

**2809.405**

prescribed in FAR 9.404(c)(1) through (6), (8), and (9).

(b) The authority to establish procedures prescribed in FAR 9.404(c)(7) is delegated to the HCA, or designee.

**2809.405 Effect of listing.**

The HCA or designee is the agency head for the purposes of FAR 9.405.

**2809.405-1 Continuation of current contracts.**

The HCA or designee is the agency head for the purposes of FAR 9.405-1.

**2809.405-2 Restrictions on subcontracting.**

The HCA or designee is the agency head for the purposes of FAR 9.405-2.

**Subpart 2809.5—Organizational and Consultant Conflicts of Interest**

**2809.503 Waiver.**

The HCA is the agency head for the purpose of waiving any general rule or procedure prescribed in FAR subpart 9.5. As prescribed in FAR 9.503, the authority delegated to the HCA to waive any general rule or procedure prescribed in FAR subpart 9.5 may not be delegated below the level of the HCA.

**PART 2810—MARKET RESEARCH**

Sec.

2810.002 Procedures.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

**2810.002 Procedures.**

(a) Market research must be conducted in accordance with DOJ sustainability policies and procedures in order to determine whether there are any sustainable acquisition standards applicable to the desired product or service.

(b) Ensure the statement of work includes sustainability requirements in accordance with JAR 2823.103, when applicable.

**48 CFR Ch. 28 (10-1-24 Edition)**

**PART 2811—DESCRIBING AGENCY NEEDS**

Sec.

2811.002 Policy.

**Subpart 2811.1—Selecting and Developing Requirements Documents**

2811.103 Market acceptance.

**Subpart 2811.5—Liquidated Damages**

2811.501 Policy.

**Subpart 2811.6—Priorities and Allocations**

2811.603 Procedures.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

**2811.002 Policy.**

(a) Consistent with the policy expressed in FAR 11.002(b), the metric system is the preferred system of weights and measures and shall be used in DOJ solicitations and contracts.

(b) When acquiring products or services, the requirements of FAR 11.002(d)(1) and DOJ sustainability policies and procedures are to be followed.

**Subpart 2811.1—Selecting and Developing Requirements Documents**

**2811.103 Market acceptance.**

The HCA is the agency head for the purposes of FAR 11.103(a).

**Subpart 2811.5—Liquidated Damages**

**2811.501 Policy.**

The HCA or designee is the agency head for the purposes of FAR 11.501(d).

**Subpart 2811.6—Priorities and Allocations**

**2811.603 Procedures.**

The HCA or designee is the agency head for the purposes of FAR 11.603.

**PART 2812—ACQUISITION OF  
COMMERCIAL ITEMS**

**Subpart 2812.3—Solicitation Provisions and  
Contract Clauses for the Acquisition of  
Commercial Items**

Sec.

2812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

2812.302 Tailoring of provisions and clauses for the acquisition of commercial items.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

**Subpart 2812.3—Solicitation Provi-  
sions and Contract Clauses  
for the Acquisition of Com-  
mercial Items**

**2812.301 Solicitation provisions and  
contract clauses for the acquisition  
of commercial items.**

Contracting officers shall include the provisions and clauses at JAR 2852.212-

4 in all solicitations and contracts for the acquisition of commercial items that require FAR 52.212-4, Contract Terms and Conditions—Commercial Items.

**2812.302 Tailoring of provisions and  
clauses for the acquisition of com-  
mercial items.**

The HCA, or designee at a level at or above the BPC, is authorized to approve the contracting officer's request for waiver for an individual contract action submitted under FAR 12.302(c). The SPE is authorized to approve the contracting officer's request for wavier for a class of contracts submitted under FAR 12.302(c).