

ANNEX 2 - BUSINESS CLEARANCE REQUIRED CONTENT

In developing business clearance memoranda and/or BCM templates, HCAs shall include all required content and compliances as outlined in the following table unless the HCA notifies DASN(P) otherwise per 5201.9002(b). When addressing a minimum requirement, HCAs may reference previously approved documentation (e.g., source selection plan, acquisition strategy/plan, Justification & Approval, etc.) rather than restate information within the BCM. Additionally, as this Annex outlines the minimum content that will facilitate validation with regulations, HCAs may add documentation requirements; the table below is NOT all-inclusive.

| DOCUMENT/APPROVAL CONTENT | Reference(s) (as applicable) |
|--|---|
| PRE-NEGOTIATION | |
| Procurement Request | FAR part 11 DFARS part 211 NMCARS part 5211 |
| Acquisition Strategy | FAR 34.004 |
| Acquisition Plan (STRAP/MOPAS-S) | NMCARS 5207.103 NMCARS 5237.503 |
| Contract Type Rationale | FAR 16.102(d) FAR 16.103(d) DFARS 216.102 |
| Synopsis or an Approved Waiver | FAR 5.202 FAR 5.203 FAR 5.204 |
| Determinations and Findings (D&F) to Establish or Maintain Alternative Sources | FAR 6.202 |
| Justification for Other Than Full and Open Competition | FAR 6.303 DFARS PGI 206.302-1 |

DOCUMENT/APPROVAL CONTENT**Reference(s)
(as applicable)**

HCA Documentation for Non-Competitive Requirement under an International Agreement

DFARS 206.302-4(c)

Bundling Contract Requirements

FAR 7.107-3

Determination to Consolidate Contract Requirements

FAR 7.107-2

Determination to Contract for Certain Non-Commercial Products and Services

DFARS 212.272

D&F to Use Commercial T&M or LH Contract

FAR 12.207

Source Selection Plan

DFARS 215.303
DoD Source Selection
Procedures

D&F to Use T&M or LH Type Contract

FAR 16.601(d)(1)
FAR 16.602
DFARS 216.601(d)(i)(A)

D&F to Use Incentive or Award Fee Contract

FAR 16.401(d)
DFARS 216.401(d) NMCARS
5216.401(d)

D&F for Cost Type Research and Development in Excess of \$25M

DFARS 235.006(b)(i)

Determination for Fixed Price Development for Non-MDAP

DFARS 235.006(b)(iii)(A)(3)

Determination to Make Single Award for IDIQ Estimated to Exceed \$100M (including all options)

FAR 16.504(c)(1)(ii)(D) DFARS
216.504(c)
NMCARS 5216.504(c)

Determination to Make Single Award for IDIQ Advisory and Assistance Services Over Three Years and \$15M

FAR 16.504(c)(2)

HCA Approval for Cost-Reimbursement Contracts in Excess of \$25M

DFARS 216.301-3

Use of Contract Terms in Excess of Five Years

FAR 17.204(e)

DOCUMENT/APPROVAL CONTENT**Reference(s)
(as applicable)**

| | |
|---|--|
| Use of Non-DoD Contract Vehicle | DFARS 217.770 |
| DD Form 2579 Small Business Coordination Record | DFARS 219.201 |
| Determination of Personal/Non-Personal Services | FAR 37.103 DFARS PGI 237.503 |
| Approval for Non-Performance Based Acquisition | DFARS 237.170-2 |
| Government-Furnished Property Compliance Checklist | NMCARS 5245.103-74 |
| Approval to Use Warranty | DFARS 246.704 |
| Draft/Planning Solicitation(s); Offerors Comments & Government Response to Offerors; Other Exchanges with Industry Before Receipt of Proposal | FAR 15.201 |
| Wage Rate Determination (SF-98/98A) | DFARS 222.1008 |
| Market Research Documentation | FAR part 10 DFARS part 210 DFARS 237.102-78 DFARS PGI 215.371-2 |
| Independent Government Cost Estimate | FAR 4.803(a)(7) |
| Approval of FAR/DFARS/NMCARS Deviations | FAR subpart 1.4 DFARS subpart 201.4 NMCARS subpart 5201.4 |
| Undefinitized Contract Action and Undefinitized Change Order Approval | DFARS 217.74 NMCARS 5243.201 |
| Unusual Contract Financing Clauses | FAR part 32 DFARS part 232 |
| Justification for Oral Solicitation | FAR 15.203(f) |

DOCUMENT/APPROVAL CONTENT**Reference(s)
(as applicable)**

Tailoring of Provisions and Clauses for Use in Commercial Item Acquisitions (waiver)

FAR subpart 12.3
DFARS subpart 212.3
NMCARS subpart 5212.3

Solicitation/Request for Proposal

FAR 15.203

Amendments to RFP

FAR 15.206

Combined Synopsis and Solicitations for Commercial Item Acquisitions

FAR 12.603

Contractor Proposal(s)

DCAA Report(s)

ACO Report(s)

Technical Evaluation Report(s)

FAR 15.305(a)(3)

Price/Cost Evaluation Report

FAR 15.305(a)(1)

Past Performance Evaluation Report

FAR 15.305(a)(2)
DFARS 215.305(a)(2)

Small Business Participation Evaluation Report

DFARS 215.304(c)(i)
DoD Source Selection
Procedures

Subcontracting Plan Evaluation Report

FAR 19.702(a)
FAR 19.704

Competitive Range Determination

FAR 15.306(c)

Evaluation of Transportation Costs (DD Form 1654)

FAR 47.306
DFARS 247.301-71
DFARS 247.372

Cost Accounting Standards Waivers

FAR 30.201-5
DFARS 230.201-5
NMCARS 5230.201-5

DOCUMENT/APPROVAL CONTENT

**Reference(s)
(as applicable)**

| | |
|---|--|
| Make or Buy (Program, Evaluation, Approval) | FAR 15.407-2 |
| Compliance with FAR Subpart 4.21 - Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment - Requirements | FAR provision 52.204-24 FAR provision 52.204-26 FAR clause 52.204-25 |
| Exemptions Requested to Buy American, Berry Amendment, Specialty Metals Restrictions, or Other Requirements of the Solicitation | DFARS subpart 225.70 |
| Contracting Officer Determination and Basis for Pass-Through Charges | FAR 15.404-1(h) |
| Contractor's Estimating System Determined Acceptable by ACO | DFARS 215.407-5 |
| Pre-Award Disclosure Statement - Cost Accounting Practices and Certification and Determined Current, Accurate, and Complete by ACO | FAR clause 52.230-1 FAR 30.202-6 |
| Contractor's Accounting System Determined Adequate by CAO/DCAA | FAR 16.301-3 |
| Contractor Purchasing System Determined to be Approved by the ACO | FAR 44.305 |
| Property System Reviewed for Acceptability by ACO | FAR 45.105 |
| SAM Exclusions Verification for All Offerors | FAR 9.405(e)(1) |
| Certification Regarding Responsibility Matters and Delinquent Tax Liability or a Felony Conviction under Federal Law | FAR 9.104-5 FAR provision 52.209-5 FAR provision 52.212-3(h) FAR provision 52.209-11 |
| Pre-Negotiation Objective - Four Tenets: 1. What is the estimate, 2. What is the estimate based on, 3. How was the estimate derived, and 4. Why is the estimate reasonable? | |

DOCUMENT/APPROVAL CONTENT

**Reference(s)
(as applicable)**

Part 15 Negotiation Documentation Requirements

FAR 15.406-3
DFARS 215.406-3

POST-NEGOTIATION

Award With or Without Discussions

FAR 15.306(a)(3)

HCA Waiver of Cost or Pricing Data

FAR 15.403-1(c)(4)

Certificate of Current Cost or Pricing Data

FAR 15.406-2

Subcontracting Plan Determined Adequate

FAR 19.705-4

Approval of SDB Subcontracting Goal Less Than 5%

DFARS 219.705-4

SBIR/STTR Phase III Award Contracting Officer
Affirmation

NMCARS 5206.302-5(b)

EEO Compliance Requested/Obtained

FAR 22.805

Determination of Responsibility and Financial Stability

FAR 9.103
FAR 9.104-1

SAM Exclusions Verification for Successful Offeror

FAR 9.405(e)(4)

Certification Regarding Responsibility Matters and
Delinquent Tax Liability or a Felony Conviction under
Federal Law for Successful Offeror

FAR 9.104-5
FAR provision 52.209-5
FAR provision 52.212-3(h) FAR
provision 52.209-11

VETS-4212 Filing Verification for Awardee (Non-
Commercial Items that Exceed the SAT)

FAR 22.1302(b)
FAR 22.1304

Part 15 Negotiation Documentation Requirements

FAR 15.406-3
DFARS 215.406-3