

PHS 302.170

proposed contractor and the solicitation number.

(2) A statement indicating whether or not the deviation had been previously requested. If so, outline the circumstances involved and the disposition of that request.

[49 FR 36237, Sept. 14, 1984, as amended at 51 FR 20486, June 5, 1986]

**PART PHS 302—DEFINITIONS OF WORDS AND TERMS**

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

**Subpart PHS 302.1—Definitions**

**PHS 302.170 Definitions of terms.**

The following terms, when utilized in PHS supplementing or implementing issuances to the HHSAR, have the meanings set forth below.

*PHS agencies* identifies collectively that group of organizational entities within the PHS which have assigned major health functions as currently shown in the PHS Organization Handbook. The PHS agencies are as follows:

- Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)
- Centers for Disease Control (CDC)
- Food and Drug Administration (FDA)
- Health Resources and Services Administration (HRSA)
- National Institutes of Health (NIH)

*PHS agency heads* identifies collectively those individuals who are given the responsibility and authority to manage and direct the efforts of the PHS agencies. These are the Administrators of ADAMHA and HRSA, Commissioner of FDA, and Directors of NIH and CDC.

*PHS contracting activities* identifies collectively those organizational elements of the PHS staff offices and the PHS agencies which have functional responsibility to contract for the acquisition of personal property and nonpersonal services.

[49 FR 36238, Sept. 14, 1984]

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**PART PHS 304—ADMINISTRATIVE MATTERS**

**Subpart PHS 304.1—Contract Execution**

Sec.  
PHS 304.170 Ratification of unauthorized contract awards.

**Subpart PHS 304.6—Contract Reporting**

PHS 304.670 PHS Contract Information System.  
PHS 304.670-1 Policy.  
PHS 304.670-2 PHS agency implementation.

**Subpart PHS 304.71—Review and Approval of Proposed Contract Awards**

PHS 304.7101 Contracts requiring review and approval.  
PHS 304.7102 Conduct of the review.

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

SOURCE: 49 FR 36238, Sept. 14, 1984, unless otherwise noted.

**Subpart PHS 304.1—Contract Execution**

**PHS 304.170 Ratification of unauthorized contract awards.**

(c)(2) Where ratification of an unauthorized contract action within a PHS agency is requested, the contracting officer shall forward the file through acquisition channels to an official at an organizational level above the contracting officer. He/she in turn shall analyze and evaluate the contracting officer's submission and make appropriate recommendations regarding ratification to the head of the contracting activity.

The Administrative Services Center (ASC), Office of Management (OM), will submit its requests for ratification to the Director, OM through the Division of Grants and Contracts (DGC), Office of Resource Management, OM/PHS.

(c)(4)(i) PHS agencies, and ASC, OM/PHS, shall submit a report of ratification data as specified in 304.170. PHS agencies with several contracting offices will be required to collect the required information from these activities and submit a consolidated agency report.

## Appendix A—Public Health Service

## PHS 304.7101

(ii) These reports shall be submitted to DGC/ORM/OM/PHS within 20 days following the expiration of the reporting period. A consolidated PHS report will be prepared for submission to the Deputy Assistant Secretary for Procurement, Assistance, and Logistics as specified in 304.170.

### Subpart PHS 304.6—Contract Reporting

#### **PHS 304.670 PHS Contract Information System (PHSCIS).**

The PHS Contract Information System consolidates all PHS contract data for the Department-wide Contract Information System (DCIS) from the PHS contracting activities.

#### **PHS 304.670-1 Policy**

The PHS principal officials responsible for acquisition (PORA) are responsible for ensuring that all required information is collected, submitted, and received into the PHSCIS in accordance with the central PHSCIS User Manual.

[49 FR 36238, Sept. 14, 1984, as amended at 51 FR 20486, June 5, 1986]

#### **PHS 304.670-2 PHS agency implementation.**

It is the responsibility of the PORAs to develop and implement appropriate procedures within their activities to ensure that data submissions to the PHSCIS are timely, error free, and contain all the required information.

### Subpart PHS 304.71—Review and Approval of Proposed Contract Awards

#### **PHS 304.7101 Contracts requiring review and approval.**

(b)(2)(i) In addition to the reviews required by 304.7101(a) and PHS 304.7101(c), internal reviews are to be conducted of acquisitions made by the following contracting offices in the National Institutes of Health for contract awards that fall below the dollar threshold for review and approval set forth in PHS 304.7101(c) but exceed the dollar threshold set forth herein:

National Cancer Institute—\$750,000

National Heart, Lung, and Blood Institute—\$500,000

National Institute of Environmental Health Sciences—\$250,000

National Institute of Allergy and Infectious Diseases—\$250,000

National Institute of Child Health and Human Development—\$250,000

Centralized procuring activity for all other National Institutes of Health Research Organizations (Research Contracts Branch)—\$250,000

These internal reviews shall be conducted by senior personnel with each contracting office. Typically, the chief of contracting office or his/her deputy should be involved in the review. Personnel involved in the contract action shall not perform the review. Each review shall be documented in writing, and any substantive issues identified shall be resolved prior to award.

(ii) Furthermore, to assure that an adequate review of smaller dollar acquisitions is made prior to award, a statistically significant sample of contract actions of dollar values, less than those amounts referenced in this section is required to be approved prior to award. This review and approval will be by the designated Reviewing Official listed in paragraph (c) (but see PHS 304.7102(a)). Records of such review actions will be maintained and will include documentation of the resolution of any significant issue raised by the review.

(iii) Contract awards and modifications of proposed architect-engineer contracts expected to exceed \$50,000 shall be reviewed and approved prior to award by the reviewing official designated in PHS 304.7101(c).

(c) *Reviewing officials.* For PHS agency contract awards expected to exceed the dollar amounts stated in this paragraph, the reviewing official indicated will personally approve the award. Other than these specified requirements for the designated reviewing official, PHS agencies may assign other review and approval responsibilities at their discretion. The following officials shall be responsible for preaward contract review and approval of all proposed contracts and modifications which are expected to exceed the dollar limits expressed below:

Review and approval required for contracts expected to exceed	PHS acquisition activity	Reviewing official
<b>Office of the Assistant Secretary for Health</b>		
\$300,000	Administrative Services Center, Office of Management .....	Director, Administrative Services Center.
<b>Alcohol, Drug Abuse and Mental Health Administration</b>		
300,000	National Institute on Drug Abuse .....	Director, Division of Grants and Contracts Management.
300,000	National Institute on Alcohol Abuse and Alcoholism .....	Do.
300,000	National Institute of Mental Health .....	Do.
300,000	St Elizabeths, Hospital, NIMH .....	Do.
50,000	Addiction Research Center .....	Do.
<b>Centers for Disease Control</b>		
300,000	Centers for Disease Control .....	Director, Procurement and Grants Office.
<b>Food and Drug Administration</b>		
300,000	Division of Contracts and Grants Management .....	Director, Division of Contracts and Grants Management.
300,000	National Center for Toxicological Research .....	Do.
<b>National Institutes of Health</b>		
1,500,000	National Cancer Institute .....	Director, Division of Contracts and Grants.
1,000,000	National Heart, Lung, and Blood Institute .....	Do.
<b>National Institutes of Environmental Health Sciences</b>		
1,000,000	Research and development awards .....	Do.
100,000	Other than research and development .....	Director, Division of Procurement.
750,000	National Institute of Child Health and Human Development .....	Director, Division of Contracts and Grants.
750,000	National Institute of Allergy and Infectious Diseases .....	Do.
500,000	National Institute of Neurological and Communicative Disorders and Stroke.	Do.
<b>National Library of Medicine</b>		
500,000	Research and development awards .....	Director, Division of Contracts and Grants.
250,000	Other than research and development .....	Director, Division of Procurement.
250,000	National Institute of Dental Research .....	Director, Division of Contracts and Grants.
250,000	National Institute of Arthritis, Metabolism and Digestive Diseases .....	Do.
750,000	Centralized procuring activity for all other National Institutes of Health Research Organizations.	Do.
250,000	Procurement Branch, Division of Procurement, ORS .....	Director, Division of Procurement.
<b>Health Resources and Services Administration</b>		
500,000	Awards made by Headquarters and the Indian Health Service .....	Director, Division of Grants and Procurement Management.
300,000	Awards made by other than Headquarters and the Indian Health Service	Do.