

**BY ORDER OF THE  
COMMANDER PACIFIC AIR FORCES**

**FEDERAL ACQUISITION REGULATION (FAR)  
PACIFIC AIR FORCES COMMAND**



***PACAF Supplement 1***

***20 SEPTEMBER 2002***

***Contracting***

***PACIFIC AIR FORCES FEDERAL  
ACQUISITION REGULATION (FAR)***

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This publication does not apply to the Air National Guard (ANG) or Air Force Reserve Command (AFRC).

### ***SUMMARY OF REVISIONS***

The PACAF FAR Supplement (PAFFARS) contains material that implements or supplements the basic coverage of the 2001 edition of the Federal Acquisition Regulation (FAR), the 1998 edition of the Department of Defense FAR Supplement (DFARS), and the 2002 edition of the Air Force FAR Supplement (AFFARS). This document is substantially revised and must be completely reviewed.

Listed below are the FAR, DFARS, and AFFARS parts that are implemented and supplemented by the PAFFARS.

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A.B. MORRILL III, BRIG GEN, USAF  
Director of Logistics

**PART 1 - FEDERAL ACQUISITION REGULATIONS SYSTEM****SUBPART 5301.1 - PURPOSE, AUTHORITY, ISSUANCE****5301.101 Purpose.**

The PACAF Federal Acquisition Regulation Supplement (PAFFARS or PACAF FAR Supplement) establishes uniform policies and procedures for Pacific Air Forces implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR supplement (DFARS), the Air Force FAR supplement (AFFARS), and other Department of Defense (DOD) and Air Force (AF) publications concerning contracting.

**SUBPART 5301.2 - ADMINISTRATION****5301.201 Maintenance of the FAR. (No Text)****5301.201-1 The two councils.**

(d)(i) Recommendations for changes to the FAR, DFARS, AFFARS, or PAFFARS shall be processed through HQ PACAF/LGCR, 25 E Street, Suite I-326, Hickam AFB HI, 96853-5427.

**SUBPART 5301.4 - DEVIATIONS FROM THE FAR****5301.402 Policy.**

(2) Submit requests for deviation from the FAR, DFARS, AFFARS, PAFFARS, or other directive, to HQ PACAF/LGCR.

**5301.405 Deviations pertaining to treaties and executive agreements.**

(b) The commanders of PACAF contracting squadrons are authorized to approve deviations from FAR clauses to ensure compliance with Status of Forces or Military Basing Agreements affecting particular acquisitions. A copy of the FAR clause deviation approval will be provided to HQ PACAF/LGCR with all supporting documentation, including legal coordination.

**SUBPART 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES****5301.601 General.**

(a)(i)(B) The Commander, Pacific Air Forces, has delegated to the Chief, Contracting Division, Directorate of Logistics, Headquarters Pacific Air Forces, all prescribed responsibilities vested in the Head of Contracting Activity (HCA), unless otherwise restricted by the FAR or its supplements.

(a)(ii) The Commander, Pacific Air Forces, has delegated to the Chief, Contracting Division, Directorate of Logistics, Headquarters Pacific Air Forces, authority to enter into, approve, terminate, and take all other appropriate actions with respect to contracts. Contracting authority is redelegated to commanders of PACAF contracting squadrons as set forth in this supplement and subject to review and clearance procedures at PAFFARS Subpart 5301.90.

(S-90) When purchase requests and contracts are expressed/awarded in local (foreign) currency, the rate of exchange to be used for determining applicable FAR prescribed dollar thresholds and authorities will be the current Foreign Currency Fluctuation Defense (FCFD) budget rate (Japan).

### **5301.602 Contracting officers. (No Text)**

#### **5301.602-2 Responsibilities.**

(c) Legal Review. Solicitations, which are expected to result in a contract award of more than \$100,000, shall be submitted for legal review prior to their issuance. Legal review shall be obtained for all contracts, bilateral contract modifications, and change orders in excess of \$100,000 prior to award. Legal review and coordination shall be obtained for acquisition plans in accordance with PAFFARS 5307.105. In addition, legal review shall be obtained as directed by the FAR, as supplemented. Legal review and coordination shall be obtained regardless of dollar amount when dealing with mistakes in bids, issuance of cure and show cause notices, determinations of nonresponsiveness and nonresponsibility, terminations, protests against award, claims, disputes, novations, taxes, utility contract negotiations, questions of law regarding consideration, ratifications and other actions as warranted. Legal assistance should be obtained regardless of dollar value when preparing source selection documents and placing orders with one of multiple awardees of IDIQ contracts. Legal review is not required prior to clearance when requesting: (1) authority to issue a request for final proposal revisions, or (2) approval of negotiation objectives for noncompetitive acquisitions. Legal review is not required for delivery orders, task orders, calls against blanket delivery/task orders, and blanket purchase agreements regardless of dollar amount.

#### **5301.602-3 Ratification of unauthorized commitments.**

(b)(2)(A) Authority to ratify unauthorized commitments of personnel supported by a PACAF Contracting squadron is redelegated as follows:

(1) For amounts of \$25,000 or less to commanders of PACAF contracting squadrons, without power of redelegation.

(2) For amounts greater than \$25,000 but less than \$100,000 to commanders of the 3WG, 8FW, 15ABW, 18WG, 35FW, 36ABW, 51FW, 354FW, 374AW and 611ASG without power of redelegation.

(3) For amounts in excess of \$100,000 to HQ PACAF/CV through HQ PACAF/LGC, without power of redelegation.

(B) An unauthorized commitment may be ratified when the limitations set forth in FAR 1.602-3(c) are met. Those involved in the processing of unauthorized commitments for ratification will assure that the limitations set forth in FAR 1.602-3(c) apply to each case.

(1) For unauthorized commitments of \$25,000 or less, the commander of the PACAF contracting squadron may authorize use of PACAF Form 20, Ratification Action Summary.

(2) For unauthorized commitments in excess of \$25,000 or when PACAF Form 20 is not used, the responsible reviewing official will prepare a case file that is tabbed and as a minimum contains the following:

(i) Statement of the individual whose action resulted in an unauthorized commitment, confirming the purchase with a description of the item, quantity and amount, name of the firm furnishing the supplies or services, dates of the order and receipt, and an explanation of the circumstances surrounding the purchase and reasons why the purchase was not referred to the contracting office. The statement will be signed by the individual indicating rank and duty title.

(ii) Statement of the functional area chief/commander/director verifying the receipt of the supplies or services, how and when the purchased items were used, recommendation as to whether or not disciplinary action should be exercised, and corrective actions taken to prevent recurrence.

(iii) Original invoice, claim, or request for payment from the supplier, copies of correspondence relevant to the unauthorized commitment, and the supplier's full description of the circumstances which led to furnishing of the supplies or services.

(iv) Contracting officer's analysis on the fairness and reasonableness of the purchase price(s).

(v) A funded purchase request to permit formalization of the ratification for payment.

(vi) Statement of the reviewer recommending ratification and payment of the unauthorized commitment. If the review indicates otherwise and ratification is not recommended, include a statement or recommendation for processing as a GAO claim or as a case under Public Law (P.L.)85-804.

(vii) Staff Judge Advocate (SJA) review of the reviewer's statement and the case file. The review will indicate concurrence or non-concurrence. If non-concurrence is indicated, request the SJA state reasons therefore and recommendation for processing as a GAO claim or P.L. 85-804 case.

(3) Reviewing Official. The reviewing official mentioned in (B)(2) above may be the contracting officer designated by the commander of the contracting squadron. As an alternative, the commander of the contracting squadron may request the responsible commander set forth in (A)(2) above to appoint a disinterested commissioned officer to perform the review.

(4) Distribution. Unauthorized commitments in excess of \$100,000 - Two sets of the file will be forwarded to HQ PACAF/LGCP for further processing with a transmittal letter signed by the responsible commander including a statement on recommendation for ratification, whether or not disciplinary action was taken and reasons therefore, and actions taken to preclude recurrence.

(C) Ratification. When the abbreviated procedure set forth in (B)(1) is not used, a letter will be used for the ratification addressed to the office which transmitted the case file and recommended ratification to the ratifying authority. Wording substantially as follows will be used for the ratification action:

"Pursuant to the authority vested in me by PAFFARS 5301.602-3(b), I hereby ratify the unauthorized commitment by {name of the activity responsible} for the purchase of {description of the item and include quantity or performance period as appropriate} from {name of the firm} in the amount of \$\_\_\_\_\_."

(D) Unauthorized commitments of Air Force personnel based in Korea will be processed by the U.S. Army Contracting Command Korea (USACCK) in accordance with procedures prescribed in the applicable USACCK standard operating procedure (SOP).

(E) Unauthorized commitments of Army personnel based in Japan (including Okinawa) will be processed by the cognizant PACAF contracting squadron in accordance with procedures set forth herein.

(F) Formalization of ratification actions.

(1) Formalization of ratification actions for payment purposes will be accomplished by the contracting squadron responsible for providing contracting support to the activity.

(2) Prior to release of the contractual instrument, the supplier will be required to furnish written confirmation of the following:

(i) Payment has not been received for the items furnished under contract.

(ii) No pending contractual arrangement other than the contract provides for the above payment.

(iii) Upon receipt of payment, all further liability of the U.S. Government relating to the items furnished under the unauthorized commitment will be waived.

### **5301.603 Selection, appointment, and termination of appointment. (No Text)**

#### **5301.603-2-90 Selection.**

(a) PACAF Contracting squadron commanders are authorized to select, appoint, and terminate contracting officers. The monetary limitation of appointment may not exceed the contract review threshold indicated in PAFFARS 5301. 9001, or \$1,000,000, whichever is lower. The value of the contract for purposes of warrant limitation, is the sum of the total value of the acquisition ; except for recurring contracts containing options where the value is that of the basic contract or highest valued option year, not the sum of the basic plus all options. The Chief, Contracting Division, HQ PACAF, will, as a general rule, appoint only PACAF contracting squadron commanders and Directors of Contract Operations as contracting officers with no monetary limitation upon application pursuant to the PAFFARS 5301.603-3-90. Where specialized contracting flights are established, or in other unique circumstances, the PACAF contracting squadron commander may request the HQ PACAF Chief, Contracting Division to appoint contracting officers with larger monetary limitations. Such

requests will be closely reviewed and granted only where a clear need is shown and on a case-by-case basis. Local national employees may be selectively appointed as contracting officers.

**5301.603-3-90 Appointment.**

(a) Request for appointment will be made on PACAF Form 222, Application for Appointment as Contracting Officer.

(b) Language substantially the same as one of the following statements shall be placed on the face of the SF 1402:

"Those limitations contained in DFARS, AFFARS, and PAFFARS and further limited to the execution of all contractual actions not exceeding the Simplified Acquisition Threshold."

or,

"Those limitations contained in DFARS, AFFARS, or PAFFARS and further limited to the execution of all contractual actions (excluding unilateral delivery orders and unilateral option exercise modifications) not in excess of \$\_\_\_\_\_. Authority to issue delivery orders and exercise unilateral option modifications is limited to individual contract terms."

or,

"The limitations contained in the DFARS, AFFARS, and PAFFARS and further limited to the execution of actions not exceeding the Simplified Acquisition Threshold for the duration of a directed deployment."

(c) Warrants may be further limited at the discretion of the appointing official.

(d) The appointee's grade and SSAN will not be placed on the SF 1402.

(e) Appointment certificates will be numbered using the activity address number followed by a dash, then by a serial number beginning with "1" and continuing indefinitely; i.e., "F64605-1."

(f) All file documentation on warrants issued by a PACAF CONS commander shall be maintained at the CONS for review as needed.

(g) The PACAF contracting squadron commander is authorized to appoint an ordering officer when:

(i) The appointee is not an Air Force employee (civilian or military).

(ii) The appointment is required to discharge responsibilities and duties due to the consolidation of Army/Air Force contracting in Japan (including Okinawa) and Korea. Ordering officer appointments shall be made by letter.

**5301.603-4-90 Termination.**

The contracting squadron commander shall promptly notify HQ PACAF/LGCE, in writing, of all known upcoming personnel actions that would necessitate the termination of a contracting officer appointment issued by the HQ PACAF Chief, Contracting Division.

**SUBPART 5301.90 - CLEARANCE**

**5301.9001 Policy.**

(b)(S-90) PACAF solicitation review and clearance policy and procedures.

(1) All RFPs and IFBs over the dollar thresholds in (b)(S-90)(3) will be reviewed by HQ PACAF/LGCR.

(i) A solicitation for a commercial item or service using FAR Part 13 procedures is not subject to this review. For this type of acquisition, submit the file after award.

(ii) To determine the dollar threshold for a solicitation review, use the highest estimated basic period or any individual option period of performance.

(iii) Files for review shall be submitted to HQ PACAF/LGCR no later than two workdays after issuance of the solicitation. All documents related to the acquisition must be included in the file, except drawings for a construction requirement may be excluded. The file shall include tabs and an index in the same format as PACAF Form 54.

(2) A solicitation, which was reviewed by HQ PACAF/LGC, is also subject to clearance approval, as defined in AFFARS 5301.9000(b).

(i) Exceptions to this clearance requirement are modifications to exercise pre-priced options, IFBs, and solicitations that use PPT or LPTA processes.

(ii) All supporting documentation shall be provided with the request for clearance. Such documentation would include the preliminary or final price negotiation memorandum, audit report, pricing report, and any other technical or contracting evaluations.

(iii) Clearance is required prior to conducting negotiations on a modification, which exceeds the dollar threshold in (b)(S-90)(3). To determine the dollar threshold for a modification, use the sum of the absolute values of increases and decreases to the contract price, not the net amount. For example, an increase of \$400,000 and a decrease of \$600,000 would give the modification a value of \$1,000,000.

(3) Thresholds.

(i) Thresholds for each Contracting Squadron are as follows:

374 CONS	Yokota AB	\$2,000,000
3 CONS	Elmendorf AFB	\$1,000,000

15 CONS	Hickam AFB	\$1,000,000
18 CONS	Kadena AB	\$1,000,000
354 CONS	Eielson AFB	\$1,000,000
35 CONS	Misawa AB	\$ 500,000
36 CONS	Andersen AFB	\$ 500,000

(ii) The following chart summarizes the PACAF solicitation review and clearance approval process for proposed actions that exceed the established thresholds:

ACTION	SOLICITATION	CLEARANCE	
	REVIEW	REVIEW	APPROVAL
IFB	PACAF/LGCR	N/A	N/A
RFP – Source Selection	PACAF/LGCR	PACAF/LGCR	PACAF/LGC
RFP-LPTA and PPT	PACAF/LGCR	Local Procedures	Local Procedures
RFP- Noncompetitive	PACAF/LGCR	PACAF/LGCR	PACAF/LGC

(4) Process.

(i) Requests for solicitation review and clearance shall use the format at Attachment 5301-1.

(ii) Files submitted shall be “paperless”. For large files, use the file uploader tool on the HQ PACAF/LGC web page.

(iii) Written responses to solicitation or clearance comments are to be submitted to HQ PACAF/LGCR within twenty calendar days and shall be signed by the contracting squadron commander. Responses should be in sufficient detail to reflect the corrective action taken on each comment. Disagreement with any review comment must be resolved prior to continuation of the contracting action. In cases where a particular review comment may be unclear to the recipient, a telephone request for clarification should be made before the written response is finalized.

(iv) Notwithstanding the thresholds and criteria set forth above, HQ PACAF/LGC may require solicitation review and clearance approval on any selected contract action.

(v) A sampling of contracts may be identified for post-award review by HQ PACAF/LGC. The number of contracts selected for post-award review will depend upon what is deemed necessary for ensuring optimum command oversight.

(5) Local review procedures consistent with the Air Force policy set forth in AFFARS 5301.9001 and as supplemented by PAFFARS, shall be established by the contracting squadron commander for all contract actions that are not subject to HQ PACAF/LGC solicitation review and/or clearance approval.

Attachment 5301-1

Format for Request for RFP Review/Request for Clearance

For Official Use Only

Negotiation Sensitive or

**Source Selection Information -- See FAR 2.101 and 3.104**

Request For: (Solicitation Review or Clearance)

To: HQ PACAF/LGCR

Subject: (Description of contract action)

1. I hereby request:

- Solicitation review
- Approval to award without discussions
- Approval to request final proposal revisions
- Approval to begin negotiations

2. Documentation required for solicitation review or clearance is provided.

3. Points of Contact:

Contracting Officer: \_\_\_\_\_ Phone: \_\_\_\_\_

Negotiator: \_\_\_\_\_ Phone: \_\_\_\_\_

Price Analyst: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Contracting Squadron Commander/Date

Name:

Office Symbol:

Phone:

**PART 3 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST****SUBPART 5303.1 - SAFEGUARDS****5303.104 Procurement Integrity. (No Text)****5303.104-7 Violations or possible violations.**

(a)(1) The contracting officer shall forward the information and documentation required by FAR 3.104-7(a)(1) to HQ PACAF/LGC.

**SUBPART 5303.6 - CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM****5303.602 Exceptions.**

Squadron commanders are granted approval to contract with individuals or organizations owned/controlled by government employees when there is a compelling reason to do so, such as when the government's needs cannot reasonably be otherwise met. This approval is granted for contracts where services are performed in support of base activities limited to the chapel program, sporting events, and exercise classes. Squadron commanders should review each contract action on a case-by-case basis to ensure no viable alternatives exist and that every effort is made to avoid any conflict of interest between the employees' interests and their government duties. The intent of FAR 3.601 must still be followed in all cases. Forward all requests not covered by this exception to HQ PACAF/LGC using the format below. HQ PACAF/LGC will review and forward to HQ PACAF/CC for approval if appropriate.

- (a) Description of Service.
- (b) Category of Proposed Contractor (Civilian or Military).
- (c) Name, Duty/Position Title, and organization the individual is assigned to.
- (d) Period of Performance.
- (e) Estimated Unit Prices and Total Cost (\$US).
- (f) Justification (Describe efforts to obtain services from non-government personnel).

**PART 4 - ADMINISTRATIVE MATTERS**

**SUBPART 5304.2 - CONTRACT DISTRIBUTION**

**5304.202 Agency distribution requirements.**

(90) For all solicitations reviewed by HQ PACAF/LGCR, a copy of the contract, together with pertinent supporting file documentation not previously provided, will be electronically submitted to HQ PACAF/LGCR upon award. Contract file documentation will be prepared per PAFFARS 5304.803, except that copies of unsuccessful offerors' proposals need not be provided.

(91) For those contracts forwarded to HQ PACAF/LGCR, a copy of all modifications will be electronically submitted to HQ PACAF/LGCR. Supporting documentation is not required.

**SUBPART 5304.8 - GOVERNMENT CONTRACT FILES**

**5304.801 General.**

(b)(90) All important letters and documents pertaining to contractual actions shall be translated into the English language. Letters and documents of minor importance may be annotated with a summary of content.

**5304.803 Contents of contract files.**

(a)(90) Contract files will be maintained using the format required by PACAF Form 54.

(a)(91) For multiple awards made against a single solicitation, file the records of the solicitation with the contract that has the latest expiration date. Cross-reference the other awarded contracts to permit identification of pertinent documents.

(a)(92) An updated copy of the contract will be maintained under Section D of the PACAF Form 54 when the contracting officer determines that the extent of the modifications warrant it to better track contract changes. The contracting officer will determine the method used to maintain the updated copy.

**5304.804-5 Procedures for closing out contract files.**

(c)(90) For those contracts forwarded to HQ PACAF/LGCR, a copy of the DD Form 1594, Contract Completion Statement, will be electronically submitted to HQ PACAF/LGCR upon physical completion and closeout.

**PART 5 - PUBLICIZING CONTRACT ACTIONS**

**SUBPART 5305.2 - SYNOPSES OF PROPOSED CONTRACT ACTIONS**

**5305.202 Exceptions.**

- (b) Submit requests for approval through HQ PACAF/LGCP.

**PART 6 - COMPETITION REQUIREMENTS**

**SUBPART 5306.3 - OTHER THAN FULL AND OPEN COMPETITION**

**5306.303 Justifications. (No Text)**

**5306.303-1 Requirements.**

(d) The contracting office shall forward a copy of the approved Justification and Approval (J&A) to HQ PACAF/LGCR for submission to SAF/AQCK.

(e) When contract award exceeding \$500,000 is contemplated using the authority at FAR 6.302-2, Unusual and Compelling Urgency, the CONS commander or designee shall contact HQ PACAF/LGCR for preliminary review of the justification. Contact should be made prior to award whenever circumstances permit or as soon thereafter as practicable. Information to be provided should include a description of the supplies or services required, dollar value, and rationale to support the unusual and compelling nature of the requirement. The justification shall be prepared and submitted to HQ PACAF/LGCR within 30 days after preliminary review or award of the contract, whichever occurs first.

**5306.304 Approval of the justification.**

(a)(2) HQ PACAF/LGC is the Justification and Approval (J & A) approval authority for J&As over \$500,000 but not exceeding \$10,000,000. J & A packages to be submitted for HQ PACAF/LGC or higher approval shall be prepared in the following format:

A cover letter signed by the contracting squadron commander with two attachments:

1. J & A Document prepared in accordance with FAR 6.303-2
2. Justification Review Document signed by the contracting officer, functional area chief of the requiring activity, the installation staff judge advocate's representative, and the contracting squadron commander.

**SUBPART 5306.5 – COMPETITION ADVOCATES**

**5306.501 Requirement.**

PACAF Competition Advocates are as follows:

<u>Level</u>	<u>Amount</u>
Contracting officers	Below \$100,000
Contracting squadron commanders	Between \$100,000 and \$500,000
PACAF/LGC	Over \$500,000 and not exceeding \$10,000,000

(S-90) Contribution to competition unit award.

Refer to AFI 36-2835, Chapter 3, "Outstanding Contribution to Air Force Competition Awards Program" for individuals, units, MAJCOM, and SOA. Each PACAF unit and/or organization may submit nominations for the Air Force Competition Awards. HQ PACAF is required to submit selected nomination(s), signed by the commander, to SAF/AQC by 15 November of each calendar year.

## PART 7 - ACQUISITION PLANNING

### SUBPART 5307.1 - ACQUISITION PLANS (APs)

#### **5307.103 Agency-head responsibilities.**

(d) APs shall be written for all new (first-time) service contracts estimated to be in excess of the review thresholds delegated to the contracting office unless waived in writing by HQ PACAF/LGC. An AP may also be written for supply, construction, and recurring service contracts at the squadron commander's or contracting officer's discretion, based on such factors as the uniqueness, complexity, urgency, or mission impact of the requirement.

#### **5307.104-90 Acquisition Strategy Panels (ASPs).**

(a) General requirements.

(3) PACAF procedures.

(1) ASPs are required for acquisitions estimated to exceed \$1,000,000, inclusive of option periods, except for fully designed construction projects and recurring service contracts. Regardless of the estimated amount of an acquisition, an ASP will be conducted if the requirement is a Commercial Activities Program (A-76) or if source selection procedures under AFFARS Subpart 5315.3 are applied. An ASP is encouraged for acquisitions less than \$1,000,000 and should be considered in situations such as the following: limited experience in acquiring a requirement or in employing a contracting tool such as incentives; history of protests or performance problems; or significantly compressed acquisition lead time.

(a) The ASP meeting should be convened at least twelve (12) months prior to the contract start date. Minutes or a memorandum covering the issues discussed will be prepared. A copy of the minutes shall be provided to HQ PACAF/LGCR.

(b) Special emphasis should be placed on the establishment of acquisition milestones and assignment of specific responsibilities.

#### **5307.104-92 Air Force procedures for acquisition plans.**

(c) PACAF procedures for acquisition plans.

(i) The contracting squadron commander has overall responsibility for teaming with customers to ensure effective acquisition planning.

(ii) The contracting officer, staff judge advocate or his/her representative, and functional area chief/commander/director (or designee) shall review the AP. If the plan proposes other than full and open competition, the small business specialist shall also review the AP.

(iii) A revised AP shall be prepared and approved when the award date will be delayed more than 30 days and a major adverse impact may result from the delay.

(iv) Advance Acquisition Plan Milestones shall be prepared for all acquisitions that exceed the simplified acquisition threshold of FAR Part 13. PACAF Form 226, Advance Acquisition Plan Milestones, will be used unless additional milestones not included on the form are necessary for effective planning. For acquisitions that exceed the thresholds at PAFFARS 5301.9001, submit a copy of the PACAF Form 226 and any revisions to HQ PACAF/LGCR within ten days after the form has been coordinated. For revisions, include an explanation for the change in milestones.

(A) Include the acquisition strategy panel function as one of the milestones when required by PAFFARS 5307.104-90.

(B) The dated signatures of the contracting officer and flight chief shall be included on the Form 226. The dated signatures of the contracting squadron commander and functional area chief/commander/director (or designee) shall also be included for requirements that exceed the thresholds under PAFFARS 5301.9001.

(C) A revised PACAF Form 226 will be prepared when the planned award date will be delayed by 30 or more days.

#### **5307.105 Contents of written acquisition plans.**

Unless waived by HQ PACAF/LGC, the format below will be used for acquisitions described in PAFFARS 5307.103(d).

### **PACAF ACQUISITION PLAN FORMAT**

**Project Title:**

**Contracting Office:**

**Requiring Activity:**

**Estimated Dollar Value:**

#### **I. Acquisition Background.**

A. Statement of Need.

1. Description of the requirement.
2. Relevant technical or contractual history.

B. Applicable Conditions.

1. Cost, schedule, or capability constraints.
2. Compatibility requirements.
3. Environmental issues.
4. Contractor versus Government performance, if A-76 effort.

5. External factors which require consideration.

C. Contractor Performance.

1. Desired delivery or performance schedule.
2. Mobilization and phase-in requirements.

**II. Plan of Action.**

A. Sources.

1. Prospective sources.
2. Small business consideration.
3. Methods of acquiring competition or basis for other than full and open competition.

B. Selection Method.

1. Sealed bids (IFB) or negotiated (RFP).
2. Description of basis for award.
  - a. Low price, technically acceptable/low price or source selection.
  - b. Single or multiple awards.

C. Contracting Considerations.

1. Type of contract (firm fixed price, indefinite delivery, cost reimbursement, etc.).
2. Funding requirements or issues.
3. Government furnished property.
4. Method of contract surveillance.
5. Other (draft RFP, options, incentives, etc.).

**III. Acquisition Plan Milestones.** Attach PACAF Form 226 or a more detailed milestone chart as determined necessary by the contracting officer.

---

Contracting Officer/Date

---

Local Staff Judge Advocate/Date

---

Contracting Squadron Commander/Date

---

Functional Area Chief/Commander/Director Date

**SUBPART 5307.4 - EQUIPMENT LEASE OR PURCHASE****5307.401-90 Acquisition considerations.**

(a) The initiating activity will provide on a case-by-case basis an evaluation that addresses those items listed in FAR 7.401(a) and (b). A cost benefit comparison of rent versus buy options will be accomplished in accordance with AFI 65-501 by the servicing Cost and Management Analysis (FMA) office. The rationale or analysis will be attached to the AF Form 9 and will become part of the contract file.

(b) Except for medical supply generated items and tenant organizations that have their own stock record account number (SRAN), all requests for rental/lease of equipment must be coordinated with Supply's Allowance and Authorization (A&A) section to determine equipment authorization inventory data (EAID) accountability. The A&A section will provide a statement on the AF Form 9 saying whether or not equipment accounting is required. Contracting action will not be commenced until evidence of such coordination is received from the requesting activity.

**PART 8 - REQUIRED SOURCES OF SUPPLIES AND SERVICES**

**5308.001 Priorities for use of Government supply sources.**

(a)(1)(v) GSA Mart is under contract to operate the local Government supply store and is therefore deemed a priority source.

**PART 12 – ACQUISITION OF COMMERCIAL ITEMS****SUBPART 5312.4 – UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS  
FOR COMMERCIAL ITEMS****5312.403 Termination.**

(a) For acquisitions containing FAR 52.212-4, Contract Terms and Conditions – Commercial Items, and awarded using simplified procedures in accordance with FAR Part 13, contracting officers are authorized to terminate for convenience of the Government or for cause. For commercial item acquisitions awarded using FAR Part 12 and FAR Part 14 or Part 15 procedures, contracting officers must follow the procedures set forth in PAFFARS Part 49 to terminate for cause.

**PART 13 – SIMPLIFIED ACQUISITION PROCEDURES**

**SUBPART 5313.3 – SIMPLIFIED ACQUISITION METHODS**

**5313.301-90 Governmentwide commercial purchase card.**

- (a) Contracting Squadron Commander/Office Chief of Contracting offices is granted authority by MAJCOM HCAs to delegate contracting authority to cardholders to use the purchase card. Sample delegation letter is located in Attachment 2 of AFI 64-117. This authority is granted to the Contracting Squadron Commander/Office Chief of Contracting office only and cannot be delegated.
- (b) When cardholders and approving official have questions regarding the legality of purchases, which are not specially covered by AFI 64-117, the Agency/Organization Program Coordinator (A/OPC) shall direct them to seek resolution through the Wing Financial Service Office.
- (c) Documentation, Reconciliation and Payment Procedures. When the cardholder is unavailable, as when deployed, TDY, or on leave, the cardholder's supervisor will ensure that the monthly statement is immediately sent to the approving official with a statement of the circumstances of the cardholder's absence. **DO NOT HOLD UP PROCESSING OF MONTHLY STATEMENTS BECAUSE OF CARDHOLDER ABSENCE.** When the cardholder is deployed, and communications permit the timely exchange of information between the cardholder and approving official, the approving official should obtain cardholder reconciliation of the statement before processing for payment.

**PART 14 - SEALED BIDDING****SUBPART 5314.2 - SOLICITATION OF BIDS****5314.201 Preparation of invitation for bids. (No Text)****5314.201-1 Uniform contract format.**

(a) The Uniform Contract Format (UCF) will be used by all PACAF contracting squadrons for other than commercial item acquisitions.

(b) The UCF will also be used for construction acquisitions.

**5314.201-7 Contract clauses.**

(d) Do not include FAR clause 52.214-29, Order of Precedence-Sealed Bidding, in construction contracts.

**5314.208 Amendment of invitation for bids.**

(a)(90) Amended solicitations should be accomplished by incorporating revised pages. Indicate new, revised, or deleted material by a vertical line in the margin. Adequately mark each revised page in the upper or lower margin to indicate the amendment number. If HQ PACAF/LGCR reviewed the solicitation, forward one copy of the amendment to HQ PACAF/LGCR when mailed to prospective bidders.

**5314.213 Annual submission of representations and certifications.**

(b) When utilizing annual representations and certifications, written procedures shall be developed by the Contracting Squadron for requesting, receiving, storing, verifying and updating offeror's annual submissions.

## **PART 15 - CONTRACTING BY NEGOTIATION**

### **SUBPART 5315.2 - SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION**

#### **5315.204-1 Uniform contract format.**

(a) The uniform contract format will be used for construction acquisitions.

#### **5315.209 Solicitation provisions and contract clauses.**

(h) Do not include FAR clause 52.215-8, Order of Precedence-Uniform Contract Format, in construction contracts.

### **SUBPART 5315.3 – SOURCE SELECTION**

#### **5315.303 Responsibilities.**

(a) Except for AFPEO/SV acquisitions, the source selection authority for acquisitions with an estimated value equal to or greater than \$10 million is delegated to the installation commander. Further delegation of this authority shall be reviewed by HQ PACAF/LGC prior to such delegation.

### **SUBPART 5315.4 – CONTRACT PRICING**

#### **5315.402 Pricing policy.**

(a) Requests that require SAF/AQC approval to obtain other than cost or pricing data, shall be submitted through HQ PACAF/LGCR.

#### **5315.404-4 Profit.**

(c)(2)(C)(2) Submit requests to use an alternate structured approach to HQ PACAF/LGCR.

#### **5315.406 Documentation. (No Text)**

#### **5315.406-1 Prenegotiation objectives.**

(b) The contracting officer will brief the contracting squadron commander on negotiation objectives for competitive negotiated actions when the resulting contract is estimated to exceed the threshold at PAFFARS 5301.9001. For non-competitive acquisitions exceeding review thresholds, this briefing will be accomplished prior to requesting clearance review and approval. Contracting squadron commanders shall establish procedures for management review of objectives prior to negotiation for acquisitions below the review threshold. The contracting squadron commander will brief the Chief of the Contracting Division, HQ PACAF, on any unusual or extraordinary aspects of command interest of the proposed acquisition and the possible impact they may have on the resulting contract.

**5315.406-3 Documenting the negotiation.**

(a) When award is made without discussion with any offeror, the contracting officer will prepare a Narration of Contracting Action (NCA) in lieu of a PNM. The NCA will include the applicable items listed under FAR 15.406-3(a) and explain the contracting officer's rationale for not opening discussions. NCAs & PNMs will be marked "For Official Use Only" and such marking shall be retained after award.

**SUBPART 5315.6 - UNSOLICITED PROPOSALS****5315.606-90 PACAF procedures.**

(a) Each contracting squadron will be the contact point for unsolicited proposals and will function as the coordinating office for the receipt and handling of such proposals received within its geographical area of responsibility. HQ PACAF/LGCR is the command contact point.

(b) All copies of an unsolicited proposal will be forwarded to the appropriate coordinating office.

(1) The coordinating office will maintain a log that records the receipt, location of all copies, and disposition of each unsolicited proposal.

(2) Proposals will not be reproduced, copied, photographed, or otherwise duplicated unless authorized by the coordinating office.

**5315.606-1 Receipt and initial review.**

(b) An unsolicited proposal will be acknowledged in writing by the coordinating office within five (5) working days after receipt by the coordinating office.

**5315.606-2 Evaluation.**

(b) The coordinating office will promptly notify the submitter of evaluation results and any further actions to be taken by the Government. If an evaluation is not completed within thirty (30) calendar days after acknowledgment of receipt by the coordinating office, the submitter will be informed of the projected completion date.

**5315.607 Criteria for acceptance and negotiation of an unsolicited proposal.**

(a) One copy of an unacceptable proposal will be retained by the coordinating office for record purposes. All remaining copies will be returned or disposed of in accordance with instructions provided by the submitter.

**PART 17 - SPECIAL CONTRACTING METHODS**

**SUBPART 5317.74 - UNDEFINITIZED CONTRACTUAL ACTIONS**

**5317.7404 Limitations. (No Text)**

**5317.7404-1 Authorization.**

Approval authorities with prescriptions for their use are:

TYPED OF UNDEFINITIZED ACTION

APPROVAL LEVEL

Letter Contracts	HQ PACAF/LGC
Change Orders	Contracting Squadron Commander
Unpriced Orders Under a Basic Ordering Agreement (BOA)	Contracting Squadron Commander
Unpriced Supplemental Agreements	Contracting Squadron Commander

(a) Requests for issuance of letter contracts will be forwarded to HQ PACAF/LGC and will contain the following information as a minimum:

- (1) PR number, description of services and estimated contract amount.
- (2) Method of selection of the contractor.
- (3) Reasons why: (a) a binding commitment must be given to the contractor to start work immediately; and, (b) negotiating a definite contract is not possible in sufficient time to meet the requirement.
- (4) Proposed definitization schedule.
- (5) Maximum liability of the government prior to definitization.

(b) All determinations for issuance of letter contracts will be executed by HQ PACAF/LGC. Copies of the letter and definitive contracts will be forwarded to HQ PACAF/LGCR simultaneously with distribution to the contractor.

**5317.7404-3 Definitization schedule.**

As a minimum, the definitization schedule will contain scheduled dates or days for (a) receipt of contractor's proposal, (b) start of negotiations, and (c) target to complete definitization.

**PART 19 - SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS****SUBPART 5319.2 - POLICIES****5319.201 General policy.**

- (b) HQ PACAF Director of Small Business is delegated the authority to implement Small Business Programs.
- (c) HQ PACAF Director of Small Business is delegated the authority to appoint technical advisors.

**PART 22 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

**SUBPART 5322.1 - BASIC LABOR POLICIES**

**5322.101 Labor relations. (No Text)**

**5322.101-1 General.**

(e) PACAF contracting officers may use FAR 52.222-1, Notice to the Government of Labor Disputes, in contracts that warrant its inclusion. No further determination is required.

**SUBPART 5322.4 – LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION**

**5322.406 Administration and enforcement. (No Text)**

**5322.406-8 Investigation.**

(d)(1) The contracting officer shall forward the report of violations including findings and supporting evidence to HQ PACAF/LGCR.

**5322.406-13 Semiannual Enforcement Reports.**

Forward these reports to HQ PACAF/LGCR within ten days following the end of the reporting period.

**SUBPART 5322.8 - EQUAL EMPLOYMENT OPPORTUNITY**

**5322.808 Complaints.**

Complaints alleging violation of the requirements of EO 11246 shall be sent through HQ PACAF/LGCR to OFCCP.

**SUBPART 5322.14 – EMPLOYMENT OF WORKERS WITH DISABILITIES**

**5322.1406 Complaint procedures.**

(1) Provide HQ PACAF/LGCR with a copy of each complaint received as indicated in FAR 22.1406 at the same time the complaint is forwarded to the Department of Labor regional/area offices.

**PART 28 - BONDS AND INSURANCE****SUBPART 5328.1 – BONDS AND OTHER FINANCIAL PROTECTIONS****5328.101 Bid guarantees. (No Text)****5328.101-1 Policy on use.**

(c) The requirement for bid guarantees for construction contracts to be performed in Japan is hereby waived because of the impracticality of the contractors to furnish such guarantees.

**5328.102 Performance and payment bonds and alternative payment protections for construction contracts. (No Text)****5328.102-1 General.**

(a)(1) The requirement for payment bonds for construction contracts to be performed in Japan is hereby waived because of the impracticability of the contractors to furnish payment bonds.

**5328.106 Administration. (No Text)****5328.106-2 Substitution of surety bonds.**

(a) Contracting Squadron Commanders are delegated the authority to approve substitution of a new surety bond.

**SUBPART 5328.3—INSURANCE****5328.306 Insurance under fixed-price contracts.**

(b) Whenever the clause 52.228-5, Insurance-Work on a Government Installation, is included in a contract, prime contractors shall be required to either provide copies of insurance certificates or state in writing that the required insurance has been obtained before commencing work on the installation. If the contractor's statement is used in lieu of submission of insurance certificates to the contracting officer, the following Notification of Compliance with Insurance Requirements shall be used for the prime contractor. After completion by the contractor, the Notification of Compliance shall become part of the official contract file.

**NOTIFICATION OF COMPLIANCE WITH INSURANCE REQUIREMENTS CONTRACT NO.**

\_\_\_\_\_

The undersigned Contractor hereby acknowledges that he or she has read and understands the insurance requirements specified in this contract and hereby agrees (1) that such insurance will be maintained in at least the amounts and types specified in this contract and during any modifications and or time extensions granted thereto; (2) that the policies evidencing required insurance shall contain an endorsement to the effect that any cancellation or any material change adversely affecting the Government's interest shall not be effective for such period as the laws of the State in which this contract is to be performed prescribe, or until 30 days after the insurer or contractor gives written notice to the Contracting Officer, whichever period is longer; (3) that \_\_\_\_\_ (State) Workmen's Compensation Insurance, or letter of reciprocal agreement with another

state, shall be maintained on this contract for and during the entire performance period and for any modifications and time extensions granted thereto; and (4) that a copy of all subcontractors' proofs of required insurance shall be maintained and shall be made available to the Contracting Officer upon request. This agreement shall become a part of the above referenced contract file.

**INSURANCE COMPANY(S):**

(Name[s]) (Telephone Number[s])

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**CONTRACTOR:**

(Name & Address)

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(Authorized Signature) (Date)

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(Typed Name And Title)

**PART 32 - CONTRACT FINANCING****SUBPART 5332.7 - CONTRACT FUNDING****5332.702-90 Policy.**

- (a) Purchase requests for the execution of construction projects, where funds are not cited on the purchase request, must contain a statement on the purchase request that sufficient funds are held in reserve at HQ PACAF (or other cognizant funding authority) and will be made available when the amount of the successful offeror is determined by the contracting officer. Projects may include, for example, operation and maintenance (O&M), quality of life enhancement (QOLE), environmental, demolition, military family housing (MFH) maintenance and repair, MFH MILCON investment programs, and MFH post acquisition improvement program (PAIP) projects.
- (b) All contracting dollar thresholds shall be based upon the Budget rate of exchange for foreign currency equivalents.

## **PART 33 - PROTESTS, DISPUTES AND APPEALS**

### **SUBPART 5333.1 - PROTESTS**

#### **5333.102 General.**

(b) Forward requests for head of the agency determinations through HQ PACAF/LGCR.

(b)(3)(i) Forward contracting officer determinations for protest costs through HQ PACAF/LGCR prior to making demand for reimbursement on the contractor.

#### **5333.103-90 Protests to the agency.**

(d) PACAF contracting squadron commanders are redelegated the authority to deny protests which are lodged no higher than the field activity level. Legal advice shall be obtained prior to any decision. Notification of all field level protests must be made to HQ PACAF/LGCR within two duty days after receipt of the protest and a copy of all applicable documents shall be forwarded to HQ PACAF/LGCR for informational purposes.

#### **5333.104-90 Protests to GAO.**

(d) PACAF Procedures.

(1) Notify HQ PACAF/LGCR immediately if the contracting officer or staff judge advocate/legal advisor believes that the Air Force should request summary dismissal of a protest. HQ PACAF/LGCR will forward the request to SAF/AQCX or SAF/GCQ.

(2) Direct all status requests or questions on protests pending at GAO to HQ PACAF/LGCR. Contracting officers shall not contact SAF/AQCX, SAF/GCQ, or GAO directly unless requested by those offices.

(3) Whenever notification is received from any source of an actual or imminent protest to GAO, the contracting officer shall immediately notify HQ PACAF/LGCR.

(4) All contracting activities shall coordinate with their respective Director of Information Management and/or Air Postal Service to establish procedures for transmission of files to HQ PACAF/LGCR and SAF/AQCX or SAF/GCQ by the most expeditious means, including, but not limited to commercial express courier, UPS express mail, or internal distribution systems. All requests for time extensions shall be processed through HQ PACAF/LGCR to SAF/AQCX or SAF/GCQ. Requests from field activities to HQ PACAF/LGCR shall be telephonic or by telefax, predicated on urgency of need.

#### **5333.190 Protests to the Court of Federal Claims.**

(b) The contracting officer shall first inform HQ PACAF/LGCR which will notify SAF/GCQ of the protest at the COFC.

**SUBPART 5333.2 - DISPUTES AND APPEALS****5333.214 Alternative Disputes Resolution (ADR).**

(c) When contemplating use of ADR, the contracting officer shall coordinate with the base staff judge advocate or his/her representative.

**5333.291(b)(S-90) Claims and terminations for default.**

(1) The following procedures shall apply to actions requiring AFMC LO/JAB consultation.

(i) For decisions requiring consultation with AFMC LO/JAB, the contracting officer shall send the proposed final decisions with all supporting contract file documents to AFMC LO/JAB, 2240 B Street, Ste 8, Wright-Patterson AFB, OH 45433-7112, voice (937) 255-6111, DSN 785-6111, and fax (937) 255-9570, DSN 785-9570, for review before sending the decision to the contractor.

(ii) Final decisions on claims of \$100,000 or less, and on terminations for default with estimated excess procurement costs of \$100,000 or less, do not require AFMC LO/JAB review, provided the local staff judge advocate/legal advisor has reviewed and concurred with the final decision. However, any proposed final decision, regardless of dollar value, may be sent to AFMC LO/JAB for review if either the contracting officer or the local staff judge advocate determines that AFMC LO/JAB review is desirable. Copies of final decisions of \$100,000 or less will be forwarded to HQ PACAF/LGCR together with copies of legal opinions and the statement of findings by the contracting officer supporting the decision.

(iii) Telephone coordination of final decisions with AFMC LO/JAB is permitted when there is a genuine need for expedited review and when the case is simple, non-controversial, and unlikely to be appealed. Both the contracting officer and the local staff judge advocate/legal advisor should be on the line to discuss the case with AFMC LO/JAB.

(2) Forward to HQ PACAF/LGCR copies of the proposed contracting officer's decision, correspondence with the contractor which led to the decision, and Staff Judge Advocate's/legal advisor's opinions. Upon receipt of HQ AFMC LO/JAB or SAF/GQC comments/coordination and release of final decision to the contractor, send a copy of these documents to HQ PACAF/LGCR.

**5333.292 Appeals to the Armed Services Board of Contract Appeals (ASBCA).**

(b) Forward copies of the contractor's appeal and the ASBCA decision to HQ PACAF/LGCR. Advise HQ PACAF/LGCR if settlement takes place without an ASBCA decision.

**PART 36 - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

**SUBPART 5336.2 - SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION**

**5336.201 Evaluation of contractor performance.**

(a)(4) The evaluating official should be the inspector on the respective contract or a level higher, but in no case shall the evaluating official be at a level below the inspector. The reviewing official should be the flight chief within the contracting office, but in no case shall the reviewing official be at a level below the contracting officer on the respective contract.

**5336.202-90 Specifications and drawings.**

(a) Prior to issuing a solicitation, a joint review of the project specifications and drawings for all formal contracts will be conducted by members of the requiring activity, the contracting activity, and when necessary, the using activity in order to ensure their suitability. The objectives of this review include, but are not limited to, the following:

- (1) To ensure that the specifications and plans are compatible with the type of contract selected.
- (2) To screen the specifications and plans for clarity of meaning, ambiguities, and duplication of statements that will appear in the clauses or other provisions of the invitation for bid (IFB), request for proposal (RFP), or the resultant contract.
- (3) To verify availability of the work site.
- (4) To establish proper timing for the acquisition and the performance period of the work with consideration afforded to market and seasonal consideration, complexity of the project, liquidated damages clauses, and other factors.
- (5) To ascertain that GFM/GFE is available or will be available by the date required.
- (6) To ascertain whether the proposed contract is subject to any ceilings and/or statutory limitations established in applicable public laws and DOD or Air Force directives.
- (7) To ensure that the international balance of payments, policies, and procedures for overseas projects, if applicable, are adequate and compatible with the acquisition plan.

(b) If more than 120 days have elapsed between the date of the joint review and expected solicitation issue date, another joint review will be conducted prior to solicitation issuance to reexamine, as a minimum, the objectives cited in (a)(3), (4), and (5) above when determined necessary by the contracting officer. If the contracting officer determines that another joint review is not necessary, the file will be documented accordingly.

**5336.204 Disclosure of the magnitude of construction projects.**

In solicitations for construction in Japan, express the magnitude of construction projects in Japanese Yen to standardize our contracting procedures.

**5336.213 Special procedures for sealed bidding in construction contracting. (No Text)**

**5336.213-2 Presolicitation notices.**

(a) Contracting Squadron Commanders are delegated the authority to waive the requirement for presolicitation notices on contracts expected to equal or exceed \$100,000.

**SUBPART 5336.5 - CONTRACT CLAUSES**

**5336.507 Permits and responsibilities.**

When the clause at FAR 52.236-7, Permits and Responsibilities, is used in solicitations and contracts overseas, the clause shall be modified to reflect "host government and political subdivisions" in lieu of "Federal, state, and municipal."

**5336.570 Additional provisions and clauses.**

(b)(2) Contracting Squadron Commanders are delegated the authority to approve use of separate line items for construction mobilization, preparatory work, and demobilization.

**SUBPART 5336.6 – ARCHITECT-ENGINEER SERVICES**

**5336.604 Performance evaluation.**

(a)(5) The evaluating official should be the inspector on the respective contract, but in no case shall the evaluating official be at a level below the inspector. The reviewing official should be the flight chief within the contracting office, but in no case shall the reviewing official be at a level below the contracting officer on the respective contract.

**5336.609 Contract clauses. (No Text)**

**5336.609-1 Design within funding limitations.**

(c) Contracting Squadron Commanders are delegated the authority to determine whether cost limitations are secondary to design considerations and whether additional project funding can be expected, if necessary. The file must reflect the basis of the decision.

**PART 37 - SERVICE CONTRACTING**

**SUBPART 5337.1 - SERVICE CONTRACTS - GENERAL**

**5337.103 Contracting officer responsibility.**

(a)(3)(iii) Introduction by US Forces of Third Country Nationals (TCNs) into Japan is strictly controlled by the US-Japan Status of Forces Agreement. As a result, any entry of contractor TCN employees into Japan shall not be initiated without the prior coordination of HQ USFJ/J5, Unit 5068, APO AP 96328-5068, DSN 315-225-2028.

**PART 42 - CONTRACT ADMINISTRATION AND AUDIT SERVICES****SUBPART 5342.2 - CONTRACT ADMINISTRATION SERVICES****5342.202 Assignment of contract administration.**

(c)(2) Contracting Squadron Commanders are designated as the approval authority to delegate to the CAO the authority to issue orders under provisioning procedures in existing contracts and under BOAs.

## **PART 45 - GOVERNMENT PROPERTY**

### **SUBPART 5345.3 - PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS**

#### **5345.303 Providing material. (No Text)**

##### **5345.303-1-90 Policy.**

(a) The Contracting Officer will not award any contracts for base-level services and construction for which Government property is to be furnished before determination is made such property will be available. This determination will be based on receipt of the following information from the requirement generating activity:

(1) Government property to be furnished under the contract (GFP) will be annotated on the purchase request or in a listing as an attachment to the purchase request if the services are not subject to AFI 63-124. If the services are subject to AFI 63-124, the listing or GFP will be included in the Performance Work Statement in accordance with the instructions in AFI 63-124.

(2) The listing will contain the description or nomenclature of the item, condition (new/used), unit of issue, quantity, unit cost.

(3) If the GFP is on hand and available, its location will be set forth in the listing.

(4) If the GFP is not on hand, details will be obtained to assure it has been ordered in a timely manner; for example, contract number and delivery date, status of contract award, date requirement was submitted to Base Supply or other information.

### **SUBPART 5345.70 - APPOINTMENT OF PROPERTY ADMINISTRATORS AND PLANT CLEARANCE OFFICERS**

#### **5345.7001 Selection, appointment, and termination.**

(a) PACAF contracting squadron commanders may (in writing) select, appoint, and terminate property administrators and plant clearance officers.

**PART 47 - TRANSPORTATION****SUBPART 5347.4 - AIR TRANSPORTATION BY U.S. FLAG CARRIERS****5347.405-90 Contract Clause.**

(a) The contracting officer shall insert the clause at PAFFARS 5352.247-9000, Air Transportation Agreement, in solicitations and contracts when use of Government air transportation is authorized for contractor employees.

(b) Introduction by U.S. Forces of Third Country Nationals (TCNs) into Japan is strictly controlled by the U.S. - Japan Status of Forces Agreement. As a result, use of government air transportation for travel of contractor TCN employees into Japan shall not be initiated without the prior coordination of HQ USFJ/J5, Unit 5068, APO AP 96328-5068, DSN 315-225-2028.

**PART 49 - TERMINATION OF CONTRACTS**

**SUBPART 5349.1 - GENERAL PRINCIPLES**

**5349.101 Authorities and responsibilities.**

(a) The authority to terminate contracts for default requires appointment by HQ PACAF/LGC. When requesting appointment, the contracting officer will provide all relevant documents to include a chronology of events, cure/show cause notices, and contractor responses. Contracting officers are authorized to terminate contracts for convenience. (Also see PAFFARS 5312.403 for termination of commercial acquisitions.)

**PART 52 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES****SUBPART 5352.2 - TEXTS OF PROVISIONS AND CLAUSES**

**5352.247-9000 (PACAF) Air Transportation Agreement.** As prescribed in PAFFARS 5347.405-90(a), insert the following clause in solicitations and contracts.

**AIR TRANSPORTATION AGREEMENT (JAN 94)**

- (a) Contractor personnel may be authorized use of Government air transportation during performance of this contract per DOD 4515.13-R. The contractor agrees that the contractor's employees using such air transportation will, as required by DOD 4515.13-R execute DD Form 1381, Air Transportation Agreement, releasing and discharging the United States, its agents, servants, or employees from any and all claims for property damage and/or personal injury or death resulting from or during use by the contractor's employees of such air transportation or from ground operations thereto, whether such claims are on behalf of the employee, his or her representatives, or heirs and assigns. The contractor further agrees that, in consideration of the contractor's employees being permitted use of such Government air transportation, the contractor shall obtain appropriate liability insurance covering losses by or to the contractor and his or her employees in the use of Government air transportation. The requirement to obtain such insurance may be waived by the contracting officer upon request by the contractor demonstrating that such insurance is not available, not cost-effective, or otherwise not advantageous to the Government. The contractor shall in any event save and hold harmless the Government from liability in excess of or in addition to any such insurance as may be obtained.
- (b) Simultaneously with the submission of a written request for travel orders the contractor shall submit a copy of an executed DD Form 1381 for each contractor employee traveling on those orders.

(End of Clause)

**PART 53 - FORMS**

**5353.290 PACAF Forms.**

PACAF Form	Form Title	Paragraph Reference
PACAF Form 20	Ratification Action Summary	5301.602-3
PACAF Form 54	Contract File Index	5304.803
PACAF Form 222	Application for Appointment as Contracting Officer	5301.603-3-90
PACAF Form 226	Advance Acquisition Plan Milestones	5307.104-92