



NAWCAD Acquisition and Emphasis Areas

October 2023

Presented to:

NAWCAD Industry Day Forum

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Payment Instructions Change



- DFARS Case 2017-D036 (effective 25 May 2023)
 - This final rule amends the DFARS to provide payment instructions for certain contracts based on the type of item acquired and the type of payment.
 - DoD has found that required payment instructions are not consistently inserted into contracts, and that the payment instructions inserted are often not appropriate for the contract.
 - To address this issue, this rule provides clarifying language in the clauses at DFARS 252.204-7006, Billing Instructions-Cost Vouchers.
 - DFARS PGI 204.7108 has also been updated as part of this final rule.
 - Paragraph (d)(12) of the PGPI, which previously allowed the Contracting Officer to insert “other” payment instructions, has been deleted. Therefore, use of payment instructions not outlined in the DFARS PGI is no longer authorized.



What Does this Mean?



- Payment will be Proration by priced/funded CLIN – must discontinue use of INFOSLINS for funding – contracts with multiple appropriations and sponsors will have an exponential increase in CLINs
- NAWCAD Comptroller/Legal/Contracts investigation other mitigation strategy to preclude doing exponential increase in CLINs.
- One approach is to utilize Cost Distribution accounts (CDAs) to group like source appropriation (e.g. APN or RDTE) in NWCF CDAs – This will drastically reduce the number of CLINs required – plan to continue using TDL approach to properly segregate billing to the correct source Line of Accounting (LOA) – still working through if this approach is feasible



OTHER KEY POLICY CHANGES



- Class Deviation: Verification of eligibility for the 8(a) Program (Class Dev: 2023-O0007)
- Use the procedures in this class deviation to verify a concern's eligibility for the 8(a) Program in lieu of using SAM or presuming acceptance of a requirement by the SBA prior to making an award under the 8(a) Program; and use the deviation clause 52.219-18, Notification of Competition Limited to Eligible 8(a) participants, in lieu of the clause at FAR 52.219-18, Notification of competition Limited to Eligible 8(a) Participants
- This is in response to the Ultima Services Corp case ruling by U.S. District Court in regarding to SBA using the rebuttable presumption of social disadvantage in administering" the 8(a) Business Development Program (8(a) Program). Ultima Servs. Corp. v. Dep't of Ag., No. 20-cv-0041 (E.D.)