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**M**ARINE CORPS

**A**CCQUISITION

**P**ROCEDURES

**S**UPPLEMENT

January 2011

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

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### SUBPART 1.1—PURPOSE, AUTHORITY, ISSUANCE

#### 1.101 (NMCARS) Purpose.

The Marine Corps Acquisition Procedures Supplement (MAPS) establishes uniform internal Marine Corps policies and procedures for those activities receiving contracting authority from Headquarters, Marine Corps (HQMC), Deputy Commandant, Installations and Logistics, (DC, I&L), and provides general guidance to Contracting Officers in the execution of their delegated authority.

#### 1.108 (NMCARS) FAR Conventions.

*Delegation of authority.* Within this supplement, any assigned authorities are NOT re-delegable unless otherwise stated.

#### 1.170 (NMCARS) Peer Review.

(a) For supply acquisitions valued at \$50 million up to and including \$1 billion, and service acquisitions valued at \$50 million up to \$250 million, Peer Reviews shall be performed as outlined below:

(1) Pre-Award.

(i) For competitive actions, pre-award Peer Reviews shall be conducted at three points in the contracting process:

- (A) Prior to issuance of the solicitation;
- (B) Prior to request for final proposals; and
- (C) Prior to contract award.

(ii) In the event the Contracting Officer determines award can be made based on evaluation of initial proposals (i.e. without discussions), the Peer Review Lead may determine to conduct the second and third Peer Reviews concurrently.

(iii) For non-competitive actions, pre-award Peer Reviews shall be conducted at two points in the contracting process:

- (A) Prior to approval of the pre-negotiation clearance, and
- (B) Prior to approval of the post-negotiation clearance.

(2) Post-Award. Only one post-award Peer Review is required for all contracts. This post-award Peer Review shall be conducted prior to the mid point of contract performance, but no later than prior to exercising the first option period (if applicable).

(b) Per Enclosure (1) of [DASN\(A&LM\) Memorandum, Subj: Department of the Navy Peer Review Program, dated 26 March 2009](#), for continuity, Peer Review Teams for a specific

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acquisition shall, to the extent practicable, be comprised of the same members for all reviews, from the pre-award phase through the post-award phase. (c) When a Peer Review at the DASN(A&LM) or DPAP level is required, the CCO shall contact the appropriate HQMC, I&L (Contracts) Assistant Director to provide notification of the required Peer Review and coordinate arrangements for the Peer Review event.

(c) A report, titled "Peer Review Rolling Forecast Report," of acquisitions equal to or greater than \$50 million requiring peer reviews by either the HCA, DASN(A&LM), or DPAP shall be prepared by each MARCOR I&L contracting office submitted to HQMC, I&L (Contracts) in accordance with the due dates identified in [Appendix B](#). The report shall be prepared by following the instructions in [NMCARS Annex 8](#), paragraph C, to complete the [DON Peer Review Projections spreadsheet](#). Negative replies are required.

### SUBPART 1.3—AGENCY ACQUISITION REGULATIONS

#### 1.303 (NMCARS) Publication and codification.

(a) The MAPS implements or supplements the Federal Acquisition Regulation ([FAR](#)), the Defense Federal Acquisition Regulation Supplement ([DFARS](#)), and the Navy Marine Corps Acquisition Regulation Supplement ([NMCARS](#)). It is not a stand-alone document, but must be read together with the FAR, DFARS, and NMCARS.

(b) To the extent possible, the MAPS coverage parallels the FAR in format, arrangement, and numbering system. However, subdivisions below the section and subsection levels may not always correlate directly to the FAR-designated paragraphs and subparagraphs. A FAR, DFARS, or NMCARS cite in parentheses immediately after the MAPS cite means related coverage is contained in the FAR, DFARS, or NMCARS (e.g., 1.101 (NMCARS)). Numbered divisions in this supplement with a suffix in the "100" series (e.g., 1.105-2-100) contain subject matter related to but not contained in a FAR, DFARS, or NMCARS numbered division. Omission from the MAPS of a subpart, section, or subsection that appears in the FAR, DFARS, or NMCARS denotes that there is no additional coverage in the MAPS.

(c) The MAPS is available electronically via a tab included in the [United States Marine Corps \(USMC\) Contract Management Process Guide \(CMPG\)](#) Menu Bar or as a link in the CMPG Table of Contents, and as a link in the [HQMC, Installations & Logistics \(I&L\) \(Contracts\) website](#). Hard copies may only be obtained by downloading the MAPS since individual hard copy distribution will not be made. Any updates to the MAPS will be announced by issuing a policy memorandum from Headquarters, Marine Corps, Installations and Logistics (Contracts) (HQMC, I&L (Contracts)). Each update will include an effective date and a summary of changes.

(d) The MAPS is maintained by HQMC, I&L (Contracts). Proposed changes to the MAPS, along with rationale for the changes, should be submitted via email to [CMPG\\_MAPS\\_FEEDBACK@usmc.mil](mailto:CMPG_MAPS_FEEDBACK@usmc.mil).

#### 1.304 Agency control and compliance procedures.

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### 1.304-100 (NMCARS) Control of HQMC baseline clauses.

Only provisions and clauses prescribed in FAR, DFARS, NMCARS, and MAPS are authorized for use in solicitations and contracts unless otherwise approved. For approval to use other than FAR, DFARS, NMCARS, or MAPS provisions and clauses, submit proposed language to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

## SUBPART 1.6—CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

### 1.601 (NMCARS) General.

(a) HQMC contracting authority originates from the Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN (RD&A)) and is delegated to the DC, I&L at HQMC. With the exception of those actions reserved specifically for Head of the Contracting Activity (HCA) approval, the DC, I&L has delegated full authority to the Assistant Deputy Commandant, Installation & Logistics (Contracts) (ADC, I&L (Contracts)). This authority cannot be re-delegated unless specifically authorized.

(b) HQMC, I&L (Contracts) and CCOs will oversee and monitor the contractual procedures, performance, and staffing of field-level contracting offices under their cognizance. Procedures and controls necessary for effective oversight should be established and maintained.

(c) CCOs may designate the deputy CCO to act on their behalf and make any necessary determinations or take any actions that are reserved for the CCO, unless otherwise restricted by a provision contained in the MAPS.

### 1.601-90 (NMCARS) Department of the Navy (DON) authorities and responsibilities.

(a) Per [FAR 1.601\(a\)](#) and [DFARS 202.101](#), the Secretary of the Navy, as Agency Head, established Contracting Activities and delegated broad authority to manage the agency's contracting functions to the heads of such contracting activities. HQMC, DC, I&L is the HCA for the Installations and Logistics, Headquarters, U.S. Marine Corps Contracting Activity defined in [DFARS 202.101](#). DC, I&L has delegated general contracting authority to ADC, I&L (Contracts) with the authority to re-delegate such authority and appoint Contracting Officers within the Marine Corps Field Contracting System (MCFCS) and Marine Corps Logistics Command (MCLC). ADC, I&L (Contracts) delegates certain authorities as specified in the MAPS. MAPS [Appendix A](#) identifies Regional Contracting Offices (RCOs) and other contracting offices authorized to perform delegated contracting functions for the Marine Corps and identifies any limitations. Only the contracting offices listed in [Appendix A](#) who have personnel with Contracting Officer appointments made by ADC, I&L (Contracts) may execute these delegated contracting functions. This general contracting authority includes authority to enter into, execute, and approve contracts. Specific authorities delegated are as noted in the MAPS and may be exercised to the extent authorized by individual Contracting Officer appointments.

(b) When it is unclear which agency is responsible for a requirement, the matter should be resolved at the local level if at all possible. Local decisions should be focused on satisfying customer requirements in the most efficient and economical means possible while still

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maintaining strict adherence to the rules and regulations of the FAR, DFARS and NMCARS and other binding authority.

(c) MCFCS and MCLC structures and areas of responsibility (AORs) are identified in [Appendix A](#).

### **1.601-100 Procurement authority for relocatable buildings.**

Authority to purchase or lease all relocatable buildings on Marine Corps Bases is delegated to Naval Facilities Engineering Command (NAVFAC).

### **1.602 Contracting Officers.**

#### **1.602-1 (NMCARS) Authority.**

##### **1.602-1-100 Legal review.**

(a) The Office of Counsel for the Commandant (CL) and CL field Counsel are component offices of the Navy Office of General Counsel and provide legal support and assistance to Marine Corps contracting activities worldwide. All contracting personnel are strongly encouraged to consult with CL field Counsel on all questions of a legal or policy nature on any subject that is of a concern. It is emphasized that CL is an integral part of our business management team and consultation with CL field Counsel is strongly encouraged; however, the Contracting Officer is ultimately responsible for all contracting decisions.

(b) In addition to legal review or consultation requirements contained within other provisions of the FAR, DFARS, NMCARS, this supplement, or other binding authority, contracting personnel must obtain legal review, or consultation as appropriate, for the following:

(1) Solicitations estimated to be in excess of the simplified acquisition threshold (SAT) and all amendments (except those that are administrative in nature) to such solicitations;

(2) Proposed contracts in excess of the SAT;

(3) Performance work statements (PWS) for performance-based service acquisitions (PBSA) in excess of the SAT;

(4) Task orders (TOs), in excess of the SAT, placed against service contracts;

(5) Acquisition Plans (AP)/Acquisition Strategies (AS) for solicitations/contracts that involve determining the best value by using the tradeoff source selection process;

(6) Source selection plans (SSPs) and evaluation criteria that involve the use of a “best value”/tradeoff analysis;

(7) Justifications for other than full and open competition pursuant to [FAR Part 6](#);

(8) All determination and findings (D&Fs);

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(9) Proposed deviations from FAR, DFARS, NMCARS, or other applicable regulations or directives including waiver requests;

(10) Basic ordering agreements (BOAs) and blanket purchase agreements (BPAs) and orders under BOAs/BPAs in excess of the SAT;

(11) Matters relating to late bids/offers;

(12) Matters relating to mistakes in bids/offers;

(13) Proposed rejections of bids/offers;

(14) Protests (prior to and after contract award);

(15) Contract modifications affecting price or estimated cost, delivery schedules, specifications, performance obligations, Government-furnished property, inspection and acceptance, special provisions, and any other material change to the terms and conditions of the contract;

(16) Questions relating to contract interpretation;

(17) Termination actions;

(18) Contract claims, disputes, and appeals;

(19) Requests for extraordinary contractual relief under the provisions of Public Law 85-804 ([FAR Part 50](#));

(20) Leases, bailments, grants, cooperative R&D agreements, "other transactions," software licenses, and [Office of Management and Budget \(OMB\) Circular A-76](#) functional conversions (regardless of dollar value);

(21) Congressional inquiries;

(22) Freedom of Information Act (FOIA) responses involving denials (in whole or partial); releases when some or all of the information is disputed by a party; and any other questionable or controversial FOIA issues;

(23) Questionable or controversial determinations of nonpersonal services ([FAR Part 37](#));

(24) Ratifications of unauthorized commitment requests;

(25) Matters relating to organizational and consultant conflicts of interest ([FAR Subpart 9.5](#)); and

(26) Matters relating to patents, rights in data, and copyrights ([FAR Part 27](#)).

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(c) Where a requirement exists for legal review, such reviews must be accomplished by appropriate CL field Counsel. In the event that CL field Counsel is not available, contracting personnel may contact CL for assistance.

(d) Contracting personnel should consider submitting to CL field Counsel for review/comment any action when, at the discretion of contracting personnel, legal review is necessary.

(e) All matters submitted to CL field Counsel for the purpose of obtaining concurrence, advice, or assistance should, to the maximum extent practicable, include the following to enhance the processing of the matter:

(1) A route sheet indicating that supervisory contracting personnel responsible for the matter have reviewed the material and concur with the proposed course of action;

(2) A brief description of the matter to be reviewed with a specific discussion of each key element in the request. If the document being reviewed is a solicitation, amendment, contract, or modification, identify any provisions that are not found in FAR, DFARS, and NMCARS, e.g., nonstandard clauses, terms or conditions, as well as the applicable approval of such provisions;

(3) A proposed document (e.g., solicitation, amendment, contract, modification, justification, D&F, or letter) which, if determined to be acceptable, would constitute completion of the matter; and

(4) Other supporting documentation, indexed for easy reference, necessary to understand the proposed action without having to look elsewhere for pertinent factual information. When proposed solicitation amendments and contract modifications are submitted for review, the solicitation/contract and prior amendments/modifications should be provided to CL field Counsel.

(f) Use of e-mail is an authorized means of communicating with CL and CL field Counsel.

(g) Upon completion of review by CL field Counsel, ensure comments/concurrence is made a part of the permanent contract file.

### **1.602-1-101 Functional independence and organizational placement of Contracting Officers.**

(a) To retain a degree of independence that allows unbiased advice based on the principles of sound business, the Office of the Secretary of Defense (OSD) established a formal policy that Contracting Officers' evaluations will be performed within their own career program channels. The only exception is the performance evaluation of the senior official in charge of contracting for the organization, such as the head of the contracting office or CCO (Reference: [Under Secretary of Defense \(USD\) \(Acquisition\) Memorandum, Subj: Functional Independence of Contracting Officers, dated 23 November 2004](#)). The essence of this policy was incorporated in DoDI 5000.66, Subj: Operation of the Defense Acquisition, Technology, and Logistics Workforce Education, Training, and Career Development Program.

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(b) In addition to complying with management control principles of separating requirement setting, buying and receiving to ensure proper checks and balances, the CCO, whether military or civilian, will normally report to, and be evaluated by, the Commander/Commanding Officer. As a practical matter, the Chief of Staff (COS) may also be able to provide the desired level of independence, which is an acceptable reporting alternative for the CCO.

### **1.602-2 (DFARS) Authorized representatives of the Contracting Officer.**

(a) Contracting Officer's Representative (COR). The COR provides technical direction/clarification and guidance with respect to the contract specifications or statements of work.

(1) **Authority.** CORs are responsible to the Contracting Officer for those actions delegated by the Contracting Officer as specifically addressed in the letter of appointment. In the performance of COR duties, the COR does not have the authority to take any action, either directly or indirectly, that could change the price/cost or fee, quantity, quality, scope, delivery schedule, labor mix, or other terms and conditions of the contract and/or task order. Only the Contracting Officer has the authority to make such changes. Any authority delegated to a COR is not re-delegable.

#### **(2) Required Experience and Training.**

(i) Prior to COR nomination/appointment, all experience requirements listed in Attachment A of [DPAP Memorandum, Subj: DoD Standard for Certification of Contracting Officer's Representatives \(COR\) for Service Acquisitions, dated 29 March 2010](#) for each of the three COR certification types must be met for the corresponding COR type, with the exception of the required agency experience. If approved by the Contracting Officer, the agency experience requirement may be waived.

(ii) Prior to COR nomination/appointment, all training requirements listed in Attachment A of [DPAP Memorandum, Subj: DoD Standard for Certification of Contracting Officer's Representatives \(COR\) for Service Acquisitions, dated 29 March 2010](#) for each of the three COR certification types must be met for the corresponding COR certification type being requested.

(A) For COR certification Types B and C, Attachment A of the DPAP memorandum identifies DAU COR 222 "or equivalent course" as a requirement that must be fulfilled before a COR appointment can be made. The only approved equivalent for DAU COR 222 is DAU CLC 222. Therefore, DAU COR 222 or DAU CLC 222 must be completed by COR nominees prior to appointment by the Contracting Officer for COR certification Types B and C.

(B) For COR certification Types A, B, and C, Attachment A of the DPAP memorandum identifies "DAU COR XXX, COR in the Contingency Environment," as a requirement that must be fulfilled before a COR appointment can be made when the nature of the COR responsibilities will require surveillance in a contingency environment. Since issuance of the DPAP memorandum, DAU has developed and made available course DAU CLC 206, titled "Contracting Officer's Representative in a Contingency Environment." Therefore, a COR appointment shall not be made for any COR candidate required to meet the competency

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“perform surveillance in a contingency environment,” unless the COR candidate has completed DAU CLC 206.

### (3) **Appointment.**

(i) The Contracting Officer shall appoint a COR for the contract actions identified in [DFARS PGI 201.602-2\(i\)\(A\)](#).

(ii) Appointment of only one COR per contract is authorized. Appointments of Alternate CORs or Assistant CORs are NOT authorized. However, a Contracting Officer may designate Technical Representatives to assist the COR in overseeing the Contractor's compliance with contract requirements. Prior to designation, Technical Representatives must meet the same training and experiences identified for the COR.

(iii) CORs shall be nominated and appointed using the procedures in [CMPG 1.4](#).

(4) **Evaluation and documentation.** Supplementing the normal monitoring of the COR by the Contracting Officer, the Contracting Officer must maintain an activity file on each COR as a part of the contract file. The purpose of this file is to record and maintain the results of reviews conducted annually by the Contracting Officer of the COR's contract-related activities. The Contracting Officer must annually evaluate and document the performance of the COR and provide a copy of this evaluation to the COR's organizational head. If the contract performance period is less than one year, this evaluation must be conducted prior to contract closeout.

### (5) **Termination.**

(i) The appointment of a COR remains in effect throughout the life of a contract and is automatically terminated upon completion of the period of performance of the contract. The Contracting Officer may terminate a COR appointment prior to completion of the period of performance of a contract in any of the following circumstances:

(A) The COR retires, resigns, or separates from Government services;

(B) The COR transfers or is reassigned to a new assignment;

(C) The COR will be absent from service for an extended period of time; or

(D) The COR is otherwise unable to fulfill the COR's responsibilities, as outlined in the COR's appointment letter.

(ii) When terminating a COR appointment, the Contracting Officer shall follow the procedures in [CMPG 4.7.5](#).

### (b) Ordering Officer.

(1) **Designation.** The Contracting Officer may designate individuals, either from within or outside of the contracting organization, as ordering officers, with the authority to execute task/delivery orders thereby obligating funds under an Indefinite Delivery Type Contract (IDTC).

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An ordering officer may be appointed for valid purposes provided the Contracting Officer determines appointment is essential for the efficient operation of the contracting mission. Strict operational control over ordering officers is necessary to preclude violations of law and regulations. Care must be exercised in determining how many ordering officers are necessary yet controllable.

(2) **Appointment.** Contracting Officers must formally appoint individuals as ordering officers by appointment letter. The appointment letter must specify the extent and limitations of the ordering officer's authority to act on behalf of the Contracting Officer. Unless the appointment contains other provisions for automatic termination, the appointment must be effective, unless sooner revoked, until the ordering officer is reassigned or the individual's employment is terminated. Revocation of an ordering officer appointment may be effected at any time by the appointment authority, or higher authority, or any successor to either. Revocation must be made in writing.

(3) **Qualifications/training.** Because IDTCs vary in dollar value and complexity, the qualifications, skills, and training needed by ordering officers may also vary. The appointment and training of ordering officers requires consideration of the type of ordering to be performed.

(4) **Authority/responsibilities.** The authority of an ordering officer is limited to placement of task/delivery orders for contract line items that are pre-priced and fixed-priced under an IDTC. Authority to modify any task/delivery order awarded must be specifically delegated in the ordering officer appointment letter. Oral orders may be used only when specifically authorized by contract clause. Such orders must be confirmed by issuance of a written task/delivery order in accordance with the contract terms and conditions. The contract must identify the individual(s) who have the authority to issue oral orders. Any authority delegated to an ordering officer is not redelegable.

(5) **Evaluation and documentation.** Supplementing the normal monitoring of the ordering officer, the Contracting Officer must maintain an activity file on each ordering officer as part of the contract file. The purpose of this file is to record and maintain the results of reviews by the Contracting Officer of the ordering officer's contract-related activities. The Contracting Officer must annually evaluate and document the performance of the ordering officer and provide a copy of this evaluation to the ordering officer's organizational head.

### 1.602-3 Ratification of unauthorized commitments.

(a) For the MCFCS, authority to ratify unauthorized commitments is delegated as follows:

<u>Ratification Threshold</u>	<u>Ratification Official</u>
Greater than \$100,000	HQMC, DC, I&L
Greater than \$25,000 up to and including \$100,000	HQMC, ADC, I&L (Contracts)
Up to and including \$25,000	CCOs

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Ratification approval authority may only be redelegated in accordance with the thresholds outlined in [NMCARS 5201.602-3\(b\)\(3\)](#).

(b) For ratification endorsement purposes, the Commanding Officer is the first General Officer in the chain of command above the individual who made the unauthorized commitment. The Commanding Officer is responsible for ensuring that military and civilian personnel assigned to the activity are aware of, and comply with, applicable laws, regulations, and procedures. Direct involvement in the ratification process will provide the Commanding Officer the opportunity to identify the need for additional training or for establishment of specific activity procedures to preclude possible recurrence of unauthorized commitments. The Commanding Officer is the only official authorized to provide the endorsement required in the ratification procedures. Endorsements may not be “By direction.”

(c) Ratification documentation required by the individual making the unauthorized commitment:

(1) Using the appropriate chain of command, the military or civilian employee making the unauthorized commitment must forward documentation concerning the transaction to the Commanding Officer (which is the first General Officer in the chain of command above the individual who made the unauthorized commitment). The documentation must include, as a minimum:

(i) A statement signed by the military or civilian employee which includes the elements outlined in [NMCARS 5201.602-3\(S-90\)\(a\)\(1\)](#).

(ii) All orders, invoices, or other documentary evidence of the transaction as required by [NMCARS 5201.602-3\(S-90\)\(a\)\(2\)](#).

(2) If the Commanding Officer concurs that the commitment should be ratified, then the Commanding Officer must forward the documentation described above to the Contracting Officer with an endorsement that is prepared in accordance with the Commanding Officer Endorsement Template located in [CMPG, Section 5.11](#).

(d) The Contracting Officer shall fulfill the responsibilities outlined in the CMPG Contracting Officer’s Checklist for Ratification of Unauthorized Commitments located in [CMPG, Section 5.11](#). In the event the unauthorized commitment is ratified, the ratifying contract must be bilateral and shall include the following notice on the face of the contract:

“NOTICE TO (INSERT NAME OF CONTRACTOR) – ACCEPTANCE OF UNITED STATES MARINE CORPS (USMC) CONTRACTS/ORDERS FROM USMC CONTRACTING OFFICERS ONLY

This provision provides notice to (insert name of Contractor) that your company shall only accept USMC contracts/orders from warranted USMC Contracting Officers. Failure to comply with this notice may result in subsequent unauthorized commitments with your company not being ratified and paid.”

(e) The ratifying official (ADC, I&L (Contracts)) or CCO must:

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- (1) Review the file;
- (2) Make the appropriate findings and determinations;
- (3) Ratify the unauthorized commitment or deny the ratification request; and
- (4) If the unauthorized commitment is ratified, execute, or authorize the execution of, the appropriate contractual document.

(f) Records. A report, titled “Ratification Report,” consisting of all pending and approved ratifications shall be prepared by each MARCOR I&L contracting office and submitted to HQMC, I&L (Contracts) in accordance with the due dates identified in [Appendix B](#). The format of the report shall be as outlined in [Appendix C](#). Negative replies are required. In addition to the report, for any unauthorized commitment ratified during the reporting period, a copy of the D&F must also be submitted along with the report.

### **1.603 Selection, appointment, and termination of appointment.**

#### **1.603-1 (NMCARS) General.**

The ADC, I&L (Contracts) is delegated authority for the selection, appointment, and termination of appointment of Contracting Officers serving in acquisition positions within Marine Corps, Installation and Logistics (MARCOR I&L). The Director of Contracts at any MCFCS office and at MCLC, is ultimately responsible for the proper use of warrants and shall take actions deemed necessary to ensure the integrity of the warrant program.

#### **1.603-2 (DFARS) Selection.**

(a) Prior to appointing any individual as a Contracting Officer, the appointing official must ensure that the individual has the requisite knowledge and experience, as well as a track record of qualitative performance, appropriate to the dollar value and complexity of the prospective contracting responsibilities. Defense Acquisition Workforce Improvement Act (DAWIA) certification is not an entitlement to be warranted.

(b) The HQMC Contracting Officer Warrant Program consists of the following six warrant levels:

(1) **SAP A** – [FAR Part 13](#) Simplified Acquisitions up to \$25,000 and Firm-Fixed Price Delivery and Task Orders under [FAR Part 8](#) up to \$25,000.

(2) **SAP B** – [FAR Part 13](#) Simplified Acquisitions up to \$150,000 and Firm-Fixed Price Delivery and Task Orders under [FAR Part 8](#) and [FAR Part 16](#) up to \$150,000.

(3) **SAP C** – [FAR Part 13](#) Simplified Acquisitions to include [FAR Part 13.5](#) Test Program for Certain Commercial Items; Delivery and Task Orders under [FAR Part 8](#) and [FAR Part 16](#) up to the Maximum Order Limitation of each Contract.

(4) **Level I** – Award of contracts, delivery/task orders and modifications with values up

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to \$500,000.

(5) **Level II** – Award of contracts, delivery/task orders and modifications with values up to \$10 million.

(6) **Level III** – Award of contracts, delivery/task orders and modifications with no dollar limitation.

(c) The Government-wide Commercial Purchase Card (GCPC) may be used as a purchase instrument in lieu of a written purchase or delivery order outside the United States up to \$25,000. This use does not constitute raising of the micro-purchase threshold; Simplified Acquisition Procedures (SAP) in accordance with [FAR Part 13](#) and [DFARS Part 213](#) apply when using the GCPC overseas for purchases greater than the micro-purchase threshold up to \$25,000. (Refer to [CMPG, GCPC Module 6.1](#) for additional guidance.)

(d) Education, experience, and training requirements for each of the above warrant levels are delineated in [CMPG, Contracting Officer Warrant Process Module](#) and are applicable to all individuals serving in contracting/acquisition positions under the authority of ADC, I&L (Contracts) and must be met in order to qualify to serve as a Contracting Officer with authority to award and administer contracts at the appropriate dollar threshold.

### **1.603-3 Appointment.**

(a) Appointments will be documented and copies filed as prescribed in [FAR 1.603-3](#).

(b) Contracting Officer authority granted to individuals assigned to MCFCS offices is valid only when those individuals are assigned to those offices or organizations. Authority of individuals assigned to contingency contracting offices is limited to the deployment phase of a contingency operation or exercise only. Supplies and services needed during the pre-deployment phase shall be obtained from the local RCO. Partnering between the RCO and contingency contracting office is strongly encouraged for personnel to maintain contracting competencies while in garrison.

(c) Requests for Contracting Officer warrant authority shall be made in accordance with [CMPG, Contracting Officer Warrant Process Module](#).

### **1.603-4 Termination.**

Appointments of Contracting Officers remain in effect as long as appointees are assigned to the office or organization stated on the warrant, unless terminated sooner by ADC, I&L (Contracts). Once the Contracting Officer detaches from the office or organization stated on the warrant appointment, the warrant is terminated and cannot be used at any other office or organization.

### **1.690 (NMCARS) Requirements to be met before entering into contracts.**

(a) Business clearance review/approval levels shall include the value of the base period and all options under a contract. For multiple award contracts, the approval authorities are

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based upon the total solicitation/contract price inclusive of the base year and all options for all proposed contracts.

(b) Business clearance approval authorities are as follows:

(1) RCO, National Capital Region, Quantico and MCLC Albany are authorized to approve business clearances for actions up to \$25 million. The CCO at each of these MCFCS offices shall approve all business clearances equal to or greater than \$1 million.

(2) All other MCFCS offices are authorized to approve business clearances for actions up to \$1 million.

(3) For actions greater than \$150,000, the CCO shall establish business clearance review/approval levels which require approval by a Contracting Officer at least one level higher than the person responsible for negotiating the action. In addition, the approving Contracting Officer shall hold a warrant equal to or greater than the Pre-Negotiation business clearance dollar value.

(4) Business clearances equal to or greater than \$25 million for RCO, National Capital Region, Quantico and MCLC Albany and equal to or greater than \$1 million for all other MCFCS offices must be submitted to the ADC, I&L (Contracts), or designee, for approval by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). For any business clearance submitted to HQMC, I&L (Contracts), the CCO is required to sign the business clearance as the “reviewer.”

### **1.691 (NMCARS) Procurement management oversight.**

#### **1.691-1 (NMCARS) Responsibilities.**

Upon revocation, suspension, or reduction of contracting authority or purchasing card authority, HQMC, I&L (Contracts) shall immediately submit a notification, titled “Notification of Revocation, Suspension, or Reduction of Contracting Authority or Purchase Card Authority,” to DASN in accordance with the format outlined in [Appendix B](#).

#### **1.691-1-100 Procurement Performance Management Assessment Program (PPMAP).**

(a) The procurement management oversight process employed for the MCFCS PPMAP will:

(1) Focus on improvement in all phases of the procurement process.

(2) Identify problems early in the acquisition cycle.

(3) Provide a feedback system to contracting organizations assuring timely information to all organizational levels. Feedback should address strengths, weaknesses, and significant findings. HQMC, I&L (Contracts) PPMAP Program Managers will determine the adequacy of initiatives taken to resolve quality issues identified through the feedback system.

(4) Increase/decrease the level of oversight required based upon a contracting organization’s proficiency, quality, and business considerations.

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(5) Encourage sharing of best practices/processes and “lessons learned.”

(b) Generally, all MCFCS PPMAP on-site visits will be scheduled and conducted every three years. Three-year cycle schedules of on-site visits will be established/maintained by the HQMC, I&L (Contracts) PPMAP Team Program Managers. Each fiscal year schedule will be issued by HQMC, I&L (Contracts) during the fourth quarter of the prior fiscal year.

(c) Per [NMCARS 5201.691-1](#), an annual report, titled “Procurement Performance Management Assessment Program (PPMAP) Report,” of relevant findings (best practices, deficiencies, recommendations, etc.) from the results of the previous fiscal year’s PPMAP reviews shall be prepared by HQMC, I&L (Contracts) and submitted to DASN in accordance with the format and due date outlined in [Appendix B](#).

### **1.691-2-101 Contract Management Process Guide (CMPG).**

(a) The [CMPG](#) is a process guide that promotes consistency and standardization across the field, reduces variation, and opens communication channels across the MCFCS to share best practices and lessons learned. The purpose is to assure that MCFCS has an effective management control system to assure quality, accountability, consistency, and integrity of the procurement process.

(b) Suggested changes to the CMPG are to be provided in by clicking on the “CONTACT US” button located in the upper right hand corner of the CMPG.

## **SUBPART 1.7—DETERMINATIONS AND FINDINGS**

### **1.707 Signatory authority.**

All D&Fs forwarded to the ADC, I&L (Contracts) for signature shall contain an endorsement by the CCO.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 2—Definition of Words and Terms

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### SUBPART 2.1—DEFINITIONS

#### 2.101 Definitions.

**Chief of the Contracting Office (CCO)** - For the purposes of the MAPS, the CCO is the official at a RCO or Headquarters, Marine Corps Logistics Command (MCLC) who has overall responsibility for managing the entire contracting office and includes the principal deputy to such official. In the Joint Contingency Contracting Handbook, the acronym for the Chief of the Contracting Office is COCO.

**Commander** - Commanding Generals and Commanding Officers of Regular Establishments, Marine Air Reserve Training Detachments (MARTDs)/subunits, inspector-instructors, officers in charge of subunits, and officers in charge of recruiting stations. Unless otherwise specifically provided in this supplement, authority granted to the Commander may be further delegated.

**Contingency Contracting Officer (CKO)** - The individual responsible for the acquisition of essential supplies and services needed to sustain the mission of a contingency military force. Duties include emergency contracting to support actions necessary for the mobilization and deployment of units. In addition to rescue and humanitarian relief missions, military contingencies can include demonstrations of force, raids, and larger operations undertaken to protect U.S. interests, lives, and property. In the Joint Contingency Contracting Handbook, the acronym for the Contingency Contracting Officer is CCO.

**Office of Counsel for the Commandant (CL) and CL field Counsel** - An attorney from the Office of Counsel for the Commandant and its field offices that provide legal support and assistance to Marine Corps contracting activities. The Office of Counsel for the Commandant and its field offices are component offices of the Navy Office of General Counsel and are separate from the Director, Judge Advocate Division, HQMC and those Staff Judge Advocate offices assigned to Marine Corps operational units and installations.

**Head of the Contracting Activity (HCA)** - For all contracting offices in the MCFCS and MCLC, the Deputy Commandant, Installations and Logistics (DC, I&L) and by delegation, the ADC, I&L (Contracts).

#### 2.101-100 Acronyms.

A list of acronyms used in the MAPS is included in [Appendix D](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 3—Improper Business Practices and Personal Conflicts of Interests

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### SUBPART 3.1—SAFEGUARDS

#### 3.101 Standards of conduct.

##### 3.101-3 (FAR) Agency regulations.

(a) All personnel must comply with the provisions contained in the latest edition of the [Joint Ethics Regulation \(JER\), Department of Defense \(DoD\) 5500.7-R](#).

(b) Except for individuals required to file Public Financial Disclosure Reports, individuals involved in procurement or contracting must file Confidential Financial Disclosure Reports with their local designated ethics official. See the JER for details on filing requirements and procedures.

#### 3.104 Procurement integrity.

##### 3.104-3 (FAR) Definitions.

“Participating personally and substantially.” In the case of an [OMB Circular A-76](#) procurement, CL field Counsel must be consulted prior to implementing a course of action that may result in Government employees, from the in-house Government organization, participating personally and substantially in the procurement.

#### 3.170 (NMCARS) Business Practices

Each MARCOR I&L contracting office shall prepare and submit a notification, titled “Senior Leader Compliance Notification,” confirming senior leader compliance with [DFARS 203.170\(a\)](#) to HQMC, I&L (Contracts) in accordance with the format and due date outlined in [Appendix B](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 4— Administrative Matters

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### SUBPART 4.6—CONTRACT REPORTING

#### 4.604 (NMCARS) Responsibilities.

a. HQMC, I&L (Contracts) shall prepare and submit the quarterly FPDS-NG data verification and validation (V&V) report, titled “Quarterly Data Verification & Validation (V&V) Report,” in accordance with the format and due dates identified in [Appendix B](#).

b. HQMC, I&L (Contracts) shall prepare and submit the annual FPDS-NG data verification and validation (V&V) report, titled “Annual Data Verification & Validation (V&V) Report,” in accordance with the format and due dates identified in [Appendix B](#).

#### 4.606 (FAR) Reporting Data

For the reporting of any contracting action in the Federal Procurement Data System – Next Generation (FPDS-NG), Contracting Officers shall follow the procedures in [CMPG 4.9](#) to ensure the Contract Action Report (CAR) reflects the original source Funding Office ID and Funding Agency ID.

### SUBPART 4.8—GOVERNMENT CONTRACT FILES

#### 4.802-100 Contract files.

Within the MCFCS, paper copies of contract files shall be maintained by Contracting Offices unless a back-up and retrievable electronic records management system, compliant with [Marine Corps Order \(MCO\) 5210.11E](#), [NAVMC 5210.11E](#), and [Department of Defense Directive \(DODD\) 5015.2](#), has been approved. Approval of any electronic filing systems shall be coordinated with HQMC, I&L (Contracts), prior to implementing.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 5— Publicizing Contract Actions

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### SUBPART 5.4—RELEASE OF INFORMATION

#### 5.404 (NMCARS) Release of long-range acquisition estimates.

CCOs are authorized to release long-range acquisition estimates. This authority cannot be further delegated.

### SUBPART 5.5—PAID ADVERTISEMENTS

#### 5.502 (DFARS) Authority.

Newspapers. Approval authority for publication of paid military recruiting and/or civilian advertisements in newspapers is as stated in [MCO P1100.71A, Military Personnel Procurement Manual](#) and [Naval Supply Systems Command Instruction \(NAVSUPINST\) 4200.85D, DON SAP](#). Authority to approve the publication of paid advertising in newspapers for all other purposes is delegated, without authority to redelegate, to CCOs.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 6—Competition Requirements

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### SUBPART 6.2—FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

#### 6.202 (NMCARS) Establishing or maintaining alternative sources.

For a proposed contract up to and including \$85.5 million the D&F shall be submitted to the ADC, I&L (Contracts) for approval by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

### SUBPART 6.3—OTHER THAN FULL AND OPEN COMPETITION

#### 6.302-2 (FAR) Unusual and compelling urgency.

Any justification using the urgency authority, that is not approved prior to contract award because obtaining such approval would unreasonably delay the acquisition, shall be submitted to the approval authority within 30 calendar days after contract award for approval.

#### 6.303-1 (NMCARS) Requirements.

Technical and requirements personnel must obtain review and approval at the O-6/GS-15 or Officer In Charge (OIC) level of the cognizant technical/requirements office before submitting a recommendation for other than full and open competition to the Contracting Officer.

#### 6.303-2 (FAR/DFARS/NMCARS) Content.

(a) Justifications shall be prepared in the format specified in [CMPG, Section 1.8.1](#) and shall contain sufficient facts and rationale to support the statutory authority cited. Each justification shall contain the information required by [FAR 6.303-2](#) and [NMCARS 5206.303-2](#).

(b) Whenever a justification requires approval by the Competition Advocate of the Marine Corps (ADC, I&L (Contracts)) or higher level and the authority of 10 U.S.C. 2304(c)(2) is cited, a memorandum certifying the urgency shall be executed by a General Officer or a SES civilian responsible for the requirement at the requiring activity. If neither of these levels exists at the requiring activity, the Commanding Officer or the command's senior civilian official shall execute the urgency memorandum. The memorandum shall describe the nature of the unusual and compelling urgency, why full and open competition is precluded, and the serious injury, financial or other, that would result from a delay in the award. This memorandum shall be attached to the justification and referenced in paragraph 5, Rationale Justifying Use of Cited Statutory Authority, of the justification.

#### 6.303-90 (NMCARS) Legal review.

Each justification governed by [FAR Part 6](#) shall be reviewed by CL field Counsel for legal sufficiency prior to its submission for approval. In the event that CL field Counsel is not available, contracting personnel should contact CL for assistance.

#### 6.304 Approval of the justification.

Justifications shall be approved as outlined below prior to the issuance of the solicitation unless [FAR 6.302-2](#) applies. When [FAR 6.302-2](#) applies, the justification shall be submitted to

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 6—Competition Requirements

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the approval authority as outlined in [MAPS 6.302-2](#) above.

(a) For a proposed contract action greater than \$150,000 up to and including \$650,000, the Contracting Officer shall certify the justification is accurate and complete. In accordance with [FAR 6.304\(a\)\(1\)](#), the Contracting Officer's certification serves as approval of the justification.

(b) For a proposed contract action greater than \$650,000 up to and including \$12.5 million, the justification shall be approved by the Command Competition Advocate.

(c) All justifications greater than \$12.5 million up to and including \$85.5 million shall be submitted to the ADC, I&L (Contracts) for approval by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

(d) All justifications greater than \$85.5 million shall be submitted through the Command Competition Advocate and then to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). HQMC, I&L (Contracts) will, as required by [NMCARS 5206.304\(a\)\(4\)](#), forward the justification to DASN(A&LM) for review and subsequent approval by ASN(RD&A).

### **6.304-100 Compliance with approved justification.**

Procurement actions that are being performed on the basis of a justification for other than full and open competition must be executed in compliance with the approved justification. If a requirement changes such that an approved justification no longer accurately reflects the method of executing the acquisition, the Contracting Officer shall submit a formal notice of the proposed change to the approval authority for concurrence prior to making the change.

## **SUBPART 6.5—COMPETITION ADVOCATES**

### **6.501 (NMCARS) Requirement.**

(a) The ADC, I&L (Contracts) has been designated the Competition Advocate of the Marine Corps.

(b) The ADC, I&L (Contracts) is responsible for appointing a Competition Advocate for each RCO and for MCLC. Competition Advocate authority may be delegated to a level no lower than the CCO. Each Competition Advocate appointment shall be in writing and shall be designated to an individual as Competition Advocate who:

(1) Has extensive knowledge of the types of acquisitions within the command;

(2) Is at a position level commensurate in grade or rank with the senior level program, product, or requirements personnel with whom the advocate interacts;

(3) Has direct access to the Commander on matters relating to competition and the acquisition of commercial items and services; and

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 6—Competition Requirements

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(4) Is not assigned any duties or responsibilities that are inconsistent with Competition Advocate duties and responsibilities identified in [FAR 6.502](#) and [NMCARS 5206.502](#).

### **6.502 (FAR) Responsibilities.**

HQMC, I&L (Contracts) shall prepare and submit the annual competition report, titled “Annual Competition Report,” in accordance with the format and due dates identified in [Appendix B](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 7—Acquisition Planning

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### SUBPART 7.1—ACQUISITION PLANS (APs)

#### 7.102 Policy.

(a) Contracting Officers shall ensure that adequate acquisition planning is performed consistent with the character and risks associated with the procurement of each requirement prior to issuing solicitations. Local procedures shall be established to institutionalize the process. As a minimum, the process should address the following:

- (1) The adequacy of the requirement description and specification.
- (2) The market availability of the requirement.
- (3) The practicality of the schedule or delivery requirements.
- (4) Technical and/or performance risks associated with the requirement.
- (5) Adequacy of funding and consideration of the limitations placed on the use of funds.
- (6) Strategy to mitigate the risks and constraints identified. This strategy should address the rationale used to select the procurement method (sealed bid, negotiated, reverse auction, [FAR 13.5](#) test program, etc.), the contract type (fixed price, cost, cost plus award fee, etc.), the specification type (performance, detailed, proprietary, etc.), the selection criteria (best value, experience, technical proposal, etc.), the quality assurance (QA) provisions (special inspections, reports, etc.), or any other aspect of the requirement thought to be a potential problem.
- (7) Fulfillment of socioeconomic goals (See [FAR Part 19](#) and [FAR Part 26](#)).

(b) Acquisition planning is a team effort and should involve technical, contractual, small business, legal, comptroller, program management, and customer personnel, all focused on developing the most effective plan for delivery of quality products in the most economical and timely manner possible.

#### 7.103 (NMCARS) Agency-head responsibilities.

(a) Approval of written APs shall be in accordance with the Business Clearance Memorandum approval authority thresholds outlined in [MAPS 1.690\(b\)](#). Written APs that require ADC, I&L (Contracts) or designee approval shall be submitted to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

(b) All APs must be approved prior to issuing a synopsis or a combined solicitation/synopsis.

#### 7.105 Contents of written APs.

The detail and formality of written APs should be commensurate with the complexity of the requirement and signed by all those having an interest in the procurement, including the small

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 7—Acquisition Planning

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business specialist. Acquisition planning documentation shall be prepared using the applicable template in [CMPG 1.4](#).

### SUBPART 7.3—CONTRACTOR VERSUS GOVERNMENT PERFORMANCE

#### 7.304 (FAR) Procedures.

Legal advice must be obtained from CL and/or CL field Counsel involving the following matters related to acquisitions under [OMB Circular A-76](#):

- (a) Determining whether a function is inherently governmental or commercial when questionable.
- (b) Determining the assignment of personnel to perform PWS and Quality Assurance Surveillance Plan (QASP) development, management plan development, SSP development, and source selection.
- (c) Determining the particular barriers against the unauthorized flow of information (firewalls) between members of the PWS/contracting team and the Most Efficient Organization (MEO)/Agency Tender Official (ATO) team.
- (d) For definitions see OMB Circular A-76.

### SUBPART 7.4—EQUIPMENT LEASE OR PURCHASE

#### 7.470 (DFARS) Statutory requirements.

ADC, I&L (Contracts) approval is required to enter into, extend, or renew any vessel, aircraft, or vehicle through a lease, charter, or similar agreement for a term of 18 months or more.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 8—Required Sources of Supplies and Services

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### SUBPART 8.4—FEDERAL SUPPLY SCHEDULES (FSS)

#### 8.404 (FAR) Using schedules.

Past experience indicates that using FSS requires great scrutiny. See FAR Parts [8.404](#), [8.405](#) and DFARS Parts [208.404](#), [208.405-70](#).

#### 8.405-6 (FAR) Limited sources justification and approval.

(a) When limiting competition for an order greater than \$150,000 placed under a FSS, the justification shall be approved in accordance with the thresholds identified in [MAPS 6.304](#).

(b) When limiting competition for an order placed under a FSS greater than the micro-purchase threshold up to and including \$150,000, the Contracting Officer shall document the contract file as required by [FAR 8.405-6](#) using the procedures outlined in [CMPG, SAP Module 2.6.1\(b\)](#).

### SUBPART 8.70—COORDINATED ACQUISITION

#### 8.7004-1 (DFARS) Purchase authorization from requiring department.

(a) Use of the Military Interdepartmental Purchase Request (MIPR) or other authorized document cited in [DFARS Procedures, Guidance, and Information \(PGI\) 208.7004-1](#) involves the sending of requirements and the necessary funding to acquiring departments under the Coordinated Acquisition Program. Under this program, MIPRs may be used to send requirements to a single department, agency, or the General Services Administration (GSA) having contracting responsibility and commodity assignment for the specific commodity sought.

(b) Use of the MIPR to send requirements and funding to be held for future requirements (i.e., illegal banking of funds) is not authorized. See [MAPS Part 17](#) to determine Economy Act applicability.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 9—Contractor Qualifications

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### SUBPART 9.4—DEBARMENT, SUSPENSION, AND INELIGIBILITY

#### 9.406 Debarment.

##### 9.406-3 (NMCARS) Procedures.

CL is responsible for processing and recommending a debarment or suspension action to the DON Debarring and Suspending Official. Submit matters relevant to debarment and suspension to CL via the appropriate CCO and CL field Counsel.

#### 9.407 Suspension.

##### 9.407-3 (NMCARS) Procedures.

Process reports in accordance with [MAPS 9.406-3](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 10—Market Research

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 11—Describing Agency Needs

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### 11.002 Policy.

(a) The Procurement Request Builder ([PR Builder](#)) is the Marine Corps' primary method of creating, routing for approval, and applying funding to a purchase request (PR) to obtain goods or services. As a minimum, each PR should contain the following information, whether or not PR Builder is utilized:

#### (1) PR for supplies or services.

(i) Requiring activity's address.

(ii) Name, phone number, and e-mail address of the point of contact (POC) for the requirement originator. The POC is an individual who has the most knowledge about the request that contracting personnel may contact when questions/issues arise regarding the procurement.

(iii) Indendent Government Estimate (IGE) and a basis for the estimate (e.g., previous purchases for similar supplies/services, and price listings).

(iv) Appropriation data, certified by the proper authority that funds are authorized and available for the purchase. Provide name, phone number, and e-mail address of the funding POC.

(v) When a sole source is requested, provide the reason why this is the only source that can fulfill the requirement.

(vi) Validation by the appropriate individual that the requirement cannot be satisfied within the Government supply system. Provide name, phone number, and e-mail address of the cognizant POC.

(vii) Priority assignments in accordance with the Uniform Materiel Movement and Issue Priority System (UMMIPS).

(viii) "Mark for" instructions to be cited on the purchase instrument, if applicable.

(2) **PR for services.** In addition to subparagraph (1), the PR should contain the following, as applicable:

(i) Description of services to be performed. The description may include a listing and description of specific items (e.g., report(s)) to be provided to the requiring activity during the performance period.

(ii) Location of where services are to be performed.

(iii) Period of performance (i.e., when services are to be performed). In cases where the anticipated period of performance exceeds one year, contracting personnel should coordinate with the requiring activity regarding the potential use of option solicitation provisions and contract clauses.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 11—Describing Agency Needs

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(3) **PR for supplies.** In addition to subparagraph (1), the PR should contain the following, as applicable:

(i) Description of the supplies, including the following, as applicable:

(A) Common nomenclature, part number, national stock number, local stock number, model number.

(B) Kind of material (e.g., type, grade, and alternatives).

(C) Electrical data.

(D) Dimensions, size, or capacity.

(E) Principles of operation.

(F) Restrictive environmental conditions.

(G) Intended use, including equipment with which the item is to be used.

(H) Original equipment manufacturer's part number.

(I) Unit of issue (e.g., each, rolls, can, or lot).

(J) Quantity requested.

(K) Delivery information.

(1) Required delivery date(s) (must be stated as specific calendar dates).

(2) Place of delivery.

(L) Special packing or marking information.

(b) Contracting Officers shall not accept a purchase request, Military Interdepartmental Purchase Request (MIPR), or Inter-agency Purchase Request (IPR) funding source document if the customer or sponsor's DoDAAC is not provided.

### SUBPART 11.1—SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS

#### 11.104 (FAR) Use of brand name or equal purchase descriptions.

(a) Written approval by a warranted Contracting Officer is required for the use of "brand name or equal" specifications. The approval must be by a Contracting Officer whose warrant is greater than or equal to the value (including options) of the brand name or equal requirement.

(b) When using brand name or equal, the requirement shall include the item description

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 11—Describing Agency Needs

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followed by the words "or equal." The salient characteristics shall be listed in sufficient detail for evaluating acceptability of unlisted products.

### SUBPART 11.2—USING AND MAINTAINING REQUIREMENTS DOCUMENTS

#### 11.274 Item identification and valuation requirements.

(a) [DFARS Clause 252.211-7003](#), Item Identification and Valuation, or the clause with its Alternate 1, shall be included in all supply solicitations and resultant contracts regardless of dollar value.

(1) Use [DFARS 252.211-7003](#) when the conditions outlined in [DFARS 211.274-5\(a\)](#) exist.

(2) Use [DFARS 252.211-7003 with its Alternate 1](#) when the conditions outlined in [DFARS 211.274-5\(a\)\(4\)](#) exist.

(b) A report, titled "IUID Contract Compliance Report," regarding contract compliance with the use of [DFARS 252.211-7003](#), Item Identification and Valuation, or the clause with its Alternate 1, in all supply contracts, regardless of dollar value, shall be prepared as outlined in [CMPG 5.15.2](#), by HQMC, I&L (Contracts), and submitted to DASN semi-annually, as outlined in [Appendix B](#).

#### 11.275-100 (DFARS) Radio frequency identification.

(a) Passive RFID Contract Compliance Report. A report, titled "Passive RFID Contract Compliance Report," regarding the use of [DFARS 252.211-7006](#), Radio Frequency Identification, in supply contracts that meet the requirements of [DFARS 211.275-2](#) shall be prepared as outlined in [CMPG 5.15.3](#), by HQMC, I&L (Contracts), and submitted to DASN semi-annually, as outlined in [Appendix B](#).

(b) Active RFID.

(1) Use the clause found at [MAPS 5252.211-9650](#), USMC ACTIVE RADIO FREQUENCY IDENTIFICATION (RFID) IMPLEMENTATION (JUL 2009), in solicitations and contracts that will require a contractor to ship consolidated sustainment shipments (RFID Layer 4 freight containers) and/or major organizational equipment through the Defense Transportation System (DTS) destined to locations Outside the Continental United States (OCONUS). These requirements are established in [USD Acquisition, Technology and Logistics \(AT&L\) Memorandum, Subj: Radio Frequency Identification \(RFID\) Policy, dated 30 July 2004](#), and the [Defense Transportation Regulation 4500.9-R](#).

(2) With contract award, the Contracting Officer shall specifically highlight to the contractor in an appropriate area in the award document the requirement for an Active RFID tag. For example, under the Contract Line Item Number (CLIN) description, include a note such as "An Active RFID tag is required. See [MAPS 5252.211-9650](#), USMC Active RFID Implementation (JUL 2009), included in the contract."

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 11—Describing Agency Needs

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(3) When [MAPS Clause 5252.211-9650](#) is required pursuant to paragraph [11.275-100\(a\)](#) above and the solicitation/contract is determined to be for the acquisition of commercial items, approval to use [MAPS 5252.211-9650](#) prior to including the clause in the solicitation/contract must be obtained as outlined in NMCARS Annex 7, Commercial Items Clause Use Approval Matrix. In order to approve [MAPS 5252.211-9650](#) for use in a commercial item acquisition, documentation regarding whether the clause has a significant effect beyond the internal operating procedures of an agency, or has a significant cost or administrative impact on contractors or offerors is required. This documentation along with the request to use [MAPS 5252.211-9650](#) in a commercial item acquisition shall be provided to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

### SUBPART 11.6—PRIORITIES AND ALLOCATIONS

#### 11.602 (FAR) General.

All Contracting Officers of the Marine Corps are delegated the authority to apply DO ratings and allotment numbers to contracts, purchase orders, and delivery orders for approved programs under the Defense Priorities and Allocations System (DPAS) program.

#### 11.603 (FAR/DFARS) Procedures.

Contracting Officers must, when required, include in contracts, purchase orders, and delivery orders any assigned DO ratings in accordance with the latest editions of [15 Code of Federal Regulations \(CFR\) 700](#), [DoD 4400.1-M](#), and [NAVSUPINST 4830.11A](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 12—Acquisition of Commercial Items

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### SUBPART 12.1—ACQUISITION OF COMMERCIAL ITEMS—GENERAL

#### 12.101-100 Policy.

(a) The DoD Electronic Mall ([DoD EMALL](#)) is intended to be the single entry point for purchasers to acquire off-the-shelf, finished items and services from the commercial marketplace and government sources. In addition, Contracting Officers and GCPC cardholders are encouraged to use this resource for market research and price comparisons when satisfying their requirements.

(b) Contracting with military exchanges and other nonappropriated fund instrumentalities (NAFIs) for items and services is authorized per [ASN \(RD&A\) Memorandum, Subj: Contracting with Military Exchange and Other Nonappropriated Fund Instrumentalities \(NAFI\) for Goods and Services \(E. Branch\), dated 18 November 1997](#), which implements 10 U.S. Code § 2482a. Contracting Officers and GCPC cardholders are authorized to acquire goods and services from the military exchanges (e.g., Army Air Force Exchange Service (AAFES), Navy Exchange (NEX), and Marine Corps Exchange (MCX)) and other NAFIs. Normal procurement regulations are applicable, and NAFIs are not to be given preferential treatment in the source selection process. Military exchanges are not considered small business concerns as defined in [FAR 19.001](#).

#### 12.102 (DFARS) Applicability

A written commercial item determination is required for all acquisitions greater than the SAT. Prepare all commercial item determinations in accordance with the procedures outlined in CMPG 1.3.3.

### SUBPART 12.4—UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS

#### 12.403 (NMCARS) Termination.

(a) Contracting Officers shall not terminate for convenience or default any contract with a small business firm to whom a Certificate of Competency was issued, or to whom loans were made with the Small Business Administration's (SBA's) participation, without prior written approval of ADC, I&L (Contracts). Requests for these terminations shall be submitted to HQMC, I&L (Contracts) for approval by the ADC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

(b) Upon termination for cause on any commercial item contract, in order to comply with [NMCARS 5212.403](#), submit a notification to HQMC, I&L (Contracts), by emailing [LB\\_Reports@usmc.mil](mailto:LB_Reports@usmc.mil), that contains the information outlined in [NMCARS Annex 5](#), immediately following the termination modification. Submit the notification via email, and include in the email subject line "T4CAUSE" followed by the contract number.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 12—Acquisition of Commercial Items

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### 12.403-100 Reporting Requirements.

A log shall be kept of all contracts terminated for cause or convenience. These termination actions shall be reported annually, as outlined in [Appendix B](#), report titled “Report of Terminated Actions,” along with the termination actions required to be reported in [MAPS 49.101-100](#), and submitted to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). Each report shall be submitted in the format outlined in [Appendix H](#). Negative replies are required.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 13—Simplified Acquisition Procedures (SAP)

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### 13.003 (NMCARS) Policy.

Per [NMCARS 5213.003](#), and unless otherwise specified, the Marine Corps shall follow DON-wide policies for simplified acquisition issued by the NAVSUP as follows:

(a) Simplified acquisition policies and procedures are found in [NAVSUPINST 4200.85D](#). Interim changes to that instruction and other simplified acquisition policies, procedures, and guidance are posted in the [Naval Logistics Library, NAVSUP Contract Management Library](#).

(b) Specific policies and procedures for the operation and management of the GCPC Program are found in [DON Policies and Procedures for the Operation and Management of the GCPC Program NAVSUPINST 4200.99](#). In addition, Marine Corps unique procedures shall be adhered to as outlined in the [CMPG GCPC Module](#).

(c) Training modules for the DON GCPC Program are available via the Internet at the [DON Purchase Card Training website](#).

## SUBPART 13.1—PROCEDURES

### 13.106-1 Soliciting competition.

When soliciting from a single source for acquisitions above the micro-purchase threshold and at or below the SAT, the Contracting Officer shall complete a written justification documenting the circumstances that demonstrate only one source is reasonably available. Justifications shall be prepared in the format specified in [CMPG, SAP Module 6.2.3](#).

## SUBPART 13.2—ACTIONS AT OR BELOW THE MICRO-PURCHASE THRESHOLD

### 13.270 (DFARS) Use of the Government-wide commercial purchase card (GCPC).

The GCPC shall be used as the method of purchase and/or payment for services and supplies valued at or below the micro-purchase threshold unless the exceptions listed in [DFARS 213.270](#) apply.

## SUBPART 13.3—SIMPLIFIED ACQUISITION METHODS

### 13.301-100 (FAR) Government-wide commercial purchase card.

(a) [NAVSUPINST 4200.99](#) establishes procedures under which the GCPC may be used as a method of payment for transactions over the micro-purchase threshold. Within the Marine Corps utilizing the GCPC as a method of payment above the micro-purchase threshold is not preferred and should only be done when no other means of contract payment is feasible and/or practicable.

(b) The following approvals are required when using the GCPC as a method of payment above the micro-purchase threshold:

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 13—Simplified Acquisition Procedures (SAP)

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(1) For contracts with a total estimated value of up to and including \$25,000 the GCPC may only be used as a method of payment with the approval of the CCO or an authorized designee.

(2) For contracts with a total estimated value greater than \$25,000, the GCPC may only be used as a method of payment with the approval of the ADC, I&L (Contracts), or an authorized designee.

### SUBPART 13.5—TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS

#### 13.500 (FAR) Determination

When limiting award of a task or delivery order contract to a single source follow the requirements outlined in [MAPS 16.504-90](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 14—Sealed Bidding

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### SUBPART 14.4—OPENING OF BIDS AND AWARD OF CONTRACT

#### 14.407 Mistakes in bids.

##### 14.407-3 (FAR/NMCARS) Other mistakes disclosed before award.

(a) The HCA, without power of redelegation, shall make the determinations required by [FAR 14.407-3](#)(a), (b), and (d).

(b) Evidence in support of requests for correction of bids shall be forwarded to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). The package shall contain the Contracting Officer's analysis and recommendation as well as the bidder's original work sheets, a certification by the bidder that the work sheets are the originals and the mistake and amount to be corrected are accurate and true to the best of their knowledge and belief, and a legal memorandum by the CL field Counsel.

(c) Requests for withdrawal of bids must be accompanied by a declaration from the bidder that, if permitted to withdraw and the work is awarded to another bidder, the withdrawing bidder will not participate in the work through subcontract or otherwise.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 15—Contracting by Negotiation

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### SUBPART 15.3—SOURCE SELECTION

#### 15.303 Responsibilities.

The Contracting Officer or the CCO, as determined locally, shall serve as the Source Selection Authority (SSA), unless an alternate individual is designated by the ADC, I&L (Contracts). The SSA is responsible for ensuring that all aspects of the selection process are conducted properly. Based on input from an evaluation team tailored for a particular acquisition, the SSA personally determines the successful offeror and documents the decision in the source selection decision.

#### 15.303-100 Source Selection Plan.

(a) The Small Business Specialist shall be identified in the SSP as an advisor to the board responsible for evaluating small business information when [FAR 15.304\(c\)\(4\)](#) applies.

(b) SSP.

(1) A written SSP shall be prepared for:

(i) All negotiated acquisitions using FAR Part 15 procedures; and

(ii) For all other acquisitions, as required based on the complexity of the evaluation criteria and the source selection process.

(2) A written SSP is not required for:

(i) Acquisitions using FAR Part 13 Simplified Acquisition Procedures, including acquisitions utilizing FAR 13.5 Test Program for Certain Commercial Items; or

(ii) Source selections performed outside of FAR Part 15 procedures for acquisitions that are not deemed to be complex.

(3) Tailor the contents and extent of each written SSP consistent with the dollar value and complexity of the proposed acquisition. Notwithstanding the SSA approval threshold, prior to issuance of the solicitation, all SSPs for acquisitions above the business clearance approval levels established at MAPS 1.690 shall be submitted to HQMC, I&L (Contracts) for approval by the ADC, I&L (Contracts) or designee, by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). SSPs shall be prepared using the template included in [CMPG, Section 1.10](#).

#### 15.308 Source Selection Decision.

A source selection decision document shall be prepared for all source selections requiring a written SSP and shall reflect the SSA's integrated and independent assessment and decision. The document must be the single summary document supporting selection of the best value proposal consistent with the stated evaluation criteria. It must clearly explain the decision and document the reasoning used by the SSA to reach a decision.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 15—Contracting by Negotiation

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### SUBPART 15.4—CONTRACT PRICING

#### **15.403-1 (NMCARS) Annual Truth in Negotiations Waivers, Cost Accounting Standards Waivers, and Commercial Item Exception Reports**

An annual report, titled “Annual Truth in Negotiations Waivers, Cost Accounting Standards Waivers, and Commercial Item Exception Reports,” consisting of all Truth in Negotiation (TINA) waivers, Cost Accounting Standard (CAS) waivers, and commercial item exception reports for contract actions equal to or greater than \$15 million shall be prepared by HQMC, I&L (Contracts) and submitted to DASN as outlined in [Appendix B](#). Negative replies are required.

#### **15.404-70 DD Form 1547, Record of Weighted Guidelines Method Application**

MCFCS offices shall use the web-based [Weighted Guidelines \(WGL\) Profit Weighted Guidelines Application](#) which automates development of the DD Form 1547 while standardizing profit analysis and the reporting of profit statistics whenever a structured approach to profit analysis is required by [DFARS 215.404-4](#). Procedures for using the structured WGL approach and accessing the online weighted guidelines system are outlined in CMPG, [BCM Module 6.0](#).

#### **15.406 Documentation.**

#### **15.406-90 (NMCARS) Business clearance.**

In all acquisitions greater than \$150,000, the Contracting Officer will prepare a business clearance memorandum (BCM) in accordance with the applicable format outlined in [CMPG, BCM Module 11.0](#). BCM approval thresholds are identified in [MAPS 1.690](#).

### SUBPART 15.6—UNSOLICITED PROPOSALS

#### **15.606 Agency procedures.**

Pursuant to [FAR 15.606-2](#), all unsolicited proposals shall be forwarded to the contracting office for evaluation. The CCO shall determine the disposition of the proposal. This authority may not be re-delegated.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 16—Types of Contracts

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### SUBPART 16.4—INCENTIVE CONTRACTS

#### 16.401 (NMCARS) Report on use of award fee and incentive fee contracts.

A report titled “Report on Award Fee & Incentive Fee Contracts” regarding award and incentive fees earned on contracts with an estimated value greater than \$50 million (including all options) shall be prepared and submitted by HQMC, I&L (Contracts) in accordance with the due dates identified in [Appendix B for the reporting periods 1 January – 30 June and 1 July to 31 December](#). The report shall be prepared and submitted as outlined in [CMPG 5.15.1](#).

### SUBPART 16.5—INDEFINITE DELIVERY CONTRACTS

#### 16.503 Requirements contracts.

(a) The contract price on the award document shall be marked: “Estimated Total Price Base Year Only.”

(b) No funds shall be obligated at time of award but are obligated at time of issuance of orders against the contract.

#### 16.504 (FAR) Indefinite-quantity contracts.

(a) The contract price on the award document shall be marked: “Not to Exceed” (NTE).

(b) Funds are to be obligated at time of award for the minimum quantity only.

(c) The Contracting Officer documentation regarding whether or not to use multiple awards, as required by [FAR 16.504\(c\)\(1\)\(ii\)\(C\)](#) may be included in the Acquisition Plan or Acquisition Strategy document for all acquisitions. When the decision is to limit the award to a single task or delivery order contract for acquisitions equal to or greater than \$5.5 million, in addition to the documentation in the Acquisition Plan or Acquisition Strategy, the D&F requirements identified in [MAPS 16.504-90](#) below apply.

(d) [FAR 16.504\(c\)\(1\)\(ii\)\(D\)\(1\)](#) requires a determination to award a task or delivery order contract greater than \$103 million to a single source.

(1) The determination shall be prepared as a D&F and shall include the requirements in [CMPG 1.8.2\(A\)\(1\)](#).

(2) The D&F approval authority is ASN(RD&A). Determinations shall be submitted to HQMC, I&L (Contracts) as outlined in [Appendix B](#). HQMC, I&L (Contracts) will, as required by [NMCARS 5216.504](#), forward the D&F to DASN (A&LM).

#### 16.504-90 (NMCARS) Limitation on single award task or delivery order contracts valued at or below \$103M.

(a) Single award of task or delivery order contracts with a total estimated value equal to or

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 16—Types of Contracts

greater than \$5.5 million up to and including \$103 million require a D&F to substantiate the award, unless exempted by [NMCARS 5216.504-90](#)(b).

(b) The conditions listed in [FAR 16.504](#)(c)(1)(ii)(D)(1) are authorized as rationale for single award of task or delivery order contracts for acquisitions greater than \$103 million. However, pursuant to [DASN \(A&LM\) Memorandum, Subj: Determination to Award Task or Delivery Order Contracts to a Single Source, dated 27 June 2008](#), the same conditions are authorized for use as rationale for single award of task or delivery order contracts equal to or greater than \$5.5 million up to and including \$103 million.

(c) When a D&F for single award of a task or delivery order contract is required, the D&F shall be prepared in accordance with the requirements in [CMPG 1.8.2](#)(B)(2).

(d) D&F approval authorities are as follows:

(1) If the rationale for executing the D&F is any of the following, use the D&F approval authorities outlined in the table below:

(i) The task or delivery orders under the contract are so integrally related that only a single source can reasonably perform the work;

(ii) The contract provides only for firm fixed price task or delivery orders for products for which unit prices are established in the contract; or services for which prices are established in the contract; or

(iii) Only one source is qualified and capable of performing the work at a reasonable price to the Government.

Threshold	Location	Approval Authority
= \$5.5M - \$10M, for products and performance-based services	MCLC, Albany and RCO, Quantico Other than MCLC, Albany and RCO, Quantico	CCO ADC, I&L (Contracts) (Submit to HQMC, I&L (Contracts) for routing to ADC, I&L (Contracts) by emailing <a href="mailto:LB_Approval_Requests@usmc.mil">LB_Approval_Requests@usmc.mil</a> )
= \$5.5M - \$10M, for other than performance-based services	All offices	ADC, I&L (Contracts) (Submit to HQMC, I&L (Contracts) for routing to ADC, I&L (Contracts) by emailing <a href="mailto:LB_Approval_Requests@usmc.mil">LB_Approval_Requests@usmc.mil</a> )
> \$10M - \$103M	All offices	ADC, I&L (Contracts) (Submit to HQMC, I&L (Contracts) for routing to ADC, I&L (Contracts) by emailing <a href="mailto:LB_Approval_Requests@usmc.mil">LB_Approval_Requests@usmc.mil</a> )
> \$103M	All offices	ASN (RD&A) (Submit to HQMC, I&L (Contracts) for routing to DASN by emailing <a href="mailto:LB_Approval_Requests@usmc.mil">LB_Approval_Requests@usmc.mil</a> )

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 16—Types of Contracts

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(2) If the rationale for executing the D&F is that it is necessary in the public interest to award the contract to a single source due to exceptional circumstances, the D&F approval authority is the ASN (RD&A). The D&F shall be submitted to HQMC, I&L (Contracts) for routing to DASN by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

#### 16.505 Ordering.

##### (a) *General.*

(1) Delivery/task orders may only be executed by a warranted Contracting Officer or an ordering officer designated pursuant to [MAPS 1.602-2\(b\)](#).

(2) All delivery/task orders shall be issued on DD Form 1155 or Standard Form (SF) 1449, as appropriate.

(3) Orders under contracts funded with annual appropriations shall not be executed in one fiscal year with commencement beginning in the next fiscal year (See [FAR 32.703-3](#) and [DFARS 232.703-3](#)).

##### (b) *Orders under multiple award contracts.*

(1) When limiting competition for task orders under multiple award contracts a justification shall be approved in accordance with the thresholds identified in [MAPS 6.304](#).

(c) **(NMCARS) Task and Delivery Order Ombudsman.** As Competition Advocate, ADC, I&L (Contracts) is designated as the ombudsman for task order/delivery order contracts.

### SUBPART 16.6—TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

#### 16.603-3 Limitations.

CCOs are authorized to make the written determination concerning a letter contract that no other contract is suitable. This authority may not be re-delegated.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 17—Special Contracting Methods

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### SUBPART 17.1—MULTI-YEAR CONTRACTING

#### 17.105 (NMCARS) Policy.

##### 17.105-1 Uses.

CCOs are delegated authority to award multi-year contracts, subject to the conditions contained in the FAR and DFARS. This authority may not be re-delegated.

##### 17.171 (DFARS) Multi-year contracts for services.

CCOs are delegated the authority to make the determinations described in [DFARS 217.171\(a\)\(3\)](#). This authority may not be re-delegated.

### SUBPART 17.2—OPTIONS

#### 17.204 (NMCARS) Contracts.

(a) The use of contract terms (total of the basic and option periods for services and the total of the basic and option quantities for supplies) in excess of the limitations specified in [FAR 17.204\(e\)](#) shall be supported in the form of a written justification and submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). The justification shall explain how the procurement's competitive history and/or significant capital investment requirement indicates that a longer period of performance is necessary to establish or maintain competition.

(b) Approval requests for establishing an ordering period in excess of 10 years shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). HQMC, I&L (Contracts) will forward the request to DASN (A&LM).

### SUBPART 17.5- INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT AND NON-ECONOMY ACT AUTHORITIES; ORDERS PLACED WITH AGENCIES/DEPARTMENTS OUTSIDE THE MARINE CORPS; DIRECT ACQUISITIONS OF SUPPLIES AND SERVICES

#### 17.501 Definitions.

As used in this subpart—

“Assisting Agency” means the department/activity outside of the Marine Corps with contracting responsibility for a Marine Corps requirement.

“Assisted Acquisition” means a contract awarded or a task or delivery order placed on behalf of the Marine Corps by an official of the United States outside of the Marine Corps. This may also include situations in which the assisting agency provides the support themselves.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 17—Special Contracting Methods

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“Direct Acquisition” means a task or delivery order placed by a Marine Corps Contracting Officer/Ordering Officer against a contract vehicle established outside of the DoD.

“DoD Agency” means Army, Navy, Air Force and DoD Agencies such as the Defense Logistics Agency (DLA).

“Economy Act Order” means orders involving funds transfers using the authority of the Economy Act.

“Interagency Acquisition” means a procedure by which an agency needing supplies or services (the requiring agency) obtains them from another agency (the assisting agency).

“Micro-Purchase Threshold” currently means \$3,000, except it means—

- (1) \$2,500 for acquisitions of services subject to the Service Contract Act;
- (2) \$2,000 for acquisitions of construction subject to the Davis-Bacon Act; and
- (3) As otherwise specified in [FAR 2.101](#).

“Non-DoD Agency” means any Federal agency outside of the DoD.

“Non-Economy Act Order” means orders involving funds transfers using the authority other than the Economy Act, the most commonly used authorities being the GSA Acquisition Services Fund or Franchise Funds.

“Non-Marine Corps contracts” means contracts awarded by an official outside the Marine Corps. These include optional use FSS, BPAs issued against FSS, and other contracts/schedules awarded outside the Marine Corps.

“Requiring Individual” means the individual in the organization responsible for identifying and fulfilling the requirement.

“Requiring Activity Supporting Contracting Office” means the Marine Corps contracting activity normally providing contracting support to the requiring organization.

“SAT” currently means \$150,000 except as further defined in [FAR 2.101](#).

### 17.502-100 General.

(a) The Economy Act, 31 United States Code 1535, provides tremendous flexibility in the execution of our mission by allowing the Marine Corps to legally transfer funds outside the Marine Corps to other Federal agencies. The Act authorizes Federal agencies to obtain supplies or services via interagency acquisitions that are determined to be in the best interest of the Government when the supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source.

(b) [FAR 17.5](#), [DFARS 217.5](#), and [NMCARS 5217.5](#) provide overarching guidance on the

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 17—Special Contracting Methods

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implementation of the Economy Act at the Federal, DoD, and DON level. Within the Marine Corps, the ADC, I&L (Contracts) and Marine Corps Systems Command (MARCORSYSCOM) have been delegated the authority to approve the D&Fs required under this section, and as appropriate, to delegate approval authority to others.

(c) Section 854 of the FY2005 National Defense Authorization Act (NDAA), Section 813 of the FY2006 NDAA, [DFARS 217.78](#), and [Office of the ASN \(Financial Management and Comptroller\) \(OASN\(FM&C\)\) Memorandum, Subj: Non-Economy Act Orders with Non-DoD Agencies, dated 31 January 2007](#) and [OASN\(FM&C\) Memorandum, Subj: Advance Payments to Non-DoD Federal Agencies for Interagency Acquisitions, dated 1 March 2007](#) require additional reviews, approvals, and reporting for all interagency acquisitions. This guidance applies to acquisitions using the authority of the Economy Act or Non-Economy Act. [MAPS Subpart 17.5](#) implements these additional requirements Marine Corps wide.

### 17.503 Determinations and findings requirements.

The following policy applies to all activities that use Non-Marine Corps contracts or resources to satisfy their requirements. [CMPG, Section 1.5.1](#) includes a D&F template for assisted acquisitions and BCM documentation requirements for direct acquisitions that outlines information required to comply with the law, Office of the Secretary of Defense (Comptroller) and the ASN (FM&C) policy.

(a) The requiring individual who generates requirements for execution is responsible for providing the needed information to the comptroller, contracting office, and legal counsel so that the requisite documentation can be acted upon. As a minimum, the requiring individual must provide the needed information in a format consistent with the D&F template included in [CMPG, Section 1.5.1](#). In addition, the requiring individual must establish procedures and controls that ensure all required MIPR documents and source documentation, including support for the receipt of ordered goods and services and the validity of related disbursements, are properly maintained in a single file location. The existence of an interservice/intergovernmental support agreement, memorandum of agreement or memorandum of understanding under DoD Instruction 4000.19 does not negate the requirement for a D&F.

(b) Economy Act Orders.

(1) Assisted acquisitions made through DoD agencies greater than the micro-purchase threshold and up to and including \$5 million. To comply with the Economy Act, 31 United States Code 1535, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it to the Contracting Officer for approval. Contracting Officer approval must be obtained before any funds are transferred outside the Marine Corps.

(2) Assisted acquisitions made through DoD agencies greater than \$5 million. To comply with the Economy Act, 31 United States Code 1535, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it to the Contracting Officer for review. The Contracting Officer shall submit the D&F to HQMC, I&L (Contracts), for approval by the ADC, I&L

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 17—Special Contracting Methods

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(Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). ADC, I&L (Contracts) approval must be obtained before any funds are transferred outside the Marine Corps.

(3) Assisted acquisitions (other than through franchise funds) made through Non-DoD agencies greater than the micro-purchase threshold up to and including \$50 million. To comply with the Economy Act, 31 United States Code 1535, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it to the Contracting Officer for review. The Contracting Officer shall submit the D&F to HQMC, I&L (Contracts) for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). ADC, I&L (Contracts) approval must be obtained before any funds are transferred outside the Marine Corps.

(4) For assisted acquisitions greater than \$50 million, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it to the Contracting Officer for review. The Contracting Officer shall submit the D&F to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil), for processing to the approval authority outlined in [CMPG, Section 1.5.1](#), paragraph F., Approvals. D&F approval must be obtained before any funds are transferred outside the Marine Corps.

#### (c) Non-Economy Act Orders.

(1) Assisted acquisitions made through Non-DoD agencies less than the SAT (currently \$150K). The approval process and documentation requirements are as prescribed by local comptroller in accordance with sound financial management practices.

(2) Assisted acquisitions made through Non-DoD agencies greater than the SAT and less than or equal to \$5 million. To comply with Section 854 of the FY2005 NDAA and Section 813 of the FY2006 NDAA, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it, along with a copy of the applicable Interagency Agreement (IA), to the Contracting Officer for approval. Contracting Officer approval must be obtained before any funds are transferred outside the Marine Corps.

(3) Assisted acquisitions made through Non-DoD agencies greater than \$5 million up to and including \$50 million. To comply with Section 854 of the FY2005 NDAA and Section 813 of the FY2006 NDAA, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it to the Contracting Officer for review. The Contracting Officer shall submit the D&F, along with a copy of the applicable IA, to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). ADC, I&L (Contracts) approval must be obtained before any funds are transferred outside the Marine Corps..

(4) For assisted acquisitions made through Non-DoD agencies greater than \$50 million, the requiring individual, with the assistance of the comptroller and legal counsel, will prepare the D&F using the template in [CMPG, Section 1.5.1](#), and submit it to the Contracting Officer for review. The Contracting Officer shall submit the D&F, along with the applicable IA, to HQMC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil), for processing to the approval

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### Part 17—Special Contracting Methods

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authority outlined in [CMPG, Section 1.5.1](#), paragraph F., Approvals. D&F approval must be obtained before any funds are transferred outside the Marine Corps.

(d) The cognizant comptrollers will not release funds for interagency procurements until the required documentation has been completed. The comptroller will also take necessary actions to ensure appropriate tracking of funding transferred outside the Marine Corps to ensure a proper audit trail.

(e) Examples where these procedures do not apply:

(1) Supplies and services procured under mandatory supply sources as defined in [FAR Part 8](#) (e.g., purchases on the Procurement List maintained by the Committee for Purchase From People Who Are Blind or Severely Disabled—AbilityOne) or mandatory sources provided for under other specific authority.

(2) Transfers by a tenant activity to a host activity for the reimbursement of utilities (e.g., water, sewer, telephone), facilities support and common support services and supplies, including training/exercise support and supplies. This also applies to host support services provided in support of Base Realignment and Closure initiatives in accordance with the [Deputy Under Secretary of Defense Memorandum, Subj: Base Realignment and Closure \(BRAC\) 2005 Implementation Planning, dated 21 September 2005](#). Any funding document transferring funds for the requirements identified in this paragraph shall include a statement similar to the following: “This funds transfer is conducted in accordance with Marine Corps Acquisition Procedures Supplement 17.503(e)(2) to support (insert description of requirement).”

(3) Mobile (cellular) phone services and mobile data services (i.e., BlackBerry® and like devices) pursuant to [ASN\(RD&A\) Memorandum, Subj: Department of the Navy Acquisition Policy on Mobile \(Cellular\) Phone and Data Equipment and Services, dated 7 March 2005](#).

(4) Architect-engineer, construction and facilities support contracts performed by NAVFAC pursuant to [NMCARS 5201.601-90\(a\)\(1\)](#) (to include the Naval Construction Force/Seabees).

(5) Construction procured from the Army in Japan and Okinawa pursuant to [DoDD 4270.5](#).

(6) Naval logistics support provided to embarked/deployed Marine units from supply chain sources pursuant to SECNAVINST 4000.37. Any funding document transferring funds for the requirements identified in this paragraph shall include a statement similar to the following: “This funds transfer is conducted in accordance with Marine Corps Acquisition Procedures Supplement 17.503(e)(6) to support (insert description of requirement).”

(f) Reporting Requirement.

(1) To facilitate the preparation of the below required annual report, and for ease of audit, all MARCOR I&L contracting offices shall maintain in a single location within the office a file of all Economy Act and Non-Economy Act D&Fs the office has approved.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 17—Special Contracting Methods

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(2) Each MARCOR I&L contracting office shall report all assisted Economy Act Orders and Non-Economy Act Orders that have been approved during the previous fiscal year as required by Attachment 3 of [ASN\(AT&L\) Memorandum, Subj: Acquisition of Services Policy, dated 02 October 2006](#). This report, titled "Report of Economy Act Orders," shall be prepared by each MARCOR I&L contracting office and submitted to HQMC, I&L (Contracts), in accordance with the due date identified in [Appendix B](#). Reports shall be provided in the format outlined in [CMPG, Section 1.5.1](#). Negative replies are required.

### **17.503-100 Direct acquisitions of supplies and services greater than the SAT.**

Pursuant to paragraph 5 of the DON Guidelines for Proper Use of Non-DoD Contracts (14 December 2004), a direct acquisition includes a task or delivery order placed by a Marine Corps Contracting Officer/Ordering Officer against a contract vehicle established outside of the DoD (e.g., Federal civilian agencies to include their franchise funds). Direct acquisitions include optional use FSS, BPAs issued against FSS, and other contracts/schedules awarded outside the Marine Corps. To comply with Section 854 of the FY2005 NDAA, and Section 813 of the FY2006 NDAA as implemented by [OASN\(FM&C\) Memorandum, Subj: Non-Economy Act Orders with Non-DoD Agencies, dated 31 January 2007](#) and [OASN\(FM&C\) Memorandum, Subj: Advance Payments to Non-DoD Federal Agencies for Interagency Acquisitions, dated 1 March 2007](#), approvals for direct acquisitions will be granted concurrently with the BCM. Therefore, the BCM is required to include the information outlined in [CMPG, Section 1.5.1.d](#). Approval authority for direct acquisitions is the business clearance approval official.

## **SUBPART 17.74—UNDEFINITIZED CONTRACT ACTIONS (UCAs)**

### **17.7403 (DFARS) Policy.**

#### **17.7403-100 Management of UCAs.**

CCOs shall provide management oversight over all UCAs issued by Contracting Officers serving under the CCO's delegation of contract authority to ensure appropriate use, management attention to backlog, and establishment/adherence to definitization schedules.

#### **17.7404 Limitations.**

##### **17.7404-1 (DFARS) Authorization.**

(a) Approval authority for UCAs, including change orders under the Changes clause, undefinitized task/delivery orders, and letter contracts, shall be as follows:

(1) UCA authority up to \$1 million is delegated to the CCO.

(2) UCAs in an amount equal to or greater than \$1 million shall be submitted to the HQMC, I&L (Contracts) for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 17—Special Contracting Methods

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(b) A NTE ceiling price shall be established for each UCA. This NTE ceiling price may be adjusted by modification during performance if circumstances warrant, but shall not be exceeded at definitization. See [MAPS 43.201](#) for application to change orders.

### **17.7404-6 (DFARS) Allowable Profit.**

When the final price of a UCA is negotiated after a substantial portion of the required performance has been completed, the final negotiation documentation (e.g., post BCM, etc.) shall be submitted to the HQMC, I&L (Contracts) for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). Ensure the profit allowed reflects the elements identified in [DFARS 217.7404-6\(a\)](#) through (c).

### **17.7405 (NMCARS) Plans and Reports.**

A report, titled “Undefinitized Contract Actions and Unpriced Change Orders Report,” consisting of all UCAs and unpriced change orders with an estimated value greater than \$5 million, for actions awarded during the periods of 1 October to 31 March and 1 April to 30 September shall be prepared by HQMC, I&L (Contracts) and submitted semi-annually to DASN as outlined in [Appendix B](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 18—Emergency Acquisitions

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 19—Small Business Programs

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### SUBPART 19.2—POLICIES

#### 19.201 General policy.

(a) A full-time or part-time Deputy for Small Business shall be appointed at all Marine Corps contracting offices with contracting authority equal to or greater than \$25,000 per [SECNAVINST 4380.8B](#). The individual must meet the qualification requirements provided by [SECNAVINST 4380.8B](#) and be approved by the HQMC, Director of Small Business.

(b) Based on small and disadvantaged program targets assigned to the Marine Corps by the Secretary of the Navy's Director, Office of Small Business Programs (OSBP), the HQMC, Director of Small Business shall establish specific target assignments for MCFCS offices.

(c) All FAR and DFARS requirements requiring HCA or Office of the Secretary of the Navy (OSN) OSBP review or decision that may impact small and disadvantaged business programs shall be coordinated with the HQMC, Director of Small Business.

(d) All DD 2579s shall be reviewed and signed only by the Contracting Officer (block 17 of the DD 2579) and the MCFCS Small Business Specialist (block 18 of the DD 2579), unless when required by [FAR 19.202-1\(e\)\(1\)](#) or [DFARS 219.201\(d\)\(10\)\(C\)](#), it is necessary for a Small Business Representative to also review the proposed acquisition. For any MCFCS offices that do not currently have a local Small Business Specialist, block 18 of the DD 2579 shall be signed by the HQMC, Director of Small Business (DSB) or his designee.

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 20—Reserved**

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**RESERVED**

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 21—Reserved**

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**RESERVED**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 22—Application of Labor Laws to Government Acquisitions

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### SUBPART 22.1—BASIC LABOR POLICIES

#### 22.101 (DFARS) Labor relations.

Contracting Officers shall consult with the DON Labor Advisor for all labor relation actions identified in [DFARS Part 222](#), as supplemented. The DON Labor Advisor is located in the office of the DASN (A&LM). Contact information for this advisor can be found on the Navy Labor Advisor website available in [CMPG, Section 1.7.3](#).

### SUBPART 22.10—SERVICE CONTRACT ACT OF 1965, AS AMENDED

#### 22.1002 Statutory requirements.

Service Contract Act wage determinations and related contract labor information may be accessed using the Wage Determinations OnLine link located in [CMPG, Section 1.7.3](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 23—Environment, Conservation, Occupational Safety, and Drug-Free Workplace

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### SUBPART 23.4—USE OF RECOVERED MATERIALS

#### **23.404 (FAR) Agency affirmative procurement programs.**

Contracting Officers shall participate in the implementation and execution of their command's affirmative procurement program. Specific Marine Corps guidance is included in the latest editions of [MCO P5090.2A](#) and the DON Green Procurement Program Implementation Guide.

### SUBPART 23.8—OZONE-DEPLETING SUBSTANCES

#### **23.803-100 Elimination of use of Class I Ozone-Depleting Substances (ODS).**

Approvals for local purchases of a Class I ODS must be compiled and submitted annually to the HQMC, I&L, Logistics Capabilities Center (CMC (LPC)), no later than January 10 for consolidation and submission to DASN (A&LM).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 24— Freedom of Information Act

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### SUBPART 24.2—FREEDOM OF INFORMATION ACT

#### 24.203 Policy.

All FOIA requests shall be coordinated through the Command's FOIA Coordinator. Marine Corps implementation is in [SECNAVINST 5720.42F](#). [Marine Corps FOIA On-Line](#) provides general information about the U.S. Marine Corps FOIA Program and answers some basic questions frequently asked by the public.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 25— Foreign Acquisition

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### SUBPART 25.1—BUY AMERICAN ACT—SUPPLIES

#### 25.103 (DFARS) Exceptions.

(a) *Public interest*

(ii) (B) A determination whether to grant a public interest exception shall be made after consideration of the factors in 10 U.S.C. 2533—

(1) By the CCO for acquisitions valued at up to and including the SAT. This authority may not be re-delegated.

(2) By ADC, I&L (Contracts) for acquisitions with a value greater than the SAT up to \$1.5 million. Determinations shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

(b) *Nonavailability*.

(ii) The determination must be approved—

(A) By a level above the Contracting Officer for acquisitions valued at or below the SAT.

(B) By the CCO for acquisitions with a value greater than the SAT up to \$1.5 million. This authority may not be re-delegated.

(C) By ADC, I&L (Contracts) for acquisitions equal to or greater than \$1.5 million. Determinations shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

### SUBPART 25.70—AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

#### 25.7002 (DFARS) Restrictions on food, clothing, fabrics, specialty metals, and hand or measuring tools.

##### 25.7002-2 (DFARS) Exceptions.

If the Contracting Officer determines, through market research, that an article or suitable substitute is not available from a domestic source, the Contracting Officer shall contact HQMC, I&L (Contracts). HQMC, I&L (Contracts) will confer with the Department of Commerce (DOC) and request a list of possible domestic sources. Upon notification from HQMC, I&L (Contracts) that DOC has not identified domestic source(s), the Contracting Officer shall submit a D&F, including the market research report, to HQMC, I&L (Contracts). The authority of the Secretary of the Navy to make determinations in accordance with [DFARS 225.7002-2](#) is not delegable.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 25— Foreign Acquisition

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### SUBPART 25.73--ACQUISITIONS FOR FOREIGN MILITARY SALES

#### **25.7300-100 Report to Congress on foreign sales of significant military equipment manufactured in the United States.**

A report, titled "Report on Foreign Military Sales Greater Than \$2M," regarding foreign sales greater than \$2 million of significant military equipment manufactured in the United States shall be prepared and submitted by HQMC, I&L (Contracts) upon request in [accordance with the format and due date specified in Appendix B](#).

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 26—Other Socioeconomic Programs**

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 27—Patents, Data, and Copyrights

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**NO MAPS TEXT**

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 28—Bonds and Insurance

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#### SUBPART 28.1—BONDS AND OTHER FINANCIAL PROTECTIONS

##### 28.103 Performance and payment bonds for other than construction contracts.

###### 28.103-1 General.

Requests to use performance and/or payment bonds for contracts other than construction shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

##### 28.105 (FAR) Other types of bonds.

Requests to use other types of bonds in connection with acquiring particular supplies or services shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

##### 28.106 (FAR) Administration.

###### 28.106-2 Substitution of surety bonds

Requests to substitute an original bond with a new surety bond covering all or part of the obligations on the previously approved surety bond shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

#### SUBPART 28.2—SURETIES AND OTHER SECURITY FOR BONDS

##### 28.203 Acceptability of individual sureties.

The Contracting Officer shall submit documentation in support of individuals proposed as individual sureties to CL field Counsel for review prior to making a determination of acceptability.

#### SUBPART 28.3—INSURANCE

##### 28.306 (FAR) Insurance under fixed-price contracts.

(a) Contractors shall not be required to provide insurance coverage on Government-owned/furnished equipment and materials without CCO approval. This authority may not be re-delegated.

(b) Contracts requiring work on Government property and which include transportation or transportation-related services shall specify insurance coverage as required by state and local laws or by [FAR 28.307-2](#), whichever results in higher coverage. On a case-by-case basis, Level II and III Contracting Officers are authorized to specify higher coverage.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 29—Taxes

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### SUBPART 29.3—STATE AND LOCAL TAXES

#### 29.302 Application of state and local taxes to the Government.

(a) If the Federal Government's exemption from state and local taxes cannot otherwise be readily obtained, and it is economically feasible to do so, the Contracting Officer may utilize SF 1094, U.S. Tax Exemption Form to seek tax exemption. The Contracting Officer is the authority to determine whether or not it is cost effective to issue a SF 1094; however, the form should not be used when the amount of state or local tax is up to and including \$10.

(b) The GCPC has the phrase "U.S. Government Tax Exempt" printed on the front of each purchase card, and should be cited whenever the card is used for purchase or payment to help ensure that sales taxes are not charged.

(c) Whether any specific purchase or lease is immune from state and local taxation is a legal question and should be referred to CL field Counsel for advice and assistance.

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 30—Cost Accounting Standards Administration**

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 31—Contract Cost Principles and Procedures

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 32—Contract Financing

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### SUBPART 32.6—CONTRACT DEBT

#### 32.610 Demand for payment of contract debt.

(a) Payments made as a consequence of a contract debt arising from a default termination/overpayment should only be made by check payable to the “Accounting and Finance Officer” and forwarded to the Disbursing Office, Defense Finance and Accounting Service, Kansas City Center/ADDC, 1500 E. 95<sup>th</sup> Street, Kansas City, MO 64197-0001.

(b) Whenever a Contracting Officer renders a final decision that results in a contractor being contractually indebted to the Government, the Contracting Officer should simultaneously issue a demand letter to the contractor, with a copy to the appropriate finance office. The demand letter should be issued in all such cases, irrespective of any action taken or planned by the contractor to appeal the Contracting Officer’s decision.

(c) If a contractor is indebted to the U.S. Government and there are invoices awaiting payment in the Vendor Pay office, on day 31, the Accounts Receivable Office (ARO) will notify the Vendor Pay office of any receivable for which repayment has not been received to initiate offset for the overpayments. The Vendor Pay office will then offset invoices currently in house. A comment will appear on the payment/disbursing voucher to indicate the offset action for the contractor’s reference.

(d) Contractor requests for installments or deferments in payment should be made to the Contracting Officer. The recipient office shall forward requests for deferment or installments of contract debts to the CCO. An evaluation of the contractor’s proposal with the necessary reporting information recommendation shall be submitted for review to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). HQMC, I&L (Contracts) will forward the evaluation to the ASN (Financial Management & Comptroller) via DASN (A&LM). If installments or deferments in payment have been approved by authorities involved, the CCO should forward this information to the appropriate finance office.

(e) Vendor Pay and the ARO will refer uncollected receivables to the Debt Management Office no later than 91 days from the original date of the bill. Collecting delinquent contract debts is the responsibility of DFAS-Columbus, Debt Management Office (DFAS-BVDW).

### SUBPART 32.7—CONTRACT FUNDING

#### 32.702 Policy.

Based on customer and project history, Contracting Officers may use their own discretion in requiring either a commitment of funds or actual funds in hand before issuing solicitations or requests for proposals (RFPs) for delivery/task orders or modifications. The Program/Project Manager remains responsible for validation of funds availability and communicating this to the Contracting Officer.

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 32—Contract Financing

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#### 32.703-100 Funding Documentation

(a) The official contract file must contain documentation demonstrating funds were committed by the Comptroller for each contract action awarded. Acceptable funding documentation may consist of either a printed Purchase Request (PR) generated in PR Builder showing funds have been validated through the Standard Accounting, Budget and Reporting System (SABRS) or a Comptroller of the Navy (NAVCOMPT) Form 2276 signed by appropriate authorizing official. A SABRS screen shot is not an acceptable substitute for a signed NAVCOMPT Form 2276 or a system generated Purchase Request (PR) built in PR Builder showing funds have been validated.

(b) Bonafide Needs Justification for Requirements Subject to Availability of Funds.

(1) Contract actions for supplies may not be awarded subject to the availability of funds unless:

(i) A Bona Fide Needs Justification for Supplies form, located in CMPG 1.11, has been completed and submitted by the requirements generator and included in the official contract file;

(ii) The Contracting Officer has determined the information included in the Bona Fide Needs Justification for Supplies substantiates the following:

(A) As required by [FAR 32.705-1](#), the contract action will be funded with next fiscal year funds and the contract action will be initiated before the funds are available; and

(B) The delivery of supplies cannot be made prior to the contract action being fully funded.

(iii) [FAR 52.232-18](#), Availability of Funds (Apr 1984) is included in the awarded contract action.

(2) The [FAR 52.232-18](#) requirement that the Contracting Officer provide written confirmation notifying the Contractor funds are available shall be via modification to the contract action funding the supplies ordered.

### SUBPART 32.9—PROMPT PAYMENT

#### 32.908 (FAR) Contract Clauses.

(a) The prompt payment deviation clause, Payments in Support of Emergency and Contingency Operations (Deviation 2009-O0011), in Attachment 1 of [DPAP Memorandum, Subj: Class Deviation – Federal Acquisition Regulation \(FAR\) 32.9 Prompt Payment for Emergencies and Contingency Operations, dated 19 August 2009](#), may be used in lieu of the prompt payment clauses prescribed in [FAR 32.908](#), when:

(1) An emergency, as defined in the Disaster Relief Act of 1974; contingency operation, as

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 32—Contract Financing

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defined in [FAR 2.101\(b\)](#); or the release or threatened release of hazardous substances (as defined in 4 U.S.C. 9606, Section 106) occurs;

(2) Payments are either certified in an operational area or are contingent upon the receipt of necessary supporting documentation (i.e., contract, invoice, receiving report) emanating from an operational area; and,

(3) The HCA has made a determination that an unstable business environment exists and, as a result, authorizes the use of the prompt payment deviation clause in lieu of the clauses prescribed in [FAR 32.908](#).

(b) As the operational area evolves into a more stable environment, the HCA shall make subsequent determinations to enable the provisions of the Prompt Payment Act to apply.

(c) CMPG 5.5.2 outlines the procedures for requesting use of the prompt payment deviation clause and inserting the prompt payment clause in a contract. This CMPG section also details the procedures for removing the prompt payment deviation clause from a contract and reverting to the prompt payment clauses prescribed in [FAR 32.908](#) when an operational area evolves into a stable business environment and use of the prompt payment deviation clause is not longer required.

### SUBPART 32.70—ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS

#### 32.7003 (DFARS) Procedures.

(a) The Marine Corps standard electronic means for transmission of payment information by all parties (contractor, receipt and acceptance office, payment office, contract administration office) is Wide Area WorkFlow ([WAWF](#)).

(b) [DFARS 252.232-7003](#), which informs the contractor that payment requests and receiving reports shall be submitted using WAWF, is required to be included in all MARCOR I&L solicitations and contracts. However, since this clause does not provide sufficient instructions to the contractor for processing payments under MARCOR I&L contracts, additional information is required. A component clause is no longer authorized. Therefore, detailed information regarding payments using WAWF for all MARCOR I&L acquisitions must be included in each acquisition as follows:

(1) For commercial item acquisitions, as authorized by [FAR 12.301\(b\)\(3\)](#) and [FAR 12.203\(b\)\(3\)](#), tailor [FAR 52.212-4\(i\)](#) to include the specific instructions for payment provided in [CMPG 2.2.7](#). Tailoring of [FAR 52.212-4\(i\)](#) shall be conducted utilizing the procedures outlined in [FAR 12.302\(d\)](#).

(2) For all other acquisitions, the specific instructions for payment provided in [CMPG 2.2.7](#) are to be included in:

(i) Section G, Contract Administration Data, when the solicitation/contract is

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 32—Contract Financing

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formatted using the Uniform Contract Format (UCF); or

(ii) The Statement of Work/Statement of Objectives, when the solicitation/contract is not formatted using the UCF.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 33—Protests, Disputes, and Appeals

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### SUBPART 33.1—PROTESTS

#### 33.103 (NMCARS) Protests to the agency.

(a) All agency-level protests received by Marine Corps contracting offices shall be subject to review and resolution by the Contracting Officer.

(b) When an interested party requests an independent review of its protest at a level above the Contracting Officer, the Contracting Officer must submit the protest and the applicable documents described in [FAR 33.104\(3\)\(ii\)-\(iv\)](#) to the CCO for resolution.

(c) Protests received at field contracting offices that are not designated as regional offices shall be reviewed and resolved by the CCO overseeing that office.

(d) Where a CCO is the Contracting Officer and the protester seeks review one level above the Contracting Officer, the matter will be forwarded to HQMC, I&L (Contracts) for resolution.

(e) Proposed contract protest decisions by Contracting Officers must be reviewed by CL field Counsel prior to issuance.

(f) Reporting requirements. All MARCOR I&L offices shall maintain a log of all agency protests and their resolution. An annual report, titled “Agency Protest Report,” shall be prepared by each MARCOR I&L contracting office and submitted to HQMC, I&L (Contracts) in accordance with the due dates identified in [Appendix B](#). The format of the report shall be as outlined in [Appendix F](#). Negative replies are required.

#### 33.104 (FAR/NMCARS) Protests to the Government Accountability Office (GAO).

(a) CL serves as the contact point for GAO protests.

(b) CL field Counsel provides legal support to the contracting office that receives a protest. CL field Counsel, with input from the Contracting Officer, will prepare the agency administrative report in response to the protest. The proposed reports to GAO and all accompanying documents must be submitted by the Contracting Officer to CL via the appropriate CL field Counsel at least five calendar days before the report is due at GAO.

(c) Award of costs.

(1) In accordance with [FAR 33.104\(h\)\(6\)](#), Contracting Officers shall consult with CL field Counsel before paying a recommended award of costs under [FAR 33.104\(h\)\(6\)](#).

(2) ADC, I&L (Contracts) or designee shall consult with CL and DASN (A&LM) before any decision is made not to implement a GAO recommendation.

(d) Reporting requirements. All MARCOR I&L offices shall maintain a log of all GAO protests and their resolution. An annual report, titled “GAO Protest Report,” shall be prepared by each MARCOR I&L contracting office and submitted to HQMC, I&L (Contracts) in

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 33—Protests, Disputes, and Appeals

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accordance with the due dates identified in [Appendix B](#). The format of the report shall be as outlined in [Appendix G](#). Negative replies are required.

#### **33.170 (DFARS/NMCARS) Briefing requirement for protested acquisitions valued at \$1 billion or more.**

Compliance with [DFARS PGI 233.170](#) requirement to provide a briefing to the Director, DPAP, in the event of a protest of a competitively awarded Major Defense Acquisition Program or of an acquisition of services valued at equal to or greater than \$1 billion shall be adhered to by providing a protest notice to DASN(A&LM) within 5 days of receipt of the protest in accordance with the requirements outlined in [NMCARS 5233.170](#) with a copy simultaneously provided to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). In addition to the information required by [NMCARS 5233.170](#), the protest notice shall detail the basis of the protest, the agency's positions, and any other information the agency deems relevant to the protest. Submit the notification via email, and include in the email subject line "PROTEST" followed by the solicitation or contract number, as appropriate.

### SUBPART 33.2—DISPUTES AND APPEALS

#### **33.203 (NMCARS) Applicability.**

ADC, I&L (Contracts) is delegated the authority to make the determination that the application of the Contract Disputes Act of 1978 does not apply to a particular contract as a matter of public interest. This may not be delegated. Requests shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

#### **33.211 Contracting Officer's Decision.**

(a) Personnel who prepare memoranda or notes concerning a claim that is intended for CL or CL field Counsel shall place a legend on each page as follows:

"ATTORNEY-CLIENT PRIVILEGE FOR OFFICIAL USE ONLY: This document is prepared for use by Government attorneys in connection with a contractor's claim. It is not to be released outside the Government or to Government personnel not having a need to know."

(b) When a Contracting Officer issues a final decision, a copy of that decision shall be submitted directly to the Office of General Counsel, Legal Services Support Group, Naval Litigation Office, with a copy simultaneously provided to HQMC, I&L (Contracts) and CL.

### SUBPART 33.90—PROCEDURES

#### **33.9001 (NMCARS) Claims approval requirements.**

(a) Proposed claim settlements and final decisions of the Contracting Officer shall be

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 33—Protests, Disputes, and Appeals

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reviewed and approved as outlined below:

(1) Claims up to \$1 million shall be approved by a CCO whose organization has CL field Counsel support.

(2) Claims equal to or greater than \$1 million up to and including \$25 million shall be submitted through CL field Counsel support and then to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

(3) Claims greater than \$25 million shall be submitted to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). HQMC, I&L (Contracts) will, as required by [NMCARS 5233.9001\(a\)](#), forward the claim settlement or Contracting Officer's Final Decision to DASN(A&LM) for approval.

(b) For claims equal to or greater than \$1million, the CCO shall:

(1) Submit a notification to HQMC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil), within 10 calendar days of receipt of claim. Include in the notification when HQMC, I&L (Contracts) will receive the claim package and include the projected date for the release of the Contracting Officer's final decision. The projected date for the release of the Contracting Officer's final decision shall include a sufficient amount of time for ADC, I&L (Contracts), CL, and, if required, higher level review and approval.

(2) Notify the contractor of the projected date for the release of the Contracting Officer's final decision within 30 calendar days of claim receipt. The CCO shall notify the contractor of any changes to the original projected date for the release of the Contracting Officer's final decision. Ensure the notification provides the reasons for the changed date. The CCO shall provide copies of these letters to ADC, I&L (Contracts).

(3) Submit the claim package, including a draft final decision and the CL field Counsel legal memoranda, to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 34—Major System Acquisition

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### **34.003 (FAR/DFARS) Responsibilities.**

(a) The MARCORSYSCOM is the contracting activity responsible for major system acquisition in the Marine Corps. As such, any needed procedure, guidance, or interpretation related to the acquisition of such systems, as defined in [FAR Part 2](#), is provided by MARCORSYSCOM.

(b) If there is any doubt as to whether a certain procurement falls under the major system acquisition responsibility of MARCORSYSCOM, consult with HQMC, I&L (Contracts) for resolution of the matter.

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 35—Research and Development (R&D) Contracting

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#### **35.003 (FAR/DFARS) Policy.**

(a) MARCORSYSCOM is the contracting activity responsible for R&D contracting within the Marine Corps. Any needed procedure, guidance, or interpretation related to the acquisition of R&D, as defined in [DFARS 235.001](#), is provided by MARCORSYSCOM.

(b) MARCORSYSCOM has been delegated authority to execute grants, cooperative agreements, and “other transactions” for the Marine Corps by ASN (RD&A).

(c) If there is any doubt as to whether a certain procurement falls under the R&D contracting responsibility of MARCORSYSCOM, consult with HQMC, I&L (Contracts) for resolution of the matter.

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 36—Construction and Architect-Engineer Contracts**

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 37—Service Contracting

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### SUBPART 37.1—SERVICE CONTRACTS—GENERAL

#### 37.104 (FAR/DFARS) Personal service contracts.

The determination to acquire a personal services contract for expert and consultant services shall be reviewed by CL field Counsel and approved by a Contracting Officer one level higher than the executing Contracting Officer.

### SUBPART 37.2—ADVISORY AND ASSISTANCE SERVICES

#### 37.204 (FAR/NMCARS) Guidelines for determining availability of personnel.

The ADC, I&L (Contracts) is authorized to make the determination that personnel with the required training and capabilities needed to conduct evaluations or analyses of any aspect of proposals for an initial contract award are not readily available within the agency or other federal agencies. Requests for this determination shall be submitted to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

#### 37.272 (DFARS) Requesting activity responsibilities.

Prior to contracting for advisory and assistance services or consulting services, the Contracting Officer shall ensure that the approval required by [DFARS 237.270\(c\)](#) has been obtained by the requesting activity.

### SUBPART 37.5—MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

#### 37.503-100 Procedures.

(a) In accordance with [ASN \(RD&A\) Memo, Subj: Acquisition of Services, dated 1 December 2006](#), MCFCS shall comply with the DON Management and Oversight Process for the Acquisition of Services (Revised) (MOPAS 2). The AS Content Requirements included in [CMPG, Section 1.4.3](#) shall be included in any AS for services.

(b) The MCFCS review and approval authorities and thresholds for services acquisitions are defined in the table below titled, "Acquisition Strategy Review & Approval Thresholds." The rationale not to use PBSA shall be justified, documented, and approved in accordance with the tables below.

(c) All Acquisition Strategies must be approved prior to issuing a synopsis or a combined solicitation/synopsis.

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 37—Service Contracting

#### Acquisition Strategy Review & Approval Thresholds

<b>Approval of Service Acquisitions That Are Performance Based</b>			
<b>Total Planned Dollar Value, Including Options, Etc.</b>	<b>Requirements Review (Suggested Level at Requiring Activity)</b>	<b>AS Review</b>	<b>Decision Authority</b>
>SAT up to & incl BCM Threshold	Requirements Originator	Contract Specialist and Contracting Officer	CCO. May re-delegate NLT one level above Contracting Officer
>BCM Threshold up to & incl \$100 million	Level above Requirements Originator	CCO	ADC, I&L (Contracts) or Designee*
>\$100 million	Flag/General Officer/SES/Commanding Officer	DASN(A&LM) via ADC, I&L (Contracts)	ASN(RD&A)/DASN(ACQ)
AT&L Special Interest Item on Case-by-Case Basis	Flag/General Officer/SES/Commanding Officer	ASN(RD&A)	USD(AT&L)
<b>Approval of Service Acquisitions That Are NOT Performance Based</b>			
<b>Total Planned Dollar Value, Including Options, Etc.</b>	<b>Requirements Review (Suggested Level at Requiring Activity)</b>	<b>AS Review</b>	<b>Decision Authority</b>
>SAT to \$1 million	Requirements Originator	Contract Specialist and Contracting Officer	CCO. May re-delegate NLT one level above Contracting Officer
\$1 million to \$5 million	Level above Requirements Originator	CCO	ADC, I&L (Contracts) or Designee**
>\$5 million to \$85.5 million	O-6/GS-15	CCO	ADC, I&L (Contracts)
>\$85.5 million to \$100 million	O-6/GS-15	DASN (A&LM) via ADC, I&L (Contracts)	ASN(RD&A)/NSPE per DFARS 237.170-2(a)(2)
>\$100 million or Special Interest Item	Flag/General Officer/SES/Commanding Officer	DASN(A&LM) via ADC, I&L (Contracts)	ASN(RD&A)/NSPE per DFARS 237.170-2(a)(2)
AT&L Special Interest Item on Case-by-Case Basis	Flag/General Officer/SES/Commanding Officer	ASN(RD&A)	USD(AT&L)

\* Designee is only as follows:

1. HQMC, I&L (Contracts) Deputy Director

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 37—Service Contracting

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2. HQMC, I&L (Contracts) Assistant Directors
3. LOGCOM and RCO, National Capital Region, Quantico CCO's up to \$25 million

\*\* Designee is only as follows:

1. HQMC, I&L (Contracts) Deputy Director
2. HQMC, I&L (Contracts) Assistant Directors

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 38—Federal Supply Schedule Contracting**

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 39—Acquisition of Information Technology (IT)

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### 39.001 (NMCARS) Applicability.

In order to ensure effective implementation of the Navy-Marine Corps Intranet (NMCI) contract, all Contracting Officers shall comply with the guidance contained in [ASN \(RD&A\) Memorandum, Subj: Information Technology Related Procurements, dated October 8, 2004](#), which requires review of all prospective information technology procurements in excess of \$25,000 up to and including \$1 million (over the life of the contract), including orders to be placed on existing contracts.

### SUBPART 39.1—GENERAL

#### 39.101 Policy.

(a) All computer hardware and operating system software within the Marine Corps must be purchased from the acquisition vehicles listed on the MARCORSSYSCOM website link for [MCHS](#) unless appropriately waived. Marine Corps-unique policies and waiver procedures relating to the procurement of IT are also posted on that website.

(b) If GSA is used as a servicing agency for procurement of IT, a D&F will be prepared in accordance with [MAPS 17.503\(a\)](#) using the format outlined in [CMPG, Section 1.5.1](#).

(c) Questions regarding the proper procurement authority procedures for IT acquisitions may be directed to HQMC, I&L (Contracts) by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 40—Reserved**

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**RESERVED**

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

**Part 41—Acquisition of Utility Services**

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 42—Contract Administration

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### SUBPART 42.1—CONTRACT AUDIT SERVICES

#### 42.191 (NMCARS) Audit resolution and disposition.

(a) Each MARCOR I&L contracting office shall prepare a report titled, “DCAA Contract Audit Follow Up (CAFU) Status Report,” describing resolution of contract audit reports and submit the report to HQMC I&L (Contracts), no later than six months after the corresponding audit report date, in accordance with the format outlined in [Appendix B](#).

(b) Each MARCOR I&L contracting office shall prepare a semiannual contract audit follow-up status report, titled “DCAA Contract Audit Resolution & Disposition Report,” required by [DoD Instruction 7640.02](#) and submit the report to HQMC, I&L (Contracts), to arrive no later than ten calendar days after the end of the 31 March and 30 September reporting periods, in accordance with the format outlined in [Appendix B](#). Negative reports are required.

### SUBPART 42.2—CONTRACT ADMINISTRATION SERVICES

#### 42.202 Assignment of contract administration.

#### 42.202-100 Contracting Officer's Representatives.

See [MAPS Part 1](#) for appointment and responsibilities of CORs and ordering officers.

### SUBPART 42.15—CONTRACTOR PERFORMANCE INFORMATION

#### 42.1503 (FAR/NMCARS) Procedures.

#### 42.1503-100 Preparation and use of contractor performance evaluation reports.

(a) General. Collection of contractor performance information and submission of performance evaluation reports are required for acquisitions in specific business sectors (e.g., systems, services) that exceed the dollar threshold for that sector. The description of the business sectors and dollar thresholds are specified in the DoD Contractor Performance Assessment Reporting System (CPARS) Policy Guide included in the “Reference Material” section of the [CPARS website](#). Both requirements and contracting personnel have responsibilities under the CPARS procedure.

(b) Preparation and distribution of performance reports.

(1) Performance evaluation reports shall be prepared and submitted using the CPARS on-line database, following the procedures in the DoD CPARS Policy Guide. Access instructions and log-on procedures for the CPARS database can be obtained by contacting the HQMC, I&L (Contracts) CPARS Focal Point listed in [CMPG, Introduction Section VII](#).

(2) Include a copy of the report in the official contract file.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 42—Contract Administration

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(3) For orders placed against contracts or ordering agreements (e.g., provisioned items orders, task orders, and orders under indefinite-delivery or indefinite-quantity type contracts), a Level III Contracting Officer should decide whether to assess the contractor's performance on an order-by-order or "total" contract/agreement basis. In either case, the assessment procedures to be followed should be specified in the basic contract or agreement, particularly when other buying activities may also place orders against those instruments.

(4) All contract actions and/or task/delivery orders that require performance reports shall be registered in CPARS no later than 30 days after award/execution of contract.

(5) All contracts and task/delivery orders terminated for default, regardless of dollar amount, shall be registered unless otherwise exempted.

(c) Below average performance evaluations. Any disagreements between parties shall be reviewed at a level above the Contracting Officer.

(d) Access to and use of performance reports.

(1) The Past Performance Information Retrieval System ([PPIRS](#)) is a web-enabled, Government-wide application that provides timely and pertinent contractor past performance information to the federal acquisition community for use in making source selection decisions.

(2) MCFCS contracting personnel shall create a user account for the PPIRS database at the [PPIRS website](#). Upon receipt of an account, users shall request membership in a group from the appropriate Group Owner or Manager. The HQMC, I&L (Contracts) PPIRS POC is listed in [CMPG, Introduction Section VII](#).

### SUBPART 42.71—VOLUNTARY REFUNDS

#### 42.7101 (DFARS) Solicited refunds.

The CCO is delegated authority to approve the solicitation of voluntary refunds. CL field Counsel will be consulted on this matter. This authority cannot be delegated.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 43—Contract Modifications

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### SUBPART 43.1—GENERAL

#### 43.102 Policy.

##### 43.102-100 Execution of contract modifications.

(a) Bilateral modifications shall not be signed by the Government until after signature by the contractor. If the contractor places conditions on the modification, a written reply shall immediately be sent to the contractor stating that the Government will not execute the modification as returned and will treat it as null and void.

(b) Any proposed modification that will result in an increase to the total contract price of greater than 50% of the initial contract award amount shall be approved by no lower than a Level III Contracting Officer to ensure the proposed modification will be within the scope of the original contract.

### SUBPART 43.2—CHANGE ORDERS

#### 43.201 (NMCARS) General.

(a) See [DFARS 217.74](#) and [MAPS 17.74](#) for policy and procedures for UCAs.

(b) A written determination shall be made by the CCO when the requirement for inclusion of an NTE price on change orders is waived.

#### 43.201-100 Policy.

Negotiate in advance the cost and time associated with all contract changes except in unusual circumstances where it is not possible as a consequence of the character of the changed work.

#### 43.204 Administration

To avoid subsequent controversies that may result from a supplemental agreement containing an equitable adjustment as the result of a change order, the Contracting Officer shall include a release statement similar to that found at [FAR 43.204\(c\)\(2\)](#), unless waived by the CCO.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 44—Subcontracting Policies and Procedures

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**NO MAPS TEXT**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 45—Government Property

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### SUBPART 45.6—REPORTING, REDISTRIBUTION, AND DISPOSAL OF CONTRACTOR INVENTORY

#### 45.609 (FAR/DFARS) Donations.

#### 45.609-100 Marine Corps policies and procedures affecting Government personal property.

(a) [MCO P10150.1](#), “Garrison Property Policy Manual” prescribes the policy and procedures governing the acquisition, management, and control of garrison property used at Marine Corps bases, air stations, districts, and other independent commands. Garrison property is Government personal property used to support the operation of a Marine Corps installation and its tenant activities.

(b) The procedures of MCO P10150.1 and the Defense Reutilization and Marketing Service ([DRMS](#)) shall be followed in the disposal or donation of Marine Corps Government personal property.

### SUBPART 45.70—APPOINTMENT OF PROPERTY ADMINISTRATORS AND PLANT CLEARANCE OFFICERS

#### 45.7001 (DFARS) Selection, appointment, and termination.

(a) The Contracting Officer shall designate a property administrator for each contract involving Government property furnished to or acquired by the contractor.

(b) All property administrators shall attend the DoD training course for property administrators. Contracting Officers shall obtain assurance from customers that properly trained property administrators (if required) will be available prior to the issuance of any solicitation for customer requirements.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 46—Quality Assurance

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### SUBPART 46.7—WARRANTIES

#### **46.7-100 Enforcement of warranties after final acceptance.**

In those instances where the Government requires warranty work, the requiring activity shall notify the Contracting Officer, who will ensure that the contractor performs the warranty work in accordance with the terms of the contract.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 47—Transportation

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### SUBPART 47.5—OCEAN TRANSPORTATION BY U.S.-FLAG VESSELS

#### 47.573-3 (NMCARS) Annual Reporting Requirement

A report titled, “Annual Ocean Transportation Report,” regarding all offers in response to solicitations that included the provision [DFARS 252.247.7026](#) during the previous calendar year shall be prepared by each MARCOR I&L contracting office and submitted to HQMC, I&L (Contracts), in accordance with the format and due date outlined in [Appendix B](#). The report shall contain the following information for each offer received in response to a solicitation containing provision [DFARS 252.247.7026](#): contract number, each offeror’s name, and each offeror’s response to each of the items listed in [DFARS 252.247.7026\(c\)](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 48—Value Engineering

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### SUBPART 48.1—POLICIES AND PROCEDURES

#### **48.103 (NMCARS) Processing value engineering change proposals (VECPs).**

The CCO is responsible for ensuring that VECPs are processed and evaluated consistent with the requirements of [FAR Part 48](#).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 49—Termination of Contracts

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### SUBPART 49.1—GENERAL PRINCIPLES

#### 49.101 Authorities and responsibilities.

(a) Contracting Officers shall not terminate for convenience or default any contract with a small business firm to whom a Certificate of Competency was issued, or to whom loans were made with the Small Business Administration's (SBA's) participation, without prior written approval of ADC, I&L (Contracts). Requests for these terminations shall be submitted through to HQMC, I&L (Contracts), for approval by the ADC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil).

(b) Terminate contracts resulting from MIPRs in accordance with [DFARS PGI 208.7004-6](#) and [208.7004-7](#).

(c) For terminations pursuant to [FAR Part 12](#), Acquisition of Commercial Items, refer to [MAPS 12.4](#).

#### 49.101-100 Reporting Requirements.

A log shall be kept of all contracts terminated for default or convenience. Each MARCOR I&L contracting office shall prepare and submit to HQMC, I&L (Contracts) an annual report, titled "Report of Terminated Actions," identifying these termination actions and the termination actions required to be reported in [MAPS 12.403-100](#), as outlined in [Appendix B](#). Each report shall be prepared in the format outlined in [Appendix H](#). Negative replies are required.

#### 49.107 (FAR) Audit of prime contract settlement proposals and subcontract settlements.

Within five calendar days after receipt from the contractor, send all settlement proposals electronically to the responsible audit office, including inventory and accounting information and related documents.

### SUBPART 49.3—ADDITIONAL PRINCIPLES FOR COST-REIMBURSEMENT CONTRACTS TERMINATED FOR CONVENIENCE

#### 49.301 General.

Contracting Officers should not terminate any contract for convenience if the contractor is in default and the Government has a legal right to terminate for default, even if the Government's requirements for performance no longer exist. This prohibition does not preclude a no-cost termination settlement agreement as provided for at [FAR 49.402-4\(c\)](#).

### SUBPART 49.4—TERMINATION FOR DEFAULT

#### 49.470 (NMCARS) Termination for Default Notification

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 49—Termination of Contracts

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Upon termination for default of any contract, in order to comply with [NMCARS 5249.470](#), submit a notification to HQMC, I&L (Contracts), , that contains the information outlined in [NMCARS Annex 5](#) immediately, following the termination modification. Submit the notification by emailing [LB\\_Reports@usmc.mil](mailto:LB_Reports@usmc.mil), and include in the email subject line “T4D” followed by the contract number.

#### SUBPART 49.70—SPECIAL TERMINATION REQUIREMENTS

##### **49.7001 (DFARS) Congressional notification on significant contract terminations.**

The Contracting Officer shall submit any clearance request to release information about a proposed termination that results in a reduction in employment of 100 or more contractor employees directly to the Chief of Legislative Affairs (OLA-N) with a copy simultaneously provided to HQMC, I&L (Contracts) at [LB\\_Reports@usmc.mil](mailto:LB_Reports@usmc.mil).

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 50—Extraordinary Contractual Actions

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### SUBPART 50.1—GENERAL

#### 50.101-3 (DFARS) Records.

The Contracting Officer is responsible for preparing, submitting, and receiving all contract adjustment records unless otherwise directed. All records shall be submitted directly to DASN (A&LM), with a copy simultaneously provided to HQMC, I&L (Contracts).

### SUBPART 50.2—DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY

#### 50.201 Delegation of authority.

##### 50.201-70 (NMCARS) Delegations.

(a) ADC, I&L (Contracts) may exercise and re-delegate the authority contained in the Act and Executive Order and as delegated by [DFARS 250.102-1-70\(b\)](#) and [NMCARS 5250.102-1-70](#).

(b) ADC, I&L (Contracts) may deny any request, regardless of dollar value.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 51—Use of Government Sources by Contractors

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### SUBPART 51.1—CONTRACTOR USE OF GOVERNMENT SUPPLY SOURCES

#### 51.101 (FAR) Policy.

##### 51.101-100 Marine Corps depots.

Marine Corps depots may seek delegations of authority to sell goods and services to others (10 U.S.C. 2474, 2563) and act as a subcontractor on DoD contracts (10 U.S.C. 2208). All such requests shall be submitted to HQMC, I&L (Contracts), by emailing [LB\\_Approval\\_Requests@usmc.mil](mailto:LB_Approval_Requests@usmc.mil). HQMC, I&L (Contracts) shall forward the request to DASN (A&LM) for approval. Cognizant contracting personnel should be involved in the planning, execution, and administration of transactions pursuant to the aforementioned authorities.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 52—Solicitation Provisions and Contract Clauses

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### SUBPART 52.2—TEXTS OF PROVISIONS AND CLAUSES

#### 52.200 Scope of subpart.

This subpart sets forth the texts of all Marine Corps standard provisions and clauses.

**5252.211.9650 USMC Active Radio Frequency Identification (RFID) Implementation.** As prescribed in [MAPS 11.275-100](#), insert the following clause:

#### **5252.211.9650 USMC ACTIVE RADIO FREQUENCY IDENTIFICATION (RFID) IMPLEMENTATION (JUL 2009)**

This clause implements the Department of Defense (DoD) requirement for Active RFID within the United States Marine Corps (USMC).

(a) *Definitions.* As used in this clause—

*Active RFID Tag:* As used in DoD, Active RFID tags are data rich and allow low-level radio frequency signals to be received by the tag, and the tag can generate high-level signals back to the reader/interrogator. Active RFID tags can hold relatively large amounts of data, are continuously powered, and are normally used when a longer tag read distance is desired.

*Content Level Detail:* Content level detail includes those data elements that describe the asset plus the data elements necessary to minimally identify each level of a complete shipment entity. For the list of shipment Content Level Detail data elements, see Attachment 1 to [USD \(AT&L\) Memorandum, Subj: Radio Frequency Identification \(RFID\) Policy, dated 30 July 2004](#).

(1) Asset Level Detail includes the minimum data elements required to describe the physical characteristics of a single asset, and the characteristics that identify that asset.

(2) Content Level Detail Visibility for Each Shipment Unit includes the minimum data elements necessary to provide content level visibility for each shipment unit, including the description of the shipment and the shipment movement characteristics. The most basic transportation entity is a single box or unpacked item governed by a shipment unit identifier.

*Defense Transportation System (DTS):* That portion of the worldwide transportation infrastructure that supports DoD transportation needs in peace and war. The DTS consists of two major elements: military (organic) and commercial resources. These resources include aircraft, assets, services, and systems organic to, contracted for, or controlled by the DoD. The DTS infrastructure, including ports, airlift, sealift, railway, highway, in-transit visibility, information management systems, customs, and traffic management that the DoD maintains and exercises in peacetime, is a vital element of the DoD capability to project power worldwide. It provides for responsive force projection and a seamless transition between peacetime and wartime operations.

*Layer 4 freight container:* An article of transport equipment (e.g., 20 or 40 foot sea vans, large engine containers and 463L Pallets with nets) that is:

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 52—Solicitation Provisions and Contract Clauses

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- (1) Of a permanent character and accordingly strong enough to be suitable for repeated use;
- (2) Specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;
- (3) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;
- (4) So designed as to be easy to fill and empty; and
- (5) Having an internal volume of 1 cubic meter (m3) or more.

*Major Organizational Equipment:* Major end items—a final combination of end products that is ready for its intended use; that is, launchers, tanks, mobile machine shop, and vehicles; etc.

(b) The Contractor, in accordance with [DFARS 247.305-10](#) and as published in the Defense Transportation Regulation (DTR) 4500.9-R, is required to attach an Active RFID tag when shipping consolidated sustainment shipments (Layer 4 freight containers) and/or major organizational equipment through the Defense Transportation System (DTS), destined to locations Outside the Continental United States (OCONUS).

(c) When the conditions in paragraph (b) necessitate an Active RFID tag, Contractors possessing Active RFID tag-writing capabilities that meet DoD specifications shall “write” the tag and affix it to the shipment in accordance with established procedures.

(d) When the conditions in paragraph (b) necessitate an Active RFID tag, Contractors that do not possess Active RFID tag writing systems/equipment are required to provide Content Level Detail and coordinating information not later than 15 business days prior to shipment to the Marine Corps Logistics Command (MARCORLOGCOM) Distribution Management Center Enterprise Distribution Department (DMC EDD), Albany, GA in order for the MARCORLOGCOM DMC EDD to prepare and forward the tag in advance of movement. The coordinating information will consist of the applicable contract number, point of contact (POC), email address for the POC, telephone number for the POC, and mailing address to which the tag should be sent. The required information shall be submitted via the following automated website link:

[http://www.logcom.usmc.mil/vendor\\_dmc\\_interface/Results/editor/submission\\_form.asp](http://www.logcom.usmc.mil/vendor_dmc_interface/Results/editor/submission_form.asp)

In the event the website is temporarily unavailable, Contractors may contact MARCORLOGCOM via email to [smblogcomdmc\\_edd@usmc.mil](mailto:smblogcomdmc_edd@usmc.mil). In the event that a Contractor does not have Internet access, a request for Active RFID tag assistance may be submitted via facsimile transmission to (229) 639-7583. Email or facsimile transmissions shall include a subject line in the following format: Active RFID Tag Assistance Request – contract number (show applicable number) – contractor (show name of contractor) – date of request (use day month year), e.g., Subj: Active RFID Tag Assistance Request – Contract M67854-08-C-XXXX – XYZ Corp – 25 March 2008. Coordinating information as outlined in this paragraph should be included in the first part of the body of the email or facsimile transmission. No later than 5 business days after receipt of this information, the MARCORLOGCOM DMC EDD will

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Part 52—Solicitation Provisions and Contract Clauses

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send the required Active RFID tag(s) to the Contractor with instructions on how to affix the tag(s) to the shipment. Telephone contact may be made with the MARCORLOGCOM DMC EDD by calling 1-800-252-3282 and requesting Active RFID Tag Assistance.

(End of clause)

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Part 53—Forms

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### SUBPART 53.2—PRESCRIPTION OF FORMS

#### 53.200 Scope of subpart.

The FAR/DFARS/NMCARS and MAPS prescribe forms for use in acquisition. Copies of Standard, Optional, and DoD forms may be obtained from the following websites:

[GSA Forms Library](#)

[DoD Forms Management Program](#)

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix A—Marine Corps Contracting Office Areas of Responsibility (AORs)

ACTIVITY	AREA OF RESPONSIBILITY	PRIMARY SUPPORTING COUNSEL	COMMENTS
MARINE CORPS RCO FAR EAST MCB CAMP SMEDLEY D. BUTLER OKINAWA JA	(1) MCB CAMP SMEDLEY D. BUTLER (2) INTERNAL REVIEWS FOR MCAS IWAKUNI, CKO 3D MLG (WHILE IN GARRISON)	PACIFIC AREA COUNSEL'S OFFICE (PACO) MCB CAMP SMEDLEY D. BUTLER	
MARINE CORPS RCO SOUTHEAST MCB CAMP LEJEUNE CAMP LEJEUNE NC	(1) MCB CAMP LEJEUNE (2) INTERNAL REVIEWS FOR CKO 2D MLG (WHILE IN GARRISON) (3) ALL MARINE CORPS UNITS NOT OTHERWISE IDENTIFIED IN THE STATES OF AL, FL, GA, NC, SC	EASTERN AREA COUNSEL'S OFFICE (EACO) MCB CAMP LEJEUNE	
MARINE CORPS RCO SOUTHWEST MCB CAMP PENDLETON OCEANSIDE CA	(1) MCB CAMP PENDLETON (2) INTERNAL REVIEWS FOR MCAS YUMA, MCAS MIRAMAR, MCLE BARSTOW, MARINE CORPS DISTRICT HEADQUARTERS (8TH, 9TH, 12TH), ALL RECRUITING STATIONS WEST OF THE MISSISSIPPI RIVER, MCMWTC BRIDGEPORT, CKO 1ST MLG (WHILE IN GARRISON) (3) ALL MARINE CORPS UNITS NOT OTHERWISE IDENTIFIED IN THE STATES OF AK, AZ, CA, CO, ID, MT, ND, NE, NM, NV, OR, SD, UT, WA, WY	WESTERN AREA COUNSEL'S OFFICE (WACO) MCB CAMP PENDLETON	
MARINE CORPS RCO NORTHEAST MCB QUANTICO QUANTICO VA	(1) MCCDC/MCB QUANTICO (2) INTERNAL REVIEWS FOR MARFORLANT NORFOLK (3) ALL HQMC, MARINE BARRACKS 8TH & I, HQS BATTALION HENDERSON HALL, ALL MARINE CORPS UNITS NOT OTHERWISE IDENTIFIED IN DC AND IN THE STATES OF VA, PA, MA, WV, NJ, NY, CT, NH, MD, ME, DE, RI, VT	MCCDC/MCB QUANTICO COUNSEL	RCO NORTHEAST WILL MANAGE THE GCPC FOR CBIRF 4TH MEB

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix A—Marine Corps Contracting Office Areas of Responsibility (AORs)

ACTIVITY	AREA OF RESPONSIBILITY	PRIMARY SUPPORTING COUNSEL	COMMENTS
MARINE CORPS RCO MARINE CORPS RECRUIT DEPOT PARRIS ISLAND PARRIS ISLAND SC	(1) MCRD PARRIS ISLAND (2) MARINE CORPS RECRUITING COMMAND TO INCLUDE ALL MARINE CORPS RECRUITING REGIONS AND DISTRICTS (ERR, WRR, 1 <sup>ST</sup> , 4 <sup>TH</sup> , 6 <sup>TH</sup> , 8 <sup>TH</sup> , 9 <sup>TH</sup> , 12 <sup>TH</sup> MCD), AND ALL RECRUITING STATIONS	RECRUITING REQUIREMENTS - MCRC LEGAL COUNSEL ALL OTHER REQUIREMENTS - EACO	
MARINE CORPS RCO MIDWEST MARINE CORPS MOBILIZATION COMMAND KANSAS CITY KANSAS CITY MO	(1) KANSAS CITY METRO AREA (2) ALL MARINE CORPS UNITS NOT OTHERWISE IDENTIFIED IN THE STATES OF AR, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, OH, OK, TN, TX, WI	DFAS KANSAS CITY COUNSEL PER MOA	
MARINE CORPS RCO MARINE FORCES RESERVE NEW ORLEANS LA	(1) ALL MARINE RESERVE FORCES (2) ALL SUBORDINATE RESERVE UNITS OF COMMARFORRES (I.E., I&I'S, RESERVE SQUADRONS)	COMMARFORRES COUNSEL, NEW ORLEANS	
MARINE CORPS RCO MARINE CORPS AIR BASES EAST MCAS CHERRY POINT CHERRY POINT NC	(1) MCAS CHERRY POINT	EACO	
MARINE CORPS RCO MARINE CORPS BASE HAWAII KANEHOE BAY HI	(1) MCBH KANEHOE BAY (2) ALL MARINE CORPS UNITS NOT OTHERWISE IDENTIFIED IN THE STATE OF HI AND PACIFIC ISLANDS	WACO	
MARINE CORPS RCO MAGTFTC TWENTYNINE PALMS TWENTYNINE PALMS CA	(1) MAGTFTC TWENTYNINE PALMS	WACO	

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix A—Marine Corps Contracting Office Areas of Responsibility (AORs)

ACTIVITY	AREA OF RESPONSIBILITY	PRIMARY SUPPORTING COUNSEL	COMMENTS
MARINE CORPS CONTRACTING OFFICE MARINE CORPS AIR STATION MIRAMAR SAN DIEGO CA	(1) MCAS MIRAMAR	WACO	
MARINE CORPS CONTRACTING OFFICE MARINE CORPS AIR STATION YUMA YUMA AZ	(1) MCAS YUMA	WACO	
MARINE CORPS CONTRACTING OFFICE MARINE CORPS AIR STATION IWAKUNI IWAKUNI JA	(1) MCAS IWAKUNI	PACO	
MARINE CORPS CONTRACTING OFFICE CAMP H.M. SMITH HI	(1) CAMP H.M. SMITH	WACO	
MARINE CORPS CONTRACTING OFFICE MARINE CORPS AIR STATION BEAUFORT BEAUFORT SC	(1) MCAS BEAUFORT	EACO	
MARINE CORPS CONTRACTING OFFICE CBIRF, 4TH MEB INDIAN HEAD MD	(1) 4TH MEB	MCCDC/MCB QUANTICO COUNSEL (IF MARCORSYSCOM OR MCLB ALBANY PROVIDE THE CONTRACTING SUPPORT, THE APPROPRIATE CL FIELD COUNSEL WILL PROVIDE LEGAL SUPPORT)	
MARINE CORPS CONTRACTING OFFICE COMMANDER US MARINE FORCES ATLANTIC NORFOLK VA	(1) NORFOLK/TIDEWATER BASIN AREA	EACO	

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix A—Marine Corps Contracting Office Areas of Responsibility (AORs)

ACTIVITY	AREA OF RESPONSIBILITY	PRIMARY SUPPORTING COUNSEL	COMMENTS
MARINE CORPS CONTRACTING OFFICE HQ FMF EUROPE	(1) FMF EUROPE	NRCC NAPLES COUNSEL	
CONTRACTING OFFICE MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER (MCMWTC) BRIDGEPORT BRIDGEPORT CA	(1) MCMWTC BRIDGEPORT	WACO	
HQ US MARINE CORPS FORCES SOUTH MIAMI FL	(1) HQ MARINE FORCES SOUTH	EACO	
CONTINGENCY CONTRACTING OFFICE 1ST MLG OCEANSIDE CA	(1) 1ST MLG (WHEN DEPLOYED)	WACO	UNLIMITED WARRANT ISSUED BY HQMC EFFECTIVE WHILE DEPLOYED ONLY
CONTINGENCY CONTRACTING OFFICE 2D MLG CAMP LEJEUNE NC	(1) 2D MLG (WHEN DEPLOYED) (2) CBIRF 4TH MEB (WHEN DEPLOYED)	EACO	UNLIMITED WARRANT ISSUED BY HQMC EFFECTIVE WHILE DEPLOYED ONLY
CONTINGENCY CONTRACTING OFFICE 3D MLG OKINAWA JA	(1) 3D MLG (WHEN DEPLOYED) (2) III MEF (3) MARFORPAC	PACO	UNLIMITED WARRANT ISSUED BY HQMC EFFECTIVE WHILE DEPLOYED ONLY
CONTRACTING OFFICE CG II MEF CAMP LEJEUNE NC	(1) II MEF	EACO	
MCLC MARINE CORPS LOGISTICS BASE ALBANY GA	(1) MCLB ALBANY (2) INTERNAL REVIEWS FOR MCLB ALBANY, BIC, CBIRF 4TH MEB (WHILE IN GARRISON)	MCLB ALBANY COUNSEL	

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix A—Marine Corps Contracting Office Areas of Responsibility (AORs)

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ACTIVITY	AREA OF RESPONSIBILITY	PRIMARY SUPPORTING COUNSEL	COMMENTS
MCLC MARINE CORPS LOGISTICS BASE BARSTOW CA	(1) MCLB BARSTOW	MCLB BARSTOW COUNSEL	SEE ALSO MOU M00681-04149-088 DATED 20 JUNE 2004
MCLC BLOUNT ISLAND COMMAND JACKSONVILLE FL	(1) BIC	MCLB ALBANY COUNSEL	
MARCORSYSCOM QUANTICO VA	(1) MARCORSYSCOM (2) INTERNAL REVIEWS FOR MCTSSA	MARCORSYSCOM COUNSEL, QUANTICO	
MARCORSYSCOM MARINE CORPS TACTICAL SYSTEMS SUPPORT ACTIVITY (MCTSSA) CAMP PENDLETON CA	(1) MCTSSA CAMP PENDLETON	MCTSSA COUNSEL, CAMP PENDLETON	

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix B—Required Reports

Table 1, Reports Prepared by MARCOR I&L Contracting Offices, lists the reports that shall be initiated and prepared by each MARCOR I&L contracting office. These reports shall be submitted to HQMC, I&L (Contracts) by emailing the report to [LB\\_Reports@usmc.mil](mailto:LB_Reports@usmc.mil). Table 1, column titled “Due Date to HQMC, I&L (Contracts),” reflects the date the report shall be submitted without additional prompting from HQMC, I&L (Contracts). As necessary, HQMC, I&L (Contracts) shall forward the report to DASN. Requirements for negative reports are as noted in the referenced MAPS cite.

**Table 1 - Reports Prepared by MARCOR I&L Contracting Offices**

REPORT TITLE	REQUIRED BY	REPORT FORMAT	DUE DATE TO HQMC, I&L (CONTRACTS)	DUE DATE TO DASN
Ratification Report	<a href="#">NMCARS 5201.602-3 (S-90)(h)</a> ; <a href="#">MAPS 1.602-3(f)</a>	<a href="#">Appendix C</a>	10 Jan, 10 Apr, 10 Jul & 10 Oct of each year	30 Oct, 30 Jan, 30 Apr & 30 July of each year, per <a href="#">NMCARS 5201.602-3 (S-90)(h)(2)</a>
Annual Ocean Transportation Report	<a href="#">DFARS 247.573-3</a> ; <a href="#">NMCARS 5247.573-3(a)(2)</a> ; <a href="#">MAPS 47.573-3</a>	None identified	31 January of each year	15 February of each year
DCAA Contract Audit Follow Up (CAFU) Status Report	<a href="#">NMCARS 5242.191(b)</a> ; <a href="#">MAPS 42.191(b)</a>	<a href="#">DoD Directive 7640.2</a>	10 Apr & 10 Oct of each year	Upon end of semiannual reporting periods ending 31 Mar & 30 Sep of each year, per <a href="#">DoD Directive 7640.2</a>
Agency Protest Report	<a href="#">MAPS 33.103(f)</a>	<a href="#">Appendix F</a>	30 Oct of each year	N/A
GAO Protest Report	<a href="#">MAPS 33.104(d)</a>	<a href="#">Appendix G</a>	30 Oct of each year	N/A
Report of Termination Actions (T4Cause, T4C, & T4D)	<a href="#">MAPS 12.403(b)</a> ; <a href="#">MAPS 49.101-100</a>	<a href="#">Appendix H</a>	30 Oct of each year	N/A
Report of Economy Act Orders	<a href="#">MAPS 17.503(f)</a>	<a href="#">CMPG 1.5.1</a>	15 Nov of each year	To be provided along with request for report
Senior Leader Compliance Notification	<a href="#">DFARS 203.170(a)</a> ; <a href="#">NMCARS 5203.170(a)</a> ; <a href="#">MAPS 3.170</a>	<a href="#">DFARS PGI 203.170</a>	15 Nov of each even numbered year	30 Nov of each even numbered year

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix B—Required Reports

REPORT TITLE	REQUIRED BY	REPORT FORMAT	DUE DATE TO HQMC, I&L (CONTRACTS)	DUE DATE TO DASN
DCAA Contract Audit Resolution & Disposition Report	<a href="#">NMCARS 5242.191(a)</a> ; <a href="#">MAPS 42.191(a)</a>	<a href="#">DoD Directive 7640.2</a>	Upon audit resolution	Upon audit resolution, no later than six months after date of audit report, per <a href="#">NMCARS 5242.191(a)</a>
Peer Review Rolling Forecast Report	<a href="#">MAPS 1.170(d)</a>	<a href="#">MAPS 1.170(d)</a>	15th day of every month	25 <sup>th</sup> day of every month, per <a href="#">NMCARS 5201.170(91)</a>

Table 2, Reports Prepared by HQMC, I&L (Contracts), lists the reports that shall be initiated and prepared by HQMC, I&L (Contracts). HQMC, I&L (Contracts) will attempt to extract the required reporting data from electronic business systems and other sources in order to complete the required report to DASN. However, it may be necessary for HQMC, I&L (Contracts) to query the MARCOR I&L contracting offices for additional information on a case by case basis. If a query from HQMC, I&L (Contracts) is received, a prompt response is required in accordance with the due date identified in the query. Requirements for negative reports are as noted in the referenced MAPS cite.

**Table 2 - Reports Prepared by HQMC, I&L (Contracts)**

REPORT TITLE	REQUIRED BY	REPORT FORMAT	DUE DATE
Undefinitized Contract Action (UCA) and Unpriced Change Order Report	<a href="#">NMCARS 5217.7405</a> ; <a href="#">MAPS 17.7405</a>	<a href="#">NMCARS Annex 6</a>	15 Apr & 15 Oct of each year
Report on Foreign Military Sales Greater Than \$2M	<a href="#">Sec 1231 of the FY2007 NDAA</a> ; <a href="#">MAPS 25.7300-100</a>	To be provided along with request for report	1 Feb of each year
Report on Award Fee & Incentive Fee Contracts	<a href="#">MAPS 16.401(f)</a>	<a href="#">CMPG 5.15.1</a>	1 Mar & 1 Sep of each year
IUID Contract Compliance Report	<a href="#">MAPS 11.274(b)</a>	To be provided along with request for report	1 Jun & 1 Dec of each year
Passive RFID Contract Compliance Report	<a href="#">MAPS 11.275-100</a>	To be provided along with request for report	1 Jun & 1 Dec of each year
Annual Truth in Negotiations Waivers, Cost Accounting Standards Waivers, and Commercial Item Exception Reports	<a href="#">NMCARS 5215.403-1</a> ; <a href="#">DFARS 230.201-5(e)</a> ; <a href="#">MAPS 15.403-1</a>	<a href="#">PGI 215.403-1(c)(3)(B)</a> ; <a href="#">PGI 215.403-1(c)(4)(B)</a> ; <a href="#">NMCARS 5215.403-1</a>	31 Oct of each year
Quarterly Data Verification & Validation (V&V) Report	<a href="#">NMCARS 4204.604(3)(i)</a> ; <a href="#">MAPS 4.604(a)</a>	<a href="#">DoD FPDS Contract Reporting Data Improvement Plan</a>	Quarterly, 45 days prior to last day of the quarter

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix B—Required Reports

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REPORT TITLE	REQUIRED BY	REPORT FORMAT	DUE DATE
Annual Data Verification & Validation (V&V) Report	<a href="#">NMCARS 4204.604(3)(ii)</a> ; <a href="#">MAPS 4.604(b)</a>	<a href="#">Agency FPDS Data Quality Certification</a>	8 December of each year
Annual Competition Report	<a href="#">FAR 6.502(b)(2)</a> ; <a href="#">DPAP Memo of 26 Jul 07</a> ; <a href="#">MAPS 6.502</a>	To be provided along with request for report	Date specified each year by DASN
Procurement Performance Management Assessment Program (PPMAP) Report	<a href="#">NMCARS 5201.691-1(f)(2)</a> ; <a href="#">MAPS 1.691-1-100(c)</a>	To be provided along with request for report	30 December of each year
Notification of Revocation, Suspension, or Reduction of Contracting Authority or Purchase Card Authority	<a href="#">NMCARS 5201.691-1(g)</a> ; <a href="#">MAPS 1.691-1</a>	None identified	Immediately upon revocation, suspension or reduction of authority

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

Appendix C—Ratification Report

**TEMPLATE**

*Complete the following template and provide to HQMC, I&L Contracts, as outlined in [MAPS 1.602-3\(f\)](#). Remove all instructions (red language) prior to completing report.*

*Insert Name of Activity, e.g., "RCO, National Capital Region, Quantico"*  
**REPORT OF RATIFICATIONS PENDING & COMPLETED**  
**FOR THE PERIOD OF *(Insert Period of Report)***

MCFCS Office Name	MCFCS Office UIC	MCFCS Office Address	Name of Unit Requesting Ratification	Date MCFCS Office Rec'd Request for Ratification	Ratification \$ Amount	Name of Contracting Officer Recommending Ratification	Name of Contractor	Name of Ratifying Official	Date of Ratification Approval*	Ratification Contract/Order #	Description of Supplies/Service Bought	Description of circumstances of purchase, i.e. why normal procurement procedures were not followed
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*\*If D&F for ratification not yet approved mark this column as pending. For all approved D&Fs listed, a copy of the approved D&F must be submitted with the report.*

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix D—Acronyms

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**Acronyms.** The following is a list of acronyms used in the MAPS:

<b>Acronym</b>	<b>What the acronym means</b>
AAFES	Army Air Force Exchange Service
ADC, I&L (Contracts)	Assistant Deputy Commandant, Installations & Logistics (Contracts)
AOR	Area of Responsibility
AP	Acquisition Plan
ARO	Accounts Receivable Office
AS	Acquisition Strategy
ASN	Assistant Secretary of the Navy
ASN (RD&A)	Assistant Secretary of the Navy (Research, Development and Acquisition)
AT&L	Acquisition, Technology and Logistics
ATO	Agency Tender Official
BCM	Business Clearance Memorandum
BOA	Basic Ordering Agreement
BPA	Blanket Purchase Agreement
CCO	Chief of the Contracting Office
CFR	Code of Federal Regulations
CG	Commanding General
CKO	Contingency Contracting Officer
CL	Office of Counsel for the Commandant
CLIN	Contract Line Item Number
CLP	Continuous Learning Points
CMPG	Contract Management Process Guide
CO	Commanding Officer
COR	Contracting Officer's Representative
CPARS	Contractor Performance Assessment Reporting System
DASN (A&LM)	Deputy Assistant Secretary of the Navy for Acquisition and Logistics Management
DAWIA	Defense Acquisition Workforce Improvement Act
DC, I&L	Deputy Commandant, Installations and Logistics
D&F	Determination and Findings
DFARS	Defense Federal Acquisition Regulation Supplement
DLA	Defense Logistics Agency
DO	Delivery Order
DOC	Department of Commerce
DoD	Department of Defense
DODD	Department of Defense Directive
DoD EMALL	Department of Defense Electronic Mall
DON	Department of the Navy
DPAS	Defense Priorities and Allocations System
DRMS	Defense Reutilization and Marketing Service
ERR	Eastern Recruiting Region
FAR	Federal Acquisition Regulation
FOIA	Freedom of Information Act
FSS	Federal Supply Schedule

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix D—Acronyms

GAO	Government Accountability Office
GCPC	Government-wide Commercial Purchase Card
GSA	General Services Administration
HCA	Head of the Contracting Activity
HQMC	Headquarters, Marine Corps
HQMC, I&L (Contracts)	Headquarters, Marine Corps , Installations and Logistics (Contracts)
IDTC	Indefinite Delivery Type Contract
IGE	Independent Government Estimate
IT	Information Technology
JER	Joint Ethics Regulation
LPC	HQMC, I&L, Logistics Capabilities Center (CMC (LPC))
MAPS	Marine Corps Acquisition Procedures Supplement
MARFORRES	Marine Forces Reserve
MARTD	Marine Air Reserve Training Detachment
MARCOR, I&L	Marine Corps, Installation and Logistics
MARCORSYSCOM	Marine Corps Systems Command
MCFCFS	Marine Corps Field Contracting System
MCHS	Marine Corps Common Hardware Suite
MCI	Marine Corps Installation
MCLC	Marine Corps Logistics Command
MCO	Marine Corps Order
MCX	Marine Corps Exchange
MEO	Most Efficient Organization
MEF	Marine Expeditionary Force
MIPR	Military Interdepartmental Purchase Request
MOPAS 2	DON Management and Oversight Process for the Acquisition of Services (Revised)
NAFI	Nonappropriated Fund Instrumentality
NAVFAC	Naval Facilities Engineering Command
NAVSUP	Naval Supply Systems Command
NEX	Navy Exchange
NMCARS	Navy Marine Corps Acquisition Regulation Supplement
NMCI	Navy-Marine Corps Intranet
NTE	Not-To-Exceed
ODS	Ozone-Depleting Substances
OIC	Officer in Charge
OMB	Office of Management and Budget
OSD	Office of the Secretary of Defense
PBSA	Performance-Based Service Acquisition
PGI	Procedures, Guidance, and Information
POC	Point of Contact
PPIRS	Past Performance Information Retrieval System
PPMAP	Procurement Performance Management Assessment Program
PR	Purchase Request
PWS	Performance Work Statement
QA	Quality Assurance

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix D—Acronyms

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QASP	Quality Assurance Surveillance Plan
RCO	Regional Contracting Office
R&D	Research and Development
RFP	Request for Proposal
SAP	Simplified Acquisition Procedures
SAT	Simplified Acquisition Threshold
SBA	Small Business Administration
SES	Senior Executive Service
SF	Standard Form
SSA	Source Selection Authority
SSAC	Source Selection Advisory Council
SSEB	Source Selection Evaluation Board
SSP	Source Selection Plan
TO	Task Order
UCA	Undefinitized Contract Action
UMMIPS	Uniform Materiel Movement and Issue Priority System
USD	Under Secretary of Defense
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology and Logistics
USMC	United States Marine Corps
VECP	Value Engineering Change Proposal
WAWF	Wide Area WorkFlow
WAWF-RA	Wide Area WorkFlow – Receipt and Acceptance

**RESERVED**

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Appendix F—Agency Protest Report

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### TEMPLATE

**Complete the following template and provide to HQMC, I&L Contracts, as outlined in [MAPS 33.103](#).  
Remove all instructions (red language) prior to completing report.**

**Insert Name of Activity, e.g., “RCO, National Capital Region, Quantico”  
Agency Protest Report - 1 October – 30 September 20XX**

Name of Protestor	Name of Contracting Officer	Date Received	Date Resolved	Solicitation # and Description of Requirement	Basis for Protest	Protest Denied or Sustained (if sustained, indicate remedy provided)	Check this Block if <u>No</u> Agency Protests Were Received this Fiscal Year

**MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT**

Appendix G—GAO Protest Report

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**TEMPLATE**

*Complete the following template and provide to HQMC, I&L Contracts, as outlined in [MAPS 33.104](#). Remove all instructions (red language) prior to completing report.*

*Insert Name of Activity, e.g., "RCO, National Capital Region, Quantico"*  
**GAO Protest Report – 1 October – 30 September 20XX**

Name of Protestor	Name of Contracting Officer	Date Received	Date Resolved	Solicitation # and Description of Requirement	Basis for Protest	Protest Denied or Sustained (if sustained, indicate remedy provided)	Check this Block if <b>No</b> GAO Protests Were Received this Fiscal Year

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Appendix H—Termination Report

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### TEMPLATE

**Complete the following template and provide to HQMC, I&L Contracts, as outlined in [MAPS 49.101-100](#). Remove all instructions (red language) prior to completing report.**

**Insert Name of Activity, e.g., “RCO, National Capital Region, Quantico”**  
**REPORT OF CONTRACT TERMINATIONS - 1 October – 30 September 20XX**

Contract # and Date of Award	Company Name	Name of Contracting Officer	Nature of Contract or End Items	Type of Contract (e.g., firm-fixed price, cost-reimbursement)	Contract Price	Type of Termination (cause, convenience, or default) and Reason for Termination	Check this Block if <u>No</u> Contracts Were Terminated this Fiscal Year

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Summary of Significant Changes

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### SUMMARY OF SIGNIFICANT CHANGES MARINE CORPS ACQUISITION PROCEDURE SUPPLEMENT (MAPS) 2011 EDITION (19 January 2011)

The following changes are hereby incorporated into the 19 January 2011 Edition of MAPS:

1. Global Changes:

- a. A number of changes are attributable to the hyper-linking of references to regulations, to references of other resource documents, and to references within a paragraph to another area of the MAPS. No additional changes resulting from the hyper-linking of references are identified below.
- b. Throughout the document, all references to the various Branches within HQMC, I&L (Contracts) have been removed. All document submissions to HQMC, I&L (Contracts) must be emailed to the email address specified in the MAPS requirement.
- c. Throughout the document, document submission procedures are revised to align with new email submission procedures. No additional changes resulting from these revisions are identified below.
- d. Throughout the document, the terms relating to contract value, such as “greater than” and “equal to” are revised for consistency. No additional changes resulting from this terminology change are identified below.
- e. Throughout the document, values in increments of millions or billions are revised to state “million” or “billion” instead of numeric digits. No additional changes resulting from this terminology change are identified below.
- f. Throughout the document, several terms are capitalized to reflect accuracy in capitalizing titles. No additional changes resulting from capitalization are identified below.
- g. Throughout the document, several acronyms are corrected to spell out the full phrase of the acronym for the first occurrence within the document. No additional changes regarding acronyms are identified below.
- h. Throughout the document, the “RCO Quantico” office is revised to “RCO, National Capital Region, Quantico” to reflect the current name. No additional changes regarding this name change are identified below.
- i. Throughout the document, references to reports or notification requirements now include a title of the report/notification and a reference to Appendix B, when applicable. No additional changes regarding these changes are identified below.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Summary of Significant Changes

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2. **Table of Contents**, the title for 16.504-90 is changed from “(NMCARS) Limitation on single award task or delivery order contracts valued at or below \$100M” to from “(NMCARS) Limitation on single award task or delivery order contracts valued at or below \$103M,” per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
3. **1.108 (NMCARS) FAR Conventions** is revised to remove the delegation of HCA authorities to the ADC, I&L (Contracts) because this policy is duplicative of that in MAPS 1.601-90(a).
4. **1.170 (NMCARS) Peer Review** is added in incorporate new policy for conducting peer reviews, in accordance with APM 10-3, and submitting a peer review report to DASN, per NMCARS change 08-7.
5. **1.602-1-100 Legal Review** is revised to reflect the following changes:
  - a. Paragraph (b)(5) is revised to improve the sentence structure of the statement.
  - b. Paragraph (e)(2) is revised to remove the ADC, I&L (Contracts) as the approval authority for provisions not found in the FAR, DFARS, or NMCARS, because the provisions may be approved by other authorities such as DASN or DPAP.
6. **1.602-1-101 Functional independence and organizational placement of Contracting Officers**, paragraph (c) is removed since the requirement to implement the policies in MAPS is inherent.
7. **1.602-2 (DFARS) Authorized representatives of the Contracting Officer** paragraph (a) is revised to reflect new guidance regarding COR training and experience requirements, and update the policy regarding COR nomination, COR appointment, and COR termination.
8. **1.602-3 Ratification of unauthorized commitments** paragraph (a) is revised to include the NMCARS cite that outlines the ratification approval thresholds and to ensure consistency with the delegation language in MAPS 1.108.
9. **1.603-1 (NMCARS) General** is revised as follows:
  - a. This section is revised to clarify that the ADC, I&L (Contracts) has authority over Contracting Officers within MARCOR I&L, not the entire Marine Corps.
  - b. This section is revised to clarify that all MCFCS office Directors of Contracts, regardless of whether they have CCO authority, are responsible for ensuring proper use of warrants at their offices.
10. **1.603-2 (DFARS) Selection** is revised as follows:
  - a. Paragraph (b)(2), the threshold for FAR Part 13 Simplified Acquisitions is changed to \$150,000 per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Summary of Significant Changes

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- b. Paragraph (b)(2), the threshold for Firm-Fixed Price Delivery and Task Orders under FAR Part 8 and FAR Part 16 is changed to \$150,000 per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - c. Paragraph (d) is revised to streamline the requirement that the education, experience, and training requirements must be met for Contracting Officers.
11. **1.690 (NMCARS) Requirements to be met before entering into contracts** is revised to reflect the following changes:
- a. Paragraph (b)(1) is revised to clarify that the CCO at each MCFCS office, vice one CCO only, is responsible for approving business clearances equal to or greater than \$1 million.
  - b. Paragraph (b)(3) revises the phrase “the CCO at each MCFCS office shall” to “the CCO shall” in order to clarify that all CCOs are responsible for establishing BCM review and approval levels.
  - c. Paragraph (b)(3), the threshold for the CCO to establish business clearance review/approval levels is changed to \$150,000 per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - d. Paragraph (b)(4) is revised to clarify that business clearance must be submitted to HQMC, I&L (Contracts) for routing to the appropriate approval authority.
12. **1.691-1 (NMCARS) Responsibilities** is added to incorporate a new notification requirement regarding revocation, suspension, or reduction of contracting authority.
13. **1.691-1-100 Procurement Performance Management Assessment Program (PPMAP)** paragraph (c) is revised to be consistent with report submission procedures.
14. **1.691-2-101 Contract Management Process Guide (CMPG)** paragraph (b) is revised to remove the ability to send an email to the ADC, I&L (Contracts) regarding suggested CMPG changes, and the only method for suggesting changes is to click on the “Contact Us” button in CMPG.
15. **3.170 (NMCARS) Business Practices** is added to incorporate a new notification requirement regarding senior leader compliance with DFARS 203.170(a).
16. **SUBPART 4.6—CONTRACT REPORTING and 4.604 (NMCARS) Responsibilities** is added to incorporate new requirements for FPDS-NG data verification and validation reports, in accordance with NMCARS change 08-7.
17. **4.606 (FAR) Reporting Data** is added to incorporate a new reference to the CMPG section containing procedures for contract action reporting.
18. **6.202 (NMCARS) Establishing or maintaining alternative sources** is revised as follows:

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Summary of Significant Changes

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- a. The language is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
  - b. The threshold for approval of D&Fs is changed to \$85.5 million per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
19. **6.304 Approval of the justification** is revised to reflect the following changes:
- c. The threshold in paragraph (a) for Contracting Officer approval of justifications is changed to “greater than \$150,000 but not exceeding \$650,000” per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - d. The threshold in paragraph (b) for Command Competition Advocate approval of justifications is changed to “greater than \$650,000 but not exceeding \$12.5 million” per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - e. The threshold in paragraph (c) for ADC, I&L (Contracts) approval of justifications is changed to “greater than \$12.5 million but not exceeding \$85.5 million” per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - f. Paragraph (c) is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
  - g. The threshold in paragraph (d) for ASN (RD&A) approval of justifications is changed to “greater than \$85.5 million” per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - h. Paragraph (d) is revised to be consistent with the document submission procedures for obtaining ASN(RD&A) approval.
20. **6.501 (NMCARS) Requirement** is revised to clarify the offices for which the ADC, I&L (Contracts) must appoint a Competition Advocate.
21. **6.502 (FAR) Responsibilities** is added to incorporate a new Annual Competition Report.
22. **7.103 (NMCARS) Agency-head responsibilities** is revised as follows:
- a. Paragraph (a) is revised to require AP approval the same as BCM approval thresholds.
  - b. Paragraph (b) is added to ensure acquisition plans are approved prior to acquisitions being advertised.
23. **7.105 Content of written APs** is revised to add a reference to the CMPG site containing the AP templates.
24. **7.470 (DFARS) Statutory requirements** is revised per HCA delegation to indicate that ADC, I&L (Contracts) approval, instead of HCA approval, is required to enter into, extend, or

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Summary of Significant Changes

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renew any vessel, aircraft, or vehicle through a lease, charter, or similar agreement for a term of 18 months or more.

25. **8.405-6 (FAR) Limited sources justification and approval** paragraphs (a) and (b) are revised to increase the threshold from \$100,000 to \$150,000 per DFARS Publication Notice 20100802.
26. **11.002 Policy** is revised as follows:
  - a. Paragraph (a)(1)(iii) revises the term “price estimate” to “Independent Government Estimate (IGE)” because IGE is the more commonly used term.
  - b. Paragraph (a)(1)(v) is revised to remove the requirement that the supply/source provider’s contact information must be provided in the PR.
  - c. Paragraph (b) is revised and not contains new policy regarding acceptance of purchase requests.
27. **12.403 (NMCARS) Termination** is revised as follows:
  - a. The title of the section is revised to align with the title in NMCARS 5212.403.
  - b. A new paragraph (a) is added to incorporate the correct policy for terminating a contracting with a small business firm to whom a Certificate of Competency was issued.
  - c. The previous paragraph (a) is not paragraph (b), and is revised in order to align with the policy in NMCARS 5212.403.
  - d. Paragraph (b) regarding the annual report is moved to a new section, MAPS 12.403-100.
28. **12.403-100 Reporting Requirements** is added to ensure the annual termination report includes all terminations of commercial item acquisitions.
29. **13.301-100 (FAR) Government-wide commercial purchase card** paragraph (c) is removed because the monthly GCPC report is no longer required.
30. **14.407-3 (FAR/NMCARS) Other mistakes disclosed before award** is revised to reflect the following:
  - a. Paragraph (a) is revised pursuant to NMCARS 5214.407-3(e) to indicate the authority to make the determinations required by FAR 14.407-3(a), (b), and (d), is the HCA, not the ADC, I&L (Contracts).
  - b. Paragraph (b) is revised to be consistent with the procedures for submitting documents to the HQMC, I&L (Contracts).
31. **15.303 Responsibilities** is revised as follows:

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Summary of Significant Changes

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- a. Paragraphs (b) and (c) are removed because the CMPG already identifies the source selection structure.
  - b. Paragraph (d) is moved to new section **15.303-100 Source Selection Plan** to align with the requirements for SSPs.
32. **15.303-100 Source Selection Plan** is added as follows:
- a. Paragraph (a) is moved from section **15.303 Responsibilities** to align with the requirements for SSPs.
  - b. Paragraph (b) is revised to add specificity for the types of acquisitions that require written SSP, and also to remove the list of elements that need to be included in an SSP because these elements are described in CMPG.
33. **15.308 Source Selection Decision** paragraph (e) is revised to remove guidance requiring release of an SSP to the GAO and removing proprietary information prior to releasing an SSP to those not authorized to receive the proprietary information. These requirements were removed because release of an SSP is a Freedom of Information Act (FOIA) issue and is not applicable to FAR Part 15 acquisitions. This information was not added elsewhere because release of SSP information is handled on a case-by-case basis.
34. **15.403-1 (NMCARS) Annual Truth in Negotiations Waivers, Cost Accounting Standards Waivers, and Commercial Item Exception Reports** is revised to add the \$15 million threshold.
35. **15.403-100 Report on In Process Waivers for TINA** is removed since this report is currently not being provided on a regular basis and is not a requirement in the regulations. This report is also removed from Appendix B.
36. **15.404-70 (DFARS) DD Form 1547, Record of Weighted Guidelines Method Application** is revised to incorporate a link to new CMPG text containing procedures for use of the weighted guidelines application.
37. **15.406-90 (NMCARS) Business Clearance** is revised to change the threshold for Contracting Officers to prepare a BCM to \$150,000 per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
38. **16.470-100 Report on use of award fee and incentive fee contracts** is revised as follows:
- a. The section is renumbered to 16.401 in order to align with the NMCARS cite containing the requirement for an award fee and incentive fee report.
  - b. The text is revised to remove the reference to and the requirements from the DPAP memorandum, since the reporting requirements from the memorandum were incorporated in NMCARS 16.401. Instead, this section refers to Appendix B for the report format and due date.

# MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

## Summary of Significant Changes

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39. **16.504 Indefinite-quantity contracts** is revised as follows:
- A new paragraph (c) is added to clarify the requirement that the decision whether or not to use multiple awards must be documented in the Acquisition Plan/Acquisition Strategy.
  - Paragraph (d), previously paragraph (c), is revised to change the threshold for awarding a task or delivery order contract to a single source to \$103 million per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - Paragraph (d)(2), previously paragraph (c)(2) is revised to be consistent with the document submission procedures for obtaining ASN(RD&A) approval.
40. **16.504-90 (NMCARS) Limitation on single award task or delivery order contracts valued at or below \$100M** is revised as follows:
- The title is changed to **Limitation on single award task or delivery order contracts valued at or below \$103M** per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - Within this section, all references to the \$100 million D&F threshold for a single award of a task or delivery order contract are changed to \$103 million per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - Paragraph (a) is revised to align with the single award of task or delivery order policy language used in FAR, DFARS, and the NMCARS.
  - Paragraph (b) is revised to align with the thresholds for when a D&F is required.
  - Paragraph (c) is revised to for clarity.
  - Previous paragraph (d) is and all subparagraphs under paragraph (d) are revised to accurately reflect the approval thresholds in APM 09-04, which contains the approval thresholds for Quantico and Albany, the ADC, I&L (Contracts) and DASN.
41. **16.505 Ordering** paragraph (c) is revised to remove the statement that ADC, I&L (Contracts) designation as ombudsman for task order/delivery order contracts may not be re-delegated. This statement was removed in order to promote consistency with MAPS 1.108.
42. **17.204 (NMCARS) Contracts** paragraphs (a) and (b) are revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
43. **17.7405 (NMCARS) Plans and Reports** is revised to include reporting of unpriced change orders in the UCA report, in accordance with NMCARS Change 08-8.
44. **17.501 Definitions** is revised to reflect the new SAT threshold of \$150,000 per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
45. **17.503 Determinations and findings requirements** is revised as follows:

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Summary of Significant Changes

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- a. Paragraph (c) is moved to paragraph (a) to align the policy in the correct order, with the requiring individual's responsibilities first, then the development and approval of the D&Fs.
  - b. Paragraph (a) is renumbered to paragraph (b) and all sub paragraphs are revised to emphasize the requiring individual's responsibility to prepare the D&F, and be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
  - c. Paragraph (a)(4) is added to address the approval authority for Economy Act assisted acquisitions greater than \$50 million.
  - d. Paragraph (b) is renumbered to paragraph (c) and sub paragraphs (2) and (3) are revised to emphasize the requiring individual's responsibility to prepare the D&F, add a requirement for the Contracting Officer to submit a copy of the IA with the D&F, and revise the document submission procedures for obtaining ADC, I&L (Contracts) approval.
  - e. Paragraph (c)(1), previously (b)(1), is revised to change the SAT threshold to \$150K per the threshold changes in Federal Register notice, Vol. 75, No. 167, dated August 30, 2010.
  - f. Paragraph (c)(4) is added to address the approval authority for Non-Economy Act assisted acquisitions greater than \$50 million made through non-DoD agencies.
  - g. Paragraph (e)(2) is revised to add facilities support and common support services and supplies, including training/exercise support and supplies, as an exception to the D&F requirement for Economy Act and Non-Economy Act orders. In addition, there is a new requirement to reference this MAPS paragraph in the funding document for the requirement. These changes are a result of APM 10-11.
  - h. Paragraph (e)(6) is added to include naval logistics support provided to embarked/deployed Marine units from supply chain sources as an exception to the D&F requirement for Economy Act and Non-Economy Act orders. In addition, there is a new requirement to reference this MAPS paragraph in the funding document for the requirement. These changes are a result of APM 10-11.
46. **17.7404-1 (DFARS) Authorization** paragraph (a)(2) is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
47. **17.7404-6 (DFARS) Allowable Profit** is added to incorporate the delegation of the DFARS requirement from the HCA to the ADC, I&L (Contracts) per the HCA delegation list.
48. **25.103 (DFARS) Exceptions** is revised as follows:
- a. Paragraph (a)(ii)(B)(2) is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.

## MARINE CORPS ACQUISITION PROCEDURES SUPPLEMENT

### Summary of Significant Changes

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- b. Paragraph (a)(ii)(B)(2) is revised to increase the approval threshold from \$1 million to \$1.5 million per DFARS Publication Notice 20100802.
  - c. Paragraph (b)(ii)(A) is added to comply with the DFARS 25.103(b)(ii)(A) authority for nonavailability determinations valued at or below the SAT.
  - d. Paragraphs (b)(ii)(B) and (b)(ii)(C) are revised to increase the approval threshold from \$1 million to \$1.5 million per DFARS Publication Notice 20100802.
  - e. Paragraph (b)(ii)(C) is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
49. **28.103-1 General** is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
50. **28.105 (FAR) Other types of bonds General** is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
51. **28.106-2 Substitution of surety bonds** is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
52. **32.610 Demand for payment of contract debt** is revised to be consistent with the document submission procedures for obtaining ASN approval.
53. **32.703-1 (DFARS) General** is removed since the policy in DFARS 232.703-1 stands on its own.
54. **32.703-100 Funding Documentation** is added as follows:
- a. Paragraph (a) is added to ensure appropriate commitment of funds.
  - b. Paragraph (b) is added to incorporate the availability of funds policy from APM 09-17.
55. **32.908 (FAR) Contract Clauses** is added to incorporate policy regarding prompt payment during emergency and contingency situations, as a result of the policy issued in APM 10-05.
56. **32.7003 (DFARS) Procedures** paragraph (b) is revised to remove the WAWF component clause, as a result of the DASN commercial item working group. The WAWF clause text is incorporated in CMPG and the policy in MAPS requires this text be included in specific locations of acquisition documentation, depending on the type of acquisition.
57. **33.170 (DFARS/NMCARS) Briefing requirement for protested acquisitions valued at \$1 billion or more** is revised to include the requirement to submit the protest notification via email, in order to be consistent with NMCARS 5233.170.
58. **33.203 (NMCARS) Applicability** is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.

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59. **33.211 Contracting Officer's Decision** paragraph (b) is revised to be consistent with the document submission procedures for routing of a Contracting Officer's final decision regarding claims.
60. **33.9001 (NMCARS) Claims approval requirements** is revised as follows:
- a. Paragraph (a) is revised for clarity.
  - b. Paragraph (a)(1) is revised for clarity.
  - c. Paragraph (a)(2) is revised for clarity and to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
  - d. Paragraph (a)(3) is added to address requirements for claims greater than \$25 million.
  - e. Paragraph (b)(1) is revised for clarity.
  - f. Paragraph (b)(2) is revised for clarity.
  - g. Paragraph (b)(3) is revised to be consistent with the document submission procedures for claims packages.
61. **37.204 (FAR/NMCARS) Guidelines for determining availability of personnel** is revised to add clarity to the requirement and to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
62. **37.503-100 Procedures** is revised as follows:
- a. Paragraph (b) is revised to add the title of the acquisition strategy (AS) review and approval thresholds table.
  - b. Paragraph (c) is added to ensure ASs are approved prior to issuance of a synopsis or a combined solicitation/synopsis.
  - c. The AS review and approval authority table is titled "Acquisition Strategy Review & Approval Thresholds."
  - d. In the table titled "Acquisition Strategy Review & Approval Thresholds," the header for performance based acquisitions is revised to "Approval of Service Acquisitions That Are Performance Based."
  - e. In the table titled "Acquisition Strategy Review & Approval Thresholds," the header for non-performance based acquisitions is revised to "Approval of Service Acquisitions That Are NOT Performance Based."
  - f. The thresholds and review and decision authorities in the Acquisition Strategy Review & Approval Thresholds table are revised to be consistent with the thresholds and authorities in APM 10-08.

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- g. For services acquisitions that are not performance based, the “>\$5 million to \$78.5 million” approval threshold is revised to “>\$5 million to \$85.5 million” per DFARS Publication Notice 20100802.
  - h. For services acquisitions that are not performance based, the “>\$78.5 million” approval threshold is revised to “>\$85.5 million” per DFARS Publication Notice 20100802.
63. **39.001 (NMCARS) Applicability** paragraph (b) is removed since the ASN (RD&A) memorandum, Subj: Information Technology Related Procurements, dated 7 July 2007, cannot be located and the policy is not identified in any other regulation.
64. **47.573-3 (NMCARS) Annual Reporting Requirement** is added to incorporate a report regarding the use of DFARS 252.247.7026.
65. **49.101 Authorities and responsibilities** is revised as follows:
- a. Paragraph (a) is removed because per NMCARS 5249.470, the notification requirement is only for terminations for default, and this requirement is already in MAPS 49.470. All subsequent paragraphs are renumbered accordingly.
  - b. Paragraph (b) is revised to be consistent with the document submission procedures for obtaining ADC, I&L (Contracts) approval.
66. **49.101-100 Reporting Requirements** is revised to ensure the annual report is inclusive of all terminations of commercial item contracts.
67. **49.470 (NMCARS) Termination for Default Notification** is revised to include the requirement to submit the termination notification via email, in order to be consistent with NMCARS 5249.470.
68. **49.7001 (DFARS) Congressional notification on significant contract terminations** is revised to be consistent with the policy in DFARS 49.7001 and to be consistent with the procedures for submitting clearance requests for releasing information about a proposed termination.
69. **50.101-3 (DFARS) Records** is revised as follows:
- a. The cite number is revised to align with the DFARS cite containing the higher level requirement.
  - b. The type of records, contract adjustment records, is added to add clarity to the policy.
  - c. The routing procedures are revised to be consistent with the document submission procedures for forwarding documents to DASN (A&LM).
70. **51.101-100 Marine Corps depots** is revised to be consistent with the document submission procedures for forwarding documents to DASN (A&LM).

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71. **5252.211.9650 USMC Active Radio Frequency Identification (RFID Implementation)** paragraph (a), Content Level Detail, is revised to remove the web address for the RFID policy memo and instead include a hyperlink to the memo on the HQMC, I&L, LPV AIT website.
72. **5252.232.9650 USMC Wide Area WorkFlow Implementation** is removed in its entirety in accordance with the changes in MAPS 32.7003(b).
73. **Appendix A – Marine Corps Contracting Office Areas of Responsibility (AORs)** is revised as follows:
- a. Marine Corps Recruit Depot Parris Island is revised to reflect new organizational changes.
  - b. In areas of responsibility PPMAP is replaced with internal reviews in accordance with current processes.
74. **Appendix B – Required Reports** is revised as follows:
- a. The table listing various reports is separated into two different tables. One table lists the reports that are required to be prepared automatically by each MARCOR I&L office. The second table lists the reports that are prepared by HQMC, I&L (Contracts) by obtaining report data from electronic business systems, and may require input from MARCOR I&L offices.
  - b. The due dates of the Report on Award Fee & Incentive Fee Contracts are revised to reflect the due dates in NMCARS 16.401.
  - c. The format and due date of the Report on Approved and In Process Waivers for TINA are revised for clarity.
  - d. The Peer Review Rolling Forecast Report is added in accordance with MAPS 1.170(d).
  - e. The Quarterly Data Verification & Validation (V&V) Report is added in accordance with MAPS 4.604(a).
  - f. The Annual Data Verification & Validation (V&V) Report is added in accordance with MAPS 4.604(b).
  - g. The Annual Ocean Transportation Report is added in accordance with DFARS 247.573-3 and NMCARS 5247.573-3(a)(2).
  - h. The Senior Leader Compliance Notification is added in accordance with DFARS 203.170(a) and NMCARS 5203.170(a).
  - i. The Annual Competition Report is added in accordance with FAR 6.502(b)(2) and DPAP Memorandum of 26 July 2007.

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- j. The Procurement Performance Management Assessment Program (PPMAP) Report is added in accordance with NMCARS 5201.691-1(f)(2).
  - k. The Notification of Revocation, Suspension, or Reduction of Contracting Authority or Purchase Card Authority is added in accordance with NMCARS 5201.691-1(g).
  - l. The Report on In Process Waivers for TINA is removed since this report is currently not being provided on a regular basis and is not a requirement in the regulations.
75. **Appendix C – Ratification Report, Appendix F – Agency Protest Report, Appendix G – GAO Protest Report, Appendix H – Termination Report**, are revised to reflect “RCO, National Capital Region, Quantico” instead of “RCO Cherry Point” as the sample name of activity.
76. **Appendix D – Acronyms** is revised to add the terms IGE, MARCOR I&L, MARFORRES, MCI, and MEF.
77. **Appendix E – Source Selection Organization** is revised to remove the title Source Selection Organization since the title of this reserved appendix may change in the future.