

# **PART 1 -- FEDERAL ACQUISITION REGULATIONS SYSTEM**

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## **SUBPART 1.1 -- PURPOSE, AUTHORITY, ISSUANCE**

### **1.101 Purpose.**

The Defense Information Systems Agency (DISA) Acquisition Regulation Supplement (DARS) establishes uniform DISA policies implementing and supplementing the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), Title 10 of the United States Code (U.S.C.) and other statutory authority, and applicable Department of Defense (DoD) directives and instructions. The DARS is not a “stand alone” document and must be read in conjunction with the preceding guidance.

### **201.104 Applicability.**

The DARS applies to all acquisitions processed or managed by DISA, except where expressly excluded. Policies/procedures of non-DISA mission partners are acceptable as long as they comply with applicable laws and regulations. For example: Requirements office generated documents (acquisition plans, justifications and approvals, etc.) need not be in the DISA format, contain DISA supplemental information, etc.

DARS policies requiring DISA requirements offices to report to the Director would not be enforced on external mission partners.

### **201.105-3 Copies.**

Copies of the DARS and associated acquisition policies and procedures are available electronically via the DISA Acquisition Policy and Guidance web site: <http://www.ditco.disa.mil/hq/aqinfo.asp>.

### **201.170 Peer Reviews / Independent Management Reviews.**

(a) *DoD peer reviews.*

(1)(i) *Competitive acquisitions valued at \$1 billion or more.* Per Class Deviation 2019-O0010, peer reviews for competitive procurements above \$1 billion, as required by DFARS 201.170(a)(1)(i), are no longer required except for procurements of major defense acquisition programs for which the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) is the milestone decision authority and USD(A&S) special interest programs. See [http://www.acq.osd.mil/dpap/cpic/cp/peer\\_reviews.html](http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html) for additional information on the OSD/DPC (Defense Pricing and Contracting) Peer Review program. Peer reviews and team members will be appointed by DPC. All peer review documentation prepared for DPC-level reviews shall be coordinated with the cognizant Head of the Contracting Office (HCO) and Chief of the Contracting Office (CoCO), and forwarded to PL22 for transmission to DPC.

(ii) *Noncompetitive acquisitions valued at \$500 million or more.* Peer Review of DISA noncompetitive procurements valued at \$500 million or more shall be conducted in accordance with

DFARS 201.170(a).

\* Note: If a procurement is solicited as competitive and only one proposal is received, for peer reviews, the procurement moves to a single source environment.

(b) *Component (DISA) peer reviews.*

(i) *Competitive acquisitions valued at \$500 million or more.* The DISA Contracting Peer Review Program/Independent Management Review for Acquisition of Services establishes policy and procedures for conducting Peer Reviews of all solicitations, and contracts with a total estimated contract value (including options) of \$500 million or more, for competitive acquisitions of Acquisition of Services only. Communication Service Authorizations (CSAs) issued using the DISA streamlined Inquiry/Quote/ Order (IQO) process or issued against an indefinite delivery type contract are excluded.

(ii) *Acquisitions valued below \$500 million.* CoCOs are encouraged to request inter-DITCO and intra-DITCO pre-solicitation peer reviews below \$500M. Inter-DITCO peer reviews will be managed by PL2. Intra-DITCO peer reviews will be managed by the respective CoCO and results will be provided to PL2 (for tracking the conduct of the review and trends).

(S-90) *Peer Review Timelines/Procurement Action Lead Times (PALTs).* During the development of an acquisition plan and/or acquisition strategy, contracting officers (KOs) shall take into account the requirement for scheduling and conducting a Peer Review in accordance with this section. DISA level peer reviews will be accomplished in four (4) business days. The time required for each DISA Peer Review is reflected in the approved PALT times for each contract vehicle and evaluation type ([https://www.ditco.disa.mil/contracts/IT\\_instruct.asp](https://www.ditco.disa.mil/contracts/IT_instruct.asp)). DISA level peer reviews shall be conducted in conjunction with compliance and legal reviews IAW DARS 1.9000.

(S-91) *Objective.* The objective of the DISA Contracting Peer Review/Independent Management Review Program is to (1) ensure that contracting officer across the Procurement Services Directorate (PSD) are implementing law, policy and regulations in a consistent and accurate manner; (2) improve the quality of acquisition and contracting processes across DISA; and (3) share best practices and lessons learned. The findings and recommendations of the peer reviews/independent management reviews are advisory in nature, providing supplemental information to the contracting officer regarding acquisition strategy, contract structure, format, content and compliance. DISA Contracting Peer Review/Independent Management Review Program procedures are established in accordance with OSD Memorandum, Peer Reviews of Contracts for Supplies and Services, dated September 29, 2008, at [http://www.acq.osd.mil/dpap/cpic/cp/peer\\_reviews.html](http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html).

(1) **Pre-award Peer Reviews** of solicitations shall be conducted for competitive services (\$250M or above, but less than \$1B) prior to issuance of the solicitation (pre-solicitation).

(2) **Independent Management Reviews** of contracts for services shall be conducted at the following decision points:

(i) Mid-point of the initial (base) performance period if in excess of three years; and

(ii) Prior to exercising the first option period of performance and every other option period.

*All peer review/independent management review documentation shall be marked as "Source Selection Information - see FAR 2.101 and 3.104".*

(S-92) *Procedures*. The DISA Peer Review/Independent Management Review procedures are located at <https://www.ditco.disa.mil/hq/peerreview.asp>.

(S-93) *Waivers*. If critical mission performance circumstances necessitate the request of a waiver, a “Request for Peer Review/Independent Management Review Waiver” (<https://www.ditco.disa.mil/hq/peerreview.asp>) memorandum shall be prepared by the cognizant contracting officer, coordinated through the CoCO and HCO, and submitted to the PL22 Peer Review/Independent Management Review Program Coordinator. The Peer Review/Independent Management Review Coordinator will coordinate with the PL22 Branch Chief and the appropriate waiver approval authority. Waivers shall be in the same format as the Request for Peer Review/Independent Management Review, with subject line modified to read, “Request for Waiver of Peer Review/Independent Management Review for (name of program/project/service)”, and shall include a brief explanation as to why a waiver is necessary. Waiver requests shall be approved prior to proceeding with a procurement action without a peer review/independent management review, and may only be approved by the HCA for competitive procurements. For noncompetitive procurements valued over \$500 million, waivers must be coordinated through the HCA, and forwarded to OSD/DPC for approval.

## **SUBPART 1.2 – ADMINISTRATION**

### **1.201-1 The two councils.**

(S-90) All FAR, DFARS, and DARS policy and procedures change requests to include template, checklist, and corporate library shall be requested through the PL21 Policy and Procedures Mailbox, [disa.meade.PLD.mbx.pl21-policy-branch@mail.mil](mailto:disa.meade.PLD.mbx.pl21-policy-branch@mail.mil). The subject of the email shall provide the FAR, DFARS, or DARS section, Template Name, Checklist Name, or Corporate Library and identify if the change is Critical or Administrative.

### **201.201-70 Maintenance of Procedures, Guidance, and Information.**

(S-90) The DISA Procurement Services Directorate, PL21 Policy and Procedures Branch, is responsible for maintenance of the DISA Acquisition Regulation Supplement (DARS), [DARS PGI](#), Deskbooks, Guides, and Templates.

## **SUBPART 1.3 – AGENCY ACQUISITION REGULATIONS**

### **201.301 Policy.**

The DARS will be numbered in accordance with the method prescribed in DFARS Subpart 201.3-Agency Acquisition Regulations.

### **201.303 Publication and codification.**

(a)(ii) To the extent practical all DARS text (whether implemental or supplemental) will be numbered as if it were implemented in accordance with DFARS Subpart 201.303-Publication and Codification. Supplemental numbering will only be used when the text cannot be integrated intelligibly with its FAR or DFARS counterpart. DARS supplements shall parallel the FAR and DFARS, with the exception that supplemental sections are numbered using 90 or (S-90). Parts, subparts, sections, or subsections are supplemented by the addition of a number of 90 and up. Lower divisions are supplemented by the addition of a number of (S-90) and up. DARS provisions or clauses use a four digit sequential number in the 9000 series, e.g., -9000, -9001, - 9002.

(iii) The table shown in DFARS Subpart 201.303(D), DFARS Numbering provides an example of the numbering system. Sample Table with DARS Numbering below

Table 1-1 DARS NUMBERING

FAR	DFARS Implements FAR As	DFARS Supplements FAR As	DARS Supplements DFARS As
19	219	219.70	219.70-90
19.5	219.5	219.570	219.570-90
19.501	219.501	219.501-70	219.501-70-90
19.501-1	219.501-1	219.501-1-70	219.501-1-70-90
19.501-1(a)	219.501-1(a)	219.501-1(a)(S-70)	219.501-19(a)(S-70)(S-90)
19.501-1(a)(1)	219.501-1(a)(1)	219.501-1(a)(1)(S-70)	219.501-1(a)(1)(S-70)(S-90)

(S-90) Sections under subparts will be enumerated using FAR or DFAR numbering conventions, depending on whether the FAR or DFAR is being implemented or supplemented.

### **201.304 Agency control and compliance procedures.**

(S-90) DISA PL21 shall review all DISA acquisition-related procedures (both mandatory/non-mandatory) that impact the Agency prior to implementation. The procedures are generally implemented as DISA Acquisition Templates, Samples, Guides, and Deskbooks and referenced in the appropriate part in the DARS. Appendix A contains a listing of all current templates, samples, guides, and deskbooks. DISA PL21 facilitates implementation of all DISA Acquisition Documents. DISA procurement -- acquisition policy and guidance can be found at <http://www.ditco.disa.mil/hq/aqinfo.asp>.

## **SUBPART 1.4 -- DEVIATIONS FROM THE FAR**

### **201.403 Individual Deviations.**

(S-90) Appendix B contains the approved DISA Clause Control Plan and shall be followed for approval of deviations and clauses other than those prescribed in the FAR and DFARS.

## **SUBPART 1.5 – AGENCY AND PUBLIC PARTICIPATION**

### **1.501-2 Opportunity for public comments.**

(S-90) Comments on proposed or interim rules published for public comment in the Federal

Register shall be submitted through DISA [PL21](#) (PL2) to the HCA.

## **SUBPART 1.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES**

### **201.602-2 Responsibilities.**

(S-90) *Policy.* The contracting officer shall designate, and manage CORs in accordance with the DoD and DISA COR Handbooks located at <https://www.ditco.disa.mil/hq/deskbooks.asp>. The authority to designate CORs shall not be further delegated.

(S-91) The contracting officer must designate the COR in the *Joint Appointment Module (JAM)* as part of the award process inserting DISA specific instructions as applicable. *The JAM module is located at <https://wawf.eb.mil/>. As part of the initial requirement package within the Joint Appointment Module (JAM), CORs can self-nominate themselves or the contracting officer can appoint a COR.*

(S-92) The HCA has determined in accordance with DFARS PGI 201.602-2(d)(v)(A) that a COR appointment is not necessary or required for noncomplex contracts awarded using simplified acquisition procedures as certified by the mission partner via the IT requirements checklist. Contracting officers will document their review of the IT requirements checklist on the appropriate contract file checklist. Contracting officers are relieved of the requirement to document each individual file for these types of requirements.

(S-93) *Contracting Officer responsibilities:*

(1) EDMS Tab 52 shall contain a copy of the approved designation letter from the JAM module.

(2) A *Technical Representative (TR)* is distinctly different from a COR. A TR is not authorized to perform contract administration functions and is generally located at a contractor's facility to provide program technical oversight. The program manager (see DARS Part 7 for definition) appoints the TR. See DFARS 242.74 for TR procedures.

### **1.602-3 Ratification of unauthorized commitments.**

(a) Definitions.

Ratifying Official, as used here means the Senior Procurement Executive, (SPE) or the Head of the Contracting Activity (HCA), as specified in (b)(2) below.

(b)(2) The ratifying official for all DISA unauthorized commitments (UC) of any dollar value and non-DISA UCs valued at or above \$1M is the SPE. The ratifying official for all non-DISA UCs valued below \$1M is the HCA. Coordination of the ratification request shall flow from the individual that made the unauthorized commitment as follows: 1) Cognizant contracting officer to prepare the Determination and Findings portion of the Ratification Approval Form, 2) General Counsel for a legal opinion, 3) DITCO HCO for review and concurrence and 4) PL22 for review and processing. PL22 will log the complete package into the PL22 Ratification Log, assign a tracking number, review the package to provide any findings or comments to the contracting officer, and coordinate the final package for submission to the ratifying official for approval. The CoCO will notify the HCA when an UC has occurred, to include Center/Directorate/Division and D-Code, individual who committed the UC, dollar value, and the general facts of the UC. The HCA will notify the cognizant

Center/Directorate SES(s).

(S-90) The individual that made the UC serves as the Action Officer for the ratification request and prepares the package using the PSD Request for Approval of Unauthorized Commitment Form, to include documents specified to be provided to develop a complete record of the UC, and prepares a DISA Form 9. If the UC was made by a non-DISA employee, then the Form 9 will be prepared by the contract specialist or contracting officer.

The Ratification Approval Form, Ratification Instructions, and DISA Form 9 are located in the [DARS PGI 1.602-3](#).

(S-91) Timelines for Processing Ratification Packages:

(1) Ratification packages will be submitted within 15 business days after notification to the contracting officer of the unauthorized commitment.

(2) The contracting officer will complete the ratification determination and findings, coordinate with the CoCO and General Counsel and submit the ratification package to the HCO within 21 business days after the receipt of a complete package.

(3) The HCO will review the complete package and return any comments to the contracting officer within 3 business days.

(4) The contracting officer will have 5 business days to address any HCO comments and submit the complete Ratification Package to PL22 for review.

(5) PL22 will complete their review of the complete ratification package within 5 business days and return any comments to the contracting officer.

(6) The contracting officer will return revised documents to PL22 within 5 business days of receiving comments.

(7) PL22 will forward the final ratification package to PL2 within 3 business days.

(8) PL2 will review the final ratification package and forward it to the HCA within 3 business days.

(9) If the SPE is the ratifying official then the HCA will forward the complete package to the SPE for approval after the HCA has completed their review, and copy furnish the cognizant SES.

The above timeline of 60 business days challenges the team to move ratification packages expeditiously through the review and coordination process.

(S-92) The ratifying official reviews and approves or disapproves the ratification request. Final approval of the ratification action resides with the appropriate ratifying official.

(S-93) After submission of a ratification request, the individual responsible for the UC and an appropriate management official from the individual's organization may be required to brief the ratifying official on the circumstances and corrective actions taken to prevent recurrence of UCs. The ratifying official will determine if a briefing is required and the method of the briefing (i.e., in person, by telephone, or by video-teleconference).

(S-94) The Contract Operations Branch, PL22 will maintain a log of all UCs and ratification requests. The log, at a minimum, shall include the following information:

(1) Ratification Control Number- A unique control number assigned for each ratification request package assigned by PL22 upon receipt of a complete ratification package. The first two numbers correspond to the last two numbers of the fiscal year in which the ratification request is received, followed by a dash and two numbers corresponding to the sequence in which the ratification request is received (e.g., 19-01, 19-02, 19-03...).

(2) Contract Number and/or Order Number- The contract/order number against which the individual made an UC. If no contract existed at the time that an UC was made, indicate "None".

(3) Contracting Officer - Enter the name of Contracting Officer assigned to process the ratification.

(4) Contracting Officer/Organization Code - Enter organization code of the assigned contracting officer.

(5) Date Received - The date on which the ratification request package was received in PL22.

(6) Mission Partner DISA or Non-DISA - Indicate whether the mission partner that made an UC is a DISA organization or a non-DISA organization.

(7) Contractor - Identify the contractor's name and location (city and state).

(8) Organization/Office Code - Identifies the organization and office code to which the individual that made the UC belongs.

(9) Date of Unauthorized Commitment - The actual date on which the UC occurred.

(10) Dollar Value - The dollar value of the UC.

(11) Describe the Unauthorized Commitment/Reason(s) for Ratification - Provide brief description of purchase resulting in the UC.

(12) Ratification Approval Level (HCA or SPE) - Identify the appropriate approval level.

(13) Date Ratification Approved - Identify the date ratified.

(14) Reason Ratification not Approved (if applicable) - Provide brief reason the UC was not ratified.

(15) Corrective Action Taken - Describe the actions taken regarding the individual that made the UC to prevent recurring UCs. Indicate what action was taken to prevent a similar situation from occurring in the future.

### **1.603 Selection, appointment, and termination of appointment for contracting officers. 1.603-1 General.**

Authority for selection, appointment, and terminate an appointment for contracting officers is delegated to the DISA Head of the Contracting Activity (HCA).

(S-90) The types of contracting officer appointments is described in Table 1-2:

#### **Table 1-2 Contracting Officer Appointments and Requirements**

Type of Appointment	Amount	Training Qualifications	Assessment Requirements	SF 1402 Statement
Communications Management & Control Activity (CMCA)	\$25K / \$100K	CON 237	None	Contract authority is limited to \$25,000 for any contract action for information technology services and equipment in support of the US Secret Service, the Office of the Secretary of Defense, and Office of Special Events. During Presidential Election years, from 1 April through 30 November, this contract authority is increase to \$100,000. Termination authority is limited to the amount of contract authority.

Networx/EIS	SAT	DAWIA Level I - Purchasing or Contracting	None	Contract authority is limited to placing orders for pre-priced items under the Networx, EIS and various BPA's associated with the NS2020 Program for contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority.
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<p>White House Communications Agency (WHCA)</p>	<p>Varies up to \$5M</p>	<p>DAWIA Level II Contracting</p>	<p>Passing of 30 question "Contracting Officer Appointment Test"</p>	<p>Contract authority is limited to \$xxx,xxx for any contract action; except, contract authority is \$xxx,xxx for orders issued against existing Government contracts or contracts established under FAR Part 8 procedures. No authority to contract for telecommunications services that are usage based, including monthly recurring charges, or are subject to regulatory tariffs is included. Termination authority is limited to the amount of contract authority.</p>
<p>Limited</p>	<p>SAT, \$1M, \$5M, \$10M, \$50M,</p>	<p>DAWIA Level II - Contracting</p>	<p>Passing of 30 question "Contracting Officer Appointment Test"</p>	<p>Contract authority is limited contract actions up to the Simplified Acquisition Threshold (SAT). Termination authority is limited to the amount of contract authority. Or Contract authority is limited to \$xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority.</p>

Limited	\$100M, \$250M or \$500M	DAWIA Level II - Contracting	Passing of 50 question “Contracting Officer Appointment Test” <b>and</b> Oral Presentation “Delivery of a Procurement Topic to HCA”	Contract authority is limited to \$xxx,xxx for any contract action. Termination authority is limited to the amount of contract authority.
Unlimited	Unlimited	DAWIA Level III - Contracting	Passing a “Contracting Officer Appointment Review Board” and have already passed a “Contracting Officer Appointment Test” (either 30, 40 or 50 questions; if the applicant has never taken the Contracting Officer Appointment Test, the applicant must pass a 50-question test )	No limitations.

Tariff Changes	Limited	DAWIA Level III - Contracting	None (no test requirement)	Authority is limited to authorizing automatic contract file conversions to revise tariff rates. Termination authority is limited to the amount of contract authority.
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(S-91) *Waivers*. The HCA may waive warrant requirements on a case-by-case basis.

(S-92) *Type of Assessments*. The types of assessments are described in Table 1-3 and below. It is the responsibility of a candidate’s immediate supervisor and HCO to prepare a candidate for each of the three types of test requirements.

**Table 1-3 Contracting Officer Assessment Requirements**

## Type of Assessment

## Required For:

- |  |   |
|--|---|
| 1. Contracting Officer Appointment Test                          | Almost all warrants, see Table 1-1 for number of questions and exceptions |
| 2. Oral Presentation/Delivery of a Procurement Topic to HCA/Team | Limited warrants for \$100M, \$250M or \$500M                             |
| 3. Contracting Officer Appointment Review Board                  | Unlimited warrants  |

(S-93) *Contracting Officer Appointment Procedures*. The procedures for this section can be found at <https://disa.deps.mil/org/PL2/Pages/DITCORefs.aspx>.

### 1.603-1-90 Ordering Officers.

(a) Authority for appointment and termination of appointment for DISA ordering officers with a purchase card threshold in excess of the micro-purchase threshold is the responsible HCO whose CoCOs provide contracting support to a DISA mission partner, except as noted in 1.603-90-1(e)(2)(ii).

(1) Ordering officer appointments are limited to DISA personnel;

(2) Ordering officer authority is limited to \$25,000 for orders against existing GSA schedules, Government contracts, or contract vehicles established under FAR Part 8 or FAR Part 16 procedures as long as contract terms permit and orders are within monetary limitations specified in the contract. Open market purchases are limited to micro-purchases in accordance with FAR 13.201;

(3) Ordering officer authority shall not be further delegated;

(4) Orders placed by ordering officers shall use the Government-wide commercial purchase card for method of payment; and

(5) Ordering officers must complete all ordering officer and commercial purchase card training as required in the [DISA Commercial Purchase Card Program Deskbook](#); submit a completed application; and submit a line of accounting to fund purchases made against their commercial purchase card.

(b) The appointing authority will instruct ordering officers in writing -

(1) What procedures to use to place orders;

(2) The standards of conduct for DISA personnel prescribed in the Joint Ethics Regulation (DoD 5500.7-R) and the procurement integrity provisions at FAR 3.104;

(3) The preparation and submission of information for contract action reporting purposes; and

(4) The requirement for an annual submission of the OGE 450.

(c) *Surveillance*.

(1) Ordering officers will be subject to procurement management reviews (PMRs) as specified in DARS 1.9001, as well as reviews conducted by the DISA purchase card Agency/Organization Program Coordinator (A/OPC);

(2) Ordering officers will retain copies of inspection and review findings in the ordering officer files; and,

(3) If the appointing authority finds that an ordering officer is not properly performing assigned duties or promptly correcting the deficiencies noted in inspections or reviews, the appointing authority will terminate the ordering officer's appointment.

(d) *Termination.* An ordering officer appointment will remain in effect until the ordering officer leaves his position via reassignment or termination or the appointing authority revokes the appointment in writing.

(e) *Ordering officer appointments.*

(1) The appointing authority will:

(i) Review recommendations by the DISA purchase card A/OPC for ordering officer appointments in excess of the micro-purchase threshold; and

(ii) Require individuals appointed as ordering officers to acknowledge receipt of their letters of appointment and termination in writing.

(2) The DISA purchase card Agency/Organization Program Coordinator (A/OPC) will:

(i) Review ordering officer applications and training certificates and make a recommendation to the appointing authority regarding the ordering officer appointment authority if ordering officer thresholds exceed the micro-purchase threshold.;

(ii) Designate all DISA micro-purchase GPC cardholders as ordering officers for placing micro-purchase threshold (MPT) orders against GSA schedules and other government contract vehicles;

(iii) Maintain the file of appointments and justification for the appointments; and,

(iv) Distribute appointment letters to ordering officers.

## **1.604 Contracting Officer's Representative (COR).**

(S-90) COR is the only approved functional title for individuals performing the designated duties and responsibilities under this subpart in support of DISA contract management.

Regardless of previous titles used, if an individual is performing the functions of a COR in support of a DISA or non-DISA contract, their appropriate functional title is DISA COR (primary or alternate). Contracting officers shall only use the title COR in their designation letters.

(S-91) All COR questions, issues, and concerns should be sent to the COR email address [DISA FtMeade DITCO Mailbox COR](mailto:DISA.FtMeade.DITCO.Mailbox.COR).

(S-92) Procurement Integrated Enterprise Environment (PIEE) and DISA and DoD Handbook

(1) The DISA Requirements Office shall use the Joint Appointment Module (JAM), within PIEE, for COR appointments.

(2) All candidates and active CORs shall use the JAM and the Surveillance and Performance Monitoring (SPM) module available at <https://wawf.eb.mil/piee-landing/>.

(3) DoD and DISA COR Handbooks are currently located at <https://www.ditco.disa.mil/hq/cor/index.asp>.

## **SUBPART 1.90 – PROCUREMENT OVERSIGHT**

### **1.9000 Review and approval of contract actions.**

#### *(a) Definitions.*

Contract Decision Authority (CDA) means the individuals delegated the authority to review and approve contract actions and contract approvals (reference 1.9000(c)(2)).

“Begin negotiations” means starting discussions with an offeror for the purpose of reaching agreement on all aspects of the proposal. Initiation of audits and fact-finding necessary to evaluate the proposal and develop the Government’s negotiation objective do not constitute negotiations.

“Contract Approval” means for competitive acquisitions conducted with or without discussions, approval by the Contract Decision Authority to authorize the contracting officer to award a contract or order. For non-competitive contract actions approval by the Contract Decision Authority is required to award a contract, order or contract modification.

#### *(b) Exclusions.*

(1) An extension modification or contract award as a result of a protest.

(2) An order issued against an existing contract, BOA or BPA if:

(i) Prices have been established in the basic indefinite delivery contract, BOA or BPA;

(ii) All other terms and conditions have been established in the basic indefinite delivery contract, BOA or BPA;

(iii) The basic contract, BOA or BPA was reviewed and considered legally sufficient by the supporting legal office; and

(iv) There are no negotiations (i.e., no proposal, formal or informal, is necessary for the order to be issued) involved in the award of the proposed order under the indefinite delivery contract, BOA or BPA; or

(v) The order is issued against a single award contract, BOA or BPA.

(3) Inquiries issued in accordance with the [Inquiry/Quote/Order \(IQO\) Acquisition Deskbook](#). However, Orders issued in accordance with the IQO process are not excluded from the contract review and approval;

(4) Contract actions that solely provide incremental funding, incentive fee funding, award fee funding, or other administrative contract modifications.

(5) Priced options that were previously established in the basic contract/order and that are exercised in accordance with the established prices and terms and conditions of the contract/order.

*(c) Policy, thresholds, and approvals.*

Procurement actions are subject to various review levels and thresholds as set forth below.

HCOs and CoCOs are accountable for procurement quality. HCOs and CoCOs will establish an internal review system to review contract files not less than annually to ensure quality standards are maintained for all procurement actions within their respective offices, including simplified acquisitions. The HCO and/or CoCO is responsible for identifying the quality control measures that are put in place within the DITCO in the Manager's Internal Control Program. The results of the quality inspections will be provided to PL2 for trend analysis, training purposes, and future PMRs.

(1) The objectives of the review and approval process are to ensure that:

(i) Contract actions effectively implement approved acquisition strategies;

(ii) Negotiations and contract actions result in fair and reasonable business arrangements;

(iii) Negotiations and contract actions are consistent with laws, regulations, and policies; and,

(iv) An independent review and assessment for the proposed contract action is accomplished.

(2) Contract actions meeting the contract value thresholds set in [DARS PGI 1.9000\(c\)\(2\)](#) shall not be awarded without obtaining the required review approvals.

(d) General Counsel (GC)/Legal and Policy Compliance Reviews.

(1) Legal (GC) and Policy Compliance (PL22) reviews shall be obtained prior to submission to the CDA/SSA.

(i) Legal and Policy Compliance review thresholds. PL83/PL84: \$10M for task orders, \$10M for supplies / hardware, and \$6.5M for all other procurement actions; PLA, PL5, PL6, PL7 and PL82: \$6.5M for all procurement actions. All broad agency announcements (BAA) require legal review.

(ii) Legal and Policy reviews of contracts and task orders using the trade-off evaluation method, regardless of dollar value, are highly encouraged.

(iii) Legal and Policy reviews can be requested by a contracting officer, CoCO, HCO, or HCA at lower dollar thresholds or for special interest procurements.

(2) At a minimum, the contracting officer must review the contract file/documentation prior to requesting a legal and policy compliance review. Also, the contract file must be reviewed at least one level above the contracting officer prior to requesting a Legal and Policy compliance review for contract actions greater than or equal to \$50M. The contracting officer may submit the request for Legal and Policy compliance review only after all reviewer comments, if any, are resolved.

(3) Legal and Policy compliance reviews may be requested concurrently. Legal and Policy reviews will be accomplished in four (4) business days. Additional business days may be required to review substantial/numerous documents.

(i) When Legal or Policy reviews indicate non-compliance with laws, regulations or policies (e.g. a policy critical finding or a GC legally insufficient finding), the contracting officer will revise the procurement documents in collaboration with the assigned attorney-advisor and/or procurement analyst. Legal will copy the CoCO on e-mails which notify a contracting officer of legally insufficient

findings, and Policy will copy CoCOs on e-mails which notify a contracting officer of critical findings. A procurement document shall not be released until legally insufficient or critical findings are adjudicated.

(ii) While changes are expected to be professionally resolved at the lowest possible level, disagreements may be elevated above the contracting officer, through Section and Branch Chiefs to the CoCO, the HCO, and ultimately to the HCA. Legal issues may be elevated to the General Counsel.

#### (4) Policy compliance (PL22) reviews ---

(i) Requests for Policy compliance review shall be sent via email to the "DISA Ft Meade PLD Mailbox PL22 Policy Compliance Review" group mailbox. The following standard subject line format shall be used: "[insert Office Code (i.e., PLX)], [insert "Pre-Solicitation", "Pre-Award" or "Post-Award," as appropriate] Policy Compliance Review Request, [insert solicitation, contract/modification, or order/modification number] and [\*insert EDMS folder ID number]." Urgent requests for review must also include "Expedite" in the subject line and shall be forwarded to the PL22 group mailbox by the CoCO. Pertinent information needed to assist the PL22 policy compliance reviewers should be included in the body of the e-mail. For example, provide the EDMS folder ID number, document identifier/description, indicate if a policy compliance review was accomplished at a previous stage of the procurement (and if so, the solicitation number), provide the estimated dollar value of the procurement, etc. See Table 1-3 for a list of required documents. Documents may be submitted as attachments to the email if not available in EDMS.

\*Note: Regardless of the type of review, the EDMS folder identifier used in EDMS at the time of the review request must be included to allow for the automatic storing of the review results.

(ii) In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining PL22 policy compliance review as required by the DARS, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the official contract file. Policy will review solicitations after-the-fact (i.e., after the solicitation has been issued).

(iii) Each Policy review comment will be listed under one of the following categories: Administrative, Critical or Recommendation. Below is the definition of each category:

(A) Administrative is grammar, punctuation, style, etc.

(B) Critical is when the procurement is non-compliant with the FAR, DFARS, DARS, or DISA prescribed policy or procedure. The reference will be cited and the comment shall be resolved prior to release of a procurement document. The critical comment(s) and disposition are to be filed as part of the contract file.

(C) Recommendation is proposed by the procurement analyst based upon document content.

#### (5) Legal (GC) reviews ---

(i) Definitions.

*Legally Sufficient:* Complies with the applicable laws, regulations and policy.

*Legally Insufficient:* Does not comply with the applicable laws, regulations and policy. Generally, these will be accompanied by specific findings and potential alternatives to correct legal

deficiencies.

In addition, Legal may also express its business opinion/advice in support of its reviews beyond the base legal sufficiency determinations above, to include advice on legal and business risks relative to the best interests of the Agency. These opinions constitute advice for consideration of the DISA acquisition team in which the GC is a partner.

(ii) Legal review comments or a statement that the procurement document has been reviewed and found to be legally sufficient must be placed in the contract file. The contracting officer is responsible for assuring that all legal comments are adjudicated.

(iii) In circumstances where the contracting officer finds it necessary to proceed with issuing a solicitation or awarding a contract action prior to obtaining a required legal review, the contracting officer shall obtain a written waiver from the CoCO. The waiver shall be retained in the official contract file. The CoCO shall request an emergency/or quick turn-around legal review prior to approving the waiver. Legal will not review solicitations and contract award actions that have been waived (i.e., after-the-fact reviews).

(iv) DITCO-Pacific (PL7), DITCO-Scott Telecommunications Contracting Division (PL82), DITCO-Scott IT Contracting Division (PL83), and DITCO-Scott Emerging Technology, Special Interest Contracts, and Pricing (PL84) shall obtain legal reviews from legal counsel located at DITCO-Scott. DITCO-National Capital Region (PL6), DITCO-Europe (PL5), Special Access Programs, and WHCA shall obtain legal reviews from legal counsel located at NCR.

(v) Requests for legal review from legal counsel located at DITCO-Scott shall be sent via email to the "DISA Scott AFB DITCO Mailbox Legal Office" group mailbox. Requests for legal reviews from legal counsel located at DITCO-NCR shall be sent via email to the "DISA Ft Meade GC Mailbox Acquisition Law Team" group mailbox. The following standard subject line format shall be used: "[insert Office Code (i.e., PLX)], [insert "Pre-Solicitation", "Pre-Award Contract Approval" or "Contract Approval" as appropriate] Legal Review Request, [insert solicitation, contract/modification, or order/modification number]." The contracting officer or specialist shall provide legal counsel with the documents necessary to complete the review.

**Table 1-4 Minimum Documentation to Attach to Review Requests (*The minimum documentation required for reviews*)**

<b>Type of Review</b>	<b>Decision Point</b>	<b>Non-Competitive</b>	<b>Competitive FAR Parts 12 and 15</b>	<b>Competitive FAR Subparts 8.4 and 16.5</b>
Pre-Solicitation	Prior to Release of Solicitation	All Pre-Solicitation Documents including the Solicitation	All Pre-Solicitation Documents including the Solicitation	All Pre-Solicitation Documents including the Solicitation
	Pre-Negotiation	Pre-PNMs and Sole Source PNMs	Not Applicable	Not Applicable

Contract Approval	Prior to Award	Contract, Order and  Post-PNM  RFP and Evaluation  Documents (Legal Only)	All Pre-Award  Documentation  including Contract,  Source Selection  Decision Document,  Best Value Trade-off or LPTA  Evaluation  Summary(e.g., Selection  Recommendation Document), RFP  and Draft  Notification to Unsuccessful Offerors	All Pre-Award  Documentation  including Order,  Post-PNM, Best  Value Trade-off or  LPTA Evaluation  Summary(e.g., Selection  Recommendation Document), RFQ  and Draft  Notification to Unsuccessful Offerors
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1.9001 Procurement management reviews (PMRs) and special interest reviews.

(a) Chief, Quality Assurance Branch (PL22) will establish and maintain DISA's Procurement Management Review (PMR) program, conduct Special Interest Reviews, and assist the Agency with other reviews as appropriate. PMRs assist the Head of the Contracting Activity (HCA) and the DISA Senior Procurement Executive, in evaluating DISA's procurement processes including DISA's Purchase Card Program. PMRs also assist the CoCO and the HCO to improve the operational efficiency and effectiveness of their contracting organizations. This is accomplished through the assessment of internal management controls and acquisition policies and procedures. Additionally, the results of the PMRs are used to assess the Agency's ability to sustain external scrutiny such as

DoD Inspector General (DoDIG) Audits, General Accountability Office (GAO) Audits, external PMRs, and other independent reviews.

(b) PMRs are conducted at the HCA's four Defense Information Technology Contracting Organizations (DITCO) and three external organizations:

- (1) DITCO-National Capital Region (NCR)
- (2) DITCO-Europe
- (3) DITCO-Pacific
- (4) DITCO-Scott
- (5) WHCA (White House Communications Agency)
- (6) CMCA (Communications Management and Control Activity)
- (7) JSP (Joint Service Provider)

(c) PMRs assess the following, which include GAOs High Risk Areas and OMB Circular A-123:

- (1) Sound contracting business decisions;
- (2) Effective competition, small business, and other procurement initiatives;
- (3) Types of Contracts;
- (4) Market Research;
- (5) Customer satisfaction;
- (6) Designation and oversight of Contracting Officer's Representatives (COR);
- (7) Performance-Based Acquisition (PBA) - Quality Assurance Surveillance Plans (QASPs);
- (8) Contract Award and Incentive Fee Process
- (9) Contract Close-out;
- (10) Purchase Card Program;
- (11) Overall internal management controls;
- (12) Proper separation of functions and duties;
- (13) Proper Government oversight; and
- (14) Adequate checks and balances.

(d) Special Interest Reviews are conducted at the request of the HCA or the SPE. These reviews assess specific aspects of the procurement process and/or operations, as requested.

(e) The Head of the Contracting Activity will be the final decision authority for unresolved PMR

issues.

(f) Chief, Quality Assurance Branch (PL22) will:

- (1) Conduct PMRs on contracting offices at least once every 12-18 months;
- (2) Conduct special interest reviews at the request of the HCA or SPE;
- (3) Assist with Agency reviews when requested;
- (4) Conduct follow-up reviews to validate corrective action taken from previous identified findings and recommendations, as necessary;
- (5) Identify systemic issues;
- (6) Establish and lead the PMR team;
- (7) Issue a draft report allowing sufficient time for comments;
- (8) Consider comments received prior to release of the final report;
- (9) Require the appropriate organization to provide a Corrective Plan of Action and milestones to address all findings and recommendations; and
- (10) Release the final report to the organization after approval by the HCA.

### **1.9002 Classified procurement oversight.**

Classified procurements are not exempt from compliance reviews. The Chief, Quality Assurance Branch (PL22) shall be contacted to coordinate all compliance reviews for classified procurements. The contracting officer shall ensure contract documents are redacted to remove any reference to the awardee, program, etc.

### **1.9003 Contract document approval signature routing procedures.**

Routing for coordination and signature procedures are located in [DARS PGI 1.9003](#).