

## 316.307

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

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

### Subpart 316.3—Cost-reimbursement Contracts

#### 316.307 Contract clauses.

(a) If a contract for R & D is with a hospital (profit or nonprofit), the Contracting Officer shall modify the “Allowable Cost and Payment” clause at *FAR 52.216-7* by deleting from paragraph (a) the words “Subpart 31.2 of the Federal Acquisition Regulation (FAR)” and substituting “45 CFR Part 74 Appendix E.”

(j) The Contracting Officer shall insert the clause in *352.216-70*, Additional Cost Principles, in solicitations and contracts when a cost-reimbursement contract is contemplated.

### Subpart 316.5—Indefinite-Delivery Contracts

#### 316.505 Ordering.

(b)(5) The HHS task-order and delivery-order ombudsman is the Director, Strategic Acquisition Service, PSC. The task-order and delivery-order ombudsmen for each of the HHS contracting activities are as follows:

AHRQ: Director, Office of Performance Accountability, Resources and Technology  
ASPR/OAMCG: Chief of Acquisition Policy  
CDC: Chief Information Officer  
CMS: Chief Operating Officer  
FDA: Director, Office of Acquisitions and Grants Services  
HRSA: Associate Administrator, Office of Operations

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IHS: Director, Office of Management Services

NIH: Senior Scientific Advisor for Extramural Research, Office of Extramural Research (R & D) and Senior Advisor to the Director (Other than R & D)

PSC: Director, Strategic Acquisition Service  
SAMHSA: Executive Officer

[74 FR 62398, Nov. 27, 2009, as amended at 75 FR 21511, Apr. 26, 2010]

### Subpart 316.6—Time-and-Materials, Labor-Hour, and Letter Contracts

#### 316.603 Letter contracts.

#### 316.603-3 Limitations.

An official one level above the Contracting Officer shall make the written determination that no other contract type is suitable.

#### 316.603-70 Procedure for requesting authority to issue a letter contract.

The Contracting Officer shall include the following information in a memorandum requesting approval to award a letter contract:

(a) Name and address of proposed contractor.

(b) Location where contract is to be performed.

(c) Contract number, including modification number, if possible.

(d) Brief description of work and services to be performed.

(e) Proposed performance or delivery schedule.

(f) Amount of letter contract.

(g) Estimated total amount of definitive contract.

(h) Type of definitive contract to be executed (fixed price, cost-reimbursement, *etc.*).

(i) Statement of the necessity and advantage to the Government of the use of the proposed letter contract.

(j) Statement of percentage of the estimated cost that the obligation of funds represents (in rare instances where the obligation represents 50 percent or more of the proposed estimated cost of the acquisition, the Contracting Officer shall include a justification for that obligation (e.g., the contractor requires a large initial outlay of funds for major subcontract awards or an extensive purchase of materials to meet an urgent delivery requirement)). In