

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**

**DEPARTMENT OF THE AIR FORCE
INSTRUCTION 63-152**



28 APRIL 2026

Acquisition

**SPACE CONTRACTOR
RESPONSIBILITY WATCH LIST**

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ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-Publishing.af.mil for downloading or ordering

RELEASABILITY: There are no releasability restrictions on this publication

OPR: SAF/SQXP

Certified by: SAF/AQ
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AF Service Authority:
SAF/AQX

Pages: 10

This publication implements Department of the Air Force Policy Directive (DAFPD) 63-1, *Integrated Life Cycle Management (ILCM)* and Title 10, United States Code (U.S.C.) § 2271a, *Space Contractor Responsibility Watch List (CRWL)*. It provides detailed implementation guidance and procedures on the Space CRWL and applies to all acquisitions within the DAF Space Service Acquisition Executive (SAE) portfolio unless specifically exempted herein. This instruction is applicable to all DAF civilian employees and uniformed members of the United States Space Force (USSF), the United States Air Force (USAF), the Air Force Reserve (AFR), and the Air National Guard (ANG), as well as those with a contractual obligation to abide by the terms of DAF issuances, except where noted otherwise. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR) using the DAF Form 847, *Recommendation for Change of Product*; route DAF Forms 847 from the field through the appropriate functional chain of command. This publication may not be supplemented at any level. The authorities to waive wing, unit, delta or garrison level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the publication OPR for non-tiered compliance items. The use of the name or mark of any specific

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1. Overview. The critical nature of space capabilities demands rigorous assessment of a contractor's ability to responsibly perform space program contracts. To support this assessment, the Space CRWL identifies contractors whose ability to responsibly perform is meaningfully impaired due to the conditions listed in [paragraph 3.1.2](#). The procedures in this instruction provide that, for contractors listed on the Space CRWL, the Assistant Secretary of the Air Force for Space Acquisition and Integration (SAF/SQ) must make a written determination that there is a compelling reason to proceed before contracting officers (COs)/agreement officers (AOs) may take certain contract actions.

1.1. This instruction applies to all acquisitions and transactions over which SAF/SQ exercises Senior Procurement Executive (SPE) authority consistent with 10 U.S.C. § 9016(b)(6)(B)(vi), including contracts, grants, cooperative agreements, and other transactions (collectively referred to within this instruction as "space program contracts"). This instruction does not apply to operational contracting or professional services contracts for government support (e.g., Advisory and Assistance Services (A&AS), Systems Engineering and Integration (SE&I), and Federally Funded Research and Development Center (FFRDC) support). Reference to DAF Space Portfolio Acquisition Executives (i.e., Space PAEs) and Program Executive Officers (PEOs) within this instruction applies to all PAEs/PEOs managing acquisitions within the SAF/SQ portfolio. Reference to the DAF Technology Executive Officer (TEO) within this instruction applies to Air Force Research Lab (AFRL) space programs within the SAF/SQ portfolio. Reference to DAF Space Heads of Contracting Activity (HCAs) (i.e., Space HCAs) within this instruction applies to USSF HCAs. DAF Space HCAs also include the Deputy Assistant Secretary of the Air Force for Contracting (SAF/AQC) and the Director of Contracting for the Air Force Rapid Capabilities Office (AFRCO), when they are acting as HCAs for acquisitions within the SAF/SQ portfolio.

1.2. Consistent with 10 U.S.C. § 2271a, nothing in this instruction shall be construed as preventing the suspension or debarment of a contractor. Inclusion on the Space CRWL shall not be construed as a punitive measure or de facto suspension or debarment of a contractor.

2. Roles and Responsibilities.

2.1. SAF/SQ may:

2.1.1. Place a contractor on the CRWL after determining the ability of a contractor to responsibly perform is meaningfully impaired, in accordance with (IAW) procedures in [paragraph 3.1](#) of this instruction.

2.1.2. Approve requests to remove a contractor from the CRWL, IAW the procedures in [paragraph 3.3](#) of this instruction.

2.1.3. Approve requests to solicit sole source offers from, award contracts to, execute grants, cooperative agreements, or other transactions with, award modifications that increase scope, add new work or contract value on, or exercise options on any space program contract with a contractor included on the CRWL, IAW the procedures in [paragraph 3.2.1](#) of this instruction. See [paragraph 3.2.2](#) for procedures on competitive solicitations.

2.1.4. Approve requests from space program prime contractors to enter into subcontracts with contractors included on the CRWL, IAW the procedures in [paragraph 3.2.3](#) of this instruction.

2.2. Director, Integration (SAF/SQX) will:

2.2.1. Develop implementing procedures in SAF/SQ acquisition guidance, in coordination with Space PAEs/PEOs, DAF TEO, and Space HCAs, to:

2.2.1.1. Ensure space program COs/AOs do not solicit sole source offers from, award contracts to, execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise options on any space program contract with a contractor included on the CRWL without prior approval of SAF/SQ.

2.2.1.2. Ensure space program prime contractors do not enter into subcontracts with a contractor included on the CRWL without the prior approval of SAF/SQ.

2.2.2. Serve as the primary advisor to SAF/SQ regarding execution of the CRWL procedures by developing documentation supporting recommendations to place a contractor on or remove a contractor from the CRWL and coordinating on recommendations from Space PAEs/PEOs, DAF TEO, and Space HCAs, as applicable, to approve execution of contract actions or subcontracts with a contractor on the CRWL.

2.2.3. Maintain the CRWL.

2.2.4. Develop and conduct training on CRWL procedures for applicable DAF personnel.

2.3. Deputy General Counsel (Acquisition, Technology, and Logistics) (SAF/GCQ), Deputy General Counsel (Contractor Responsibility) (SAF/GCR), and the Director, Civil Law and Litigation (AF/JAC) will:

2.3.1. Serve as advisors to SAF/SQ regarding execution of the CRWL procedures by coordinating on any requests to place a contractor on the CRWL, requests to remove a contractor from the CRWL, or requests to approve execution of contract actions or subcontracts with a contractor on the CRWL.

2.3.2. Coordinate on proposed changes to this instruction.

2.3.3. As the DAF representative to the Interagency Suspension and Debarment Committee, SAF/GCR will facilitate any required notifications regarding placement of a contractor on the CRWL.

2.4. Director, Small Business Programs (SAF/SB) will:

2.4.1. Consistent with responsibilities identified in HAFMD 1-30, *Director, Small Business Programs (SAF/SB)*, serve as an advisor to SAF/SQ and coordinate on any CRWL related actions involving small businesses. Additionally, serves as the lead liaison with the Small Business Administration in the resolution of small business-related complaints and appeals.

2.4.2. Coordinate on proposed changes to this instruction.

2.5. Space PAEs/PEOs and DAF TEO. In consultation with the applicable CO/AO, Space PAEs/PEOs/DAF TEO will:

2.5.1. Request placement of a contractor on the CRWL if any of the conditions in [paragraph 3.1.2](#) of this instruction apply.

2.5.2. Request SAF/SQ's approval for the CO/AO to solicit sole source offers from, award contracts to, execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise options on any space program contract with a contractor included on the CRWL.

2.5.3. Coordinate on requests from space program contract prime contractors to enter into subcontracts with contractors on the CRWL.

2.5.4. Coordinate on requests from contractors to be removed from the CRWL, if the request is related to space program contracts that fall under their area of responsibility.

2.6. Space HCAs will:

2.6.1. Serve as advisors to SAF/SQ regarding execution of the CRWL procedures by coordinating on any requests to place a contractor on the CRWL, requests to remove a contractor from the CRWL, or requests to approve execution of contract actions or subcontracts with a contractor on the CRWL.

2.6.2. Coordinate on proposed changes to this instruction. 2.7. COs/AOs will:

2.7. Assist Space PAEs/PEOs/DAF TEO in initiating requests to place contractors on the CRWL if the conditions in [paragraph 3.1.2](#) of this instruction apply.

2.7.1. Assist Space PAEs/PEOs/DAF TEO in developing requests for SAF/SQ approval to solicit sole source offers from, award contracts to, execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise options on any space program contract with a contractor included on the CRWL.

2.7.2. Assist Space PAEs/PEOs/DAF TEO in developing requests for SAF/SQ approval for space program contract prime contractors to enter into subcontracts with contractors on the CRWL.

2.7.3. Coordinate on contractors' requests to be removed from the CRWL, if the request is related to space program contracts that fall under the CO's/AO's area of responsibility.

2.7.4. Include CRWL-related solicitation provisions and contract terms and conditions in unclassified and classified space program solicitations and contracts, IAW applicable SAF/SQ acquisition guidance.

3. Space CRWL Procedures.

3.1. Placing a Contractor on the CRWL.

3.1.1. SAF/SQ determines which contractors to place on the CRWL and whether to list an entire contractor, a specific division thereof, a wholly owned subsidiary thereof, or the managing member of a joint venture (JV) (or all members, if they share equal equity) (to be referred to as "entities" within this instruction). If a specific entity is listed, the CRWL restrictions described in [paragraph 3.2](#) of this instruction will apply only to that entity and to all of the subordinate business units comprising that entity. (T-0)

3.1.2. SAF/SQ may place a contractor on the CRWL after determining that its ability to responsibly perform a space program contract is meaningfully impaired due to any of the following: (T-0)

3.1.2.1. Poor performance on one or more space procurement contracts, or award fee scores below 50 percent.

3.1.2.2. Inadequate management, operational, or financial controls or resources.

3.1.2.3. Inadequate security controls or resources, including unremediated vulnerabilities arising from foreign ownership, control, or influence.

3.1.2.4. Any other failure of controls or performance of a nature so serious or compelling as to warrant placement of the contractor on the CRWL.

3.1.3. Whenever a space program prime contractor earns an overall award fee score below 50 percent for a period, the applicable Space PAEs/PEOs/DAF TEO will immediately notify SAF/SQX, describe the reasons for the score, and recommend whether the contractor should be placed on, or if already listed, remain on the CRWL. Upon notification, SAF/SQX will provide further guidance for developing and coordinating recommendations to SAF/SQ. (T-0)

3.1.4. When a Space PAE/PEO/DAF TEO becomes aware of an issue that could meaningfully impair the contractor's ability to responsibly perform space program contracts, they will immediately notify SAF/SQX to initiate the process for placing a contractor on the CRWL. Upon notification, SAF/SQX will provide further guidance for developing and coordinating recommendations to SAF/SQ. (T-1)

3.1.5. SAF/SQ will provide the contractor a notice of proposed listing and an opportunity to respond after receipt of a package recommending placement on the CRWL, IAW the following procedures: (T-0)

3.1.5.1. Notification and opportunity to respond. Except as provided in [paragraph 3.1.5.3](#) of this instruction, SAF/SQ will provide written notification to any contractor being considered for placement on the CRWL prior to a final decision being made. The notification will include the following: (T-0)

3.1.5.1.1. A statement that placement on the CRWL is being considered.

3.1.5.1.2. The reasons for the proposed placement in terms sufficient to put the contractor on notice of the conduct or events upon which it is based.

3.1.5.1.3. The cause(s) relied upon under [paragraph 3.1.2](#) of this instruction for proposing placement.

3.1.5.1.4. A statement that, within 30 calendar days after receipt of the notice or other timeframe specified by SAF/SQ, the contractor may submit, in writing, information and argument in opposition to the proposed placement.

3.1.5.1.5. A statement that the procedures governing CRWL decision-making are described in this instruction.

3.1.5.1.6. A discussion of the effects of placement on the CRWL, as described in [paragraph 3.2](#) of this instruction.

- 3.1.5.2. SAF/SQX, in consultation with the cognizant Space PAEs/PEOs, DAF TEO, HCAs, SAF/GCQ, SAF/GCR, AF/JAC, and other applicable program personnel and advisors will analyze the written information and argument (if any) presented by the contractor in opposition to its placement on the CRWL. SAF/SQX will then prepare supplemental recommendation documentation for SAF/SQ containing the contractor's written submission and the Government's evaluation thereof. (T-1)
- 3.1.5.3. In consultation with SAF/SQX, SAF/GCQ, SAF/GCR, AF/JAC, applicable HCA(s), and other advisors as required, SAF/SQ may determine, in exceptional circumstances, that immediate placement of a contractor on the CRWL is necessary and may take action to place a contractor on the CRWL without adhering to the notification and opportunity to respond procedures described in [paragraph 3.1.5.1](#) of this instruction. This authority exists despite a lack of any previous actions constituting notice and an opportunity to respond as outlined in [paragraph 3.1.5.1](#). Exceptional circumstances include, but are not limited to, situations involving national security, or preservation of health or property. In such cases, SAF/SQ will provide the contractor with notice and an opportunity to respond after placement on the CRWL. (T-0)
- 3.1.5.4. SAF/SQ will decide whether to place a contractor on the CRWL based on information in the submitted package recommending placement on the CRWL, any information and argument submitted by the contractor in opposition to placement on the CRWL, and the Government's evaluation thereof. (T-0)
- 3.1.5.5. Prompt written notice of the decision made will be sent to the contractor. If the decision is made to place the contractor on the CRWL, the written notice will specify the reasons for the placement, provide criteria for removal from the CRWL, and refer the contractor to [paragraph 3.3](#) of this instruction, Removing a Contractor from the CRWL.
- 3.2. Effect of Listing on the CRWL.
- 3.2.1. Space PAEs/PEOs/DAF TEO will obtain SAF/SQ approval before a CO/AO may solicit a sole source offer from, award a contract to, execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise an option on any space program contract with a contractor listed on the CRWL. Requests for SAF/SQ approval will be submitted in writing. Request packages will be staffed through SAF/SQX, SAF/GCQ, SAF/GCR, the applicable HCA and, if the contractor is a small business, through Director, Small Business Programs (SAF/SB). (T-0)
- 3.2.2. All competitive solicitations for space program contracts shall include a requirement for each prospective contractor or subcontractor proposed for an applicable subcontract that is listed on the CRWL to submit documentation with their proposal to the Government describing how they have addressed the conditions that resulted in their inclusion on the CRWL and why those conditions will not impact performance on a resultant space program contract. If upon consideration of this information the Space PAE/DAF TEO would like to proceed, they will request SAF/SQ approval, in accordance with [paragraph 3.2.1](#). or [paragraph 3.2.3](#) of this instruction. SAF/SQ approval must be granted before entering into discussions (or equivalent activity) or before making the award decision, whichever is sooner. (T-0)

3.2.3. Subcontractors proposed for applicable space program subcontracts will disclose to the prime contractor whether they are listed on the CRWL. The CO's/AO's consent to subcontract with a contractor listed on the CRWL is required before the prime contractor awards a subcontract. In order to be considered for a subcontract, a proposed subcontractor that is on the CRWL must submit documentation describing the conditions that resulted in its inclusion on the CRWL and why those conditions will not impact subcontract performance. The proposed subcontractor may submit CRWL-related documentation through the offeror / prime contractor or directly to the CO/AO. The Space PAE/PEO/DAF TEO will consider this information in determining whether to request SAF/SQ approval to grant consent to subcontract. Requests for SAF/SQ approval will be submitted in writing. Request packages will be submitted to SAF/SQX, and coordinated with SAF/GCQ, SAF/GCR, the applicable HCA and, if the contractor is a small business, through SAF/SB. (T-0)

3.2.4. A Space PAE/PEO/DAF TEO or CO/AO will report to SAF/SQX (via email to SAF/SQX Workflow) any decision to not solicit a sole source offer from, award a contract to, execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise an option on any space program contract with a contractor listed on the CRWL. This report constitutes data collection to monitor trends over time. (T-1)

3.3. Removing a Contractor from the CRWL.

3.3.1. Contractors may seek removal from the CRWL at any time by submitting a written request to SAF/SQX. SAF/SQX will then route the request to SAF/SQ for consideration. The request shall provide evidence that the contractor has addressed the conditions that caused it to be listed. (T-0)

3.3.1.1. SAF/SQ will forward the request to SAF/SQX for action. SAF/SQX will coordinate with SAF/GCQ, SAF/GCR, the Space PAE/PEO/DAF TEO, and HCAs, then make a recommendation to SAF/SQ on whether to grant the contractor's request for removal. (T-1) 3.3.1.2. SAF/SQ will adjudicate and respond to the contractor's request in writing within 90 calendar days of receipt. (T-1)

3.3.2. SAF/SQ may remove a contractor from the CRWL at his/her discretion. (T-1)

3.4. Delegation of Authority. SAF/SQ may delegate the authority to place a contractor on the CRWL, or to determine that a compelling reason exists to solicit a sole source offer from, award a contract to execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise an option on any space program contract with a contractor listed on the CRWL under the provisions of [paragraph 3.2](#) of this instruction, to the DAF suspension and debarment official. Such delegation will be made on a case-by-case basis. (T-0)

3.5. Congressional Notification.

3.5.1. Not later than 10 calendar days after SAF/SQ makes a written determination that there is a compelling reason to solicit a sole source offer from, award a contract to, consent to a subcontract with, execute a grant, cooperative agreement, or other transaction with, or exercise an option on any space procurement contract with, an entity included on the watch list, SAF/SQ will notify the Congressional Defense Committees (CDCs) and the Interagency Suspension and Debarment Committee. (T-0)

3.5.2. Not later than seven calendar days after SAF/SQ makes a determination to delegate authority to the DAF suspension and debarment official, either to place a contractor on the CRWL or to determine that a compelling reason exists to solicit a sole source offer from, award a contract to execute grants, cooperative agreements, or other transactions with, award modifications that increase scope or contract value on, or exercise an option on any space program contract with a contractor listed on the CRWL under the provisions of [paragraph 3.2](#) of this instruction, SAF/SQ will notify the CDCs. (T-0)

THOMAS W. AINSWORTH
Performing the Duties of Assistant Secretary of the
Air Force (Space Acquisition and Integration)

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

10 U.S.C. § 2271a, *Space Contractor Responsibility Watch List (CRWL)*

10 U.S.C. § 9016, *Assistant Secretaries of the Air Force*

HAFMD 1-30, *Director, Small Business Programs (SAF/SB)*

AFPD 63-1, *Integrated Life Cycle Management (ILCM)*

AFI 33-322, *Records Management and Information Governance Program*

Prescribed Forms

None

Adopted Forms

DAF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

A&AS—Advisory and Assistance Services

AFI—Air Force Instruction

AFR—Air Force Reserve

AFRCO—Air Force Rapid Capabilities Office

AFRL—Air Force Research Lab

AO—Agreements Officer

ANG—Air National Guard

CDC—Congressional Defense Committee

CO—Contracting Officer

COCO—Chief of the Contracting Office

CRWL—Contractor Responsibility Watch List

DAF—Department of the Air Force

DAFFARS—Department of the Air Force Federal Acquisition Regulation Supplement

DAFGM—Department of the Air Force Guidance Memorandum

DAFPD—Department of the Air Force Policy Directive

FAR—Federal Acquisition Regulation

FFRDC—Federally Funded Research and Development Center

HCA—Head of Contracting Activity

IAW—In accordance with
ILCM—Integrated Life Cycle Management
JV—Joint Venture
OPR—Office of Primary Responsibility
PAE—Portfolio Acquisition Executive
PEO—Program Executive Officer
SAE—Service Acquisition Executive
SE&I—Systems Engineering and Integration
SPE—Senior Procurement Executive
TEO—Technology Executive Officer
USAF—United States Air Force
U.S.C.—United States Code
USSF—United States Space Force

Office Symbols

AF/JAC—Director, Civil Law and Litigation
SAF/AQC—Deputy Assistant Secretary of the Air Force for Contracting
SAF/GCQ—Deputy General Counsel (Acquisition, Technology, and Logistics)
SAF/GCR—Deputy General Counsel (Contractor Responsibility)
SAF/SB—Director, Small Business Programs
SAF/SQ—Assistant Secretary of the Air Force for Space Acquisition and Integration
SAF/SQX—Director, Integration
SAF/SQXP—Chief, Acquisition Policy, Strategy, and Process Division

Terms

Operational Contracting—Contracting actions taken to meet the needs of installation commanders, DRUs, deployed commanders, and resident, tenant, and supported units.

Portfolio Acquisition Executive—The single accountable official for portfolio outcomes.

Space CRWL—A list managed by SAF/SQ which identifies contractors whose ability to responsibly perform is meaningfully impaired due to the conditions listed within [paragraph 3.1.2](#) of this instruction.

Space HCAs—USSF HCAs, as well as the Deputy Assistant Secretary of the Air Force for Contracting (SAF/AQC) and the Director of Contracting for the Air Force Rapid Capabilities Office (AFRCO) when they are acting as HCAs for acquisitions within the SAF/SQ portfolio.

Space PAEs/PEOs—PAEs/PEOs managing acquisitions within the SAF/SQ portfolio.