

## Homeland Security Department

3049.9001

### 3046.792 Cost benefit analysis (USCG).

If a specific warranty is considered not to be cost beneficial by the contracting officer, a waiver request shall be initiated in accordance with guidance at (HSAR) 48 CFR 3046.793.

### 3046.793 Waiver and notification procedures (USCG).

(a) The Secretary of Homeland Security, without delegation, may waive the requirement for a warranty for USCG major system acquisitions when the waiver is in the interest of national defense or if the warranty obtained would not be cost beneficial. A waiver may be granted provided that the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified, in writing, of the Secretary's intention to waive the warranty requirements and the reasons supporting such a determination prior to granting the waiver. The request for Secretarial waiver shall include, as a minimum:

(1) A brief description of the major system and its stage of production (e.g., the number of units delivered and anticipated to be delivered during the life of the program);

(2) The specific waiver requested, the duration of the waiver if it is to involve more than one contract, and the rationale for the waiver; and

(3) All documentation supporting the request for waiver, such as a cost-benefit analysis.

(b) The waiver request shall be forwarded to the Secretary, via the CPO. The USCG shall maintain a written record of each waiver granted and the Congressional notification and report made, together with supporting documentation.

## PART 3047—TRANSPORTATION

### Subpart 3047.3—Transportation in Supply Contracts

Sec.

3047.305 Solicitation provisions, contract clauses, and transportation factors.

3047.305-70 Solicitation provision.

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

### Subpart 3047.3—Transportation in Supply Contracts

#### 3047.305 Solicitation provisions, contract clauses, and transportation factors.

#### 3047.305-70 Solicitation provisions.

The contracting officer shall insert the following provisions in solicitations, as applicable:

(a) (HSAR) 48 CFR 3052.247-70, F.o.b. Origin Information, with Alternates I or II, as applicable, shall be inserted in accordance with (FAR) 48 CFR 47.305-3(b);

(b) (HSAR) 48 CFR 3052.247-71, F.o.b. Origin Only, shall be inserted in accordance with (FAR) 48 CFR 47.305-3(e); and

(c) (HSAR) 48 CFR 3052.247-72, F.o.b. Destination Only, shall be inserted in accordance with (FAR) 48 CFR 47.305-4(b).

## PART 3048—VALUE ENGINEERING [RESERVED]

## PART 3049—TERMINATION OF CONTRACTS

### Subpart 3049.90—Contract Termination (USCG)

Sec.

3049.9001 Policy (USCG).

3049.9002 Contract clause (USCG).

AUTHORITY: 14 U.S.C. 1155.

SOURCE: 88 FR 9771, Feb. 15, 2023, unless otherwise noted.

#### 3049.9001 Policy (USCG).

(a) *Applicability.* This section implements 14 U.S.C. 1155 and provides the policy for the USCG to use for contract terminations. This contract termination policy applies to USCG contract terminations, including contracts for commercial items, with a total value of more than \$1,000,000.

(b) *Notification.* Before terminating a contract with a total value of more than \$1,000,000, the Commandant of the