

Subpart 5304.1 - CONTRACT EXECUTION

Parent topic: [Part 5304 - Administrative Matters](#)

5304.101 Contracting Officer's Signature

Contracting officers are required to sign all contract actions (either via wet signature, signature as produced by CON-IT, or digital signature produced with a DoD Public Key Infrastructure certificate using a Common Access Card), ensure contractor signatures are obtained, if required or desired, and maintain signed contractual documents within the official contract file.

Contracting officers need not obtain a contractor's written acceptance of a purchase order or modification of a purchase order for an acquisition under the 8(a) Program pursuant to 219.804-2(2). Reference [DFARS 213.7002 Purchase Orders](#).

5304.104 Early Effective Date

Early Effective Date:

(a) The chief of the contracting office may approve use of an early effective date (i.e., effective date prior to the contract award date) subject to the following conditions:

- (1) the negotiating parties have reached agreement on all terms and conditions, including price;
- (2) funding is currently available; and
- (3) for early effective dates established more than 30 days prior to the projected contract award date, legal review has been obtained. An early effective date shall not be used if the government intends to direct a prospective contractor, to accept benefits of the contractor's efforts, or to make payments before the contract award date.

(b) After receiving approval to use an early effective date, the contracting officer shall notify the contractor of the early effective date in writing and include the following:

- (1) agreed upon terms and conditions, including price,
- (2) a statement that any costs recognized in the resulting contract must be limited to those allowable, allocable, and reasonable costs that would be recognized if incurred after contract award;
- (3) a statement that if a contract is not awarded all incurred costs shall be at the contractor's own risk;
- (4) a statement that costs cannot not be invoiced or paid until after contract award; and
- (5) a statement that prior to contract award the government may not direct the contractor or accept benefits of the contractor's efforts. The contracting officer should also advise the program office or requirements owner that the government cannot direct the contractor or accept benefits of the

contractor's efforts until after contract award.