PART 2953 - FORMS

Subpart 2953.1 - General

2953.100 Request for Recommendation by Procurement Review Board DL 1-490.

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Subpart 2953.1 - General

2953.100 Request for Recommendation by Procurement Review Board DL 1-490.

The following form must be used by the requisitioning office to submit a request for review by the Procurement Review Board as specified in DOLAR 2901 and 2943. This form must be submitted through the Assistant Secretary for the program office to the Director, Division of Acquisition Management Services, for scheduling before the Procurement Review Board.
5. Sole Source Justification  [Skip if Not Applicable]

☐ If this is a request for sole source contract, grant, or cooperative agreement authority, review the instructions and identify below the bases for a sole source award. Please attach a succinct narrative supporting each of the bases chosen to support the sole source selection. If you are claiming that the proposed recipient is the only responsible source or has unique qualifications, you must provide supporting information such as market research or other available information indicating whether there are other potential recipients, and, if so, explain why you do not consider them acceptable. In addition, outline any steps that will be taken in the future to eliminate the need for sole source authority.

5. Advisory And Assistance Services (A&A)  [Skip if Not Applicable]

A. Check one of the following:  ☐ Sole Source A&A  ☐ Competitive A&A value over $50,000

B. Subject to FAR 37.203, agencies may contract for advisory and assistance services, when essential to the agency’s mission, to:

☐ (1) Obtain outside points of view to avoid too limited judgment on critical issues;
☐ (2) Obtain advice regarding developments in industry, university, or foundation research;
☐ (3) Obtain the opinions, special knowledge, or skills of noted experts;
☐ (4) Enhance the understanding of, and develop alternative solutions to, complex issues;
☐ (5) Support and improve the operation of organizations; or
☐ (6) Ensure the more efficient or effective operation of managerial or hardware systems.

Check the applicable box(es) above and attach written explanation.

7. Ratification Of Unauthorized Commitments  [Skip if Not Applicable]

Ratifications of unauthorized commitments are authorized only under FAR 1.602-3 (c) which identifies seven limitations on use of the authority, and DOLLAR 1.602-3, which outlines the DOL ratification procedures. Please review these requirements and attach to this form the required documents, including findings and a determination by the agency head that the statements are accurate, the contracting officer’s determination that the price is fair and reasonable with a recommendation for payment, and legal counsel’s (S0L/ETLS) determination that the ratification is legally supportable.

8. Conflict Of Interest Certification (Must Be Completed For Each Action):

I certify to the best of my knowledge and belief that statements provided herein are accurate and true, and I have no organizational, personal, financial or other conflict of interest which could call into question my objectivity in this matter or present a prohibited relationship under either 18 U.S.C. 209 or 5 C.F.R. § 2635.102.

Program Official (Contracting or Grant Officer's Technical Representative)

☐ Otherwise, I have attached documentation to explain a possible relationship.

_________________________  __________________________
Signature                        Date

Agency Head

☐ Otherwise, I have attached documentation to explain a possible relationship.

_________________________  __________________________
Signature                        Date

Note: Conflict of interest statements apply to individuals and may be signed only by the individuals to whom they apply.
INSTRUCTIONS FOR COMPLETING THE DL 1-490

General Instructions: Agencies should consult DLMS 2-836, as well as the cited provisions of the Federal Acquisition Regulation (FAR) and Department of Labor Acquisition Regulation (DOLAR), as they prepare submissions to the PRB. Agencies also should ensure that their submissions are concise, but complete.

Item 1. Provide a one sentence title to describe the type of grant, contract, or cooperative agreement, and a short description of the purpose of the requested action. The total dollar threshold should include proposed optional periods of performance and additional services.

Item 2. FAR references may be found at http://www.acq.osd.mil/far/contents.htm; the Department of Labor Acquisition Regulation (DOLAR) may be found at http://www.dol.gov/dol/aldr/cfr/Title__48/Chapter_29.htm; and all other references may be found at http://www.loc.gov/rr/business/1935-FAR.pdf. The proposed action is a grant or cooperative agreement, please provide the specific legal authority, including citation (e.g., Section 46 of the ___ Act, ___ U.S.C. ___), for the grant or cooperative agreement. You also may wish to consult the division of the Office of the Solicitor that serves your agency.

Item 3. The company or organization (including sub-organization) should be identified.

Item 4. The DASAM/Business Operations Center/Office of Acquisition and Management Services/Division of Acquisition Management Services may be able to assist you in this effort.

Item 5. Sole source justifications are summarized below. Please note, however, that authorizing program statutes or appropriation laws sometimes include specific provisions restricting non-competitive actions. In these cases, the statutory authority supersedes the authority outlined below and the statutory authority should be cited in your response to Item 5.

Contract Authority:
- FAR 6.302-1 Sole Source and no other supplies or services will satisfy agency requirements
- FAR 6.302-2 Unusual and compelling urgency
- FAR 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services for dispute resolution
- FAR 6.302-4 International agreement
- FAR 6.302-5 Authorized or required by statute
- FAR 6.302-6 National security
- FAR 6.302-7 Public interest (requires Secretarial and Congressional approval)

Grant Authority: DLMS 2, Chapter 800, Section 836(c):
1. A non-competitive award is authorized or required by the statute funding the program.
2. The activity to be funded is essential to the satisfactory completion of an activity presently funded by DOL, wherein competition would result in significant or real increase in cost to the Government.
3. The activity is performed by an independent, non-profit organization, and is not directly responsible for the direct support of another government agency.
4. The activity is performed by an organization using its own resources or those donated by third parties, and DOL does not support the activity.
5. The activity is performed by an organization using its own resources or those donated by third parties, and DOL support of the activity would be highly cost effective.
6. The activity has unique qualifications to perform the type of activity to be funded.
7. The recipient has submitted an unsolicited proposal that is unique or innovative and has outstanding merit.
8. The activity is performed by a recipient that has an established relationship with the agency in order to: (1) Maintain an existing facility or capability to furnish services or benefits of particular significance to the agency; or (2) Maintain a capability for investigative, scientific, technical, economic, or sociological research.
9. The application for the activity was evaluated under the criteria of the competition for which the application was submitted, was rated high enough to have deserved selection under that competition, and was not selected for funding because the application was mishandled by the Department.
10. The Secretary has determined that a non-competitive award is in the public interest. This authority may not be delegated.
Item 6. Advisory and Assistance Services are defined in FAR 2.101 and the policy is detailed in FAR Part 37.2.

Item 7. Ratification, as used in this subsection, means the act of approving an unauthorized commitment, by an official who has the authority to do so. The attached document should include: a brief description of what was acquired without authority; any mitigating statements; and a findings and determination by the Agency head that the statements are accurate, including a Contracting Officer's determination that the price is fair and reasonable, with a recommendation for payment and the concurrence of legal counsel (SCL/ETLS) with that determination.

Item 8. Conflict of Interest Certifications are necessary with each DL 1-490 submitted to the PHB. Approval may not be granted without proper signature. Conflict of interest certifications are personal to the individual signing and may not be signed or delegated by one person on behalf of another.

NOTE: The Procurement Review Board reviews these requests and makes a recommendation to approve/disapprove to the Assistant Secretary for Administration and Management based on the merits of the case provided in the request.
5. Sole Source Justification

☐ If this is a request for sole source contract, grant, or cooperative agreement authority, review the instructions and identify below the bases for a sole source award. Please attach a succinct narrative supporting each of the bases chosen to support the sole source selection. If you are claiming that the proposed recipient is the only responsible source or has unique qualifications, you must provide supporting information such as market research or other available information indicating whether there are other potential recipients and, if so, explain why you do not consider them acceptable. In addition, outline any steps that will be taken in the future to eliminate the need for sole source authority.

5. Advisory And Assistance Services (A&A)  [Skip if Not Applicable]

A. Check one of the following:

☐ Sole Source A&A
☐ Competitive A&A value over $50,000

8. Subject to FAR 37.203, agencies may contract for advisory and assistance services, when essential to the agency’s mission, to:

☐ (1) Obtain outside points of view to avoid too limited judgment on critical issues;
☐ (2) Obtain advice regarding developments in industry, university, or foundation research;
☐ (3) Obtain the opinions, special knowledge, or skills of noted experts;
☐ (4) Enhance the understanding of, and develop alternative solutions to, complex issues;
☐ (5) Support and improve the operation of organizations; or
☐ (6) Ensure the more efficient or effective operation of managerial or hardware systems.

Check the applicable box(es) above and attach written explanation.

7. Ratification Of Unauthorized Commitments  [Skip if Not Applicable]

Ratifications of unauthorized commitments are authorized only under FAR 1.602-3 (c) which identifies seven limitations on use of the authority, and DOLLAR 1.602-3, which outlines the DOL ratification procedure. Please review these requirements and attach to this form the required documents, including findings and a determination by the agency head that the statements are accurate, the Contracting Officer’s determination that the price is fair and reasonable with a recommendation for payment, and legal counsel’s (SOL/ETLS) determination that the ratification is legally supportable.

8. Conflict Of interest Certification (Must Be Completed For Each Action):

I certify to the best of my knowledge and belief that statements provided herein are accurate and true, and I have no organizational, personal, financial or other conflicts of interest which could call into questions my objectivity in this matter or present a prohibited relationship under either 18 U.S.C. 209 or 5 C.F.R. § 2635.502.

Program Official (Contracting Officer’s Technical Representative)

☐ Otherwise, I have attached documentation to explain a possible relationship.

__________________________  __________________________
Signature               Date

Agency Head

☐ Otherwise, I have attached documentation to explain a possible relationship.

__________________________  __________________________
Signature               Date

Note: Conflict of Interest statements apply to individuals and may be signed only by the individuals to whom they apply.
INSTRUCTIONS FOR COMPLETING THE DL 1-480

General Instructions: Agencies should consult DLMS 2-386, as well as the cited provisions of the Federal Acquisition Regulation (FAR) and Department of Labor Acquisition Regulation (DOLAR), as they prepare submissions to the PB. Agencies also should ensure that their submissions are concise, but complete.

Item 1. Provide a one sentence title to describe the type of grant, contract, or cooperative agreement, and a short description of the purpose of the requested action. The total dollar threshold should include proposed optional periods of performance and additional services.

Item 2. FAR references may be found at http://www.acqnet.gov/far/loadmain.htm, the Department of Labor Acquisition Regulation (DOLAR) may be found at http://www.dol.gov/dol/ocp/ocpf/Chapter_29.htm; and all other references may be found at http://www.labor.gov/dol/DOLAR/Pages/Updated_0600.doc. If the proposed action is a grant or cooperative agreement, please provide the specific legal authority, including citation (e.g., Section ___ of the ___ Act, ___ U.S.C. ___), for the grant or cooperative agreement. You also may wish to consult the division of the Office of the Solicitor that serves your agency.

Item 3. The company or organization (including sub-organization) should be identified.

Item 4. The DASAM, Business Operations Center/Office of Acquisition and Management Services/Division of Acquisition Management Services may be able to assist you in this effort.

Item 5. Sole source justifications are summarized below. Please note, however, that authorizing program statutes or appropriation laws sometimes include specific provisions restricting non-competitive actions. In those cases, the statutory authority supersedes the authority outlined below and the statutory authority should be cited in your response to Item 5.

Contract Authority:
- FAR 6.302-1 Sole Source and no other supplies or services will satisfy agency requirements
  - (i) unsolicited proposal
  - (ii) follow on to competed action for a major system.
  - (iii) rights in data, patent rights, copyrights or secret processes make supplies available from only one source.
- FAR 6.302-2 Unusual and compelling urgency.
- FAR 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services for dispute resolution.
- FAR 6.302-4 International agreement.
- FAR 6.302-5 Authorized or required by statute.
- FAR 6.302-6 National security
- FAR 6.302-7 Public interest (requires Secretarial and Congressional approval)

Grant Authority: DLMS 2, Chapter 860, Section 836(g):
1. A non-competitive award is authorized or required by the statute funding the program.
2. The activity to be funded is essential to the satisfactory completion of an activity presently funded by another, wherein competition would result in significant or real harm (further harm) to the public good due to expenses in excess of any potential savings to the Government; disruption to program services; duplication of work at additional cost to the Government; or delay in the time of program completion.
3. Services are available from only one responsible source and no substitute will suffice; or the recipient has unique qualifications to perform the type of activity to be funded.
4. The recipient has submitted an unsolicited proposal that is unique or innovative and has outstanding merit.
5. The activity will be conducted by an organization using its own resources or those donated or provided by third parties, and DOL support of the activity would be highly cost effective.
6. It is necessary to fund a recipient that has an established relationship with the agency in order to: (A) maintain an existing facility or capability to furnish services or benefits of particular significance to the agency on a long-term basis; or (B) maintain a capability for investigative, scientific, technical, economic, or sociological research.
7. The application for the activity was evaluated under the criteria of the competition for which the application was submitted, was rated high enough to have deserved selection under that competition, and was not selected for funding because the application was mishandled by the Department.
8. The Secretary has determined that a noncompetitive award is in the public interest. This authority may not be delegated.
Item 6. Advisory and Assistance Services are defined in FAR 2.101 and the policy is detailed in FAR Part 37.2.

Item 7. Ratification, as used in this subsection, means the act of approving an unauthorized commitment, by an official who has the authority to do so. The attached document should include: a brief description of what was acquired without authority; any mitigating statements; and a findings and determination by the Agency head that the statements are accurate, including a Contracting Officer's determination that the price is fair and reasonable, with a recommendation for payment and the concurrence of legal counsel (SCL/ETLS) with that determination.

Item 8. Conflict of Interest Certifications are necessary with each DL 1-490 submitted to the PRB. Approval may not be granted without proper signature. Conflict of interest certifications are personal to the individual signing and may not be signed or delegated by one person on behalf of another.

NOTE: The Procurement Review Board reviews these requests and makes a recommendation to approve/disapprove to the Assistant Secretary for Administration and Management based on the merits of the case provided in the request.
INSTRUCTIONS FOR COMPLETING THE DL-1-490

General Instructions: Agencies should consult DLMS 2-836, as well as the cited provisions of the Federal Acquisition Regulation (FAR) and Department of Labor Acquisition Regulation (DOLAR), as they prepare submissions to the PRB. Agencies also should ensure that their submissions are concise, but complete.

Item 1. Provide a one sentence title to describe the type of grant, contract, or cooperative agreement, and a short description of the purpose of the requested action. The total dollar threshold should include proposed optional periods of performance and additional services.

Item 2. FAR references may be found at http://www.gpoaccess.gov/far/; the Department of Labor Acquisition Regulation (DOLAR) may be found at http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=41d3b143ad37132273e47b6f65fa1810&rgn=div9&node=57:3.26; and all other references may be found at: http://www.gpoaccess.gov/far/index.html for the umbrella clause, clause, or rule. The specific identifying clause, clause, or rule should be referenced.

Item 3. The company or organization (including sub-organization) should be identified.

Item 4. The Department of State/Office of Acquisition and Management Services/Division of Acquisition Management Services may be able to assist you in this effort.

Item 5. Sole-source justifications are summarized below. Please note, however, that authorizing program statutes or appropriation laws sometimes include specific provisions restricting non-competitive actions. In these cases, the statutory authority supersedes the authority outlined below and the statutory authority should be cited in your response to Item 5.

Contract Authority:
1. FAR 6.302-1 Sole Source and no other supplies or services will satisfy agency requirements
2. (i) unsolicited proposal
3. (ii) follow on to competed action for a major system.
4. (iii) rights in data, patent rights, copyrights or secret processes make supplies available from only one source.
5. FAR 6.302-2 Unusual and compelling urgency
6. FAR 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services for dispute resolution
7. FAR 6.302-4 International agreement
8. FAR 6.302-5 Authorized or required by statute
9. FAR 6.302-6 National security
10. FAR 6.303-1 Public interest (requires Secretarial and Congressional approval)

Grant Authority: DLMS 2, Chapter 800, Section 836(q):
1. A non-competitive award is authorized or required by the statute funding the program.
2. The activity to be funded is essential to the satisfactory completion of an activity presently funded by DOL, wherein competition would result in significant harm (further harm) to the public good. Expenses in excess of any potential savings to the Government; disruption to program services; duplication of work at additional cost to the Government; or delay in the time of program completion.
3. Services are available from only one responsible source and no substitute will suffice; or the recipient has unique qualifications to perform the type of activity to be funded.
4. The recipient has submitted an unsolicited proposal that is unique or innovative and has outstanding merit.
5. The activity will be conducted by an organization using its own resources or those donated or provided by third parties, and DOL support of the activity would be highly cost effective.
6. It is necessary to fund a recipient that has an established relationship with the agency in order to: (A) Maintain an existing facility or capability to furnish services or benefits of particular significance to the agency on a long-term basis; or (B) Maintain a capability for investigative, scientific, technical, economic, or sociological research.
7. The application for the activity was evaluated under the criteria of the competition for which the application was submitted was ranked high enough to have deserved selection under that competition, and was not selected for funding because the application was mishandled by the Department.
8. The Secretary has determined that a noncompetitive award is in the public interest. This authority may not be delegated.
Item 5. Advisory and Assistance Services are defined in FAR 2.101 and the policy is detailed in FAR Part 37.2.

Item 7. Ratification, as used in this subsection, means the act of approving an unauthorized commitment, by an official who has the authority to do so. The attached document should include: a brief description of what was acquired without authority; any mitigating statements; and a findings and determination by the Agency head that the statements are accurate, including a Contracting Officer's determination that the price is fair and reasonable, with a recommendation for payment and the concurrence of legal counsel (SCL/ETLS) with that determination.

Item 8. Conflict of Interest Certifications are necessary with each DL 1-490 submitted to the PRB. Approval may not be granted without proper signature. Conflict of interest certifications are personal to the individual signing and may not be signed or delegated by one person on behalf of another.

NOTE: The Procurement Review Board reviews these requests and makes a recommendation to approve/deny approval to the Assistant Secretary for Administration and Management based on the merits of the case provided in the request.
2953.101 Simplified Acquisition Documentation Checklist DL 1-2216.

The following checklist must be used to document all simplified acquisitions at or below the simplified acquisition threshold.
The following form must be used to document all simplified acquisitions above the micro-purchase threshold and below the simplified acquisition threshold. This form may also be used to document commercial acquisitions on a fixed price basis up to $5 million.
The requiring organization must complete the following form for all acquisitions above the simplified acquisition threshold. This form will then be submitted through the contracting officer to the Office of Small Business Programs for review.
Acquisition Screening and Review - over $100,000  U.S. Department of Labor

A. Originating Agency
1. Purchasing Office: 
   Name: 
   Street Address: 
   City: State: Zip:  
   Phone Number: 
2. Date of Purchase Request: 
3. Estimated Dollar Value: 
   This FY: 
   Total Contract Value: 
4. Period of Performance (include Option Years): 
5. Description of Product or Service: 
6. Recommended Method of Procurement (Select a method from block 11 below): 
   Signature of Small Business Specialist: Date: 

B. Contracting Office
7. Solicitation Number: 
8. Estimated Date of Release: 
9. Estimated Date of Response/Opening: 
10. Estimated Date of Response/Opening: 

11. Check all applicable boxes:
   Proposed Method of Procurement:
   - [ ] ONA - Multiple Award Schedule order
   - [ ] Multi-agency contract order
   - [ ] Government-wide contract order
   - [ ] Open Market Buy - Select one of the following:
     - [ ] HUBZone sole source (L.D. Proposed Contractor)
     - [ ] HUBZone small business (L.D. Proposed Contractor)
     - [ ] HUBZone small business (L.D. Proposed Contractor)
     - [ ] Other 
   - [ ] HUBZone small business (L.D. Proposed Contractor)
   - [ ] HUBZone small business (L.D. Proposed Contractor)
   - [ ] HUBZone small business (L.D. Proposed Contractor)
   - [ ] HUBZone small business (L.D. Proposed Contractor)
   - [ ] Other 

12. NAICS Code and Small Business Size Standard:
   - [ ] SBA - Small Business
   - [ ] WOSB - Woman Owned Small Business
   - [ ] SDVOSB - Service Disabled Veteran Owned Small Business
   - [ ] STDVOSB - Service Disabled Veteran Owned Small Business
   - [ ] Other 

13. Proposed Synopsis:
   - [ ] Yes 
   - [ ] No Per FAR 5.202 
   - [ ] PROPOSAL 

14. Proposed Number of Solicitations to:
   - [ ] Yes 
   - [ ] No 

15. Prospective Offeror is Required to Participate in Small Business Program:
   - [ ] Yes 
   - [ ] No 

16. Procurement History:
   - [ ] Yes (Complete the rest of the section) 
   - [ ] No 

17. Period of Performance: 
18. Contract Number: 

19. SIC/NAICS Code and Small Business Size Standard:

20. Total Value: 
21. Method of Procurement:
   - [ ] HUBZone 
   - [ ] SDB 
   - [ ] WOSB 
   - [ ] SDVOSB 
   - [ ] STDVOSB 
   - [ ] Veteran-Owned Small Business (VOSB) 
   - [ ] Service Disabled Veteran Owned Small Business (SDVOSB) 
   - [ ] Other 

22. Signature of Contracting Officer: Date: 

C. Office of Small Business Programs - OSDUSBA Small Business Administration Procurement Center Representative:

23. I concur with the recommendations. 
24. I do not concur with the recommendations and request suspension of the procurement action pending an appeal under FAR 35.905-1 B A Form 71 is attached. 
25. Signature of OSDUSBA Procurement Center Representative: Date: 

DL-1-2004 
Rev. 07-03