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AUTHORITY: The provisions of this Part 612 issued under secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012.

SOURCE: The provisions of this Part 612 appear at 32 F.R. 8903, June 22, 1967, unless otherwise noted.

Subpart A—Service Contracts in General**§ 612.102 Personal services.****§ 612.102-1 Policy.**

(a) The prohibition upon personal services contracts within the Department of the Army includes those for operations research and management analysis (AR 1-110).

(b) Personnel services contracts initially funded from appropriated funds (including Military Assistance Program funds) and subsequently reimbursed 100 percent by a foreign government under Military Assistance Sales programs are authorized. Contracting officers shall insure, prior to entering into such contracts, that the purchase request or similar document provides for this reimbursement.

(c) Other statutes authorizing contracts for personal services include 10 U.S.C. 4022—Contract Surgeons (AR 40-1); 10 U.S.C. 4540—Architects and Engineers (Part 18 of this title); and 10 U.S.C. 1037—Counsel for Military Personnel Before Foreign Tribunals (AR 27-50)

§ 612.102-3 Examples of personal versus nonpersonal services.

(a) *Nonpersonal.* The following are additional examples of nonpersonal services contracts:

(1) Contract which otherwise is nonpersonal in nature but which provides for payment of travel or per diem expenses when the contractor's employees are required to be away from their normal duty station;

(2) Contract to warehouse or destroy all records specified therein without any duty to screen such records for possible retention; or, if the contractor is required to screen such records, specifications in the contract clearly set forth

the criteria establishing the records which are to be destroyed or warehoused and those which are to be retained by the Government;

(3) Contract for stevedoring and warehousing involving indefinite quantities and priced on the basis of tonnage moved or stored or upon rate schedules, where the contractor is the supervisor of his own employees but the Government provides directions as to where and when cargoes are, for example, to be unloaded or stored; and

(4) Contract for security services where the contractor is responsible for all direct supervision of the guards, and specifications are set forth in the contract covering, for example, the installations, activities, or areas to be secured, the degree of security to be maintained, the number of posts to be manned with guard orders for each post, the reserve to be maintained, and the maximum number of hours a guard may be kept on duty during stated periods.

§ 612.150 Limitations.

§ 612.150-1 Renewal of contracts.

Contracts for services, other than maintenance of facilities, using Operations and Maintenance, Army funds, where no end item will be delivered, shall not extend beyond the fiscal year in which awarded but may contain an option to renew in the succeeding fiscal year (§ 591.355 of this chapter; Subpart O, Part 1 of this title; and Subpart O, Part 591 of this chapter).

[33 F.R. 3227, Feb. 21, 1963]

§ 612.150-2 Leave.

The Department of the Army shall not be put in the position of granting or approving contractor employee leave requests, but the amount of leave to which a contractor's employees are entitled under their contractor-employee agreement should be considered in establishing the contract price.

§ 612.150-3 Particular individual.

No nonpersonal services contract shall call for a contractor to supply a named individual for work to be performed; however, minimum acceptable standards of education and experience required for an individual to perform the work may be specified.

Subpart B—Procurement of Expert or Consultant Services

§ 612.200 Scope of subpart.

(a) The temporary or intermittent employment of individuals as experts or consultants by excepted appointment is governed by Civilian Personnel Regulations CPR A-9.

(b) This subpart does not apply to contracts for the services of teachers in schools for military dependents (AR 621-300), the services of contracts surgeons (AR 40-1), the services of technical personnel for operations research and management advisory services (AR 1-110), or the employment of counsel for Army personnel tried before a foreign tribunal (AR 27-50).

§ 612.204 Limitations on use of expert or consultant authority.

§ 612.204-50 Employment accomplished by appointment or by contract.

As a general rule, the temporary or intermittent employment of individuals as experts or consultants shall be obtained by excepted appointment rather than by contract, except as follows:

(a) Where the services are included in the categories set forth in § 591.450-2(b) (1), (2), (4), and (5) of this chapter;

(b) Where the services will be performed outside the United States in fields other than those covered by § 591.450-2(b) (2) and (5) of this chapter;

(c) Where architect-engineer services of a personal services nature will be performed (§ 591.450-4 of this chapter); or

(d) Where special circumstances preclude use of the excepted appointment method as where services of a particular expert or consultant are necessary and the individual is willing to serve only under a contract.

§ 612.205 Authorization to enter into contracts "determinations and findings."

(a) In accordance with requirements of annual DOD Appropriations Acts, the Assistant Secretary of the Army (Installations and Logistics) or the Assistant Secretary of the Army (Research and Development), as the case may be, must personally determine (1) that to contract

for expert or consultant services is advantageous to the national defense and (2) that the existing facilities of the Department of the Army are inadequate. Except as provided in § 591.450-2(b) of this chapter, such determinations are made on a case-by-case basis after submission of the information required by § 612.206 and § 22.206 of this title to the appropriate Assistant Secretary.

(b) If a proposed contract is in one of the categories described in § 591.450-2(b) of this chapter but authority to approve the award of such contract has not been delegated below Secretarial level or if the proposed contract is not in one of the categories described in § 591.450-2(b), a request for determinations and findings and approval of award of contract shall be submitted to the Assistant Secretary of the Army (Installations and Logistics) or Assistant Secretary of the Army (Research and Development) as appropriate. The file submitted shall contain the information required by § 612.206.

(c) If a proposed contract is in one of the categories described in § 591.450-2(b) of this chapter and the authority to approve the award of such contract has been delegated below Secretarial level, a request for approval of award shall be submitted to the appropriate delegatee. The file submitted shall contain the information required by § 612.206.

§ 612.206 Requests for determinations and findings.

(a) If a request is submitted in accordance with § 612.205(b), the following information shall be furnished:

(1) A determination and findings in five copies prepared in accordance with § 593.305(p) (6) of this chapter;

(2) A narrative request that the Assistant Secretary sign the required determination and findings and approve the proposed award, explaining in separate paragraphs:

(i) Why the services are needed and for what period,

(ii) The reasons the proposed contract is considered advantageous to the national defense.

(iii) An analysis of the proposed compensation in relation to the work to be performed and the Classification Act rate of pay for a regular employee performing similar or comparable services, and

(iv) The basis for finding that the existing facilities of the Department of

the Army are inadequate, to include an explanation of why the services cannot be performed by regular Department of the Army personnel;

(3) Applicable information called for on preaward submissions to the extent that it does not duplicate information required by subparagraph (2) of this paragraph;

(4) A statement signed by the cognizant Head of Procuring Activity that the employment of the individual(s) by the proposed contract will not be in excess of the civilian personnel authorization established by the Department of the Army for the Army agency in which the individual is to work, except that this requirement shall not be applicable to contracts involving DEFSIP-B personnel; and

(5) A determination signed by the contracting officer that the procurement is expressly authorized by 5 U.S.C. 55a and an opinion of counsel (§ 22.102-4 of this title).

(b) If a request is submitted in accordance with § 612.205(c), the information called for in paragraphs (a) (3) through (5) of this section shall be furnished.

§ 612.207 Contracts with individual experts or consultants.

§ 612.207-2 Benefits.

(a) An individual employed on a part time basis under a personal services contract, for whom there is established in the contract a regular tour of duty during each administrative workweek, shall be entitled to accrue and use annual and sick leave in accordance with Civilian Personnel Regulation L1, implementing the Annual and Sick Leave Act of 1951 as amended. If a regular tour of duty is not established in the contract, an individual employed on a part time basis is not entitled to annual or sick leave.

(b) A personal services contract employing an alien outside the United States shall provide for leave in accordance with CFR L1 as implemented by the appropriate unified or other command.

(c) In preparing the schedule of a contract it is essential that the contracting officer, in coordination with the civilian personnel officer, determine the amount of annual and sick leave, if any, which a particular contractor may have to his credit and to specify in the contract a

correct statement of the contractor's annual and sick leave entitlements. Prior Government service may affect a contractor's annual and sick leave credits as well as the rate at which he will accrue annual leave. Thus, while a contract with any individual who is entitled to accrue and use annual and sick leave shall provide that leave entitlements and benefits will be administered pursuant to the pertinent provisions of CPR L1, which document shall be incorporated into the contract by reference, the contract shall also contain a statement concerning the contractor's leave entitlements (credits as well as rates of accrual) in sufficient detail to permit an audit of the contract by reference only to the contract terms and CPR L1, without necessity for referring to the contractor's personnel folder.

(d) A contractor who is entitled to leave benefits may not take leave after the end of the contract performance period. While leave credits may be carried over in certain instances specified in CPR L1, if the contractor has not become entitled to use all or any part of his sick leave at the end of the contract period, he is not entitled to payment therefor. A contractor may be paid under the contract in a lump sum for his unused annual leave at the end of the contract period: *Provided*, He is not reemployed in an annual leave earning status within a period equal to that of his unused annual leave. If a contractor is reemployed after the end of the contract period in a status under which he is entitled to accrue annual leave, his unused annual leave is carried forward to the new contract (or appointment). These illustrative situations suggest some difficulties which may be encountered in obligating funds to cover performance, under a personal services contract where-

in the contractor is entitled to leave, as well as possible difficulties which may be encountered whether or not the contract or employment is continued without a break in service. Since a contractor may be required to take annual leave, it is Army policy to recite this fact in the contract and to so administer performance and leave benefits that, at the end of the contract period, the contractor will have used his accrued annual leave. When, for compelling reasons, it is not possible for the contractor to use his an-

nual leave during the period of performance and he becomes otherwise entitled to a lump sum payment for unused leave, action shall be taken a sufficient period before the end of the contract period to obligate funds necessary to liquidate the lump sum annual leave payment (AR 37-20). Also, when a lump sum annual leave payment is made, follow-up action is required to insure that, if by virtue of unanticipated reemployment the contractor becomes obligated to refund the lump sum payment, prompt collection action is taken and leave credit is carried forward.

(e) An individual who is entitled to leave shall be paid for holidays or nonwork days established by Federal statute or Executive or administrative orders. An individual who is not entitled to leave shall not be paid for holidays on which he does not work or for other nonwork days; this policy shall be reflected in the contract terms and shall be taken into consideration in establishing the contract price as well as the payments made thereunder.

§ 612.207-3 Taxes.

Individuals (other than aliens performing services outside the United States, the Virgin Islands, and Puerto Rico, and alien specialists retained to meet the requirements of DEFSIP-B) who perform personal services on a temporary or intermittent basis under contracts are generally eligible for old age and survivors insurance coverage under Social Security statutes.

§ 612.209 Contracts for stenographic reporting services.

(a) Before contracting for stenographic reporting services, a Secretarial determination and findings (§ 612.205) is required.

(b) Requests for determinations and findings shall be submitted in accordance with § 612.206, except that, in lieu of the information called for in paragraph (a) (2) (iii), an analysis shall be furnished which the procuring activity considers adequate to demonstrate that it is either necessary or substantially more economical or feasible to obtain services by contract rather than by Civil Service appointment.

(c) Stenographic reporting services may be obtained under a Federal Supply Schedule only when authority to con-

tract for such services has been granted either under the annual Secretarial delegation (591.450-2 of this chapter) or under Secretarial determination and findings as prescribed by this section.

§ 612.212 Renewal of contracts.

§ 612.212-2 Applicable D&F required.

Notification of renewals of contracts shall be given only after the required determinations and findings (§ 22.205 of this title and § 612.205) have been made by the appropriate Secretary and funds have been made available to the contracting officer for the continuation of the contract. If the funds used are No Year funds and are available, the renewal may be accomplished only after the required determinations and findings have been made by the appropriate Secretary.

§ 612.250 Limitations upon procurements.

(a) Prior to award of a contract for services under the DEFSIP program, appropriate security clearance shall be obtained from the Assistant Chief of Staff for Intelligence, except in cases where the individual concerned is brought to the United States under waiver of documentation procedures.

(b) In procuring personal services by contract, the conflict of interest and other applicable provisions of Civilian Personnel Regulation (CPR) A9, "Employment of Experts and Consultants," shall be observed. The pertinent provisions of CPR A9 relating to conflicts of interest shall be specifically incorporated into the contract by reference.

Subpart C—Engineering and Technical Services

§ 612.301 Definition of contractor engineering and technical services.

§ 612.301-50 Contract Field Service (CFS) Engineer.

A CFS engineer is a contractor employee who has detailed knowledge of the function, design, or fabrication of military equipment, systems, or components. His services are required to perform reliability evaluations and performance analyses so as to advise the using activity on obtaining the most efficient use of a system or component. He shall have completed a 4-year engineering curriculum leading to a bachelor's degree from an accredited college or uni-

versity. He shall be specially trained and qualified in the design features, installation, operation, and maintenance of the system or component concerned and shall have not less than 6 months experience in the specific system or component.

§ 612.301-51 Contract Field Service (CFS) Technician.

A CFS technician is a contractor employee who provides on-the-job training to Department of the Army personnel in the installation, operation, and maintenance of a system, equipment, or components. He shall be a high school graduate with 5 years practical engineering and technical experience of a nonroutine nature in the field for which he is employed. Thirty percent of military service time in the field for which he is employed shall be creditable to the 5 years experience requirement. He shall possess sufficient experience with the product concerned to enable him to instruct the user in its installation, operation, maintenance, and logistics requirements.

§ 612.302 Contracting for engineering and technical services.

§ 612.302-1 General.

Normally contracts for engineering and technical services shall be nonpersonal in nature. Personnel performing such services shall be under the supervision, direction, and control of the contractor and shall not be:

(a) Placed in job positions where they are under the supervision, direction, control, or evaluation of a Federal officer, military or civilian;

(b) Placed in a staff or policy making position;

(c) Placed in a position of command, supervision, administration, or control over Department of the Army military or civilian personnel or personnel of other Government contractors, or become a part of the Government organization;

(d) Used for the purpose of avoiding manpower ceilings or other personnel rules and regulations of the Department of the Army or U.S. Civil Service Commission;

(e) Used in administration or supervision of military procurement activities;

(f) Used to provide technical assistance to contractors performing contract maintenance; or

(g) Used to establish requisitioning objectives, station stockage lists, or to

direct supply channels to a source of supply, or otherwise to circumvent established Department of the Army supply channels.

§ 612.302-2 Personal services.

Requests for authority for the procurement of contract field services which appear to be personal services shall be forwarded, together with justification which supports the necessity for such procurement, through procurement channels to the addressee in § 591.150(b) (7) of this chapter.

§ 612.350 Contract Plant Services (CPS).

(a) Where the use of Contract Plant Services (CPS) is required to achieve in-house self-sufficiency as early as possible in the installation, operation, and maintenance of weapons, equipment, and systems, CPS shall normally be used prior to delivery of the weapons, equipment, and systems into inventory.

(b) The procurement of CPS shall be subjected to continuing review and control to insure that it is limited to the minimum needed to achieve and assure effective and dependable self-sufficiency, in-house capability, and military readiness.

(c) CPS shall be obtained only as a part of a hardware procurement contract and shall be set forth as a separate line item in the contract indicating the cost thereof.

§ 612.351 Contract Field Services (CFS).

(a) Contract Field Services (CFS) shall be used only where necessary for accomplishment of a military mission and where satisfactory provision of services by Department of the Army personnel is not practicable. In these cases the use of CFS by Department of the Army components is limited to a period not exceeding 12 months after the introduction of new equipment into a major command. Exceptions to the 12-month limitation may be granted only by the Assistant Secretary of the Army (Installations and Logistics). Requests for exceptions shall be forwarded, together with full justification therefor, through procurement channels to the addressee in § 591.150(b) (7) of this chapter.

(b) Contracts for CFS shall indicate man-months, categories of services, and the cost thereof together with a detailed statement of the services to be performed

and the weapons, systems, equipment, or their components for which the services are to be provided.

§ 612.352 Field Service Representative Services (FSRS).

(a) If advisory and liaison services of a Field Service Representative (FSR) are required by the Government, they shall be obtained only as a part of a hardware procurement contract and shall be set forth as a separate line item indicating the cost thereof.

(b) If at the contractor's request, an FSR is to be used solely for liaison or advisory service between the contractor and the military users of the contractor's equipment or components, the cost of the FSR shall not be directly reimbursable by the Government.

(c) If the equipment, weapons, systems, or their components are no longer under a production contract, an FSR may be procured only through the use of a separate services contract to provide advice and to transmit knowledge necessary to update Department of the Army personnel skills required for the operation and maintenance of equipment or components manufactured by the contractor.

(d) If the contractor desires to send an FSR for liaison and advisory purposes, he shall notify the contracting officer by letter listing the name of the FSR, the dates, times, and places of visits, contract identification, the equipment and components involved, and shall in addition arrange for obtaining security clearances and identification requirements for each FSR. The contracting officer shall examine and countersign the request. Possession of the countersigned letter by an FSR shall be sufficient proof of his accreditation and identification of his position and functions in the field.

(e) An accredited FSR is entitled to the same services as are authorized to be furnished contractor personnel under § 612.356. However, in the case of an FSR used at the contractor's request under paragraph (b) of this section, where commercial transportation is available, Government-furnished transportation shall not be authorized except for local transportation in connection with duties of the FSR under the contract and the contractor shall not be reimbursed for travel and transportation costs for the FSR, his baggage or equipment.

§ 612.353 Contract services under Military Assistance Program (MAP).

(a) Subpart G, Part 6 of this title governs procurements under the Military Assistance Program (MAP).

(b) The Military Assistance Advisory Group [MAAG] to which contractor personnel are assigned is considered the using command for the purposes of contracting for engineering and technical services and may define the terms relating to the performance of work and services under such contracts without reference to the definitions set forth in § 612.301.

(c) A special additional allowance equal to \$7 per day is authorized for payment by the host foreign government in its currency, when available, to individual contractor personnel furnished in support of MAP, subject to the limitations set forth in AR 551-50. If the host government fails to make the contributions, these payments are normally made by the Department of State in accordance with AR 1-75.

§ 612.354 Contract services under Military Assistance Sales Program.

Contracts under the Military Assistance Sales Program are not subject to the restrictions or limitations relating to the procurement of contract services set forth in this subpart but are governed by § 6.705 of this title.

§ 612.355 Cost or price analysis.

A detailed cost or price analysis shall be prepared for negotiated procurements of engineering and technical services in accordance with § 3.807 of this title.

§ 612.356 Contractor personnel.**§ 612.356-1 Security clearances and identification.**

The contractor is responsible for obtaining all necessary security clearances and identification for contractor personnel. All such personnel are entitled to a Civilian Identification Card, DA Form 1602, and may be entitled to a Uniformed Services Identification and Privilege Card, DD Form 1173 (AR 606-5). Upon assignment overseas, contractor personnel are entitled to a Noncombatants Certificate of Identity, DD Form 489 (AR 606-5).

§ 612.356-2 Dependents.

Applications to permit dependents to accompany individual contractor personnel outside the United States shall be submitted by the contractor to the contracting officer for the prior written approval of the using command. Dependents currently receiving logistical support may be permitted to remain in the area subject to the approval of the using command. In such instances the contractor shall submit a formal written request to the contracting officer for approval of the using command.

§ 612.356-3 Removal.

The contracting officer may require the contractor to remove from the job contractor personnel for misconduct on or off duty, for conduct reflecting adversely against the interests of the United States, for conduct which endangers persons or property, or whose continued employment under the contract is inconsistent with the interests of military security.

§ 612.356-4 Government services or facilities.

In accordance with AR 700-32 the Government normally shall furnish the contractor and contractor personnel the following services and facilities:

(a) Use of Government communications facilities for the exchange of messages between contractor personnel and the contractor, where and when available, if the contractor is unable to procure commercial services; but the use thereof shall be subject to applicable regulations;

(b) Use of Government services and agencies in the transmittal of funds to contractor personnel and as a medium of commercial exchange for such personnel when adequate commercial services and facilities are not available;

(c) Contractor personnel assigned to military facilities or activities shall be accorded the same privileges, with the same corresponding obligation to reimburse the Government, as military company grade officers with regard to bachelor officer quarters, local transportation, messing, and morale, and recreation activities, when available. Emergency medical facilities may be furnished as prescribed by applicable regulations;

(d) If contractor personnel fail to reimburse the Government for use of the above services or facilities at rates which may be specified by regulations, such failure shall be noted on the "Certificate of Performance" by the certifying officer of the using command so that the contract payment may be reduced thereby.

§ 612.357 Payment for contractual services.

§ 612.357-1 Definitions.

The definitions herein apply to all contracts for engineering and technical services, except those pertaining to the Military Assistance Program (MAP) and to Military Assistance Sales.

(a) *Man-month.* A man-month means the time devoted to the performance of services by one contractor employee during the total number of normal work days within a calendar month.

(b) *Normal workweek.* A normal workweek means the regularly scheduled work period within a calendar week set forth in the contract.

(c) *Normal workday.* A normal workday means the regularly scheduled work period within a 24-hour period set forth in the contract.

(d) *Overtime.* Overtime means the time worked by all types of contractor personnel in excess of the normal workweek or normal workday.

(e) *Billable days.* (1) Billable days consist of:

(i) The number of normal workdays that services are actually performed or were available under the contract; and

(ii) U.S. legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

(2) Billable days do not include:

(i) The number of normal workdays that contractor personnel are not permitted to work because of lack of security clearances or proper identification required under the terms of the contract, even though such personnel might otherwise be available for work on those days;

(ii) The number of normal workdays that contractor personnel are not available for work;

(iii) The number of normal workdays that services were not performed or were not available because of security reasons, voluntary resignation, death, incapacity,

illness, or removal by the contractor of contractor personnel; and

(iv) The number of normal workdays during which contractor personnel are detained after capture by hostile forces or persons as prisoners or hostages or otherwise.

§ 612.357-2 Contractor's invoices.

The contractor shall be paid monthly upon submission to the office designated by the contracting officer of properly completed Standard Forms 1034 (Voucher for Purchases and Services Other Than Personal) with invoices attached. Each invoice shall be itemized to show the actual number of billable days of services performed by individual contractor personnel by categories, less deductions, if any. In addition each invoice shall be supported by a Certificate of Performance executed by individual contractor personnel who performed the services for which payment is requested and certified in writing by a Government official designated by the contracting officer. The certificate shall contain a statement of the work performed during the billing period by each individual, including therein overtime and other direct reimbursable costs. If there is a disagreement over the items or other information set forth in the certificate, the designated Government official shall note his exceptions thereon so that the matter may be resolved by the contracting officer under the terms of the contract.

§ 612.357-3 Contractor's responsibilities.

The contractor shall be responsible for the payment of all salaries and wages of its personnel, and for all costs incurred by it or its personnel in connection with services performed.

§ 612.357-4 Reimbursable and nonreimbursable costs.

(a) *Travel and transportation.* (1) Government-furnished transportation for contractor personnel, their baggage and equipment, shall be used by the contractor for initial travel from its facility to the site of work, for travel on official business between sites of work, and terminal travel from site of work to contractor's facility.

(2) If the Government is not able to furnish Government transportation, CFS personnel shall be provided with official travel orders and the contractor shall be

reimbursed in accordance with the rates applicable to Department of the Army civilian personnel. For this purpose the policies, standards, and procedures applicable to Department of the Army civilian personnel, as published in the Joint Travel Regulations effective on the date of award of the contract, shall be used as guidelines.

(3) Travel, transportation, and other costs connected with replacement or reassignment of contractor personnel shall not be reimbursable if the replacement or reassignment was caused by unsatisfactory performance, misconduct on or off duty, security reasons, voluntary termination of employment by the contractor personnel, or voluntary removal by the contractor before the end of the contract period. In such instances Government-furnished transportation shall not be used by the replaced or replacement contractor personnel, except that, when commercial transportation is not available, Government-furnished transportation may be used on a space-available basis provided the costs of such transportation are deducted from payments made under the contract.

(4) Contract transportation cost-reimbursement ceilings shall be established and shall not be exceeded without the prior written approval of the contracting officer.

(5) The cost of travel of dependents shall not be reimbursable nor shall the Government be obligated to provide transportation for them.

(6) Rental transportation furnished by the contractor to contractor personnel for their general use shall not be reimbursable. This does not apply to travel performed under authorized travel orders issued in lieu of Government-furnished transportation.

(b) *Overtime.* (1) Payment shall be made for authorized overtime. However, prior written approval for the use of overtime must be obtained from the contracting officer or his authorized representative. When the approval is granted by the contracting officer's representative, he shall not exceed the contractual overtime ceiling limitations without first obtaining the written approval of the contracting officer.

(2) Payment for authorized overtime performed shall be at the fixed hourly overtime rates prescribed in the contract. Time in travel shall not be considered as overtime work unless the

contractor personnel is directed to travel during other than normal work hours or in excess of the normal work week.

(c) *Leave and other absences.* Except for those holidays specified in § 612.357-1(e) (1) (ii), reimbursement shall not be made for costs of services not performed by contractor personnel because of leave, illness, injury, holidays, or other absences.

(d) *Allowances and differentials for foreign and nonforeign areas.* Contractor personnel performing services outside the continental United States shall be paid the designated rate set forth in the contract plus an authorized overseas differential. In determining the overseas differential, Department of the Army Civilian Personnel Regulations CPR T6, Differentials and Allowances—Nonforeign Areas, and CPR T7, Allowances and Differential—Foreign Areas, in effect at the time of contract award, shall be applicable.

(e) *Procurement of materiel by contractor.* The contractor shall not be reimbursed for the cost of materiel purchased in connection with performance under the contract.

(f) *Uniforms.* When contractor personnel are directed to wear uniforms or other special clothing in accordance with AR 670-5, field commanders may issue on a temporary loan basis from available inventories items of organizational field clothing and equipment and items of special clothing and equipment: *Provided*, That these items are used in performance of official work and are returned to the issuing organization when no longer required. Collection for items not returned shall be at the same rate and manner as collections from Department of the Army military or civilian personnel, except that costs of items not collected from individual contractor personnel shall be noted on the contractor's Certificate of Performance and shall be deducted from payments due the contractor. There shall be no cost reimbursement for any uniforms or special clothing purchased by the contractor or by contractor personnel for use during contract performance.

(g) *Deceased personnel.* (1) When contractor personnel die within the continental United States while on a duty assignment in the performance of work prescribed in the contract, the field commander shall notify the contracting officer, who, in turn, shall inform the con-

tractor. The contractor shall be responsible for arranging mortuary services and for payment of all costs incidental to the care and disposition of the remains and its transportation.

(2) Contractor personnel who die outside the continental United States while on duty assignment in the performance of work under the contract are eligible for the care and disposition of their remains in accordance with AR 638-40. The contractor shall pay all costs incidental to the care and disposition of the remains. The Government shall provide on a reimbursable basis and at the request of the contractor suitable transportation for the remains from the place of death to the port of entry within the continental United States.

Subpart F—Contracts for Preparation of Household Goods for Shipment, Government Storage and Related Services

§ 612.650 Placement of calls.

(a) Oral calls may be placed with contractors since the exact weight of the household goods shipment involved, services to be performed, and cost thereof cannot be predetermined so as to per-

mit the issuance of a written delivery order before services are performed.

(b) Oral calls shall be placed either by contracting officers or by ordering officers authorized to do so pursuant to § 591.452 of this chapter.

(c) DD Form 1155 is not required either to confirm an oral call or to serve as a payment voucher, provided the contracting officer or ordering officer placing the oral call places a certificate of performance (par. 3-9e, AR 37-107) on all copies of the contractor's invoice, signing the original thereof.

(d) If a contractor uses Standard Form 1034 as its invoice, the certificate of performance shall be placed on all copies thereof and the original shall be signed by the contracting officer or ordering officer who placed the oral call.

(e) If a contractor has Standard Form 1034 printed at its own expense for its own use with repetitive data, such as contract number and date and payee's name and address, printed thereon, the contracting officer may request the contractor to have the certificate of performance printed on the face thereof, provided the contractor agrees to do so at no expense to the Government.

(f) Under no circumstances shall a contractor be required to use Standard Form 1034 as its invoice in lieu of its own invoice form.

PART 621—LOAN OF PROPERTY

Sec.

621.1 Loan of Army/DSA owned property to recognized veterans' organizations for use at National and State conventions. [Amended]

§ 621.1 Loan of Army/DSA owned property to recognized veterans' organizations for use at National and State conventions.

* * * *

(b) *Recognized organizations.* This section applies to the following veterans' organizations and their youth affiliates. Requests for youth affiliates to have loans of Army-owned property will be processed by the parent organizations:

- (1) Veterans of Foreign Wars of the United States.
- (2) American Legion.
- (3) Blinded Veterans Association.
- (4) Disabled American Veterans.
- (5) Catholic War Veterans of the United States of America.
- (6) Jewish War Veterans of the United States.
- (7) Legion of Valor of the United States of America, Inc.
- (8) Disabled Officers Association.
- (9) The Military Order of the Purple Heart, Inc.
- (10) United Indian War Veterans, U.S.A.
- (11) Army and Navy Union, U.S.A.
- (12) United Spanish War Veterans.
- (13) Fleet Reserve Association.
- (14) Military Order of the World Wars.
- (15) Regular Veterans' Association.
- (16) Marine Corps League.
- (17) American Veterans of World War II (AMVETS).
- (18) Coast Guard League.
- (19) American Veterans Committee.
- (20) Army Mutual Aid Association.
- (21) National Tribune.
- (22) Navy Mutual Aid Association.
- (23) National Jewish Welfare Board.
- (24) Italian American War Veterans of the United States, Inc.
- (25) Congressional Medal of Honor Society, United States of America.
- (26) Veterans of World War I of the U.S.A., Inc.

* * * *

(e) *Processing of loan.* (1) After the army commander has received information as to the availability of the personal

or real property for which loan is requested, he will notify the requesting veterans' organization of the following:

(i) The items and quantities available for loan and the source from which supply of property will be effected.

(ii) That no compensation will be required by the Government for the use of real property.

(iii) That no expense will be incurred by the United States in the loan of the property.

(iv) The estimated costs which will be required to be paid by the organization to cover transportation, packaging, packing, and handling of the property from source of supply to destination and return.

(v) Charges which may accrue from loan of DSA materiel, as prescribed in DSA Regulation 4140.27.

(vi) The bond that is required to be furnished to insure the return of real and personal property to the Department of the Army in the same condition as that in which it existed on the date of commencement of the loan. (In the case of personal property, this amount will be equal to the total value of the items, based on current prices indicated in applicable Department of the Army supply manuals.)

(vii) That the veterans' organization will furnish sufficient guards and such other personnel as may be necessary to protect, maintain, and operate the property involved in the loan.

(viii) That the veterans' organization will pay all charges for water, gas, heat, and electric current, if furnished, based on meter readings or such other methods as may be determined.

(ix) That any barracks building or barracks loaned will be utilized in place and will not be moved.

(x) That the period of the loan is limited to 15 days from date of delivery to the organization, except under unusual circumstances.

(xi) That used property will be loaned in all cases when available.

(xii) That upon termination of use, the veterans' organization will vacate the premises loaned, remove all of its own property therefrom, and turn over all Government property in accordance with the procedures described in pertinent army regulations.

(xiii) That the costs of renovation and repair after use at the conventions will