

## SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

### PART 3437—SERVICE CONTRACTING

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AUTHORITY: 5 U.S.C. 301 and 20 U.S.C. 1018a.  
SOURCE: 88 FR 60542, Sept. 1, 2023, unless otherwise noted.

#### Subpart 3437.1—Service Contracts—General

##### 3437.102 Policy.

If a service contract requires one or more end items of supply, FAR subpart 37.1 and this subpart apply only to the required services.

##### 3437.170 Observance of administrative closures.

The contracting officer must insert the clause at 3452.237–71 (Observance of administrative closures) in all solicitations and contracts for services.

#### Subpart 3437.2—Advisory and Assistance Services

##### 3437.204 Guidelines for determining availability of personnel.

The HCA is the agency head for the purposes of FAR 37.204.

##### 3437.270 Services of consultants clause.

The contracting officer must insert the clause at 3452.237–70 (Services of consultants) in all solicitations and resultant cost-reimbursement contracts

for consultant services that do not provide services to Federal Student Aid (FSA).

#### Subpart 3437.6—Performance-Based Acquisition

##### 3437.601 General.

It is the Department's policy that all new service contracts be performance-based, with clearly defined deliverable and performance standards. Any deviations from this policy must be fully justified in writing and approved by the HCA.

##### 3437.670 Contract type.

Award-term contracting may be used for performance-based contracts and task orders that provide opportunities for significant improvements and benefits to the Department. Use of award-term contracting must be approved in advance by the HCA.

### PART 3439—ACQUISITION OF INFORMATION TECHNOLOGY

#### Subpart 3439.70—Department Requirements for Acquisition of Information Technology

Sec.  
3439.701 Internet protocol version 6.  
3439.702 Department information security and privacy requirements.

AUTHORITY: 5 U.S.C. 301 and 20 U.S.C. 1018a.  
SOURCE: 88 FR 60542, Sept. 1, 2023, unless otherwise noted.

#### Subpart 3439.70—Department Requirements for Acquisition of Information Technology

##### 3439.701 Internet protocol version 6.

The contracting officer must insert the clause at 3452.239–70 (internet protocol version 6 (IPv6)) in all solicitations and resulting contracts for hardware and software.

##### 3439.702 Department information security and privacy requirements.

The contracting officer must include the clause at 3452.239–71 (Department

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information security and privacy re- quirements) in all solicitations and contracts.