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practice must be documented in a written justification by the contracting officer, and may be approved by the HCA on an individual or class basis.

PART 2913—SIMPLIFIED ACQUISITION PROCEDURES

Subpart 2913.1—Procedures

Sec.

2913.106–3 Soliciting competition, evaluation of quotations or offers, award and documentation.

Subpart 2913.2—Actions At Or Below The Micro-Purchase Threshold

2913.201 General.

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2913.301 Governmentwide commercial purchase card.
2913.307 Forms.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

Subpart 2913.1—Procedures

2913.106–3 Soliciting competition, evaluation of quotations or offers, award and documentation.

In accordance with FAR 13.106–3(b), simplified acquisition files must contain documentation of the factors considered in making an award in excess of the micro-purchase threshold. When other than the lowest responsive quotation from a responsible supplier is used as the basis for a purchase, the contracting officer must identify the basis (i.e., best value) of the award and include in the purchase file documentation of the reasons for rejecting any lower quotation and the name of the individual responsible for making the determination to award to other than the lowest priced quotation. The contracting officer has broad discretion in determining the award of a purchase order, which may be based on the factors listed in FAR 13.106–3. This requirement does not necessitate a separate determination if the procurement file contains preprinted standardized classifications for award.

Subpart 2913.2—Actions at or Below the Micro-Purchase Threshold

2913.201 General.

The Government commercial purchase card must be used in preference to other methods of procurement for purchases up to the micro-purchase threshold. Other small purchase methods (blanket purchase agreements, third party drafts, and purchase orders) may be used in lieu of the Government purchase card when it is more cost-effective or practicable.

Subpart 2913.3—Simplified Acquisition Methods

2913.301 Governmentwide commercial purchase card.

(a) The Government purchase card has far fewer requirements for documentation than other methods of purchasing. However, the same legal restrictions apply to credit card purchases that apply to other purchases using appropriated funds. If a purchase cardholder has questions about the lawfulness of a particular purchase, he or she must initially consult his or her appropriate office purchase card administrator, who will consult the Office of the Solicitor as necessary.

(b) GAO decisions surrounding the concept of the ''availability of appropriations'' are often stated in terms of whether appropriated funds are or are not ''legally available'' for a given expenditure. Restrictions on the purposes for which appropriated funds may be used come from a variety of sources, including the DOL Appropriations Acts, and decisions of the Comptroller General and his predecessor, the Comptroller of the Treasury.

(c) HCAs, administrative officers, and contracting officers are encouraged to review the GAO publication entitled Principles of Federal Appropriations Law. This document must be consulted when developing Office/Agency Purchase/Credit Card Program procedures. A number of the more common restrictions which ''accounting officers of the Government'' have had frequent occasion to consider and apply include, for example:

(1) Payment of attorney's fees;
(2) Purchase of food, entertainment or recreation;
(3) Payment of personal membership fees; and
(4) Payment of personal expense items such as gifts for employees, and entry fees for contests.

2913.307 Forms.

(a) In accordance with FAR 13.307, contracting officers are encouraged to use the Standard Form (SF) SF–1449, when executing commercial acquisitions. Agencies may use forms other than the SF–1449 and may print on those forms the clauses considered to be suitable for these purchases. In these instances, alternate forms should conform with the Standard Form to the maximum extent practicable.

(b) The SF–30 is to be used to modify a purchase order.