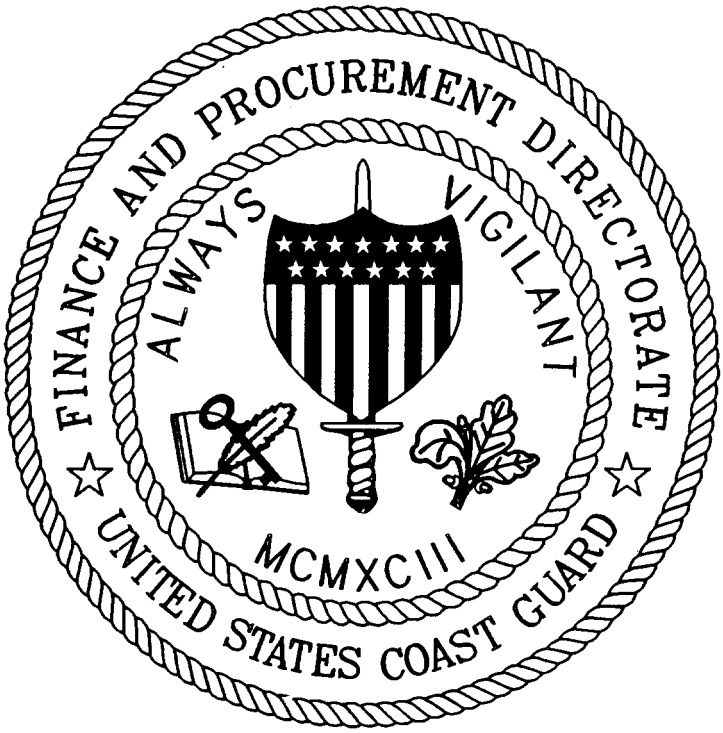
U.S. Department
of Transportation

**United States
Coast Guard**

COAST GUARD ACQUISITION PROCEDURES (CGAP)



COMDTINST M4200.19G

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COMMANDANT INSTRUCTION M4200.19G

Subj: COAST GUARD ACQUISITION PROCEDURES (CGAP)

1. PURPOSE. These procedures implement and supplement the Federal Acquisition Regulation (FAR), the Department of Transportation Acquisition Regulation (TAR), the Department of Transportation Acquisition Manual (TAM), and other departmental guidance; and establish Coast Guard acquisition policy. They are intended for the use of contracting personnel and others involved in the process of acquiring supplies and services for the Coast Guard. This reissue removes and/or streamlines many previous requirements, specifically eliminating duplicate content presently found in the TAR and TAM.

2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, assistant commandants for directorates, commanding officers of headquarters units, Chief Counsel, and special offices at Headquarters shall ensure compliance with the provisions of this Manual. Internet release authorized.

3. DIRECTIVES AFFECTED. The Coast Guard Acquisition Procedures (CGAP), COMDTINST M4200.19F is cancelled.

4. DISCUSSION. The FAR system consists of the FAR, which is the primary document and the TAR and TAM, which supplement the FAR. The FAR system is a flow-down system that prohibits repeating, paraphrasing or otherwise restating material contained in the FAR, TAR, or TAM. Therefore, in order to fully understand the CGAP, the reader must review it in conjunction with the FAR, TAR, or TAM material it supplements. CGAP cites which supplements the TAR are subdivided into Parts and Subparts. CGAP cites which supplements the TAM are subdivided into Chapters and Subchapters. The Parts and Chapters have been combined together in this new version, beginning with Parts/Chapters 1201 through 1253. The Parts titles are underlined to distinguish those sections from the Chapters. This new version and any changes afterwards will only be available electronically. Official distribution will be via the Coast Guard Directives System CD-ROM and the DOT Online publications website at http://issddc.dot.gov.

DISTRIBUTION – SDL No.140

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A	1	1	1		1	1		1					1	1	1	1										
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NON-STANDARD DISTRIBUTION:

No hard copies of the Manual will be printed. A CD-ROM copy of the Manual may be requested by units with limited access, by contacting Ms. LaShawn Hamilton at lhamilton@comdt.uscg.mil. You may also retrieve a copy for downloading and printing at http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm

5. SUMMARY OF CHANGES. Enclosure (1) summarizes the substantial changes throughout the manual, and includes a matrix that lists common revisions and deletions. The re-issuance of the CGAP manual, Enclosure (2), incorporates updates through Federal Acquisition Circular (FAC) 2001-07, Transportation Acquisition Circular (TAC) 00-01, TAM Note 01-04 and COCO Alert 03-11.

6. REQUEST FOR CHANGES. Address comments, suggestions and corrections to Commandant (G-CPM-2).

7. ENVIRONMENTAL ASPECTS AND IMPACT CONSIDERATION. This Manual contains guidance and procedures at Chapter 1223.4 on the use of recovered materials which apply to all Coast Guard acquisitions. Chapter 1223.7 of the Manual provides guidance on contracting for environmentally preferable and energy-efficient products and services.

8. FORMS AVAILABILITY. Coast Guard form CG-4788, Contract File Content Checklist – Preaward Contract File, 2-98; Coast Guard Form CG-5080, Small Business Review, 02-00, and DOT Form 4200.12CG, Procurement Request-Process Rapidly, 2-94 are available through Jetform filler on SWIII. EPA forms 6005-3 and 6005A, Superfund Minority Contractor utilization Report, 9-87 is available through the electronic version of this Manual only.

/S/
ROBERT S. HOROWITZ
Director of Finance, Procurement, and Internal Security

Encl: (1) Summary of Changes and Matrix of Common Revision and Deletions

SUMMARY OF CHANGES

Table of Contents
Updates page numbers and the Enclosure listing. Identifies Coast Guard's implementation of the Department of Transportation's Reinvention Lab in the Table of Contents.

Organization of Content in Manual
Consolidates CGAP Parts with the Chapters. Each Part/Subparts (titles are underlined) will precede each Chapter/Subchapter, instead of two separate sections within the manual.

Part/Chapter 1201	
Subpart 1201.100	Deletes previous redundant content also found in Purpose."
Subparts 1201.103(b) and 1201.301(a)(2)(ii)	Moves contents of Subpart 1201.103(b) to Subpart 1201.301 and incorporates routing requirements to Commandant (G-CPM) for all approvals above the local COCO as designated in the Subparts and Subchapters.
Subpart 1201.105	Revises content to indicate that the CGAP will only be issued electronically and is available at the G-CPM website on the intranet or internet.
Subchapter 1201.301(a)(1)	Adds the requirement to affix the "Notice for Filing Agency Protests" in accordance with Commandant Instruction 4200.14, Coast Guard Ombudsman Program for Agency Protests.
Subchapter 1201.403	Revises content to align with the TAM.
Subchapter 1201.404	Revises content to align with the TAM.
Subchapter 1201.602-390(b) (c) (e)	Revises content to align with TAM. Deletes Subparagraph (f) content which was repetitive to the wording in the TAM.
Subchapter 1201.690	Revises content and renumbers paragraphs.

Part/Chapter 1202	
Subchapter 1202.101	Removes paragraphs (c) and (d). Removes information at previous paragraph (f) and inserts the information with the term and definition for COCO.
Subchapter 1202.170	Deletes COCO Level 1 and 2 definitions. Adds paragraph (c), which provides web page link to the Coast Guard COCO list.
Subchapter 1202.190	Incorporates the general discussion of document transmittal to Commandant (G-CPM) for those actions, which require HCA, SPE, C-V, or HOA approvals. Previous guidance on the transmittal of documents at individual Subparts and Subchapters were removed throughout the CGAP. Transmittal of documents is discussed in individual Parts and Chapters only where unique processing must occur.

Part/Chapter 1203	
Subpart 1203.806	Revises content to align with the Subpart information, by removing reference to deleted CGAP Subparts 1203.203 and 1203.304.
Chapter 1203	Chapter 1203 is changed to "Reserved."

Part/Chapter 1204	
Subchapter 1204.2	Removes taxpayer identification information in its entirety.
Subchapter 1204.601(d)(2)	Removes paragraph (d)(2) which is covered by the TAM.
Subchapter 1204.602-7202	Inserts the web page link to the "procurement office codes" for the Coast Guard at subparagraph (a)(3). Replaces text with a matrix, which lists the Coast Guard exceptions for numbering PIINs. Removes previous requirement to use the DAFIS number in PIINs and identifies new procedures where the Coast Guard Finance Center (FINCEN) is the designated paying office.
Subchapter 1204.602-7203	Removes previous requirements to use the DAFIS number in SPIINs, and identifies new procedures where the FINCEN is the designated paying office for task and delivery orders.
Subchapter 1204.8	Removes previous paragraph (a). Moves previous paragraph (b) to paragraph (a).
Subchapter 1204.7000	Edits content to clearly that acquisitions for services have an additional documentation and approval requirement when performance-based contracting methods are not used.
Subchapter 1204.7003	Removes reference to CGAP Subchapter 1204.7002, and clarifies legal review requirements exemptions. Incorporates an example for "nonprocurement" term in subparagraph c.
Subchapter 1204.7004	Deletes this Subchapter in its entirety.
Subchapter 1204.90	Deletes this Subchapter in its entirety.
Subchapter 1204.9103	Updates this Subchapter to agree with the changes made at 1204.602-7202, and removes redundant text.

Part/Chapter 1205	
Subchapter 1205.202(a)	Deletes the paragraph (a) in its entirety.
Subchapter 1205.403	Changes title of Subchapter and makes editorial changes to content.
Subchapter 1205.590	References TAM rather than previous CGAP coverage.

Part/Chapter 1206	
Subchapter 1206	Removes references to the term "Commerce Business Daily or CBD". Corrects titles for Coast Guard Competition Advocate and Procuring Activity Competition Advocate throughout Subchapter. Added the Standard Distribution List web page location for HQ and HQ unit's identification.

Part/Chapter 1207	
Subchapter 1207.101-70	Clarifies policy for the acquisition plan requirement for commercial items under $5 million. Removes Enclosure (9) and places the format/information at the Best Practices/Guide 1 at the Commandant (G-CPM) website.
Subchapter 1207.102	Adds signature requirements for InterSupport Agreements (ISSA), Memoranda of Understanding (MOU), and Memoranda of Understanding (MOA).

Part/Chapter 1208	
Subchapter 1208.790	Updates nonprofit agencies names, location, and web link.

Part/Chapter 1209	
Subchapters 1209.106 and 1209.106-90	Removes both preaward survey notices, as guidance is covered in the FAR.
Subchapter 1209.402	Removes policy statement from this Subchapter.
Subchapter 1209.406-3	Revises procedures for debarment.
Subchapter 1209.407-3	Revises procedures for suspensions.

Part/Chapter 1210	
Subchapter 1210.002(b)(2)(i)	Revises last sentence for clarification to read as follows: Results of the market research shall be summarized and submitted with the Small Business Review Form, CG-5080 (See CGAP Subchapter 1219.501(b)).
Subchapter 1210.002(b)(2)(iv)	Deletes, no longer applicable as previous Enclosure (3) is deleted.

Part/Chapter 1211	
Subchapter 1211.002(b)	Edits reference to read: Metric System, COMDTINST 5711.2 (series).
Subchapter 1211.002(c)	Adds program offices responsibility to determine the sensitivity of data within procurement packages for the purpose of releasing via the internet.

Part/Chapter 1212	
Subchapter 1212	Deletes and reserves entire Chapter of CGAP. Previous Enclosure (3) is deleted by this new version of the CGAP. Coverage regarding the Ombudsman information is moved to CGAP Chapter 1233.

Part/Chapter 1213	
Subchapter 1213.000	Adds information about where to find the electronic version of the SAP.
Subchapter 1213.501	Adds approval authority for sole source justifications under FAR 13.501(a)(2)(ii).

Part/Chapter 1214	
Subchapters 1214.290(a)(1) and (3)	Changes the approval level of the requirement to read "the Area or District Commander with operational control of the vessel".

Part/Chapter 1215	
Subchapter 1215.300	Adds Subchapter which identifies previous Enclosure (18) as a new optional guide and moves it to the Best Practices/Guide 3 at the G-CPM website. Incorporates Best Practices/Guide 2 information for source selection procedures, previous enclosure (22) and moves it to the G-CPM website.
Subchapters 1215.303-91 and 1215.303-92	Deletes these Subchapters in their entirety.
Subchapter 1215.304(e)	Revises content regarding factors and numerical weights information.
Subchapter 1215.406-170	Establishes previous Enclosures (18), (19), (21) as optional and moves the enclosures as guides to the Commandant (G-CPM) website for Best Practices/Guides.
Subchapter 1215.406-370	Establishes previous Enclosures (18), (20), (21) as optional and moved the enclosures as guides to the Commandant (G-CPM) website for Best Practices/Guides.

Part/Chapter 1217	
Subpart 1217.71	Inserts Subpart with content from CGAP Chapter 1241 to align with TAR.
Subchapter 1217.105-1	Removes unnecessary wording.
Subchapter 1217.504-90	Revises this Subchapter's organization.
Subchapter 1217.90	Removes instructions regarding livestock and reserves this Subchapter for future use.
Subchapter 1217.9101	Edits title of the Coast Guard Food Services Manual, COMDTINST M4061.5 (series).

Part/Chapter 1219	
Subchapter 1219.202-590	Revises law references.
Subchapter 1219.803	Changes the title of document discussed in this Subchapter from MOU to Partnering Agreement (PA) and added hyperlink to the document.

Part/Chapter 1222	
Subchapter 1222.10	Adds this new Subchapter on submittal of the SF 98/98A and use of the electronic SCA on-line services for specific contracting offices.
Subchapter 1222.12	Removes this Subchapter to align with FAR 22.12, which was deleted by FAC 97-26.

Part/Chapter 1223	
Subchapter 1223.405(b)	Deletes the term "contracting activities" and inserts the term "procurement sites".

Part/Chapter 1228	
Subchapter 1228.101-2	Edits the threshold to $100,000.00 for consistency with the requirements at FAR 28.102-1(b)(1).
Subchapters 1228.101-90, 1228.105, 1228.106-2, and 1228.106-6	Edits the content to remove redundant CGAP statements to FAR or TAM.

Part/Chapter 1232	
Subparts 1232 and 1232.70	Removes unnecessary guidance and reserves Part 1232.
Subchapter 1232.409	Clarifies DOTBCA internal processing.
Subchapter 1232.601	Updates policy document.
Subchapter 1232.702-70(a)(1)(ii)	Revises the content to state that the contracting officer shall accept funds submitted by electronic transmission, unless the issuing unit is exempt from the use of LUFS.
Subchapter 1232.702-90	Incorporates reference to the Finance Center's Standard Operating Procedure (SOP) for guidance regarding document types 24 and 28 assignments.
Subchapter 1232.703-91	Removes the references to the "two year" pilot program
Subchapter 1232.7002	Revises the content to recognize the use of Workflow Imaging Network Systems (WINS).
Subchapter 1232.1110-90	Deletes EFT/ACH coverage in its entirety. TAM established coverage of Central Contractor Registration.

Part/Chapter 1233	
Subchapter 1233.103(a)	Adds "Notice of Filing Agency Protests" information.
Subchapters 1233.104(a), (b) and (g)	Adds clarification of legal's role in GAO litigation in subparagraph (a). Deletes last sentence in subparagraphs (b) and (g), which is covered in the TAM.
Subchapter 1233.212-90(d)(2)	Revises the third sentence in paragraph to include the recent Department of Transportation's Statement of Policy on Alternate Dispute Resolutions.
Subchapter 1233.212-91	Revises the title line and content to reflect the court name from "U.S. Claims Court" to "U.S. Court of Federal Claims."
Subchapter 1233.290	Deletes first sentence and edits second sentence.

Part/Chapter 1234	
Subchapter 1234	Adds information about the relationship between the Major System Acquisition Instruction and the CGAP.

Part/Chapter 1236	
Subchapter 1236.201	Revises content to identify location of OA policy and procedures for COTR appointments.
Subchapter 1236.213-70	Changes the due date of the report from 20 August to 25 July.
Subchapter 1236.602-4	Establishes that COCO approval for selection authority is not authorized for delegation.
Subchapter 1236.602-5	Revises content to identify personnel authorized to use the Short Selection Process.
Subchapter 1236.604	Revises content to identify location of OA policy and

	procedures for COTR appointments.
Part/Chapter 1237	
Subpart 1237.110-90	Revises this Subpart to include prescription and special clauses, which shall be used for Information Systems security solicitations and contracts to ensure information or information systems are safeguarded. COCO Alert 03-11.
Subchapters 1237.104-90 and 1237.104-92	Removes unnecessary content as Personal Services authority is discussed at CGAP Subpart 1237.104.

Part/Chapter 1239	
Subchapter 1239	Corrects title of Chapter to "Acquisition of Information Technology."
Subchapter 1239.001-70	Incorporates current information on new radio-communications or radionavigation systems.
Subchapter 1239.001-90	Incorporates current Commandant (G-CIT) policy on the acquisition of Information Technology.
Subchapter 1239, Appendix A	Deletes Appendix A, FIRMR Reference List, in its entirety.
Subchapter 1239.2	Adds new Subchapter which incorporates reference to the new Coast Guard Implementation of the Rehabilitation Act, Section 508, COMDTINST 5230.60, which must be used by requirement and procurement officials when acquiring Electronic Information Technology (EIT).

Part/Chapter 1241	
Subchapter 1241.501	Edits sentence to provide plain language direction.
Subchapter 1241.71	Deletes Subchapter and moves content to CGAP Part 1217.

Part/Chapter 1242	
Subchapter 1242.101	Changes "cross serving agreement" to Memorandum of Understanding, updates the website location and provides revised hourly billing rates.
Subchapters 1242.7001 and 1242.7003	Deletes "certification" from each subchapter.
Subchapter 1242.7002	Changes "Attachment A" to Appendix A".

Part/Chapter 1246	
Subchapter 1246.702	Revises content to align with TAM coverage.

Part/Chapter 1247	
Subchapter 1247.90	Renames Subchapter to more appropriately describe the topic.

Part/Chapter 1249	
Subchapter 1249.401	Revises last sentence to delete "approval or disapproval" and insert "notification of legal sufficiency."
Subchapter 1249. 607-90	Revises subparagraph (b) content regarding contracting officer's responsibility.

Enclosures	
The complete Enclosure listing has been updated. A Guide to Acquisition of Commercial Items, Enclosure (3) and Record of Review, Enclosure (8) are deleted in their entirety. Any enclosures identified in this new version as Best Practices/Guides were moved to the Commandant (G-CPM) website http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm. The remaining enclosures are identified as follows (includes the previous enclosure number):	
Enclosure (1)	Abolish Red Tape in Contracting (ARTIC) Program, previously Enclosure (15).
Enclosure (2)	Contracting Officer Warrant Program (COWP), (previously Enclosure (24)). Adds paragraph 7d. to clarify the COCO's authority with regards to the contracting officer's signature requirements. Corrects "contracting activity" to read "contracting office". Adds "or BPA" in paragraph 7, Exceptions, c (2), sentence 3, after "Basic Ordering Agreement. Removes the COCO Level 1 and 2 designators and imports rationale for removal of contracting officer warrants.
Enclosure (3)	Instructions for Processing Military Interdepartmental Purchase Requests (MIPR), (previously Enclosure (12)). Inserts requirement for the Coast Guard contracting officer to review servicing agency's contractual document before determining to use that vehicle.
Enclosure (4)	Format for Completing the Semi-Annual Labor Compliance Report, (previously Enclosure (14)).
Enclosure (5)	Format for Resource Conservation and Recovery Act, U.S. Coast Guard Summary Report, (previously Enclosure (16)).
Enclosure (6)	Format for Contract Payment Approval, (previously Enclosure (2)).
Enclosure (7)	Policy Guidance for Government-Furnished Property (GFP), (previously Enclosure (23)).
Enclosure (9), (18), (19), (20), (21), and (22)	These Enclosures were moved to the Commandant (G-CPM) webpage for Best Practices/Guides (1) through (6) at http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm

MATRIX OF COMMON REVISONS AND DELETIONS

Subparts: 1201.106.90; 1203.101-3; 1203.104-1; 1203.104-10; 1203.203; 1203.301; 1204.1; 1242 **Subchapters:** 1214.402-3; 1214.404-3; 1214.407-1; 1215.305-90; 1215.6; 1217.203(g)(2); 1219.705-2; 1242.302-90; and 1242.1503(c).	Deletes repetitive text or delegation presently found in the FAR or TAR.
Subchapters: 1201.403; 1201.404; 1201.602-390(a)(b)(e); 1203.104-6(b) and (c); 1205.303; 1205.502; 1209.403; 1211.002(d); 1214.201-7; 1214.404-1; 1214.407-3 (e), (f), (g)(2); 1215.204; 1215.606-190; 1216.6; 1219.202-591.1;1219.502-3; 1219.505; 1219.506; 1219.810;1222.3; 1222.404-6; 1222.406-8; 1227.203-6 ; 1223.403;1227.304-1; 1232.403; 1232.407; 1232.409-1; 1232.409-2; 1232.501; 1232.502;1232.504; 1232.702-70(a)(1)(iv) and (b); 1232.7001;1232.7001; 1232.8; 1232.9; 1236.208; 1236.213-2; 1236.602-1; 1236.602-3; 1236.609-1; 1237.113; 1237.203-70; 1242.2; 1242.7; 1244; 1246.704; 1246.710; 1247.506; 1248; and 1249.501.	Deletes repetitive text or delegation presently found in the TAM.
Subchapters: 1205.404-1; 1207.171; 1209.503; 1215.403-1(c)(4); 1217.4; 1222.1303; 1222.1403; 1222.1408; 1225.103; 1225.103(b)(2)(ii); 1225.104; 1225.104(b); 1225.105; 1225.105(a)(1); 1225.1001(a)(2)(iii); 1228.203-7(d); 1230; 1232.1; 1235; 1236.209; and 1241.1.	Deletes routing information within individual subchapters. Instructions for routing are now found at Subchapter1202.190.
Subparts: 1203.405(a); 1203.502-2(g); and 1222.101-70(b). **Subchapters:** 1201.101(c) and (f); 1202.170; 1204.602; and 1219.	Changes term “activities” to “offices”.
Subparts: 1203.405(a) and 1203.502-2(g). **Subchapters:** 1204.602; 1206; 1209.202(a)(1); 1209.202(b) and (e); 1209.206-1(b); 1209.405; 1209.405-1; 1209.405-2; 1209.406-1; 1209-407-1; 1209.504(c); 1209.506(d); 1214.201-92; 1215.204(e); 1215.403-570; 1217.9102; 1219; 1228.101-1; 1228.106-6; 1236.603; 1242.7004; 1243.7004; 1245.508; and 1246.702.	Removes “Level 1 and 2” designation from COCO.

COAST GUARD ACQUISITION PROCEDURES (CGAP)
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COAST GUARD (CG) IMPLEMENTATION OF PHASE I OF THE DEPARTMENT OF TRANSPORTATION'S (DOT'S) PROCUREMENT REINVENTION LAB

1. PURPOSE. The purpose of this CGAP section is to provide CG contracting personnel with implementation procedures for Phase I and II of DOT's reinvention laboratory as prescribed in Transportation Acquisition Manual (TAM NOTE) 95-03.

2. DEFINITIONS.

Innovative Strategies. Innovative idea that should be shared with others and is within the parameters of the FAR, TAR, and TAM.

Blanket Waiver. Waivers to the TAM that have been approved by the Senior Procurement Executive (SPE) for use by all Department of Transportation (DOT) contracting officers under the Procurement Reinvention Lab partnering agreement.

Targeted Waiver. Waiver to a specific TAM requirement. Targeted Waivers are recommended by individual contracting officers under the DOT procurement reinvention laboratory partnering agreement.

3. SUMMARY OF CGAP BLANKET WAIVERS. In response to TAM NOTE 95-03, the Coast Guard waives CGAP requirements which correspond to TAM Chapters that have been designated for blanket waivers. When the blanket waiver is registered with the DOT reinvention lab, the coinciding CGAP requirements shall also be waived as applicable:

a. Subchapter 1204.7003(b) and (c) – Addresses Coast Guard specific required approval levels for solicitations, contracts, contract modifications, and pre/post negotiation memoranda.

4. PROCEDURES.

a. Blanket Waiver Registration. Coast Guard contracting officers are required to submit blanket waiver registrations to COMDT (G-CPM) via electronic mail to dshort@comdt.uscg.mil or FAX to (202) 267-4011. Blanket waivers will then be forwarded by Commandant (G-CPM) to the Office of Senior Procurement Executive (OSPE) for submission in the reinvention lab.

b. Targeted Waiver Registration. Prior to submission of an experimental targeted waiver, it is recommended that the contracting officer request assistance from Ms. Desyria Short of COMDT (G-CPM-2) at (202) 267-2635. Contracting Officer must submit the registration to COMDT (G-CPM) via electronic mail to dshort@comdt.uscg.mil or FAX to (202) 267-4011 for processing of waivers, as necessary. The target waiver will be forwarded by Commandant (G-CPM) to the OAGM where the SPE must provide signed approval prior to use.

c. Legal review. If necessary, the contracting officer should obtain legal review from servicing counsel before submitting registrations.

d. Registration Waivers. For the purpose of using a blanket waiver, waiving other CGAP requirements or other CG instructions, directives, notices, bulletins, relating to the experiment, the contracting officer shall complete the Coast Guard checklist at page ix of this notice. Local procurement office requirements such as instructions, notices, directives relating to the waived area shall also be waived.

e. Interim and Final Activities Information. Contracting officers are required to submit interim and final activities information via Commandant (G-CPM-2) for processing, monitoring, and transmittal to the OSPE.

CG CHECKLIST OF DIRECTIVES EFFECTIVE BY DOT REINVENTION EXPERIMENT

Coast Guard Waivers to be granted as a result of the DOT reinvention experiment are listed below:

A. Blanket Waivers – Check CGAP reference which applies to the TAM blanket waiver being registered.

B. Target Waivers – CGAP subchapters, instructions, directives, and notices being waived as a result of a targeted TAM waiver are as follows:

C. Other Information – Record additional references or comments below (This should include a discussion of waiver approval for other CG instructions, notices, directives or bulletins from the appropriate authority):

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COAST GUARD ACQUISITION PROCEDURES (CGAP)

PARTS
1201 THROUGH 1253

CHAPTERS 1201 THROUGH 1253

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CGAP PART 1201 COAST GUARD ACQUISITION PROCEDURES SYSTEM

CGAP SUBPART 1201.1 PURPOSE, AUTHORITY, ISSUANCE

CGAP SUBPART 1201.101 Purpose.

The purpose of the CGAP is to provide internal procedural guidance to overall policy outlined in the Federal Acquisition Regulation (FAR), the Transportation Acquisition Regulation (TAR), and the Transportation Acquisition Manual (TAM). The CGAP details the internal mechanisms through which the Coast Guard carries out overall contracting policies and procedures.

CGAP SUBPART 1201.103 Authority.

(a) The CGAP is prescribed pursuant to the authority of FAR 1.301(a)(2) and 14 U.S.C. 93(f).

CGAP SUBPART 1201.104 Applicability.

The CGAP applies to all Coast Guard procurements for supplies, services, and construction. The CGAP is not applicable to acquisitions involving title to all lands and improvements and lesser interests nor to granting of easements, leases, licenses, and similar interests in real property. Except as otherwise set forth herein, the CGAP is not applicable to acquisitions involving housing. Any conflict or inconsistency between the FAR, TAR, TAM, and CGAP shall be resolved by giving precedence in the following order: (a) the FAR, (b) the TAR, (c) the TAM, and (d) the CGAP, unless the TAR, TAM or CGAP is more restrictive. Whenever the U. S. Coast Guard becomes an agency under the U. S. Navy by declaration of war or national emergency, the following applies:

(a) The Commandant would become a Head of the Contracting Activity (HCA) under the Department of the Navy. The U. S. Coast Guard would maintain the same dollar threshold levels with those actions previously requiring Office of the Secretary of Transportation (OST) approval now being sent to the Office of the Secretary of Navy (OSN) for approval. All contracting warrants issued by the Coast Guard would remain in effect.

(b) The U. S. Coast Guard would discontinue using the Transportation Acquisition Regulation (TAR), Transportation Acquisition Manual (TAM) and Coast Guard Acquisition Procedures (CGAP) and begin using the Defense Federal Acquisition Regulation Supplement (DFARS) and Navy Acquisition Procedures Supplement (NAPS).

CGAP SUBPART 1201.105 Issuance.

CGAP SUBPART 1201.105-2 Arrangement of procedures.

(a) General. The CGAP conforms with the arrangement and numbering system prescribed by FAR 1.104.

(b) Numbering. All coverage in the CGAP that does not correspond to coverage in the FAR, TAR or TAM will use Subpart, Subchapter, Section or Subsection numbers 90-99.

CGAP SUBPART 1201.105-3 Copies.

No hard copies of the CGAP are available. Copies are posted electronically at: http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm. CD-ROM copies may be requested from Commandant (G-CPM) at this website.

CGAP SUBPART 1201.3 AGENCY ACQUISITION REGULATIONS

CGAP SUBPART 1201.301 Policy

(a)(2)(ii) Certain FAR, TAR and TAM procurement authorities and responsibilities vested in the Commandant and other officials have been redelegated as cited in these procedures. Unless otherwise stated, these authorities may not be redelegated. All documents in this manual, TAR and TAM that require approvals above the local COCO level shall be routed to Commandant (G-CPM) for staffing and processing to the proper approval officials designated in this manual, unless otherwise indicated by special routing instructions in the Parts and Chapters.

END OF CGAP PART 1201

CGAP CHAPTER 1201 COAST GUARD ACQUISITION PROCEDURES SYSTEM

CGAP SUBCHAPTER 1201.2 ADMINISTRATION

CGAP SUBCHAPTER 1201.201 Maintenance of the FAR.

CGAP SUBCHAPTER 1201.201-70 Submission of suggested changes.

(a) Suggested changes to the FAR, TAR, TAM and CGAP are to be forwarded to Commandant (G-CPM) for review and approval. Commandant (G-CPM) will transmit recommended changes to the SPE, as applicable.

CGAP Subchapter 1201.3 AGENCY ACQUISITION REGULATIONS

CGAP Subchapter 1201.301 Policy

(a) (1) The Notice for Filing Agency Protests, Enclosure (1) of the Coast Guard Ombudsman Program for Agency Protests, COMDTINST 4200.14 (series), shall be affixed as a cover page for all solicitations for formal contracts. When using streamlined procedures where the synopsis and the solicitation are combined, the Notice for Filing Agency Protests shall be published as part of the synopsis.

CGAP SUBCHAPTER 1201.4 DEVIATIONS

CGAP SUBCHAPTER 1201.403 Individual deviations.

Commandant (G-CPM) will coordinate legal review with Commandant (G-LPL) for any deviation request.

CGAP SUBCHAPTER 1201.404 Class deviations.

Commandant (G-CPM) will coordinate legal review with Commandant (G-LPL) for any

deviation requests and forward to the DOT Senior Procurement Executive for approval. Commandant (G-CPM) is the approving authority for class deviations to the CGAP.

CGAP SUBCHAPTER 1201.490 Abolish Red Tape in Contracting (ARTIC) Program.

Information on the Coast Guard's ARTIC program is provided at Enclosure (1).

CGAP SUBCHAPTER 1201.6 CAREER DEVELOPMENT, CONTRACTING AUTHORITY AND RESPONSIBILITIES

CGAP SUBCHAPTER 1201.602 Contracting Officers.

CGAP SUBCHAPTER 1201.602-2 Responsibilities.

CGAP Subchapter 1242.70, Appendix A, discusses the requirements for COTR selection, training, and certification.

CGAP SUBCHAPTER 1201.602-390 Ratification of unauthorized commitments.

(b) This authority is delegated to the COCO provided the COCO's warrant is sufficient to ratify the action.

(c) A report of all unauthorized commitments above $2,500 shall be forwarded to Commandant (G-CPM) on a quarterly basis. The report shall include the Procurement Request number, description of action, dollar value, whether the unauthorized action was ratified, the date the unauthorized commitment occurred, and the date of the ratification. The report is due no later than the close of business on the 15th of January, April, July and October of the fiscal year (e.g., no later than 15th of January for the quarter ending 31 December.

(e) The COCO shall render a final decision within 30 calendar days of receipt of the ratification request. The ratification request is the documentation required by TAM 1201.602-3(c). Once a decision has been rendered, all documentation shall be forwarded to the appropriate contracting officer. If an unauthorized commitment is approved for ratification, a purchase order or other contract document for payment purposes shall be processed by the contracting officer. If an unauthorized commitment is disapproved for ratification (nonratifiable), the contracting officer shall promptly notify the individual who made the unauthorized commitment, in writing, stating the reasons for disapproval and recommending the individual obtain legal advice. The contracting officer must also advise the individual that the nonratifiable commitment will not be paid in accordance with prescribed contracting methods of payment. In those cases where the action is a nonratifiable unauthorized commitment which involves the use of the Bank of America credit card or payment has already been effected via the SMART PAY program, the responsible individual may be billed or a pay adjustment authorization may be initiated.

CGAP SUBCHAPTER 1201.603 Selection, appointment, and termination of appointment.

CGAP SUBCHAPTER 1201.603-1 General.

The policy for appointment of contracting officers is provided in Enclosure (2), Contracting Officer Warrant Program (COWP).

CGAP SUBCHAPTER 1201.690 Participation of legal counsel in the procurement process.

(a) Whenever legal review is mandatory or desired, the contracting officer shall include all supporting documents with the file forwarded for review. Coordination during the preparation of documents to be submitted for legal review will minimize the review time.

(b) The contracting officer may require legal review of any procurement action consistent with the availability of legal counsel; however, in addition to the requirements for legal review in FAR, TAR, TAM and CGAP, the following matters require consultation and coordination with legal counsel:

(1) Correspondence on procurement policy that requires the signature of the Commandant, Vice Commandant, Chief of Staff, MLC Commander, or the Superintendent of the Academy.

(2) Proposed procurement policy statements and procedures.

(3) The draft of a proposed new provision or clause.

(4) Questions of application of laws, interpretation of court precedence or conflicts in statutory or regulatory guidance. This includes procedural guidance which interprets or limits or expands such reviews/applications/interpretations.

(5) Legal counsel attendance at meetings in which contractor is represented by counsel.

CGAP PART 1202 DEFINITIONS OF WORDS AND TERMS - (RESERVED)

CGAP CHAPTER 1202 DEFINITIONS OF WORDS AND TERMS

CGAP SUBCHAPTER 1202.1 DEFINITIONS

CGAP SUBCHAPTER 1202.101 Definitions.

(a) The Administration Acquisition Executive (AAE) for the Coast Guard is the Vice Commandant (G-CV).

(e) The Head of the Operating Administration (HOA) for the Coast Guard is the Commandant (G-C).

(f) The Chief of the Contracting Office (COCO) means the individual who has primary responsibility for the day-to-day management and control of the contracting office, and whose contracting authority does not exceed any delegated thresholds established for that office. COCOs are those individuals appointed in writing by the Head of the Contracting Activity (HCA).

CGAP SUBCHAPTER 1202.170 HCA and Chiefs of Contracting Offices (COCOs).

(a) Head of contracting activity (HCA) means the Director of Finance and Procurement, Commandant (G-CFP). In the absence of the HCA, Commandant (G-CPM) will perform the functions of the HCA. In a few instances, where FAR, TAR, or TAM indicate a higher level of authority is required, Commandant (G-CPM) will forward the action to Commandant (G-CV) for consideration.

(b) Specific instructions regarding the appointment of COCOs are found in Enclosure (2), Contracting Officer Warrant Program (COWP).

(c) COCOs have been appointed at the following units identified at: http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/COCO LIST.htm

CGAP SUBCHAPTER 1202.190 Submissions to the HCA, SPE, G-CV, G-C or HOA.

(b) Any documents requiring transmittal to the HCA, SPE, G-CV, G-C, or HOA shall be transmitted to Commandant (G-CPM) for processing and routing. No additional instructions will be identified at any CGAP Parts and Chapters regarding routing unless instructions are otherwise unique and specific to the action discussed in the Part or Chapter. All documents in this manual that require approvals above the local COCO level shall be routed to Commandant (G-CPM) for staffing and processing to the proper officials designated in this manual. COCOs endorsements are required for all requests/documents/reports submitted to Commandant (G-CPM) for action.

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CGAP PART 1203 IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

CGAP SUBPART 1203.4 CONTINGENT FEES

CGAP SUBPART 1203.405 Misrepresentations or violations of the covenant against contingent fees.

(a) The COCO shall prepare a written findings of the facts of the case and submit the file, to Commandant (G-LPL) for review (Misrepresentations or Violations of the Covenant Against Contingent Fees - RCN-4200-5). The file shall contain the written opinion of the cognizant legal counsel for the contracting office, if any. An information copy shall be provided to Commandant (G-CPM). After review, Commandant (G-LPL) will forward the findings to the Office of the Inspector General (J-l) and will also furnish a copy to the Department of Justice, if appropriate.

CGAP SUBPART 1203.5 OTHER IMPROPER BUSINESS PRACTICES

CGAP SUBPART 1203.502-2 General.

(g) Coast Guard personnel shall advise the cognizant COCO in writing, of any instances that come to their attention involving possible violations of the Anti-Kickback Act (41 U.S.C. 51-54). The COCO shall prepare a written findings of the facts of the case and submit the file to Commandant (G-LPL) for review (Anti-Kickback Report, RCN-4200-6). The file shall contain the written opinion of the cognizant legal counsel at the contracting office, if any. An information copy shall be provided to Commandant (G-CPM). After review, Commandant (G-LPL) will forward the findings to the Office of the Inspector General (J-l) and will also furnish a copy to the Department of Justice, if appropriate.

CGAP SUBPART 1203.590 Suspected fraudulent or other criminal conduct.

Investigative Assistance, COMDTINST 5520.5 (series), details actions to be taken in cases of suspected fraud or criminal conduct in the performance of Coast Guard contracts.

CGAP SUBPART 1203.8 LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

CGAP SUBPART 1203.806 Processing suspected violations.

Suspected violations of the requirements of 31 U.S.C. 1352 shall be reported in accordance with the same procedures contained in CGAP Subparts 1203.405, and 1203.502.

END OF CGAP PART 1203

CGAP CHAPTER 1203 IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST – (RESERVED)

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CGAP PART 1204 ADMINISTRATIVE MATTERS - (RESERVED)

CGAP CHAPTER 1204 ADMINISTRATIVE MATTERS

CGAP SUBCHAPTER 1204.6 CONTRACT REPORTING

CGAP SUBCHAPTER 1204.601 Records requirements.

(d) The CIS Users Guide is available at the Department of Transportation's Acquisition and Grants Homepage website, http://www.dot.gov/ost/m60/

CGAP SUBCHAPTER 1204.602 Federal Procurement Data System.

(c) The SF 281, Federal Procurement Data System (FPDS)-Summary Contract Action Report ($25,000 or less) shall be submitted quarterly to Commandant (G-CPM/S-1) as established in TAM 1204, the CIS Users Guide, Appendix K and the Coast Guard Simplified Acquisition Handbook, COMDTINST M4200.13 (series).

CGAP SUBCHAPTER 1204.602-72 Uniform procurement instrument identification numbering system.

CGAP SUBCHAPTER 1204.602-7201 Policy.

(b) Deviations to TAM 1204.602-72 and Coast Guard unique instructions are established at CGAP Subchapters 1204.602-7202 and 1204.602-7203.

CGAP SUBCHAPTER 1204.602-7202 The basic procurement instrument identification number.

(a) Elements of the PIIN.

(3) The two-digit alphanumeric codes which identifies the procurement office for the Coast Guard is listed at http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/ProcOfficeCode.pdf

(5) The ninth position shall be a capital letter assigned to indicate the type of instrument code as established by TAM Subchapter 1204.602-7202, except as follows:

Standard Instrument Code.	Exception descriptions.	Exception Instrument Codes.
(i) A - Agreements	Exceptions: If the Coast Guard Finance Center (FINCEN) is the payment office for Subsistence for Dining Facilities (Supply Fund AFC82) BPAs	Use "V" for Subsistence for Dining Facilities (Supply Fund AFC82) BPAs.
(ii) F – Delivery Orders	Exceptions: If FINCEN is the payment office for Superintendent of Documents, Government Printing Office (GPO) and Federal Prison Industries (UNICOR) – Also see CGAP Subchapter 1204.602-7203.	Use "W" for UNICOR orders Use "Y" for the Superintendent of Documents, Government Printing Office orders

(iii) P – Purchase Orders	Exceptions – If FINCEN is the payment office, additional letters are provided for specific types of purchase order actions.	Use "N" for construction or service purchase orders when using simplified acquisition procedures, which require contracting officer approval for payments. DAFIS Document type must be "24". Do not use "N" for delivery or task orders.
		Use "T" for Transportation services when using simplified acquisition procedures.
		Use "V" for Subsistence for Dining Facilities (Supply Fund AFC82) orders.
		Use "W" for UNICOR orders
		Use "Y" for the Superintendent of Documents, Government Printing Office orders.

(6) Positions ten through fifteen. If the FINCEN is the payment office, these characters may be numeric or alphanumeric.

CGAP SUBCHAPTER 1204.602-7203 Supplementary Procurement Instrument Identification Number (SPIIN), used in conjunction with the basic PIIN.

(a) Coast Guard contracting offices shall use the following for assignment of supplementary numbers in conjunction with the basic PIIN:

(3) Orders.

(iii) The SPIIN for orders in accordance with TAM 204.602-7203(a)(3)(i) and (ii) shall be as follows:

(A) Contracting offices whose invoices are not paid by the Coast Guard Finance Center shall use a six position numeric serial number to SPIINs for orders under contracts and agreements. The first two positions shall be the two digits of the fiscal year when the order is placed, followed by four digits which shall be numbered sequentially each fiscal year beginning with 0001, (for example "02-0001").

(B) Contracting offices whose invoices are paid by the Coast Guard Finance Center, shall use a SPIIN for delivery/task orders consisting of fifteen positions as described at CGAP Subchapter 1204.602-7202. The SPIIN shall include an "F" in position nine. For position ten through fifteen, a combination of numeric or alphanumeric characters may be used. The series of numbers for the orders under a contract must be unique.

CGAP SUBCHAPTER 1204.670 Acquisition related reporting requirements.

Contracting offices shall comply with the respective CGAP Parts and Chapters due date and submission requirements. A consolidated listing of all the report due dates to G-CPM is available at the G-CPM Intranet site http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/reportlist.html

CGAP SUBCHAPTER 1204.8 GOVERNMENT CONTRACT FILES

CGAP SUBCHAPTER 1204.802 Contract files.

(a) Coast Guard Form CG-4788, Contract File Content Checklist-Preaward Contract File (February 1998 Revision), shall be used for organizing the preaward portion of the contract files. It may also be used for modifications.

(c)(5) Contract file documents created and entered into the file after the fact, must be dated after the fact and annotated with rationale explaining why it was not done in a timely manner.

CGAP SUBCHAPTER 1204.70 Coast Guard Review and Approval Requirements of Contracts and Contract Related Documents.

CGAP SUBCHAPTER 1204.7000 Scope of subchapter.

See CGAP Subchapter 1237.103(c) regarding review requirements for acquisitions, (solicitations, contracts and task orders) where Performance-based contracting methods are not used for services.

CGAP SUBCHAPTER 1204.7001 Definitions.

(a) The "independent review" requirement at TAM 1204.7001, Definitions, may also be accomplished by a review of another Contract Specialist of equal or higher grade, or another Contracting Officer of equal warrant authority (dollar and contract type), for Coast Guard Chief of the Contracting Office (COCO) drafted documents or where COCO is the contracting officer responsible for the action.

CGAP SUBCHAPTER 1204.7003 Review and approval procedures.

(b) Coordination with Technical/Program Office and Legal Reviews.

(2) Legal review and sufficiency. Headquarters proposed solicitations and contractual actions valued at $500,000.00 or more (including options), shall be reviewed by legal counsel. For field contracting activities, the mandatory review level is $100,000.00 that may be raised by the head of the reviewing legal office up to $500,000.00 after obtaining Commandant (G-CPM) concurrence. Correspondence regarding legal review increases must be routed via Commandant (G-LPL). All letter contracts shall be reviewed by legal counsel. The TAM 1204.7000 exemptions apply, except legal review is required for acquisitions conducted under FAR subpart 13.5, Test Program for Certain Commercial Items. Legal review is recommended at any value where the acquisition approach, industry comments, procurement history, or other factors indicate a likelihood of legal issues arising. Legal review is recommended for any actions where offerors are excluded prior to award in negotiated procurements.

(c) For acquisitions valued over $500,000, the level above approval for COCO drafted solicitations, contract awards, and contract modifications may be accomplished by a nonprocurement professional (e.g. typically a supervisor of the COCO at the unit's location) based on the results of the independent reviews.

CGAP SUBCHAPTER 1204.7005 Periodic compliance reviews.

Procurement Management Review (PMR) procedures are established in the Procurement Management Review Program, COMDTINST 4200.30 (series).

CGAP SUBCHAPTER 1204.91 Use of Procurement Instrument Identification (PII) Numbers.

CGAP SUBCHAPTER 1204.9100 Scope of subchapter.

This subchapter prescribes procedures to be used by contracting offices when procuring material for a Coast Guard Inventory Control Point with the consignee of the material being Department of Defense Inventory Control Points.

CGAP SUBCHAPTER 1204.9101 Definitions.

A Procurement Instrument Identification (PII) Number is a 13-character number described in Subpart 204.70 of the Department of Defense FAR Supplement.

CGAP SUBCHAPTER 1204.9102 Policy.

When ordering material for a Coast Guard Inventory Control with the consignee of the material being Department of Defense (DOD) Inventory Control Points, it is necessary that the DOD facility be able to properly identify and process the Coast Guard material. Contracting offices shall use a PII Number as prescribed in this subchapter to accomplish effective material handling.

CGAP SUBCHAPTER 1204.9103 Procedure.

(a) Coast Guard contracts and purchase orders shall contain a Department of Defense (DOD) thirteen-character PII number in addition to, and immediately above, the document's Coast Guard contract or purchase order number, the Procurement Instrument Identification Number (PIIN) which is described in CGAP Subchapter 1204.602-72 and TAM 1204.602-72. The thirteen-character number shall be immediately preceded by "PII Number." A copy of the contract or purchase order shall be forwarded to the applicable Coast Guard Inventory Control Point.

(b) The contract or purchase order shall stipulate that all shipping containers and contractor documentation must contain the DOD "PII Number."

(c) PII Numbers required by the circumstances prescribed by CGAP Subchapter 1204.9102 shall be developed based upon the PIIN described in CGAP Subchapter 1204.602-72, deleting the first, or the first and second character of the five-six position numeric serial number.

(1) The DOD PII Number for the fourteen-character Coast Guard contract PIIN DTCG40-02-C-00123, for example, would be: DTCG40-02-C-0123.

(2) The DOD PII Number for the fifteen-character Coast Guard contract PIIN DTCG23-02-C-000001, for example, would be: DTCG23-02-C-0001.

CGAP PART 1205 PUBLICIZING CONTRACT ACTIONS - (RESERVED)

CGAP CHAPTER 1205 PUBLICIZING CONTRACT ACTIONS

CGAP SUBCHAPTER 1205.2 SYNOPSES OF PROPOSED CONTRACTS ACTIONS

CGAP SUBCHAPTER 1205.202 Exceptions.

(b) The contracting officer shall contact the Small Business Program Officer, Commandant (G-CPM/S-l), to coordinate notification to the Administrator for Federal Procurement Policy and to the Administrator of the Small Business Administration.

CGAP SUBCHAPTER 1205.3 SYNOPSES OF CONTRACT AWARDS

CGAP SUBCHAPTER 1205.303 Announcement of contract awards.

(a) Public Announcement. The requirements of this subchapter do not apply to awards under the 8(a) program or Javits-Wagner O'Day Act. Receipt of facsimile transmission to DOT I-1 may be confirmed by calling 202-366-9714. The contracting officer shall also provide a copy of DOT F 4220.41 to Commandant (G-ICA) and Commandant (G-IPA). When delay in award of the contract action would result in serious injury (financial or otherwise) to the Coast Guard, the contracting officer shall provide the information required by the form to DOT (I-1) telephonically, concurrent with the award notice to the contractor. The telephonic approval shall be documented on the form and placed in the contract file, and one copy each of the documented form shall be mailed to Commandant (G-ICA) and Commandant (G-IPA).

CGAP SUBCHAPTER 1205.4 RELEASE OF INFORMATION

CGAP SUBCHAPTER 1205.403 General Public.

(a) Refer to The Coast Guard Freedom of Information and Privacy Acts Manual, COMDTINST M5260.3 (series) when preparing a response that would result in disclosure of business confidential information.

CGAP SUBCHAPTER 1205.5 PAID ADVERTISEMENTS

CGAP SUBCHAPTER 1205.504 Use of advertising agencies.

In addition to the requirements in FAR 5.504, the contracting officer may acquire advertising placement services through local advertising agencies only when no national Coast Guard contract exists for the requirement. The technical representative for national contracts for recruitment advertising is Commander (CGPC-c), Coast Guard Personnel Command.

CGAP SUBCHAPTER 1205.590 Advertising for recruiting purposes.

In addition to the approval required by TAM 1205.502(a), the contracting officer shall ensure the requester obtains approval from Commander (CGPC-c), Coast Guard Personnel Command, to recruit, through paid advertisements, service and cadet applicants. Approval from Commander (CGPC-c) is not required when recruiting through paid advertisements in the local newspaper.

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CGAP PART 1206 COMPETITION REQUIREMENTS - (RESERVED)

CGAP CHAPTER 1206 COMPETITION REQUIREMENTS

CGAP SUBCHAPTER 1206.3 OTHER THAN FULL AND OPEN COMPETITION

CGAP SUBCHAPTER 1206.302-190 Only one responsible source and no other supplies or services will satisfy agency requirements.

(b)(4) The Coast Guard's Standardization Program and procedures for obtaining the HCA determination may be found in the CG Standardization Program, COMDTINST 4200.38 (series).

(c) Acquisitions containing one or more brand name descriptions incidental to the requirement are not sole source acquisitions, provided that the total value of the incidental items is not greater than 50% of the total value of the primary product or service being bought. However, the use of such incidental brand name requirements shall be justified and approved in accordance with FAR 6.303 and 6.304 (as supplemented by CGAP Subchapters 1206.303 and 1206.304). In those cases when a Justification for Other Than Full and Open Competition (JOTFOC) is required to cover incidental items, the estimated value of the incidental items determines the approval level of the JOTFOC.

CGAP SUBCHAPTER 1206.302-290 Unusual and compelling urgency .

Procurement actions requiring approval at the Headquarters or OST level, under the authority of "unusual and compelling urgency," shall not be processed PRIOR to initiation of the following:

(1) Immediate verbal notification to Procuring Activity Competition Advocate (PACA) of the urgency;

(2) Express mailing by the General Services Administration's mandatory contractor or telefax submissions to PACA of an ADVANCE justification and supporting rationale (including reference to the normal procurement lead time vs. an expedited lead time, why the circumstances are NOT attributable to a lack of planning, and what harm the Government will experience if the normal procurement lead times are met).

(3) Receipt of preliminary authorization to proceed from PACA.

(4) Within ten (10) calendar days of issuance of a contract that has been awarded pursuant to preliminary authorization, a formal written request for approval as required by FAR Part 6 shall be submitted to Commandant (G-CPM-S/3). The formal justification shall be written in the past tense, describing what took place rather than what was proposed, and shall include the date that preliminary authorization was granted. In addition, if contract award and approval of the formal justification cannot be accomplished within thirty (30) calendar days after preliminary authorization to proceed, the contracting officer shall notify Commandant (G-CPM-S/3).

CGAP SUBCHAPTER 1206.302-7 Public interest.

(a) Requests for a Secretarial determination under this authority shall be submitted through Commandant (G-CPM-S/3).

CGAP SUBCHAPTER 1206.303-190 Requirements.

(c) Coast Guard class justifications shall be written by Commandant (G-CPM), and will

normally be applicable to the conditions cited in CGAP Subchapter 1206.302-1(b)(4). Contracting offices that identify a need for class justifications shall contact Commandant (G-CPM). Individual deviations to this paragraph are granted in accordance with TAM Subpart 1201.404 .

CGAP SUBCHAPTER 1206.303-290 Content.

(a)(6) Unless an exception under FAR 5.202 applies, a justification for other than full and open competition requiring approval per CGAP Subchapter 1206.304(a), shall not:

(i) be dated by the contracting officer and submitted for processing earlier than fifteen (15) days after the synopsis publication date;

(ii) be submitted prior to the complete resolution of all inquiries, as a result of synopsis notices and/or other legitimate inquiries; and,

(iii) be accompanied by a "sources-sought" notice, in lieu of a synopsis notice for a specific requirement.

CGAP SUBCHAPTER 1206.304 Approval of the justification.

(a) The following approvals are required for Justifications for Other than Full and Open Competition:

Amount	Approving Authority(s)
Not exceeding $500,000	The contracting officer's certification required by FAR 6.303-2(a)(12).
Over $500,000 to $1 Million	Deputy MLC Commander (LANT) for LANT area actions only.
Over $500,000 to $1 Million	Deputy MLC Commander (PAC) for PAC area actions only.
Over $500,000 to $10 Million	Commandant (G-CPM-S/3) for HQ and HQ units
Other actions up to $50 Million	Coast Guard Competition Advocate
Over $50 Million	Coast Guard Competition Advocate and the Vice Commandant and the Senior Procurement Executive

CGAP SUBCHAPTER 1206.305 Availability of the justification.

CGAP SUBCHAPTER 1206.305-90 Justification copies and reviews.

(a) A copy of each approved justification for procurements not exceeding $500,000 shall be forwarded, along with a copy of the synopsis or document containing waiver of synopsis, for after the fact review to the Coast Guard Competition Advocate through the Competition Advocate Assistant, Commandant (G-CPM-S/3), within ten working days of approval. All justifications citing Unusual and Compelling Urgency shall be written in the past tense, describing what was done rather than what was proposed.

(b) All justifications requiring review and approval at the Headquarters or OST level shall be submitted to Commandant (G-CPM-S/3) with a copy of the synopsis or the waiver of synopsis.

(c) All justifications, regardless of the approval required, shall be submitted to Commandant (G-CPM-S/3) through the Procuring Activity Competition Advocate, if one has been appointed.

CGAP SUBCHAPTER 1206.5 COMPETITION ADVOCATES.

CGAP SUBCHAPTER 1206.501 Requirement.

The Coast Guard Competition Advocate is the Director of Finance and Procurement, Commandant (G-CFP).

CGAP SUBCHAPTER 1206.502 Duties and responsibilities.

CGAP SUBCHAPTER 1206.502-90 Additional duties and responsibilities of the Coast Guard Competition Advocate.

In addition to the duties of the Competition Advocate listed under FAR Part 6.502, the Coast Guard Competition Advocate shall review and approve or disapprove written decisions not to exercise options for reprocurement data (see CGAP Subpart 1217.291).

CGAP SUBCHAPTER 1206.502-91 Additional duties and responsibilities of the Procuring Activity Competition Advocate (PACA).

In addition to duties listed under FAR 6.502, the Procuring Activity Competition Advocate (PACA) shall be responsible for those duties as described in individual appointment letters.

CGAP SUBCHAPTER 1206.502-92 Duties and Responsibilities of the COCO under the Competition Advocate Program.

The COCO shall review and identify programs and make recommendations to the Coast Guard Competition Advocate regarding improvements to full and open competition for their office. The COCO is responsible for the prompt implementation of agency directives and compliance with reporting requirements.

CGAP SUBCHAPTER 1206.570 Competition advocates for the procuring activity.

(a) Definition. The Procuring Activity Competition Advocates (PACA) are as follows:

(1) MLC (LANT) - Deputy Commander (md). (LANT area actions only).

(2) MLC (PAC) - Deputy Commander (md). (PAC area actions only).

(3) Commandant (G-CPM-S/3) (HQ and HQ units) (See Standard Distribution List (SDL) at http://cgweb.uscg.mil/g-s/g-si/g-sii/sdl/sdlindex.htm.

All contracting offices shall direct correspondence and inquiries concerning the Coast Guard Competition Advocate Program to their respective PACA, if one has been appointed. Correspondence or inquiries to the Coast Guard Competition Advocate shall be addressed to Commandant (G-CPM-S/3).

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CGAP PART 1207 ACQUISITION PLANNING - (RESERVED)

CGAP CHAPTER 1207 ACQUISITION PLANNING

CGAP SUBCHAPTER 1207.1 ACQUISITION PLANS

CGAP SUBCHAPTER 1207.101 Definitions

"Acquisitions", as used in this chapter, means acquiring by contract, including orders under task or delivery order contracts (for example, Federal Supply Schedule contracts, GWACs, etc.). "Acquisition" also includes intraagency and interagency acquisitions.

CGAP SUBCHAPTER 1207.101-70 Applicability.

(a) In addition to procurement forecasting, an acquisition plan, which contains a plan of action that at a minimum includes milestones for the acquisition cycle, is required to satisfy the acquisition planning requirements of FAR Part 7. Best Practices/Guide 1 can assist in developing acquisition plans and will suffice as one, for acquisitions over the simplified acquisition threshold to $5 million. However, more complex acquisitions may require additional detail. Contracting officers are the approving officials for acquisition plans and updates for acquisitions over the simplified acquisition threshold to $5 million. Commercial item acquisitions valued over the simplified acquisition threshold to $5 million are exempt from the acquisition plan requirement mentioned above.

CGAP SUBCHAPTER 1207.102 Policy.

(b) Interservice Support Agreements (ISSAs), Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA) are legal instruments used to support interagency acquisitions pursuant to statutory authority. These legal instruments must be signed by a contracting officer whenever they are expected to involve an exchange of funds or property during their effective period, even when such an exchange does not occur at the time the instrument is signed. See CGAP Subchapter 1217.5.

CGAP SUBCHAPTER 1207.103-70 Other official's responsibilities.

(d) Competition Advocate. The Procuring Activity Competition Advocate (See CGAP Subchapter 1206.570) is the cognizant competition advocate within the OA who is responsible for reviewing streamlined acquisition plans before they are submitted to the approving official when other than full and open competitive procedures are expected to be used.

CGAP SUBCHAPTER 1207.171 Update, approval, and distribution procedures for (streamlined) acquisition plans.

(b) Approval. For acquisitions valued over $50 million, the Vice Commandant (G-CV) is the approving official for acquisition plans and updates. For acquisitions valued over $5 million but less than $50 million, the contracting officer is the approving official for streamlined acquisition plans and updates.

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CGAP PART 1208 REQUIRED SOURCES OF SUPPLIES AND SERVICES - (RESERVED)

CGAP CHAPTER 1208 REQUIRED SOURCES OF SUPPLIES AND SERVICES

CGAP SUBCHAPTER 1208.7 ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

CGAP SUBCHAPTER 1208.790 Contracting opportunities for the Javit-Wagner-O'Day (JWOD) participating nonprofit agencies employing people who are blind or severely disabled.

(a) Scope. This subsection provides policies and procedures to support Public Law 92-28, the Javits-Wagner-O'Day Act. The primary objective of the Act is to provide jobs for persons with severe disabilities and to promote their placement in competitive industry. The Act established an objective for all Executive agencies to increase the opportunities of the JWOD participating nonprofit agencies employing people who are blind or severely disabled to participate in and benefit from Federal programs. The National Industries for the Blind and the National Industries for the Severely Handicapped (NISH) are the nonprofit agencies designated by the President's Committee for Purchase from the Blind and Other Severely Disabled (CPBOSD) to provide nationwide technical assistance to work centers interested in obtaining Federal contracts under Public Law 92-28. Their national office is located in Arlington, Virginia.

(b) Policy. As required by FAR 7.105(b) and FAR 8.001, contracting officers shall satisfy their needs from and through required sources, inclusive of the procurement lists of supplies/services available from CPBOSD, prior to initiating a commercial buy. Contracting officers shall support the efforts of NISH by responding promptly to requests from NISH for procurement data. One supervisory level above the contracting officer shall resolve any dispute between the contracting officer and the SBS/ASBS.

(c) Encouraging NISH participation in acquisitions.

(1) Commandant (G-CPM) is responsible for implementing the NISH Program for the U.S. Coast Guard. The contracting officer may consult with Commandant (G-CPM).

(2) The current CPBOSD Procurement List and NISH regional offices can be found on the JWOD website at: http://www.jwod.gov/jwod/index.html.

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CGAP PART 1209 CONTRACTOR QUALIFICATIONS - (RESERVED)

CGAP CHAPTER 1209 CONTRACTOR QUALIFICATIONS

CGAP SUBCHAPTER 1209.1 RESPONSIBLE PROSPECTIVE CONTRACTORS

CGAP SUBCHAPTER 1209.105-2 Determinations and documentation.

The contracting officer shall document, on form DOT F 4220.l, Determination of Prospective Contractor Responsibility, whether the prospective contractor is or is not on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

CGAP SUBCHAPTER 1209.2 QUALIFICATIONS REQUIREMENTS

CGAP SUBCHAPTER 1209.202 Policy.

Before submitting to the HCA, in accordance with FAR 9.202, review by the Procuring Activity Competition Advocate is required for all acquisitions subject to the qualification requirements.

CGAP SUBCHAPTER 1209.206 Acquisitions subject to qualification requirements.

CGAP SUBCHAPTER 1209.206-1 General.

Before submitting to the HCA, in accordance with FAR 9.202, review by the Procuring Activity Competition Advocate is required for all acquisitions subject to the qualification requirements.

CGAP SUBCHAPTER 1209.4 DEBARMENT, SUSPENSION, AND INELIGIBILITY

CGAP SUBCHAPTER 1209.404 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

(c)(5) Corrections or updates for internal distribution of the List of Parties Excluded from Federal Procurement and Nonprocurement Programs shall be submitted to Commandant (G-CPM).

CGAP SUBCHAPTER 1209.405 Effect of Listing.

CGAP SUBCHAPTER 1209.405-1 Continuation of current contracts.

All requests shall contain adequate supporting documentation, and describe the circumstances that constitute a compelling reason for award, renewal, or extension.

CGAP SUBCHAPTER 1209.406 Debarment.

CGAP SUBCHAPTER 1209.406-1 General.

(c) The COCO shall submit a written justification to Commandant (G-CPM) that provides the compelling reasons to justify continued business dealings with a contractor that is debarred or proposed for debarment.

CGAP SUBCHAPTER 1209.406-3 Procedures.

(a) Investigation and referral. The COCO report of proposed debarment in accordance with TAM 1209.406-3 shall be coordinated with and concurred by the Office of Procurement Law, Commandant (G-LPL), prior to it being referred to Commandant (G-CPM) for review and consideration. When the COCO report provides sufficient evidence to consider debarment, Commandant (G-CPM) will prepare a memorandum that forwards the report to the debarring official and that provides background information, the basis for debarment, and a recommendation with regard to proposing debarment. If the debarring official approves a recommendation to propose debarment, a notice of proposed debarment shall be issued in accordance to FAR 9.406-3(c). The absence of a referral or any information specified in the COCO report format will not preclude the debarring official from making a finding that the administrative record contains sufficient evidence of one or more causes for debarment.

(b) Decision making process. Commandant (G-CPM) will serve as custodian of the administrative record and will coordinate meetings or fact-finding proceedings and obtain additional information that will assist in and contribute to the decision making process.

(2) In any action not based upon a conviction or civil judgment, the debarring official will determine if the contractor's information and argument in opposition raises a genuine dispute over the material facts.

(i) Commandant (G-CPM) will conduct or coordinate fact-finding proceedings within 45 days after receiving any information and argument in opposition that raises a genuine dispute over the material facts.

(c) Notice of proposal to debar. Commandant (G-LPL) shall concur with the written notice prior to the debarring official signing it; Commandant (G-CPM) will provide a copy of the signed notice to the COCO.

(4) The notice shall advise that if a contractor, or any named affiliate, decides to submit information and argument in person or through a representative, then any written material must be delivered to Commandant (G-CPM) at least 5 working days prior to the presentation.

(d)(2)(i) Commandant (G-CPM) will prepare the findings of fact memorandum for the debarring official.

(e) Notice of debarring official's decision. Commandant (G-CPM) will distribute the copies of the debarring official decision to the offices required at TAM 1209 406-3(e).

CGAP SUBCHAPTER 1209.407 Suspension.

CGAP SUBCHAPTER 1209.407-1 General.

(d) The COCO shall submit a written justification to Commandant (G-CPM) that provides the compelling reasons to justify continued business dealings with a suspended contractor.

CGAP SUBCHAPTER 1209.407-3 Procedures.

(a) Investigation and referral. The COCO report of proposed suspension in accordance with TAM 1209.406-3 shall be coordinated with and concurred by the Office of Procurement Law, Commandant (G-LPL), prior to it being referred to Commandant (G-CPM) for review and consideration. When the COCO report provides sufficient evidence to consider suspension, Commandant (G-CPM) will prepare a memorandum that forwards the report to the suspending official and that provides background information, the basis for suspension, and a recommendation with regard to suspending. If the suspending official approves a recommendation to suspend, a notice of suspension shall be issued in accordance to FAR 9.407-3(c). The absence of a referral or the absence of any information specified in the COCO report format will not preclude the suspending official from making a finding that the administrative record contains sufficient evidence of one or more causes for suspension.

(b) Decision making process. Commandant (G-CPM) will serve as custodian of the administrative record and will coordinate meetings or fact-finding proceedings and obtain additional information that will assist in and contribute to the decision making process.

(2) In any action not based on an indictment, the suspending official will determine if the contractor's information and argument in opposition raises a genuine dispute over the material facts.

(i) Commandant (G-CPM) will conduct or coordinate fact-finding proceedings within 45 days after receiving any information and argument in opposition that raises a genuine dispute over the material facts.

(c) Notice of Suspension. Commandant (G-LPL) shall concur with the written notice prior to the suspending official signing it. Also, Commandant (G-CPM) shall notify OSPE prior to submitting the notice of suspension to the suspending official for signature and will provide a copy of the notice to the COCO once signed.

(5) The notice shall advise that if a contractor, or any named affiliate, decides to submit information and argument in person or through a representative, then any written material must be delivered to Commandant (G-CPM) at least 5 working days prior to the presentation.

(d) Suspending official's decision. Commandant (G-CPM) will distribute the copies of the suspending official's decision to the offices required at TAM 1209 407-3(d).

CGAP SUBCHAPTER 1209.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.

(a)(2) COCOs shall fax the affirmative certification from the clause at FAR 52.209-5, proposed responsibility determination, and the legal counsel review to Commandant (G-CPM), who will notify the HCA.

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CGAP PART 1210 MARKET RESEARCH - (RESERVED)

CGAP CHAPTER 1210 MARKET RESEARCH

CGAP SUBCHAPTER 1210.002 Procedures.

(b)(2)(i) The activity Small Business Specialist/Assistant Small Business Specialist (SBS/ASBS) should be contacted by technical and contracting personnel in order to assist in market research and identify potential small business sources. Results of the market research shall be summarized and submitted with the Small Business Review Form, CG 5080 (See CGAP Subchapter 1219.501(b)).

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CGAP PART 1211 DESCRIBING AGENCY NEEDS

CGAP SUBPART 1211.5 LIQUIDATED DAMAGES

CGAP SUBPART 1211.502 Procedures.

If a liquidated damages clause is to be used in a contract, the contracting officer shall document the contract file addressing the reasons for including a liquidated damages clause and the basis for determining the rate of liquidated damages. The contracting officer should obtain the advice of legal counsel. See CGAP Subchapter 1214.201-91 for liquidated damages under ship repair contracts.

END OF CGAP PART 1211

CGAP CHAPTER 1211 DESCRIBING AGENCY NEEDS

CGAP SUBCHAPTER 1211.002 Policy.

(b) See the CG Transition to the Metric System, COMDTINST 5711.2 (series), for Coast Guard's requirements regarding metric.

(c) Customers (program offices, requiring activities, etc.) are responsible for determining the sensitivity of their requirements documents (for example, specifications, standards, related drawing and diagrams, schedules, etc.) for the purpose of posting these documents on the internet (See FAR 5.102). Procurement request packages shall indicate those requirements documents that are sensitive; lack of any such indication presumes the documents to be not sensitive in nature. Contracting officers will safeguard sensitive procurement related information in a manner commensurate with the sensitivity indicated by the customer.

CGAP SUBCHAPTER 1211.6 PRIORITIES AND ALLOCATIONS

CGAP SUBCHAPTER 1211.603 Procedures.

(e) and (f) The contracting officer shall contact Commandant (G-CPM-2) immediately upon identifying a need to assign a DX rating to any document, and prior to any such assignment.

(g) The designated point of contact to assist contracting offices with requests for Special Priorities Assistance (SPA) is Commandant (G-CPM-2). Upon receipt of a Form ITA-999, Request for Special Priorities Assistance, the contracting officer shall ensure that the form is complete and the information is accurate. If the request for assistance cannot be resolved by the contracting officer, the contracting officer shall attach the information required for Blocks 18(a) through (c) and 19(e) through (g) to Form ITA-999 and forward the complete package to Commandant (G-CPM-2) for further action.

(h) The contracting officer shall provide a written report of any violations of the Defense Priorities and Allocations System (DPAS) to Commandant (G-CPM-2) for review and forwarding to Department of Commerce.

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CGAP PART 1212

CGAP CHAPTER 1212

ACQUISITION OF COMMERCIAL ITEMS

(RESERVED)

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CGAP PART 1213 SIMPLIFIED ACQUISITION PROCEDURES - (RESERVED)

CGAP CHAPTER 1213 SIMPLIFIED ACQUISITION PROCEDURES

CGAP SUBCHAPTER 1213.000 Scope of part.

The Coast Guard Simplified Acquisition Procedures Handbook**,** COMDTINST M4200.13 (series), prescribes policies, procedures, and provides guidance for the acquisition of supplies, services, and construction when the aggregate value of the acquisition is $100,000 or less. Copies of the manual may be ordered per the instructions in the Directives, Publications, Reports Index, COMDTNOTE 5600. The Simplified Acquisition Procedures Handbook, COMDTINST M4200.13(series) is also available in electronic format on the Coast Guards Procurement Management Home Page under "Directives" at http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm. For those contracting offices with simplified acquisition procedure authority the reporting requirements at CGAP Subchapter 1204.602 are required to capture all awards over $25,000 and modifications to those awards for any value.

CGAP SUBCHAPTER 1213.5 TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS

CGAP SUBCHAPTER 1213.501-90 Special documentation requirements.

(a)(2)(ii) The approval levels for sole source justifications under FAR 13.501(a)(2)(ii) are the same as those detailed in CGAP Subchapter 1206.304(a).

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CGAP PART 1214 SEALED BIDDING - (RESERVED)

CGAP CHAPTER 1214 SEALED BIDDING

CGAP SUBCHAPTER 1214.2 SOLICITATION OF BIDS

CGAP SUBCHAPTER 1214.201 Preparation of invitations for bids.

CGAP SUBCHAPTER 1214.201-8 Price related factors.

CGAP SUBCHAPTER 1214.201-890 Price related factors in the award of vessel repair contracts.

(a) Foreseeable costs in connection with the differences of shipyard locations in the award of commercial vessel repair contracts must be evaluated under both sealed bidding and competitively negotiated acquisitions. The contracting officer will determine the applicability of these costs based on the circumstances of each acquisition. Among those that commonly apply (this list is not inclusive) are:

(1) Travel and per diem.

(2) Berthing and/or messing shipboard personnel.

(3) Minimal messing facilities as a contractual requirement.

(4) Family Separation allowance, U.S. Coast Guard Pay Manual, Commandant Instruction M7220.29, Chapter 3-F.

(5) Transportation during repairs away from homeport (Joint Federal Travel Regulations, Chapter 5, Part C, paragraph U5222 and Chapter 7, Part F, paragraph U7115).

(6) Costs related to moving vessels. Operating costs shall be included in all solicitations where work will not be accomplished at the vessel's home pier. For vessels 65' in length or greater with a dedicated crew, use the standard rates posted at the following Commandant (G-CFP) link: http://cgweb.comdt.uscg.mil/g-cfp/finance/sr/costtable.doc For those vessels which no rate is provided, the contracting officer must develop a rate for movement of the vessel which includes at a minimum the cost of fuel. Personnel crew cost is excluded. Documentation in the evaluation of foreseeable cost shall reference each different geographical area (city and state) in which solicited contractors are located, rather than citing the individual contractors themselves. Documentation shall also identify how foreseeable costs are developed. For example, tables or indices from which costs are extracted shall be referenced. Mileage shall be calculated in accordance with MLCv SOPs, which have been approved by the Senior Competition Advocate(G-CFP). Any deviation from approved SOPs shall be approved by Commandant (G-CFP), in advance of any solicitation being issued.

(b) Contracting officers shall include the following provisions under Sections K and M, respectively, in certain commercial vessel repair solicitations:

LOCATION OF OFFEROR'S COMMERCIAL SHIPYARD

In order for the contracting officer to evaluate certain foreseeable costs to the Coast Guard that will vary with the location of the commercial shipyard to be used by the offeror as further defined in

Section M, Evaluation Factors for Award, the offeror is required to provide in the space below the exact location of the shipyard to be used to perform the services required under this solicitation.

_____

_____

_____

The offeror is cautioned that its failure to provide the location of its commercial shipyard in the space provided above may result in its bid being declared nonresponsive under the provisions of an Invitation for Bids or its proposal being declared deficient under the terms of a Request for Proposal.

(end of provision)

FORESEEABLE COST FACTORS PERTAINING TO DIFFERENT SHIPYARD LOCATIONS

In addition to other evaluation factors for award that may be listed in this solicitation, the contracting officer will evaluate certain foreseeable costs to the Coast Guard that will vary with the location of the commercial shipyard to be used by offerors. Costs will be calculated based on the offeror's shipyard location and these costs will be added, for the purposes of evaluation only, to the offeror's overall bid price or price proposal. These elements of foreseeable costs consist of the following: (contracting officer shall list those applicable foreseeable cost elements as detailed under CGAP 1214.201-890, in addition to any others that may apply to the acquisition).

(end of provision)

CGAP SUBCHAPTER 1214.201-90 Contingent items for ship repair.

The inclusion of contingent line items in solicitations for ship repair is prohibited.

CGAP SUBCHAPTER 1214.201-91 Liquidated damages for ship repair.

Prior to including a liquidated damages clause for damages in excess of $500 per day in any solicitation or contract for ship repair, the contracting officer shall obtain local legal counsel approval of the amount and specific method of determining such amount.

CGAP Subchapter 1214.201-92 Prohibition on foreign ship repair for ships homeported in the United States.

Any overhaul, repair, or maintenance of a Coast Guard vessel, the homeport of which is in a state of the United States, shall be accomplished within the United States. However, an exception for emergency voyage repairs outside the United States may be permitted if approved in advance by the HCA. In such a case, the cognizant COCO shall submit the written justification for a determination that there are compelling reasons permitting performance of emergency voyage repairs outside the United States to the HCA via Commandant (G-CPM).

CGAP SUBCHAPTER 1214.290 Geographical restriction for vessel repair contracts.

(a) Solicitations (IFBs and RFPs) may require that contract performance be restricted to a specific geographical area when the contracting officer determines in writing that adequate

competition (two or more responsive, responsible offerors) exists, or when a Justification for Other Than Full and Open Competition (JOTFOC), supporting the decision to award the contract on a sole source basis, is prepared and approved, and one of the following conditions is satisfied:

(1) The Area or District Commander with operational control of the vessel determines in writing that such a restriction is necessary, with respect to the instant availability, to allow the vessel to meet its operational requirements as promulgated by COMDTINST 3100.5 (series), Cutter Employment Standards.

(2) The Area Commander determines in writing that the physical condition of the vessel requires such a restriction for safety reasons.

(3) The Area or District Commander with operational control of the vessel determines in writing that such a restriction is necessary, with respect to the instant availability, because of specific mission requirements, and describes the requirements in detail.

(4) The Area Commander determines, in writing, that one or more class restrictions are necessary for one or more of the reasons in (a)(1), (a)(2), and/or (a)(3) above. Any such class restriction shall be revalidated at least annually.

(b) A copy of any such class restriction shall be forwarded to the Coast Guard Assistant Competition Advocate, Commandant (G-CPM-S/3).

(c) The contracting officer shall insure that the file contains the proper documentation prior to publicizing or issuing any solicitation restricting performance to a specific geographical area.

CGAP SUBCHAPTER 1214.4 OPENING OF BIDS AND AWARD OF CONTRACT

CGAP SUBCHAPTER 1214.407 Mistakes in bids.

CGAP SUBCHAPTER 1214.407-3 Other Mistakes disclosed before award.

(i) Doubtful cases involving an agency advance decision from the Comptroller General must be coordinated with appropriate legal counsel.

CGAP SUBCHAPTER 1214.407-4 Mistakes after award.

(d) The contracting officer shall follow procedures in CGAP Subchapter 1233.2 upon a contractor's appeal to any contracting office's final decision, which denies the adjustment or entitlement after contract award.

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CGAP PART 1215 CONTRACTING BY NEGOTIATION

CGAP SUBPART 1215.6 UNSOLICITED PROPOSALS

CGAP SUBPART 1215.606 Agency procedures.

(a) The COCO is designated as the point of contact within the contracting office who is responsible for ensuring proper receipt, handling, evaluation and timely disposition of unsolicited proposals. The COCO shall maintain a procedure for receiving, handling, evaluating, and disposing of unsolicited proposals; this procedure shall track each unsolicited proposal received and processed.

CGAP SUBPART 1215.606-1 Review and initial review.

(b) Acknowledging receipt shall be made to the offeror in writing and no later than ten working days after receiving an unsolicited proposal. The letter acknowledging receipt shall inform the offeror that its proposal has been forwarded for evaluation, which should be completed within the next 60 days.

(c) When an unsolicited proposal is rejected, the unsolicited proposal shall be returned to the offeror no later than ten working days after receiving it. Accompanying the proposal shall be a letter explaining the reasons for rejection.

CGAP SUBPART 1215.606-2 Evaluation.

(b) When the evaluation is complete, the evaluators shall document the basis for their recommendations. This evaluation report shall address the factors at FAR 15.606-2(a), the need for the proposed supplies or services, the availability of the supplies or services from other sources, the availability of funds, and any other factor deemed appropriate by the contracting office.

END OF CGAP PART 1215

CGAP CHAPTER 1215 CONTRACTING BY NEGOTIATION

CGAP SUBCHAPTER 1215.2 SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

CGAP SUBCHAPTER 1215.201-90 Exchange with industry before receipt of proposals.

Any changes to a solicitation (including the specifications) resulting from a preproposal conference must be specifically addressed in an amendment to the solicitation. While all prospective offerors should receive a copy of the minutes of the preproposal conference, the minutes shall not be used as a means of amending the solicitation.

CGAP SUBCHAPTER 1215.3 SOURCE SELECTION

CGAP SUBCHAPTER 1215.300 Scope of subpart.

The following Best Practices/Guides are optional and moved to the Commandant (G-CPM) website http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm under Best Practices/Guides. These guides are solely provided to assistance in evaluating proposals and selecting sources.

Best Practices/Guide 2,	Source Selection Procedures for Negotiated Acquisitions Valued Less Than or Equal to $50 Million
Best Practices/Guide 3,	Source Selection Procedures for Negotiated Acquisitions Valued Over $50 Million

CGAP SUBCHAPTER 12l5.303 Responsibilities.

(a) For acquisitions valued over $50 million, the HCA is designated the SSA. On a case-by-case basis, a Flag or SES level official may be delegated the SSA on a specific acquisition. Because delegations require Commandant (G-C) approval, contact Commandant (G-CPM) to coordinate delegation requests, which must be submitted via Commandant (G-CPM).

CGAP SUBCHAPTER 1215.304 Evaluation factors and significant subfactors.

(e) Numerical weights, if used in the evaluation of proposals, shall not be disclosed in the solicitation (e.g., technical – 50 points; management – 30 points).

CGAP SUBCHAPTER 1215.306-90 Exchanges with offerors after receipt of proposals.

All exchanges with offerors after receiving proposals shall be approved or conducted by the contracting officer.

CGAP SUBCHAPTER 1215.4 CONTRACT PRICING

CGAP SUBCHAPTER 1215.403 Obtaining cost or pricing data.

CGAP SUBCHAPTER 1215.403-4 Requiring cost or pricing data.

In making the determination as to the applicability of requiring certified cost or pricing data, the contracting officer shall take into account the estimated amount for any option items when establishing the total estimated amount of the action.

CGAP SUBCHAPTER 1215.403-570 Instructions for submission of cost or pricing data or information other than cost or pricing data.

When an offeror refuses to provide needed data or to take corrective action, the matter shall be referred to the COCO.

CGAP SUBCHAPTER 1215.404 Proposal Analysis.

CGAP SUBCHAPTER 1215.404-2 Information to support proposal analysis.

CGAP SUBCHAPTER 1215.404-290 Requesting and handling audits or other field pricing reports.

(a) Procedures for requesting and handling audits or other field pricing reports can be found at CGAP Subchapter 1242.101.

CGAP SUBCHAPTER 1215.404-4 Profit.

(b) When cost analysis is required to determine the cost realism and reasonableness for awards and modifications (including modifications to contracts awarded by sealed bidding) valued over $2,500 up to $100,000, contracting officers shall document the basis for determining profit or fee objectives. For such actions valued over $100,000 where cost analysis is required to determine cost realism and reasonableness, the structured approach prescribed by TAM 1215.404-4(b) shall be used to determine the profit or fee objective.

CGAP SUBCHAPTER 1215.406 Documentation.

CGAP SUBCHAPTER 1215.406-170 Prenegotiation objectives.

(a) COCOs shall establish and maintain local standardized procedures that meet the requirements in FAR 15.406-1 and TAM 1215.406-1 for documenting prenegotiation objectives. The following Guides are optional and moved to the Commandant (G-CPM) website http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm under Best Practices/Guides. Their use is encouraged when negotiations are needed:

(1) Pre/Price Negotiation Memorandum, Best Practices/Guide 4, may be used as a Pre/Price Negotiation Memorandum for acquisitions valued at or below $100,000.

(2) Prenegotiation Memorandum, Best Practices/Guide 5, may be used as a Prenegotiation Memorandum for acquisitions (including modifications) valued over $100,000.

(3) Under Best Practices/Guide 3, the Competitive Range recommendation report may serve as the Prenegotiation Memorandum, provided it meets the requirement in FAR 15.406-1 and TAM 1215.406-1.

(b) Consistent with TAM 1204.7003, actions valued over $500,000 shall be reviewed and approved by an individual at least one level above the contracting officer responsible for the acquisition; for actions at or below $500,000, the contracting officer is the approving official.

CGAP SUBCHAPTER 1215.406-370 Documenting the negotiation.

(a) For acquisitions (including modifications) at any value, the elements required for documenting the negotiation at FAR 15.406-3 govern and must be fully addressed and met. The following Guides are optional and moved to the Commandant (G-CPM) website http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm under Best Practices/Guides. Their use is encouraged when negotiations are needed:

(1) Pre/Price Negotiation, Best Practices/Guide 4, may be used for acquisitions (including modifications) valued at or below $100,000.

(2) Price Negotiation Memorandum (PNM), Best Practices/Guide 6, may be used for acquisitions (including modifications) valued over $100,000.

(3) Under Best Practices/Guide 3, the Final SEB Report may serve as the Price Negotiation Memorandum, provided it addresses and meets all the required elements at FAR 15.406-3.

(b) Consistent with TAM 1204.7003, actions valued over $500,000 shall be reviewed and approved by an individual at least one level above the contracting officer responsible for the acquisition; for actions at or below $500,000, the contracting officer is the approving official.

CGAP PART 1216 TYPES OF CONTRACTS

CGAP SUBPART 1216.5 INDEFINITE DELIVERY CONTRACTS

CGAP SUBPART 1216.505 Ordering.

(b)(4) The Assistant Competition Advocate is designated as the QA Task and Delivery Order Ombudsman, Commandant (G-CPM-S/3).

END OF CGAP PART 1216

CGAP CHAPTER 1216 TYPES OF CONTRACTS - (RESERVED)

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CGAP PART 1217 SPECIAL CONTRACTING METHODS

CGAP SUBPART 1217.2 OPTIONS

CGAP SUBPART 1217.291 Options for reprocurement data.

Solicitations for the initial buy or subsequent buys for equipment or systems requiring spare parts, shall, at a minimum, contain optional provisions for acquiring reprocurement data to perform follow-on competitive acquisitions. If at any time during the acquisition cycle, a decision is made not to exercise an option for reprocurement data, a copy of that decision and supporting data shall be forwarded to the Coast Guard Senior Competition Advocate, Commandant (G-CFP), through the Competition Advocate Assistant, Commandant (G-CPM-S/3). The data should be submitted in time to allow for review and approval or disapproval before the date in which the option must be exercised expires. This requirement does not apply to acquisitions below the simplified acquisition threshold, purchases under Federal Supply Schedules, and purchases of equipment for which spare parts are available competitively in the open market.

CGAP SUBPART 1217.71 ENERGY SAVINGS PERFORMANCE CONTRACTS

CGAP SUBPART 1217.7100 Policy.

Proposed actions under this section must be coordinated with Commandant (G-CPM).

CGAP SUBPART 1217.92 Contracting for containment and clean- up of oil and hazardous substances spills.

CGAP SUBPART 1217.9210 Clause.

Contracting officers shall include the following clause under Section H of all solicitations and contractual documents for the containment and cleanup of oil spills. Additional paragraphs may be added to the clause to include specific instructions, if appropriate.

SALVAGEABLE PRODUCTS

Salvageable products, and the proceeds derived from them, shall become the property of the government. If the substances recovered from cleanup and containment operations are salvageable, the Government may elect to have the contractor transport such recovered substances to a Government-specified storage site or directly to a commercial salvage company. If the Government elects to have the contractor deliver the recovered substances to a commercial salvage company, the contractor shall obtain receipts for payment and these payments shall be applied as a credit to the contract. If the balance of allowable contracts costs is less than the credit for recovered substances, the contractor shall reimburse the Government for the difference.

(end of clause)

END OF CGAP PART 1217

CGAP CHAPTER 1217 SPECIAL CONTRACTING METHODS

CGAP SUBCHAPTER 1217.1 MULTI-YEAR CONTRACTING

CGAP SUBCHAPTER 1217.105 Policy.

CGAP SUBCHAPTER 1217.105-1 Uses.

(b) Each approval request must address paragraphs (1) through (5) at FAR 17.105-1(b).

CGAP SUBCHAPTER 1217.5 INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT

CGAP SUBCHAPTER 1217.501 Definition.

Contracting Officer. "Contracting officer" as used in this subchapter, means a Coast Guard warranted contracting officer.

ISSA, MOU, or MOA.

(a) Interservice Support Agreements (ISSAs), Memorandums of Understanding (MOU) and Memorandums of Agreement (MOA) are legal instruments used to support interagency acquisitions under the Economy Act and other statutory authority. These legal instruments must be signed by a contracting officer whenever they are expected to involve an exchange of funds or property during their effective period, even when such an exchange does not occur at the time the instrument is signed. Legal instruments that encompass a contingent liability, such as damage to bailed property, also must be signed by a contracting officer.

(b) The contracting officer signing the instrument shall have the signature authority, which meets or exceeds the estimate/dollar amount of the legal instrument involved.

(c) The following transactions are not subject to the FAR and do not require approval/signature of a warranted contracting officer: leases, utility payments under host/tenant agreements, host/tenant agreements or other related support agreements, any real estate transaction effected under the Federal Property Management Regulations or the Uniform Relocation Assistance and Real Property Acquisition Regulations.

CGAP SUBCHAPTER 1217.502 General.

(c) Commandant Instruction 5224.3, Performance of Commercial Activities, contains Coast Guard guidance with respect to OMB Circular A-76 and using Interservice Support Agreements.

CGAP SUBCHAPTER 1217.504-90 Ordering procedures.

(a) An interagency acquisition is defined as a procedure by which an agency (the requesting agency) obtains supplies or services from another agency (the servicing agency). Interagency acquisitions for the Coast Guard are normally accomplished by a Military Interdepartmental Purchase Request (MIPR). A MIPR is a document (DD Form 448) that is used to place an order for supplies or services with a military servicing agency or a civilian servicing agency if acceptable to that civilian agency. Enclosure (3), Military Interdepartmental Purchase Request (MIPR), sets forth the procedures that must be followed to place orders for supplies and nonpersonal services with a with a military servicing agency or a civilian servicing agency.

(b) Procedures in this subchapter and enclosure (4) allow servicing agencies to either pay costs from their own funds (subject to reimbursement via an interagency billing process) or to

arrange for its contractors to bill the Coast Guard directly. The reimbursement method is generally known as a Category I MIPR and the direct fund citation method is identified as Category II (for a fuller explanation see enclosure (4), pages 4 and 5). Both contracting and technical personnel should be aware that DOD billing delays can be quite lengthy and initial DOD billing may lack specific information needed to properly charge costs to the correct appropriation, allotment fund control codes (AFCs), or projects. Category I MIPRS, therefore, are the least advantageous from a funds management perspective and may cause considerable difficulty for the technical or project office. Category I MIPR's should be carefully considered for projects using AC&I funds, AFC 41,42,43, or 45, or which involve service delivery over more than a single fiscal year. Where the servicing agency will not accept a Category II MIPR, explicit instructions concerning billing information shall be included on the MIPR form (block (a)) or in an attached statement of work.

CGAP SUBCHAPTER 1217.570 Signature authority.

Contracting officers shall have the signature authority, which meets or exceeds the estimate/dollar amount of the interagency agreement.

CGAP SUBCHAPTER 1217.90 Acquisition of Products/Services with Special Coast Guard Considerations – Reserved.

CGAP SUBCHAPTER 1217.91 Coast Guard Procedures for Special Contracting Requirements.

CGAP SUBCHAPTER 1217.9100 Contracting for Quarters.

Guidelines for rates for contract quarters are contained in Appendix B of the Joint Travel Regulation for temporary duty outside the continental United States. Appendix D of the Joint Travel Regulation contains the rates for temporary duty within the continental United States. These rates are subject to change monthly so every effort should be made to obtain the most recent information possible.

CGAP SUBCHAPTER 1217.9101 Contracting for Subsistence Services.

When Government dining facilities are unavailable (temporarily suspended), contracting officers are authorized to contract for subsistence services to include both facilities and meal catering. Guidelines on authorization for subsistence support of Coast Guard Dining Facilities (CGDFs) and Private Messes Afloat (PMA) are in the Coast Guard Food Services Manual COMDTINST M4061.5 (Series).

CGAP SUBCHAPTER 1217.9102 Contracting for Meals and Refreshments.

Approval of the COCO shall be obtained when expected amounts for contracted meals exceeds 150% of the fixed daily allowance provided in the Federal Travel Regulations (FTR) and Joint Federal Travel Regulation (JFTR).

CGAP SUBCHAPTER 1217.92 Contracting for Containment and Clean-up of Oil and Hazardous Substances Spills.

CGAP SUBCHAPTER 1217.9200 Scope of subchapter.

The Coast Guard responsibilities for the removal of oil and hazardous substances in waterways and adjoining shorelines are specified in the National Contingency Plan, 40 CFR 300, the Federal Water Pollution Control Act of 1971, as amended, the Comprehensive Environmental Response Cleanup and Liability Act (CERCLA) of 1980, as amended, and the Oil Pollution Act (OPA) of 1990.

CGAP SUBCHAPTER 1217.9201 General.

In order to expedite the processing of contracts for containment and clean-up of oil and hazardous substance spills, the preferred Coast Guard method of contracting is through the placement of orders against Basic Ordering Agreements (BOAs) as defined in FAR 16.703, using a time and materials pricing arrangement; however, other methods of contracting can be used when appropriate.

CGAP SUBCHAPTER 1217.9202 Reserved.

CGAP SUBCHAPTER 1217.9203 Competition.

(a) The nature of contracting for containment and clean-up of oil and hazardous substances makes full and open competition impossible; however, competition shall be obtained to the maximum extent possible as governed by the response time needed in any given emergency. These conditions are documented by Commandant (G-CPM) in a Class Justification for Other Than Full and Open Competition which Coast Guard contracting officers can use for all contracts and orders for oil and hazardous substance clean-up services.

(b) Market Survey. MLC contracting officers shall conduct market surveys for additional sources every three years, using synopses and other appropriate techniques. Any sources expressing an interest in a BOA in the interim shall be provided a solicitation.

(c) Service Contract Act wage determinations. MLC contracting officers shall request wage determinations on an annual basis, or as required, from the Department of Labor (DOL). If possible, the DOL should be requested to make the wage determinations applicable to all contracts for oil and hazardous substance containment and cleanup services in the same geographic areas.

(d) Competition Documentation for each Incident. Orders against BOAs shall not be awarded on a rotational basis among qualified contractors without pricing considerations. Orders shall be awarded to the contractor who offers the lowest price for those response times determined adequate considering the circumstances involved. Contracting officers (includes OSCs) shall document the following information, which shall be included in each order file:

(1) The action(s) taken to obtain competition or the reasons(s) why competition was not feasible.

(2) The name(s) and point(s) of contact for the contractor(s) contacted.

(3) The rationale for awarding an order to the successful offeror.

(4) A written determination that the Service Contract Act applies if the incident is for services and exceeds $2,500. If the incident requires construction that exceeds $2,000, the OSC shall contact the MLC contracting officer to determine whether the Davis Bacon Act has been incorporated into the BOA. If the Davis Bacon Act has been incorporated into the BOA, provide a written determination that the Davis Bacon Act applies. If the Davis Bacon act has not been incorporated into the BOA, and the incident requires construction that exceeds $2,000, the MLC

contracting officer must contract for the required construction.

CGAP SUBCHAPTER 1217.9204 Authorization to proceed.

(a) Coast Guard OSCs shall issue a written Authorization to Proceed (ATP) when it becomes necessary to authorize a contractor to commence performance of oil or hazardous substance clean-up services against existing BOAs. ATPs shall not exceed $25,000 per incident. During the initial stages of an incident, OSCs may verbally authorize a contractor to commence performance, provided an ATP is issued within 24 hours confirming the verbal authorization. As a minimum, the ATP shall include reference to: (1) the Federal Project Number; (2) the BOA number; (3) maximum dollar value of the commitment; (4) cognizant MLC point of contact; (5) accounting office address; (6) contractor's name, address, point of contact, and signature; and (7) name and signature of the OSC.

(b) The Coast Guard OSC shall notify the MLC(fcp) by message and/or forward a copy of the ATP by overnight mail or FAX within 24 hours after issuance of the ATP.

(c) The Coast Guard OSC shall prepare all competition documentation required by CGAP Subchapter 1217.9203 and provide it, along with a copy of the ATP, to the MLC(fcp) within 3 days after issuance of the ATP.

(d) This subchapter is not mandatory for Coast Guard OSCs in the MLCPAC area when the incident is $50,000 or less. When the incident is within this threshold, the Coast Guard OSC shall prepare and distribute the order. The Coast Guard OSC shall forward a copy of the order and the supporting competition documentation required by CGAP Subchapter 1217.9203 to MLCPAC(fcp) within 3 days of the incident.

(e) This subchapter is also not mandatory for Coast Guard OSCs in the MLCLANT area if all of the following conditions apply: the COCO of MLCLANT(fcp) authorizes the applicable OSC to prepare and distribute the BOA order; the incident is $50,000 or less; and the OSC forwards a copy of the BOA order and the supporting competition documentation required by CGAP Subchapter 1217.9203 to MLCLANT(fcp) within 3 days of the incident.

CGAP SUBCHAPTER 1217.9205 Issuing orders against BOAs.

The MLC(fcp) shall review the ATP issued by the OSC and issue the confirming BOA order, except see CGAP Subchapter 1217.9204(d) and (e) above. The MLC(fcp) shall distribute the order to the Coast Guard Finance Center within 7 working days of an incident for the purpose of documenting and recording the obligation of funds. All invoices will be paid by the Coast Guard Finance Center.

CGAP SUBCHAPTER 1217.9206 BOA order number.

The BOA order number (delivery or task) consists of the BOA contract number plus the individual order number. The individual order number shall be consistent with the procedure set forth at CGAP Subchapter 1204.602-7203. If additional identification is needed, i.e., FPN, MSO port code, number of orders per incident, the identification shall be placed on the order in such a location as to separate it from the order number.

CGAP SUBCHAPTER 1217.9207 BOA order, file documentation, and file maintenance.

Issuance of the BOA order, file documentation, and file maintenance is the responsibility of

the MLC(fcp), except see CGAP Subchapter 1217.9204(d) and (e) above. The following minimum file documentation must be maintained for each order issued against a BOA: (1) a copy of the CANAPS generated message that assigns the FPN and fund ceiling (this normally includes evidence of funds availability); (2) a record of the sources contacted or, if only one source was contacted, the reasons why competition was not feasible and why the particular contractor was selected (this record should include dates, names of individuals, companies, and factors influencing choice); (3) a copy of the ATP issued by the OSC and all competition documentation required by CGAP Subchapter 1217.9203; (4) a copy of the order issued on a OF-347; (5) modifications, if any, to the order issued on an SF-30; and (6) copies of invoices certified by the OSC together with supporting documentation.

CGAP SUBCHAPTER 1217.9208 Non-BOA purchases of supplies/services.

When supplies or services are required that are not covered under an existing BOA, the requirement shall be referred to the MLC contracting officer.

(a) Contracting Authority (Other than OSC). If the MLC(fcp) contracting officer agrees, a field contracting activity may elect to issue purchase orders for non-BOA supplies or services if the requirement is within, and is not likely to exceed at some future date, the field activities' contracting authority.

(b) OSC Contracting Authority. If the MLC(fcp) contracting officer cannot be contacted in a timely manner, Coast Guard OSCs are authorized to issue purchase orders for non-BOA supplies or services, on an emergency basis only, not to exceed $25,000 per incident. The OSC must contact the MLC(fcp) by message and/or forward a copy of the purchase order and competition documentation required by CGAP Subchapter 1217.9203 by overnight mail or FAX within 24 hours after exercising this authority. If a message is used to notify the MLC(fcp), all information contained in the purchase order and the competition documentation must be summarized in the message. The OSC, in his/her contracting officer capacity, is required to advise the contractor, when any purchase order for services exceeding $2,500 is issued, that the Service Contract Act of 1965, as amended, is applicable.

CGAP SUBCHAPTER 1217.9209 Disposal of salvageable products.

OSCs shall keep an accurate record of the quantity of recovered product suitable for reclamation or sale. The General Services Administration has declined to take custody of any recovered oil since they do not have appropriate storage facilities. The contracting officer may initiate action for sale of the recovered oil, with the proceeds being applied as a credit to the clean-up costs.

CGAP PART 1218

CGAP CHAPTER 1218

(RESERVED)

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CGAP PART 1219 SMALL BUSINESS PROGRAMS - (RESERVED)

CGAP CHAPTER 1219 SMALL BUSINESS PROGRAMS

CGAP SUBCHAPTER 1219.2 POLICIES

CGAP SUBCHAPTER 1219.201 General policy.

(c) The Coast Guard's Small Business Program Officer is Commandant (G-CPM-S/l) and shall be an appointed Small Business Specialist (SBS). The Coast Guard's SBS shall be appointed by the Director of Finance and Procurement, as delegated by TAM 1219.201(c). The SBSs shall be responsible for the tasks outlined in TAM 1219.201(e). Tasks may be further delegated by the SBS to designated Assistant Small Business Specialists (ASBSs) in cooperation with Commandant (G-CPM-S/l).

CGAP SUBCHAPTER 1219.202 Specific policies.

CGAP SUBCHAPTER 1219.202-270 Procurement forecast.

(b)(1) **Responsibility**. The Small Business Program Officer, Commandant (G-CPM-S/1), is responsible for collecting, analyzing, and submitting all procurement forecast items to S-40. Contract opportunities valued over $100,000 are those new opportunities inclusive of options. This does not apply to: options and delivery/task orders under current contracts, and military interdepartmental purchase requests. For planning purposes, the cognizant Small Business Specialist/Assistant (SBS) is encouraged to review all completed procurement forecast items. Electronic preparation of the forecast is discussed in (b)(2) below.

(b)(2) **Preparation and approval.** Preparation and submission of the data elements in DOT F 4220.12 in an Excel Spreadsheet format are preferred; however, to ensure uniformity, arrangements must be made with Commandant (G-CPM-S/1) prior to preparation. Each procurement forecast and update shall be approved by the cognizant COCO. This approval may be accomplished either on each DOT Form F 4220.12 or via a cover memorandum on DOT F Form 4220.12's that have been grouped together for submission. A copy of the approved procurement forecast for each proposed acquisition in the upcoming fiscal year shall be grouped together and submitted by each COCO to Commandant (G-CPM-S/1) no later than August 15. Updates to current forecasted items and new approved forecasted items shall be grouped together and submitted to Commandant (G-CPM-S/1) no later than March 15. Report number RCN-4200-3 applies.

CGAP SUBCHAPTER 1219.202-5 Data collection and reporting requirements.

CGAP SUBCHAPTER 1219.202-590 Submission of 10 USC 2323 Data.

In accordance with 10 U.S.C.2323, as amended, which governs contract goals for small disadvantaged businesses and certain institutions of higher education, contracting officers shall incorporate the following clause in Section H of solicitations and contracts issued after 1 October 1995:

"Federal law (10 U.S.C. 2323, as amended), requires submission of data on contracts and subcontracts awarded to small disadvantaged businesses, historically black colleges and universities, and minority institutions. The contractor agrees to submit, upon request from the

contracting officer, such information as may be required by the government to meet the reporting requirements under the applicable law."

CGAP SUBCHAPTER 1219.5 SET-ASIDES FOR SMALL BUSINESS

CGAP SUBCHAPTER 1219.501 General.

(b) Prior to issuing a solicitation or synopsis (when a synopsis is required), the contracting officer shall submit the purchase request package including the results of market research in accordance with FAR 10 (as an attachment to the CG 5080) to the assigned SBS or designee. The SBS or designee, as appropriate, shall review and identify procurements suited for the 8(a) program before considering a small business set-aside. If a small business set-aside cannot be identified, then the procurement will become an unrestricted competitive procurement. The results of the review shall be reflected on form CG-5080, Small Business Review Form. All applicable entries shall be completed and the form shall be kept in the solicitation/contract file.

CGAP SUBCHAPTER 1219.501-90 Precedence of directed sources of supply.

Coast Guard responsibility to make purchases mandated by FAR Part 8 takes precedence over the small business programs detailed in FAR Part 19.

CGAP SUBCHAPTER 1219.6 CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF ELIGIBILITY

CGAP SUBCHAPTER 1219.602 Procedures.

CGAP SUBCHAPTER 1219.602-1 Referral.

In addition to the requirements of TAM 1219.602-1, the contracting officer shall send a copy of the determination concurrently to Commandant (G-CPM/S-1).

CGAP SUBCHAPTER 1219.602-3 Resolving differences between the agency and the Small Business Administration.

(c) A draft copy of the formal appeal shall be submitted to Commandant (G-CPM), for review prior to submitting the appeal to the SBA Central Office.

CGAP SUBCHAPTER 1219.7 THE SMALL BUSINESS SUBCONTRACTING PROGRAM

CGAP SUBCHAPTER 1219.704 Subcontracting Plan Requirements.

CGAP SUBCHAPTER 1219.704-70 Reporting Requirements.

The cognizant Small Business Specialist shall collect, review, and forward the first semi-annual SF-294 (where required), Subcontracting Report for Individual Contracts, and the original of each annual SF-295 (where received), Summary Subcontract Report, for each contract requiring a subcontracting plan to Commandant (G-CPM-S/1). G-CPM-S/1 will forward a copy to Director, OSDBU upon review. Contractor submission dates are reflected on the back of the forms. Reports are due to G-CPM-S/1 fifteen days after the due date. Any final reports received by the contracting

officer during the reporting period shall be included in the next semiannual report. RCN-4200-7 applies.

CGAP SUBCHAPTER 1219.705 Responsibilities of the contracting officer under the subcontracting assistance program.

CGAP SUBCHAPTER 1219.705-2 Determining the need for a subcontracting plan.

The contracting officer shall send a copy of the approved determination that there are no subcontracting opportunities to Commandant (G-CPM/S-l) for forwarding to the Director, Office of Small and Disadvantaged Business Utilization, (S-40).

CGAP SUBCHAPTER 1219.705-490 Reviewing the subcontracting plan.

(a)(3) Subcontracting plans required by FAR 19.702 shall be reviewed by the activity SBS or designee before commencing negotiations with offerors and after bid opening (only the plan from the apparent successful bidder).

CGAP SUBCHAPTER 1219.705-6 Postaward responsibilities of the contracting officer.

Upon award, the contracting officer shall send two copies of the final approved subcontracting plan that was incorporated into the contract clearly annotated with resultant contract number to Commandant(G-CPM/S-l). One copy will be forwarded to Director, OSDBU.

CGAP SUBCHAPTER 1219.8 CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)

CGAP SUBCHAPTER 1219.803 Selecting acquisitions for the 8(a) Program.

Only general information regarding upcoming requirements may be released to 8(a) firms. Technical offices, contracting personnel, and SBS or designees shall not review or accept Statements of Work prepared by 8(a) firms, nor shall they give detailed information about their planned actions/requirements. Per 13 CFR 124-308(g), this includes the release of the draft SOWs and SOWs to any 8(a) firm prior to receiving an acceptance letter from the Small Business Administration. Exception: Sole source 8(a) requirements processed in accordance with FAR Part 13 under the DOT/SBA Partnership Agreement.
(http://osdbuweb.dot.gov/business/legislation/partnershipagree.html)

CGAP SUBCHAPTER 1219.804 Evaluation, offering, and acceptance.

CGAP SUBCHAPTER 1219.804-4 Repetitive acquisitions.

For any requirement which was previously procured through the 8(a) program, but which is now being proposed for reprocurement outside of the program, a written determination must be submitted to Commandant (G-CPM-S/1) for review and approval to the Department of Transportation's Office of Small and Disadvantaged Business Utilization (OSDBU). The determination should address all pertinent facts related to the acquisition, including the incumbent 8(a) firm's name, impact on the 8(a) firm's business, and whether SBA has been advised of the contracting officer's determination. This clearance and approval must be obtained prior to proceeding with any public notice or solicitation effort. Procurement milestones should contain this review and processing time. Commandant (G-CPM-S/l) shall review and forward the determination

to the OSDBU within 5 working days of receipt of an acceptable submission. OSDBU approval is not required for actions governed by statute, such as NIB/NISH awards (41 CFR Chapter 51) or the Randolph-Sheppard Act (20 USC 107-107e). However, contracting offices with any such action shall provide Commandant (G-CPM) notification 30 days prior to contract award.

CGAP SUBCHAPTER 1219.891 Superfund Minority Contractors Utilization Report.

(a) Section 105(f), (Public L. 99-499) of the Comprehensive Environmental Response Cleanup and Liability Act, as amended, requires any Federal agency awarding contracts utilizing Superfund monies (1) to consider the availability of qualified minority contractors for such awards, and (2) to annually report minority contractor participation and the efforts taken to encourage the use of minority firms. This includes, but is not limited to, contracts, subcontracts, Small Business Administration 8(a) Program initiatives, and subagreements.

(b) The Coast Guard, as a recipient of Superfund monies from the Environmental Protection Agency (EPA), must report annually by 15 November on EPA Form 6005-3, Superfund Minority Contractors Utilization Report and EPA Form 6005-3A, Superfund Minority Contractors Utilization Report-Part 2 (see CGAP 1253). RCN-4200-13 applies. Negative reports are required.

(c) The Maintenance and Logistics Commands (fcp) shall report expenditure of any Superfund monies for minority contractors to the National Pollution Funds Center (NPFC) using the EPA Forms specified in paragraph (b). These reports shall be submitted to the NPFC annually by 30 October. Negative reports are required.

(d) Commandant (G-CPM-S/1) will forward to the NPFC, on an annual basis (30 October), a list of outreach efforts such as,
small and disadvantaged business conferences, for use in completion of EPA form 6005-3A.

(e) The NPFC shall submit the consolidated Coast Guard report by 15 November using the EPA Forms specified in paragraph (b) to:

Director, Office of Small and Disadvantaged Business Utilization
Office of Small and Disadvantaged Business (A-149C)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460
Attn: Procurement Under Assistance Program

(f) At the same time the report is forwarded to EPA, the NPFC shall forward a copy of the report to Commandant (G-CPM-S/1).

CGAP PART 1220/1221

CGAP CHAPTER 1220/1221

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CGAP PART 1222 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISTIONS

CGAP SUBPART 1222.1 BASIC LABOR POLICIES

CGAP SUBPART 1222.101 Labor relations.

CGAP SUBPART 1222.101-70 Admittance of union representatives to DOT installations.

(b) Contracting offices shall submit the written report to Commandant (G-CPM), the designated labor advisor for Coast Guard acquisition matters.

END OF CGAP PART 1222

CGAP CHAPTER 1222 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

CGAP SUBCHAPTER 1222.1 BASIC LABOR POLICIES

CGAP SUBCHAPTER 1222.101 Labor relations.

CGAP SUBCHAPTER 1222.101-170 DOT Labor Coordinator/Advisor.

(b) The labor advisor for the Coast Guard is Commandant (G-CPM).

CGAP SUBCHAPTER 1222.4 LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

CGAP SUBCHAPTER 1222.406 Administration and enforcement.

CGAP SUBCHAPTER 1222.406-13 Semiannual Enforcement Reports.

As required by TAM 1222.406-13, contracting offices shall submit a semi-annual report on compliance of enforcement of the labor provisions of the Davis-Bacon Act and Contract Work Hours and Safety Standards Act. This report, Semi-Annual Enforcement Report, (RCN-4200-9) is required by Section 5.7b, Part 5, Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction. The format and instructions for this report are cited at Enclosure (4). Contracting offices shall submit one original copy to Commandant (G-CPM) prior to 20 April and 20 October. Negative reports are not required.

CGAP SUBCHAPTER 1222.6 WALSH-HEALY PUBLIC CONTRACTS ACT

CGAP SUBCHAPTER 1222.608 Procedures.

(b) Breach of stipulation. Contracting officers shall send a copy of the information to Commandant (G-CPM).

CGAP SUBCHAPTER 1222.10 SERVICE CONTRACT ACT OF 1965, AS AMENDED

CGAP SUBCHAPTER 1222.1008 Procedures for Preparing and Submitting Notice (SF 98/98A).

CGAP SUBCHAPTER 1222.1008-1 Preparation of Notice (SF98/98a).

Contracting offices designated to use the Service Contract Act Wage Determinations via the NTIS On-line service shall complete the SF 98/98A and submit in accordance with the Coast Guard Users Guide at http://cgweb.comdt.uscg.mil/G-CFP/g-cpm/procure/2001_HOMEPAGE/PROHOME.htm . Any contracting office or personnel not authorized to use the SCA Wage Determinations On-line service, shall submit the SF 98/98A in accordance with FAR 22.1008.

CGAP PART 1223 ENVIRONMENTAL, CONSERVATION, OCCUPATIIONAL SAFETY, AND DRUG-FREE WORKPLACE – (RESERVED)

CGAP CHAPTER 1223 ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

CGAP SUBCHAPTER 1223.4 USE OF RECOVERED MATERIALS

CGAP SUBCHAPTER 1223.402 Authorities.

(e) The Environmental Management Division (G-SEC-3), within the Systems Engineering Directorate, is the Pollution Prevention and Recycling Program Manager.

CGAP SUBCHAPTER 1223.405 Procedures.

(a) These procedures apply to all Coast Guard acquisitions, including micro-purchases.

(b) Procurement sites shall report all purchases of items covered under the DOT Affirmative Procurement Program (APP), regardless of the dollar amount, to the Chief of the Contracting Office via the format provided in Enclosure (5). Each Chief of the Contracting Office will consolidate the responses and forward the report to Commandant (G-CPM) by 15 November of each year. Commandant (G-CPM) will consolidate the responses and transmit the information to DOT.

CGAP SUBCHAPTER 1223.7 CONTRACTING FOR ENVIRONMENTALLY PREFERABLE AND ENERGY-EFFICIENT PRODUCTS AND SERVICES

Contracting officers are strongly encouraged to acquire bio-based products.

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CGAP PART 1224

CGAP CHAPTER 1224

PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

(RESERVED)

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CGAP PART 1225 FOREIGN ACQUISITION - (RESERVED)

CGAP CHAPTER 1225 FOREIGN ACQUISITION

CGAP SUBCHAPTER 1225.1 BUY AMERICAN ACT – SUPPLIES

CGAP SUBCHAPTER 1225.11 SOLICITATION PROVISIONS AND CONTRACT CLAUSES

CGAP SUBCHAPTER 1225.1101 Acquisition of supplies.

(e) Before inserting the clause at FAR 52.225-8, Duty-Free Entry, which requires a list of supplies in the contract schedule to be accorded duty-free entry, the contracting officer shall review the circumstances with legal counsel to ascertain whether the supplies may qualify for duty-free entry.

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CGAP PART 1226 OTHER SOCIOECONOMIC PROGRAMS - (RESERVED)

CGAP CHAPTER 1226 OTHER SOCIOECONOMIC PROGRAMS

CGAP SUBCHAPTER 1226.3 HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS

CGAP SUBCHAPTER 1226.390 Scope of subpart.

(a) This subchapter provides policies and procedures to support Executive Order (E.O.) 12928 of 16 September 1994 entitled Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs). The Order established an objective for all Executive agencies to increase the opportunities of HBCUs to participate in and benefit from Federal programs.

CGAP SUBCHAPTER 1226.392 General Policy.

(a) In furtherance of E.O. 12928, the contracting officer and the Small Business Specialist (SBS) or designee within an activity shall review each purchase request over the simplified acquisition threshold for potential subcontracting opportunities for HBCUs. The results of the review shall be reflected on the form CG-5080, Small Business Review form. Typically, acquisitions for research and development, studies, and services will apply. One supervisory level above the Contracting Officer shall resolve any dispute between the contracting officer and the SBS.

(b) When the Contracting Officer and SBS determine there is a reasonable likelihood that subcontracting opportunities for HBCUs may exist under a proposed acquisition, the contracting officer shall include the following provision under section L of the solicitation:

SUBCONTRACTING WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCUS)

(1) Executive Order 12928 of 16 September 1994 established an objective for all Executive agencies to increase the opportunity for Historically Black Colleges and Universities (HBCUs) to participate in and benefit from Federal programs.

(2) Attachment (fill in the number) is a list of HBCUs. If the offeror believes that any of these HBCUs may be able to participate in the performance of the work required under this solicitation, the offeror is encouraged to contact them for this potential subcontracting opportunity.

(end of provision)

(c) Copies of HBCUs listing are available from Commandant (G-CPM-S/1).

CGAP SUBCHAPTER 1226.9003 Encouraging HBCUs participation in acquisitions.

Commandant (G-H) is responsible for implementing the HBCU Program for the U. S. Coast Guard. The contracting officer may consult with Commandant (G-H) on the program and the listing of HBCUs and the Historically Black Colleges and Universities (HBCU) Program, COMDTINST 5354.3 (series), which prescribes policy and procedures for implementation of the U.S. Coast Guard HBCU Program.

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CGAP PART 1227 PATENTS, DATA AND COPYRIGHTS-(RESERVED)

CGAP CHAPTER 1227 PATENTS, DATA, AND COPYRIGHTS

CGAP SUBCHAPTER 1227.3 PATENT RIGHTS UNDER GOVERNMENT CONTRACTS

CGAP SUBCHAPTER 1227.303 Contract clauses.

(a)(3), (b)(2), (c)(3), and (d)(l)(ii) Concurrence of legal counsel is mandatory.

CGAP SUBCHAPTER 1227.305 Administration of patent rights clauses.

CGAP SUBCHAPTER 1227.305-4 Conveyance of invention rights acquired by the Government.

(b) The contracting officer shall forward the contractor's disclosure of an invention under a contract via Commandant (G-LPL) to the Chief Counsel (G-L) for processing to the DOT Patent Counsel (C-15) who will determine the proper action to be taken before proceeding.

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CGAP PART 1228 BONDS AND INSURANCE

CGAP SUBPART 1228.90 Performance and payment bonds for certain Coast Guard contracts.

CGAP SUBPART 1228.9001 Waiver.

(a) Pursuant to the authority vested in the Secretary of Transportation by the Act, the requirements of 40 U.S.C. 270a through 270d are waived, to the extent authorized in 40 U.S.C. 270e, for (1) cost-plus-fixed fee and other cost-type contracts for the construction, alteration, or repair of any public building or public work of the United States, and (2) contracts for the manufacturing producing, furnishing, construction, alteration, repair, processing or assembling of vessels, aircraft, munitions, material, or supplies of any kind or nature for the Coast Guard regardless of the terms of the contracts as to payment or title.

(b) The requirements of the Miller Act are not generally necessary with respect to the classes of contracts described under CGAP Subpart 1228.9001(a) to protect the public, including the Government, material, men and laborers. Because the Government would directly or indirectly bear the burden of premiums for performance and payment bonds obtained in connection with such contracts, a substantial savings can be made by waiving the requirement that they be obtained. However, unusual circumstances may arise in which either payment or performance bonds, or both, will be advantageous in connection with certain such contracts.

CGAP SUBPART 1228.9002 Exception.

A performance and payment bond for the contracts described under CGAP Subpart 1228.9001(a) may be advantageous in view of unusual circumstances arising in connection with such contracts. Requests for the authority to include the requirement for either a performance or payment bond, or both in the contracts described under CGAP Subpart 1228.9001(a) shall be submitted by the contracting officer to the HCA, before solicitation issuance.

END OF CGAP PART 1228

CGAP CHAPTER 1228 BONDS AND INSURANCE

CGAP SUBCHAPTER 1228.1 BONDS AND OTHER FINANCIAL PROTECTIONS

CGAP SUBCHAPTER 1228.101 Bid guarantees.

CGAP SUBCHAPTER 1228.101-1 Policy on use.

A class waiver approval for construction contracts to be performed overseas is provided. Delegation is hereby made to the COCO, for authorization of waiver of bid guarantee requirements for construction contracts to be performed overseas. Each such waiver authorization must be in writing, and shall include a determination that bid guarantee requirements are not in the best interest of the government, with supporting rationale for that conclusion.

CGAP SUBCHAPTER 1228.101-290 Solicitation provision or contract clause.

Sealed Bids for construction shall contain a statement that a bid guarantee is not required for bids totaling $100,000, or less.

CGAP SUBCHAPTER 1228.101-90 Annual bid bonds.

Annual bid bonds shall be submitted to local legal counsel or, if none available, through Commandant (G-LPL) for legal sufficiency.

CGAP SUBCHAPTER 1228.105 Other types of bonds.

(a) Obtaining the advice of legal counsel is mandatory.

CGAP SUBCHAPTER 1228.106 Administration.

CGAP SUBCHAPTER 1228.106-2 Substitution of surety bonds.

(a) Review of the new surety bond by legal counsel is mandatory.

CGAP SUBCHAPTER 1228.106-6 Furnishing information.

(c) Obtaining the advice of legal counsel is mandatory.

CGAP SUBCHAPTER 1228.106-90 Review and approval.

The contracting officer shall examine the bond as to form, sufficiency of surety, and authority of the agent executing the bond. Besides the mandatory legal review of bonds at CGAP Subchapters 1228.105 and 1228.106, legal review of any bond is highly recommended.

CGAP SUBCHAPTER 1228.2 SURETIES AND OTHER SECURITY FOR BONDS

CGAP SUBCHAPTER 1228.203 Acceptability of individual sureties.

(a) The contracting officer shall retain securities furnished in lieu of surety or sureties on bonds, in a secured environment until it is appropriate to return them to the contractor.

(b) When a certified check in lieu of a bond is provided, the contracting officer shall contact the appropriate bank to confirm that the check is certified and that the funds are available.

CGAP SUBCHAPTER 1228.204 Alternatives in lieu of corporate or individual sureties.

CGAP SUBCHAPTER 1228.204-3 Irrevocable Letters of Credit.

To ensure that contractors have all the information needed to successfully bid on procurements, recommend that a reference to OFPP pamphlet No. 7, “Use of Irrevocable Letters of Credit” be placed in the solicitation, or a copy be made available to bidders.

CGAP SUBCHAPTER 1228.3 INSURANCE

CGAP SUBCHAPTER 1228.390 Evidence of Insurance.

(a) The contracting officer shall require the contractor to furnish a certificate(s) of insurance, prior to commencing work, as evidence that the contractor has insurance coverage sufficient to meet the requirements of the contract. The certificate(s) shall be executed by an officer or employee of the insurer authorized to execute such certificates. Each certificate shall contain an expiration date and the endorsement required by FAR 28.302, Notice of cancellation or change.

(b) Insurance requirements shall be adequate, just, and reasonable, and will be predicated on potential loss or damage (not necessarily on the value of the contract). The determination as to type of insurance, amount, and any related insurance requirements, if different from the Federal Acquisition Regulation, shall be made by the contracting officer with the advice of legal counsel.

(c) If insurance policies and endorsements thereto (or copies) are submitted as evidence of insurance in lieu of the certification of insurance, review by legal counsel is recommended.

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CGAP PART 1229 TAXES - (RESERVED)

CGAP CHAPTER 1229 TAXES

CGAP SUBCHAPTER 1229.1 GENERAL

CGAP SUBCHAPTER 1229.101 Resolving tax problems.

(a) All submissions requesting assistance for resolving tax problems as required by TAM 1229.101 shall be forwarded to Commandant (G-LPL).

(c)(3) Any recommended changes to DOT policy and procedures concerning taxes must be transmitted via Commandant (G-CPM) and Commandant (G-LPL).

CGAP SUBCHAPTER 1229.2 FEDERAL EXCISE TAXES

CGAP SUBCHAPTER 1229.202 General exemptions.

No tax may be imposed on the sale or transfer of firearms, shells, or cartridges when such articles are purchased with U.S. Coast Guard appropriated funds (14 U.S.C. 655).

CGAP SUBCHAPTER 1229.3 STATE AND LOCAL TAXES

CGAP SUBCHAPTER 1229.304 Matters requiring special consideration.

Contract terms described in FAR 29.304(a) and (b) shall only be used with the prior approval of Commandant (G-LPL). Requests for approval shall include the justification for use of any special tax contract clause.

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CGAP PART 1230

CGAP CHAPTER 1230

COST ACCOUNTING STANDARDS (CAS) ADMINISTRATION

(RESERVED)

CGAP PART 1231

CGAP CHAPTER 1231

CONTRACT COST PRINCIPLES AND PROCEDURES

(RESERVED)

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CGAP PART 1232 CONTRACT FINANCING - (RESERVED)

CGAP CHAPTER 1232 CONTRACT FINANCING

CGAP SUBCHAPTER 1232.2 COMMERCIAL ITEM PURCHASE FINANCING

CGAP SUBCHAPTER 1232.206 Solicitation provisions and Contract clauses.

(g) and (g)(2) On a case-by-case basis, requests for HCA approval of installment payment financing arrangements and rates for commercial purchases shall be submitted via Commandant (G-CPM) for coordination with Commandant (G-CFS) and Commandant (G-LPL).

CGAP SUBCHAPTER 1232.4 ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

CGAP SUBCHAPTER 1232.409 Contracting officer action.

Recommendations requiring DOTBCA (S-20) approval shall be submitted via the chain of command through the Chief of the Contracting Office to Commandant (G-CPM) who will forward to Commandant (G-LPL) for processing to the DOTBCA (S-20). Evidence of compliance with TAM Subchapter 1232.402(e)(2) must be contained in the documentation.

CGAP SUBCHAPTER 1232.6 CONTRACT DEBTS

CGAP SUBCHAPTER 1232.601 Definition.

Coast Guard credit management and debt collection policy and procedures are contained in Financial Resource Management Manual, COMDTINST M7100.3 (series), Chapter 7.

CGAP SUBCHAPTER 1232.7 CONTRACT FUNDING

CGAP SUBCHAPTER 1232.70 CONTRACT PAYMENTS

CGAP SUBCHAPTER 1232.702 Policy.

CGAP SUBCHAPTER 1232.702-70 Procurement requests.

(a)(1)(i) The funds manager, allotment fund control (AFC) manager, or the appropriation manager (funds certification official) is the responsible fiscal authority for funds certification. Commands will designate funds certification personnel in writing.

(ii) The contracting officer shall accept certified funds submitted electronically via Large Unit Financial System (LUFS). The contracting officer may require a hardcopy procurement request only from units exempt from the use of LUFS, as promulgated in the Financial Resource Management Manual, COMDTINST M7100.3 (series).

(iii) When funds certification is made “subject to the availability of funds,” the contracting officer shall obtain a change to the procurement request, which provides funds certification when funds become available. The contracting officer shall also obtain a new procurement request, which provides funds certification whenever a change is made to the accounting or appropriation data.

(4) Procurement requests for equipment or systems requiring spare parts, either in

the initial solicitation or subsequent buys, shall not be processed without optional provisions for acquiring reprocurement data to perform follow-on competitive acquisitions. This requirement does not apply to simplified acquisitions, purchases under Federal Supply Schedules, and purchases for which spare parts are available competitively in the open market.

CGAP 1232.702-90 Assignment of Departmental Accounting Financial Information System (DAFIS) number to contract instruments.

Once a DAFIS number is assigned to a document type 24 or 28, it should remain unchanged for life of the contract instrument. DAFIS numbers for delivery and task orders shall be different from the DAFIS number assigned to the basic contract. For further clarification, see the Finance Center Standard Operation Procedures, http://www.fincen.uscg.mil/sop.htm.

CGAP SUBCHAPTER 1232.703-90 Antecedent liabilities.

(a) Severable service contracts moved off a fiscal year basis should normally be those where the obligation can be solidly estimated and the stream of services is not subject to frequent within scope modifications, such as security contracts or janitorial contracts. (Dining Facility contracts based on the number of meals served or Base Support contracts with variable costs should normally be kept on a fiscal years basis). The contracting officer should give special consideration to DOL increases in wage determinations or similar situations. The contracting officer should identify such situations to the funds manager and recommend that funds be committed or left unobligated at year end if any subsequent contract modification to increase funds will be within the scope of the contract and will occur after the fiscal year has closed.

(b) If a within scope modification is required after the fiscal year in which the contract is funded has closed, the contracting officer needs to ensure that the funds manager certifies that funds are available for the expired fiscal year, not the current fiscal year. Additionally, the contracting officer should be aware that the Financial Resource Management Manual, COMDTINST M7100.3 (series) has a very specific procedure for approval of antecedent liabilities in Chapter 5. In general the unit will not be authorized to certify that expired funds are available, even if the unit has an available funds balance for the prior fiscal year. The unit will have to seek that certification from the ATU Budget Officer (District or MLC) or Headquarters funds manager.

CGAP SUBCHAPTER 1232.703-91 Issuance of Construction and Ship Repair Solicitations in Advance of Funding.

(a) Except in unusual circumstances it is not the policy of the Coast Guard to issue solicitations until the contracting officer obtains certification that funds are available. However, there is often a considerable lead time when construction projects are being considered for areas with short working seasons (e.g., Kodiak, AK), or short availability (e.g., ship repair). The Coast Guard must provide continuity of needed projects through the transition from one fiscal year to the next, prevent wasteful year-end spending, and at the same time provide sound fiscal responsibility in the management of our shore unit program appropriations.

Chiefs of the Contracting Office (COCOs) may approve issuance of solicitations in the fourth quarter of a fiscal year (FY) for award in the first quarter of the next FY when funds become available. The COCO may also use this authority to issue the solicitation in the first quarter of the fiscal year, before the first quarter's funds have been distributed. Solicitations issued under this authority for which bids or offers are received in the fourth quarter may be awarded in the fourth quarter in the event additional funds become available. The COCO's approval must be in writing and must reside in the official contract file.

In addition to the COCO approval, to the following restrictions apply: (i) inclusion

of a notice to bidders/offerors that funds are not presently available (see Notice to Bidders/Offerors below); (ii) units may solicit only up to 100% of their first quarter budgets, based on the Government estimates for the project involved; and (iii) the Commanding Officer of the Coast Guard unit soliciting the construction or ship repair shall certify in writing that the project has a high priority, is intended to be funded in the upcoming fiscal year, and there is no reasonable expectation for the requirement to be cancelled when the next fiscal year funds become available (or if used in the first quarter of a fiscal year, when the first quarter's funds have been distributed). In addition, this authority should not be used for a project for which funding is in doubt based on the current status of the Congressional review of the administration's funding request.

(b) The following notice shall be included in all solicitations described above which have been issued in advance of funding:

Notice to Bidders/Offerors

Funds are not presently available for this project. No award will be made under this solicitation until funds are available. The Government reserves the right to cancel this solicitation, either before or after the bid opening/closing date.

(c) Prior to issuing such a solicitation, the Contracting Officer shall obtain a certificate from the Commanding Officer with budgetary control over the project as follows:

I certify that this project is a high priority for funding in FY____; that it is budgeted for award in the first quarter of the fiscal year; that this project has priority over unsolicited requirements; and that there is no known reason to expect that this project will be cancelled for lack of funding.

_____ _____

Name/title date

CGAP SUBCHAPTER 1232.7002 Invoice and voucher review and approval.

(b)(1) Contracting offices shall use Enclosure (6), Coast Guard Contract Payment Approval, to process payments under contracts which exceed the simplified acquisition threshold under FAR 13.000. The exceptions to use Enclosure (6) are at the Coast Guard Supply Centers and any contracting office where the Workflow Imaging Network System (WINS) is used to process invoices.

(3) All contracting offices shall establish local invoice payment approval procedures which: (i) require all invoices to be date/time stamped on the face of the invoice immediately upon receipt; (ii) allow the Finance Center seven (7) calendar days to enter the invoice payment into DAFIS; and (iii) allow three (3) calendar days for the scheduling/payment process at DAFIS and Treasury. Additional guidance on contract invoice payment may be obtained from the Finance Center Standard Operating Procedures (SOP).

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CGAP PART 1233 PROTESTS, DISPUTES, AND APPEALS - (RESERVED)

CGAP CHAPTER 1233 PROTESTS, DISPUTES, AND APPEALS

CGAP SUBCHAPTER 1233.1 PROTESTS

CGAP SUBCHAPTER 1233.103 Protests to the agency.

(a) The Notice for Filing Agency Protests, Enclosure (1), of Coast Guard Ombudsman Program for Agency Protests, COMDTINST 4200.14 (series), shall be affixed as a cover page for all solicitations for formal contracts. When using streamlined procedures where the synopsis and the solicitation are combined, the Notice for Filing Agency Protests shall be published as part of the synopsis submission.

(f)(1) The submission required by FAR 33.103 (the determination authorizing award of a contract prior to resolution of a protest) shall be submitted to Commandant (G-LPL).

(f)(3) Coordination with Commandant (G-LPL) is mandatory. All responses to a protester should address the protester's allegations, the agency's response to the allegations, conclusions, and the contracting officer's decision to deny or sustain the protest.

CGAP SUBCHAPTER 1233.104 Protests to the General Accounting Office (GAO).

(a) General Procedures. The HCA responsibilities of TAM 1233.104(a) are delegated to the contracting officer. The contracting officer shall notify Commandant (G-LPL) whenever a protest is filed. The contracting officer's statement and all of the information required at FAR 33.104(a)(3)(ii) for the agency report is to be submitted to Commandant (G-LPL) in triplicate within 10 work days of the contracting officer's notification of the protest, or within 4 work days in the case of a determination to use the express option. Commandant (G-LPL) trial counsel may assist with this preparation, and will in any case review and coordinate with the contracting officer as necessary, and prepare the agency's legal analysis. Commandant (G-LPL) has the responsibility to provide the information required by FAR 33.104(a)(7) to GAO.

(4) The contracting officer shall give the notice of protest to the contractor if award has been made, or if no award has been made, to all interested parties. This notice shall be in writing and shall be made a part of the protest file.

(i) The contracting officer is responsible for sending copies of the protest report to the protester and any interested parties, unless otherwise agreed upon between the contracting officer and Commandant (G-LPL). This should be accomplished simultaneously with Commandant (G-LPL) submittal of the report to GAO, and the copy(ies) shall be sent by the fastest means possible, (overnight mail, express mailing by the General Services Administration's mandatory contractor, etc.). Electronic filings, to the extent permitted by GAO rules, should also be considered. Commandant (G-LPL) shall forward a copy of the transmittal letter to the contracting officer for inclusion in the report(s) forwarded, if appropriate.

(b) Protests before award. The determination referenced in TAM 1233.104(b) shall be signed by the contracting officer and forwarded in duplicate to the HCA. The HCA will coordinate the response with Commandant (G-LPL).

(c) Protests after award. The notice referenced in TAM 1233.104(c) shall be submitted in duplicate to the HCA. The HCA shall coordinate the response with Commandant (G-LPL).

(g) Notice to GAO. The contracting officer shall submit the notice referenced in TAM 1233.104(g), regarding proposed noncompliance with GAO recommended action, to Commandant (G-LPL). The contracting officer shall also submit a copy of the notice to Commandant (G-CPM).

CGAP SUBCHAPTER 1233.2 DISPUTES AND APPEALS

CGAP SUBCHAPTER 1233.203 Applicability.

The procedures of CGAP Subchapter 1233.2 (Disputes and Appeals) apply to all matters set forth in CGAP Subpart 1201.103 and to disputes and appeals involving leases for military housing.

CGAP SUBCHAPTER 1233.210 Contracting officer's authority.

CGAP SUBCHAPTER 1233.210-90 Settlement after appeal is filed.

The contracting officer shall obtain the concurrence of the Chief Trial Attorney, Commandant (G-LPL), prior to settlement, after an appeal is filed.

CGAP SUBCHAPTER 1233.212 Contracting officer's duties upon appeal.

CGAP SUBCHAPTER 1233.212-90 When filed with Board of Contract Appeals.

(a) Contracting officer's notification of appeal. Upon receipt of a notice of appeal, the contracting officer shall endorse on the original and copies, the date of mailing or, if otherwise filed, the date of receipt. When notices of appeal are received by mail, the contracting officer shall forward the envelope showing the postmark.

(1) If a postmark appears on the envelope, the following information shall be shown directly on the appeal.

Date of Postmark:

(s)

JOHN DOE
Contracting Officer

(2) If no postmark appears on the envelope, the following information shall be shown directly on the appeal.

Date of Receipt:

(s)

JOHN DOE
Contracting Officer

The contracting officer shall immediately forward the original and one copy of the notice of appeal directly to Commandant (G-LPL) for further processing.

(b) Requirements of the appeal file.

(1) General. The appeal file documents called for by Board Rule 4 shall be clearly legible. Copies containing approvals, notations, or otherwise marked should not be used. Captions on photographs shall be descriptive and not argumentative. Photographs, videotapes, and audio tapes shall show the date taken or recorded and by whom.

(2) Form.

(i) The appeal file shall be assembled in three-ring loose-leaf binders, each containing no more documents than the binder will hold without impeding its opening and closing. Each document in the file shall be separated by partition and individually numbered and tabbed using sequential numbering (i.e., several documents shall not be grouped within a single tabbed partition unless the document was originally an attachment to that document).

(ii) The first four tab numbers shall be (1) the Notice of Appeal, (2) the Contracting Officer's Final Decision, (3) the contractor's claim and (4) the contract. Other documents shall be arranged in chronological order, earliest documents first. Each tab shall contain only one document (with enclosures, if relevant). The tab containing the contract shall include all of the pages of the contract, including any locally generated sets of general and special provisions, standard forms, etc. The contract shall also include the full text of at least those FAR clauses, which are relevant to the dispute (even though the FAR provisions are normally incorporated by reference).

(iii) Tab numbers shall be neatly printed or typed on the tabs. If the appeal file is voluminous, it shall be divided into two or more volumes. If practicable, the individual volumes should not exceed approximately two inches in thickness. Tab numbers on multi-volume appeal files shall be continuous over all volumes, i.e., they shall not begin at "1" for each volume.

(iv) Drawings may be placed in a separate volume. Large drawings shall be inserted in such a manner as to make them easy to remove and refer to, e.g., by folding them and inserting them into envelopes, which are, in turn, fastened into the appeal file so that the drawings can be removed from the envelopes without removing the envelopes from the appeal file.

(v) Full sets of drawings, full specifications, and other large items may be bound separately and identified as supplements to the appeal file. They shall be listed as such in the appeal file index. Please note that the DOT Board of Contract Appeals only requires the inclusion of <u>pertinent</u> specifications, modifications, plans, and drawings.

(vi) The appeal file index shall list each document along with a brief description of the document. In multi-volume appeal files, the index shall indicate the division among volumes. The entire index (for all volumes) shall be placed in each volume.

(3) Multiple Appeals. Each appeal shall be covered by a separate file. If multiple appeals under the same contract are in the hands of the contracting officer they shall not be combined in one file without the prior approval of the Chief Trial Attorney, Commandant (G-LPL). In the case of multiple appeals under the same contract, the contract, pertinent plans, specifications, amendments and change orders may only be furnished for the first of the multiple appeals. In the case of multiple appeals, the contracting officer should contact the Chief Trial Attorney when the notice(s) of appeal is received.

(c) Distribution of the appeal file. Within twenty-five (25) calendar days after notice that an appeal has been docketed, the contracting officer shall forward the items listed below to

Commandant (G-LPL) for distribution.

(1) The original and two copies of the appeal file. (One copy of the appeal file shall be retained by the contracting officer).

(2) The copy of the letter of transmittal for the appellant. The contracting officer shall forward the appellant's copy of the transmittal letter including the appellant's copy of the appeal file to Commandant (G-LPL) for mailing to the appellant.

(d) Requirements and procedures of the Chief Trial Attorney.

(1) Comprehensive Report for Chief Trial Attorney (G-LPL). The comprehensive report described below shall not be transmitted to the Board of Contract Appeals or to the appellant. Prior to, or at the time of, forwarding the appeal file, contracting officers shall be responsible for furnishing to the Chief Trial Attorney a comprehensive report including the following:

(i) The names, titles, addresses and telephone numbers of all potential witnesses for the Government having information concerning the facts in dispute and a summary of their testimony.

(ii) If known, the names and titles of potential witnesses for the contractor.

(iii) Any pertinent information, which would assist the Trial Attorney in understanding the case.

(iv) Settlement position parameters, with history summarizing the actions to settle to date.

(v) Notification of the suit, if applicable.

(2) Appeal Correspondence. After an appeal has been filed with the Board of Contract Appeals, only the Chief Trial Attorney, Commandant (G-LPL) or assigned trial attorney may initiate Coast Guard correspondence between the appellant and the Board of Contract Appeals about the appeal. The contracting officer is not authorized to communicate, orally or in writing, with the appellant or Board of Contract Appeals without prior approval from the Chief Trial Attorney or assigned trial attorney. In accordance with the Department of Transportations "Statement of Policy on Alternate Dispute Resolutions," 67 Federal Register 40367 (June 12, 2002), it is Commandant (G-LPL) policy that the trial attorney assess the potential for settlement in all cases and attempt to resolve disputes through alternative dispute resolution techniques whenever appropriate.

(3) Maintenance of Records. Care must be exercised to prevent premature destruction of records that are involved in contract claims and disputes. Contract files shall not be retired before all claims and disputes have been resolved.

(4) Associated Costs. All costs associated with legal defense (e.g., travel, witness expense, and court reporting) are a cost of the project.

(5) Presentation of the case.

(i) The Chief Trial Attorney, Commandant (G-LPL), and/or any Trial Attorney designated by Commandant (G-LPL) shall present all Coast Guard cases to the

Department of Transportation Board of Contract Appeals. The Chief Trial Attorney and the designated Trial Attorney are authorized to take appropriate action for the presentation of the Government's case including communicating directly by letter or otherwise with any person in or outside the Coast Guard to secure any witnesses, documents, or information considered necessary in representing the Government.

(ii) The Chief Trial Attorney or responsible trial attorney may require the contracting officer or others to furnish comments or supplementary material.

(6) Agreement After Appeal is Filed. The Chief Trial Attorney and the Trial Attorney have the authority to effect settlement with an appellant, subject to the concurrence of the contracting officer, at any stage of an appeal prior to issuance of a decision by the Board.

(7) Post Settlement Procedure. When the Government and an appellant have reached mutually acceptable terms, a written modification to the contract shall be prepared setting forth the specific terms of the agreement, the contract clause(s) upon which the settlement was made, the consideration, and a requirement for a release by the contractor of all claims arising from the matter disposed of by the settlement agreement. The appellant shall also be required to withdraw the appeal with prejudice by notice thereof directly to the Board. The details of the settlement and the basis therefore will be recorded in a negotiation memorandum to the contract file. If the contracting officer was not present when the agreement was reached, the Trial Attorney shall provide the negotiation memorandum to the contracting officer for execution of a settlement agreement per the procedures in FAR 49.109.

(8) Decisions of the Board. Decisions of the Department of Transportation Board of Contract Appeals will be transmitted by the Chief Trial Attorney to the appropriate contracting officer.

CGAP SUBCHAPTER 1233.212-91 When actions are filed in the U. S. Court of Claims.

When a contractor elects to file an action to the U. S. Court of Claims, rather than to the Board of Contract Appeals, the U. S. Department of Justice will notify Chief Counsel, U. S. Coast Guard. Upon receipt of this notification, Commandant (G-LPL) will contact the appropriate contracting officer, and request that a litigation report be prepared per instructions that will be provided on a case-by-case basis.

CGAP SUBCHAPTER 1233.290 Monitoring potential contract claims.

Potential claims expected to exceed $100,000.00 must be immediately reported in writing, to Commandant (G-CFM) in order to ensure that adequate funds will, be available to cover the claim upon settlement. The notification must include all fund citations on the contract and a statement, if possible as to whether or not the claim would involve antecedent liability. Note: A contract claim is based on antecedent liability if the modification or adjustment is within the general scope of the original contract and is made pursuant to a provision, such as the Changes clause, in the original contract. If complete settlement is not accomplished and a final decision is issued, a copy shall be provided within 3 business days to Commandant (G-LPL) to ensure litigation support for any appeal can be appropriately coordinated.

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CGAP PART 1234 MAJOR SYSTEM ACQUISITION - (RESERVED)

CGAP CHAPTER 1234 MAJOR SYSTEM ACQUISITION

CGAP SUBCHAPTER 1234.0 GENERAL

CGAP SUBCHAPTER 1234.003 Responsibilities.

(a) Major System Acquisition Manual, COMDTINST M4150.2 (series), contains the Coast Guard policies and procedures for acquiring major systems. Any conflict or inconsistency between COMDTINST M4150.2 (series) and this directive Coast Guard Acquisition Procedures, COMDTINST M4200.19 (series), shall be resolved by giving precedence to COMDTINST M4200.19 (series). Refer any inconsistency to Commandant (G-CPM).

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CGAP PART 1235

CGAP CHAPTER 1235

RESEARCH AND DEVELOPMENT CONTRACTING

(RESERVED)

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CGAP PART 1236 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS (RESERVED)

CGAP CHAPTER 1236 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

CGAP SUBCHAPTER 1236.2 SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

CGAP SUBCHAPTER 1236.201 Evaluation of contractor performance.

(a)(4) The Coast Guard's procedures for appointing COTRS are in accordance with Appendix A to CGAP Chapter 1242.

(c)(1) The Coast Guard procedures for distribution of contractor evaluation reports are in accordance with the FAR 36.201(c). Contracting activities shall ensure that procedures regarding accessing contractor evaluation reports under FOIAs comply with FAR 42.1503, TAM 1242.1503 and CGAP Subchapter 1242.1503.

CGAP SUBCHAPTER 1236.209 Construction contracts with architect-engineer firms.

The authority to approve award of a contract for construction of a project to the firm (and its subsidiaries or affiliates) who designed the project is the HCA.

CGAP SUBCHAPTER 1236.213 Special Procedures of Sealed Bidding in Construction Contracting.

CGAP SUBCHAPTER 1236.213-70 Report of proposed Federal construction.

(b) Contracting officers must submit the Interagency Report No. 1671-DOL-AN, found in TAM Chapter 53 in accordance with TAM 1236.213-70 to Commandant (G-CPM) by 25 July of each fiscal year. RCN-4200-10 applies.

CGAP SUBCHAPTER 1236.6 ARCHITECT-ENGINEER SERVICES

CGAP SUBCHAPTER 1236.601 Policy.

CGAP SUBCHAPTER 1236.601-90 Combining miscellaneous projects for architect-engineer services.

(a) Requirements for miscellaneous architect-engineer projects may be combined under a single contractual instrument. The contract shall be written as an Indefinite-Delivery Indefinite-Quantity Contract per the provisions of FAR 16.5 and 36.6, except that the following direction applies.

(1) Pricing considerations.

(i) Labor rates, overhead rates, and profit rates shall be negotiated on the basic contract for the base year including all option(s)

(ii) Orders shall be issued on a lump sum, fixed price basis per project.

(2) Limitations on Use.

(i) The contract shall state a guaranteed minimum per FAR 16.504 (a)(2). The contract shall have a guaranteed minimum contract amount and a contract maximum amount, which shall bestated as a dollar amount. The guaranteed minimum shall be obligated at the time of contract award.

(ii) If the Government is not fairly certain that requirements will exceed the stated minimum, an Indefinite-Delivery-Indefinite-Quantity contract shall not be issued, and any individual A-E service project shall be awarded as one individual contract.

(iii) The contracting officer must obtain the requisitioner's statement per TAM 1216.501-2, prior to determining the estimated contract and option amounts. The contract amounts should not be arbitrarily fixed at the maximum authorized amounts, rather the contract amounts should be based on a case-by-case analysis considering the type of work, anticipated workload, effects on competition and, in coordination with the Small Business Specialist at the activity.

(iv) No individual order shall exceed $300,000.

(v) The total estimated value under any IDIQ contract shall not exceed $1,500,000 for any year or option.

(3) Other requirements.

(i) The synopsis for the initial contract requirement shall enumerate any options and the guaranteed minimum amount and the contract maximum amount.

(ii) Up to four one-year option(s) are authorized. The option year amount is limited to the same dollar threshold limitations as the first year, (e.g., $300,000 per task order, $1,500,000 total option year amount). Consideration of the adverse impacts on competition and the continuity of services should both be considered when determining the number of options to be used in a contract.

(iii) The scope of such contracts should be made as specific and nonduplicative as possible to reflect the requirements of specific installations or geographic location, rather than a broad category of architect-engineer services.

CGAP SUBCHAPTER 1236.602-2 Evaluation Boards.

The authority to establish an ad hoc architect-engineer evaluation board for each acquisition of A/E Services is delegated to the COCOs at the Facilities Design and Construction Centers (FDCC)s and Civil Engineering Units (CEUs).

CGAP SUBCHAPTER 1236.602-4 Selection Authority.

(a) The selection authority delegated to the COCO's at the Facilities Design and Construction Center (FDCC) and the Civil Engineering Units (CEUs) which shall approve or disapprove the written recommendations of each evaluation board, is retained by these COCOs and cannot be redelegated.

CGAP SUBCHAPTER 1236.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.

Only Contracting officers with architect-engineering services warrant authority are authorized to procure architect-engineer services using the short selection process.

CGAP SUBCHAPTER 1236.603 Collecting data on and appraising firms qualifications.

COCOs at Facilities Design and Construction Centers (FDCCs) and Civil Engineering Units (CEUs) shall establish procedures to meet the requirements of FAR 36.603(a). These COCOs shall ensure that data received from firms wishing to be considered for Government awards is maintained in a data file.

CGAP SUBCHAPTER 1236.604 Performance evaluation.

(a)(5) The Coast Guard's procedures for appointing COTRS are in accordance with Appendix A to CGAP Chapter 1242.

(c) The Coast Guard procedures for distribution of contractor evaluation reports are in accordance with the FAR 36.604(c). Contracting offices shall ensure that procedures regarding accessing contractor evaluation reports under FOIAs comply with FAR 42.1503, TAM 1242.1503 and CGAP Subchapter 1242.1503.

CGAP SUBCHAPTER 1236.690 Option for quality assurance and inspection services.

(a) Contracting officers shall release all retainage of payments for completed design work after the completion and acceptance of architect—engineer services on the basic contract and prior to the possible exercise of any option for quality assurance and inspection services. This is consistent with paragraph (c), FAR 52.232-10, Payments under Fixed-Price Architect-Engineer Contracts.

(b) When there is a possibility that in-house Government resources will be insufficient to cover the quality assurance and inspection requirements of a construction contract, and specifications for that contract are to be written by an architect-engineer firm on a fixed-price contract, the contracting officer shall consider inclusion of the clause at CGAP Subchapter 1236.691 in the design architect engineer contract. When an option is included, technical specifications for quality assurance and inspection service shall be included as an "Appendix A" to the statement of work, entitled "Quality Assurance and Inspection Services." Contracting officers shall negotiate prices before award of the basic contract, with the negotiated price set out as a separate optional contract line item.

CGAP SUBCHAPTER 1236.691 Clause.

QUALITY ASSURANCE AND INSPECTION SERVICES

At any time prior to 10 months after satisfactory completion and acceptance of architect-engineer services in this contract, the Government may exercise its option for architect-engineer performance of quality assurance and inspection services set out as "Appendix A" to the statement of work. The architect-engineer shall proceed with such work and services within thirty (30) days after the option is exercised.

(end of clause)

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CGAP PART 1237 SERVICE CONTRACTING

CGAP SUBPART 1237.1 SERVICES CONTRACTS

CGAP SUBPART 1237.104 Personal services contracts.

CGAP SUBPART 1237.104-90 Delegation of authority.

(b) This subpart prescribes policy and procedures to contract for direct (personal services) health care services authorized by 310 U.S.C. 1091 (a) to (c). This subpart does not preclude the acquisition of health care services by contract nor does it apply to nonpersonal services, both of which are authorized. The authority under TAR 1237.104-90 (b) and 1237.104-91 to procure personal health care services is delegated to contracting officers at the Maintenance and Logistics Commands Atlantic (fcp) and Pacific (fcp).

CGAP SUBPART 1237.104-91 Personal services contracts with individuals under the authority of 10 U.S.C. 1091.

(a) Direct (personal services) health care services are those services provided by health care providers who participate in clinical patient care and services (e.g., nurses, radiology technicians, dental hygienists, medical technologists, etc.). The services of personnel whose duties are predominantly administrative or clerical and personnel who provide maintenance or security services are not covered.

(g) By authority of 10 U.S.C. Section 1091(a), the Secretary of Transportation is authorized to contract with persons for services (including personal services) for the provision of direct health care services. The amount of the annual compensation paid to an individual in any one year shall not exceed a full-time equivalent rate of $200,000 each year.

(k) As part of the documentation requirements of FAR 37.103(a)(1) and (3) and FAR 37.104(a), (b) and (e), contracting officers shall cite 10 U.S.C. 1091 as the authority to issue a personal service contract for health care services.

CGAP SUBPART 1237.104-92 Exemption, prohibition, and limitation.

(a) When contracting for personal services for health care services with individuals who are former federal employees, the contracting officer shall comply with the Federal Workforce Restructuring Act.

(b) Contracting officers shall consult the Medical Manual, COMDTINST M6000.1 (series), Chapter 11, for the limitations and prohibitions regarding funding, personnel eligibility, and payments under contracts for personal services for health care.

CGAP SUBPART 1237.110-90 Information Systems Security solicitation and contract clauses.

(a) Pending the specific direction of the Office of Senior Procurement Executive (OSPE), Department of Transportation, contracting officers shall insert the clause at TAR 1252.237-70, Qualification of Employees, in solicitations and contracts for supplies and/or services where contractor employees will have access to Government facilities, sensitive information, including proprietary data and/or resources. This may include IT requirements for design, development, or operation and maintenance of sensitive applications in non-DOT or DOT facilities.

(b) In addition to the TAR clause 1252.237-70, the contracting officer shall also include the contract clause, U.S. Coast Guard Information Systems Security below in Section H of solicitations and contracts when the prescription at paragraph (a) above applies. A sample form at Appendix A of this Part is a user security agreement, which is also to be used with the clauses in paragraphs (a) and (b) of this Subchapter. The sample agreement at Appendix A, may be modified to meet local needs.

U.S. COAST GUARD INFORMATION SYSTEMS SECURITY

No contractor personnel shall commence any performance under this contract until they (1) have received a security briefing about the Automated Information Systems (AIS) Security Manual, COMDTINST M5500.13 (series), from the appropriate Coast Guard Information Systems Security Officer (ISSO) and (2) have signed an "Annual Coast Guard Information Technology Contractor User Security Agreement." A sample of this user security agreement is provided as an Attachment to this contract. By signing the aforementioned user security agreement, the individual will be acknowledging their responsibility to properly use and safeguard all Coast Guard information technology resources and information related thereto. The Contracting Officer Technical Representative (COTR) for this contract shall arrange the aforementioned security briefing. The ISSO is responsible for retaining the security documents signed and submitted by the contractor employees.

The contractor shall only access those areas of Coast Guard information technology resources (e.g., computer equipment, networking equipment, telecommunications equipment, cabling, network drives, computer drives, network software, computer software, software programs, intranet sites, internet sites) explicitly stated in this contract and/or approved by the COTR in writing as necessary for performance of the work under this contract. Any attempts by contractor personnel to gain access to any information technology recourses not explicitly authorized by the statement of work, other terms and conditions in this contract or approved in writing by the COTR is strictly prohibited. In the event of violation of this provision, the Coast Guard will take appropriate actions with regard to the contract.

Contractor access to Coast Guard networks from a remote location is a temporary privilege for the mutual convenience it offers while the contractor performs business for the Coast Guard. It is not a right, a guarantee, a condition of the contract, nor is it Government Furnished Equipment (GFE).

Contractor access will be terminated for unauthorized use. The contractor agrees to hold the Coast Guard harmless and the contractor will not request additional time or money under the contract for delay resulting from unauthorized use.

(end of clause)

(c) For the Coast Guard, contracting officers shall contact Commandant (G-CFI) regarding questions and procedures relating to contractor employees background checks. The Coast Guard instructions and Department of Transportation policy that applies are:

(i) Automated Information Systems (AIS) Security Manual, COMDTINST M5500.13 (series) covers the responsibilities and procedures necessary to ensure adequate security of Coast Guard computer systems.

(ii) Physical Security Force Protection Program Manual, COMDTINST M5530.1C, Chapter 2, contains Physical Security Requirements for Computers.

(iii) Department of Transportation's "Information Technology Security Program", dated May 1, 2001. This document establishes policy and describes the DOT IT Security Program, providing direction designed to ensure that safeguards for the protection of the integrity, availability,

and confidentiality of IT resources (e.g., data, information, applications, and systems) are integrated into and support the mission of the Department. This program plan is available at DOT.net http://dotnet.dot.gov/summary-template.asp?dataID=1022OVH66948

(iv) Department of Transportation (DOT) Order 1630.2B, Personnel Security Management, and the accompanying Manual DOT M 1630.2B, Personnel Security Management Manual contains revised policy and procedures for conducting investigations on contractor employees who have access to DOT facilities, sensitive information and/or resources. This security manual can be found at http://cgweb.comdt.uscg.mil/G-CFI/ref/refindex.htm. The DOT Manual 1630.2B contains the positions sensitivity and risk levels designations at Chapter IV and Investigating Contractor Employees policy at Appendix 2 which must be considered for applicability to contractor employees.

END OF CGAP PART 1237

CGAP CHAPTER 1237 SERVICE CONTRACTING

CGAP SUBCHAPTER 1237.1 SERVICE CONTRACTS – GENERAL

CGAP SUBCHAPTER 1237.103 Contracting officer responsibility.

(c) Contracting Officers shall document the file if it is determined that performance-based contracting methods will not be used for any new requirement (task order or contract) or follow-on contracts. Any documentation which results in a determination that PBSC elements will not be used, must be submitted via the COCO to Commandant (G-CPM-2) prior to the CBD synopsis, or in the case of task orders, prior to signature by the contracting officer. The elements of PBSC which must be addressed are located at FAR 37.601. The contracting officer may proceed unless otherwise notified by Commandant (G-CPM). The acquisition plan required for solicitations at FAR 7.105(b)(4) may serve as the documentation method to fulfill the requirement in this paragraph. Contracting Officers may use the Performance-Based Service Contracting (PBSC) Solicitation/Contract/Task Order Review Checklist for reviewing solicitations/contracts/task orders actions. The Office of Federal Procurement Policy Checklist is found at: http://www.acqnet.gov/Library/OFPP/PolicyDocs/pbscckls.html

CGAP SUBCHAPTER 1237.112 Government use of private sector temporaries.

(d) The requirements office should contact Commandant (G-WPC) for proper completion of the certification at Part II of the Checklist at TAM Subchapter 1237.112, Appendix A.

(f) The requiring office must submit the information at TAM 1237.112(f)(1)-(5) to Commandant (G-WPC) for proper processing and approval.

CGAP SUBCHAPTER 1237.205-90 Contracting Officer responsibilities.

In accordance with Coast Guard procedures, acquisitions for advisory and assistance services over $100,000 shall be annotated on the Procurement Forecast Form, under the section for comments.

CGAP SUBCHAPTER 1237.601 - General.

The contracting officer shall ensure compliance with review requirements at CGAP 1237.103(c) for all Performance-based Service Contract actions.

APPENDIX A TO CGAP PART 1237 ANNUAL COAST GUARD INFORMATION TECHNOLOGY CONTRACTOR USER SECURITY AGREEMENT

Date of Security Briefing:_____

As condition of being granted access to (system name)_____ located at _____ via government contract number_____, delivery order number (if applicable) _____, I agree to comply with the following Coast Guard information technology user security requirements.

Unless specifically excepted in writing by contract or delivery order:

- I will comply with Coast Guard policies, regulations, and guidelines regarding access to, protection, handling, processing, transmission, distribution, and destruction of sensitive information (including but not limited to that designated "For Official Use Only" and "Classified"). This is to include, but not limited to, protection from unauthorized access, disclosure, modification, misuse, damage, or theft, of information or information systems.

- I will not copy or remove copies of software licensed to Coast Guard without proper authorization nor will I import or use unauthorized software, firmware, or hardware in the work environment.

- I will protect all authentication devises (including but not limited to passwords) issued to me. I understand that password sharing or the use of another user's ID and password is prohibited. I will change my passwords when required by the system and when ever I suspect that they may have been compromised.

- I will report all security incidents, including password compromises, violations of software licensing agreements, and computer viruses, to the Coast Guard Information System Security Officer (ISSO) designated at the bottom of this form and to my employer.

- I will immediately notify the ISSO designated at the bottom of this form when I no longer require access to the network because of transfer, completion of project, etc., and of any changes in my work location or phone number.

- I will use any network connection for the processing, transmission, and storage of official U. S. Government-related or authorized work only.

- I will not knowingly introduce any malicious code into the network nor will I attempt to bypass or circumvent network security features or mechanisms.

- I will not relocate Coast Guard network equipment or software without proper authorization.

- Any computer and/or system connected to Coast Guard networks or systems shall be a standalone computer and/or system and shall not be connected to any other network, computer, system without prior authorization.

I, the contractor employee/user, understand that failure to comply with any or all of the above security requirements could result in the loss of my system and/or network privileges and/or subject me to civil or criminal penalties.

_____ _____

PRINTED NAME OF CONTRACTOR EMPLOYEE/USER COMPANY NAME

_____ _____

SIGNATURE OF CONTRACTOR EMPLOYEE/USER DATE SIGNED

_____ _____

PRINTED NAME OF COAST GUARD ISSO PHONE NUMBER OF COAST GUARD ISSO

CGAP PART 1238 FEDERAL SUPPLY CONTRACTING

CGAP CHAPTER 1238 FEDERAL SUPPLY SCHEDULE CONTRACTING

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CGAP PART 1239 ACQUISITION OF INFORMATION TECHNOLOGY – (RESERVED)

CGAP CHAPTER 1239 ACQUISITION OF INFORMATION TECHNOLOGY

CGAP SUBCHAPTER 1239.001-70 Certification of Frequency Spectrum Support for Major New Communication-Electronic Systems

(a) Every major new Communication-Electronic system must be certified for availability of frequency spectrum before any funds can be obligated for each phase of system procurement: planning, development, pre-production, and production. OMB Circular No. A-11 specifies in Section 12.4; "Estimates for the development or procurement of major communications-electronics systems (including all systems employing satellite [space] techniques) will be submitted only after certification by the National Telecommunications and Information Administration (NTIA), Department of Commerce, that the radio frequency required for such systems is available." Certification is obtained from NTIA through Commandant (G-SCT). System project managers shall coordinate system procurements as early a stage as possible with Commandant (G-SCT) to meet this requirement. Supporting technical information shall be provided to G-SCT in accordance Coast Guard Radio Frequency Plan, COMDTINST M2400.1(series).

(b) Every major new Communication-Electronic system must comply with the Spectrum Standards set forth in Chapter 5 of the Department of Commerce NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management, as invoked by 47 CFR Part 300.1. Instructions concerning the availability of this manual may be obtained from Commandant (G-SCT) or http://www.ntia.doc.gov/osmhome/redbook/redbook.html.

CGAP SUBCHAPTER 1239.001-90 Policy.

(a) When procuring Information Technology, contracting officers shall rely on information promulgated via: the FAR; the Clinger-Cohen Act, as amended, 40 U.S.C. Ch. 25; 41 U.S.C. Ch.4; and Planning Approval for Automated Information Systems (AIS), COMDTINST 5231.2 (series). The Coast Guard's Point of Contact for IT policy is Commandant (G-CIT).

CGAP SUBCHAPTER 1239.2 ELECTRONIC INFORMATION AND TECHNOLOGY

CGAP SUBCHAPTER 1239.203 Applicability.

(a) Coast Guard Implementation of the Rehabilitation Act, Section 508, COMDTINST 5230.60 (series), contains the U. S. Coast Guard's policy for procurement of EIT and shall be consulted during budget submission, and acquisition planning by the requiring and procurement officials. This instruction includes the certification and determinations required for supplies and services which must meet the applicable accessibility standards at 36 CFR part 1194.

(c)(1) Contracting officers should draft solicitations in a way that they may accept a product or service that partially meets the applicable technical provisions if no product is available that meets all applicable technical provisions. Solicitations should also indicate that products that provide equivalent facilitation will be considered along with those that meet the applicable specific technical provisions (in Subpart B) of the Access Board's standards. The General Services Administration (GSA) Section 508 website at http://www.section508.gov/ may be consulted for Frequency Asked Questions (FAQs) to aid in addressing compliance for EIT.

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CGAP PART 1240

CGAP CHAPTER 1240

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CGAP PART 1241 ACQUISITION OF UTILITY SERVICES - (RESERVED)

CGAP CHAPTER 1241 ACQUISITION OF UTILITY SERVICES

CGAP SUBCHAPTER 1241.5 SOLICITATION PROVISION AND CONTRACT CLAUSES

CGAP SUBCHAPTER 1241.501 Solicitation provision and contract clauses.

(a) Legal review shall be obtained if variations of prescribed provisions and clauses are proposed.

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CGAP PART 1242 CONTRACT ADMINISTRATION AND AUDIT SERVICES – (RESERVED

CGAP CHAPTER 1242 CONTRACT ADMINISTRATION

CGAP SUBCHAPTER 1242.1 CONTRACT AUDIT SERVICES

CGAP SUBCHAPTER 1242.101 Contract audit responsibilities.

(b) The Department of Transportation (DOT) Office of the Secretary of Transportation (OST) and the Defense Contract Audit Agency (DCAA) Memorandum of Understanding for contract administration or audit services effective 1 October 1996 was transmitted by Commandant (G-CPM) Distribution letter 4200/GEN of 25 April 1997. An electronic copy of the DOT and DCAA Memorandum of Understanding (MOU) and its updates, including any revised hourly billing rates, can be obtained at the DOT Internet site: http://www.dot.gov/ost/m60/mous/ Each Operating Administration (OA) is responsible for funding its own contract audits. The MOU as amended in February 1997, designates the Coast Guard Finance Center as the sole billing point for the Coast Guard. Specific Coast Guard procedures which shall be followed are:

(1) When the contracting officer ascertains that an audit is needed, funds shall be obtained from the requisitioning office on a Purchase Request (PR). DCAA can assist you in determining an estimate of the funding required for the services you propose. The hourly billing rate $87.70 per hour. On the average, a typical audit takes 1-2 weeks to complete, although it can take longer depending on circumstances.

(2) The contracting officer shall issue a funded Interagency Agreement order (IAO) citing all necessary appropriation data in a format similar to the sample IAO found in Annex IV of the MOU. Be sure to transmit the obligation to the Finance Center as a document type 28. The original and three copies of this AIO shall be sent to:

Commandant (G-ACS-3)
U.S. Coast Guard Headquarters
2100 Second Street, S.W.
Washington, DC 20593-0001

and one copy to:

Interagency Agreement
Coast Guard Finance Center
P. O. Box 4116
Chesapeake, VA 23337-4116

(3) Transmittal of the IAO to the Commandant (G-ACS-3) shall contain the following information:

(i) Cognizant DCAA office;

(ii) Type of audit service requested (i.e., proposed review, rate Review, closeout);

(iii) Offeror/contractor name and address;

(iv) Offeror/contractor point of contact;

(v) Type of contractual action to be audited;

(vi) Dollar amount of action to be audited;

(vii) Solicitation/contract number;

(viii) Requested audit completion date;

(ix) Whether information to be audited is included with the package (e.g., offeror's proposal included);

(x) Whether a technical evaluation will be provided to DCAA; And

(xi) Special instructions or concerns.

(4) DCAA will accept or reject the IAO within 15 days of receipt. In cases of rejection, the contracting officer will be notified by Commandant (G-ACS-3) as soon as possible.

(5) Each month, DCAA will bill the Finance Center for all effort expended the previous month on Coast Guard audits. The Finance Center will then charge each IAO account in accordance with the billing information. The contracting officer will not be required to approve payment before the Finance Center disburses the funds.

(6) Should it become necessary to increase the obligation of funds against the IAO, the contracting officer shall contact Commandant (G-ACS-3) for advice before issuing a modification. Distribution of all modifications to the IAO shall be in accordance with procedures in this subchapter.

CGAP SUBCHAPTER 1242.14 TRAFFIC AND TRANSPORTATION MANAGEMENT

CGAP SUBCHAPTER 1242.1401 General.

(b) The Headquarters office which can provide assistance concerning the tasks delineated under FAR 42.1401 is Commandant (G-SLP).

CGAP SUBCHAPTER 1242.15 CONTRACTOR PERFORMANCE INFORMATION

CGAP SUBCHAPTER 1242.1502 Policy.

Each COCO shall establish internal procedures for processing the contractor performance evaluations to meet the requirements of the FAR. Where the National Institutes of Health's Contract Performance System (CPS) is used, a hard copy of the evaluation report does not have to be retained in the contract file, unless a level above the contracting officer review is necessary. Since the CPS does not currently contain an electronic means to retain the level above review, a hard copy of the level above review must be contained in the contract file.

CGAP SUBCHAPTER 1242.1503 Procedures .

(a) For the Coast Guard, except for architect and engineering services, the National Institute of Health Contractor Performance System (CPS) shall be used for all performance evaluations.

CGAP SUBCHAPTER 1242.70 CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE

CGAP SUBCHAPTER 1242.7001 Scope of subchapter.

The subchapter provides policy and procedures concerning the selection and training of a COTR.

CGAP SUBCHAPTER 1242.7002 Selection and training.

The Coast Guard's policies for COTR selection and training, which supplements the DOT COTR Training Standards policy, is provided as Appendix A to this subchapter.

APPENDIX A - CHAPTER 1242
COAST GUARD POLICY FOR COTR TRAINING

I. Introduction

The purposes of this policy are: 1) to establish Operating Administration policies and procedures for appointing COTRs in the U.S. Coast Guard, in accordance with TAM 1242.70 http://www.dot.gov/ost/m60/earl/chap1242.htm - 1242.70; and 2) to establish Operating Administration policies and procedures for obtaining mandatory Contracting Officer's Technical Representative (COTRs) training as required by the Clinger-Cohen Act, Office of Federal Procurement Policy Letter 97-01, and the departmental policy entitled DOT COTR Training Standards http://www.dot.gov/ost/m60/workforce/transtand.htm.

II. Definition

Contracting Officers may appoint technical representatives and delegate certain responsibilities to assist in the performance of contract administration duties. A Contracting Officer's Technical Representative (COTR) is any individual so designated by the Contracting Officer that performs any one or all of the following functions: inspection, testing, acceptance of contract line items, surveillance of contractor performance, controlling government furnished property, reviewing and recommending approval/disapproval of invoices, vouchers, etc.

III. Applicability

This policy applies to all employees appointed as COTRs as of December 31, 1999, in accordance with TAM 1242.7004. Employees appointed prior to this date must take refresher COTR training in accordance with section V. Employees performing related acquisition functions are encouraged to take the training outlined in section V, or similar instruction.

IV. Appointment Procedures

Contracting Officers shall appoint COTRs in writing in accordance with procedures outlined in TAM 1242.7004.

V. Training Requirements

Initial Training - COTRs appointed after December 31, 1999 shall take a minimum of 24 hours of COTR training which covers the competencies enumerated in the DOT COTR Training Standards. Information on obtaining this training will be provided by the Contracting Officer in the COTR appointment letter outlined in TAM 1242.7004. During an initial implementation period, this training must be accomplished within 12 months of the effective date of this policy. At the conclusion of this implementation period, beginning January 1, 2001, newly appointed COTRs shall complete 24 hours of training prior to their appointment in order to serve as a COTR. Initial training requirements can be met through attendance of G-CPM sponsored classroom training or completion of a three-course package of online courses provided through the Federal Acquisition Institute's Online University. The three courses are: Contracting Orientation, Market Research for Acquisition Officers, and COR Mentor.

Refresher Training - All COTRs, regardless of date of appointment, must have a minimum of 8 hours of refresher training annually. The HCA, Director of Finance and Procurement, has determined that the Federal Acquisition Institute's Online University provided COR Mentor course meets the requirement for annual refresher training. Acceptable alternatives to the online COR

Mentor course are workshops that address pertinent topics such as market research, performance based contracting, COTR duties, and other topical areas determined appropriate by the contracting officer. Alternate forms of refresher training must be approved by the contracting officer and be documented via workshop completion certificates.

VI. Monitoring System

Contracting Officers responsible for appointing COTRs shall ensure that the requisite training has been taken within the time frames set forth above. COTRs are responsible for providing documentation of completion of both initial and refresher training to the Contracting Officer. The contracting officer will document the contract file with proof (certificates) of required COTR training (initial and refresher).

VII. COCO Responsibility

COCOs shall be responsible for managing COTR appointments for all contracts within their purview, to include identification of most advantageous and cost-effective training mechanism (classroom or online training) per individual. Online training may be directly accessed through the Federal Acquisition Institute's Online University at no cost to the program or contracting office, located at http://www.faionline.com/. Contracting Officer's may direct COTRs to enroll in online training via the COTR Appointment letter. To request COTR Classroom training, COCO's must approve Short-Term Resident Training Request, CG-5223, and forward to the Office of Procurement Management (G-CPM-1).

As the course manager for acquisition workforce training, the Office of Procurement Management will continue to manage COTR classroom training as Headquarters Class "C" training. When requesting COTR classroom training, COCOs must provide the below supporting remarks in Block 22 of CG-5223 to assist G-CPM in prioritizing scarce training quotas. Classroom training will be prioritized considering complexity, dollar value of contract and access to internet. Address each of the following items:

(1) the contract commodity/service, the approximate dollar value of the contract(s) to which the COTR will be appointed;

(2) the type of contract anticipated;

(3) the contract period of performance;

(4) why classroom training is necessary in lieu of online training: (a) first time appointments, having no prior COTR experience, without access to internet-based training (cutters or units not on SWIII); (b) new or existing appointments, having prior COTR experience, without access to internet-based training; (c) first time or new appointments with access to internet but other need for classroom training;

(5) additional information deemed necessary.

VIII. Exceptions

GS-9 or military equivalent that have served as a contract specialist, contracting officer, or procurement analyst within 5 years previous top their appointment date may be exempted from the initial training requirements. This is a Contracting Officer decision.
Procurements valued under the SAT, are exempt from this policy unless the Contracting officer

determines that a trained COTR is necessary. For complex procurements valued under the SAT, the Contracting Officer may determine that a COTR appointment is necessary and require training as outlined above. Any exceptions to COTR training requirements outlined above will be granted by the Head of the Contracting Activity on a case-by-case basis.

CGAP PART 1243 CONTRACT MODIFICATIONS

CGAP SUBPART 1243.1 GENERAL

CGAP SUBPART 1243.103-90 Types of contract modifications.

A tripartite contract modification (the type of document preferred by the Small Business Administration offices) may be used to reflect agreements between the Small Business Administration, the Coast Guard, and the 8(a) contractor. The modification shall be placed in the official contract file.

END OF CGAP PART 1243

CGAP CHAPTER 1243 CONTRACT MODIFICATIONS

CGAP SUBCHAPTER 1243.70 Undefinitized contract actions.

CGAP SUBCHAPTER 1243.7000 Scope of subchapter.

CGAP SUBCHAPTER 1243.7004 UCA monitoring system and report.

(b) The COCO shall establish a UCA monitoring system which meets the requirements of TAM 1243.7004(b).

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CGAP PART 1244

CGAP CHAPTER 1244

SUBCONTRACTING POLICIES AND PROCEDURES

(RESERVED)

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CGAP PART 1245 GOVERNMENT PROPERTY

CGAP SUBPART 1245.6 REPORTING, REDISTRIBUTION, AND DISPOSAL OF CONTRACTOR INVENTORY

CGAP SUBPART 1245.603 Disposal methods.

Contracting offices shall contact the local property office or Commandant (G-CFM) for assistance regarding property disposal.

END OF CGAP PART 1245

CGAP CHAPTER 1245 GOVERNMENT PROPERTY

CGAP SUBCHAPTER 1245.1 GENERAL

CGAP SUBCHAPTER 1245.101-90 Definitions.

"Government-furnished property," as used in this CGAP and corresponding FAR Part, is not considered to be in the possession of the contractor until the contractor has signed a Government transfer document, (e.g., DD Form 1149, Requisition and Invoice/Shipping Document) accepting responsibility for the property.

CGAP SUBCHAPTER 1245.105 Records of government property.

The contractor's property control records shall constitute the Government's official property records unless the Government maintains its own property records. If the Government maintains its own property records, the report DOT F 4220.43, Contractor Report of Government Property is not required.

CGAP SUBCHAPTER 1245.5 MANAGEMENT OF GOVERNMENT PROPERTY IN THE POSSESSION OF CONTRACTORS

CGAP SUBCHAPTER 1245.505 Records and reports of Government property.

Records created by a contractor while working for the Coast Guard belong to the federal government and must be maintained per the Coast Guard Paperwork Management Manual, COMDTINST M5212.12 (series).

CGAP SUBCHAPTER 1245.505-90 Reports of Government property.

Contracting officers shall include annual Government property reports as a separate contract line item in all solicitations and contracts that require the furnishing of Government property to contractors, except when the Government maintains its own property records as specified at CGAP Subchapter 1245.105.

CGAP SUBCHAPTER 1245.590 Management of Government property in the possession of contractors.

(a) The guidance set forth in Enclosure (7), Policy Guidance for Government Furnished Property, establishes procedures for the management and administration of Government-Furnished Property for the Coast Guard.

CGAP SUBCHAPTER 1245.508 Physical inventories.

Contracting officers shall ensure the following as applicable:

(1) The property administrator conducts a physical inventory for each contract that provides for contractor-held government property during the fourth quarter of each fiscal year.

(2) The property administrator shall provide the basic information at FAR 45.505-1 to the unit property officer for all property equal to/or exceeding $25,000 (capital assets).

(3) The unit property officer is responsible for recording contractor-held government property equal to/or exceeding $25,000 into the AIM/Oracle database.

(a) The unit property officer will provide the property administrator a data report (database printout) of the property information for each applicable contract recorded in the database for reconciliation.

(b) The property administrator shall review the data report for accuracy; the property administrator shall certify as to the accuracy of the data report and forward a copy of the certified data report to the COCO and program manager for each applicable contract.

(c) The COCO shall forward a copy of the certified data report to the Commandant (G-CPM), Room 2606, NLT October 5th of each fiscal year and maintain a copy in the applicable contract file.

CGAP SUBCHAPTER 1245.6 REPORTING, REDISTRIBUTION, AND DISPOSAL OF CONTRACTOR INVENTORY

CGAP SUBCHAPTER 1245.608 Screening of contractor inventory.

CGAP SUBCHAPTER 1245.608-6 Waiver of screening requirements.

The authority to permit exceptions from requirements for screening of contractor inventory of Government property is delegated to the contracting officer. The contracting officer shall coordinate any determination of such exceptions with Commandant (G-CFM).

CGAP SUBCHAPTER 1245.610 Sale of surplus contractor inventory.

CGAP SUBCHAPTER 1245.610-2 Exemptions from sale by GSA.

(a) The sale of Government-owned personal property under a contract by anyone other than the General Services Administration (GSA) is prohibited unless, an exemption is granted by the Administrator of the GSA. The Property Management Manual, COMDTINST M4500.5 (series), provides additional guidance on the sale and disposal of Government-owned personal property. The authority to seek exemptions from the Administrator, GSA, for sales of surplus contractor inventory is delegated to Commandant (G-CFM).

CGAP PART 1246 QUALITY ASSURANCE

CGAP SUBPART 1246.7 WARRANTIES

CGAP SUBPART 1246.706 Warranty terms and conditions.

(b) For enforcement of major system acquisition warranty provisions, all major system acquisition contracts shall require written notice of warranty be attached to or furnished with the warranted item at time of delivery. Such written notice of warranty shall state (i) existence and substance of warranty, (ii) duration of warranty period, and (iii) contractor's point of contact (to be contacted only upon determination by the warranty manager that warranty enforcement is necessary).

CGAP SUBPART 1246.792 Waiver and notification Procedures. (USCG)

(b) Requests for waiver shall be signed by the Head of the Contracting Activity and shall be submitted through the COCO with two copies of supporting documentation to Commandant (G-CPM) for processing to the HCA and M-60 for Secretarial approval at least 60 days prior to the anticipated award date. Contract award will not be made until the waiver is approved and Congressional notification is completed.

END OF CGAP PART 1246

CGAP CHAPTER 1246 QUALITY ASSURANCE

CGAP SUBCHARTER 1246.6 MATERIAL INSPECTION AND RECEIVING REPORTS

CGAP SUBCHAPTER 1246.601 General.

DD Form 250 (Series), Material Inspection and Receiving Report (MIRR), is authorized for Coast Guard use to document contract quality assurance, acceptance of supplies and services, and shipments. MIRRs shall not be used for:

(a) Shipments by subcontractors where direct shipment is not made to the Government; or

(b) Shipment of contractor inventory.

CGAP SUBCHAPTER 1246.7 WARRANTIES

CGAP SUBCHAPTER 1246.702 General.

(c) Written summary of the procedures to trace and enforce the contract warranty provisions is required within 10 calendar days from date of request. As a minimum, the summary shall include (in the order listed) the (1) contract number, (2) contractor's name, (3) description of warranted item, (4) warranty cost (from the contract), (5) costs associated with warranty enforcement, (transportation, travel, etc.) and (6) summary of warranty enforcement experience (to include, but not limited to, disposition of warranted items, other considerations obtained, and dates warranty action initiated and completed).

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CGAP PART 1247 TRANSPORTATION - (RESERVED)

CGAP CHAPTER 1247 TRANSPORTATION

CGAP SUBCHAPTER 1247.90 Contractor Mailings.

(a) Definition. "Penalty mail" as used in this subchapter is that which is mailed using a Government imprint stating that postage and fees are paid by an agency of the U.S. Government and that there is a penalty for private use.

(b) Policy. Program managers are to ensure that mailings done by contractors are made at the automation rate found in CG Postal Manual, COMDTINST M5110.1 (series), that results in the lowest cost to the Coast Guard.

(c) Procedures. When a contractor makes penalty (indicia) mailings for the U.S. Coast Guard, the contracting officer shall either provide a copy of CG Postal Manual, COMDTINST M5110.1 (series) or furnish the appropriate information from the instruction to the contractor. The contracting officer shall provide the contractor with the U.S. Coast Guard Permit Number and assist the contractor in submitting the required postal forms. The contracting officer shall ensure that a copy of the required postal forms are forwarded to Commandant (G-CIM-2).

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CGAP PART 1248 VALUE ENGINEERING - (RESERVED)

CGAP CHAPTER 1248 VALUE ENGINEERING

CGAP SUBCHAPTER 1248.1 POLICIES AND PROCEDURES

CGAP SUBCHAPTER 1248.104-2 Shared collateral savings.

(a) The authority to determine that the cost of calculating and tracking collateral savings on value engineering change proposals will exceed the benefits to be derived is delegated to the COCO.

CGAP SUBCHAPTER 1248.2 CONTRACT CLAUSES

CGAP SUBCHAPTER 1248.201 Clauses for supply or service contracts.

(e) The authority to determine for a contract or a class of contracts that the cost of computing and tracking collateral savings on value engineering change proposals will exceed the benefits to be derived is delegated to the COCO.

CGAP SUBCHAPTER 1248.202 Clause for construction contracts.

The authority to determine that the cost of computing and tracking collateral savings on value engineering change proposals for a contract will exceed the benefits to be derived is delegated to the COCO.

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CGAP PART 1249 TERMINATION OF CONTRACTS - (RESERVED)

CGAP CHAPTER 1249 TERMINATION OF CONTRACTS

CGAP SUBCHAPTER 1249.1 GENERAL PRINCIPLES

CGAP SUBCHAPTER 1249.106 Fraud or other criminal conduct.

In cases of suspected fraud or other criminal conduct in connection with the settlement of a terminated contract, the contracting officer shall take action per the procedures in the Mandatory Reporting of Incidents to Coast Guard Investigative Service and Requesting Investigative Assistance, COMDTINST 5520.5 (series).

CGAP SUBCHAPTER 1249.4 TERMINATION FOR DEFAULT

CGAP SUBCHAPTER 1249.401 General.

A copy of notices of termination for default, with all pertinent information, shall be forwarded to Commandant (G-LPL) for review as to legal sufficiency. The contracting officer shall notify Commandant (G-LPL) by telephone upon transmission of these documents. Commandant (G-LPL) will provide notice of legal sufficiency within three (3) working days after receipt of the documents.

CGAP SUBCHAPTER 1249.5 CONTRACT TERMINATION CLAUSES

CGAP SUBCHAPTER 1249.501 General.

The request for special purpose clauses shall contain the following information: a copy of the clause, justification for the necessity of its use, and the concurrence of legal counsel regarding the legality of the proposed clauses and the inappropriateness of the standard FAR clauses.

CGAP SUBCHAPTER 1249.6 CONTRACT TERMINATION FORMS AND FORMATS

CGAP SUBCHAPTER 1249.607 Delinquency notices.

(a) Cure Notice. When it is appropriate to issue a cure notice, the format in FAR 49.607(a) is mandatory except that additional paragraphs may be added, if appropriate. If reprocurement is a possibility, the following paragraph shall be added to the cure notice:

Should the Government decide to pursue its right of termination for default, the Government may procure supplies or services similar to those so terminated, and you will be liable to the Government for any excess costs of the reprocurement.

(b) Show cause notice. The format in FAR 49.607(b) is mandatory for the Coast Guard.

CGAP SUBCHAPTER 1249.607-90 Notice to re-establish a delivery date.

(a) A notice to unilaterally re-establish a contract delivery date is only appropriate when a significant period of time has elapsed with no official action taken by the contracting office and when the contracting officer is unable to negotiate a mutually acceptable delivery date.

(b) Contracting officers shall document in a memorandum to the file why the unilateral action is in the best interest of the Government and the basis for determining the re-established contract delivery date. After obtaining concurrence of legal counsel, a notice substantially as follows shall be used:

NOTICE TO RE-ESTABLISH A DELIVERY DATE

The contract delivery date under (insert contract number) has elapsed. To date, you have not satisfactorily completed the contract as required by its terms. This is to advise you that the Government is re-establishing the date for delivery of supplies (or services) to (insert a reasonable date). At that time, if you have not satisfactorily completed performance of the contract as required by its terms, the Government may pursue its right under the default clause in the contract.

(end of notice)

(c) The above notice shall be sent with proof of delivery requested.

CGAP PART 1250 EXTRAORDINARY CONTRACTUAL ACTIONS

CGAP SUBPART 1250.3 CONTRACT ADJUSTMENTS

CGAP SUBPART 1250.305 Processing cases.

Commandant (G-LPL) is the contracting officer's designated representative for processing adjustments. The contracting officer shall transmit the contractor's request for adjustment as detailed in FAR 50.303 to Commandant (G-LPL). Commandant (G-LPL) shall compile the facts and evidence detailed in FAR 50.304, as necessary, and process the case as detailed in FAR 50.305 to the DOTBCA (S-20).

END OF CGAP PART 1250

CGAP CHAPTER 1250 EXTRAORDINARY CONTRACTUAL ACTIONS (RESERVED)

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CGAP PART 1251

CGAP CHAPTER 1251

USE OF GOVERNMENT SOURCES BY CONTRACTORS

(RESERVED)

CGAP PART 1252

CGAP CHAPTER 1252

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

(RESERVED)

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CGAP PART 1253 FORMS - (RESERVED)

CGAP CHAPTER 1253 FORMS

CGAP SUBCHAPTER 1253.1 GENERAL

CGAP SUBCHAPTER 1253.101 Requirements for use of forms.

The requirements for use of the forms prescribed or referenced in this chapter are contained in CGAP Parts and/or Chapters 1201 through 1252, where the subject matter applicable to each form is addressed. The specific location of each requirement is identified in CGAP Subchapter 1253.2.

CGAP SUBCHAPTER 1253.101.90 Use of other agency forms.

Coast Guard contracting activities are authorized to use any of the forms prescribed within the Department of Defense (DOD) FAR Supplement. Forms prescribed by the Federal Acquisition Regulation (FAR) shall have first preference usage, forms prescribed by the Transportation Acquisition Regulation (TAR) shall have second preference usage, forms prescribed by the Transportation Acquisition Manual (TAM) shall have third preference, forms prescribed by the Coast Guard Acquisition Procedures (CGAP) shall have fourth preference usage, and forms prescribed by the DOD FAR Supplement shall have last preference usage, unless mandatory use is prescribed for these forms.

CGAP SUBCHAPTER 1253.103 Exceptions.

Alteration (changes rather than overprinted additions) of any Coast Guard form or other authorized form used for contracting-related purposes is prohibited unless prior approval has been obtained from Commandant (G-CPM). Use for the same purpose of any form other than one prescribed by these procedures requires prior approval of Commandant (G-CPM). Requests for exceptions to standard or optional forms, as prescribed in FAR 53.103 shall be forwarded to Commandant (G-CPM) for appropriate action.

CGAP SUBCHAPTER 1253.104 Overprinting.

Coast Guard forms and other forms may be overprinted with names, addresses and other uniform entries that are consistent with the purpose of the form and that do not alter the form in any other way. Exception approval for overprinting is not needed.

CGAP SUBCHAPTER 1253.105 Computer generation.

Forms prescribed within the FAR System may be adopted for computer preparation by following the exception procedures in CGAP Subchapter 1253.103.

CGAP SUBCHAPTER 1253.106 Special construction and printing.

Contracting activities may request exceptions to procurement-related forms for special format and printing by using the procedures at CGAP Subchapter 1253.103.

CGAP SUBCHAPTER 1253.107 Obtaining forms.

Coast Guard and other agency forms shall be obtained through the Coast Guard's regular forms distribution channels.

CGAP SUBCHAPTER 1253.108 Recommendations concerning forms.

Contracting activities shall effect coordination with the FAR Secretariat as specified in FAR 53.108 through Commandant (G-CPM).

CGAP SUBCHAPTER 1253.2 PRESCRIPTION OF FORMS

CGAP SUBCHAPTER 1253.200 Scope of Subchapter.

This subchapter prescribes Coast Guard forms for use in agency acquisitions. The subchapter is arranged by subject matter, in the same order as, and keyed to, the parts and/or chapters of this regulation-in which the form usage requirements are addressed. (See FAR 53.200 for an example.)

CGAP SUBCHAPTER 1253.204 Administrative matters.

CGAP SUBCHAPTER 1253.204-90 Coast Guard forms used in documenting contract award information and in documenting contract administration files.

(a) Coast Guard Form CG-4788, Contract File Content Checklist - Preaward Contract File, prescribed in CGAP Subchapter 1204.802, shall be used for organizing the preaward portion of the contract files. It may also be used for contract modifications.

CGAP SUBCHAPTER 1253.219 Small business programs.

(a) Coast Guard Form CG-5080, Small Business Review Form, prescribed in CGAP Subchapters 1219.501 and 1226.9002 shall be used to document and recommend small business set-asides, and potential subcontracting opportunities for HBCUs.

(b) Environmental Protection Agency (EPA) Form 6005-3 and Form 6005-3A shall be used for reporting by 15 November annually per CGAP Subchapter 1219.891, the Superfund Minority Contractors Utilization Report.

CGAP SUBCHAPTER 1253.232-70 Procurement requests.

Form DOT F 4200.l.2CG, Procurement Request--Process Rapidly, is prescribed by CGAP Subchapter 1232.702-70 for Coast Guard use when providing funds to procure supplies and services.

CGAP SUBSUBCHAPTER 1253.3 ILLUSTRATION OF FORMS

CGAP SUBCHAPTER 1253.300 Scope of Subchapter.

This subchapter illustrates Coast Guard forms that are specified by these Coast Guard Acquisition Procedures. The forms are arranged numerically.

CONTRACT FILE CONTENT CHECKLIST – PREAWARD CONTRACT FILE

Instructions: Below is a list of items to be included, as appropriate, in each file. The list is not all-inclusive, therefore the Federal Acquisition Regulation (FAR) and other regulatory material must be checked to insure that all actions required by Statute, Executive Order and/or Regulation are accomplished and documented in the contract file.
Document shall be filed and tabbed in the order indicated by the numbers below (filed consecutively, with the highest number on top). Additional documents, if any, pertinent to the procurement action shall be identified in the blank spaces provided. If a document is not placed in its consecutive order; please note in the space to the right, "See Item No___" or indicate where the item is located (i.e. separate file or file number.)

Description of Items/Services Acquired **Dollar Amount (incl. Options)**

Contract / Modification Number: Contract Specialist:

Item No.	Document	Appl & in file	Item No.	Document	Appl & in file
1	Procurement Request, Amendment and all Supporting Documentation, (including government estimate, and Specifications, etc.)		15	"No Proposal Bid" Correspondence	
2	Acquisition Plan/Milestone Plan		16	Abstract	
3	A-E Board Report		17	Bid Bond and Clearance	
4	Small Business Coordination Record (CG5080) and Correspondence Relating to 8(a) Program		18	Record of Late Proposals/Bids	
5	Approved Automated Information System (AIS) Proposal. IT Acquisitions		19	Technical Evaluations memorandum Covering Evaluation of Proposals/Bids & Other Documents Relating to Evaluation	
6	Synopsis and Presolicitation Notices		20	Competitive Range Determination	
7	Procurement Forecast Plan and Updates (DOT Form F4220.12)		21	Unsuccessful Proposals/Bids & all Correspondence with Each Unsuccessful Offeror Including any Revisions to the Original Proposal (Proposals and Accompanying Revisions/Correspondence Should be Segregated by Contractor).	
8	Source list/Planholders'List/Solicitation Requests		22	Successful Proposal/Bid	
9	Justification for Other Than full and Open Competition		23	All Correspondence with Successful Offeror (Including any Revision to the Original Proposal, Mistakes in Bid, etc…) Prior to Execution of the Contractual Document.	
10	Determinations/Approvals		24	Successful Offeror's Price or Cost Data.	
	a. Liquated Damages				
	b. Nonpersonal services			a. In proposal Documents	
	c. Options – Justifications for Use				
	d. Options – Exercise of			b. Separate Papers Filed Hereunder	
	e. Type of contracts				
	f. Warranty clause, inclusion of				
	g. Other Determination/Approvals				
11	SF 98 and DOL Wage Determination		25	Audit Reports	
				a. Price Analysis Staff	
				b. Field (DCAA)	
12	Reserved		26	Pre-negotiation Memo and Clearance (Including weighted Guidelines Profit Analysis , if Applicable) (DOT Form F 4220.32)	
13	Solicitation, Amendments, and Revisions		27	Certificate of Current Cost or Pricing Data	
				a. Separate Papers Filed Hereunder	
14	Record of Pre-proposal/Pre-Bid Conference			b. Attached to_____.	

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Previous Editions are Obsolete

	Document	Appl & in file	Item No.	Document	Appl & in file
28	Final Technical Rating after Negotiations		43	Miscellaneous Documentation	
				COTR Designations	
				Debriefings	
29	Contractor Responsibility Determination (DOT Form F 4220.1)				
	a. Pre-Award Survey				
	b. SBA Certificate of Competency				
	c. KO's Determination of Contractor Responsibility				
30	Post-Negotiation Memorandum/KO's Determination of Price Reasonableness				
31	Contracting Officer's Revalidation of Requirement (Required if procurement action in process for more than one year from date of procurement request.)				
32	Security Requirements				
	a. Contract Security Classification Specification (DD Form 254)				
	b. Kr Security Clearance Information (Obtained from Defense Investigative Service (DIS))				
33	Subcontracting Plan approval Correspondence				
34	Equal Opportunity Clearance				
35	Protest before Award				
	a. To agency				
	b. To GAO				
36	Reserved				
37	Correspondence Relating to Execution of Contractual documents				
38	Notice to Unsuccessful Offerors/Bidders				
39	Pre-award Review and Approval of Award (Including Local Reviews/Approvals and CGHQ, DOT Reviews/Approvals When applicable)				
40	Contract Award Notification (Form DOT F 4220.11)				
41	DOT CIS Data Input Form				
42	Award Notice (Commerce Business Daily)				

Department of Transportation U.S. Coast Guard *CG - 5080 (Rev. 02-00)*	**SMALL BUSINESS REVIEW**	Review by SBA PCR (if applicable) Signature Date

GENERAL INFORMATION

This form is for Coast Guard use in support of established national policy for small business programs and is mandatory for all new requirements in excess of the Simplified Acquisition Procedure threshold. No synopsis will be issued prior to completion of this form (CGAP subchap 1219.501)

TO BE COMPLETED BY CONTRACT SPECIALIST

1. Procurement Request #	2. Total Estimated Value $ (inclusive of options)	3a. SIC Code	3b. NAIC Code	3c. Dept of Commerce SIC major group code for SDB PEA? Yes ☐ No ☐

4. Small Business Size Standard
Employees _____ or $ _____

5. Item Description and Quantity

6. Commercial Item/Service
Yes ☐ No ☐

7. Recommendation (mark one)

a. Sole Source	b. Competitive
☐ 8(a) HUBZone	☐ 8(a) HUBZone
☐ 8(a) Non-HUBZone	☐ 8(a)
☐ HUBZone	☐ HUBZone (Rule of 2)
☐ HBCU/MI	☐ Small Business (Rule of 2)I
☐ OTHER (Must complete Block 12)	☐ Full and Open (Must complete Block 12)

8. Acquisition History (mark as applicable)
- ☐ a. First time buy
- ☐ b. Previous acquisition
  - ☐ 1. Section 8(a) sole source
  - ☐ 2. Section 8(a) competitive
  - ☐ 3. Small Business Set Aside
  - ☐ 4. Sole Source, not 8(a)
  - ☐ 5. Full and open
- ☐ c. Two or more responsive SB offers/bids on prior acquisitions

9. Subcontracting plan required?
Yes ☐ No ☐

10. Synopsis required?
Yes ☐ No ☐

11. Summary of Supporting Data (Supporting Data must be attached):

12. HBCU sub-k potential
Yes ☐ No ☐

NOTE: Change in the procurement plan described herein will require return for re-evaluation by the SBS

13. Part I Submitted By:
Signature Date

14. SBS Concurs ☐ Rejects ☐ (see attached)
Signature Date

CONCURRENCE

15. Contracting Officer
☐ Concurs ☐ Rejects (basis for rejection attached)
Signature Date

16. Small Business Specialist
☐ Accepts ☐ Appeals (basis for appeal attached)
Signature Date

PREVIOUS EDITION IS OBSOLETE

United States Environmental Protection Agency
Washington, D.C.
Superfund Minority Contractors Utilization Report – Part 2
Section 105(f) – P.L. 99-499
Please read instructions on reverse side

Page | _____ of _____Pages

Contractor's name City, and State (1)	Contract Number (2)	List or Describe Supplies or Services (3)	Dates Awarded (4)			Awards Amount (in thousands of dollars) (5)	Duration of Contract (6)			Type award (7)	Prime or Sub (8)	Location or State (9)	Name of Agency (10)

EPA Form 6005-3 (9-87)

Instructions

1. Self explanatory.
2. If direct procurement, contract number, if award is made under financial assistance, the grant number.
3. Self explanatory.
4. Date signed by the awarding official.
5. For direct procurement on top line cite the basic contract award amount on second line and total contract award.
6. On the top line cite beginning date of performance, on second line cite ending date of performance.
   Applies to both direct procurement and financial assistance.
7. For direct procurement cite whether award was made under SBA Section 8(a) or direct minority contracting. For financial assistance cite only FA.
8. For both direct and financial assistance cite whether award was prime contract, (PC) or subcontract
   (SC).
9. For both direct procurement and financial assistance cite the location or site where the work is to be performed.
10. Name of Agency, use one of the following abbreviations for the Agency procuring the supplies and/or services. In financial assistance site the Agency plus the State or recipient who make the award.

EPA – Environmental Protection Agency

HHS/ATSDR – Health & Human Services, Agency for Toxic Substances Disease Registry

HHS/NIEH - Health & Human Services, National Institute for Environmental Health Services

FEMA – Federal Emergency Management Administration

DOI – Department of Interior

DOL/OSHA – Department of Labor, Occupational Safety& Health Administration Agency

DOI/USCG – Department of Transportation, U.S. Coast Guard

DOD/COE – Department of Defense, U.S. Army Corp of Engineers

DOC/NOAA – Department of Commerce, National Oceanic and Atmospheric Administration

DOJ – Department of Justice

EPA Form 6005-3 (9-87) Reverse

United States Environmental Protection Agency
Washington, D.C.

Superfund Minority Contractors Utilization Report – Part 2

Section 105(l) – P.L. 99-499

Please read instructions on reverse side

Page | _____ of _____ Pages

Action (1)	Location (2)	Agency (3)	Dates From (4)	Dates To (5)	Remarks (6)

EPA FORM 6005-3A (9-87)

Instruction

1. Action: Any action taken to encourage the utilization of minority contractors or Superfund program/projects. This may include, but is not limited to such actions as, news releases, letters, notices, workshops, seminars, training and orientations.
2. Location: Cite city and state where the action took place, e.g. MBE Training Workshop, Chicago, IL;
   News release, Washington D.C., etc
3. Agency: Use the following abbreviations for the Agency which is carrying out or conducting the
   Code: action

EPA – Environmental Protection Agency

HHS/ATSDR – Health & Human Services, Agency for Toxic Substances Disease Registry

HHS/NIEH - Health & Human Services, National Institute for Environmental Health Services

FEMA – Federal Emergency Management Administration

DOI – Department of Interior

DOL/OSHA – Department of Labor, Occupational Safety& Health Administration Agency

DOI/USCG – Department of Transportation, U.S. Coast Guard

DOD/COE – Department of Defense, U.S. Army Corp of Engineers

DOC/NOAA – Department of Commerce, National Oceanic and Atmospheric Administration

DOJ – Department of Justice

4. Dates(s): from and To. Cite dates by month, day, and year .e.g. 06-15-87 for June 15, 1987

5. Date (s): If the action is a newsletter, letter, etc, use only the first column for the sate. For any workshops, seminars, training, use both the "From " and "To" columns.

6. Remarks: Add any comments you deem necessary to further explain, clarify actions taken to encourage the utilization of minority contractors. Note: At the end of each entry, please draw a line to distinguish the end of one entry and the beginning of a new entry. This worksheet (Part 2) should accompany your Part 1 when it is submitted to EPA.

EPA Form 6005-3A (9-87) Reverse

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COAST GUARD ABOLISH RED TAPE IN CONTRACTING (ARTIC) PROGRAM

1. **PURPOSE.** This enclosure establishes policy and procedures for Coast Guard Contracting activities participation in the ARTIC program.

2. **APPLICABILITY.** Participation is authorized for Coast Guard contracting activities with formal (acquisitions in excess of the simplified acquisition threshold) contract authority.

3. **DISCUSSION.** The ARTIC program is designed to promote streamlining in the Coast Guard procurement process. The goal of this program is the elimination of unnecessary procurement regulations and procedures which impede the exercise of good business judgment in the procurement process. This will be accomplished through class deviation/waiver requests from formal contracting. The Deviation/Waiver (D/W) requests must be related to formal contracting procedures (acquisitions in excess of the simplified acquisition threshold) and justified by the contracting activity making the request.

4. **PROCEDURES.** The stages of the ARTIC process are as follows:

a. Contracting activities submit requests for class D/W from specific procurement regulations and procedures (Federal Acquisition Regulation (FAR), Transportation Acquisition Regulation (TAR), Transportation Acquisition Manual (TAM), Coast Guard Acquisition Procedures (CGAP) and Department of Transportation (DOT) or Commandant directives affecting procurement). Requests should contain rationale for the D/Ws based on sound judgment and good business practices.

b. Only regulations, policies or procedures (FAR, TAR, TAM, CGAP DOT or Headquarters requirements affecting procurement) related to large purchase procedures are covered under ARTIC. D/W requests from statutory requirements (e.g., provisions of the Competition in Contracting Act of 1984) cannot be considered.

c. Requests shall be signed, recommending approval, by the Chief of the Contracting Activity (COCO).

d. All ARTIC D/W requests should be addressed to Commandant (G-CPM). Written requests, with supporting information, may be transmitted via electronic mail, message, facsimile, or normal mail.

e. Each D/W shall provide: title of D/W request, regulatory/procedural cite, rationale/justification, proposed duration and method of oversight if D/W is granted, expected benefits, and statutory impact (if any). Contracting activities should sequentially number (001, 002, 003 and so on) their proposed D/Ws forwarded to Commandant (G-CPM).

f. D/Ws will normally be granted for one year. D/Ws may request deviations for a specific type of contract, i.e., ship repairs.

g. D/W requests for FAR or TAR class deviations or requests affecting Departmental Orders and TAM bulletins will be reviewed at the DOT level, as well as by Commandant (G-CPM).

h. Each D/W request will be reviewed expeditiously by Commandant (G-CPM). An estimated response date to each D/W request shall be provided within three (3) working days of its receipt by

Commandant (G-CPM). Written responses to D/W requests will be transmitted via electronic mail, message, facsimile, or normal mail.

i. Contracting activities have the opportunity to benefit from an approved D/W by requesting that the approved D/W apply to them. In such cases, the requesting activity will have to provide its own justification/rationale for consideration on a previously approved D/W. The same review procedures required in c. through h., above, are applicable in these situations.

j. Assessment of the effectiveness of each approved D/W shall be made by each activity within nine (9) months from the approval date, and provided to Commandant (G-CPM) for a decision on future application of the D/W. Generally, assessments shall consist of: (1) actual experienced advantages and disadvantages of the approved D/W, (2) recommendation and rationale for wider implementation, cancellation, modification or continued testing of the D/W, and (3) estimated cost savings and/or time savings resulting from the D/W. The degree of detail in these submissions can be coordinated with Commandant (G-CPM) in advance.

k. Each D/W assessment by a contracting activity will be reviewed expeditiously by Commandant (G-CPM). An estimated response date to each D/W assessment shall be provided within three (3) working days of its receipt by Commandant (G-CPM). Each assessment review will result in Commandant (G-CPM) direction that the D/W will be: (1) canceled, (2) implemented on a wider basis, (3) modified, (4) continued to be tested, or (5) waived on an indefinite basis (CGAP provisions) for the contracting activity. Waivers approved on an indefinite basis may be subject to reconsideration upon policy changes or deficiencies found during Procurement Management Reviews.

1. A listing of all active ARTIC D/Ws and recognition of contracting activities accomplishments will be published in the Procurement Electronic Newsletter (PEN).

5. **RESPONSIBILITIES.**

a. The Chief of the Contracting Office should ensure that the activity ARTIC Coordinator or Point of Contact for each waiver is included in correspondence.

b. Commandant (G-CPM) is responsible for:

(1) Processing each D/W request.

(2) Monitoring the overall implementation of the Coast Guard ARTIC program.

(3) Interfacing with the Office of Acquisition and Grant Management (M-60) at the Department of Transportation for D/Ws as required.

6. **POINT OF CONTACT**. For additional information regarding this ARTIC instruction, please contact Ms. Desyria Short, Commandant (G-CPM-2), (202) 267-2635.

USCG CONTRACTING OFFICER WARRANT PROGRAM (COWP)

1. **PURPOSE**: This policy sets forth instructions and procedures for nomination and appointment of Contracting Officers (KOs) within the United States Coast Guard (USCG). This policy applies to all USCG organization elements seeking contracting officer (KO) authority.

2. **DEFINITIONS**:

a. Chief of the Contracting Office (COCO) means an individual who has primary responsibility for the day-to-day management and control of the contracting activity. COCOs are those individuals appointed in writing by the Head of the Contracting Activity.

3. **AUTHORITY AND RESPONSIBILITIES**:

a. The authority to appoint KOs is limited to the Head of the Contracting Activity (HCA). The HCA for the USCG is the Director of Finance and Procurement, Commandant (G-CFP). The HCA may delegate this authority to a level no lower than the Chief of the Contracting Office (COCO). This delegation will be determined on a case-by-case basis and shall be in writing. The HCA has delegated authority to issue contracting warrants of specific dollar authority within defined areas of responsibility as follows:

(1) Chief, Office of Procurement Management, Commandant (G-CPM)—all KO appointments in the USCG except COCOs with authority over 100K.

(2) Chief, Office of Contract Support, Commandant (G-ACS)—all KO appointments within the Office of Contract Support and for those units where G-ACS is designated as COCO.

(3) Chief, Procurement and Logistics Branch, Naval Engineering Division, Maintenance and Logistics Command Pacific—all KO appointments not to exceed (NTE) $50,000 for Supplies, $50,000 for Services, $25,000 for Construction, $250,000 for Fuel, Subsistence and Port Services OCONUS for Pacific Area afloat assets; $500,000 for Fuel, Subsistence and port Services OCONUS for Icebreakers (Polar class and Healy); and all KO appointments within the simplified acquisition section of the Naval Engineering Division NTE $100,000.

(4) Chief, Procurement Branch, Finance Division, Maintenance and Logistics Command Pacific—all KO appointments NTE $50,000 for Supplies, $50,000 for Services and $25,000 for Construction, $250,000 for Fuel, Subsistence and Port Services OCONUS for all units in Pacific Area except Pacific Area afloat assets, KOs in Naval Engineering Division, and Headquarters units; and all KO appointments within the simplified acquisition section of the Finance Division NTE $100,000.

(5) Chief, Finance Division, Maintenance and Logistics Command Atlantic—all KO appointments NTE $50,000 for Supplies, $50,000 for Services and $25,000 for Construction, $250,000 for Fuel, Subsistence and Port Services OCONUS for all units in Atlantic Area except Headquarters units; and all KO appointments within Finance Division NTE $100,000.

4. **SELECTION AND APPOINTMENT**:

a. **Selection and Appointment**. The selection and appointment of KOs within the USCG will be determined based upon:

(1) Need of the contracting office;

(2) Nominee meeting the education requirements and qualification levels outlined in the DOT Acquisition Career Development Policy for Contracting Professionals available at http://www.dot.gov/ost/m60/workforce/guide (This policy is applicable to GS-1102 personnel for all types of warrants and military equivalent personnel for general warrants.);

(3) Completion of DOT mandatory training and certification at Level I, Level II or Level III corresponding to appropriate grade level as outlined in DOT Acquisition Career Development Policy for Contracting Professionals (applicable to GS-1102 and military equivalent personnel) (see also paragraph 5.b);

(4) Completion of required specialized training pertaining to authority type requested (e.g., construction, architect and engineering, service contracting, etc.);

(5) Maintaining skills currency requirement met through continuing education or training (80 hours required every 2 years for general warrants, 24 hours required every 3 years for SAP warrants);

(6) Experience requirement;

(7) Statement from COCO attesting to the nominee being in full compliance with above requirements and recommending warrant appointment.

b. **Record keeping**. Each issuing authority shall maintain selection and appointment records for all Contracting Officers appointed within their area of responsibility. The Chief, Office of Procurement Management (G-CPM) shall maintain the complete record of all USCG Contracting Officers. Each issuing authority shall provide G-CPM with one copy of each warrant as they are issued. Each issuing authority shall also notify G-CPM when warranted personnel depart and when warrants are revoked.

5. **WARRANT STRUCTURE FOR SHORE UNITS AND VESSELS**:

a. **System Structure**. The new warrant system consists of two types of warrants:

(1) General Warrant;
(2) SAP Warrant.

COCOs will nominate personnel for contracting warrants to the appropriate issuing authority using a format similar to the Nomination Statement included as a Sample to this enclosure.

b. **Shore Personnel**. Warrants for shore personnel will be issued when requested by the COCO based upon this policy and limitations set forth below:

(1) General warrants for 1102 and military equivalent personnel may be issued at any dollar level up to unlimited authority depending on the need of the contracting office, acquisition certification and experience of the nominated person and recommendation of the COCO.

(2) SAP warrant authority will vary by commodity and dollar value depending on need of the contracting office, experience and training of the nominated person, and recommendation of the COCO. SAP warrants may be issued at levels determined necessary by

the warrant issuing authority up to $100,000. Standard verbiage for SAP warrants will limit Delivery Order authority
against GSA Federal Supply Schedule contracts and other fixed price mandatory sources of supply to the dollar level of the open market authority.

c. **Shipboard Personnel**. Warrants for shipboard personnel will be issued in accordance with this policy and for positions authorized simplified acquisition training in the Cutter Training and Qualifications Manual COMDTINST M3502.4 (series).

(1) SAP warrant authority will vary by commodity and dollar value depending on the need of contracting office, experience and training of nominated person, and recommendation of COCO. SAP warrants may be issued at levels determined necessary by the warrant issuing authority up to $50,000 for Supplies; $50,000 for Services; and $100,000 for Fuel, Subsistence and Port Services when cutters are deployed OCONUS.

d. **Length of Appointment**. All contracting warrants shall state authority by commodity and dollar value (see examples below) and expiration date. The expiration date for general contract warrants will be 4 years from date of issuance for personnel having completed acquisition certification and 2 years from date of issuance for personnel not yet certified (see exceptions identified in Item 5.b). SAP warrants will have an expiration of 3 years from date of issuance. Interim warrants may be issued for shorter lengths of time in certain situations where nominee has not met all requirements for holding a warrant and is working towards this accomplishment. See Item 6.a for restrictions on issuing interim warrants.

SAP Example 1:
$25,000 for Supplies and $2,500 for Services under Simplified Acquisition Procedures
Delivery orders up to open market authority against GSA Federal Supply Schedule (FSS) contracts and other fixed-price mandatory sources of supply.
$2,000 for Construction, No A&E, No R&D

SAP Example 2:
$100,000 for Supplies and $25,000 for Services under Simplified Acquisition Procedures
Delivery orders up to open market authority against GSA Federal Supply Schedule (FSS) contracts and other fixed-price mandatory sources of supply.
$2,000 for Construction, No A&E, No R&D

General Example 1:
Unlimited Supplies, Unlimited Services, Unlimited Construction & A&E, No R&D

General Example 2:
$1,000,000 for Supplies, $1,000,000 for Services, No Construction or A&E, No R&D

e. Authority to issue Interagency Agreements/Military Interdepartmental Purchase Requests (MIPRs) under the Economy Act 31 U.S.C. 1535 is limited to warranted personnel in accordance with Subchapter 1217.501 up to authority levels stated on warrant.

6. **TRAINING & EXPERIENCE REQUIREMENTS**:

a. **Training requirements for obtaining SAP Warrants**. In order to obtain a SAP warrant, the individual being nominated must have completed specific training in combination with experience. Training must be current, within 3 years, except when applicant has been continuously engaged in performing SAP duties since completion of training. The maximum dollar level of SAP warrants is $100,000. Varying levels of authority may be granted dependent upon need of the contracting office, level of training completed and experience of the nominated

individual. A minimum of 40 hours BASIC SAP training is required for lower level warrants, i.e., $0-$24,999. The BASIC SAP requirement can be met through either classroom training or computer based training (Defense Acquisition University (DAU) CON 237). To receive or exceed $25,000 authority, 40 hours of ADVANCED SAP training is required in addition to 40 hours of BASIC SAP training.

Authority to procure services and construction is limited to $2,500 and $2,000 respectively unless additional specific service (minimum 16 hrs) and construction (40 hours) training has been completed. To exceed $50,000 authority, 40 hours of formal Cost & Pricing training must be completed.

b. **Training requirements for obtaining General Warrants**. Effective 31 December 2002, the individual being nominated for a warrant must have completed all mandatory contracting courses for the grade level or military rank at which the person is serving as set forth in DOT Acquisition Career Development Policy for Contracting Professionals (TAM Supplement to Chapter 1201 dated August 3, 1998). The only exceptions to this rule are as follows:

(1) In the event of promotion to next higher training level, e.g., from GS-12, Level II to GS-13, Level III. An 18-month period will be allowed to obtain higher-level training required for higher-level certification.

(2) A waiver has been granted by the HCA.

SUMMARY OF TRAINING RQMTS FOR WARRANT TYPE

WARRANT TYPE	NTE AMOUNT	MINIMUM TRAINING	MINIMUM EXPERIENCE
SAP Warrant	$100,000*	Basic & Adv SAP& C&P Analysis	3 years
	$ 50,000*	Basic & Adv SAP	2 years
	$ 25,000*	Basic & Adv SAP	1 year
	$ 10,000 –$24,999*	Basic SAP	6 months -1 year
	$ 5,000*	Basic SAP	6 months-1 year
General Warrant	Over $100,000--Unlimited**	Certification at Grade level	3 years

*Warrant dollar threshold using simplified acquisition procedures
**General warrants may be issued in any amount deemed necessary by the COCO. The amount shall be determined based on the need of the contracting office, and skill level, training and experience of the nominated individual. Authority to procure A&E and/or construction may be granted upon completion of an additional 40 hours of A&E and 40 hours of construction training, respectively.

c. **Experience Requirements**. Minimum experience levels must be met in order to qualify for a contracting warrant. Experience can only be gained while serving in a contracting/purchasing position, e.g., Contract Specialist, Procurement Analyst, Contracting Officer, Chief of Contracting Office, Purchasing Agent, Procurement Technician. A minimum of 3 years experience is required in order to qualify for a General contracting warrant at any dollar level.

d. **Skill Currency Training**. The training requirement for maintaining a warrant differs with the type of warrant.

(1) SAP warrants shall be maintained through the receipt of 24 hours of skill currency training every 3 years. This training requirement may be met through a combination of any of the following G-CPM sponsored Class C courses: SAP Refresher (24 hrs), Service Contract Overview (16 hrs), Acquisition of Commercial Items (16 hrs), IT Acquisition (40 hrs), Cost & Price Analysis (40 hrs), Performance Based Service Contracting (32 hrs). Non-Class C acquisition related courses paid for with unit funds, and/or properly documented in-house training, computer-based training (such as DAU CON 237 Simplified Acquisition Procedures, Federal Acquisition Institute (FAI) JWOD Seminar (3 hrs), FAI Market Research for Acquisition Officers (8 hrs), FAI Contracting Orientation (16 hrs)), COCO Conferences, and procurement conferences are acceptable sources for maintaining skill currency. For a current listing of G-CPM sponsored Class C courses, check COMDTNOTE 1540 published at http://www.uscg.mil/hq/tqc.

(2) General warrants shall be maintained through the receipt of 80 hours of skill currency training every 2 years. This training requirement may be met through a combination of any of the following G-CPM sponsored Class C acquisition courses (non-mandatory certification courses): Service Contract Overview (16 hrs), Performance Based Service Contracting (40 hrs); Construction Contracting (40 hrs); Contract Claims (40 hrs); Terminating Contracts (24 hrs); Acquisition of Commercial Items (16 hrs); Using Oral Presentations in Source Selections (8 hrs); Advanced Source Selection (16 hrs) and/or non-Class C courses paid for with unit funds and/or properly documented in-house training, computer-based training (such as FAI Acquisition Planning (40 hrs), FAI Contract Formation (40 hrs), DAU ACQ 101 Fundamental of System Acquisition) COCO Conferences, procurement conferences (as examples). For a current list of Commandant (G-CPM) sponsored Class C training check COMDTNOTE 1540 published at http://www.uscg.mil/hq/tqc.

7. **EXCEPTIONS**:

a. In urgent situations, interim warrants not to exceed 6 months may be issued for $5,000 to individuals not meeting experience and training requirements set forth in this policy and up to $25,000 to individuals meeting experience requirements but are awaiting refresher training.

b. Any exceptions to the policy set forth herein shall be submitted via G-CPM to the HCA, Commandant (G-CFP) for approval.

c. The following actions within the USCG do not require a KO's signature. Detailed instructions on delegations, usage and restrictions are outlined in COMDTINST M4200.13E, Simplified Acquisition Procedures Handbook and COMDTINST M4200.19 Coast Guard Acquisition Procedures (CGAP).

(1) Blanket Purchase Agreement (BPA). Calls against BPAs are restricted to individuals identified as authorized callers in the BPA.

(2) USCG On-Scene Coordinators (OSC), by virtue of their position can perform the duties of an ordering officer when responding to an oil or hazardous substance spill incident under emergency situations and when adhering to Subchapter 1217.92. OSC authority is limited to $50,000 per incident. When supplies or services are required that are not covered under an existing Basic Ordering Agreement (BOA) or BPA, the requirement shall be referred to the MLC(fcp) contracting officer. If the MLC(fcp) contracting officer can not be contacted in a timely manner, OSCs are authorized to issue Purchase Orders for non-BOA supplies or services on an emergency basis only not to exceed $25,000 per incident. The OSC must contact the MLC(fcp) contracting officer within 24 hours after exercising this authority.

(3) The District Response Advisory Team (DRAT) KO shall serve on the OSC's

contracting staff, when requested by the OSC, during an oil or hazardous substance spill incident. The DRAT KO is limited to expending Oil Spill Liability Trust Funds (OSLTF) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) funds in an amount not to exceed $25,000 for each procurement action in response to an oil or hazardous substance spill incident. The DRAT KO must satisfy the training requirements set forth for a SAP warrant (including services training if services over $2,500 are to be procured) prior to appointment.

(4) FEDSTRIPS.

(5) SF-44 Purchase Order-Invoice-Voucher is strictly limited to $25,000 or less for fuel

and oil for aircraft and vessels and strictly limited to $2,500 or less for all other procurements. Persons using an SF-44 must be appointed, in writing, by a warranted contracting officer.

(6) Imprest funds for other than small purchases.

(7) Training authorizations for public course offerings using SF182, Request, Authorizations, Agreement and Certification of Training when accomplished by individual delegated authority by COCO.

(8) Travel related documents.

(9) Authorizations or orders for printing (Form DOT F 1700.3) and duplicating (Form DOT F 1700.8) services.

(10) Government bills of lading.

(11) Non-appropriated funded small purchase actions under $5,000 in accordance with the Comptroller Manual, Vol VII, Non-Appropriated Activities Fund Manual, COMDTINST M7010.5 (series).

(12) Government-wide commercial purchase card transactions under $2500 for supplies and services; or limited to $2000 for construction; or for fuel purchases for CG aircraft and vessels up to $100,000 per transaction. Fuel authority may only be used (1) if there is no Defense Energy Support Center (DESC) supplier available and (2) if the vendor will not accept the Fleet Services Card.

(13) Utility payments under host/tenant agreements.

(14) Host tenant agreements or other related support agreements.

(15) Leases for real property as set forth in Subchapter 1217.5.

(16) Real estate transactions affected under the Federal Property Management Regulations or the Uniform Relocation Assistance and Real Property Acquisition Regulations.

d. Other types of actions within the Coast Guard that do not require a KO's signature will be determined on an individual basis by the cognizant COCO.

8. **SUSPENSION/REMOVAL OF WARRANTS AND REVIEWS**:

a. The HCA or designee will suspend or remove warrants when sufficient reason to do so exists. Examples of actions that may lead to warrant suspension or removal include, but are not limited to the following:

(1) Commandant (G-CPM) reviews that reveal unsatisfactory performance.

(2) Congressional inquiries that reveal unsatisfactory performance.

(3) Protests that reveal unsatisfactory performance.

(4) Statutory violations.

b. Reviews may be conducted by Commandant (G-CPM). During these reviews, Commandant (G-CPM) will inspect COCO warrant records and KO compliance with law and regulation. An assessment will be made as to satisfactory performance in acquisition duties, including ethical conduct and the exercise of sound business judgment. Significant problems or deficiencies noted during these reviews shall be referred to Commandant (G-CFP) who will effect any necessary corrective actions, which includes revocation of KO authority or COCO authority. Compliance inspections may be conducted by MLCPAC or MLCLANT. Significant problems discovered during Compliance Inspection shall be referred to the appropriate warranting authority for consideration of warrant revocation.

SAMPLE NOMINATION FOR APPOINTMENT OF CONTRACTING OFFICER

TO: Head of the Contracting Activity (Commandant G-CFP) or other warrant issuing authority identified in Section 2.a.
VIA: Chief, Office of Procurement Management (if addressed to HCA)
FROM: COCO or Commanding Officer (when nominating a COCO)

SUBJECT: NOMINATION FOR APPOINTMENT OF CONTRACTING OFFICER

1. There is a clear and convincing need to appoint a contracting officer for the following reasons:
_____
_____
_____
_____

2. I nominate *Name, Title, Series, Grade* to receive a *General or SAP* contracting officer's warrant at the following levels and *restrictions* *List authority levels and commodities (see examples provided at 4.d.)*

3. Personal QUALIFICATION STATEMENT must address:

a. Status of DOT mandatory training and certification at appropriate grade level (applicable for General warrants, 1102 and military equivalent personnel)

b. Completion of required specialized training if applicable (applicable for General and SAP warrants)

c. Maintaining Skills currency requirement (applicable for General and SAP warrants)

d. Experience (applicable for General and SAP warrants)

4. The nominee's performance of acquisition duties is satisfactory.

5. The nominee's conflict of interest disclosure statement is on file (applicable to 1102 and military equivalent).

6. I, *Name of COCO (or Commanding Officer when COCOs are being nominated* attest to the accuracy of the personal qualification information supplied above and believe, based upon my personal observations and evaluation , that the nominated individual has the business knowledge and experience necessary to execute the responsibilities that accompany the position of a contracting officer in the U.S. Coast Guard.

Signature of COCO or Commanding Officer

MILITARY INTERDEPARTMENTAL PURCHASE REQUESTS (MIPRS)

1. **PURPOSE**. To establish guidance for processing MIPRS.

2. **SCOPE**. This guidance applies to all Coast Guard contracting activities that issue MIPRS.

3. **BACKGROUND**. An interagency acquisition is a means by which an agency (the requesting agency) obtains supplies or services from another agency (the servicing agency). The Economy Act (31 U.S.C. § 1535) provides the authority to place orders with a servicing agency to obtain supplies or services by interagency acquisition, unless a more specific statutory authority exists. Interagency acquisitions for the Coast Guard are mostly accomplished by a Military Interdepartmental Purchase Request (MIPR). A MIPR document (DD Form 448) (See Exhibit 2) is used to place an order for supplies or services with a ***military*** servicing agency (Air Force, Army, Navy/Marine Corps) and possibly with a ***civilian*** servicing agency (Interior, Justice, Energy, etc.) if acceptable to that civilian agency. The military or civilian servicing agency (hereinafter referred to as "Agency") will provide the needed supplies or services from in-house inventories, Federal employees, or commercial sources under contract:

a. METHOD 1-By Government personnel or resources or from the Agency's stock.

b. METHOD 2-By a contract, contract modification within the scope of the Agency's contract, or a delivery order against the Agency's contract. These contractual documents often times may also include the requirements of other Government agencies;

c. METHOD 3-By including the Coast Guard's requirement in the Agency's proposed solicitation.

d. METHOD 4-By contracting exclusively for the Coast Guard (rarely occurs).

4. **PROCEDURES**.

a. PROCUREMENT METHOD:

(1) Prior to issuing a MIPR, the contracting officer shall contact the Agency to confirm whether or not the MIPR will be accepted, and to determine by which METHOD the supplies or nonpersonal services will be provided to the Coast Guard.

(2) The following procedures apply:

(a) METHOD 1 - The contracting officer shall obtain from the Agency, the cost, delivery schedule, number of copies of the MIPR required, and any other information pertinent to the proposed procurement. If the acquisition involves the use of a commercial or industrial activity operated by the agency, the contracting officer shall ensure compliance with FAR 7.3, Contractor versus Government Performance.

(b) METHOD 2 - The contracting officer shall review a copy of the Agency contractual vehicle before the Coast Guard determines to use that vehicle for ordering the supply/service. The contracting officer shall obtain from the Agency, the price/cost, delivery schedule, number of copies of the MIPR required, proposed final product, contractor's name, and contract number. It is preferable to obtain this information before MIPR acceptance, but if this is not practicable, then as soon after MIPR acceptance as possible.

(c) METHOD 3 - The contracting officer shall obtain from the Agency, the method of procurement (e.g. sealed bidding, negotiated other than full and open competition

or full and open competition), the estimated cost/price, number of copies of the MIPR required, delivery schedule.

(d) METHOD 4 - The contracting officer shall provide to the Agency, the desired method of procurement (e.g., sealed bidding, other than full and open competition, full and open competition, full and open competition, full and open competition after exclusion of sources), the estimated cost/price, delivery schedule, and confirm whether or not the Agency will procure the supplies or nonpersonal services.

(e) The contracting officer shall ensure that there are no fees or charges in excess of the actual cost (or estimated cost if the actual cost is not known) of entering into and administering the contract by the service agency.

b. DOCUMENTATION AND APPROVAL.

(1) If the Coast Guard dictates procurement by one of the exceptions under FAR subparts 6.2, Full and Open Competition after Exclusion of sources or FAR 6.3, Other than Full and Open Competition, the Coast Guard must furnish to the Agency, all of the information that will be needed to execute the justification and/or D&F that may be required under FAR subpart 6.2 and 6.3.

(2) A Determination and Findings (D&F) to support issuance of the MIPR is required by FAR 17.503, and it shall be written in the format of TAM Chapter 1217, Appendix A. The findings required by FAR 17.503(b) shall be discussed with the Agency in all cases and included in the D&F.

c. FORMAT

(1) Exhibit 1 defines and provides instructions for completing appropriation entries on page 1 of the MIPR. Exhibit 2 provides a sample of a Category I MIPR or Category II MIPR. Exhibit 3 and 4 provide samples of Category I and Category II MIPRs acceptance. See discussion of Category I and Category II MIPRs in e. Acceptance of MIPR below.

(2) When feasible, the MIPR shall be written in the Uniform Contract Format (UCF) of the FAR for the convenience of the Agency. Sections of the UCF may be omitted if not applicable to the procurement.

(3) If the time of delivery is essential, this information must be clearly written in the MIPR. If a short delivery schedule is mandatory, the MIPR shall be marked “URGENT” in bold letters on the first page, and the justification for the “Urgency” must be stated on the MIPR or attached thereto. Options must also be identified and a justification for same attached thereto.

(4) Insert the following statements on the first page of the MIPR:

(a) (Insert name of Agency) is not authorized to exceed the (Insert amount of MIPR) to furnish the supplies or services hereunder without the prior written authorization from the Coast Guard Contracting Officer located at the address in Block 8.

(b) The funds on this MIPR will expire on (insert expiration date). Note: If the expiration date cannot be determined from the purchase request, the contract specialist shall contact the appropriate Coast Guard accounting office or Finance Center/General Accounting Office at (757)523-6764 for assistance.

(c) The U.S. Coast Guard Procurement Instrument Identification Number

(PIIN) for this MIPR is (insert number shown in block 5). To facilitate reimbursement, show both the number in block 5 and the (number shown in block 3) on your invoice.

(d) For category I MIPRs:

(1) The original plus two copies of the invoice for items to be provided through reimbursement shall be submitted to the address in block 13.

(2) A copy shall also be sent to (insert name and mailing address of the contracting officer.)

(3) To ensure effective control of funds and accurate accounting the following information shall be provided with each SF 1080, 1081, or NAVCOMPT 2277: complete 15 position MIPR number, point of contact, telephone number, e-mail address.

(e) For Category II MIPRs, the original plus two copies of the invoice for items to be provided through direct citation of funds shall be submitted to the following address:

(insert name and mailing address of Coast Guard contracting officer).

(5) On occasion, the Agency may request advance payment in the full amount of the MIPR. The authority to make advance payments shall be written in the MIPR, and a monthly expenditure report shall be required from the Agency.

d. ISSUANCE OF MIPR

(1) Unless otherwise agreed to by the Agency, all MIPRs with funds expiring or subject to "carry over" on 30 September of each year (e.g. OE and CATEGORY II MIPRS) should be received by the Agency not later than 31 May of each year. If this date can not be met, the Agency shall be contacted prior to issuance of the MIPR, to ascertain whether or not it will be possible for the Agency to award a contract (obligate these funds) by the end of the fiscal year.

(2) If unforeseen problems develop after 1 August to prevent obligation of these funds by 30 September, the Agency should advise you in writing giving the reasons therefore. If the MIPR has not been accepted by 1 August, the Agency shall be contacted to obtain the status of the MIPR. If it is confirmed that the funds will not be obligated by the end of the year, immediately cancel the MIPR, obtain acceptance of the cancellation from the Agency, and notify the accounting and requiring offices to permit use of these funds prior to the end of the fiscal year.

(3) MIPRS citing continuing funds are not restricted by law to time limits for obligation; therefore, 31 May is not applicable to such MIPRS.

(4) The number of required signed copies of the MIPR (DD Form 448), the Acceptance of MIPR (DD Form 448-2), and the supporting documentation (where applicable) shall be mailed to the Agency. Internal distribution of the MIPR shall not be made until the Agency has returned the ACCEPTANCE OF MIPR (DD Form 448-2) to the Coast Guard (See paragraph 4(f)(1)).

e. ACCEPTANCE OF MIPR

(1) The Agency must accept MIPRs on DD Form 448-2 I (Acceptance of MIPR) (Exhibits (3 and 4)) within 30 days after receipt. Exhibits 3 and 4 represent an example of how the acceptance may look. The funds cited on the MIPR are not considered obligated unless

the Agency accepts the MIPR. Blocks 6(a) through (d) or a combination of these blocks must be checked by the Agency. These blocks indicate how Coast Guard's funds will be obligated. The following definitions apply:

(a) Block a., Category I - This category has two meanings:

1. The Agency will provide the supplies or services and will be reimbursed by the Coast Guard by submitting a billing to the Coast Guard for payment or;

2. The Agency will contract for the supplies or services, and cite their funds on their contract document, pay the Contractor, and the Agency will be reimbursed by the Coast Guard by submitting a billing to the Coast Guard for payment.

3. There are four forms of billing the Coast Guard: Standard Form (SF) 1080 Voucher for Transfer between Appropriations and/or Funds, SF 1081 Voucher and Schedule of Withdrawals and Credits, SF 1034 Public Voucher for Purchases and Services Other Than Personal, and Navcompt 2277 Voucher for Disbursement and/or Collection.

(b) Block b., Category II - The Agency will contract for the supplies or services and cite Coast Guard's MIPR number and accounting data on the Agency's contract, contract modification, or delivery order. The Agency will project the date of award in Block 10 of DD Form 448-2. If you are using annual appropriation (OE Funds) and the date in Block 10 is after 30 September, you must advise the Agency that these funds cannot be utilized after 30 September. If Block 12(b) is checked, the excess funds shall be withdrawn by an amendment to the MIPR. The successful offeror (Contractor) will submit their invoices directly to the Coast Guard for payment in accordance with the terms of the Agency's contract.

(c) Block c. - This block applies to Categories I and II mentioned above. Block 8 of PD Form 448-2 must be carefully scrutinized to determine how the funds under the MIPR were obligated. The procedures in paragraphs 4(e)(1)(a) and (b) above are applicable for the respective categories.

(d) Block d. is a Qualified Acceptance. - This is self-explanatory. Periodic contact with the Agency must be made until a final price has been determined. This price determination may require an increase or decrease to the estimated amount of the MIPR. If so, the Agency should notify you accordingly, and the appropriate amendment to the MIPR shall be written.

f. PROCEDURES AFTER MIPR ACCEPTANCE BY THE AGENCY.

(1) The executed MIPR, MIPR acceptance, and the Agency's contract, contract modification, or delivery order (if applicable) shall be distributed to the appropriate accounting office (to obligate the funds), the requiring office and any other interested persons. In cases where the Coast Guard Finance Center is the accounting office, copies of category I and II MIPRS and their acceptances must be sent to Commanding Officer (OGQ), USCG Finance Center, P.O. Box 4116, Chesapeake, VA 23327-4416.

(2) For Category II MIPRs for services, be sure to display the contractor's Taxpayer's Identification Number (TIN) in block 13 of the MIPR Acceptance DD Form 448-2 before distributing to the appropriate accounting office.

(3) Upon receipt of the Agency's contract, contract modification, or delivery order, the contract specialist must review the document to locate the item number(s) applicable to Coast Guard's requirement. The quantity, price, delivery schedule, and payment provisions, and other terms and conditions applicable to Coast Guard's item number should also be

ascertained. All discrepancies shall be orally conveyed to the Agency and confirmed in writing.

(4) The Agency's contract document must be kept in the MIPR file for administration.

Note: In all cases where the Agency accepts the MIPR in an amount lesser than that committed on the MXPR, the DD Form 448-2 may be used as your authority to withdraw the excess funds by an amendment to the MIPR.

g. MIPR CHANGES/ADMINISTRATION.

(1) All changes to the MIPR must be accomplished by an amendment to the MIPR. The MIPR amendments must be numbered sequentially commencing with "0001." Only those items on the MIPR that are applicable to the change that differ from the original MIPR should be filled in. All unchanged blocks must cite "N/C" (no change). Blocks 1 through 8 must always be filled in.

(2) A proposed MIPR amendment to increase quantities, change the scope of work, etc. shall not be issued until the Agency has been contacted to discuss the proposed change(s).

(3) All requirements for additional line items of supplies or services shall be obtained by a "NEW MIPR."

h. CANCELLATION OF CATEGORY II (DIRECT BILLING) MIPRS.

(1) When all or any part of the supplies or services are to be cancelled for MIPRS in this category, the Agency shall be notified by telegraphic notice. The Agency will advise the Coast Guard whether or not a contract has been awarded. If not awarded, an MIPR amendment shall be issued to formally cancel the requirement and withdraw the funds.

(2) If a contract has been awarded, the Agency will notify the Coast Guard within 45 days after receipt of the notice of cancellation. The notification will be a Termination Data Letter to the Coast Guard indicating the amount of funds to be immediately withdrawn, and the estimated amount of the settlement costs for the terminated contract.

(3) The Agency will review the termination proceedings at intervals of 60 days to assess the Government's probable obligation, and the Coast Guard will be advised accordingly. In any event, a MIPR amendment shall be issued to reflect the results of the termination.

i. CANCELLATION OF CATEGORY I (REIMBURSEABLE) MIPRS.

(1) When all or a part of the supplies or services are to be cancelled for a Category I MIPR, a written notice (return acknowledgment) shall be provided to the Agency. The Agency should advise the Coast Guard within 30 days the items that can be terminated and the amount of funds in excess of the estimated settlement costs that may be withdrawn by an amendment to the MIPR.

j. TERMINATION FOR DEFAULT.

(1) If the Agency elects to terminate its contract for Default, the Coast Guard will be asked whether or not the supplies or services are still required. The funds shall remain on the MIPR until the Agency provides written disposition instructions.

(2) If additional funds will be necessary to reprocure the supplies or services under a new contract, the Agency will request such from the Coast Guard, and a MIPR amendment to reflect same
shall be issued.

k. MIPR PAYMENTS.

(1) If the Agency provides the supplies or services or contracts for same and pays the Contractor with its funds, the Agency will normally request reimbursement of costs by submitting a billing to the appropriate Coast Guard accounting office for prompt payment. The accounting office is not required to obtain approval from the Contracting Officer prior to making payment because, these vouchers are not subject to audit or certification. Any cost/price adjustments will be made after the supplies or services have been delivered.

(2) Notwithstanding the above procedure, the Coast Guard contracting officer may require the agency to submit a billing to the contracting officer for review, after which the contracting officer will forward the billing to the appropriate Coast Guard accounting office for payment.

(3) If the agency acquires the supplies or services by contract, contract modification, or delivery order, and these documents require the Contractor to submit invoices directly to the Coast Guard, payment must be made to the Contractor in accordance with the terms and conditions of the contract, contract modification, or delivery order.

1. MIPR CLOSEOUT.

(1) The MIPR shall be promptly closed out after receipt, acceptance, final payment, final disposition instructions for Government Furnished Equipment, and the removal of all excess funds, if any.

(2) All excess funds must be removed by an amendment to the MIPR which must be accepted by the Agency. The Agency and the Coast Guard accounting office shall be contacted to confirm the unexpended balance prior to removal of the funds.

(3) The execution of (1) and (2) above shall be considered to be all the steps necessary for closeout of the MIPR.

(4) The same procedures used for disposal of contract files to the Federal Records Center shall also be used for MIPRs.

LIST OF EXHIBITS

a. EXHIBIT 1 - INSTRUCTIONS FOR COMPLETING MIPR (DD FORM 448)

b. EXHIBIT 2 - MIPR (DD FORM 448) CATEGORY I OR CATEGORY II

c. EXHIBIT 3 - MIPR ACCEPTANCE (DD FORM 448-2) CATEGORY I

d. EXHIBIT 4 - MIPR ACCEPTANCE (DD FORM 448-2) CATEGORY II

EXHIBIT 1

Block 1 - Number of Pages to the MIPR.

Block 2 - Four digit Federal Stock Classification No.(FSC)(that identifies the class of items e.g. 7110 (Furniture), if applicable to the item being purchased. Insert "N/A" if this code does not apply. Assistance with the applicable code should be obtained from the procurement office.

Block 3 - Use the Purchase Control Number on the purchase request that is assigned by the Accounting office.

Block 4 - the date the MIPR is signed by the contracting officer.

Block 5 - This block must contain a Uniform Procurement Instrument Identification Number (PIIN) in accordance with Transportation Acquisition Manual (TAM) Subchapter 1204.602-7002. Make special note that for this document type 28, there must be an alpha character X in the ninth position of the PIIN.

Block 6 - Four digits in consecutively numbered sequence (e.g., 0001). If this is the basic MIPR document, not amendment, enter "Basic" in this block.

Block 7 - Name and address, including office symbol of the servicing agency.

Block 8 - Name, address, telephone number and point of contact at the Coast Guard procurement office.

Block 9 - Interdepartmental Government screening of the items to determine stock availability within the Government is required prior to issuing a MIPR. The procurement office should be contacted for assistance. Items available from Government stock must be obtained by issuance of a milstrip (DD Form 1348/1348m) or a Requisition and Invoice/Shipping Document (DD Form 1149). These documents are normally processed by the procurement office.

Block 10 - Self-explanatory.

Block 11 - Total amount of all items.

Block 12 - Enter the complete DAFIS line of accounting if a different account will be charged for transportation costs. If delivery terms are FOB Destination, then this block should be blank.

Block 13 - Enter the U.S. Coast Guard Finance Center's address following the Finance Center SOP if the MIPR involves DAFIS lines of accounting and is a Category I MIPR. The pay office

DODAAD for the Finance Center is Z51800. For non-DAFIS transactions, use an address applicable for the appropriate Coast Guard Supply Center.

Block 14 - Complete as follows:

1. In the first two blocks "ACRN/Appropriation," use the Treasury symbol contained in the appropriation appendix of the Finance Center SOP. (The term ACRN refers to Accounting Classification Reference Number.) The Agency normally requires ten characters; however, Coast Guard usually has seven, e.g., 69_0201 for Operating Expenses, and nine, e.g., 692/60240 for AC&I. These characters are translated as follows:

(a) For 69_0201: 69 denotes Coast Guard, _ denotes a space for the fiscal year of the funds, 0201 denotes Operating Expenses.

(b) For 694/80240: 69 denotes Coast Guard, 4 denotes first year the funds are available, 8 denotes year funds expire, 0240 denotes AC&I funds.

2. "Limit/Subhead" may be left blank.

3. Under "Supplemental Accounting Classification" provide the DAFIS line(s) of accounting as follows:

(a) Coast Guard designator - this will always be a "2."

(b) District or region - may be one alpha or one numeric character.*

(c) Appropriation - three numeric characters for OE or one numeric and one alpha character for AC&I. The first numeric in each case indicates the fiscal year in which the funds are available.

(d) Limitation - three numeric characters. For example, where OE funds are used, the first character is a "1" if direct funds are cited or an "8" if reimbursable funds are cited. The second and third characters refer to the district or region.*

(e) Allotment Fund Code (AFC) - two numeric characters, e.g. "30" denotes expense, "80" denotes reimbursable, "45" denotes vessels, "54" denotes ordinance.*

(f) Indicator - this will always be a "0."

(g) Program Element - two numeric or two alpha characters for non AC&I, or six numeric characters for AC&I.

(h) Cost Center - five numeric characters unique to each district, region, ship, etc.*

(i) Object class - Four numeric or two numeric and two alpha characters which provide a further breakdown of a project. *For the typical DAFIS accounting string 2/H/401/199/30/O/CN/70070/2152 the following information can be ascertained from the application of (a) through (i) above:

(a) Coast Guard appropriation.

(b) A headquarters unit.*
(c) FY94 (first character) O&E funds.
(d) Direct funds are cited (first character) and a headquarters unit.*
(e) Expense funds.
(f) A place holder only which is always 0.
(g) Non AC&I.
(h) Unique cost center.*
(i) Denotes travel funds.*

* The Finance Center SOP contains lists of the different districts or regions, AFCs, cost centers, object classes, etc.

4. Acctg. Sta DODAAD - The identification code of the Coast Guard procuring unit. It should be the letter Z followed by the unit Operations Facility (OPFAC) number. The proper number may be obtained from COMDINST M5440.2K Operations Facilities of the U.S. Coast Guard. This is the same code used to reflect addresses on milstrips (DD Form 1348) (See Block 9 above).

5. Amount - If items are funded by multiple appropriations, the amount for each appropriation must be shown under “supplemental accounting classification”, and the totals must equal the amount shown in Block 11.

6. Blocks 15 and 16 - self-explanatory.

7. Block 17 - The date the MIPR is signed by the contracting officer and the date shown in Block 4 should be the same.

EXHIBIT 2

MILITARY INTERDEPARTMENTAL PURCHASE REQUEST

1. PAGE 1 OF 2 PAGES

2. FSC	3. CONTROL SYMBOL NO.	4. DATE PREPARED	5. MIPR NUMBER	6. AMEND NO.
N/A	2896236THA030	1/19/96	DTCG23-96-X-THA030	BASIC

7. TO:
Name of servicing agency
Mailing address of servicing agency

8. FROM: (Agency, name, telephone number of originator)
Name of CG Procurement Office
Address
Telephone number
Point of contact

9. ITEMS ☐ ARE ☒ ARE NOT INCLUDED IN THE INTERSERVICE SUPPLY SUPPORT PROGRAM AND REQUIRED INTERSERVICE SCREENING ☐ HAS ☒ HAS NOT BEEN ACCOMPLISHED.

ITEM NO. a	DESCRIPTION (Federal stock number, nomenclature, specification and/or drawing No., etc.) b	QTY. c	UNIT d	ESTIMATED UNIT PRICE e	ESTIMATED TOTAL PRICE f
	This MIPR is issued to (servicing agency) to provide supplies/services under contract number of servicing agency's contract) in accordance with the attached statement of work. Listed below are the supplies/services:				
001	supply/service	1	lot	100,000	100000
002	supply/service	1	lot	150,000	150000
	DELIVERY REQUIREMENTS (State where delivery is to be made and any other necessary particulars.)				
	Notes:				
	1. The required approvals have been obtained for this acquisition. (Insert name of Agency) is not authorized to exceed the $250,000 to furnish the supplies or services hereunder without the prior written authorization from the Coast Guard contracting officer located at the address in Block 8.				
	2. The funds on this MIPR will expire on (insert date of expiration).				

10. SEE ATTACHED PAGES FOR DELIVERY SCHEDULES, PRESERVATION AND PACKAGING INSTRUCTIONS, SHIPPING INSTRUCTIONS AND INSTRUCTIONS FOR DISTRIBUTION OF CONTRACTS AND RELATED DOCUMENTS.

11. GRAND TOTAL 250000

12. TRANSPORTATION ALLOTMENT (Used if FOB Contractor's plant)

13. MAIL INVOICES TO (Payment will be made by)
Interagency Agreements, USCG Finance Center
PO Box 4116 Chesapeake, VA 23327-4116
PAY OFFICE DODAAD Z51800

14. FUNDS FOR PROCUREMENT ARE PROPERLY CHARGEABLE TO THE ALLOTMENTS SET FORTH BELOW, THE AVAILABLE BALANCES OF WHICH ARE SUFFICIENT TO COVER THE ESTIMATED TOTAL PRICE.

ACRN	APPROPRIATION	LIMIT/SUBHEAD	SUPPLEMENTAL ACCOUNTING CLASSIFICATION	ACCTG STA DODAAD	AMOUNT
	69X0201		2/T/601/130/42/0/ED/59201/2526		250,000

15. AUTHORIZING OFFICER (Type name and title)
CG Contracting Officer

16. SIGNATURE
signature of CG contracting off

17. DATE
Jan 19, 1996

DD FORM 1 JUN 72 448 PREVIOUS EDITION IS OBSOLETE S/N 0102-004-8501 C-25708

MILITARY INTERDEPARTMENTAL
PURCHASE REQUEST
(CONTINUATION SHEET)

1. MIPR NUMBER	2. AMEND NO.	3.
DTCG23-96-X-THA030	Basic	PAGE 2 OF 2 PAGES

ITEM NO. a.	DESCRIPTRION (Federal Stock Number, Nomenclature, Serial Number and/or Drawing No., etc.) b.	QTY c.	UNIT d.	ESTIMATED UNIT PRICE e.	ESTIMATED TOTAL PRICE f.
	3. The US Coast Guard Procurement Instrument Number (PIIN) for this MIPR is (insert number shown in block 5). To facilitate reimbursement, show both (the number in block 5) and (the number in block 3) on your invoice.				
	4. For Category I MIPRs:				
	(a) The original plus two copies of the invoice for items to be provided through reimbursement shall be submitted to the address in block 13.				
	(b) A copy shall also be sent to (insert name and mailing address of the contracting officer).				
	(c) To ensure effective control of funds and accurate accounting, the following information shall be provided with each SF 1080, 1081, or NAVCOMPT 2277:				
	Complete 14 position MIPR number				
	Point of contact, telephone, e-mail address				
	5. For Category II MIPRs: The original plus two copies of the invoice for items to be provided through direct citation of funds shall be submitted to the following address (insert name and mailing address of contracting officer).				

DD FORM 1 OCT 80 448c

EXHIBIT 3

ACCEPTANCE OF MIPR

1. TO (Requiring Activity Address) (Include Zip Code)	2. MIPR NUMBER	3. AMENDMENT NO.
Name, mailing address, telephone number, and point of contact at Coast Guard procurement office	DTCG23-96-X-THA030	Basic
	4. DATE (MIPR Signature Date) Jan 19, 1996	5. AMOUNT (As Listed on the MIPR) $250,000

6. The MIPR identified above is accepted and the items requested will be provided as follows: (Check as Applicable)

a. [X] ALL ITEMS WILL BE PROVIDED THROUGH REIMBURSEMENT (Category I)

b. [ ] ALL ITEMS WILL BE PROVIDED BY THE DIRECT CITATION OF FUNDS (Category II)

c. [ ] ITEMS WILL BE PROVIDED BY BOTH CATEGORY I AND CATEGORY II AS INDICATED BELOW

d. [ ] THIS ACCEPTANCE FOR CATEGORY I ITEMS, IS QUALIFIED BECAUSE OF ANTICIPATED CONTINGENCIES AS TO FINAL PRICE. CHANGES IN THIS ACCEPTANCE FIGURE WILL BE FURNISHED PERIODICALLY UPON DETERMINATION OF DEFINITIZED PRICES, BUT PRIOR TO SUBMISSION OF BILLINGS.

7. [ ] MIPR ITEM NUMBER(S) IDENTIFIED IN BLOCK 13, "REMARKS" IS NOT ACCEPTED (IS REJECTED) FOR THE REASONS INDICATED.

8. TO BE PROVIDED THROUGH REIMBURSEMENT CATEGORY I			9. TO BE PROCURED BY DIRECT CITATION OF FUNDS CATEGORY II		
ITEM NO. a.	QUANTITY b.	ESTIMATED PRICE c.	ITEM NO. a.	QUANTITY b.	ESTIMATED PRICE c.
001	1 lot	$100,000			
002	1 lot	$150,000			
d. TOTAL ESTIMATED PRICE		$250,000	d. TOTAL ESTIMATED PRICE		

10. ANTICIPATED DATE OF OBLIGATION FOR CATEGORY II ITEMS

11. GRAND TOTAL ESTIMATED PRICE OF ALL ITEMS $250,000

12. FUNDS DATA (Check if Applicable)

a. [ ] ADDITIONAL FUNDS IN THE AMOUNT OF $ _____ ARE REQUIRED (See justification in Block 13)

b. [ ] FUNDS IN THE AMOUNT OF $ _____ ARE NOT REQUIRED AND MAY BE WITHDRAWN

13. REMARKS

14. ACCEPTING ACTIVITY (Complete Address)	15. TYPED NAME AND TITLE OF AUTHORIZED OFFICIAL	
Servicing Agency's name Mailing address	Servicing Agency contracting officer	
	16. SIGNATURE Signature of contracting of	17. DATE Feb 15, 199

DD FORM 1 JUL 71 448-2 PREVIOUS EDITION WILL BE USED UNTIL EXHAUSTED.

Exhibit 4

ACCEPTANCE OF MIPR

1.(Requiring Activity Address)(include zip code)	MIPR NUMBER	3. AMENDMENT NO.
Name, mailing address, telephone number, and point of contact at Coast Guard procurement office	DTCG23-96-X-THA030	Basic
	4. DATE (MIPR Signature Date) Jan 19, 1996	5 AMOUNT (As Listed on the MIPR) $250,000

6. The MIPR identified above is accepted and the items requested will be provided as follows:
a. ☐ ALL ITEMS WILL BE PROVIDED THROUGH REIMBURSEMENT (Category l)
b. ☒ ALL ITEMS WILL BE PROVIDED BY THE DIRECT CITATION OF FUNDS (Category ll)
c. ☐ ITEMS WILL BE PROVIDED BY BOTH CATEGORY l AND CATEGORY ll AS INDICATED BELOW
d. ☐ THIS ACCEPTANCE FOR CATEGORY l ITEMS IS QUALIFIED BECAUSE OF ANTICIPATED CONTINGENCIES AS TO FINAL PRICE. CHANGES IN THIS ACCEPTANCE FIGURE WILL BE FURNISHED PERIODICALLY UPON DETERMINATION OF DEFINITIZED PRICES, BUT PRIOR TO SUBMISSION OF BILLINGS.

7. ☐ MIPR ITEM NUMBER(S) IDENTIFIED IN BLOCK 13, "REMARKS" IS NOT ACCEPTED (IS REJECTED) FOR THE REASONS INDICATED.

8. TO BE PROVIDED THROUGH REIMBURSEMENT CATEGORY l			9. TO BE PROCURED BY DIRECT CITATION OF FUNDS CATEGORY ll		
ITEM NO. a.	QUANTITY b.	ESTIMATED PRICE c.	ITEM NO. a.	QUANTITY b.	ESTIMATED PRICE c.
			001	1 lot	$100,000
			002	1 lot	$150,000
d. Total Estimated Price			d. Total Estimated Price		$250,000

10 ANTICIPATED DATE OF OBLIGATION FOR CATEGORY ll ITEMS (to be filled in by servicing agency)	11. GRAND TOTAL ESTIMATED PRICE OF ALL ITEMS $250,000

12. FUNDS DATA (Check if applicable)

a. ADDITIONAL FUNDS IN THE AMOUNT OF $ _____ ARE REQUIRED (See justification in Block 13)
b. FUNDS IN THE AMOUNT OF $_____ ARE NOT REQUIRED AND MAY BE WITHDRAWN

13. REMARKS

(If for services)
Add Contractor's Taxpayer Identification Number (TIN)

14. ACCEPTING ACTIVITY (Complete Address)	15. TYPED NAME AND TITLE OF AUTHORIZED OFFICIAL	
Servicing Agency's name Mailing address	Servicing Agency contracting officer	
	16. SIGNATURE	17. DATE

FORM DD 448-2 PREVIOUS EDITION WILL BE USED UNTIL EXHAUSTED
1 JULY 71

SEMI-ANNUAL LABOR COMPLIANCE REPORT (RCN-4200-9)

Date _____

1. This report covers period from _____ to _____, 20___

2. Number of prime contracts awarded: _____

3. Total dollar amount of prime contracts awarded: _____

4. Number of contractors against whom complaints were received: _____

5. Number of investigations completed: _____

6. Number of contractors found in violation: _____

7. Amount of back wages found due:

   (a) Davis-Bacon Act (prevailing wage violations) _____

   (b) Contract Work Hours Standards Act (over-time violations) _____

8. Amount of back wages paid:

   (a) Davis-Bacon Act: _____

   (b) Contract Work Hours and Safety Standards Act: _____

9. Total number of back wages employees paid wage restitution under the Davis-Bacon and related Acts and or Contract Work Hours and Safety Standards Act: _____

10. Amount of liquidated damages assessed under the Contract Work Hours and Safety Standards Act: _____

Signed

_____Name

_____Title
_____Unit

Instructions for Completing the Semi-Annual Labor Compliance Report

1. Enter the beginning and ending dates of the period covered by the semiannual report.

2. Enter the number of prime contracts which are subject to the Davis-Bacon Act or any of the related statutes listed in 29 CFR, Part 5, awarded by the agency and/or (where applicable) its operating and management contractors. Include federally assisted contracts subject to these Acts.

3. To the extent available, enter the total dollar amount of the contracts.

4. Enter the total number of contractors against whom complaints were received by your office.

5. Enter the total number of full scale investigations completed by your agency. A full scale investigation is a complete and detailed investigation into the administration of labor standards provisions of the contract; do not include routine payroll checks. However, a full-scale investigation may be one limited to some portion of a contractors operations, such as a single paving crew.

6. Enter the number of contractors found in violation as a result of the investigations reports in item 5 above. Do not count a contractor or subcontractor more than once in a single investigation because of a violation of more than one Act, or because more than one contract is included in the investigation.

7. Enter the total amount of back wages which your agency found due employees of the contractors reported in item 6 above, showing under (a) the amount found due because of violations of the Davis-Bacon and Related Acts and under (b) the amount of wage restitution found due because of violations of the Contract Work Hours and Safety Standards Act.

8. Enter the amount of back wages paid under the Davis-Bacon Act and the Contract Work Hours and Safety Standards Act.

9. Enter the total number of employees to whom the wage restitution reported in item 8 above is due. This figure is the unduplicated count; that is, an employee due wage restitution as a result of an investigation shall be counted only once, regardless of the fact that he may be due wage restitution under the Davis-Bacon and Related Acts and also due wage restitution under the Contract Work Hours and Safety Standards Act.

10. Enter the total amount of liquidated damages assessed as a result of violations of the Contract Work Hours and Safety Standards Act, including any such amounts assessed by your agency as a result of investigations made by the Department of Labor.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
U.S. Coast Guard Procurement Site Summary Report For Previous Fiscal Year (FY)

Date Due Annually at COMDT (G-CPM): 15 NOV_

Date Prepared: _____

Coast Guard Procurement Site: _____

Point of Contact: _____

Telephone & Fax Numbers: _____

E-Mail Address: _____

Each procurement site will provide a summary report on purchases made from sources OTHER THAN a Federal Supply Center. Purchases made from a Federal Supply Center will be reported for you by the command operating the center. Note: You must report any applicable purchases under GSA schedule contracts.

I. EPA GUIDELINE ITEMS.

A. Cement and Concrete Products containing fly ash and cement and concrete products containing granulated blast furnace slag (slag).

1. Total amount of **cement** purchased and/or used by your procurement site in PREVIOUS FY

Without fly ash or slag $_____or total number of procurements _____

With fly ash or slag $_____or total number of procurements _____

2. Total amount of **concrete** purchased and/or used by your procurement site in PREVIOUS FY

Without fly ash or slag $_____ or total number of procurements _____

With fly ash or slag $_____ or total number of procurements _____

3. Were there technical impediments to increasing the amount of concrete and cement containing fly ash and granulated blast furnace slag purchased by your procurement site in PREVIOUS FY? ___ (If yes, please attach an explanation of the technical impediment.)

B. **Paper and Paper Products. GSA and GPO will provide data for procurement sites' purchases of paper products made through their retail and wholesale stock program.**

However, please provide amounts for procurement site purchases from any other sources. Also, please report items ordered under GSA schedule contracts.

1. Total dollar amount of **paper and paper products** purchased by your procurement site from sources other than GSA and GPO in PREVIOUS FY **$** _____ **and** total number of procurements_____

2. Total dollar amount of **paper and paper products** **containing** **recycled material** purchased by your procurement site from sources other than GSA and GPO in PREVIOUS FY **$** _____ **and** total number of procurements _____

C. Motor Vehicle Lubricating Oils. DLA will provide data for procurement sites' purchases of oil through their program. However, please provide amounts for procurement site purchases from other sources.

1. Total amount of **motor vehicle lubricating oil** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____ (If your vehicle maintenance is accomplished through service contracts that include a standard price for vehicle servicing, report the total number of servicing(s) rather than the dollar value _____)

2. Total dollar amount of **motor vehicle lubricating oils** **containing re-refined oil** purchased by your procurement site in PREVIOUS FY **$** _____ and total number of procurements _____ (If your vehicle maintenance is accomplished through service contracts that include a standard price for vehicle servicing, report the total number of services where the vehicle was serviced with re-refined oil rather than the dollar value _____)

3. Were there any technical impediments to increasing the amount of motor vehicle lubricating oils containing re-refined oil purchased by your procurement site in PREVIOUS FY? _____ (If yes, please attach an explanation of the technical impediment.)

D. Retread Tires. Refer to the Federal Supply Schedule for Pneumatic Tires, FSC Group 26, Part II, Section A for items covered by this guideline. TACOM will provide data for procurement sites' purchases of retreads for tactical vehicles.

1. Total dollar amount of **tires** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

2. Total number of **tires** purchased by your procurement site in PREVIOUS FY_____

3. Total dollar amount of **retread tires** purchased by your procurement site in PREVIOUS FY **$** _____

4. Total number of **retread tires** purchased by your procurement site in PREVIOUS FY _____ **and** total number of procurements _____

5. Were there any technical impediments to increasing the amount of retread tires purchased by your procurement site in PREVIOUS FY? _____ (If yes, please attach an explanation of the technical impediment.)

E. Building Insulation Products.

1. Total dollar amount of **building insulation products** purchased by your procurement site in PREVIOUS FY **$** _____ **or** total number of procurements _____

2. Total dollar value of **building insulation products containing recycled materials** purchased by your procurement site in PREVIOUS FY **$**_____ **or** total number of procurements _____

3. Were there any technical impediments to increasing the amount of building insulation products containing recycled materials purchased by your procurement site in PREVIOUS FY? ____ (If yes, please attach an explanation of the technical impediment.)

F. Engine Coolants.

1. For procurement sites that maintain fleet maintenance facilities, how many fleet maintenance facilities do you operate? _____

2. How many vehicles are maintained? _____

3. How many of your fleet maintenance facilities own and operate anti-freeze recycling equipment? _____

G. Structural Fiberboard and Laminated Paperboard.

1. Total dollar amount of **structural fiberboard and laminated paperboard** purchased by your procurement site in PREVIOUS FY **$** _____ **or** total number of procurements _____

2. Total dollar amount of **structural fiberboard and laminated paperboard containing recycled materials** purchased by your procurement site in PREVIOUS FY **$**_____ **or** total number of procurements _____

3. Were there technical impediments to increasing the amount of recycled materials for structural fiberboard and laminated paperboard purchased by your procurement site in PREVIOUS FY? _____ (If yes, please attach an explanation of the technical impediments.)

H. Carpet (low and medium wear polyester fiber only).

1. Total dollar amount of **carpet** purchased by your procurement site in PREVIOUS FY **$** _____ **or** total number of procurements _____

2. Total dollar amount of **carpet** **containing recycled material** purchased by your procurement site in PREVIOUS FY **$**_____ **or** total number of procurements _____

3. Provide any additional information to demonstrate your procurement sites compliance /commitment to purchasing carpet (low and medium wear polyester fiber) in PREVIOUS FY. This information could include policies issued, pilot projects, etc.

I. Floor Tiles (rubber or plastic only).

Provide any pertinent information to demonstrate your procurement site's compliance/commitment to purchasing floor tiles (rubber or plastic only) in PREVIOUS FY. This information could include dollars spent, number of contracts, policies issued, pilot projects, etc.

J. Traffic Cones and Traffic Barricades (rubber or plastic only).

GSA will provide data for procurement sites' purchases of traffic cones and traffic barricades and those with recycled materials. **However, please provide amounts for procurement sites' purchases from any other sources.**

1. Total dollar amount of **traffic cones and traffic barricades** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

2. Total dollar amount of **traffic cones and traffic barricades** **with recycled content** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

K. Office Recycling and Waste Containers (plastic, paper or steel).

Provide any pertinent information to demonstrate your procurement site's compliance/commitment to purchasing office recycling and waste containers (plastic, paper or steel) in PREVIOUS FY. This information could include dollars spent, number of contracts, policies issued, pilot projects, etc.

L. Plastic Desktop Accessories.

GSA will provide data for procurement sites' purchases of desktop accessories and plastic desktop accessories. However, please provide amounts for procurement site purchases from any other source.

1. Total dollar amount of **desktop accessories** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

2. Total dollar amount of **recycled content plastic desktop accessories** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

M. Toner Cartridges.

GSA and DLA will provide data for procurement sites' purchases of toner cartridges and recycled toner cartridges. However, please provide amounts for procurement site purchases from other sources**.**

1. Total dollar amount of toner cartridges purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

2. Total dollar amount of recycled toner cartridges purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

N. Binders (chipboard and plastic covered, not cloth).

GSA will provide data for procurement sites' purchases of binders and chipboard and plastic covered binders. However, please provide amounts for procurement site purchases from any other source.

1. Total dollar amount of **binders** purchased by your procurement site in PREVIOUS FY **$** _____ **and** total number of procurements _____

2. Total dollar amount of **recycled content chipboard and plastic covered binders** in PREVIOUS FY **$** _____ **and** total number of procurements _____

O. Plastic Trash Bags.

Provide any pertinent information to demonstrate your procurement site's compliance/commitment to purchasing plastic trash bags in PREVIOUS FY. This information could include dollars spent, number of contracts, policies issued, pilot projects, etc.

II. SPECIFICATIONS. RCRA, Section 6002 (d) requires that Federal activities that have responsibility for preparing specifications: review them to eliminate unnecessary requirements for the use of virgin materials and prohibitions against using recovered materials; and add preferences for recovered materials.

A. Does your procurement site have responsibility or control over a particular Federal supply class or group of specifications or standards? **Yes_____ No_____**

B. How many product specifications, standards, Commercial Item Descriptions (CIDs), product descriptions or similar documents does your procurement site control? Number _____

C. How many such documents have been reviewed in PREVIOUS FY?
Number ____

D. How many documents were modified in PREVIOUS FY to remove the requirements for the use of virgin materials? Number ____

E. How many documents were modified in PREVIOUS FY to remove references of language prohibiting the use of recovered materials? Number ____

F. How many documents were modified in PREVIOUS FY to add preferences for recovered materials? Number _____

G. Does your procurement site have a policy to remove the requirements for virgin materials and add preferences for recovered materials to these service contracts? (i.e. including the use of re-refined oil in your vehicle service contracts). **Yes_____ No_____**

H. If your procurement site does have a policy like the above, please provide a copy to us.

I. If your procurement site does not have a policy, please provide an explanation.

III. SOLID WASTE PREVENTION

Please report solid waste prevention efforts for facilities for which your procurement site is responsible.

A. Did you institute new solid waste prevention practices in PREVIOUS FY? **Yes _____ No_____**

B. If the response is Yes, please provide an explanation of those practices.

C. If the response is No, please provide an explanation of why not.

IV. RECYCLING.

A. What percentage of the offices/sites operated by your procurement site have an active office products recycling program? _____ **Percent**

B. What percentage of residential housing operated by your procurement site have an active household products recycling program? _____ **Percent**

C. What percentage of demolition projects managed by and/or contracted by your procurement site includes the recovery of construction materials? _____ **Percent**

D. What percentage of your total solid waste was diverted to recycling? _____ **Percent**

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COAST GUARD CONTRACT PAYMENT APPROVAL

CONTRACTOR: _____CONTRACT NO: DTCG_____
INVOICE/VOUCHER NO:_____DO/TO NO:_____
DATE PROPER INVOICE/VOUCHER RECEIVED: _____

FROM: _____, Contract Specialist/Contracting Officer

TO: _____, Finance Center, Accounts Payable

(a) [ ]Pay full amount of invoice/voucher $_____or
(b) [ ]Pay $_____ and retain $_____

Reason for retainage _____

(a) [ ]Complete DAFIS numbers (must contain 16 characters each):
DAFIS NO: _____$_____
DAFIS NO: _____$_____
DAFIS NO: _____$_____
OR
(b) [ ]The accounting data for this invoice/voucher is as follows:
DAFIS NO. (13 characters only) _____AND
Accounting line: _____ $_____
Accounting line: _____ $_____
Accounting line: _____ $_____

The contract/order balance after this payment is $_____

TYPE PAYMENT: FINAL PARTIAL COST-REIMBURSEMENT PROGRESS
CONTRACT FINANCING: ___Y ___N ASSIGNMENT OF CLAIMS? ___Y ___N
DISCOUNT FOR PROMPT PAYMENT: 10 DAYS 20 DAYS 30 DAYS ___DAYS
_____% _____% _____% _____%

PAYMENT TERMS: _____ DAYS

ACCEPTANCE DATE: _____ COTR INITIALS _____
(optional)
ADDITIONAL COMMENTS:
Signature: _____ Date: _____
Contract Specialist/Contracting Officer
For payment questions contact: _____, _____, _____
Name Telephone E-mail

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POLICY GUIDANCE FOR GOVERNMENT-FURNISHED PROPERTY

1. **PURPOSE**. This policy guidance sets forth procedures for the administration of Government-Furnished Property (GFP). It's intended for the use of contracting personnel and others responsible for Coast Guard property in the possession of a contractor or subcontractor. The policy guidance does not change or add new contracting requirements. This guidance is considered to be consistent with the FAR.

2. **DISCUSSION.** Recent legislation has expanded the requirements of the Chief Financial Officers (CFO) Act and requires that audited financial statements be prepared for all appropriations. Consequently, formal contracting offices are now responsible for obtaining some of the data required to prepare the financial statements. Further, the Department of Transportation Inspector General's (DOTIG) office conducted an audit of the Coast Guard Fiscal Year 1996 financial statements and uncovered a high frequency of discrepancies between property/inventory records and actual count. Receipts/issuance of property/inventory were not accurately recorded, information was missing, and poor business practices were reported. The DOTIG recommended changes and improvements in the quality of physical inventory procedures, procurement systems interface with accounting systems, documentation requirements, reconciliation of General Purpose property records against property records of contractor-held government property, and reconciliation between physical inventories and accounting records.

3. **DEFINITION**. For purposes of this policy guidance, Government-Furnished Property (GFP) is defined as contractor-held property that is a tangible asset (includes commercial off-the shelf (COTS) software), regardless of dollar value, in the possession of the contractor or subcontractor owned by or leased to the government. It includes assets obtained by the government under the terms of the contract, which are also contractor-held.

4. **CONTRACTING OFFICER RESPONSIBILITIES.** Contracting officers are responsible for enforcing the policies and procedures for government furnished-property. Their duties include, but are not limited to the following:

a. Designating the administration of government-furnished property to the property administrator. This designation must be in writing indicating the duties and responsibilities of the administrator. A copy of the written designation must be maintained in the contract file.

b. Ensuring that identifying, tracking, conducting physical inventories and maintaining control of government-furnished property is performed.

c. Establishing written internal controls setting forth procedures for furnished property.

d. Inserting a line item in all solicitations and contracts for the contractor's reporting requirements (see item #8 for minimum reporting requirements) for all contracts providing contractor-held government property, regardless of dollar value, unless otherwise determined not to be in the best interest of the government (see FAR 45.105).

e. Listing all government-furnished property and the unit price for each item of property provided to the contractor in the contract.

f. Ensuring that the contractor provides the basic information at FAR 45.505-1 for every item of government property, provided the contractor maintains the government's official property records.

g. Ensuring that the Unit Property Officer is notified of all property equal to/or exceeding $25,000 that is placed on a contract.

h. Approving transfer of property as well as disposition of property upon contract completion. Ensuring that a copy of the Contractor Inventory Report and transfer/disposition of property documentation is provided to the Unit Property Officer.

5. **PROPERTY ADMINISTRATOR RESPONSIBILITIES.** The property administrator is an authorized representative of the contracting officer designated to administrator the contract requirements and obligations of the contract relative to government property. As the contracting officer's designee, the property administrator's duties would include, but are not limited to the following:

a. Review and approval of the contractor's property control system.

b. Conducting physical inventories.

c. Initiate a Report of Survey (CG Form 5269) for lost, missing or stolen property.

6. **CONTRACTOR RESPONSIBILITIES.** The contractor is responsible and accountable for all government property in accordance with requirements of the contract. This includes government property in the possession or control of the subcontractor. The contractor is not held liable for contracts performed on a government installation where the contracting officer determines that the contractor has little direct control over the government property because it is located on a government installation and is subject to accessibility by personnel other than the contractor's employees (Example – Facilities Contracts). Duties and responsibilities include, but are not limited to the following:

a. Possessing an established property control system.

b. Having a written property control system plan.

c. Ensuring official government property records identify every item of government property and provide a complete, current, auditable record of all transactions.

d. Adhering to the minimum reporting requirements as provided for in the contract.

e. Acknowledgement of and receipts for all government property within its possession and that of the subcontractor.

7. **UNIT PROPERTY OFFICER RESPONSIBILITIES.** The property data required by the FAR and TAM shall be maintained in the Coast Guard automated system, Oracle, Fixed Asset Module (FAM) database under General Purpose Property. Access to FAM can be acquired with a password. Unit Property Officers should already have access to FAM, if not, technical support can be obtained by calling (757) 366-6556. Responsibilities of the property officer include, but are not limited to the following:

a. The Unit Property Officer is responsible for recording all contractor-held government property equal to/or exceeding $25,000 into the FAM database.

b. The Unit Property Officer is responsible for obtaining a copy of the Contractor Inventory Report annually and at contract completion, for reconciliation purposes. Even though contractors shall provide basic information for every item of government property in their possession, regardless of value, the Unit Property Officer is only responsible for recording contractor-held government property equal to/or exceeding $25,000 into the FAM database.

8. **MINIMUM REPORTING REQUIREMENTS.** The contracting officer shall require the contractor to be responsible and accountable for keeping official records of government property in their possession or control including government property at subcontractor facilities, unless the contracting officer makes the determination that the government shall maintain the official property records. Contractor property records must identify all government property and provide a complete, current, auditable record of all property transactions regardless of the dollar value. At a minimum, the contractor is responsible for the following reports:

a. Contractor Report of Government Property – In accordance with TAR 1245.505-14, the contractor shall submit an annual report to the contracting officer by 15 September of each year on DOT F 4220.43, Contractor Report of Government Property. This information is also required in accordance with FAR 45.505-14. The contracting officer should forward a copy of this form to Commandant (G-CPM) no later than 10 October of each year to allow sufficient time in preparing the required consolidated report as required by TAM 1245.505-1470. Negative reports are required. Control symbol RCN-4200-11, Contractor Report of Government property, applies. Commandant (G-CPM) will forward the consolidated report to the Director, Office of Administrative Services and Property Management (M-40) by 31 October.

b. Contractor Inventory Report – The contractor shall submit the inventory report to the contracting officer annually. The submission date of the inventory report shall be included in the contract. There is no required standard form for completing the inventory report, however, the report shall provide the information at FAR 45.505-1 for every item of government property, regardless of value. In addition, the inventory report shall also include the following:

(1) Name and title of individuals that performed the physical inventory.

(2) An itemized, categorized (by property classification) listing of all property capitalized (capitalized property is defined as property valued at greater than $25,000).

(3) A listing of property lost, damaged, destroyed, or stolen, the circumstances surrounding each incident and resolution of the incident.

(4) Any discrepancies between the physical inventory and the contractor's record of government property.

(5) A signed statement that a physical inventory was performed on government property, completed on a given date and that the official property records were found to be in agreement except for discrepancies reported.

9. **ASSESSMENT.** As a result of the commitment by the Commandant, (G-C, G-CCS, G- CFP) to successfully pass the CFO Act Audit, be advised that government-furnished property will be the focus of future Procurement Management Reviews.

10. **POINT OF CONTACT.** If you have questions concerning the subject policy guidance, please contact Ms. Donna Felton, Commandant (G-CPM-2) at (202) 267-1158. For questions on the use of the FAM database or who your Unit Property Officer is, contact Ms. Kristin Devendorf, Commandant (G-CFM-3), at (202) 267-0655.

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RECORD OF CHANGES

CHANGE NUMBER	DATE OF CHANGE	DATE ENTERED	ENTERED BY