



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD, SUITE 2533
FT. BELVOIR, VIRGINIA 22060-6221

IN REPLY
REFER TO

MMP
PROCLTR 97- 27

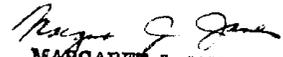
SEP 17 1997

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Certification of Request for Equitable Adjustment

The Director, Defense Procurement's memorandum (Attachment) dated July 16, 1997, subject as above, advises that the Defense Federal Acquisition Regulation Supplement (DFARS) has been amended to implement a statutory certification requirement for requests for equitable adjustment in excess of the simplified acquisition threshold of \$100,000. The attached coverage was published in the *Federal Register* on July 11, 1997, in DFARS Case 97-D302.

This PROCLTR is effective immediately and expires upon publication of the DFARS changes in a future Defense Acquisition Circular, but in any event, not later than one year from its issue date. The point of contact is Ms. Diana Maykowskyj, MMPOA, DSN 427-1364 or e-mail diana_maykowskyj@hq.dla.mil.


MARGARET J. JAMES
Acting Executive Director
(Procurement)

Attachment



ACQUISITION AND
TECHNOLOGY

DP (DAR)

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000
July 11, 1997



JUL 16 1997

In reply refer to
DFARS Case: 97-D302
D. L. 97-014

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
ASSISTANT DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)/DIRECTOR FOR CONTRACTING
DEPUTY DIRECTOR (ACQUISITION), DEFENSE LOGISTICS
AGENCY

SUBJECT: Certification of Requests for Equitable Adjustment

We have amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement 10 U.S.C. 2410(a), as amended by Section 2301 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). 10 U.S.C. 2410(a) requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete.

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

Eleanor R. Spector
Director, Defense Procurement

Attachment

cc: DSMC, Ft. Belvoir



**DFARS Case 97-D302
Certification of Requests for Equitable Adjustment
Interim Rule**

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

**SUBPART 235.70—RESEARCH AND DEVELOPMENT STREAMLINED
CONTRACTING PROCEDURES - TEST**

235.7006 The research and development streamlined contracting format.

(d) The research and development streamlined contract format is set forth in the following exhibit:

Exhibit—Research and Development Streamlined Contract Format

Part II—Contract Clauses

[(I.211) 252.243-7002 Certification of Requests for Equitable Adjustment]

PART 243—CONTRACT MODIFICATIONS

243.2—CHANGE ORDERS

243.204 Administration.

[243.204-70 Certification of requests for equitable adjustment.

- (a) A request for equitable adjustment to contract terms that exceeds the simplified acquisition threshold may not be paid unless the contractor certifies the request in accordance with the clause at 252.243-7002.**
- (b) The aggregate amount of both the increased and decreased costs shall be used in determining when the dollar threshold requiring certification is met (see example in FAR 15.804-2(a)(1)(iii)).**

243.205 Contract clauses.

**[243.205-72 Certification of requests for equitable adjustment.
Use the clause at 252.243-7002, Certification of Requests for Equitable Adjustment, in solicitations and contracts estimated to exceed the simplified acquisition threshold.]**

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212-7001 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items.
As prescribed in 212.301(f)(iii), use the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (FEB[JUL] 1997)

(a) * * *

- (b) The Contractor agrees to comply with any clause that is checked on the following list of DFARS clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive Orders applicable to acquisitions of commercial items or components.**

[_____ 252.243-7002, Certification of Requests for Equitable Adjustment (10 U.S.C. 2410)]

**[252.243-7002 Certification of Requests for Equitable Adjustment.
As prescribed in 243.205-72, use the following clause:**

**CERTIFICATION OF REQUESTS FOR EQUITABLE ADJUSTMENT
(JUL 1997)**

- (a) In accordance with 10 U.S.C. 2410(a), any request for equitable adjustment to contract terms that exceeds the simplified acquisition threshold shall bear, at the time of submission, the following certificate executed by an individual authorized to certify the request on behalf of the Contractor:**

I certify that the request is made in good faith, and that the supporting data are accurate and complete to the best of my knowledge and belief.

(Official's Name)

(Title)

- (b) The certification in paragraph (a) of this clause requires full disclosure of all relevant facts, including—**
- (1) Cost or pricing data if required in accordance with FAR 15.804-2; and**
 - (2) Actual cost data and data to support any estimated costs, even if cost or pricing data are not required.**
- (c) The certification requirement in paragraph (a) of this clause does not apply to—**
- (1) Requests for routine contract payments; for example, requests for payment for accepted supplies and services, routine vouchers under a cost-reimbursement type contract, or progress payment invoices; or**
 - (2) Final adjustments under an incentive provision of the contract.**
- (d) The amount requested shall accurately reflect the contract adjustment for which the Contractor believes the Government is liable. The request shall include only costs for performing the change, and shall not include any costs that already have been reimbursed or that have been separately claimed. All indirect costs included in the request shall be properly allocable to the change in accordance with applicable acquisition regulations.**

(End of clause)]