

# Federal Acquisition Regulation

**Parent topic:** Subchapter C - Contracting Methods and Contract Types

## Part 13 - Simplified Acquisition Procedures

13.000 Scope of part.

13.001 Definitions.

13.002 Purpose.

13.003 Policy.

13.004 Legal effect of quotations.

13.005 List of laws inapplicable to contracts and subcontracts at or below the simplified acquisition threshold.

13.006 Inapplicable provisions and clauses.

### Subpart 13.1 - Procedures

13.101 General.

13.102 Source list.

13.103 Use of standing price quotations.

13.104 Promoting competition.

13.105 Synopsis and posting requirements.

13.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

13.106-1 Soliciting competition.

13.106-2 Evaluation of quotations or offers.

13.106-3 Award and documentation.

### Subpart 13.2 - Actions At or Below the Micro-Purchase Threshold

13.201 General.

13.202 Unenforceability of unauthorized obligations in micro-purchases.

13.203 Purchase guidelines.

### Subpart 13.3 - Simplified Acquisition Methods

13.301 Governmentwide commercial purchase card.

13.302 Purchase orders.

13.302-1 General.

13.302-2 Unpriced purchase orders.

13.302-3 Obtaining contractor acceptance and modifying purchase orders.

13.302-4 Termination or cancellation of purchase orders.

13.302-5 Clauses.

13.303 Blanket purchase agreements (BPAs).

13.303-1 General.

13.303-2 Establishment of BPAs.

13.303-3 Preparation of BPAs.

13.303-4 Clauses.

13.303-5 Purchases under BPAs.

13.303-6 Review procedures.

13.303-7 Completion of BPAs.

13.303-8 Optional clause.

13.304 [Reserved]

13.305 Imprest funds and third party drafts.

13.305-1 General.

13.305-2 Agency responsibilities.

13.305-3 Conditions for use.

13.305-4 Procedures.

13.306 SF 44, Purchase Order-Invoice-Voucher.

13.307 Forms.

Subpart 13.4 - Fast Payment Procedure

13.401 General.

13.402 Conditions for use.

13.403 Preparation and execution of orders.

13.404 Contract clause.

## Subpart 13.5 - Simplified Procedures for Certain Commercial Products and Commercial Services

### 13.500 General.

#### 13.501 Special documentation requirements.

### **13.000 Scope of part.**

This part prescribes policies and procedures for the *acquisition* of *supplies* and services, including *construction*, research and development, *commercial products*, and *commercial services*, the aggregate amount of which does not exceed the *simplified acquisition threshold* (see 2.101). subpart 13.5 provides special authority for *acquisitions* of *commercial products* and *commercial services* exceeding the *simplified acquisition threshold* but not exceeding \$7.5 million (\$15 million for *acquisitions* as described in 13.500 (c)), including *options*. See part 12 for policies applicable to the *acquisition* of *commercial products* and *commercial services* exceeding the *micro-purchase threshold*. See 36.602-5 for simplified procedures to be used when acquiring *architect-engineer services*.

### **13.001 Definitions.**

As used in this part-

*Authorized individual* means a person who has been granted authority, in accordance with agency procedures, to acquire *supplies* and services in accordance with this part.

*Governmentwide commercial purchase card* means a purchase card, similar in nature to a commercial credit card, issued to authorized agency personnel to use to acquire and to pay for *supplies* and services.

*Imprest fund* means a cash fund of a fixed amount established by an advance of funds, without charge to an appropriation, from an agency finance or disbursing officer to a duly appointed cashier, for disbursement as needed from time to time in making payment in cash for relatively small amounts.

*Third party draft* means an agency bank draft, similar to a check, that is used to acquire and to pay for *supplies* and services. (See Treasury Financial Management Manual, Section 3040.70.)

### **13.002 Purpose.**

The purpose of this part is to prescribe *simplified acquisition procedures* in order to-

- (a) Reduce administrative costs;
- (b) Improve opportunities for small, small disadvantaged, women-owned, veteran-owned, *HUBZone*, and *service-disabled veteran-owned small business concerns* to obtain a fair proportion of Government contracts;
- (c) Promote efficiency and economy in *contracting*; and

(d) Avoid unnecessary burdens for agencies and contractors.

### **13.003 Policy.**

(a) Agencies *shall* use *simplified acquisition procedures* to the maximum extent practicable for all purchases of *supplies* or services not exceeding the *simplified acquisition threshold* (including purchases at or below the *micro-purchase threshold*). This policy does not apply if an agency can meet its requirement using-

(1) Required sources of supply under part 8 (e.g., Federal Prison Industries, Committee for Purchase from People Who are Blind or Severely Disabled, and Federal Supply Schedule contracts);

(2) Existing indefinite delivery/indefinite quantity contracts; or

(3) Other established contracts.

(b)

(1) *Acquisitions of supplies* or services that have an anticipated dollar value above the *micro-purchase threshold*, but at or below the *simplified acquisition threshold*, shall be set aside for small business concerns (see 19.000, 19.203, and subpart 19.5).

(2) The *contracting officer* may make an award to a small business concern under the-

(i) 8(a) Program (see subpart 19.8);

(ii) Historically Underutilized Business Zone (*HUBZone*) Program (but see 19.1305 );

(iii) Service-Disabled Veteran-Owned Small Business (SDVOSB) Program (see subpart 19.14); or

(iv) Women-Owned Small Business (*WOSB*) Program (see subpart 19.15).

(3) The following *contracting officer's* decisions for *acquisitions* at or below the *simplified acquisition threshold* are not subject to review under subpart 19.4:

(i) A decision not to make an award under the 8(a) Program.

(ii) A decision not to set aside an *acquisition* for *HUBZone* small business concerns, *service-disabled veteran-owned small business concerns*, or *EDWOSB* concerns and *WOSB* concerns eligible under the *WOSB* Program.

(4) Each written *solicitation* under a set-aside shall contain the appropriate provisions prescribed by part 19. If the *solicitation* is oral, however, information substantially identical to that in the provision shall be given to potential quoters.

(c)

(1) The *contracting officer* shall not use *simplified acquisition procedures* to acquire *supplies* and services if the anticipated award will exceed-

(i) The *simplified acquisition threshold*; or

(ii) \$7.5 million (\$15 million for *acquisitions* as described in [13.500\(c\)](#)), including *options*, for *acquisitions* of *commercial products* or *commercial services* using subpart [13.5](#).

(2) Do not break down requirements aggregating more than the *simplified acquisition threshold* (or for *commercial products* and *commercial services*, the threshold in subpart [13.5](#)) or the *micro-purchase threshold* into several purchases that are less than the applicable threshold merely to-

(i) Permit use of *simplified acquisition procedures*; or

(ii) Avoid any requirement that applies to purchases exceeding the *micro-purchase threshold*.

(d) An agency that has specific statutory authority to acquire personal services (see [37.104](#)) may use *simplified acquisition procedures* to acquire those services.

(e) Agencies shall use the *Governmentwide commercial purchase card* and electronic purchasing techniques to the maximum extent practicable in conducting *simplified acquisitions* (but see [32.1108\(b\)\(2\)](#)).

(f) Agencies shall maximize the use of *electronic commerce* when practicable and cost-effective (see [subpart 4.5](#)). Drawings and lengthy specifications can be provided off-line in hard copy or through other appropriate means.

(g) *Authorized individuals* shall make purchases in the simplified manner that is most suitable, efficient, and economical based on the circumstances of each *acquisition*. For *acquisitions* not expected to exceed-

(1) The *simplified acquisition threshold* when acquiring other than *commercial products* or *commercial services*, use any appropriate combination of the procedures in [parts 13, 14, 15, 35, or 36](#), including the use of [Standard Form 1442](#), *Solicitation*, *Offer*, and *Award (Construction, Alteration, or Repair)*, for *construction* contracts (see [36.701\(a\)](#)); or

(2) \$7.5 million (\$15 million for *acquisitions* as described in [13.500\(c\)](#)), for *commercial products* or *commercial services*, use any appropriate combination of the procedures in [parts 12, 13, 14, and 15](#) (see paragraph (d) of this section).

(h) In addition to other considerations, *contracting officers* shall-

(1) Promote competition to the maximum extent practicable (see [13.104](#));

(2) Establish deadlines for the submission of responses to *solicitations* that afford suppliers a reasonable opportunity to respond (see [5.203](#));

(3) Consider all quotations or *offers* that are timely received. For evaluation of quotations or *offers* received electronically, see [13.106-2\(b\)\(4\)](#); and

(4) Use innovative approaches, to the maximum extent practicable, in awarding contracts using *simplified acquisition procedures*.

### **13.004 Legal effect of quotations.**

(a) A quotation is not an *offer* and, consequently, cannot be accepted by the Government to form a binding contract. Therefore, issuance by the Government of an order in response to a supplier's quotation does not establish a contract. The order is an *offer* by the Government to the supplier to buy certain *supplies* or services upon specified terms and conditions. A contract is established when the supplier accepts the *offer*.

(b) When appropriate, the *contracting officer* may ask the supplier to indicate acceptance of an order by notification to the Government, preferably *in writing*, as defined at [2.101](#). In other circumstances, the supplier *may* indicate acceptance by furnishing the *supplies* or services ordered or by proceeding with the work to the point where substantial performance has occurred.

(c) If the Government issues an order resulting from a quotation, the Government *may* (by written notice to the supplier, at any time before acceptance occurs) withdraw, amend, or cancel its *offer*. (See [13.302-4](#) for procedures on termination or cancellation of *purchase orders*.)

### **13.005 List of laws inapplicable to contracts and subcontracts at or below the simplified acquisition threshold.**

(a) The following laws are inapplicable to all contracts and subcontracts (if otherwise applicable to subcontracts) at or below the *simplified acquisition threshold* pursuant to [41 U.S.C. 1905](#):

(1) [10 U.S.C. 983](#), Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see [9.110](#)).

(2) [10 U.S.C. 2306\(b\)](#) and [41 U.S.C. 3901\(b\)](#) (*contract clause* regarding contingent fees).

(3) [10 U.S.C. 2313](#) and [41 U.S.C. 4706](#) (authority to examine books and records of contractors).

(4) [10 U.S.C. 2402](#) and [41 U.S.C. 4704](#) (prohibition on limiting subcontractors direct sales to the *United States*).

(5) [22 U.S.C. 2593e](#) Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the *United States*. (The requirement at [22 U.S.C. 2593e\(c\)\(3\)\(B\)](#) to provide a certification does not apply.)

(6) [31 U.S.C. 1354\(a\)](#) Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see [22.1302](#)).

(7) [41 U.S.C. 8102\(a\)\(1\)](#) (*Drug-Free Workplace*), except for individuals.

(b) The Federal *Acquisition* Regulatory Council (FAR Council) will include any law enacted after October 13, 1994, that sets forth policies, procedures, requirements, or restrictions for the *acquisition* of property or services, on the list set forth in paragraph (a) of this section. The FAR Council *may* make exceptions when it determines *in writing* that it is in the best interest of the Government that the enactment *should* apply to contracts or subcontracts not greater than the *simplified acquisition threshold*.

(c) The provisions of paragraph (b) of this section do not apply to laws that-

(1) Provide for criminal or civil penalties; or

(2) Specifically state that notwithstanding the language of 41 U.S.C. 1905, the enactment will be applicable to contracts or subcontracts in amounts not greater than the *simplified acquisition threshold*.

(d) Any individual *may* petition the Administrator, Office of Federal *Procurement* Policy (OFPP), to include any applicable provision of law not included on the list set forth in paragraph (a) of this section unless the FAR Council has already determined *in writing* that the law is applicable. The Administrator, OFPP, will include the law on the list in paragraph (a) of this section unless the FAR Council makes a determination that it is applicable within 60 days of receiving the petition.

### **13.006 Inapplicable provisions and clauses.**

While certain statutes still apply, pursuant to Public Law 103-355, the following provisions and clauses are inapplicable to contracts and subcontracts at or below the *simplified acquisition threshold*:

(a) 52.203-5, Covenant Against Contingent Fees.

(b) 52.203-6, Restrictions on Subcontractor Sales to the Government.

(c) 52.203-7, Anti-Kickback Procedures.

(d) 52.215-2, Audits and Records-Negotiation, except as used with its *Alternate I*, when using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5).

(e) 52.222-4, Contract Work Hours and Safety Standards-*Overtime* Compensation.

(f) 52.223-6, *Drug-Free Workplace*, except for individuals.

(g) 52.223-9, Estimate of Percentage of *Recovered Material* Content for EPA-Designated Items.

## **Part 14 - Sealed Bidding**

14.000 Scope of part.

Subpart 14.1 - Use of Sealed Bidding

14.101 Elements of sealed bidding.

14.102 [Reserved]

14.103 Policy.

14.103-1 General.

14.103-2 Limitations.

14.104 Types of contracts.

14.105 Solicitations for informational or planning purposes.

Subpart 14.2 - Solicitation of Bids

14.201 Preparation of invitations for bids.

14.201-1 Uniform contract format.

14.201-2 Part I—The Schedule.

14.201-3 PartII-Contract clauses.

14.201-4 PartIII-Documents, exhibits, and other attachments.

14.201-5 PartIV-Representations and instructions.

14.201-6 Solicitation provisions.

14.201-7 Contract clauses.

14.201-8 Price related factors.

14.201-9 Simplified contract format.

14.202 General rules for solicitation of bids.

14.202-1 Bidding time.

14.202-2 [Reserved]

14.202-3 Bid envelopes.

14.202-4 Bid samples.

14.202-5 Descriptive literature.

14.202-6 Final review of invitations for bids.

14.202-7 Facsimile bids.

14.202-8 Electronic bids.

14.203 Methods of soliciting bids.

14.203-1 Transmittal to prospective bidders.

14.203-2 Dissemination of information concerning invitations for bids.

14.203-3 Master solicitation.

14.204 Records of invitations for bids and records of bids.



14.205 Presolicitation notices.

14.206 [Reserved]

14.207 Pre-bid conference.

14.208 Amendment of invitation for bids.

14.209 Cancellation of invitations before opening.

14.210 Qualified products.

14.211 Release of acquisition information.

14.212 Economic purchase quantities (supplies).

#### Subpart 14.3 - Submission of Bids

14.301 Responsiveness of bids.

14.302 Bid submission.

14.303 Modification or withdrawal of bids.

14.304 Submission, modification, and withdrawal of bids.

#### Subpart 14.4 - Opening of Bids and Award of Contract

14.400 Scope of subpart.

14.401 Receipt and safeguarding of bids.

14.402 Opening of bids.

14.402-1 Unclassified bids.

14.402-2 Classified bids.

14.402-3 Postponement of openings.

14.403 Recording of bids.

14.404 Rejection of bids.

14.404-1 Cancellation of invitations after opening.

14.404-2 Rejection of individual bids.

14.404-3 Notice to bidders of rejection of all bids.

14.404-4 Restrictions on disclosure of descriptive literature.

14.404-5 All or none qualifications.

14.405 Minor informalities or irregularities in bids.

14.406 Receipt of an unreadable electronic bid.

14.407 Mistakes in bids.

14.407-1 General.

14.407-2 Apparent clerical mistakes.

14.407-3 Other mistakes disclosed before award.

14.407-4 Mistakes after award.

14.408 Award.

14.408-1 General.

14.408-2 Responsible bidder-reasonableness of price.

14.408-3 Prompt payment discounts.

14.408-4 Economic price adjustment.

14.408-5 [Reserved]

14.408-6 Equal low bids.

14.408-7 Documentation of award.

14.408-8 Protests against award.

14.409 Information to bidders.

14.409-1 Award of unclassified contracts.

14.409-2 Award of classified contracts.

Subpart 14.5 - Two-Step Sealed Bidding

14.501 General.

14.502 Conditions for use.

14.503 Procedures.

14.503-1 Step one.

14.503-2 Step two.

## **14.000 Scope of part.**

This part prescribes-

(a) The basic requirements of *contracting* for *supplies* and services (including *construction*) by

sealed bidding;

- (b) The information to be included in the *solicitation* (invitation for bids);
- (c) Procedures concerning the submission of bids;
- (d) Requirements for opening and evaluating bids and awarding contracts; and
- (e) Procedures for two-step sealed bidding.

## **Part 15 - Contracting by Negotiation**

15.000 Scope of part.

15.001 Definitions.

15.002 Types of negotiated acquisition.

Subpart 15.1 - Source Selection Processes and Techniques

15.100 Scope of subpart.

15.101 Best value continuum.

15.101-1 Tradeoff process.

15.101-2 Lowest price technically acceptable source selection process.

15.101-3 Tiered evaluation of small business offers.

15.102 Oral presentations.

Subpart 15.2 - Solicitation and Receipt of Proposals and Information

15.200 Scope of subpart.

15.201 Exchanges with industry before receipt of proposals.

15.202 Advisory multi-step process.

15.203 Requests for proposals.

15.204 Contract format.

15.204-1 Uniform contract format.

15.204-2 Part I-The Schedule.

15.204-3 Part II-Contract Clauses.

15.204-4 Part III-List of Documents, Exhibits, and Other Attachments.

15.204-5 Part IV-Representations and Instructions.

15.205 Issuing solicitations.

15.206 Amending the solicitation.

15.207 Handling proposals and information.

15.208 Submission, modification, revision, and withdrawal of proposals.

15.209 Solicitation provisions and contract clauses.

15.210 Forms.

#### Subpart 15.3 - Source Selection

15.300 Scope of subpart.

15.301 [Reserved]

15.302 Source selection objective.

15.303 Responsibilities.

15.304 Evaluation factors and significant subfactors.

15.305 Proposal evaluation.

15.306 Exchanges with offerors after receipt of proposals.

15.307 Proposal revisions.

15.308 Source selection decision.

#### Subpart 15.4 - Contract Pricing

15.400 Scope of subpart.

15.401 Definitions.

15.402 Pricing policy.

15.403 Obtaining certified cost or pricing data.

15.403-1 Prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306 A and 41 U.S.C. CHAPTER 35).

15.403-2 Other circumstances where certified cost or pricing data are not required.

15.403-3 Requiring data other than certified cost or pricing data.

15.403-4 Requiring certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

15.403-5 Instructions for submission of certified cost or pricing data and data other than certified cost or pricing data.

15.404 Proposal analysis.

15.404-1 Proposal analysis techniques.

15.404-2 Data to support proposal analysis.

15.404-3 Subcontract pricing considerations.

15.404-4 Profit.

15.405 Price negotiation.

15.406 Documentation.

15.406-1 Prenegotiation objectives.

15.406-2 Certificate of Current Cost or Pricing Data.

15.406-3 Documenting the negotiation.

15.407 Special cost or pricing areas.

15.407-1 Defective certified cost or pricing data.

15.407-2 Make-or-buy programs.

15.407-3 Forward pricing rate agreements.

15.407-4 Should-cost review.

15.407-5 Estimating systems.

15.408 Solicitation provisions and contract clauses.

Subpart 15.5 - Preaward, Award, and Postaward Notifications, Protests, and Mistakes

15.501 Definition.

15.502 Applicability.

15.503 Notifications to unsuccessful offerors.

15.504 Award to successful offeror.

15.505 Preaward debriefing of offerors.

15.506 Postaward debriefing of offerors.

15.507 Protests against award.

15.508 Discovery of mistakes.

15.509 Forms.

Subpart 15.6 - Unsolicited Proposals

15.600 Scope of subpart.

15.601 Definitions.

15.602 Policy.

15.603 General.

15.604 Agency points of contact.

15.605 Content of unsolicited proposals.

15.606 Agency procedures.

15.606-1 Receipt and initial review.

15.606-2 Evaluation.

15.607 Criteria for acceptance and negotiation of an unsolicited proposal.

15.608 Prohibitions.

15.609 Limited use of data.

## **15.000 Scope of part.**

This part prescribes policies and procedures governing competitive and noncompetitive negotiated *acquisitions*. A contract awarded using other than sealed bidding procedures is a negotiated contract (see 14.101).

### **15.001 Definitions.**

As used in this part-

*Deficiency* is a material failure of a proposal to meet a Government requirement or a combination of significant *weaknesses* in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.

*Proposal modification* is a change made to a proposal before the *solicitation* closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

*Proposal revision* is a change to a proposal made after the *solicitation* closing date, at the request of or as allowed by a *contracting officer*, as the result of negotiations.

*Weakness* means a flaw in the proposal that increases the risk of unsuccessful contract performance. A "significant *weakness*" in the proposal is a flaw that appreciably increases the risk of unsuccessful contract performance.

## **15.002 Types of negotiated acquisition.**

(a) *Sole source acquisitions.* When *contracting* in a sole source environment, the request for proposals (RFP) *should* be tailored to remove unnecessary information and requirements; *e.g.*, evaluation criteria and voluminous proposal preparation instructions.

(b) *Competitive acquisitions.* When *contracting* in a competitive environment, the procedures of this part are intended to minimize the complexity of the *solicitation*, the evaluation, and the source selection decision, while maintaining a process designed to foster an impartial and comprehensive evaluation of *offerors'* proposals, leading to selection of the proposal representing the *best value* to the Government (see 2.101).

## **Part 16 - Types of Contracts**

16.000 Scope of part.

16.001 Definitions.

Subpart 16.1 - Selecting Contract Types

16.101 General.

16.102 Policies.

16.103 Negotiating contract type.

16.104 Factors in selecting contract types.

16.105 Solicitation provision.

Subpart 16.2 - Fixed-Price Contracts

16.201 General.

16.202 Firm-fixed-price contracts.

16.202-1 Description.

16.202-2 Application.

16.203 Fixed-price contracts with economic price adjustment.

16.203-1 Description.

16.203-2 Application.

16.203-3 Limitations.

16.203-4 Contract clauses.

16.204 Fixed-price incentive contracts.

16.205 Fixed-price contracts with prospective price redetermination.

16.205-1 Description.

16.205-2 Application.

16.205-3 Limitations.

16.205-4 Contract clause.

16.206 Fixed-ceiling-price contracts with retroactive price redetermination.

16.206-1 Description.

16.206-2 Application.

16.206-3 Limitations.

16.206-4 Contract clause.

16.207 Firm-fixed-price, level-of-effort term contracts.

16.207-1 Description.

16.207-2 Application.

16.207-3 Limitations.

Subpart 16.3 - Cost-Reimbursement Contracts

16.301 General.

16.301-1 Description.

16.301-2 Application.

16.301-3 Limitations.

16.302 Cost contracts.

16.303 Cost-sharing contracts.

16.304 Cost-plus-incentive-fee contracts.

16.305 Cost-plus-award-fee contracts.

16.306 Cost-plus-fixed-fee contracts.

16.307 Contract clauses.

Subpart 16.4 - Incentive Contracts

16.401 General.

16.402 Application of predetermined, formula-type incentives.



16.402-1 Cost incentives.

16.402-2 Performance incentives.

16.402-3 Delivery incentives.

16.402-4 Structuring multiple-incentive contracts.

16.403 Fixed-price incentive contracts.

16.403-1 Fixed-price incentive (firm target) contracts.

16.403-2 Fixed-price incentive (successive targets) contracts.

16.404 Fixed-price contracts with award fees.

16.405 Cost-reimbursement incentive contracts.

16.405-1 Cost-plus-incentive-fee contracts.

16.405-2 Cost-plus-award-fee contracts.

16.406 Contract clauses.

#### Subpart 16.5 - Indefinite-Delivery Contracts

16.500 Scope of subpart.

16.501 [Reserved]

16.501-1 Definitions.

16.501-2 General.

16.502 Definite-quantity contracts.

16.503 Requirements contracts.

16.504 Indefinite-quantity contracts.

16.505 Ordering.

16.506 Solicitation provisions and contract clauses.

#### Subpart 16.6 - Time-and-Materials, Labor-Hour, and Letter Contracts

16.600 Scope.

16.601 Time-and-materials contracts.

16.602 Labor-hour contracts.

16.603 Letter contracts.

16.603-1 Description.

16.603-2 Application.

16.603-3 Limitations.

16.603-4 Contract clauses.

Subpart 16.7 - Agreements

16.701 Scope.

16.702 Basic agreements.

16.703 Basic ordering agreements.

## **16.000 Scope of part.**

This part describes types of contracts that *may* be used in *acquisitions*. It prescribes policies and procedures and provides guidance for selecting a contract type appropriate to the circumstances of the *acquisition*.

### **16.001 Definitions.**

As used in this part-

*Award-Fee Board* means the team of individuals identified in the award-fee plan who have been designated to assist the Fee-Determining Official in making award-fee determinations.

*Established price* means a price that—

(1)Is an established catalog or market price for a *commercial product* sold in substantial quantities to the general public; and

(2)Is the net price after applying any standard trade discounts offered by the contractor.

*Fee-Determining Official (FDO)* means the designated Agency official(s) who reviews the recommendations of the Award-Fee Board in determining the amount of award fee to be earned by the contractor for each evaluation period.

*Rollover of unearned award fee* means the process of transferring unearned award fee, which the contractor had an opportunity to earn, from one evaluation period to a subsequent evaluation period, thus allowing the contractor an additional opportunity to earn that previously unearned award fee.

## **Part 17 - Special Contracting Methods**

17.000 Scope of part.

Subpart 17.1 - Multi-year Contracting

17.101 Authority.

17.102 Applicability.

17.103 Definitions.

17.104 General.

17.105 Policy.

17.105-1 Uses.

17.105-2 Objectives.

17.106 Procedures.

17.106-1 General.

17.106-2 Solicitations.

17.106-3 Special procedures applicable to DoD, NASA, and the Coast Guard.

17.107 Options.

17.108 Congressional notification.

17.109 Contract clauses.

Subpart 17.2 - Options

17.200 Scope of subpart.

17.201 [Reserved]

17.202 Use of options.

17.203 Solicitations.

17.204 Contracts.

17.205 Documentation.

17.206 Evaluation.

17.207 Exercise of options.

17.208 Solicitation provisions and contract clauses.

Subpart 17.3 - [Reserved]

Subpart 17.4 - Leader Company Contracting

17.401 General.

17.402 Limitations.

17.403 Procedures.

Subpart 17.5 - Interagency Acquisitions

17.500 Scope of subpart.

17.501 General.

17.502 Procedures.

17.502-1 General.

17.502-2 The Economy Act.

17.503 Ordering procedures.

17.504 Reporting requirements.

Subpart 17.6 - Management and Operating Contracts

17.600 Scope of subpart.

17.601 Definition.

17.602 Policy.

17.603 Limitations.

17.604 Identifying management and operating contracts.

17.605 Award, renewal, and extension.

Subpart 17.7 - Interagency Acquisitions: Acquisitions by Nondefense Agencies on Behalf of the Department of Defense

17.700 Scope of subpart.

17.701 Definitions.

17.702 Applicability.

17.703 Policy.

**17.000 Scope of part.**

This part prescribes policies and procedures for the *acquisition of supplies* and services through special *contracting* methods, including-

- (a) Multi-year *contracting*;
- (b) *Options*; and
- (c) Leader company *contracting*.

## **Subpart 17.3 - [Reserved]**

# **Part 18 - Emergency Acquisitions**

18.000 Scope of part.

18.001 Definition.

### Subpart 18.1 - Available Acquisition Flexibilities

18.101 General.

18.102 System for Award Management.

18.103 Synopses of proposed contract actions.

18.104 Unusual and compelling urgency.

18.105 Federal Supply Schedules (FSSs), multi-agency blanket purchase agreements (BPAs), and multi-agency indefinite delivery contracts.

18.106 Acquisitions from Federal Prison Industries, Inc. (FPI).

18.107 AbilityOne specification changes.

18.108 Qualifications requirements.

18.109 Priorities and allocations.

18.110 Soliciting from a single source.

18.111 Oral requests for proposals.

18.112 Letter contracts.

18.113 Interagency acquisitions.

18.114 Contracting with the Small Business Administration (The 8(a) Program).

18.115 HUBZone sole source awards.

18.116 Service-disabled Veteran-owned Small Business (SDVOSB) sole source awards.

18.117 Awards to economically disadvantaged women-owned small business concerns and women-owned small business concerns eligible under the Women-Owned Small Business Program.

18.118 Overtime approvals.

18.119 Trade agreements.

18.120 Use of patented technology under the North American Free Trade Agreement.

18.121 Bid guarantees.

18.122 Advance payments.

18.123 Assignment of claims.

18.124 Electronic funds transfer.

18.125 Protest to GAO.

18.126 Contractor rent-free use of Government property.

18.127 Extraordinary contractual actions.

#### Subpart 18.2 - Emergency Acquisition Flexibilities

18.201 Contingency operation.

18.202 Defense or recovery from certain events.

18.203 Emergency declaration or major disaster declaration.

18.204 Humanitarian or peacekeeping operation.

18.205 Resources.

### **18.000 Scope of part.**

(a) This part identifies *acquisition* flexibilities that are available for *emergency acquisitions*. These flexibilities are specific techniques or procedures that *may* be used to streamline the standard *acquisition* process. This part includes-

(1) Generally available flexibilities; and

(2) *Emergency acquisition flexibilities* that are available only under prescribed circumstances.

(b) The *acquisition* flexibilities in this part are not exempt from the requirements and limitations set forth in FAR part 3, Improper Business Practices and Personal Conflicts of Interest.

(c) Additional flexibilities *may* be authorized in an *executive agency* supplement to the FAR.

### **18.001 Definition.**

*Emergency acquisition flexibilities*, as used in this part, means flexibilities provided with respect to any *acquisition* of *supplies* or services by or for an *executive agency* that, as determined by the head of an *executive agency*, *may* be used-

(a) In support of a *contingency operation* as defined in 2.101;

(b) To facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the *United States*;

(c) In support of a request from the Secretary of State or the Administrator of the *United States*

Agency for International Development to facilitate the provision of international disaster assistance;  
or

(d) When the President issues an *emergency* declaration, or a *major disaster* declaration.