

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

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

ARMY

Headquarters, U.S. Army Contracting Command
 Joint Contracting Command—Iraq/Afghanistan
 National Guard Bureau
 Program Executive Office for Simulation, Training, and Instrumentation
 U.S. Army Aviation and Missile Life Cycle Management Command
 U.S. Army Communications-Electronics Life Cycle Management Command
 U.S. Army Corps of Engineers
 U.S. Army Expeditionary Contracting Command
 U.S. Army Intelligence and Security Command
 U.S. Army Joint Munitions and Lethality Life Cycle Management Command
 U.S. Army Medical Command

U.S. Army Medical Research and Materiel Command
 U.S. Army Mission and Installation Contracting Command
 U.S. Army Research, Development, and Engineering Command
 U.S. Army Space and Missile Defense Command
 U.S. Army Sustainment Command
 U.S. Army Tank-Automotive and Armaments Life Cycle Management Command

NAVY

Office of the Deputy Assistant Secretary of the Navy (Acquisition & Logistics Management)
 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
 Air Force District of Washington
 Air Force Operational Test & Evaluation Center
 Air Force Special Operations Command
 United States Air Force Academy
 Aeronautical Systems Center
 Air Armament Center
 Electronic Systems Center
 Space and Missile Systems Center

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Office of the Deputy Director, Management

DEFENSE BUSINESS TRANSFORMATION AGENCY
 Contracting Office

DEFENSE COMMISSARY AGENCY

Directorate of Contracting

DEFENSE CONTRACT MANAGEMENT AGENCY
 Office of the Director, Defense Contract Management Agency

202.101

48 CFR Ch. 2 (10–1–10 Edition)

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
Acquisition Management Directorate
Defense Supply Centers
Defense Energy Support Center

DEFENSE SECURITY COOPERATION AGENCY
Contracting Division

DEFENSE SECURITY SERVICE
Acquisition and Contracting Branch

DEFENSE THREAT REDUCTION AGENCY
Acquisition Management Office

MISSILE DEFENSE AGENCY
Headquarters, Missile Defense Agency

NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
Procurement and Contracting Office

NATIONAL SECURITY AGENCY
Headquarters, National Security Agency

UNITED STATES SPECIAL OPERATIONS COMMAND
Headquarters, United States Special Operations Command

UNITED STATES TRANSPORTATION COMMAND
Directorate of Acquisition

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 Business Transformation 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 Logistics Agency, the Defense Security Cooperation Agency, the Defense Security Service, the Defense Threat Reduction Agency, the Missile Defense Agency, the National Geospatial-Intelligence Agency, and the National Security Agency.

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.

General public and non-governmental entities, as used in the definition of *commercial item* at FAR 2.101, do not include the Federal Government or a State, local, or foreign government (Pub. L. 110–181, Section 815(b)).

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 under the FAR or DFARS 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. (For emergency acquisition flexibilities, see 218.270.)

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.
203.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.
203.170 Business practices.
203.171 Senior DoD officials seeking employment with defense contractors.
203.171-1 Scope.
203.171-2 Definition.
203.171-3 Policy.
203.171-4 Contract clause.

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.

Subpart 203.7—Voiding and Rescinding Contracts

203.703 Authority.

Subpart 203.9—Whistleblower Protections for Contractor Employees

203.900 Scope of subpart.
203.903 Policy.
203.904 Procedures for filing complaints.
203.905 Procedures for investigating complaints.
203.906 Remedies.
203.970 Contract clause.

Subpart 203.10—Contractor Code of Business Ethics and Conduct

203.1003 Requirements.
203.1004 Contract clauses.

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

SOURCE: 56 FR 36288, July 31, 1991, unless otherwise noted.

§ 203.070 Reporting of violations and suspected violations.

Report violations and suspected violations of the following requirements in accordance with 209.406-3 or 209.407-3 and DoDD 7050.5, Coordination of