

AFFARS Text Changes Caused by FAR 15 Revisions, AFFARS Case 97-10

SUBPART 5301.6—CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

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5301.601-92 Delegation of general contracting authority.

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(f)

(3) Cost and price analysis and should-cost review in accordance with FAR 15.[\[404-1\]805](#) and FAR 15.[\[407-4\]810](#);

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5301.601-94 Legal review.

(a) When there is doubt or controversy about the interpretation or application of contracting statutes, policies, directives, and regulations, contracting offices shall get legal advice. During all phases of major acquisitions, and particularly during the formative stages, legal advice should be sought to avoid or minimize legal problems. Each staff judge advocate is responsible for providing legal assistance and advice throughout the contracting process, but this can only be given to the extent that contracting personnel ask for it. The following are typical contracting situations in which legal assistance may be required:

(2) *Solicitation and award.* Appropriate special clauses (e.g., warranties, options, milestones, incentives, indemnification, organizational conflicts of interest, consequential damages, savings provisions, patent and data rights, contract funding), provisions and clauses reflecting customary commercial practices, deviations, source selection criteria, determination of competitive range, business and contract clearances, alleged patent or copyright infringement, royalties, [\[final proposal revision\]](#)~~best and final offers (BAFOs)~~ and closing negotiations, certified cost or pricing data, responsiveness, contractor responsibility, mistakes in bids, late bids and proposals, buy-ins, protests against award, bidders/offeror conferences and debriefings, and bonds and bailments.

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SUBPART 5301.90—CLEARANCE PROCESS REVISIONS MADE BY CONTRACTING POLICY MEMO 97-C-

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SUBPART 5305.2—SYNOPSIS OF PROPOSED CONTRACT ACTIONS

[5305.204-90 Presolicitation Notices.

(a) Responses received as a result of a proper notice of proposed sole source contract action shall be handled in the following manner:

(1) The contracting officer shall transmit the respondent's information to the technical personnel and shall request a written technical assessment of the information submitted;

(2) The contracting officer shall use the technical assessment and other pertinent information to evaluate the response. The contracting officer's evaluation shall consider such factors as acquisition history, availability of procurement data, contractor capabilities, and the technical assessment;

(3) The contracting officer shall consult with the local competition advocate; and

(4) Contractor responses to the synopsis, technical assessments, and the contracting officer's evaluation shall be included in the contract file.

(b) The contracting officer shall notify potential offerors that responded to a proper notice of proposed sole source contract action of the contracting actions resulting from the notice. Announcements of contract awards (see FAR 5.303) or letters to the responding potential offerors may be used. The contracting officer shall send a letter to each responding potential offeror in all cases where the estimated contract value is \$2 million or greater.]

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PART 5306—COMPETITION REQUIREMENTS

5306.003 Definitions.

As used in this part, “commencement of negotiations” means the following:

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(b) For competitive negotiations, the acquisition cycle may proceed up to, but not including, competitive range determination if the competitive range determination will result in the elimination of an offeror; and may otherwise proceed up to, but not including, issuing the request for [final proposal revision] ~~best and final offer (BAFO)~~.

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5332.790 Base contract funding.

(a) (5) Information needed for planning purposes pursuant to FAR 15.~~[201(e)]~~405; or

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PART 5333—PROTESTS, DISPUTES, AND APPEALS

SUBPART 5333.1—PROTESTS

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5333.104-90 Protests to GAO.

(a) *General procedures.*

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(iv) *Contracting officer’s statement of facts.*

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(VII) Date [final proposal revision] ~~best and final offer (BAFO)~~ requested;

(VIII) Date [final proposal revision] ~~BAFO~~ received;

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5352.215-9000 Facility Clearance.

As prescribed in 5315.~~[204-5]~~408 ~~(b)~~, insert in Section L a provision substantially the same as the following provision:

FACILITY CLEARANCE (MAY 1996)

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5352.215-9001 Notice of Pre-bid/Pre-proposal Conference.

As prescribed in 5314.207-90 or 5315.~~2101409-90~~, insert a provision substantially the same as the following provision:

NOTICE OF PRE-BID/PRE-PROPOSAL CONFERENCE (MAY 1996)

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