

AFARS – PART 5101

Federal Acquisition Regulation System

(Revised 1 February 2026)

Subpart 5101.1 – Framework.....	2
5101.101 Framework.	2
5101.107 FAR conventions.	2
5101.170 Peer reviews.....	2
Subpart 5101.2 – Agency Acquisition Regulations	2
5101.201 Policy.	2
5101.290 Routing documents and mailing addresses.	3
Subpart 5101.3 – Deviations From the FAR	3
5101.303 Individual deviations.	3
5101.304 Class deviations.	3
Subpart 5101.4 – Career Development, Contracting Authority and Responsibilities.....	3
5101.401 Contracting functions.....	3
5101.401-90 Department of the Army contracting functions.....	3
5101.402 Contracting officers.	3
5101.402-1 Authority.	3
5101.402-1-90 Departmental review and approval.	3
5101.402-2 Responsibilities.	4
5101.402-2-90 Legal coordination.	4
5101.402-2-91 Ordering officer appointments.....	4
5101.403 Selecting, appointing, and terminating the appointment for contracting officers.4	
5101.403-1 General.	4
5101.403-2 Appointment.	4
5101.403-2-90 Other individuals authorized to procure supplies and services on behalf of the Army.	4
5101.403-2-91 Restrictions.	5
5101.405- Ratification of unauthorized commitments.....	5
5101.491 Management controls.....	5
5101.492 Head of the contracting activity.	5
5101.493 Senior contracting official.	5
Subpart 5101.5 – Determinations and Findings.....	5

5101.506 Signatory authority.....	5
Subpart 5101.90 – Nonappropriated Funds	5
5101.9001 Policy.	5
Subpart 5101.91 – Authority to Award and Administer Grants, Cooperative Agreements, Technology Investment Agreements, and Other Transactions.....	5
5101.9101 Authority and responsibilities.	6

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)

Subpart 5102.1 – Definitions.....	1
5102.101 Definitions.....	1

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

Improper Business Practices and Personal Conflicts of Interest

(Revised 1 February 2026)

Subpart 5103.1 – Safeguards	1
5103.104 Procurement integrity.....	1
5103.104-1 Definitions.	2
5103.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.	2
5103.104-5 Disqualification.	2
5103.104-7 Violations or possible violations.	3
Subpart 5103.2 – Contractor Gratuities to Government Personnel	3
5103.203 Reporting suspected violations of the Gratuities clause.	3
5103.204 Treatment of violations.	3
Subpart 5103.6 – Contracts with Government Employees or Organizations Owned or Controlled by Them.....	3
5103.602 Exceptions.....	3
Subpart 5103. 7 – Voiding and Rescinding Contracts.....	3
5103.703 Authority.....	3
5103.704 Policy.	3
Subpart 5103.9 – Whistleblower Protections for Contractor Employees.....	3
5103.904 Complaints.	3
5103.904-2 Procedures for investigating complaints.....	3
5103.905 Remedies and enforcement of orders.....	4
5103.905-1 Remedies.	4
Subpart 5103.10 – Contractor Code of Business Ethics and Conduct	4
5103.1004 Contract clauses.	4

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 30 June 2026)

5104.002 Electronic commerce in contracting.	1
Subpart 5104.1 – Presolicitation.....	1
5104.101 Contract files.....	1
Subpart 5104.2 – Solicitation, Evaluation, and Award	1
5104.202-7090 Contract line items for internal use software (IUS).....	1
5104.271 Contract distribution.	2
Subpart 5104.3 – Post-award.....	2
5104.301 Responsibilities.....	2
5104.308-170 Procedures for closing out contract files.	2

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) See the [Implementation Guide for Internal Use Software](#), located in the Guides section of the PAM Template Library.

(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

Publicizing Contract Actions

(Revised 29 June 2026)

Subpart 5105.1 – Presolicitation.....	1
5105.101 Presolicitation notice.....	1
5105.102 Paid Advertisements.	1
Subpart 5105.3 –Award.....	1
5105.302 Public announcement.....	1
Subpart 5105.70 – Release of Information.....	2

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)

5106.003 – Advocates for Competition.....	1
Subpart 5106.1 – Presolicitation.....	2
5106.102 – Full and Open Competition After Exclusion of Sources	2
5106.102-1 Establishing or maintaining alternative sources.	2
5106.103 – Other Than Full and Open Competition	2
5106.103-170 Only one responsible source and no other supplies or services will satisfy agency requirements.	2
5106.103-2 Unusual and compelling urgency.	2
5106.103-4 International agreement.	2
5106.103-790 Public Interest.	2
5106.104 Justification and approval.	3
5106.104-170 Justification and Approval.....	3
5106.104-90 Requirements for amended justifications.	3
5106.104-190 Format and submission of the justification review and justification and approval documents.	3
5106.104-290 Approval of the justification.....	4

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 1 May 2026)

Subpart 5107.1 – Acquisition Plans	1
5107.103-70 Agency-head responsibilities.....	2
5107.103-90 Agency-head responsibilities.....	2
5107.104-70 General procedures.	2
5107.107 Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling.	3
5107.107-2 Policy.....	3
5107.107-3 Notifications.	3
Subpart 5107.2 – Planning for the Purchase of Supplies in Economic Quantities.....	3
5107.203-90 Responsibilities of contracting officers.	3
Subpart 5107.4 – Equipment Acquisition.....	3
5107.470 Statutory requirements.	3
Subpart 5107.5 – Inherently Governmental Functions.....	3
5107.503-70 Policy.....	3
Subpart 5107.90 – Independent Government Estimates	3
5107.9000 Scope.....	4
5107.9001 Definitions.....	4
5107.9002 Policy.	4
Subpart 5107.91 – Integrating Antiterrorism and Operations Security	4
5107.9100 Scope.....	4
5107.9101 Policy.	4

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

Subpart 5107.1 – Acquisition Plans

5107.103-70 Agency-head responsibilities.

(e) Procurements for foreign military sales (not funded with U.S. appropriated funds), are exempt from the written acquisition plan requirements at DFARS 207.103-70(a), 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.

5107.103-90 Agency-head responsibilities.

(a)(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 Capability Program Executive (CPE)/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(a) 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 5107.103-90\(a\)](#) for acquisition plan staffing procedures.

(b) 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).

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

5107.104-70 General procedures.

(a) See [AFARS PGI 5107.104-70](#) for best practices when forecasting all significant, as defined by a specified monetary threshold, or sensitive contracting requirements anticipated for the upcoming fiscal year.

(b) See [Appendix GG](#) for further delegation of DFARS PGI 207.104-70(b)(2)(vii)(C)(8)(iv).

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

5107.107-2 Policy.

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

5107.107-3 Notifications.

The Contracting officer will publish the notices required by FAR 7.107-3(b).

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

5107.203-90 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 Acquisition

5107.470 Statutory requirements.

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

Subpart 5107.5 – Inherently Governmental Functions

5107.503-70 Policy.

(a)(i) Contracting officers must ensure that requiring officials provide a written determination as required by FAR 7.503(e) and DFARS 207.503-70(a) 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 5107.503-70(a)(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 13 April 2026)

Subpart 5108.1 – Presolicitation.....	1
5108.104 Use of existing contracts.....	1
Subpart 5108.4 – Ordering Under the Federal Supply Schedule	1
5108.470 General.....	1
5108.470-90 Orders Under Federal Supply Schedule.	1
Subpart 5108.70 – Acquisition Under the Integrated Material Management Program.....	2
5108.7002 Assignment authority.....	2
5108.7002-90 Non-standard ammunition.	2
Subpart 5108.90 – Civil Confinement of Military Absentees and Deserters	2
5108.9001 Use of civil detention facilities.	2
Subpart 5108.91 – Video Productions.....	2
5108.9101 Contracting for video productions.	2
Subpart 5108.93 – Training With Commercial Firms.....	2
5108.9301 Commercial Training for Army Medical Department Personnel	2
Subpart 5108.94 – Foreign Language Support.....	2
5108.9401 Definitions.	2
5108.9402 Policy.	3

Subpart 5108.1 – Presolicitation

5108.104 Use of existing contracts.

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

Subpart 5108.4 – Ordering Under the Federal Supply Schedule

5108.470 General.

5108.470-90 Orders Under Federal Supply Schedule.

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

Subpart 5108.70 – Acquisition Under the Integrated Material Management Program

5108.7002 Assignment authority.

(1)(ii) Contracting activities shall procure commodities assigned to the Army under DFARS PGI 208.7002 according to the assignment of responsibilities issued by the Commanding General, U.S. Army Materiel Command.

5108.7002-90 Non-standard ammunition.

Contracting officers shall forward all U.S. Army non-standard ammunition procurements to Capability Program Executive for Ammunition and Energetics for execution.

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)

Subpart 5109.1 – Responsible Prospective Contractors.....	1
5109.103 Policy.	2
5109.104 Standards.....	2
5109.104-5 Representation and certifications regarding responsibility matters.....	2
5109.105 Procedures.....	2
5109.105-2 Determinations and documentation.	2
5109.108 Prohibition on contracting with inverted domestic corporations.	2
5109.108-4 Waiver.	2
Subpart 5109.2 – Qualifications Requirements.....	2
5109.202 Policy.	2
5109.206 Acquisitions subject to qualification requirements.....	2
5109.206-1 General.....	2
5109.270 Aviation and ship critical safety items.....	2
5109.270-3 Policy.....	2
Subpart 5109.4 – Debarment, Suspension, and Ineligibility	2
5109.402 Policy.	3
5109.403 Definitions.....	3
5109.405 Effect of listing.	3
5109.406 Debarment.....	3
5109.406-3 Procedures.	3
5109.407 Suspension.	3
5109.407-3 Procedures.	3
Subpart 5109.5 – Organizational and Consultant Conflicts of Interests	3
5109.504 Contracting officers responsibilities.	3
5109.506 Procedures.....	3

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)

5110.090 Market Research & Planning.....	1
--	---

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)

Subpart 5111.2 – Selecting and Developing Requirements Documents	1
5111.203 Market acceptance.	1
5111.290 Cloud Requirements.....	1
5111.274 Item identification and valuation requirements.	1
5111.274-290 Requirements for item unique identification.	1
Subpart 5111.4 – Liquidated Damages.....	1
5111.401 Policy.	1
Subpart 5111.5 – Priorities and Allocations.....	2
5111.503 Procedures.....	2

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)

5112.001 Applicability.	1
5112.001-70 Applicability.	1
Subpart 5112.1 – Presolicitation.....	1
5112.104-70 Contract type.....	1
5112.172 Preference for certain commercial products and services.....	1
Subpart 5112.2 – Solicitation, Evaluation, and Award	1
5112.205 Solicitation provisions and contract clauses.	2
Subpart 5112.4 – Micro-purchases	2
5112.401 General.....	2
5112.403 Methods.....	2
5112.70 Defense Commercial Solutions Opening	2
5112.7003 Limitations.	2

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)

Subpart 5114.2 – Presolicitation.....	1
5114.208 Contract clauses.	1
Subpart 5114.3 – Evaluation and award.....	1
5114.304 Mistakes in bids.	1
5114.304-3 Other mistakes disclosed before award.	1
5114.309 Information to bidders.....	1
5114.309-2 Award of classified contracts.	1
Subpart 5114.4 – Postaward	1
5114.401 Mistakes after award.	1

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 16 March 2026)

Subpart 5115.1 – Presolicitation and Solicitation.....	2
5115.102 Structuring a request for proposals.	2
5115.104 Establishing competitive evaluation factors and significant subfactors.	2
5115.105-590 Make-or-buy programs.	2
Subpart 5115.2 – Evaluation and Award.....	2
5115.200-90 Waiver approvals.	2
5115.201 Source selection responsibilities.	2
5115.201-90 Appointments.....	2
5115.202-71 Only one offer.	2
Subpart 5115.4 – Contract Pricing.....	2
5115.403 Obtaining certified cost or pricing data.....	2
5115.403-170 Contracting officer responsibilities.....	2
5115.403-270 Prohibition on obtaining certified cost or pricing data.....	3
5115.404 Cost and/or price analysis.	3
5115.404-970 Profit.	3
5115.405-3 Forward pricing rate agreements.....	3
5115.405-470 Should-cost review.	3
5115.408 Documentation.....	3
5115.408-190 Prenegotiation objectives.	3
5115.408-290 Documenting the negotiation.....	3
Subpart 5115.5 – Unsolicited Proposals	4
5115.500-90 Agency procedures.....	4

Subpart 5115.1 – Presolicitation and Solicitation

5115.102 Structuring a request for proposals.

(b)(2)(v) See [AFARS PGI 5115.102](#) and [Appendix GG](#) for further delegation.

5115.104 Establishing competitive evaluation factors and significant subfactors.

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

5115.105-590 Make-or-buy programs.

See [AFARS PGI 5115.105-590](#) for guidance on make-or-buy-analysis for Army programs of record.

Subpart 5115.2 – Evaluation and Award

5115.200-90 Waiver approvals.

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

5115.201 Source selection responsibilities.

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

(2) See [AFARS PGI 5115.201](#) for selecting official coordination.

5115.201-90 Appointments.

(a) See [AFARS PGI 5115.201-90](#) for SSA nomination submission.

5115.202-71 Only one offer.

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

Subpart 5115.4 – Contract Pricing

5115.403 Obtaining certified cost or pricing data.

5115.403-170 Contracting officer responsibilities.

(b) Follow reporting procedures at [AFARS PGI 5115.403-170](#). See [Appendix GG](#) for further delegation.

5115.403-270 Prohibition on obtaining certified cost or pricing data.

(b)(1) See [AFARS PGI 5115.403-270](#) when reporting waivers for actions valued \$20 million or greater.

(b)(1)(ii) Follow procedures at [AFARS PGI 5115.403-270](#) 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 5115.403-270](#) for instructions and sample format.

5115.404 Cost and/or price analysis.

5115.404-970 Profit.

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

5115.405-3 Forward pricing rate agreements.

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

5115.405-470 Should-cost review.

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

5115.408 Documentation.

5115.408-190 Prenegotiation objectives.

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 15.408-1 and DFARS PGI 215.408-1 and obtain written approval of the prenegotiation objectives before negotiation of any pricing action. See [AFARS PGI 5115.408-190](#).

5115.408-290 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 15.408 and DFARS PGI 215.408.

(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 AFARS 5115.408-190 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.

Subpart 5115.5 – Unsolicited Proposals

5115.500-90 Agency procedures.

See [AFARS PGI 5115.500-90](#).

AFARS – PART 5116

Types of Contracts

(Revised 16 March 2026)

Subpart 5116.1 – Selecting Contract Types	2
5116.101 Policies.....	2
5116.102 Negotiating Contract Type.....	2
Subpart 5116.2 – Fixed-Price Contracts.....	2
5116.203 Fixed-price contracts with economic price adjustment.	2
5116.203-4 Contract clauses.....	2
Subpart 5116.3 – Cost-Reimbursement Contracts	2
5116.304 Cost-plus-fixed-fee contracts.....	2
5116.304-2 Limitations.....	2
Subpart 5116.4 – Incentive Contracts.....	2
5116.401 General.....	2
5116.401-2 Limitations.....	2
5116.401-4 Incentive- and award-fee best practices.....	2
5116.402-4 Cost-plus-award-fee contracts.	3
5116.404 Fixed-price incentive contracts.....	3
5116.404-1 Fixed-price incentive (firm target) contracts.	3
5116.405 Cost-plus-incentive-fee contracts.....	3
Subpart 5116.5 – Indefinite-Delivery Contracts.....	3
5116.504 – Indefinite-quantity contracts.	3
5116.504-1 Description.....	3
5116.504-3 Multiple award preference.....	3
5116.507 Additional ordering procedures for multiple-award contracts.....	3
5116.507-2 Fair opportunity procedures.....	3
5116.507-6 Exceptions to fair opportunity.	3
Subpart 5116.6 – Time-and-Materials, Labor-Hour, and Letter Contracts	3
5116.603 Letter contracts.....	3
5116.603-2 Application.	3

5116.603-3 Limitations.....	3
-----------------------------	---

Subpart 5116.1 – Selecting Contract Types

5116.101 Policies.

See [AFARS PGI 5116.101-90](#) for additional Pricing guidance.

5116.102 Negotiating Contract Type.

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

Subpart 5116.2 – Fixed-Price Contracts

5116.203 Fixed-price contracts with economic price adjustment.

5116.203-4 Contract clauses.

(d)(2) See [AFARS 5101.201](#) and [Appendix FF \(Plan for Control of Nonstandard Clauses\)](#).

Subpart 5116.3 – Cost-Reimbursement Contracts

5116.304 Cost-plus-fixed-fee contracts.

5116.304-2 Limitations.

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

Subpart 5116.4 – Incentive Contracts

5116.401 General.

5116.401-2 Limitations.

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

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

5116.401-4 Incentive and award-fee best practices.

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

5116.402 Award-fee.

5116.402-2 Limitations

(c)(1) See [Appendix GG](#) for further delegation of FAR 16.402-2(c)(1).

5116.402-4 Cost-plus-award-fee contracts.

See AFARS PGI 5116.402-4.

5116.404 Fixed-price incentive contracts.

5116.404-1 Fixed-price incentive (firm target) contracts.

See [AFARS PGI 5116.404-1](#) for guidance on fixed-price incentive (firm target) contracts.

5116.405 Cost-plus-incentive-fee contracts.

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.

Subpart 5116.5 – Indefinite-Delivery Contracts

5116.504 – Indefinite-quantity contracts.

5116.504-1 Description.

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

5116.504-3 Multiple award preference.

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

5116.507 Additional ordering procedures for multiple-award contracts.

5116.507-2 Fair opportunity procedures.

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

5116.507-6 Exceptions to fair opportunity.

(e)(3) 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 05 June 2026)

Subpart 5117.1 – Multiyear Contracting	2
5117.103 Presolicitation.	2
5117.103-1 Policy.....	2
5117.103-170 Multiyear contract cost analysis.	2
5117.103-171 Multiyear contracts for services.	2
5117.103-172 Multiyear contracts for supplies.	2
5117.103-173 Multiyear contracts for military family housing.....	3
5117.103-174 Multiyear contracts for electricity from renewable energy sources.	3
5117.103-190 Policy.....	3
5117.104 Evaluation and award.....	3
5117.104-3 Congressional notification.....	3
5117.104-370 Congressional notification.....	3
Subpart 5117.2 – Options	3
5117.201 Presolicitation.	3
5117.201-270 Contracts.....	3
Subpart 5117.5 – Interagency Acquisitions.....	3
5117.502 Procedures.....	4
5117.502-1 General.....	4
5117.502-2 The Economy Act.....	4
Subpart 5117.6 – Interagency Acquisitions: Acquisitions by Nondefense Agencies on Behalf of the Department of Defense.....	4
5117.603 Policy.	4
5117.670 Procedures.....	4
Subpart 5117.74 – Undefined Contract Actions.....	4
5117.7404-1 Authorization.....	4
5117.7404-5 Exceptions.	5
5117.7404-590 Exceptions.	5
5117.7404-6 Allowable profit.....	5
Subpart 5117.75 – Acquisition of Replenishment Parts.....	5

5117.7504 Acquisition of parts when data is not available.	5
5117.7505 Limitations on price increases.	5
Subpart 5117.90 – Job Order Contracts.....	5
5117.9000 Scope of subpart.....	5
5117.9001 Definitions.....	5
5117.9002 Applicability.	5
5117.9003 Planning and coordination.	6
5117.9004 Procedures.....	6
5117.9004-1 Presolicitation.	6
5117.9004-2 Solicitation.....	6
5117.9004-3 Ordering.....	6
5117.9005 JOC ordering officers.....	7
5117.9006 Contracting officer responsibilities.....	9

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 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 [AFARS 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)

5118.001 Emergency acquisitions.	1
Subpart 5118.70 – Available Acquisition Flexibilities	1
5118.7001 Additional acquisition flexibilities.....	1
5118.7001-2 Contingency operation.....	1
5118.7001-3 Defense or recovery from certain events.....	1
5118.7001-6 Head of contracting activity determinations.....	1

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)

Subpart 5119.2 – Policies	1
5119.102 Coordination.	1
5119.102-90 Coordination.	2
5119.108 Contracting With the Small Business Administration (the 8(a) Program).	2
5119.108-3 Selecting acquisitions for the 8(a) program.	2
5119.108-4 Evaluation, offering, and acceptance.	2
5119.108-11 Release requirements for non-8(a) procurement.	2
5119.109 Small business subcontracting plans.	2
Subpart 5119.2 –Evaluation and Award.....	2
5119.206 Evaluating small business subcontracting plans.	2
5119.206-3 Reviewing the subcontracting plan.	2
5119.208 Evaluating and awarding under the 8(a) Program.	2
5119.208-2 Contract negotiation.	2
5119.208-6 Effect of exiting the 8(a) program on eligibility for award.	2
5119.208-790 Notification of award.	3
5119.208-8 SBA appeals.	3
Subpart 5119.3 – Postaward	3
5119.302 Small business subcontracting plans.	3
5119.302-2-90 Transferring post award responsibilities of the Contracting officer to another Contracting officer.	3
5119.302-3 Other postaward responsibilities.	3
5119.303 8(a) Program contracts.	3
5119.303-1 Contract administration.	3

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 5120

Reserved

AFARS – PART 5121

Reserved

AFARS – PART 5122

Application of Labor Laws to Government Acquisitions

(Revised 17 February 2026)

5122.001 Definitions.....	2
Subpart 5122.1 – Basic Labor Policies.....	2
5122.101-1 Labor relations.....	2
5122.102 Presolicitation.	2
5122.102-1 Contract clause.	2
5122.104 Postaward.....	2
5122.104-1 General.....	2
5122.104-170 Impact of labor disputes on defense programs.	2
5122.104-2 Overtime approvals.....	2
Subpart 5122.3 – Contract Work Hours and Safety Standards Act.....	2
5122.302 Postaward.....	3
Subpart 5122.4 – Labor Standards for Contracts Involving Construction	3
5122.403 Evaluation and award.....	3
5122.404 Postaward.....	3
5122.404-2 Enforcement.....	3
Subpart 5122.5 - Project Labor Agreements for Federal Construction Projects.	3
5122.502-2 General requirements.....	3
Subpart 5122.6 – Contracts for Materials, Supplies, Articles, and Equipment.....	3
5122.601 Presolicitation.	3
5122.601-3 Exemptions.	3
Subpart 5122.13 – Equal Opportunity for Veterans	3
5122.1302 Presolicitation.	3
5122.1302-3 Waivers.....	3
Subpart 5122.14 – Employment of Workers With Disabilities.....	3
5122.1401 Presolicitation.	4
5122.1401-3 Waivers.....	4

Subpart 5122.15 - Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.....	4
5122.1503 Evaluation and award.....	4
Subpart 5122.16 – Notification of Employee Rights Under the National Labor Relations Act	4
5122.1603 Postaward.....	4
Subpart 5122.17 – Combating Trafficking in Persons	4
5122.1704 Postaward.....	4

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)

Subpart 5123.1 – Sustainable Products	1
5123.105 Exceptions.....	1
5123.170 Products that contain, use, or are manufactured with ozone-depleting substances or products that contain or use high global warming potential hydrofluorocarbons.	1
5123.170-90 Policy.	1
Subpart 5123.3 –Material Safety	2
5123.302 Hazardous material identification and safety data.	2
5123.370 Safety precautions for ammunition and explosives.	2
5123.370-4 Procedures.	2

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, 5th 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)

Subpart 5124.1 – Protection of Individual Privacy	1
5124.103 Procedures.....	1
Subpart 5124.2 – Freedom of Information Act	1
5124.203 Policy.	1

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)

Subpart 5125.1 - Buy American – Supplies	2
5125.103 Exceptions.....	2
5125.106 Determining reasonableness of cost.....	2
Subpart 5125.2 – Buy American – Construction Materials.....	2
5125.202 Exceptions.....	2
5125.204 Evaluating offers of foreign construction material.	2
Subpart 5125.4- Trade Agreements.....	2
5125.403 World Trade Organization government procurement agreement and free trade agreements. 3	
Subpart 5125.8 – Other International Agreements and Coordination	3
5125.802 Procedures.....	3
5125.802-71 End use certificates.....	3
5125.870 Contracting with Canadian contractors.....	3
5125.870-4 Contracting procedures.....	3
5125.871 North Atlantic Treaty Organization (NATO) cooperative projects.....	3
5125.871-7 Congressional notification.	3
Subpart 5125.9 – Customs and Duties.....	3
5125.903 Exempted supplies.	3
Subpart 5125.10 – Additional Foreign Acquisition Regulations	3
5125.1001 Waiver of right to examination of records.....	3
Subpart 5125.70 – Authorization Acts, Appropriations Acts, and Other Statutory Restrictions on Foreign Acquisition	3
5125.7000 Scope of subpart.....	3
5125.7000-90 Applicability when using a non-Army contracting activity.	4
5125.7002 Restrictions on food, clothing, fabrics, and hand or measuring tools.....	4
5125.7002-2 Exceptions.	4

5125.7002-290 Improving Compliance with the Berry Amendment and Buy America Act..	4
5125.7003 Restrictions on acquisition of specialty metals.....	4
5125.7003-3 Exceptions.	4

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)

Subpart 5127.2 – Patents and Copyrights.....	1
5127.201 Patent and copyright infringement liability.	1
5127.201-2 Contract clauses.	1
5127.202 Royalties.	1
5127.202-90 Royalties.	1
Subpart 5127.3 – Patent Rights Under Government Contracts	2
5127.303 Contract clauses.	2
Subpart 5127.6 – Foreign License and Technical Assistance Agreements	2
5127.675 Foreign license and technical assistance agreements between a domestic concern and a foreign government or concern.....	2
5127.675-2 Review of agreements.	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	2
5127.7103-13 Government right to review, verify, challenge, and validate asserted restrictions.....	2

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.

AFARS – PART 5128

Bonds and Insurance

(Revised 1 February 2026)

Subpart 5128.1 – Bonds and Other Financial Protections.....	1
5128.101 Bid guarantees.....	1
5128.101-1 Policy and use.....	1
5128.105 Other types of bonds.	2
5128.106 Administration.	2
5128.106-2 Substitution of surety bonds.	2
5128.106-6 Furnishing information.	2
Subpart 5128.2 – Sureties and Other Security for Bonds.....	2
5128.203 Acceptability of individual sureties.	2
5128.203-5 Exclusion of individual sureties.	2
5128.204 Alternatives in lieu of corporate or individual sureties.....	2
5128.204-1 United States bonds or notes.	2
Subpart 5128.3 – Insurance	2
5128.301 Policy.	2
5128.305 Overseas workers compensation and war hazard insurance.	2
5128.307 Insurance under cost-reimbursement contracts.....	2
5128.307-1 Group insurance plans.	2
5128.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.	3
5128.311-1 Contract clause.	3
5128.371 Additional clauses.....	3

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.

AFARS – PART 5129

Taxes

(Revised 1 February 2026)

Subpart 5129.1 – General	1
5129.101 Resolving tax problems.....	1
Subpart 5129.2 – Federal Excise Taxes.....	1
5129.201 General.....	1
Subpart 5129.3 – State and Local Taxes	1
5129.302 Application of state and local taxes to government contractors and subcontractors.	1

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)

Subpart 5130.2 – Presolicitation.....	1
5130.202 Waiver.....	1
Subpart 5130.3 – Evaluation and Award.....	1
5130.301 Contractor disclosure statements.	1

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)

Subpart 5131.2 – Contracts with Commercial Organizations	1
5131.205 Selected costs.....	1
5131.205-6 Compensation for personal services.....	1

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.

AFARS – PART 5132

Contract Financing

(Revised 1 February 2026)

5132.006 Reduction or suspension of contract payments upon finding of fraud.	2
5132.006-1 General.....	2
5132.006-2 Definition.....	2
5132.006-3 Responsibilities.....	2
5132.007 Contract financing payments.	2
Subpart 5132.1 – Financing for Other Than a Commercial Purchase.....	2
5132.111 Contract clauses for non-commercial purchases.....	2
5132.114 Unusual contract financing.	2
Subpart 5132.2 – Commercial Product and Commercial Service Purchase Financing.....	2
5132.201 Statutory authority.	3
5132.202 General.....	3
5132.202-1 Policy.....	3
Subpart 5132.4 Advance Payments for Other Than Commercial Acquisitions.....	3
5132.402 General.....	3
5132.407 Interest.....	3
5132.409 Contracting officer action.	3
5132.409-1 Recommendation for approval.	3
Subpart 5132.5 – Progress Payments Based on Costs.....	3
5132.501 General.....	3
5132.501-2 Unusual progress payments.	3
Subpart 5132.6 – Contract Debts.....	3
5132.606 Debt collection.	3
5132.607 Installment payments and deferment of collection.	3
5132.671 Bankruptcy reporting.	4
Subpart 5132.7 – Contract Funding.....	4
5132.702 Policy.	4

Subpart 5132.8 – Assignment of Claims	4
5132.803 Policies.....	4
Subpart 5132.9 – Prompt Payment.....	4
5132.901 Applicability.	4
5132.903 Responsibilities.....	4
5132.906 Making payments.....	4
Subpart 5132.11 – Electronic Funds Transfer	4
5132.1106 EFT mechanisms.....	4
Subpart 5132.71 – Levies on Contract Payments.....	4
5132.7101 Policy and procedures.	4

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)

Subpart 5133.1 – Protests	1
5133.102 General.	1
5133.103 Protests to the agency.....	2
5133.103-90 Annual agency bid protest report.	2
5133.104 Protests to GAO.	2
5133.170 Briefing requirement for protested acquisitions valued at \$1 billion or more.	2
Subpart 5133.2 – Disputes and Appeals	2
5133.203 Applicability.	2
5133.212 Contracting officer’s duties upon appeal.....	3
5133.212-90 Appeal procedures.	3
5133.212-91 Notice of an appeal.	3
5133.212-92 Review of appeal.....	3
5133.212-93 Receipt of complaint.	3
5133.212-94 Litigation.	3
5133.212-95 Disposition.	3
5133.212-96 Review of ASBCA decisions.....	4
5133.212-97 Dispute settlement and judgments, use of the Judgment Fund.	5
5133.215 Contract clauses.....	5

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.

HCAs 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)

Subpart 5134.2 – Earned Value Management System	1
Subpart 5134.70—Acquisition of Major Weapon Systems as Commercial Products	1
5134.7002 Policy.	1

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)

Subpart 5135.1 – Presolicitation.....	1
5135.173 Special use allowances for research facilities acquired by educational institutions.....	1
5135.174 Indemnification against unusually hazardous risks.	1
5135.174-1 Indemnification under research and development contracts.	1

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)

5136.002 Policy.	1
5136.002-90 Authority for architect-engineer contracting.	1
5136.002-91 Limitations.	2
Subpart 5136.1 – Pre-solicitation	2
5136.101 Construction.	2
5136.101-1 Acquisition Strategy.	2
5136.101-2 Use of two-phase design-build selection procedures.	2
5136.101-70 Prequalification of sources.	2
5136.101-71 Clauses.	2
5136.102-4 Clauses.	2
Subpart 5136.2 – Evaluation and award.	3
5136.201 Construction.	3
5136.201-1 Limitations.	3
5136.202 Architect and engineering services.	3
5136.202-2 Selection authority.	3
5136.202-4 Short selection process for contracts not to exceed the simplified acquisition threshold.	3
Subpart 5136.3 – Postaward	3
5136.370 Expediting construction contracts.	3

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, 414th 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 04 June 2026)

Subpart 5137.2 – Personal Services	1
5137.201 Presolicitation.....	2
5137.201-170 Policy.....	2
Subpart 5137.4 – Advisory and Assistance Services	2
5137.402 Presolicitation.....	2
5137.402-3 A & AS contracts for the evaluation of proposals.	2
Subpart 5137.8 – Other Service Considerations.....	2
5137.802 Presolicitation.....	2
5137.802-3 Foreign national severance cost limitations.	2
5137.803 Evaluation and award.	2
5137.803-2 Funding and term of service contracts.	2
5137.870 Approval of contracts and task orders for services.	2
5137.870-2 Approval requirements.	2
5137.876 Certification of nonpersonal services.....	2
5137.890 Oversight of services acquisition.	3
5137.890-1 Applicability.	3
5137.890-2 Review thresholds.....	3
5137.890-3 Review procedures.....	3
5137.890-4 Independent Management Reviews.....	3
Subpart 5137.72 – Educational Service Agreements	3
5137.7204 Format and clauses for educational service agreements.	4
5137.7204-90 Establishing educational service agreements.....	4
Subpart 5137.74 – Services at Installations Being Closed.....	4
5137.7401 Policy.	4

Subpart 5137.2 – Personal Services

5137.201 Presolicitation.

5137.201-170 Policy.

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

(1) Class D&F. Contracting officers shall document the contract file with a signed statement describing why the blanket D&F is applicable to the proposed contract.

(b) Personal services contracts for health care. See [Appendix GG](#) for further delegation.

(c)(1) Personal services pursuant to 10 U.S.C 129b(d). See [Appendix GG](#) for further delegation.

Subpart 5137.4 – Advisory and Assistance Services

5137.402 Presolicitation.

5137.402-3 A & AS contracts for the evaluation of proposals.

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

Subpart 5137.8 – Other Service Considerations

5137.802 Presolicitation.

5137.802-3 Foreign national severance cost limitations.

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

5137.803 Evaluation and award.

5137.803-2 Funding and term of service contracts.

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

5137.870 Approval of contracts and task orders for services.

5137.870-2 Approval requirements.

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

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

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

5137.876 Certification of nonpersonal services.

(a) See [Appendix GG](#) for further delegation and Army Regulation 70-13, Management and Oversight of Service Contracts.

5137.890 Oversight of services acquisition.

5137.890-1 Applicability.

(a) Oversight of services acquisition is the shared responsibility of requiring activities, contracting activities, and the Office of the ASA(ALT).

(b) Except as provided in DoDI 5000.74, paragraph 1.1. b, this section applies to:

(i) 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).

(ii) 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.

5137.890-2 Review thresholds.

(a) 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 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.

5137.890-3 Review procedures.

The HCA shall establish procedures for reviews of service acquisitions as delegated. For service acquisitions requiring USD(AT&L), DASA(P) or SSM review and approval, submit the acquisition strategy to the addressee at [AFARS PGI 5101.290\(b\)\(4\)](#). At a minimum, the strategy will contain all the information included at [AFARS PGI 5137.890-4](#).

5137.890-4 Independent Management Reviews

See [AFARS PGI 5101.170-3](#) for Independent Management Reviews requirements.

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.

See [AFARS PGI 5137.7204-90](#).

Subpart 5137.74 – Services at Installations Being Closed

5137.7401 Policy.

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

AFARS – PART 5138

Reserved

AFARS – PART 5139

Acquisition of Information and Communication Technology

(Revised 23 April 2026)

5139.001 Applicability.	1
Subpart 5139.1 - Presolicitation.....	1
5139.170 Requirements for commercial products and commercial services	1
5139.170-90 Policy.....	1
Subpart 5139.74 – Telecommunication Services.....	2
5139.7402 Policy.	2
Subpart 5139.76 – Cloud Computing	2
5139.7602-90 Policy and Responsibilities.....	2

5139.001 Applicability.

See [AFARS 5104.202-7090](#) for guidance on Internal Use Software in contract documentation.

See [AFARS PGI 5139.001-90](#) for instruction on development, security, and operations (DevSecOps).

See [AFARS PGI 5139.001-91](#) for information on contracting for Software Development.

Subpart 5139.1 - Presolicitation

5139.170 Requirements for commercial products and commercial services

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

5139.170-90 Policy.

(a) CHES is the mandatory source for all Commercial Off-The-Shelf Information Technology (IT) hardware and software, and commercial IT services.

(1) The CHES contract vehicles, electronic market (e-mart), and other IT-related policies are available at <https://ches.army.mil/>. Requests for waivers or Statements of Non-Availability (SoNA) may be submitted through the same website.

(2) Senior contracting officials should ensure contracting personnel receive the ‘Digital Market 101’ training available on the CHES website (located under ‘Resources’ on the menu).

(b) Common Hardware Systems (CHS) is the mandatory source for commercial IT hardware for tactical/operational requirements. Organizations that receive written authorization from CHS to use a CHS contract for hardware or services are exempt from the requirement to obtain an approved ITAS waiver or CHESS SoNA.

Subpart 5139.74 – Telecommunication Services

5139.7402 Policy.

(b)(4) See Appendix GG for further delegation.

Subpart 5139.76 – Cloud Computing

5139.7602-90 Policy and Responsibilities.

(a) 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 offerings, common services, and application migration support.

(b) 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 5111.290](#).

AFARS PART 5140

Information Security and Supply Chain Security

(Revised 04 June 2026)

Subpart 5140.2 Security Prohibitions and Exclusions.....	1
5140.204 Specific Procedures.....	1
5140.204-3 Procedures on Sudan Prohibition.	1
5140.204-4 Procedures on Iran Prohibitions.	1
Subpart 5140.3 – Safeguarding Information	1
5140.302 Safeguarding classified information within industry.	1
5140.302-2 Responsibilities of contracting officers.	1
5140.371 Cybersecurity Maturity Model Certification.	1
5140.371-3 Policy.....	1

Subpart 5140.2 Security Prohibitions and Exclusions

5140.204 Specific Procedures.

5140.204-3 Procedures on Sudan Prohibition.

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

5140.204-4 Procedures on Iran Prohibitions.

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

Subpart 5140.3 – Safeguarding Information

5140.302 Safeguarding classified information within industry.

5140.302-2 Responsibilities of contracting officers.

See [AFARS PGI 5140.302-2](#).

5140.371 Cybersecurity Maturity Model Certification.

5140.371-3 Policy.

See [AFARS PGI 5140.371-3\(c\)](#) for the waiver process.

AFARS – PART 5141

Acquisition of Utility Services

(Revised 1 February 2026)

Subpart 5141.1 – General	1
5141.102 Applicability.....	1

Subpart 5141.1 – General

5141.102 Applicability.

[See AFARS PGI 5141.102.](#)

AFARS – PART 5142

Contract Administration and Audit Services

(Revised 16 March 2026)

Subpart 5142.1 – Contract Audit Services	1
5142.190 Follow-up on contract audit reports.....	1
5142.190-1 Responsibilities.....	1
5142.190-2 Processing Audit Findings.....	2
Subpart 5142.2 – Contract Administration Services	2
5142.202 Assignment of contract administration.	2
Subpart 5142.3 – Contract Administration Office Functions.....	2
5142.302-70 Contract administration functions.	2
Subpart 5142.4 – Corporate Administrative Contracting Officer	2
5142.402 Assignment and location.....	2
Subpart 5142.5 – Indirect Cost Rates	2
5142.503 General.....	2
5142.503-2 Certification of indirect costs.	2
Subpart 5142.11 – Contractor Performance Information	2
5142.1103 Procedures.....	2
5142.1103-90 Policy.....	2
Subpart 5142.71 – Voluntary Refunds	3
5142.7100 General.....	3

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

5142.302-70 Contract administration functions.

(a)(10)) See [Appendix GG](#) for further delegation of DFARS PGI 242.302(a)(10).

Subpart 5142.4 – Corporate Administrative Contracting Officer

5142.402 Assignment and location.

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

Subpart 5142.5 – Indirect Cost Rates

5142.503 General.

5142.503-2 Certification of indirect costs.

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

Subpart 5142.11 – Contractor Performance Information

5142.1103 Procedures.

See [AFARS PGI 5142.1103](#).

5142.1103-90 Policy.

(a) The CPARS Assessing Officials are as follows:

<u>Business Sector</u>	<u>CPARS Assessing Official</u>
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.

5142.1103-91 Evaluation of contractor performance.

(1) See [AFARS 5142.1103-90](#) for the CPARS Assessing Official on construction contracts.

5142.1103-92 Special procedures for job order contracts.

See [AFARS PGI 5142.1103-92](#).

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)

Subpart 5143.3 – Change Orders.....	1
5143.304 Administration.	1
5143.370-5 Exceptions.	1
5143.370-590 Exceptions.	1
5143.370-6 Allowable profit.....	1
5143.305 Contract clauses.	1

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 16 March 2026)

Subpart 5145.1 – General	1
5145.102 Policy.....	1
5145.103 General.....	1
5145.103-73 Government property under sustainment contracts.	1
5145.103-74 Contracting office responsibilities.	1
5145.103-90 Special requirements for research and development contracts.....	1
Subpart 5145.2 – Solicitation and Evaluation Procedures	2
5145.201 Solicitation.	2
Subpart 5145.3 – Authorizing the Use and Rental of Government Property.....	2
5145.301 Use and rental.....	2

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 General.

5145.103-73 Government property under sustainment contracts.

See [AFARS PGI 5145.103-73\(1\)](#).

5145.103-74 Contracting office responsibilities.

See [AFARS PGI 5145.103-74\(3\)\(a\)](#).

5145.103-90 Special requirements for research and development contracts.

(a) *Acquisition, construction, or furnishing of test facilities and equipment.* Prior to entering into a contract under 10 U.S.C. 4174, the Secretary of the Army or designee where authorized must determine that the facilities and equipment are necessary for the performance of the contract.

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

(b) See [AFARS PGI 5145.103-90](#).

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)

Subpart 5146.4 – Government Contract Quality Assurance	1
5146.407 Nonconforming supplies or services.....	1
Subpart 5146.5 – Acceptance	1
5146.503 Place of acceptance.	1

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 5147

Transportation

Reserved

AFARS – PART 5148

Value Engineering

(Revised 1 February 2026)

Subpart 5148.1 – Policies and Procedures.....	1
5148.102 Policies.....	1
Subpart 5148.2 – Contract Clauses.....	1
5148.201 Clauses for supply or service contracts.....	1
5148.202 Clause for construction contracts.....	1

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)

Subpart 5149.1 – General Principles	1
5149.101 Authorities and responsibilities.....	1
5149.101-90 Contracts resulting from military interdepartmental purchase requests.	1
5149.102 Notice of termination.	1
5149.107 Audit of prime contract settlement proposals and subcontract settlements.	1
Subpart 5149.5 – Contract Termination Clauses	2
5149.501 General.....	2
5149.501-70 Special termination costs.	2
Subpart 5149.70 – Special Termination Requirements.....	2
5149.7001-90 Congressional notification on significant contract terminations.	2
5149.7003 Notification of anticipated contract terminations or reductions.	2
5149.7090 Termination for Convenience of Army Energy Savings Performance Contracts	2

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)

Subpart 5150.1 – Extraordinary Contractual Actions	1
5150.101 General.....	1
5150.101-370 Records.	1
5150.102 Delegation of and limitations on exercise of authority.....	1
5150.102-170 Delegations.	1
5150.102-2 Contract adjustments boards.....	1
5150.103 Contract adjustments.....	1
5150.103-5 Processing cases.	1

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 5151

USE OF GOVERNMENT SOURCES BY CONTRACTORS

Reserved

AFARS – PART 5152

Solicitation Provisions and Contract Clauses

(Revised 22 June 2026)

Subpart 5152.1 – Instructions for Using Provisions and Clauses.....	1
5152.101 Using Part 5152.....	1
Subpart 5152.2 – Texts of Provisions and Clauses	1
5152.237-9000 Adjustments to Contractor’s Coefficient for Option Years (Job Order Contracts).....	1

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]