

## 44.202-2 Considerations.

(a) The *contracting officer* responsible for consent *must*, at a minimum, review the request and supporting data and consider the following:

(1) Is the decision to subcontract consistent with the contractor's approved *make-or-buy program*, if any (see [15.407-2](#))?

(2) Is the subcontract for *special test equipment*, equipment or real property that are available from Government sources?

(3) Is the selection of the particular *supplies*, equipment, or services technically justified?

(4) Has the contractor complied with the prime contract requirements regarding-

(i) Small business subcontracting, including, if applicable, its plan for subcontracting with small, veteran-owned, service-disabled veteran-owned, *HUBZone*, small disadvantaged and *women-owned small business concerns* (see [part 19](#)); and

(ii) Purchase from nonprofit agencies designated by the Committee for Purchase From People Who Are Blind or Severely Disabled [41 U.S.C.8504](#) (see [part 8](#))?

(5) Was adequate price competition obtained or its absence properly justified?

(6) Did the contractor adequately assess and dispose of subcontractors' *alternate* proposals, if offered?

(7) Does the contractor have a sound basis for selecting and determining the responsibility of the particular subcontractor?

(8) Has the contractor performed adequate cost or price analysis or price comparisons and obtained *certified cost or pricing data* and *data other than certified cost or pricing data*?

(9) Is the proposed subcontract type appropriate for the risks involved and consistent with current policy?

(10) Has adequate consideration been obtained for any proposed subcontract that will involve the use of Government-provided equipment and real property?

(11) Has the contractor adequately and reasonably translated prime contract technical requirements into subcontract requirements?

(12) Does the prime contractor comply with applicable cost accounting standards for awarding the subcontract?

(13) Is the proposed subcontractor listed as excluded in the *System for Award Management* (see [subpart 9.4](#))?

(b) Particularly careful and thorough consideration under paragraph (a) of this section is necessary when-

(1) The prime contractor's purchasing system or performance is inadequate;

(2) Close working relationships or ownership affiliations between the prime and subcontractor *may* preclude free competition or result in higher prices;

(3) Subcontracts are proposed for award on a non-competitive basis, at prices that appear unreasonable, or at prices higher than those offered to the Government in comparable circumstances; or

(4) Subcontracts are proposed on a cost-reimbursement, time-and-materials, or labor-hour basis.

**Parent topic:** 44.202 Contracting officer's evaluation.