

(b) Repurchase against a contractor's account must be based on the original contract terms, conditions, and specification. If acceptable offers cannot be obtained on this basis, similar supplies or services may be bought to substantially satisfy the original requirement. Advice of counsel must be obtained before issuing a solicitation for similar supplies or services.

(c) To protect the Government's rights to recover reprocurement costs, the contracting officer must document the file to explain the circumstances of any delay in the reprocurement.

[54 FR 26557, June 23, 1989, as amended at 56 FR 33722, July 23, 1991]

549.402-7 Other damages.

(a) Under the default clause, in addition to assessing reprocurement costs, the contracting officer may assess other damages, including administrative costs (e.g., salaries and fringe benefits paid to Government employees who perform work as a result of the default, preaward survey expense incurred in qualifying reprocurement contractors, and costs incurred in printing and distributing the reprocurement solicitation), if in the best interest of the Government.

(b) Documents supporting an assessment of administrative costs must be detailed and must demonstrate that the added costs incurred by the Government were a direct result of the default.

(1) To support administrative labor costs, the contracting officer must record:

(i) Name, position, and organization of each employee performing work activities as a consequence of the default.

(ii) Date(s) of work and time(s) spent by each employee on the repurchase.

(iii) Description of specific tasks performed (i.e., solicitation, preparation, clerical).

(iv) Hourly rate of pay (straight time or overtime).

(v) Applicable fringe benefits.

(vi) Explanation of how the time spent by the employees during the reprocurement would have been used on other projects but for the default.

(2) To support other incurred administrative costs (i.e., travel, per diem, printing and distribution of the repur-

chase contract), documents may include travel vouchers, invoices, printing requisitions, and other appropriate evidence of expenditures.

(c) After deciding that the assessment of administrative costs is appropriate, the contracting officer shall make a written demand on the contractor. The basis of calculating the costs being assessed must be furnished to the contractor. A single demand letter may be used to recover excess costs and administrative costs.

[54 FR 26557, June 23, 1989, as amended at 56 FR 33722, July 23, 1991]

Subpart 549.5—Contract Termination Clauses

549.502 Termination for convenience of the Government.

The contracting officer shall insert the clause at 552.249-70, Termination for Convenience of the Government (Fixed-Price), in all solicitations and contracts for the acquisition and maintenance of telephone systems to be funded through the Information Technology Fund (IT). This clause should be used with the FAR clauses at 52.249-1 or 52.249-2 and 52.249-4.

549.570 Submission of termination liability schedule.

The contracting officer shall insert the clause at 552.249-71, Submission of Termination Liability Schedule, in all solicitations for the acquisition and maintenance of telephone systems to be funded through the Information Technology Fund (IT). This provision is to be used when the clause at 552.249-70 is used.

PART 550—EXTRAORDINARY CONTRACTUAL ACTIONS

550.001 Definitions.

Approving authority, as used in FAR Part 50, means the Administrator of General Services Administration.

(40 U.S.C. 486(c))

[54 FR 26557, June 23, 1989]

PART 551—USE OF GOVERNMENT SOURCES BY CONTRACTORS— [RESERVED]