

1336.602-5

1336.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.

(a) In contracts not expected to exceed the simplified acquisition threshold, either or both of the short selection processes set out at FAR 36.602-5 may be used.

(b) Each contracting office shall designate the selection authority based on the complexity of each procurement. The selection authority shall review the selection report and approve it or return it to the chairperson for appropriate revision.

1336.605 Government cost estimate for architect-engineer work.

After award, the independent Government estimated price can be released, upon request, to those firms or individuals who submitted proposals.

1336.609 Contract clauses.

1336.609-1 Design within funding limitations.

The designee authorized to make the determination described at FAR 36.609-1(c)(1) to enable exclusion of the clause at FAR 52.236-22 from the contract is set forth in CAM 1301.70.

PART 1337—SERVICE CONTRACTING

Subpart 1337.1—Service Contracts—General

Sec.

1337.110 Solicitation provisions and contract clauses.

1337.110-70 Personnel security processing requirements.

1337.110-71 Additional DOC clauses related to service contracting.

Subpart 1337.2—Advisory and Assistance Services

1337.204 Guidelines for determining availability of personnel.

AUTHORITY: 41 U.S.C. 414; 48 CFR 1.301-1.304.

SOURCE: 75 FR 10570, Mar. 8, 2010, unless otherwise noted.

48 CFR Ch. 13 (10-1-10 Edition)

Subpart 1337.1—Service Contracts—General

1337.110 Solicitation provisions and contract clauses.

1337.110-70 Personnel security processing requirements.

(a) CAM 1337.70 establishes procedures for personnel security processing for contractors performing services on or within a Department of Commerce facility or through an information technology (IT) system, as required by the Department of Commerce *Security Manual* and Department of Commerce *Security Program Policy and Minimum Implementation Standards*.

(b) Insert clause 1352.237-70, *Security Processing Requirements—High or Moderate Risk Contracts*, in all service contracts designated as High or Moderate risk that will be performed on a DOC facility or when the contractor will access a DOC IT system.

(c) Insert clause 1352.237-71, *Security Processing Requirements—Low Risk Contracts*, in all service contracts designated as Low Risk that will be performed on or within a Department of Commerce facility or when the contractor will access a DOC IT system.

(d) Insert clause 1352.237-72, *Security Processing Requirements—National Security Contracts*, in all service contracts designated as National Security Contracts that will be performed on or within a Department of Commerce facility or when the contractor will access a DOC IT system.

(e) Insert clause 1352.237-73, *Foreign National Visitor and Guest Access to Departmental Resources*, in all DOC solicitations and contracts for services where foreign national access to any DOC facility or DOC IT system is required. The language of the clause may only be modified by adding more restrictive agency or operating unit counsel-specific guidance.

1337.110-71 Additional DOC clauses related to service contracting.

(a) Insert a clause substantially similar to 1352.237-74, *Progress Reports*, where progress reports are required in order to make periodic payments based upon contract progress made, or if the

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contracting officer otherwise determines that progress reports are needed.

(b) Insert a clause substantially similar to 1352.237-75, *Key Personnel*, when contract performance requires identification of contractor key personnel.

Subpart 1337.2—Advisory and Assistance Services

1337.204 Guidelines for determining availability of personnel.

The designee authorized to make the determinations described under FAR 37.204 is set forth in CAM 1301.70.

PART 1339—ACQUISITION OF INFORMATION TECHNOLOGY

Subpart 1339.1—General

Sec.
1339.107 Contract clauses.
1339.107-70 Information security.

Subpart 1339.2—Electronic and Information Technology

1339.270 Solicitation provisions and contract clauses.

AUTHORITY: 41 U.S.C. 414; 48 CFR 1.301-1.304.

SOURCE: 75 FR 10570, Mar. 8, 2010, unless otherwise noted.

Subpart 1339.1—General

1339.107 Contract clauses.

Insert clause 1352.239-70, *Software License Addendum*, in all contracts when the primary purpose is to purchase new software licenses or renew existing licenses.

1339.107-70 Information security.

(a) For all service acquisitions over the micro-purchase threshold, contracting professionals shall coordinate with the designated Contracting Officer Representative (COR) to complete the *Information Security in Acquisition Checklist*.

(b) When the *Information Security in Acquisition Checklist* indicates that Clause 1352.239-73, *Security Requirements for Information Technology Resources*, is needed, contracting officers shall insert the clause in the solicitation and contracts. If the checklist indicates that the Certification and Accredita-

tion requirement in Clause 1352.239-73 is not required, the contracting officer shall include the statement “*The Certification and Accreditation (C&A) requirements of Clause 1352.239-73 do not apply, and a Security Accreditation Package is not required*” in the statement of work.

(c) Contracting professionals shall insert the appropriate risk designation clause from CAM 1337.70 into DOC solicitations and contracts for services depending upon the level of contractor access privileges to DOC IT systems. In addition, contracting professionals shall document the official contract file to include the rationale for the designated risk level.

Subpart 1339.2—Electronic and Information Technology

1339.270 Solicitation provisions and contract clauses.

(a) Insert provision substantially similar to 1352.239-71, *Electronic and Information Technology*, in solicitations for Electronic and Information (EIT) to which it applies.

(b) Insert clause 1352.239-72, *Security Requirements for Information Technology Resources*, in all DOC solicitations and contracts for Information Technology services. The clause language may only be modified by adding more restrictive agency- or operating unit counsel -specific guidance

PART 1341—ACQUISITION OF UTILITY SERVICES

Subpart 1341.2—Acquiring Utility Services

Sec.
1341.201 Policy.
1341.202 Procedures.
1341.204 GSA areawide contracts.

AUTHORITY: 41 U.S.C. 414; 48 CFR 1.301-1.304.

SOURCE: 75 FR 10570, Mar. 8, 2010, unless otherwise noted.

Subpart 1341.2—Acquiring Utility Services

1341.201 Policy.

The designee authorized to enter into a contract pursuant to 42 U.S.C. 8287