

# CHANGE REQUEST COVER SHEET

**Change Request Number:** 12-85

**Date Received:** 6/1/2012

**Title:** System for Acquisition Management (SAM)

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**Name:** Tim Eckert

**Phone:** (202) 267-7527

**Policy OR Guidance:** Guidance

**Section/Text Location Affected:** Various

**Summary of Change:** Replacement of Central Contractor Registration (CCR) and Excluded Parties List System (EPLS) references with System for Award Management (SAM) in guidance, clauses and forms

**Reason for Change:** SAM consolidates CCR and EPLS in one GSA system as of July 28, 2012

**Development, Review, and/or Concurrence:** Acquisition Policy Division and Contracting Offices at HQ, Centers, and Service Areas.

**Target Audience:** Contracting workforce

**Potential Links within FAST for the Change:** None

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Potential Links within FAST for the Change:** None

**Links for New/Modified Forms (or) Documents (LINK 1)** [null](#)

**Links for New/Modified Forms (or) Documents (LINK 2)** [null](#)

**Links for New/Modified Forms (or) Documents (LINK 3)** [null](#)

## SECTIONS EDITED:

### Procurement Guidance:

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

*Appendix*

### **Section 1 : Appendix - Emergency Procurement Guide** [\[Old Content\]](#)[\[New Content\]](#)

[\[RedLine Content\]](#)

### Procurement Guidance:

*T3.2.2.7 - Contractor Qualifications*

*Contractor Qualifications*

### **Section 1 : Responsibility Determination of Prospective Contractors** [\[Old Content\]](#)[\[New Content\]](#)

[\[RedLine Content\]](#)

### Procurement Guidance:

*T3.2.2.7 - Contractor Qualifications*

*Contractor Qualifications*

### **Section 4 : Notices to GSA and SAM** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

### Procurement Guidance:

*T3.3.1 - Contract Funding, Financing & Payment*

*Contract Funding, Financing & Payment*

### **Section 4 : System for Award Management (SAM)** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

[\[RedLine Content\]](#)

### Procurement Guidance:

*T3.13.1 Other Administrative Procedures*

*Administrative Matters*

### **Section 5 : Federal Procurement Data System (FPDS) and FPDS Data**

**Quality** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

### Procurement Guidance:

*T3.14.1 Security*

*Security*

### **Section 6 : Sensitive Unclassified Information** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

### Procurement Guidance:

*T3.2.2.5 - Simplified Purchase Method*

*Simplified Purchasing*

### **Section 2 : Purchase Orders** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

### Procurement Guidance:

*T3.6.1 - Small Business Development Program*

*Small Business Development*

### **Section 3 : Prime Contracting with Small Business** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

[\[RedLine Content\]](#)

## SECTIONS EDITED:

### **Section 1 : Appendix - Emergency Procurement Guide**

**Old Content:** Procurement Guidance:

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

*Appendix*

### **Section 1 : Appendix - Emergency Procurement Guide**

## FAA Emergency Procurement Guide

This guide is for the use of FAA personnel when responding to a bona fide emergency, incident of national significance, or aiding in disaster relief efforts. This guide supplements and summarizes FAA Acquisition Management System (AMS); specific policy and guidance for FAA procurement is available on the FAST website.

**Emergency:** A sudden, unforeseen event that requires action to correct or to protect lives or property.

The flexibilities in this guide may be used:

1. In support of FAA contingency operations or restoration of the NAS;
2. To facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the

United States; or

3. When the President declares an incident of national significance, emergency declaration, or a major disaster declaration.

**Unauthorized Commitments: DO NOT** make commitments or promises of any kind to bind the Government if you are not a properly warranted Contracting Officer (CO) or an authorized holder of a purchase card and the requirement is within your warrant or delegation.

When purchasing goods or services in an emergency, COs and cardholders **must** ensure that applicable FAA security standards are properly addressed and adhered to.

### ***Purchase Cards***

The purchase card is a valuable tool that can be utilized to procure requirements in times of emergency. Despite the presence of an emergency situation:

Single and monthly limits established for the card account by the Chief of the Contracting Office (COCO) in the cardholder's Delegation of Purchasing Authority (DPA) must still be strictly adhered to; and

The person making the purchase must be the cardholder on the card account and have a valid DPA issued by the COCO.

### **Emergency Spending Limits**

The maximum single purchase limit that can be assigned to purchase card is \$100,000, while the maximum billing cycle or monthly limit is \$999,900. The COCO establishes both limitations based on justification and recommendations of a cardholder's approving official. If a cardholder

is designated or tasked to respond to emergencies or participate in relief efforts, that individual's single and monthly limit can be raised to a level that allows for an efficient and effective emergency response.

A warranted CO can make purchases up to \$100,000 using a purchase card (if within their warrant limits); however the maximum Single Purchase Limit that may be issued to an unwarranted cardholder is \$10,000. If a non-warranted cardholder wishes to have a single purchase limit above \$10,000 (up to the \$100,000 maximum) for emergency operations, the individual must receive written approval from the COCO.

### **Prohibited Purchases**

The following items cannot be purchased using a government purchase card:

Long-term rental or lease of land or buildings

Cash advances, including money orders

Telephone services controlled by the GSA or the local Office of Information Services or Regional Communications Office

Cellular or communication devices and services covered by the National Wireless Program Office (NWPO)

Gifts

Personal purchases or services

Travel-related expenses

Obtain Government owned or leased vehicles

### **Restricted Purchases**

- Drinking water, except when:
  - - A duly constituted health authority pronounces the drinking water to be unsafe for human consumption at the site;
    - A viable and safe water source for FAA personnel is not available on or within a reasonable distance of the worksite;
    - FAA personnel reasonably foresee a disaster or emergency, such as the imminent landfall of a hurricane (See AMS Procurement Guidance 3.2.2.5 for additional restrictions); or
    - The drinking water is provided in a controlled environment to enable collections for drug use analysis for safety sensitive positions.

- Food items for meetings and conventions, except as detailed in AMS Procurement Guidance 3.2.2.5.
- Membership fees for individual employees (the agency may purchase membership in a society or association in its own name)
- Subscriptions to publications or magazines not relating to official duties
- Clothing (or personal apparel of any description); requirements for special type clothing necessitated by agency requires written justification from the requestor's supervisor and should be coordinated with legal counsel
- Rental of aircraft by persons not in aircraft related positions
- Fans, air conditioning and cooling equipment, space heaters and heating equipment, except as properly installed for general use in connection with the maintenance and operations requirements for the site.
- Water coolers, or vacuum cleaners and other household appliances (i.e. refrigerators, microwaves, etc), except as requisitioned for general use by the authorities charged with building maintenance and equipment
- Plaques, trophies, etc. given to employees for high quality work or special projects (See AMS Procurement Guidance 3.2.2.5 for additional information)
- Services over \$2,500
- Construction over \$2,000
- Store gift cards or gift certificates (see AMS Guidance T3.2.2.5.A.4.d.(3)).

## **Purchase Card Flexibilities**

See the *Emergency Procurement Flexibilities* section below in this guide.

## **Purchase Card Dos and Don'ts**

- Be sure not to charge travel related expenses on the purchase card.
- Ensure that funding is available and approvals are received. Despite the presence of an emergency, funding must be available prior to purchase.
- Never allow anyone else to use your purchase card.
- Secure the card at all times and immediately report lost or stolen cards to the Agency Program Coordinator (APC) and bank.
- Ensure that vendors understand that FAA is exempt from sales tax.
- Never exceed assigned single or monthly purchase limits.
- Never split a purchase to avoid single or monthly purchase limits.

## **Credit Card Checks**

- For those vendors that don't accept a purchase card, credit card checks have a single purchase limit of \$2,500.

## ***Procurement Resources and Tools for Emergencies***

**Mailing Lists:** Keeping a mailing list of vendors for a given locale for various supplies or services may prove useful when emergency response limits time for market research. Some if not all regional procurement offices have lists available, and can be easily formed.

**Qualified Vendors List (QVL):** A QVL is a mailing list where vendors submit their background (to include experience, certifications, etc) to the FAA to qualify to be on the QVL. As requirements become known, QVL vendors compete for award. A QVL can be useful where lists are needed in specialized areas such as NAVAIDS, electrical, EPDM roofing, or EFIS siding.

### **Blanket Purchase Agreement (BPA)**

- If an area finds a recurring need for a supply or service during an emergency response, the procurement office can establish BPAs locally.
- Individuals can be identified by the CO as authorized users of the BPA and can place purchases or “calls” against it.
- A BPA can be established with zero funding, and when needs arise it can be funded per action or in “bulk.”
- BPAs can be established with either local or national vendors depending on the need.
- BPAs can be established with multiple vendors for the same need.

### **Indefinite Delivery/ Indefinite Quantity Contract (ID/IQ)**

- If a need is known but the schedule and quantity are unknown, an ID/IQ contract can be a valuable tool.
- An ID/IQ contract can be established with a single or multiple vendors.
- An ID/IQ does have a guaranteed minimum quantity in the contract.
- Funds are obligated by each task or delivery order, not by the contract itself.

### **County, City, or Local Trade Organization**

- As a response to an emergency can involve varying levels of government, many state, county, and city governments have already established listings of vendors in varying trades that can be utilized.
- In several areas, vendors have committed personnel and equipment to mobilize for emergency response when required.
- Several trade organizations have also formulated listings of their members that have committed their resources to emergency responses. These include heavy construction contractors (earth moving, etc), electricians, and landscape contractors (tree removal, etc.).
- Many government offices or trade organizations list these vendors in annual publications for reference when needed.

### ***Other Federal Resources***

#### **GSA**

- GSA Advantage Disaster Relief: GSA has established a website to identify those products and services that are traditionally utilized in relief efforts. As the products are available

through GSA *Advantage* and GSA Federal Supply Schedule (FSS) contracts, products and pricing are easily obtained.

- GSA Advantage: While using the purchase card, required supplies can be purchased and received in a short period of time. A cardholder can locate required items using the search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment.
- GSA e-Buy: If a requirement is needed quickly, yet time limitations allow for some market research, e-Buy allows for the distribution of an opportunity to FSS vendors and submission of the resulting vendor quote for the need electronically.
- GSA FSS or GSA BPA: There are several FSS contracts and Blanket Purchase Agreements (BPA) established by GSA or other agencies for various goods or services. GSA has the goods and services organized by type, and provides them in the GSA Schedule e-Library.

**Department of Homeland Security (DHS) or Federal Emergency Management Agency (FEMA)**: DHS has established several contracts and agreements for supplies and services to be utilized during an emergency response. Information regarding the ability to utilize these tools or to learn of avenues available can be obtained by calling DHS at (202) 205-5045.

**FEMA Source Lists**: FEMA has formulated several lists of vendors of varying trades that may be utilized in relief efforts. The lists and contact information can be obtained by calling (202) 646-4686.

**Defense Logistics Agency (DLA)**: DLA contracts for various supplies and services that can be utilized by the FAA. These include contracts for heavy equipment and buildings.

**Air Force Contract Augmentation Program (AFCAP)**: This program provides various civil engineer and service capabilities to include structural fire protection, environmental management, and lodging.

**Navy's Construction Capability (CONCAP) contract**: Provides rapid response capability in emergency operations and is focused on construction and construction-related activities. Tasks include airfield construction, pier construction, and petroleum storage.

**Army's Logistics Civil Augmentation Program (LOGCAP)**: Provides rapid response in areas to include construction support, general logistics services, and facility engineer support.

### ***Emergency Procurement Flexibilities***

- Mandatory Sources: An emergency may exempt procurements from complying with the Javits-Wagner-O'Day (JWOD) Act, Randolph Sheppard Act, and the Federal Prison Industries requirements. (AMS Procurement Guidance T3.8.4)
- Single Source Procurement: In an emergency, procurements can be awarded to a single source if in the best interest of the FAA. (AMS Procurement Guidance T3.2.2.4)
- Public Announcement: The requirement to synopsise or publicly announce procurements over \$100,000 is waived for emergency actions. (AMS Procurement Guidance T3.2.2)

- Walsh-Healey Public Contracts Act: Contracts for supplies under emergency conditions are waived from this act. (AMS Procurement Guidance T3.6.2)
- Purchase Card: See section *Purchase Cards*.
- Credit Card Checks: See section *Purchase Cards*.
- Letter contracts: If the situation demands immediate response, a CO may issue a letter contract to a vendor. A letter contract includes identification of the requirement and a brief description of the work, a total amount for which the contractor shall be limited to expend and the FAA shall be required to pay; and the period of performance by the contractor. (AMS Procurement Guidance T3.2.4)
- Verbal Authorization: A CO may give a vendor a verbal authorization to begin work once funds are committed and complete the remaining contract phases after the fact. (AMS Policy 3.2.2.4.1.1)
- Oral Solicitations and Quotations: Oral solicitations may be used when processing a written solicitation would delay the acquisition of supplies or services in an emergency to the detriment of the FAA. Oral quotations may be authorized to allow for quicker receipt of pricing for goods and services. Documentation for each oral Request for Quote (RFQ) should include:
  - - Description of requirement and RFQ number;
    - Rationale for use of oral quotations;
    - Sources solicited: Include date, time, and name of individuals contacted, and prices offered; and
    - Best value determination.
- Central Contractor Registration (CCR): Contractors do not have to be registered in CCR before award of a contract, agreement, or lease in response to an emergency or disaster. (AMS Procurement Guidance T3.3.1)
- Electronic Fund Transfer (EFT): Payment by EFT is not required during emergencies or contingency operations. (AMS Procurement Guidance T3.3.1)
- Local Area Set-Asides for Disaster or Emergency: The CO may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. (AMS Procurement Guidance T3.2.1.5)
- Bonds: For emergency acquisitions, the CO may waive the requirement to obtain a guarantee when performance bond and/or payment bonds are usually required. (AMS Procurement Guidance T3.4.1)
- Legal Coordination: At Headquarters, the Assistant Chief Counsel for Procurement, and at Regions and Centers, the Region or Center Counsel, may make written exceptions to the Coordination Policy described in T1.15, adjust dollar minimums, or in appropriate cases, waive the Coordination Policy. (AMS Procurement Guidance T1.15)
- Overtime: Approval of contractor overtime should be prospective, but if justified by emergency circumstances, approval may be retroactive. (AMS Procurement Guidance T3.6.2)

**New Content:** Procurement Guidance:

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*



## *Appendix*

### **Section 1 : Appendix - Emergency Procurement Guide**

#### **FAA Emergency Procurement Guide**

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  - Food items for meetings and conventions, except as detailed in AMS Procurement Guidance 3.2.2.5.
- Membership fees for individual employees (the agency may purchase membership in a society or association in its own name)
- Subscriptions to publications or magazines not relating to official duties

- Clothing (or personal apparel of any description); requirements for special type clothing necessitated by agency requires written justification from the requestor's supervisor and should be coordinated with legal counsel
- Rental of aircraft by persons not in aircraft related positions
- Fans, air conditioning and cooling equipment, space heaters and heating equipment, except as properly installed for general use in connection with the maintenance and operations requirements for the site.
- Water coolers, or vacuum cleaners and other household appliances (i.e. refrigerators, microwaves, etc), except as requisitioned for general use by the authorities charged with building maintenance and equipment, plaques, trophies, etc. given to employees for high quality work or special projects (See AMS Procurement Guidance 3.2.2.5 for additional information) Services over \$2,500
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### **Purchase Card Flexibilities**

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search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment.

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**Red Line Content: Procurement Guidance:**

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

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Long-term rental or lease of land or buildings

Cash advances, including money orders

Telephone services controlled by the GSA or the local Office of Information Services or Regional Communications Office

Cellular or communication devices and services covered by the National Wireless Program Office (NWPO)

Gifts

Personal purchases or services

Travel-related expenses

Obtain Government owned or leased vehicles

### **Restricted Purchases**

- Drinking water, except when:
  - A duly constituted health authority pronounces the drinking water to be unsafe for human consumption at the site;
  - A viable and safe water source for FAA personnel is not available on or within a reasonable distance of the worksite;
  - FAA personnel reasonably foresee a disaster or emergency, such as the imminent landfall of a hurricane (See AMS Procurement Guidance 3.2.2.5 for additional restrictions); or
  - The drinking water is provided in a controlled environment to enable collections for drug use analysis for safety sensitive positions.
  - Food items for meetings and conventions, except as detailed in AMS Procurement Guidance 3.2.2.5.



- Membership fees for individual employees (the agency may purchase membership in a society or association in its own name)
- Subscriptions to publications or magazines not relating to official duties
- Clothing (or personal apparel of any description); requirements for special type clothing necessitated by agency requires written justification from the requestor's supervisor and should be coordinated with legal counsel
- Rental of aircraft by persons not in aircraft related positions
- Fans, air conditioning and cooling equipment, space heaters and heating equipment, except as properly installed for general use in connection with the maintenance and operations requirements for the site.
- Water coolers, or vacuum cleaners and other household appliances (i.e. refrigerators, microwaves, etc), except as requisitioned for general use by the authorities charged with building maintenance and ~~equipment~~Plaquesequipment, plaques, trophies, etc. given to employees for high quality work or special projects (See AMS Procurement Guidance 3.2.2.5 for additional information) Services over \$2,500
- Construction over \$2,000
- Store gift cards or gift certificates (see AMS Guidance T3.2.2.5.A.4.d.(3)).

### **Purchase Card Flexibilities**

See the *Emergency Procurement Flexibilities* section below in this guide.

### **Purchase Card ~~Des~~Do's and Don'ts**

- Be sure not to charge travel related expenses on the purchase card.
- Ensure that funding is available and approvals are received. Despite the presence of an emergency, funding must be available prior to purchase.
- Never allow anyone else to use your purchase card.
- Secure the card at all times and immediately report lost or stolen cards to the Agency Program Coordinator (APC) and bank.
- Ensure that vendors understand that FAA is exempt from sales tax.
- Never exceed assigned single or monthly purchase limits.
- Never split a purchase to avoid single or monthly purchase limits.

### **Credit Card Checks**

- For those vendors that don't accept a purchase card, credit card checks have a single purchase limit of \$2,500.

### ***Procurement Resources and Tools for Emergencies***

**Mailing Lists:** Keeping a mailing list of vendors for a given locale for various supplies or services may prove useful when emergency response limits time for market research. Some if not all regional procurement offices have lists available, and can be easily formed.

**Qualified Vendors List (QVL):** A QVL is a mailing list where vendors submit their background (to include experience, certifications, etc) to the FAA to qualify to be on the QVL. As requirements become known, QVL vendors compete for award. A QVL can be useful where lists are needed in specialized areas such as NAVAIDS, electrical, EPDM roofing, or EFIS siding.

### **Blanket Purchase Agreement (BPA)**

- If an area finds a recurring need for a supply or service during an emergency response, the procurement office can establish BPAs locally.
- Individuals can be identified by the CO as authorized users of the BPA and can place purchases or “calls” against it.
- A BPA can be established with zero funding, and when needs arise it can be funded per action or in “bulk.”
- BPAs can be established with either local or national vendors depending on the need.
- BPAs can be established with multiple vendors for the same need.

### **Indefinite Delivery/ Indefinite Quantity Contract (ID/IQ)**

- If a need is known but the schedule and quantity are unknown, an ID/IQ contract can be a valuable tool.
- An ID/IQ contract can be established with a single or multiple vendors.
- An ID/IQ does have a guaranteed minimum quantity in the contract.
- Funds are obligated by each task or delivery order, not by the contract itself.

### **County, City, or Local Trade Organization**

- As a response to an emergency can involve varying levels of government, many state, county, and city governments have already established listings of vendors in varying trades that can be utilized.
- In several areas, vendors have committed personnel and equipment to mobilize for emergency response when required.
- Several trade organizations have also formulated listings of their members that have committed their resources to emergency responses. These include heavy construction contractors (earth moving, etc), electricians, and landscape contractors (tree removal, etc.).
- Many government offices or trade organizations list these vendors in annual publications for reference when needed.

### ***Other Federal Resources***

#### **GSA**

- GSA Advantage Disaster Relief: GSA has established a website to identify those products and services that are traditionally utilized in relief efforts. As the products are available

through GSA *Advantage* and GSA Federal Supply Schedule (FSS) contracts, products and pricing are easily obtained.

- GSA Advantage: While using the purchase card, required supplies can be purchased and received in a short period of time. A cardholder can locate required items using the search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment.
- GSA e-Buy: If a requirement is needed quickly, yet time limitations allow for some market research, e-Buy allows for the distribution of an opportunity to FSS vendors and submission of the resulting vendor quote for the need electronically.
- GSA FSS or GSA BPA: There are several FSS contracts and Blanket Purchase Agreements (BPA) established by GSA or other agencies for various goods or services. GSA has the goods and services organized by type, and provides them in the GSA Schedule e-Library.

**Department of Homeland Security (DHS) or Federal Emergency Management Agency (FEMA)**: DHS has established several contracts and agreements for supplies and services to be utilized during an emergency response. Information regarding the ability to utilize these tools or to learn of avenues available can be obtained by calling DHS at (202) 205-5045.

**FEMA Source Lists**: FEMA has formulated several lists of vendors of varying trades that may be utilized in relief efforts. The lists and contact information can be obtained by calling (202) 646-4686.

**Defense Logistics Agency (DLA)**: DLA contracts for various supplies and services that can be utilized by the FAA. These include contracts for heavy equipment and buildings.

**Air Force Contract Augmentation Program (AFCAP)**: This program provides various civil engineer and service capabilities to include structural fire protection, environmental management, and lodging.

**Navy's Construction Capability (CONCAP) contract**: Provides rapid response capability in emergency operations and is focused on construction and construction-related activities. Tasks include airfield construction, pier construction, and petroleum storage.

**Army's Logistics Civil Augmentation Program (LOGCAP)**: Provides rapid response in areas to include construction support, general logistics services, and facility engineer support.

### ***Emergency Procurement Flexibilities***

- Mandatory Sources: An emergency may exempt procurements from complying with the Javits-Wagner-O'Day (JWOD) Act, Randolph Sheppard Act, and the Federal Prison Industries requirements. (AMS Procurement Guidance T3.8.4)
- Single Source Procurement: In an emergency, procurements can be awarded to a single source if in the best interest of the FAA. (AMS Procurement Guidance T3.2.2.4)
- Public Announcement: The requirement to synopsise or publicly announce procurements over \$100,000 is waived for emergency actions. (AMS Procurement Guidance T3.2.2)

- Walsh-Healey Public Contracts Act: Contracts for supplies under emergency conditions are waived from this act. (AMS Procurement Guidance T3.6.2)
- Purchase Card: See section *Purchase Cards*.
- Credit Card Checks: See section *Purchase Cards*.
- Letter contracts: If the situation demands immediate response, a CO may issue a letter contract to a vendor. A letter contract includes identification of the requirement and a brief description of the work, a total amount for which the contractor shall be limited to expend and the FAA shall be required to pay; and the period of performance by the contractor. (AMS Procurement Guidance T3.2.4)
- Verbal Authorization: A CO may give a vendor a verbal authorization to begin work once funds are committed and complete the remaining contract phases after the fact. (AMS Policy 3.2.2.4.1.1)
- Oral Solicitations and Quotations: Oral solicitations may be used when processing a written solicitation would delay the acquisition of supplies or services in an emergency to the detriment of the FAA. Oral quotations may be authorized to allow for quicker receipt of pricing for goods and services. Documentation for each oral Request for Quote (RFQ) should include:
  - - Description of requirement and RFQ number;
    - Rationale for use of oral quotations;
    - Sources solicited: Include date, time, and name of individuals contacted, and prices offered; and
    - Best value determination.
- ~~Central System for Contractor Registration~~ Award Management (CCRSAM): Contractors do not have to be registered in ~~CCRSAM~~ before award of a contract, agreement, or lease in response to an emergency or disaster. (AMS Procurement Guidance T3.3.1)
- Electronic Fund Transfer (EFT): Payment by EFT is not required during emergencies or contingency operations. (AMS Procurement Guidance T3.3.1)
- Local Area Set-Asides for Disaster or Emergency: The CO may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. (AMS Procurement Guidance T3.2.1.5)
- Bonds: For emergency acquisitions, the CO may waive the requirement to obtain a guarantee when performance bond and/or payment bonds are usually required. (AMS Procurement Guidance T3.4.1)
- Legal Coordination: At Headquarters, the Assistant Chief Counsel for Procurement, and at Regions and Centers, the Region or Center Counsel, may make written exceptions to the Coordination Policy described in T1.15, adjust dollar minimums, or in appropriate cases, waive the Coordination Policy. (AMS Procurement Guidance T1.15)
- Overtime: Approval of contractor overtime should be prospective, but if justified by emergency circumstances, approval may be retroactive. (AMS Procurement Guidance T3.6.2)

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## **Section 1 : Responsibility Determination of Prospective Contractors**

**Old Content: Procurement Guidance:**

***T3.2.2.7 - Contractor Qualifications***

***Contractor Qualifications***

**Section 1 : Responsibility Determination of Prospective Contractors**

**a. *General Standards.*** A responsible contractor:

- (1) Has or can obtain adequate financial resources to perform a contract;
- (2) Has the ability to meet any required or proposed delivery schedules;
- (3) Has a satisfactory performance history;
- (4) Has a record of integrity and proper business ethics;
- (5) Has appropriate accounting and operational controls that may include, but are not limited to:
  - (a) Production control;
  - (b) Property control systems;
  - (c) Quality assurance programs; and
  - (d) Appropriate safety programs; and
- (6) Is qualified and eligible to receive an award under applicable laws or regulations.

**b. *Determination.***

- (1) The Contracting Officer's (CO) signature on a contract constitutes a determination that a prospective contractor is responsible with respect to that contract.
- (2) The burden of proof is on the prospective contractor to demonstrate its responsibility to perform under the terms of the contract.

**c. *Obtaining Information.*** When making a determination of responsibility, the CO should have, or obtain, information sufficient to be satisfied that a prospective contractor currently meets applicable standards. The CO should apply the following guidelines in collecting data/information:

- (1) Generally, the CO should obtain information on prospective contractors promptly after receipt of offers. Requests for information should ordinarily be limited to information from those offerors most likely to be considered for award, and may include requesting preaward surveys. Depending on the circumstances, the CO may obtain this information before issuing the screening information request (SIR).

(a) A preaward survey may be useful when the information on hand or readily available to the CO is not sufficient to make a determination regarding responsibility. When the requirement is for smaller dollar amounts or commercial items, the CO should consider the cost of the preaward survey in relationship to the requirement.

(b) Preaward surveys should be managed and conducted by the surveying activity. Whether the surveying activity is within or outside of the contract administration office, the CO should obtain from the office or auditor:

(i) Any information required concerning the prospective contractor's financial competence and credit needs; and

(ii) The adequacy of the prospective contractor's accounting systems and the suitability of their use in administering the proposed type of contract.

(c) When a preaward survey discloses previous unsatisfactory performance, the surveying activity should specify the extent to which the prospective contractor has taken or plans corrective action. Lack of evidence that past failure to meet contractual requirements was the prospective contractor's fault does not necessarily indicate satisfactory performance.

(d) The surveying activity may provide an abbreviated survey report when it possesses information that supports a recommendation of complete award without an on-site survey and no special area for investigation has been requested.

(e) Information on financial resources and performance capability should be current as of the date of award.

(f) The CO's request to the surveying activity should include:

(i) Additional factors about which information is needed;

(ii) The complete SIR package (unless it was previously been furnished), and any information indicating prior unsatisfactory performance by the prospective contractor;

(iii) A statement whether the contracting office will participate in the survey;

(iv) The date by which the report is required. This date should be consistent with the scope of the survey requested and normally should allow at least 7 working days to conduct the survey; and

(v) When appropriate, limitations on the scope of the survey.

(2) In addition to the preaward survey, the CO may use the following sources of information to support responsibility determinations:

(a) Records and experience data, including verifiable knowledge of personnel within the contracting office, audit offices, contract administration offices, and other contracting offices.

(b) The prospective contractor, including proposal information, questionnaire replies, financial data, information on production equipment, and personnel information.

(c) Other sources such as publications, suppliers, subcontractors, customers of the prospective contractor, and financial institutions; or

(d) If the contract is for construction, the CO may consider performance evaluation reports.

(3) The CO must review the Excluded Parties List System (EPLS) to ensure prospective contractors are not listed. (See Notices to GSA and EPLS below).

(4) Contracting offices and cognizant contract administration offices that become aware of circumstances casting doubt on a contractor's ability to perform contracts successfully should promptly exchange relevant information.

d. *Documentation.* The CO should consider the following guidelines for documenting contractor responsibility determinations:

(1) A determination of responsibility requires no additional documentation beyond the CO's signature on the contract. Supporting documents such as the preaward survey reports, performance records, and related data/information should be included with other contract file documentation.

(2) If a prospective offeror who is otherwise eligible to receive an award is determined to be nonresponsible, the CO should insert signed documentation in the contract file supporting the nonresponsibility determination. Supporting documentation such as preaward survey reports, performance records, and related data/information should also be included in the file with the nonresponsibility determination.

(3) A nonresponsibility determination for a small business is processed in the same manner as for large businesses. There is no requirement to coordinate with the Small Business Administration (SBA); however the CO may choose to consult with FAA's Office of Small Business Development (OSBD) or local Small Business Development staff.

**New Content:** Procurement Guidance:

*T3.2.2.7 - Contractor Qualifications*

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## *Contractor Qualifications*

### **Section 1 : Responsibility Determination of Prospective Contractors**

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  - (a) Production control;
  - (b) Property control systems;
  - (c) Quality assurance programs; and
  - (d) Appropriate safety programs; and
- (6) Is qualified and eligible to receive an award under applicable laws or regulations.

b. *Determination.*

- (1) The Contracting Officer's (CO) signature on a contract constitutes a determination that a prospective contractor is responsible with respect to that contract.
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(c) When a preaward survey discloses previous unsatisfactory performance, the surveying activity should specify the extent to which the prospective contractor has taken or plans corrective action. Lack of evidence that past failure to meet contractual requirements was the prospective contractor's fault does not necessarily indicate satisfactory performance.

(d) The surveying activity may provide an abbreviated survey report when it possesses information that supports a recommendation of complete award without an on-site survey and no special area for investigation has been requested.

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- (c) Other sources such as publications, suppliers, subcontractors, customers of the prospective contractor, and financial institutions; or
- (d) If the contract is for construction, the CO may consider performance evaluation reports.

(3) The CO must review the "Exclusions" portion of the "Performance Information" capability in the System for Award Management (SAM) to ensure prospective contractors are not listed. (See Notices to SAM below).

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**Red Line Content: Procurement Guidance:**

***T3.2.2.7 - Contractor Qualifications***

***Contractor Qualifications***

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- (c) Other sources such as publications, suppliers, subcontractors, customers of the prospective contractor, and financial institutions; or
- (d) If the contract is for construction, the CO may consider performance evaluation reports.

(3) The CO must review the "Exclusions" portion of Excluded Parties Capability in List the System for Award Management (EPLS SAM) to ensure prospective contractors are not listed. (See Notices to ~~GSA and EPLS~~ SAM below).

(4) Contracting offices and cognizant contract administration offices that become aware of circumstances casting doubt on a contractor's ability to perform contracts successfully should promptly exchange relevant information.

d. *Documentation.* The CO should consider the following guidelines for documenting contractor responsibility determinations:

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#### **Section 4 : Notices to GSA and EPLS**

**Old Content:** Procurement Guidance:

*T3.2.2.7 - Contractor Qualifications*

*Contractor Qualifications*

#### **Section 4 : Notices to GSA and EPLS**

a. *Notice to GSA.* The appropriate CO, at the direction of the debarring/suspending official, will provide GSA the information specified below within 5 working days after a debarment/suspension is effective:

- (1) The names and addresses of all contractors debarred, suspended, proposed for debarment, or declared ineligible in alphabetical order, with cross-references when more than one name is involved in a single action;
- (2) The name and official acronym ("DOT-FAA") of the agency or other authority taking the action;
- (3) The cause for the action other statutory or regulatory authority;
- (4) The effect of the action;
- (5) The termination date for each listing;
- (6) The DUNS No; and
- (7) The name and telephone number of the point of contract for the action.

b. *Excluded Parties List System (EPLS).*

- (1) GSA operates the web-based EPLS. The EPLS includes the:
  - (a) Names and addresses of all contractors debarred, suspended, proposed for debarment, declared ineligible, or excluded or disqualified under the nonprocurement common rule, with cross-references when more than one name is involved in a single action;
  - (b) Name of the agency or other authority taking the action;
  - (c) Cause for the action or other statutory or regulatory authority;
  - (d) Effect of the action;
  - (e) Termination date for each listing;

(f) DUNS No.;

(g) Social Security Number (SSN), Employer Identification Number (EIN), or other Taxpayer Identification Number (TIN), if available; and

(h) Name and telephone number of the agency point of contact for the action.

(2) For information about adding a contractor to the EPLS, the CO should contact the DOT representative listed under the agency contacts on the EPLS website.

**New Content: Procurement Guidance:**

*T3.2.2.7 - Contractor Qualifications*

*Contractor Qualifications*

**Section 4 : Notices to GSA and SAM**

a. *Notice to GSA.* The appropriate CO, at the direction of the debarring/suspending official, will provide GSA the information specified below within 5 working days after a debarment/suspension is effective:

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(2) The name and official acronym ("DOT-FAA") of the agency or other authority taking the action;

(3) The cause for the action other statutory or regulatory authority;

(4) The effect of the action;

(5) The termination date for each listing;

(6) The DUNS No; and

(7) The name and telephone number of the point of contract for the action.

b. *System for Award Management (SAM).*

(1) GSA operates the web-based SAM. The "Exclusions" portion of the "Performance Information" capability includes the:

(a) Names and addresses of all contractors debarred, suspended, proposed for debarment, declared ineligible, or excluded or disqualified under the nonprocurement common rule, with cross-references when more than one name is involved in a single action;

- (b) Name of the agency or other authority taking the action;
- (c) Cause for the action or other statutory or regulatory authority;
- (d) Effect of the action;
- (e) Termination date for each listing;
- (f) DUNS No.;
- (g) Social Security Number (SSN), Employer Identification Number (EIN), or other Taxpayer Identification Number (TIN), if available; and
- (h) Name and telephone number of the agency point of contact for the action.

(2) For information about adding a contractor to SAM, the CO should contact the DOT representative listed under the agency contacts on the SAM website.

**Red Line Content: Procurement Guidance:**

*T3.2.2.7 - Contractor Qualifications*

*Contractor Qualifications*

**Section 4 : Notices to GSA and ~~EPLS~~SAM**

a. *Notice to GSA.* The appropriate CO, at the direction of the debarring/suspending official, will provide GSA the information specified below within 5 working days after a debarment/suspension is effective:

- (1) The names and addresses of all contractors debarred, suspended, proposed for debarment, or declared ineligible in alphabetical order, with cross-references when more than one name is involved in a single action;
- (2) The name and official acronym ("DOT-FAA") of the agency or other authority taking the action;
- (3) The cause for the action other statutory or regulatory authority;
- (4) The effect of the action;
- (5) The termination date for each listing;
- (6) The DUNS No; and
- (7) The name and telephone number of the point of contract for the action.

b. ~~Excluded~~ System Parties List System for Award Management (~~EPLS~~SAM).



(1) GSA operates the web-based [EPLS SAM](#). The "Exclusions" portion of the EPLS "Performance Information" capability includes the:

- (a) Names and addresses of all contractors debarred, suspended, proposed for debarment, declared ineligible, or excluded or disqualified under the nonprocurement common rule, with cross-references when more than one name is involved in a single action;
- (b) Name of the agency or other authority taking the action;
- (c) Cause for the action or other statutory or regulatory authority;
- (d) Effect of the action;
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- (g) Social Security Number (SSN), Employer Identification Number (EIN), or other Taxpayer Identification Number (TIN), if available; and
- (h) Name and telephone number of the agency point of contact for the action.

(2) For information about adding a contractor to ~~the~~ [EPLS SAM](#), the CO should contact the DOT representative listed under the agency contacts on the ~~EPLS SAM~~ website.

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#### **Section 4 : Central Contractor Registration (CCR)**

**Old Content:** Procurement Guidance:

*T3.3.1 - Contract Funding, Financing & Payment*

*Contract Funding, Financing & Payment*

#### **Section 4 : Central Contractor Registration (CCR)**

a. Central Contractor Registration (CCR) applies to all new contract awards, contract modifications, agreements, orders, or leases executed. Applicable CCR clauses for real property or utility contracts or agreements are specified in Real Estate Guidance. CCR is the primary Government repository for contractor information required for doing business with the Government. CCR requires a Data Universal Numbering System (DUNS) number for registration. The DUNS is the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities. Data Universal Numbering System +4 (DUNS +4) number means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. This 4-character suffix may be assigned at the discretion of the business concern to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts for the same parent concern. Registered in the CCR database means that the

contractor has entered all mandatory information, including the DUNS number or the DUNS +4 number, into the CCR database.

b. Prospective contractors must be registered in the CCR database before award of a contract or agreement, except for:

- (1) Purchases made by using a Government purchase card;
- (2) Classified contracts when registration in the CCR database, or use of CCR data, could compromise the safeguarding of classified information or national security;
- (3) Contracts awarded by:
  - (a) Deployed COs in the course of military operations, including, but not limited to, contingency operations as defined in 10 U.S.C. 101(a)(13) or humanitarian or peacekeeping operations as defined in 10 U.S.C. 2302(7); or
  - (b) COs conducting emergency operations, such as responses to natural or environmental disasters or national or civil emergencies, e.g., Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121);
- (4) Contracts to support unusual or compelling needs. A compelling need is where FAA would be seriously injured if the contract is not awarded;
- (5) Awards made to foreign vendors for work performed outside the United States, if it is impractical to obtain CCR registration;
- (6) One time/single payment contracts or agreements, such as Real Property purchase and sales agreements, where the seller of the property is not in the practice of offering real property to FAA as a commercial practice and does not anticipate acting as a vendor to FAA in the foreseeable future; or
- (7) Long term leases and utility contracts where a CCR clause is not currently in effect and it is determined by the CO that forcing compliance is impractical.

c. In contracts or agreements awarded under paragraph (b) (3) or (4) of this section, the CO should modify the contract or agreement to require CCR registration as soon as practical after award is made.

d. *Change of Name in CCR.*

- (1) The contractor must provide the responsible CO a minimum of one business day's written notification of its intention to change its business name in the CCR database, comply with the requirements of a novation or change of name agreement in AMS Procurement Guidance T3.10.1, and agree in writing to the timeline and procedures specified by the responsible CO for the change. The contractor must provide the CO

documentation to support the legally changed name. This notification is required when the contractor has:

- (a) Legally changed its business name;
- (b) Changed its "doing business as" name;
- (c) Changed its division name; or
- (d) Transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in AMS Procurement Guidance T3.10.1.

(2) If the contractor fails to comply with the requirements AMS Clause 3.3.1-33, Central Contractor Registration, and has not provided a properly executed novation or change-of-name agreement, the CCR information that shows the contractor to be other than the contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of AMS Clause 3.3.1-34, Payment by Electronic Funds Transfer/Central Contractor Registration. If the contractor's EFT information in CCR is considered to be incorrect:

- (a) FAA need not make payment to the contractor until correct EFT information is entered into the CCR database; and
- (b) Any invoice or contract financing request must be deemed not to be a proper invoice for the purpose of prompt payment under the contract.

(3) The contractor may not change the name or address for electronic funds transfer payments (EFT) or manual payments, as appropriate, in the CCR record unless an assignment of claims has been properly executed. (See AMS Procurement Guidance T3.3.1, Assignment of Claims)

(4) Assignees must be separately registered in the CCR database. Information provided to the contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that contractor will be considered to be incorrect information within the meaning of the "Suspension of payment" paragraph of AMS Clause 3.3.1-34, Payment by Electronic Funds Transfer/Central Contractor Registration.

e. Unless the acquisition is exempt, the CO:

- (1) Must verify that the prospective contractor is registered in the CCR database before awarding a contract or agreement;
- (2) Should use the DUNS number or, if applicable, the DUNS+4 number, to verify registration:

(a) On the CCR website; or

(b) By calling toll-free: 1-888-227-2423, commercial: (269) 961-5757.

(3) When a CO modifies an existing contract or agreement that does not already include the requirement to be registered in CCR, the CO must then incorporate, as appropriate, AMS Clause 3.3.1-33, Central Contractor Registration.

(4) Need not verify registration before placing an order or call if the contract or agreement includes the clause at AMS Clause 3.3.1-33.

f. If the CO, when awarding a contract or agreement, determines that a prospective contractor is not registered in CCR and an exception to the registration requirements for the award does not apply, the CO:

(1) Determines if the needs of the requiring activity allow for a delay. If a delay is allowable, the CO advises the apparently successful offeror of the required date to become registered. If the offeror does not become registered by the required date, the CO, after consultation with the program office, proceeds to award to the next otherwise successful registered offeror following the same procedures (i.e., if the next apparently successful offeror is not registered, the CO must advise the offeror of the required date to become registered, etc.); or

(2) Determines if the needs of the requiring activity do not allow for a delay. If the needs do not reasonably allow for a delay, the CO will proceed to award to the next otherwise successful registered offeror. Written approval is required at one level above the CO.

g. The FAA must protect against improper disclosure of contractor CCR information.

h. In accordance with FAA procedures, the CO provides the DUNS number or, if applicable, the DUNS +4 on contractual documents transmitted to the payment office.

**New Content: Procurement Guidance:**

***T3.3.1 - Contract Funding, Financing & Payment***

***Contract Funding, Financing & Payment***

**Section 4 : System for Award Management (SAM)**

a. System for Award Management (SAM) applies to all new contract awards, contract modifications, agreements, orders, or leases executed. Applicable SAM clauses for real property or utility contracts or agreements are specified in Real Estate Guidance. SAM is the primary Government repository for contractor information required for doing business with the Government. SAM requires a Data Universal Numbering System (DUNS) number for registration. The DUNS is the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities. Data Universal Numbering System +4 (DUNS +4) number means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. This 4-character suffix may be assigned at the discretion of the business

concern to establish additional SAM records for identifying alternative Electronic Funds Transfer (EFT) accounts for the same parent concern. Registered in the SAM database means that the contractor has entered all mandatory information, including the DUNS number or the DUNS +4 number, into the SAM database.

b. Prospective contractors must be registered in the SAM database before award of a contract or agreement, except for:

- (1) Purchases made by using a Government purchase card;
- (2) Classified contracts when registration in the SAM database, or use of SAM data, could compromise the safeguarding of classified information or national security;
- (3) Contracts awarded by:
  - (a) Deployed COs in the course of military operations, including, but not limited to, contingency operations as defined in 10 U.S.C. 101(a)(13) or humanitarian or peacekeeping operations as defined in 10 U.S.C. 2302(7); or
  - (b) COs conducting emergency operations, such as responses to natural or environmental disasters or national or civil emergencies, e.g., Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121);
- (4) Contracts to support unusual or compelling needs. A compelling need is where FAA would be seriously injured if the contract is not awarded;
- (5) Awards made to foreign vendors for work performed outside the United States, if it is impractical to obtain SAM registration;
- (6) One time/single payment contracts or agreements, such as Real Property purchase and sales agreements, where the seller of the property is not in the practice of offering real property to FAA as a commercial practice and does not anticipate acting as a vendor to FAA in the foreseeable future; or
- (7) Long term leases and utility contracts where a SAM clause is not currently in effect and it is determined by the CO that forcing compliance is impractical.

c. In contracts or agreements awarded under paragraph (b) (3) or (4) of this section, the CO should modify the contract or agreement to require SAM registration as soon as practical after award is made.

d. *Change of Name in SAM.*

- (1) The contractor must provide the responsible CO a minimum of one business day's written notification of its intention to change its business name in the SAM database, comply with the requirements of a novation or change of name agreement in AMS

Procurement Guidance, and agree in writing to the timeline and procedures specified by the responsible CO for the change. The contractor must provide the CO documentation to support the legally changed name. This notification is required when the contractor has:

- (a) Legally changed its business name;
- (b) Changed its "doing business as" name;
- (c) Changed its division name; or
- (d) Transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in AMS Procurement Guidance.

(2) If the contractor fails to comply with the requirements AMS Clause 3.3.1-33, System for Award Management, and has not provided a properly executed novation or change-of-name agreement, the SAM information that shows the contractor to be other than the contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of AMS Clause 3.3.1-34, Payment by Electronic Funds Transfer/System for Award Management. If the contractor's EFT information in SAM is considered to be incorrect:

- (a) FAA need not make payment to the contractor until correct EFT information is entered into the SAM database; and
- (b) Any invoice or contract financing request must be deemed not to be a proper invoice for the purpose of prompt payment under the contract.

(3) The contractor may not change the name or address for electronic funds transfer payments (EFT) or manual payments, as appropriate, in the SAM record unless an assignment of claims has been properly executed. (See AMS Procurement Guidance T3.3.1, Assignment of Claims)

(4) Assignees must be separately registered in the SAM database. Information provided to the contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that contractor will be considered to be incorrect information within the meaning of the "Suspension of payment" paragraph of AMS Clause 3.3.1-34, Payment by Electronic Funds Transfer/System for Award Management.

e. Unless the acquisition is exempt, the CO:

- (1) Must verify that the prospective contractor is registered in the SAM database before awarding a contract or agreement;

(2) Should use the DUNS number or, if applicable, the DUNS+4 number, to verify registration:

(a) On the SAM website; or

(b) By calling toll-free: 1-888-227-2423, commercial: (269) 961-5757.

(3) When a CO modifies an existing contract or agreement that does not already include the requirement to be registered in SAM, the CO must then incorporate, as appropriate, AMS Clause 3.3.1-33, System for Award Management.

(4) Need not verify registration before placing an order or call if the contract or agreement includes the clause at AMS Clause 3.3.1-33.

f. If the CO, when awarding a contract or agreement, determines that a prospective contractor is not registered in SAM and an exception to the registration requirements for the award does not apply, the CO:

(1) Determines if the needs of the requiring activity allow for a delay. If a delay is allowable, the CO advises the apparently successful offeror of the required date to become registered. If the offeror does not become registered by the required date, the CO, after consultation with the program office, proceeds to award to the next otherwise successful registered offeror following the same procedures (i.e., if the next apparently successful offeror is not registered, the CO must advise the offeror of the required date to become registered, etc.); or

(2) Determines if the needs of the requiring activity do not allow for a delay. If the needs do not reasonably allow for a delay, the CO will proceed to award to the next otherwise successful registered offeror. Written approval is required at one level above the CO.

g. The FAA must protect against improper disclosure of contractor SAM information.

h. In accordance with FAA procedures, the CO provides the DUNS number or, if applicable, the DUNS +4 on contractual documents transmitted to the payment office.

**Red Line Content:** Procurement Guidance:

*T3.3.1 - Contract Funding, Financing & Payment*

*Contract Funding, Financing & Payment*

**Section 4 :** ~~Central Contractor Registration~~System for Award Management (~~CCR~~SAM)

a. ~~System~~ Central Contractor Registration~~for Award Management~~ (~~CCR~~SAM) applies to all new contract awards, contract modifications, agreements, orders, or leases executed. Applicable ~~CCR~~ SAM clauses for real property or utility contracts or agreements are specified in Real Estate Guidance. ~~CCR~~ SAM is the primary Government repository for contractor information required for doing business with the Government. ~~CCR~~ SAM requires a Data Universal Numbering System (DUNS) number for registration. The DUNS is the 9-digit number assigned by Dun and

Bradstreet, Inc. (D&B) to identify unique business entities. Data Universal Numbering System +4 (DUNS +4) number means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. This 4-character suffix may be assigned at the discretion of the business concern to establish additional ~~CCR~~ SAM records for identifying alternative Electronic Funds Transfer (EFT) accounts for the same parent concern. Registered in the ~~CCR~~ SAM database means that the contractor has entered all mandatory information, including the DUNS number or the DUNS +4 number, into the ~~CCR~~ SAM database.

b. Prospective contractors must be registered in the ~~CCR~~ SAM database before award of a contract or agreement, except for:

- (1) Purchases made by using a Government purchase card;
- (2) Classified contracts when registration in the ~~CCR~~ SAM database, or use of ~~CCR~~ SAM data, could compromise the safeguarding of classified information or national security;
- (3) Contracts awarded by:
  - (a) Deployed COs in the course of military operations, including, but not limited to, contingency operations as defined in 10 U.S.C. 101(a)(13) or humanitarian or peacekeeping operations as defined in 10 U.S.C. 2302(7); or
  - (b) COs conducting emergency operations, such as responses to natural or environmental disasters or national or civil emergencies, e.g., Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121);
- (4) Contracts to support unusual or compelling needs. A compelling need is where FAA would be seriously injured if the contract is not awarded;
- (5) Awards made to foreign vendors for work performed outside the United States, if it is impractical to obtain ~~CCR~~ SAM registration;
- (6) One time/single payment contracts or agreements, such as Real Property purchase and sales agreements, where the seller of the property is not in the practice of offering real property to FAA as a commercial practice and does not anticipate acting as a vendor to FAA in the foreseeable future; or
- (7) Long term leases and utility contracts where a ~~CCR~~ SAM clause is not currently in effect and it is determined by the CO that forcing compliance is impractical.

c. In contracts or agreements awarded under paragraph (b) (3) or (4) of this section, the CO should modify the contract or agreement to require ~~CCR~~ SAM registration as soon as practical after award is made.

d. *Change of Name in ~~CCR~~ SAM.*



(1) The contractor must provide the responsible CO a minimum of one business day's written notification of its intention to change its business name in the ~~CCR~~ SAM database, comply with the requirements of a novation or change of name agreement in AMS Procurement Guidance ~~T3.10.1~~, and agree in writing to the timeline and procedures specified by the responsible CO for the change. The contractor must provide the CO documentation to support the legally changed name. This notification is required when the contractor has:

- (a) Legally changed its business name;
- (b) Changed its "doing business as" name;
- (c) Changed its division name; or
- (d) Transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in AMS Procurement Guidance ~~T3.10.1~~.

(2) If the contractor fails to comply with the requirements AMS Clause 3.3.1-33, ~~System Central Contractor Registration~~ for Award Management, and has not provided a properly executed novation or change-of-name agreement, the ~~CCR~~ SAM information that shows the contractor to be other than the contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of AMS Clause 3.3.1-34, Payment by Electronic Funds Transfer/~~Central~~ System Contractor for Award Registration Management. If the contractor's EFT information in ~~CCR~~ SAM is considered to be incorrect:

- (a) FAA need not make payment to the contractor until correct EFT information is entered into the ~~CCR~~ SAM database; and
- (b) Any invoice or contract financing request must be deemed not to be a proper invoice for the purpose of prompt payment under the contract.

(3) The contractor may not change the name or address for electronic funds transfer payments (EFT) or manual payments, as appropriate, in the ~~CCR~~ SAM record unless an assignment of claims has been properly executed. (See AMS Procurement Guidance T3.3.1, Assignment of Claims)

(4) Assignees must be separately registered in the ~~CCR~~ SAM database. Information provided to the contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that contractor will be considered to be incorrect information within the meaning of the "Suspension of payment" paragraph of AMS Clause 3.3.1-34, Payment by Electronic Funds Transfer/~~Central~~ System Contractor for Award Registration Management.

e. Unless the acquisition is exempt, the CO:

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(1) Must verify that the prospective contractor is registered in the ~~CCR~~ SAM database before awarding a contract or agreement;

(2) Should use the DUNS number or, if applicable, the DUNS+4 number, to verify registration:

(a) On the ~~CCR~~ SAM website; or

(b) By calling toll-free: 1-888-227-2423, commercial: (269) 961-5757.

(3) When a CO modifies an existing contract or agreement that does not already include the requirement to be registered in CCR~~SAM~~, the CO must then incorporate, as appropriate, AMS Clause 3.3.1-33, System Central Contractor Registration~~for Award Management~~.

(4) Need not verify registration before placing an order or call if the contract or agreement includes the clause at AMS Clause 3.3.1-33.

f. If the CO, when awarding a contract or agreement, determines that a prospective contractor is not registered in ~~CCR~~ SAM and an exception to the registration requirements for the award does not apply, the CO:

(1) Determines if the needs of the requiring activity allow for a delay. If a delay is allowable, the CO advises the apparently successful offeror of the required date to become registered. If the offeror does not become registered by the required date, the CO, after consultation with the program office, proceeds to award to the next otherwise successful registered offeror following the same procedures (i.e., if the next apparently successful offeror is not registered, the CO must advise the offeror of the required date to become registered, etc.); or

(2) Determines if the needs of the requiring activity do not allow for a delay. If the needs do not reasonably allow for a delay, the CO will proceed to award to the next otherwise successful registered offeror. Written approval is required at one level above the CO.

g. The FAA must protect against improper disclosure of contractor ~~CCR~~ SAM information.

h. In accordance with FAA procedures, the CO provides the DUNS number or, if applicable, the DUNS +4 on contractual documents transmitted to the payment office.

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## **Section 5 : Federal Procurement Data System (FPDS) and FPDS Data Quality**

**Old Content:** Procurement Guidance:

*T3.13.1 Other Administrative Procedures*

*Administrative Matters*

## **Section 5 : Federal Procurement Data System (FPDS) and FPDS Data Quality**

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a. *Use for Data.* The FAA uses the Federal Procurement Data System (FPDS) module within PRISM as the means for collecting, maintaining, and reporting procurement award data to Congress, the Executive Branch, FAA management, audit and evaluation organizations, and the private sector. These audiences use the data to measure and assess the impact of FAA procurement on the U.S. economy, the extent to which small business and small disadvantaged business firms share in FAA awards, the impact of competition on the procurement process, and for other policy and management purposes.

b. *FPDS User Guide.* The PRISM FPDS User Guide provides full instructions and a complete list and description of the data reporting fields and options within fields, and when to appropriately use the options. The [FPDS User Guide](#) (*FAA only*) is on the National PRISM website under Training.

c. *Public Access.* The Federal Funding Accountability Transparency Act requires FAA to make procurement award data publicly available. Government-wide award data is sent through FPDS-NG to the public website USASpending.gov. The FAA submits its award data to FPDS-NG by using the General Services Administration's Business Services. This process allows FAA to automatically send daily batch files to FPDS-NG, bypassing FPDS-NG's front-end edit checks, once an award passes the FAA's own edit checks.

d. *Central Contract Registration.* The CO must ensure that the awardee is registered in the Central Contract Registration (CCR) System before award is made.

e. *Annual Certification.* After the close of each fiscal year, the FAA Acquisition Executive certifies to the percentage of FPDS data that is accurate, timely, and complete. To support of this annual certification, the CO must enter all FPDS data for awards when the award is approved in PRISM. The CO must enter complete and accurate information for each data field in FPDS. The PRISM FPDS User Guide provides an explanation of each data element to be entered.

f. *File Documentation.* The PRISM FPDS User Guide requires the CO to print and place a copy of the completed FPDS form in the contract file. If subsequent FPDS award exception reports require corrections to FPDS entries, the CO must correct the entries and print another form with changes and place it in the contract file.

g. *Reviewing Exception Reports.* At least quarterly, the CO's branch manager or team lead must review the PRISM award exception report to ensure all procurement actions have been entered and the data is accurate and complete. The branch manager or team lead must ensure that corrections are made within 30 days of the date of the report.

**New Content: Procurement Guidance:**

***T3.13.1 Other Administrative Procedures***

***Administrative Matters***

**Section 5 : Federal Procurement Data System (FPDS) and FPDS Data Quality**

- a. *Use for Data.* The FAA uses the Federal Procurement Data System (FPDS) module within PRISM as the means for collecting, maintaining, and reporting procurement award data to Congress, the Executive Branch, FAA management, audit and evaluation organizations, and the private sector. These audiences use the data to measure and assess the impact of FAA procurement on the U.S. economy, the extent to which small business and small disadvantaged business firms share in FAA awards, the impact of competition on the procurement process, and for other policy and management purposes.
- b. *FPDS User Guide.* The PRISM FPDS User Guide provides full instructions and a complete list and description of the data reporting fields and options within fields, and when to appropriately use the options. The [FPDS User Guide](#) (*FAA only*) is on the National PRISM website under Training.
- c. *Public Access.* The Federal Funding Accountability Transparency Act requires FAA to make procurement award data publicly available. Government-wide award data is sent through FPDS-NG to the public website USASpending.gov. The FAA submits its award data to FPDS-NG by using the General Services Administration's Business Services. This process allows FAA to automatically send daily batch files to FPDS-NG, bypassing FPDS-NG's front-end edit checks, once an award passes the FAA's own edit checks.
- d. *System for Award Management.* The CO must ensure that the awardee is registered in the System for Award Management (SAM) System before award is made.
- e. *Annual Certification.* After the close of each fiscal year, the FAA Acquisition Executive certifies to the percentage of FPDS data that is accurate, timely, and complete. To support of this annual certification, the CO must enter all FPDS data for awards when the award is approved in PRISM. The CO must enter complete and accurate information for each data field in FPDS. The PRISM FPDS User Guide provides an explanation of each data element to be entered.
- f. *File Documentation.* The PRISM FPDS User Guide requires the CO to print and place a copy of the completed FPDS form in the contract file. If subsequent FPDS award exception reports require corrections to FPDS entries, the CO must correct the entries and print another form with changes and place it in the contract file.
- g. *Reviewing Exception Reports.* At least quarterly, the CO's branch manager or team lead must review the PRISM award exception report to ensure all procurement actions have been entered and the data is accurate and complete. The branch manager or team lead must ensure that corrections are made within 30 days of the date of the report.

**Red Line Content: Procurement Guidance:**

*T3.13.1 Other Administrative Procedures*

*Administrative Matters*

**Section 5 : Federal Procurement Data System (FPDS) and FPDS Data Quality**

- a. *Use for Data.* The FAA uses the Federal Procurement Data System (FPDS) module within PRISM as the means for collecting, maintaining, and reporting procurement award data to Congress, the Executive Branch, FAA management, audit and evaluation organizations, and the private sector. These audiences use the data to measure and assess the impact of FAA procurement on the U.S. economy, the extent to which small business and small disadvantaged business firms share in FAA awards, the impact of competition on the procurement process, and for other policy and management purposes.
- b. *FPDS User Guide.* The PRISM FPDS User Guide provides full instructions and a complete list and description of the data reporting fields and options within fields, and when to appropriately use the options. The [FPDS User Guide](#) (*FAA only*) is on the National PRISM website under Training.
- c. *Public Access.* The Federal Funding Accountability Transparency Act requires FAA to make procurement award data publicly available. Government-wide award data is sent through FPDS-NG to the public website USASpending.gov. The FAA submits its award data to FPDS-NG by using the General Services Administration's Business Services. This process allows FAA to automatically send daily batch files to FPDS-NG, bypassing FPDS-NG's front-end edit checks, once an award passes the FAA's own edit checks.
- d. ~~- *Central System for Contract Registration*~~*Award Management.* The CO must ensure that the awardee is registered in the ~~Central System~~ *Contract for Registration* *Award Management* (~~CCRSAM~~)-System before award is made.
- e. *Annual Certification.* After the close of each fiscal year, the FAA Acquisition Executive certifies to the percentage of FPDS data that is accurate, timely, and complete. To support of this annual certification, the CO must enter all FPDS data for awards when the award is approved in PRISM. The CO must enter complete and ~~aeuurate~~*accurate* information for each data field in FPDS. The PRISM FPDS User Guide provides an explanation of each data element to be entered.
- f. *File Documentation.* The PRISM FPDS User Guide requires the CO to print and place a copy of the completed FPDS form in the contract file. If subsequent FPDS award exception reports require corrections to FPDS entries, the CO must correct the entries and print another form with changes and place it in the contract file.
- g. *Reviewing Exception Reports.* At least quarterly, the CO's branch manager or team lead must review the PRISM award exception report to ensure all procurement actions have been entered and the data is accurate and complete. The branch manager or team lead must ensure that corrections are made within 30 days of the date of the report.

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## **Section 6 : Sensitive Unclassified Information**

**Old Content:** Procurement Guidance:

*T3.14.1 Security*

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## Security

### Section 6 : Sensitive Unclassified Information

#### a. *General.*

(1) FAA Order 1600.75, "Protecting Sensitive Unclassified Information (SUI)," outlines policy and guidance on protecting sensitive unclassified information (SUI).

(2) When a contract, order, lease, or agreement requires a contractor or offeror to have access to SUI, the Contracting Officer (CO) must incorporate appropriate security clauses into the solicitation or contract. These include clauses on safeguarding standards, personnel security suitability, and non-disclosure agreements.

(3) SUI may include information such as Personally Identifiable Information (PII), sensitive NAS data, construction drawings, or equipment specifications. Prospective FAA vendors may need access to this information to ensure they can accurately propose and perform the work that FAA requires.

(4) When a screening information request (SIR) includes information determined to be SUI, the CO (and anyone else granted access to the SUI) must take reasonable care disseminating the SUI documents and ensure the recipient has a *need-to-know* and is *authorized* to receive it.

#### b. *FOUO and SSI.* There are over 50 types of SUI; however the two types generally handled within FAA are:

(1) *For Official Use Only (FOUO).* FOUO is the primary designation given to SUI by FAA, and consists of information that could adversely affect the national interest, the conduct of Federal programs, or a person's privacy if released to unauthorized individuals. Uncontrolled issuance of FOUO may allow someone to:

- (a) Circumvent agency laws, regulations, legal standards, or security measures; or
- (b) Obtain unauthorized access to an information system.

(2) *Sensitive Security Information (SSI).* SSI is a designation unique to the FAA, DOT, and the Department of Homeland Security (DHS), and applied to information obtained or developed while conducting security activities, including research and development. Unauthorized disclosure of SSI can:

- (a) Constitute an unwarranted invasion of privacy;
- (b) Reveal trade secrets or privileged or confidential information; or
- (c) Be detrimental to transportation safety or security.

c. *Distribution of SUI Information.* When distributing SUI information, the CO (and anyone else granted access to the SUI, including prime contractors, subcontractors, suppliers, etc.) must ensure the persons receiving the information are *authorized* to receive the SUI and have a *need-to-know*. Methods of pre-award SUI dissemination utilized in FAA include FedBizOpps and hardcopy dissemination.

d. *Federal Business Opportunities (FedBizOpps).* FedBizOpps is an E-Gov initiative that provides a secure environment for distributing sensitive acquisition information (to include SUI) to vendors during the solicitation phase of procurement. This system electronically disseminates information or data to the vendor community while still protecting SUI from unauthorized distribution. Data that can be uploaded into FedBizOpps includes construction plans, equipment specifications, security plans, and SIRs. As FAA utilizes the FAA Contract Opportunities website to announce procurement opportunities, COs will utilize the Non-FBO Secure Document Link functionality in FedBizOpps when electronically distributing SUI.

(1) FedBizOpps provides several security measures to include:

(a) During processing of a vendor's access request to FedBizOpps, the vendor's profile is retrieved from the Central Contractor Registration (CCR). Using the Data Universal Numbering System (DUNS) number, FedBizOpps ensures that the vendor seeking access is a viable vendor in CCR;

(b) *Marketing Partner Identification Number (MPIN).* A number required by FedBizOpps to access SUI. This number is unique to each vendor, and chosen by the vendor when each register with CCR;

(c) Vendors receive an e-mail after registration to confirm the validity of their identity and contact information;

(d) The access level of the data in FedBizOpps can be adjusted; the CO can specifically allow access to only certain vendors, or if a vendor requests access to the data and they are not specifically authorized, the system will verify with the CO if access should be granted (termed "Explicit Access Request");

(e) *Export Control.* When export control is selected in FedBizOpps, the system requires that the vendor be certified by the Defense Logistics Information Service Joint Certification Program before SUI will be released. This is usually reserved for technology related to military or space application; and

(f) The system tracks which Government users and vendors access the data through FedBizOpps.

(2) Use of FedBizOpps requires the CO to adhere to the following process:



(a) Upload SUI files into the FedBizOpps website (<http://www.fbo.gov>) by the procurement request (PR) and solicitation numbers. Note that the problems may arise when uploading attachments greater than 100 mb.

(b) "Release" the solicitation: Prior to it being made available to anyone through FedBizOpps, the CO must determine the scope of vendors allowed to access the data and release the data for authorized viewing.

(c) Once established in FedBizOpps, the system provides the CO a web address to provide to vendors that will link authorized persons directly into the applicable data. The CO can email this link to individual vendors when access has been restricted, or can place it on a public announcement via the internet so, if properly registered, all interested parties may view the data. Prior to downloading the data, the vendor must electronically sign an SUI policy statement in FedBizOpps.

(3) Web-based training and user guides are available to both FAA users and contractors at <http://www.fbo.gov>.

e. *Hardcopy Dissemination of SUI Using FedBizOpps.* At times, electronic versions of documents or data do not exist, and the SUI must be disseminated in a hardcopy form. In situations such as this, the CO must still utilize FedBizOpps for vendor verification and for the vendor to electronically read and certify to SUI policy. This will eliminate the need for the CO to manually validate vendor information and document in hardcopy form the vendor's certification to properly handle and protect SUI. Once the vendor is verified by FedBizOpps and has agreed to the SUI policy, the hardcopy documentation can then be forwarded to that vendor. Processes for distributing SUI in hardcopy form to vendors are:

(1) The CO may upload a "Document Security Notice and SUI Request Form" into FedBizOpps for the vendor to download, complete, sign, and return to the CO requesting the SUI data. Because the form can only be accessed after vendor verification and certification to SUI policy has taken place, hardcopy documentation can be distributed to the vendor after the CO receives a completed form. In some situations a portion of the SUI may be available in digital media and the remainder in hardcopy form; the CO may upload into FedBizOpps the digital portion for the vendor to download directly and the request form for the vendor to request the remaining hardcopy documentation; or

(2) The CO may request the vendor to use the "CD" link for hardcopy SUI documentation. Once the vendor links to the SUI, has properly accessed FedBizOpps, and certified to SUI policy, they may select the "CD" link. Once the vendor selects the link, the system sends the CO an e-mail with the vendor's information and request for the SUI. This link can be used for both hardcopy documentation and information that the CO desires to distribute via a CD or other like media.

f. *Registration with FedBizOpps.*

(1) The process in which a CO registers for FedBizOpps is:



- (a) Access the FedBizOpps website at <http://www.fbo.gov>.
  - (b) Click the "Register Now" link for buyers.
  - (c) Enter name, position, and e-mail information.
  - (d) Use the Agency drop-down menu to select the proper agency from the list provided. FAA users will select Department of Transportation/Federal Aviation Administration (FAA) for "Agency," and the proper FAA location in which the user resides for the "Contracting Office Location." The location list for FAA includes Headquarters and each region and center.
  - (e) Select the type of user account required. COs will choose Buyer from the menu.
- Note: If a CO needs to release solicitations and post SUI in FedBizOpps, the CO must register for buyer and engineer user rights. The user rights of an engineer allow for the posting of SUI, while those of the buyer group does not; however, the system does allow for a single user to have the rights of both user groups.
- (f) Complete the remaining fields.
  - (g) Once the user clicks submit, the registration request is sent to the Administrator at DOT for processing. When approved, the user will receive an e-mail stating the result of the request and the appropriate username and password to use with FedBizOpps.

(2) The process in which a vendor registers in FedBizOpps is:

- (a) Access the FedBizOpps website at <http://www.fbo.gov>.
- (b) Click the "Register Now" link for vendors.
- (c) The vendor will enter their DUNS Number for authentication.
- (d) The vendor will review/update information retrieved from CCR, and enter other information to include a user name and password.
- (e) Once submitted, the registration is analyzed and authenticated. If approved, the vendor will receive a confirmation page via e-mail detailing key information for FedBizOpps.

*g. Other Electronic Transfer and Dissemination.* Transfer and dissemination of SUI information beyond the intranet (internet or extranet, modem, DSL, wireless, etc.) must use at least 128 bit symmetric key encryption following NIST Special Publication 800-21 *Guideline For Implementing Cryptography in the Federal Government*. All transfers must use standard

commercial products (such as PGP and Secret Agent) with encryption algorithms that are at least 128 bit symmetric (3DES, AES, RC4, IDEA, etc.), and follow the instructions outlined in this order. Authorized users that use project extranets for electronic project management during or after contract award to transfer SUI information are responsible for verifying and certifying to the CO that project extranets meet applicable physical and technical security requirements as determined by the Chief Information Officer. Access to the sites must be password protected and access must be granted only on a need-to-know basis. A record of those individuals who have had electronic access must be maintained by the CO or other disseminator in accordance with the system of keeping long-term records.

h. *Record Keeping.* Those who disseminate SUI information must obtain a signed "Document Security Notice and SUI Request Form" from anyone who receives the information (except for those vendors that utilize FedBizOpps for electronic data). Records of the signed forms must be maintained by the disseminator and destroyed 2 years after final disposition of the related SUI material (FAA Order 1350.15C and GRS 18 Item 1). At the completion of work, secondary and other disseminators must turn over their dissemination records to FAA, to be kept with the permanent files. The only records that the CO must keep for those vendors that utilize FedBizOpps to request SUI are the request forms for hardcopy documentation and any documentation detailing subsequent dissemination by the vendor and their subcontractors or suppliers. Records of those who accessed SUI information via FedBizOpps and their associated SUI policy certifications are stored in FedBizOpps itself.

i. *Retaining and Destroying Documents.* The requirements above must continue throughout the entire term of contract and for whatever specific time thereafter as may be necessary. Necessary record copies for legal purposes (such as those retained by the architect, engineer, or contractor) must be safeguarded against unauthorized use for the term of retention. Documents no longer needed must be destroyed (such as after contract award, after completion of any appeals process, or completion of the work). Destruction must be by burning or shredding hardcopy, and physically destroying CDs, deleting and removing files from electronic recycling bins, and removing material from computer hard drives using a permanent erase utility or similar software.

j. *Notice of Disposal.* For all contracts using SUI, the contractor must notify the CO that it and its subcontractors have properly disposed of the SUI documents, except the contractor's record copy, at the time of Release of Claims to obtain final payment.

k. *State and Local Governments.* To comply with local regulations, FAA must provide localities with documents to issue building permits and to approve code requirements. Public safety entities such as fire departments and utility departments require unlimited access on a need-to-know basis. These authorities must be informed at the time they receive the documents that the information requires restricted access from the general public. When these documents are retired to local archives, they should be stored in restricted access areas. This will not preclude the dissemination of information to those public safety entities.

l. *Proprietary Information Owned by Architect/Engineers.* All professional services consultants must sign the "Document Security Notice and SUI Request Form" that documents containing

SUI created under contract to the Federal Government must be handled according to the procedures under this guidance.

m. *Private Sector Plan Rooms*. Numerous private sector businesses provide plan rooms, which provide access to construction plans and specifications for bidding purposes as a service to construction contractors and subcontractors. Before receiving SUI from any source for dissemination, the private sector plan room must demonstrate to FAA that they will adhere to the procedures outlined in this guidance, and sign the "Document Security Notice and SUI Request Form."

**New Content: Procurement Guidance:**

*T3.14.1 Security*

*Security*

**Section 6 : Sensitive Unclassified Information**

a. *General*.

(1) FAA Order 1600.75, "Protecting Sensitive Unclassified Information (SUI)," outlines policy and guidance on protecting sensitive unclassified information (SUI).

(2) When a contract, order, lease, or agreement requires a contractor or offeror to have access to SUI, the Contracting Officer (CO) must incorporate appropriate security clauses into the solicitation or contract. These include clauses on safeguarding standards, personnel security suitability, and non-disclosure agreements.

(3) SUI may include information such as Personally Identifiable Information (PII), sensitive NAS data, construction drawings, or equipment specifications. Prospective FAA vendors may need access to this information to ensure they can accurately propose and perform the work that FAA requires.

(4) When a screening information request (SIR) includes information determined to be SUI, the CO (and anyone else granted access to the SUI) must take reasonable care disseminating the SUI documents and ensure the recipient has a *need-to-know* and is *authorized* to receive it.

b. *FOUO and SSI*. There are over 50 types of SUI; however the two types generally handled within FAA are:

(1) *For Official Use Only (FOUO)*. FOUO is the primary designation given to SUI by FAA, and consists of information that could adversely affect the national interest, the conduct of Federal programs, or a person's privacy if released to unauthorized individuals. Uncontrolled issuance of FOUO may allow someone to:

(a) Circumvent agency laws, regulations, legal standards, or security measures; or

(b) Obtain unauthorized access to an information system.

(2) *Sensitive Security Information (SSI)*. SSI is a designation unique to the FAA, DOT, and the Department of Homeland Security (DHS), and applied to information obtained or developed while conducting security activities, including research and development. Unauthorized disclosure of SSI can:

- (a) Constitute an unwarranted invasion of privacy;
- (b) Reveal trade secrets or privileged or confidential information; or
- (c) Be detrimental to transportation safety or security.

c. *Distribution of SUI Information*. When distributing SUI information, the CO (and anyone else granted access to the SUI, including prime contractors, subcontractors, suppliers, etc.) must ensure the persons receiving the information are *authorized* to receive the SUI and have a *need-to-know*. Methods of pre-award SUI dissemination utilized in FAA include FedBizOpps and hardcopy dissemination.

d. *Federal Business Opportunities (FedBizOpps)*. FedBizOpps is an E-Gov initiative that provides a secure environment for distributing sensitive acquisition information (to include SUI) to vendors during the solicitation phase of procurement. This system electronically disseminates information or data to the vendor community while still protecting SUI from unauthorized distribution. Data that can be uploaded into FedBizOpps includes construction plans, equipment specifications, security plans, and SIRs. As FAA utilizes the FAA Contract Opportunities website to announce procurement opportunities, COs will utilize the Non-FBO Secure Document Link functionality in FedBizOpps when electronically distributing SUI.

(1) FedBizOpps provides several security measures to include:

- (a) During processing of a vendor's access request to FedBizOpps, the vendor's profile is retrieved from the System for Award Management (SAM). Using the Data Universal Numbering System (DUNS) number, FedBizOpps ensures that the vendor seeking access is a viable vendor in SAM;
- (b) *Marketing Partner Identification Number (MPIN)*. A number required by FedBizOpps to access SUI. This number is unique to each vendor, and chosen by the vendor when each register with SAM;
- (c) Vendors receive an e-mail after registration to confirm the validity of their identity and contact information;
- (d) The access level of the data in FedBizOpps can be adjusted; the CO can specifically allow access to only certain vendors, or if a vendor requests access to the data and they are not specifically authorized, the system will verify with the CO if access should be granted (termed "Explicit Access Request");

(e) *Export Control*. When export control is selected in FedBizOpps, the system requires that the vendor be certified by the Defense Logistics Information Service Joint Certification Program before SUI will be released. This is usually reserved for technology related to military or space application; and

(f) The system tracks which Government users and vendors access the data through FedBizOpps.

(2) Use of FedBizOpps requires the CO to adhere to the following process:

(a) Upload SUI files into the FedBizOpps website (<http://www.fbo.gov>) by the procurement request (PR) and solicitation numbers. Note that the problems may arise when uploading attachments greater than 100 mb.

(b) "Release" the solicitation: Prior to it being made available to anyone through FedBizOpps, the CO must determine the scope of vendors allowed to access the data and release the data for authorized viewing.

(c) Once established in FedBizOpps, the system provides the CO a web address to provide to vendors that will link authorized persons directly into the applicable data. The CO can email this link to individual vendors when access has been restricted, or can place it on a public announcement via the internet so, if properly registered, all interested parties may view the data. Prior to downloading the data, the vendor must electronically sign an SUI policy statement in FedBizOpps.

(3) Web-based training and user guides are available to both FAA users and contractors at <http://www.fbo.gov>.

e. *Hardcopy Dissemination of SUI Using FedBizOpps*. At times, electronic versions of documents or data do not exist, and the SUI must be disseminated in a hardcopy form. In situations such as this, the CO must still utilize FedBizOpps for vendor verification and for the vendor to electronically read and certify to SUI policy. This will eliminate the need for the CO to manually validate vendor information and document in hardcopy form the vendor's certification to properly handle and protect SUI. Once the vendor is verified by FedBizOpps and has agreed to the SUI policy, the hardcopy documentation can then be forwarded to that vendor. Processes for distributing SUI in hardcopy form to vendors are:

(1) The CO may upload a "Document Security Notice and SUI Request Form" into FedBizOpps for the vendor to download, complete, sign, and return to the CO requesting the SUI data. Because the form can only be accessed after vendor verification and certification to SUI policy has taken place, hardcopy documentation can be distributed to the vendor after the CO receives a completed form. In some situations a portion of the SUI may be available in digital media and the remainder in hardcopy form; the CO may upload into FedBizOpps the digital portion for the vendor to download directly and the request form for the vendor to request the remaining hardcopy documentation; or

(2) The CO may request the vendor to use the "CD" link for hardcopy SUI documentation. Once the vendor links to the SUI, has properly accessed FedBizOpps, and certified to SUI policy, they may select the "CD" link. Once the vendor selects the link, the system sends the CO an e-mail with the vendor's information and request for the SUI. This link can be used for both hardcopy documentation and information that the CO desires to distribute via a CD or other like media.

*f. Registration with FedBizOpps.*

(1) The process in which a CO registers for FedBizOpps is:

- (a) Access the FedBizOpps website at <http://www.fbo.gov>.
- (b) Click the "Register Now" link for buyers.
- (c) Enter name, position, and e-mail information.
- (d) Use the Agency drop-down menu to select the proper agency from the list provided. FAA users will select Department of Transportation/Federal Aviation Administration (FAA) for "Agency," and the proper FAA location in which the user resides for the "Contracting Office Location." The location list for FAA includes Headquarters and each region and center.
- (e) Select the type of user account required. COs will choose Buyer from the menu.

Note: If a CO needs to release solicitations and post SUI in FedBizOpps, the CO must register for buyer and engineer user rights. The user rights of an engineer allow for the posting of SUI, while those of the buyer group does not; however, the system does allow for a single user to have the rights of both user groups.

- (f) Complete the remaining fields.
- (g) Once the user clicks submit, the registration request is sent to the Administrator at DOT for processing. When approved, the user will receive an e-mail stating the result of the request and the appropriate username and password to use with FedBizOpps.

(2) The process in which a vendor registers in FedBizOpps is:

- (a) Access the FedBizOpps website at <http://www.fbo.gov>.
- (b) Click the "Register Now" link for vendors.
- (c) The vendor will enter their DUNS Number for authentication.

(d) The vendor will review/update information retrieved from SAM, and enter other information to include a user name and password.

(e) Once submitted, the registration is analyzed and authenticated. If approved, the vendor will receive a confirmation page via e-mail detailing key information for FedBizOpps.

*g. Other Electronic Transfer and Dissemination.* Transfer and dissemination of SUI information beyond the intranet (internet or extranet, modem, DSL, wireless, etc.) must use at least 128 bit symmetric key encryption following NIST Special Publication 800-21 *Guideline For Implementing Cryptography in the Federal Government*. All transfers must use standard commercial products (such as PGP and Secret Agent) with encryption algorithms that are at least 128 bit symmetric (3DES, AES, RC4, IDEA, etc.), and follow the instructions outlined in this order. Authorized users that use project extranets for electronic project management during or after contract award to transfer SUI information are responsible for verifying and certifying to the CO that project extranets meet applicable physical and technical security requirements as determined by the Chief Information Officer. Access to the sites must be password protected and access must be granted only on a need-to-know basis. A record of those individuals who have had electronic access must be maintained by the CO or other disseminator in accordance with the system of keeping long-term records.

*h. Record Keeping.* Those who disseminate SUI information must obtain a signed "Document Security Notice and SUI Request Form" from anyone who receives the information (except for those vendors that utilize FedBizOpps for electronic data). Records of the signed forms must be maintained by the disseminator and destroyed 2 years after final disposition of the related SUI material (FAA Order 1350.15C and GRS 18 Item 1). At the completion of work, secondary and other disseminators must turn over their dissemination records to FAA, to be kept with the permanent files. The only records that the CO must keep for those vendors that utilize FedBizOpps to request SUI are the request forms for hardcopy documentation and any documentation detailing subsequent dissemination by the vendor and their subcontractors or suppliers. Records of those who accessed SUI information via FedBizOpps and their associated SUI policy certifications are stored in FedBizOpps itself.

*i. Retaining and Destroying Documents.* The requirements above must continue throughout the entire term of contract and for whatever specific time thereafter as may be necessary. Necessary record copies for legal purposes (such as those retained by the architect, engineer, or contractor) must be safeguarded against unauthorized use for the term of retention. Documents no longer needed must be destroyed (such as after contract award, after completion of any appeals process, or completion of the work). Destruction must be by burning or shredding hardcopy, and physically destroying CDs, deleting and removing files from electronic recycling bins, and removing material from computer hard drives using a permanent erase utility or similar software.

*j. Notice of Disposal.* For all contracts using SUI, the contractor must notify the CO that it and its subcontractors have properly disposed of the SUI documents, except the contractor's record copy, at the time of Release of Claims to obtain final payment.

k. *State and Local Governments.* To comply with local regulations, FAA must provide localities with documents to issue building permits and to approve code requirements. Public safety entities such as fire departments and utility departments require unlimited access on a need-to-know basis. These authorities must be informed at the time they receive the documents that the information requires restricted access from the general public. When these documents are retired to local archives, they should be stored in restricted access areas. This will not preclude the dissemination of information to those public safety entities.

l. *Proprietary Information Owned by Architect/Engineers.* All professional services consultants must sign the "Document Security Notice and SUI Request Form" that documents containing SUI created under contract to the Federal Government must be handled according to the procedures under this guidance.

m. *Private Sector Plan Rooms.* Numerous private sector businesses provide plan rooms, which provide access to construction plans and specifications for bidding purposes as a service to construction contractors and subcontractors. Before receiving SUI from any source for dissemination, the private sector plan room must demonstrate to FAA that they will adhere to the procedures outlined this guidance, and sign the "Document Security Notice and SUI Request Form."

**Red Line Content: Procurement Guidance:**

*T3.14.1 Security*

*Security*

**Section 6 : Sensitive Unclassified Information**

a. *General.*

(1) FAA Order 1600.75, "Protecting Sensitive Unclassified Information (SUI)," outlines policy and guidance on protecting sensitive unclassified information (SUI).

(2) When a contract, order, lease, or agreement requires a contractor or offeror to have access to SUI, the Contracting Officer (CO) must incorporate appropriate security clauses into the solicitation or contract. These include clauses on safeguarding standards, personnel security suitability, and non-disclosure agreements.

(3) SUI may include information such as Personally Identifiable Information (PII), sensitive NAS data, construction drawings, or equipment specifications. Prospective FAA vendors may need access to this information to ensure they can accurately propose and perform the work that FAA requires.

(4) When a screening information request (SIR) includes information determined to be SUI, the CO (and anyone else granted access to the SUI) must take reasonable care disseminating the SUI documents and ensure the recipient has a *need-to-know* and is *authorized* to receive it.



b. *FOUO and SSI*. There are over 50 types of SUI; however the two types generally handled within FAA are:

(1) *For Official Use Only (FOUO)*. FOUO is the primary designation given to SUI by FAA, and consists of information that could adversely affect the national interest, the conduct of Federal programs, or a person's privacy if released to unauthorized individuals. Uncontrolled issuance of FOUO may allow someone to:

- (a) Circumvent agency laws, regulations, legal standards, or security measures; or
- (b) Obtain unauthorized access to an information system.

(2) *Sensitive Security Information (SSI)*. SSI is a designation unique to the FAA, DOT, and the Department of Homeland Security (DHS), and applied to information obtained or developed while conducting security activities, including research and development. Unauthorized disclosure of SSI can:

- (a) Constitute an unwarranted invasion of privacy;
- (b) Reveal trade secrets or privileged or confidential information; or
- (c) Be detrimental to transportation safety or security.

c. *Distribution of SUI Information*. When distributing SUI information, the CO (and anyone else granted access to the SUI, including prime contractors, subcontractors, suppliers, etc.) must ensure the persons receiving the information are *authorized* to receive the SUI and have a *need-to-know*. Methods of pre-award SUI dissemination utilized in FAA include FedBizOpps and hardcopy dissemination.

d. *Federal Business Opportunities (FedBizOpps)*. FedBizOpps is an E-Gov initiative that provides a secure environment for distributing sensitive acquisition information (to include SUI) to vendors during the solicitation phase of procurement. This system electronically disseminates information or data to the vendor community while still protecting SUI from unauthorized distribution. Data that can be uploaded into FedBizOpps includes construction plans, equipment specifications, security plans, and SIRs. As FAA utilizes the FAA Contract Opportunities website to announce procurement opportunities, COs will utilize the Non-FBO Secure Document Link functionality in FedBizOpps when electronically distributing SUI.

(1) FedBizOpps provides several security measures to include:

- (a) During processing of a vendor's access request to FedBizOpps, the vendor's profile is retrieved from the System Central Contractor Registration for Award Management (CCR SAM). Using the Data Universal Numbering System (DUNS) number, FedBizOpps ensures that the vendor seeking access is a viable vendor in CCR SAM;

(b) *Marketing Partner Identification Number (MPIN)*. A number required by FedBizOpps to access SUI. This number is unique to each vendor, and chosen by the vendor when each register with ~~CCR~~SAM;

(c) Vendors receive an e-mail after registration to confirm the validity of their identity and contact information;

(d) The access level of the data in FedBizOpps can be adjusted; the CO can specifically allow access to only certain vendors, or if a vendor requests access to the data and they are not specifically authorized, the system will verify with the CO if access should be granted (termed "Explicit Access Request");

(e) *Export Control*. When export control is selected in FedBizOpps, the system requires that the vendor be certified by the Defense Logistics Information Service Joint Certification Program before SUI will be released. This is usually reserved for technology related to military or space application; and

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(a) Upload SUI files into the FedBizOpps website (<http://www.fbo.gov>) by the procurement request (PR) and solicitation numbers. Note that the problems may arise when uploading attachments greater than 100 mb.

(b) "Release" the solicitation: Prior to it being made available to anyone through FedBizOpps, the CO must determine the scope of vendors allowed to access the data and release the data for authorized viewing.

(c) Once established in FedBizOpps, the system provides the CO a web address to provide to vendors that will link authorized persons directly into the applicable data. The CO can email this link to individual vendors when access has been restricted, or can place it on a public announcement via the internet so, if properly registered, all interested parties may view the data. Prior to downloading the data, the vendor must electronically sign an SUI policy statement in FedBizOpps.

(3) Web-based training and user guides are available to both FAA users and contractors at <http://www.fbo.gov>.

e. *Hardcopy Dissemination of SUI Using FedBizOpps*. At times, electronic versions of documents or data do not exist, and the SUI must be disseminated in a hardcopy form. In situations such as this, the CO must still utilize FedBizOpps for vendor verification and for the vendor to electronically read and certify to SUI policy. This will eliminate the need for the CO to manually validate vendor information and document in hardcopy form the vendor's certification to properly handle and protect SUI. Once the vendor is verified by FedBizOpps and

has agreed to the SUI policy, the hardcopy documentation can then be forwarded to that vendor. Processes for distributing SUI in hardcopy form to vendors are:

- (1) The CO may upload a "Document Security Notice and SUI Request Form" into FedBizOpps for the vendor to download, complete, sign, and return to the CO requesting the SUI data. Because the form can only be accessed after vendor verification and certification to SUI policy has taken place, hardcopy documentation can be distributed to the vendor after the CO receives a completed form. In some situations a portion of the SUI may be available in digital media and the remainder in hardcopy form; the CO may upload into FedBizOpps the digital portion for the vendor to download directly and the request form for the vendor to request the remaining hardcopy documentation; or
- (2) The CO may request the vendor to use the "CD" link for hardcopy SUI documentation. Once the vendor links to the SUI, has properly accessed FedBizOpps, and certified to SUI policy, they may select the "CD" link. Once the vendor selects the link, the system sends the CO an e-mail with the vendor's information and request for the SUI. This link can be used for both hardcopy documentation and information that the CO desires to distribute via a CD or other like media.

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  - (f) Complete the remaining fields.

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(a) Access the FedBizOpps website at <http://www.fbo.gov>.

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g. *Other Electronic Transfer and Dissemination.* Transfer and dissemination of SUI information beyond the intranet (internet or extranet, modem, DSL, wireless, etc.) must use at least 128 bit symmetric key encryption following NIST Special Publication 800-21 *Guideline For Implementing Cryptography in the Federal Government*. All transfers must use standard commercial products (such as PGP and Secret Agent) with encryption algorithms that are at least 128 bit symmetric (3DES, AES, RC4, IDEA, etc.), and follow the instructions outlined in this order. Authorized users that use project extranets for electronic project management during or after contract award to transfer SUI information are responsible for verifying and certifying to the CO that project extranets meet applicable physical and technical security requirements as determined by the Chief Information Officer. Access to the sites must be password protected and access must be granted only on a need-to-know basis. A record of those individuals who have had electronic access must be maintained by the CO or other disseminator in accordance with the system of keeping long-term records.

h. *Record Keeping.* Those who disseminate SUI information must obtain a signed "Document Security Notice and SUI Request Form" from anyone who receives the information (except for those vendors that utilize FedBizOpps for electronic data). Records of the signed forms must be maintained by the disseminator and destroyed 2 years after final disposition of the related SUI material (FAA Order 1350.15C and GRS 18 Item 1). At the completion of work, secondary and other disseminators must turn over their dissemination records to FAA, to be kept with the permanent files. The only records that the CO must keep for those vendors that utilize FedBizOpps to request SUI are the request forms for hardcopy documentation and any documentation detailing subsequent dissemination by the vendor and their subcontractors or suppliers. Records of those who accessed SUI information via FedBizOpps and their associated SUI policy certifications are stored in FedBizOpps itself.

i. *Retaining and Destroying Documents.* The requirements above must continue throughout the entire term of contract and for whatever specific time thereafter as may be necessary. Necessary record copies for legal purposes (such as those retained by the architect, engineer, or contractor) must be safeguarded against unauthorized use for the term of retention. Documents no longer needed must be destroyed (such as after contract award, after completion of any appeals process, or completion of the work). Destruction must be by burning or shredding hardcopy, and physically destroying CDs, deleting and removing files from electronic recycling bins, and removing material from computer hard drives using a permanent erase utility or similar software.

j. *Notice of Disposal.* For all contracts using SUI, the contractor must notify the CO that it and its subcontractors have properly disposed of the SUI documents, except the contractor's record copy, at the time of Release of Claims to obtain final payment.

k. *State and Local Governments.* To comply with local regulations, FAA must provide localities with documents to issue building permits and to approve code requirements. Public safety entities such as fire departments and utility departments require unlimited access on a need-to-know basis. These authorities must be informed at the time they receive the documents that the information requires restricted access from the general public. When these documents are retired to local archives, they should be stored in restricted access areas. This will not preclude the dissemination of information to those public safety entities.

l. *Proprietary Information Owned by Architect/Engineers.* All professional services consultants must sign the "Document Security Notice and SUI Request Form" that documents containing SUI created under contract to the Federal Government must be handled according to the procedures under this guidance.

m. *Private Sector Plan Rooms.* Numerous private sector businesses provide plan rooms, which provide access to construction plans and specifications for bidding purposes as a service to construction contractors and subcontractors. Before receiving SUI from any source for dissemination, the private sector plan room must demonstrate to FAA that they will adhere to the procedures outlined this guidance, and sign the "Document Security Notice and SUI Request Form."

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## **Section 2 : Purchase Orders**

**Old Content:** Procurement Guidance:

*T3.2.2.5 - Simplified Purchase Method*

*Simplified Purchasing*

### **Section 2 : Purchase Orders**

a. *Purchase order.* A purchase order is a simplified form for ordering supplies or services, generally issued on a fixed-price basis, at stated prices based upon specified terms and conditions. Purchase orders must specify the quantity of supplies or scope of services being ordered and contain a date by which the goods or services must be delivered to FAA.

b. *Unpriced purchase orders.* An unpriced purchase order is an order for supplies or services that does not have a price established at the time of its issuance.

(1) An unpriced purchase order may be appropriate when:

(a) It is impractical to obtain pricing in advance of issuance of the purchase order;  
or

(b) The purchase is for repairs to equipment requiring disassembly to determine the nature and extent of repairs; the material is available from only one source and for which cost cannot be readily established; or the order is for supplies or services for which prices are known to be competitive but exact prices are not known (e.g. miscellaneous repair parts, maintenance agreements).

(2) Unpriced purchase orders may be issued by using written purchase orders or through various electronic means. A realistic monetary limitation, either for each line item or for the total order, should be placed on each unpriced purchase order. The monetary limitation becomes an obligation subject to adjustment when the firm price is established. The contracting office should follow-up each order to ensure timely pricing. The Contracting Officer (CO) or designated representative should review the invoice price and, if reasonable, process the invoice for payment.

c. *Content.* Purchase orders should contain the following information:

(1) Trade and prompt payment discounts that are offered;

(2) The quantity of supplies or services ordered;

(3) Inspection provisions; origin or destination;

(4) A determinable date by which delivery of supplies or performance of services is required; and

(5) Information should be requested by the preparer of the purchase order as follows:

(a) Vendor's SSN or taxpayer identification number (TIN);

(b) Vendor's business status as one of the following classifications:

(i) Individual/sole proprietorship;

(ii) Corporation;

(iii) Partnership; or

(iv) Other (specify);

(6) The CO's signature. Electronic signatures may be used in the production of purchase orders by automated methods (see AMS Policy 3.1.9).

d. *Clauses*. The CO may print on the purchase order form, or include as an attachment, the clauses they consider to be generally suitable for their purchases. The following forms may be used for purchase orders:

- (1) Optional form 347, Order for Supplies or Services;
- (2) Optional form 348, Order for Supplies or Services Schedule-Continuation; or
- (3) Other agency generated or contractor provided forms.

e. *Procedure*. Procurement under a purchase order valued over \$10,000 must be competed among 2 or more qualified vendors, unless the action is supported by a single source justification (AMS Procurement Guidance T3.2.2.4) or conducted under a small business preference program authorizing noncompetitive awards (AMS Procurement Guidance T3.6.1).

(1) *Competitive Awards*.

(a) Before issuing a request for quotations (RFQ), the CO should develop a listing of potential sources based on the requirement. This list can be derived from sources to include, but not limited to:

- (i) Previous vendors utilized in FAA or source lists kept in the contracting offices;
- (ii) Qualified vendor lists;
- (iii) The requiring or program office;
- (iii) Central Contractor Registration (CCR); and
- (iv) The Office of Small Business Development.

(b) All procurements over \$100,000 must be publicly announced on the FAA Contract Opportunities website or through other means. This requirement does not apply to emergency actions, purchases from an established QVL, exercise of options, or modifications within the scope of a purchase order.

(c) Once a list of potential sources is available, the CO should solicit as many sources as practicable, but must solicit quotations from at least two or more sources. A listing of the vendors to whom the RFQ was distributed, as well as any responses or quotes, must be included in the official file.

(d) Prior to award of the purchase order, the CO must confirm that the vendor is not listed in the Excluded Parties List System (EPLS) and has successfully registered in Central Contractor Registration (CCR). The CO should document this process in the file, which may include simply printing the results from each search or including a statement of the checks being completed in a memo to file.

(i) See the EPLS website

(ii) See the CCR website

(e) *Vendor Selection.* Once a qualified and responsible vendor is selected, the CO must support the decision with a written determination that the price is fair and reasonable and that the award is in the best interest of FAA. This determination must be included in the official file.

(f) *Price Analysis/Reasonableness.* See AMS Procurement Guidance T3.2.2.5:1.

(2) *Single source awards.*

(a) The rational basis for a single source decision must be documented by the program official, reviewed by legal counsel, and approved by the CO and included in the official file.

(b) There are no predetermined or prescribed conditions for using a single source, and each single source decision stands alone and must be based on the circumstances surrounding each specific need.

(c) Single source procurements over \$10,000 (excluding emergencies) require market analysis to verify that FAA's technical and business interests are best met through a single source.

(d) A single source justification is not required for noncompetitive set-asides to 8(a)-certified Socially and Economically Disadvantaged Business (SEDB) or Service Disabled Veteran Owned Small Business. (See AMS Procurement Guidance T3.6.1).

(e) When the total estimated value is over \$100,000, the CO must issue a pre-award public announcement (excluding emergencies) summarizing the basis for the single source decision.

(f) Additional information regarding single source awards can be found in AMS Procurement Guidance T3.2.2.4.

f. *Acceptance.*



(1) A quotation resulting from a RFQ is not an offer, and cannot be accepted by FAA to form a binding contract. A contract is formed when the supplier accepts the offer, which can be done by:

(a) The supplier accepting the purchase order in writing to FAA. The Contracting Officer should require written acceptance of a purchase order when it is desired to consummate a binding contract before the contractor undertakes performance; or

(b) The supplier furnishing the supplies or services ordered or by proceeding with the work to the point where substantial performance has occurred.

g. *Modification.* Each purchase order modification should identify the order it modifies, contain an appropriate modification number, and identify what authority is being used to modify the order. The Contracting Officer determines when it is necessary to obtain a contractor's written acceptance of a purchase order modification. Purchase orders may be modified by using:

(1) Standard Form 30, Amendment of Solicitation/Modification of Contract;

(2) An agency-designed form or an automated format; or

(3) A purchase order form.

h. *Termination.* A purchase order may be terminated, and the process to terminate an order depends on whether the order has been accepted.

(1) If the purchase order has been accepted in writing by the contractor, the termination should be processed in accordance with AMS termination clauses.

(2) If the purchase order has not been accepted in writing by the contractor, the CO should notify the contractor in writing that the purchase order has been canceled and request the contractor's acceptance of the cancellation. If the contractor:

(i) Accepts the cancellation and does not claim that costs were incurred, no further action is required.

(ii) Does not accept the cancellation or claims that costs were incurred, the CO should process the termination in accordance with the termination clauses.

i. *Purchase order checklist and Simplified Purchase Summary.*

(1) Any purchase order with an anticipated value of \$10,000 or more must include a Purchase Order/GSA/FSS Order File Checklist (see Procurement Forms) in the official file.

(2) The CO may choose to use the Simplified Purchase Summary (see Procurement Forms) to document actions associated with the award of a purchase order.

**New Content: Procurement Guidance:**  
***T3.2.2.5 - Simplified Purchase Method***  
***Simplified Purchasing***

**Section 2 : Purchase Orders**

a. *Purchase order.* A purchase order is a simplified form for ordering supplies or services, generally issued on a fixed-price basis, at stated prices based upon specified terms and conditions. Purchase orders must specify the quantity of supplies or scope of services being ordered and contain a date by which the goods or services must be delivered to FAA.

b. *Unpriced purchase orders.* An unpriced purchase order is an order for supplies or services that does not have a price established at the time of its issuance.

(1) An unpriced purchase order may be appropriate when:

(a) It is impractical to obtain pricing in advance of issuance of the purchase order;  
or

(b) The purchase is for repairs to equipment requiring disassembly to determine the nature and extent of repairs; the material is available from only one source and for which cost cannot be readily established; or the order is for supplies or services for which prices are known to be competitive but exact prices are not known (e.g. miscellaneous repair parts, maintenance agreements).

(2) Unpriced purchase orders may be issued by using written purchase orders or through various electronic means. A realistic monetary limitation, either for each line item or for the total order, should be placed on each unpriced purchase order. The monetary limitation becomes an obligation subject to adjustment when the firm price is established. The contracting office should follow-up each order to ensure timely pricing. The Contracting Officer (CO) or designated representative should review the invoice price and, if reasonable, process the invoice for payment.

c. *Content.* Purchase orders should contain the following information:

(1) Trade and prompt payment discounts that are offered;

(2) The quantity of supplies or services ordered;

(3) Inspection provisions; origin or destination;

(4) A determinable date by which delivery of supplies or performance of services is required; and

(5) Information should be requested by the preparer of the purchase order as follows:

(a) Vendor's SSN or taxpayer identification number (TIN);

(b) Vendor's business status as one of the following classifications:

- (i) Individual/sole proprietorship;
- (ii) Corporation;
- (iii) Partnership; or
- (iv) Other (specify);

(6) The CO's signature. Electronic signatures may be used in the production of purchase orders by automated methods (see AMS Policy 3.1.9).

d. *Clauses*. The CO may print on the purchase order form, or include as an attachment, the clauses they consider to be generally suitable for their purchases. The following forms may be used for purchase orders:

- (1) Optional form 347, Order for Supplies or Services;
- (2) Optional form 348, Order for Supplies or Services Schedule-Continuation; or
- (3) Other agency generated or contractor provided forms.

e. *Procedure*. Procurement under a purchase order valued over \$10,000 must be competed among 2 or more qualified vendors, unless the action is supported by a single source justification (AMS Procurement Guidance T3.2.2.4) or conducted under a small business preference program authorizing noncompetitive awards (AMS Procurement Guidance T3.6.1).

(1) *Competitive Awards*.

(a) Before issuing a request for quotations (RFQ), the CO should develop a listing of potential sources based on the requirement. This list can be derived from sources to include, but not limited to:

- (i) Previous vendors utilized in FAA or source lists kept in the contracting offices;
- (ii) Qualified vendor lists;
- (iii) The requiring or program office;
- (iii) System for Award Management (SAM); and
- (iv) The Office of Small Business Development.

(b) All procurements over \$100,000 must be publicly announced on the FAA Contract Opportunities website or through other means. This requirement does not apply to emergency actions, purchases from an established QVL, exercise of options, or modifications within the scope of a purchase order.

(c) Once a list of potential sources is available, the CO should solicit as many sources as practicable, but must solicit quotations from at least two or more sources. A listing of the vendors to whom the RFQ was distributed, as well as any responses or quotes, must be included in the official file.

(d) Prior to award of the purchase order, the CO must confirm that the vendor is not listed in the "Exclusions" portion of the "Performance Information" capability of SAM and has successfully registered in SAM. The CO should document this process in the file, which may include simply printing the results from each search or including a statement of the checks being completed in a memo to file.

(e) *Vendor Selection.* Once a qualified and responsible vendor is selected, the CO must support the decision with a written determination that the price is fair and reasonable and that the award is in the best interest of FAA. This determination must be included in the official file.

(f) *Price Analysis/Reasonableness.* See AMS Procurement Guidance T3.2.2.5:1.

(2) *Single source awards.*

(a) The rational basis for a single source decision must be documented by the program official, reviewed by legal counsel, and approved by the CO and included in the official file.

(b) There are no predetermined or prescribed conditions for using a single source, and each single source decision stands alone and must be based on the circumstances surrounding each specific need.

(c) Single source procurements over \$10,000 (excluding emergencies) require market analysis to verify that FAA's technical and business interests are best met through a single source.

(d) A single source justification is not required for noncompetitive set-asides to 8(a)-certified Socially and Economically Disadvantaged Business (SEDB) or Service Disabled Veteran Owned Small Business. (See AMS Procurement Guidance T3.6.1).

(e) When the total estimated value is over \$100,000, the CO must issue a pre-award public announcement (excluding emergencies) summarizing the basis for the single source decision.

(f) Additional information regarding single source awards can be found in AMS Procurement Guidance T3.2.2.4.

*f. Acceptance.*

(1) A quotation resulting from a RFQ is not an offer, and cannot be accepted by FAA to form a binding contract. A contract is formed when the supplier accepts the offer, which can be done by:

(a) The supplier accepting the purchase order in writing to FAA. The Contracting Officer should require written acceptance of a purchase order when it is desired to consummate a binding contract before the contractor undertakes performance; or

(b) The supplier furnishing the supplies or services ordered or by proceeding with the work to the point where substantial performance has occurred.

*g. Modification.* Each purchase order modification should identify the order it modifies, contain an appropriate modification number, and identify what authority is being used to modify the order. The Contracting Officer determines when it is necessary to obtain a contractor's written acceptance of a purchase order modification. Purchase orders may be modified by using:

(1) Standard Form 30, Amendment of Solicitation/Modification of Contract;

(2) An agency-designed form or an automated format; or

(3) A purchase order form.

*h. Termination.* A purchase order may be terminated, and the process to terminate an order depends on whether the order has been accepted.

(1) If the purchase order has been accepted in writing by the contractor, the termination should be processed in accordance with AMS termination clauses.

(2) If the purchase order has not been accepted in writing by the contractor, the CO should notify the contractor in writing that the purchase order has been canceled and request the contractor's acceptance of the cancellation. If the contractor:

(i) Accepts the cancellation and does not claim that costs were incurred, no further action is required.

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*i. Purchase order checklist and Simplified Purchase Summary.*

(1) Any purchase order with an anticipated value of \$10,000 or more must include a Purchase Order/GSA/FSS Order File Checklist (see Procurement Forms) in the official file.

(2) The CO may choose to use the Simplified Purchase Summary (see Procurement Forms) to document actions associated with the award of a purchase order.

**Red Line Content: Procurement Guidance:**

*T3.2.2.5 - Simplified Purchase Method*

*Simplified Purchasing*

**Section 2 : Purchase Orders**

a. *Purchase order.* A purchase order is a simplified form for ordering supplies or services, generally issued on a fixed-price basis, at stated prices based upon specified terms and conditions. Purchase orders must specify the quantity of supplies or scope of services being ordered and contain a date by which the goods or services must be delivered to FAA.

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c. *Content.* Purchase orders should contain the following information:

(1) Trade and prompt payment discounts that are offered;

(2) The quantity of supplies or services ordered;

(3) Inspection provisions; origin or destination;

(4) A determinable date by which delivery of supplies or performance of services is required; and

(5) Information should be requested by the preparer of the purchase order as follows:

(a) Vendor's SSN or taxpayer identification number (TIN);

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(i) Individual/sole proprietorship;

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d. *Clauses.* The CO may print on the purchase order form, or include as an attachment, the clauses they consider to be generally suitable for their purchases. The following forms may be used for purchase orders:

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(i) Previous vendors utilized in FAA or source lists kept in the contracting offices;

(ii) Qualified vendor lists;

(iii) The requiring or program office;

(iii) ~~System Central Contractor Registration~~ for Award Management (CCR SAM); and

(iv) The Office of Small Business Development.

(b) All procurements over \$100,000 must be publicly announced on the FAA Contract Opportunities website or through other means. This requirement does not apply to emergency actions, purchases from an established QVL, exercise of options, or modifications within the scope of a purchase order.

(c) Once a list of potential sources is available, the CO should solicit as many sources as practicable, but must solicit quotations from at least two or more sources. A listing of the vendors to whom the RFQ was distributed, as well as any responses or quotes, must be included in the official file.

(d) Prior to award of the purchase order, the CO must confirm that the vendor is not listed in the "Exclusions" Excluded portion Parties of the List "Performance System Information" capability (EPLS) of SAM and has successfully registered in Central Contractor Registration (CCR) SAM. The CO should document this process in the file, which may include simply printing the results from each search or including a statement of the checks being completed in a memo to file.

~~(i) See the EPLS website (ii) See the CCR website~~

(e) *Vendor Selection.* Once a qualified and responsible vendor is selected, the CO must support the decision with a written determination that the price is fair and reasonable and that the award is in the best interest of FAA. This determination must be included in the official file.

(f) *Price Analysis/Reasonableness.* See AMS Procurement Guidance T3.2.2.5:1.

(2) *Single source awards.*

(a) The rational basis for a single source decision must be documented by the program official, reviewed by legal counsel, and approved by the CO and included in the official file.

(b) There are no predetermined or prescribed conditions for using a single source, and each single source decision stands alone and must be based on the circumstances surrounding each specific need.

(c) Single source procurements over \$10,000 (excluding emergencies) require market analysis to verify that FAA's technical and business interests are best met through a single source.



(d) A single source justification is not required for noncompetitive set-asides to 8(a)-certified Socially and Economically Disadvantaged Business (SEDB) or Service Disabled Veteran Owned Small Business. (See AMS Procurement Guidance T3.6.1).

(e) When the total estimated value is over \$100,000, the CO must issue a pre-award public announcement (excluding emergencies) summarizing the basis for the single source decision.

(f) Additional information regarding single source awards can be found in AMS Procurement Guidance T3.2.2.4.

*f. Acceptance.*

(1) A quotation resulting from a RFQ is not an offer, and cannot be accepted by FAA to form a binding contract. A contract is formed when the supplier accepts the offer, which can be done by:

(a) The supplier accepting the purchase order in writing to FAA. The Contracting Officer should require written acceptance of a purchase order when it is desired to consummate a binding contract before the contractor undertakes performance; or

(b) The supplier furnishing the supplies or services ordered or by proceeding with the work to the point where substantial performance has occurred.

*g. Modification.* Each purchase order modification should identify the order it modifies, contain an appropriate modification number, and identify what authority is being used to modify the order. The Contracting Officer determines when it is necessary to obtain a contractor's written acceptance of a purchase order modification. Purchase orders may be modified by using:

(1) Standard Form 30, Amendment of Solicitation/Modification of Contract;

(2) An agency-designed form or an automated format; or

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*h. Termination.* A purchase order may be terminated, and the process to terminate an order depends on whether the order has been accepted.

(1) If the purchase order has been accepted in writing by the contractor, the termination should be processed in accordance with AMS termination clauses.

(2) If the purchase order has not been accepted in writing by the contractor, the CO should notify the contractor in writing that the purchase order has been canceled and request the contractor's acceptance of the cancellation. If the contractor:

(i) Accepts the cancellation and does not claim that costs were incurred, no further action is required.

(ii) Does not accept the cancellation or claims that costs were incurred, the CO should process the termination in accordance with the termination clauses.

i. *Purchase order checklist and Simplified Purchase Summary.*

(1) Any purchase order with an anticipated value of \$10,000 or more must include a Purchase Order/GSA/FSS Order File Checklist (see Procurement Forms) in the official file.

(2) The CO may choose to use the Simplified Purchase Summary (see Procurement Forms) to document actions associated with the award of a purchase order.

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**Section 3 : Prime Contracting with Small Business**

**Old Content:** Procurement Guidance:

*T3.6.1 - Small Business Development Program*

*Small Business Development*

**Section 3 : Prime Contracting with Small Business**

a. While the use of small business set-asides as a method of procurement is not mandatory, small businesses must be afforded reasonable opportunities to compete for all procurements. All procurements must first be considered for set-aside before procuring the product or service on an unrestricted basis. Thus, procurement teams should take the following actions when appropriate:

(1) Set-aside procurements competitively in accordance with the policies and guidance contained in Acquisition Management System (AMS) Section 3.2.2 Source Selection;

(2) Consider the capabilities of small businesses and small businesses owned and controlled by a socially and economically disadvantaged individuals during the screening phase of each procurement;

(3) Breakout large requirements (if severable) into smaller sized requirements to provide for greater small business participation;

(4) Plan procurements of supplies and services so that more than one small business firm may perform the work (if the work exceeds the amount that a single small business can handle);

(5) Ensure that delivery schedules are established on a realistic basis to encourage small business participation to the extent consistent with actual requirements of FAA;

(6) Encourage teaming relationships among small and large businesses to enhance competition; and

(7) Utilize small businesses on qualified vendor lists on a rotational basis to increase opportunities to the greatest number of small businesses.

b. Conducting set-asides with small businesses, very small businesses, small businesses owned and controlled by socially and economically disadvantaged individuals, and service-disabled veteran owned small businesses:

(1) All set-asides are to be conducted directly with small businesses independent of the Small Business Administration (SBA);

(2) Procurements may be set-aside exclusively for small businesses and very small businesses;

(3) Procurements may also be set-aside exclusively for competitive award among socially and economically disadvantaged businesses (SEDBs) that are expressly certified by the Small Business Administration (SBA) for participation in the SBA's 8(a) program. Each firm claiming 8(a) status is required to provide a copy of its SBA 8(a) certification letter to the Contracting Officer (CO) as evidence of eligibility. The CO must confirm with the responsible Business Opportunity Specialist at SBA that the offeror is in good standing with the 8(a) Program at the time of award. The CO should obtain Small Business Specialist contact information from the 8(a) offeror. There is no requirement for SBA's approval to make award to the selected socially and economically disadvantaged business (SEDB).

(4) Procurements may not be exclusively set-aside for women-owned businesses;

(5) Industry should be notified of the applicable North American Industry Classification (NAIC) System code representing the predominant portion of the overall requirement in the public announcement to ensure small business size eligibility requirements are timely known; and

(6) The service team will state the date when the firm must be 8(a) certified.

(7) Procurements may be set-aside exclusively for competitive award among service-disabled veteran owned small businesses (SDVOSB) as defined by 38 U.S.C. 101. Each firm claiming SDVOSB status is required to provide a completed Business Declaration Form to self-certify its eligibility. The CO must verify the self-certification at the Vendor Information pages, available on the Small Business Development Office website.

(8) There is no requirement to obtain the SBA's or Veteran Administration's approval to make award to the selected SDVOSB. However, unless the firm is

designated as a SDVOSB on the VA website, the CO must not make an award to the firm as a SDVOSB.

(9) A procurement may not be set-aside if:

(a) there is no reasonable expectation of obtaining offers from two or more responsible SEDB(8(a)) concerns, small business concerns, very small business concerns or service-disabled veteran owned small business concerns that are competitive in terms of market prices, quality and delivery; or

(b) it is in the best interest of the FAA to contract with a single source and the rational basis is documented; or

(c) extension of the current services.

c. Noncompetitive Awards to SEDB (8(a)) and SDVOSB Firms. A rational basis for the decision to award a noncompetitive SEDB (8(a)) or SDVOSB procurement should be documented. Procurement decision makers should consider potential SEDB (8(a)) or SDVOSB sources of supply contained in the Source Net, Central Contractor Registration (CCR), and Vetbiz (market research) websites, available on the Small Business Development Office website. The ownership and control of the sources on this website have been verified by Veterans Affairs (VA). The public announcement requirements of the AMS Section 3.2.1.3.12 are not applicable to noncompetitive awards to SEDB (8(a)) or SDVOSB firms if the product being procured is not available from Federal Prison Industries.

There is no requirement to obtain the SBA's or Veteran Administration's approval to make award to the selected SDVOSB. However, unless the firm is designated as a SDVOSB on the VA website, the CO must not make an award to the firm as a SDVOSB.

**New Content: Procurement Guidance:**

*T3.6.1 - Small Business Development Program*

*Small Business Development*

**Section 3 : Prime Contracting with Small Business**

a. While the use of small business set-asides as a method of procurement is not mandatory, small businesses must be afforded reasonable opportunities to compete for all procurements. All procurements must first be considered for set-aside before procuring the product or service on an unrestricted basis. Thus, procurement teams should take the following actions when appropriate:

(1) Set-aside procurements competitively in accordance with the policies and guidance contained in Acquisition Management System (AMS) Section 3.2.2 Source Selection;

- (2) Consider the capabilities of small businesses and small businesses owned and controlled by a socially and economically disadvantaged individuals during the screening phase of each procurement;
- (3) Breakout large requirements (if severable) into smaller sized requirements to provide for greater small business participation;
- (4) Plan procurements of supplies and services so that more than one small business firm may perform the work (if the work exceeds the amount that a single small business can handle);
- (5) Ensure that delivery schedules are established on a realistic basis to encourage small business participation to the extent consistent with actual requirements of FAA;
- (6) Encourage teaming relationships among small and large businesses to enhance competition; and
- (7) Utilize small businesses on qualified vendor lists on a rotational basis to increase opportunities to the greatest number of small businesses.

b. Conducting set-asides with small businesses, very small businesses, small businesses owned and controlled by socially and economically disadvantaged individuals, and service-disabled veteran owned small businesses:

- (1) All set-asides are to be conducted directly with small businesses independent of the Small Business Administration (SBA);
- (2) Procurements may be set-aside exclusively for small businesses and very small businesses;
- (3) Procurements may also be set-aside exclusively for competitive award among socially and economically disadvantaged businesses (SEDBs) that are expressly certified by the Small Business Administration (SBA) for participation in the SBA's 8(a) program. Each firm claiming 8(a) status is required to provide a copy of its SBA 8(a) certification letter to the Contracting Officer (CO) as evidence of eligibility. The CO must confirm with the responsible Business Opportunity Specialist at SBA that the offeror is in good standing with the 8(a) Program at the time of award. The CO should obtain Small Business Specialist contact information from the 8(a) offeror. There is no requirement for SBA's approval to make award to the selected socially and economically disadvantaged business (SEDB).
- (4) Procurements may not be exclusively set-aside for women-owned businesses;

(5) Industry should be notified of the applicable North American Industry Classification (NAIC) System code representing the predominant portion of the overall requirement in the public announcement to ensure small business size eligibility requirements are timely known; and

(6) The service team will state the date when the firm must be 8(a) certified.

(7) Procurements may be set-aside exclusively for competitive award among service-disabled veteran owned small businesses (SDVOSB) as defined by 38 U.S.C. 101. Each firm claiming SDVOSB status is required to provide a completed Business Declaration Form to self-certify its eligibility. The CO must verify the self-certification at the Vendor Information pages, available on the Small Business Development Office website.

(8) There is no requirement to obtain the SBA's or Veteran Administration's approval to make award to the selected SDVOSB. However, unless the firm is designated as a SDVOSB on the VA website, the CO must not make an award to the firm as a SDVOSB.

(9) A procurement may not be set-aside if:

(a) there is no reasonable expectation of obtaining offers from two or more responsible SEDB(8(a)) concerns, small business concerns, very small business concerns or service-disabled veteran owned small business concerns that are competitive in terms of market prices, quality and delivery; or

(b) it is in the best interest of the FAA to contract with a single source and the rational basis is documented; or

(c) extension of the current services.

c. Noncompetitive Awards to SEDB (8(a)) and SDVOSB Firms. A rational basis for the decision to award a noncompetitive SEDB (8(a)) or SDVOSB procurement should be documented. Procurement decision makers should consider potential SEDB (8(a)) or SDVOSB sources of supply contained in the Source Net, System for Award Management (SAM), and Vetbiz (market research) websites, available on the Small Business Development Office website. The ownership and control of the sources on this website have been verified by Veterans Affairs (VA). The public announcement requirements of the AMS Section 3.2.1.3.12 are not applicable to noncompetitive awards to SEDB (8(a)) or SDVOSB firms if the product being procured is not available from Federal Prison Industries.

There is no requirement to obtain the SBA's or Veteran Administration's approval to make award to the selected SDVOSB. However, unless the firm is designated as a SDVOSB on the VA website, the CO must not make an award to the firm as a SDVOSB.

**Red Line Content: Procurement Guidance:**

*T3.6.1 - Small Business Development Program*

*Small Business Development*

**Section 3 : Prime Contracting with Small Business**

a. While the use of small business set-asides as a method of procurement is not mandatory, small businesses must be afforded reasonable opportunities to compete for all procurements. All procurements must first be considered for set-aside before procuring the product or service on an unrestricted basis. Thus, procurement teams should take the following actions when appropriate:

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- (2) Consider the capabilities of small businesses and small businesses owned and controlled by a socially and economically disadvantaged individuals during the screening phase of each procurement;
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- (2) Procurements may be set-aside exclusively for small businesses and very small businesses;

(3) Procurements may also be set-aside exclusively for competitive award among socially and economically disadvantaged businesses (SEDBs) that are expressly certified by the Small Business Administration (SBA) for participation in the SBA's 8(a) program. Each firm claiming 8(a) status is required to provide a copy of its SBA 8(a) certification letter to the Contracting Officer (CO) as evidence of eligibility. The CO must confirm with the responsible Business Opportunity Specialist at SBA that the offeror is in good standing with the 8(a) Program at the time of award. The CO should obtain Small Business Specialist contact information from the 8(a) offeror. There is no requirement for SBA's approval to make award to the selected socially and economically disadvantaged business (SEDB).

(4) Procurements may not be exclusively set-aside for women-owned businesses;

(5) Industry should be notified of the applicable North American Industry Classification (NAIC) System code representing the predominant portion of the overall requirement in the public announcement to ensure small business size eligibility requirements are timely known; and

(6) The service team will state the date when the firm must be 8(a) certified.

(7) Procurements may be set-aside exclusively for competitive award among service-disabled veteran owned small businesses (SDVOSB) as defined by 38 U.S.C. 101. Each firm claiming SDVOSB status is required to provide a completed Business Declaration Form to self-certify its eligibility. The CO must verify the self-certification at the Vendor Information pages, available on the Small Business Development Office website.

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