

## 250.305

(12) Ballistic Missile Defense Organization—Director, BMDO.

[56 FR 36475, July 31, 1991, as amended at 56 FR 67221, Dec. 30, 1991; 59 FR 27675, May 27, 1994; 61 FR 50455, Sept. 26, 1996; 64 FR 51077, Sept. 21, 1999]

### 250.305 Processing cases.

#### 250.305-70 Record of request.

At the time the request is filed, the activity will prepare the record described at 250.105(1)(i) and forward it to the appropriate official within 30 days after the close of the month in which the record is prepared.

#### 250.305-71 Processing cases to contract adjustment boards.

(a) The officer or official responsible for the case shall forward to the contract adjustment board, through departmental channels, two copies of the following:

- (1) A letter stating—
  - (i) The nature of the case;
  - (ii) The basis for the board's authority to act;
  - (iii) The findings of fact essential to the case (see FAR 50.304). Arrange the findings chronologically with cross references to supporting enclosures;
  - (iv) The conclusions drawn;
  - (v) The recommended disposition; and
  - (vi) If contractual action is recommended, a statement by the signer that the action will facilitate the national defense.

- (2) The contractor's request
- (3) All evidentiary materials
- (4) All endorsements, reports and comments of cognizant Government officials

(b) A letter to the Board recommending an amendment without consideration where essentiality is a factor (see FAR 50.302-1(a)) should also provide—

- (1) The information required by FAR 50.304 (a) and (b), and
- (2) Findings as to—
  - (i) The contractor's performance record, including the quality of product, rate of production, and promptness of deliveries;
  - (ii) The importance to the Government, particularly to the active duty military, of the performance of the

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contract and the importance of the contractor to the national defense;

(iii) The forecast of future contracts with the contractor; and

(iv) Other available sources of supply for the supplies or services covered by the contract, and the time and cost of having contract performance completed by such other sources.

#### 250.305-72 Processing by the board.

Contract adjustment boards will render decisions as expeditiously as practicable. The Chair shall sign a memorandum of decision disposing of the case. The decision shall be dated and shall contain the information required by FAR 50.306. The memorandum of decision shall not contain any information classified "Confidential" or higher. The board's decision will be sent to the appropriate official for implementation.

### 250.306 Disposition.

#### 250.306-70 Record of disposition.

(a) When the request for relief is denied or approved below the Secretarial level, submit the following documents to the appropriate office within 30 days after the close of the month in which the decision is executed:

- (1) Two copies of the memorandum of decision;
- (2) Except for the Army, one copy of the contractual document implementing any decision approving contractual action; and
- (3) One copy of a final record, as described at 250.105.

(b) When a contract adjustment board decision is implemented, the activity which forwarded the case to the board shall prepare and submit to the board the documents identified in paragraphs (a) (2) and (3) of this subsection.

## Subpart 250.4—Residual Powers

### 250.403 Special procedures for unusually hazardous or nuclear risks.

#### 250.403-70 Indemnification under contracts involving both research and development and other work.

When indemnification is to be provided on contracts requiring both research and development work and