

## SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

### PART 413—SIMPLIFIED ACQUISITION PROCEDURES (Eff. 10-22-99)

#### Subpart 413.3—Simplified Acquisition Methods

Sec.

413.301 Governmentwide commercial purchase card.

413.306 SF 44, Purchase Order-Invoice-Voucher.

413.307 Forms.

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

SOURCE: 64 FR 45895, Aug. 23, 1999, unless otherwise noted.

EFFECTIVE DATE NOTE: At 64 FR 45895, Aug. 23, 1999, part 413 was revised, effective Oct. 22, 1999. For the convenience of the user, part 413 remaining in effect until Oct. 22, 1999, follows the text of this new part.

#### Subpart 413.3—Simplified Acquisition Methods

##### 413.301 Governmentwide commercial purchase card.

USDA policy and procedures on use of the Governmentwide commercial purchase card are established in Departmental Regulation Series 5000.

##### 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 347 and 348.

EFFECTIVE DATE NOTE: At 64 FR 45895, Aug. 23, 1999, part 413 was revised, effective Oct. 22, 1999. For the convenience of the user, the text remaining in effect until Oct. 22, 1999, is set forth as follows:

### PART 413—SIMPLIFIED ACQUISITION PROCEDURES

#### Subpart 413.1—General

Sec.

413.103 Policy.

#### Subpart 413.4—Imprest Fund

413.401 General.

#### Subpart 413.5—Purchase Orders

413.505 Purchase order and related forms.

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

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

#### Subpart 413.1—General

##### 413.103 Policy.

USDA policy and procedures on use of the Governmentwide commercial purchase card are established in Departmental Regulation Series 5000.

#### Subpart 413.4—Imprest Fund

##### 413.401 General.

Departmental Regulation 2000 series sets policies and guidelines for the use of imprest funds within USDA. Departmental Regulation 5000 series establishes policies and procedures for the use of the Third Party Draft System in USDA.

#### Subpart 413.5—Purchase Orders

##### 413.505 Purchase order and related forms.

(a) Form AD-838, Purchase Order, is prescribed for use by USDA in lieu of Optional Forms 347 and 348.

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

## PART 414—SEALED BIDDING

### Subpart 414.2—Solicitation of Bids

Sec.

414.201 Preparation of invitations for bids.

414.201-6 Solicitation provision.

### Subpart 414.4—Opening of Bids and Award of Contract

414.404 Rejection of bids.

414.404-1 Cancellation of invitations after opening.

414.407 Mistakes in bids.

414.407-3 Other mistakes disclosed before award.

414.407-4 Mistakes after award.

414.409 Information to bidders.

414.409-2 Award of classified contracts.

## Department of Agriculture

Pt. 415

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

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

### Subpart 414.2—Solicitation of Bids

#### 414.201 Preparation of invitations for bids.

##### 414.201-6 Solicitation provision.

The contracting officer shall insert the provision 452.214-70, Award by Lot, when multiple items are segregated into clearly identifiable lots and the contracting officer wants to reserve the right to award by item within a lot, if award in that manner would be advantageous to the Government.

### Subpart 414.4—Opening of Bids and Award of Contract

#### 414.404 Rejection of bids.

##### 414.404-1 Cancellation of invitations after opening.

An acquisition official at a level above the contracting officer is authorized to make the determinations under FAR 14.404-1(c) and (e)(1).

##### 414.407 Mistakes in bids.

##### 414.407-3 Other mistakes disclosed before award.

The authority to make the determinations under FAR 14.407-3(a), (b), and (d) is delegated, without power of redelegation, to the head of the contracting activity. The authority to make the determination under FAR 14.407-3(c) is delegated to the contracting officer. Each determination pursuant to FAR 14.407-3 shall have the concurrence of the Office of the General Counsel (OGC).

##### 414.407-4 Mistakes after award.

If a mistake in bid is disclosed after award, the contracting officer shall make a final determination in accordance with the provisions of FAR 14.407-4 (b) and (c) and shall coordinate each proposed determination with OGC. Such coordination shall, at a minimum, consist of the contracting offi-

cer providing the proposed determination and the case file to OGC for comment.

#### 414.409 Information to bidders.

##### 414.409-2 Award of classified contracts.

Disposition of classified information shall be in accordance with Departmental Regulation and Manual (3400 Series) and in accordance with direction issued by the USDA Security Officer, Policy Analysis and Coordination Center—Human Resources Management.

## PART 415—CONTRACTING BY NEGOTIATION (Eff. 11-29-99)

### Subpart 415.2—Solicitation and Receipt of Proposals and Information

Sec.

415.204 Contract format.

415.207 Handling proposals and information.

415.209 Solicitation provisions and contract clauses.

#### Subpart 415.3—Source Selection

415.303 Responsibilities.

415.305 Proposal evaluation.

#### Subpart 415.4—Contract Pricing

415.404-4 Profit.

#### Subpart 415.5—Preaward, Award, and Postaward Notifications, Protests and Mistakes

415.570 Post-award conference.

#### Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

415.606 Agency procedures.

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

SOURCE: 64 FR 52674, Sept. 30, 1999, unless otherwise noted.

EFFECTIVE DATE NOTE: At 64 FR 52674, Sept. 30, 1999, part 415 was revised, effective Nov. 29, 1999. For the convenience of the user, part 415 remaining in effect until Nov. 29, 1999, follows the text of this new part.