



Department of Defense INSTRUCTION

NUMBER 4105.69

May 12, 1987

Administrative Reissuance Incorporating Change 1, July 8, 1987

ASD(P&L)

SUBJECT: Miscellaneous Procurement Reports

- References:
- (a) DoD Instruction 4105.69, "Miscellaneous Procurement Reports," *April 24, 1986 and the reprint, June 5, 1986 (hereby canceled)*
 - (b) Title 50, United States Code, Sections 1431-1435 (Public Law 85-804), an Act to Authorize the Making, Amendment, and Modification of Contracts to Facilitate the National Defense, August 28, 1958
 - (c) Title 10, United States Code, Section 2313, "Examination of Books and Records of Contractor"
 - (d) Federal Acquisition Regulation (FAR), Part 50, "Extraordinary Contractual Actions," April 1, 1984
 - (e) DoD FAR Supplement Subpart 25.9, "Omission of Examination of Records Clause," April 1984

1. REISSUANCE AND PURPOSE

This Instruction:

- 1.1. Reissues reference (a) to update the Instruction administratively and cancels Report Control Symbol DD-DR&E(A) 597 (formerly DD-I&L(A) 597).
- 1.2. Prescribes the annual report covering extraordinary contractual actions awarded, pursuant to reference (b).
- 1.3. Prescribes the as-required reports of omission of examination of records clause from contracts, as authorized by reference (c).

1.4. These reports are intended to fulfill statutory and managerial data requirements (references (b), (c), (d), and (e)).

2. APPLICABILITY

This Instruction applies to the Military Departments, the Defense Communications Agency (DCA), the Defense Logistics Agency (DLA), the Defense Mapping Agency (DMA), and the Defense Nuclear Agency (DNA) (hereafter referred to collectively as "DoD Components").

3. INFORMATION REQUIREMENTS

The reports shown below shall be submitted to:


Directorate for Information Operations and Reports
Washington Headquarters Services
1215 Jefferson Davis Highway, Suite 1204
Arlington, VA 22202-4302

3.1. Extraordinary Contractual Actions to Facilitate the National Defense (Public Law 85-804 (reference (b))) shall be submitted in duplicate within 45 days of the close of the calendar year, in accordance with instructions provided in enclosure 1. This reporting requirement is assigned Report Control Symbol 4 DD-P&L(A) 597.

3.2. Omission of Examination of Records Clause (10 U.S.) S.C. 2313 (reference (c))) shall be reported in triplicate, in accordance with instructions provided in enclosure 2. This reporting requirement is assigned Report Control Symbol DD-P&L(AR) 1711.

4. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward two copies of implementing documents to the address shown in section 3., above, within 60 days.



Robert E. Cosentino

Enclosures - 2

1. Instructions for Preparing Report on Extraordinary Contractual Actions to Facilitate the National Defense
2. Instructions for Submitting Report on Omission of Examination of Records Clause

E1. ENCLOSURE 1

INSTRUCTIONS FOR PREPARING REPORT ON EXTRAORDINARY
CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (P.L.
85-804) (See Subsection 3.1. of this Instruction)

E1.1.1. All Actions. A master summary of all actions approved or denied under Public Law 85-804 as implemented by the Federal Acquisition Regulation (FAR) shall be prepared in accordance with the attached DD Form 2483. Source data for the master summary shall be obtained from the Final Records of Request for Adjustment supported by the Memorandums of Decision (FAR, Parts 50.1, 50.2, and 50.3), Memorandums of Approval covering the exercise of residual powers (FAR, Parts 50.3 and 50.4), and conform to the recordkeeping requirements set forth in the FAR 50.105 (reference (d)).

E1.1.1.1. Column (1). Data shall be shown separately for actions involving a specific dollar cost (lines 1.a. through f.) and those not involving such cost (lines 2.a. through f.). The titles for types of actions shown on lines 1.a., b., and c. are mandatory. Titles shown for other lines are illustrative only and may be modified as desired. An example of a contingent liability is a contract containing an indemnity clause insuring the contractors from loss due to radiation hazards.

E1.1.1.2. Columns (2), (3), and (4). These columns shall be used to report data for actions that are approved in whole or in part.

E1.1.1.3. Columns (5) and (6). These columns will be used to report data for actions that are denied in their entirety.

E1.1.2. Approved Actions of More Than \$50,000. To comply with the statutory reporting requirement, additional information is needed on approved actions of more than \$50,000. Each contingent liability or advance payment approved under authority of Public Law 85-804 (reference (b)) will be considered to be in excess of \$50,000 for reporting purposes.

E1.1.2.1. The Component Summary of Contractual Actions With Actual or Potential Cost of \$50,000 or More taken, pursuant to reference (b), to facilitate the National Defense, shall be prepared by each DoD Component in accordance with the attached DD Form 2484. List only those approved actions with an actual or potential cost of \$50,000 or more, showing the type of action, the contractor's name, and the

amounts requested and approved. Be sure to include contingent liabilities and advance payments.

E1.1.2.2. One copy of each Final Record of Request for Adjustment supported by a copy of the Memorandum of Decision, and each Memorandum of Approval shall be submitted with the Component summary report. Each Final Record and Memorandum of Approval shall be annotated to indicate the line number of the Component summary on which the action is reported.

Attachments - 2

1. DD Form 2483, "Extraordinary Contractual Action's to Facilitate the National Defense"
2. DD Form 2484, "Summary of Extraordinary Contractual Actions with Actual or Potential Cost of \$50,000 or More"

E1.A1. ATTACHMENT 1 TO ENCLOSURE 1

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (P.L. 85-804) Calendar Year 19 ____				REPORT CONTROL SYMBOL DD-P&L(A)597	
DEPARTMENT OR DOD COMPONENT					
TYPE OF ACTION (1)	ACTIONS APPROVED			ACTIONS DENIED	
	NUMBER (2)	AMOUNT CLAIMED OR REQUESTED (3)	AMOUNT APPROVED (4)	NUMBER (5)	AMOUNT CLAIMED OR REQUESTED (6)
1. ACTIONS INVOLVING SPECIFIC DOLLAR COST					
a. AMENDMENTS WITHOUT CONSIDERATION					
b. CORRECTION OF MISTAKES					
c. FORMALIZATION OF INFORMAL COMMITMENTS					
d. OTHER (Specify by type)					
e.					
f.					
2. ACTIONS NOT INVOLVING SPECIFIC DOLLAR COST					
a. AMENDMENTS WITHOUT CONSIDERATION					
b. CONTINGENT LIABILITIES					
c. ADVANCE PAYMENTS					
d. OTHER (Specify by type)					
e.					
f.					
3. REMARKS					

DD Form 2483, MAY 86

E1.A2. ATTACHMENT 2 TO ENCLOSURE 1

SUMMARY OF EXTRAORDINARY CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF \$50,000 OR MORE Calendar Year 19 ____			REPORT CONTROL SYMBOL DD-P&L(A)597
DEPARTMENT OR DOD COMPONENT			
TYPE OF ACTION (1)	CONTRACTOR (2)	AMOUNT REQUESTED (3)	AMOUNT APPROVED (4)

DD Form 2484, MAY 86

E2. ENCLOSURE 2

INSTRUCTIONS FOR SUBMITTING REPORT ON OMISSION OF
EXAMINATION OF RECORDS CLAUSE

Specific requirements regarding formats and documentation are contained in DFARS 25.9 (reference (e)). The written report to be provided to the Office of the Secretary of Defense for review and transmittal to the Congress should include:

E2.1.1.1. The request letter submitted by the contracting officer through normal acquisition channels to the Secretary of the Military Department or the head of another DoD Component. Unless prevented by security considerations and so explained, the request should contain pertinent details concerning the contract, such as contractor name, product or service performed, place of performance, dollar amount of contract award(s), etc. If any data element or narrative is classified, use the word (CLASSIFIED) in parenthesis in place of the classified data or portion thereof.

E2.1.1.2. The Determination and Findings memorandum or letter signed by the Secretary of the Military Department, head of DoD Component, or designee, approving the omission of examination of records clause.