

## 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

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other work, the contracting officer shall insert an appropriate clause using the authority of both 10 U.S.C. 2354 and Public Law 85-804.

(a) The use of Public Law 85-804 is limited to work which cannot be indemnified under 10 U.S.C. 2354 and is subject to compliance with FAR subpart 50.4.

(b) Indemnification under 10 U.S.C. 2354 is covered by 235.070.

**PART 251—USE OF GOVERNMENT SOURCES BY CONTRACTORS**

**Subpart 251.1—Contractor Use of Government Supply Sources**

Sec.

251.102 Authorization to use Government supply sources.

251.105 Payment for shipments.

251.107 Contract clause.

**Subpart 251.2—Contractor Use of Inter-agency Fleet Management System (IFMS) Vehicles**

251.202 Authorization.

251.205 Contract clause.

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

SOURCE: 56 FR 36479, July 31, 1991, unless otherwise noted.

**Subpart 251.1—Contractor Use of Government Supply Sources**

**251.102 Authorization to use Government supply sources.**

(e) Use the format in Table 51-1, Authorization to Purchase from Government Supply Sources. Specify the terms of the purchase, including contractor acceptance of any Government materiel, payment terms, and the addresses required by paragraph (f) of the clause at 252.251-7000, Ordering from Government Supply Sources.

(3)(ii) In addition to the procedure and form authorized by FAR 51.102(e)(3)(ii), contractors may use the DD Form 1155 when requisitioning from the Department of Veterans Affairs.

(f) The authorizing agency shall also be responsible for promptly considering requests of the DoD supply source for authority to refuse to honor requisitions from a contractor which is in-

debted to the DoD and has failed to pay proper invoices in a timely manner.

**TABLE 51-1—AUTHORIZATION TO PURCHASE FROM GOVERNMENT SUPPLY SOURCES**

Subject: Authorization to Purchase from Government Supply Sources

(Contractor's Name)

(Contractor's Address)

1. You are hereby authorized to use Government sources in performing Contract No. \_\_\_\_\_ for the Department of \_\_\_\_\_, as follows: (Insert applicable purchasing authority given to the contractor.)

2.a. Purchase Orders Under Federal Supply Schedules or Personal Property Rehabilitation Price Schedules. Place orders in accordance with the terms and conditions of the attached Schedule(s) and this authorization. Attach a copy of this authorization to the order (unless a copy was previously furnished to the Federal Supply Schedule or Personal Property Rehabilitation Price Schedule contractor). Insert the following statement in the order:

This order is placed under written authorization from \_\_\_\_\_ dated \_\_\_\_\_ (1\_\_\_\_\_).

In the event of any inconsistency between the terms and conditions of this order and those of the Federal Supply Schedule or Personal Property Rehabilitation Price Schedule contract, the latter will govern.

b. Requisitioning from the General Services Administration (GSA) or the Department of Defense (DoD). Place orders in accordance with this authorization and, as appropriate, the following:

(1) Federal Standard Requisitioning and Issues Procedures (FEDSTRIP) (GSA FEDSTRIP Operating Guide: FPMR 101-26.2 (41 CFR 101-26.2)). Copies are available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402; telephone (202) 512-1800; telefax (202) 512-2250.

(2) Military Standard Requisitioning and Issue Procedures (MILSTRIP) (DoD 4000.25-1-M). Copies are available from the Defense Logistics Agency, Administrative Support Center East, ATTN: ASCE-WS, 14 Dedication Drive, Suite 3, POD 43, New Cumberland, PA 17070-5011; telephone 1-888-DLA-PUBS (352-7827), or (717) 770-6034; telefax (717) 770-4817.

3. (3)

4. This authority is not transferable or assignable.

5. The DoD Activity Address Directory (DoDAAD) (DoD 4000.25-6-M) Activity Address Code<sup>2</sup> to which this Authorization applies is \_\_\_\_\_.

6. This Authorization expires \_\_\_\_\_.

(Contracting Officer)

<sup>1</sup> Insert "a copy of which is attached," "a copy of which you have on file," or other suitable language, as appropriate.