

## **SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING**

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2405.202 Exceptions.

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2405.502 Authority.

AUTHORITY: 40 U.S.C. 486(c); 41 U.S.C. 253; 42 U.S.C. 3535(d); and FAR class deviation approved November 15, 1990.

#### **Subpart 2405.2—Synopsis of Proposed Contract Actions**

##### **2405.202 Exceptions.**

(b) The Senior Procurement Executive shall make the written determination in accordance with FAR 5.202(b) that advance notice of proposed contract actions is not appropriate or reasonable.

[50 FR 46576, Nov. 8, 1985]

#### **Subpart 2405.5—Paid Advertisements**

##### **2405.502 Authority.**

Use of paid advertisements in newspapers, trade journals, and other media are authorized by Delegations or Re-delegations of Authority, subject to the availability of funds.

[49 FR 7701, Mar. 1, 1984]

### **PART 2406—COMPETITION REQUIREMENTS**

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2406.501 Requirement.

AUTHORITY: 40 U.S.C. 486(c); 41 U.S.C. 253; 42 U.S.C. 3535(d).

SOURCE: 50 FR 46576, Nov. 8, 1985, unless otherwise noted.

#### **Subpart 2406.2—Full and Open Competition After Exclusion of Sources**

##### **2406.202 Establishing or maintaining alternative sources.**

(b)(1) The HCA shall sign the Determination and Finding (D&F) required by FAR 6.202(b)(1).

#### **Subpart 2406.3—Other Than Full and Open Competition**

##### **2406.304 Approval of the justification.**

(c) A class justification for other than full and open competition shall be approved in writing by the Senior Procurement Executive.

##### **2406.304-70 Approval of the justification— field procurements.**

(a) The justification for other than full and open competition for field procurements shall be approved in writing—

(3) For a proposed contract with a value of more than \$1 million but not exceeding \$50 million, by the Deputy Chief Procurement Officer.

[71 FR 2435, Jan. 13, 2006]

#### **Subpart 2406.5—Competition Advocates**

##### **2406.501 Requirement.**

The Senior Procurement Executive shall designate the Department's competition advocate by FEDERAL REGISTER notice. Contracting activity-level competition advocates shall be appointed by each HCA.

[60 FR 46155, Sept. 5, 1995]

## Department of Housing and Urban Development

2409.507-2

### PART 2407—ACQUISITION PLANNING

AUTHORITY: Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

#### Subpart 2407.1—Acquisition Plans

##### 2407.102 Policy.

The Senior Procurement Executive is responsible for establishing and maintaining internal procedures to implement the Department's Advance Procurement Planning System (APPS). The APPS should generally meet the criteria contained in FAR subpart 7.1.

[49 FR 7701, Mar. 1, 1984, as amended at 51 FR 7948, Mar. 7, 1986]

### PART 2408—REQUIRED SOURCES OF SUPPLIES AND SERVICES

AUTHORITY: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

#### Subpart 2408.8—Acquisition of Printing and Related Supplies

##### 2408.802-70 Contract clause.

The Contracting Officer shall insert the clause at 2452.208-71, Reproduction of Reports, in solicitations and contracts where the contractor is required to produce, as an end product, publications or other written materials.

[71 FR 2435, Jan. 13, 2006]

### PART 2409—CONTRACTOR QUALIFICATIONS

#### Subpart 2409.5—Organizational and Consultant Conflicts of Interest

Sec.

2409.503 Waiver.

2409.507 Solicitation provisions and contract clause.

2409.507-1 Solicitation provisions.

2409.507-2 Contract clauses.

#### Subpart 2409.70—Debarment, Suspension, and Ineligibility

2409.7001 HUD regulations on debarment, suspension, and ineligibility.

AUTHORITY: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

SOURCE: 49 FR 7701, Mar. 1, 1984, unless otherwise noted.

#### Subpart 2409.5—Organizational and Consultant Conflicts of Interest

##### 2409.503 Waiver.

The Senior Procurement Executive is authorized to waive any general rule or procedure in FAR subpart 9.5 by determining that its application to a particular situation would not be in the Government's interest.

[57 FR 59788, Dec. 15, 1992]

##### 2409.507 Solicitation provisions and contract clause.

##### 2409.507-1 Solicitation provisions.

The Contracting Officer shall insert a provision substantially the same as the provision at 48 CFR 2452.209-70, Potential Organizational Conflicts of Interest, in all solicitations over the simplified acquisition limitation when the Contracting Officer has reason to believe that a potential organizational conflict of interest exists. The Contracting Officer shall describe the nature of the potential conflict in the provision.

[65 FR 3576, Jan. 21, 2000]

##### 2409.507-2 Contract clauses.

The Contracting Officer shall insert a clause substantially the same as the clause at 2452.209-71, Limitation on Future Contracts, in solicitations and contracts for services above the simplified acquisition threshold whenever the Contracting Officer has reason to believe that the nature of the proposed contract requirements may present an organizational conflict of interest as defined at FAR subpart 9.5. The Contracting Officer shall describe in the clause the nature of the potential conflict and the negotiated terms and duration of the limitation. The Contracting Officer shall insert the clause at 2452.209-72, Organizational Conflicts of Interest, in all solicitations and contracts.

[71 FR 2435, Jan. 13, 2006]