

Part 5153 - Forms

(Revised 15 February 2024)

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Subpart 5153.2 - Prescription of Forms

5153.201 Federal acquisition system.

5153.201-90 Sample contracting officers representative designation letter.

In accordance with 5101.602-2-91, the Army will use the Virtual Contracting Enterprise Contracting Officer's Representative (COR) module to nominate, appoint, track, and revoke COR appointments. When the Virtual Contracting Enterprise COR module is unavailable, contracting officers shall use the sample COR designation letter format in 5153.303-1 to designate a COR. Designate CORs using official letterhead and follow standard procedures for correspondence. Address the designation to the individual by name, including rank or grade, and full mailing address.

5153.201-91 Sample ordering officer appointment letter.

Use the sample ordering officer appointment letter format in 5153.303-2 to appoint an ordering officer in accordance with 5101.602-2-92. Use official letterhead and follow standard procedures for correspondence. Address the appointment to the individual by name, including rank or grade, and full mailing address.

5153.206 Competition requirements.

5153.206-90 Format for justification review document.

Use the justification review document format at 5153.303-4 to document the requesting activity's internal review of a proposed justification when using other than full and open competition. Contracting officers will tailor the justification review document format to accommodate the justification's approval threshold. For example, justifications approved by a contracting officer may not require command advocate for competition, senior contracting official or head of the contracting activity review. The completed format becomes the cover page(s) of the justification. Do not use letterhead for this document.

5153.206-91 Format for justification and approval for other than full and open competition.

Use the justification and approval format at 5153.303-5 to support justifications for other than full and open competition in accordance with the Competition in Contracting Act as implemented in the FAR. Contracting officers shall tailor the justification and approval format to accommodate other type justifications in accordance with the FAR approval thresholds and required content. Do not use letterhead for this document. The approval page is separate from the certifications.

5153.206-92 Format for Determination and Findings for other than full and open competition. (DPC 2023-00003 Class Deviation 2024- 00005—Temporary Authorizations for Covered Contracts Related to Ukraine).

See AFARS [5153.303-11 Format for Determination and Findings for other than full and open competition. \(DPC Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel\)](#). for determination and findings sample format.

5153.206-93 Instructions for Congressional Notification Requirement When Utilizing the Authorities Conferred by paragraphs (B) - (G) of DPC Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel; Workload Forecasting Instructions

a. When using the authority at paragraph (B) of of DPC Class Devaition 2024-00005 - Temporary Authorization for Covered Contracts Related to Ukraine, Taiwan, and Israel, subparagraph (H)(1) of the class deviation requires written Congressional and DPC notification not later than seven days before contract award. Contracting officers shall use the sample format at AFARS 5153.303-12 for the notification.

b. When using the authorities at paragraphs (B) through (G) of DPC Class Deviation 2024- 00005 – Temporary Authorization for Covered Contracts Related to Ukraine, Taiwan, and Israel, subparagraph (H)(2) of the class deviation requires written Congressional and DPC notification within seven days after contract award. Contracting officers shall use the sample format at AFARS 5153.303-13 for the notification.

c. Contracting Officers shall submit congressional defense and DPC notification for HQDA review, coordination, and/or approval via ETMS2 to the ODASA(P) directorate listed at AFARS 5101.290(b)(1)(ii)(B) within one-day after award in order to meet the congressional defense committee requirement. c. Furthermore, to forecast workload requirements, the ODASA(P) will task Commands via the Enterprise Task Management Software Solution (ETMS2) bi-weekly to provide a listing of applicable actions. A template will be provided in ETMS2 to collect the following information for all applicable actions.

- (1) Program name.
- (2) Contract number, and modification number, if applicable.
- (3) Total estimated contract value (including options).
- (4) Contracting activity name and DoDAAC.
- (5) Contractor name and Commercial and Government Entity (CAGE) code.
- (6) Quantities and/or period of performance.
- (7) Reason for using the authority.
- (8) Expected outcome of using the authority, including estimated reductions in schedule.

Contracting Officers shall submit this data via ETMS2 as instructed.

5153.213 Simplified acquisition procedures.

5153.213-70 Completion of DD Form 1155, order for supplies or services.

(a) *Instructions for DD Form 1155 entries.* (See DFARS PGI 253.213-70.)

Block 19, Schedule of Supplies or Services, for task orders under job order contracts, see 5117.9004-3(g)(1).

5153.233 Protests, disputes, and appeals.

5153.233-90 Format for bid protest action report.

Use the format for a bid protest action report at 5153.303-6 to provide notification of a Government Accountability Office protest resolution. Contracting officers will email the report to the addressees provided at 5133.190-1 within 15 calendar days of its resolution.

5153.233-91 Format for quarterly bid protest analysis report.

Use the sample format for the quarterly bid protest analysis report at 5153.303-7 to submit quarterly bid protest reports in accordance with 5133.190-2. The quarterly bid protest analysis report for Government Accountability Office protests is emailed with copies of the bid protest action reports to the addressee in 5101.290(b)(5), not later than 30 calendar days following the end of the quarter.

5153.242 Contract administration and audit services.

5153.242-90 Contractor Performance Assessment Reporting System initial registration consolidated format.

Use the sample Contractor Performance Assessment Reporting System (CPARS) initial registration consolidated format at 5153.303-9 to submit contract registration information to the CPARS contracting activity focal point upon award of a contract eligible for a past performance assessment report. Retain the completed document in the official contract file.

5153.242-91 CPARS access request format.

Use the sample CPARS access request format at 5153.303-10 to submit contract access information to the CPARS contracting activity focal point upon award of a contract eligible for a past performance assessment report. Retain the completed document in the official contract file.

5153.245 Government property.

5153.245-90 Sample withdrawal of approval of property control system letter.

Use the sample withdrawal of approval of property control system letter at 5153.303-8 in accordance with FAR subpart 45.5 and DFARS subpart 245.5 to notify a contractor that approval of his property control system is withdrawn. Use official letterhead and follow standard procedures for correspondence.

5153.245-91 Consumption reports for ammunition.

When the contract, including a delivery or task order, will involve the furnishing of munitions as Government Furnished Material (GFM), contracting officers shall include a contract line item and Section J attachment for the Contract Data Requirements List (CDRL), DD Form 1423-2 (Rev. Aug 96) to collect periodic consumption data for the GFM from the contractor as authorized by Federal Acquisition Regulation clause 52.245-1, Government Property. The CDRL shall identify the format, frequency, and addressee(s), to include the Defense Contract Management Agency when applicable, for submission of the periodic consumption reports as identified by the requiring activity.

Subpart 5153.3 - Illustration of Forms

5153.303 Agency forms.

This subpart sets forth standard Army formats for specified actions. Contracting officers may tailor these formats where appropriate, and when they are not otherwise limited, to fit the specific acquisition or contracting action.

5153.303-1 Sample contracting officers representative (COR) designation.

Subject: Designation of Contracting Officer's Representative (COR) for Contract (Enter number.).

1. Pursuant to DFARS 201.602-2, you are designated as the contracting officer's representative (COR) in administration of the following contract:

Contract Number:

For: (Enter item/system/services.)

Contractor:

Contract Period:

2. You are authorized by this designation to take action with respect to the following:

- a. Verify that the contractor performs the technical requirements of the contract in accordance with the contract terms, conditions and specifications. Specific emphasis should be placed on the quality provisions, for both adherences to the contract provisions and to the contractor's own quality control program.
- b. Perform, or cause to be performed, inspections necessary in connection with paragraph 2.a. and verify that the contractor has corrected all deficiencies. Perform acceptance for the Government of services performed under this contract.
- c. Maintain liaison and direct communications with the contractor. Written communications with the contractor and other documents pertaining to the contract shall be signed as "Contracting Officer's Representative" and a copy shall be furnished to the contracting officer.
- d. Monitor the contractor's performance, notify the contractor of deficiencies observed during surveillance and direct appropriate action to effect correction. Record and report to the contracting officer incidents of faulty or nonconforming work, delays or problems. In addition, you are required to submit a monthly report concerning performance of services rendered under this contract.
- e. Coordinate site entry for contractor personnel, and insure that any Government-furnished property is available when required.

3. You are not empowered to award, agree to or sign any contract (including delivery orders) or contract modification or in any way to obligate the payment of money by the Government. You may

not take any action which may affect contract or delivery order schedules, funds or scope. All contractual agreements, commitments, or modifications which involve price, quantity, quality, delivery schedules, or other terms and conditions of the contract must be made by the contacting officer. You may be personally liable for unauthorized acts. You may not re-delegate your COR authority.

4. This designation as a COR will remain in effect through the life of the contract, unless sooner revoked in writing by the contracting officer or unless you are separated from Government service. If you are to be reassigned or to be separated from Government service, you must notify the contracting officer sufficiently in advance of reassignment or separation to permit timely selection and designation of a successor COR. If your designation is revoked for any reason before completion of this contract, turn your records over to the successor COR or obtain disposition instructions from the contracting officer.

5. You are required to maintain adequate records to sufficiently describe the performance of your duties as a COR during the life of this contract and to dispose of such records as directed by the contracting officer. As a minimum, the COR file must contain the following:

- a. A copy of your letter of appointment from the contracting officer, a copy of any changes to that letter, and a copy of any termination letter.
- b. A copy of the contract or the appropriate part of the contract and all contract modifications.
- c. A copy of the applicable quality assurance (QA) surveillance plan.
- d. All correspondence initiated by authorized representatives concerning performance of the contract.
- e. The names and position titles of individuals who serve on the contract administration team. The contracting officer must approve all those who serve on this team.
- f. A record of inspections performed and the results.
- g. Memoranda for record or minutes of any pre-performance conferences.
- h. Memoranda for record of minutes of any meetings and discussions with the contractor or others pertaining to the contract or contract performance.
- i. Applicable laboratory test reports.
- j. Records relating to the contractor's quality control system and plan and the results of the quality control effort.
- k. A copy of the surveillance schedule.
- l. Documentation pertaining to your acceptance of performance of services, including reports and other data.

6. At the time of contract completion, you will forward all records to the contracting officer for retention in the contract files.

7. All personnel engaged in contracting and related activities shall conduct business dealings with industry in a manner above reproach in every aspect and shall protect the U.S. Government's

interest, as well as maintain its reputation for fair and equal dealings with all contractors. DoD 5500.7-R sets forth standards of conduct for all personnel directly and indirectly involved in contracting.

8. A COR who may have direct or indirect financial interests which would place the COR in a position where there is a conflict between the COR's private interests and the public interests of the United States shall advise the supervisor and the contracting officer of the conflict so that appropriate actions may be taken. CORs shall avoid the appearance of a conflict of interests to maintain public confidence in the U.S. Government's conduct of business with the private sector.

9. You are required to summarize the contractor's contractual performance at least annually using the Contractor Performance Assessment Reporting System (CPARS) at <http://www.cpars.gov>. The narrative you write must support the rating given based on the rating definitions in the CPARS Guide on the website.

10. You are required to acknowledge receipt of this designation on the duplicate copy and return it to the contracting officer. Your signature also serves as certification that you have read and understand the contents of DoD 5500.7-R. The original copy of this designation should be retained for your file.

Signature Block Of

Contracting Officer

Receipt of this designation is acknowledged.

Name: _____ (Print or type) Signature: _____

Title: _____ Date: _____

Rank/Grade: _____ Telephone: _____

5153.303-2 Sample ordering officer appointment.

Subject: Appointment of Ordering Officer

1. **Appointment** . Under AFARS 5101.602-2-92, you are appointed an Ordering Officer for the purposes set forth in paragraph 2. Your appointment becomes effective (enter date) and will remain effective, unless sooner revoked, until expiration of the contract(s) enumerated in paragraph 2 or until you are reassigned or your employment is terminated. You are responsible to and under the technical supervision of the chief of the (enter name of installation or activity) contracting office for your actions as an Ordering Officer.

2. **Authority, Limitations and Requirements.** Your appointment is subject to the use of the following method(s) of purchase, limitations and requirements:

a. Subject to your ensuring that local purchase authority exists for the transaction, you may make

purchases using imprest funds for payments and using Standard Form 1165, Receipt for Cash - Subvouchers, provided all of the following conditions are satisfied:

- (1) The aggregate amount of a purchase transaction is not in excess of \$500 under emergency conditions. You may not split purchases to avoid this monetary limitation.
- (2) The supplies or nonpersonal services are available for delivery within 60 calendar days, whether at the supplier's place of business or at destination.
- (3) The purchase does not require detailed, technical specifications or technical inspection.

b. Subject to your ensuring that funds are available and that local purchase authority exists for the transaction, you may make purchases using Standard Form 44, Purchase Order -- Invoice -- Voucher, provided all of the following conditions are satisfied:

- (1) The aggregate amount of the purchase transaction is not in excess of \$3,000. You may not split purchases to avoid this monetary limitation.
- (2) Supplies or nonpersonal services are immediately available.
- (3) One delivery and one payment shall be made.

c. Subject to your ensuring that funds are available and that local purchase authority exists for the transaction, you may place delivery orders (DD Form 1155) without monetary limitation, except that specified in individual contracts, against --

- (1) Brand Name contracts published in Defense Personnel Support Center Supply Bulletins in the SB 10-500 or SB 10-600 series;
- (2) Defense Personnel Support Center requirements contracts for subsistence items;
- (3) Defense Fuel Supply Center and Defense General Supply Center requirements contracts; and
- (4) The following indefinite delivery contracts, copies of which are attached: (List contracts by number and name of contractor.)

d. Subject to your ensuring that funds are available and that local purchase authority exists for the transaction, you may place Service Orders for Household Goods, DD Form 1164, against Commercial Warehousing and Related Services for Household Goods contracts for military and civilian personnel, subject to the criteria and procedures prescribed in DoD 4500.34-R, Chapter 2, and provided that no Service Order shall be in excess of \$10,000.

e. You are responsible for --

- (1) Distributing and administering delivery orders that you place;
- (2) Establishing controls necessary to ensure that all contract terms and conditions are met and that supplies or nonpersonal services ordered conform to contract requirements before acceptance is made or payment authorized, and
- (3) Reporting deficiencies in contractor performance promptly to the contracting officer who awarded the contract against which the delivery order was placed. You may not make any changes in the terms or conditions of any contracts against which you place delivery orders.

f. The authority granted in this appointment may not be redelegated to any other person.

3. Standards of Conduct and Contracting Action Reporting Requirements.

a. You shall comply with the standards of conduct prescribed in DoD 5500.7-R.

b. You shall furnish the undersigned and the contracting officer to whom you are responsible such information as may be required for contracting action reporting purposes in the manner and the time specified.

4. Termination of Appointment.

a. Your appointment may be revoked at any time by the undersigned authority or successor and shall be terminated in writing, except that no written termination of your appointment shall be made upon expiration or termination of contracts enumerated in paragraph 2.

b. Should you be reassigned from your present position or separated from Government service while this appointment is in effect, you shall promptly notify the appointing authority in writing. Your appointment will be terminated in writing if you are reassigned; it shall automatically be terminated on the date you are separated from Government service, if it is not revoked sooner.

5. Acknowledgement of Receipt. You are required to acknowledge receipt of this appointment on the duplicate copy and return it to the contracting officer. Your signature also serves as certification that you have read and understand the contents of DoD 5500.7-R. The original copy of this designation should be retained for your file.

Signature Block Of

Appointing Authority

Receipt of this appointment is acknowledged.

Name: _____ (Print or type) Signature: _____

Title: _____ Date: _____

Rank/Grade: _____ Telephone: _____

5153.303-3 Reserved.

5153.303-4 Format for a justification review document for other than full and open competition.

Control No:

Justification Review Document for Other Than Full and Open Competition

Program/Equipment:

Authority:

Amount:

Prepared by:

Typed Name: DSN: _____

Title: Date: _____

E-mail: _____

Contracting Officer:

Typed Name: DSN: _____

Date Reviewed: _____

E-Mail: _____

Technical Representative:

Typed Name: DSN: _____

Title: Date Reviewed: _____

Requirements Representative:

Typed Name: DSN: _____

Title: Date Reviewed: _____

Reviews: I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager (1)

Typed Name: DSN: _____

Signature: _____ Date: _____

Legal Counsel

Typed Name: DSN: _____

Signature: _____ Date: _____

Command Advocate for Competition

Typed Name: DSN: _____

Signature: _____ Date: _____

Senior Contracting Official

Typed Name: DSN: _____

Signature: _____ Date: _____

(1) Add Program Executive Officer signature block when item is Program Executive Officer managed.

Head of the Contracting Activity

Typed Name: _____ DSN: _____

Signature: _____ Date: _____

5153.303-5 Format for a justification and approval for other than full and open competition.

This format is mandatory for all justifications and approvals (J&As) in support of other than full and open competition. Contracting officer will tailor the J&A's format to accommodate other type justifications in accordance with the FAR approval thresholds and required content.

Control No:

Justification and Approval for Other Than Full and

Open Competition

- 1. Contracting Activity:** Specify the contracting activity responsible for this action.
- 2. Description of Action:** State whether the approval is for a new contract or a modification. Include the type of contract, type of funds to be used (Military Construction; Research, Development, Test and Evaluation; Other Procurement, Army; or Operation and Maintenance, Army) and, when applicable, the estimated share and ceiling arrangements, and fee or profit.
- 3. Description of Supplies/Services:** Name and describe the required supplies/services. Include the estimated total value, including options, if any.
- 4. Authority Cited:** Identify the statutory authority permitting other than full and open competition followed by the specific FAR citation and its title. For example: 10 United States Code 2304(c)(1) as implemented in Federal Acquisition Regulation 6.302-1(a)(2)(iii)(B), Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Reason for Authority Cited: Describe how this action requires the use of the authority cited. If applicable, identify the proposed or potential contractor(s) and include a discussion of the proposed contractor's unique qualifications for fulfilling the contract requirements.

(a) The rationale used for justifying the cited authority should be consistent throughout the document as appropriate.

(b) Justifications citing FAR 6.302-1(a)(2)(ii) or (iii) as the authority for less than full and open competition on a follow-on contract must reflect (1) substantial duplication of cost that is not expected to be recovered through competition and/or (2) unacceptable delays in filling agency requirements. If the authority cited is substantial duplication of costs, then paragraph 5 should compare the duplicate costs the government would incur to create competition and the estimated savings expected to be recovered through subsequent competition. In addition, the justification must include an explanation for how the requesting office derived their estimates and why they believe they are a substantial duplication. Justifications citing unacceptable delays must identify firm schedule limitations that do not result from a lack of planning. For example, firm schedule limitations could include an approved Army campaign plan or significant loss of life or property.

(c) Justifications citing FAR 6.302-2 must explain how failure to limit sources would seriously injure the Government, and include a discussion of the required delivery schedule and lead-time involved. If the delay associated with the requirement for first article testing is the principal reason for not awarding the contract on a full and open basis, clearly describe the reasons why first article testing is required and why other quality assurance techniques are inadequate. Contracting officers may submit J&As citing this authority for approval after the contract has been awarded (see FAR 6.302-2(c)(1)).

(d) Justifications citing FAR 6.302-2 or 6 must request offers from as many potential sources as practicable under the circumstances.

(e) If applicable, explain why technical data packages, specifications, engineering descriptions, statements of work or purchase descriptions suitable for full and open competition were not developed or are not available.

6. Efforts to Obtain Competition: Describe the efforts to solicit offers from as many potential sources as is practicable.

a. *Effective competition.* Describe the extent of effective competition anticipated for this acquisition. Also, state that the notices required by FAR 5.201 shall be or have been published, and that any bids or proposals received shall be considered. If a notice is not posted, state which exception in FAR 5.202 applies.

b. *Subcontracting competition.* In single source situations, address efforts by the Government to assure that the prime contractor obtains as much competition as possible in its subcontracting.

7. Actions to Increase Competition: There may be instances when it is not possible to compete the current acquisition. In these cases, include a statement of the actions taken, or to be taken, to increase competition (e.g., procure needed technical data for full and open competition or breakout subsystems or components for full and open competition) before any subsequent acquisition of the supplies or services. If future competition will be based on the procurement of technical data, provide the approximate date the technical data package will be available.

8. Market Research: Describe the extent and the results of the market research (FAR Part 10)

conducted to identify all qualified sources. Research must have been meaningful (demonstrated attempt to discover all relevant material) and conducted within the previous 12 months.

9. Interested Sources: Include a listing of the sources that have written to express interest in the acquisition. If applicable, clearly state "To date, no other sources have written to express an interest." If 10 U.S.C. 2304(c)(1)/FAR 6.302-1 is the authority cited, explain why other sources were rejected.

10. Other Facts: Discuss any other facts supporting the use of other than full and open competition, such as the following:

a. *Procurement history.* Reasonable efforts to retrieve the following items from computer records, contract files, competition advocate office files or other sources are expected:

(1) Contract numbers and dates of the last several contracts for these same requirements.

(2) The competitive status of these actions.

(3) Authority previously cited if less than full and open competition was used.

(4) If a justification was prepared to support the procurement made before this one, a summary of the contents of paragraph 7 of the justification for that procurement and an explanation of the results.

(5) If any prior contract for this requirement was accomplished using full and open competition, include a detailed explanation of the changed circumstances causing this action to now limit the sources.

(6) An explanation of any unusual patterns that may be revealed by the history, e.g., several consecutive, urgent buys.

(7) If a justification was prepared to support the procurement made before this one, briefly describe the circumstances justifying the procurement and whether there have been any significant changes.

b. *Other facts.* Provide any other facts necessary to justify limiting competition that were not previously stated.

(Certifications will normally be provided on a separate page at the end of the J&A to allow minor, administrative changes to be made during the review process.)

11. Technical Certification: Include the following statement:

I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: Date: _____

Title: Signature: _____

12. Requirements Certification: Include the following statement:

I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: Date: _____

Title: Signature: _____

Only the most senior persons within the organization responsible for acquiring the supplies or services described in the justification (e.g. program manager, depot commander, or senior program engineer) and with specific knowledge of the individual requirement (commodity, technology, and/or function) shall sign the technical and requirements certifications.

13. Fair and Reasonable Cost Determination: Include the following determination:

I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable.

Provide the basis for this determination (e.g., describe techniques to be used to determine fair and reasonable price, such as cost analysis, price analysis, audit, should cost, independent Government estimate, etc.). As part of the basis, indicate whether certified cost or pricing data will be required or if one of the exceptions in FAR 15.403 applies.

Typed Name: Date: _____

Title: Signature: _____

14. Contracting Officer Certification: This certification shall be made by the contracting officer who will sign the contract resulting from this justification and approval. Include the following statement:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Typed Name: Date: _____

Title: Signature: _____

Note: It is recommended for the contracting officer to annotate at the bottom of each J&A page the following marking, as appropriate, prior to posting on the internet: "Controlled Unclassified Information".

Approval

(The approval statement is drafted on a separate page from the certifications and tailored to the

instant contract action)

Based on the foregoing justification, I hereby approve the procurement of (state equipment/services being procured) on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c) (insert authority and general title), subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Date: _____ Signature: _____

5153.303-6 Format for a bid protest action report.

Bid Protest Action Report

(RCS DD-DR&E(AR)1669)

Protester: _____

Protest number: _____

Protest Forum (GAO/AGENCY): _____

Has there been a Freedom of Information Act request or Congressional, Office of the Secretary of Defense; Headquarters, Department of Army; media, or other high level interest in any aspect of the protested acquisition or action (including the period prior to any protest)?

Circle One: Pre-award/Post Award Negotiated/Sealed Bid

Best Value: Yes No

Description of item or service:

Solicitation Number:

Contract Number:

Awardee:

Award Date: _____. Award Amount:

Estimated Amount (if pre-award):(Do not round off/abbreviate dollar amounts)

Stop Work? Yes No . If Yes, date issued:

Attorney assigned to the protest (include phone):

Contracting Officer (include phone):

Lessons Learned and legal/acquisition costs are to be submitted by letter covering a copy of decision. Include information concerning whether or not a GAO dismissal or withdrawal of a GAO protest was the result of a corrective action taken by the contracting office.

5153.303-7 Format for a quarterly bid protest analysis report.

Quarterly Bid Protest Analysis Report

(Separate Report for Government Accountability Office (GAO) Protests)

For the period covering:

1. Protests filed this quarter:

a. Total number:

b. Numbers filed by Army Command/Major Subordinate Command, Heads of Contracting Activities (HCAs):

2. Number of protests sustained/granted in this quarter:

3. Number of protests resolved using GAO Flexible Alternative Procedures in accordance with 4 CFR 21.10 this quarter:

4. Costs:

a. Costs and fees awarded by GAO to protester:

b. Dollar value of award:

(1) Preaward protests:

(2) Postaward protests:

5. Lessons Learned, Issues and Trends, Divergence from Precedent. Provide a copy of all decisions for sustained protests along with the lessons learned.

5153.303-8 Withdrawal of approval of property control system.

(Official Letter Head)

Office Symbol

Contractor's Name and Address

Government contract (insert contract number) requires (insert contractor's name) to establish and maintain, in accordance with FAR Subpart 45.5 and DFARS Subpart 245.5, a system to control, protect, preserve, and maintain Government property in your possession. The applicable provisions of the referenced contract provide that failure of the contractor to maintain and administer an acceptable program or system shall be presumed to be a failure resulting from willful misconduct or lack of good faith on the part of the contractor's managerial personnel.

The Property Administrator, by letter dated (insert date) gave notification that (insert contractor's name) system for the maintenance, protection, preservation, and control of Government property was reviewed and found not to meet the requirements of FAR Subpart 45.5 and DFARS Subpart

245.5 in the following respects:

(list all deficiencies)

By letter of (insert date) you were advised that approval of the property control system would be withdrawn unless the noted deficiencies were corrected by (insert date). As of this date, these corrections have not been accomplished. This undue delay in complying with your contractual requirements concerning Government property and your continued delay in rectifying noted deficiencies indicate a lack of concern by (insert contractor’s name) managerial personnel. Therefore, the approval of your Property Control System is withdrawn as of (insert date). As a result of this action, (insert contractor’s name) shall be liable for any loss or damage to the Government property occurring after receipt of this notice in accordance with the provisions of the contract.

A copy of this letter is being furnished to the Chief of the Contracting Office. Your failure to maintain an acceptable property control system could adversely affect future recommendations for the award of contracts. Restoration of approval of your property system is dependent upon the correction of the above listed deficiencies to the satisfaction of the contracting officer.

Sincerely,

(Signature)

Contracting Officer

(Note: Send by registered or certified mail.)

5153.303-9 Contractor Performance Assessment Report System initial registration consolidated format.

(Submit a copy to the Contractor Performance Assessment Report System (CPARS) focal point upon award, along with the CPARS access request format at 5153.303-10. Other formats may be used if all applicable information below is included.)

CONTRACT NUMBER: _____

ORDER NUMBER _ _____ (Include General Services Administration (GSA) number and basic procurement instrument identification “F” order number.)

CONTRACT TITLE/EFFORT DESCRIPTION: _____

CAGE CODE: _ _____ **DUNS:** _____ **PSC:** _____ **NAICS:** _____

CONTRACTOR NAME, A D DRESS (as listed in System for Award Management, www.sam.gov):

BUSINESS SECTOR (Circle one): Systems or Non-systems

LOCATION OF CONTRACTOR PERFORMANCE (if other than contractor address above):

CONTRACT AWARD DATE _____ **EFFECTIVE DATE:** _____

COMPLETION DATE (Include last possible date, if all options exercised): _____

DOLLAR VALUES:

AWARDED VALUE (Grand total, including unexercised options): _____

CURRENT VALUE (Current funded amount as of registration date. Use target price or total estimated amount for incentive contracts.): _____

CONTRACT TYPE (Circle one. For hybrid, put a "P" next to the predominate type and identify other type with an "O" next to it.):

FFP __ **FPI** __ **FPR** __ **CPFF** __ **CPIF** __ **CPAF** __ **HYBRID** __ **OTHER:** _____

COMPETITIVE (Basis of award): YES or NO

PROGRAM/PRODUCT/PROJECT M A N A G E R _ _____

E-MAIL: _____ **TELE:** _____

CONTRACT SPEC IALIST _____

E-MAIL: _____ **TELE:** _____

CONTRACTING OFFICER _ _____

E-MAIL: _ _____ **TELE:** _ _ _____

**GOV ERN M E N T C O N T R A C T I N G O F F I C E R ' S R E P R E S E N T A T I V E / Q U A L I T Y A S S U R A N C E
EVALUATOR** _ _____

E-MAIL: _ _____ **TELE:** _____

CONTRACTOR PROGRAM MANAGER: _ _ _ _ _ **TELE:** _____ **E-
MAIL:** _____

PERIOD OF PERFORMANCE (POP) FOR 1 ST ASSESSMENT:

FROM: _ _ _ _ _ **TO:** _____ **CPAR COMPLETED:** _____

OPTION 1 POP FROM: _ _ _ _ _ **TO:** _____ **CPAR COMPLETED:** _____

OPTION 2 POP FROM: _ _ _ _ _ **TO:** _____ **CPAR COMPLETED:** _____

OPTION 3 POP FROM: _ _ _ _ _ **TO:** _____ **CPAR COMPLETED:** _____

OPTION 4 POP FROM: _ _ _ _ _ **TO:** _____ **CPAR COMPLETED:** _____

(View completed reports in the Past Performance Information Retrieval System-Report Card, available via the Internet at <https://www.ppirs.gov>.)

5153.303-10 Contractor Performance Assessment Report System access request format.

(Submit a copy to the Contractor Performance Assessment Report System (CPARS) focal point upon award, along with the CPARS initial registration consolidated format at 5153.303-9. Other formats may be used if all applicable information below is included.)

Note: For report completion and security measures, user(s) are responsible for notifying the focal point for removal of person(s) no longer associated with the contract(s) below. A change in Assessing Official Representative or Assessing Official requires that person to start an Interim Assessment for continuity.

A. Enter Contract Numbers/Order Numbers:

Note: For General Services Administration (GSA) orders, you must include a GSA schedule number.

1. 6.
2. 7.
3. 8.
4. 9.
5. 10.

B. Enter Name of Assessing Official:

The Assessing Official may input ratings and narrative, sign the assessment report, and release it to the contractor, and modify the report following contractor comments or close the report if it is not contentious. The Assessing Official is the person with overall responsibility for the program/project or job/task/delivery order. The Assessing Official must be a U.S. Army employee.

Name	Email Address
-------------	----------------------

- 1.

C. Enter Name(s) of Assessing Official Representative(s) (Optional):

The Assessing Official Representative (AOR) may assist the Assessing Official by inputting ratings and narrative. The AOR may not sign the report. Examples of AORs include technical experts (i.e., engineering, logistics), Defense Contract Management Agency program integrators, quality and other team members. An AOR must be a government employee.

Name Email Address

- 1.
- 2.
- 3.
- 4.

D. Enter Name of Contractor Representative:

This individual, the Contractor's Program Manager equivalent, will comment on the Government Assessing Official's assessment. The contractor representative can input comments for the contracts listed above and view the completed report(s).

Name Email Address

- 1.
- 2.
- 3.
- 4.

E. Enter Name of Reviewing Official:

A Reviewing Official, generally a level above the Assessing Official, provides the check-and-balance whenever the Government Assessing Official and the Contractor Representative disagree on the assessment. The Reviewing Official can input comments for the contracts listed above. The Reviewing Official must be a U.S. Army employee in the Assessing Official's chain of command.

Name Email Address

- 1.

Individual Submitting This Request for Access:

Name:

Title:

Phone:

Date:

5153.303-11 Format for Determination and Findings for other than full and open competition. (DPC Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel).

This form shall be used to document a public interest determination under 10 USC 3204(a)(7) and FAR 6.302-7 in support of the award of a “covered contract.” See DPC Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel.

Do not use letterhead for this document.

(See AFARS 5106.302-7 Public Interest., AFARS part 5153, and Appendix GG for further delegations)

DETERMINATION AND FINDINGS

Title: Public Interest Determination Under Section 3204(a)(7) of Title 10, United States Code

Authority:

__ Section 3204(a)(7) of Title 10, United States Code (10 U.S.C. 3204(a)(7))

__ Subsection 1244(a)(2), of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, as amended by Section 1242 of the FY24 NDAA

__ DPC Class Deviation 2024-00005

__ Army FAR Supplement 5106.302-7 Public Interest. and Appendix GG

Requesting Activity/Program Office: *(insert requiring/program office name - e.g. PEO Missiles and Space)*

Contracting Activity: *(insert awarding contracting office - e.g. Army Contracting Command - Redstone Arsenal and Contracting Officer name and email address)*

Contract Information: *(insert contract number, total contract value, and total obligated dollars)*

Anticipated Award Date: *(insert award date taking into account the seven (7) congressional notification requirement.*

Requirement Description: *(Insert brief description of the type of supplies/services to be acquired and estimated dollar value of the award)*

FINDINGS

1. Pursuant to 10 U.S.C. section 3204(a)(7), as implemented in Federal Acquisition Regulation (FAR)

6.302-7, full and open competition need not be provided for when the head of the agency determines that it is not in the public interest in the particular procurement concerned. Subsection 1244(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA FY2023), as amended by section 1242 of the FY24 NDAA, implemented in DPC Class Deviation 2024- 00005, provides that a “covered contract” may be presumed to be in the public interest. A “covered contract” is any contract, subcontract, or modification of a contract, or subcontract awarded by the Department of Defense to:

- a. Build or replenish the stocks of critical munitions and other defense articles of the Department
- b. Provide materiel and related services to foreign allies and partners that have provided support to Ukraine, Taiwan, or Israel; or
- c. Provide materiel and related services to the Ukraine, Taiwan, or Israel.

2. Pursuant to AFARS 5106.302-7 Public Interest, and Appendix GG, the head of agency authority has been delegated to (*identify delegate*).

3. (*insert awarding contracting office i.e. Army Contracting Command*) on behalf of Program Executive Office (*insert the responsible PEO*) plans to award a contract for (*insert brief description*). The planned contract is a “covered contract” because (*insert succinct explanation as to how it meets the above criteria*).

4. As a “covered contract” the planned award may be presumed to be in the public interest. Application of that presumption to this procurement expedites contract award and thereby advances important DoD and national objectives related to Ukraine (*insert country*) support. (*add other pertinent considerations*).

5. In accordance with NDAA FY2023, subsection 1244(a)(2)(B)(iii), as amended by section 1242 of the FY24 NDAA and Class Deviation 2024-00005, Section H(1), a written notification will be submitted to the congressional defense committees and DPC not later than 7-days before awarding a covered contract.

The undersigned attest that the preceding findings are accurate and complete and are sufficient to substantiate use of the public interest exception.

Contracting Officer:

Typed Name: Email:

Date: Signature:

Requiring Activity/Program Executive Officer

Typed Name: Email:

Date: Signature:

Chief Legal Counsel

Typed Name: Email:

Date: Signature:

Senior Contracting Official (when not serving as approval authority)

Typed Name: Email:

Date: Signature:

DETERMINATION

(By Head of the Contracting Activity or authorized delegate)

Based upon the foregoing findings, and pursuant to 10 U.S.C. 3204(a)(7) and FAR 6.302-7, I determine that use of full and open competition is not in the public interest for the procurement of *(insert description)*.

Typed Name: Email:

Date: Signature

5153.303-12 Format for Advance Congressional Notification When Utilizing Authorities Conferred by DPC Class Deviation 2024-00005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel.

(Note: Please submit the below information and the ODASA(P) will provide congressional addresses)

Dear Mr. Chairman:

This notification is provided pursuant to Subsection 1244(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (FY23 NDAA) (Pub. L. 117-263), as amended by section 1242 of FY24 NDAA (Pub. L. 118-31).

The United States Army anticipates awarding the following contract action on or before *(insert Month-Day-Year format)* and is providing notification.

- a. Program Name:
- b. Contract number, and modification number:
- c. Total estimated contract value (including Options):
- d. Contracting activity name and Department of Defense Activity Address Code (DODAAC):
- e. Contractor name and Commercial and Government Entity (CAGE) Code:
- f. Quantities and/or period of performance:
- g. Reason for using the authority:
- h. Expected outcome of using the authority, including estimated reductions in schedule:

The Department will not make award until seven (7) days after this congressional notification.

Thank you for your continued support of defense programs and our Service men and women.

Sincerely,

Megan R. Dake

Deputy Assistant Secretary of
the Army (Procurement)

5153.303-13 Format for Post Award Congressional Notification When Utilizing Authorities Conferred by DPC Class Deviation 2024-O0005—Temporary Authorizations for Covered Contracts Related to Ukraine, Taiwan, and Israel.

(Note: Please submit the below information and the ODASA(P) will provide congressional addresses)

Dear Mr. Chairman:

This notification is provided pursuant to Subsection 1244(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (FY23 NDAA)(Pub. L. 117-263), as amended by section 1242 of FY24 NDAA(Pub. L. 118-31).

The United States Army awarded the following contract action on (*insert Month-Day-Year format*) and is providing notification.

- a. Program Name:
- b. Contract number, and modification number:
- c. Total estimated contract value (including Options):
- d. Contracting activity name and Department of Defense Activity Address Code (DODAAC):
- e. Contractor name and Commercial and Government Entity (CAGE) Code:
- f. Quantities and/or period of performance:
- g. Specific authority used:
- h. Reason for using the authority:
- i. Expected outcome of using the authority, including estimated reductions in schedule:

Thank you for your continued support of defense programs and our Service men and women.

Sincerely,

Megan R. Dake

Deputy Assistant Secretary of the Army (Procurement)