

5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable [Legal Review](#) template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations regardless of dollar amount, and if required elsewhere in regulation or policy:

- (1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;
- (2) When using or applying unique or unusual contract provisions;
- (3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;
- (4) Procurement integrity or organizational conflict of interest issues;
- (5) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of [MP5315.3](#);
- (6) Issues dealing with licensing, technical data rights, and patents;
- (7) Ratifications
- (8) Termination for default/cause
- (9) Terminations for convenience, except cancellations or terminations of purchase orders;
- (10) Individual or class deviations; and
- (11) Any other legal issue at the discretion of the contracting officer or supporting legal office.

(B) Contracting officers must obtain legal review for all Justifications and Approvals (J&A) requests for actions expected to exceed \$750,000

(C) In addition to the general conditions identified in [DAFFARS 5301.602-2\(c\)\(i\)\(A\)](#), contracting officers must obtain legal review for the following actions that are expected to exceed \$5,000,000. Contracting officers shall exercise good judgement in seeking legal review if the total value of the contract action is less than the thresholds listed in this paragraph and guard against using reviews as a means of quality control.

- (1) Solicitations and amendments, except administrative amendments;
- (2) Proposed contracts and modifications;
- (3) Orders for supplies or services issued under indefinite delivery type contracts ([FAR 16.5](#)), including Governmentwide Acquisition Contracts (GWACs), and Federal Supply Schedules (FSS), that require negotiation at the order level; and
- (4) Orders under Blanket Purchase Agreements (BPA) established under FSS.

(5) The SCO and their local legal office may establish a different threshold than identified in (C) based on organizational needs. Thresholds should not be established below \$1,000,000 for Operational organizations and \$5,000,000 for Non-Operational organizations unless coordinated with the SCO and cognizant HCA.

(D) Legal review is not normally required for:

(1) Funding actions without any other changes;

(2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract; or

(3) Except as indicated at DAFFARS 5301.602-2(c)(i)(C)(3), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.

(d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see MP5301.602-2(d).

Parent topic: Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES