



TRICARE
MANAGEMENT
ACTIVITY

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS**
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TRICARE ACQUISITION DIRECTIVE

**TAD 01-04, Rev. 000
March 13, 2012**

SUBJECT: Clause Control

- References:
- (a) Defense Federal Acquisition Regulations Supplement, [Subpart 201.304](#), "Agency Control and Compliance Procedures," current edition.
 - (b) Defense Federal Acquisition Regulations Supplement, [Subpart 201.4](#), "Deviations from the FAR," current edition.
 - (c) Federal Acquisition Regulations, [Part 52](#), "Solicitation Provisions and Contract Clauses," current edition.
 - (d) Defense Federal Acquisitions Regulation Supplement, [Part 252](#), "Clauses," current edition.
 - (e) TRICARE Management Activity Acquisition Management and Support Directorate Clause Control Plan, version 2.
 - (f) Defense Federal Acquisition Regulations Supplement, [Subpart 212.302](#), "Tailoring of Provisions and Clauses for the Acquisition of Commercial Items," current edition.

1. **PURPOSE**. This TRICARE Acquisition Directive (TAD) establishes TRICARE Management Activity (TMA) policy for controlling the use of clauses and provisions other than those prescribed by Federal Acquisition Regulations (FAR) or Defense Federal Acquisition Regulations Supplement (DFARS), in accordance with References (a) and (b).

2. **APPLICABILITY**. This TAD applies to all contracting personnel of the TMA acquisition workforce that participate in the procurement of supplies and/or services under the authority of the Head of the Contracting Activity (HCA).

3. **DEFINITION**. For the purposes of this TAD, "Clause" includes provisions and means a term or condition of the type set forth in References (c) and (d).

4. POLICY. It is TMA policy that:

4.1 TMA shall adopt and maintain the Clause Control Plan (Reference (e)), as approved by the Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics) Defense Procurement and Acquisition Policy (OUSD(AT&L)DPAP).

4.2 Contracting Officers shall comply with the requirements and procedures set forth in Reference (e) when reviewing, identifying, or using TMA specific clauses not found in the FAR or DFARS.

4.3 Contract Policy and Pricing Branch (CP&PB) shall establish and maintain an electronic centralized clause control repository and clause book to hold TMA specific clauses.

4.4 CP&PB shall review the Clause Control Plan annually, and update as necessary, to reflect changes in policy or procedures.

4.5 All updates to the Clause Control Plan shall be submitted by the HCA for OUSD(AT&L)DPAP approval through the Director of the Defense Acquisition Regulation Council.

5. RESPONSIBILITIES. See Enclosure 1.

6. EFFECTIVE DATE. This TAD is effective immediately.

Michael P. Fischetti
Director, Acquisition Management and Support

Enclosure

1. Responsibilities

ENCLOSURE 1

RESPONSIBILITIES

1. Head of Contracting Activity. The Head of the Contracting Activity (HCA) shall:
 - 1.1 Review all clause and provision deviations and new certification requirements to determine whether submission to Office of the Under Secretary of Defense, Acquisition, Technology and Logistics, Defense Procurement and Acquisition Policy (OUSD(AT&L)DPAP) is required.
 - 1.2 Approve waiver requests for tailoring of provisions and clauses inconsistent with customary commercial practices, in accordance with Reference (f).

2. Office of General Counsel. The Office of General Counsel shall review requests for deviation, in accordance with Reference (b).

3. Acquisition Policy and Compliance Branch. The Acquisition Policy and Compliance Branch (AP&CD) shall:
 - 3.1 Submit deviations that require OUSD(AT&L)DPAP approval through the Director of the DAR Council.
 - 3.2 Review all approved TRICARE Management Activity (TMA) clauses and deviations to determine if a new TRICARE Acquisition Directive (TAD) is warranted.
 - 3.3 Maintain an electronic clause control repository and clause book.
 - 3.4 Submit updates to the Clause Control Plan to the Defense Acquisition Regulation (DAR) Council for OUSD(AT&L)DPAP approval.

4. Chief/Director of TMA Contracting Offices. Chief/Director shall:
 - 4.1 Review proposed deviations and new certification requirements prior to submission to OUSD(AT&L)DPAP.
 - 4.2 Provide final approval for local clauses.

5. Contracting Officers. The Contracting Officers (CO) shall:
 - 5.1 Identify and report proposed deviations outside of the Federal Acquisition Regulations (FAR) and Defense Federal Acquisition Regulations Supplement (DFARS) and new certification requirements to the chief/director of the local contracting office for review.

- 5.2 Submit the requests for deviation approval to the AP&CD.
- 5.3 Coordinate with the Chairperson of the Board of Review (BOR) to request a BOR.
- 5.4 Insert the TMA approved local clauses into future solicitations and contracts.