

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 313—SIMPLIFIED ACQUISITION PROCEDURES

Sec.
313.003 Policy.

Subpart 313.1—Procedures

313.106-2 Evaluation of quotations or offers.

Subpart 313.3—Simplified Acquisition Methods

313.301 Government-wide commercial purchase card.
313.303 Blanket purchase agreements.
313.303-5 Purchases under blanket purchase agreements.

Subpart 313.5—Test Program for Certain Commercial Items

313.501 Special documentation requirements.

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

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

313.003 Policy.

EIT products and services, including EIT deliverables such as electronic documents and reports, acquired pursuant to *FAR Part 13* 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 on 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 313.1—Procedures

313.106-2 Evaluation of quotations or offers.

(b)(5) Technical Evaluation. When conducting a technical evaluation of quotations or proposals received under *FAR Part 13*, the provisions of 315.305(a)(3) apply.

Subpart 313.3—Simplified Acquisition Methods

313.301 Government-wide commercial purchase card.

(b) HHS' procedures for the use and control of the Government-wide commercial purchase card may be found in the HHS Purchase Card Program Guide, available on the ASFR/OGAPA/DA Web site.

(1) ASFR/OGAPA/DA has overall responsibility for monitoring the OPDIVs' implementation of the HHS purchase card program to foster compliance with *FAR 13.301*; OMB Circular A-123, Appendix B, "Improving the Management of Government Charge Card Programs;" GSA's SmartPay Program guidance; and HHS Purchase Card program standards.

(2) The OPDIVs, through their designated Agency/Organization Program Coordinators, are responsible for establishing the necessary local procedures and appropriate training requirements to ensure effective implementation of the HHS purchase card program.

(3) OPDIVs shall refer to 313.003 and the HHS Purchase Card Program Guide for information regarding acquiring EIT products and services subject to Section 508 of the Rehabilitation Act of 1973, as amended.

313.303 Blanket purchase agreements.

313.303-5 Purchases under blanket purchase agreements.

(e)(5) HHS personnel that sign delivery documents, invoices, *etc.*, verifying the receipt of an item or service shall forward such documents to the fiscal office or other paying office that the

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 (10-1-12 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