

Subpart 17.7 - Interagency Acquisitions: Acquisitions by Nondefense Agencies on Behalf of the Department of Defense

Parent topic: [Part 17 - Special Contracting Methods](#)

17.700 Scope of subpart.

(a) Compliance with this subpart is in addition to the policies and procedures for *interagency acquisitions* set forth in [subpart 17.5](#). This subpart prescribes policies and procedures specific to *acquisitions of supplies and services by nondefense agencies* on behalf of the Department of Defense (DoD).

(b) This subpart implements Pub. L. 110-181, section 801, as amended ([10 U.S.C. 3201 note](#) prec.).

17.701 Definitions.

As used in this subpart-

Department of Defense (DoD) acquisition official means-

(1) A *DoD contracting officer*; or

(2) Any other *DoD* official authorized to approve a *direct acquisition* or an *assisted acquisition* on behalf of *DoD*.

Nondefense agency means any department or agency of the Federal Government other than the Department of Defense.

Nondefense agency that is an element of the intelligence community means the agencies identified in [50 U.S.C. 3003\(4\)](#) which include the-

Office of the Director of National Intelligence;

Central Intelligence Agency;

Intelligence elements of the Federal Bureau of Investigation, Department of Energy, and Drug Enforcement Agency;

Bureau of Intelligence and Research of the Department of State;

Office of Intelligence and Analysis of the Department of the Treasury;

The Office of Intelligence and Analysis of the Department of Homeland Security and the Office of Intelligence of the Coast Guard; and

Such other elements of any department or agency as have been designated by the President, or

designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

17.702 Applicability.

This subpart applies to all *acquisitions* made by *nondefense agencies* on behalf of *DoD*. It does not apply to contracts entered into by a *nondefense agency that is an element of the intelligence community* for the performance of a joint program conducted to meet the needs of *DoD* and the *nondefense agency*.

17.703 Policy.

(a) A *DoD acquisition* official may request a *nondefense agency* to conduct an *acquisition* on behalf of *DoD* in excess of the *simplified acquisition threshold* only if the head of the *nondefense agency* conducting the *acquisition* on *DoD's* behalf has certified that the agency will comply with applicable *procurement* requirements for that fiscal year except when waived in accordance with paragraph (e) of this section.

(b) A *nondefense agency* is compliant with applicable *procurement* requirements if the *procurement* policies, procedures, and internal controls of the *nondefense agency* applicable to the *procurement* of *supplies* and services on behalf of *DoD*, and the manner in which they are administered, are adequate to ensure the compliance of the nondefense department or agency with-

(1) The Federal *Acquisition* Regulation and other laws and regulations that apply to *procurements* of *supplies* and services by *Federal agencies*; and

(2) Laws and regulations that apply to *procurements* of *supplies* and services made by *DoD* through other *Federal agencies*, including *DoD* financial management regulations, the Defense Federal *Acquisition* Regulation Supplement (DFARS), *DoD* class deviations, and the DFARS Procedures, Guidance, and Information (PGI). (The DFARS, *DoD* class deviations, and PGI are accessible at: <http://www.acq.osd.mil/dpap/dars>).

(c) Within 30 days of the beginning of each fiscal year, submit *nondefense agency* certifications of compliance to Principal Director, Defense *Pricing* and *Contracting* at:

Department of Defense

Office of the Under Secretary of Defense (*Acquisition* and Sustainment)

Defense *Pricing* and *Contracting*

Contract Policy

Room 3B938

3060 Defense Pentagon,

Washington D.C. 20301-3060.

(d) The *DoD acquisition* official, as defined at [17.701](#), *shall* provide to the servicing *nondefense agency contracting officer* any *DoD*-unique terms, conditions, other related statutes, regulations, directives, and other applicable requirements for incorporation into the order or contract. In the event there are no *DoD*-unique requirements beyond the FAR, the *DoD acquisition* official *shall* so inform the servicing *nondefense agency contracting officer in writing*. *Nondefense agency contracting officers* are responsible for ensuring support provided in response to *DoD*'s request complies with paragraph (b) of this section.

(e) *Waiver*. The limitation in paragraph (a) of this section *shall* not apply to the *acquisition* of *supplies* and services on behalf of *DoD* by a *nondefense agency* during any fiscal year for which the Under Secretary of Defense for *Acquisition* and Sustainment has determined *in writing* that it is necessary in the interest of *DoD* to acquire *supplies* and services through the *nondefense agency* during the fiscal year. The written determination *shall* identify the *acquisition* categories to which the waiver applies.

(f) *Nondefense agency* certifications, waivers, and additional information are available at <https://www.acq.osd.mil/asda/dpc/cp/policy/interagency-acquisition.html>.