

# Subpart 13.1 - Procedures

**Parent topic:** Part 13 - Simplified Acquisition Procedures

## 13.101 General.

(a) In making purchases, *contracting officers shall-*

(1) Comply with the policy in 7.202 relating to economic purchase quantities, when practicable;

(2) Satisfy the procedures described in subpart 19.6 with respect to Certificates of Competency before rejecting a quotation, oral or written, from a small business concern determined to be nonresponsible (see subpart 9.1); and

(3) Provide for the *inspection of supplies* or services as prescribed in 46.404.

(b) In making purchases, *contracting officers should-*

(1) Include related items (such as small hardware items or spare parts for vehicles) in one *solicitation* and make award on an "all-or-none" or "multiple award" basis provided suppliers are so advised when quotations or *offers* are requested;

(2) Incorporate provisions and clauses by reference in *solicitations* and in awards under requests for quotations, provided the requirements in 52.102 are satisfied;

(3) Make maximum effort to obtain trade and prompt payment discounts (see 14.408-3). Prompt payment discounts *shall* not be considered in the evaluation of quotations; and

(4) Use bulk funding to the maximum extent practicable. Bulk funding is a system whereby the *contracting officer* receives authorization from a fiscal and accounting officer to obligate funds on purchase documents against a specified lump sum of funds reserved for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document. Bulk funding is particularly appropriate if numerous purchases using the same type of funds are to be made during a given period.

## 13.102 Source list.

(a) *Contracting officers should* use the *System for Award Management* (see subpart 4.11) via <https://www.sam.gov> as their primary sources of vendor information. Offices maintaining additional vendor source files or listings *should* identify the status of each source (when the status is made known to the *contracting office*) in the following categories:

(1) Small business.

(2) Small disadvantaged business.

(3) *Women-owned small business concern*, including economically disadvantaged *women-owned small business concerns* and *women-owned small business concerns* eligible under the

Women-owned Small Business (WOSB) Program.

(4) *HUBZone* small business.

(5) Service-disabled veteran-owned small business.

(6) Veteran-owned small business.

(b) The status information *may* be used as the basis to ensure that small business concerns are provided the maximum practicable opportunities to respond to *solicitations* issued using *simplified acquisition procedures*.

### **13.103 Use of standing price quotations.**

*Authorized individuals* do not have to obtain individual quotations for each purchase. Standing price quotations *may* be used if-

(a) The *pricing* information is current; and

(b) The Government obtains the benefit of maximum discounts before award.

### **13.104 Promoting competition.**

The *contracting officer must* promote competition to the maximum extent practicable to obtain *supplies* and services from the source whose *offer* is the most advantageous to the Government, considering the administrative cost of the purchase.

(a) The *contracting officer must* not-

(1) Solicit quotations based on personal preference; or

(2) Restrict *solicitation* to suppliers of well-known and widely distributed makes or brands.

(b) If using *simplified acquisition procedures* and not providing access to the notice of proposed contract action and *solicitation* information through the *Governmentwide point of entry (GPE)*, maximum practicable competition ordinarily can be obtained by soliciting quotations or *offers* from sources within the local trade area. Unless the contract action requires synopsis pursuant to [5.101](#) and an exception under [5.202](#) is not applicable, consider *solicitation* of at least three sources to promote competition to the maximum extent practicable. Whenever practicable, request quotations or *offers* from two sources not included in the previous *solicitation*.

### **13.105 Synopsis and posting requirements.**

(a) The *contracting officer must* comply with the public display and synopsis requirements of [5.101](#) and [5.203](#) unless an exception in [5.202](#) applies.

(b) When acquiring *commercial products* or *commercial services*, or *supplies* or services

procured in accordance with 12.102(f)(1), the *contracting officer* may use a combined synopsis and *solicitation*. In these cases, a separate *solicitation* is not required. The *contracting officer* must include enough information to permit suppliers to develop quotations or *offers*.

(c) See 5.102(a)(6) for the requirement to post a brand name justification or documentation required by 13.106-1(b) or 13.501.

(d) When publicizing contract actions funded in whole or in part by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5):

(1) Notices of proposed contract actions *shall* follow the procedures in 5.704 for posting orders.

(2) Award notices *shall* follow the procedures in 5.705.

## **13.106 Soliciting competition, evaluation of quotations or offers, award and documentation.**

### **13.106-1 Soliciting competition.**

(a) *Considerations*. In soliciting competition, the *contracting officer* shall consider the guidance in 13.104 and the following before requesting quotations or *offers*:

(1)

(i) The nature of the article or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or is relatively noncompetitive.

(ii) An *electronic commerce* method that employs widespread electronic public notice is not available; and

(iii) The urgency of the proposed purchase.

(iv) The dollar value of the proposed purchase.

(v) Past experience concerning specific dealers' prices.

(2)

(i) When soliciting quotations or *offers*, the *contracting officer* shall notify potential quoters or *offerors* of the basis on which award will be made (price alone or price and other factors, *e.g.*, *past performance* and quality).

(ii) *Contracting officers* are encouraged to use *best value*.

(iii) *Solicitations* are not required to state the relative importance assigned to each evaluation factor and subfactor, nor are they required to include subfactors.

(iv) In accordance with 10 U.S.C. 3206(c), for DoD, NASA, and the Coast Guard—

(A) The *contracting officer* may choose not to include price or cost as an evaluation factor for award when a *solicitation*—

(1) Has an estimated value above the *simplified acquisition threshold*;

(2) Will result in *multiple-award contracts* (see subpart 16.5) that are for the same or similar services; and

(3) States that the Government intends to make an award to each and all *qualifying offerors* (see 2.101).

(B) If the *contracting officer* chooses not to include price or cost as an evaluation factor for the contract award, in accordance with paragraph (a)(2)(iv)(A) of this section, the *contracting officer shall* consider price or cost as one of the factors in the selection decision for each order placed under the contract.

(C) The exception in paragraph (a)(2)(iv)(A) of this section *shall* not apply to *solicitations* for *multiple-award contracts* that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(v) Except for DoD, *contracting officers shall* ensure the criteria at 15.101-2(c)(1)-(5) are met when using the lowest price technically acceptable source selection process.

(vi) Except for DoD, avoid using the lowest price technically acceptable source selection process to acquire certain *supplies* and services in accordance with 15.101-2(d).

(b) Soliciting from a single source.

(1) For purchases not exceeding the *simplified acquisition threshold*.

(i) *Contracting officers* may solicit from one source if the *contracting officer* determines that the circumstances of the contract action deem only one source reasonably available (*e.g.*, urgency, exclusive licensing agreements, brand-name or industrial mobilization).

(ii) Where a single source is identified to provide a portion of a purchase because that portion of the purchase specifies a particular brand-name item, the documentation in paragraph (b)(1)(i) of this section only applies to the portion of the purchase requiring the brand-name item. The documentation *should* state it is covering only the portion of the *acquisition* which is brand-name.

(2) For purchases exceeding the *simplified acquisition threshold*. The requirements at 13.501(a) apply to sole-source (including brand-name) *acquisitions* of *commercial products* and *commercial services* conducted pursuant to subpart 13.5.

(3) See 5.102(a)(6) for the requirement to post the brand-name justification or documentation.

(c) Soliciting orally.

(1) The *contracting officer shall* solicit quotations orally to the maximum extent practicable, if-

(i) The *acquisition* does not exceed the *simplified acquisition threshold*;

(ii) Oral *solicitation* is more efficient than soliciting through available *electronic commerce* alternatives; and

(iii) Notice is not required under 5.101.

(2) However, an oral *solicitation* may not be practicable for contract actions exceeding \$25,000 unless covered by an exception in 5.202.

(d) *Written solicitations*. If obtaining electronic or oral quotations is uneconomical or impracticable, the *contracting officer* should issue paper *solicitations* for contract actions likely to exceed \$25,000. The *contracting officer* shall issue a written *solicitation* for construction requirements exceeding \$2,000.

(e) *Use of options*. *Options* may be included in *solicitations*, provided the requirements of subpart 17.2 are met and the aggregate value of the *acquisition* and all *options* does not exceed the dollar threshold for use of *simplified acquisition procedures*.

(f) *Inquiries*. An agency should respond to inquiries received through any medium (including *electronic commerce*) if doing so would not interfere with the efficient conduct of the *acquisition*.

### **13.106-2 Evaluation of quotations or offers.**

(a) General.

(1) The *contracting officer* shall evaluate quotations or *offers*-

(i) In an impartial manner; and

(ii) Inclusive of transportation charges from the shipping point of the supplier to the delivery destination.

(2) Quotations or *offers* shall be evaluated on the basis established in the *solicitation*.

(3) All quotations or *offers* shall be considered (see paragraph (b) of this subsection).

(b) Evaluation procedures.

(1) The *contracting officer* has broad discretion in fashioning suitable evaluation procedures. The procedures prescribed in parts 14 and 15 are not mandatory. At the *contracting officer's* discretion, one or more, but not necessarily all, of the evaluation procedures in part 14 or 15 may be used.

(2) If telecommuting is not prohibited, agencies shall not unfavorably evaluate an *offer* because it includes telecommuting unless the *contracting officer* executes a written determination in accordance with FAR 7.108(b).

(3) If using price and other factors, ensure that quotations or *offers* can be evaluated in an efficient and minimally burdensome fashion. Formal evaluation plans and establishing a competitive range, conducting discussions, and scoring quotations or *offers* are not required. *Contracting offices* may conduct comparative evaluations of *offers*. Evaluation of other factors, such as *past performance*-

(i) Does not require the creation or existence of a formal data base; and

(ii) *May* be based on one or more of the following:

(A) The *contracting officer's* knowledge of and previous experience with the supply or service being acquired;

(B) Customer surveys, and *past performance* questionnaire replies;

(C) The Contractor Performance Assessment Reporting System (CPARS) at <https://www.cpars.gov>; or

(D) Any other reasonable basis.

(4) For *acquisitions* conducted using a method that permits electronic response to the *solicitation*, the *contracting officer may*-

(i) After preliminary consideration of all quotations or *offers*, identify from all quotations or *offers* received one that is suitable to the user, such as the lowest priced brand name product, and quickly screen all lower priced quotations or *offers* based on readily discernible value indicators, such as *past performance*, *warranty* conditions, and maintenance availability; or

(ii) Where an evaluation is based only on price and *past performance*, make an award based on whether the lowest priced of the quotations or *offers* having the highest *past performance* rating possible represents the *best value* when compared to any lower priced quotation or *offer*.

### **13.106-3 Award and documentation.**

(a) *Basis for award*. Before making award, the *contracting officer must* determine that the proposed price is fair and reasonable.

(1) Whenever possible, base price reasonableness on competitive quotations or *offers*.

(2) If only one response is received, include a statement of price reasonableness in the contract file. The *contracting officer may* base the statement on-

(i) *Market research*;

(ii) Comparison of the proposed price with prices found reasonable on previous purchases;

(iii) Current price lists, catalogs, or advertisements. However, inclusion of a price in a price list, catalog, or advertisement does not, in and of itself, establish fairness and reasonableness of the price;

(iv) A comparison with similar items in a related industry;

(v) The *contracting officer's* personal knowledge of the item being purchased;

(vi) Comparison to an independent Government estimate; or

(vii) Any other reasonable basis.

(3) Occasionally an item can be obtained only from a supplier that quotes a minimum order price or quantity that either unreasonably exceeds stated quantity requirements or results in an unreasonable price for the quantity required. In these instances, the *contracting officer should* inform the requiring activity of all facts regarding the quotation or *offer* and ask it to confirm or alter its requirement. The file *shall* be documented to support the final action taken.

(b) *File documentation and retention.* Keep documentation to a minimum. Purchasing offices *shall* retain data supporting purchases (paper or electronic) to the minimum extent and duration necessary for management review purposes (see [subpart 4.8](#)). The following illustrate the extent to which quotation or *offer* information *should* be recorded:

(1) *Oral solicitations.* The *contracting office should* establish and maintain records of oral price quotations in order to reflect clearly the propriety of placing the order at the price paid with the supplier concerned. In most cases, this will consist merely of showing the names of the suppliers contacted and the prices and other terms and conditions quoted by each.

(2) *Written solicitations* (see [2.101](#)). For *acquisitions* not exceeding the *simplified acquisition threshold*, limit written records of *solicitations* or *offers* to notes or abstracts to show prices, delivery, references to printed price lists used, the supplier or suppliers contacted, and other pertinent data.

(3) *Special situations.* Include additional statements, when applicable—

(i) Explaining the absence of competition (see [13.106-1](#) for brand name purchases) if only one source is solicited and the *acquisition* does not exceed the *simplified acquisition threshold* (does not apply to an *acquisition* of utility services available from only one source);

(ii) Supporting the award decision if other than price-related factors were considered in selecting the supplier; and

(iii) Except for DoD, when using lowest price technically acceptable source selection process, justifying the use of such process.

(c) *Notification.* For *acquisitions* that do not exceed the *simplified acquisition threshold* and for which automatic notification is not provided through an *electronic commerce* method that employs widespread electronic public notice, notification to unsuccessful suppliers *shall* be given only if requested or required by [5.301](#).

(d) *Request for information.* If a supplier requests information on an award that was based on factors other than price alone, a brief explanation of the basis for the contract award decision *shall* be provided (see [15.503\(b\)\(2\)](#)).

(e) *Taxpayer Identification Number.* If an oral *solicitation* is used, the *contracting officer shall* ensure that the copy of the award document sent to the payment office is annotated with the contractor's *Taxpayer Identification Number (TIN)* and type of organization (see [4.203](#)), unless this information will be obtained from some other source (*e.g.*, centralized database). The *contracting officer shall* disclose to the contractor that the TIN *may* be used by the Government to collect and report on any delinquent amounts arising out of the contractor's relationship with the Government ([31 U.S.C. 7701\(c\)\(3\)](#)).