

## **Subpart 5215.4 - CONTRACT PRICING**

**Parent topic:** Part 5215 - CONTRACTING BY NEGOTIATION

### **5215.402 Pricing policy.**

(a)(S-90)(1) When requesting DPC approval for participation in the Section 890 Pilot Program to Accelerate Contracts and Pricing Processes pursuant to DPC Class Deviation 2020-O0020, provide notification to DASN(P) by emailing a copy of the application, upon submittal to DPC, to [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject “[Activity Name] NMCARS 5215.402(a)(S-90)(1) - Section 890 Pilot Program to Accelerate Contracting and Pricing Processes.”

(2) After the contractor submits the required information in accordance with DFARS clause 252.215.7998, Pilot Program to Accelerate Contracting Pricing Processes (Class Deviation 2020-O0020), the contracting officer shall submit the information to DPC and provide a copy to DASN(P) by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject “[Activity Name] NMCARS 5215.402(a)(S-90)(2) - Section 890 Pilot Program to Accelerate Contracting and Pricing Processes Measurements.”

### **5215.403 Obtaining certified cost or pricing data.**

#### **5215.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C 2306a and 41 U.S.C. Chapter 35).**

(c)(4)(A)(2) *Senior procurement executive coordination.* Submit exceptional case Truth in Negotiations (TINA) waivers that exceed \$100 million via DASN(P) for coordination prior to approval by email at [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject “[Activity Name] DFARS 215.403-1(c)(4)(A), - Exceptional Case TINA Waivers.”

(c)(4)(B) An annual report of TINA waivers shall be submitted to DASN(P) by October 31st of each year by email at [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject “[Activity Name] DFARS 215.403-1(c)(4)(B) - Exceptional Case TINA Waivers Annual Report. Reports shall include contract award date, contracting officer’s name, and contracting officer’s telephone number.

#### **5215.403-3 Requiring data other than certified cost or pricing data.**

(6) Submit a courtesy copy of the quarterly report to DASN(P) by email [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject “[Activity Name] DFARS 215.403-3 HCA Determination to Award to Offeror Failing to Comply with Requests for Data Other Than Certified Cost or Pricing Data.” Negative reports are required.

## **5215.4-4 Profit.**

(b)(1) See Annex 4 for STRL deviations applicable hereto.

## **5215.406 Documentation.**

### **5215.406-1 Prenegotiation objectives.**

(a) The following tenets are central to development of the pre-negotiation objectives and shall be addressed for each cost element and for each position (e.g., Contractor's proposed position, DCAA or other Government pricing or technical recommendations, independent Government objective or position) presented in the pre-negotiation BCM narrative:

- (i) What is the estimate;
- (ii) What is the estimate based on;
- (iii) How was the estimate derived; and
- (iv) Why is the estimate reasonable?

(b)(ii) *Adjudication Procedures.* When the Director, Defense Contract Audit Agency (DCAA)

elevates an audit disagreement to DPC pertaining to a Navy contract(s), the CCO shall provide notification to DASN(P) by email at [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject "[Activity Name] PGI 215.406-1 - DCAA Audit Disagreement." The email should provide relevant details of the disagreement and the contracting officer's position in the body of the email or attachments.

### **5215.406-3 Documenting the negotiation.**

(a) The pre-negotiation and post-negotiation BCM together constitute the documentation required by FAR 15.406 and DFARS 215.406 and should provide all the information required therein.