



DEPARTMENT OF THE ARMY
US ARMY MEDICAL RESEARCH ACQUISITION ACTIVITY
820 CHANDLER STREET
FORT DETRICK MD 21702-5014

MCMR-AAP-A

10 November 2016

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Procurement Advisory Notice (PAN) 17-02, USAMRAA Additional Requirements in the Application of Exceptions to Government Property (GP) Management Requirements

1. PURPOSE. The purpose of this memorandum is to establish additional U.S. Army Medical Research Acquisition Activity (USAMRAA) requirements that affect the designation of GP and specify when Government provided items can qualify as an exception to the management requirements of GP specified by the Federal Acquisition Regulation (FAR) and other acquisition regulations. This guidance does not alter any requirements provided under the FAR, Defense Federal Acquisition Regulation Supplement, or Army Federal Acquisition Regulation Supplement for GP but establishes USAMRAA requirements towards the application of exceptions to GP management requirements.
2. APPLICABILITY. This policy applies to all USAMRAA awarded and administered contracts and task orders where portable or mobile items, including information technology items such as laptops and cellular phones, are provided to contractor employees for use in the performance of the Government contract or task order.
3. REFERENCES. FAR Part 45 Government Property
4. BACKGROUND. As prescribed in FAR 45.102 contractors are ordinarily required to furnish all property necessary to perform Government contracts and the decision to provide GP to contracts must meet the requirements of FAR 45.102(b). FAR 45.000(b) provides for exceptions to the scope of the Government's policy, however proper due diligence must be applied in the use of the exceptions. To ensure consistency in the proper application of the exception at FAR 45.000(b)(5) for GP that is incidental to the place of performance, when the contract requires contractor personnel to be located on a Government facility, site or installation, and when the property used by the contractor within the location remains accountable to the Government, the additional guidance provided in this instruction shall be utilized by USAMRAA Contracting Officers (KO). This includes, but is not limited to Government provided information technology products such as laptops and cellular phones. This policy applies when the GP is utilized primarily on the Government facility, site or installation but may be removed from the Government facility, site or installation with the Government's permission.
5. ROLES AND RESPONSIBILITIES. The KO is responsible for ensuring this policy and all appropriate GP regulations are adhered to in all contracts and task orders that authorize the use of GP by the contractor in the performance of the contract and that exceptions to the GP management requirements are appropriately applied.

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6. PROCEDURES.

a. USAMRAA KO's shall ensure that GP is authorized only when it meets the requirements at FAR 45.102(b). This includes the utilization of appropriate contract clauses as prescribed in FAR 45.107. KO's will ensure GP is properly accounted for and that all required GP records are maintained by the contractor.

b. USAMRAA KO's shall only apply the exception authorized under FAR 45.000(b)(5) when the portable or mobile Government provided items remain within the Government facility, site or installation and are never removed, for any purpose or duration, from the authorized Government facility, site or installation.

7. GENERAL GUIDANCE. The general rules for managing and reporting portable or mobile items as GP are as follows:

a. Laptops and cellular phones or other devices that are provided to a contractor and are maintained under Government control (i.e., maintained in a Government facility, site or installation and are always kept under Government supervision) are considered property incidental to the performance of the contract and are not GP. As such, they meet the requirements of the exception at FAR 45.000(b)(5) and none of the GP compliance requirements (e.g., contract clauses, IUID reporting, contract attachments) are required.

b. Laptops and cellular phones or other devices that are provided to a contractor and that have the potential to leave Government control (e.g., go home with contractor personnel, used for scheduled or ad-hoc telework, used during local and TDY travel) are considered GP and all compliance requirements (e.g., contract clauses, IUID reporting, contract attachments) do apply. If the property is authorized to be removed from the Government facility, site or installation, no matter the rationale or duration, it no longer meets the requirements under the exception at FAR 45.000(b)(5).

8. PROPONENT. The proponent for this policy is the USAMRAA Chief of Business Operations.

//ORIGINAL SIGNED//
BRIAN E. MARTIN
Director