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# **PART 3437—SERVICE CONTRACTING**

Authority: 5 U.S.C. 301 and 20 U.S.C. 1018a.

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## Subpart 3437.1—Service Contracts—General

3437.102 Policy.

3437.170 Observance of administrative closures.

## Subpart 3437.2—Advisory and Assistance Services

3437.204 Guidelines for determining availability of personnel.

3437.270 Services of consultants clause.

## Subpart 3437.6—Performance-Based Acquisition

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**Parent topic:** SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

## **Subpart 3437.1—Service Contracts—General**

### **3437.102 Policy.**

If a service contract requires one or more end items of supply, FAR subpart 37.1 and this subpart apply only to the required services.

### **3437.170 Observance of administrative closures.**

The contracting officer must insert the clause at 3452.237-71 (Observance of administrative closures) in all solicitations and contracts for services.

## **Subpart 3437.2—Advisory and Assistance Services**

### **3437.204 Guidelines for determining availability of personnel.**

The HCA is the agency head for the purposes of FAR 37.204.

### **3437.270 Services of consultants clause.**

The contracting officer must insert the clause at 3452.237-70 (Services of consultants) in all solicitations and resultant cost-reimbursement contracts for consultant services that do not provide services to Federal Student Aid (FSA).

## **Subpart 3437.6—Performance-Based Acquisition**

### **3437.601 General.**

It is the Department's policy that all new service contracts be performance-based, with clearly defined deliverable and performance standards. Any deviations from this policy must be fully justified in writing and approved by the HCA.

### **3437.670 Contract type.**

Award-term contracting may be used for performance-based contracts and task orders that provide opportunities for significant improvements and benefits to the Department. Use of award-term contracting must be approved in advance by the HCA.