

204.404

of their work products, whether classified or not, to a contractor.

[57 FR 14992, Apr. 23, 1992, as amended at 64 FR 51075, Sept. 21, 1999]

204.404 Contract clause.

204.404-70 Additional contract clauses.

(a) Use the clause at 252.204-7000, Disclosure of Information, in solicitations and contracts when the contractor will have access to or generate unclassified information that may be sensitive and inappropriate for release to the public.

(b) Use the clause at 252.204-7003, Control of Government Personnel Work Product, in all solicitations and contracts.

(c) Use the clause at 252.204-7005, Oral Attestation of Security Responsibilities, in solicitations and contracts that include the clause at FAR 52.204-2, Security Requirements.

[57 FR 14992, Apr. 23, 1992, as amended at 64 FR 45197, Aug. 19, 1999]

Subpart 204.6—Contract Reporting

204.600 Scope of subpart.

The Defense Contract Action Data System (DCADS) (see 204.670) is the DoD reporting system that supports the uniform reporting requirements for—

(1) DD Form 350, Individual Contracting Action Report; and

(2) DD Form 1057, Monthly Summary of Contracting Actions.

[65 FR 39708, June 27, 2000]

204.601 Record requirements.

(a) The DCADS meets FAR Subpart 4.6 record retention requirements.

(d) The Directorate for Information, Operation, and Reports (DIOR), of the Washington Headquarters Services (WHS) transmits required DoD information to the Federal Procurement Data System.

[65 FR 39708, June 27, 2000]

204.602 Federal Procurement Data System.

(c) DoD uses the DD Form 350, Individual Contracting Action Report, instead of the SF 279, Federal Procurement Data System (FPDS) Individual

48 CFR Ch. 2 (10-1-02 Edition)

Contract Action Report. DoD uses the DD Form 1057, Monthly Summary of Contracting Actions, instead of the SF 281, FPDS Summary Contract Action Report (\$25,000 or Less).

[65 FR 39708, June 27, 2000]

204.603 Solicitation provisions.

Use the provision at FAR 52.204-6, Data Universal Numbering System (DUNS) Number, in solicitations that—

(1) Have an estimated value exceeding \$25,000; or

(2) Have an estimated value of \$25,000 or less and include the clause at 252.204-7004, Required Central Contractor Registration.

[66 FR 47096, Sept. 11, 2001]

204.670 Defense Contract Action Data System (DCADS).

204.670-1 Definitions.

As used in this section and 253.204-70 and 253.204-71—

(a) *Contract administration office* means an office, other than the contracting office, which awards or executes contracting actions on behalf of the contracting office, including actions relating to the settlement of terminated contracts.

(b) *Contracting action* means any action related to the purchasing, renting, or leasing of supplies, services, or construction. The term does not include grants, cooperative agreements, or training authorizations. The term includes, but is not limited to, the following:

(1) Definitive contracts, including notices of award.

(2) Letter contracts.

(3) Purchase orders.

(4) Purchases made using the Governmentwide commercial purchase card.

(5) Actions for purchase of land or rental or lease of real property.

(6) Orders under existing contracts or agreements, *e.g.*—

(i) Orders against basic ordering agreements, including service orders issued on DD Form 1164, Service Order for Personal Property, by installation transportation offices;

(ii) Calls against blanket purchase agreements;

(iii) Job orders;

(iv) Task orders;

Department of Defense

204.670-2

(v) Delivery orders;
(vi) Communication services authorizations; and

(vii) Notices of termination or cancellation.

(7) Contract modifications, *e.g.*—

- (i) Change orders;
- (ii) Supplemental agreements;
- (iii) Funding actions; and
- (iv) Option exercises.

(c) *Departmental data collection points* means—

(1) For the Army (including Corps of Engineers Civil Works): Department of the Army, ATTN: SAAL-PA, 5109 Leesburg Pike, Suite 302, Falls Church, VA 22041-3201.

(2) For the Navy: Fleet Industrial Supply Center, Norfolk Detachment Washington, DC, ATTN: PMRS, Code 02W4.A, 1014 N Street SE, Suite 400, Washington Navy Yard, Washington, DC 20374-5014.

(3) For the Air Force: SAF/AQCX, 1060 Air Force Pentagon, Washington, DC 20330-1060.

(4) For the Defense Logistics Agency: Headquarters, Defense Logistics Agency, ATTN: Procurement Management Directorate (Acquisition Programs Team), 8725 John J. Kingman Road, Suite 3147, Fort Belvoir, VA 22060-6221.

(5) For the Defense Contract Management Agency (excluding contract administration office responsibilities in 204.670-4): Defense Contract Management Agency, ATTN: DCMA-DSP, 6350 Walker Lane, Suite 300, Alexandria, VA 22310-3226.

(6) For other DoD contracting activities: Department of the Army, ATTN: SAAL-PA, 5109 Leesburg Pike, Suite 302, Falls Church, VA 22041-3201.

(d) *United States and outlying areas* is defined in Federal Information Processing Standard Publication (FIPS PUB) 55, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities of the United States and Outlying Areas. Outlying areas are—

- (1) American Samoa;
- (2) The Federated States of Micronesia;
- (3) Guam;
- (4) The Marshall Islands;
- (5) Northern Mariana Islands;
- (6) The Trust Territory of Palau;
- (7) Puerto Rico;

(8) The U.S. Minor Outlying Islands; and

(9) The U.S. Virgin Islands.

[56 FR 36289, July 31, 1991, as amended at 60 FR 61592, Nov. 30, 1995; 61 FR 51030, Sept. 30, 1996; 62 FR 34121, June 24, 1997; 64 FR 51075, Sept. 21, 1999; 65 FR 39708, June 27, 2000; 66 FR 47096, Sept. 11, 2001; 67 FR 46113, July 12, 2002]

204.670-2 Reportable contracting actions.

(a) Except as provided in paragraph (c) of this subsection, complete a DD Form 350 for the following types of contracting actions in accordance with the instructions in 253.204-70:

(1) Actions that obligate or deobligate more than \$25,000, except actions summarized on DD Form 1057 in accordance with paragraph (b)(2) or (3) of this subsection.

(2) Actions that obligate or deobligate \$25,000 or less and are—

(i) Under a very small business set-aside (see FAR Subpart 19.9);

(ii) Requirements that DoD is processing for a non-DoD Federal agency;

(iii) Multiple reports required by 204.670-6(c)(1) to separate foreign military sales (FMS) requirements from non-FMS requirements; or

(iv) In a designated industry group under the Small Business Competitiveness Demonstration Program (see FAR Subpart 19.10), except for—

(A) Foreign military sales;

(B) Orders or modifications under Federal schedules;

(C) Actions with government agencies;

(D) Actions with non-U.S. business firms; and

(E) Actions where the place of performance is other than the United States and its outlying areas.

(3) Actions that establish an indefinite-delivery contract not reported under other paragraphs of this subsection.

(4) Actions of any dollar value that the contracting office chooses to report on a DD Form 350.

(b) Except as provided in paragraph (c) of this subsection, summarize the following types of contracting actions on the monthly DD Form 1057 in accordance with the instructions in 253.204-71:

204.670-3

48 CFR Ch. 2 (10-1-02 Edition)

(1) Actions that obligate or deobligate \$25,000 or less, except actions reported on DD Form 350 in accordance with paragraph (a)(2), (3), or (4) of this subsection.

(2) Actions that obligate or deobligate more than \$25,000, but not more than \$200,000, and support—

(i) A contingency operation as defined in 10 U.S.C. 101(a)(13); or

(ii) A humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(8).

(3) Actions that obligate or deobligate more than \$25,000, but not more than \$200,000, and are placed by a contracting officer on a Navy vessel.

(c) Do not report the following types of contracting action on either the DD Form 350 or DD Form 1057:

(1) Imprest fund transactions, SF 44 purchases, and micro-purchases obtained through use of the Government-wide commercial purchase card.

(2) Transactions that cite only non-appropriated funds (Treat funds held in trust accounts for foreign governments as appropriated funds).

(3) Transactions for purchase of land, or rental or lease of real property, when the General Services Administration (GSA) executes the action.

(4) Orders from GSA stock and the GSA Consolidated Purchase Program.

(5) Transactions that involve Government bills of lading or transportation requests, except orders placed under Regional Storage Management Office basic ordering agreements.

(6) Requisitions transferring supplies within or among the departments or agencies.

(7) Pursuant to 204.670-6(b), orders placed by other contracting activities against indefinite-delivery contracts awarded by the—

(i) Military Traffic Management Command;

(ii) Defense Energy Support Center for petroleum and petroleum products; or

(iii) Defense Supply Center, Richmond, for petroleum products

[64 FR 45197, Aug. 19, 1999; 64 FR 52670, Sept. 30, 1999, as amended at 65 FR 39708, June 27, 2000; 66 FR 47097, Sept. 11, 2001; 67 FR 46113, July 12, 2002]

204.670-3 Contracting office responsibilities.

(a) For DD Form 350, contracting offices—

(1) Prepare the appropriate type of DD Form 350 (see 204.670-6) in accordance with the instructions in 253.204-70, for all reportable contracting actions (see 204.670-2(a)), including actions accomplished by contract administration offices on behalf of the contracting office.

(2) Complete the DD Form 350 when funds are obligated or deobligated or when an indefinite-delivery contract is established with no initial obligation of funds. For actions accomplished by a contract administration office, complete the DD Form 350 upon receipt of the contractual instrument annotated “DD FORM 350 REPORTING COPY.”

(3) Submit all DD Forms 350 for the calendar month to the departmental data collection point (see 204.670-1(c)) in accordance with departmental or agency procedures.

(4) Prepare and submit a corrected or canceling DD Form 350 as required in accordance with departmental data collection point instructions.

(5) Establish a control system for assigning report numbers to DD Forms 350 (Line A2 of the DD Form 350). The number must have six positions and may be any combination of alpha or numeric characters. If more than one activity within a contracting office uses the same reporting office code, the contracting office must assign separate blocks of numbers to each activity to prevent duplication of report numbers.

(6) Maintain the DD Form 350 in the contract file in any medium, in accordance with departmental or agency procedures.

(b) For DD Form 1057, contracting offices—

(1) Prepare a DD Form 1057, in accordance with the instructions in 253.204-71, covering reportable contracting actions (see 204.670-2(b)), including actions accomplished by contract administration offices on behalf of the contracting office. An installation, base, or other activity may have more than one contracting office code to separate the various types of acquisitions, such as base and central contracting, or RDT&E and non-RDT&E

Department of Defense

204.670-6

acquisition. Each contracting office with a separate code must submit its own DD Form 1057.

(2) Complete the DD Form 1057 within three working days after the cutoff of the reporting month. Contracting offices may not cut off the reporting month before the 25th calendar day. The cutoff date for September is September 30. Submit the DD Form 1057 to the departmental data collection point in accordance with departmental or agency procedures.

(3) Unless otherwise instructed by the departmental data collection point, do not submit revised DD Form 1057 reports. Include any required corrections or adjustments in following month's report.

[65 FR 39708, June 27, 2000, as amended at 66 FR 47097, Sept. 11, 2001; 67 FR 46113, July 12, 2002]

204.670-4 Contract administration office responsibilities.

Contract administration offices executing actions subject to DD Form 350 or DD Form 1057 reporting must submit an annotated copy of the contractual instrument to the contracting office so that the contracting office can submit the required report.

(a) For DD Form 350, annotate in the heading of the contractual instrument in large block letters "DD FORM 350 REPORTING COPY." Send the annotated copy to the contracting office within one working day after the action date.

(b) For DD Form 1057, annotate in the heading of the contractual instrument in large block letters "DD FORM 1057 REPORTING COPY." Send the annotated copy with the normal distribution.

[65 FR 39709, June 27, 2000]

204.670-5 Departmental data collection point responsibilities.

Departmental data collection points—

(a) Collect DD Forms 350 and 1057 data provided by their contracting offices;

(b) Electronically record the data in accordance with the instructions for recording and editing developed by WHS-DIOR with the majority agreement of the departments and agencies

and prescribed by the Director of Defense Procurement; and

(c) Submit monthly reports (non-cumulative) to Washington Headquarters Services, ATTN: DIOR, within 18 days after the close of the reporting period, except the due date for September may be extended for no more than ten days. Report Control Symbol DD-AT&L(M)1014 applies to reports for DD Form 350 actions, and Report Control Symbol DD-AT&L(M)1015 applies to reports for DD Form 1057 actions.

[65 FR 39709, June 27, 2000, as amended at 66 FR 47097, Sept. 11, 2001]

204.670-6 Types of DD Form 350 reports.

There are three types of reports—single, consolidated, and multiple.

(a) A single report is one DD Form 350 report per action.

(b) A consolidated report combines several actions.

(1) Prepare consolidated reports for—
(i) Military Traffic Management Command awards of indefinite-delivery contracts for ocean transportation. The Command reports at the beginning of each fiscal year the estimated value of the orders for that fiscal year on one DD Form 350.

(ii) Defense Energy Support Center or Defense Supply Center, Richmond, indefinite-delivery contracts for petroleum or petroleum supplies. The Centers, at the time of award, report the estimated value of the orders to be placed against the contract on one DD Form 350.

(iii) Orders placed by the Defense Commissary Agency (DeCA) for resale items over \$25,000. DeCA consolidates the orders monthly and reports the cumulative dollar amounts and actions on one DD Form 350.

(iv) Vouchers processed by the U.S. Army Contracting Command, Europe (USACCE), for the purchase of utilities from municipalities (*e.g.*, gas, electricity, water, sewage, steam, snow removal, and garbage collection). USACCE consolidates these transactions monthly and reports the cumulative dollar amounts and actions on one DD Form 350.

(2) Consolidated reports may be prepared in accordance with departmental or agency procedures for orders under

204.670-7

communications service agreements for local dial tone services.

(c) A multiple report is more than one DD Form 350 per contracting action. Prepare multiple reports if—

(1) The action includes FMS requirements in addition to non-FMS requirements (Line B9 on the DD Form 350). Submit one DD Form 350 report for the FMS requirements and another DD Form 350 report for the non-FMS requirements.

(2) The action includes more than one type of contract (Line C5 on the DD Form 350) and the type with the least dollar value exceeds \$500,000. Prepare a separate DD Form 350 for each contract type.

(3) The action includes non-DoD Federal agency requirements and DoD requirements. Submit one DD Form 350 for the non-DoD requirements and another DD Form 350 for the DoD requirements.

[65 FR 39709, June 27, 2000, as amended at 66 FR 47097, Sept. 11, 2001; 67 FR 46113, July 12, 2002]

204.670-7 Security classification.

Submit DD Forms 350 as unclassified documents. Classified contracts are not exempt from reporting solely because the contract is classified. Contact the appropriate departmental data collection points for special instructions if it is necessary for security reasons to modify coding of any information on the DD Form 350. If contact cannot be made for security reasons, obtain instructions from the Director of Security, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), (703) 614-0578, or DSN 224-0578.

[65 FR 39709, June 27, 2000]

Subpart 204.8—Contract Files

204.802 Contract files.

Official contract files shall consist of—

(1) Only original, authenticated or conformed copies of contractual instruments—

(i) *Authenticated copies* means copies that are shown to be genuine in one of two ways—

48 CFR Ch. 2 (10-1-02 Edition)

(A) Certification as true copy by signature of an authorized person; or

(B) Official seal.

(ii) *Conformed copies* means copies that are complete and accurate, including the date signed and the names and titles of the parties who signed them.

(2) Signed or official record copies of correspondence, memoranda, and other documents.

204.804 Closeout of contract files.

Normally, the closeout date for contract files is the date in Block 9d on the DD Form 1594, Contract Completion Statement, or in columns 59-65 on the PK9. If the contracting office must do a major closeout action that will take longer than three months after the date shown in Block 9d of the DD Form 1594, or in columns 59-65 of the PK9—

(1) The closeout date for file purposes will be the date in Block 10e of the DD Form 1594 or the date of the closeout statement executed when the MILSCAP PK9 is received.

(2) The contracting office shall notify the contract administration office of the revised closeout date by either sending a copy of the completed DD Form 1594 or by preparing a MILSCAP Format Identifier PKZ, Contract Closeout Extension.

204.804-1 Closeout by the office administering the contract.

(1) For contracting offices administering their own contracts, locally developed forms or statement of completion may be used instead of the DD Form 1594, Contract Completion Statement. Whichever method is used, the form shall be retained in the official contract file.

(2) For contracts valued above the simplified acquisition threshold, prepare a DD Form 1597, Contract Closeout Check List, (or agency equivalent) to ensure that all required contract actions have been satisfactorily accomplished.

[56 FR 36289, July 31, 1991, as amended at 64 FR 2596, Jan. 15, 1999]