



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Class Deviation

PCD 19-03

September 6, 2019

NASA FEDERAL ACQUISITION REGULATION (NFS) CLASS DEVIATION - OMBUDSMAN FOR INDEFINITE DELIVERY CONTRACTS (NASA Case 2019-N012)

PURPOSE: To provide a class deviation from the NFS concerning task and delivery order ombudsman.

BACKGROUND: When awarding a multiple award indefinite-quantity contracts, 41 U.S.C. 4106(g) requires agencies to have a task- and delivery-order ombudsman who will be responsible for reviewing complaints from contractors and ensuring that they are afforded a fair opportunity to be considered for the award of an order, consistent with the procedures in the contract. This requirement is implemented at Federal Acquisition Regulation (FAR) 16.505(b)(8). FAR 16.504(a)(4)(v) requires the solicitation and contract for an indefinite-quantity to include the name, address, telephone number, facsimile number, and e-mail address of the agency's task and delivery order ombudsman, if multiple awards may be made.

To implement the requirement at FAR 16.504(a)(4)(v), several agencies created agency unique contract clauses which provided contractors with the agency ombudsman's responsibilities and contact information. NFS clause 1852.215-84 Ombudsman, Alternate I, provides the required information for task and delivery order contracts. As several agencies use a clause to provide this information to contractors, the Department of Defense, General Services Administration, and NASA opened a FAR case to implement a clause at the FAR level that would be available for all agencies to use.

These rulemaking changes were published in the Federal Register (84 FR 38836) on August 7, 2019, FAC 2019-04, and FAR Case 2017-020, Ombudsman for Indefinite Delivery Contracts, effective September 6, 2019.

This Procurement Class Deviation (PCD) implements FAC 2019-04, and FAR Case 2017-020, Ombudsman for Indefinite Delivery Contracts. NASA has undertaken rulemaking to remove the Alternate I from NFS clause 1852.215-84.

GUIDANCE: Contracting officers shall continue to insert a clause substantially the same as the one at NFS 1852.215-84, Ombudsman, in all solicitations (including draft solicitations) and contracts. The Alternate I to the clause is deleted.

EFFECTIVE DATE: This PCD is effective as dated and shall remain in effect until it is incorporated into the NFS, or until this class deviation is otherwise rescinded or extended.

CLAUSE CHANGES: Alternate I to clause 1852.215-84 is deleted.

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for **Monica Y. Manning**
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Enclosure

NFS changes indicated in **[bold text]** for additions or by ~~strike through~~ for deletions. Text unchanged shown as asterisks *** or *****.

**PART 1815
CONTRACTING BY NEGOTIATION**

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Subpart 1815.70—Ombudsman

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1815.7003 Contract clause.

The contracting officer shall insert a clause substantially the same as the one at 1852.215-84, Ombudsman, in all solicitations (including draft solicitations) and contracts. ~~Use the clause with its Alternate I when a task or delivery order contract is contemplated.~~

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**PART 1852
SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

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1852.215-84 Ombudsman.

As prescribed in [1815.7003](#), insert the following clause:

OMBUDSMAN

(NOV 2011)

(a) * * *

(b) * * *

(End of clause)

~~**ALTERNATE I**~~

~~(JUN 2000)~~

As prescribed in [1815.7003](#), insert the following paragraph (c):

~~(c) If this is a task or delivery order contract, the ombudsman shall review complaints from contractors and ensure they are afforded a fair opportunity to be considered, consistent with the procedures of the contract.~~

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NFS Matrix Update

Clause/Provision Number	Title	Date	Prescribed In	P or C	UCF	IBR or FT	Fill In	Mod or Sub	App Dev	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	A&E	ID DEL	TRN	SAP	CI
1852.215-84	Alternate I	(JUN 2000)	1815.7003	C	F	IBR				A	A	A	A	A	A	A	A	A		R	A	A	A