any acquisition of services that is made through the use of a contract or task order entered into or issued by an agency other than the DoD, unless the non-defense agency has certified in accordance with FAR 17.703(a).

(d) Task orders executed within a service acquisition reviewed pursuant to this subpart do not require a separate acquisition strategy or review, provided the Contracting officer issues the task order consistent with any conditions specified by the acquisition strategy decision authority. A separate acquisition strategy may be executed for complex task orders.

(e) Decision authorities shall retain the ability to respond rapidly to emergencies. Accordingly, the decision authority may approve either verbally or electronically services determined to be an emergency acquisition in accordance with FAR 18.001(a), (b) or (c). This procedure requires a formal notification of intent by the Contracting officer to the decision authority. This procedure also requires the submission of a formal acquisition strategy to the decision authority within 30 days of the notice to proceed.

### **5137.590-3 Review thresholds.**

(a) DoDI 5000.74, Defense Acquisition of Services, dated 5 January 2016 (incorporating change 2, 31 August 2018) sets forth review thresholds for review of Acquisition Strategies. The Army Acquisition Executive (AAE) has delegated the authority for Army Acquisition of Services Categories. See [Appendix GG](#) for delegations. Special interest programs may be designated by the USD(AT&L) regardless of the estimated dollar value.

(b) After approval of the acquisition strategy, the acquisition may proceed, and the Contracting officer may release the final solicitation, subject to the separate peer review process outlined in DFARS 201.170 and in AFARS 5101.170, and any other required local reviews.

### **5137.590-4 Review procedures.**

The HCA shall establish procedures for reviews of service acquisitions as delegated. Contracting officers shall forward, through the contracting chain as necessary, service acquisitions meeting the review thresholds identified in [Appendix GG](#) to the appropriate approval authority for review and approval prior to issuance of the solicitation. For service acquisitions requiring USD(AT&L), DASA(P) or SSM review and approval, the HCA (or SCO if delegated) will submit the acquisition strategy via ETMS2 to the Office of the DASA(P), ATTN: Senior Services Manager [usarmy.pentagon.hqda-asa-alt.list.saal-p-ssm@mail.mil](mailto:usarmy.pentagon.hqda-asa-alt.list.saal-p-ssm@mail.mil). At a minimum, the strategy will contain all the information included at AFARS 5137.590-6.

**5137.590-5 Reserved.**

**5137.590-6 Acquisition strategy content.**

(a) At a minimum, the acquisition strategy will address the following:

(1) *Requirement.* The outcomes to be satisfied and if such outcomes are performance-based (see FAR subpart 37.6). If not performance-based, obtain the Senior Procurement Executive's approval for acquisitions exceeding the dollar threshold identified at DFARS 237.170-2(a)(2). Address the service acquisition measures of success and how the requirement will be satisfied or was previously satisfied.

(i) Will the requirement be satisfied through the use of a non-DOD contract? If so, indicate whether the appropriate official has approved the acquisition in accordance with the policy and procedures described at AFARS 5117.770.

(ii) Include a discussion of the procurement history.

(iii) Address challenges that drive the mission or acquisition approach.

(iv) Indicate if there is any congressional interest in the requirement.

(v) Discuss opportunities for strategic sourcing.

(vi) All acquisitions of IT services, regardless of dollar value, are subject to the Clinger-Cohen Act: 40 U.S.C. 11101 et seq. Discuss the specific applicability and implications of the Clinger-Cohen Act.

(vii) Describe the use of Category Management procedures when planning for this acquisition. Category Management is the business practice of buying common goods and services using an enterprise approach to reduce redundancies, increase efficiencies and drive savings from Government acquisition programs. All Category Management guidance/terminology is explained in Memorandum 19-13, dated 20 March 2019, titled, Category Management: Making Smarter Use of Common Contract Solutions and Practices. The

Army implemented Category Management in a memorandum released on 06 February 2020, titled Category Management Implementation and Execution.

(a) Discuss review of existing Spend Under Management (SUM) contracts and how the command analyzed specific requirement in context of all forecasted contract requirements within the command/enterprise.

(b) If a SUM contract was not utilized, provide rationale for utilizing a Tier 0 contract.

(2) *Risk Management.* Provide an assessment of current and potential technical, cost, schedule and performance risks, the level of stated risks, and a risk mitigation plan.

(3) *Competition.* Explain how the acquisition will provide for full and open competition. If other than full and open competition applies to the acquisition, explain why and include a citation of the statutory authority that allows for other than full and open competition. Address plans for competition for any foreseeable follow-on acquisitions.

(i) Describe the nature and extent of the market research that the Government acquisition team conducted. This should, at a minimum, address the identification of small business sources capable of performing the services and discuss how this information impacted the acquisition strategy for both prime and subcontracting opportunities.

(ii) Is this a consolidated requirement? If so, indicate whether appropriate official has approved the consolidation (see AFARS 5107.170-3(a)(3)).

(4) *Socio-Economic Implications.* Address how the new acquisition will support the achievements of small business goals and targets. Address how the new acquisition will support any other socio-economic program and/or required-source program, such as AbilityOne.

(i) If this is a bundled requirement, include the benefit analysis as prescribed in the DoD Benefit Analysis Guidebook located at:

[http://www.acq.osd.mil/osbp/docs/benefits\\_analysis\\_guidebook.pdf](http://www.acq.osd.mil/osbp/docs/benefits_analysis_guidebook.pdf).

(ii) Indicate whether the Small Business Administration procurement center representative has concurred on the DD Form 2579.

(iii) Include a discussion of subcontracting potential and goals.

(5) *Business Arrangements.* Address how the acquisition will be funded, the type of business arrangements anticipated (e.g., single contract, multiple award task order contract, task orders under existing multiple award contracts, interdepartmental transfers, and interdepartmental purchase requests), the duration of each business arrangement (base period and

all option periods), cost estimate for the total planned acquisition, and pricing arrangements (e.g., fixed price, cost reimbursement, time and materials, labor hour, or variations, based on guidance in FAR part 16 and, for commercial services, in FAR part 12). At a minimum, address the following:

- (i) Include the total estimated dollar value of the procurement, to include all options.
- (ii) Address whether funding is available and the type of funds that will be used.
- (iii) Address the contract type and the basis for selection. If the Contracting officer anticipates using a contract type with award fee, include a discussion of the award fee plan, related criteria and evaluation process to include how the award fee evaluation will incorporate attainment of the metrics.
- (iv) Assess long-term continuing requirements using cost-type contracts for conversion to fixed price or other lower risk contractual arrangement, especially when the Contracting officer decides to use a cost-type contract after initial analysis indicates that a fixed-price or other low-risk contract instrument may be appropriate.
- (v) Discuss the source selection process, including whether it will be formal or informal, proposed evaluation criteria, and the basis for award. If the procurement will use a formal source selection process, do not identify the name of the SSA in the strategy.
- (vi) Discuss any waivers or deviations that will be required.
- (vii) Discuss contract administration to include the involvement of the Contracting officer's representative and/or the Defense Contract Management Agency.
- (viii) Discuss the existing or planned management approach following contract award to include the tracking procedures or processes used to monitor contract performance. This approach could include, but not be limited to, a quality assurance surveillance plan and written oversight plans and responsibilities.
- (ix) Include a milestone schedule which contains key points up to time of award.

(6) *Multi-year contracts.* If the acquisition strategy calls for a multi-year service contract as defined in FAR subpart 17.1 (see also DFARS 217.171) under the authority of 10 U.S.C. 2306c, the acquisition strategy must address the Army's plans for budgeting for termination liability.

(7) *Leases.* Include a lease-purchase strategy if required by OMB Circular A-94, Section 13.

(8) *Metrics*. Address the cost, the schedule and the performance metrics to include the plan for measuring service acquisition outcomes against requirements. If the acquisition strategy does not include metrics, the Contracting officer must submit the metrics for the decision authority approval prior to execution of any business instrument (e.g., contract, military interdepartmental purchase request (MIPR)) that initiates the acquisition.

**5137.590-7 Data collection and reporting.**

(a) Data identified in DoDI 5000.74 Enclosure 6 should be collected by the Office of the Senior Service Manager, for all requirements regardless of dollar amount, and reported in the Annual DoD Services Acquisition Report. Data collection will be automated, as it is already captured in the DoD standard procurement data systems.

(b) Post award peer reviews will be done in accordance with AFARS 5101.170(b)(vi) for actions with a total planned dollar value of \$250 million or more but less than \$1 billion. For actions over \$1 billion, reviews will be done in accordance with 5101.170(a).

**Subpart 5137.72 – Educational Service Agreements**

**5137.7204 Format and clauses for educational service agreements.**

Contracting officers may use DD Form 1155 or Standard Form 26, as appropriate, as order forms under educational service agreements.

**5137.7204-90 Establishing educational service agreements.**

One of the offices in AFARS 5137.7204-93 will furnish requests and information necessary for the establishment of an educational service agreement.

**5137.7204-91 Purchase requests.**

(a) Requests to issue an order under the educational service agreement must include –

(1) The estimated cost of training by year, semester, term, or quarter;

(2) The authority to adjust cost figures without requesting approval whenever the actual cost of a course will exceed the estimated cost by less than \$100, except when the course is taught by professors of military science; and

(3) The information in AFARS 5137.7204-92(c)(1)-(4).

(b) The Contracting officer shall obtain additional funds in writing from the funding activity when the actual cost of a course will exceed the estimated cost by \$100 or more, except when professors of military science teach the course.

**5137.7204-92 Ordering procedures.**

(a) The Contracting officer shall issue a separate order for each required training session (e.g. year, semester, term, or quarter), and obligate funds to cover the instruction of those individuals identified on the order form for the period specified.

(b) The Contracting officer may issue an order for the next fiscal year prior to the availability of funds, notwithstanding 5132.7 to preclude delays in enrollment. Insert the clause in FAR 52.232-18, Availability of Funds, in the order. When the funds become available, the Contracting officer shall use Standard Form 30 to modify the order to cite the appropriation chargeable and to delete the Availability of Funds clause.

(c) An order may authorize the enrollment of any number of military personnel or Reserve Officers' Training Corps (ROTC) scholarship cadets and must –

(1) Identify each individual authorized to enroll by name and rank; for ROTC scholarship cadets, show social security number in lieu of rank;

(2) Identify the individual as an Army Medical Department member or ROTC scholarship cadet, when applicable;

(3) Identify each course for which the individual is enrolling and its actual or estimated cost;

(4) State the appropriation chargeable for the instruction of each individual; and

(5) Include the statement: “Whenever the actual cost of a course will exceed the estimated cost shown on this order by \$100 or more, the Contractor shall submit a written request for approval to the Contracting Officer prior to commencing instruction.”

**5137.7204-93 Distribution of orders.**

Distribute one copy of each order, modification, and payment voucher as follows –

(a) For Army Medical Department personnel,

Commander, AMEDDC&S, Department of Health Education and Training  
Attn: MCCA-HE  
2377 Greeley Road, Suite B  
Fort Sam Houston, TX 78234-5075;

(b) The appropriate professor of military science for ROTC scholarship cadets;

(c) For Army officer personnel other than those identified in (a) and (b),

Office of the Deputy Chief of Staff, G1  
Director of Military Personnel Management, Officer Division  
Attn: DAPE-MPO-S  
300 Army Pentagon  
Washington DC 20310-0300;

(d) For Army enlisted personnel other than those identified in (a),

Office of the Deputy Chief of Staff, G1  
Director of Military Personnel Management, Enlisted Division  
Attn: DAPE-MPE-PD  
300 Army Pentagon  
Washington DC 20310-0300.

#### **5137.7204-94 Gratuitous agreements.**

- (a) A gratuitous agreement is an agreement with a civilian educational institution or with a commercial firm for training of military personnel for which the Government does not pay.
- (b) One of the offices in AFARS 5137.7204-93 will furnish requests and information necessary for the execution of a gratuitous agreement to the contracting office.
- (c) The Contracting officer shall furnish two copies of the gratuitous agreement to the appropriate addressee in AFARS 5137.7204-93. In addition, the Contracting officer shall furnish a copy of the agreement to all Army activities likely to have use for the training covered by the agreement.

#### **Subpart 5137.74 – Services at Installations Being Closed**

##### **5137.7401 Policy.**

- (c) The head of the contracting activity makes the determination at DFARS 237.7401(c). See [Appendix GG](#) for further delegation.

#### **Subpart 5137.90 – Security Clearances and Identification for Contractor Personnel**

##### **5137.9001 Responsibilities.**

The Contracting officer is responsible for identifying contractor required security clearances in the solicitation and including the DD Form 254 as an attachment. The Contracting officer is also responsible for including the process and procedures for contractor personnel to obtain identification cards, tags, and badges.

#### **Subpart 5137.91 – Accounting for Contract Services**

**5137.9101 Policy.**

(a) Contracting officers shall ensure that the requirement to report contractor manpower is included in all contracts, task/delivery orders and modifications. The cognizant Contracting officer shall include a separate line item in Section B of the contract to allow for payment in compliance with this requirement.

(b) The list of contracts for which reporting is not applicable is located on the Assistant Secretary of the Army Manpower and Reserve Affairs (ASA(M&RA)) website at <https://www.army.mil/asamra#org-resources>.

(c) The Under Secretary of Defense for Acquisition & Sustainment established services contractor reporting in [www.SAM.gov](http://www.SAM.gov) on October 15, 2020. It provides most of the source data for compliance with section 2330a of Title 10, United States Code.

(d) Enter data into the [www.SAM.gov](http://www.SAM.gov) system at any time during the contract's period of performance. However, data must be accurate and complete and entered into [www.SAM.gov](http://www.SAM.gov) not later than October 31 after the completion of each fiscal year or part of a fiscal year for which such contract is active.

(e) The Contractor Manpower Reporting application is available at <https://www.SAM.gov>.

## **AFARS – PART 5139**

### **Acquisition of Information Technology**

*(Revised 17 March 2025)*

Subpart 5139.1 – General

5139.101 Policy.

5139.101-90 Policy.

Subpart 5139.74 – Telecommunications Services

5139.7402 Policy.

Subpart 5139.76 – Cloud Computing

5139.7602 Policy and Responsibilities.

#### **Subpart 5139.1 – General**

See [AFARS PGI 5139.1-1](#) for guidance on Internal Use Software in contract documentation.

See [AFARS PGI 5139.1-2](#) for information on reform of information technology desktop and notebook purchase and configuration.

See [AFARS PGI 5139.1-3](#) for instruction on development, security, and operations (DevSecOps).

See AFARS PGI 5139.1-4 for information on contracting for Software Development.

See [AFARS PGI 5139.101-90-1\(b\)\(1\)](#) for information on implementation of CHESSE Mandate for IT Service Contracts.

#### **5139.101 Policy.**

(1) The head of the contracting activity has the authority to make the determination under DFARS 239.101(1). See [Appendix GG](#) for further delegation.

(2) Information technology (IT) purchases must be submitted through the Information Technology Approval System (ITAS). The ITAS approval memo and supporting documentation shall be part of the requirements package submitted to the Contracting officer and shall also be part of the resulting solicitation and contract file documentation. The ITAS Approval website is located at <https://cprobe.army.mil/enterprise-portal/web/itas/home>.

(3) The United States Space Force (USSF) Commercial Satellite Communications Office (CSCO), on behalf of the Assistant Secretary of the Air Force for Space Acquisition and Integration (SAF/SQ), is the sole authority for procurement of Commercial Satellite Communication services and capabilities for the DoD. All procurement for commercial satellite

communication (COMSATCOM) services or products shall be procured through the USSF CSCO.

### **5139.101-90 Policy.**

#### *(a) Commercial information technology hardware and software.*

(1) Except as provided in AFARS 5139.101-90(a)(3), the Army's Computer Hardware, Enterprise Software and Solutions (CHESS) program, under the Program Executive Office Enterprise Information Systems, is the mandatory source for commercial IT hardware and software purchases. CHESS contracts provide IT products and services that comply with U.S. Army Network Enterprise Technology Command, Army and DoD policy and standards. Purchasers of commercial hardware and software must satisfy their IT requirements by utilizing the Joint and Enterprise License Agreements (J/ELA), DoD Enterprise Software Initiative (ESI) agreements, and/or CHESS contracts first, regardless of dollar value or financial appropriation. Additionally, purchasers of IT requirements through a third party such as a system integrator must ensure solicitations and contract vehicles include the requirement to purchase through the CHESS and the DoD ESI agreements.

(2) Any IT hardware or software purchase made outside of the CHESS contracts requires an Army Deputy Chief of Staff (DCS), G-6 approved ITAS Approval, unless the purchase meets one of the exceptions in (a)(3) below. The ITAS Approval along with supporting documentation shall be part of the procurement package submitted to the Contracting officer and shall also be part of the resulting solicitation and contract file(s). Supporting documentation must include documentation submitted with the ITAS Approval request such as a CHESS Statement of Non-Availability (SoNA) for items that are not available from CHESS or other rationale for not using CHESS. The CHESS website located at <http://chess.army.mil> provides a complete list of CHESS contracts, the DoD ESI as well as information concerning ITAS Approvals and CHESS SONAs. The ITAS Approval website is located at <https://cprobe.army.mil/enterprise-portal/web/itas/home>.

#### *(3) Exceptions.*

(i) IT embedded in weapons systems.

(ii) Purchases of peripheral electronic supplies for IT equipment (for example, keyboards, mice, webcams, compact disks, cables or cords, and so forth) up to \$500 per purchase of supplies (not per item). GPC rules regarding split purchases still apply.

(iii) Contracting officers may purchase commercial IT hardware or software outside of the CHESS contracts, for procurements in support of Non-Program Executive Officer (PEO)/Project Manager (PM) managed National Intelligence Program (NIP) or Military Intelligence Program (MIP) systems (Non-PEO/PM managed NIP or MIP will be requested using the Army G-2 Army Request for Information Technology–Military Intelligence (ARFIT-MI)).

(iv) The Product Lead, Common Hardware Systems (PdL CHS) coordinates across the Army's computing environments and tactical program offices to modify commercially

available off-the-shelf IT to meet specific program requirements for transport or ruggedization, to ensure configuration and end of life management. Organizations that receive written authorization from PdL CHS to use a CHS contract are exempt from the requirement to obtain a CHES SoNA. In such circumstances, requiring activities will provide PdL CHS's written authorization to the Contracting officer as part of the procurement package. Contracting officers shall place the written authorization in the contract file.

(v) CHES exemptions. The following are exempt from both the mandatory use of CHES and the requirement to submit a statement of non-availability (SoNA) for obtaining ITAS approval to procure IT outside of CHES—

(A) Commercially developed IT offered to the Army's accredited institutions of higher education at a price discount more favorable for the Army than prices available through CHES.

(B) Procurements of government off-the-shelf information technology (GOTS IT) as defined by the Committee on National Security Systems: software and hardware developed by the technical staff of a U.S. Government organization for use by the Government. GOTS IT sales and distribution are controlled by the Government. GOTS IT is both commercially unavailable to the public and unavailable via CHES.

(C) In accordance with DFARS 208.7402(a), Departments and agencies shall fulfill requirements for commercial software and commercial software services, such as software maintenance, in accordance with the DoD Enterprise Software Initiative (ESI) (see <https://www.esi.mil/>). Note that purchasing from a Joint or an Agency Enterprise License Agreement (ELA) or DOD Enterprise Software Agreement (ESA) is considered the same as purchasing through CHES, and does not require a SoNA.

(D) Printing Equipment, specifically, Unclassified and Secret-level printing devices (to include, but not limited to, self-service office copiers and multi-functional devices (MFD), desktop and stand-alone printers, and scanners) purchased or leased with federal funds appropriated to the Army, shall be procured through DLA Document Services using its Equipment Management Solutions Portal (<https://www.public.dacs.dla.mil/ems/ext/>). If the required product is not available through DLA, an Exception to Policy (ETP) must be issued and the second mandatory source is Army CHES. If using CHES, the ITAS submission must include the DLA ETP. For more details, see Army CIO memorandum Army Procurement or Lease of Printing Devices and Services, dated 17 November 2023, and DODI 5330.03 Single Manager of DoD Document Services.

(1) U.S. Army National Guard (ARNG), U.S. Army Reserve (USAR), Army-wide departmental printing and Army Headquarters printing services provided by the U.S. Army Print and Media Distribution Center (APMDC), and Army intelligence printers and services acquired under the National Intelligence Program (NIP) or the Military Intelligence Program (MIP) are exempt from the mandatory use of DLA Document Services for printing equipment, however CHES is still the mandatory source for printing equipment.

(2) Products exempt from this policy include items that are funded or procured with non-Army funding and manufacturing equipment, such as 3-D printers.

*(b) Information technology services.*

(1) Except as provided in AFARS 5139.101-90(b)(4), the Army's CHES program is the mandatory source for the purchase of commercial IT services. Purchasers of commercial IT services must satisfy their requirements by utilizing the CHES contracts first, regardless of dollar value or financial appropriation. When procuring IT services, contracting personnel must consider setting aside requirements for small businesses and other small business categories in accordance with FAR 13.003(b)(1) and FAR subpart 19.5. Contracting officers shall ensure that the procurement package contains sufficient supporting documentation to assist the Contracting officer in determining whether to set aside the requirement for small businesses and other small business categories in accordance with FAR 13.003(b)(1) and FAR subpart 19.5. Purchasers of commercial IT services that meet the requirement for small business set-asides shall use the small business/socioeconomic set-aside functions within the CHES RFP tool. If no small business within the CHES contracts can satisfy the requirement, a CHES SoNA should be requested.

(2) Any purchase of commercial IT services made outside of the CHES contracts requires an Army DCS, G6 approved ITAS Approval. The ITAS Approval along with supporting documentation shall be part of the procurement package submitted to the Contracting officer and shall also be part of the resulting solicitation and contract file(s). Supporting documentation must include documentation submitted with the ITAS Approval request such as a CHES SoNA for items that are not available from CHES, market research analysis, or other rationale for not using CHES. The CHES website located at <http://ches.army.mil> provides a complete list of CHES contracts as well as information concerning ITAS Approval and CHES SoNAs. The ITAS Approval website is located at <https://cprobe.army.mil/enterprise-portal/web/itas/home>.

(3) If a services requirement includes any IT hardware and/or software, the Contracting officer must ensure solicitations and contract vehicles include the requirement to purchase through the J/ELA, DoD ESI agreements, and/or CHES contracts. If a services requirement includes non-CHES IT hardware or software, personnel must secure an Army DCS, G-6 approved ITAS Approval for the non-CHES IT hardware and software per paragraph (a)(2) in this section. The procurement package and contract file documentation requirements of paragraph (a)(2) apply to hardware and software purchased as part of IT services requirements.

*(4) Exceptions.*

(i) IT embedded in weapons systems.

(ii) Purchases of peripheral electronic supplies for IT equipment (for example, keyboards, mice, webcams, compact disks, cables or cords, and so forth) up to \$500 per purchase of supplies (not per item). GPC rules regarding split purchases still apply.

(iii) Contracting officers may purchase commercial IT services outside of the CHES contracts, for procurements in support of Non-Program Executive Officer (PEO)/Project

Manager (PM) managed National Intelligence Program (NIP) or Military Intelligence Program (MIP) systems (Non-PEO/PM managed NIP or MIP will be requested using the Army G-2 Army Request for Information Technology–Military Intelligence (ARFIT-MI)).

(iv) The Product Lead, Common Hardware Systems (PdL CHS) coordinates across the Army’s computing environments and tactical program offices to modify commercially available off-the-shelf IT to meet specific program requirements for transport or ruggedization, to ensure configuration and end of life management. Organizations that receive written authorization from PdL CHS to use a CHS contract are exempt from the requirement to obtain a CHES SoNA. In such circumstances, requiring activities will provide PdL CHS’s written authorization to the Contracting officer as part of the procurement package. Contracting officers shall place the written authorization in the contract file.

(v) CHES exemptions. The following are exempt from both the mandatory use of CHES and the requirement to submit a statement of non-availability (SoNA) for obtaining ITAS approval to procure IT outside of CHES—

(A) Commercially developed IT offered to the Army’s accredited institutions of higher education at a price discount more favorable for the Army than prices available through CHES.

(B) Procurements of government off-the-shelf information technology (GOTS IT) as defined by the Committee on National Security Systems: software and hardware developed by the technical staff of a U.S. Government organization for use by the Government. GOTS IT sales and distribution are controlled by the Government. GOTS IT is both commercially unavailable to the public and unavailable via CHES.

(C) Procurement of all cloud services, software development, and continuous software evolution service-type contracts (e.g., labor).

(D) Pursuant to DFARS 208.7402(a) Departments and agencies shall fulfill requirements for commercial software and commercial software services, such as software maintenance, in accordance with the DoD Enterprise Software Initiative (ESI) (see <https://www.esi.mil/>). In some cases, DOD ESI will direct the use of the appropriate CHES contract.

(E) Printing Services, specifically, maintenance of installed Government-owned or DLA leased printing devices to include repairs; and printing, scanning, and document conversion, shall be procured through DLA Document Services using its Equipment Management Solutions Portal (<https://www.public.dacs.dla.mil/ems/ext/>). If the required service is not available through DLA, an Exception to Policy (ETP) must be issued and the second mandatory source is Army CHES. If using CHES, the ITAS submission must include the DLA ETP.

(1) U.S. Army National Guard (ARNG), U.S. Army Reserve (USAR), Army-wide departmental printing and Army Headquarters printing services provided by the U.S. Army Print and Media Distribution Center (APMDC), and Army intelligence printers

and services acquired under the National Intelligence Program (NIP) or the Military Intelligence Program (MIP) are exempt from the mandatory use of DLA Document Services for printing services, however CHES is still the mandatory source for printing services.

(2) Printing services exempt from this policy include products managed by the Army Print and Media Distribution Center (APMDC) such as Armywide publications (books, flyers, posters, and so forth).

(5) *Performance Work Statement (PWS) Language for Army capabilities on the Department of Defense Information Network (DoDIN).*

Army Chief Information Officer memorandum: Army Information Technology Solutions and Services Mandatory Performance Work Statement Language, dated 6 February 2025, provides that requirements and contracts related to Army capabilities on the Department of Defense Information Network (DoDIN) should implement the memorandum's enclosed PWS language. The referenced PWS language is available at HQDA, Office of the Chief Information Officer - Army Technology Solutions PWS Language - 20250122.pdf - All Documents.

(c) *Training.* Senior contracting officials must ensure that contracting personnel receive appropriate CHES training and should ensure that contracting personnel document the training on their individual development plans. Personnel can request CHES training and view the training slides at <https://ches.army.mil/UserTrainingRequest>.

(d) *Cloud Computing.* The Army Enterprise Cloud Management Agency (ECMA) is the central point for all efforts and processes related to cloud adoption across the Army. ECMA established a standardized cloud architecture which is intended for use by all Army mission areas. ECMA provides enterprise-level contracts for commercial Cloud Service Provider (CSP) offerings, common services, and application migration support.

## **Subpart 5139.74 – Telecommunications Services**

### **5139.7402 Policy.**

(b)(4) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may authorize actions as described in DFARS 239.7402(b)(4). See [Appendix GG](#) for further delegation.

(e) *Commercial Satellite Communications.* Pursuant to Public Law 116-283 Section 1605 and DoD policy, DoD organizations, Services, and Combatant Commands must procure all Commercial Satellite Communications (COMSATCOM) services through the United States Space Force's (USSF's) Commercial SATCOM Communications Office (CSCO). Commercial managed services or internet through satellites are considered Commercial SATCOM and represent the SATCOM Segment of the DoD Information Network (DoDIN). See paragraph (d) of Enclosure (E) to [Chairman Joint Chiefs of Staff Instruction \(CJCSI\) 6250.01G](#) and paragraph 1.2 of DoD Instruction (DoDI) 8420.02.

(1) Contracting officers are not authorized to procure any COMSATCOM services, unless a waiver is provided by program offices or requiring activities that authorizes procurement of COMSAT products or services that are not available through the USSF's CSCO.

(2) Program offices or requiring activities shall contact one of the USS Force CSCO, local Regional SATCOM Support Centers (RSSCs) for a waiver and all procurement assistance.

West CMCL: 719-554-4304 DSN 312-692-4304  
East CMCL: 813-828-6836 / 6841 DSN 312-968-6836 / 6841  
Europe CMCL: 49 (0)711 907120 5265 DSN 324-434-5230  
Pacific CMCL: 808-656-0683 DSN 315-456-656-0683  
Email: rscwest.commercial@us.af.mil

## **Subpart 5139.76 – Cloud Computing**

### **5139.7602 Policy and Responsibilities.**

(a) Contracting officers shall ensure contract actions for cloud-related requirements reflect the Technology Business Management taxonomy at AFARS Appendix HH – Cloud Computing and follow the guidance provided at AFARS 5111.106 unless the requiring activity provides a waiver approved by ECMA (armycloud@army.mil). The waiver must be filed in the official contract file.

(b) Contracting officers should review cloud computing requirement packages to ensure they are compliant with the Army Chief Information Officer memorandum: Army Information Technology Solutions and Services Mandatory Performance Work Statement Language, dated 6 February 2025. The referenced PWS language is available at HQDA, Office of the Chief Information Officer - Army Technology Solutions PWS Language - 20250122.pdf - All Documents.

# **AFARS – PART 5141**

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*(Revised 1 February 2026)*

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### **Subpart 5141.1 – General**

#### **5141.102 Applicability.**

[See AFARS PGI 5141.102.](#)

# AFARS – PART 5142

## Contract Administration and Audit Services

*(Revised 30 September 2025)*

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### Subpart 5142.1 – Contract Audit Services

#### **5142.190 Follow-up on contract audit reports.**

#### **5142.190-1 Responsibilities.**

(a) The Deputy Assistant Secretary of the Army (Procurement) is the Army’s contract audit follow-up official.

(b) See [AFARS PGI 5142.190-1](#).

**5142.190-2 Processing Audit Findings.**

See [AFARS PGI 5142.190-2](#).

**Subpart 5142.2 – Contract Administration Services**

**5142.202 Assignment of contract administration.**

(c)(2) See [Appendix GG](#) for further delegation.

**Subpart 5142.3 – Contract Administration Office Functions**

**5142.302 Contract administration functions.**

(a)(S-75)(c)(1)(i)(C) See [Appendix GG](#) for further delegation of DFARS PGI 242.302(a)(S-75)(c)(1)(i)(C).

**Subpart 5142.6 – Corporate Administrative Contracting Officer**

**5142.602 Assignment and location.**

(a)(2) See [Appendix GG](#) for further delegation.

**Subpart 5142.7 – Indirect Cost Rates**

**5142.703 General.**

**5142.703-2 Certification of indirect costs.**

(b)(1) See [Appendix GG](#) for further delegation.

**Subpart 5142.15 – Contractor Performance Information**

**5142.1503 Procedures.**

See [AFARS PGI 5142.1503](#).

**5142.1503-90 Policy.**

(a) The CPARS Assessing Officials are as follows:

<b><u>Business Sector</u></b>	<b><u>CPARS Assessing Official</u></b>
Systems	Program Manager (PM)
Operations Support	Contracting Officer
Services	Contracting Officer or PM*
Information Technology	Contracting Officer
Construction	Contracting Officer
Architect-Engineering	Contracting Officer
All other contracts	Contracting Officer

\* The PM (program/project/product manager) is the assessing official for those service contracts providing technical or management support to the program office.

(b) For job order contracts, the Contracting officer shall ensure completion of an assessment report for each order of \$700,000 or more.

### **Subpart 5142.71 – Voluntary Refunds**

#### **5142.7100 General.**

(4) See [Appendix GG](#) for further delegation of DFARS PGI 242.7100(4).

# AFARS – PART 5143

## Contract Modifications

*(Revised 1 February 2026)*

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### Subpart 5143.3 – Change Orders

#### **5143.304 Administration.**

#### **5143.370-5 Exceptions.**

(c) See [Appendix GG](#) for further delegation.

#### **5143.370-590 Exceptions.**

See [Army Class Deviation 2024-PP01—Unpriced Change Orders Related to Ukraine, Taiwan, and Israel](#). (26 Feb 2024).

#### **5143.370-6 Allowable profit.**

See [Appendix GG](#) for further delegation.

#### **5143.305 Contract clauses.**

(c) The Contracting officer may change the period in which the contractor may assert claims under the clause at FAR 52.243-3, Changes—Time-and-Materials or Labor-Hours, to a period less than “30 days.”

# **AFARS – PART 5144**

## **Subcontracting Policies and Procedures**

*(Revised 1 February 2026)*

[RESERVED]

# AFARS – PART 5145

## Government Property

*(Revised 23 January 2026)*

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### Subpart 5145.1 – General

#### 5145.102 Policy.

(e) See [Appendix GG](#) for further delegation of FAR 45.102(e).

(4)(ii)(B) See [Appendix GG](#) for further delegation of DFARS 245.102(4)(ii)(B).

(C)(1)(i) See [Appendix GG](#) for further delegation of DFARS 245.102(4)(C)(1)(i).

(ii) See [Appendix GG](#) for further delegation DFARS 245.102(4)(C)(1)(ii).

#### 5145.103-73 Government property under sustainment contracts.

See [AFARS PGI 5145.103-74\(1\)](#).

#### 5145.103-74 Contracting office responsibilities.

See [AFARS PGI 5145.103-74\(3\)\(a\)](#).

### Subpart 5145.2 – Solicitation and Evaluation Procedures

#### 5145.201 Solicitation.

See [AFARS PGI 5145.201](#).

### Subpart 5145.3 – Authorizing the Use and Rental of Government Property

#### 5145.301 Use and rental.

(f) See [Appendix GG](#) for further delegation.

# AFARS – PART 5146

## Quality Assurance

*(Revised 1 February 2026)*

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### **Subpart 5146.4 – Government Contract Quality Assurance**

#### **5146.407 Nonconforming supplies or services.**

(a) Unless contract remedies are issued or an exemption is issued in writing by the Chief of the Contracting Office for construction contracts, Contracting Officers shall follow the procedures at [AFARS PGI 5146.407-90](#).

### **Subpart 5146.5 – Acceptance**

#### **5146.503 Place of acceptance.**

See [AFARS PGI 5146.503](#) when contemplating destination acceptance in solicitations and contracts.

# AFARS – PART 5148

## Value Engineering

*(Revised 1 February 2026)*

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### Subpart 5148.1 – Policies and Procedures

#### 5148.102 Policies.

(a) See [Appendix GG](#) for further delegation.

### Subpart 5148.2 – Contract Clauses

#### 5148.201 Clauses for supply or service contracts.

(a)(6) See [Appendix GG](#) for further delegation.

(e) See Appendix GG for further delegation.

#### 5148.202 Clause for construction contracts.

See Appendix GG for further delegation.

# AFARS – PART 5149

## Termination of Contracts

*(Revised 1 February 2026)*

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### Subpart 5149.1 – General Principles

#### **5149.101 Authorities and responsibilities.**

(a) Contracting officers should exercise the authority to terminate a contract for convenience only after full coordination with senior officials of the cognizant requiring activity.

#### **5149.101-90 Contracts resulting from military interdepartmental purchase requests.**

See [AFARS PGI 5149.101-90](#).

#### **5149.102 Notice of termination.**

See [AFARS PGI 5149.102](#).

#### **5149.107 Audit of prime contract settlement proposals and subcontract settlements.**

(a) See [AFARS PGI 5149.107\(a\)](#).

## **Subpart 5149.5 – Contract Termination Clauses**

### **5149.501 General.**

#### **5149.501-70 Special termination costs.**

(a) See [Appendix GG](#) for further delegation.

## **Subpart 5149.70 – Special Termination Requirements**

### **5149.7001-90 Congressional notification on significant contract terminations.**

See [AFARS PGI 5149.7001-90](#).

### **5149.7003 Notification of anticipated contract terminations or reductions.**

(b) See [AFARS PGI 5149.7003\(b\)](#).

### **5149.7090 Termination for Convenience of Army Energy Savings Performance Contracts**

See [AFARS PGI 5149.7090](#).

# AFARS – PART 5150

## Extraordinary Contractual Actions and the Safety Act

*(Revised as of 1 February 2026)*

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### Subpart 5150.1 – Extraordinary Contractual Actions

#### **5150.101 General.**

#### **5150.101-370 Records.**

(a)(3) Unless otherwise specified, the Contracting officer will maintain all records under subpart 5150.1. The Office of the Deputy Assistant Secretary of the Army (Procurement) will maintain a record of all memorandums of decision executed at the Secretariat level.

#### **5150.102 Delegation of and limitations on exercise of authority.**

#### **5150.102-170 Delegations.**

(a) *Military Departments.* See [Appendix GG](#).

#### **5150.102-2 Contract adjustments boards.**

The Assistant Secretary of the Army (Acquisition, Logistics and Technology) convenes the Army Contract Adjustment Board on an as-needed basis.

#### **5150.103 Contract adjustments.**

#### **5150.103-5 Processing cases.**

See [AFARS PGI 5150.103-5](#).

# AFARS – PART 5152

## Solicitation Provisions and Contract Clauses

*(Revised 1 February 2026)*

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### Subpart 5152.1 – Instructions for Using Provisions and Clauses

#### 5152.101 Using Part 5152.

(b) *Numbering.*

(2) *Provisions or clauses that supplement the FAR.*

(i)(C) Requests for approval of nonstandard clauses or provisions which are deviations, one time and recurring, must be processed in accordance with 5101.3.

(ii)(A) The Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) will assign clause and provision numbers for the AFARS and Army suborganizational level clauses in accordance with Appendix FF, the Department of the Army Plan for Control of Nonstandard Clauses.

### Subpart 5152.2 – Texts of Provisions and Clauses

#### 5152.237-9000 Adjustments to Contractor’s Coefficient for Option Years (Job Order Contracts).

For job order contracts, insert the following clause in solicitations and contracts in accordance with 5117.9004-2(a).

**ADJUSTMENTS TO CONTRACTOR’S COEFFICIENT FOR OPTION YEARS (JOB ORDER CONTRACTS) (FEB 2005)**

Pricing of option periods, to include consideration of any adjustments shall be performed by an economic price adjustment for those periods, as follows:

An economic adjustment will be applied to the contract coefficient(s) addressing changes in the cost of labor, equipment and material in the Unit Price Book (UPB) (this includes consideration of Davis Bacon issues). This allows for economic increase or decrease of the prices in the UPB and serves to adjust line item prices by the percentage increase or decrease of the economic trend in the construction market. The economic price adjustment will be based on the Building Cost Index (BCI) found in the Market Trend pages of the Engineering News Record (ENR). The economic adjustment is not applied to the cost items comprising the coefficient. No upward adjustment shall apply to task orders awarded prior to the effective date of the adjustment, regardless of the date of commencement of work hereunder.

The adjustment will be made in accordance with the following equation. The resulting revised coefficient(s) shall be applied throughout the option year.

$$N = C + I$$

Where: N = New Coefficient

C = Base Year Coefficient

I = Change Factor (% increase or decrease from base to option year)

The Index Factor, I, shall be computed according to the following equation:

$$I = (BCIN/BCIC) - 1$$

Where:

BCIN is the Building Cost Index, published in the most current issue of ENR at the time of award of the option period.

BCIC is the Building Cost Index, as published in the ENR on the date of the award of the contract. The BCIC is \_\_\_\_\_, based on the award date of \_\_\_\_\_.

If the BCI or the ENR ceases to be published, the parties shall agree on substitute indices.

EXAMPLE: For the base year of a contract the coefficient is 1.10. The cost to the government for a line item whose cost is \$100.00 is  $1.10 \times \$100.00 = \$110.00$ .

OPTION YEAR 1. For the first option year the coefficient will be adjusted as follows:

$$I = (BCIN/BCIC) - 1$$

$$I = (3111.86/3071.10) - 1$$

$$I = 1.0133 - 1$$

$$I = 0.0133$$

The new coefficient would be calculated as follows:

$$N = C + I$$

$$N = 1.10 + 0.0133$$

$$N = 1.1133$$

The above line item under the option period would be

$$1.1133 \times \$100.00 = \$111.33.$$

OPTION YEAR 2. For the second option year, if the BCI is 3062.99, the coefficient will be adjusted as follows:

$$I = (BCIN/BCIC) - 1$$

$$I = (3062.99/3071.10) - 1$$

$$I = 0.9974 - 1$$

$$I = - 0.0026$$

The new coefficient will be calculated as follows:

$$N = C+I$$

$$N = 1.10 + (-0.0026)$$

$$N = 1.0974$$

The above line item under the second option period would be

$$1.0974 \times \$100.00 = \$109.74.$$

Note 1. Round calculations for the Change Factor (I) to the nearest ten thousandth.

*[End of clause.]*

# **AFARS – PART 5153**

## **Forms**

*(Revised 1 February 2026)*

[RESERVED]