Subpart 207.5 - INHERENTLY GOVERNMENTAL FUNCTIONS

Parent topic: Part 207 - ACQUISITION PLANNING

207.500 Scope of subpart.

This subpart also implements 10 U.S.C. 4508.

207.503 Policy.

- (e) The written determination required by FAR 7.503(e), that none of the functions to be performed by contract are inherently governmental—
- (i) Shall be prepared using DoD Instruction 1100.22, Guidance for Determining Workforce Mix; and
- (ii) Shall include a determination that none of the functions to be performed are exempt from private sector performance, as addressed in DoD Instruction 1100.22.
- (S-70) Contracts for acquisition functions.
- (1) In accordance with 10 U.S.C. 2383, the head of an agency may enter into a contract for performance of the acquisition functions closely associated with inherently governmental functions that are listed at FAR 7.503(d) only if—
- (i) The contracting officer determines that appropriate military or civilian DoD personnel—
- (A) Cannot reasonably be made available to perform the functions;
- (B) Will oversee contractor performance of the contract; and
- (C) Will perform all inherently governmental functions associated with the functions to be performed under the contract; and
- (ii) The contracting officer ensures that the agency addresses any potential organizational conflict of interest of the contractor in the performance of the functions under the contract (see FAR Subpart 9.5).
- (2) See related information at PGI 207.503 (S-70).