



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

FEB 25 1999

MEMORANDUM FOR DISTRIBUTION

Subj: CHANGE TO NAVY ACQUISITION PROCEDURES SUPPLEMENT (NAPS)
PERTAINING TO PAPERLESS CONTRACTING

Ref: (a) ABM memo of December 28, 1998

Encl: (1) NAPS Change #97-9

In support of the Department of Defense's initiatives to move to a paperless contracting process, and in order to take advantage of technological opportunities available in the areas of electronic distribution of solicitations and contract documents, the changes included in enclosure (1) are hereby incorporated into the August 1997 NAPS, as contemplated by reference (a). The coverage enclosed has been tailored as a result of comments and recommendations received in response to reference (a). For example, the threshold for mandatory use of Navy Electronic Commerce Online (NECO) has been raised from the micropurchase threshold to \$25,000. Activities desiring to use NECO below that threshold are still encouraged to do so.

Questions regarding implementation of these changes may be addressed to Ms. Debbie Streufert of the EA-21 Program Office, at (703)601-0246, or e-mail: debbie.streufert@peoarbs.navy.mil.

Additionally, three administrative changes/corrections are included.

These changes are effective as specified in the enclosure, and will be reflected in the NAPS Online.

Elliott B. Branch
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Executive Director
Acquisition and Business
Management

Distribution:
AGC (RD&A)
CMC (DC/S I&L)
COMMARCORSSYSCOM
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(cont.)

Subj: CHANGE TO NAVY ACQUISITION PROCEDURES SUPPLEMENT (NAPS)
PERTAINING TO

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NAVY ACQUISITION PROCEDURES SUPPLEMENT CHANGE #97-9

The following new and changed coverage is hereby incorporated into the August 1997 NAPS. Change #1 below will become a standard Navy business practice effective April 1, 1999, with full compliance required by June 1, 1999, for DoN contracting offices within the following claimancies:

- i. BUMED
- ii. MSC
- iii. NAVAIR
- iv. NAVFAC
- v. NAVSEA
- vi. NAVSUP
- vii. SSP
- viii. ONR
- ix. SPAWAR
- x. USMC (both HQMC and MARCORSSYSCOM)

It is effective October 1, 1999 for all other DoN contracting offices. Change #2 is effective April 1, 1999. Changes #3 and #4 are effective immediately.

1. To implement EDA, NAPS 5204.201 is replaced with the following:

PART 5204

ADMINISTRATIVE MATTERS

Subpart 5204.2—Contract Distribution

5204.201 (DFARS 204.201) Procedures.

All DoN activities shall post an electronic copy of each newly executed procurement instrument (contracts, purchase orders, delivery orders, contract modifications, etc.) within two working days of its execution, to the DoN Electronic Document Access (EDA) website (<http://www.eda.navy.mil>), unless payment under the instrument will be made with the Government Commercial Purchase Card. Documents shall be posted in portable document format (.pdf). No other format is acceptable. Files shall be in a reasonable size. If practical, files should not be larger than 1Mb. If necessary, contract documents may be broken into sections. Attachments may be separate files. This posting constitutes the required distribution with respect to required copies for the Defense Finance and Accounting Service, the Defense Contract Management Command, and the Defense Contract Audit Agency. Historical (existing) procurement documents should be captured and posted electronically to the above EDA website in accordance with local procedures. Priority consideration should be given to those instruments with significant payment activity remaining. All parts of an instrument that would have been provided to a recipient in paper should be made available electronically.

NAVY ACQUISITION PROCEDURES SUPPLEMENT CHANGE #97-9

2. To implement NECO, new NAPS Sections 5205.207, 5212.204, 5213.106, 5214.203 and 5215.203 are added as follows:

PART 5205

PUBLICIZING CONTRACT ACTIONS

SUBPART 5205.2—SYNOPSIS OF PROPOSED CONTRACT ACTIONS

5205.207 Preparation and transmittal of synopses.

(c) *General format for Item 17, "Description".*

(2)(xvii) If the solicitation will be available on or through the Navy Electronic Commerce Online (NECO) world wide web site, include the complete URL to provide potential offerors direct access.

PART 5212

ACQUISITION OF COMMERCIAL ITEMS

SUBPART 5212.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL ITEMS

5212.204 Solicitation/contract form.

(a) Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

PART 5213

SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 5213.1—PROCEDURES

5213.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

5213.106-1 Soliciting competition.

(a) Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

PART 5214

SEALED BIDDING

SUBPART 5214.2—SOLICITATION OF BIDS

5214.203 Methods of soliciting bids

5214.203-1 Transmittal to prospective bidders. Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

PART 5215

CONTRACTING BY NEGOTIATION

SUBPART 5215.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

5215.203 Requests for proposals. Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

3. The following new NAPS Subpart 5217.1 is added to stipulate that HCAs have authority to use multi-year contracts, if not otherwise restricted by specific FAR or DFARS limitations.

PART 5217

SPECIAL CONTRACTING METHODS

SUBPART 5217.1—MULTI-YEAR CONTRACTING

5217.105 Policy.

5217.105-1 Uses.

(b) HCAs have authority to award multi-year contracts, subject to existing restrictions contained in the FAR and DFARS.

NAVY ACQUISITION PROCEDURES SUPPLEMENT CHANGE #97-9

4. The following editorial changes/corrections are incorporated:

a. In NAPS 5201.601(90)(c)(2), change the second sentence to read "This includes contracting for Naval (but not Marine Corps) activities for visual information (motion picture and videotape) productions through the Naval Media Center, unless an exception is granted by the Chief of Naval Operations (N09C4)." This recognizes that Marine Corps activities have separate procedures and processes for acquisition of visual information.

b. In NAPS 5219.201, "(c)" and "(d)" are re-designated "(d)" and "(e)", respectively, to align them with the change made in FAC 97-6.

5. NAPS change pages are attached.

(c) NAVSUPSYSCOM.

NAVSUPSYSCOM contracting responsibilities include:

- (1) providing DoN-wide policy and procedures for simplified acquisition as defined in FAR Part 13, except that NAVFAC may utilize other procedures for construction, A/E services, and base support; and
- (2) contracting for supplies and services throughout the DoN for which no other contracting activity, office or command is delegated contracting authority. This includes contracting for Naval (but not Marine Corps) activities for visual information (motion picture and videotape) productions through the Naval Media Center, unless an exception is granted by the Chief of Naval Operations (N09C4).

5201.602 Contracting officers.

5201.602-1 Authority.

Contract documents shall be forwarded to the appropriate attorney or attorneys in the Office of General Counsel for review as to form and legality and any additional pertinent comment or advice.

5201.602-2 (DFARS 5201.602-2) Responsibilities.

Employees of foreign governments assigned to multi-national Joint Project Offices are authorized to serve as CORs.

5201.602-3 Ratification of unauthorized commitments.

HCAs may ratify unauthorized commitments, and may delegate this authority to a level no lower than the CCO.

5201.603 Selection, appointment, and termination of appointment.

5201.603-1 General.

Heads of Contracting Activities (HCAs) are the agency head's designees for the selection and appointment of contracting officers, and for the termination of their appointments.

5201.690 Requirements to be met before entering into contracts.

(a) Generally, all significant contracting actions should be subject to some form of review prior to award. The formal review process is conducted and documented through the use of the business clearance. The purpose of the business clearance is to demonstrate that the proposed action conforms to law, regulation, good business practices and Navy acquisition policies.

(b) HCAs should establish written procedures for the review and approval of business clearances for:

- (1) Contracts (including indefinite-delivery contracts) and contract modifications for the acquisition of supplies or services not within the scope or under the terms of an existing contract.

PART 5204

ADMINISTRATIVE MATTERS

SUBPART 5204.2—CONTRACT DISTRIBUTION

5204.201 (DFARS 204.201) Procedures.

All DoN activities shall post an electronic copy of each newly executed procurement instrument (contracts, purchase orders, delivery orders, contract modifications, etc.) within two working days of its execution, to the DoN Electronic Document Access (EDA) website (<http://www.eda.navy.mil>), unless payment under the instrument will be made with the Government Commercial Purchase Card. Documents shall be posted in portable document format (.pdf). No other format is acceptable. Files should be in a reasonable size - less than 1Mb, if practical. If necessary, contract documents may be broken into sections. Attachments may be separate files. This posting constitutes the required distribution with respect to required copies for the Defense Finance and Accounting Service, the Defense Contract Management Command, and the Defense Contract Audit Agency. Historical (existing) procurement documents should be captured and posted electronically to the above EDA website in accordance with local procedures. Priority consideration should be given to those instruments with significant payment activity remaining. All parts of an instrument that would have been provided to a recipient in paper should be made available electronically.

SUBPART 5204.6—CONTRACT REPORTING

5204.600 (DFARS 204.600) Scope of subpart.

Contract reporting on the DD Form 350 and DD Form 1057 will be in accordance with policies and procedures promulgated by the Deputy Commander for Contracting Management, NAVSUPSYSCOM.

SUBPART 5204.8—CONTRACT FILES

5204.802 (DFARS 204.802) Contract files.

(2) Official record copies may include computer generated documents prepared within the contracting activity to request and support individual contracting actions.

SUBPART 5204.70—UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERS

5204.7003 (DFARS 204.7003) Basic PII number.

(a) *Elements of a number.*

(3) *Position 9.* Assign the capital letter "G" to the ninth position of the basic PII Number for Educational Service Agreements.

5204.7004 (DFARS 204.7004) Supplementary PII numbers.

(d) *Delivery orders under indefinite delivery contracts, orders under basic ordering agreements, and calls under blanket purchase agreements.*

(2) Orders placed against another activity's contract or agreement.

(i) If the office placing the order or call is the only activity placing orders under the contract or agreement, use of serial numbers 0001 through 9999 is authorized.

PART 5205

PUBLICIZING CONTRACT ACTIONS

SUBPART 5205.2—SYNOPSIS OF PROPOSED CONTRACT ACTIONS

5205.207 Preparation and transmittal of synopses.

(c) *General format for Item 17, "Description".*

(2)(xvii) If the solicitation will be available on or through the Navy Electronic Commerce Online (NECO) world wide web site, include the complete URL to provide potential offerors direct access.

SUBPART 5205.3—SYNOPSIS OF CONTRACT AWARDS

5205.303 (DFARS 205.303) Announcement of contract awards.

(a) *Public Announcements.*

(i) Report orders or modifications issued by CAOs which exceed the threshold.

(ii) Submit announcement information to the Navy Chief of Information (CHINFO).

(D)(5) (S-90) *Miscellaneous data.* Include:

(a) a statement that the information contained in the announcement is unclassified;

(b) any areas of sensitivity or high level interest;

(c) indication of appropriate coordination to insure the accuracy of the wording and data to be released.

(d) the estimated period of performance or delivery schedule.

(e) the amount of any of the obligated funds that would have expired at the end of the current fiscal year.

(6) (S-91) *Security review.* Routine contract announcements are exempt from the security review process. However, full security review is required for contract announcements which are accompanied by amplifying press releases.

(7) (S-92) *Format.* To provide for a better understanding by the public, contracting activities should explain in public announcements the specific type of contracting action being awarded (i.e., state that the Navy has "awarded a contract", "exercised an option" or "negotiated a modification" to a contract). Sample formats of announcements for contract modifications are illustrated below. Formats may be altered to suit the circumstances of the contracting action.

(i) Contract award.

(Name of contractor, city, state) _____ was awarded Contract No. _____ issued by the (activity) _____. The contract was awarded in the amount of \$ _____.

(ii) Contract modification.

(Name of contractor, city, state) _____ is receiving

NAVY ACQUISITION PROCEDURES SUPPLEMENT CHANGE #97-9

modification number _____ to previously awarded Contract No. _____ issued by the (activity) _____. This modification increases the value of the basic contract by \$ _____, the new total value is \$ _____. Insert an explanatory statement similar to one of the following as appropriate:

(A) This modification adds the (# of increment, *i.e.*, second, third, etc.) increment of the (length of multi-year contract, *i.e.*, three, four, etc.) year multi-year basic contract.

(B) This modification provides for the purchase of an additional quantity of (quantity and item, *e.g.*, 500 widgets) being produced under the basic contract. (If appropriate, indicate that the contracting action is the result of a competitive negotiated procurement).

(C) This modification provides for the exercise of an option for an additional quantity of (quantity and item, *e.g.*, 200 gadgets) being produced under the basic contract.

(D) This modification changes the specifications for the (indicate item(s)) being produced under the basic contract. The contractor indicates that the work (is being) (will be) performed at (city and state).

SUBPART 5205.4—RELEASE OF INFORMATION

5205.404 Release of long-range acquisition estimates.

5205.404-1 Release Procedures.

(a) *Application.* The HCA is the agency head's designee for release of long-range acquisition estimates. Public release of long-range acquisition estimates should be considered for all contract actions expected to exceed \$1 million in a fiscal year.

PART 5212

ACQUISITION OF COMMERCIAL ITEMS

**SUBPART 5212.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF
COMMERCIAL ITEMS**

5212.204 Solicitation/contract form.

(a) Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

PART 5213

SIMPLIFIED ACQUISITION PROCEDURES

5213.003 Policy.

Pursuant to 5201.601(90)(c), NAVSUPSYSCOM has responsibility for providing DoN-wide policy for simplified acquisition as defined in FAR Part 13. Specific policy, procedures and guidance concerning simplified acquisition will be promulgated by the Deputy Commander for Contract Management, NAVSUPSYSCOM.

SUBPART 5213.1—PROCEDURES

5213.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

5213.106-1 Soliciting competition.

(a) Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

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SUBPART 5214.2—SOLICITATION OF BIDS

5214.203 Methods of soliciting bids

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SUBPART 5214.4—OPENING OF BIDS AND AWARD OF CONTRACT

5214.401 Receipt and safeguarding of bids.

(a) Contracting offices shall ensure that bids are promptly identified and forwarded, unopened, for deposit in the bid box. Bid envelopes received by mail shall be time-stamped immediately upon receipt. Hand-carried bids shall not be accepted by government employees, but must be deposited in the bid box by the bidder or his representative. Insofar as possible, bid samples will receive the same degree of security as is afforded bids, and will be accounted for by the maintenance of local records. Under no circumstances will bid samples be given away, loaned, diverted, or used for any purpose other than that intended.

5214.407 Mistakes in bids.

5214.407-3 (DFARS 214.407-3) Other mistakes disclosed before award.

(e)(1) HCAs, without power of redelegation, may make the determinations required by FAR 14.407-3(a), (b) and (d).

PART 5215

CONTRACTING BY NEGOTIATION

SUBPART 5215.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

5215.203 Requests for proposals. Every competitive written solicitation above \$25,000 issued on or after April 1, 1999, and all amendments thereto, must be available electronically and be linked to or posted on the Navy Electronic Commerce Online (NECO) world wide web site (www.neco.navy.mil).

5215.204 Contract format.

5215.204-5 Part IV—Representations and instructions.

(c) When a cost realism evaluation will be performed, Section M, Evaluation Factors for Award, shall include a notice that the proposed costs may be adjusted, for purposes of evaluation, based upon the results of the cost realism evaluation. If the contract will be firm fixed price, or fixed price with economic price adjustment, the notice is not required, and proposed prices will not be adjusted.

SUBPART 5215.3—SOURCE SELECTION

5215.305 (DFARS 215.305) Proposal evaluation.

(a)(1) *Cost or price evaluation.* Methods of evaluation which assign a point score to cost or price and combine it with point scores for other evaluation factors generally should not be used. Point scores can be helpful in summarizing subjective evaluation of technical and other factors, but are not needed in evaluating cost or price and tend to obscure the tradeoff between cost/price and other factors, rather than clarifying it. If point scoring of cost/price is utilized, it should be demonstrated that the value of a cost/price point is comparable, in value to the Government, to the value of a non-cost/price point. When a cost realism analysis is performed, the resulting realistic cost estimate shall be used in the evaluation of cost, except when using a firm-fixed-price or fixed-price with economic price adjustment type of contract.

(4) *Cost information.* The sharing of cost information with the technical evaluation team, and any limitations on the timing and extent of such sharing, should be addressed during the planning for the source selection. HCAs may establish specific procedural requirements for approving, documenting and/or varying from plans related to such sharing.

(90) Approval for use of contractor personnel as evaluators is addressed in FAR Subpart 37.2 and 5237.204. Such contractor personnel shall not rank or recommend one proposal over another, assign any ratings or numerical scores, or

otherwise act in a decision making capacity. Whenever advisory contractor personnel are to be used, a written release shall be obtained from each offeror.

SUBPART 5215.4—CONTRACT PRICING

5215.404 Proposal analysis.

5215.404-1 (DFARS 215.404-1) Proposal analysis techniques.

(d) *Cost realism analysis.* A price analysis approach where there is adequate price history may also be a suitable and efficient means to evaluate cost realism. The amount of data required will be dependent upon the complexity of the procurement and the data already available to the contracting officer (*e.g.* information on recent Forward Pricing Rate Agreements (FPRAs)).

5215.406 (DFARS 215.406) Documentation.

5215.406(90) Business clearance.

(a) Generally, “pre-negotiation” and “post-negotiation” business clearances are required for each negotiated contract action. Business clearance memoranda (BCM) document the basis for approval of the action, and the basis for determination that the negotiated prices are fair and reasonable.

(b) For competitive acquisitions, the pre-BCM presents a chronology of the acquisition up to the determination of competitive range, and provides the basis for the competitive range decision. The post-BCM continues the chronology to contract award, and provides the basis for the award decision. If award is made without discussions, on the basis of original offers, the pre- and post-BCM may be combined.

(c) For contracts and modifications requiring price negotiations, the pre-BCM demonstrates to the approving official that the Government is ready to enter into negotiations. It addresses salient legal and regulatory requirements, and sets forth the Government’s negotiation objectives. It generally includes a discussion of the bases for the contractor’s proposal and the Government objective, DCAA and other Government pricing recommendations and the analysis done and conclusions reached by the negotiating team. The post-BCM describes the results of negotiations, and documents the basis for determining the negotiated price is fair and reasonable. Using the objective in the pre-BCM as a base, it addresses the reasons for any difference between the initial objective and the final negotiated amount. The pre- and -post BCM together constitute the documentation required by FAR 15.406-3 and DFARS 215.406-3, and must provide all the information required therein. In particular, the BCMs must document the use made of field pricing assistance, and must describe the extent of Government reliance on the contractor’s cost or pricing data, if obtained, in sufficient detail to provide a basis for Government recovery in the event any of the data proves inaccurate, incomplete or not current.

**SUBPART 5215.5—PREAWARD, AWARD AND POSTAWARD NOTIFICATIONS,
PROTESTS, AND MISTAKES**

5215.505 Preaward debriefing of offerors.

(e)(1) If the evaluation included a cost realism analysis, include information about the results of the analysis as it relates to the offeror being debriefed and its effect on the offeror's evaluated cost.

5215.506 Postaward debriefing of offerors.

(d)(2) If the evaluation included a cost realism analysis, include information about the results of the analysis as it relates to the offeror being debriefed and its effect on the offeror's evaluated cost.

PART 5217

SPECIAL CONTRACTING METHODS

SUBPART 5217.1—MULTI-YEAR CONTRACTING

5217.105 Policy.

5217.105-1 Uses.

(b) HCAs have authority to award multi-year contracts, subject to restrictions contained in the FAR and DFARS.

SUBPART 5217.2—OPTIONS

5217.204 Contracts.

(e) The CCO may approve contracts in excess of the limits specified in FAR 17.204(e), when not otherwise restricted.

PART 5219

SMALL BUSINESS PROGRAMS

SUBPART 5219.2—POLICIES

5219.201 (DFARS 219.201) General policy.

(a) DoN policy is to utilize small, small disadvantaged, and women-owned small business concerns to obtain its requirements. Such concerns shall have the maximum practicable opportunity to participate both as prime contractors and as subcontractors.

(d)(7) A small business technical advisor shall be assigned to each office where a resident SBA procurement center representative is located.

(9) Exceptions to the review requirements are contracts resulting from acceptance of unsolicited proposals; orders against indefinite delivery type contracts; and orders issued under GSA schedule contracts.

(e) Small business specialists shall be appointed in accordance with SECNAVINST 4380.8(current version). Small business specialists, in addition to performing the duties outlined in DFARS 219.201(d), shall -

(i) brief the appointing authority quarterly on implementation of the activity's Small and Disadvantaged Business Utilization (SADBU) program; and

(ii) conduct SADBU program training sessions to ensure that contracting and technical personnel maintain knowledge of program requirements.

(90) Reviews of SADBU program implementation at DoN contracting activities will normally be conducted as a segment of the Procurement Performance Measurement Assessment Program (PPMAP) reviews (see 5201.691). The Director, SADBU, will establish guidelines for the PPMAP review SADBU segment. PPMAP review SADBU segments shall be coordinated with the PPMAP review team leader. For reviews under 5201.691-2(a), the Director, SADBU, will coordinate designation of PPMAP review SADBU team members. Associate Directors of Small Business shall be responsible for implementation of the PPMAP review SADBU segment of their field contracting activities including designating PPMAP review SADBU team members and monitoring compliance with their recommendations. Team members should generally be Deputies for Small Business from other than the activity under review. Associate Directors of Small Business shall be responsible for providing a copy of the PPMAP review SADBU segment report(s) to the Director, SADBU.

5219.202 Specific policies.

5219.202-1 (DFARS 219.202-1) Encouraging small business participation in acquisitions.

Contracting activities should, when practicable, conduct briefings on planned acquisitions for small, small disadvantaged, and women-owned small business