US DEPARTMENT OF AGRICULTURE (USDA)

CONTRACTING DESK BOOK v2.0

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ISSUED BY: Office of Contracting & Procurement (OCP)
Procurement Policy Division (PPD)

FOREWORD

The USDA Contracting Desk Book is intended to be a depiction of departmental and subagency/Mission Area acquisition regulations, policies, procedures guidance and information. The Desk Book is for internal use by USDA personnel. For any questions or discrepancies, contact the USDA Procurement Policy Division.
The Procedures, Guidance, and Instructions (PGI), herein after referred to as the PGI, is organized in the same manner as the Federal Acquisition Regulation (FAR) and Agriculture Acquisition Regulation (AGAR). For example, Chapter 404 of this PGI corresponds to AGAR 404 and Part 4 of the FAR.

Attachments to the Contracting Desk Book are Mission Area specific procedures to implement the FAR, FAR Deviations, AGAR, PGI and other Departmental Regulations. Special authorities and/or acquisition flexibilities are available here. Questions regarding those should be referred to the Mission Area. Procedures, Guidance, and Information (PGI) is a companion resource to the Agriculture Acquisition Regulation (AGAR). The PGI is a web-based tool to simply and rapidly access guidance and information relevant to the Federal Acquisition Regulations (FAR) and AGAR topics. The AGAR remains the source for regulations, which include the implementation of statutes and USDA-wide contracting authorities. The PGI contains both mandatory and non-mandatory internal USDA procedures, guidance, and supplemental information. ***The reader should always use the PGI in conjunction with the FAR, and AGAR to ensure all guidance is considered for any part of the acquisition process.***

This PGI does not include information relevant to the policies, advisories, and regulations for leasing of real property which is managed by Departmental Administration's Office of Property and Fleet Management (OPFM). The Director of OPFM has delegated authority from the Chief Acquisition Officer through the Senior Procurement Executive and Head of the Contracting Activity to serve as the Appointing Official for Contracting Officers promulgating the leasing of real property. OPFM also manages USDA's adherence to the General Services Administration Acquisition Manual, General Services Administration Acquisition Regulation, Federal Management Regulation, Agriculture Property Management Regulation, Federal Acquisition Regulation, related Executive Orders, etc.

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Version	Date	Changes
1.01	10/30/2018	PGI Parts 402, 403, 404, 405
1.02	11/1/2018	Minor edit to PGI Part 402
1.10	2/8/2019	Significant changes to PGI for effected parts to incorporate FAR updates, sub-agency policies, procedures and best practices. Updated parts should be reviewed for changes as shown via track changes version. Updated parts are 403, 405, 406, 408, 409, 410, 411, 414, 418, 422, 425, 426, 428, 429, 430, 435, 438, 441, 443, 447, 449, 450, and 451. Minor editorial changes in other parts.
1.20	3/1/2019	Significant changes in PGI part 401; change of agency legacy procedures to Attachments vice Appendices. Changes in parts 406, 408, 416 regarding approval levels for amended justifications.
1.30	3/26/2019	Significant updates to PGI part 402, and 407. An error in the warrant authority table in part 401 was corrected to reflect the requirement for the MASCO to receive HCA approval for warrants between the SAT and $50M. There are minor updates to "COR Nomination Form" however the previous one is still acceptable. Additional examples of communication products and services were added to part 405. Titles were updated in part 409. Internet references were added to part 411. Language regarding Economy Act agreements for acquisitions was added in part 417, "If a Mission Area issues an agreement with another Mission Area to provide acquisition assistance, the requesting Mission Area must notify the HCA and provide a copy of the agreement." It also changes Appendix A to be "Templates" and Appendix B to "Unauthorized Commitment Procedures".
1.31	5/3/2019	Changed 401.601-70 Delegations to say the HCA will designate a MASCO. Clarifies that MASCO authority is only for the named MA unless otherwise identified in writing. In part 402 added definition of "advisory and assistance" to include Appendix C. Clarifications in part 407 to include the definition of major system/program and to the Planning Matrix. Updates, FAR deviations and templates added to part 11, 12, 13, 15, 16 and 17. Corrected discrepancies of MASPM and MASAPM throughout. Rename Attachment E to Farm Production and Conservation (FPAC) and replace all content. Remove all content and reserve Attachment G.
1.32	6/24/2019	401.601-73, added additional information on submitting CLP. Clarified 401.602-1, warrant authority and edited descriptions in table. Updated 401.602-2 Regarding COR losing eligibility to be designated if CLP not completed. Updated COR nomination template to include certification level. Part 404 updated references to CCR and FFIS. Part 407 updated Acquisition Planning Matrix for clarity. 407.170 updated to reflect quarterly submission of APR.
1.40	10/25/2019	401.602-2, added link to DR 5000-004. 401.602-3 Ratification submissions updated to report annually. 401.603 Approval Levels corrected. 402 included definition/clarification of IT. 413.2, 413.201 and 434.002 Deleted. 433.103 Updated guidance. 439 Added Cloud Service guidance. Updated the Procurement Policy email address. Made the words "Desk Book" consistent throughout.
1.41	02/21/2020	Expired all Procurement Advisories as relevant language is now added in Desk Book; Added Construction in Acquisition Planning Matrix 407.104; APR no longer part of QSR process 407.104; Updated Requirements Plan (on Templates page) with additional signature blocks; Added link to relevant DR's; Added link to AGAR; Added reserved Departmental letter designations 404.1603; Removed waiver for IT AAR approvals 407.104; Removed link to DR 5000-004 in 401.602-2; Added language regarding legal reviews in 404.803; Deleted Footnote in 407.104; Formatting and administrative changes throughout.
1.50	04/27/2020	Added link to FAR Deviations in Foreword; Removed FAR Deviations in Parts 402, 403, 412, 413, 415, 419, 430, and 442; 401.104 and 413.301, purchase card guidance update; 401.601-72 added

		COR CPARS training; 404, updated part title; 404.803, added text; added 404.805; 404.1603 added 'M' as procurement identifier; added 404.2104; 407.104 updated matrix with bridge contract reviews; 430.201-4 was changed to 430.201-5; added Data Visualization Tool guidance 439.1; 452, minor update; Appendix B, added details for annual submission
1.60	07/02/2020	401.601-70, changed Requiring Agency Head to Under Secretary per 409.2; 401.601-71 Removed waiver consideration (ii); 401.602-2, updated guidance to COR Nomination form requirements; 401.672, removed references to written designees; 404.5, added new contract file requirements and removed NRE stewardship contracts exclusion; 404.70 Contractor Recognition subpart added; 407.104 added Bridge contracts definitions and Decision memo in the Acquisition Planning Matrix; 408.002, update to OS4; 409.202 update to Qualification Requirements; added PGI references to Appendix A-Templates; corrected FPAC title name
2.0	10/30/2020	401.601-70, updated delegations; 404.805, updated contract filing instructions; 404.2102, added Exception process for Section 889; 404.2103, added agency procedures; 404.70, clarified contractor recognition procedures; 405.303, provided additional instructions for Announcements; 407, added information regarding IAS Acquisition Planning Module, added information on support services, updated Acquisition Planning Matrix, and added information regarding Inherently Governmental Functions; 407.101, updated definitions; 415.3, updated Source Selection Plan Matrix; 437, deleted advisory and assistance information with outdated link. Also updated the following templates: Justification for Other than Full and Open Competition, Limited Sources Justification over SAT, Single Source or Brand Name under SAT, Single Source or Brand Name over SAT, Determination to Use FFP LOE Contract for Solicitation, and Requirements Plans. Added template for Announcement of Contract Award.

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Part 401 – Procedures, Guidance and Information (PGI)

401.001 Acronyms

Performance Work Statement (PWS)
Source Selection Authority (SSA)

Source Selection Evaluation Board (SSEB)

Subpart 401.1--Purpose, Authority, Issuance

Procedures, Guidance and Information (PGI) is designed to establish internal operating procedures for acquisition personnel and clarify policies of the Federal Acquisition Regulation (FAR) or the Agriculture Acquisition Regulation (AGAR). The PGI adheres to AGAR numbering and drafting conventions. Citations to this document should be referenced as "PGI, Part, Subpart, Section, Subsection", (e.g. PGI 401.106-2). It is the intent that this document will provide standard procedures for all Mission Areas for most purposes. Procedures for requirements unique to some Mission Areas (commodity, incident, stewardship, etc.) will be addressed in appendices to the PGI.

401.102 Guiding Principles

In accordance with the Program Management Improvement Accountability Act (PMIAA) and the Office of Management and Budget (OMB) M-18-19 "Improving the Management of Federal Programs and Projects through Implementing the PMIAA", USDA will continue to develop a world class acquisition system that delivers best value products or services to the Customer.

401.104 Applicability

The requirement for a warranted Contracting Officer to authorize an obligation does not cover personnel carrying out transactions or executing documents listed below. Mission Areas should duly authorize and instruct employees on their responsibilities and limitations when obligating the Government using these procedures. Although the following transactions and documents are exempt by the FAR warranting requirements, a Mission Area Senior Contracting Official (MASCO) may require a warranted Contracting Officer to sign any or all of the listed procedures:

(1) Request, Authorization, Agreement, and Certification of Training, SF-182;
(2) Government Bills of Lading;
(3) USDA Purchase Card Program Guide. For guidance on its use see https://ias.usda.gov/ccsc/; or
(4) Cooperative agreements and grants.

Unwarranted micro-purchase cardholders are not Acquisition Workforce members. USDA issued purchase cards to employees to reduce the issuance of administratively costly purchase orders for inexpensive goods and services up to the micro-purchase threshold. Agency Program Coordinators (APCs) are responsible for providing cardholders training prior to issuance of the purchase card. See https://www.dm.usda.gov/procurement/ccsc/purchase_card.htm for more information.

Subpart 401.2--Administration

401.201 Maintenance of the Procedures, Guidance, and Information and other Policy Directives.

Policy changes to the PGI, DR and the AGAR are managed by the Contracting Policy Advisory Board (CPAB).

1. The board uses regulatory and policy updates from all Federal agencies such as the Office of Management and Budget (OMB) and the FAR Council to make change decisions. The board will consider updates from USDA-wide agencies.

2. The USDA Procurement Policy Division (PPD) chairs the CPAB and the board is comprised of the Senior Procurement Executive (SPE), Procurement Systems Division (PSD), as necessary, Head of the Contracting Activity (HCA) and each Mission Area Senior Contracting Official (MASCO).
3. The primary role of the CPAB is to screen, manage, prioritize, and implement changes to national procurement policy directives, procedures and guidance, as necessary.
4. All changes and/or updates will originate with a change request (CR) and will be processed through the CPAB. PPD will prepare and issue CRs to initiate updates when the change is a result of specific guidance from OMB or other regulatory authority.
5. Operational contracting units throughout the agency are encouraged to submit CRs anytime a revision or update is needed to the AGAR, PGI or its appendices. E-mail CRs to PPD at procurement.policy@usda.gov with "PGI Change Request" in the subject line. The e-mail shall contain the following information:

- Summary of the issue / topic being addressed.
- Discussion/rationale for the CR.
- Cite specific reference (FAR, AGAR or PGI Chapter, paragraph, etc.).
- Attach supporting documentation, if necessary.
- Confirmation the MASCO or Policy Chief supports the CR.

Subpart 401.6 Career Development, Contracting Authority, and Responsibilities

401.601 General.

401.601-70 Delegations

Mission Area Senior Contracting Official

The SPE has determined that all contracting will be overseen by an HCA and supported by a MASCO. The HCA may designate a MASCO for each Mission Area, as necessary, when recommended by the Mission Area's Chief Operating Officer. MASCOs only have authority of the designated Mission Area contracting unless other Mission Areas are identified in writing. The HCA has generally delegated the following responsibilities to each MASCO as of February 14, 2019:

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
AGAR 401.403	Authorize AGAR deviations	X	
AGAR 401.601	Make determinations as the Agency Head (AH) as delegated in writing	X	
AGAR 401.602	Ratification authority (with reporting to HCA)		X
AGAR 401.603	Approve warrant appointment Note: MASCO warrant requires HCA approval.		X
AGAR 401.603	Warrant signatory for all approved warrant requests		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
FAR 3.104-5(c)(2)	Authorize disqualified officials to resume participation in the procurement or determine that an additional disqualification period is necessary to protect the integrity of the procurement process		X
FAR 3.104-7	Review all information available and, in accordance with agency procedures, take appropriate action of violations or possible violations. **This authority is not delegable below SES**.	X	
FAR 3.602	Authorize exceptions to contracts with government employees **(as AH) This authority is not delegable**	X	
FAR 3.704(c)	Consider further actions in case of final conviction of violation relating to a contract		X
FAR 3.1104(b)	May impose conditions that provide mitigation of a personal conflict of interest or grant a waiver. **This authority is not delegable**.	X	
FAR 4.604(a)	Coordinate with senior procurement executive to ensure accuracy of Federal Procurement Data System (FPDS) reporting	X	
AGAR 405.4	Is designated Agency Head for this subpart		X
AGAR 405.502	Authorize publication of paid advertisements in newspapers (44U.S.C. 3702) (AH)		X
FAR 6.304(a)(3)	Approve justification for other than full and open competition for a proposed contract over $13.5 million, but not exceeding $68 million. **This authority is not delegable below SES.**	X	
AGAR 406.5	Competition Advocate		X
AGAR 407.103	Agency Head responsibilities for planning	X	
FAR 8.404(h)(3)(ii)(c)	Approve time and material or labor hour order for commercial services if total performance period is more than three years		X
FAR 8.405-6 (d)(3)(i)	Approve limiting sources for a proposed order or BPA with an estimated value exceeding $13.5 million, but not	X	

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
	exceeding $68 million **This authority is not delegable below SES**		
AGAR 409.202	Establish Qualification Requirements	Requiring Under Secretary	
FAR 9.202(b)	Waive the requirements of 9.202(a)(1)(ii) through (4) for up to 2 years with respect to the item subject to the qualification requirement	Requiring Under Secretary	
AGAR 409.405-1	Make determination to continue contracts (as AH)		X
AGAR 409.405-2	Approve subcontracts (as AH)		X
FAR 9.503/AGAR 409.503	Waive any general rule or procedure of this subpart by determining that its application in a particular situation would not be in the Government's interest (as AH). **This authority is not delegable below HCA per FAR**.	X	
FAR 9.506(d)(3)	Approve or direct action resolving a conflict of interest or potential conflict before award		X
FAR 10.002(e)	Ensure appropriate market research documentation (as AH)		X
AGAR 411.101	Submit determination required by A-119		X
AGAR 411.103	Determine offerors demonstrate market acceptability		X
FAR 12.101	Ensure compliance with commercial items policy (as AH)		X
AGAR 412.302	Approve waivers to tailor provisions and clauses		X
FAR 14.201-7(b)(2)	Waive the requirement for inclusion of FAR clause 52.214-27, "Price Reduction for Defective Cost or Pricing Data–Modifications–Sealed Bidding," in a contract with a foreign government or agency of that government		X
AGAR 414.407-3 (a)(b), and (d)	Permit bidder to correct a mistake (as AH) this authority is not delegable	X	
AGAR 415.303	Appoint source selection authorities other than the CO		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
FAR 15.403-1(c)(4)	Waive the requirement for submission of cost or pricing data in exceptional cases. **This authority is not delegable per FAR**.	X	
FAR 15.403-3(a)(4)	Determine offeror is eligible for award without the submission of other than certified cost and pricing data if it is best interest to award		X
FAR 15.403-4(a)(2)	Authorize the Contracting Officer to obtain cost or pricing data for pricing actions below threshold, provided the action exceeds the simplified acquisition threshold. **This authority is not delegable per FAR**.	X	
AGAR 415.606	Establish a point of contact for unsolicited proposals		X
AGAR 416.203	Approve use of EPA clause		X
FAR 16.206-3(d)	Approve use of fixed-ceiling-price contracts with retroactive price redetermination. **This authority is not delegable below HCA.**	X	
FAR 16.401(d)	Approve use of all incentive and award fee contracts		X
AGAR 416.401	Designate the Fee Determining Official (if other than MASCO)		X
AGAR 416.505	Designate a task order ombudsman		X
FAR 16.505(b)(2)(ii)(C)(3)(i)	Approve exception to fair opportunity for a proposed order exceeding $13.5 million, but not exceeding $68 million. **This authority is not delegable below SES.**	X	
FAR 16.601(d)(1)(ii)	Approve use of time-and-materials contracts		X
FAR 16.603-2(c)	Approve a reasonable price or fee for letter contracts in accordance with FAR subpart 15.4 and part 31, subject to appeal as provided in the disputes clause		X
AGAR 16.603-2	Extend the period for defining a letter contract required by FAR 16.603-2(c)		X
FAR 16.603-3	Approve use of letter contracts		X
AGAR 417.204	Approve contracts which exceed the five year limitation		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
FAR 18.125, 33.104(b)(1), 33.104(c)(2)	Determine that the contracting process may continue after the Government Accountability Office (GAO) has received a protest when urgent and compelling circumstances exist. **This authority is not delegable**.	X	
FAR 18.2	Use acquisition flexibilities (AH authority)	X	
FAR 19.201	Implementing the small business programs		X
AGAR 419.201	Designate a Small Business Coordinator		X
FAR 19.502-3	Authorize a partial set-aside if only two responsible offerors are expected		X
FAR 19.505(b)	Make decision regarding Small Business Administration (SBA) appeal of a Contracting Officer's decision to reject a recommendation of the SBA procurement center representative		X
AGAR 419.602-3	Appeal issuance of a COC to SBA		X
FAR 19.1305(d)(2) and 19.1405(d)	Make decision on suspending action on acquisition for unusual and compelling reasons when Small Business Administration (SBA) appeals a Contracting Officer's decision to reject a recommendation of the SBA procurement center representative for competition restricted to HUBZone small business concerns or service-disabled-veteran-owned small business concerns		X
FAR 22.101-1(e)	Designate programs or requirements for which it is necessary that contractors be required to notify the Government of actual or potential labor disputes that are delaying or threaten to delay the timely contract performance		X
AGAR 422.302	Review Determinations of Liquidated Damages (as AH)		X
AGAR 422.404-6	Request an extension from DOL Administrator (as AH)		X
AGAR 422.406-8	Report violations of labor standards (as AH)		X
AGAR 422.604-2	Prepare exemption request for ASA (as AH) signature		X
AGAR 422.8	Perform HCA tasks in this subpart as defined by AGAR		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
FAR 22.805(a)(8)	Decision to award contract without OFCCP pre-award clearance		X
AGAR 422.13	Perform HCA tasks in this subpart as defined by AGAR		X
AGAR 422.14	Perform HCA tasks in this subpart as defined by AGAR		X
FAR 22.1802(d)	Waive E-Verify requirement. This authority is not delegable per FAR	X	
AGAR 423.601	Establish instructions to identify protection officer		X
FAR 25.103(b)(2)(i)	Determine that an article, material or supplies are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality under the Buy American Act		X
FAR 25.202(a)(2)	Determine that a construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality under the Buy American Act		X
FAR 27.404-5(a)(2)(ii)(B)	Approve final determination regarding unauthorized, omitted, or incorrect markings		X
FAR 28.105	Approve using other types of bonds in connection with acquiring particular supplies or services		X
FAR 28.106-2(a)	Approve substitution of bonds		X
AGAR 428.106-6	Furnish certified copy of bonds (as AH)		X
AGAR 432.003	Approve contract financing for SAP contract		X
AGAR 432.007	Prescribe a shorter period for financing payments (as AH)		X
AGAR 432.102	Authorize progress payments based on percentage or stage		X
AGAR 432.114	Approve unusual contract financing (as AH)		X
FAR 32.202-1(d)	Approve unusual contract financing		X
AGAR 432.3	All HCA requirements in this subpart. This authority is not delegable (as AH)	X	
AGAR 432.402	Approval of advance payments		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
AGAR 432.406	Coordinate on letters of credit		X
AGAR 432.407	Authorize advance payments without interest for FAR 32.407(d)(1), (2), (3), and (4)		X
FAR 32.501-2(3)	Approve unusual progress payments		X
AGAR 432.803	Determination to include no setoff commitment (as AH)		X
AGAR 33.102(b)	Resolve protests (as AH)		X
FAR 33.102(b)(3)(ii)	Review contractor's debt to the government if requested by contractor		X
FAR 33.104(b)(1), 33.104(c)(2)	Determine that the contracting process may continue after the Government Accountability Office (GAO) has received a protest when urgent and compelling circumstances exist. **This authority is not delegable per FAR**.	X	
FAR 33.104(g)	Report to GAO when the agency has not fully implemented the GAO recommendations with respect to a solicitation for a contract or an award or a proposed award of a contract within 60 days of receiving the GAO recommendations		X
AGAR 434.003(d)	AH tasks regarding Major Systems	X	
FAR 36.208	Approve instances where cost-plus-fixed-fee, price incentive, or other types of contracts with cost variation or cost adjustment features are permitted concurrently, at the same work site, with firm-fixed-price, lump sum, or unit price contracts		X
AGAR 436.209	Approve contract to firm who designed the project (as AH authorized representative)		X
FAR 36.213-2	Waive presolicitation notices on any construction requirement when the proposed contract is expected to exceed the simplified acquisition threshold (AH designee)		X
FAR 36.301(b)(3)(vi)	Establish criteria for two phase build design decision		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
FAR 36.303-1(a)(4)	Approve determination for number of offerors to be selected to submit phase two proposals is greater than five		X
FAR 36.602-1(b)	Approve use of design competition (as AH)		X
AGAR 436.602-2	Establish procedures for evaluation boards		X
AGAR 436.602-3	Approve selection report		X
AGAR 436.602-4	Serve as Source Selection Authority (as AH)		X
AGAR 436.602-5	Establish procedures for evaluation boards		X
AGAR 436.603	Establish procedures to maintain data on architect-engineer firms		X
FAR 36.609(c)(1)	Determine in writing that cost limitations are secondary to performance considerations **(Delegable only to official authorized to commit funds)**	X	
AGAR 437.204	Authorize use of non-government evaluators in proposal evaluations (as AH)		X
AGAR 441-201(d)(2)(i) and FAR 41.201(d)(3)	Enter into shared energy savings contract or purchase or transfer of electricity (as AH)		X
FAR 41.202(c)(2)	Determine that a contract cannot be executed by the Government for utilities services		X
FAR 41.204(c)(1)(ii)	Determine that use of the area-wide contract is not advantageous to the Government		X
FAR 42.202(c)(2)	Approve delegation of authority to issue orders under provisioning procedures in existing contracts and under basic ordering agreements for items and services identified in the schedule		X
FAR 45.102(e)	Approve government property installed permanently in contractor facility is in the best interest of the government		X

FAR/AGAR Reference	Role/Responsibility	Responsible	
		HCA	MASCO
FAR 45.301(f)	Approve contractor use of government property for commercial use where nongovernment use is expected to exceed 25 percent of the total use of government and commercial work performed		X
FAR 48.104-3	Make determination that the cost of calculating and tracking collateral savings will exceed the benefits to be derived		X
AGAR 449.106	Initiate suspension and debarment procedures based on OIG findings of fraud		X
AGAR 449.501	Approve special purpose termination clauses		X
FAR 52.222-16	Approve straight time wage rates that exceed wage determination		X

Chief of the Contracting Office

The Chief of the Contracting Office (COCO) is the MASCO unless the HCA has delegated authority to the MASCO to designate COCO. If the MASCO wishes to request COCO designation authority, a business case detailing the need, planned responsibilities and oversight should be submitted to the HCA. Any COCO designations will be approved by the HCA.

401.601-71 Career Development

GS-1102 Qualifications

The Office of Personnel Management (OPM) outlines the *Qualification Standards,* which includes educational requirements for GS-1102 Personnel, at http://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1100/contracting-series-1102/. In exceptional and compelling situations when a GS-1102 candidate fails to meet the specifications in the Qualification Standards for GS-1102s, the SPE may consider waiving one or more requirements from the *Qualification Standards* for GS-1102s. Prior to consideration, the SPE and Acquisition Career Manager (ACM) must receive a formal Waiver Request from the applicable MASCO that includes, at a minimum, the following information:

- A copy of the position description and vacancy announcement, location, grade and anticipated procurement workload/warrant level;
- Adherence to the Agency's Human Capital Plan and the recruiting strategy used;
- Description of the recruiting efforts undertaken by the organization and the results of those efforts including the sources used for recruiting for the position;
- A plan of the candidate's efforts to meet the standard and the estimated timeframe for completion agreed to by the tentatively selected candidate and the supervisor; The plan should be finalized and signed by both parties after the waiver is granted and selection has taken place and shall identify actions

that will be taken if the conditions of the waiver are not met. A copy of the final plan shall be provided to the ACM within 5 days of entry on duty;

- Narrative from the MASCO describing how the candidate shows potential for advancement to levels of greater responsibility and authority based on demonstrated analytical and decision-making capabilities, job performance, qualifying experience, etc.;
- The impact on the agency should the SPE not issue a waiver for the candidate; and
- A request that the SPE certify the candidate's potential for advancement to levels of greater responsibility and authority based on demonstrated analytical and decision-making capabilities, job performance, and qualifying experience.

Waiver authority cannot be delegated and will only be granted for exceptional and compelling circumstances of a specific hiring action. There are no "blanket" waivers for an individual or an organization. Following receipt of a waiver request which discusses the seven areas mentioned above, and any other requested information, the SPE will determine if the Waiver Request should be approved. Hire or promotion of a GS-1102 is only permissible if the candidate meets the requirements outlined in the Qualification Standards for GS-1102s, or if the MASCO receives a waiver signed by the SPE prior to hire, reassignment, or promotion. **The waiver request must be approved by the SPE prior to making an offer.**

Contracting Officer's Representative (COR) Qualifications

Contracting Officer's Representatives (CORs) ensure that contractors meet the commitments of their contracts. CORs are often the first to recognize when a program or contract is under-performing and are increasingly being asked to manage high-value, complex contracts that involve varying degrees of risk. It is important that Mission Areas: (1) select the appropriate individual to be a COR, (2) ensure that the COR has technical knowledge of the requirement(s), (3) ensure the COR understands the importance of his/her role, (4) provide the individual adequate time and resources to perform the COR function, and (5) build a culture of effective collaboration and communication between the Contracting Officer and COR.

CORs are often called upon to perform significant program management activities and should be trained accordingly.

Program Manager Qualifications

Program/Project Managers (P/PMs) who are skilled, competent, and professional are essential to the success of critical agency missions. P/PMs ensure that requirements are appropriately written, performance standards are established, and contractors deliver what they promise. P/PMs develop requirements, lead integrated project teams (IPTs), and oversee budgeting and governance processes, all of which are critical to ensuring that agency mission needs are filled and expected outcomes achieved.

Program managers assigned to programs considered major acquisitions, as defined by OMB Circular A-11 or named by the SPE, must be senior-level FAC-P/PM certified. Project managers assigned to lead projects within programs identified as major acquisitions must, at a minimum, possess a mid-level FAC-P/PM certification. Reference OMB memorandum dated December 16, 2013 https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/procurement/memo/fac-ppm-revised-dec-2013.pdf and USDA Departmental Regulation DR 3130-011 dated February 4, 2016 for additional details.

401.601-72 Federal Acquisition Certification

Mission Areas shall provide Acquisition Workforce (AW) employees opportunities to complete government-wide training for creating and maintaining the skills necessary to deliver best value supplies and services, to find the best business solutions, and to provide strategic business advice to accomplish agency missions. On behalf of the SPE, each MASCO is responsible for developing and maintaining an acquisition career management program that is in compliance with mandatory acquisition training and experience standards as outlined in this PGI.

All certifications are processed and managed through Federal Acquisition Institute Training Application System (FAITAS) https://faitas.army.mil. Certification and training information may be found at the FAI, https://www.fai.gov/. The USDA ACM reviews FAC applications and makes the final approval determination. Review of applications will generally occur within 30 calendar days of receipt of an application.

Federal Acquisition Certification in Contracting (FAC-C)

The FAC-C program is founded upon formal education, acquisition-related training, and experience to develop core contracting competencies. The general requirements for FAC-C certification are outlined in OMB's FAC-C memorandum dated May 7, 2014. There is an On the Job Training (OJT) Toolkit, http://www.dm.usda.gov/procurement/policy/docs/OJT_Contracting_Competency_Experience_Assessment.xls, which must be completed to document experience for FAC-C certification requests. Once completed, upload the OJT Toolkit and Resume in the FAITAS FAC-C application under the "Experience" tab. The experience requirement is generally based on the OPM GS-1102 qualification standard. Experience may be time spent on the job in a contracting-related job assignment, either in the private or public sector that reflects a full comprehension of the required contracting knowledge, skills and abilities.
Under the "Education" tab of the FAC-C application, it is the employee's responsibility to provide a copy of their official diploma from a four-year accredited college or university or course transcript from an accredited college or university, highlighted to identify completion of the 24 semester hours of business credits. The education documentation is required for all applications, including those based on reciprocity with other certification including a Defense Acquisition Workforce Improvement Act (DAWIA). An individual who has obtained DAWIA certification in contracting at any time during their career is eligible to obtain a USDA issued FAC-C at the same certification level, provided the education criteria for the FAC-C are satisfied as well as if continuous learning requirements have been maintained and can be documented. It is the employee's responsibility to provide the necessary documentation of the DAWIA certification, education requirements, and the appropriate continuous learning history to ensure validity and currency of the certification.

USDA allows FAC-C candidates to complete a FAITAS issued request for equivalency as evidence of completion of mandatory courses toward certification. Any such equivalent training class taken for certification purposes must be taken from a commercial vendor, a college or university, or another organization whose class is still actively determined to be Defense Acquisition University (DAU) equivalent. A course equivalent request must be submitted to the USDA ACM within five years of the course completion date. Available active DAU equivalent vendors and classes can be found in DAU's iCatalog under Equivalent Providers available at http://icatalog.dau.mil/appg.aspx. Review of FAC-C equivalency requests will generally occur within 30 calendar days of receipt of the request and must occur prior to submission of a FAC-C certification application.
Equivalency is limited to the FAC-C core certification classroom courses.
Requests to use experience in lieu of training (fulfillment) will not be considered.

Federal Acquisition Certification in Contracting (FAC-C) Core-Plus Specialization

The purpose of the FAC-C Core-Plus specialization is to establish additional training, experience, and continuous learning requirements for contracting professionals who are FAC-C certified and manage specific investments

requiring specialized knowledge, skills, and abilities. To learn more about the general requirements for FAC-C Core-Plus specialization certification refer to the Office of Federal Procurement Policy (OFPP) Memorandum dated May 18, 2018 https://www.whitehouse.gov/wp-content/uploads/2018/05/fac_c_digital_services_05_12_18.pdf . USDA follows the guidance from FAI on how the FAC-C Core-Plus specialization can be earned. The FAC-C-Digital Services (DS) specialization will only be granted to those holding Level II or Level III FAC-C certification. Contracting professionals holding the FAC-C-DS specialization must achieve 20 continuous learning points (CLPs) of their overall FAC-C 80 CLPs (required every two years) within the area of digital services to maintain their certification. For application and training requirements, see the FAI at https://www.fai.gov/drupal/certification/contracting-fac-c.

Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR)

The general requirements for FAC-COR certification are available in the OMB Memorandum regarding the FAC-COR, dated September 6, 2011, https://www.fai.gov/pdfs/FAC-COR_20Sep2011.pdf At USDA, employees designated/appointed to serve as CORs must first show as being FAC-COR certified in FAITAS. In addition, at USDA, to satisfy FAC-COR experience requirements, an individual must have served as the primary COR on one or more contracting actions for a period that totals at least one year (for Level II certification) or at least two years (for Level III certification). Examples of adequate experience documentation include (1) Appointment/Designation memorandums signed by the Contracting Officer or (2) a letter from, and signed by, a Contracting Officer. Either form of documentation shall include at a minimum: contract number, who the COR was, COR duties performed and the time period.

If an individual from DoD has obtained a valid, current COR certification under DoDI 5000.72, an equivalent FAC-COR may be granted at the same certification level, provided the FAC-COR experience and continuous learning requirements have been met and the agency ACM approves the certification. When applying for a FAC-COR, the individual is responsible for providing their agency ACM with the documentation supporting their DoD COR certification, experience, and continuous learning history.

USDA follows the training guidance available on the FAI website at https://www.fai.gov/drupal/certification/fac-cor for each COR level. Although there is no mandatory training curriculum, initial COR certification training must be with a formal learning program from FAI, DAU, a DAU equivalent training provider, or a college or university or commercial training provider that offers programs of instruction or assessment processes that are substantially similar to the learning outcomes addressed towards meeting FAI's current certification competency requirements. In addition to the recommended FAI COR training, USDA employees requesting an initial COR certification must complete the CPARS Overview, and CPARS Quality and Narrative courses. The CPARS courses are available at www.cpars.gov, under the *Learning Center* menu.

USDA does not evaluate training course material for credit. Before pursuing a course, concerns of course acceptance should be directed to the employee's Acquisition Career Manager Designees (ACMD) or Training Coordinator for applicability. Training must cover COR roles and responsibilities as well as fundamental contract rules and regulations and must have been completed not more than 24 months prior to the employee's FAC-COR application date. Within reason, the USDA ACM may use discretion in determining suitable timeframes for accepting training. Assignment specific training may be completed to supplement the core business and technical competencies. Based on competency assessments and skills gap analysis, the MASCO may establish additional agency specific requirements for the FAC-COR program. The MASCO issued requirements may not change, lessen, or eliminate any of the core requirements prescribed by the OMB memorandum, FAI, or this PGI.

Any additional requirements for a Mission Area should be included in the PGI. Requests to use experience in lieu of training (fulfillment) will not be considered.

Federal Acquisition Certification for Program and Project Managers (FAC-P/PM)

The FAC-P/PM is critical in fostering enhanced program outcomes through, among other things, improved: (i) development of Government requirements, (ii) definition/measurement of performance standards, (iii) management of life-cycle activities, and (iv) management of budgeting and governance processes. The general requirements for FAC-P/PM are outlined in the OMB memorandum dated December 16, 2013, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/procurement/memo/fac-ppm-revised-dec-2013.pdf . USDA follows the FAC-P/PM program guidance available on the FAI website at https://www.fai.gov/drupal/certification/program-and-project-managers-fac-ppm for each P/PM level. FAC-P/PM certification is based on gaining required competencies, training, and experience. USDA employees must provide documentation to support the FAC-P/PM experience and training requirements with the submission of their application. Employees may not substitute academic degrees, experience or training toward fulfillment of the FAI verified training curriculum requirement. Requests for fulfillment will not be considered.

Application packages for certification shall include:
a. Application for certification through FAITAS;
b. The *USDA Federal Acquisition Certification for Program and Project Manager Employee Self-Assessment* available at https://www.dm.usda.gov/procurement/career/index.htm to document training or demonstrated knowledge, skills, and abilities (i.e., certificates, transcripts, comparable education or certification programs, and/or essays); and
c. Any previously issued FAC-P/PM or DAWIA certifications (if applicable) uploaded into FAITAS.

USDA will recognize the certifications from DAWIA where the P/PM has maintained certification currency with documented CLP accruals toward the 80 CLPs in a two-year period. Individuals claiming this reciprocity must enter their DAWIA certificates, qualifying courses, and experience in FAITAS when applying for equivalent FAC-P/PM certification at USDA.

Federal Acquisition Certification for FAC-P/PM Core-Plus Specialization

The purpose of the FAC-P/PM Core-Plus specialization is to establish the additional training, experience and continuous learning requirements for FAC-P/PM certified personnel who manage specific investments requiring specialized knowledge, skills and abilities. The first core-plus area to be addressed in this certification program is for Information Technology (FAC-P/PM-IT) project and program managers. New core-plus areas will be recommended by the P/PM Functional Advisory Board, approved by OFPP, and maintained by FAI. Employees are encouraged to bookmark the FAI website to stay abreast of changes.

In addition to USDA employees providing documentation to support the FAC-P/PM experience and training requirements with the submission of their application, employees seeking the FAC-P/PM IT specialization certification must provide documentation specific to the IT experience. There is a FAC-P/PM IT specialization self-assessment application, available at https://www.dm.usda.gov/procurement/policy/templates.htm, which must be completed to document the specialization requirements experience. Once completed, the employee uploads the FAC-P/PM IT specialization self-assessment application in the FAITAS FAC-P/PM IT specialization application under the “Experience” tab.

FAC-P/PM IT core-plus specialization requires Mid or Senior level FAC-P/PM certification plus mastery of the additional core-plus specialty training, experience and continuous learning requirements. The FAI developed a Competency Model for the FAC-P/PM-IT specialization that identifies the minimum competencies required for the core-plus specialization in information technology. The detailed FAC-P/PM-IT Competency Model is available on FAI's website at: www.fai.gov under the certification tab.

Program and project manager professionals holding the FAC-P/M IT core-plus specialization must achieve 20 CLPs of their overall FAC-P/PM 80 CLPs (required every two years) within professional activities of information technology as identified by the Department's Chief Information Officer, with emphasis directed toward key issues affecting information technology Program and Enterprise Architectural success, to maintain their certification.

401.601-73 Continuous Learning

Professional improvement is continuous and employees are expected to participate in a variety of acquisition-related activities designed to give a well-rounded perspective of the acquisition management function. Continuous learning points (CLPs) must meet the competencies of the respective certification program. CLPs will not be accepted for attending duplicative events (courses, seminars, conferences, etc.) within a four-year period. Acquisition related training required on an annual basis to support the employee's certification, such as Procurement Ethics training, would be considered as acceptable for CLPs and is exempt from the duplicative event within four years policy. However, be advised that CLPs will not be granted for activities that would be considered normal contracting duties, tasks, and responsibilities expected of employees serving in positions as Contracting Officers, CORs and program/project managers. The FAI website contains information on point allocations for acceptable continuous learning (CL) events for each certification program listed within https://www.fai.gov/training/continuous-learning-opportunities.

FAITAS will indicate when employees complete the required number of CLPs for maintaining certification. The employee must then submit a CL Achievement Request for their supervisor's approval; once approved, the request will be reviewed for approval by the Bureau CL Manager (BCLM). The BCLM is the final approver for accepting CL events and their associated CLPs. It is recommended that employees submit their CL point request and achievement request through the continuous learning module in FAITAS at least 30 days prior to the expiration of the current certification date to allow time for completion of the continuous learning achievement approval process. Ensure all training is completed, submitted in FAITAS and approved prior to the end of the two-year CL period. Eligibility for reappointment/redesignation will not occur until CL requirements are met. Requests for extensions of the two-year continuous learning period are not granted.

If the training certificate does not indicate the number of CLPs or Continuing Education Units (CEUs) earned, the attendee is responsible to upload supporting documentation indicating the number of CLPs earned for the event. Examples of acceptable documentation to support CL point requests to upload include:

- HR document, e-mail, letter, or internal agency training certificate describing and confirming rotational, developmental, and/or mentoring assignments. Each document should show title, completion date, and signature of Supervisor or Bureau Career Manager;
- Course completion certificates;
- Transcripts;

- E-mail/letter from a professional organization verifying the requesting employee attended or presented at meetings/seminars/conferences;
- Copy of published article; and
- Event objective or contents, etc.

USDA also requires any GS-1102 or GS-1105 who is not a warranted Contracting Officer or does not have a FAC-C certification to complete 80 CLPs every two years and adhere to their Bureau CL Manager's guidance on tracking CL. Although not certified, non-FAC-C warranted Contracting Officers shall ensure their CLPs meet the FAC-C contracting competencies. Employees shall provide evidence of having met the CL requirements for their warrant or certification(s) to their BCLM and Bureau Warrant Manager per Mission Area guidance. Reports from FAITAS are considered acceptable for documenting each acquisition workforce members' compliance toward the CL requirement.

401.601-74 Responsibility for the Acquisition Workforce Career Management Program

OCP/PPD shall develop and issue policies, procedures, training plans, and other guidance for implementation of acquisition workforce mandates. As the oversight authority for USDA's AW programs,

OCP/PPD shall:
Make final determinations on applicability of mandates;

HCA shall:
Manage Contracting Officer appointments;
Ensure Contracting activities require their AW to use FAITAS;

MASCO shall:
Establish and prescribe an AW accountability system that:
Sets a performance standard;
Includes an adequate set of checks and balances;
Includes external and internal review coverage;
Involves annual appraisals;
Identifies effective and ineffective performance;
Ensure supervisors and ACMDs are fully knowledgeable of the program requirements and comply with the provisions.
Ensure supervisors or ACMDs schedule and evaluate training.
Review certification requests;
Manage continuous learning completion;
Review Contracting Officer requests.
Approve Contracting Officer Certificates of Appointment, as appropriate;

Supervisors or ACMDs shall:
Assess needs and, as appropriate, recommend employees for Contracting Officer appointments;
Assist AW in planning and scheduling appropriate training;
Assist MASCO in preparation and submission of warrant and waiver requests;
Review/approve certification and CLP requests;
Monitor and evaluate employees' progress in completion/maintenance of training standards;

Ensure Contracting Officers properly display the Certificates;

Employees shall:
Make a personal effort to take maximum advantage of developmental experiences, and training opportunities, as required and as authorized by supervisors;
Actively participate with supervisors and ACMDs in discussing, developing, and preparing training plans;
Maintain an updated personal file in FAITAS containing certifications, CO warrants, training certificates and other relevant information;
Consistently monitor acquisition workforce related competencies and actively work to achieve and maintain proficiency; and
Know when their two-year CL period ends, as well as, understand that all continuous learning requirements must be completed, submitted in the Federal Acquisition Institute Training Application System (FAITAS), and ultimately approved by the BCLM prior to the end of the two-year CL period. It is recommended that employees submit their CL point request and achievement request through the continuous learning module in FAITAS at least 30 days prior to the expiration of the current certification date to allow time for completion of the continuous learning achievement approval process. Ensure all training is completed, submitted in FAITAS and approved prior to the end of the two-year CL period.

401.602 Contracting Officers.

401.602-1 Limitations on Authority

Contracting Officers shall not sign actions with obligation values or estimated values, whichever is greater, exceeding their delegated warrant authority. Warranted Contracting Officers may use Government-wide purchase cards as a payment mechanism for contractual actions or invoices over the micro-purchase threshold and up to their delegated warrant authority after confirming the receipt of goods and services.

Contracting Officers are legally responsible for their signed procurement documents. Contracting Officers cannot sign “for” or over the name of another Contracting Officer.

401.602-2 Responsibilities.

Legal Advice

Contracting Officers are encouraged, on a case-by-case basis, to request legal advice at any phase of the acquisition process. Contracting Officers must submit enough information to facilitate legal review to the Office of the General Counsel (OGC) via the MASCO, unless otherwise directed. OGC shall review the package and determine if it is legally sufficient. If OGC is unable to provide a determination within ten working days from receipt of request, the Contracting Officer may annotate the file and continue the procurement process without OGC review or advice. Urgent requests should be escalated to the HCA. Recommendations received from OGC are advisory. Final disposition rests with the Contracting Officer. Contracting Officers shall document the file if there are major differences between OGC’s recommendations and their final decisions or actions. As appropriate, Contracting Officers shall include a brief statement in the contract file describing the reason for their decision not to obtain legal review. Also, see PGI 404.803 for additional instructions regarding contract file documentation.

However, for documents submitted to the HCA/SPE, OGC review is required. Recommendations (or OGC declination of review) should be submitted with the package.

Designate Contracting Officer's Representative

The CO will consider the risk factors (e.g. complexity, contract type) to help determine the appropriate COR level for a specific contract during the acquisition planning. The CO may find the COR Appointment Criteria Matrix helpful to determine if a COR is needed and at what level.

COR Appointment Criteria Matrix

Risk Factor	Little or no risk associated with project	Significant or high risk associated with project
Sensitivity or Complexity of What is Being Procured	Oversight confined to basic inspection and acceptance (e.g., COTS or standard supplies)	Highly complex requirements; professional and technical services closely associated with inherently governmental functions; critical function; continuous oversight or technical direction required (e.g., developmental; new or emerging technologies; poor or no performance history)
Number and Location of Performance Sites	Noncomplex shipping/delivery at a single domestic delivery site	Highly complex shipping/packaging/delivery (e.g., requiring export; staging of shipments; multiple customers with competing requirements; multiple deliverables or sites; foreign performance site(s)) (span of control)
Impact of Delay	If project is delayed, no serious impact to mission that cannot be easily alleviated	Serious impact on mission; high degree of impact on follow on or interdependent projects; time is critical due to urgency, weather, or long lead time items in critical path (e.g., contingency contract)
Visibility	Little or no internal or external interest anticipated	High degree of internal or external interest anticipated (e.g., GAO oversight; congressional engagement; other special interests)
Contract Type/Structure	Firm fixed price contracts with basic provisions	Contracts other than firm fixed price (e.g., letter contract; cost-type contract; contract financing provisions required; hybrid contract; incentives; time and materials contract)
Special Considerations	No rights in data or government property required; No Personally Identifiable Information (PII) or security concerns	High level of oversight required to assure government/contractor rights in data or government property; Significant security concerns relating to contract classification or PII data

Certification	Contract Risk
Level I	Low-risk contracts, e.g., supply contracts and orders
Level II	Perform general project management activities/ moderate to high complexity contracts for supply and service contracts
Level III	Perform significant program management activities/ moderate to high complexity with significant/major acquisition investment as defined by OMB Circular A-11/agency-mission critical contracts

Effective November 1, 2018, COR nominations for Information Technology (IT) contracts, except commercial off-the-shelf IT supply contracts under $7 million and contracts for professional services or advisory and assistance services with an estimated value under the simplified acquisition threshold, must be signed and certified by a member of the SES in the nominated COR's supervisory chain. The CO will not accept nominations without the SES's signature. If a COR needs to be replaced for the contracts, a new nomination form must be completed and signed by the appropriate SES. At a minimum, those CORs for major investments, as defined by OMB Circular A11, shall generally be designated as FAC Level III CORs.

If a COR is to be nominated for commercial off-the-shelf IT supply contracts under $7 million or for services with an estimated value under the simplified acquisition threshold, the nomination form only needs to be signed by the COR's supervisor.

Blanket Purchase Agreements (BPAs) or Indefinite Delivery Indefinite Quantity (IDIQ)awards, where one COR is assigned to multiple BPA call orders or Delivery/Task Orders, require only one nomination form at the award level.

The Nomination of Contracting Officer's Representatives (CORs) required under this part shall use the template form located at the following link: Nomination of Contracting Officer's Representative (COR). The template may be used for other COR nominations at the discretion of the responsible MASCO.

Failure of a COR to meet CL requirements will result in revocation of appointment/designation to any assigned contracts. Eligibility for reappointment/redesignation as a COR to the contract will not occur until CL requirements are met and a new FAC-COR application is approved.

401.602-3 Ratification of Unauthorized Commitments.

Unauthorized commitments occur when Contracting Officers, or any other individual, makes an agreement on behalf of the Government that is not binding because they lack authority to enter into an agreement, i.e., there is a lack of sufficient funding, use of funds is not approved, the warrant authority does not allow for the award made, etc. USDA HCA and MASCOs are responsible for taking positive actions such as training, robust pre-award review procedures, etc. to preclude the occurrence of unauthorized commitments. MASCOs must maintain a record of ratifications and submit it annually to OCP-PPD.

Ratifications to approve unauthorized commitments should be conducted in accordance with FAR 1.602-3, utilizing the Unauthorized Commitment Procedures in Appendix B and approved at a level no lower than the

MASCO unless otherwise authorized by the HCA or SPE. Ratifications may only be approved if it meets the limitations described in FAR 1.602-3(c).

There are two procedures by which an unauthorized commitment may be ratified. The first procedure as described in FAR Subpart 1.603-3 (b)(2), involves stand-alone unauthorized procurement actions committed whereas, no contractual arrangement already exists.

The second procedure as described in FAR Subpart 1.602-3 (b)(5) involves claims that are subject to resolution under the Contract Disputes Act of 1978. These types of claims shall be processed in accordance with FAR Subpart 33.2, Disputes and Appeals. An example of such an action would be the request for payment from a contractor/vendor for additional work, within the general scope of an existing contract, directed by the Contracting Officer's Technical Representative.

Some types of unauthorized procedures are not simply prescribed by or interpreted for either ratification procedure. In these cases, Contracting Officers shall contact their Policy and/or the Office of General Counsel for assistance.

401.603 Selection, Appointment, and Termination of Appointment for Contracting Officers.

Contracting authority is generally reserved for employees working within a USDA contracting activity. Factors such as volume of actions, complexity of work, and organizational structure shall be major considerations when determining whether to grant a warrant request. Appointing officials must only issue warrants when there is an organizational need for a Contracting Officer. Warrant authority for a federal employee outside of a contracting activity (i.e. Program Office) or not otherwise within the supervisory chain of command of the MASCO will generally not be considered unless there is a very compelling and demonstrated organizational need and with approval via a waiver in writing from the SPE. The request should be addressed to the SPE from the MASCO. The waiver authority is not delegable or transferable.

As part of the responsibility of oversight of the AW, the MASCO should perform an annual review of all delegations of authority issued to validate the continued need for each warrant and determine if Contracting Officers have maintained professional proficiency to maintain their appointment.

401.603-2 Selection

The appointing official must ensure the applicant has demonstrated an ability to apply applicable procurement laws, regulations, policies, and sound business judgment. Limitations of warrant authority are set for each Contracting Officer based on factors such as experience in acquisition, education, knowledge of acquisition methods, satisfactory completion of required acquisition training courses and continuous learning, understanding of acquisition laws and regulations, and personal integrity and professional conduct in exercising acquisition responsibilities. Warrants are not issued solely based on certification achievement. Warrant and waiver requests must be completed on the Warrant or Waiver Request template.

Warrant or Waiver Request

401.603-3 Appointment

Authority to enter contractual relationships and commit the Government to the expenditure of public (taxpayer) funds is a delegated authority, which must be issued in writing to the individual. Unless otherwise authorized by the SPE in writing, the MASCOs are the agency's appointing officials for Contracting Officers. The HCA and

MASCO shall determine if the appointment is consistent with applicable requirements of the AGAR, the FAR and other delegations of authority. The HCA must approve and is the appointing official for MASCO Contracting Officer warrants.

Appointing officials shall review warrant requests, issue, and manage Contracting Officer warrants through the Warrant Module in the FAITAS. The Certificate of Appointment in FAITAS is generated on a Standard Form (SF) 1402 (warrant) and states the employee's name (not a position); limitations on the scope of appointment authority; and shall be displayed openly to the general public and agency personnel. The authority authorizes the employee to commit the Government to buy goods and services and obligate funds subject to any limitations as stated in the warrant.

Contracting Officers have authority to sign contract actions or estimated values up to their delegated warrant authority as specified on the SF-1402. When assigning work, supervisors are advised to utilize this authority for the most efficient and effective use of resources. The maximum warrant authority shall remain within the limitations specified below:

Contracting Officer Warrant Authority For GS-1102/1105 Personnel and Mission Area Senior Contracting Official (MASCO) This chart contains information on the minimum requirements for issuing Contracting Officer warrants. Appointing Officials may further limit authority as necessary.			
Level	FAC-C Level	Approval Level	Maximum Warrant Authority
Level A	N/A but must complete 100 hours of procurement related courses from FAI, DAU or FAI qualified training vendor to include CON 237 or equivalent course; or be FAC-C certified	MASCO	All contract types limited to the amount listed in FAR Part 2 for Simplified Acquisition Threshold
Level B	I	MASCO	All contract types limited to the amount listed in FAR Subpart 13.5 for Commercial Items Threshold
Level C	II	MASCO	$50M
Level D	III	MASCO	Unlimited
MASCO	III	HCA	Unlimited
To maintain an appointment, all warranted Contracting Officers are required to complete at least 80 hours of continuous education or training every two years. If this condition is not met, the SPE, HCA, MASCO, ACM or ACMD shall revoke or suspend the appointment. If the Contracting Officer continues to perform contract functions after the non-compliance of the continuous education requirement, it may result in unauthorized commitments as the employee will be acting without authority.			

401.603-4 Suspension/Termination

The SPE, HCA, MASCO, ACM, or ACMD may terminate or suspend a Contracting Officer warrant at any time. Termination/suspension is appropriate for the following situations:

- Failure to comply with applicable laws and regulations;
- Violation of the Standards of Conduct for Employees of the Executive Branch. (See C.F.R. Part 2635);
- Failure to maintain training standards after appointment;
- Failure to maintain a satisfactory performance rating;
- Reassignment to a non-1102 or non-1105 position;
- Reassignment to a position not requiring a warrant;
- Discontinuance of the organization's need for the appointment; or
- Separation from the organization (Automatic Termination).

Warrants do not automatically terminate when an individual is detailed or temporarily reassigned to another Agency/Location. Individuals should not change or update their agency profile in FAITAS to reflect their temporary status since changing or updating the FAITAS agency profile will trigger automatic termination of the warrant.

401.603-70 Existing Warranted Non-FAC-C Certified Contracting Officers

The Mission Area's ACM or ACMD shall maintain official files documenting each Contracting Officer's qualification and completed training for those that cannot be tracked in FAITAS. Such files shall be available for oversight reviews by the USDA ACM. Each agency's ACM or ACM/D shall submit an annual report to the USDA ACM by the 30th of April each year. The report shall be submitted electronically and include, at a minimum, the following information for all warrants:

a. Name of Appointee;
b. Grade and series;
c. Mission Area;
d. Warrant Level;
e. Date of Appointment;
f. Any limitation on the warrant;
g. Certification Level and CL status, if applicable; and
h. Any other related items upon USDA ACM request.

401.670 Roles and Responsibilities of Acquisition Team

The MASCO and the Mission Area Senior Program Manager (MASPM) oversee the acquisition system within each Mission Area. The acquisition team at USDA has many responsibilities. These responsibilities are performed by different roles depending on the value, complexity and content of the requirement. These roles can be filled by a variety of staff within the Mission Areas based on the same types of characteristics. Traditional agency operating requirements (e.g. office furniture and supplies, janitorial services, lab equipment, vehicles and equipment) can typically be performed by staff who have received general training in the procurement process. More complicated requirements (professional services, basic construction, specialized training, maintenance and repair services) require more training to adequately protect the government's interests. The most complex requirements (e.g. major construction, aviation, information technology development, research) require highly certified program managers, specialized Contracting Officers and experienced Contracting Officer representatives. Below are the roles and examples of positions who may fill that role.

Acquisition Role	Examples of Mission Area Staff/Series/Title
PROGRAM/PROJECT MANAGER (P/PM)	Any Mission Area personnel who have technical knowledge of the requirement and have the authority to make decisions on what can be purchased. May need to be certified as a FAC-P/PM
CONTRACTING OFFICER'S REPRESENTATIVE (COR)	Any Mission Area personnel who have technical knowledge of the requirement and have been certified as a FAC-COR
CONTRACT SPECIALIST	Contract Coordinator, Procurement Technician, Purchasing Agent, Contract Specialist
CONTRACTING OFFICER	Warranted Purchasing Agent, Contract Specialist who holds a FAC-C

Responsibility for the decision of what to buy and when to buy rests mainly with program and certain staff offices. Responsibility for determining how to buy, the conduct of the buying process, and execution of the contract rests with the Contracting Officer.

Program personnel, using the contracting process to accomplish their programs, shall ensure that: (1) Advanced Acquisition/Forecasts and Acquisition Plans are completed, as required; (2) Requirements are clearly defined and specified; (3) Quality standards are prescribed and met; (4) Performance or delivery is timely; and (5) Files are documented to substantiate the judgments, decisions, and actions taken.

The processes are generally defined for USDA; however, the Mission Area may have additional requirements for some roles and document routing and approvals based on the complexity of the requirement. The roles and responsibilities listed are provided as a guideline for the typical acquisition. This is not an exhaustive list of responsibilities. The specific role named is not necessarily responsible for an action however the office listed is responsible. See the Federal Acquisition Institute (FAI) site for competencies (and actions) required for each role. https://www.fai.gov/certification/certification-and-career-development-programs

ACQUISITION PROCESS ROLES AND RESPONSIBILITIES			
REQUIRING OFFICE		CONTRACTING OFFICE	
PROGRAM/PROJECT MANAGER	CONTRACTING OFFICER'S REPRESENTATIVE	CONTRACT SPECIALIST	CONTRACTING OFFICER
PRE-AWARD			
Nominate COR	Serve on the Acquisition Team as a technical representative on behalf of their Program and in support of the Contracting Officer.	Serve as Business Advisor on the Acquisition Team	Serve as Business Advisor on the Acquisition Team; is the **ONLY INDIVIDUAL AUTHORIZED** to bind the Government contractually through their **WARRANT**
Provide Funding	Identify Need/Funding – Enter in Workplan (Enter in AgMax, if required)	Prepare Source Selection Plan	Approve Acquisition Plan/Checklist
			Concurrence final PWS/Statement of Work
Concurrence Acquisition Plan/Checklist	Acquisition Plan/Checklist	Prepare Solicitation	Approve Solicitation
Approve final PWS/Statement of Work	Prepare Statement of Work	Issue Request for Proposals	Oversee Solicitation Process
May participate in the evaluation of Proposals/SSEB	Collaborate on evaluation factors and proposal information	Receive Proposals	Receive Proposals
Approve award decision (if appointed as SSA)	Evaluation of Proposals/SSEB and produce the required documentation	Prepare SSEB Report	Approve SSEB Report
	Support Debriefs	Prepare SSA Final Decision/Award Recommendation Documentation	Approve SSA Final Decision/Award
		Prepare documentation for execution of Awards	Execute Awards
		Prepare documentation for notification to unsuccessful Offerors	Approve documentation for Notification to unsuccessful Offerors
		Prepare documentation for Debriefs	Hold Debriefs
		Conduct fact finding for legal concerns	Coordinate Legal Consultation
POST AWARD			
Coordinate technical interfaces with contractor through COR.CS/CO	Provide technical guidance to the contractor	Prepare documentation and schedule post award orientations	Conduct post award orientations

ACQUISITION PROCESS ROLES AND RESPONSIBILITIES			
REQUIRING OFFICE		CONTRACTING OFFICE	
PROGRAM/PROJECT MANAGER	CONTRACTING OFFICER'S REPRESENTATIVE	CONTRACT SPECIALIST	CONTRACTING OFFICER
Responsible for overall program compliance with contract and safety requirements	Monitor Contractor compliance with contract and safety requirements	Prepare documentation to address changes to the contract	**ONLY INDIVIDUAL AUTHORIZED** to make changes to the contract's terms and conditions
Oversee program responsibilities for contractor services performed by ensuring COR interfaces with CS/CO	Monitor and evaluate the contractor's performance and make timely reports of your findings to the Contracting Officer	Prepare documentation for proper contract modifications	**Execute** contract modifications
Ensure COR compliance with Inspection of invoices	Provide the Contracting Officer with copies of all written correspondence (including electronic communications) with the contractor	Fact finding and prepare documentation for CO review of delays to the contract, disputes, termination	Address delays to the contract, disputes, termination
Ensure compliance with COR reporting requirement for interim and final contractor performance evaluations (CPARS)	Inform the Contracting Officer of substantive oral communications (e.g., telephone conversations) with the contractor and provide notes and/or summaries of them as requested	Support the COR with overall administration including invoices and contactor evaluations	Support the COR with overall administration including invoices and contactor evaluations
Ensure COR maintains technical records and contract files	Inspect and evaluate products (including reports and drafts) and services delivered by the contractor, and make recommendations to the Contracting Officer regarding their acceptability	Maintain Contract file	Responsible for overall contract file
Ensure COR/Program compliance with Prompt Payment Act requirements	Review and approve/reject contractor's invoices in accordance with agency and Prompt Payment Act requirements	Promptly notify the Contracting Officer immediately of any:	Ensure timely deobligation of funds
Address concerns on Contractor employee qualifications to CS/CO through COR	Monitor the contractor's use of key personnel and notify the Contracting Officer of any changes in key	Actual or potential contractor performance problems;	Oversee contract closeout

ACQUISITION PROCESS ROLES AND RESPONSIBILITIES			
REQUIRING OFFICE		CONTRACTING OFFICE	
PROGRAM/PROJECT MANAGER	CONTRACTING OFFICER'S REPRESENTATIVE	CONTRACT SPECIALIST	CONTRACTING OFFICER
	personnel proposed by the contractor		
Address concerns on Contractor/sub-contractor performance to CS/CO through COR	Review the qualifications of proposed subcontractors and the appropriateness of subcontracting contract work, and make recommendations to the Contracting Officer regarding consent to the placement of subcontracts	Action or inaction by USDA personnel that may affect the contractor's ability to perform; and	Ensure timely completion of interim and final contractor performance evaluations (CPARS)
Overall program responsibility for Government- furnished property	Provide the contractor with, monitor the use of, and report on Government-furnished property	Inappropriate action on the part of USDA personnel with regard to the contract (e.g., any action that creates a conflict of interest on the part of the contractor or causes the contractor to perform inherently governmental functions).	
Promptly notify the COR so that they can immediately notify the Contracting Officer of any:	Complete timely interim and final contractor performance evaluations (CPARS)	As requested by the Contracting Officer, provide him/her with technical assistance on contract-related matters (e.g., disputes, settlements, litigation, patent and copyright issues, final payment during closeout, etc.);	
Actual or potential contractor performance problems;	Maintain a complete working file for the assigned contractual instrument		
Action or inaction by USDA personnel that may affect the contractor's ability to perform; and	Promptly notify the Contracting Officer immediately of any:		

ACQUISITION PROCESS ROLES AND RESPONSIBILITIES			
REQUIRING OFFICE		CONTRACTING OFFICE	
PROGRAM/PROJECT MANAGER	CONTRACTING OFFICER'S REPRESENTATIVE	CONTRACT SPECIALIST	CONTRACTING OFFICER
Inappropriate action on the part of USDA personnel with regard to the contract (e.g., any action that creates a conflict of interest on the part of the contractor or causes the contractor to perform inherently governmental functions).	Actual or potential contractor performance problems;		
As requested by the Contracting Officer, provide him/her with high level technical assistance on contract-related matters (e.g., disputes, settlements, litigation, patent and copyright issues, final payment during closeout, etc.);	Action or inaction by USDA personnel that may affect the contractor's ability to perform; and		
	Inappropriate action on the part of USDA personnel regarding the contract (e.g., any action that creates a conflict of interest on the part of the contractor or causes the contractor to perform inherently governmental functions). The COR should concurrently notify the program office of any such action.		
	As requested by the Contracting Officer, provide him/her with technical assistance on contract-related matters (e.g., disputes, settlements, litigation, patent and copyright issues, final		

ACQUISITION PROCESS ROLES AND RESPONSIBILITIES			
REQUIRING OFFICE		CONTRACTING OFFICE	
PROGRAM/PROJECT MANAGER	CONTRACTING OFFICER'S REPRESENTATIVE	CONTRACT SPECIALIST	CONTRACTING OFFICER
	payment during closeout, etc.);		
	Provide timely reports on contractor performance to the Contracting Officer and other interested parties; and		
	Ensure proper distribution of final products and other information resulting from the contract.		
	Assist in contract closeout.		

401.671 Performance Plan Standards

To promote integrity and accountability in the acquisition system, supervisors of the acquisition workforce should include performance standards similar to the following in annual performance plans. The MASCO and MASPM should provide feedback on performance as appropriate.

401.671-1 Program Manager or Contracting Officer Representative

Suggested performance standards for a Program Manager or Contracting Officer Representative who spends a significant amount of time on procurement responsibilities:

Consistently prepares requirements documents by or under any prescribed time limits. Prepared documents reflect a thorough understanding of the requirements, are complete, and are prepared in accordance with established agency formats and policies. Requirements are documented and described from an outcomes perspective and identify distinctive definable/measurable outcomes as triggers for when, and to what extent, payment should occur. Proposal evaluations are completed in a timely manner and are substantive, well-documented, and consistent with agency policies and established procedures. Participates in negotiations as part of technical team. Communicates regularly with the Contracting Officer and others in a positive, cooperative, and professional manner.

Understands the contract's technical requirements as well as the terms and conditions. Tracks and inspects contract deliverables/services to ensure timeliness and conformity with contract requirements. Performs acceptance in a timely manner. Resolves technical issues in a timely manner using professional judgment and analytical ability. Documents actions in accordance with agency policies. Evaluates contractor's performance in a timely manner and in accordance with established agency format and procedures. Required submissions to the Contracting Officer are accurate and complete. Regularly communicates with the Contracting Officer, contractor, and others in a positive, cooperative, and professional manner.

401.671-2 Contract Specialist or Contracting Officer

Consistently performs according to law, regulations, procedures and guidance in meeting customer's requirements. Market research and evidence of competition is conducted and documented. All pre-award clearance forms, determinations, and memorandums are completed. Small Business Subcontracting Plans are reviewed and submitted as applicable. AAR approvals are included for applicable IT purchases. Selection and Price reasonableness is documented. CORs are assigned to applicable contracts. Completes Contractor Performance Assessment Reporting Systems on all applicable procurements. Contracts are closed out including deobligation of funds within required timeframes.
Ability to successfully take on complicated, high dollar, or high-volume procurements. Overall stakeholder (internal and external) satisfaction with the pre-contract formation process including managing expectations, proactive communication, and innovative solutions to needs. Overall stakeholder satisfaction with the administration process including funding issues and exercising options. Effectively communicates with stakeholders in writing; providing timely response to inquiries. Keeps customer informed on status of contract action; coordinates key milestone dates; works with customer to resolve issues encountered during contract life cycle; maintains good working relationship with program and COR.

401.672 Selection, Appointment and Termination of Non-Warranted Ordering Officials

This policy applies only to non-warranted, non-GS-1102/1105 ordering officials placing orders more than the micro-purchase threshold. Contracts must have established fixed terms and prices, as ordering officials are not authorized to negotiate, determine price reasonableness or determine best value.
If the HCA determines that the appointment of ordering officials is essential for the operation of the contracting mission, for contract actions deemed appropriate, a non-warranted federal employee may be appointed as an ordering official to place delivery orders for supplies and services against indefinite delivery contracts and blanket purchase agreements (BPAs), that were awarded by USDA Contracting Officers, provided the contract terms permit placement of the orders and orders placed are within monetary limitations specified in the contract.

Requests to utilize ordering officials are on a case-by-case basis and the business case should be addressed in the acquisition plan or other planning document for approval by the HCA.

The HCA has the authority to require an eligible ordering official to complete additional specialized training, which is considered relevant to a contract for assignment. This specialized training is in addition to any certification requirements and may be required for the ordering official to meet the needs of the appointment.

The HCA shall provide technical supervision of ordering officials and shall annually review activities of ordering officials by physical inspection of purchase documents and records to ensure compliance with policies and demonstration of sound judgment.

The HCA may terminate ordering officer authority at any time.

PART 402--DEFINITIONS OF WORDS AND TERMS

402.101 Definitions.

"Advisory and Assistance Services" means services which fall into the Product Service Codes (PSC) listed in Appendix C

"Chief of the Contracting Office" (COCO) has overall responsibility for contracting services in their designated office and for the quality, accuracy, and completeness of documents submitted by their offices to higher levels. The degree of COCO authority will vary, depending on organizational workload, breadth of responsibility, Federal Acquisition Certification in Contracting (FAC-C) certification level, warrant authority, and individual experience.

- The COCO must be approved by the HCA and appointed in writing by the MASCO.
- The COCO is required to maintain Level III FAC-C certification.

"Information Technology (IT)" USDA uses the OMB definition as it is expressed in the M-15-14. USDA has and will continue to use this definition as it moves forward with planning, implementation, development and execution.

"Level above the Contracting Officer" means a supervisory Contracting Officer unless otherwise stated in the PGI. If the Contracting Officer is the highest-level Contract Specialist or purchasing agent on the unit, this term means the warranted acquisition employee in charge of the procurement function at the next higher organizational level within the acquisition organizational levels of authority.

"Level higher than the Contracting Officer" is the same as "level above the Contracting Officer".

PART 403--IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

SUBPART 403.1--SAFEGUARDS

403.101 Standards of Conduct.

The standards of conduct for USDA procurement officials are the uniform standards established by the Office of Government Ethics in 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, and FAR 3.104, Procurement Integrity.

SUBPART 403.2--CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

403.203 Reporting suspected violations of the gratuities clause.

A suspected violation of the contract clause, FAR 52.203-3, Gratuities, shall be reported immediately to the cognizant Contracting Officer in writing, stating the circumstances surrounding the incident(s), the date(s), and names of all parties involved. The Contracting Officer shall review the report for completeness, add any additional information deemed necessary and a recommendation for action, and submit the report to the HCA.

403.204 Treatment of violations.

The HCA shall review the report and consult with the Offices of General Counsel and Inspector General to determine whether further action should be pursued. If it is found that the facts and circumstances warrant further action, the HCA shall give the contractor a formal written notice which summarizes the reported violation and affords the contractor the opportunity to make a written or oral response within a reasonable, specified period after receipt of the notice. The notice shall be sent by certified mail with return receipt requested. Oral presentations shall follow the procedures outlined in FAR 3.204(b). The HCA shall furnish copies of any adverse determination to the MASCO, the Contracting Officer and the Department Debarring Officer for their subsequent considerations under FAR 3.204(c) (1) and (2), respectively.

SUBPART 403.3--REPORTS OF SUSPECTED ANTITRUST VIOLATIONS

403.303 Reporting suspected antitrust violations.

Contracting Officers shall report the circumstances of suspected violations of antitrust laws to the Office of Inspector General in accordance with procedures in Departmental Regulations (1700 series).

SUBPART 403.4--CONTINGENT FEES

403.405 Misrepresentations or violations of the Covenant against Contingent Fees.

(a) A suspected misrepresentation or violation of the Covenant against Contingent Fees shall be documented in writing by the Contracting Officer and reported immediately to the chief of the contracting office. The chief of the contracting office shall determine if a violation has occurred and report any violation to the Office of Inspector General. The chief of the contracting office shall take action in accordance with FAR 3.405(b).
(b) If the chief of the contracting office decides to refer the case to the Department of Justice, it should be referred through the Office of Inspector General with a copy of the report and referral submitted through the HCA to the Senior Procurement Executive.

SUBPART 403.5--OTHER IMPROPER BUSINESS PRACTICES

403.502 Subcontractor kickbacks.

Contracting Officers shall report the circumstances of suspected violations of the Anti-Kickback Act (41 U.S.C. 51-58) to the Office of Inspector General in accordance with procedures in Departmental Regulations (1700 series).

SUBPART 403.6--CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

403.603 Responsibilities of the Contracting Officer.

The Contracting Officer, when requesting authorization under 403.602, shall prepare a written determination and findings for the signature of the HCA. The determination shall document compliance with FAR 3.603, specifying the compelling reason(s) for award, and shall be placed in the contract file.

SUBPART 403.8--LIMITATION ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

403.806 Processing suspected violations.

Suspected violations of the requirements of 31 U.S.C. 1352 shall be referred to the Office of Inspector General in accordance with procedures in Departmental Regulations (1700 series)

PART 404--ADMINISTRATIVE AND INFORMATION MATTERS

SUBPART 404.2--CONTRACT DISTRIBUTION

404.203 Taxpayer Identification Information.

(a) If the contractor furnishes taxpayer identification number (TIN) and type of organization information pursuant to solicitation provision 52.204-3 or 52.212-3, and the USDA Office of the Chief Financial Officer, Controller Operations Division, New Orleans will be the payment office, that information should be entered in accordance with procedures set forth by the Office of the Chief Financial Officer.
(b) Separate submission of the TIN or type of organization information, in accordance with 52.204-3 or 52.212-3, is not required for contractors registered in the System for Award Management (SAM) database.

SUBPART 404.4—SAFEGAURDING CLASSIFIED INFORMATION WITHIN INDUSTRY

404.403 Responsibilities of Contracting Officers.

When a proposed solicitation is likely to require access to classified information, the Contracting Officer shall consult with USDA Departmental Administration, Personnel and Document Security Division, regarding the procedures that must be followed.

(a) Safeguarding Classified National Security Information

FAR subpart 4.403 provides guidance to COs on safeguarding classified information that is released to contractors.

The requirements prescribed for a “classified contract” as defined in FAR 2.101 are applicable to all phases of pre-contract activity, including solicitations (bids, quotations, and proposals), pre-contract negotiations, or post-contract activity, if the contract requires access to classified information by the contractor.

The DD 254 informs the contractor of the level of information they will be required to access, the level of security clearance the contractors will need, and how they will process, store, transmit, and destroy the classified information when the contract is complete. If the contractor then subcontracts the work, they are obligated, under the NISP, to pass those requirements on to the subcontract.

Contracts requiring work that is unclassified but sensitive should also be evaluated to ensure that contractors have undergone an appropriate level of background investigation to perform the required duties, and contractors must be made aware of any procedures or requirements regarding proper protection of unclassified but sensitive information.

The USDA’s DA, PDSD is the point of contact for additional Industrial Security guidance and information on completing the DD Form 254. Please contact PDSD by telephone at (202) 720-7373, or by email at pdsd@usda.gov.

For a fillable DD Form 254 and more information on completion of the form, go to the OHSEC Forms page at https://www.dm.usda.gov/ohsec/pdsd/forms.htm.

COs must ensure that any classified acquisition is conducted as required by the NISP or agency procedures, as appropriate, and include clause 52.204-2, *Security Requirements* in the solicitation and contract, and, as appropriate, in solicitations and contracts when the contract may require access to classified information.

(b) COs shall inform contractors and subcontractors of the security classifications and requirements assigned to the various documents, materials, tasks, subcontracts, and components of the classified contract.

SUBPART 404.5—ELECTRONIC COMMERCE IN CONTRACTING

For contract actions that exceed the micro-purchase threshold (as defined at FAR Subpart 2.101 - Definitions), except those identified in the EXCLUSIONS below, Agencies must use one of the following automated procurement systems to process the action:

- The Procurement Request Information System (PRISM) module in the Integrated Acquisition System (IAS);
- Forest Service systems for incident management; and
- The Web Based Supply Chain Management (WBSCM) System for food commodity procurements processed by the Agriculture Marketing Service or Farm Service Agency.

Program personnel shall use the automated procurement system to create requisitions/requirements, where applicable, for supplies or services that require contracting authority of the Contracting Officer. Program personnel shall coordinate with their contracting office for guidance on whether a requirement should be directed to the contracting office for issuance. FAR Subpart 4.803 lists examples of records that are normally contained in a contract file.

Contracting Officers should create and maintain an electronic contract file. At a minimum, the procurement record/file inside the automated system must include: (1) the purchase requisition, (2) the award document, and (3) evidence of contract closeout.

Each MASCO shall:
Develop and implement procedures, such as periodic reviews of specific contracts that were directly processed in the Financial Management Modernization Initiative (FMMI), to ensure all required contracts are in IAS or in the appropriate automated procurement system. Effective October 1, 2020, contracts awarded in IAS must also include the complete contract file (as described in FAR Subpart 4.803) stored in IAS.

Ensure that all required contracts awarded by their agency have contractors registered in the System for Award Management (SAM).

EXCLUSIONS

Automated procurement systems are not required for the following:

A. Aviation contracts;

B. Acquisitions from Federal agencies, which are processed through Intragovernmental Payments and Collections (IPAC), unless marked in IAS for payment via purchase card.
C. Acquisitions in support of all risk incidents (e.g., fire suppression, hurricanes, floods, or other natural disasters) if a suitable system is not available due to urgency or geographic location; and
D. General Services Administration (GSA) Capital Leasing transactions.

SUBPART 404.6--CONTRACT REPORTING

404.602 Federal Procurement Data System.

(a) Contracting activities shall report contract actions into the Federal Procurement Data System in accordance with the instructions issued in PGI 404.16.
(b) The unique identifier for each contract action reported to the Federal Procurement Data System shall begin with the two-letter USDA Agency Prefix "12".

USDA Federal Procurement Data Quality Plan:
Review of USDA's data certification process is essential for effective management and to ensure that the data submitted into FPDS is accurate. OMB requires Agencies to take additional steps to verify and validate the accuracy of data entered into the FPDS. In accordance with policy issued by OMB, Chief Acquisition Officers (CAOs) and Senior Procurement Executives (SPEs) must establish requirements for ensuring that FPDS data reflects accurate and timely contract information. To that end, USDA updated its process for submission of its Annual Statement of Verification and Validation that must be submitted annually to OFPP. The process was effective November 15, 2011.

The USDA FPDS Data Quality Plan template with four appendices is provided as guidance. OCP added appendix three titled, "Improving the use of Contractor Performance System" to support past performance assessments within the department. Agencies shall take action and follow the guidance as required by the plan to ensure that FPDS data reflects accurate and timely contract information.

SUBPART 404.8—GOVERNMENT CONTRACT FILES

404.803 Content of Contract Files

(a)(3) After the end of the period of availability for obligation of a fixed appropriation account and before the closing of that account, the account shall retain its fiscal-year identity and remain available for recording, adjusting, and liquidating obligations properly chargeable to that account. Contracting Officers shall obtain budgetary approval prior to using expired funds and document approval in the contract file.

(a)(24) As appropriate, Contracting Officers shall request legal review at any stage of the acquisition process to determine if it is legally sufficient. If OGC is unable to provide a determination within 10 working days from receipt of request, the Contracting Officer should annotate the file and continue the procurement process.

If no legal review is obtained, contracting officers should include a brief statement in the contract file describing the reason for their decision not to obtain legal review. For additional instructions regarding legal review see PGI 401.602-2.

404.804 Closeout of Contract Files

Refer to the Contract Closeout template located at
https://www.dm.usda.gov/procurement/policy/templates.htm

404.805 Storage, handling, and contract files.

Contracting Officers are required to use IAS to store the complete award/contract file because that allows IAS to be the system of record for that file's FAR 4.805 retention requirements. When the complete award/contract file is stored in IAS, the FPDS-NG record or other records already stored electronically are not a required element of the file. In the event a request is received for contract files for review, audit, litigation, etc. it is the Contracting Officer's responsibility to gather and provide all pertinent files in no more than ten business days (or sooner if required.)

404.870 Document Numbering System.

See PGI 404.16.

SUBPART 404.10—UNIFORM USE OF LINE ITEMS

404.1000 Establishing.

LINE ITEMS (LIN):

a. Identify the items or services to be acquired
b. Impose duties, responsibilities and obligations upon the contractor

LINs have all of the following characteristics:
Single unit price/extended amount. NSP (Not Separately Priced), and pricing at contract level for cost contracts is acceptable

a. Separately identifiable
    1. Supplies: no more than one National Stock Number (NSN), item description, or manufacturer part number
    2. Services: no more than one scope of work or description of services
c. Separate delivery schedule, period of performance or completion date. If a contract line item has more than one destination or delivery date, the Contracting Officer may create individual contract line items for the different destinations or delivery dates

SUBLINE ITEMS (SLIN)[a]

a. Provide flexibility to identify elements within a SLIN for tracking performance or for simplifying administration
b. Two types:
    1. Deliverable subline items
    2. Informational subline items

SLINs have all of the following characteristics:

a. Single unit price/extended amount
b. Separately identifiable
c. Separate delivery schedule, period of performance or completion date
d. Single contract pricing type

SLINs may be used when items bought under one contract line item number:

a. Are to be paid for from more than one accounting classification (shorthand code)
b. Are to be packaged in different sizes, each represented by its own National Stock Number (NSN)
c. Have collateral costs, such as packaging costs, but those costs are not a part of the unit price of the LIN
d. Have different delivery dates, destinations and/or requisitions. OR,
e. Identify parts of an assembly or kit which:
    1. have to be separately identified at the time of shipment or performance; and
    2. are separately priced

LINE ITEMS NUMBERING PROCEDURES

a. Line items shall consist of four numeric digits 0001 through 9999. Do not use numbers beyond 9999.
b. Within a given contract, the item numbers shall be sequential but need not be consecutive.
c. The contract line item number shall be the same as the solicitation line item number unless there is a valid reason for using different numbers.
d. Once a contract line item number has been assigned, it shall not be assigned to another, different, contract line item in the same contract.

LINE ITEM STRUCTURE

In structuring line items, due consideration shall be given to the effect of the chosen units of measure on administration and payment. Contracting Officers shall consider the need for periodic deliveries and payments in selecting a unit of measure. Included in this analysis shall be the applicability of any financing arrangements under FAR part 32.

a. **Supplies**: Line item quantities shall match the actual count of the supplies to be provided. For instance, if more than one delivery is expected, the quantity cannot be “1”.
b. **Services**: Line item quantities should match the frequency with which performance will be reviewed, and on fixed-price line items, payments made, at the maximum extent possible. For example, a contract with a twelve-month period of performance should have a quantity and unit of measure suited to how the contract will be managed. If the intent is to review, accept, and pay for the services monthly, then the quantity should be 12, with a unit of measure such as “Months” or “Lots”. If the intent is to review,

[a] Subline item capabilities will be available in IAS no later than October 1, 2019, per FAR 4.10.

accept, and pay for the services quarterly, then the quantity should be 4, with a unit of measure such as "Lot". If the quantity used is 1, then no payment for delivery can occur until the end of the period of performance. The total price shall be equally divisible by the unit of measure. For example, a total price of $75,000 divided by 12 months is $6,250 per month. Services with tangible deliveries, such as repairs, shall be structured like supply line items.

OPTION LINE ITEMS STRUCTURE

a. Option line items shall be created at the time of solicitation/award, when applicable.
b. Option line items shall consist of four numeric digits with the beginning number aligning with the option year. For example, line item 1001, is option year 1; 2001 is option year 2, etc.

Best practice for option year line items is to include the option year period of performance in the line item description. For example, "Option year 1, October 1, 2019 through September 30, 2020."

SUBLINE ITEMS NUMBERING PROCEDURES

1. Number subline items by adding either two numeric characters or two alpha characters to the basic contract line item number. Use alpha characters only for separately identified subline items, running AA through ZZ. Do not use spaces or special characters to separate the subline item number from the contract line item number that is its root. For example, if the contract line item number is 0001, the first three subline items would be 0001AA, 0001AB, and 0001AC.
    a. Do not use the letters I or O as alpha characters.
    b. Use all 24 available alpha characters in the second position before selecting a different alpha character for the first position. For example, AA, AB, AC, through AZ before beginning BA, BB, and BC.
2. Within a given line item, the subline item numbers shall be sequential but need not be consecutive.
3. If a line item involves ancillary functions, like packaging and handling, transportation, payment of state or local taxes, or use of reusable containers, and these functions are normally performed by the contractor and the contractor is normally entitled to reimbursement for performing these functions, do not establish a separate subline item solely to account for these functions. However, do identify the functions in the contract schedule. If an offeror separately prices these functions, the Contracting Officer may establish separate line or subline items for the functions.

EXAMPLE OF LINE ITEM AND SUBLINE ITEM STRUCTURE:

Item	Supplies/Services	Qty	Unit of Issue	Unit Price	Total Price
0001	**1st line item, Supplies**				
0001AA	**1st line item, 1st subline item**	500	EA	$100.00	$50,000.00
0001AB	**1st line item, 2nd subline item**	**100**	**EA**	**$50.00**	**$5,000.00**
0002	**2nd line item, Services**				
0002AA	**2nd line item, 1st subline item**	12	MO	$1100.00	$13,200.00
000201	**2nd line item, 1st informational subline item**				
0003	**3rd line item**				
1001	**Option Period 1, POP, 1st line item**				

1002	**Option Period 1, POP, 2nd line item**				
2001	**Option Period 2, POP, 1st line item**				

INTEGRATED ACQUISITION SYSTEM (IAS) PROCEDURES
Indefinite Delivery-Indefinite Quantity (IDIQ) Contracts In IAS
(a) The "Primary Type of Contract" field under General, Additional Info, shall be identified as "Indefinite-quantity". The "Contract Type" field under Line Item, General, shall be identified as "Indefinite-quantity".
(b) At least one line item must be created on the base contract for delivery orders to be issued from it. The "Allow Delivery/Task Order" field under Line Item, General must be checked Yes.
(c) The Contracting Officer shall enter the maximum amount to be ordered, including all orders placed against the contract.
(d) Supplies or Services, select the appropriate selection. For Supplies enter the Type of Supply applicable to the purchase – Intellectual, Personal or Real Property.

Qualifier:
(a) By Quantity – when the Qualifier is By Quantity, there will be a Quantity field and Unit of Issue field.
(b) By Dollars – used for purchases for a one time/lump sum payment. When the Qualifier is By Dollars, there will be an Amount field only.
(c) Not Separately Priced – used when the price is included in the unit price of another LIN.

Unit of Measure is "Unit of Issue" in IAS.

IAS is currently testing a 4 digit line item structure. 3 digits will be used and accepted in IAS until the 4 digit structure is fully tested and implemented.

SUBPART 404.11—SYSTEM FOR AWARD MANAGEMENT

404.1103 Procedures.

(a) Contracting Officers and other USDA employees shall not enter information into the System for Award Management (SAM) database on behalf of prospective contractors. Prospective contractors who are unable to register on-line at the SAM website should be advised to submit a written application to SAM for registration into the SAM database. USDA employees may assist prospective contractors by downloading the registration template, SAM handbook and other information from the SAM website and providing copies of that material to requesters. Written applications for registration may be submitted to Department of Defense Central Contractor Registration, 74 Washington Ave., Suite 7, Battle Creek, MI 49017-3084.
(b) Verification that the prospective contractor is registered in the SAM database shall be done via the SAM Internet website https://beta.sam.gov/. This verification process using the SAM website applies both to acquisitions executed using USDA legacy procurement systems and the USDA Integrated Acquisition System.

SUBPART 404.13—PERSONAL IDENTITY VERIFICATION

404.1301 Policy

HSPD-12, dated August 27, 2004, requires the development and agency implementation of a mandatory Government-wide standard for secure and reliable forms of identification for Federal employees and contractors, including contractor employees. As directed by HSPD-12, on February 25, 2005, the Department of Commerce issued FIPS PUB 201, which is a Federal standard for secure and reliable personal identity verification (PIV) for routine physical access to Federally-controlled facilities or information systems. Office of Management and Budget (OMB) memorandum M-05-24 dated August 5, 2005, provides instructions for implementing HSPD-12 according to FIPS PUB 201, and M-08¬01, dated October 23, 2007 reminds all parties that a background investigation is required. FIPS PUB 201 has two phases, PIV I and PIV II. This Subpart addresses implementation of PIV II for USDA acquisitions; namely, the procedures and terms needed for contracts or orders awarded, or options exercised, on or after October 27, 2005. In accordance with requirements in HSPD-12, by October 27, 2005, agencies must:

(a) Adopt and accredit a registration process consistent with the identity proofing, registration, and accreditation requirements in section 2.2 of FIPS PUB 201-1 and associated guidance issued by the National Institute for Standards and Technology. This registration process applies to all new identity credentials issued to contractors;
(b) Begin the required identity proofing requirements for all current contractors that do not have a successfully adjudicated investigation (i.e., completed National Agency Check with Written Inquires (NACI) or other Office of Personnel Management (OPM) or National Security community background investigation) on record. (By October 27, 2007 identity proofing should be verified and completed for all current contractors);
(c) Complete and receive favorable results of the Federal Bureau of Investigation (FBI) National Criminal History Check (i.e. FBI Fingerprint and Name Check) prior to serving on the contract;
(d) Conduct an E-Verify check prior to initiation of any background paperwork to ensure employment eligibility. See E-Verify@dhs.gov for more information;
(e) Include language implementing the Standard in applicable solicitations and contracts that require contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federal information system; and
(f)Complete the applicable privacy requirements listed in section 2.4 of FIPS PUB 201-1 and the OMB guidance M-05-24.

For additional information refer to Departmental Regulation (DR) 4620-002, Common Identification Standard for U.S. Department of Agriculture Employees and Contractors, and Departmental Manual (DM) 4620-002, Common Identification Standard for U.S. Department of Agriculture Employees and Contractors, as well as other information related to USDA implementation of HSPD-12, visit http://hspd12.usda.gov.

FAR Requirements

Contracting Officer Representatives or other designated program/project managers will serve as PIV Sponsors for contractor personnel. When issuing the appointment memorandum to the COR (or other designated program/project manager) the Contracting Officer (CO) will ensure that the memorandum includes the PIV Sponsor duties.

USDA contract statements of work must indicate that all applicable contractor employees requiring routine physical access to Federally-controlled facilities and/or routine access to Federally-controlled information systems must go through the identity proofing and registration process, must have been successfully identity proofed, and have a successfully adjudicated National Agency Check with (Written) Inquiries (NACI) or Office of Personnel Management (OPM)/National Security (NS) community background investigation to serve on the contract.

Contractor ID credentials will be issued after successful identity proofing of the contractor employee applicant and upon a successfully adjudicated NACI or OPM/NS BI. All contracts must detail periods of performance. If an option year is exercised, the contractors must renew their credentials at the end of their period of performance. If no option year is exercised, the contractor must turn in their ID credential at the end of the performance period or when service on the contract ends.

Solicitations and Contracts Affected by this Subpart

Solicitations and contracts that require the contractor's employees to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system are covered by this Subpart. Refer to FAR Subpart 2.101 for the definition of "Federally-controlled facilities" and "Federally-controlled information system".

Solicitations and contracts for supplies or services where the contractor's employees will NOT have routine unaccompanied physical access to a Federally-controlled facility and/or routine unaccompanied access to a Federally-controlled information system may be excluded from coverage by this Subpart based on the LincPass Distribution Risk Assessment, which will be conducted by a USDA Sponsor as part of the PIV II registration, identity proofing, and credential issuance procedures. Examples of probable exclusions are couriers, express mail and package or other delivery persons.

Contracts that when originally awarded did not include the PIV requirements, but will be modified to include them, are covered by this Subpart. Sponsors from the requiring office (and the site security officer) shall determine the applicability of the requirements of HSPD-12, FIPS PUB 201-1, OMB Memorandum M-05-24, and this Subpart. Details on applicability of these requirements follows:

Questions Regarding Applicability of PIV Requirements to a Solicitation or Contract

If there is a question concerning applicability of the PIV requirements or other HSPD-12, FIPS PUB 201-1, or OMB Memorandum M-05-24 requirements, Sponsors may contact the Office of Homeland Security and Emergency Coordination, Physical Security Division (OHSEC, PSD) for guidance. Include the OHSEC, PSD guidance in the contract file.

If the requiring office determines that performing contractor employees will require a LincPass based on the requirements set forth by HSPD-12, FIPS PUB 201-1, OMB Memorandum M-05-24, and the information herein, the Sponsor shall notify the CO in writing. Upon notification of an HSPD-12 requirement for performing contractors,
COs should do the following:

1) Insert a clause that contains language similar to that in PGI 452.204-71 in all covered solicitations and contracts that include FAR clause 52.204-9.
2) When issuing an appointment memorandum to the COR (or other designated program/project manager), detail PIV Sponsor duties to be delegated.
3) Provide any contract information necessary for the PIV enrollment process (such as contract number, period of performance, and contractor name) to the Sponsor or designated coordinator.
4) Should the results of the PIV process require exclusion of a contractor's employee, the CO shall notify the contractor in writing of the exclusion without specific detail regarding the reasons for exclusion.

Procedures for the Employees of the Contractor

The procedures to be followed by contractors and contractor employees are specified in DM 4620-002.

Protection of Information

Privacy of PIV information must be maintained in accordance with the Privacy Act of 1974.

404.1303 Contract Clause.

FAR Subpart 4.13, Personal Identify Verification of Contractor Personnel, establishes the policy and use requirements for FAR clause 52.204-9. Insert a clause that contains language similar to that in PGI 452.204-71 in all covered solicitations and contracts which include FAR clause 52.204-9.

SUBPART 404.16—UNIQUE PROCUREMENT INSTRUMENT IDENTIFIERS

404.1603 Procedures.

All FY18 and subsequent year solicitations, contracts, agreements, orders, calls, and related procurement instruments shall be assigned the Procurement Instrument Identifier (PIID) numbering procedures as established in FAR 4.1603 by agency users (for example-Contract Specialists, Contracting Officers). Agency users shall create PIIDs with 13 alphanumeric positions composed of the AAC (positions 1-6), last two digits of the fiscal year (positions 7 and 8), type of instrument (position 9), and distinct assigned number typically in numerical order (position 10-13).

For information on the correct AAC for your organizational unit, contact your MASCO. For information on type of instrument, refer to FAR 4.1603(a)(3) for the appropriate letter designation. Prior to using a letter designation indicated in FAR 4.1603(a)(3) as “Reserved for departmental or agency use,” approval shall first be obtained by submitting a request to procurement.policy@usda.gov. The following reserved Departmental letters are approved:

K – currently used by FS for at-incident resource orders and awards
T – currently used by FS for preseason incident awards
M – for Mission Area Use with prior permission and approval from SPE

Finally, PIIDs with amendments to solicitations or modifications to contracts, orders, and agreements shall have supplementary PIIDs adding positions 14-19 to the end of the original 13 position PIID, in accordance with FAR 4.1603(b).

For further guidance, see FAR 4.605.

SUBPART 404.21—PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATION AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

404.2102 Prohibition.

(b) Exceptions

The criteria below is for evaluating and validating Exceptions and applicability for Section 889 Part B. This same information is also available in the links here for the Services Diagram and the Equipment Diagram, as applicable.

1. Does Prohibition under Part B Apply? - Is the equipment or service identified by the offeror/contractor as covered telecommunications equipment or service being **used** by the prime offeror/contractor?
    a. If No, STOP -- Prohibition under Part B does not apply.
    b. If Yes, continue through the decision tree to determine if Prohibition under Part B applies.

2. Is the **equipment** identified by the offeror/contractor covered? - *If you are only reviewing a telecommunications **service** , skip section 2 and go to section 3 of the decision tree.*
    a. Is the answer to any of the following "Yes"?
        i. Per (f)(3)(A) of Section 889 - Is the telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation or a subsidiary or affiliate of either?
        ii. Per (f)(3)(B) of Section 889 - Is the equipment video surveillance and telecommunication equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company or a subsidiary or affiliate **AND** do any of the following purposes of the use of technology apply?
            1. Public Safety?
            2. Security of Government facilities?
            3. Physical security surveillance of critical infrastructure?
            4. Other National Security Purposes?
        iii. Is the equipment a "covered telecommunications" as defined in (f)(3) of Section 889 or FAR 4.2101?
            1. If the answer to both 2(a)(i) and 2(a)(ii) of the decision tree is No, STOP -- Prohibition under Part B does not apply.
            2. If the answer to either 2(a)(i) or 2(a)(ii) of the decision tree is Yes, continue through the decision tree to determine if Prohibition under Part B applies.

b. Exception - Can the equipment route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles? (Assess whether the equipment has the ability to do so, not how the offeror/contractor chooses to use it; this exception only applies to equipment that "cannot" route or redirect user data traffic or permit visibility into any user data, not equipment that "does not" based on its current configuration.)

i. If No, exception at Section 889 (a)(2)(B) [(or FAR 4.2102(b)(2)]applies and Prohibition under Part B does not apply. If the CO determines that the exception applies at Section 889 (a)(2)(B) [FAR 4.2102 (b)(2)], provide a written determination to explain the basis of exception applicability. This may be included with the procedures at PGI 413.106-3 or PGI 415.308 The written determination, signed by the CO, must include (a) background information of the equipment in question, (b) information/documentation from the offeror claiming for exception (i.e. information of claim, report pursuant to paragraph (d) of FAR clause 52.204-25, and/or disclosures pursuant to paragraph (e) of FAR provision 52.204-24), and (c) the basis of the CO's determination.

ii. If Yes, continue through the decision tree to determine if Prohibition under Part B applies.

c. Repeat Section 2 for each piece of equipment identified by the offeror/contractor.

3. Is the **service** identified by the offeror/contractor covered? - *If you are only reviewing telecommunications **equipment** , use section 2 of the decision tree and skip section 3.*

a. Is the answer to any of the following "Yes"?

i. Per (f)(3)(C) of Section 889 - Is the service telecommunications or video surveillance services provided by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company or a subsidiary or affiliate?

ii. Per (f)(3)(C) of Section 889 - Is the service using telecommunications or video surveillance equipment produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company or a subsidiary or affiliate?

iii. Is the service covered?

1. If the answer to both 3(a)(i) and 3(a)(ii) of the decision tree is No, STOP -- Prohibition under Part B does not apply.

2. If the answer to either 3(a)(i) or 3(a)(ii) of the decision tree is Yes, continue through the decision tree to determine if Prohibition under Part B applies.

b. Exception - Note that the exception at Section 889(a)(2)(A) only applies to services provided to the Government; this exception does not apply to an offeror's or contractor's use of a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements. Therefore, there is no exception to consider when evaluating an offer's or contractor's use of covered telecommunications services.

c. Repeat section 3 for each service identified by the offeror/contractor.

4. Is the telecommunications equipment or service identified by the offeror/contractor prohibited? (please review additional information provided by the offeror/contractor about the equipment/service(s))

a. System

i. Is the covered equipment or service part of a system?
1. If No, STOP -- Prohibition under Part B does not apply.
2. If Yes, continue through the decision tree to determine if Prohibition under Part B applies.

ii. What is the system (define the system) that it is a part of?

b. Substantial/Essential, Critical - Is the answer to either of the following "Yes"?

i. Is the covered equipment or service a substantial or essential component of the defined system?

ii. Is the covered equipment or service Critical Technology of the defined system?
1. If the answer to both 4(b)(i) and 4(b)(ii) of the decision tree is No, STOP -- Prohibition under Part B does not apply.
2. If the answer to either 4(b)(i) or 4(b)(ii) of the decision tree is Yes, Prohibition under Part B applies.

5. If the CO determines that the performance or extension of the contract (or order) will NOT result in a violation of the prohibition, the CO must document the file accordingly.

6. If the CO determines that the performance or extension of the contract (or order) will result in a violation of the prohibition, the CO must not award the contract (or order), unless a waiver in accordance with PGI 404.2104 has been approved, and document the file accordingly.

If there is doubt about how to evaluate a specific component after using this decision tree and reviewing the examples, contact John.Donovan@usda.gov – Director OCIO/DISC Enterprise Network Services. As an additional resource, information on how GSA manages Section 889 for their Acquisition Workforce is available at https://www.acquisition.gov/FAR-Case-2019-009/889_Part_B.

404.2103 Procedures.

If the contracting officer has reason to question the representation by the offeror, the contracting officer should consult with their MASCO and legal counsel on how to proceed to ensure the procurement does not violate the prohibitions.

If an offeror or contractor represents that it will provide or does use covered telecommunications equipment or services per FAR 52.204-24 or identifies covered telecommunications equipment or services used during contract performance per FAR 52.204-25, the contracting officer must do the following:

1. Follow-up with the offeror/contractor to confirm that it accurately completed the representation(s);
2. Determine if there is an existing approved waiver, if assistance is needed, contact procurement.policy@usda.gov;
3. Verify that the offeror provided the information required by paragraph (e) of the representation provision at FAR 52.204-24, or that the contractor provided the information required by paragraph (d) of the reporting clause at FAR 52.204-25, and review the submitted details to verify responsiveness

with the requirements of paragraph (e) of the representation provision at FAR 52.204-24 or paragraph (d) of the reporting clause at FAR 52.204-25;
4. After consulting with John.Donovan@usda.gov – Director OCIO/DISC Enterprise Network Services, legal counsel, and MASCO, contracting officers determine whether awarding to the apparent successful offeror, or continued performance or extension of the contract (or order), will result in a violation of the prohibition(s). Contracting officers must document the file with the rationale of their determination and any resulting actions that will be taken.

404.2104 Waivers.

Waiver requests must include the information required in FAR 4.2104(a)(1). MASCOs and MASPMs must work together in obtaining agreement with the waiver request from USDA's Office of the Chief Information Officer (OCIO) and USDA's Office of Homeland Security (OHS). Forward waiver requests with OCIO and OHS concurrence to procurement.policy@USDA.gov for HCA, or higher, review and approval.

SUBPART 404.70—CONTRACTOR RECOGNITION

USDA may award Government personnel using a variety of methods, ranging from certificates of appreciation to time off and a monetary bonus. The Government does not have the same authority to recognize contractor employees. Contractors may have their own awards and bonus programs. Contracts may include incentives and awards for performance or work performed ahead of schedule. Recognition of a contractor employee may only take the form of honorary awards of little intrinsic value such as certificates. Use of appropriated funds outside the limits of the contract is not appropriate. Any proposed presentation, award, or recognition of a contractor employee should be sent to the warranted contracting officer to pass on to the Contractor, if appropriate, since any recognition may be used against the Government in a dispute involving contract performance.

PART 405 PUBLICIZING CONTRACT ACTIONS

SUBPART 405.3 SYNOPSES OF CONTRACT AWARDS

405.303 Announcement of contract awards.

The public announcement amount in the AGAR is updated to awards over $4.5 million, consistent with FAR 5.303. The Public Announcement of Contract Award template may be used for announcement requests to members of Congress in whose state or district the contractor is located and the work is to be performed Announcement requests may be submitted to your Mission Area's designated contact and/or Office of Congressional Relations at **OCR@usda.gov** and **Paul.Protic@usda.gov.**

405.404 Release of long-range acquisition estimates.

The MASCO will establish written procedures to control the release of long-range acquisition estimates as authorized under FAR 5.404-1.

Sensitive Security and Classified information must be released in accordance with Departmental Manuals and Regulations (3400 series).

SUBPART 405.5--PAID ADVERTISEMENTS

405.502 Authority.

Policies and procedures regarding approval for Communications/Information Products and Services (CIPS) over $25,000 other than newspapers are contained in USDA Departmental Regulations 1400 series. Approval must be obtained prior to submission of a purchase request(s).

Communications/Information Services and Products means the following services and products:

- Communications Research and Planning is the full range of communications and social marketing research services
- Integrated Marketing
- Outreach and Engagement
- Media Relations
- Communications Materials and Product Development
- Web Design, Development, and Management
- Social marketing
- writing, publishing, or producing articles, news items, new stories, pamphlets, logos, print media, exhibits, scripts for radio or television, scripts for film presentations, radio broadcasts, television broadcasts, films, or filmed material

PART 406--COMPETITION REQUIREMENTS

SUBPART 406.1—FULL AND OPEN COMPETITION

406.101 Policy.

Contracting Officers should consider the following techniques to increase competition:

(1) Requirements Development - Ensure work statement is not unduly restrictive and specifications are not unnecessarily detailed, and ensure commercial items are acquired to the maximum extent practicable. The acquisition team will work collaboratively to apply their respective skill sets to understand the market, how industry is structured, potential cost drivers, and the competition state;

(2) Performance Based Acquisition - Allow vendors the opportunity to offer innovative solutions to meet the Government's performance needs and to offer market-tested commercial solutions at competitive pricing with risks that can be reasonably managed under a fixed-price contract;

(3) Category Management - Use an existing Departmental or Federal Strategic Sourcing Initiative when the requirement can be satisfied under the contract vehicle(s). USDA-wide contract sources can be found at https://ias.usda.gov/usdacontracts/. Additional resources are located at https://www.dm.usda.gov/procurement/toolkit/orderingtools.htm.

(4) Task and Delivery Orders - Ensure acquisitions have meaningful competition. State significant technical factors and subfactors and the relative importance of the factors when conducting the "fair opportunity process."

SUBPART 406.3—OTHER THAN FULL AND OPEN COMPETITION

406.303 Justifications.

See Template for Justification for Other than Full and Open Competition

406.304 Approval of the Justification.

Contracting Officers are reminded that the value of options, including an option to extend, is to be included in the value of the justification requiring approval.
The Contracting Officer shall amend a justification and obtain the required approvals when any of the following occur prior to award of a contract action:
(1) The dollar value of the prospective contract action increases beyond the authority of the previous approving official
(2) A change in the competitive strategy further reduces competition.
(3) A change in requirements affects the basis for the justification.

SUBPART 406.5—ADVOCATES FOR COMPETITION

The Chief, Procurement Policy Division, Office of Contracting and Procurement, has been designated as the Competition Advocate for USDA. The MASCO has been designated the Competition Advocate for the Mission Area.

PART 407--ACQUISITION PLANNING

SUBPART 407.1--ACQUISITION PLANS

407.101 Definitions.

Acquisition Project	A project that involves a single contract/agreement. The acquisition project starts when the program identifies a procurement need and starts the Acquisition Management Lifecycle. The acquisition project ends after contract award (or a Notice to Proceed) and contract administration is transitioned to the program for maintenance and oversight.

Major Acquisition Program	A program/subsidiary program with supporting contracts (IT and/or non-IT) and/or Grants & Agreements (G&As) totaling over $50M. Includes appropriated expenditures over $50M or are deemed mission critical.
Major IT Acquisition Program (also known as a major acquisition)	DR 3130-008 (1) The total lifecycle Development, Modernization, and Enhancement (DME) IT investment costs are greater than $20 million; (2) The total operations and maintenance costs for the following 7-year period are in excess of $200 million: beginning 2 prior years (PY) from the budget year (PY-1 and PY), through the budget year (BY) plus 4 additional years (BY+1, BY+2, BY+3, BY+4); and (3) The USDA Secretary, Deputy Secretary, or Chief Information Officer identifies the investment as critical.
Major Non-IT Acquisition Program	Any program with a single supporting non-IT contract value over $50M. The contract itself is referred to as a Major Non-IT Acquisition Project.
Major Program	A mission critical collection of programs and services, to include acquisitions, grants and full time equivalents which are designated by the Agency Head (or as delegated) and are programs which: (1) are directed at and critical to fulfilling an agency mission need, (2) entail allocating relatively large resources for the agency, and (3) warrant special management attention, including specific agency-head decisions.
Program	Directed, funded acquisitions that provide new, improved, or continuing systems or services in response to an approved need. Programs are divided into levels established to facilitate decision-making, execution, and compliance with statutory and regulatory requirements and may be composed of multiple projects, services contracts, interagency agreements, and other types of acquisitions. With a systems or services capability focus, programs usually tie together an agency's higher-level programming and budgeting process with the agency's strategic plan. (FAI)
Program Manager	The acquisition workforce member with the responsibility and relevant discretional authority who is uniquely empowered to make final scope-of-work, capital investment, and performance acceptability decisions on assigned acquisition programs. The program manager is also responsible for meeting program objectives or production requirements through the acquisition of any mix of in-house, contract, or reimbursable support resources. Program managers are responsible to stakeholders for management and oversight of subordinate projects within the scope of the overall program. The program manager is ultimately responsible for effectively managing all business and technical risks of the program to ensure effective systems and services are delivered to the end user on schedule, within budget, and at the required levels of performance. (FAI)
Project	A planned acquisition undertaking with a definite beginning and clear termination point that produces a defined capability. A project is an individually planned, approved, and managed basic building block related to a program. A project is not constrained to any specific element of the budget structure; however, basic research, maintenance of equipment and facilities, and operations are not considered projects. (FAI)

Project Manager	The acquisition workforce member assigned responsibility for accomplishing a specifically designated work effort or group of closely related efforts established to achieve stated or designated objectives, defined tasks, or other units of related acquisition effort on a schedule, within cost constraints, and in support of the program mission or objective. The project manager is responsible for the planning, controlling, and reporting of the project and for the management of required functions, including acquisition planning, definitization of requirements, business case development, performance of the schedule, and formulation, justification, and execution of the budget. The project manager is responsible for effectively managing project risks to ensure effective systems and services are delivered through a total life-cycle approach to the end user on schedule, within budget and at the required levels of performance. A program manager may also serve as project manager for projects within the scope of the program. (FAI)
Systems-based or Consolidated Acquisition Plan	A written acquisition plan (AP) or strategy that includes more than one contract action over a period of years. For example, a Mission Area or program may have several different individual contract actions that further its mission or meet specific program goals. Combining them into a single AP would conserve resources by eliminating redundant AP development and AP review/approval/update processes.

407.102 Policy.

APs document a process for meeting a portion of the USDA mission through one or more acquisitions. APs are the means to explain the acquisition process and document the decisions made prior to processing each contractual action. APs also serve as mechanisms to review, approve and document acquisition decisions and create a road map for the implementation of acquisition decisions. Once approved, APs provide strategic direction and approval for the execution of contractual and programmatic actions. Beginning upon implementation (tentatively January 4, 2021) Acquisition Plans must be submitted by program offices via the IAS Acquisition Planning Module.

407.103 Agency Head Responsibilities.

To fulfill agency head responsibilities, the Secretary has determined that each Mission Area will appoint a Mission Area Senior Program Manager (MASPM) who will be responsible for the planning of acquisitions in the Mission Area. MASPMs are responsible for ensuring that the requirements of this part and part 11 are followed and documented in an acquisition plan or a requirement plan. The Office of Federal Procurement and Policy states P/PMs ensure that requirements are appropriately written, performance standards are established, and contractors deliver what they promise. P/PMs develop requirements, lead integrated project teams (IPTs), and oversee budgeting and governance processes, all of which are critical to ensuring that agency mission needs are filled and expected outcomes achieved.

407.104 General Procedures.

Planning must be performed for all acquisitions to promote and provide for acquisition of commercial items to the maximum extent practicable; to provide for full and open competition to the maximum extent practicable; and to select the appropriate contract type. The extent of market research will vary, depending on factors such as urgency, estimated dollar value, and complexity of the requirement.

Planning is the responsibility of the "Planner" who is a member of the requiring office or who works with the requiring office to develop the plan. Contracting officials are not "Planners".

Prior to submitting requirements packages to the contracting office, the MASPM/program office must schedule, lead and brief a high-level plan for those with Acquisition or Requirements Plans requiring approval above the MASCO (e.g., HCA, SPE, etc.). These briefings may be conducted as part of the Quarterly Strategic Reviews (QSRs). This will allow for a collaborative approach in defining the plan, and should shorten the overall review time required for approval. The MASCO, Contracting Officer, if assigned, or other designated contracting official will provide support and will normally participate during these briefings. At a minimum, the following items are required to be included in the briefing:

- The Government's need, what are we procuring and why
- Market Research completed by the Program, if any
- The Independent Government Cost Estimate (IGCE)
- Potential risks associated with the acquisition
- Type and length of contract contemplated
- Type of set-aside
- Level of competition expected
- Other topics deemed significant by the HCA, MASCO, Program Office or Contracting Officer

If the briefing is not conducted as part of the QSR, the MASPM/Program office shall document the briefing and provide a written synopsis to the HCA for approval within five business days of the briefing. This briefing could determine if a requirement plan instead of a formal acquisition plan is required (for components of a major program).

The program office is responsible for obtaining the necessary coordination, review, and all approvals prior to submitting their requirements through the MASPM to the contracting office. The Acquisition Planning Matrix provides a guideline for the type of written acquisition planning and approval levels required. There may be other requirements under CIO guidance. See templates for the Requirements Plan, and the Formal Acquisition Plan.
Beginning upon implementation (tentatively in January 2021) the existing templates shown below will be decommissioned and Acquisition and Requirements Plans must be submitted via the IAS Acquisition Planning Module.

Requirements Plan (Non-IT Supplies, Services and Construction)

Requirements Plan for IT

Formal Acquisition Plan

A consolidated AP may be prepared for Department-wide vehicles when practicable. When a consolidated AP is feasible, it shall include planning for all task/delivery orders and calls to be placed against the vehicle. Evidence of planning includes the task or delivery orders and calls that meet the maximum ceiling price, maximum contract value, or total estimated value of the contract or agreement and the language in the AP shall specifically state that the AP covers all task and/or delivery orders or calls up to the total contract value. When a consolidated AP for a Department-wide vehicle does not cover the task/delivery orders or calls, planning should be done in accordance with the Acquisition Planning Matrix.

Information Technology

Information Technology actions that are estimated to meet or exceed $25,000 have separate requirements. As part of the AGMAX submission for the Acquisition Approval Request (AAR), acquisition planning must be included. MASPMs access AGMAX for the streamlined AAR process allowing them to review and approve the appropriate fields as part of the Formal Acquisition or Requirements Plan for IT. Final review and approval of these actions are completed by the USDA CIO or their delegate(s). The Contracting Officer must not accept a requisition nor issue a solicitation unless an approved AAR number has been granted for the full estimated price of the action which must be placed in the file.

Services and Construction

All services over the Simplified Acquisition Threshold must be approved by the requiring office's senior executive (SES). The contracting office does not approve the services. You can use the appropriate template below for this requirement.

All service and construction contracts shall have either:

- a COR, or
- if a COR is not required per the FAR [see 1.602-2(d)], there must be a designation for an invoice approver (in IAS) unless the CO is the sole approver. The designee does not have to be COR certified to approve an invoice.

All COR nominations for Information Technology (IT), professional or advisory and assistance services must be approved by an SES (see 401.602-2).

COs can find minimum requirements and clauses for performance work statements (PWS) and statements of work (SOW), as well as minimum standards to measure those requirements in the quality assurance surveillance plan (QASP), in FAR 11, FAR 37.6, and FAR 46.4. The requirements owner is responsible for identifying specific requirements. CORs should assist with technical monitoring and contract administration and provide contractor surveillance to ensure performance requirements are met. COs are responsible for ensuring that contract services conform to requirements and should reject nonconforming services. They may require the contractor to re-perform nonconforming services, with no increase on fixed-price contracts or fee on cost-reimbursable contracts. When re-performance cannot correct issues, COs may reduce the contract price or fee based on the reduced value of services not properly performed, per FAR 52.246-4 or 52.246-5.

Acquisition Planning Matrix					
Threshold and Acquisition Type	**Contract Type**	**Competition**	**Type of Plan**	**Review / Clearance****	**Final Signatory Approver**
Consolidated AP or an Indefinite-Delivery Vehicle AP (any actions already approved *as defined 407.1 and 407.104*	N/A	N/A	N/A	N/A	N/A
Interagency Agreements for assisted acquisitions	N/A	N/A	Copy of the planned agreement	MASPM and MASCO	HCA
***>$25K* Information Technology (IT)**	All	N/A	AAR Requirement Plan (approved in AgMax as part of OCIO's AAR process)	OCIO's AAR Process as defined by USDA's CPITGD	CIO/ACIO
SAP Threshold to <$50M	FFP	Yes	Requirements Plan	Requiring Office's SES	MASPM and MASCO
SAP Threshold to <$50M	Not FFP	No	Formal Acquisition Plan	Requiring Office's SES	MASPM and MASCO
>$50M, but not designated a major acquisition program by SPE	FFP	Yes	Requirements Plan	MASPM and MASCO	SPE
Major System as defined by AGAR 434.001; **or** **Major Acquisition Program** designated by SPE or CIO; ***or*** ***>$50M and not FFP***	All	Any	Formal Acquisition Plan	MASPM, MASCO, Mission Area Undersecretary, CIO (IT)	Deputy Secretary*
Bridge contract of any time length "Bridge" defined here	All	N/A	Requirements Plan	Requiring Office's SES	HCA
As required by the HCA	N/A	N/A	As directed	As directed	As directed

If approval outside the Mission Area is required, (e.g., approval needed by HCA or Deputy Secretary) the plan must be signed by the MASPM, Requiring Office's SES, and MASCO and be submitted to the USDA Procurement Policy Division (PPD) at procurement.policy@usda.gov; and if IT ($25,000 or more) to the OCIO Capital Planning and IT Governance Division (CPITGD) capitalplanningdivision@ocio.usda.gov by uploading in AgMax. **No final solicitation shall be released prior to approval or waiver.** **After conferring with the SPE/CIO, the Deputy Secretary may delegate approval authority to the SPE/CIO. Coordination with the Deputy Secretary shall be made by the Mission Area after completing the decision memo located at https://www.dm.usda.gov/procurement/policy/templates.htm. **Also follow any specific Mission Area clearance procedures.*

407.170 Acquisition Programs and Requirements (APR).

Mission Areas are expected to maintain a listing that specifies *at least*:

- Each acquisition that has a planned award date in the current or following fiscal year that meets or exceeds the dollar value specified in AGAR 434.001(a);
- Systems or programs which will have combined contracts awarded over $50M in one year;
- All actions that are required to obtain Acquisition Approval Request (AAR) review and/or approval from the OCIO;
- All service contracts over $250,000 for advisory and assistance services; and
- All other planned acquisitions that have been designated as major systems or programs by the USDA Acquisition Executive, OCIO or HCA.

The Undersecretary shall, without power to re-delegate, approve these requirements. Information shall contain at least the details outlined below. Agency format is acceptable if all the information is presented, and it is easily searchable.

–MISSION AREA ACQUSITION PROGRAMS AND REQUIREMENTS (APR)

Agency	Description the Requirement/ Contracting Action/A&A	Category: e.g. New Action, Follow-on Action, Option Exercise	AAR # (If obtained)	Independent Government Cost Estimate (IGCE) Amount	Planned Award Date	Name, email and telephone number of assigned program manager

SUBPART 407.5--INHERENTLY GOVERNMENTAL FUNCTIONS

407.503 Policy.

The FAR provides an extensive list of many inherently governmental functions which cannot be contracted. It also includes a list of closely associated functions, most of which would be deemed "advisory and assistance" contracts. For a list of product service codes typically considered advisory and assistance, see Appendix C.

Requesting activities must provide a written determination required by FAR 7.503(e), when submitting requests for procurement of services. This can be done as part of the requirements plan or the acquisition plan.

In the event of a disagreement as to whether the functions to be performed are inherently governmental, the MASCO may refer the matter to the HCA for resolution. When submitting disagreements to the HCA for resolution the MASCO shall provide a summary of the areas of disagreement, supported by the following:
(1) the MASCO's assessment of whether the services are "inherently governmental";
(2) the basis for that assessment (include references to the definition and policy in FAR subpart 7.5 and/or Office of Federal Procurement Policy letter 92-1)
(3) a copy of the statement of work; and,
(4) the requesting activity's written determination in accordance with FAR 7.503(e).

Disagreements shall be resolved prior to issuance of the solicitation. For additional information regarding inherently governmental functions please click here.

PART 408--REQUIRED SOURCES OF SUPPLIES AND SERVICES

408.002 Priorities for Use of Mandatory Sources.

The General Services Administration, through the Federal Strategic Sourcing Initiative (FSSI) has awarded Indefinite Delivery, Indefinite Quantity (IDIQ) contracts for office supplies. This FSSI initiative is called Office Supplies Fourth Generation (OS4) and it is a mandatory source for office supplies for the USDA. https://www.gsa.gov/buying-selling/purchasing-programs/federal-strategic-sourcing-initiative/fssi-os4/office-supply-fourth-generation-os4-awarded-vendors. Any USDA employee with a Contracting Officer's Warrant or the authority to acquire office supplies by purchase card may use the IDIQ contracts within purchase limits without the need for further authorization. No additional competition is required.

408.003 Use of Other Mandatory Sources.

Small package delivery

The Office of Management and Budget (OMB) Memorandum M-17-29 mandates the use of the Next Generation Delivery Services (NGDS) contract and directs all Federal agencies to use the new government-wide contract to meet their global air and ground small package delivery services.

Copies of each contract and attachments (to include pricing sheets) are posted on the Acquisition Gateway. If currently not registered, Agency users may have to register for a Max.gov account to access the Acquisition Gateway. Once logged into the Acquisition Gateway, scroll down and select Transportation and Logistics Services Hallway, then go to the Package Delivery and Packaging Sub-hallway to find helpful information on contracts and rates. To determine the applicable pricing rates for your agency, please note your pricing profile.

Prices, terms and conditions are negotiated up front with the contractor (vendor). No further price reductions, waiving of accessorial, or changes to terms and conditions can be negotiated at the shipper level. Overhead fees are paid by the contractor on a transactional basis and embedded with their rate (~1.3% of shipment cost). If a shipper already ships under DDS3, TDS, DLA's SSP, or a surface ground tender account(s), previously established accounts will be carried over to the NGDS contract(s).

https://www.dm.usda.gov/procurement/toolkit/docs/1_Aug_2017_NGDS_Shippers_Guide.pdf

Ordering Contracting Officers are responsible to know agency-specific policies for issuing orders on contract vehicles and to ensure fair opportunity in accordance with the Federal Acquisition Regulation (FAR) Subsection 8.405-3(c)(2).

a. Gather and assess your agency's requirements for delivery services.

b. Provide Fair Opportunity and select the proper ordering procedure based on the dollar value of the order. If the order is above the micro-purchase threshold, agencies must provide equal consideration for contractors.

c. Evaluate quotes, evaluate information from each contractor, in light of your agency's needs, and make a best value award decision.

d. Make the award and manage the task order.

No further competition is required with non-NGDS contractors. Aggregate shipping totals for the fiscal year that exceed the micro-purchase threshold require Fair Opportunity/competition among the three contractors that received the NGDS award only (i.e., Federal Express Corporation, United Parcel Service, and Polar Air Cargo (DHL subcontractor).

USDA agencies can submit a waiver to the Procurement Policy Division, Office of Contracting and Procurement (OCP) at Procurement.Policy@usda.gov for approval to obtain another delivery service provider where there is a significant cost savings for not using NGDS. The NGDS waivers must provide:

a. Substantial evidence/determination of a cost benefit;

b. Pertinent background information (market research/justification); and

c. Copy of the waiver request signed by the Mission Area Senior Contracting Official (MASCO).

Other USDA and government-wide interagency instruments

USDA website for multi-use contracts is https://www.dm.usda.gov/procurement/toolkit/orderingtools.htm
A Governmentwide searchable database of contracts and other procurement instruments intended for use by multiple agencies is available via the Internet at https://www.contractdirectory.gov/ .

SUBPART 408.4--FEDERAL SUPPLY SCHEDULES

408.405-6 Limiting Sources.

Contracting Officers are reminded that the value of options, including an option to extend, is to be included in the value of the justification needing to be approved.
The Contracting Officer shall amend a justification and obtain the required approvals when any of the following occur prior to award of a contract action:

(1) The dollar value of the prospective contract action increases beyond the authority of the previous approving official.
(2) A change in the competitive strategy further reduces competition.
(3) A change in requirements affects the basis for the justification.

Template for Limited Sources Justification under SAT.

Template for Limited Sources Justification over SAT.

SUBPART 408.7--ACQUISITION FROM NONPROFIT AGENCIES EMPLOYING PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

408.703 Procurement List.

USDA has mandatory items on the list. https://www.abilityone.gov/procurement_list/index.html

SUBPART 408.8--ACQUISITION OF PRINTING AND RELATED SUPPLIES

408.802 Policy.

Prior to contracting for any of the items defined in FAR 8.801, the Contracting Officer should make sure that the procedures in PGI 405.502 have been followed, if applicable.

Business Cards

Source of Business Cards*:* The U. S. General Services Administration (GSA) has issued a Federal Supply Schedule contract to Envision Print, 2301 S. Water St., Wichita, Kansas, 67213. Step-by-step instructions can be found at *http://www.envisionbusinesscards.com*

Funds Available*:* The U. S. Department of Justice's (DOJ) Office of Legal Counsel, along with the U. S. General Accounting Office (GAO) has determined and affirmed that appropriated funds can be used to obtain business cards for Government employees who regularly deal with the public or organizations outside their immediate office (B-280759).

SUBPART 408.11--LEASING OF MOTOR VEHICLES

408.1103 Contract Requirements.

If the requirement includes the need for the vendor to provide operational maintenance such as fueling, lubrication, or other fluid changes or replenishment, the Contracting Officer shall include in the contract:
(1) a requirement for the use of fluids and lubricants containing the maximum available, amounts of recovered materials and alternative fuels whenever available; and
(2) a preference for retreaded tires meeting the Federal retread specifications, tires with the maximum recovered material content, or retreading services for the tires on the vehicle.

PART 409--CONTRACTOR QUALIFICATIONS

SUBPART 409.2—QUALIFICATIONS REQUIREMENTS

409.202 Policy.

USDA activities have a variety of needs for which it is critical that vendors provide products of the highest quality and reliability. These products must be capable of being used with products already in USDA's inventory, and with products supplied by other vendors. Accordingly, qualification requirements (QRs) may be defined for USDA Activities including systems of application, testing and record keeping, to assure that products, vendors, or manufacturers are tested and qualified prior to contract award. The imposition of a QR can restrict competition and as a result is strictly managed.

For each Mission Area, the information in FAR Subpart 9.2 is to be prepared and submitted to the Under Secretary, who may re-delegate no lower than a sub-agency head (e.g. Chief of the FS, Administrator Farm Service Agency) without further delegation, for approval to establish or change a QR. Copies of the delegations must be provided to the Chief, Procurement Policy Division (PPD) as do any written justifications approved per FAR 9.202(a)(1). For each Mission Area, the Under Secretary will maintain information on the QRs established by USDA.

QRs that are applicable to requirements managed or directed by USDA activities (such as wildfire suppression programs) must be approved by the Office of Contracting and Procurement (OCP) and posted to http://www.dm.usda.gov/procurement/business/qualifications.htm. QRs not posted will not be enforceable by a USDA activity for its acquisitions or the acquisitions of others.

Each Mission Area is responsible for maintaining data that supports the need for a QR, and for making this data available to the public. The Under Secretary must submit the data as shown below to complete the listing matrix in adequate time for the OCP to update the matrix on the Acquisition Toolkit.

USDA Qualification Requirement By Name or Number	QR Submission Procedures for Testing (Location, Contact Person, Office or URL)	OMB Control #, Paperwork Reduction	Version Date	Expiration Date	Determination of need for QR (Location, Contact, Person, Office, or URL)	Market Research Report Supporting QR (Location, Contact Person, Office or URL)	GPE Notice for QR (Contact Person, Office, or URL)	Technical Contact for QR (Name, #, email)	Address for Submittal of Application for Listing on QR (address)
Qualification Requirement KCCO-OD-01-0005			*7/18/2003*	*7/17/2010*			*Link to FedBizOpps announcement*	*Betty Kunkel, Small Business*	*Link to Products!*

All data necessary for the update must be submitted at one time to the Chief, Procurement Policy Division. The posting will require approximately 20 calendar days to accomplish. In the case of deficient data, the Under Secretary will be notified of the deficiencies and the QR will not be posted.

If only one vendor (other than a mandatory source) is qualified to provide a product or service under a QR, the agency shall publish a notice at least annually in Contract Opportunities to seek additional sources.

SUBPART 409.4--DEBARMENT, SUSPENSION AND INELIGIBILITY

409.404 System for Award Management Exclusions.

The Department Debarring Officer, also known as the "'S&D' Official", is the Director of the Office of Contracting and Procurement, is USDA's single point of contact with GSA for debarment and suspension actions taken under this subpart. The debarring official for each Mission Area shall notify the Department Debarring Officer of each debarment and suspension action by promptly submitting a copy of the debarment or suspension notice and any later changes to the debarment or suspension status. The Department Debarring Officer will forward a copy of each notice to GSA for inclusion in the Government-wide list. The Chief, Procurement Policy is USDA's procurement POC for lead agency coordination.

409.405 Effect of Listing

The Head of the Contracting Activity has redelegated authority in this subsection to the MASCO.

SUBPART 409.5--ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

409.503 Waiver.

Each request for waiver shall include:
(1) The general rule or procedure proposed to be waived;
(2) An analysis of the potential conflict, including the benefits and detriments to the Government and prospective contractors;
(3) A discussion of why the conflict cannot be avoided, neutralized, or mitigated; and
(4) Advice of counsel obtained under FAR 9.504(b).

PART 410—MARKET RESEARCH

410.001 Policy.

In addition to those uses listed in FAR 10.001, agencies must use the results of market research to–
(1) Ensure the minimum use of hazardous or toxic materials;
(2) Ensure the maximum use of biobased products and biofuels; and
(3) Identify products and services on or eligible for addition to the Javits-Wagner-O'Day Act Procurement List in order to achieve USDA's goal to increase participation in this program.

410.002 Procedures.

Market research must include obtaining information on the commercial quality assurance practices as an alternative for Government inspection and testing prior to tender for acceptance.

PART 411--DESCRIBING AGENCY NEEDS

SUBPART 411.1--SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS

411.101 Order of precedence for requirements documents.

Many agencies have examples of specifications, statements of work, statements of objectives and performance work statements available. It is encouraged to utilize these tools and tailor to the specific need. Some sites available are:
https://fast.faa.gov/PPG_SOW_Templates.cfm
https://hallways.cap.gsa.gov/app/#/

The Head of the Contracting Activity (HCA) has redelegated the authority to the MASCO to submit the determination required by OMB Circular A-119.

411.103 Market Acceptance.

The Head of the Contracting Activity (HCA) has redelegated the authority to the MASCO to make a determination that offerors must demonstrate, in accordance with FAR 11.103(a), the market acceptability of their items to be offered. The Contracting Officer shall place a copy of this determination, signed by the MASCO, in the solicitation file.

411.106 Purchase Descriptions for Service Contracts.

When contract personnel are to be used, the requiring official shall record on the requisition and/or the Statement of Work or Performance Work Statement, his or her determination whether harm to the Government might occur should contractor personnel fail to identify themselves as non-Government officials.

411.107 Solicitation provision.

Contracting officers shall immediately discontinue use of the following AGAR provision and clause in all contracts:
(1) The provision at AGAR 452.211-70, *Brand Name or Equal,* and its prescription at AGAR 411.171.

Contracting officers shall continue to use, as appropriate, the FAR provision at 52.211-6, *Brand Name or Equal*, as prescribed in FAR 11.107(a).

SUBPART 411.6--PRIORITIES AND ALLOCATIONS

411.600 Scope of Subpart.

The Defense Priorities and Allocation System (DPAS) excludes USDA activities (see 15 CFR 700.18(b)). USDA Contracting Officers are not authorized to place rated orders under DPAS.

PART 412--ACQUISITION OF COMMERCIAL ITEMS

SUBPART 412.2 - Special Requirements for the Acquisition of Commercial Items

Contracting Officers cannot use a time and material or labor hour contract if the contract has not been competed in accordance with FAR12.207(b).

PART 413--SIMPLIFIED ACQUISITION PROCEDURES

413.003 Policy.

Existing purchase card limits are not automatically raised through a deviation. If there is a need to change a purchase card limitation, see your Agency Program Coordinator and Approving Official within your Agency.

SUBPART 413.1—PROCEDURES

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

413.106-1 Soliciting competition.

Contracting Officers are reminded that they should notify potential offerors of the basis of award. The basis of award should be ***as simple as possible*** and does not need to define the relative importance of factors nor include subfactors. Use the Single Source or Brand Name Under SAT to document justification and approval, as necessary.

Single Source or Brand Name Under SAT

413.106-2 Evaluation of quotes or offers.

Contracting Officers are reminded that formal plans, establishing a competitive range, conducting discussions and scoring offers should generally NOT be used.

413.106-3 Award and documentation.

Use the SAP Summary Worksheet or a similar tool to document the decision.

SAP Summary Worksheet

SUBPART 413.3--SIMPLIFIED ACQUISITION METHODS

413.301 Governmentwide commercial purchase card.

USDA policy and procedures, from the Charge Card Service Center, on use of the Government-wide commercial purchase card are established in the USDA Purchase Card Program Guide. For guidance on its use see https://ias.usda.gov/ccsc/.

413.303 Blanket Purchase Agreements

BPAs may establish procedures for individual purchases to exceed the commercial item simplified acquisition threshold (Subpart 13.5). The MASCO shall submit a determination and findings for approval by the HCA during acquisition planning.

413.306 SF 44, Purchase Order-Invoice-Voucher.

The Standard Form 44 (and the previously prescribed USDA Form AD-744) is not authorized for use within USDA.

413.307 Forms.

Form AD-838, Purchase Order, is prescribed for use by USDA in lieu of Optional Forms (OFs) 347, except that use of the OF 347 is authorized when utilizing the USDA Integrated Acquisition System.

SUBPART 413.5--SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS

413.500 General.

413.501 Special Documentation Requirements.

Use the Single Source or Brand Name Over SAT template to document justification and approval, as applicable.

Single Source or Brand Name Over SAT

PART 414--SEALED BIDDING

RESERVED

PART 415--CONTRACTING BY NEGOTIATION

415.001 Acronyms.

Pre-Negotiation Memorandum (PNM)
Source Selection Authority (SSA)
Source Selection Decision Document (SSDD)
Source Selection Evaluation Board (SSEB)
Source Selection Plan (SSP)

SUBPART 415.1--SOURCE SELECTION PROCESSES AND TECHNIQUES

415.102 Oral Presentations.

Oral presentations can be an innovative way to receive information from the team who will actually execute your requirement.

https://hallways.cap.gsa.gov/app/#/gateway/acquisition-innovation-0/20994/docs/17960/Oral%20Presentations%20-%20PIL%20Technique%201%20-%202018June7%20Workbook-1535905636.pdf
See more innovative ways at:
https://www.dhs.gov/pil

SUBPART 415.2--SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

415.207 Handling Proposals and Information.

Throughout the source selection process, agency personnel and non-Government evaluators with access to proposal information shall disclose neither the number of offerors nor their identity except as authorized by FAR subpart 15.5. (See also FAR 5.403)

The Contracting Officer shall obtain agreement via the source selection evaluation board agreement prior to the release of any proposal to a government or non-government evaluator.

Source Selection Evaluation Board Agreement

The release of a proposal to a non- Government evaluator for evaluation does not constitute the release of information for purposes of the Freedom of Information Act (5 U.S.C. 552).

The Contracting Officer shall attach a cover page bearing the following notice: GOVERNMENT NOTICE FOR HANDLING PROPOSALS - This proposal shall be used and disclosed for evaluation purposes only. Attach a copy of this Government notice to every reproduction or abstract of the proposal. Any authorized restrictive notices which the submitter places on this proposal shall be strictly complied with.
Disclosure of this proposal outside the Government for evaluation purposes shall be made only to the extent authorized by, and in accordance with, FAR 3.104- 4 and FAR 15.207. Use the template for a proposal cover sheet.

Proposal Cover Sheet

SUBPART 415.3—SOURCE SELECTION

A source selection plan (SSP) must be created and approved after the acquisition/requirements plan has been approved. The source selection plan template may be tailored for use. Source selection plans must be approved in accordance with the following matrix. **Under no circumstance should a plan not have a review by someone other than the preparer.** If more than one characteristic applies, the characteristic which requires the highest level of approval takes precedence. The SSA, if other than the CO, must approve the SSP as well.

Source Selection Plan template

SOURCE SELECTION PLAN APPROVAL MATRIX			
Characteristics/IGCE	**<$25M**	$25M<x≤$50M	**>$50M**
Single or Multiple Award (including construction)	if a Contract Specialist prepared-the Contracting Officer; otherwise level above Contracting Officer	Level above Contracting Officer if Contract Specialist prepared; otherwise the MASCO	MASCO
SOO	if a Contract Specialist prepared-the Contracting Officer; otherwise level above Contracting Officer	MASCO	HCA
Non-commercial (excluding construction)	MASCO	MASCO	HCA
As determined by HCA/MASCO	As determined by HCA/MASCO	As determined by HCA/MASCO	As determined by HCA/MASCO

415.303 Responsibilities.

The MASCO has the authority to appoint an individual other than the CO as SSA or to require a higher level of approval of the SSP.

415.308 Source selection decision

Use the source selection decision document as a template for the decision.

Source Selection Decision Document

SUBPART 415.4--CONTRACT PRICING

415.404 Proposal Analysis.

USDA will use a structured approach to determine the profit or fee pre-negotiation objective in acquisition actions when price negotiation is based on cost analysis.

The following types of acquisitions are exempt from the requirements of the structured approach, but the Contracting Officer shall comply with FAR 15.404-4(d) when analyzing profit for these contracts or actions:
(1) Architect-engineer contracts;
(2) Construction contracts;
(3) Contracts primarily requiring delivery of material supplied by subcontractors;
(4) Termination settlements; and
(5) Cost-plus-award-fee contracts.

Unless otherwise restricted by contracting activity procedures, the Contracting Officer may use another Federal agency's structured approach if that approach has been formalized and is maintained as part of that Agency's

acquisition regulations (i.e., included in that Agency's assigned chapter of Title 48 of the Code of Federal Regulations).

https://www.dau.mil/tools/Lists/DAUTools/Attachments/122/WGL%20Extraction.pdf

415.406-1 Pre-negotiation objectives.

Pre-negotiation objectives must be documented in a pre-negotiation memorandum prior to beginning negotiations or there must be documentation of the decision not to negotiate. Documentation approval at levels above the Contracting Officer may be required by the MASCO or the HCA.

Pre-Negotiation Memorandum

SUBPART 415.5--PREAWARD, AWARD, AND POSTAWARD NOTIFICATION, PROTESTS AND MISTAKES

See debriefing guidance before you develop your agenda.

Debriefing Guidance

SUBPART 415.6—UNSOLICITED PROPOSALS

415.606 Agency Procedures.

Reference FAR 15.605 for the content of unsolicited proposals. Each MASCO is responsible for establishing points of contact for the control of unsolicited proposals.

An unsolicited proposal must be formally submitted to the Agency by way of the point of contact. The point of contact will control the receipt, evaluation, and timely disposition of the unsolicited proposal. The unsolicited proposal should not be duplicated or distributed within the Agency unless directed by the agency point of contact. Unsolicited proposals must be safeguarded, particularly data identified by the offeror as being subject to duplication, use, or disclosure restrictions. A preliminary review of the proposal will be conducted to determine if it meets the requirements of the FAR and can be considered a valid unsolicited proposal. If the proposal meets these requirements, the point of contact will promptly acknowledge receipt and process the proposal for evaluation. If a proposal is rejected because it does not meet the necessary requirements, the point of contact will promptly inform the offeror, in writing, of the reasons for rejection and of the proposed disposition of the unsolicited proposal.

Comprehensive evaluations will be coordinated by the point of contact who will attach or imprint on each unsolicited proposal circulated for evaluation the required legend to safeguard the proposal, unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal. When performing a comprehensive evaluation of an unsolicited proposal, evaluators will consider the required factors in addition to any others appropriate for the particular proposal. The evaluators will notify the Agency point of contact of their recommendation when the evaluation is complete.

A favorable comprehensive evaluation of an unsolicited proposal does not in itself justify awarding a contract without providing for full and open competition. The cognizant Agency Contracting Officer may commence negotiations on a sole source basis only when:

- an unsolicited proposal has received a favorable comprehensive evaluation;
- a justification and approval has been obtained for research proposals or other appropriate provisions of the FAR;
- the agency technical office sponsoring the contract furnishes the necessary funds; and
- the cognizant Contracting Officer has complied with the synopsis requirements of the FAR.

Government personnel are prohibited from using any data, concept, idea, or other part of an unsolicited proposal as the basis, or part of the basis, for a solicitation or in negotiations with any other firm unless the offeror is notified of and agrees to the intended use. However, this prohibition does not preclude using any data, concept, or idea in the proposal that also is available from another source without restriction. Government personnel shall not disclose restrictively marked information included in the unsolicited proposal. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized by law, may result in criminal penalties under 18 U.S.C. 1905.

When an unsolicited proposal is received by an individual, safeguard the proposal and send it to the point of contact within 1 day of receipt.

- When preliminary contact is made by a potential offeror of an unsolicited proposal, provide information on agency objectives, existing research programs, and techniques to assist the offeror in developing its proposal.
- When designated by the agency point of contact, participate in a comprehensive evaluation of unsolicited proposals and provide the necessary evaluation documentation.

Point of Contact

- Coordinates the receipt and handling of unsolicited proposals.
- Provides guidance to potential offerors of unsolicited proposals as to the criteria for determining valid unsolicited proposals and guidance on the procedures for their submission and evaluation.

PART 416--TYPES OF CONTRACTS

SUBPART 416.1--SELECTING CONTRACT TYPES

For contracts other than fixed price, the rationale for selection in accordance with 16.103(d)(1) shall be approved by a level above the Contracting Officer if a requirement plan or acquisition plan is not required (see 407.104) unless a higher level approval is required by FAR. See Appendix D for a comparison of contract types. The Congressional Research Service also has a report on contract types. https://fas.org/sgp/crs/misc/R41168.pdf

See determination and findings templates for

- Time and Material or Labor Hour
- Incentive or Award Fee
- Fixed Price Level of Effort

Determination and Findings

SUBPART 416.4--INCENTIVE CONTRACTS

416.405 Cost-reimbursement incentive contracts.

The HCA may designate an acquisition official other than the Contracting Officer as the fee determination official (FDO) to make the final determination of the award fee. The designated official must have warranted contracting authority at the same level as the Contracting Officer or higher and shall not have participated in preparing the contractor performance evaluation. If the HCA does not designate an FDO, the chief of the contracting office shall act as the FDO.

SUBPART 416.5--INDEFINITE DELIVERY CONTRACTS

General

Contracting Officers should develop simplified methods to place, provide fair opportunity, award and pay for orders. The use of the government purchase card for award and payment is encouraged.

Task and Delivery Order Ombudsman

The Chief, Procurement Policy Division, Office of Contracting and Procurement, has been designated as the Departmental Task Order Ombudsman.

Each MASCO shall designate a task order ombudsman for the Mission Area. The MASCO shall forward a copy of the designation memorandum to the Departmental Task Order Ombudsman. Mission Area ombudsmen shall review and resolve complaints from contractors concerning task or delivery orders placed by the Mission Area contracting offices.

Any contractor who is not satisfied with the resolution of a complaint by a Mission Area ombudsman may request the Departmental Task Order Ombudsman to review the complaint.

SUBPART 416.505—Justification

Contracting Officers should use the template for Brand Name Justification as applicable in accordance with FAR 16.505.

SUBPART 416.70—Shared First – Category Management

Maximum effort should be taken to support Category Management within each USDA Mission Area. This includes particular attention to each of the following:

(1) Common spend that is under management, aligned to category management principles;
(2) Cumulative spend through Best In Class solutions;
(3) Cumulative percent reduction number in unique contracts;
(4) Meet or exceed category management small businesses goals and
(5) Cumulative number of individuals trained on category management.

Annual Spend Under Management targets are set strategically based on agency status of the key performance indicator (KPI) of Spend Under Management. This strategic approach will help balance the effort across USDA.

No new indefinite-delivery contracts or blanket purchase or other agreements shall be less than office-wide. Contracting Officers issuing shared contracts and agreements shall also issue instructions for their use by authorized users at the time of award.
All new requirements will be evaluated for suitability for fulfillment via order placement against existing contracts or agreements, including available department-wide or Government-wide contracts. Upon receipt of a procurement request, Contracting Officers shall:
(1) Consider existing Department-wide contract vehicles which may be found at https://ias.usda.gov/usdacontracts/.
(2) Query the Integrated Acquisition System (IAS) to identify Department-wide contracting vehicles. (Please refer to Section III of the IAS User Guide for query assistance).
(3) Visit Federal strategic sourcing websites such as, but not limited to, the General Services Administration (GSA) Federal Strategic Sourcing Initiative (FSSI), GSA Category Management and the GSA Acquisition Gateway for strategic sourcing opportunities; and
(4) Research Federal policies and procedures as to the use of Category Management and agreements to improve spend management.
If an applicable strategically sourced vehicle is available, the Contracting Officer shall utilize the vehicle to attain the overall best value in terms of cost and economic efficiencies. When use of an existing Department-wide or Government-wide contract is **not** anticipated for procurements above the simplified acquisition threshold, Contracting Officers shall include in the contract file a brief analysis of the comparative value, including price and non-price factors, between the services and supplies offered under the source or sources used for the purchase and the strategic sourcing agreement. This action, during the acquisition planning phase, ensures that Contracting Officers have considered the use of Category Management as an acquisition strategy.

PART 417--SPECIAL CONTRACTING METHODS

SUBPART 417.2--OPTIONS

417.202 Use of Options.

Contracting Officers shall not use unpriced options in contracts. All options must be priced at the time of the original contract award.

SUBPART 417.5—INTERAGENCY ACQUISITIONS

417.502 Procedures

Also see 416.70 Shared First-Category Management

417.502-2 The Economy Act

If a Mission Area issues an agreement with another Mission Area or to another department to provide acquisition assistance, the requesting Mission Area must notify the HCA and provide a copy of the agreement prior to execution.

PART 419--SMALL BUSINESS PROGRAMS

SUBPART 419.2—POLICIES

419.201 General Policy.

It is the policy of USDA to provide maximum practicable contracting and subcontracting opportunities to small business (SB), small disadvantaged business (SDB), HUBZone small business, women-owned business (WOB), veteran-owned small business (VOSB), and service-disabled veteran-owned small business (SDVOSB) concerns.

419.201-70 Office of Small and Disadvantaged Business Utilization (OSDBU).

The Office of Small and Disadvantaged Business Utilization (OSDBU) develops rules, policy, procedures and guidelines for the effective administration of USDA's small business program that includes all categories named under Part 419.201.

419.201-71 Small Business Coordinators.

Supervisors of small business coordinators are encouraged to provide sufficient time for the coordinators to carry out their small business program duties. Coordinators' duties shall include, but not be limited to, the following:

(a) Reviewing each proposed acquisition expected to exceed the simplified acquisition threshold prior to its solicitation. The coordinator shall:

(1) Recommend section 8(a), HUBZone, or SDVOSB action and identify potential contractors, or

(2) Identify available SDB, WOB, and VOSB to be solicited by competitive procedures. Coordinators shall document the contract file with recommendations made and actions taken.

(b) Participating in goal-setting procedures and planning activities and establishing aggressive SDB, WOB, and SDVOSB goals based on the annual review of advance acquisition plans.

(c) Participating in the review of those contracts which require the successful offeror to submit written plans for the utilization of small businesses as subcontractors to include all preference program areas in 419.201.

(d) Ensuring that purchases exceeding $2,500 and not exceeding the simplified acquisition threshold are reserved exclusively for small businesses, including all preference program areas named in 419.201. This policy shall be implemented unless the Contracting Officer is unable to obtain offers from two or more small business concerns that are competitive with market prices and in terms of quality and delivery of the goods or services being purchased.

(e) Maintaining comprehensive source listings of small businesses.

(f) Upon written request, providing small businesses (in the preference program areas named in 419.201) the bidders' mailing lists of individuals receiving solicitations which will contain the subcontracting clause entitled "Utilization of Small Business Concerns" (FAR 52.219-8). These lists may be limited to those supplies or services of major interest to the requesting firms.

(g) Developing a program of contacts with local, small (to include all preference program areas named in 419.201) trade, business, and professional associations and organizations and Indian tribal councils to apprise them of USDA's program needs and recurring contract requirements.

(h) Periodically meeting with program managers to discuss requirements of the small business preference program, to explore the feasibility of breaking large complex requirements into smaller lots suitable for participation by small firms, and to encourage program managers to meet with these firms so that their capabilities can be demonstrated.
(i) Establishing internal operating procedures which implement the requirements of the regulations as set forth in this Part 419.
(j) Compiling data and preparing all reports pertaining to the small business program activities, and ensuring that these reports are accurate, complete and up-to-date.
(k) Assisting and counseling small business firms.
(l) Reviewing proposed large contract requirements that may be bundled to determine the potential for breaking out components suitable for purchase from small business firms.
(m) Ensuring that the SBA Resident Procurement Center Representative (PCR) is provided an opportunity and reasonable time to review any solicitation that meets the dollar threshold for small business (including all preference program areas named in 419.201) subcontracting plans.

SUBPART 419.4—COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION

419.401 General.

USDA's Office of Small and Disadvantaged Business Utilization manages on ongoing Partnership Agreement with The US Small Business Administration.

The Agreement delegates SBA's 8(a) Business Development contract execution authority to the USDA (including all warranted USDA Contracting Officers) and establishes the basic procedures to expedite award of contracts pursuant to the 8(a) Program. Section 8(a) of the Small Business Act (15 USC 644, as amended) and Title 13 Code of Federal Regulations, Part 124.501.

Specific guidelines and responsibilities are maintained by OSDBU who may be contacted at https://www.dm.usda.gov/smallbus/contacts.htm.

SUBPART 419.6—CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF RESPONSIBILITY

419.602 Procedures.

419.602-1 Referral.

Contracting Officers shall refer determinations of non-responsibility regarding small businesses directly to the SBA Regional Office servicing the location where the contractor's office (home) is located.

PART 422--APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

SUBPART 422.1--BASIC LABOR POLICIES

422.103 Overtime.

422.103-4 Approvals.

Requests for the use of overtime shall be approved by an acquisition official at a level above the Contracting Officer in accordance with the procedures in FAR 22.103-4(a) and (b).

SUBPART 422.8--EQUAL EMPLOYMENT OPPORTUNITY

422.803 Responsibilities.

The contracting office shall submit questions involving the applicability of Executive Order 11246 and FAR subpart 22.8 through the HCA to the SPE for resolution.

422.807 Exemptions.

The Contracting Officer shall submit requests for exemptions under FAR 22.807(a)(1), (a)(2), and (b)(5) through the HCA to the SPE for determination by the Assistant Secretary for Administration or referral to the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor, as appropriate.

SUBPART 422.10—SERVICE CONTRACT LABOR STANDARDS

422.1003 Applicability.

When purchasing services that are exempt from Service Contract Labor Standards, micro-purchase procedures are authorized up to the threshold in FAR 2.101 as authorized by the MASCO.

In accordance with FAR 22.1003-4(d), the buyer of exempted services must include in the transaction file information in the Service Contract Labor Standards Exemption Documentation template, signed by the vendor certifying exemption conditions are met.

Template for Service Contract Labor Standards Exemption Documentation

SUBPART 422.13—EQUAL OPPORTUNITY FOR VETERANS

422.1305 Waivers.

The Contracting Officer shall submit requests for exemptions under FAR 22.1305(a) and (b) through the HCA to the SPE for determination by the Assistant Secretary for Administration or referral to the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor, as appropriate.

422.1308 Complaint Procedures.

The Contracting Officer shall forward complaints received about the administration of the Vietnam Era Veterans Readjustment Assistance Act directly to the Department of Labor as prescribed in FAR 22.1308.

SUBPART 422.14--EMPLOYMENT OF WORKERS WITH DISABILITIES

422.1403 Waivers.

The Contracting Officer shall submit requests for waivers through the HCA to the SPE for determination by the Assistant Secretary for Administration.

422.1406 Complaint Procedures.

The Contracting Officer shall forward complaints received about the administration of Section 503 of the Rehabilitation Act of 1973, as amended, directly to the OFCCP as prescribed in FAR 22.1406.

PART 423--ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

SUBPART 423.2--ENERGY AND WATER EFFICIENCY AND RENEWABLE ENERGY

423.202 Policy.

Information on Energy Star, energy efficient, water efficient, and low standby products covered by this policy is available via the Internet at https://www.energy.gov/eere/femp/federal-energy-management-program.

SUBPART 423.4--USE OF RECOVERED MATERIALS

423.403 Policy.

It is the policy of USDA to acquire and use Environmental Protection Agency (EPA) designated recycled content products.

423.405 Procedures.

The threshold of purchase for EPA designated items is $10,000 per year at the USDA departmental, not individual agency, level. Therefore, the Affirmative Procurement Program (APP) requirements above, including the 100% purchase requirement, apply at the individual agency and staff office level. Contracting Officers should refer to EPA's list of designated products and products identified as recycled content when purchasing supplies or services. Information on EPA designated products is available at:
https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml.
All agencies and USDA Contracting Officers must take necessary actions to carry out the provisions of the USDA APP policy described in this subpart.

The following provides a list of roles and responsibilities in support of USDA's BioPreferred Program – Designated Biobased Items for Contract Requirements:

a. Program Officials

Responsible for identifying the contract needs of their respective programs and where possible, shall consider including biobased products to replace non-biobased products for a specific contract requirement. When developing the statement of work, performance based work statement, statement of objective, product item descriptions for a contract requirement that contains Biobased products, program personnel should conduct market research to determine availability and cost of the identified biobased products. After the requirements package has been completed, it shall be forwarded to the contracting office serving the program official's organization.

b. Contracting Officials
   i. When Biobased products are included in a requirement, Contracting Officials shall incorporate applicable Biobased requirements in the solicitation/contract. Reference the Biobased (BioPreferred) Quick Reference Guide for Contracting Officers at https://www.dm.usda.gov/procurement/policy/templates.htm.
   ii. Ensure proper codes are selected in the Integrated Acquisition System (IAS) and Federal Procurement Data System-Next Generation (FPDS-NG).
   iii. Ensure contractor complies with Biobased requirements in the System for Award Management (SAM). Reference Federal Acquisition Regulation (FAR) 52.223-2, Affirmative Procurement of BioBased Products under Service and Construction Contracts.

c. MASCO: Champion Biobased and BioPreferred policies and ensure federal and departmental compliance.

SUBPART 423.5--DRUG-FREE WORKPLACE

423.506 Suspension of payments, termination of contract, and debarment and suspension actions.

The Contracting Officer may recommend waiver of the determination to suspend payments, to terminate a contract, or to debar or to suspend a contractor. The recommendation shall be submitted through the HCA to the SPE and shall include a full description of the disruption of USDA operations should the determination not be waived.

SUBPART 423.7--CONTRACTING FOR ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES

423.703 Policy.

USDA's Affirmative Procurement Program promotes energy-efficiency, water conservation, and the acquisition of environmentally preferable products and services. In its acquisitions, USDA will support federal "green purchasing" principles in the acquisition of products and services that are environmentally preferable or that are biobased content products and services. USDA agencies will actively promote this preference for environmentally preferable products and biobased products in contacts with vendors, in written materials, and other appropriate opportunities.

PART 424--PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 424.1--PROTECTION OF INDIVIDUAL PRIVACY

424.103 Procedures.

USDA regulations implementing the Privacy Act are found in 7 CFR, Subtitle A, Part 1, Subpart G. Contracting Officers shall follow these regulations when responding to requests for information or awarding contracts that will involve the design, development, or operation of a system of records on individuals to accomplish agency functions.

SUBPART 424.2--FREEDOM OF INFORMATION ACT

424.203 Policy.

USDA regulations implementing the Freedom of Information Act are found in 7 CFR, Subtitle A, Part 1, Subpart A. Contracting Officers shall follow these regulations when responding to requests for information.

PART 425--FOREIGN ACQUISITION

SUBPART 425.1--BUY AMERICAN--SUPPLIES

425.103 Exceptions.

Copies of determinations of non-availability in accordance with FAR 25.103(b)(2) or 25.202(a)(2), for articles, material or supplies not listed in FAR 25.104, may be submitted to the SPE for submission to the Civilian Agency Acquisition Council (CAAC).

425.104 Nonavailable Articles.

Information required by FAR 25.104(b) shall be submitted to the SPE for submission to the CAAC.

425.105 Determining Reasonableness of Cost.

Requests for determination by the SPE shall be submitted by the HCA, in writing, and shall provide a detailed justification supporting why evaluation factors higher than those listed in FAR 25.102(b)(1) and (2) should be applied to determine whether the offered price of a domestic end product is unreasonable.

SUBPART 425.2--BUY AMERICAN--CONSTRUCTION MATERIALS

425.202 Exceptions.

If a Contracting Officer proposes that the use of a particular domestic construction material should be waived for a contract on the grounds that its use would be impracticable, the Contracting Officer shall submit a proposed determination with supporting information through the HCA to the SPE for approval or disapproval.

PART 427--PATENTS, DATA AND COPYRIGHTS

RESERVED

PART 428--BONDS AND INSURANCE

SUBPART 428.2--SURETIES AND OTHER SECURITY FOR BONDS

428.202 Acceptability of Corporate Sureties.

The Department of the Treasury listing of approved sureties is available at:

https://www.fiscal.treasury.gov/surety-bonds/list-certified-companies.html

428.203 Acceptability of Individual Sureties.

Evidence of possible criminal or fraudulent activities by an individual surety shall be reported to the Office of Inspector General in accordance with Departmental Regulations (1700 series).

SUBPART 428.3—INSURANCE

428.307 Insurance Under Cost-Reimbursement Contracts.

Under cost-reimbursement contracts, before buying insurance under a group insurance plan, the contractor shall submit the plan to the Contracting Officer for review. During review, the Contracting Officer shall use all sources of information available, such as audits, industry practice, or other sources of information, to determine whether acceptance of the plan submitted would be in the Government's best interest.

428.370 Government-Owned Vehicles Operated In Foreign Countries.

USDA is authorized to obtain insurance to cover liability incurred by any of its employees while acting within the scope of their employment and operating a Government-owned vehicle in a foreign country. (7 U.S.C. 2262).

PART 429--TAXES

RESERVED

PART 430---COST ACCOUNTING STANDARDS ADMINISTRATION

SUBPART 430.2--CAS PROGRAM REQUIREMENTS

430.201 Contract Requirements.

430.201-5 Waivers.

Contracting Officers shall prepare waiver requests in accordance with 48 CFR Chapter 99 (Appendix B, FAR loose-leaf edition), Subsection 9903.201-5, and submit them to the SPE through the Head of the Contracting Activity (HCA).

430.202 Disclosure Requirements.

430.202-2 Impracticality of Submission.

The request for this determination is to be prepared in accordance with FAR Part 99 (Appendix B), Subsection 9903.202-2 and is to contain the proposed report to the CASB. The request shall be prepared by the Contracting Officer and submitted through the HCA to the SPE for concurrence and submittal to the Secretary.

430.202-8 Subcontractor Disclosure Statements.

Requests for this determination are to be prepared and forwarded as described in 430.202-2.

PART 431--CONTRACT COST PRINCIPLES AND PROCEDURES

SUBPART 431.1--APPLICABILITY

431.101 Objectives.

Requests for advance approval of class deviations concerning cost principles must be submitted to the SPE through the HCA.

PART 432--CONTRACT FINANCING

432.003 Simplified acquisition procedures financing.

The chief of the contracting office may approve contract financing on a contract to be entered under the simplified acquisition procedures. Class approvals may not be made. The signed approval must contain the supporting rationale for the action and an estimate of the cost and/or risk to the government.

432.006 Reduction or suspension of contract payments upon finding of fraud.

432.006-3 Responsibilities.

When a Contracting Officer suspects that a request for advance, partial, or progress payment is based on fraud, the request shall be referred directly to the Office of Inspector General (OIG) in accordance with their instructions. A copy of the referral shall be submitted through the Head of the Contracting Activity (HCA) to the Senior Procurement Executive (SPE).

432.006-4 Procedures.

(a) Immediately upon submittal of the referral described in 432.006-3, the HCA and the Contracting Officer shall confer with the SPE and representatives of the OIG to discuss the potential for reduction or suspension of further payments based on the considerations listed in FAR 32.006-4(d)(1) through (5).
(b) The SPE will determine whether the contractor has contracts with other Departments or contracting activities and will involve them, as necessary, in the decision making process.
(c) The OIG will determine the need for and the extent of an investigation.
(d) Immediately upon completion of the OIG investigation (or, if deemed necessary by the OIG and the SPE, before completion of the investigation) the SPE, in coordination with the HCA, the Contracting Officer, and the OIG, shall make a report on the action to the Agency's Remedy Coordination Official (RCO).
(e) Upon receipt of the report, the RCO will submit a recommendation to the Secretary.
(f) Upon receipt of the RCO's report the Secretary will:
(1) Notify the contractor in writing, allowing 30 calendar days after receipt of the notice, that the contractor may submit in writing information and arguments in opposition to the recommendation; and
(2) Consider the RCO's recommendation, the SPE's report, the response of the contractor, and any other relevant information in order to make an appropriate final determination.
(g) This determination will be provided to the contractor and to the SPE for distribution to the agencies involved and for appropriate action under the determination.
(h) The determination and the supporting documentation will be placed in the contract file(s) and a copy will be maintained by the SPE.
(i) The Contracting Officer will advise the SPE of the actual date of the reduction or suspension action.
(j) Not later than 150 calendar days after the actual date of the reduction or suspension action, the SPE will prepare for the RCO a review of the agency head's determination and will propose a recommendation from the RCO to the agency head as to whether the reduction or suspension action should continue.

The RCO will submit the recommendation (including a recommendation for the time period of a follow up review) to the agency head. This recommendation will be considered by the Secretary and handled as a final action described in paragraph (f) of this section.
(k) The contract may not be closed nor final payment made prior to a final determination by the Secretary.

SUBPART 432.1--NON-COMMERCIAL ITEM PURCHASE FINANCING

432.102 Description of contract financing methods.

Progress payments based on a percentage or stage of completion are authorized for use as a payment method under USDA contracts or subcontracts for construction, alteration or repair, and shipbuilding and conversion. Such payments also are authorized for service contracts, if the Contracting Officer determines that progress payments based on costs are not practicable and adequate safeguards are provided to administer progress payments based on a percentage or stage of completion. For all other contracts, progress payment provisions shall be based on costs except that the HCA may authorize progress payments based on a percentage or stage of completion on a case-by-case basis. Each authorization by the HCA shall include a determination and finding that progress payments based on costs cannot be employed practically and that there are adequate safeguards provided for the administration of progress payments based on a percentage or stage of completion.

432.103 Progress payments under construction contracts.

(a) When approving a progress payment under a construction contract, the Contracting Officer shall indicate the amount to be paid by the payment office and include in the contract file the rationale in support of the payment.
(b) When a retainage is made on a progress payment under a construction contract, the Contracting Officer shall place in the contract file a written determination stating the reason(s) for the retainage.
(c) When a progress payment under a construction contract has been approved, the amount to be paid, the amount of any retainage withheld, and the reason(s) for the retainage shall be provided to the contractor by the Contracting Officer in writing before the payment due date.
(d) When the contractor, under a fixed-price construction contract, furnishes evidence to the Contracting Officer that the surety has been paid in full for bond premiums and requests reimbursement, the first subsequent progress payment shall include the total amount attributable to such bond premiums and the Government shall pay that amount in full. This amount paid for the bond premiums is not an amount in addition to the stated contract price.

432.113 Customary contract financing.

The Contracting Officer may determine the necessity for customary contract financing. The determination and finding that customary contract financing is needed shall be placed in the contract file.

432.114 Unusual contract financing.

The signed determination and finding supporting this approval shall be included in the contract file.

SUBPART 432.2--COMMERCIAL ITEM PURCHASE FINANCING

432.202 General.

432.202-1 Policy.
In the case of unusual contract financing, the approval by the HCA shall be recorded in a determination and finding and maintained in the contract file.

432.202-4 Security for Government financing.
Prior to determining that an offeror's financial condition is adequate security, the Contracting Officer must obtain the concurrence of the funding activity in the proposed determination.

432.207 Administration and payment of commercial financing payments.
The responsibility for receiving, reviewing, and approval of contract financing requests may not be transferred from the Contracting Officer.

SUBPART 432.4--ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

432.407 Interest.
The signed determination and findings supporting these authorizations shall be included in the contract files.

SUBPART 432.6—CONTRACT DEBTS

432.601 Definition.
"Responsible official" means the Contracting Officer.

432.616 Compromise actions.
Compromise of a debt within the proceedings under appeal to the Board of Contract Appeals is the responsibility of the Contracting Officer.

SUBPART 432.7—CONTRACT FUNDING

432.703 Contract funding requirements.
Incrementally Funded Fixed-Price Contracts:

“Severable services" means services that are continuing and ongoing in nature—such as help-desk support, maintenance, or janitorial services—for which benefit is received each time the service is rendered.
"Non-severable services" means work that results in a final product or end-item and for which benefit is received only when the entire project is complete, such as systems design, building conversion, or environmental study.

Fixed-price contracts shall be fully funded except as permitted below:
(1) A fixed-price contract may be incrementally funded only if the contract (excluding any options) or any exercised option:
a. Is for severable services;

b. Does not exceed one year in length; and
c. Is incrementally funded using funds available (unexpired) as of the date the funds are obligated; or
(2) The contract uses funds available from multiple (two or more) fiscal years and Congress has otherwise authorized incremental funding.
An incrementally funded fixed-price contract shall be fully funded as soon as funds are available.

Use the clause, PGI 452.232-71 LIMITATION OF GOVERNMENT'S OBLIGATION (SEPT 2018), in solicitations and resultant incrementally funded fixed-price contracts. The Contracting Officer may revise the contractor's notification period, in paragraph (c) of the clause, from "ninety" to "thirty" or "sixty" days, as appropriate.

Upon receipt of the contractor's notice under paragraph (c) of the clause "Limitation of Government's Obligation", the Contracting Officer shall promptly provide written notice to the contractor that the Government is—
(1) Allotting additional funds for continued performance and increasing the Government's limitation of obligation in a specified amount;
(2) Terminating the contract; or
(3) Considering whether to allot additional funds; and
a. The contractor is entitled by the contract terms to stop work when the Government's limitation of obligation is reached; and
b. Any costs expended beyond the Government's limitation of obligation are at the contractor's risk.
(4) Upon learning that the contract will receive no further funds, the Contracting Officer shall promptly give the contractor written notice of the Government's decision and terminate for the convenience of the Government. The Contracting Officer shall ensure that, in accordance with paragraph (b) of the clause "Limitation of Government's Obligation", sufficient funds are allotted to the contract to cover the total amount payable to the contractor in the event of termination for the convenience of the Government.

SUBPART 432.8--ASSIGNMENT OF CLAIMS

432.805 Procedure.

The information described in FAR 32.805 shall be filed with the Contracting Officer.

SUBPART 432.10---PERFORMANCE-BASED PAYMENTS

432.1007 Administration and payment of performance-based payments.

The responsibility for receiving, reviewing, and approval of performance-based payment requests may not be transferred from the Contracting Officer.

SUBPART 432.11---ELECTRONIC FUNDS TRANSFER

432.1108 Payment by Governmentwide Commercial Purchase Card.

Agencies and cardholders must comply with the DATA Act when using the purchase card as a method of payment. The USDA CFO has directed agencies to comply with the procedures outlined in "Completing DATA Act Award ID on FMMI Direct-Entry Obligations and Expenditures" https://www.nfc.usda.gov/FSS/Publications/FMS/Bulletins/ocfo-docs/ocfo17-02.pdf to meet the Act requirements. Purchase card payments are considered direct entry obligations since they are not obligated via IAS. Until an automated process is implemented, purchase cardholders must report the Procurement Instrument Identifier (PIID) for all payments made with the purchase card that exceed the micro-purchase threshold. Reporting will occur by populating the PIID's into the transaction spreadsheet distributed by the USDA Chief Financial Officer's Transparency & Accountability Reporting Division.

Convenience Checks and Treasury Checks

Mission Areas and cardholders may not use convenience checks for purchases or payments unless an applicable Treasury check waiver is obtained and the Mission Areas determines that there is no other way, under the circumstances of the required transaction, to accomplish the transaction.

Treasury check waivers can be obtained for the following:

31 CFR Part 208.3 Payment by Electronic Funds Transfer (EFT). Sets the requirement that all federal agencies payments are to be made by Electronic Funds Transfer

31 CFR Part 208.4 Waivers. Defines waivers to 31 CFR Part 208.3 These waivers are very narrowly defined and most payments do not qualify for a waiver.

Please see the reference above for the full text of the waivers.

Waiver Number	Usage
1	For benefits payments to an individual and does not apply to convenience checks
2	For foreign infrastructure issues and does not apply to convenience checks
3	For a presidentially declared disaster area and does not apply without the declaration
4	For military operation or war, normally does not apply to convenience checks
5	For national security issues, normally does not apply to convenience checks
6	For a one-time payment to a vendor (a second payment by check is not authorized)

7	For unusual, unforeseen, nonrecurring circumstances ***and*** compelling urgency ***and*** serious injury to the government ***or*** sole source vendor ***and*** serious injury to the government

Full requirements and definition can be found at:
http://www.gpo.gov/fdsys/pkg/CFR-2011-title31-vol2/pdf/CFR-2011-title31-vol2-sec208-4.pdf

The Treasury waiver authority does **NOT** authorize the use of convenience checks for the following:

- Payments when the vendor accepts the VISA Purchase Card for the supplies/services being acquired;
- Contract payments;
- Purchases above the micro-purchase limit as defined in the Federal Acquisition Regulations 2.1;
- Indemnity payments;
- Imprest fund replenishment;
- Vehicle maintenance and repairs;
- Utility payments;
- Telecommunications services, supplies, or equipment in excess of $10;
- Official Travel; and,
- Local travel (except when reimbursement cannot be made through travel systems, time and attendance systems, or FMMI).

Reminder Regarding the Use of Purchase Cards to Acquire Personal Property Costing $5,000 or More and Mission Areas-Determined Sensitive Property

USDA procurement personnel are reminded to ensure that appropriate information is entered into the Electronic Access System (EAS) (i.e., the correct accounting code(s) and Budget Object Classification Code (BOC). The BOC is the identifier that triggers the personal property purchase to be fed over to the Corporate Property Automated Information System-Personal Property (CPAIS-PP) for the Mission Areas to establish property records in CPAIS-PP. Some Mission Areas prohibit the use of the purchase card to acquire accountable property. Consult your Mission Areas regulations or your Agency Property Management Officer (APMO) for further information. Sensitive property, as defined by your Mission Areas, similarly needs to be addressed.

In order to improve accountability and tracking of assets, as well as support the accuracy of USDA financial statements, procurement personnel are reminded that accurate and timely information regarding the purchase of accountable property with the purchase card needs to be entered into EAS.

Procurement personnel are to ensure that the appropriate BOC is entered into EAS when reconciling a transaction involving the acquisition of accountable property. A BOC Quick Guide for accountable property is available from the USDA Office of the Chief Financial Officer's web site at:
https://nfc.usda.gov/FSS/Publications/FMS/BOC_Personal_Property_Quick_Guide.pdf.

BOCs are normally determined by the cost of each item, not the total amount of an order, unless your budget personnel establish a different criteria for the purchase. Procurement personnel shall also provide any additional purchase information, beyond what is contained in EAS, as needed by property management

personnel, to ensure accurate data entry of accountable property into CPAIS-PP. Accountable personal property is defined in the Agriculture Property Management Regulations, Subchapter N, Section 110-50.001-1 as: "all capital leases (this would exclude operating leases for personal property) and all owned personal property having an acquisition cost of $5,000 or more, and any item valued at less than $5,000, but determined by an Agency Property Management Officer (APMO) to be sensitive."

Real property is defined in the Agriculture Property Management Regulations, Subchapter N, Section 110-50.001-16 as: "any interest of the United States Government in land, buildings, or structures, including any permanently attached fixtures, appurtenances, and improvements of any kind located thereon. Under no circumstances is real property to be acquired using the purchase card."

Failure to comply with these requirements may result in revocation of purchase card and convenience check privileges, and other administrative actions, as appropriate.

PART 433--PROTESTS, DISPUTES AND APPEALS

SUBPART 433.1--PROTESTS

433.102 General.

433.103 Protests to the agency.

When a protest is received, the adjudicating official shall take prompt action towards resolution and notify the protester in writing of the action taken. The written final decision shall include a paragraph substantially as follows:

This decision shall be final and conclusive unless a further written notice of protest is filed with the Government Accountability Office in accordance with4 CFR Part 21. Neither the filing of a protest with USDA nor the filing of a protest with the Government Accountability Office affects your right to file an action in a district court of the United States or the United States Court of Federal Claims.

When a protest is received and there is a request for an independent review, then the HCA will conduct such review. Requests for independent review shall be made in writing to procurement.policy@usda.gov. The responsible MASCO shall provide all necessary documentation to the HCA for review and determination immediately. Independent reviews are available as an appeal of a Contracting Officer decision on a protest. If the HCA had previous personal involvement in the procurement requiring independent review, the SPE or the CAO shall conduct the independent review.

If the Mission Area in receipt of a protest determines it is in the best interest of the government to make award, then the MASCO must first provide a written Justification and Determination in accordance with the FAR Subpart 33.103 to the HCA for approval.

If in receipt of a protest within 10 days after contract award or within 5 days after debriefing date offered to the protest, any resolution must be justified in writing and provided to the HCA for determination and/or approval.

SUBPART 433.2--DISPUTES AND APPEALS

433.209 Suspected fraudulent claims.

The Contracting Officer shall refer all matters related to suspected fraudulent claims by a contractor under the conditions in FAR 33.209 to the Office of Inspector General for additional action or investigation.

PART 434--MAJOR SYSTEM ACQUISITION

SUBPART 434.0--GENERAL

434.004 Acquisition Strategy.

(a) The program manager will develop, in coordination with the Acquisition Executive or Major Information Technology Systems Executive, a written charter outlining the authority, responsibility, accountability, and budget for accomplishing the proposed objective.

(b) The program manager will develop, subject to the approval of the Acquisition Executive or Major Information Technology Systems Executive, a project control system to schedule, monitor, and regularly report on all aspects of the project. The control system shall establish reporting periods and milestones consistent with the key decisions listed in paragraph 9 of A-109.

(c) Upon initiation of the project, the program manager will report regularly to the Acquisition Executive or Major Information Technology Systems Executive.

(d) Specific procedures and requirements for information technology systems are included in the USDA Information Technology Capital Planning and Investment Control Guide which can be accessed on the USDA OCIO Website at http://www.ocio.usda.gov.

SUBPART 434.2—EARNED VALUE MANAGEMENT SYSTEM

Requirement for User of an Earned Value Management System (EVMS)

Required use of an Earned Value Management System (EVMS) for USDA IT investments enables investment/program managers and senior management to better track the progress of IT investments and enhances USDA's ability to make informed decisions concerning these investments. Earned Value Management (EVM) is a project management technique for measuring project performance and progress in an objective manner. The USDA OCIO has set forth policy, budget justification, and reporting requirements in DR 3130-006, *Information Technology Earned Value Management*, that apply to all USDA acquisitions that are subject to the use of EVM for major IT capital investments.

434.201 Policy.

Current and relevant Federal policy for the required use of EVM is available in the FAR, Subpart - 34.2, *Earned Value Management System* and the OMB Circular A-11, Part 7 and the supplement to Part 7, Capital Programming Guide, v3.0, Supplement to Circular A-11, *Planning, Budgeting, and Acquisition of Capital Assets*, July 2013. The USDA CIO oversees the agency's IT investments and determines which projects are deemed "major acquisitions" for IT development consistent with FAR Subpart 34.2, Earned Value Management System

and OMB-Circular A-11. The Agency MASPM will assist project managers, Contracting Officers, and Contracting Officer representatives with Earned Value Management questions, including whether an EVMS is required for a particular acquisition.

434.203 Solicitation provisions and contract clause.

The determination of whether a solicitation/contract should include a requirement for a contractor to have an EVMS must be coordinated between the IT investment/program manager and the Contracting Officer. Whenever an acquisition includes an EVMS requirement, the acquisition plan must be documented accordingly. For an acquisition that includes a requirement for EVM, the Contracting Officer shall use FAR clauses prescribed in FAR 34.203, Solicitation provisions and contract clause, to place the EVM requirement in solicitations and contracts.

PART 436--CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBPART 436.2—SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

436.201 Evaluation of contractor performance.

Preparation of performance evaluation reports. In addition to the requirements of FAR 36.201, performance evaluation reports shall be prepared for indefinite-delivery type contracts when either the contract maximum or the contracting activity's reasonable estimate of services to be ordered exceeds $500,000.00. For these contracts, performance evaluation reports shall be prepared for each order at the time of final acceptance of the work under the order.

436.203 Government estimate of construction costs.

For acquisitions using sealed bid procedures, the Contracting Officer may disclose the overall amount of the Government's estimate of construction costs following identification of the responsive bid most advantageous to the Government; verification of that bid's price reasonableness; and verification of the bidder's responsibility. For acquisitions using other than sealed bid procedures (e.g., negotiation), the Contracting Officer may disclose the overall amount of the estimate after contract award.

436.204 Disclosure of the magnitude of construction projects.

In the case of indefinite-delivery type contracts, the reasonable estimate of work to be done or the maximum in the solicitation, both including all options, is to be used to select the price range. Contracting Officers may elect to use both a price range for the base period of services and the total, inclusive of options, to best describe the magnitude of the solicitation.

SUBPART 436.5--CONTRACT CLAUSES

436.575 Maximum workweek-construction schedule.

Contracting Officers shall immediately discontinue use of the following AGAR clause in all contracts:
(1) The clause at AGAR 452.236-75, *Maximum Workweek – Construction Schedule,* and its prescription at AGAR 436.575.

(2) Contracting Officers shall continue to use, as appropriate, the FAR clause at 52.236-15, *Schedules for Construction Contracts*, as prescribed in FAR 36.515.

SUBPART 436.6--ARCHITECT- ENGINEER SERVICES

436.601 Policy.

436.601-3 Applicable contracting procedures.

The technical official's listing of areas where recovered materials cannot be used shall be referred to the contracting activity's official designated in accordance with FAR 23.404. A copy of the listing and of any approval or disapproval by that official is to be retained in the solicitation file.

436.602 Selection of firms for architect-engineer contracts.

436.602-2 Evaluation boards.

The procedures may provide for the appointment of private practitioners of architecture, engineering, or related professions when such action is determined by the HCA to be essential to meet the Government's minimum needs.

436.602-3 Evaluation board functions.

The selection report required in FAR 36.602-3(d) shall be prepared for the approval of the HCA. The HCA may authorize an acquisition official above the level of the Contracting Officer to execute the required approval.

436.602-4 Selection authority.

A copy of the final selection, inclusive of the supporting documents, shall be provided to the Contracting Officer and maintained in the solicitation file.

436.603 Collecting data on and appraising firms' qualifications.

The procedures shall include a list of names, addresses, and phone numbers of offices or boards assigned to maintain architect-engineer qualification data files. The list shall be updated annually.

436.604 Performance evaluation.

Preparation of performance evaluation reports. (a) In addition to the requirements of FAR 36.604, performance evaluation reports shall be prepared for indefinite-delivery type contracts when either the contract maximum or the contracting activities reasonable estimate of services to be ordered exceeds $25,000.00. For these contracts, performance evaluation reports shall be prepared for each order at the time of final acceptance of the work under the order. (b) The Contracting Officer may require a performance evaluation report on the work done by the architect-engineer after the completion of or during the construction of the designed project.

436.605 Government cost estimate for architect-engineer work.

The Contracting Officer may release the Government's total cost estimate in accordance with FAR 36.605(b).

436.609 Contract clauses.

436.609-1 Design within funding limitations.

A copy of the determinations described in paragraphs (a) and (b) of this section of the AGAR shall be maintained in the contract file.

PART 437--SERVICE CONTRACTING

SUBPART 437.2--ADVISORY AND ASSISTANCE SERVICES

437.204 Guidelines for determining availability of personnel.

Each such decision shall be supported by a written determination in accordance with FAR 37.204.

PART 438—FEDERAL SUPPLY SCHEDULE CONTRACTING

RESERVED

PART 439—ACQUISITION OF INFORMATION TECHNOLOGY

SUBPART 439.1--GENERAL

439.101 Policy.

(a) In addition to policy and regulatory guidance contained in the FAR and AGAR:

(1) The USDA Information Technology Capital Planning and Investment Control Guide (CPIC) establishes requirements for the acquisition of information technology.

(2) Specific thresholds at which USDA Office of the Chief Information Officer Information Technology Acquisition Approval is required have been established.

(3) The procurement authority delegated to USDA Agencies is established in Departmental Regulations 5000 series.

(4) The CPIC Guide and USDA CIO policy and procedural guidance are available on the USDA OCIO Website at http://www.ocio.usda.gov.

(b) Acquisition of on-line courseware libraries and learning management system services requires specific approval of the ASA and CIO.

(c) The Prohibition on Use of the Purchase Card To Acquire Telecommunications is partially removed. USDA purchase cardholders and warranted Contracting Officers up to the lesser of their single purchase limit, or the Acquisition Approval Request (AAR) limit, for IT and telecommunications may acquire or pay for telecommunications services, supplies, or equipment. The purchase card should be used in accordance with all USDA departmental regulations and other Federal regulations regarding the acquisition of telecommunications consistent with the AAR limit for agency/staff offices. Please refer to the following link for more information

pertaining to USDA Telecommunications Management Policy: http://www.ocio.usda.gov/policy-directives-records-forms/directives-categories#3000.
Any purchase of telecommunications must be properly documented according to the USDA budget object classification code (BOCC) to ensure proper property, inventory, and financial tracking of purchased items. The BOCC Guide may be referenced from the USDA National Finance Center Website: https://cod.nfc.usda.gov/Documents/docs/boc.pdf.

"**Telecommunications,**" includes the transmission, emission, or reception of signals, writing, images, sounds, or intelligence of any nature, by wire, cable, satellite, fiber optics, laser, radio, or any other electronic, electric, electromagnetic, or acoustically coupled means. The term includes the telecommunications facilities and equipment necessary to provide telecommunications services. Telecommunications is a component of the Information Resource Management (IRM) delivery system.

"**Telecommunication services**" includes any access services which provide, for a recurring fee, electronic connectivity to the public switched network and those support services which provide for the acquisition, operation, and management of attached systems. Access services include voice and data communications, video-conferencing, cellular and paging services, and those services necessary for efficient operation and management of a telecommunications system. Agency private networks which use or aggregate access to a publicly switched network are likewise included.

USDA Mission Areas may use the purchase card to acquire or to pay for telecommunications services, supplies, or equipment. **Except for these prohibitions:**

The purchase card **MAY NOT** be used for the purchase of telecommunications when the following conditions exist:

a. All directly billed and recurring telecommunication services obligated and committed through a USDA network and/or feeder system designed to manage and track telecommunication expenditures. Examples of these systems include, but are not limited to MetTel, IPAC (Networx or General Services Administration), Treasury Offset Program (TOPS), etc. The government purchase card, however, may be used as the payment tool when appropriate de-obligation of funds commitment has been recorded.
b. Purchase of telecommunications supplies or services above the single purchase limit or above the warrant level of the purchase cardholder.
c. Purchase of telecommunications supplies or services above the AAR limit (currently $25,000) without the approval of the Office of the Chief Information Officer.

d) USDA Standard Data Visualization Tool – Tableau guidance
The attached memo establishes Tableau as the USDA standard data visualization tool and provides the rationale. It also designates mission area and office dashboard champions as the primary point of contact for reviewing preliminary business cases justifying the use of alternate data visualization tools. Subsequent approvals by the mission area Assistant CIO and USDA OCIO are also required.

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SUBPART 439.2--ELECTRONIC AND INFORMATION TECHNOLOGY

439.201 Scope of subpart.

The FAR provides the regulatory instructions necessary to implement Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 (d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220, August 7, 1998) in solicitations, contracts, and the supporting acquisition files. The FAR focuses attention on the necessity of trained requirements personnel to prepare statements of work that express the procurement requirement including the need for 508 compliant Electronic and Information Technology (EIT). The requirements personnel are responsible for the market research during which the agency determines both whether commercial EIT will be available in time to meet our need and whether providing conforming EIT would be an undue burden. The market survey results are conveyed within the statement of work.

439.203 Applicability.

The Departmental Section 508 Program Office is the authority on the implementation of Section 508 and ensures systematic accountability for the accomplishment of the Section 508 requirements within USDA. USDA employees are required to review DR 4030-001 "Section 508 Program" and the associated Section 508 Reference Manual available at https://www.ocio.usda.gov/policy-directives-records-forms/section-508.
To provide consistent guidance for USDA employees, working tools to be provided to the requirements officials are accessible at https://www.dm.usda.gov/procurement/policy/templates.htm. The working tools are not considered codified materials. These are guidance documents designed to ease the management of EIT acquisitions.

Acquiring Information Technology - Recommended Language to Comply with Internet Protocol version 6 (IPv6)

In 2009, the FAR was updated with Subpart 11.002(g) found at https://www.acquisition.gov/far/html/Subpart%2011_1.html, which states that 'unless the agency Chief Information Officer waives the requirement, when acquiring information technology using Internet Protocol [IP], the requirements documents must include reference to the appropriate technical capabilities defined in the USGv6 Profile (NIST Special Publication 500-267, available at http://www.nist.gov/itl/antd/upload/usgv6-v1.pdf)'. Department policy is also aligned with the Office of Management and Budget (OMB) memoranda Transition Planning for Internet Protocol Version 6 published August 2, 2005 found at https://georgewbush-whitehouse.archives.gov/omb/memoranda/fy2005/m05-22.pdf, and Transition to IPv6 published September 28, 2010, found at https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/egov_docs/transition-to-ipv6.pdf, detailing the Federal government's commitment to operational use IPv6.

USDA is reaffirming alignment and commitment to policies set forth by OMB and supported by the USDA Chief Information Officer (CIO), and is providing recommended compliance language to the requirements office to assist the CIO in meeting this requirement. Therefore, it is recommended that the requirements office insert the following compliance language, or its equivalent, tailored appropriately, in the requirements documents (Statements of Work/Performance Work Statements) for all new information technology acquisitions that use IP technology unless the CIO waives the requirement. Any exceptions must be approved by the CIO in writing in advance of the acquisition and accompany the requirements documents. The requirements office must ensure

that the compliance language below is incorporated in the requirements documents for all new IT acquisitions using IP technology to be IPv6 compliant.

Compliance with Internet Protocol version 6 (IPv6) in Acquiring Information Technology

(a) Any system, hardware, software, firmware or networked component (voice, video or data) developed, procured or acquired in support or performance of this contract shall be capable of transmitting, receiving, processing, forwarding and storing digital information across system boundaries utilizing system packets that are formatted in accordance with commercial standards of Internet Protocol (IP) version 6 (IPv6) as set forth in the USGv6 Profile (NIST Special Publication 500-267) and corresponding declarations of conformance defined in the USGv6 Test Program. In addition, this system shall maintain interoperability with IPv4 systems and provide at least the same level of performance and reliability capabilities of IPv4 products:
(b)Specifically, any new IP product or system developed, acquired, or produced must:
(1) Interoperate with both IPv6 and IPv4 systems and products, and
(2) Have available contractor/vendor IPv6 technical support for development and implementation and fielded product management.
(c) As IPv6 evolves, the Contractor commits to upgrading or providing an appropriate migration path for each item developed, delivered or utilized at no additional cost to the Government.
(d) The Contractor shall provide technical support for both IPv4 and IPv6.
(e) Any system or software must be able to operate on networks supporting IPv4, IPv6 or one that supports both.
(f) Any product whose non-compliance is discovered and made known to the Contractor within one year after acceptance shall be upgraded, modified or replaced to bring it into compliance at no additional cost to the Government.

The USDA's Cloud Broker Office (CBO) has developed a centralized portal environment that guides Agencies through the process of establishing and consuming approved and authorized USDA Cloud Solutions. This portal can be found at https://cloud.ocio.usda.gov/.

PART 441--ACQUISITION OF UTILITY SERVICES

RESERVED

PART 442--CONTRACT ADMINISTRATION AND AUDIT SERVICES

SUBPART 442.1--INTERAGENCY CONTRACT ADMINISTRATION AND AUDIT SERVICES

442.102 Procedures.

The Office of Inspector General (OIG), Audit Division, has established a cross-servicing arrangement with the Defense Contract Audit Agency (DCAA) to provide contract audit services required by the FAR. All contract audit services required by Contracting Officers, except those which can be accomplished in-house, shall be coordinated through the cognizant OIG Regional Inspector General--Auditing (RIG-A). Cognizance is determined on the basis of the contractor's location. There is no charge for DCAA audit services coordinated through OIG.

In order to ensure compliance with this requirement and to evaluate the results of audits, Contracting Officers shall forward to the RIG-A copies of all price negotiation memoranda prepared for contracts and contract modifications in excess of $500,000.

SUBPART 442.7—INDIRECT COST RATES

442.708 Quick-Closeout Procedure.

Refer to the Contract Closeout template located at
https://www.dm.usda.gov/procurement/policy/templates.htm

SUBPART 442.15--CONTRACTOR PERFORMANCE INFORMATION

442.1502 Policy.

Use of CPARS as the Government wide evaluation reporting tool for all past performance reporting is required in accordance with FAR Subpart 42.15 and is mandatory for USDA.

The Office of Federal Procurement Policy (OFPP) issued a memorandum, titled *Improving the Use of Contractor Performance Information,* dated July 29, 2009, that requires USDA and other agencies to submit their internal procedures for collecting and reporting past performance information. The following procedures shall be used when submitting contractor information into CPARS:
(1) All acquisition personnel shall establish an account in CPARS **within 30 days** following the receipt of a USDA Contracting Officer's Warrant, or following designation as Contracting Officer, or COR.
(2) Individuals shall complete the required CPARS system training as soon as the next existing online class is available after establishing a CPARS account but not later than **60 days** after designation as applicable personnel. See Paragraph 5(f) below for additional information pertaining to required CPARS training.

The following responsibilities shall be managed as follows:
(1) MASCO Responsibilities
The MASCO will designate individual(s) to serve as the CPARS Focal Point (and Alternate Focal Point, if required) for his/her contracting activity. Once individuals receive access into the CPARS, the MASCO will notify the Procurement Policy Division by email at procurement.policy@usda.gov to update the CPARS Focal Point list on the USDA Procurement homepage at:

I. Each MASCO shall ensure his/her contracting personnel complete applicable training within required timelines.
II. MASCOs may issue additional internal agency procedure on CPARS guidance to program officials and acquisition workforce members as long as it does not conflict with department or federal CPARS policy guidance.

(2) CPARS Agency Contracting Activity Focal Point Responsibilities
Within the CPARS portal, a Focal Point is responsible for registering Assessing Official and Assessing Official Representative (AOR) users in the system, adding Contract Offices for their organization, registering applicable contract actions and creating Access Matrices for their organization. The following are responsibilities of the Focal Point(s) within CPARS. The Focal Point(s) shall:

I. Request access/register as Focal Point within **30 days** of appointment at the following website: https://www.cpars.gov/userforms.htm.
II. Assign Alternate Activity Focal Point(s) as necessary.
III. Provide system access to Agency users.
IV. Refer issues to the USDA Office of Contracting and Procurement, Procurement Policy Division (PPD) as necessary by emailing procurement.policy@usda.gov .
V. Register applicable contract actions identified by CO's as well as those listed on CPARS Auto Registration Report.
VI. Create/update CPARS Contract Action Access Matrices for each applicable contract action upon receipt of CPARS registration request from the CO.

(3) Assessing Official (AO) responsibilities

The AO, typically the Contracting Officer, is responsible for evaluating contractor performance and for validating the proposed ratings and remarks entered by the AOR, if assigned. Within the CPARS portal, the AO has "signature" authority and is allowed to forward assessments to the Contractor Representative for review and comment. The following are responsibilities of the AO within CPARS. The AO shall:

i. Ensure each applicable contract action is registered **within 30 days** after contract award.
ii. Ensure Contract Access Matrix is created via the Agency Focal Point **within 14 days** after registration of the contract, task order or delivery order in CPARS. Required Matrix information shall include at a minimum:
    a. Contract number;
    b. Contractor Representative(s) name(s), email(s), phone(s);
    c. RO name, email, phone;
    d. AOR (i.e. CS, COR/COTR), if assigned, name(s), email(s), phone(s);
    e. AO (i.e. CO) name, email, phone;
    f. Period of performance; and
    g. Contract action award amount.

NOTE: It is the AO's responsibility to request the Access Matrix be updated by the Agency Focal Point should any contact information (i.e. AO, AOR, RO, and Contract Representative) change during the period of performance.

iii. Ensure meaningful communication and feedback on performance is exchanged between the AO, AOR and Contractor Representative throughout contract performance; obtain documentation for contract file and for use in CPARS evaluations.
iv. Ensure an evaluation is initiated in CPARS within **14 days** of Contract completion (or of annual interim anniversary). If the contract action was properly registered (and an Access Matrix created) upon award, CPARS will automatically notify the AO and AOR via email when an evaluation is due.
v. Submit the evaluation in CPARS to the Contractor's point of contact for review/comment within **30 days** of Contract completion (or annual interim anniversary).
    NOTE: The Contractor shall have 60 days to review and submit comments on any evaluation; however, the evaluation will upload to the Past Performance Information Retrieval System – Report Card (PPIRS-RC) within 14 days following the AO's signature on the initial evaluation.
vi. Elevate the Contractor Representative do no concur response and comments to the Reviewing Official and respond to comments within **30 days** of receipt. Ensure contract file includes documentation of the final rating determination,
vii. Finalize all evaluations in CPARS **not later than 120 days** after Contract completion (or annual interim anniversary) date.

viii. Review Compliance Assessment Reports, initiate required actions for his/her contract actions, and provide status updates to Agency Focal Point(s) (see Paragraph 6).

(4) Assessing Official Representative (typically Contract Specialist or COR) responsibilities:
Within the CPARS portal, the AOR initiates and updates performance assessments, but **does not** have the authority to send the assessment to the Contractor Representative or to finalize an assessment. The following are responsibilities of the AOR within CPARS. The AOR shall:

i. Provide narrative for the ratings and comment sections of the evaluation.
ii. Submit ratings and comments into CPARS for applicable contract actions **within 14 days** from the date of the email message request generated by the CPARS.
iii. Address Contractor rebuttal comments, if received, as requested by CO.

(5) Reviewing Official (RO) responsibilities:
When there is a disagreement between the AO and Contractor Representative, the RO (typically one level above AO) is the official responsible for ensuring the evaluation is a fair and accurate evaluation of the Contractor's performance. The following are responsibilities of the RO within CPARS. The RO shall:

i. Review both parties' supporting documentation in the event of a disagreement between the AO and the Contractor Representative in the ratings assigned.
ii. Return the evaluation to the AO within the CPARS system if additional detail and/or clarification is required.
iii. Make a final rating determination and enter comments in "Reviewing Official Comments" field in CPARS.
iv. Validate and close all evaluations elevated for RO determination **not later than 120 days** after Contract completion (or annual interim anniversary) date.

The final evaluation process encompasses the following steps:
(1) Evaluation Initiation, Ratting Assessment & Review Process:

i. The AO shall submit a request for the Agency Focal Point(s) to create an Access Matrix for registered contract actions within **14 days** of registration.
ii. The AO shall ensure the Agency Focal Point(s) registers all applicable contract actions into CPARS within **30 days** of award.
iii. The AOR (or AO if no AOR is assigned) shall initiate a "Final" evaluation in CPARS **within 14 days** of contract completion upon receipt of system-generated email notification indicating evaluation is due.
iv. The AO shall review evaluation ratings and comments and discuss with the AOR, if needed, for clarification or in the event of discrepancies.
v. The AO shall forward the evaluation to the Contractor in the CPARS portal **not later than 30 days** after contract completion date.
vi. The system will notify the Contractor via email to review the evaluation information. As a best practice, it shall be the policy of USDA that the AO shall also follow up with an email message or phone call to confirm that the Contractor received the evaluation information.

(2) Contractor's Review & Rebuttal Submission Process:

i. The Contractor has **60 days** to submit comments, rebutting statements, or additional information to the AO. If no comments are received by 61 days after the date CPARS provided notification to the Contractor that the evaluation was available for review, the evaluation will be locked by the system and no longer available for comment to the Contractor.

ii. If the Contractor provides a rebutting statement prior to Day 61, the AO will discuss the Contractor's comments with the AOR (if applicable) within **14 days** after receipt from the Contractor. The AO shall notify the AOR of any changes made or information added to the evaluation. Disagreements in the evaluation between the parties shall be resolved by the AOR at a level above the AO in accordance with FAR 42.1503(d).

The AO shall finalize the evaluation into CPARS within **30 days** of receipt of the Contractor's statements, or not later than 120 days from contract completion (or annual anniversary date for interim evaluations).

PART 443--CONTRACT MODIFICATIONS

SUBPART 443.1--GENERAL

443.102 Policy.

1. Do not grant time extensions for the contractor's convenience or without justification. Consider the effect of all contract modifications on contract performance time and document the reasons for any time extension in the contract file. Granting additional contract time has value to the contractor and is also a change to contract terms and conditions; therefore, grant only in exchange for consideration to the Government.
2. If a time extension was granted on a contract, negotiate a price reduction or another form of consideration.
3. When negotiating the reduction, calculate additional Contracting Officer and COR costs; include travel expenses to administer the contract and any direct costs incurred to the government due to the time extension.
4. Contracting Officers have authority to grant time extensions but may not delegate this authority to others.
5. The COR reviews the written requests from the contractor; ensures requests specify the length of time, and the stated circumstances warrant an extension.
6. The COR forwards the requests, along with the COR's recommendation, to the CO for a determination.

SUBPART 443.2—CHANGE ORDERS

443.201 General

A constructive change occurs when a contractor performs work different from what is prescribed by the terms of the contract, and the government ordered such work by other than formal change order, or such work was the result of an error by the CO or designated representative. The COR shall immediately forward the CO any written notification from the contractor, which indicates the contractor considered an oral order to be a change.

PART 445--GOVERNMENT PROPERTY

SUBPART 445.1—GENERAL

445.103 General

See Section 442.708 for Contract Closeout Procedures.

PART 447—TRANSPORTATION

RESERVED

PART 449--TERMINATION OF CONTRACTS

SUBPART 449.1--GENERAL PRINCIPLES

449.106 Fraud or Other Criminal Conduct.

(a) If the Contracting Officer suspects fraud or other criminal conduct a written report documenting the facts shall be submitted by the Head of the Contracting Activity (HCA) to the Office of Inspector General. Copies of documents or other information connected with the suspected fraud or criminal conduct shall be provided with the report. Concurrently, a copy of the report shall also be submitted to the Senior Procurement Executive.

(b) Depending on the findings of the Office of Inspector General, the HCA may initiate suspension or debarment action as prescribed in FAR 9.4 and AGAR 409.4.

449.111 Review of Proposed Settlements.

Proposed settlement agreements shall be reviewed and approved by the MASCO.

SUBPART 449.4--TERMINATION FOR DEFAULT

449.402 Termination of Fixed-Price Contracts for Default.

In addition to the requirements of FAR 49.402-3(g), the notice of termination shall contain instructions regarding the disposition of any Government property in the possession of the contractor (see FAR 45.602-1) and, in the case of construction contracts, such materials, appliances, and structures as may be on the site of the construction work. The notice shall also contain a statement concerning the liability of the contractor or its surety for any liquidated damages (see FAR 49.402-7).

PART 450--EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

RESERVED

PART 451—USE OF GOVERNMENT SOURCES BY CONTRACTORS

RESERVED

PART 452--SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Requirement for Use of an Earned Value Management System (EVMS)
As prescribed in 404.1301 insert the following clause:
452.204-71 PERSONAL IDENTITY VERICATION OF CONTRACTOR EMPLOYEES (Oct 2007)

(a) The contractor shall comply with the personal identity verification (PIV) policies and procedures established by the Department of Agriculture (USDA) Directives 4620-002 series.
(b) Should the results of the PIV process require the exclusion of a contractor's employee; the Contracting Officer will notify the contractor in writing.
(c) The contractor must appoint a representative to manage compliance with the PIV policies established by the USDA Directives 4620-002 series and to maintain a list of employees eligible for a USDA LincPass required for performance of the work.
(d) The responsibility of maintaining a sufficient workforce remains with the contractor. Contractor employees may be barred by the Government from performance of work should they be found ineligible or to have lost eligibility for a USDA LincPass. Failure to maintain a sufficient workforce of employees eligible for a USDA LincPass may be grounds for termination
of the contract.
(e) The contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine unaccompanied physical access to a Federally-controlled facility and/or routine unaccompanied access to a Federally-controlled information system.
(f) The PIV Sponsor for this contract is a designated program point of contact, which in most cases is the COR, unless otherwise specified in this contract. The PIV Sponsor will be available to receive contractor identity information from * (hours and days) to * (hours and days) at * (office address for registration). The Government will notify the contractor if there is a change in the PIV Sponsor, the office address, or the office hours for registration; however, it is the contractor's responsibility to meet all aspects of paragraphs (c), (d), and (e).

(End of clause)

*CO shall insert the appropriate information.

<u>Orders Against Other Agency Contracts</u>

Other agency contracts, including Federal Supply Schedules, may not have similar terms included in the contract. Before placing covered orders against such contracts, the CO must review the terms, and if the contract does not include the necessary terms, either not use the contract or include these terms in the order placed against the contract.

Access to Classified National Security Information is Covered Elsewhere

When a proposed solicitation is likely to require access to information that is safeguarded pursuant to Executive Order 12958, Classified National Security Information, the requirements official shall refer to Desk Book Subpart 404.403, the requirements identified in the National Industrial Security Program Operating Manual, DR 4600-001 "USDA Personnel Security Clearance Program," and DM 4620-002, Appendix D. COs or CORs should consult with OHSEC, Personnel and Document Security Division at (202) 720-7373 regarding the procedures to be followed.

Continued Implementation of LincPass at USDA
Contracting Officers shall follow procedures outlined in Departmental Regulation 3170-001 regarding the acquisition of personal identity verification products and services.

As prescribed in 432.703 insert the following clause:
452.232.71 LIMITATION OF GOVERNMENT'S OBLIGATION (SEPT 2018)

(a) Contract line item(s) listed below is/are incrementally funded. For this/these item(s), the sum of $ *[Contracting Officer insert after negotiations]* of the total price is presently available for payment and allotted to this contract. An allotment schedule is set forth in paragraph (j) below.

Line Item	Price	Currently Allotted Funding	Funds Required for Complete Funding

(b) For item(s) identified in paragraph (a) as not fully funded, the Contractor agrees to perform up to the point at which the total amount payable by the Government, including reimbursement of authorized termination costs in the event of termination of those item(s) for the Government's convenience, does not exceed the total amount currently allotted to the items not fully funded under the contract. The Contractor is not authorized to continue work on those item(s) beyond that point. The Government will not be obligated in any event to reimburse the Contractor in excess of the amount allotted to the contract for those item(s) regardless of anything to the contrary in the clause entitled "Termination for Convenience of the Government." The total amount payable by the Government in the event of termination of applicable contract line item(s) for convenience includes costs, profit, and estimated termination settlement costs for those item(s).
(c) Notwithstanding the dates specified in the allotment schedule in paragraph (j), the Contractor will notify the Contracting Officer in writing at least [*thirty, sixty, or ninety, as appropriate]* days prior to the date when, in the Contractor's best judgment, the work will reach the point at which the total amount payable by the Government, including any cost for termination for convenience, will approximate 85 percent of the total amount currently allotted to the contract for performance of the applicable item(s). The notification will state (1) the estimated date when that point will be reached and (2) an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds identified in paragraph (j), or to a mutually agreed upon substitute date. The notification will also advise the Contracting Officer of the estimated amount of additional funds that will be required for the timely performance of the item(s) funded, for a subsequent period as may be specified in the allotment schedule in paragraph (j) or otherwise agreed to by the parties. If after such notification additional funds are not allotted by the date identified in the Contractor's notification, or by an agreed substitute date, the Contracting Officer will terminate

any item(s) for which additional funds have not been allotted, pursuant to the clause of this contract entitled "Termination for Convenience of the Government."
(d) When additional funds are allotted for continued performance of the contract line item(s) identified in paragraph (a) above, the parties will agree as to the period of contract performance which will be covered by the funds. The provisions of paragraphs (b) through (d) will apply similarly to the additional allotted funds and agreed substitute date, and the contract will be modified accordingly.
(e) If, solely by reason of failure of the Government to allot additional funds, by the dates indicated below, in amounts sufficient for timely performance of the contract line item(s) identified in paragraph (a), the Contractor incurs additional costs or is delayed in the performance of the work under this contract and if additional funds are allotted, an equitable adjustment will be made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) of the item(s), or in the time of delivery, or both. Failure to agree to any such equitable adjustment hereunder will be a dispute concerning a question of fact within the meaning of the clause entitled "Disputes."
(f) The Government may at any time prior to termination allot additional funds for the performance of the contract line item(s) identified in paragraph (a) above.
(g) The termination provisions do not limit the rights of the Government under the clause entitled "Default" or "Termination for Cause". The provisions are limited to the work and allotment of funds for the contract line item(s) set forth in paragraph (a) above. These terms no longer apply once the contract is fully funded except with regard to the rights or obligations of the parties concerning equitable adjustments negotiated under paragraphs (e) and (f) above.
(h) Nothing herein affects the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination for Convenience of the Government."
(i) Nothing herein shall be construed as authorization of voluntary services whose acceptance is otherwise prohibited under 31 U.S.C. 1342.

(j) The parties agree that the Government will allot funds to this contract in accordance with the following schedule: On execution of contract	$ _____
(month) (day), (year)	$ _____
(month) (day), (year)	$ _____
(month) (day), (year)	$ _____

[END]

AGAR PGI APPENDIX A – TEMPLATES

Template Name	Desk Book Reference	Format
Acquisition Plan *{to be completed in IAS starting January 2021}*	PGI 407	Word
Announcement of Contract Award	PGI 405.303	Word
Award Fee Determination and Findings	PGI 416, Appendix D	Word
Biobased (BioPreferred) Quick Reference Guide for Contracting Officers	PGI 423	PDF
Contract Closeout	PGI 404.804, 442.7	Word
Debriefing Guidance	PGI 415.5	Word
Decision Memorandum (Deputy Secretary)	PGI 407.104	PDF
Determination and Findings and Authority to Use Letter Contracts	PGI 401.601	Word
Determination and Findings for T&M and LH Contracts	PGI 401.601, 416.1 Appendix D	Word
Determination to Use FFP LOE Contract for Solicitation	PGI 407.104, 416.1 Appendix D	Word
FAC-C Experience (OJT Toolkit)	PGI 401.601-72	Excel
FAC-PPM, Employee Self-Assessment Application (Entry)	PGI 401.601-72	PDF
FAC-PPM, Employee Self-Assessment Application (Mid)	PGI 401.601-72	PDF
FAC-PPM, Employee Self-Assessment Application (Senior)	PGI 401.601-72	PDF
FAC-PPM-IT, Employee Self-Assessment Application	PGI 401.601-72	PDF
FPDS Data Quality Plan	PGI 404.602	Word
Justification for Exception to Fair Opportunity or Brand Name Exception	PGI 401-601.70, 416.5	Word
Justification for Other Than Full and Open Competition	PGI 406.3	Word
Limited Sources Justification Over SAT	PGI 408.405-6	Word
Limited Sources Justification Under SAT	PGI 408.405-6	Word
Nomination of Contracting Officer's Representative	PGI 401.602-2	PDF
Prenegotiation Memorandum	PGI 415.406-1	Word
Proposal Cover Sheet	PGI 415.2	Word
Request to Ratify an Unauthorized Commitment	PGI 401.602-3, Appendix B	PDF
Requirements Plan (Non-IT Supplies, Services and Construction) *{to be completed in IAS starting January 2021}*	PGI 407	Word
Requirements Plan for IT	PGI 407	Word
SAP Summary Worksheet	PGI 413.106-3	Word
Service Contract Labor Standards Exemption Documentation	PGI 422.10	Word
Single Source or Brand Name Over SAT	PGI 413.501	Word
Single Source or Brand Name Under SAT	PGI 413.106	Word
Source Selection Decision Document	PGI 415.3	Word
Source Selection Evaluation Board Agreement	PGI 415.207	Word
Source Selection Plan Template	PGI 415.3	Word
Unauthorized Commitment Procedures	PGI 401.602-3, Appendix B	PDF
Warrant or Waiver Request	PGI 401.601, 401.603	PDF

AGAR PGI APPENDIX B- UNAUTHORIZED COMMITMENT PROCEDURES

BACKGROUND:
FAR 1.602-3(b) requires agencies to take positive action to preclude the need for ratification actions. Although procedures are available in cases where it is necessary to ratify an unauthorized commitment, these procedures may not be used in a manner that encourages such commitments being made by Government personnel.

FAR 1.602-3(c) further stipulates that ratification authority may be exercised only when the following conditions are met:
(1) Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment;
(2) The ratifying official has the authority to enter into a contractual commitment;
(3) The resulting contract would otherwise have been proper if made by an appropriate Contracting Officer;
(4) The Contracting Officer reviewing the unauthorized commitment determines the price to be fair and reasonable;
(5) The Contracting Officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence;
(6) Funds are available and were available at the time the unauthorized commitment was made; and
(7) The ratification is in accordance with any other limitations prescribed under agency procedures.

Examples of unauthorized commitments include: (a) Government purchase cardholder makes a purchase over their single purchase limit. (b) Commitment for construction, alteration or renovation. (c) Commitment for continuation of services or research, or delivery of supplies under an expired contract, purchase order, or delivery order. (d) Commitment for performance of work or delivery of supplies prior to issuance of a contract, purchase order, or delivery order. (e) Commitment which exceeds the call order limit on a blanket purchase agreement. (f) Commitment under a blanket purchase agreement by a person who is not delegated authority. (g) Commitment which continues contract services over and above the original scope and dollar amount; or a commitment made by an otherwise authorized Contracting Officer. (h) Government purchase cardholder makes multiple purchases from the same vendor on the same day, the total of which exceeds the single purchase limit and the total requirement was known at the time of the first purchase.

Non-Ratifiable Commitments
While GAO is clear that improper actions may not be ratified, they are also clear that the Government is liable for the reasonable value of any goods or services received by the Government. In such cases, the CO should document that although the UAC cannot be ratified, the vendor is entitled to fair and reasonable payment for goods and services accepted (not necessarily the same amount as the UAC). The CO should resolve the UAC in a different manner by contacting the Mission Area finance office.

If it is determined the non-ratifiable commitment should not be paid (i.e., the Government did not receive and accept services) and/or the vendor seeks review of a disallowance (in full or in part) the CO should seek legal advice.
PROCESS:

a. Responsibility of the Employee who made the Unauthorized Commitment:

1. Complete the "Request to Ratify an Unauthorized Commitment," (*Attachment 1*) and include all the facts and pertinent documentation to support the ratification request.
2. Consult with the Contracting Officer (CO) if you have any questions concerning the information required to complete the request to ensure the accuracy of the information being submitted; and provide an editable copy of the request to the CO so comments/changes can be recommended.
3. Ensure the request to ratify is signed by the budget official and all managers in the employee's supervisory chain, ending with the signature of employee's Line Officer.
4. Send the completed "Request to Ratify an Unauthorized Commitment," (*Attachment 1*) to the CO.
5. If the request is approved by the Ratifying Official, and over the micro purchase threshold then submit a funded requisition in the Integrated Acquisition System (IAS) to the contracting office so that the CO can issue the proper contract document. The vendor must be registered in the System for Award Management (SAM).
6. If the request is approved by the Ratifying Official and does not exceed the micro purchase threshold and payment has not been made, then either; (a) submit a "no-commit" requisition in IAS, create an IAS record of the transaction and specify that payment will be made by the GPC or; (b) submit a funded requisition in IAS and the CO can issue the proper contract document.
7. Government Purchase Card (GPC) and fleet cardholders who exceed their micro-purchase authority while using purchase cards or checks are also subject to these procedures. All purchase card or convenience check unauthorized commitments over the micro-purchase threshold shall have a "no-commit" requisition created in IAS and then an IAS record created for the ratification specifying that payment will be made by the GPC.

Note: If the unauthorized commitment is not ratified (approved) by the Ratifying Official, the employee making the unauthorized commitment may be held personally liable for payments of the supplies/services.

b. Responsibility of the Supervisor and Senior Executive Service (SES) member for the Employee who made the Unauthorized Commitment

1. Unauthorized commitments violate federal laws and regulations and may result in personal liability or adverse personnel action for the employee(s) found to be responsible. The supervisor shall take positive action to prevent unauthorized commitments and ensure this policy is communicated to employees within their organization.
2. Ensure the employee who made the unauthorized commitment provides information that is accurate and complete, and includes facts and pertinent records or documentation, if applicable, to support the ratification request.
3. Ensure the budget official and all appropriate managers in the employee's supervisory chain, including the line officer signs the ratification request.
4. Disciplinary actions are at the discretion of the individuals' supervisor and line officer. The supervisor should consider factors such as the dollar value of the unauthorized commitment action; whether the individual has repeatedly committed unauthorized actions; nature of the action, i.e. due to lack of knowledge or training, or pressure by someone else.

c. Responsibility of the CO:

When contracting personnel learn that an unauthorized commitment has occurred or the vendor is performing services due to the actions of a government official that lacked the authority to bind the government, the CO is required to:

1. Immediately notify the vendor and the government officials (*employee who made the unauthorized commitment **and** the employee's supervisor)* to immediately discontinue performance. Any verbal notifications must be followed-up in writing (*email or letter*) and include at the minimum:

   i. Summary of the verbal discussion instructing the vendor to immediately discontinue performance, which shall include the date and time.

   ii. Description of the services being performed subjected to the unauthorized commitment.

   iii. Statement - "A claim for payment for any future unauthorized commitment action will be subject to resolution of the Federal Acquisition Regulation (FAR) 1.602-3(b)(5) under the Contract Disputes Act of 1978, and should be processed in accordance with FAR Subpart 33.2, Disputes and Appeals. This regulation is found at *https://www.acquisition.gov/browsefar*."

   iv. Vendor's invoice.

Note: An invoice submitted prior to ratification is not considered proper because no contract was in place at the time of the unauthorized commitment. If the unauthorized commitment action is ratified (approved), the CO will issue the contract and will instruct the contractor to submit a proper invoice through the Invoice Processing Platform (IPP). If paying with GPC, see paragraphs a.6 and a.7 above. If the unauthorized commitment cannot be ratified and the CO determines payment is due, the CO will request a revised invoice.

2. Place the written notification in reference c(1)(i) above in the contract file with the Request to Ratify an Unauthorized Commitment.

3. Contact the MASCO to obtain an assigned control # and provide pertinent tracking information (see f.4 below).

4. Provide the "Request to Ratify an Unauthorized Commitment," (*Attachment 1*) to the employee making the unauthorized commitment action.

5. Assist the employee who made the unauthorized commitment with addressing the data and information needed in the request for ratification, as appropriate.

6. Ensure the accuracy and completeness of the information received from the employee who made the unauthorized commitment; and also ensure the appropriate supervisor and line officer have approved (signed) the ratification request.

7. Complete the CO Determination and Findings (*Attachment 2*) to support the CO's decision to recommend approval ***or*** disapproval of the request to ratify the unauthorized commitment. If the UAC cannot be ratified but the government has received and accepted goods or services, the CO should determine fair and reasonable payment due, and resolve the UAC (FAR 1.602-1 authority to 'make related determinations and findings') by contacting your Mission Area finance office for payment processes. Notify the employee who made the unauthorized commitment.

8. If ratification is appropriate, submit the request for review and approval through the supervisory chain to the MASCO.

9. Immediately advise the employee who made the unauthorized commitment of the decision of the Ratifying Official to ratify or not to ratify.

10. Maintain a copy of the CO's recommendation and Ratifying Official decision in the contract file.

11. Issue the appropriate contract document and associate the proper requisition received in IAS. On the contract document, include:

    i. Statement below in the *description fields* in IAS *and* in the Federal Procurement Data System - Next Generation (FPDS-NG) record: "This Action is a Ratification of an Unauthorized Commitment"

    ii. Instruct the contractor to submit a *proper* invoice with the appropriate contract number and any other revised invoice information through IPP.

Note: An invoice submitted prior to the ratified approval of an unauthorized commitment is not considered proper because there was no contract issued prior to the unauthorized action. The Prompt Payment Act authorizes interest after a properly completed invoice is submitted and a specified time has elapsed without payment. Interest cannot accrue until the ratified action is authorized and a proper invoice is submitted.

d. Responsibility of Contracting Supervisors

1. Ensure the information in the ratification request is accurate and complete, and includes facts and pertinent records or documentation, if applicable. To include:
   a. Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from the performance of the unauthorized commitment.
   b. The action would have been proper if made by an appropriate Contracting Officer.
   c. The Contracting Officer reviewing the unauthorized commitment determines the price is fair and reasonable.

2. Ensure the budget official and all appropriate managers in the employee's supervisory chain, to include the SES, sign the request.

e. Responsibility of the Ratifying Officials:

1. Review the ratification document and if changes are required or additional documentation needed return the documents to the CO.
2. Approve or disapprove the Request to Ratify, depending on the circumstances and the supporting data (*Attachment 2)*.
3. Provide a copy of the approved/disapproved Request to Ratify to the appropriate Contracting Officer and the procurement analyst.

f. Official Unauthorized Commitment Log and Control Number

MASCOs are required to maintain a log and files of unauthorized commitments and provide annual updates to OCP. *By October 30th of each year provide a listing of previous fiscal year unauthorized commitments to procurement.policy@usda.gov. At a minimum, the listing should include description, date, and $ amount.*

AGAR PGI APPENDIX C- ADVISORY AND ASSISTANCE SERVICES

A listing of product services codes which are identified as advisory and assistance by Defense Pricing and Contracting (https://www.acq.osd.mil/dpap/sa/docs/tools/PSC_to_Object_Class_Crosswalk_-_20140421.xlsx) :

PSC	Description
AA16	R&D- AGRICULTURE: INSECT AND DISEASE CONTROL (MANAGEMENT/SUPPORT)
AA26	R&D- AGRICULTURE: MARKETING (MANAGEMENT/SUPPORT)
AA36	R&D- AGRICULTURE: PRODUCTION (MANAGEMENT/SUPPORT)
AA96	R&D- AGRICULTURE: OTHER (MANAGEMENT/SUPPORT)
AB16	R&D- COMMUNITY SERVICE/DEVELOPMENT: CRIME PREVENTION/CONTROL (MANAGEMENT/SUPPORT)
AB26	R&D- COMMUNITY SERVICE/DEVELOPMENT: FIRE PREVENTION/CONTROL (MANAGEMENT/SUPPORT)
AB46	R&D- COMMUNITY SERVICE/DEVELOPMENT: URBAN (MANAGEMENT/SUPPORT)
AB96	R&D- COMMUNITY SERVICE/DEVELOPMENT: OTHER (MANAGEMENT/SUPPORT)
AC16	R&D- DEFENSE SYSTEM: AIRCRAFT (MANAGEMENT/SUPPORT)
AC26	R&D- DEFENSE SYSTEM: MISSILE/SPACE SYSTEMS (MANAGEMENT/SUPPORT)
AC36	R&D- DEFENSE SYSTEM: SHIPS (MANAGEMENT/SUPPORT)
AC46	R&D- DEFENSE SYSTEM: TANK/AUTOMOTIVE (MANAGEMENT/SUPPORT)
AC56	R&D- DEFENSE SYSTEM: WEAPONS (MANAGEMENT/SUPPORT)
AC66	R&D- DEFENSE SYSTEM: ELECTRONICS/COMMUNICATION EQUIPMENT (MANAGEMENT/SUPPORT)
AD16	R&D- DEFENSE OTHER: AMMUNITION (MANAGEMENT/SUPPORT)
AD26	R&D- DEFENSE OTHER: SERVICES (MANAGEMENT/SUPPORT)
AD36	R&D- DEFENSE OTHER: SUBSISTENCE (MANAGEMENT/SUPPORT)
AD56	R&D- DEFENSE OTHER: FUELS/LUBRICANTS (MANAGEMENT/SUPPORT)
AD66	R&D- DEFENSE OTHER: CONSTRUCTION (MANAGEMENT/SUPPORT)
AD96	R&D- DEFENSE OTHER: OTHER (MANAGEMENT/SUPPORT)
AE16	R&D- ECONOMIC GROWTH: EMPLOYMENT GROWTH/PRODUCTIVITY (MANAGEMENT/SUPPORT)
AE26	R&D- ECONOMIC GROWTH: PRODUCT/SERVICE IMPROVEMENT (MANAGEMENT/SUPPORT)
AE36	R&D- ECONOMIC GROWTH: MANUFACTURING TECHNOLOGY (MANAGEMENT/SUPPORT)
AE96	R&D- ECONOMIC GROWTH: OTHER (MANAGEMENT/SUPPORT)
AF16	R&D- EDUCATION: EDUCATIONAL (MANAGEMENT/SUPPORT)

AG16	R&D- ENERGY: COAL (MANAGEMENT/SUPPORT)
AG26	R&D- ENERGY: GAS (MANAGEMENT/SUPPORT)
AG36	R&D- ENERGY: GEOTHERMAL (MANAGEMENT/SUPPORT)
AG46	R&D- ENERGY: WIND (MANAGEMENT/SUPPORT)
AG56	R&D- ENERGY: NUCLEAR (MANAGEMENT/SUPPORT)
AG66	R&D- ENERGY: PETROLEUM (MANAGEMENT/SUPPORT)
AG76	R&D- ENERGY: SOLAR/PHOTOVOLTAIC (MANAGEMENT/SUPPORT)
AG86	R&D- ENERGY: CONSERVATION (MANAGEMENT/SUPPORT)
AG96	R&D- ENERGY: OTHER (MANAGEMENT/SUPPORT)
AH16	R&D- ENVIRONMENTAL PROTECTION: POLLUTION CONTROL/ABATEMENT (MANAGEMENT/SUPPORT)
AH26	R&D- ENVIRONMENTAL PROTECTION: AIR POLLUTION (MANAGEMENT/SUPPORT)
AH36	R&D- ENVIRONMENTAL PROTECTION: WATER POLLUTION (MANAGEMENT/SUPPORT)
AH46	R&D- ENVIRONMENTAL PROTECTION: NOISE POLLUTION (MANAGEMENT/SUPPORT)
AH96	R&D- ENVIRONMENTAL PROTECTION: OTHER (MANAGEMENT/SUPPORT)
AJ16	R&D- GENERAL SCIENCE/TECHNOLOGY: PHYSICAL SCIENCES (MANAGEMENT/SUPPORT)
AJ26	R&D- GENERAL SCIENCE/TECHNOLOGY: MATHEMATICAL/COMPUTER SCIENCES (MANAGEMENT/SUPPORT)
AJ36	R&D- GENERAL SCIENCE/TECHNOLOGY: ENVIRONMENTAL SCIENCES (MANAGEMENT/SUPPORT)
AJ46	R&D- GENERAL SCIENCE/TECHNOLOGY: ENGINEERING (MANAGEMENT/SUPPORT)
AJ56	R&D- GENERAL SCIENCE/TECHNOLOGY: LIFE SCIENCES (MANAGEMENT/SUPPORT)
AJ66	R&D- GENERAL SCIENCE/TECHNOLOGY: PSYCHOLOGICAL SCIENCES (MANAGEMENT/SUPPORT)
AJ76	R&D- GENERAL SCIENCE/TECHNOLOGY: SOCIAL SCIENCES (MANAGEMENT/SUPPORT)
AJ96	R&D- GENERAL SCIENCE/TECHNOLOGY: OTHER (MANAGEMENT/SUPPORT)
AK16	R&D- HOUSING: HOUSING (MANAGEMENT/SUPPORT)
AL16	R&D- INCOME SECURITY: EMPLOYMENT (MANAGEMENT/SUPPORT)
AL26	R&D- INCOME SECURITY: INCOME MAINTENANCE (MANAGEMENT/SUPPORT)
AL96	R&D- INCOME SECURITY: OTHER (MANAGEMENT/SUPPORT)
AM16	R&D- INTERNATIONAL AFFAIRS AND COOPERATION (MANAGEMENT/SUPPORT)
AN16	R&D- MEDICAL: BIOMEDICAL (MANAGEMENT/SUPPORT)
AN26	R&D- MEDICAL: DRUG DEPENDENCY (MANAGEMENT/SUPPORT)
AN36	R&D- MEDICAL: ALCOHOL DEPENDENCY (MANAGEMENT/SUPPORT)

AN46	R&D- MEDICAL: HEALTH SERVICES (MANAGEMENT/SUPPORT)
AN56	R&D- MEDICAL: MENTAL HEALTH (MANAGEMENT/SUPPORT)
AN66	R&D- MEDICAL: REHABILITATIVE ENGINEERING (MANAGEMENT/SUPPORT)
AN76	R&D- MEDICAL: SPECIALIZED MEDICAL SERVICES (MANAGEMENT/SUPPORT)
AN86	R&D- MEDICAL: AIDS RESEARCH (MANAGEMENT/SUPPORT)
AN96	R&D- MEDICAL: OTHER (MANAGEMENT/SUPPORT)
AP26	R&D- NATURAL RESOURCE: LAND (MANAGEMENT/SUPPORT)
AP36	R&D- NATURAL RESOURCE: MINERAL (MANAGEMENT/SUPPORT)
AP46	R&D- NATURAL RESOURCE: RECREATION (MANAGEMENT/SUPPORT)
AP56	R&D- NATURAL RESOURCE: MARINE AND OCEANOGRAPHIC (MANAGEMENT/SUPPORT)
AP66	R&D- NATURAL RESOURCE: MARINE FISHERIES (MANAGEMENT/SUPPORT)
AP76	R&D- NATURAL RESOURCE: ATMOSPHERIC (MANAGEMENT/SUPPORT)
AP96	R&D- NATURAL RESOURCE: OTHER (MANAGEMENT/SUPPORT)
AQ16	R&D- SOCIAL SERVICES: GERIATRIC OTHER THAN MEDICAL (MANAGEMENT/SUPPORT)
AQ96	R&D- SOCIAL SERVICES: OTHER (MANAGEMENT/SUPPORT)
AR16	R&D- SPACE: AERONAUTICS/SPACE TECHNOLOGY (MANAGEMENT/SUPPORT)
AR26	R&D- SPACE: SCIENCE/APPLICATIONS (MANAGEMENT/SUPPORT)
AR36	R&D- SPACE: FLIGHT (MANAGEMENT/SUPPORT)
AR46	R&D- SPACE: OPERATIONS, TRACKING AND DATA ACQUISITION (MANAGEMENT/SUPPORT)
AR66	R&D- SPACE: STATION (MANAGEMENT/SUPPORT)
AR76	R&D- SPACE: COMMERCIAL PROGRAMS (MANAGEMENT/SUPPORT)
AR96	R&D- SPACE: OTHER (MANAGEMENT/SUPPORT)
AS16	R&D- MODAL TRANSPORTATION: AIR (MANAGEMENT/SUPPORT)
AS26	R&D- MODAL TRANSPORTATION: SURFACE MOTOR VEHICLES (MANAGEMENT/SUPPORT)
AS36	R&D- MODAL TRANSPORTATION: RAIL (MANAGEMENT/SUPPORT)
AS46	R&D- MODAL TRANSPORTATION: MARINE (MANAGEMENT/SUPPORT)
AS96	R&D- MODAL TRANSPORTATION: OTHER MODAL (MANAGEMENT/SUPPORT)
AT16	R&D- OTHER TRANSPORTATION: HIGHWAYS, ROADS, AND BRIDGES (MANAGEMENT/SUPPORT)
AT26	R&D- OTHER TRANSPORTATION: HUMAN FACTORS CONCERNING TRANSPORTATION (MANAGEMENT/SUPPORT)
AT36	R&D- OTHER TRANSPORTATION: NAVIGATION AND NAVIGATIONAL AIDS (MANAGEMENT/SUPPORT)
AT46	R&D- OTHER TRANSPORTATION: PASSENGER SAFETY AND SECURITY (MANAGEMENT/SUPPORT)

AT56	R&D- OTHER TRANSPORTATION: PIPELINE SAFETY (MANAGEMENT/SUPPORT)
AT66	R&D- OTHER TRANSPORTATION: TRAFFIC MANAGEMENT (MANAGEMENT/SUPPORT)
AT76	R&D- OTHER TRANSPORTATION: TUNNELS AND OTHER SUBSURFACE STRUCTURES (MANAGEMENT/SUPPORT)
AT86	R&D- OTHER TRANSPORTATION: TRANSPORTING HAZARDOUS MATERIALS (MANAGEMENT/SUPPORT)
AT96	R&D- OTHER TRANSPORTATION: OTHER GENERAL (MANAGEMENT/SUPPORT)
AV16	R&D- MINING: SUBSURFACE MINING EQUIPMENT (MANAGEMENT/SUPPORT)
AV26	R&D- MINING: SURFACE MINING EQUIPMENT (MANAGEMENT/SUPPORT)
AV36	R&D- MINING: SUBSURFACE MINING METHODS (MANAGEMENT/SUPPORT)
AV46	R&D- MINING: SURFACE MINING METHODS (MANAGEMENT/SUPPORT)
AV56	R&D- MINING: MINING RECLAMATION METHODS (MANAGEMENT/SUPPORT)
AV66	R&D- MINING: MINING SAFETY (MANAGEMENT/SUPPORT)
AV76	R&D- MINING: METALLURGICAL (MANAGEMENT/SUPPORT)
AV96	R&D- MINING: OTHER MINING ACTIVITIES (MANAGEMENT/SUPPORT)
AZ16	R&D- OTHER RESEARCH AND DEVELOPMENT (MANAGEMENT/SUPPORT)
B502	SPECIAL STUDIES/ANALYSIS- AIR QUALITY
B503	SPECIAL STUDIES/ANALYSIS- ARCHEOLOGICAL/PALEONTOLOGICAL
B504	SPECIAL STUDIES/ANALYSIS- CHEMICAL/BIOLOGICAL
B505	SPECIAL STUDIES/ANALYSIS- COST BENEFIT
B506	SPECIAL STUDIES/ANALYSIS- DATA (OTHER THAN SCIENTIFIC)
B507	SPECIAL STUDIES/ANALYSIS- ECONOMIC
B509	SPECIAL STUDIES/ANALYSIS- ENDANGERED SPECIES: PLANT/ANIMAL
B510	SPECIAL STUDIES/ANALYSIS- ENVIRONMENTAL ASSESSMENTS
B513	SPECIAL STUDIES/ANALYSIS- FEASIBILITY (NON-CONSTRUCTION)
B516	SPECIAL STUDIES/ANALYSIS- ANIMAL/FISHERIES
B517	SPECIAL STUDIES/ANALYSIS- GEOLOGICAL
B518	SPECIAL STUDIES/ANALYSIS- GEOPHYSICAL
B519	SPECIAL STUDIES/ANALYSIS- GEOTECHNICAL
B520	SPECIAL STUDIES/ANALYSIS- GRAZING/RANGE
B521	SPECIAL STUDIES/ANALYSIS- HISTORICAL
B522	SPECIAL STUDIES/ANALYSIS- LEGAL
B524	SPECIAL STUDIES/ANALYSIS- MATHEMATICAL/STATISTICAL
B525	SPECIAL STUDIES/ANALYSIS- NATURAL RESOURCE
B526	SPECIAL STUDIES/ANALYSIS- OCEANOLOGICAL
B527	SPECIAL STUDIES/ANALYSIS- RECREATION
B528	SPECIAL STUDIES/ANALYSIS- REGULATORY

B529	SPECIAL STUDIES/ANALYSIS- SCIENTIFIC DATA
B530	SPECIAL STUDIES/ANALYSIS- SEISMOLOGICAL
B532	SPECIAL STUDIES/ANALYSIS- SOIL
B533	SPECIAL STUDIES/ANALYSIS- WATER QUALITY
B534	SPECIAL STUDIES/ANALYSIS- WILDLIFE
B537	SPECIAL STUDIES/ANALYSIS- MEDICAL/HEALTH
B538	SPECIAL STUDIES/ANALYSIS- INTELLIGENCE
B539	SPECIAL STUDIES/ANALYSIS- AERONAUTICAL/SPACE
B540	SPECIAL STUDIES/ANALYSIS- BUILDING TECHNOLOGY
B541	SPECIAL STUDIES/ANALYSIS- DEFENSE
B542	SPECIAL STUDIES/ANALYSIS- EDUCATIONAL
B543	SPECIAL STUDIES/ANALYSIS- ENERGY
B544	SPECIAL STUDIES/ANALYSIS- TECHNOLOGY
B545	SPECIAL STUDIES/ANALYSIS- HOUSING/COMMUNITY DEVELOPMENT
B546	SPECIAL STUDIES/ANALYSIS- SECURITY (PHYSICAL/PERSONAL)
B547	SPECIAL STUDIES/ANALYSIS- ACCOUNTING/FINANCIAL MANAGEMENT
B548	SPECIAL STUDIES/ANALYSIS- TRADE ISSUE
B549	SPECIAL STUDIES/ANALYSIS- FOREIGN/NATIONAL SECURITY POLICY
B550	SPECIAL STUDIES/ANALYSIS- ORGANIZATION/ADMINISTRATIVE/PERSONNEL
B551	SPECIAL STUDIES/ANALYSIS- MOBILIZATION/PREPAREDNESS
B552	SPECIAL STUDIES/ANALYSIS- MANPOWER
B553	SPECIAL STUDIES/ANALYSIS- COMMUNICATIONS
B554	SPECIAL STUDIES/ANALYSIS- ACQUISITION POLICY/PROCEDURES
B555	SPECIAL STUDIES/ANALYSIS- ELDERLY/HANDICAPPED
B599	SPECIAL STUDIES/ANALYSIS- OTHER
F999	OTHER ENVIRONMENTAL SERVICES
R405	SUPPORT- PROFESSIONAL: OPERATIONS RESEARCH/QUANTITATIVE ANALYSIS
R406	SUPPORT- PROFESSIONAL: POLICY REVIEW/DEVELOPMENT
R408	SUPPORT- PROFESSIONAL: PROGRAM MANAGEMENT/SUPPORT
R410	SUPPORT- PROFESSIONAL: PROGRAM EVALUATION/REVIEW/DEVELOPMENT
R412	SUPPORT- PROFESSIONAL: SIMULATION
R413	SUPPORT- PROFESSIONAL: SPECIFICATIONS DEVELOPMENT
R415	SUPPORT- PROFESSIONAL: TECHNOLOGY SHARING/UTILIZATION
R418	SUPPORT- PROFESSIONAL: LEGAL
R420	SUPPORT- PROFESSIONAL: CERTIFICATIONS AND ACCREDITATIONS (OTHER THAN EDUCATIONAL INSTITUTIONS OR INFO TECH C&A)
R422	SUPPORT- PROFESSIONAL: MARKET RESEARCH/PUBLIC OPINION
R423	SUPPORT- PROFESSIONAL: INTELLIGENCE
R424	SUPPORT- PROFESSIONAL: EXPERT WITNESS
R425	SUPPORT- PROFESSIONAL: ENGINEERING/TECHNICAL

R427	SUPPORT- PROFESSIONAL: WEATHER REPORTING/OBSERVATION
R428	SUPPORT- PROFESSIONAL: INDUSTRIAL HYGIENICS
R429	SUPPORT- PROFESSIONAL: EMERGENCY RESPONSE, DISASTER PLANNING, AND PREPAREDNESS SUPPORT
R430	SUPPORT- PROFESSIONAL: PHYSICAL SECURITY AND BADGING
R431	SUPPORT- PROFESSIONAL: HUMAN RESOURCES
R497	SUPPORT- PROFESSIONAL: PERSONAL SERVICES CONTRACTS
R498	SUPPORT- PROFESSIONAL: PATENT AND TRADEMARK
R499	SUPPORT- PROFESSIONAL: OTHER
R605	SUPPORT- ADMINISTRATIVE: LIBRARY
R606	SUPPORT- ADMINISTRATIVE: COURT REPORTING
R608	SUPPORT- ADMINISTRATIVE: TRANSLATION AND INTERPRETING
R610	SUPPORT- ADMINISTRATIVE:- PERSONAL PROPERTY MANAGEMENT
R611	SUPPORT- ADMINISTRATIVE: CREDIT REPORTING
R612	SUPPORT- ADMINISTRATIVE: INFORMATION RETRIEVAL
R615	SUPPORT- ADMINISTRATIVE: BACKGROUND INVESTIGATION
R699	SUPPORT- ADMINISTRATIVE: OTHER
R701	SUPPORT- MANAGEMENT: ADVERTISING
R702	SUPPORT- MANAGEMENT: DATA COLLECTION
R703	SUPPORT- MANAGEMENT: ACCOUNTING
R705	SUPPORT- MANAGEMENT: DEBT COLLECTION
R706	SUPPORT- MANAGEMENT: LOGISTICS SUPPORT
R707	SUPPORT- MANAGEMENT: CONTRACT/PROCUREMENT/ACQUISITION SUPPORT
R708	SUPPORT- MANAGEMENT: PUBLIC RELATIONS
R710	SUPPORT- MANAGEMENT: FINANCIAL
R711	SUPPORT- MANAGEMENT: BANKING
U001	EDUCATION/TRAINING- LECTURES
U002	EDUCATION/TRAINING- PERSONNEL TESTING
U003	EDUCATION/TRAINING- RESERVE TRAINING (MILITARY)
U004	EDUCATION/TRAINING- SCIENTIFIC/MANAGEMENT
U005	EDUCATION/TRAINING- TUITION/REGISTRATION/MEMBERSHIP FEES
U006	EDUCATION/TRAINING- VOCATIONAL/TECHNICAL
U007	EDUCATION/TRAINING- FACULTY SALARIES FOR DEPENDENT SCHOOLS
U008	EDUCATION/TRAINING- TRAINING/CURRICULUM DEVELOPMENT
U009	EDUCATION/TRAINING- GENERAL
U010	EDUCATION/TRAINING- CERTIFICATIONS/ACCREDITATIONS FOR EDUCATIONAL INSTITUTIONS
U011	EDUCATION/TRAINING- AIDS/HIV
U012	EDUCATION/TRAINING- INFORMATION TECHNOLOGY/TELECOMMUNICATIONS TRAINING
U013	EDUCATION/TRAINING- COMBAT
U014	EDUCATION/TRAINING- SECURITY

U099	EDUCATION/TRAINING- OTHER

AGAR PGI APPENDIX D- Contract Types

Appendix	**Firm-Fixed-Price (FFP)**	**Fixed-Price Economic Price Adjustment (FPEPA)**	**Fixed-Price Incentive Firm Target (FPIF)**	**Fixed-Price Award-Fee (FPAF)**	**Fixed-Price Prospective Price Redetermination (FP^3R)**	**Cost-Plus-Incentive-Fee (CPIF)**	**Cost-Plus-Award-Fee (CPAF)**	**Cost-Plus-Fixed-Fee (CPFF)**	**Cost or Cost-Sharing (C or CS)**	**Time & Materials (T&M)**
Principal Risk to be Mitigated	None. Thus, the contractor assumes all cost risk.	Unstable market prices for labor or material over the life of the contract.	Moderately uncertain contract labor or material requirements.	Risk that the user will not be fully satisfied because of judgmental acceptance criteria.	Costs of performance after the first year because they cannot be estimated with confidence.	Highly uncertain and speculative labor hours, labor mix, and/or material requirements (and other things) necessary to perform the contract. The Government assumes the risks inherent in the contract, benefiting if the actual cost is lower than the expected cost, or losing if the work cannot be completed within the expected cost of performance.				
Use When . . .	The requirement is well-defined. • Contractors are experienced in meeting it. • Market conditions are stable. • Financial risks are otherwise insignificant.	The market prices at risk are severable and significant. The risk stems from industry-wide contingencies beyond the contractor's control. The dollars at risk outweigh the administrative burdens of an FPEPA.	A ceiling price can be established that covers the most probable risks inherent in the nature of the work. The proposed profit sharing formula would motivate the contractor to control costs and to meet other objectives.	Judgmental standards can be fairly applied by the fee determining official. The potential fee is large enough to both: • Provide a meaningful incentive. [1] • Justify related administrative burdens.	The Government needs a firm commitment from the contractor to deliver the supplies or services during subsequent years. The dollars at risk outweigh the administrative burdens of an FPRP.	An objective relationship can be established between the fee and such measures of performance as actual costs, delivery dates, performance benchmarks, and the like.	Objective incentive targets are not feasible for critical aspects of performance. Judgmental standards can be fairly applied. Potential fee would provide a meaningful incentive.	Relating fee to performance (e.g., to actual costs) would be unworkable or of marginal utility.	The contractor expects substantial compensating benefits for absorbing part of the costs and/or foregoing fee or the vendor is a non-profit entity.	No other type of contract is suitable (e.g., because costs are too low to justify an audit of the contractor's indirect expenses).
Elements	A firm-fixed-price for each line item or one or more groupings of line items.	• A fixed-price, ceiling on upward adjustment, and a formula for adjusting the price up or down based on: • Established prices. • Actual labor or material costs. • Labor or material indices.	• Ceiling price • Target cost • Target profit • Delivery, quality, or other performance targets (optional) • Profit sharing formula • 120 % ceiling and 50/50 share are points of departure	• Fixed-price. • Award amount • Award fee evaluation criteria and procedures for measuring performance against the criteria	• Fixed-price for the first period. • Proposed subsequent periods (at least 12 months apart). • Timetable for pricing the next period(s).	• Target cost • A minimum, maximum, and target fee • A formula for adjusting fee based on actual costs and/or performance • Performance targets (optional)	• Estimated cost • Base amount, if applicable, and an award amount • Award fee evaluation criteria and procedures for measuring performance against the criteria	• Estimated cost • Fixed fee	• Total estimated cost • No fee • If CS, an agreement on the Government's share of the cost.	• Ceiling price • A per-hour labor rate that also covers overhead and profit • Provisions for reimbursing direct material costs
Contractor is Obliged to:	Provide an acceptable deliverable at the time, place and price specified in the contract.	Provide an acceptable deliverable at the time and place specified in the contract at the adjusted price.	Provide an acceptable deliverable at the time and place specified in the contract at or below the ceiling price.	Perform at the time, place, and the price fixed in the contract.	Provide acceptable deliverables at the time and place specified in the contract at the price established for each period.	Make a good faith effort to meet the Government's needs within the estimated cost in the Contract, Part I the Schedule, Section B Supplies or services and prices/costs.				Make a good faith effort to meet the Government's needs within the ceiling price.

Appendix	Firm-Fixed-Price (FFP)	Fixed-Price Economic Price Adjustment (FPEPA)	Fixed-Price Incentive Firm Target (FPIF)	Fixed-Price Award-Fee (FPAF)	Fixed-Price Prospective Price Redetermination (FP^3R)	Cost-Plus-Incentive-Fee (CPIF)	Cost-Plus-Award-Fee (CPAF)	Cost-Plus-Fixed-Fee (CPFF)	Cost or Cost-Sharing (C or CS)	Time & Materials (T&M)
Contractor Incentive *(other than maximizing goodwill)* [1]	Generally realizes an additional dollar of profit for every dollar that costs are reduced.	Generally realizes an additional dollar of profit for every dollar that costs are reduced.	Realizes profit on cost by completing work below the ceiling price. May earn higher profit by incurring costs below the target cost or by meeting objective performance targets.	Generally realizes an additional dollar of profit for every dollar that costs are reduced; earns an additional fee for satisfying the performance standards.	For the period of performance, realizes an additional dollar of profit for every dollar that costs are reduced.	Realizes a higher fee by completing the work at a lower cost and/or by meeting other objective performance targets.	Realizes a higher fee by meeting judgmental performance standards.	Realizes a higher rate of return (i.e., fee divided by total cost) as total cost decreases.	If CS, shares in the cost of providing a deliverable of mutual benefit.	
Typical Application	Commercial supplies and services.	Long-term contracts for commercial supplies during a period of high inflation.	Production of a major system based on a prototype.	Performance-based contracts.	Long-term production of spare parts for a major system.	Research and development of the prototype for a major system.	Large scale research study.	Research study.	Joint research with educational institutions.	Emergency repairs to heating plants and aircraft engines.
Principal Limitations in FAR/DFARS Parts 16, 32, 35, and 52 [2]	Generally NOT appropriate for R&D.	Must be justified.	Must be justified. Must be negotiated. Contractor must have an adequate accounting system. Cost data must support targets.	Must be negotiated.	MUST be negotiated. Contractor must have an adequate accounting system that supports the pricing periods. Prompt redeterminations.	The contractor must have an adequate accounting system. The Government must exercise surveillance during performance to ensure use of efficient methods and cost controls. Must be negotiated. Must be justified. Statutory and regulatory limits on the fees that may be negotiated. Must include the applicable Limitation of Cost clause at FAR 52.232-20 through 23.				D&F required (w/ HCA if over 3 years). Government MUST exercise appropriate surveillance to ensure efficient performance. Document any ceiling increases.
Variants	Firm-Fixed-Price Level-of-Effort.		Successive Targets (FPIS), with ceiling and floor on firm target profit.		Retroactive Redetermination			Completion or Term.		Labor Hour (LH)

Attachment A, Marketing and Regulatory Programs (MRP)

Quality Assurance Memorandums (QAM)

Number	Title/Description
	Establishment of QAMs
A-1	Contract File Index
A-2	Contract Closeout Procedures
A-3	Contract File Structure and Location
A-4	Background Investigation and Clearance Procedures for Contracts
A-5	Foreign Vendor Award Instructions
AW-1	Delegation of CORs
P-1	Ratification of an Unauthorized Commitment
P-2	Competition Advocacy
P-2	Service Contract Awards – Guidance on pre-award activities for services
P-3	Intra-Governmental Payment & Collection (IPAC) Award Instructions
P-4	System of Records Notice (SORN)
P-5	Equipment Leasing and Rental
PC-1	Use of Purchase Card and Fleet Charge Card for Requirements above the Micro-Purchase Threshold
PS-1	Contractor Performance Assessment Reporting System (CPARS) Evaluations
SB-1	Marketing and Regulatory programs (MRP) Vendor Communication Plan

Attachment B, Research, Education and Economics (REE)

Acquisition Programs and Oversight Branch (APOB)

Number	Title/Description
01	Contract Checklists
02	Acquisition Quick Reference Guide
01_157.0M	Major Facilities Construction – Managing and executing.
02_157.2	Facilities Construction Authorities
03_210.1.v3	Acquisition and Property Management Reviews
04_210.8v2	Procurement Preference Program
05_210-9v2	Central Contact for Activity Address Code Maintenance
06_210.10v2	Internal Control Plan for REE Acquisition Program
07_212-9	Review and Approval of Contracts for Advisory and Assistance Services
08_212.16v13	Approval for Acquisition Ratifications
09_212-17	Unsolicited Proposals
10_213.4v5	Procedures for Paying for Off-the-Shelf Training

Checklists

01	A&E Contract Checklists
02	Construction Contract Checklist
03	Service Supply Contract Checklist
04	Simplified Acquisition Checklist
09	Personal Property Management Review
10	Property File Checklist
	PCard Transaction Review Criteria Checklist Approving Official
	PCard Transaction Review Criteria Checklist LAPC AAPC
	PCard Transaction Review Criteria Checklist Procurement
	PCard Transaction Review Criteria Checklist Non-Procurement

Acquisition Workforce

01	Guidance on Maintenance Training Dates for Non FAC-C and FAC-C Members
02	Acquisition Workforce On Boarding Checklist
03	Acquisition Workforce Off Boarding Checklist
04	APD Alert 2015-03 - Suggested training for REE CORs
05	APD Alert 2015-06 - REE Supplement to PA 85A and 100D

Acquisition Alerts

2018-01	Design Build Selection Procedures
2018-02	AGAR Deviation 18-01, MASCO – MASCO
2018-03	CO Responsibility to Seek Efficiencies
2018-04	Mandatory Approval For Any Proposed Removal From the AbilityOne or 8(a) Business Development Programs
2018-05	Miscellaneous Approvals
2018-06	Contract Checklists
2018-07	Accountable Property Purchases Greater Than or Equal to $5K

Links and Information for Acquisition Customers

Number	Title/Description
01	APD Alert 2015-03 - Suggested training for REE CORs
02	APD Alert 2015-06 – REE Supplement to PA 85A and 100D
03	APD Alert 2013-14 – IPP Responsibilities
04	APD Alert 2011-05 – Save Research Dollars, Pay Invoices on Time!!
05	Procurement Request Package List of Items
06	APD Alert 2011-16 – Preparation and Approval of JOFOC/Sole Source Justification
07	Sole Source Justification Tips
08	Sole Source Justification under the Simplified Acquisition Threshold Template
09	SAT SSJ Examples
10	Research paper Publication Sole Source Justification Template
11	Service Requirements
12	Supply Requirements

Purchase Card Program and Oversight Branch (PCPOB)

GPC On Boarding and Off Boarding

01	Purchase Card Approving Official Onboarding Checklist
02	Purchase Card Approving Official Training Directions
03	Approval Official Appointment-Maintenance Request Form
04	Purchase Cardholder Onboarding Checklist
05	Purchase Cardholder Training Directions
06	Request for Purchase Card Form
07	Purchase Card Approving Official Off Boarding Checklist
08	Purchase Card off Boarding Checklist
09	Card Check Destruction Form

GPC Policy

01	Purchase Card Program Manual
02	Blank Funds Authorization Template
03	Convenience Check New Procedures
04	Cardholder Fraud Email Alert Instructions
05	USDA Budget Object Classification (BOC) Guide
06	BOC Personal Property Quick Guide
06(2)	Accountable Property BOC Quick Reference Guide
07	How to Determine if a Transaction is Construction

Attachment C, Food, Nutrition and Consumer Services (FNCS)

Acquisition Operating Policy and Procedure (AOPP)

Number	Title/Description
1	Price Reasonableness Determination
2	Contract File Management
3	Procurement Acquisition Lead Time (PALT)
4	Negotiated Acquisition – Commercial Simplified Acquisitions Checklist
5	GSA Checklist
6	Negotiated Acquisitions Checklist
7	Non-Competitive Sole Source Procurements Checklist
8	Contract Modification Checklist
9	CPARS Checklist Policy
12	Contract Closeout Procedures Policy and Procedures
13	Performance-Based Payment Schedules Policy for Firm Fixed Price Procurements
14	Contract Award File Peer Review Policy Standard Operating Procedures
15	Quality Assurance Surveillance Plan Policy and Procedures

Attachments

1	Acquisition Process Roles and Responsibilities
2	Total Acquisition Approach (TAA)
3	TAA Roadshow
4	FAR Acquisition Processes
5	Acquisition Clearances Guide
6	FNS Letterhead
8	Signing Authority Guide
9	Guidance for Communicating with Contractors Pre and Post Award
10	Request for Legal Opinion
11	Request for Approval of Unauthorized Commitments
12	CMD Orientation –New Employee
13	CMD Shutdown Policy
14	CMD Multiple Award BPAs
15	End of Year Close out Procedures
16	Customer Request Form (CREF)
17	CREF Guide Revised 2018

Pre-Solicitation

18	PALT
19	Acquisition Checklist (COR)
20	Acquisition Plan Preparation Guide
21	Acquisition Plan over $1Million
22	Acquisition Strategy ($100K – $1)
23	Acquisition Strategy Worksheet
24	PWS Template
25	PWS Supplies Template
26	PWS BPA/IDIQ
27	Checklist PWS
28	SOO Sample
29	SOW Construction
31	IGCE Services
33	QASP Template
34	D&F Single Award BPA
35	D&F Option
36	D&F Time and Material
37	Non-Competitive Sole Source Checklist
41	Market Research Memo Sample
42	Sources Sought Unsuccessful Memo
43	Sources Sought Successful Memo
44	GSA Competition and Evaluation Plan
45	Source Selection Plan
47	COR Handbook

Solicitation

48	RFQ Part 8 Sample
50	RFP IDIQ Hybrid
51	RFP Parts 12 & 13
52	RFP Parts 12&15
53	RFP SAPs
54	LPTA Language
55A	RFQ GSA BPA
55B	Past Performance Questionnaire

Evaluation

56	Statement of Non-Interest
58	Briefing Script for Government Evaluators
59	SSEB Instructions Guide
60	SSEB Evaluation Definitions
61	Consensus Form
62	How to Earn an Exceptional Evaluation Rating
63	Source Selection Decision Memo
64	Exclusive from Competitive Range Letter
65	SSEB Electronic

Award

66	PreNegotiation Memo Sample
67	Unsuccessful Offeror Letter
68	Post Negotiation Memo for Noncompetitive Awards
69A	Price Negotiation Memo for Noncompetitive Award
69B	Pre/Post Negotiation Memorandum
70	SAP Basis of Award
71	Congressional Notification

Post Award

72	COR Designation Letter
73	COR Appointment and Designation Memo
74	Post Award Orientation Meeting Sample
75	Debriefing Template
76	Roles and Responsibilities Letter to Contractor
77	Protest – CO Statement of Facts Sample

Contract Administration

78	Contract Modification Checklist
79	Contractor's Evaluation Form for CPARS
80	Options Checklist Memo
81	Notice to Not Exercise Option
82	Deliverable Cover Sheet
83	Complete Stop Work Order
84	Partial Stop Work Order
85	Claims Finding Letter
86	Novation Agreement
87	Guidance for Changing COR

Systems

88	Electronic Contract Guide (ECF)

Attachment D, Natural Resources and Environment (NRE)

Procedures Guidance and Instructions (PGI)

Part 4G01	Federal Acquisition Regulation (FAR) System
Part 4G02	Definition of Words and Terms
Part 4G03	Improper Business Practices and Personal Conflicts of Interest
Part 4G04	Administrative Matters
Part 4G05	Publicizing Contract Actions
Part 4G06	Competition Requirements
Part 4G07	Acquisition Planning
Part 4G08	Required Sources of Supplies and Services
Part 4G09	Contractor Qualifications
Part 4G13	Simplified Acquisition Procedures
Part 4G16	Types of Contracts
Part 4G17	Special Contracting Methods
Part 4G19	Small Business Programs
Part 4G22	Application of Labor Laws to Government Acquisitions
Part 4G24	Protection of Privacy and Freedom of Information
Part 4G27	Patents, Data and Copyrights
Part 4G28	Bonds and Insurance
Part 4G32	Contract Financing
Part 4G33	Protests, Disputes and Appeals
Part 4G36	Construction and Architect-Engineer Contracts
Part 4G37	Service Contracting
Part 4G42	Contract Administration and Audit Services
Part 4G46	Quality Assurance
Part 4G48	Value Engineering

Guides

AQM Contracting Customer Guide

Attachment E, Farm Production and Conservation (FPAC)

https://usdagcc.sharepoint.com/sites/nrcs_mgmtacquisitionsdiv/procurement/regulation/SitePages/Home.aspx

Attachment F, Food Safety (FS)

Agency Clauses and Provisions

Reference	Provision/Clause Title	Clause Date	Archive
52.223-1; 23.406(a)	BIOBASED PRODUCT CERTIFICATION Prescription: Use in solicitations that require delivery or specify the use of Green Purchasing requirements in those categories of USDA-designated bio-based items.	May 14	May 12
52.223-2; 23.406(b),	AFFIRMATIVE PROCUREMENT OF BIO-BASED PRODUCTS UNDER SERVICE AND CONSTRUCTION CONTRACTS Prescription: Use in all janitorial/custodial and operations and maintenance/maintenance and repair contracts.	Sep 13	Jul 12
9.5	ORGANIZATIONAL CONFLICT OF INTEREST AND LIMITATION ON FUTURE CONTRACTING Prescription: Applies to all acquisitions, including task order acquisitions of any size where the requirement may give rise to organizational conflict of interests.	Sep 08	
1.6	CONTRACTING OFFICER Prescription: Use in all solicitations/contracts when it is deemed necessary to identify the authority of the Contracting Officer**.**	Jan 12	
1.602-2	CONTRACTING OFFICER REPRESENTATIVE Prescription: Use in all solicitations/contracts when a COR will be appointed.	Jan 12	
48 CFR 437.110 AGAR 452.237-74	KEY PERSONNEL Prescription: Applies to solicitations/contracts when key personnel are required by the contract.	Aug 08	
37	UNAUTHORIZED PERFORMANCE OF SERVICES Prescription: Use in solicitations/contract for services.	May 11	
Public Law 96-511	OMB CLEARANCE Prescription: Applies to solicitations/contracts when there is a likelihood that information will be collected from at least ten or more members of the public.	Feb 07	
Public Law 101-391	HOTEL AND MOTEL FIRE SAFETY ACT OF 1990 Prescription: Use in solicitations/contracts where lodging facilities are associated with the contract effort.	Feb 07	
9.505-4	RELEASE OF SENSITIVE INFORMATION Prescription: Use in service contracts to document consent to release information needed by service provider to perform specified services.	Jun 13	
15.204-1(b)	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFEROR OR RESPONDENTS Prescription: Use in all solicitations/contracts	Feb 07	
16.505	TASK ORDER PROCEDURES Prescription: Applies to all solicitations/contracts that will result in the award of an IDIQ contract.	Feb 07	
	LEGAL HOLIDAYS	Dec 08	

Reference	Provision/Clause Title	Clause Date	Archive
	Prescription: Use in contracts for performance on-site at a USDA facility.		
39.2	SECTION 508 COMPLIANCE ACCESSIBILITY OF ELECTRONIC AND INFORMATION TECHNOLOGY Prescription: Use in solicitations/contracts that have 508 requirements.	Mar 15	Mar 10
39.2	POST-AWARD ADMINISTRATION AND MONITORING OF SECTION 508 COMPLIANCE ACCESSIBILITY OF ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY Prescription: Use in solicitations/contracts that have 508 requirements.	May 15	
	ACCESS TO SENSITIVE INFORMATION Prescription: Applies to acquisition in which a contractor has to perform specified services that may need access to sensitive information.	Feb 07	
AGAR 452.211-74	PERIOD OF PERFORMANCE Prescription: Use in solicitations/contracts that include option years.	Feb 07	
	EVALUATION OF SUBCONTRACTING PLAN Prescription: Use in solicitations when the award will be subject to approval of a small business subcontracting plan.	Feb 07	
	INCORPORATION OF PROPOSAL Prescription: Use in solicitations when it is anticipated that part of the proposal may be incorporated into the contract.	Feb 07	
	CONFLICT OF INTEREST Prescription: Use in solicitations /contracts when conflict of interest may be a concern.	Feb 07	
19.8	**DIRECT 8(a) CONTRACTING** (PROCUREMENT ADVISORY NO. 71 C, REVISION November 30, 2012)	Sep 13	May 98
	DELIVERABLES/MILESTONES Prescription: Insert the clause in solicitations and contracts that require milestones.	Jan 12	
	INFORMATION TECHNOLOGY SYSTEMS SECURITY Prescription: Insert the clause in solicitations for more complex IT contracts in which the contractor may have direct contact with FSIS IT systems.	Sep 13	
	INFORMATION TECHNOLOGY SYSTEMS SECURITY CONTRACT REQUIREMENTS Prescription: Insert the clause in solicitations /contracts for more complex IT contracts in which the contractor may have direct contact with FSIS IT systems.	Jan 12	
39.105	ADDITIONAL PRIVACY ACT REQUIREMENTS Prescription: Insert the clause in solicitations/contracts when the Privacy Act applies.	Jan 12	

Reference	Provision/Clause Title	Clause Date	Archive
PA 127	COMPLIANCE WITH INTERNET PROTOCAL VERSION 6 (IPv6) IN ACQUIRING INFORMATION TECHNOLOGY Prescription: Insert in solicitations/contracts for IT that have IPv6 requirements.	Nov 16	Dec 16
	COMMONLY ACCEPTED SECURITY CONFIGURATIONS FOR WINDOWS OPERATING SYSTEMS Prescription: Use in all solicitations/contracts for IT requirements.	Dec 16	Mar 15
	ELECTRONIC INVOICING AND PAYMENT REQUIREMENTS-INVOICE PROCESSING PLATFORM (IPP) Prescription: Use in all solicitations/contracts.	Apr 13	
	Rules of Behavior Prescription: Use this document in all solicitations/contracts for IT requirements.		
	Scientific Integrity Prescription: Use this clause in solicitations/contracts for services when contractors will be on-site and/or have access to Government Services	Apr 17	

Attachment G

RESERVED

Attachment H, Procurement Operations Division

Acquisition Operating Procedures, https://www.dm.usda.gov/oppm/pod/aop.htm.

Number	Title/Description
1	Establishment of AOP for procurement offices of the Departmental Administration and Staff Offices
2	Federal Acquisition Certification for Contracting Officer Representative (FAC-COR)
3	Acquisition Planning and Market Research
4	Ratification of an Unauthorized Commitment
5	Justifications and Approvals: Other Than Full and Open Competition
6	Unsolicited Proposals
7	Contract File Indexes and Electronic Contract Files
8	Preaward and Postaward File Review
11	Contracting and Funding Offices' Address Activity Codes used in the Federal Procurement Data System – Next Generation (FPDS-NG)
12	Invoice Payment Process for Contracts Issued through the Integrated Acquisition System
13	Delegation of Contracting Officer Representatives
14	Small Business Subcontracting Plan – Standardized format and review process for the SM Subcontracting plan.
17	Acquisition Reporting Tools – Use in reporting to upper level management.
18	Procurement Action Lead time (PALT) – Provides PALT goals.
19	Requirement Package – Guidance for basic documentation needed.
20	Authorizing Official Certification – Reservation of Funds
21	Contractor Performance Assessment Reporting System (CPARS) Reviewing Official – Process.
22	Reassignment of Requisitions, Solicitations and Contracts to Contracting Officers and Buyers
23	Quality Assurance Surveillance Plan
24	Procurement Approach – Establishes a review and approval process for planned activities of an acquisition.
25	Procurement Review Program

Forms

AD1205	Small Business Review Form

Samples

Contract Closeout Modification

Compliance Matrix, Solicitation

COR Closeout Certification

D&F 6 Month Extension

QASP

Unauthorized Commitment Contractor Cease & Desist Letter

Templates

91D Addendum

Acquisition Plan

D&F, Exercise Option

- Market Research
- Performance Work Statement
- QASP Template

SAP Summary Worksheet

- Statement of Objectives
- Statement of Work
- Template D&F Inclusion of Options
- Verification, Primary COR Experience

Attachment J, Rural Development (RD)

Procurement Operations Procedures (POPs), http://teamrd.usda.gov/rd/daom/pas/pmd.html.

Number	Title/Description
1	Establishing of Rural Developments POPs
1.6	Ratifications of Unauthorized Commitments
4	Advisory and Assistance Services
4.1	Contract File Content Checklists
4.1(A)	Procurement Reviews
5	Termination of Contracts
6.3	Justification for Other than Full and Open Competition
7.1	Acquisition Plans
8.4	Federal Supply Schedule Procedures – Limited Source JOFOC
10	Contracting for Training Events and Conferences
15.3	Source Selection and Source Selection Chart
15.6	Unsolicited Proposals Plans
24	Agency and Contracting Officer Protests and Claims Procedures
28	Cooperative Agreement Review Board
36.6	Architect-Engineer (A&E) Services
37	Service Contracts for the Use of Private Sector Temporaries
42	Contract Administration Plans
70-1	Measurement of Negotiated Savings

Guides
- Acquisition Evaluation Guidelines
- Acquisition Guideline for USDA Mandatory Sources for Office Supplies

BPA Acquisition Guideline
- BPA Acquisition Guide Quick Reference Table
- Evaluation Criteria Illustrations

Samples
- Change of Name Modification
- Closeout Completion Statement

Closeout CPARS Evaluation Letter
Closeout Modification
Closeout Property Report
Construction Contract
- Construction Prenegotiation and Negotiation Memorandums

Construction Purchase Order
Contract Closeout Guidance
Contract Justifications for Contract Types and Options
Contractor notification Letter and Release of Claims
Cost and Price Analysis, Exercise of Option Period
FAR Part 15.406-3 Blank Price Negotiation Memorandum
Green Procurement Requirements
- Market Research Survey

Memorandum of Prenegotiation Objectives
Novation Agreement and Change of Name Letters

Price Analyses
Price Negotiation Memorandum
Simplified Technical Evaluation Plan – Open Market
    Simplified Technical Evaluation Plan – GSA/FSS
    Source Selection Plan – Legal Support Services
    Vendor Communication Plan

Forms
    Contract Review Coversheet Checklist
    COR Designation Letter
    Determination of Prospective Contractor Responsibility
    JOFOC
Modification/Task Order Checklist
    Statement of Work Template
    Supporting Documentation for Negotiated Savings