

644.302

**Subpart 644.3—Contractors’
Purchasing Systems Reviews**

644.302 Requirements.

(a) The Procurement Executive is the head of the agency for the purpose of FAR 44.302(a).

**PART 645—GOVERNMENT
PROPERTY**

Subpart 645.1—General

Sec.

645.107 Contract clauses.

645.107-70 DOSAR contract clause and solicitation provision.

AUTHORITY: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

SOURCE: 78 FR 76076, Dec. 16, 2013, unless otherwise noted.

Subpart 645.1—General

645.107 Contract clauses.

645.107-70 DOSAR contract clause and solicitation provision.

(a) The contracting officer shall insert the provision at 652.245-70, Status of Property Management System, in solicitations when any of the following conditions apply:

(1) Highway motor vehicles or aircraft, regardless of cost, are provided by the Government or acquired by the contractor for the account of the Government;

(2) Software exceeding \$500,000 in value, including labor costs to develop, is provided by the Government or acquired by the contractor for the account of the Government; or

(3) Personal property greater than \$25,000 (and not in paragraph (a)(1) of this subsection) is provided by the Government or acquired by the contractor for the account of the Government. The personal property must be complete within itself; does not lose its identity or become a component part of other property when put into use; and is of a durable nature with an estimated useful life expectancy to exceed two years.

(b) The contracting officer shall insert the clause at 652.245-71, Special Reports of Government Property, in all

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solicitations and contracts that contain the provision at 652.245-70.

[78 FR 76076, Dec. 16, 2013, as amended at 80 FR 6923, Feb. 9, 2015]

PART 647—TRANSPORTATION

Sec.

647.000 Scope of part.

**Subpart 647.2—Contracts for Transportation
or for Transportation-Related Services**

647.207 Solicitation provisions, contract clauses, and special requirements.

647.207-7 Liability and insurance.

**Subpart 647.3—Transportation in Supply
Contracts**

647.305 Solicitation provisions, contract clauses, and transportation factors.

647.305-70 Notice of shipment.

647.305-71 Shipping instructions.

AUTHORITY: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

SOURCE: 59 FR 66767, Dec. 28, 1994, unless otherwise noted.

647.000 Scope of part.

The FAR and DOSAR do not apply to the acquisition of transportation services via Government bill of lading (GBL) or other similar forms.

**Subpart 647.2—Contracts for
Transportation or for Transportation-Related Services**

647.207 Solicitation provisions, contract clauses, and special requirements.

647.207-7 Liability and insurance.

(e) The Procurement Executive has approved a class deviation for paragraph (c) of FAR clause 52.247-23, Contractor Liability for Loss of and/or Damage to Household Goods. The contracting officer shall indicate that the contractor shall indemnify the owner of the goods at a rate of \$5.00 per pound (or metric equivalent in local currency) based on the total net weight. The rate conforms with liability calculations found in International Through Government Bills of Lading (ITGBL).

[64 FR 43629, Aug. 11, 1999]

Department of State

649.101-70

Subpart 647.3—Transportation in Supply Contracts

SOURCE: 80 FR 6923, Feb. 9, 2015, unless otherwise noted.

647.305 Solicitation provisions, contract clauses, and transportation factors.

647.305-70 Notice of shipment.

The contracting officer shall insert the clause at 652.247-70, Notice of Shipment, in solicitations and contracts entered into and performed outside the United States, when overseas shipment of supplies is required.

647.305-71 Shipping instructions.

The contracting officer shall insert the clause at 652.247-71, Shipping Instructions, in solicitations and contracts with a source in the United States if overseas shipment of supplies is required.

PART 648—VALUE ENGINEERING

Subpart 648.1—Policies and Procedures

Sec.
648.102 Policies.

Subpart 648.2—Contract Clauses

648.201 Clauses for supply or service contracts.

AUTHORITY: 22 U.S.C. 2658; 40 U.S.C. 486(c); 48 CFR 1.3.

Subpart 648.1—Policies and Procedures

648.102 Policies.

(a) The authority to grant exemptions prescribed in FAR 48.102(a), or to extend future contract savings or sharing pursuant to FAR 48.102(g), is delegated, without power of redelegation, to the head of the contracting activity (see 601.603-70).

[55 FR 5775, Feb. 16, 1990]

Subpart 648.2—Contract Clauses

648.201 Clauses for supply or service contracts.

The authority to determine exemptions prescribed in FAR 48.201(a)(6) is

delegated, without power of redelegation, to the head of the contracting activity.

[55 FR 5775, Feb. 16, 1990]

PART 649—TERMINATION OF CONTRACTS

Sec.
649.101 Authorities and responsibilities.
649.101-70 Termination action decisions after debarment.
649.106 Fraud or other criminal conduct.

AUTHORITY: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

SOURCE: 59 FR 66767, Dec. 28, 1994, unless otherwise noted.

Subpart 649.1—General Principles

649.101 Authorities and responsibilities.

649.101-70 Termination action decisions after debarment.

(a) Prior to making a decision to terminate, based on the consideration listed below, the contracting officer shall have the proposed action reviewed and approved by:

- (1) The Office of the Legal Adviser;
- (2) An individual one level above the contracting officer; and
- (3) For overseas posts, A/OPE.

(b) *Termination for default.* Termination for default under a contract's default clause is appropriate when the circumstances giving rise to the debarment or suspension also constitute a default in the contractor's performance of that contract. Debarment or suspension of the contractor for reasons unrelated to the performance of that contract may not support a termination for default.

(c) *Termination for convenience or cancellation.* Termination for convenience or cancellation under appropriate contract clauses should be considered when the contractor presents a significant risk to the Government in completing a current contract and when such termination for convenience or cancellation is determined to be in the Government's best interests. In making this determination, the contracting officer should consider such factors as the—