

SUBCHAPTER F—DEFENSE CONTRACTING

PART 160—DEFENSE ACQUISITION REGULATORY SYSTEM

Sec.

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AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 137.

SOURCE: 43 FR 15150, Apr. 11, 1978, unless otherwise noted.

§ 160.1 Purpose.

This part establishes policy and procedures for the management and operation of the Department of Defense acquisition regulatory system.

§ 160.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Military Departments and the Defense Agencies. These provisions also apply to other Federal agencies that are directed by the Office of Federal Procurement Policy (OFPP), Office of Management and Budget, to comply with the provisions of this part.

§ 160.3 Definitions.

(a) *Acquisition*. Any relationship entered into to acquire property or services for the direct benefit or use of the Department of Defense to include the management and business functions and disciplines involved in establishing and continuing the relationship.

(b) *Contracts*. A function including tasks, skills and activities essential in conducting contractual relationships in the acquisition of property and services by the Department of Defense. The term “contracts” shall replace the term “procurement” as used in the context of an acquisition function throughout the Department.

(c) *Procurement*. The term “procurement” shall not be used to identify functions of the Department of Defense to acquire property and services except as relates to the budgetary process.

§ 160.4 Policy and procedures.

(a) *Defense Acquisition Regulatory System*. The Defense Acquisition Regulatory System (DARS) is a system of policies and regulations to guide managers in the conduct of DoD acquisition activities and also to provide the detailed functional regulations required to govern DoD contractual actions in accordance with applicable laws and the need for efficiency. The DARS focuses on the business management needs at the operating levels and on the Government’s actions at the interface with the marketplace in the acquisition of services and materiel. Attention shall be given to the unique business demands in the area of major system acquisitions consistent with policies set forth in 32 CFR part 213, DoD Directive 5000.2¹ and OMB Circular A-109.

(1) The DARS shall be managed as a system of integrated, coordinated policies and regulations, responsive to the needs of the Department of Defense and to the provisions of the Federal Procurement Regulatory System. Where feasible, the DARS will achieve uniform policies with the Federal Procurement Regulation.

(2) The Deputy Under Secretary of Defense for Research and Engineering (Acquisition Policy), OUSD/R&E, is responsible for the DARS and for the development and implementation of the necessary policy and procedures of the regulatory system.

(b) *DARS Regulations*. DARS policy and procedures shall be published in the Defense Acquisition Regulation (DAR) and in DoD Directives, Instructions, Circulars and Manuals as appropriate to the action. The DAR replaces the Armed Services Procurement Regulation (ASPR), and all laws, policy and procedures applicable to the ASPR apply equally to the DAR except as

¹Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 301.