

Subpart 5101.1 - Purpose, Authority, Issuance

Parent topic: [Part 5101 - Federal Acquisition Regulation System](#)

5101.101 Purpose.

The Army Federal Acquisition Regulation Supplement (AFARS) implements and supplements the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS) and the DFARS Procedures, Guidance and Information (PGI) to establish uniform policies for Army acquisition. It does not restrict the exercise of good business judgment or stifle innovation.

5101.105 Reserved.

5101.105-3 Copies.

The AFARS is available electronically on Procurement.Army.mil (<https://procurement.army.mil>) at <https://spcs3.kc.army.mil/asaalt/procurement/AFARS/Home.aspx>. The Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)), Procurement Policy Directorate, SAAL-PP will issue notices of AFARS revisions to all senior contracting officials (SCOs).

5101.108 FAR conventions.

(b) *Delegation of authority.* Each authority is delegable within the contracting chain of authority unless otherwise indicated by law, statute, or regulation. All delegations must reference the applicable AFARS citation. Delegations that do not include expiration dates remain effective until a higher authority supersedes or cancels them.

5101.108-1 Introduction of delegations matrix at Appendix GG and instructions for use.

(b)(S-90) Delegations of certain procurement authorities are identified throughout the AFARS with a pointer to a matrix, labeled Appendix GG. Appendix GG outlines all delegations of authority within the FAR, DFARS and AFARS, and specifies whether the authority prohibits or allows for further delegation. The Army level of authority identified in the matrix is the lowest level of delegation.

5101.170 Peer reviews.

(a) *DoD peer reviews.*

(1) The SCO will concur, in writing, on all solicitation and contract packages submitted for each phase of any DoD peer review. For the first phase only, the SCO will send a copy of the written concurrence to the DASA(P) (see 5101.290) and provide a copy to the head of the contracting activity (HCA). See AFARS PGI 5101.170-2.

(i) In accordance with Defense Pricing and Contracting (DPC) Class Deviation 2019-O0010, Peer Reviews of Contracts for Supplies and Services, except for procurements of major defense acquisition programs above \$1 billion for which the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) is the milestone decision authority and USD(A&S) special interest programs, the DASA(P) is responsible for conducting preaward peer reviews for competitive procurements above \$1 billion. See Appendix GG for further delegation.

(2) Contracting activities shall provide their rolling annual forecast of acquisitions that will be subject to DoD peer reviews to the address at 5101.290(b)(2)(ii)(A) at the end of each quarter. See 5104.802(f)(4) for peer review forecast requirements. See AFARS PGI 5101.170-3.

(b) *Component peer reviews.*

(i) *Army peer reviews.* With the exception of acquisitions using sealed bidding procedures (see FAR Part 14), a Solicitation Review Board (SRB) and a Contract Review Board (CRB) will approve all procurements with an estimated value of \$50 million or more including the award of task and delivery orders. A CRB is required for contract modifications that increase total evaluated price or otherwise increase scope. A CRB is not required for modifications that exercise an option, add incremental funding, or make administrative changes. The SRB and CRB will be independent, multi-functional teams comprised of senior level experts, which will, at a minimum, include representatives from the contracting activity, small business office, office of counsel, requirements community, and in the case of noncompetitive actions, the advocate for competition. The same members should participate in both the SRB and the CRB in order to ensure consistency.

(ii) *Objective of Army peer reviews.* The SRB/CRB will review and assess the presolicitation, solicitation and contract award documents for consistency, sufficiency, compliance and application of sound business practices. The SRB/CRB will verify that the procurement represents an overall good value to the Government and appropriate obligation of taxpayer funds.

(iii) *Resolution of comments.* The SCO will establish procedures for resolving all SRB and CRB comments.

(iv) *Peer review statistics.* Contracting activities will collect peer review statistics, to include annual data on the number of SRB/CRB reviews conducted and waived, identification of any systemic issues or trends, best practices, lessons learned, overall effectiveness of the process, and other data as determined necessary.

(c) *Peer Review Thresholds.*

Table 1-1 designates the Army peer reviews, thresholds and approval authorities.

TABLE 1-1, Peer Reviews, Thresholds and Approval Authorities

Level	Threshold	Parameters	Approval Authority
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DPC	\$1 Billion or More	Pre-award Non-Competitive	Director, Price, Cost and Finance, DPC (Note 1)
DPC	Actions designated by USD(A&S) as requiring peer review, regardless of value	Pre-award Non-Competitive	Director, Price, Cost and Finance, DPC (Note 1)
DPC	\$1 Billion or More MDAPs for which USD(A&S) is the MDA	Pre-award, Competitive	Director, Contract Policy, DPC (Note 1)
DPC	Actions designated by USD(A&S) as requiring peer review, regardless of value	All Pre-award, Competitive	Director, Contract Policy, DPC (Note 1)
Army	\$1 Billion or More	Pre-award, Competitive	HCA Non-delegable, Except DASA(P) for Special Interest Acquisitions
Army	\$250 Million or More but Less than \$1 Billion	Pre-award, Competitive and Non-Competitive	HCA, with authority to delegate No Lower than the SCO
Army	\$50 Million or More but Less than \$250 Million	Pre-award, Competitive and Non-Competitive	SCO, with authority to delegate to No Lower than the CoCO
Army	Below \$50 Million	Pre-award, Competitive and Non-Competitive	SCO or Designee (Note 2)
Army	\$1 Billion or More	Independent Management Review Contracts for Services	DASA (P) or SSM; without authority to further delegate.
Army	\$100 Million or More but Less than \$1 Billion	Independent Management Review Contracts for Services	HCA, with authority to delegate to No Lower than the SCO
Army	Procurements identified as Special Interest by the DASA(P).	All Peer Reviews, Special Interest	DASA(P), without power to further delegate. (Note 3)

Notes:

See DFARS 201.170. The contracting activity's business clearance process (see 5115.406) normally satisfies the oversight function of peer reviews for acquisitions below \$50 million. If the SCO determines, in accordance with a risk-based analysis, that a separate peer review is necessary for an acquisition valued below \$50 million, the SCO or designee shall conduct the peer review consistent with the procedures set forth for Army peer reviews in this section. Other Army peer reviews identified in 5101.170(b) are not required when the ODASA(P) conducts a special interest peer review for a procurement.

(v) *Independent Management Reviews (IMRs) (Postaward peer reviews) of contracts for services.* Independent Management Reviews shall be conducted if the base period is greater than one year, the IMR takes place prior to the end of the second year of the base period of performance. If the base period of performance is one year or less, the IMR occurs prior to the exercise of the second option period.

(a) The ODASA(P) will conduct an Independent Management Review (IMR) for contracts for services valued at \$1 billion or more. The reviews will be conducted in accordance with AFARS PGI 5101.170-4(a).

(b) The HCA will conduct an IMR for contracts for services valued at \$100 million or more but less than \$1 billion. See Appendix GG for further delegation. For HCA reviews, the HCA will provide the Senior Services Manager a summary report. The summary report will address the independent management review required elements in DoDI 5000.74 Defense Acquisition of Services and shall be filed within PCF in accordance with AFARS PGI 5101.170-4(b); no later than 45 days after completion of the review.