# AFARS – PART 5139 Acquisition of Information Technology

*(Revised 12 August 2020)*

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## Subpart 5139.1 – General

### 5139.101 Policy.

(1) The head of the contracting activity has the authority to make the determination under DFARS 239.101(1). See Appendix GG for further delegation.

#### 5139.101-90 Policy.

(a) *Commercial information technology hardware and software.*

(1) The Army’s Computer Hardware, Enterprise Software and Solutions (CHESS) program, under the Program Executive Office Enterprise Information Systems, is the mandatory source for commercial information technology (IT) hardware and software purchases. CHESS contracts provide IT products and services that comply with U.S. Army Network Enterprise Technology Command, Army and DoD policy and standards. Purchasers of commercial hardware and software must satisfy their IT requirements by utilizing the CHESS contracts and DoD Enterprise Software Initiative (ESI) agreements first, regardless of dollar value or appropiation. Additionally, purchasers of IT requirements through a third party such as a system integrator must ensure solicitations and contract vehicles include the requirement to purchase through the CHESS and the DoD ESI agreements.

(2) Any IT hardware or software purchase made outside of the CHESS contracts requires an Army Chief Information Officer (CIO)/G6 approved Information Technology Approval System (ITAS) Waiver, unless the purchase meets one of the exceptions in (a)(3) below. The ITAS Waiver along with supporting documentation shall be part of the procurement package submitted to the contracting officer and shall also be part of the resulting solicitation and contract file(s). Supporting documentation must include documentation submitted with the ITAS Waiver request such as a CHESS Statement of Non-Availability (SONA) for items that are not available from CHESS or other rationale for not using CHESS. The CHESS website located at http://chess.army.mil provides a complete list of CHESS contracts as well as information concerning ITAS Waivers and CHESS SONAs. The ITAS Waiver website is located at <https://cprobe.army.mil/enterprise-portal/web/itas/home>, and the Army CIO/G6 policy page is located at <http://ciog6.army.mil/PolicyLegislation/tabid/64/Default.aspx>.

(3) *Exceptions*.

(i) The Product Lead, Common Hardware Systems (PdL CHS) coordinates across the Army’s computing environments and tactical program offices to modify commercially available off-the-shelf IT to meet specific program requirements for transport or ruggedization, and to ensure configuration and end of life management. Organizations that receive written authorization from PdL CHS to use a CHS contract are exempt from the requirement to obtain an ITAS Waiver or CHESS SONA. In such circumstances, requiring activities will provide PdL CHS’ written authorization to the contracting officer as part of the procurement package instead of the ITAS waiver. Contracting officers shall place the written authorization in the contract file.

(ii) Upon receipt of the CHESS SONA from the requiring activity, contracting officers may purchase commercial IT hardware or software outside of the CHESS contracts, without an ITAS waiver, for procurements in support of--

(A) The United States Military Academy while supporting the academic and cadet development mission (information technology requirements for the administration portion the United States Military Academy are still required to use CHESS and submit SONAs and ITAS waivers for procurement outside of CHESS); or

(B) Non-Program Executive Officer (PEO)/Project Manager (PM) managed Military Intelligence Program (MIP) systems (Non-PEO/PM managed MIP systems will be requested using the Army G-2 Automated Systems Integration Database system).

(b) *Information technology services.*

(1) When procuring IT services, contracting personnel must consider setting aside requirements for small businesses and other small business categories in accordance with FAR 13.003(b)(1) and FAR subpart 19.5. Contracting officers shall ensure that the procurement package contains sufficient supporting documentation to assist the contracting officer in determining whether to set aside the requirement for small businesses and other small business categories in accordance with FAR 13.003(b)(1) and FAR subpart 19.5. In order to assist the Army in achieving all small business statutory goals in prime and subcontract awards, personnel should consider use of non-DoD contract vehicles such as those stated in the Defense Procurement and Acquisition Policy memorandum, dated 14 July 2011, subject: Use of Government-wide Acquisition Contracts Set Aside Exclusively for Small Businesses. If no small business capability exists, CHESS contract vehicles are the preferred source for acquisition of IT services.

(2) ITAS Waivers from the use of CHESS are not required when procuring IT services. However, if a services requirement includes any IT hardware and/or software, personnel must ensure solicitations and contract vehicles include the requirement to purchase through the CHESS and the DoD ESI agreements. If a services requirement includes non-CHESS IT hardware or software, personnel must secure an Army CIO/G6 approved ITAS Waiver for the non-CHESS IT hardware and software per paragraph (a)(2) in this section. The procurement package and contract file documentation requirements of paragraph (a)(2) apply to hardware and software purchased as part of IT services requirements.

(c) *Training.* Senior contracting officials must ensure that contracting personnel receive appropriate CHESS training, and should ensure that contracting personnel document the training on their individual development plans. Personnel can request CHESS training and view the training slides at <https://chess.army.mil/UserTrainingRequest>.

(d) *Cloud Computing*. The Army Enterprise Cloud Management Office (ECMO) is the central point for all efforts and processes related to cloud adoption across the Army. The ECMO will establish a standardized cloud architecture which is intended for use by all Army mission areas.

ECMO will provide enterprise-level contracts for commercial CSP offerings, common services, and application migration support.  Where feasible and cost effective, the ECMO will leverage DoD Enterprise contracts such as the Joint Enterprise Defense Infrastructure (JEDI) contract; while establishing Army Enterprise Cloud Contracts based on mission requirements.

## Subpart 5139.74 – Telecommunications Services

### 5139.7402 Policy.

(b)(4) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may authorize actions as described in DFARS 239.7402(b)(4). See Appendix GG for further delegation.

## Subpart 5139.76 – Cloud Computing

### 5139.7602 Policy and Responsibilities.

(1) Contracting Officers are responsible to ensure that Purchase Request Packages for NEW Contracts include a PWS with the approved/standard language in accordance with 5111.106 unless a waiver approved by ECMO is included. The standard language is provided in Appendix HH. The waiver must be filed in the official contract file. This includes follow-on contracts.

(2) Contracting Officers are responsible to ensure Purchase Request Packages for Exercising an Option on an Existing Contracts are coordinated with ECMO IAW 5111.106. The coordination document shall be filed in the contract file.

(3) Contracting Officers are responsible to ensure Purchase Request Packages for issuing a New Order against an Existing Contract are coordinated with ECMO IAW 5111.106. The coordination documentation shall be filed in the contract file.

(4) For New contracts to Cloud Service Providers Contracting Officers are responsible to ensure maximum use of the Common and Data Service Descriptions as defined by ECMO in the Army Cloud Plan and issued to Contracting by DASA(P). See Appendix HH.

(5) For New contracts for Cloud Migration, Hosting, and Managed Services Contracting Officers and requiring actitivies will maxmize use of the CLIN/SLIN descriptions. See Appendix HH.