

## 313.501

OPDIV designates. The fiscal or other paying officer shall use the signed document, invoice, *etc.*, as the basis for payment. Alternatively, OPDIVs may use electronic methods to document, and transmit to the paying office, the receipt, inspection, and acceptance of items or services for payment purposes, provided such methods are authorized in local fiscal procedures. Contracting offices shall establish procedures to ensure that funds are available prior to placement of orders.

### Subpart 313.5—Test Program for Certain Commercial Items

#### 313.501 Special documentation requirements.

(a)(1)

(i) The justification requirements of 306.303-1(b) and 306.303-1(b)(1) through (b)(4) apply to proposed noncompetitive acquisitions placed under *FAR Subpart 13.5*.

(ii) The HHS standard format for JOFOCs cited in 306.303-1(b)(1) shall be used to support noncompetitive acquisitions in excess of the simplified acquisition threshold placed under *FAR Subpart 13.5*.

(iii) The certification, concurrence, and approval requirements cited in 306.304 for JOFOCs apply to applicable noncompetitive acquisitions placed under *FAR Subpart 13.5*.

(2)

(i) The Contracting Officer shall exercise this approval authority unless a higher approval level is required by OPDIV procedures.

(ii) The CAs are listed in 306.501. This approval authority is not delegable.

(iii) The CA shall exercise this approval authority, except where the individual designated as the competition advocate does not meet the requirements of *FAR 6.304(a)(3)(ii)*. This approval authority is not delegable.

(iv) The HHS SPE is the Associate DAS for Acquisition.

## PART 314—SEALED BIDDING

### Subpart 314.1—Use of Sealed Bidding

Sec.  
314.103 Policy.

## 48 CFR Ch. 3 (10-1-10 Edition)

### Subpart 314.2—Solicitation of Bids

314.202 General rules for solicitation of bids.  
314.202-7 Facsimile bids.

### Subpart 314.4—Opening of Bids and Award of Contract

314.404 Rejection of bids.  
314.404-1 Cancellation of invitations after opening.  
314.407 Mistakes in bids.  
314.407-3 Other mistakes disclosed before award.  
314.407-4 Mistakes after award.

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

SOURCE: 74 FR 62398, Nov. 27, 2009, unless otherwise noted.

### Subpart 314.1—Use of Sealed Bidding

#### 314.103 Policy.

EIT products and services, including EIT deliverables such as electronic documents and reports, acquired using sealed-bid procedures shall comply with Section 508 of the Rehabilitation Act of 1973, as amended. Consistent with paragraph 4.3.1 of the HHS Section 508 policy—*see* Section 508 policy on HHS Office of Disability Web site, if products and services, including commercially available items, meet some but not all of the applicable Section 508 accessibility standards, and no commercially available products or services meet all of the applicable Section 508 accessibility standards, an OPDIV/STAFFDIV shall acquire the products and services that best meet the applicable Section 508 accessibility standards. Commercial nonavailability exception determinations for EIT products and services that do not meet some or all of the applicable Section 508 accessibility standards shall be processed in accordance with 339.203.

### Subpart 314.2—Solicitation of Bids

#### 314.202 General rules for solicitation of bids.

#### 314.202-7 Facsimile bids.

(c) If the HCA (non-delegable) determines that the contracting activity will allow use of facsimile bids and proposals, the HCA shall prescribe internal procedures, in accordance with the