Subchapter B - Competition and Acquisition Planning

- Federal Acquisition Regulation
- Federal Acquisition Regulation
 - Part 5 Publicizing Contract Actions
 - <u>5.000 Scope of part.</u>
 - <u>5.001 Definition.</u>
 - <u>5.002 Policy.</u>
 - <u>5.003 Governmentwide point of entry.</u>
 - Subpart 5.1 Dissemination of Information
 - 5.101 Methods of disseminating information.
 - 5.102 Availability of solicitations.
 - Subpart 5.2 Synopses of Proposed Contract Actions
 - 5.201 General.
 - 5.202 Exceptions.
 - <u>5.203 Publicizing and response time.</u>
 - 5.204 Presolicitation notices.
 - <u>5.205 Special situations.</u>
 - <u>5.206 Notices of subcontracting opportunities.</u>
 - <u>5.207 Preparation and transmittal of synopses.</u>
 - Subpart 5.3 Synopses of Contract Awards
 - <u>5.301 General.</u>
 - 5.302 Preparation and transmittal of synopses of awards.
 - 5.303 Announcement of contract awards.
 - Subpart 5.4 Release of Information
 - <u>5.401 General.</u>
 - 5.402 General public.
 - 5.403 Requests from Members of Congress.
 - 5.404 Release of long-range acquisition estimates.
 - <u>5.404-1 Release procedures.</u>
 - 5.404-2 Announcements of long-range acquisition estimates.
 - 5.405 Exchange of acquisition information.
 - 5.406 Public disclosure of justification documents for certain contract actions.
 - Subpart 5.5 Paid Advertisements
 - 5.501 Definitions.
 - <u>5.502 Authority.</u>
 - 5.503 Procedures.
 - <u>5.504 Use of advertising agencies.</u>
 - Subpart 5.6 Publicizing Multi-Agency Use Contracts
 - <u>5.601 Governmentwide database of contracts.</u>
 - Subpart 5.7 Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009
 - <u>5.701 Scope.</u>
 - <u>5.702 Applicability.</u>
 - 5.703 Definition.

- <u>5.704 Publicizing preaward.</u>
- <u>5.705 Publicizing postaward.</u>
- Part 6 Competition Requirements
 - <u>6.000 Scope of part.</u>
 - 6.001 Applicability.
 - 6.002 Limitations.
 - 6.003 [Reserved]
 - Subpart 6.1 Full and Open Competition
 - 6.100 Scope of subpart.
 - <u>6.101 Policy.</u>
 - <u>6.102 Use of competitive procedures.</u>
 - Subpart 6.2 Full and Open Competition After Exclusion of Sources
 - 6.200 Scope of subpart.
 - <u>6.201 Policy.</u>
 - 6.202 Establishing or maintaining alternative sources.
 - 6.203 Set-asides for small business concerns.
 - <u>6.204 Section 8(a) competition.</u>
 - <u>6.205 Set-asides for HUBZone small business concerns.</u>
 - <u>6.206 Set-asides for service-disabled veteran-owned small business</u> (SDVOSB) concerns eligible under the SDVOSB Program.
 - 6.207 Set-asides for economically disadvantaged women-owned small business (EDWOSB) concerns or women-owned small business (WOSB) concerns eligible under the WOSB Program.
 - <u>6.208 Set-asides for local firms during a major disaster or emergency.</u>
 - Subpart 6.3 Other Than Full and Open Competition
 - 6.300 Scope of subpart.
 - 6.301 Policy.
 - 6.302 Circumstances permitting other than full and open competition.
 - 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.
 - 6.302-2 Unusual and compelling urgency.
 - 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services.
 - <u>6.302-4 International agreement.</u>
 - 6.302-5 Authorized or required by statute.
 - 6.302-6 National security.
 - o 6.302-7 Public interest.
 - <u>6.303 Justifications.</u>
 - <u>6.303-1 Requirements.</u>
 - o 6.303-2 Content.
 - <u>6.304 Approval of the justification.</u>
 - 6.305 Availability of the justification.
 - Subpart 6.4 Sealed Bidding and Competitive Proposals
 - <u>6.401 Sealed bidding and competitive proposals.</u>
 - Subpart 6.5 Advocates for Competition
 - <u>6.501 Requirement.</u>
 - 6.502 Duties and responsibilities.
- Part 7 Acquisition Planning
 - <u>7.000 Scope of part.</u>
 - Subpart 7.1 Acquisition Plans
 - 7.101 Definitions.

- 7.102 Policy.
- 7.103 Agency-head responsibilities.
- 7.104 General procedures.
- 7.105 Contents of written acquisition plans.
- 7.106 Additional requirements for major systems.
- 7.107 Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling.
 - 7.107-1 General.
 - 7.107-2 Consolidation.
 - 7.107-3 Bundling.
 - 7.107-4 Substantial bundling.
 - 7.107-5 Notifications.
 - 7.107-6 Solicitation provision.
- 7.108 Additional requirements for telecommuting.
- Subpart 7.2 Planning for the Purchase of Supplies in Economic Quantities
 - 7.200 Scope of subpart.
 - 7.201 [Reserved]
 - <u>7.202 Policy.</u>
 - 7.203 Solicitation provision.
 - 7.204 Responsibilities of contracting officers.
- Subpart 7.3 Contractor Versus Government Performance
 - 7.300 [Reserved]
 - 7.301 Definitions.
 - <u>7.302 Policy.</u>
 - <u>7.303 [Reserved]</u>
 - 7.304 [Reserved]
 - 7.305 Solicitation provisions and contract clause.
- Subpart 7.4 Equipment Acquisition
 - 7.400 Scope of subpart.
 - 7.401 Acquisition considerations.
 - 7.402 Acquisition methods.
 - 7.403 General Services Administration assistance and OMB guidance.
 - 7.404 Contract clause.
- Subpart 7.5 Inherently Governmental Functions
 - 7.500 Scope of subpart.
 - 7.501 [Reserved]
 - 7.502 Applicability.
 - <u>7.503 Policy.</u>
- o Part 8 Required Sources of Supplies and Services
 - 8.000 Scope of part.
 - <u>8.001 General.</u>
 - 8.002 Priorities for use of mandatory Government sources.
 - <u>8.003 Use of other mandatory sources.</u>
 - 8.004 Use of other sources.
 - 8.005 Contract clause.
 - Subpart 8.1 Excess Personal Property
 - 8.101 [Reserved]
 - 8.102 Policy.
 - 8.103 Information on available excess personal property.
 - 8.104 Obtaining nonreportable property.
 - Subpart 8.2 [Reserved]

- Subpart 8.3 [Reserved]
- Subpart 8.4 Federal Supply Schedules
 - 8.401 Definitions.
 - 8.402 General.
 - 8.403 Applicability.
 - <u>8.404 Use of Federal Supply Schedules.</u>
 - <u>8.405 Ordering procedures for Federal Supply Schedules.</u>
 - 8.405-1 Ordering procedures for supplies, and services not requiring a statement of work.
 - 8.405-2 Ordering procedures for services requiring a statement of work.
 - 8.405-3 Blanket purchase agreements (BPAs).
 - 8.405-4 Price reductions.
 - 8.405-5 Small business.
 - 8.405-6 Limiting sources.
 - <u>8.405-7 Payment.</u>
 - <u>8.406 Ordering activity responsibilities.</u>
 - 8.406-1 Order placement.
 - 8.406-2 Inspection and acceptance.
 - 8.406-3 Remedies for nonconformance.
 - 8.406-4 Termination for cause.
 - 8.406-5 Termination for the Government's convenience.
 - <u>8.406-6 Disputes.</u>
 - 8.406-7 Contractor Performance Evaluation.
- Subpart 8.5 [Reserved]
- Subpart 8.6 Acquisition from Federal Prison Industries, Inc.
 - <u>8.601 General.</u>
 - <u>8.602 Policy.</u>
 - 8.603 Purchase priorities.
 - 8.604 Waivers.
 - 8.605 Exceptions.
 - <u>8.606 Evaluating FPI performance.</u>
 - 8.607 Performance as a subcontractor.
 - 8.608 Protection of classified and sensitive information.
- Subpart 8.7 Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled
 - 8.700 Scope of subpart.
 - 8.701 Definitions.
 - 8.702 General.
 - 8.703 Procurement List.
 - <u>8.704 Purchase priorities.</u>
 - 8.705 Procedures.
 - 8.705-1 General.
 - 8.705-2 Direct-order process.
 - \circ 8.705-3 Allocation process.
 - 8.705-4 Compliance with orders.
 - 8.706 Purchase exceptions.
 - 8.707 Prices.
 - <u>8.708 Shipping.</u>
 - <u>8.709 Payments.</u>
 - 8.710 Quality of merchandise.

- 8.711 Quality complaints.
- 8.712 Specification changes.
- 8.713 Optional acquisition of supplies and services.
- 8.714 Communications with the central nonprofit agencies and the Committee.
- 8.715 Replacement commodities.
- <u>8.716 Change-of-name and successor in interest procedures.</u>
- Subpart 8.8 Acquisition of Printing and Related Supplies
 - 8.800 Scope of subpart.
 - 8.801 Definitions.
 - 8.802 Policy.
- Subpart 8.9 [Reserved]
- Subpart 8.10 [Reserved]
- Subpart 8.11 Leasing of Motor Vehicles
 - <u>8.1100 Scope of subpart.</u>
 - 8.1101 Definitions.
 - 8.1102 Presolicitation requirements.
 - 8.1103 Contract requirements.
 - 8.1104 Contract clauses.
- Part 9 Contractor Qualifications
 - 9.000 Scope of part.
 - Subpart 9.1 Responsible Prospective Contractors
 - 9.100 Scope of subpart.
 - 9.101 Definitions.
 - 9.102 Applicability.
 - 9.103 Policy.
 - 9.104 Standards.
 - 9.104-1 General standards.
 - 9.104-2 Special standards.
 - 9.104-3 Application of standards.
 - 9.104-4 Subcontractor responsibility.
 - 9.104-5 Representation and certifications regarding responsibility matters.
 - $\circ~9.104\text{-}6$ Federal Awardee Performance and Integrity Information System.
 - 9.104-7 Solicitation provisions and contract clauses.
 - 9.105 Procedures.
 - 9.105-1 Obtaining information.
 - 9.105-2 Determinations and documentation.
 - 9.105-3 Disclosure of preaward information.
 - 9.106 Preaward surveys.
 - 9.106-1 Conditions for preaward surveys.
 - 9.106-2 Requests for preaward surveys.
 - 9.106-3 Interagency preaward surveys.
 - 9.106-4 Reports.
 - 9.107 Surveys of nonprofit agencies participating in the AbilityOne Program.
 - 9.108 Prohibition on contracting with inverted domestic corporations.
 - 9.108-1 Definitions.
 - 9.108-2 Prohibition.
 - 9.108-3 Representation by the offeror.
 - 9.108-4 Waiver.

- 9.108-5 Solicitation provision and contract clause.
- 9.109 Prohibition on contracting with an entity involved in activities that violate arms control treaties or agreements with the United States.
 - 9.109-1 Authority.
 - 9.109-2 Prohibition.
 - <u>9.109-3 Exception.</u>
 - 9.109-4 Certification by the offeror.
 - 9.109-5 Solicitation provision.
- 9.110 Reserve Officer Training Corps and military recruiting on campus.
 - 9.110-1 Definitions.
 - 9.110-2 Authority
 - 9.110-3 Policy.
 - 9.110-4 Procedures.
 - 9.110-5 Contract clause.
- Subpart 9.2 Qualifications Requirements
 - 9.200 Scope of subpart.
 - 9.201 Definitions.
 - 9.202 Policy.
 - 9.203 OPL's, OML's, and OBL's.
 - 9.204 Responsibilities for establishment of a qualification requirement.
 - <u>9.205 Opportunity for qualification before award.</u>
 - 9.206 Acquisitions subject to qualification requirements.
 - <u>9.206-1 General.</u>
 - 9.206-2 Contract clause.
 - 9.206-3 Competition.
 - 9.207 Changes in status regarding qualification requirements.
- Subpart 9.3 First Article Testing and Approval
 - 9.301 Definition.
 - 9.302 General.
 - 9.303 Use.
 - 9.304 Exceptions.
 - 9.305 Risk.
 - 9.306 Solicitation requirements.
 - <u>9.307 Government administration procedures.</u>
 - 9.308 Contract clauses.
 - 9.308-1 Testing performed by the contractor.
 - 9.308-2 Testing performed by the Government.
- Subpart 9.4 Debarment, Suspension, and Ineligibility
 - 9.400 Scope of subpart.
 - 9.401 Applicability.
 - 9.402 Policy.
 - 9.403 Definitions.
 - 9.404 Exclusions in the System for Award Management.
 - 9.405 Effect of listing.
 - 9.405-1 Continuation of current contracts.
 - 9.405-2 Restrictions on subcontracting.
 - 9.406 Debarment.
 - 9.406-1 General.
 - 9.406-2 Causes for debarment.
 - 9.406-3 Procedures.
 - 9.406-4 Period of debarment.

- 9.406-5 Scope of debarment.
- 9.407 Suspension.
 - 9.407-1 General.
 - 9.407-2 Causes for suspension.
 - 9.407-3 Procedures.
 - 9.407-4 Period of suspension.
 - 9.407-5 Scope of suspension.
- 9.408 [Reserved]
- 9.409 Contract clause.
- Subpart 9.5 Organizational and Consultant Conflicts of Interest
 - 9.500 Scope of subpart.
 - 9.501 Definition.
 - 9.502 Applicability.
 - 9.503 Waiver.
 - 9.504 Contracting officer responsibilities.
 - 9.505 General rules.
 - 9.505-1 Providing systems engineering and technical direction.
 - 9.505-2 Preparing specifications or work statements.
 - 9.505-3 Providing evaluation services.
 - 9.505-4 Obtaining access to proprietary information.
 - 9.506 Procedures.
 - 9.507 Solicitation provisions and contract clause.
 - 9.507-1 Solicitation provisions.
 - 9.507-2 Contract clause.
 - <u>9.508 Examples.</u>
- Subpart 9.6 Contractor Team Arrangements
 - 9.601 <u>Definition.</u>
 - 9.602 General.
 - 9.603 Policy.
 - 9.604 Limitations.
- Subpart 9.7 Defense Production Pools and Research and Development Pools
 - 9.701 Definition.
 - 9.702 Contracting with pools.
 - 9.703 Contracting with individual pool members.
- o Part 10 Market Research
 - 10.000 Scope of part.
 - **1**0.001 Policy.
 - 10.002 Procedures.
 - 10.003 Contract clause.
- Part 11 Describing Agency Needs
 - 11.000 Scope of part.
 - 11.001 Definitions.
 - 11.002 Policy.
 - Subpart 11.1 Selecting and Developing Requirements Documents
 - 11.101 Order of precedence for requirements documents.
 - 11.102 Standardization program.
 - 11.103 Market acceptance.
 - 11.104 Use of brand name or equal purchase descriptions.
 - 11.105 Items peculiar to one manufacturer.
 - 11.106 Purchase descriptions for service contracts.
 - 11.107 Solicitation provision.

- Subpart 11.2 Using and Maintaining Requirements Documents
 - 11.201 Identification and availability of specifications.
 - 11.202 Maintenance of standardization documents.
 - 11.203 Customer satisfaction.
 - 11.204 Solicitation provisions.
- Subpart 11.3 Acceptable Material
 - 11.301 Definitions.
 - 11.302 Policy.
 - 11.303 Special requirements for paper.
 - 11.304 Contract clause.
- Subpart 11.4 Delivery or Performance Schedules
 - 11.401 General.
 - 11.402 Factors to consider in establishing schedules.
 - 11.403 Supplies or services.
 - 11.404 Contract clauses.
- Subpart 11.5 Liquidated Damages
 - 11.500 Scope.
 - 11.501 Policy.
 - 11.502 Procedures.
 - 11.503 Contract clauses.
- Subpart 11.6 Priorities and Allocations
 - 11.600 Scope of subpart.
 - 11.601 Definitions.
 - 11.602 General.
 - 11.603 Procedures.
 - 11.604 Solicitation provision and contract clause.
- Subpart 11.7 Variation in Quantity
 - 11.701 Supply contracts.
 - 11.702 Construction contracts.
 - 11.703 Contract clauses.
- Subpart 11.8 Testing
 - 11.801 Preaward in-use evaluation.
- Part 12 Acquisition of Commercial Products and Commercial Services
 - **12.000** Scope of part.
 - 12.001 Definition.
 - Subpart 12.1 Acquisition of Commercial Products and Commercial Services
 - 12.101 Policy.
 - 12.102 Applicability.
 - 12.103 Commercially available off-the-shelf (COTS) items.
 - Subpart 12.2 Special Requirements for the Acquisition of Commercial Products and Commercial Services
 - 12.201 General.
 - 12.202 Market research and description of agency need.
 - 12.203 Procedures for solicitation, evaluation, and award.
 - 12.204 Solicitation/contract form.
 - 12.205 Offers.
 - 12.206 Use of past performance.
 - 12.207 Contract type.
 - 12.208 Contract quality assurance.
 - 12.209 Determination of price reasonableness.
 - 12.210 Contract financing.

- 12.211 Technical data.
- 12.212 Computer software.
- 12.213 Other commercial practices.
- 12.214 Cost Accounting Standards.
- 12.215 Notification of overpayment.
- 12.216 Unenforceability of unauthorized obligations.
- Subpart 12.3 Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services
 - 12.300 Scope of subpart.
 - 12.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.
 - 12.302 Tailoring of provisions and clauses for the acquisition of commercial products and commercial services.
 - 12.303 Contract format.
- Subpart 12.4 Unique Requirements Regarding Terms and Conditions for Commercial Products and Commercial Services
 - 12.401 General.
 - <u>12.402 Acceptance.</u>
 - 12.403 Termination.
 - 12.404 Warranties.
- Subpart 12.5 Applicability of Certain Laws to the Acquisition of Commercial Products, Commercial Services and Commercially Available Off-the-Shelf Items
 - 12.500 Scope of subpart.
 - 12.501 Applicability.
 - 12.502 Procedures.
 - 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial products and commercial services.
 - 12.504 Applicability of certain laws to subcontracts for the acquisition of commercial products and commercial services.
 - 12.505 Applicability of certain laws to contracts for the acquisition of COTS items
- Subpart 12.6 Streamlined Procedures for Evaluation and Solicitation for Commercial Products and Commercial Services
 - 12.601 General.
 - 12.602 Streamlined evaluation of offers.
 - 12.603 Streamlined solicitation for commercial products or commercial services.