

NMCARS PART 5216 TYPES OF CONTRACTS

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PART 5216 TYPES OF CONTRACTS

SUBPART 5216.2—FIXED-PRICE CONTRACTS

5216.202-90 Firm-fixed-price contracts.

Consultation with DPC is required prior to the use of a firm-fixed-price (FFP) contract for a sole source acquisition with a value greater than \$500 million for U.S. or combined U.S./FMS requirements for a major system as defined in FAR 2.101. This consultation should use the Peer Review process provided at NMCARS 5201.170. The HCA shall notify DASN(AP) by email at RDAJ&As.fct@navy.mil with the subject "Consultation with DPC for a FFP Contract over \$500M" seven days prior to requesting the review from DPC.

SUBPART 5216.3—COST-REIMBURSEMENT CONTRACTS

5216.306 Cost-plus-fixed-fee contracts.

(c) *Limitations.*

(ii)(A) COMNAVFAC is delegated authority to approve cost-plus-fixed-fee (CPFF)

contracts for environmental work only, provided the environmental work is not classified as construction, as defined by 10 U.S.C. 2801.

(B) Requests for approval of CPFF contracts requiring SECDEF approval shall be routed through NAVFACENGCOM and then via DASN(AP) by email at RDAJ&As.fct@navy.mil with the subject "DFARS 216.306 - CPFF Contract Approval."

SUBPART 5216.4—INCENTIVE CONTRACTS

5216.401 General.

(d) HCAs may delegate signature authority for approval of required Determination and Findings (D&Fs) as follows:

(1) Award-fee contract types. D&F signature authority is delegable to no lower than the Deputy/Assistant Commander for Contracts. HCAs shall submit copies of approved D&Fs for cost-plus-award-fee (CPAF) contracts to DASN(AP) by email at RDAJ&As.fct@navy.mil with the subject "FAR 16.401 - HCA CPAF D&F [ACAT Program Designation Number, Description, and Activity Name]" as follows:

(i) All D&Fs for contracts of ACAT I Programs: Within 15 days after approval.

(ii) D&Fs for contracts of non-ACAT I programs valued \$50,000,000 or more (including options): Within 30 days after approval.

(2) Other incentive contracts. D&F signature authority is delegable no lower than one level above the Contracting Officer.

SUBPART 5216.5—INDEFINITE-DELIVERY CONTRACTS

5216.504 Indefinite-quantity contracts.

(a)(4)(v) The Navy task and delivery order ombudsman is Mr. Elliott Branch, Deputy Assistant Secretary of the Navy (Acquisition and Procurement), 1000 Navy Pentagon, Washington, DC 20350, phone (703) 614-9600, fax (703) 614-9394, and email NCAG@navy.mil.

(c)(1)(ii)(D) *Limitation on single award contracts.*

(i) ASN(RDA) is the approval authority. HCAs shall submit an Action memo and body of the D&F, in the format required by Annex 7, Section 843 D&F, electronically as both Word and .pdf files to DASN(AP) by email at RDAJ&As.fct@navy.mil with the subject "DFARS 216.504 - D&F for Single Award [contract/task/delivery order number]".

5216.505 Ordering.

(b)(8) DASN(AP) as the Navy Competition Advocate General, is the task-order and delivery-order ombudsman.