

MMW 6/6

30 May 1996

MEMORANDUM FOR ABM-ED
Via: Sid Tronic *AT*

Subj: DEPARTMENTAL MEMORANDUMS

ISSUE: OUSD DP(DAR) memorandums of 21 May 96

BACKGROUND/DISCUSSION:

- Mrs. Spector forwarded enclosures (1) and (2) to you to ensure that Navy contracting personnel are aware of the subject changes.

CONCLUSION:

Requires ABM signature for Distribution.

K. M. Wright
K. M. Wright

ABM Homepage

B



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

DFARS Case: 96- D007
96- D3 05

JUN 3 1996

MEMORANDUM FOR DISTRIBUTION

Subj : DEPARTMENTAL MEMORANDUMS

Encl: (1) 96-D007, Direct Submission of Vouchers to Disbursing
Office
(2) 96-D305, Institutions of Higher Education

Enclosures (1) and (2) are forwarded for immediate
implementation.

Elliott B. Branch
Elliott B. Branch
Executive Director
Acquisition & Business
Management

DISTRIBUTION:

COMNAVAIRSYSCOM (2.0)
COMNAVFACENGCOM (11)
COMNAVSEASYSYSCOM (02)
COMNAVSUPSYSCOM (02)
COMSPAWARSYSCOM (02)
COMMARCORSYSCOM (02)
CNR (02)
COMSC (N10)
DC/S I&L HQMC (MC-LB)
NISMC (02)
DIRSSP (SPN)

copy to:
AGC (RDA)

INFO



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

May 21, 1996



mf
ACQUISITION AND
TECHNOLOGY
DP (DAR)

In reply refer to
DFARS Case: 96-D007
D. L. 96-013

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES
DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT,
ASN(RD&A) /ABM
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTOR, PROCUREMENT POLICY, ASA(RD&A) /SARD-PP
DEPUTY DIRECTOR (ACQUISITION), DEFENSE LOGISTICS AGENCY

SUBJECT: Direct Submission of Vouchers to Disbursing Office

We have amended the Defense Federal Acquisition Regulation Supplement (DFARS) to allow the contract auditor to authorize direct submission of interim vouchers for provisional payment to the disbursing office for contractors with approved billing systems.

The attached final DFARS rule is effective immediately and will be published in a future Defense Acquisition Circular.

Eleanor R. Spector
Director, Defense Procurement

Attachment

cc: DSMC, Ft. Belvoir

ENCLOSURE(1)



MAY 21 1996

PART 242--CONTRACT ADMINISTRATION

* * * * *

SUBPART 242.8--DISALLOWANCE OF COST

* * * * *

242.803 Disallowing costs after **incurrence**.

(a) *Contracting officer receipt of vouchers.*

Contracting officer receipt of vouchers is applicable only for cost-reimbursement contracts with the Canadian Commercial Corporation. See 225.870-5(b) for invoice procedures.

(b) *Auditor receipt of voucher.*

(i) The contract auditor is the authorized representative of the contracting officer for—

(A) **Receiving** vouchers from contractors;

(B) Approving interim vouchers for provisional payment (this includes approving the fee portion of vouchers in accordance with the contract schedule and administrative contracting officer instructions) and sending them to the disbursing office;

(C) [Authorizing direct submission of interim vouchers for provisional payment to the disbursing office for contractors with **approved** billing systems.]

~~(C)~~(D) Reviewing completion/final vouchers and sending them to the administrative contracting officer; and

~~(D)~~(E) Issuing DCAA Forms 1, Notice of Contract Costs Suspended and/or Disapproved, to deduct costs where **allowability is** questionable.

(ii) The administrative contracting officer—

(A) Approves **all completion/final** vouchers and sends them to the disbursing officer; and

(B) May issue or direct the issuance of **DCAA** Form 1 on any cost when there is reason to believe it should be suspended or disallowed

INFO



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000



May 21, 1996

ACQUISITION AND
TECHNOLOGY

DP (DAR)

In reply refer to
DFARS Case: 96-D305
D. L. 96-012

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES
DEPUTY FOR ACQUISITION AND BUSINESS MANAGEMENT,
ASN(RD&A) /ABM
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), **SAF/AQC**
DIRECTOR, PROCUREMENT POLICY, **ASA(RD&A) /SARD-PP**
DEPUTY DIRECTOR (ACQUISITION), DEFENSE LOGISTICS
AGENCY

SUBJECT: Institutions of Higher Education

We have amended the Defense Federal Acquisition Regulation Supplement to implement Section 541 of the Fiscal Year 1996 National Defense Authorization Act (Pub. L. 104-106) as it applies to contracts. section 541 provides that no funds available to the Department of Defense may be provided by grant or contract to any institution of higher education that has an anti-ROTC policy.

This interim rule is effective immediately and will be published in a future Defense Acquisition Circular.

Eleanor R. Spector
Director, Defense Procurement

Attachment

cc: **DSMC, Ft. Belvoir**

ENCLOSURE(2)



MAY 22 1996

DFARS Case 96-D305
Interim Rule

Part 209 - Contractor Qualifications

1. Subpart 209.4 is amended to revise Section 209.470, as follows:

Subpart 209.4--DEBARMENT, SUSPENSION, AND INELIGIBILITY

209.470 **Military recruiting on campus.**

209.470-1 Policy.

(a) [**(1)**] Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) provides that no funds available to DoD may be provided by grant or contract to any institution of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for military recruiting purposes--

 [**(i)**]-1) Entry to campuses or access to students on campuses; or

 [**(ii)**]-2) Access to directory information pertaining to students.

[(2) Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 983) provides that no funds appropriated or otherwise available to DoD may be obligated by contract or by grant, including a grant of funds to be available for student aid, to **any institution** of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the *Secretary* would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps, or at which the Secretary would **otherwise** enroll or seek to enroll students for participation in a unit of the Senior **Reserve** Officer Training Corps at another nearby institution of higher education. This prohibition applies to new contracts **and** all contract modifications. (See 243.105.) **This prohibition shall cease to apply** to that institution upon a **determination** by the Secretary that the institution no longer has **an** anti-ROTC policy.]

(b) Institutions of higher education that are determined under 32 CFR Part 101-11.6 to have a policy or practice in paragraph (a) [**(i)**] **subsection shall be** listed as **ineligible on the List of Parties Excluded from Federal Procurement [and Nonprocurement] Programs** published by the General Services Administration. (See FAR 9. 404) .

(c) In cases where a determination is made under 32 CFR Part 216 that specific subordinate **elements of an** institution of higher education, rather than the institution as a whole, have the policy or practice in paragraph (a) [(1) or (a)(2)] of this subsection 32 CFR part 216 provides that the prohibition on use of DoD funds applies only to those subordinate elements.

209.470-2 Procedures.

(a) Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with ineligible contractors.

(b) After a determination of ineligibility [under **209.470-1(a)(1)**], departments and agencies shall make **no** further payments under existing contracts with the institutions, and shall initiate termination action.

209.470-3 Contract clause.

Use the clause at 252.209-7005, Military Recruiting on Campus, in all solicitations and contracts with institutions of higher education.

● * * * *

243.105 Availability of funds.

(a) [i] 10 U.S.C. **2405** prohibits adjustments in **price** under a **shipbuilding** contract entered into after December 7, 1983, for a claim, request for equitable adjustment, or demand for payment under the contract, arising out of events occurring more than 18 months before submission of the claim, request, or demand.

[(ii) Section 558 of the National Defense Authorization Act for Fiscal Year **1995** (Pub. L. 103-337) provides that no funds available to DoD may be provided by contract or contract **modification**, nor may contract payments be made, to an **institution** of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for **military recruiting purposes--**

(A) **Entry** to campuses or access to students on campuses; **or**

(B) **Access** to directory information pertaining to students. (See 209.470.)

(iii) Pursuant to **10 U.S.C. 983**, no funds may be obligated by contract or contract modification to an institution of higher education that has an anti-ROTC policy. (**See 209-470.**) 1

Blind copy to:

COMNAVAIRSYSCOM (2.11)
COMNAVSEASYS COM (02831)
COMNAVSEASYS COM (028311)
COMSPAWARSYSCOM (0241)
DIRSSP (SPLE-D)
CMC (CL)
NISMC (OOX)
OGC (RD&A) (Mr. Townsend)
OUNSECNAV (SADBU)
OASN (RD&A) ABM-E D
OASN (RD&A) ABM-PS
OASN (RD&A) ABM-PR

CALLAWAY BOX
WINSTON BOX

Correspondence (File)

Writer: K. Wright, (703) 602-2806