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February 12, 2001

DRMS CONTRACTING DIRECTIVE

This publication has been revised significantly
and must be reviewed in its entirety.

A. REFERENCES. This directive supplements and implements the following publications and must be read with these publications.

1. Federal Acquisition Regulation, Title 48.
2. Department of Defense (DoD) Federal Acquisition Regulation Supplement.
3. Defense Logistics Agency Directive, DLAD 4105.1
4. DRMS Directive 4105.1, DRMS Contracting Directive, February 4, 2000 (hereby superseded).

B. PURPOSE. This directive:

1. Supersedes reference A4.
2. Supersedes DRMS-P Procurement Letters up to and including Procurement Letter 2001-01.

C. APPLICABILITY AND SCOPE. This directive is applicable to all contracting elements within DRMS.

D. DEFINITIONS. (Reserved for future use.)

E. POLICY. The DRMS Commander issues the policy established by this directive by the authority of the Executive Director, Contracting, Headquarters (HQ) DLA. The policy is included at Enclosure 1, and follows the numbering system of the Federal Acquisition Regulations System.

F. RESPONSIBILITY. All procurement officials are responsible for carrying out the policy outlined in Enclosure 1.

G. EFFECTIVE DATE AND IMPLEMENTATION. This directive is effective and shall be implemented upon signature by the DRMS Executive Assistant.

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H. INFORMATION REQUIREMENTS. (Reserved for future use.)

BY ORDER OF THE COMMANDER

/s/
JANINE DES VOIGNES
Executive Assistant

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ENCLOSURE 1

GENERAL STRUCTURE

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- Part 28 - Bonds and Insurance
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- Part 30 - No DRMS Coverage (Cost Accounting Standards Admin.)
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- Part 43 - Contract Modifications
- Part 44 - No DRMS Coverage (Subcontracting Policies & Procedures)
- Part 45 - No DRMS Coverage (Government Property)
- Part 46 - Quality Assurance
- Part 47 - No DRMS Coverage (Transportation)
- Part 48 - No DRMS Coverage (Value Engineering)
- Part 49 - Termination of Contracts
- Part 50 - No DRMS Coverage (Extraordinary Contractual Actions)
- Part 51 - No DRMS Coverage (Use of Govt. Sources by Contractors)

SUBCHAPTER H - CLAUSES AND FORMS

- Part 52 - Solicitation Provisions and Clauses
- Part 53 - Forms
- Part 90 - Supplemental Procedures

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PART 1

FEDERAL ACQUISITION REGULATIONS SYSTEM

SUBPART 1.1 - PURPOSE, AUTHORITY, ISSUANCE

1.101 Purpose.

This directive is issued by the Commander, Defense Reutilization and Marketing Service, by the authority of the Executive Director, Contracting, Headquarters (HQ), DLA. It implements and supplements the Federal Acquisition Regulation (FAR), the DoD FAR Supplement (DFARS), and the Defense Logistics Acquisition Directive (DLAD). This directive is not a stand-alone document and must be read in conjunction with the FAR, DFARS, and DLAD. Supplementation of this directive is prohibited.

1.104 Applicability.

(a) This directive is applicable to all contracting elements within DRMS.

SUBPART 1.3 - AGENCY ACQUISITION REGULATIONS

1.301-90 Contracting office guidance.

(b) DRMS-POP is the contracting element responsible for forwarding copies of applicable procedural instructions to HQ, DLA/J-33 (DLSC-PPP) for review after publication.

1.301-91 Contracting office clauses.

(a) Applicable clauses and provisions shall be forwarded to
DRMS-POP upon incorporation in a contract.

(b) Applicable clauses shall be provided to DRMS-POP for review prior to use. DRMS-POP will assign the requisite numbers to local clauses. DRMS-POP shall forward clauses and provisions to HQ, DLA/J-33(DLSC-PPP) subsequent to review.

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SUBPART 1.4 - DEVIATIONS FROM THE FAR

1.490 Submission of requests for deviations.

(a) Requests for authority to deviate from the provisions of the FAR or the DFARS shall be submitted to J-33 (DLSC-PPP) via DRMS-POP.

SUBPART 1.6 - CONTRACTING AUTHORITY AND RESPONSIBILITIES

1.601 General. The Vice President of Contracting, DRMS-P, is the Chief of the Contracting Office for all DRMS contracting elements. DRMS-POP is responsible for and will maintain and report information regarding all delegations of authority.

1.602 Contracting officers.

1.602-1 Authority.

(a) DRMS-POP shall prepare and maintain a current listing of all DRMS contracting officers and the limits of their authority. This listing shall be submitted to DLSC-PPP at the beginning of each fiscal year.

1.602-2 Responsibilities.

(90) Contracting officers are responsible for effective contracting. Contracting officers shall request and consider the advice of specialists in audits, law, engineering, transportation, and other fields, as appropriate. Non-concurrences should be resolved at the lowest level possible. Failure to resolve substantive issues will be elevated within the DRMS-P management chain-of-command. Contracting officers are responsible for notifying the chairman of the review board if a contract action must be completed with significant unresolved non-concurrences in the file.

1.602-3 Ratification of unauthorized commitments.

(b) Policy.

(3) All ratification actions less than the simplified acquisition threshold shall be forwarded to the DRMS Commander

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for approval after review and comment by the Office of Counsel. Ratification's resulting from actions of personnel from the Defense Logistics Information Service (DLIS) shall be coordinated with DLIS-D, and forwarded to DRMS-D after review and comment by the Office of Counsel.

(i) Funds shall be committed prior to obtaining the Commander's approval to ratify.

(4) Actions exceeding the simplified acquisition threshold must be approved by the Head of the Contracting Activity (HCA), J-33 (DLSC-P), Headquarters, DLA. Such actions must be forwarded by the DRMS Commander, after concurrence by the Office of Counsel.

1.603 Selection, appointment, and termination of appointment.

1.603-2 Selection.

(90)(a)(4) SAMPLE CONTRACTING OFFICER WARRANT PROGRAM SELECTION STATEMENT.

The format at DLAD 4105.1, Subpart 1.603-2, shall be used by potential appointees. The candidate's supervisor shall review the statement for accuracy and completeness prior to forwarding to DRMS-POP.

1.603-3 Appointment.

(a) The supervisor shall prepare a request using the format outlined in DLAD 4105.1, Subpart 1.603-3 for requests. This request shall be submitted to DRMS-POP with the potential appointee's statement for review. DRMS-POP may elect to have the package jointly reviewed by the Contracting Officer Review Board (CORB). If the DRMS-POP Chief or the CORB'S recommendation is to submit the candidate's name for a warrant, DRMS-POP shall prepare the Standard Form (SF) 1402, Certificate of Appointment and an accompanying memorandum to forward to the commander.

(b) All nominations for appointment of DRMS contracting officers shall be submitted to DRMS-D by the Chief of the Contracting Office.

1.603-92 Contracting Officer Review Program.

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(a) The CORB shall perform an annual review and assessment of the organizational need for contracting officer appointments. DRMS-POP shall maintain copies of all pertinent data.

(2)(ii)(A) The CORB shall review and approve initial contracting officer appointment procedures on an as-needed basis and shall conduct reviews of each contracting officer appointment in accordance with DLAD 1.603-92(a)(2)(ii)(A). The CORB shall conduct reviews once every 3 years and prepare written documentation of the results by the tenth working day after completing the review.

(b) CORB members:

1. DRMS-P, Chairman
2. DRMS-POP, Branch Chief, and
3. Division or Branch Chiefs designated by the chairman
4. Recorder designated by the chairman

The board recorder shall prepare a written summary immediately after the CORB meeting for approval and signature by the board chairman.

1.603-93 Selection, appointment, evaluation, and termination of appointment of contracting officer's representatives and contracting officer's technical representatives.

(a) Designation and training.

1. Only individuals who have received the appropriate training shall be appointed as Contracting Officer Representatives (CORs) by the contracting officer. The Division Chief or Chief of the Contracting Office may grant waivers to these training requirements on a case by case basis.

2. The training and duties for Hazardous Waste contract CORs are outlined in Subpart 90 of this document.

(b) Evaluation and documentation.

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1. To facilitate supervisory monitoring of performance, documentation in the COR activity file shall be made available to the COR's functional supervisor semiannually. This availability will be the month prior to performance appraisals and mid-year performance reviews. Contracting officers are responsible for notifying supervisors of the existence and availability of this documentation.

2. The appointing contracting officer shall conduct reviews of the CORs. The DRMS Form 1900, Annual Contracting Officer's Representative Review and Evaluation, shall be utilized.

1.690 Contract Clearance and Oversight Process

1.690-2 Policy

(c)(1) DRMS complies with the requirement of DLAD 4105.1, Subpart 1.690-2 by establishing a board of review. Specific voting member appointments for the board of review are:

1. Chairperson: Vice-President, DRMS-P
2. Alternate Chairperson: Chief, DRMS-POP
3. All DRMS-P Division Chiefs
4. All DRMS-P Branch Chiefs
5. Cognizant program office representative

Ad hoc, non-voting board members are as follows:

1. Case initiator
2. DRMS Small Business Specialist
3. DRMS-POP Cost/Price Analyst
4. Office of Counsel representative

General Procedures & Responsibilities.

a. The decision of the board will be reached by majority vote. However, as the focal point for oversight within DRMS, the Chief of the Contracting Office has the authority to overrule the decision of the board.

b. The case initiator shall distribute board packages no less than 1 working day prior to the board meeting. Exceptions may be made in emergency situations with the prior written approval of one of the contracting officer's supervisors.

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c. In the event the Chairperson and Alternate Chairperson are absent, another DRMS-P Division Chief or Branch Chief will chair the meeting. In no instance will the Source Selection Authority chair the meeting.

(2) DRMS-P review requirements.

a. Pre-award contract actions.

1. Proposed solicitations exceeding the simplified acquisition threshold shall be reviewed by the CRB prior to issuance. The Chief of the Contracting Office shall approve exceptions in writing.

2. Proposed contract awards exceeding the simplified acquisition threshold shall be reviewed by the board prior to award. Orders issued under indefinite delivery-type contracts and GSA Federal Supply Service contracts where price is the sole evaluation factor are excluded from this requirement.

3. Contract modifications in excess of the simplified acquisition threshold shall be reviewed. Pre-priced, previously evaluated options are excluded from this requirement.

4. A unique action less than the simplified acquisition threshold when determined by the contracting officer or one of his supervisors. Illustrative examples include: actions which resulted in a sole offer, proposed advisory and assistance service solicitations, any action conducted under less than full and open competitive procedures, or a solicitation anticipating award of a contract other than firm fixed price.

5. All claims shall be reviewed by the CRB prior to issuance of a final decision.

6. All proposed terminations for default.

7. Proposed termination for convenience actions in excess of the simplified acquisition threshold. Termination for convenience actions initiated on orders issued under an indefinite delivery type contracts for the sole

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purpose of correcting Government pre-award administrative errors are specifically excluded from this requirement.

8. All termination settlements in excess of the simplified acquisition threshold.

9. All negotiated out-of-court settlement agreements arising under or relating to a contract.

10. All requests for equitable adjustment (REA) greater than \$25,000 shall be reviewed by the Board before execution of a modification or decision letter. Board review of requests for equitable adjustment of less than or equal to \$25,000 shall be at the discretion of the division chief.

11. All requests for proposed suspension or debarment.

12. Proposed demand letters in excess of \$25,000.

13. All acquisitions conducted using "phased competition" described in DLAD 4105.1, Subpart 15.101-90. Such acquisitions shall be reviewed at the review levels required for the dollar value for the entire acquisition, not just the specific phase in process.

3. The case initiator shall compile a package for review consisting of the following documents:

- Minutes of the pre-issue review
- Pre-negotiation Briefing Memorandum (less attachments)
- Price Negotiation Memorandum
- Best Value Memorandum for the Record
- Award Document plus all post-issue amendments
- Section "B" of the contract
- Pre-award legal review

Board Recorder Responsibilities.

The board recorder is responsible for the following actions:

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a. Recording the attendance of Board members.

b. Preparation of board of review minutes. The contracting officer shall initial and Chairperson shall sign the minutes of each review board. Minutes shall include the following minimum information:

1. Solicitation number, contract number, delivery order or task order number.

2. Date of meeting.

3. Names and organizational codes of all participants.

4. A complete, accurate and concise summary of all the comments made for the record by board participants.

c. Prompt distribution of the minutes of the Board meeting to the case initiator.

d. Maintenance and retention of a Board case register containing a fully executed copy of the contract review board minutes.

(d) DRMS-POP will randomly review selected actions below the simplified acquisition threshold on an annual basis. DRMS-POP's findings will be forwarded to the Chief of the Contracting Office.

1.691 Legal Review.

(c) Contracting officers shall ensure legal reviews are accomplished on all solicitations and contractual actions in accordance with the thresholds stated in the Defense Logistics Acquisition Directive (DLAD) 4105.1, Subpart 1.691. Contracting officers, at their option, may request legal review on actions under these thresholds.

(1) Other actions requiring review by the DRMS Office of Counsel.

a. All justifications for other than full and open competition requiring certification by the DRMS Commander.

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- b. All disputes, appeals, and final decisions.
- c. Requests for equitable adjustments greater than or equal to \$25,000.
- d. Mistakes in bids.
- e. Claims.
- f. Exercise of options in excess of the dollar threshold stated in DLAD 1.691 (includes unilateral extensions of service).
- g. Notice of assignments.
- h. Recommendations for ratification of unauthorized commitments.
- i. Bonds and consent of surety.
- j. Novation agreements or change of name agreements.
- k. Insurance certificates.
- l. Protests.
- m. Late bids or proposals.
- n. Cancellation of sealed bids after opening.
- o. Minor informalities or irregularities in bids.
- p. Terminations for default.
- q. Terminations for convenience of the Government for actions exceeding the dollar threshold in DLAD 4105.1, Subpart 1.691. This excludes a termination for convenience action under a delivery or task order issued against an Indefinite Delivery Type Contract (IDTC) when such termination is taken as a result of Government administrative error (e.g.,

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a line item is deleted from a hazardous waste disposal task order due to misidentification or missing waste).

r. Modifications to delivery/task orders over the simplified acquisition dollar threshold. This excludes modifications issued as a result of a request from a contracting officer's representative (COR) to correct contract line item numbers (CLINs), or effect weight adjustment on hazardous waste disposal task orders.

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PART 3

IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

SUBPART 3.104-5 - DISCLOSURE, PROTECTION, AND MARKING OF CONTRACTOR BID OR PROPOSAL INFORMATION AND SOURCE SELECTION INFORMATION

(a) If you are assigned as a project manager, program manager, a member of a technical evaluation committee or an acquisition team member, you may have access to procurement sensitive information. In order to maintain the integrity of the procurement, it is important that such information be shared only with those that have a need to know. By adhering to the following basic rules, you help ensure the procurement will not be compromised.

(i) If the purchase request has been forwarded to Contracting for action, then refer all requests for information or status to Contracting. This includes requests made by your supervisor(s) or upper management.

(ii) Do not reveal either the number or the identity of offerors.

(iii) Do not discuss the specifics of the acquisition with anyone not on the acquisition team. This includes supervisors or managers. Discuss specifics only with those members of the acquisition team that have a need to know the specific the information being discussed.

SUBPART 3.8 - LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

3.804 Policy.

(b) DRMS-POP shall submit all SF LLL and LLL-A Disclosure Forms or negative reports to DLSC-PPP no later than April 20 and October 20 each year. All contracting elements shall submit their reports to DRMS-POP no later than April 5 and October 5 each year.

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PART 4

ADMINISTRATIVE MATTERS

SUBPART 4.6 - CONTRACT REPORTING

4.670 Defense Contract Action Data System (DCADS).

4.670-3 Contracting office responsibilities.

(a)(2)(iv) In accordance with DLAD 4.670-3(a)(2), all DRMS contracting elements shall input DD Form 350, Individual Contract Action Report, records within 3 workdays after award. DRMS contracting officers shall follow up to assure the initial record input was not rejected by DCADS. DCADS may reject records for up to 3 workdays after initial entry. Error correction must be accomplished within 3 workdays from the date the error first appears in the system. The contract file must contain a copy of the original DD Form 350 signed by the contracting officer, the printout from the initial DCADS entry and the follow up DCADS verification showing zero errors.

(b)(2)(i) In accordance with DLAD 4.670-3(b)(2)(i), all DRMS contracting elements must submit the DD Form 1057, Monthly Contracting Summary Report of Actions \$25,000 or Less, by the third workday following the 25th of the month. All contracting elements shall submit their September data to DRMS-POP by the third workday after September 30.

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PART 5

PUBLICIZING CONTRACT ACTIONS

SUBPART 5.2 - SYNOPSES OF PROPOSED CONTRACT ACTIONS

5.201 General

Prior to synopsis of any contract action over \$100,000, contracting officers shall ensure a properly executed DD Form 2579, Small Business Coordination Record, is signed by the DRMS Small Business Specialist. Actions over \$10,000 which will not be set aside for small business must be signed by the DRMS Special Assistant for Small Business prior to initiating any contract action.

5.207 Preparation and transmittal of synopses

(a) Contracting officers are responsible for obtaining physical evidence that individual solicitation and contract award synopses was successfully transmitted to the Commerce Business Daily. Evidence of the transmittal and publication shall be placed in the contract file.

SUBPART 5.3 - SYNOPSES OF CONTRACT AWARD

5.301 General.

(a) Contracting officers shall synopsise and transmit for publication all applicable contract awards or other post-award contract action in excess of the simplified acquisition threshold in the Commerce Business Daily within 3 business days after award.

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PART 6

COMPETITION REQUIREMENTS

SUBPART 6.3 - OTHER THAN FULL AND OPEN COMPETITION

6.302-2 Unusual and compelling urgency

(c) Limitations.

(1) Justifications for other than full and open competition are not required to be executed before award in unusual and compelling urgency conditions when preparation of these documents would unreasonably delay the acquisition. Attempts shall be made to process justification documents concurrently, if not prior to, contract award. Where justifications are not completed and approved prior to award, the justification shall be completed no later than 10 business days after award of the contract action.

6.303 Justifications.

6.303-1 Requirements.

(a) The requisite technical program office approval level for justifications required by FAR 6.303-1(b) are as follows:

(1) Less than or equal to \$500,000 - Division Chief

(2) \$500,000.01 - \$10 million - Vice President or Executive Vice President of the DRMS Headquarters program office, or the Commander, National Command, or the Commander, International Command.

(3) Greater than \$10 million - DRMS Commander, or his designee.

6.304 Approval of the justification.

(a) Before executing any justification for other than full and open competition, the contracting officer shall have in custody the required FAR 6.303-1(b) certification.

(b) The approval levels for justifications required by FAR 6.304 are as follows:

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(1) Less than or equal to \$500,000 - Contracting
Officer

(2) \$500,000.01 - \$10,000,000 - DRMS Competition
Advocate

(3) Greater than \$10 million - HQ, DLA, ATTN: J-33
(DLSC-P)

SUBPART 6.5 - COMPETITION ADVOCATES

6.502 Duties and Responsibilities.

A position within DRMS-POP shall be formally designated as the DRMS competition advocate. Duties and responsibilities are contained in the DoDD 5000.1, Defense Acquisition, and DLAR 4105.17, Defense Logistics Agency (DLA) Competition Advocate Program.

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PART 7

ACQUISITION PLANNING

SUBPART 7.1 - ACQUISITION PLANS

(91)(a) Written acquisition plans for all actions exceeding the simplified acquisition threshold shall be prepared. Acquisition plans for routine, repetitive acquisitions may be prepared on the DRMS Acquisition Plan Form. Plans for more complex acquisitions shall be prepared incorporating all the applicable information from the FAR, DFARS, and DLAD 4105.1, Subparts 7.105 and 90.1101. Each plan shall include step by step milestones.

(b) When using the DRMS Acquisition Plan Form and best value award evaluation procedures, the Acquisition Plan must also include an Individual Acquisition Plan Supplement.

(c) Approval levels for acquisition plans are as follows:

1. For hazardous waste disposal services, precious metals recovery services, purchase of consumable base operating supplies or services, one management level above the contracting officer.

2. For acquisitions identified as "Enterprise Management" initiatives, the chief of the contracting office shall establish the acquisition plan approval level.

(93) Contracting officers shall ensure completed acquisition plans simultaneously accompany justifications for other than full and open competition when such documents are required to be forwarded to the DRMS Competition Advocate.

7.103 Agency head responsibilities.

(a) The Contract Log of Contract Advisory and Assistance Services, Periodicals, Pamphlets, and Audiovisual Products required by DLAD 4105.1, Subpart 7.103(a) shall be maintained by DRMS-POO.

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7.104 General procedures.

(a) All purchase requests for contractual actions forwarded by the program office to the procuring activity must include the following as a minimum: (1) full funding, including accounting and appropriation data, (2) a complete statement of work, and (3), a program office price estimate to include detailed supporting backup consisting of mathematical calculations, assumptions and other supporting narrative text.

(b) Contract modification requests submitted by the program office to the contracting activity must include the following information, in addition to those in paragraph (a) above, if applicable:

- (1) Contract number or delivery/task order number
- (2) CLIN and supply/service description
- (3) Estimated quantity
- (4) Special terms, conditions or information relevant to the requirement

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PART 9

CONTRACTOR QUALIFICATIONS

SUBPART 9.1 - RESPONSIBLE PROSPECTIVE CONTRACTORS

9.103 Policy.

(b) The determination of responsibility for any action exceeding the simplified acquisition threshold must be signed by the contracting officer and retained in the official contract file.

9.106-2 Requests for preaward surveys.

(90)(e) Contracting officers shall file a copy of each completed pre-award survey in the respective offeror file. File a copy of the completed pre-award survey of the successful offeror in the official contract file. A copy of all requested and completed preaward surveys will be maintained in a centralized file located within each division.

SUBPART 9.4 - DEBARMENT, SUSPENSION, AND INELIGIBILITY

9.404 Parties excluded from procurement programs.

(c)(90) The contract specialist shall review the most recent GSA List of Parties Excluded from Procurement and Non-Procurement Programs listing. This real-time document can be viewed at the following Internet website: <http://www.gsa.gov>. Include the date of the review in the responsibility determination. The contract specialist shall screen print the appropriate page and shall file the printout in the official contract file.

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PART 10

MARKET RESEARCH

10.001 Policy.

(a)(2)(iii) Acquisitions under the simplified acquisition threshold will not be delayed awaiting completion of market research unless the contracting officer determines it is cost effective to do so. This determination shall be in writing and placed in the contract file.

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PART 11

DESCRIBING AGENCY NEEDS

SUBPART 11.4 - DELIVERY OR PERFORMANCE SCHEDULES

11.401-90 Extended contracting delays.

(a) The program office will be notified immediately if a delay during the acquisition process will create a subsequent delay greater than 15 days beyond the target award date.

11.703 Contract clause.

(b) Delivery of Excess Quantities of \$250 or Less. All DRMS purchase orders, blanket purchase agreements, and contracts for supplies, except those procured under FAR Part 12, Acquisition of Commercial Items, will contain the clause at FAR 52.211-17.

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PART 12

ACQUISITION OF COMMERCIAL ITEMS

SUBPART 12.3 - SPECIAL REQUIREMENTS FOR THE ACQUISITION OF
COMMERCIAL ITEMS

12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(e)(90) Contracting personnel who include locally developed clauses and provisions in requests for quotation (RFQ) or requests for proposal (RFP) shall comply with 1.301-91 of this Directive.

(91) Changes to FAR 52.212-1 or FAR 52.212-4 shall be made on a case-by-case basis, unless reviewed by DRMS-POP. After review and coordination, DRMS-POP will make any changes to the consolidated database.

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PART 13

SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 13.1 - GENERAL

13.104 Procedures.

13.104-90 Quantity price break provision for inclusion in simplified acquisitions.

The contracting officer shall sign and place in the contract file documentation that supports a decision not to take advantage of commercially offered quantity price breaks.

13.106 Competition and price reasonableness.

(c)(1) The DRMS Form 1902, Small Purchase Pricing Memorandum, shall be used to document price reasonableness of acquisitions over the micro purchase dollar threshold and up to the simplified acquisition dollar threshold.

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PART 14

SEALED BIDDING

SUBPART 14.3 - SUBMISSION OF BIDS

14.302 Bid submission.

(a) All sealed bids shall have a bid opening time of 3:00 p.m. local time.

14.303 Modification or withdrawal of bids.

(a) If a bidder requests withdrawal of a bid or a modification prior to the date and time set for bid opening, the bid shall be returned unopened and the file documented. Telephone requests for withdrawal or modification of any bid will not be accepted.

14.304 Late bids, late modifications of bids, or late withdrawal of bids.

14.304-1 General.

(a) The contracting officer shall make a determination as to whether a late bid or late modification is to be considered after coordination with the Office of Counsel.

14.304-90 Hand-carried bids.

If an offeror hand-carries a bid into the contracting office, Government personnel shall not handle the bid. The offeror shall be escorted to the date-time stamp machine, allowed to time and date stamp the envelope, then escorted to the bid depository and instructed to deposit the bid in the designated container.

SUBPART 14.4 - OPENING OF BIDS AND AWARD OF CONTRACT

14.404 Rejection of bids.

14.404-1 Cancellation of invitation after opening.

(c) Cancellation of a sealed bid after bid opening must be approved by the Chief of the Contracting Office.

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14.405 Minor informalities or irregularities in bids.

A determination to either waive a deficiency or allow correction must be in writing, signed by the contracting officer, and approved by one level above the contracting officer.

14.407 Mistakes in bids.

14.407-2 Apparent clerical errors.

(b) Contracting officers shall make a written determination with respect to mistakes in bids and document the file accordingly. The DRMS Office of Counsel must review apparent clerical errors along with bid verification documents supplied by the offeror.

14.407-3 Other mistakes disclosed before award.

(e)(1) Requests for determination shall be forwarded to the DRMS Office of Counsel.

14.408 Award

14.408-2 Responsible bidder - reasonableness of price.

The contracting officer shall ensure a formal price reasonableness determination is made based upon price analysis when a sole responsive bid is received and in other situations where the sealed bidding method may not have resulted in adequate price competition.

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PART 15

CONTRACTING BY NEGOTIATION

SUBPART 15.2 - SOLICITATION AND RECEIPT OF PROPOSALS AND QUOTATIONS

15.204-2 Part I - The Schedule

15.204-2(a)(2)(iv) RFPs and RFQs shall have a closing time established of 4:30 p.m. local time. The date and time of receipt shall be marked on each proposal or quotation; marking of the outside envelope does not meet this requirement.

15.207(b) Handling Proposals and Information

It is the contracting officer's responsibility to provide the following guidance to all personnel, such as acquisition team members, evaluation committee members, program managers, project managers, etc., who will have access to procurement sensitive information. This guidance shall be provided prior to any such personnel being given access to procurement sensitive information.

15.210 Forms.

An abstract of offers shall be prepared using the SF 1409, "Abstract of Offers" or a similar computer generated document, for all applicable contract actions.

SUBPART 15.3 - SOURCE SELECTION

15.303 Responsibilities

Unless otherwise formally designated in writing by the Chief of the Contracting Office pursuant to DLAD 4105.1, Subpart 15.303, for a particular acquisition or class of acquisitions, the contracting officer shall be the source selection authority for all solicitations originated by DRMS-P.

15.304 Evaluation factors and significant subfactors.

(a) Pursuant to DLAD 4105.1, Subpart 15.605(b)(1)(90), in small business set-asides and overseas procurements that contain FAR 52.219-8, 52.219-9 and a past performance

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evaluation factor, the requirement to include an offeror's socioeconomic proposal as an evaluation criterion is hereby waived.

(b) The requirement to include an evaluation factor for Javitz-Wagner-O'Day (JWOD) entities in solicitations for hazardous waste transportation and disposal services and precious metals recovery services is hereby waived.

15.307 Exchanges with offerors after receipt of proposals.

(d) Contracting officers may reopen discussions after receipt of Final Proposal Revisions (FPRs), only with the written approval of the Chief of the Contracting Office. Contracting officers shall provide a copy of this approval to DRMS-POP. DRMS-POP shall submit the annual report required by DLAD 15.611(c)(ii).

SUBPART 15.4 - CONTRACT PRICING

15.406-1 Prenegotiation objectives.

(b)(91). Prior to the beginning of any contract or contract modification price negotiation over the simplified acquisition threshold, a prenegotiation briefing shall be presented to the Chief of the Contracting Office. The prenegotiation briefing memorandum shall be prepared for the approval of the Chief of the Contracting Office within 3 working days after the prenegotiation briefing.

15.406-3 Documenting the negotiation

(a) Contracting officers are responsible for ensuring that the price analyst receives a copy of the price negotiation memorandum along with all attachments thereto.

SUBPART 15.6 - UNSOLICITED PROPOSALS

15.602 Policy.

DRMS personnel shall follow the instructions provided in DRMS-I 4105.1, "Unsolicited Proposals." Unsolicited proposals affecting the DRMS-I will be reviewed by DRMS-PHO. A copy of the DRMS-PHO reply will be provided to DRMS-POP.

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PART 16

TYPES OF CONTRACTS

16.505 Ordering

The DRMS Competition Advocate shall act as the activity task and delivery order ombudsman pursuant to FAR 16.505(b)(6). The ombudsman shall attempt to resolve contractor complaints relative to the placement individual task and delivery orders at the local level.

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PART 17

SPECIAL CONTRACTING METHODS

SUBPART 17.2 - OPTIONS

17.203 Solicitations.

(a) Option periods which require performance at base period unit prices must be acknowledged by the offeror. Contract extensions of services are option periods and will be processed accordingly.

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PART 19

SMALL BUSINESS PROGRAMS

SUBPART 19.2 - POLICIES

19.201 General Policy.

(b)(90) The DRMS Special Assistant for Small Business shall be appointed by the Director, DLA-DDAS, and is responsible for the programs and reports required by DLAI 9100.1, DLA Office of Small and Disadvantaged Business Programs.

SUBPART 19.5 - SET ASIDES FOR SMALL BUSINESS

19.501 General.

(c) The contracting officer shall ensure a properly executed DD Form 2579, Small Business Coordination Record, is filed in the solicitation file prior to synopsis of any contract action. For any action greater than \$100,000, the Contracting Officer shall ensure DD Form 2579 is approved by the DRMS Special Assistant for Small Business. Actions not set aside for small business over \$10,000 require coordination with the DRMS Special Assistant for Small Business before taking any contracting action.

19.508 - Solicitation Provisions and Contract Clauses

(e) Contracting officers shall ensure compliance with FAR 52.219-14, "Limitations on Subcontracting." In the case of service contracts, the offeror must perform at least 50 percent of the contract costs incurred for personnel with its own employees. Contract costs are defined as all allowable direct and indirect costs allocable to the contract, exclusive of any profit or fee. Costs incurred for personnel are defined as all allowable direct labor and indirect labor (where the indirect labor utilizes direct labor as its allocation base). Expressed mathematically, the equation is: direct labor + indirect labor + G&A rate {direct labor + indirect labor} = offeror personnel cost. The period of time used to determine compliance with this provision will be the anticipated period of performance stated in the solicitation. Work performed by subsidiaries or

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other affiliates of the offeror shall not be counted as being performed by the offeror. Compliance with FAR 52.219-14 is considered an element of responsibility and not a component of size eligibility.

SUBPART 19.8 - CONTRACTING WITH THE SMALL BUSINESS
ADMINISTRATION (SBA) (THE 8(a) PROGRAM)

19.807 Estimating the fair market price.

(b) The Fair Market Price (FMP) shall be estimated by the contracting officer prior to deciding whether to compete the requirement among 8(a) firms or set aside the requirement to a single 8(a) firm.

SUBPART 19.90 - DLA MENTORING BUSINESS AGREEMENTS (MBA)
PROGRAM

19.9002 Applicability.

Decisions not to include the MBA program in contracts exceeding \$500,000 per year shall be reviewed by the DRMS Special Assistant for Small Business prior to forwarding to the Chief of the Contracting Office for approval.

19.9003 General.

(b) Concept of operations.

(iv) If a contract is awarded to a firm who included a MBA program in their proposal, a copy of the contract and the offeror's proposed program shall be provided to the Special Assistant for Small Business.

19.9004 Oversight and reporting.

(a) The contracting officer shall include a requirement in the solicitation and contract requiring semi-annual reporting.

(b) Personnel becoming aware of an impending agreement shall notify the DRMS Special Assistant for Small Business to allow notification to DLA.

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(c) The DRMS Special Assistant for Small Business is responsible for coordinating the review required by DLAD 19.9004(c) and the report required by DLAD 19.9007.

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PART 23

ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

SUBPART 23.5 - DRUG FREE WORKPLACE

23.570-4 Contract clause.

All solicitations for hazardous waste disposal and for precious metal recovery shall contain the clause prescribed at DFARS 223.570-4.

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PART 24

PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 24.2 - FREEDOM OF INFORMATION ACT

24.202 Policy.

(a) Requests from the public for information under the Freedom of Information Act (FOIA) must be submitted in writing to the FOIA Officer, Defense Logistics Information Service, 74 N. Washington Avenue, Suite 7, Battle Creek, MI 49017-3084. FOIA requests may also be submitted using the hyperlink available on the DRMS worldwide web Internet homepage or via e-mail to foimail@dlis.dla.mil.

(b) DRMS-POP is responsible for processing FOIA requests pertaining to DRMS procurement contracting. Contracting officers shall respond to routine requests from individuals or business entities for information, such as apparent low bidder, status requests, questions regarding a solicitation, request for bidders mailing list, or bid abstracts.

(c) In processing FOIA requests, DRMS-POP shall obtain the information necessary from the appropriate contracting component, DRMS Form 1907, Request Form for FOIA Actions, or request the information telephonically and confirm with electronic mail. All requested information shall be provided to DRMS-POP. DRMS-POP shall take the following action:

(1) Coordinate unique actions with the contracting officer prior to the release of information.

(2) Coordinate total or partial denials with the Office of Counsel prior to forwarding to the Commander, DRMS for signature.

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PART 28

BONDS AND INSURANCE

SUBPART 28.103 - BONDS

28.103 Performance and payment bonds for other than construction contracts.

28.103-1 General

(a) Requests for authorization to require performance and payment bonds for contracts other than construction must be coordinated with DRMS Office of Counsel.

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PART 32

CONTRACT FINANCING

SUBPART 32.7 -CONTRACT FUNDING

32.703 Contract financing payments.

32.703-2 Contracts conditioned upon the availability of funds.

Prior to beginning any action, the contracting officer shall submit the required information to HQ DLA, ATTN: J-33 (DLA-PPP), through DRMS-P, for requests to initiate a solicitation prior to the availability of current year funds.

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PART 33

PROTESTS, DISPUTES, AND APPEALS

SUBPART 33.1 - PROTESTS

33.103 Protests to the Agency.

33.103(c) Protests Filed with the Contracting Officer

(i) If a protest is filed with the contracting officer, the following procedures shall be followed:

(a) A copy of the protest shall be provided to DRMS-POP and the Office of Counsel.

(b) A memorandum for the record shall be prepared and signed by the contracting officer, documenting the reasons for the action taken.

(c) Responses to the protest shall be reviewed by the Office of Counsel and coordinated and approved by the Chief of the Contracting Office.

(d) A signed copy of the final decision on the protest shall be provided to DRMS-POP.

33.103(c)(91) DRMS-POP is responsible for collecting information concerning protests to the contracting officer and Agency level potests for all of DRMS-P.

33.103(d) Agency Level Protests

(a) Reference DLSC-P PROCLTR 99-12, dated October 5, 1999, if an agency level protest is filed, the following procedures shall be followed:

(a) The contracting officer shall provide a copy of the protest to DRMS-P, DRMS-POP, and the Office of Counsel.

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(b) The contracting officer shall submit the following to the Chief of the Contracting Office.

(i) The agency level protest received from the offeror with all of the supporting documentation.

(ii) The solicitation or contract file in dispute.

(iii) A memorandum for the record, signed by the contracting officer, expressing the reasons for the actions taken and the contracting officer's recommendation on how to respond to the agency protest.

(c) The Chief of the Contracting Office shall:

(i) Review the information submitted by the contracting officer.

(ii) Decide if additional input from the protester or the contracting officer is required.

(iii) Prepare a response to the agency protest.

(iv) After review of the protest and the proposed response by the Office of Counsel, decide in accordance with DLAD 33.103(C) whether the Chief of the Contracting Office or the Executive Director of DRMS will be the decision maker on the agency protest.

(v) If the Chief of the Contracting Office is the decision maker, sign the agency protest decision document.

(vi) If the Executive Director of DRMS is the decision maker, forward the file for approval and signature.

(d) Once the agency protest decision document is signed, the contracting officer is responsible for proper distribution, including, but not limited to, the protester and DRMS-POP.

33.104 Protests to GAO.

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(a) General Procedures.

A copy of the protest and the GAO decision document shall be provided to DRMS-POP and the Office of Counsel. After review by the Office of Counsel, if the decision is made to award or to continue performance, the notice to the protester and other interested parties shall be sent out within 1 working day. Any authorization to proceed with contract performance notwithstanding protest must be reviewed by the Office of Counsel.

SUBPART 33.2 - DISPUTES AND APPEALS

33.204 Policy.

(a) Contractors are required to submit adequate documentation to support their request. Contractors are required to certify requests for equitable adjustment (REAs), and claims at a specific dollar values. If a request or claim is either incomplete or not certified, then one written request for additional information, with a short response time, shall be extended to the contractor. A final decision on a claim shall be rendered within the timeframes established in FAR 33.211(c)(2) (60 calendar days after receipt). REAs shall be completed and a formal response provided within 60 calendar days after receipt. If a formal response within 60 calendar days is not possible, then the contracting officer shall brief the division chief. In such cases, the contractor shall be provided with a formal interim response and given a date by which a decision will be rendered.

(b) The contracting officer shall determine, subject to the approval of the division chief, the timing and manner of informing customers of their potential financial responsibility related to such REAs and claims.

(c) All REAs valued at \$25,000 or more, and all claims regardless of dollar value for hazardous waste disposal service contracts, shall be presented to the contract review board (CRB) no less than 10 working days prior to the final decision deadline.

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(d) Contract dispute files, which require CRB review, shall contain, at a minimum, the following information:

(1) A memorandum for the record (MFR) that clearly delineates the facts of the dispute and the basis for the contracting officer's final decision. This MFR shall contain a summary of each element of the dispute and the rationale supporting the contracting officer's recommendation on each element.

(2) The contractor's dispute and certification, if applicable.

(3) Copies of the delivery/task order(s), purchase order, contract, or modifications, as appropriate.

(4) Copies of counsel's review and the program office recommendations.

(5) Copies of the response received from the generator or user regarding the dispute.

(6) Any other applicable documentation (waste profile sheets, laboratory analysis, etc.).

33.209 Suspected fraudulent claims.

Any suspected fraudulent claim shall be referred to the DRMS fraud counsel.

33.212 Contracting officer's duties upon appeal.

When a notice of appeal is received, a copy shall be forwarded to DRMS-POP and the Office of Counsel. The contracting officer is responsible for retention of the original files until the appeal is resolved. The attorney assigned to handle the appeal shall be the focal point for all communications and correspondence pertaining to the case. The contracting officer is responsible for providing data, documentation information, and other support to the Office of Counsel for use on an appeal.

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PART 37

SERVICE CONTRACTING

SUBPART 37.1 - SERVICE CONTRACTS - GENERAL

37.102 Policy.

(a) DRMS service contract solicitations may include a provision encouraging site visits by prospective offerors.

(b) If the solicitation allows site visits, the solicitation should require firms to schedule such a visit, in advance, with the point of contact (POC) listed in the solicitation.

(c) All potential offerors must be provided the same information during a site visit.

(d) Government personnel must use good judgment regarding how long or comprehensive a site visit should be. The following are facts the POC must be aware of (the contracting officer is responsible for ensuring each POC is informed):

1. The contracting officer is the only individual authorized to change a solicitation.

2. No requirements other than the solicitation requirements shall be discussed.

3. Any request for information or the release of documentation other than as authorized by this subpart, shall be referred to the contracting officer for action.

4. The offeror should be shown the DRMO/base/facility including warehouses, loading docks, scales, and other work areas outlined in the solicitation.

5. If the solicitation is for hazardous waste disposal, a visit should include the operational process that generates the waste. Samples of typical material may be shown. At no time will contractors be allowed to copy contracts, orders or collection summary reports. Any proprietary information or

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information protected by the Privacy Act must be deleted from profile sheets or manifests before release.

37.107 Service Contract Act of 1965.

Each file for services over \$2500 shall contain the Department of Labor (DoL) wage determination or the DoL statement that no wage determination exists. If the Service Contract Act does not apply to the services being acquired, the contracting officer shall document the file accordingly.

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PART 39

ACQUISITION OF INFORMATION RESOURCES

39.7407-2 Communication Services Authorizations (CSAs).

DRMS-PO is the contracting element responsible for signing CSAs.

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PART 42

CONTRACT ADMINISTRATION

SUBPART 42.2 - ASSIGNMENT OF CONTRACT ADMINISTRATION

42.202 Assignment of contract administration.

Post award contract administration of contracts for the recovery of precious metals shall be assigned to the cognizant Defense Contract Management Agency (DCMA) office. Post award contract administration for contracts acquiring base supplies or services, A-76 commercial activities, or enterprise management initiatives shall be performed by DRMS-PO. Exceptions may be made on a case-by-case basis.

42.204 Supporting contract administration.

(a)(90) DRMS contracts or modifications containing a small business subcontracting plan shall be delegated to DCMA for administration of the subcontracting plan. Contracting officers are responsible for ensuring subcontracting plans for offerors retained within the competitive range are acceptable prior to the time of requesting final proposal revisions.

SUBPART 42.3 - CONTRACT ADMINISTRATION FUNCTIONS

42.302 Contract administration functions.

(a)(65) Accomplish administrative close out procedures.

(i) All boxes containing files for transmittal to the Federal Records Center shall be full and contain only one contract. Exceptions to the full box rule will be granted only for those files that completely close out a single contract.

(ii) All delivery order/task order files shall contain a signed and dated DD Form 1594. Ensure all excess funds are deobligated via contract modification prior to executing DD Form 1594. The date on this form shall be the date of the latest dated document in the file.

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SUBPART 42.5 - POSTAWARD ORIENTATION

42.503-2 Post Award Orientation Conference (PAOC) procedures.

As a general practice, a pre-PAOC meeting with all affected Government personnel will be held before the formal PAOC. Attendance by customers at the Government only pre-PAOC meeting is to be encouraged. Attendance at the pre-PAOC meeting by contractor personnel is prohibited. The DRMS-P contract specialist is responsible for ensuring all unique features of a contract are communicated. The contracting officer or contract specialist conducting this conference shall make a memorandum for record in a timely manner, following the pre-PAOC meeting. This memorandum shall be distributed to all attendees and the original filed in the official contract file.

42.503-3 Post Award conference report.

(a) DFARS 242.503-3 states DD Form 1484, Post Award Conference Record, may be used for reporting the results of the PAOC. The DD Form 1484 allows for the flexibility to structure a PAOC to fit DRMS contracts. Plain bond paper may be used to record narrative remarks. Narrative remarks must reference back to the corresponding sections of the DD Form 1484.

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PART 46

QUALITY ASSURANCE

SUBPART 46.1 - GENERAL

46.101 Definitions.

The DLAD defines a nonconformance as a departure from the requirements specified in the contract, specification, drawing, or other approved product description. DRMS further categorizes non-conformances as either "major" or "minor" in type. A major nonconformance is defined as a nonconformance which adversely affects any of the following: health; safety; performance; interchangeability; reliability; maintainability; effective use or operation; weight; appearance (when appearance is a factor), or any other basic objective of the specification. A minor non-conformance is defined as a non-conformance, which does not adversely affect any of the factors listed above under the definition of major non-conformance.

46.103 Contracting office responsibilities.

(91) Contract Data Package Recommendations/Deficiency Report (DD Form 1716).

DRMS-POP is the control point for Contract Data Package Recommendations/Deficiency Reports.

SUBPART 46.4 - GOVERNMENT CONTRACT QUALITY ASSURANCE

46.407 Nonconforming supplies or services.

(d)(1) Major non-conformances. Only a contracting officer may authorize the acceptance of major non-conformances. The contracting officer will ordinarily reject supplies or services that contain one or more major non-conformances. There may be circumstances when acceptance of such supplies or services is determined by the contracting officer to be in the best interest of the Government. Each delivery order or task order under which nonconforming supplies or services are accepted shall be reviewed and modified to provide equitable price reduction or other form of

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consideration. The contracting officer shall make such a determination based on the following inputs:

- (i) Advice from the cognizant technical office.
- (ii) Detailed information regarding the scope and magnitude of the nonconformance.
- (iii) A recommendation from the contracting officer, with supporting rationale for any contract adjustment considered appropriate, including any consideration offered by the contractor.
- (iv) The contracting officer shall furnish this data through the branch chief to the division chief for review and approval prior to executing a modification accepting non-conforming supplies or services.

(2) Minor non-conformances. If the nonconformance is minor, the contracting officer will make the determination to accept or reject such minor non-conformance on behalf of the Government.

(3) When repetitive minor non-conformances or a single major non-conformance occurs, the contracting officer shall review the contractor's quality control plan for adequacy. If necessary, the contractor shall be required to revise the plan to ensure all requirements of the contract are being accomplished in an acceptable manner.

(4) The contracting officer shall review the proposed contract quality assurance requirements to ensure the adequacy and completeness prior to inclusion in solicitations and contract awards.

SUBPART 46.5 - ACCEPTANCE

46.502 Responsibility for acceptance.

The contracting officer is responsible for acceptance of services. The contracting officer may delegate this responsibility to qualified Government employees. Each document shall clearly indicate the types and corresponding quantities of services being accepted. Copies of the

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acceptance document shall be forwarded to both the contractor and the payment office.

For items of supply received at the Battle Creek Federal Center, the point of contact listed in the purchase order shall perform inspection and acceptance for the Government. The Battle Creek Federal Center facilities contractor is responsible for data inputting into the Base Operating Support System (BOSS) items of supply received, inspected and accepted by the Government.

SUBPART 46.7 - WARRANTIES

46.709 Warranties of commercial items.

For items of supply where an entity offers its standard commercial warranty, request a copy of the commercial warranty be provided with the offeror's response to the request for quotation. Incorporate the commercial warranty into any resulting purchase order either as an attachment to the purchase order or by reference in the Schedule. File the standard commercial warranty in the purchase order file. Ensure information technology items of supply are Year 2000 (Y2K) compliant.

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PART 49

TERMINATION OF CONTRACTS

SUBPART 49.1 - GENERAL PRINCIPLES

49.101 Authorities and responsibilities.

(a)(1) The contracting officer shall forward a summary of events and submit a recommendation for termination through the branch chief to the division chief. Documentation supporting the recommendation will be presented to the Contract Review Board (CRB) for review prior to taking any formal termination action. Terminations for convenience of purchase orders, delivery orders or task orders under the simplified acquisition threshold are specifically excluded from CRB review, except as otherwise provided elsewhere in this directive.

(2) Copies of the following documentation, tabbed and indexed, must be provided to the CRB, as applicable:

(i) Cure Notices or Show Cause Notices and the contractor's response thereto, as well as the contracting officer's determination regarding the contractor's response.

(ii) Pertinent delivery orders or task orders, modifications, and tracking documentation.

(iii) Any other pertinent background documentation.

SUBPART 49.4 - TERMINATION FOR DEFAULT

49.402 Termination of fixed-price contracts for default.

49.402-6 Procedure for default.

(90) DLAD Clause 52.249-9000, Administrative Costs of Reprocurement After Default will be included in all solicitations and contracts over the simplified acquisition threshold. The sum of \$500 will be included for administrative costs. Use of the clause is optional for actions under the simplified acquisition threshold.

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PART 52

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

SUBPART 52.2 - TEXTS OF PROVISIONS AND CLAUSES

52.200 Scope of Subpart

The full text of current DRMS solicitation provisions and contract clauses can be found at the following Internet address <http://www.drms.dla.mil>.

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PART 53

FORMS

SUBPART 51.1 - GENERAL

53.107 Obtaining forms.

DRMS forms can be obtained via written request to the contracting officer. The following DRMS forms are used in DRMS acquisitions:

DRMS 1729 "Collection Summary Report" APR 2000
DRMS 1757 "Distribution Checklist for Contract Documents" MAR
99
DRMS 1761 "Blanket Purchase Agreement Call Number Log" JUL 98
DRMS 1768 "Maintenance and Repair Work Order Log" AUG 98
DRMS 1797 "Technical Evaluation" JUN 98
DRMS 1806 "Contract Review Checklist" NOV 96
DRMS 1900 "Contracting Officer's Representative Review and
Evaluation" JUN 96
DRMS 1901 "Settlement Summary" JUN 98
DRMS 1902 "Simplified Acquisition Pricing Memorandum" NOV 96
DRMS 1931 "Acquisition Plan" JUL 96

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PART 90

SUPPLEMENTAL PROCEDURES

SUBPART 90.2 - TRAINING

90.201 Training of contracting personnel.

(a) DRMS-POP is the focal point for all DoD mandatory acquisition training.

(b) All requests for training to be reimbursed or paid by the Government shall be forwarded to DRMS-POP for review and funding prior to approval.

SUBPART 90.5 - CONTRACT REVIEW REQUIREMENTS

90.501 Checklists.

The DRMS Form 1806, Contract Review Checklist, shall be used to review all newly awarded contracts in excess of the simplified acquisition threshold. Execution of DRMS Form 1806 shall be accomplished within 3 working days after contract award. Place a copy of the completed DRMS Form 1806 in the official contract file.

SUBPART 90.6 - GUIDANCE FOR CONTRACTING OFFICER'S REPRESENTATIVES (CORs) AND CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVES (COTRs)

90.601 General.

Supervisors have the authority to rate an employee's performance, including duties as representative of a contracting officer. To facilitate proper monitoring of employee performance, contracting officers shall make available to the cognizant supervisor copies of the activity file for each COR, by the first day of the month in which performance appraisals are due, and the first day of the month in which midyear performance appraisals are due. The contracting officer shall notify the supervisor of the availability of this file 30 calendar days prior to the date stated for availability. For each rating period, noteworthy

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accomplishments or problems will be duly noted in the COR activity file.

90.602-3 Designation of the COR/COTR.

Outlined below is the training required for CORs and COTRs. Hazardous waste disposal service CORs must successfully complete all training prior to appointment, with the exception of the RCRA course. Training waivers will be considered on a case-by-case basis and shall contain sufficient justification. The cognizant DRMS-P division chief has the authority to grant these waivers. CORs duties delegated will be limited to those specifically related to training successfully completed.

1. Safety and Health for Handlers of HM/HW (applies only to hazardous disposal CORs).

2. Resource Conservation and Recovery Act (RCRA) Facility Compliance (must be completed within 6 months of appointment in accordance with 40 CFR 215-16)(applies only to hazardous disposal CORs).

3. Transportation of Hazardous Material/Hazardous Waste for the Department of Defense (applies only to hazardous disposal CORs).

4. Contracting Officer Representative Course (All CORs and COTRs).

(b) In order to continue eligibility as a COR under hazardous waste disposal service contracts, CORs are required to complete the RCRA and Occupational Safety and Health Act (OSHA) refresher training annually. CORs shall update their skills by successfully completing the refresher COR and DOT courses at least once every 3 years. Initial OSHA and RCRA training are provided in the courses listed above.

90.602-4 Responsibilities of the COR.

(c) Specific responsibilities will be outlined in the COR appointment letter. COR training shall be commensurate with the level of duties. Full COR duties are specified below.

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Partial COR duties may include some of the duties listed below and will be determined on a case-by-case basis. The following is a list of duties for hazardous waste disposal service CORs.

COR DUTIES AND REQUIRED HAZARDOUS WASTE (HW) TRAINING FOR HW
COR
APPOINTMENT

HW COR DUTIES

1. Read and understand DoDD 5500.7, Standards of Conduct.
2. Maintain an official COR file in accordance with DLAD 4105.1, Subpart 90.603-2.
3. Take care when placing calls to the contractor. You must:
 - a. Make a written record of the conversation.
 - b. Record the date, the contractor representative name, and telephone number.
 - c. Clearly state to the contractor representative that the purpose of the call is to gather or provide information. Make it clear that only the contracting officer can commit the Government to changes in the pick up schedule or any part of the contract.
4. Report delinquent performance to the contracting officer on the first day of the delinquency.
5. Read and maintain a copy of the contract together with contract modifications that may be issued. Become thoroughly familiar with the terms and conditions.
6. Assure that changes in work under the contract are not implemented without written authorization or contract modification from the contracting officer.
7. Report any instances of suspected conflict of interest, fraud, waste, and abuse to the contracting officer.

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8. Keep the contracting officer informed of your communications with the contractor in order to prevent possible misunderstandings or situations that could become a basis for future claims against the Government.
9. Formally notify the contracting officer of needed changes in the scope of the work in the contract.
10. Notify the installation emergency spill control team when work is scheduled to begin under the contract. If there is no emergency spill control team, notify the DRMS National Command.
11. In the event of a spill, notify the installation safety and spill team officials followed by the contracting officer, then the DRMS National Command. Clean up of any spill is the responsibility of the contractor. If, however, any Government assistance must be rendered, itemize all Government personnel and equipment used.
12. Report apparent violations of the contract to the contracting officer. Do not unduly interfere with or delay the proper operations of the contractor.
13. Determine, in conjunction with the contracting officer, the level of surveillance necessary to safeguard the Government's interest throughout the period of pick up and until all property on the contract task order has been properly removed. The following areas should be reviewed in determining whether to perform less than 100% surveillance of a hazardous waste disposal contractor that is performing on Government facilities:
 - a. Should surveillance be conducted on-site or for off-site locations?
 - b. Would the generator be willing to monitor/conduct surveillance of the contractor's performance?
 - c. What is the generator's skill level, including

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regulatory and contractual knowledge, ability to review applicable documentation for accuracy, ability to process paperwork, etc.

d. Complexity of the contract; i.e., number and variety of management services requirements, number and variety of containers and waste involved, etc.

e. What specific coordination requirements are necessary for the COR?

f. Experience level of the contractor.

g. Training requirements.

14. Allow the contractor to begin work only when he has available the necessary equipment, including personal protective equipment, when required and personnel for loading. The contractor will furnish all equipment and personnel to load. If you believe there to be an exception, contact the contracting officer for a determination. In addition, the contractor must be equipped to deal with spills during pick-ups and while transporting (absorbent material, pumps, tie-downs, etc.).

15. Monitor the contractor's performance during performance to the extent necessary to assure compliance with all technical requirements of the contract.

16. Advise the contractor to submit requests for changes in writing to the contracting officer.

17. Formally notify the contracting officer if performance is not proceeding satisfactorily or if problems are anticipated. Recommend remedial action alternatives to the contracting officer.

18. Review the pick up report for accuracy after the contractor completes it. Be sure to carefully check the following entries:

a. The name and EPA ID number of each transporter. A real-time list of approved transporters is found on the DRMS Homepage of the Internet. If there are any deviations from

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the contract, do not release the material. Notify the contracting officer.

b. The name, address, and EPA ID number of each designated disposal facility. A real-time list of approved disposal facilities is found on the DRMS Homepage of the Internet. If there are any deviations from the contract, do not release the material. Notify the contracting officer.

c. The quantity of each CLIN picked up (column 13). If the actual quantity exceeds the quantity stated on the delivery order, do not release the material. Notify the contracting officer.

19. Ensure there is an adequate work area available to the contractor to prepare the property for shipment. This may include re-containerization, draining, sealing, etc.

20. In the presence of the contractor, inspect and verify all work areas, vehicles, equipment, etc., are free of spills, leaks, or debris before work begins.

21. Ensure all property specified in the contract and task order for removal is properly identified and is accessible.

22. Submit a completed Collection Summary Report, DRMS Form 1729, and pick up report within 72 hours of any pick up, complete or partial.

a. Report all unacceptable services. If the work is deemed unsatisfactory, report the deficiencies to the contracting officer on the collection summary report. The contracting officer will determine what further action is required.

b. Report all acceptable services. Provide written notification to the contracting officer when the contractual requirements have been fulfilled and the services are acceptable. The evaluation of the contractor performance shall be documented on the Collection Summary Report.

23. Provide technical interpretation of the contract requirements. It is imperative the COR have a thorough understanding of the requirements of the contract. It may

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become necessary to provide technical interpretation to the contractor for some portion of the work. Any technical assistance given to the contractor should be documented in the contract file. For significant matters, the information shall be provided to the contractor in writing. You must notify the contracting officer immediately if the contractor disagrees with, or refuses to comply with any technical aspects of the contract as interpreted by the COR. The contracting officer shall provide final resolution in cases of disagreement.

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SUBPART 90.8 - UNDEFINITIZED CONTRACTUAL ACTIONS REPORT

90.801 Reporting requirements.

DRMS-POP will prepare the Undefinitized Contractual Actions Report required by DLAD 4105.1, Subpart 90.801 and forward it to HQ, DLA/J-33 (DLSC-PPP) within 10 calendar days of the month following each reporting period (March 31 and September 30). Contracting elements shall submit the required information to DRMS-POP within 2 calendar days following the end of each reporting period.

SUBPART 90.9 - UPDATING SMALL DISADVANTAGED BUSINESS STATUS AND WOMEN-OWNED BUSINESS STATUS IN THE DD FORM 350 DCARS CAGE FILE.

90.901 Reporting requirement.

If applicable, when corrections are necessary, procurement technicians shall prepare the corrective reports in the format outlined in DLAD 4105.1, Subpart 90.902. The completed report shall be signed by the contracting officer and the DRMS Small Business Specialist prior to release.