



USMC Regional Contracting Office MCIEAST
CUSTOMER GUIDE FOR CONTRACTING

APRIL 2010



RCO Customer Desk Guide



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RCO Customer Desk Guide



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UNITED STATES MARINE CORPS

CUSTOMER GUIDE FOR CONTRACTING RCO - MCIEAST

1. OVERVIEW

1.1 Purpose

The purpose of this guide is to enable the Fund Manager, responsible for submitting Procurement Requests (PRs) on behalf of an activity, to produce a complete, accurate, and funded PR package to the Regional Contracting Office–MCIEAST (MCIEAST-RCO) via PR Builder. This guide provides the tools necessary to empower Customers, Requirements Officials, and Fund Managers to obligate funds for Supply and Service procurements more efficiently, and therefore more effectively support the Warfighter.

This Desk Guide is loaded with links to guidance and various tools such as samples, templates, and checklists that have been developed to assist you in completing your requirements package for upload into PR Builder. These requirements packages are “must-haves” for a successful PR since they are specially prepared with you in mind by your RCO Staff. Our office has extensive experience in this field; they have seen it all, and know what works and what does not. These tools were recommended by them, the best in the business, and are listed at the end of each Section as a quick reference summary for your use.

This Guide is a supplemental resource available for use in conjunction with the Contract Management Process Guide (CMPG) published by Headquarters Marine Corps. Using this Guide will help Requirements Officials complete the critical first step in communicating requirements to the RCO to initiate procurement actions.

The MCIEAST-RCO looks at Requirements and Acquisition Planning as a team effort. We are here to assist you in developing the most accurate requirements package possible to ensure that our customers obtain the appropriate supplies and services. If you have any questions on requirements generation, or the entire procurement process, we are here to help you!



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1.2 Background

Federal regulations are in place to help ensure that the Marine Corps is indeed receiving the best supplies and services for the taxpayers' money, to help our Marines obtain the support they need to help them accomplish their mission, and get them where they need to go and back again. Articulating those requirements effectively in procurement packages to ensure that contracting processes are streamlined as effectively as possible is critical for the timely delivery of goods and services to the Warfighter.

An estimated 90% of all procurement requests are delayed due to inadequate information in the PRs that come through PR Builder. The problem often escalates into a cycle of questions and back-and-forth miscommunications we liken to a “ping-pong effect.” MCIEAST-RCO has taken steps to aid its customers in the development of requirements and appropriate documentation for the submission of Procurement Requests and clearly defined requirements packages.



The best way to reduce this “ping pong effect” is to contact the RCO office Customer Service Representative (Procurement Chief) immediately upon the identification of a possible requirement. The Procurement Chief can provide guidance and support that can greatly reduce the preparation time to develop a full and complete requirements package for submission on PR Builder. Since the Procurement Chief has knowledge about the various procurement requests within MCIEAST-RCO, he may have additional information to help ensure your market research and cost estimation is accurate and complete. Examples of this support include identification of similar requests by other customers, current contracting vehicles that can support the procurement, reviewing draft Statements of Work or Performance Work Statements, as well as providing input on requirement specification and descriptions.

The MCIEAST-RCO Procurement Chief is a resource specifically designated to support you, the Customer. The Procurement Chief can be reached at (910) 451-5182.

1.3 About RCO – MCIEAST

The mission of the MCIEAST-RCO is to contribute to the Marine Corps war fighting excellence by providing timely, innovative and effective procurement support for all customers; and training and mentoring military procurement specialists to create accomplished, independent thinking professionals for expeditionary environments.

MCIEAST-RCO is aligned under Marine Corps Installations East (MCIEAST) Camp Lejeune. RCO's policies and guidance on contracting issues come from HQMC Assistant Deputy Commandant, Installations and Logistics (ADC, I&L) LB (Contracts). MCIEAST-RCO supports Marine Forces Pacific (MFP), Marine Corps Base MCIEAST (Camp Lejeune) and Camp Lejeune Tenant Commands.



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The vast majority of funds received by the MCIEAST-RCO include Operations and Maintenance Marine Corps (OMMC) funds. MCIEAST-RCO can also process requests using other types of appropriations as requested by customers.

[MCIEAST-RCO Command Customers](#)

A list depicting MCIEAST-RCO tenant commands can be found in [Exhibit 1-A](#).

[How MCIEAST-RCO Can Help You](#)

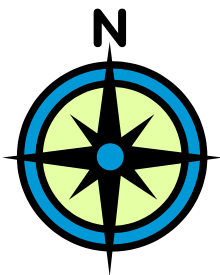
The MCIEAST-RCO is committed to assisting its customers in:

- Improving lead-times for the timely delivery of supplies and services.
- Preparing a complete and accurate requirements package that will initiate the procurement action at MCIEAST-RCO via PR Builder the first time it is submitted.
- Assisting in the development of acquisition strategies that provide the best value to the customer in a timely manner.



Using this guide will help the customer complete the critical first step in communicating your requirement to the RCO to initiate your procurement action.

[Directions to the RCO Office](#)



Our office is located at MCIEAST-RCO is located aboard Marine Corps Base, Camp Lejeune. Our office is located in Building 1116 at the corner of Birch Street & Louis Road

Click [here](#) to obtain specific directions from your location.

[MCIEAST-RCO Points of Contact](#)

For initial procurement requests and general questions, contact the MCIEAST-RCO Procurements at (910) 451-5182. Once your PR request has been approved, you will be provided with a specific Contract Specialist for additional assistance and information regarding your request. Additional MCIEAST-RCO Points of Contact can be found [here](#).

[MCIEAST-RCO Interactive Customer Evaluation](#)

MCIEAST-RCO is always looking for ways to improve its relationship with customers. As such, a specific [Interactive Customer Evaluation](#) to obtain feedback on the quality of personnel and services offered. The evaluation is available on-line or at the RCO offices. MCIEAST-RCO encourages participation and comments on this evaluation to help maintain MCIEAST-RCO as the Contracting Agency of choice in the Pacific!



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1.4 How to Use This Guide

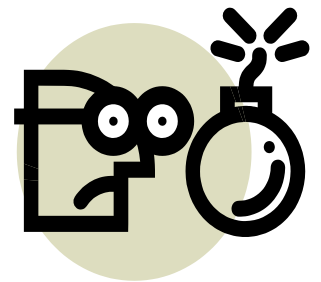
For the web-based version of the guide, each heading and sub-heading of the Table of Contents on the left is bookmarked to take the user directly to the relevant section in this guide.

Throughout the guide, reference is made to the Headquarters Marine Corps [Contract Management Process Guide](#) (CMPG), [Federal Acquisition Regulation](#) (FAR), and [Defense Federal Acquisition Regulation](#) (DFAR) for more information about the specific regulations that are guiding this process. These source documents provide extensive guidance on contract rules and regulations.

This guide will walk the user through the process steps of defining a requirement, providing resources for doing the research to find viable sources and cost data, and completing the necessary documents to actually initiate the PR to MCIEAST-RCO.

1.5 Requirement Forecasting

Timing is everything! In order to ensure requested supplies or services get to the fight on time, it is essential to forecast the effort to allow time for the entire planning team to take the necessary steps to ensure success. Some of these steps include setting aside funding, preparing a solid Requirements Package for your Procurement Request (PR), checking that the contract is legally sufficient and executing the entire contracting process on a schedule to ensure your supplies and services are delivered by the desired date.



As a general rule for new procurement contracts, the processing time increases as the dollar value of a requirement increases. This is attributed to the number of required contract reviews, regulatory provisions, and the documentation necessary to support the award of high-dollar value contracts.

To help the customer with planning acquisition timelines each year, MCIEAST-RCO provides a Base Bulletin of contracting requirements deadlines. This information is provided to ensure that all customers have sufficient lead time to initiate a solid PR fortified with a well thought-out requirements package. No one wants a PR kicked back for lack of information when timing is so critical!

These dates provided are the **last date** to receive a completed PR in order to ensure a successful award prior to the end of the fiscal year. It is critical that the planning and research of requirements is completed sooner to ensure the package can be processed in a timely fashion. By starting the requirements definition and market research as soon as the need is identified it ensures that a complete, fully funded and vetted package is received by the RCO in ample time to solicit, evaluate, and award the contract.



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CATEGORY AND DATE	RECEIPT DEADLINE
<u>Large Contracts</u> > \$5.5 M <i>1 March 2010</i>	Seven months are required to process a requirement prior to award date. These requests require a synopsis (advertisement), solicitation and evaluation. Due date is 1 March 2010 .
<u>Simplified Acquisition Procedures (SAP) \$100k-5.5M</u> <i>Supplies: 2 July 2010</i> <i>Services: 31 May 2010</i>	Three months are required to process a requirement prior to award date. These requests require a synopsis (advertisement) and solicitation. Due date is 2 July 2010 . Four months are required to process a requirement prior to award date. These requests require a synopsis (advertisement) and solicitation. Due date is 31 May 2010 .
<u>Simplified Acquisition Procedures (SAP) \$25-100K</u> <i>16 July 2010</i>	Two and a half months are required to process a requirement prior to award date. These requests require a synopsis (advertisement) and solicitation. Due date is 16 July 2010 .
<u>Simplified Acquisition Procedures Under \$25K</u> <i>2 August 2010</i>	Two months are required to process a requirement prior to award date. Due date is 2 August 2010 .
<u>Funds Transfer</u> (Including Military Inter-departmental Purchase Requests, Determination and Findings (D&F), etc.) <i>2 July 2010</i>	For Economy Act and non-Economy Act orders, up to 2 months is required prior to the transfer of funds. For example, if funds are to be obligated for the 4th quarter of the current fiscal year, a D&F is required by 2 July 2010
<u>Modifications/Options</u> <i>2 August 2010</i>	For modifications/options exercised by this office, two months is required for processing prior to the actual award date. Within the current fiscal year, requirements must be received by the MCIEAST-RCO no later than 2 August 2010 .
<u>Task/Delivery Orders</u> <i>2 August 2010</i>	For task/delivery orders against a single or multiple-award indefinite delivery, indefinite quantity, the MCIEAST-RCO requires a period of two months to process the requirement. Due date is 2 August 2010 .

1.6 Procurement Administrative Lead Time (PALT)

The Procurement Administrative Lead Time (PALT) measures the number of days procurement takes from acceptance of a **ready procurement request** by the RCO to the day of award. The PALT table on the following page demonstrates general lead times for commercial acquisition buys and may be used as a guideline for workload planning by the Contracting Officer and the customer. The PALT table does not take into consideration fiscal year cut-off dates, but rather provides an





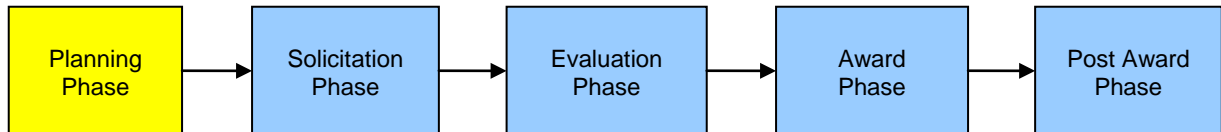
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estimated turnaround time from receipt of a complete procurement package through award.

Dollar Value	Acquisition	Work Days to Award
>\$30 M	Full & Open Competition	6 – 8 months
\$100K - \$29.9M	Full & Open Competition	6 – 7 months
\$100K - \$5M	Seaport-e	60 -120
>\$10M	GSA Schedule Orders	90 -120
<\$10M	GSA Schedule Orders	60 -75
\$25,001-\$100,000	Services	60
\$25,001-\$100,000	Supplies	30 - 60
Under \$25,000	All SAP	30

1.7 Understanding the Acquisition Process

The entire Acquisition process is made up of five phases. This Guide will focus on the most critical one, the Planning Phase, which sets the requirement upon which the entire strategy and execution plan is based. All of the RCO's actions are based on the Fund Manager's input through the Procurement Request.



The Planning Process

The Planning Process is the most critical step in preparing a Procurement Request for submission to the RCO. This phase is where requirements are identified, defined, and requested. Most of this phase is accomplished by the Fund Manager and ends when the PR is accepted by the RCO via PR Builder.



The PR will be accepted by the RCO only if the Requirements Package is submitted with all the necessary documentation to ensure a successful contract award. This guide will provide you with the steps to submit a successful Procurement Request, beginning with defining

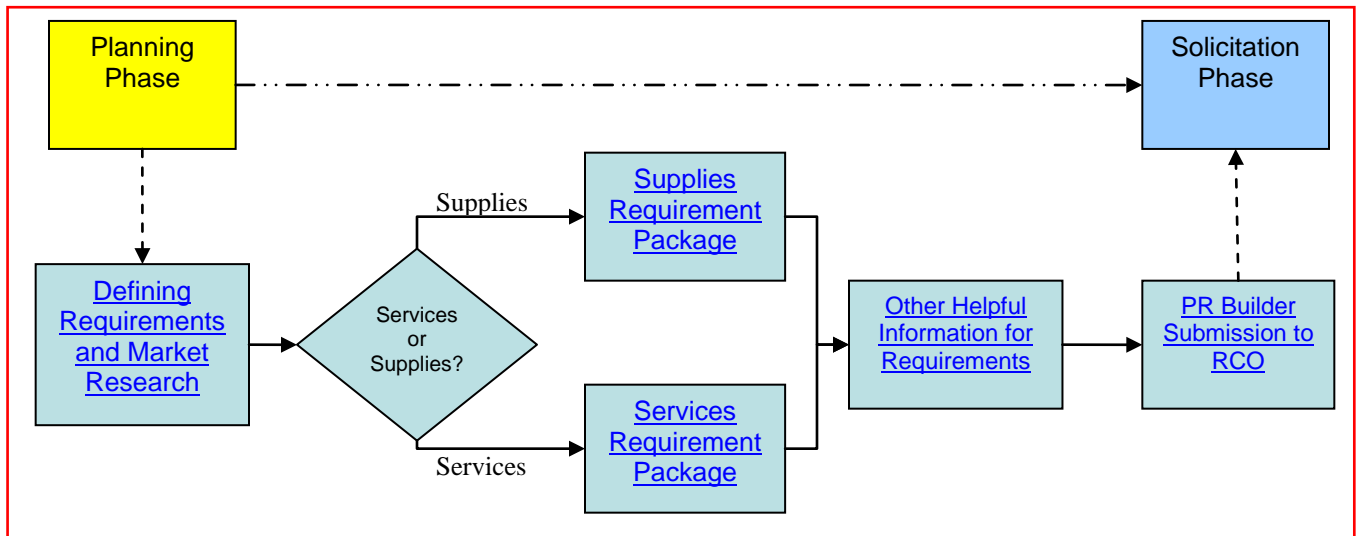


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your requirements, through completing a successful Requirements Package, and ending with submitting the PR via PR Builder to the RCO.

All PRs begin with a Planning phase. The Planning phase, depicted below, shows the necessary steps that must be taken in order to complete the Procurement Request package. Each process step links to the relevant section in this guide, where additional information, checklists, and helpful information can be found.



The very first step in the Planning process is developing an accurate definition of the required supplies or service for use in the preparation of a Requirement Package. If the Contracting Officer is given all possible information related to the product or service, (s)he is more able to come up with a realistic implementation schedule. This first step of the project will set the tone for how smoothly a project will make its way through the acquisition process. **If any of the information is missing, inaccurate, or inadequate, the Contracting Officer cannot begin the acquisition process. The Procurement Request will be returned to the customer for more information and delays will be incurred.** For this reason, a quality Requirement Package is essential to expedite any acquisition process.

Prior to completing a procurement request, certain factors must be considered to ensure the proper supplemental documentation is collected. Certain types of procurements are not processed at MCIEAST-RCO, may be prohibited, or may need a waiver prior to purchase. A flow chart depicting these considerations can be found in [Section 4](#). Once the requirement has been through the process flow, the remaining procurement documents may be prepared.

Two Requirements Package checklists have been developed by MCIEAST-RCO, based on the type of procurement (supplies or services). These Requirement Package Checklists include all the information required depending on the requirement type, and can be found in [Section 5](#) for Supplies and [Section 6](#) for Services. These tools will help ensure that all the necessary



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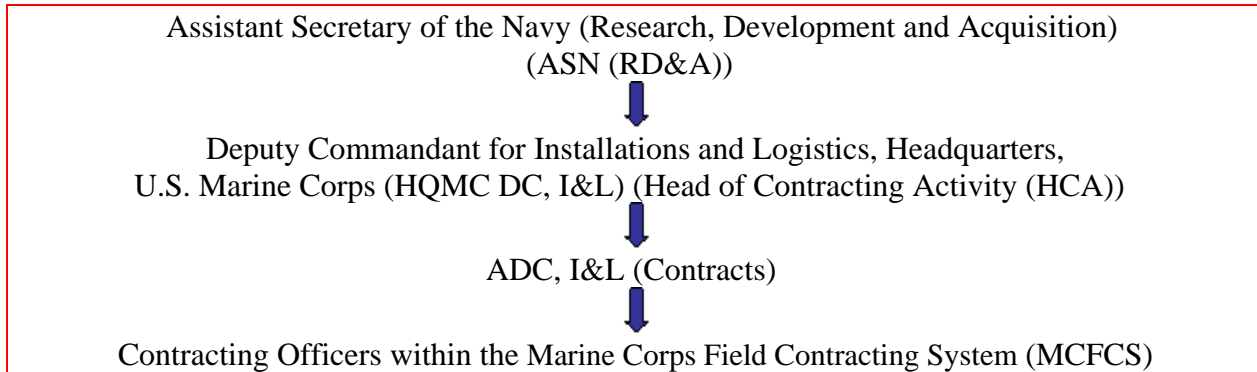
information is included prior to submitting the Procurement Request to the RCO on the proper forms and templates.

Planning Process Team

Acquisition planning is a team effort between the activity customer, Comptroller, Contracting Officer, and Legal Counsel to plan the most timely and efficient means of satisfying a requirement for the requesting activity. This partnership is critical from the earliest stage of developing the procurement request through contract award and administration to close-out. The Fund Manager is critical to this process as (s)he communicates the requirements on behalf of the activity.



The contracting or warrant authority is delegated as shown in the following diagram:



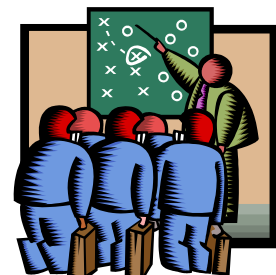
Contracting Officer

All USMC acquisitions for supplies and services are procured through the MCIEAST-RCO Contracting Officer. The contracting officer is the delegated authority by means of a warrant.

Every Contracting Officer has years of specialized training that authorizes him/her to hold a warrant. Warrants explicitly state categories of procurements and dollar thresholds up to which the warranted Contracting Officer may sign on behalf of the Government. A warranted Contracting Officer may execute contracts only up to the amount for which they are warranted, *applicable to the whole contract value* (e.g., inclusive of all options). The Contracting Officer is most knowledgeable about the methods of procurement that will meet the customer's requirement in the timeliest manner, at the best value, and within Federal and Marine Corps regulations.

Procurement Chief

While the Contracting Officer is responsible for issuing the solicitation and subsequent awards, the Procurement Chief is the designated point of contact to support the Customer in the procurement process. This improves communication as the process moves between the various phases and also provides the Customer with key information on the best way to prepare the requirements. The Procurement Chief is knowledgeable in both contracting and requirements perspectives, and is thus a valuable asset to all members.





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Contract Specialist

At MCIEAST-RCO, every requirement is assigned to a Contract Specialist who is the action officer for the requirement from the time it is accepted by the RCO until the date of contract closeout. The Contract Specialist is your primary point of contact once the requirement is accepted by the RCO.

Technical Experts

The Customer's Office includes any technical staff needed to best define the requirements. These other members may be technicians, management, or others within the program that can offer valuable insight to ensure the requirements are accurate and inclusive of all product and service needs.

Comptroller

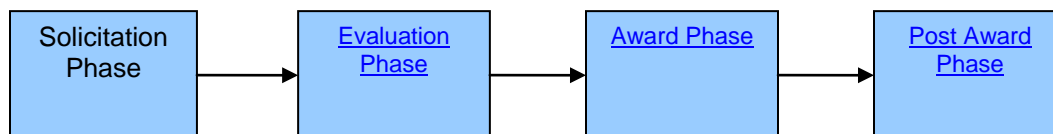
Each activity should consult with the Comptroller months in advance to ensure funds are, or will be, available for the requirement at the time the requirements package is submitted. **The package will not be accepted at RCO through PR Builder if funds have not been authorized for the requirement.** Coordinating the funds authorization is important to the timely acceptance of the customer's procurement package. Funds for the entire project from beginning to end (including option years) must be in the estimated budget for the requirement, however, the PR itself should reflect funding for the base year only.

Office of Counsel

Throughout the contracting process, the Office of Counsel (OC) will review documentation as required in the contract approval process to ensure significant procurements meet legal sufficiency.

After the Planning Phase

After the Fund Manager has submitted all approved requirements documentation in accordance with the contracting type selected, the requirement still has many phases to pass through prior to contract award. These phases are outlined in the flowchart below. Selecting the appropriate phase on the following page will link to additional sub-factors that take place in each phase. Additional information on these phases can be found on the [CMPG](#).



The Solicitation Phase

The objective of preparing the Solicitation is to accurately describe Marine Corps requirements so that all qualified offerors are given the opportunity to respond. This phase of the contracting process includes publicizing the planned procurement; preparing the Solicitation; amending the Solicitation, as necessary; and receiving proposals.



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This section explains the USMC processes for preparing and issuing a Solicitation. The Contracting Office develops the Solicitation in concert with the Fund Manager. The Solicitation will ultimately form the basis of the contract.

The Branch Chief at MCIEAST-RCO reviews every procurement request that comes to RCO for completeness. Upon entering the RCO tracking system in PR Builder, the procurement request is checked to ensure that all essential information -such as a point of contact, a statement of work, and funding- is included in the PR. The request is then routed to the Procurement Technician for final approval and acceptance. If the package is deemed adequate after this review, it is forwarded to the Contract Specialist for continuing actions. Project packages containing inadequate or missing information may be sent back to the customer. An inadequate procurement package results in delays.

The Evaluation Phase

The purpose of the Evaluation phase of the contracting process is to evaluate all proposals received against the evaluation factors set forth in the Solicitation. This analysis will include identifying the strengths, weaknesses, and deficiencies of each response in order to provide a sound basis for an award decision. Although ultimate responsibility for conducting a proper evaluation lies with the Contracting Officer, the Project Officer plays a significant role in evaluations, source selections, and debriefings.

Procurements may be negotiated on either a competitive or sole source basis. Negotiations are exchanges in either environment between the Government and Offeror[s] that are undertaken with the intent of allowing the offer to be revised by the Offeror[s]. These negotiations may include bargaining in the form of persuasion, alteration of assumptions and positions, and/or give-and-take and may apply to price, schedule, technical requirements, type of contract, or other terms of the proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions.

Once proposals are received, safeguards must be taken to protect proprietary information, both technical and cost related, from unauthorized disclosure. This applies to both competitive and sole-source procurements. Contracting Office guidelines and instructions concerning source selection information should be strictly followed.

The Contract Award Phase

The Contracting Officer is primarily responsible for the Award phase. The Project Officer helps identify and nominates a Contracting Officer's Representative (COR), reviews the final contract for compliance with technical requirements, and prepares for participation in post-award debriefings. The Contracting Officer designates the COR, makes applicable pre-award notifications, distributes the contract award, conducts post-award debriefings, and performs reporting of contractual actions.

The Post Award Phase

The Contracting Officer and Project Officer have significant contract administration, program management, and technical responsibilities after a contract has been awarded. This includes



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responding to possible post-award protests, issuing task and delivery orders, processing modifications, and monitoring Contractor performance.



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SECTION 1 EXHIBIT LIST

1-A [MCIEAST-RCO Customer List](#)



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Exhibit 1-A: Camp Lejeune Tenant Commands

- MCIEAST
- II Marine Expeditionary Force
- 2nd Marine Division
- 2nd Marine Logistics Group
- 2nd Marine Expeditionary Brigade
- 22nd Marine Expeditionary Unit
- 24th Marine Expeditionary Unit
- 26th Marine Expeditionary Unit
- MARSOC
- Deployment Processing Command – RSU
- Marine Corps Engineering School
- Joint Maritime Training Center
- School of Infantry – East
- Marine Corps Combat Service Support School
- Naval Hospital Camp Lejeune
- Field Medical Training Battalion – East
- Wounded Warrior Battalion – East
- Civilian Human Resources Office
- Eastern Judicial Circuit
- NCIS Carolinas Field Office



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2. DEFINING YOUR REQUIREMENT

2.1 Who, What, When, Where and Why

Every acquisition begins with this critical first step in the process, which is defining the who, what, when, where, and why of the requirement to the Contracting Officer. As the Requirement Official for the request, one must be able to:

- Identify the program's mission
- Describe the program's relevant history
- Detail the desired scope and requirements, including descriptions, specifications, and other technical information
- Detail the requirement history if applicable
- Provide criteria for proper evaluation and selection of vendor



Requirements for Supplies or Services should be stated in terms of

- Functions to be performed
- Performances required
- Essential characteristics

Be as thorough as possible to avoid having your PR returned for lack of information, or other oversights that could result in unnecessary delays.

Policy Against Contracting Inherently Governmental Functions and Critical Services

A word of caution when considering contracting for services: The Federal Acquisition Regulations ([FAR 7.503\(a\)](#)) states that contracts shall not be used for the performance of inherently governmental functions. The determination of which functions are inherently governmental are the agency's decision, and may be reviewed and modified by the appropriate Office of Management and Budget officials. Examples of these functions are the direct conduct of criminal investigations, the command of military forces (especially those in combat or related to combat), and the approval of any contractual documents. A more detailed list may be found in [FAR 7.503\(c\)](#).

Implementation of this policy shall include procedures requiring the agency head or Requirements Official to provide the contracting officer, as part of the Acquisition Strategy, a written determination that none of the functions to be performed by the contractor are inherently governmental. This is accomplished in the Acquisition Strategy, for procurements less than \$50 Million, or the Acquisition Plan for procurements greater than \$50 Million MCIEAST-RCO staff can assist in making these determinations prior to PR submission.



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2.2 Supplies or Services Requirement

A requirement must first be classified as a supply or service. Procurement of services accounts for approximately 60% of the DoD's procurement spending. To ensure that the Fund Manager is selecting the proper contract type, an easy test to determine the type of PR is listed below.

If equipment is being purchased and will ultimately be owned by the government, then a supply contract should be issued. If the equipment will be retained by the contractor, then a service contract should be prepared.

Supply purchases may include ancillary services, which should not be considered a service procurement. An example of this is furniture procurement. While this is considered a supplies purchase, there may be services required to assemble the furniture and install it. These services are considered ancillary to the furniture purchase and would therefore be considered a supply purchase.

When in doubt about the type of procurement, contact the MCIEAST-RCO Procurement Chief at (910) 451-5182 for additional guidance.



2.3 Market Research

Due Diligence

Before submitting a procurement request to the Regional Contracting Officer, the Customer must do the necessary market research to “see what’s out there” and assess the Supplies or Services that are currently offered in the market, by whom, and at what competitive range in cost. ([FAR Part 10](#)). The result of this market research must be included as part of the procurement package.

In addition to conducting market research for each requirement, it is equally important to provide MCIEAST-RCO with as much information as possible on the product(s) you are requesting. **Pictures, specifications, and diagrams will help ensure that the item you are requesting will be procured.** You are the subject matter expert in the items requested for procurement; thus, it is crucial that you share as much information as possible with RCO. While three proposed sources are preferred, at least one source is required for market research documentation.

Agency Inventory

The first step in determining how to best procure an item is to verify the item is not currently within the supply system or other agency inventory. The easiest way to check this is to visit either the [GSA](#) or [DoD EMALL](#) site. Enter the item name or National Stock Number. If the item is showing as available, then the procurement must be made via the supply center, not RCO. If the item does not appear after the search, then the procurement will be made via MCIEAST-RCO.



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Federally Mandated Sources

Before you go any further, please check the following list of federally mandated sources for satisfying a Government requirement, listed in descending order of priority ([FAR 8.002](#)). These sources must be considered and exhausted before pursuing a contract solution with RCO. A description of the Federally Mandated Sources for both supplies and services are found below.

Federally Mandated Sources for Supplies

- Agency inventories
- Excess from other agencies ([FAR 8.1](#))
- Federal Prison Industries ([FAR 8.6](#))
- Supplies available from the Committee for Purchase from People who are Blind or Severely Disabled (JWOD/NIB-NISH) ([FAR 8.7](#))
- Wholesale Supply Sources, e.g. stock programs maintained by:
 - [General Services Administration \(GSA\)](#) ([See 41 CFR 101-26.3](#))
 - [Multiple Award Schedule contracts](#)
 - [On-line Shopping Service GSA Advantage!](#)
 - [Defense Logistics Agency DLA](#) ([See 41 CFR 101-26.6](#))
 - [Defense Supply Center Columbus \(DSCC\)](#)
 - [DoD EMALL](#)
 - [Military Standard Requisitioning And Issue Procedures \(MILSTRIP\)](#) managed by the Defense Logistics Management Standards Office
 - Department of Veterans Affairs ([See 41 CFR 101-26.704](#))
 - [Military Inventory Control Points, e.g. NAVICP](#)
- Mandatory Federal Supply Schedules ([FAR 8.4](#))
- Optional Federal Supply Schedules ([FAR 8.4](#))
- Commercial Sources (including educational and nonprofit institutions)



Federally Mandated Sources for Services

- Services available from the Committee for Purchase from People who are Blind or Severely Disabled ([FAR 8.7](#))
- Mandatory Federal Supply Schedules ([FAR 8.4](#))
- Optional Federal Supply Schedules ([FAR 8.4](#))
- Federal Prison Industries ([FAR 8.6](#))

[Exhibit 2-A](#) provides the market research checklist necessary to ensure that all government regulations regarding source review have been met. This checklist is included as part of the Procurement Package to be submitted with your request to RCO.

Why Conduct Market Research

Aside from the regulatory reasons for conducting Market Research, there are real benefits to the Customer. Market Research will reveal options for the best practices and prices that the industry has to offer. It can also identify possible socioeconomic opportunities within the community, the types of interested organizations, and the competitiveness within the community for these



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specific requirements. In addition, current industry practices, as well as alternative products and technologies being used, can be evaluated and reviewed prior to issuing a formal solicitation.

Before procuring supplies, the Requirement Official must first check the Defense Federal Acquisitions Regulation Supplement (DFARS) and Procedures Guidance and Information (PGI) [PGI 208.7006](#), which are the Coordinated Acquisition Assignments among the services in the military, to ensure the supplies required are not listed. Each military branch is assigned acquisition responsibility for items that the branch either designed or was assigned sponsored development. The items identified in [PGI 208.7006](#) shall not be procured without first obtaining a waiver from the assigned commodity manager ([DFARS 208.7003-1](#)). These items will be identified by Supply personnel reviewing the procurement package.

Market Research Techniques

Market Research techniques vary from simple efforts -targeted market research, scanning supply schedules, doing online research, and reviewing industry catalogs- to the more in-depth practices of hosting an industry day and/or developing a Request for Information (RFI) document that is posted online and accessible to all vendors.

Some helpful methods for conducting market research can be found in [Exhibit 2-B](#). For all procurement requests, at least one source of supply must be identified.



Customers must be specific in their requirements and specifications to ensure that MCIEAST-RCO has all the necessary information to obtain quotes from qualified sources. Pictures, specifications, and other supporting information is recommended as part of the PR submission.

Some available market research websites are:

- [General Services Administration](#)
- [Small Business Administration](#)
- [Defense Standardization Program](#)
- [Information Technology \(IT\) data](#)
- [ThomasNet](#)
- [DoD EMALL](#)
- [Multi agency contracts](#)

Conference Planning

When hosting a conference, certain rules and regulations must be followed regarding the payment and services that can be offered. The following pages include guidance that will help ensure that no legal conflicts will exist when preparing for a conference.



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[Marine Corps Order 7300.22A, dated 11 February 04](#), requires the documentation of cost analysis of conference location options and an explanation of other decision factors. When planning a conference, consider all costs to be incurred by the Government, whether direct or indirect, including the following:

- Authorized travel and per diem expenses
- Audiovisual and other equipment usage
- Computer and telephone access fees
- Refreshments
- Printing
- Ground transportation

[Marine Corps Order 7300.22A, dated 11 February 04](#), **prohibits Marine Corps activities from charging a conference fee to offset the cost of holding a conference**, or to reimburse or supplement the appropriation from which the conference is funded unless specifically authorized by statute. Note that the DoN has implemented the guidance of a provision in the FY 07 National Defense Authorization Act that provides limited authority to collect fees from individuals and commercial participants attending DoD-sponsored events and credit those fees to agency appropriations or accounts that incurred the event costs when approved; however, the Marine Corps opted not to implement this authority. Therefore, Marine Corps activities that sponsor a conference must fund all costs from mission funds.

GAO provides guidance on using appropriated funding for conferences: [GAO appropriated funding](#). All training must comply with the Government Employees Training Act definition of training in [5 U.S.C. 4101\(4\)](#).

[Memorandum for Distribution dated 12 May 2006 from DoN, ASN \(Financial Management and Comptroller\)](#)

The DoN has provided guidance on the use of appropriated funds to purchase food for events and clarified rules for conference fees. The memorandum states that as a general rule, food is a personal expense for which appropriated funds are not available without legal authority. The following is a list of exceptions in the context of conferences, meetings, and events:

Award Ceremonies: Food may be purchased only if all of the following criteria are met:

- Award recipients are either Federal employees or military members,
- Award recipients are publicly recognized, and
- The authorized DoN official has determined that food materially advances the recognition of the recipient.

Cultural Awareness Ceremonies: Food may be purchased only if all of the following criteria are met:

- The food is part of a formal program intended to advance Equal Employment Opportunity (EEO) objectives and to make the audience aware of the cultural or ethnic history being celebrated,
- The food is a sample of the food of the culture and is being offered as part of the larger program to serve an educational function, and



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- The portions and selection of dishes do not constitute a meal, for which appropriated funds are not available under this exception.

Training

Appropriated funds may be used to cover food costs that constitute a non-severable portion of the registration or attendance fee for a training program. Food costs are non-severable if they are billed as part of the overall costs of the training sessions and the costs cannot be reduced by foregoing the food or by breaking out the food costs as a separate optional item. If food costs are a severable part of the registration fee, appropriated funds are available for such costs only where necessary for the employee to obtain the full benefit of the training. For example, where essential training is conducted during a luncheon session, food may be provided at Government expense. Simply labeling a session as a "training event" is not sufficient; instead, the event must be a substantive program designed to improve trainee and agency performance.

Conferences Sponsored by Non-Federal Entities

- The DoN may pay or provide reimbursement for food purchased as a non-severable, non-negotiable portion of a registration or attendance fee.
- If the cost of the food or meals is severable, appropriated funds are available only to the extent that all of the following criteria are met:
 - The expenditure is necessary to obtain the full benefit of the meeting or conference,
 - Meals and refreshments are incidental to the meeting or conference, and
 - The employee cannot take the meals elsewhere without missing formal discussions, lectures, or speeches that are essential parts of the conference.

Conferences Sponsored by Another Government Agency

The DoN may pay for food for an employee if the criteria for "conferences sponsored by non-Federal entities – severable fee" above are met, and the meeting or conference involves matters of topical interest to multiple agencies and/or nongovernmental participants.

Formal DoN/DoD Conferences

Food may be purchased only if all of the following criteria are met:

- The conference is a formal conference with registration, a published and substantive agenda, and scheduled speakers,
- The conference involves matters of topical interest to actual participants from multiple agencies and/or nongovernmental participants,
- Meals and refreshments are incidental to the overall purpose of the formal conference,
- Attendance at the meal or when refreshments are provided is important to the host agency to ensure the attendees' full participation in essential discussions and speeches concerning the purpose of the conference, and
- The meal and refreshments are part of a formal conference that includes not just the meal and refreshments and discussions or speeches that may take place when the meal and refreshments are served, but also substantial sessions apart from those sessions at which food is served.



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DoN/DoD Supported Conferences Where Food Creates No Additional Cost

Food may be provided at meetings sponsored by DoD to discuss day-to-day operations of the Government, or other Government-sponsored conferences in situations where all of the following criteria are met:

- The meeting is held at an outside facility,
- The cost of the food is a non-severable, non-negotiable portion of the cost of the conference space, and
- The cost of the space is demonstrably priced competitively with facilities at which food is not provided.

Fiscal Policy Associated With Conference Fees

- Although appropriated funds may be used to purchase food, as described in this subsection, a host agency may not charge an official registration or other fee, including for food, to defray the costs of the conference. This is a consequence of the miscellaneous receipts statute, [31 USC Section 3302\(b\)](#), which requires that funds collected for the Government be deposited into the general Treasury (miscellaneous receipts) absent statutory authority to do otherwise.
- Conference organizers may, however, collect personal funds unofficially from participants to purchase snacks and refreshments. Such collections must be truly voluntary, and the funds collected may not be commingled with or augmented by appropriated funds. These unofficial costs are not reimbursable to the attendee/conferee.
- To the extent that meals are provided at Government expense to travelers receiving per diem, the traveler must document receipt of the meal on his or her travel voucher.

Light Refreshments at Conferences

Per [Marine Corps Order 7300.22A dated 11 February 04](#), appropriated funds are not authorized to pay for light refreshments at conferences.

2.4 Sole Source Procurement

If after doing the market research you are unable find at least two sources that can provide your requested supply item or service, you may want to provide a rationale to recommend your project for sole source authorization approval authority.

The criterion to qualify must meet **the legal definition of a sole source procurement, mainly that there is only one responsible source that can provide this product or service.** In your market research, was there more than one responsible source? If your requirement does not meet the legal criteria, then it does not qualify as a Sole Source Procurement, and you will follow the full Requirements Package process as presented in Sections 5 and 6, without additional Sole Source or Justification and Approval documentation. Sole Source Justifications are required on procurements less than \$100,000, and a more detailed Justification and Approval document is required on procurements in excess of \$100,000.



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If the procurement meets the Sole Source criteria, please follow the Sole Source Documentation requirements (See [FAR 6.302-1](#)) on the Requirements Package Checklist in [Section 5](#) for Supplies and [Section 6](#) for Services.

Please note that while the customer may request a Sole Source procurement action, the Regional Contracting Officer will make the final decision.

2.5 Other Than Full and Open Competition

In the course of market research, a customer may find that a supply or service is not widely available. While Contracting Officers promote full and open competition to the maximum extent possible in order to get the best value for taxpayers, under certain circumstances the Contracting Officer may determine that an exception applies. This use of other than full and open competition must be justified, requested, and approved in accordance with [FAR 6.302](#). The market research will demonstrate to the Contracting Officer if this is the case.

The following are exceptions to full and open competition ([CMPG 1.8](#)):

Only One Responsible Source

[[10 U.S.C. 2304\(c\)\(1\)](#), [FAR 6.302-1](#)]

- Unique supplies or services are available from only one or a limited number of sources.
- A follow-on contract for the continued development/production of a major system or highly specialized equipment (or major components thereof) is needed.
- Award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition or unacceptable delays in fulfilling the requirement.
- The agency's need is for a brand name commercial item.

Unusual and Compelling Urgency

[[10 U.S.C. 2304\(c\)\(2\)](#), [FAR 6.302-2](#), [DFARS 206.302-2](#)]

- Unusual and compelling urgency (e.g., fire, flood, explosion, disaster), and
- Delay in award of a contract would result in serious injury (financial or other) to the Government unless competition is limited.

Industrial Mobilization

[[10 U.S.C. 2304\(c\)\(3\)](#), [FAR 6.302-3](#), [DFARS 206.302-3](#)]

- Government finds it necessary to establish or maintain a work force of suppliers or service providers in case of national emergency.
- Government deems it important to retain an expert witness for any current or anticipated litigation or dispute.
- Government requires research capabilities by an educational or other nonprofit institution or a federally funded research.



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International Agreement

[[10 U.S.C. 2304\(c\)\(4\)](#), [FAR 6.302-4](#), [DFARS 206.302-4](#)]

- Acquisition will be reimbursed by a foreign government that requires that the supplies/services be obtained from a particular firm as specified in official written direction, e.g., Letter of Offer and Acceptance.
- A treaty or international agreement between the U.S. and a foreign government or international organization specifies or limits the sources to be solicited.

Authorized or Required by Statute

[[10 U.S.C. 2304\(c\)\(5\)](#), [FAR 6.302-5](#), [DFARS 206.302-5](#)]

- A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source.

National Security

[[10 U.S.C. 2304\(c\)\(6\)](#), [41 U.S.C 253\(c\)\(6\)](#), [FAR 6.302-6](#)]

- Disclosure of the Government's needs would compromise national security.

Public Interest

[[10 U.S.C. 2304\(c\)\(7\)](#), [FAR 6.302-7](#), [DFARS 206.302-7](#)]

- The Secretary of the Navy determines that it is not in the public interest to provide for full and open competition.
- A written determination to use the Public Interest exception must be made by the Secretary of Defense.

Justification & Approval (J&A)

Justification and Approval documentation is required when one of the above cases will not permit full and open competition ([FAR 6.303](#)). The document must be prepared by the Customer on their letterhead, and will require a signature from the Office of Counsel.

A template for the J&A has been included in the Requirements Package documentation checklist for Supplies and Services in Sections 5 and Section 6, [Exhibit 5-E](#).

Use of "Brand Name" and "Brand Name or Equal

In order to ensure maximum competition amongst contractors, the identification of specific brand name products should be avoided. The exceptions to this rule are as follows:

- The particular brand name, product, or feature is essential to the Government's requirements, and market research demonstrates that other companies' similar products, or products lacking that specific feature, will not do;
- The authority to contract without providing for full and open competition can be supported by the required Justification and Approvals (J&A) documentation ([FAR 6.302-1](#)); or the basis for not providing for maximum competition is documented in the J&A ([FAR 13.106-1\(b\)](#)) or justified when the acquisition is awarded using the Simplified Acquisition Procedures (SAP); and



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- The documentation or justification is posted for acquisitions over \$25,000 ([FAR 5.102\(a\)\(6\)](#)).

For **brand name or equal** requirements, the item description *must* be followed by the words “or equal” with a description of the pertinent physical, functional, or performance characteristics of the brand name item that could be satisfied by an “equal” item. Written approval by the Contracting Officer is required to use the **brand name or equal** provision. (See [PGI 211.105](#) and [CMPG 1.7.10](#))

2.6 Prohibited Items

Please verify that the supply items you are trying to procure are not on the List of Prohibited and Special Attention Items below. If your product is on this list, MCIEAST-RCO can only procure these items for you if the appropriate documentation and/or requirements are met, since these are restricted items, and can be procured only through designated contracting officers with the appropriate warrants.

Following this list is additional information about the procurement of Awards, Recognition, and Mementos Guidance ([CMPG SAP 10.4](#))

List of Prohibited and Special Attention Items

Slow Moving Vehicles, Electronic Vehicles, and Forklifts

These vehicles must be procured using Property Funds.

Carpet

Carpet, including its purchase, removal, and installation are prohibited per [Marine Corps Order P10150.1](#). Carpet is considered a part of existing facilities and cannot be altered. The purchase of area rugs is allowed.

Televisions

The purchase of televisions is allowed as long as the size does not exceed 27 inches and cost per unit does not exceed \$325. All other television purchases are prohibited.

Acceptance of goods and services

"Acceptance," which is required for payment, must be performed by a Government official (i.e., acceptance is an inherently governmental function). [FAR 32.905\(c\)](#) requires that documentation authorizing payment include the date the "designated Government official" accepted the supplies or services. Further, The Code of Federal Regulations [CFR 1315.2](#) defines "acceptance" as "acknowledgement by an authorized Government official that goods received and services rendered conform to the contract requirements." A contractor may sign and date receipt for supplies or services, however, the government employee who ultimately receives the item from the contractor will also have to sign and date the receipt signifying that a government employee received the item. Acceptances are done through Wide Area Work Flow (WAWF).



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Ammunition

The purchase of ammunition by any Marine Corps organization other than MARCORSSYSCOM is prohibited. The POC at MARCORSSYSCOM for ammunition requirements can be reached at (703) 432-3740.

Awards

The procurement of awards shall be in accordance with policy and guidelines provided in [MCO 7042.6C](#).)

Appropriated funds may be used to purchase trophies, medals, badges, and medallions (coins) presented as awards recognizing the recipient's significant accomplishments. Appropriated funds may not be used to purchase utilitarian awards; e.g., clothing, uniform items, jewelry, functional weapons, etc. Appropriated funds may not be used to acquire awards and prizes that are negotiable or have marketable cash value; e.g. tickets and gift certificates for sporting events and meals.

Awards issued must be of such nature as to be easily recognized as symbolizing or memorializing a significant accomplishment or event and be of nominal value (\$50.00 or less). The award must contain some notation or inscription of the purpose of the award.

Coins, Command

The procurement of medallions or "coins" shall be in accordance with policy and guidelines provided in [MCO 7042.6C](#). Medallions may be used as awards for significant accomplishments using locally available appropriated funds. General officers in command must authorize any purchase and use of medallions. This approval shall be in writing and filed within the purchase transaction file. The medallions should contain the name of the command presenting the award but may not contain the name of any individual commander. Commands may only purchase enough medallions to meet the bona fide need of the command for each fiscal year.

Conference Room Rental

The rental of a conference room shall be in accordance with [MCO 7300.22A](#). Note: The procurement of refreshments or the inclusion of the cost of refreshments in the conference room fee is prohibited. (See Conferences discussion in Section 2.3.)

Deposits

The use of the purchase card or convenience check for the payment of "deposits" is prohibited. A payment of this type is considered an advance payment, which is prohibited.

Eye Exams for prescription safety eyewear

The use of appropriated funds for civilian eye refraction exam for safety glasses is prohibited. [OPNAVINST 5100.23G](#) states the following "It is a civilian employee's responsibility to obtain an eye refraction exam and secure an accompanying prescription for safety glasses."



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Fees for Guest Speakers, Lecturers, and Panelists

[Deputy Secretary of Defense Memorandum Payment of Fees for Guest Speakers, Lecturers, and Panelists dated 3 April 2007](#) requires approval by the next higher organizational echelon for fees paid by DoD organizations for individuals to conduct speeches, lectures, and presentations in amounts greater than \$2,000. Approval authority for USMC activities is the Head of Activity (HCA) or his/her designee.

Gasoline or oil for DoN vehicles

The purchase of fuel or oil for DoN vehicles is prohibited. Activities must use the Fleet Card. The Fleet Card may also be used for maintenance services of DoN owned or leased vehicles.

Gym Membership

As a general rule, the use of appropriated funds for membership dues, to include Gym Memberships, is prohibited.

Exception: In accordance with [MCO P1100.71A Sect. 2211 Para 2b](#), Marine Corps Districts may obtain unit memberships for the purpose of staff members engaging in Marine Corps mandatory physical fitness programs as required by current editions of [MCO 6100.13](#). This is allowed contingent on the lack of local military or other (school or municipal) facilities reasonably available for the conduct of physical fitness activities. Memberships shall be in the agency's name or the position title of an agency official, rather than in an individual's name.

Key Volunteer Network

Awards of nominal value for volunteers which cannot be construed as personal gifts (items such as charms or other jewelry-type items are considered personal) may be purchased using APF and NAF when "distinctive service" is being recognized. Individuals may be presented plaques, letters, certificates, identifying insignia, or other items for their volunteer service. APF and NAF may be used to purchase awards for volunteers if budgeted and approved by the Commander. Cost of awards shall not exceed \$24 per individual per recognition. Cash awards are prohibited. [MCO 1754.6A](#) Marine Corps Family Team Building and Volunteer information can be found at: http://www.mccscp.com/home/Family-Services/Family_Team_Building.aspx.

Lodging and Meals

Purchase cardholders are prohibited from using their purchase card for the payment of lodging, meals, and/or other travel-related expenses for employees, military or civilian, on temporary duty.

Marine Corps Ball Funding

[MCO 7040.11](#) provides guidance for the use of appropriated funds to support the Marine Corps Ball, which is a two-tiered event with one tier being the official ceremony and the other being the social event (i.e., dinner and dancing).

Official Representation Funds (ORF)

Requirements for ORF shall be in accordance with [DoD Directive 7250.13](#) and [SECNAVINST 7042.7](#). ORF accounts must be set up as a separate account from the cardholder micro purchase



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or method of payment cards. The fourth embossed line of the card should include the words “ORF Account”.

Printing and Duplication

DAPS is the only authorized document reproducer for the DoN. All printing and duplication jobs must go through DAPS. DAPS can most always meet printing and duplication jobs overnight when submitted via the [DAPS online ordering system](#). DAPS does not have the authority to approve a waiver to use commercial print suppliers, only the Government Printing Office (GPO) has this authority [[Section 504, Title 44 USC](#)]. However, if necessary, DAPS will assist with a waiver request to the GPO for requests prior to job completion. All questions concerning definitions of printing, duplicating, etc, should be referred to the DAPS Customer Interaction Center, at 1-877-DAPS CAN or email at: custinfo.daps@dla.mil. Additional information concerning the DAPS online ordering system, distribute and print and other capabilities can be found at the DAPS Website: <http://www.daps.dla.mil/>.

GCPC Cardholders (CHs) are required to use DAPS for all DoN printing requirements. If a waiver is required because DAPS cannot meet the job requirements, DAPS will work with the CH and proper chain of command to submit the waiver request to GPO, prior to job completion.

Recognition Items for Military Recruitment and Retention Purposes

Appropriated funds may be used to purchase recognition items of nominal or modest value for recruitment or retention (including reenlistment) purposes to be presented to members of the armed forces, members of the families of members of the armed forces, and other individuals recognized as providing support that substantially facilitate service in the armed forces. Items may be purchased only if all of the following criteria are met:

- Each recognition item shall be of a value less than \$50.
- Items should be designed to recognize or commemorate service in the armed forces, such as coins, medals, trophies, badges, flags, posters, and paintings. This could include an item displaying the logo of the command in which the individual served, to recognize and commemorate their service.
- Documented justification will be maintained that establishes the basis for the recognition of individual(s) receiving an item.
- Functions conducted for the purpose of presenting such items shall be treated as recruiting functions with the recipients treated as persons who are the objects of armed forces recruiting efforts. As such, appropriated funds may be used to provide small meals and refreshments as provided for in [10 U.S.C. 520c](#) (as a general rule, food is a personal expense for which appropriated funds are not available absent legal authority).

This policy applies only to items procured and distributed under this new authority. It does not apply to existing programs authorized to purchase trinkets (pencils, magnets, computer mouse pads, etc) distributed for recruiting purposes. See [MCO 7040.12](#) Presentation of Recognition Items for Military Recruitment and Retention Purposes dated 3 April 2007 which incorporates DoN Office of the Assistant Secretary (Financial Management and Comptroller) Memorandum dated 9 November 2006 of the same title.



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Uniforms

Uniform items that are part of the sea bag are issued to DoN personnel upon enlistment and are to be replaced by the member with an annual cash allowance. Therefore, sea bag items will not be purchased with Operating Target (OPTAR) funds except as provided below. Organizational or personal protective clothing (such as aiguillettes, special safety shoes, disposable coveralls, etc.) is the property of the organization, remains with the organization and is paid for with OPTAR funds. Organizational clothing and equipment are those individual clothing items on the unit's allowance list that are issued to Marines on a temporary basis to accomplish assigned duties. The Marines are accountable for organizational clothing and issued and will return it upon reassignment. Organizational clothing will be issued only at the discretion of the commander, according to allowances and directives published by HQMC.

Sea bag items can be issued or replaced as work clothing and procured using OPTAR funds for mess management specialists (e.g., tee shirts, trousers, caps, aprons) and for personnel whose work is of a destructive nature to clothing (e.g., cleaning fuel oil tanks, entering boilers, decontamination work) (Ref. [NAVSUPINST 4200.85D](#)). Use of appropriated funds to purchase Physical Training Uniforms is prohibited unless involved in recruit training.

Wearing Apparel

The purchase of clothing is generally prohibited.

The General Accountability Office (GAO) considers clothing items, such as coats, foul weather gear, coveralls, etc., to be a personal expense of the employee, and appropriated funds are not generally available for personal expenses. GAO has stated "every employee of the government is required to present himself for duty properly attired according to the requirements of his position."

Exceptions for clothing are provided in 1) [10 U.S.C. 1593](#), Uniform Allowances, 2) [5 U.S.C. 7903](#), Protective clothing and Equipment, but only if three tests are satisfied, and 3) [29 U.S.C. 668](#) (OSHA) provides the government may provide protective clothing if the agency determines that it is necessary under OSHA and its implementing regulations.

Awards, Recognition, and Mementos Guidance ([CMPG SAP 10.4](#))

The Marine Corps provides recognition in a variety of circumstances, both internal and external to the Marine Corps. The use of appropriated funds is authorized for the formal or informal presentations of items such as medals, plaques, certificates, and pins to military and civilian personnel as long as the purchase and presentation are accomplished in compliance with [NAVSUPINST 4200.85D](#) and other published directives. Awards may also be granted for a variety of specific reasons as authorized by other approved instructions.

Plaques, Ashtrays, Greeting Cards and Other Mementos as Give-Away Items ([CMPG 10.8](#))

Appropriated funds shall not be used to purchase give-away items. All such items are viewed by GAO as personal gifts, for which appropriated fund use is not appropriate. The only exception is when there is a direct connection between a particular give-away item and the purpose for which



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the appropriation was made. Further, it must be determined that the item was essential to the achievement of such purpose.

If a requiring activity has funds, they may be used to purchase mementos (not exceeding \$200 in cost) used in connection with ceremonies, dedications, or official functions. These mementos may not be personal items, but rather Command mementos, such as plaques.



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SECTION 2 EXHIBIT LIST

- 2-A [Generic Market Research Checklist](#)
- 2-B [Market Research Methods and Helpful Hints](#)



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Exhibit 2-A: Generic Market Research Checklist for Any Procurement

Required Sources Checked:

Agency Inventories

___ None available in local or other agency inventories.

Federal Prison Industries/UNICOR

___ Not offered.

 Please check item at GSA Advantage Website for “Mandatory Item Available from UNICOR”.

___ Services not offered.

 Please check at UNICOR website at <http://www.unicor.gov/services/data%5Fservices/>.

___ Not comparable to commercial industry.

___ Clearance attached.

ABILITYONE (NIB/NISH)

___ Not offered.

 Please check item at GSA Advantage Website for “Mandatory AbilityOne Item Available from NIB/NISH.” For services, please see AbilityOne Website at <http://abilityone.org/>.

___ Waiver attached for services.

GSA FSS - Please check at GSA Advantage Website.

 Schedule number(s) _____ checked.

___ Items not available under schedule

___ Items available under GSA FSS number: _____

___ Expires _____

Other Contractual Sources Reviewed:

DOD/DON/IDTC/IDTPO/Local/DRMO

Contract _____

Expires _____

The following attachments are included to assist in the procurement request:

Product Specifications

Pictures of Product

Vendor(s) quote

Other supporting documentation for the procurement request:



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Exhibit 2-B: Market Research Methods and Helpful Hints

- Targeted market research
 - Calling vendors to inquire about their ability to meet a USMC requirement
 - Ensures Small and Disadvantaged businesses are aware of the requirement
 - Enables you to decide if procurement should be reserved or set aside for socioeconomic programs
 - Contact known suppliers
- Online Research
 - Consult the Central Contractor Registration (CCR)
 - Scan Federal Supply Schedules
- Speaking with colleagues
- Benchmarking with other Government Agencies and Contracting Government Experts- review the market research of others
- Attending trade shows, symposia, and conferences
- Reviewing catalogs and trade journals for advertisements, articles on new technology, and benchmark tests
- Sources Sought Notices- conducted by Contracting Officers via Navy Electronic Commerce Online (NECO)
- Requests for Information (RFI)- These request responses from industry for the sole purpose of seeking information (e.g. price, delivery, capabilities, or market information) for planning purposes, without commitment to award a contract or issue a Request for Proposal (RFP) in the future.
- Contact industry without making any commitments, since the Contracting Officer is the only one authorized to do that
- Pre-Solicitation Conferences –conducted by the Contracting Officer with potential offerors to clarify the Government’s requirement, obtain feedback, and promote teambuilding relationships in industry in a single forum.
- Industry Day
- Conducting Site Visits - allows for research to gather information about a particular product or capability.



Accessing internet databases via search engines **keyed to unique terms associated with the subject matter of the source selection.**

- [General Service Administration \(GSA\)](#)
- [Small Business Administration website](#)
- [Defense Standardization Program](#)
- Information Technology (IT) data: [Gartner website](#)
- [ThomasNet](#) Thomas Registry online (for manufacturers, distributors, and service providers):
- [DoD EMALL](#)
- Multi agency contracts: [Interagency Contract Directory](#)



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Market Research Helpful Hints

- Identify the supply or service required including the following:
 - Nomenclature, Unit of issue, Price history per unit, Prior Performance Problems
- Identify the quantities/frequency required.
- Identify mandatory performance standards/characteristics as stated in RFP/RFQ such as:
 - Functions to perform, Performance required, Essential physical characteristics
- Determine whether the item is available from mandatory sources after researching the following areas:
 - Stock, Commodity managed under [FAR/DFARS Part 8](#), NIB/NISH/Federal Prisons. GSA schedules
- Determine whether similar requirements are purchased by other Federal agencies, e.g., VA, USAF, state/local governments. Identify all associations/individuals contracted and results of the discussions with each Federal/state/local agency:
 - Activity name/address, POC name/position, POC telephone/fax number
 - How are similar requirements obtained
 - From whom
 - Unique aspects/performance characteristics
 - Lessons learned
- For each commercial concern/association contracted, provide the following information:
 - Activity name/address, POC name/position, POC telephone/fax number
 - Determine and discuss whether the supply/service is currently available in the commercial market place.
 - Would modifications be required to the commercial item?
 - What are the customary practices regarding customizing, modifying or tailoring of items to meet customer needs and associated costs?
 - Describe mandatory/unique performance commercial standards or characteristics.
 - Describe applicable industry standards/customary practices used to assure quality of the product.
 - Describe any maintenance-related requirements.
 - Describe industry standards for packaging and marking.
 - Describe commercial delivery terms.
 - Distribution and support capabilities of prime/subs including alternative arrangements and cost estimates.
 - What are the commercial warranty terms for repair and/or replacement?
 - Describe significant cost factors to produce item.
 - Describe any applicable unique laws/regulations/terms.
 - Energy efficiency considerations.
 - Does the commercial make use of recovered materials or are only new materials used? In determining whether to permit other than new materials, consider safety of persons or property, specification and performance requirements, price reasonableness, and total cost to the government.
 - Describe size/status of potential sources and whether susceptible to receiving for small business or other socioeconomic programs.



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- Obtain and attach product literature and price lists.
- If market research indicates that commercial or non-developmental items might not be available to satisfy agency needs, the agency is required to reevaluate the need and determine whether the need can be restated to permit commercial or non-developmental items to satisfy the agency's needs. Provide the results of this reevaluation.



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3. MICROPURCHASES

After doing the market research, if you estimated your procurement to be less than \$2,500 for a service and less than \$3,000 for a supply, this is considered to be below the micropurchase threshold. In this range, the method of procurement is the Government-wide Commercial Purchase Card Program (GCPC). This method is similar in nature to a commercial credit charge card, however, it is for official Government use only by authorized agency personnel to purchase supplies and services in support of mission requirements. The GCPC is mandatory for all purchases less than or equal to the micro-purchase threshold. Micro-purchase threshold means \$3,000, with the following exceptions:



- \$2,000 for acquisitions of construction subject to the Davis-Bacon Act
- \$2,500 for acquisitions of services subject to the Service Contract Act

Management of the GCPC program is handled through Supply. The Camp Lejeune point of contact for the GCPC can be reached at (910) 451-7852.



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SECTION 3 EXHIBIT LIST

There are no Exhibits in this Section.



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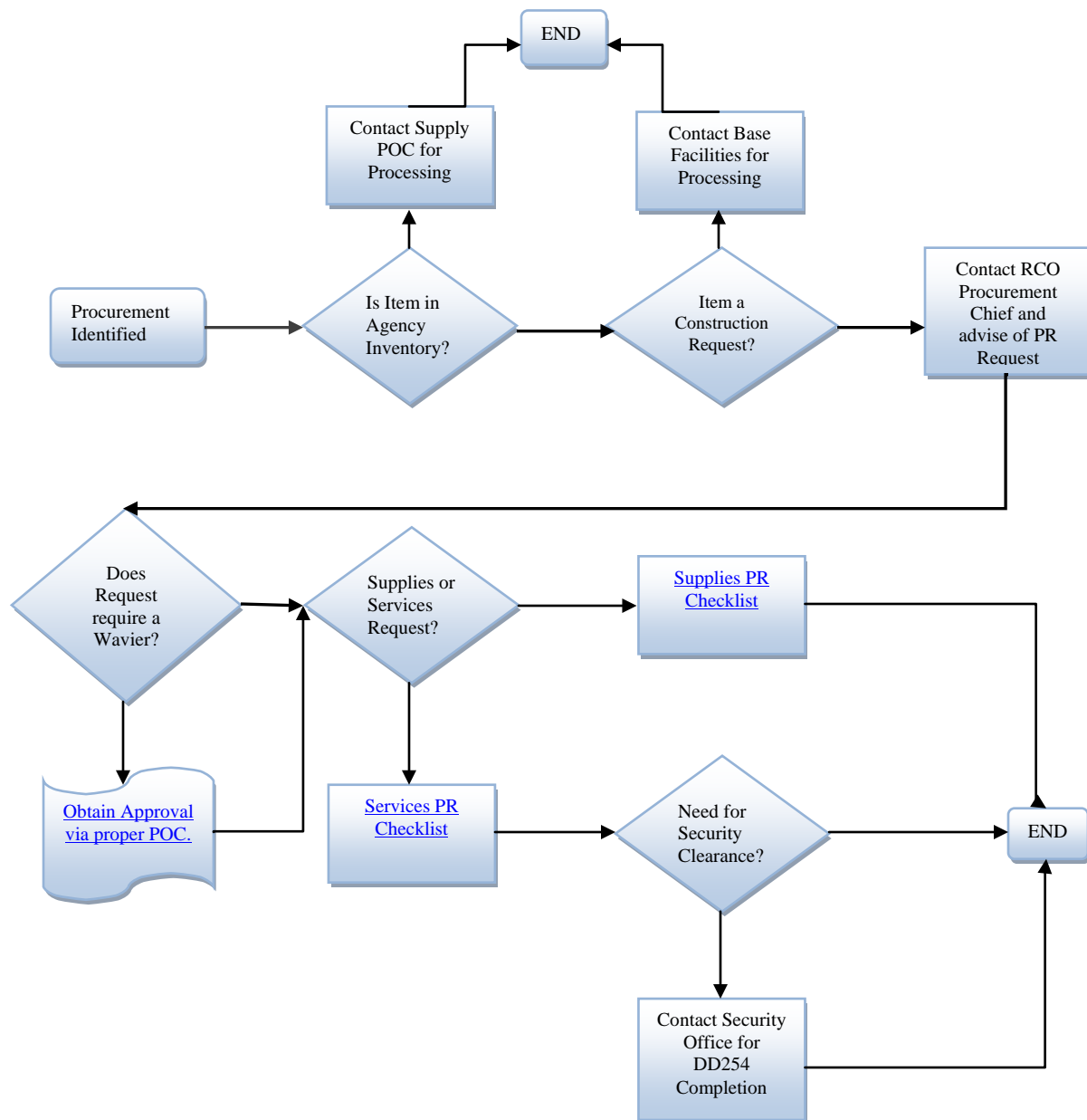
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4. INITIATING PROCUREMENT REQUEST

4.1 Requirements Workflow

Most procurement requests will require no more documentation than the basic Services or Supplies Checklist, however, there are some exceptions. These instances are either not procured by MCIEAST-RCO or require additional documentation in the form of waivers or approval from other locations at Camp Lejeune. When a requirement has been identified, customers are encouraged to review the request against the flowchart below to identify any supplemental documentation that may be required. Each supplemental document has been linked to the template within this Guide for easy reference.





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4.2 Funding Requirements

Prior to submission of any procurement package, funding must be identified and available. Only the base year funding is required for procurements that have option years.

Availability of Funds for Supplies

In some instances, procurement requests for supplies are contingent upon the availability of funds. While these requests may be awarded subject to the availability of funds, often times the delivery/receipt of the supplies is made before the award has been funded.

While [FAR 52.232-18](#) states that there is no legal liability on the part of the Government for any payment until funds are made available to the Contracting Officer for the contract and confirmed in writing, the delivery/receipt of the supplies ordered constitutes a legal liability on the part of the Government.

Because of this liability, supply requests may not be awarded subject to availability of funds unless the following information has been provided:

- Bona Fide Needs Justification for Supplies document submitted.
- The Contracting Officer substantiates the following information in the Bona Fide Needs Justification:
 - The contract action will be funded with the next fiscal year funds and the contract action will be initiated before the funds are available.
 - Delivery of the supplies cannot be made prior to the contract being fully funded.
 - Availability of Funds clause is included in the awarded contract action.
 - The Contracting Officer will provide written confirmation via contract modification when the funds are available.

The Bona Fide Needs Justification template can be found at [Exhibit 4-A](#).

4.3 PR Builder

Every supply or service that you wish to procure by contract must be initiated with MCIEAST-RCO through a Procurement Request (PR). PR Builder is a web-based Procurement Request tool which makes it easy to generate, track, and process PRs and funding documents from anywhere in the world where Internet access is available.

**For Navy procurements, the 1149 Funding Document must be attached in PR Builder. The Field titled "Financial System" must also be changed from SABRS.*

The PR Builder process has many advantages. In addition to being easy to use, PR Builder provides customized workflows and interfaces with SABRS (Standard Accounting, Budgeting, and Reporting System) to automatically commit funds. PR Builder has the capability of interfacing with the DoD contract writing system Standard Procurement System (SPS) which



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saves time by automatically populating CLIN data into the SPS inbox to include funding information. The PR Builder System is a centrally managed solution for the generation of requirements into solicitation documents. It also interfaces with the Standard Accounting, Budgeting, and Reporting System (SABRS) to automate the funds commitment process for all supplies and services to be purchased with a contract.

Once an item has been submitted into PR Builder, it goes through a routing process that can take up to 5 business days. The PR request is submitted via the originator to the Supervisor, who approves the request. The PR is then routed to Supply to double check that items are not available via other agencies, and sent to the Comptroller Office to confirm funding is available. After these approvals, the PR is sent to the RCO Procurement Chief who reviews all of the information. If it passes approval here, then RCO will accept the PR request and begin the process for obtaining the procurement. The PR can be rejected at any time during this process. It is imperative that all requirements and information are documented to ensure the prompt review and approval by all routed personnel.

Gaining Access to PR Builder

Please check with your command's designated PR Builder Workflow Manager to be given access to PR Builder. Once you are cleared, visit <https://www.prbuilder.navy.mil/>, where you will register as a user. Once in the system, you will have access to computer-based training (CBT). You will then be able to submit Procurement Requests (PRs) on behalf of your activity.

PR Builder was designed by the U.S. Navy. The Marine Corps administrator is the U.S. Marine Corps Systems Command. **As such, all questions or comments should be directed to the PR Builder Help Desk directly.** Read more about PR Builder in [CMPG.E-Business 1.1](#).

The Camp Lejeune PR Builder Manager number is (910) 451-1242.

Completing Your Requirements Package in PR Builder

Before a requirements package can be considered complete in PR Builder, the following information must be included:

- An entry for each line item for the submission.
 - Items such as shipping, travel, materials, and labor must have their own line item.
- At least one recommended source of procurement.
 - Even though only one source is required, multiple sources may be specified.
 - If you have obtained a quote or other information that helped to determine the cost for the procurement package, that information should be uploaded as an attachment.
- Select Sole Source as applicable for the procurement.
 - Items such as subscriptions and some unique equipment may only be available through one vendor. If this is the case, make sure the Sole Source box is checked.
 - While Customers can recommend Sole Source procurements, the final decision will be made by MCIEAST-RCO.
- Upload all applicable attachments, justifications, and supporting documentation.



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- Most of these documents will originate from the Supplies or Services Checklist items in [Sections 5](#) and [6](#) respectfully.

PR Builder allows you to provide the required justification and documentation for a PR to be reviewed by the RCO. When accepted, it will allow the package to continue onward into the solicitation process. This documentation is called the Requirements Package and must be uploaded onto PR Builder. Select “Upload Attachments” from the PR Options drop-down on the Menu Bar to include it in the PR.



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SECTION 4 EXHIBIT LIST

4-A [Bonafide Needs Justification](#)



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Exhibit 4-A: Bona Fide Needs Justification

BONA FIDE NEEDS JUSTIFICATION FOR SUPPLIES

(Ref: 77th Fiscal Law Deskbook)

The below form is required to be completed by the requirements generator when a Purchase Request (PR) is to be submitted to the Contracts Office contingent on the availability of funds.

The language annotated in red provides information for the requirements generator to consider when determining the applicability of submitting a requirement subject to the availability of funds. In addition, this information provides guidance to the Contracting Officer for evaluating whether the completed Bona Fide Needs Justification For Supplies form adequately justifies the applicability of awarding the requirement subject to the availability of funds.

Orders may not be pursuant to FAR 52.232-18 Availability of Funds clause unless using next fiscal year funds. This usually applies to 4th quarter actions. Requirements generator must complete and submit this form when the purchase for supplies is subject to the Availability of Funds; i.e. funds will not be available at time of award. The Bona Fide Needs Rules states: The balance of an appropriation of fund limited for obligation to a definite period is available only for payment of expenses properly incurred during the period of availability, or to complete contracts properly made within that period of availability and obligated consistent with 31 U.S.C. 1501. However, the appropriation of fund is not available for expenditure for a period beyond the period otherwise authorized by law. Generally, bona fide needs are determined when the government actually requires (will be able to use or consume to fulfill a requirement) the supplies being acquired. Accordingly, agencies generally must obligate for the fiscal year in which the supplies will be used.

Standard Document Number (SDN):

Date:

List Items to be Purchased:

PART I - JUSTIFICATION

1. Delivery Time: What is the acquisition or delivery lead-time? This aspect of the exception recognizes that the agency has a need for, but cannot obtain the item, in the current FY. If an agency cannot obtain materials in the same FY in which they are needed and contracted for, delivery in the next FY does not violate the Bona Fide Needs Rule as long as the purchase meets the following: (1) the time between contracting and delivery must not be excessive, and (2) the procurement must not be for standard, commercial items readily available from other sources.

Delivery Time: Is this requirement for standard, commercial items readily available from other sources? (See Block 1 above)

3. Production Lead-Time: Can the material/equipment being contracted for be obtained on the open market at the time needed for use? This aspect of the exception permits the agency to consider the normal production lead-time in determining the bona fide needs for an acquisition. Thus, an agency may contract in one FY for delivery in the second FY if the material contracted for cannot be obtained on the open market at the time needed for use, so long as the intervening period is necessary for the production. For example: (1) If the normal lead-time between order and delivery of an item is 45 days, an obligation of FY 2009 funds is appropriate for a delivery on or before a required delivery date of 14 November 2009. (Remember 1 October 2009 is the beginning of FY 2010). This represents the bona fide needs of FY 2009. However, if the government directs the contractor to withhold delivery until after 14 November 2009 there is not a bona fide need for the item in FY 2009 because the necessary lead-time prior to delivery permits the government to order and deliver the item in FY2010. (2) If the government establishes a delivery date for an item that is beyond the normal lead-time and in the next fiscal year, then the government must use funds for the next fiscal year. In the example in (1), the government does not require the item until after 14 November 2009, then the government must use FY 2010 funds.

4. Production Lead-Time: Is the period between contract award and delivery strictly for production of the item? (See Block 3 above)



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5. Stock-levels: What is the authorized or normal stock level for item(s) (including mobilization reserves)? *The stock level exception permits agencies to purchase sufficient supplies to maintain adequate and normal stock levels. The government may use current year funds to replace stock consumed in the current fiscal year, even though the government will not use the replacement stock until the following fiscal year. For example, the government may award a contract to maintain the normal authorized stock levels of repair parts in August 2009 and may require delivery in September 2009, using FY 2009 funds, even if the government knows that the government will not use the repair parts until early October 2000 (i.e., FY2010). Fiscal year stockpiling of supplies in excess of normal usage is prohibited.*

6. Stock-levels: What is the stock on hand? *(See Block 5 above)*

7. Stock-levels: What is the estimated consumption or withdrawals for use? *(See Block 5 above)*

8. Stock-levels: Are there any orders already pending delivery? *(See Block 5 above)*

9. Stock-levels: What is the typical period of time between contract award and delivery? *(See Block 5 above)*

10. Stock-levels: What is the impact to mission if stock is not readily available? *(See Block 5 above)*

Requirements Generator:

Date:

SMU/Supply Officer:

Date:

PART II-DETERMINATION

___ This Supply requirement will be chargeable to funds of the new fiscal year. Additionally, due to circumstances justified above it is appropriate to initiate the contract action before the funds are available.

Fiscal Authorizing Official:

Date:



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5. SUPPLIES REQUIREMENT PACKAGES

This section includes the necessary information to put together your Requirements Package for supplies Procurement Requests.



5.1 PR Requirements Package for Supplies

Market research will give you a good idea of the specific supply item you may need to procure, and an estimated cost. The following checklist provides the required documentation by estimated requirement value. It can also be found in [Exhibit 5-A](#).

SUPPLIES

PR Requirements Package				
#	Document	Exhibit Reference	PR Under \$100K	PR \$100K - \$10M
	Contact the MCIEAST-RCO Procurement Chief upon initial procurement to ensure all required documentation is provided.			
1	Funding Document (PR Document) entered into PR Builder		X	X
2	Statement of Work (SOW), Statement of Objectives (SOO), Performance Work Statement (PWS)	5-B		X
3	Wide Area Work Flow Point of Contact (POC)	5-C	X	X
4	Sole Source Memo	5-D	X	
	Justification & Approval (J&A) (only required if non-competitive)	5-E		X
	Limited J&A when using GSA schedule	5-F		X
5	Market Research Checklist	2-A	X	X
6	Additional waivers or approvals (if applicable)		X	X
	<i>AV Waiver</i>		X	X
	<i>Furniture Approval</i>		X	X
	<i>IT Waiver</i>		X	X

For any procurement over \$10M, contact the MCIEAST-RCO Procurement Chief for additional documentation and support that may be required.

It is very important that pictures, specifications, and supporting documents are included in this package. While the RCO office generates all procurements, it is not the expert on items requested. As such, including as much information as possible in the PR will help ensure an accurate purchase is made.



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5.2 Additional Approvals and/or Waivers

Specific types of procurements require waivers and/or approvals from other offices at Camp Lejeune. These waivers/approvals need to be attached to the PR Builder request. Waivers/approvals will be required for the following supply procurement types:

Audio Visual (AV) Requests

Personnel need to obtain the waiver/approval for all AV requests from Camp Lejeune Combat Camera.

Furniture Requests

Personnel need to obtain the waiver/approval for all Furniture requests from Camp Lejeune Supply.

Information Technology (IT) Requests

Personnel need to obtain the waiver/approval for all AV requests from Camp Lejeune C41 via their website at <https://itprocurement.hqi.usmc.mil/>.

5.3 Statement of Work for Supplies

For Supplies, the Fund Manager needs to convey in the Statement of Work:

- What function the product must perform
 - Principles of operation
 - End item application
- What performance is required
 - Restrictive environmental conditions
 - Intended use
 - Equipment with which the item is to be used
- Essential physical characteristics
 - Common nomenclature (commercial description)
 - Kind of material
 - Electrical data (if applicable)
 - Dimensions, size, capacity
 - Original Equipment Manufacturer (OEM) part number (if applicable)
 - Other pertinent info, as needed

All possible information relating to the user's need should be given to the Contracting Officer, so that the best possible procurement schedule can be planned.



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5.4 Procurement Marine Corps Appropriation

For any one supply item or system that is greater than \$250K, Operations and Maintenance Marine Corps (O&MMC) funds cannot be used, but rather, Procurement Marine Corps (PMC) Funds must be programmed to purchase this item. Examples of items purchased with PMC funds are equipment, weapons and munitions, vehicles, spares, and repair parts. See expense versus investment criteria in the [DoD Financial Management Regulation DoD 7000.14-R Vol. 2A, Ch. 1 Section 010201.D.2.b.](#)

Regardless of the type of funds used for the procurement, the documentation required for each type remains the same.





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SECTION 5 EXHIBIT LIST

- 5-A [Procurement Request Requirements Package Checklist for Supplies](#)
- 5-B [Statement of Work, Statement of Objectives, Performance Work Statement](#)
- 5-C [Wide Area Work Flow Point of Contact Information](#)
- 5-D [Sole Source Memo Sample for Supplies](#)
- 5-E [Justification and Approval \(J&A\)](#)
- 5-F [Limited Source Justification Guidance and Sample](#)
- 2-A [Market Research Checklist](#)



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Exhibit 5-A: Procurement Request (PR) Requirements Package Checklist for Supplies

SUPPLIES

PR Requirements Package				
#	Document	Exhibit Reference	PR Under \$100K	PR \$100K - \$10M
	Contact the MCIEAST-RCO Procurement Chief upon initial procurement to ensure all required documentation is provided.			
1	Funding Document (PR Document) entered into PR Builder		X	X
2	Statement of Work (SOW), Statement of Objectives (SOO), Performance Work Statement (PWS)	5-B		X
3	Wide Area Work Flow Point of Contact (POC)	5-C	X	X
4	Sole Source Memo	5-D	X	
	Justification & Approval (J&A) (only required if non-competitive)	5-E		X
	Limited J&A when using GSA schedule	5-F		X
5	Market Research Checklist	2-A	X	X
6	Additional waivers or approvals (if applicable)		X	X
	<i>A/V Waiver</i>		X	X
	<i>Furniture Approval</i>		X	X
	<i>IT Waiver</i>		X	X



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Exhibit 5-B: Statement of Work, Statement of Objectives, Performance Work Statement

1. Statement of Work (SOW) (Template below)

A traditional SOW includes an outline or architecture of required program elements and often provides “how-to” instructions to ensure the Contractor will satisfy the contract objectives in a specific manner. The key characteristics of a SOW are:

- States required outcomes and describes *how* the Contractor is expected to accomplish desired results.
- Aligns requirements with objectives to follow the correct specification when satisfying objectives
- Typically 30-60 pages in length

2. Statement of Objectives (SOO) (Template below)

A SOO states the overall solicitation objectives, addressing product-oriented goals rather than performance requirements. This provides potential offerors maximum flexibility in developing their design approach, planning their own cost-effective solutions, and proposing innovative alternatives to meet the top-level objectives and product goals. The SOO can also be used, along with the Performance Based SOW, in services acquisitions. When including a SOO in a solicitation, build in extra time into the procurement schedule for source selection, as the possibility of wide variances in both technical and cost proposals may require increased evaluation time. The key characteristics of a SOO are:

- Typically 2-4 pages
- Separates requirements from objectives to have maximum flexibility in design approach.
- Avoids “how-to” statements
- Tends to be product-oriented
- Identifies conditions and constraints

3. Performance-Based SOW, or Performance Work Statement (PWS) (Template below)

A Performance-Based SOW is similar to the traditional SOW but allows for more flexibility in how the contractor will satisfy the contract objectives. This is the preferred format for services acquisitions. The key characteristics of a Performance-Based SOW are:

- Specific and clearly-defined contract goals
- Technical and schedule requirements stated in terms of desired results
- Methods of performance measurement
- clearly established deliverables and other reporting requirements

For more information on Performance-Based Services Acquisitions (PBSA), please reference the [DoD PBSA Guidebook](#), and the [7 Steps to PBSA – Flowchart](#).



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1. Statement of Work (SOW) Template

Tailor all aspects of this template to the individual acquisition and ensure that any template areas providing sample language or instructions (e.g. italicized and/or red language) are deleted prior to submission.

The Statement of Work (SOW) format herein is only meant to be a guide and is not necessarily all-inclusive; as such, contents should be tailored to the requirement. Consult your MCFCS Contracting Officer and the Contract Management Process Guide (CMPG) for further guidance.

You will need to prepare a SOW, for instance, when acquiring a service but not relying on the Contractor's commercial description to define the requirement. In this situation, purchasers are tailoring the commercial services performed by the Contractor (e.g., program management services) to meet a particular Government need (e.g., management of a process improvement program).

Background

Identified as the "Introduction," this section provides information needed to acquaint the reader with the basic acquisition situation. The background information may:

- Identify the requirement in very general terms;
- Describe why the project is being pursued and how it relates to other projects;
- Summarize any statutory authority or regulations affecting the overall requirement; and
- Identify any background materials attached to the SOW.

Objectives

This section should provide a concise overview of:

- The contract effort goals and objectives; and
- How the results or end products will be used.

Scope

Provide a brief statement of what the Government expects to accomplish under the contract-the breadth and limitations of the contract effort. It should not include specific work tasks or a description of deliverable products.

Tasks

Sometimes identified as "Requirements" or "Work Requirements," this section defines the tasks that the Contractor must complete during contract performance. The description of task requirements will depend on the approach selected to describe the required effort.

For a Performance-Based Work Statement, this section should describe requirements in terms of results required rather than the methods used for completing the work. This latitude will permit the Contractor to develop new and innovative ways to complete those tasks.

For a Level of Effort Statement of Work, this section should identify all tasks that must be performed and the hours to be devoted to each task.



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For a Detailed Statement of Work, this section should describe how the service must be accomplished. It may include precise measurements, tolerances, materials, quality control requirements, and other Government requirements that control the processes of the Contractor.

This section must describe requirements in a way that permits Contractor personnel to perform the service without direct Government supervision. Contractor personnel must not be subject to the type of supervision and control usually prevailing between the Government and its employees. For example, a SOW may permit the Government to approve key personnel, but must not permit the Government to approve all personnel performing the service. The SOW should also not include words (e.g., “use methods directed by the **Contracting Officer’s Representative (COR)**”) that appear to indicate that the Government is managing day-to-day operations. Other items to consider:

Specify requirements clearly so that all readers can understand them.

Reference only the absolute minimum applicable specifications and standards needed.

Tailor specifications and other documents.

Separate general information from direction.

Task Example

4.1 Task Areas (Include specific titles of all tasks for required performance.)

Subtask Task 4.1.1 Title as applicable

Subtask Task 4.1.2 Title as applicable

Subtask Task 4.1.3 Title as applicable

4.2 Project Milestones/Completion Dates (Estimates and as applicable)

Task Number	Work Milestones	Projected Completion Date
4.1	Describe in-process milestone as applicable (first for this task)	Date
	Describe in-process milestone as applicable (second for this task)	Date
	Describe in-process milestone as applicable (third for this task)	Date
4.2	Describe in-process milestone as applicable	Date
4.3	Describe in-process milestone as applicable	Date

4.1 Task 1 - Title

Describe the specific service to be provided for this task. Include milestones that are to be accomplished as applicable and as identified on the milestone schedule. Milestones can include such things as preliminary reports or data submittals, attendance at meetings, etc.



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4.2 Task 2 - Title

Describe the specific services to be provided. Include milestones that are to be accomplished as applicable and as identified on the milestone schedule. Milestones can include such things as preliminary reports or data submittals, attendance at meetings, etc.

4.3 Task 3 - Title

Describe the specific services to be provided. Include milestones that are to be accomplished as applicable and as identified on the milestone schedule. Milestones can include such things as preliminary reports or data submittals, attendance at meetings, etc.

Delivery

This section should clearly state:

What the Contractor must deliver. If different tasks have different delivery requirements, they must be clearly identified.

- *When the Contractor must deliver.* This may be stated using actual dates, days after contract award, or using some other method that clearly marks the required delivery date.
- *Where the Contractor must deliver the service.* This may be stated as a location, an organization, a person identified by position (e.g., Contracting Officer's Representative, a person identified by name or using some other description.)
- What documentation (if any) the Contractor must obtain from the Government to verify Government receipt of the delivery.
- Other items to consider: Include any associated review periods or incorporation of Government comments as applicable. Deliverables are different than task completion milestones. Milestones may not require a specific submittal. Include here the schedule for when final products such as data, reports or other items are required to be furnished to the primary requestor.

Example Deliverable Schedule

Deliverable	Description	Quantity/Media	Date Completed
1	Identify the specific deliverable	e.g. 5 printed copies and 3 copies on CD-ROM	dd-mm-yyy
	Government review (as applicable)		dd-mm-yyy
	Resubmit with Government comments	e.g. 5 printed copies and 3 copies on CD-ROM	dd-mm-yyy
2	Identify the specific deliverable	As applicable	dd-mm-yyy
3	Identify the specific deliverable	As applicable	dd-mm-yyy



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Government-Furnished Property, Material, Equipment, or Information (GFP, GFM, GFE, or GFI)

This section should identify any Government-furnished property provided to the Contractor. This includes all Government-furnished property, such as Government-furnished material, equipment, or information. If the list of property is extensive, this section should identify where that list can be found. Before offering to provide any property, make sure that it will be available when required, where required, and in the condition required by the contract. Failure to meet Government-furnished property requirements often lead to a Contractor claim for an equitable adjustment to contract price, delivery, or other requirements. See FAR 45 and CMPG for specific requirements about providing Government-furnished property.

Security

This section should identify any unique security requirements associated with contract performance (when applicable). These requirements may include, but are not limited to, such items as:

- Special pass or identification requirements;
- Special security clearance requirements; or
- Special escort requirements.

Travel

Describe any travel requirements that are to be encountered in the performance of the service(s).

Special Material Requirements

Describe requirements for any special materials that are to be encountered in the performance of the service(s).

Other Unique Requirements

Discuss any other unique requirements or considerations, e.g. - Unique Item Identification (UID) and Radio Frequency Identification (RFID).

Place of Performance

This section should identify where the contract will be performed. If performance will occur at multiple Government locations, this section should indicate which tasks must be completed where. If performance will be at the Contractor's facility, the SOW need only state that requirement.

Period of Performance

The period of performance may be stated using actual dates, days after contract award, or using some other method. If different periods of performance will apply to different tasks, the tasks and related periods of performance should be clearly identified.

SOW Language Tips:

A variety of people with different perspectives and life experiences will read your SOW. Readers typically include Government and industry contracting personnel, managers, technical experts,



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accountants and lawyers. All these readers need to understand the SOW in a clear and concise manner; therefore, language selection is very important.

Below are tips that you should consider when reviewing the SOW:

- Use simple words, phrases, and sentences whenever practical.
- Be concise, precise, and consistent. Keep sentences short and to the point. Normally the longer the sentence, the harder it is to understand.
- Use verbs in the active voice. A verb is in the active voice when it expresses an action performed by its subject. For example, “The Contractor shall report contract progress quarterly.” Conversely, avoid using verbs in the passive voice. A verb is in the passive voice when it expresses an action performed upon its subject or when the subject is the result of the action. For example, “Contract progress shall be reported quarterly by the Contractor.”
- Use “shall” or “must” when writing a requirement binding on the Contractor. Avoid “should” or “may” because they leave the decision on appropriate action up to the Contractor.
- Use “will” to indicate actions by the Government.
- Be consistent when using terminology. Use the same word to mean the same thing throughout your SOW. Avoid using different words to indicate the same type of action.
- Avoid redundancy. At best, requiring the Contractor to do the same thing in different parts of the SOW will add needless words to the SOW. At worst, there may be subtle differences in the requirements that may lead to a dispute during contract performance.
- Avoid vague or inexact phrases and generalizations.
- Avoid catchall and open-ended phrases, such as, “is common practice in the industry,” “as directed,” or “subject to approval.” If you want to give the Contractor an opportunity to use their standard commercial practices, require each offeror to identify its commercial practices in a proposal and then include that proposal as part of the order/contract.
- Define technical terms.
- Avoid using Government jargon. Assure that it is clearly defined whenever jargon must be used.
- Only use “any,” “either,” “and/or,” “etc.” when allowing the Contractor to select an alternative.
- Use abbreviations or acronyms only after spelling them out the first time they are used (e.g., Marine Corps Field Contracting System (MCFCS)). Spell them out even if they are commonly used by the USMC because a commercial Contractor may not be familiar with them.
- Identify the date or version of any document referenced in your SOW.
- Advise readers from industry where they can obtain referenced documents.



2. Statement of Objectives (SOO) Template

1. Purpose:
2. Scope or Mission:
3. Period and Place of Performance:
4. Background:
5. Performance Objectives:
 - 1.
 - 2.
 - 3.
 - 4.
6. Operating Constraints:

Note:

1. A SOO is a short (2 or 3 page) statement of the Contracting Officer's objectives, instead of specific task and is included in an RFP instead of a PWS.
2. The RFP instructs each offeror to write a PWS as a part of its proposal.
3. Offerors propose tasks and standards to achieve Contracting Officer's objectives.
4. The successful offeror's PWS becomes a part of the contract. The SOO is discarded.
5. While this technique relieves the Contracting Officer of the task of preparing a PWS, it greatly increases the work of source selection. Each proposed PWS must be carefully considered and its shortcomings and pitfalls identified and evaluated in terms of the buyers objectives.



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3. Performance Work Statement (PWS) Template

1. Scope. This section includes a brief statement of what the PWS should cover. The scope paragraph defines the breadth and limitations of the work to be done. In some cases, the use of an introduction, background, or both is preferred. Separate indentures under this section are used in PWS to accommodate complex acquisitions requiring lengthy background information. Background information should be limited to only that information needed to acquaint the proposer with the basic acquisition requirement. The items listed below should not be included in the Scope Section.

- a. Directions to the contractor to perform work tasks.
- b. Specification of data requirements.
- c. Description of deliverable products.

2. Applicable Documents. Military handbooks, government instructions, service regulations, technical orders, and policy letters, as a type, are not written in language suitable for contract application. In the event requirements of these documents must be included in a PWS, only excerpts should be used and must be made into either a clear task statement or a clear reference statement for guidance only, and not for contract compliance. Any documents identified in this section of the PWS should have the specific version referenced, i.e. by date or by revision letter.

3. Tasks. Specific work tasks are called for in this section of the PWS.

4. Contractor Quality Assurance. This section specifies requirements for the contractor's inspection system. It specifies particular inspections and tests which the contractor must perform. It specifies particular inspection records which the contractor must maintain. The inspection of services clause in a government service contract requires that the contractor maintain an inspection system that is acceptable to the government. If the buyer has particular requirements for the contractor's inspection system, this section is the place to specify them

Note:

1. There is no specified format.
2. Describe the work in terms of the required results rather than either how the work is to be accomplished or the number of hours to be provided.
3. Enable assessment of work performance against measurable performance standards.
4. Rely on the use of measurable performance standards and financial incentive in a competitive environment to encourage competitors to develop and institute innovative and cost effective methods of performing the work.
5. The Contractor's Quality Assurance Plan is NOT the Quality Assurance Surveillance Plan (QASP).

Exhibit 5-C: Wide Area Work Flow Point of Contact Information

Place on Office Letterhead

(Insert Date)

Control No: (e.g., MCLBA 10052)

Wide Area Work Flow Information

Name:

Phone Number

Email Address:

Include location of where contract performance/service is to be accomplished).

(Sign here) _____

Printed Name: _____

Duty Title: _____



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Exhibit 5-D: Sole Source Memo Sample for Supplies

Sole Source Justification for Simplified Acquisitions over \$3,000 and up to \$100,000 for Supplies

- The supply/material listed on (*insert Purchase Request number*) is available from only one source, and competition is precluded for reasons indicated below. There are no substitutes available for this material.
- Restricted to the following source: (*provide original manufacturer's name*). (*If a sole source manufacturer distributes via dealers, also provide dealer information.*)

Manufacturer:

Manufacturer POC and Phone Number:

Manufacturer Address:

Manufacturer's Dealer/Representative:

Dealer/Representative Address and Phone Number:

- Description of the item required, the estimated cost, and required delivery date.

- Specific characteristics of the material that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

- Check and fill in all that are applicable:

- The material must be compatible in all aspects (form, fit, and function) with existing systems presently installed. Describe the equipment you have now and how the new item must coordinate, connect, or interface with the existing system:



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- A patent, copyright, or proprietary data limits competition. The proprietary data are described as follows:

- These are “direct replacement” parts/components for existing equipment.

- Other information to support a sole-source buy:

I certify that statements checked and information provided above are complete and correct to the best of my knowledge. I understand that the processing of this Sole-Source Justification precludes the use of full and open competition. The required material represents the minimum requirements of the Government.

Project Officer Name/Title	Signature	Date

Contracting Officer Name/Title	Signature	Date



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Exhibit 5-E: Justification and Approval (J&A)

Place on Office Letterhead

(Insert Date)

Control No: (e.g., MCLBA 10052)

JUSTIFICATION AND APPROVAL TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification, I, as *(insert appropriate title; e.g., Navy Senior Procurement Executive; Head of the Contracting Activity; Assistant Deputy Commandant, Installations and Logistics (Contracts); Competition Advocate for the Procuring Activity; or Contracting Officer)*, hereby approve use of other than full and open competition for the proposed contractual action pursuant to the authority of (insert appropriate authority; e.g., [10 U.S.C. 2304 \(c\) \(1\)](#)).

Justification

(Insert content required by [FAR 6.303-2](#), [NMCARS 206.303-2](#) and as noted herein under the appropriate information headings listed below. These headings must be included in every J&A. If a particular heading does not apply, annotate N/A along with brief supporting rationale, unless the reason for nonapplicability is self-evident.)

1. **Identification of Agency and Contracting Activity.**

Specify the agency and contracting activity responsible for this action (e.g., Marine Corps; Marine Corps Logistics Base, Albany, Georgia, Contracts Directorate (Code 892)).

2. **Nature/Description of Action.**

State the nature of the action, e.g., contracting without providing for full and open competition. Note whether approval is being requested for a new contract or a modification. Also include the type of contract being contemplated and rationale. When applicable, describe any planned incentive arrangements for improving contractor performance, including any shorelines, ceilings, performance incentives, award fees, escalation provisions, anticipated profit/fee ranges, or other pricing arrangements.

3. **Description of Supplies/Services.**

Provide a clear and thorough description of what the activity intends to acquire under the resulting contractual action (s).

4. **Identification of Statutory Authority.**

Identify the statutory authority permitting other than full and open competition, followed by the FAR citation title (e.g., [10 U.S.C. 2304\(c\)\(1\)](#)). Only one responsible source and no other supplies or services will satisfy agency requirements.).



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5. Demonstration of the Contractor's Unique Qualifications or Rationale for Use of the Authority Cited.

Describe how this action requires the use of the authority cited. If applicable, identify the proposed or potential contractor(s) and include a discussion of the proposed contractor's unique qualifications for fulfilling the contract requirements. If unusual and compelling urgency is cited, provide data, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

6. Efforts Made to Solicit Potential Sources.

Describe efforts to ensure that offers are solicited from as many potential sources as is practicable. Also describe the extent of effective competition anticipated for this acquisition. Include whether a notice was or will be publicized as required by [FAR 5.201](#) and that any bids or proposals received shall be considered. If a notice will not be published, state which exception under [FAR 5.202](#) applies.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer must make a determination that the anticipated cost to the Government will be fair and reasonable, e.g., "The Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable."

Provide a statement explaining the basis for such a determination (e.g., describe techniques to be used to determine fair and reasonable price such as cost analysis, price analysis, audit, Independent Government Estimate, etc.).

8. Description of Market Research.

Provide a description of the extent and results of the market research conducted to identify qualified sources (see [FAR Part 10](#)). Research must have been meaningful and conducted within the previous 12 months. If market research was not conducted, include a statement of the reason why it was not conducted.

9. Other Supporting Facts.

Discuss any other facts supporting the use of other than full and open competition as described in [FAR 6.303-2\(a\)\(9\)](#).

10. Listing of Interested Sources.

Include a listing of sources that have written to express an interest in the acquisition. Include the basis for determining that any of those sources are not viable competitors. If applicable, clearly state "To date, no other sources have written to express an interest."

11. Actions Taken to Remove Barriers to Competition.

While circumstances may not permit full and open competition for the current acquisition, include a statement of the actions taken, or to be taken, to increase competition (e.g., breakout) in the future.



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12. Statement of Delivery Requirements.

Include a statement of delivery requirements per [NMCARS 5206.303-2](#).

13. Total Estimated Dollar Value of the Acquisition(s) Covered by this J&A.

Identify by fiscal year and appropriation; include options.

14. Class Justification.

If this is a class justification, include the expiration date. The cumulative dollar value of all actions contemplated under the class justification will be used to determine the approval authority for the class justification.

15. Reference to the Approved Acquisition Plan (AP).

Provide the AP number and date it was approved, if applicable.

16. Documentation for Spare/Repair Parts Acquisitions.

If the requirement is for a spare or repair part, address whether or not it has been screened under [PGI 217.7506](#). If it has been screened, provide the Acquisition Method Code (AMC) and Acquisition Method Suffix Code (AMSC). Provide the approximate date the technical data package will be available.

Certifications and Approval

Technical and Requirements Certifications ([FAR 6.303-2\(b\)](#)):

I certify that the supporting data under my cognizance, which is included in this justification, are accurate and complete to the best of my knowledge and belief.

Technical Cognizance:

(Signature) _____ Date _____

Typed Name and Title _____

Requirements Cognizance:

(Signature) _____ Date _____

Typed Name and Title _____



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Contracting Officer Certification ([FAR 6.303-2\(a\)\(12\)](#)):

I certify that this justification is accurate and complete to the best of my knowledge and belief.

(Signature) _____ Date _____

Typed Name and Title _____

Review for Legal Sufficiency ([NMCAG G5206.303-90](#)):

This justification is determined legally sufficient.

(Signature) _____ Date _____

Typed Name and Title _____

Approval

Competition Advocate (Procuring Activity) ([FAR 6.304\(a\)\(2\)](#)):

(Signature) _____ Date _____

Typed Name and Title _____

Competition Advocate of the Marine Corps:

(Signature) _____ Date _____

Typed Name and Title _____

Head of the Contracting Activity or Designee ([FAR 6.304\(a\)\(3\)](#)):

(Signature) _____ Date _____

Typed Name and Title _____



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Exhibit 5-F: Limited Source Justification Guidance and Sample

Limited Sources Justification and Approval Guidance. FAR 8.405-6

(a) Orders placed under Federal Supply Schedules are exempt from the requirements in [Part 6](#). However, an ordering activity must justify its action when restricting consideration—

- (1) Of schedule contractors to fewer than required in [8.405-1](#) or [8.405-2](#); or
- (2) To an item peculiar to one manufacturer (*e.g.*, a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer. Brand name specifications shall not be used unless the particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

(b) Circumstances that may justify restriction cited in paragraph (a)(1) of this subsection include—

- (1) Only one source is capable of responding due to the unique or specialized nature of the work;
- (2) The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures;
- (3) An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(c) Ordering activities shall procure such requirements only if the need to do so is justified in writing and approved at the levels specified in paragraphs (f) and (h) of this subsection.

(d) Except as provided in paragraph (e) of this subsection, when an order contains brand name specifications, the ordering activity shall post the following information along with the Request for Quotation (RFQ) to eBuy (<http://www.ebuy.gsa.gov>):

- (1) For proposed orders exceeding \$25,000, but not exceeding the simplified acquisition threshold, the documentation required by paragraph (f) of this subsection.
- (2) For proposed orders exceeding the simplified acquisition threshold, the justification required by paragraph (g) of this subsection.

(e) The posting requirement of paragraph (d) of this subsection does not apply when—

- (1) Disclosure would compromise the national security (*e.g.*, would result in disclosure of classified information) or create other security risks. The fact that access to classified matter may be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception;
- (2) The nature of the file (*e.g.*, size, format) does not make it cost-effective or practicable for contracting officers to provide access through e-Buy; or



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- (3) The agency's senior procurement executive makes a written determination that access through e-Buy is not in the Government's interest.
- (f) *Orders exceeding the micro-purchase threshold, but not exceeding the simplified acquisition threshold as defined in [2.101](#)*. For proposed orders exceeding the micro-purchase threshold, but not exceeding the simplified acquisition threshold, the ordering activity contracting officer shall document the circumstances when restricting consideration.
- (g) Orders exceeding the simplified acquisition threshold.
- (1) For proposed orders exceeding the simplified acquisition threshold, the requiring activity shall assist the ordering activity contracting officer in the preparation of the justification. The justification shall cite that the acquisition is conducted under the authority of the Multiple Award Schedule Program (see [8.401](#)).
- (2) As a minimum, each justification shall include the following information:
- (i) Identification of the agency and the contracting activity, and specific identification of the document as a "Limited Source Justification."
- (ii) Nature and/or description of the action being approved.
- (iii) A description of the supplies or services required to meet the agency's needs (including the estimated value).
- (iv) Identification of the justification rationale (see [8.405-6\(a\) and \(b\)](#)) and, if applicable, a demonstration of the proposed contractor's unique qualifications to provide the required supply or service.
- (v) A determination by the ordering activity contracting officer that the order represents the best value consistent with [8.404\(d\)](#).
- (vi) A description of the market research conducted among schedule holders and the results or a statement of the reason market research was not conducted.
- (vii) Any other facts supporting the justification.
- (viii) A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made.
- (ix) The ordering activity contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.
- (x) Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for limited sources) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.



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(h) Justification approvals.

(1) For proposed orders exceeding the simplified acquisition threshold, but not exceeding \$550,000, the ordering activity contracting officer's certification that the justification is accurate and complete to the best of the ordering activity contracting officer's knowledge and belief will serve as approval, unless a higher approval level is established in accordance with agency procedures.

(2) For a proposed order exceeding \$550,000, but not exceeding \$11.5 million, the justification must be approved by the competition advocate of the activity placing the order, or by an official named in paragraph (h)(3) or (h)(4) of this subsection. This authority is not delegable.

(3) For a proposed order exceeding \$11.5 million, but not exceeding \$57 million (or, for DoD, NASA, and the Coast Guard, not exceeding \$78.5 million), the justification must be approved by—

(i) The head of the procuring activity placing the order;

(ii) A designee who—

(A) If a member of the armed forces, is a general or flag officer;

(B) If a civilian, is serving in a position in a grade above GS-15 under the General Schedule (or in a comparable or higher position under another schedule); or

(iii) An official named in paragraph (h)(4) of this subsection.

(4) For a proposed order exceeding \$57 million (or, for DoD, NASA, and the Coast Guard, over \$78.5 million), the justification must be approved by the senior procurement executive of the agency placing the order. This authority is not delegable, except in the case of the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting as the senior procurement executive for the Department of Defense.

Limited Source Justification Example

Upon the basis of the following justification, I, as the Contracting Officer, hereby approve issuance of the contractual action described herein based upon the statutory exception(s) to the fair opportunity process pursuant to the authority of the Multiple Award Schedule (MAS) Program (Title [40 USC 501](#), Services for Executive Agencies) and in accordance with Federal Acquisition Regulation (FAR) [Subpart 8.4](#) Federal Supply Schedules (FSS), [FAR 8.405-6](#) Limited Sources Justification and Approval, [FAR 16.505\(b\)\(2\)\(i\) and \(ii\)](#), and the Department of Defense (DoD) FAR Supplement ([DFARS](#)) [208.405-70\(b\)\(2\)](#) and Procedures, Guidance and Information ([PGI](#)) [216.505-70\(1\)](#).

LIMITED SOURCE JUSTIFICATION

1. Identification of Agency and Contracting Activity

The Regional Contracting Office-MCIEAST (MCIEAST-RCO), will acquire the required services described herein on behalf of the (*Name of Command or Activity*), under purchase



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request number (*This number is your PR number, not the previous order number. Need to include PR number.*)

2. Nature and/or Description of Action Being Approved

Exception to the fair opportunity process to procure and install additional High Density Mobile Screen Storage System (HDMSSS) to support the NMMC Art Collection located in Stafford, Virginia. The proposed contractual action entails negotiation and procurement of services on a Firm-Fixed-Price (FFP) basis via a limited source Delivery Order against Warner-Boyd & Associates, Inc.(GSA) FSS contract GS-XXX-XXXXX. The services will be acquired via a new contract to add up to (Need to be specific in your justification on what you are ordering. Rather than stating “up to”, you need to state the quantity of screens that you are ordering.) an additional ten (10) mobile screens to store oversize fragile works of art.

3. Description of Supplies/Services

On 13 September 2008, the RCO-NCR awarded FFP Delivery Order M00XXX-06-F-XXXX with an effective date of 13 September on a competitive basis to Warner-Boyd & Associates on behalf of the NMMC. The aforementioned delivery order provided for the installation of a High Density Mobile Storage System using a modular deck system that involved zero modifications to the rented art storage space. Since the Art Collection is currently stored in a leased space, the Government had to have a system that could be used “as-is”, without having to modify the building to accept the units. Among the modifications the Contractor was not permitted to do to the space, was to drill through the concrete floor, mount anything to the cinder block walls, or cause any breach in the moisture barrier applied to the concrete floor. The Storage System provided by Warner-Boyd was a standalone system that could be used “as-is” without building modifications.

The perimeter of the modular decking system is angled in a manner to minimize trip hazards, facilitate the use of wheeled art carts, and constructed with heavy duty and durable materials (e.g., stainless steel). The surface of the modular deck system is light grey with a slate blue outer surface and is rust and dust proof (e.g. industrial grade rubber or tile). Carpeting is not acceptable. The decking accommodates art carts, which may be loaded with up to 400 pounds of art and which ride on wheels or casters. There is also sufficient space all the way around the system to accommodate access and handling of the art and maintenance of the High Density Mobile Storage System.

The High Density Mobile Storage System incorporates a passive non-electric safety sweeps which provides for additional security and safety for curators working between open carriages. This is also required to prevent injury to hearing-challenged workers or visitors who may not be able to hear the carriages close.

The opening and closing mechanisms are of heavy duty steel and gear assisted. The current High Density Mobile Storage System incorporates steel locks at waist height and also at the carriage deck level. All locks are keyed the same.



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The High Density Mobile Storage System incorporates undercarriage anti-tip technology to minimize danger to personnel and the art collection.

The system can be closed and locked to prevent access to the artwork, and serves as an additional level of security, which is especially important since the Art Collection is stored in a leased facility. When closed, the ends where art is stored should be covered with stainless steel diamond mesh so that the art is secure and that air is able to flow throughout the collection. The top of the closed system prevents and minimizes the potential water damage from the sprinkler system or sprinkler pipes that may leak in the future.

When the system is open, all of the carriages are mobile, can be independently locked, and there is sufficient track and decking length to accommodate two (2) eight (8) foot walkthroughs. This space is critical to enable more than one (1) curator to be able to work on separate projects at the same time.

The High Density Mobile Storage System included the following carriages and art screens. At a minimum, the carriages are constructed using LMT four (4) post heavy gauge steel, an industry standard. Carriage wheels are made of five (5) inch full rolling diameter heavy duty steel, with all wheel saddles matching up with the tracks. The outside wheels will be flanged for precise guidance and to help prevent tipping. The rolling mechanisms must be smooth enough to prevent friction, vibration, or jarring to the art while the carriages and screens are being moved.

(1) Eleven steel carriages measuring 20' wide x 4' deep, x 8' tall, with steel vertical dividers every four (4) feet and three (3) adjustable steel shelves between each set of vertical dividers. Each carriage should be accessible from either side.

(2) One (1) steel carriage measuring 20' wide x 6' deep, x 8' tall, with steel vertical dividers every four (4) feet and two (2) adjustable steel shelves between each set of vertical dividers.

(3) Six (6) steel hanging carriages for fragile art measuring 20' wide x 8' tall, manufactured in a manner that allows canvases and frames to be hung on both sides, some of which weigh nearly 100 pounds each. Provide sufficient hooks or attachment devices to hang 20 paintings on each side of each carriage (20 x 2 sides x 6 carriages = 240 paintings).

(4) Heavy gauge steel rails flush mounted in the modular decking, complete with center carriage support.

4. Identification of Justification Rationale

This acquisition is conducted under the authority of the MAS Program as implemented by [FAR 8.404](#). The statutory exceptions to the fair opportunity process that apply to this section are [FAR 16.505\(b\)\(2\)\(iii\)](#). In accordance with (IAW) [FAR 16.505\(b\)\(2\)\(iii\)](#), the required storage system is a follow-on requirement for additional units to an existing systems that was competitively awarded.



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The additional screens are needed to ensure works of art which are very fragile and oversize can be properly stored in the art storage facility located in Stafford, Virginia. This is a leased space and the High Density Mobile Storage System will need to be moved to the permanent home of the art collection after the building has been completed or if space is identified within the confines of Marine Corps Base (MCB), Quantico, VA, in which case the storage system will be moved. In any case the current system is set up not to damage or impact the space where the art collection is housed in accordance with terms of the lease.

The additional screens are required to complement and work with the current system. Using a different Contractor runs the risk of having a Mobile Screen Carriage system that does not fit or work with the current system. When the time comes to de-install, move and re-install the High Density Mobile Carriage system into new space utilizing two (2) Contractors will require the need to have two (2) separate Contractors move the system in order to maintain the integrity of both systems. This would run the risk of doubling the cost to move the system. There are also the problems that will occur if two (2) different Contractors have installed two (2) different systems that will not work together. The current High Density Mobile Storage System will not accommodate all of the oversize and fragile works in the collection, thus the requirement to install additional screens to accommodate the large size of these works. These works are also awkward, heavy and can be difficult to move. Screens provide surface area to work with the art and insure its safe care. The screens are also an important element in art storage to enable the staff to minimize damage to the art in their care and also themselves.

5. Determination of Fair and Reasonable Cost

Pursuant to [FAR 8.404\(d\)](#), by placing an order against a GSA FSS contract using the procedures in [FAR 8.405](#), the ordering activity has concluded that the order represents the best value and results in the lowest overall cost alternative to meet the Government's needs. In addition, IAW [FAR 8.404\(d\)](#) GSA has already determined the prices of fixed-price products, and rates for services offered at hourly rates, under FSS contract to be fair and reasonable. The Contracting Officer will ensure that all pricing is at or below the established GSA pricing and may seek additional discounts before placing an order. Therefore, it is the Contracting Officer's determination that the anticipated cost to the Government will be fair and reasonable and that the order represents the best value.

6. Description of Market Research

No offer will be solicited from other sources for the reasons described herein. Notices required in [FAR Part 5](#) are not required for [FAR 8.4](#) procurements. Due to the unique and extensive experience by Warner-Boyd & Associates, Inc. with the conditions of installation and the requirement to match the existing system and not impact on the leased space, no other Contractor can reasonably complete the efforts required without extensive duplication of effort and unacceptable delays to the Government. As such, a formal market survey among schedule holders was not conducted; however, based on the on site visits from the original competitive procurement, the majority of the Contractors did not want the added expense and problems of conforming their systems to deal with the conditions of installation required. A review of the FSS contract number GS-28F-1004C was conducted, which identifies the competitive pricing of high density mobile storage systems.



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7. Other Factors Supporting the Justification

Award to any other source would result in a substantial duplication of cost to the Government that is not expected to be recovered through competition, and unacceptable delays in fulfilling the agency's requirements. Since the screens must interface with the existing system, no other Contractor can be considered.

8. Actions Taken to Remove/Overcome Barriers to Meeting the Requirements of FAR 8.405-2

Since the Government already owns the high density mobile storage system and any components that are procured must be compatible with the existing system, there are no actions that can be taken to overcome the competitive barriers.

Technical and Requirements Certifications (FAR 8.405-6(e)(2)(x)):

I certify that the any supporting data, under my cognizance, which is included in this justification, and which form a basis for this justification, are complete and accurate.

Technical/Requirements Cognizance:

Typed Name and Title: Date _____

Approval

Contracting Officer Certification and Approval (FAR 8.405-6(e)(2)(ix) and FAR 8.405-6(f)(1)):

This justification is accurate and complete to the best of my knowledge and belief.

_____ Date _____

_____ Date _____



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6. SERVICES REQUIREMENT PACKAGES

Service requirements are distinct from supply requirements in that these require a level of complexity associated with it that requires more attention and detail than the supply process.



There is inherently more planning and documentation associated with the ongoing assessment of the services requested, requiring the Contracting Officer Representative (COR) function to be part of the services procurement process. Employees who are involved in contracting matters or who work with contractors and contractor personnel need to be constantly aware that certain restrictions may apply to their activities, in order to preserve the integrity of the procurement process critical to the success of working with contractors in our workforce.

6.1 PR Requirements Packages for Services

This checklist for Service PR Requirements Packages can also be found on [Exhibit 6-A](#). Please note that many of the requirement checklist items are the same for supplies and service requirements.

SERVICES

PR Requirements Package				
#	Contact the MCIEAST-RCO Procurement Chief upon initial procurement to ensure all required documentation is provided. Document Name	Exhibit Reference	PR Under \$100K	PR \$100K - \$10M
1	Funding Document (PR Document) entered into PR Builder		X	X
2	Statement of Work (SOW), Statement of Objectives (SOO), Performance Work Statement (PWS)	5-B	X	X
3	Independent Government Cost Estimate (IGCE)	6-B		X
3	Quality Assurance Surveillance Plan (QASP)	6-C	X	X
4	Contracting Officer's Representative (COR) Nomination Letter with COR Training Certificate Attached and Training Site Information	6-D	X	X
5	Wide Area Work Flow Point of Contact (POC)	5-C	X	X
6	Sole Source Memo	6-E	X	
	Justification & Approval (J&A) (only required if non-competitive)	5-E		X
	Limited J&A when using GSA schedule	5-F		X
7	Market Research Checklist	2-A	X	X
8	Additional waivers or approvals (if applicable)		X	X
	<i>DD Form 254: Security Classification Form</i>	6-F		
	<i>AV Waiver</i>		X	X
	<i>Furniture Approval</i>		X	X
	<i>IT Waiver</i>		X	X



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For any procurement over \$10M, contact the MCIEAST-RCO Procurement Chief for additional documentation and support that may be required.

As part of the Requirement Package for Services, a COR Nomination letter and Training Certificate must be provided. **The COR training must occur PRIOR to the submission of an accepted PR.** The COR training information can be found in [Exhibit 6-D](#).

6.2 Additional Approvals and/or Waivers

Specific types of procurements require waivers and/or approvals from other offices at Camp Lejeune. These waivers/approvals need to be attached to the PR Builder request. Waivers/approvals will be required for the following supply procurement types:

Audio Visual (AV) Requests

Personnel need to obtain the waiver/approval for all AV requests from Camp Lejeune Combat Camera.

Furniture Requests

Personnel need to obtain the waiver/approval for all Furniture requests from Camp Lejeune Supply.

Information Technology (IT) Requests

Personnel need to obtain the waiver/approval for all AV requests from Camp Lejeune C41 via their website at <https://itprocurement.hqi.usmc.mil/>.

6.3 Services Performance Work Statement

For services, the Fund Manager should be able to clearly describe

- The support needed
- The duration of the need
- The desired results

All possible information relating to the user's need should be given to the Contracting Officer so that the best possible procurement schedule can be planned.

Performance-Based Acquisition is the preferred way to obtain services, supported by the current DoD policy. This method states what needs to be done, *not how it will be accomplished*. Guidance on writing a Performance-Based Work Statement (PWS) is provided in [Exhibit 5-B](#). Other helpful hints are:

- Measurable performance standards
- Remedies and/or incentives to be included in the PWS to result in quality services
- Strong Quality Assurance Surveillance Plan (QASP)



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The QASP is used to put systematic quality assurance methods in place for the administration of a performance-based contract. It details how and when the Government will survey, observe, test, sample, evaluate, and document Contractor performance according to the PWS. Thus, the QASP is written in conjunction with the PWS.

A QASP should include the following information:

- Purpose
- Performance Standards
- Acceptable Quality Levels (AQLs)
- Incentives
- Procedures
- Management and Oversight
- Methods of Surveillance/Evaluation
- Notification and Response
- Records and Documentation
- Ratings

A Performance Requirements Summary (PRS) summarizes the performance objectives, AQLs, performance standards, surveillance methods, and incentives associated with a Performance - Based Work Statement.



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SECTION 6 EXHIBIT LIST

- 6-A [Procurement Request Requirements Package Checklist for Services](#)
- 5-B [Statement of Work, Statement of Objectives, Performance Work Statement](#)
- 6-B [Independent Government Cost Estimate](#)
- 6-C [Quality Assurance Surveillance Plan](#)
- 5-C [Wide Area Work Flow Point of Contact Information](#)
- 6-D [COR Nomination Letter and Training Certificate](#)
- 6-E [Sole Source Memo Sample for Services](#)
- 5-E [Justification and Approval \(J&A\)](#)
- 5-F [Limited Source Justification Guidance and Sample](#)
- 2-A [Market Research Checklist](#)
- 6-F [DD254 Security Classification](#)



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Exhibit 6-A: Procurement Request (PR) Requirements Package for Services

SERVICES

PR Requirements Package				
#	Contact the MCIEAST-RCO Procurement Chief upon initial procurement to ensure all required documentation is provided. Document Name	Exhibit Reference	PR Under \$100K	PR \$100K - \$10M
1	Funding Document (PR Document) entered into PR Builder		x	x
2	Statement of Work (SOW), Statement of Objectives (SOO), Performance Work Statement (PWS)	5-B	x	x
3	Independent Government Cost Estimate (IGCE)	6-B		x
3	Quality Assurance Surveillance Plan (QASP)	6-C	x	x
4	Contracting Officer's Representative (COR) Nomination Letter with COR Training Certificate Attached (for Service requirements)	6-D	x	x
5	Wide Area Work Flow Point of Contact (POC)	5-C	x	x
6	Sole Source Memo	6-E	x	
	Justification & Approval (J&A) (only required if non-competitive)	5-E		x
	Limited J&A when using GSA schedule	5-F		x
7	Market Research Checklist	2-A	x	x
8	Additional waivers or approvals (if applicable)		x	x
	<i>DD Form 254: Security Classification Form</i>	6-F		
	<i>A/V Waiver</i>		x	x
	<i>Furniture Approval</i>		x	x
	<i>IT Waiver</i>		x	x



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Exhibit 6-B: Independent Government Cost Estimate

Below is a sample IGCE. To ensure that the formulas are calculated properly, complete the IGCE using the attached spreadsheet. This spreadsheet can then be uploaded as part of the PR Package.



Cust DeskGuide
Lejeune IGCE Workbc

Program Name

Project Name

Escalation Rate used for Option Years **3%**

Update information in Red only. All other fields will be calculated automatically.

Total Project Estimated Cost						
	Base Year	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Total
Labor Costs	\$566,900.00	\$583,907.00	\$601,424.21	\$619,466.94	\$638,050.94	\$3,009,749.09
Travel Costs	\$13,800.00	\$13,800.00	\$13,800.00	\$13,800.00	\$13,800.00	\$69,000.00
Material Costs	\$26,500.00	\$26,500.00	\$26,500.00	\$26,500.00	\$26,500.00	\$132,500.00
Other ODC Costs	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$3,000.00
Total Per Year	\$607,800.00	\$624,807.00	\$642,324.21	\$660,366.94	\$678,950.94	\$3,214,249.09

Enter Labor Categories and Costs below. Add additional lines if necessary. 1880 hours are the general standard for full time employment. If personnel will be working OCONUS, rates may be higher and should be considered prior to developing an estimate. Option Year rates need to be escalated in an identical manner each year (typically at 3%)

Base Year Straight Time				Option Year 1		
Labor Category	Hours per Year	Estimated Burdened Rate	Total Cost Per Year	Hours per Year	Estimated Burdened Rate	Total Cost Per Year
Project Manager	940	\$75.00	\$70,500.00	940	\$77.25	\$72,615.00
Engineer I	1880	\$60.00	\$112,800.00	1880	\$61.80	\$116,184.00
Engineer II	1880	\$45.00	\$84,600.00	1880	\$46.35	\$87,138.00
Financial Analyst I	3760	\$48.00	\$180,480.00	3760	\$49.44	\$185,894.40
Logistician	1880	\$34.00	\$63,920.00	1880	\$35.02	\$65,837.60
Editor	940	\$42.00	\$39,480.00	940	\$43.26	\$40,664.40
Add additional lines as necessary here			\$0.00		\$0.00	\$0.00
Straight Time Totals	11280		\$551,780.00	11280		\$568,333.40

Base Year Overtime				Option Year 1		
Labor Categories	Hours per Year	Estimated Rate (1.5x unburdened rate)	Total Overtime Cost Per Year	Hours per Year	Estimated Rate	Total Cost Per Year
Engineer I	180	\$64.00	\$11,520.00	180	\$65.92	\$11,865.60
Financial Analyst I	90	\$40.00	\$3,600.00	90	\$41.20	\$3,708.00



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<i>Add additional lines as necessary here</i>		\$0.00		\$0.00	\$0.00
Overtime Totals	270	\$15,120.00	270		\$15,573.60
Base Year Totals	11550	\$566,900.00	11550		\$583,907.00

Travel Costs. *Travel estimates should be based off of GSA Per Diem and Lodging Rates. Additional considerations, such as flight, rental car, baggage fees, and parking should also be considered for each trip. The Travel cost for the Base Year will be used as an estimate for all future Option Years. Contact the RCO Procurement Chief if travel costs will fluctuate greatly in the Option Years.*

From/To Travel	Number of Days/Nights	Number of Travelers	Number of Trips	Estimated Cost Per Trip	Total Travel Cost to this Location
MCIEAST/Camp Pendleton, CA	4 days/3 nights	2	2	\$1,200.00	\$4,800.00
MCIEAST/Camp Butler, Okinawa	5 days/4 nights	2	1	\$4,500.00	\$9,000.00
<i>Add additional lines as necessary</i>					\$0.00
Total Travel Costs					\$13,800.00

Material Costs. *Include all anticipated material purchases here (to include shipping). The more specific the information, the more accurate the IGCE will be. The Material cost for the Base Year will be used as an estimate for all future Option Years. Contact the RCO Procurement Chief if material costs will fluctuate greatly in the Option Years.*

Material	Unit Price	Quantity	Total Cost per Item
ESRI Software Licenses	\$300.00	5	\$1,500.00
Misc. Cabling	\$1.00	25000	\$25,000.00
<i>Add additional lines as necessary</i>			\$0.00
Total material Costs:			\$26,500.00

Other ODC Costs. *There may be other costs (such as NMCI seats) that may be required to complete all efforts in this Project List any Other Direct Costs (ODC) items below. The ODCs for the Base Year will be used as an estimate for all future Option Years. Contact the RCO Procurement Chief if ODCs will fluctuate greatly in the Option Years.*

Direct Costs	Unit Price	Quantity	Total Cost per Item
NMCI Seats	\$300.00	2	\$600.00
<i>Add additional lines as necessary</i>			\$0.00
Total ODCs:			\$600.00



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Exhibit 6-C: Quality Assurance Surveillance Plan (QASP)

Purpose.

This Quality Assurance Surveillance Plan (QASP) has been developed to provide the standard of surveillance for monitoring the Strategic Planning, Management, and Technical Support Services contract and to provide a systematic approach for conducting the surveillance. The MCWL Contract Support Oversight Manager is currently planned to be _____. The Contracting Officer (CO) will appoint _____ as his/her Contracting Officer's Representative (COR) for this contract. COR Contact information: (xxx-xxx-xxxx)____@usmc.mil. As the COR, _____ will also serve as the Quality Assurance Evaluator (QAE) and will use this QASP to ensure the standards of the contract are being met. The COR/QAE will be referred to as COR throughout this QASP.

Performance Standards.

The QASP provides a systematic method to evaluate the service the Contractor is required to furnish. The COR will assess the Contractor's performance to ensure the Contractor is performing up to the specified standards. The performance standards for this Performance Work Statement (PWS) are stated in the Performance Requirements Summary (PRS) included in this QASP. The standards for this procurement are subjective since specific metric-driven standards are not appropriate.

Management and Oversight.

The QASP is based on the premise that the Contractor and not the Government, is responsible for the management and any Quality Control action required to meet the terms of the contract. The performance requirements recognize that the Contractor is not a perfect manager and that unforeseen requirements and uncontrollable problems do occur. Good management and use of an adequate Quality Control Plan will allow the Contractor to operate within specific performance requirements. QASPs are designed to be objective, fair and consistent in evaluating Contractor performance against the provided standards.

Acceptable Quality Levels (AQLs).

AQLs have been established in the PRS and provide performance standards that the Contractor will meet in performing the contract. In the event the Contractor does not meet the established AQLs, the Contracting Officer has the right to exercise the negative incentives stated in this QASP.

Primary Method of Surveillance/Evaluation.

The COR will perform evaluation based on using one of the various methods outlined in the PRS table included in this QASP. The following methods may be incorporated into the PRS to monitor contract performance:

100% inspection: Inspection where specific characteristics of every performance unit are examined and tested to determine conformance with requirements.

Random inspection: Sampling method in which each unit of the population has an equal chance of being selected.

Customer Surveys and Feedback: A review method where customers and end users are surveyed to provide input on specific service levels.



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Negative Incentives.

If any of the performance requirements does not meet the AQL set in the PRS table, the COR shall document the discrepancy(s) and shall notify the Contractor promptly, and the Contracting Officer, on a monthly basis, for appropriate action. When the performance is below the AQL standard, the Government may implement a negative incentive that includes increased surveillance and/or Contractor reporting, as well as, documentation on the Contractor's Performance Assessment Reporting System (CPARS).

Notification.

The COR will notify the Contracting Officer, in writing, of unacceptable quality levels. The Contracting Officer will promptly provide written notification of discrepancies on a monthly basis, or immediately if the situation significantly affects the well-being of the project. The Contractor will be given the opportunity to respond, in writing, to each discrepancy.

Response.

The Contractor shall provide a written response to the cause and the corrective action to prevent recurrence within 10 working days after receipt of Contracting Officer's notification. The Contractor should cite specific quality assurance program procedures or new procedures instituted to prevent recurrence.

Records.

The COR will maintain contract surveillance files as directed by the Contracting Officer. Surveillance files will include, in part, the following documentation for this Cost-Plus-Fixed Fee contract:

- a. COR designation and appointment letters.
- b. A copy of the contract and all contract modifications.
- c. Copies of all Task/Delivery Orders,
- d. QASP and any other tools, checklists, etc.
- e. All correspondence including Contracting Officer notifications and the Contractor's responses.
- f. Contractor monthly status reports.
- g. Evidence of satisfactory performance provided by Project Officers monthly.
- h. Evidence of cost monitoring: invoices certified and tracked against any contract and/or order ceilings.
- i. Evidence that all materials/equipment obtained under any task order is accounted for and remains in Government possession.
- j. Quarterly technical reviews.
- k. Surveillance reports and a summary of the Surveillance Logs will be prepared by the COR, and submitted to the Contracting Officer annually.
- l. Out-of-cycle reports may be submitted in support of unacceptable performance identified during the performance period by the COR, or when there is a significant change in performance that alters the assessment in one or more evaluation areas.
- m. Annual in-progress reviews will be conducted and entered into CPARS.

Ratings.

The following criteria will be used for performance evaluations: Exceptional, Satisfactory, Marginal, or Unsatisfactory. Upward or downward arrows may be used to indicate an improving or worsening trend insufficient to change to the assessment status.



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Exceptional. Indicates performance clearly exceeds contractual requirements. The area of evaluation may contain a few minor problems for which corrective action appears highly effective.

Satisfactory. Indicates performance clearly meets contractual requirements. The area of evaluation contains some minor problems for which the corrective actions appear satisfactory.

Marginal. Indicates performance meets contractual requirements. The area of evaluation contains one or more serious problems for which corrective actions have not yet been identified, appear only marginally effective, or have not been fully implemented.

Unsatisfactory. Indicates the Contractor is in danger of not being able to satisfy contractual requirements and recovery is not likely in a timely manner. The area of evaluation contains one or more serious problems for which the corrective actions appear ineffective.

Documentation.

Documentation used and referenced to perform surveillance will consist of monthly reports, Contractor plans and procedures, schedules, customer feedback and contract data requirements.

Recording Observations. Use Surveillance Logs to record information on scheduled observations and deficiencies noted. Each observation is recorded on the log. The documents then become a formal record for reference. The Contractor is to be told each time that a deficiency is found during scheduled observations. The COR makes a notation on the Surveillance Log of the date and time the deficiency was discovered, and subsequently requests that the Contractor initial the notation, documenting notification of the deficiency only.

Potential Unacceptable Performance. The COR must identify the specific service that is unacceptable and the possible causes, and ask a number of questions which if answered, will probably pinpoint the source of the problem.

Documenting Unacceptable Performance. The COR must attempt to resolve the problem with the Contractor. The original log and the attempted solution (along with an evaluation of results) are forwarded to the Contracting Officer through the COR.

Based on the severity of the discrepancy and the success of the solution, the COR will notify the Contracting Officer. The Contractor shall complete a response to the unacceptable evaluation if requested by the Contracting Officer or by its own choice.

Taking Action.

The COR may evaluate the Contractor's performance and document any non-compliance, but only the Contracting Officer may take action against the Contractor for an unacceptable rating.

When the Contractor's performance is unacceptable and a formal action is indicated, the COR will determine what action is appropriate for the specific circumstances and make a recommendation to the Contracting Officer.

Documentation.

The COR retains a copy of all inspection schedules and surveillance activity logs during the course of the contract, and forwards them for inclusion in the contract file at the end of the surveillance period. However, when a specific service becomes unsatisfactory during a surveillance period, the inspection



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documentation supporting the contract discrepancy report is promptly forwarded to the Contracting Officer.

Performance Requirements Summary (PRS).

The performance standards for this PWS are stated in the PRS below.

Objective	Standard	Inspection, Type and Frequency	Incentive
Program Management Support	<ul style="list-style-type: none"> • Responsive • Thorough • Comprehensive • Complete • Timely 	<ul style="list-style-type: none"> • Random sampling • Monthly reports • Project officer feedback on the monthly reports • Quarterly reviews • Continuous review Observation 	<ul style="list-style-type: none"> • Option Exercise • CPARS Report
Engineering & Analytical Support	<ul style="list-style-type: none"> • Current • Accurate • Complete • Responsive • Scientifically supportable • Experimental design 	<ul style="list-style-type: none"> • Random sampling • Monthly reports • Project officer feedback on the monthly reports • Quarterly reviews • Continuous review Observation 	<ul style="list-style-type: none"> • Option Exercise • CPARS Report
IT support <ul style="list-style-type: none"> • Market research • Analysis • Recommendations • Training • Graphic design • Field support 	<ul style="list-style-type: none"> • State of-the-art • Effective • Compatible • Current • Innovative • Efficient • Responsive • Timely 	<ul style="list-style-type: none"> • Random sampling • Monthly reports • Project officer feedback on the monthly reports • Quarterly reviews • Continuous review Observation 	<ul style="list-style-type: none"> • Option Exercise • CPARS Report
Contract Management	<ul style="list-style-type: none"> • Cost Control • Efficient use of resources • Adherence to schedule 	<ul style="list-style-type: none"> • Accuracy of budget estimates vs. actual costs • Travel is not abused and best rates acquired • ODCs are in scope; maintain log and receipts • Account for materials and GFE/M/I 	<ul style="list-style-type: none"> • Option Exercise • CPARS Report



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Exhibit 6-D: Contracting Officer's Representative (COR) Nomination Letter

MEMORANDUM FOR: *Name, address*

ATTN: *Office name, Office address*

SUBJECT: NOMINATION OF CONTRACTING OFFICER'S REPRESENTATIVE (COR)
FOR CONTRACT M00027-0X-C-XXXX

Ref: (a) [DFARS 201.6](#) Contracting Authority and Responsibilities
(b) [FAR 37.1](#) Service Contracts

THIS FORM IS IN THREE PARTS. ALL PARTS MUST BE COMPLETED AND THE FORM SIGNED BY THE NOMINEE'S PROJECT OFFICE COMMANDING OFFICER (OR DESIGNEE).

PART I: NOMINATION OF INDIVIDUAL

The following individual is hereby nominated to perform the duties of COR on Contract M00027-0X-C-XXXX.

COR NAME: _____
COMPLETE OFFICE SYMBOL: _____
TELEPHONE NUMBER: _____

PART II: QUALIFICATIONS OF NOMINEE

1. The above individual is familiar with pertinent contract clauses such as changes, inspection and acceptance, Government Furnished Property, termination, and the concepts of excusable and nonexcusable delays in contract performance. This individual possesses the necessary ability to analyze, interpret, and evaluate factors involved in contract administration. This individual has the technical and administrative abilities and the required security clearance commensurate with the proposed COR duties. The individual's integrity and adherence to the Standards of Conduct ([DoD Directive 5500-7](#)), the Joint Ethics Regulation ([DoD 5500.7-R](#)), and the Procurement Integrity Act ([FAR 3.104](#)) are above reproach. In addition, the nominee has the time available to adequately perform such duties.

2. Mandatory COR Training

The above individual has completed the following mandatory training. (Add the following for individuals who have completed COR Refresher Training:) The individual has completed COR Refresher Training, satisfying the requirement of 8 Continuous Learning Points (cLPs).



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	COURSE TITLE	clPs	DATE COMPLETED (Day/Month/Year)
Initial	<i>COR with a Mission Focus, CLC 106</i>		
Refresher (every three years)	<i>(Insert Title)</i>		
Other	<i>(Insert Title)</i>		

3. Non-Mandatory COR Training

The above individual is currently attending the following non-mandatory training. Will notify the Contracting Officer by Memorandum immediately upon completion of training scheduled for (Day/Month/Year).

	COURSE TITLE	HOURS ATTENDED	DATE COMPLETED (Day/Month/Year)
Resident			
Satellite			
Correspondence			
www.faionline.com			
DFARS			
NCMA COR Course			
DAU			
Other			

Submit a copy of the completion certificate immediately, upon availability.

4. Previous COR Experience on Most Recent Contracts:

CONTRACT NUMBER	CONTRACTOR	CONTRACT TYPE (FFP, CPFF, Cost, etc.)	CONTRACT VALUE
a.			
b.			
c.			
d.			

Describe COR experience gained on above contract(s).



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5. Current Contract(s) for which Nominee is Performing COR Duties:

CONTRACT NUMBER	CONTRACTOR	CONTRACT TYPE	CONTRACT VALUE
a.			
b.			
c.			
d.			

Describe COR experience gained on above contract(s).

Percentage of time currently spent performing COR duties: _____

PART III. CERTIFICATION FOR NOMINATION OF COR

1. [DoD 5500.7-R](#) states the basis for determining the need for filing OGE 450, Confidential Financial Disclosure Report. The person nominating the COR is required to certify that the nominee is in compliance with DoD 5500.7-R and the Procurement Integrity Act ([FAR 3.104](#)), as follows:

I certify that *(insert COR nominee name here)* has filed an SF 450 *(if required)* and there is no conflict of interest or apparent conflict of interest interfering with this nomination.

Date

Project Office Commanding Officer or Designee
Type name and title under line)

Copy To:

Contracting Officer (for Contract File)
Cognizant DCMA
Project Officer



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COR Training Information

All Contracting Officer's Representative (COR) must complete "COR with a Mission Focus (CLC 106) training found online at <https://learn.dau.mil/html/login/login.jsp>.

REGISTERING A NEW ACCOUNT

- ❑ Once you are at <https://learn.dau.mil/html/login/login.jsp> website, on the left hand side, point to **Continuous Learning**, then click on **Register for Continuous Learning Modules**.
- ❑ At "*To register for a course please click on the appropriate link below:*" click on **Navy or Marine Corps, military and civilian**.
- ❑ On the left hand side, at "*Links*", click on **Register-Now! for Continuous Learning Activities**.
- ❑ Then on the left hand side, at "*Links*", click on **-Register-Now! for DAU Training**.
- ❑ In the middle of the screen, at "*Please select a Category*", click on **All Other Dept of Navy employees**. Please use your CAC or enter your Social Security No. and your Date of Birth. Then click on **Logon!**
- ❑ The pop-up screen will state that "*Your official personal records do NOT indicate that you occupy a designated Acquisition Record,*" please click on **Continue to the Student Action Menu**.
- ❑ **YOU ARE NOW LOGGED IN!** Continue to the left of the screen under "*Student Action Menu,*" click on **Apply for DAU CL Module**.
- ❑ You need to complete steps one through seven.
Step one: Self-explanatory.
Step two: Select **DAU Continuous Learning Modules**.
Step three: **COR WITH A MISSION FOCUS - CLC 106**.
Step four: Press the **Search** button.
Step six and seven: Self-explanatory.
- ❑ DAU will then e-mail you with your username and your password separately. Please go back to the <https://learn.dau.mil/html/login/login.jsp> website and Login to Virtual Campus.

HOW TO GET YOUR CERTIFICATE

- ❑ After you have completed your course, to get a Certificate, please ensure that you are logged in and look for the **Virtual Campus Links, Student Services, Transcript Request**. **Please remember your login and password!!**



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Exhibit 6-E: Sole Source Memo Sample for Services

Sole Source Justification for Service Simplified Acquisitions over \$3,000 and up to \$100,000

Date: _____

PR Number: _____

1. Nature and/or description of the item/service being procured and its intended use (include the anticipated cost):

2. Sole Source Justification rationale (Check one and explain below):

_____ *Only one responsible source.*

_____ *Urgent and compelling circumstances exist.* Include critical delivery or performance dates, and when you became aware of the requirement. Provide a specific statement of the impact on Government operations, financial or otherwise, if the required delivery or performance dates are not met.

_____ *Other* _____

Explain:

3. Market Survey. Please explain the results or why one was not performed. State whether any other offers were received or anyone expressed interest:

4. If this is a determination for sole source, the Contracting Officer certifies:

- a. Only one source is available, or urgent and compelling circumstances exist.
- b. The anticipated price will be determined fair and reasonable using standard price analysis techniques described in [FAR Part 13](#) and [NAVSUPINST 4200.85D](#).

Project Officer Date

Contracting Officer Date



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Exhibit 6-F: DD254 Security Classification

DEPARTMENT OF DEFENSE CONTRACT SECURITY CLASSIFICATION SPECIFICATION <i>(The requirements of the DoD Industrial Security Manual apply to all security aspects of this effort.)</i>				1. CLEARANCE AND SAFEGUARDING	
				a. FACILITY CLEARANCE REQUIRED	
				b. LEVEL OF SAFEGUARDING REQUIRED	
2. THIS SPECIFICATION IS FOR: <i>(X and complete as applicable)</i>			3. THIS SPECIFICATION IS: <i>(X and complete as applicable)</i>		
<input checked="" type="checkbox"/>	a. PRIME CONTRACT NUMBER		<input checked="" type="checkbox"/>	a. ORIGINAL <i>(Complete date in all cases)</i>	
<input type="checkbox"/>	b. SUBCONTRACT NUMBER		<input type="checkbox"/>	b. REVISED (Supersedes all previous specs)	Revision No.
<input type="checkbox"/>	c. SOLICITATION OR OTHER NUMBER	DUE DATE <i>(YYMMDD)</i>	<input type="checkbox"/>	c. FINAL <i>(Complete item 5 in all cases)</i>	
4. IS THIS A FOLLOW-ON CONTRACT? <input type="checkbox"/> YES <input type="checkbox"/> NO. If yes, complete the following: classified material received or generated under _____ <i>(Preceding Contract Number)</i> is transferred to this follow-on contract.					
5. IS THIS A FINAL DD FORM 254? <input type="checkbox"/> YES <input type="checkbox"/> NO. If yes, complete the following: In response to the contractor's request dated _____, retention of the identified classified material is authorized for the period of _____					
6. CONTRACTOR <i>(Include Commercial and Government Entity (CAGE) Code)</i>					
a. NAME, ADDRESS, AND ZIP CODE		b. CAGE CODE		c. COGNIZANT SECURITY OFFICE <i>(Name, Address, and ZIP Code)</i>	
7. SUBCONTRACTOR					
a. NAME, ADDRESS, AND ZIP CODE		b. CAGE CODE		c. COGNIZANT SECURITY OFFICE <i>(Name, Address, and ZIP Code)</i>	
8. ACTUAL PERFORMANCE					
a. LOCATION		b. CAGE CODE		c. COGNIZANT SECURITY OFFICE <i>(Name, Address, and ZIP Code)</i>	
9. GENERAL IDENTIFICATION OF THIS PROCUREMENT					
10. THIS CONTRACT WILL REQUIRE ACCESS TO:			11. IN PERFORMING THIS CONTRACT, THE CONTRACTOR WILL:		
	YES	NO		YES	NO
a. COMMUNICATIONS SECURITY (COMSEC) INFORMATION			a. HAVE ACCESS TO CLASSIFIED INFORMATION ONLY AT ANOTHER CONTRACTOR'S FACILITY OR A GOVERNMENT ACTIVITY		
b. RESTRICTED DATA			b. RECEIVE CLASSIFIED DOCUMENTS ONLY		
c. CRITICAL NUCLEAR WEAPON DESIGN INFORMATION			c. RECEIVE AND GENERATE CLASSIFIED MATERIAL		
d. FORMERLY RESTRICTED DATA			d. FABRICATE, MODIFY, OR STORE CLASSIFIED HARDWARE		
e. INTELLIGENCE INFORMATION:			e. PERFORM SERVICES ONLY		
(1) Sensitive Compartmented Information (SCI)			f. HAVE ACCESS TO U.S. CLASSIFIED INFORMATION OUTSIDE THE U.S., PUERTO RICO, U.S. POSSESSIONS AND TRUST TERRITORIES		
(2) Non-SCI			g. BE AUTHORIZED TO USE THE SERVICES OF DEFENSE TECHNICAL INFORMATION CENTER (DTIC) OR OTHER SECONDARY DISTRIBUTION CENTER		
f. SPECIAL ACCESS INFORMATION			h. REQUIRE A COMSEC ACCOUNT		



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g. NATO INFORMATION		i. HAVE TEMPEST REQUIREMENTS		
h. FOREIGN GOVERNMENT INFORMATION		j. HAVE OPERATIONS SECURITY (OPSEC) REQUIREMENTS		
i. LIMITED DISSEMINATION INFORMATION		k. BE AUTHORIZED TO USE THE DEFENSE COURIER SERVICE		
j. FOR OFFICIAL USE ONLY INFORMATION		l. OTHER (<i>Specify</i>)		
k. OTHER (<i>Specify</i>) See separate sheet for additional information		See separate sheet for specific locations for overseas performance (11f).		

12. PUBLIC RELEASE. Any information (*classified or unclassified*) pertaining to this contract shall not be released for public dissemination except as provided by the industrial Security Manual or unless it has been approved for public release by appropriate U.S. Government authority. Proposed public release shall be submitted for approval prior to release

Direct

Through (*Specify*):

to the Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs)* for review.

*In the case of non-DoD User Agencies, requests for disclosure shall be submitted to that agency.

13. SECURITY GUIDANCE. The security classification guidance needed for this effort is identified below. If any difficulty is encountered in applying this guidance or if any other contributing factor indicates a need for changes in this guidance, the contractor is authorized and encouraged to provide recommended changes: to challenge the guidance or classification assigned to any information or material furnished or generated under this contract; and to submit any questions for interpretation of this guidance to the official identified below. Pending final decision, the information involved shall be handled and protected at the highest level of classification assigned or recommended. (*Fill in as appropriate for the classified effort. Attach, or forward under separate correspondence, any document/guides/extracts referenced herein. Add additional pages as needed to provide complete guidance.*)

14. ADDITIONAL SECURITY REQUIREMENTS. Requirements, in addition to ISM requirements, are established for this contract. (*If Yes, identify the pertinent contractual clauses in the contract document itself, or provide an appropriate statement which identifies the additional requirements. Provide a copy of the requirements to the cognizant security office. Use Item 13 if additional space is needed.*)

Yes

No



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15. INSPECTIONS. Elements of this contract are outside the inspection responsibility of the cognizant security office. *(If Yes, explain and identify specific areas or elements carved out and the activity responsible for inspections. Use Item 13 if additional space is needed.)*

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
--------------------------	-----	--------------------------	----

16. CERTIFICATION AND SIGNATURE. Security requirements stated herein are complete and adequate for safeguarding the classified information to be released or generated under this classified effort. All questions shall be referred to the official named below.

a. TYPED NAME OF CERTIFYING OFFICIAL	b. TITLE	c. TELEPHONE <i>(Include Area Code)</i>
--------------------------------------	----------	---

d. ADDRESS *(Include ZIP Code)*

17. REQUIRED DISTRIBUTION

- a. CONTRACTOR
- b. SUBCONTRACTOR
- c. COGNIZANT SECURITY OFFICE FOR PRIME AND SUBCONTRACTOR
- d. U.S. ACTIVITY RESPONSIBLE FOR OVERSEAS SECURITY ADMINISTRATION
- e. ADMINISTRATIVE CONTRACTING OFFICER
- f. OTHERS AS NECESSARY

e. SIGNATURE



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PROCESS FOR THE FLOW OF DD 254

- Requirements:
- A DD 254 is required when a procurement package (either pre or post award) requires access to, or generation of classified information by a contractor.
- Activity (Customer – COR)
- Has a requirement that includes the contractor having access to classified material.
- Activity (Customer – COR)
- Generates draft Statement of Work (SOW) and DD 254 with attachments for **solicitation** process.
 - DD 254 will include purchase request number in Block 2c (Provided by RCO) and is forwarded to the Command Security Manager (B 054) with Attachment(s) and a copy to the SOW for review/signature and return to the activity.
- Activity (Customer – COR)
- Forward completed DD 254 to Regional Contracting Officer (RCO) for processing. (DD 254 must be signed by a Security Specialist (080/COR) prior to submission to RCO).
- Regional Contracting Office
- Determines Awardees
 - Generates contract
 - Assigns Prime Contract Number, to include expiration date in (Block 2a) of DD 254 (**Note: expiration date shall include all option periods.**)
 - Completes block 6a, 6b and 6c of the DD 254.
 - Forwards DD 254 to Command Security Manager (B 054) (Attn: Ms. Veronica Powell), for review/signature.
 - If an option is not exercised, notify the Security Manager at the conclusion of the contract.
- Command Security Manager
- Verifies/Corrects contractor information on DD 254.
 - Signs DD 254 (Retain copy/forward copy to CMCC)
 - Returns original DD 254 to Activity for action as appropriate.*

*Process is the same once bid is completed and **Original** contract is generated.

*If contractor desires to hold classified material beyond the expiration of a contract, they must request authorization in writing. Activity COR will prepare **Final** DD 254 for signature by the Command Security Manager (Security Specialist/COR). Final Signed copy of the DD 254 is sent to RCO, CMCC and interested parties.



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7. UNAUTHORIZED COMMITMENTS

An Unauthorized Commitment is defined as an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government ([FAR 1.602-3](#)). The ordering and acceptance of supplies and services without the benefit of a legal contract constitute improper acts and does not obligate the Government for the items ordered, but may incur a personal liability to the individual who made the commitment. Such agreements may be ratified, or approved, after they have been illegally authorized, but only by an official who has the authority to do so (see [MAPS 1.602-3](#)) and only when certain conditions are met.

It is strongly encouraged that all personnel obtaining quotes for procurements visit this [website](#) for a short video on unauthorized commitments. (If you are having difficulty with this link, try copy and pasting the URL into your browser, and visit [CMPG 5.12](#).)

As the Government Official requesting a service or supply, you play a key role in the acquisition process. While part of this process will result in market research and possibly contacting potential vendors for products, there is a fine line between obtaining those estimates and the actual order placement. When obtaining quotes for procurements, customers must be vigilant in expressing their request for the quote, and that this quote will in no way commit the Government to a purchase. The purchase will be made via the RCO office.

Even if the purchase was unintentional, when someone other than an appointed Contracting Officer commits the U.S. Government to a purchase an Unauthorized Commitment has occurred. Potentially much more serious is the possibility of a criminal violation of the Anti-Deficiency Act. Always make sure the vendor knows that you are not authorized to place the order, and if an order is made, it will come from personnel in the RCO office.

If an Unauthorized Commitment occurs, the individual who placed the order can be held personally responsible for payment to the vendor. If the purchase was illegal in nature (i.e. if the purchase was not a proper use of appropriated funds), the request was illegal. Illegal purchases cannot be ratified.

If an Unauthorized Commitment has been found, the situation needs to be corrected via the Ratification process. This is a legal process that validates the actions as legal within the boundaries of fiscal policy. The Ratification process is lengthy, and almost always involves disciplinary action for the individual who made the Unauthorized Commitment.

[Exhibit 7-A](#) contains the steps involved in ratification of an Unauthorized Commitment.

When in doubt, contact the MCIEAST-RCO Procurement Chief!



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SECTION 7 EXHIBIT LIST

7-A [Ratification of Unauthorized Commitments](#)



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Exhibit 7-A: Ratification of Unauthorized Commitments

1. Statement signed by the military or civilian employee making the unauthorized commitment describing the circumstances: (forwarded to the commanding officer)
 - A. Why normal procurement procedures were not followed
 - B. What bona fide government requirement necessitated the commitment
 - C. Whether any benefit was received
 - D. Its value
 - E. Any other pertinent factsMCO P4200.15G 2305.5.a(1)
2. All orders, invoices or other documentary evidence of the transaction.
MCO P4200.15G 2305.5.a(2)
3. Commanding officer's endorsement concurring that the commitment should be ratified: (forwarded to the Director of Contracting)
 - A. Verifies the accuracy and completeness of the documentation.
 - B. Describes the measures taken to prevent a recurrence of unauthorized commitments.
 - C. Provides a complete purchase description and funding for the ratifying contract.
 - D. HQMC (LB) has made it clear that commanding officer means Commanding General.MCO P4200.15G 2305.5.b
4. Contracting officer's determination and findings.
 - A. The unauthorized commitment was not made to circumvent or evade the procurement statutes and regulations.
 - B. Supplies or services have been provided to and accepted by the government, or the government otherwise has obtained or will obtain a benefit resulting from the performance of the unauthorized commitment.
 - C. The ratifying official found that the commitment resulted from an urgent or emergency requirement or from a mistake of fact on the part of government personnel.
 - D. The ratifying official found that the contractor relied on the apparent authority of the officer or employee making the unauthorized commitment.
 - E. The contractor does not have an adequate remedy at law for which the Contract Disputes Act provides procedures for obtaining relief.
 - F. The resulting contract would otherwise have been proper if made by an appropriate contracting officer.
 - (1) Funds were available at the time the commitment was made and are still available.



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- (2) Law did not otherwise preclude the government from procuring the supplies/services.
- G. The price to be paid was determined to be fair and reasonable by the contracting officer and the ratifying official.
- H. The payment is not for unallowable costs.
- I. There is no doubt concerning a question of law or fact.
- J. The ratifying official is a contracting officer who had authority to enter into the contract at the time the unauthorized commitment was made and who still has that authority at the time of ratification.
- K. The ratification is in accordance with applicable laws, regulations and agency procedures.
- L. The contracting officer recommends that the ratifying official should ratify the unauthorized commitment.
- M. The ratifying official ratifies the unauthorized commitment.
MCO P4200.15G 2305.5.c & 2305.3
FAR 1.602-3(c)
5. Appropriate determinations and findings the by ratifying official. The ratifying official will sign the contracting officer's D&F to ratify the unauthorized commitment.
MCO P4200.15G 2305.5.d
6. Appropriate contractual documents citing funds available at the time the unauthorized actions of the government took place. The first two numbers in the appropriations data blank of the requisition designate the agency (Navy/Marine Corps is 17). The third number is the year of the appropriation (0 = 2000; 9 = 1999).
MCO P4200.15G 2305.5.c(5)
7. Legal counsel review and opinion as to form and legality and any additional comments. Legal counsel can sign the contracting officer's D&F, or a separate document can be prepared for legal counsel's signature.
MCO P4200.15G 2305.5.c(6)



8. DETERMINATIONS AND FINDINGS

[8.1 Economy Act or Non-Economy Act Orders \(MAPS Subpart 17.5\)](#)

The Economy Act, [31 United States Code 1535](#), provides great flexibility in the procurement of supplies and services by allowing the Marine Corps to legally transfer funds outside the Marine Corps to other Federal agencies. The Act authorizes Federal agencies to pursue interagency acquisitions that are determined to be in the best interest of the Government when the supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source.

The Economy Act, as well as the Non-Economy Act that allows the Marine Corps to procure supplies and services with non-DoD Agencies, require additional reviews, approvals, and reporting for all interagency acquisitions. These acquisitions, also known as “Assisted Acquisitions,” require that a Determinations and Findings (D&F) be approved before funds can be transferred to an agency outside of the Marine Corps. The Contracting officer, with the assistance of the Fund Manager, comptroller, and legal counsel, will prepare and forward the D&F to the proper approving official. D&F Guidance can be found in [CMPG 1.5.1](#) and [Exhibit 8-A](#). A D&F Template can be found in [Exhibit 8-B](#). You may also view an [Economy Act and Non-Economy Act Training Presentation](#).

Within the Marine Corps, the ADC, I&L (Contracts) and Marine Corps Systems Command (MARCORSYSCOM) have been delegated the authority to approve D&Fs. The approval requirements for both Economy and Non-Economy D&Fs can be found in the tables provided in [Exhibit 8-A](#).

Use of agencies outside of the Marine Corps provides flexibility, but it comes at a cost with overhead fees ranging from 2% to 14% of the award amount. Timely acquisition planning and market research can successfully implement a requirement and expenditure of funds through a Marine Corps contracting office. Acquisitions within the Marine Corps are preferred, to avoid the payment of fees assessed by Non-Marine Corps contracting offices and assisting agencies, thereby conserving our limited financial resources. Under special circumstances, transferring funds outside the Marine Corps to another DoD agency under the Economy Act, or outside of DoD under the Non-Economy Act is an option, but only if the circumstances justify such an action, and only with the approval of the Determinations and Findings (D&F) by the RCO.

The D&F package should include a Performance-based Work Statement and a Quality Assurance Surveillance Plan (QASP).



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SECTION 8 EXHIBIT LIST

- 8-A [Economy and Non-Economy Act Guidance](#)
- 8-B [Determination & Findings \(D&F\)](#)



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Exhibit 8-A Economy and Non-Economy Act Guidance

Use of Non-DoD Contracts – Interagency Acquisitions Under the Economy Act

In developing an Acquisition Strategy, the Requirement Official, Fiscal Officer, Contract Specialist, and the Contracting Officer determine the best means to fulfill the requirement. The RCO's mission is to negotiate contracts tailored to meet the Requirement Official's needs. Occasionally other contracts may provide a more efficient and cost effective means of fulfilling the requirement. Non-Marine Corps/Non-DoD contracts can be an effective means of supporting the USMC mission. This determination can be made by considering some important factors:

- Does use of this contract satisfy customer requirements, meet program schedule, prove cost effective, and consider contract administration?
- Are the tasks to be accomplished or supplies to be procured within the scope of the Non-Marine Corps/Non-DoD contract?
- Will the funding be used within appropriation limitations in terms of purpose, time and amount?
- Will unique terms, conditions, and requirements be provided to the assisting agencies for incorporation into the contract to comply with all applicable DoD-unique statutes, regulations, directives and other requirements?
- Has data been collected on the use of assisted acquisitions for analysis?

Non-Marine Corps contracts may *not* be used to avoid funding limitations or as an eleventh hour fix for poor acquisition planning. The transfer of funds should not be the default position of the Marine Corps. Fund Managers should make every effort to satisfy the requirement using Marine Corps resources and, in the process, avoid payment of unnecessary fees which every Non-Marine Corps contracting agency will charge you. This objective can only be achieved if Requirement Officials identify their needs and initiate the acquisition and coordination well in advance with the Comptroller, RCO, and Legal Counsel. The RCO should negotiate all fees requested by the Assisting Agency to ensure reasonableness.

The following definitions are frequently used in Direct and Assisted Acquisition procedures:

“Assisting Activity” means the department/agency/activity outside of the Marine Corps with contracting responsibility for a Marine Corps requirement.

“Assisted Acquisition” means a contract awarded or a task or delivery order placed on behalf of the Marine Corps by an official of the United States outside of the Marine Corps. This may also include situations in which the assisting agency provides the support themselves.



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“Direct Acquisition” means a task or delivery order above the Simplified Acquisition Threshold placed by a Marine Corps Contracting Officer/Ordering Officer against a contract vehicle established outside of the DoD.

“DoD Agency” means Army, Navy, Air Force and DoD Agencies such as the Defense Logistics Agency.

“Economy Act Order” means orders involving funds transfers using the authority of the Economy Act, [31 USC 1535](#).

“Interagency Acquisition” means a procedure by which an agency needing supplies or services (the requiring agency) obtains them from another agency (the assisting agency).

“Micro-Purchase Threshold” currently means \$3,000, except it means—

1. \$2,500 for acquisitions of services subject to the Service Contract Act;
2. \$2,000 for acquisitions of construction subject to the Davis-Bacon Act;
3. As otherwise specified in [FAR 2.101](#).

“Non-DoD Agency” means any Federal agency outside of the DoD.

“Non-Economy Act Order” means orders involving funds transfers using authority other than the Economy Act, the most commonly used authorities being the General Services Administration (GSA) Acquisition Services Fund or Franchise Funds.

“Non-Marine Corps Contracts” means contracts awarded by an official outside the Marine Corps. These include optional use Federal Supply Schedules, Blanket Purchase Agreements (BPA) issued against Federal Supply Schedules, and other contracts/schedules awarded outside the Marine Corps.

“Requiring Individual” means the individual in the organization responsible for identifying and fulfilling the requirement.

“Requiring Activity Supporting Contracting Office” means the Marine Corps contracting activity normally providing contracting support to the requiring organization.

“Simplified Acquisition Threshold (SAT)” currently means \$100,000 except as further defined in [FAR 2.101](#).

For Assisted Acquisitions, MCFCS Contracting Officers in concert with the cognizant Comptroller must ensure the appropriate Determination and Findings (D&F) is completed (see [CMPG 1.7.8](#) and [CMPG 1.5.1](#)).



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Reporting

CCOs must report all Assisted Economy Act Orders and Non-Economy Act Orders that they or Contracting Officers under their supervision have approved during the previous fiscal year. All such Orders shall be maintained in a central location to facilitate preparation of this report. The report will be sent to ADC, I&L (Contracts) no later than 15 November after the close of each fiscal year. See [MAPS 17.503\(f\)](#) and the Required Report Format for Assisted Economy Act Orders and non-Economy Act Orders which can be found in [Section 1.5.1 of the CMPG](#).

The following table provides thresholds and approval authorities for Economy Act and Non-Economy Act Orders and for Direct Acquisitions for the MCFCS [CMPG 1.5.1](#) page 8):

APPROVAL MATRICES FOR ECONOMY ACT AND NON-ECONOMY ACT ASSISTED ACQUISITIONS

Economy Act Orders

[D&F Template for Assisted Acquisitions](#) Format Required

\$ Amount	Assisting Agency	Approval Authority	Reference
> Micro-purchase threshold - \$5M	DoD Agency	Contracting Officer	FAR 17.500 ; DFARS 217.500(b) ; NMCARS 5217.503(c)(i)(A) & (B)
> \$5M	DoD Agency	ADC, I&L(Contracts) SES	NMCARS 5217.503(c)(i)(A) & (B)
> Micro-purchase threshold - \$50M	Non-DoD Agency	ADC, I&L(Contracts) SES	NMCARS 5217.503(c)(i)(B) & NMCARS 5217.7802
> \$50M - \$500M	Non-DoD Agency	DASN(A&LM)	NMCARS 5217.7802
> \$500M	Non-DoD Agency	ASN(RDA)	NMCARS 5217.7802

Non-Economy Act Orders

[D&F Template for Assisted Acquisitions](#) Format Required

\$ Amount	Assisting Agency	Approval Authority	Reference
< SAT	Non-DoD Agency	Comptroller – approve MIPR or NAVCOMPT form (No formal D&F)	ASN(FM&C) memo of 31 Jan 07



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		required.)	
> SAT - \$5M	Non-DoD Agency	Contracting Officer	NMCARS 5217.7802
> \$5M - \$50M	Non-DoD Agency	ADC, I&L(Contracts) SES	NMCARS 5217.7802
> \$50M - \$500M	Non-DoD Agency	DASN(A&LM)	NMCARS 5217.7802
> \$500M	Non-DoD Agency	ASN(RDA)	NMCARS 5217.7802

DIRECT ACQUISITIONS

[BCM Documentation for Direct Acquisitions](#) Content Required

\$ Amount	Assisting Agency	Approval Authority	Reference
> SAT	Use of any non-DoD contract vehicle by a Marine Corps Contracting Officer	BCM approval official	DON Guidelines for Proper Use of Non-DoD Contracts of 14 Dec 04

For more information on the proper use of Interagency Acquisitions Under the Economy Act and Non-Economy Act, see [MAPS Subpart 17.5](#) and [CMPG 1.5](#). See also the [Interagency Funds Transfer Checklist](#) as well as the [Joint LB PR Policy Letter on Assisted Acquisition dated: 11 May 07](#), which contains the policy memo dated 31 January 2007 authorizing the MAPS change as well as the OASN(FM&C) memo regarding Advanced Payments dated 30 Mar 2007.

See also the [DoD IG Audit Report No. D-2007-042 dated January 2, 2007 - Potential Antideficiency Act Violations on DoD Purchase](#). It discusses “widely misunderstood” guidance on funding acquisitions made through non-DoD agencies and DoD FMR requirements regarding reviewing and investigating potential Antideficiency Act violations.



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Exhibit 8-B: Determinations and Findings (D&F) ([CMPG 1.5.1](#))

Determinations & Findings (D&F) Template for Assisted Acquisitions

Template Version October 2009

Use the template outlined below for assisted acquisitions made through DoD agencies and non-DoD agencies.

Tailor all aspects of this template to the individual acquisition and ensure that any template areas providing instructions (e.g. italicized, red language) are deleted prior to submitting a completed D&F. When preparing the D&F, use Contracting Office letterhead.

Note that DoD agencies include, but are not limited to, Army, Navy, Air Force, DLA, DAPS. Non-DoD Agencies include, but are not limited to, Federal Civilian Agencies to include their Franchise Funds - GSA, Agriculture, Commerce, Energy, Treasury.

Insert Control No. In Right Header [e.g., MCI-East 10001]

Choose “Economy Act Order” or “Non-Economy Act Order” Determination and Findings

For Economy Act Order Authority, Cite the following:

“31 U.S.C. 1535; Sec 854 FY05 NDAA; Sec 813 FY06 NDAA; FAR 17.5; DFARS 217.5, 217.78; MAPS 17.503; DASN(ACQ) memo of 1 Dec 06 “Acquisition of Services – MOPAS 2”; OASN(FM&C) memo of 30 Mar 07 “Advance Payments to Non-DoD Federal Agencies for Interagency Acquisitions.”

For Non-Economy Act Order Authority, Cite the following:

“Sec 854 FY05 NDAA; Sec 813 FY06 NDAA; DFARS 217.78; USD(C) memo of 16 Oct 06 “Non-Economy Act Orders”; OASN(FM&C) memo of 31 Jan 07 “Non-Economy Act Orders with Non-DoD Agencies”; DASN(ACQ) memo of 1 Dec 06 “Acquisition of Services – MOPAS 2”; OASN(FM&C) memo of 30 Mar 07 “Advance Payments to Non-DoD Federal Agencies for Interagency Acquisitions.”

FINDINGS

1. **Requiring Office.** *Provide the name of the requiring office, including the Requiring Individual in the following format.*

a. Name of Activity:

b. Activity Mailing Address:

c. DoD Activity Address Code (DoDAAC) for requiring office:



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d. Requiring Individual name, telephone, and e-mail address:

2. Assisting Agency. *Provide the name of the Government Agency that will receive the funds and provide or procure the required goods or services. Provide the name of the assisting agency in the following format.*

a. Name of Agency:

b. Address of Agency:

c. Name of Agency Point of Contact (POC) or Contracting Officer:

d. Telephone and e-mail address of POC or Contracting Officer:

3. Service Provider. *Describe how the Assisting Agency will perform the requirement, e.g., by means of a contract or by use of its own resources. For services acquisitions, provide the following pursuant to Table 3 of ASN(RD&A) policy memo of 01 December 2006:*

a. Types and amounts (man hours) of services acquired.

b. Type of contract vehicle (i.e., fixed price/cost-type/T&M).

c. Whether or not the contract action was performance based.

d. Extent of competition received in placing the action. Where practicable, include the number of offerors, contractor name, and contract number to be utilized.

e. Whether the contractor is a large business, an educational or non-profit, a small business and type of small business (i.e., small business, small disadvantaged, woman-owned, HUB-zone, etc. (FAR Part 19)) or a required source of supply (FAR Part 8).

4. Non-Economy Act Order Authority. *For Non-Economy Act Orders only, provide the statutory authority for the GSA Acquisition Services Fund or the Franchise Fund. For Economy Act Orders, insert "N/A."*

5. Description of the Requirement. *Provide a description of the type of goods or services to be provided or procured. Details concerning the requirement will be explained in the following format.*

a. The Requirement. *The Requiring Individual is to provide a firm, clear, specific, and complete description of the goods or services to be ordered. The use of generic descriptions is not acceptable. In addition, attach a copy of the specification (for supplies) or Performance Work Statement (PWS) (for services). For services attach a copy of the Quality Assurance Surveillance Plan (QASP).*

b. Acquisition Planning and Market Research. *Provide documented evidence of the Acquisition Planning and Market Research that was conducted in accordance with FAR Part 7 and 10.*

c. Cost Estimate. *Provide an Independent Government Cost Estimate for the requirement and the basis for that estimate.*



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d. Performance or Delivery. *Provide specific performance or delivery requirements, e.g., delivery dates, or for services include proposed period of performance.*

e. Contracting Officer's Representative (COR). *Identify the Government Official who will be the COR for the requirement who will oversee the performance and accept the services to be provided. The COR must be properly trained and appointed in writing by the Contracting Officer.*

f. DoD-Unique Terms and Conditions. *Provide any terms, conditions, and requirements to comply with DoD/DON-unique statutes, regulations, directives and other requirements, e.g., 10 U.S.C. 2410a - severable services; Berry Amendment.*

6. Certification of Funding Data by Comptroller.

a. *Provide a statement as to the funds to be used for the requirement to include Fiscal Year (FY), Type of Funds, and Dollar Amount, e.g., FY07, O&M,MC; PMC; RDT&E; and \$11.5M. A table will be used to describe a situation where more than one year or type of funds will be used to support the requirement. A sample table is provided below.*

Fiscal Year	Type of Funds	Amount
2007	O&M,MC	\$12.2M
2008	O&M,MC	\$12.4M
2009	O&M,MC	\$12.7M

b. *Certify that the funds cited on the order serve a bona fide need arising, or existing, in the fiscal year or years for which the appropriation is available for obligation.*

c. *Certify that the type of funding provided is appropriate for the goods or services being acquired.*

d. *Certify that funds will be deobligated as outlined in enclosure (1), paragraph D.2. of the OASN(FM&C) memo dated 31 January 2007.*

e. *If the General Services Administration (GSA) Acquisition Services Fund or a Franchise Fund is to be used, and advance payment is contemplated, cite the specific statutory authority that authorizes the Marine Corps to agree to the advance payment. See the OASN(FM&C) memo of 30 Mar 07 "Advance Payments to Non-Department of Defense Federal Agencies for Interagency Acquisitions."*

7. Cost/Fees. *Identify fees, if any, negotiated by the Marine Corps Contracting Officer that are to be charged by the Assisting Agency to process and administer the order. Include fee percentage and estimated dollars. If for more than one year, use the table format below.*

Fiscal Year	Administrative Fee to Assisting Agency Percentage	Administrative Fee to Assisting Agency Dollar Amount
2007	2%	\$24.4K
2008	2%	\$24.8K
2009	2%	\$25.4K



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8. Justification and Rationale for the Action. *Explain why the use of an Economy Act Order or Non-Economy Act Order is in the best interest of the Marine Corps in terms of the following.*

Address whether the Assisting Agency: (A) Will satisfy the requirement under an existing contract the Assisting Agency has in place to meet its own needs; (B) Has capabilities or expertise to enter into a contract for the requirement the Marine Corps does not have; and/or, (C) Has the capability to perform and will perform the requirement with its own resources.

Regardless of which rationale is used, address how the approach supports the following:

- a. Satisfying Marine Corps customer requirements;*
- b. Cost effectiveness (taking into account discounts and fees);*
- c. Delivery schedule;*
- d. Non-availability of suitable contracts within the Marine Corps;*
- e. Ease of contract administration and any other applicable considerations.*

DETERMINATION

A. The use of an *insert* “Economy Act Order” *or* “Non-Economy Act Order” is in the best interest of the Government.

B. This requirement cannot be obtained as conveniently or economically by contracting directly with a private source.

C. DoD/DON unique terms and conditions were provided to the assisting agency and will be included in the contract award.

D. Funding is available and appropriate for the acquisition.

If the assisting agency will be contracting for the goods and services, choose at least one of the following and insert as paragraph E in the Determination section of the D&F:

E. The acquisition will appropriately be made under an existing contract of the Assisting Agency, entered into before placement of this *insert* “Economy Act Order” *or* “Non-Economy Act Order”, to meet its own requirements for the same or similar services. Goods or services being ordered are within the scope of the basic contract.

F. The Assisting Agency has capabilities or expertise to enter into a contract for this requirement that is not available within the Marine Corps.

G. The assisting agency is specifically authorized by law or regulation to purchase this requirement on behalf of other agencies.



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INSTRUCTIONS FOR APPENDIX L

REFERENCES

BASIC AUTHORITIES

- (a) Economy Act 31 USC 1535
- (b) Section 854 of the FY2005 NDAA
- (c) ASN(RD&A) Subj: Acquisition of Services of 1 Dec 06
- (d) ASN(FM&C) memo Subj: Non-Economy Act Orders with Non-DoD Agencies of 31 Jan 07 with enclosure (1)
- (e) ASN(FM&C) memo Subj: Administrative and Internal Controls for Non-Economy Act Interagency Agreements of 28 Feb 07
- (f) OASN(FM&C) memo of 30 Mar 07 "Advance Payments to Non-Department of Defense Federal Agencies for Interagency Acquisitions"
- (g) FAR 17.5 & DFARS 217.5

1. When working with this guidance, it is important to remember that unless authorized by law, transfers of funds between Federal agencies and instrumentalities are prohibited by law. See 31 U.S.C. § 1532.

a. Recognizing that there are occasions where it might be more advantageous for one Federal agency to make purchases for another, Congress enacted the Economy Act, 31 U.S.C. § 1535, reference (a), which permits one Federal agency to provide goods or services to another Federal agency, or to another account within the same agency, when the requirements of the Economy Act have been met. The Economy Act is an enabling piece of legislation and without it there would be no legal authority to transfer funds between Federal agencies.

b. "Non-Economy Act Orders" is a new term of art discussed in reference (d). Non-Economy Act Orders may be placed with a Federal agency that has the specific statutory authority to support other Federal agencies. Agencies like the General Services Administration (GSA) and the Department of Interior have been given the authority to support other Federal agencies through the Acquisition Services Fund in the case of the GSA and various Franchise Funds. A transfer of requirements and funds to one of these entities is technically not pursuant to the Economy Act, thus the term "Non-Economy Act Orders." The more commonly used Non-Economy Act authorities include, but are not limited to, the following:

(1) GSA Acquisition Services Fund. The Acquisition Service Fund was established by the General Services Administration Modernization Act that merged the General Supply Fund and the Information Technology Fund to carry out functions related to the uses of the Acquisition Services Fund including any functions previously carried out by the Federal Supply Service and the Federal Technology Service managed by General Services Administration.

(2) Franchise Funds. Generally, franchise funds are self-supporting business-like entities that provide support services common to Federal agencies. They operate on a reimbursable basis. Franchise Funds were first established by P.L. 103-356, Title IV, Sec 403 to provide common administrative support services on a competitive and fee basis. The pilots were to expire after 5 years, at the end of Fiscal Year 1999, but have been extended several times. The following Federal agencies have, or have had, Franchise Funds. Statutory authority follows the fund type:

- (i) Department of Interior – GovWorks; 31 USC 501



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- (ii) Department of the Treasury – FedSource; 31 USC 322
- (iii) Department of Health and Human Services (HHS) – Unified Financial Management System (UFMS) Program; 31 USC 501
- (iv) Department of Commerce – Office of Computer Services; 31 USC 501
- (v) Environmental Protection Agency (EPA); 31 USC 501
- (vi) Department of Veterans Affairs (VA); 38 USC 301
- (vii) Department of Homeland Security (DHS); 31 USC 501

(3) Those transfers made to Non-DoD agencies, but not to their respective Franchise Funds, must comply with the Economy Act, reference (a).

c. Economy Act and Non-Economy Act Orders have in common the requirement to prepare written justifications before funds may be transferred from one Federal agency to another. These justifications, the Determinations and Findings (D&F), must be completed before any funds can be transferred.

2. A coordinated approach among requirements generators, comptrollers, contracting officers, and legal counsel must occur to identify the most efficient means to satisfy a requirement while simultaneously satisfying our requirements to comply with applicable laws and regulations. Without this coordinated effort, it will be impossible for the Marine Corps to efficiently and effectively acquire its requirements and conserve its limited financial resources.

a. Transferring funds to other agencies should not be the default position of the Marine Corps. Instead, we should make every effort to satisfy the requirement in-house and thereby avoid payment of unnecessary fees. The Marine Corps can only achieve this objective if requirements generators identify their needs and initiate the acquisition and coordination, well in advance, with the comptroller, contracting officer, and legal counsel.

b. Comptrollers must ensure that proper fiscal controls are applied to the funds they have been allocated. Among other things this includes certifying that the appropriate funding is available in terms of purpose, time, and amount.

c. Although the guidance found in references (d) and (e) articulate the roles and responsibilities for all involved in the Non-Economy Act Order process, these procedures also satisfy and will be used for Economy Act Orders.



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9. CONTRACT ACTIONS

9.1 Modifications/Options

Modifications and Options can be initiated if there is a contract already in place under which an activity is ordering supplies or services. A modification would be initiated if there is justifiable cause to make a change to it, or if it was set up with option years with pre-priced items so that the government can choose to exercise an option year and extend the contract period of performance by one year.

Modifications

If your command already has a contract in place which the RCO is managing for you, you would need to initiate a modification request in order to make a change to that contract. If a modification is requested for an existing contract, the MCIEAST-RCO Contract Specialist assigned to that contract should be contacted to obtain additional guidance and information on the request. If the modification request is in the best interest of the government, the contract specialist may proceed with the modification ([CMPG 5.6](#)).

Options

Contracts can be established so that the government will have the option of extending the contract for one additional year if the contract is near its end. This is called exercising the option to extend the contract. A contract may be written to include up to four option years. Using option years saves a lot of administrative work and is encouraged for contracts that are cyclical or repetitive in nature. See “Exercising Options” [CMPG 5.7](#).

9.2 Delivery Orders/ Task Orders

A Delivery Order (DO) is an order for supplies placed against an established contract or from Government sources. A Task Order (TO) is an order for services placed against an established contract or with Government sources per [FAR 2.101](#), [CMPG 5.4](#). DOs/TOs may be Fixed Price (FP), Cost Reimbursement (CR), Time-and-Materials (T&M), labor-hour, or some combination of these arrangements, as stated in the contract. (See [CMPG 1.6](#)).

In accordance with [FAR 16.505](#), DOs/TOs issued under Indefinite Delivery-Indefinite Quantity (IDIQ) contracts must contain the following:

- Date of Order
- Contract and Order Number
- Contract Line Item Number (CLIN) and description, quantity, unit price (supplies) or estimated cost/fee (services)
- Delivery schedule/Period of performance (must be within the contract period)
- Place of delivery or performance
- Packaging and Shipping Instructions, if applicable
- Accounting and appropriation data



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- Method of payment and payment office (if not included in the contract)
- Orders for services should be expressed in terms of performance based requirements. (See [FAR 37.602](#).)

Task Orders Under Multiple Award Contracts

All services acquired under IDIQ Multiple Award Contracts (MACs) are provided through award of DO/TOs. [FAR 16.505\(b\)](#) and [DFARS 216.505-70](#) provide general guidance on issuing orders. The following are suggested procedures for issuing a competitive multiple-award TO:

- *Identify Requirement* – The Contracting Officer must provide each awardee a fair opportunity to be considered for each order exceeding \$3,000 issued under multiple DO contracts or multiple TO contracts. For exceptions to the fair opportunity process, see [CMPG 5.4.1.1](#).
- *Document Fair Opportunity Exception*, if applicable – Every order shall identify the basis if using an exception to MAC fair opportunity requirements. The customer may initiate a request for exception to fair opportunity by submitting a written request to the Contracting Officer. (See Memo Requesting Exception to Fair Opportunity, [Exhibit 9-A](#).) For MAC orders exceeding \$100,000 that do not provide fair opportunity, the Contracting Officer must execute a justification that is prepared and approved in accordance with [FAR 8.405-6\(c\)](#) and includes a written determination that addresses one of the exceptions as described above. (See [DFARS 216.505-70\(b\)](#).)
- *Develop Evaluation Plan* – The Customer sends draft evaluation factors and scoring criteria to the Contracting Officer for review.
- *Issue Request for Quote (RFQ)* – The PWS/SOO, CDRL, and Q&A document are attached to the RFQ and sent out to each MAC Contractor electronically (may be sent via email).
- *Provide Questions and Answers* – Comments and questions are sent in to the Contracting Officer, which are then consolidated into a Questions and Answers (Q&A) amendment to provide responses to Q & A.
- *Amend RFQ to provide Government responses.*
- *Receive and Evaluate Quote/Offer* – The Contracting Officer will coordinate a technical evaluation of the offers, and the Customer will then submit a subsequent technical award recommendation to the Contracting Officer for final evaluation of technical and other factors.
- *Award* – The DO is prepared and awarded on DD Form 1155 Order for Supplies or Services or SF 1449 Solicitation/Contract/Order for Commercial Items in the Standard Procurement System (SPS).
- *Provide Award Notification* – The Contracting Officer provides notification of award to all Offerors, which includes the name of the awardee and price. Debriefs are also considered at this time (not mandatory).



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SECTION 9 EXHIBIT LIST

9-A [Memo Requesting Exception to Fair Opportunity](#)



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Exhibit 9-A: Memo Requesting Exception for Fair Opportunity

Date: _____

MEMO TO FILE

From: _____, Project Office/Contracting Officer's Representative (COR)

To: _____, Contracting Officer

Via: _____, Contract Specialist

Subj: REQUEST FOR FAIR OPPORTUNITY EXEMPTION (NON-COMPETITIVE TASK ORDER AWARD) UNDER IDIQ CONTRACT M_____

Background: All services acquired under Indefinite Delivery Indefinite Quantity (IDIQ) Multiple Award Contracts (MACs) are provided through award of Task Orders (TOs). MAC TOs are awarded under the authority of the Federal Acquisition Streamlining Act (FASA) and FAR 16.505(b). These references require all prime awardees under multiple award IDIQ contracts be given a "fair opportunity" to be considered for each Task Order. FASA/FAR identifies only four authorized exemptions to fair opportunity, which are listed below.

Results of Market Surveys: Detail the results of any market survey conducted, which would support the decision to waive the requirement for fair opportunity under a multiple award contract (i.e., if only one contractor is capable of providing the services document how this was determined).

Identification/Justification for Exemption: If the requirement qualifies for one of the four exemptions to fair opportunity, check the appropriate exception and provide justification.

1. The agency need for services is of such urgency that providing fair opportunity would result in unacceptable delays.

Justification should address the following:

- a. The date that the material/service is required
- b. The approximate length of the delay that would result if the competitive award were to occur
- c. Full explanation as to *WHY* the delay would occur as a result of competition and as to *WHY* award to the selected source would result in faster performance.
- d. Impact to the mission in specific dollar cost if the delay occurred.

2. Only one such contractor is capable of providing such services required at the level of quality required because the services ordered are unique or highly specialized.

Justification should address the following:

- a. Why the selected source is the *ONLY* one capable of providing these particular services, keeping in mind that *ALL* of the contractors selected for award under a multiple award contract were previously determined to be capable of providing these services. Also address why the other multiple award contract holders *NOT* recommended for award *CAN'T* perform the work.



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- b. An estimated dollar value/length of time that it would take to bring the other multiple award contract holders up to speed in this particular area.
- c. The length of time that this work is expected to last in relation to the answer to letter b. For instance, if this is a one-time task then it doesn't make sense to foster the competition if doing so is expensive. However, if this tasking will occur over several years, then fostering competition may make sense. Address this issue fully.

- 3. The order should be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to a TO already issued under the IDIQ contract, provided that all the contractors were given fair opportunity to be considered for the original order.**

Justification should address the following:

- a. This exception is used, "...provided that all awardees were given a fair opportunity to be considered for the original order." Include the number of the original order and a full description of the fair opportunity process utilized in placing the original order. Additionally, include a statement that the original order was placed under this multiple award contract.

Contract M _____, Task Order _____

- b. Describe why the relationship between the initial competed order and the follow-on is logical (i.e. in terms of scope, period of performance, or value etc.).
- c. Provide a full description of how circumventing the fair opportunity process meets the interest of economy and efficiency

- 4. It is necessary to place an order to satisfy a minimum guarantee.**

Justification should address the following:

- a. Address the minimum guarantee for the contractor (e.g., \$3,000), including the amount of orders awarded to date.

Once it is established that the work is either urgent or unique, provide the impact. "Schedule delays" is not a valid impact. Below are some, but not all, the impacts which are acceptable:

1. Ability to wage war (readiness)
2. Ability to win a war (superiority)
3. Loss of life or limb (safety of personnel issues)
4. Financial harm to the Government (financial)
5. Ability to carry out assigned missions (impact to the warfighter)



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Prepared by:

Approve/Disapprove:

Project Office/COR

Contracting Officer (orders less than \$550,000)

Approve/Disapprove:

Approve/Disapprove:

Competition Advocate (Director, HQMC, I&L (Contracts) per MAPS 16.505(b)(5)) (required for orders > \$550,000 up to \$11,500,000)

Head of the Contracting Activity (orders >\$11,500,000 up to \$78,500,000) or Senior Procurement Executive (orders >\$78,500,000)



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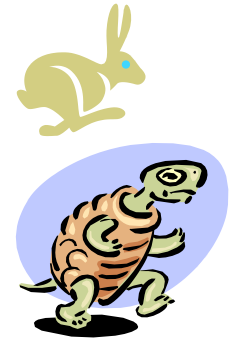
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10. ACQUISITION DO'S AND DON'TS

As with any process where good stewardship of government funds is a priority, these Do's and Don'ts may prevent you from overspending your limited resources or committing a serious procurement violation:

Do: Plan ahead. Many times activities are caught short at the end of the year with many unfunded requirements, but no means to obligate the funds quickly. The seemingly convenient solution to go to non-Marine Corps or Non-DoD contracting officers through the Economy or Non-Economy Act may look attractive, but the bottom line is that you could be spending 4% to 10% more on overhead fees for the use of those contracting agencies. Often these same services or supplies are accessible through the Marine Corps, but like anything else, they require adequate planning and lead time for successful completion. Those extra resources expended to recover from lack of foresight could be put to better use. Look for the RCO's MCCDC Bulletin 4200 which provides the submission dates for turning in your PRs to get those funds executed by the end of the year.



Don't: Wait until August to execute funds by Sep 30. Sometimes it is just not possible to obligate funds that quickly, especially for more complex requirements. Don't take any chances!

Do: Set up your contract with option years, if possible, to get the most for your efforts when initiating a Procurement Request. For example, when planning for long term requirements, adding option years to your contract give you the choice of extending the contract services for another year. These options require much less lead time to execute than starting a new contract. Additionally, prices can be set for the follow-on year, only requiring the customer to exercise the option to make it happen.

Don't: Work around thresholds by submitting a project with hidden costs to speed up the process, thinking that you just need to get in the door and can resolve the cost issues later. These costs will surface, and you may be faced with more costs than you have funds for, not to mention having to seek proper approvals (and wrath) for the project that you were trying to avoid in the first place. This is one example of violating the Antideficiency Act, defined below.

Antideficiency Act

This act prohibits the obligation or expense of Government funds in excess of amounts appropriated by Congress or in excess of amounts allowed by regulations. It forbids the obligation of funds in advance of the official appropriation of funds. The head of each Government agency is required to establish an administrative control system to keep obligations within the amount of apportionment and to detect and report violations of the act. For more information, see the [DoD Financial Management Regulation Volume 14 Chapter 2](#).



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Don't: Break up a requirement into smaller packages just to get around the thresholds to save time and paperwork in the approval process. This occurs with expense (OMMC) vs. investment (Procurement) funds. Fund Managers are forbidden from breaking down a requirement to smaller projects to work around funding threshold regulations. This is an Antideficiency Act violation with serious consequences, including personal liability for the person responsible.

Do: Be aware of potential conflicts of interest between contracted personnel and government personnel. Conflict of interest issues must be addressed because a person may have relationships with others that make him/her potentially unable to be impartial when it comes to giving advice to the Government, performing contract work, or could provide an unfair competitive advantage. This may apply to defense industry contractors as more functions are outsourced by the government. Should the Contracting Officer or Fund Manager discover that an Organizational Conflict of Interest (OCI) may exist, the Fund Manager will assist the Contracting Officer in an investigation to identify all actual and potential OCIs. The Contracting Officer will then provide a written analysis to avoid, neutralize, or mitigate the conflict, and include provisions in the solicitation and a clause in the final contract to address the OCI.

Offerors must acknowledge acceptance of the proposed contract clause in their response and either state that they have no OCI issues or submit a mitigation plan to be reviewed by the Contracting Officer, Fund Manager, and Legal Counsel. The project mitigation plan should include, at a minimum, a Contractor Non-Disclosure Agreement (NDA) and a Contractor-Employee NDA included in the Requirements Package checklist. The mitigation plan is subject to approval by the Contracting Officer and higher authorities as applicable.



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SECTION 10 EXHIBIT LIST

No Exhibits for this Section



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11. PLANNING CONSIDERATIONS

11.1 Contract Financing

Just as important as defining the requirement is budgeting for it with the appropriate type of funds. This is critical to avoid pressure to fund the procurement with the wrong type of funds, which could result in an Antideficiency Act violation. The Fund Manager is responsible for the proper budgeting of funds. Depending on the size and type of the requirement, budgeting may require as much as a two year forecast. For this reason an early dialogue with your Comptroller should initiate the budgeting process.

Funding Your Requirement

In order for a Procurement Request (PR) to be complete, it must have sufficient funds authorization to cover the requirement. This step requires advance planning with the Comptroller to ensure the funds are available at the time your PR is submitted to the RCO. If there are no funds authorized, the PR will be returned to the Requirements Official.

The various appropriation types and their life cycles are shown below. For purposes of awarding a contract, the entire amount of the base year of the contract must be available before it can be awarded, regardless of whether it crosses fiscal years. Any option years that are exercised upon completion of the base year must be funded in the year that the option to extend the contract is exercised.

Normal Life Cycle of Appropriations			
<u>Appropriation</u>	<u>Years For New Obligations</u>	<u>Years For Obligations Adjust. & Disburse.</u>	<u>Years For Closed End of Year</u>
	Unexpired	Expired	Canceled
O&M	1	2-6	6
RDT&E	2	3-7	7
PMC	3	4-8	8

Exhibit 11-A provides a table that summarizes the most common defense appropriations along with obligation periods and examples of use.

SABRS (Standard Accounting, Budgeting, and Reporting System)

The Standard Accounting, Budgeting, and Reporting System (SABRS) is the official accounting system for the U.S. Marine Corps and was designed to meet the fiduciary standards established by the Government Accountability Office (GAO), Office of Management and Budget (OMB), United States Department of the Treasury, and Department of Defense (DoD).



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SABRS matches budget formulation data with budget execution figures. Personnel post transactions affecting obligations and expenses into SABRS manually or through automated electronic system interface. Payments are then processed through electronic connections with various disbursement systems. Elements and coding fields are employed in formulation and execution to tie the actual fund obligation and expenditure back to authorized and budgeted amounts. For more information, see [CMPG GCPC Module 2.4.1](#).

SABRS interfaces with PR Builder for funds authorization. Activity financial managers may access PR Builder as part of the workflow process to provide the necessary budget authorization in order for it to be accepted by RCO.

11.2 Other Methods of Procurement

There are several different methods of executing a procurement request beyond Full and Open Competition. The market research and estimated cost are factors that the Contracting Officer, in consultation with the Requirements Officer, considers before selecting a vehicle outside the USMC. Other procurement methods include, but are not limited to:

- General Services Administration (GSA) eBuy
- DoD eMALL
- SeaPort-e
- Government-Wide Commercial Purchase Card
- Non-Marine Corps/Non-DoD Contract
- Procurement Under a Socio-Economic Program



These electronic procurement methods are explained in the new [CMPG E-Business Applications Section 1.13.1](#).

You may make a recommendation if you have a preferred method of procurement, but it is not binding. The Contracting Officer will make the final decision of which method to use for a PR using his/her vast experience and training in contracting.

11.3 Contract Types

While many contract types are available to implement procurement requests, the RCO ultimately decides the best contracting vehicle based on past experience, familiarity with the bidding climate, and many other factors in order to yield the very best result for the customer.



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Full and Open Competition

- Fixed Price Contracts
 - Firm-Fixed-Price (FFP)
 - Fixed-Price Incentive (FPI)
 - Fixed-Price Award Fee (FPAF)
 - Fixed-Price Economic Price Adjustment (FP-EPA)
 - Fixed-Price Level of Effort (FP-LOE)
- Cost Reimbursement Contracts
 - Cost-Plus-Fixed-Fee (CPFF)
 - Cost-Plus-Incentive-Fee (CPIF)
 - Cost-Plus-Award-Fee (CPAF)
- Time and Materials (T&M) Contracts
 - Indefinite Delivery Contracts
 - Basic Ordering Agreements
- Other Transactions- advanced research and prototype projects
- Special Considerations: Socio-economic programs

Formal Contracts

- Simplified Acquisitions
 - Micro-purchase: Government-Wide Commercial Purchase Card (GCPC)
 - Purchase Order
 - Delivery Order (for supplies)
 - Task Order (for services)
- Open Market procurements over \$100K for non-commercial items and over \$5.5M for commercial items
- Bailment Agreements

Other than Full and Open Competition

- Sole Source Justifications
- Justifications and Approvals
- Urgency Impact Statement



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SECTION 11 EXHIBIT LIST

11-A [Table of Common Defense Appropriations and Characteristics](#)



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Exhibit 11-A: The Most Common Defense Appropriations Characteristics

List of Appropriations and Years Valid		
APPN	Length of Appn	Description
1105	1	MILITARY PERSONNEL, MARINE CORPS (MPMC)
2115	2	MPMC EM SUPP 2 YRS
1108	1	MILITARY PERSONNEL, MARINE CORPS RESERVE (MPMCR)
1106	1	OPERATIONS AND MAINTENANCE, MARINE CORPS (O&MMC)
2116	2	O&MMC, EMER SUPP
1160	X	O&MMC, EMER SUPP
0100	1	OPERATIONS AND MAINTENANCE (O&M), DW
1107	1	OPERATIONS AND MAINTENANCE, MC RESERVE (O&MMCR)
2117	2	O&MMCR, EMER SUPP
X1105	X	FORESTRY
0819	2	HUM, DISASTER, CIVIC AID
0833	X	ENDURING FREEDOM EM SUPP
4965	X	DEFENSE EMERGENCY RESPONSE FUND
5188	X	DISPOSAL OF DOD REAL PROP
5189	X	LEASE OF DOD REAL PROP
0839	2	QUAL OF LIFE ENHANCE, DW
1508	3	PROCUREMENT OF AMMUNITION
1109	3	PROCUREMENT, MARINE CORPS (PMC)
0300	3	PROCUREMENT, DW
0350	3	NATL GUARD & RES EQUIP
1319	2	RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)
0400	2	RDT&E, DW
0450	2	DEVELOPMENTAL TEST AND EVALUATION, DW
0460	2	OPERATIONAL TEST AND EVALUATION (OpT&E), DW
0500	5	MILITARY CONSTRUCTION (MILCON), DW
0510	X	BASE REALIGN/CLOSURE, DW
0735	1	FAMILY HOUSING
7036	5	FAMILY HOUSING
8335	X	VOLUNTARY SEPARATION TRUST FUND
4930	X	NAVY WORKING CAPITAL FUND (NWCF)
5095	X	WILDLIFE CONSERVATION
Note: X = X Year Appn; No Expiration		
DW = Defense-Wide; EM = Emergency; EMER SUPP = Emergency Supplemental		



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12. ACRONYMS

ABC	Activity Based Costing
ACMC	Assistant Commandant of the Marine Corps
ADA	Antideficiency Act
ADC I&L	Assistant Deputy Commandant, Installations and Logistics
AP	Acquisition Plan
APF	Appropriated Funds
AQLs	Acceptable Quality Levels
AS	Acquisition Strategy
BEA	Budget Execution Activity
BPA	Blanket Purchase Agreement
CBT	Computer-Based Training
CCO	Chief of Contracting Office
CLIN	Contract Line Item Number
CMC	Commandant of the Marine Corps
CMPG	Contract Management Process Guide
CO	Commanding Officer
CONUS	Continental United States
COR	Contracting Officer's Representative
CPAF	Cost Plus Award Fee
CPIFF	Cost Plus Fixed Fee
CPIF	Cost Plus Incentive Fee
Procurement Chief	Customer Service Representative
D & F	Determinations and Findings
DASN	Deputy Assistant Secretary of the Navy
DASN (acq)	Deputy Assistant Secretary of the Navy for Acquisition Management
DC	Deputy Commandant
DCAA	Defense Contract Audit Agency
DFAR	Defense Federal Acquisition Regulations
DFARS	Defense Federal Acquisition Regulation Supplement
DFAS	Defense Finance and Accounting System
DMC	Defense Management Council
DMOC	Defense Management Oversight Committee
DoD	Department of Defense
DoN	Department of Navy
DPG	Defense Planning Guidance
EEO	Equal Employment Opportunity
FAQ	Frequently Asked Question
FAR	Federal Acquisition Regulations
FFP	Firm Fixed Price



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ACRONYMS	
FISC	Fleet Industrial Supply Center, San Diego, CA
FM	Financial Management
FMR	Financial Management Regulation
FPAF	Fixed-Price Award Fee
FP-EPA	Fixed-Price Economic Price Adjustment
FPI	Fixed-Price Incentive
FSS	Federal Supply Schedules
FP-LOE	Fixed-Price Level of Effort
G&A	General and Administrative
GAO	Government Accountability Office
GCPC	Government Commercial Purchase Card
GO	General Officer
GSA	General Services Administration
GTCP	Government Travel Card Program
HQMC	Headquarters Marine Corps
HQMC (LB)	HQMC Contracts Division
IDIQ	Indefinite Delivery, Indefinite Quantity
IGCE	Independent Government Cost Estimate
ISM	Institute for Supply Management
J&A	Justification and Approval
MAPS	Marine Corps Acquisition Procedure Supplement
MAS	Multiple Award Schedules
MARCORSYSCOM	Marine Corps System Command
MCBEO	Marine Corps Business Enterprise Office
Camp Lejeune	Marine Corps Base MCIEAST
MCCDC	Marine Corps Combat Development Command
MCFCS	Marine Corps Field Contracting System
MCLC	Marine Corps Logistics Command
MCIEAST	Marine Corps Installation East
MCNAFAS	Marine Corps Non-appropriated Fund Audit Service
MCO	Marine Corps Order
MCPIA	Marine Corps Productivity Improvement Account
MFP	Marine Forces Pacific
MILCON	Military Construction, Navy
MILSTRIP	Military Standard Requisitioning & Issuing Procedures
MIPR	Military Interdepartmental Purchase Request
MOPAS	Management and Oversight Process for the Acquisition of Services
MPMC	Military Personnel, Marine Corps
MPN	Military Personnel, Navy
NAF	Nonappropriated Funds
NAFI	Nonappropriated Funds Instrumentalities
NAICS	North American Industrial Classification Standards



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ACRONYMS

NAS	Naval Audit Service
NAVCOMPT	Navy Comptroller
NCMA	National Contract Management Association
NMCARS	Navy Marine Corps Acquisition Regulation Supplement
NMCI	Navy Marine Corps Internet
NWCF	Navy Working Capital Fund
O&MMC	Operation and Maintenance, Marine Corps
O&MMCR	Operation and Maintenance, Marine Corps Reserve
OC	Office of Counsel
OCI	Organizational Conflict of Interest
OCONUS	Out of the Continental United States
OEM	Original Equipment Manufacturer
OMB	Office of Management and Budget
OPNAV	Office of the Chief of Naval Operations
ORF	Official Representation Funds
OSD	Office of the Secretary of Defense
PALT	Procurement Administrative Lead Time
P&R	Programs and Resources
PGI	Procedure Guidance Information
PMC	Procurement, Marine Corps
PR	Purchase Request
PRS	Performance Requirements Summary
PWS	Performance Work Statement
PWO	Public Works Officer
QASP	Quality Assurance Surveillance Plan
RCO	Regional Contracting Office
MCIEAST-RCO	Regional Contracting Office - MCIEAST
RDT&E, N	Research, Development, Test and Evaluation, Navy
RFI	Request for Information
RFQ	Request for Quote
ROI	Return on Investment
SABRS	Standard Accounting, Budgeting, and Reporting System
SAP	Simplified Acquisition Procedures
SECDEF	Secretary of Defense
SECNAV	Secretary of the Navy
SECNAVINST	Secretary of the Navy Instruction
SES	Senior Executive Service
SOO	Statement of Objectives
SOW	Statement of Work
SSP	Source Selection Plan
T&M	Time and Materials
USMC	United States Marine Corps



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13. REFERENCES

- [Contract Management Process Guide \(CMPG\)](#)
- [Marine Corps Acquisition Procedures \(MAPS\)](#)
- [Federal Acquisition Regulation \(FAR\)](#)
- [Defense Federal Acquisitions Regulation \(DFAR\)](#)
- [Navy/Marine Corps Acquisition Regulation Supplement \(NMCARS\)](#)
- [DFARS Procedures Guidance and Information \(PGI\)](#)

FINANCIAL MANAGEMENT

- ["DoD Financial Management Regulation" \(FMR\) \(DoD 7000.14-R\)](#). This site contains the full text of the 15 volumes of the "DoD Financial Management Regulation."
- [DOD Directives](#) The mission of the Directives Section is to administer and operate the DoD Directives System.
- [Defense Finance and Accounting Service DFAS](#) In 1991, the Secretary of Defense created the Defense Finance and Accounting Service to reduce the cost of Defense Department finance and accounting operations and to strengthen financial management through consolidation of finance and accounting activities across the department
- [Navy Financial Management Home Page](#)
- [Navy Directives](#) Digital collection of all unclassified issuances released by the Secretary of the Navy and Chief of the Naval Operations.
- [HQMC Programs and Resources \(P&R\) Home Page](#) The Programs and Resources Department is the principal staff agency responsible to the Commandant of the Marine Corps for developing and defending the Marine Corps financial requirements, policies, and programs. The Deputy Commandant (DC) P&R owns the Marine Corps resource allocation process and serves as the principal adviser to the Commandant on all financial matters.
- [HQMC Audit & Review Branch \(RFR\) Home Page](#) HQMC Audit & Review Branch provides the Commandant of the Marine Corps, Deputy Commandant for Programs & Resources, and the Fiscal Director of the Marine Corps with "honest broker" focused Marine Corps-wide liaison, oversight and tracking of external audits, internal controls, antideficiency act compliance and reporting, and banking/credit union programs
- [HQMC Accounting and Financial Assistance Branch \(RFA\) Home Page](#) HQMC Accounting and Financial Assistance Branch is a center of financial management excellence and quality in the review, analysis, and reporting of financial execution. RFA mission is to advise and assist the program sponsors, HQMC staff offices, and Marine Corps field comptrollers in all matters relating to accounting, related information systems, and program execution through on-going review and analysis.

OTHER SUGGESTED LINKS

- [Institute for Supply Management \(ISM\)](#)
- [ACQWeB](#) - ACQWeb is the online home of the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.
- [National Contract Management Association \(NCMA\)](#)



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- [Defense Federal Acquisition Regulation Supplement \(DFARS\)](#)
- [Defense Finance and Accounting Service \(DFAS\)](#)
- [Defense Logistics Agency](#)
- [Department of Defense Acquisition Information](#)
- [Department of Defense Official Web Site](#)
- [Dictionary of Military & Associated Terms](#)
- [DoD Business Opportunities](#)
- [Federal Acquisition Regulations](#)
- [Federal Business Opportunities](#)
- [Fleet Industrial Supply Center \(FISC\), San Diego, CA](#)
- [General Services Administration](#)
- [Naval Supply Systems Command](#)
- [Navy Electronic Business Opportunities](#)
- [North American Industrial Classification Standards \(NAICS\)](#)
- [OSD Small & Disadvantaged Business Utilization \(SADBU\) Specialist](#)
- [Procurement Technical Assistance Center](#)
- [Central Contractor Registration](#)
- [Specifications & Standards, DoD](#)
- [Subcontracting Resources](#)