

## 217.7506

(1) The contracting officer has evaluated the price of the part and concluded that the price increase is fair and reasonable; or

(2) The national security interests of the United States require purchase of the part despite the price increase.

(c) The fact that a particular price has not exceeded the limitation in paragraph (a) of this section does not relieve the contracting officer of the responsibility for obtaining a fair and reasonable price.

(d) Contracting officers may include a provision in sole source solicitations requiring that the offeror supply with its proposal, price and quantity data on any government orders for the replenishment part issued within the most recent 12 months.

[56 FR 36345, July 31, 1991, as amended at 64 FR 2598, Jan. 15, 1999. Redesignated at 71 FR 27643, May 12, 2006]

### **217.7506 Spare parts breakout program.**

See PGI 217.7506 and DoD 4140.1-R, DoD Supply Chain Materiel Management Regulation, Chapter 8, Section C8.3, for spare parts breakout requirements.

[71 FR 27643, May 12, 2006]

## **Subpart 217.76—Contracts with Provisioning Requirements**

### **217.7601 Provisioning.**

(a) Follow the procedures at PGI 217.7601 for contracts with provisioning requirements.

(b) For technical requirements of provisioning, see DoD 4140.1-R, DoD Supply Chain Materiel Management Regulation, Chapter 2, Section C2.2.

[71 FR 27643, May 12, 2006]

## **Subpart 217.77—Over and Above Work**

### **217.7701 Procedures.**

Follow the procedures at PGI 217.7701 when acquiring over and above work.

[71 FR 27643, May 12, 2006]

### **217.7702 Contract clause.**

Use the clause at 252.217-7028, Over and Above Work, in solicitations and

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contracts containing requirements for over and above work, except as provided for in subpart 217.71.

## **Subpart 217.78—Contracts or Delivery Orders Issued by a Non-DoD Agency**

SOURCE: 70 FR 29642, May 24, 2005, unless otherwise noted.

### **217.7800 Scope of subpart.**

This subpart—

(a) Implements Section 854 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375); and

(b) Prescribes policy for the acquisition of supplies and services through the use of contracts or orders issued by non-DoD agencies.

### **217.7801 Definitions.**

As used in this subpart—

*Assisted acquisition* means a contract awarded or a task or delivery order placed on behalf of DoD by a non-DoD agency.

*Direct acquisition* means a task or delivery order placed by a DoD official under a contract awarded by a non-DoD agency.

### **217.7802 Policy.**

Departments and agencies shall establish and maintain procedures for reviewing and approving orders placed for supplies and services under non-DoD contracts, whether through direct acquisition or assisted acquisition, when the amount of the order exceeds the simplified acquisition threshold. These procedures shall include—

(a) Evaluating whether using a non-DoD contract for the acquisition is in the best interest of DoD. Factors to be considered include—

(1) Satisfying customer requirements;

(2) Schedule;

(3) Cost effectiveness (taking into account discounts and fees); and

(4) Contract administration (including oversight);

(b) Determining that the tasks to be accomplished or supplies to be provided are within the scope of the contract to be used;

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(c) Reviewing funding to ensure that it is used in accordance with appropriation limitations;

(d) Providing unique terms, conditions, and requirements to the assisting agency for incorporation into the order or contract as appropriate to comply with all applicable DoD-unique

statutes, regulations, directives, and other requirements; and

(e) Collecting and reporting data on the use of assisted acquisition for analysis. Follow the reporting requirements at PGI 217.7802.

[70 FR 29642, May 24, 2005, as amended at 71 FR 14104, Mar. 21, 2006]