50.000 Scope of part.

This part—

(a) Prescribes policies and procedures for entering into, amending, or modifying contracts in order to facilitate the national defense under the extraordinary emergency authority granted by Public Law 85–804 (50 U.S.C. 1451–1454) and Executive Order 10789, dated November 14, 1958. It does not cover advance payments (see Subpart 32.4); and

(b) Implements indemnification authority granted by Pub. L. 85–804 and paragraph 1A of E.O. 10789 with respect to any matter that has been, or could be, designated by the Secretary of Homeland Security as a qualified anti-terrorism technology as defined in the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act); and

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50.102 Delegation of and limitations on exercise of authority.

50.102–1 Delegation of authority.

50.102–2 Contract adjustment boards.

50.102–3 Limitations on exercise of authority.

50.103 Contract adjustments.

50.103–1 General.

50.103–2 Types of contract adjustment.

50.103–3 Contract adjustment.

50.103–4 Facts and evidence.

50.103–5 Processing cases.

50.103–6 Disposition.

50.103–7 Contract requirements.

50.104 Residual powers.

50.104–1 Standards for use.

50.104–2 General.

50.104–3 Special procedures for unusually hazardous or nuclear risks.

50.104–4 Contract clause.

Subpart 50.2—Support Anti-terrorism by Fostering Effective Technologies Act of 2002

50.200 Scope of subpart.

50.201 Definitions.

50.202 Authorities.

50.203 General.

50.204 Policy.

50.205 Procedures.

50.205–1 SAFETY Act considerations.

50.205–2 Pre-qualification designation notice.

50.205–3 Authorization of offers contingent upon SAFETY Act designation or certification before contract award.

50.205–4 Authorization of awards made presuming SAFETY Act designation or certification after contract award.

50.206 Solicitation provisions and contract clause.

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

Source: 72 FR 63030, Nov. 7, 2007, unless otherwise noted.

50.000 Scope of part.

This part—

(a)(1) Prescribes policies and procedures for entering into, amending, or modifying contracts in order to facilitate the national defense under the extraordinary emergency authority granted by Public Law 85–804 (50 U.S.C. 1451–1454) and Executive Order 10789, dated November 14, 1958. It does not cover advance payments (see Subpart 32.4); and

(b) Implements indemnification authority granted by Pub. L. 85–804 and paragraph 1A of E.O. 10789 with respect to any matter that has been, or could be, designated by the Secretary of Homeland Security as a qualified anti-terrorism technology as defined in the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act); and

Subpart 50.1—Extraordinary Contractual Actions

50.100 Definitions.

As used in this part—

Approving authority means an agency official or contract adjustment board authorized to approve actions under Pub. L. 85–804 and E.O. 10789.

Secretarial level means a level at or above the level of a deputy assistant agency head, or a contract adjustment board.

50.101 General.

50.101–1 Authority.

(a) Pub. L. 85–804 empowers the President to authorize agencies exercising functions in connection with the national defense to enter into, amend, and modify contracts, without regard to other provisions of law related to making, performing, amending, or modifying contracts, whenever the President considers that such action would facilitate the national defense.

(b) E.O. 10789 authorizes the heads of the following agencies to exercise the authority conferred by Pub. L. 85–804 and to delegate it to other officials within the agency: the Government Printing Office; the Department of Homeland Security; the Tennessee Valley Authority; the National Aeronautics and Space Administration; the General Services Administration; the Defense, Army, Navy, Air Force, Treasury, Interior, Agriculture, Commerce, and Transportation Departments; the Department of Energy for functions transferred to that Department from other authorized agencies; and any other agency that may be authorized by the President.

50.101–2 Policy.

(a) The authority conferred by Pub. L. 85–804 may not—