

**201.603-3**

(A) Received a baccalaureate degree from an accredited educational institution; and

(B) Completed at least 24 semester credit hours, or equivalent, of study from an accredited institution of higher education in any of the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management; and

(iv) Meet such additional requirements, based on the dollar value and complexity of the contracts awarded or administered in the position, as may be established by the Secretary of Defense.

(2) The qualification requirements in paragraph (1)(iii) of this subsection do not apply to a DoD employee or member of the armed forces who—

(i) On or before September 30, 2000, occupied—

(A) A contracting officer position with authority to award or administer contracts above the simplified acquisition threshold; or

(B) A position either as an employee in the GS-1102 occupational series or a member of the armed forces in an occupational specialty similar to the GS-1102 series;

(ii) Is in a contingency contracting force; or

(iii) Is an individual appointed to a 3-year developmental position. Information on developmental opportunities is contained in DoD Manual 5000.52-M, Acquisition Career Development Program.

(3) Waivers to the requirements in paragraph (1) of this subsection may be authorized. Information on waivers is contained in DoD Manual 5000.52-M.

[67 FR 65509, Oct. 25, 2002]

**201.603-3 Appointment.**

(a) Certificates of Appointment executed under the Armed Services Procurement Regulation or the Defense Acquisition Regulation have the same effect as if they had been issued under FAR.

(b) Agency heads may delegate the purchase authority in 213.301 to DoD ci-

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vilian employees and members of the U.S. Armed Forces.

[56 FR 36284, July 31, 1991, as amended at 64 FR 56705, Oct. 21, 1999]

**PART 202—DEFINITIONS OF WORDS AND TERMS**

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

**Subpart 202.1—Definitions**

**202.101 Definitions.**

*Congressional defense committees* means—

(1) The Committee on Armed Services of the Senate;

(2) The Subcommittee on Defense of the Committee on Appropriations of the Senate;

(3) The Committee on Armed Services of the House of Representatives; and

(4) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

*Contract administration office* also means a contract management office of the Defense Contract Management Agency.

*Contracting activity* for DoD also means elements designated by the director of a defense agency which has been delegated contracting authority through its agency charter. DoD contracting activities are—

DEPARTMENT OF DEFENSE

Department of Defense Education Activity  
TRICARE Management Activity  
Acquisition and Procurement Office, Washington Headquarters Services

ARMY

Contract Support Agency  
Office of the Deputy Chief of Staff for Research, Development and Acquisition, Headquarters, U.S. Army Materiel Command  
Aviation and Missile Command  
Industrial Operations Command  
Communications-Electronics Command  
Tank-Automotive and Armaments Command  
Training and Doctrine Command  
Forces Command  
Health Services Command  
Military District of Washington  
U.S. Army, Europe

## Defense Acquisition Regulations System, DOD

202.101

National Guard Bureau  
Corps of Engineers  
Information Systems Command  
Medical Research and Development Command  
U.S. Army, Pacific  
Military Traffic Management Command  
Space and Strategic Defense Command  
Eighth U.S. Army  
Intelligence and Security Command  
U.S. Army, South  
Defense Contracting Command-Washington  
Directorate of Information Systems for Command, Control, Communications and Computers, Office of the Secretary of the Army  
U.S. Army Special Operations Command

### NAVY

Deputy, Acquisition Management, Office of the Assistant Secretary of the Navy (Research, Development, and Acquisition)  
Naval Air Systems Command  
Space and Naval Warfare Systems Command  
Naval Facilities Engineering Command  
Naval Inventory Control Point  
Naval Sea Systems Command  
Naval Supply Systems Command  
Office of Naval Research  
Military Sealift Command  
Strategic Systems Programs  
Marine Corps Systems Command  
Installations and Logistics, Headquarters, U.S. Marine Corps

### AIR FORCE

Office of the Assistant Secretary of the Air Force (Acquisition)  
Office of the Deputy Assistant Secretary (Contracting)  
Air Force Materiel Command  
Air Force Reserve Command  
Air Combat Command  
Air Mobility Command  
Air Education and Training Command  
Pacific Air Forces  
United States Air Forces in Europe  
Air Force Space Command

### DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Office of the Deputy Director, Management

### DEFENSE CONTRACT MANAGEMENT AGENCY

Office of the Director, Defense Contract Management Agency

### DEFENSE FINANCE AND ACCOUNTING SERVICE

External Services, Defense Finance and Accounting Service

### DEFENSE INFORMATION SYSTEMS AGENCY

Defense Information Technology Contracting Organization

### DEFENSE INTELLIGENCE AGENCY

Office of Procurement

### DEFENSE LOGISTICS AGENCY

Office of the Deputy Director, Logistics Operations  
Defense Supply Centers  
Defense Energy Support Center

### NATIONAL IMAGERY AND MAPPING AGENCY

Procurement and Contracting Office

### DEFENSE THREAT REDUCTION AGENCY

Acquisition Management Office

### NATIONAL SECURITY AGENCY

Headquarters, National Security Agency

### MISSILE DEFENSE AGENCY

Headquarters, Missile Defense Agency

### UNITED STATES SPECIAL OPERATIONS COMMAND

Headquarters, United States Special Operations Command

*Contracting officer's representative* means an individual designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.

*Departments and agencies*, as used in DFARS, means the military departments and the defense agencies. The military departments are the Departments of the Army, Navy, and Air Force (the Marine Corps is a part of the Department of the Navy). The defense agencies are the Defense Advanced Research Projects Agency, the Defense Commissary Agency, the Defense Contract Management Agency, the Defense Finance and Accounting Service, the Defense Information Systems Agency, the Defense Intelligence Agency, the Defense Security Service, the Defense Logistics Agency, the National Imagery and Mapping Agency, the Defense Threat Reduction Agency, the National Security Agency, the Missile Defense Agency, and the United States Special Operations Command.

*Department of Defense (DoD)*, as used in DFARS, means the Department of Defense, the military departments, and the defense agencies.

*Executive agency* means for DoD, the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force.

*Head of the agency* means, for DoD, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. Subject to the direction of the Secretary of Defense, the Under Secretary of Defense (Acquisition, Technology, and Logistics), and the Director of Defense Procurement and Acquisition Policy, the directors of the defense agencies have been delegated authority to act as head of the agency for their respective agencies (i.e., to perform functions reserved to a head of agency or agency head), except for such actions that by terms of statute, or any delegation, must be exercised within the Office of the Secretary of Defense.

*Procedures, Guidance, and Information (PGI)* means a companion resource to the DFARS that—

(1) Contains mandatory internal DoD procedures. The DFARS will direct compliance with mandatory procedures using imperative language such as “Follow the procedures at \* \* \*” or similar directive language;

(2) Contains non-mandatory internal DoD procedures and guidance and supplemental information to be used at the discretion of the contracting officer. The DFARS will point to non-mandatory procedures, guidance, and information using permissive language such as “The contracting officer may use \* \* \*” or “Additional information is available at \* \* \*” or other similar language;

(3) Is numbered similarly to the DFARS, except that each PGI numerical designation is preceded by the letters “PGI”; and

(4) Is available electronically at <http://www.acq.osd.mil/dpap/dars/index.htm>.

*Senior procurement executive* means, for DoD—

Department of Defense (including the defense agencies)—Under Secretary of Defense (Acquisition, Technology, and Logistics);

Department of the Army—Assistant Secretary of the Army (Acquisition, Logistics and Technology);

Department of the Navy—Assistant Secretary of the Navy (Research, Development and Acquisition);

Department of the Air Force—Assistant Secretary of the Air Force (Acquisition).

The directors of the defense agencies have been delegated authority to act as senior procurement executive for their respective agencies, except for such actions that by terms of statute, or any delegation, must be exercised by the Under Secretary of Defense (Acquisition, Technology, and Logistics).

*Tiered evaluation of offers*, also known as *cascading evaluation of offers*, means a procedure used in negotiated acquisitions, when market research is inconclusive for justifying limiting competition to small business concerns, whereby the contracting officer—

(1) Solicits and receives offers from both small and other than small business concerns;

(2) Establishes a tiered or cascading order of precedence for evaluating offers that is specified in the solicitation; and

(3) If no award can be made at the first tier, evaluates offers at the next lower tier, until award can be made.

[56 FR 36287, July 31, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting section 202.101, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Sec.

203.070 Reporting of violations and suspected violations.

### Subpart 203.1—Safeguards

203.104 Procurement integrity.

203.104-5 Disclosure of proprietary and source selection information.

### Subpart 203.5—Other Improper Business Practices

203.502-2 Subcontractor kickbacks.

203.570 Prohibition on persons convicted of frauds or other defense-contract-related felonies.

203.570-1 Scope.

203.570-2 Prohibition period.

203.570-3 Contract clause.