

U.S. Department of
Homeland Security

United States
Coast Guard



COAST GUARD ACQUISITION PROCEDURES (CGAP)



COMDTINST M4200.19H

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changes to it will only be available electronically, with official distribution via the Coast Guard Directives System Intranet site at <http://cgweb.uscg.mil/g-c/g-ccs/g-cit/g-cim/directives/welcome.htm>, or the Internet site at <http://www.uscg.mil/ccs/cit/cim/directives/welcome.htm>. No hard copies of the Manual will be printed. Units with limited access may request a CD-ROM copy of the Manual by contacting Ms. Freda Buchanan at Fbuchanan@comdt.uscg.mil. Copies for downloading and printing are also available at <http://cgweb.comdt.uscg.mil/CG8/CG85/cgap/cgapmenu.htm>.

5. SUMMARY OF CHANGES. The attached Summary of Changes included with this Letter of Promulgation identifies the various changes reflected in the current reissue of the CGAP. Many of these changes are attributable to the Coast Guard's transfer to DHS and its subsequent adoption of the HSAR and HSAM. The reissued CGAP also incorporates updates to the FAR, HSAR, and HSAM through Federal Acquisition Circular (FAC) 01-023, HSAM Notice 04-03, and Chief of Contracting Office (COCO) Alert 04-36.
6. REQUEST FOR CHANGES. Address comments, suggestions, and corrections to Commandant (CG-852).
7. ENVIRONMENTAL ASPECTS AND IMPACT CONSIDERATION. This Manual contains procedures at Subpart 3023.4 on the use of recovered materials that apply to all Coast Guard acquisitions. Subpart 3023.7 of this Manual provides guidance on contracting for environmentally preferable products and services.
8. FORMS AVAILABILITY. Forms called for in this Manual are available in USCG Electronic Forms SWSIII or on the Internet at <http://www.uscg.mil/ccs/cit/cim/forms1/welcome.htm> or the Intranet at <http://cgweb.uscg.mil/g-c/g-ccs/g-cit/g-cim/forms1/main.asp>. Required DHS acquisition forms available on line in executable file format can be found at <https://dhsonline.dhs.gov/portal/jhtml/general/forms.jhtml>.

ROBERT S. HOROWITZ /S/
Head of the Contracting Activity

SUMMARY OF CHANGES

Table of Contents
Updates page numbers and the Enclosure listing. Identifies new chapters that are currently Reserved.

Organization and Content in Manual
<ul style="list-style-type: none"> • Consolidates CGAP Parts with their corresponding Chapters. • Distinguishes CGAP Parts implementing provisions of the Homeland Security Acquisition Regulation (HSAR) from corresponding CGAP Chapters implementing the Homeland Security Acquisition Manual (HSAM). • Revises CGAP Parts/Chapters, and Enclosures to reflect implementation of related HSAR/HSAM provisions, Department of Homeland Security (DHS) Acquisition Management Directives (MDs), HSAR/HSAM Notices, and other similar guidance. • Replaces the previous CGAP numbering convention, based on the Transportation Acquisition Regulation (TAR) 48 CFR 1201-1253 and the Transportation Acquisition Manual (TAM), with the 48 CFR 3001-3053 numbering scheme reflected in the HSAR and HSAM. • Updates all references to Headquarters components responsible for acquisition related functions to recognize changes in Coast Guard Headquarters organization codes since issuance of the now superseded Coast Guard Acquisition Procedures, COMDTINST M4200.19G, in December 2002. • Adds new hyperlinks to FAR, DHS, Coast Guard and other related guidance on acquisition topics.

Part/Chapter 3001	
Subchapter 3001.202-70	Revises language of previous CGAP Subchapter 1201.201-70, Submission of Suggested Changes to identify the new role of the DHS Chief Procurement Officer (CPO).
Subchapter 3001.602-390	<p>Revises subparagraph (c) to reflect implementation of Chief of Contracting Office (COCO) Alert 0328, Unauthorized Commitment Reporting Requirements.</p> <p>Revises subparagraph (e) to identify U.S. Bank as the current source for credit cards issued under the Coast Guard’s Government purchase card program, and hyperlinks to required information under HSAM 3001.602-3 (c) for inclusion in ratification requests.</p>
Subchapter 3001.603-1	Identifies and hyperlinks to new policies set forth in MD 0740.2, Contracting Officer Warrant Program (COWP),

	for the designation of Contracting Officers.
Subchapter 3001.603-190	Adds a new subchapter incorporating guidance on the appropriate level of warrants to be issued to Chiefs of Contracting Offices (COCOs).

Part/Chapter 3002	
Subchapter 3002.101	Deletes definition of Administration Acquisition Executive (AAE); and changes identification of Commandant (G-C) from Head of the Operating Administration (HOA) to Head of the Organizational Element (OE).
Subchapter 3002.190	Removes redundant reference to HOA.

Part/Chapter 3003	
Subpart 3003.405	Deletes reference to Misrepresentations or Violations of the Covenant Against Contingent Fee – RCN 4200-5.
Subpart 3003.502-2	Deletes citation of Anti-Kickback Report, RCN 4200-6.

Part/Chapter 3004	
Subchapter 3004.502	Adds new Subchapter 3004.502, Policy, reflecting mandatory requirements for use of all current Acquisition e-Business suite applications, and any future systems mandated by the President’s Integrated Acquisition Environment initiative, e-Merge2, or other DHS directed system changes.
Subchapter 3004.601	Revises previous CGAP Subchapter 1204.601, Records Requirements, to reflect introduction of the new Homeland Security Contract Information System (HSCIS) Users Manual.
Subchapter 3004.602	Provides for Individual Contract Action Reports within HSCIS after September 30, 2004 for all actions over \$2,500 other than Government Purchase Card transactions; and DHS electronic transfer of such information into FPDS-NG until direct entry procedures are established.
Subchapter 3004.602-71	Renumbers and renames previous CGAP Subchapter 3004.604-72 to recognize new HSAM policies and procedures for Procurement Instrument Identification Numbers (PIIDs). Deletes previous CGAP Subchapters 3004.602-7201, 7202, and 7203, which no longer apply.
Subchapter 3004.602-7101	Provides supplementary information under subparagraph (a)(5) to address frequently asked questions relating to HSAM Subchapter 3004.602-7101. Continues within the Coast Guard use of procurement instrument codes “N”, “V”, and “W” previously

	identified under CGAP Subchapter 1204.602-7202.
Subchapter 3004.602-7102	Includes additional guidance under subparagraph (a)(1) on appropriate procurement instrument codes for calls relating to Blanket Purchase Agreements (BPAs).
Subchapter 3004.602-7103	Provides supplementary information to address frequently asked questions relating to HSAM Subchapter 3004.602-7103, Other Identifiers Relating to PIIDs and SPIIDs.
Subchapter 3004.1102	Adds new Subchapter to reflect compliance with FAR Subpart 4.11, and DHS Acquisition Alert 04/04, Central Contractor Registration.
Subchapter 3004.7003	Revises previous CGAP Subchapter 1204.7003, Review and Approval Procedures, to clarify, in accordance with HSAM Subchapter 3004.7003(c), that contract modifications where the sole purpose is to extend the term of a contract, or orders where the basic contract has been reviewed by counsel for legal sufficiency are exempt from legal reviews. Continues earlier requirement under CGAP Subchapter 1204.7003(b)(2) that in the case of field contracting activities the mandatory level for legal review is \$100,000 rather than the \$500,000 level cited under HSAM Subchapter 3004.7003(c).
Subchapter 3004.7005	Revises previous CGAP Subchapter 1204.7005, Periodic Compliance reviews, to address the current Commandant (CG-85) Management Effectiveness Assessment (MEA) program.
Subchapter 3004.91	Revises the previous CGAP Subchapter 1204.91 relating to material orders when the consignee is a DoD Inventory Control Point to ensure consistency with the current numbering conventions specified in Department of Defense (DoD) FAR Supplement (DFARS) Subpart 240.70, Uniform Procurement Instrument Identification Numbers, and the corresponding HSAM/CGAP Subchapter 3004.602-71.

Part/Chapter 3005	
Subchapter 3005.202	Rewrites previous CGAP Subchapter 1205.202 to implement new HSAR Subchapter 3005.202 delegating to the Chief Procurement Officer (CPO) of DHS agency head authority under (FAR) 48 CFR 5.202(b) to make written determinations that advance notice of proposed contract actions are not appropriate or reasonable. (Previous authority under CGAP 1205.202 was delegated to the Head of the Contracting Activity

	(HCA.) Provides for simultaneous coordination of written determinations through the Coast guard's Small Business Program Officer (Commandant (CG-851)) and Commandant (CG-852).
Subchapter 3005.303	Revises previous CGAP Subchapter 1205.303, Announcement of Contract Awards, to implement HSAM Subchapter 3005.303 and MD 2140.1, Congressional Notification of Contract Awards.
Subchapter 3005.402	Corrects the numbering of previous CGAP Subchapter 1205.403, General Public, to be consistent with the FAR.
Subchapter 3005.504 (Reserved)	Deletes previous CGAP Subchapter 1205.504, Use of Advertising Agencies, which permitted local Contracting Officers to acquire advertising placement services through local advertising agencies only when no nationwide Coast Guard contract existed. Since the HSAR and HSAM do not currently address this subject, guidance at FAR 5.504 is controlling.
Subchapter 3005.590 (Reserved)	Deletes previous CGAP Subchapter 1205.590, Advertising for Recruiting Purposes, which required approval from Commandant (CGPC-c) prior to recruitment of service and cadet applicants through paid advertising. Per HSAM Subchapter 3005.5, approval of paid advertising is now one level above the Contracting Officer.

Part/Chapter 3006

Subchapter 3006.302-190	Revises earlier CGAP Subchapter 1206.302-190 to recognize current authority of the CPO (previously delegated to the Head of the Contracting Activity (HCA)) to make agency head determinations that pursuant to the agency's standardization program only specified makes and models of technical equipment satisfy the agency's needs under FAR 6.302-1(b)(4).
Subchapter 3006.302-7	Adds new Subchapter implementing HSAR Subpart 306.302-7 policy requiring CPO review of all J&As citing Public Interest prior to Secretarial approval.
Subchapter 3006.501	Identifies Commandant (CG-8d) as Coast Guard Competition Advocate.

Part/Chapter 3007

Subchapter 3007.101-70 (Reserved)	Consolidates content of previous CGAP Subchapter 1207.101-70(a) with new CGAP Subchapter 3007.103(d)(1).
Subchapter 3007.102 (Reserved)	Removes previous guidance under CGAP Subchapter

	1207.102(b), Policy, since this subject is already addressed in CGAP Subchapter 3017.5, Interagency Acquisitions Under the Economy Act.
Subchapter 3007.103(d)(1)	Adds new subparagraph (d)(1), based on earlier CGAP Subchapter 1207.101-70(a), to prevent the dropping of essential guidance that is still relevant to the acquisition process.
Subchapter 3007.103(d)(2)	Adds new subparagraph (d)(2) to provide further clarification concerning Management Review Council (MRC) processing and submission of the Exhibit 300 investment review document required by Investment Review Process, MD 1400.
Subchapter 3007.171	Revises earlier CGAP provision to provide for COCO approval of acquisition plans between \$5 million and \$50 million. Per HSAM 3007.171, Update, Approval, and Distribution Procedures for Streamlined Acquisition Plans, the HCA is now the approving official for acquisition plans over \$50 million.
Subchapter 3007.172	Adds new Subchapter implementing HSAM Subchapter 3007.172(a)(3) guidance on coordination of Advance Acquisition Plans (AAPs). Establishes 1 August as the deadline for annual submission of AAPs.
Subchapter 3007.270-1	Adds new Subchapter to identify and hyperlink to Strategic Sourcing Group Operations, MD 0730.
Subchapter 3007.270-5	Adds new Subchapter providing guidance on processing and coordination of Strategic Sourcing waivers.
Subchapter 3007.271-1	Adds new Subchapter directing Commandant (CG-851) coordination of all HSAM Subchapter 3007.271-1 (b) designations and approvals by the CPO of DHS-Wide Agency Contracts.
Subchapter 3007.271-2	Adds new Subchapter directing coordination of Post Award Notifications of DHS-Wide Agency Contracts through Commandant (CG-851). Establishes a recommended limit of 7 days after contract award for such notifications.

Part/Chapter 3008	
Subchapter 3008.000-90	Adds new Subchapter to address policies and procedures relating to DHS' Strategically Sourced Commodities program and to direct mandatory use of the HS EMALL Internet portal for the ordering of office supplies. These subjects are not currently discussed in HSAR or HSAM.
Subchapter 3008.101	Adds new Subchapter alerting Coast Guard contracting offices that previous TAM Subchapter 1208.1 delegation of agency head authority for excess property determinations to Commandant (CG-842) no longer

	applies. Authority is currently retained at the DHS level. This subject is not currently addressed in HSAR or HSAM.
Subchapter 3008.102	Adds new Subchapter identifying Coast Guard Simplified Acquisition Procedures Handbook, COMDTINST M4200.13 (series), and Property Management Manual, COMDTINST M4500.5 (series), as the Coast Guard’s basic guidance on excess personal property. This subject is not currently discussed in HSAR or HSAM.
Subchapter 3008.870	Adds new Subchapter identifying policies and procedures or the purchase of business cards.
Subchapter 3008.9000	Adds new Subchapter identifying Commandant Instructions that supplement the guidance found in HSAM Subchapter 3008.90, Purchase of Motor Vehicles.

Part/Chapter 3009	
Subchapter 3009.404 (Reserved)	Deletes previous CGAP Subchapter 1209.404 relating to coordination of corrections and updates of suspension and debarment lists through Commandant (CG-85).
Subchapter 3009.405-1	Identifies the COCO as the official responsible for preparing requests for HCA determinations under (FAR) 48 CFR 9.405-1(a) and (c) and HSAM 309.405-1 to continue current contracts or subcontracts with firms that are debarred, suspended, or proposed for debarment.
Subchapter 3009.408	Revises previous CGAP Subchapter 1209.408 to provide for COCO submission of various certification documents under FAR clause 52.209-5 to the debarring/suspending official, rather than the HCA.

Part/Chapter 3014	
Subchapter 3014.201-890	Revises text for clarity; updates previous COMDINST and JTR citations; and includes new hyperlinks for guidance cited. Revised subparagraph (a) permits “At the Contracting Officer’s discretion” evaluation of all or part of the costs listed “based on the circumstances of each acquisition.”
Subchapter 3014.201-92	Identifies HCA (CG-8d) as approving official.
Subchapter 3014.213	Incorporates previous Transportation Acquisition Manual (TAM) Subchapter 1214.213 (a) and (b) coverage for continuity.
Subchapter 3014.290	Revises COMDINST citation. Changes Coast Guard Assistant Competition Advocate to CG-851.
Subchapter 3014.401	Incorporates for continuity previous TAM Subchapter 1214.401, Receipt and Safeguarding of Bids. Subject

	not addressed in the HSAR or HSAM.
Subchapter 3014.407-4	Revises CGAP citation; edits language; and incorporates for continuity previous TAM Subchapter 1214.407-4 (b) and (d) coverage relating to Contracting Officer determinations regarding alleged mistakes after contract award. Renumbers previous CGAP subparagraph 1214.407-4(d) as CGAP 3014.407-4(e).
Subchapter 3014.408-2	Incorporates previous TAM Subchapter 1214.408-2(a) coverage addressing written determinations of price reasonableness.
Subchapter 3014.409-2	Incorporates previous TAM Subchapter 1214.409-2 guidance concerning the disposition of classified information furnished in connection with a solicitation; and adds related FAR citation.
Subchapter 3014.470	Incorporates previous TAM Subchapter 1214.470 coverage addressing revalidation of requirements for procurement actions in process over one year.

Part/Chapter 3015	
Subpart 3015.306	Adds new subpart directing mandatory concurrence of the Source Selection Authority (SSA) with competitive range determinations.
Subpart 3015.604	Adds new subpart designating the COCO as the official responsible for disseminating agency Point of Contact information identified under FAR 15.604(a). Currently, this subject is not addressed in the HSAR or HSAM.
Subpart 3015.606-1	Deletes previous CGAP subparagraph 1215.606-1(c) concerning the return of rejected unsolicited proposals. This subject is currently addressed under HSAR Subpart 3016.606-1(c).
Subchapter 3015.303	Adds new Subchapter identifying the HCA as the Coast Guard's SSA for major system acquisitions; authorizes the HCA to appoint another individual to serve as SSA on a particular major system acquisition; and eliminates the previous CGAP Subchapter 1215.303 requirement concerning submission of delegation requests to Commandant (CG-85).
Subchapter 3015.304	Revises previous CGAP Subchapter 1215.304 coverage to require use of comparative descriptions rather than numerical weights to convey the relative importance of evaluation factors.
Subchapter 3015.403-570 (Reserved)	Deletes previous CGAP Subchapter 1215.403-570, Instructions for Submission of Cost or Pricing Data or Information Other Than Cost or Pricing Data. This provision required referral to the COCO in all cases involving offeror refusals to provide needed data or to

	take corrective action requested by the Contracting Officer. (Previous coverage of this subject under the TAM was not carried over to the HSAR or HSAM.)
Subchapter 3015.404-4	Revises language of earlier CGAP provision to clarify how profit or fee is to be determined for procurements using Simplified Acquisition Procedures.

Part/Chapter 3016

Subpart 3016.505(b)(5)	Corrects notation of previous CGAP Subpart 1216.505 (b)(4), Ordering, which identifies the QA Task and Delivery Order Ombudsman for Indefinite Delivery Contracts.
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Part/Chapter 3019

Subchapter 3019.202-270	Revises subparagraph (b)(1) to include as procurement forecast items options and delivery/task orders under current contracts. Establishes in subparagraph (b)(2) a new deadline of August 1 for submission of procurement forecasts together with the AAPs required by Subchapter 3007.172.
Subchapter 3019.705-2	Revises previous CGAP Subchapter 3019.705-2, Determining the Need for a Subcontracting Plan, to require the Contracting Officer to furnish both the Commandant (CG-851) and the DHS Director, Office of Small and Disadvantaged Business Utilization (OSDBU) approved determinations that there are no subcontracting opportunities.
Subchapter 3019.803	Adds new hyperlink for access to DHS/SBA Partnership Agreement, and deletes reference to 13 CFR 124-308(g) which no longer exists.

Part/Chapter 3022

Subchapter 3022.1008-1	Authorizes contracting officials to use the web based e98 form wage determination request available via hyperlink within CGAP.
Subchapter 3022.1305	Adds new Subchapter directing submission of waiver requests through Commandant (CG-85) who will coordinate submission for required HCA/CPO approval.
Subchapter 3022.1403	Adds new Subchapter directing submission of waiver requests relating to employment of workers with disabilities through Commandant (CG-851) who will coordinate their submission for HCA/CPO approval.

Part/Chapter 3023

Subpart 3023.405	Revises requirement to provide for reporting “total annual purchases of items equaling \$10,000 or more”.
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	Previous reporting requirement was for all purchases under this program “regardless of the dollar amount.”
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Part/Chapter 3026	
Subchapter 3026.9003	Substitutes reference to Minority Serving Institutions, COMDTINST 5354.7 (series), for now cancelled instruction, Historically Black Colleges and Universities (HBCU) Program, COMDTINST 5354.3 (series).

Part/Chapter 3027	
Subchapter 3027.304-1	Adds new CGAP Subchapter to address HSAM rescission of prior delegation to the COCO under TAM 1227.304-1(a)(3) of agency head authority to render decisions pursuant to (FAR) 48 CFR 27.304-1(a)(3) on contractor appeals of exceptions under FAR 27.303 (d)(1)(i)-(iv).
Subchapter 3027.305-4 (Reserved)	Deletes previous CGAP Subchapter 1227.305, Conveyance of Invention Rights Acquired by the Government, since this coverage is repetitive of HSAM 3027.305-4.

Part/Chapter 3028	
Subpart 3028.9001	Revises subparagraph (a) to reflect transfer of authority to the Secretary of Homeland Security from the Secretary of Transportation per H.R. 5005-15, Sec. 888.
Subchapter 3028.101-90	Revises previous CGAP coverage by deleting the phrase “if none available”. As currently written it is left to the Contracting Officer to determine whether to obtain review of annual bid bonds locally or through Commandant (G-LPL).
Subchapter 3028.106-6 (Reserved)	Deletes previous CGAP Subchapter 1228.106-6. The mandatory requirement to obtain legal advice is now addressed in HSAM.
Subchapter 3028.106-90	Revises previous CGAP provision to delete statement that “legal review of any bond is highly recommended”.
Subchapter 3028.203 (Reserved)	Transfers subparagraph (a) relating to the retention of securities in lieu of sureties to CGAP Subchapter 3028.204, Alternatives in Lieu of Corporate or Individual Sureties; and deletes subparagraph (b) relating to Contracting Officer confirmation of certified checks.
Subchapter 3028.203-7	Adds new Subchapter to clarify how justifications for exclusion of individual sureties shall be processed.
Subchapter 3028.204	Adds new subparagraph (a) from earlier CGAP Subchapter 1228.203, Acceptability of Individual Sureties, directing Contracting Officers to retain

	securities furnished in lieu of sureties “in a secured environment”.
Subchapter 3028.204-3 (Reserved)	Deletes obsolete CGAP Subchapter 128.204-3, Irrevocable Letters of Credit. Since this subject is not currently addressed in the HSAR and HSAM, guidance in FAR 28.204-3 is now controlling.
Subchapter 3028.390	Revises subparagraph (c) of previous CGAP coverage to provide mandatory reviews for legal sufficiency insurance policies submitted as evidence of insurance.

Part/Chapter 3029	
Subchapter 3029.101	Deletes previous CGAP subparagraph 1229.101(c)(3) on recommended changes to agency policy and procedures concerning taxes. This subject is currently addressed under HSAM Subchapter 3029.101, Resolving Tax Problems.

Part/Chapter 3032	
Subchapter 3032.201	Adds new Subchapter to address HSAM rescission of agency head authority under FAR 32.201 previously delegated to Contracting Officers.
Subchapter 3032.402	Adds new Subchapter reflecting HSAM 3032.402 (c)(1)(iii) delegation to the HCA of approval authority for determinations relating to advance payments for non-commercial items. This authority is without redelegation.
Subchapter 3032.409	Revises previous CGAP Subchapter 1232.409, Contracting Officer Action, to clarify coordination procedures relating to actions under HSAM 3032.402.
Subchapter 3032.601	Identifies the location within the Coast Guard Finance Center (FINCEN) for Contracting Officer consultation regarding collection of contract debts.
Subchapter 3032.7002	Updates provision to identify current use of the Coast Guard Oracle Financial (CGOF) system.

Part/Chapter 3033	
Subchapter 3033.104	Revises previous CGAP Subchapter 1233.104(a), General Procedures, to delegate to the COCO, rather than the Contracting Officer, HCA responsibilities for preparing and providing to the General Accounting Office (GAO) agency reports of information relating to protests. Revises subparagraph (b) to reflect new guidance under HSAM Subchapter 3033.104(b), Protests Before Award.
Subchapter 3033.203	Corrects previous reference under CGAP Subchapter

	1233.203 to CGAP Subpart 3001.104, Applicability.
Subchapter 3033.210-90	Revises previous CGAP Subchapter 1233.210-90, Settlement After Appeal Is Filed, to require coordination rather than concurrence of the Chief Trial Attorney.

Part/Chapter 3036	
Subpart 3036.103	Adds new Subpart implementing COCO Alert 04-35, Single Source Job Order Contracting, which requires contracting offices to obtain prior written approval from Commandant (CG-85) of solicitations and letters of intent to exercise options for Job Order Contracting (JOC) contracts. This subject is not currently addressed in HSAR or HSAM.
Subchapter 3036.601-90	Revises previous CGAP Subchapter 1236.601-90, Combining Miscellaneous Projects for Architect-Engineer Services, to delete subparagraph (a)(1)(ii) guidance on placing orders; subparagraph (a)(2)(iv) limiting individual orders to \$300,000; and subparagraph (a)(2)(v) limiting the total estimated value of an Indefinite Delivery/Indefinite Quantity contract to \$1.5 million. Deletes from subparagraph (a)(3)(iii) reference to the above dollar limits. Clarifies in subparagraph (a)(3)(ii) guidance on options to indicate that the decision to use options is a Contracting Officer determination, and is not mandated.

Part/Chapter 3037	
Subpart 3037.104-90	Delegates to Maintenance and Logistics Command Atlantic (MLCLANT) and Pacific (MLCPAC) Contracting Officers HCA authority under HSAR Subpart 3037.104-90(a) to enter into medical personal services contracts in accordance with 10 U.S.C. 1091 (a) to (c).
Subpart 3037.104-91 (Reserved)	Deletes previous CGAP Subpart 1237.104-91, Personal Services Contracts With Individuals Under the Authority of 10 U.S.C. 1091. Current procedures for such contracts are reflected in HSAR 3037.104-91 and HSAM 3037.104-70.
Subpart 3037.104-92 (Reserved)	Deletes previous CGAP Subpart 1237.104-92, Exemption, Prohibition, and Limitation, which directed compliance with the Federal Workforce Restructuring Act in the case of former Federal employees; and referred Contracting Officers to Chapter 11 of Medical

	Manual, COMDTINST M6000.1 (series), for guidance on limitations and prohibitions relating to funding, eligibility, and payments.
Subpart 3037.110-90 (Reserved)	Deletes earlier CGAP Subpart 1237.110-90, Information Systems Security Solicitation and Contract Clauses, which is redundant of current HSAM coverage.
Subchapter 3037.103	Eliminates previous requirement under CGAP for Commandant (CG-851) to review, prior to synopsis or the issuance of task orders, documentation supporting Contracting Officer decisions not to use performance based contracting methods. Revises subparagraph (c) to permit the use of acquisition plans under FAR 7.105(b)(4), or the documentation required for services under the Federal Supply Schedule (FAR 8.405-7(b)(4)(ii)) as supporting documentation under CGAP Subparagraph 3037.103.
Subchapter 3037.112 (Reserved)	Deletes CGAP Subchapter 1237.112, Government Use of Private Sector Temporaries, which is addressed in HSAM.
Subchapter 3037.205-90 (Reserved)	Deletes CGAP Subchapter 1237.205-90 requirement for use of a Procurement Forecast Form in annotating information on acquisitions of advisory and assistance services over \$100,000.
Subchapter 3037.601 (Reserved)	Deletes CGAP Subchapter 1237.601 provision directing compliance with review requirements under CGAP 1237.103(c). As indicated, above, new CGAP Subchapter 3037.103(c) eliminates these review requirements.

Part/Chapter 3039

Subchapter 3039.001-70	Revises previous CGAP Subchapter 1239.001-70, Certification of Frequency Spectrum Support for Major New Communication-Electronic Systems, to reflect updated references and to clarify the circumstances under which such certifications are required.
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Part/Chapter 3041

Reserved	Deletes in its entirety previous CGAP Subchapter 1241.501 (a) requirement for legal review of variations in prescribed contract provisions and clauses relating to acquisition of utility services. Requirement now addressed under HSAM Subchapter 3041.501(a).
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Part/Chapter 3042

Subchapter 3042.101	Deletes obsolete CGAP Subparagraph 1242.101 (b), Contract Audit Responsibilities, and replaces it with
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	<p>revised interim procedures pending issuance of a new MD 0811 on Contract Audit Services.</p> <p>Adds as an attachment DHS Request for Contract Audit Services, OIG Form OA-01 (10/03).</p>
Subchapter 3042.7002	Revises and updates previous Subchapter 1242.7002 to reflect implementation of MD 0780, Contracting Officer's Technical Representative/Contracting Officer's Representative Appointment and Responsibilities.
Appendix to Chapter 3042	Revises and updates previous Appendix to reflect implementation of MD 0780.

Part/Chapter 3043	
Subchapter 3043.7002	Substitutes new Subchapter 3043.7002, Undefined Contracting Action (UCA) Monitoring System and Report, for previous CGAP Subchapter 1243.7004; and changes subparagraph (b) to read: The COCO shall establish a UCA monitoring system that meets the requirements of HSAM 3043.7002.

Part/Chapter 3045	
Subchapter 3045.101-90	Revises definition of Government furnished property. Adds definition of property administrator.
Subchapter 3045.105	<p>Substitutes for previous DOT Form 4220.43 new hyperlinked Contractor Report of Government Property, DHS Form 0700-05.</p> <p>Clarifies requirement set forth in HSAM 3045.105, Records of Government Property.</p> <p>Transfers guidance for establishment of internal controls from previous CGAP Enclosure 7, Policy Guidance for Government-Furnished Property, to this Subchapter.</p>
Subchapter 3045.105-90	Adds new subchapter addressing designation and duties of property administrator.
Subchapter 3045.307-2	Identifies CG-851 as the point of contact for coordinating acquisitions of special test equipment.
Subchapter 3045.502-1	Incorporates previous TAM Subchapter 1245.502-1 requirement concerning receipts for Government property.
Subchapter 3045.505-1	Renames Subchapter "Basic Information" to coincide with the title of corresponding FAR coverage; and updates citation to Information and Life Cycle Management Manual, CONDTINST M5212.12 (series).
Subchapter 3045.505-2	Carries over previous TAM Subchapter 1245.505-2 coverage regarding the furnishing of unit prices for

	Government-furnished property to contractors.
Subchapter 3045.505-6	Carries over previous TAM 1245.505-6, Special Reports of Plant Equipment. This subject is not currently addressed in the HSAR or HSAM.
Subchapter 3045.505-90 (Reserved)	Deletes previous CGAP Subchapter 1245.505-90, Reports of Government Property, due to redundancy with HSAM 3045.505-1470, OEs Contract Property Report.
Subchapter 3045.505-1470	Adds new CGAP Subchapter to implement new HSAM 3045.505-1470 requirement for annual submission of Contractor Report of Government Property, DHS Form 0700-05.
Subchapter 3045.508	Edits language of previous CGAP Subchapter 1245.508, Physical Inventories; deletes reference to the AIM database and replaces it with reference to the “Oracle Fixed Asset Module (FAM) database under General Purpose Property”. Deletes previous requirement under subparagraph (c) for COCOs to forward copies of annual certified data reports to Commandant (CG-851).
Subchapter 3045.508-2	Adds new Subchapter on reporting the results of inventories to clarify the HSAR 3045.508-2 requirement for contractor inventory reports.
Subchapter 3045.602	Adds new Subchapter incorporating Contracting Officer requirements regarding transfer and disposition of Government furnished property at closeout previously discussed in Enclosure 7, Policy Guidance on Government-Furnished Property.
Subchapter 3045.603	Adds new Subchapter (previously CGAP Subpart 1245.603) directing coordination of disposal of contractor inventories with local property officers or Commandant (CG-842).
Subchapter 3045.608-3	Adds new Subchapter identifying CG-842 as the point of contact for coordinating agency screening of contractor inventories of Government Furnished Property.
Subchapter 3045.608-5	Adds new Subchapter identifying CG-842 as the point of contact for HSAM 3045.608-5 special item screening.
Subchapter 3045.610-2	Deletes delegation of authority to Commandant G-CFM to seek exemptions from GSA for sales of surplus inventory. Updates citation to Property Management Manual.

Part/Chapter 3047	
Subchapter 3047.104-1	Carries over for purposes of continuity previous TAM Subchapter 1247.104-1(c) guidance on Government

	Freight, and revises the applicable FAR reference.
Subchapter 3047.205	Adds new Subchapter to clarify HSAM 3047.205, which provides that approval one level above the Contracting Officer is required in the case of contracts or Basic Ordering Agreements for transportation, or transportation related services.
Subchapter 3047.303-17	Carries over for purposes of continuity previous TAM Subchapter 1247.303-17 (c) guidance on contractor pre-paid commercial bills of lading for small package shipments.
Subchapter 3047.506	Incorporates for continuity earlier TAM Subchapter 1247.506 guidance concerning ocean transportation by U.S. flag vessels.

Part/Chapter 3048	
Subchapter 3048.102	Adds new Subchapter 3048.102, Policies, to retain the requirement under this chapter for Value Engineering Reports.
Subchapter 3048.104-2 (Reserved)	Deletes previous CGAP Subchapter 1248.104-2, Shared Collateral Savings, which delegated to the COCO HCA authority for determining whether the cost of calculating and tracking collateral savings on Value Engineering Change Proposals (VECPs) will exceed the benefit to be derived. Since this subject is not currently addressed in HSAR or HSAM, (FAR) 48 CFR 48.1, Policies and Procedures, is controlling.
Subchapter 3048.201 (Reserved)	Deletes previous CGAP Subchapter 1248.201, Clauses for Supply and Service Contracts. HSAM 3048.201(e) currently delegates to the COCO authority under FAR 48.201(e) to determine, for individual contracts only, whether the cost of computing and tracking collateral savings exceeds the benefits to be derived. Authority for class determinations now rests with the HCA.
Subchapter 3048.202 (Reserved)	Deletes previous CGAP Subchapter 1248.202, Clauses for Construction Contracts. HSAM 3048.202 currently delegates to the COCO authority under FAR 48.202 to determine, for individual contracts only, whether the cost of computing and tracking collateral savings exceeds the benefits to be derived. Authority for class determinations now rests with the HCA.

Part/Chapter 3053	
Subchapter 3053.232-70	Deletes obsolete language previously contained in TAM 1253.232-70, Contract Financing, and adds a new provision authorizing the use of DOT Form 4200.1.2CG, Procurement Request, as a substitute for DHS Form 700-

	20, Procurement Request and Continuation Sheet.
Contract File Content Checklist, CG-4788	Updates Items 7, 26, 29,40, and 41 to reflect forms currently prescribed.

Enclosures	
Enclosure 1	Revises discussion of the Coast Guard’s Abolish Red Tape in Contracting (ARTIC) program to clarify the approval process for class deviations and waivers from provisions of the FAR, HSAR, HSAM, and CGAP; and emphasize that approval authorities under this program will vary depending on the policies, regulations, and procedures for which deviations/waivers are sought.
Enclosure 2	Revises and encapsulates discussion under previous COMDTINST M4200.19G to address requirements of MD 0740.2, Contracting Officer Warrant Program, and MD 0780, Contracting Professional (GS 1102) Career Information. Requires each issuing authority to notify Commandant (CG-85) within 15 days when warranted personnel depart and when warrants are revoked. Previously no time limit had been identified for such reporting.
Enclosure 3	Revises subparagraph 4.b. (2) of Enclosure (3), Military Interdepartmental Purchase Requests (MIPRs), to reflect use of the format prescribed in MD 0710.1, Reimbursable Agreements, for the preparation of Determinations and Findings (D&Fs).
Enclosure 4	Deletes in its entirety the previous Enclosure 4, Instructions for Completing the Semi-Annual Labor Compliance Report, from the earlier Coast Guard Acquisition Procedures, COMDTINST M4200.19G. The Semi-Annual Labor Compliance Report is now included as part of HSAM Chapter 22. Renumbers previous Enclosure 5, Resource Conservation and Recovery Act (RCRA)—U.S. Coast Guard Procurement Site Summary Report For Previous Fiscal Year (FY), under COMDTINST M4200.19G as Enclosure 4 under COMDTINST M4200.19H. New Enclosure 4 reflects updated office symbols and CGAP Subchapter citations only, with no other changes in content.
Enclosure 5	Renumbers previous Enclosure 6, Coast Guard Contract Payment Approval, from earlier COMDTINST M4200.19G with no changes in substantive content.

Enclosure 6 (Reserved)	Previous Enclosure 6 from earlier COMDTINST M4200.19G renumbered as Enclosure 5, above.
Enclosure 7 (Reserved)	Deletes in its entirety previous Enclosure 7, Policy Guidance on Government-Furnished Property. Contents of this enclosure now incorporated within CGAP Subchapter 3045.

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COAST GUARD ACQUISITION PROCEDURES (CGAP)

PARTS 3001 THROUGH 3053
Procedures Implementing the
Homeland Security Acquisition Regulation (HSAR)

CHAPTERS 3001 THROUGH 3053
Procedures Implementing the
Homeland Security Acquisition Manual (HSAM)

CGAP PART 3001 COAST GUARD ACQUISITION PROCEDURES SYSTEM

CGAP SUBPART 3001.1 PURPOSE, AUTHORITY, ISSUANCE

CGAP SUBPART 3001.101 Purpose

The purpose of the Coast Guard Acquisition Procedures (CGAP) is to provide internal guidance addressing the policies set forth in the [Federal Acquisition Regulation \(FAR\)](#), [Homeland Security Acquisition Regulation \(HSAR\)](#) and [Homeland Security Acquisition Manual \(HSAM\)](#). The CGAP details the internal mechanisms through which the Coast Guard implements these contracting policies and procedures.

CGAP SUBPART 3001.103 Authority

(a) The CGAP is prescribed pursuant to the authority of (FAR) 48 CFR 1.301(a)(2), and 14 U.S.C. 93(f).

CGAP SUBPART 3001.104 Applicability

The CGAP applies to all Coast Guard procurements for supplies, services, and construction. The CGAP is not applicable to acquisitions involving title to either lands or improvements and lesser interests to the 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, HSAR, HSAM, and CGAP shall be resolved by giving precedence in the following order: (1) the FAR, (2) the HSAR, (3) the HSAM, and (4) the CGAP, unless the HSAR, HSAM 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 shall become a Head of the Contracting Activity (HCA) under the Department of the Navy. While the Coast Guard shall maintain the same dollar thresholds for actions previously requiring approval by the Secretary of the Department of Homeland Security (DHS), such actions shall now be sent to the Office of the Secretary of the Navy (OSN) for approval. All contracting warrants issued by the Coast Guard shall remain in effect.

(b) The U. S. Coast Guard shall discontinue using the Homeland Security Acquisition Regulation (HSAR), Homeland Security Acquisition Manual (HSAM) and Coast Guard Acquisition Procedures (CGAP) and shall commence using the [Department of Defense \(DOD\) FAR Supplement](#) (DFARS) and [Navy Marine Corps Acquisition Regulation Supplement](#) (NMCARS).

CGAP SUBPART 3001.105 Issuance

CGAP SUBPART 3001.105-1 Publication and code arrangement.

CGAP SUBPART 3001.105-2 Arrangement of procedures.

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

(b) Numbering. All coverage in the CGAP that does not correspond to FAR, HSAR or HSAM coverage will include the digits 90 through 99, as applicable, in the numbering scheme of each Subpart and Subchapter where this situation occurs.

CGAP SUBPART 3001.105-3 Copies

Only electronic copies are available of CGAP. However CD-ROM copies may be requested from Commandant (CG-85).

CGAP SUBPART 3001.3 AGENCY ACQUISITION REGULATIONS

CGAP SUBPART 3001.301 Policy

(a)(2) Certain FAR, HSAR and HSAM 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 discussed in the HSAR, HSAM, and CGAP that require approval at a level above the Chief of the Contracting Office (COCO) shall be routed to Commandant (CG-85) for processing and forwarding to the appropriate approving official, unless otherwise indicated by special routing instructions in the Parts and Chapters herein.

END OF CGAP PART 3001

CGAP CHAPTER 3001: COAST GUARD ACQUISITION PROCEDURES SYSTEM

CGAP SUBCHAPTER 3001.2 ADMINISTRATION

CGAP SUBCHAPTER 3001.202 Agency compliance with the FAR.

CGAP SUBCHAPTER 3001.202-70 Submission of suggested changes.

Proposed changes to the FAR, HSAR, HSAM and CGAP shall be forwarded to Commandant (CG-85) for processing and coordination. Commandant (CG-85) shall forward to the Head of the Contracting Activity (HCA) and the DHS Chief Procurement Officer (CPO), as applicable, any requested changes for their review and approval.

CGAP SUBCHAPTER 3001.3 AGENCY ACQUISITION REGULATIONS

CGAP SUBCHAPTER 3001.301 Policy

(a)(1) The Notice for Filing 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.

CGAP SUBCHAPTER 3001.4 DEVIATIONS

CGAP SUBCHAPTER 301.403 Individual deviations.

Commandant (CG-85) shall coordinate legal review with Commandant (G-LPL) for any deviation request.

CGAP SUBCHAPTER 3001.404 Class deviations.

Commandant (CG-85) shall coordinate legal review with Commandant (G-LPL) for any deviation requests and forward them to the CPO for approval. Commandant (CG-85) is the approval authority for class deviations to the CGAP.

CGAP SUBCHAPTER 3001.490 Abolish Red Tape In Contracting (ARTIC) program.

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

CGAP SUBCHAPTER 3001.6 CAREER DEVELOPMENT, CONTRACTING AUTHORITY AND RESPONSIBILITIES

CGAP SUBCHAPTER 3001.602 Contracting Officers.

CGAP SUBCHAPTER 3001.602-2 Responsibilities

CGAP Subchapter 3042.70, Appendix A, discusses the requirements for selection, training, and certification of Contracting Officers' Technical Representatives (COTRs).

CGAP SUBCHAPTER 3001.602-390 Ratification of Unauthorized Commitments.

(b) This authority is delegated to the Chief of the Contracting Office (COCO) provided the COCO's warrant as a Contracting Officer is at a dollar value sufficient to encompass the value of the action to be ratified.

(c) A report of all Unauthorized Commitments shall be forwarded on a quarterly basis to Commandant (CG-85). The report shall indicate the total number of Unauthorized Commitments of \$2,500 or less for the reporting period; and for each Unauthorized Commitment in excess of \$2,500, 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 its ratification. If no Unauthorized Commitments occurred, a negative report shall be submitted stating that there were no Unauthorized Commitments during the reporting period. 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), and may be submitted by e-Mail.

(e) The COCO shall render a final decision within 30 calendar days of receipt of a ratification request. The ratification request shall contain the information required by [HSAM 3001.602-3 \(c\)](#). Once a decision has been rendered, all documentation shall be forwarded to the appropriate Contracting Officer. If an Unauthorized Commitment is approved for ratification, the Contracting Officer shall process a purchase order or other contract document for payment purposes. If an Unauthorized Commitment is disapproved for ratification (i.e., nonratifiable), the Contracting Officer shall promptly notify in writing the individual who made the Unauthorized Commitment, stating the reasons for disapproval and recommending that the individual obtain legal advice. The Contracting Officer must also advise the individual responsible for the Unauthorized Commitment that the nonratifiable commitment will not be paid in accordance with prescribed contracting methods of payment. In those cases where a nonratifiable Unauthorized Commitment involves the use of a U.S. Bank Government purchase card, or payment has already been effected via the SMART PAY program, the responsible individual may be billed or a pay adjustment may be initiated for the Government to obtain reimbursement.

CGAP SUBCHAPTER 3001.603 Selection, appointment, and termination of appointment.

CGAP SUBCHAPTER 3001.603-1 General

The policy for appointment of Contracting Officers is set forth in the DHS Acquisition Management Directive (MD) Contracting Officer Warrant Program, [MD 0740.2](#), and Enclosure (2) to this Chapter. Approval by the Head of the Contracting Activity (HCA) is required for warrants exceeding the dollar thresholds stated in [MD 0740.2](#). Warrant approving authorities shall forward any requests for such waivers to the HCA.

CGAP SUBCHAPTER 3001.603-190 Minimum COCO requirements.

In order to be eligible for designation as a COCO, an employee must meet all the qualifications for eligibility to receive a Contracting Officer's warrant at the highest dollar level issued for that contracting office. The following examples illustrate how that level shall be determined.

(a) A Civil Engineering Unit (CEU) contracting office has four employees with general warrants at obligation limits not to exceed \$200,000, two employees with general warrants at obligation limits not to exceed \$500,000, and two employees with unlimited warrants. In order to receive COCO authority for that CEU's contracting office, an employee must meet all requirements (training, experience, education, certification, etc.) under the Contracting Officer Warrant Program for an unlimited general warrant.

(b) The contracting office at an Integrated Support Command (ISC) has three Contracting Officers for Simplified Acquisition Procedures (SAPs) whose warrants are limited to \$10,000 for supplies, \$2,500 for services, and \$2,000 for construction, respectively. The ISC also has one Contracting Officer whose warrant is limited to \$50,000 each for supplies, services, and construction. To be designated COCO for this ISC an employee must meet all requirements (training, experience, education, certification, etc.) under the Contracting Officer Warrant Program for a warrant at the Simplified Acquisition Threshold (SAT) with limits of \$50,000 each for supplies, services, and construction.

CGAP SUBCHAPTER 3001.690 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 review time.

(b) The Contracting Officer may require legal review of any procurement action consistent with the availability of counsel. However, in addition to the requirements for legal review in FAR, HSAR, HSAM and CGAP, the following matters require consultation and coordination with legal counsel:

(1) Correspondence on procurement policy requiring the signature of the Commandant, Vice Commandant, Chief of Staff, Maintenance and Logistics Command (MLC) Commander, or the Superintendent of the Coast Guard Academy.

(2) Proposed procurement policy statements and procedures.

(3) Drafts of a proposed new contract provisions or clauses.

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

(5) Legal counsel attendance at meetings where a contractor has legal representation.

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CGAP PART 3002 DEFINITIONS OF WORDS AND TERMS - (RESERVED)

CGAP CHAPTER 3002 DEFINITIONS OF WORDS AND TERMS

CGAP SUBCHAPTER 3002.1 DEFINITIONS

CGAP SUBCHAPTER 3002.101 Definitions

“Head of the Organizational Element (OE)” for the Coast Guard is the Commandant (G-C).

“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 3002.170 HCA and Chiefs of Contracting Offices (COCOs).

(a) Head of the Contracting Activity (HCA) means the Deputy Assistant Commandant in the Office of the Assistant Commandant for Planning, Resources and Procurement (CG-8d). In the absence of the HCA, Commandant (CG-85) will perform the functions of the HCA. In a few instances, where FAR, HSAR, or HSAM indicates a higher level of authority is required, Commandant (CG-85) 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/CG8/CG85/index.htm>.

CGAP SUBCHAPTER 3002.190 Submissions to the HCA, SPE, G-CV, or G-C.

(b) Any documents requiring transmittal to the HCA, Senior Procurement Executive (SPE), G-CV, or G-C shall be transmitted to Commandant (CG-85) 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 (CG-85) for staffing and processing to the proper officials designated in this manual. COCO endorsements are required for all requests/documents/reports submitted to Commandant (CG-85) for action.

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CGAP PART 3003 IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

CGAP SUBPART 3003.4 CONTINGENT FEES

CGAP SUBPART 3003.405 Misrepresentations or violations of the covenant against contingent fees.

(a) The Chief of the Contracting Office (COCO) shall prepare a written finding of the facts of the case and submit the file to Commandant (G-LPL) for review. The file shall contain the written opinion of the legal counsel for the contracting office, if any. An information copy shall be provided to Commandant (CG-85). After review, Commandant (G-LPL) will forward the findings to the Office of the Inspector General (J-I) and will also furnish a copy to the Department of Justice, if appropriate.

CGAP SUBPART 3003.5 OTHER IMPROPER BUSINESS PRACTICES

CGAP SUBPART 3003.502-2 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 finding of the facts of the case and submit the file to Commandant (G-LPL) for review. The file shall contain the written opinion of the legal counsel at the contracting office, if any. An information copy shall be provided to Commandant (CG-85). After review, Commandant (G-LPL) will forward the findings to the Office of the Inspector General (J-I) and will also furnish a copy to the Department of Justice, if appropriate.

CGAP SUBPART 3003.590 Suspected fraudulent or other criminal conduct.

Mandatory Reporting of Incidents to the Coast Guard Investigative Service and Requesting Investigative Assistance, [COMDTINST 5520.5 \(series\)](#), addresses investigative assistance and details actions to be taken in cases of suspected fraud or criminal conduct in the performance of Coast Guard contracts.

CGAP SUBPART 3003.8 LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

CGAP SUBPART 3003.806 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 3003.405, and 3003.502-2.

END OF CGAP PART 3003

CGAP CHAPTER 3003 IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST - (RESERVED)

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CGAP PART 3004 ADMINISTRATIVE MATTERS – (RESERVED)

CGAP CHAPTER 3004 ADMINISTRATIVE MATTERS

CGAP SUBCHAPTER 3004.5 – Electronic commerce in contracting.

CGAP SUBCHAPTER 3004.502 Policy

(a) All Coast Guard organizational components involved in acquisition activities shall engage in electronic commerce to the maximum extent practicable using only those automated systems approved for and incorporated into the Acquisition e-Business suite of the Commandant (CG-85). This policy extends to any enterprise acquisition systems currently in use for which Coast Guard organizational elements have received training. These acquisition systems include but are not limited to:

Contract Information Management System (CIMS)
Federal Business Opportunities (FedBizOps)
Workflow Imaging Network System (WINS)
Coast Guard Oracle Financials (CGOF)
Finance and Procurement Desktop (FPD)
Homeland Security Contract Information System (HSCIS)
Federal Technical Data Solution (FedTeds)

(b)(1) In addition, any new systems mandated for use within the Integrated Acquisition Environment, pursuant to the Presidential e-Government Act of 2002, as well as any systems forthcoming from the Department of Homeland Security (DHS), or through e-Merge2 systems solutions shall be required for usage by all contracting activities within the Coast Guard. Implementation of all such current and future e-Business applications shall become mandatory upon completion of the requisite training for its use. Upon completion of such training, the Chiefs of Contracting Offices (COCOs) shall be responsible for ensuring within their respective areas of responsibility full operation of all systems in the Acquisition e-Business suite.

CGAP SUBCHAPTER 3004.6 CONTRACT REPORTING

CGAP SUBCHAPTER 3004.601 Records requirements.

d) The Homeland Security Contract Information System (HSCIS) Users Manual is available at: http://dcis.hhs.gov/hscis/HSCIS_FY2004.doc. Each Contracting Officer is responsible for timely and accurate reporting of data to HSCIS.

CGAP SUBCHAPTER 3004.602 Federal Procurement Data System.

(c) The Federal Procurement Data System (FPDS) Summary Contract Action Report (\$25,000 or less), SF 281, shall be submitted quarterly to Commandant (CG-851) per the Coast Guard Simplified Acquisition Procedures Handbook, [COMDTINST M4200.13 \(series\)](#), until September 30, 2004. After that date, Contracting Officers shall prepare for each action over

\$2,500, other than Government Purchase Card transactions, an individual Contract Action Report and enter it into HSCIS. Modifications to existing contract awards must also be entered into HSCIS, regardless of dollar amount. Currently DHS is electronically transferring information on actions reported in HSCIS into the Federal Procurement Data System-Next Generation (FPDS-NG). Should this arrangement change to permit direct entry of contracting actions into FPDS-NG, the Commandant (CG-85) shall notify the COCOs regarding the timing and procedures for its implementation.

CGAP SUBCHAPTER 3004.602-71 Unique Procurement Instrument Identifiers (PIID) system.

CGAP SUBCHAPTER 3004.602-7101 Procurement instrument identifiers.

(a)(5) The following information should be noted concerning the one-digit alphabetic code identifying the type of procurement instrument (position nine of the PIID).

(i) When task orders are to be issued against an existing contract whose document number begins with “DTCG”, the task order number should begin with “HSCG” and the instrument code should be “J” instead of “F”.

(ii) For task orders issued against a contract vehicle created by another DHS organizational element, use the instrument code “J” rather than “F”.

(iii) The capital letter assigned to indicate the type of instrument code shall reflect [HSAM Subchapter 3004.602-7101](#) as indicated in the table below.

<u>Standard Instrument Code</u>	<u>Exception Descriptions</u>	<u>Exception Instrument Code</u>
P – Purchase Orders	If FINCEN is the payment office and additional letters are needed to differentiate specific types of purchase order actions.	“N” for construction or service purchase orders when using simplified acquisition procedures, which require Contracting Officer approval for payments. Do not use “N” for delivery or task orders.
	Numbering capacity of “P” becomes exhausted during the fiscal year.	“V” then “W”

CGAP SUBCHAPTER 3004.602-7102 Supplementary Procurement Instrument Identification Numbers (SPIIDs).

(a)(1) In instances where a Blanket Purchase Agreement (BPA) call is made against a Coast Guard BPA established under another federal agency’s indefinite delivery contract, the determination of whether the BPA call should be identified with instrument code “F” or “J” will depend on the source of the terms and conditions of the BPA. When these terms and conditions

are rooted in another agency's contractual instrument (e.g., a GSA Schedule), even if calls relate to a Coast Guard BPA the instrument code identifying the BPA call should be "F". Conversely, if the Coast Guard or other DHS Organizational Element created the terms and conditions reflected in the BPA, the BPA call should be coded "J".

CGAP SUBCHAPTER 3004.602-7103 Other identifiers relating to PIIDs and SPIIDs.

(2) Modifications to Contracts, Agreements and Orders

(a) When an existing contract whose document number begins with "DTCG" has to be modified, no change is needed to the existing document [HSAM Subchapter 3004.602-7102](#) number. However, the identifier "A" or "P" must be included in the numbering of modifications. For example, contract DTCG88-03-C-000001 was awarded in July 2003, and modified for the first time prior to implementation of HSAM CGAP SUBCHAPTER 3004.602-7102 (DTCG88-03-C-000001 Mod000001). The second modification, which occurred after implementation of HSAM 3004.602-7102, will be numbered DTCG88-03-C-000001 ModA000002.

(b) If multiple modifications to task orders previously awarded using a number beginning with "DTCG" are expected, do NOT change the instrument code or procuring agency. Simply incorporate modification numbers containing a "P" or "A", depending on whether the principal procuring office retains authority for contract administration ("P"), or administration is delegated to a separate contract administration office ("A").

(c) In the case of modifications to Coast Guard orders against GSA Schedules or other agency contractual instruments, the rule in subparagraph (b), above, will apply in determining whether the modification number contains a "P" or "A". If the office that created the order issues a modification to it, the modification number will begin with "P". If another office administers the order, the modification number will begin with "A".

CGAP SUBCHAPTER 3004.670 Acquisition related reporting requirements.

Contracting offices shall comply with the respective CGAP Part and Chapter due dates and submission requirements. A consolidated listing of due dates for all reports submitted to Commandant (CG-85) is available at: <http://cgweb.comdt.uscg.mil/CG8/CG85/index.htm>.

CGAP SUBCHAPTER 3004.8 GOVERNMENT CONTRACT FILES

CGAP SUCHAPTER 3004.802 Contract files.

(a) Contract File Content Checklist-Preaward Contract File (February 1998 Revision), CG-4788, shall be used for organizing the pre-award 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 they were not completed in a timely manner.

CGAP SUBCHAPTER 3004.11 -- CENTRAL CONTRACTOR REGISTRATION

CGAP SUBPART 3004.1102 Policy

(a) Contracting Officers shall ensure that all vendors awarded new contracts on or after October 1, 2003 are registered in the Central Contractor Registration (CCR); and shall modify all contracts or agreements whose period of performance extends beyond December 31, 2003 that do not already require registration in the CCR database, and maintenance of that registration until final payment under the terms of the contract. In making such awards and modifications, Contracting Officers shall note that a vendor's registration in CCR does not satisfy the requirement for the inclusion of appropriate clauses relating to CCR registration.

CGAP SUBCHAPTER 3004.70 Coast Guard review and approval requirement for contracts and contract related documents.

CGAP SUBCHAPTER 3004.7000 Scope of CGAP subchapter.

See CGAP Subchapter 3037.103(c) regarding review requirements for acquisitions, (solicitations, contracts and task orders) where performance based contracting methods are not used for services.

CGAP SUBCHAPTER 3004.7001 Definitions

The independent review requirement at [HSAM 3004.7001](#), 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 the COCO is the Contracting Officer responsible for the action.

CGAP SUBCHAPTER 3004.7003 Review and approval procedures.

(c) Legal Review

(1) Headquarters and field contracting activities shall conduct reviews of proposed solicitations and contractual actions for legal sufficiency. In accordance with HSAM Subchapter 3004.7003(c), this review requirement does not apply to modifications where the sole purpose is to extend the term of the contract, or orders where the basic contract was reviewed by legal counsel.

(i) Legal counsel shall review Headquarters proposed solicitations and contractual actions expected to exceed \$500,000.00 (including options). However, in the case of Coast Guard field contracting activities, the mandatory review level is \$100,000, rather than the \$500,000 level cited under HSAM Subchapter 3004.7003(c). This review level may be raised by the head of the reviewing legal office up to \$500,000, only after obtaining Commandant (CG-85)

concurrence. Correspondence regarding legal review increases must be routed via Commandant (G-LPL).

(ii) Legal counsel shall review all letter contracts. [HSAM 3004.7000](#) exemptions apply, except legal review is required for acquisitions conducted under [FAR Subpart 13.5](#), Test Program for Certain Commercial Items.

(iii) 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.

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

CGAP SUBCHAPTER 3004.7005 Periodic compliance reviews.

Information concerning the Management Effectiveness Assessment (MEA) program for Coast Guard contracting activities is available through the program's points of contact listed at <http://cgweb.comdt.uscg.mil/CG8/CG85/index.htm>.

CGAP SUBCHAPTER 3004.91 Use of Procurement Instrument Identification (PII) numbers for coast guard inventory control point material procurements.

CGAP SUBCHAPTER 3004.9100 Scope of CGAP subchapter.

This CGAP 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 a Department of Defense Inventory Control Point.

CGAP SUBCHAPTER 3004.9101 Definitions

A Uniform Procurement Instrument Identification Number (PII Number) consists of 13 alphanumeric characters assigned by the Department of Defense (DoD) to its solicitations, contracts, and related procurement instruments pursuant to DoD FAR Supplement (DFARS) [Subpart 204.70](#).

When ordering material for a Coast Guard Inventory Control Point where the consignee of the material is a DoD Inventory Control Point, it is necessary that the DoD facility be able to properly identify and process the Coast Guard material. In such instances, contracting offices shall include a DoD PII Number, as prescribed in this CGAP Subchapter to accomplish effective material handling.

CGAP SUBCHAPTER 3004.9102 Policy

CGAP SUBCHAPTER 3004.9103 Procedure

(a) Coast Guard contracts and purchase orders relating to material orders through a DoD Inventory Control Point shall contain a DoD PII number in addition to, and immediately above, the document's Coast Guard contract or purchase order number (i.e., the Coast Guard Procurement Instrument Identification number (PIID) described in [HSAM 3004.602-71](#) and CGAP Subchapter 3004.602-71). The DoD PII number shall be immediately preceded by the phrase: "PII Number"; and shall be created by converting the Coast Guard's PIID to a corresponding thirteen-character PII number using the numbering conventions specified in [DFARS 204.7002](#).

(b) In addition, the contract or purchase order shall stipulate that all shipping containers and contractor documentation must contain the DoD "PII number"; and a copy of it shall be forwarded to the applicable DoD and Coast Guard Inventory Control points to ensure proper coordination.

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CGAP PART 3005 PUBLICIZING CONTRACT ACTIONS - (RESERVED)

CGAP CHAPTER 3005 PUBLICIZING CONTRACT ACTIONS

CGAP SUBCHAPTER 3005.2 SYNOPSES OF PROPOSED CONTRACTS ACTIONS

CGAP SUBCHAPTER 3005.202 Exceptions

(b) The Contracting Officer shall submit the written determination required under Federal Acquisition Regulation (FAR) subparagraph [5.202\(b\)](#) and Homeland Security Acquisition Manual (HSAM) Subchapter [3005.202\(b\)](#) to the Small Business Program Officer (Commandant (CG-851)) and Commandant (CG-852). The written determination shall state the rationale for the requested exception to the synopsis requirement. CG-852 shall forward the written determination to the Department of Homeland Security (DHS) Chief Procurement Officer (CPO), who will approve it after consultation with the Office of Federal Procurement Policy (OFPP) and the Small Business Administration (SBA). When the CPO has approved the written determination, the Contracting Officer may proceed with the procurement action after documenting the contract file accordingly.

CGAP SUBCHAPTER 3005.3 SYNOPSES OF CONTRACT AWARDS

CGAP SUBCHAPTER 3005.303 Announcement of contract awards.

(a) Public Announcement. The requirements of this Subchapter do not apply to awards under the 8(a) program, Federal Supply Schedule, or Javits-Wagner O'Day Act. In accordance with [DHS Management Directive \(MD\) 2140.1](#), Congressional Notification of Contract Awards, the Contracting Officer shall submit Contract Award Notification, [DHS Form 2140-01](#), directly to the DHS Office of Legislative Affairs at contract@dhs.gov. The Contracting Officer must wait three days before proceeding with the public release of contract award information, based on the guidance in HSAM Subchapter 3005.303 (a)(4). Once the three days have expired, the Contracting Officer may release the information even if there has been no reply from the DHS Office of Legislative Affairs. Contracting Officers also shall supply an electronic copy of the DHS Form 2140-01 to the Coast Guard Congressional Affairs Office (Commandant (G-ICA)).

CGAP SUBCHAPTER 3005.4 RELEASE OF INFORMATION

CGAP SUBCHAPTER 3005.402 General Public

(a) After consultation with legal counsel, the Contracting Officer shall document in the contract file the rationale for withholding information other than that permitted to be withheld under [\(FAR\) 48 CFR 5.401\(b\)](#). Refer to the Coast Guard Freedom of Information (FOIA) and Privacy Acts Manual, [COMDTINST M5260.3 \(series\)](#), when preparing a response that would result in disclosure of business confidential information.

CGAP SUBCHAPTER 3005.5 PAID ADVERTISEMENTS

CGAP SUBCHAPTER 3005.504 Use of advertising agencies.

(RESERVED)

CGAP SUBCHAPTER 3005.590 Advertising for recruiting purposes.

(RESERVED)

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CGAP PART 3006 COMPETITION REQUIREMENTS – (RESERVED)

CGAP CHAPTER 3006 COMPETITION REQUIREMENTS

CGAP SUBCHAPTER 3006.3 OTHER THAN FULL AND OPEN COMPETITION

CGAP SUBCHAPTER 3006.302 Circumstances Permitting Other Than Full and Open Competition.

CGAP SUBCHAPTER 3006.302-190 Only one responsible source and no other supplies or services will satisfy agency requirements.

(b)(4) CG Standardization Program, [COMDTINST 4200.38 \(series\)](#), provides information on obtaining agency determinations by the DHS Chief Procurement Officer (CPO).

(c) Acquisitions containing one or more brand name descriptions incidental to a requirement are not sole source acquisitions, provided that the total value of such incidental items is not greater than 50% of the total value of the primary product or service being purchased. 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 3006.303 and 3006.304. In those cases where a J&A is required to cover incidental items, the estimated value of the incidental items determines the approval level of the J&A.

CGAP SUBCHAPTER 3006.302-290 Unusual and compelling urgency.

Procurement actions requiring approval at the Coast Guard Headquarters or Department of Homeland Security (DHS) level, under the authority of "unusual and compelling urgency," shall not be processed PRIOR to initiation of the following:

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

(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 from PACA to proceed.

(4) Within 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 Federal Acquisition Regulation ([FAR](#)) Part 6 shall be submitted to Commandant (CG-851). 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 30 calendar days after preliminary authorization to proceed, the Contracting Officer shall notify Commandant (CG-851).

CGAP SUBCHAPTER 3006.302-7 Public interest.

(c)(1)(iii) Requests for a Secretarial determination under the authority of Homeland Security Acquisition Regulation (HSAR) 48 CFR 306.302-7 shall be submitted through Commandant (CG-851) to the Head of the Contracting Activity (HCA).

CGAP SUBCHAPTER 3006.303-190 Requirements

(c) Coast Guard class justifications shall be written by Commandant (CG-85), and will normally apply to the conditions cited in CGAP Subchapter 3006.302-190(b)(4). Contracting offices that identify a need for class justifications shall contact Commandant (CG-85). Individual deviations are granted in accordance with Homeland Security Acquisition Manual (HSAM) Subpart 3001.4.

CGAP SUCHAPTER 3006.303-290 Content

(a)(6) Unless an exception under [FAR 5.202](#) applies, a Justification and Approval for Other Than Full and Open Competition (J&A) requiring approval per CGAP Subchapter 3006.304(a), shall not be:

(i) Dated by the Contracting Officer and submitted for processing earlier than 15 days after the synopsis publication date;

(ii) Submitted prior to the complete resolution of all inquiries resulting from synopsis notices and/or other legitimate inquiries; and,

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

CGAP SUBCHAPTER 3006.304 Approval of the justification.

(a) J&As shall be approved at the authority levels listed below.

Value of Action	Approving Authority
\$500,000 or Less	The Contracting Officer's certification required by FAR 6.303-2(a)(12) .
Over \$500,000 to \$1 Million	Deputy Commander, Maintenance and Logistics Command (MLC) Atlantic (MLCLANT) and Pacific (MLCPAC), respectively for LANT and PAC actions.
Over \$500,000 to \$10 Million	Commandant (CG-851) for Headquarters and Headquarters units.

Other Actions Up to \$50 Million	Coast Guard Competition Advocate
Actions Over \$50 Million	Coast Guard Competition Advocate, and DHS CPO.

CGAP SUBCHAPTER 3006.305 Availability of the justification.

CGAP SUBCHAPTER 3006.305-90 Justification copies and reviews.

(a) A copy of each approved J&A 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 (CG-851), 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 J&As requiring review and approval at the Headquarters or DHS level shall be submitted to Commandant (CG-851) with a copy of the synopsis or the waiver of synopsis.

(c) All J&As, regardless of the approval required, shall be submitted to Commandant (CG-851) through the PACA if one has been appointed.

CGAP SUBCHAPTER 3006.5 COMPETITION ADVOCATES

CGAP SUBCHAPTER 3006.501 Requirement

The Coast Guard Competition Advocate is the Deputy Assistant Commandant for Planning, Resources, and Procurement (Commandant (CG-8d)).

CGAP SUBCHAPTER 3006.502 Duties and responsibilities.

CGAP SUBCHAPTER 3006.502-90 Additional duties and responsibilities of the Coast Guard Competition Advocate.

In addition to the duties of the Competition Advocate listed under [FAR 6.502](#), the Coast Guard Competition Advocate shall review and approve or disapprove written decisions not to exercise options for reprourement data (see CGAP Subpart 3017.291).

CGAP SUBCHAPTER 3006.502-91 Additional duties and responsibilities of the Procuring Activity Competition Advocate.

In addition to duties listed under [FAR 6.502](#), the PACA shall be responsible for those duties described in the PACA’s individual appointment letter.

CGAP SUBCHAPTER 3006.502-92 Duties and responsibilities of the Chief of the Contracting Office (COCO) under the Competition Advocate Program.

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

CGAP SUBCHAPTER 3006.570 Competition advocates for the procuring activity.

(a) Definition. The PACAs for the Coast Guard 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 (CG-851) (HQ and HQ units) (See Standard Distribution List, [COMDTNOTE 5605](#).)

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 (CG-851).

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CGAP PART 3007 ACQUISITION PLANNING – (RESERVED)

CGAP CHAPTER 3007 ACQUISITION PLANNING

CGAP SUBCHAPTER 3007.1 ACQUISITION PLANS

CGAP SUBCHAPTER 3007.101 Definitions

“Acquisitions,” as used in this chapter, means acquiring by contract, including orders under task or delivery order contracts (e.g., Federal Supply Schedules contracts, (Government Wide Acquisition Contracts (GWACs)). “Acquisition” also includes interagency and interagency acquisitions.

CGAP SUBCHAPTER 3007.101-70 Applicability

(RESERVED)

CGAP SUBCHAPTER 3007.102 Policy

(RESERVED)

CGAP SUBCHAPTER 3007.103 Agency-head responsibilities.

(d)(1) In addition to procurement forecasting and Advance Acquisition Plans, an acquisition plan which contains a plan of action, which at minimum contains milestones for the acquisition cycle, is required to satisfy the acquisition planning requirements of the [Federal Acquisition Regulation \(FAR\) Part 7](#) and [Homeland Security Acquisition Manual \(HSAM\) Part 3007](#). 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.

(d)(2) Management Review Council (MRC) requests, as prescribed by Department of Homeland Security (DHS) Management Directive (MD), Investment Review Process, MD 1400, must be submitted for all capital investment acquisitions greater than \$5 million that have not been previously coordinated under an Exhibit 300 Light investment review document. All MRC review requests will be submitted electronically to the MRC program coordinator located at Commandant (CG-85). The MRC coordinator is listed on the CG-85 website located at <http://cgweb.comdt.uscg.mil/CG8/CG85/index.htm> under “Other POCs”. CG-85 may also assign in writing as necessary secondary AAP coordinators with specific areas of responsibility. MRC review requests will be submitted to DHS within 5 calendar days of receipt by CG-85. If after 7 days no comments are received back from DHS, Contracting Officers may proceed with the acquisition as planned.

(d)(3) MD 1400, along with other DHS management directives, is located in the “reference” section at <https://dhsonline.dhs.gov/portal/jhtml/general/mdcat.jhtml>.

CGAP SUBCHAPTER 3007.103-70 Other official’s responsibilities.

(d) When Other than Full and Open Competition procedures are used, the Procuring Activity Competition Advocate (see CGAP Subchapter 3006.570) is the designated competition advocate within the operating activity responsible for reviewing streamlined acquisition plans before they are submitted to the approving official.

CGAP SUBCHAPTER 3007.171 Update, approval, and distribution procedures for streamlined acquisition plans.

(b) For acquisitions between \$5 million and \$50 million, the COCO will be the approving official for streamlined acquisition plans.

CGAP SUBCHAPTER 3007.172 Advance Acquisition Plans.

(a)(3) The due date for annual submission of Advance Acquisition Plans (AAPs) to Commandant (CG-85) is 1 August. AAPs should also be submitted after this date whenever a new requirement that meets the criteria for completion of an AAP is identified for purchase within the upcoming fiscal year. The Primary USCG Advance Acquisition Plan (AAP) Coordinator is located within CG-85 and is responsible for implementing the specifics of AAP data collection and coordination as required by DHS. The AAP coordinator is listed on the CG-85 website located at <http://cgweb.comdt.uscg.mil/CG8/CG85/index.htm> under “Other POCs”. CG-85 may also assign in writing as necessary secondary AAP coordinators with specific areas of responsibility.

CGAP SUBCHAPTER 3007.2 PLANNING FOR THE PURCHASE OF SUPPLIES IN ECONOMIC QUANTITIES

CGAP SUBCHAPTER 3007.270-1 Scope of subchapter.

(a) Strategic Sourcing Group Operations, MD 0730, along with other DHS management directives, is located in the “reference” section at <https://dhsonline.dhs.gov/portal/jhtml/general/mdcat.jhtml>.

CGAP SUBCHAPTER 3007.270-5 Waiver procedures.

(a) The primary Coast Guard coordinator for processing Strategic Sourcing waivers is located within CG-85 and is responsible for coordination as required by DHS. The Strategic Sourcing coordinator is listed on the CG-85 website located at <http://cgweb.comdt.uscg.mil/CG8/CG85/index.htm> under “Other POCs”. CG-85 may also assign in writing as necessary secondary AAP coordinators with specific areas of responsibility.

CGAP SUBCHAPTER 3007.271 DHS-wide agency contracts.

CGAP SUBCHAPTER 3007.271-1 General requirements.

(b) Obtaining written approval by the Chief Procurement Officer (CPO) of DHS shall be coordinated through CG-851 via the AAP coordinator.

CGAP SUBCHAPTER 3007.271-2 Post-Award Notification.

Coordination of post-award notification will be through CG-851 via the AAP coordinator. Post-award notifications should be made no later than 7 days after contract award in order to allow timely dissemination to DHS.

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**CGAP PART 3008 REQUIRED SOURCES OF SUPPLIES AND SERVICES –
(RESERVED)**

CGAP CHAPTER 3008 REQUIRED SOURCES OF SUPPLIES AND SERVICES

CGAP SUBCHAPTER 3008.000-90 Strategically Sourced Commodities.

(a) This subpart addresses policies and procedures relating to the Department of Homeland Security (DHS) Strategically Sourced Commodities program. Specific policies and procedures are set forth in [DHS Management Directive \(MD\) 0731, Strategically Sourced Commodities Policies and Procedures](#), and the Coast Guard Simplified Acquisition Procedures Handbook, [COMDTINST M4200.13 \(series\)](#).

(b) Effective June 1, 2004 all Coast Guard offices within the 50 United States must acquire office supplies through the [DHS-DOD E-Mall](#) ordering portal.

CGAP SUBCHAPTER 3008.1 EXCESS PERSONAL PROPERTY

CGAP SUBCHAPTER 3008.101 Definition

Agency head authority under (FAR) 48 CFR 8.101 to make excess personal property determinations previously delegated to Commandant (CG-842) is now retained at the DHS level. For further information concerning property management consult the Property Management Manual, [COMDTINST M4500.5 \(series\)](#).

CGAP SUBCHAPTER 3008.102 Policy

Policies and procedures concerning the use of excess personal property are set forth in the Coast Guard Simplified Acquisition Procedures Handbook, [COMDTINST M4200.13 \(series\)](#), and Property Management Manual, [COMDTINST M4500.5 \(series\)](#).

**CGAP SUBCHAPTER 3008.7 ACQUISITION FROM NONPROFIT AGENCIES
EMPLOYING PEOPLE WHO ARE BLIND OR
SEVERELY DISABLED**

**CGAP SUBCHAPTER 3008.790 Contracting opportunities for the Javits-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.

Encouraging NISH participation in acquisitions.

(1) Commandant (CG-851) is responsible for implementing the NISH Program for the U.S. Coast Guard. The Contracting Officer may consult with Commandant (CG-851).

(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>.

CGAP SUBCHAPTER 3008.8 ACQUISITION OF PRINTING AND RELATED SUPPLIES

CGAP SUBCHAPTER 3008.870 Acquisition of DHS employee business cards.

Coast Guard policy and procedures on the purchase of employee business cards are set forth in Financial Resource Management Manual, [COMDTINST M7100.3 \(series\)](#) and Coast Guard Simplified Acquisition Procedures Handbook, [COMDTINST M4200.13 \(series\)](#); and [MD 0570](#), Acquisition of Employee Business Cards.

CGAP SUBCHAPTER 3008.90 Purchase of Motor Vehicles.

CGAP SUBCHAPTER 3008.9000 General

Coast Guard policies and procedures for the purchase of motor vehicles are set forth in the Coast Guard Simplified Acquisition Procedures Handbook, [COMDTINST M4200.13\(series\)](#), and Motor Vehicle Manual, [COMDTINST M11240.9 \(series\)](#). Pursuant to COMDTINST M11240.9, all procurement requests for passenger vehicles submitted to Contracting Officers shall contain an authorization approval from G-SLP.

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CGAP PART 3009 CONTRACTOR QUALIFICATIONS – (RESERVED)

CGAP CHAPTER 3009 CONTRACTOR QUALIFICATIONS

CGAP SUBCHAPTER 3009.1 RESPONSIBLE PROSPECTIVE CONTRACTORS

CGAP SUBCHAPTER 3009.105-2 Determinations and documentation.

The Contracting Officer shall document, on Department of Homeland Security (DHS) [Form 700-12](#), Determination of Prospective Contractor Responsibility, whether or not the prospective contractor is on the [List of Parties Excluded from Federal Procurement and Nonprocurement Programs](#).

CGAP SUBCHAPTER 3009.2 QUALIFICATIONS REQUIREMENTS

CGAP SUBCHAPTER 3009.202 Policy

Before submitting a document for Head of Contracting Activity (HCA) approval pursuant to FAR 9.202(a), (b) or (e), the Contracting Officer shall obtain the Procuring Activity Competition Advocate's review and endorsement.

CGAP SUBCHAPTER 3009.206 Acquisitions subject to qualification requirements.

CGAP SUBCHAPTER 3009.206-1 General

(b) Before submitting the determination for HCA approval, the Contracting Officer shall obtain the Procuring Activity Competition Advocate's review and endorsement.

CGAP SUBCHAPTER 3009.4 DEBARMENT, SUSPENSION, AND INELIGIBILITY

CGAP SUBCHAPTER 3009.404 List of Parties Excluded from Federal Procurement and Non-procurement programs.

(RESERVED)

CGAP SUBCHAPTER 3009.405 Effect of Listing.

CGAP SUBCHAPTER 3009.405-1 Continuation of current contracts.

(b) The COCO shall prepare the request for a HCA determination so that it identifies the compelling reasons and adequately justifies the circumstances that constitute them as compelling.

CGAP SUBCHAPTER 3009.406 Debarment.

CGAP SUBCHAPTER 3009.406-1 General.

(c) The COCO shall submit a written justification to Commandant (CG-85) that provides the compelling reasons to justify continued business dealings with a contractor that is debarred or proposed for debarment.

CGAP SUBCHAPTER 3009.406-3 Procedures

(a) Investigation and referral. Commandant (G-LPL) shall endorse the investigation and referral report required per HSAM 3009.406-3 prior to the COCO submitting it to Commandant (CG-85) for review and consideration. When the report provides sufficient evidence to consider debarment, Commandant (CG-85) will prepare a memorandum that forwards the report to the debarring official and 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 an investigation, referral, or any information required by HSAM 3009.406-3 to be in the report 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 (CG-85) 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 (CG-85) 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 (CG-85) 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 (CG-85) at least 5 working days prior to the presentation.

(d)(2)(i) Commandant (CG-85) will prepare the findings of fact memorandum for the debarring official.

(e) Notice of debarring official's decision. Commandant (CG-85) will distribute the copies of the debarring official decision to the offices required at HSAM 3009 406-3(e).

CGAP SUBCHAPTER 3009.407 Suspension

CGAP SUBCHAPTER 3009.407-1 General

(d) The COCO shall submit a written justification to Commandant (CG-85) that provides the compelling reasons to justify continued business dealings with a suspended contractor.

CGAP SUBCHAPTER 3009.407-3 Procedures

(a) Investigation and referral. The investigation and referral report of a proposed suspension pursuant to HSAM 3009.407-3 shall be endorsed by Commandant (G-LPL) prior to the COCO submitting it to Commandant (CG-85) for review and consideration. When the COCO report provides sufficient evidence to consider suspension, Commandant (CG-85) will prepare a memorandum that forwards the report to the suspending official and 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 an investigation, referral, or any information required by HSAM 9.407-3 to be in the report 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 (CG-85) 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 (CG-85) 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; Commandant (CG-85) will provide a copy of the signed notice to the COCO.

(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 (CG-85) at least 5 working days prior to the presentation.

(d) Suspending official's decision. Commandant (CG-85) will distribute the copies of the suspending official's decision to the offices required at HSAM 3009 407-3(e).

CGAP SUBCHAPTER 3009.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.

(a)(2) COCOs shall notify Commandant (CG-85) when an offeror, in compliance with the provision at [FAR 52.209-5](#), Certification Regarding Debarment, suspension, Proposed Debarment, and Other Responsibility Matters, indicates an indictment, charge, conviction, or civil judgment. COCOs shall submit a copy of the offeror's certification for the provision at 52.209-5, the Contracting Officer's written determination of the offeror's responsibility, and legal counsel's concurrence to Commandant (CG-85) for coordination with the debarring/suspending official.

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CGAP PART 3010 MARKET RESEARCH - (RESERVED)

CGAP CHAPTER 3010 MARKET RESEARCH

CGAP SUBCHAPTER 3010.002 Procedures.

(b)(2)(i) Technical and contracting personnel should contact the activity Small Business Specialist/Assistant Small Business Specialist (SBS/ASBS) who can assist in market research and the identification of 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 3019.501(b)).

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CGAP PART 3011 DESCRIBING AGENCY NEEDS

CGAP SUBPART 3011.5 LIQUIDATED DAMAGES

CGAP SUBPART 3011.502 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 3014.201-91 for liquidated damages under ship repair contracts.

END OF CGAP PART 3011

CGAP CHAPTER 3011 DESCRIBING AGENCY NEEDS

CGAP SUBCHAPTER 3011.002 Policy

(b) See CG Transition to the Metric System, [COMDTINST 5711.2 \(series\)](#), for the Coast Guard's requirements regarding metrics.

(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 3011.6 PRIORITIES AND ALLOCATIONS

CGAP SUBCHAPTER 3011.603 Procedures

(e) and (f) The Contracting Officer shall contact CG-852 immediately upon identifying a need to assign a DX rating to any document, and prior to any such assignment. The website for the Defense Priorities Allocations System is <http://www.bxa.doc.gov/DefenseIndustrialBasePrograms/OSIES/DPAS/Default.htm>.

(g) The designated point of contact to assist contracting offices with requests for Special Priorities Assistance (SPA) is Commandant (CG-852). Upon receipt of a [Request for Special Priorities Assistance, Form BIS-999](#), the Contracting Officer shall ensure that it is complete and the information on it accurate. If the Contracting Officer cannot resolve the request for assistance, the Contracting Officer shall forward the completed package to CG-852 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 (CG-852) for review and forwarding to the Department of Commerce.

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CGAP PART 3012

CGAP CHAPTER 3012

ACQUISITION OF COMMERCIAL ITEMS

(RESERVED)

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CGAP PART 3013 SIMPLIFIED ACQUISITION PROCEDURES - (RESERVED)

CGAP CHAPTER 3013 SIMPLIFIED ACQUISITION PROCEDURES

CGAP SUBCHAPTER 3013.000 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 Coast Guard Simplified Acquisition Procedures Handbook, COMDTINST M4200.13 (series) is also available in electronic format on the Coast Guard's Procurement Management Home Page under "Directives" at <http://cgweb.comdt.uscg.mil/cg8/cg85/index.htm>. For those contracting offices with simplified acquisition procedure authority the reporting requirements required for all awards and modifications are listed at CGAP Subchapter 3004.602.

CGAP SUBCHAPTER 3013.5 TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS

CGAP SUBCHAPTER 3013.501-90 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 3006.304(a).

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CGAP PART 3014 SEALED BIDDING - (RESERVED)

CGAP CHAPTER 3014 SEALED BIDDING

CGAP SUBCHAPTER 3014.2 SOLICITATION OF BIDS

CGAP SUBCHAPTER 3014.201 Preparation of invitations for bids.

CGAP SUBCHAPTER 3014.201-8 Price related factors.

CGAP SUBCHAPTER 3014.201-890 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 any vessel repair contract conducted away from the vessel's home pier shall be evaluated in all solicitations for contracts exceeding \$100,000. At the Contracting Officer's discretion, all or part of the following list of commonly occurring foreseeable costs shall be evaluated, if applicable, based on the circumstances of each acquisition:

(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, [COMDTINST M7220.29 \(series\)](#), Chapter 3, Section G.

(5) Transportation during repairs away from homeport ([Joint Federal Travel Regulations, Chapter 5](#), Part C, paragraph U5222 and Chapter 7, Part F1, 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 (CG-832) link: <http://cgweb.comdt.uscg.mil/CG8/CG83/CG832/SCT/Index.htm>. For those vessels that do not have a standard rate, the Contracting Officer shall 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. Documentation shall also identify the basis for the foreseeable costs. Mileage shall be calculated in accordance with MLCV SOPs. Any deviation from approved SOPs shall be approved by the Head of the Contracting Activity (HCA) (Commandant (CG-8d)) 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 meeting the threshold in subparagraph (a) of this subchapter:

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 3014.201-890, in addition to any others that may apply to the acquisition).

(End of provision)

CGAP SUBCHAPTER 3014.201-90 Contingent items for ship repair.

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

CGAP SUBCHAPTER 3014.201-91 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 3014.201-92 Prohibition on foreign ship repair for ships home ported 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 appropriate 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 (CG-8d).

CGAP SUBCHAPTER 3014.213 Annual submission of representations and certifications.

(a) Contracting Officers are authorized to use annual representations and certifications submission procedures for sealed bidding provided that the requirements of subparagraph (b) below are met.

(b) The COCO shall establish procedures and assign responsibility for centrally requesting, receiving, storing, verifying and updating offerors' annual representations and certifications, if any.

CGAP SUBCHAPTER 3014.290 Geographical restriction for vessel repair contracts.

(a) Solicitations (Invitations for Bids (IFBs) and Requests for Proposals (RFPs)) may require that contract performance be restricted to a specific geographical area when the Contracting Officer determines in writing that adequate competition exists (two or more responsive, responsible offerors), or when a Justification and Approval for Other Than Full and Open Competition (J&A) supporting the decision to award a 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 Cutter Employment Standards, [COMDTINST 3100.5 \(series\)](#);

(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; or

(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 CG-851).

(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 3014.4 OPENING OF BIDS AND AWARD OF CONTRACT

SUBCHAPTER 3014.4 OPENING OF BIDS AND AWARD OF CONTRACT

CGAP SUBCHAPTER 3014.401 Receipt and safeguarding of bids.

(a) Contracting Officers shall properly identify and deposit unopened bids in the bid box. Bid envelopes received by mail shall be time-stamped and checked for identification prior to deposit in the bid box. Bid samples should receive the same degree of security as bids, and accounted for by the maintenance of local records. Bid samples shall not be given away, loaned, diverted, or used for any purpose other than that intended.

CGAP SUBCHAPTER 3014.407 Mistakes in bids.

CGAP SUBCHAPTER 3014.407-3 Other Mistakes disclosed before award.

(i) The Contracting Officer shall coordinate with the appropriate legal office before submitting doubtful cases to the Comptroller General for an advance decision.

CGAP SUBCHAPTER 3014.407-4 Mistakes after award.

(b) The determination authorized under this subsection shall be in writing, signed by the Contracting Officer, and included in the contract file.

(d) The coordination of the determination made under this subsection shall be conducted in accordance with Coast Guard procedures implementing [\(FAR\) 48 CFR 1.700](#). Evidence of legal counsel coordination shall also be included in the contract file

(e) The Contracting Officer shall follow procedures in CGAP Subchapter 3033.2 upon a contractor's appeal to any contracting office's final decision that denies the adjustment or entitlement after contract award.

CGAP SUBCHAPTER 3014.408 Award

CGAP SUBCHAPTER 3014.408-2 Responsible bidder--reasonableness of price.

(a) The determination required by this subsection shall be in writing and included in the contract file.

CGAP SUBCHAPTER 3014.409 Information to bidders.

CGAP SUBCHAPTER 3014.409-2 Award of classified contracts.

Disposition actions for classified information furnished or created in connection with a solicitation shall be in accordance with the National Industrial Program (See [\(FAR\) 48 CFR 4.4](#)).

CGAP SUBCHAPTER 3014.470 Revalidation of requirements.

If a procurement action has been in process for over 1 year from the date an adequate procurement request was received, the Contracting Officer shall revalidate the request to ensure a valid requirement still exists before the bid opening date. The revalidation shall be documented in the contract file.

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CGAP PART 3015 CONTRACTING BY NEGOTIATION

CGAP SUBPART 3015.3 SOURCE SELECTION

CGAP SUBPART 3015.306 Exchanges with offerors after receipt of proposals.

(c) The Source Selection Authority shall concur with and endorse the competitive range determination or any decision to eliminate an offeror's proposal from the competitive range.

CGAP SUBPART 3015.6 UNSOLICITED PROPOSALS

CGAP SUBPART 3015.604 Agency points of contact.

(a) The COCO shall establish preliminary contacts that are responsible for disseminating the information identified at [FAR 15.604\(a\)](#).

CGAP SUBPART 3015.606 Agency procedures.

(a) 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.

(b) The COCO is designated as the point of contact within the contracting office that is responsible for ensuring proper receipt, handling, evaluation and timely disposition of unsolicited proposals.

CGAP SUBPART 3015.606-1 Review and initial review.

(b) The notice that acknowledges receipt shall inform the offeror that its proposal has been forwarded for evaluation and that the evaluation should be completed within the next 60 days.

CGAP SUBPART 3015.606-2 Evaluations

(b) When the evaluation is complete, the evaluators shall prepare an evaluation report that documents their findings with respect to the factors at [FAR 15.606-2\(a\)](#). Additionally, the evaluation report must address the availability of the supplies or services from other sources, the need for the proposed supplies or services, the availability of funds, and any other factor deemed appropriate by the contracting office.

END OF CGAP PART 3015

CGAP CHAPTER 3015 CONTRACTING BY NEGOTIATION

CGAP SUBCHAPTER 3015.2 SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

CGAP SUBCHAPTER 3015.201-90 Exchange with industry before receipt of proposals.

Any changes to a solicitation 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 to amend the solicitation.

CGAP SUBCHAPTER 3015.3 SOURCE SELECTION

CGAP SUBCHAPTER 3015.300 Scope of subpart.

The following Best Practice Guides are optional and located at the Commandant (CG-85) website, <http://cgweb.comdt.uscg.mil/CG8/CG85/cgap/cgapmenu.htm>, under Best Practice Guides. These guides are provided solely to assist in evaluating proposals and selecting sources.

Best Practice Guide 2, Source Selection Procedures for Negotiated Acquisitions Valued Less Than or Equal to \$50 Million

Best Practice Guide 3, Source Selection Procedures for Negotiated Acquisitions Valued Over \$50 Million

CGAP SUBCHAPTER 3015.303 Responsibilities

(a) For acquisitions that are specifically designated as a major system acquisition, the Head of the Contracting Activity (HCA) is designated the source selection authority. On a case-by-case basis, the HCA may appoint another individual as the source selection authority for a particular major system acquisition.

CGAP SUBCHAPTER 3015.304 Evaluation factors and significant subfactors.

(d) The relative importance of evaluation factors and subfactors is usually established by comparative descriptions, numerical weighting, or a combination of these. Numerical weights (e.g., past performance–50%; personnel qualifications–30%; price–20%) shall not be disclosed in the solicitation. Instead, the numerical weights must be expressed in terms of comparative descriptions to convey the relative importance of the evaluation factors and subfactors, for example:

Past Performance is the most important evaluation factor.

Personnel Qualifications are less important than Past Performance.

Price is slightly less important than Personnel Qualifications.

CGAP SUBCHAPTER 3015.4 CONTRACT PRICING

CGAP SUBCHAPTER 3015.403 Obtaining cost or pricing data.

CGAP SUBCHAPTER 3015.403-4 Requiring cost or pricing data.

When determining whether or not to require cost or pricing data, the estimated amount of options shall be included when calculating the total estimated amount of a proposed action.

CGAP SUBCHAPTER 3015.403-570 Instructions for submission of cost or pricing data or information other than cost or pricing data.

(RESERVED)

CGAP SUBCHAPTER 3015.404 Proposal analysis.

CGAP SUBCHAPTER 3015.404-2 Information to support proposal analysis.

CGAP SUBCHAPTER 3015.404-290 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 3042.101.

CGAP SUBCHAPTER 3015.404-4 Profit

(b)(1)(ii) For awards (including modifications) valued over \$2,500 and less than \$100,000, the structured approach at [HSAM 3015.404-4\(b\)](#) is not required for determining profit or fee prenegotiation objectives. However, the basis for determining profit or fee must be documented.

CGAP SUBCHAPTER 3015.406 Documentation

CGAP SUBCHAPTER 3015.406-170 Prenegotiation objectives.

(a) COCOs shall establish and maintain local standardized procedures that meet the requirements in [FAR 15.406-1](#) and [HSAM 3015.406-170](#) for documenting prenegotiation objectives. The following Guides are optional and moved to the Commandant (CG-85) website <http://cgweb.comdt.uscg.mil/CG8/CG85/cgap/cgapmenu.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 format for acquisitions valued at or below \$100,000.

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

(3) Under Best Practices Guide 3, Source Selection Procedures for Negotiated Acquisitions Valued Over \$50 Million, the Competitive Range recommendation report may serve as the Prenegotiation Memorandum, provided it meets the requirement in FAR 15.406-1 and HSAM 3015.406-170.

(b) Consistent with HSAM 3004.7003, 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 3015.406-370 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 (CG-85) website <http://cgweb.comdt.uscg.mil/CG8/CG85/cgap/cgapmenu.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, Source Selection Procedures for Negotiated Acquisitions Valued Over \$50 Million, the Final Source Evaluation Board (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 HSAM 3004.7003, 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.

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CGAP PART 3016 TYPES OF CONTRACTS

CGAP SUBPART 3016.5 INDEFINITE DELIVERY CONTRACTS

CGAP SUBPART 3016.505 Ordering

(b)(5) The Assistant Competition Advocate (Commandant (CG-851) is designated as the Task and Delivery Order Ombudsman.

END OF CGAP PART 3016

CGAP CHAPTER 3016 TYPES OF CONTRACTS - (RESERVED)

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CGAP PART 3017 SPECIAL CONTRACTING METHODS

CGAP SUBPART 3017.2 OPTIONS

CGAP SUBPART 3017.291 Options for reprourement 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 reprourement 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 reprourement data, a copy of that decision and supporting data shall be forwarded to the Coast Guard Senior Competition Advocate, Commandant (CG-8d), through the Competition Advocate Assistant, Commandant (1). 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 3017.70 ENERGY SAVINGS PERFORMANCE CONTRACTS

CGAP SUBPART 3017.7000 Policies

Proposed actions under this Subpart must be coordinated with Commandant (CG-85).

CGAP SUBPART 3017.92 Contracting for containment and clean-up of oil and hazardous substances spills.

CGAP SUBPART 3017.9210 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 3017

CGAP CHAPTER 3017 SPECIAL CONTRACTING METHODS

CGAP SUBCHAPTER 3017.1 MULTI-YEAR CONTRACTING

CGAP SUBCHAPTER 3017.105 Policy

CGAP SUBCHAPTER 3017.105-1 Uses

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

CGAP SUBCHAPTER 3017.5 INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT

CGAP SUBCHAPTER 3017.501 Definition

“Contracting Officer” as used in this subchapter, means a Coast Guard warranted Contracting Officer.

“Interservice Support Agreement (ISSA),” “Memorandum of Understanding (MOU)” and “Memorandum 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—

(1) Whether or not the Coast Guard is the requesting agency or the servicing agency; and

(2) Whenever an exchange of funds or property is expected during the effective period, even when such an exchange does not occur at the time the instrument is initially executed.

A Contracting Officer also must sign legal instruments that encompass a contingent liability, such as damage to bailed property.

The Contracting Officer signing the instrument shall have the signature authority that meets or exceeds the estimate/dollar amount of the legal instrument involved.

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 3017.502 General

(c) Performance of Commercial Activities, [COMDTINST 5224.3 \(series\)](#), contains Coast Guard guidance with respect to OMB Circular A-76, and using Interservice Support Agreements.

CGAP SUBCHAPTER 3017.504-90 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). A Military Interdepartmental Purchase Request (MIPR) normally accomplishes interagency acquisitions for the Coast Guard. 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 (MIPRs), sets forth the procedures that must be followed to place orders for supplies and non-personal services with a military servicing agency or a civilian servicing agency.

(b) Procedures in this Subchapter and Enclosure (3) 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 MIPRs 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 3017.570 Signature authority.

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

CGAP SUBCHAPTER 3017.90 Acquisition of products/services with special coast guard considerations – reserved.

CGAP SUBCHAPTER 3017.91 Coast Guard procedures for special contracting requirements.

CGAP SUBCHAPTER 3017.9100 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 3017.9101 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 and Private Messes Afloat are in Coast Guard Food Service Manual, [COMDTINST M4061.5 \(series\)](#).

CGAP SUBCHAPTER 3017.9102 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 3017.92 Contracting for containment and clean-up of oil and hazardous substances spills.

CGAP SUBCHAPTER 3017.9200 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 of 1980, as amended, and the Oil Pollution Act of 1990.

CGAP SUBCHAPTER 3017.9201 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 3017.9202 Reserved

CGAP SUBCHAPTER 3017.9203 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 (CG-85) 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. Maintenance and Logistics Center (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 3017.9204 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 3017.9203 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 3017.9203 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 3017.9203 to MLCLANT(fcp) within 3 days of the incident.

CGAP SUBCHAPTER 3017.9205 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 3017.9204(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 3017.9206 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 3017.9207 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 3017.9204(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 3017.9203; (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 3017.9208 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 3017.9203 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 3017.9209 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.

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CGAP PART 3018

CGAP CHAPTER 3018

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CGAP PART 3019 SMALL BUSINESS PROGRAMS - (RESERVED)

CGAP CHAPTER 3019 SMALL BUSINESS PROGRAMS

CGAP SUBCHAPTER 3019.2 POLICIES

CGAP SUBCHAPTER 3019.201 General policy.

The Coast Guard's Small Business Program Officer is Commandant (CG-851) and shall be an appointed Small Business Specialist (SBS). The Coast Guard's SBS shall be appointed by the Head of the Contracting Activity (HCA), as delegated by [HSAM 3019.201\(d\)](#). The SBSs shall be responsible for the tasks outlined in [HSAM 3019.201\(e\)](#). Tasks may be further delegated by the SBS to designated Assistant Small Business Specialists (ASBSs) in cooperation with Commandant (CG-851).

CGAP SUBCHAPTER 3019.202 Specific policies.

CGAP SUBCHAPTER 3019.202-270 Procurement forecast.

(b)(1) **Responsibility.** The Small Business Program Officer, Commandant (CG-851), is responsible for collecting, analyzing, and submitting all procurement forecast items to the DHS Office of Small and Disadvantaged Business Utilization (OSDBU). Contract opportunities valued over \$100,000 are those new opportunities inclusive of options. This does not apply to military interdepartmental purchase requests or other inter/intra-agency agreements where the work will be performed by Government employees and actions under the Small Business Innovative Research (SBIR) Program. For planning purposes, the cognizant SBS is encouraged to review all completed procurement forecast items.

(b)(2) **Preparation and approval.** Each procurement forecast and update shall be approved by the cognizant COCO. This approval may be accomplished either on each forecast form or via a cover memorandum on forecasts 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 (CG-851) no later than August 1, together with the Advance Acquisition Plan (AAP) required by CGAP Subchapter 3007.172. Updates to current forecasted items and new approved forecasted items shall be grouped together and submitted to Commandant (CG-851) no later than March 15.

CGAP SUBCHAPTER 3019.202-5 Data collection and reporting requirements.

CGAP SUBCHAPTER 3019.202-590 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 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 3019.5 SET-ASIDES FOR SMALL BUSINESS

CGAP SUBCHAPTER 3019.501 General

(b) Prior to issuing a solicitation or synopsis (when a synopsis is required), the Contracting Officer shall submit to the assigned SBS or designee the purchase request package, including the results of market research in accordance with [FAR Part 10](#), as an attachment to the [Small Business Review Form, CG - 5080](#). The SBS or designee, as appropriate, shall review and identify procurements suited for the 8(a) program and the HUBZone 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 the CG 5080. All applicable entries shall be completed and the form shall be kept in the solicitation/contract file.

CGAP SUBCHAPTER 3019.501-90 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 3019.6 CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF ELIGIBILITY

CGAP SUBCHAPTER 3019.602 Procedures

CGAP SUBCHAPTER 3019.602-1 Referral

In addition to the requirements of HSAM 3019.602-1, the Contracting Officer shall send a copy of the determination concurrently to Commandant (CG-851).

CGAP SUBCHAPTER 3019.602-3 Resolving differences between the agency and the Small Business Administration.

(c) A draft copy of the formal appeal shall be submitted to Commandant (CG-851), for review prior to submitting the appeal to the Small Business Administration (SBA) Central Office.

CGAP SUBCHAPTER 3019.7 THE SMALL BUSINESS SUBCONTRACTING PROGRAM

CGAP SUBCHAPTER 3019.704 Subcontracting plan requirements.

CGAP SUBCHAPTER 3019.704-70 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 (CG-851) as well as to the Director, OSDBU. Contractor submission dates are reflected on the back of the forms. Reports are due to CG-851 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 3019.705 Responsibilities of the Contracting Officer under the subcontracting assistance program.

CGAP SUBCHAPTER 3019.705-2 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 (CG-851) as well as to the Director, OSDBU, DHS.

CGAP SUBCHAPTER 3019.705-490 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 3019.705-6 Postaward responsibilities of the Contracting Officer.

Upon award, the Contracting Officer shall send one copy of the final approved subcontracting plan that was incorporated into the contract clearly annotated with resultant contract number to Commandant (CG-851), and one copy will be forwarded to Director, OSDBU.

CGAP SUBCHAPTER 3019.8 CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)

CGAP SUBCHAPTER 3019.803 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. This includes the release of draft SOWs and SOWs to any 8(a) firm prior to receiving an acceptance letter from the SBA. Exception: Sole source 8(a) simplified acquisition requirements (\$100,000 or less) processed under the [DHS/SBA Partnership Agreement](#).

CGAP SUBCHAPTER 3019.804 Evaluation, offering, and acceptance.

CGAP SUBCHAPTER 3019.804-4 Repetitive acquisitions.

For any requirement which was previously procured through the 8(a) program, but which is now being proposed for reprourement outside of the program, a written determination must be submitted to Commandant (CG-851) for review and approval. CG-851 will forward approved determinations to the Director, OSDBU for approval. 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 (CG-851) 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 (CG-851) notification 30 days prior to contract award.

CGAP SUBCHAPTER 3019.891 Superfund Minority Contractors Utilization Report.

(a) Section 105(f) of the Comprehensive Environmental Response Cleanup and Liability Act, as amended, ([Public L. 99-499](#)) requires any Federal agency awarding contracts utilizing Superfund monies to: (1) consider the availability of qualified minority contractors for such awards; and (2) 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 sub-agreements.

(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 3053). 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 (CG-851) 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 (CG-851).

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CGAP PART 3020/3021

CGAP CHAPTER 3020/3021

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CGAP PART 3022 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

CGAP SUBPART 3022.1 BASIC LABOR POLICIES

CGAP SUBPART 3022.101 Labor relations.

CGAP SUBPART 3022.101-70 Admittance of union representatives to DHS installations.

(b) Contracting offices shall submit the written report to Commandant (CG-851), the designated labor advisor for Coast Guard acquisition matters.

END OF CGAP PART 3022

CGAP CHAPTER 3022 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

CGAP SUBCHAPTER 3022.1 BASIC LABOR POLICIES

CGAP SUBCHAPTER 3022.101 Labor relations.

CGAP SUBCHAPTER 3022.101-170 DHS labor coordinator/advisor.

(b) The labor advisor for the Coast Guard is Commandant (CG-851).

CGAP SUBCHAPTER 3022.4 LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

CGAP SUBCHAPTER 3022.406 Administration and enforcement.

CGAP SUBCHAPTER 3022.406-13 Semiannual enforcement reports.

As required by [HSAM 3022.406-13](#), contracting offices shall submit a semi-annual report on compliance with enforcement of the labor provisions of the Davis-Bacon Act and Contract Work Hours and Safety Standards Act. This Semi-Annual Enforcement Report is required by Section 5.7b, Part 5, Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction. Appendix B of HSAM provides the format and instructions for this report. Contracting offices shall submit one original copy to Commandant (CG-851) prior to 20 April and 20 October. Negative reports are not required.

CGAP SUBCHAPTER 3022.6 WALSH-HEALY PUBLIC CONTRACTS ACT

CGAP SUBCHAPTER 3022.608 Procedures.

(b) Breach of Stipulation. Contracting Officers shall send a copy of the information to Commandant (CG-851).

CGAP SUBCHAPTER 3022.8 EQUAL EMPLOYMENT OPPORTUNITY

CGAP SUBCHAPTER 3022.807 Exemptions.

(c) Submit justifications to Commandant (CG-851) in the format provided in HSAM. Commandant (CG-851) will forward to the CPO via the HCA.

CGAP SUBCHAPTER 3022.10 SERVICE CONTRACT ACT OF 1965, AS AMENDED

CGAP SUBCHAPTER 3022.1008 Procedures for Preparing and Submitting Notice (SF 98/98a).

CGAP SUBCHAPTER 3022.1008-1 Preparation of Notice (SF98/98a).

Wage determinations are available from the DOL at www.WDOL.gov. Contracting Officers may use the e98 request form for any Service Contract Act covered action.

CGAP SUBCHAPTER 3022.13 SPECIAL DISABLED VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS

CGAP SUBCHAPTER 3022.1305 Waivers.

Submit waiver requests, as prescribed in [HSAM 3022.1305\(c\)](#), to Commandant (CG-851) for approval or forwarding to the CPO, as necessary.

CGAP SUBCHAPTER 3022.14 EMPLOYMENT OF WORKERS WITH DISABILITIES

CGAP SUBCHAPTER 3022.1403 Waivers.

(c) Submit waiver requests, as prescribed in [HSAM 3022.1403\(c\)](#), to Commandant (CG-851) for approval or forwarding to the CPO, as necessary.

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**CGAP PART 3023 ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY,
AND DRUG FREE WORKPLACE – (RESERVED)**

**CGAP CHAPTER 3023 ENVIRONMENT, CONSERVATION, OCCUPATIONAL
SAFETY, AND DRUG-FREE WORKPLACE**

CGAP SUBCHAPTER 3023.4 USE OF RECOVERED MATERIALS

CGAP SUBCHAPTER 3023.402 Authorities

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

CGAP SUBCHAPTER 3023.405 Procedures

(a) Procurement sites shall report total annual purchases of items that equal \$10,000 or more, covered under the DHS Affirmative Procurement Program (APP), to the Chief of the Contracting Office (COCO) using the format provided in Enclosure (4). Each COCO will consolidate the responses and forward the report to Commandant (CG-85) by 15 November of each year. Commandant (CG-85) will consolidate these responses and transmit the information to DHS. These procedures apply to all Coast Guard acquisitions including micro-purchases.

(b) Program offices shall use for reporting purposes the format or one substantially the same as that shown in Attachment 1, [Recovered Materials Determination Form](#), provided in [HSAM Chapter 3023, Appendix A](#).

**CGAP SUBCHAPTER 3023.7 CONTRACTING FOR ENVIRONMENTALLY
PREFERABLE PRODUCTS AND SERVICES**

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

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CGAP PART 3024

CGAP CHAPTER 3024

PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

(RESERVED)

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CGAP PART 3025 FOREIGN ACQUISITION - (RESERVED)

CGAP CHAPTER 3025 FOREIGN ACQUISITION

CGAP SUBCHAPTER 3025.1 BUY AMERICAN ACT – SUPPLIES

**CGAP SUBCHAPTER 3025.11 SOLICITATION PROVISIONS AND CONTRACT
CLAUSES**

CGAP SUBCHAPTER 3025.1101 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 3026 OTHER SOCIOECONOMIC PROGRAMS - (RESERVED)

CGAP CHAPTER 3026 OTHER SOCIOECONOMIC PROGRAMS

**CGAP SUBCHAPTER 3026.3 HISTORICALLY BLACK COLLEGES AND
UNIVERSITIES AND MINORITY INSTITUTIONS**

CGAP SUBCHAPTER 3026.390 Scope of subpart.

(a) This subchapter provides policies and procedures to support Executive Order 12928 of 16 September 1994, 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 3026.392 General policy.

(a) In furtherance of [Executive Order 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) Lists of HBCUs are available at: http://www.edonline.com/cq/hbcu/c_state.htm.

CGAP SUBCHAPTER 3026.9003 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, the listing of HBCUs, and Minority Serving Institutions, [COMDTINST 5354.7 \(series\)](#), which prescribes policy and procedures for implementation of the U.S. Coast Guard HBCU Program.

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CGAP PART 3027 PATENTS, DATA AND COPYRIGHTS- (RESERVED)

CGAP CHAPTER 3027 PATENTS, DATA, AND COPYRIGHTS

**CGAP SUBCHAPTER 3027.3 PATENT RIGHTS UNDER GOVERNMENT
CONTRACTS**

CGAP SUBCHAPTER 3027.303 Contract clauses.

(a)(3), (b)(2), (c)(3), and (d)(1)(ii) Concurrence of legal counsel is mandatory.

CGAP SUBCHAPTER 3027.304 Procedures

CGAP SUBCHAPTER 3027.304-1 General

(a)(3) The authority of the agency head under [FAR 48 CFR 27.304-1\(a\)\(3\)](#) to make a decision on the contractor's appeal of the agency determination rests with the Secretary of the Department of Homeland Security as Head of the Agency. In processing such appeals, concurrence of legal counsel is mandatory. All such requests shall be coordinated through Commandant (CG-85).

CGAP SUBCHAPTER 3027.305 Administration of patent rights clauses.

**CGAP SUBCHAPTER 3027.305-4 Conveyance of invention rights acquired by the
Government.**

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CGAP PART 3028 BONDS AND INSURANCE

CGAP SUBPART 3028.90 Performance and payment bonds for certain Coast Guard contracts.

CGAP SUBPART 3028.9001 Waiver

(a) Pursuant to the authority vested in the Secretary of Homeland Security by H.R. 5005-15 Sec. 888, 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 3028.9001(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, waiving the requirement that they be obtained can generate substantial savings for the Government. 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 3028.9002 Exception

A performance and payment bond for the contracts described under CGAP Subpart 3028.9001(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 3028.9001(a) shall be submitted by the Contracting Officer to the HCA, before solicitation is issued.

END OF CGAP PART 3028

CGAP CHAPTER 3028 BONDS AND INSURANCE

CGAP SUBPART 3028.1 BONDS AND OTHER FINANCIAL PROTECTIONS

CGAP SUBPART 3028.1 Bid guarantees.

CGAP SUBCHAPTER 3028.101-1 Policy on use.

(c) A class waiver approval for construction contracts to be performed overseas is provided. Delegation is hereby made to the COCO, for authorizations of waiver of bid guarantee requirements for construction contracts to be performed overseas. Each waiver authorization

must be made in writing and shall include a determination that bid guarantee requirements are not in the best interest of the Government.

CGAP SUBCHAPTER 3028.101-290 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 3028.101-90 Annual bid bonds.

Annual bid bonds shall be submitted for review to local legal counsel or through the Commandant (G-LPL) to determine legal sufficiency.

CGAP SUBCHAPTER 3028.105 Other types of bonds.

(a) Obtaining the advice of legal counsel is mandatory

CGAP SUBCHAPTER 3028.106 Administration

CGAP SUBCHAPTER 3028.106-2 Substitution of surety bonds.

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

CGAP SUBCHAPTER 3028.106-6 Furnishing information.

(RESERVED)

CGAP SUBCHAPTER 3028.106-90 Review and approval.

The Contracting Officer shall examine the bond as to form, sufficiency of surety, and authority of the agent executing the bond.

CGAP SUBCHAPTER 3028.2 SURETIES AND OTHER SECURITY FOR BONDS

CGAP SUBCHAPTER 3028.203 Acceptability of individual sureties.

(RESERVED)

CGAP SUBCHAPTER 3028.203-7 Exclusion of individual sureties.

(d) Forward all justifications to CG-851. The Debarment / Suspension coordinator is listed in the "Other POCs" page on the CG-85 website, located at <http://cgweb.comdt.uscg.mil/CG8/CG85/index.htm>.

CGAP SUBBCHAPTER 3028.204 Alternatives in lieu of corporate or 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.

CGAP SUBBCHAPTER 3028.204-3 Irrevocable letters of credit.

(RESERVED)

CGAP SUBPART 3028.3 INSURANCE

CGAP SUBPART 3028.390 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 certificate(s). Certificate(s) 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 predicted on potential loss or damage (not necessarily on value of the contract). The determination as to type of insurance, amount, and related insurance requirements, if different from the FAR, shall be made by the Contracting Officer with the advice of legal counsel.

(c) Insurance policies and endorsements thereto (or copies) submitted as evidence of insurance (in lieu of a certificate of insurance) shall be reviewed by legal counsel for legal sufficiency.

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CGAP PART 3029 TAXES - (RESERVED)

CGAP CHAPTER 3029 TAXES

CGAP SUBCHAPTER 3029.1 GENERAL

CGAP SUBCHAPTER 3029.101 Resolving tax problems.

(a) All submissions requesting assistance for resolving tax problems, as discussed in HSAM Subchapter 3029.101 shall be forwarded to Commandant (G-LPL).

CGAP SUBCHAPTER 3029.2 FEDERAL EXCISE TAXES

CGAP SUBCHAPTER 3029.202 General exemptions.

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

CGAP SUBCHAPTER 3029.3 STATE AND LOCAL TAXES

CGAP SUBCHAPTER 3029.304 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 3030

CGAP CHAPTER 3030

COST ACCOUNTING STANDARDS (CAS) ADMINISTRATION

(RESERVED)

CGAP PART 3031

CGAP CHAPTER 3031

CONTRACT COST PRINCIPLES AND PROCEDURES

(RESERVED)

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CGAP PART 3032 CONTRACT FINANCING - (RESERVED)

CGAP CHAPTER 3032 CONTRACT FINANCING

CGAP SUBCHAPTER 3032.2 COMMERCIAL ITEM PURCHASE FINANCING

CGAP SUBCHAPTER 3032.201 Statutory authority.

The authority of the agency head under (FAR) [48 CFR 32.201](#) to determine appropriate or customary terms and conditions regarding payment of commercial items, which was previously delegated to the Contracting Officer, is now retained at the agency head level.

CGAP SUBCHAPTER 3032.206 Solicitation provisions and contract clauses.

(g) and (g)(2) On a case-by-case basis, requests for approval by the Head of the Contracting Activity (HCA) of installment payment financing arrangements and rates for commercial purchases shall be submitted via Commandant (CG-85) for coordination with Commandant (CG-843) and Commandant (G-LPL).

CGAP SUBCHAPTER 3032.4 ADVANCE PAYMENT FOR NON-COMMERCIAL ITEM

CGAP SUBCHAPTER 3032.402 General

(e)(2) When the Contracting Officer proposes to provide advance payments to a contractor, the Contracting Officer shall consult with the requisitioning office, legal counsel, and finance office prior to preparing a Determination and Findings (D&F) as required by [FAR 32.402\(c\)\(1\)\(iii\)](#). The D&F shall be written in the format of [FAR 32.410](#) and forwarded via the Chief of the Contracting Office (COCO) through the Commandant (CG-85) to the HCA (Commandant (CG-8d)) for final determination. When forwarding the D&F, the COCO shall include a written recommendation to the HCA for approval or disapproval.

CGAP SUBCHAPTER 3032.409 Contracting Officer action.

Recommendations relating to the approval of advance payments for non-commercial items shall be submitted through the COCO to Commandant (CG-85), who will coordinate their review by Commandant (G-LPL) prior to HCA approval. Evidence of compliance with [HSAM Subchapter 3032.402\(e\)\(2\)](#) must be included with the documentation supporting such recommendations.

CGAP SUBCHAPTER 3032.6 CONTRACT DEBTS

CGAP SUBCHAPTER 3032.601 Definition

The Contracting Officer shall consult with Coast Guard Finance Center, Receivables and Collection Section (OGR) for guidance on administering the collection of contract debts and applicable interest.

CGAP SUBCHAPTER 3032.7 CONTRACT FUNDING

CGAP SUBCHAPTER 3032.70 CONTRACT PAYMENTS

CGAP SUBCHAPTER 3032.702 Policy

CGAP SUBCHAPTER 3032.702-70 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.

(a)(1)(ii) The Contracting Officer shall accept certified funds submitted electronically via Finance Procurement Desktop (FPD). The Contracting Officer may require a hardcopy procurement request only from units exempt from the use of FPD, as promulgated in the Financial Resource Management Manual, [COMDTINST M7100.3 \(series\)](#).

(a)(1)(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 re-procurement 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 3032.702-90 Assignment of departmental accounting and financial information system numbers to contract instruments.

Once a Coast Guard Oracle Financial (CGOF) system number is assigned to a document type 24 or 28, it should remain unchanged for the life of the contract instrument. A CGOF numbers for a delivery and task order shall be different from the CGOF number assigned to the basic contract. For further clarification, see the Finance Center Standard Operating Procedures, [FINCENSTFINST M7000.1 \(series\)](#).

CGAP SUBCHAPTER 3032.703-90 Antecedent liabilities.

(a) Severable service contracts moved off a fiscal year basis should normally be those where obligations can be reliably estimated and the stream of services provided is not subject to frequent modifications (e.g., security or janitorial service 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 Department of Labor 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 un-obligated at year-end if any subsequent contract modification to increase funds 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 must ensure that the funds manager certifies the availability of funds 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 3032.703-91 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.

COCOs may approve the 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's approval, the following restrictions apply.

(i) Bidders/offerors are notified 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.

(iii) The Commanding Officer of the Coast Guard unit soliciting 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's 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 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 3032.7002 Invoice and voucher review and approval.

(b)(1) Contracting offices shall use Enclosure (5), Coast Guard Contract Payment Approval, to process payments under contracts which exceed the simplified acquisition threshold under [FAR Part 13](#). The exceptions to use of Enclosure (5) are at 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 CGOF; and (iii) allow three calendar days for the scheduling/payment process at CGOF 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 3033 PROTESTS, DISPUTES, AND APPEALS – (RESERVED)

CGAP CHAPTER 3033 PROTESTS, DISPUTES, AND APPEALS

CGAP SUBCHAPTER 3033.1 PROTESTS

CGAP SUBCHAPTER 3033.103 Protests to the agency.

(a) The Notice for Filing Agency Protests contained in Enclosure (1) to Coast Guard Ombudsman Program for Agency Protests, [COMDTINST 4200.14 \(series\)](#), shall be affixed as a cover page in all solicitations for contracts exceeding \$100,000. When using streamlined procedures where the synopsis and the solicitation for a requirement are combined, the Notice for Filing Agency Protests shall be published as part of the synopsis submission.

(f)(1) The written justification to award a contract prior to resolution of a protest required by Federal Acquisition Regulation ([FAR](#)) [48 CFR 33.103\(f\)\(1\)](#) shall be submitted to Commandant (G-LPL).

(f)(3) Coordination with Commandant (G-LPL) is mandatory. All responses to a protest 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 3033.104 Protests to GAO.

(a) General Procedures. The Chief of the Contracting Office (COCO) shall notify Commandant (G-LPL) whenever a protest to the General Accounting Office (GAO) 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. Copies 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 HSAM 3033.104(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 from the Government Accountability Office (GAO) referenced in Federal Acquisition Regulation (FAR) [48 CFR 33.104\(c\)](#) shall be submitted in duplicate to the Head of the Contracting Activity ((HCA). The HCA shall coordinate the Coast Guard's response with Commandant (G-LPL).

(g) Notice to GAO. The Contracting Officer shall submit the notice referenced in FAR 33.104(g), regarding proposed noncompliance with GAO recommended action, to Commandant (G-LPL). The Contracting Officer shall also submit a copy of the notice through Commandant (CG-85) to the HCA for approval.

CGAP SUBCHAPTER 3033.2 DISPUTES AND APPEALS

CGAP SUBCHAPTER 3033.203 Applicability

The procedures of CGAP Subchapter 3033.2 apply to all matters set forth in CGAP Subpart 3001.104 and to disputes and appeals involving leases for military housing.

CGAP SUBCHAPTER 3033.210 Contracting Officer's authority.

CGAP SUBCHAPTER 3033.210-90 Settlement after appeal is filed.

The Contracting Officer shall coordinate with the Chief Trial Attorney, Commandant (G-LPL), prior to settlement, after an appeal is filed.

CGAP SUBCHAPTER 3033.212 Contracting Officer's duties upon appeal.

CGAP SUBCHAPTER 3033.212-90 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 audiotapes 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 (e.g., folding 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 pertinent 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. A separate file shall cover each appeal. 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 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. (The Contracting Officer shall retain one copy of the appeal file).

(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, the Contracting Officer 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 Transportation's "Statement of Policy on Alternate Dispute Resolutions," 67 Federal Register 40367 (June 30, 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 for 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 3033.212-91 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 litigation report be prepared per instructions that will be provided on a case-by-case basis.

CGAP SUBCHAPTER 3033.290 Monitoring potential contract claims.

Potential claims expected to exceed \$100,000 must be immediately reported in writing, to Commandant (CG-83) 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 3034 MAJOR SYSTEM ACQUISITION - (RESERVED)

CGAP CHAPTER 3034 MAJOR SYSTEM ACQUISITION

CGAP SUBCHAPTER 3034.0 GENERAL

CGAP SUBCHAPTER 3034.003 Responsibilities

(a) Major Systems Acquisition Manual, [COMDTINST M4150.2 \(series\)](#), contains Coast Guard policies for acquiring major systems. Any conflict or inconsistency between [COMDTINST M4150.2 \(series\)](#) and the Coast Guard Acquisition Procedures, [COMDTINST M4200.19 \(series\)](#), shall be resolved by giving precedence to [COMDTINST M4200.19 \(series\)](#). Refer any inconsistency to Commandant (CG-85).

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CGAP PART 3035

CGAP CHAPTER 3035

RESEARCH AND DEVELOPMENT CONTRACTING

(RESERVED)

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CGAP PART 3036 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

CGAP SUBPART 3036.1 GENERAL

CGAP SUBPART 3036.103 Methods of contracting.

(a) Solicitations or letters of intent to exercise an option for single-source Job Order Contracting (JOC) contracts require approval from the Commandant (CG-85) before release of the solicitation and/or award of an option. Contracting offices that intend to award a single-source JOC contract must provide CG-85 the following information: (1) Explanation as to why awarding a single-source JOC contract is in the best interest of the Coast Guard; (2) Evidence that the Contracting Officer, Contracting Officer's Technical Representative (COTR), and Engineer In Charge (EIC) have received formal documented training in single-source JOC contracts; and (3) Evidence that the COTR is qualified to produce reliable independent Government estimates, and that the contract administrator is trained in the RS Means system estimating tool and in contract negotiations. Single Source JOC contracts set aside for non-competitive awards under the 8(a) or HUBZone programs are exempt from this requirement.

END OF CGAP PART 3036

CGAP CHAPTER 3036 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

CGAP SUBCHAPTER 3036.2 SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

CGAP SUBCHAPTER 3036.201 Evaluation of contractor performance.

(a)(4) Coast Guard procedures for appointing Contracting Officer's Technical Representatives (COTRs) are set forth in CGAP Subchapter 3042.70.

(c)(1) 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 the Freedom of Information Act (FOIA) comply with [FAR 42.1503](#), [HSAM 3042.15](#), and CGAP Subchapter 3042.1503.

CGAP SUBCHAPTER 3036.213 Special Procedures of sealed bidding in construction contracting.

CGAP SUBCHAPTER 3036.213-70 Report of proposed Federal construction.

(b) Contracting Officers must submit the Interagency Report No. 1671-DOL-AN, found in [HSAM Chapter 3053](#) in accordance with HSAM 3036.213-70 [HSAM 3036.213-70](#) to Commandant (CG-851) by 25 July of each fiscal year.

CGAP SUBCHAPTER 3036.6 ARCHITECT-ENGINEER SERVICES

CGAP SUBCHAPTER 3036.601 Policy.

CGAP SUBCHAPTER 3036.601-90 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).

(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 be stated 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 requester's statement per [HSAM 3016.501-2](#), 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.

(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) If options are to be utilized within the contract, up to four one-year option(s) are authorized. The option year amount is limited to the same dollar threshold limitation as the first year. 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 non-duplicative as possible to reflect the requirements of specific installations or geographic location, rather than a broad category of architect-engineer services.

CGAP SUBCHAPTER 3036.602-2 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 (FDCCs) and Civil Engineering Units (CEUs).

CGAP SUBCHAPTER 3036.602-4 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 re-delegated.

CGAP SUBCHAPTER 3036.602-5 Short selection process for contracts not 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 3036.603 Collecting data on and appraising firms qualifications.

Chiefs of Contracting Offices (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 3036.604 Performance evaluation.

(a)(5) Coast Guard procedures for appointing COTRs are set forth in CGAP Subchapter 3042.70.

(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](#), [HSAM 3042.15 \(series\)](#), and CGAP Subchapter 3042.1503.

CGAP SUBCHAPTER 3036.690 Option for quality assurance and inspection services.

(a) Contracting Officers shall release all withheld 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 3036.691 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 3036.691 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 3037 SERVICE CONTRACTING

CGAP SUBPART 3037.1 SERVICE CONTRACTS - GENERAL

CGAP SUBPART 3037.104-90 Personal services contracts (USCG).

(c) The authority to procure personal health care services authorized under [10 U.S.C. 1091 \(a\) to \(c\)](#) is delegated to the Contracting Officers at Maintenance and Logistics Command (MLC) Atlantic (MLCLANT (fcp)) and Pacific (MLCPAC (fcp)).

CGAP SUBPART 3037.104-91 Personal services contracts with individuals under the authority of 10 U.S.C. 1091.

(RESERVED)

CGAP SUBPART 3037.104-92 Exemption, prohibition, and limitation.

(RESERVED)

CGAP SUBPART 3037.110-90 Information systems security solicitation and contract clauses.

(RESERVED)

END OF CGAP PART 3037

CGAP CHAPTER 3037 SERVICE CONTRACTING

CGAP SUBCHAPTER 3037.1 SERVICE CONTRACTS - GENERAL

CGAP SUBCHAPTER 3037.103 Contracting Officer responsibility.

(c) When the Contracting Officer determines that performance-based service contracting procedures are not appropriate for a particular procurement, the Contracting Officer shall document the contract file to support the rationale for such a determination. The acquisition plan required for solicitations at [\(FAR\) 48 CFR 7.105\(b\)\(4\)](#) or the additional documentation required for services under Federal Supply Schedules, per [\(FAR\) 48 CFR 8.405-7\(b\)\(4\)\(ii\)](#), may serve as the documentation method to fulfill the requirement of this paragraph.

CGAP SUBCHAPTER 3037.112 Government use of private sector temporaries.

(RESERVED)

CGAP SUBCHAPTER 3037.2 ADVISORY AND ASSISTANCE SERVICES

CGAP SUBCHAPTER 3037.205-90 Contracting Officer responsibilities.

(RESERVED)

CGAP SUBCHAPTER 3037.6 PERFORMANCE-BASED CONTRACTING

CGAP SUBCHAPTER 3037.601 General

(RESERVED)

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CGAP PART 3038

CGAP CHAPTER 3038

FEDERAL SUPPLY SCHEDULE CONTRACTING

(RESERVED)

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**CGAP PART 3039 ACQUISITION OF INFORMATION TECHNOLOGY –
(RESERVED)**

CGAP CHAPTER 3039 ACQUISITION OF INFORMATION TECHNOLOGY (IT)

**CGAP SUBCHAPTER 3039.001-70 Certification of Frequency Spectrum Support
for Major New Communication-Electronic Systems.**

In accordance with Section 33.4, Ratio Spectrum-Dependent Communications-Electronics Systems, of [Office of Management and Budget \(OMB\) Circular A-11, Preparation, Submission, and Execution of the Budget](#), a certification must be obtained from the [National Telecommunications and Information Administration \(NTIA\)](#), Department of Commerce, showing that NTIA's required radio frequency is available before submitting estimates for the development or procurement of major radio spectrum dependent communication-electronics systems (including all systems employing space satellite techniques). This requirement is necessary only in those cases where the procurement is a major radio spectrum dependent communication-electronics system. These systems require an Exhibit 300 or an Exhibit 300 Light, depending on dollar value. To determine if a procurement requires an Exhibit 300 or Exhibit 300 Light, refer to [Investment Review Process](#), Department of Homeland Security (DHS) Management Directive (MD) 1400. Supplementary information also is available in [IT Capital Planning and Investment Control \(CPIC\) and Portfolio Management](#), MD 4200.1, and [Information Technology Systems Security](#), MD 4300.1. If certification is required, the system program manager must coordinate with Commandant (CG-62) to initiate the certification process with NTIA. Commercial items must be certified by NTIA prior to being sold in the commercial market place. Therefore, it is only necessary to obtain a copy of the contractor's NTIA certification for documentation purposes from the system manager. It is the responsibility of the system manager to obtain the NTIA certification.

CGAP SUBCHAPTER 3039.001-90 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 (CG-6).

CGAP SUBCHAPTER 3039.2 ELECTRONIC INFORMATION AND TECHNOLOGY

CGAP SUBCHAPTER 3039.203 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 requiring and procurement officials. This instruction includes the certification and determinations required for supplies and services that must meet the applicable accessibility standards at [36 CFR Part 1194](#).

(c)(1) Contracting Officers should draft solicitations in such a way as to permit acceptance of 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. To aid in addressing compliance for EIT, consult the General Services Administration (GSA) Section 508 website discussion of Frequently Asked Questions (FAQs) at <http://www.section508.gov/>.

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CGAP PART 3040

CGAP CHAPTER 3040

(RESERVED)

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CGAP PART 3041 ACQUISITION OF UTILITY SERVICES – (RESERVED)

**CGAP SUBCHAPTER 1241.5 SOLICITATION PROVISION AND CONTRACT
CLAUSES**

CGAP SUBCHAPTER 1241.501 Solicitation provision and contract clauses.

(RESERVED)

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**CGAP PART 3042 CONTRACT ADMINISTRATION AND AUDIT SERVICES –
(RESERVED)**

CGAP CHAPTER 3042 CONTRACT ADMINISTRATION

CGAP SUBCHAPTER 3042.1 CONTRACT AUDIT SERVICES

CGAP SUBCHAPTER 3042.101 Contract audit responsibilities.

(b) Department of Homeland Security (DHS) Office of Inspector General (OIG) is currently developing Management Directive (MD) 0811, Contract Audit Services, which establishes policies and procedures for obtaining contract audit services throughout DHS. Pending release of MD 0811, the following shall apply.

(1) Whenever a Contracting Officer determines that an audit is required, the requisitioning office shall obtain funding using a standard purchase request. Audit services will be individually requested and approved by the Contracting Officer on a Military Interdepartmental Purchase Request (MIPR) (DD Form 448) and Acceptance of MIPR (DD Form 448-1). The MIPR shall serve as the funding document supporting the request for audit services. This funding document shall be completed with the appropriate accounting citation, related audit documents, and DHS Request for Contract Audit Services (Form OIG OA-01 (10/03), attached).

(2) The MIPR, MIPR Acceptance, audit documents and OIG OA-01 shall then be forwarded to the Coast Guard Point of Contact (POC) at Commandant (CG-85) for coordination.

(3) The Coast Guard POC will forward these documents to the OIG audit staff who will assign an OIG Tracking Number to the audit request, and send a request letter, including the assigned OIG Tracking Number, to the applicable branch office of the Defense Contract Audit Agency (DCAA). Completed DCAA audit reports will be returned to the OIG and the Coast Guard POC will be notified accordingly. After OIG review of the audit report, an official transmittal letter will be sent to the Coast Guard procurement officials via e-mail.

(4) Should the Contracting Officer take exception to the DCAA audit report, the Contracting Officer shall provide through the Coast Guard POC a copy of the Price Negotiation Memorandum developed for the procurement for OIG review. The Memorandum should clearly address resolution of the audit findings.

CGAP SUBCHAPTER 3042.14 TRAFFIC AND TRANSPORTATION MANAGEMENT

CGAP SUBCHAPTER 3042.1401 General

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

CGAP SUBCHAPTER 3042.15 CONTRACTOR PERFORMANCE INFORMATION

CGAP SUBCHAPTER 3042.1502 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 3042.1503 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 3042.70 CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE

CGAP SUBCHAPTER 3042.7001 Scope of subchapter.

This Subchapter provides policy and procedures concerning the selection and training of a Contracting Officer's Technical Representative (COTR).

CGAP SUBCHAPTER 3042.7002 Selection and training.

The Coast Guard's policy for COTR selection and training is set forth in [Management Directive \(MD\) 0780](#), Contracting Officer's Technical Representative/Contracting Officer's Representative Appointment and Responsibilities, and the appendix to this chapter.



Request for Contract Audit Services

Part 1 - Requester			
1. Requesting Organizational Element/ Office			2. Date
3a. Requested By:		3b. Title	
4a. Contact Name		4b. Phone Number	4c. Fax Number
4d. Contact Email Address		5. Funding Authorization Number Attach Copy of Funding Documentation	
6. Mailing Address for Receipt of Acknowledgement and Audit Report			
Part 2 - Prime Contractor			
7. Name of Contractor		8. Solicitation/Contract Number	
9a. Contractor Contact Name		9b. Phone Number	9c. Fax Number
10. Contractor Address			
11. Location of Contractor Accounting Records			
30. Number of Subcontractors - Complete Part 6 with Subcontractor Information			
Part 3 - Contract			
13: Requested Action: <input type="checkbox"/> New Contract <input type="checkbox"/> Option <input type="checkbox"/> Modification <input type="checkbox"/> Other			
14. Type of Contract			15. Contract Amount
16. Period of Performance 16a. Start Date: _____ 16b. End Date: _____			
17. Contract Description			
18. Type of Audit Service <input type="checkbox"/> Proposal Review <input type="checkbox"/> Incurred Cost/Close Out <input type="checkbox"/> Other, specify			
19. Attach copy of Contractor/Subcontractor Proposal, Claim and/or Technical Report:			
Part 4 - DCAA			
20. DCAA/ Cognizant Audit Office			21: Date Contacted
22 Special Instructions			
[OIG Internal Use Only] Part 5 - OIG Administration			
Date Received	Assigned Tracking Num.	Date Completed	Completed By:

Part 6 - Subcontractor (1)		
-----------------------------------	--	--

23. Prime Contractor	24. Contract Number	25. Total Contract Amount
26. Name of Subcontractor		
27a. Subcontractor Contact Name	27b. Phone Number	27c. Fax Number
28. Subcontractor Address		
29. Location of Subcontractor Accounting Records		
30. Subcontractor Contract Amount		
31. Subcontractor DCAA Cognizant Audit Office		

Part 6 - Subcontractor (2)		
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23. Prime Contractor	24. Contract Number	25. Total Contract Amount
26. Name of Subcontractor		
27a. Subcontractor Contact Name	27b. Phone Number	27c. Fax Number
28. Subcontractor Address		
29. Location of Subcontractor Accounting Records		
30. Subcontractor Contract Amount		
31. Subcontractor DCAA Cognizant Audit Office		

Part 6 - Subcontractor (3)		
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23. Prime Contractor	24. Contract Number	25. Total Contract Amount
26. Name of Subcontractor		
27a. Subcontractor Contact Name	27b. Phone Number	27c. Fax Number
28. Subcontractor Address		
29. Location of Subcontractor Accounting Records		
30. Subcontractor Contract Amount		
31. Subcontractor DCAA Cognizant Audit Office		

APPENDIX -- CHAPTER 3042
CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE TRAINING

I. Introduction

The purpose of this guidance is to establish in accordance with [HSAM 3042.70](#) policies and procedures for obtaining mandatory Contracting Officer Technical Representative (COTR) training as required by the Clinger-Cohen Act, Office of Federal Procurement Policy Letter 97-01, and Contracting Officer's Technical Representative(COTR)-Contracting Officer's Representative (COR) Appointment and Responsibilities, [DHS Management Directive \(MD\) 0780](#).

II. Definition

Contracting Officers may appoint technical representatives and delegate certain responsibilities to assist in the performance of contract administration duties. A 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 on or after December 19, 2003, in accordance with [HSAM 3042.7000](#). Employees appointed prior to December 31, 1999 must take refresher COTR training in accordance with Section V, below. Employees performing related acquisition functions are encouraged to take the training outlined in COTR-COR Appointment and Responsibilities, [MD 0780](#), or similar instruction.

IV. Appointment Procedures

Contracting Officers shall appoint COTRs in writing in accordance with procedures outlined in MD 0780.

V. Training Requirements

Initial Training - COTRs appointed on or after December 19, 2003 shall take a minimum of 24 hours of COTR training. At least 8 hours of this training must be completed prior to appointment with the remaining 16 hours obtained within 120 days of appointment. Information on obtaining this training will be provided by the Contracting Officer in the COTR's appointment letter. Initial training requirements can be met through attendance of CG-85 sponsored classroom training, completion of a three-course package of online courses provided through the Federal Acquisition Institute's Online University, as outlined in MD 0780. Refresher Training – Each COTR, regardless of date of appointment, must have a minimum of 8 hours of refresher training every 3 years for the duration of their appointment. The HCA has determined that the Federal Acquisition Institute's Online University provided COR Mentor

course meets the requirement for 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 Officers 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 Commandant (CG-851).

As the course manager for acquisition workforce training, the Office of Procurement Management (Commandant (CG-85)) 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 CG-85 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) Contract commodity/service, the approximate dollar value of the contract(s) to which the COTR will be appointed;

(2) Type of contract anticipated;

(3) Contract period of performance;

(4) Reasons necessitating classroom training 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; and

(5) Additional information as deemed necessary.

VIII. Exceptions

GS-9 or military equivalent personnel who have served as a contract specialist, Contracting Officer, or procurement analyst within 5 years previous to their appointment date may be exempted from the initial training requirements. This is a Contracting Officer decision. Procurements valued below the threshold for simplified acquisitions, are exempt from this policy unless the Contracting Officer determines that a trained COTR is necessary. For complex procurements valued under the simplified acquisition threshold, the Contracting Officer may determine that a COTR appointment is necessary and require training as outlined above. The Head of the Contracting Activity on a case-by-case basis may grant any exceptions to the COTR training requirements outlined above.

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CGAP PART 3043 CONTRACT MODIFICATIONS

CGAP SUBPART 3043.1 GENERAL

CGAP SUBPART 3043.103-90 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 3043

CGAP CHAPTER 3043 CONTRACT MODIFICATIONS

CGAP SUBCHAPTER 3043.70 Undefined contract actions.

CGAP SUBCHAPTER 3043.7000 Scope of subchapter.

CGAP SUBCHAPTER 3043.7002 UCA monitoring system and report.

(b) The COCO shall establish a monitoring system for Undefined Contract Actions (UCAs) that meets the requirements of [HSAM 3043.7002](#).

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CGAP PART 3044

CGAP CHAPTER 3044

SUBCONTRACTING POLICIES AND PROCEDURES

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CGAP PART 3045 GOVERNMENT PROPERTY

CGAP SUBPART 3045.6 REPORTING, REDISTRIBUTION, AND DISPOSAL OF CONTRACTOR INVENTORY

CGAP SUBPART 3045.603 Disposal methods.

(RESERVED)

END OF CGAP PART 3045

CGAP CHAPTER 3045 GOVERNMENT PROPERTY

CGAP SUBCHAPTER 3045.1 GENERAL

CGAP SUBCHAPTER 3045.101-90 Definitions

“Government-furnished property” is defined as property owned by or leased to the Government that is a tangible asset (includes commercial off-the-shelf (COTS) software), regardless of dollar value, in the possession of the contractor or subcontractor. It also includes contractor held assets that are obtained by the Government under the terms of the contract. As used here and [FAR Section 45.101](#), Government-furnished property 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.

“Property administrator,” means an authorized representative of Contracting Officer assigned to administer the contract requirements and obligations relating to Government property.

CGAP SUBCHAPTER 3045.105 Records of Government property.

(a) The Contracting Officer shall require the contractor to maintain all official records of Government property in its possession or control including Government property at subcontractor facilities on Contractor Report of Government Property, [DHS Form 0700-05](#), 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. 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, DHS Form 0700-05 is not required.

(b) The Contracting Officer shall establish written internal controls setting forth procedures for managing Government furnished property, where applicable.

CGAP SUBCHAPTER 3045.105-90 Designation of property administrator.

The Contracting Officer may designate a property administrator to administer the Government furnished property for a particular contract. The designation shall be in writing and shall identify the role and responsibilities of the administrator. A copy of the designation shall be maintained in the contract file. The property administrator's duties include, but are not limited to, review and approval of the contractor's property control system; conducting physical inventories; initiating reports of survey; and complying with property reporting requirements.

CGAP SUBCHAPTER 3045.3 Providing Government property to contractors.

CGAP SUBCHAPTER 3045.307 Providing special test equipment.

CGAP SUBCHAPTER 3045.307-2 Acquiring special test equipment.

(b)(2) The Contracting Officer shall coordinate with Commandant (CG-851) when acquiring special test equipment.

CGAP SUBCHAPTER 3045.5 MANAGEMENT OF GOVERNMENT PROPERTY IN POSSESSION OF CONTRACTORS

CGAP SUBCHAPTER 3045.502 Contractor responsibility.

CGAP SUBCHAPTER 3045.502-1 Receipts for Government property.

Government property administrators shall require the contractor to provide a receipt for each item of Government-furnished property provided to the contractor.

CGAP SUBCHAPTER 3045.505 Records and reports of Government property.

CGAP SUBCHAPTER 3045.505-1 Basic information.

Records created by a contractor while working for the Coast Guard belong to the federal Government and must be maintained per the Information and Life Cycle Management Manual, [COMDTINST M5212.12 \(series\)](#).

CGAP SUBCHAPTER 3045.505-2 Records of pricing information.

(b) Determining unit price.

(2) Government-furnished property. To ensure that the unit price of the GFP is furnished to the contractor, Contracting Officers shall include this information in the contract (as defined under [\(FAR\) 48 CFR 2.101](#) or by attachment thereto for each piece of GFP provided to the contractor.

CGAP SUBCHAPTER 3045.505-6 Special reports of plant equipment.

On a case-by-case basis, the Contracting Officer may require special reports of plant equipment. These requirements shall be set forth in the contract.

CGAP SUBCHAPTER 3045.505-90 Reports of Government property.

(RESERVED)

CGAP SUBCHAPTER 3045.505-1470 Operating administration contract property report.

Except when the Government maintains the official property records, the Contracting Officer shall include as a separate line item in the contract the requirement that the contractor submit Contractor Report of Government Property, [DHS Form 0700-05](#), to the Contracting Officer by 15 September of each year. Each COCO shall compile and submit all copies of [DHS Form 0700-05](#) to Commandant (CG-851) not later than 10 October of each year. Commandant (CG-851) shall forward the consolidated report to the DHS, Office of Property Management not later than 31 October annually.

CGAP SUBCHAPTER 3045.508 Physical inventories.

The Contracting Officer shall ensure that the following inventory requirements are completed for each contract that includes Government furnished property:

(1) The property administrator shall identify, track and conduct 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 shall record contractor-held Government property equal to/or exceeding \$25,000 into the Oracle Fixed Asset Module (FAM) database under General Purpose Property.

(a) The unit property officer shall 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, 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.

CGAP SUBCHAPTER 3045.508-2 Reporting results of inventories.

The Contracting Officer shall include as a separate line item in the contract the requirement that the contractor submit an annual inventory report to the Contracting Officer for all Government furnished property. The report shall provide the information at [FAR 45.505-1](#) for every item of Government property, regardless of value. 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; and (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.

CGAP SUBCHAPTER 3045.6 REPORTING, REDISTRIBUTION, AND DISPOSAL OF CONTRACTOR INVENTORY

CGAP SUBCHAPTER 3045.602 Reutilization of Government Property.

The Contracting Officer shall approve the transfer and disposition of Government furnished property upon contract completion. The Contracting Officer shall ensure that a copy of the Contractor Inventory Report and transfer/disposition of property documentation is provided to the Unit Property Officer.

CGAP SUBCHAPTER 3045.603 Disposal methods.

Contracting offices shall contact the local property office or Commandant (CG-842) for assistance regarding property disposal.

CGAP SUBCHAPTER 3045.608 Screening of contractor inventory.

CGAP SUBCHAPTER 3045.608-3 Agency screening.

The Contracting Officer shall coordinate agency standard screening with Commandant (CG-842).

CGAP Subchapter 3045.608-5 Special Item Screening.

The Contracting Officer shall coordinate agency special item screening with Commandant (CG-842).

CGAP SUBCHAPTER 3045.608-6 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 (CG-851).

CGAP SUBCHAPTER 3045.610 Sale of surplus contractor inventory.

CGAP SUBCHAPTER 3045.610-2 Exemptions from sale by GSA.

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 guidance on the sale and disposal of Government-owned personal property.

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CGAP PART 3046 QUALITY ASSURANCE

CGAP SUBPART 3046.7 WARRANTIES

CGAP SUBPART 3046.706 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 3046.792 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 (CG-85) for processing to the HCA 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 3046

CGAP CHAPTER 3046 QUALITY ASSURANCE

CGAP SUBCHAPTER 3046.6 MATERIAL INSPECTION AND RECEIVING REPORTS

CGAP SUBCHAPTER 3046.601 General

Material Inspection and Receiving Report (MIRR), DD Form 250 (Series), 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 3047.702 General

(c) Written summary of the procedures to trace and enforce 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 3047 TRANSPORTATION – (RESERVED)

CGAP CHAPTER 3047 TRANSPORTATION

CGAP SUBCHAPTER 3047.104 Government rate tenders under section 10721 of the Interstate Commerce Act.

CGAP SUBCHAPTER 3047.104-1 Government freight.

(c) Negotiation of section 10721 rates by transportation officers does not require a Contracting Officer's warrant (see [\(FAR\) 48 CFR 47.104-1\(c\)](#)). However, the binding of the Government through negotiated actions, other than through [49 CFR 10721](#), requires a Contracting Officer's warrant unless otherwise exempt by executive order, statute, or regulation.

CGAP SUBCHAPTER 3047.2 Contracts for transportation or for transportation-related services.

CGAP SUBCHAPTER 3047.205 Availability of term contracts and basic ordering agreements for transportation or for transportation-related services.

(a) Contracts or basic ordering agreements awarded by USCG Contracting Officers for transportation or for transportation-related services greater than the small purchase limit require approval by the Contracting Officer's immediate supervisor.

CGAP SUBCHAPTER 3047.303-17 Contractor prepaid commercial bills of lading, small package shipments.

(c) The Contracting Officer shall notify the contractor of any loss or damage to the Government supplies shipped by the contractor under prepaid commercial bills of lading.

CGAP SUBCHAPTER 3047.5 OCEAN TRANSPORTATION BY U.S.-FLAG VESSELS

CGPA SUBCHAPTER 3047.506 Procedures

(a) MARAD has a role in enforcing the cargo preference statutes. MARAD can assist contractors in locating [U.S.-flag carriers](#) is empowered to determine when such services are not available; and can assist Contracting Officers in evaluating any contractor claims related to "excess costs" or differentials associated with the use of U.S.-flag vessels.

(c) The determination of fair and reasonable rates for charter cargoes not in published tariffs shall be obtained from MARAD.

CGAP SUBCHAPTER 3047.90 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 shall ensure that mailings done by contractors are made at the automation rate found in Coast Guard 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 Coast Guard 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 is forwarded to Commandant (CG-611).

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CGAP PART 3048 VALUE ENGINEERING - (RESERVED)

CGAP CHAPTER 3048 VALUE ENGINEERING

CGAP SUBCHAPTER 3048.1 POLICIES AND PROCEDURES

CGAP SUBCHAPTER 3048.102 Policies

(a) The Head of the Contracting Activity (HCA) is responsible for managing and monitoring Value Engineering (VE) efforts for the Coast Guard. (See [OMB Circular A-131](#).)

CGAP SUBCHAPTER 3048.104-2 Shared collateral savings.

(RESERVED)

CGAP SUBCHAPTER 3048.2 CONTRACT CLAUSES

CGAP SUBCHAPTER 3048.201 Clauses for supply or service contracts.

(RESERVED)

CGAP SUBCHAPTER 3048.202 Clause for construction contracts.

(RESERVED)

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CGAP PART 3049 TERMINATION OF CONTRACTS - (RESERVED)

CGAP CHAPTER 3049 TERMINATION OF CONTRACTS

CGAP SUBCHAPTER 3049.1 GENERAL PRINCIPLES

CGAP SUBCHAPTER 3049.106 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 Mandatory Reporting of Incidents to Coast Guard Investigative Service and Requesting Investigative Assistance, [COMDTINST 5520.5 \(series\)](#).

CGAP SUBCHAPTER 3049.4 TERMINATION FOR DEFAULT

CGAP SUBCHAPTER 3049.401 General

Commandant (G-LPL) shall review all notices of termination for default, with all supporting information, for legal sufficiency. Commandant (G-LPL) will provide notice of legal sufficiency within three (3) working days after receiving the documents.

CGAP SUBCHAPTER 3049.5 CONTRACT TERMINATION CLAUSES

CGAP SUBCHAPTER 3049.501 General

Requests to use 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 3049.6 CONTRACT TERMINATION FORMS AND FORMATS

CGAP SUBCHAPTER 3049.607 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 reprourement 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 reprourement.

(b) Show Cause Notice. The format at [FAR 49.607\(b\)](#) is mandatory for the Coast Guard.

CGAP SUBCHAPTER 3049.607-90 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.

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CGAP PART 3050 EXTRAORDINARY CONTRACTUAL ACTIONS

CGAP SUBPART 3050.3 CONTRACT ADJUSTMENTS

CGAP SUBPART 3050.305 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 specified in [FAR 50.305](#) to the Department of Transportation Board of Contract Appeals (DOTBCA (S-20)).

END OF CGAP PART 3050

CGAP CHAPTER 3050 EXTRAORDINARY CONTRACTUAL ACTIONS

(RESERVED)

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CGAP PART 3051

CGAP CHAPTER 3051

USE OF GOVERNMENT SOURCES BY CONTRACTORS

(RESERVED)

CGAP PART 3052

CGAP CHAPTER 3052

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

(RESERVED)

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CGAP PART 3053 FORMS - (RESERVED)

CGAP CHAPTER 3053 FORMS

CGAP SUBCHAPTER 3053.1 GENERAL

CGAP SUBCHAPTER 3053.101 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 3001 through 3052, where the subject matter applicable to each form is addressed. The specific location of each requirement is identified in CGAP Subchapter 3053.2.

CGAP SUBCHAPTER 3053.101.90 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 [Homeland Security Acquisition Regulation \(HSAR\)](#) shall have second preference usage, forms prescribed by the [Homeland Security Acquisition Manual \(HSAM\)](#) 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 3053.103 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 (CG-85). Use for the same purpose of any form other than one prescribed by these procedures requires prior approval of Commandant (CG-85). Requests for exceptions to standard or optional forms, as prescribed in [FAR 53.103](#) shall be forwarded to Commandant (CG-85) for appropriate action.

CGAP SUBCHAPTER 3053.104 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 3053.105 Computer generation.

Forms prescribed within the FAR System may be adopted for computer preparation by following the exception procedures in CGAP Subchapter 3053.103.

CGAP SUBCHAPTER 3053.106 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 3053.103.

CGAP SUBCHAPTER 3053.107 Obtaining forms.

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

CGAP SUBCHAPTER 3053.108 Recommendations concerning forms.

As specified in [FAR 53.108](#), contracting activities shall coordinate with the FAR Secretariat through Commandant (CG-85).

CGAP SUBCHAPTER 3053.2 PRESCRIPTION OF FORMS

CGAP SUBCHAPTER 3053.200 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 the parts and chapters of the regulation in which the form usage requirements are addressed. (See [FAR 53.200](#) for an example.)

CGAP SUBCHAPTER 3053.204 Administrative matters.

CGAP SUBCHAPTER 3053.204-90 Coast Guard forms used in documenting contract award information and in documenting contract administration files.

(a) Contract File Content Checklist - Preaward Contract File, [CG-4788](#), prescribed in CGAP Subchapter 3004.802, shall be used for organizing the preaward portion of the contract files. It may also be used for contract modifications.

CGAP SUBCHAPTER 3053.219 Small business programs.

(a) Small Business Review Form, [CG-5080](#), prescribed in CGAP Subchapters 3019.501 and 3026.9002 shall be used to document and recommend small business set-asides, and potential subcontracting opportunities for HBCUs.

(b) Environmental Protection Agency (EPA) Forms 6005-3 and 6005-3A shall be used for reporting by 15 November annually per CGAP Subchapter 3019.891, the Superfund Minority Contractors Utilization Report.

CGAP SUBCHAPTER 3053.232-70 Procurement requests.

Pursuant to HSAM 3053.103(b) and CGAP Subchapter 3032.702-70, Form DOT F 4200.1.2CG, Procurement Request, is prescribed for Coast Guard use when providing funds to procure supplies and services. DHS Form 700-20, Procurement Request and Continuation Sheet, can also be used. The Finance and Procurement Desktop (FPD) system has been altered to reflect “Department of Homeland Security” at the top of the form.

CGAP SUBSUBCHAPTER 3053.3 ILLUSTRATION OF FORMS

CGAP SUBCHAPTER 3053.300 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	AAP Submission/Procurement Forecast Submission		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/Plan holders 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. Liquidated Damages			a. In proposal Documents	
	b. Nonpersonal services			b. Separate Papers Filed Hereunder	
	c. Options – Justifications for Use				
	d. Options – Exercise of				
	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	Weighted Guidelines Profit /Fee Objective, DHS Form 700-17	
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_____.	

	Document	Appl & in file	Item No.	Document	Appl & in file
28	Final Technical Rating after Negotiations		43	Miscellaneous Documentation	
				COTR Designations	
				Debriefings	
29	Determination of Prospective Contractor Responsibility (DHS Form 700-12)				
	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 (DHS Form 2140-01)				
41	Printout of Valid HSCIS Record				
42	Award Notice (Commerce Business Daily)				

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)

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

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

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 that is carrying out or conducting the 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 date. 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 policies and procedures for participation by contracting activities in the Coast Guard's ARTIC program.
2. **APPLICABILITY.** Contracting activities with formal contract authority (acquisitions in excess of the simplified acquisition threshold) may participate in the ARTIC program.
3. **DISCUSSION.** The ARTIC program is designed to promote streamlining in Coast Guard acquisition processes. The goal of the ARTIC program is to eliminate unnecessary procurement regulations and procedures that impede the exercise of sound business judgment. These regulations and procedures may be set aside through the granting of class deviations and waivers from the formal contracting requirements set forth in the Federal Acquisition Regulation (FAR), Homeland Security Acquisition Regulation (HSAR), Homeland Security Acquisition Manual (HSAM), Coast Guard Acquisition Procedures (CGAP) and other internal contracting guidance. Each Deviation/Waiver (D/W) request 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.**
 - a. Contracting activities may submit in writing their requests for class D/Ws from specific provisions of the FAR, HSAR, HSAM, or CGAP via Commandant (CG-85). However, requests for relief from statutory requirements cannot be considered under ARTIC.
 - b. Written requests, with all appropriate supporting information, may be transmitted via e-mail, message, facsimile, or postal mail. However, all such requests must be addressed to the appropriate approving authority for the D/Ws requested, and must include the signature of the Chief of the Contracting Activity (COCO) supporting the request for approval.
 - c. Each D/W request under ARTIC shall include, at minimum: the title and description of the D/W requested; appropriate regulatory and procedural citations; the rationale/justification for the granting of the relief requested; the proposed duration and method of oversight to be used should a D/W be granted; the expected benefits resulting from the D/W; and the D/W's statutory/regulatory impact should it be granted. Contracting activities should number their ARTIC program requests sequentially(001, 002, 003, etc.).
 - d. If approved, D/Ws will normally be granted for one year. D/W requests may also seek deviations relating to a specific type of contract (e.g., ship repairs).
 - e. Commandant (CG-85) shall review each D/W request expeditiously and shall provide requesting activities within three working days of its receipt a response date for his review. D/W requests for FAR, HSAR, or HSAM class deviations or requests affecting Departmental Acquisition Alerts, Notices, or Management Directives must be reviewed and approved by the Chief Procurement Officer (CPO) of the Department of Homeland Security (DHS) and Commandant (CG-8d) as applicable.

f. Other contracting activities have the opportunity to benefit from an approved D/W by requesting that the approved D/W apply to them as well. In such cases, the requesting activity must provide its own justification/rationale for consideration on a previously approved D/W. The same review procedures described above also apply in these situations.

g. Each requesting activity shall assess the effectiveness of each approved D/W within nine months from the date of its approval, and provide this information to Commandant (CG-85) who shall decide on any future application of the D/W. Such assessments shall address at minimum: (1) actual experienced advantages and disadvantages of the approved D/W; (2) a recommendation and rationale for wider implementation, cancellation, modification or continued testing of the D/W; and (3) estimated savings in time and money resulting from the D/W. The degree of detail in these submissions can be coordinated with Commandant (CG-85) in advance.

h. Commandant (CG-85) shall review this assessment to determine whether a previously approved D/W shall be: (1) canceled; (2) implemented on a wider basis; (3) modified; (4) continued on a trial basis; or (5) waived indefinitely for the contracting activity. Waivers approved on an indefinite basis may be subject to reconsideration upon policy changes or deficiencies found during subsequent Procurement Management Reviews and Management Effectiveness Assessments.

i. A listing of all active ARTIC D/Ws and recognition of contracting activities accomplishments resulting from such D/Ws shall be published in the Procurement Electronic Newsletter (PEN) of Commandant (CG-85).

5. RESPONSIBILITIES.

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

b. Commandant (CG-85) shall:

(1) Process each D/W request;

(2) Monitor overall implementation of the Coast Guard ARTIC program; and

(3) Coordinate activities necessary for approval of D/Ws of FAR, HSAR, and HSAM provisions with Commandant (CG-8d) as Head of the Contracting Activity (HCA), and the Chief Procurement Officer (CPO) of the Department of Homeland Security (DHS) as applicable.

6. POINT OF CONTACT. For additional information regarding this ARTIC instruction, please contact the CG-85 ARTIC Program Coordinator at (202) 267-1152.

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COAST GUARD CONTRACTING OFFICER WARRANT PROGRAM (COWP)

1. **PURPOSE.** This policy sets forth instructions and procedures for nomination and appointment of Contracting Officers within the Coast Guard. This policy applies to all Coast Guard organizational elements seeking Contracting Officer authority.

2. **DEFINITIONS.** 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 (HCA) (Commandant (CG-8d)) pursuant to [Homeland Security Acquisition Manual](#) (HSAM) Subchapter 3001.601-70 (a). In order to be eligible for designation as a COCO, an employee must meet all the qualifications for eligibility to receive a Contracting Officer's warrant at the highest dollar level issued for that contracting office.

3. **AUTHORITY AND RESPONSIBILITIES.**

a. The authority to appoint Contracting Officers is limited to the Head of the Contracting Activity (HCA). The HCA for the Coast Guard is the Deputy Assistant Commandant for Planning, Resources and Procurement (CG-8d). 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 Officer warrants of specific dollar authority within defined areas of responsibility as follows:

(1) Chief, Office of Procurement Management, Commandant (CG-85)—all Contracting Officer appointments in the Coast Guard except COCOs with authority over \$100K.

(2) Chief, Office of Contract Support, Commandant (G-ACS)—all Contracting Officer 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 (MLC) Pacific (MLCPAC)—all Contracting Officer 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 outside the continental United States (OCONUS) for Pacific Area afloat assets; \$500,000 for Fuel, Subsistence and port Services OCONUS for Icebreakers (Polar class and Healy); and all Contracting Officer appointments within the simplified acquisition section of the Naval Engineering Division NTE \$100,000.

(4) Chief, Procurement Branch, Finance Division, MLCPAC - all Contracting Officer appointments NTE \$50,000 for Supplies, \$50,000 for Services and \$50,000 for Construction, authority to issue warrant NTE \$100,000 for delivery orders against GSA Federal Supply Schedule (FSS) contracts and other fixed-price mandatory sources of supply, all Contracting Officer appointments within the simplified acquisition section of the Finance

Division not to exceed \$100,000, \$250,000 for Fuel, Subsistence and Port Services OCONUS for all units in Pacific Area **EXCEPT** Pacific Area afloat assets, Contracting Officers in Naval Engineering Division, and Headquarters units.

(5) Chief, Finance Division, Maintenance and Logistics Command Atlantic (MLCLANT)—all Contracting Officer 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 Contracting Officer appointments within Finance Division NTE \$100,000.

b. 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 CGAP Subchapter 3017.501 up to the authority levels stated on their warrants, and DHS Acquisition Management Directive (MD) [MD 0740.2](#), Contracting Officer Warrant Program.

4. SELECTION AND APPOINTMENT.

a. **Selection and Appointment.** The selection and appointment of Contracting Officers within the Coast Guard will be determined based upon:

(1) Needs of the contracting office.

(2) Fulfillment by the applicant of all education, training, career level professional certifications, and experience requirements set forth in [MD 0740.2](#), and [MD 0781](#), Contracting Professional (GS-1102) Career Information. [MD 0781](#) applies to GS-1102 personnel for all types of warrants.

(3) Completion of DHS mandatory training and certification at Level I, Level II or Level III corresponding to appropriate grade level as outlined in [MD 0781](#).

(4) Completion of required specialized training pertaining to authority type requested (construction, architect and engineering, service contracting, etc.). Individuals fulfilling Simplified Acquisition Threshold (SAT) Warrant training requirements per [MD 0740.2](#), paragraph 6.A.2., must demonstrate that the training received is relevant to the level of proposed warrant authority and technical complexity for the contracting actions to be processed (cost/price analysis, negotiation techniques etc.).

(5) Maintaining skills currency requirement met through continuing education or training (40 hours required each year for all GS-1102 contracting professionals, 32 hours each year for non GS-1102 contracting professionals for authority above the synopsis level, and 24 hours each year for non GS-1102 personnel for authority up to the synopsis threshold.

(6) Experience requirement under [MD 0740.2](#) and as identified in [MD 0781](#).

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

b. **Appointment.** Appointment of Contracting Officers shall be in accordance with [MD 0740.2](#), [MD 0781](#), and this subchapter.

c. **Record keeping.** Each issuing authority shall maintain selection and appointment files for all Contracting Officers appointed within their area of responsibility. The Chief, Office of Procurement Management (CG-85) shall maintain the complete record of all Coast Guard Contracting Officers. Each issuing authority shall provide CG-85 with one copy of each warrant as they are issued. Each issuing authority shall also notify CG-85 within 15 days when warranted personnel depart and when warrants are revoked.

A separate appointment file shall be kept for each employee appointed as a Contracting Officer. The file shall contain a copy of the warrant and all documents supporting the employee's qualifications, i.e., acquisition certification (if applicable), justification for waiver, and annual skills currency training etc.

5. WARRANT STRUCTURE FOR SHORE UNITS AND VESSELS.

a. **SAT and General Warrants.** Two types of warrants can be issued, SAT and General. SAT Warrants will be issued for the procurement of products and services valued at or below the threshold specified in Part 13 of the [Federal Acquisition Regulation](#) (FAR) using Simplified Acquisition Procedures (SAP). General Warrants will be issued for formal contracts at obligation limits above the SAT. In requesting both SAT and General Warrants, COCOs shall submit to the appropriate issuing authority a Request for Contracting Officer Appointment similar to the sample at the end of this enclosure. Upon approval of the Request for Appointment, an SF 1402, Certificate of Appointment, shall be issued specifying any limits on the authority of the Contracting Officer to obligate the Government.

b. **Shore Personnel.** Warrants for shore personnel will be issued when requested by the COCO based upon this policy and limitations set forth in [MD 0740.2](#) , and [MD 0781](#).

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

(2) SAT warrant authority will vary by commodity and dollar value depending on the needs of the contracting office, experience and training of the nominated person, and recommendation of the COCO. SAT warrants may be issued at levels determined necessary by the warrant issuing authority up to \$100,000. Standard language for SAT warrants shall 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 shall be issued in accordance with this policy and [MD 0740.2](#). SAT warrants shall vary by commodity and dollar value depending on the needs of the contracting office, the experience and training of nominated personnel, and the recommendation of the COCO. SAT warrants may be issued at levels determined necessary and within the warrant issuing authority's delegation up to \$50,000 for Supplies, \$50,000 for Services, and \$250,000 for Fuel, Subsistence and Port Services when cutters are deployed OCONUS, \$500,000 for Icebreakers.

d. **Length of Appointment.**

(1) SAT warrants shall expire no later than four years from the date of issuance.

(2) All warrants issued to GS-1102 personnel, whether SAT or General Warrants, shall contain the same expiration date as each employee's acquisition certification under [MD 0781](#), and may not exceed four years.

Examples of Warrant Language.

SAT 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

SAT 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:

\$25,000,000 for Supplies, \$1,000,000 for Services, No Construction or A&E, No R&D

6. TRAINING & EXPERIENCE REQUIREMENTS.

a. Awareness. Supervisors of contracting professionals (GS-1102 employees) shall ensure that contracting personnel are familiar with all aspects of the program, and are afforded the opportunity to attend all needed training and complete all required developmental activities. Contracting personnel in turn shall proactively manage their careers to ensure continued professional development in accordance with [MD 0781](#); and based on their accomplishments, shall request appropriate professional level certification using [DHS Form 781-1a](#), Acquisition Certification Application.

b. Training for Non-1102s. For non GS-1102 contracting professionals to exceed \$25,000 in authority, 40 hours of ADVANCED SAP training is required in addition to 40 hours of SAP training that is relevant to the complexity of the contract actions to be processed. For non-1102 contracting professionals requesting \$50,000 and above authority, 40 hours of formal Cost & Pricing training must be completed. In order to obtain authority in specialty areas, e.g., services, construction, A&E, training must be completed specific to these authorities.

c. Training for 1102s. Contracting professionals in the GS-1102 series being nominated for a warrant must have completed all certification requirements for the grade level at which the person is serving as set forth in [MD 0781](#). In order to obtain authority in specialty areas, e.g., services, construction, A&E, training must be completed specific to these authorities.

The only exceptions are:

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

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

d. **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.

e. **Annual Skill Currency Training.** Minimum requirements for experience and skills currency will vary with the level of Contracting Officer authority. (See [MD 0740.2](#), paragraph 6.A.2. for details.)

(1) SAT Warrant skill currency training requirements may be met through a combination of any of the following CG-85 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 Defense Acquisition University (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 CG-85 sponsored Class C courses, check COMDTNOTE 1540 published at <http://www.CoastGuard.mil/hq/tqc>. For ideas in identifying potential courses, check the following link to the CG-85 Training Webpage: <http://cgweb.comdt.CoastGuard.mil/CG8/CG85/train/index.html>.

(2) General warrant skill currency training requirements may be met through a combination of any of the following CG-85 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 (40 hrs), COCO Conferences, procurement conferences (as examples). For a current list of Commandant (CG-85) sponsored Class C training check COMDTNOTE 1540 published at <http://www.uscg.mil/hq/tqc>.

7. EXCEPTIONS.

a. In urgent situations, warrant issuing authorities may grant waivers and issue warrants NTE \$25,000 for individuals not meeting experience requirements set forth in this policy. Waivers will be documented in the individual's warrant file and tracked for reporting to CG-85.

b. Requests for exceptions to the policy set forth herein or [MD 0740.2](#) shall be submitted via Commandant (CG-85) to the HCA (Commandant (CG-8d)) for approval, or forwarding to the DHS Chief Procurement Officer (CPO) for approval.

c. The following actions within the Coast Guard do not require a Contracting Officer's signature. Detailed instructions on delegations, usage and restrictions are outlined in the Coast Guard Simplified Acquisition Procedures Handbook, [COMDTINST M4200.13 \(series\)](#), and the Coast Guard Acquisition Procedures, COMDTINST M4200.19 (series).

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

(2) Coast Guard 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) Contracting Officer shall serve on the OSC's contracting staff, when requested by the OSC, during an oil or hazardous substance spill incident. The DRAT Contracting Officer 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 Contracting Officer must satisfy the training requirements set forth for a SAT 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 Office

(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 DHS F 1700.3) and duplicating (Form DHS F 1700.8) services.

(10) Government bills of lading.

(11) Non-appropriated funded small purchase actions under \$5,000 in accordance with the Coast Guard Nonappropriated Fund Instrumentalities Manual, [COMDINST M7010.5 \(series\)](#).

(12) Government-wide commercial purchase card transactions under \$2,500 for supplies and services; or limited to \$2,000 for construction; or for fuel purchases for Coast Guard 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 3017.5.

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

(17) Transfers of funds into the Federal Employees Compensation (FEC) account maintained by the Department of Labor pursuant to [5 U.S.C. 8509](#).

d. Other types of actions within the Coast Guard that do not require a Contracting Officer'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) Reviews that reveal unsatisfactory performance. Reviews may be conducted by Commandant (CG-85). During these reviews, Commandant (CG-85) will inspect warrant records and Contracting Officer compliance with laws and regulations. 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 (CG-8d) who will effect any necessary corrective actions, which include revocation of Contracting Officer authority or COCO authority. Compliance Inspections may be conducted by MLCPAC or MLCLANT. Significant problems discovered during Compliance Inspections shall be referred to the appropriate warranting authority for consideration of warrant revocation.

(2) Congressional inquiries that reveal unsatisfactory performance.

(3) Protests that reveal unsatisfactory performance.

(4) Statutory violations.

(5) Lapse of acquisition certification.

(6) Failure to obtain skills currency training within prescribed timeframes.

SAMPLE NOMINATION FOR APPOINTMENT OF CONTRACTING OFFICER

TO: Head of the Contracting Activity (Commandant CG-8d)

VIA: Chief, Office of Procurement Management (if addressed to HCA)

FROM: COCO or Commanding Officer (when nominating a COCOs)

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 SAT Contracting Officer's warrant at the following levels and *restrictions: List authority levels and commodities*

3. Personal QUALIFICATION STATEMENT must address:

a. Status of DHS mandatory training and certification at appropriate grade level (applicable for General warrants for GS-1102).

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

c. Maintaining skills currency requirement (applicable for General and SAT warrants).

d. Experience (procurement work history applicable for SAT warrants up to \$100,000).

e. Experience (Narrative describing progressively more responsible contracting experience applicable for General Warrants exceeding \$100,000 up to unlimited).

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

5. The nominee's conflict of interest disclosure statement is on file (applicable to all warrant holders).

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

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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 non-personal 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 Federal Acquisition Regulation ([FAR](#)) [Part 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 after exclusion of sources), the estimated cost/price, delivery schedule, and confirm whether or not the Agency will procure the supplies or non-personal 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 Subpart 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 may be required under [FAR Subparts 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 shall be written in the format shown in [DHS Management Directive \(MD\) 0710.1, Reimbursable Agreements](#). In all cases, the findings required by [FAR 17.503\(b\)](#) shall be discussed with the Agency accepting the MIPR, 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 them 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 cannot 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

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 DD 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 MIPR, 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, a 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 reprocur 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.

l. 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). The procurement office normally processes these documents.

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 that 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 placeholder 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 Operations Facilities of the U.S. Coast Guard, COMDINST M5440.2(series). 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. FBC N/A		3. CONTROL SYMBOL NO. 2896236THA030		4. DATE PREPARED 1/19/96		5. MIPR NUMBER DTCG23-96-X-THA030		6. AMEND NO. 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 <input type="checkbox"/> ARE <input checked="" type="checkbox"/> ARE NOT INCLUDED IN THE INTERSERVICE SUPPLY SUPPORT PROGRAM AND REQUIRED INTERSERVICE SCREENING <input type="checkbox"/> HAS <input checked="" type="checkbox"/> 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				
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 251800				
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			ACCTS STA	AMOUNT		
	69X0201		2/T/601/130/42/0/ED/59201/2526			DODAAD	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-25768

MILITARY INTERDEPARTMENTAL PURCHASE REQUEST (CONTINUATION SHEET)					
1. MIPR NUMBER DTCG23-96-X-THA030		2. AMEND NO. Basic		3. PAGE 2 OF 2 PAGES	
ITEM NO. a.	DESCRIPTION (Federal Stock Number, Nomenclature, Serial Number and/or Drawing No., etc.) b.	QTY c.	UNIT d.	ESTIMATED UNIT PRICE e.	ESTIMATED TOTAL PRICE f.
	<p>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.</p> <p>4. For Category I MIPRs:</p> <p>(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.</p> <p>(b) A copy shall also be sent to (insert name and mailing address of the contracting officer).</p> <p>(c) To ensure effective control of funds and accurate accounting, the following information shall be provided with each SF 1080, 1081, or NAVCOMPT 2277:</p> <p style="padding-left: 40px;">Complete 14 position MIPR number</p> <p style="padding-left: 40px;">Point of contact, telephone, e-mail address</p> <p>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).</p>				

DD FORM 1 OCT 88 448C

EXHIBIT 3

ACCEPTANCE OF MIPR					
1. TO (Requiring Activity Address) (include Zip Code) Name, mailing address, telephone number, and point of contact at Coast Guard procurement office			2. MIPR NUMBER DTCG23-96-X-THA030		3. AMENDMENT NO. 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. <input checked="" type="checkbox"/> ALL ITEMS WILL BE PROVIDED THROUGH REIMBURSEMENT (Category I)					
b. <input type="checkbox"/> ALL ITEMS WILL BE PROVIDED BY THE DIRECT CITATION OF FUNDS (Category II)					
c. <input type="checkbox"/> ITEMS WILL BE PROVIDED BY BOTH CATEGORY I AND CATEGORY II AS INDICATED BELOW					
d. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> ADDITIONAL FUNDS IN THE AMOUNT OF \$ _____ ARE REQUIRED (See justification in Block 13)					
b. <input type="checkbox"/> FUNDS IN THE AMOUNT OF \$ _____ ARE NOT REQUIRED AND MAY BE WITHDRAWN					
13. REMARKS					
14. ACCEPTING ACTIVITY (Complete Address) Servicing Agency's name Mailing address			15. TYPED NAME AND TITLE OF AUTHORIZED OFFICIAL Servicing Agency contracting officer		
			16. SIGNATURE Signature of contracting off		17. DATE Feb 15, 199

Exhibit 4

ACCEPTANCE OF MIPR					
1.(Requiring Activity Address)(include zip code) Name, mailing address, telephone number, and point of contact at Coast Guard procurement office			MIPR NUMBER DTCG23-96-X-THA030		3. AMENDMENT NO. 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. <input type="checkbox"/> ALL ITEMS WILL BE PROVIDED THROUGH REIMBURSEMENT (Category I) b. <input checked="" type="checkbox"/> ALL ITEMS WILL BE PROVIDED BY THE DIRECT CITATION OF FUNDS (Category II) c. <input type="checkbox"/> ITEMS WILL BE PROVIDED BY BOTH CATEGORY I AND CATEGORY II AS INDICATED BELOW d. <input type="checkbox"/> 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. <input type="checkbox"/> 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			d. Total Estimated Price		\$250,000
10 ANTICIPATED DATE OF OBLIGATION FOR CATEGORY II 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) Servicing Agency's name Mailing address			15. TYPED NAME AND TITLE OF AUTHORIZED OFFICIAL Servicing Agency Contracting Officer		
			16. SIGNATURE Signature of Contracting Officer		17. DATE Feb 15, 1996
FORM DD 448-2 PREVIOUS EDITION WILL BE USED UNTIL EXHAUSTED 1 JULY 71					

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RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
U.S. Coast Guard Procurement Site Summary Report For Previous Fiscal Year (FY)

Date Due Annually at COMDT (CG-85): 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 has an active office products recycling program? _____ **Percent**
- B. What percentage of residential housing operated by your procurement site has 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**

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.

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1. Total dollar amount of **desktop accessories** purchased by your procurement site in PREVIOUS FY \$ _____ **and** total number of procurements _____
3. 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.

2. 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.

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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 _____

H. 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.

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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 has an active office products recycling program? _____ **Percent**

B. What percentage of residential housing operated by your procurement site has 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**

COAST GUARD CONTRACT PAYMENT APPROVAL

CONTRACTOR: _____

CONTRACT NO: _____

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 retention: _____

(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