

## SUBCHAPTER A—GENERAL

### PART PHS 301—PHS ACQUISITION REGULATION SYSTEM

#### Subpart PHS 301.1—Purpose, Authority, Issuance

Sec.

- PHS 301.101 Purpose.
- PHS 301.102 Authority.
- PHS 301.103 Applicability.
- PHS 301.104 Issuance.
- PHS 301.104-1 Publication and code arrangement.
- PHS 301.104-2 Arrangement of regulations.
- PHS 301.104-3 Copies.
- PHS 301.105 OMB approval under the Paperwork Reduction Act.

#### Subpart PHS 301.2—Administration

- PHS 301.201 Maintenance of the PHSAR.
- PHS 301.270 Procurement Management Advisory Committee.
- PHS 301.271 Timing of PHSAR revisions.

#### Subpart PHS 301.4—Deviations From the FAR

PHS 301.470 Procedure.

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

SOURCE: 49 FR 36237, Sept. 14, 1984, unless otherwise noted.

#### Subpart PHS 301.1—Purpose, Authority, Issuance

##### **PHS 301.101 Purpose.**

(a) The Public Health Service Acquisition Regulation (PHSAR) is issued to establish uniform acquisition policies and procedures throughout PHS which are necessary to implement or supplement the Department of Health and Human Services Acquisition Regulation (HHSAR).

(b) PHS issuances do not reiterate material published in the HHSAR or the Federal Acquisition Regulation (FAR).

(c) The PHSAR implements and supplements the HHSAR. Implementing material expands upon or indicates the manner of compliance with the related HHSAR. Supplementing material is new material which has no counterpart in the HHSAR. The omission of sections or subsections in PHSAR means no further explanation or qualification

is necessary for implementation within PHS. Therefore, in order to obtain comprehensive coverage and assure consideration of all acquisition policies and procedures pertinent to PHS, the FAR, HHSAR, and PHSAR should be read.

##### **PHS 301.102 Authority.**

(a) The HHSAR authorizes supplementation or implementation of the FAR and HHSAR in accordance with prescribed procedures (see 301.301) in order to publish essential acquisition instructions, policies, and procedures that do not conflict with, supersede or duplicate that prescribed by the FAR and the HHSAR.

##### **PHS 301.103 Applicability.**

The FAR, HHSAR and PHSAR issuances apply to all acquisitions made by PHS procuring activities as defined in FAR 1.103.

##### **PHS 301.104 Issuance.**

##### **PHS 301.104-1 Publication and code arrangement.**

(a) The PHSAR is published in the same forms as indicated in FAR 1.104-1(a).

(b) PHS issuances will be published on yellow pages in looseleaf form for insertion into the HHSAR.

##### **PHS 301.104-2 Arrangement of regulations.**

(a) *General.* The PHSAR conforms to the FAR and HHSAR with respect to divisional arrangements; i.e., subchapters, parts, subparts, sections, subsections, and paragraphs.

(c) *References and citations.*

(2) This regulation shall be referred to as the Public Health Service Acquisition Regulation (PHSAR), Appendix A to the Department of Health and Human Services Acquisition Regulation. Any reference shall be cited as "PHS" followed by the appropriate number.

(3) Citations of authority shall be incorporated where necessary. All FAR reference numbers shall be preceded by "FAR." References to the HHSAR shall

state only the number without the prefix "HHSAR."

**PHS 301.104-3 Copies.**

Copies of the PHSAR in FEDERAL REGISTER form may be purchased by the public from the Superintendent of Documents, Government Printing Office (GPO), Washington, DC 20402. Looseleaf copies of the PHSAR may be obtained by departmental personnel having a need for the document by placing an order with a Directives Distribution Coordinator in accordance with General Administration Manual Chapter 1-00, Exhibit G, HHS Staff Manual System.

**PHS 301.105 OMB approval under the Paperwork Reduction Act.**

The following OMB control numbers apply to the information collection and recordkeeping requirements contained in this regulation:

PHSAR segment	OMB control No.
All segments (excluding PHS 352.223-70 and PHS 252.232-70) .....	0990-0128
PHS 352.223-70 .....	0990-0137
PHS 352.232-70 .....	0990-0134

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

**Subpart PHS 301.2—Administration**

**PHS 301.201 Maintenance of PHSAR.**

The PHSAR is maintained by the Division of Grants and Contracts, Office of Resource Management, Office of Management, PHS. The Director, Division of Grants and Contracts is responsible for developing and preparing material to be included in the PHSAR.

**PHS 301.270 Procurement Management Advisory Committee.**

(a) The Director, Division of Grants and Contracts has established the Procurement Management Advisory Committee (PMAC) to assist and facilitate the planning and development of acquisition policies and procedures, and the resolving of operational problems affecting all acquisition activities in the PHS.

(b) The PMAC consists of members and alternates from the Office of the Assistant Secretary for Health, Alco-

hol, Drug Abuse, and Mental Health Administration, Centers for Disease Control, Food and Drug Administration, Health Resources and Services Administration, and National Institutes of Health.

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

**PHS 301.271 Timing of PHSAR revisions.**

PHSAR revisions will be issued throughout the year as the need arises. PHS issuances shall be effective on the date cited in the FEDERAL REGISTER issuance or on the date of the transmittal notice which distributes it to PHSAR Staff Manual holders, unless otherwise directed.

**Subpart PHS 301.4—Deviations From the FAR**

**PHS 301.470 Procedure.**

(a) Requests for deviations from the FAR, HHSAR or any PHSAR issuance for implementation or supplementation shall be submitted in writing by the PHS agency principal official responsible for acquisition to the Director, Division of Grants and Contracts, ORM/OM/PHS for approval and/or further processing as may be required. When it is recognized that a deviation will be required prior to the issuance of a solicitation, the request for deviation must be processed and approved prior to release of the solicitation. When completion of a contract action is contingent on approval of a deviation, the request for deviation must be processed and approval granted by the appropriate level, prior to contract execution. In an exigency situation, initial verbal contact should be made with the Chief, Contracts Management Branch, DGC/ORM/OM/PHS or his/her designee. Only deviations to the PHSAR may be granted by the Director, Division of Grants and Contracts.

(b) Each request for deviation shall provide sufficient information to permit PHS compliance with the HHSAR. Generally, such requests shall contain the following in addition to the information required by 301.470(b):

(1) The name of the contractor and contract number, or the name of the

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]

## 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 (PHSCIS).  
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.