

## **Subchapter 3008.4 Federal Supply Schedules**

### **3008.404 Use of federal supply schedules.**

#### **(a) General.**

(1) If only one quote is received in response to a RFQ that is issued using competitive procedures (including calls under single-award or multiple-award BPAs) that is expected to result in an award including options exceeding \$250,000, the contracting officer must complete a One-Bid Award Questionnaire within seven days of email notification from the DHS Enterprise Reporting Application (ERA) and ensure information in contract file supports responses.

(i) The contracting officer must follow up with at least one anticipated source and attempt to discover the reason(s) an offer was not submitted. The contracting officer must consider response provided, review all actions taken, and document the contract file with conclusions for the lack of competition.

(ii) Paragraph (i) does not apply when the solicitation was open at least 16 days and at least one of the following was used:

(A) A RFI, draft RFP, RFQ, SOW, or similar document was provided to potential offerors; or

(B) Held an Industry Day or pre-proposal conference; or

(C) Held one-on-one meetings with at least three potential offerors.

### **3008.405 Ordering procedures for supplies and services.**

#### **3008.405-2 Ordering procedures for services requiring a statement of work.**

(d) When an offeror requests information on an award that was based on factors other than price alone, or when the contracting officer is considering an optional explanation of the basis of the award, the contracting officer should consult the information in the Debriefing Guide for guidance on the explanation of the basis for award process and appropriate timely information to provide to the offeror.

#### **3008.405-3 Blanket Purchase Agreements (BPAs).**

(a)(3)(ii) All determinations for any single award blanket purchase agreement (BPA) exceeding the threshold at FAR 8.405-3(a)(3)(ii) shall be made by the DHS Chief Procurement Officer (CPO) or designee. A written determination is required whether the solicitation will be issued competitively or non-competitively. Components shall submit the determination for CPO approval not later than 14 days *prior* to issuance of the solicitation. The determination must be signed by the Component HCA as "*Recommended for Office of the Chief Procurement Officer*

*Approval*". The determination should be accompanied by such background information as will allow evaluation of the proposed determination, including, without limitation, any related justification and approval for other than full and open competition or separate determination for advisory and assistance services under FAR 8.4. Determinations shall be submitted in the format provided at Appendix L. All determinations submitted for CPO approval shall be accompanied by the approved acquisition plan.

### **3008.405-6 Limited sources justification and approval.**

(b) When an order for a Federal Supply Schedule (FSS) contains brand name specifications, ordering activities and ordering officials shall coordinate the written justification or documentation with the ordering activity contracting officer for further processing and approval as designated in subparagraph (d) of this subchapter. The ordering activity contracting officer for the action shall ensure the request for quotation (RFQ) is posted with the approved brand name justification or documentation in "e-Buy" as required by FAR Parts 8.402(d) and 8.405-6.

(b)(1) For proposed FSS orders expected to exceed \$25,000 and up to the simplified acquisition threshold, the contracting officer is the approval official for the brand name documentation. The justification and approval requests for the use of brand name and limited sources for FSS as described in FAR Parts 8.405-6(b)(2) and (d) shall be submitted to the DHS, or the Component Competition officials, designated at HSAM Chapter 3006 and the DHS Justification and Approval (J&A) Guide for Other than Full and Open Competition.

(b)(3)(ii)(C) *Waiver of e-Buy posting requirement for brand name item.* The Component HCA shall transmit a determination, supported by rationale, for the approval and signature of the Chief Procurement Officer prior to soliciting offers if an order for a brand name item is needed and access through e-Buy is determined not to be in the Government's interest.

### **3008.405-70 Revised and postaward limited sources justifications.**

(a) *Preaward revisions to limited sources justifications.*

(1) Contracting officers shall revise limited sources justifications and obtain required approvals before contract award if –

(i) There are changes to the requirement that result in a substantive change to the description of the supplies or services being purchased even if there is no change to the final award amount; or

(ii) The final award amount is greater than twenty percent of the estimated value in the original limited sources justification *or* the increase in the total dollar value of the action now requires higher approvals (*e.g.*, approval by the advocate for competition).

(2) Preaward revisions to limited sources justifications shall be reviewed and approved before award –

(i) By the original approving authority when there is no impact to the dollar value of the action or the change to the dollar value does not change the approval requirement;

(ii) By a higher approving authority when there is an increase to the dollar value of the action that changes the approval requirement (*e.g.*, the original limited sources justification was approved by the contracting officer, but the final award amount requires approval by the advocate for competition); and

(iii) Be prepared, reviewed, and approved in accordance with FAR 8.405-6, HSAM 3004.7003, HSAM 3008.405-6, and HSAM 3008.405-70.

(3) Revisions to limited sources justifications may be made with change pages or by a complete revision of the limited sources justification. The revisions must be either highlighted or identified by the use of change bars alongside the revised text to facilitate identification of the changes.

*(b) Postaward limited sources justifications.*

(1) Contracting officers shall prepare limited sources justifications after award for sole source and competitively awarded actions if the modification makes a material change to the contract.

(2) Contracting officers shall consult legal counsel for modifications that increase the award value by greater than twenty percent to determine if the modification makes a material change to the contract. Contracting officers shall include their determination, with evidence of legal review, in the contract file.

(3) Limited sources justifications for each modification shall be prepared and approved in accordance with FAR 8.405-6, HSAM 3004.7003, HSAM 3008.405-6, and HSAM 3008.405-70.

**3008.405-71 Evaluation practices.**

(a) When evaluating non-price factors in a competitive acquisition, and when the Government evaluation team includes more than one person, the team may collaboratively arrive at ratings or findings. It is not necessary for an evaluation team to first develop individual member evaluation ratings or findings before starting a consensus evaluation.

(b) The advisory multi-step process described in FAR 15.202 may be adapted for use with acquisitions under this subpart. This advisory process is based on a pre-solicitation notice and occurs before release of the RFQ.

(c) *Down-Select Process.* When a large number of responses is anticipated in a competitive acquisition, the acquisition team may consider a phased evaluation. In a down-select, many quotes are evaluated in the first phase under some of the evaluation factors and fewer quotes are

considered in one or more subsequent phases on the remaining evaluation factors. The process described in HSAM 3016.505(b)(70)(iii) may be adapted for use with acquisitions under this subpart.