

## 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—

**649.106**

- (1) Seriousness of the cause for debarment or suspension;
- (2) Extent of contract performance;
- (3) Potential costs to the Government;
- (4) Urgency of the requirement and the impact of the delay; and/or
- (5) Availability of other safeguards to protect the Government's interests.

[53 FR 26165, July 11, 1988, as amended at 59 FR 66756, Dec. 28, 1994. Redesignated at 81 FR 51125, Aug. 3, 2016]

**649.106 Fraud or other criminal conduct.**

If the Contracting Officer (CO) suspects fraud or other criminal conduct related to the settlement of a terminated contract, the CO shall discontinue negotiations and report the facts to the Office of the Inspector General.

[59 FR 66767, Dec. 28, 1994, as amended at 80 FR 6923, Feb. 9, 2015]

**649.111 Review of proposed settlements.**

All proposed termination settlements shall be reviewed and approved by the Office of the Legal Adviser for legal sufficiency. In addition,

- (a) All proposed termination settlements from domestic contracting activities shall be approved by the head of the contracting activity, with the exception of termination settlements on simplified acquisitions and no-cost termination settlements; and,
- (b) All proposed termination settlements from overseas contracting ac-

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tivities shall be approved by the Procurement Executive.

[80 FR 6924, Feb. 9, 2015]

**PART 651—USE OF GOVERNMENT SOURCES BY CONTRACTORS**

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

**Subpart 651.70—Contractor Use of Travel Advances, Official Travel Orders, and Government Travel Requisitions**

**651.7001 Policy.**

(a) It is the Department's policy that contractors shall not:

- (1) Receive travel advances from the Department for contract-related travel;
- (2) Travel under official travel orders; or,
- (3) Receive Government Travel Requisitions (GTRs) for transportation.

(b) All contract-related travel shall be performed on the contractor's account with reimbursement provided after submission of a proper voucher.

(c) This policy does not apply to personal services contractor; *provided*, that such contractors are paid through the Department's payroll system and they are subject to the standard payroll deductions of Federal Withholding Tax and FICA.

[59 FR 66767, Dec. 28, 1994, as amended at 69 FR 19338, Apr. 13, 2004. Redesignated at 81 FR 24707, Apr. 27, 2016]